

**COUNCIL MINUTES  
MAY 16, 2005**

The regular Council meeting was held on Monday, May 16, 2005 at 7 PM in the Euclid City Hall Council Chamber.

Members Present:     Daly, Delaney, Gruber, Holzheimer Gail, Hufnagle, Langman,  
                                  T. Sustarsic, J. Sustarsic.

Excused:             Mancuso

Councilman Langman moved to excuse Councilwoman Mancuso. Councilman T. Sustarsic seconded. Yeas: Unanimous.

Others Present:       Mayor Cervenik, Law Director Frey, Public Service Director Gulich, Finance Director Johnson, Recreation Director Will, CS&ED Director Pietravoia, Police Capt. Repicky, Fire Chief Cosgriff, Housing Manager Petkovic, Commissioner Torowski, Sgt.-at-Arms Nagy, Clerk of Council Cahill.

Invocation was given by Dr. Norman Witthuhn from Lakeshore Christian Church.

**COUNCIL MINUTES**

Councilwoman Holzheimer Gail moved to approve the Council Minutes of May 2, 2005. Councilman Gruber seconded. Yeas: Unanimous.

**ADMINISTRATION REPORTS & COMMUNICATIONS**

Mayor Cervenik – It is great to be back. I apologize for missing last Council Meeting, but I do want to thank all of you who sent me cards and letters and e-mails wishing me a speedy recovery. We are recovered and we are feeling great. It is wonderful to be back. Councilman Gruber, I never saw a better picture of you than I saw in the papers on Sunday, keep it up.

Mayor Cervenik presented Mr. Tom McCafferty, Board Member of CSU Alumni Association and with Res. 68-2005 which designates June 3, 4, & 5, 2005 as Cleveland State University weekend.

Mayor Cervenik presented Principal Ken Bernacki with Res. 67-2005, congratulating Lincoln Elementary School on its 50<sup>th</sup>'s Anniversary.

Mr. Randy Royce of Honeywell and Ms. Elaine Barnes of the Greater Cleveland Green Building Coalition presented the City of Euclid with a plaque recognizing the city's energy conservation measures which were achieved through HB 300.

Director Will – I would like to take this opportunity to thank the Euclid Chamber of Commerce and the many residents that came out this past Saturday for Clean-Up Euclid Day. It made our city look a lot better and I really appreciate your efforts that you did.

On behalf of the Shore Cultural Corporation, I would like to remind the residents that Silhouette Productions will be performing Jesus Christ Superstar this Friday and Saturday at 7 PM in the auditorium. Tickets are available at the Cultural Centre, Tuesday through Friday from 10 AM until 4 PM.

The Euclid Civic Orchestra will be presenting their Pops Concert at Shore on Sunday, May 22 at 3:00. Tickets are available at the door.

Memorial Pool will be opening for the season on Saturday, June 11<sup>th</sup>. The neighborhood pools will be opening on Monday, June 13<sup>th</sup>. Pool passes and program sign-ups are available at the Recreation Dept. on Tuesday from 3:00-7:00 PM.

I would like to take this time to invite everyone to Briardale Greens Golf Course this weekend. On Saturday, May 21<sup>st</sup>, we will have a free kids golf clinic; 9:30-10:30 AM and also a Ladies Golf Clinic from 11:00 until Noon. Both are free. Come to the golf course and see how much fun you can have and try your game of golf.

On behalf of the Shade Tree and Beautification Commission, I would like to take this time to announce the 2005 Euclid Pond and Garden Tour to be held on Sunday, June 26<sup>th</sup> from Noon until 5:00. If any resident has a home that would like to be included in the tour and you have a pond or garden that you would like to show-off, please contact our Maintenance Dept. at 289-2726. That's the Annual Euclid Pond & Garden Tour on Sunday, June 26 from 12-5:00.

Director Gulich – For those of you who are not aware, earlier this month on May 5 & May 6 we made an effort to consolidate Waste Management Recycling to a single drop off area. I think everyone here heard the complaints about the public areas that we were using, that is was difficult to police 24 hours a day. Reports back from the Fire Chief and other areas that they are very much relieved that we've gone to the centralized recycling. It is quite a bit easier to keep a handle on. The Abitibi arrangement has not changed. Please when you take your recycling over there, there are Abitibi containers over by Petpals. Please put your recyclable papers there. At Shore, the Abitibi containers are there as well.

For the drop off recycling, we have consolidated all of our efforts over at the Municipal Garage on Lakeland Blvd., just west of E. 260<sup>th</sup>.

Mayor Cervenik – I had the privilege along with Director Gulich to attend the NOACA meeting on Friday. The City of Euclid received after applying for a \$75,000 planning grant for Downtown Euclid. Sixteen or so communities applied for the grant. We received the maximum amount allowable, \$75,000. I'm going to ask Director Pietravoia to explain exactly what we're going to do with this grant. It is a way that we're always looking for new places for revenue and we're always looking for ways to partner with other governmental agencies such as NOACA. My main reason for going to that meeting, was just to thank the Board Members for their support in the City of Euclid and especially our County Engineer Robert Klaiber, who a few meetings ago I announced was able to get is a \$304,000 grant to pay for the end of the cost for the 222 Rebuilding that will take place starting this year.

Director Pietravoia – I'm very pleased to add some additional comments to your announcement tonight. Council members probably recall we asked for authorization to apply for this grant awhile back and we're very pleased that we did in fact receive the grant. We're going to be taking our time over the summer months to use the funds that we've received through this grant to look at both the transportation and circulation in the downtown Euclid business district, how we can improve the circulation in that area. Also it will allow us to do some planning work that will add enhancements like streetscape improvements to the downtown business district. We've been very successful over the years in making improvements to various parts of the district. Our hope now is to put in place a comprehensive plan for the entire district that will pull it all together. Things like street trees, brickwork, benches, trash receptacles, things that can help enhance our downtown business district.

There's a whole variety of things that we will be doing. We'll be involving the public and we hope to get this started over the summer months. I would say stay tuned at this point, we'll be bringing you more information as the work gets started. Thank you.

#### REPORTS & COMMITTEE MINUTES

Councilwoman Holzheimer Gail moved to receive the Fire Report of March, 2005; Animal Shelter Report of April, 2005; Building Standards Com. Minutes of April 25, 2005; Recreation Committee Minutes of April 27, 2005 and Board of Control Minutes April 25, 2005 and May 2, 2005. Councilman Gruber seconded. Yeas: Unanimous.

Councilman Gruber – I would like to take a moment for a point of clarification. At the last Council Meeting, I made the statement that if you are recalled, you can never run for public office again. That statement is true, only if you're found guilty of a crime and we don't have that situation here in the City of Euclid so I'd just like to clarify that with the help of Director Frey. Thank you.

#### COMMITTEE OF THE WHOLE

Councilman T. Sustarsic moved to go into the Committee of the Whole for Legislative Matters Only. Councilwoman Hufnagle seconded. Yeas: Unanimous.

Mr. Dennis Berzinskas – 20890 S. Lake Shore Blvd. Not lower Lake Shore Dr. That really sings, I like that yet. Ordinance #8, our grass cutting. I hope everybody supports it. It will go a long way in cleaning up our neighborhoods after grass cutting by the professionals that we choose to cut abandon and non-cutting areas where people neglect; or it is in receivership like 300 homes in this city are. You are hurting a lot of neighborhoods if you don't do this. I know it is going to cost money now, but let's work on ways of getting our money back sooner.

#11, is the Henn Mansion, is Shore on this list of places? Is it on the list of energy saving or not? Anybody?

Director Gulich – I'm sorry, I was talking to another Director. I believe you asked if Shore was? Yes it is.

Mr. Berzinskas – I know they stopped in over a month ago at the Henn, but since we're running Henn as a private group, trying to save it, it just didn't apply to us. But any building that could save from it, I hope you push forward. Thank you for moving the trash containers. I know people are getting mad. I've gotten reports from people that, I'm not going to do it now. Please, we've moved it, we've taken it out of our parking lots, out of our parks, let's try a little harder. It is right there on the Marginal, quick stop, you are in and out. Let's keep Euclid beautiful. Thanks.

Mr. Victor Goodman – 20201 Glen Russ Lane. #4 to Mr. Pietravoia. What does the 75% equate in the lost revenue over 10 years?

Director Pietravoia – I will be covering all that in my presentation when we cover that item. I'll make a note of your question.

Mr. Goodman – The only reason, I realize this is the devil that exists in communities, but at the last Council Meeting, although I know it was a totally different subject matter in grants that were given. But, there were companies that were willing to put up 70% investment for 30% back. This one seems to be reversed, according to what was on the outside, their investment is \$21,000. That's why I ask the question. Somehow, as much as I want to keep business here, doesn't business want to stay here and if we give away the ship, how are we going to support our schools? 75% is a lot to destroy and schools can't pass levies, so that's my concern there.

On #7, although it was pulled, I just want to thank Councilwoman Holzheimer Gail for opening her house last week and for Councilman Langman and also Madeline Scarniench for attending a meeting of just suggestions. It renewed my faith that people can talk without hitting each other.

On #10, I have question in wording, so I don't know who is going to answer this. What does it exactly mean without a vote of the electors? Does that mean that these levies are passed without the people voting? Who can answer that?

Director Frey – I suspect that the appropriate point would be for us when we get to that piece of legislation to go through the difference between the voted and the Charter tax rates and perhaps Director Johnson would be better versed to answer that question. There are permanent millages that are approved and levied as a result of Charter provisions, in the city. There are other provisions that allow the City to assess millage without a vote. That cap is 10 mills, as I understand it, above that any millage that would be assessed would have to be voted.

Mr. Goodman – What does 10 mils equate to on a \$100,000 home?

Director Frey – I don't know what that value is.

Mayor Cervenik – A mil, on a \$100,000 home right now is somewhere around \$860,000, I believe. With some of this millage that was done earlier because of House Bill 920 is considerably less than that. In fact on the agenda this evening, we're asking Council to put on the ballot the renewal of our two mil sewer levy. The two mils only generate \$700,000, whereas a new mil would be eight-hundred and some thousand. It all depends on when it was put in.

Mr. Goodman – So approximately, a mil, I'm looking at the individual home. \$800,000, I was just trying to get an understanding of ...

Mayor Cervenik – On a home, it is \$31, I'm sorry I didn't answer that, it is \$31.25 I believe is the approximate millage.

Mr. Goodman – So then up to assessing the 10 mil levy would be approximately \$300 on a house. Before I get \$300 added to my house, I would like to vote on it.

The last thing I would like to ask is on #15. I was reading the stuff outside. This lease agreement says that it is \$11,028.51 a year and a total cost of \$44,114.04 for the duration of the contract. What does it cost to buy the lawnmower I would like to know? Does it cost \$44,000 to buy a lawnmower?

Director Will – The cost we pay is a little over \$44,000 on the 4 year lease that we are proposing tonight.

Mr. Goodman – How much will it cost to buy the equipment and do it yourself?

Director Will – It is a little less than \$40,000.

Mr. Goodman – So why wouldn't we buy the equipment, I guess, at a cheaper cost, we're going to have to maintain it anyway and we're going to do the mowing ourselves. Why wouldn't we buy it and hopefully it will last a lot more than 4 years?

Director Will – I'll explain that too in my report, but we will have the opportunity to buy it out at the end of the 4 year lease.

Mr. Goodman – Alright, but that is still spending \$4,000 more than we need to. Thank you.

Mr. Lance Haverlock – 31 E. 220. I was just stopping into speak in support of the #2 Resolution of Use District for Mohan Jain to enter into a Church use for Church of the First Born. We have had a relationship. I, as well as Boulevard Presbyterian with Church of the First Born, an excellent church, and I think it would be a great opportunity for them to continue on and have their own space and so forth. I just want to speak in support of their church.

Mr. Tom Cooke – 25641 Edgecliff. I want to speak in favor of #4 and in tax abatements and tax incentives in general. I just want to lend my experience with tax abatement on my home. There are two different taxes, or two different items are taxed when you do receive your real estate taxes. One is on the property itself, and the other is on the structure itself. When I received my 7 year 100% tax abatement that was on the improvement upon the property itself, not on the land itself. When I bought the land, the land had an annual taxable value of \$500 per year. When I built my house on that land, the value that the city received, or the tax valuation went from \$500 to \$4,000. That's where the city gains the upper-hand when abatements are proposed and that's why abatements are a good thing in that sense. When you have a piece of property that has a very low evaluation and you put a brand new building on it, it severely escalates the value of that property, not to mention that at the end of that abatement period, you have the taxed value of the improvement itself. Thank you.

Councilman Langman moved to rise and report. Councilman Gruber seconded. Yeas: Unanimous.

#### LEGISLATION

##### **Res. 69-2005 (340-05) UDE 24490 Euc.**

A resolution granting a Use District Exception, pursuant to Chapter 1375.01(a)(3) of the Codified Ordinances of the City of Euclid, to Bethlehem Lutheran Church to allow a UR-1 (Daycare) use in a UR-2 (Church) Use District at 24490 Euclid Avenue, Permanent Parcel #650-32-007, 008, 009, 010, and 011. (Sponsored by Planning & Zoning Commission)

Councilman Gruber moved for passage, Councilwoman Hufnagle seconded.

Councilman Gruber moved to waive the three reading requirement. Councilman Delaney seconded.

Roll Call: Yeas: Daly, Delaney, Gruber, Holzheimer Gail, Hufnagle, Langman, Sustarsic, Sustarsic. Readings Waived.

Councilman Gruber – The principles from the church are here. I've only gotten positive responses from the community. Quite some time ago the principles from the church came and spoke and they had an idea about starting a teaching day care, where there will be students at the daycare, but there will also be students learning from the students, as in people who are going to go on into childhood development. It is in a nice area. They have a nice recreation and community setting. We do have the folks from the daycare here if anyone has questions for them, I'm sure they'd be happy to answer them.

Director Pietravoia – Our Zoning Commissioner, Andy Torowski has a report from the Planning & Zoning Meeting.

Commissioner Torowski – Bethlehem Lutheran Church is requesting a Use District Exception on behalf of the Learning & Training Centers to allow a childcare center in a church use district. The Childcare center is licensed by the State of Ohio and will provide childcare services to families in the community.

The Use District Exception will be restricted to the lower level of the assembly hall building. The child care facility will serve approximately 32 children in two classrooms. A third classroom will service children for summer camp only and the childcare facility will not offer before or after school programs.

The center will also offer monthly training and workshop sessions to early childhood teachers and childcare providers in the areas dealing with child abuse, CPR, first aid, classroom management and operations. The applicants do understand that if the intent to expand their services to the entire building, that they must return to the Planning & Zoning Commission and to Council for approval.

The Planning & Zoning Commission approved the Use District Exception to Council on a condition that the existing deteriorating garage be removed. The Center said they would like to put a small playground in that location eventually. As Mr. Gruber said, Ms. Paris Sanders and Ms. Campbell of the Church are here if Council has any specific questions.

Councilwoman Holzheimer Gail- Mr. Torowski you indicated there are plans for a playground. Will there be an existing area outside for the children to play?

Mr. Torowski – Until the garage is demolished, no there is not a place right now for the children to play. They are going to occupy the space where the garage is located now for a playground center.

Councilwoman Holzheimer Gail – I would like to hear from the group to make sure. In the past we've held up permits because they have not had adequate outdoor play space. I would like to hear how they are planning on addressing that.

Councilman Gruber moved to suspend the rules, Councilwoman Holzheimer Gail seconded. Yeas: Unanimous.

Ms. Paris Rice Sanders – 22150 Euclid Ave. I'm coming on behalf of Bethlehem Lutheran Church. In the beginning we hope to have a playground put there in August. Right now, as long as you have an area fenced off, the children can play there. In the beginning we're a training center and then eventually we will have preschoolers there in August. Right now we're trying to get it licensed so we can at least start having training centers there, but the actual children won't be on the premises until August and we hope to have playground plans to come back to this committee.

Councilwoman Holzheimer Gail – Until the playground is done, there is fenced in play area?

Ms. Sanders – Yes, pretty much if you make the delineation yourself, most of the time they put cones or it is a lot of area in the back of the church that is away from Euclid Ave., it is a pretty big church.

President Sustarsic – Any other questions or comments from Council? Thank you.

Councilman Gruber moved to close debate, Councilman T. Sustarsic seconded. Yeas: Unanimous.

Roll Call: Yeas: Daly, Delaney, Gruber, Holzheimer Gail, Hufnagle, Langman, Sustarsic, Sustarsic.  
Passed.

**Res. 70-2005 (341-05) UDE Omni Bldg.**

A resolution granting a Use District Exception, pursuant to Chapter 1375.01(a)(3) of the Codified Ordinances of the City of Euclid, to Mr. Mohan R. Jain, managing member of Taranga Properties to allow a UR-2 (Church) use in a U-8 (Office Building) Use District, Permanent Parcel #648-30-001. (Sponsored by Planning & Zoning Commission)

Councilwoman Hufnagle moved for passage, Councilman Langman seconded.

Councilwoman Hufnagle moved to waive the three reading rule requirement. Councilman Gruber seconded.

Roll Call: Yeas: Daly, Delaney, Gruber, Holzheimer Gail, Hufnagle, Langman, Sustarsic, Sustarsic. Readings Waived.

Commissioner Torowski – Mr. Mohan Jain, manager member of Taranga Properties is requesting a Use District Exception for Pastor Eurall Graham for the Church of the First Born. This will allow a church use in a U-8 office district. The church currently held services in the City of Euclid for a number of years and has outgrown its current facility. The church is intending to utilize approximately 2,900 square feet of the lower level of the Omni Building located on Euclid Ave. This space will be able to accommodate up to 198 persons allowed by the Ohio Building Code.

The parking facilities meet the requirements as provided by Section 1389 of the ordinances. The Planning & Zoning Commission approved to Council at its meeting in April. Pastor Graham and Mohan Jain are in the audience if Council has any specific questions.

President Sustarsic – Any questions or comments from Council?

Councilman Sustarsic moved to close debate, Councilman Langman seconded. Yeas: Unanimous.

Roll Call: Yeas: Daly, Delaney, Gruber, Hufnagle, Langman, Sustarsic, Sustarsic  
Nay: Holzheimer Gail  
Passed.

**Res. (346-05) Special Use Permit**

A resolution granting a Special Use Permit, pursuant to Chapter 1359.06(a)(3) of the Codified Ordinances of the City of Euclid, to Mr. Reza Sekhavat to open an Independent Used Car Dealership at 21150 Lakeland Boulevard, Permanent Parcel #641-29-019. (Sponsored by Planning & Zoning Commission)

Councilman Langman moved for passage, Councilman Delaney seconded.

Councilwoman Hufnagle – I have had a couple of questions from my colleagues on this particular piece. I would be comfortable making a motion at this time to move it into Committee to give Council the opportunity to look at this more in depth.

Councilwoman Hufnagle moved Res. (346-05) into the City Growth, Development & Zoning Committee. Councilman Langman seconded.

Roll Call: Yeas: Daly, Delaney, Gruber, Holzheimer Gail, Hufnagle, Langman, Sustarsic, Sustarsic.  
Into City Growth Committee.

**Ord. 71-2005 Tax Incentives Argo-Tech**

An emergency ordinance authorizing the Mayor of the City of Euclid, Ohio to enter into an agreement with Argo-Tech Corporation, 23555 Euclid Avenue, Euclid, Ohio 44117 for the granting of special tax incentives (75% for 10 years) on personal property tax for a project which will modernize and expand an existing facility, retain existing employment opportunities and create additional employment opportunities within an Urban Jobs and Enterprise Zone located in the City of Euclid and rescinding an existing enterprise zone agreement authorized by Ordinance No. 38 –1999 passed by the Council of the City of Euclid on February 16, 1999. (Sponsored by Mayor Cervenik)

Councilman Gruber moved by passage, Councilman Daly seconded.

Director Pietravoia – I am pleased to come before you tonight, members of Council and members of the viewing audience and the public to announce that we have negotiated an enterprise zone agreement with the Argo-Tech Company at Heritage Business Park. The

legislation that is before you this evening will provide the incentives to Argo-Tech as a company through our Enterprise Zone program which will enable them to continue their commitment to remain here in the City of Euclid, primarily by modernizing their building plant and their facilities and their entire operation.

The legislation authorizes an agreement with Argo-Tech which has been a long time corporate citizen of the City of Euclid, which will provide incentives in the form of abated personal property taxes on new equipment and machinery as Mr. Goodman pointed out in his questions, at a rate of 75% for a period of 10 years.

Argo-Tech as a company's continuing commitment is reflected in their plans to invest and additional \$11 to \$21 million in new machinery and equipment over the next ten years and to add an additional 10 jobs. I believe Mr. Goodman you may have seen something that indicated \$21,000, but the figure is actually \$21 million in investment.

One of our department's primary goals is business retention. That's a pretty clear objective to work with existing businesses and to assist them to remain here and to grow in the City of Euclid. Argo-Tech is one of the city's largest employers. In fact it is 5<sup>th</sup> on our list currently, in our list of top ten employers here in the community.

Through this incentive package, I think most importantly we will be able to retain Argo-Tech with a current employment of 408 and a payroll of over \$26 million. As one of our major employers, we will also retain the revenues to the city and schools of nearly \$750,000 in income taxes, and over \$1.5 million combined in annual personal property, real property and inventory taxes that they will continue to pay as a company doing business here in our community.

Over the ten year period of the agreement, that represents a retention of over \$8 million in income tax revenue for the city and an estimated \$15 million of the other taxes combined. In addition, and to Mr. Goodman's point, even with the proposed abatement, the company will generate new revenues on top of those I just described estimated to be from \$600,000 to \$1 million on the personal property that they will be investing in over that ten year period.

I don't know if the community is familiar with what Argo-Tech does, but the mainstay of their product line is fuel pumps that they manufacture and they are used in commercial aircraft. I learned through this process that almost 70% of the commercial aircraft throughout the country and world in fact if I'm not mistaken, contains fuel pumps that are manufactured right here in Euclid Ohio. They have a huge segment of the actual market for this type of product that they manufacture, right here in Euclid, Ohio.

They also represent the anchor tenant at Heritage Business Park. It is imperative as a city that we assist Argo-Tech, not only to stay in Euclid, but to position the company to remain competitive to develop new products for future growth and at the same time be price competitive with those other folks that do that type of manufacturing that they do. The aerospace industry in general is a highly competitive industry with their customers demanding price cuts as you can imagine. The only way you can make price cuts is if you can keep a hold on your operating costs. One way they can do that is through the incentive package that we're recommending tonight.

For these reasons, we've worked with Councilman Gruber whose ward this company is in. He's familiar with the incentive package and he supports it as well. Between the Administration and Councilman Gruber, we are recommending that council pass this incentive package this evening. Mr. Robert Eichorn is here with us tonight in the audience, a representative of the company, if council has any further questions.

Councilman Langman – Director Pietravoia, could you describe if for some reason that we don't move on this, what could happen if we don't approve this this evening?

Director Pietravoia – I think its important as a community for us to understand that if we don't undertake incentive packages like this for companies like Argo-Tech. Argo-Tech has facilities in California, in Arizona. Mr. Eichorn reports to a Board. They are not threatening in any way that they will leave our community, but there is always an opportunity and States outside of Ohio where the operating costs are not as high to consolidate facilities and put them all at one location. It is really important that we do whatever we can as a community to remain competitive and keep the company here in the City of Euclid. There is a risk if we don't undertake incentive packages like this that we have the risk of potentially losing a company like Argo-Tech.

Councilman Daly – Can you explain briefly the difference between the storefront renovation program where we passed some legislation last week, versus this tax incentive program here?

Director Pietravoia – The storefront renovation program is based on physical improvements that typically a retail or commercial property owner would make to their business and then the city rebates up to 40% of the cost that they've actually expended on eligible improvements. In this case, this particular proposal before you tonight, we're looking at abating the taxes over a period of ten years that the company would normally pay, a percentage of the taxes, that they normally would pay on new equipment and machinery that they purchase that they need to operate their company. There are two different programs but they both act in a way to help encourage business retention here in the community.

To Mr. Goodman's question, I apologize, I hadn't gotten to responding to your question. We calculate an average over the ten year period the amount of the actual abatement would run anywhere between \$170,000 to \$300,000 per year. The low end would be if they investing \$11 million in new equipment, the high end would be if they invested the full \$21 million in equipment and machinery.

Mayor Cervenik – I would just like to add although this tax abatement is for the Argo-Tech Corporation itself, a very important division of Argo-Tech is the Heritage Park, that's the arm of the company that will be leasing out the existing industrial space. As you well know, we've had some successes here with Marine Mechanical, moving into Rockwell and not to long ago we also announced that Stack Container had plans to build a new free standing building on property it owns on Tungsten. That's creating available space in the Heritage Park facility and the Argo-Tech facility. We've been working with Argo-Tech and the individuals there to put together a plan so that we can fill that space up. I think we owe them some credit for the nurturing and the growing of both Marine Mechanical and Stack Container. We're looking very hard for new companies like that to move into Argo-Tech so that we can expand. I commend Argo-Tech and I commend Heritage Park and they are great corporate citizens and we hope to have them here for a long time. Thank you.

Councilman Gruber – I, too, would like to thank Argo-Tech. In today's economy when manufacturing is shrinking all over northeastern Ohio, we actually have an opportunity to expand some manufacturing here and that's really what Euclid is all about. We are a heavy hitter in the manufacturing industry so this does keep our foot in the door. I appreciate the work that Director Pietravoia did and the Mayor, along with the officials from Argo-Tech. Thank you.

President Sustarsic – I would just like to add my sentiments that yes they have been, I can remember when I first on Council years ago when Argo-Tech came before us, we were thrilled at that time and the thrill is still there. They've chosen to stay with us, support us and likely we will be doing the same for you.

Councilman Delaney – Mr. Pietravoia if you could answer this. Has the Superintendent been kept in the loop on this? Do the schools have an opinion?

Director Pietravoia – Thank you Mr. Chairman to Councilman Delaney, the State of Ohio laws on the enterprise zone program do require that we notify the schools. We did issue a letter that detailed the abatement that was proposed back in April, within the 14 day notice period that is required. The schools have been notified.

Councilman Delaney moved to close debate, Councilwoman Hufnagle seconded. Yeas: Unanimous.

Councilman Sustarsic moved to suspend the rules, Councilman Langman seconded. Yeas: Unanimous.

Roll Call: Yeas: Daly, Delaney, Gruber, Holzheimer Gail, Hufnagle, Langman, Sustarsic, Sustarsic.  
Passed.

**Res. 72-2005 (357-05) Lease-Breakwall**

A resolution authorizing Coastline Investment, LLC to act in concert and on behalf of the City in securing a submerged land lease from the State of Ohio through the Department of Natural Resources for the construction of a breakwall and marina for the project known as Harbor Town. (Sponsored by Mayor Cervenik)

Councilwoman Holzheimer Gail moved for passage, Councilman Daly seconded.

Director Pietravoia – I want to make some opening remarks and then I'll turn it over to Director Frey who has also been assisting with this project as part of our team making the Harbor Town project happen.

First of all I have asked our Sgt.-at-Arms to pass out the marketing material that the developer has prepared for the Harbor Town project; another indication that they are moving forward. I know Councilman Langman and I have discussed the fact that they have held several open houses already at the new office building on the premises, they are making this marketing material available to anyone that might be interested and they are actually already taking reservations for units in this development.

The item before you tonight relates to the construction of the breakwall and the marina as part of this project. Anytime you build a structure on the lake, on the actual ground underneath the water, the State of Ohio requires that you obtain what is called a submerged land lease. The parties that own the property next to the Lake are the ones that are required to actually apply for that submerged land lease. The resolution that's before you tonight in fact would have authority granted to the developer to act on behalf of the city because we own one of the parcels within the project area. The developer owns probably 95% or more of the land but we do own a single parcel.

In order to proceed with this next step, which will help make this project a reality, we need this authorization so the developer can apply for the submerged land lease on behalf of the city for that particular parcel. Director Frey may have some other comments are well.

Director Frey – Merely to add to Director Pietravoia, I think he's accurately described the process. So that Council is aware, I sent a draft of this resolution to the Ohio Department of Natural Resources to make certain that it would be effective in doing what we wished it to do. That would allow Coastline Investments to act in concert and on behalf of the City of Euclid in securing the submerged land lease through the Ohio Department of Natural Resources from the State. I have been assured by their office of Coastal Management in Sandusky, that this would be an effective piece of legislation. Timing of this is important in the application process. One of the things that I've guessed we've learned in this, being the first time that we've been involved in the breakwall business, is that it is a long process. It is both the Department of Natural Resources and the Army Corps of Engineers are involved in the permitting, the review and permitting process before anything can occur, so that we keep the project on its timeline with the building of the breakwall and then marina within it. It is important that we get this resolution passed so that Coastline Investment can actually make the submission to the Ohio Department of Natural Resources with this piece of legislation included in its packet, so that we do not have any delay in the permitting process.

I would urge Council's affirmative vote tonight for this piece of legislation. It acts to allow Coastline Investment to make application for the parcel that's owned by the City of Euclid that's contained within the Harbor Town project area. Thank you.

Councilman Langman – I would like to thank Mr. Gliha and Mr. Pietravoia for helping to quarterback the process. I think in attending a couple of the open houses, what's very exciting is that we're getting folks from all over the region coming to look at the project. It is not just former Euclidians that are interested in what's going on here, or it is just not east-siders. We have people coming in from the west-side too, probably at a 50/50 ratio. Word is getting out about the uniqueness of the project, so I think that bodes very well to the marketability, so hurry down. Thank you.

Councilman Langman moved to close debate, Councilman Daly seconded. Yeas: Unanimous.

Roll Call: Yeas:       Daly, Delaney, Gruber, Holzheimer Gail, Hufnagle, Langman,  
                                  Sustarsic, Sustarsic.

Passed.

**Ord. 73-2005 (356-05) Legal Counsel-Marina**

An emergency ordinance amending Ordinance No. 122-2004 to authorize the Mayor, or his designee, to enter into an amended agreement with Calfee, Halter & Griswold, L.L.P. to provide additional legal and bond counsel for the Harbor Town Lakefront Development Project at an additional cost not to exceed Thirty Thousand Dollars (\$30,000.00). (Sponsored by Mayor Cervenik by request of the CS&ED Director)

Councilman Daly moved for passage, Councilman Langman seconded.

Director Pietravoia – As is evident by the reading of the Clerk, this is also related to the Harbor Town project, another step necessary to keep the project moving forward. We have been working with Calfee, Halter, Griswold for about a year now as part of the team, they are our legal bond counsel on this project.

As was indicated, I think back in the early spring, when we passed the contract extension for the Patko Group which is doing the financial analysis, we would be coming back to do the same for the legal bond counsel, Calfee Halter. So that's what this is about tonight. At the last Council meeting, when Council approved the budget amendments, there was a line item in there adding additional budget for legal counsel on this project. This is just a housekeeping now to also amend the original legislation giving contracting authority for Calfee Halter. I would remind Council also that we have the ability to reimburse these costs once the TIF bonds are actually issued and the bond project is going forward. The cost we've expended so far, we have the ability to recoup from the bonds that are issued.

Councilman T. Sustarsic – The \$30,000, what is that going to take the TIF budget down to? Clay Matthews TIF, how much is in there now?

Director Pietravoia – There are additional funds coming into the Clay Matthews TIF on an annual basis so those will be replenished this year. I don't know the exact balance at this point in time, but I can get that information for you.

Director Johnson – I don't have the exact figure, Councilman Sustarsic. The \$30,000 is equivalent to about one year's worth of TIF revenues in that fund. As I last recall, the balance after this should be somewhere around \$60,000. But I don't have that exact figure but I could verify that and send it to you in an e-mail.

Councilman Langman – I think when we first proposed bringing on an attorney and a financial expert, it was with the idea providing the specific expertise, to help us negotiate the best deal. By continuing along that process with Calfee Halter and the Patko group, we're insuring that we're negotiating the best deal with the developer to protect the taxpayers and to insure that the project happens. That's why this is a very important component because we want to retain those experts to help us along.

Councilman Langman moved to close debate, Councilman Gruber seconded. Yeas: Unanimous.

Councilwoman Hufnagle moved to suspend the rules, Councilwoman Holzheimer Gail seconded. Yeas: Unanimous.

Roll Call: Yeas: Daly, Gruber, Holzheimer Gail, Hufnagle, Langman,  
Sustarsic, Sustarsic.

Passed.

**Ord. (322b-04) Garage Sales – Executive Com.**

An ordinance amending The Building and Housing Code of the Codified Ordinances of the City of Euclid, by the addition of Chapter 1744 to be entitled "Garage Sale" to regulate garage sales in the City of Euclid. (Sponsored by Councilpersons Gruber, Holzheimer Gail, Hufnagle, Langman) (From Building Standards & Housing Code Enforcement Committee with no recommendation for passage) Tabled Last Meeting

Councilwoman Holzheimer Gail moved for passage, Councilwoman Hufnagle seconded.

Councilwoman Holzheimer Gail – Just a brief comment. We've discussed this several times, but there has still be obviously questions and concerns about the legislation. I did have a chance to sit down with some residents and Councilman Langman and also have heard many of the comments from residents and council members over the last several meetings. We do have a revised piece of legislation that we will present at the Committee Meeting. I will make sure that everyone gets that ahead of time; which we removes the permit process from the ordinance, but still keeps the teeth into it. We're looking at a compromise to start this year to see if that will work. That we will have some teeth that we can enforce where the problems are, but are not making the average citizen who can have a garage sale responsibly have to go through the extra

steps. We have a few questions in terms of enforcement, but I hope to have a piece of legislation that we can look at Wednesday's Executive Committee. The only reason I'm choosing Executive is because we have that scheduled already Wednesday and I'm hoping we can hear it on Wednesday and get it back to Council in June.

Councilwoman Holzheimer Gail moved Ord (322b-05) into Executive Committee. Councilman Langman seconded. Yeas: Unanimous.

Roll Call: Yeas: Daly, Gruber, Holzheimer Gail, Hufnagle, Langman, Sustarsic,  
Sustarsic.  
Placed in Executive Committee.

**Ord. 74-2005 (349-05) Grass Contract**

An emergency ordinance authorizing the Director of Community Services and Economic Development of the City of Euclid to enter into a contract, after soliciting a minimum of three proposals, to perform grass cutting services pursuant to Codified Ordinance 1755.28(e), in an amount not to exceed Thirty Five Thousand Dollars (\$35,000.00). (Sponsored by Councilwoman Mancuso by request of CS&ED Director)

Councilman Gruber moved for passage, Councilman Langman seconded.

Director Pietravoia – I have some opening remarks and then our Housing Manager would also like to comment. As Council and members of the public know, we have an ordinance in place in the City of Euclid that when grass exceeds a certain height that we come in, if it is not taken care of by the property owner, and we retain a contractor to mow the lawn and get the property back in order and then we bill the owner for that service. If they don't pay, it becomes a lien on their property.

Unfortunately there are some problem properties where we are going in repeatedly several times a year on the same property. This particular ordinance before you tonight would give us the ability to seek proposals and to get the best possible bid for these services that the city is paying in advance for. Simply put, we're seeking authority from Council tonight to solicit at least three proposals and to retain a contractor at the best possible price to perform the services that I just described. Mr. Petkovic has some comments on the volume of activity that we had last year and I think you'll see through those numbers why its important that we seek these proposals and get the best price possible.

Manager Petkovic – So far we have \$25,000 left in our nuisance abatement fund. In the last three weeks, we've cut 117 lawns. The men out there are busy. The calls and complaints are coming in and we're handling them as best we can. Last year we had 458 lawns that were cut and not paid by the homeowners. Liens will be placed on those homes. We collected last year, \$1,935.00 from people who did pay the fee that was placed on their door. This year we are busy. The guys are out there, they are hustling. There are a lot of complaints coming in. Our contractor is very busy. Not only does he have his own customers, but he's helping us. He's always there for us and we really appreciate it. If there are any questions, I'll be happy to answer them.

Councilman Langman – Mr. Petkovic, as you can well imagine my ward colleagues get the brunt of these calls. I've asked this question before, but it bares worth repeating. How many of these properties are simply empty homes that are bank-owned, mortgage company owned?

Manager Petkovic – I would say every bit of 95%, if not higher. Probably a good 5% are rental properties.

Councilman Langman – Would you have any information as to whether these are repeat from previous years? I know we have a lot of homes, some of them have been empty for as long as I've been on Council and that's getting to be a long time now.

Manager Petkovic – We do have a grass cutting list from the year 2004 and that shows per parcel and per address. There are repeats.

Councilman Langman – Do you know how much revenue we've recouped from the liens placed on such properties that have been subsequently sold?

Manager Petkovic – No, I do not.

Councilman Langman – Is there an easy way to capture that information? Or perhaps Director Johnson might be able to have that.

Mayor Cervenik – This will be the first year we're putting liens on. If you remember correctly this program was just instituted by the administration with your approval last year. We will be as the Housing Commissioner said, we will be coming to you in September, or it has to be done before September, with the liens that we'll be putting on. Two items that will help us out, you mentioned the foreclosed and abandoned homes. We have a meeting set up with Commissioner Hagan and many of the inner-ring suburb Mayors, I believe if it is not next week, it is early the following week. We're going to talk about ways the County can speed up the foreclosure process. The second thing we're going to be doing is giving you probably at the next meeting, is we do intend to raise the prices of what we charge for grass cutting. Right now we charge \$45. These banks and these foreclosed financial institutions find that a rather good deal. I think once we increase that price to what some other communities do charge and some other communities charge well over \$100 each time, it will force these banks and it is more mortgage institutions rather than banks. It will force them very quickly to hire a landscaper to come out and take care of that property every week as if someone is living in there. They can do that for \$40-\$50 a week.

We didn't want to come to you with that this evening. We just want to get bids and we will base what we raise our prices by based upon the prices we get from these. We firmly believe, with some help from the County and the Sheriff's Dept. and raising what we charge, will greatly facilitate the grass cutting in our community.

Councilman Langman – What ever tools you and the Commissioners look at would be a great benefit. Thank you.

Mayor Cervenik – Commissioner Hagan is very well aware of the problems we have. Some of the problems for foreclosures are out of our hands. But there are some things that we can do. Just by charging a considerable amount more than we are charging for grass cuttings, it may keep the house vacant, it may not have that house sell quickly enough, but the institution will maintain it. We will let you know the fruits of those two meetings.

Councilman T. Sustarsic – Are we going to have the contractor bag the grass to keep the appearance of the neighborhood as opposed to just blowing grass all around?

Manager Petkovic – Good question. Yes, there are going to be new rules put in place. We want the contractors after they cut the grass to bag it, to haul the grass. We want them to blow the driveway off. If there's any shrubbery that is out of line, if it looks trashy, we're going to ask him to trim that also and bag that. As Councilman Langman stated, there's a lot of complaints that come in and what the Mayor eluded to is, what really hurts neighborhoods is how long it does take the County to go through the foreclosure process. It is every bit of 16 months. Within those 16 months Council members' phones are ringing off the hook. Why isn't this grass cut? The Housing Dept. is getting jammed with phone calls. When these homes go into foreclosure, the bank will hire a service company. Most of the mortgage companies are out-of-state. They'll hire a local service company and that service company will come in, they will, if its in the wintertime they will winterize the home, or in the summertime they'll winterize it because they know it is going to stay there for awhile. Their duty is to cut the grass once a month. That's just not good enough in our city. There's too many people that work too hard to take care of their properties and cut their grass on a weekly basis, if not twice a week. It is just not fair to those people. I think this is going to be a strong message to these mortgage companies and these banks.

Councilman Gruber – This will go along with our nuisance property ordinance as well. We do have a separate ordinance covering that. Would you like to touch on that briefly?

Manager Petkovic – This will come out of our nuisance abatement fund.

Councilman Gruber – You can tell some of the other functions that we will do to an abandoned property.

Manager Petkovic – It is not only grass cutting that our contractor performs for us. Also when there's people that leave their property's perhaps in the middle of the night, or the daytime and they empty out their homes and all they take is their personal items with them and they leave everything else either in the backyard, in the driveway or just thrown on the treelawn. Of course it is usually many days before trash pick-up. Our contractor will go out and bid on that, give us a price to clean it up. He has to haul it. He has to pay to have the debris dumped. These funds are being used for clean-ups of properties that become vacant.

Councilwoman Holzheimer Gail – How much was spent in total last year on grass cutting?

Manager Petkovic - \$25,000.

Councilwoman Holzheimer Gail - \$35,000 should cover it?

Manager Petkovic – Yes.

Councilwoman Hufnagle – Mr. Petkovic you said a small percentage of them are rental properties that we're cutting the grass on. I'm assuming then when those rental properties are up for inspection that we're addressing that issue at that time. We're not just putting a lien on that property and then allowing them to still get their rental inspection done.

Manager Petkovic – That's correct. As a matter of fact, that subject came up today at a meeting with CMHA. Many landlords have in their leases with their rental property that they want their tenants to cut the grass. They want their tenants to fix the plumbing. They want their tenants to fix the exterior of the house. But yet they give them no tools; they don't give them a lawnmower. In our Court, our Judge considers as does this administration, a landlord is doing business in this city. As the Mayor of South Euclid stated today, let's face it, you're not becoming a landlord because you just like it; it is because you're making money. They have an obligation to this community to keep up that home and not to push it on their tenants.

In our Court I told them that the Judge was very specific stating that the Court does not care what is in the lease between a tenant and a landlord. Our Codified Ordinances state that it is the owner's duty to perform all these things and grass cutting is one of them.

Councilman Langman – A question Mr. Petkovic because it seems to be a growing phenomenon in the community is the rent to own home. In your very detailed description, how does that fit into that type of property where obviously you're paying rent towards the equity in the home. Does that change how the Court will look at the duties of the renter and the owner?

Manager Petkovic – Councilman Langman, no it would not. Our Codified Ordinances are very specific in that it does mandate the owner of these responsibilities. The owner is in charge of that parcel, they are in charge of the exterior and interior, all repairs on that property. It wouldn't have to do with, no matter if it was a land-contract or rent to own or lease to own, our Codified Ordinances are very specific.

Councilman Langman – We treat it that way until that title actually transfers to the renter after they purchase the home.

Manager Petkovic – That's correct.

Councilman Langman moved to close debate, Councilman Sustarsic seconded. Yeas: Unanimous.

Councilman Gruber moved to suspend the rules, Councilwoman Hufnagle seconded. Yeas: Unanimous.

Roll Call: Yeas: Daly, Delaney, Gruber, Holzheimer Gail, Hufnagle, Langman, Sustarsic, Sustarsic.  
Passed.

**Ord. 75-2005 (353-05) Asses Vacant Lots**

An ordinance to levy assessments for the cutting of weeds and cleaning of vacant lots as provided in Chapter 1113 of the Codified Ordinances of the City of Euclid. (Sponsored by Councilman T. Sustarsic by request of Service Director)

Councilman T. Sustarsic moved for passage, Councilman Delaney seconded.

Director Gulich – The difference between this piece of legislation and the one we just discussed is this one pertains specifically to vacant parcels. The section of the Codified Ordinances put that under my jurisdiction. As you've heard me say before, my duties in the Streets & Sewer Dept. is to take care of our streets and sewers. We are not a grass cutting outfit. I don't want to be a grass cutting outfit. Becoming Service Director I've seen the raising of our hourly rate from \$75 to \$200 an hour. It is very simple, if someone doesn't want to incur this expense, all they have to do is cut their grass, just the way everyone in the audience here does. Each spring, Lynette from my office, who is in the audience tonight, notifies a very long list of vacant property owners informing them that if their responsibility according to our ordinances is to cut their grass. Most of them, by and large do. Very few do not. They are given the opportunity to respond and tell us that they are taking care of it. We do send out a notice. If they do fail, they do receive a prompt notice and are given a last chance to cut it. If they fail and we go out and cut it, we've been very successful in trimming down this list. If you pull an ordinance out from the 1990's you'll see the list was maybe 2-3 times this length. We'll probably never get it down to zero. We've got it down tremendously from what it has been in the past. Again, anybody out there with vacant property can avoid this cost completely by simply cutting their grass.

Councilman T. Sustarsic moved to close debate, Councilman Langman seconded. Yeas: Unanimous.

Councilman Delaney moved to suspend the rules, Councilwoman Holzheimer Gail seconded. Yeas: Unanimous.

Roll Call: Yeas: Daly, Delaney, Gruber, Holzheimer Gail, Hufnagle, Langman, Sustarsic, Sustarsic. Passed.

**Res.76-2005 (347-05) 2 Mil Sewer Levy**

A resolution declaring the amount of taxes that may be raised by a levy of the maximum rate authorized by law without a vote of the electors to be insufficient and declaring the necessity of a renewal levy in excess of such rate for the construction, maintenance, and reconstruction of sewers and providing for the submission of the question of the renewal of the current levy at the election to be held November 8, 2005. (Sponsored by Mayor Cervenik)

Councilman Gruber moved for passage, Councilman T. Sustarsic seconded.

Director Gulich – Quickly, I know the Mayor wants to say a few words about this. This is a renewal. It has been passed in the City of Euclid since the early 1970's. It has yet to fail. It generates just short of \$700,000 a year, which goes towards the Streets & Sewers Dept. approximately \$3 million overall budget. This provides services that is near and dear like our Truck 200 Service. Even with all the rains we had over the weekend, I understand we were only called out to 4 homes, which was pretty dog-gone good. Again, on a very stormy weekend like we had a few weeks ago, we probably had in excess of 30 calls over the course of that weekend. This is only a renewal and it is very important for the continued services of my Streets & Sewers Dept. Mayor, please add a few words.

Mayor Cervenik – I, too, cannot express the importance that this renewal be passed in November. As Director Gulich said, it is \$700,000 in our budget. That's a sizable sum. With the State of Ohio getting ready to trim our local government fund by some \$600,000 without any clue as to how they are going to reimburse us for that, it makes it even more important this is done.

As you know we just hired very recently 6 full time people in the Streets Dept. that were laid off back in 2002. This \$700,000 would cause the same problems in the Sewer Dept. We obviously would not be able to keep the personnel that we have and provide the services that we have. As Director Gulich stated in the unfortunate incident that your basement is flooded, our Truck 200 comes out and takes care of that on private property. It is a service that would probably cost you anywhere from \$150 or more if you had a private company come in. Most

communities do not do it the way we do it and most of them do not do it for free. I don't think a week goes by when I do not receive a compliment from some resident about the professionalism that our gentlemen on Truck 200 do to get your basement cleared out. It is an extremely important piece of legislation. An issue that the voters need to pass. I promised you no new taxes. I promise you no new fees. This renewal does not charge you any new taxes and there are no new fees for that. I can't tell you enough how important it is that in November the residents pass our Two Mil Sewer Levy renewal. Thank you.

Councilman Daly – As a homeowner I've suffered a back-up of sewer and drain, three times at two different locations. The City did come out and do a tremendous job. It is something that most homeowner policies do not cover unless you have a special endorsement and even if you do, most have a minimum deductible of \$1,000 per instance. So this is something, I know the problems have lessened every year. I think it is something the voters should really look at to support. Thank you.

Councilwoman Holzheimer Gail – Law Director Frey, I don't see the language for the ballot issue in this legislation, is that necessary?

Director Frey – The revised code indicates in Section 5705.19 there is the ballot language contained in that code section. We enact this Resolution, I will draft that legislation and send it down consistent with the Revised Code and send it down to the Board of Elections for inclusion in the November ballot. The Board will submit that proposed legislation to the Ohio Secretary of State before it is actually approved for inclusion in the November ballot.

Councilwoman Holzheimer Gail – The reason that I ask that is the initial language in the Resolution introduction is very, I think it is unclear to the average resident. I hope it very clearly states that it is a sewer renewal. I'm looking at the first part where we talk about without a vote of the electors, all that stuff I think adds to some confusion.

Director Frey – If I could try to address that, first of all, in Section 3 in the enacting legislation it indicates there that it is a renewal of the current levy. So I will certainly draft it as such. We want to make very clear that it is a renewal and not a new or additional tax for that purpose. And again, the language that we will use comes out of the Revised Code.

Councilwoman Holzheimer Gail – Thank you.

Director Johnson – To answer Mr. Goodman's question, the Revised Code allows municipalities to levy up to 10 mills on property taxes. Any, any millage above that 10 mills requires a vote of the people so that's why the language in this piece of legislation is worded as such. And we have, we have about 5 mills in excess of the 10 mills that is voted millage. This particular levy is the only levy that is renewable. The other levies that we have are permanent levies. They're continual and they are in the Charter. That's the Recreation Operating, Recreation Capital, General Permanent Improvement. The Revised Code makes provision for debt service as well as the balance being allocated to the General Fund. I hope that answers the question as to why that had to, why it is worded as such.

President Sustarsic - Okay, thank you, any other questions, comments?

Councilman Langman moved to close debate; seconded by Councilman Sustarsic. Yeas: Unanimous.

Roll Call: Yeas: Daly, Delaney, Gruber, Holzheimer Gail, Hufnagle, Langman, T. Sustarsic, J. Sustarsic  
Passed.

**Ord. 77-2005 (354-05) Honeywell Phase III**

An ordinance authorizing the Director of Public Service of the City of Euclid to enter into an agreement with Honeywell International, Inc. to retrofit various public buildings and facilities for the purpose of energy cost savings, utilizing House Bill 300 for Phase III, at no cost to the City of Euclid. (Sponsored by Councilman T. Sustarsic by request of Service Director)

Councilman Sustarsic moved for passage; seconded by Councilman Gruber.

Director Gulich – Recently I delivered the audit to you for Year 3 of the Phase I of the work Honeywell did exclusively at the Waste Water Plant. The results have been amazing. They guarantee savings. We've realized some 123% in year 3 of what they told us. We will continue to monitor over 10-year basis all of these measures.

We just recently completed Phase II throughout many of our public buildings here. This very building we're sitting in received tremendous amount of needed work, our Service Department, tremendous amount of needed work. I think some very visible results have been evident over at the Ice Arena and a number of our other buildings. Please come and take a look if you haven't.

We're asking to enter into Phase III. Randy Royce from Honeywell, who you heard briefly from earlier this morning, is still with us. If there are any questions, I will run briefly down the list here. Basically, we're getting every building we have to touch upon for House Bill 300 for various reasons. And now for the list, it's pretty substantial: Fire Station #4, North Street Museum and Annex, Lakefront Community Center, Old City Hall, Shore Cultural Centre, Euclid Animal Pound, Recreation Maintenance building, Mary Mavec building, R. V. Hill Memorial Pool, Willow Pool, Glenbrook Pool, Roosevelt School, Indian Hills School, Henn Mansion, Memorial Park lighting and the Golf Course Maintenance building. Because all these buildings are the list doesn't mean necessarily we're going to be doing renovating in all of them. Perfect example would be the new Lakefront Community. Geez, we just built the new building. We understand that, but we need to do our due diligence in Randy's, Randy Royce's verbiage, there may be some technology we could employ there to realize a savings over 10-year period. But the important thing is we have to explore all these possibilities.

Again, any renovations done in, in recognized buildings historically, we will keep that in mind. We will maintain the nature of the buildings with any intended renovations. Randy is here tonight. Again if there are any questions from Council, we would hope that in about 60 days we would be able to give a full presentation to Council after Honeywell and Mr. Royce's staff have had a chance to review the budget information that Mr. Johnson is providing. I do want to thank Mr. Johnson and Mr. Valencic, who's been here tonight, for, for doing a heck of a lot of work to see the success of these programs. And again, Mr. Royce is here if there are any questions.

President Sustarsic – Thank you. Are there any questions for Mr. Royce or otherwise? All right.

Councilman Sustarsic moved to close debate; seconded by Councilman Gruber. Yeas: Unanimous.

Councilman Delaney moved to suspend the rules; seconded by Councilman Daly. Yeas: Unanimous.

Roll Call: Yeas: Daly, Delaney, Gruber, Holzheimer Gail, Hufnagle, Langman, T. Sustarsic, J. Sustarsic. Passed.

**Ord. 78-2005 (348-05) Support Issue 2**

A resolution to support renewal of the State Capital Improvements Program (Issue 2).  
(Sponsored by Mayor Cervenik and entire Council)

Councilman Gruber moved for passage; seconded by Councilman Daly.

Mayor Cervenik – I would strongly urge Council to support this resolution to support the State Capital Improvement Program, which we know better as Issue 2. Throughout the years the City of Euclid by acquiring Issue 2 funds in the forms of grants, loans and low interest loans has done over \$30 million worth of work on our infrastructure. We've got a number of projects that are before you now. I believe we've got the, what is it, the Brandywine Pump Station, Chatsworth Drive and the Babbitt Road sewer exchange as well as 222<sup>nd</sup> Street, right now. These projects will be much more difficult if not impossible to be carried out if not for this Issue 2 program.

At the NOACA meeting they did ask us to pass resolutions and to talk to our State Representatives and Senators. We're quite confident that they will keep this program in, in the activity. They're combining it with the New Frontier program so we're quite confident that we will continue to get our share of money, but it is important that we let our legislators down in Columbus understand how important it is.

The City of Euclid is many times the envy of other communities in Cuyahoga County because we always seem to get our fair share, even more than our fair share of Issue 2 projects, sometimes even to the point of when another city is awarded a project for whatever reason they

can't continue whether it be funding or engineering and many times they have called up our Service Director and say, can you, if this money became available, could you do your next project on our contingency list? And we've been able to do that. So it really is a big help in rebuilding the City of Euclid. And again, I strongly urge your support.

I always commend the Service Department as well as your engineers for their hard work in acquiring these funds for us.

President Sustarsic – Thank you. Any questions or comments?

Councilman Langman – Just one for Director Gulich. Hank, I don't know if you would know this, but the communities that utilize the Issue 2 money are they primarily older communities or is it kind of spread amongst all the communities in the State?

Director Gulich – That's an interesting question, Councilman Langman. Maybe the best short term answer I could give you is the monies they dole out every year are on the County Planning Commission's website. You type in [cuyahogacounty.com](http://cuyahogacounty.com). You can get all that information. Mainly it does go, by and large, to the older cities, such as Cleveland. Of course, Euclid, Euclid is coming into those ranked cities with the older infrastructure. Obviously, you get into a community, such as Solon, projects they would tend to submit more would be less likely to score as well simply, simple they don't have the age. They don't have the problems that the older infrastructure has. So, again, good question and that's a good place to get that information. I can, I'd be glad to print that out and give it to all of Council.

Councilman Langman – Well, I look forward to checking out that site. But I think the point is a very important one is that the State needs to assist older communities if we're going to be viable. I think we saw earlier in the evening, we're in competition for jobs and individuals. That's what the earlier legislation was about both on the lakefront and at Argo-Tech. And so part of it is what the State does to assist communities like Euclid in staying competitive with the Geauga counties and the Solons and all the other places across the state.

So I would suggest, if my colleagues wouldn't mind, that we add our names to this resolution. Thank you.

President Sustarsic – Any other comments? Okay, seeing none.

Councilman Langman moved to close debate; seconded by Councilman Gruber. Yeas: Unanimous.

Roll Call: Yeas: Daly, Delaney, Gruber, Holzheimer Gail, Hufnagle, Langman, T. Sustarsic, J. Sustarsic. Passed.

#### **Ord. 79-2005 (351-05) Communications**

An ordinance authorizing the Mayor as Ex-Officio Director of Public Safety of the City of Euclid, or his designee, to enter into a contract with L-Tronics, Inc., 5900 SOM Center Road, Willoughby, Ohio, as consultant for the ongoing communications project for the Police, Fire, and Service Department systems in an amount not to exceed Ten Thousand Dollars (\$10,000.00) for fiscal year 2005. (Sponsored by Councilman Gruber by request of Chief of Police)

Councilman Gruber moved for passage; seconded by Councilwoman Hufnagle.

Chief Maine – Back in 2003 we entered into a contract with L-Tronics to serve as the City's consultant for the updating of our communication system. I'm glad that Council and the Administration and this present Council and Administration have decided to follow through on that commitment. We come back to you this evening so that we can continue on with that upgrade and we're asking for this \$10,000 to recommitment L-Tronics as the City's radio consultant so that we can move ahead with the next phase of this project.

I think it's interesting to note that in the most recent phase that was just completed, which was the updating of our portable radios of which I hold a sample, that originally in the plan when we thought we were going to replace all the radio equipment the estimate was for \$260,000. That was greatly reduced when we went out for bid and realized that we didn't need to replace all of them and we ultimately spent about 145,000, which I think is, proves the worth of this consultant and what he's been able to bring to this project.

This will allow us to move on to the next phase, which is the replacement of our mobile radios. We're very, very happy with these portable radios. They are the newest and brightest of

equipment. They give us so much more capability. We're able to communicate with other communities along the 271 corridor that have radio frequencies in the 420 megahertz band. We didn't have that capability before. We're able to talk in sub-groups. I'm speaking from the Police standpoint. I'm sure Chief Cosgriff will have additional comments. But we can talk with all our individual schools and sub-groups, it just gives us a whole additional array of tools to use and I can't say enough about the appreciation that our safety forces have for this Mayor and this Administration and what this Council's been able to do. So if this is passed tonight, we'll be able to move on to the next phase and I'd like to give the opportunity to Chief Cosgriff if he would like to say anything additional.

President Sustarsic – Very good, Chief?

Chief Cosgriff – Yes, I would just like to agree with what the Police Chief has said in regards to these portable radios. In fact I was just reading an article on inner-operability, which is they just, the report from the 911 Commission said that is of the utmost importance for communities to be able to communicate with other communities and these radios will allow us to do that.

President Sustarsic – Okay, thank you very much. Do we have any other comments or questions from anyone on Council? Okay, seeing none, oh, excuse me, Mr. Daly.

Councilman Daly – Just harkening back to September 11<sup>th</sup>, I remember seeing how during that crisis situation some firemen had to contact the outside just using cell phones because of the problems with communication. So during crisis situation being able to communicate, could be significant, will definitely save lives and happy to see this on here. Thank you.

President Sustarsic – Thank you. Any other questions or comments? Okay, seeing none.

Councilman Daly moved to close debate; seconded by Councilman Gruber. Yeas: Unanimous.

Councilwoman Hufnagle moved to suspend the rules; seconded by Councilwoman Holzheimer Gail. Yeas: Unanimous.

Roll Call: Yeas: Daly, Delaney, Gruber, Holzheimer Gail, Hufnagle, Langman, T. Sustarsic, J. Sustarsic. Passed.

**Ord. 80-2005 (350-05) Fire Extrication Equip.**

An ordinance authorizing the Mayor as Ex-Officio Director of Public Safety of the City of Euclid, or his designee, to advertise for bids and enter into a contract for the purchase of extrication equipment for the Fire Department at a cost not to exceed Forty Thousand Dollars (\$40,000.00). (Sponsored by Councilman Gruber by request of Fire Chief)

Councilman Gruber moved for passage; seconded by Councilman Daly.

President Sustarsic – Chief, tell us about extrication.

Chief Cosgriff – This piece of legislation is the second part of the fiscal year 2004 Assistance to Firefighter Grant. The first part was the Life-Pak 12 that you recently approved. And I'm happy to say that we've purchased those cardiac monitors and they went into service on our rescue squads today.

Your approval for this piece of legislation will allow me to go out for bids for the purchase of two sets of extrication equipment. And for clarification purposes to members of the viewing audience, the extrication equipment allows us to free entrapped victims, typically from motor vehicle crashes or industrial accidents. This type of equipment is commonly referred to as the Jaws of Life, based on a product manufactured by the Hurst Corporation.

Over the past several years the technology has improved in extrication equipment making it safer to use for both the victim and for the rescuers. This new equipment will replace what we currently carry on Ladder 1 and Engine 3. I'm anticipating the cost of this new equipment to be in the neighborhood of \$40,000 with 70% of that cost being borne by the Federal government, leaving a net cost to the City of about \$12,000. This 30% match was included in the 2005 permanent improvement budget. If you have any questions, I'll be happy to answer them.

President Sustarsic – All right any questions or comments? Okay, seeing none.

Councilman Gruber moved to close debate; seconded by Councilman Delaney. Yeas: Unanimous.

Councilman Langman moved to suspend the rules; seconded by Councilwoman Hufnagle. Yeas: Unanimous.

Roll Call: Yeas: Daly, Delaney, Gruber, Holzheimer Gail, Hufnagle, Langman, T. Sustarsic, J. Sustarsic  
Passed.

**Ord 81-2005 (352-05)Mower Parks & Rec**

An emergency ordinance authorizing the Director of Parks and Recreation of the City of Euclid to enter into a four year lease agreement with American Financial Network, Inc., to lease a Jacobsen HR5111 mower for the Briardale Greens Golf Course. (Sponsored by Councilman Daly by request of Parks & Recreation Director)

Councilman Daly moved for passage; seconded by Councilman Gruber.

Director Will – I'm asking tonight for your authorization to be able to enter into a lease agreement for a new rough mower for Briardale Greens. A rough mower mows approximately 75 acres of grass course rough. We used to have two rough mowers that did this. Unfortunately, one of them is no longer in service. We are in desperate need to get this equipment replaced.

During the 2005 budgets I did present the Golf Course operating budget, which included money \$10,000 to lease a new rough mower. If we authorize this evening, I can enter into a contract, get this rough mower to the Maintenance Department as soon as possible and the first payment would be due in April of 2006. Mr. Goodman did ask the purchase with the interest is a little over \$44,000. The principal was \$39,445. I did not budget \$44,000 in the operating budget this year; however, I do need to get this equipment so we can continue to make Briardale Greens a wonderful place to golf. I commend Mr. Holmes and all the maintenance men for the work that they do with the limited amount of men and equipment.

Again, I ask for your authorization to be able to enter into this lease so you can get this equipment as soon as possible. Thank you.

President Sustarsic – Thank you. Any questions or comments from Council?

Councilman Sustarsic – You wouldn't happen to know off hand what the buyout on the lease is, would you?

Director Will – Mr. Holmes and I had talked about that and after 4 years we will talk to the company and be able to purchase the piece of equipment for a dollar.

President Sustarsic – Such a deal.

Councilman Langman – Director Will in general, do we lease or do we buy or do you make that judgment on a per equipment basis?

Director Will – The past several pieces of equipment that we have purchased we have leased. So the last, you know, ones that I have been involved in were all lease through a financial company.

Councilman Langman – Okay, is that from your perspective, is that better budget wise to smooth out the variables from budget cycle to budget cycle? Does it just work better from your department? If you could explain that a little more, I would appreciate it.

Councilman Langman – It's always been the thought of our Maintenance Superintendent and the administrative at that point it would be best to lease because of budget restraints.

Councilman Langman – Thank you.

President Sustarsic – Okay, any other questions, comments? Okay, seeing none.

Councilman Langman moved to close debate; seconded by Councilwoman Hufnagle. Yeas: Unanimous.

Councilman Delaney moved to suspend the rules; seconded by Councilman Gruber. Yeas: Unanimous.

Roll Call: Yeas: Daly, Delaney, Gruber, Holzheimer Gail, Hufnagle, Langman, T. Sustarsic, J. Sustarsic  
Passed.

**Ord. 82-2005 (358-05) Copier/Printer System**

An emergency ordinance authorizing the Director of Finance of the City of Euclid to enter into a contract for a City-wide copier/printer system for a thirty-six (36) month lease, with two additional one year extension options. (Sponsored by Council President Sustarsic by request of Finance Director)

Councilman Sustarsic moved for passage; seconded by Councilman Gruber.

Director Johnson – This is, every 5 years becoming a rather routine piece of legislation. What we're asking for here this evening is just the authority to enter into a contract. I have submitted an RFP to vendors requesting proposals. We have received proposals. We actually received 7 proposals, including a proposal from the incumbent vendor.

Over the last 10 years we've seen our copying costs go down. They were dramatically increased 2 years ago and we, although I have not finished or completed the evaluation of all of the proposals at this point, I can tell you that our copying costs will continue to go down.

President Sustarsic – Always good to hear. Any questions or comments? Okay, seeing none.

Councilman Sustarsic moved to close debate; seconded by Councilman Gruber. Yeas: Unanimous.

Councilman Delaney moved to suspend the rules; seconded by Councilwoman Hufnagle. Yeas: Unanimous.

Roll Call: Yeas: Daly, Delaney, Gruber, Holzheimer Gail, Hufnagle, Langman, T. Sustarsic, J. Sustarsic. Passed.

**CEREMONIAL RESOLUTIONS**

**Res. 67-2005 (359-05) Lincoln Elementary**

A resolution of congratulations to Lincoln Elementary School on its 50<sup>th</sup> Anniversary. (Sponsored by Mayor Cervenik and the entire Council)

**Res. 68-2005 (360-05) Cleveland State Univ.**

A resolution designating the weekend of June 3, 4, and 5, 2005 as Cleveland State University weekend. (Sponsored by Mayor Cervenik and the entire Council)

Councilman Delaney moved for passage; seconded by Councilman Langman.

Roll Call: Yeas: Daly, Delaney, Gruber, Holzheimer Gail, Hufnagle, Langman, T. Sustarsic, J. Sustarsic. Passed.

**COMMITTEE OF THE WHOLE**

Councilman Langman moved to go into the Committee of the Whole; seconded by Councilwoman Holzheimer Gail. Yeas: Unanimous.

President Sustarsic – What we'll do at this particular point of time is speak to the betterment of the City. And naturally you're limited to 5 minutes. Please step up to the podium, give your name and address and if we could have the first speaker, please.

Mr. Tod Guntner – 390 East 257. It's on; it's on. Is that better? Okay. First of all, I would like to, again, thank the residents of Euclid for their recycling efforts in March. I know we're getting backed up a little bit. We received over \$191 from the Abitibi Company so things continue to increase. People continue to support the Animal Shelter as well as the Library, the Hunger Center and the other institutions that have these bins. Please continue your efforts. It only helps all these non-profit organizations.

Two weeks ago on April 7<sup>th</sup>, the Cleveland Bar Association helped out Euclid Pet Pals by having an Adopt-a-thon Carnival. It was a great thing for all the kids. We raised a couple

hundred dollars and had a lot of fun and gave away some pizza and drinks and all around had a very good time.

Last Friday evening on the 13<sup>th</sup> Euclid Pet Pals had their 2<sup>nd</sup> Annual Bark-B-Q. Last year we had 101 people in attendance; this year we had 127. This was a fantastic event. It is increasing in numbers. I don't have a dollar figure for you, but I know it's more, substantially more than last year. And I would like to thank everybody involved from all of the donors, all of the neighborhood citizens who bought tickets, all of the neighborhood businesses that donated prizes, which there were a couple of dozen businesses had donated prizes, couple of individuals donated prizes also. Like to thank the Manor, like to thank their staff for a wonderful job, like to thank the DJ Ben Richey, like to Chief Maine for signing that permit appreciate that and I know everybody had a good time.

Also at this time I'd like to ask you all to mark your calendars for October 28<sup>th</sup> that will be our 3<sup>rd</sup> Annual Four Paws Clam Jam and Boo Bash. You do not want to miss this. For those of you that have been there the past couple of years you know this is a first class event with first class food and entertainment and we hope that you will join us. Thank you. Have a good evening.

Mr. Dennis Berzinskas – 20890 S. Lakeshore Blvd. Not Lower Lake Shore Dr. This last Saturday was a busy Saturday in Euclid with the cleanup, painting at Shore and to the postal carriers and the people that opened their cupboards again that donated food to the hungry. I want to thank Kathy Will's help that she gave us. I didn't get out of there until quarter after 6 that night. Really, I thank you from my heart everybody that gave and the postal workers that went above their duties and helped. We really appreciate it. Thank you for all the people that came and helped paint, spackle, again, PPG, thank you for the paint.

Mayor Knuth, oh, back in early 70s, married my wife and myself. So I say it goes a long way what a mayor does can last a long time. She had 3 kids; we had 1 of our own so we raised them here in Euclid and they went to Lincoln, a great school, great teachers, principal past and present. Now my grandson goes there, really proud of that.

But Mayor, have you performed a number of ceremonies? How many marriage ceremonies have you performed?

Mayor Cervenik – Chairman, I'll answer all his questions when he's finished.

President Sustarsic – Do you have any other questions?

Mr. Berzinskas – Yes and when he performed marriages, where did the money go because I was just shown a copy of his Ohio Ethics and he claimed it on income. It's not income; it has to go back to the City. So what I want to know is when he was paid how many and where the money went? Thank you.

President Sustarsic – Thank you and want to answer real quick because we're going to have to change tape in about a minute.

Mayor Cervenik – Yes, I can answer very quickly, Mr. Chairman. I've done, I think, 102 weddings now. Normally we charge \$30 a wedding. I've waived a few fees. Off site weddings \$50. All of that money is kept in a fund and when I became Mayor I designed that fund would be used solely for the benefit and welfare of our employees. We've had Christmas parties and pizza parties, cookouts at the, at the Clubhouse. None of that money is used by me personally. I list the money, I list a source of income on my form because I like to err on the side of caution. Because I do perform a service, I do receive that money and I have chosen to make sure that it's used in a specific way. You can come into the office upon request. We have a full accounting that the Finance Director sees, our auditors. It's available to our auditors at any time. I am following perfectly the laws of the State of Ohio and this is just a way where the Mayor and City is able to thank our employees, who have been working extremely hard with less, with less people doing as much as they've done. And that's our little payback for the employees, but it's all within the Ohio Revised Code.

President Sustarsic – Okay, thank you very much and at this point in time we'll take a couple minute break and then we'll return.

Mr. Matt Sarver – 26550 Shoreview. Just a quick question this evening, Mr. Mayor, I have a copy here of your recent bulk mailing that most of the residents got, although I didn't actually

get one. I had to Xerox mine. Apparently, I'm not your mailing list; but to question, the three gentlemen on the back, the three firemen in their turnout gear, I'm assuming these are Euclid firefighters. I was wondering what are their names and what fire stations they work out of.

President Sustarsic – Mr. Sarver, if I might interject, I think I might know where this is going because I have heard certain things during the community and the only thing that I would suggest if there's any question as to literature of an individual or of an issue, I would think you best address that either with the Board of Election or the Secretary of State to get clarification..

Mr. Sarver – Okay, well, the reason I ask is because he actually put the literature out. He's actually responsible, obviously, for the content of literature and it's a simple question and whatever you're referring to I don't know if I've heard those comments. I'm simply asking a question on my own accord.

President Sustarsic – Okay, well, again, like I said if there was any question on the literature on what was portrayed on the literature because, again, I have heard that there have been things going on in the community and based upon that fact I would suggest, again like I said, if there were any complaints relative to it, this would not necessarily be the forum to address it. Council can't do anything about it.

Mr. Sarver – I'm not really complaining. I'm just asking a question. I'm not complaining about it.

President Sustarsic – Mr. Mayor?

Mayor Cervenik – Do you have any other questions?

Mr. Sarver – No, that's it.

Mayor Cervenik – Okay, good. Mr. Chairman, those are not Euclid firemen. That was art work taken by the, by the printer. I firmly believe that if I had three Euclid firemen on someone would be up here complaining that I took taxpayers money and used three Euclid firemen on there. It's a picture denoting, I'm sending a message about safety forces and what we're trying to do with our safety forces and keeping them strong. I stand by my literature and everything on there. As the Council President said, if you have a problem with my literature, there's certain avenues you can take to take care of that.

My literature is no misleading. It holds the truth and that's all I really have to comment about that, sir.

Mr. Sarver – Okay, thank you.

President Sustarsic – Thank you, next speaker, please.

Mrs. Bernadette Walsh – 651 East 266<sup>th</sup>. And I wasn't dwell on the literature, Mr. Mayor, but you might tell your people that are dropping it off you put it inside my mailbox and that's illegal.

What I would like to talk about is I was reading a couple articles and one of the things that started out as where there's no vision the people perish. And that's Proverbs 29:18. Sometimes I think we're losing track of the vision.

I had the honor Saturday and I'm so glad that you mentioned Cleveland State tonight to see my fifth daughter graduate from Cleveland State University. And the commencement speaker was Peter Lewis and his topic was there's 10 commandments of good business, good government, good people. And the first commandment is there's really only five.

Commandment #2 is stopping short of disclosing the whole truth is tantamount to lying. Three is a good businessman or woman has integrity. Number 4 is to take care of your customers, clients or constituents and #5 is take care of yourself and be good to yourself because if you're not good to yourself, you can't be good to your customers, your clients or your constituents. So I wish all of you would take care of yourself very well.

I'd like to talk a little bit about your, your garage sale issues. Okay? If the garage sale signs are bothering people, I'm going to tell you what's bothering me. The ATM machine that is a white eyesore, albatross in the middle of 222; the front of Value City, which needs their grass cut; the paper boxes that are, instead of going away, they're mushrooming. They're now not only by the bus shelter they're down by 185<sup>th</sup> Street; they're over by 260<sup>th</sup> Street and they are

very unattractive. And I'm sure when you build all those beautiful condominiums they'll suddenly disappear.

At Cleveland State, the President of Cleveland State gave everybody that graduated a copy of the Bill of Rights. And it struck me that the first one goes Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof or abridging the freedom of speech or of the press or of the right of the people peacefully to assemble and to petition the government for redress of grievances. If Congress cannot do it, why can this body attempt to do it? And why can Mr. Sustarsic try to stifle us? We're just airing our grievances. God bless you.

Ms. Renee Smith – 22408 Lake Shore Blvd. I received a piece of literature on my door this weekend, which greatly offended me. For the second time in less than a year, Mr. Mayor, you have taken the liberty to speak for me and for approximately 11,000 others like me who voted against the Hillandale project.

The literature I received stated whether you agree or disagree with Hillandale you know Mayor Cervenik's leadership saved Euclid from financial ruin. Well, Mr. Mayor, I do not know that and I certainly do not believe that your actions saved Euclid from financial ruin. In fact I know just the opposite. Settling the Hillandale litigation and allowing the project to go forward against the wishes of the majority of the voters in Euclid will lead to the financial ruin of Euclid. By settling the litigation you made a mockery of democracy. The majority of the voters in Euclid in November spoke through their ballots and stated loudly and clearly that we do not believe that Hillandale was in the best financial or economic interest for our City. You did not listen then and you are not listening now. I am offended that you refuse to hear me.

Now you have come to my door of my home and offended me most again by daring to expressly tell me what I know and indirectly what I should believe. When I voted against the Hillandale project, I knew the potential cost of the litigation and I believe the other 11,000 voters knew, or had some idea, of those costs as well. I believe I was voting in the best interest of the City of Euclid and I still do. We, obviously, have a difference of opinion and I respect that. But I voted with the majority of Euclid in November and I believe that following that mandate from the voters would have saved Euclid from financial ruin.

While I fully support your right to campaign to keep your job, I do not desire to have my right to the full benefit of the democratic process trampled. I want to feel secure that I live, work and educate my children in a community that respects the principle that the majority rules. Mr. Mayor, please don't offend me any more and may the democratic process take its course. Thank you.

Mr. Harvey Hutter – 1446 East 204<sup>th</sup> St. Councilman Gruber in the May 15<sup>th</sup> '05 issue of The Plain Dealer, we had a nice picture of your lower half and it was in an article that I disagree with and actually you were taking criticism for it. And the article is basically how people shouldn't be hit with building citations, building violations and how mean it is and how mean-spirited it is; and the picture was you walking down 204<sup>th</sup> Street inspecting houses. And I want you to know I agree with you on that. My opinion is if you can't afford to maintain a house you need to live in an apartment.

At the same time we got a citation for a couple violations. One of them was some junk in the backyard. I don't know who complained about it or whatever, but you know, it was out there for the winter. We had to put it some place so it went in the backyard. I agree it's got to be out of there. I'll move it.

The second one, I'm a little curious about, it's for no handrails on the front steps. While I agree that that's actually a safety issue and should be, I think, I think there needs to be handrails. Somebody's going to fall down those steps. I will take care of it. I will install those.

Today just out of curiosity I took a little trip and I covered several areas of the City. I drove up and down streets looking for handrails. Just curious if there's a lot of handrails, a few handrails, I went down in particular two streets. One was 199<sup>th</sup> between Edgecliff and Lake Shore and half of the houses that have front steps do not have handrails. I also went down 213<sup>th</sup> Street and half of the houses that have front steps do not have handrail. In fact, I may be wrong, but I believe, Mayor, I don't think your house has handrails on the front steps does it?

Mayor Cervenik – No, it doesn't.

Mr. Hutter – No. I'll tell you what I'll make a deal with you. If you're willing to pay for the handrails, when I install mine, I'll install yours. Then we can both be in compliance.

I'm wondering why, as I said, I agree that these houses need to be maintained and the issue was 204 Street and there were a lot of citations given out and probably rightfully so. There are some houses that are in really bad shape. This one in particular, I'm not going to mention, I have pictures here of it, I'm not going to mention the address or anything, but it is nearby us. The house got sold in the summer of 2003. The house needed to be either painted or sided, aluminum sided, vinyl siding, whatever about 20 years ago and it was never done. It got sold twice, the last time it got sold, I thought all this stuff was going to be taken care of with the sale and it wasn't. You'll see in these pictures, incidentally these are pictures that I gave Mayor Cervenik a year ago at one of our meetings that he attended. I asked him to see to it that something would get done and it has not been done. In December you and Mayor Cervenik were at a meeting and I asked you to look into it and it didn't get done. In October of last year, Ron Petkovic called us and said that a piece of siding that was actually hanging, swinging in the breeze was going to be taken care of within a month. It finally fell off and it is still laying on the ground.

My question is, where have you been all this time? You've been Ward 4 Councilman for three terms. Why hasn't this been done as you went along, that house taken care of? These pictures, if you look at it now, these pictures that were taken way back when, I'm running out of time. Thank you.

Councilman Gruber – Routine sweeps are done with the Housing Dept. on many occasions. We've done many streets in Ward 4. I've put homeowners in jail for not taking care of their rental properties. Yes, your neighbor's house was cited this time. Your neighbor's house was cited the last time and I will defer to Mr. Petkovic on the reasons why that hasn't been taken care of. I know I've contacted you on several different occasions about his neighbor's house. Would you like to comment on that Mr. Petkovic?

Manager Petkovic – I don't have the file in front of me. I receive hundreds of complaints every couple of weeks. I will research it. Please see me after the meeting and give me the address so I know.

Regarding the handrails. The Building Dept., the Building Inspectors, sometimes we have to go over to them and ask them about the Ohio Building Code. If your front porch, your step area had railings before and there is evidence of that, then you need to install handrails. If they didn't, then you do not.

Councilman Gruber – Everything that was done on that street was to improve your property value.

Ms. Fran Scott – 168 E. 205. I recently moved to Euclid, less than 90 days ago and on Monday the 9<sup>th</sup>, I arrived home from coming from the doctor and on my door was a notice about the grass. When I moved here the first week in March, I contacted the City and asked for the information regarding the City and I received a package that contained information regarding the city, the name of the council people for the area, as well as some other literature. I also asked for the dates of the trash pick-up. I did not receive that so I had to contact the city again. I was surprised when I received this notice on my door about the grass being cut. I knew nothing about the grass. I received no notice on the grass. At that point I got back in my car and went up to City Hall and spoke to a gentleman by the name of Ed. At that time he told me what ordinance pertained to the grass.

I just think that when I sent for the information regarding the city, whatever ordinance you have pertaining to outside of the home, should have at least been sent in the package to me. I was kind of disappointed. It did give me time in order to get the grass cut, which at that time I had no lawnmower so I had to go and get one, which was a manual one. Recently I came out of the hospital two years ago, lucky to be alive at this point, but I was very disappointed and did not find anyone to do the grass. I just think that when you send for the notices something pertaining to the City, at least the city should send that information and not just put a notice on the door. I did take the time to speak with my councilman about the information and she sort of agreed with me. I just wanted to let you know this was my first part into the city. I have a sister who lives in the city for 7 years. But she lives in the condos and doesn't have to worry about the grass. I live in a home. I have no problem with cutting the grass, I just think all the notices should be sent, once again, that pertains to the city outside of the home itself. Thank you.

President Sustarsic – For the record, if you could give your name and address.

Ms. Scott – Yes, my last name is Scott, the first name is Fran. My address is 168 E. 205. I live there with a brother. I'm his legal guardian as well. Thank you.

Mrs. Linda Vargo – 854 E. 216 St. I know this is probably not going to be applauded. But I'll sit here and take the brunt of it. The city employees are proud and support Mayor Cervenik. We are proud to stand behind a leader, one with integrity, morals, ethics and intelligence. The Police and Fire Chief and Unions felt strongly enough to publicly stand up for a true leader.

Also I don't have this written down and I'm tired of people back talking me in the back because I find it very disrespectful. But I voted against Hillandale and I wasn't going to bring it up today, but it was brought up. Quite a few of my friends voted against Hillandale and geez, he didn't kill me, he didn't fire me, I don't know why? However, I do understand why he settled it and so do many, many of my friends and neighbors. Thank you.

Mr. Victor Goodman – 20201 Glen Russ Lane. First I want to thank Mr. Petkovic for explaining. I learned something tonight which means I'm a more intelligent person. Now I understand why it is a good deal Argo-Tech is a good deal. So thank you.

Thanks to Mrs. Will for explaining to me also why we didn't purchase it because we just don't have the money to put out \$44,000. I thank you. These are things that are very important that people ask and actually get answers at the same time. It really makes government trustable.

Now, I really wasn't going to come up to do anything more than say thank you, but because of the interjection of the Council President about a piece of literature, that amazes me. Once again that a question is asked and it is deflected. I don't think there is anything honest about using people that do not work for the city to represent that they do work for the city. I find that dishonest.

I also want to ask the two Chiefs were you aware that your picture in uniform was going to be used? You may answer at the end or now. Okay.

Chief Cosgriff – Yes I was.

Chief Maine – And so was I.

Mr. Goodman – Are you aware, both of you, of the Ohio Revised Code, 124.57 which forbids it?

Chief Maine – Mr. Goodman, if you have a number of questions, I'll wait until you're all done. You have nothing else?

Mr. Goodman – That's the last question for you.

Chief Maine – I don't know whether you think that we're dumb, Chief Cosgriff and I. Of course we knew that there were going to be questions, but we checked to make sure that we were politically, that there was not going to be any legal problems with us appearing on that piece of literature. We believe in this Administration. We believe in this Council. We just happen to be against the recall effort, because we don't think its proper. That's what that was about. It was not about a candidate.

Mr. Goodman – I understand that.

Chief Maine – As long you don't participate in partisan politics, you are allowed to do what we did. This was not partisan politics.

Mr. Goodman – You do not think this is partisan?

Chief Maine – It is not partisan, it is an issue.

Mr. Goodman – Okay, fine that you don't it, fine. I thank you. My next point goes to my Councilman. Mr. Gruber you made a statement at the last Council Meeting that you were so appalled that people went out to actually collect names on Easter Sunday. I want to know if you have the same feeling because now I can tell you that I've got dozens of phone calls from people absolutely upset that on Mother's Day, the entire city was diluted with people walking with political information. Do you find that equally appalling because I did? But, I just wanted to know if you did.

Also you made a comment about a citizen who is concerned about abandoned homes and we all know you are speaking about me. Well I am concerned because since I walked that area, I was amazed at the homes, the style of homes and the abandonment of homes. I was concerned that a little child might get over a very short fence and fall into a swimming pool that is now going on its third year, I was told by the neighbor it was three. I'm concerned and I'm sorry if that didn't sit well with you. But I am going to take you up on your offer. You said come to you, you have the files. I would like to know every abandoned home in Indian Hills. I would like to know what their address is, and I would like to know how long it has been abandoned and what the city is doing. I will make myself available and I would like if we could do that this week.

Councilman Gruber – I'll take you for a ride and show you.

Mr. Goodman – Whatever you want to do, we live close enough to each other. With that, I say thank you very much and have a wonderful night.

Mr. Pete Compo – 21051 Recher Ave. They tore the house down next to me 4 years ago. Every year we complain because the grass is this high. I'm complaining, especially because I got hit two years ago with the West Nile Virus and it almost killed me. I'm on record with the Cuyahoga County Board of Health and Kaiser Permanente. When I see that grass again like that, it sort of worries me for me and my family. Like I say, I almost went over it. I'm wondering why the city can't come over there and look at it and have them cut it. It is as high as the fire plug, believe me, in front of my house. I want to complain because when I got hit by that Virus, I know what hit me. Thank you very much.

Manager Petkovic – The owner of that property received a notice last month. The problem is the property has no structure on it and for us to put a 48 hour notice on there, there is no place to stick it so we have to mail the owner a 48 hour notice. I told the owner in the notice that if it is not cut, it will be cut at his expense and it will not be \$45. It will be a triple cut. Thank you.

Mr. Eric Heinemeyer – 21751 Priday Ave. I talked with Hank Gulich earlier today about an article that I had found in the Plain Dealer which was about radiators for buildings and stripping them and being able to improve their efficiency. I've gotten him a copy of that and I have other copies that say that it should provide about a 20% improvement in the efficiency. I bring this up because Shore has all radiators in there and if any of the Councilmen would like a copy, I have enough for the councilmen. I didn't quite make enough to give you one Mayor. But Hank has one so he can give it to you.

The discussions with grass cutting, I wanted to ask both Mr. Pietravoia and Mr. Gulich, how many people have you prosecuted last year for failure to cut their lawns, even though you've gone and cut them. Also I would like to know did you because our ordinances allow for a separate charge per day, that the lawn is not taken care of, did you do that? Did you charge them per day, seek a separate charge on them per day for those lawns? That's basically it.

Manager Petkovic – I would like to answer that grass cutting. We do not prosecute people if they do not cut their grass. Our contractor cuts the grass. We don't take them to the Prosecutor. If they don't meet the 48 hour deadline, then our contractor comes in and takes care of the problem. If it is a repeat, then its repeat. It will happen again and they'll get charged again.

Mr. Heinemeyer- Our ordinances allow us also to prosecute them on those, as misdemeanors in addition to it.

Manager Petkovic – Yes we can. But with the vacant properties, the bank foreclosures, we don't know where the owners are and neither do the banks. The bank will honestly tell you, it is not their property it belongs to Mr. Samuel. You go back and forth and try to talk with these people and it is a horrible thing to go through. Our grass cutting is done after 48 hours. We don't use the Prosecutor's Office for that specific reason.

Mr. Heinemeyer – At some point either the bank will own it, once they've foreclosed it and took over. At that point they are liable for it, just as any other homeowner.

Manager Petkovic – That's correct, they are liable for whatever the city assesses them.

Mr. Heinemeyer – And also they are liable, they should be liable for any criminal.

Manager Petkovic – If it was taken to Court or the Prosecutor's Office, sure. But these do not go. In other words what's happening is we don't sign warrants that put these people before the Judge who would then assess those fines. We don't go that far. We have our grass cutters cut it, then we give it to the Finance Dept., they assess it and we get our money back.

Mr. Heinemeyer – It doesn't make any sense to me that if I'm there, you are going to take me to court, you are going to fine me, or you are going to have me pay to have this grass cut, then you're going to take me to court and fine me.

Manager Petkovic – No.

Mayor Cervenik – If I may, in certain cases it maybe appropriate to take that route and we also do look into that. This isn't a perfect system, but our main goal is compliance and neighborhood harmony and beautification. If we prosecute, that can take a lot longer than the 48 hours. If it is a repeat, if there is more to it than grass cutting, we will look into the prosecution end of it. But our goal is to keep the neighborhoods looking nice, get the grass cut. Assessing that homeowner and when that property transfers we do get that money back.

Mr. Heinemeyer – I'm out of time anyway so I can't make any more comments.

Mrs. Rebecca Conway – 291 E. 276 Street. A couple of things tonight. I didn't get some of your literature either. They kind of skipped my house. The firemen's picture on it, in my opinion, it was very misleading, deceptive and dishonest. People looked at it and assumed it was the Euclid firemen. Just more dishonesty there.

As far as Chief Maine and Chief Cosgriff, I don't think anyone thinks you're dumb, we just have some questions. From 124.57 talks about political activity prohibited. It is very long, I'm just going to read a quick few sentences. No officer or employee in the classified service of the state, the several counties, cities and city school districts of the state, or the civil service townships of the state, shall directly or indirectly, orally or by letter, solicit or receive or be in any manner concerned in soliciting or receiving any assessments, subscription or contribution for any political party or for any candidate for public office. It does go on.

Some council people and some administrators opinion that the recall of Mayor Bill Cervenik is an issue. It is not an issue, he's a candidate, he's a person. When you are a candidate you are either running for office, or in his case, he is trying to keep his job. It is not an issue. He is a candidate right now. I think he did break the law, unfortunately. I really don't think it was to your fault either.

A couple of questions on this \$4.5 million deficit. In 2003, at the end of 2003, the city spent \$32 million for the year. At the end of 2004, the city spent approximately \$36 million for the year. We can see the spending went up \$4 million. Now the spending went up \$4 million in one year and that was without the addition of new hires for police and fire and with the withdrawal of curbside recycling. In addition, 5-7 cash reserve accounts were depleted. They are now at zero, they are now empty. My question is, if the Mayor can answer it because it is his piece of literature. Where was this \$4 million deficit? Where did you find it? How did you come up with it? I remember you borrowing \$2 million saying we were short \$2 million, now its, first it was \$4 now it is \$4.5. I think a lot of people are confused on that, if you could answer that. Thank you.

Director Frey – As far as the Revised Code, the piece that Mrs. Conway just read indicates that those office holders in the classified civil service cannot participate for a candidate or fund raising. Neither the Chiefs participated for a candidate or fundraising. In all due respect to Mrs. Conway's opinion, it is an issue. The issue is should the Mayor Bill Cervenik be permitted to continue in office? It is an issue. It has been designated as such so there is no violation of the Revised Code in the activities of either of the Chiefs in this case.

Mayor Cervenik – As far as the budget and the deficit goes, when we came into office, the Finance Director put together the General Fund budget based upon the expenditures of 2003. Based upon the fact that we were going to have a 27<sup>th</sup> pay; factor in all the raises that were negotiated and everything that was to be done without cutting any services. We compared that to what the project income would be and we had just shy of \$4.5 million budget. We did borrow very prudently and in a very responsible manner, we took advantage of the ability to borrow \$2

million to fund our employees health care. After that, we made cuts. I believe so far that I've been in office, unfortunately and it is very unfortunately, I have cut over 35 positions in the General Fund. Our employees have picked up the slack. We did have the deficit. We made it good. In fact they did so well, the employees did so well, instead of having what we projected of having \$100,000 in the fund balance at the end of 2004, we actually had a million. It is a good thing we do because of what the State of Ohio is talking about doing with the Local Government Fund and increasing our tipping fees at landfills from \$2 a ton to \$4.75 a ton and some of the changes that they've made in the business taxes. Some of them are good for businesses and in the long run will help; we are going to need every bit of that to get through next year.

Many communities, many Mayors and Council are saying that they are going to have to lay off police and fire if these cuts are made by the State of Ohio. Your Mayor is telling you, I won't have to lay off any policemen and I won't have to lay off any firemen because we're managing our funds wisely. We won't be able to do some of the things we'd like to do if these cuts are made. But I'm not giving you the scare tactics that we're going to lay off safety forces. We're going to work harder; budget tighter and we will get through the year 2006 and 2007 when those cuts come up. Thank you.

Chief Maine – I really kind of resent the insinuation that the Fire Chief and I may have broken the law. We not only relied on the opinion of Mr. Frey who I think is an ethical and moral person who would not purposely mislead us. Chief Cosgriff was also able to get an outside independent law opinion that what we were doing was ethical and legal.

It seems to me that if this was a partisan issue, that it would not stand up to the requirements of a recall. There are issues here that have been charged. I personally don't believe that the man who sits in the Mayor's Office is guilty of those charges. I think that he has been supportive of this Police Dept. Chief Cosgriff obviously feels some of those otherwise he wouldn't have appeared in that picture either.

I am not an at-will employee. I was appointed by the Mayor because that was his duty to do that, but he didn't choose me. I'm a civil service employee and had to go through an assessment center to get my job. If he leaves office, I'll still be here. I would give the same sort of support to whatever Mayor was here if he had done the same job. That's all I have to say.

Chief Cosgriff – I'd also like to make the comment that I find it interesting that we are being criticized for having our picture on the literature and at the same time the firefighters who do not have their picture on the literature are being criticized also. I support the Mayor and that's why I agreed to have my picture on the literature. The Firefighters Union has also written letters to the Sun Journal in support of the Mayor.

Mayor Cervenik – If I could add to that, if you read the Firefighters letter, they are not in total agreement on my definition of what strong means. Okay. They would like more firefighters and I agree, I would like more firefighters as well. I respect their opinion. I certainly honor their support. We have given our safety forces hand-held radios, as you heard tonight. We have all the firemen in turnout gear. We are going to be purchasing a pumper. To me that's strong safety forces. We're going to work harder with the Chiefs, the firefighters and the policemen to get us back up to be a really strong safety forces, we've been trying to do. I, too, really resent the insulting comments made to these two gentlemen here. We've got two of the finest, most professional Chiefs in the State of Ohio. That's why this whole thing needs to come to an end. Thank you.

President Sustarsic – Point of Order sir. If you want to comment, either come up to the podium or you can go out into the lobby and carry on your conversation. Next speaker.

Mrs. Theresa Banc – 261 E. 193 St. I wanted to comment. We've heard a lot tonight about maintaining your property and people being cited for things. I just wanted to mention a couple of years ago, I had a neighbor that didn't get cited and there were some things behind his garage. Someone took the opportunity and throw some hot charcoals on it. Well in a matter of time, we had a fire brewing. Needless to say we had to call the Fire Dept. But there's an instance where someone was not maintaining their property, weren't cited, wasn't taken care of, wasn't dealt with and it escalated to that point.

The other comment I would like to make is the handrails on your steps. I was advised by my insurance company that made a spot check of our neighborhood and said that my steps were three feet off the pavement and I was required. I'm telling you this was my insurance company.

Wasn't the city and it wasn't our Housing Dept., but your insurance company will also advise you if your steps are 3 ft. off the ground, you are required to have a handrail on your steps. Thank you.

Mrs. Madeline Scarniench – 1511 E. 221 St. Two short comments. Two years ago we had an election and at that time candidate Bill Cervenik won by a very large margin. He was a candidate. This is an issue. There was nothing wrong with what the Chiefs did. There's nothing wrong with that piece of literature. There is nothing on there that says those were Euclid firefighters. Didn't look like it was in front of a Euclid Fire Dept. Anybody who has run for an election knows what it costs and the time it takes to put literature together. The people that are putting that together have many, many pictures to choose from and you pick what's best and what fits. I didn't take that piece of literature as deceiving or anything. It stated the facts and I was very happy to see both Chiefs face on the front of it. Thank you.

Councilman Gruber moved to rise and report. Councilman Daly seconded.

#### COUNCILMEN'S COMMENTS

Councilman T. Sustarsic – I would just like to say that I saw Kathy Will on Channel 8 News and you put the city in a good light. We've got people talking about the advertising we've got going on in the Parks and you did a good job.

I would just like to say that with Memorial Day coming up, Joint Veterans Council always do a heck of a job. Probably one of the finest events we've got going on in the city and I urge all our residents to come on out and say thank you to our Veterans. They do a lot for our community. They did a lot for us then and they are doing a lot for us now.

In closing I'd like to say that we are having a Public Service and Utilities Committee Meeting on May 25<sup>th</sup>. It will be at 8:30 or immediately following the City Growth and Development Meeting. It will be about the infrastructure proposal and we will have Mr. Benza there to address any concerns. With that, good night.

President Sustarsic – As was said earlier, there will be an Executive Committee Meeting this Wednesday at 7 PM. The topic will be the health care compensation for City Council. That will be followed by the ordinance which was read tonight relative to garage sales. That's all I have. I would like to reiterate too, please join us in the next couple of weeks at the Memorial Day celebration to honor the veterans and those that have given service to their country and a lot of which continue to give service to the community as well.

Councilman Daly – Just two quick items. Memorial Day is coming up and we honor our Veterans. Knowing the people of the City of Euclid, I know on that day we'll be putting our differences aside to honor those people who have serviced this country with distinction and given of themselves. So I look forward to that.

Lastly, a member of my own family had a semi-crisis and tried to reach their council person at large and was not able to reach them but was able to reach their ward council person, Kirsten Holzheimer Gail who was much better able to take care of the problem and assist her in her time of need. I would like to thank her for her quick action of being available when I was unable. Again, thank you.

Councilman Delaney – I was able to enclose to everybody a copy of the protection easement for the Brush Rd., Richmond Rd. property, the woods up there. I hope that someday soon we can call a committee meeting on that. But, what came to rise as I looked at the permanent parcel numbers, I checked out a few others, and wondered if maybe Director Johnson or Director Frey could update me. We have been paying property taxes on some of our city owned parcels. A couple of years ago it was brought up to Law Director Murphy that we could be exempt from the County by a land-bank by letter. He said it might take a little while to do that, and I want to check to see if we were able to do that. I looked at the Envoy Inn parcel and in 2002 we paid \$19,144. Taxes now are \$22,282 a year. It sounds like they still maybe charging us for actually having a building on that structure. Century Corners, 2002 the taxes were \$4,628. Now they are \$4,848 a year. Again, we can file with the County, land-bank by letter and request to avoid paying those property taxes since we're trying to put it aside for development, not as a city function.

Fire Station #2, we still have on record as paying property taxes. Some of that is in penalty. I wondered if we had stopped paying them, but still that is on the books. I want to know if we

filed and when we filed it and when we can expect, we can be reimbursed from what I understand what we paid.

Director Frey – To respond to that, I'm not certain the specifics on Fire Station #2, obviously that is a municipal purpose and not subject to property tax. On all of those properties the properties on Euclid Ave. on the east-end of the city, we did ask for a tax-free status on those parcels. That was turned down by the County because they are being held for development purposes. If we were holding the properties for municipal purposes, they would be tax exempt. If we had been paying property tax, we would be able to recover that. That has happened on several parcels. I think there's a parcel on Tungsten that is being used as a playground, that for some reason we think because a piece of that had been sold for a commercial development that triggered some tax implications there we applied and in fact were granted the relief on that particular property. But the Century Corners and the Envoy Inn property, we hold for development that is not subject to tax-free status as far as determined by the County. I'll have to check on the Fire Station #2. I'm certain that we have made the request for the refund of taxes on that and certainly we would not be obligated to pay property taxes because it is a pure municipal function at that piece of property.

Councilman Delaney – Check with the Envoy Inn, I think the taxes might be a little bit high.

Director Frey – I will check, I don't know that. Your point is well made.

Councilman Delaney – They maybe taxing us for actually having a building on that parcel.

Director Frey – Your point is well made and I'll check that.

Councilman Delaney – Fire Station #2 as of the 9<sup>th</sup> of May, our first half was \$11,666.15. There's a penalty of \$1,121.30. Second half due, \$23,547.26. I just ran that by, or the County gave this to me and thank you for looking into that. I'll be looking forward to finding out the results.

Director Johnson – Councilman Delaney I believe that Fire Station #2, because there is a penalty levied on it, I believe we are all clear that that should be a tax exempt property. I ordered Mr. Beckwith to cease making further payments on that until we receive a definitive ruling. There is a possibility that we may have to pay arrearages and have it reimbursed. It sounds crazy but that is how the system works. We did ask them to on that parcel in particular to cease making any further payments until we finally hear from the State. I believe that property has changed taxable, they decided to turn it to taxable simply because we registered with the Building Dept. the construction of the new fire station. I believe that is what triggered it. That's why they are levying penalties on it now because we stopped making the payments.

Councilman Delaney – I assumed as much when I looked into it and saw that it was delinquent. I think I mentioned that earlier, but thank you.

Councilman Gruber – I would like to start off by saying that behind Indian Hills School there is a paper recycling box. If anybody wants to save a trip to the Service Garage, they can go back there and drop off their papers. It would be greatly appreciated. I believe the school uses those funds.

Mr. Hutter, you mentioned the property next to your house and you did bring that up to me in December and I believe that shortly after that Mr. Petkovic called you. Often after I leave homeowner's meeting, I have Ron Petkovic on my speed dial and I call Ron and leave a message and generally he's real good. He did get back to you and not hearing from you again, I had assumed that the problem was taken care of until tonight. But it was taken care of on the sweep of 204, they were cited.

Mr. Goodman, tomorrow at 4:00?

Mr. Goodman – I'll have to get back to you.

Councilman Gruber – Okay, that will be fine. In regards to the Mother's Day lit drop, I don't think we knocked on anybody's door or took anyone away from their meal on the highest Christian holy holiday. There's a little difference there.

Finally, pictures on literature. This is pretty good. I like it. That Church on the Hillandale literature, now is that what they were going to build in Euclid? Was that the church that we had coming here? Or, I don't know. I guess that must have just been maybe a stock shot as well of a church that was built by somebody that might build a church here, but that's what people were led to believe we were getting. Pictures can be deceiving. Thank you.

Councilwoman Holzheimer Gail – I would like to remind people that Lincoln Elementary is having their 50<sup>th</sup> Anniversary, this Sunday, May 22 from 1:00-3:00 and the public is all invited to join them in celebrating that. With that, I'll say good night.

Councilwoman Hufnagle – I would like to comment on yesterday's event at Sims Park. It was put on by Euclid Ministerial Association and it was community day. There were games and food and I was told by the end of the day there were over 300 people that attended. I was there for some time. It was very nice. It was a good representation of many of the churches in Euclid. It was nice to see everybody together. Father Patrick Henry was out there playing football with the kids, so that was a great afternoon. I commend them for that effort.

I would like to make mention that today is a very important day in Euclid, it is the opening day for Euclid's Boys League. Baseball starts tonight for Euclid Boys League. Euclid Boys League has been in existence for over 50 years. Catch a ball game this summer. It is a lot of fun watching those kids play. They will be having their fund raiser on Saturday June 11<sup>th</sup>. They'll have a Night at the Races at Recher Hall. I would encourage you to look for announcements about that and participate in that event. Mr. Chairman, that's all I have, good evening.

Councilman Langman – First of all I would like to thank Petpals for putting on a wonderful Bark-B-Q, the event really came off very well. I know myself and Councilman Gruber enjoyed the festivities. They did a really nice job and raised a lot of money.

On Wednesday, May 25<sup>th</sup>, the City Growth, Planning & Zoning Committee will have their meeting at 7 PM. We will discuss the proposed Used Car Lot on Lakeland Blvd.

I have received several calls about the literature drop. I don't really want to comment on the specifics about that, although they did skip over my house, I had to flag down the kids that were dropping it off. I think what we see here in the audience is the microcosm of the problems that we're facing here in the city. We have the anti-mayor forces clapping over there and the pro-mayor forces clapping over there. That is a detriment to this community and it has been for quite awhile. That's the responsibility of the leadership of the community.

Now obviously I have my differences with the Mayor, but I think in the spirit of cooperation, I have tried to reach out to him on a couple of issues. You may recall Mr. Meister who is an attorney on staff of the city made some powerful accusations about the residents of this community; Anti-Semitism, racism and so forth. That does nothing to heal the breach in the community. Whether the Mayor stays or goes, it is how we handle this process that will determine whether this community heals or doesn't. The divisions, they've been here long since before I ran on Council. So, until we have the leadership to transcend that, we're going to go through this time and time again.

One of my biggest concerns about the Mayor's leadership revolved around Mr. Meister's comments. In fact in the September 9<sup>th</sup> issue of the Plain Dealer in the Metro Section, that summarized Mr. Meister's comments. The Mayor, as summarized by the reporter was indicated, Mayor Bill Cervenik who also has accused project opponents of being racist, said Meister's duties were changed after city official weighed his right to free speech against responsibilities of his job. So there you have it, in print.

I was concerned enough to write to the Mayor and ask him whether that summarized his true feelings about the matter. Because I felt those accusations, that if you were an opponent of Hillandale, that you are a racist or an anti-Semite could do nothing but bad for this community. That's how strongly I felt so I wrote to the Mayor and he was kind enough to respond.

I think his response was a very nuance and the proper response. The response I wished he would have given throughout. Daryl, I have been on record of stating that there is no doubt in my mind that some, and he bold that for me, of the opposition to the Providence Baptist Church project is racial motivated. It would be blind ignorance to state otherwise. Letters, calls and conversations support my belief. I have had residents repeat to me statements made by some, again he bold that. Of the petition circulators as they definitely were not talking about light industrial. Also others are not racially motivated. Would I wish that Mr. Ott the reporter in question qualified my position? Probably. But again I've learned not to worry about things I cannot control.

My response, Mayor, I also heard of some council members harassing circulators with racial charges. Both are morally contemptible and I think we can all agree to that. That is why I feel that the article is damaging to both you and the city as I think you would agree such charges should not be made lightly. It should be done with the care you just showed. I certainly think some sort of clarification, letter, etc., should be considered. It would strike the proper tone that we should all be striving for. I know they would grant you the space. They, being the Plain Dealer. When I meant all, I meant all, that side and this side.

Well the Mayor didn't respond and he really did nothing since then. He left that charge out there. That to me is absolutely wrong and will not serve the city, whether the Mayor stays or whether he goes. Those are the types of issues all of us need to consider as this issue plays out.

In short Mr. Chairman, I would like to end with wishing my mother a Happy Birthday, who's going to be, ah, she told me not to mention her age. So Happy Birthday Mom, her birthday is Friday.

Mayor Cervenik- I would like to remind the audience, we did not do it at the beginning of the meeting, the Memorial Day Parade. It will start at 10 AM on Lake Shore Blvd. by the Lake Theater and will traverse down to the Library where we will have a ceremony honoring the Vets. For those that want to be there for the whole day, we start at 7:45 AM at the Euclid Cemetery and from there we go to St. Paul's Cemetery and then we go over to the Memorial at Recher Hall. We're there to honor our Veterans and we know it is going to be a very sunny day and we hope to see you all out there.

#### ADJOURNMENT

Councilman Langman moved to adjourn. Councilman Gruber seconded. Yeas: Unanimous.

Attest:

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Clerk of Council

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President of Council