

## COUNCIL MINUTES

November 21, 2005

The regular Council Meeting was held on Monday, November 21, 2005 at 7 PM in the Euclid City Hall Council Chamber. President Sustarsic presided.

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

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

Invocation was given by Suzanne Alexander and Craig Farnsworth of the Bahai Faith.

### Liquor Permit

Council has received a request for a new C1, C2, liquor permit for the Sunoco at 20710 S. Lakeland Blvd. This is accompanied by an memo Zoning Commission Secretary Slotnik.

Director Pietravoia – Mr. Torowski is prepared to respond to this item.

Commissioner Torowski – After trying on numerous occasions to contact the applicant Shrinidhi LLC, without any success in regards to their request for a variance to operate a convenience store with a liquor permit, I talked to the Sunoco property, Sunoco management at the location on Lakeland Blvd. and the management doesn't have any clue at to who these people are. They've taken the information I've submitted and they've also received mailing for these people and submitted it to their corporate office which is Sunoco located in New Jersey for their investigation. I also talked with the Division of Liquor Control and they stated that Shrinidhi cannot operate where there is a liquor license already established by Sunoco properties.

With that information, the Planning & Zoning Commission last week denied the request for a variance 5 to 0. Thank you.

Director Frey – Obviously there's a legitimacy issue with this application. Based on the research Mr. Torowski has done, it would be the city administration's recommendation that Council send correspondence to the Ohio Department of Liquor Control opposing the granting of a liquor permit to this entity for this or any other location.

President Sustarsic – So it would be my understanding if there could be a motion to be made to sustain the ruling of Planning & Zoning and then consequently we can go along with that.

Councilman T. Sustarsic moved to sustain Planning & Zoning Commission's denial of the liquor permit at 20710 S. Lakeland Blvd. Councilwoman Hufnagle seconded.

President Sustarsic – This would be a vote to sustain, or vote in the negative. So a vote for yes would be to deny. Call the roll please.

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

Liquor Permit Denied.

Director Frey – Just so we're clear, what we're asking I think tonight is for Council to send correspondence to the Department of Liquor Control opposing the granting of a permit for a license to this entity. Thank you.

## COUNCIL MINUTES

Councilman Gruber moved to approve the Council Minutes of November 7, 2005. Councilman Delaney seconded. Yeas: Unanimous.

### ADMINISTRATION REPORTS & COMMUNICATIONS

Mayor Cervenik – We are receiving an honor this evening but before we receive I would like to give. I would like to call Joe Foster and his son up here this evening.

Mayor Cervenik presented Res. 172-2005 to Mr. Foster who is owner of Perkins Restaurant, for his support of the Euclid Police Department's D.A.R.E. program.

Chief Maine – I wanted to make mention of the fact that this Council and this Administration have been real supportive of our Weed & Seed initiative over the years. I'm pleased to announce that we recently got notification of Washington, D.C. that we will be funded for another year for 2006. That funding period will run from May 2006 through the end of April 2007. I can't tell you how competitive this process is. There are so many Weed & Seed sites that have applied for the funding and very few of them get it. The fact that we've been recognized for the second year in a row now, I think is a real feather in the cap for the City of Euclid. I wanted to pass along that good news.

Chief Maine, Capt. Nosse, and a representative from the Greater Cleveland Safe Kids, Safe Communities Coalition and Rainbow Babies and Children Hospital Community Safety and Resource Center presented an award from IACP.

Mayor Cervenik – I would like to call on Fire Chief Tom Cosgriff to let you in on a few things that have been going on over the past week or so.

Chief Cosgriff – I'm anticipating many questions this evening regarding the flyer that was distributed to homes across the city. This flyer declares that the Euclid Fire Dept. has cut staffing again and that the general public and the city's firefighters are in danger. This flyer, although unsigned, was printed and delivered by the Firefighters Union Local 337. I myself was unaware that it was to be delivered and quite frankly I was disappointed that it was. I have communicated this disappointment to the Executive Board of Local 337.

I'm sure that members of Council, as well as the general public, are wondering how we got to this point. I'm going to try and explain how this happened without assigning blame to any person or persons. First of all, I would like to start by reiterating a statement that I made to Council back in March 2003 when we decreased our daily manning from 19 men per day to our current 16 man minimum. At that time I explained what we call the big four in firefighting, namely: fire attack, search and rescue, ventilation and backup. I explained that with 19 men and 4 firefighting units in service we were able to accomplish all four major tasks in the initial stages of an incident. When we dropped to 16, there would be a delay in performing at least one of those tasks and obviously the sooner you get all those jobs done the better.

I still believe that 19 is the number that we should strive for. But until it becomes possible to return to that level, we will continue to operate with life safety as our number one priority, both our own and the public that we are paid to protect.

For the last three years we have maintained that 16 man minimum. Unfortunately that changed on November 9<sup>th</sup> when we were forced to drop below 16. A combination of events made this change necessary. The most significant was the extraordinary number of long term injuries we face this year. With our overall numbers being down, those men had to be replaced with overtime.

The flyer was correct in stating that we have not hired any new firefighters since 2001. We've also had very few retirements since that time. As a result, we have a great deal of our work force that enjoys the maximum amount of time off. Replacing retiring members with new recruits, would allow us more manpower for the dollars that we are spending. But many firefighters have delayed their retirements. This coupled with the downturn in the economy has prevented us to have the available funding for hiring new firefighters.

So, who's to blame for all this? You could certainly try to blame the current administration, but I'm sure all of you recall that in 2004, the Mayor's first year in office, he was faced with a \$2 million budget deficit. This Mayor did not create this deficit, he inherited it. I'm happy to say that I have confidence in his ability to deal with it. This takes long term planning and establishing goals and we are doing that. We've had numerous discussions regarding the Fire Department manning and where we hope to be in the next few years. We have a plan in place to fill the Assistant Chief's position as well as hiring three new firefighters early next year and three more in 2007, along with replacing the retiring firefighters.

Unfortunately that plan will not come to fruition if we are forced to amend the Fire Department budget once again. As you know we have amended our overtime budget twice already this year to the tune of \$100,000, not including the pension contribution. In order to achieve our long-term goals, we felt that it was necessary to make some sacrifices in the short term. We met with Local 337 and tried to come up with a solution but we were unable to and consequently the cuts took affect. The Firefighters Union was well aware that the cuts would take affect and must accept some of the responsibility for that happening.

I would like to take a moment to explain the cuts that we did make. In a nutshell, the cuts for Station 1, our most centrally located station, to operate in what we call a jump-mode when we are down to 14 men. This meant that if they received an EMS call, they would respond with a rescue squad. If they received a fire call, they would respond with a pumper. At 13 men, the pumper would be put out of service and the rescue squad would be the only vehicle manned.

Throughout this time period we have been able to maintain three rescue squads in service virtually 24 hours a day. We also have mutual aid agreements with our neighboring cities and we would utilize this system should the need arise.

I would like to say that we continue to discuss options with the Board of Local 337. The latest proposal was voted on and accepted by the Union at a special Union meeting last night. As of 08:30 this morning, we have returned to our 16 man minimum and will remain there for the remainder of the year.

As a result of this agreement, we are anticipating being able to achieve some of our long term goals, that of increased staffing in the Fire Dept. I would like to thank both the Administration and Firefighters Union for their cooperation during this rough time. If anyone has any questions, I'll try to answer them.

Mayor Cervenik – I would like to thank the members of Local 337 for continuing to work with us to resolve this problem. I am not thrilled with everything that happened, nor are they thrilled with everything that happened. But I firmly believe that both parties have learned from what just went on. We've learned that the important thing in all of this is to make sure that our residents are safe. I'm here to tell you tonight that our residents are safe.

I'm here to tell you tonight that we will be hiring, and I'm not sure what the time frame is, I'm hoping its no later than January, but we are on a fast-track to hire three new firefighters very early on in 2006. We also have a sincere commitment because we now have a list, a valid list of potential firefighters that when a firefighter retires and I believe there will be upwards of six this year, they will be immediately replaced because we will not allow our Fire Dept. numbers to fall any lower than they have been in the past. You also have my commitment that in 2007 our budget projections makes this a reality that in 2007 it is our intention to hire three more firefighters regardless of how many retirements we have. We will continue to fill those retirements.

Between those six new firefighters and hopefully all of those that are on light duty for various injuries and situations, with all of them back in the fold, more often than not, we should have our 19 firefighters per shift that are needed. If something happens that we don't have that, we will look into 2008 and determine how we can best accomplish that goal so that we continue to have 19 which as the Chief said very early on, is the optimum number for the City of Euclid.

If we all work together, watch our budget, make sure that in our future our discussions are discussed where they should be, I think we're going to be fine. I've learned a lot from this. I think the Chief's learned from this. I think the Local 337 has learned from this and our residents have as well. We are a safe community and it is all of our goal working together to make this community even safer yet. I just appreciate everybody's cooperation through this troubling time.

President Sustarsic – Relative to that, there was that federal grant, does that come into play with the future hires?

Chief Cosgriff – At this time we have not heard that we've been successful with the grant or not. Still waiting, keep your fingers crossed.

Mayor Cervenik – Regardless of the grant, the commitment for three new firefighters in 2006 and three in 2007 provided we have Council's approval, the commitment from the administration is that regardless of that grant that increase in numbers will take place. Obviously if we receive a grant that will either supplant our plans for those hires and may make it very possible to get us much closer to that 19 men per day because that will allow us a 4 year period in which to help pay for the increase. We could not go up to 19 men per day with the budget we have right now. If we were to get that SAFER grant that could speed that up tremendously. The thing you do need to remember about the SAFER grant, I believe it is a 4 year grant total. In the fifth year those that we've hired, we must maintain. The grant will allow us to hire up to 10. We've got to make sure through long term planning that we can continue to have those ten funded through our normal sources, or find other grant monies.

But the commitment is here for our firefighters. I can say the same for the Police Dept. The first meeting in December, the next Council Meeting, we will hopefully be doing something, and I believe we will be doing something for the first time since 2001 and we will be swearing in three new policemen. The Police Chief has conducted the interviews and made the request for these

firefighters. The Civil Service Board has given us the list of those that are eligible. So we hope to do that at the next meeting and I hope very early in January we do the same with the firefighters.

This administration, this Council has been committed, the new Council will be committed to making sure safety forces are strong.

Councilwoman Mancuso – Chief have you kept the mutual aid communities around us apprised of what you are doing and how you're resolving this? As you know it's a very tight knit community and everybody understands mutual aid to a point. So have you told them what you and the administration has done to resolve this at this point in time so that they are at ease?

Chief Cosgriff – I haven't had the opportunity to apprise them of this latest development. I did speak with the South Euclid Chief and the Wickliffe Chief when this originally happened. I did not have a chance to call either of them today.

Councilwoman Mancuso – I would recommend you do that tomorrow. I think it would put everybody's mind at ease at least for the time being. Thank you.

Mayor Cervenik – On another subject, to my left is Dean Grida. His is our Acting Recreation Director. As you all know, Director Will's daughter had some surgery, some very serious surgery. I'm happy to report to you that all in all, considering the seriousness of the surgery things are going well. Dean has been filling in very competently and we're glad to have you here tonight. Kathy sends her regards and appreciates the thoughts and prayers we've given her and her daughter.

Breakfast with Santa Claus is December 10<sup>th</sup> from 9:30 to 11:00 at the Clubhouse at Briardale Greens. As the kids are there waiting for Santa's arrival, they can enjoy a light breakfast along with making special holiday crafts. Pre-registration is in the Recreation Department. The cost is just \$1 per child. Either stop in or call 289-8114 for reservations. We would just like to have some idea of the number of children that are going to be there because we certainly wouldn't want Santa's bag to run empty before all the visitors showed up.

It is with very deep sorrow that I inform you that we have an employee Mike Visti who works at the Waste Water Treatment Plant. His wife Cindy passed away this weekend. They have children ages 10, 8 and 6. I would ask you to please keep them, their family and friends in your thoughts and prayers. Funeral services are at 11:00 AM at the Painesville Assembly of God. Calling hours are 2 to 4 and 6 to 8 tomorrow at the Johnson Funeral Home at 368 Mentor Ave. in Painesville. I think it sort of puts some of the things we all worry about into perspective at times. Our prayers and thoughts are with the Visti family at this time.

As you know this is the last Council meeting for the council members here and I will save my comments to you until the end of the meeting. I would like to announce that we welcome the incoming council. There is a Swearing in Ceremony. It will be held this Sunday at 1:00 PM at the Shore Cultural Centre, and the public is not only invited but encouraged to attend. All incumbents and new Council are welcome and we look forward to working with the new Council. With that, I need to turn it over to the Service Director who has a few quick announcements about leaves and garbage pick-up.

Director Gulich – Our holiday trash pick up will be accordingly. This Thursday, Thanksgiving, there will be no trash pick up. Thursday's pick up will be on Friday. Friday's pick up will be Saturday and that will get us back into our regular schedule next week.

For Christmas, only a little over a month away, then New Year's the following week, both being on a Sunday, there will be no affect on the trash pick up so that should make that one pretty easy to remember.

Leaves, we've got a lot leaves to pick up last week. We did fall a few days behind. We cleaned out Tuesday's section today. We're well into Wednesday's section. If the white stuff holds off tonight, we expect to be into Thursday's section by tomorrow so we can get caught up in a hurry. We're working late each day this week. Please report, we've been able to work a lot of overtime hours. The weather Friday and Saturday was pretty cooperative. Tonight, tomorrow night and Wednesday, we'll work late. We won't be completely caught up, but we should get a chance to get through the city very well and then hopefully next week be back to our regular schedule. The good news is, there's not a whole heck of a lot more leaves to fall. A little cooperation from the weather, we'll be back in the swing of things. I'm hesitant to announce any type of completion date, the weather being as crazy as it is, I hate to go out on a limb at this point.

Please rake them out, if you're not sure weather you are going to rake or not, give City Hall a call, I apprise everybody daily, where we're at and you can find out if you need to go out and rake right away or whether you can wait a day or two. Thank you very much.

#### REPORTS & COMMITTEE MINUTES

Councilwoman Holzheimer Gail moved to receive the Animal Shelter Report from October, 2005 and Board of Control Minutes from October 31, 2005 and November 7, 2005. Councilwoman Hufnagle seconded. Yeas: Unanimous.

Councilman Langman moved to waive the 24 hour notice and place on the Agenda Resolution (456-05). Councilman Delaney seconded. Roll Call: Yeas: Unanimous. 24 Hour Notice Waived.

#### COMMITTEE OF THE WHOLE

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

Mr. Victor Goodman – 20201 Glen Russ Lane – I have a question both on #3 and #4. If I remember, Mr. Gulich, you mentioned that on the recycling, that they do not recycle papers, they throw those away. Was that correct? I'm not sure.

Director Gulich – Right now there's a good market for paper so the papers as we've demonstrated with the Abitibi, the papers are being recycled. As a matter of fact, I believe Waste Management is the biggest single contract holder with Abitibi.

Mr. Goodman – Will we be continuing with it if we do pass recycling of plastic and glass, will we continue with the other programs so that we can still benefit various organizations within Euclid?

Director Gulich – As I understand your question, not change that aspect of our recycling, absolutely.

Mr. Goodman – So this is just for bottles, cans, and all that stuff?

Director Gulich – Yes.

Mr. Goodman – Will you make sure that if this is passed that it is totally sent out to every resident otherwise they'll start putting papers out. I'd appreciate that. I would just like to, being that I had no idea of this, if and I'll sit down, if someone would explain exactly what is going on with Item #4, being that it is a cost of \$33,000. Thank you.

Mayor Cervenik – I believe the Law Director will cover that when we get to that piece of legislation.

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

#### LEGISLATION

##### **Res. (455-05) UDE 1331 E. 260 St.**

A resolution granting a Use District Exception, pursuant to Chapter 1375.01(a)(3) of the Codified Ordinances of the City of Euclid, to Mr. Willie Trotter, Pastor of House of Jubilee Ministries Church to allow a UR-2 (Church) use in a U-6 (Industrial/Manufacturing) Use District at 1331 East 260<sup>th</sup> Street, Permanent Parcel #648-26-005. (Sponsored by Planning & Zoning Commission)

First Reading.

##### **Res. 173-2005 (454-05) Co-Location Tower**

A resolution approving an antenna co-location on an existing tower located at 1296 East 260<sup>th</sup> Street. (Sponsored by Planning & Zoning Commission)

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

Director Pietravoia – Mr. Torowski is prepared to give a report from last week's meeting of the Planning & Zoning Commission.

Commissioner Torowski – Fibertower submitted an application to the Planning & Zoning Commission for a co-location of a single antenna on an existing wireless communication tower

located at 260<sup>th</sup> immediately adjacent to the railroad tracks. Fibertower provides service to wireless carriers throughout the US and they are expanding their network in the Cleveland area and the 260<sup>th</sup> tower is an acceptable location for their service. Fibertower has met all the criteria for the co-location of antenna per Section 1399 of the Planning & Zoning Code. They presented at last Tuesday's Planning & Zoning Commission meeting and the request for the co-location was approved unanimously. Mr. Jones from Fibertower is in the audience if Council has any questions for him.

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

Mr. Ralph Jones – 13900 Shaker Blvd., Cleveland, OH.

Councilman Langman- My first question would be for Mr. Torowski and forgive the radio voice, I have a little bit of a cold. Mr. Torowski exactly where is this tower? I'm trying to picture it. I drove 260<sup>th</sup> and wasn't quite sure where it is exactly.

Commissioner Torowski – This tower is located just past the railroad track underpass next to Mullins and the Automotive. It is off to the right on the top of the hill. You might drive past it and not see it if you don't look up.

Councilman Langman – If the gentleman could speak to that and why he wants to do it and all that good stuff, I would appreciate it.

Mr. Jones – This is what I call a precursor to the e-9-1-1 service world. Very narrow band locator. Our band is specific. It goes from point-to-point. It is not an omni point locator. We are going to go in at the 145 ft. level. We are going to back up all cell towers and all carriers that are on that tower as well as others.

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

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

Passed.

#### **Res. 174- 2005 (451-05) Recycling**

A resolution authorizing and encouraging the Mayor of the City of Euclid to reinstate curbside recycling pick-up. (Sponsored by Councilman Gruber)

Councilman Gruber moved for passage, Councilman Delaney seconded.

Director Gulich – Last year when we presented you the budget, obviously we provided a number of ideas for the administration to save money in a time of need. This was one of the ways we mentioned to Council during our budget presentation and currently as of today's map we are on target to save between \$93,000-\$94,000 compared to if we would have done the recycling every other week. There is a line item in the existing contract extension that kicks in on March 1<sup>st</sup>. In order to kick in that recycling every other week starting in 2006, that amount would be \$153,830. That would be the cost that would kick in at that time.

Mayor Cervenik- I would like to clarify a statement that was made by a resident that this curbside recycling would only be for cans and bottles and plastics. It is my understanding and the Director can correct me if I'm wrong, the recycling program that he mentions there would not forbid any resident from putting the newspapers out on the tree lawn as they have in the past if we reinstated to curbside recycling. A resident could put those papers on the tree lawn rather than taking them to an Abitibi bin that many of our organizations do now have. I would like to commend the sponsor, Councilman Gruber for his commitment to recycling and I think this really needs, I have no problem with this being passed tonight.

I think during budget hearings we need to determine if we want to go back to curbside recycling and spend that money, or maybe we want to find some other ways to encourage and help those who aren't able to drop off the recycling, to help that become a reality. Whether we just knock on our senior neighbor's door and say every Tuesday I drop my recycling off at Lakeland, I'll come

by and pick yours up. Getting some of these organizations that have Abitibi to maybe do a neighborhood drive a couple times a year where residents can just have their papers out by the front yard as we do with good will and that. It should also be noted in our discussions that I believe the City of Willoughby and now the City of Wickliffe and probably some others in Lake County are now eliminating or intending to eliminate curbside recycling because of the cost of the recycling. They are looking at some of the items that we've done over the past year and finding ways to grow that. We really need to discuss this in budget hearings. If we need to take a hundred and some thousand dollars for this recycling, we need to determine what not going to spend that \$100,000 on. But, I commend the efforts of the Councilman to bring this to the forefront to make his feelings known.

Councilman Gruber – As we went, as several of us council folks went door-to-door, we encouraged residents for their views and opinions and one of them was recycling. That is probably one of the biggest issues that I've heard besides police and fire. Also on the way I found that there are other options that we may need to look at. We could put this out for bid, just for a company to come pick up recyclables versus the company that we have now; pay them through the fruits of their labor. We don't want to hurt anybody like PetPals or anybody where the paper is delivered now. So maybe we could look into other options such as just picking up from seniors. I had a lot of seniors that are concerned about recycling. A lot of the younger folks, want to protect the environment as we all do and do a little better job recycling, so I'd be very willing to look at our options during budget talks and see if we can't come to compromise to make it appealing to all the citizens and the administration in our budget. So I look forward to working with you on this and encourage my council colleagues to look into the recycling issue and come to a happy medium. I know that other cities might be getting out, but with our large volume of recyclables it may very well be advantageous to us to look into maybe bidding this service out and other options. I appreciate your support.

Councilman Langman – Director Gulich, what are some of the other communities in Cuyahoga County doing? Have they gone towards curbside? Or they moved away from it? What is the County doing to encourage the pick-up and the slack of recycling?

Director Gulich – I had the conversation with Pat Holland's office just today as a matter of fact. They tell me as of today in Cuyahoga County, just the City of Cleveland is doing drop off only. Many other cities are doing drop off, but they are doing that in conjunction with some type of pick up. Currently there are other cities considering going to drop off only, but to answer your question, only Cleveland and again as the Mayor said with some recent changes in how Lake County is operating their county-wide system a number of our western boundary Lake County cities are making that move shortly.

Councilman Langman – Do we know Director Gulich whether recycling participation has fallen since we've gone to the current set-up as opposed to the curbside?

Director Gulich – I can throw you some quick numbers. I hate to bore you guys with all kinds of statistics, try to save those for the budget meetings. I do have some tonnages here. I'll throw out round numbers. Last year 2004, we were about 2,329.8 tons, that was total 2004, everything. Right now we're on track, extrapolating out to the end of the year we should be just shy of 1,000. When budget time comes, I'll be glad to bring the final numbers and shouldn't change to much from what we mentioned tonight.

Councilman Langman – Those figures do they factor out the paper that's going to Abitibi and some of the other programs?

Director Gulich – Taking that into effect and I can provide on paper some numbers pretty simply that should explain the whole picture.

Councilwoman Hufnagle – My concern would be voting on this this evening and it affects the 2006 budget. I don't feel comfortable doing that this evening. Also as the Ward 3 representative, I can say that I have not had one comment about reinstating curbside recycling. My concern this evening would be that we would take away from the non-profits that rely on the paper recycling and I think we hear every month from PetPals how much money they are making from this. So, if this is put to a vote this evening based on those issues that I've mentioned, I'll be voting no. Thank you.

Councilwoman Holzheimer Gail – I had some of the same concerns. I certainly support looking at the program and I think we've all expressed an interest in doing that. My question to the Mayor is are you planning budget hearings for December so we might have an idea before the end of the year and would it be prudent to send this to the Executive Committee to be discussed with the budget?

Mayor Cervenik – Sending this to any committee doesn't do much good because everything in that committee dies when a new council term takes over. There is really no harm in passing it, there is no harm in abstaining. Budget hearings, the future Council President is out of the country until I think tomorrow. We will schedule a meeting and I will see what his preferences are. What I'm going to ask is out of deference to the new council, we would like to give them budget packages and have them look them over for awhile. What our task, unless you tell us otherwise, would be to have the Council pass a temporary budget in December and have budget hearings either the first or second week of January. Once everybody has had a chance to look at them, once we've had a chance to understand what priorities and important issues this Council wants to tackle. Last year we passed it in December. This year because a new council is coming in, January is fine, but I really don't want it to go much farther than that, like the second week. So, like I said, we all want to save the planet and do things and I've just got a feeling that if we put some effort behind, we can greatly increase on this 1,000 tons and exceeds the 2300. Abitibi is willing to work with us with some PR programs as well. We probably need to call them in. The other thing is, as the Director said, Waste Management does not need to know until sometime probably mid to late February, well I shouldn't say that because they will need to put another truck on. Out of courtesy to them, we would probably want to let them know by February 1<sup>st</sup> if in fact in March we want to start the curbside recycling. So, I will talk to the incoming council president and if that schedule for budget hearings meets his approval, that's what we'll do. We'll be ready to do it early if necessary, but you've got a number of new council people and I think it would be good for them to be able to digest the budget system as well.

Councilman Delaney – I certainly support this. This is a resolution and even if it were voted and passed tonight, as the Service Director said, the fast-track, it probably would not start until March. I remember when we went from every week recycling to every other week recycling as a budget cut that our tonnage actually went up. When we found the residents were actually hanging on to their recyclables and being more diligent about it, I think that everyone that's become accustomed and familiar with contributing to the on-site recyclables for our non-profits will continue to do that if that still exists. It is in their pattern, that's always a good thing.

I was actually before going to ask if all of Council wanted to add their name to this. I certainly would like to add my name to it. I think that as the Mayor mentioned, the future Council President he actually conducted a city-wide survey that he will make available to everyone. I had a chance to look at it earlier and I would say that curbside recycling is in the top 5 of our residents hopes and wishes for the future. I'm pretty confident that's a city-wide desire to have it returned. I was pleased to see that it was on this agenda because I think the sooner we put this behind us, the more we can plan for the rest of what we have. I would support this and ask that my name be added to it.

Mayor Cervenik – All the while we had curbside recycling whether it was every week or every other week, every year you would read in the paper the percentage of waste per community that was recycled. The City of Euclid in spite of all our efforts was always in that 10-11% range. Part of the reasons for that is that many communities that you saw in the 40-50% range paid additional amounts to institute not only the curbside recycling for plastic, cans and papers, but also instituted the recycling for yard waste, grass clippings and leaves and those kinds of items, that we also keep out of landfills by our leaf pick up and those kinds of things. In those communities you do not throw your grass clippings into the garbage, they are picked up in a specific bag. I just found that out about 4-5 years ago. I wondered with recycling they say 50% of our households are recycling and yet Pat Holland said that Mayor that's because you're not doing the recycling of yard waste. That's really the heavy pick up. So if were really going to talk about it, that probably should come into our discussions as well. If we really want to pick that percentage up. Just a point.

Councilman Gruber – On a closing note, I know the State of Ohio has raised our tipping fees for trash that we take to land fill and I know that is a substantial increase. We also have to look at the increase in the tipping fees versus the cost of the recycling of the program. That's something else to keep in mind. They charge either way.

Director Gulich – Doing the math real quick, if we dropped off 1500 tons times \$1.50 that's about \$2,400, if that makes since.

Councilwoman Holzheimer Gail – I don't mean to belabor the point, but I just want to make sure residents and people watching are clear that this is not the final decision. This simply expresses council's intent to explore and get back to curbside recycling in some form. As we've heard from both the Mayor and Councilman Gruber, we're going to be looking at different options. This is Council's intent, this is not a binding final decision.

Councilman Gruber – Don't put your stuff on the curb yet.

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

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

Passed.

**Ord. 175-2005 (450-05) Counsel for Fire Chief**

An emergency ordinance authorizing the payment of Thirty-three Thousand Eight Hundred Seventy-nine and 20/100 Dollars (\$33,879.20) to the law firm of Millisor and Noble, in connection with the defense of the City, the Fire Chief, and former and unnamed members of the Fire Department in a wrongful termination lawsuit brought by former Fire Chief Michael Dworning. (Sponsored by Mayor Cervenik)

Councilman Gruber moved for passage, Councilman Daly seconded.

Director Frey – As Council's aware, I sent a memo dated November 10<sup>th</sup> indicating this legislation would appear on tonight's agenda. In October 2004 former Fire Chief Dworning filed a law suit naming the City of Euclid, the current Fire Chief, a retired firefighter, the Mayor and several unknown or unnamed firefighters as defendants in an action that speaks to both a wrongful termination and defamation.

That law suit has been handled to the extent it could in-house through some of the early discovery, document discovery, some of the other discovery matters, and now it is proceeding to the point where depositions have commenced in that suit where experts are being called for purposes of reviewing computers, computer hard drives, e-mail messages and so forth. It was at that point where I determined in consultation with the Mayor, that we needed to bring in a firm who handles employer-side employment matters and the firm Millisor and Noble, this is what they do. They are an employer-side employment law firm. Richard Millisor is the principal attorney assigned to this case, although there are several other associates in the firm working on it as well. A number of depositions have been taken of city employees and city officials, more of that is yet to come. The matter is scheduled for a trial in June of 2006. The city will take all responsible steps to defend itself in this matter, including considering all options that maybe available to it. This is the first invoice presented by Millisor. I wanted to try and get as much of the expense associated with 2005's work into the 2005 expenses. This represents their services. It is a large portion of that, but in part that's getting the firm, the attorneys that are working on the case up-to-date with volumes of records that have been produced until this point.

That's what this is, it's the authority to pay this first invoice. I'd be glad to answer questions, so long as they are not privileged in nature.

Councilman Langman – Law Director Frey, in one of the whereas it indicates there might be substantially more, any idea if it would be double this initial outlay, or don't have any idea?

Director Frey – My professional estimate is that this suit could cost the city upwards of \$200,000 in defense. The stakes are substantial however. It's the demand while not specified in the suit is I believe substantial in nature in excess of a million dollars.

Councilman Langman – It kind of begs the next question, if we should happen to come out at the wrong end of the decision, what would be the potential damages the city would be liable for?

Director Frey – I'm not willing in this forum to discuss the nature any further of the claims or the demand. The risk to the city is substantial. It is prudent on our part not only to vigorously defend but to look at all options; if there is a way out of this suit to figure that out pretty quickly.

Councilwoman Holzheimer Gail – Director Frey, the ordinance indicates that this comes from the self-insurance outside counsel, law department outside counsel funds. Do we have enough in the current budget or will this require an amendment?

Director Frey – We have enough in the current budget between those two accounts to pay this balance. We won't have much more in either of those two accounts. That is why I wanted to get this in this year if I could.

Councilwoman Holzheimer Gail – I don't know if you can answer this, if its privileged, but I guess I'm concerned what former and unnamed members of the Fire Department. Is it unnamed because it shouldn't be public, or is that something that is typical?

Director Frey – It is not atypical. The unnamed, I don't know who they are. They have not been identified in any of the course of depositions. What would happen in a situation like that is if through the discovery process the Plaintiff were to determine the identity of individuals that he believed wronged him, he would then move to amend the complaint to specifically name those individuals.

Councilman Sustarsic – The money we'd be spending for these attorneys' fees, if the outcome of this case turns out in favor of the city, we have to eat these costs or are they paid back in some way? How does that work?

Director Frey – The answer to your question is we would absorb these costs without recourse. The law in the United States anyhow provides that unless there is a statutory provision that allows the recovery of attorney's fees and costs, each party bares his or her own cost of litigation. There is not statutory provision that would allow the City to recover its costs in this case.

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

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

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

Passed.

**Res. 176-2005 (456-05) Millage Levied.**

A Resolution adopting the rate of each tax necessary to be levied both inside and outside the ten-mill limitation, as certified by the Cuyahoga County Budget Commission. (Sponsored by Mayor Cervenik and Entire Council) (24 hour notice waived)

Councilman Gruber moved for passage, Councilman Daly seconded.

Director Johnson – This is as I repeat myself quite often, is a rather routine piece of legislation. It is presented to you at approximately this time every year. As a matter of fact last year this Council adopted this piece of legislation on November 15<sup>th</sup>. This Resolution sets the rates that we will levy for property taxes and certifies those rates to the County Budget Commission. The rates that are in front of your are exactly the same rates as we had adopted last year. There are no differences. I apologize for not having this on the Agenda prior to this evening, but we received these rates late from the County Auditor because the Two Mil Sewer Levy and the election for the Two Mil Sewer Levy had to be certified prior to, or the determination as to whether it had passed or failed, had to be determined prior to the rates being certified to us from the County Budget Commission. So we did not have time to get this from the County Budget Commission in time to have it on the Agenda. I had called to ask if we could put this off until the next Council Meeting and the problem with that is the property tax bills go out December 15<sup>th</sup>. Unless Council is interested in holding a Special Council Meeting before December 15<sup>th</sup> in order to get the Two Mil Sewer Levy onto the property taxes this year, we would need this passed this evening. I'm sorry, they wanted them before December 2<sup>nd</sup>, but the property tax bills go out on the 15<sup>th</sup>.

Councilman Langman – First of all I would like to thank the Mayor for calling just to give us a heads-up and I'm sure he called other members of Council, appreciate that. Director Johnson, the tax evaluation, has that changed, gone up hopefully from last year to this year, do you know offhand?

Director Johnson – It has changed, Councilman Langman. Last year tax evaluation was \$852,863,790. This year the tax evaluation is \$825,744,470.

Councilman Langman – So it has gone down?

Director Johnson – Yes.

Councilman Langman – Any reason off hand that you might know of?

Director Johnson – I would say that the sales of many of the large industrial parcels, such as PMX or the Euclid Square Mall or transactions like that are the biggest factors in the property values. They could be on the books for a certain amount, but once they are sold, if they are sold for much less than the value on the books, the value is automatically reduced to the sale price.

Councilman Langman – So that's what happened those evaluations came in at the lower level for some of those parcels?

Director Johnson – Sure.

Councilman Langman – Thank you.

Mayor Cervenik – On that issue, that's why its so very important for us in the future, very near future to make sure that our lakefront development program is underway; that will be \$42 million or more. The announcement of the PMX with over one million square feet of new industrial property. All of those things should raise this evaluation and we're going to keep working long and hard to make sure that happens. The Mall at one time was valued at well over \$10 million. It was purchased at three. PMX was probably valued at five or six million dollars. That was purchased for under a million. I will say the schools, with our help has been very vigilant in looking at properties that sell for a higher value than what they are assessed for to go out and pro-actively petition the county to raise those prices so we get the tax dollars that are do us.

With some of the economic development things that are here now and are coming up, we're going to see that evaluation rise and hopefully rise dramatically.

Director Johnson – In addition to what the Mayor has just said, the State Department of Taxation has also recommended to every County Budget Commission to reduce the valuation for tangible personal property by a flat 25% too. Just so you know, of the total of the general tangible personal property value is about \$60 million of the \$825 million. That's a 25% reduction as recommended by the State Department of Taxation also in addition to what we think are the property valuations.

Councilman Langman – That's the recommendation since that tax is being in essence reduced and phased out.

Director Johnson – We'll be talking about that more at the budget hearings. That's being phased out along with local government and some other things and they are being replaced by what we've all heard is the CAT tax, the commercial activity tax. We'll talk a little bit about that during the budget hearings. We attended a one day session on it and what they're telling us is as those taxes are being phased out and the commercial activities tax is being phased in, this is over a 3-5 year period, that we should not experience any net loss in revenue, but that still remains to be seen.

Councilman Langman – Are they going to guaranty that for us?

Director Johnson – There's no guarantees.

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

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

Passed.

### **CEREMONIAL RESOLUTION**

#### **Res. 172-2005 Foster/Perkins DARE**

A resolution of appreciation to **Joe Foster**, owner of Perkins Restaurant & Bakery in Euclid, for his support of the Euclid Police Department's D.A.R.E. Program and the Euclid community. (Sponsored by Mayor Cervenik and entire Council)

Councilman Sustarsic moved for passage, Councilman Gruber seconded.

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

Passed.

### **COMMITTEE OF THE WHOLE**

Councilwoman Hufnagle moved to go into the Committee of the Whole. Councilman Gruber seconded. Yeas: Unanimous.

Mr. Tod Guntner – 390 E. 257 St. I'd like to request an extra 10 minutes. Just kidding. How's everybody doing this evening? Euclid PetPals is sponsoring their third annual Pictures with Santa for your pet. It will be held at the Shelter on Thursday evening December 15<sup>th</sup> from 6:00-8:00. Also on Saturday, December 17<sup>th</sup> from 12:00-4:00, pictures are \$5 for the first picture and \$4 for each additional. There will be a gift with each purchase. We encourage everyone to come out and have your pet's picture taken with Santa this year.

We also have our Our Town, All Around books on sale for \$20. You can pick them up at the Shelter, Tuesday through Saturday from 12:00-4:00 and in the evening on Thursday from 6:00-8:00.

Recycling, I just got a check today, this check says \$698.84. That equates to 93,178 pounds of paper being brought to the Euclid Animal Shelter. That doesn't include all of the other Abitibi binds all around the city from the Hunger Center to the High School to St. Robert's Church and all the others I've missed. You can see how many people are helping with recycling. Again, I'd like to thank the citizens of Euclid for their efforts and for their generosity. There's a couple of people that I pick up from that can't get out, so I would like to piggyback the Mayor's comments about getting out there and checking with your neighbors, checking with the elderly. Please pick up their recyclables and their paper and take them for them. I would like to challenge at this time the Boy Scouts, Girl Scouts, Demolay, Rainbow Girls, church youth groups. Get involved with recycling. Get a program together. Kids when you go to school in the morning, check your area. There's paper on the tree lawns, there's recyclables on the tree lawns, get a program together and get these recyclables to where they need to be, either at the Animal Shelter, Hunger Center, your church, your school, wherever. This is a very badly needed. Just this month alone with our paper, I said this once before, we're looking at saving landfill space by about 2/3 of a house. That is just us, that is not anybody else. If you can imagine what we've done over the year. We're well over \$3500 close to \$4,000 for the year and we may hit close to \$5,000 just for recycling.

Again I appreciate all the efforts from all the citizens and everybody get involved. Also neighborhood associations, get together and have neighborhood drives in your neighborhood to pick up recyclables for the elderly. Pick up the papers and get them to whichever bin, whether it be for PetPals, Hunger Center, whoever. But we need to keep as much out of the landfill as possible. I'll leave you with this note. One little 20 ounce plastic bottle of soda, only takes 10,000 years to go away. It will sit in the ground for 10,000 years. Please, everybody do your part, help out. PetPals thanks you. The Hunger Center thanks you. St. Robert's and everybody else thank you for your efforts. Have a great evening.

Mr. Greg Skok – 27125 Oriole Ave. I'm a life-long resident of the City of Euclid and since January 1, 1978 I've been a Euclid firefighter. I'm a past-president of the IAFF Local 337 Euclid Association of Professional Firefighters. While both Chief Cosgriff and the Mayor spoke at length about the recent occurrences and the flyers that were past out, the Firefighters feel that it is important that City Council, the Administration and the residents of the City receive an explanation from the Firefighters as well. I'm here to give you that explanation.

On February 18, 2003 as President of the Firefighters Union, I spoke before the Euclid City Council and read statement entitled the Systematic Dismantling of the Euclid Fire Department. In

my statement, I spoke about the fact that the Department had been cut from 92 personnel in 2001 to 82 members in early 2003. Today the department consists of 76 personnel.

The year 2005 started off with a tragic loss of a 41 year old brother firefighter, Lt. James Mataraza. The year continued with unforeseen and unpreventable injuries to a number of firefighters, as well as the birth of a child to our female member. This set of circumstances on top of the reduced size of the department over the last four years made it extremely difficult to maintain daily manning without a large amount of overtime shifts being worked. There simply were not enough firefighters available to adequately maintain daily shifts.

The firefighters are acutely aware of the financial strains under which the city is functioning today and we have continually made efforts to help reduce the cost of operating the department. The city's decision to cut staffing was driven by justifiable financial concerns and the firefighters response was based strictly upon concerns over firefighter and citizen safety. Unfortunately the city and the firefighters did not agree on the issue and the city went ahead and cut the daily staffing. The firefighters response was to take their message of safety to the citizens of the city.

Over the course of the last week, fire union representatives and the city administration have met and managed to work out these differences and I'm happy to say that daily manning has been returned to 16 personnel per day as of this morning. While I'm happy that staffing has been returned to 16 personnel a day, I'm still concerned. The reason for my concern is the fact that the department is still operating at less than optimal levels of total strength and daily staffing. Without additional department members, it will be extremely difficult to maintain daily staffing and we will face the same situation again in the new fiscal year.

I trust that as the city succeeds in addressing its financial concerns and the new revenue streams become available, the city will realize that it needs to bolster the ranks of the fire department. I would also like to take the time to assure the residents of the city that no matter what difficulties the fire department faces, we will always respond as quickly and professionally as possible. No firefighter will ever arrive at your door unwilling to give 110% to assist you regardless of the situation. We will never settle for less than the utmost safety for our members or the citizens that we serve. Thank you.

Mrs. Deborah Kinds – 177 E. 192 St. I am here representing the Insurance Committee as the resident representative of the insurance committee. At the urgence of some citizens in the city that have asked for an update on the progress that the insurance committee has made, really wanted to just take some time out to give you a brief update. We're not going to be giving regular minutes, but this will at least give you some idea as to where the committee is standing right now and the efforts that we're actually making.

We've actually been meeting the last several months going over monthly cost data as well as analyzing some historical data that had been retrieved over the insurance costs for the city. With that we've been reviewing the usage reports, we've started to look at making some recommendations but we wanted to continue to review a couple more months of the usage reports for the employees of the city. We've also looked at the possibility of encouraging and promoting more of the use of mailing in prescriptions to possibly reduce some of the costs as well.

We've also looked at and asked for some additional information to look at employee cost, employee and spouse cost and employee and family cost. Were going to continue to review that data over the next couple months. We will be bringing some recommendations next year as the committee continues to meet. I hope this will answer some questions for some of those residents that have some questions as to what progress the committee was making.

Mara Foley Blanton - 1661 Beverly Hills Dr. I don't want to bore you with the recycling thing, but its true when I say that there is no future without recycling. I think when the decision was made to cancel the recycling program, maybe a better idea would have been to shop around. Paper, we all know it is a very lucrative business right now. Why not use that to the city's benefit. If you'd like to donate some to the PALS and let them put out their bin, that's fine. But I'm not sure who Abitibi is, but why not let the Euclid people use that for their benefit, all the money we could sell. We can use this as a unifying type program. We can have the children go around and raise money by collecting cans. This might be something that you don't have the personnel for, but I think maybe somebody could have two job descriptions and work with that as well.

Also, for the woman who does the community associations where you go around to the different neighborhoods. This is a wonderful idea. Why not give back to the community by using these same personnel to go around to the small businesses, which I haven't heard a thing about in a long time. Right now with people getting put out of work with the high cost of low prices let's say, meaning Walmart, okay shoot me for saying that. But people have gotten away from the small businesses. I think the people in Euclid are loyal enough that if you got together with these small

businesses, you might be able to work out some kind of merchants association. Maybe give them a little free advertisement airing on your station. These are some ideas that I have put together. If you'd like anymore, I charge for them, no. Again, my kid dumped fish oil on me before I could come just so you can smell what a dump really smells like. If you wouldn't mind, I would like to go around just one more time. I've noticed that sometimes when you can see something, it is very hard to forget about it. When you hear it, you can block it out. Whoever is benefiting from this, that other 1500 tons that got thrown away is not benefiting anyone. Thank you.

Mr. Victor Goodman – 20201 Glen Russ Lane. In just a few days will be Thanksgiving, a time of reflection. And so I want to give thanks to a number of people. Of course I must start out first and foremost with my wife; for her patience, her understanding, her support and her unconditional love. I could have never gone through these two years without her.

I'd also like to thank the people that worked so hard in my campaign. They truly got messages out. I'd also like to thank the 13,002 voters of Ward 4 that honored me with their vote. Although there was 13,004 we know that two of those were already done. I just want to thank those people for their precious gift. Thank you citizens of Ward 4.

I want to thank all the people that I've met along the way in these past two years. I cherished their advice and more importantly their friendship. I hope that it will continue in the years to come. Before I decided to run, my wife and I discussed at length remaining in Euclid win or lose. Of course the overwhelming support of the people of Ward 4 certainly noted to my thoughts. But two events that happened last week, caused me to again re-evaluate. First a city employee recognized me and urged me to stay active. But secondly, the decision maker is that I received an envelope last week from an anonymous sender. It contained just one word. That word cemented my resolve. My work here is not done. I will remain active and I want to thank whoever that person is for making up my mind.

In the spirit of Thanksgiving and actually very surprisingly something that the Law Director did mention. In light of all the events that we have gone through in the last two years, whether we have agreed or disagreed on any of the decisions that the voters made, I am asking this Administration in the thought of, in the measure of good, well I'm getting a little lost. I'm asking this Administration to withdraw their lawsuit against Jerry Corbran, in good faith, in a measure that this administration truly wants to begin the healing process. The Law Director just stated that when you do have a law suit like with the Fire Chief, Ex-Fire Chief, that you don't recoup. So I don't know what the confusion is of why we're trying to recoup from him. But that gentleman has probably done more for the City of Euclid than all the people up here combined. I think as a gesture, drop the law suit. Thank you.

Mayor Cervenik – I can't and I should let the Law Director answer, but I'm going to and he can clean it up if we need to. We do not have a law suit against Mr. Corbran. Under the statutes that are in court and that we were being, the law suit filed by Mr. Corbran against the City, there is a portion of that statute that requires us, not asks us, not tells us, but requires us to estimate the damages, if in fact the law suit is frivolous. We did that. Why that law suit hasn't been settled yet that Mr. Corbran has filed against the City I don't know. But we're not the ones that initiated a law suit. We are simply complying by the statutes that he used against the community, the city to stop the building of a new clubhouse.

The new clubhouse is up, it's over. As far as I'm concerned the issue is over. I have no reason, no reason to collect money from Mr. Corbran. However, because I do represent all the taxpayers and that statute requires us to put those damages, those damages are in there just to protect taxpayers from having to defend and pay for quote frivolous law suits, I'm not saying that Mr. Corbran's is frivolous. But the characterization of what's happening in this Court that was brought about by Mr. Corbran, you have turned that around and made it sound as if we're the ones filing the law suit. We are not sir and I hope this whole thing just disappears and goes away. The building is up, it is operating. It should be over. I can't answer why the Judge has taken this long. Maybe the Judge just says the building is up, the building is operating, I've got other things to worry about. I don't know. But this administration, this Mayor and the Law Director, we are not filing a law suit against Mr. Corbran and I just want to make that clear. Thank you.

Mr. Tom Cooke – 25641 Edgecliff Dr. I will be uncharacteristically short tonight, hopefully. To the members of Euclid City Council who terms will be ending soon, soon, I thank you for your service to the community of Euclid. Although you will be leaving as members of the Euclid City Council, I hope you will continue to be involved in helping making Euclid a better place for all residents and businesses. The City of Euclid needs people like you, who have given all of your time

and talents for the betterment of this community with little or no compensation other than knowing you helped make Euclid a better place to live. Thank you again.

To the Euclid School Board, congratulations, your time, effort, persistence and hard work has paid off. I hope that you will continue to put the time and energy that was spent into passing the school levy into making Euclid schools once again stand out above the rest. I still remember the slogan, Excellent Education in Euclid Schools. The next time I hear or think or see that slogan I want to be able to believe it. Thank you.

Mr. Mike Mihalich – 101 E. 202. I've got a bit of a radio voice myself today, not as pronounced as yours but...

Councilman Langman - Not as good either.

Mr. Mihalich – Yes, thanks for pointing that out. Earlier this evening I filed a verified copy of a proposed measure for a Charter Amendment with Finance Director Johnson. This measure, if passed, will specifically amend Article V, Section 5 of our City Charter regarding Euclid's Law Director, changing the position from one of being appointed to one of being elected by the voters.

Currently, the Euclid Law Director position is one that is appointed by and serves at the pleasure of the Mayor. If a new Mayor is elected, the current Law Director will, may remain in continuous service or the newly elected Mayor may appoint a new Law Director regardless of performance.

To be brief, the proposed measure has increased detail of qualifications for the position. It has a set term limit of 3 terms or 12 years and it defines the settlement process by not allowing settlement of any litigation involving the City without the approval of Council. The proposed measure targets electing a Law Director during the General Election in November of 2007 it will coincide with the next Mayor's and Council races.

Having elected law directors is not new nor it should be considered radical or trailblazing. Forward-thinking communities like Rocky River, North Olmsted, Westlake, among many others elect their law directors to four-year terms. Those communities know the importance of control, accountability to residents, interpretation of law in proposed legislation, in matters of litigation. Why do it in Euclid?

In summary, the Law Director position versus all other director positions has a great impact on citizens. His decisions are critical and at times final on legal matters regarding lawsuits, legislation or hiring of outside legal representation. It is his responsibility to run the City in the absence of the Mayor. For these reasons and more it is only fitting that the citizens use the power of their votes in deciding who should hold this position. Citizens need to have that choice. Petitions for this amendment will be circulated in the very near future. Our target for signatures stands at 2,000.

In closing competition is a good thing. Ask those that just ran for Council. Competition was good. Or better yet, ask a successful businessman if competition is good and he'll say yes. It makes you work harder; it makes you work smarter and you never lose sight of your goals and how to reach them. Having competition for the Euclid's Law Director position will only serve to make the position better for Euclid. The elected will be prudent and frugal when making decisions for outsource legal counsel and settlements and maintain the goal as a person who serves the best interest for all the citizens of Euclid. Good night.

Mrs. Dolly Luskin – 56 E. 219 St. Bear with me, this is my first time. We're very excited about what's happening at Shore and we hope that it will fall through into the community. We're in the process of redoing another room and, hopefully, it'll be ready for the swearing in on Sunday.

We had the Cleveland Women's Orchestra this past weekend. We didn't get the crowd that we wanted, but we were up from last year. They're a wonderful, wonderful organization and hoping next year we'll have more people there.

And coming up on Friday, December the 2<sup>nd</sup>, we have Italian Night. We had to postpone it because our honoree had a family wedding that day so to make it convenient for everybody involved so he could be there for his family we changed it to the 2<sup>nd</sup> of December. We are honoring Don Tarantino, the architect, that was so popular in Euclid and he went to Shore. So for \$25 per person you will get a home made pasta dinner, beverages, dessert and music by the Gigolos. So I have tickets with me and I hope we see you all there this week. Thank you.

Mr. Joe Udovic – 21371 Naumann. I, also, want to be thankful for a number of things. First of all, I want to thank Councilman Langman, who what I understand from the public, Councilman Langman was very instrumental in helping bring Bi-Rite to Ward 3 on Euclid Avenue. It will be a great addition to Euclid Avenue that we have another grocery store.

I also want to be thankful to my Sensei. She explained to me the Kata Code Principles in great detail. What the Kata Code Principles tell us the universe expands, contracts and rotates. In 2001 we had expansion, expansion of ideas. In 2003 we had contraction; things went in a different way. Now we're going to have in December some rotation.

I also want to say I was in contact with Congresswoman Stephanie Tubbs Jones. I explained to her or actually her aide that we need some type of peace and growth and healing in this community and if it would be possible if the Congresswoman would be willing to come to our swearing in ceremony. Unfortunately, she won't be able to make it; but I did reach out to her and ask her if she would possibly have her presence there because I think it would be very nice of her to support the new Council because we do need some peace in this community after all the turmoil we've gone through for the past 2 years.

I also want to say I've been studying a little bit about this Golf Course issue that was just brought up this evening. The Administration claims that the costs are right on budget and that \$1,440,000. Mr. Delaney disagrees and can show the overlook charges of \$192,000. But let's not quibble about a measly \$192,000 and use the Administration figures to calculate and compare.

The 5,600 square foot new Clubhouse and Pavilion cost over \$257/sq. ft. now. That's very impressive. The renovation of the Knuth Center was halted. The Council put the spacious clubhouse, banquet facility and lower level office and storage for future expansion totaled 21,800 square feet. The Council approved a budget with over \$1,800,000. That comes to \$86/sq. ft.; \$257/sq. ft. for a small seasonal use facility compare to \$86/sq. ft. for a spacious year round full service facility makes no sense to me. This was another one of our mistakes that we made in the past 2 years. The removing of the curbside recycling as I heard this evening was a mistake.

I seen, I seen, I participated in a survey that Mr. Gudenas handed out and I talked to my residents as well as my neighbors. And a lot of residents do not recycle or do not take the recycling to the drop-off zones. They want recycling and this Clubhouse was another mistake. What we opened at the Clubhouse was a bar, a \$1.8 million bar similar to Christy's, John and Christy's, the Horseshoe, Cobar's. That's what we have right now. I'd be very curious to listen from the Recreation Department what their marketing plan is to make this bar very successful. I'm curious to know how long it's going to take us to pay back this money that was put into this bar on the Golf Course. Thank you. Have a good evening.

President Sustarsic – Next speaker, please.

Mr. Lou Nagy – 1483 E. 250<sup>th</sup> St. This is dated November 16<sup>th</sup> to Jerry Sustarsic, City of Euclid, Human Resources Department, Subject: Resignation. To Whom It May Concern: With great regret I have to give you my resignation as Sergeant-at-Arms, City of Euclid. The reasons I will give are deteriorating health and continuing deteriorating health, kind of hard to say right now, and other personal reasons. None of these reasons are as a result of the election that took place 2 weeks ago.

I do have a very bad back and a very hard time walking all of a sudden. It's getting to me. Since I started 2 years ago as Sergeant-at-Arms, I've done everything I can to be helpful, to do a job for the City of Euclid and the Council. I tried to do my best and I think I did. I wish you all the best of luck the ones that are not returning. The ones who have newly elected I wish them luck for the next 2 years. And I hope you all have a happy Thanksgiving. To all my friends, neighbors and the residents of Euclid who are Jewish upcoming happy Hanukkah. To all my Christian friends and neighbors Merry Christmas. Enjoy everything. Thank you.

President Sustarsic – Thank you. Seeing no other individuals motion to rise and report.

Councilwoman Hufnagle moved to rise and report; seconded by Councilman Gruber. Yeas: Unanimous.

Mayor Cervenik – Mr. Chairman.

President Sustarsic – Mr. Mayor.

Mayor Cervenik – I do have one comment before councilmen comments started and it had to do with our Congresswoman, who's working very diligently on raising some finances for our eventual breakwall. The Congresswoman, I believe, will be in California visiting relatives over the Thanksgiving break and is unable to get back here on Sunday. She expresses her regret; she expresses her wishes that Euclid work together and move forward and she's going to be right there

with us the whole time. I just wanted to make sure that was very clear. We're all looking forward to working with her in the future.

President Sustarsic – Thank you.

#### COUNCILMEN'S COMMENTS

President Sustarsic – I believe it's Ms. Mancuso that we begin comments with.

Councilwoman Mancuso – I will be short and succinct tonight. I am very humbled by the election that occurred two weeks ago. I think the citizens spoke very clearly of what they wanted to see. I was more impressed as we campaigned by the caliber of the majority of the candidates that ran. It's very difficult to campaign whether you go door-to-door whether you're speaking to groups whether you're talking to one another whether we're all in the same place or you're on your own and I will say from my perspective the majority of the people were nothing less than professional all the way around.

I've met new people who, quite characteristically of Euclid residents, took the time to tell us, and I can speak only for myself, what they felt were important issues here. They didn't have to do that. They took the time and I'm sure I'm not the only one they took the time with. They told us what they wanted us to do. I reaffirm to each of them what I've done in the past what I will continue to do as their candidate and now as their Councilwoman and I do believe that it is time for the City to move forward.

I thank the people who have been on Council with me for two years for their service. It is difficult to stay abreast, to do your homework, to come and try to get issues resolved, to try to move legislation forward. It is also energizing to see the commitment of both residents and Council when we are trying to do those activities. I ask the residents to continue to participate. We cannot do it without you. I would not want to do it without you and with that I'm going to stop before Daryl coughs us out of the Council. But I do thank everybody. I thank everybody that worked who worked with us. I thank everyone who voted whether you were for or against any individual or any issue or any levy it was truly a wonderful day for the City of Euclid that people came out and vote and actually voiced what they felt they wanted to see done. Thank you.

Councilman Sustarsic – I'd just like to thank the residents of the City of Euclid for allowing me to serve as their Councilman for the last two years. It's really, really been an honor. I mean, to grow up in this community and be able to sit here, it's just amazing.

I think the #1 thing you can look at in a public official is if he leaves the city better off than he did before he took office and with that I'm proud to say that we did. You look at the business community here in Euclid we were able to attract Royal Appliance. We've seen various businesses in the community expand and we were able to retain those businesses. We've seen our City services, we're going to be seeing 3 new police officers hired; we got 6 new guys in our Public Service Department to improve the services that our residents demand and expect. We're the City of superior services and we took a stand on that.

The economic picture of the City is in a lot better shape than it was before we took office. Our General Fund reserve is up to about \$1.5 million and we've got money in the Self-Insurance Fund something we haven't had in a long, long time. And it was evident tonight that we needed that money in there, too, with different suits coming on about.

I talked at the Library. We had a fund, a candidates evening and they asked you two words to describe yourself and one of them was honesty and the other one is courage. And you know, it takes a lot of courage to stand up here and stand up for what you believe and for what you know is right.

And two of the things that I want to talk about is the courage of the Hillandale thing, the controversial issue in the City. It took a lot of courage. I believe that was the right decision to make from our attorney's advice and based upon the development that they're putting it. It's going to be a wonderful thing that we're going to be seeing as far as the development and the church and I welcome them into the community.

The Golf Course Clubhouse, I'll tell you want, now, I'm going to be kind of semi-retired. I'm going to be spending a lot of time there and I think it's a great plan. We don't have that albatross of a building and with the heating and cooling costs today the way they are I wouldn't want to have to pay for that either.

It's one thing I've learned, too. It's not easy sitting here. I mean, I've got a family at home. I've got a 20-month-old at home with my wife and it's tough being away from them, you know, and I'm looking forward to the time I'm going to be able to get to spend with them. I was talking to a couple of people here and the Mayor, it was like, you know, Thursday night last week was the first

night I had nothing to do and it wasn't such a bad thing at all. But I am young, let's not forget that. There's a lot of great politicians in the history of this City that were young when they were elected as well and a couple of them that come to mind to me is Tim McCormack and Joe Farrell and, you know, they've lost elections, too; but they always managed to come back and they had successful public service careers. So I see Jeff Piorkowski there, don't write my obituary just yet because I might be back and I hope to be back. But I'm going to be active in this community. I love this town; I'm proud of it.

I'd just like to acknowledge a couple of my colleagues. Hugh Daly, you're the consummate professional and it was a real honor to serve with you. As a business owner in this community, you offered a unique perspective. Sally, you worked tirelessly for the business community in the City of Euclid and you can see the results of your hard work all throughout Ward 3 with the various new industries and businesses there. Dad, you won't be able to bang a gavel on me but you can still yell at me at home. That's okay. And then one of my personal favorites, the guy who was always there for me that mentored me, Chris Gruber, thank you. And thank you to the citizens of the great City of Euclid I won't be a stranger. Good night.

President Sustarsic – And I heard I'm babysitting this Friday evening, too, so that will add to my. I'd like to thank everyone for the opportunity to serve the people of the City of Euclid for the past 2 years. I think we did a lot of good things. I think history will prove that we set the City back on the right track. It's been an honor and a privilege working with the Administration, the Mayor, all the City workers, everyone on Council. I'd like to leave you a lovely parting gift. I got in touch with the Finance Department today and it was mentioned as opposed to what I was left with 2 years ago we have approximately \$1.9 million left in the General Fund and the end of the year is not over yet and that's not stable; but at the same time we still have a month to go of income tax collection. We also have \$185,000 in the Self-Insurance Fund. So with those numbers in mind, I would hope that the next Council is productive enough, frugal enough, responsible enough to retain and build upon those numbers because when certain people might come back in a couple of years we're going to hope that we have the capability of working with similar numbers.

So on that note, oh, one more thing. Happy Birthday, Councilman Gruber. But at the same time, again, it's been an honor and a privilege and I will be seeing you along the way. Thank you.

Councilman Daly – Again, I'd like to congratulate Joe Foster for his help with DARE. That program is greatly needed and benefits so many children so again thank you. I'd like to congratulate Coach Mark Dwyer, his staff and his players on a State Championship in Volleyball another banner in the Viking Village and it was a heck of a run. They have 5 players back, 5 starters so who knows? It could be back-to-back and congratulate them.

I'd like to thank all the people that were that called concerned that, you know, how I was doing or feeling after the loss that I might do something. I'm not talking about the election it's about Michigan losing over the weekend. I'm okay going to turn this around now.

And I'd also like the Administration, the Chiefs, my colleagues, the other candidates who won and the citizens for your involvement and it has been a very fun and memorable experience these last 2 years. Thank you.

Councilman Delaney – It, it really is, has been an interesting 2 years and historically it might be one of the most turbulent. I think that I have profound respect for everybody that is willing to put their face and their name on the line to contribute and participate in our government. The greatest thing is the participation without all the people that keep the pressure on us that make us want to do well and perform, people who show up and call in, who e-mail, who come to these meetings. You take time out of your day as well. I thank you all very much.

And Council President Sustarsic, Councilman Daly, Councilwoman Hufnagle, Councilman Sustarsic, I'd like to thank you all for your service and I look forward and am grateful for the next 2 years. Thank you.

Councilman Gruber – Councilman Langman, I like the radio voice. Keep that going. That's pretty cool stuff. I would also like to thank the Beverly Hill Homeowners Association, which is a newly formed association with the help of Kristal Skovira, and the Euclid Villas Homeowners for letting me attend over the last week.

It has been a long 2 years; it's been a fruitful 2 years; it's been a turbulent 2 years; it's been a happy 2 years; it's been a sad 2 years; it's been a long 2 years. And to my colleagues that won't serve with us any more, I won't name you individually because it might show up on your video in 2 years so I wouldn't want to do that. I hate those coattail riders, but it was a pleasure working with you. You showed professionalism; you showed courage.

To the ones that are coming back I truly look forward to working with you. I know we have a lot to do and I know that we can get over whatever differences we have and do the right thing for the City. And to the voters, the people of Euclid that showed us kindness throughout the campaign, a long, difficult campaign, I'd like to thank them very much and to let everyone know that whoever's sitting up here we're all going to do the best we can for all of you and we hope for your support and we'll give you ours. So God bless and good night.

Councilwoman Holzheimer Gail – I would like to thank the Shore Board and the Shore Cultural Centre for putting on the Cleveland Women's Orchestra yesterday. It was a wonderful concert and I hope that everyone will come to Shore and see some of the great programming that's going on there. Euclid Orchestra will be playing, and help me, Dolly, now is that the 4<sup>th</sup> or the 11<sup>th</sup>? The 4<sup>th</sup> at 3. If you missed the Cleveland Women's Orchestra you have the opportunity to see another great local orchestra, the Euclid Orchestra, are own residents, will be Sunday, December 4<sup>th</sup> at 3 o'clock at Shore. They, too, put on a wonderful holiday, all of their concerts are wonderful. This is their holiday concert so I would encourage all residents to come out for that.

Lou, thank you for your service, we really all appreciate what you've done for us this last 2 years and we wish you best of luck with your health and with your future. We'll miss you.

And I would like to congratulate Council President Sustarsic, Councilman Daly, Councilwoman Hufnagle and Councilman Sustarsic for 2 years of great service. Being a councilperson is hard work, you get a lot of phone calls; you do a lot of reading; you talk to a lot of residents. It's rewarding in many ways, but it is also very difficult. So I, you all have left a mark on this City and I congratulate you on your good work and look forward to future involvement in some forms. Really, honestly, good luck and we hope to see you in some community activity. We all know you have the best interest and are committed to the City so thank you for that.

I would like to congratulate all the newly elected and returning members of Council. We have a lot of work to do. We, but we're looking forward to working together. We're looking forward to a productive term and to continued progress here in Euclid.

And I also want to take just a moment to acknowledge all of the other candidates who ran. Campaigning is very difficult; it's very time consuming. Some people enjoy it, some people don't; but everyone out there on the campaign trail is, has so much passion for the City is so committed. We need all of you to continue your involvement and Stephen Robinson I have enormous respect for you. I hope to see great things from you in the future. Thank you for your activity and involvement and we hope to see you involved in some way as well.

With that I'm looking forward to the next, my last term, as Ward 1 Councilwoman and again just reiterating that I'm hoping for one of great progress. Thank you.

President Sustarsic – Thank you, you're not, you're not going to believe this. I was hoping that we could get out of here under 2 tapes, but it doesn't look like it so if we could take about a minute and a half. Everyone stay seated so they can put in the second tape. Thank you.

President Sustarsic – All right, if we can presume.

Councilwoman Hufnagle – I, too, would like to take the opportunity to thank the residents of Ward 3 for allowing me to serve them for the last 2 years. It's been a great 2 years and one I can honestly stand before you this evening and say that I would not have wanted to miss. It is a very humbling experience servicing the residents of the City of Euclid and I, again, am very thankful for that opportunity.

I would encourage the new Council to remain very active in the PMX development. This is a wonderful thing for the City. We've worked hard on it the last year or so and I expect to see that development come through and I would encourage my colleagues to continue to work on that development and, again, I will say that I am thankful to the citizens of Euclid for allowing me to serve them and if I did my job at all, it was because of the workers of the City of Euclid and I thank them. The Directors and the Chiefs I thank you for your service to me and allowing me to do my job and with that I will say Happy Thanksgiving to the residents of Euclid and good night and good luck.

Councilman Langman – I can't help this. You are true blue. There's no question about that. Any campaign when you undertake to conduct a campaign and to win a campaign and then to serve is a tremendously humbling experience, it truly is and so you can't express enough thanks, in my case, to the residents of the second ward for my re-election. And I'm very, very proud that, not only in the second ward, but throughout the City that we were able to pass the school levy. That bodes very

well for all the other things that we're trying to do on the municipal side. So I am, I am grateful to the residents for stepping up and embracing our kids.

And so the book is closing on this Council and it's interesting in our form of government that the institutions and positions go on although the people may change, but we should never forget the service that was rendered on any particular council or any particular mayoral term. So for Mr. Tony Sustarsic, Mr. Jerry Sustarsic, Mr. Hugh Daly and Mrs. Sally Hufnagle, your service should be saluted not just tonight but always because it takes a lot to step up to the plate and put yourself out there in service to your community.

Now the electorate, they've made their choice quite clear and their charges clear. We have tremendous challenges yet it doesn't end with any particular Council, but they want us to put our nose to the grindstone and work for the benefit of the entire community. So that means Council, Administration, the employees of the City we're charged with making that happen not for us or any titles, but on your behalf and I'm looking forward to working with my returning colleagues and all the folks that won in moving the City of Euclid to where it should be at the forefront of communities in northeast Ohio and with that I will sign off for this evening. Thank you.

President Sustarsic – Mr. Mayor.

Mayor Cervenik – If I may, to address all 9 Council people, we used some words tonight turbulent, interesting, historic probably all of those. I will use another word, successful. With everything we've gone through, you have accomplished much. Lakefront development is a reality. We've got to steer it through the next few years, but it's here.

With all of your efforts, we have stabilized. We actually have done better than just stabilizing, but we have stabilized our budget with the addition of collecting our own taxes and aggressive delinquent taxes you've seen through the monthly reports and you will see at the end of this year that the effort involved in your support is more than worth it.

Safety forces, it is a shame that all 9 of you will not be here next week, at least in those chairs, when we swear in, or next meeting, when we swear in 3 new police officers. And it's a shame you will not be here when we do the same with the Fire Department, but your commitment to our safety forces has caused that to happen where the down, where the systematic dismantling, as it was said earlier tonight, of our Fire Department is done. It is over. There is a commitment to hire firefighters and police officers that retire so that we can keep our numbers strong. It keeps our residents safe; it keeps our safety forces safe.

PMX, it wasn't just coincidence. It's a lot of hard work. The first week Frank Pietravoia was in my office. We made a call to Mr. Stubblefield and told him we were interested and committed to working with that. The Ward 3 Councilwoman was with us. The Ward 3 Councilman was in the meetings with us. A number of you were told what was going on. We've had much, much commitment. That property, that 82 acres of development can mean much, much more of the good things that have been accomplished so far in generating tax dollars.

Last, certainly not least, we all helped, had a school levy pass, together, we all worked together. We were in campaigns; we were out talking to residents; we were here supporting it. There were resolutions that were passed. That means a lot to the people of the City and it means a lot, especially, and you should know it means a lot, especially when they're going to be paying more money and yet they took the lead from us. They took the lead from the Administration and even more importantly they saw what kind of students our school system is turning out. So those are feathers in your hats.

So to the four of you that are leaving Council President Sustarsic, Councilwoman Hufnagle, Councilmen Daly and Sustarsic, it has been a pleasure and a honor to work with you. Please, don't be strangers; please stay involved in the community whether it's in politics whether it's in your parish whether it's in your congregation whether it's in your schools whether you're coaching a team. Please call me any time. Give me advice. If I need a hit upside the head, please feel free to stop in and do that.

Anonymous voice – I'll do it.

Mayor Cervenik – I know you would. There's a few of you that would I know that and that's okay. And you know what, the invitation is extended to you, too, as well; but before you do it, you need to tell me why. My door is always open. It has been for 2 years and will continue.

To Councilmen Delaney, Holzheimer Gail, Councilman Gruber, Councilman Langman, Councilwoman Mancuso, I've talked to all of you since the election. I'm looking forward to really working together. I've committed to you that things will change. I've committed to you the things you want and things you feel are important will be attended to. My Directors and my Chiefs, we've

been talking over the last few days about ways to improve our communications with you and I promise you, you will see results. Communication is a two-way street as we've said many times and you as well committed to me that the communication will flow evenly on both sides.

We've got some very exciting challenges. I'm going to need your help in the revisiting of our Master Plan and Zoning Codes. We need to get started on that very shortly. We purposely decided to wait for the new Council because it's going to be what, about a year's process and a little more expensive doing both of them at one time. So we need solid input from City Council to do that very important, that very important task.

We need to continue the economic development that has begun. We certainly are getting the reputation in northeastern Ohio and beyond in being a business friendly community. If nothing else, we must commit to each other that we can put our differences aside so that the business community understands that we do mean business and we want them here.

I've also talked to the four new incoming Councilmen and I am very, very excited about our conversations and I look forward to working with them. I sincerely believe, I am sincerely confident that we will work together and get things done, get things done right and maybe even get out of here a little earlier than we're used to. My commitment is to all 9 of the new Council people. My thanks is to the 4 that are leaving and my real commitment lies, as it did in 2003, with the residents of this community. I love this community; I will do nothing to harm this community and with your help with the residents help we're really, really going to make a difference and make this City a place where people are really going to want to move to. You have my commitment, most of all, all of you have my thanks. God bless everyone. Everyone have a very thankful Thanksgiving and stick around that day with your family because there's nothing more important than family. So Happy Thanksgiving to all, God bless you all and to those that will not be with us in December, best of luck to you. Thank you. It's been an honor.

#### ADJOURNMENT

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

Attest:

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Clerk of Council

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President of Council