

**COUNCIL MINUTES**  
**JUNE 6, 2005**

The regular Council meeting was held on Monday, June 6, 2005 at 7 PM in the Euclid City Hall Council Chamber.

Members Present: Daly, Delaney, Gruber, Holzheimer Gail, Hufnagle (came in late), Langman, Mancuso, T. Sustarsic, J. Sustarsic.

Councilman Gruber moved to excuse Councilwoman Hufnagle. 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 Chief Maine, Fire Chief Cosgriff, Housing Manager Petkovic, Commissioner Torowski, Sgt.-at-Arms Nagy, Clerk of Council Cahill.

Invocation was given by Father Goebel of St. Christine's Church.

**COUNCIL MINUTES**

Councilman Gruber moved to approve the Council Minutes of May 16, 2005. Councilwoman Mancuso seconded. Yeas: Unanimous.

**ADMINISTRATION REPORTS & COMMUNICATIONS**

Mayor Cervenik presented a Proclamation to Julia Graham for receiving Cleveland State University's Anna B. Brown Award.

Mayor Cervenik – I'd like to thank everyone for participating in the Memorial Day Parade. It was a wonderful day. The weather didn't cause some mayhem that we thought it might. Down south I hear they received some rain but we had a beautiful sunny day. I want to thank all the participants in the parade and more than that, I want to thank all of those that showed up. It was one of the most crowded Memorial Day parades along the curbs that I've seen in many, many years. The City of Euclid and myself appreciate the support you give your community.

I'd also like to invite everyone to Irish Festival at Memorial Park. It begins June 16<sup>th</sup> through the 19<sup>th</sup>. Thursday the 16<sup>th</sup> is Euclid Appreciation Night. It is free admission for all Euclid residents. It is not necessary, but they are requesting you bring some donations, non-perishable food that can be donated to the Euclid Hunger Center. We'd like to see as many people there as possible. The festival has been growing every year. It is a great way to get out and meet your neighbors. The Irish do have some good beverages there as well.

I also would like to congratulate the Euclid High School Class of 2005. They are receiving their diplomas this evening and we wish them the best of luck in their future endeavors.

Director Will – I'm the happiest person the way the weather has been the last couple of days. It has given our department the ability to get everything up and running for the public. This weekend, Saturday June 11<sup>th</sup> at 1:00, we will be opening Memorial Pool for the season. We'll be opening the 4 neighborhood pools on Monday, June 13<sup>th</sup> at 1:00. If you still need to purchase your pool pass, you can do that this week, Tuesday, Wednesday and Thursday right here in the Recreation Office from 3:00-7:00 and Saturday morning from 9:00 AM to Noon.

I would also like to let everybody know this Saturday our summer basketball program will begin at Shore Cultural Centre with a clinic. We have over 220 children that signed up for this program. If you're looking for something to do this Saturday, stop by Shore and see how the youth there are having a great time.

It is a busy week next week. We also are starting all of our programming, our soccer program, our t-ball program, our boys softball, girls softball, all of our adult softball. We have over 900 kids that are participating in some program this summer in the Parks & Recreation Dept. We're proud of it, thank you, we want to have something fun for everybody.

Also Euclid Boys League, Colt League and Pony League are underway. Want to come out and see a great game, there's plenty of ball being played at any of the baseball diamonds. Give me a call, I'll be glad to send you out one of the schedules.

An exciting thing this summer is Channel 23 will be going out to all the different baseball diamonds and video taping games throughout the summer. Not only of the Parks & Recreation Dept. programming, but also the Euclid Boys League, Colt League and Pony League. So watch for it on Channel 23. It's exciting and I know the kids are looking forward to watching themselves play a baseball game on TV.

Announcement about the Euclid Pond and Garden Tour. It will be held on Sunday, June 26 from Noon to 5. It is a self guided tour throughout the city of the homes with beautiful ponds and gardens. Tickets are \$5 and will be available at City Hall beginning Friday June 17<sup>th</sup>. If you have a house that you would like to showcase, feel free to call the Parks & Recreation Maintenance Dept. at 289-2726.

This weekend also at Shore Cultural Centre will be the Corporation's Park-n-Sell Flea Market. Again it is Saturday, June 11<sup>th</sup> from 8:00 AM to 2:00 PM in the parking lot.

Finally I would like to take this opportunity to thank the Euclid Youth Soccer Organization for a Tournament that they held this past Memorial Day Weekend in Memorial Park. It was great. There was 1200 people coming in and out of the park. They are still practicing right now but in two weeks at the next council meeting I'll be bringing back some of the Board Members to congratulate them on a wonderful season.

Thank you and I'll look forward to seeing everybody out in the park this summer.

Chief Maine – On Saturday the Police Dept. held their annual Bike Auction although there is other property that is sold there as well. We were able to return a number of previous owners with their bicycles, as well as selling a bunch that had been recovered property and ended up raising about \$2,500 for the city. That's pretty good news.

On Tuesday, June 21<sup>st</sup> the Euclid Police Dept. will be participating in the Annual Special Olympics Torch Run. This is held every year to raise money for Special Olympians in the State of Ohio as well as across the rest of the nation. I'm going to try to run again, so if anybody would like to pledge a donation, I'll try and make the 6 miles that is running in Euclid. It starts on the 20<sup>th</sup>, goes throughout the State and then finally the torch is delivered down in OSU stadium in Columbus on the 24<sup>th</sup>. Ohio has one of the strongest records in support of Special Olympians in the nation. I hope we'll get the kind of support that we've seen in the past.

Finally our Department has had a policy because there has been so many solicitations, not only nationally, but also through state-wide efforts to try and solicit monies and we've gotten a lot of calls and we've historically told people that the Euclid Police Dept. does not endorse any of these solicitations that have come through in recent years. But this year we are and this is one directly through the Police Department, the Euclid PAL. I would like to read a little statement from Patrolman Dave Rouse who is President of our PAL Chapter.

Euclid Police Athletic League will be conducting a fund raiser throughout the city by direct mail. We'd like to notify the citizens before they receive an informational package in the mail. Euclid PAL's funding has suffered due to the federal and state government cut backs in grant money. We'd like to let everyone know Euclid PAL's programming is funded entirely by grants and donations and not by the City of Euclid or the Police Dept.

PAL sponsors and creates programs that develop social skills and relationships bridging the gap between police, youth and other community members. Euclid PAL has served approximately 1100 Euclid children every year since 1997. PAL currently offers year-round programming to Euclid children between 7 and 17 years of age. We hope you can help us continue our goal of breaking down the barriers between the youth and police and reducing juvenile crime. Thank you for any support you can offer.

I can tell you the programs that Euclid PAL does put on help provide tremendous alternative activities for kids throughout the whole city and throughout the year. If you get a solicitation through the mail and you have any questions, you can always call 289-2733 and they'll be glad to answer any questions you might have. Thanks very much.

Mayor Cervenik- Director Johnson has a budget update on the progress at the golf course.

Director Johnson – The Golf Course Project budget is \$1,442,000. As of today, we've expended about \$829,000 of that balance. Leaving a balance of \$612,000. The building is pretty close to 80-90% complete. We fully expect to be well within budget and pretty much on time with the project. It should open sometime by mid to late summer.

Mayor Cervenik – I will clarify that. We fully expect to be under budget. We're real sure we will open up on time. The progress there has been very great. This kind of weather helps. As you know we entered into a project, labor agreement with organized labor and it has really helped this project move forward in a very economical way. With that, that ends communications.

REPORTS & COMMITTEE MINUTES

Councilwoman Holzheimer Gail moved to receive the Fire Report of April, 2005; Board of Health Annual Report; Executive Committee Meeting Minutes of 5/18/05; City Growth Committee Meeting Minutes of 05/25/05; Board of Control Minutes of 05/09/05; 05/16/05; 05/23/05. Councilman Gruber seconded. Yeas: Unanimous.

LOT CONSOLIDATION

Council should approve or overrule Planning & Zoning Commission's approval to Michael Kotula, Trustee for JMJ Trust, to allow a lot consolidation of three parcels (#641-19-178, 641-19-163 and 641-19-063) into one parcel for property located at 790 E. 222 Street.

Councilwoman Holzheimer Gail moved to sustain Planning and Zoning Commission's approval. Councilman Gruber seconded.

Director Pietravoia – Mr. Torowski our Zoning Commissioner has a report from the Planning & Zoning Commission meeting in the month of May at which time this was heard by the Commission.

Commissioner Torowski – Mr. Kotula is requesting the lot consolidation to allow a proposed commercial structure to be located on the vacant lots. This is as Mr. Pietravoia indicated went before Planning & Zoning in May and was unanimously approved for confirmation by Council.

The property owner and the proposed business are in the audience if members of Council have any questions of them.

Councilman Langman – What is the nature of the business of the proposed lots?

Commissioner Torowski – Proposed business is going to be a car wash/pet wash.

Councilman Langman – I don't think I've heard of that combination before. I'm sure they feel that it would be successful. Thank you.

Director Pietravoia – If you'd like to ask the proposed operator of that business, he is here this evening. It is a new concept to this part of the State of Ohio. But it does exist in other parts of Ohio and other parts of the country and they've operated very successfully.

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

Mr. Dave Goodrich - 511 Walnut, Euclid, Ohio.

Councilwoman Holzheimer Gail – Thank you for coming this evening. Would you just explain this is a new concept for us, exactly what you're proposing.

Mr. Goodrich – What we're proposing to do is have two automatic car washes. Customers will be able to drive in, in/out without having to get out of the vehicle. We're also going to put in a couple of pet washes. Basically these are self-serve stainless steel units, kind of your do-it-yourself wash but for your animal. Mostly dogs because that is the most common animal that likes the water. We're proposing to have two possibly three if business is good. It would be coin operated, come in wash, dry, disinfect.

Councilwoman Holzheimer Gail – To Mr. Torowski, is this zoned correctly for this use?

Commissioner Torowski – Yes, self-serve car washes are generally permitted in a U-4 district.

Councilwoman Holzheimer Gail – Is this the last time Council will have this in front of it? Will there be any other Council decisions to make?

Commissioner Torowski – I do not believe so.

Councilwoman Holzheimer Gail – It does abut residential behind it and I have spoken to Mr. DeWine in the past. Can you explain to us what are your plans in terms of fencing and landscaping?

Council Minutes

June 6, 2005

Page 4

Mr. Goodrich – Part of it now we're going to have to go to ARB for proposal. There is going to be somewhat of a buffer plus the mandated 6 ft. fence in between there. A lot of it is going to depend on what ARB's recommendation's are or what they allow or disallow in our proposed plans will obviously have a bearing on that. But that's been addressed and we will be working with the homeowners behind us.

Councilman Gruber - This is the lot directly to the south of Skinny's?

Mr. Goodrich – Correct.

Councilman Gruber – Being a Euclid resident I applaud you coming in to open your business there. That lot has been vacant since its been Carol's. Congratulations, thank you.

President Sustarsic – Thank you for answering all the questions. A motion was made to sustain and seconded so please call the roll.

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

Passed.

COMMITTEE OF THE WHOLE

Councilman Sustarsic moved to go into the Committee of the Whole for Legislative Matters Only. Councilman Daly seconded.

Mrs. Dorothy Fike – 20271 Delaware Rd. First I have a comment on this lot consolidation. I guess its to the Parks Department and any department involved. At one time they took trees that belonged somewhere, that was the Parks Dept. and put it on that vacant lot. At the time I was assured those trees would be taken up when the lot was sold and put to other use in the city. I want to make sure its done. I'm talking now to the Parks & Recreation Dept. because the trees along the front of the lot, along E. 222 Street, are really city-owned trees and I want them to be put to good use before they start construction.

I really want to speak tonight to Issue #15. I hope Council supports it. I have been active in Friends of Euclid Creek since before it really got started as it is now. It was really started the Watershed Plan by the Mayors of the eleven communities along the Euclid Creek. I've known for years that my water, I live on top of the hill, does not drain into the Cuyahoga River, neither does anything in Euclid drain into the Cuyahoga River. We either drain into the Euclid Creek, along the parkway or else they drain right into the lake. I'm talking about storm water, not sanitary water, storm water. The Mayors of these 11 communities, about 11, it kind of fluctuates, starting up in Beachwood by Legacy Village, is where Euclid Creek starts. There's a branch that goes up into Willoughby Hills. The Mayors decided to get together because it is required by the Federal law to have an action plan on storm water. They got together and thought it would be a good idea to work together and have a regional plan for the whole area. They have been working since 2000 about to make this plan. It has been required so that is what the Mayor is asking for tonight is your support. It is all the communities along the creek, starting up in Beachwood, Mentor, South Euclid, Richmond Heights, Highland Heights, Euclid, South Euclid, Cleveland. Our water from along the creek drains into Cleveland. It goes by Euclid Central School on Euclid Ave. and then drains into Cleveland by the Fire Dept. and 185 Street and then it goes into Cleveland and drains into Neff Road into the lake. It is very important that we keep that Creek clean and pure to the best of our ability.

That's what this Watershed Plan does. Also the Friends of Euclid Creek, along with a council, we have a celebration every year. We call it Euclid Creek Watershed Day. It will be in September. We go out there and we clean. Last year, a group of us we cleaned up, I usually sign people in, I don't try to get down into the creek. But we had a Girl Scout Troop there and they actually found a front seat of a car right in the creek. They cleaned it out and luckily with the school's cooperation they come down and take the cleaning out. They do and we had a little picnic and so we do different things. This year it is going to be September 17<sup>th</sup> Friday and Saturday almost two days and we're going to try and have a tour on the lake. So it is going to be cleaning up the creek and you would be surprised the debris that is left in the creek at Highland Rd. where the east branch feeds to the main branch. The main branch comes down from Beachwood. It is very important. This agreement has been many years in the making and it is very, very important that the city supports the work of this council. Thank you.

Mr. John Zigman – 330 E. 257 St. I would like to address Council on two issues. The first issue, #2, an emergency ordinance amending the Building codes concerning garage sales. I've grown a little tired of driving down the street seeing the same garage sale for two months and seeing people hanging their clothes from the trees. It looks terrible, so I hope Council will do something about it.

Also #10, about paving the golf course parking lot. I hope everybody acts on that right away. I'm looking forward to the grand opening. It is looking great folks. Thank you very much.

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

#### LEGISLATION

##### **Res. 83-2005 (346-05) Used Car**

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) (From City Growth, Development & Zoning Committee)

Councilwoman Hufnagle moved for passage, Councilman Daly seconded.

Director Pietravoia – We'll start again with Mr. Torowski. He did report on this item a few meetings back but it did go to Committee so I believe Council will also have a committee report.

Commissioner Torowski – Mr. Reza Sekhavat of Auto Right, Inc. and his attorney Patrick Quinn are requesting confirmation from Council for a special use permit to operate an independent used car dealership on Lakeland Blvd. Currently Mr. Sekhavat operates the Auto Right dealership on Nottingham Road in Cleveland and is looking to expand his operation to the Lakeland Blvd. property.

The building on the property was inspected by the Building Dept. on January 3, 2005 and a list of violations were noted and sent to the applicant for correction. All of which have been corrected. It has also been noted that a vacated right of way exists on the east side of the parcel which still has underground utilities. The applicant has been made aware that no structures can be created in this location.

The Planning & Zoning approved this special use permit to Council on the condition that only 10 cars are allowed to be displayed on the exterior grounds. The applicant is also aware that all signage for the proposed business would need to be approved by zoning. Both Mr. Sekhavat and his attorney are in the audience if Council has any questions for them.

Councilwoman Holzheimer Gail – If we'd like to waive the rules, I'd like to hear the plans for improving the building in addition to the building code violations that have fixed. I would like to hear what their plans are for landscaping and fixing up the exterior of the building.

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

Mr. Patrick D. Quinn – Attorney for Mr. Sekhavat. This is going to be his business. He's been in business for 14 years. He wants it to look nice. It is going to. He's already hired an architect. His plan is to make it look as attractive as possible with landscaping. We haven't gotten any estimates or any plans yet but we were waiting for tonight to spend the money for that.

Councilwoman Holzheimer Gail – Did you have any ideas in mind? When you drive-by it doesn't look at this point like a very appealing building. Being a special use permit, I'd like to make sure this building will look nice and it is on a main thoroughfare. We certainly want to ensure that its presentable to the community. Could you talk to what you might have in mind?

Mr. Quinn – I'm going to let Mr. Sekhavat answer that.

Mr. Sekhavat – Whatever the city requires as far as the appearance of the building. We're going to repave the gravel section. We're going to take care of all the landscaping, put some shrubs down, mulches and make it more attractive than what it is right now.

Councilwoman Holzheimer Gail – Director Pietravoia will Architectural Review provide some guidance in this matter?

Director Pietravoia – As a condition of the approval tonight, you can recommend that and then we would ensure that it goes before the Architectural Review Board. Normally if they were just putting up signs and doing minimal changes to the property, it wouldn't be required to go to ARB. But because this is a special permit, you can impose that as a condition as part of your approval.

Councilwoman Holzheimer Gail – I don't know if my colleagues would agree, but I would like to make that a condition. This is a special use. We've been very strict in the past over used car lots and where they can go. We do have one in the city and they are a franchise and have a number of employees. The next piece of legislation, is it the next, we will be talking about the moratorium and reviewing our codes. I understand that we can't hold them to new standards. But I do want to make sure that this is a use that can potentially have, if it isn't done right could have a negative visual impact on the city. So I do want to ensure and I hope you understand my concern in this. I would like to see Architectural Review provide some guidance and would look to Director Frey to provide some suggestions for how to make that part of this ordinance, resolution.

Mr. Quinn – May I ask a question? We've been waiting since January to get a vote on this. Would Council vote, whether they approve it or not tonight and then we would go to the Architectural Review Board while we could occupy the premises?

Councilwoman Holzheimer Gail – I think we could make that part of the resolution.

Councilwoman Holzheimer Gail moved to amend as stated by the Law Director. Councilman Langman seconded.

President Sustarsic – A vote on the amendment to make sure that this does go before Architectural Review Board. Take the vote please.

Director Frey – Mr. Chairman, I would suggest adding to the end of Section 1, then of the Resolution that this sentence be added: Exterior landscape plans and changes to the façade shall be approved by Architectural Review Board as a condition of the occupancy of the building. If that's acceptable.

Mr. Quinn – Mr. Law Director, does that imply that we can't occupy it until we go to Architectural Review Board?

Director Frey – If Council wants to allow both the occupancy and the review of the changes, I guess I'll re-word it to that affect.

Councilwoman Mancuso – I agree with my colleague that we do need to make sure that this is appealing from the roadside. I would just say, this gentleman has done everything we have asked him to do and has been very pro-active. I understand how we feel about used car lots, the saying so to speak. But this gentleman has worked almost nine months to actually get started, do what we've asked him to do, has fixed everything we've asked him to fix. I have a great deal of anticipation that he is going to go to the Architectural Review Board and follow their recommendation. I would not want him to not be able to occupy the premise until then because we've made him wait long enough.

Mayor Cervenik – I would suggest then that we include in the wording and the Law Director is working on it right now that we will be able to issue them a temporary occupancy permit. Under the assumption and belief that they will go to Architectural Review Board and do what is necessary.

Mr. Quinn – Thank you Mr. Mayor.

Director Frey – Here's what I've scratched out quickly then to affect those couple of changes. Again adding to the end of Section 1, we would have: Exterior landscape plans and changes to the façade shall be approved by the Architectural Review Board as a condition of the occupancy

of the building. The city is authorized to issue a temporary occupancy permit during exterior renovation plan review and execution. Acceptable?

President Sustarsic – Motion is on the floor by Holzheimer Gail and seconded by Mancuso. Please take the vote on the amendment.

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

Amendment passed.

Councilman Gruber – As most of you I supported the J.D. Buyrider legislation in Ward 4 on Euclid Ave., a closed new car dealership. That individual invested about a million dollars and has 12-14 employees and also has a franchise that has rules and regulations to follow. What I'm a little nervous about this is, I know there are parts of Cleveland, particularly 156<sup>th</sup> Street area that the Councilman in that area is trying to eliminate a lot of these used car dealerships. We have a lot of empty gas stations, machine shops and other facilities that could turn into these used car lots. I'll be hesitant to support this, and we'll talk a little bit more about it at the resolution for the moratorium on them. Just for clarification, J.D. Buyrider had a million dollars in that corner and about 12-14 employees and is a national franchise. A little bit different. Thank you.

Councilman T. Sustarsic – I think it should also be noted too, the committee meeting that we did have, Mr. Sekhavat is going to be selling high-end used cars. He is going to be selling BMW's, Range Rovers, it is going to be a high class facility and I support this 100% and I welcome you to the community.

Councilman T. Sustarsic moved to close debate, Councilwoman Mancuso seconded.

Yeas: Unanimous.

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

Nays: Gruber

Passed.

**Ord. 84-2005 (322d-05) Garage Sales**

An emergency 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 Executive Committee with recommendation for passage)

Councilman Langman moved for passage, Councilwoman Mancuso seconded.

Manager Petkovic – First of all I have been getting this past week many complaints about some garage sales that have been going on since the beginning of May. I have taken pictures of a couple of these residences. Hopefully after tonight, I can make a visit tomorrow with your support and we could put a stop to this.

Neighbors are very concerned about it, they are upset. It is an eyesore. They don't like having company come over. I just ask for your support this evening and try to answer some of your questions.

Councilwoman Holzheimer Gail – Mr. Petkovic, you have my full support. We have talked about this ordinance in several meetings. This ordinance is a version that will limit garage sales to the garage or the backyard where at all possible. Special authorization can be granted if you do not have the ability to have a garage sale in your garage or in the rear of your house. I, too, have received many complaints about primarily garage sales being held on the front lawns. This is a tool that will help the housing department and help us as council people be able to set some standards for where garage sales can be held. It would limit the garage sales to three times per year. Garage sales can be conducted for three consecutive days. We're asking that they stay off of the front yard. There is no permit. One of the earlier versions had a permit and we decided to take the permit out to make it more appealing to both residents and council members who were concerned about that. This will be done through a complaint process so calls need to be made to the Housing Department when you see somebody who is not following the rules, We will do our best to publicize the new rules so that everybody knows, but because it's new we have set up a process so that the first citation will be a warning citation by the Housing Inspections.

The second will include and we will ask the people to sign-off that you know the rules. The second will be a \$35 fine and the third will be a minor misdemeanor.

We're looking at this as a way to get some rules on the books. It is more resident friendly. The average resident who can hold a responsible garage sale will not have to do anything different. And yet we'll have a tool that we'll be able to enforce and get rid of, hopefully, some of the unsightliness of the garage sales on the front lawn and the continued garage sales. I appreciate my colleagues time that they've taken in this matter and I ask for their support as well.

Councilman T. Sustarsic – I support this as well. I was apprehensive at the first piece of legislation with the permit process. It seemed like we punish everybody. There's a lot of responsible homeowners, just a few irresponsible ones that everyone would have to pay the fee. But this is fair. This is going to go after the people that abuse the garage sales and handle neighborhood complaints and I support this 100%. Thank you.

Councilman Langman – Mr. Petkovic, I know you're ready to go. Is the department ready to go?

Manager Petkovic – They've been informed about it as they've been ready to go with the grass problems we've been having, they will attack this also. To Councilwoman Holzheimer Gail, the list that you made up for garage sale rules, will be available in the Housing Dept. at the counter. If residents happen to come in and want to know what the rules are, we'll be happy to give them.

Councilman Langman – I would just like to thank Mr. Mike Mihalich a resident who brought this at least to my attention and to some of my colleagues for sort of getting the ball rolling. This doesn't necessarily mean that this ordinance is etched in stone. We can revisit it based on the response that we get through the remainder of this particular summer. It is an effort to give the Housing Department a needed tool. Thank you.

President Sustarsic – I think the intent of this was to, again, as has been said, just to set up a structure, something that this city could look at because of those people that do go off the deep end and do abuse it. So consequently we have a thing in place now where the people will be able to work within guidelines set by the city. One thing I would also like to suggest if I could, if in addition to notices say at City Hall or whatever, if possibly a notice put on Channel 23, maybe on the city website, might not be a bad idea too to make as many people aware of it as we could.

Mayor Cervenik – The administration supports this legislation. I know there are some that feel that it is as stringent as maybe it should be. What we will do is monitor the results of this legislation and we will give you a report sometime when the snow flies, which we've got something on the agenda tonight about snow plowing. We will report back to you with recommendations if some items need to be changed and some regulations need to be changed.

Councilwoman Hufnagle – With all due respect to my colleagues that will support this ordinance and to the administration, I too believe that we need an ordinance to address the garage sale issue. However, I'm not comfortable with this present ordinance that is in front of us. I don't think that it addresses the issue so I will not be supporting it this evening. For the record, the resident that came up and said that he was tired of seeing the same garage sale with stuff hanging from the trees, day after day after day, well we've limited it to three but we really haven't given the Housing Dept. the tools to enforce that because the majority of garage sales are on the weekends when the Housing Inspectors are not working. So somebody can call up and say, this is the 4<sup>th</sup> Saturday my neighbor has had a garage sale, but we have no way of knowing that that's the 4<sup>th</sup> Saturday. So maybe the following Saturday, Mr. Petkovic on his day off, can go there and see that, but he is going to have to see it for three consecutive days before he cites it. So you literally could have that for 8 weeks and then the first they'll only get a warning. It is kind of like the all night parking on the street. You can call the police in the morning and say this car was parked on the street all night, but they're not going to come out and write that ticket. They have to see that car parked on the street. I would like to see the ordinance read, absolutely no front yard sales. I think limiting it to the driveway is alright, but now we've given the Housing Dept. another burden to go out to a house and say whether or not it can be held on the front yard, and our Housing Department is already understaffed.

I can appreciate the administration committing to Council that they'll work on this ordinance and we'll revisit it again. I'm opposed to writing an ordinance that I don't feel addresses all of the issues. Thank you.

Manager Petkovic – To the remarks from Councilwoman Hufnagle. We had a discussion today about the weekend process. I believe that most garage sales, when people determine when they are going to have them and they schedule a date, I believe that they start pretty early on a Friday. If they start packing their front lawns on a Friday, someone is going to call the Housing Dept. that is aware of this ordinance and we can catch it early. If not, it will be caught Monday morning. For the most part I believe people may start pretty early Friday, maybe Friday at noon, bringing things out of their home, out of their garage. If it does get to the point where it is upsetting the neighborhood, we can get out there Friday morning and we can inform them with a courteous first warning. Thank you.

Councilwoman Hufnagle – With all due respect Mr. Petkovic, at this present time we do not have inspectors working on Saturday and Sunday, do we?

Manager Petkovic – We do not.

Councilwoman Hufnagle – Okay. So somebody could choose to run their garage sale on a Saturday or Sunday correct.

Manager Petkovic – Yes, they have three consecutive days that they can do that.

Councilwoman Hufnagle – I think that's where my concern is. I know that your department is very diligent in answering complaints very quickly. I wouldn't have a concern about you getting out there on a Thursday, Friday or Monday. But my concern is burdening your department with a responsibility on days that you don't work. Thank you.

Manager Petkovic – I've offered Mr. Pietravoia to give my cell phone number out to Council members if needed because I know you're going to get the phone calls. The Mayor will have my cell phone number. If I'm out of town and not available, I will call another inspector to go out and make a stop at that house, even if it is a Saturday or Sunday, I'd be willing to do that.

Mayor Cervenik – Just because certain employees aren't working on Saturday or Sunday, if you see an issue that needs to be taken care of that's bothering a neighborhood, please don't wait until Monday to call. Call me, I'll get the appropriate personnel out there to take care of it if the situation warrants it. We don't want a neighborhood or a street upset over an issue that can be taken care of with an hour and a half or two of overtime. We will find a way to fit that into the budget. Always feel free to call with any complaints you have on Saturday and Sunday, thank you.

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

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

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

Passed.

**Ord. 85-2005 (362-05) Grass Cutting**

An emergency ordinance amending Section 1755.28 of the Building and Housing Code of the Codified Ordinances of the City of Euclid, to enhance enforcement of the City's weed and grass nuisance law, and authorizing the CS&ED Director to create a schedule of dollar amounts to be charged for grass cutting pursuant to this ordinance and authorizing the Director to amend said schedule from time to time as necessary. (Sponsored by Councilwoman Mancuso by request of CS&ED Director)

Councilwoman Mancuso moved for passage, Councilman Delaney seconded.

Director Pietravoia – We've already had a good amount of discussion about the grass cutting situation this spring and every year for that matter. What we're bringing forward to Council this evening is an adjustment to our ordinance that would allow the Director, myself of the Community Services and Economic Development Dept. to set up a fee schedule for grass cutting and other property clean up.

We'd like to expand what we're doing now. The contractor that we use up to this point, typically will just go out and mow the lawn on a property that isn't taken care of by the owner. But they have not had the time, nor have we've paid them to actually haul away the debris associated with that mowing, essentially cleaning up the site after they're finished. We'd like to expand the scope of the work that the contractor would do to allow them to remove the clippings, particularly when the grass is really high.

Also in the opening section of 1755.28, you'll see in the ordinance we're adding language that would allow this section to cover trash, rubbish, litter, other debris that is on the site and we could use our nuisance abatement fund and the contractor to actually remove those items as well while they're on a particular property.

The opening allows for the enforcement. Section e is amended to allow the establishment of a fee schedule that can be changed from time-to-time. It also recognizes that when there's a larger lot, over 7,500 sq. ft. we would need to charge more than for a typically city lot. Also if it needs a double cut for example, we would need to charge more.

I have had Mr. Petkovic distribute to you tonight, I believe you already have it, an example. First of all we have a comparison of other communities. This came up in part because as members of the First Suburbs Consortium we have pretty regular contact with our other member cities. We started comparing notes on this particular subject and realized as you can see from the hand out that we provided that most communities are charging well above the charge that we are currently here in the City of Euclid.

So what we are proposing, the second hand out that you have is an example of what the fee schedule could be if this is approved by Council this evening. We're proposing to raise our fee for an individual cut, in line with some of the other communities such as South Euclid and Garfield Heights to \$150 per cut. That would be for lots that 7,500 sq. ft. or less. If we had to do a double cut, we would increase that to around \$205. This will depend in part, we're in the process of getting proposals from contractors, will depend in part where we land with the fee that they charge. At this point, these are just estimates, but this is where we think we'd like to be.

As you can see from the handout, anything that's over 7,500 sq. ft., the Housing Manager would meet on site with the contractor. They would estimate the amount of time based on an hourly labor charge that would come from the winning proposal. If they had to remove debris and take it to a dump site and pay a fee. In each case we would determine what it would cost for that particular lot. This would also be true, as you can see at the bottom of that handout, where there's other clean up involved, trimming of overgrown shrubbery, or removal of trash, litter and other debris on the site would be determined on a case-by-case basis what that fee would be.

In part, what we're trying to do here is recognize that this should be a last resort. The City is not in the business of mowing people's lawns for them when they don't take care of their own property. We recognize the importance of doing this. It needs to be done. The City has to continue to do it, but we feel by raising the fee in line with what other cities are charging, this will actually encourage people to either get a neighbor to help mow their lawn, or hire their own contractor at a much lower cost than it would cost with the fees that we're proposing here by the City. In part we're trying to minimize the amount of times the city has to, especially on repeat properties has to go back out and mow the lawns.

I want to give Council an opportunity to ask questions and comment, but I wanted to at least give a brief explanation of why this is here and what the proposed fee schedule would be. With that, I'll open it up to questions or comments.

Councilman Langman – Law Director Frey, in 1755.28 the new language, I support it but I'm concerned that one person's debris is another person's possessions. I've run into issues over the course of years where people collect things and put them in their back yard. So, how does that coordinate with our standing legally if we were to clean up somebody's yard and remove these items?

Director Frey – There would be obviously interaction between that property owner, assuming that property owner is on site, that interaction with the Housing Dept. or the Housing Inspector about getting that property cleaned up before the city was out there in a clean up mode. I would anticipate in a situation such as that, the resident and the Housing Inspectors already had some interaction. I would think in those cases where there's a legitimate disagreement that individual is probably going to work up the chain of command in the department to speak to the Housing Manager or speak to the Director. If there continues to be in the opinion of the city a violation of the city's ordinances, we would have the right to enforce those ordinances. The resident of course would have the right to attempt to stop us in that enforcement effort. That is the nature of the beast. You are right, somebody might determine that object in their front yard is art and we might think it's a junk vehicle. Somewhere we're either going to have to come to an agreement,

or we're going to decide that we can't come to an agreement, we are going to enforce the law. If the resident thinks we're wrong, we all know there are several court houses the resident can go off to attempt to prevail on their point of view. I'm not suggesting that's the end all of this sort of thing, but I don't think its any different, this language today is no different than what we already have in our ordinance as far as debris. What we did is move existing language into this code section to allow the contractor on site with the authority of the housing manager to clean those kinds of situations. So, we really didn't add any new categories of offensive residential behavior, we just put them into a section where we thought enforcement would be better.

I do appreciate the fact that there are going to be some legitimate disagreements. I think, however, most often we're going to find this situation in properties where there is no occupant. Or the occupant is probably not the owner. There is as Mr. Gulich's experienced in some of the vacant lots, if you make it onerous enough for us to do the work, its better for you to do it yourself and that's really where we're trying to go with this enforcement piece of legislation.

Councilman Langman – Thank you, I do appreciate your explanation. Mr. Petkovic, you probably know which home I'm talking about, if not, I'll fill you in later. But do you feel comfortable that the way the language of the ordinance is that there's enough give and take and there's enough recourse for the residents that their interest might be protected?

Manager Petkovic – I do feel comfortable with it. As I stated in some committee meetings, we need a stronger deterrent other than \$45. As the Law Director stated, 99% of the times that we have to enter someone's property, it is complaint driven because it is vacant. When they were either evicted or just decided to leave their residence for whatever reason, many of them make the decision to dispose of their trash in the back yard or one example, a rear porch. I don't mean items of clothing, I mean bags of trash which is food source. We need to get that out of there. We can't let it stay there. It is not fair to the neighbors. I do feel comfortable with this.

Councilman Delaney – I do support this ordinance. This is something that has been sorely needed for a long time. A quick question I have, is with the comparables with the other cities. Do the other cities also have the trimming of the shrubs as well as the grass cutting?

Manager Petkovic – I don't know that. All I gave to you is what was given to me over the telephone from the Building Dept. The reason we added the shrubbery is because currently when our contractor goes and cuts these lawns, he leaves. Thanks to Mayor Cervenik when we were at a CMHA meeting, we were discussing this problem with some of the other suburb representatives. He asked a question, what are you people charging. What you see here is what some of the suburbs mentioned and we made a decision right then and there that we have fallen behind and we need to pick up the pace and be like the other suburbs. But as far as shrubbery trimming, I think it will be done on a case-by-case basis. If something is overgrowing on a driveway where it looks bad from the street, we're going to ask the contractor to trim it. Or if its overgrowing onto someone else's property, we're also going to ask him to take care of that.

Councilman Delaney – I also have a comment on debris. I remember some years ago people showing me violations of debris and they said it was the child's big wheel, or sometimes it was patio furniture that was moved from the deck or the patio to the lawn and just left there overnight. I know that people have good common sense, but is it possible to define debris? Is it possible that we don't have those mix ups and throw away some kid's toys? I understand that everyone's artistic taste, there maybe some crazy ones out there, but I don't think a junk vehicle we would see as art. I think that there are some parameters for that as well. I'm just curious if we can't find someway of defining what debris might mean.

Manager Petkovic – As I stated before, this is going to be almost 100% of the time for vacant properties where people leave these things behind, they're gone. If there's complaints about properties that are habitable, we definitely will knock on the door. If no one is home, we will leave a card or a notice to remove certain debris. Certainly a bicycle in the backyard is not debris at all. Someone who's storing wood behind their garage, the tree trimmings behind their garage. Grass cuttings that they dumped in their garden, or behind the garage, that is a violation and we would be happy to talk to the homeowner about that. As far as debris goes and bicycles and kid's toys, things like that, no, we wouldn't do that.

Councilman Delaney – You bring up another question, do we have parameters for compost?

Council Minutes

June 6, 2005

Page 12

Manager Petkovic – Yes we do Councilman Delaney. We do have an ordinance that speaks specifically to compost piles. If you were to read the ordinance you would find that to have a compost pile in the city, you would basically need to put the compost pile in the center of your backyard and it must be completely enclosed. There are people who take their grass clippings and dump them along the rear property line and use it as compost. However, it is against the ordinance and we do have a compost ordinance, yes.

Councilman Gruber – I too fully support this. In a period from May 2 to May 13, there were 88 grass tags placed in two sections of my ward. I've had residents tell me that it is cheaper to have the city cut the grass then to hire a contractor. I had another homeowner tell me they didn't know they needed a lawnmower when they bought the house. I had another one explain to me that a lawn tractor costs about \$900. You can have the city come and cut your grass a lot for \$900. I do support this and I know that you'll act with restraint and dignity towards the homeowners and we'll do this right. I fully support it and it has been a long time coming. I have your number on speed dial. Thank you.

Councilwoman Holzheimer Gail – I just wanted to lend my support to the addition of the rubbish and bushes and shrubs and I'm sure Mr. Petkovic knows the house that I'm talking about that has been a problem for several years, that is now vacant but it has gone through foreclosure. Even when people lived there, they wouldn't take care of their house and it impacts the neighbors and it impacts the neighborhood. If you were trying to sell your house and you're living next to a house that the bushes are overgrowing and there's all kinds of garbage in the backyard, it does impact your neighbor. I fully support that and I look forward to cleaning up that particularly house.

Councilwoman Mancuso – Just a point of clarification. Have we gone out for bids for our contractors yet?

Manager Petkovic – We are currently accepting proposals and Director Pietravoia and I are going through those proposals right now. That's why on the handout that you received there are some blanks there as far as charges go. We are reviewing those and will be bringing them in.

Councilwoman Mancuso – Do they know what we're proposing to charge?

Manager Petkovic – They do not.

Councilwoman Mancuso – So they should be giving us bids for what it really costs?

Manager Petkovic – Yes.

Councilman Daly – One word of caution about the verbiage on bicycles or children's toys. I had a client that took over a house that was abandoned and the previous owner would go out weekly and garbage pick discarded bikes and toys. This house and yard was littered. You might want to be careful about what we do add to that ordinance.

Manager Petkovic – I believe that garbage picking is illegal in the city. It is a police ordinance. But I want to thank everyone on Council, especially the committee members that had their meeting and let me bring this to their attention. This is long time coming for Euclid. Just to let you know that to date we've cut 308 lawns in our city since May 2<sup>nd</sup>. I think that this is going to be the deterrent for the homeowners and the banks. Our problem is that the vacant properties, the mortgage holder, they will send a service company to the home and they will cut the grass once a month which is just not acceptable here. When we get our rains, those lawns grow fast. I think this is going to be a message to the mortgage holder as well. We need their cooperation. I want to thank everyone, Mr. Chairman, Mayor Cervenik and I hope you pass this.

Mayor Cervenik – On a note that really started at the last council meeting, it is our intention as we're changing some of the legislation and the rules. We are going to work to put together a booklet for all homeowners, not only covering these changes but garbage collection. Right now when a new person moves into the city, we do have a pamphlet and a lot of information. We are going to consolidate it into one booklet. It is not going to be real fancy or anything like that, but it should be able to answer all of these questions and virtually any other question that a homeowner wants to know. What we'll do is when we pretty much have it done, I'd like to give it to each of the council members, as well as the Directors and the Supervisors to look over and

come up with any other additions or deletions that can be done, so we can cover everything. It is important that people know, especially with garage sales, there's no permit. Usually a permit is done so you know the rules. If we have this pamphlet, everybody has it and they will know that a garage sale, you won't have to come to city hall, they can open up their book that is in their home and say here, okay. I don't need a permit but honey we've got to keep it in the backyard or something like that. That is our intention as we strengthen our legislation on a lot of these nuisance ordinances.

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

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

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

Passed.

**Res. 86-2005(374-05) Moratorium Special Permits**

A resolution placing a temporary moratorium on the issuance of Special Use Permits for the operation of used car lots in U-4 and U-5 Use Districts as provided in Sections 1359.06(a)(3) and 1360.04(c)(3) of Title Eleven, Chapter Thirteen of the Codified Ordinances of the City of Euclid, in order for Council to undertake a study of planning and zoning in the City of Euclid with respect to used car lots while preserving the status quo. (Sponsored by Councilpersons Holzheimer Gail, Hufnagle, Langman)

Councilwoman Holzheimer Gail moved for passage, Councilman Langman seconded.

Councilman Langman – This came about obviously because we were considering allowing a Use District Exception for a used car lot. Currently our ordinances read that is a prohibited use, a free standing car lot is not allowed in the city. So we've approved two over the past, I think it's 3 years if I'm correct Councilman Gruber, something like that. So we're setting a precedence of allowing these entities come in on a use district exception. Now we're also going through a total planning and zoning code review to look at our various ordinances. It seemed to make sense that while we go through this process that we put a stop to it so that we can review how the city should proceed in the future with these types of businesses. I think it was mentioned that we do have a lot of vacant gas stations, vacant lots and we don't want everybody coming in and saying this would be a good spot for a used car lot. The way we're going we don't have I believe legal standing to say no after you've approved so many. It becomes very problematic. This allows us to take a breath, allow the zoning code to be reviewed by an outside entity and then the next city council can come back and approve whatever legislation comes out of that review. Thank you.

Councilman Langman moved to close debate, Councilwoman Holzheimer Gail seconded. Yeas: Unanimous.

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

Passed.

**Ord. 87-2005 (363-05) Sr. Snow Plow**

An ordinance authorizing, empowering and directing the Director of Public Service of the City of Euclid to institute a Senior Snow Plowing Program for not more than 600 residents who are age 65 or older or disabled for the winter season 2005/2006. (Sponsored by Councilman T. Sustarsic by request of Service Director)

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

Director Gulich – 80 degrees and sunny out, summer is just getting underway and who else would think about snow and salt but the Service Director. Actually it is important that we get out for bids early for the senior snow plowing. It will give us time to go through the bidding process, the award process and actually have a reasonable sign up program which we had years past. At one time we did pay 50% of this directly from the city for each of these qualified residents. In the last 3 years or so we've asked the residents to pick up 100% of this cost. We have 285 people sign up for this program. Obviously there is an interest in it and we felt that by

offering this program to the seniors we can offer a better price through sheer numbers. So if council approves, we'll get going with the bidding process.

Councilwoman Holzheimer Gail – Director Gulich, do we require the contractor to have a number of plows per so many customers? Do we mandate the number of how many plows, say for every 25 customers, they have to have a plow? The reason I ask, I had several calls last year and I understand last year, we all understand last year had some pretty heavy snows all at once that were tough to deal with. I did have some calls and there were concerns about the timeliness of the contractor getting out. I'm curious whether we do make that part of the bidding process or perhaps should we.

Director Gulich – There is no particular verbiage in there requiring the contractor to demonstrate that they have so many vehicles at their wherewithal. Normally and this is what we expect to happen with the successful bidder will indeed subcontract out. He will hire landscaping firms, people who normally cut the grass during the summer, they're looking for work during the winter. So they'll normally take on a sufficient amount of help they need to deal with the number of people who have signed up.

I did talk to Kareema today and out of the 285 I understand there have been six requests from people last year to drop out of the program. Six out of 285.

Councilwoman Mancuso – My concern was the same. Last winter there were people who were calling because they had signed up, were paying for the service and what are we charging for the service, do you remember?

Director Gulich – A little over \$100, may have been \$105 per the whole season.

Councilwoman Mancuso – It was almost like they felt they were the last people on the list for that particular plow to come do. In fact, at some point in time, my future son-in-law does that and he just went over and plowed. Somebody made money while somebody else was actually doing the job. I do think something in their bidding contract has to say they need to be timely, whatever timely is and be able to do the work, because they may have taken on more than they could.

Director Gulich – There is a time factor written into the specification. I wish they could be at everyone's house first and obviously if they are going to be at someone's house last. But last December I had quite a bit of conversation with our contractor, probably had the most numerous complaints the storm just before Christmas. He did virtually have every piece of equipment go down on him in a 24 hour period. He had a very difficult time as had our own crews.

Councilwoman Mancuso – We re-bid this every year so other contractors have the opportunity?

Director Gulich – Yes.

Councilman Gruber – We do re-bid this every year but we seem to keep getting the same contractor. It doesn't seem to be much interest in this contract. I received many, many calls over the winter and the problem that we're having is actually reaching the contractor. The seniors can't get a hold of him, we can't get a hold of him and ultimately I call the Service Director and in most cases he responds. We should have some system to contact the contractor for the seniors or have a sure-fire way they can get a hold of him because I know there's two streets in my ward where the subcontractors just quit and left and those streets didn't get done and then ultimately we're responsible. The folks that sign up for this are some of the people that need this the most in the city, they are sick, they are the frail, they are the elderly. We have to have some backup, some safety net to make sure their driveways get plowed. Like Councilwoman Mancuso's future son-in-law, I, too, would go out there and I know Councilman Langman has been out there to help our citizens. We just need some way to contact them where we get an answer yes we're coming, no we're not coming. These folks felt stranded in some of the worst storms and that is a scary feeling for the seniors, anybody but particularly seniors. You have always been very helpful, but there should be some contact that we can get a hold of that individual that is doing that. Not necessarily giving his cell phone number to all the residents, but give it to some council members or yourself, so we can be assured that he is going to be there in an hour, he's going to be there in two hours, he's not coming. Some type of communication because I wasn't very happy with the service at all last year.

Council Minutes

June 6, 2005

Page 15

Councilman Sustarsic – It is true, we had the complaints. I actually was out with Councilman Langman, we were shoveling a driveway. The complaint we heard too, \$105 is quite a bit of money for people who are on a fixed income. They demand service. We got to get the service out to them. They tried to call the contractor and couldn't get through because the voice mail was filled up. Obviously the weather situation, I understand that but people were paying for it and they deserve the best.

Councilman Langman – Of course I can echo my comments similar to Councilman Gruber's, Councilman Sustarsic's and so forth. I think it didn't go very well last year and it was the same company that only bid on it the prior year. I'm sure there are plenty of snow plow operators within the city, so I would like to see multiple bidders come in on this. I would be very disappointed just to see the same contractor be the contractor. Because quite frankly he was telling residents that his commercial accounts came first and that they came last. That's not acceptable for the various reasons that my colleagues explained. These people are the most vulnerable and to say that when I finish all my other important accounts, we'll get down to Euclid, I don't think that flies. Thank you.

Councilwoman Mancuso – Can we build into that bid if there are "x" number of complaints are a certain amount of people, senior citizens. If you've got 285 people and 50-60 of them are complaining, I'm not sure I'd want that gentleman re-bidding on my contract again because it makes us look bad. He goes on.

Mayor Cervenik – All of those things can be done. But the rules for this program are much less stringent than the rules for your common private contractor. Many of the private contractors don't even do seasonal anymore. They do \$20 a plow. Last year at least 18 times in my estimation driveways needed to be done. We can do all of those things and make the program better. Basically this program was \$105, which is at least half of what most seasonal rates are. The catch is they only come once a day and they don't guaranty that they are going to be there before you have to go work, if you do have to go to work. If we feel that the seniors are willing to pay more for a higher level of service, we can do that.

Councilwoman Mancuso – My concern is not higher level of service. It was the service they paid for, which at \$105 is not trash. That's a decent amount of money and most driveways here are not a mile long. If they are seniors, they are not particularly concerned with being there at 5:00 AM. But when two days go by and nobody has come and they are being told, when I get done with my commercial. I think if they would have known that to begin with, they probably wouldn't have entered the program. So they're feeling cheated on both ends.

Mayor Cervenik – Two days is unacceptable. If that happens in the future, we will refund the money to the homeowner and I will cancel that person off the contract of whoever gets our contract this year.

Councilwoman Mancuso – That was fairly normal last year.

Mayor Cervenik – That's what I will do.

Councilwoman Holzheimer Gail – Director Gulich, could I ask that we all receive a copy of the bid specs prior to them going out. Perhaps there could be some suggestions made to lay out the expectation. If its once per day.

Director Gulich – I'll be glad to get that in all you mailboxes tomorrow.

Councilwoman Holzheimer Gail – What is your time frame for advertising? Do we have a week or so before we could so we could have comments back to you?

Director Gulich – At this point there is no rush. Obviously we put it on the agenda toward the end of the spring session knowing that we don't want to wait until fall to come back and wait until its to late and people are already hired out. I'd be glad to get that to you and I will hold off until council has had time to review them.

Councilwoman Hufnagle – I would agree with my colleagues that service last year was lacking definitely, but I think it was the extreme snow storm that we had because I have an elderly neighbor who had use this service previous to that and the service had always been wonderful.

My question to you Director Gulich is the requirements in this ordinance, are they the same as in previous years?

Director Gulich – Yes, they are virtually the same standing specs, year in and year out.

Councilwoman Hufnagle – It appears to be, am I reading it correctly, that there's an income eligibility in this and I didn't remember that being there last year.

Director Gulich – What we have income eligibility to limit and obviously we leave it open for 600. At some point in time we realize we're not going to get 600 so we do open it up to all seniors. The initial thought on this was to hold it to a particular income only.

Councilwoman Hufnagle – If there's still openings, you open it up to all. Okay, I understand.

Director Gulich – that has been the practice for quite a few years. Thank you.

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

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

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

Passed.

**88-2005 (364-05) Cargill Salt**

An ordinance authorizing the Director of Public Service of the City of Euclid to extend the existing contract with Cargill Salt, 24950 Country Club Boulevard, Suite 450, North Olmsted, Ohio 44070, for one year, from November 1, 2005 to October 31, 2006, for the City's requirements of salt. (Sponsored by Councilman T. Sustarsic by request of Service Director)

Councilman Sustarsic moved for passage, Councilwoman Hufnagle seconded.

Director Gulich – After this ordinance I promise I'll stop talking about winter. There's three assurances in life and we know the first two, the third one is winter is going to show up again in northeast Ohio. Last year Council authorized an extension of a contract we bid the previous year whereby we were paying \$32.45 per ton of salt dumped at our Lakeland Blvd. facility. In order to have it piled inside of our shed there the price was \$34.95 per ton. Cargill has offered this to other accounts as well. Certain accounts like the large State account, the State doesn't permit an extension of over a year on a contract. The State will go out for bid. I have investigated the State bids. I gave numbers to Council a couple of years ago. There is no guaranty that there bid is going to be lower than ours. Generally over the last 3-4 years it has been \$1 or \$2 ton less. The main reason for that is the State bid is a 7-day delivery specification. We give a 24 hour delivery specification. We simply don't have a shed big enough to hold enough salt. My druthers would be to have a second salt shed, but since we don't have that, we stick with the 24 hour turn around time between the time we order salt and start receiving it. I would ask that if Council chooses to approve this ordinance, we'll lock in this price. I've checked 5 other bids so far. A couple of them have raised it down by fifty-cents. Mansfield is up \$2.30. Middleburgh Heights is staying the same. Chillicothe is about \$5.66 a ton. Generally the prices are up and Cargill who I spoke to provided us with tremendous service in the years they have had the contract and obviously they want to keep us as a customer and that is why we have this in front of us tonight.

President Sustarsic – Okay, thank you. Any questions, comments?

Councilman Gruber – Director Gulich, last year we started, and it might not have been a good year to compare because of all the snow, but we started the pre-salting with the slurry. Did you notice improved results with that process?

President Sustarsic – Okay, thank you. Any questions, comments?

Council Minutes

June 6, 2005

Page 17

Councilman Gruber – Director Gulich, last year we started, and it might not have been a good year to compare because of all the snow, but we started the pre-salting with the slurry. Did you notice improved results with that process?

Director Gulich – One thing I did notice, Councilman Gruber and rest of members of Council, is we had the snowiest winter on record and, indeed...

Councilman Gruber – So we're not going to use that stuff any more?

Director Gulich – I'll share this report I do have with you. It gives all kinds of numbers to bore you to death. Right now, I'll tell you we actually used more salt this past winter than in the previous winter. I don't suppose that's any big surprise. One thing we were able to cut down on quite a bit was the use of liquid calcium chloride. That's about 70 cents a gallon. We were able to use the salt brine in a number of instances where we would of used the calcium chloride. We can make salt brine for about 6 cents a gallon with the equipment we have. Be glad to share these numbers, but unfortunately, we did realize an increase overall in our salt use.

Councilman Langman – Director Gulich, does it make sense at all to form a co-op with our neighboring communities? Would that help us price-wise at all or have you explored that in the past?

Director Gulich – Councilman Langman, good question. There are a number of consortiums the state being the largest one. There is another, Cuyahoga County Related Consortium, and again their specifications are looser than ours as to salt delivery times. As we just discussed, loose specifications with snowplowing you end up not getting what we really like to have. So, we've never been caught without salt in this City and I don't need any more grey hair than I've already got. So I'd like to be able to get the salt when we need it and have that control over the contract, which we do with the salt.

Councilman Langman – Thank you.

President Sustarsic – Questions or comments? Okay.

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

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

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

Passed.

**Ord. 89-2005 (368-05) Issue II Euclid /Babbitt Road**

An ordinance authorizing the Director of Public Service of the City of Euclid to enter into a professional services contract with KNM Consultants, Inc. to provide construction related services for the Euclid Avenue/Babbitt Road Sanitary Relief Sewer Project (OPWC Project CA 09H/CA 10H). (Sponsored by Councilman T. Sustarsic by request of the Service Director)

Councilman Sustarsic moved for passage; seconded by Councilman Daly.

Director Gulich – The Euclid Avenue/Babbitt Road sanitary sewer project is an Issue 2 project. I'll just run some numbers real quick pass you here. Total project cost of a little over a million dollars. The City's portion of this is only 10%, \$108,000 directly. We have a grant in excess of \$432,000, 0% loan. We have 20 years to pay back in the amount of \$540,000.

What this contract allows us to do is as part of the Issue 2 agreement we have construction management by KNM Consultants. I did seek prices from CT Consultants, our general consultants, and they, indeed, were higher. In the past during the 90s, we were able to do some of this construction management in-house, I did at that time, I should say that the Service Director at that time did have an assistant. We did have an inspection team of four people. Now there's no assistant and only two inspectors in that department. It makes it pretty impossible to devote the time necessary to administrate these expensive project and do the construction supervision as supposed to be done. Any questions, be glad to answer them.

President Sustarsic – Any questions, comments by any one on Council?

Councilwoman Mancuso – Our part of this is \$108,000 with a loan for over how many years? I missed that. Zero percent loan over how many years?

Director Gulich – According to Issue, the way Issue 2 has it set up over 20-year period we have to pay 1/20<sup>th</sup> of it every 6 months.

Councilwoman Mancuso – And is this, have we used these consultants before?

Director Gulich – Yes, we have. Yes, we have and quite successfully.

Councilwoman Mancuso – And we, the other people we went out to was CT Consultants?

Director Gulich – Yes.

Councilwoman Mancuso – Did we receive bids or go after anybody else?

Director Gulich – Actually, I only got prices from CT. In the past we have used, outside of doing them in-house as I specified not recently, but we have used GGJ. That would be Gills, Gardner & Johnson. That goes back prior to 90s. Howard Needles of HMTV.

Councilwoman Mancuso – Did we ask them for anything?

Director Gulich – No, not this time.

Councilwoman Mancuso – We did not. So we only asked CT and this particular firm?

Director Gulich – Correct.

Councilwoman Mancuso – Okay. Thank you.

President Sustarsic – Other questions or comments? Okay, seeing none.

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

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

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

**Ord. 90-2005 (369-05) Issue II Brandywine Station**

An ordinance authorizing the Director of Public Service of the City of Euclid to enter into a professional services contract with KNM Consultants, Inc. to provide construction related services for the Brandywine Drive and Balmoral Drive Pump Station Project (OPWC Project CA 11H/CA 12H). (Sponsored by Councilman T. Sustarsic by request of the Service Director)

Councilman Sustarsic moved for passage; seconded by Councilman Daly.

Director Gulich – First and foremost these are very important projects and I should be stating a little bit about why it's so necessary to do these work.

Briefly on the one that was just approved for Euclid Avenue and Babbitt Road, that situation where we had a sanitary sewer that's been kind of, any time we do have any type of rain situation, we do know for a fact that water is moving into the storm sewer that comes underneath the golf course and as everyone knows that's the large storm sewer we use to irrigate the golf course. It's important that we keep that water from getting fouled there. We had a situation a couple summers ago when the Health Department was not allowing us to use that water. We had to irrigate with tap water just like everyone else does. That was, that cost about \$1,000 a day when we have to use City of Cleveland water. So that project, the one we just spoke about will

eliminate that situation where we have the sanitary water moving into the storm water in the wet weather conditions.

Now Brandywine Drive, we have a pump station up in the higher regions of the City, Mr. Gruber's ward. We've had numerous problems over the last year. We've had two failures of it. Fortunately, we've had an emergency contractor up there the very next day; but still, it's not a very good situation up there. We felt it was only a matter of time before that goes into a total failure where we, basically, we didn't have this plan in place we'd be wondering what the heck we would do. But again, this is an Issue 2 project. We are very fortunate to get quite a bit Issue 2 funding for it. This particular project again over a million dollars \$1,020,000. The total City portion would be \$306,000. The grant Issue 2 will give us will be equal of that \$306,000. In addition to that, too, round out the financing with 0% loan, again 0% loan over the course of 20 years for \$408,000.

And again, I did get a price from CT Consultants from this as well as KNM Consultants and as in the case with this job and the next one we'll talk about, KNM came in with...

President Sustarsic – Thank you. Questions or comments? Okay, seeing none, oh, excuse me, Ms. Holzheimer Gail.

Councilwoman Holzheimer Gail – Director Gulich, the ordinance specifies that the expenditures will come from Issue 2 funds and in both cases you've indicated that there is a City portion. Will that money be coming from Streets and Sewers Fund or where will our portion of the money come from?

Director Gulich – For the Brandywine sewer project?

Councilwoman Holzheimer Gail – For either of them.

Director Gulich – It's a regional project. That pump station does serve Richmond Heights as well. We will use the Waste Water Treatment Fund so it won't come from the General Fund.

Councilwoman Holzheimer Gail – And then the Euclid Avenue?

Director Gulich – That would, the same...

Councilwoman Holzheimer Gail – Same thing?

Director Gulich – Same as that, yes.

Councilwoman Holzheimer Gail – Thank you.

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

Councilwoman Holzheimer Gail moved to close debate; seconded by Councilman Daly. Yeas: Unanimous.

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

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

**Ord 91-2005 (370-05) Issue II Chatworth Separation**

An ordinance authorizing the Director of Public Service of the City of Euclid to enter into a professional services contract with KNM Consultants, Inc. to provide construction related services for the Chatworth Drive Sanitary Separation Project (OPWC Project CA 13H/CA 14H). (Sponsored by Councilman T. Sustarsic by request of the Service Director)

Councilman Sustarsic moved for passage; seconded by Councilman Daly.

Director Gulich – Last but not least the Chatworth Drive project, again, a very important project. We have a situation up in the horseshoe area, as I refer to it, on Chatworth Drive where we have a number of separated sewers that actually run together into a combined sewer, which works

very well in dry weather condition. In wet weather condition it doesn't work so well. It wasn't designed to work well in wet weather condition. This is one of those combined sewer overflows that we've talked about that we need to deal with, with our long-term plan. I think, I think currently we do have approval from the EPA and Cleveland Water Department to move forward with Chatworth. We recently awarded bids just today, as a matter of fact. We will be meeting with residents soon as we sit down with the contractor again and talk about what the schedule is. That way we can inform the residents of what they're in for and assure them that the world will not come to an end because of this construction. But we, I have been getting calls about it. People have been hearing about it. We certainly will meet with Chatworth Drive residents. We're waiting for the Brandywine approval from the EPA. We'll definitely meet with those residents, both Euclid and Richmond Heights. And again, Euclid Avenue and Babbitt Road, that's at the EPA now. That shouldn't have a large effect on the neighborhood. We'll still go out for a public meeting and invite everybody and tell them what to expect.

President Sustarsic – Very good, questions and comments?

Councilman Gruber – Director Gulich, could you explain briefly some of the improvements that will take place at the Chatworth Drive project, such as streets and curbs and all that stuff, whatever's going to happen up there?

Director Gulich – Again, we're trying to, it's really a soup to nuts project over there. We, we've got a number of things included where we do need to do the sewer separation. And again, this is what we need to communicate to the neighbors when we meet with them. We will do total new pavement throughout. In the areas where we're just separating the manholes, we need to get the I and I out of the system we'll just be doing resurfacing there and we will be doing some manhole and on adjacent streets over there that really will not have a major impact on the City. Those areas we'll probably just do repairs to the street. We do intend on doing sidewalk in the construction area and we do intend on doing decorative lighting all as part of this project no assessments just inconvenience to the homeowners.

Councilman Gruber – Very good, thank you, so it'll be similar to the project on Beverly Hills a few years back with the sidewalks and decorative lights and pavement.

Director Gulich – Yes, I just want to qualify that and say there's some areas of the project we're going to do the manhole separation that won't be getting the total reconstruction.

Councilman Gruber – Thank you.

Director Gulich – Be minimal impact in those areas.

President Sustarsic – Thank you. Other questions or comments?

Councilman Delaney – It's, it's interesting these three pieces. Have, when was the last time we had three big Issue 2 projects going on at the same time?

Director Gulich – It's been a while. We wrapped up over a year ago the Beverly Hills Drive project and there have been no activity going on for, for probably the last 18 months.

Councilman Delaney – It's daunting how much work actually goes into this that 2-1/2 years I've seen these three pieces, years prior they were not funded by Ohio. They weren't even accepted and once again I give kudos to Chagrin Valley Engineering. They prepared these. Not only did they get accepted but they were in very prime spots in Ohio's priorities to get the most amount of money. And being paired up with no interest loans helps out quite a bit, too. So it's, it's interesting because we don't actually see the damage that's underneath the streets. It's a terrible inconvenience and it seems like when these repairs and these improvements are made it's almost it's a status quo, but it's a lot of work that goes into this.

Director Gulich – Councilman Delaney, I'll be back here two weeks from tonight for a fourth project. We have the reconstruction of Babbitt Road, I'm sorry, 222, 222 south of the freeway back, back to the second set of railroad tracks. We don't anticipate the majority of construction on that for quite some time yet, but we'd want to get going the ability to start doing this Issue 2 projects.

Councilman Delaney – A lot of dirt will be flying. How about 214 and Lake Shore Boulevard?

Director Gulich – The only thing I can guarantee you on that is that's going to be top of the list for this year's request when we put a lot of work into that, into that application and we hope to do well with that.

Councilman Delaney – Great, thank you very much.

Councilwoman Mancuso – Director Gulich, can you give us the total number as you did for the other projects? How much Issue 2 money was the City's portion?

Director Gulich – Okay, yeah, I could read those all off. This is what I gave to Council quite some time when we actually put the applications in. Just for this project or all?

Councilwoman Mancuso – Just for Chatworth Drive, you gave us the others.

Director Gulich – Okay, Chatworth Drive, total project costs, and of course, these are the application numbers. This is what Issue 2 approved. Obviously, we hope when all is said and done we can get the projects done for less than this and we've been able to do that in every case with every project. Excuse me. \$1,202,000 is the total project costs. The City's share of this, which we have to pay as the work is ongoing, our responsibility is \$360,600. We have an Issue 2 grant for a total amount of \$601,000; it's a 50% grant and 0% loan portion is \$240,400 and again that's paid back on 0% basis over 20 years.

Councilwoman Mancuso – Again, from Waste Water Fund?

Director Gulich – No, Chatworth will not. That has to come from permanent improvement.

Councilwoman Mancuso – Permanent improvement, okay, thank you.

President Sustarsic – Any other questions or comments by Council? Seeing none.

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

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

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

Passed.

**Ord. 92-2005 (371-05) Pave Briardale Parking Lot**

An emergency ordinance authorizing the paving of the Briardale Greens Golf Course parking lot by Specialized construction, Inc., 711 Harvard Avenue, Cuyahoga Heights, Ohio 44105, for an amount not to exceed \$60,465.00. (Sponsored by Mayor Cervenik)

Councilman Daly moved for passage; seconded by Councilwoman Hufnagle.

Mayor Cervenik – Yes, Mr. Chairman, as you're all aware the, as the Finance Director reported this evening that construction's coming along very well at the Golf Course, we were down there a few weeks ago looking things over and that parking lot is a mess. It really needs to be redone. It probably would have been proposed to you either next year or the year after to come out of the, the Golf Course Fund, Enterprise Fund. We decided and I decided I would ask Council this evening to approve this to allow us to pave that full parking lot. It became much more affordable when we opened up the bids for our asphalt contracts through the Capital Fund for our Streets and Curbs program or repaving program. Mr. Gulich talked with the company to make sure we could get that same price and, that they bid for the streets and they said it would be no problem. That price would be \$60,465. I think when this is done and the Finance Director gives you exact numbers it will still leave a balance of over \$300,000 in the Enterprise Fund of the Golf Course and it just appears to be a shame not to handle that this year with everything else that's gone over there. And I think the Recreation Director may have, any comment?

Director Will – I just ask for your support with all the time and effort getting the Clubhouse to where it's at right now it would be a shame not to take care of the pavement at the same time. I hear it all the time from the Golf Course that this should have been done quite some time ago so this is the perfect time. I totally, totally ask for your support on this and, hopefully, we can get it approved this evening. As most of you know, you've been in that parking lot and you'll see that it needs to be taken care of immediately. And I ask for your support this evening on this matter. Thank you.

President Sustarsic – Any questions or comments from Council? That would be a lot cheaper than setting up a muffler shop or tire repair or anything else like that. Okay, so on that notice.

Councilman Delaney – This had been something that I had brought up on several of the Golf Course meetings and asked about. I'm glad to see that the Administration is taking that step. I thought it should get in from the very beginning. You don't put up a brand new building and not repave around it.

But Director Johnson, once again, we have the budget in front of us and I think that you and I aren't communicating too well on what we're expecting out of this. Can you break these costs out with more detail, please? I mean you have soft costs here 79,500, but as they are expended, I think I'd like to see more line items and what the money's being spent on.

In our last e-mail we went back and forth and I've seen a different total amount and you'd said it was the reporter but the reporter had got the information from the Mayor. He said he hadn't talked to you. He wasn't able to get a return call from you in between print time. So I think just to make it more clear as we see these line items I would be more interested to see the, the amounts underneath the headings. Thank you.

President Sustarsic – Thank you and on that we have a motion.

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

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

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

Passed.

**Ord. 93-2005 (324a-05) Analysis/Benza**

An ordinance which adopts a Capital Infrastructure Program Analysis, as prepared by Michael Benza & Associates, Inc., and authorized the Director of Public Service of the City of Euclid to implement a capital infrastructure improvement program for the replacements and maintenance of water lines within the City of Euclid. (Sponsored by Entire Council) (From Service committee with recommendation for passage)

Councilman Sustarsic moved for passage; seconded by Councilman Gruber.

Director Gulich – We held two, two very good committee meetings, I thought, for, where we could give Council a lot of information. At the first meeting there was still a number of questions. We went back and got all the information that was requested to Council. We gave you time to digest it all. We came back and there still was some more questions. We had a recent committee meeting last week and I believe we had a very good consensus that there were a number of ways to address the needs of our infrastructure with a long-term plan and we discussed all four of the different scopes that are being proposed here.

The scope that was recommended to bring back to Council will enable us, when we go in and do the water line work that if necessary, we can do a full road repair and when we need to we can do sanitary sewer separation for correct problems that were, we're aware of in the sewer system. We discussed at length, as a good example, the work done in the F & S homes whereby a project that was really initially meant to be funded just to do water lines really turned into a great construction. The work was necessary; the end results were beautiful. I think anyone that goes through that neighborhood can see that.

This scope will allow us, when necessary, to do those types of things. We discussed situations where they would not be available or not be necessary if we're only going to do a relining or do hydrants on the street where the Fire Chief feels we should be doing them. So it does give us some flexibility and again one thing that Council asked for and we agreed with it, very important that we revisit this plan. Our needs will change; our priorities will change. We will continue to pursue Issue 2 funds to help sub-plant these costs so we would come back to Council and with a full review and have a committee meeting to discuss those on a fairly regular basis in order to keep a viable program that basically makes sense.

President Sustarsic – Thank you very much.

Mayor Cervenik – If I may? Another advantage to having such a long-term comprehensive plan as we have I think this extends out nearly 30 years is when we go to Issue 2 they are aware of the fact that we're able to do these programs and we have the wherewith all and the financing already in place to do those programs. And it puts us in a position to receive grants and low interest or no interest loans. Many, many times the City of Euclid is, gets a call towards the end of the funding season to get one of their jobs put on the list from our contingency because another city was unable to fulfill their obligation. This will only strengthen our ability to do that and to do even more work than is called for in this plan. So it's, long-term planning is the way to go here and I think we probably got the longest term plan in northeastern Ohio right now.

Councilman Gruber – Just for a point of clarification under Section 3 where its funds to pay for this expenditure are to be derived from, should that be Peterson or is that the Benza water line fund?

Mayor Cervenik – Benza Water Line Fund.

Councilwoman Mancuso – The what? I'm sorry.

Councilman Gruber – The Benza Water Line Fund.

Councilwoman Mancuso – Benza.

President Sustarsic – Other comments, questions?

Councilwoman Mancuso – Also for a point of clarification for the audience and people that are listening as, if you did not have a chance to see the committee meeting, we did discuss it there also, that if the EPA had not mandated us to separate our lines option 3 being the most expensive from 1 and 2, I probably would have opted for Option 2. However, we really don't have a choice in this matter. We have to go with Option 3 in order to meet EPA standards, therefore, we're just not up here spending your money. You need to understand that. We did walk through it very carefully and have already been mandated to separate our lines; therefore, Option 3 is the lower of even going to Option 4. I just wanted everybody to understand that so you don't think we're up here just wielding away your money. Thank you.

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

Councilman Delaney – Now this one's to the Law Director, does this legally bind us to Benza by calling it the Benza account?

Director Frey – No sir, it's whatever name we happen to give that particular line item in the overall budget fund. We're in no obligation to, we have used Benza & Associates for some time, is my understanding; but this doesn't give some possessory interest in the fund at all. It's the City's money.

Director Gulich – Good example of that would be the East 222 Street water line project. That was one of the Benza priorities we did secure Issue 2 funding and, of course, our engineers at the time were Chagrin Valley Engineering and, of course, we were able to do a number of additional improvements with the brick pavers and other nice things you see along 222. So that, obviously, that won't be the rule if we get Issue 2 funds, there would be someone else involved.

Councilman Delaney – But it wasn't called the Chagrin Valley water line fund in the budget.

Councilman Gruber – Okay.

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

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

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

President Sustarsic – And at this particular point in time, we'll pause for, I'll give you 3 minutes  
and we'll get to change the tape. Thank you.

**Ord. 94-2005 (361-05) Council Health Care Benefits**

An ordinance modifying the compensation for members of City Council effective December 1,  
2005, by requiring monthly health care contributions and instituting co-pays. (Sponsored by  
Council President Sustarsic) (From Executive Committee with recommended for passage)

Councilman Sustarsic moved for passage; seconded by Councilman Daly.

Director Frey – As we had discussed in the Executive Committee meeting and was  
recommended for approval tonight by the full Council, the changes in the compensation  
ordinance relative to health care benefits for members of City Council would be to put Council  
members in the same category as, as all non-union members in the City's employee. And so you  
see a graduating increase in contributions for individual or family health care coverage and  
various other health care related benefits. There is a section, I should point out, that any  
administrative changes made to the non-union employee health care benefits would become part  
of the health care coverage for the members of Council. For instance, this year the City changed  
its prescription carrier. Those kind of changes would be effective. Administrative changes in  
the plan would also be effective for members of Council who participated in health care  
coverage.

So the highlighted portions of the ordinance reflect those changes that would begin with the  
new term of Council. Council and the public, Council's aware public should be aware that  
Council's benefits cannot be changed mid-term. So this legislation cannot be effective until  
December 1<sup>st</sup> of 2005, the new term of City Council and so you have a rate that's in effect for  
2006. We show the rate increase for 2007 and then finally for 2008 so that throughout the term  
of Council, this next term of Council, that information is properly before the members and any  
member of the public who chooses to run or is elected to City Council, they're aware of both  
their pay structure and the benefit structure. Be glad to answer questions, if there are any.

President Sustarsic – Thank you. If I might interject before we go to Council for any of the  
questions, the reason that I thought this somewhat of a compromise over another ordinance that  
was initially proposed indicating that there would be a cutoff of health insurance benefits for  
members of City Council and I just thought that there are circumstances for one reason or  
another, it does fall in line with what we're asking the others, non-union works; and hopefully, in  
discussion with union workers if we can utilize this in those talks. But at the same time this in  
no way demands anyone's on Council to use it. In other words, it is available as a member of  
their employment; however at the same time, if they choose not to use it, that is up to their  
discretion.

I just thought it was, again like I said, just a very viable compromise and keeping in line with  
what the Mayor has proposed for the City and for the non-union workers and I think it's doable.  
Any questions or comments from Council?

Councilwoman Hufnagle – Of course, I'm going to object to this ordinance this evening. I still  
do not agree with it. I think the Council should be giving up their health care benefits. I think  
they should have done it in the past. As of March 31<sup>st</sup>, this Council, the 6 members that take the  
health care benefits had spent over \$18,000 on health care. So at that rate by the end of the year  
we're looking at about 75,000, 74,000 on health care. So I looked at the position chart that was  
provided to us during budget meetings on all the positions available in the City and Chief

Council Minutes

June 6, 2005

Page 25

Cosgriff, if I'm reading the chart right, for \$74,000 we could have a new fireman in the City, am I correct?

Chief Cosgriff – That's correct.

Councilwoman Hufnagle – Okay, so as I've stated before, the salary that Council members receive is not enough for any one of us to live on and we have to have other means of income and we should be getting our health care benefits from those other means of income and we should be putting that \$74, 75,000 back into the budget. And if we were truly concerned about the manning levels of the Fire Department, although Chief Cosgriff, I believe your department does an excellent job. Here's one way to add a fireman to that department. Thank you.

President Sustarsic – Any other questions or comments?

Councilman Gruber – As you know, twice before I sponsored legislation to eliminate Council's health care and I, you're in a catch 2022 in this situation. If enough of us vote no, then it stays the way it is and Council gets it for free. So if enough of us vote yes, at least it'll be some consistency with other departments. It'll be a move of good faith towards City employees and it'll show the citizens of Euclid that we're willing to be responsible with our health care and pay part of the cost.

As you know, I do not take the health care from the City. It's a wonderful program and families that need it, it's a good thing; but it is a catch 2022. If enough of us vote no, then nothing changes and Council continues to receive free health care. So I will be voting reluctantly yes on this issue. Not that I approve for, this for Council but because I don't want it to stay the way it is so.

Councilman Langman – First of all, I want to thank you for offering the compromise. It was, I think, the appropriate thing to do and we did discuss quite a few options at the committee meeting. It's always difficult when you're legislating your own benefits and your own pay. It might be a good idea and I know I raised it at committee, but to set up some ad hoc committee to look at the structure of the City Council. Do you need 9 members? Do you need 7? Do you need more? What should they be paid, if anything? What benefits? I, I think that might drain some of the potential to inject politics into it and, of course, we're all politicians up here so it's a natural thing. If you set up an ad hoc committee, then you can take a look at it in a most strategic and objective way. Right now, although I will vote for Council President Sustarsic's legislation, I think that you really need to take an overall look at how things are set up. So that would be a good suggestion and if I have enough support from my colleagues, we can begin working on just such a committee. Thank you.

President Sustarsic – Thank you. Other comments or questions?

Councilwoman Hufnagle – Law Director Frey, who gives us the authority to enact this ordinance or vote on this ordinance?

Director Frey – That comes from the Charter that lays out where the, where and when the benefit levels or compensation levels for members of Council can be changed and it's specific in its timing.

Councilwoman Hufnagle – Does the Charter allow anyone else to make that decision?

Director Frey – Well, voters could certainly put a Charter amendment on...

Councilwoman Hufnagle – Okay.

Director Frey – that could alter that sure.

Councilwoman Hufnagle – So the authority at this point rests with this body to make this decision.

Director Frey – And again, you're making the decision for the next term.

Councilwoman Hufnagle – Right.

Council Minutes

June 6, 2005

Page 26

Director Frey - You're not affecting in term your compensation level. It's for the next term and whomever occupies those positions, yes.

Councilwoman Hufnagle – So we're not legislating ourselves at the moment, we're legislating the future Council.

Director Frey – That's correct.

Councilwoman Hufnagle – Okay and, and in regards to my colleague in Ward 4 there is another option. We could vote this evening to amend this ordinance, correct?

Director Frey – Yes, I'm, sure you could amend it.

Councilwoman Hufnagle – So we could amend it to say Council would give up health care benefits. So it's not necessarily an either or situation.

Director Frey – I believe that to be correct. Sure. You could amend this piece of legislation.

Councilwoman Hufnagle – Thank you.

Mayor Cervenik – It was noted that a number of suggestions were brought out. I was not at that committee meeting. Was the idea of self and spousal coverage discussed at all whereby a member of Council, if they are covered by their own employer or their spouse is covered by their own employer, that that coverage is primary and that a Council member's coverage with the City of Euclid would be secondary, which shifts a lot of the burden in cost to the private sector? It is a very, very up and coming idea in private and public sector that this be done. I, I think it would allow Council members to have coverage and yet the taxpayer's only picking up the difference. Was that discussed at all?

President Sustarsic – I, Councilman, excuse me, I mean Law Director, do you recall?

Director Frey – That is part of what's there as administrative changes made to the non-union health care benefits are also adopted for members of Council so should the City make that change in its health coverage that would apply as well to members of Council.

Mayor Cervenik – It could simply be a requirement that the existing hospitalization from each, from either the Councilperson's spousal or otherwise, their primary, City is secondary. I, I, just as an additional compromise.

President Sustarsic – Questions or comments on that?

Mayor Cervenik – I mean it's your decision I just.

President Sustarsic – Right. Are there any other questions or comments on the rest of the legislation? Okay seeing none.

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

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

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

Nay: Hufnagle

Passed.

**Ord. 95-2005 (372-05) Municipal Judge Health Care**

An ordinance modifying the compensation for the Euclid Municipal Court Judge effective January 1, 2006, by requiring monthly health care contributions and instituting co-pays. (Sponsored by Council President Sustarsic)

Councilman Sustarsic moved for passage; seconded by Councilman Gruber.

Director Frey – This is identical to the previous piece of legislation other than it applies to the Euclid Municipal Court Judge. The Judge's term commences January 1<sup>st</sup> of 2006 so there's that, I guess there's that difference. Otherwise it, it mirrors the benefit levels applied to the other non-union employees and to the members of, the elected members of Council. The Council, again, needs to make this change prior to the new term so that any candidate for that position is aware of both the salary and benefit levels that apply.

President Sustarsic – Thank you, questions or comments from Council? Okay, seeing none.

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

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

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

**Res. 96-2005 (367-05) Unpaid LOA Officer G. Miller**

A resolution approving a special unpaid leave of absence for a one-year period, through May 23, 2006, for Police Office Gregory Miller.

Councilman Gruber moved for passage; seconded by Councilman Daly.

Chief Maine – This resolution simply formalizes a provision in the collective bargaining agreement between the Fraternal Order of Police and the City. It would allow Mr. Miller to take an unpaid leave of absence for a period of one year. He's granted 3 months automatically at the discretion of the Mayor and anything longer than that has to be granted by Council. We've done this for other employees. Officer Miller is a good employee and if for some reason things didn't work out for him and he wanted to come back and there was an opening in the City, it would be in the City's best interest to rehire him.

President Sustarsic – Thank you, any questions or comments from Council? Okay, seeing none.

Councilwoman Holzheimer Gail moved to close debate; seconded by Councilwoman Hufnagle. Yeas: Unanimous.

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

**Res. 97-2005 (365-06) Euclid Creek Watershed Draft**

A resolution to endorse Euclid Creek Watershed Action Plan Draft. (Sponsored by Mayor Cervenik)

Councilman Daly moved for passage; seconded by Councilman Delaney.

Mayor Cervenik – When I first took office, I missed the very first meeting of the Euclid Watershed Committee and my Service Director came back and said, Mayor, you're now the Chairman. Like they say, if you miss a meeting, you're going to get elected. Well, it happened and I wasn't sure what was involved in it and what, what actually their goal was. Well, I found out very quickly as Dorothy Fike mentioned, their goal is a tremendous goal and that is to protect the watershed for the Euclid Creek and all its outlying waters. We have a, the employee Lynn Gritty, who is basically, she's like our director who has put together funding or requests for funding for this Euclid Watershed Plan. It's a very long range plan. It's a very, very aggressive plan that I think we're even going farther ahead than we even imagined. I'm going to ask the Service Director to explain a little bit more about it. He's been involved longer, but it's a very important part of maintaining our environment. It's extremely worthy to note, as Ms. Fike did, it is a conglomerate of various governmental organizations, cities, private organizations all pulling together to make Euclid Creek and its watershed a much better place. Director Gulich?

Director Gulich – I don't think I could say it any better than Dorothy Fike did at the opening of this meeting. I'll just mention, as the Mayor did, there are a couple of players here. Again, I want to thank Dorothy for all the help she's been to me. There's meetings I simply can't get to, activities she's involved in that I'm not able to get to and I do want to thank her for all the work she put in. We also need to thank the Friends of Euclid Creek and not only the Euclid Creek Council and who am I missing, Dorothy? Of course, Lynn Garrity, who the Mayor mentioned and again I try to keep Council informed via e-mail. Lynn is trying to communicate very well. I'm a head of the PIPE Committee. That's Public Input and Public Education. Dorothy sits on that as the community representative on that. We meet regularly and, again, it's nice to have a comprehensive plan with goals and methods for obtaining those goals something that's never existed before.

President Sustarsic – Thank you. Do we have any questions or comments from Council?

Councilman Gruber – With the majority of Euclid Creek flowing through Ward 4 I'd like to thank Dorothy Fike for taking her stewardship on this issue and I encourage my colleagues to pass this. Thank you.

President Sustarsic – Thank you very much. Any other comments? Seeing none.

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

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

Passed.

**Res. 98-2005 (376-05) Correction Officers Contract**

A resolution authorizing the Mayor of the City of Euclid to execute a contract extension between the City of Euclid and the Euclid Correction Officers Association, as exclusive bargaining agent for all Correction Officers. (Sponsored by Mayor Cervenik)

Councilman Gruber moved for passage; seconded by Councilwoman Hufnagle.

Director Frey – As you recall, this bargaining unit, the Corrections Officers, were in a bit of a turmoil as they were, had moved to de-certify their existing bargaining unit and it took some time before the State Employees Relations Board conducted the election. They de-certified at the end of last year the FOP, Ohio Labor group, as their bargaining unit and it was not until, I believe, in April that they certified the Euclid Correction Officers Association as their bargaining unit. We met with the members of the union's bargaining team and their counsel. There had been an arbitration award that provided for a 4% increase for 2006, I'm sorry, for 2005 for this bargaining unit but did not order that because at that time we had a 3-year agreement. This agreement that's before you tonight memorializes that 4% increase effective for 2005. It is the last bargaining unit to come to terms for 2005. The membership has ratified it. They are participates in the health care costs as, on an equal basis with all other union employees in the City. This merely will memorialize what the arbitrator awarded as far as a wage increase for 2005.

We will turn around and start the negotiating process for 2006 with all of the bargaining units in the next several months. So that is, the only change in this would be to the existing contract is to the name of the organization representing the members and the wage increase for 2005 at a 4% rate. Be glad to answer questions if there are any.

President Sustarsic – Are there questions or comments? Okay, seeing none.

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

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

Passed.

Councilman Sustarsic moved to go into Committee of the Whole; seconded by Councilwoman Mancuso. Yeas: Unanimous.

COMMITTEE OF THE WHOLE

President Sustarsic – Again, this is the public portion of the meeting where the audience can address the Council on any issue for the good of the City. State your name and address at the podium, please, for the record and your comments will be limited to 5 minutes. First speaker, please.

Mr. Tod Guntner – 390 East 257. I'd like to let everyone know a couple of events coming up in July. First, we are planning a car wash to benefit Pet Pals and the animals; and that will be on July 9<sup>th</sup> from 9 to 3. We also have an anniversary coming up. That will be July 23<sup>rd</sup> and we'll do that during open hours from noon to 4.

Right now recycling is running rampant in Euclid and that is a good thing. The Pet Pals paper bins are full every single week and the monthly checks are on a consistent increase. I would like to remind everyone that if you need help in any way of getting papers out of your car and into our bins we will be glad to help you. Just stop in the Shelter from 9-4 Tuesday through Saturday or you can give us a call from your cell phone in the parking lot. The number is 216-289-2057. Someone will come out and take your papers out of your car and put them in the bins for you.

I'd like to thank all of the citizens of Euclid and beyond for their help and support for what we stand for and what we do and for your continued support.

This time I'd like to change hats for just a moment. The Upson Neighborhood Association held its 2<sup>nd</sup> Annual Memorial Day Family Picnic and Food Drive. We traded hot dogs, chips and pop for non-perishable food to be donated to the Hunger Center. We had a scavenger hunt and the kids even got to make themselves S'Mores. We collected 22 bags of food and it was donated to the Hunger Center on July 1<sup>st</sup>. Thank you.

Mrs. Anne Raukar – East 272<sup>nd</sup> St. About the recall of Mayor Cervenik, he should resign and save the City \$40,000; but again, it's too much to expect from a person who thought nothing of bulldozing \$380,000 to the ground.

In 1997 Bill Cervenik was Council President. He passed a new ordinance on downspouts, redundant to the one passed in 1970. This new ordinance had a hidden agenda. No self-respecting person would consider, let alone enforce. It has an office memo or something to that effect. No corrections are to be made on the garage downspout at 252 East 272<sup>nd</sup> St. This excess water caused serious damage to the foundation of my well-built little house and structural damage to a new addition. I was ignored and insulted by two City workers and bullied and needled by the Housing Manager, who was told by Mayor Oyaski make sure that Mrs. Raukar knows that the only reason you are there because of Langman's letter. The Mayor was apprehensive outsiders would find out about this cheap, sleazy and shameful problem they created for me instead of making the roofer live up to the 1970 ordinance.

As no lawyer would take my case, I took the roofer and my neighbor to Euclid Municipal Small Claims Court. There the roofer committed perjury causing the Magistrate to lose control of his well planned hearing in favor of the roofer.

President Sustarsic – Mrs. Raukar, Mrs. Raukar, excuse me, if you don't have something new to offer or if you don't have something more constructive to offer other than to speak against the Administration, I'll have to rule you out of order.

Mrs. Raukar – The hearing ended in a very questionable manner. The Magistrate could have nullified the hearing...

President Sustarsic – Mrs. Raukar, Mrs. Raukar, please sit down.

Mrs. Raukar - ...but he chose to go out on the limb for the benefit of the roofer. A week after the hearing I received a letter from the Magistrate...

President Sustarsic – Mr. Nagy, could you have her sit down, please.

Mrs. Raukar - ...stating that I was over the 2-year statute of limitations and negligence on my part. I lost the case. Even though I never got a chance to present my side of the story, which is unfair.

Sgt.-at-Arms Nagy – Mr. Sustarsic has said that you have to leave.

Council Minutes

June 6, 2005

Page 30

Mrs. Raukar – What did I do wrong?

Sgt.-at-Arms Nagy – You ask him and he will tell you. You listen to him. He'll tell you.

Mrs. Raukar – The acoustics, I can hear back there but the acoustics here make it difficult for me.

Sgt.-at-Arms Nagy – Well, if you ask him now, he'll tell you.

President Sustarsic – I know, I know.

Mrs. Raukar – If he could come down here and explain what I did wrong.

President Sustarsic – Well, M'am, what it is, if you could bring up something new in your argument at the same time what I don't agree with and what's been said in the past to just take off on people...

Mrs. Raukar – I'm still not getting it and it's not fair to me not to be able to present the dirty things my constitutional rights were taken from me. Even then the Magistrate went out on a limb and accepted perjury.

President Sustarsic – Okay, Mrs. Raukar, please, if you could take your seat please.

Mrs. Raukar – If I could only get a lawyer, I'd ...

President Sustarsic – You'll have to take that up with an attorney.

Mrs. Raukar – No lawyer wanted to take this case.

Councilman Langman – Anne, Anne, they won't let you speak so.

Mrs. Raukar – Well, I'll leave, but it's unfair and you did get most of my story. My husband was in World War II and my neighbors worked for the Nazis. My husband was overseas and you did that...

President Sustarsic – Mrs. Raukar, please. Next speaker, please.

Mrs. Raukar - ...to a service man and then you go in a parade...

Councilman Langman – Don't get yourself upset.

Mrs. Raukar - ...and think that you are holier than thou.

President Sustarsic – Next speaker, please.

Mrs. Raukar – No, I'm going to go home because I want to watch the rest of it on TV.

Mr. Matt Sarver – 26550 Shoreview. Councilman Gruber, at the last Council meeting you made what I feel to be a flawed comparison between the photographs which appear on the EAC literature, which I have a copy of here. I believe you were referring to these photographs here and the photograph of the three firemen that appeared recently on the Mayor's flyer, which I'm sure you're familiar with. This comparison is flawed from the word go. Simply because you failed to compare apples to apples. You suggested that the EAC photographs were, as you put it, stock shots. You asked is this the church building we're going to get here in Euclid. At this point in the timeline and with the project in litigation, I don't think either one of us can say at this point for sure what type of building, if any, will actually be constructed there. But if past performance is any indication, I would have to answer your question by saying more than likely the difference between the EAC literature and the Mayor's literature is simply at substantial. The EAC photographs show actual buildings, past projects of American Church Builders whereas the Mayor's photograph of the firemen is, as you put it, a stock shot.

If someone wanted to, they could drive to Oakwood Village or to East 147<sup>th</sup> and see the buildings which appear in the photographs, the EAC photographs. However, one can visit any fire station in Euclid and not see any of these individuals in this piece here. And by the way

Council Minutes

June 6, 2005

Page 31

since you brought it up in reference to the proposed building, I chanced upon a January 29<sup>th</sup>, 2004 Sun Journal clipping in which you stated and I quote if they try and build a corrugated metal church, I would lay in front of the bulldozer to make sure that doesn't happen. That would be unacceptable. And my question to you tonight is do you stand by your comments? Thank you.

President Sustarsic – Mr. Gruber, would you care to comment?

Councilman Gruber – Yes, I do.

President Sustarsic – Next speaker, please.

Mrs. Susan McGinn – 141 Sunnyclyff Dr. I'd first like to start off with the positive. I'd like to thank Council for passing the garage sale ordinance tonight and Councilman Langman for the proposal of the moratorium, until our zoning laws are reviewed. Also to Council President Sustarsic for showing us that he is willing to compromise with his proposal for the Council people's health care.

Now for the negative, with all due respect and for the good of the city, I was greatly troubled by a letter printed in last week's Euclid Sun Journal. The writer, a city employee, hired by the Mayor, expressed concern over the recall and the state of Euclid politics. What troubles me is the fact that this writer, along with other city employees, political cronies and/or family members that come to the Mayor's defense believe they can be impartial and without bias. If these good people were able to objectively look at the circumstances and how we have come to this unfortunate moment in Euclid politics, they just might be able to distinguish the true cause of the division among us.

Not to be trivial but I must review past almost two years. Yes, an election occurred and Bill Cervenik won. Myself, as well as many other voters were disappointed with the results. But, the movement of the past 18 months had its separate and very own catalyst, the Hillandale project. As questions and concerns regarding Hillandale were expressed here in Council chambers, they were met with disdain, arrogance and insults by the Mayor and some of his allies. This became a pattern of behavior on any and almost all future issues. Certainly those opposing the Mayor's plans for Hillandale, the Briardale Greens Golf Course, employee health care benefits, CCA, or the budget, became incited by the response they received. In addition, exclusion of some of our council representatives who did not fall in line with the role of a yes man, added insult to injury to many residents.

Individual names were shouted out by the Mayor at a January 2004 meeting. The Mayor and some of his allies referred to the opposition as racist, angry, snakes, evil, to be crushed, negative, confrontational, obstructionist. Just last week in the Sun Journal, the Mayor maliciously referred to Council Langman as ignorant and a racist.

If you disagree with the Mayor or some Council members, you risk being called names, possible personal attacks, or you may even receive a citation on your property as some of us have. In addition, the aforementioned letter talked about the past 30 years of Euclid politics. Well look around you folks, we've become a city of rental properties, dollar stores and churches. Why should we settle? Why should we just have more of the same or worse? Aren't we tired of party dominance, self-serving politicians and personal agendas? Why can't we ask for openness and accountability; checks and balances; freedom of civil liberties and our voices to be heard without fear of retaliation? How about the simple truth rather than edited videos and misleading literature? If those who choose to govern cannot accept challenge, criticism and dissent, they should not be left to lead the people. Thank you.

Mrs. Del Tekieli – 5 East 221 St. On behalf of the Shore Cultural Centre Board of Trustees, I want to thank the citizens of Euclid for their wonderful show of support at the Memorial Day Parade. We appreciated the cheers, the applause and the shouts. Those of us working alongside, or those of us riding in the trolley felt the love and support from the community. Thank you so much.

I also wanted to thank the two ladies who came up to us in the parking lot as we waited for the parade to begin to ask us how to make a donation to Shore. That's what I'm here to do. The Board is making progress on our proposal and we're very enthusiastic about it. We are also raising funds. Several months ago there was a tsunami in the, and I'm not sure that I pronounced that right, in Thailand and other Asian countries and we all donated and we donated from the heart. Well the Shore Cultural Centre is facing its own tsunami. We are raising funds to renovate and protect this community treasure and downtown Euclid's economic anchor. Shore Cultural Centre is a 501c3, a non-profit organization and your tax deductible donation made

payable to the Shore Cultural Centre Corporation would be very, very welcome. You could send it to 291 E. 222 Street, 44123. You will also receive a free membership card.

On a personal note, I believe that preserving the Shore Cultural Centre is one of the top issues facing this community. Right up there with education, safety and job creation. I thank you very much. I would also like to say that decorum and good manners and courteousness are very, very crucial when you come up to this podium. Nobody deserves to be torn down, torn up. People that are elected are here to serve the community and I don't think they deserve to be beat up on a weekly basis. Thank you.

Mr. Joe Udovic – 21371 Naumann. Obviously since I've been gone, I've been missing a lot. Ms. Will, I do have some questions for you. First of all you have a very lovely outfit on, is that from Nordstrom's in Beachwood? I was up there some time ago and they have something similar to what you are wearing up there.

President Sustarsic – Mr. Udovic

Mr. Udovic – I'm paying her a compliment.

President Sustarsic – If you could refrain and get to the point of what you're speaking.

Mr. Udovic – Okay. I noticed the Memorial Park pavilion has been demolished. Why was it demolished? What were the structural defects present that could not be repaired? What studies and did the contractor perform or what were the opinions or findings of the contractor based on the pavilion? Who performed the studies? Or who inspected this pavilion at Memorial Park? What was the total cost of demolition? Yesterday I was at the Willow Park pavilion in Ward 3. I noticed that there was graffiti, cracks in the concrete, and some of the main support beams had some type of footer problems. What is the structural safety of this pavilion? Shall this pavilion get the much needed attention it deserves or will this be, such as a fresh coat of paint or some new concrete? Or will this pavilion also be demolished.

While at Willow Park, I also noticed that a circuit breaker box was obviously vandalized, there is no lock on it no more, shall this be repaired before someone vandalizes the junction box or gets electrocuted? I know we had an accident some time ago at a pool in Euclid and I do not want to see another accident happen in one of our parks. That is the last thing we need is an electrocution and another law suit in our community.

Miss Hufnagle, I do have a question for you. I know a lot of times you do have legal documents or council minutes and council reports on you. There was an article in the Observer that appeared, do you have a copy of the Ohio Revised Code 124.57? Is it possible that you could read it and do you agree with what was said in the Observer? I would very much appreciate it.

Council President Sustarsic, I do have a quick question for you please. Sometime ago there was a Resolution put on that Council was supporting the Mayor's recall effort. If the Mayor is to be recalled, would you be assuming the role of Mayor? Obviously there is a conflict of interest because you have something to gain from this position if he does get to be recalled. So if its possible, if you have a couple of minutes, I would like to have an answer to that question as well. Thank you, have a good evening.

President Sustarsic – I think I can address that in Councilmen's Comments. Next speaker please.

Mr. Eric Heinemeyer – 21751 Priday Ave. I'm here because of a little bit of a conversation that I had with Mr. Delaney last week, or after the last council meeting, about my views on Euclid Housing. I thought I would present those views.

Euclid housing has 94%, of Euclid Housing is less than \$150,000 in value. There is 34% of all housing units in Euclid have 4 rooms or less. In those counts, you count, living rooms, kitchens, bedrooms and other rooms the sort, you do not count bathrooms. Euclid has a number of homes that the County rates as below average in maintenance.

I would like to have the City of Euclid encourage redevelopment of these properties. Not rehabilitation. Rehabilitation will still leave the houses in the same price range that we currently offer while if we redevelop the properties we can get a much nicer house built on the property. The benefits of redevelopment for our citizens are nicer neighborhoods, property values will go up and the homeowners actually get a form of tax benefit because of the fact that the reduction in their taxes because of the fact that the new homes would have much higher tax values and thereby they would end up paying a much larger share of the already voted on taxes.

The benefits to the city are, a stronger tax base, fewer social problems, complaints because you are eliminating the properties that are at the bottom rung of the city's housing market. And you are putting them at the top of the city's housing market. There would be an increase in fees collected by the Building Dept. There would also be an improvement of the demographics of the City of Euclid because people with larger incomes can afford homes at larger values. You can't buy a home if you don't have the income necessary to support the mortgage and the payments.

The things that prevent the city from having this happen without incentives is that a developer has to purchase a property, we'll say \$75,000 for a home. The land is \$20,000 in value. The house is the other \$55,000. Then they have to demolish the house, add those costs in and the cost of the new home. It very much shrinks their profit margin to the point where its not worth it for a developer to build, to redevelop a piece of property rather than to create a new housing development elsewhere.

What I think that the City should do is have a series of incentives for developers that we will pay their cost of demolition of these houses that I'll call them the bottom 5% of the City of Euclid's housing. Also to create a reward system based on the value of the home that is going up in its place. Like if the developer puts in a \$200,000 home,

President Sustarsic – Excuse me sir, your time is up. Your 5 minutes is up.

Mayor Cervenik – You can provide the rest of your figures and reports to me, we'll be happy to take a good look at that.

President Sustarsic – As well as the Housing and Building Dept., put them on board too. Next speaker please.

Mrs. Bernie Walsh – 651 E. 266, Euclid, Ohio 44132. I really think 99% of my speaking tonight is not only for the good of the city, the good of the county, the good of every student and every family member. I want to promote again at this Council Meeting and the final one, the Spirit of America program which does have free tickets for September 23 and 24. Since the last time I promoted it here, I have generated 1500 tickets going out to school children. There's a beautiful brochure, there are citizens that have contacted me at work. I would like to repeat the number so that you could call me, or if you know a teacher for September 23 or 24 that would like their tickets, I have three whole entire schools going and I think that's marvelous. This is the performance by the Active Military people. It's not to promote militarism, it's to promote the History of America. I think you're going to really, really enjoy it. Again, the paratroopers coming out of the ceiling of the Gund Area just amazed me. I do have a few of the promotional cd's. I do not have enough to go to each council member or I would have gave you one. If you would like to take one and share, please call me at 216-623-7461. God Bless America, it is just a fabulous, fabulous show.

I'm glad you resolved your issue on your garage sales and now I wish you would give some thinking especially as you go into the fall, let's take care of the garbage sitting out because if the garage sales are imperfect, the early garbage setting out is imperfect too.

I am having a garage sale on June 18<sup>th</sup>. I don't know if I'm obeying all the rules. I might do it on the 17<sup>th</sup> if I take a vacation day to do it, but they are a lot of work. It will just be one Saturday and from my understanding it has to be in my backyard with my dog.

I take it as a honor to stand here and an honor to promote good news or differences of opinion. I hate no one, I despise no one. I might have a difference of opinion. I do want to say something to Chief Maine because it has troubled me terribly for two weeks. Chief Maine, whether we have a difference of opinion or not, there is no way that I disrespect you or the other Chief, and I would never, never consider any law enforcement, any law enforcement person dumb, stupid or ignorant. I trust you. I trust you with my life. I feel compelled to say this because when you said do you think I'm dumb, if that's the message you got, I truthfully from the bottom of my heart am sorry that that's what you did. Because if you're sitting on 260<sup>th</sup> when I get off and I got to slow down a little bit and I get a little scared that I'm going 41 and it says 35, I totally respect every man in uniform or every woman in uniform for taking care of my life at a moment's call. If that's what you got from anything I ever said, I totally apologize. I don't think you're dumb. As a matter of fact, I think you're quite a handsome man and there are several people out here who have heard me say that.

Finally, I have no idea why Nordstrom came up, but I got this at Value City, bargain price. There you go and may you all have a good two weeks and for the good of the city, God Bless each and every one of you.

Mr. Victor Goodman – 20201 Glen Russ Lane. How do you top that? In trying to educate myself, in trying to be a better person, I sometimes feel that you must step away as I've learned in any situation in life, sometimes you can't see the chaos within the house. So you have to be the one standing outside the house looking through the window to see what's going on.

So on May 19<sup>th</sup>, I read in the newspaper someone who has no interest in what happens in Euclid politics. For the record, I would like to read that in. Two things are troubling about the upcoming July 12<sup>th</sup> recall vote on Mayor Bill Cervenik. First the July 12<sup>th</sup> date is bad. Second City Council President Gerald Sustarsic should have abstained from voting on that and the Resolution of Support for Cervenik, because Sustarsic could succeed Cervenik on July 12<sup>th</sup>.

Regarding the date, it is simply too late. The votes from July 12<sup>th</sup> election won't be certified until at least July 22<sup>nd</sup>, fewer than 120 days before the November 8<sup>th</sup> election. According to the Cuyahoga County Elections Board Rules, that timing throws the Mayoral seat to someone on city council if Cervenik is recalled. Had Council held the election on July 12, say, not on July 12, but let's say June 28<sup>th</sup> or July 5<sup>th</sup>, voters could possibly have had, depending on how long it takes the Board to Certify the results, put in a new Mayor for a 4 year term, had Cervenik lost. But the July 12<sup>th</sup> recall guarantees the status quo. Either Cervenik or one of his supporters on Council. We doubt if this is what the recall driven Euclid Awareness Recall Committee had in mind when it circulated its petitions to get Cervenik out of City Hall.

Council could have scheduled the election earlier, but the majority supports Cervenik, so they did not. Sustarsic, I'm sorry, I lost my place here. Law Director Christopher Frey, a Cervenik appointee, said he recommended the July 12<sup>th</sup> date to give Cervenik ample time to campaign for his job and Frey's too question mark?

That moves us onto Sustarsic's vote on all of this. According to the City Charter if Cervenik loses, Sustarsic has the right of first refusal of the Mayor's job. That's why Sustarsic should have stayed away from it period. Along with that Sustarsic and his colleagues should have skipped the Resolution of Support that they approved on May 2<sup>nd</sup> on Cervenik's behalf. Individual council members have every right to back Cervenik, donate to his keep the job campaign, post lawn signs, write letters to the Editor and speak in favor of him at civic events. They can even stand outside polling places on July 12<sup>th</sup>. If they like the way he's running the city, that's what they should do but as individuals, not as a collective body.

For Council to indulge in a 30 minute plus minutes of wrangling over the legislation and its technicalities is a waste of time. Especially since it was done on a night in which the Council meeting went over four hours. This isn't an issue that affects health and welfare of the city, its politics. Council members don't pass resolutions supporting each other during elections, enough said. This person has nothing to gain and yet much to think about. Thank you.

Mr. Dan Hrovath – 90 E. 200<sup>th</sup> St. I never thought that I would be coming up to this podium, but I guess here I am. Because of certain circumstances over the last week or so, I find myself here offering my support to the Mayor and his administration. In my opinion the City of Euclid and the facts support this, is in better shape now to deal with the financial problems than when Mayor Cervenik took over. He has done what he has said he would do if he was elected.

Some people elude to the Hillandale issue as having their right to vote taken from them. When in fact the right of the property owners were going to be taken away from them. I'm not sure but doesn't our Constitution state somewhere that we cannot vote to take away or infringe the rights of others. I have friends on the other side of the recall issue. I respect their right to disagree with me and I'm sure that they do. But what I don't respect and what I won't tolerate is someone anonymously calling my daughter on the phone, cursing her, using vulgar language and calling her stupid because she chose to express her opinion in a letter to the local newspaper.

The recall is a serious issue, one that should not be taken lightly. I see no reason to vote for the recall. Innuendos and half-truths are not facts. The Mayor has done nothing ethically wrong and hasn't broken any laws. So let's not tarnish Euclid's image any further. Let's work together using our God-given talents to make Euclid a better place to live. Let's not blacken the other eye of the face of Euclid by recalling our Mayor because someone doesn't like him, or think that he's arrogant. Remember self-confidence is not arrogance. Thank you.

Mrs. Pearlitha Taylor – 1485 E. 193 Street. I have a little cold here, but I'm here tonight to thank the City of Euclid for the grant of \$200 that each homeowners association received. Well the Heritage Park Homeowners Association decided to try to beautify our area by buying plants and distributing them to each person that attend a meeting. We also decided to beautify Euclid Ave., a street that's named after this city and a street that has been neglected for many, many years.

I also would like to thank the people who came out to help the Heritage Park Association with beautifying our area. We placed plants, actually we did landscaping. My hands are killing me tonight from all the work we had to do and it was people from both sides of town, south-side

and north-side. It was black and it was white, we was working together, trying to make a better Euclid. A lot of people can stand up here and say that this city is in better shape, but I can say it's not because they Heritage Park area has been neglected. But before I go on, I would like to thank Rose Cleveland, John Conway and his son J.J, Barbara Davis, Dave Griesmer, Sue McGinn, Karen Murray, Vince and Penny Riha, Joe Udovic, Karen Balridge and her son and also Victor Goodman. These people came out and we worked hard in the sun to try to beautify our area.

But we are so afraid in our area that this area is going to be forgotten in Euclid as it has been in the past. I will tell anyone out there listening tonight that people do not make a ghetto, the city officials create ghetto when they forget certain neighborhoods and they forget things that need to be done. We finally was able to get a fence repairs, but we had to wait until it was an election year. By having a fence repaired, they only repair one, we still have two places that need repairing. We asked for new fencing but we got second hand. Everyone can stand up and say they haven't been getting good services, but I can actually say for the Heritage Park area we have problems.

We also have a store that's been built on 193rd, next to a playground, which is from a person that promised that they would not do anything to jeopardize our neighborhood. But these things are being done. It look like a ghetto store. I feel like it is. I am shamed that the city and the people that's up here representing the city are allowing these things to happen. But they are happening because people are not living in the city. They are not facing the things that we have to face. They are not going through the problems. On E. 193<sup>rd</sup> Street, which is one of the busiest streets, I can say a residential area is in. We live across from Indian Hills apartment building. Last week I called and I asked about having a no parking sign put up on my street because we have fire trucks, emergency vehicles, RTA buses, we have so many residents that live in Indian Hills apartment and they we have the guests parking in front of the resident home. We are trying to beautify our area, not tear it down. Yet I received a letter saying the Chief of Police see no reason that we should have that because they have taken a survey. But what day did you come? Maybe the ambulance wasn't at Indian Hills apartment. Maybe the Fire Dept. wasn't there. Maybe the RTA bus wasn't running. Maybe the medical supply person wasn't delivering medicine that day. But we have a serious problem. We have a playground that is so outdated, it is in such bad shape and when I ride around and I look at other playground, they are up to date. So you the people of our city that was voted to represent us, you are the ones that causing our city to fall down. Thank you.

Mrs. Rebecca Conway – 291 E. 276 St. Tonight I would like to congratulate Councilwoman Ms. Mancuso on her very prestigious award from Cleveland State University this past weekend. I've read Ms. Mancuso's accomplished biography and was very impressed with her vast education and professional position she's held and continues to hold at MetroHealth. Thank you for the many lives you are instrumental in saving daily. Also thank you for explaining earlier this evening why the city must spend the money per the EPA for waterlines. This is was financial accountability is all about so thank you.

Lastly we've heard a lot the last couple of meetings and tonight in lieu of the garage sales and foreclosed homes have come up because of the grass cutting and so forth. When I'm driving around the city I've noticed and I could be wrong, but maybe its where I'm driving, but it seems that Ward 3 has more foreclosed homes than other wards. I was just wondering Ms. Hufnagle if you could maybe elaborate why you or the residents get into this situation and what we can do to lower the foreclosure or what we can start doing as a city. Is it just predatory lending, or economics or what? Thank you.

Mrs. Madeline Scarniench – 1511 E. 221. Item #4 on the agenda, this is great that we are going to have a two-year moratorium. My question is, now that council has passed a Resolution to spend the \$40,000 to review the Planning & Zoning books, when will that take place? That can be answered after.

#11, the Benza Fund. I did not get to come to the meeting so I would like to know how much more money this is going to cost us. I know each year our bills went up in increments. Is that part of this? Is there going to be a change that no one has told us about?

#14, this doesn't necessarily, well it does. The Police Officer who will be leaving, do you get to hire someone to replace him for the time that he is gone, or does this allow us to be one police officer short?

#16, the Correction Officers, will they get the retroactive pay or does that start now? Do they get the 4% back to January?

Couple other things, I would like to thank Boy Scout Troop 367 for inviting me to a meeting two weeks ago. They had the fortunate pleasure to meet the gentleman who runs the

programs out of the Natural History Museum and he came and he gave a talk all about the Brush Richmond Road property. It was wonderful to hear that my house at one time actually was under water. It was a great program, Councilman Gruber was there. Councilman Daly was there and Chris Frey the Law Director was there. We learned a lot of things, it was kind of neat, so thanks to Troop 367.

On the news today, it sounded funny because when Mr. Petkovic brought up about people who said that they didn't own the property, that is exactly what they said on the news today. The County's books are not up-to-date and they are actually finding people's names on property that don't own the property any more. So when somebody tells you that, they may actually be telling you the truth.

The last thing is I would like to thank Jeff for a nice article that he wrote about my neighbor. It was very hard to watch what went on that day. All of our people in this city, the Police Dept., the Fire Dept., the Service Dept., everybody who was there, showed a lot of respect and decorum for what they had to do. I thank you all for the job that you did because it was all very well done. Jeff you did an nice article and I thank you for that.

Mr. Ron Emser – 26501 Farrington Ave. I think it is so wonderful that so much of the city administration is here in attendance here and their families. It is really wonderful that Rev. Maiden of Providence Baptist Church proclaims that he wants to be a good Euclid neighbor though. But you have to ask yourself, why would he sue his potential neighbors to be? After his contractor Paul Taylor of American Church Builders gave confusing and contradictory presentations on the project, the citizens of Euclid exercised the right of zoning referendum. The Rev. Maiden knew this was part of Euclid's zoning process. Instead of working to address those concerns, the Church sued the City. Clearly this was to intimidate the voters of Euclid, not a very neighborly act. Now the Rev. Maiden has time to come out and talk to Euclid folks. Back in the fall, before the Referendum, when a member of the city's Law Dept. and Mayor Cervenik accused all Hillandale opponents of racism, the Rev. Maiden said nothing, he missed an opportunity to make a true difference in Euclid.

Then on Fox 8, TV program, Rev. Maiden compared his plight to the Old Testament, Israelites. He compared the people of Euclid to the Jebucites and called them the enemy. We're the enemy. Just as Israel had come in to take it's Promised Land from the enemy, so too will Providence Baptist. And yet the real issue surrounding Hillandale has nothing to do with the caliber of Rev. Maiden, or what kind of folks the Church members are. The only way to judge the project is based on its economic merits. New housing subdivisions do not generally pay for themselves. They don't generate enough revenue to pay for the municipal services provided. Of the \$400,000 of the new Hillandale taxes, the City of Euclid's share is only \$67,000, far short of a fireman's salary. That 67 k to pay for the upkeep of all the new roads, of providing police, fire protection and senior services, etc. Every Euclid taxpayer will have to contribute to the services provided for Hillandale making the city budget problems worse.

Euclid's goal should be to encourage development that brings in more money. That's what it costs in municipal and school services. On this count, the only one that counts, Hillandale is bad economic development.

Want everybody to give a long hard look at what you're going to do on July 12<sup>th</sup> and please vote no.

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

#### **COUNCILMEN'S COMMENTS**

President Sustarsic – First I'd like to start off tonight by saying that we did accomplish things tonight. We got a car wash and a dog wash because it is a new concept. I look forward to any new business coming into the city. Garage sales, we've gotten resolved. We're going to be cutting grass and weeds at a higher price, but at the same time to make the city more aesthetically pleasing and go after those mortgage holders that don't have the responsibility of taking care of property that they buy. As Hank said, it's 80 degrees so it is time to talk about the snow plow program. We've got that done. As far as infrastructure improvements, we'll improve Euclid on that part of the city that we don't see, out of sight, out of mind, underground, which is much needed.

It was brought up before and it's brought up time and again that many people thought that because of circumstances with the upcoming Recall Election that when it came to legislation and picking a date and stuff for the election, that I should have abstained because I stand to benefit directly to it. I'm sure when our fathers and grandparents wrote the City Charter back in the early 1950's first of all they probably didn't realize or have an inkling that Mr. Cervenik would be Mayor, nor did they know that I would be Council President. In that they did write that the

logical succession of in fact the Mayor were to be defeated would be the Council President. If not, he would step down, then any other Council member could assume the position of the presidency and then ultimately assume the Mayor-ship.

As far as my interpretation would go, to say that I have a conflict of interest by voting for that, I would say that any member of this city council has a conflict of interest by voting for that. Because of the fact and due to circumstances, if the council president does not require, or desire rather, to assume the position of Mayor, again it goes onto the rest of council.

I would just like to state for the record, and to Mr. Udovic in particular, to brush up on the city charter and to read the process that does go on and the fact being that again, every member of Council has just as much an opportunity should the circumstances present themselves that they would be involved with taking over for the Mayor.

That being said, I would like to tag along with Kathy Will and with beautiful summer days, all of the recreational facilities that you've heard we have, all of the programs that we have to offer for all the children of all ages, please take advantage of that. I would appreciate you paying attention to the speaker as the speaker has the floor thank you.

Last but not least, I would like to remember that 41 years ago today began the invasion of Europe for the freedom of Europe and for all people throughout the world. The true heroes were those that never came back. Their the ones, as my father said, are underneath the white crosses overseas. But at the same time, what they did, what their sacrifice meant was a stronger country and to bring us all together and to work for the best interest of everyone, not just for particular, small, politically orientated groups.

At this particular point in time I would just ask you again to remember those individuals that gave their lives to make this a better country. We have two weeks to go until the last meeting and then we'll have summer break. You'll be seeing a lot of us at your doorsteps, at various festivities, because it is the campaign season. We look to be successful and continue to work with the Mayor and to move this city forward. Thank you.

Councilman Daly – I would like to first start off by thanking the Boy Scouts Troop 367 for inviting me to their May meeting. And when the discussions on the Euclid Woods that are ongoing with the Cleveland Natural History Museum get farther along, we will hold a committee meeting. As I promised, I will invite you to that meeting.

I would like to also thank and congratulate Bob Holmes and Tom Sloat. A national qualifier was held at Briardale Golf Course over the weekend. Players from all over northeastern Ohio were there. It was due to the quality of the course that it was chosen. It brought a lot of outsiders into Euclid. I would like to thank Kathy Will and her department for allowing me to commentate the first Euclid baseball game that was televised. If the kids had as much fun as I did, I don't know if that could be possible. So thanks to them.

I would like to let people know that if you're not doing anything on June 18<sup>th</sup>, the Viking Basketball Golf Outing will be held at Briardale Greens Golf Course. It's the 6<sup>th</sup> Annual. You can call the school and talk to Coach Wojciechowski. I think it is close to being sold out though.

One observation, if you're watching these meetings, you tend to hear a lot of negative things that might be happening here in the City. All you need to do is get out, go to Forest Park, go to St. Christine's, see some of these youth games that are going on. Go to the Ice Show when it is at C.E. Orr. Show up at the Memorial Day Parade or the 4<sup>th</sup> of July fireworks display. Go to Memorial Pool. Go to the Golf course. There are a number a great things happening, its summertime. The local paper had a very nice article on K&D's five year project is finally coming to fruition. Sales of the condos are already going on. There's a lot of things to be positive about in this city and I think outsiders are seeing it better than we are. Hopefully more and more people will take advantage of all the things that we have in the city.

I would like to end by wishing my Father a Happy Father's Day as it comes up. Thank you.

Councilman Delaney – I would like to once again congratulate Charlene Mancuso on this year's Cleveland State Distinguish Alumnus. I was fortunate enough to attend it and you never cease to amaze me. You are a very, very, impressive individual.

My thanks to American Legion Post 343, they chaired the Memorial Day Parade. It is a wonderful, wonderful event. Our three ceremonies are very important that go on before that. It is not just the parade but the graveside ceremonies that the Euclid Cemetery, St. Paul's Cemetery and our Monument, erected by the World War II Euclid Veterans. But one thing to keep in mind is a very important invasion of Euclid. That was Euclid's 75<sup>th</sup> Memorial Day parade. We can always be proud of our community for all the years that they've shouldered in and thanked the Veterans. I believe it was the American Legion Post that was the charge of the very first Memorial Day Parade here.

A couple of comments. I, too, look forward to the Irish Festival every year. I try to get to it as much as I can. One of the things that I thought of as I passed the banners, to you Director Will, is the Rec Dept. pursuing once again looking into putting on the Euclid Community Festival. You did recommend to the Mayor. The Mayor did recommend canceling the festival. I think that we had a lot of great things in the last year that we had it at Sims Park. There were a lot of good ideas that are there on file. I think our Euclid Festival went 27 years. Over that time, there were good times and bad times for the city as well. I think that a city of our size, it is something that we should be able to provide to our citizens. The Irish Fest does offer that one day to Euclid residents for free, but our festival was for everybody. Excuse me, I'm falling off a little bit here.

It would certainly be something we could look forward to for next summer. Maybe something smaller, but I would like to see the Rec Dept. put that back in as a priority and hopefully bring it back to Sims Park. That was a delightful affair and this day just kind of reminds me of the successful festivals we used to have. Thank you. If you want to address it, I think that would be great.

Director Will – The Parks & Recreation Department has been involved in the Euclid Festival for many, many years. Obvious reasons for the last two years, budget constraints, but more so because of the few amount of staff that we have. We love it, it's a great time. If I could get a group to come in and volunteer and offer their services to help promote it and volunteer the time and give us a way to finance it, I would love to bring that back. I would be more than willing to talk to anybody about bringing that back again, it was great for the city. I know we've been working with the Irish Festival and fortunately they're able to have the Euclid Appreciation Night. But any group out there that wants to sit down and meet with me and come up with some ideas, I'd be more than happy to sit down and talk to you. Thank you.

Councilman Gruber – Director Pietravoia, I don't want to put you on the spot here. We had a previous speaker that said that we were going to receive \$67,000 in the Hillandale development. That would just be the property tax I take it, that we get 12 cents on every dollar. That doesn't include the income tax that would be generated from those homes?

Director Pietravoia – Actually I do have some figures with me that we estimated the project would generate. The figure that was discussed earlier was actually the income taxes of the residences, of the homes in that development. The total \$67,000 was the estimate of the income taxes. The total that would be generated with real property taxes and income taxes was approximately \$120,000-\$156,000 a year, combined.

Councilman Gruber – And then a question on the store on E. 193<sup>rd</sup> St. This was just a developing issue. Is that zoned for that type of activity?

Director Pietravoia – The property next to the playground that Ms. Taylor was referring to is zoned for retail. A store would be permitted in that spaces as long as they have adequate parking and meet all our other requirements. We have no formal proposal from the owner at this point in time. Although I know she has put forms into pour a new driveway and to pave the parking area behind the building as required by our code. I would imagine she is doing that because she does have some intention to try to get a use in that building in the future.

Councilman Gruber – I'd also like to thank Unique Landscaping on Euclid Ave. for doing the entranceway into Euclid Ave. He does that free of charge. He does a wonderful job over there, that would be Dennis Strnad at Unique on Euclid Ave. Euclid Avenue business that takes time to do the entrance-ways over there.

A couple of the other issues that came up. The no parking signs on 193<sup>rd</sup>, the age of the playground. I must have not got those calls from the President of the Association. So if there are issues that you'd like to communicate, Ms. Taylor, I'm sure you know my phone number and I'd be glad to work with you on the no parking issue. The playground, Ms. Will, can you give us some information on the playground. Is that older than most playgrounds, about the same?

Director Will – Actually it is right in the middle. We have some other playgrounds that have older properties, or older fixtures on them. One item with the E. 193 St. playground is there had been some vandalism that had taken place. We had a slide on the facility that had been vandalized three different times. We did just order it again. It has been down for the wintertime. Again, cost \$800 each time to repair it. It will be coming up. They actually have a nice swing in

that area that adults can sit in. I'd be glad to come over and meet Ms. Taylor over there and review all that with you.

Councilman Gruber – I would be glad to do that with you. Maybe it is time to take a review over there. We did do the Hero Park and we have that park on 193<sup>rd</sup>. We have the basketball PAL program over there. I'd be glad to do that with you.

The fence at the end of 193<sup>rd</sup>, I'd like to thank Director Gulich for getting that done. I know that wasn't our property and it's truly an issue, but you've just got it done and I appreciate that. When the workers were there I asked them, it was 2:30 in the afternoon, I said how long do you think before there is a hole cut in the fence? He said about 3:30. That's probably pretty close. That's what happened behind Indian Hills School, we kept fixing the fence and fixing the fence, but sooner or later they'll find a way around it. But we'll monitor that.

Also I'd like to mention the recycling issue in Euclid. I've probably got more calls on recycling than almost anything else since that's been over with. We maybe need to take a step back and look at revamping that entire program. The outpouring, the environmental consciousness of the people in the City of Euclid is overwhelming. I think we may need to look at providing some type of that service curbside again and I'll be talking to the Mayor about that.

Finally, closing, on Memorial Day, Tom Walker was our featured speaker, Capt. Tom Walker from the United States Marine Corps. Mr. Walker grew up three doors down from me, I've known him since he was practically born. Even as a young man he was a fine example for others. When I first saw him, it's been several years since he's really been around here, I didn't even recognize him. Once I did, I was just astonished and very proud of what Euclid has produced. Anybody who saw that key-note speaker, you should all be very proud and very glad that the City of Euclid provides wonderful individuals like that, for service for this country and service to the United States in general. Tom Walker, God Bless You and Godspeed. Thank you.

Councilwoman Holzheimer Gail – I also wanted to acknowledge and thank John Burkhart who coordinated the Memorial Day Parade and Chuck Hill who was the Committee Chairman and served as the MC through all of the programs. And really thank the volunteers, the veterans' groups, the community groups who participated. Of course all the residents who came out. It was a wonderful parade. I did also want to acknowledge Capt. Walker. It really was a very moving speech. He really showed and he is a graduate of Euclid High School, went through the ROTC program. We are very lucky to have that program here and it really produces some wonderful young men and women. We should, as Councilman Gruber said, be very proud of him. I wanted to be sure to acknowledge and thank all of those people.

Just a quick acknowledgement, Memorial School just graduated their FAST families. I was unable to attend the graduation. I was hoping to, but I wanted to thank the families and the volunteers and the teachers who participated in that. They go above and beyond the extra, putting in time so that their families can succeed, their students can succeed and the schools can help them raise better students. I wanted to acknowledge the hard work that they all put in.

Director Pietravoia, there was a question asked earlier about the zoning review. Could you give us an update on where we are with the zoning review, both from the used car lot perspective but also particularly from the religious institution side?

Director Pietravoia – I'm working with Director Frey. As a team we're going to be preparing and RFP to solicit proposals for a consultant that will help us to redo our zoning code. We expect to be working on that over the summer months. I would anticipate that given that we want to overhaul the entire code, we're probably going to be looking at a 4-6 month period for that consultant to complete that work.

I have been asked by Council and I believe Director Frey is aware of this as well, that Council would like to see the proposal and understand what we're asking for before its actually issued. We'd be happy to work with Council on that. We will be approaching this as a team. In that vain, I would like to ask Director Frey if he could comment on the religious aspect of the current code and what we're doing.

Director Frey – I received a follow up call the Justice Department last week inquiring about that very thing, status of getting a consultant on board. I provided the information to her that Director Pietravoia has indicated tonight. I am sending, in fact drafted it today, a letter to the attorney at the Justice Department detailing that and also indicating what either zoning changes or Use District exceptions have been sought by religious institutions in the past year and the results of those, either the approval process at Planning & Zoning and ultimately with Council. Or, in the one instance where a zoning change was denied, and the matter did not proceed to City

Council Minutes

June 6, 2005

Page 40

Council. I am providing that updated information to the Justice Department as part of their inquiry.

Councilwoman Holzheimer Gail – There were a number of questions tonight about housing related things, starting with foreclosures and grass cutting and nuisance abatement. We were at a neighborhood meeting not too long ago, Euclid Trio. The Police Chief came and Kristal Skovira, Office Steve. In addition to some other things that came up, we talked about some of the nuisance abatement activities and have spoken with the Mayor and Law Director and are we progressing in looking at some additional nuisance abatement legislation?

Mayor Cervenik – We are looking at various different nuisance abatement programs whereby landlords would actually be charged for the time of certain city personnel, if they are continually being called to that home. What that does is put the emphasis on the landlord that they need to rent intelligently, they need to do background checks. It works in a number of other cities. As Housing Manager, Mr. Petkovic stated earlier, we have been meeting quite often with other members of the First Suburbs Consortium.

On the foreclosures, there was a meeting, I think it was last week at the Commissioner's Office, Commissioner Hagan is going to take the forefront in finding ways to streamline the process of getting a home back on the market that's been foreclosed. There's a lot of different issues. There's probably no two foreclosures that are exactly the same. There was a question asked about foreclosures in Ward 3. I think it is pretty wide-spread throughout the community. Are they mostly from predatory lenders? Quite a few of them are. Those are the most difficult to solve because what happens with predatory lending is the predator takes \$8,000-\$9,000 or more in fees, rolls it into the mortgage and then that person sells that mortgage to another unsuspecting bank. They've already got a loss to begin with and they're just not in a hurry to take a larger loss. There are some things that the County feels they can do with the auction, the sales and releasing liens and with the court system as well. Being a member of the First Suburbs Consortium and using the power of many is being to pay some dividends. We fully expect in September or October to have legislation in front of you for nuisance abatement.

Councilwoman Holzheimer Gail – The housing issues are a very common issue that we hear from people. I will remind everybody that we several years back had started the Vision 20/20 group and one of their focus areas was housing and they did a lot of research. Citizens were very active and it might be just something like this that may, perhaps we can bring them back, help reform a citizens group to look specifically at housing. Perhaps provide not only look at what our issues are which is what Vision 20/20 did, but how can we address them over the next 5-10 years, long term. It is something that we might want to think about. They could and I'm sure a number of residents could provide us with some guidance and help do some of the research and work that needs to be done. We do have experts in a lot of fields living in our community. Just finally there ....

President Sustarsic – Excuse me, your 5 minutes is going towards 6.

Councilwoman Holzheimer Gail – Sorry. Madeline Scarniench had asked about the rates for that we had passed earlier so I just wanted to make sure we get that information to her and the public. Thank you.

Councilwoman Hufnagle – I apologize for being late tonight to the meeting so I missed the beginning part. Mr. Mayor, this press release that you gave me last week, did you cover that in your opening comments?

Mayor Cervenik – No, I didn't.

Councilwoman Hufnagle – last Thursday you handed in a press release that did not go out by the city, it went out by this company Alan R. Daus & Associates. I would just like to read briefly. Neil Sawicki, Vice President of NAI Alan R. Daus & Associates announced the sale of 137,000 square foot manufacturing/distribution center building on East 200<sup>th</sup> Street in Euclid. He stated, Mayor Bill Cervenik and his economic development team worked closely with us to facilitate completion of this transaction. The Mayor's desire to bring new business to Euclid is evident by his involvement with these deals and also with the positive business climate in Euclid. I would just like to commend you and Mr. Pietravoia and your department on that. That was very nice to get last week.

Chief Cosgriff, your department is to be commended for handling the Lumber Company fire. You sent us out an e-mail the next day with a website Firefighters Magazine with an article the next day that had been written up on it. You should be very proud of your department, I know that you are. I'm very proud of them. They did a wonderful job handling that fire and I think that they again proved that they are very capable of handling any catastrophe. I commend your department and that is all I have this evening.

Councilman Langman – I was a very moving Memorial Day. When you listen to the various speakers, including Capt. Walker, you realize that the men and women who have served in our Armed Forces that lost their life really fought so that we could engage in a civil discourse. That's the bedrock of our system of government. For the resident who spoke earlier about the vulgar and crude comments that either you or your daughter received, that is plain and simple wrong. And it doesn't matter what side of the issue that you support, that simply has no business in our system of government. It really doesn't.

That's why its perplexing to me that the Mayor has resorted to calling me names in the Sun Journal. Now that's simply a reflection on your character. But that doesn't change the facts that I presented at the last meeting. Mr. Meister is an employee of your Law Department. He serves at your pleasure. When he accused any and all opponents of Hillandale of being racists, I took offense to that. So I spoke that evening, clearly, that I felt that that type of accusation is a very serious one. One that should not be made lightly. Great care should be taken if you're going to accuse somebody of something like that. Mr. Meister didn't do that.

That evening the Mayor chose to say nothing. In subsequent news reports, in two separate publications, the Mayor's views were almost identical to Mr. Meister's. That bothered me so I did write to the Mayor. We had an e-mail dialogue and I asked him, say what you really feel. Speak to the higher angels that are in the community. That would go a great distance in unifying the committee. Unfortunately, as is the Mayor's habit, he simply ignored me.

I don't see how, Mayor, that you profess to want to work together and unify the community, when in fact, you agreed in essence with Brian Meister's comments. I don't see how the citizens that he rolled up in one obnoxious category, that of being racist, are going to rally around your leadership. It doesn't make a lot of sense to me. But if look at the issue honestly and clearly Mayor, you made the choice to polarize the issue. You made a choice to divide the community because you wanted the Hillandale Referendum vote to go your way.

We've seen that on all the major issues. On Shore, CCA, the golf course clubhouse, the budget, health care, this polarization that you seem to engage in. In fact, my colleagues, Councilwoman Mancuso and Councilman Delaney, you don't have the courtesy to respond to us, you simply call us names. So this recall that we're going through doesn't lie with Mr. Gudenas or the Conways or anybody else, it lies with the actions of the Mayor and you've done that to the detriment of yourself and the city. Thank you Mr. Chairman.

Councilwoman Mancuso – First of all I'd like to thank everybody out there who has been very supportive of myself and my family over the last couple of weeks. We've had a pretty difficult time. Thank you. If I haven't seen you personally, thank you publicly.

To get back on track, the budget that we have received through the first quarter, for Director Johnson, and I'll ask all my questions and you can respond at the end. We have a budget that we received of the general funds through March 2005. I'm not aware that we've had any meetings about that since, even though we were told at previous meetings we were going to. At this point in time I would like to request once again to have now April and May's figures, not just for the general budget, but if we could also have our income tax collection, budget and receipts through May. If I could also get, and it doesn't have to be for just me, I think it should be for all of Council, where we are and what funds we have left in some of our other accounts such as our capital project funds, general improvement, recreation capital, sidewalk and also some of our special revenue funds. So we can see we're now 6 months into the year and we really haven't even discussed our first quarter.

In going through the budget that I had hoped to present a couple of weeks ago and couldn't be here, I had some questions on some of the things that I was looking through. First of all I would like to see where we are in our ambulance charge collections versus actual charges probably through April, May is probably a little to soon because we're early in June. For the Police budget, I noticed that we're at 59% of our overtime already and I don't remember and I maybe wrong if there was anything special that created that 59% to the end of March. That was a little concerning and I just couldn't come up with any big thing we had going on that would do that. So questions to that.

I also would like to know, I know we got a snapshot of what we had seen as far as how we're tracking with our female prisoners and going elsewhere now to be housed. If we could see

something more specific that would actually help us and I think it will help some other communities, how we're putting together travel time, manpower, time we wait, processing, actual fees we're being charged by the other communities. So we can actually see what this cost is versus some of the other options that not just us but other cities are going through.

I also, like my colleague Councilman Gruber, am very interested in our recycling and what the cost benefit actually is of recycling and not recycling and recycling options that we took. Because I really think we have to re-think that somehow. I'm not sure it was probably as cost effective as we thought it might be when we first started it. Both from an economic point and from the people who live here.

Those are some of my questions. If you need to have a finance committee before we break for the summer, I'm fine with that. I'm not on the committee, I wasn't sure there was a committee while I've been gone. But I think for the first six months of the year, we need to know where we are at before we go in and start looking at a budget for the following year. With that I will close with responses from the administration.

Chief Maine – If I could answer specific questions about the police budget. As I mentioned when we presented our budget back last fall, our overtime budget, I assume you're talking specifically about the police overtime. That was about \$600,000. About \$260,000 of that right off the top came out of the annual comp-time buy out which is part of the collective bargaining agreement. That's why that figure is so high.

Councilwoman Mancuso – And it hits this part of the year? It usually hits this time of year?

Chief Maine – It hits at the end of January, first of February. That figure is going to be enlarged from the beginning. We track that every month and we're pretty much on budget for the rest of the year. We should be pretty close to that figure at the end of the year unless something unfortunate happens.

As far as the corrections center, to this point, I don't have exact figures, but I know that we've spent somewhere in the area of \$20,000 to house females at other facilities. We've had essentially no overtime to do that. We've done all the transportation with on-duty personnel. So strictly for out of pocket expenses, its been somewhere in the area of \$20,000. If you need something more than that, why don't you e-mail me some specific questions, I'll be glad to try to research it for the next meeting. I encourage anybody, anytime they have questions about the budget, to please feel free to give me a call or give me an e-mail.

Director Johnson – To Ms. Mancuso's question, I would be happy to provide any level of information that Council desires. At the end of March you did request information and I did send to Council 70 page document, that had 50 pages of expenditures and 20 pages on the revenue side. It included the status of income tax collections. I never received one comment, one question, but I'd be more than happy to provide that information. I was not real sure if that was the level of information that you were seeking. Obviously if you want to view all of the funds, it is probably going to be a couple hundred pages, but if that's what you want, I'd be glad to do that. I'm not real sure exactly what you want. Because like I said, I never got one response, one comment, one question or anything from the information that I past out a couple of months ago.

Mayor Cervenik – Mr. Chairman, if you would, it's up to council when you want to conduct a Finance Committee meeting. That's really not up to myself nor the administration. We only ask that we have a little bit of time to prepare and we ask as Director Johnson said that we get questions ahead of time. Ask the questions at a council meeting when you had them a week ago, really isn't conducive to getting answers. But we will get those answers. But it is a lot easier if we know ahead of time so that we can get you the proper information. Your in adjournment in two weeks, so if you want to schedule a Finance Committee Meeting, a week from Wednesday, I don't know if that is open for your schedule, I'd be happy to have one, if you feel its needed, if you feel its needed.

President Sustarsic – We definitely will get back to you and definitely we'll need.

Councilman T. Sustarsic – I'd just like to say thank you to the Joint Veterans Council which was led by the American Legion this year with our parade. It was fantastic. Great to be with all the veterans. These are the men and women, they gave their all for this country, they came back and they built this community. To that, I am truly grateful. It is wonderful to spend a day with them and support and thank them every day.

I've had the chance to be over at Briardale the last couple of weeks and progress at the clubhouse, it looks fantastic. If anybody hasn't seen it yet, I urge anybody to go over there and check it out. It is really something to be proud of.

I would like to wish a happy belated birthday to my good friend Frank Ilcin, I think he's 29 years old. I'd also like to wish everybody a Happy Father's Day, especially my Dad, so Happy Father's Day. With that I'll adjourn.

President Sustarsic – Before that, we have a couple of things from the administration. Chief Maine.

Chief Maine – I would just like the opportunity to respond to Mrs. Scarniench's question about Officer Miller. His leave of absence will reduce the manpower level to 95, actually 94. We have an officer who has been on medical disability for quite some time. I would also like to take this opportunity to say that Chief Cosgriff and I are working with the Civil Service Commission to get a new test, hopefully in preparation for anticipated retirements for the first part of next year. We shall be hiring I believe budget permitting.

Mayor Cervenik – Ms. Scarniench also asked if the contracts were retroactive to the first of the year. Yes they will be. We anticipated that in our budget process so those raises will be retroactive. We've covered the foreclosures. I think we answered all her questions. If we didn't let me know.

I'd like to take a second to respond. You know someone came up and took the Chief's words literally, do you think I'm stupid. It's an expression. Your ignorance never fails to amaze me, is an expression on the issue at hand. Mr. Meister is an employee of the city. That doesn't give him a reason not to have an opinion. Furthermore, it's a personnel matter. As I explained publicly that we did reprimand Mr. Meister. That's all I can say in public about Mr. Meister from this time on. Do I agree with Mr. Meister's opinion, no I don't. But do I agree, as everyone in this room does, that Mr. Meister should have the ability to express his opinion without retribution. I think the answer also is yes. Thank you.

#### **ADJOURNMENT**

Councilman T. Sustarsic moved to adjourn. Councilman Daly seconded. Yeas: Unanimous.

Attest:

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Clerk of Council

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President of Council