

## COUNCIL MINUTES

October 3, 2005

The regular Council Meeting was held on Monday, October 3, 2005 at 7 PM in the Euclid City Hall Council Chamber. President Sustarsic presided.

Members Present: Daly, Delaney, Gruber, Holzheimer Gail, Hufnagle (came in late), 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. Craig Bode of Bethlehem Lutheran Church.

### Communications

Council has received the following communications:

A memo from Director Frey concerning Adelphia transfer to Time Warner

A list of Issue II projects from Director Gulich.

A letter from Supt. Gall regarding chemicals necessary for the operation of the Wastewater Treatment Plant.

Sections of the Tax Ordinance re: Confidentiality from Administrator Lovelace.

### Council Minutes

Councilman Gruber moved to receive the Council Minutes of September 19, 2005.

Councilwoman Mancuso seconded. Yeas: Unanimous.

### Administration Reports & Communications

Mayor Cervenik – I was hoping to tell you that we're all looking forward to the play-offs that start tomorrow night with the Cleveland Indians, but unfortunately, that's not going to happen, but I firmly believe they have left us with hope, and we say this all the time in Cleveland, but they've left us with hope for next year. They had a good season and it was a lot of fun. We really enjoyed watching them.

Had a pretty busy weekend. I was able to attend the Euclid Citizens Police Academy's 10<sup>th</sup> Anniversary, Friday night. They had a dinner at the Manor Country Club, there was about 80 people there. The Euclid Citizens Police Academy has our residents experience a 10 week course, experiencing and getting to really understand, with ride-bys and classes, exactly what our Police Dept. does and some of the barriers and problems they entail, as well as some of the good parts of their job. I spent a lot of time talking to the graduates and it is a very good program. We've got another class that has just begun. I strongly urge members of Council that have not been part of that, as well as members of the audience and other residents to give us a call when the next sign-up date is. From hearing them Friday night, it is a very worthwhile project.

Sunday afternoon I attended the Zumberak Croation Lodge #859 68<sup>th</sup> Anniversary dinner, also at the Manor. They have honored 4 members that have been active in their association for over 50 years. A long time Euclid resident, Goldie Malone, and the Lodge are responsible every year and this year it is April 23<sup>rd</sup>, for bringing the Duquesne University Tamburitzan's to Euclid High School auditorium, where it is always sold out. I was there last year and it is just a phenomenal show. The costumes, the heritage, are just something to be seen and I strongly suggest you try to get tickets for that April 23<sup>rd</sup>.

After I left the Zumberak Lodge I headed off to the Euclid Hospital Auxiliary's Annual Reverse Raffle. This group raises money to support all of the efforts of Euclid Hospital. In particular this year, supporting the efforts of the Emergency Room Expansion project which is scheduled to break ground sometime in mid-October. It is going to be over a \$4 million investment in Euclid Hospital and that's a real good thing for us because it raises our quality of life. They are also very good taxpayers. They are one of our top 5 group of taxpayers for the City of Euclid. Euclid Clinic has made a commitment to keep that hospital strong and vibrant in Euclid.

Dunkin Donuts, if you've been by Lake Shore and 222 Street, you will see the construction area is up. There is a hole in the ground and this project has had a lot of challenges through this year trying to get it started. Well, we finally got to the point where all the leases were worked out and contracts were signed and wouldn't you know it, they put that shovel in the ground and dog-gone it, they ran into an old oil tank under the ground, which delayed us for probably another week or so. The tank is out. Construction is going forward. At the very latest, they really expect to be open sometime in earlier January. There will be more news on that coming shortly.

We had the Euclid Unity Gathering held on September 25<sup>th</sup>. The weather didn't cooperate tremendously well, we also had the Browns and the Indians, but we had about 200 people come and listen to the band, Grand Ave. played. I met a lot of Euclid residents that were very interested in working together to make this community strong. We are going to build upon what we did on the 25<sup>th</sup> for next year. We are probably going to move the event a little earlier in the year, but we do want to keep it simple. We just invited people to come with a picnic blanket or lawn chairs and just get to know each other. It was a success and I'm looking forward to next year's program.

The Hurricane donations, we still have the trailer in the back of City Hall. It will not be here much longer. If you have non-perishables, diapers, toilet paper, no clothes. They are asking for no clothes. Please bring it to City Hall over the next few weeks because they are getting ready to take that truck down to the Hurricane ravaged areas. We're pretty close to filing it up.

I also need to thank Fred's Club. Fred's Club tutors our children, many of our students in the Euclid School System. But they took on a project this end of summer called Pride in Euclid. They got students they tutored as well as members of Fred's Club and they planted various perennials in all of the cement tree boxes on 222 St. and 200 St. We are really looking forward to that beautification project come spring, when the flowers start to bloom. They spent a good amount of time on that. We were able to get some block grant money to help them out. It is going to really revitalize and really make our business districts on 200<sup>th</sup> and 222 St. look a lot better. So Fred's Club, thank you very much.

Tonight, it was tabled at the last meeting, our Issue 1 Resolution. There has been a tremendous amount of information concerning the Issue 1 benefits in the newspapers, on the newscast and I believe Mr. Gulich, as a communication stated, gave you a list of how we have benefited from passed Issue 2. Which now, if this is passed, in November it will be called Issue 1. I think we've got 45 jobs, \$23 million from the Issue 2 which will now be Issue 1. If this program goes away, we just put in for two Issue 2 projects, E. 214 as well as Tungsten Road. We need these kinds of programs to continue to take care of our infrastructure.

Last but certainly not least, we had a meeting this past week with the owner of PMX. We don't have a lot of details at the moment, but keep your fingers crossed. It appears that the owner of this property is committed to putting together a plan and investing some serious money and some serious time into developing PMX the way it should be done.

That's what I have this evening. As I said, there's a lot of things to do in Euclid. I probably gained 5-6 pounds this weekend, and I need it, I need every bit of it, but it was a great time. I have a few announcements, first coming from Chief Maine.

Chief Maine – Three weeks from this past Saturday night will be the 5<sup>th</sup> Annual Euclid PAL at the Races. This is the primary fundraiser for the Police Athletic League. It will be at Tizzano's Party Center. Tickets are \$25 a piece. That includes all your food, as well as an open bar, DJ, dancing and a silent auction. I can speak from year's past, it has always been a good time. It is for a wonderful program and we'd like to see everyone there.

Director Will – I would just like to take this opportunity to remind the residents that we'll be starting our second session of swimming lessons at the High School. They'll be offered at Tuesday nights. You can register here at the Recreation Office on October 11<sup>th</sup> and the 18<sup>th</sup> from 3-7. Lessons will begin on October 25<sup>th</sup>.

We also still have two dates available to register for the Youth Basketball Program. Tuesday October 4 and Tuesday October 11 from 3 to 7. The program is filing up fast. We can only guaranty a spot through October 11<sup>th</sup>. At that time it will be based

on availability and there is a higher fee. That is for the Youth Basketball program. If you have any questions on any of the programs, you can always call our office at 289-8114.

I'd also like to make an announcement for the Shore Corporation Board. They will be hosting the Italian Night on October 15<sup>th</sup> at 6:30 PM at Shore. It is \$25 per person. It includes dinner, dance and beverages. The Gigolo's will be performing. On Sunday, October 23<sup>rd</sup> at 3 PM, the Euclid Civic Orchestra will be holding their annual fall concert. On October 29<sup>th</sup>, the Board along with Upstage Players will be hosting a Haunted Hallway from 6:00-9:00 PM at Shore. It is \$5 per child and there will be crafts and games for all the children. For any information about the Cultural Centre programming, call 289-8107.

I'd also like to thank all the residents that came out for the Community Gathering Day. It was a fun event. I would like to thank our staff for the work that they've put into it and the administration. We had a great time. I want to take this opportunity to personally thank all of the Euclid Cheerleaders that came out and did some performance for us. They had a great time and I hope you enjoy them also. Thank you.

Mayor Cervenik – That's really remiss of me not to thank the Cheerleaders. They were the cutest bunch of kids you ever wanted to see with their shish-boom-baa, it was a lot of fun and it really made the day. I congratulate them as well as their coaches for the program they put on for us.

Last but not least, I have Margaret Hastert-Wolf here who is our Senior Programs Administrator and Margaret has an announcement to make concerning a special fundraiser coming up this Friday.

Administrator Hastert-Wolf – Good evening everyone. I'm happy to be here tonight to share with all our good citizens, how proud we are of our growth and success of Euclid Senior Programs at the Euclid Lakefront Community Center. Celebrating that fact we will have a Spaghetti Dinner, fundraiser, this Friday, October 7<sup>th</sup> at 6 PM. Tickets are still available, I believe, for \$6 and that will be a fundraiser to continue to support all the wonderful things that we've been able to do at the Center and bringing all of our Euclid residents, senior citizens together, at our beautiful Lakefront Community Center.

There are many people to thank for our year of success. Especially our Advisory Councils who worked so hard to form the good and wonderful positive feelings that we're able to share at the Center. Our planning groups, our staff, especially for this event, Peggy Sadowski and Judy Kubas. All of our Euclid seniors and supporters who come to our center and make it a positive experience for all. I want to once again thank all of you and hope that our 2<sup>nd</sup> year at our new home will be as positive as the first.

Mayor Cervenik – Thank you Margaret and I can't wait to have the spaghetti, now that I'm on an eating binge here. That's all we have for this evening.

#### REPORTS & COMMITTEE MINUTES

Councilwoman Holzheimer Gail moved to receive the Board of Control Minutes of 9/12/05 & 9/19/05. Councilwoman Hufnagle seconded. Yeas: Unanimous.

#### COMMITTEE OF THE WHOLE

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

Mrs. Dorothy Fike – 20271 Delaware Rd. I have a question on #10, (434-05), conditionally approving the request for an assignment of the cable television franchise from Adelphia to Time Warner. Why is it conditional? Why is this being done? What affect will it have on the subscribers changing from Adelphia to Time Warner? The channels and all that, will it be the same or will there be many changes? Thank you.

Mr. Dennis Berzinskas – 20890 S. Lake Shore Blvd. I was going to speak on three things, but I'll hold it down to one and Dorothy hit on the one that I was going to speak on, Time Warner. I know why there might be reasons and I know the reason why we want to change it. Not us particularly. One person came to a Board meeting that I was at and eyes just rolled in their heads when they said that they were at other Mayors Council Chambers and they had seats for 20 people for the public. They asked where were the cameras and the other Mayor said, we aren't going to put them in.

Time Warner I was told doesn't carry public television. When it doesn't carry public television, I worry about that. This is an open forum that should go out to all the citizens that can make it and the ones that can't make it, get to see it on TV. Years ago it was only shown once. If you didn't happen to catch it that day, you missed it. I know it was hard for me because I worked shift work, 7 days schedules. It was hard to make meetings and see what was going on in the city. I went to Council Meetings since it was in the old Chambers, across over here. Because I saw things that weren't right that went on with Council people.

Fight this and fight it well. No Time Warner without Public Access. Right Mayor?

Ms. Kandy Jones – 27040 Tungsten. I just want to make one comment before I speak about my issue. Chief Maine talked about the Night at the Races and it is a fun event. For anyone who has not attended, I attended my first one when PAL had their first event and it was great. I had a good time. So if you haven't attended one, take the opportunity to attend this year, get your tickets because they are going fast.

I want to speak to #6 on the agenda. I'm the Euclid Weed & Seed Steering Committee Chairperson. I am looking for your support on this ordinance. From the inception of the Weed & Seed strategy in Euclid, we have seen a lot of great success. We started out on the southeast side with the strategy and we've moved over and extended into the southwest side. Just because it is a Weed & Seed strategy on the full south side doesn't mean that we cannot fulfill the strategy throughout the City of Euclid. It is just the funding that we receive from the Department of Justice is targeted for that designated area. From the conception of the Weed & Seed strategy in the City of Euclid, the Steering Committee has planned and strategize for different events and ways to help improve Euclid as far as revitalization of neighborhoods. We've built bonds with kids and police officers, with residents and police officers, with residents and residents. It has been a 100% definite positive influence on the City as well as the designated areas.

Since we extended into the southwest side, again the Steering Committee was strategizing on different things that we could help improve the strategy as well as the area. Since we saw a lot of great success in the southeast side, when we extended to the southwest side, a lot of the residents were looking for some type of police mini station on the southwest side. In our strategizing with the Steering Committee we were able to fulfill that need with the help of some of the other agencies, as far as HUD and PAL. If you turn down Euclid Avenue by the Handl-It Company you saw this building out there. That is the new southwest mini station.

Our next phase was to strategize and plan for the fulfillment of that mini station. We wanted to be able to have someone housed in that mini station for residents to contact if they don't know who to call for different types of agencies, resources, or representation. So we strategize and put together a interview committee, with the help of Jim Savage who is the site coordinator for the Weed & Seed strategy. I'm the Chairperson. I choice representation from the Weed & Seed Steering Committee and the PAL put together a committee. We got advertisements in the paper for the position. We selected two top candidates that we all felt, the six of us felt that were the two top qualified and we went through the interview process. We took them through scenarios of neighborhood associations. They went out to neighborhood association so they could see what it would be like. From that we narrowed it down to the candidate that we felt was best qualified for the position. That is what this ordinance is for tonight. The candidate that we feel is best qualified for the outreach specialist coordinator.

As residents and as staff members for the Weed & Seed Strategy, we are very enthused about the process that we went through to do the selection that we all had input on the candidate and feel very comfortable with the candidate that we selected. I am looking for your support on this ordinance so we can keep forward with our strategy and keep on going with our planning phase. Thank you.

Mr. Tom Cooke – 25641 Edgecliff. I will be addressing #8, a Resolution in support of the 5.9 mil operating levy for the benefit of the Euclid City Schools. First from an economic standpoint and second from a performance standpoint.

First the economy. In less than a year we have seen the price of gasoline double. The price for natural gas for home heating in less than a year has increased by 70% and is expected to double by year's end. Home foreclosures in Euclid are at record levels. Water sewer rates have just been increased by this Council just a few weeks ago. The

Euclid Sun Journal in the September 22 issue has reported that in the last two years the poverty level in Euclid Schools, the number of families who received aid from Cuyahoga County has quadrupled. In addition 50% of Euclid School students receive free or reduced price lunches.

Considering all of what I've just said, what affect will this school levy have on the residents of the City of Euclid? The answer is obvious. This levy will plunge those who are already at the poverty level further into poverty. Those people who are at the edge of poverty this levy will be the final blow and push them over the poverty level and just make them another statistic.

Many people who believe that if you are a renter, you will not be affected by this levy. That assumption is blatantly wrong and false. What will happen is this, landlords will pass on the levy tax in two ways. First your rent will be increased to what the market will bear. Second, services and maintenance provided by the landlord will be reduced in order to recover enough cost to offset the levy.

What is the net effect? This is the beginning process of slums. Tenants at poverty levels or below, along with the landlord providing reduced maintenance and service levels equals blight. You seniors who are already on fixed income, I don't think we have to extrapolate the negative financial affect that this levy will have on you.

How about school performance? Old school thinking would suggest that regardless of what endeavor a person is involved in, whether it is work, school or sports, a person is rewarded when achievement is accomplished. An employee receives a pay raise after his/her job performance has exceeded expectations. Some how, the Euclid School Board seems to think that they should be able to reap rewards of accomplishment before actually achieving it.

Euclid Schools at this point in time, by all measurable accounts, are a failure. This is not by my account, this is what the numbers say. This is what it is. I understand there are exceptions and that many students in the Euclid system have achieved levels well above those required by the State. However, this is the exception and not the rule. I do not accept mediocrity. I do not accept the established norm and I will never accept failure, much less reward it.

This is exactly the message that this levy implies. The mere fact that as adults we are considering this levy suggests that success and achievement are not necessary. If you want more money, you just have to demand it. Demand a lot, demand often and you will get it. Make enough noise and you will get what you want whether or not you deserve it.

As I predicted a year ago before the first school levy was requested, the Euclid School Board will continue to put this levy in front of voters until it gets what it wants. The behavior by the Euclid School Board is nothing less than extortion by way of attrition. Wear the voter down until they succumb to the levy. Even the Euclid Sun Journal Letter by the Editor to its readers dated September 1, 2005 states and I quote, "Pay now or pay later. There is no escaping it. The trick is to convince the voters they have no choice and convince them to say yes this fall."

Well I do have a choice. Even when there are those who would like to take my choice away from me. I will exercise my choice this November and vote no on the School Levy. If this \$5.9 mil levy passes and the School Board places another levy on the ballot in May, the sum of which will be equal to the original \$7.9 mil request, as they already said they will, it will mean an additional \$1,100 expenditure per student. Or \$14,500 in additional expenditure per teacher. Tell me what I am getting for that? Tell me what I am getting for \$5 million? I know I can get an Emergency Room for \$4 million. I know I can get all of Euclid Ave. street curbs for \$3.5 million. I would assume I could also get Lake Shore Blvd. for the same. Tell me what I am getting? Show me, I don't see it. Thank you.

Mr. Dean Bryson – 811 E. 254 St. I am a senior at the Euclid High School. I'm sorry I'm concerned about Resolution #8. I'm a senior at the Euclid High School. A couple of weeks ago I was informed that other Euclid citizens believe that our schools were filled with hoodlums who had no interest in an education. I am a concerned student who is here to notify you that this is false. There are many students in our school who appreciate the value of an education. Not only are there a plethora of students who are academically focused, but there are students who look forward to school for something else.

Our Track team and Diving team went to State competition last year. Our Show Choir has experienced some great competition seasons in the past few years also. We have a Key Club with numerous members who step out and do service for their

community. Our ROTC program just held a city-wide walk-a-thon to provide funds to people diagnosed with Reflex Sympathetic Dystrophy Syndrome and the victims of Hurricane Katrina. Last year we put on Anything Goes for our Annual Big Show and it was a great service to the community.

I, myself, as President of Student Council, and know that students look forward to coming to the Student Council Meetings so they can have a voice in their own school. These are the same future voices and leaders of Euclid. When I heard that people believed that my classmates and I are hoodlums, with no future goals, I was startled. This is an absurd belief. I have never seen any weapons at my school or any one seriously hurt. EHS is full of students who care and are really concerned about their education. Their high school a day, is in their future plans. It is a ridiculous misconception to think otherwise.

If this upcoming levy, 167, doesn't pass, many rewarding things that students look forward to can be gone. Some teachers can be cut and extra-curricular activities will most likely conclude. That means, more students with less to look forward to in school. The result would be less educated community for the future of Euclid.

Miss Liza Langdon – 23326 Roger Dr. I'm also a senior at Euclid High School and what I have to say is a lot of like what Dean has to say, which goes to show that there are a lot of students and we're concerned and we're concerned about the same things.

It has been brought to our attention that some citizens are concerned with the discipline and safety at Euclid High School. We've come here, the four of us, as students to relay a positive message about the atmosphere at Euclid and to dispel the rumors. We feel safe at our school and we want the entire community to know. Never once have we've gone to school and felt in danger or unsafe in anyway. We're proud of our school. The racial diversity at Euclid has changed greatly over the past 30-40 years. But the caliber of student and student achievement and student involvement has remained exactly the same.

Students invest a great amount of time and effort into extra-curricular and elective classes. These will be the first things to go if 167 doesn't pass in November. The situation won't just be sad, it will be scary. There will also be someone here to teach to us English and Math, but there might not be someone to teach us photography, or varsity choral or band, or commercial art or psychology. These classes are enriching and they give students a reason to enjoy coming to school.

For the past four years, the students who are tonight have been involved in the music department, athletic department, student council and class cabinet. If these activities aren't offered in the future, students will lose opportunities for scholarships and careers. Students who are as involved as we are aren't hard to come by. Some citizens might get the wrong impression about a Euclid student because they might see kids just idly hanging on the streets after school, but they don't see what's going on inside the school. They don't see the kids who are performing Big Show. They don't see the kids who are rehearsing for Varsity Chorale. They are not reading the kid's words that are in the Eucuyo Literary Magazine. They are not reading the survey. They are not seeing the art at the Senior Art Show. We're here. Please don't forget about us.

The four of us who are here are all honors or AP students. We care and we're concerned. Just because statistics or numbers might not show that we are, we're here and please, even though we're graduating this year and we're leaving, we want the kids younger than us to have something to look forward to. If you take away programs like this, you need art in society for it to be civilized. If you take art away from a school, there's not much else there.

Another great asset of the school is the level of classes that are offered like AP and Honors Classes. It has been rumored that they will be taken away or the levels will be lowered or classes will be more integrated with the level of caliber of students in that and it just cannot happen.

Finally the diverse make-up of the school adds to the experience. We are all well-rounded, well-educated and considerate people when we end up leaving Euclid. That can be attributed to all of the things that we've learned there. You've all gone to school and you've already gotten your education. If you went to public school than it was paid for by taxpayers. So, you've got your education, please let us have ours. And, one last thing, the students at Euclid High School and the students who are trying to learn, aren't concerned with numbers. We're concerned with our educations. Thank you.

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

LEGISLATION

**Res. 149-2005 (426-05) UDE Daycare**

A resolution granting a Use District Exception pursuant to Chapter 1375.01(a)(3) of the Codified Ordinances of the City of Euclid to Juan Villanueva, owner, and Robert Seats, President, of Early Start Childhood and Bright Beginnings Daycare, to allow a UR1 (Daycare) use in a U-4 (Retail/Wholesale) Use District for a 2,400 square foot expansion for Bright Beginnings Daycare located at 1510 East 191<sup>st</sup> Street, Permanent Parcel #646-20-003. (Sponsored by Planning & Zoning Commission)

Councilman Gruber moved for passage, Councilman Langman seconded.

Councilman Gruber – I'd like to waive the three reading rule on this because we got no complaints or inquisitions on this property. It is currently being used as a day care as well.

Councilman Gruber moved to waive the three reading requirement. Councilwoman Holzheimer Gail seconded.

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

Nay: Hufnagle

Motion to suspend the three reading requirement passed.

Councilman Gruber – I'll turn it over to Economic Development Director Pietravoia. There has been a daycare operating out of this facility for the last several years. He wishes to expand, add a few more jobs. It is a great location and convenient for the citizens of Ward 4. It is a nice, clean operation, I have visited it as has the State of Ohio, and I see no reason to object to this expansion. I would like to turn it over to Director Pietravoia.

Director Pietravoia – As our normal procedure would require Mr. Torowski is here with us tonight, our Zoning Commissioner, and he has a report from Planning & Zoning meeting.

Commissioner Torowski – Mr. Seats requested the 2400 sq. ft. Use District Exception expansion primarily because the tenant space next to the daycare is currently occupied. The expansion will be added to an existing 4200 sq. ft. Use District Exception that was approved by Planning & Zoning and City Council back in 1992. The total use district exception, including the expansion would now be 6,600 sq. ft. At this time Mr. Seats is not intending on increasing the number of children at the daycare, but the acquired space will provide him the opportunity to do so.

Planning & Zoning reviewed and approved this expansion unanimously back at its last meeting, 5-0. Mr. Seats and the owner of the property, Mr. Villanueva are at the podium if Council has any questions.

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

President Sustarsic – Are there any questions of the gentlemen this evening?

Councilwoman Hufnagle – Could you just explain to me again, there's already a day car here but we have to approve the Use District Exception, why?

Commissioner Torowski – There is an existing Use District Exception for the daycare at this location. They just want to expand on the tenant space at the building.

Councilwoman Hufnagle – So they are going to take over more space?

Commissioner Torowski – That's correct.

Director Pietravoia – Just to elaborate briefly. When the Use District Exception was originally approved by P&Z for the daycare, it specified the square footage allowed at that location. So now that they are expanding, we need to add the additional square footage, officially to the use district exception.

Councilwoman Mancuso – My understanding is that we are not going to increase the number of children?

Commissioner Torowski- Not at the time. I think Mr. Seats or Mr. Villanueva can respond better to that question.

Councilwoman Mancuso – How many children do we have right now?

Mr. Seat – The unit that is already occupied is like 47 children.

Councilwoman Mancuso – And with the additional space?

Mr. Seat – It is to expand so that we can have more room. We have infants and toddlers in the space that is occupied. I feel that my infants need more space to grow. At this time we are not going to add any more children, we just want to have the space so we could, have them be able to roam around and do other things inside the space itself.

Councilwoman Mancuso – So you would maintain your 47 children, just give them more space. It is not to add more children.

Mr. Seats – Yes, for right now yes. No.

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

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

Passed.

**Ord. 150-2005 (428-05) Withdraw CCA**

An ordinance authorizing the Tax Administrator of the City of Euclid to effect the withdrawal from the agency agreement with the City of Cleveland, Central Collection Agency for the collection of municipal income taxes. (Sponsored by Council President Sustarsic by request of Finance Director)

Councilman Daly moved for passage, Councilman Gruber seconded.

Director Johnson – Two weeks ago this coming Wednesday we spent several hours in this Chamber and I presented what I thought was a convincing scenario in which we would discuss withdrawing from Central Collection Agency. The legislation is in front of you tonight. There are several questions that I have received that I'd like to address and answer those questions, hopefully tonight before you consider this legislation.

These questions come from Councilwoman Mancuso. The question on the 6 job descriptions in the Classification and Salary Structures. I've passed out to you this evening. Your question with regards to how many delinquent accounts have we identified? As best as we could tell, the 41,000 accounts that we have totally, there are about 5,200 accounts that have what we call an established liability, we know what they owe us. There's about 11,900 additional accounts that we call a failure to file. These people we know that for some reason they should have filed and have failed to file and a majority of them are for multiple years. That amounts to 17,112 accounts of the 41,000 accounts

Your next question with regards to the amount of time that we would have to put into or the number of times that we would have to work with an account? That is going to vary with the account. If we set up an account on a payment plan and the payments are made timely, we probably would never have to make another contact from that account. However, if there are accounts that are not paid timely or payments are missed, we

probably would require some additional contact. It is kind of difficult, that would vary with the account.

Your other question with regards to policies for delinquent tax collections and addressing the e-mail of the resident. I address the resident's question in an e-mail. As far as policies go, I did pass out and it is enclosed in the package that I gave you, a copy of the Confidentiality Statement that we require all of those employees to sign.

Your next question in regards to how many people are we talking about to collect our taxes? It is the 6 people that we had talked about plus about 4-5 seasonal.

Your next question, what processes have been put in place to better find all individuals who should be paying taxes? What we do is we receive information from the State, so we know all of the individuals that file the State return that claim to be in the Euclid City School District. Hopefully in the future, federal IRS information will be available also to make those kinds of comparisons.

Your next question with regards to comparing Mr. Knicely's software package, which is Tax Man 2000 package that we purchased versus the CCA software. The largest difference, I'm not intimately familiar with CCA software except that the package that CCA uses was designed to collect taxes for multiple municipalities. The package that we bought is to collect for only a single agency or municipality. The complication of the software is probably not as complicated.

Your next question is the annual maintenance fee and what does that include. The software support is \$1,000 a year, that includes normal support in the event that we do have a problem and it includes updates as they would occur.

I hope that answers all of your questions. I have another question from Councilwoman Holzheimer Gail with regards to whether we would have the ability to accept returns electronically. We don't at this point. That is something that we talked to with Mr. Knicely and he intends at some point in time to work on that. Currently what we would do is accept returns in the traditional manner that CCA does right now.

In the package that I included, Councilman Langman had requested a comparison of the City of Euclid to the cities that were compared in the Plain Dealer article. There was a chart in that Plain Dealer article and I included in the package that I past out to you the comparison of the City of Euclid to the cities that were in that chart.

I believe that answers all the questions that I've received. If there are any other questions, I'd be glad to answer them and I believe the Mayor has some comments he would like to make also.

Mayor Cervenik – As we stated in the meeting a few weeks ago and as I've been stating for the past 12-18 months, this will allow us, I firmly believe to increase our income tax collections substantially. If you look at the tax collection form that we gave to you at that meeting for the months that this office has been in full gear, the results have been exceeding what I expected in those first three months. I wish we would have started this in 04 and be running for the full twelve months of 05. The technology is here. We met with a local bank and we will be setting up a lock box system with. It is phenomenal. I think some of us have pictures of all the envelopes coming here and we'll have employees emptying them out and reporting. The lock box is a service the banking institutions give now, due a lot of that work for a very, very reasonable fee. Much more reasonable than we could ever do it.

I strongly ask for your support. I think this is a big step in bringing our finances to order and maximizing our income tax collections. Not just delinquents but just our normal everyday collections. I firmly ask for your support. We're here to answer any other questions you may have. We had the opportunity last Wednesday but we're here again tonight. I appreciate your support. We need this passed. We need to design the forms. We need to send the forms out to be printed with pre-addressed labels on them. January is not that far away and that is when tax time begins. It is October 3<sup>rd</sup> now. I'm here to answer any other questions that you may have.

Councilman Delaney – Mayor you mentioned that there is a fee for the lock box. Is it in the proposed budget that we received at the Committee Meeting?

Mayor Cervenik – Yes it is. It is in the offset of the total taxes collected. I believe that would be in that number. That fee would be taken out of the monies they collect. It is very reasonable. We don't have the percentage yet.

Councilman Delaney – It is not a line item though?

Mayor Cervenik – No it is not a line item because we won't receive that portion of the collections. We probably need to sit down with another bank or two to determine who has the best rates. It is the standard way of doing that. It is a 24/7 operation. I believe the staff is going to go out there in the next couple of weeks to go through the whole lock box system. It is the same way CCA does it. They have a lock box system as well.

Councilman Delaney – That would be in addition to the 531,748 total?

Mayor Cervenik – No, what we could do is increase the amount of monies collected, but our dollar figure that is in there for collections includes the offset for the lock box fees. We're not talking a tremendous amount of money here.

Director Johnson – We are negotiating with the bank now. We are in discussions now with the bank. The fee is going to be determined by the amount of information that we're going to request that they capture for us. They are going to quote us on what those lock box charges are going to be. What the Mayor is trying to explain is that during the period of the year that we collect twenty sum million dollars, the overnight float of that money, that money is obviously not going to be immediately cutting into the city coffers. The interest that is earned on the money as it is collected and it sits in that account will offset some of the cost of the lock box.

Mayor Cervenik - The net amount is very minimal number regardless of which bank we go to. They also have other services that we did not intend to take advantage of but we may. It may save us from having to hire an additional seasonal worker. So if the money makes sense, we will go less. The budget we gave you is a very good indication of the performance we expect, regardless of the lock box.

Councilman Delaney – I thank you for copying us this tonight. I have a question about the salaries and wages for the Org Chart and all of our positions here. Salaries and Wages for the, let's make sure I have this right. We're looking at three clerks, the compliance officer, the auditor and the tax administrator, correct? Those six positions? That is going to be the \$174,000? I see that in your table you have the different grades and the range. As far as I'm looking at Administrator and your range \$17.10 to \$25.85, is that per hour basis? So, do we know where that administrator is going to be hired at? Is it going to be at the \$17.10 low end? Is it going to be closer to the \$25.85 high end? How close are we to getting that \$174,000 mark? I don't have a calculator in front of me. I would like to have a better idea of how these positions are going to fit into the \$174,000.

Director Johnson – All of those positions are currently filled. All of the rates are within those ranges. Based on what their current rate is right now, that's what the \$174,000 figure is.

Councilman Delaney – Six employees out of that. How many seasonal helpers are you going to get for \$50,000?

Director Johnson - \$50,000 seasonal help, it depends, Mr. Delaney, how many hours. We don't really know how many hours we're going to require them to work. How long we expect the season to be. We know that it is going to be a seasonal thing. It is going to be approximately 3-4 months. At \$50,000 hourly rate, we don't expect to be more than \$9-\$11 an hour. We have not really determined what that rate is. For that kind of money, you can tell how many people we can hire, how many hours they could work, \$50,000. It would be at least 4-5 people.

Mayor Cervenik – I firmly do not believe we will meet that number that we have projected. I actually requested that the Finance Director increase what he first presented to me because there could be some extenuating circumstances this first year, just getting into it. We want to make sure we have enough money budgeted so that we can continue this process without any problems at all. We will review this as the year goes on. It will become a part of our budget. We will review it on a quarterly basis, or more if necessary.

President Sustarsic – In comparison, percentage wise and all, what we're paying to the CCA and for the numbers of employees that they have and I think with the success, if there's a word, of the delinquent taxes that they've been able to get for us, this all ties into the presentation given by Director Johnson at the last Finance Committee Meeting, indicating that the majority of the cities in the northeastern Ohio area, and through a good portion of the State of Ohio, have sought to go it on their own and they have proven successful. I think that coupled with the fact that, I believe in the report it was mentioned possibly an additional \$2 million that could be collected during the years. I think it sounds like a very good program. I think it would behoove us to adopt it.

Councilman Delaney – I still have a few more comments, but I'm interested, you just said, could you refresh my memory, what are we paying CCA?

Mayor Cervenik – We're going to be very close to \$600,000 this year, definitely over \$550,000. If you read the article in the paper a few weeks ago when Lakewood is leaving RITA, their budget is actually going to exceed what they've been paying RITA. Our budget is not going to exceed, we're actually going to have some savings by our collections. I think Lakewood may just be playing safe too and making sure they have enough budgeted to handle any problems during that first year.

We've experienced some of the problems through the collection process. Some of you have called me about someone getting a letter about a tax return not filed. Subpoena for tax return not filed. Why are we doing this to these people? That's information we're getting from CCA. That information is generated from Central Collection Agency. That's the problem. We're cleaning those files up. People just need to call and say we've moved out of Euclid in 2003 and that's why we didn't file a return. In-house we handle that, it is over, it is a very simple process. But I think the residents of this community should be comfortable with the fact that maybe some people are getting letters that they shouldn't get, based upon the fact that we're trying to collect every single dollar that's due us. Because you paid your taxes and everyone else needs to. Those are the kinds of things you experience in the first year. As we purge our list, as we are able to correct the list from CCA, and to in-house make our changes of the delinquencies and put our explanations, those letters will not be going out as they are now. I'm not criticizing CCA, CCA does a very good job of collecting taxes, mainly the taxes that people pay. But there's a lot more to tax collection than just collecting what people send you. You've got to make sure they are sending you the right amount and they are sending it in to begin with.

Councilman Delaney – In light of how much we've paid CCA, we spent right now on hardware, software, training, was it \$800,000 to-date?

Mayor Cervenik – No sir. I believe it was \$107,000 was the software, the hardware, the whole kit and caboodle. First year, \$104,000. Did you say \$800,000?

Councilman Delaney – Yeah.

Mayor Cervenik- Oh no, I don't know where you would get \$800,000.

Councilman Delaney – But yet we are not going to be able as Kirsten Holzheimer Gail had just asked, we are not going to be able to do it electronically. Do you have a plan for when we will be able to do it electronically? Will it be this year? Will it be next year?

Mayor Cervenik – It may not be until the third year, Councilman Delaney. But you can't do it with CCA right now either. It is our plan to do that.

Councilman Delaney- I understand with their new move that they are investing in technology. This is one of the things that were brought to the attention of, at our Committee Meeting, that they will be investing in new technologies with member communities. I believe that is probably one of the reasons.

Mayor Cervenik – One of the banks we met with, has informed us that they maybe able to through the programs they have, hook into ours. I don't know what the technical terms

are with these techi people, but they may be able to in very short order, which would be next year for the 2006 filing season, give us the ability to have our tax returns filed electronically and have it paid electronically. So we'll look into that.

Councilman Delaney – We're looking into that. It doesn't surprise you, in the beginning I was interested in going through this process, but not long after that I was very, very apprehensive. Please don't take anything I'll say the wrong way, but I want to be fair about this. We don't know the lock box fee, granted you said it would be nominal. But it is a fee that we don't have in front of us. I don't have, it seems to me that we're not able to really hit a good solid number of where we're going to fit into salaries and wages. We need to have a clear cut budget. Our three year projection, we're already spending more money now than we projected. Our golf course was supposed to be \$900,000. We're at \$1.5, \$1.4. So I think that just three months on the books isn't going to dictate what we need to focus on as far as putting in a whole new department, a massive investment. To the credit of CCA, I'm glad you eluded to that. It is not a complete giant black hole. There are Euclid employees that work at CCA. The thing is that it is regionalism. It is something that a lot of politicians will give credence to and this is a fine example of it. I'm certain that you can do more as a greater number collectively than you can do on your own.

CCA doesn't only collect our taxes. On behalf of the member communities, they will go to Columbus and they'll lobby taxes put on our tax code. They do it on behalf of member communities. Now here, we'll be on our own. There's a great deal of advantage of doing this and I'm not so certain that always a traditionally Republican General Assembly, rural areas, that look to have advantages to the tax code. I'm not so sure that Euclid will be able to send somebody down on our own behalf when we're trying to keep this all in-house.

I'm not sure that we're there yet. I'm not comfortable leaving them. Maybe its no surprise but we don't have the information in front of us. I know that these are all the best intentions in the world, but I'm not convinced. I just wish we could have done more, spend more time on it and made it more of an advantageous situation. Those are my comments and I hope you accept them graciously.

Mayor Cervenik – First of all, as Director Johnson and I have indicated the lock box fee is minimal mainly because the cash flow acceleration and having the float to invest our funds overnight, will more than pay, I don't want to say more than pay because you don't know with varying interest rates change. But is a minimal, minimal amount. It's actually after talking with the bank about the lock box, it will ensure the fact that we're not going to hit that \$50,000 in seasonal. It was my impression a lot of what the lock box and the financial organization does, we were going to have to pay. Second of all, as far as lobbying effort goes, the City of Euclid is member of the Ohio Municipal League, First Suburbs Consortium and the Cuyahoga County Mayors and City Managers association. They lobby for us. That's what our dues are for. We don't need to send down one individual to lobby just for the City of Euclid. They lobby for everyone in northeastern Ohio and Cuyahoga County. We do go with them. I've been to a number of news conferences with them including when the State of Ohio was going to remove the local government funds to cut us by \$600,000. Those items will all be taken care of.

Last but not least, we've been working on this for well over a year, a year and a half. We have answered questions that have been proposed to us. Our budgets are strong. The amounts we're giving you have had a lot of thought but behind them. I think the results of what this department has done this year, just under delinquencies, tells you that it can be done. Just a question that we spent \$800,000 on this software and hardware and training, bothers me a little bit about the whole decision making process by certain people. Because \$800,000, is eight times what we spent on our software and our training.

Director Johnson – In addition to belonging to the Ohio Municipal League and the First Suburbs Consortium, our Tax Administrator is a Past-President of the Ohio Association of Tax Administrators, so she is very active in this organization. She is in at least monthly contact with all the tax administrators in this region of the state, not the entire state. I feel confident that any changes to our local ability to levy this income tax, she would be very quickly made aware of it. Through the Ohio Municipal League, which we are members, feel that we could address any situations that would occur.

Councilwoman Hufnagle – Going back to the lock boxes, you said you've met with one bank. You said that you were going to meet with a couple of more banks, is that correct?

Mayor Cervenik – I think that would be the appropriate thing to do, yes. We just want to check fees. It is not real complicated. The biggest unknown will be the number of transactions in the first year. We're putting together an estimate of the number of transactions. The second unknown is how much money will be available for deposit overnight to eliminate the fee. I just don't want to tell you it is going to be \$300-\$400 a month, net cost, until we have those figures for sure. It is a minimal amount compared to the twenty some million dollars we intend to collect. It is a little smudge on the radar screen. What it does, as I said, the lock box system and what they can do so much cheaper than what we can do with an employee, is probably going to put us ahead of the ball game, ahead of what budgets we're giving you.

Councilwoman Hufnagle – After you've met with a couple more banks and you decide on the bank you want to use, will that come back to Council? Would we vote on that?

Mayor Cervenik – No.

Councilwoman Hufnagle – No, we wouldn't have a say in that. But you could report back to us?

Mayor Cervenik – If you would like us to report back to you, yes, we most certainly can.

Councilwoman Hufnagle – Since we've had the tax office open, have we had any residents complain about the way they were treated in the tax office? Or have any problems in dealing with our employees in our tax office?

Mayor Cervenik – I have not received one complaint about the way a taxpayer was treated when they were inside the tax office, because they are treated very professionally. I have had some complaints, as well as some of you have, about the letters they receive. That is a function of the fact that some of the accounts have been in a delinquent state in the CCA files for one, two, three years with no action taken. We have a responsibility to take an action. One if we allow the statutes of limitations to expire, we lose that money. You don't want to irritate anybody but if somebody gets letters they don't deserve, believe me, we rectify that and they understand that and we try to explain to them. I don't, but the staff does. Please understand that it is our job to collect every dollar we can. CCA has problems like that. As a tax preparer for years, I would get clients that would get letters like that all the time. They had no business getting those letters, but it is part of the system and you work it out. You try to minimize that. Right now we're working with a list that we didn't create that we're working very hard to perfect so that those things don't happen.

Director Johnson – I would like to address that. A lot of the people that were on the list that we're mailing letters to may legitimately not owe any additional tax. But whether you owe additional tax or not, you are still required to file. If you don't owe any additional tax and you are not required to file, there's an exemption form that is attached to the tax return. If you fill out the exemption form and you send it in, then your name is taken off of that list. What we're going through is the clean up of a list of information that we've received that we don't know if these people, what category they are in. Whether they may not owe any additional tax, but you are required to notify us as to why you don't owe us any additional tax. If you are retired or your income, you are under 16 years old. There are a number of reasons why, but you filed a State tax return and you haven't filed either a tax return or an exemption form with the City of Euclid. That's why we are sending the letters out.

Councilwoman Hufnagle – Correct me if I'm wrong, but haven't we hired, I know of at least one, former employees of CCA?

Director Johnson – That's correct.

Councilwoman Hufnagle – Generally speaking, I'm against regionalism. I think the City of Euclid, we can do things in-house. I have complete faith in our employees and I stop in at the tax office frequently when I'm in City Hall to see how things are going. I haven't seen any complaints. I support this, this evening.

Councilman Langman – Director Johnson, the chart that you handed out based on the PD article. Could you go over that? Some of the figures on the surface may appear contradictory. Cost as a percentage of collections, it seems CCA is much lower than what we're proposing. But the cost per account, we come out much lower. Can you explain that to the council and members of the audience?

Director Johnson – I'll try and I put this together rather hurriedly Councilman Langman, but I believe it is correct. The first column shows the total number of accounts for each of the agencies. The second column shows either the estimated or actual collections for the previous year for each of those agencies, the cities and the agencies. The cost of collections figure is derived by dividing the number of accounts, I'm sorry, the amount of collections by the number of accounts.

The cost per account is derived by taking the cost, divided by the number of accounts. The cost of the percent of collections, as it says, the cost as a percent of the collections. I don't know what appears rather strange to you but, when you run into agencies like RITA and CCA where they have a large number of accounts and a large amount of collections, the cost per account is going to be relatively low because there are so many accounts. But the cost of the percent of collections, as you can see for RITA is rather high compared to CCA. A part of what I think is driving that is RITA borrowed about \$28 million from the Port Authority to completely renovate their facilities. The cost of using RITA is going to be substantially more than the cost to CCA. I don't think that you've seen yet the true cost of CCA. They just moved into their new facilities last fall, actually this past February or March. So those costs are going to start to increase now. What they did was rather than going out and borrowing money and renovating their facilities, they negotiated total renovation of their facilities including all the computer upgrades into their rent cost. They are paying for all of the renovations, all their upgrades and facilities as a square footage charge in their rent. You are going to see the cost of CCA gradually increase now, but it doesn't show on this chart.

Councilman Langman – I'm going to ask a few more questions, and the reason why is because obviously this has to work not just in the next year, but 5 years down the road, 10 years down the road, etc.

Do you think in your opinion, that the number of accounts for the City of Euclid, will that vary much over the next 2-5 years? Or, based on our geographic size and overall affect of the economy, are we at about where we should be account-wise?

Director Johnson – It would be pure conjecture at this point, Mr. Langman. I would have no idea. I know how many accounts we have now. We're in the process now as the Mayor said, of contacting a substantial number of these people. We do know that probably 20,000 of these accounts are legitimate. 20,000-25,000 of these accounts are people that are not considered delinquent, they are on our tax rolls. The other 17,000 accounts, we've got to determine. I would say that you are not going to see a substantial decrease in the number of these accounts.

Councilman Langman – But that number is primarily based on the number of employees working within the city, is that a fair statement?

Director Johnson – Employees that are working in the city aren't required to file.

Councilman Langman – So it is based on the number of residents then, households?

Mayor Cervenik – Its based upon not only the number of residents, but the number of employers that file the monthly withholding or the quarterly withholding reports. The employees themselves, unless they work in the City of Euclid under normal circumstances do not file in the City of Euclid. I hope to see the number of accounts increase by the number of businesses increase and the number of new condos on the lake that are built and in other areas as well.

Councilman Langman – That’s good, but it seems like CCA by obtaining other municipalities has a little easier time perhaps of growing their base to spread out administrative cost. Rather than what we’re going to try to do. I’m a little concerned that cost as percentage of collections will have a natural tendency to rise over a period of years. I’m trying to get a sense from you Director Johnson, or Mayor, whether that could be a concern or should be a concern.

Mayor Cervenik – I don’t see it as a concern at all. I believe it is our goal to have our collections continue to increase and expand and that would in effect reduce our cost for total collections. Our salaries, wages and cost normally don’t exceed 3% a year. It is my goal to have our economy grow by 4-5% a year. I think the actual cost of collections can actually, by a percentage reduce. I think the bottom line really is not to be playing with percentages. I’m very confident and I stake my reputation on it and the hard work we’ve done in the past year and a half, that the total cost is going to be at least \$80,000 less the first year than CCA. To me, it doesn’t matter what that percentage is. We’re going to decrease what we’ve paid by 80% and increase what we’re collecting. That’s the bottom line here. These percentages will fluctuate on and off, year in and year out. We’re going to be very close to \$600,000 with CCA.

Councilman Langman – Director Johnson, a few more questions for you. Could you talk a little bit about our current contract with CCA. What is the window to opt-out? If we don’t opt-out, what does that impact on us? What will we have to pay them for next year, if for some reason we didn’t move forward?

Director Johnson – If for some reason we don’t move forward, we would continue the same contractual arrangement that we have. We would probably pay slightly more than the \$559,000 that we paid last year.

Councilman Langman – And that’s on top of what we have budgeted for the staff that’s here doing the collection work now, is that correct?

Director Johnson – Yes. Even if you considered that, the budget that we have in place now for the staff that we have in place now, which amounts to I believe, I think this year we will expend about \$175,200 to collect a \$1.5 million, is a fair return on the money. Just to consider just the delinquency collection, I believe to spend a couple hundred thousand dollars to spend an extra million, is not a bad investment.

Councilman Langman – It may not be but it seems like the Council is in a little bit of a box now. If we don’t go forward, we have to pay the additional revenue or fees to CCA which drives up the projected cost of income tax collection in next year’s budget. Is that a fair statement?

Mayor Cervenik- That is not a fair statement. We budgeted for this tax office for delinquencies. We will continue to do those delinquencies. What we have now will allow us to collect our taxes with the personnel we have, plus the seasonal help. I don’t understand why we would continue to want to use CCA in addition.

Councilman Langman – I’m talking a hypothetical. If we don’t pass this, then we are going to have to continue with CCA. That’s why I asked the question about our window of opportunity, what is that?

Mayor Cervenik – Our window of opportunity to do this in a competent matter is here. The tax collection season starts the end of December beginning of January. So the window of opportunity is now.

Councilman Langman – My question still hasn’t been answered. Our contractual arrangement with CCA, it says we can opt-out. Do we have a specific window? Is it anytime we see fit?

Director Frey – I’ll attempt to answer that question. We have to provide notice to CCA by the 20<sup>th</sup> of February that we are going to end the collection services through them at

the end of that calendar year. We did that by certified letter, we had it delivered by Bonnie Speed rather than on February 18, 2005 to preserve our ability to end the collection, the use of CCA at the end of this year. So, if we don't do that, and remain a CCA community, then by next February 20<sup>th</sup> we would have to give notice of intent to withdraw, but then could not then do so until the beginning of 2007. We would have our delinquent tax cost plus the \$560,000-\$600,000 reduction in our tax collections that we would pay to CCA to operate.

Councilman Langman – Based on those terms, I agree with you Mayor, it doesn't make any sense to stay with CCA. My only concern is that all this good information is now instead of earlier when the Council could have made a more informed decision. We're at the point where we really don't have much of a choice. It doesn't make sense to spend a tremendous amount of money on CCA when we have the staff in place to do this. Yet there are certain questions that are still out there. My last question is for the Law Director. We did get a copy of the ordinance that regulates the dissemination of information. I noticed when it was passed 1966, I was three years old. Were there any changes between now and then that can strengthen, secure? Councilwoman Hufnagle said she stops in at the tax office, and I'm not saying anything, but what gets to look at what and so forth?

Director Frey – The city has an ordinance that prohibits the disclosure of tax information other than to those individuals that are authorized to collect the tax information. The Ohio Revised Code has a similar provision, as does the federal code under the Internal Revenue Service. I don't have any of those copies with me here tonight. But I had earlier this year when we went to the delinquent tax collection advised Council of the specifics of those ordinances. I don't know whether there have been updates, but I do know that it would be a violation of city code, state code and federal code for an employee of the city specifically an employee in the tax department to divulge that confidential information. If you recall Councilman Delaney sought the information on what businesses made what contributions, the size of the contributions, the top business taxpayers this year and it took a good deal of wrangling through the code to determine that we could provide classification information. So we could classify government provided "x" number of dollars of taxes and non-profit organizations provided "x" number and industrial concerns provided "x" number but we couldn't give you specific detailed information. That's because of the privacy requirements and the City, State and Federal Code. Mr. Johnson has provided me with those copies. I think that while our ordinance was passed in 1966 it is nonetheless effective to make it an offense and certainly for the employee subject to discharge if they are to violate that. I think it is effective. Certainly I don't believe we've had any instance of anybody in the tax department. Nothing has been called to my attention as the Law Director. I am unaware of any complaint filed with the Prosecutor's Office, or any other avenue in the city where the tax department has disclosed any confidential information. I believe that with the codified ordinances and the codes that are in place, certainly the employees are advised of that upon their hire. They are required to commit to that confidentiality in writing. Were they to breach that, not only would there be criminal consequences, but there would be a loss of employment. I don't think we can ask any more for protection than that. Our taxpayers are well protected by unauthorized disclosure of the information.

Director Johnson – In addition to that I'd like to point out that both print-outs and availability of that information on-line have been available to the Finance Dept. or to the Tax Administrator for the last at least 13 years. So, the information that we're talking about, both in the form of printed taxpayer information, as well as information on line at CCA, has been available for quite some time. This is nothing that's new. We intend to continue to protect the privacy of individuals taxpayers as we have done in the past.

There was a question from a resident about our disposal of records. We have a Records Commission that meets twice a year. The disposal of those records has to be approved by the Records Commission. And in the case of this information, it is disposed of by utilizing either an on-site vendor that comes on-site and they will either acid bath or shred that information on site and provide to us a certificate of authenticity that they have destroyed those records in a proper secure manner. We've always taken steps to ensure the integrity and privacy of taxpayer's information and we will continue to do that.

President Sustarsic – Thank you.

Councilwoman Mancuso – On that note I would like to address the resident's e-mail that, I think, she sent to all of Council today. And my analogy being in health care is the Federal regulations on HIPPA, which is patient confidentiality, and while we have ordinances, federal, state, city, I think what this particular resident is asking for and would make me much more comfortable is do we have internal policies? I've asked for those. I have not seen any. I see the confidentiality statement. I've looked at the job descriptions. I've read the ordinances, but like in a hospital I probably can recite HIPPA to you by rote, but we have definite policies in place. Internal policies that every single employee must adhere by going far past signing a confidentiality statement as far as what you do with this process with tax records and tax information. And I guess I'm not seeing that and that's what this resident is also speaking to.

My other question would be if, if indeed, confidentiality is ever breached what is this City's liability? And even more personal what is this Council's liability if that should ever occur? And I would leave that to whoever is.

Director Frey – To answer the question I think the City's liability, first of all, I don't think there's any liability on the part of Council unless Council or some member of Council, and then that would be individual liability, were to release that tax information. It would be a personal liability. Certainly, the City has notified the employees that work in the Tax Department now or would work in the Tax Department in the future that they may not divulge that information. Divulging that information subjects that individual to criminal liability, it subjects that individual to discharge whether there is a private cause of action by the taxpayer. Undoubtedly, any taxpayer who had such a cause of action would attempt to show that the City was somehow negligent in its hiring or supervision of the employee. I don't think that's any different than the kind of exposure that we have when we are sweeping with the streets with the street sweeper or patching holes or doing any other government service. If we are negligent in our actions or reckless in our action and are subject to suit, the City is going to be sued under a theory of negligent supervision or negligent hiring. But in this case, I believe we have taken affirmative steps to clearly advise the employee of the consequences should that information be released. And I would...

Councilwoman Mancuso – Can I ask how we did that? How are we doing that?

Director Frey – They're signing...

Councilwoman Mancuso – The Confidentiality Statement.

Director Frey – Confidentiality Statement when they're hired.

Councilwoman Mancuso – So that's it? So that's what we're doing? That's our process?

Director Frey – That's part of what we're doing. They're also given notice of the City's employment policy and that breach would be under the employment policy cause for discharge.

Councilwoman Mancuso – So we have, we are treating these employees as we would any other employee in the City. There are no specific to the Tax Department processes.

Director Frey – Other than the Confidentiality Statement, I'm not aware of anything that is unique to this group as opposed to other employees. But the Confidentiality Statement does include both the Codified Ordinances and the penalty.

Councilwoman Mancuso – It does. I've read it. Thank you. Okay. If I could switch gears for just a second? Thank you.

We would be getting our tax information, as you're cleaning this up, from the State, who is here, who we're going to get our tax information right now. Who's a resident, who's a, that's coming from the State? That's where we'll get it from?

Director Johnson – That's one source of information, yes.

Councilwoman Mancuso – Well, what are other sources of information, sir?

Director Johnson – We hope, there's been a conversation going on for quite some time CCA and RITA I believe have been pushing this for some time as to get Federal information, Federal tax information. As of yet, Congress has not approved the letting of Federal tax information, but currently we use the State tax tapes and we use local information. Information that's in the Housing Department with regards to, you know, residencies. Any information that is available. We use Lexus Nexus to do skip tracing to verify particular addresses and there's a number of sources of information that we use.

Councilwoman Mancuso – And who does CCA use?

Director Johnson – I know that they use the State tapes. I'm not real sure what else, what other sources of information they have.

Councilwoman Mancuso – So we would be using the same sources they are using at the moment?

Director Johnson – I would assume.

Councilwoman Mancuso – Thank you.

President Sustarsic – Are there any other questions or comments?

Councilman Sustarsic – I was just like looking over the, Euclid ranks as the 16<sup>th</sup> largest city in the State of Ohio and marks us with CCA. We're CCA's largest customer outside the City of Cleveland, is that true?

Director Johnson – Yes, City of Mentor would be right behind us.

Councilman Sustarsic – So I mean they, it'd be fair to say they don't want to lose us, but I'm looking at these numbers here. Cities that are roughly the same size as Euclid, it's, they're all doing it in-house. There's only four on the list, Euclid being one of them and Lakewood with RITA and Lakewood's looking to get out, too, so that leaves Elyria and Mentor is the only 2 out of the 20 that would still be doing this. I mean, Euclid's been in this since 1966. They, Mr. Langman alluded to, I mean, a lots changed since 1966 and even the population of the City. We had 70 some thousand people back then, I mean, with the baby boom and everything like that. Things change over 40 some years and I think maybe looking at what a lot of our other neighboring communities of the same size if they're able to do it on their own I think maybe it looks like the right thing to do.

Councilman Daly – Just a couple quick ones, I do believe our costs are in line and I do believe we are providing better service to our residents. And I think we plainly could do a better job. I know from personal experience when I come to City Hall I go and visit the Tax Department with, my daughter just started working outside in the work force and followed her first State return and shortly thereafter received a notice from the City of Euclid to appear and explain why she did not file a City return. So I think we are going to do a better job of keeping on top of taxpayers. Here she's under 18 she doesn't have to, but you know, it was just a situation that we are going to be on top of this from the get-go. So I do think we're going to have better results and we did have the experiment. You know, that was part of our last budget that we thought we by investment, you know, we were going to do a better job of the delinquent tax and that has proven out so I definitely think this is something we should do. Embrace this change and hopefully see the better results because that's the one thing we won't see is and you can't estimate how much our collection rise versus if we don't make the move. But I think based on what we've seen, my guess is that we will do a better job than what is happening currently.

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

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

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

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

**Ord. 151-2005 (431-05) One Cleveland**

An ordinance authorizing the Director of Finance of the City of Euclid to enter in to a contract with One Cleveland to provide internet access for city facilities within the City. (Sponsored by Mayor Cervenik)

Councilwoman Hufnagle moved for passage; seconded by Councilman Sustarsic.

Mayor Cervenik – This is the One Cleveland. I'm going to let Director Johnson explain a little bit more about it. Again, I'm not real technical with some of this internet stuff; but from what I understand, this is a step to help with the regionalization and being more involved with other communities. We will be able to purchase or have access to the internet at a much faster speed, a much broader speed, which will give us more capabilities and I'm going to let Director Johnson continue.

President Sustarsic – Thank you, this wouldn't be, would this be that Y5 which you would...

Mayor Cervenik – We would like to get to Y5 and this could be the first step towards doing so.

Director Johnson – I think this, this is a very exciting venture. I was very appreciative that the City of Euclid was recognized as one of the leaders in the, in the Cuyahoga County area in the area of technology and we were invited to become members of One Cleveland.

You may have read articles in the Plain Dealer with regards to One Cleveland partnering with the City of Cleveland Heights. City of Cleveland Heights is working on a project to try to provide wireless internet access to certain residential areas in hopes that it will attract certain technologically sophisticated residents to those areas. We could do those same things and I think even more, I think it's a very exciting opportunity here to be able to join One Cleveland. The basic service or the basic commodity that we would get immediately is internet access at about 3 times the amount of band width that we have now for the same amount that we're paying. Right now we have a T, one T1 line that all of our building share and that cost is about \$12,000 a year and that is what this would cost for 3 times that amount of band. And what that means is the pipe is bigger, which means that the, our ability to transmit more data and video communications at much faster speeds is available.

There is a one-time fee, a one-time subscription fee of \$7,000 and a one-time construction and installation fee of 9,000 but after those are, are done the annual fee to maintain the, at least the internet service, is the same as what we're paying now. I believe Mr. Mark Ansboury from One Cleveland should be here in the audience. He should be, he will be available to answer any questions. I think that there are a lot of other opportunities that are going to come as a result of us belonging to this organization. Just for example, the Cleveland Museum of Art, Case Western Reserve University, Cleveland Public Schools, there are a number, the City of Cleveland, there are a number of entities that are part of this organization and I think this is an exciting opportunity to be a part of this regional technology network. And if there are any questions, Mr. Ansboury is in the audience and he could further explain some of the services that would be available from One Cleveland and what this is all about.

President Sustarsic – Okay, thank you.

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

President Sustarsic – Sir? And give your name and address, please.

Mr. Mark Ansboury – I'm Chief Operating Officer for One Cleveland. My address 504 Virgil.

President Sustarsic – Very good. Any questions?

Councilman Langman – I heard on news reports and so forth how the City of Cleveland is taking advantage of this. Could you go over that in some detail so we have a better understanding of what we might be able to do?

Mr. Ansboury – I sure can. The City of Cleveland was actually one of the founding members of One Cleveland. One Cleveland is a non-profit organization. We call a community-driver network with the objective of connecting, enabling and transforming the way we live, work and play. The idea is to increase the ability for communities to adopt, incorporate technology into government and education, health care to address some of the issue relative to the judicial divide. And so the City of Cleveland is a member receives the same benefits of being connected to the fiber network and receiving internet services.

And most recently, you've probably heard the most about the award with the Intel with the digital communities, which really was Intel recognizing this region as being a leading innovator. And the reason for that, the reason they really awarded us was not because we were the most advanced in technology, but as a community, we are the most collaborative. We have the most cross-pollination between government and health care and education then almost anywhere in the country and they saw this as an opportunity to recognize the region and the City of Cleveland voted through City Council to commit \$200,000 in an effort to expand relationship with Intel and other, what we'll call, fellow travelers who are technology partners with Intel to promote the development of technology and the applications used in the first pilot project in the City of Cleveland was mobile permitting using wireless technology to promote construction permits, inspections and there are a number of other projects that are actually in the wings.

Councilman Langman – Director Johnson, do we have a strategy in place to take advantage if we pass this tonight of the capabilities?

Director Johnson – The immediate strategy, Mr. Chairman, is to take advantage of the additional band that's available for no additional money. There are many possibilities, such as, the consideration of providing wireless internet access from certain areas in the City. We have the ability to do that. Technology we have the ability to do that. I believe the issue would be some bit of negotiations with the cable company because the cable company did provide the fiber that connects all of our buildings together. There are many opportunities to provide distance learning opportunities to the Euclid Public Schools where the Euclid Public Schools are all fiber connected. We're connected to the Euclid Public Schools. And if for instance, WVIZ and Idea Stream or the Cleveland Museum of Art or any other entity like that were to provide any type of programming that would be internet based, we would immediately be able to provide that into, I think, virtually every classroom in the Euclid Public Schools. So I think that the possibilities are endless.

I think that there are public safety opportunities. Right now we have what are called MDTs in all of our police cars. Those MDTs use and they communicate with the information data bases now using a, I believe and correct me if I'm wrong, Chief, it's a cell phone type of technology. But with wireless internet access, they could transmit that same kind of data to all the police cars using wireless, which case there's no recurring costs. There's a recurring cost with the type of technology that they're using now. So there's, there are just all kinds of possibilities.

Do I have plan? Not, I have ideas. I don't have a plan. Like I said right now the initial thing would be to take advantage of the additional band width that would be available to us for no additional cost and I think that the possibilities are there. There are a lot of possibilities.

Councilwoman Mancuso – So it would, actually, for our membership and this one-time charge would be an additional 16,000 we normally pay 12,000 a year now, am I correct? And that's going to come out of the General Fund, did we budget for this?

Director Johnson – Yes.

Councilwoman Mancuso – We did budget for the additional 16,000 this year for this?

Director Johnson – Yes, yes.

Councilwoman Mancuso – Because I don't remember hearing about it, looking at this.

Director Johnson – We didn't cover this specifically. What we're going to do is forego some other plans to do some other things in order to do this. We had, we've been talking with, actually, Scott Rourke and Mr. Ansboury going back to last year. We went down to their offices on Belvoir Avenue and met with them some time last year. So this is something that's been sort of in the making for quite some time, but we just recently met with Scott and received a proposal and the contract sample and we're ready to move forward with it now.

Councilwoman Mancuso – So we would stay within our budget?

Mayor Cervenik – Oh yeah.

Director Johnson – Yes.

Councilwoman Mancuso – Thank you.

Councilwoman Holzheimer Gail – Director Johnson or Director Frey, are there any implications for leaving our current contract or is there a window that we can leave?

Director Johnson – Our contract was a three-year contract, which we entered into I believe in 2001. So we're on a month-to-month basis now. I believe, all we'd have to do is give them a 30-day notice and we could terminate.

Councilwoman Holzheimer Gail – Okay. Thank you. And I think it's, you know, we'll be getting faster service, I'm assuming that's the larger band width equates to faster service, better communication abilities. I'm certainly interested in the benefits of being connected to some of the other community institutions and organizations and the benefits. I look forward to hearing some of the plans and programs that we'll get in place for that.

I wonder, Mr. Ansboury, if you could talk, we read the article about Cleveland Heights and the program of going wireless. Could you talk about that a little bit and what would we have to do in order to make that the next step?

Mr. Ansboury – Actually, the, there are a number of communities now that are really moving towards the wireless spectrum. And the biggest drivers tend to be in public safety, fire, EMS, public applications, you know, improving efficiencies within government and there's very significant payoffs as a result of moving down that path and reducing cost and increasing services.

To go down that path, basically one of the things that I talked with Director Johnson was about the opportunity of using this Intel Digital Communities as a potential pilot project to be able to create a collaboration. And Intel has been very generous and they've committed 3 to 4 pilots a year for us for the next 3 years and that comes with some donations as part of seeding the opportunity along with their fellow travelers the concept, they typically put in 20% or more looking for the fellow travelers who are these technology vendors to come in and also put in a contribution and as well as the city to put in a contribution showing commitment. So we think there's a real interesting opportunity here to leverage some of the initiatives and the opportunities within the City of Euclid, within the public safety, fire, schools, etc. and the leverage this recent opportunity with Intel. The first step is to identify the pilot projects, the champion and then build on that.

Councilwoman Holzheimer Gail – Thank you.

Councilman Sustarsic – Yeah, how long does this typically take to get the system up and running, fully operational?

Mr. Ansboury – Well, as far as wireless today and systems, very quickly. In a pilot project we did with the City of Cleveland we actually put up 4 locations. We put that up from inception to completion it was little over 90 days. Larger deployments can take a little longer and if you're actually looking at more ubiquitous coverage it could take a little extra time.

Councilman Sustarsic – Would you do like cellular tower type things, antennas or?

Mr. Ansboury – Actually, today a lot of that goes on with the power poles, lighting, we attach directly to that. It fits right into the community infrastructure.

Councilman Sustarsic – Thank you.

President Sustarsic – Thank you and as was alluded to before I made comments in as far as the Y5 concept I've read up a little bit on this, but like the Mayor and a lot of other people we're, a lot of us are 8 track people in a digital world if I may. But if you could maybe explain that and if there would be possibilities for that, I've heard that there might be the capability of having access, like say for instance, we have Sims Park on the lakeshore. We have Memorial Park. There would be other access for people. If you could explain that a little bit?

Mr. Ansboury – I sure can and this is really where it's up to municipalities to define the use. And we're finding in a number of communities they might start off with the public, government applications, the public safety applications but may also as a result of that promote some promote free wireless. Some promote sort of a scale of commercial services with collaborative partners. So there's really a lot of options to open up the public spaces, but in addition to that the real advantage is that we start seeing, as a result of expanding public safety initiatives. So an example of that would be you have an EMS unit, EMS units tied to the wireless, has cameras, has ability to pass telemetry back to the hospital and during an event can actually in real time respond with the medical directors from them.

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

Councilman Sustarsic 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.

President Sustarsic – And at this point in time I don't know that we'll be able to necessarily get through this next discussion in time so if we could take a 5-minute break as of this time and we could change tapes.

Mayor Cervenik – If the first order of business when we come back, I would request that Council entertain amending the agenda and moving the school issue item to the next item talked about. We do have a number of young students here and I know they get up awfully early in the morning to go to high school and I'm sure they're sitting here patiently to hear what Council's action's going to be.

President Sustarsic – Okay, what if we make that amendment right now?

Councilman Sustarsic moved to amend the agenda and move Res. (427-05) to the next item discussed; Councilwoman Mancuso seconded.

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

J. Sustarsic

Agenda will be amended.

President Sustarsic – We have a 5-minute break. Thank you.

**Res. 152-2005 (427-05) School Levy**

A resolution in support of a 5.9 mill operating levy for the benefit of Euclid City Schools, which will appear on the ballot of the November 8, 2005 general election. (Sponsored by Mayor Cervenik and the entire Council)

Councilman Sustarsic moved for passage; seconded by Councilman Gruber.

Mayor Cervenik – Yes, Mr. Chairman, as you all know a very important part of any community is the strength of its schools and the way we educate our children. It is extremely important that the citizens of the City of Euclid pull together and pass this School Levy for 5.9 mills. Yes it is going to cost us a few dollars, but it is going to cost a lot more if it is not passed. I think some of the students tonight talked about some of the additional things that are done in the school besides just reading, writing and arithmetic. We need to be able to read the words that they write in those schools, we're able to see the pictures that they draw and see the plays that they do. We need to understand the benefit that it gives a child in the City of Euclid. Many of those extracurricular activities, if not all of them, will disappear, not as a threat but as a necessity if this school levy is not passed.

Some of the cuts that would have to be made would be the closing of buildings much earlier than they are now and that's going to have a definite detrimental affect upon many of our recreational programs. As well as many other programs of other community groups that use the facilities right now.

Not passing the school levy will also hinder the progress and the changes that this school administration and the School Board have made to increase and to improve the test scores throughout the State of Ohio. They've gone to the small schools concept in the High School and I don't know the technical term in the other schools, but there's an extremely dedicated change of philosophy to allow our students to excel. I think you see it in some of the students that are here tonight. I see it, I'm in the schools quite often. I'm always extremely impressed by the quality, the dignity in which the students conduct themselves. I think the students, I read an article the other day issued by, it was a pamphlet actually issued by the Knowledge Works Foundation that is helping fund the small schools. It had a story about the Business and Communication school, with their principal, Mr. Polson. You could tell by the interviewing of some of the children that they're dedicated to an education if we give them the chance. It is not just administrators, it is not just teachers. They have changed the attitude in the Euclid Schools that the students want to win. They want to be there. They want to be educated. They want the quality of life that other school systems have. I think they've earned that chance.

I'm asking all residents to please, on election day, to vote yes for the school levy. They will be accountable because you make them accountable, I'll make them accountable. But the best thing is they've already promised accountability. They are just asking for the chance to prove that the students, the teachers and the administration can do what they are capable of doing.

We can have the fastest internet in the world. We can collect taxes hand over feet. We can have the strongest economic development policies that northeastern Ohio has. But if we don't help our Schools and our Schools don't succeed, it is all for nothing. Please, I strongly ask to put the differences aside. If you have questions between now and the 8<sup>th</sup> of November, please contact me, contact Dr. Jones, contact your school board member. Contact a student that you know going to the schools and ask them how they really feel about their schools, because it will change your mind. We do need to change minds. It is imperative that this levy passes. I will be supporting it strongly. It is a very important part to the future of our community. Please, we can't afford not to have this levy pass. Thank you.

President Sustarsic – If I might add, I think it also goes, it does have an impact upon the private schools, the parochial schools in the area too because of the way they work together and provide various services and programs for them. As Superintendent you have to be very proud of the presentation that was made this evening by these kids, children, excuse me. It looks like our future is in very, very capable hands in the City of Euclid. Again, the only way that we can keep and promote that is through the support of the School Levy. We've all been there but we owe it to these children, not only for their sakes, more importantly for their sakes, but combined for the future and success of the City of Euclid. Any other questions or comments?

Councilman Langman – Obviously the Mayor and I don't agree on many things, but on this issue we stand together. It is critical to have strong schools in this community. We can build 2-3 marinas. It won't mean very much if the community hollows out because we have poor performing schools. Really the students summed it up best. The programs that they're involved with are the ones that are most vulnerable by not passing a levy. Yet we ask of our youngsters to perform well and to be involved and become a good citizen, and then we chop the very programs that allows them to express themselves in a positive way.

It is not easy to pay more on your property tax. But really the frustration shouldn't be with the School Board or Dr. Jones, I think they're doing a yeoman's job operating under a system that has been set up by the State of Ohio that has been ruled unconstitutional four times and the State still has not addressed that fundamental funding issue. The anger and the passion against school levies should be directed where it belongs, at the State level. Meanwhile, the schools are the life-blood of our community. We can do all the economic development, like the Mayor said. We could build new homes scattered about the city, but without strong schools, those individuals that can will pick up with their children and leave the community and that will weaken everybody's property values whether you live in a bungalow or a large home on the lake. That's simply the equation that communities in this State deal with.

I've said before and I will say it again, please support the children. Don't turn your backs on them. Thank you.

Councilwoman Holzheimer Gail – I, too, want to join the Mayor and Councilman Langman and I'm hoping the rest of my council colleagues in supporting Issue 167 which will be on the November 8<sup>th</sup> ballot. Schools are critical. Strong schools make a strong community. We heard a resident earlier talking about the economic impact. Schools are just like your household. They are facing rising heating and electric bills. They're facing higher gas costs and they are driving a lot more vehicles than your own household, the busses and other utility cost to the schools are going up as well.

Coupled with that, they have not gotten money that's been promised to them by the State. State funding continues to get cut. They are dealing with less money each year to educate more students. They have plans in place and they are working hard on improving the achievement. There are many kids that are achieving very well in the Euclid Schools. It is very frustrating as a parent of children in the Schools, to read the numbers and hear about where we are in the State Achievement Test. The School District is working on that and they're making strides. They have a vision statement and they have a plan to get there. It's the vision of the Euclid City School District to be the leading first ring school district by 2010. How will they accomplish this? Achievement scores above state and national averages. No achievement gap. 21<sup>st</sup> century skills K-12. Stakeholder satisfaction.

I'm sure Dr. Jones can innumerate many of the steps that are being taken to achieve those things. I know that they have started testing periodically throughout the year, which has proven successful in other districts, Cleveland Heights and Painesville Township to name two. They are learning from what others are doing and they are incorporating those changes in the City School District. They are working hard. They are being very efficient. They have cut millions of dollars over the last several years and they have not gotten an increase since 1999.

Again taking it back to your household income. If you have not gotten a raise since 1999, your heating bills, your electric bills, your staff costs, healthcare costs, everything has been going up. They also have not gotten money that's been promised to them and

they've done very well at maintaining the wonderful opportunities for the children at the schools.

I for one want my community to provide an excellent education to the children that live here, whether they rent, whether they're homeowners. I think we all know families who have left because they felt their children, once they got to school age. There's no reason for that. If you have questions, if you have concerns about the school district, go visit them. You will be surprised at the level of achievement, the hard-work, the dedication of the staff. It is all there. But without additional support a lot of that will go away and we cannot let that happen as a community. So I will ask you to join me in supporting Issue 167, the 5.9 mill levy which will help support our schools and will help improve our community. Thank you.

Councilman T. Sustarsic – I'm proud to be a Euclid High School graduate. I'm particularly proud that we have 5 of the 4 members of this City Council that are graduates of Euclid High School as well. I've seen firsthand the success. Me and my friends, I still keep in contact with them, I've got quite a few of them that I graduated with, have been very successful in life. We attribute that success, the rock and the foundation of that success has been provided by the Euclid School system.

I understand what these students were saying too. I, myself, was a thespian and I was involved in the Big Show, Student Council, what else was I in, I was in athletics and it's important. Those are very important things along with the Band, Varsity Chorale and the other arts. Universities look for well-rounded students. We'd be cheating these students out of good future opportunity for making themselves better. This is what this does. I know we're two separate bodies of government and a lot of people don't understand that the School Board and the City Council, but we work on the same team. I have a lot of respect for Dr. Jones. I have a lot of respect for the School Board and the work that they do and I'm proud to support this. Thank you.

Councilman Daly – Earlier a resident said, do not accept failure and I certainly do not. I know that Dr. Jones does not. I believe these test scores are misleading. I think children that are in the Euclid system from day one will arrive performing at grade level, get an excellent education and due perform very well.

I have two nephews that have recently graduated from Euclid High School and have absolutely no regrets and enjoyed their experience at Euclid and had success. As an Uncle I was upset that they didn't go to VASJ but they really enjoyed their experience at Euclid and both are in college and are getting close to graduating. I know you can get an excellent education in Euclid and I know Dr. Jones is not using excuses. They are working very hard in getting these scores up regardless. I know the teachers are involved and I would continue my support of Euclid Schools.

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

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

**Ord. 153-2005 (430-05) Chemicals WWT**

An ordinance authorizing the Director of Public Service of the City of Euclid to extend the existing contract with Altivia Corporation, 1100 Louisiana Street, Suite 3160, Houston Texas 77002, for chemicals purchased by the Waste Water Treatment Plant for one year, effective January 1, 2006. (Sponsored by Councilman T. Sustarsic by request of Service Director)

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

Director Gulich – Two weeks ago when we passed a blanket authorization for allowing me to go out for chemicals for year 2006, 2007, I did say I would come back for one particular chemical that I wanted to extend the contract at. You have letter in front of you from Bob Gall, going over a lot of the history of why that is. I won't go into the history so much as to tell you about the chemical itself. This is a nitrate based chemical that we introduced at the Lakeland Blvd. facility. This is where we do the de-watering of the

sludge that is pumped up from the Lake Shore facility. What is unique about this product is it when it comes to giving up oxygen molecules, it is stingy and that's good because that allows for this particular chemical to activate over a longer period of life than other chemicals out there on the market. Most chemicals of this nature want to give up all that oxygen right away, which gives you an initial good bang for the buck, but you lose the residual capacity. That's very important with our particular system here. This chemical, mainly it cuts down the production of hydrogen disulfide, that's the infamous rotten eggs chemical that everyone gives the analogy to. I won't go into any more details. I don't want to ruin any appetites out there. But I want to compliment Bob Gall and thank him for being very innovative with these new products and not being afraid to go out and try something. Since he's latched onto this chemical, our order complaints have pretty much vanished. A number of other waste water systems throughout this region have adapted the use to this chemical. Again we appreciate it if Council would allow us to keep using this for the same price for the year 2006.

President Sustarsic – Any questions or comments or does anyone want to raise a stink? Nothing okay.

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

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

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

#### **Res. 154-2005 (413-05) Issue 1**

A resolution in support of State Issue 1, amending the Ohio Constitution to authorize the issuance of general obligations of the State to finance local government public infrastructure, capital improvements, research and development, and the development of certain sites and facilities in Ohio, and to expand State and local government authority regarding economic development. (Sponsored by Mayor Cervenik)

Councilman Gruber moved for passage, Councilman Daly seconded.

Mayor Cervenik – I believe the Service Director has provided you with a list of the Issue 1 projects, actually they are still called Issue 2 projects we've had to date. The Issue 1 that will be on the ballot combines the Issue 2 program along with the New Frontier Program. I can't tell you enough times the money and the funding that we receive from Issue 2 has allowed us to do considerable work that would not otherwise be able to be done. The monies from this program are not used to make it easier to move to outer-ring suburbs, but virtually all of these projects are used for infrastructure and aging communities, sewers and streets.

There's a rating, as you all know we just sent two projects down to the Issue 2 Board. They will rate our projects and our need to all the other projects in the area. The second half of Issue 1 is the New Frontier Program where there will be funding available, considerable amount of funding available to lure high-tech companies, cutting edge companies into the State of Ohio and hopefully some in the City of Euclid. I see no negative to that at all. Someone did ask me well Mayor what if one of those companies are doing stem cell research. Well, I'm not sure how I, I know there are some positives and negatives to stem cell research, and there's also some moral issues that we all need to deal with. What if that funding brings in a company that's going to create the new fuel cells that will get us off the dependency from gasoline and oil because of the rising prices now. Hopefully you have read the Plain Dealer and some other articles, Crain's Magazine. It is a program that I'm asking you to support. The County Engineer has asked the communities to send him Resolution so they can use that for their publicity and their campaign throughout the State of Ohio. I'll try and answer any questions. I know Director Gulich works with our Issue 1 funding on a regular basis. This is a program that's worth supporting. It is my understanding that it doesn't cost anything in taxes, we're not raising anybody's taxes and that's always a good thing.

President Sustarsic – Relative to the fact, as was mentioned about high-tech research capabilities and the like, I'm sure we've all read those articles too where you have a lot of students very well exemplified by those that were here today early on in talking in favor of the schools. They have to go onto universities and we have to keep those children in Ohio because there have been quite a few that have left the State to pursue, be it education or beyond that to pursue employment relative to jobs with high tech and everything that again we do not offer in this State. We shouldn't be proud of that and a way that we can rectify that is by getting out and voting for this Issue, State 1, because it will be very positive. We've heard more than enough of negative commentary about the State, placement in various disciplines and I think it very important to support this.

Councilman T. Sustarsic – I just think as an inner-ring suburb, it seems that we have the most to gain by this issue. With our aging infrastructure, to provide us with the monies that we need to replace that. Being part of the rust-belt too, manufacturing is not as big as it was and we try these high-tech jobs here. We could totally reinvent ourselves and this could really be the future of the City of Euclid right here. I support this.

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

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

Passed.

**Ord. 155-2005 (429-05) Community Outreach Coordinator**

An emergency ordinance authorizing the Mayor as Ex-Officio Director of Public Safety of the City of Euclid, or his designee, to award a one-year contract for the position of Community Outreach Coordinator, for an amount not to exceed Twenty One Thousand Dollars (\$21,000.00). (Sponsored by Councilman Gruber by request of Police Chief)

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

Chief Maine – I really don't know what else I need to add after Ms. Jones' comments earlier at the podium relative to this measure. The hiring of this person will be the Community Outreach Coordinator. This position was provided for in the Weed & Seed Grant which Council authorized application for an acceptance of quite some time ago. The budget that was submitted by the Weed & Seed Executive Committee of which Ms. Jones is the chairperson, included this position and this person will pretty much help run the new west-end mini station when it opens hopefully within the next couple of weeks. They will be responsible for things like the PAL activities, particularly in the late afternoon hours after kids get out of school. Neighborhood organizing, coordinating existing programs and coming up with new programs. A person has been identified and when the time is appropriate we will be announcing that name. This simply authorizes the signing of that contract so I would ask for approval.

President Sustarsic – As a Ward 3 Councilman last term, I had the honor and pleasure of serving on Weed & Seed and really, really made up of a lot of good dedicated people and they're really making a difference. Really to the good side for the City of Euclid, helping the youth and helping us stabilize the neighborhoods.

Councilman T. Sustarsic – This is a full time position they'll be there 5 days a week?

Chief Maine – It is a part-time position, I believe, somewhere in the area of 30 hours a week.

Councilman Delaney – Chief, was any consideration given, let me say this. We do fund police officers out of the Weed & Seed grant as well.

Chief Maine- Not police officer positions, there are none.

Councilman Delaney – None?

Councilman Delaney – Okay then I misunderstood. I thought we had some of the bike patrols that work through the Weed & Seed grant.

Chief Maine – Their equipment, a lot of equipment we can, but we don't pay for personnel out of that.

Councilman Delaney – None of this goes to pay for police personnel.

Chief Maine – That's correct.

Councilman Gruber – Of course I support this wholeheartedly. I have a question for you Chief, do you have any idea what the hours maybe for this new person? I know you gave an idea that's its going to be 20-30 hours a week, but the actually working hours, will they be later in the afternoon like from 3:00-7:00? Do you have any idea? Because working during the day from 8:00-3:00 probably wouldn't work because that is when most of the kids are in school. Do you have any idea of what the shift might be?

Chief Maine – I'm going to look at Ms. Jones because she was intimately involved with the process and the putting together of the job description and hours. But I believe it is 3:00 to 7:00.

Councilman Gruber – Very good because that is when the need is the most in the community. I applaud you and Ms. Jones and the Weed & Seed Committee for following this through. Thank you very much.

Councilman T. Sustarsic – The water line and sewer tie-in, did that get done?

Mayor Cervenik – Just about. We are going to be hooking up the downspouts into the lines. To make sure it is done correctly and I believe they are going to start putting in the deck tomorrow. So we are moving along just fine.

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

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

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

**Ord. 156-2005 (432-05) Instant Bingo**

An emergency ordinance to update Chapter 517 (Gambling) of the Codified Ordinances of the City of Euclid by amending Section 517.12 to update the rules and requirements for selling instant bingo tickets, and by enacting new Sections 517.17, 517.18, 517.19, and 517.20, establishing new rules and requirements for holding a charitable game of chance. (Sponsored by Councilman Gruber by request of Police Chief)

Councilman Gruber moved for passage, Councilwoman Hufnagle seconded.

Director Frey – There are two related but somewhat distinct items contained in this ordinance. The Police Dept., particularly the Vice Unit contacted me regarding an update to our charitable gambling ordinance, in one part because a State Bingo license, a particular bingo license will allow for the sale of instant Bingo tickets on the site of the charity that holds the bingo license, but at times other than when the normal Bingo games are being played.

In other words, the charity could operate a fairly extensive instant bingo operation on site. The City was desirous before any of the charities engage in that activity, regulating both the hours, the requirement for security and so that's what's contained in the section 517.12. It puts for those allowed organizations again they must have the Bingo license that provides for the independent sale of instant bingo tickets to qualify at

all. If they so qualify then they can hold their instant bingo ticket sale event only on the property of the charity; they can do so no more than one time per week. There are hours established so that activity can't be outside the hours of 5:00 pm to 11:00 pm and we're requiring that a security officer be on duty at all times the instant ticket sales occur.

That's the first change in the ordinance. The second significant change would be in the charitable gaming activities to ensure that the money collected by the charity stays with the charity. There have been times in this community and in northeast Ohio that you've read about in the paper where the charities are getting but a small fraction of the money that's raised in their name because of the individuals that have been employed, I guess, by the organizers to run this. There has been paid dealers. There have been exorbitant rental fees. There have been some unscrupulous operators who have skimmed money from the bank. So that group of individuals have walked out with the lion's share of the proceeds and the charities have gotten a small percentage. What we're requiring in our ordinance is for registration purposes, they are going to have anyone who is going to work at a charitable gaming event, is going to have to provide a certain amount of background information that the police department will be able to check as part of the current application process, to ensure that individual is not a convicted felon, doesn't have any gambling convictions in their background. Otherwise there's an affidavit from the charity that ensures that this person is part of the charity and is not being paid for the work that's being undertaken. The charity will reap the benefits of the gaming event.

That's what the purpose of section .17 through .20 are. To ensure that the police department has a mechanism to see that the money raised by the charity goes to the charity and not to the operators. I'll be glad to answer any questions. Chief may have some comments as well if there are comments on this.

Chief Maine – I would like to thank Mr. Frey for working with Sgt. Blakely on this so closely. I think this is a good proactive to take especially with the recent State changes in charitable and games of chance. I can also tell you that there are a number of other communities in northeast Ohio that are looking to us because we are one of the few communities that actually has a working ordinance that addresses these types of things. The operators that Mr. Frey refers to, they are a pretty small group of people and they tend to go from community to community. This for quite some time, they have been kept out of this city and other communities are trying to keep them out of theirs and that's why they are looking to us. I think this is a good move for the city to take. Thank you.

Councilman T. Sustarsic – The instant ticket, 517.12, the instant ticket sales event held no more than one time per week. I know some churches have Monte Carlo Weekends, St. Robert's for example. They'll have it Friday, Saturday and Sunday. Will we be able to make exceptions for things like that, or?

Director Frey – This would apply to the time period where they are not operating under the traditional bingo operation. If their license allows the sale of instant tickets at other events, they would be able to operate under that license. But is a stand-alone operation. We're saying you cannot do that more than one time a week.

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

Yeas: Unanimous.

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

Yeas: Unanimous.

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

Passed.

#### **Ord. 157-2005 (433-05) Hydrant Program**

An ordinance authorizing the Director of Public Service of the City of Euclid to enter into a contract after advertising for bids for the 2005 Hydrant Replacement Program. (Sponsored by Councilman Sustarsic by request of Service Director)

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

Director Gulich – This goes back to earlier this year when we heard the presentations from Michael Benza and Associates. We had subsequent Committee Meetings. There were a lot of questions, we got them all answered. Council adopted the water line program. This is one of the components of the waterline program to be funded through the waterline fund. Michael Benza study has suggested which hydrants we should do, where the low-flow areas are. The Chief's people go and flush the hydrants throughout the city on an annual basis. They concurred which hydrants should be done this year. We intend on completing this work before the year is over at various locations in the city.

Councilman T. Sustarsic moved to close debate. Councilman Gruber 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, Sustarsic, Sustarsic.  
Passed.

**Ord. 158-2005 (434a-05) Cable to Warner**

An emergency ordinance conditionally approving the request for an assignment of the cable television franchise from Adelphia to Time Warner.  
(Sponsored by Mayor Cervenik)

Councilman Langman moved for passage, Councilwoman Hufnagle seconded.

Director Frey – Lee Weingard, President of LNE Group on behalf of Adelphia Communications is here, as is Tish Biggs, the Director of Public Affairs for Time Warner Cable. If Council is desirous to hear from either or both of them and wishes to suspend the rules, they are available to answer questions and provide comments.

The City was faced with the prospect of cable operators changing given that Adelphia's assets through the bankruptcy court in New York were being acquired by Time Warner and I believe Comcast was the other party, if I'm not mistaken. For our purposes Time Warner was buying the assets in the northeast Ohio region and will operate all of the former Adelphia locations in northeastern Ohio. I believe out of Akron will be their base of operations.

Part of that process is for the City to approve or disapprove the transfer of our cable franchise from Adelphia to Time Warner. We've done this previously when we approved the transfer to Adelphia from Cablevision, I believe was the predecessor to Adelphia. This isn't necessarily new but each time it has its own wrinkles.

The city engaged attorney Todd Hunt and Bill Hanna from the firm of Walter Haverfield to review this transfer process. To advise the city, they have spent a good of time on the cable television transfer for a number of communities. So they reviewed this, had discussions with Time Warner and with Adelphia and have crafted the ordinance that's before you. I apologize for the fact that you've gotten an A version, (434a). About 4:30 today, we received a call that there had been some negotiated change in one of the conditions that the city insisted on in the cable transfer. That is in Section I and you can see in the A version that you have, we've deleted what had been language requiring Adelphia to provide us within 10 days of our request, information that would allow us to audit the franchise fee that's been paid to the city.

We will specify that request will occur prior to the transfer of cable operations and we've recognized that the period of time that Adelphia operated the cable franchise in the city of Euclid commenced December 1, 2000. So we're not looking back to the operations of Cablevision or anybody prior to that. We're limiting ourselves to the audit of Adelphia's operations and payment of cable franchise fee to the City of Euclid.

The conditions that are in Section 1 of the ordinance, A-K are conditions that we asked for. My understanding is both Time Warner and Adelphia have agreed to those conditions as a part of the transfer process. We will commence shortly then an audit of the franchise fee to ensure that Adelphia has paid what they owe the City of Euclid over the period of time that they have operated the cable franchise here. We will take the other steps as necessary in the bankruptcy court to protect the city's interest.

I know one of the residents asked questions about those conditions. Again those were conditions we asked for that we want in this piece of legislation so that the transfer to Time Warner is conditioned upon the satisfaction of those conditions that we believe will protect the city's interest.

There was also a comment about public access not being part of the Time Warner programming. The City operates a public access channel. The City operates a government access channel and the schools operate a school channel. Time Warner has agreed to honor the franchise agreement that we have. I don't think there's any change to the local public access, government access or school access channels that are contemplated in this transfer. Perhaps Miss Biggs or Mr. Weingard will address that if you're desirous to get more information on that. As far as what other public access channels currently are available to Euclid viewers through Adelphia, I can't say. Certainly none of this impacts either positively or negatively the fees that we pay for cable television. That is not part of this franchise agreement. Those are set outside of that. So if there is some thought that we are going to have the cost of cable television in the City of Euclid, I think anyone who holds that thought would probably be mistaken. It doesn't deal with the rates that are charged for the various packages that are available.

That's the legislation. Again I apologize for the late A version of that coming in. But it was a late discussion apparently between Time Warner, Adelphia and then our representatives for the City. I'd be glad to attempt to answer questions or again, Mr. Weingard and Miss Biggs are available.

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

President Sustarsic – Mr. Weingard and Miss Biggs if you could please approach and give your names and addresses for the record.

Mr. Lee Weingard – 1600 Alderside Dr., Shaker Heights, Ohio.

Ms. Tish Biggs – 530 S. Main Street, Akron, Ohio.

Councilwoman Mancuso – So, to the average resident, what does this mean to us? We've just done all the legal-ease, what does it mean to the average resident in the City of Euclid?

Ms. Biggs – It means that they will pay their bill somewhere else. It means they will pay their bill to Time Warner Cable instead of to Adelphia. It means they will still receive cable service. They will still receive multiple channels. They will still receive if they are so desirous high speed data access. In addition, I'm not sure if Adelphia offers digital phone, but Time Warner does. As it becomes available through our network as we take over this particular network, that will also be a feature that becomes available along with digital video recorders. All of the product line that is available to Time Warner Cable, folks in a little bit to the south of you today, will also be available to folks in Euclid.

Councilwoman Holzheimer Gail – Ms. Biggs, do you know will the stations offered be the same? I know they differ based on which package you get. Are you aware of any differences between the two companies and what they provide?

Ms. Biggs – I am not aware of all the stations that Adelphia currently provides. However, I would like to share with you what Time Warner Cable currently provides for their customers. I thought you might be interested.

We currently provide 17 stations of life-line basic. 59 channels of expanded basis. 42 channels of digital tier. 47 channels of music choice. 5 channels of movies on demand. 19 channels of free favorites on demand. In addition we provide a Spanish channel, an Italian channel, a German channel, an Asian, southeast Asian and Arabic channel and the other services that I mentioned.

Councilwoman Holzheimer Gail – Just so we're very clear, you don't have any plan to remove our 3 stations that we provide for public access, education access and government access?

Ms. Biggs – As in other communities, we provide public access education, access in government, access as dictated by the franchise and we have every intention of honoring the franchise that you currently operate under.

Councilwoman Holzheimer Gail – To Law Director Frey and I'm looking at the memo that we got from Asst. Law Director Phyllis Vento. In the second paragraph it talks about the 5 year expansion and whether that's enforceable. Is that something that needs to be worked out still through negotiations? It looks like that may have an impact on income in the future?

Director Frey – That would be correct, Councilwoman Holzheimer Gail. We have a, it is not a negotiating issue, we need to determine documentation and whether or not, what termination date is for the current franchise agreement. As you are aware and it was indicated in here, there is some legislation in the United States Congress that would remove the ability to have local franchises, franchise agreements with cable operators. We're certainly opposed to that because it is a source of revenue to the city. We do have to determine in the contract whether the expiration date is 2010 or some other date and we're working on that now. Again with the assistance of Mr. Hunt and Hanna from Walter Haverfield we'll get that resolved.

Councilwoman Holzheimer Gail – My other question is from the memo from the attorney that was hired, you've mentioned that we want to review the fees that have been paid by Adelphia. Do we have reason to believe that we may not have received the right amount of money? Or is that routinely done?

Director Frey – We had done that before when there was a transfer. We have not done that during Adelphia's tenure with the city and think it appropriate before we allow a new operator to assume the franchise agreement that we make sure we've collected. We don't have any indication that we've not received the funds that were do, but we want to be certain of that so the audit will allow us to have that certainty.

Councilman T. Sustarsic – Will we still be able to use the same digital cable boxes and modems that we already were provided with from Adelphia that will be able to work with this system?

Ms. Biggs – When we are in the process of buying the Adelphia system, we are at a slight disadvantage. We don't actually get the keys to the car, nor do we get to kick the tires quite yet. We haven't actually taken it out for a test drive. Once the actual transfer occurs from Adelphia to Time Warner, we will be better able to access all of that. Remember that all of the equipment that you currently have has to be compatible with the network you have, which it obviously is. That network has to interface with our network so that we can provide you the highest quality and best quality signal for you to receive all of our services. We're very eager to make sure you have the best quality.

At some point it may mean that there is an upgrade to the equipment to give you better quality equipment. We don't know yet because as I've said, we haven't taken ownership and we don't have the keys to the car yet.

Councilman T. Sustarsic – Another thing with the channels, are they going to change once the switchover? I know I watch Indians games on Channel 30. Is it still going to be on there or will they get moved around?

Ms. Biggs – Once again we haven't assessed all the channel placements in all the cities that we will be inheriting as part of this. So, that too is some of the assessment process. I wish I were able to assure you that all of your favorites are going to be right where they are right now. Unfortunately that wouldn't be real honest on my part if I assured you of that and it weren't true. We have to take ownership of the property and then assess all of those things.

Councilwoman Mancuso – So does this mean, once you get the keys, kick the tires, is there a possibility residents will be paying more?

Ms. Biggs – I can only tell you what residents in the area that we are currently servicing are paying. For the expanded basic and the basic cable, along with digital tiers that I explained to you, all those channels, and all of the on demand free channels, our residents are currently paying \$39.95. Our high speed data service is currently \$39.95. Our digital phone service is currently \$39.95. Now, that translates what we do in your area, but I can tell you all the residents in our area are paying those types of fees.

Councilwoman Holzheimer Gail – Thank you for saying as long to answer our questions. Do you plan on having a local service center to respond to customer complaints or issues, pay bills, things like that? I don't mean local Euclid, but Greater Cleveland?

Ms. Biggs – Our service will be commensurate with the service levels that we must maintain according to government standards. We will also provide service based on what the requirements of the franchise agreement are and for each community that can be different. Once again, I have to beg ignorance because I currently don't know what your situation is as far as payment centers in this area and once again we will find that out once we take ownership of the Adelphia properties.

Mayor Cervenik – Ms. Biggs, if you're looking for a payment center, I've got a number of areas in the city where we can locate you and all those employees. Secondly we do have our service center on E. 222 St. From other members of your company, I've been assured that location will stay there and those employees will stay there. I'm certain that we can even expand there if necessary.

Ms. Biggs – Thank you Mayor. I'd just like to say that its always in the best interest of any business to make sure that A, they service their customers very well; B, they are there to collect the money that they would like to when people want to pay their bill. We'll make sure that we make that available to them.

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

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

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

#### COMMITTEE OF THE WHOLE

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

Mrs. Ann Raukar – From E. 272 St. At the last Council Meeting, September 19<sup>th</sup>, I brought up the fact, a neighbor told me the city planted sod on his treelawn. Mayor Cervenik, Chairman Sustarsic and Councilwoman Hufnagle had very guilty looks on their red faces.

President Sustarsic – Mrs. Raukar, Mrs. Raukar excuse me.

Mrs. Raukar – That made me wonder how many treelawns were sodded at taxpayer expense.

President Sustarsic – Mrs. Raukar ..

Mrs. Raukar – Council should look into this matter and persons responsible ...

President Sustarsic – Mrs. Raukar, you are out of order.

Mrs. Raukar – Should reimburse the city.

President Sustarsic – Mr. Langman, Sgt.-at-Arms, please if you could have her take her seat please.

Mrs. Raukar – Well I have to tell what happened.

President Sustarsic – We appreciate that but at the same time, I've said time and again, that this isn't the place or the time to go after personalities but we talk about issues here. That was clearly violated so you are clearly out of order. So please take your seat.

Mrs. Raukar – Why am I being ostracized? Why? Because I mentioned names? You'll hear from me.

Mayor Cervenik – Mrs. Raukar, if I may, you are more than welcome; Mrs. Raukar, I'd be more than happy to listen to those concerns in my office. Thank you.

Mr. Joffrey Jones – 131 E. 265 Street. Euclid. I'm going to speak tonight as Superintendent of the Euclid City Schools. I want first to thank the Mayor and all of City Council for passing unanimously this evening the Resolution supporting our school district's 5.9 mill operating levy on the ballot on November 8<sup>th</sup>.

Asking the public to support schools with their tax dollars is an inevitable and unenviable part of a Superintendent's job. But we must provide a public education for the children of our community and we do so as well as we can and as responsibly as we can afford. I promise that our results will continue to improve.

We are fiscally responsible and you've heard this before. The voters have not passed an operating levy in this community for six years. In those six years we've had a series of clean audits by the State of Ohio. We have opened our books to a committee of citizens making our finances transparent.

The cost of running schools, as has been mentioned this evening, just like the cost of running our homes, has increased. Our natural gas and electricity costs have increased. Just like for the everyday citizen, the cost of living has increased for school districts. This is why school districts have to go to their voters every 3-4 years for additional revenue. Not in Euclid, though, we have stretched our dollars to last more than six years.

As complicated as school funding is, it is also relatively simple. When faced with a deficit as we will be by 2008, we must either cut expenses or raise revenue. We have cut expenses to the tune of \$2.5 million in the past 10 months. We have also accepted or negotiated a 0% increase in base salaries for various employee groups. Now we are trying to raise revenue in the only way provided to us, by asking the voters to approve an operating levy.

In school funding we collect additional revenues, the year after we pass a levy. So if we don't pass our reduced levy in November we will not receive any additional funding until January 2007 at the earliest. If we do not pass in November, we will likely have to ask for more mill age sometime in 2006. Remember as I mentioned, we must either cut expenses or raise revenue.

Passing the 5.9 mill levy in November will allow us to keep our teaching staff intact, to preserve choice and opportunity for students to maintain our security personnel at the High School and Middle Schools; to provide transportation to public and parochial high school students. And to keep transporting K-8 public and parochial schools at current levels. To provide the extra-curricular and sports activities that build character and connect thousands of students to school in an enriched way, and to keep our schools open to the community for a variety of community programs.

Passing Issue 167 will help us to complete our improvement plan for student achievement and discipline. It will keep the community strong and I point out also that the tax dollars will stay in our community and not be sent to Columbus.

Passing Issue 167 will cost the owner of a \$100,000 home about \$15 a month. It is a small sacrifice to pay to assure an opportunity for strong futures for our children. Contrary to what has been stated by citizens here in the past, we will not be going to the public again next year if 167 passes in November.

This evening it is really kind of embarrassing to follow students like we had this evening. They were really terrific and you've heard some of them and they are just wonderful examples of our children. We have 6500 great reasons to support Issue 167 and they are learning with us everyday.

I'm asking of course this group and you're behind us, but also the taxpayers, to think of the children when they vote in November. They deserve the support that I had when I was a child and the support that they in our community members had when they were children attending public schools.

It's a privilege to educate Euclid's children for America's future and I pray that the community will allow us to continue to do so in the manner that those children desire without having to derail the improvements that we have begun in the district. Thank you all for your support this evening. I know I'll be calling on you for other additional support as we go through this levy campaign, but thank you for your support. Good Evening.

Mrs. Madeline Scarniench – 1511 E. 221 St. I know over the years we've all wished that we had another cable company in the city because when you have two, at least you can get a better product. I hope Time Warner gives us back the Game Channel, because my father really misses it.

What I really want to talk about tonight, somebody near and dear to my heart, my Uncle, this past weekend had a fire in his house. Thank goodness for Euclid Fire Dept. His house is badly damaged, but he's alive. This is a man who lives in oxygen. It could have turned out very bad.

What I'm up here to talk about is a program that we've had in this City for 28 years, and that's EDCOR, Euclid Development Corporation. I haven't talked about this in a long time. Please if you're watching this right now, and you have neighbors that are older, who you know haven't had work done in their houses; if you haven't had work done in your houses, the guidelines for these loans, 3% loan is not a lot of money. The guidelines follow the HUD rules and you'd be surprised how many people in our city could actually apply. Depending on your age, you may never have to pay this back because it could actually be taken care of through your estate, after you've died.

You need to do this. This fire could have been prevented. It was an electrical fire. Because the outside of your house looks good, necessarily wouldn't have a housing inspector who are doing a really great job of promoting the program, but it's so important. If you've got older neighbors around you, talk to them. If they haven't had this kind of work done in the last few years, they really need to cause these houses are so old most of them are still using the equipment that was in there when they were built. So please, if you need to talk to somebody, if you're a homeowners group who would like somebody to come out, call Karen. I'll give you the phone number 289-4625. She's in Monday, Wednesday and Friday; but there's a machine. She'll pick up, she'll get the call and get back to you. Please help save a neighbor. Thank you.

Mrs. Bernie Walsh – 651 E. 266<sup>th</sup>. The first thing I would like to do is I really believe in children and I have a passion for youth. And when the girl in the green mentioned a city without arts, we know that that really clicked in my heart. The only thing I wanted to do here tonight was to plug something at VASJ and since the Mayor committed to taking a hundred tickets I'm sure every other VASJ student, alumni will take at least two. And the Mayor said his check is in the mail. They're going to do Meet Me in St. Louis and they're going to replicate the World's Fair in the gym and that should be exciting. And I hope everyone knows that the ice cream cone was invented at the World's Fair.

But the girl in the green touched home and the girl in the green had a little discussion afterwards and we went outside so we wouldn't interrupt you in here. And the girl in the green had a lot of good points and they were good points about education. I have an \$86,000 home. Mr. Johnson can check on it. I believe the taxes are \$1700 a year. Some how or other I struggle and I pay them. Some how or other I will find the few extra dollars to pay for the girl in the green and all the other girls in the green. I get no abatement; I get no senior discount; I get no breaks whatsoever. There's things I'd like to have. I have a jar I throw pennies in to buy carpeting. I won't, I won't get a bill for it. When I get enough pennies, I'll pay for it. And maybe those pennies will have to go for the girl in the green. I don't smoke, but maybe the cigarettes will have to go for the girl in the green because the girl green and the other three people with here and all the other Euclid High students no matter what their grade level no matter what their major are not a curb. They are not a brick. They are not a road; they are students and they are human beings and they are people. They are that first and everything else this Council works for is secondary. You've got to work for the girl in the green.

I don't have the money. I'll be the first to admit it here. I fight day in and day out to pay this bill or that bill, but \$15 a month \$15 a week even, they're not a curb and how dare you compare them to that. If they were throwing stones, the Police Chief would be after them. If they were setting fires, the Fire Chief would be after them and all they want to do is study arts. God bless them and God bless the school system because they're well worth \$15 a month and I'm telling you the truth whoever is listening to me. I don't have it, but for the girl in the green I will do it and I ask you to do it, too. Thank you.

And you can get your tickets afterwards, Mayor.

Mayor Cervenik – Mr. Chairman, I think she misunderstood me. I says I'll get 10 and each of the 9 Council people will also get 10. That's where we got the 100.

President Sustarsic – Speaking for us, huh?

Mr. Joe Udovic – 21371 Naumann. Yeah, it's been a long time. Good evening. I hope this is not against the rules, but I would like to wish someone a happy belated birthday. I was told yesterday Jerry Corbran turned 80 years old and in my book that is a milestone. So wherever Jerry Corbran is this evening I wish him a Happy Birthday.

Second, I do have a couple questions. Has, have we done any type of study to compare current, 2003 as far as public sector businesses and jobs? Do we have a surplus or gain or do we have any losses? That's one of my first questions.

My next question, I did an article for the Euclid Observer regarding the Strike Zone. I see it's closed for the season. They do not have a contract. I think the article came out in July. Have we negotiated a contract? I have not heard anything from the Recreation Commission or the Recreation Department. I know he had many issues. One of the issues he had was competition with the concession stand at the pool. Have we decided, because he operates a concession stand and the City operates a concession stand, will the concession stand at the pool be closed? He has some issues about parking and I was wondering when will see a contract come forward and will it go into the Recreation Commission to be negotiated?

I did attend the Mayor's unity picnic. I had a great time, but I also have some concerns about what's going on. I read the upcoming Observer. I noticed that some people attended recent Democratic meeting and they were attacked for their stance on the recall. I would like to see us put this behind. That's, in my book, water underneath the bridge. If we are going to have some type of a unity, to me, what I'm seeing is the bridge of unity is starting to sag a little bit. We need to raise the bridge up a little bit. I do want to throw out a quote and maybe if we keep this in our minds and our hearts maybe we will have some kind of peace in this community.

This is from the founder of Sensei Morihei Ueshiba. The heart of the universe is no different from one's own heart. What is the heart of the universe? It contains the poles of existence. The four directions past, present and all there is and it is universal love. Love does not fight. Love has no enemies. If your mind harbors enemy and hatred, you have lost a universal mind. Please let's keep that in mind.

I do have another comment or statement to read. It would be reasonable to expect that any Council person that is involved with budget matters that they themselves would be or not be delinquent in any their own federal income, I mean, federal, state or local income taxes owed. Have an understanding of variable and fixed loan transactions and have a financial stable hold on their own personal affairs. Therefore, I would like to personally ask if any of these Council persons...

President Sustarsic – Mr. Udovic, Mr. Udovic, we're not going in that direction.

Mr. Udovic – All right, thank you and have a good evening.

Mr. Tom Cooke – 25641 Edgecliff. Regarding the Euclid School System, I'm a product of the Euclid School System and I am a supporter of the Euclid Public Schools; however, I am not an advocate of spending money on the Euclid schools without accountability. I demand to get what I pay for and right now that is not the case. I don't live on promises; I don't spend money when people promise me things. I only deal with facts. Show me facts and then I'll give you money.

Show me substantial improvement in performance and you will be rewarded. Don't show me marginal improvement and expect Euclid taxpayers to open their wallets and

spend their hard earned money on a marginal school system. It's their money it's not yours. In the Sun Journal dated September 1<sup>st</sup>, 2005 within the front page headline article Schools on Watch List. That doesn't sound like a very successful school to me. Superintendent of Euclid Schools Dr. Joffrey Jones spells out a new 4-prong approach. I am quoting a portion of the article, quote, Jones said the district is taking a 4-pronged approach this year to improve the State rankings. All children returning to school today will spend a few days having the Discipline Code clearly spelled out to them so they understand how to behave on school grounds. Quoting Dr. Jones it's not what, it's not that we don't have a quote because we have had a quote all along Jones said. We want to make sure that everyone's clear on how to behave. If a classroom is unruly, it hurts the learning process, unquote. And therein lies the problem.

The mere fact that behavior within the schools has to be addressed on this level and in this fashion is clear evidence of way the crux of the learning is failing. Lack of discipline breathes behavior problems. Behavior problems disrupt learning. Disrupted learning leads to low achievement and eventually failure. The only problem here is in the approach and method of correcting behavior and discipline issues. What Dr. Jones has suggested in the spelling out of the Behavior Code that is expected on the school grounds is nothing more than political correctness. It sounds great but has no substance.

If the student has behavior problems in school, it is because he or she already has behavior problems for a long time at home. Lack of expected behavior at home leads to the same unwanted behavior in the classroom and no amount of oral expounding on expected behavior in the classroom will change unwanted behavior. This is nothing more than wishful thinking. The problems are obvious and self-evident. Disrespect for others is seen on the streets with hoards of school children crossing major thoroughfares without any regard for safety, respect for safety law or drivers who navigate these streets and are driving within the confines of the law. Everyone sees all of this. None of this goes unnoticed. The eyes don't lie.

The solutions are simple but not politically correct. Consequences for disruptive behavior must be strong, immediate and consistent. The fortitude required to carry out the solution is the difficult part but is absolutely necessary for success. Until I see a concrete movement towards real solutions that I have just described and the positive effects that will result from improved student performance across all grade levels, I will have a very difficult time supporting any future levy requests. Remember this, it's my money and the taxpayers' money not yours. If you first provide the taxpayer with an education system that we want, then we will provide you with the resources that you need. Thank you.

Mr. William Hilf – 891 E. 267 St. I'm going to have to speak off the cuff after that because I planned on just coming up and thanking Mr. Petkovic. After speaking on foreclosures last week at the last meeting, he came out and spoke to me out in the lobby. When I mentioned the problem with the house next door to me and just yesterday the bank had someone out making repairs and they said they were cited for 29 violations and were making all the repairs so they could sell the house. That's called response and I would like to thank him for that.

But as a Euclid resident who works with the youth of this City, who happens to actually have known a couple of the students that were here tonight, I didn't realize it until I spoke with them outside, and sees a lot of the good that children do to blame a school system for the behavior of the few that you see because the eyes see the ones that walk across the street. You know what? Teens do that; kids do that. It happens. What you don't see are all the ones that are involved in the athletic programs that are involved in the clubs that have after schools jobs that are busy and involved. Yes, you see the ones that are causing trouble because they're the ones that are out there. But unless you go to the events and you go to the high school games and see the teens. You go to see the Big Show. You hear about the clubs. You read about the paper the bad stuff is what gets the publicity. But there are a lot of good kids in this City and we need to give them our support. Because I work with them, I see them, I see the volunteering that they do. I see the extra effort they put in and they don't have to.

And, yes, part of the problem with the Euclid schools, unfortunately, why you have to sit there and spell out the Discipline Code, just like you do at any school, I mean, my daughter goes to St. Felicitas and, you know, they bring us in, they bring the parents in. First week of school and we get to hear all the rules and how everything is going to work and we listen to all the clubs, all the booster programs and we have to hear everything.

And, you know what, when you get as many new students as the Euclid School System gets you have to spell the stuff out every year. It's a fact of life and to just talk about just punishment, unfortunately, because you say they have problems at home then pretty much what you're talking about at some point is you have to abandon the student. And that doesn't really accomplish anything. It doesn't do anything for the City because what good does it do the City of Euclid that's trying to build itself up to have an uneducated populace. You're not going to get any tax dollars out of that. You're not going to get any good wages and salaries unless we educate our students and give them a reason to stay in the City. If I'm a good student in the City who wants to go on and succeed and I'm not given the opportunity, I have no reason to come back to this City unless they want to show their support for me. If I want to not give them support and get ourselves a bunch of bad apples because we're not going to educate them and we're not going to give them the opportunities, well, then fine. You're going to end up with a working class group of people who haven't gotten the education that they need because we didn't support them. And the tax dollars aren't going to be there, the revenue's not going to be there and it's going to be a never ending cycle.

So I'm asking, I know that in 2003 when the other levy was up and I ran and all the other candidates ran, we all supported it. I thank those of you who up here tonight have spoken in favor of it. Those who voted in favor of that resolution tonight, thank you, and I encourage everyone in Euclid to support our youth to support the future of our City and vote in favor of the levy. Thank you.

Mr. Tod Guntner – 390 E. 257. First of all, I would like to thank Fr. Patrick Henry from St. Christine's Church and his staff. They have an annual pet blessing every year. It is on the first Saturday before Francis of Assisi and we were invited to be out there and we were honored to be there. There was, oh probably I'd say, 50 animals dogs, cats, ferrets. There was 4 of the Cleveland Mounted Police there with their horses and St. Benedictine brought their mascot and if you know St. Benedictine it's the Bengals so there was a live 4-month old Bengal tiger, which was amazing to see live in person and just a few inches from you. So I thank, again, St. Christine's Church Fr. Patrick Henry for that opportunity and I hope to be there again next year.

On Saturday, October 15<sup>th</sup>, and Sunday, October 16<sup>th</sup> Pet Pals will be holding their annual Halloween pictures with your pets. It will be held at the Shelter, 25100 Lakeland Blvd. It will be from 12 noon until 3 on both Saturday and Sunday. Pictures are \$5 for the first picture and \$4 for each additional.

And then, of course, coming up Friday, October 28<sup>th</sup>, is our 3<sup>rd</sup> Annual Four Paws Clam Jan and Boo Bash. This incorporates a catered clam bake with all the fixings and a Halloween party. Hoping to hear about some corporate sponsorship for our prizes very soon and maybe some other sponsorship for our DJ and a lot of people did make donations to cover the cost. So we really appreciate that. I have tickets available this evening. Tickets are available at the Shelter Tuesday through Saturday from noon to 4 and Thursday evenings from 6 until 8. We hope that everyone that has attended in the past, you know what kind of an event this is, I hope you will attend again. Greatly appreciate it.

Now I have to turn serious for a minute. Someone, a couple people came up here last week and made some statements and some, few people in the public misinterpreted those statements. Pet Pals, along with probably every other organization that has a non-profit status in this country, does not share the wealth. We do not give, cannot give and will not give money to any other non-profit organization. When we say 100% of our net proceeds go towards the animals, rather directly by food and medicine or indirectly with cleaning supplies so we can keep the kennels clean, when we say 100% of the net proceeds go to the animals, 100% goes to the animals. Nobody that I know of, no institution that I know of that has a non-profit is allowed to give money to another non-profit for any reason.

Funding is different for everybody. We work on 100% donations. Hunger Center works on a different set of funding and grants. So to the residents out there that think that we're sharing money back and forth, we do not, cannot. So please be assured if you donate to the Hunger Center the money stays with the Hunger Center. If you donate to Pet Pals, the money stays at Pet Pals. If you donate to Katrina, the money goes to Katrina. If it doesn't, there's a whole lot of legal battles that you're going to have to endure and I'm sure Director Frey can attest to that. But I thank you for time.

Abitibi this month came a little late. I was a little worried. The check was almost 2 weeks late. We got a check this month for \$659.75. That equals 243.983 tons of paper,

which if you want to go farther, that's 87 almost 88,000 pounds. And a little something that they do every month also, they say congratulations landfill space saved in cubic yards. Maybe I should mention this every month also, but just in August alone, cubic yards saved, which means that this is landfill space that is not being used, 131.94 cubic yards. In layman's terms if you were to take a 2-story 2,000 sq. ft. house split it in half that is how much paper is not going into the landfill this month and then you multiply that by everything in the city, everything in the state, everything in the country, everything in the world because Abitibi is universal. Thank you, I'm sorry. I'm late.

Mr. Kent Smith – 34 Charleston Square. As many of you know here and some of you may know at home, I am a member of the Euclid School Board and would like to thank City Council for supporting the levy, supporting the resolution supporting the levy and I would like to encourage folks that if they have any questions about the school district to attend our meetings. We meet on the Mondays that City Council does not meet as a general rule. And if you have any questions about any programs that we are launching, about tax levies, we're happy to answer them at that forum where we might be able to get into a dialogue about what particular issues individuals in the community are particularly troubled by or curious about.

The discipline program that was brought up a few speakers ago is something that we've started this year called the Great Start Program. The Great Start Program is a discipline program that we have seen as a best practice in some very successful Cleveland schools.

One of the things that this school district, the Euclid School District, is committed to is to making data drive decisions. We are very much committed to using best practices, things that work in other districts and incorporating them here. Some of those are the re-opening of elementary schools of bringing back all day kindergarten. And this year we're also starting a short cycle assessment testing process that we've seen that has been especially successful in Cleveland Heights and Painesville. Some of those, in fact those best practices were alluded to earlier before the Council took the vote.

So the Great Start Discipline Program that Dr. Jones was quoted on is something that we believe will help educate our students here in this district and let me assure you that we are accountable to those test scores. We are accountable to that progress. Dean Bryson, the current city, I'm sorry, Student Council President, made mention of the fact that the importance of investing in today's leaders because you never know what student council president in the past might grow up to be an elected School Board Member today, as is the case with me. It is entirely possible the dollars that we spend on Dean Bryson and the rest of his students, the rest of his fellow students may well fill some of these very chairs in our City's future. If we want our City to succeed, I believe we should invest in our City's children today.

That being said, let me just say one final thing about accountability. This district will be accountable and I in particular will be accountable and I say this in a public forum and the public can hold me to it. If this school levy passes in November and our district does not get out of academic watch into continuous improvement, I will not run for re-election in 2009. I, this levy has my name on it. I'm accountable. If the district does not improve, you can hold me to that. I don't know how much more accountability you can possibly want.

I believe in the program that we have in place. With short cycle assessments, bringing back all day kindergarten, re-opening elementary schools, this district will stride and succeed. You have my word on it and if not, you can hold me accountable. Thank you very much to this body for supporting the levy. I would ask the community to please do the same and we appreciate your support.

Mrs. Ann Miller – 564 Babbitt Rd. I want to take this opportunity to make people aware that October, nationally, is known as Respect Life month. In many of our churches the first Sunday in October is traditionally Respect Life Sunday with prayers and fasting being observed this week. Thank you for allowing me to make note of this and God bless all of you and all of us. Good night.

President Sustarsic – Thank you, and are there any other individuals in the audience? Seeing none.

Councilman Langman moved to rise and report; seconded by Councilwoman Hufnagle.

Yeas: Unanimous.

#### COUNCILMEN'S COMMENTS

President Sustarsic – We'll have a response to Mr. Udovic's questions earlier. First, we'll get along with Council comments. I believe we begin with Ms. Holzheimer Gail.

Councilwoman Holzheimer Gail – I wanted to congratulate the Senior Programs for celebrating their first anniversary in their new space at the Lakefront Community Center and, again, extend the invitation to residents to join them for their 1<sup>st</sup> Anniversary Spaghetti Dinner fundraiser this coming Friday, October 7<sup>th</sup> at 6 p.m. \$6 for adults, \$3 for children.

I also wanted to thank and bring attention to the Euclid Collaborative. They invited Council and the Administration to join them at their meeting a week and a half ago I think it was now. This is a group of community and social service non-profit agencies ranging from county level to non-profit church-based people serving youth and family and individuals who are having issues in their life. They have come together to form a collaborative to provide better service to Euclid residents. There's many members and I saw first hand at this meeting that services to Euclid have increased because of this collaborative. We have agencies that have come in and are now providing, whether it's counseling, whether it's assistance finding jobs. There was some wonderful presentations at that meeting and I thank them for their good work. It really is a testament that collaborating can work. Anyone who would like some information about that Krystal Skovira at the Mini Station Community Policing Department has, can get you, can help you or the contact person for the Euclid Collaborative is working from the Euclid YMCA so they can help you as well.

And I wanted to thank the Mayor and Administration and everyone who participated in the community event. That was a nice event. I was only able to stay for a short time, but I hope that's the first of many of those. It would be nice to do a regular event. They don't have to be big. They don't have to be splashy, but a nice event throughout the community at different places offers a good opportunity for residents to come together and celebrate what's good about Euclid.

With that just a final comment on the school levy, I spoke earlier but really the bottom line is what do we want from our community. If you think good schools will help improve our community, then I would ask you to make that investment make it a priority. I know it is to me and I certainly hope that my fellow community members make that a priority as well. Thank you.

Councilwoman Hufnagle – First of all, I'd like to apologize for being late this evening to the meeting. I was attending a wake funeral home for a man named Ron Petroff and Mr. Petroff was married to a Euclid resident, Jamie Ditomaso. The Ditomaso family was raised in Euclid and I know they still have many family and friends here and I want to extend my sympathies to them.

And then, also, I would like to say that last weekend, the weekend before last, I attended the final weekend of Peter Pan and it was a wonderful show. It was completely, I would never have expected it and it was just wonderful to have that in Euclid and I congratulate those people. There were many people involved in that, but I want to take a minute of personal congratulations. Very good friends of my family, the Ferlito family, the whole Ferlito family was in that production mom, dad and three children. That's Dominic and Ricky and Jody did a wonderful job and I was really proud to be there and see that.

And Mr. Mayor, I would like to commend you on the Unity Day picnic. I enjoyed the event and especially I wanted to thank your staff. The event was held on a Sunday and I believe that all of the staff that worked there are salaried employees and I believe that most of them have their own families and I want to thank them for taking the time to put that event on, on a Sunday for us.

And then, Director Gulich and Chief Maine, I want to thank you, gentlemen, have been working with a couple of your employees Captain Nosse and Monte Carlo. Together we've been working with the school system and we had a very productive meeting last week on trying to alleviate the drop off and pick up at Forest Park. And Monte Carlo has worked very hard on designing a plan for that and both departments are going to work with the school system and I'm thankful that, hopefully, we'll be able to

help that neighborhood out a little bit so I would like to commend the gentlemen for sticking with that.

And on a personal note, I would like to say that my mother-in-law, Roberta Hufnagle, just returned this weekend from spending two weeks in the Gulf Coast working on hurricane cleanup and I'm very proud of my mother-in-law for doing that and I would just like to mention that tonight. She came back with wonderful stories and the thing that impressed me the most was that she said that they worked long days and that every place that they went she saw nothing of what we saw on TV none of the bad, none of the looting, none of the, everybody was helping everybody. And as she would hand out supplies, they would, people would not want to take from her they'd say just give me a little somebody else might need it. And my mother-in-law went in there and I'm very proud of her for doing that. She went with her church group and there were other members of the church that went and I was very happy to say that.

And then my mother-in-law, my father-in-law Bill and Roberta, also celebrated this weekend 45 years of marriage so all personal tonight, I apologize but thank you and have a good evening.

Councilman Langman – Chief, I noticed yesterday that I got a few calls that there was a RTA bus that veered off Lake Shore Boulevard if you could comment whether anybody was hurt, hopefully, nobody was and what was the status of that?

Chief Maine – I'm sorry, Mr. Langman, I don't know the results of that accident. Usually if it's real bad I get notification, I didn't so I can only assume at this point that it wasn't a bad situation.

Councilman Langman – Okay, if you can follow-up on that, I would appreciate it. Peter Pan was a very nice show as was the Unity Day event. Unfortunately, the weather didn't cooperate as much as we would like but that is September in Cleveland.

We took a big step tonight in as far as our tax collection goes and although I oppose the measure, hopefully, it will turn out for the best. There are a couple of suggestions I'd like to make to ensure that so if the Council remains informed, I would suggest that for the next Council we have at least quarterly meetings to update the collection and the operation of the department. That will keep the City Council informed.

And on a general note when we undertake projects like this, the information we receive is good, some incomplete items to it; but it's better to receive that in the beginning of the process rather than at this late stage. Those are two my suggestions, but I've seen on other matters that we tend to get information late as the City Council instead of early. And while the Administration may have the plans, we need to see them, too. So I'm looking forward to that, God willing.

And finally to our Jewish friends out in the community, a very Happy Rosh Hashanah, which is the new year and with that I'll say good night.

Councilwoman Mancuso – I'm sorry one of our residents just left. I also want to speak on behalf of the school levy having the current privilege of sitting on their School Board's Finance Oversight Committee. This is probably one of the most accountable bodies we have in the City of Euclid. These people have cut 2.5 million in anticipation of what might occur. They're not waiting to be in a deficit they are already cutting things so when they come to us for funding it's not because they're not accountable. They're probably more accountable and pro-active than most organizations we hear about. So I also support this levy because they are accountable and they have done what they need to do and there is no more to do without more money. So I would urge everybody if we on Council approve this and you respect us at all, I would also support this levy. These are young adults. I cringe to call them children because they all kind of gave us a funny look when we called them children so these young adults are just a sample.

And the component of rules and the new start, might children were both in parochial school and I will tell you from grade school on up the first week of school you get a handbook and you walk through the rules and you sign them. You sign them as parents; your kids sign it. This is not new; this is not new business. This is the organization of society and with that I'm done with that piece.

I also and, you know, in spirit of cooperation with our Tax Department I would really request that we take a hard long look at some of our policies or lack thereof and I would be more than willing to sit down with anybody and come up with some processes that

will keep us out of harm's way. I understand we have confidentiality policies. I do, also. I will tell you I really believe with a brand new process and a brand new department that we have not done before and we don't have experience in we need to put some process and policies in place to protect ourselves and to protect the residents. I think it'll go a great distance to build the credibility gap that we're hearing from the residents about what's going to happen because it's unknown and with that I will say good night.

Councilman Sustarsic – I'd just like to say I, too, had the opportunity to attend Unity Day. I left earlier than I wanted to because of the rain, though, but I mean I thought it was a great event. I was there, my wife and my son. We had a great time. I'd like to thank the good people from Pet Pals. They painted my son to look like a dog. He kind of looked like Petey from the Little Rascals with a little circle around his eye. I'd like to thank the representatives from the Euclid Police Department who were there who were able to take fingerprints of my son. I think that was a great service to offer to the community. I mean, God forbid, if you were to get lost or abducted.

I was at St. Christine's for the blessings of the animals. It was a fantastic event dogs, cats. They had Bennie the Bengal from Benedictine and he was pretty friendly towards the Council President, who's a St. Joe's grad. They had horses, skunks and they had a ferret. The ferret won a trophy for the homeliest but most lovable.

I think we all agree here on City Council. We did that approve that tonight about the Euclid schools and how important that is. And if you're out there watching at home, take a good hard look at that. I mean, you've seen these meetings before. We don't necessarily always see eye-to-eye, but this is something we all rally behind. It's important for us; it's important for our community; it's important for the future of the students that attend. And I wholeheartedly support it and with that I bid everyone good night. Thank you.

President Sustarsic – I was there at blessing with my son as well. There was a couple, I think you call them de-skunked skunks. No? They were real skunks? Oh, well, they were very well behaved and it was a hot day so it could have really been bad. But it was amazing how and it was very nice how the individuals and all the pet owners came together for that one particular day.

Unity Day we were there. They had a very nice turnout. I left, I was able to leave before the rain but at the same time I think what was very good about that was the showing of a lot of children. And again, that and you can tie it in with our support of the levy this evening. The bottom line is that's what the future of this City is all about, the children and so we have to take care of them and we have to support them.

On a business note, I received some calls from some people and relative to the recyclable bins. Have they got any better with pickup or with cleanings? The reason being they have tended to be overflowing and everything else and a lot of people were concerned that possibly in the, when the weather gets a little bit more intolerable that we could have a mess. So the thought being that if you might be able to look at that and see if that could be rectified and maybe if things could be picked up more regularly.

The other thing I noticed on East 276<sup>th</sup> also on Euclid Avenue it's the age old question trucks or the tractor trailers that are parked on a vacant lot over there. And I was wondering if we might not be able to address that. It's where, as we were all kids, that was where the old Manners was up by the Euclid spur. I would appreciate if you could look into that.

Again, support of the schools support of the kids that's what it's all about. On the other end congratulations to the seniors upcoming for their anniversary and at the same time I look forward as well to seeing regular reports and at the same time collecting that extra money that we so deservedly deserve or that we need and we can use. I think, again, with the combination of the education, the expertise, the workings of all members of the Administration and in this particular case Mr. Johnson, I think, well, I'd like to thank you for the work that you've put into it as well as the rest of the Administration and the Mayor and I look forward to a good productive program as you well explained at the Finance Committee meeting. This is what we would rather do than to raise taxes or to layoff police or fire or cut back on any services. And we do have this option available and we're going forward and I look forward to it being very successful. So thanks for your dedication to that. And at this time, Mr. Daly.

Councilman Daly – I just want to announce a Recreation Committee meeting for this coming Wednesday, October 5<sup>th</sup>, 2005, here in City Council Chambers at 7 p.m. We're going to review the Golf Course Clubhouse construction budget. Quickly if you can remember back, October 18, 2004 Council passed the resolution to build the new clubhouse. The budget that was passed was \$1,442,000. In April of 2005, six months ago, we had an update on the budget where we went through the construction and we were told at that time that we were on budget. Two months later in June during Administration reports of the Council meeting Director Johnson informed us that the golf course was coming in along on budget and we will have this meeting to see now that the building is open where we stand.

I know a lot of this information is available to members of Council on a 24-7 basis, but we want to make sure everyone in the public gets the accurate figures so they know exactly where this project stood. We will also review revenue projections for the new course with the clubhouse included and we will also get an update from the Law Director on where we stand as far as the negotiations with the Cleveland Museum of Natural History regarding the woods that exist between Brush and Richmond Roads and that's all I have.

Councilman Delaney – Director Gulich, I got a chance to visit the Pumping Station going in on Chatworth Drive. How much longer do we have on the project? It seems to be coming along pretty well with maybe more turbulent, more turbulent weather coming so the residents want to know how much longer it's going to be.

Director Gulich – Chatworth Drive, we fully intended having the final restoration come springtime. We're concerned that we might not be able to get all the pavement down. We're going to be optimistic. I know it's not going to be 80 degrees every day in October and November, but we're confident we'll have it buttoned down pretty well this fall and final restoration was always intended for spring and we're sticking with that.

Councilman Delaney – And they'll work all through the winter, correct?

Director Gulich – As necessary.

Councilman Delaney – Thanks.

Director Gulich – I don't think that's going to be necessary, but we should be where we need to be before we settle in for our long winter nap.

Councilman Delaney – Thank you. And maybe the Chief Maine or Law Director Frey, could help me on this. We have a dance hall permit that people will come and apply for? I remember that we updated it some time and there was one applied for, for the Sports Plant. What are the stipulations for that? Is it if it's a for sale event where tickets are to be sold or is there a long standing one that most party centers just have automatically?

Chief Maine – Without having that section in front of me, I couldn't give you all the specifics. But I believe the permit is for, unless that's your primary business, the permit is for a one-time opportunity only.

Councilman Delaney – Do we have that proper zoning in the high rises like Harbor Town and that, where those larger party rooms are available?

Chief Maine – I don't think that those, maybe the Law Director may correct me, I don't think those necessarily qualify as a dance event, unless obviously, admission is being charged. But I would say most of them probably don't, don't count as that.

Councilman Delaney – So they're probably zoned for what the normal party center activity would constitute.

Chief Maine – That would be my evaluation.

Councilman Delaney – Okay, thank you very much. There were a lot of great comments about the school levy both from the public, Council and the Mayor. There are a few

things that are worth mentioning that much of our business community that looks to move to Euclid, many of our residents that look to move into Euclid, they do look to our schools and mainly how we take care of our school children. I believe that a lot do look past the test scores that are published in the paper. Business, of course, that's either their current labor pool or their future labor pool depending on what business that they look to bring in. For more of a selfish reason, we had Mrs. Walsh talk about her home and saving for the school levy. It does increase your value. It does increase your value almost that new carpeting would so that if you needed a selfish reason to do it that's one that does help as well and does add value to your home.

It is true that the schools they always incur increasing costs and operating and their revenues are flat lined and if you follow the news about the fuel system, they have a whole bus line that has to go out and it's important for them to be able to keep that up and running. I find it ironic that some times we do see our school children leaving school and some of them are rambunctious don't behave very well can be disrespectful. But a lot of the first cuts will be those extra-curriculars, I'd hate to see what happens to our school children when the school shuts down at the end of the school day and those programs are cut and they have little else to turn to. So it's very, very important very crucial. The school system has no choice but to turn to us and increase their operating. So I look, I look forward to those results and hope everybody sees through it and keeps in mind it's one way to increase the value of our community and it's always a constant that that's how people will look to us how we take care of our own.

One, as far as new business is concerned and looking to our new labor pool, I see that we have a new Bi-Rite Shopping Store coming into the Richmond 260<sup>th</sup> Shopping Plaza. It's where the old Value World was that fire took place 3-1/2 years ago and congratulations to those landlords for bringing in a new tenant and another grocery store, which is something that all of our residents do look forward to. So...

President Sustarsic – Mr. Delaney, your time is up.

Councilman Delaney – Thank you, Mr. Chairman, and have a pleasant evening.

Councilman Gruber – I'll try to keep my remarks so you don't have to change the tape. Yes, I too would like to comment on the grocery store on Euclid Avenue. That's a current Euclid business owner and congratulations Ward 3 for working with the owner. He hopes to open in November and, of course, it's across the street from Ward 4 so that's a good thing as well.

I'd like to thank the Euclid Villa Homeowners Association for inviting myself and other Council members to their meeting last week. Also I would like to defer to Director Pietravoia for some information on the house on Chardon Road where the fire was some time ago. Could you comment on that briefly, please?

Director Pietravoia – We did investigate again recently what the status of that house was. I believe it was in spring of 04 that the fire occurred. It was pretty substantial fire, extensive damage to the house. We found out through the owner and verified again with the insurance company that the insurance claim took until recently to be resolved so they really couldn't do much of anything and we were getting complaints. I know you were personally and we occasionally got questions from neighbors about the status of that house.

Now that the insurance claim's been resolved we're meeting with the owner's son this week and we'll be informing them and working with them on a program either to rehab or to take the home down. My understanding is they are leaning at this point toward taking the home down because of extensive damage. So we'll find that out later this week.

Councilman Gruber – Very good, thank you, and a question for Director Gulich, quickly. As you know it's about that time when the leaf trucks get to go out and I know you've made some improvements to help with leaf pickup. Could you elaborate on those briefly, please?

Director Gulich – Yes, I made some brief comments at the beginning of the prior meeting. I'll pretty much repeat those comments. A couple things we intend on doing differently is we will start our leaf pickup earlier than we have the last two years. We

have not started as yet. The leaves are not cooperating as they're not really turning colors and falling yet. Also, I will be using more overtime earlier on in the season. We held off in an attempt to save money on the overtime costs and that's when we fell behind last year. And of course, I do want people to keep in mind we do have inclement weather during the heavy falling season that there probably will be from time to time delays. But our equipment is fully at the ready even our vintage 1954 picker is ready to go.

Councilman Gruber – Good, we need that 1954 picker. Thank you, that's all I have. Good night.

President Sustarsic – Thank you and one last comment, I think we have a response for Mr. Udovic early on. Ms. Will?

Director Will – In response to Mr. Udovic's question about the Strike Zone, for the residents, the Strike Zone is the batting cages that are located in Memorial Park. We do have a current agreement with them that was passed by City Council. My understanding was, Mr. Udovic, you had picked up a copy of so just want to double check with you to make sure you have the right one in front of you. The owners of Strike Zone had requested a meeting with myself and the Law Director to review their current contract. They did have some concerns, one being parking. Yes, we did discuss that.

The item about the concession stand, it was not the concession stand at the pool it was the Pepsi machine that was outside the tennis courts. Again, it had nothing to do with the stand at the pool. It was the one Pepsi machine next to the tennis courts.

The owners, again, could come in, put some requests in, wanted to talk about some of the problems that they had had or conflicts they had. We told them to go back and put some financials together and some of their concerns in writing so that we could come back to City Council with those concerns and make any adjustments to their agreement if needed. At this time we have not heard back from the owners of Strike Zone and I'm still waiting to hear that. But I did want respond back and let everyone know we do have a current agreement with them.

President Sustarsic – Thank you.

Director Will – Thank you.

President Sustarsic – And you just made it under the wire and so on that note look for a motion to adjourn.

#### ADJOURNMENT

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

Attest:

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President of Council

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Clerk of Council