

Mayor Cervenik presented Resolution 100-2005 to Ashley Allen, an outstanding Euclid teen for her acts of charity and philanthropy.

Mayor Cervenik – We have a few other announcements. As you know the 4th of July is right around the corner. There will be a fireworks show as normal in Memorial Park. The show will start at dusk. I've been told its going to be a spectacular display of pyrotechnics and I ask that you have cook-outs in your yard all day long and enjoy the beautiful weather that I promise we're going to have and then show up at Memorial Park at dusk. It is really going to be a phenomenal weekend, or holiday. Our city is known for their fireworks display and we will promise not to disappoint you on the 4th of July.

We're also holding our annual Charity Golf Outing, June 28th at Briardale Greens Golf Course. All the proceeds this year will go to the Police Athletic League, the Rose Mary Center, Euclid Hospital Emergency Room and the Euclid Senior Programs. If you would like to play, be a hole sponsor or just donate a door prize for these charities, please call my office at 289-2751.

Briardale Greens Clubhouse, we are going to hold an Open House on Saturday, July 9th from 10:00-Noon and Sunday, July 10th from 2:00-4:00. The Clubhouse is not completely finished, but what we're trying to do is let people see just what their going to have towards the end of July when its open and we're trying to spark some interest in what's going on there. You will be able to walk through and see what a great facility it is. We will have some hot dogs and hamburgers cooked on the pavilion and a lot of other goodies as well. The Grand Opening should be scheduled close to the end of July, but we're inviting you to be there on July 9th and July 10th.

Our switchboard, I don't know many of you have been trying to call, we've been having a little problem with our main switchboard, in fact the phones went out today at about 4:30 and 5:00 we did get them turned back on. We have ordered the parts to fix this technical difficulty. If your call is dropped when you call here, believe me it is not on purpose. Please call back and we hope to have this problem solved before the end of the week. We appreciate your cooperation during this time.

Also coming soon Northern Ohio Live Magazine is doing a special insert on the City of Euclid. That should be coming out in the first week of July. It has been paid for virtually by the advertisers in the program. It contains a lot of good news about the City of Euclid. I believe they will be mailing to each and every household in Euclid, as well as thousands of households outside of the Euclid area. It is very important that the administration and Council and you the residents, get the word out that Euclid is a great place to live.

Tonight Council has received copies of the Developer's agreement, or about to receive copies of the Developer's agreement for the Harbor Town Project. I'm going to request that even though you are adjourning tonight, recessing tonight for the summer, I am requesting that we hold a Special Council Meeting, next Monday, June 28th at 7 PM to hopefully have Council approve this Developer's Agreement, so that the project can get underway through the summer recess. We thought it would be best to present to you, we really just finished most of the agreement this afternoon and we would like Council to have some time to review it before we act on it. Director Pietravoia will talk a little bit more about that in his presentations. We would like you to reconvene Council for that Special Council Meeting.

Director Johnson, you had an announcement or two?

Director Johnson – Yes, several Council meetings ago, Councilman Tony Sustarsic questioned the status of property taxes that the City had been paying on city owned property. I thought this would be of some interest to the public that we have been working on insuring that those applications for property taxes, tax exemptions were being executed. We recently had two more properties on that list that were exempted, that's the property that is the communications tower behind the Police station building and the Roosevelt Pool property.

We have filed applications for refunds for taxes that have been paid on those properties. We're still waiting for exemptions on the Fire Station #2 property, but in the meantime, I've stopped paying those taxes and that should leave only the properties that are being held for redevelopment, and we don't expect that those would be exempted because they are being held for redevelopment.

In 2003, we paid \$110,000 on property taxes and this year we expect that should come down to \$38,300. It is a substantial drop and we are working on trying to eliminate this whole bill.

I'm also pleased to announce just last week we received refunds in the amount of \$7,760 for the properties that were granted exemptions and we filed the refunds for. So we have received some of the funds back and we will continue to pursue that.

Chief Maine – A couple of announcements and then a couple of special presentations. I wanted to announce that on Friday, June 24th, in conjunction with Project Child Safe, the Euclid Police Dept. and the Community Policing Unit will be conducting a gun-lock give-away at the east-end mini-station from 3:00-5:00 pm. For those who wish to secure their firearm, please stop by, I believe there will be somewhere in the area of 500 free gun locks will be given away.

On July 1st, Friday, to try and make sure that everybody has a safe holiday weekend, the Police Dept. will be conducting a sobriety check-point. We don't announce the site of the check-point until the day before. It is just to encourage everyone to please behave and act in a responsible way. That we all come home to our loved ones through the weekend.

Finally, I would like to announce that tomorrow is the Special Olympics Torch Run for the Special Olympians. This is the annual fund raiser that the Police Dept., actually across the country, as well as the State of Ohio, does for the special Olympians. There will be a 6 mile leg through the City of Euclid starting at the Euclid/Wickliffe city lines. On Euclid Ave. it will go to Babbitt Road; Babbitt Road to Shore Center around to Lake Shore, back down 222 to Euclid Ave. to Green Light Shopping Center where the torch will be past off to the Cleveland Police Dept. If you hear sirens and see people running in the middle of the street, it is not because of something bad going on, it is because something good is going on. I still have plenty of room on my sponsor sheet if someone feels like sponsoring for a donation for the Special Olympics.

Chief Maine and Mayor Cervenik presented Calvin Milligan with a Citizen Award for his heroic acts on May 12, 2005.

Chief Maine swore in three new auxiliary officers: Kenneth Borgman, David Olszewski and Charles Ritz.

Director Pietravoia – As the Mayor mentioned earlier we have for you this evening our Sgt.-at-Arms is passing it out, the Development Agreement for the Harbor Town project. We wanted to give Council an opportunity to have some time to review the document. I'm going to suggest to you that if you have some questions or comments after you have had an opportunity to look through it that you call me directly, I'll be happy to answer any questions. This is really another exciting moment in the history of this project. This is the document that will make this project along the lakefront a reality.

I have prepared for you, since it is a fairly lengthy document, the first few pages is a summary of the document itself that gives all the highlights of the items that we've negotiated. You'll recall in March we passed the ordinance that established the tax increment financing district that will help to finance the project. Since that time we've been negotiating, the Mayor's been involved, the Law Director, myself, the Finance Director, our legal consultant Calfee Halter and our financial consultant the Patco Group, in helping to craft this document along with the developer himself and his team and his attorney. We're really very pleased to present this tonight and we'd really like to see this project break ground at the end of this summer. Council can help make that a reality if we're able to hold this special meeting the Mayor mentioned and go forward with adoption of this document, so thank you.

Director Gulich – You all know what a great fireworks show we're going to have on the 4th of July, something we're not going to have on the 4th of July is trash pick-up. So please keep that in mind that entire week trash will be picked up a day later than usual. Thank you.

President Sustarsic – If I may, the request that was made earlier for the meeting on the 28th, I believe it is the 27th which is Monday. I don't know if you wanted it on that Tuesday or if you want on the Monday.

Mayor Cervenik – Monday, June 27th.

REPORTS & COMMITTEE MINUTES

Councilwoman Holzheimer Gail moved to receive the Animal Shelter Report May 2005; Service Committee Minutes of June 1, 2005; Board of Control Minutes of 05/31/05; 06/06/05. Councilwoman Mancuso seconded. Yeas: Unanimous.

Councilman Gruber moved to waive the 24 hour notice and place on the Agenda Res. (392-05). Councilman Sustarsic seconded. Roll Call: Yeas: Unanimous.

COMMITTEE OF THE WHOLE

Councilwoman Holzheimer Gail moved to go into the Committee of the Whole for Legislative Matters Only. Councilman Langman seconded. Yeas: Unanimous.

Mrs. Madeline Scarniench – 1511 E. 221 St. Speaking on Item #1 & #4. I hope all of Council unanimously pass both of these. Item #1 has been a long time in coming. Maybe a different owner, but the plan has been there for quite awhile and I'm glad to see that it is finally going to take place. This property has been vacant for so long and no its going to be taken care of and the front is going to look beautiful again. I can't wait for it to happen.

Item #4, absolutely ecstatic that this is on the agenda. The worst part of our city happens to be between St. Clair and Tungsten Road on E. 222nd St. I know this fall we're going to be doing major work over there and this is a beginning because I think it looks so trashy. It looks like we're in a slum, that whole area and I'm glad to see that one of the businesses is actually starting to do some work before the City has to go after them, so I hope everyone will support this also. Thank you.

Mr. Tod Guntner – 390 E. 257. I'm asking for everyone's support tonight on Res. (391-05), the resolution to appoint Pat Barnes as the newest Euclid Animal Shelter Commission and Petpals member. Thank you.

Ms. Kandy Jones – 27040 Tungsten. I have a couple of questions on Item #3 regarding the Willow Arms/Tungsten Road circle. What area, and maybe you can answer this when you get to the resolution, what area does it cover? Does it cover the whole circle area? Is it also going to include repaving of the street? In that area we've had several water main breaks over the passed several years and I wanted to know if that's going to cover the repaving of the streets, is it also going to include fixing up the sewers or whatever has to be done to prepare that so we don't get any more water main breaks.

The other question I have is how will the traffic be re-routed during this construction if it has to be re-routed during that time. What is the time-frame that we're talking about to do all of this? My last question is, what is the amount of the proposed construction? Do you want to answer them now?

President Sustarsic – I believe we'll go into it extensively when we cove it. Next speaker please?

Mr. Vince Riha – 1515 E. 195 St. I'd like to start off by saying I'm in favor of #1. That ought to be enough to get it into Committee along with witlessly terrace. But I was in favor of it in 1999, 2001 and 2003, which coincidentally were election years. Seems that this project only gets trotted out at election time.

First time, and it was all the same owner by the way. It is not anything new, it is the same people involved from day one, but the second time it was brought to our attention that this project would not go through because the construction inside the building would not support this. I don't know what's changed at this point. As I say, I hope to see it go through.

I question the timing of this and I was told it was serendipitous. I wouldn't put serendipitous and politicians in the same book. I think it needs to be looked at. I also brought up the question about how it would look next to the double-wide. I was told that the double-wide probably wouldn't happen because they were offered space in this building. Does that mean the west-end mini-station has been put on hold again?

As far as the beautification project, how's it going to look with the U-Haul's parked out front? Has that been addressed? I think this project needs some serious investigation before it goes, if it goes. Then there's always been the question about the gas line, that I had a discussion with the East Ohio Gas Company and Mr. Ken Roberts at the time, the management people. There's a high pressured gas line that runs north from Euclid Ave. right through the area. The owner seems to think that there would be no problem in building over this. I think these are all questions that need to be addressed. Thank you.

Councilman Sustarsic moved to rise and report. Councilwoman Holzheimer Gail seconded. Yeas: Unanimous.

LEGISLATION

Res. 102-2005 (390-05) UDE 20001 Euclid Ave.

A resolution granting a Use District Exception & Special Use Permit, pursuant to Chapter 1375 of the Planning & Zoning Code of the Codified Ordinances of the City of Euclid, to Rachel Layton of Euclid Realty, LLC, for property located at 20001 Euclid Avenue (P.P. #646-25-001), to allow a U-5 (Commercial) use in a U-8 (Office Building) Use District and a Special Use Permit for a self-storage facility. (Sponsored by Planning & Zoning Commission)

Councilman Gruber moved for passage, Councilman Daly seconded.

Commissioner Torowski – As Mr. Riha indicated, this applicant first applied for a Use District Exception and a Special Use for the self-storage facility at this address in June, 1999. At that time, both Planning & Zoning Commission and City Council reviewed and approved the Use District Exception and Special Permit. Issues on the applicants part resulted in the project not going forward. According to Section 1375.03 of the Codified Ordinances, any Use District Exception confirmed by Council that is abandoned for more than six months shall cease and the zoning of the property shall automatically revert back to its previous zoning. Because of the inactivity of the property since 1999, the UDE and special use permit were void.

The applicants again contacted us a few months back and wished to proceed with the self-storage facility. The proposed self-storage facility will be divided into two phases. The first phase will be the renovation of the existing administration building on the property. Renovations would include security system, two elevators and 457 climate controlled storage units. Besides signage, no exterior modifications to the building will occur.

Phase II will include the construction of 142 non-climate controlled single story storage units in varying sizes. This is planned for the west-side of the property. With that, Planning & Zoning Commission approved the Use District Exception and Special Use Permit to Council unanimously. Mr. Lieberman and Mr. Larry Jordan are in the audience and have a presentation for you.

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

Mr. Larry Jordan – For the applicant, I'm Larry Jordan, I'm with Mike Carter Construction, Inc. 1201 9th Ave. W in Bradenton, FL. We are a design firm that specializes in the design and construction of self-storage facilities, been in business for about 30 years and during that 30 years we've constructed self-storage facilities from Miami to New Hampshire and from Raleigh, NC to Hawaii. We believe that we qualify as expert on the design and construction of self-storage facilities.

As Mr. Torowski said, we propose a development in two phases on the site at 2001 Euclid Ave. I'll not add to his presentation, but I'd like to address some of the questions that Mr. Riha had raised when he addressed you. The construction of the existing building, it was constructed as an office building and in warehousing there are two weight limitations that we deal with. A 250 pound per square foot live load for general warehousing and a 125 pound per square foot for self-storage which is light warehousing. And he is correct when he says that the building is not constructed to those limitations, to those loads. However, being a design bill firm, we've come up with a solution and that is to redesign the supporting laminated beams in the building by lolly-

collars. Providing that the project is approved here this evening, we will be submitting very shortly to the Building Dept. complete construction plans for that renovation, phase one of the three story building.

In reference to the double-wide trailer, I note that this was approved for a parcel of land just to the west on Euclid Ave. some weeks ago. This was not approved on the parcel in question, this is a separate parcel. However, the owners of this project have maintained they are more than willing to accommodate space for an auxiliary police office.

U-Haul trucks being parked out front, there is no plan to park any type of trucking out front. The current plans for the renovations of this building call for cutting the umbilical that connects this office building with the larger square foot warehouse building. It will create complete circulation around the back of the existing three story building. We will add two elevators in that general location to this three story building. There will be a loading lobby on that rear side of the building. All trucks and all transactions will be parked and take place to the rear of the building. The only activities that will take place on the front side of the building will be people accessing the administrative office for the facility itself, which you will still enter from the existing front entrance of that building.

Reference to the gas main. There is a gas main that runs from a gas pumping house across the lot and services the larger building. Again, this can be addressed by design. It would become an issue when we enter into Phase Two of the project, which will be the construction of the 26,000 sq. ft. of one story buildings. However, this can be dealt with by providing an easement through where those buildings are to be constructed and not interfering with that gas main. I think there's a simple solution to the question of the gas main.

I have here with me this evening Mr. Barry Lieberman. I'll be glad to answer any questions as it pertains to design or construction. Mr. Lieberman will be happy to answer any questions pertaining to operations.

Councilman Delaney – You don't seem to be so certain about the gas line. You said you think there could be a simple solution through design idea. What kind of guarantees can you give us tonight?

Mr. Jordan – I don't mean to equivocate, so let me be unequivocal. There are absolutely engineering resolutions for that gas line and we will incorporate those. Our intention is to provide an easement through the proposed construction area insuring that the gas main is free, if you will, from any construction.

Councilman Gruber – If these are the types of projects that come up on election year, I wish every year was an election year. About a year and a half ago I was looking for the property owner to cut the bushes, trim the weeds and take care of the property and through someone in our Economic Development Dept. I found the local property manager and the local property manager put me in touch with Mr. Lieberman in Connecticut. Shortly after that Mr. Lieberman flew into Cleveland. We met, we looked at the property, looked all over Euclid at other properties. He was very impressed with the City of Euclid. I took him immediately to the Economic Development Director's office. They've been in contact now for about a year and half. This project has been coming to a head and I'm glad that they are here tonight, the building is a dinosaur. The building has been empty for 15-18 years. It is going to turn the lights back on. This is the type of adaptive re-use that we're looking for in the City just like we did with the old fire station, just like we did at several other buildings on Euclid Ave. This is a major project with a major investment in that part of the community and I look forward in working with Mr. Lieberman and Mr. Jordan as well. I thank you and welcome you both and I'm sure my colleagues may have other questions, but I'm telling you, I've worked with these guys for a year and a half and they really came through with everything. As did, I'm sure Director Pietravoia, you've had a lot of close contact with them including the wrong number of phone calls to Alabama, that was interesting.

Councilwoman Holzheimer Gail – I don't know if I heard correctly, but I thought I heard Mr. Torowski say that other than signage, there wouldn't be any major improvements to the exterior, but by the picture it looks like there certainly will be some improvements. Could you talk about what's going to happen to the exterior of the building?

Mr. Jordan – The rendering before you depicts what we have planned. There are no major modifications scheduled for the building at this time. We are going to clean the exterior brick. We are going to treat the window openings and essentially that's it for the exterior of the building. As you see there is a sign that is going to be placed over the entranceway, or we're proposing to place over the entranceway. There are three additional signs that we are proposing for the property, the seven acre property: one on the southeast corner; one center of mass along Euclid Ave.; the third sign will be placed in the vicinity of the new one story buildings when they are constructed. As far as remodeling the exterior of the building, that is not part of the plan.

Councilwoman Holzheimer Gail – But you did say that it will be cleaned up. Do you have plans to landscape it?

Mr. Jordan – Yes, we do have landscaping plans that will be presented with the complete package when we submit that.

Councilwoman Holzheimer Gail – Everything will be approved by ARB? Thank you.

Councilman T. Sustarsic – How long do you hope to operate?

Mr. Jordan – The plan right now is to have the first phase completed and open for operations by March 1, 2006.

Councilman Delaney- I don't know who best is to address this, but it was brought up that this plan had come forward in 1999, 2001 and 2003. What were the problems then that caused the six month time limit to

Mr. Jordan – I'd like to defer that to Mr. Lieberman.

Mr. Lieberman – I live at 38 Langner Lane in Western Connecticut. Before I begin my response to your specific question, I just want to tell you how proud I am to be here, to witness what you folks did tonight for obviously wonderful baseball coach. I happen to coach Babe Ruth Baseball for the last 15 years. It is a wonderful smile to my face and well done. I'm going to bring this back to my neighborhood and community and offer it as an example. Well done everyone.

This project was a project that occurred to me back in 1999. I brought in a couple of finance companies to help finance this project then. We intended to proceed, brought a plan before your city which was approved. Went so far as to submit our construction plans to the building department and actually began the demolition work. My partners in the project failed to carry out the rest of their financing. That is just the plain truth of it.

One of the problems in getting financing at that time was because the building which was owned by a gentleman named Stuart Lichter, in connection with the greater plan behind it for the plant and the redevelopment of that plant, could not be segregated and separated and sold to us independently. Therefore we entered into a ground lease for the building or an intended ground lease for the building and it was almost impossible to get financing of the construction and long term mortgage on this project with a ground lease instead of ownership of the building to offer to the bankers as collateral. As a result, the company brought in to help me finance the project was unable to get that financing and that is why the project was discontinued.

We have a different scenario now. I have always maintained a desire to build this project here in Euclid. It is a perfect location for us and have engaged Mr. Stu Lichter this time as a partner in the project. We already own the building. Subject to the lot split, the building will serve as collateral for the financing and Stu has brought in financing for the project behind it. We will have no troubles at all to complete this project. It has been a passion of mine for about 6 years, to build this project in this place, in this community. I really request your approval and agreement with it. It will be a wonderful project.

Councilman Delaney – Mr. Lieberman, how many in this storage facility, how many employees will you be bringing in? Between two and four on a regular basis. Thank you very much for coming into our community. I do have some questions as to why this has

come about so soon, but to make it happen it has been quite a great deal of effort on your part, thanks.

Mr. Lieberman – Where I come from, we don't like to give up. Thank you.

Councilman Langman – Director Pietravoia, could you tell us what taxes we're currently reaping, both city and schools and what we hope to gain by approving this project?

Director Pietravoia – We hadn't actually calculated the taxes on this particular project, but I can tell you as it stands now, it is just the value of a shell of a building that's been vacant, as Councilman Gruber pointed out, for approximately 15-18 years. Mr. Lieberman, I don't think gave a dollar value this evening, but they are going to be making a substantial investment in improving the building, particularly the interior improvements to turn it into a storage facility. We expect the value of the overall property to improve as a result of that.

I did want to comment also that Mr. Lieberman as Councilman Gruber indicated, we've had discussions about the past year and he's an expert in this field just like any other business sector, there are experts in their field. He has done substantial research on market demographics here and the demand for this type of facility. I don't think he mentioned it this evening, Mr. Lieberman, but you gave us some pretty compelling figures at the Planning & Zoning meeting that you might want to mention this evening on the market demand for this type of facility.

Mr. Lieberman – Self-storage throughout the country has a general rule of thumb of approximately 5 sq. ft. of self-storage use per capita. That is within your market trading area, which extends typically 2 to 4 miles from the facility. In this neighborhood, within 3 miles of this facility, are over 123,000 people and almost 190,000 people within 4 miles. If you do the arithmetic, just within a 3 mile circle, 120,000 times 5, seven hundred some odd thousand square feet of storage potential use. This building will be 77,000 sq. ft. gross and 56,000 sq. ft. of self-storage use. It should be a no-brainer.

The community is also served by other storage facilities that impact on this area. The closest is about a mile away and it is essentially full. There are two others that also spread between a mile and a half and three. Those are reasonably full and have always been full. They have lasted for many years, I'm speaking about U-Stor-It, I'm speaking about Uncle Bob's, I'm speaking about another U-Stor-It. There is a new facility about two miles away, a little further north in a community. I was a little concerned that might impact on our market. However it is doing extremely well and has been opened for approximately a year and a half by now I think, time goes by. I don't think it will have any significant impact on us at all in terms of business use that it.

The other thing about ours compared to the others is that I think we've got one of the most beautiful buildings I've seen. As a self-storage unit, I hope you like our design from the self-storage building. It is virtually the same building as it is except cleaned and improved and signs added. It lends itself perfectly for our use. It has a big circular drive. It has at least, I want to say close to 20,000 cars per day that pass by Euclid Ave. It is a main thoroughfare that heads into downtown Cleveland. It will be known in the community almost immediately, just by its sheer presence alone. In terms of business use for use it will be one of our flagships.

Councilman Gruber – Mr. Lieberman, you forgot to mention that you're climate controlled, that's different than most of them.

Mr. Lieberman – That's our little secret weapon. The building will be completely climate controlled and all of the others, save for the newest one, are not climate controlled. That is a terrific advantage for us and a benefit to all of our customers. Anyone who has stored anything in an open area environment, not climate controlled, knows that mildew sets in very quickly, rust will set in very quickly, wood warps very quickly, things get ruined and our building will be completely free of all of those amenities.

Councilman Langman – Mr. Lieberman, can you tell us what types of items are in a climate controlled storage facilities? What's allowed and what's not allowed?

Mr. Lieberman – I can tell you that we do not allow any plants. We do not allow any contraband. We do not allow any firearms. We do not allow anything in the nature of food. We do not allow anything that would be otherwise illegal and otherwise than that, almost everything and anything you can imagine is stored in our self-storage facilities elsewhere and I assume here too. There are commercial customers who will store business records. There are other commercial customers who will store samples, inventory, and other products that are seasonal. There are the consumers which probably represent about 65% of the storage use, all around the country and I'm sure here in Euclid as well. They store everything and anything imaginable from seasonal items to memories, which represents a significant portion of the things that are put into self-storage.

Councilman Langman- Director Pietravoia, relatively soon, can you give us a calculation of what sort of taxes we're going to reap from this project? I would like to see that.

Director Pietravoia – Certainly we can provide an estimate.

Councilman Daly – I did take the tour a year and a half ago with Mr. Lieberman and Councilman Gruber, along with members of the Euclid Police Dept., and I can verify that Mr. Lieberman does have a passion for that building. My only question, how soon do you think Phase Two may begin?

Mr. Lieberman – I'm going to suggest within 18 months. Part of that will depend upon how well we're received by the customer public. But I believe 18 months is what our vision says.

Mayor Cervenik – Obviously our administration really is committed to creating jobs and this is one of those projects that don't create a large number of jobs. But it what it does is takes care of a facility that is underutilized and really is an eye-sore right now on Euclid Ave. corridor. The activity that it will create will only help some of the ancillary businesses, gas stations, restaurants and what have you. We welcome this project and look forward to working with you.

A question was asked, why now, why not other years this project was presented? My administration is dedicated to not just looking at a project and saying when you get it right come back and see us. We work with the owners of the building. We work with those that want to have a project here. We are committed to bringing economic development to the City of Euclid and we will not just stand by and let the private sector try and solve all their problems. We offer assistance through Mr. Torowski and Mr. Gallagher, as well as Frank Pietravoia and everyone on the staff and it is team work. This project concerns the Police Dept., Fire Dept., Service Dept. Finance Dept. It concerns all of us and we work together with the various business owners to make sure the project works and this one is going to work, just like a whole lot of others are that we're talking about this evening and for months and months to come. Mr. Lieberman, we appreciate the work we've done with and your cooperation and we're here for you.

Mr. Lieberman – Thank you Mayor and thank you especially to Mr. Christopher Gruber who has passion galore as all of you I'm sure know. He has really inspired me whenever things seemed a little uncomfortable about whether or not we can succeed and get the project concluded, so thank you Mr. Gruber, thank you Mayor and thank you City of Euclid.

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

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

Passed.

Ord. 103-05 (388-04) Park Ohio

An emergency ordinance authorizing the Mayor of the City of Euclid, Ohio to enter into an agreement with Park Ohio Industries, Inc., 23000 Euclid Ave. Euclid, OH, for the granting of special tax incentives (75% for 5 years) on personal property tax for a project that will modernize and expand an existing office facility within the City and retain existing employment opportunities within an Urban Jobs and Enterprise Zone located in the City of Euclid, and to forward said Agreement to the Board of County Commissioners for their approval. (Sponsored by Mayor Cervenik)

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

Director Pietravoia – I'm very pleased to bring forward before City Council this evening, this project involving Park Ohio. I think most of you are probably aware, Park Ohio has its world corporate office headquarters right here in Euclid, Ohio on Euclid Ave. at the Heritage Business Park. They have been here for over 10 years. They are in the process of renegotiating. They are in the final stages of renegotiating their lease at this location. We partnered in a truly public-private partnership with Heritage Business Park to come forward with an incentive package to assist in any way that we could to secure the renewal of their lease.

What you have before you this evening is an enterprise zone application. As indicated in the opening statements that would be for a 75% abatement for 5 years and this would be on the value of the investment that they're going to be making on the interior of the building primarily. They are securing their position here as an office headquarters. They are a little bit cramped. We'll need to be making some interior improvements and adding some new furniture, fixtures and equipment. That's where the ability to offer the enterprise zone abatement comes in.

They plan to invest at least initially during this 5 year period about \$150,000 in new furniture and equipment. This would offer an abatement on the value of that furniture and equipment on personal property taxes. They currently have a payroll of nearly, actually over \$10 million here in the City of Euclid alone. 147 existing jobs. We see this as a first step toward Park Ohio actually growing in the City of Euclid. Right now this project before you tonight is a job retention project. But we also expect that there will be some growth over a period of time with Park Ohio in their world office headquarters here, so we're very excited about this. We were glad to have the opportunity to partner with Heritage Business Park to keep them here and I believe we have a couple of representatives from the company that are here this evening. I didn't get a chance to talk to them before the meeting started. Betty Boris is here and Rich Brooks. If you have any questions for the company themselves, I'd be happy to answer them. Bob Gliha is here, he assisted us with the application process and company reps are here.

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

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

Passed.

Ord. 104-2005 (375-05) RTA Circle

An emergency ordinance authorizing the Mayor of the City of Euclid, or his designee, to enter into an agreement with The Greater Cleveland Regional Transit Authority (GCRTA), as approved by the Law Director, substantially in the form of the Interagency Agreement on file with the Clerk of Council, to accept and expend funds from GCRTA for the proposed rebuilding of the Willo Arms / Tungsten Road Circle. (Sponsored by Mayor Cervenik and Councilwoman Hufnagle)

Councilwoman Hufnagle moved for passage, Councilman Daly seconded.

Director Pietravoia – Another very important project for the City of Euclid and I'll try to answer the questions that the resident had earlier as I go through my remarks here. We have been talking with the representatives from Willo Arms, as well as from RTA for several months now. I've been working with Councilwoman Sally Hufnagle, she brought this to my attention as well as Willo Arms. There was some fairly significant damage to

the street as a result of all the bus traffic that comes through this particular area that's the subject of this ordinance. We did include a map for members of Council and I can provide one to the resident as well.

The area that we're referring to is the eastern end of Tungsten from E. 276 Street to the very eastern terminus which is a cul-de-sac. RTA uses this as a bus loop for their buses, they turn around there. They also use it as a lay over when the buses come in and wait sometime anywhere from 10-20 minutes or so until they go on their next route. This is where that activity occurs.

I've worked with Director Gulich, he helped to investigate the conditions of the roadway there and what was needed. We asked RTA if there would be any possibility that they could help fund the improvement of that street. Initially we were looking just to do a repair. But as we discussed it further with RTA, we realize and with Director Gulich, we realized what really made sense here was to rebuild the roadway so that the road bed could actually support the weight of the bus traffic, the circulators as well as the full sized buses.

Director Gulich and our city engineer prepared an estimate of \$375,000 to fully replace the pavement there, actually improve the interior of the circle. There's actually a landscaped area of the center which is where we intend to use some of our muni-beautification dollars, which are federal dollars to replant that area, eliminate some shrubbery that is actually creating a security hazard right now because of the height and compactness of the shrubs. We've put in new lighting, new plantings in that center area, rebuild the street, and build it to a standard that could withstand the bus traffic.

The phenomenal part of the news here tonight is that RTA, subject to their Board approval which will happen in July and again later this year, we will contribute \$30,000 from our capital improvement budget and \$20,000 from our muni-beautification budget, RTA would provide the balance. The total is in the ordinance, \$325,000. The total cost is \$375,000. City would contribute \$50,000. RTA would contribute \$325,000. \$90,000 in this year's budget and the balance in the 2006 budget with construction to take place next spring. We're really excited about the project. It is a great opportunity for the City to partner with RTA and improve part of Willo Arms.

Mayor Cervenik – I would like to add that \$50,000 that we will be putting into this project really wouldn't have been enough to even just effectively repair temporarily some of the damage and wear and tear on the streets. It is why we were very happy to go into partnership with RTA. We have very good assurances that the Board will approve this and we look forward to breaking ground and replacing this street in the spring.

President Sustarsic – I remember it was a constant complaint when I was a Councilman in Ward 3. They were hoping that something would be done because of the disrepair and everything happening due to that bus traffic. Do we have any other comments?

Councilman Langman – Director Gulich, referring to the map that you included, how far does the rebuild go? Is it just in the circle area?

Director Gulich – The reconstruction will come all the way out to E. 276 St.

Councilman Langman – So it will extend all the way to that intersection?

Director Gulich – Correct.

Councilwoman Holzheimer Gail – There was a question also regarding the traffic during the construction and the time frame if you could address that.

Director Pietravoia – Part of the agreement that we enter into with RTA requires that we set up a traffic re-routing at the time of construction. They have not designated exactly how that will occur at this point, but we will work with RTA to make sure that happens during the construction process. We're fortunate in this case because there is essentially a ring-road outside the cul-de-sac that could temporarily be used for the buses to be looped around until the construction is completed. The time frame for the actual construction we hope to break ground next spring during the fall and winter months we'll do the final engineering work necessary and then hopefully be prepared to break ground as soon as weather permits next spring.

Councilwoman Hufnagle – I would just like to thank Mr. Pietravoia and the administration for making this project a reality. Mr. Sorin brought this to my attention at the end of summer last year and we visited the area with RTA and RTA was able to look at the road and tell us exactly where the buses stopped just from the wearing in the road and the problems that have happened up there. I really thank Mr. Pietravoia, it was a previous relationship that he had with RTA and his diligence in pursuing this that this is a reality this evening and I know we have to wait until next spring, but at least we have an end to the problem in sight. I thank you for taking care of Ward 3.

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

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

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

Ord. 105-2005 (387-05) Chesterfield Co.

An emergency ordinance authorizing, empowering and directing the Mayor of the City of Euclid and CS&ED Director to enter into a Special Storefront Renovation Agreement with Chesterfield Steel Service Company, located at 1220 East 222nd Street, for the provision of a grant in the amount of \$40,000.00 as reimbursement of 20% of the anticipated \$200,000.00 cost of eligible improvements. (Sponsored by Councilwoman Hufnagle by request of CS&ED Director)

Councilwoman Hufnagle moved for passage, Councilman Sustarsic seconded.

Director Pietravoia – This is another exciting economic development project for the E. 222 Street corridor. We plan to be rebuilding the street next year and we hope to see more private improvements such as the ones you are about to hear about tonight for Chesterfield Steel along the entire length of that industrial corridor.

We worked with Chesterfield Steel now for some time looking at the needs for their building. The exterior of their building needs an upgrade. They actually have determined that the existing siding has some asbestos in the material, so it would be to the advantage of the company, not only to improve the appearance of the building, but to have the existing siding removed. We're going to be assisting in what essentially will be about a \$200,000 project over a two year period with \$20,000 coming from each of our Block Grant years in '05 and '06, putting our percentage toward the cost to upgrade the exterior of that building.

We're very excited about this. Chesterfield Steel has been in the community for many years. They currently employ about 66 people at that location. A payroll of over \$4.5 million. I've said this before to Council and I'd like to repeat it again tonight. I can't over emphasize the importance of the storefront program as a job retention program as well because we have been able to help many businesses in the community to help them stay and grow here in Euclid just through the use of our storefront program. This is another perfect example of that tonight. The company does generate a significant amount of income tax, well over \$126,000 a year to the city and schools. The project will be reviewed by the Architectural Review Board before it goes forward which is standard for all of our storefront projects. I believe we have a representative here tonight from Chesterfield Steel.

Mayor Cervenik – I would like to add, it was mentioned here tonight by a resident that that's an eyesore area in the City of Euclid on 222 Street. As you know we will be rebuilding that street to industrial classifications this coming year in 2006. A couple of other items that are not on the agenda this evening, but are in the works, you're going to see some great expansion in the industrial area on 222 Street. It is no longer going to be an eyesore, it is going to be a shining example of what an inner-ring suburb can do when everybody works together. 222nd Street is up and coming real quick. I can give you my word on that.

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

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

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

Ord. 106-2005 (377-05) Housing Consort.

An emergency ordinance authorizing the Mayor of the City of Euclid to enter into an amended and restated Consortium Agreement (hereinafter referred to as "Agreement") dated as of June 20, 2005, pursuant to Section 307.15 of the Ohio Revised Code with other member jurisdictions of the Cuyahoga Housing Consortium regarding the cooperative implementation and carrying out the goals and purposes of the Federal Home Investment Partnership Program, and further amends and restates the Consortium Agreement dated June 15, 1993. (Sponsored by Mayor Cervenik by request of CS&ED Director)

Councilman Daly moved for passage, Councilman Gruber seconded.

Director Pietravoia – We are going to defer this conversation to Bob Gliha. We're very fortunate to have Mr. Gliha with us this evening. As you know we've contracted with Mr. Gliha on a consulting basis to continue to assist us with our Block Grant Program. This item tonight is related to that so I've asked him to join us in explaining it to Council.

Mr. Gliha – The stated purpose of the HOME program is to help local governments support decent, safe, sanitary and affordable housing. The true title to the HOME program is the Federal Home Investment Partnership Program. The partnership comes into play in the fact that when we're doing the program there are matching dollars that are necessary from the private sector, especially in the rental rehab area.

In 1992 the cities of Cleveland Heights, Lakewood, Parma and Euclid join forces with Cuyahoga County to form the Cuyahoga County Housing Consortium. The reason this was done was because the federal formula as it was written by law would only allocate a very small amount of dollars to the various cities such as Cleveland Heights, Lakewood. Euclid's allocation would have only been \$35,000. By forming the consortium along with the County, the county as the lead agency, the members are able to qualify for approximately \$3.8 million per year, of which Euclid can receive approximately \$300,000 yearly. That formula is broken down by the County being the largest with 60% of the funding in homes, Cleveland Heights 10%, Euclid 10%, Lakewood 13% and Parma 7%. As you can see by forming the Consortium we are able to get our hands on a substantial amount of money that we wouldn't have been able to do.

In the past we have utilized the funds to assist several large apartment complexes by providing loans and/or grants for code compliance and tenant rehab amenities. But in 1998 Euclid became the first city in the United States to utilize HOME funds along with Block Grant fund monies to provide low interest single family rehab loans utilizing a non-profit agency which you would know as EDCOR. Today EDCOR has received \$558,000 in home funds which as generated an additional \$432,000 in principle and interest repayments for a total portfolio of \$990,000. This represents 75 loans totaling \$914,000 completed in our community with 4 loans currently in the process this summer.

This program augments the Block Grant funding program which has made 596 loans totaling \$4.1 million since 1978. The passage of this legislation will authorize the fourth renewal of this beneficial partnership and program, as well as an additional \$900,000 in funding over the next three years. The legislation refers to an amendment. The amendment basically is HUD recently changed their guidelines that will allow a consortium to automatically renew this agreement every three years as long as the member cities are in agreement and there have been no changes to the federal law. With that I will open it up to the floor for questions. Thank you.

Council Meeting

June 20, 2005

Page 14

Councilwoman Holzheimer Gail – Thank you Mr. Gliha. I know these funds have provided help throughout the community. My question is, how do we internally decide which projects receive HOME funds?

Mr. Gliha – Basically since 1998 the goal has been to augment the Block Grant, single family rehab. But we are presently entertaining a possible rental rehab program, rental rehab project, which of course would probably utilize much more than \$300,000 than we were allocated yearly. In the agreement, you can see that the overall consortium has a pool of money. At any given time if there are no projects being utilized and the funds are not being utilized by the other communities we can approach the Consortium and request a dollar allocation from that pool of money. The emphasis has been on the single family home program, but we do entertain rehab request from apartment complexes. Recently over the last two years we've only had the one request and we've been working behind the scenes to try to get that program to a position where we would feel comfortable in approaching the HOME consortium and asking for an additional allocation of funds from the pool.

Councilwoman Holzheimer Gail – If an apartment owner was interested in applying for HOME funds they should talk to the Economic Development Department?

Mr. Gliha – That's correct.

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

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

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

Ord. 107-2005 (311a-05) Signs

An emergency ordinance amending Section 1743.03 and Section 1743.24, and repealing and amending Section 1743.32, and enacting Section 1743.38 of the Building and Housing Code of the Codified Ordinances for the City of Euclid as outlined below. (Sponsored by Councilman Langman) (From Planning and Zoning Commission with recommendation for passage)

Councilman Langman moved for passage, Councilman Delaney seconded.

Commissioner Torowski – Planning & Zoning Commission held a special meeting last week. One of the items discussed was the change in 1743.03, the Building & Housing Code which is signage. With the help of Law Director Frey, I believe that the Planning & Zoning Commission came to a decision as to recommend the draft of which changes in the ordinance for passage to Council. Law Director Frey will expand on that.

Director Frey – You have initially what was introduced as temporary ordinance (311-05), as Mr. Torowski said, went to Planning and Zoning. There was a very robust discussion of the proposed changes in the ordinance at the Tuesday meeting last week and those changes recommended by Planning & Zoning for your consideration are highlighted in the version that is now before you as (311a-05).

I want to acknowledge the fact that we had a couple of typographical errors on the version that went out with the agenda. In the Section Numbering that has been corrected and I'm hoping you have in front of you now the correct version of that.

Let me just quickly go through what we hoped to accomplish first of all in this and that was to put together some guidelines and restrictions for signs that appear in residential neighborhoods, specifically in single and multi-family, but not apartment districts. The apartment districts have sign regulations already. This is limited to U-1, U-2 or ASF districts and deal with such issues as homes for sale, for rent, a home under construction or repair, or political signs, or other non-commercial messages. That's the definition included in this new code section dealing with temporary residential graphic.

We specifically and one of the recommendations that came out of Planning & Zoning is to make sure that we did not prohibit security signs that people frequently have in front of their homes or animal warning signs. With that change that was made in name plate graphics which is in 1743.24. We also on the recommendation of Planning & Zoning changed that an acceptable name plate graphic which can be a house number or a name of the occupant, or in the case of a permitted in-home professional use, could include the name of the that profession. The members of the Zoning Commission felt that a single square foot name plate sign was insufficient in size to put that kind of information so they recommended a three square foot sign being allowed on the front of a home that would provide that type of information. Again name, name of profession, or house numbers and such.

What we've done in the meat of the ordinance is to limit temporary residential graphics so that no sign can be in excess of six square feet per side. A two foot by three foot sign would be the maximum for any single sign and that would be per side. The total square foot that would be permitted for all signs would be no more than 30 square feet, that there could be no more than 5 signs in total. That only commercial messages pertaining to a business being conducted at that premise. In other words if you were getting a home re-roofed, or new windows or new siding, that type of message would be permitted. The sign could not remain on the building or lot for more than 14 days after completion of the project, or the sale was complete, or the repair was done. In the case of election signs, the election in fact had been conducted.

We had originally indicated that signs could not be closer to the right-of-way by more than 15 ft. The determination was that that was too big of a burden for some of the smaller front yards, given that the right of way starts from the house side of the sidewalk. We amended that to no closer than 10 ft. to the right of way. That's the outer limit, unless such placement would be impossible or impractical and that would be a by-case determination from the Building Commissioner, Housing Manager or their designees who would be charged with enforcing the sign ordinance under our existing code.

Our penalty provision, each day of violation would constitute a separate offense and would be subject to sanctions as provided in Section 1703.99 of the Building & Housing Code.

What's not in here is any discussion of the content of those signs. Absent a sign that has a fraudulent message or a scurrilous message or a profane message, we stayed out of the content business and we did so for the reason that the Court cases have said that you cannot regulate speech other than in pretty narrow exceptions as I had just indicated. We don't have to permit fraudulent speech, we don't have to permit obscene speech, but we can't otherwise get into the regulation of speech. We try very hard to honor those cases and to avoid potential challenge, I thought it was appropriate that the Planning & Zoning Commission review this, given that there is a fair experience there with real estate law and I felt that was particularly appropriate given a number of considerations here and the number of signs, the number of square feet of sign space that would be permitted and I would be happy to attempt to answer questions if you have any on this regulation.

Councilman T. Sustarsic – What brought this about? Was there a lot of complaints? Is this a complaint-driven type thing or has this been in the works for awhile and then it is coming in front of us? Where did it come from?

Director Frey – I am aware of complaints that particularly home repair companies had signs that were seen forever, seemed to be permanent fixtures in certain yards. Whether that was contractual in nature between the repair company and the resident or if it was neglect on the part of the repair company to remove the sign, there was a certain concern that signs were remaining for a seemingly endless period of time. I don't know whether Councilman Langman, the sponsor of this, has other examples of why this legislation was requested, but I'm aware of at least that.

Councilman Langman – To address my colleague, Councilman Sustarsic's question, Law Director pretty much summed it up. There have been issues where I've gone to the Housing Manager, Mr. Petkovic and the answer has been that we don't have the tools to address this issue. It is not a frequent occurrence but it does crop up. We did need, I felt we needed a tool so that the Housing Manager could carry out his duties that maintain the aesthetic qualities of our neighborhoods while protecting the legitimate commercial

speech rights that are guaranteed in the Constitution. The intent was to balance those two items. I think the Law Director did a very fine job in doing that and then going onto Planning and Zoning they had very good input which made the legislation better. I'm very pleased with how the whole process worked out. Basically the impetus came from the Housing Manager and the complaints that I've received, went to the Law Director, went through Planning & Zoning and I think we have a very good piece of legislation. Do I think that the Housing Dept. is going to go out and monitor every sign that is out in a residential neighborhood? No I don't, I think this is going to be primarily a complaint driven ordinance. Unless Mr. Petkovic has a bunch of new hires that he hasn't told me about, I don't think they have the staff to do that. I think some of the other items here are in some ways housekeeping and in fact we wanted to move the regulations into a single chapter rather than having it spread around. Plus I think some of the wording of the old chapters were problematic given the recent court decision. Some of this cleans up language in our code. I hope that my colleagues will support me on this because I think it benefits our neighborhoods while protecting the legitimate speech rights of various entities in the neighborhoods.

Councilwoman Holzheimer Gail – I did receive an e-mail that was asking about the enforcement and what this means for open house signs that are often posted on busy streets to get people's attention down to more remote locations that are trying to sell their house, such as the Edgecliff Coral property. I know that we're currently not allowed to have signs on the public right-of-way anyway. I guess I'm just curious if Mr. Petkovic perhaps could address the enforcement of this and what it might mean to someone who's trying to sell their house?

Manager Petkovic – As was stated before and also in a couple of committee meetings, everyone knows a garage sale or a business sign of any kind or not permitted on the poles, on stop signs, on no parking signs. Our inspectors have been very busy in the last two weeks taking these signs down. Since the garage sale meetings have appeared on television, there has been an awful lot of signs that have been nailed up on the poles. We've had to take them down.

Councilwoman Holzheimer Gail – Part of the resident's concern was that we enforce this fairly. I just want to make sure that the way this will happen is if you get a call, you'll go out and address it.

Manager Petkovic – Yes, and Mr. Langman stated, I think this was complaint driven, I believe on a certain parcel in our city. A contractor did some work and a few weeks before the work even started, he had his sign in the front lawn and for probably 8 months to a year afterwards he had that sign still there. This will take care of that also. We're happy to have the contractors do all this work in Euclid, they do a fine job. But people are complaining that the signs are staying up to long and I agree with this and I ask for your support.

Councilman Daly – Question for the Law Director on side two on number three, shall not exceed 5 signs in total. What was the old number?

Law Director Frey – I don't believe we had a number of sign restriction in there. We may have had some informal, was it five also? I'm not sure that some of this was not our practice as opposed to ordinance. But the sense from the Planning & Zoning Commission was that we needed to have some number. The version that was originally introduced to you had no number included and limited just by square foot area.

Councilman Daly – That would also apply to political signs?

Director Frey – Yes, that was the motive behind the 5 signs was to allow political signs.

Councilwoman Mancuso – To clarify people who have for sale signs out, or open house signs out will not be impacted by this? We're talking about doing it fairly across the board.

Council Meeting

June 20, 2005

Page 17

Director Frey – This would regulate how long those signs could be in their yards. This does not regulate placement of signs. That ordinance exists and it prohibits the placement of signs in the public right of way.

Councilwoman Mancuso – Period.

Director Frey – Yes.

Councilwoman Mancuso – Okay. Thank you.

Councilman Gruber – I would just like to thank my council colleague on the time and effort that he took into doing this. I know he shepherd this through Planning & Zoning and he put a lot of time into it so thank you for spearheading that effort.

Councilwoman Hufnagle – Just so I understand this, Law Director Frey. It says located 10 ft. from the public right-of-way and you're saying the public right-of-way is the house side of the sidewalk?

Director Frey – That is correct.

Councilwoman Hufnagle – So I have to put a sign 10 ft. into my yard?

Director Frey – Yes, that's how that reads, correct. You could not put a sign unless it was impractical any closer than 10 ft. to the public right-of-way, which is the inside

Councilwoman Hufnagle – Why not?

Director Frey – Our existing ordinance was 15 ft. from the public right-of-way. Planning & Zoning thought that was too restrictive and certainly in some cases there may not be that much room. The idea I believe behind that is to make sure that pedestrian traffic, children are not so shielded by signs as to be in danger by passing traffic. I realize that side street speed limits are 25 mph, but we all know that isn't always adhered to in a perfect manner. So, I think the object in keeping the signs back is to increase the visibility for danger that would be presented in the roadways.

Councilwoman Hufnagle – But, if I wanted to plant a bush in my front yard, I could plant it in that 10 ft. right?

Director Frey – If the height of that is such that it would not impact.

Councilwoman Hufnagle – Well how tall are the signs? We're going to dictate to people, I think we have to be careful when we start dictating to people what they do on their property. Now, I wasn't even aware that it was 15 ft. because I think that we all know when we drive through the city, especially during campaign time, that those signs are closer than 15 ft. So, like I said with the garage sale ordinance, I'm against legislation that we have trouble enforcing or we don't enforce. We're going to dictate to somebody what they can do on their property. Chief Maine, do we have an issue in the city where we have signs and we're having accidents because people can't see around signs in somebody's yard?

Chief Maine – Not that I'm aware of.

Councilwoman Hufnagle – The other question I have, so does this apply to for sale signs, either a real estate company or for sale by owner?

Director Frey – Yes.

Councilwoman Hufnagle – And they can only be up 14 days after the completion.

Director Frey – That would be correct.

Councilwoman Hufnagle – Well when can they go up?

Director Frey – They can go up whenever the activity commences at the property. So in the case of real estate sign, it could be up there if the property didn't sell for an extensive period of time.

Councilwoman Hufnagle – So if I'm getting my kitchen remodeled, I could put that sign up when they start remodeling the kitchen and I can leave it up 14 days after they are done remodeling the kitchen. Except who is going to know that time frame except for me? If it is an issue where the Building Dept. has to issue a building permit, I believe that building permit is good in a lot of cases for a year, in other cases that I've checked on. So if this is complaint driven because we're having a problem with signs littering the yards, then how are we going to control that if we're not always going to know when that start date is?

Director Frey – We may not always know but this gives us some enforcement mechanism in the event that, if I'm your kitchen remodeler, a year or two or three, might be inappropriate length of time that the sign was up if I was doing the work. But if the neighbor knows that the activity has started and the sign is up there and the neighbor knows the activity has been completed for months, that's where the complaint is going to come. They are going to say, tired of seeing the Chris Frey Home Remodeling sign in the neighbor's yard and they are going to call in. We now have some way to go in and enforce this and say the sign has been there, the job has been done, you must remove the sign homeowner. Up until this point in time we have not had that opportunity.

Councilwoman Hufnagle – Let me back up. Let me ask another question. When and I don't see how it is in this ordinance, but since we are talking about political signs, do our ordinances state when those political signs can go up?

Director Frey – We have language today that I do not believe comports with decisions from various courts as far as regulating time, particularly how soon before an election signs can go up. So it is obviously not in here, a starting point in time. I'm sorry to tell you that but Ohio Supreme Court in a case out of the City of Painesville had indicated that a 17 day restriction prior to an election was unreasonable.

Councilwoman Hufnagle – I've said this before and I'm going to be consistent in my thought here, I'm against over legislation. If we had one complaint on a piece of property, I would suggest that we try to work with that property owner, rather than try to legislate the whole city on something that might happen. As far as signs go, they've got until their grass gets 8" and they've got to take the sign down and cut the grass. The homeowner themselves are going to get tired of putting that sign back up, cutting the grass, back up. Law Director Frey, one more question, if you could just explain to me the difference between this ordinance that we're looking at this evening and the infamous previous ordinance that we had that cost us so much money. Is this anywhere close? Are we looking at a problem? If you could just give me some background on that.

A short break was taken.

Mayor Cervenik – Off the subject but during the break I met the new Executive Director of the Euclid Family Y, Ayanna Traylor.

President Sustarsic – Please, we have the Mayor who has the floor please.

Mayor Cervenik – At the break I met Miss Ayanna Traylor, she is the new Executive Director from the Euclid Family Y. She has been the Executive Director for approximately three weeks. She is coming here from Philadelphia and I just thought I'd introduce her and thank you for being here tonight, looking forward to working with you at that fine institution.

Director Frey – To the Councilwoman's question regarding the difference between this ordinance and the ordinance that led to litigation as undoubtedly most members of Council recall, it was the Cleveland Area Board of Realtors that sued the City of Euclid. We permitted political yard signs, we did not permit real estate signs in the yard but

required those signs to appear only in windows. This ordinance is very different in the sense that it treats all permitted speech in the same manner. It makes no distinction between the type of speech, with the exceptions that I had outlined earlier, that it prohibits fraudulent or obscene speech. But otherwise whether it is real estate or political, that is all treated the same. That's the difference between this legislation and that which the City was challenged on in the Federal Court some years ago. I believe based on the models that we looked at, and the cases that we reviewed in drafting this, will withstand that type of scrutiny if its brought to bear here.

President Sustarsic – Any other questions or comments?

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

Councilwoman Holzheimer Gail 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. 108-2005 (380-05) Pavilion Memorial

An ordinance authorizing the Director of Parks and Recreation of the City of Euclid to enter into a contract after advertising for bids for the labor and materials necessary for the purchase and installation of a new pavilion in Memorial Park, at a cost not to exceed \$60,000.00. (Sponsored by Councilman Daly by request of Parks & Recreation Director)

Councilman Daly moved for passage, Councilman Sustarsic seconded.

Director Will – About two years ago the Recreation Commission formed a Recreation Capital sub-committee to help us out with our recreation projects. The group of Recreation Commission members and residents have met several, several times. We've visited all the parks and recreation facilities here in the City of Euclid and have also gone to surrounding cities to see what they have to offer.

We've been working closely together on a recreation capital plan for the next 5-7 years. One item as everyone is aware of, we've been working on is Memorial Park. On March 4th City Council all received an e-mail from explaining the plans for demolishing the three properties at Memorial Park, including the Pavilion, the brick restroom behind Diamond #3 and the center brick building which is an old concession stand.

I explained to City council at that time that the Department spent more time with the vandalism in the park with those facilities. Between the pavilion and the restroom, we are constantly, almost on a daily basis removing graffiti, broken picnic tables, turning the tables over, pulling pipes out of the restrooms. The concession stand really had no purpose other than for the Irish Festival Coffee House and to store some soccer nets.

I did work with the soccer people and the Irish people and said this summer, we are going to make some changes but I'll work with both of those groups to get their input on what they wanted in the park.

I then explained to Council that I received three quotes to remove the structures and worked not only with the Mayor, but with the Public Service Department and our own Parks & Recreation Maintenance Dept. At this time we did decide to remove the pavilion and the restroom, but again to wait until the Summer Irish Festival and the soccer season to remove the stand.

On March 14th, I took a requisition to Board of Control for the demolition of the restroom and the pavilion. I have also promised City Council that I would be coming back to you in the near future for a new pavilion.

On April 27th, we had a Recreation Committee Meeting in City Council where I presented ideas for a new pavilion and the location of a new pavilion. We are still working with the Rec Capital Sub Committee on the exact pavilion that we wish to purchase. We discussed and decided on the location behind the police station beyond the playground as this would be more accessible to all the residents who want to use it, as

parking is right near the pavilion, they won't have to walk to far to carry all their items, and it is more visible, not only to the public, but also to the police department.

I have several different styles that we're looking at ranging anywhere from \$30,000 to \$60,000. The more expensive pavilions include a concession stand, or a restroom or a storage facility. Although I know we already have another restroom near that location, I need to access that current building.

Once I receive the quotes from the various companies with the different options, I will then present our quotes and ideas back to the Recreation Capital sub committee. At that time I will take the recommendations that we have and call a Recreation Commission Meeting for them to assist on a decision. I do encourage any resident to contact me with their suggestions. I do have a Recreation Capital Sub Committee Meeting scheduled in City Hall on this Thursday at 6:00 to talk about the plans. Not only for the pavilion, but the plans for the recreation capital projects.

I think the residents who have taken the opportunity to call me or e-mail me, all their ideas have been forwarded onto our Recreation Capital Committee members for decisions. I would like to move forward on this and allow the department and our Recreation Commission members to enter into a contract once they make a decision.

Again I want the public to be aware, feel free to contact me and I assure that I will continue to work with City Council and update you on our progress. Thank you.

Councilwoman Mancuso – How much is in our 2005 Recreation Capital Fund?

Director Will – What I have been working on is a figure of \$300,000 that we budgeted out for this year.

Councilwoman Mancuso – This is one of several projects?

Director Will – That is correct. This is one and we did budget the \$60,000 for that project.

Councilwoman Holzheimer Gail – Mrs. Will, earlier when I talked with you about this, you indicated that you were willing to come back to Council once a decision has been made. Have you changed your mind?

Director Will – After I looked at this and went back and reviewed the notes, I realized what the Recreation Capital Committee has spent a lot of time on this project. There are residents that are on this committee. I spoke to some of them and I feel their judgment and our Recreation Commission, that we could be trusted at that point. Again talking to the Council members that I would like to move forward so I can get this purchased, enter into a contract, and get this up and running by Labor Day.

Councilwoman Holzheimer Gail- I appreciate that. I personally am not comfortable not knowing what we're getting, where exactly it will be. Memorial Park is used by many, many people and I know that you have had discussions for two years, but when it comes up and someone's not happy about it, we're going to get the calls. I'd much rather have you go out, get the bids, and then let's have another discussion about it.

Councilman Delaney – Director Will I would feel the same way as the Ward One Councilwoman. This is important and I would be willing to come back even at a Special meeting in the summer when we have pictures and the spot so we can actually see where it is going to go in. I think it would be better to go through the process and have a committee meeting and do it through that, rather than leave a lot of questions hanging in the air. I understand that this is the last meeting, it would be important to have it built through this summer, but we're all willing to work on it. I'm just not comfortable floating the blind check out there until we see something.

Director Will – Councilman Delaney and to Councilwoman Holzheimer Gail, I know we did have a meeting on April 27th, I did present to City Council some photos of the pavilions that we are looking at getting prices at. I have not heard back from every council person in regards to which one they had a decision on, or the location. Again, public input is very, very, important to me and everybody knows that I've encouraged people. Again, some of the residents have taken the opportunity to contact me. I do

believe that the Recreation Commission and the Sub Committee have picked the best location for the pavilion, again talking to several residents out in the park throughout the past several months. I assure you I will keep City council involved when the quotes come in and I do again believe the Rec Committee and the Recreation Commission will have the knowledge and the ability to work with the public and come up with the best game plan. Again, its Council's decision.

Councilwoman Holzheimer Gail – I just want to remind Council that we do have the authority to allocate this funding though and our approval is needed. I'd like to make a motion to amend this ordinance to remove enter into a contract from the ordinance, which would allow Director Will to go out to bid. Then I would like her to come back to us, it could be the final proposal and we could then approve the contract and the funding.

Councilman Gruber – I'd like to second my colleague's motion.

Councilwoman Holzheimer Gail moved to amend. Councilman Gruber seconded.

President Sustarsic – Do we have language that our trusted Law Director could provide us with?

Director Frey – We would merely remove from both the preamble, so it would be: An ordinance authorizing the Director of Parks & Recreation of the City of Euclid to advertise for bids for labor and materials necessary for the purchase and installation of a new pavilion at Memorial Park at a cost not to exceed \$60,000. Then in Section 1, we would make the same deletion so that it would read: Director of Parks and Recreation is hereby authorized, empowered, directed to advertise for bids for the labor and materials necessary for the purchase and installation of a new pavilion at Memorial Park. So it would be done by deletions rather than a change in the wording.

Roll Call on Amendment:

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

Nay: Hufnagle

Amendment passes.

Councilman Daly – I know the problem with the old location was that it was not visible since it was located in the woods and we were having a graffiti problem and that definitely took away from the look of the park, especially to outsiders. I don't see any other location that we can put the new pavilion other than the one that we've chosen. With the proximity to the police station that is visible, that will alleviate the problem. I know we did discuss that location and Councilman Langman had some concerns about some screening about the now long since gone recycling. Have you received any concerns from residents about that location?

Director Will – Councilman Daly, as far as the new location, no, but another item I do need to highlight, it is very, it is a great place to put it because the utilities are there and that's a huge cost and concern as far as it goes in place in the facility. Talking to people who have rented it out in the past, it was their suggestion actually because of the location of the parking lot and they didn't have to walk very far. I've heard nothing but favorable comments on it but again keeping in mind the utilities so it doesn't add on a lot of expenses.

Councilman Daly – In this location also will make it much more accessible for those that are wheelchair bound or disabled?

Director Will – Correct.

Councilwoman Holzheimer Gail – I don't have a problem with the location as much as I just want to know what we're going to get. Whether it is going to include restrooms, whether it is going to include a snack shop, what exactly are we going to get. Is it going to be brick? Is it going to be wood? Those are questions that if tomorrow somebody said what are you spending \$60,000 on I couldn't answer. That's my concern and I'm

Council Meeting

June 20, 2005

Page 22

certainly willing to come in over the summer, as I would assume most of other council will be for a special meeting if that's needed to get moving with this prior to September.

Councilwoman Hufnagle – Just for clarification on my part, when we do something like this, does it have to go to Planning & Zoning or Architectural Review Board, or do we have to get permits? Does it go through any of the processes the private sector would?

Director Pietravoia – Actually Director Will may have had more experience at this than I have in the short time I've been with the city. We can have a project like this go before the Architectural Review Board. There wouldn't be any need for it to go before Planning & Zoning. But we could for advisory purposes have it go before the Architectural Review Board. We did for example have that done with the Briardale Clubhouse.

Councilwoman Hufnagle – Is it required? Is there a permit process that is required?

Director Gulich – Normally any city project we require any contractor to be registered, bonded and properly insured. We would cause them to pull the necessary permits and have all the necessary inspections. Customarily we have waived the cost for the inspections and the permits themselves.

Councilman T. Sustarsic – How soon do you think the Board will come to a decision? Is there a meeting planned in the future?

Director Will – I do not have that date for you right now but what I will be doing is putting together some specs of the different pavilions that I've looked for. I've been getting them advertised here within the next two weeks and I'll keep everybody updated when we do receive the bids.

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

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

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

Passed.

Ord. (109-2005 (385-05) New World

An emergency ordinance authorizing the Director of Finance of the City of Euclid to renew a contract with New World Systems, Inc. to provide software support services to the City's financial and payroll systems for a three-year period. (Sponsored by Council President Sustarsic by request of Finance Director)

Councilman Daly moved for passage, Councilman Sustarsic seconded.

Director Johnson – This is becoming a rather routine piece of legislation. We've utilized New World Systems now since 1991 for software support for our financial system, as well as payroll and human resources. This is a three year renewal just as the previous three year renewal. During the previous three year renewal there was some discussion about the software, the current technology, or the lack of current technology that is available. In this year's capital budget, we have allocated funds to update this software package and any money that we've expended heretofore on software support will be credited towards the new package. If there are any questions, I'd be glad to answer them.

Councilwoman Mancuso – Currently we're paying what? We're going up to forty-four eight. What are we paying this year, the last of the three years?

Director Johnson – For the period of August 1, 2004 to July 31, 2005 that amount is \$41,600.

Council Meeting

June 20, 2005

Page 23

Councilwoman Mancuso – So did we budget for \$44,800 or \$41,600, do you know?

Director Johnson – We budgeted for the current year now which is \$44,800.

Councilwoman Mancuso – My second question is why is this an emergency ordinance if we've been doing this since 1991? Could we not pre-plan so we don't have to make it an emergency ordinance each of the three years?

Director Johnson – We could present this to Council and I will try to remember to do this. We do this once every three years. Unfortunately it wasn't brought to my attention until about a week or two ago. The letter and the contract renewal was mailed and it wasn't brought to my attention until a week or so ago. I apologize for that.

Councilwoman Mancuso – I just know we get criticized for doing emergency ordinances and this looks like one that doesn't need to be that way. Thank you.

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

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

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

Passed.

Ord. 110-2005 (284-05) Tax Budget '06

Proposed Tax Budget for 2006. (Sponsored by Council President Sustarsic by request of Finance Director)

Councilman Gruber moved for passage, Councilwoman Holzheimer Gail seconded.

Director Johnson – This is another rather routine piece of legislation that is presented to City Council at this time every year. Ohio Revised Code 5705.281 requires that every political subdivision in a county submit a tax budget for the ensuing year to the County Budget Commission. In lieu of a full blown tax budget House Bill 129, which was effective June 30, 2002 allows a Budget Commission to waive that requirement for a full tax budget and we are allowed to submit what is termed an alternative tax budget. That is the piece of legislation that is in front of you.

This alternative tax budget while it does show projected amounts for next year are really insignificant because the real budget will be the budget that we submit at the end of the year for 2006. The major purpose of this whole exercise is to report to the County Budget Commission what our requirements are for debt service. Particularly debt service that's related to debt that will be retired through the bond retirement fund and property taxes. So, with this document the County Budget Commission can begin to determine how much of our general property tax can be allocated to debt service and after that's determined, they can determine what other property taxes are available for general fund purposes. If there are any questions, I'd be glad to answer them.

Councilwoman Holzheimer Gail – I don't have a question about the submission of this, but why do we not have a piece of legislation? Or is this the form that it needs to be in?

Director Johnson – This is the form that it needs to be in and it is given to us by the County Budget Commission. We submit this with a cover letter and that's essentially what they ask for. In September when you reconvene we will present a piece of legislation adopting the rates for the general fund, the bond retirement fund and I'm sure you can recall that piece of legislation and there's a form that they require that we submit that on and it requires the individual signatures of each council person. These are the forms and the format that is presented to us by the County Budget Commission.

Council Meeting

June 20, 2005

Page 24

Councilwoman Holzheimer Gail – How would they know that this was acted, you said there would be a cover letter. Typically don't we have a resolution submitting this or authorizing that this be submitted that then the Council President and Mayor would sign?

Director Johnson – The Clerk of Council will also stamp the, I have last year's in front of me and she stamped last year's resolution number on it. This is what we submit to the budget commission and they find it acceptable.

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

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

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

Ord. 111-2005 (378-05) Fire Pumper

An ordinance authorizing the Mayor as Ex-Officio Director of Public Safety of the City of Euclid, or his designee, to enter into a contract with KME Fire Apparatus to purchase a 2000 gallon per minute (GPM) Fire Engine Pumper, at a cost not to exceed \$350,000.00. (Sponsored by Councilman Gruber by request of Fire Chief)

Councilman Gruber moved for passage, Councilman Sustarsic seconded.

Chief Cosgriff – As I indicated to you several months ago we are desperately in need of replacing our engine 6, a 1981 Sutphen pumper. In short it has exceeded its life expectancy. It was originally a 2,000 gallon per minute pumper, but we down graded it to 1500 gallons per minute following a recent pump test.

This vehicle has an open cab design, meaning the jump seat rider is not only exposed to the elements but is also in danger of being expelled from the vehicle in the event of a motor vehicle accident. The most recent NFPA report on firefighter fatalities indicates that the largest portion of firefighter deaths, 34% occur when responded to or returning from alarms. It is for this reason that the National Fire Protection Agency in standard 1901, the standard for automotive fire apparatus, states in part that each crew riding position shall be within a fully enclosed personnel area. This new pumper will have an enclosed cab design. The 81 Sutphen is our last vehicle with an open cab design.

The Fire Dept. established a truck committee headed by Platoon Chief Skrjner and they researched in detail NFPA 1901 and contacted various vendors. We had visits from 5 manufacturers and vehicles were brought to Station 1 for our review. We have also contacted various other fire departments to get a feel for the kind of success or failures they have had with different manufacturers. I stressed to the committee that the cost of the vehicle was certainly an issue and that we need to get the most bang for our buck.

It was the unanimous decision of this committee to recommend that we purchase the KME pumper, sold through Warren Fire Equipment. With your approval we'll be able to purchase this pumper under State contract eliminating the cost of going out for bid. We did receive quotes for other manufacturers and we are confident KME has both the quality and the price that we were looking for. The lead time for a vehicle of this type is 10-12 months and would be payable upon deliver probably sometime in the summer of 2006. This item was listed on the 2006 capital improvement budget and I'm asking for your approval to move forward. Thank you for your consideration and I will try to answer any questions you may have.

Councilwoman Mancuso – How much is in that capital improvement budget for 2006 since I don't have it in front of me?

Mayor Cervenik – Slightly over \$2 million. You will have to approve that capital, the 2006 budget in December when it is presented to you. That is why we presented you with a three year plan so you would know which direction we're going into and what items you want to purchase.

Councilwoman Mancuso – This is still contingent, even if we approve it tonight on that budget going through?

Mayor Cervenik – If you approve this tonight, this \$350,000 is part of next year's capital budget because we are making a commitment to this company and this vendor.

Councilwoman Mancuso – Thank you Mr. Mayor. Can you tell me Chief who around us has this engine now? What departments?

Chief Cosgriff – Munson Fire Dept. has one among other departments. I wasn't integral to this committee that was doing the research. I can't say for sure what other departments have used these vehicles.

Councilwoman Mancuso – I'm sure the gentlemen did, went through and looked at people who do the type of fire runs we do with the numbers that we do, with the population we do and they came out with this?

Chief Cosgriff – Yes.

Councilman Gruber – I stopped at Fire Station 2 a couple of times and talked to several of the individuals that were on the committee to pick the pumper and I was very impressed with the research they had gone through and a lot of their personal observations about the equipment and the other fire fighters that they had talked to, so I congratulate those gentlemen. This is an important piece of equipment and this Council is happy to bring this to you and to the people of Euclid because this is what we do is to make sure that everyone's safe and this is something that we've needed for quite awhile. Where will that pumper be stationed Chief?

Chief Cosgriff – The plan is to actually put it up at Station 2 and move engine 2 into reserve.

Councilman Sustarsic – When was the last piece of fire apparatus like this that we purchased? How long ago was that?

Chief Cosgriff – We purchased a Sutphen ladder truck in 1998. The last pumper that we purchased was Engine 3, which was purchased in 1993.

Councilman Sustarsic – This has been a long time coming. You've got my support on this Chief.

Councilman Delaney – Chief, what will become of the 1981 Sutphen pumper?

Chief Cosgriff – I believe it will be auctioned off or scrapped.

Councilman Delaney – I've seen that pumper before and I believe that it is probably more worthy for the parades. Thank you and congratulations, good news for us.

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

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

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

Res. 112-2005 (379-05) SAFER Grant

A resolution authorizing the Mayor as Ex-Officio Director of Public Safety of the City of Euclid, or his designee, to apply for a Staffing for Adequate Fire and Emergency Response (SAFER) grant through the Department of Homeland Security. (Sponsored by Mayor Cervenik)

Councilman Gruber moved for passage, Councilman Daly seconded.

Chief Cosgriff – The Department of Homeland Security is currently accepting applications for the funding necessary to expand the nation's fire service. This is being provided by a grant titled, 2005 Staffing For Adequate Fire and Emergency Response, or going by the acronym SAFER. The intent of this grant is to help the Fire Department's increase their cadre of firefighters. I must stress that this means to increase, not to simply use the funds to replace retiring members. The goal is to help fire departments meet the standards described in NFPA 1710, which is the standard for the organization and deployment of fire suppression operations.

1710 describes the recommended deployment for initial full fire alarm assignment. I can bore you with the 8 components of the initial alarm assignments, but to summarize, this means the arrival of 15 firefighters within 8 minutes at 90% of the incidents. These figures are directly related to population density and call volume. We currently have an initial assignment of 12. The most efficient way to comply with this 1710 would be to increase by 1, the number of firefighters assigned to our three pieces of fire apparatus.

In order to achieve this we would need to increase our minimum manning from 16 to 19 men per day as it was prior to January 28, 2003. I have addressed Council in the past regarding our minimum manning and I continue to believe that 19 is a good number. In light of the fact that we are currently at 16, this affords us an exceptional opportunity to get back to where I believe we should be with the bonus of doing so with the assistance from the federal government.

This grant would reimburse us \$100,000 per firefighter over the next 4 year period. I would ask for funding to hire an additional 10 firefighters or in essence I'm asking for your permission to apply for a million dollars in assistance. Obviously there is a cost associated with this. The grant assistance will decrease over the same time period and at the same time our cost will increase as the newly hired firefighters move from the rank of cadet to probationary to third class, second class and finally to first class firefighters.

I am anticipating a cost to the city in the first year of roughly \$200,000. There is a possibility that some of this could be offset by a decrease in overtime, but I really can't predict or guaranty that would happen. In years '07, '08, '09, the cost of this project will continue to increase, but it will certainly be more cost effective than returning to this level of service without the assistance from the federal government.

I am asking for your support during this application process. I would like to reiterate that if we are successful, I will return to you for your approval to accept this grant. This is simply an application. We have an exceptional opportunity and we would be remiss if we did not apply. If you have any questions, I'll try to answer them.

Mayor Cervenik – As I talked a minute ago about our three year capital budget that was presented to you and we'll use that as a tool and guidelines so we know where we're going, I must tell you that the three year projection for the general fund that we provided to you does not include the expenditures for 10 new firemen, firefighters even with the million dollars in assistance. I can be honest with you right now and if the Chief came to me January first and says we've got the grant, we would have to do some major reshuffling of our budget to come up with additional funding.

So I'm basically saying we can't afford this at this time. At the same time I agree with the Chief that 19 men per day is the ideal manpower that we should strive and our goal should go for. So it would be remiss of us not to apply for this and as we go on the process and we see how things are going, we will budget for it if necessary. I believe the Chief has told me that if they agree to the grant, maybe we'd only use 7 new firefighters instead of 10. There is a lot of flexibility once we get it going.

You need to understand what you are voting on tonight is for us to apply for the grant and work to achieve the grant. But it does not guaranty that we will have the funding to do so. If we continue to have things on our legislation and I'm confident that

Council Meeting

June 20, 2005

Page 27

we will over the next few years, such as Chesterfield Steel and Park Ohio and things happening like Royal Appliance, we will be able to not only afford the manpower that's needed in the Fire Department, but the Police Department, Streets Department and Recreation Department. That is a step-by-step, piece-by-piece puzzle that we need to put together. I strongly suggest that we support this legislation tonight and let's see how we fair in the bidding process. Thank you.

Councilwoman Mancuso – Chief, 1710, does it say that 19 men is optimal? Or it is the necessary within 15 minutes?

Chief Cosgriff – No, it has to do with the first alarm assignment. There are eight different tasks which total 15 men.

Councilwoman Mancuso – To put it in laymen's terms, is that optimal for us to be at 19 men? Or is it necessary for us to meet those standards to have 19 men?

Chief Cosgriff – In order to meet those standards, we would need to put an additional man on each piece of fire equipment.

Councilwoman Mancuso – Which would take us to 19.

Chief Cosgriff – Which would take us from 16 to 19.

Councilwoman Mancuso – so I repeat my question. Is it necessary for us to meet 1710 with 19 men, or is that optimal?

Chief Cosgriff – It would be necessary.

Councilwoman Mancuso – Are you already looking at a plan to help us figure out how we would fund these gentlemen who we'd love to have if you get this grant? Or ladies, sorry, fire people.

Mayor Cervenik – That's why we call them firefighters. I think we've mentioned it before to this body that we do have our first firefighter that is going to have a child. So yes they are firefighters. Yes we will be looking at ways to fund this. We are looking at ways to increase the manpower in all the different departments. If our tax projections continue as they are it maybe possible.

One piece of good news we did get today, will not be official until tomorrow, but the State legislature has restored the local government funding to the same levels as last year. We were looking at dealing with a cut of over \$500,000 in tax dollars that you all pay to the State that they should be coming back to us. We did get that piece of good news sometime today so that's going to help. We've got a long way to go.

Councilwoman Mancuso – I would be very interested in assisting you if you actually get this grant to try and find a way to bring these guys on board. Because I do think these regulations are not optimal, they are necessary.

Mayor Cervenik – That is what we are trying to do.

Councilwoman Mancuso – Thank you Chief.

Councilman Gruber – Both Police Chief and Fire Chief departments have been very successful in their grants and we appreciate you going after these pools of money. Do you anticipate many retirements over the next three years? Will this kind of be a wash situation in 3-4 years? Will we be back where we are now? Is it to early to tell?

Chief Cosgriff – We do have plans for giving an entrance examination. We are hoping to have that in place by the end of the summer. We are expecting numerous retirements next year and we will need to replace those guys.

Councilman Gruber – This would be addition to any firefighters that were to retire?

Chief Cosgriff – This would be over and above that.

Councilman Langman – Chief or Mayor, it is my understanding just reading this that this grant has a finite time limit that after 4 years those dollars go away. Am I understanding the grant mechanism correctly?

Mayor Cervenik – Yes, as the Chief said the first year our costs will only be about \$200,000 but if all else stayed the same, when the time the funding was over it would be over a \$700,000 cost each year to the budget. That gives us time to experience our economic development growth. That's what we're working on every day. The way we can do these things, the way we can bring manpower back to where we want it to be, not only the safety forces but in all our departments is to continually work to expand our tax base to help our companies grow and to bring in taxpayers. When that happens, these kinds of things help. The fact that the first year we could have 10 new firemen and only cost us \$200 is phenomenal, so we can budget that in. It will end up costing us \$700,000 at the end of this grant period. That's what we have to budget for.

Councilman Langman – My concern is, by all means go for the grant, it is good. But it is almost like the federal government sets up these Faustian bargains where it is like do this and then they at the end of the granting cycle they pull the monies or they discontinue the program and so forth. That could be a tremendous burden for us if we don't plan very carefully for it. I'd hate to see at the end of a time period, no matter who is sitting up here, having to make very unpleasant decisions because the government at the federal level changed their priorities. It is something that we really have to plan very carefully if we don't want to wind up in that position where we may have to eliminate positions at the end of the granting period.

Mayor Cervenik – We are fully cognizant of the parameters of this grant. The government will not be pulling anything. We know what the declining scale is for the grant period of 4 years and we would obviously be planning to take the shortfall up at the end of the four years.

Councilman Gruber – Chief would there not also be some benefit to some of the older firefighters retiring because they are at a higher rate and the new firefighters coming in at a lower rate, there would be some balancing of the \$700,000?

Chief Cosgriff – Yes there would, absolutely. In addition to that when we hire the new firefighters, they have less vacation time, less seniority and they are much more economical to employ.

Councilman Daly – Is it a 4 year period or is it over a 5 year period?

Chief Cosgriff – It's actually a 5 year period although the funding comes in the first four years.

Councilman Daly – This money for the firefighters comes out of the general fund?

Chief Cosgriff – Yes.

Councilman Daly – We need to find ways to increase money coming into the general fund and ways of decreasing unnecessary spending out of the general fund. Thank you.

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

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

Passed.

Res. 113-2005 (383-05) Firefighter Safety

A resolution in support of National Stand Down Day for Firefighter Safety, and designating Tuesday, June 21, 2005 Euclid Stand Down Day for Firefighter Safety. (Sponsored by Mayor Cervenik)

Councilman Gruber moved for passage, Councilman Daly seconded.

Chief Cosgriff – The International Association of Fire Chiefs in cooperation with the International Association of Firefighters and twelve other fire service organizations are asking departments nationwide to participate in the National Stand Down Day for Firefighter Safety.

I'd like to first give you a little history. The National Fire Protection Association began compiling statistics regarding fire service deaths in 1977. From 1977 until 1992, we saw a steady decrease in the number of firefighter line of duty deaths. However, during the last 12 years, that trend has reversed itself with the number of deaths increasing from year to year. 2005 is now on pace to exceed 2004. We have already lost 10 more firefighters than we did at this time last year. I should point out that these figures exclude the 343 firefighters that we lost on September 11, 2001.

During the same twelve year period we have been provided with better personal protective equipment, everything from turnout gear to positive pressure SCVA's. We now have integrated pass devices, we have thermal imaging cameras and our vehicles are equipped with enclosed cabs. We operate under an incident command system with a focus on maintaining accountability and company integrity. We strive to follow NFPA guidelines regarding the two-in/two-out rule and we assign personnel to rapid intervention teams if the manpower permits.

Despite the technological and operational advancements during this time period, we still have an upward trend of line of duty deaths. We need a concerted effort to once again reverse this trend and this hopefully is the first step. Therefore beginning June 21st and continuing for the following two shifts, we will focus all of non-emergency efforts on firefighter safety. We have developed an agenda for this stand down and our officers are committed to working with their crews in the interest of safety. Obviously we will continue to respond to all requests for emergency assistance. Before I relinquish the floor, I would also like to take a moment to thank this Council along with the Mayor and his administration for allowing me to submit this and the previous pieces of legislation. All three of these items are directly related to firefighter safety. I am a firm believer that if we're able to protect our firefighters, they will be better able to protect our citizens and we will accomplish our mission. Thanks again for your support.

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

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

Ord. 114-2005 (382-05) CT-E. 222 St.

An ordinance authorizing the Director of Public Service of the City of Euclid to enter into an agreement with CT Consultants, Inc. for Engineering Services required for the preparation of construction plans and supplemental specifications for the reconstruction and/or reprofiling, widening, resurfacing and drainage for East 222nd Street, from South Marginal Road (I-90) to Euclid Avenue (S.R. 20) (Sponsored by Councilman T. Sustarsic by request of Service Director)

Council President Sustarsic left Council Chambers. Councilwoman Holzheimer Gail accepted the Chair.

Councilman Daly moved for passage, Councilman Delaney seconded.

Director Gulich – Yet another Issue 2 project we have in front of you. The most recent round of Issue 2 we did put an application for the reconstruction of E. 222 Street from I-90 to St. Clair; reconstruction from St. Clair to Tungsten; resurfacing south the Euclid Ave. What we will attempt to do is make this a legal height underneath the tracks so we

won't have the Chief prying out stuck trucks as we've been doing since the dawn of time over there.

We did originally apply for a combination of grant and 0% loan. We were able to secure a \$1.2 million, 0% loan. We couldn't get a grant from Issue 2. We were able to get a reimbursement grant from Cuyahoga County. We met numerous times with Mr. Klaiber's office. We were able to secure a reimbursement grant in the amount \$300,000. Community Development Department, thank you for them, they were able to get a roadwork development account grant in the amount of \$.235 million. So we in effect did get a grant over half a million dollars with the subsequent Issue 2 0% loan which we have 20 years to pay back \$1.2 million. That represents a project total in excess of \$1.7 million. As the Mayor has indicated we plan to work extensively with the business owners. We wanted to have a project that would present us with the safer street, better, easier to travel street and one that will be more conducive to the business owners along that entire corridor there. We also hope to coordinate the signalization work with the grant money we already have from NOACA that will be able to improve the signalization of those intersections and incorporating them into a city-wide computer system.

Most of this work will take place in the construction season of 2006. We anticipate an Issue 2 acceptance in early 2007, which means we probably won't get our first bill from Issue 2 until the later part of 2007 or maybe even 2008. The grant money will be in the form of a reimbursement from Cuyahoga County. I would like to thank Mr. Klaiber's office for his help with this project.

Councilwoman Mancuso – We've done a lot of Issue 2 things this year, which are great, we're getting a lot done. Our portion of it right now is \$1.2 million in 0%. How much of that, and this maybe more for our Finance Director, how many of these can we actually do? What is our limit? Because we are getting up there, I keep counting a million here, a million there.

Director Gulich – I never put in any of these applications without seeing the Finance Director. The proposed three year budget does anticipate this project being completed on time. Again, yes we do have loans coming off, at the same time we have additional ones going on. As everyone knows, we're still paying off the \$24 million worth of improvements we did in the 80's & 90's which Jack knows all too well about. I would like Mr. Johnson to make some additional comments.

Director Johnson – I don't have the three year capital plan in front of me, but I believe we did budget for partially in 2006 and the balance in 2007. The repayments would have to come obviously from non-tax revenues which would probably be, I'm sorry it would come from tax revenues, but it would probably come from permanent improvement fund.

Councilwoman Mancuso – From Permanent Improvement fund?

Director Johnson – Yes.

Mayor Cervenik – Also when we provided you with the three year capital budget, we explained that the \$2 million expenditures coming from the bond retirement each year was based upon projecting for many, many years out that we will never allow that balance to decrease below one and a half million dollars. Projects like these all fit into that \$2 million to make sure that we keep our fund balance strong. Our aim is to get Moody's to give our bond rating a boost once we achieve the structural balance that we've been missing for some time.

Councilman Daly – This project also has a benefit through Lincoln Electric, is that correct? Or is this the project that we were hoping to benefit from?

Mayor Cervenik – This project will benefit all the businesses on E. 222 St. and beyond. The businesses on St. Clair that need to go under that bridge right now. They've been more often than not going through Babbitt. They are going to lower the level of the street and such so that the modern day size of trucks can fit under there very easily. The grading of the streets, curbing and drainage is all going to be geared towards industrial construction standards. It is going to benefit the whole industrial corridor, not just one or two companies.

Council President Pro-Tem Holzheimer Gail – In the previous Issue 2 projects that we discussed at the last meeting, we used a different contractor. How is it determined which contractor we use?

Director Gulich – Please keep in mind the matters that came before Council at our previous meeting were not for engineering purposes, they were for administrative purposes for the purpose of daily inspections. We have already passed obviously some time ago the engineering portions of those council, which are by and large complete and ready to go for bids. Obviously at some point in time I'll be coming back to Council when appropriate and seek authority for that.

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

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

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

Ord. 115-2005 (389-05) Headsets

An emergency ordinance authorizing the Mayor as Ex-Officio Director of Public Safety of the City of Euclid, or his designee, to purchase 25 Bone Microphone Headsets and accessories for use by the Emergency Response Team and Community Policing Officers for the Euclid Police Department from Television Equipment Associates, P.O. Box 404, Brewster, New York, at a cost not to exceed \$19,000.00. (Sponsored by Councilman Gruber by request of Police Chief)

Councilman Gruber moved for passage, Councilwoman Hufnagle seconded.

Chief Maine – If you remember back earlier this year this council authorized the purchase of new portable radios. I'm happy to say those portable radios have been distributed and are working in fine order and we appreciate that support. Part of that ordinance also authorized the purchased of these special microphones for use by the Emergency Response Team and the Community Policing Unit. They need hands free operation in the course of their duties. B&C was not able to provide a suitable piece of equipment that met their needs and so this piece of legislation will authorize the purchase through a separate vendor. There will be no increase in the amount of money. The money that would have gone to B&C is instead going to this vendor. This has all been authorized through your approval of the 2005 Capital Budget. I'll be glad to answer any questions.

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

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

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

President Sustarsic – If I may interject a little bit of advice to our friends out in the audience this evening. It is very difficult, we have a lot of decisions here to make on Council this evening. We have a full agenda and it gets a little bit annoying sometimes as well as distracting to various individuals when they have the floor, be it on Council or be it the Administration and we have conversations going on in the audience. I would ask with all due respect to the people that are speaking at the podium and they have the floor to give them that courtesy as we extend the courtesy to you through Committee of the Whole. Otherwise if you have something that absolutely have to talk about with

Council Meeting

June 20, 2005

Page 32

whomever you are sitting nearby, please if you would go into the lobby and continue your conversation there without interrupting the meeting. Thank you.

Res. 116-2005 (391-05) Animal Commission Member

A resolution to appoint Pat Barnes to the Euclid Animal Shelter Commission.
(Sponsored by Mayor Cervenik)

Councilman Daly moved for passage, Councilman Gruber seconded.

Mayor Cervenik – It has been recommended to me that Pat Barnes fill the seat being vacated by Mr. Dan Chan. I would like to take this opportunity to thank Dan Chan for his contributions to the Euclid Animal Shelter Commission. I look forward to working with Pat Barnes and strongly her approval this evening.

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

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

Res. 101-2005 (386-05)

A resolution to rename Baseball Diamond Number One at Euclid's Memorial Park as Paul Serra Field, in honor of Euclid resident and Euclid Parks and Recreation employee Paul Serra. (Sponsored by Mayor Cervenik)

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

Director Will – Mr. President, members of Council and to the residents and everybody viewing this, again, thank you for your support on this. Thank you and from now on remember Diamond #1 is now officially Paul Serra Field.

Mayor Cervenik – Actually, we've got one more step before that's done and that Council does need to approve it. We had notified City Council ahead of time of what our intentions were and we were assured that it was a positive thing, but we haven't put the sign up until we get the 9 votes that we need here. But again, Mr. Serra is a well-deserving individual and again, I thank him.

President Sustarsic – Very much so and I think he typifies the fact that, that Euclid's long been a very strong baseball community and will continue to do so. Any other comments by Council? Seeing none.

Councilman Gruber 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. 117-2005 (392-05) Retain DFAS Jobs

A resolution urging the United States Base Closure and Realignment Commission to retain 1,028 important federal defense jobs at the Defense Finance and Accounting Service in downtown Cleveland, and supporting and encouraging the Cleveland Defense Industry Alliance and the Greater Cleveland Partnership in their advocacy efforts to protect the region's economic vitality by appealing the recommendation of the United States Department of Defense to realign these jobs to other cities and encouraging their retention; and further committing Council's support and assistance in this undertaking. (Sponsored by Mayor Cervenik) (Added to agenda and 24 hour notice waived)

Councilman Gruber moved for passage; seconded by Councilwoman Holzheimer Gail.

Mayor Cervenik – I'd like to thank you and members of Council for waiving the 24-hour rule, but this is a very important Resolution. It's being packaged with resolutions throughout northeastern Ohio and it's going to the Closure and Realignment Commission

to, just so that they understand the importance of these over 1,000 jobs are to the whole northeastern Ohio not just to the City of Cleveland. We have a number of employees that live in the City of Euclid that work there. We have a number of employees that work in various stores in downtown that these thousand jobs go and shop at those stores to create a more economic development. So I would ask that all of Council put their name on this resolution and that we will forward it to the appropriate authorities.

President Sustarsic – Thank you and I don't see that there's any problem with that amongst anyone on Council. Any comments relative to that? Seeing none.

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

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

CEREMONIAL RESOLUTIONS

Res. 99-2005 (366-05) Marta's Restaurant

A resolution of congratulations to Marta and Jerry Runca on the occasion of the 10th Anniversary of the opening of Marta's Restaurant in Euclid. (Sponsored by Mayor Cervenik and the entire Council)

Res. 100-2005 (381-05) Ashley Allen

A resolution of commendation to Ashley Allen, an outstanding Euclid teen, for her acts of charity and philanthropy. (Sponsored by Mayor Cervenik and the entire Council)

Councilman Langman moved for passage; seconded by Councilman Delaney.

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

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

COMMITTEE OF THE WHOLE

President Sustarsic – All right, at this particular time, we'll entertain people come to the podium to speak on issues pertaining to the good of the City. Your limit is 5 minutes and we would appreciate it if you would give your name and address for the record. First speaker, please.

Mr. Tod Guntner – 390 East 257. First of all, Happy belated Father's Day to everybody. If everybody did or they did not check out the News-Herald from yesterday, there's a very nice Father's Day article in there and it showcased the Bruening family, Officer Bruening and his father and his brother. It's a very nice article. Please take time to read it if you haven't. I know it's available at the library and congratulations to the Bruening family for being showcased. There was also six other father-son police teams listed and one father-son and grandson team listed. So congratulations to our Police force.

Next, last meeting I mentioned that recycling was running rampant in Euclid and that was a good thing. I got a check from Abitibi for the month of May. Much to my surprise it was \$418 and some change. Last month it was \$261. So again and continually, I would like to thank the citizens of Euclid for their recycling efforts. People are taking me up on my offer. If they can't get papers out of their car, we will be glad to do that for them. Just let us know when you get to the Shelter and we'll take care of that.

Got a couple great events coming up, first one is car wash. It is for cars; it's not for dogs and it is on July 9th from 9 until 3 and we're asking for a \$5 donation and we are selling pre-sale tickets and I would like to thank the dozen plus people here tonight that have already purchased tickets. I do have plenty of tickets available tonight if you'd like to purchase a ticket. I will be here after the meeting.

Next, our second anniversary is coming up very soon. So we're going to have another party, it is July 23rd, which is again a Saturday. It's from noon to 4. Come and

take a tour. Have some anniversary cake. We're going to have a face painter. We are going to have a two dog kissing booth. We're going to have some games and prizes and raffles. We're going to have a lot of fun so please come on down on the 23rd. Bring the children. You're going to have a lot of fun and, last year a gentleman named Po, who frequents the Trade Winds Lounge did a fundraiser for us, single handedly he raised \$900. He's going to do it again this year and this is going to be July 3rd from 6:30 to 10 at the Trade Winds Lounge. So I'd appreciate everybody coming out and supporting the Euclid Pet Pals with all the events that are coming up in July. Thank you.

Mrs. Ann Raukar – East 272nd St. Chairman Sustarsic, at the last Council meeting you were out of order and cheated me out of 3 minutes. Please do not interfere with my 5 minutes.

Mayor Cervenik, the picture in the May 13th Sun Journal shows a portion of the new clubhouse roof. It has no redeeming features over the plain roof of the Knuth Center you so wantonly demolished. It will be more difficult and expensive to maintain and you are well known for complaining about expenses.

Most of our neighboring cities have built state-of-the-art cultural centers for their fellow citizens. The citizens are encouraged and invited to make full use of these facilities. These structures are not maintenance free. There are routine duties to perform and expenses to be paid and the citizens are welcomed by the administrators. Here in Euclid good citizens have supplied time, labor, dollars and activities willingly and free. Mayor, instead of joining these good citizens in good fellowship you have acted as though they are a nuisance. You complained about the upkeep. You come up with plans that will cause more problems. You act as though these citizens are yours to order about. You just don't get it, Mayor. You even set deadlines. Well, Mayor, your deadline is set for July 12th. The recall movement is a healthy exercise in our rights to be rid of unqualified persons. It may inspire other inapt persons to move up or step down and make room for those more qualified.

As to the Providence Baptist Church situation, it is one of four Black churches selected by the Cuyahoga County Commissioners and Department Heads a project to benefit themselves and have clout at election time. This is insurance for either a Republican or Democratic candidate, whoever the top politicians which to favor. The County employees from top to bottom have no legal or underhanded right to bring their dirty games to our city. Threaten our citizens regardless of how much money they invest in our local politicians. We are the people that pay our City employees. If they can't recognize and respect that fact, they should resign. The former Mayor and Law Director were involved with this radical movement of churches. Mayor Cervenik, Council President Sustarsic and the following Council persons were willing participants in this dirty political movement Christopher Gruber, Sally Hufnagle, Hugh Daly and Tony P. Sustarsic.

Mayor Cervenik lost 15 pounds over the stress of this recall movement. Talk about stress after a year and a half with three City workers and Oyaski toying with my life and property, my blood pressure shot up from 120 55 60 to 190 90. I've got Bell's palsy, a benign cataract flared up and I had to have surgery. I have to medicate for high blood pressure something I never had to do in my life before.

Mayor Cervenik does not deserve to hold public office. Please vote no on July 12th. Thank you.

Mr. Matt Lemieux – 24660 Puritan Ave. I just want to say thank you to the Council 'cause by the time you reconvene the Clubhouse will be completed by then, but what I've seen so far, what I've talked to from all the people who have golfed avidly who have seen the new facility have been nothing but impressed with this facility. Haven't talked to a single person who has said they probably would have preferred to renovate the old Knuth Center. I know it was highly debated, but things did go through finally and I want to say thank you to the Council and the Administration because what's going on there is absolutely beautiful and not a single golfer that I've talked to on a routine basis has said that they'd have it any other way. So thank you very much in advance and I look forward to seeing it completed and actually getting inside and see what it looks like on the inside. Thanks a lot.

Mr. Albert Chylla - 482 Clearview – I'd like to talk about this ordinance of what the fire truck that we're going to purchase. And I want to thank members of Council of

approving this ordinance for this truck. I seen the truck in the magazine, Fire House, and it well, it will benefit for the City and it will help us with our safety forces. So Chief, I think you did good on this. It will help. We need it badly. I know our trucks run constantly. I hear them all the time.

And also I want to say to Director Will that the Irish Festival was a huge success. I was there. It was great. Keep up the good work with it. And that's all I have to say. So thank you.

Mr. Rick Wiegand – 44 East 224th St. I'm the former Prosecutor for the City of Euclid and I'm enjoying the term very much. I'm not here to speak about the recall. That's going to take care of itself very favorably for the Mayor on July 12th.

I'm here to say something that I wanted to say some time ago but I really thought it would go away. But what do I know? It didn't. And I can sum up I just can't stand to see the attacks on Brian Meister, a member of this particular, a City employee. I'm tired of the incessant venom that keeps being spewed out by people about him.

You know, 9 months ago and it's 9 months ago, he exercised his own personal right of freedom of speech. He wasn't speaking up for the City. He was speaking for himself. And things he said in error only the fact that he used a collective noun and tended to group everybody together. You know, he probably should have simply said if the shoe fits, wear it in talking about the underlying racial issues about Hillandale. So if the shoe fits, wear it; but that was 9 months ago and I'm really getting tired.

You know, in the Prosecutor's Office we try to treat everybody fair all time. If we used what people said in one day, the Police Department used what people said one day again them the next time they came around, it would be totally unfair. But I'm, I said I'm getting tired of hearing it.

But let me tell you something about Brian, okay? He's a former colleague of mine in the department. He's a very personal individual, who deals with issues every day that, but for the grace of God, we don't have to deal with. And he keeps his head high and he keeps in good spirits. He's a pleasure, quite summonedly, to be around. He came in here to this department, to the Law Department 2003 at a time when the Law Department was being staffed only by Phyllis Vento and myself. Phyllis Vento was doing about 2-1/2 jobs at that point in time. And he came in here, I think he was, keep in mind, he relocated from Cincinnati. So he had the danger of coming up here taking a job and even being laid off at the way the tight budget was at that point in time. And he came up here and he's an immediate asset to us. Tell you, he's a tireless worker and if you ever asked him to do anything at all for you in that department, Law Department, even the civil side that Phyllis was handling or the criminal side where I was handling, he did it without hesitation.

And by the way, he's also a very excellent writer. All you've got to do is look at some pleadings that he's filed on behalf of the citizens of this community in court amazingly organized and an excellent writer. In short I'll tell you what. If this guy, if you were in a dark alley somewhere and you were attacked, this guy would stand by you. He would stand by you. His detractors instead would run away and come to the next Council meeting and complain about the lack of police protection.

In fact, in fact, where he's working right now, I understand is working out very well because he's well suited as a former collection attorney. I understand he's working very well in that particular Tax Department so it upsets me when people come in here for their own selfish reasons week after week and try attack him. You know there's an aphorism that says great minds talk about ideas, average minds talk about events and small minds talk about people. In applying these principles of boorish, to the boorish attacks upon him, I anticipate it from some of the regulars who come up here. It's just the way you operate. In fact I expect it from people who write for that thing called The Observer. That's the only way they know how to operate it's by attacking people. But what puts me over the hump and finally made me come up here and say it was when it comes from people who should really know better. People attacking someone just for selfish political platform, you know, Shakespeare told us something about this in Julius Caesar. He showed us how ambition and jealousy can smear the vision of those who should know better and how it can make a person, people, ambition and jealousy can make people disregard the good qualities of an individual, the good the person has done for the community. And the totally unjustified attacks on that person and, you know, the shock and disgust when ambition blurs the senses of mortals was immortalized in Julius Caesar in those words Et tu, Brute, when you're shocked when someone does.

And after listening to the last Council comments, Council comments last week all I can say is you, too, Daryl? Thank you.

Mr. Harvey Hutter - Councilman Gruber, at a recent Euclid City Council meeting, I indicated that my wife and I had contacted the City of Euclid four times regarding the poor condition of a house in our neighborhood. This included conversations with you and Mayor Cervenik. Your response to my comment was Mr. Hutter, why didn't you call me and explain to me that nothing had been done? So this is my fault that nothing has been done?

If I'm going to be responsible for following up on my complaints, then what do I need you for? In fact what do we need any Council people for? At these City Council meetings the majority of you will pass anything that the Mayor wants you to. Council people Mancuso, Delaney, Langman will analyze it while the rest of the Council will pass it. This is as predictable as sun rise tomorrow.

I propose that we save some money by eliminating City Council and how about we elect Bill Cervenik king? Sound ridiculous? Of course, it is. But what is the difference between my silly scenario and the way that City Council meetings are really run? These meetings are a dog and pony show. We stand at the podium, express our opinions and it means nothing. Mancuso, Delaney and Langman give their opinions and it means nothing. We need an entire Council and President of Council with the independence of Mancuso, Delaney and Langman. They all need to tell the Mayor that if you try to submit bad ideas I won't be a part of it.

In my opinion the main reason that Mayor Cervenik was elected into office was because of a spectacular campaign presentation. He had fancy flyers and a billboard. He had big money backing him and, in my mind, that usually means paybacks. I want a Mayor who comes into office with no baggage. The only people that he or she should owe anything to are the people of Euclid. Mayor Cervenik is now fighting to stay in office. He will probably have fancy flyers backed by big money. In my opinion he certainly cannot rely on his performance as Mayor so far. Those of you who are taken in by flashy campaigning during the last mayoral race need to learn from your mistake and not let it happen this time. On July 12th we have the opportunity to be part of making a course correction to the good ship Euclid. Get out and vote no. No more Bill Cervenik government. Thank you, have a pleasant evening and God bless Euclid, Ohio.

Mr. Tom Cooke – 25641 Edgecliff. I would like to address our children's education. An inarguable fact is that a child first and foremost source of education is the parents or legal guardian. The second source is the schools. How does a child primarily learn? The child learns by observation and imitation. Anyone who has adult children has already seen the whole process and knows exactly what I'm talking about.

That being said what are we as parents, as teachers, as community, what are we really teaching our children, our future leaders? What are they observing and learning from their parents and peers, that is those who have role models. This is what I see our children, our children learning. They are learning that if you don't like the results of a mayoral election, even though the successful candidate received the majority vote, one can have the election overturned. You just have to know the correct procedure to follow. Who cares what the ramifications may be? The course of action is available and is legal. The means justify the ends. The consequences of your actions don't matter they can be reversed.

They are learning that the majority, they are learning that if a majority votes for or against a referendum, i.e. the Hillandale referendum. Your vote really doesn't matter. The people in power will do whatever they want. They have the power to do so and can ignore the voters concerns.

They are learning that if a voter says no and a school levy fails no problem. We can have a special election every couple of months and keep on having elections until we get what we want. Where's the innovation and creativity? Is going back to the taxpayer over and over again creative? Is it innovative? No, it's nothing less than extortion by way of attrition. Again, we really don't care what the voter has said. We only know what we want and we're going to get it. Can you really blame anyone for the voter apathy that permeates our political system? Why vote? No one listens to me anyway. The powers to be are going to do what they want.

The sad fact of the matter is this is reality. Our votes really don't matter. The record is self evident and cannot be denied. In our society today, denial is reality. Who needs to

deal with consequences when you can stick your head in the sand and deny? We are constantly told by teachers and by union how concerned they are about educating our children, how important it is to spend more money on education because that's how we educate. Throw more money at the problem and it will be solved. More money fixes everything, right?

The funny thing is you don't see the teachers' union offering contract concessions to help fund purported funding shortfalls. What you will get from the teachers' union is maybe, at best, a freezing compensation followed by lip service bemoaning how poorly teachers are paid relative to other communities or the worst case scenario a strike. Yeah, that would show the students how much teachers care. Let me think here for a second. This is Euclid, right? This is not Beachwood, Solon or Bay Village, right? I just needed to remind the teachers' union of that.

So the next time your child says it wasn't my fault, he made me do it. Remember that it was you who taught him or her everything they know. But then again, I don't know, I don't expect you to take responsibility for your actions any more than I can expect your child to. I expect you to blame the school system and anyone else you can point your finger at for all of your child's woes, everyone except yourself just as you already have.

Regarding the recall effort, after all the months of agony the City of Euclid has gone through, there is only one pertinent question to ask. Is the City of Euclid better served by removing the Mayor from office or is the City of Euclid better served by leaving the Mayor in office for the remainder of his term as originally elected to serve? I believe the City is best served by leaving the Mayor in office to serve out his term as elected by the voters of Euclid. Thank you.

Mr. Larry Germovsek – I'm with the Euclid Police Department and I'm President of FOP Lodge #18 and I'm speaking on behalf of our political action committee.

Number 1, back when Mayor Cervenik ran for office, my union endorsed the Mayor. We endorsed him then; we endorse him now and we'll endorse him in the future. I just want to talk about few things that have been coming up in the papers.

Number 1, he's not responsible for our manpower shortage. He inherited that when he became Mayor. Has he met with us? He meets with us quarterly. We talk all the time about ways to hire policemen. He not only inherited an understaffed Police Department he inherited a City that was broke. He's done a wonderful job in restoring some of the money to this City. You know if the people in this City, would just give him a chance, all right?

I'd like to talk on one other thing. I feel personally recall, I always thought, was when someone committed a crime. What crime did our Mayor commit? He settled a lawsuit that in his heart felt that that was the best interest of the City. Did I believe that? I didn't know what to believe. Did I do the educated thing? I looked in to it. I talked to people. I went to meetings. Do I believe it now? Yes, I don't think we could have won that lawsuit. I think this City would have lost a lot of money. I still live in this City. As a homeowner, I don't want to be assessed for a lawsuit that I had no part in.

Number 2, I didn't know until about 10 minutes ago that I was an uneducated voter. I don't care about his flyers. I didn't care about his political campaign. I cared about the man that ran for the office, okay? That's what I cared about. I liked what he said. I liked what he had to say. We interviewed all the candidates. We endorsed some people on Council today. We endorsed the Mayor. All I'm asking is the City of Euclid, the residents of Euclid, please, vote yes in November, not in November in July so that we can retain our Mayor. Thank you.

Ms. Kate Wenrich – 294 East 264 St. I just have a couple of questions. First question, when will the minutes for the health committee meetings going to be made available and also, when will the Ruff RV Sales be relocating to Lakeland Boulevard? Thanks.

President Sustarsic – Would anyone care to answer that now? Mr. Pietravoia?

Director Pietravoia – Yes, Mr. President, I can respond on the Ruff RV. They have, actually, already started moving their inventory to that location. They are, however, still working on the building renovations and preparing the back area of the lot where the majority of their inventory will be staged so until that's completed, it can't fully make the move into the City, but they expect to be doing that over the summer months.

Council Meeting

June 20, 2005

Page 38

Ms. Wenrich – Thank you.

President Sustarsic – Thank you and could anyone address the other question? Mr. Mayor?

Mayor Cervenik – I believe Councilwoman Mancuso has been on the committee. I have not met with the committee. If she doesn't have an answer, I can check with Rosanne and get that answer back.

Councilwoman Mancuso – I can respond if you would like. The meeting minutes are out. I'm at a loss as to why we don't do them here with the rest of our committee meeting minutes, but they are out after we have approved them at each meeting so we should make them accessible to the public so that they have what we have at the Health Care Insurance Committee meeting. And I would like to see them on here so the people actually get to look at them.

President Sustarsic – Okay, thank you, next speaker please.

Mrs. Linda Vargo – 854 East 216th St. I'm here tonight as a resident and a long time City employee. I'm not here because I feel obligated in any way, shape or form to support the Mayor. I'm here because I want to tell you that I am proud to work for the City of Euclid and even more so, I am proud and grateful to work under the leadership of Mayor Cervenik.

When people have an intelligent, upstanding and yet compassionate leader like Mayor Cervenik, they line up to follow him. That is what a real and good leader does, they lead, do, whatever. And I challenge you to ask your neighbors and friends, who are or know of a City employee and ask them if what I'm saying is true. Ask the police and fire union members why they support the Mayor? Ask the non-union employees, as well. Mayor Cervenik along with his administration re working their tails off for this community, they know we have challenges and they are doing their best in spite of obstacles that some Council people and ERC keep throwing their way and the decision they have brought to the community.

Mayor Cervenik has been in office only 18 months. Yet in this short time through a lot of work, tightening our City budget and vigorously retaining and recruiting new business into the City, we have seen our City finance turn around. He has developed a 3-year financial plan and he is working to keep the City on the right upward path. The residents of the City elected Mayor Cervenik just for this purpose to be a leader, to make tough decisions and he has not let them down.

Now I'm asking the residents of this community come out on July 12th to let the Mayor know that he can finish his job as he was elected to do. Vote yes on July 12th. Thank you.

Ms. Rose Cleveland – 196th St. I've lived in Euclid for more than 15 years. My two daughters graduated from Euclid High School. I have seen the neighborhood change drastically. Never have I seen so many for rent signs and for sale signs. What creates bad neighborhoods are those people who move out and rent their properties and you never see them again. The property becomes neglected and they have no idea who actually lives in their properties and the cycle continues.

Heritage Park Association wants to stop this cycle of neglect that is occurring right before our eyes. Some examples of the neglect are for example, the garbage is being picked up later and later. Last week it was picked up at 4:15 p.m. and today at 5:00 p.m. The fence on 193rd Street by the railroad crossing has 3 openings leading over to the St. Clair area. One of the outings recently acquired a piece of fence to prevent the crossing. Why the kids still using the crossing? It's not because they've climbed over the fence. Approximately 8-10 feet from the fence there are 2 more openings without a fence.

Please tell us what is going on with the police auxiliary, which was to be built in front of the basketball court where the old GM plant was located. Businesses are moving away from the area and not being replaced with businesses and job. It seems as though no one is trying to attract new businesses into our community. New businesses create jobs and jobs create revenue.

What is to become of the land where BP once occupied at Highland and Dille Road? Also where Sims Buick dealership used to reside? Currently, they are eyesores to the community.

Apparently, the voice of the voters has gone unheard because letters have been sent to Pietravoia on 10/27, Euclid City Council members as well. These letters outline suggestions and concerns. Heritage Park is in need of change. Please vote no on July 12th and vote for change in our community by voting for a new Council person in Ward 4. Thank you.

Director Pietravoia – Yes, I'd like to comment on a couple of the items that were brought up. BP Station, in particular, I have been in contact with the owners of that property. They go through a fairly lengthy process where they make sure the property is cleaned, the tanks are removed and before all of that is done they will not put the property on the market. We immediately contacted them when they started doing demolish there to see if we could include it on our commercial inventory list. They are willing to do that, but they won't release it until the time is right. So we are on top of that situation and I've actually already talked to a couple of developers along with the Mayor trying to attract interest in developing that site for commercial property. So I have responded to your letter in several different ways including the BP property.

Sims Buick, we met immediately with the owner of that property upon finding out that they were combining with the Pontiac location. They have already offered to have their property on our list of commercial space that's available in the community and we will assist them to market that property the same way we would any other business owner in the community and we're hopeful because of the size of that property, which is rare to find a commercial site that large, that we will be successful in fairly short order in finding a new buyer or user for that site. Thank you.

Chief Maine – If I could answer Ms. Cleveland's concerns about the mini station? I don't know whether you were at some of the previous Council meetings, but this Council has authorized the purchase of the building that will be erected and hope we, it'll be in operation before the school year starts in August. It's still on track and it's still going up.

Councilman Gruber – Ed, I had two inquiries on the Sims Buick property already personally.

Director Gulich – I, too, was questioning Waste Management getting out later and later these last couple of weeks. I did have their Regional Manager in mine and the Mayor's office and posed him that question. He said it's very simple. Starting right around Memorial Day when weather got nice they noticed volumes picking up by as much as 4 times the amount they're used to getting. So you're getting the same amount of people, the same amount of service, they do suspect that once everyone gets caught up with their yard work and garage cleaning that everything will fall back in line.

Also, yes, our Service people were up there and we pretty much did a patch job on that fence. Anyone familiar with the area knows the overgrown nature of the area. The fact that that fence really is on railroad right away, we've approached the railroad numerous times. They're very reluctant to take any action. Course, I suppose if we cleared out those woods all together, we probably could put a complete fence all the way through that area rather than just a patch.

Councilman Gruber did contact me about that and I did have our people go out there and basically patch holes.

Mayor Cervenik – These statements, the allegations that we're doing nothing while businesses move out. I think it speaks for itself on tonight's agenda and previous agendas we spend a great portion of our time helping our present businesses grow as well as bringing in new businesses. And I think my record stands very admirably for that. Thank you.

Mrs. Pearlitha Taylor – 1495 East 193rd. First of all, I would like to say thank you, Kathy Will. You did a great job. I was, a resident in Heritage Park area Penny and Vince Rihar, Lillith Keith and myself, Perlitha Taylor, met with Kathy on June 13th. She was very professional and she advised us and she did stick with her word. She made promises

to us and they was taken care of in less than 1 week. Surprisingly, I wish I could say that about more of the people at City Council and for the City.

It had been many occasion that we have met with Frank Pietravoia. We felt Heritage Park Community Association felt we would give him a chance since he did not live in the City of Euclid and plus he was new to the City employment. We felt that we would work with him and talk with him. We met with him and others from the City, which was from the Zoning Department, and we was very disappointed with what happened. He was very good speaker, very polite but did not follow through. We had a petition that we had presented to him and we was ready to present to Council concerning the property on 193rd Street off Euclid Avenue. We was told just to wait. We will work with you. Don't take it to Council and we believed him. We met with the owner of this property that once was commercial but was rezoned to retail. But we was told hey, it was already rezoned retail. The dead man, the man that died that used to do the Zoning made a mistake and didn't mark it so we'll work with you. Don't worry about it. We was never heard. Our promise from Mr. Frank Pietravoia was broken. Mrs. Victoria Whitmore stated that she was stay in contact with him and he would stay in contact with us. The Odds and Ends store moved. The gas left. She puttin' in a so-called convenient store with bullet proof glass. What is that saying to our kids in the neighborhood? The store is right next door to the playground and she's supposed to be selling candy and cookies and chips. What is this to send a message to young kids growing up? No one trusts you. You cannot be trusted.

Well, Mr. Pietravoia, you proved yourself wrong to our community. We could not trust you to help us and you didn't help us.

And as far as everything and all the praises the Mayor, Bill Cervenik, is receiving, congratulation; but you also fail us. We asked for so many things. We have letters that we sent to this Council and to our Mayor, to the Director of Economics and nothing was revealed. Yes, we got letters back saying oh, your great Councilman, he did this and he did that. We don't want to hear about the past. We want to talk about the future. We have plenty land in Ward 4. What happened? Wal-Mart is trying to go to every neighborhood. Have any one reached out and tried to talk to him? Wal-Mart? We don't need a storage area hiring only 4 people. That's not bringing revenue to the City. Taxpayers are trying of picking up the slack. For what this Council and this office is not doing. We need revenue in this City. We need better shopping areas so people would not have to go out to the mall.

I'm askin' everyone out there listen to my voice tonight. Think about it. Have this City got better or is it worst? The garbage, it's an excuse for everything no matter what you bring up. It's no way to fix anything. I'm askin' you to review this City and the Mayor. He's a nice person, but nice people can make mistake. Maybe he came in and intend to do right but you made a lot of mistakes. And I'm askin' people to vote no. No on July the 12th. Bring this City back alive because when the signs went down of superior service so did the service. Thank you.

Anonymous male voice – As challenging as it will be, I'll try to keep this message positive.

President Sustarsic – Excuse me, sir, if we could have your name and address for the record.

Mr. Mike Tortorici – 635 Voelker. The lines are drawn. I do not expect to convince his adversaries. I hope to encourage his supporters, but most of all I wish to enlighten the citizens and undecided voters. This is bigger than Bill Cervenik versus the EAC. This is our future, our homes. Although it may not be politically correct, I'm going to start with a prayer and hope that you will continue to listen and pray with me.

Praise be to you, O Lord, God of our father Israel. From everlasting to everlasting, yours, O Lord, is the greatest and power and glory and majesty and splendor. For everything in heaven and earth is yours. Yours, O Lord, is the kingdom. You are the ruler of all things. In your hands are strength and power to exalt and give strength to all. Now, our God, we give you thanks and praise your glorious name. This is a prayer of King David in his last act as king submitting to and recognizing God's authority and sovereign power over all. Some of you are probably ready to tune out and others are asking what is he talking about. Please bear with me, citizens of Euclid, I have a very important message for you.

Politics and religion, what and how does this apply? I believe we all can agree the very foundation of this great country is based on Judeo-Christian values. If you examine the documents created to guide and govern this country, it is obvious from where they derive their inspiration. I believe the Bible is the infallible inerrant Word of God. I believe our Founding Fathers knew these truths to be self evident. The witness, to witness the providential hand of God throughout history is an awesome and inspiring. Therefore, I would like to share some insight. This is all temporal, important yet temporary. What is unseen is eternal. Remember it is vital that we all do our part. Quote, all that is necessary for evil to triumph is for good men to do nothing. You the voter must determine what is in the best interest of the City. You the voter will decide whom do you trust. I ask who will you choose to entrust the future of this community and our homes. I witnessed the attacks on this Administration from Day 1, quote tell a lie often enough, loud enough and long enough people will believe you. The EAC campaign of innuendo, rumors and misinformation are deceitful and difficult to define. I take offense to the leaders of the EAC assault on the character and integrity of our duly elected Mayor.

As Paul the Apostle writes in 2 Timothy 3, there will be terrible times in the last day. People will be lovers of themselves, lovers of money, boastful, proud, abusive, disobedient to their parents, ungrateful, unholy, without love, unforgiving, slanderous, without self control, brutal, not lovers of the good, treacherous, rash, conceited, lovers of pleasure rather than lovers of God. Having a form of godliness but denying its power. Have nothing to do with them. They are the kind who worm their way into homes and gain control over weak-willed women who are loaded down with sins and are swayed by all kinds of evil desires always learning but never able to acknowledge the truth.

Continuing in Verse 9, but they will not get very far because as in the case of those men their folly will be clear to everyone.

Verse 12, in fact, everyone who wants to live a godly life in Christ Jesus will be persecuted while evil men and imposters will go from bad to worse deceiving and being deceived.

Verse 16, all Scripture is God-breathed and is useful for teaching, rebuking, training righteousness so that the man of God may be thoroughly equipped for every good work. This chapter is a prophesy from Paul of Tarsus written nearly 2,000 years ago as relevant today and probably more so than any other time in history. Rather than convicting examine our hearts and see if it applies.

The last time I spoke during a Council meeting and presented facts I was shouted down by the unruly EAC members in this audience. I broke no rules, yet they interfere with my right to express during this assembly. I find it ironic since this group claims to represent free speech. Apparently, their idea of freedom of speech applies only to those who agree with their opinion. Quote from Edmond Burke, it is a general, popular error to suppose the loudest complainers for the public to be the most anxious for its welfare, end quote.

Again, I ask the leaders of the EAC, what is in it for you? How are you helping my community? On July 12th when the majority of the voters turn out to support our Mayor, will you cease your attack on our community? Citizens of Euclid vote yes for Euclid. Support Bill Cervenik.

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

Mr. Tortorici – Thank you. God bless America; God bless this City and God bless our Mayor.

Bill Karolick – 19040 Newton Ave.

President Sustarsic – First of all I'd like to call a point of order in the back room over there. Yes, one more time, you're out of order and you're out of here, whomever said it, I don't care. I've had enough of this tonight. Next speaker please.

Mr. Bill Karolick – Just a question about the helmet law, do we still have the helmet law for the kids under 16 years of age?

Chief Maine – Are you talking about the bicycles?

Council Meeting

June 20, 2005

Page 42

Mr. Karolick – Yes.

Chief Maine – Yes we do.

Mr. Karolick – How about scooters? The little motorized scooters that are going around now.

Chief Maine – Does the City of Euclid have a specific law?

Mr. Karolick – Yes, on a helmet.

Chief Maine – No, they are considered motor vehicles.

Mr. Karolick – They should wear helmets though, right?

Chief Maine – No they are not allowed to operate them at all because they don't have a driver's license.

Mr. Karolick – Okay. Do you think we could enforce that a little bit? Enforce the helmet law a little bit too?

Chief Maine – There's no penalty would be enforced, it would be helmet law. There is no enforcement penalty in there. It is strictly advisory.

Mr. Karolick – The west-end of Tungsten, we're doing the east-side of Tungsten and the loop, how about the west-end of Tungsten to Mr. Gulich?

Director Gulich- I'm not sure what you mean by the west-end.

Mr. Karolick – The west end from 276.

Director Gulich – West of 276 project was just meant to encompass the area where the buses have been doing the damage. That's the monies we're getting from RTA combined with our monies. This particular project right now there's no intention of doing any work if that answers your question west of E. 276, not as part of this project.

Mr. Karolick – Is west of 276, is that going to be done soon because we've got a lot of orange barrels over there, watermain breaks.

Director Gulich – We've been busy working on the water breaks up there. There has been some fresh ones, we've tried to get caught up. We'll have to get back in there. Yes, you will see some more activity in there and I'm not sure exactly when that's scheduled.

Mrs. Audrey Kaplan Goodman – 20201 Glen Russ Lane. Mr. Council President, do we have to change a tape or no?

President Sustarsic – No, for whatever reason I have the numbers here on the screen and there is 7 minutes to go.

Mrs. Goodman – On June 7, 1776 at a meeting in Philadelphia, Pennsylvania a small group of men got together to declare their independence from their government. I am positive that there were those who called them all kinds of names and accused them of all forms of lies and mayhem. But they prevailed in their purpose and on July 4, 1776 they placed their lives on the line for their beliefs in freedom and the sacrifices that must be made to ensure their victory. Because of their zeal in the face of fierce opposition, we enjoy our liberty today. Those same liberties that we are being condemned for by those who support Mayor Bill Cervenik. I guess liberty is to be based on their interpretation only. How dare we think for ourselves. What blasphemy.

On January 3rd at a meeting in Euclid a small group of people got together to declare their independence from their government. It was on that day that they called for the recall of our Mayor. Why? Because he violated their trust, their vote and his Oath of Office by going against the wishes of the majority of Euclid voters. He willingly accepts

the majority when he was elected. Just not the majority when they disagree with him. Not bad if you can get away with it, he will not.

America celebrates its independence day on July 4th each year. Euclid will have it's own independence day to celebrate each year also. Ours will be July 12th. On that day we will tell the Mayor and his political cronies some of whose very livelihoods depend on the current Mayor that their reign on non-accountability and selected hearing is over and that the people of Euclid have taken back their city. I urge residents to stand up and be counted on July 12th and change the course of history forever, vote no.

Mr. Goodman – Can I have the time please? How many minutes left?

President Sustarsic – A little under 5 minutes.

Mr. Goodman – Then I would request that we change the tape.

President Sustarsic – You can start speaking now.

Mr. Goodman – I request we turn the tape.

President Sustarsic – And I'm telling you that you're wasting time and we're not going to change.

Mr. Goodman – I'll wait then.

President Sustarsic – Mr. Goodman. Next speaker please.

Mr. Jerry Corbran – 24250 Maplewood Dr. First item is that I'm guessing that Councilman Daly has been criticized for all the misinformation that he presented in his Sun Journal newsletter. The Supreme Court did not rule on church zoning. I expect that he will have the good manners to write a retraction.

Now regarding the newest door hanger supporting the Mayor, in a suburb rated 62 of 66 by Cleveland Magazine, the Mayor has to be on an image binge. He seems to imply that Harbor Town and Shore of Edgecliff are part of his building for the future program. I recall being at all the ground breaking ceremonies for these and other projects and I don't recall the Mayor being there wielding any shovel. That's because they were all underway before December 2003 BC, the BC is Before Cervenik.

I suppose I should be thankful that he allowed those projects to proceed instead of demolishing them like he did the Knuth Center Clubhouse renovation. Now to support my comments about this timing, I have this little collage of headlines here with the dates and I wish Mr. Lou would pass this off to the Council members please. That's my comments, thank you.

A short break was taken.

Mr. Ed Gudenas – 24555 Lake Shore Blvd. Good evening and almost good morning. A couple of weeks ago this city council became involved in the recall effort by voting to endorse the efforts of the Mayor and from that we have the campaign that the Mayor is putting on today. He's spending thousands and thousands and thousands of dollars in hiring high priced consultants just like he did two years ago to make himself look good. But the truth is that it is just smoke and mirrors and more smoke and more mirrors.

Here are a few examples. This piece here claims he eliminated a \$4 million budget shortfall. The truth is the Mayor created the budget shortfall by increasing spending and then he borrowed money to create a phony budget surplus. When he was Council President the city spending went up from \$25 million a year to \$36 million a year. After the voters removed him from office, spending went down. Spending went down many millions of dollars so that by 2003 we spent almost \$3 million less than in 2001, when he was in charge. But then again after he was elected Mayor, he increased spending again. So many dollars were spent that Moody's Investor Services, an independent outside agency that studies city's finances gave Euclid a negative outlook last year. Moody's downgraded our credit rating not because of the past, but because of our future. It seems that even outsiders have a negative outlook on what the Mayor is doing.

Cervenik's solution according to Moody's, his solution and I quote, an increase in the property tax, implementing user fees or reducing the income tax credit. Direct quote from what was reported to them. Only the recall effort has stopped these tax increases for now, but what happens after the recall vote if the Mayor is still in office? Do we need a Mayor who brings a negative outlook to Euclid?

A few more examples. This piece talks about new development. In fact Mayor Cervenik as Council President did everything he could to obstruct the plans for new development, like the Shores of Edgecliff and Harbor Town and now he is taking credit for them. Is it any wonder that plans for those developments didn't break ground or start moving ahead until after he was defeated as Council President. New safety equipment, he used federal grant money that was awarded to the City in 2003 when he was out of office and now he is taking credit for that. He kept safety forces strong. He was quoted in the Sun Journal last year saying that he had no choice but to cut safety forces. On July 15th of last year Cervenik said, quote, we cannot run the city on the projected amount of revenues we will receive next year without cutting safety forces. It was a choice of paying for garbage collections or making due with fewer firefighters and police officers. That is the choice he wanted us to make.

Unfortunately for him the previous City council which I was proud to be a part of passed an ordinance that would not allow him to do that, so he didn't because he couldn't. Now he's claiming credit because he didn't. Finally his campaign literature says he saved Euclid taxpayers \$2.5 million by settling the Hillandale law suit. The city did not lose the law suit and we are not obligated to pay anyone anything. There is still a question whether he had the legal right to make the private deal. I believe he could not settle the law suit after the people voted. But even beyond that, what about the moral obligation to defend the vast majority who wanted something better. We hear that the Mayor should stay because the majority vote always rules. But of course when the majority vote didn't go his way, then those voters didn't count.

The Mayor and I both went to St. Joseph High School and back then, I'm sure the good brothers over there if they saw a piece like this they would have said this is like copying someone's homework and taking credit for it. The Mayor has a long record going back to 1989. Voters should look at that record, not just for 18 months, but going back to 1989 to determine if two more years is worth the risk. Thank you.

Mayor Cervenik – I would address a few of those. First of all the Shores of Edgecliff, the speaker forgets that I was one of the main sponsors along with Councilwoman Holzheimer Gail and Councilman Gallagher that purchased that piece of property in the first place. The speaker who just spoke was very critical of the fact that we did that. I'm very proud that we did that. We took advantage of buying up a piece of property in a neighborhood that shouldn't have apartments in it.

The Harbor Town project, nothing more than a concept when I took office. We have taken that concept and turned it into a reality. There was no solid financial backing for that. We had a tremendous gap in the TIF financing. We took a \$22 million project and as Mr. Price has said publicly, it is now over \$42 million project. That's with a lot of hard work, not only from me, but from all members of this administration.

As far as the spending goes, that's all been hashed out in the election. This speaker forgets the fact that much of the additional expenditures were transfers so that we could do streets, millions of dollars in street resurfacing. We transferred money to the permanent improvement fund so that we could purchase and build a fire station to the tune of \$2.7 million. The speaker forgets that when I left office in 2003, there was almost \$6 million in the bank. When I came back two years later as Mayor, not Council President, as Mayor, the money was gone. I stand by my record. I'm proud of my record and I'm sure my record will prevail on the 12th of July.

Director Johnson – I would like to read, there's been much discussion about the bond rating and the drop in the city's bond rating. I would like to read just one excerpt from the Moody's report. In fiscal 1999 the city's general fund balance was 37% of general fund revenues. However due primarily to declining revenues and over budgeting of municipal income taxes, the city's general fund balance fell to just 14% of revenues in fiscal 2003. That is the reason the bond rating was dropped. It was dropped because the general fund reserve went from \$5 million to \$600,000 in two years. That is why. I am not placing blame. All the suburbs in this metropolitan area are all victims of the same economic conditions. But this is not due to the fault of this current administration.

Mayor Cervenik – Period. Thank you.

Mr. Victor Goodman – 20201 Glen Russ Lane. For the good and welfare of Euclid. First I want to remind everyone that in November 2003 my choice for Mayor was Bill Cervenik. Secondly, I am a registered Democrat. July 12th is the most important day in all the history of the City of Euclid. On that day the citizens of Euclid will decide how the city will be run for decades to come and the choices are black and white.

There is an old saying, if you always do what you've always done, you will always get what you have always gotten. Under that rule change does not exist. For decades, more than I can count Euclid has been run by the same group of people. The names change, but the control remains the same. Want proof? Look at how the validation of a recall was stalled and stoled and then the latest date chosen to ensure that this group would stay in charge for two more years. The machine one. The citizens zero.

On July 12th we have a rendezvous with destiny. We can tell the Mayor and his backers to pack their bags and leave. On July 12th by voting no, we are taking back our city. We the people of Euclid then will control our city now and forever more. The greatest document ever written starts, We The People. It does not start, Them The People. We demand accountability. We demand credibility. We will not settle for less than cooperation and understanding. We will never settle for my way or the highway.

From this time forth, July 12th will be known as Euclid Independence Day. Vote No on July 12th and stand tall and proud and shout, this city belongs to us. Vote No. Grab a family member, tell a friend. This time your vote will count. This time you will count. This time the people's voice will be heard and not only count but it will be heard loud and clear. Let's tell all of them, all those who would deny our rights, let's tell them no. Vote No July 12th and we will be heard around the world. Oh, the real puppet masters of Euclid, the group that controls and pulls our strings, the Cuyahoga County Democrats, not Euclidians. They have poured thousands of dollars into our city to buy and control it. I want Euclid for Euclidians.

With my time remaining, I would like to make one final statement. I hate no one. I disagree with some. But hate, I reserve that for Nazis.

Mr. Fred Lisy – 24731 Farrington Ave. I have a little plaque above my desk that says, Our lives begin to end the day we become silent about the things that matter. That is a quote from Martin Luther King and it just, I've been silent for awhile and I'm choosing not to be silent anymore because it is just finally too much. The good news is that there are a lot of other people that aren't silent around here, so good or bad on what you may or may not agree with, it is a positive that people are actually getting involved.

I implore the elected Council members not to be silent anymore too when it comes to the city's financial future. First I believe it is very misleading to the educated as well as the uneducated voter when I hear the Mayor and his administration say they had a million dollar surplus in 2004. Mayor, a surplus is when the city's revenues are greater than it's expenses. You do not add up with a surplus or a balanced budget when you have to borrow \$2 million for that surplus. Nor, when you steal the money from the capital accounts.

Council members, it is your job to hold the Mayor and his administration accountable. It is not easy and it may not be fun because the Mayor may be a friend of yours. But, it is your job and your responsibility to the residents of the city.

Two years ago the city had over a \$1 million in its capital project funds. As I was flipping through the 2004 budget summary, to my dismay, all those accounts were zeroed out and moved into the general fund. In my opinion, that is stealing from the future of Euclid citizens. That money was capital improvements, such as recreation centers, additional safety equipment, building improvements. The Finance Director prior would not allow us to touch that money, even for fireworks, he argued with us about touching that money except for capital improvement projects. Instead the Mayor and his administration used that money for the general fund.

That is not balancing a budget; that's stealing from the future. That is hurting the city's credit rating and that's downright dishonest saying you balance the budget with those dollars. That is not part of a financial responsible plan for the future either, borrowing that money to balance the budget. Council members, it is your job to oversee the expenditures of the administration. It is your job to ensure the administration provides a realistic balanced budget that is obtainable.

Now onto another subject. Notes are a little choppy because I don't like to be redundant with what the other people have said. When you look back council members, late 2004, early 2005 and there were talks about raising taxes and assessment fees, didn't that send up a red flag? Shouldn't you be having budget hearings constantly? When we were short by \$1.2 million when I was on Council, we were having meetings constantly trying to figure out where that money is coming from and how to balance the budget. We had to make some tough decisions that were unpopular decisions with the employees of the city, but we made those decisions and we forced the administration to make those decisions. That's not happening now. Trust me is not the solution to these problems.

Another issue, and it's the information that you're fed. You have to question the information. Which leads me to the Hillandale issue on the Supreme Court settlement of the RLUIPA case. I do not know who is interpreting the Supreme Court settlement because the land use provisions which was the most relevant to the Hillandale issue was not reviewed and more importantly the Supreme Court did not indicate how it might rule on the constitutionality of the land use provisions. Thus until land use provisions are reviewed, it is simply misleading when the Mayor and his administration state that they have saved the city millions of dollars in legal fees in financial ruin. It hasn't even been settled or brought up yet. Further this land use provision does not apply to the Hillandale Housing plan that was also voted against by the residents during this last November's election.

This is why I'm choosing not to remain silent because I am appalled at the silence of this Council who is elected to represent the people. Further I'm equally appalled when you do ask questions how easy it is for this council to believe what the Mayor is saying. You are highly educated. You are highly motivated. You are elected to represent us. Please listen to the voters. Not just the vocal minority or the city employees that come out here and represent their viewpoints, because they are looking for their job future. Represent the whole city. Thank you.

Director Johnson – I would like to make one comment in response to Mr. Lisy's comments. Mr. Lisy that is totally, absolutely false. We have not used any capital funds. If you can show me where those capital funds have been used for operating purposes, please I don't believe, I don't believe and I don't believe you believe that we could sit here and use capital funds for operating and that will stand the test and scrutiny of our auditors. That is absolutely false.

Mayor Cervenik – Director Johnson covered the items concerning the capital funds. But there is a little more. As we talk about spending and depleting funds, when I left in 2003 there was also just shy of \$1 million in self-insurance fund. During the two years that I was gone there were no transfers made to that, there was about \$150,000 in there when I came back as Mayor, not when I was Council President as Mayor. We had to deal with the number of deferrals of payments to employees, sizable police, the fire department. Their payments that they deferred for two years. We inherited that.

We have spent all money correctly. However we did receive a letter dated June 16th from the Auditor State of Betty Montgomery, that during our review of the Community Improvement Corporation of Euclid, Ohio financial activity records we noted an expenditure in the amount of \$30,000 made payable to Pyrotechnics for the 4th of July 2003 City fireworks display. This expenditure was approved by the CIC Board based on the articles in the corporation for the CIC it would appear that the financial transaction of this type does not adhere to the purpose of the CIC. We're required to send to them some type of transactions or some type of explanation as to how this expenditure could have been approved by City Council.

This is what we inherit for the two years I was out of office. We will not allow these kinds of items to happen during my administration. Thank you.

Director Frey – To the comments on the Religious Land Use and Institutionalized Persons Act, the speakers are correct in one respect and that is that the decision of the United States Supreme Court, the unanimous decision of the United States Supreme Court did not deal with the land use provision. This Court did however indicate and state in its holding that the Religious Land Use and Institutionalized Persons Act did not violate the establishment clause of the First Amendment to the United States Constitution. In other words they've said Congress properly enacted the statute. They did not specifically hold as to the land use portion of it.

Why is the case significant? The answer is because that is the very case, Cutter V. Wilkinson that Euclid Awareness or the Hillandale Committee as it was invented for purposes of the appeal of the law suit, cited that case as the reason why this City should have fought the religious land use act. Should not have conceded that issue in the litigation and determine to settle the suit. That was the primary case that they relied on suggesting that the City had not done its homework. I would pose it to you and to the audience and to the speakers who raised it, that the decision from the U.S. Supreme Court bears out the fact that the City acted prudently in settling the law suit. It would be the same group of people who would be screaming for the scalps of the city administration had we lost millions of dollars and that been assessed to the homeowners as a special assessment to pay that judgment. It was a prudent decision. It was a legal decision. The convenient interpretation from the former Council President that the city acted without authority in that settlement, is not borne out by the documents. Those portions that he chose to write about don't tell all the story, but that's not surprising.

The record from this City council in enacting that legislation gave the Law Dept. the authority to settle law suits in any court in any manner that was dealt with the self-insurance fund. We did that in this case. We did it appropriately and we did it with the full knowledge of what that settlement was on the part of the nine members of City Council. No one can sit here and say that they were unaware of the content of that settlement. It was done with knowledge. It was done with purpose and it was done properly and I think this administration and this Mayor exhibited a great deal of courage in making that settlement for the best interest of all of our city. Thank you.

Ms. Nancy Mikovic – 331 E. 235 St. I originally come here this evening to beg for everybody to try to put aside their differences. I've watched over the past 4-5 years how our bigger and bigger division has been cutting through this City. Euclid has always been my home, I was born here, I was raised here, I went to school here. I live here now and I have no intentions of leaving. And it hurts me physically to see the animosity, to feel the animosity between apparently what are two sides. I had originally come here to beg for people to try to have more tolerance for each other and supportive of each other. To quote, united we stand, divided we fall.

But I've also got to add that I'm a little tired of being insulted. Apparently I'm a very uneducated person. Apparently I don't have a free will because I'm a city employee. Apparently I cannot think for myself and have been led around. Well let me just assure you, I may not have a Master's Degree, but I am well read. I may not be the most intelligent person in this room, or the most educated, but I'm also not the dumbest. I voted back in November 2003. I thought my vote had count, apparently according to some my vote didn't count, it is only going to count on July 12th. Well all right, July 12th I'm voting again and Mr. Cervenik will have my wholehearted support.

Mrs. Bernie Walsh – 651 E. 266 St. I really was going to come here tonight as I told you at the last Council Meeting and promote the Spirit of America. I think we need to set the Spirit of America aside and I think we need to promote the Spirit of Euclid.

First of all, when you talk about previous administrations, if you're counting Mayor Cervenik to be part of this administration, then the previous administration included Mayor Oyaski who allegedly was Mayor Cervenik's friend. Why his innuendos would be that he was part of it? He was part of the damage too if the previous administration, let's be fair here. If the man is going to come up and I abide by any city worker because I've had many relatives who were city workers. I applaud you. You are taking care of my services. But if the man is going to come up as a previous prosecutor and slander someone who sits here, then remembering from my 10th grade class at Euclid Senior High, if we're going to quote Shakespeare, the evil that men do lives after them, the good is often seared in their bones. So let it be with Mr. Meister. Mr. Meister offended me, okay. Whether the sigh is to support me or the sigh is against me, you're not commenting on the sigh. The outbreaks back here, I agree with you. It should not have happened and I apologize if I was one of the talkers.

The man that did the prayers. I am a Christian. I wholeheartedly believe in Jesus Christ. I could probably quote you a lot of the Bible. This is not the place to do that. There is a separation of Church and State. There are more than Christians and Jews in the City of Euclid. I have a neighbor in Ward 3 from Pakistan that no one talked to him until I moved into the neighborhood. I tell you the truth. I invited him to my

housewarming and he brought his whole family, okay. There are more than Christians and Jews and I believe in the Bible, I believe in the reading, but it was inappropriate.

To the Finance Director. I'm amazed that you could come up with a couple answers like that when we asked you questions you never have the facts and figures. Finally to Mr. Frey, you argue about us not fighting the Hillandale, you say it was a lost issue. Yet a team of lawyers got rid of O.J., they solved his problems. Michael Jackson got off Scot-free. Heinz, I believe that's his name got off twice in Cleveland. I'm not saying whether they are guilty or they are innocent but at least a lawyer went to bat for them. Why couldn't you go to bat for the citizens of the City of Euclid?

Maybe I should apologize for how I'm voting on July 12th. Maybe it won't count. But the fact that I just told Madeline Scarniench and this I promised Madeline and I promise the city workers, its got to end. We've got to unite. We've got to unite and respect everyone that's on this council and not just the fabulous four. There's a full Council here. If we are supposed to listen to the Mayor then the Mayor is supposed to listen to us. He doesn't do that. A good politician would be holding Bernie Walsh and all the Bernie Walsh's near to him and respecting my opinion. Mr. Sustarsic, you are legend in Euclid. I congratulate you. I love Euclid too and I have to vote no, but it's got to end, it's done, it has to end. God Bless You.

Ms. Licreta Dillard – 490 E. 266 Street. I want to know, what is it Harbor Town, the new condos, have we had a debate about that? No. Or as a speaker or anything, no right.

President Sustarsic – There will be a special Council Meeting coming up.

Ms. Dillard – And with the Ward, which Ward is that that has Hillandale? That was voted for with the voters right?

Councilman Gruber – That's Ward 4. The homes were voted for, the church was voted against.

Ms. Dillard - The homes were voted for, that's what I wanted to know. I'm trying to understand what the problem is about bringing homes into the City of Euclid. I wonder if it was on Lake Shore, would there be a problem. I wonder. I doubt it. I'm a realtor too, I doubt it. I've been in Euclid since 1976, okay. I'm telling you, all of my friends that went to Noble, Euclid, Forest Park, you voted for our Mayor, you better got out here and vote because we're going to revert back to 1976, we don't want that, okay.

Get out here and vote for our Mayor. It is ridiculous. I sit at home and I look at you guys, back and forth, no smiles, just arguing, for what. This Mayor right here, he came in our neighborhood and I live on Lake Shore, but where I grew up is on 262 across from Thomas Jefferson. He came on our porches. He came in different areas over there where I never seen you guys. He came over there. He sat on our porches, he talked to us. He's brought business into the city. The only way this city is going to move forward is with new homes and new construction. And guess what? We can afford it. Me, the African-American woman, the same one that moved on Lake Shore and was getting oh, is she going to cut her grass. Guess what, I have a landscaper. But the same family that you guys think is the perfect family, guess what, their house is foreclosed, they are not in their home no more. But guess what, I'm in mine. Drive past it one day.

You guys, it saddens me. You should hear how people talk about our city. It is unfortunate because I love Euclid. I bought my home in Euclid. I could have moved any where I wanted to. Only the way this city is going to move forward is with 4 bedroom, 2-3 bath over 1,800-2,000 sq. ft. homes. That's what people want. I sell the City of Euclid all the time. We have smaller homes. We need bigger homes. What's wrong with them being on the hill or wherever they are at. We can afford them. Trust and believe that, okay. Is that the problem? I think so. I'm saying because of my own experience of being in this city for years, okay.

Guys sit up here argue, this is ridiculous. Drive down Euclid Ave. You look in different cities they have like Walmart. We don't have a Kmart, we don't have a convenience store, not even a convenience store, anything. In the Plaza when I lived and went to Thomas Jefferson, years ago, we had Pic-N-Pay, we had a bookstore, we had all these different things. What's there now? A ten dollar store. People who live in Euclid can afford to live in Euclid and they make enough money but you guys make it look like

we live in Cleveland, or not even Cleveland because guess what, Cleveland have \$300,000-\$400,000 homes.

You guys support our Mayor. I don't care about the attitudes snickering and all that. I live at 490 E. 266 Street, okay. Support our Mayor please. Everybody that voted for him, vote for him. You guys get out there and re-vote for our Mayor, thank you very much.

Mrs. Madeline Scarniench – 1511 E. 221. On a lighter note, I'm going to play Tod, I'm going to do PR. This Saturday at the corner of Euclid and Babbitt at Advanced Auto, there is going to be a car wash from 10:00 AM to 1:00 PM. It is to raise funds to help our Euclid PAL Basketball Team, 14 and under, go to Lexington, KY next week to play in a national tournament. So please, if your car is dirty, and even if its not, please stop by and support our kids because this is a great opportunity for them to showcase what they've learned and how they are around the country with other people.

The other thing. The last meeting the Chief talked about the PAL fundraiser. I hope by now everyone has received the envelope. I've just received mine today. In it was brochure like this with a letter. I want to tell you, if you ever get a phone call and I've said this before at other times and a few people called today about it, if you ever get a phone call from Ohio PAL, our money does not come from them. If you give Ohio PAL money, it does not come back to the City of Euclid. This fundraiser that we're doing right now is the only fundraiser that is for the children in our city. Please, if someone calls you tell them no thanks, I donate locally and when you get your envelop, anything you can donate will really help. If anybody wants an extra flyer, I've got some here, I'm going to leave them out on the switchboard.

I want to commend Council. I've been coming here for many, many, many years. This is the very first year we have gone to summer recess and everything that has gone to committee has been resolved one way or another. I can't remember the last time that has ever happened because I always take out all the things that have to go to Committee and I wait for them, I go to the Committee Meetings, I wait for them and see what happens. Usually there is always at least 3-4 left. Even with all the bickering and all the things that have gone on, you've done a great job guys. I think you've done an excellent job.

On a last note, I want to thank all the people who for some reason still feel that I have a lot of influence. I get phone calls, I get stopped. I even got a wonderful card the other day with a whole bunch of holy pictures in it and you know I've been reading those at night because I pray for everybody here. I've been here for a long time. I didn't just come out of the woodwork eighteen months ago but everybody starts somewhere. Everybody is entitled to their opinion and at the end of the day you can shake hands and go home and still not hate each other. But I still stand before you tonight, the last time I can say this, I voted for Bill for Mayor and on the 12th I will vote for him to stay because I think he is the right person to be in the job that he holds right now. Thank you.

Mrs. Rebecca Conway – 291 E. 276 St. Being that this is the last Council Meeting, I would like to take this opportunity to thank all the residents who have called John and I to encourage us, to show support of the recall. They offered their time, their ideas and of course for their generous contributions to help us at the cost of the recall. There have been many days where John and I have been very tired and then I'll get a note in the mail or a phone call and it really helps boost our morale to get us through the next day. We don't have the County politicians behind us, we don't have the unions, but we have a lot of concerned Euclid residents and that's enough support to help everyone in the EARC to make this a successful recall.

We should all be proud of our community. We live in a community where residents are informed, they are involved, regardless of what side of the issue you stand on, we should be proud of that. It is our God given liberty to participate in democracy and that is what this recall has done. Again, regardless of what side your on, people come to Council meetings, people write letters, people ask questions, they get information, they call their council people. From what I've been told because we've only been coming for about 18 months, people have told me there's never been so many people at a council meeting in years past. I think that's something to applaud.

I will be voting no on July 12th. This time I know my vote will count. Come July 13th though I hope the residents regardless again of what side everyone is on stays involved in the community. I hope everyone continues to come to Council meetings, voice their opinion, ask questions, ask for information. Complacency is devastating and a

community with concerned, involved residents can only generate ideas and dialogue and therefore it benefits all of us.

In reference to the new pavilion, I'd like to thank Kirsten Holzheimer Gail for bringing accountability to the council meeting tonight. \$60,000 no offense to you or your credentials or your opinion or what you would build or what you would want to see build. \$60,000 is a lot of our money and I think that we should see specs, have information where it is going to be placed and just go through the whole process of making sure that's the right use for the money, the right type of materials, the right location and things of that nature.

On that note Kirsten, I would like to take a minute to share with you that I didn't know you, I met you about 18 months ago. Heard wonderful things about you from the community and especially from my parents, they think very highly of you. But I'd also like to say that I wouldn't want to be in your position. You go back a long time with the Cervenik's and the Holy Cross and the neighborhood people and that clan and you have a lot of integrity. I bring that up only because there's been, people came up tonight talking about who really desires the credit for what projects. I wasn't around watching 205, I wasn't around watching Harbor Town, wish I would have been, but I wasn't. You know who deserves the credit on those projects. You sat on this Council for 8 years now, 8 years. I know you would do the right thing if someone came up to you and said, did Bill Cervenik really have any input on that? Did he do that? Did so and so do that? I wouldn't want to be in your position but I know that you'll make the right decision too on July 12th. Although you've publicly said that you do not support the recall. You know what's right. You know what's wrong. You know what this city needs and you know what true leaders are because you are one of them. I know that when somebody has certain attributes about themselves, they can see that in other people, or they don't see that in other people and they recognize that. Thank you.

Mr. Joe Udovic – 21371 Naumann. First I would like to thank Providence Missionary Baptist Church. Some time ago I was invited to attend one of their services and I took advantage of the opportunity. I also have here in front of me a letter saying thank you for worshiping with us. I did not support the project and I have a nice thank you letter here from Pastor Rodney Maiden. I do have a question for people who supported this project, how many of you have been to one of his services and seen what is going on up there? I'm just very curious to see. You people support this project, did you actually attend one of his services on Kinsman Ave.?

My next question, Mr. Daly or anybody on Council, or administration, I was told that St. Joseph had some sort of alumni golf outing recently and they had dinner at Tizzano's. What was the feedback being that they had to play golf at Briardale and leave to go to an off-site catering facility. Did they enjoy that? As I've said before, I've played golf at Briardale and I know it is very hectic to play golf and all of a sudden you have to leave to have dinner some place else. I'm curious to know if anybody had any feedback.

To gentleman who was speaking in regards to the Euclid Observer. The Euclid Observer as one of the writers we deal with vision. We are not an object paper we deal with the subject. For example, I wrote an article about the style of 222. I didn't understand how we were allowed to keep half a police station open or half a police station wing open and the other half closed, but we were not allowed to have half a golf course building open and have the other half closed. I wrote an article about that and that was the subject of the topic.

Mayor Cervenik, I hope you are very happy with what you are hearing this evening. This community is utterly divided. It has been divided for months. From what I see we need some people to build bridges in this community. Obviously you are not one of the people to build bridges. When the four horsemen first took power in 2001, Paul Oyaski didn't want to work with these people. He was very paranoid and untrustworthy of these people. You've shown the same quality. You've shown the same traits. You have not built bridges. Recently there was some articles in the paper, your own family members are divided. You need to build bridges there as well. The way I see it is you have one side clapping for one side; you have another side clapping for the other side. There is middle ground. You have failed to reach that middle ground. We do need people in the city who are willing to make a bridge and reach middle ground and work with the citizens. We need people who we can trust. That's just the way I personally feel. I will be voting to ask you to step down from your seat. Just for the fact is, how can we trust you. We have here literature that shows firemen who are not even firefighters in

the city of Euclid. We have one gentleman said, he started the project. Yes Mr. Mayor, you are allowed to take credit for it, but you did not start these particular projects.

I do have a quote for the evening. Maybe everybody will think about this during the summertime. When you learn to be flexible, amazing opportunities reveal themselves. Can you honestly say Mr. Mayor you are a very flexible person? I hope everybody here will be answering this question. I have no problems talking with any of the 4 ward council people. Recently I talked with my ward Councilwoman Holzheimer Gail. Through a lease agreement I'm also a temporary or part-time resident of Ward 4. If I have any questions about Ward 4, I have no quorums to contact Mr. Gruber and discuss anything with him.

I'm the kind of person who will reach out and work with people. We need people who want to reach out and work with people. Can we afford two more years of what we're having of what we see right now? The answer is no. Thank you and have a happy summer.

Mr. Dennis Berzinskas – 20890 South Lake Shore Blvd. Not Lower Lake Shore Dr. That would make is nice though so we know where we live. I do, but apparently delivery people don't.

Mayor Bill Cervenik, thank you. This is the last time you'll hear a thank you from me, but thank you. I want to thank you for one thing you've done, you've put fire under this community. People are not complacent. People know what they know, feel what they feel and they'll vote that way. But, there are other things. Other things like I will vote no. For years what has happened. Politics don't like people to think of history. I go on your past record, Council President, when I asked you in your office about taking care of the infrastructure of the city and planning for it, you claimed you only had 14 months. You were President of Council I told you for two sessions at least. So when you were President of Council you had pull. The last President of Council brought about a senior center that people in your position, Mayor, like you are in your position, just talked about. How many good souls went to their heavenly reward waiting for a senior center.

Okay you're going to complain about them. Well, how about a fire station? We put a fire station up because our old fire station was uninhabitable, we were going to tear down. Funny, an ex-councilman and his friends bought it, less than \$200,000 they fixed it up because they knew there was a gold mine down the street, the seniors.

We could have fixed it up. When I went to the opening of the fire station, as all the council people came in, you'd hear claps as they introduced them. Do you hear that? When you walked up that's what you heard, nothing. That's why you decided to pay it off before that because you knew how things were going. \$5 million out of the budget cash left us strapped for money.

How about the sign law? We lost \$364,000 that we were told. How much more? Shore is a problem. Kept on saying Shore is a problem. Mayor Lynch, whether you liked him or not, wasn't an accountant that I know of, but a little bit of money from each room rental was put away so that when he left office there was \$100,000 there for emergency repairs, boilers, roofing. But as President of Council it was a problem for you. You didn't like it. You don't like it. You don't like a lot of things Bill but you took and said that we had to find a plan. Doi Dickinson, 4 sets of plans. They probably argued with you that you only need one and massage it, but no, you have four. You blew the budget for \$67,000 Bill, why don't you start taking responsibility for what you did do the good and the bad?

I'm looking at you people, do you realize what you're supporting? What's in it for you? You know I've worked on both sides of this issue, thinking hey, am I wrong? I don't think so. The reason why we have a golf course today, we wanted to have upscale homes there. Builders have more pull than the citizens in the City have. I think we ought to straighten it out.

The other thing is, it is not a recall for Bill. We're fighting the Democratic, Republican parties here because they don't want this to happen because then they'd have to be held responsible for what they'd said they do. Maybe our jobs won't be shipped overseas, start going and start writing to your congress people and say hey, we'll recall you too. I'm sorry Mr. Langman that the ex-prosecutor embarrassed you. I apologize for him. Thank you.

Mr. Bill Fisher – I live at 265 E. 218 St. I'm sorry I'm not really prepared. I was sitting at home watching what was going on and I just got irritated and felt I had to come down.

I'm going to be voting for Mr. Cervenik come July 12th. I hear a lot of talk from the opposition about building bridges. I feel like the only way that you could build a bridge to them is if you pay for it and then let them operate it, collect all the taxes from it. You hear a lot about my way or the highway. They are no different. They make a big deal about the 13,000 who voted against the Hillandale issue. Virtually none of them probably contacted a lawyer to find out what was legally going to happen. All it takes in one Judge to say the vote is bad and it is going to cost the City of Euclid millions of dollars. I'm glad the Mayor and his Law Director had the courage to settle the law suit before it ended up costing us jobs for policemen, firemen, you name it, extra taxes on myself. It is something I as a citizen of Euclid do not want and I just want to applaud the Mayor for doing what he did. Thank you.

Mr. John Conway – 291 E. 276. I'll keep my comments brief because I know it's late and we've all heard and read many letters and many speeches about the recall both from people who are in support of the Mayor and those who are not in support of the Mayor. The good news is on July 12th we'll have the answer when the residents will turn out, cast their vote and one way or another a decision will be made. Could have been done 15 days earlier, but Council choose to hold it on the last possible day on July 12th. So as we roll this into July, just remember, it all could have been over.

Again reading many letters, those who are in support of the Mayor. I think often times they identify the right issues, but I think they are simply blaming the wrong people. We hear about in your face tactics, confrontational style, personal insults and constant attacks. It seems like all anybody wants to do is get up to the podium and point the finger at the EARC and blame them for this style. I simply think that works both ways and the Mayor's guilty of those charges as well.

Let's talk about just a couple of brief facts to make it nice and simple tonight. Let's not forget that it was the Mayor who tried to intimidate the citizens who constructively disagreed with some of his policies by publicly naming them on the now famous, hit list, during one of his first council meetings as Mayor. That's a fact. He's never apologized, you can't dispute it, bottom line, it's a fact.

It was also the Mayor who refused to work with some members of City Council and called them obstructionist in his letter. Again, another fact. Not everybody is going to agree or disagree, we often focus sometimes on the things that we don't agree with, but you can't say that this council has not worked together in unity on many of the issues that impacted the community. Just because some of the key issues were not in the same ballpark as the Mayor would like them to do, does not make council members obstructionist. But once again it is a fact, you cannot dispute the fact that the Mayor has called certain members of Council obstructionist.

It was also the Mayor and members of his administration and his campaign team who called Euclid citizens racist for disagreeing with Hillandale plans. It has always been the one thing that has upset me the most about Hillandale because racism should have never come into play as a reason for anybody being for or against the project. Hillandale was voted on by the majority of residents. It's a fact that you overturned, ignored, whatever word you want to use, 13,000 people. You may feel that doing the settlement was the right thing for the city. But you cannot deny the fact that you ignored the wishes of 13,000 people.

Trust me when I say and no one knows this better than myself, my family and people who have actively worked for the good of the community with the EARC. We do believe we are working for the good of the community. This recall was not undertaken lightly. Over and over again, the citizens of Euclid over the last 18 months have endured the decision making of a Mayor whose attitude made cooperation literally impossible.

Believe it or not but we too want nothing more than civility and respect that Mr. Jerse referred to in one of his letters, but unfortunately the backroom deals and the closed door decisions have made it unmistakably clear that Mayor Cervenik himself has identified the enemy and it is us, the citizens with the audacity to disagree with him.

Again referring to Mr. Jerse's letter, a recall should be reserved for public official who violates the public trust. I believe that Mayor Cervenik has clearly repeatedly and unapologetically met that standard and exceeded that over and over again. No where does it say that a recall can only happen if somebody does an illegal act. This recall will happen because of 3,400 of our citizens expressed their free will by signing a recall petition and that's exactly why this election will be held.

This recall is indeed a last resort. But it is the only way that we will likely end the confrontational, uncompromising attitude of a Mayor who thinks he can say and do anything he wants without being held accountable. That's the key word, accountable, by the voters.

At the end of the day on Tuesday, July 12th, Euclid voters will make one of the most important decisions in our history. All I simply ask of you now is to take a few minutes between today and July 12th to understand the issues so that you can make an informed decision and ensure that your voice will be heard and your vote will be counted. Nobody is saying that anybody whose ever made an uneducated vote, but we're just asking for your to review the literature and make your own informed decision on July 12th and at the end of the day we'll have our answer. Thank you.

Mr. Dennis Glasney – 731 E. 263 Street. As most of you can tell by my late arrival I didn't have any intentions of attending this meeting tonight because I had some prior commitments. But sitting home watching it and seeing the sort of walk down memory lane that a few former council members decided to come up here and take tonight, I decided that I had to get over here because I didn't want to miss this party.

I had a few memories while I was listening to him stand up here and rattle off some things. I think I might now what part of the problem is with some of the council and some of this administration and some of the decisions you've made. I think where you've failed the voters and the taxpayers of this city is, you failed on everyone of these issues to have a study. You could have spent \$50,000, \$60,000, \$70,000, \$80,000 on everyone of these issues to have a study like the former Council President decided to do. Then you could take the results of that study and have another study done on that study to see if that was a valid study. Then you could take compensation for employees and things and delay them for a couple of years and push them onto the next administration and then you can accuse them of blowing all your money.

There's people who come up to this podium every week and they complain that they don't have freedom of speech at this podium and I'm here to tell you tonight I can relate to that because I don't think there is anybody in here

President Sustarsic – Mr. Glasney, you have to speak to the Chair.

Mr. Glasney – who got slammed from this podium as much as I did every time I came up here. Excuse me, I'm sorry. There were many, many nights when I stood up at this podium voicing what I felt were valid concerns and I was ruled out of order by the former Council President.

You talk about 5 to 4 votes. I know a lot of you just started attending Council meetings in the last year, but had you been attending Council meetings in the two years prior to that, you would have seen that 5 to 4 votes are nothing unusual in this council chamber. The only difference between the 5 to 4 votes that we have now and those that we had under the previous council is there is no smirk on the Council President's face after the vote is taken.

Where I work or what I do for a living has nothing to do with what I'm up here for tonight. So if anybody wants to throw that comment out after I leave the podium, don't even waste your breath.

President Sustarsic – Mr. Glasney, please you have to address the Chair.

Mr. Glasney – There was a time when I was fed up with what I saw going on in these council chambers too. I came up here week after week after week and I voiced my opinion. You know what, I got to the point where there was no more voicing my opinion, there was only action to take. I made it a commitment in front of the members of this Council that there were certain on here that I was going to do everything in my power to get rid of. Then I sat back and I worked and I worked and I campaigned and those of you who are sitting up tonight won your seats by the majority of the voters of this city. Unfortunately some of the people who lost their seats by the majority or the minorities of the voters of this city, can't seem to add, subtract, or understand that they were voted out. Some of them apparently are very sore losers. It is a shame that they can't go by the rules and run their candidates for election or re-election and win elections fair and square. I sat back through many council meetings and I heard people come up to this podium, night after night after night, and tell you that this is not about Ed Gudenas. Don't you find it a

little ironic that the last Council Meeting before the July 12th election, look who rears their ugly head? Don't you find that to be a little ironic?

Those of you at home, I'm asking you here tonight if anything I said rings true to you, if anything I've said here today sounds familiar to you, I urge you on July 12th to go out and support this administration and this Mayor and let these people know for the second time in two years, they lost. The people of this community told them, they were tired of their little games and their little number playing and we don't need them and we don't want them back and they ain't coming back. On July 12th, vote for this Mayor and this administration. Thank you.

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

COUNCILMEN'S COMMENTS

Councilman Daly – First off I'd like to congratulate Paul Serra. Mr. Serra could not only spot talent very quickly and at a very young age, he also could spot those individuals who had no talent and should move onto a different sport. So again congratulations to him.

I did attend the Viking Basketball Golf Outing just on Saturday. It was a tremendous success. I'd like to echo Matt Lemieux's comments. Many were hoping for a chance to tour the new clubhouse and I'm glad we're having the Open House, again on July 9th and July 10th. People want to get in and see it and it looks tremendous. Granted Mr. Udovic it wasn't open in time but there were some delays that were out of our control.

Next I would like to, Law Director said that Cutter v. Wilkinson was the very case cited by EAC. I believe Cutter v. Wilkinson was the only case that was cited by EAC saying that RLUIPA was unconstitutional. It's been the EAC that's been trumpeting that case and there's been at least 5 members come to this podium asking us to wait for this verdict to come down in the spring. Not the land use issue that's two year's away. The one that was coming this spring. Well, the decision came down. It overturned the Sixth Circuit and not only overturned it, it overturned it on a unanimous vote. That RLUIPA does not violate the establishment clause of the US Constitution or the Ohio Constitution.

A couple speakers did mention that this decision does not affect the houses which is technically correct. But if RLUIPA says that the church goes through, that leaves you with 40 acres that is zoned light industrial. Our professional land use planner said that could not be justified. You also have an opinion from the Patco Group which everyone acknowledges did a tremendous job on Harbor Town. They said that light industrial users are looking for between 100 and 200 acres. We're going to be going down from 68 to 40. Forty acres that are available and 40 acres that will be surrounded by housing on the south side and on the west side and now a church on the north side. That's where the Goldberg test that comes from the Shemo case will come into play and the court will decide. There's no basis for leaving that zoning into effect. So the two are related. Yes it wasn't decided in RLUIPA, but if RLUIPA changes the church zoning, then there's not way we can justify light industrial in the housing section.

That's all I have. I know it is going to be a very busy summer but I do encourage people to remember to go vote on July 12th and there will be an election three weeks later for the school issue. With that, I will bid people a good night.

Councilman Delaney – Good morning. So much has been said and so many statements are made, back and forth and people's passion for this city is very, very encouraging. I try to think in my mind of some of the things that could be analogous that might get to the basis of some of the separation of people. Some things are tossed around like the golf course and the golf course clubhouse and what might have been and council members being shut out. I think if you do go back to the very beginning and you look at how that had taken place is that at first there was vision. With that vision came a plan, the plan was put in place. It was identified, consensus was built and then the money was identified to pay for that project. Whether the golf course clubhouse was existing, the structure used re-adaptively, that public asset or new one building built, I think its irrelevant when you think about the measurable, tangible results of the planning and the money that went in there.

The Mayor as former Council President had years and years of that as an issue. But the seniors and the golfers and what to do. I think that there were concepts when he left office and a plan was put in place. When there was a lakefront, there was a concept in

office and he said when he came back into office there was a concept, there was a plan. That plan is being executed that went through two years of vision and planning.

There is much to be said about the budget and where the money went and now we don't have it, but we should look forward to the future, we can't get that money back, it was spent. The Mayor and the Finance Director brought up previous years and previous budgets and each year as Council President, he had outspent revenues. There was insurmountable odds in these two years. There were insurmountable odds in the first two years previous when the Mayor was out of office. But when you look at things like the Moody's report and certain choices were made and that brought our index bond rating group to look at our books. The thing that our rating went down and we have a negative outlook means that we won't be able to borrow as much money at that interest rate. We're an inner-ring suburb. There's a lot of work to do. I almost feel apologetic. Explaining to the people on the street about a golf course clubhouse when we do really have big important issues to tackle. Once an issue is over, it is nice to be able to put it back and work on the next challenge. The streets underneath, the Issue 2 projects, the millions of dollars, we won't be able to build as much because of the bond rating we have.

Those are the things that people are passionate about, they are looking into the future, they are arguing over and there seems to be a mass separation of about how to approach it. Much has been debated about the Hillandale law suite. But it's not a tangible result, we're not facing that. These are just choices that are being made and different things being put down on the table to be debated. But what went on were blanket statements of racism. What went on was a Referendum. One of the highest laws of our land and our government is the vote of the people. You can't expect these people not to hold you accountable when you turn on that voice.

Four thousand people had signed the recall petition, how said is that. It is amazing to me. It should have never happened. We shouldn't be here at this point. But we haven't seen the tools of the leadership to ever bring these people together, all the missed opportunities to bring these people together. That hasn't gone on. We can't afford to go, continue on the road with shell games in the budget; without being able to take care of the infrastructure of our city. We can't go on with separating the people, stonewalling the voters, turning their back on them. It won't hold up, it won't last. Because we haven't seen those tools put in place, because we haven't seen that leadership, in July, in this election, I'm certain that your votes will count.

Councilman Gruber – Thank you Mr. Chairman, Good Morning. Just a couple of things tonight because I know everyone wants to go home now, about the golf course. The fellow that tore down the golf course has tore down many buildings. He said that was the worst building he ever tore down. The majority of it fell down by itself over the weekend, the former golf course clubhouse. That building would have been totally inappropriate for our use and cost much, much to repair.

A local realtor, industrial realtor that myself and Councilman Langman now, took Councilman Langman up to the property, the Hillandale area and said to him, even if you gave me this property, if the city came to me and said you can have this property, it would be too expensive to cut and fill for industrial use, light industrial use, to make any money off selling it. Even if you gave it to me, I wouldn't take it. This is the same realtor that has come to us just last Friday and said that a deal on the PMX with a major developer was lost because they were afraid of the political climate in the City of Euclid. I think that Councilman Daly was sitting with me at that table when that was brought up. This is a reputable guy, one of the highest ranking members in the region. These are the things that are tearing us apart.

We just had a beautiful project here on Euclid Ave. tonight and residents, the neighborhood are complaining about business don't want the guy to put \$3-\$4 million into that corner. Just like when J.D. Buyrider opened up, that's not good enough. That's not enough. That's more money than is put in most corners of the City of Euclid.

There's a lot of improvements that go on in Euclid Ave. Are we done? No. Are we going to get a Walmart? Probably not. Are you going to get a Walmart on Lake Shore Blvd.? Probably not. Do we go after it? Yes. The shots that were taken tonight at Mr. Pietravoia were totally out of line. If somebody is putting a convenience store in my neighborhood, I want bullet proof glass, okay. Because that's one of the most dangerous professions in this country today is working at a convenience store. I don't care if you are selling kids bubble gum. We have a brand new dollar store in that neighborhood that

has been robbed three times since it opened. We might even have code that you have to have that type of stuff in a new building.

I did a ride-along with the Euclid Police last Friday. We stayed in Ward 4 and I've got to tell you, they are a busy bunch of guys. Some of the calls that came down were surprising, others weren't. Majority of our time was spent on Euclid Ave. Was spent rounding up the kids. The two officers I was with, Jeff and Joe, I had to split the evening because after we got one call, it took 4 hours to do the paperwork at the police station, so he was off the road for 4 hours. These things have to be looked into, at a bigger place than this. But it is just unacceptable when you have 9 officers on the road and one or two have to stay back at the station to fill out paperwork. The one officer carries pictures of kids in the neighborhood in his pocket. Those kids know he has it. When there's a crime committed, he goes up to the person that the crime was committed against and says, do you recognize this kid? Do you recognize this kid? Is this the one? Those kids are terrified of that officer. When they show up, they respect them, they move along, they do what they have to do. There's others that are pretty nasty. Learned a lot that night. But I did learn that these are dedicated men and we have to give them all the support that we can and Chief, my hat's off to you and the two officers I road with. I really appreciate that.

We had a former Council President come up here and speak earlier who I believe was the only councilman ever to have an opinion come down from the Ethics Commission in the City of Euclid. We had another former councilman stand up here and say, I remember when I was on Council with him, I'd rather take the money out of the bank, I'd rather take the money out of the bank than lay people off; because if you lay people off, that sends a bad example. Well Moody's I guess thought it was a bad idea to keep people on the payroll.

I've been here a long time too and I opened up a fire station and I opened up a senior center with my other council members. I think there was a statement made that the old fire station 2 was bought by an ex-councilmember and turned around. That's not true, that was a Ward 4 businessman that we took there and worked closely with to keep him in the ward. There are good things going on. It has been a difficult time. This Council has been tried by fire. We've been tested by fire and we've stuck together when we needed to and we had our differences when we needed to. We've all had our differences with that man, but it is going to end on the 12th and I urge everyone to get out there and vote, vote your conscience. I didn't always get along with Bill Cervenik, I don't get along with Bill Cervenik now, but we're going in the right direction, we have new jobs, new investment. I've seen more progress in the last 18 months than I saw two years previously. There's a lot of truth about studies. A lot of truth about promises. Things are getting done and I fully support you Mr. Mayor and I look forward to voting Yes on the 12th. Thank you.

Councilwoman Holzheimer Gail – Law Director Frey, the election is July 12th, regular voting time, 6:30 to 7:30. Are you aware of any changes in voting locations?

Director Frey – I have not been advised that there are any changes in voting locations. I was assured by the Board of Elections when we sent the issue to them for inclusion on that election day that they would make immediate contact with the normal voting locations for the 48 precincts in the city and they would advise if there were any changes. I've heard nothing that indicates a change.

Councilwoman Holzheimer Gail – It is important that everybody get out and vote. This is a very critical issue and everyone's vote does count. I support the Mayor and I hope that he will succeed on July 12th.

A couple of items, I wanted to congratulate Greg McKay who was awarded the Eagle Scout, he is from Troop 161. I want to congratulate him and his whole Troop and especially Scout Master Rick Schultz. They have a very successful Troop and they've had a number of Eagle Scouts and we are told several more to come this summer.

I also want to congratulate and wish best wishes and good luck to Jimmy Okorn who is a Euclid resident, former lifeguard, I don't think he is a lifeguard this year. He was accepted and will be leaving soon to the Coast Guard Academy. Let's all keep him in our thoughts and wish him well in that endeavor.

I wanted to comment, last week several of the beach clubs in my ward got together and had a beach club crawl. They opened up their beach clubs, provided some

food and we had a wonderful turnout and a wonderful time visiting 5 of the beach clubs along the lake. It was a wonderful way to start the summer. It was a wonderful way to meet new neighbors and really see what some of the true gems in Euclid are. I wanted to thank the folks who put that together. It really was a wonderful event.

Director Johnson, we are finishing up June soon. I hope that even though we are in recess if you could forward us the first 6 months of financial report as soon as that becomes available. I know that will take some time to catch up with the numbers but I will look forward to that.

Director Johnson – Councilwoman, I have not forgotten Ms. Mancuso's request from the last Council Meeting and I did respond to her e-mail and told her that I was involved in a couple of other issues but we will have those reports by the end of the week.

Councilwoman Holzheimer Gail – There was an article and I received a letter today from a resident. I saw the article in the Plain Dealer and thought it was interesting, I believe it Sunday about Cleveland Heights effort, what they were calling a Charm School, which was a positive program to try to encourage renters to, I guess follow the rules and exhibit good behavior. I hope through the summer as we work on our nuisance abatement ordinances and we are working on a resident guide, perhaps we could look to doing some pro-active things that will help shore up our resident base. I'll be happy to help with that.

I think that is it. Euclid Hospital is having a community event this Thursday evening at the hospital, they have every year. I don't remember the exact time, I believe its 6:00-8:00 perhaps, but they open up the hospital and the hospital grounds which are beautiful and invite the community to come in and see what exciting things are happening at Euclid Hospital. I would invite residents to call the hospital to find out the exact time, but I believe its in the evening on Thursday.

With that I will remind everyone that I do believe we all are working for the best interest of the community and that is the piece that is the common ground. We all want what is best for Euclid. July 13th we need to put aside our differences and we need to move forward and we need to start from that common ground that we all want Euclid to succeed and we want Euclid to be the best that it can. Thank you.

Councilwoman Hufnagle – This evening I want to remind the residents that like all of my colleagues have that on July 12th will be casting a major vote in this City. A vote to retain the Mayor of this City. I think it is important that we focus on what has been accomplished in the last 18 months. As I said before, as the council person in charge of the largest section of industrial land in the city, I am ecstatic over the economic development that the Mayor and his administration and Mr. Pietravoia has brought to Ward 3 and the city as a whole. I think that the numbers keep growing as they did tonight in the retaining of the jobs and in bringing in the new jobs. When we took office we faced a \$4 million shortfall in the first budget. We had to close that gap. There have been accomplishments made. We, I think Ms. Mancuso spoke tonight and said that we've spent how much Issue 2 money are we working on those projects. We've been given a list of the street resurfacing for 2005 that has 10 streets on it. When was the last time we resurfaced 10 streets. It is important to focus on the positive things. We've beat the Moody's issue up extensively. The letter from Moody's tells us that it is nothing that this Council, this current administration did to lower the bond rating. In fact, Mayor Oyaski in his February 3, 2003 State of the City Address that he gave before the previous Council and the previous Chairman of the Finance Committee who happened to speak on the other side of the podium this evening, he warned at that time of the lowering of the bond rating if their spending habits didn't change.

None of this is new. We need to focus on the positive. We need to focus on what has been accomplished. You've heard it over and over and over again and the list keeps growing of what we've done. It is Mr. Conway that brought the recall effort before this city. At the May 2nd Council meeting when we voted to set the date of the recall election, which is within the guidelines of the Charter the date that was chosen, Councilman Daly and I had spoken to him and we had offered to waive the rules and have him speak before this body and bring his attorney if he would like and speak before this body and address the recall issue and address the four counts that he brought against this Mayor. At that time he said, and I quote, I feel that having this type of dialogue during a council meeting would be inappropriate and would not accomplish the desired results. We've been told over and over again that Hillandale isn't a racial issue. It is not a racial issue.

It is completely a political issue. Although and Mr. Conway stated tonight that this was not about race although a couple of weeks ago in an article in the Sun Journal, he stated that there were some opponents to Hillandale, for them it was about race. It is a completely political issue that allowed, that created a forum that allowed for some people that are racist to come out, some. We all have to acknowledge that. Today we can thank this issue for having the Department of Justice visit us this week in the city conducting interviews all week long.

This is completely political. We've seen the results of that this evening. Who shows up at the last minute to ride in and try to save this effort. Let's focus on the positive. Let's focus on what we've accomplished. The job retention, the creating new jobs, the bringing in the new business, the getting the streets resurfaced, getting the waterlines done, not raising the taxes, they haven't been raised. This taxation without representation. We've not raised the taxes. Focus on the positive. I feel very firm that the residents of the city see this. The residents that I've spoken to time and time again have told me that the Mayor will prevail. I encourage everyone because it is, nobody has ever gone out to vote in July before. But you need to go out and vote. You need to cast a vote and you need to vote Yes and retain this Mayor. With that, I will say Happy Summer and watch out for the kids.

Councilman Langman – First for the former prosecutor who left many hours ago, Mr. Berzinskaskas thank you for defending me. He didn't insult me. He's passionate about what he believes. Obviously he didn't listen to what I said and I wish he had that same passion for defending residents that Mr. Meister insulted.

Law Director Frey, is the Justice Department, is their investigation into our council set up and voting, was that based on Hillandale?

Director Frey – I don't know the reason why the Justice Department civil rights voting rights section is investigating the City of Euclid. They did not indicate to me why they were or what the motive behind the investigation was. I have not been interviewed by a Justice Dept. attorney or investigator. I know some of the council members, former council members and council candidates have been interviewed and perhaps they can better answer that question. I know that they are aware that another section of the Justice Dept. Civil Rights section is investigating the city as a result of the law suit filed challenging the city in its enforcement of the zoning code in connection to the church use. I know that was, they are aware that that issue exists in the city.

Councilman Langman – Speaking of Hillandale, the law suit that Providence Baptist Church brought before the city and the RLUIPA is some part of, I think our last formal meetings about this as a Council were back in late October where we heard from the attorneys from Taft and Stettinius and your opinion. At that time, it seemed like the indication was what the Supreme Court decided about RLUIPA was not particularly relevant to the issue before us. Now lately though in my colleague Councilman Daly's letter and your comments in the paper, that seemed to have changed. Could you clarify as your position changed from what we discussed in October to what was mentioned a few weeks ago?

Director Frey – I'd be glad to. No, my position has not changed. The religious land use act as I indicated then and would state again today is but part of the overall law suit that was filed in that case. Whether or not the religious land use act was ultimately upheld by the United States Supreme Court was not going to end the city's issue with the zoning that existed on that property. I believe then and I believe today that we could not defend the light industrial zoning that was on that property against a challenge for a reasonable use. I base that on the fact that we had no interest in that property for light industrial use since the time that it was zoned in that manner.

Councilman Langman – Let me jump in since time is growing short. So the statement that our outside attorneys told us to settle based on RLUIPA is not 100% factual. Is that a fair statement?

Director Frey – It was part of the reason to settle it because the outcome of that decision was uncertain, certainly.

Councilman Langman – That's not what was mentioned to the Council in Executive Session and it didn't really reflect your comments from December when residents asked RLUIPA was indicated to have no bearing one way or the other because you don't know how the Court is going to decide.

Director Frey – I would not agree with that assessment of what Council from Taft Stettinius indicated. They indicated that while that was unknown how the court was going to come out, it was their opinion that we were in the best position to settle the law suit given the uncertainty on the religious land use act. But more important because of our existing zoning ordinances and the way they were structured.

Councilman Langman – That was the salient point, our current zoning.

Director Frey – Absolutely.

Councilman Langman – Before I finish, I think in all the comments that have gone on for the past several hours, one jumps out regarding the budget and Director Johnson you made it. We've had a structural problem in our general fund since 1999. That's what Moody's is telling us and it still hasn't been addressed yet. That something you need to keep in mind. When you go to the polls on the 12th, vote your conscience, vote your heart. But be aware that the process behind everyone of these decisions has been one of confrontation. I believe that rests primarily with the stance of the Mayor. Thank you.

Councilwoman Mancuso – Some of these points have been hit before but I have a feeling we need to speak to it again. I'm going to speak to a well-known political strategy that has proven very effective over the years. It includes telling a fictitious story over and over again until everybody believes it is fact. Tonight I just wanted to dispel some of the myths with fact. And I would like the public to understand the truth versus the political rhetoric.

People were stating that the City had a \$4.5 million deficit that we needed to be saved from. This is false. The City would not be permitted to operate at a deficit of this magnitude. The Mayor knows better than most of us the continued high spending that began in 1994 and continued through 2002 even when the economy took a downturn is the cause for fewer dollars in the city coffers. It took more than one city council to boost our spending levels to over \$11 million in less than 6 years. The budget was never decreased to meet spending until 2003. Then we turned around and increased it again in 2004 and 2005. That's a fact.

Another mythical story being repeatedly told is that we ended our last fiscal year with a million dollar surplus. Not true. If you do the math, we and this administration approved a \$2 million borrowing. We also transferred more than a million dollars from funds to our general fund to pay off operating budget expenses. That's \$3 million. The economy took an upturn. We got close to \$1 million in tax revenues. By no definition is that a million dollar surplus. In fact our recent fiscal management and recent could be back to '99, '98 has earned us a lowered bond rating. Our negative outlook is going to cost us all more money as we go forward to try to borrow anything or build anything in the long term. That's a fact.

As you read the literature or speak with folks please remember the people will tell you a story that sounds good. They count on you not getting the facts. Please do so. We still have significant health care cost issues. We still have capital improvement cost issues. We still have operating cost issues and these will not go away simple because this administration chooses not to change how it looks at the operations of the city or to work with people who have different ideas.

For my part as a council person and as a citizen, I will continue to ask for financial updates in any forum I feel is appropriate. As a member of Council, our job is that of fiscal oversight. I requested information on this Council floor two weeks ago and I did so after I realized we were not going to have a Finance Committee Meeting, which I had heard the Mayor say was going to occur on two different dates. The facts I ask for, I'm entitled to and they need to be current and timely if we are going to make good decisions. I have not yet received that information as our Director of Finance has said, he has been busy. When I call him with the e-mail, that's what I was told. So now I'm hearing we're going to have it in another week. We are six months out, ladies and

gentlemen. Please pay attention when you are bombarded by the literature and the rhetoric and listen to the facts. Thank you.

Councilman T. Sustarsic – I would just like to say congratulations to Paul Serra. The guy has really done a lot of a lot of people in this community, myself included. I also had a phone call from a resident, Mr. Pietravoia if you could answer for Royal Appliance and what is going on over there. They've seen some activity over there with some cars and they are just curious.

Director Pietravoia – The activity that they are observing there is the company is undertaking the renovation on the interior of the building and has actually started, they are close to being completed with the renovation, they've actually started moving in some stock and started transitioning their employees to this location. Within 2-3 weeks they'll be finished with the renovation and they'll have the 100 employees here with the \$3.5 million payroll.

Councilman T. Sustarsic – It is good to see some life over there. My compute is in the shop, so if anyone is trying to e-mail me, I probably won't be able to get back to you right away. If you need to get a hold of me, give me a call. I just want to wish everyone a safe summer. Enjoy the amenities that we have here in the City. I know I'm going to be doing a lot of golf at Briardale. I just like to say that it is very important to get out there on July 12th. I've had the pleasure, at least in my family, I've known a lot of people over the years and I've seen a lot of people hold the position of Mayor and I tell you Mayor, I'm proud of you. You've done a lot facing a lot of adversity. You've worked hard to bring the jobs into this town. Having a grandfather that served the position of you, he is a big influence on me and we're both proud of you and we're going to keep on doing it because we're all going to be here to support you on the 12th and look forward to working with you some more for another two years or so.

Council President Sustarsic – There were a lot of things said this evening. I think tonight was a perfect example of the progress that's been made in this town and the way we're going ahead and the way we're going forward, working together. As opposed to some individuals saying that there has been a dearth if you will in safety forces. We were happy to see tonight that the Fire Dept. will get a much needed pumper. The police department, we've pretty much done everything I think. We've accommodated our safety forces to keep them first and above all us. They are respected throughout the northern Ohio area and the State of Ohio and this part of the country. They always have been and they will continue to be.

When you have Park Ohio that wants to make an investment to stay here; when you have Chesterfield Steel that makes an investment; Royal Appliance; and the list goes on and on. When you have over \$40 million investment in the community when supposedly everything is in such bad shape, sure there have been circumstances when individuals are skeptical about what's going on with the divisiveness of a political nature in the town. But at the same time when you have over \$100 million and other developments down the road coming in, there is no question in my mind that the dedication, the diligence of Mayor Cervenik and his administration and through the help of Council that we are pushing this city forward, irregardless of any politically motivated legal restrictions that are attempted to put on us.

At this particular point in time I would join the endorsements of the Euclid Fire Department, Euclid Police Department, all good decent people, businessmen, leaders of the community that look to that leadership that Bill Cervenik has most ably demonstrated and to vote with me on July 12th to reaffirm his spot in the City of Euclid, to vote for Bill for Mayor of the City of Euclid.

Mayor Cervenik – I appreciate all your support as well as I do appreciate those that feel that they don't need to support me, or I haven't earned your support. I will work harder to earn your support.

It is late. I'm only going to take a few minutes, but I promise you good economic development policies and I delivered, we delivered. We're a team. Royal Appliance, Marine Mechanical, Trust Technologies, Argo-Tech, Chesterfield Steel and more, big and small. We've retained and created over 1400 jobs in the city.

We have fostered an atmosphere in the business community that we want to do business with you, we want you here and we're going to help you grow and we will continue to do that.

We had a \$4.5 million deficit. I don't know how some people do their budgets but what you start off with is what was spent 2003. Then we added together the increases that were voted on by the prior council, most of those increases were 4%. Then we had to add in the transfers that would have to be made to the self-insurance fund because they weren't made in the previous few years. Then we had to add in an extra payroll at a cost of \$800,000. When it was all said and done, it was almost \$4.5 million.

Yes, you're right, I can't have a deficit of \$4.5 million, but we started this 3-4 months before the year was over. I had to lay off and eliminate over 27 different positions in this city, very painful. Yes we borrowed \$2 million to go towards employee health care as is allowed by law and is a very prudent decision. I did that to keep you safe. I did that so we wouldn't have to go and start making the ranks of the fire and the police department even lower than they are today and lower than they were when I took over.

We've kept our police department and our fire department strong. We made them well equipped. We've given them modern equipment and we will continue to do that. Those decisions were done to make this community safe. Those decisions were done to stabilize the financial mess that we walked into in 2003, December of 2003. To give us time to get our economic development programs going. To give us time to have the cuts we made work. To give us time to have the reorganization of the building department provide the results its providing now. It was a prudent decision and again it was a decision to keep you all safe.

I can go on with accomplishments big and small. Harbor Town, Shores of Edgecliff. I don't really care who started them. When I came into office in December 1, 2003, I told our Directors that we're not going to back and say this is someone else's fault, why is this this way. We inherited what we inherited. We knew coming in it was going to be a very difficult job. We have tackled that job and we will continue to tackle that job.

Recreation and the golf course. The golf course building that is there now, is a beautiful building. It is just what our golf course needs and it saves over \$600,000 from our capital fund. \$600,000 that was able to be used this year to equip our police and fire department better. \$600,000 in which part is going to be used to pave your streets. That's good solid management. I will continue to do that. I have no apologies for that. But we talk about building bridges, before I get to that. This hit list keeps coming up. Read the minutes. Read the minutes. I asked for help from those individuals that I named that evening. I asked for their cooperation. I did mention one name that wasn't involved politically in 2003 and that was Tom Cooke and I called Tom Cooke up and apologized the next day. That was not a hit list. That was a plea for cooperation, that was a plea for help.

I'm confident that the voters understand that we are doing a good job here. I have delivered on my promises, I have delivered on every promise I've made. We talked a lot tonight about building bridges. Well I will tell you this, there are bridges in this community and there is a big river in between it. Well, July 13th, I'm going to be standing in the middle of a bridge and I certainly hope that some of you that have caused this great divide meet me in the middle as well. I'll be there with you, I'll be there. The people that kept me in office are going to be standing right behind me. This community is going to work together, period. I'm the person that can do it. I am the leader that can do it. I promise you that we will continue to do the good work in this city that this team around me has started. Thank you very much and have a good evening.

ADJOURNMENT

Councilwoman Hufnagle moved to adjourn. Councilman Gruber seconded. Yeas: Unanimous.

MOTION TO RECESS

Councilman T. Sustarsic moved to recess for summer. Councilman Langman seconded. Yeas: Unanimous.

Council Meeting
June 20, 2005
Page 62
Attest:

Clerk of Council

President of Council