

COUNCIL MINTUES

October 1, 2007

The regular Council Meeting was held on Monday, October 1, 2007 at 7 PM in the Euclid City Hall Council Chamber. President Gudenas presided.

Members Present: Conway, Delaney, Gruber, Minarik, Langman, Lisy, Mancuso, Walsh, Gudenas.

All present.

Others Present: Mayor Cervenik, Law Director Frey, Finance Director Johnson, Service Director Gulich, Recreation Director Will, CS&ED Director Pietravoia, Asst. Director Beno, Capt. Brooks, Fire Chief Cosgriff, Housing Manager Drazetic, Sgt.-at-Arms Novosel, Clerk of Council Cahill

Invocation was given by President Gudenas.

COUNCIL MINUTES

Councilman Gruber moved to approve the Council Minutes of September 17, 2007.

Councilwoman Minarik seconded. Yeas: Unanimous.

COMMUNICATIONS

Council received the following communications:

A letter from Mayor Cervenik appointing Lisa Johnston to the Euclid Community Television Commission.

A letter from Darlene Pritchett requesting the proposed Use District Exception at 345 E. 200th Street be tabled until November 19, 2007.

ADMINISTRATION REPORTS & COMMUNICATIONS

Mayor Cervenik presented Res. 195-2007 to Senior Pastor Michele Humphrey and members of the Imani Church.

Mayor Cervenik – A few notices of congratulations this evening. First and foremost, congratulations to the Euclid High School Panther Football team because they beat Mentor last weekend and they beat them good. The score was 35 to 34 and the Panther team is now ranked number one in their Division. We firmly believe we will be playing play-off ball in the State of Ohio because of the dedication and hard work and practice of the Euclid Panthers.

As the Mayor, Friday night, it was very interesting to be watching Channel 5 and that was the game of the week and they had the helicopter above Sparky DiBiasio stadium and the city looked great. They interviewed some of our students and they did us proud. When it was time for the five sportscasters to pick who was going to win, they all looked around because they were on our field and they said, I don't want the people behind me to hear but Mentor is going to win. Well, all five of them were wrong.

Congratulations to the Euclid Panthers and we expect much more success in the future. They play Cleveland Heights this weekend, everybody ought to get out and watch them play.

I'd also like to congratulate Councilman Fred Lisy and Orbital Research. They've been named winners of the 2007 Tibits Award, recognizing them as the best in small business innovation and research achievement. Congratulations to you and your company.

I also want to congratulate RTA, the Regional Transit Authority of who I'm proudly am a board member. If you saw the news today, they were named the best large transit system in North America, according to the American Public Transportation Association. I've been only on the board for a little less than a year, so I can't take a lot of credit for it, but I will tell you it has been an enjoyable experience serving on the RTA board and they watch, not only your tax dollars that you pay in sales tax, but they watch all the dollars they receive very, very carefully and closely. They certainly do deserve this award.

Last but not least, unofficially, we will have the reports out to you early next week, but unofficially from our tax collections, we have exceeded the annual projections. Annual projections were \$17,889,000 through September. I'm happy to report that unofficially there maybe some adjustments, refunds and some other credits, we've exceeded that number. We have collected year to date, \$17,896,000. We're actually now \$7,000 ahead of our projections for the full year. Our total projections for the year are \$23 million and with the money we

collected this month, we're very, very confident we will exceed that \$23 million for the year 2007.

My hat's off to the hard work of the Tax Department. They have been extremely diligent over the last 60-90 days in collecting the delinquent taxes and keep up the good work. Director Johnson, thank you as well, that's your department and you're doing a good job there.

Director Will – Just to remind the residents that we are offering swimming lessons and ice skating lessons. Although there maybe a session that is underway right now, we will begin Session 2 the end of October. If you would like to register for either of those, you can call our Department.

We will have, for the month of October on Friday nights, from 4:00 until approximately 7:00-7:30, depending on what time it gets dark at, we will continue with our Farmer's Market. For the next couple of Friday nights through the end of October, our Farmer's Market from 4:00 until it is dark in the front parking lot of Shore Cultural Centre.

This week, we've also begun our open gym and our basketball clinics at Shore Cultural Centre. We have our Start-Smart Basketball for ages 3, 4 & 5 starting this week and we're still taking registration for our Panther Hoops, for children, boys and girls, ages 5-16. If you are interested in any of these programs you can call our office.

Some of the special events that we have coming up this month, we will be having a Cheerleading clinic. It will be held at Shore on Tuesday nights and it is for girls in grades 3-5. We'll also be having a Girls Night Out, for girls in grades 6 – 12. We'll be offering a class to get the girls together on beauty and skin care, just in time for their Homecoming dance. We'll also be having a course ice breakers games and more. That is for kids in grades 2 to 5.

For our special events, we will be having our Pumpkin Splash on Wed., October 24th, at the Euclid High School girl's pool. It is free but you must pre-register by calling 289-8114. It is limited to the first 50 people. Anybody that is 8 and under, must be accompanied by an adult, in and out of the water. We will have pumpkins in the pool and the kids will get the pumpkin out of the water.

On Monday, October 29th, we'll have Howl at the Hall. Preschoolers will be invited here to City Hall from 10:00 AM until Noon and can go trick-or-treating throughout the halls of City Hall. We'll open that up again for ages 6-15 from 3:30 until 5:00, again, to go trick-or-treating through the Hall. Hopefully anybody over at council, I invite you and any of the other Directors and Administration to dress up that day. Anybody from the audience here or watching on TV, if you'd like to help us out, give our office a call, we're always looking for volunteers.

We have a lot of events happening in October so hopefully we'll see you and finally we have our Costume Party at the Ice Arena, on Tuesday, October 30th, at 7:30. That will be followed by a pumpkin carving contest. You are to bring your pumpkin already pre-carved. You will be able to skate for free if you wear a costume. It is \$2 for skate rental. It is Tuesday, October 30th starting at 7:30. We will be having a costume contest, not only for the youth, but also for the adults. Any questions you have about our programs, 289-8114.

Mayor Cervenik – Finally I would just like to bring to everybody's attention, BRIDGES is having their mini-summit, Bringing Community Connections. It will be held at the Euclid High School Little Theatre, 711 E. 222 St., October 20th. Registration will be at 8:30 AM. The program will begin at 9:00 AM and will by 11:00 AM. They have a guest speaker that will be very, very interesting from Dr. Tameka Taylor, she's the Vice President & Director of Leadership and Development for the Diversity Center of Northeastern Ohio. BRIDGES is asking for all to come and learn so we can together strengthen our community and come and see what is already being done. There will also be progress reports from BRIDGES's task forces, which are the Business/Industry Task Force; Community/Youth; Diversity Task Force; School/Youth. For more information call BRIDGES at 216-261-7032. This is a group that is working very hard to bring our community together.

Chief Cosgriff – To citizens in the audience and listening at home. The National Fire Protection Association, has designated the week of October 7-13th as Fire Prevention week. This year's theme is practice your escape plan, as it is not enough to simply have an escape plan, it must be practiced. Please, take a moment to practice this with your family. Remember you should all have a designated meeting place outside. There is nothing better from our standpoint that when we arrive on the scene and we are told that the family is outside and safe. It makes our job a whole lot easier if all we have to do is put the fire out.

Interested citizens can find a multitude of additional information about fire safety by going to the National Fire Protection Association website, www.nfpa.org. While we're on the

subject, this is also the time of the year where I like to remind our residents to change the batteries in your smoke detectors. If you are a Euclid resident and you are unable to afford batteries or smoke detectors, the Fire dept. will provide them for you. We'll even come out and install them if you are unable to do so. Those choosing to pick them up can come to Fire Station #1, at 775 E. 222 St. and visit Connie in our Fire Prevention Bureau or by calling 216-289-8425. You can also call City Hall and they will transfer you over to the Fire Prevention Bureau, if you weren't able to get that number.

Smoke detectors have proven to be invaluable for getting people out safely and there really is no excuse for not having a working smoke detector on every level on your home.

Mayor Cervenik – Other than reminding everyone that the month of October is prevent breast cancer month and to be aware, I have nothing further. Thank you.

President Gudenas – Thank you for the reports and especially the news about the income tax collections. We certainly want to thank our residents for paying the taxes and our business community for creating the jobs that apparently are doing okay for the time being, so that's good.

REPORTS & COMMITTEE MINUTES

Councilman Gruber moved to receive the Police Report of August, 2007; Animal Shelter Report of August, 2007; Charter Review Commission Min. of 5/29/07 & 6/19/07; Executive & Finance Committee Min. of 9/24/07; Board of Control Min. of 9/10/07 & 9/17/07. Councilwoman Walsh seconded. Yeas: Unanimous.

COMMITTEE OF THE WHOLE

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

President Gudenas – To remind everybody, item #1, third reading is being postponed until the second meeting in November. Items #4, regarding the golf course and #6 regarding the waterline improvements, both will be placed into committee at the request of the sponsor. You can talk about them, but there will be additional time to talk about those in the future. We'll start off with Roy Larick from the Landmark Commission, who rode his bike here in the rain.

Mr. Roy Larick – 23745 Lake Shore Blvd. I speak tonight in support of item #7, lakefront development and I have one specific resource for lakefront development which is the standing house at 24555 Lake Shore Blvd., which was built in 1910 by Mr. Edmund G. Laughton, hereafter I'll call that the Laughton house.

I am here on behalf of the Landmark Commission to speak to the architectural and historical significance of the house. In particular, I'd like to point out that the house is a very early example of the California bungalow style that appeared in Cleveland just about 1905. As far as the Landmark Commission knows, this is the first house of its type built in Euclid Village at that point. It shows a number of special attributes of this early California bungalow style.

In particular, I'd like to call attention to, like many bungalows, the first floor exterior treatment is much different than the upper floors. In this house that is local stone. I can't identify the quarry, the stone used could come from Euclid Creek, Nine Mile Creek, Dougway Brook, Donbrook, or even the Chagrin River, but probably not more than 10 miles from here, that was about the distance it traveled. There are some items of stone in that façade that are very specifically Euclid bluestone from Euclid Creek. The way this is laid up, the masonry is unique in Euclid and once again very typical of that bungalow style.

I also want to call attention to the fact that if we look at this house as built in 1910, and a very early example of this style, about 13 years later, we get the Henn Mansion, which is a late example of this bungalow style. Much more substantial, built probably by a family with greater wealth, but never the less, it is a mature example of what we have at 24555. But having the early example is really something in Euclid. This is what you'd expect on Clifton Blvd., in Lakewood or even Lake Avenue in Lakewood.

So, the simple point is, that this house is a structure of architectural significance and particularly its structural meat of local stone makes it unique. This is the kind of resource that any city would like to have as part of a redevelopment plan for an area. Given that this bungalow style was built most often on the lake as I said, Clifton Ave., Lake Ave. in Lakewood, Lake Shore Blvd., here. This represents a primary Lake Shore resource for us to proceed in lakefront development. Thank you.

Ms. LaTarsha Grady – 23194 Gay St. I'm here in reference to #3 on the agenda referencing the Briardale Golf Course and errant golf balls damaging property in the neighborhood. I am deeply troubled and angered by the lack of interest and response that the City of Euclid has taken involving the numerous golf balls from Briardale Golf Course that have caused substantial damage to my home and garage and has put dents in my car. The damage the golf balls have caused my home is now visible from the street and I currently have a sizable hole in my upstairs screen from a ball coming through and settling in the windowsill. The balls have made my backyard a danger zone and has made cutting grass a nerve-racking experience.

Upon talking to several neighbors, I have found that they have also experienced types of damage including broken windshields on their cars and also near misses to babies sitting in strollers while they are trying to enjoy their backyard. A few neighbors have also mentioned that they no longer call the golf course because they have learned that it yields no action and they are concerned about some sort of random retaliation, so many have just stopped calling.

Balls in my yard have become the rule, not the exception. The barrier that is currently in place is highly insufficient and misleading. It is a band-aid to the bigger issue. The current barrier has even allowed balls to settle in the front yard, as a ball was present on the day Ms. Evangelista came to take photos of my property.

I've grown tired and frustrated of calling and driving over to the golf course only to be told by staff that it is not their problem, what do you want me to do and that's the price you pay for living near a golf course.

About 8 weeks ago someone spray painted a marker in the grass behind my property and a few officials were looking in the same area. But, at this time, it seems that trip can only be classified as a sight-seeing expedition. I have made photos and completed a claim at the end of August, but today I have not received a decision to this claim. The City has continued to increase taxes, but is offering no support or protection of its residents from what I believe is a city-owned facility. I want to know what changes are going to be made to be implemented to protect your citizens. Many people have volunteered to take balls off my hands, but I have denied them that right, more or less, because I want to have the proof to show you, which I have brought today. I have a bag full of balls that I have collected over the past two years or so. Many of them I have thrown away, some of them, have been picked up probably by wandering hands, probably from a few golfers who like to holler over the fence if you're outside, if you've seen their lost golf balls. I also take offense to golfers using the property fences as urinals and is often viewed by small children.

It appears that the administration does not mind that property damage is being sustained on Gay Street and you and the golf course would prefer to maybe perhaps an injury to take place or perhaps a death and I say that only because I think we're all familiar with incidents that have occurred from golf balls, or I should say from hockey pucks and also baseballs. I would hate to have a fatality or injury take place and that to fall on the head of the City of Euclid.

I strongly desire a resolution to this issue. I would like to take this opportunity to thank Councilman Langman, on being available to hear my concerns and try to initiate options with the golf course and recognize the frustrations that we have been experiencing. Hopefully his position and influence will help us reach a resolution in the very near future. I hope the proposed resolution does not stall, but moves forward and a working time-line is established. I am asking that repairs be made to my home and garage, a better and higher barrier is installed to protect the property and residents of Gay Street and the problem holes be modified or moved before Spring 2008. Your denial of these requests speak clearly to your priorities and to the safety that you have for me and the residents of this neighborhood. This letter was edited for time, but I have copies for the Mayor this evening and also for Councilman Langman and I will be forwarding copies to the local media as well. I'll leave these here for you and I also have a bag of golf balls, if anyone is interested in seeing those. These have been collected for about two years and this is just really a sample of what I've been collecting in my yard only. This is not including any neighbors or anyone further down the street. These are my balls solely and I again I mention, this is only a sample. I take great offense as I said making phone calls and having no response from the golf course and no response from the city or the administration as it seems of today.

President Gudenas – Has any of this been turned over to the Golf Course Commission?

Ms. Grady – That I don't know if it has been turned over. As I said I did the claim right before Labor Day, at the end of August, so that claim was done and I'm assuming it is with the Law Dept. As I mentioned, today I haven't received any kind of feedback for that.

President Gudenas – We'll make sure the Golf Course Commission also receives this. I know in the past there's been proposals to move the tee to change it around a bit which might be the best solution rather than just additional barriers. I'm sure Councilman Langman will address that as it is on the Agenda. We're very sorry for the problem and I'm sure we'll be able to come up with a better solution.

Ms. Grady – I hope so. I'll be maintaining contact with Councilman Langman to make sure that this proposal continues to move through and doesn't get swept through the cracks.

President Gudenas – Okay, sorry for the problem.

Mayor Cervenik – Ms. Grady, if you could give my office a call, 289-2751. I'm not aware of some of these problems including people urinating on the fence. I know we did temporarily repair the fencing along #12, it probably needs to be higher and farther out. I promise you we will look at that. Why don't you give me a call when you have some time, I'd like to come out and take a look at where your backyard is in relation to the rest of that. We will definitely work on that. I'm sorry for the inconvenience.

Mr. Tom Cooke – 25641 Edgecliff. I'll be speaking on #7, the lakefront development marina. There are several aspects of this project that have been bothering me for a long time so I'm just going to tell you what they are. In particular the relationship between this City and the developer that has deteriorated over time. I've been in construction for over 30 years, commercial construction and this is the most important thing for the success of a project is the relationship between the developer/owner and right now that seems to be doing nothing but going downhill. Right now you're talking about coming up with plans for a marina and as far as trying to recover what relationship was there in the past, just seems to be pushed to the side. You guys should not even be discussing plans for this marina right now, you should be discussing how you're going to recover and recoup this relationship with this developer. This should not be a short-term relationship, it should be a long-term relationship. This developer has a long, long standing record in the City of Cleveland and the surrounding communities of being extremely successful in what they do. Extremely successful. We should be listening to them. We should not be dictating to them what we want them to do. This Council does not have such a great record that has been happening over the last few years.

Just a few things that have been said by this Council. I know the 206 project by the Coral Group has been brought up as an example that hasn't fared to well because it doesn't have a marina. The fact of the matter is, the three lots that were on the lakefront sold within less than a year. There is definitely an extremely high demand for lakefront property, always has been, always will be. That stuff out there is liquid gold and you know it.

Again, what bothers me is the budget that has been longstanding for about six years on this project of roughly \$7.5 million. This project is not a \$7.5 million project. It has gone up, it has never gone out for solid estimate.

Right off the bat, Councilman Langman you've mentioned value engineering. That bothers me from a contractor's standpoint. You haven't even gotten into the bidding process and you're already talking about value engineering. When someone talks about value engineering to me, right away, that tells me you don't have the money to go through with this project. When projects are value engineered, typically they deteriorate to a point where you're not getting or you're not giving to the residents of the City of Euclid what you originally had intended.

We don't need necessarily a marina to develop this lakefront property to its optimum. Bratenhal for instance has had a long standing project going on for about 20 years whereby they were developing their lakefront before the marina was even put in place. The marina came well after the fact and that's pretty longstanding throughout the entire south coast of Lake Erie. We don't have to have a marina to get going with the development of this lakefront. It would be nice, as long as the demand is there, as long as we have the money for it, it would be great. But it does not necessarily have to happen in that order.

Just a few things that I do have questions on that I don't know whether it has been brought up or not is, who is going to own and maintain the marina? Who is going to install fuel tanks and pumping systems? Who is going to pay for them? Who is going to dredge the marina? How much is that going to cost and how often will it have to occur? As far as a boardwalk, I kind of go back and forth with a boardwalk. I think a boardwalk if it was connected to Sims Park would definitely be an advantage and I think it would be more utilized than having just a boardwalk that would just be common to this marina and isolated in it of itself.

Who is going to staff the marina? Who is going to own the marina? Who is going to pay for it? Do you think that you're going to dump this all on K&D properties, Doug Price? These are questions that have to be answered or at least addressed.

Several things that do bother me with regard to council and spending money. The defense of the Department of Justice law suit, I'm not going to get into a debate over that. I understand your defense of it, but the fact of the matter is it did cost this city \$600,000 plus. The culinary school started out at roughly what \$120,000 and now it is well over 4-5 times that. Is this type of behavior, will this continue on into the marina? Thank you.

Councilwoman Mancuso moved to rise and report. Councilman Conway seconded. Yeas: Unanimous.

LEGISLATION

Res. (436-07) UDE Tabled

A resolution granting a Use District Exception, pursuant to Chapter 1375.01(a)(3) of the Codified Ordinances of the City of Euclid to Darlene Pritchett to allow a UR-1 (Daycare) use in a U-4 (Local Retail or Wholesale) Use District at 345 East 200th Street, Permanent Parcel Nos. 642-22-009, 010, 011, 012, 084, 052, and 053. (Sponsored by Planning & Zoning Commission).

Councilman Conway moved to table until November 19, 2007. Councilwoman Mancuso seconded.

Roll Call: Yeas: Conway, Delaney, Gruber, Minarik, Langman, Lisy, Mancuso, Walsh, Gudenas.

Tabled.

Ord. 196-2007 (470-07) AT&T Easement

An ordinance authorizing the Mayor of the City of Euclid, or his designee, to grant a permanent easement to AT&T Ohio for the purpose of placing a fiber-optic node on a parcel of property owned by the City of Euclid, as described in the legal description and permanent easement attached hereto as Exhibit A. (Sponsored by Mayor Cervenik by request of Service Director)

President Gudenas – We have a little disturbance in the audience, can you please turn that device off? Thank you.

Councilwoman Walsh moved for passage, Councilman Langman seconded.

President Gudenas – We had tabled this pending the resolution of a few items. Councilman Langman, can you bring up to date? This is regarding some out-dated boxes for communications on tree lawns.

Councilman Langman – That is correct, Mr. Chairman. The deteriorated box has been removed and the pad and pillars that were protecting that box has also been removed as of Friday. I think the only thing left to be done, I think Director Gulich, I don't know if they put any grass seed in there, but it looks pretty good now.

President Gudenas – We also had some questions, any additional information regarding the public access channels. I remember reading the contract, whichever comes last, the two years or so many subscribers. Has there been any input from them regarding moving that up?

Director Frey – I've sent an e-mail and I have not gotten any response. The contract provision is that there is that minimum level of customer interest before they are required to provide the access funding the city to enable us to provide the community stations. We have not reached that level of customer subscription yet. To this date, AT&T has not indicated an interest in changing that term of the agreement.

President Gudenas – So anyone subscribing in the near future will not be able to get the local government and school channels.

Director Frey – Not until that mass of customers is reached, correct.

President Gudenas – Any other questions regarding this? All right, we'll proceed with the vote.

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

Roll Call: Yeas: Conway, Delaney, Gruber, Minarik, Langman, Lisy, Mancuso, Gudenas

Nay: Walsh

Passed.

Res. 197-2007 (475-07) Golf Course Protection for Gay St.

A resolution directing the Administration to investigate increasing protection for residents of Gay Street from the activities of Briardale Greens. (Sponsored by Councilman Langman)

Councilman Langman moved for passage, Councilman Delaney seconded.

President Gudenas – As a former Ward 2 Councilman, I know this was a problem for many years in the past. I know Ward 2 resident Jerry Corbran had suggested to move the tee to a different location that might provide a permanent solution, but apparently those things haven't been done.

Councilman Langman – Just one minor correction. We did talk about those items back in the summer. The resident mentioned going out to take a look at the hole and the lay of her property and others and visa via that hole and it was suggested to move the t-box and I was told that can't be done. So the purpose of the resolution is to try to get some action so that we can address all of these concerns whether it is moving the t-box, heightening the barriers, installing some restroom facilities in that vicinity, to take the pressure off the residents in that area. It really is at times like an artillery range. I'm hoping that 2 ½ months time is sufficient to develop some options and some costs to address those items.

I do have a question for the Law Director, specifically to the resident, can we expedite the processing of her claim through Ms. Evangelista's office?

President Gudenas – My guess is with the election, yes.

Director Frey – We have received claims from residents on that street, I'm not sure if that particular claim is one of them, I suspect it is. We make an assessment of each claim as it comes in. There's a depreciated value. We look at the history at that property. I don't know the decision, if one has been made relative to that particular property, we will follow up on it. It may not be a resolution that is absolutely satisfactory to the homeowner. Obviously part of what we do when we assess claims is to look at the history, the cost of the request, whether or not the city has an obligation either legally or morally to address it and can we effectively make the repair if that's the case. A window is one thing, replacing siding is something entirely different. Clearly their responsibility legally lies with the golfer, him or herself. Historically we have repaired windshields, car dents, broken windows. I think the resident is properly concerned about personal injury. I'm not aware of personal injury claims from homeowners adjoining the golf course and I'm thankful for that fact.

It is a difficult situation. We can't know each golfer that golfs or hits the ball over the barrier. We know that we've repaired the barriers, that they were not in good repair at the beginning of the golf season. They are in good repair now. Certainly I would think that would reduce the frequency of balls leaving the course, but obviously as the evidence suggests, there's a number of balls that have in fact cleared that barrier and made it into the resident's yard.

To the particular claim, we will take a look at it and get a resolution to it directly. I can't sit here and say that we will pay for replacing siding on that house. I'd have to look at the particulars of the case. If we did, it might be depreciated.

Councilman Langman – I'm not after a particular dollar figure. Obviously, I don't need to know that necessarily and that's in the claim's process. But, can you give the resident and other residents a time-frame of how long this should take. Obviously she is frustrated that she's getting no feedback, doesn't know where her claim stands, whether it is moving forward, it is not moving forward. We need to give some specific time frames that if you file a claim, it is going to be turned around in 2 weeks, 3 weeks, two months, whatever it is.

Director Frey – I would say generally speaking those claims are turned around in a month's time. Unfortunately some cases we have to bring in an appraiser from outside, now that shouldn't be the case here. We should be able to have all the resources we need internally to deal with a claim such as this. Some cases we have to bring in outside resources to value the claim.

Typically a claim and this claim in particular should have been resolved within a month's time at the latest.

Councilman Langman – Finally the other matter is that, it shouldn't take damage to properties for us to review the condition of the netting each golf season. That seems to be the case here. We should be pro-active on those matters. Because it does have a negative impact on the residents on that street that can use their yard or can't use their yard. Hopefully within the next couple of months we'll come up with options that are feasible and addresses all of the matters in the resolution.

Councilman Conway – To the Law Director, maybe Director Will, you can help out on this, I know you used to oversee the golf course and today it is a little different arrangement. But, are there actually policy and procedures written down so that anybody who is working at Briardale knows how to address these concerns? I get a little frustrated and we have numerous examples of this where somebody comes in and says they've elevated an issue and get told, well it is not my problem or you need to go talk to somebody else. But for a change, do we actually have a policy and procedure in place that our folks at Briardale are educated in how to handle these situations?

President Gudenas – Director Will.

Mayor Cervenik – It wouldn't be Director Will, it would be myself. Anyone who occurs damage, they should be able to call the golf course, even more important they can call my office or Roseanne Evangelista at the Insurance Office and make the claim. I can't speak to which employees they talked to. Obviously if they talked to a maintenance employee and asked for a claim, that's probably the wrong to speak to. But I will address all the members of the golf course staff tomorrow and make sure that any complaint of damage is given to Mr. Sloat and that in turn will be given directly and expediently to our insurance adjustor Roseanne Evangelista and we will get prompt action on that.

I also intend to make sure that the members of the Golf Commission, not only receive this legislation, but also #4, which I believe is going to committee, so that during the off-season they can work on these and come up with some suggestions and actually solutions to some of the problems we're doing right now.

Councilman Conway – The only follow up I'll have to that is if we could actually ask the Golf Course Commission to work with Mr. Sloat to actually put something down in writing so that we have an official policy and procedure. I think that might go a long way to improving the communication that our residents are receiving. So I appreciate you taking the lead on that.

Mayor Cervenik – That shall be done.

President Gudenas – The legislation calls for a specific solution by December 17th. Will that happen?

Mayor Cervenik – Yes, we'll have a solution by December 17th.

President Gudenas – Regarding the claims, normally it would take usually about a month, is there any explanation why it has taken longer?

Director Frey- I don't know the particulars of this claim so I can't answer that, I don't know.

President Gudenas – Can you let us know why this one took longer than normal?

Director Frey – Sure.

President Gudenas – Also to the resident, if you could keep us informed if you know the name of any individual that you talked with over at the golf course, so that we can make sure that person has proper training on how to deal with our residents. The golf course commission will also receive. They are an independent overseers of the golf course and they hopefully will also provide their input on how things can be changed. My guess is they were not aware of this problem. Anything else?

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

Roll Call: Yeas: Conway, Delaney, Gruber, Minarik, Langman, Lisy, Mancuso, Walsh, Gudenas.

Passed.

Ord. (476-07) Transfer Funds of Golf Course

An ordinance providing for a schedule of annual transfer of funds from the Golf Course Enterprise Fund to the Bond Retirement Fund to cover the cost of the capital improvements for the construction of the clubhouse. (Sponsored by Council President Gudenas)

Councilman Langman moved for passage, Councilman Conway seconded.

President Gudenas – As we know back around 4 years ago even longer, five years ago, when the golf course project was first started, it was always anticipated that after the clubhouse was completed that the golf course would help repay the one and a half million or more that was used to build it so that the city's bond retirement fund would have that money available for additional projects. This legislation basically puts a vote of confidence into the golf course that it will be around for the next 20 years, it will be profitable and it will help contribute to help make other parts of Euclid better.

We did get some recent financial reports from the course that need to be looked at. It has been a bit of a roller coaster and we just want to make sure that they will have the resources to start paying back some of the loan this year.

Councilman Lisy – To the administration, I don't know who would have the answer to this. What is right now in the golf course enterprise fund, about how much money?

President Gudenas – Would anybody have that answer? The balance in the enterprise fund, it started over \$300,000 and it was drawn down a bit last year to \$150, 000 or so.

Councilman Lisy – that's what I'm wondering. As the information is being looked up, this year has been an outstanding year at the golf course. We've had some great weather, we know that weather plays a factor into it and right now September doesn't look like a good month. I know the numbers aren't in yet, even though I thought it was going to be a good month. But, it looks like the golf course year-to-date is going to end up in something in the range between \$60,000-\$100,000 in revenue. The one thing we don't want to do is prevent the maintenance and upkeep of the golf course. I know there are some big capital items that need to happen, so we don't want to drain the enterprise fund, because the last thing we want to do is go back to the bond retirement fund and borrow money to pay for these capital improvements. Let's keep it in the enterprise fund where it is needed.

That's why I recommend that this go to committee so we can look at the capital improvement expenses that are there. But then too put together a realistic payment plan and based on how much money is in the enterprise fund plus the revenues we generated this year and in the future years, I think it is realistic that we can meet these goals of these transfers from the golf course enterprise fund into the golf course fund. Director Johnson have you located?

Director Johnson – To Councilman Lisy, the December 31, 2006 cash balance was a little bit more than \$139,000.

Councilman Lisy – So by the end of the year we'll be up to close to \$200,000. So, we don't want to deplete the entire fund, but we want to make sure we're putting some of the money back into the bond retirement fund, is the rational behind this piece of legislation. So I recommend that it goes to committee so that we can look over these numbers a little more thoroughly.

Mayor Cervenik- Councilman Lisy, it sounds like you've got what I'm just about getting rid of. I hope it goes soon. That's about how long its been going here. I was very glad to hear that this piece was going into committee. Again, the golf course commission will review this. I firmly believe that the golf course should be paying back the bond retirement fund, but I think a program can be set up where it is based upon a certain percentage of their profits each and every year so that we can continue to invest in the golf course.

It is my understanding that the City of Willoughby just recently invested their City Council unanimously invested \$1 million into their golf course, that will not be paid back by the

golf course because their City Council understands that the golf course provides great green space and environmental positives and just a great place. The City of Mentor with Blackbrook, same thing, they're not having the golf course pay back all of the debt service because they too realize that it is an asset for the city, not only for the golfers.

The administration, city council and golf course commission, will be working together and I'm sure we'll come up with a very good positive solution. Thank you for recommending it to go to committee.

Councilman Gruber – I would like to agree with my council colleague over there and second his suggestion. But also as the Mayor did elude to that the golf course commission should be involved with this since they are the overseers of the course. I agree with the Councilman.

President Gudenas – We will send this also to the golf course commission for their review. After they've reviewed it, we will call our council committee meeting to come up with a solution, but we also need to remember that the golf course itself was built for millions of dollars and that was never repaid to the taxpayers so the taxpayers have contributed to our golf course.

Councilman Lisy moved Ord. (476-07) to Executive & Finance Committee. Councilman Gruber seconded.

Roll Call: Yeas: Conway, Delaney, Gruber, Minarik, Langman, Lisy, Mancuso, Walsh, Gudenas.

Into Executive & Finance Committee.

Ord. 198-2007 (477-07) Amend Code Tickets

An emergency ordinance amending Section 351.18 "Waiver" of the Traffic Code of the Codified Ordinances of the City of Euclid to increase the waiver period and fines for parking tickets issued in the City of Euclid. (Sponsored by Councilwoman Mancuso by request of Police Chief)

Councilwoman Mancuso moved for passage, Councilman Conway seconded.

President Gudenas – We received our police report with this packet and it looks like parking tickets are an important part of our enforcement efforts. In that August of this year we issued 604 tickets, August of last year it was 184. Year-to-date, we are up almost 2,000 tickets ahead of last year. So, we should find out what's going on and apparently we need to give people more time to pay their fines. Chief Repicky is not here so Captain Brooks.

Captain Brooks – The fine structure has been in place for quite some time, current parking tickets. It was felt that we should revisit and find out how we compare with surrounding communities. We did that and found out that we are on the low side so we made two adjustments. We increased the basic parking ticket, we recommend that it be increased from \$15 to \$25. We upped the fine for parking of commercial vehicle in a residential area because it seems as though the \$15 fine for that was negligent as far as having any impact on those individuals. We recommend it be increased to \$50 and then we recommend that after 10 days, give an individual 10 days to pay to the ticket, at which time all fines would double. This I hope, we hope, would encourage folks to pay their tickets and at the same time hopefully it would gain some voluntary compliance with our parking ordinances.

President Gudenas – Is there any information on how the extra 2,000 tickets are coming about? Is it from increased....

Captain Brooks – Good police work. The men do a great job out there and you can attribute it to a number of different things. It does fluctuate at times as far as parking violations. They do go up and down. But the officers are very dedicated and I would like to attribute it to that.

Mayor Cervenik – Also a lot of it is contributed to the fact that we've been able to have 96 police officers. When you have an adequate number of officers where we can start providing patrol in neighborhoods and answering those nuisance calls, it has results.

Councilman Lisy – To Capt. Brooks, what is our collection percentage now, how many people are getting them paid on time or within the 72 hours?

Capt. Brooks – You would probably get that answer from the court. I know there's a lot of parking ticket warrants, a lot of individuals that don't pay their tickets. Again, the Judge issues warrants for individuals that have three or more outstanding tickets and our officers arrest those individuals, but the current fine structure really doesn't have the impact that we feel is necessary to accomplish voluntary compliance.

Councilman Lisy – My concern with changing it from 72 hours to 10 days, when you get a ticket and you see there's 72 hours on it, you know you have to pay it within the 72 hours and so it is fresh in your mind. My concern is if you set it on your table since you know you have 10 days that it is going to stay on the table for 12 days. The other cities that have longer times, do they have a higher turn in? That's the question but we don't know what our own is.

Capt. Brooks – It's pretty consistent with what the surrounding cities do is a 10 day period of time within which to pay the ticket. We haven't had great success with the 72 hours, so it would probably make sense to go to the 10 day period.

President Gudenas – this legislation increases the fines somewhat which haven't been changed for many years and also increases the time period that people have to pay the fines before the cost doubles after that. I see no other questions.

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

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

Roll Call: Yeas: Conway, Delaney, Gruber, Minarik, Langman, Lisy, Mancuso, Walsh, Gudenas.

Passed.

Ord. (479-07) Waterline Surcharge

An ordinance amending Ordinances No. 149-1979, 84-1997, 111-2000, 93-2005 and 133-2005, to provide an expanded purpose and use of the funds generated by the waterline incremental surcharge, the Benza Waterline Fund, to provide for the replacement of streets, curbs and sidewalks in addition to projects having waterline or sewer replacements. (Sponsored by Council President Gudenas)

Councilman Gruber moved for passage, Councilman Delaney seconded.

President Gudenas – We have this legislation tonight to consider because earlier this year the City of Euclid transferred the ownership of our waterlines to the Division of Water from the City of Cleveland so that in the future the Cleveland Division of Water would make the capital repair costs hopefully to keep up with the demand of what's needed to be done. This might eventually free up the investment that Euclid taxpayers were making in the waterline so that this money could possibly be used for additional repairs to our streets, curbs and sidewalks. The money would still be used for public improvements along the roadways, but a lot of them might be above ground instead of below ground. At the same time we have to get some specific legal advice from our specialist who are helping the city and they are not finished yet. We will wait for their completion and schedule the council committee meeting at that time.

Director Frey – I've sent a copy of this draft legislation along with the request for an opinion to Virginia Benjamin our counsel that deals with much of our capital programming, she's at Calfee, Halter. I have not gotten an opinion letter back yet. I know the Mayor has earlier expressed an interest in this identical approach to the use of the Benza Fund and I told him the same thing that I told you, Council President on the phone, that we would need to get an opinion as to whether or not that's a proper use of those funds. When we get it, I will report that and it can come out of committee at that point.

President Gudenas – We will wait for that. In the meantime we'll send it to the Executive & Finance Committee.

Councilman Gruber moved Ord. (479-07) to Executive & Finance Committee. Councilwoman Minarik seconded.

Res. 199-2007 (480-07) Lakefront Development Defined

A resolution defining lakefront development to require a marina, public restaurant, public access to the lake and incorporate the work done in break wall design by Technical Engineering & Design, Inc. in any comprehensive plan. (Sponsored by Council President Gudenas, Councilpersons Conway, Delaney, Minarik, Langman, Lisy, Mancuso, Walsh)

Councilman Langman moved for passage, Councilman Delaney seconded.

President Gudenas – This was discussed at our committee meeting last week. We had a presentation from our specialist who has been working on a specific marina plan. These plans have been on and off since somewhere in the 1990's with the Tax Increment Financing Plan put in place in 1994. Specific marina plans presented to the residents way back around 1994/1995. We're still working on them. The current developers had about 6 years. Here we are still working on them and what we're trying to do is move it along much quicker so that we have a specific plan.

For the first time we have the State of Ohio, ODNR and Lt. Governor Lee Fisher has been in town. They have expressed a strong interest in helping the City of Euclid financially and otherwise to build this marina, but of course we need to have a specific plan for them to consider their investment. Without a marina plan, no investment from the State of Ohio. We're trying to get something on record so that as these meetings progress, we have a goal to work towards. That's what we're voting on tonight.

Councilman Langman – Just a couple of items that was raised by one of the residents. As far as the term value engineering was used, I posed a question to the engineer, Mr. Webster, who said that this was very common to have an individual with construction experience to actually design and build such entities. It is not only done here, it is done in Michigan and some other parts of the country through consultants that I've talked to. It also must be emphasized that whatever goes into the Lake, the Army Corps has the final say so to approve what is actually placed in the lake.

I think this Resolution is important because we kind of bandied about the term lakefront development for many years. I think it is worth repeating that what is lakefront development in Willowick, which is taking land that was empty for many, many decades and building something on it, is a lot different than what lakefront development means in Cleveland. Where they are talking about re-engineering the west shore way to create more greens space and access for the residents. They've talked about building new homes around Burke Lakefront airport. Finally, as compared to Euclid, what does it mean in Euclid, Ohio.

In the target zone, you already have the areas developed quite intensely and perhaps not to the best use, the apartments, what was Horizon House and the Americana. So, the developer can build homes there, I don't think he really needs our assistance to do that. Lakefront development means putting in a break wall and a marina. That's what we're trying to define here with the Resolution. Thank you.

President Gudenas – We should add it was also mentioned about Bratenhal. I was familiar with that project before it started because I was doing research on it back in the early 1980's. Bratenhal back then was in a much worse situation than Euclid. They had lost their school system, residents were leaving, the big mansions along the Lake couldn't be sold for any price. A developer John Domo came in and proposed this Newport development which included a marina right from the beginning, included converting the Mather Mansion into a waterfront restaurant, right from the beginning. That one development has turned around Bratenhal to the point that it is doing very well with a lot of new construction. It was all directly related to waterfront development marina, waterfront restaurant and that was the catalyst right from day one. I'm very familiar with how that happened.

Councilman Lisy – It is also that time where we need to get solid numbers to look for additional funding for this project. The administration, council have met with State Representatives that are interested in supporting this project, they have a capital budget this year, first time in three years. It is a great opportunity to assist the developer in this project by getting outside funds to pay for

this project besides using our TIF. Question to Director Pietravoia, when does our TIF start and how long does it go?

Director Pietravoia – The TIF is for a 30 year period. We're about a year and a half into that period. It has actually not been fully approved by the State yet, but we expect that at any time now. Once that happens, funds can start flowing into the TIF as long as there's an increase in value from the point at which it was established about a year and a half ago. So we're about a year and a half into the 30 year period.

Councilman Lisy – The sooner we can increase the value of that property, the more money that can be allocated to that TIF so that we can pay for the amenities. Those amenities that we are seeking are the public portion. A private developer should use his efforts to make his own money, but in this case, it is large public/private partnership. To assist him in increasing the value of his property and also assist him in the development and make it more attractive, there are some disadvantages. I mean, some of those places will be between two high rises. So, the adding additional amenities to the property would make his land much more valuable. In addition, we would then be able to use the additional taxes generated from that to pay for the public portion of it. So it is one of these projects that is very timely and the opportunity appears to be right to get out outside funding in addition to the local funding through the TIF. So, I strongly support this legislation so that we can keep the momentum of this project moving forward. Thank you.

President Gudenas – We should add that the City of Euclid does own about one acre of waterfront land acquired somewhere around the year 2001, which is an important part of this project. Nothing can happen without the City of Euclid's okay because we own that one acre of parcel. We are one of the developers already by nature of that land that was purchased in 2001. At the same time we should all look back to the 60's and 70's when the City did actually follow the advice of the developers coming in, Associate Estates and the Milstein family, and we basically took their word for what was good for the City of Euclid, which back then was building apartments and high rises along our lakefront. We were told, don't worry, it will work out, it will be the new Gold Coast as what happened on the Westside of Cleveland. We did follow their advice. We did give them exactly what they wanted and now we are the beneficiaries of very bad planning. This time we're trying to avoid making those mistakes and be involved with the planning from the beginning so the public is protected, lakefront access is given to all, new restaurants are open, economic vitality expands including putting this lakefront plan in with Downtown Euclid's plan. We're trying to think bigger and make it happen for the residents of Euclid, not just for the benefit of one or two developers that will probably never live in the City of Euclid. Councilman Gruber for the opposing side.

Councilman Gruber – Remember it was marketed as the Platinum Coast, that's how they marketed the development in Euclid versus the Gold Coast. To your point, the Shoreby that is a private club with no public access. At our committee meeting it was brought up that we were number 8 in the number of boats in the country, registered boats, we're number 9. We're down from number 8. Also, a recent survey of local marinas, Wildwood has 60 slips with 20 empty. They lowered their initiation fee from \$2,000 to \$1,000. Shoreby which you mentioned, has 85 slips, 60 are being used, the rest are empty. Chagrin Lagoons Yacht Club has 15 empty slips. They've lowered their membership fee. Chagrin River has 20 empty slips. They had lowered their fees as well.

Just in the paper over the weekend, North Perry decides they're going to build a beautiful marina project with beaches and snorkeling and scuba diving, which I don't think we have in our plan. Their initial plan called for 40 slip marina but was scaled down after they did some marketing research. Now they're going to do 12-14 boats and they are going to pay for it, it is a \$4.2 million project out of their reserves; of course they have the Perry Plant to help them out a little bit. They are going to the State, their State Senator Tim Grendell has offered \$300,000 State grant. They are going to act on this tomorrow. We might be a little bit behind the ball in getting some money from the State. But we really need to see if a need for marinas exist. Most of the boats are going to the western basin because there are places to go out there, you can go to Put-in-Bay, you can go to Kelley's Island, you can go to Middle Bass Island. But there's a lot of activity that has shifted that way and I'm just afraid we're going to build this and they won't come. It is a lot of money, it is a big risk, and I know you're into big risk, but we need to do some studies and some marketing and see. I hate to use the word study, but some marketing studies to see if there's really a market for that number of boats. It is a lot of slips.

President Gudenas – Councilman Gruber is making a good point. The Danter Group out of Columbus specializes in that and did that for the City of Euclid way back in 1998 or so, so part of this whole plan might be advisable to see if that work can be updated from what they have done in the past.

Councilman Conway – The one thing I'll ask Councilman Gruber and I know you don't have this information right now, but what I continue to find in my research and I can't quantify it at this point is, many of the residents have to go to the outside of our city to actually dock their boats. Many of those people would like to be able to do so right here in Euclid, that I've been able to talk to. Again, I don't have all the numbers to back that up, but I think it is very important that we try to actually try to bring some of those amenities home to the City of Euclid so that people who live here actually have those resources available to them. I think lakefront development is very critical to not just the City of Euclid but this entire corridor. It is something that I will continue to support. I thank you for bringing that information out to us. We have to be as informed as possible. But, I try to look at every project, seeing what benefit it will bring to the residents of Euclid to make sure the city is moving in the right direction. Thank you.

Councilwoman Minarik – I think we've talked about the marina for close to two decades. We need to do something. It has just been talked and talked and the paralysis of analysis is the term. We can continue to analyze, we can continue to getting marketing studies and whatever, we need to move forward on this. I have a question on Section 1 regarding that this will include a public restaurant using the Laughton house. Mr. Chairman, doesn't K&D own that parcel currently?

President Gudenas – Correct.

Councilwoman Minarik – How can we in good conscience tell K&D what to do with their property?

President Gudenas – Because K&D is anticipating millions of dollars of support from the taxpayers and using the city property and of course Lake Erie, is owned by the public. So they're planning on having the public pay for their project at least in part and also use public land so the public has to have say over the project.

Councilwoman Minarik – I find it difficult though to tell a developer what to do with his own property. However, perhaps we could make an offer for the parcel and that would protect the Laughton house. Is that feasible?

President Gudenas – The City has acquired lakefront property in the past.

Councilwoman Minarik – Got the parcel, two parcels over. This would prevent or actually protect the public access to the lake. Is this a possibility? I don't know.

President Gudenas – Of course it is. Again, the City has to look for the benefit of the residents and protecting public lakefront property is one of our priorities. Once it is gone, it is gone for good, you can never replace it. This will be the last viable spot in the City of Euclid for any kind of sizable lakefront marina development. So protecting that land would be important.

Councilwoman Minarik – Would it be possible to approach K&D with an offer?

President Gudenas – Yes.

Councilwoman Minarik – What is the process?

President Gudenas – I guess give them a call. I was told that if, again this was not in writing, that they would entertain selling it back to the city.

Councilwoman Minarik – Who in the administration-side would make the call? Do we even have the money? I don't know, that's why I'm asking.

Mayor Cervenik – I believe that's why this piece is going into Committee so we can try and work out some of those.

President Gudenas- This has come out from committee.

Mayor Cervenik – I'm sorry. We're not at a point, the administration is not at a point where we're thinking about purchasing property. We're still waiting for the final, as you read in the letter last time, the final design plans that K&D will put in front of this body. At that point, this body can directly make their suggestions, ideas and comments known to K&D. I certainly believe that within the next couple of months, that will happen. That would be the time we could discuss about what property is available. We're not sure what property they want to use. If there is some that is available for other uses than what they want, that's all going to be part of the process.

Councilwoman Minarik – With this resolution if we let them know that we are interested in that parcel, that may change their final plans too, so it might be good for them to know ahead of time that we are interested in this parcel.

Mayor Cervenik – They have a copy of the resolution. They're fully aware of the intentions, the intent of council here tonight. They are very confident that when they present their plans to you, that you will be very satisfied with the result. It is premature for myself, my administration, to request purchasing property. Anyone on Council, obviously if you feel that is within your parameter at this point in time, you may do that. But, in talking with K&D, in talking with Doug Price and Karen Harrison, the main two parties involved here. I'm going to give them the opportunity to finish their plans and present those plans to you and the administration.

Councilwoman Minarik – Mr. Mayor, when we purchased that other parcel, two parcels over, you were on Council at the time?

Mayor Cervenik – Yes, we purchased them for I think it was either \$140,000 or \$145,000.

Councilwoman Minarik – What was the rationale for purchasing that property?

Mayor Cervenik – I believe the owner of the property approached the city and says, we will offer this to the city at this price. We know you're going to be doing something with lakefront development. It was an opportunity that we subscribed to.

President Gudenas – Back then the K&D group was not involved in lakefront development. Actually Associated Estates owned the Americana next door back in 2001. So basically I remember that the purpose was to protect the lakefront development in that area so that the City of Euclid could control what happens and not be at the mercy of developers. Fortunately we did buy that property and we are not at the mercy of developers as some developers may want us to think.

We have seen the beginnings of these plans that have been worked on over all these years and none of them that are presented to the administration right now have a marina or a restaurant that will attach to any place to the water. The public access seems to be very limited in scope in that there is no parking for the public apparently. So the plans we're seeing are potentially a disaster, in my opinion, for the city of Euclid. A big disaster that what we've been working on for up to 20 years could be taken away from our residents once and for all. This is a pre-emptive approach so that the developer knows what needs to be done to make it work for the public. That we on City Council expect public access, public restaurants, public use of the waterways and that there is no point to sell off the last part of our lakefront that can be developed for this type of purpose with something that probably will not work. My greatest concern is that when the plans without a marina and without a restaurant prove they can't be done, we're going to end up with another apartment building. That's my greatest concern and that's the direction we're heading in is more high rise apartments in that area because a developer will then say, hey, it didn't work out and we're by apartments and we need more.

Councilman Gruber – Just another thought, if we do have a 240 slip marina, where will the boat storage be? If we're concerned about public parking now, they will require some boat storage on site. It is something else we have to look at.

President Gudenas – This is a seasonal operation, the way it was presented over all these years and the boats will be taken out at different locations and stored elsewhere. It was never anticipated that they'd be stored here.

Councilman Conway – I have a great answer for Councilman Gruber and Director Pietravoia can work on this. We have plenty of vacant buildings that I think would make excellent indoor storage for some boats. So if you want to go out there and advertise that.

Director Pietravoia – Your earlier comment was correct in all the different versions that have been looked at for the layout of the project, it was always felt that the land was too valuable to set aside that much area for parking that would be required if you were actually putting boats in the water. There was always an intent that the boats be put in the water elsewhere but then would be either docked here or come here as visitors to this particular marina.

To your point about the vacant buildings, I'm pleased to report that other than Heritage Park, most of the significant size vacant buildings have been purchased and occupied. I am confident that it makes sense to do something off-site here locally that we could find a location that would work for that.

President Gudenas – We do have the mall. It could probably hold a few hundred.

Director Pietravoia – You could hold a lot of boats at the mall.

Councilman Langman – As far as obtaining property, I think we should keep that in our back pocket, but I think that might be a little premature at this moment to talk about purchasing and so forth. The idea is to try to work with a developer as best we can. But if that does not come to fruition, and we have to protect the public's interest, then we can do that. The main element right now is how do we finance a break wall? I think to speak to Councilman Gruber's concerns, the risk I believe is doing nothing. I've talked to enough property owners in the immediate area that they've seen plans unveiled and they don't see anything happening and many of them are beginning to lose hope. They understand that a break wall and a marina will leverage tens of millions of dollars of additional investment. So if we do nothing, or if we continue to talk, that doesn't mean that we can't do updated studies, we should. But the permitting process is going to take a little bit longer than a year that we should be doing these additional studies. But I would not try to talk the project down right now until we have more information. But if we do nothing, then investment will go elsewhere. We've already seen too much of that in our community. With that, Mr. Chairman, I'll make a motion to close debate.

Councilman Langman moved to close debate. Councilman Gruber seconded. Yeas: Unanimous.

Roll Call: Yeas: Conway, Delaney, Minarik, Langman, Lisy, Mancuso, Walsh, Gudenas
Nay: Gruber

Passed.

President Gudenas – One thing I noticed, we have nothing on our marina lakefront development out here at City Hall. So we will have some copies posted so residents coming into City Hall can take a look at what it is that we're working on.

CEREMONIAL RESOLUTION

Res. 195-2007 (478-07) Imani Church

A resolution of appreciation to *Imani Church*, under the leadership of *Senior Pastor Michele Humphrey*, in recognition of its contributions to the community and for its numerous outreach efforts that benefit and enrich the lives of the citizens of Euclid. (Sponsored by Mayor Cervenik and the entire Council)

Councilwoman Minarik moved for passage, Councilwoman Mancuso seconded.

Roll Call: Yeas: Conway, Delaney, Gruber, Minarik, Langman, Lisy, Mancuso, Walsh, Gudenas

Passed.

COMMITTEE OF THE WHOLE

Councilwoman Walsh moved to go into the Committee of the Whole. Councilman Delaney seconded. Yeas: Unanimous

Mayor Cervenik – As our first speaker is coming up, it came to my attention as I looked out into the crowd and saw so many young faces, taking notes and listening to us, that we have the Cleveland State University, my alma mater's, media writing class present this evening to observe us. I would like to give you a hand an accommodation for being here this evening. I believe Professor Talbot is the back there and is responsible for mentoring these fine young students and we really appreciate you being here this evening.

President Gudenas – Thank you, we thought you were just coming here about the parking issue.

Mr. Greg Miller – 564 Babbitt Rd. I presume that I'm not one of those young people that the Mayor was referring to a moment ago. I'm here to speak about the restoration of public invocations at the start of our City Council meetings. By way of my qualifications to comment on this issue with legal, historical and religious implications; I have been a licensed attorney for nearly 30 years, with training to practice specifically in the field of religious liberties law; I have a bachelor's degree in U.S. history; and, finally, I have been in ministry for the past 12 years.

Legally and historically, the issue concerning public invocations is very well-settled. They are lawful now, and have been lawful since the inception of our country. The U.S Supreme Court, in their lead case on this issue, said in Marsh v. Chambers in 1983, that "The opening of sessions of legislative and other deliberative public bodies with prayer is deeply embedded in the history and tradition of this country. From colonial times through the founding of the Republic and ever since, the practice of legislative prayer has coexisted with the principles of disestablishment and religious freedom." No problem with separation of Church and State with regard to public invocations in the opinion of the U.S. Supreme Court.

To clarify and to reinforce that, the following year in a case called Lynch v. Donnelly, the Supreme Court affirmed that "our history is replete with official references to the value and invocation of Divine guidance in deliberations and pronouncements of the Founding Fathers and contemporary leaders." From the Founding Fathers to the contemporary leaders. This has been the view of the Supreme Court dating back to its 1892 decision in Holy Trinity Church v. United States, where the Court confirmed the "custom of opening sessions of all deliberative bodies and most conventions with prayer." In fact, each session of the U.S. Supreme Court still opens to this very day with the invocation: "God save the United States and this Honorable Court." Obviously, there is no blanket constitutional prohibition against public invocations, whether before sessions of the Court, Congress, or this city council.

This includes so-called 'sectarian invocations' which call upon the Deity by a specific name (like Jesus, Allah, Yahweh or Adonai) so long as the invocation is (a) not used by the government to promote a specific religion; and (b) the invocations are open to a wide pool of clergy (as has been the case in Euclid), where we have had Rabbi Abrahams, we have had sensei's from the Buddhist Temple, we have had Baha'i representatives as well as representatives from every Catholic and other Christian denomination lead invocations. It is a rotation basis that would pass muster with the Court. The key guideline in that regard is provided by the Supreme Court in Marsh v. Chambers: "The content of the prayer is not of concern to judges where, as here, there is no indication that the prayer opportunity has been exploited to proselytize or advance any one, or to disparage any other, faith or belief. That being so, it is not for us to embark on a sensitive evaluation or to parse the content of a particular prayer." The Court doesn't want the government determining how the person's supposed to pray. That's the government dictating prayer. It is up to the individual who is selected through a process that's a fair process to pray according to the individual's conscience. That's the basic principle.

Lest you be concerned about whether that's accepted in most Courts, even the famously liberal Ninth Circuit Court has found invocations "in the name of Jesus (to be) permissible solemnization of a legislature-like body, provided that invocations were, as is traditional in Congress, rotated among leaders of different faiths, sects, and denominations." That's in there 2002 decision Bacus v. Palos Verde School Board, (9th Cir. 2002). In fact in Congress from 1989 to 1996 "over two hundred and fifty opening prayers delivered by congressional chaplains included supplications to Jesus Christ". The process used in Congress was explicitly approved by the District Court in the District of Columbia in 2005 in Newdow v. Bush.

Finally since there is so little time here for me to adequately summarize the key principles of law, I sent a legal memorandum (with alternative model policies) to the Law Director, with copies to the Mayor and the Council President last week. In reply, the Council President has assured me that "This city council has no plans to discontinue, I'm sorry?"

President Gudenas – We're about out of time.

Mr. Miller – I'm sorry, I just wanted to say thank you for your assurance and kind of borrowing from the Supreme Court, God save the City of Euclid and this Honorable Assembly. Thank you.

President Gudenas – Law Director Frey, you did receive these two alternative versions?

Director Frey – I did.

President Gudenas- Can you ask your Law Dept. to work on draft legislation for the city Council to consider for the next meeting so that we have a specific policy in place along the lines of what the resident Greg Miller proposed today.

Director Frey – Fine.

President Gudenas – So we'll hopefully have something specific. In the past we've just sort of done it informally but this hopefully will put something in writing for the future.

Mr. Vince Riha – 1515 E. 195 St. First I'd like to say that I was listening at the beginning to Director Will. She talked about all the programs that we have. A large number of those are being held at the Shore Cultural Centre. So, Shore is not just a cooking school. I think sometimes we get a little short-sighted on Shore.

Secondly, from my personal standpoint, there's a house on Dille Rd., that three months ago we were promised some abatement for an unconventional structure in the backyard. To this time, there is nothing happening on it.

Then onto my main reason, ward changes. Based on the map that I see out there in City Hall, I find that there's a problem with it. Director Frey was quoted in the paper as saying no homeowner's association would be divided by case law. As I take it, case law is God. Also, Mr. Gudenas in last week's Sun Journal was quoted as no homeowner's association had been harmed. Then why does that ward change take your most vocal, most visible and a large African-American population and cut it in half? The City has tried for 2-3 years to divide that homeowner's association and now you had to get a Federal Judge to do it. Will the administration defend our rights if that is case law? Or will they leave us hanging in the wind through a legal lynching? If racism exists in the city, it is not with its citizens, its with the administration.

What I am asking is that, not asking, I'm demanding, that you take our rights and protect us and make Heritage Park Homeowners Association whole again. Thank you.

President Gudenas – Councilman Lisy worked directly on this with the Federal Court, any response?

Councilman Lisy- Yes, Mr. Chairman. That was a unfortunate requirement. We were given levels of priority. The first was to create a Black Ward; a predominantly Black ward with over a certain population of that Black Ward. Second we had to balance the populations between the wards. Third, we had to use the census blocks because the census blocks are the only bits of data from 2000 census that we actually know the racial make-up of the streets and neighborhoods in that area, by the census block. Unfortunately the census block in that area is huge. We were not allowed to split that census block according to the homeowners association. When we went down our list, the homeowners association was to be take into consideration in how we divided up the neighborhoods. But given the priority of creating a predominantly Black Ward in Ward 1 and then to balance the populations between Ward 1 and Ward 2, we could not do it by including the eastern-side of Heritage Park Homeowners Association. We tried, we tried many different ways, but

Mr. Riha – Case law is a joke.

President Gudenas – I'm sorry you can't communicate back and forth.

Councilman Lisy – We tried to follow as, we went with precedent's and unfortunately case law that was cited does not pertain to the State of Ohio either. So, that was the other item that allowed us to overlook, not overlook, but to go ahead with the plan as it was with the Heritage Park Homeowner's Association. We spent hours dividing this up and trying to come up with a way to try to preserve the Heritage Park Homeowner's Association, but, the census blocks are just too large in that area. We wanted to split the census block but then we couldn't tell if we moved White people into that area or Black people into that area because we cannot break out the racial make-up of the voting age population in half of a census block. So it was a numbers game that we couldn't have such a large Ward 1 and a smaller Ward 2.

Director Frey- If I could to add to Councilman Lisy's comment, no member of the administration, myself included, drew ward boundaries for the six ward plan or the eight ward plan. We don't have an acceptance yet that I am aware of, of the eight ward plan that's been presented. Although I expect the Court will approve it. But no one in this administration drew those ward boundaries. That work was done through a collaborative effort with Councilman Lisy, the attorney's from Weston Hurd, officials at Cleveland State University and the Department of Justice mapping folks. While ward, I'm sorry, homeowner's associations certainly were a consideration and in fact it was the Judge who pointed out that that was an issue and she wanted to, to the extent possible, protect the integrity of those homeowners association. She also instructed us that the ward boundaries had to be regular in shape, had to achieve the majority populations in at least two of the eight districts as was required by her order and that's the parameters that Councilman and the others involved in that drawing were working with. It was certainly not done to split any homeowners association. In fact it was to try to maintain neighborhood integrity wherever possible. I gather that the Heritage Park Homeowner's Association covers a large geographic area. It's as the councilman described, because it was in two different census blocks, I'm guessing, three, census blocks that it ended up being split. But not because there was some intention to silence any group of disenfranchise any group, and certainly nothing the administration did to cause that to happen.

President Gudenas – Structure on Dille Rd. that was talked about at previous meetings, where do we stand with that, what's happening?

Housing Mgr. Drazetic – That is currently being prosecuted for the new owner and the old owner, they also did an illegal transfer at that time.

President Gudenas – All right, so the city is following through and it is going through the legal procedures.

Mgr. Drazetic – Yes we are.

President Gudenas – Any idea when that might resolve itself?

Mgr. Drazetic – Hopefully it will be shortly.

President Gudenas – Within a few weeks?

Mgr. Drazetic – Hopefully.

Mayor Cervenik – To further comment upon the homeowners association. I would, as I've tried to get people to understand that whether you appreciate what the new boundaries are or not, we need to try to look at that as a positive and to move forward. I would say there maybe even some advantage to this homeowners association. They certainly do not have to split the homeowners association up or reduce their boundaries in any way, shape or form. Actually the positive here is that Heritage Park will be one of the few homeowners associations that will actually have two hard working council people working for you and I'm quite sure that any council person that, the two council persons that are members of your homeowners association will support each other and your group very strongly. Again, I think we need to move on the positive and I think you're probably going to be one of the luckier homeowner associations because you will have two representatives working for you.

President Gudenas – But none at large. Who's next then?

Mr. Larry Germovsek – 1395 E. 260. If any of you read the Plain Dealer this morning, that's what I'm here for, my article in the Metro Section.

President Gudenas – Again, your supposed to have it regarding the general welfare for the city.

Mr. Germovsek – Well it is the general welfare of the city, so if you let me have my time and then on your time you can say that I was wrong, okay. September 4th I came here and I spoke out publicly against the Shore Cultural Centre as I always do. I made some comments, what my pleasure would be with that building. Low and behold last week, I get a phone call from an Air Marshall from the Office of Homeland Security. He wants to speak to me privately, but he won't say what he wants to talk to me about. He arrives at my office at 1395 E. 260th. He says, I'm going to cut to the chase, he said, were you at some kind of meeting on September 4th concerning, he thought it was a County meeting. I said no, it was a City Council meeting. And he wanted to know if I publicly stated that I wanted to blow a building up. I said no, I publicly stated I wanted to implode legally the Shore Cultural Centre. Someone in turn called the FBI and turned me in as a terrorist.

So there I was, sitting at the Euclid Police mini-station, talking to two FBI agents, okay and they told me, honestly, they thought the whole complaint was politically motivated, whoever the complainant was, they felt there was no cause for the complaint, but by law, they had to waste their time and come out and talk to me. At this moment, I am trying to find out who that individual was, obviously they didn't have the courage to give their name. I do have some rights. I think it is pretty sad when you can't come to this public forum and express your own political belief concerning a building, a building that to this day I will say should be torn down because I wouldn't want to say the other thing because I don't want them coming back, knocking on my door again. I really thought they were coming out to ask me for some help, you know, hey, I get to work with the FBI today. No, I was their suspect. That's what I was that day.

I do have a suggestion for the Laughton house. We could take the Laughton house, we could put it on a platform, move it down, put it on Shore Cultural Centre's property and then we could have two of our blighted properties sit together. Then we could keep our money pits all in one place.

For one, I do agree with Mr. Cooke. You don't tell people how to spend their money. That house is an eyesore, just like the other building's an eyesore. We're all in a big hurry to take the money out of the golf course to pay for our little pet projects, but two years ago or a year ago, you were condemning the golf course for building a new clubhouse, but its shown a profit. I haven't seen anybody ask to take some of the profit from Shore Cultural Centre to help pay for some other projects. That's right, that's because Shore Cultural Centre in 22 years has never made one penny. We spend over \$200,000 a year to keep that pile of bricks afloat. You want to have a place for programs for kids and all the other good stuff, okay, tear it down and build something better. That's all I've ever said.

Once again, I hope this coward that wasted all these tax dollars, will come forward and expose themselves. I don't take it lightly when I have two FBI agents knocking on my door. I will do everything I can to find out who this person was. When I do, this will be the next place I'll be to let everybody know who that person is. Thank you.

Mr. Tom Cooke – 25641 Edgecliff. Again I want to comment on the marina. Council President Gudenas, K&D properties is not Associated Estates. They can't even be spoken of within the same sentence or the same breath. You're well aware as all of Council and the Administration of the reputation of Associated Builders, as well as you are well aware of the reputation of K&D properties. They are not even within the same plane. You do an extreme dis-service to the residents of the City of Euclid who are not privy to that kind of information to lend them to believe that they are one of the same type of developer, they are not. K&D stands out heads above Associated Estates.

Just to comment on Councilman Conway's remarks regarding bringing boaters in closer proximity to their boats. I've been a boater for 25 years. I've had boats all over Lake Erie, up and down the east coast and west coast of Florida. What I can tell you is, when we had our boat up in Sandusky, every weekend we took the family up there and we stayed up there and we lived on the boat for the entire weekend. We used the residence and the amenities within Sandusky throughout the entire weekend. So we were contributing to Sandusky's economy.

I also had a boat at Mentor Harbor Yachting Club and it was close enough that we didn't spend any time on the boat. We came home and stayed at home. We spent no money in Mentor. We spent very little money within the restaurant of the Yacht Club because we were in such

close proximity to our own house. So, I understand what you are saying, but it works just the reverse. You have many, many people who live 4 hours away from their boats and they will come up a day early to spend two, three, four days and live on their boats and spend their money within that community where they have their boats. They don't have their homes near their boats, very few do.

Just one last comment. You want big boats. Big boats bring big dollars. Big dockage fees require big fueling services and run up big bills as far as taxes and basic requirements, engine requirements and services within a docking facility. That being said, you need big money. You guys don't have enough money to build a marina that you're talking about or thinking about for this area. You're talking about small boats that can be put into dock storage and that's not going to bring money into this community. That just won't do it. You want the big dollars, you want the big boats, you want the boats that are up in Bratenhal to come down and spend time in Euclid and eat at a restaurant of that caliber in Euclid. So, if you're going to do this, you've got to think about ten times bigger than you currently are. Thank you.

President Gudenas- To clarify the Associated Estates comment came up because of the plans presented to Euclid residents back in the 60's and 70's and the promises that were not kept and in no way am I implying that K&D is same type of operator as Associated Estates. They are clearly a superior operator of apartment buildings. Next please, Mr. Johnson.

Mr. Richard Johnson – 24451 Lake Shore Blvd., and represent the upcoming mini-summit by the organization, Bridging Community Connections. I want to thank the Mayor for his earlier announcement of this coming October 20th summit. In addition I'd like to thank the administration and city council for your earlier March support of the first summit. We had over 90% attendance and involvement from Council and Administration. This says something to the citizens of Euclid.

We have obtained a tremendous and powerful speaker in Dr. Tameka Taylor and she has attended our summit meetings which is progressing this total plan. So we therefore invite all of our citizens to come and learn how we can strengthen our community and learn what has already been done by these subcommittees by joining hands we can and will create exponentially the power to move Euclid forward. Come and bring a neighbor and enjoy this October 20th event.

Mr. Victor Goodman – 20201 Glen Russ Lane. First of all, looking at you honey, my wife broke her foot, her bone in her foot and she's seeking revenge for all the times that she had to take care of my Achilles now. So get well honey, I'll be home soon.

I marvel and really am of so many people who have come now to city council and if a lot of the things that have gone against us have inspired more people to get involved, then maybe we haven't done such a bad act.

But I'm here to, I don't know, set aside some myths and I'm getting a little tired of 6-2-1 and 8-3-5 and 14-17. I have here a copy of the June 22nd Plain Dealer. This was just days after Council and the Administration received a packet from the Justice Department. But somebody, whether from the Council or the Administration decided they needed to leak it. Here is a map back in June 22nd of eight wards, that's what the Justice Department wanted to begin with. That's what ended up at the end and any of the other 6-2 or any other concoctions was never approved. This is what they handed the Council and the Mayor. If there's a Councilman or a Mayor that would like to refute that they were handed this or, then we have to assume that the Plain Dealer is a liar.

So, let's put to rest what it could have been, what it might have been. It should have never been and I do have to agree with Mr. Germovsek I think it is, I would like the cowards to come forward who brought this law suit against the City of Euclid for being a racist city.

I'm now going to talk a little about the law suit itself, at least my opinion there. I don't think anything was gained. I think a city could be very well destroyed because animosities are building every day it seems. People are taking sides. Two segregated wards is not a solution. It is going back 50 years and it is funny, the Supreme Court of the United States earlier this year ruled you can't bus in order to achieve racial balance any more. But we have a Federal Judge below that, who says, I can mandate wards by race. I think it has disenfranchised every single member of the Black community who does not live in those two specific wards.

So, what has been achieved? There's no guaranty that even in those two wards a particular person will come out. So, what has been achieved? Everyone has the right to run wherever they live, wherever they want and expect they can win. I just don't see it. I think the Judge O'Malley will go down in history, no different than Judge Batista. I think that she has

tried to solve a problem, but the solution is far deadlier than what is. I think history will show us that this was the poorest of a judgment choice.

Time is ticking so I attended Charter Review this week and I made it very clear to Charter Review and I'm making it very clear here. Charter Review voted non-binding, to not bring anything forward to this Council, but to bring it to the Council that will serve after March. Three members of Charter Review are planning or have planned to run for City council. If this is not a conflict of interest, I'll buy swamp land. They are waiting to vote on their own thing. Mr. Mayor, if you really are a leader, you must rectify this mistake. You cannot be on Charter Review and make judgments about the future Charter that you may actually vote for.

In my concluding few seconds, I want to know where the rental money is and with all due respect to Mr. Pietravoia, if you expect me to believe that you mailed it to the wrong address and you forgave \$54,000 again, I'll buy some of that swamp land.

The address that you sent it to was a legal address, it has a resident manager, they receive mail there every single day and there is no excuse why the City of Euclid has been ripped off for \$54,000 because we mailed it to the wrong address and how much more money has been not paid in similar ways. Thank you.

Director Pietravoia – I would like to respond to that and I'd be happy to talk to Mr. Goodman about it as well directly. We have in fact collected all of those dollars. I don't know where the misunderstanding came that it was never collected. We did have an issue with the original notice going to the wrong address, but once that was rectified within a matter of two days, the full fees were paid to the city. So we have collected those dollars.

President Gudenas – Was it the late fees that was at question?

Director Pietravoia – If I understood his question was talking about the fee itself of \$54,000.

President Gudenas – Sorry, we're not back and forth. Were any other?

Director Pietravoia – If I understood where your question was going, we did forgive the late fees and we did explain that at the time that this was discussed before Council. In fact I think this is probably the 3-4 time that I've explained the same thing. It was a matter of, I believe, I don't have the exact figures, but I believe it was about \$1,500.

President Gudenas – Were there any other point of sale fees that were waived in the City of Euclid in the last several years?

Director Pietravoia – Not to my knowledge, Mr. Chairman. We are caught up with and I did report in an e-mail to Council. I will be happy to send that again to Council if you'd like to see that information again.

President Gudenas- So as far as you know, every other building that was sold that required a point of sale inspection did pay their fees?

Director Pietravoia – That's correct.

President Gudenas – I have, and I don't want to bring up the accusation publicly but a few people have asked me about specific buildings which I'll ask you about.

Director Pietravoia – I'd be happy to look into it again.

President Gudenas – Just for the benefit of the residents, if you could also provide city council and the residents a copy of the ordinance that gives the administration the authority to either waive fees or late fees, so we can see exactly how that works. You'll be able to provide that this week?

Director Pietravoia – Yes, Mr. Chairman, I will provide that by e-mail.

President Gudenas – Thank you.

Mrs. Del Tekieli – 5 E. 221 St. I'm a member of the Shore Board. I want to go on record, first of all, saying that I am not a yahoo, I have never been a yahoo, I do not intend to be a yahoo. I think I'm a little above that.

I'm here to bring you some news, good news about Shore, not just nice news, but kind of wow news. During the second week of September, Monday through Thursday evenings, approximately 400 people came into the downtown Euclid area to begin classes at Shore. Many of these people would not have had a reason to come into the area, except for the classes. These individuals will come to Shore once or twice a week, for the next couple of months, three months actually. A hundred of them were Cuyahoga Community College students. I actually met a young woman about 5:45 pm on Tuesday night, the class starting, at the Lake Shore Coffee House, and we were standing in line to get coffee and she was telling me she was taking a math class with her Euclid friend. She lived in Solon and she informed me that all of the classes, the same number of classes that were offered in Euclid were offered in Solon and all of those classes were cancelled. So I say, win/win for Euclid.

There are approximately 125 students taking GED, basic skills and English as a second language who are striving to better themselves. Yes, their teachers pay income tax to Euclid. Fifty children are enrolled in the Bounce Around Dance Studios. Many of these parents shop at the stores during the hour their children are in class. Other classes include some body sculpting, jazzercise, yoga, water color, open pottery, just to name a few.

Those 400 participants do not include daytime activities such as those served by the WIC, Women, Infants and Children; the Hunger Center or the Red Cross. The Red Cross recently reported to Shore that the Shore site is consistently one of their best sites. Incidentally Red Cross Babysitting Certification classes will start October 13th for two weeks and children must be registered by October 11th. Those are for children 11 years old and up.

Upcoming events at Shore include the October 11th opening of the Shore Culinary School. This event is for the parents, students, school officials, Euclid City and School Officials, the Shore Board, some local restaurateurs and the contractors. The students will prepare the food and serve from pasta, Hors d'oeuvres and dessert stations. In addition, the Euclid Civic Orchestra will perform on October 21st at 3:00. The Haunted Hallway for children ages 3 to 8 will be on October 27th & 28th. The Little Shop of Horrors, Silhouette Productions will be from December 2, 3, 4, 9 & 10th. If you want more information, visit the Shore website at Shoreculturalcentre.org.

The key word, good, in all these events happening at Shore are good and intrinsically, morally, ethically. Good to enrich lives, good to help people better their lives, good to patronize Euclid businesses before and after.

In closing let me say that Shore supporters respect the people who use the Library, the Senior Center, the golf course, the ice arena, the ball diamonds, soccer fields and even the basketball courts. People who use Shore deserve to be respected as well. This building is critical to their good programs. Thank you.

President Gudenas – Somebody in the administration, I know we switched to digital with our video recording, do we still need to take a break to switch the tape? We have no idea. We are right at the 2 hour mark and I was wondering. We'll take a break just to play it safe and we'll find out if our digital needs require that or not. We'll take just two minutes so don't go very far.

We are back in session and Mrs. Riha will offer her comments.

Mrs. Pennie Riha – 1515 E. 195 St. First of all, one thing I fail to understand and it is just a question, how do they know what color I voted? What color is a vote? I still can't figure out how do they decide whether I voted for African-Americans or White candidates. If somebody can answer me that, maybe I can find some peace about this stupid thing.

As far as diversity in this city, we have a lot of diversity and we have a lot of people who get along really well with each other. What I'm really tired of is having people come up here and rip on Shore this and Shore that, tear it down, it is no good. I don't recall coming up here and putting down, how much do we spend a year on baseball diamonds? Electricity to light them. What's the price of chlorine, the pools? I don't complain about any of those and I would like to know what is the budget for senior recreation? What percentage of our population is seniors? How many senior's swings are throughout this city in playgrounds? I would like to know where's our share of senior recreation? Because I didn't hear anything. Ms. Will puts on a lot of really good programs and I applaud her for it, sometimes I even bring my grandchildren here. Another place I like to bring my grandchildren is for the Christmas concert, first time they ever saw one. It was really special.

If we really want to have diversity, why don't we have the jocks stop putting down the people that care about the arts and that would be a big start. That's all I have to say, thank you.

Mr. Christopher Litwinowicz – How you doing Council? I've got 5 minutes.

President Gudenas – Just state your name and address for the record.

Mr. Litwinowicz – I'm a candidate for Mayor of Euclid. I wish not to give my address.

President Gudenas – I think you do need your address for the record.

Mr. Litwinowicz – Why is that? I ain't trying to be funny, this is my time right now.

President Gudenas – That's part of our rules. Well that is our rule.

Mr. Litwinowicz – 21970 Morris Ave. I didn't want to give my address because somebody sliced my tires. Someone also stole my newspapers and I lost my job. How do you guys feel about at-will employment? Where you can get hired to deliver newspapers to you know feed yourself and a company out here that does business in the City of Euclid allows it to happen. I'm asking for one individual on my council to sponsor a resolution to change the Ohio Revised Code for 2008 on Ohio at-will. I want all the employers to come to my city to get jobs. But I'm going to stand here, before an employee, I mean before an employer and I'm going to fight for an employee. Because everyone on you guys on my council have either full time jobs or part time jobs.

Just to let the public know, I had a meeting with Mr. Dr. Jones today. The hoops are hopefully going back up at Roosevelt. I'm asking my council, what are they going to do about that issue? I appreciate all the support, all the voters out there. DOJ incident, let's move on. It is basically about voter registration. So if you have comments and questions, please direct that to 443-3298. That's the Board of Elections. Also you'll have until October 9th to register to vote, so register to vote.

I'm going to take my time, complete 5 minutes with this. Shore Cultural Centre, the marina, good ideas. But right now let's talk about our mall that's been vacant. You know newspaper articles saying that this is Council's priority. Okay, that's council priority for this little time, now let's find another priority. Jobs. I don't know how much I can keep stressing jobs. Why are our kids at high school going to Burger King and working 20 hours. They should be allowed to work 5 hours a day, that's 25 hours, plus 8 on Saturday, plus 8 on Sunday, and it needs to be mandated that you give the employees 50 hours. Now I need one person, one person, that could be a Mayor, that could be the President who is running for Mayor, because it sure is me, and it sure is 10 million other, not candidates and citizens, along with 50,000 citizens starting in Euclid. I'm not asking Euclid to tell the businesses what to do. But what I'm asking is to tell the politicians what to do. Senator Mason, people that was right here that told me to do my research. Well aren't they paid to do that? Why does a citizen have to tell them that this is what we want? How do you feel Mr. President on the issue of at-will employment? You can take 30 seconds of my time and let me know. Please, let me know right now.

President Gudenas – I don't have a position.

Mr. Litwinowicz – Do you approve this? Will you do a resolution? Will you sponsor resolution, since you don't got two minutes to talk to me on the telephone, I get 5 minutes here. I've got 38 seconds.

President Gudenas – I'm not planning on that, no.

Mr. Litwinowicz – You oppose it. Next, at-large, Councilman Conway, you oppose it, or will you sponsor a resolution to change the Ohio Revised Code?

President Gudenas – Again, the normal procedure.

Mr. Litwinowicz – I've got 5 minutes sir.

President Gudenas – I'm sorry but the procedure is you can ask a question and after you're done you can answer your question.

Mr. Litwinowicz – I only have 15 seconds to go through the whole Council. I get 5 minutes every two weeks, every month, to sit here and try to make things happen. I'm trying to make things happen quickly. The Ohio Revised Code is being printed in the next couple of months for 2008 and that is when it needs to change.

President Gudenas – Thank you. Anyone else?

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

COUNCILMEN'S COMMENTS

Councilwoman Minarik – First of all, I would like to tell you all that the Ethics Commission of Ohio gave me their written opinion and I have resigned from the Shore Board, it is a conflict of interest. However, now I can actually vote on Shore legislation, so that's good.

The next thing I wanted to talk about is St. Joseph Christian Life Center. A group of concerned citizens have gotten together and they will be holding a meeting this Thursday at the Beachland Presbyterian Church, 18100 Canterbury Rd. and Lake Shore, it is that pretty little spire church, Thursday, October 4th at 7:30 PM. The purpose of it is to discuss blocking the Diocese's plans to board and fence the CLC, as well as formulate a strategy to by some time necessary to see if anyone else would be interested in purchasing that property or using it or preserving it in the sense that it has been used over the last several decades. If anyone is interested in attending, it is Thursday, October 4th 7:30 at the Beachland Presbyterian Church. The organizer is Barb Klint, Councilman Polensek will be there.

Finally the third thing is Mr. Litwinowicz has informed me that it is a possibility that hoops might be going back up at Roosevelt. Is this true Mayor?

Mayor Cervenik – With God all things are possible. It will not be this year. The reason those hoops were taken down is because of their close proximity to the residences on our Arbor Ave. I talked with Dr. Jones this morning after I, too met with Mr. Litwinowicz and we will look at a relocation so there's less bother to the residents for next year. We will probably present the funding into the budget for you. Basketball season although for the professionals it is just about ready to begin and we're all looking forward to it, they do play inside. We are very well aware that we need hoops and other activities for our youth to keep them occupied and supervised and we fully intend to address that this coming year.

Councilwoman Minarik – I do think pick up games are kind of important to kids, that's what we always used to have.

Mayor Cervenik – They are important and they are fun to watch.

Councilwoman Minarik – They sure are. And, finally Go Tribe, that's it good night.

Councilman Langman – Director Gulich, fall is here, not to much has fallen yet, so when does leaf pick-up begin?

Director Gulich – We outfitted our first leaf truck last week, so we are ready. We are out sweeping on some of the streets. We do get some early fall north of the boulevard predominantly, like in the Gilchrist area and some other streets over there, those are the first trees to lose. So, we're already out there keeping an eye on things.

Councilman Langman – Very good and hopefully I won't have to rake by the golf course this fall. Another question for you. We talked about several sidewalk slabs that are truly a hazard and they've been there all summer with nothing being done about it. One is at Farrington and 232 and the other is at Babbitt and Gay. What can we do to fix the hazard of these sidewalk slabs?

Director Gulich – I know Mr. Drazetic is involved with those particular ones. I don't know if he has an update, I can't give you one tonight.

President Gudenas – Is there an update regarding sidewalk replacements?

Mgr. Drazetic – Those have been cited. The one on 232 & Farringdon, they were summons last week due to they had an extension earlier and the one on Babbitt & Gay, they will be getting a summons shortly.

Councilman Langman – Do we have a timeframe when they might be fixed because I don't expect the owners to do anything?

Mgr. Drazetic – the one on 232 & Farringdon, I don't expect much out of it just because they haven't made much progress all summer long. We do not have a program in place to replace them ourselves, through anything that the Housing Dept. does.

Councilman Langman – I believe we were told that for hazardous slabs, we could abate those through nuisance abatement. Especially the one at Farringdon, that is truly a hazard. I can't expect people to walk on the sidewalk when they have to climb up over this heaved slab. It is at least three inches.

Mgr. Drazetic – This is the first year we've ever had to address this problem, so housing does not have anything in place for this. Nuisance abatement was generally for the vacant, abandoned properties. We didn't even consider concrete replacement in that program.

Mayor Cervenik – Both these properties, I believe you said are going through the process now of being in Court. The Judge, Judge LeBarron has been extremely diligent in enforcing our codes and protecting the safety of our residents. I will give you my word that if these owners refuse to fix them shortly after the Judge has it done, we will use nuisance abatement money, assess that property and then they will not be in compliance with the court's rulings and that will be up to the Judge; but she's been very diligent with the housing issues. We will have that done before the snow flies, unless it snows in October.

Councilman Langman – No, no, don't say that. Finally, we beat Mentor when I played at Euclid and we beat them again. Good night.

Councilman Lisy – No comments tonight, thank you.

Councilwoman Mancuso – Right after the leaves come the snow and last year at the end of the season we all said we were going to do better with our snow contractors. What do we have in place for the residents?

Director Gulich – Thank you for asking Councilwoman Mancuso. Today at Board of Control we presented the proposals. We have 4 different contractors to choice from; four different levels of service. I haven't had a chance to review those, we did read them today. We should be able to go public with that information in the next couple of days. We'll offer 4 different contractors, 4 different levels of service.

Councilwoman Mancuso – You will get that to Council so we can disseminate it?

Director Gulich – Yes.

Councilwoman Mancuso – The only other thing I will say is tonight we heard pros and cons, many people on multiple topics and multiple projects. I think it is absolutely delightful that we have the opportunity to work on this many different projects in this city. All have a price tag. All have emotion. Every one of them has worth. So you can pick a side but know that this city has a lot going on that we can look at this many diverse projects. I think each and every one of them has value. There are no pet projects. There are only projects that are good for the city. I absolutely want to see us work on all of them. They all won't be done in a year, we know some of them haven't been done in 10 years. But that doesn't mean that we stop going forward. I'm absolutely delighted that we're working on all these projects. Good night.

Councilwoman Walsh – I'd like to start probably inappropriately on a somewhat sad note. Euclid lost one of its long time residents and for her friends that are out there and for those who remember her, I would like to say publicly that if you have a chance, please stop into DiDonato's tomorrow and pay your last respects to Carolyn Miklavic and she was my next door neighbor

and this morning when I was doing the dishes, it was not fun to look out the window and not see her.

I'd also like to really praise Imani Church. What was not said in the Resolution is, they are very faithful to the Salvation Army. They come to the Zelma George Shelter, they come to the Hough Salvation Army, they are supportive, they are wonderful people. Going to their event this summer, even though it is not the church that I go to, they make you feel warm and wonderful and I'm still hinting for one of their t-shirts that say, This is My Church Cloths, hint, hint, they could drop one off.

I'd also like to say to the Senior Center, and to the Students of Thomas Jefferson School, this week I'll be picking up the teddy bears that you so diligently dressed for the Salvation Army. I kind of feel that I'm an advertisement for my other job. I would like to ask Mr. Gulich if we've set up a meeting for the Tungsten Road soiree?

President Gudenas – Mr. Gulich and his soiree.

Director Gulich – We don't have a date set, I think we were looking at a location and I'm sure if we have a date available in this chambers we can use that.

Councilwoman Walsh – The pressure is on. Mr. Pietravoia, did you get my e-mail on Zak's Auto Body and have we set up a soiree?

Director Pietravoia – You and I need to set up a date with that business owner and I'd be happy to talk to you about that after the meeting. Director Gulich did explain to me that he has addressed the light situation with CEI and made a request for that light to be turned back on. I believe there was also an issue with the property that needed mowing. We're going to look at the property that's in question, but we believe it is actually railroad property, I know the city takes care of the land that we own in that vicinity so we probably have to get after the railroad.

Councilwoman Walsh – I think you are going to have to talk to the owner because he did the research and the city owns the property and has not cut the grass in 5 years. That was the last conversation I had with the gentleman last week.

Director Pietravoia – Hopefully when we meet we can clarify that with him then.

Councilwoman Walsh – I would like to encourage people that are on the invite list to come to the Culinary School opening next week. On October 10th at the Library, Heritage Park is sponsoring question and answer night; be there or be square and bring your questions with you. That's it.

President Gudenas – Thank you. My observations from tonight go back many years that I've seen different approaches to our city government and elected officials. You could maybe categorize many people who have served our residents in two general categories among many that you could put classifications for. But you could do the, do nothing classification and do something classification.

If you are in the do nothing classification, you might be against most projects we have. Question everything, say it is not possible, can't be done. We should put all the money, in the old days it was put it all in the sewers generally and we can't do anything else until all the sewers are fixed and nothing else will happen. That's the do nothing group. Of course, the do nothing people are criticized for doing nothing.

Then there's the do something group. The do something group wants to address economic development issues, recreation department issues, senior issues and the like with ideas, plans and of course it involves investment. Then of course, the do something group is attacked for doing something, trying to make things happen because there's always a reason not to do something.

And, there's always a place for everybody. Certainly if you're in Gates Mills or Hunting Valley, the do nothing approach might be very good, because generally you don't want anything to happen there, just keep everything the same. But at the same time, in a city like Euclid, my thinking is we need to do something approach that we can't sit and do nothing because we will go backwards. We have to be aggressive in keeping our residents here. We have to realize we have about 600 vacant homes in the City of Euclid that are bringing down property values. We have 600 vacant homes partly because we don't have another 600 families trying to move into the City of Euclid. This is in addition to all the other homes that are for sale that are occupied.

We have to attract thousands of new people every single year into the City of Euclid, just to stay even.

That's where we have these various projects that are before us. Certainly the lakefront project is not presented to have a few people with their boats dock in the City of Euclid. The lakefront project has been presented over the years as an economic development plan to attract new investment into the City of Euclid, to help rehab over 1,000 apartments in that nearby area to attract different people that may not want to buy, but may want to rent, but never considered Euclid because we lacked the amenities they're looking for. Clearly lakefront development will attract different people.

If you look in the western basin of Lake Erie, Catawba, all the islands and the like, there's marinas going up all the time. If you look in our area within maybe 10-20 mile area, you have hardly any lakefront development that brings in new condominiums and boaters and the like altogether in one area. That is why this is a unique opportunity.

Same with the Shore Cultural Centre. We heard tonight about the hundreds of people that come into the City of Euclid just to visit there. Those people and I know quite a few that come in from Mentor, Painesville, Hinckley and the like. I rent the gym over there for basketball every now and then and people come in from all over and then afterwards we often will go to some local establishment to spend a little bit more money. That helps our local restaurants and even Stevenson's over there, down the road, to make a few extra bucks off the people that are visiting. That's multiplied by hundreds and hundreds of time every single week.

So as we proceed here, I hope everyone just keeps in mind that the people who are trying to do something, we're not here trying to do something to make the city worse, that's not our goal here. We have a sincere belief that by doing something and many things, not just concentrating on one thing, we are trying to help the city to be better so that the city has more money to continue to pay for the great safety forces we have. If we lack the tax resources, we will not be able to hire the police and the fire that we will need to make our city safe. We will not be able to have raises for our city workers that they are entitled to. We need to have constant growth and development so that we can continue to provide the good services to continue to attract people who want to live in the City of Euclid, move in here and stay here. That's sort of what generally we've been trying to do here on City Council for this past almost two years.

Councilman Conway – I agree with many of the things that you said tonight and I'd like to again thank the students who came out from Cleveland State tonight. You probably had some other things that you might have wanted to do on a Monday night, but you'll find that especially here in the City of Euclid, we have a very active community. We talk a lot about various projects, there's a lot of different opinions on how some of those projects proceed, but the bottom line, we do encourage people to come on out and participate in their local government. I think that is one of the great things about the City of Euclid is that there is a lot of dialogue regarding the projects because we're all looking to move the city in a very positive fashion. Invest in the projects that are really going to turn around the city, whether it is improving our housing stock, whether it is improving our community assets and that includes the Briardale Golf Course which we talked about earlier tonight, the Shore Cultural Centre, the community center and hopefully the future that we have in front of us with lakefront development.

So there are quite a few projects that are in my opinion fundamentally important to keep the city moving in the right direction so that we can avoid some of the negativity that has happened in the recent past. So I do think we're on the right direction. We always have a lot of debate as to how those projects should move forward, but the important thing is we are keeping that open dialogue most importantly with the residents. One of the things that I don't think we were really able to talk about so much is one of the key parts of our jobs is to communicate with our various homeowner's associations that we have across the city. We probably have more homeowner associations for a city of our size than any of the other cities that I'm aware of.

That leads me into thanking the East Beverly Hills Neighborhood Association that I had the opportunity to go and talk to for a good two hours I was on the hot seat. They are a very active group, they are relatively new. There was well over 30-40 people in attendance and they have the same issues that most of our residents across the community have. Taking ownership in our housing stock, dangerous dog ordinances that the city is currently working through and needs improvement. I know I have the commitment of the Mayor and the Administration of looking into those items. But I find out that our residents are very much in support of holding everybody accountable for the future direction that the City of Euclid takes. It is through homeowner associations providing that opportunity to communicate to your council person, and to members of the administration when they are able to attend, it really makes this city very special and it is something that I am very happy to participate in the process. I look forward to the invites that I

get from neighborhood and homeowner associations and look forward to participating in the process. Two hours in the hot seat in front of 30-40 residents, isn't always the most fun, but hopefully those members of that association who spent the time asking their valuable questions, whether they agreed or disagreed with some of my answers, appreciated the fact that we are there, working hard for them to make the city to continue to go in the right direction. I hope the residents from Cleveland State found tonight very valuable and we'll be here after the meeting if you have any individual questions or want to contact us and we're there to work for you.

Councilman Delaney – He's my ride tonight so I guess he pledged I'll be around as well. I want to talk a little bit about historic preservation and a lot of things that people happen to miss about what it really means. I think if you listen to these councilmen's comments and you see a theme of how we are trying to keep our residents, we're trying to attract more residents and businesses. Sociologically it has been proven that historical places are much more interesting to people. It is our human nature to find them desirable, interesting and gravitate to them. Where there is certainly a lot to be said for new construction, but there are a lot of reasons and seeing that we are along with Cleveland, the two original communities in the Western Reserve, that's one of the things that we have over a lot of other communities is our history. It is a trend that we see throughout the nation that is very popular but there are a lot of other reasons for it than just sentimentality.

We know now that we really shouldn't demolish our buildings, throw them in landfills, environmentally it is not the correct thing to do. It is always better to use our buildings for readaptive use, to create different spaces, more interesting spaces and it also shows that there are just as many construction jobs in the area of historic preservation as there is in new construction.

A lot said about the Shore Cultural Centre and a lot of the programs that go on there and a lot of the programs that go on throughout the city and I'm always careful to remind people that we shouldn't really pit programs against each other, what they cost. I think all of us up here on Council are always trying to make sure that Euclid is very balanced and Euclid does find a lot to offer to everybody that is something that we're charged to do. I think we do that and we debate it and we try to pull that off the best way that we can. So we do have the theater, we do have football, basketball, we do have the Civic Orchestra, we do have a wonderful home for our social services.

It was brought up about the Laughton House that our Chairman of the Landmark Commission mentioned. It is similar to the Henn and I remember the battles that went on to save the Henn Mansion. Now every event I go to and people that are there that are singing its praises that have no idea of the fight it was to keep that building and to preserve it. One of the things I hear every time I go there is wouldn't this place make a great restaurant. We have that is our midst. We have a similar home that's actually older and the local materials and the local craftsmanship offer something that maybe a little more valuable.

One of the things that help us with historic preservation is there's a lot of fine programs offered through the government and I've eluded to many of them. Director Pietravoia, I know our ordinance being a certified local government to be able to collect the tens of thousands of dollars every year that are given to communities throughout Ohio. I know that Columbus had sent it back, they wanted some alterations. I was a little disappointed that I thought the ordinance would come back for the first meeting after the break. I would just really like to know where that is.

Director Pietravoia – I'm aware that the ordinance was back. I've talked with Mr. Sonnhalter who has been participating at the Landmark Commission meetings. I will have to get an update from him to see how much longer before we can bring that back to City Council.

Councilman Delaney – That's great news and I think I look forward to seeing it maybe on the next agenda. Because if there's something that I have to do to help out with the way its written, I'm certainly more than willing to make time available for it. It is very important. It's one of those things that we miss where other communities get to share in the pie and we don't. We have a lot of great assets in the City and certainly we should get our due for all the historic structures that we fought for and we've preserved and we're all very proud of. Thank you.

Councilman Gruber – The East Beverly Hills Homeowners Association was a homeowners association that was cut in half during our last ward change. They've lived through it and I think they were served pretty well. Director Gulich, this question is to you. A lot of the streets have started to be paved and then they went onto other projects. How long until we can see the finishing touches on these streets?

Director Gulich – It has come up and finish up the last streets which would be in your area, Wednesday and Thursday.

Councilman Gruber – Very good, that was the answer I wanted to hear, thank you. This goes out to Barbara Apanasewicz, long time Euclid resident who fell and broke her hip over the weekend. I wish her a speedy recovery. With that, Mr. Chairman, I'd like to make a motion for adjournment.

President Gudenas – Nothing is scheduled here at these chambers until our next meeting, pending something new.

ADJOURNMENT

Councilman Gruber moved to adjourn, Councilwoman Minarik seconded. Yeas: Unanimous.

Attest:

Clerk of Council

President of Council