

COUNCIL MINUTES
September 6, 2005

The regular Council Meeting was held on Tuesday, September 6, 2005 at 7 PM in the Euclid City Hall Council Chamber. President Sustarsic presided.

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

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

Invocation was give by Rev. Marie Phillips from the Church of the Epiphany.

COMMUNICATIONS

Councilwoman Holzheimer Gail moved to receive without objection a request for the transfer of a C1, C2, D6 liquor Permit from Yurch Investments to Seifein Inc., dba Corner Beverage & Humidor at 923 E. 222 St. Councilwoman Hufnagle seconded. Roll Call: Yeas: Unanimous.

Councilwoman Hufnagle moved to receive without objection a request for the transfer of a D1, D2, D3, D3A, D6 liquor permit to 25463 Euclid Ave., DBA Lakeland Tavern. Councilman Gruber seconded. Roll Call: Yeas: Unanimous.

Councilwoman Holzheimer Gail moved to receive without objection a request for the transfer of a C1, C2 liquor permit from Surak, Inc to Surpanch, Inc., Dba Neighbors Choice at 525 E. 185 Street. Councilwoman Hufnagle seconded. Roll Call: Yeas: Unanimous.

Council has received the following communications:

A Notice from the Ohio Department of Liquor Control regarding expiration of liquor permits.
A letter from Chesterfield Steel Service Co. thanking the Mayor, Staff and City Council for their support and contributions to enhance the facility.
A letter from the Defense Base Closure & Realignment Commission regarding our Resolution.
A letter from Director Will to Mrs. Walsh regarding the Irish Festival.

COUNCIL MINUTES

Councilman Gruber moved to approve the Council Minutes of June 20, 2005 and Special Council Minutes of June 27, 2005. Councilman T. Sustarsic seconded. Yeas: Unanimous.

ADMINISTRATION REPORTS & COMMUNICATIONS

Mayor Cervenik – Welcome Back to all the residents, Council and Administration. It has been a long summer, it has been a good summer. I do want to pick up on the Dept. of Defense victory the City of Cleveland achieved. It was a group effort, not only by the City of Cleveland, Cuyahoga County but all the member communities of the Mayors and Managers Association. I think everyone really did their homework. We had Fred Nance, Chris Nance and people from Stephanie Tubbs Jones office, as well as Representative LaTourette in Lake County, that really stepped up and saved 1,000 jobs or more in the City of Cleveland. Many of them live in Euclid and over the next few years there is going to be another 500 jobs coming in. It is a matter of northeastern Ohio getting out there and letting the rest of the people know it is a great place to do business here, so I commend them for that.

Before we get into different reports and communications, I would like to call up the Memorial Panther Swim Team.

Mayor Cervenik, Director Will and Mrs. DeAngelis recognized the Memorial Panther Swim Team for obtaining the Division II Champion Dual Meet Competition in the Suburban Swim League for 2005 season.

Mayor Cervenik – One of the main items on the news as we are all aware of is Hurricane Katrina and I've received quite a few phone calls over the weekend and especially today and some e-mails about what the City of Euclid can do to help the unfortunate residents of the states that were affected by such. Probably first and foremost, as President Bush says, send me cold, hard cash to the Red Cross. That still is the most positive way to help.

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We have a gentleman named Bruce Thompson who lives here in Euclid, he is going to have a 48 ft. trailer parked behind City Hall, between City Hall and the Police Dept. sometime Friday morning. He will be collecting imperishable goods. We don't won't food per se that can rot, but we're talking diapers, paper towels, toilet paper, and some other items to make life just a little bit easier for the people affected by Hurricane Katrina.

We've also had a number of e-mails today about can the City of Euclid provide housing to a number of residents. As I left the office just now, there is an e-mail from the Mayors and Managers Association stating that the State of Ohio is being asked, I believe by FEMA, to come up with 1,000 or more households for the victims and homeless to live. I will be in contact tomorrow with the people from the Mayors and Managers Association and will give you news on what we can do. If anyone has a rental property or room in their home where they would like to house someone affected and displaced by the Hurricane, please call my office. I will take down your name and number. When we get the appropriate details, we will act upon that. The one thing we have to be concerned about is that we don't act in haste here so that we cause problems down where it really matters. We want to work this through FEMA and the states that are affected. If anyone does have housing available for the residents of those states, please call my office. We will take down the appropriate information and have the right person get in touch with you. I am told by e-mail that eventually you will be reimbursed for rent, but the first couple of months, you will have to help out on your own on that.

Going back to the truck being behind City Hall, I would like Council to suspend the rules and let me call up to the podium Gail McKay who not only understands the needs for non-perishable items, but she has an idea that really can help the children and youngsters that are affected by losing their homes, losing virtually everything they own. They also could be brought to the truck that should be here on Friday.

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

Ms. Gail McKay – As the Mayor has said, my idea was to try to collect either teddy bears or other stuffed animals, or perhaps toys, coloring books, objects the children can use because they are also affected by this tragedy. Unfortunately I feel that many times children are often ignored when a natural disaster happens. So my plan was, in conjunction with what the Mayor said, with the trailer, to try to instigate a teddy bear/toy collection drive within the City of Euclid to try to gather together things for the children that have been affected.

Mayor Cervenik – We really appreciate your efforts.

Ms. McKay – I would like to thank you as well. Thank you.

Mayor Cervenik – The trailer will be open, according to conversations today. There will be somebody manning it to take the items that you bring, until 7:00-7:30 each evening. What I'm asking residents not to do is to come later and throw bags out in the parking lot. That's going to be tough to manage. Mr. Thompson said that if the truck is filled up in 1-2 days, he will bring another trailer over as will. That is one of the good things that we can do to help the unfortunate people that were in that tragedy.

If you all come up with any other ideas that you'd like to help out, please let me know. But again, as President Bush said, send the Red Cross some cash money because that is where they can really get some work done.

All businesses and residents should have received sometime in July the Northern Ohio Live magazine insert for the City of Euclid. I thought it was a great overview on the community, it featured our recreation programs, our lakefront development, our emergency room expansion, the upbeat business climate and more. This insert has been a tool, not only to let people outside the community know that Euclid is a great place to live. But we received through this process over 1,000 inserts, overruns that we've been using to give out to businesses and residents that are moving into the city or thinking about moving into the city. It is a great promotional tool. We hope to continue doing promotion like in the future.

In June, I was proud to be the host of our Mayor's Annual Charity Golf Outing. We raised over \$13,000 that was equally divided between the Rose Mary Center, the Police Athletic League, the Euclid Hospital Emergency Room project, the Euclid Senior Programs. I would especially like to thank Cameron from Hilltop Retirement Village. They co-sponsored the event with us this year

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and made it even more successful than in the past. I want to thank all the people that golfed and all the businesses that came out to support our community.

As I e-mailed council, we have a new member of the Architectural Review Board. He is a 192nd Street Euclid resident, Roger Dorer. He is a landscape management architect. We're looking forward to the good work he will do on Architectural Review Board. I would like to thank Rafael Pacheco for his participation on the Architectural Review Board in the past. As is my practice, I try to not re-appoint to the same board, it is nice to get some new blood in there. Rafael did a wonderful job and I wish him success in the future.

In August, the city along with Cuyahoga County sponsored a job fair at Euclid Square Mall. The fair was extremely successful. We had over 2,000 attendees. That maybe a little scary saying there's 2,000 people looking for work, but we had over 75 companies there, taking applications, looking for good qualified people. I want to thank the County Commissioners and the other County organizations involved with that. They expect to come back next year to do it again in Euclid. I want to especially thank the Euclid businesses that participated.

A subject that I've had a few phone calls about, more than a few, is our public access program. We received a number of calls and inquiries in regards to some of the broadcasts that were shown on Channel 21. For many and myself included, these broadcasts were offensive and insulting. Since we've operated the Community Television for almost 9 years now, we've never really had a situation like this in the past, were a tape from a resident to play on public access, is so distasteful and so offensive.

But according the public access guidelines, if a program is submitted by a resident and it does not contain foul language, promote unlawful invasion of privacy, or otherwise violates, state, local and federal law and some additional rules and regulations, we have to show it. This is the down side to public access programming. Residents do have the right to voice their views even though they can be offensive. This program is certainly not one that I personally would ever want to watch. I sat in my office and watch about the first 24 minutes of it when I got complaints and I had to turn it off. That is what I advise any resident to do, turn it off. You don't have to watch Channel 21.

I understand two new tapes in this series has been submitted for broadcast and we do need to show them. Some people have suggested that we eliminate public broadcasting and we can do that. I have talked to Adelphia early on in my term when I was looking for ways to cut the budget. They are willing to take over the public broadcasting, the public access portion and leave us with just the government channel and the school channel. But with that decision means we no longer broadcast the Polka Hall of Fame shows, and items like that. Our residents would have to go down to the stations at Adelphia and do that. I'm really not sure the actions of one gentleman, who again, I believe is very distasteful and offensive, should dictate to us that no one else can submit public access.

I e-mailed council last week and said it would be on the next meeting and I asked you to come up with an appointment for the Cable Commission and we will do that. I will tell you this, the Cable Commission, one of their main jobs unfortunately is to make sure that tapes like this are allowed to be played on public access. Because that is what public access is all about. For now we will continue having public access broadcasting, but we will continue to monitor the situation. My recommendation again is on Channel 21, if you don't like what you see, turn it off.

County Treasurer Jim Rokakis has responded to concerns of all the suburban Mayors regarding homes that are sitting vacant and in foreclosure. The Treasure has asked today that we compile a list of this properties so that we can determine where there status is, in regards to mortgage foreclosures, delinquent tax foreclosures and bankruptcies. They will then determine which properties will benefit by accelerating legal actions. The County Commissioners have been very, very cooperative with the First Suburbs Consortium, when we approached them about what the problem we have with the foreclosed homes. We really feel that we will be getting some of the foreclosures back on the market very quickly.

I had a very, last month, great appearance, I was able to go and honor a long-time friend of all of ours, Dorothy Fike and Dorothy is back there as she always is. Dorothy Fike was named Cuyahoga Soil and Water District's 2005 Conservationist of the Year. She has been a model resident over the years. She's been a founding member of our Citizen's Advisory Committee for the Community Development Block Grant Funds. She's been in various citizen involvement including the League of Women Voters. Dorothy, thank you for all you've done and continue to do in our community. As I said that day, everybody needs at least 1 Dorothy Fike and everybody needs at least 1,000 Dorothy Fike's and everything would be a whole lot better. Dorothy, good to see you here tonight and congratulations again.

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We also received last week, WPS Energy notified residents that they are discontinuing First Energy Ohio's aggregation program. What this means is that now you will be returned to CEI standard service and you will be paying the CEI rates. You do have the option of signing up on your own with other utility companies. The reason WPS and other companies like that are not in the market right now is CEI standard service rates are lower than what you can get anywhere else and there was no reason to continue with the aggregation experience. There will be no disruption in your service. There will be no switching fees. You will receive your bill totally from CEI.

Shore Cultural Centre. We were approached by a Charter School, New Day Academy to rent 8 classrooms at Shore. Before we did that we needed to conduct a full fire alarm test. The Fire Department made it very clear that our fire alarms at Shore have a lot to be desired. In fact we needed to do some, we basically have to replace the system if we want to keep the building operating. Whether the Charter School is a tenant or not, it doesn't matter. What matters is we have other tenants in there and if we did not upgrade the fire alarm it would be an unsafe condition for all.

Today at the Board of Control, Kathy Will sent a memo, a recommendation that we hire two companies for a total of \$21,000. I believe the one bill was \$7,000 and the other was \$14,500. One was for parts and one was for the installation. The money came from the Capital Fund. Council approved about \$94,000 of improvements at the fire Station #4 to have that converted into a police mini-station. We believe that the Honeywell program will cover most of that. The \$21,500 came from money that would have been spent on Fire Station #4. We are still within the total appropriations Council approved for the capital fund. We hope to have it done within 30 days. In the meantime to comply with safety codes, we are doing a fire walk, every hour, just to make sure everyone is safe. This is an ongoing problem with the building. We need to come up with a long term solution to the operation and maintenance of that building and I'm looking forward to sitting with the Shore Board in the very near future to hear their proposal.

This Saturday, take some time to come to Euclid Club House Grand Opening at Briardale. We will have the Grand Opening from 2:00-6:00 p.m. The cutting ceremony will be at 3:00 PM. I invite all of Council, I invite all of the residents. We have a few things planned there. It should be a nice enjoyable afternoon. I know the weather is going to be just fine. You'll be able to hit a bucket of balls, probably half-price or something. The new facility looks fantastic. People who have golfed there for years have come in and said, I used to golf and leave. Now I'm going to golf and sit here and have a sandwich and a beverage. I strongly encourage all residents and everyone here to stop by the golf course sometime between 2:00-6:00 on Saturday.

On Sunday, September 25th the City is sponsoring a Community Gathering Day from 2:00-6:00 at Memorial Park in the field near the Strike Zone and the pool. There will be a band, probably a few bands, we're working on it. Kids games, hot dogs, face painting, fire truck, DARE Van will all be on hand and more. We have a number of businesses and shops that want to do something as well on that day. It is all free. All you need to bring is a lawn chair, a blanket, to sit on and I hope to see you there. It is simply, nothing really fancy. We're just trying to get the community to come together towards the end of summer. Sit back, feel free to bring your own lunch basket, your own pop, but we'll have at least the minimum of hot dogs that are available to you free of charge. That's being provided by the Euclid Ministerial Association. If anyone wants to do something that day, please give me a call. It is just going to be a fun, nice quiet afternoon. Nothing fancy, let's all get together, meet our neighbors and make some new friends and just enjoy ourselves.

Sorry for taking so long but it has been a couple of months since we've been here. I'm going to start down the line, Kathy Will.

Director Will – I must regretfully let everybody in this community know that last Wednesday, August 31st, we lost great man. Mr. Charles Abraham, who is the artistic director for 10 years at Shore Cultural Centre and the Executive Director of Silhouette Productions was taken away from us. On behalf of this entire City Administration and City Council, we send our sympathy to his family, to his friends and everyone that knew him. I think everyone knew Chuck, he was a fantastic person. I would like at this time for everyone to rise, so we can have a moment of silence for him.

On a happier note, Silhouette Productions will be continuing with their production of Peter Pan performances. They will be held at the auditorium at Shore on September 16, 17, 23 and 24 at 7:00 PM and there will be two Sunday matinees on September 18th and 25th at 2:00. Pre-sale tickets are available by calling 289-8107 or stopping by Shore Cultural Centre, Monday-Friday, 10:00 AM to 4:00 PM. I must add that there was one wish that Chuck had, that was to get everybody in this room to come and watch the performance of Peter Pan.

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Mayor Cervenik will be presenting a Resolution prior to the first performance of Peter Pan on September 16th at 7:00 PM at Shore. Again, I hope everyone can attend.

On Sunday, September 18th, at 12:30, they're going to be hosting Luncheon with Captain Hook at Shore. Tickets for adults are \$20; Seniors \$18; children 6 & over are \$14; 3-5 are \$12. With this includes your luncheon and admission to the 2:00 show. That is Luncheon with Captain Hook at Shore on Sunday, September 18th.

Shore Cultural Centre is also offering their fall classes: Yoga, dog obedience, karate, body sculpting, voice lessons, music lessons. If you are interested in any of the classes there, we will gladly mail you a brochure. Please again call the Shore Office at 289-8107.

I'd also like to take this time out to personally thank everyone for such a great summer. Mother Nature certainly helped us, what a hot summer, what a wonderful summer for the pools. Thanks to everybody who helped us out, lifeguards, cashiers, umpires, etc. Thanks to everyone who volunteered for us. There are so many people I couldn't begin to thank them. We had coaches for softball and t-ball, basketball, swimming lessons. Without you again our programs would not survive. Thanks to everyone who may have participated in a program.

Although the pools are closed for the summer, we still have a variety of programs that will be going on. We have tackle football, three teams this year. Check them out. They play at Central Middle School. Their next home game is Sunday, September 25th at 12:30. We have flag football starting September 10th. We have 75 girls that have registered for our youth cheerleading league. Last year we had 12. That's a great difference. These little girls are wonderful. They have a great time cheering on the teams.

Again a lot of these programs are closed now, but come out and check them out and cheer on our teams. You can attend the adult swims at the High School. We have swimming lessons starting on September 13th. We're also taking registration for our winter basketball league which will start in November. If you need any information on the recreation programs coming up, please call our office.

This Sunday, September 11th, we'll be offering our first Annual Doggy Swim at Memorial Pool. Dogs 50 pounds and under can swim from 1:00-2:15. 50 and over can swim from 2:45 to 4. Cost is \$2 per dog. We are asking that all dogs have a County license and be current on their vaccinations. You can pre-register at our office, Wednesday, Thursday and Friday of this week from 9:00 AM until 4:00. The net proceeds will benefit the Euclid Petpals.

I must make everyone assured, that once the Doggy Swim is completed, the pool is drained and completely cleaned. Again, will be cleaned out prior to starting up next year and then the water is all put back in and filtered. I just want to make sure everyone is aware of that. If you want to come check it out, Sunday, between 1:00 and 4:00 and check out the dogs swimming in the pool.

The C.E. Orr Ice Arena opened its doors today for the 2005-06 season. There is a free skate going on right now from 6:30 until 8:00. Beginning September 20th, we'll start our public sessions. If you want the schedule for the Ice Arena please call 289-8649. We'll be starting up our skating lessons soon and we still have openings in our Youth Hockey. If you want any information, please call our department and I look forward to seeing some of you this weekend, either at the golf course or at the pool. Thank you very much.

Director Gulich – During the summer we got the Chatworth Dr. sewer separation and water line project underway. The waterline portion of the work has been completed. Just today we started the sewer portion of that project. So expect to have that work wrapped up by the end of this construction season with the final landscape restoration to be done in the spring.

Tomorrow evening we will be meeting with the abutting residents to where we will be starting the Brandywine Pump Station project, come next week we'll be getting underway. Challenging job. It should be very interesting and looking forward to a fall completion with a spring restoration on this project.

Very soon we'll be able to advertise for the Euclid Ave., Babbitt Rd. sewer project. Another Issue II project. These are all three Issue II projects representing close to \$3 million worth of work. I'm very grateful for getting a good portion of this funded through Issue II in the form grants and 0% loans. With this project we'll be able to eliminate probably our largest overflow there which has caused problems in the past. It will eliminate that possibility in the future.

I would like to remind everybody one more time, trash pick-up is a day late this week, due to the Holiday yesterday. Please set your garbage out a day later than you normally would. Again, I would like to thank Dorothy Fike and to congratulate her on the hard work she has put in on the committee I'm with, Public Input and Public Education, PIPE Committee. Which means that I need to remind you that September 13th to 17th is Euclid Creek Week. There are all kinds of watershed

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activities. Trust me Dorothy Fike will find a way probably to work at each and everyone of them. There is information available on the Cuyahoga County's website, that's cuyahogaswcd.org. You can call Lynn Garrity at 216-524-6580 ext. 16. I will have a number of flyers available next week out at the desk or please call my office we can give you further information. It will be a chance to do a little work, have a lot of fun and do some good for the watershed.

Thirdly involved Cuyahoga County, I've been talking with the sanitarians there who perform the duties of contract with the city for pest control. They tell me that they do not intend at this time to do any more mosquito adulticiding, that is the night spraying that we had one time during the year. They inform me that they had no positive cases of West Nile at all in the county. Also on their radar screen which I've informed Council about, I need to update that, they did have scheduled for tomorrow, which has been changed to Friday of this week, an oral rabies vaccination drop. Basically what they do is throw these jumbo pellets into wooded areas where they suspect raccoons are using for their homesteads. These are not dangerous by any means. If your pet encounters them, it will not harm your pet. We do ask that if you do find one in your yard that may have been moved there by a raccoon or some other animal, please pick it up with a pair of heavy duty gloves, throw it back into the wooded area or dispose of it with your regular trash and do wash your hands. There is no need to fear. They are not dangerous. They will not harm your pets. But if it ended up in your yard, or on your driveway, it was probably carried there by something. That's why we ask you to take those precautions. That's all I have this evening.

Director Pietravoia – I have a couple of important updates regarding some of the work the development department has been doing over the summer. First I wanted to update members of the public and Council on the Harbor Town project. We made some good progress over the summer months. It is a big project with a lot of detail so I would just like to share a few things with you that have been accomplished over the past couple of months moving the project forward. The developer has retained a construction manager which is the first step toward making the project a reality, getting it in the ground. His name is Hank Pecoizzi. Mr. Pecoizzi was involved with the Stonebridge project in the flats. A very successful housing development in Cleveland. We were glad to hear that he has been retained for this project.

They've also now executed their contract with their architect, City Architecture. They've moved from the conceptual plans into a contract to prepare the actual construction drawings for the housing units. They think it will take them about 5 weeks to do that. At the end of that period they will be coming in to start the permit process with our building department. With the hope to stay close to the schedule they had originally announced, which was to be underway this Fall. They hope to start construction in November after the completion of those construction drawings.

Good news is they are still holding Open Houses every weekend. They are still getting good interest and a good response to those open houses. To date, my records and conversations indicate they have 4 reservations taken for the attached town homes which are one of the types of units available there. That actually may have increased over this past weekend, but I didn't get a chance to get an update today. It may even be higher than that 4 units.

Some of the feedback they have been getting that I found was interesting and I just wanted to share with Council and the public, as you might imagine, the people that are coming to see the project at the Open House actually want to see the construction. So they are asking for a model unit. The developer is aware that is important and would like to get that underway as quickly as possible.

They are finding from the feedback from those people that are coming to see the Open House, that the strongest attraction of the project is the lakefront setting itself. Interestingly enough they are only finding that about 15-20% feel that it is an important factor to have the harbor, the breakwall and the marina itself. It is a lower percentage than they originally anticipated. Still intend to go forward with that part of the project, but as the developer has told us all along, both as a team, to the Mayor, myself, Councilman Langman, that this project will be market driven. As they get market feedback, they are going to look at making adjustments based on that feedback. They are in that process now. The construction manager, the architect, the realtor, they are all meeting and looking at whether or not they need to do anything fine tuning based on the feedback they are getting. They are also getting more interest in the attached town homes and the lake front cottages or homes, not surprisingly, more so than the units that were in the multi-story buildings. So again they are going to re-look at the design and layout and the mix of units based on that feedback that they are getting.

They have gone forward and submitted all their paperwork they needed to with the Ohio Department of Natural Resources on a submerged land lease. They have also expanded their design

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team from an engineering prospective, the folks that are working on the design of the breakwall, the revetment, and those parts of the project.

As you can imagine giving the feedback they are getting and the scale of the project, there maybe a need to make some revisions to the project, so as a team we'll be looking at that in the next coming months. If that does occur we'll also be continuing to work with our legal counsel and our financial consultant, Pat Kost to see if that affects the numbers that we had prepared earlier on supporting a TIF for the project. We'll keep you informed of that as those changes come along.

We will be coming to council soon to increase the contracting authoring and budget for those two consultants so that we can keep the project moving forward.

That's the good news on Harbor Town. Everything is moving forward and we hope to see some progress and something actually in the ground by November.

A couple of other quick updates. We've been working over the summer months to start the research necessary for our zoning code update. We have initiated the research related to that. We've obtained some sample requests for proposals from other communities in the Greater Cleveland Area and we have sought advice and our continuing to talk with the Cuyahoga County Planning Commission because they do a lot of work like this for communities throughout Cuyahoga County. We've also prepared a list as a starting point of potential consultants that we could consider hiring for the project. We're starting to get information about those firms and we'll be narrowing down that list.

Finally we're looking into, there's a local workshop that's being held in Cleveland by the Ohio Planning Conference. Every year they do a zoning workshop and they talk about cities like Euclid that are updating their codes. We're looking at attending that workshop and gaining more information from that workshop. We hope to have an RFP ready in the next month or so and get the process started of actually getting a consultant on board and working on that project this fall.

Just a reminder to, I'm sure Council is aware, but for the public's information, funds had already been budgeted to hire a consultant to help us update our zoning code. So those funds are already in place. We just need to move forward with the consultant selection process.

Last but not least, everyone has been waiting for the news about Dunkin Donuts. I think I get more calls about Dunkin Donuts than some of the other big projects that we're working on. The good news is I've received word today from Mr. Carter, the owner of the shopping center, that he has finally received conditional approval from his financial institution for the project to start construction. There were a few conditions that he's working on between his attorneys and Dunkin Donuts attorneys. Nothing that he saw that was going to cause a problem or delay. We expect to be issuing a permit, if we haven't already done so today. I didn't get an update by the end of the day, tomorrow or sometime this week. You might have noticed they have already started marking the pavement, they put a temporary electrical service in for the construction site. Some activity is already underway there and you'll see a lot more once the permit is issued.

I also wanted to let Council and members of the public know because this has been a great concern to all of us, myself included. Mr. Carter has committed to re-do the entire parking lot, not just the area where Dunkin Donuts is being built. He's committed to do this by the end of this calendar year. In fact he's working with the same firm GPD that was hired to do the engineering for Dunkin Donuts, to prepare the necessary engineering for the rest of the lot. They will not only repave, they will also add landscaping and decorative fencing similar to what is being put in place by Dunkin Donuts on the rest of the lot. By the end of this calendar year we should not only have a new Dunkin Donuts but a greatly enhanced Shore Centre Shopping Plaza. Thank you.

Chief Maine – I think everybody here is aware of the role the Euclid Police Athletic league plays in our whole community policing concept. This October 22nd, which is a Saturday evening, we'll be holding the 5th Annual Euclid Night at the Races. PAL is funded completely by grants and fundraising events, this is probably the biggest fundraising event that we have. We presently have over 1200 kids between the ages of 7 and 17 enrolled in PAL. Those numbers really help provide a lot of after school and weekend type of activities for kids. I would encourage everybody who wants to enroll one way or another, get involved, whether that's attending or through a donation of prizes and hopefully we'll see everyone there. It generally sells out and we have a pretty good time.

The other two things I'd like to share is some of you may have seen if you came down Euclid Ave. late this afternoon the fact that the west-end mini-station building was finally delivered in front of 2001 Euclid Ave. In the next few days that building will be put together and within the next three weeks the necessary sewage and water lines will be dug in and tied into the building. We're hoping that by the end of September that building will be up and running and available to the residents in that neighborhood. We've pretty much identified, narrowed down the candidates, the

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people who are going to work there and we hope to have an announcement within the next few days as to who the person will be that will work the afternoons.

In connection with the west end mini-station, the east-end mini-station has now been completely cleared out of old fire equipment and we'll be working in there pretty quickly to see how quickly we can get that building up and have that mini-station moved out of that building. That should be a great benefit to the community as a whole.

Lastly for those who have been listening to radio and watching TV, there's been a big media push primarily at the insistence of the Federal Government, the National Highway Traffic Safety Administration for greater highway safety. There is a big push on for responsible driving in connection with alcohol use and also in ticket enforcement. I mention that because we will, we've already had one sobriety check point, we had that Sunday evening on Lake Shore Blvd. The City will be holding two other sobriety check points later on this month. Those are all funded by federal grants. That's all I have.

Mayor Cervenik – Patience, we're almost done, it has been a long summer. I would like to take a second to introduce Charles Brown, he is the new Executive Director of Euclid Chamber of Commerce. Charles, stand up please. Charles is going to be a great addition to the Euclid community. He's working with us in partnership to continue to make Euclid a business friendly community and to foster that goodwill amongst business. Charles is the main speaker, I believe it is September 13th at the Euclid Public Library for the Chamber meeting. Charles is going to be talking about the future and his goals for the Euclid Chamber of Commerce. I would strongly advise all of you to call 731-9322 and get a reservation to listen to the goals and the future of the Euclid Chamber of Commerce. Great to have you onboard Charles.

Also I failed to mention through the work of Director Johnson and Director Frey the Ohio Department of Taxation Tax Commission William Wilkens has determined, believe it or not, that our fire station #2 is a tax exempt building. We are going to get \$21,000 back for 2003 and \$22,000 back in 2004. We refused to pay him in 2005 because we know e should have been paying it. Very shortly through their work we will be getting \$43,000 back into the general fund for that. I do appreciate the cooperation of the County in working with us and settling this.

Last, but not least, the last time I sat here I was facing a recall election. I want to just thank the residents of this community for giving me their support and their faith in my ability to help move this city forward. Shortly after the election I spoke with the community at the Lakefront Center and I pledged my cooperation. I pledged my willingness to work with all of you, probably more importantly to listen to all of you. Even more importantly to make sure that as the T-shirt said, together we can do good things. This city has unbelievable untapped potential. If we all work together and put some of our differences aside, me first, and I've done that, this community is going to continue to be a wonderful place to live, to work, and to pray. I'm giving my pledge again tonight, that I am your Mayor, I am proud, I cannot be prouder than to say that I am the Mayor of the City of Euclid. I thank you all for your support. I just really look forward to working with all of you in the future. We can do it. We can show Cuyahoga County, we can show northeastern Ohio, we can show the State of Ohio that a community that really commits to working together, that a community that is willing to work with people of different attitudes and different races and different religions, can make it all happen. Just by being a little human, just by being more respectful. So, I'm here for you. I really appreciate the cooperation I've gotten from Council. Obviously my administration is really moving the city forward. But most of all I appreciate the support of the citizens in the City of Euclid and I won't let you down, I promise you that. With that Mayor, it could have been Mayor if it didn't work out right, with that Council President, I think this is a record for us 55 minute Administration Report, we'll try not to let it happen again, but we had a lot of things to get out. I really look forward to working with you in the future as well Mr. Council President.

President Sustarsic – We didn't have to change tapes so that was a good thing. The high point was the promise that Dunkin Donuts is in fact coming through, so we can work on that.

REPORTS & COMMITTEE MINUTES

Councilwoman Holzheimer Gail moved to receive the Fire Report – May, June & July, 2005; Animal Shelter Report – June & July, 2005; Self-Insurance Controlling Board Min. - 7-21-05; Shore Cultural Centre's Board of Trustees Minutes: 07/20/05 & 08/10/05; Board of Control: 06/13/05; 06/20/05; 06/27/05; 07/05/05; 07/11/05; 07/18/05; 07/25/05; 08/01/05; 08/07/05; 08/15/05; 08/22/05. Councilman Gruber seconded. Yeas: Unanimous.

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LOT SPLIT

Lot Split – Council should approve or overrule Planning & Zoning Commission’s approval to allow a lot split of one parcel (P.P.#642-11-012) into four separate parcels for the future development of four 2000 plus square foot single family homes located 21700 Lake Shore Blvd.

Director Pietravoia – I’m going to turn it over to our Zoning Commissioner Andy Torowski who has a report from the Planning & Zoning Commission meeting.

Commissioner Torowski – 21700 Lake Shore Blvd. is currently the undeveloped parcel on the corner of E. 216 and Lake Shore Blvd. Mr. Bill Joyce of Joyce Building Co. has proposed to subdivide a .8486 acre lot into 4 parcels for the construction of 4 single family homes. Three of the parcels will be .1932 acres and the 4th lot will be .2702 acres. Mr. Joyce also applied for and was granted variances from the Planning & Zoning Commission this past August on the size of the lot frontages. Frontages are currently required by the Zoning Code to be 75 ft. However, 1311.03 allows the Planning & Zoning Commission subject to confirmation by this Council, to approve a plat of a subdivision in an established neighborhood containing lots of less than 75 feet, that the lots generally conform to the lots in the neighborhood.

With the variances granted, three of the parcels have a 55 ft. frontage and the other being on a corner would have a frontage of approximately 14 ft. Mr. Bill Joyce is in the audience if Council has any questions, or if you have any questions for me, I’d be happy to respond to them.

Director Pietravoia – Before we continue, I just want to make a couple of comments. The first item on the actual docket, the resolution, we’re going to ask for the withdrawal of that item. The variances are actually incorporated in the approval of the lot split so there is no need for a separate action by Council on that.

Secondly I just wanted to comment on the 4th parcel that Mr. Torowski described with the 14 ft. frontage. It is actually almost a 12,000 sq. ft. parcel. Our code requires a minimum of 7500 sq. ft. It well exceeds the minimum square footage but because of the angle that Lake Shore Blvd. comes into the side street, E. 216 St., it creates an odd, pie-shaped parcel with a small frontage. But I did want to explain because it sounds odd if you only hear the frontage of 14 ft., it appears that it is a tiny lot. It is actually a very large lot. It is because of the odd shape that it has a small frontage.

Councilwoman Holzheimer Gail – Since Mr. Joyce is here, I would like to waive the rules and see if he could explain to us what his plans are for that 4th lot. I understand that before us tonight we are not looking at a site plan, we’re not looking at what he’s building, but I’m curious to hear what the plans are in terms of where that house might be located, if he’s gotten that far. Just another comment, it is important to note although he’s requesting a variance on the frontage, each lot does exceed the 7500 sq. ft. buildable lot size. It did say in the legislation that he does plan on building homes of building 2000 sq. ft. and above. If you would like to, I would like to hear his plans for the houses.

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

Mr. William Joyce – 7070 Country Lane, Chagrin Falls. Hello Council, Administration and Mayor. The fourth lot, is fairly irregular due to the angle that Lake Shore Blvd. hits E. 216. The rear of the lot as drawn by the engineer is 140 ft. wide and the frontage on Lake Shore Blvd. is just a hair over 199 ft. The reason I ask for the variance on 216 is because I wanted to line the houses up. They all have address on 214, but the driveway access for the corner lot, due to the small availability, the frontage, the driveway would be Lake Shore. That would give 4 new homes, consistent in architecture, but different on the texture and color, some consistency. Because of the size of that corner lot, would allow for a spacious rear yard and the side yard would be buffered as well from Lake Shore.

I would have to set the house back, the minimum frontage there is at 30 ft. Due to the angle I would have to set the house back approximately 55 to 60 feet to give it a generous side yard to Lake Shore Blvd.

Councilwoman Holzheimer Gail – This will have to go to Architectural Review Board for approval and if there are any variances needed in terms of setback that would again go to Planning & Zoning. Before I saw the picture I was having a hard time, I never realized Lake Shore cut across that much.

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When you see the picture, I just would hope and I will be involved with Mr. Torowski, that you take into account that is a very visible corner and the owner and the builder work with a nice landscape plan and make that corner attractive to all. You've done very good work. Mr. Joyce has built the houses at 192 and Lake Shore and also a very nice home on 199, there maybe others but those are the ones I know of. You have my support.

Councilman Daly – I, too, know Mr. Joyce, or am familiar with his product. He built a home right next door to my current house and he does excellent work. I do have a question. It appears that parcels 2, 3, & 4, the 55 ft. frontage is similar to those lots that are directly behind your proposed development. Is it also consistent with what is on the street?

Mr. Joyce – The existing lots on the street are 45 ft. wide. The reason why I choice to go 55 ft. would allow me to do a 2 car attached garage without making the face of the house look like a garage and it would open up the rear yard for backyard as opposed to a detached garage which takes up a lot of the space in the rear yard.

Councilman Daly – So even though you are reducing the frontage, your lots will still be larger than what exists on the street currently?

Mr. Joyce – Correct.

Councilman T. Sustarsic – I have a question of Mr. Torowski. Was there any concerns from the neighbors? Are they pretty happy about this at Planning & Zoning? Any comments from them at all?

Commissioner Torowski – A couple of neighbors did have some concerns about putting a 2,000 sq. ft. house on the lot. But for economic reasons, dividing it into three parcels with three houses wouldn't be feasible to Mr. Joyce and I'm sure he can verify that.

President Sustarsic – Any other questions or comments?

Councilman T. Sustarsic moved to sustain Planning & Zoning Commission's approval of the lot split at 21700 Lake Shore Blvd. Councilman Langman seconded.

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

Approved.

COMMITTEE OF THE WHOLE

Councilman Daly moved to go into the Committee of the Whole for Legislative Matters Only. Councilman Gruber seconded. Yeas: Unanimous.

President Sustarsic – As was mentioned earlier by Director Pietravoia, Item #1 will be pulled because of the action that was just taken on the lot split.

Mr. Roy Larick – 23745 Lake Shore Blvd. I'm here to speak on Item #2, which is the voting on our two nominees to fill the position on the Euclid Landmark Commission. You all know Fay Miller, school teacher for many years, Council person for many years. She would be a welcome addition to our Landmark Commission with her experience.

You don't know, Mr. Ed Siplok who is the audience and Ed would you raise your hand. Ed is my preference for the other position. I have known Ed for a number of years. He is a diligent researcher and in our strive to make the Landmark Commission more professional, Ed is the person that I would like to have on the Landmark Commission. Documentation and documentation is the name of the game for designating landmarks. I urge you to support, to vote for these two people tonight. Thank you.

I was also going to talk about #1, but it has been pulled, but may I have just a minute to speak about the parcel. I'm not clear tonight whether it is 217th or 216th, it sounds like more tonight, but I would like to call Council's attention and the administration's attention to 11 beautiful oak trees that stretch between 21551 Lake Shore Blvd. on the north side up to the optical center building there. I don't know how this plan will impact that row of 11, but those are very beautiful

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trees. They are not pin oaks, which we have many in Euclid. I actually don't know if they are black or white oaks. I believe that they were planted by the Almond Family who owned that parcel as part of a larger farm from the 1870's until 1914. If they did indeed plant those trees, they had some foresight. There is a chance that if the trees are younger than I think they are, they were planted after 1914 but just after by David Pond. David Pond was our 4th Mayor. He owned that land from about 1914 up into the 20's when it was taken over by a developer.

I'll end this by saying that in Euclid the predominant sidewalk or street side tree that we have is the Silver Maple and those were planted, more than 10,000 of them by Mayor Ely in his 1936 Mayoral campaign. You know these trees, they are starting to go, they cause crazy problems with sewers. The other tree that is very nice especially in that area is the Sycamore. The Sycamores were planted by the developer S.H. Klineman in that area. They are very nice trees but they are also on the mature side, they are starting to go away.

These trees are older than all of those and they are in better shape and they are really beautiful. Whatever plan we have, I urge those trees be saved and I would like to write a letter with the support of the City as Chair of the Landmark Commission, to the property owners along there, telling them about what a resource they have in their front yards. Thank you.

President Sustarsic – I'm sure that would be a consideration in the development of the property.

Councilwoman Holzheimer Gail – Mr. Larick, to put you at rest a little bit, this property is the property on the south-side of Lake Shore. We appreciate the information. Those trees should not be affected by this project, but thank you.

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

LEGISLATION

Res. (403-05) Lot Split – Pulled

A resolution granting a variance on the width of four parcels located at 21700 Lake Shore Boulevard (Permanent Parcel No. 642-11-012), which will be developed into four 2000 plus square foot single-family homes: (Sponsored by Planning & Zoning Commission)

Res. (403-05) has been pulled.

Res. 126-2005 (406-05) Landmark Members

A resolution appointing Edward Siplock and D. Fay Miller to the Euclid Landmark Commission. (Sponsored by Mayor Cervenik)

Councilman Daly moved for passage, Councilman Gruber seconded.

Mayor Cervenik – I concur, obviously, with Mr. Larick's recommendation to appoint both of these people to the Landmark Commission. I've been impressed, I interviewed both of them. I'm very impressed to their dedication to the history and the retaining and maintaining the past of the City of Euclid for the people like us and for the people coming in the future. I think it will serve the community very well and I strongly ask for your support.

Councilwoman Hufnagle – Is Mr. Siplock a Euclid resident?

Mayor Cervenik – Yes he is, he lives on Hillandale. I would also, it would be remiss of me not to thank Robert Hodder and Norma Shusky who are both leaving their positions, their terms have expired. We all should appreciate the hard work they've done to preserve the history of the City of Euclid. Thank you.

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

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

Passed.

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Res. 127-2005 (402-05) Tax Advances

A resolution authorizing the Director of Finance of the City of Euclid to take advances on the collection of Real Estate Taxes and Personal Property Taxes. (Sponsored by Entire Council by request of Finance Director)

Councilman Gruber moved for passage, Councilman Daly seconded.

Director Johnson – This is a rather routine piece of legislation. It has been placed before this body for at least the last 15-16 years that I know of. This allows us to take advances on our real estate and property taxes. Normally we would receive property taxes at the close of every settlement, which would be twice a year. This Resolution would allow us to receive estimated incremental amounts on a monthly basis and then the settlements are reconciled at the close of each settlement. So what this does is improve our cash flow on a monthly basis.

Councilman T. Sustarsic moved to close debate, Councilman Gruber seconded. Yeas: Unanimous. Roll Call: Yeas: Daly, Delaney, Gruber, Holzheimer Gail, Hufnagle, Langman, Mancuso, T. Sustarsic, J. Sustarsic.

Passed.

Ord. 128-2005 (408-05) Assessments

An ordinance to levy assessments for the cutting of grass and weeds as provided in Chapter 1755 of the Codified Ordinances of the City of Euclid. (Sponsored by Councilwoman Mancuso by request of CS&ED Director)

Councilman Daly moved for passage, Councilman Langman seconded.

Director Pietravoia – This will be the first year that we actually go forward with levying assessments for those property owners that had their grass cut or property maintained by the city using our contractor. In the past we have attempted to collect, we give a 30 day notice, I believe, to collect the fees. This is the first time we're sending all those that have been uncollected to the County. I'm going to let Director Johnson explain. I believe we just have one time a year that we're able to do this, so these are actually the unpaid assessments from the calendar year of 2004 for grass cutting that occurred in that calendar year.

Director Johnson – As Director Pietravoia said, this is the first year that we've done this. This was, if you recall, last year, the Mayor presented a proposal to create what was called a Nuisance Abatement Fund and we transferred \$40,000-\$50,000 from another fund to start this fund in order to deal with abatement of nuisances throughout the community. One of the commitments was that the folks that did not pay that we would assess those properties and put those bills onto the property tax duplicate and that's what this piece of legislation would do.

The County will only allow us to certify special assessments once a year and the deadline is September 12th. It is important that we get this passed this evening so that we can send the list along with the cover letter to the County Auditor to have them put this on the property tax duplicate.

President Sustarsic – Approximately how much money are we looking at as far as the collection?

Mayor Cervenik – We're talking just shy of \$23,000. We began the Nuisance Abatement Fund with \$50,000. It was rather distasteful for me to realize that even though we were billing in the past, we did not collect, we did not assess. We have the responsibility and the duty to our tax payers to assess these amounts. They may not be paid immediately but before that property transfers, when it is sold and transferred, we do receive our money. This money will go back into the Nuisance Abatement Fund to keep it solvent. I firmly believe for 2006, I'm probably going to have to asking for maybe \$5,000-\$10,000 more to keep the Nuisance Abatement growing. But then as the properties start to sell, that balance should increase. The program has been working very well. Our Housing Manager Ron Petkovic has been doing a great job of making sure that properties are getting taken care of. The amount of complaints I've received this year versus last year are considerably less because we're out there cutting the grass and taking care of other nuisances. The City of Euclid at some time in the future as these properties transfer will receive that full \$23,000 back. In that \$23,000 is built in some profit motive to cover our cost. This isn't just what we paid

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the landscaper or the contractor, we also factored in our overhead cost to make sure that we're all reimbursed for that. It appears that the program is working as I presented to you. We fully intend to keep it going forward.

Councilwoman Hufnagle – Do we have any idea how many of these properties are vacant?

Manager Petkovic – I don't have an exact figure of how many. But I can tell you the majority of the cuts to date are of vacant properties.

Councilwoman Hufnagle – My concern is that there is obviously some repeats on here. There are some big ticket houses on here. Somehow I would have to believe that some of these are rental properties that are not being kept up because we know that we have issues with that from the City. Perhaps we need to consider legislation to the property owner of rental property that can't cut their grass and we have to assess them, perhaps we need to revoke their occupancy permit. That might be something we should consider in the future because this is unacceptable.

Mayor Cervenik – You notice on these list, a good portion of the principle fees are \$45. We requested Council I believe in May or June to increase that \$150. I think you're going to see a lot more people after they get the first bill starting to cut their grass. This is before the fees were raised to \$150, except in a few cases. Those rental properties that were taking advantage of the \$45 a week landscaping contract, I think the party is over, they are going to be paying \$150 and you're going to see a lot of this go away.

Councilwoman Hufnagle – I understand Mayor why we did that, but my point is that if they don't pay their outstanding bill then why should we allow them to do business in the city. Maybe they need to be faced with the option of you pay your outstanding bill to the city and not make us assess your property or we revoke your occupancy permit and you may not do business in the city.

Mayor Cervenik – Maybe we should sit down with the Law Director and come up with legislation to that effect. That is really a good idea. If they can't rent their property, maybe they will take better care of it.

Manager Petkovic – As long as we're on the subject of grass cutting, I'd like to give a quick report. As of today, September 6th, to-date we have cut 615 lawns in the city, 615 cuts. June 17th is the date we started to assess the \$150 fine for cutting the lawns. 357 of those 615 were charged \$45. Then starting June 17th, 258 of the 615 were charged \$150. Also I'd like to let you know that in these figures there are special clean-ups that have been done on vacant properties. Whether it be trimming of shrubbery, or hauling away debris that has been left in the rear yard, these fees have been increased. It is not just \$150, I have to meet the contractor out there and he and I discuss what needs to be done and we come up with a price to abate the nuisance, whether it be trimming of shrubbery, hauling away debris, whatever it takes to make it aesthetically pleasing. In these figures when you see the 615 cuts, it also includes the special clean-ups.

Mayor Cervenik – I going to have to respectfully request that Council amend this ordinance and enact it as an emergency ordinance so we can send this down to the County by the 12th. If we do not do that, we will miss out on the assessment period. We respectfully ask for an amendment.

Councilwoman Mancuso moved to amend to include the emergency clause. Councilman T. Sustarsic seconded.

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

Amendment Passes.

Councilman Langman – Mr. Petkovic, will this be the mechanism going forward where we are actually assessing for the previous season's cuttings?

Manager Petkovic – These assessments that are going out September 12th would be for 2004. The 615 that we have as of today will be going out next year. We always run about a year behind as you do in taxes.

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Councilman Langman – On this list before us, is there anyway for you to determine how many are multiple year offenders because I know some of them are?

Manager Petkovic – I could probably tell you off the top of my head some addresses. There are quite a few and those are the vacant homes. Their mortgage companies will hire a service company to come out and take care of the lawn, but we've been finding that they're cutting them once every 2-3 weeks and that's unacceptable whether we have a dry summer or whether it rains a lot. The people in the neighborhood deserve to have that lawn cut on a weekly basis. You will see multiple addresses here and multiple times and those are the vacant properties.

Councilwoman Holzheimer Gail – My to either Mayor Cervenik or Director Johnson. I noticed that there is no interest charged and I heard that you said we build in the fees and the overhead into that \$45 fee. Once we send this to the County Auditor, does the County Auditor put it on the next tax bill? Or do they wait so that the homeowner, so that the resident knows that they have an assessment on their property other than the property tax? Or do we have to wait until it transfers?

Director Johnson – We've notified the property owners, we're required to do that before we can present this legislation to you and certify the assessments over to the county. The property owners have received all of the legal notifications that we're required to provide. They will not receive any other notices other than these will appear on the property tax duplicate at the first property tax settlement which will be in January.

Councilwoman Holzheimer Gail – It will not appear on their next bill?

Director Johnson – It will appear on their bill. On the next property tax bill in January.

Councilwoman Holzheimer Gail – And if they don't pay it, then next year with their property taxes and it comes on the next year, do we have any way of adding a penalty per year? If we have to wait 10 years to get it, is there a way to put interest or some sort of penalty on the longer that it goes, whether it is 5% each year. So that there is some impetus or some encouragement for the people to pay it this year, rather than I'll wait until the property transfers.

Director Johnson – I think the law will allow us to attach an additional 3% onto this bill. But in addition to that, if you don't pay your normal property tax bill, there are late penalties that are attached to your property tax bill routinely by the County Auditor.

Councilwoman Holzheimer Gail – Do we know if that late penalty applies also to the assessment?

Director Johnson – It is a part of the property taxes so I would assume that it would be.

Mayor Cervenik – It is my understanding that it is. I've seen other tax bills where it isn't done and it is charged and when it is collected it will be remitted to the City of Euclid as well. So we will receive 3% interest plus 10% penalty.

Councilman Langman – I think this list shows that folks that are delinquent in paying these bills on their property taxes in general are really hurting the kids of this city because obviously those taxes go to support the schools so it is something to keep in mind. Law Director Frey, what is the legal penalty for not paying property tax in a timely fashion?

Director Frey – If the County Treasurer certifies that information to the County Prosecutor, the Prosecutor can commence tax lien foreclosures on those properties. You could lose a piece of property for failure to pay property tax. I'm not sure how quickly they do that today and that is one of the issues I think the Treasurer is trying to address, or the County is trying to address on how quickly they get after unpaid taxes as an additional symptom of our growing number of foreclosures. That is the mechanism, the County Prosecutor would bring an action in Common Pleas Court to take the property through the marshalling of the tax liens.

Councilman Langman – There is no jail time associated with a problem of this nature?

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Director Frey – Not that I'm aware of.

Councilman Gruber – Is that not also a 10% penalty for not paying immediately?

Director Frey – Absolutely for the non-payment. I don't think it is a criminal matter. It is a civil matter subject to the loss of the property.

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

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

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

Passed.

Ord. 129-2005 (407a-05) Compensation

An emergency ordinance setting the benefits and compensation to be paid City of Euclid personnel, other than employees of a collective bargaining unit, and rescinding Ordinance No. 193-2004 and all amendments thereto, and all other legislative enactments or administrative directives inconsistent hereto, and enacting in lieu thereof the within ordinance to be known and cited as the 2005 CONSOLIDATED COMPENSATION ORDINANCE. (Sponsored by Mayor Cervenik)

Councilman T. Sustarsic moved for passage, Councilwoman Hufnagle seconded.

Director Frey - In all of that preamble, all we've done here is to comply with the Public Employee Retirement System requirements for allowing non-bargaining unit employees to convert unused vacation to pensionable income during their final years of public employment. Prior to this and I'm not sure if it shows up on, we're page for page here, but I think it was Section 20, Public Employees Retirement System, we allowed employees to roll a portion of their vacation into pay the final three years of their public employment and then retire with that higher annual income those final three years for purposes of determining pension.

The Public Employees Retirement System notified us that set up for what we called Consave did not comply with their rules. Their rules required that an employee, if we were to participate in this, we would have to allow an employee, any employee with 25 years of service within the Public Employees Retirement System to avail him or herself of that opportunity and there would be no maximum number of years. Right now it is limited to the final three years and there is a vacation penalty if you then decide not to retire at the end of those three years.

This would satisfy the PERS requirements so that any employee with 25 years or more in Public Employees Retirement was contemplating retiring in the near term could roll a portion of their vacation for however much longer they wished to work, so it could be 10 years into pensionable income. In other words they wouldn't be taking vacation, but taking payment in lieu of vacation or some portion of that during those final years.

That's all that's changed in this. The rest of the compensation ordinance is exactly as it's predecessor was including all the schedules and so forth. We thought it easier just to, rather than start amending the compensation ordinance, just to replace it with this change. I'd be glad to answer questions.

Councilman T. Sustarsic – So the employee will no longer have to notify you three years in advance and sign up for retirement for years?

Director Frey – The employee is still going to have to notify the city that they wish to engage in the Consave program. The difference would be for instance, I could, you know, decide I wanted to work 'til 75 and, you know, if I had 25 years at age 60, I could for 15 years, I'm not sure why I'd want to do that, 'cause your pension is determined on your high 3 years; but I could do that if I wished to do that. So at some point you will have to notify the Payroll Department that you want to have a portion of your vacation put into pensionable earnings

For instance, I could, you know, decide I wanted to work 'til 75 and, you know, if I had 25 years at age 60, I could for 15 years, I'm not sure why I'd want to do that, 'cause your pension is determined

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on your high 3 years; but I could do that if I wished to do that. So at some point you will have to notify the Payroll Department that you want to have a portion of your vacation put into pensionable earnings.

Councilman Sustarsic – ‘Cause I mean at least the way I remember it, I mean, you’d notify them like 3 years advance I’m retiring in 3 years, I want to do the consave. Now if I do the consave now, I take the time and decide maybe I want to stick around a couple of years, it’s not going to be a problem.

Director Frey – That does happen. Employees’ situations change. There could be a separation. There could be a death. Something that occurred, maybe additional financial responsibilities that weren’t anticipated that makes retirement not as amenable as it may have been when that initial plan was devised and this way the employee doesn’t then, is not penalized for having engaged or enrolled in it.

Now there is, obviously, a downside. Now we do not have the minimum number of years so somebody who may have joined employment in PERS at age 50 and planned to work to age 65 could have engaged, gotten into the Consave in that final 3 years. They could not. So there is a downside, you have to have 25 years in PERS.

Councilman Sustarsic – But this is recorded by PERS?

Director Frey – This is PERS’s requirement, right. We tried to get our matched up to it so that future retirees did not find PERS saying that their vacation that was ruled in as pensionable income was not pensionable and, therefore, their retirement earnings were reduced.

Councilman Sustarsic – Very good, thank you.

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

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

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

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

Ord. 130-2005 (404-05) Pro Tree Service Contract

An emergency ordinance authorizing the Director of Parks and Recreation of the City of Euclid to enter into a contract with Pro Tree Service, 8753 Overlook Drive, Kirtland, Ohio, for the removal and pruning of trees. (Sponsored by Councilman Daly by request of Parks & Recreation Director)

Councilman Gruber moved for passage; seconded by Councilwoman Hufnagle.

Director Will – On April 4th of 2005 you approved a Capital Budget, which included funds for the Parks Department for removing, trimming and pruning trees, excuse me, in the amount of 80,000. Tonight, I’m asking for your approval to enter into a contract with Pro Tree Service to complete the work for us. We got quotes and base bids from two other vendors and it’s in our best interest to enter into the contract with Pro Tree and it’s not only the best but the lowest bidder. City’s done work with them previously and I’m very happy and satisfied with their production.

I’d like to enter into this contract with Pro Tree Service. The first portion of this contract would be approximately \$40,000. With this amount of funds I expect the ability to remove approximately 120 trees. The selection of trees is based on our resident requests of concerns and other trees that are noted from our City Arborist. These are all trees that are City property on the tree lawn.

Thankfully, the residents have been extremely patient on having their trees removed and our Arborist has put together a list of trees that need to be removed. He’s prioritized the list and grouped them into the different neighborhoods. Although I know that the list of removables will

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continue to grow as we work on this contract, I would like to move forward with Pro Tree this evening.

The Parks Department will either remove the trees as they come along in-house or I will request the help of another outside contractor. The procedure that we follow when we're cutting down a tree lawn tree is to first notify our resident in writing. In the letter it gives a telephone number that they can contact. Normally, there's at least a 7-day period before the tree is removed.

Our first priority with this contract is going to be focused in Ward 4, around the East 224 and East 226th Street area. Again, all the trees that are going to be removed are on the tree lawns and are on City property. Again, we have sent letters out to these residents and we will continue. The first goal is approximately 50 trees that we'd like to start working on. If you have any questions, I would be happy to answer them.

President Sustarsic – Are there any questions or comments?

Councilman Sustarsic – That's good news. I've been walking up and down Chardon Road, that neighborhood, and I had a couple complaints over there about that and they'll be very happy to have that taken care of. Thank you.

President Sustarsic – Any other questions, comments?

Councilwoman Holzheimer Gail – Director Will, is there any change, any plans to replace the trees?

Director Will – Right now, the answer is no. What I want to do is be able to get a good control on the maintenance and the removal of the trees. Once we feel secure in doing that then we will sit down and try to work on the planting of trees.

Councilwoman Holzheimer Gail – The, and you indicated that the initial part of the contract would be for 40,000. Do you think that will get through all of the trees on the Davey inventory that are marked dangerous?

Director Will – No, I do not. I expect that to get through, as we stand right now, approximately three-quarters of those trees.

Councilwoman Holzheimer Gail – Do you have plans for the other 40,000 that was budgeted?

Director Will – Absolutely. I am working with the vendors right now to get their pricing and get them out there to quote those different trees. It's difficult to get a quote on a tree to give a different dimension and to give a diameter. The contractor almost has to go out and look at each individual tree to give us a good estimate on that cost. So we will continue and I will come back and keep moving forward on the rest of those trees.

Councilwoman Holzheimer Gail – Thank you.

Director Will – Thank you.

President Sustarsic – Questions or comments?

Councilman Gruber – I'd also like to thank the residents of 223rd, 224th, 226th, 228th, mostly the 224th and 226th for being patient with this. There are numerous dangerous trees in that area and if any residents feel that their tree is dangerous and hasn't been notified, please contact myself or Ms. Will and we'll take another look at it as several residents have. And I'd like to thank you and your department, especially Mr. Grida, for working so diligent on this so thank you.

Director Will – Thank you.

Mayor Cervenik – I would like to add, I should have brought it tonight. The City of Euclid received, is it hanging out in the hall?

Director Will – Not yet.

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Mayor Cervenik – The City of Euclid did received for 2004 another Tree City USA, 15th year?

Director Will – Correct.

Mayor Cervenik – We had a talk with Allen Siewart from ODNR and he discussed with us the fact that the City of Euclid manages their tree inventory very well and there were offers to give us more money to plant more trees and through Kathy Will's department and through our Arborist, Dean Grida, they said you know what we really need is money to maintain the trees that we've been planting over these past few years. So Alan told us that there's actually a possibility that some money's going to be made available through the Federal government through ODNR they'll actually be able to provide communities like the City of Euclid with money to maintain the trees we have and to remove some of the dangerous trees we have. We will be sending a letter to him shortly in support of that change in the program. But I do have to say that he was highly complimentary about Kathy Will's department, especially our Arborist Dean Grida for being knowledgeable, intelligent, down-to-earth work he does to manage our tree inventory. It's not an easy thing.

When I presented the Capital Budget to you, I told you that's a lot of money to be spending on tree maintenance but we haven't done it for 2 or 3 years and Dean came into my office with a plan and said, Mayor, we're in trouble. These trees, you know, these branches are going to start falling. People are going to get hurt and that's why we've done this and we were very encouraged by ODNR that we very well may receive some money in 2006 to help maintain these trees. So it's a good commendation for your department and Dean in particular.

Director Will – Thank you.

Councilman Langman – Director Will, do you keep some of those funds in reserve as a contingency in case some trees are damaged by storms and really need to be addressed?

Director Will – Absolutely. Again, requesting the 40,000 for right now, I still would not have any intentions of utilizing all of that because you never know what's going to happen in a storm damage. We'd have to have some City funds to take care of those City trees.

Councilman Langman – So is the whole 40,000 part of your contingency or is it a little bit less than that?

Director Will – The entire, for this contract, is 40,000. I do still have additional funds left in that fund that are not allocated to this contract.

Councilman Langman – Okay, thank you.

President Sustarsic – And any other questions or comments? Seeing none.

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

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

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

Ord. 131-2005 (405-05) Public Auction

An emergency ordinance authorizing the Director of Public Service of the City of Euclid to sell at a public auction all scrap items, including vehicles, no longer needed by the City of Euclid as shown on the attachment. (Sponsored by Councilman T. Sustarsic by request of Service Director)

Councilman Sustarsic moved for passage; seconded by Councilman Gruber.

Director Gulich – This is a procedure very similar to what we've done in past years with equipment and vehicles no longer of service to the City of Euclid. You have in front of you the list here. See a

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lot of the vehicles are in excess of 15 years old, many of them well over a hundred thousand miles, some approaching and even over 151,000 miles on them. We've definitely gotten our money's worth out of them. It's time for them to move on. This auction will be on Saturday, August 1st, 9:00 a.m. We'll kick it off at the Service Garage on South Lakeland Boulevard just west of East 260th. We ask that you please leave the kids at home. We've got a lot of old vehicles here. We don't need the kids climbing around on them and potentially hurting themselves. That would be my only request. Please leave the kids at home. Please do come out to the auction there. Again, no gems or jewels here; but again, we do manage to make some money off this. Last year, I believe, we took in about \$16,000 in the 2004 auction. And I have asked for this legislation as an emergency measure simply because the auction itself is less than 30 days away.

President Sustarsic – Thank you and if I might correct, I think it's October 1st. I think you said August 1st so a lot of people probably thought they missed it already and were just...

Director Gulich – I apologize. October 1st.

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

Councilwoman Mancuso – Director Gulich, once we have this auction, as of that day when they purchase this, our liability ends, correct?

Director Gulich – Could you ask that question one more time, please.

Councilwoman Mancuso – When they come to purchase what we are auctioning away, our liability ends that day so they're buying everything as is right then and it belongs to them.

Director Gulich – Yes, everything is as is.

Councilwoman Mancuso – Okay.

Director Gulich – And I'd just like to add to that, again, once we have the auction we kind of pretty much start assembling next year's auction. I hope to come to Council this fall. I've talked to Director Frey. I'd like to introduce legislation similar to some other northeast Ohio cities have done whereby we'll be able to advertise merchandise over the internet at no cost to the City and this would be a method of attracting a worldwide audience. We have some specialty items as I've brought to you in the past before. We can perhaps find a wider range of potential buyers. There is another alternative and I plan to bring back in front of Council later this year.

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

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

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

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

Ord. 125-2005 (400-05) Bids/Service Supplies & Services

An ordinance authorizing the Director of Public Service of the City of Euclid to enter in to a series of contracts after advertising for bids for the City's requirements of asphalt, tire and tubes, washing to City-owned cars/vans and liquid calcium chloride for the years 2006 and 2007. (Sponsored by Councilman T. Sustarsic by request of the Service Director)

Councilman Sustarsic moved for passage; seconded by Councilman Delaney.

Director Gulich – We lumped a pretty disassociated list of items that the City, obviously, needs throughout the year. Rather than passing separate legislation, I'm asking for your permission to go

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for bids for asphalt, tires and tubes, washing of vehicles and liquid calcium chloride, so obviously we're talking a number of different vendors to supply these necessary items. And again, this will be for a 2-year period. Our current contracts are also wrapping up a 2-year period.

President Sustarsic – Thank you, questions, comments? Seeing none.

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

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

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

Ord. 132-2005 (401-05) Diesel & Unleaded Fuel Vendors

An ordinance authorizing the Director of Public Service of the City of Euclid to forego competitive bidding procedures for diesel and unleaded fuel purchases for vehicles and equipment for the City of Euclid, and make such purchases from any of six (6) specified vendors based on the lowest available price for a period of two (2) years, from January 1, 2006 through December 31, 2007. (Sponsored by Councilman T. Sustarsic by request of Service Director)

President Sustarsic – And hopefully, lower than \$3.09.

Councilman Sustarsic moved for passage; seconded by Councilwoman Mancuso.

Director Gulich – What this procedure will allow us to do is basically go out and shop just like everyone out in our audience is out there. We can call around and get the best price on any given date rather than being locked into a single supplier or a single contract for a period of a calendar year. Approximately a year ago when we started debating the budgets, Councilman Langman asked me what I thought the gas prices were going to be a year from now, I told him I had no way of knowing and, obviously, no one had no way of knowing gas was going to be \$3 a gallon. Fortunately, Council did approve an additional \$40,000 in the annual appropriation in and above what we spent in the year 2004. I fully suspect that some time in November we'll be coming to Council for additional funds. I don't think that surprises anybody. I will keep Council abreast of the condition of that. We'll be talking more about it as we get closer to the budget talks and, course, I'm always in contact with John Zigman, our Motor Maintenance Superintendent, making sure that we do indeed secure the fuels we need to keep on operating.

President Sustarsic – And if I may, is this just done by the City of Euclid alone or are we involved with any other communities that might go out to look for a deal, so to speak?

Director Gulich – At this time it's the City of Euclid alone, Council President Sustarsic.

President Sustarsic – Any other questions or comments?

Councilman Gruber – Director Gulich, approximately how much gasoline and diesel fuel does the City of Euclid use in one year?

Director Gulich – I guess to make it easy to follow on any given day an average consumption, an average daily consumption talking 500 gallons of gas and 128 gallons of diesel. Obviously, if it's winter or if it's summer, if it's storming, depending what the conditions are, those numbers are impacted tremendously. But when you average out over a year, that's what those numbers are.

Director Gulich – A day.

President Sustarsic – I guess I don't feel that bad about the van.

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Councilwoman Mancuso – Point of clarification, we have six specified vendors. How did we come up with these six vendors and are there others?

Director Gulich – Talked with, when we first set this up, we talked with our Superintendent on that. That, basically, the suppliers we can deal with in this region. If we go outside this region, obviously, we get difficulties with getting the shipments over long distance plus we are supposed to use the fuels that are formulated for northeast Ohio. If you go other areas of the country, there are different formulations. But this does pretty much allow us to choose from everyone that's available and can supply this product.

Councilwoman Mancuso – So this is, these are all the vendors we have in northeast Ohio? If you're telling me, you are going, literally, to market like I would go to any gas station. There are six gas stations for you to go to.

Director Gulich – Correct.

Councilwoman Mancuso – Okay, so this does not limit us in any way should Tom Jones Fueling pop up in northeast Ohio, would we be allowed to go to him if he had the best price?

Director Gulich – This does not limit our options, Councilwoman Mancuso.

Councilwoman Mancuso – Does not, okay, thank you.

Councilman Sustarsic – In the latest contract, how much did we pay per gallon, about?

Director Gulich – Of course, every time we buy gas we're buying it, we're shopping just like you and any time you look around and you see what's on the pumps around town we're paying about 24 cents less a gallon because those are the taxes the City is not required to pay. So our shipment we received today, thank goodness, came in at about 2.75 a gallon, which is exactly twice what we paid one year ago today.

Councilman Sustarsic – Thank you.

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

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

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

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

Ord. 133-2005 (411-05) Raise Sewer Service Charge

An ordinance amending Ordinances No. 149-1979, 84-1997, and 111-2000 directing the increment amounts to be added to the sewer service charge to raise sufficient revenue to finance necessary water line construction within the City of Euclid. (Sponsored by Entire Council)

Councilman Gruber moved for passage; seconded by Councilman Sustarsic.

Director Gulich – Earlier this year I presented this legislation in front of you. We did have an in-depth committee meeting. Our consultants, Benza & Associates, did come in here, again, make a very extensive presentation. Council did have a number of good questions. They asked for additional information. We came back and had a second meeting to make sure Council is fully informed. We were presented with some alternatives and it seemed to make a lot of sense to go with the alternative Council chose. I appreciate their support on that.

It's a program whereby we're allowed not only to collect, to correct water line problems; but we will be able to replace road, if necessary. We will be able to do sewer improvements if we find the

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sewers are deficient. Basically, we can come in and take care of a road as it's needed and not have to neglect any specific needs of the road and that would be as necessary.

We passed that legislation at the last meeting, I believe, before summer. One thing we failed to do was to adapt a new rate schedule. And again, this is a schedule that will allow us to remain solvent throughout the completion of this extended program. We wrapped up the first 10 projects, first 10 years' worth of projects from 1995 through 2005. Currently, we're preparing to, after going out for bid, do the first priority projects, which I've informed Council about. And again, as you will see, I'm not wasting any time, I believe, with the next legislation we will ask for authorization to continue the work.

President Sustarsic – Very good, questions or comments?

Councilman Langman – Director Gulich, for those folks that may not have watched the earlier meetings, could you just explain what would happen if we didn't do water line improvements as far as the infrastructure underneath the roads?

Director Gulich – I certainly don't want to be the last Service Director, I don't want to be the Service Director to tell you we're going to come in and do sewers on a road next year that we just did the water lines on last year. Council also allowed me to go forward with a long-term control plan as the EPA has mandated us to come up with by May 1, 2006. We'll be able to coordinate the efforts of these, of the needs of our sewer system and our water line program in a way that makes sense. And again, we'll be coming back and revisiting the priorities as we should because as we all know priorities do change, the priorities of the EPA do change. And this will give us some leeway as far as going and doing work as necessary on a street, as I said, and not exclude any needs as far as the pavements or the reconstruction of the road. Does that answer your question?

Councilman Langman – Not really, I was giving you the opportunity just to explain the age of the infrastructure and the problems that it creates if we don't take steps to address the infrastructure that we have. The water lines, sewer lines, you know, eventually these things do wear out and break down. So the dollars that we're requesting is going for a specific project and a project that's worthwhile. A lot of our infrastructure and especially the Ward Council people get this. Frequent breaks, the people are upset because the Water Department has to come out etc. So I gave you a softball, but that's okay it's a worthwhile program.

Mayor Cervenik – To add on to Councilman Langman's comments, this program was presented to Council to allow us when streets need to be repaved to take care of those problems that he's talking about. It incorporates our water line improvement. We are responsible for the water lines in the City of Euclid. We must replace them. The Water Department will come out and repair them and if you've gone on a street that's had water problems, they do repair them; but down, it just keeps moving on down the street and eventually the street is torn up. This allows us to, when we need streets repaved and curbed, we can go in and take care of the water line. We can also go in, in those cases where necessary, take care of the sewers. It's a common sense plan. It's a common sense approach to rebuild the infrastructure of the City of Euclid without running anybody broke. We're talking a dollar increase in 2007, 2008 and 2009. A dollar increase translates to about \$12 a household. There will be no other increases to do the plan we're doing until 2021. And this is all on a spreadsheet we presented Council with a 6' spreadsheet, practically, and all the entitlements and all that and all the program that needs to be done. So it's a common sense program, a long-term planning program that provides for rebuilding the infrastructure in the City, which a city our age, it's starting to deteriorate and we can't allow that happen.

And I was very happy that Council approved Option 3 as they did and we promise Council that Option 4 would have been to allow street lights, the fancy street lights and that on the street. We decided rather than incorporating that we have other Federal funds and state funds where we can go and try and get the money to complete those extra items on there. But for this plan, this is the nuts and bolts. It's the sewers; it's the water lines and it's the pavement on the community. So this is a good program.

President Sustarsic – Thank you and it touches upon a lot of things, too, because in the sense of, of course, health issues as far as water that our residents drink and as well as the fire services we provide to have that protection, safety department. Any other questions or comments?

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Councilman Delaney – Unfortunately, I did miss the special meeting. I was at the committee meeting. My question here is that when the ordinance was approved for Michael Benza and Associates, it also gives him the option to do the work. Can you explain to me the bidding for the future and how this work will be bided out?

Director Gulich – Right now, it's the intention of allowing Mr. Benza to prepare the plans and specifications and he is the, it makes sense that choice for the simple reason he has conducted the study. He's done the computer modeling. He can best address the needs at hand since he has done, done the homework so far.

Councilman Delaney – Right and that alluded more to my question the \$134,000 to conduct that plan. But as we go throughout the work and this is, lays out the ground work, not no pun intended, to 2025. This is what he'll plan will do. I want to know what kind of latitude we have outside of Michael Benza and Associates?

Director Gulich – Okay, actually, Councilman Delaney, we have done water line work previously and used different engineers. Perfect example is extensive work that was done on 222. That was part of the original Benza plan, but they did not do the engineering on that job. We did get Issue 2 funds for that job as we got Issue 2 funds for a number of jobs that were in that original study and I believe we had at least 2 other engineers perform that. So undoubtedly that will happen in the future and there will be other engineers performing the engineering for projects that are listed as priorities.

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

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

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

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

President Sustarsic – And at this particular time, it's that time. Time for a tape change so we'll take a 5-minute break and be back in a few minutes. Resume please. Okay, the next piece of legislation.

Ord. 134-2005 (409-05) Michael Benza & Assoc.

An ordinance authorizing the Director of Public Service of the City of Euclid to enter into a professional services contract with Michael Benza and Associates, Inc. for the preparation of plans and specifications for the 2006 Waterline Program Schedule, as approved by Council on June 6, 2005 by Ordinance 93-2005, at a cost not to exceed One Hundred Thirty Four Thousand Seven Hundred Thirty Seven Dollars (\$134,737.00). (Sponsored by Entire Council by request of Service Director)

Councilman Gruber moved for passage; seconded by Councilman Daly.

Director Gulich – Thanks for your support on the last piece of legislation. We'll be able to go ahead and implement the program so I'm not wasting any time. We're going to start getting work done in various areas of the City with the, what actually is priority #2 in the Benza study, which all Council received. I'll come out with further information as we're getting closer to doing construction. We're talking about work on East 216th, East 218th, East 200th Street, Goller Avenue, East 210th, East 213th and Nicholas Avenue. That's just a part of the improvements that'll be coming out in the next year with implementation of this program.

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

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

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

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

Res. 135-2005 (410-05) Predatory Lending Regulation

A resolution in support of local regulation of predatory lending, and in support of the repeal of Ohio Revised Code §1.63, which has been ruled unconstitutional by the Ohio Eighth District Court of Appeals. (Sponsored by Council President Sustarsic)

Councilman Sustarsic moved for passage; seconded by Councilwoman Hufnagle.

President Sustarsic – The reason this came to my attention and it's pretty obvious. It's in the headlines; it's in everyone's mind any more. First of all looking at the particular area in the State Code, it mentions the fact that the State solely shall regulate the business of originating, granting, serving and collecting loans and other forms of credit in the state and the manner in which any such business is conducted. And this regulation shall be in lieu of all other regulation of such activities by any municipal corporation or other political sub-divisions. We are a charter city and I believe we do have that right to put together such a rule as this to protect our residents. This coincides, as was mentioned, alluded to before by the Mayor, when it comes to foreclosures, vacant properties. The County, in fact, is, has gotten involved at quite great length. As a matter of fact, County Prosecutor Mason has said he wants to hire an attorney to focus on fraudulent lending practices as well.

What this will do, this will send a message to the State that we have a thing, we would like to put something in place, again, to help our City, to help our residents. There are a lot of small companies or individuals out there whom for one reason or another seem to go after senior citizens, go after individuals that are not necessarily familiar with finances. Go after low-income individuals that don't have the same capabilities of, of putting together a decent program for their lives. At this point in time, we have, I believe it's the City of Dayton and the City of Cleveland, that are presently being contested, laws that they put together are being contested down in Columbus. And we're looking forward to whatever results happen there. Hopefully, Mr. Frey can add to that a little bit this evening; but at the same time, this is just the first step. Like I say, everything pretty much ties in with everything any more as far as the predatory lending, as far as the foreclosures, as far as the vacant properties that have been mentioned as of this evening that we're doing their yard work and everything else like that. But hopefully, this will be start and once things settle down in Cleveland and Dayton get the go ahead I'll instruct our Law Department to follow up and put together a similar law so that we might handle this in the most effective manner that we can. Mr. Frey, would you care to add to that?

Director Frey – The case from the City of Cleveland, the Eighth District State Court of Appeals ruled the State did not have the right to preempt the City of Cleveland's ability under its charter and home rule provisions to enact legislation that was more stringent on what were termed predatory loans than the State had enacted. In other words the State enacted, many communities believe in an effort to lessen the requirements on these marginal loans to make less restriction and more flexibility in making those loans than the City of Cleveland was allowing under its ordinances. The State Legislature, as the Council President had indicated, stated that it alone, the State alone had the right to regulate lending practices. The Court of Appeals of Cuyahoga County in the City of Cleveland's case determined that the City's regulations added to the State regulations so they were not in conflict with the State law and that the State did not have the authority under the Ohio Constitution to prohibit the City from enacting laws in that area under their home rule provision.

So that the gist of the case from the City of Cleveland. The Appellate Court that covers the City of Dayton, Montgomery County Court of Appeals, have ruled that the State did preempt, effectively preempt the local legislation. Those two cases are in front of the Ohio Supreme Court. As of the 30th of August no scheduled argument has been set yet on those two cases. They will be argued in a single hearing before the Ohio Supreme Court and, typically, it takes a month or two for an opinion to be issued by the Supreme Court once a case is argued. So the two cases are there, we have at various times looked at this. The Mayor has asked about legislation dealing with predatory loans both for home financing and construction projects. I've looked at a bit of the City of Cleveland's

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ordinances. They are far more restrictive, their provisions are triggered at lower rates than the State would provide. They also require consumer education, consumer notification, back out periods to try and prevent unwary consumers. And again as the Council President indicated, many times seniors, many time low-income individuals from engaging in their loans that have exorbitant fees and much higher margins than they would typically get at traditional lenders.

So we're not going after the generally reputable lenders, we're going after the marginal lenders who are looking for this niche where they build in an exorbitant fee schedule. They try to add on products. They try and get consumers to refinance and so they generate fees through the refinancing project often times resulting in foreclosures. So this resolution would support our ability and authority we believe exists under the Ohio Constitution to legislate in this area. We intend to legislate in this area or ask Council to approve that legislation if and when the Ohio Supreme Court decides the cities do have the right to do so. And that's the purpose of this resolution tonight.

President Sustarsic – Thank you. Any comments?

Councilman Langman – Law Director Frey or Mayor, do you know if the legislator is working to raise the standards to sort of preempt or meet what Cleveland's doing or Dayton's doing?

Director Frey – I can answer that. No, they are not. They're, before, what they would consider a predatory loan is almost twice as high an interest rate as the City of Cleveland would consider a predatory loan. Cleveland consider a loan predatory if it was more than 4-1/2 percentage points above Treasury Bill rates for a typical period of time. The State's minimum threshold was 8 percentage points above the Treasury Bill so it was almost double that before you would be considered predatory. The State did not have any notification recision, consumer counseling type language in their, in the State Code. So what many communities felt is that this was protected, the State legislation was protecting the predatory loans as opposed to regulating them or protecting the consumers.

Councilman Langman – Thank you.

Councilwoman Mancuso – If my colleagues have no objection, I think the entire Council should add their name to this resolution.

President Sustarsic – Thank you.

Mayor Cervenik – Put my name along side yours, I'd appreciate it. One of the first pieces of legislation that I asked to be written when I became Mayor was a piece that models the Cleveland legislation and we had not presented it to Council because of the fact that it's in Court, but I assure you that and I'm quite sure that Cleveland will survive the Court hearings and will be allowed to enforce the legislation. We will present to you that legislation with everyone's name on it because predatory lending has it's done a lot of damage in our neighborhood. It's done a lot of damage in northeastern Ohio and it needs to stop. And right now the State Administration is spending our tax dollars to fight to protect those that issue predatory loans rather than fighting for cities such as Cleveland and Euclid and other charter communities to be able to enforce fair lending practices. Not to mention the damage it does to our neighbors, the damage it does to families that were caught up in all this. It just destroys their livelihood. They lose their home; they lose everything they have. So it is an extremely important piece of legislation that we have here tonight; and when the Supreme Court rules in Cleveland's favor, it's going to, hopefully, stop a lot of the practices that are going on right now.

President Sustarsic – I think so and then as was mentioned earlier, Cuyahoga County's becoming more and more active and involved and as you mentioned the inner ring suburbs, the first line of defense outside of the city, I believe that eventually that they will see the way to go is the way to support the suburbs.

Mayor Cervenik – If you read in the paper, I believe it was Monday's paper, the Mayor of South Euclid, Ms. Georgine Welo, has been very instrumental in pushing the County to address the issues of predatory lending and the result of predatory lending, which is the foreclosed homes. We've also

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worked very hard, as we've talked to you earlier in the year, about working with CMHA and the Voucher Program to make sure we have some control over the maintenance of property.

And last but not least, we'll be coming to you very shortly with some use and abatement programs for rental properties. I know you're all anxiously awaiting that.

President Sustarsic – Very good, thank you.

Councilman Gruber – I know the Ward Council people are very aware of probably instances where predatory lenders have taken peoples' homes, but does any one on the Administration have an idea of what percentage of our vacant home problem is due to predatory lending or do you have numbers on the state or local level?

Mayor Cervenik – No, we don't. I can assure you that it's sizeable.

Councilman Daly – The County Commissioners just released a report on predatory lending. It's available on their website. It goes through the problems and some suggestions that they're coming up with. So it's not a very lengthy report, you know, it's very readable so that's one thing you might want to, when we have time, look at. Thank you.

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

Councilman Daly 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.

Res. 136-2005 (412-05) CCBMRDD Replacement Levy

A resolution in support of the 3.9 mill replacement levy for continued funding for the Cuyahoga County Board of Mental Retardation and Developmental Disabilities. (Sponsored by Mayor Cervenik)

Councilwoman Hufnagle moved for passage; seconded by Councilman Sustarsic.

Mayor Cervenik – I present this resolution to you tonight to support the 3.9 mill replacement levy for Cuyahoga County's Board of Mental Retardation and Developmental Disabilities. As you all know, we have a number of institutions in the City of Euclid, including SAW and the MRDD rents space from us down at the Senior Center to incorporate their programs. As it states here, over 1200 or more individuals of mental retardation with seek services from, in Cuyahoga County over the next 5 years. Over 500 individuals will be needing residential facilities. Communities do have a responsibility to take care of those that are unable, for whatever God's plans were, that they cannot take care of themselves. But the nice thing about the programs at MRDD offers is they really do give their clients and those people they're trying to help an opportunity to be a part of the community and to do some of the chores that years ago people with disabilities were not able to do. It's encouraging, it's encouraging, you know, being assimilated into the public. I think Cuyahoga County can be very proud of the work they do with the MRDD and their clients. And I fully ask your support on this resolution and I ask all the residents' support in passing this replacement levy in November. I would also ask, if it's okay, that we could also get all of your names on this resolution as well. Thank you.

President Sustarsic – I don't think there'd be a problem with that. Any other questions or comments relative to it? Okay, seeing none.

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

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

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COMMITTEE OF THE WHOLE

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

President Sustarsic – This particular point in time, if people could step up to the microphone. Give your name and address for record purposes. And we would appreciate it if you would keep your comments to the good of the City within the 5-minute range. First speaker, please.

Ms. Alice Yatsko – 26930 Gary Ave. I'm very concerned about what has happened to our country with the natural disasters we've been having. And I was wondering if the City Administration and the Council people have been working on a plan so that if this ever happened to us we'd know what to do and where to go.

President Sustarsic – Would you want them to answer within your time or do you have any other questions?

Ms. Yatsko – Yes, I don't think it would take too long for anybody to answer that question if there was any immediate plans that we have.

President Sustarsic – I believe that the Chiefs would be familiar.

Chief Cosgriff – We do have through the County all natural hazards mitigation plan. The plan is in place and I don't have all the details in the plan right in front of me, but we do have a plan in place for what we would do in the event of a natural disaster.

Ms. Yatsko – Can it be publicized for residents?

Chief Cosgriff – Sure.

Ms. Yatsko – I think it would be a very important thing because with all that's coming to light about, about where to go and what to do and what to expect of the authorities. Some people are just completely at loss as to what to do, especially with so many elderly citizens in this community. It'd be nice if it could be published some where. The City could put out some sort of a little booklet or what to do with telephone numbers and where to go and who to see and who to talk to.

Chief Cosgriff – Okay.

Ms. Yatsko – Thank you.

Mrs. Meg McGarry – 11 Noble Beach Dr. I'm here this evening for two reasons to honor and thank Charles Abraham and to ask all of us to begin a Euclid Community Congress.

Euclid's lost one of its newest bringer of gifts when Charles Abraham, who attended Shore High School, went to his reward at Shore last Wednesday while preparing for rehearsal of his latest gift to all of us Peter Pan. Chuck took the dream propelled along by Dorothy Vogelien, Evelyn Stroud here this evening and many, many others and made our Cultural Centre more viable by bringing Silhouette Productions to Shore as one of its resident theater groups. I, indeed all of us, owe him a debt of gratitude for his vision, his renown generosity and for sharing his many professional theatrical skills with absolutely every one, especially our youth. You'll more about repaying that debt. You will see all of this exemplified in Peter Pan. As you have heard, in his honor, the cast and crew are going on with the show. Don't miss it.

Before Chuck's death, I had already decided to come before you this evening, your first session, to ask you to turn your attention to a Euclid Community Congress, which you heard me speak about during the last Mayoral campaign. That need has not gone away and I believe has intensified. Through such a vehicle citizens could dramatically change some realities in our town. The very name congress denotes strength and it could work its magic in hundreds of ways as it has done in our neighboring communities. The Administration and BRIDGES are beginning a leadership group to this end and I will work with them, but we need more. We need action through a strong vehicle that has a proven track record and whose very name implies representation of all. I ask all of our citizens and our leaders in Chuck's honor and, indeed, all those living and deceased who have done

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so much to build this town. To show the world something different, let's show Euclid at its best and through a congress moving forward together. Thank you.

Mr. Dennis Berzinskas – 20890 S. Lakeshore Blvd. Kathy Will, Director Kathy Will, thank you for your kind words. Chuck Abraham, we will not see the likes of Chuck again not in our lifetime I don't think. Chuck was the director, set builder, actor, cast, director. He did it all and if you had the luck to meet him, you'd find out how enthusiastic he was. At the Irish American Festival trying to get people to come and get interested in the arts. So on that idea, last Wednesday was a long sleepless night. To pay honor to Chuck and the performing arts I'd like to start a fund, I'll need some help with direction, to his family, 50% to his family. He leaves behind two young children, a wife. He was out of work at the time. He tried to cram so much in a, he was 47 years. But I'd like to start a fund for the performing arts at Shore in Charles Abraham's name and like I said part of it to go to his family. They were there this morning working on the set, working on the curtains. It moves me deeply that a man this good we have lost. We have really have a whole lot of lights down.

Number 12, thank you, I've been asking for a long time, predatory lending. The American dream is to have a home one day a piece of ground here in the U.S. that's yours and yours alone. Predatory lending tears that dream away from people. They may never get a chance to own a home again. We have to work and work fast. I want to see teeth in this thing, sharp teeth let the sharks that devour these peoples homes.

Number 13, it's funny, Mr. Cervenik, that when Shore was going to have a chance to have this when you were Council President, the Mental Retardation Board wanted to have some rooms at Shore and park their van on the property, you were against that. They were going to try for a million dollar loan, million dollar grant, but at that time for Shore those dreams couldn't come true.

Ms. Terry Turk – Naumann Ave. Some people may recognize this coke bottle. I had it on the counter at Wilke Hardware for donations for the Euclid Pet Pals. I would like to say all the generous and caring customers donated a total of \$401.28. Also Michael Manning of Villa Beach Communication was in and matched my donation. He donated the same amount. So at this time I would like to donate to Euclid Pet Pals a total of \$802.58.

Mr. Tod Guntner – 390 East 257. Terry, thank you so much for this donation. Thank you to the Wilke Hardware family. Thank you to all the customers who donated money and to the people that matched these funds. This is phenomenal. This is what the City of Euclid is all about. We greatly appreciate it.

We had a busy summer. On July 9th we had a car wash. We had 46 cars there. We made approximately \$325 because nobody, not one person, gave us \$5 for a car wash. It was all 10s and 20s and one person was so generous we had a \$50 donation just to get their car washed. We greatly appreciate that.

I'd also like to thank Hank Gulich, Denny Valencic and John Zigman for their help and support. And this project and our next one, which on July 23rd, we had an anniversary party we wanted to give back to the community a little bit for supporting us so we had free hot dogs, chips, pop. We had games for the kids, face painting. And even giving back, we earned over \$200 on that day. So again, the citizens of Euclid thank you very much.

On July 30th a fund raiser was held at the Trade Winds Lounge. This was put together by a gentleman named Paul and most people know who that is. So I'd like to thank him for his efforts and his crew, Karen and Kim, for their help in raising in one evening over \$600. Also like to thank the host, who is the owner of the Trade Winds Lounge, Jack Murphy, for loaning his facility out for Pet Pals.

And again on Sunday the 11th, we're having that first annual Doggie Swim. This is going to be a great event. Even if you don't have a dog, come on out and take a look and see what's going on. If you have a dog, it's only \$2. Where can you go for an hour and a half for \$2 and have fun? Not too many places and we'll also have at least one gift for every dog that comes in to go swimming. Maybe even more than one, we'll see how many dogs show up.

September 25th the City is having a community gathering day, which we were invited to attend. We gladly accepted. We will have a couple of children's games and they will be animal oriented and also a face painter, which will change you from a human to a dog or a cat. Please come out and we'll have someone for everyone there also.

And for this event and the other events I'd like to thank Kathy Will and the entire Parks and Recreation Department for their support. We greatly appreciate you.

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October 28th, which is a Friday evening, Euclid Pet Pals will be having their 3rd Annual Four Paws Clam Jam and Boo Bash. We're incorporating the best clams served in the year along with a Halloween Party. And if you were there last year, there were some great costumes. It's going to be at The Manor from 6:30 to 11:30. Cost is the same \$40 per person. We will have first, second and third prizes. I'm working with a couple of things getting some of those prizes donated. Of course, we'll have prizes and raffles and auctions and all kinds of fun. It is an open bar. It's clams, chicken, sweet potatoes, salad. They're doing strudel this year instead of cake because I heard the strudel is phenomenal. And you can purchase a ticket any time at the Shelter. We should have physical tickets within the next 10 days so you can come in and presale a ticket or, you know, wait the 10 days; but I'll be here at the next meeting selling tickets. And I hope you'll all join us again this year as you did two years ago.

Our Town All Around books, those are the entertainment-style books. We got a late start on that last year. In two months we sold 98 books. We sold them for \$20; we got \$7 so we made almost \$700. We should have those books again for 2006 within the next week.

And finally if I can do this in 15 seconds, Abitibi Paper Company in June has given us \$573.80 and in July \$495.00 for a total for 7 months of \$2243.45. That's 149-1/2 tons that the citizens of Euclid gave us so that we can earn money for our pets. Thank you for the extra time.

Mr. William Hilf – 891 East 237th St. I'm here tonight not a very happy occasion but to pay respects to a friend of mine by the name of Chuck Abraham, who I had the opportunity and pleasure of sharing space with at Shore for the past several years. Our theater company of Upstage Players and his company of Silhouette Productions shared equipment, shared props, even went in together with the Shore Board buying some lights and sound for the building this last year. And we also shared actors. His current production of Peter Pan probably has 10-12 actors who have been with Upstage before.

For those of you who never met Chuck, you missed out on something. Just about anyone I've ever met coming through that building in the last almost 9 years that I've been in there, I've not met anybody with the energy, enthusiasm of Mr. Charles Abraham not only for his shows and his company but for the building. Very amazing man, he leaves behind a grieving family of a wife and two children who are also in the production of Peter Pan, which is right now Charles, Chuck Abraham's extended family, who are also grieving.

For those of you who don't know a lot about theater, your artistic director is basically your parent, your coach, your pretty much the one that guides you and is your support and pretty much gives you everything when it comes to a show and they lost that. His two children and his wife are in this production and it's a very large cast. And I was just talking at St. Felicitas tonight at their back to school gathering to the parents of several children in the cast and these kids are taking this quite hard and I'm not just talking 8 and 9 year olds. I'm talking up to 8th and 9th graders are taking this very hard. And so I'm asking of all of you here and all of you watching, as a tribute to Chuck, please come out and see his final show. It's his DNA that you're going to see on stage, his genetic, his imprint on this production of Peter Pan. This cast and crew are going out having their heart and soul ripped out in losing their director to put this show on. And it would be nice for 6 performances to give them as large an audience as possible.

I never had the opportunity to perform for Chuck. He asked me to actually be in one of his last productions of Jesus Christ Super Star, scheduling-wise it couldn't happen; but I did get a chance to see it. He puts on amazing work and even without him I think this will be an amazing production of Peter Pan from everything that I've heard and knowing the energy and the hours that Chuck put into it. So I'm asking that on September 16th, 17th, 23rd and 24th at 7 p.m. and on Sunday the 18th and the 25th at 2 p.m., please come out and see this production of Peter Pan. You've got a grieving family that are at Shore right now of both his family, the staff of that theater company that've worked with him for years and the cast who need the support of Euclid and need to see that Euclid cares. So please come out and see it. Thank you.

Mrs. Madelyn Scareninch – 1511 East 221. Welcome back, everybody, hope they had a great summer. I'm just up here for public service announcement. Pastor Owens asked me if I would come up and tell you guys. This Sunday there will be a truck leaving from the church of, Living Waters Church of God, which is at the corner of 250 and Lakeland that will be heading down south. What they're looking for is bottled water, canned foods, any non-perishables. So if you're so inclined to be able to donate to them, you can call the church at 289-6673. Thank you.

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Mr. Tom Cooke -25641 Edgecliff. The following is a brief analysis and opinion. My brief analysis and opinion of the Euclid School System levy request. Let's talk about economics. Home foreclosures in Euclid are at an all-time high. The price of gasoline in just the last 6 months is better than doubled with no end in sight. Home energy commodity prices are pretty much following gas prices. Today, at this Council meeting we've just been informed our sewer service charge rates are going to be going up. Raises and salaries in light of what I've just mentioned for all intents have remained stagnant. From an economic standpoint the community of Euclid is doing anything but booming.

In light of what I just said tell me how this community can afford more taxes. How can we as a community afford to have more money siphoned away without, with no realized return? How about doing what every homeowner and business has to do? Cut back on your spending, reduce your overhead until your budget is balanced.

The wage earner has only one source of income, the employer. Do you think the wage earner can just go to his or her employer and say I need a wage increase because my bills are going up? So where's the money going to? Plain and simple straight out of Euclid, the money will go to pay for wages and salaries to employees, many of whom do not even live in Euclid. Euclid will experience an increase in negative cash outflow.

How about value received for money spent? Where is it? Recent student test scores have shown failure just about straight across the board and now you want me to pay more money for declining performance. Another argument is that in the long-term students will return to Euclid and be valued contributors to the community. This just hasn't plain happened. The exceptions are there, yes; the general rule is not.

You've also heard property values will drop if levies fail. This is a recurring theme that just doesn't hold water. Property values increase where people want to move. People move to communities where they feel safe and secure. School systems flourish in communities where people feel safe and secure. Students learn in school systems where they feel safe and secure. Students leave school systems when they do not feel safe and secure. Families leave communities when their children do not feel safe and secure in the school system. Even though the levy request for this November is 5.9 mills, the School Board has already made it perfectly clear that they will be back immediately for the balance of their original demand of 7.9 mills.

To put things in perspective, what else can \$7 million buy Euclid? How about 100 more police officers or how about 280 more fully equipped police cruisers? Resurfacing of all of Euclid Avenue including curbs and sidewalks costs \$3-1/2 million when it was done a few years ago. How many more side streets, sidewalks and curbs will \$7 million buy today or every year for that matter? How about a brand new police station? The City of Bay Village is now completing a state-of-the-art police facility for \$6-1/2 million. My point being you can buy one heck of a lot of other products for \$7 million that will have a larger and more lasting impact than the by-product of this levy.

You've heard the argument families will move out because of an eroding school system. Families move out because they do not feel safe in their neighborhoods. Families move out because they do not believe their children are safe in the schools they attend. You cannot deny this fact or gloss it over no matter how hard you try. The pipeline to what is really happening in the Euclid School System is the student themselves. The student brings home to the parents what is really going on. If the student feels unsafe, the parents will know it. Safety and security is the number 1 element that will help a school system and a community flourish. When one feels safe and secure everything else will follow. Thank you.

Mr. Victor Goodman – 20201 Glen Russ Lane. First, I would also like to acknowledge Chuck Abraham. I've known Chuck for almost 25 years through various functions. He will be a sourly missed man. I was with him at Mount Carmel as well as other productions that he has done. As an actor myself, maybe the only point that I can think of is that Chuck died the actor's death and the theatrical death. He died on Shore stage. He will be missed. I know I will be at Peter Pan and I certainly hope everybody else will.

Also, I want to mention and at no slight to the American Red Cross; but we have in our audience a woman who works in the volunteer department who actually heads the volunteer department of the Salvation Army and I urge you that you do know that there are many organizations and the Salvation Army also is on the spot and has fed, I think, Bernie told me thousands and thousands of people so remember that a good donation point is equally the Salvation Army. I mean there is no bad donation point to any of these.

But I want to thank, yes, I do. I want to thank Mayor Cervenik for bringing up a point that we got to, not only discussed once but I came to come back to discuss a second time and that is access

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our Channel 21. And when you brought it up tonight that's really what brought me up here. There are certain things I think a council and a city can do to protect its citizens. Now as far as I know the public access channel is for the good and welfare of the citizens of Euclid. I think that's one of the prime things. So we need to look at, just as we're looking at predatory lending, we need to look at how to protect our citizens from hate. From someone getting on television, public access or not, and by the way, you know, I will never stand up here and not, and not state that freedom of speech is freedom of speech because I am certainly an advocate of that. But we need guidelines just as we have them in this Council Chamber. We need guidelines and one of the things that came to me is that I was told by your assistant and I think you also reiterated it, but I know Lisa told me that actually you don't have to be a resident of Euclid, and let me finish the explanation. You can give it to a resident of Euclid that it doesn't have to be generated by a Euclid resident.

Well, this to me is like going to the airport and asking somebody to take a bag for me to California. I think one of the things this Council can do and this Administration that nothing appears on our channel that is not generated by a citizen. It cannot be given from an outside source. I think that would help a great deal.

Surely, we can do more than flip the channel off. You know, there are regulations, can't have pornography on Channel 21. Can't have lewd behavior on Channel 21 and, of course, everything is a definition. We all know that. Everything is a definition, but we need to do more than just flip the channel off because I fear, as I stated to the Mayor, that one person who actually believes what Daniel Ben Israel was saying is sane and makes sense. And I fear that person hurting another Euclid citizen is a great risk, especially in today's day and age. I mean, look at everything that's happening in New Orleans. I've been watching it as I'm sure everyone here has and the accusations flying may never end and have certainly spurred racism in just its implications.

Hate, no matter what its disguise, is hate. Euclid deserves better; its residents demand better. Thank you.

President Sustarsic – Are there any other comments from the audience? Seeing none.

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

COUNCILMEN'S COMMENTS

Councilman Delaney – Thank you, Mr. President, and I'm happy to have my first vote on the roll call back temporarily. In light of public television and maybe, Law Director Frey, you can answer this for me. I have in front of me a City of Euclid Cable Television Commission program proposal form and it asks for your name, organization, your address, your telephone number. At the very least, the name and organization can they be put on at the beginning of the show and maybe a disclaimer that these don't necessarily share the views of the City of Euclid and this is being proposed, a program proposal from this person's organization?

Director Frey – We talked about that when this tape was aired and follow up. Yes, we could do that. We actually have some technical difficulty in accommodating that with the limited amount of equipment we have. It is possible to do that, particular, you know, to show it as a trailer or a lead in to the tape. Unfortunately, our equipment restrictions are more of a hindrance than anything else in that regard. So we would have to figure out what we wouldn't show in order to be able to show that. In other words, something would get bumped out of the rotation to put a tape in because we cannot alter, if we're going to show the tape, we show it in an unaltered form. We would actually have to show a separate tape in front of that that would have the information on it. If I understand correctly, it would cause us to have to bump another program out of the cycle. So I don't think it's a legal issue as much as it is a just an equipment issue.

Councilman Delaney – Well, if at all possible, I think that that is an alternative. I think it somebody had their name on very controversial content they might be reluctant to submit it to the City for the whole City to view, especially if there was content information about your opinions on why you would propose a program such as what we had.

Mayor Cervenik – To go a little further and I don't know what the technical term is and he's running the camera here now, but in order for us to put anything on the tape, we knock down a level of the quality of the tape they have and that is something we're really not allowed to do on public access. We will find ways to put trailers at the beginning and at the end, but to actually put

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something on the film it lowers the quality of what they gave. And if you watched this film, the quality isn't that great to begin with and that could cause us problems from a legal point of view.

The tape we're talking about really isn't worth., you know, I wish we could talk about this rather than having it be on TV because he's really not worth all the public comment right now. But he was very clear in identifying himself and he is a Euclid resident.

Councilman Delaney – Okay, thank you. My next question is I understand we are a lawyer down, a prosecutor down in the Prosecutor's Office.

Director Frey – Ed Jerse is on leave of absence. He's working with an organization promoting several constitutional amendments that will appear on the November ballot. The City retained services of a Garfield Heights prosecutor by the name of Tim Riley to fill in. He works just the court sessions on Tuesdays, I'm sorry, Wednesdays and Thursdays.

Councilman Delaney – Well, I'm a little leery of picking up the slack, especially now at campaign time. I reflected of all the campaigns and one thing I stood up at every event and said that I was not in favor of privatization of City functions and this is yet moving, again, toward contracting out. Council approved money in the budget for a prosecutor. I think if we're going to contract out with prosecutors we should probably have legislation in effect of that.

Director Frey – He's a part-time employee; he's not a contract employee.

Councilman Delaney – So you re-hired another part-time lawyer to fill the shoes as a City employee?

Director Frey – Yes. He's a part-time employee of the City of Euclid. He is a part-time employee of the City of Garfield Heights. He is a prosecutor. The Code for the City of Garfield Heights and the Code for the City of Euclid are nearly identical. So the transition and the feedback from the Court has been that it has been a very good transition using Mr. Riley as a part-time City prosecutor.

Councilman Delaney – That's good that there's a feeling about transition, but I still, common sense would dictate that this specialization of law that are victims need some sort of consistency. Our police need some sort of consistency. And I think we're going to go down a road here with two part-time prosecutors which may lead us into some waters we don't want to be in. So, you know, having said that I think it would be helpful to keep Council in the loop and I for one advocate having a fulltime prosecutor in that office.

Councilman Gruber – It's great to be back, wonderful summer. I got a call just before the Council meeting from Kristal Skovira from the Community Policing Department. She asked that I make the announcement that in lieu of all the difficulties in the Gulf States you may be getting phone calls from people soliciting contributions mostly cold hard cash. She advised me that there is a website you can go to called guidestar.com and you could check out the legitimacy of the agency asking you for your cold hard cash. If you have any questions with that, I'm sure that they can contact the mini station or Kristal Skovira.

Speaking of mini stations the mini station has arrived today because it blocked traffic. It's a, it looks good. It's going to be put in place shortly and it's an excellent location and it's a very fine looking structure. Chief Maine, your folks did a nice job on getting that put together and it's really a nice resource for that part of Euclid Avenue. I'd like to thank all the neighborhood associations that were kind enough to invite all of us to their neighborhood picnics and barbecues and get-togethers and fairs and all the neat things that happened this summer so thank you to all those.

We addressed some issues that came up over the summer and I'd like to thank Director Gulich and the Mayor for finding funding about \$9600 for 750 feet worth of fence on Roseland Avenue to help stem the tide of troublesome individuals coming across the tracks from Cleveland and with the police, Police Department's increased patrols in that neighborhood, I know they're happy. I got a call from Juan, the owner of Indian Hills Senior Complex. He was very happy with that along with the residents in the neighborhood. So I thank you guys for working with us on that. I know we called Stephanie Tubbs Jones's office to get involved but that really wasn't needed. We handled it in-house so that was very good.

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Mayor Cervenik – I would like to thank Mr. Gruber, Councilman Gruber for not pestering me the last couple of weeks since the fence has been up because he was calling me virtually every day for 3 weeks to get that fence up and done. And I'm glad we did. I've heard from a number of you residents and they're all very happy with the job.

Councilman Gruber – I'm sure we'll keep an eye on that to make sure that it remains in its current condition. There's also been signs placed at the Inland Corporation parking lot where we had some issues with trucks disturbing residents on 196th Street. They are now corralled into a section far away from the backyard over there. And along with that I believe the City has done some work over there with the property owners to cite them for some, to work with them with some issues with landscaping, overgrown bushes, trees, grass, that type of stuff. So thank you, Director Pietravoia, for jumping on that and we'll see some action on that shortly.

Let's see, what else do we have? Oh, I think it was last Thursday, maybe the Thursday before, myself, Councilman Daly, Councilwoman Hufnagle attended the Architectural Review Board meeting where the plans for the Provident Baptist Church were presented. There were some modifications to the plans, a little more brick, a little more traditional church-type look. It passed 3-0, I believe, so that'll keep moving along and I was surprised that the only two other people in the audience were residents left over from a previous architectural meeting that were interested in it. So that's moving along.

And we are doing work on the Grand Boulevard hillside. We've hired a contractor to finally once and for all put that mess to an end from the previous few contractors and we hope that rectifies that problem.

Again, thank everyone for being so kind to us over the summer and look forward to serving you.

Councilwoman Holzheimer Gail – I would like to request that we have a budget meeting, Finance Committee meeting in the next month or so to get an update on the current budget and preparation, I'm hoping we'll plan start working on next year's budget so I would respectfully request we would have a full update on where we are to date. Mayor, it looks like you want to say something.

Mayor Cervenik – That can be done. At the Directors' meeting today, the Finance Director told everyone that he will be getting out their budget sheets and we need to have not only a budget update for Council where are we up to date. We need to schedule a date, probably 2 weeks from now, for our presentation on the Tax Office and collection of our own taxes. So we could probably do that all on the same night, but it would be a lengthy meeting. But yeah, we do need to do that right away, 2 weeks. I don't want to wait long.

Councilwoman Holzheimer Gail – Okay and thank you for the information, I've had questions about the WPS notice that came out that that aggregate program will be ending. Do we have any indication that the other, the gas aggregate will be continuing or any problem with that do you know?

Mayor Cervenik – It's my understanding the gas program will continue. There is still some savings, certainly, not as significant as it had been in the past. And with the way things are going, who knows? But at the moment we still have an active contract and that one should go ahead, but as I said, with WPS, CEI has the lowest rate and none of the companies bid to be the aggregate because they couldn't match that rate.

Councilwoman Holzheimer Gail – Thank you, I appreciate that. I have had some calls from residents. I also wanted to thank the neighborhood groups and the community organizations. I was able to attend many parades, bike parades, picnics, block parties throughout the summer and I want to thank all the folks who helped put those together and are active in their neighborhood associations because those are a big part of what helps Euclid stay strong. And I appreciate all the work in that regard.

Also a thank you to the Rec. Department staff and other community programs, we were also able to enjoy many of the pools and the baseball teams and the swim teams and I want to thank not only the staff but all the volunteers and parents and kids. Really, it takes a true team effort to make all those things come about so I wanted to thank everyone who contributed in that way as well.

Mr. Petkovic, at the beginning of the summer we had passed an ordinance about the garage sale regulations. Do you have, could you give us some feedback on how that went over the summer from the Housing Department's point of view?

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Manger Petkovic – Sure, Mr. Chairman to Councilwoman Holzheimer Gail, I started the program on Saturday, July 9th, and we worked, I worked 9 Saturdays. During those 9 Saturdays, we received 3 complaints from the Police Department about garage sales on front lawns. The latest one was this past Saturday. I received a call 2:00 in the afternoon that Dispatch had received a call and wanted someone to go out to attend it.

Saturday, July 9th, we had 2 complaints from the Police Department and 31 signs were removed from telephone poles. The following Saturday there were no police complaints. There were over 100 signs removed from poles.

Saturday, July 23rd, there were no police complaints. The following Saturday was void; no one worked. August 6th there were no police complaints, but 39 signs were removed. August 13th, no complaints, 67 signs were removed from poles. August 20th there were no complaints from the Police Department. I, myself, stayed in the office and typed up violation notices that were on my desk. August 27th, no one worked and this past Saturday there was one complaint and that was 2 p.m.

Regarding the front desk at the Housing and Building Department, we have received since July 9th, 7 complaints about garage sales and that's the update.

Councilwoman Holzheimer Gail – Thank you, I appreciate your flexibility and working on Saturdays and helping to attend to that problem. I, the feedback that I've had from residents is that they are happy there's something in place. I have told residents who called me we will revisit it because I have had some concerns addressed as well. But I for one have not seen as many on the front lawns and that was my main issue and I appreciate your effort on that regard.

And just lastly I would like to wish Happy Birthday to a regular watcher. My grandmother's birthday is today. Happy Birthday, Betty Davis.

Councilwoman Hufnagle – I'll keep my comments brief. I'd just like to say that I'm happy to be back. It's been an enjoyable summer. I appreciate the opportunity to be out amongst the residents and all the invitations that we get. Euclid is a great place to live and I will echo Councilwoman Holzheimer Gail's comments about wonderful things the Rec. Department did for the City and the opportunities that our children have. And I would just encourage everyone to watch the children as school is back in session. Thank you.

Councilman Langman – First off, if Chief Maine wears the same costume he wore to the last Boo Bash, I'll be there for sure.

I would like to thank Law Director Frey and Chief Maine for handling the situation on 232. The residents appreciate it. It's much improved and they are most appreciative of your inputs on that.

I would like to thank Mr. Petkovic for the consistent responses on the various issues that cropped up over the summer.

Kathy Will, I want to congratulate your department for everything that they've done over the summer. While you were away, Kathy DeAngelis and Director Gulich we had an interesting meeting on Friday on the golf course regarding for perhaps drilling for natural gas there. I think it can be done in an expeditious way that doesn't interfere with the operation of the course.

And speaking about the Golf Course, now that the Clubhouse is going to open, either Director Will or Director Gulich or Director Johnson, I'm looking for an updated spreadsheet on the various costs associated with the construction of the building. I do have the original spreadsheet that outline the costs around \$97,000 range and then the updated spreadsheet, which was a little skimpy on the details that brought the budget to \$1.4 million, approximately, and now that we're closer to completion I'd like to see some more detailed information either from your department, specifically, or from the Construction Manger. So which one would like to quarterback that for me so that I can get that information?

Director Gulich – We'll work as a group. I'll sit down with Mr. Johnson and Ms. Will to get that information in a satisfactory manner to all of Council.

Councilman Langman – When can I expect that because I've asked this question more than once and I really haven't gotten a clear, concise answer?

Director Gulich – Looking at Director Johnson next to me, I think we could satisfy that request within the next 2 weeks, Director Johnson? Is that fair enough?

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Director Johnson – Sure.

Councilman Langman – Okay, is there a problem obtaining information that prevents you from getting it?

Director Gulich – Shouldn't be.

Councilman Langman – Okay, then I look forward to getting that and, again, hopefully a little more detail than what I got in June.

Director Gulich – Very well.

Councilman Langman – And with that I will wish everyone a good evening. Oh, one more question, though, Mr. Frey did mention Mr. Jerse is on sabbatical. I'm assuming that's an unpaid sabbatical, is that correct?

Director Frey – Yes, sir.

Councilman Langman – And just for everyone's edification, who do you direct our questions to the Prosecutor? Would that be Mr. Gallagher?

Director Frey – Pat Gallagher and Tim Riley are both on staff. I'm here every day. I involve myself with the Prosecutor's Office on a daily basis reviewing warrant requests, discussing cases with detectives and officers as necessary. There is an attorney on board 5 days a week to handle criminal matters that come up in the City. So send them to me, send them to Pat Gallagher, send them to Tim Riley.

Councilman Langman – And one more thing, I would like to thank Director Pietravoia, Mr. Gliha as we continue to work on lakefront project. It's been quite busy the last month and it's been very productive also. So with that, this time, I promise to say good night.

Councilwoman Mancuso – When we do our budget hearing could we get an analysis on how we've done with our recycling since we originally budgeted it and then went to recycling in the bins? Actually, a cost benefit analysis so that we could look at how did we do and how can we do this better so that we don't go through this again?

Director Gulich – We are planning on doing that. You will definitely have those numbers as up-to-date as they can be.

Councilwoman Mancuso – That delights to me to no end. To the Housing Department I want to say thank you. When you were on vacation, sir, your stand-in was outstanding. I had 2 complaints on housing and yards. One in Ward 1 and one in Ward 3 that he was out the very next day, went through everything, took care of the complaints. It is amazing what a citizen tells you is going on and then what you see is going on, neither of which were good, but the response was very timely. The citizens were both very pleased and I think we allayed some fears and actually put them straight as to where the houses were and what process and where they were financially and what was being done about it, versus not hearing anything, not seeing anything and people come to their own conclusions which may not really be accurate. So, keep up the good work.

Manager Petkovic – That is good to hear, thank you.

Councilwoman Mancuso – With that I will say goodnight.

Councilman T. Sustarsic – It is good to be back. It was a great summer. Briardale Golf Course, I'm really looking forward to the Grand Opening on Saturday. The course is in fantastic shape considering the weather we had this year, the dry heat they were able to keep it beautiful condition.

I just had a question, I know a lot of the union contracts are going to be up at the end of this year, has the process begun with negotiations?

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Director Frey – We've had conversations with one of the primary bargaining units on an informal basis and with several others on an informal basis. Today in the mail I received the Notice to Negotiate with the Fire Dept. Yes, the dance has begun.

Councilman T. Sustarsic- I was reading the Plain Dealer on Friday in the sports section and I found it pretty interesting the Cavaliers official have been quietly scouring Cuyahoga County for possible sites to build a new practice facility. They haven't narrowed down their options or even decided whether it should be on the east side or west side. After reading that, I'm thinking why not the largest suburb on the east side right here in Euclid. I like the location here. With the freeway access, I think it would be great for them. I know Mr. Gilbert who owns the Cavs, a new ownership group, they are doing a lot of exciting things with the franchise. I think they'd be an asset to the community. I don't look at it as a pipe dream. I'm sure there was someone in Berea that said the same thing, why don't we try to get the Browns practice facility and they were successful in doing that. I'd be willing to work with the administration to do whatever we can do to try to lure them to come over here. I think it would be a perfect fit. With that, I'll say good night to everyone.

President Sustarsic – I'll start off by saying a tentative date, Wednesday September 21st for a Finance Committee meeting, if that is agreeable with the Administration as well. We could have an update of our reports and look forward to the upcoming budget process.

Following up on comments relative to recycling, when you are out going door-to-door during the summer and that type of thing, they're wondering if there can't be something better. I think in lieu of the study of how much it costs, the good points, the bad points, maybe if we can get a little bit more possible at a cost savings of course of what the citizens are looking for. If we could work out something with them, be more compatible with their needs. Be it once every other week, or whatever it might be. I'm sure there has to be a solution out there.

Going back to what pretty much everyone's been saying, this past week really put everything into perspective as far as realities, as far as what life is all about. Being a rookie grandfather, that being a 1 ½ year old and a 2 year old, you really realize what the little ones in particular and the families go through down there and what their needs are and how vital it is to get any type of aid to them that is at all possible. So based upon what others have said too, irregardless of however you make a donation, being it on a flatbed in the back of City Hall parking lot, or at the Church of the Living Waters, Salvation Army, Red Cross, whatever, I would encourage everyone to look deep into your heart and help these poor people out. As was said before too, there might be a plan where we might be able to house some of these individuals that have pretty much lost everything. It hits all around here. Where I work, as a matter of fact, my one friend that I work with his brother lives down there and he lost everything. He's about 40 years old, wife, three young children and everything else like that. They are heading back up here now. It hits everybody and it would be well deserved to have everyone contribute.

On that note, I wish everyone a decent fall and a campaign season. At the same time thanking all the Department Heads and everyone for the services and everything that you were able to do this summer for us, be it safety, recreation, garbage collection which was reminded it will be one day later this week. But, again, thank everyone for your constant participation and thank Council for keeping in touch with your neighborhoods.

Councilman Daly – First off one of my neighbors had a medical emergency over the Holiday Weekend. In order to express his gratitude he asked me to read the following note:

To: Honorable Mayor Bill Cervenik, Member of Euclid City Council, Euclid Fire Department, especially the crew of paramedics who responded to my needs at a critical point in my life. I wish to personally thank them from the bottom of my heart.

I cannot find the words to describe their efforts to keep me stable until I arrived at the Emergency Room. Knowledgeable, efficient, calm and confident, all attributed to the high standards of training and dedication which is the hallmark of the entire department. They are the epitome of excellence.

The entire City of Euclid and our governing officials should be proud to be a Euclidite, I know I am. May you all continue to maintain your high standards. Again, my sincerest and deepest gratitude. Sincerely, Franklin G. LaCava.

Frank, it was good to see you Monday, back where you should be tending some of the finest roses in the City of Euclid.

A couple of other notes, Sunday, September 11th, fourth anniversary of one of the worst tragedies in this country's history. I think we should all take a moment to remember those people

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that gave their lives to save others. I think we were reminded again in New Orleans when disaster strikes and the rest of us are heading away to safety, our police officers and firemen and street workers and bus drivers, they're heading into a disaster to save as many lives as possible. When we're trying to comfort and look after our families, they are leaving theirs to do their duty. Take a moment to remember their sacrifice.

I'd like to thank the Cleveland Indians organization, especially my friend Mike Mulhall. We hosted 5 New York firemen in Cleveland this summer for the Yankees/Indians game. He was able to get us on the field before hand and up in the press box and it was a good time. We then took another family vacation as our in tradition to Manhattan. We were hosted by and I would like to thank Lieutenant Jerry Curran, Officer Steven Collins, Brian Horan, Kevin Corzie, and Pat Nash for giving us a tour of the city again and hosting us. This time we were able to visit Fire House Engine 10, Ladder 10, which is directly across the street from the towers, it is open now. We were able to go up on the roof of the building and see what was the Twin Towers, the progress to date and again visit a number of the houses in that area in Manhattan and Brooklyn to the memorials that gave their lives that day. Thank you for spending the time and allowing us to be part of that week.

Lastly I do have some concerns that I would like to touch base with the administration. I think it is important that many of us go to the showing of Peter Pan, I do have concerns though with such a large gathering in a building without a working fire alarm. There are two famous sayings, the show must go on. But there was another one, what were you thinking. We need to take the steps to make sure the safety of all those individuals that will be in that building for those shows. If the fire system is not working, I don't know if we can just be delayed a few weeks until that system is up and running, which I think would be prudent. With that, it is good to be back and have a good night.

ADJOURNMENT

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

Attest:

Clerk of Council

President of Council