

**COUNCIL MINUTES  
NOVEMBER 6, 2006**

The regular City Council meeting was held on Monday, November 6, 2006 at 7:00 PM in the Euclid City Hall Council Chamber. President Gudenas presided.

Members Present: Delaney, Gruber, Holzheimer Gail, Langman, Lisy, Mancuso,  
Walsh, Gudenas.

Excused: Conway

Councilman Langman moved to excuse Councilman Conway. Councilman Lisy seconded.  
Yeas: Unanimous.

Others Present: Mayor Cervenik, Law Director Frey, Finance Director Johnson,  
CS&ED Director Pietravoia, Service Director Gulich, Parks &  
Recreation Director Will, Police Chief Maine, Fire Chief Cosgriff,  
Zoning Commissioner Beno, Sgt.-at- Arms Novosel, Clerk of  
Council Cahill.

Invocation was given by President Gudenas

**COMMUNICATIONS**

Council has received the following communications:

A notice from the Division of Liquor Control stating the objection to the transfer of ownership at 21910-21920 Lake Shore Blvd. has been overruled.

A request from the Euclid Landmark Commission and the Euclid Historical Society to help build a township-wide charter bicentennial celebration of the Euclid Township Charter Bicentennial, 1809-2009.

From Director Pietravoia, the proposed modifications to Shores of Edgecliff.

From Director Will, the Golf Course Marketing Plan for 2007 and the budget reductions for 2006 and the 2007 proposed draft budget for Briardale.

From Director Frey, the summary of contract changes in Corrections Officers collective bargaining agreement.

From Asst. Director Sweeney, a summary of changes for the proposed legislation on Placement of Containers.

**ADMINISTRATION REPORTS & COMMUNICATIONS**

Mayor Cervenik presented Res. 181-2006 to Carolina Martin and Therese Grida congratulating them on the opening of Gallery 222.

Ms. Jennifer Flaherty, Media Specialist at Indian Hills Elementary School, thanked local business and the government for being sponsors for the Reading Program.

Mayor Cervenik announced Veteran's Day will be Saturday, November 11<sup>th</sup> at 11:00 in Council Chamber. Veterans will have their annual ceremony. All are invited to come.

Director Pietravoia – I wanted to remind the community, members of Council as well, that our next public meeting, workshop related to our Downtown planning effort is scheduled for Thursday, November 16<sup>th</sup>. It will be held at 6:00 PM in the Lakefront Community Center. I would encourage anyone that's able to attend, for the first time, our consultant time, City Architecture and Michael Baker and Associates will be presenting their first cut at some recommendations both for the street system, as well as the entire Downtown Business District. It should be pretty interesting and we are very interested in your feedback as well that evening. I encourage you to attend.

I also wanted to let the public know and members of Council know some good news on the economic development front. We were able to work successfully with Pioneer Solutions. This was the tenant that was in the Hitachi Building that was recently purchased by Lincoln to relocate to space in the Marine Mechanical Corporation Complex, up on Euclid Ave. It was a good fit for the two companies and they did sign a lease as of last week, so I wanted to make that announcement and let Council know that we will be coming back at the next meeting for the change in the legislation that will show the new address and their new location here in Euclid related to their incentive agreement. Those are the two announcements I had for this evening, thank you.

Chief Maine – I just wanted to make a couple of announcements. This Sunday, the 12<sup>th</sup>, the D.A.R.E. program will be holding a fundraising pancake breakfast over at the American Legion Hall on Arbor Ave. That will be from 9:30 until 12:30. There will be a lot of celebrity people over there serving and tickets and information can be gotten from the community television as well as from the Department website. I hope a lot of people will show up and get their fill of pancakes.

The other announcement, kind of a crime prevention, there seems to be another scam going around where people are being called and told that they are representing a Clerk of Court of a particular Court and that because this person they are calling has refused to show up, there has been a warrant issued for their arrest, contempt of court. They then try to verify name and phone number and social security number, trying to get this personal information. It is a scam. Please if anybody ever asks for your date of birth or your social security number over the phone, any reputable business or organization or governmental entity will not do that. Please do not give that information out.

Chief Cosgriff – I was a little remiss last month in not reminding our citizens that when they change their clocks that they should change their batteries in their smoke detectors. We also have batteries and smoke detectors available from the Fire Prevention Bureau at Fire Station #1 at 222 Street. If you need batteries or smoke detectors, you can stop by there and pick them up.

Director Johnson – If you'll recall at the last Council Meeting I presented legislation to authorize me to issue \$3 million in notes. There were several questions that were raised by the Council President and I'd like to address those. The interest rate that we placed those notes for was 3.8%. There was some comment or questions as to our ability to place those notes with local bankers. As a result of that I did contact on the very same day two of the local banks that we do business with and the rates that I was given was 3.8% and 4%. So they were pretty much exactly the same rates that we sold them for.

Another question that was raised that was the use of a financial advisor. I received this from Gigi Benjamin, who is the attorney with Calfee, Halter and Griswold, who are our bond counsel. This from the October 18, 2006 Bond Buyer and this is a note written by her, I'll read it. It says, Jack, these excerpts from a recent bond buyer show that competitive note issues in Ohio almost always have financial advisors. So, I think that there are occasions when financial advisors are not used, but for the most part, they are.

Finally discussions with regard to refunding issues. There are three issues that bare examination. There's a 1995 issue; there's a 1998 issue and there's a 2001 issue that bare examination in terms of refunding. We're talking about somewhere in between 2.9 and 4.5% each in refunding. They would need to be examined individually as well as possibly doing them as a combination to try to determine the amount of savings that we would realize.

Council President, you had one question specifically on the Lincoln Electric issue. On the surface there appears to be some savings there, but I think that we would need to discuss that particular issue in detail because that issue happens to be a taxable issue, as opposed to the other issues being non-taxable issues. The non-taxable issue and the performance of the taxable issues have not kept pace with non-taxable issues. I think that would be something that would require further examination.

I would invite you to convene a Finance Committee Meeting to discuss the refunding issue as well as the projection of the Bond Retirement Fund. I am prepared to go forward with that presentation as early as any time this week. At your convenience, I'd be very interested in presenting the status of the bond retirement fund.

President Gudenas – Thank you very much. I did also talk with A.G. Edwards representative and they did a very detailed analysis for us in the year 2002 showing the next 20 years of the cash flow for the bond retirement fund. I asked them about it and they basically said that document is no longer accurate because of a lot of debt issued since then. As part of this discussion, I had asked him and perhaps you could confirm this, that we would want them first to re-do that document to make it accurate with information that we have as of 2006, which my guess is that it will take them a little bit of time. He had told me the Lincoln Electric refinancing might be able to save the taxpayers around \$80,000 in present value. That's a real savings and there are some other ideas that we looked at regarding that which could be even more significant.

Could you ask them, to maybe, right after Thanksgiving, I don't know how long it may take them, two weeks, a week to prepare this document and then we should probably have a meeting with him prior to that so we can make sure that we understand all these numbers and then schedule a meeting after that.

Director Johnson – I believe he's prepared to go forward this week, if you want.

President Gudenas – Have him prepare the document and present it to all City Council this week. First need to look at it, it is very complicated. It is a lot of numbers. To have the best use for it, we need to have it in advance.

Director Johnson – Sure.

President Gudenas – So we'll look for it this week. Thank you.

Director Will – Just two short announcements. This past weekend, several of our travel soccer teams participated in a tournament in Madison and I'd like to congratulate our Girls 14 and Under Team because they won their division. If you recall they came up here a few weeks ago to be recognized again. Congratulations to the Girls of the 14U Travel Soccer Team.

This weekend, Sunday, November 12<sup>th</sup> the Euclid Blade & Edge, which is our figure skating club, and our Euclid Youth Hockey Organization, will be hosting Skating with the Clubs. It will be held at the Ice Arena. It is \$2 if you need to rent skates. It is from 3:30 until 5:30 and they'll actually give you private lessons from some of the figure skating members, they'll do some hockey demonstrations. That's Sunday, November 12<sup>th</sup> from 3:30 until 5:30 at the C.E. Orr Ice arena. Thank you.

#### REPORTS & COMMITTEE MINUTES

Councilwoman Holzheimer Gail moved to receive the Animal Shelter Report of September, 2006; Housing Committee Minutes of October 23, 2006; Planning & Zoning Minutes October 17, 2006; Recreation Commission Minutes of Jan. 24, 2006 and Board of Control Minutes October 10<sup>th</sup>, 16<sup>th</sup> and 23<sup>rd</sup>, 2006. Councilwoman Walsh seconded. Yeas: Unanimous.

#### COMMITTEE OF THE WHOLE

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

President Gudenas – Mr. Udovic, we have your legislation on the agenda regarding the Panhandlers. The Law Dept. worked very quickly on that.

Mr. Joseph Udovic – 21371 Naumann Ave. Thank you very much. I do have a couple of questions on it. I quickly studied it as I was in the hallway. I noticed one thing that we do not have in our legislation is the 20 ft. from a public toilet. For example, Memorial Park, Sims Park, these are public parks. If someone were to go into a restroom, I was wondering why that was excluded.

Also another question, these past weekend I had lunch or dinner at Maria's Restaurant and I ran into an old landscape customer of mine. I was telling her what I was doing research and investigations on. Her dinner companion mentioned that his church, some panhandlers come up to a church. I was wondering, I did not see that also in the ordinance and I was wondering if that would be amended?

I also hope that all City Council's names will be added to this piece of legislation. This is a great way to begin to turn around a trend that is happening or a negative aspect that is happening in the City of Euclid. We do need to make the streets safer. We do need to make the businesses safer. We need to encourage people to come to Euclid and having this type of ordinance on our books, will make the City of Euclid much more happier and safer. Thank you very much and have a good evening.

President Gudenas – Who'd like to comment on why we're not keeping people 20 ft. away from our toilets?

Chief Maine – I don't know whether I should talk about this or not. I think that the ordinance is written in such a way that it addresses all the areas that Mr. Udovic is talking about. It talks about aggressive many in any public place, which would include public toilets as well as churches. I think that we're probably good there.

Mayor Cervenik – This was more patterned after the Indianapolis, Indiana ordinance that has been in effect for some time, rather than Painesville's. That's why you probably see some differences.

President Gudenas – Indiana seems to have a head start.

Mr. Dennis Berzinskas – 20890 S. Lake Shore Blvd. Thanks for the panhandling. I put a note on there that I was going to talk about that I was outside of Dave's one day leaving and there was a panhandler out there.

It is the look of the city that we have to concern ourselves with. Leaving your garbage out, not picking it up, leaving it out too early. These are the things that start to wear on a city. Parking cars, again on grass, bugs me, it really does. I don't have problems with anybody but you try to bring down the way of life that we have in the city and I've got a problem with you and I think everybody else should have a problem with that too. Let's keep working on keeping the City looking right.

The next thing here, the jail, \$12,000 for a study. We had a cut rate for the study at Shore. Why can't these people cut us slack. We were told this state-of-the-art jail that we have there now, when it was built, we'd be making money. Did that ever come close to happening? You lied to me once, don't try to get away with it twice.

Placement of Containers. You don't want to have your, that's #6 about putting your containers out, no, I'm sorry. Yes, that is the placement of containers. Really, some people live in apartments before they move into the City and have a house. They don't know what the house is about. They don't know a lot of the ins and outs about homeownership. We've got to come out with that booklet that we used to have, and make it mean something to new homeowners.

#8, Housing Dept. You have the Police & Fire Dept., their people, train. They train at home, and they study at home. Why aren't the Housing people taking any time to study themselves? Is there any material that they can take home and study? Do it. CEI, controller-operator determines .... We had study times. We took the things home and studied. If you've got a job, work at it. Some of that work entails working at home, so get busy. Get off the stick. Get these guys trained otherwise all that information that you have is going to be useless because it is going to be obsolete by the time they get trained. Thank you.

Mr. Joe Linn – 951 E. 236 St. I was given a copy of the agenda this week and the Second Reading of Section 337.21, which is the usage of engine brakes as they used to be called, jake brakes. In 40 years since I-90 was brought into existence through Euclid, the residential areas along Babbitt Road, 222 Street and 200<sup>th</sup> Street exits have all faced this unbearable noise pollution. There's no need for it. After this issue was brought to one of our Block meetings, in which two members of this council were in attendance, suddenly this appears before the Council. I congratulate each and everyone of you, thank you, Mrs. Walsh, Mrs. Gail.

My question to the Council is this, if the wording as shown in this agenda is as it would appear in the final Euclid ordinance, this Council should consider to go back and delete the word, or transmission. Transmission brakes are a function of hydraulics and are not and never have been, a noise polluter. I base this on my 40 years of experience with Euclid, not the City but the old Euclid up on St. Clair. Hydraulic brakes are an internal part of automatic transmission. On the highway today, there's probably less than 10% of those rigs that are running automatic transmissions.

It has been my experience that the biggest offenders of the engine brake usage is at Exit 184, 222 Street. Those offenders are the steel haulers that are getting off there are 184 and continuing to their delivery at Chesterfield Steel on Tungsten. You can imagine if anyone is familiar with these brakes, it is not a pleasant noise at 6:00 or 8:00 in the morning. It sounds like a 50 caliber machine gun going off.

Its with the use or the prevention or the ordinance that would dis-allow jake brakes, sooner or later, drivers are going to have to learn, that they are going to gear down their transmission before they get to Exit 184, so that they will be at an adequate and safe speed to exit those three exits, particularly 184. That's about all I've got to say, thank you.

President Gudenas – Any comment on his suggestion about taking out the word or, I'm not exactly sure, or transmission brake? I'm no expert on this at all, someone can comment on it when we get to it.

Mr. Victor Goodman – 20201 Glen Russ Lane. I'm just a little confused, so I just want to clarify and Councilman Langman maybe you can. Is #6 for residential or is it for business? I see here business regulations. Which is it for?

Councilman Langman – That's simply the area of the code that this section appears in, business regulation, but it is for residential properties.

Mr. Goodman – Don't we already have an ordinance that does have a penalty clause for people who put out their garbage early? I just thought we did.

Councilman Langman – We do, but it is rather archaic and cumbersome. This cleans it up and makes it much more efficient.

Mr. Goodman – Now that I know it's residential, how does a resident judge poundage? The way that I judge bringing it out is if I can lift it and put it to the sidewalk, then they should be able to lift it and put it up. So I just see possibly all of a sudden them passing people because it's a little heavy and they don't want to lift it. I'm just really wondering why the poundage and how would a resident know whether they have 55 pounds?

Councilman Langman – I would like to think that I'm in relatively good shape, lifting 55 pounds is a pretty good task. Generally speaking we had to set some sort of parameter and we dropped it down from what it was at 65 down to 55 in order to make it a little easier on the folks that actually lift the garbage into the trucks.

Mr. Goodman – It's just strange because I just figured if I can lift it and there've been times that I've taken stuff out because I can't lift it. If I can get it there, then they should be able to pick it up, but I have no idea what it weighs.

President Gudenas – Just to clarify there are two sets of rules. One the City has, one the waste hauler has. Apparently the waste hauler always had around a 50 pound rule. Its just now that we're putting ourselves in conformity because it was unsafe for their single worker to lift to much.

Mr. Goodman – I was just confused because ....

President Gudenas – They don't bring a scale, if you're 51, probably they'll take it, especially around the holidays.

Councilman Langman moved to rise and report. Councilman Lisy seconded. Yeas: Unanimous.

#### LEGISLATION

##### **Ord. (210-06) Amend Code Jake Brake**

An ordinance amending Section 337.21 of the Codified Ordinances of the City of Euclid, Part Three – Traffic Code, Title Five – Vehicle and Operation, by adding a prohibition against the use of engine or transmission brakes on motor vehicles within the City. (Sponsored by Councilwoman Holzheimer Gail and Councilwoman Walsh)

Councilwoman Holzheimer Gail moved for passage, Councilwoman Walsh seconded.

President Gudenas – I know we left it up in the air the last time about enforcement, things like that.

Councilwoman Holzheimer Gail – We have not had a chance to sit down with Chief Maine, so I was planning on letting this go to the third reading. I will be happy to call Mr. Linn and get the language. We want to make sure the language is appropriate in terms of the purpose of the ordinance. I would anticipate at the next meeting voting on this.

President Gudenas – It looks like at the E. 222 Street exit at 6:30 in the morning is where you'll catch offenders. We'll have a second reading and have a third reading next time so that we can clarify all these issues.

Second Reading.

##### **Ord. 182-2006 (219-06) Panhandling**

An ordinance enacting Section 545.19, "Panhandling", of the General Offenses Code -Title Five - of the Codified Ordinances of the City of Euclid. (Sponsored by Councilman Gruber by request of Police Chief)

Councilman Gruber moved for passage, Councilwoman Mancuso seconded.

Chief Maine – I had a chance to look this ordinance over, I think it makes a lot of sense. It provides a series of steps that the officers can take, if they become aware of an incident involving panhandling. I know that Director Frey decided to pattern this after the ordinance from Indianapolis for a number of reasons that he could probably talk to better than I can. I think this will be a helpful tool and I would urge its passage.

Director Frey – The reason we picked the ordinance from the City of Indianapolis as a pattern piece of legislation was the fact that it has already been through the federal courts on text cases and the Circuit Court there has deemed the legislative action by the Council there to be constitutional. It is good to have that underneath any piece of legislation that we pass. Again, what we were targeting with this was aggressive behavior, unwarranted, unwanted aggressive behavior as opposed to passive behavior that is not generally considered offensive. Somebody on the corner playing music looking for donations is acceptable under this ordinance. But somebody getting in your face or in circumstances where you're not very comfortable or free to move about, like you're in line for the bank, for instance and somebody is coming up to you and pressing you for money. It is uneasy at that point to just walk away, this would address that type of behavior. I'd be glad to answer questions if there are any.

President Gudenas – So tomorrow you're going to vote and you are bombarded by 12 people giving you their stuff, that's not really panhandling?

Director Frey – No, they're not asking you for anything other than a vote.

President Gudenas – So politicians are not panhandlers, let us remember that.

Councilman Lisy – In response to Mr. Udovic's comment, there is a Section 7 in here that talks about solicit within 6 feet of an entrance to a building, so that's where it is covered. I like that in a financial institution that it was expanded to 20 ft. The legislation reads quite well. It is nicely put together. The only comment I had was under the definition section, we don't include anything about the definition of solicit. Talk about panhandling in a public place and financial institution, but solicit wasn't in there. That was my only comment if we could define exactly what you had started off your remarks with about aggressive behavior towards a person requesting financial contribution or money, whatever you said so elegantly earlier.

Director Frey – Panhandling means any solicitation and you are right, there is no definition of solicit in there. Where legislation doesn't expressly provide that, you go to common meaning of words and I think that would be a fair interpretation the courts could make if they were called on to find what solicit.

President Gudenas – It was mentioned if anyone else would like to be added to the list of sponsors? Everybody? Yes, okay. If we could add all of Council as sponsors to this too.

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

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

Roll Call: Yeas: Delaney, Gruber, Holzheimer Gail, Langman, Lisy, Mancuso, Walsh, Gudenas Passed.

Clapping from the audience. President Gudenas – You're out of order.

#### **Ord. (222-06) Jail Study - Pulled**

An ordinance authorizing the Mayor as Ex-Officio Director of Public Safety of the City of Euclid to enter into an agreement with R.C.U. Architects, Inc., 7311 Valley View Drive, Independence, Ohio, for an operational and structural review of the city jail, said agreement to be in an amount not to exceed \$12,000.00. (Sponsored by Mayor Cervenik)

Councilwoman Holzheimer Gail moved for passage, Councilman Gruber seconded.

Mayor Cervenik – Over the past few months we interviewed two different firms besides DLZ. When we sat and talked with RCU and they reviewed situation, they felt there was more that we could do to our jail, the way it is configured, without a great expense that DLZ was speaking of.

They are looking at combining the two control centers in the Men's and Women's jail into one. They will come up with cost analysis on that. That could save a number of future positions. We are not going to be paying for large design plans, we have all of those items at our fingertips already. The Chief may want to add more on too, but I think this is more in line where we can achieve some significant savings with this company's advice and recommendations without doing a \$3-\$4 million improvement.

Chief Maine – I don't know what else I can add to those comments other than I believe we tried to provide the type of figures that you and others that we have met with early in the summer, Mr. President, I past some of that information on to you. Part of the problem is that different organizations keep budgets in different ways. Some of the budget figures that were presented to us didn't leave a whole lot of room for breakdown. The stuff that I passed onto you is the stuff that we did get that would make any sense.

I think that RCU makes perfect sense. We're talking about a relatively small amount of money to determine the question, can we make our jail a more efficient operation and that's basically what it comes down to. I would hope that this would pass tonight so that we can at least begin that initial process of trying to upgrade that facility and try to save money for the city, because that's what it comes down to.

Councilman Delaney – Chief, this e-mail, is this what you're referring to is the numbers that we had asked for about comparables with other facilities, what we'd expand our facility to? I have that the reimbursement for 2006 is the title. Is this the new facility that we are to build, or is this what this firm is going to look at? We go from 5 correction officers to 8 correction officers. We go from 38 full capacity to 182 full capacity.

Chief Maine – That's the e-mail that I'm assuming the Chairman past onto you, a copy of it?

Councilman Delaney – Correct.

Chief Maine – Those figures were from, that's what Geauga County experienced when they did their renovation. They went from that 38 prisoner capacity to 182. Those are the number of correction officers that they ended up hiring and by the break down of that you can see the money that was saved per prisoner.

Councilman Delaney- Their budget doesn't change from 38 prisoners? For instance they have one doctor, 4 hours a week, \$54.79. One nurse per day at \$208. Thirty-eight prisoners. The new facility, 182, and their budget is the same, \$54.79 and \$208.

Chief Maine – I can only tell you what they submitted to us and that's what they submitted to us.

Councilman Delaney – This is the only one we have?

Chief Maine – That's the only one that we were able to get that kind of breakdown from.

Councilman Delaney – We had that meeting in the summer.

Chief Maine – Correct.

Mayor Cervenik – We tried to get, I think it was Lake County's budget. The problem is Lake County puts all their law enforcement budget into the same categories, that you really can't break out specifically their jail. I know we had provided you a breakdown showing that communities that had a dormitory-style had more prisoners per C.O., than those that had our kind of style. That's where most of the savings would come in, just by the fact that we would have more prisoners being paid by the County and our facilities are for holding prisoners from other cities. Our complete style is very rigid and it creates a tremendous amount of forced movement by C.O's and we really feel that we're not going to get 180 prisoners in our jail, but if we can add 30 more prisoners in our jail by converting some of the areas to a dormitory style for the less violent, common sense would tell you there would be money saved. How much? We don't know until this study is done. That's the purpose of that.

Councilwoman Walsh – We're going to pretend that I'm the most naïve one on this panel over here. The first question I have is you talk about prisoners that you're going to bring in. So that

means we're technically not housing too many people who commit a crime in Euclid. That's my first question. This is not a Euclid jail for Euclid people.

Chief Maine – I don't think that's probably a correct assumption. We're holding a lot of Euclid prisoners right now. What we're trying to do is maximize the capacity so that we don't, we have to have a certain number of correction officers on duty regardless of the number of prisoners we have there. We are holding a lot of Euclid prisoners, be they arrestees, court orders. What we're trying to do is maximize the space that we have by holding for other communities so that we can charge money to try and recoup some of our costs. Does that help answer your question or comment?

Councilwoman Walsh – That helps answer that question. So that means somebody like Richmond Hts. or Lyndhurst in turn are holding our prisoners and we pay for them?

Chief Maine – They were not until we closed the Women's wing of the jail and then we were sending our women prisoners to other municipalities that had women's holding space, which we spent about \$100,000 on this year.

Councilwoman Walsh – I just don't have it quite clear in my mind that we're not becoming a jail business. I don't think that you're saying we're not going to hire any people, that doesn't add anything to a tax roll. So, we're becoming a jail business, to what end? I think we have to be very, very prudent in what burden we're putting on the back of the taxpayer. I do not see a jail selling my city. I do not see a jail sitting next to a High School, sitting next to my Library, sitting next to my Park, selling my city. I don't think a study that's going to study that, because since we've had this last conversation, I did a study and it only cost the city what salary you're giving me. I studied the citizens comments. I don't understand why we have this horse in a race and its jail, jail, jail when it should be recreation, or it should be something else that's viable for the citizens, not a building with barbed wire in the middle of the city that you say is archaic and you want to study it more. What is to study? To me it's too big. Put it in another location where the children would be safer. But to spend another \$12,000 that's a lot of taxes to throw down an empty sink hole.

Mayor Cervenik – You need to understand that the City of Euclid does need a jail. The jail needs to be in very close proximity to the Police Dept and in extreme close proximity to the Court. Or we're transporting prisoners throughout this community, which we are not doing now because they go through a tunnel.

The problem we have and it is a little hard to comprehend and these aren't exact numbers, but whether we have 46 prisoners all from Euclid, if we were to add the other 22 prisoners in from another community and be paid for them at \$62.50 per day. We don't really need to hire anybody else. We're stuck with a choice of just holding our own prisoners, making virtually no money on them, or holding other prisoners as safely as we're holding our own and reducing our costs. Those costs, if they're reduced by a half million dollars a year, or four hundred thousand dollars a year, over 10 years that's \$4 million that can be spent on recreation. It is not the \$12,000 that's going to stop us from doing recreation. It is the continued additional cost of running our jail. I'm asking just for the opportunity to see where we can do a dormitory style area and do some other structural things, not big things but important things, as well as operational things to make the jail run more efficiently.

Board of Control today, there was an engineering study put on there for \$5,000. For private property that isn't going to save us money. It is a good study. I supported it, I voted for it because I feel its right. I'm asking you to please understand that this is not a lot of money. It started out at \$35,000 with DLZ. This company after meeting with them will do just what we want. From our conversations with you, individual and publicly, this company is going to do just what you want. They're the ones that said, you've got your plans. I've got a roll of plans, we don't need to re-do those. They will use the existing plans to look at areas we can take advantage of a savings. That's what it's all about. Anything we do, we'll come back to you. We present you with a report, they will give a report to City Council. I believe that's in the letter. I think getting hung up on \$12,000 to possibly save tremendous amounts of dollars, over the next 10 years, it's really not making a lot of sense to me right now.

Chief Maine – If I could just respond to Councilwoman Walsh. I'm not philosophically disagreeing with your concept of whether a community should have a jail or not have a jail. There's probably a lot of communities that are smaller that have the luxury of not having that problem before them. But I think if you do another study and look at other communities the size

of Euclid, or bigger, or even somewhat smaller, you're going to find that they all have a correctional facility of some kind. The size is dependent on the particulars of that community. We're not looking to increase the physical footprint of this facility that we have, we simply want to make it more efficient. If we went to other parts of the country where they have a regional type of government, you might have a correctional facility that's off the way from any kind of schools or libraries or that sort of thing. We don't live in that kind of environment. If we have to have this, then I think that we owe it to the citizens of this community to make it as efficient and as practical as possible.

President Gudenas – This City Council certainly wants to work with the Mayor and the Police Department to save money and operate more efficiently and that's why Councilman Conway, Delaney and I met with the Police Chief, the Mayor and the Judge, back in June. We said let's move forward and we're asking only for a little bit of basic information. One was, a written description on the scope of the project. We heard stories that we'll look at the police station. We'll look at the Court, maybe we'll look at a whole justice center, etc. We wanted to know specifically what will entail in this project? Is it just the interior or the footprint to the jail or will other parts of city buildings also be looked at?

We wanted that in writing so that there's no disagreement about what happens next and most importantly so that the costs won't get out of control because we simply don't have the money for any big projects like that. Unfortunately and I put it in writing after that, reminding the Administration of this specific request and we did not get that.

Secondly, we made a very simple request also because this is public information, that we hope that your numbers are accurate, that we will be able to save all the money that we're told we'll be able to save and operate more efficiently. It all hopefully makes sense. But can you please give us three other examples, I know Bedford was mentioned in the past, how great their doing. Get some public information, even if it's the raw data. Let us, we have a very experienced group over here, including Councilman Lisy. Let us take a look at whatever you have and if you're being told that this public data is not available, please tell us who is telling you that and we'll go call them and help you out and find out why we can't look at it. We simply wanted real numbers so we could see how our projections fit in with what other cities are doing. We did receive a one page thing that makes absolutely no sense. A doctor is working 4 hours a week for \$54. That's \$13 an hour. The same doctor that takes care of 38 inmates will also take care of 182 inmates for no increase in pay or hours. Same with the nurse. I specifically responded to the administration that these numbers make no sense, please clarify, no response.

So, we really want to help. We did get a one page letter here but we still do not have anything about the scope of the project. Please, why can't we get some real world numbers, or let us help you get those numbers if you can, we're not jail experts, if you can let us know who to call, which cities to call that have jails like you're looking for and we'll help you out.

Mayor Cervenik – Mr. Chairman, do you not have the letter from RCU Architects of September 7<sup>th</sup>, spelling out the scope of the project? It was provided to you.

President Gudenas – Which day?

Mayor Cervenik – September 7, 2006. It provides the scope of their project and the three options and the combination of those options.

President Gudenas – I don't know if we had that, I don't think we do. Unfortunately Mayor, we were not given that.

Councilwoman Mancuso – This is the first I've gotten.

President Gudenas – We got something dated November 6<sup>th</sup>, which we got today. Anybody get one?

Mayor Cervenik – I don't know why you didn't get it, you should have got it. It was referred to. I've got the whole scope of the project right here.

President Gudenas – I put in writing that we didn't get it. I sent an e-mail to you and the Chief saying where is it, please answer me.

Mayor Cervenik – I will pull this legislation until you've had a chance to review this.

President Gudenas - Thank you. How about the other financial information?

Mayor Cervenik – Mr. Gudenas, I've got piles of budgets from different cities that make no sense, I'll give them to you if it makes you happy. They're all different. Bedford Heights is not a jail like ours. It's not. They built a second floor. We're not looking to build a second floor. The changes that we hope to accomplish will come from the work of this study.

President Gudenas – We weren't looking at the cost of the work, but how they operate. Can you clarify, this seems to be a little bit different than before, this proposal. We haven't seen that document so maybe that would all explain it.

Mayor Cervenik – When I spoke to that in the introduction of this legislation, I had only assumed that you all had this.

President Gudenas – That's why we're here. We understand that if this is just looking at the efficiency as opposed to before it was rebuilding, gutting and starting all over, this is a whole different plan than before, but we don't know if that's what you're talking about.

Mayor Cervenik- It's been pulled. The sponsor pulled the legislation.

President Gudenas – Hopefully we can get that all clarified and explained.

Councilwoman Mancuso – Before we pull this, could you make sure we clarify, one of the issues I was having difficulty with before is the last proposal for \$30,000-\$35,000 proposal, we could not get straight how much was jail, how much was actually the police station repairs. If we can clarify that if it is going to be all jail, only efficiencies in this new proposal for \$12,000, I need to be clear on that, versus making the changes that I think we all know we need in the police station. That was kind of a grey area the last time, if we could clarify that this time.

Mayor Cervenik – There is no breakdown of the price, Mr. Chairman, Madame Councilwoman, but it does include all of those parts in their study which is not to exceed \$12,000 and then they list their hourly rate. No additions, interior space study convert to dormitory study, cell blocks is the function and related uses, police department renovation and update. They are all on there, ADA compliance, BAD compliance. One of the problems we had in our discussions and we visited the Geauga facility is that if we have to be very careful that some of the remodeling that we do does not cause us to have to operate under a different standard of rules for Ohio Jail Commission because that could actually cost us jail cells. This is the way to go and I apologize that you didn't have this because I just assumed you had it and I'll make sure you all get a copy.

President Gudenas – Thank you very much so this will be the first reading or pulling it? All right the Mayor has pulled it as sponsor.

**Res. 183-2006 (215-06) Tax Millage**

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

Councilman Lisy moved for passage, Councilwoman Holzheimer Gail seconded.

President Gudenas – This is routine information that we have to give to the County every year. We could probably proceed with a vote on it.

Roll Call: Yeas: Delaney, Gruber, Holzheimer Gail, Langman, Lisy, Mancuso, Walsh, Gudenas Passed.

**Res. 184-2006 (224-06) Public Involvement Com.**

A Resolution establishing the Euclid Public Involvement Committee to engage in voter education, voter registration, voter participation and ensure an open electoral process for all Euclid residents. (Sponsored by Council President Gudenas)

Councilman Langman moved for passage, Councilwoman Mancuso seconded.

President Gudenas – This came out of all the work from our legal team after the Department of Justice arrived here in our fair city. Part One was working on the ward boundaries which this City Council did and this part two of an ongoing process to also increase community involvement in the government of the City of Euclid, its institutions and voting and participating in elections and supporting candidates.

We past this document out about a month ago at the meeting to get any comments about that, so we waited a month to bring it back and we actually received very little from the public and others. We did have a few people volunteering already to be a member. Basically what this does is set up a committee of seven members. The Mayor appoints three, the Council appoints four. The term is for one year, it is a non-paid position and the statement of purpose is sitting out here on the podium in case someone wants to get one.

It is a very simply purpose. It is not about settling the law suit with the federal government. It is not about redoing our city government. It is a civic purpose to figure out ways to have more of our residents participate in our government affairs, more ways to participate in the election of our community leaders and more ways to get the information out so that people understand when it is time to register and where you vote and what you vote for here in Euclid, especially for newer residents. That's the main purpose, to work for one year and come back with a report that hopefully will be in place for the next November elections and then monitor how that all worked and make a final report in December.

It is a simple start to the process. We're trying to keep it intentionally simple. I think its something that our legal team has said that we should move on because there's another hearing of sorts coming up in December. If this works, residents would have two weeks from today, roughly until November 20<sup>th</sup>, to fill out an application, which would be available in Mayor's office or City Council after noon tomorrow, Tuesday and turn it in by the 20<sup>th</sup> of November at Noon. The City Council and the Mayor would have up to two weeks to talk to the candidates and hopefully we would pick everybody in the first week of December, or if more time is needed, if not enough people volunteered or to many, we could wait until the next meeting in December, but no later than that. Then this term would start in January and they would get on their way. More or less the key part is this mission statement so that we focus on that part, nothing to do with politics, or trying to elect certain people or not elect certain people.

Councilman Langman – Concerning this has come out of our Executive Committee meetings where we've discussed the legalities of what the Justice Department has said we should do or shouldn't do, this is just an overall good thing. Really every community should have it to encourage greater participation. Euclid doesn't have high voter turn-out and many other communities do not either. I believe that this is something that is a result of our discussions with our legal affairs, counsel, and it is something the community would benefit from. I'm hoping that all of our names can be on the legislation. I certainly want to add mine.

Councilman Delaney – Thank you Mr. Chairman. I'm just curious as to, maybe Law Director Frey you can answer this. We had a flyer past to us this evening about the Public Involvement Committee and it does have some differences than what is written in the legislation.

President Gudenas – That's the old one from a month ago that has not been changed, just to save a little bit of time. That will be updated.

Councilman Delaney – I would imagine the legislation does take precedence over this.

President Gudenas – Yes, we just did this to remind everybody what we past out a month ago. That hasn't changed since then, so there are a few minor things. Anybody else? Who else would like to add their names to it? All of Council? Okay, if the Law Director could add all of Council. Any other discussion? Roll Call on this.

Roll Call: Yeas: Delaney, Gruber, Holzheimer Gail, Langman, Lisy, Mancuso, Walsh, Gudenas Passed.

**Ord. 185-2006 (223-06) Garbage Can Regulation**

An ordinance amending Section 941.05, "Placement of Containers," of the Business Regulation and Taxation Code – Title Nine - of the Codified Ordinances of the City of Euclid to add an enforcement procedure. (Sponsored by Mayor Cervenik and Councilman Langman)

Councilman Langman moved for passage, Councilman Lisy seconded.

President Gudenas – There's a whole bunch of odds and ends in here. Who would like to address it?

Director Frey – The primary change in this legislation, apart from conforming to the contract that we have with our waste hauler in limiting contents of garbage cans to fifty pounds, is that this would allow additional individuals to issue notices to property owners that place garbage out in violation of the existing code, that being 6:00 PM the day before collection and removal of trash cans no later than 12 hours after the trash has been picked up. There would be an additional group of individuals able to issue citations, not issue citations, issue notices to those property owners that they are in violation and more significantly, if the city is required to abate the nuisance by picking up the garbage or retrieving the garbage cans that are unloved and unwanted, there will be the opportunity for the homeowner or property owner to pay the \$75 assessment within 30 days. If they don't do so, it will be assessed to the tax duplicate like we do grass cuttings, weed and debris clean-up.

Councilman Langman – Of course I agree with the Law Director's summary, but this item came from a series of discussions that I had with Mr. Beno, I think all the way back in early September.

President Gudenas – That would be trash talking?

Councilman Langman – Yes, we're trash talking. Basically what it is, we have a series of ordinances within our code that are basically quality of life ordinances. Many of them are written decades ago and many of the enforcement provisions are from decades ago. So we really don't have a very efficient process. For example with the current statutes on placement of garbage cans, you see one out, I e-mail Hank, he sends out somebody from the Service Dept., usually Bob Chaplain, he'll make the citation, it's there the next week, you do it again, you do it a third time and then they say we'll we can't do this again, now we'll inform the police. It is very cumbersome and it is frustration for the residents. This legislation I hope is a first in a series of many where we review our quality of life ordinances and bring them up-to-date, make them more coherent, make it more efficient to prosecute when necessary and abate and thereby reduce the frustration for our residents in the neighborhoods.

Councilman Gruber – I applaud my council colleague, this is something a long-time coming. We have a little different set of issues in Ward 4. A lot of our trash day is Monday. That means either late Saturday or early Sunday, the trash comes out and there is quite a burden. Many, many calls do go to the Police Dept. on Sundays to handle the trash problem. I was wondering if there was some way we could work with some of the Building Department or Housing Dept., maybe have an inspector on call for Sunday situations like that to free up the Police Department? I'll talk to you off-line on this and see if we can work something out. I know that the Police do spend much time on Sundays tracking down trash. I commend you, this is something we should do.

Mayor Cervenik – Would Council consider changing the time to 4:00 pm, during the hours of daylight savings? More for our senior citizens, many of them have told me throughout the year that they put their garbage out a little early when it is still daylight, in the cold weather, which usually coincides with the non-daylight savings portion of the year, which is only about 4 months. Just a suggestion from comments and complaints I get on occasion.

President Gudenas – That's probably a good recommendation.

Councilman Langman – Yes, I would agree with that, a very good suggestion.

President Gudenas – How picky are we, if you put your trash out at 4:00 anyway, do we actually send someone over there?

Mayor Cervenik – I would hope that we use this for the problem people that do it on a consistent basis. There's many times, and that's not why I'm asking to do it, if I'm going away to Lake Chautauqua or something and my garbage day is Friday, I'm leaving on Thursday, I won't take my garbage out because it is 3:30 or 4:00 and you've got two hours to go. But it is more for the seniors and I do see seniors taking it out earlier and technically they are breaking the law. If it is in the legislation, it would probably make them feel more comfortable.

Councilman Langman moved to amend from 6:00 to 4:00 during non-daylight savings time. Councilman Gruber seconded.

Roll Call: Yeas: Delaney, Gruber, Holzheimer Gail, Langman, Lisy, Mancuso, Walsh, Gudenas  
Amendment Passed.

President Gudenas – So when you change your clock, put out your garbage early. If it's light enough you can see your garbage bag, don't put it out. If you can't see it, it's okay.

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

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

Roll Call: Yeas: Delaney, Gruber, Holzheimer Gail, Langman, Lisy, Mancuso, Walsh, Gudenas  
Passed.

**Res. 186-2006 (226-06) ODNR-Marina Grant**

A resolution authorizing the Mayor of the City of Euclid to submit a grant application to the Ohio Department of Natural Resources (ODNR) Office of Coastal Management (OCM) seeking a \$25,000.00 reimbursable grant from the Ohio Coastal Management Assistance Grants (CMAG) Program, to be matched with \$25,000.00 from the Tax Increment Financing (TIF) Equivalent Fund for costs associated with public improvements that increase public access to the lakefront. (Sponsored by Councilman Langman by request of CS&ED Director)

Councilman Langman moved for passage, Councilwoman Holzheimer Gail seconded.

Director Pietravoia – In addition to our efforts to seek funding from the Federal Government and through the State Capital Budget, we are constantly looking for grant opportunities as well. Council President Gudenas had brought to my attention, this is one that we had applied for in the past and we thought we would try for it again this year. We are going to take a slightly different twist on how we approach this and we are working with the staff at the State government to get a better chance of obtaining funding through this grant source. It is not a huge dollar amount, they provide up to \$25,000 and then we would have to match that with our own local resources.

My impression is that the projects that have been successful are those that do increase public access to the waterfront, so our harbor town project fall right in line with that. We would likely use the funds for some sort of engineering or planning related work to the project, which is what the grant allows the funds to be used for. We're looking for support tonight just to authorize submitting the grant. We would find out in May of 2007, that's when the grants are awarded, pretty long lead time.

Councilman Langman – I'm pleased to see my name on it, I hope everybody else would want to add theirs too.

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

Roll Call: Yeas: Delaney, Gruber, Holzheimer Gail, Langman, Lisy, Mancuso, Walsh  
Abstain: Gudenas  
Passed.

**Res. 187-2006 (220-06) Housing Inspector Training Deadlines**

A resolution to require that all housing inspectors complete their training with the new software modules by December 28, 2006; to require the utilization of the new software modules by December 28, 2006; and, to require a written report of the efficiencies of the new software modules to be submitted to Council by January 2, 2007. (Sponsored by Council President Gudenas and Councilpersons Langman, Lisy and Mancuso)

Councilman Lisy moved for passage, Councilwoman Mancuso seconded.

President Gudenas – Councilman Lisy and I spent quite a few hours with Director Pietravoia and Mr. Beno on these various issues, tried to work things out. We're trying to show our support for

the Housing Department that we think it's important that new technology be used to gather more efficiencies over there. We're trying to come up with a very specific plan and when we can expect this to happen. If this timetable doesn't work, we'd like to know what would work. But otherwise we're asking to make this a priority of the Housing Dept. so that we can finish this part of our new changes over there so we can go to the next phase. Start something, finish it and move on.

Councilman Langman – Part of this is a result of our Housing Committee Meeting, which was very long and sometimes very cranky meeting, but it was productive. This simply reinforces what was said at that meeting from Director Pietravoia wanting to implement this as soon as possible. Some of us that do have day jobs in other fields and endeavors have worked with implementing new technologies and training is absolutely critical. If you don't have good training, you don't have a good implementation, you have frustrated employees, you simply don't get what you invested in the technology. So, this is absolutely vital and critical and this reinforces what we heard from Director Pietravoia.

Councilman Lisy – I just want to add that during our meeting, it came out loud and clear that Council is really putting this Resolution together in support of our Housing Department because, we appreciate everything that you guys are doing over there, implementing new technology, learning how to use new tools and we don't want this to be an unfunded mandate. We understand that there will be additional resources needed for the housing department and that accompanies this piece of legislation in addition to the request for the training and getting up to speed on the software and hardware that's being purchased. Also take into consideration the time spent on the project and the manpower allocations needed for the Housing Dept. Thank you.

Director Pietravoia – We are exploring some different alternatives to deal with the backlog that we're experiencing on the inspection side, at the same time that we're proceeding with a concrete plan to get all the inspectors trained in the new software by the end of the year. That was our goal and continues to be our goal, so we appreciate council's support on that.

Councilman Lisy in particular is going to be working with us to help us select the hardware that we'll need the hand-held computers to go with the new software. We hope to get at least two of those by the end of the year. Get at least two of our inspectors trained to work out the bugs in that system before we order them for the entire staff. We are on target with what Council is asking and I want to thank the Mayor for his support as well. He's assisting me in investigating some other options in lieu of hiring the two inspectors that we had discussed at the Housing Committee Meeting.

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

Roll Call: Yeas: Delaney, Gruber, Holzheimer Gail, Langman, Lisy, Mancuso, Walsh, Gudenas Passed.

#### **Ord. 188-2006 (216-06) Odor Chemical WWT**

An emergency ordinance authorizing the Director of Public Service of the City of Euclid to enter into a contract, after advertising for bids, for the purchase and delivery of an Odor Control Chemical (VX 456 or Equivalent) necessary in the operation of the Lakeland Sludge Handling Facility for the year 2007. (Sponsored by Councilman Gruber by request of Service Director)

Councilman Gruber moved for passage, Councilwoman Holzheimer Gail seconded.

Director Gulich – This is a chemical we introduced to our process at the Lakeland Blvd. facility. Everyone knows that we have a sludge line where we pump the sludge from our Lake Shore Blvd. to our Lakeland Blvd. plant where we de-water the sludge. We have to return that water to our sewer system. What this chemical does at that point is it oxygenates the sewerage. You want oxygenated sewage because that prevents the development of hydrogen sulfide gas, which is the odor no one wants to smell. This chemical works very good in this process, it has a good residual effect and since we've been using it, it has eliminated a lot of odor problems we had in the past.

President Gudenas – So it makes our sewage smell good.

President Gudenas – We've got the best sewage anywhere.

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

Roll Call: Yeas: Delaney, Gruber, Holzheimer Gail, Langman, Lisy, Mancuso, Walsh, Gudenas Passed.

**Ord. 189-2006 (214-06) County Board of Health**

An ordinance authorizing the Mayor of the City of Euclid to enter into a contract with the County of Cuyahoga, District Board of Health, for various health services for the City of Euclid for the year 2007. (Sponsored by Mayor Cervenik)

Councilman Delaney moved for passage, Councilwoman Mancuso seconded.

Director Gulich – This is a contract we enter into annually with the Cuyahoga County Board of Health to provide these health services for us. I think as lots of Council can attest, they are quite responsive. Lots of times I've gotten calls from you folks about what we need to do and they are out there "Johnny on the spot." They deal with rabies, they deal with West Nile Virus, they deal with rodents. A number of health issues also regarding restaurant operations as well. This year's contract represents approximately a 7% increase over the previous contract.

President Gudenas – Do they explain why the 7%?

Director Gulich – I haven't gotten any explanation.

President Gudenas – Okay, it's a little higher than inflation.

Director Johnson – There's no explanation but I pulled the record going back to 2002. From 2002 to 2003, there was about a 5% increase. From 2003 to 2004, there was no increase at all. From 2004 to 2005, there was a .08% increase. It seems like they go about every two years and then they give you a 6-7% increase, if that helps.

President Gudenas – This would be county-wide, whoever they deal with would probably all get the same increase as far as we know? As long as South Euclid isn't paying less.

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

Roll Call: Yeas: Delaney, Gruber, Holzheimer Gail, Langman, Lisy, Mancuso, Walsh, Gudenas Passed.

**Res. 190-2006 (217-06) Correction Officers**

A resolution authorizing the Mayor of the City of Euclid to execute an Agreement by and between the City of Euclid and the Euclid Correction Officers Association, as exclusive bargaining agent for City of Euclid Correction Officers. (Sponsored by Mayor Cervenik)

Councilwoman Walsh moved for passage, Councilman Gruber seconded.

Director Frey – The summary I sent you by e-mail on Friday of this past week details the changes in financial terms in this collective bargaining agreement. I will note that this is the final bargaining agreement for this round of negotiations, I'm pleased to be able to say that. All the bargaining units and the non-union employees in the city now are under the same health care, monthly contributions, prescription co-pays and the like. All city employees have availability for Section 125 savings plan to cover the uncovered portion of medical, dental and eye and vision care. We have a uniform policy regarding the CONSAVE program. There is a difference between Police and Fire in that pension fund, but anybody who's in the Public Employees Retirement System is under the same regulations as far as participation in what we call the CONSAVE program. Significantly there is no budget adjustment necessary in the 2006 budget to cover this contract. I'll be glad to answer questions.

Councilman Lisy – Thank you for the summary, it was very concise. Second, how many individuals does this cover roughly?

Director Frey- I maybe incorrect, but I thought we had 28 correction officers, full and part time, is that right?

Chief Maine – That's correction officers, and then we have supervisors. I believe the full amount of people covered by this contract would be about 33.

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

Roll Call: Yeas: Delaney, Gruber, Holzheimer Gail, Langman, Lisy, Mancuso, Walsh, Gudenas Passed.

**Ord. 191-2006 (221-06) Amend Code Posting**

An ordinance to update and amend Section 121.13 of the Administration Code of the Codified Ordinances of the City of Euclid regarding the posting of legislation. (Sponsored by Council President Gudenas by request of Mayor Cervenik)

Councilman Langman moved for passage, Councilman Delaney seconded.

President Gudenas – This is just cleaning up our ordinances. We're supposed to be posting at the Briardale Community Center, but that thing has been missing for awhile, so we've been running around in circles looking where to put it. We decided to put them in a different place. Our Council legislation that is passed will be here at the Council Chamber, the Euclid Public Library, City's website, Lakefront Community Center and the Shore Cultural Centre. Any questions?

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

Roll Call: Yeas: Delaney, Gruber, Holzheimer Gail, Langman, Lisy, Mancuso, Walsh, Gudenas Passed.

**CEREMONIAL RESOLUTION**

**Res. 180-2006 (218-06) Mr. Jonas Gudenas 90<sup>th</sup> Birthday**

A resolution of celebration to **Jonas A. Gudenas on the occasion of his 90<sup>th</sup> birthday.** (Sponsored by Mayor Cervenik and entire Council)

**Res. 181-2006 (225-06) Art on Wheels**

A resolution of congratulations to **Carolina Martin**, founding director of **Art on Wheels**, and **Greg Jurcisin**, owner of **Beach Club Bistro**, who collaborated to open **Gallery 222** in the City of Euclid. (Sponsored by Mayor Cervenik and entire Council)

Councilman Lisy moved for passage, Councilman Delaney seconded.

Roll Call: Yeas: Delaney, Gruber, Holzheimer Gail, Langman, Lisy, Mancuso, Walsh, Gudenas Passed.

**COMMITTEE OF THE WHOLE**

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

Mr. Victor Goodman – 20201 Glen Russ Lane. First and foremost I'd like to know how Mr. Petkovic is? How is he doing?

Mayor Cervenik – I'm happy to tell you that Mr. Ron Petkovic came to City Hall on Friday to pay us all a visit. He had some rather extensive surgery and Ron reports that his surgery, although very drastic, he did not have cancer, he had some infections and other things. It was great to see him walking around. He's got a long way to go, he's got some tubes and things, but his spirits were good, he's a fighter as he said in his original e-mail, and we're looking forward for Ron to come back shortly after the Holidays. He said when he was here that he really appreciates everybody's prayers, thoughts and cards because he's gone through a lot.

Mr. Goodman – Good news. What I'm about to say, I want to be understood that there is no disparity here, I'm not picking on any individual whatsoever. I'm going to preface that, I know Mr. Pietravoia is a Golden Boy, and certainly is a bonus to this City that it hasn't had in years, so, just hopefully.

This weekend my wife and I happened to travel out to Garfield Heights. Garfield Heights is fairly similar to the City of Euclid in its base. And yet, off an expressway, they were able to get a Wal-mart, Circuit City and Office Max and a Giant Eagle and various other retail. It just bugs me and you've just come, so it is not your, you're working hard to do it all, but why can't Euclid? If we can give away 75% abatement to keep a business, why are we not looking at something to give away, and I don't care if we give away, because it brings in retail, it will bring in revenue, it will bring.

We have two fantastic spots, Euclid Square Mall, right off an expressway and of course the 90/Euclid Ave. I would just hope that we will really make this a priority of the New Year. That will make Euclid's growth for the next 30 years, if we can find some people. I almost put it almost to a point, whatever we have to do, let's do it and get those people incentive, because there's no reason we shouldn't have it and of course, as I've suggested, maybe we really need to seriously talk to IHOP and get them on the corner of 90 and Euclid Ave. They have never had a failure. So, Euclid is a great prime place. We don't have a restaurant that stays open late, except for Perkins. So, it would really aid, I think.

The last thing is, tomorrow is a very important day. I hope that every citizen of Euclid will finally take the advantage of determining their fate by getting out and voting for whomever they want and for whatever issue.

Director Pietravoia – If I could respond, IHOP and others. Mr. Goodman and I are on the same page on this. I understand, I know the Mayor understands and Council understands the importance of shopping in the community, just like schools, recreation. If you don't have convenient and good shopping locally, that's one of the amenities that residents look for. We have been working fairly aggressively to contact those individuals that have the wherewithal to pull off a project like that. Discussions have started, that is as much as I can say at this point. I hope that over the next few months I'll have more to report to Council and the public in general on this.

In particular we're dealing right now with an individual that helped to put together Steel Yard Commons in Cleveland which has all of the types of shops that you're talking about. Put together a site on 117<sup>th</sup> Street on the west side of Cleveland that involved the need to acquire and assemble 100 plus single family residential homes to make a site big enough for some of the retailers that you mentioned. Also had some involvement with the company that did Legacy Village.

We made a really good contact and it is those kinds of relationships with retailers that we can't get to directly but these kinds of individuals can. We are working with that individual very aggressively right now. Hope to have something to report soon. Thank you.

President Gudenas – How about Century Corners, anything new up there?

Director Pietravoia – We do have coming up on next agenda for Council, the lot split for Dr. Gill, two acres to build medical offices on that site. We have two other existing companies in Euclid that are looking seriously at the site as a location for expansion. Dr. Gill is much further along than the other two but we're hoping that we'll see those pan out as well too.

Mr. William Hilf – 891 E. 237 Street. I'm here tonight to announce some news on behalf of UpStage Players. For those of you that weren't able to make our Murder Mystery last month, we announced a show that we will be doing in the spring. UpStage Players is pleased to announce for its 13<sup>th</sup> season, its tenth year performing at Shore Cultural Centre, we'll be doing the Wiz. Auditions will be December 2 & 3. It is open to children 7-15 years old. UpStage Players is a non-profit theater company run by volunteers and has a no-cut policy. If a child auditions, wants to perform and puts the work in, you're in the show. We don't cut people based on talent. The only thing that would get you removed from one of our shows would be something like behavior. We feel everyone deserves a shot at performing.

Auditions will be December 2 & 3. For more information, you can call 216-731-5793. E-mail [UpStagePlayers@aol.com](mailto:UpStagePlayers@aol.com). Or [Shorereport@yahoo.com](mailto:Shorereport@yahoo.com). We did this show a number of years ago. I believe it was possibly our first show ever at Shore and we're happy once again to be doing it for our 10<sup>th</sup> Anniversary of performing in the auditorium at Shore Cultural Centre. Thank you.

Mr. Dennis Berzinskas – 20890 S. Lake Shore Blvd. First thing that report on the jails. Everybody is here right now, why don't you make a copy of it and give it to all of Council right now before they leave? You've got a captive audience here, give them the report before they leave.

Mayor Cervenik – I have the report itself, but there's also another piece that went along with it that I discussed about the different cities and so you need the whole thing so I'll send you a package.

Mr. Berzinskas – I thought it would save time, thank you. On this #8, am I wrong or is there a GPS system that goes along with this per car for the inspectors? If that's true, have they been purchased and have they been installed yet and why not?

Director Pietravoia – There is not as part of this software a GPS device that would be installed in the cars. I've explained to members of Council on questions related to this. The software has a scheduling component that actually helps to set the schedule for each inspector and then is available for viewing by the support staff; the secretaries and the assistants that help the inspectors do their daily work. That doesn't exist now. We will know each inspector's schedule and we'll know their daily workload and where they're at, at various times throughout the day with this new software. In my opinion, I don't see any need for the GPS.

Mr. Berzinskas – When I thought there was one installed or to be installed, I thought it would be great for the housing inspector that has to go out to the abandoned houses. If he's over an area to long, send police right now, because for their own safety, we don't have enough inspectors now, but we could lose a few.

Tomorrow is voting day. It is an important day. I don't care who wins but after that, go out and make sure they do what they have promised instead of what they told you their opponents were doing or weren't doing. Let's make them aware of the citizenship. They are there to do a job for us, not their idea of what their job should be. I was told that if you live in a city, it is your right and your duty to come to Council and ask questions, not the same questions all the time. Because if you don't, they think they run the city. We've had this problem. We had this problem with Council and everybody. Talk to your Council people, your Congress, your Senators, your Representatives.

While I was on that, the other day, I was going by and one property had two signs on there for a candidate. But, the way it read it said, Lynch, Lynch. That's a little strong if you don't agree with the man you want to hang him out to dry. You know, just don't vote for him. We've got some good people out there but make sure they do their job. There are some issues out there, I don't agree with some of them, the way they were written, after this is over, if they don't pass, like #2, let's write it so that it is written to help the people that aren't getting a good living wage. Write it so that it means only that, not something else. Issue 4, here we go again, big business, tobacco companies, smoke less. They come up with all different things to help people. They draw from 2,000 different chemicals that they can add to cigarettes. Issue 4 allows them to continue just like they have. Don't fall for it. Vote for #5, vote yes for #5. It is about time we get rid of the ills of tobacco before somebody you care about or you love is injured by it. Thank you.

Mrs. Del Tekieli – 5 E. 221 St. I'm the Chairperson for the Holiday Celebration Event at Shore Cultural Centre. This is a really exciting event for us. Tickets are now on sale for a week long holiday celebration hosted by the Shore Cultural Centre, beginning Sunday, December 3<sup>rd</sup> through Saturday, December 9<sup>th</sup>. The events include a Holiday Concert by the Euclid Civic Orchestra, a public showing of lighted Christmas trees that have been donated by National City Bank on Babbitt Road who is donating a Victorian tree. Gateway Retirement Village is donating an OSU tree, I hear it is a knock-out. Home Depot, Value City and Kiddie Child Care Center on Wilmore at 200<sup>th</sup> Street are also donating trees.

The trees will be the first stop on the Holiday Home Tour. The Home Tour is the last of the events. The next one after the Concert on Sunday at 3:00 on December 3<sup>rd</sup> is on Thursday from 6:00-8:30 pm, we will have a public showing of the trees for the auction. People are welcome to come in and view them, make their bids on the trees and I think that you won't be disappointed on what we have. Actually Dolly Luskin is working on a couple more donated trees so that by the end of the week we hope to have a few more.

On Friday night, December 8<sup>th</sup> from 6:00-9:00 pm in the Community Room at the Shore Cultural Centre, the Shore Board of Trustees and Beach Club Bistro are hosting a patrons party

and wine tasting event. For the \$35 pre-sale tickets, \$40 after December 1<sup>st</sup>, for \$35 we will have the wine tasting, we will have heavy hors d'oeuvres and included is a tour ticket to the Home Tour. On Saturday is the Home Tour from 11:00-5:00 pm and we will have five very, very nice Euclid homes that are on display decorated beautifully for the holiday and plus the Henn Mansion will also be part of the tour and of course the Shore Cultural Centre Community Room with the auction trees.

I hope the public will come out and enjoy this event, support this event. We take Mastercard and Visa over the phone, so you don't have to go and stand in line. We don't charge a service charge to buy your ticket unless you want it mailed. But you can pick them up the day of the event. We welcome the public. This should be a delightful event for this community. We're very proud that the Shore Board is able to put this on. You can see me for your tickets. Thank you.

Mr. Joe Udovic – 21371 Naumann. First of all I'd like to apologize for my emotional outburst before. I was just so excited to be part of a problem and help with the solution. I know it was a waste of Chi Energy but you tell I sure did get all fired up and it just made me feel very good.

I do have a question for the Police Chief. My nephew was one of the people who got a ticket this summer for jay-walking. I noticed at Arthur Treacher's in Ward 2 and across the street used to be the unemployment office and we have jay-walkers; I almost hit one with a truck some time ago. Can you give me a rough idea or maybe you need a little bit of research into this, how many people were ticketed for jaywalking? Are we targeting certain areas for jaywalkers? Are there a couple of hot spots?

Chief Maine – I know at a couple of recent council meetings I've given statistics or numbers on the number of jaywalkers and tickets that have been written for juveniles walking in the street. I don't recall those numbers but I know we've written a lot. We've written a lot since school started and just before school started. I'll be glad to try to dig those numbers up and bring them in for the next meeting.

Mr. Udovic – Thank you. Another thing I'd like to talk about this evening. I was told that Monterey formed a Neighborhood Association off of 200<sup>th</sup> Street. From what I understand from one of the residents that I spoke to, the reason why they formed an association was because they had a high traffic count like we do on Naumann. I was wondering if the Ward One Councilwoman has talked to the residents and posed any type of solutions because obviously they are facing the same problems that we are.

Last but not least I read an article in this past week's Sun Journal. The Mayor proposed a solution to the Justice Department, if I'm not mistaken, I don't have the article here in front of me, I'm talking from memory right now, is to create six wards. On the surface this does sound like a great idea, but the problem is, in 2010 we will be going through another census count. Prior to 2000, I don't have the exact figures and if the Mayor would like, I can do some research on this, the City of Cleveland had multiple wards. They reduced their wards because their lack in population and they condensed a number of wards. On the surface this sounds like a great solution, but it is only a stop-gap type of a bandage solution to a problem.

I am in all support of Council President Gudenas' solution to evenly balance out the population count. Why should we go into six wards for only a two year period? We do not know what the total population count will be in 2006. Do we have any type of statistics on what we expect the population to be here in the City of Euclid prior to us moving forward or even actually proposing moving into six wards? Thank you and have a good evening.

President Gudenas – Anything to add about the Naumann? It can be after, okay.

Ms. Pearletha Taylor – 1485 E. 193<sup>rd</sup>. I have a little cold and am just getting back from a vacation. But, I wanted to come first of all and thank quite a few people that have been very positive for the Heritage Park area and have really worked with us to help us out. First of all I would like to thank Council President Ed Gudenas for being an open-minded person and listening to the residents and the citizens of Euclid. Not only listen to us but trying to solve our problem at the Council Meeting, by asking the administration for a solution to some of the problems we may have. I'd really like to thank you for that. I think that is helping our city a lot and there is no more back door situation, wait and I get back to you.

Also I would like to thank Councilman at-Large John Conway for working with the Heritage Park Association, with having the street signs posted, no parking after 11:00 pm. It has been a great help to our city, our community. Although it was jus three streets, we appreciate it. We'd also like to thank him for coming to our meeting.

The Mayor, Mayor Cervenik that was also at our meeting and made it possible for our association to have our meeting at the southeast mini-station. Thank you Mayor Cervenik and we hope you'll be there on November 28<sup>th</sup> and help us find someone to be there because we have already put in our application for the meeting for November 28<sup>th</sup> at 7 PM at the southwest mini-station.

Also, I would like to thank Carol Murray for hosting the Heritage Park Oktoberfest. It was a great success. The children enjoyed it and we hope to have many more activities at the southwest mini-station, but we need parents and residents of our community, even outside the community to come in and participate and help. You can contact Audrey Cobbs at the southwest mini-station, 2001 Euclid Ave., 289-9833. Please call and let her know if you can help support her in any way with getting some programs out.

Also, I would like to say congratulations to Gary DeWine for his retirement. But Mr. DeWine, I was a little disappointed in you. We had talked on many occasions about some signs that were supposed to be installed on Euclid Ave. during this summer. We met several times and we also had drawings of the signs that would go up. But when I called, I did not receive a response. I know I was out-of-town for like seven days, but when I did talk to someone, I found out this had not been submitted, it has not been worked on. It was a problem because one of the council people felt other homeowner associations may want something or need something. But I feel like this, if a community association is coming forward, asking for some beautification help in their community and this homeowner's association is actually going out, on the main street of Euclid Ave., cleaning up, planting flowers, I don't feel that this Council person should keep trying to block this association for doing something that is positive. This is what we're trying to do. No one is complaining with the Indian Hills Community brick wall on Euclid Ave., which no one is going down keeping that area up. The weeds and everything is everywhere. No flowers have been planted and we asked for simple banners. We don't say anything about the hill going up to Euclid Villa, which has never, never in order. It had been an eyesore and had been a problem for awhile as far as plants and flowers. I have a problem with this and I would like to give this to our Council President and ask you to please work on this and see what can be done. I have talked to Mr. Pietravoia about this and he told me they made one little sign up to see how it worked. But I don't feel that we should continue to be blocked. Thank you and everyone go out and vote please.

President Gudenas – Chief Maine, I know last time you mentioned certain days were good and not good for the mini station for meetings. Is Tuesday the 28<sup>th</sup> a good day or bad day?

Chief Maine – I'll let the Mayor answer this one.

Mayor Cervenik – Tuesday the 28<sup>th</sup> is a good day only because I told the Association at the last meeting that I would be there for that one. In return, they were going to vote this meeting on changing the day of their meeting so they wouldn't be meeting on the bad days any longer. I will be there on the 28<sup>th</sup> of November. Very nice meeting and the food is pretty good too.

President Gudenas – Isn't that bowling day? Or is that no more?

Mayor Cervenik – I retired from bowling for a few years anyhow. I may go back to it some day.

Mr. Willie Brown – 21323 Milan Dr. Sitting here tonight watching the political process in action, kind of moved me to come to the microphone because it is somewhat ironic that tomorrow is election day and the City of Euclid sits right now under the scope the DOJ charges of violating the Voters Rights Act. I think it is very important that all members of the political process and all citizens understand the historical perspective of the Voting Rights Act. What things created the atmosphere the necessitated a Voting Rights Act? What things occurred in our country that led to the passage of the Voting Rights Act? Those are very significant Act in the history of our country.

It is very significant where the City of Euclid sits now in addressing the charges that these rights have been violated. So as the politicians, as well as the citizens move forward in dealing with this, on the eve of the election, looking at what the political climate is now, the intensity of the races that are presently occurring. I think that all things that are done to address the present charges have to look at the scope of, first of all, what things created the environment that brought about the need for a Voting Rights Act. And, what things were meant to be accomplished through the passage of the Voting Rights Act. All of those that get involved in trying to deal with this issue now, need to look at those two things: what brought about the Voting Rights Act; what was meant to be accomplished through the Voting Rights Act. If those

two key things are addressed, I think that we'll all find that we'll be comfortable with where we sit and understand the great historical prospective of the Voting Rights Act and where the City of Euclid and its residents sit right now on the eve of election, in addressing this very important issue.

Mr. James Grinstead – 20131 Ardwell Dr. Come to speak to basically everybody here tonight about a Use District Exception that was tabled at the last P&Z meeting. I e-mailed all the Council, Council President, Mayor, Mr. Beno. I e-mailed everybody, I received two answers back. I didn't expect any answers really, but I got two, so I was rather happy with that.

Seems there's something going on with this piece of property at 20150 Lake Shore Blvd. A sold sign has gone up on the property. They have definitely bought the property with the intention of going ahead with what they have. Someone is giving them bad advice, I hope it is not somebody here working in the city that's giving them some advice that this is already a done deal. They told somebody today that relayed the message to me that it's a done deal; we've got the property, we're in, we're going ahead with what we have.

It is in a residential section. They're asking for a Use District Exception School Exception. I've asked what a school pertains to under the zoning code. I got an e-mail back from Mr. Beno tonight that says, the zoning codes are listed on the website. I spent 20 minutes trying to find it and I can't find it, okay. Somebody tell me how to find the zoning codes in the website when I get done here okay?

I know some of the Council people are coming. I understand Mr. Beno why in your e-mail you said that you could not come, okay. But, at the P&Z meeting, the lawyer representing the buyers of the property looked at me, face to face and said I will get a hold of you, so we can meet. The people buying the property have not, not talked to any residents in the area. They've only talked to Buddy Bagels only. That's the only place they've had contact with anybody.

If I'm coming into a neighborhood as a new person on the block and I want to do something that's not within the scope of the zoning, I certainly would want to talk to the residents. They have not talked to anybody. The lawyer representing them, everybody knows who it is, okay, maybe they don't, it's David Lynch representing them. He looked at me, he says Jim, I will call you. I know David for a long time, I took the man for his word. He has not called as of whatever time it is now, 15 minutes before this, he has not contacted me. Mr. Beno said he could not attend the meeting because both sides will not be there. I don't think it's the residents side to go out and beg the buyers of the property to come to the meeting and meet with us. If I was going in, I would want to meet with the residents. It smells like there's something going on here, God I just hope its not going on, somebody in politics is not doing something because I know most everybody here and I don't think any of you would do it, okay. So, that's my speech. If anybody has any comments to what I said.

President Gudenas – Clerk of Council Regina Cahill here can help you right after the meeting with the website and all that. You're the one who brought it to our attention about this. We had heard nothing about these proposed plans, so now we'll pay attention.

Councilwoman Holzheimer Gail – This evening, I did give all of the Council members the letter that Mr. Slivers had passed out to residents and I know you had e-mailed them, but I wanted them to have some information about the property, about the meeting. I don't know if you did say the meeting, the meeting is this coming Thursday, the 9<sup>th</sup> at 7:00 PM at Holy Cross Church in the basement, the public is welcome. I would hope that the property owners are there, if the sale has transferred ....

Mr. Grinstead – It has transferred.

Councilwoman Holzheimer Gail – Then I would hope they are there to meet with the residents. I certainly will be there.

Mr. Grinstead – It's not our point to go out and beg them to come, I don't think. Thank you.

President Gudenas – We'll hopefully be soon. In fact I think you're the last one to speak. The sound was working. I heard the sound wasn't on earlier and we'll have to find out, that's the second time that's happened. All at 7:00 or 7:15 it was on? Oh, someone came in and said the sound was off. Okay. We'll figure this out yet.

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

A short break was taken.

#### COUNCILMEN'S COMMENTS

President Gudenas – We had our Golf Course, Parks, Recreation Committee Meeting, way back September 13<sup>th</sup>, we asked for a whole bunch of information about the budget because we're concerned that the golf course isn't paying its way and it is actually going to start taking money away from other departments that are in sorely need of funding themselves. We did get some of the information today, right before the meeting, so we didn't get a chance to look at all of it. But, we do have concerns. I saw Brian Palisin was just here from the Golf Course Commission and Mayor Cervenik are going to work out some kind of meeting, but this Council is going to need to address a few of these issues in the future. The bottom line is from the e-mail today, some of the salaries that the Golf Course was paying up until today, will be transferred to the Parks, Recreation and Shore budget, which means that will be now paying more. We don't know what all that means, but the word Shore, Parks & Recreation were in there and that the assistant pro, your salary and others will be transferred elsewhere for part of it, only 10% instead of 25%. So that's a significant increase for these other budgets. We'll need to find out what that impact will be on all the other budgets. That's really not the whole purpose. The Golf Course was to be, we were supposed to be cutting real expenses over there. We saw the projections we were promised that November alone was going to bring in \$49,000 and we were told we're fairly certain and we asked a lot of questions about it saying that doesn't make sense, but we were told for sure that \$49,000 was going to come in November roughly. Now the new projections that we got today, are \$46,000 for November and December which means a further decline over there. A lot of the losses at the Golf Course are going to be covered by simply shifting employees to other departments and not making any real expense reductions. We did get part of the marketing plan and now all that looks very interesting, but I'm quite concerned right now and we're going to need to address that because I still say we need some legitimate expense cuts, not just transferring wages to other departments that are also going to be hurt.

Mayor Cervenik – We have not just transferred wages to other departments. As was the case with this Council, always thought it was very unfair that a certain portion of Director Will's salary went to Shore. Director Will does not spend 25% of her time on the Golf Course issues. She's going to be spending even less from here on end as Mr. Sloat takes over the basic management of the golf course.

Furthermore the other the other transfers we've made our physical transfers of human beings that are going to work in other departments. One of the reasons we've been able to keep up with the leaf, we're right on time with our leaf pick-up and we're confident the snow will be good with less overtime, is because those gentlemen are working, working in other departments, not just transferring their salaries to other departments. We will discuss all that fully at the Golf Course Meeting, because we're really looking forward to not only your input put very much so to finally get some input from the Golf Course Commission themselves.

President Gudenas – That's good but again we'll need to see how the other budgets are impacted with these changes.

Mayor Cervenik – We can do that as well. We have reduced the amount, unfortunately the last three months of the year we were budgeted to make \$150,000. Ninety-some thousand of that was supposed to be in October. October had 17 days of rain. I really wished I could have done something about that. That's what we were expecting in October. Running a golf course that's going to happen. The bottom line and we really went through the year-to-date and the last three months of the year, the deficit appears to be somewhere around \$22,000. If you take into account the thirty-some thousand dollar retirement pay-out that we experienced this year, we're really not that far off. Then if you look at the 4 months where three employees will not be working at the golf course during the winter time. Next year we have a projection of about \$60,000 in income, \$66,000 with the very, very modest increase in projected revenue. I'm very confident the golf course will never, as long as I'm Mayor, take money out of other budgets, but we will go through that.

President Gudenas – Just to clarify, in September we were told October. For October, quote, we're looking at \$100,000. We came in no where close to that and we even mentioned that this makes no sense and I said you are fairly certain you're going to hit those numbers, quote, fairly certain that's correct.

The bottom line is all of this is sort of related to even the jail thing. That we want to be absolutely certain when we're told that something is going to happen in terms of our expenses

will be cut, the profits will go up etc., that we want to have some really good numbers to back it up. The numbers we had were from previous years had indicated that you'll have bad weather in October and you'll have bad weather in November and you can't expect these big increases to happen all of a sudden, you have to be a little more realistic.

I bring that up because we're going to have to deal with it and the Golf Course really needs to make even more than that because when we first started the whole process with the Club House, it was anticipated the Golf Course would pay back \$75,000 a year, back to the bond retirement fund, so that money could be used for other purposes. Right now nothing is being paid back.

Mayor Cervenik – Mr. Chairman,

President Gudenas – This is not the time for debate.

Mayor Cervenik – But you made a comment that is not true.

President Gudenas – Okay, Mayor, I'm sorry you're out of order at this time.

Mayor Cervenik – We did say \$75,000 would be paid back.

President Gudenas – You did not, but the previous City Council did when the process was started. Of course, I agree, you did not do that. Then, let's see, that was number one. I just want to remind any citizen here in the City of Euclid to let us know by Monday, the 20<sup>th</sup>, if you're interested in working with the Citizens Advisory Committee for getting more people involved in local government elections and running for office. The applications will be available as of Noon tomorrow at City Hall. There will be a Statement of Purpose that goes with it, so make sure you understand what's involved with this thing. It is just a one year term, so it is not a life-long commitment to help the residents. We're trying to get a balanced representation throughout the City, but we're not sure who's going to apply, but if you're interested, do so before Noon on the 20<sup>th</sup> and we'll keep moving on that.

Councilman Delaney – You went over the Golf Course budget, which is my questions exactly. I fully agree with what you've asked for.

I'll change gears here, earlier it was mentioned the proposed idea for Dr. Roy Larick of the Euclid Landmark Commission and the Euclid Historical Society. I just want to clarify what an exciting project that he is proposing in the Euclid Township Bicentennial which will actually be a few years from now, but this is usually the kind of celebration that will take that long to get these many people involved. The original Euclid Township actually included Collinwood, East Cleveland, Euclid, Lyndhurst, the Nottingham Neighborhood, Richmond Heights, South Euclid and parts of Cleveland Heights. All of the different historical societies have been notified, they are on-board for that. I would just say anyone who would be interested in helping with this effort, that I think it will be a very, very exciting and worthwhile project to please contact City Hall so they can get a hold of the Euclid Historical Society and Dr. Larick. It will certainly be something that will have several events celebrated throughout the years, but it is something to look forward to and it is definitely something that will highlight our image our perception.

The only other thing I'd like to say if anyone is still watching now, please remember to go out and vote and do your duty.

Councilman Gruber – I'd like to start off by thanking Director Gulich's teams out there picking up leaves. They are on schedule. They are right where they should be today, even with an equipment failure on the Upper Valley area. They are out there and they're working extremely hard and I stopped and thanked them on the way in today. Pass that along Hank and everybody at home, please be patient, they're on their way.

Get out and vote tomorrow. As far as the Euclid Avenue banners which are near and dear to my heart, I know that I've worked with the Mayor and Gary DeWine. I actually provided the art work for every association along Euclid Ave. and the banners wouldn't actually be on the Euclid Avenue, they'd be on the hills going up to their respective areas. I don't know what the delay was. I know I had the assurances of the Mayor that that would be taken care of. I know the Homeowner's President has 7-8 friends up here. If I've stopped it, I'm sorry, but I thought that we could get that done. Maybe we can work on that a little bit more.

As far as the Upper Valley area there, you're right, we didn't plant flowers there this year. We had two 7 foot Blue Spruces and perennial grasses. We're getting away from the annual flowers because they tend to die and as you know from baskets and so forth, it is kind of a

waste of time. They look nice for a short amount of time, but these are things that will come back and flower year after year. For 65 years, the Indian Hills Homeowners Association has maintained that. I would just like to thank them for their help. Thank you.

President Gudenas – We did talk to Director Pietravoia during break and apparently everything is under control regarding the banners. It's a sample banner and we're still working on others so it is okay. Councilman Gruber will make sure.

Councilwoman Holzheimer Gail – First I'll start with Mr. Udovic's question about traffic. There's been many new associations started off of 200<sup>th</sup> Street going both ways, Monterey was one of them, Naumann and Renwood recently started a group, Meredith has a group. Pretty inevitably traffic comes up in just about every neighborhood association, I'm sorry South Lake Shore, I didn't mean to leave South Lake Shore out, who had their first meeting last week. A lot of different solutions come up. We've talked about several from speed bumps which are very difficult because snow plows, they work when you are in southern climates, but not necessarily when you have snow plows and other equipment coming down. Stop signs are regulated very heavily by the State. You cannot just randomly put stop signs out.

We have the Community Policing Department, will do special details. That's worked and they sort of laugh and say typically when they do that, the people who get the tickets are the people in the neighborhood. We've had good success with the Community Policing Officers. I'd be happy to work with Mr. Udovic. I know we've discussed everything from closing off streets, making them sort of like cul-de-sacs, lots of different options. Those have not gone over very well when I talk about them at neighborhood associations, but I'd be happy to continue to work in solving those traffic issues with you or any association and obviously the Police Dept. and Streets Dept. who have some ideas. So I look forward to that conversation as well.

Also went to the first Downtown Euclid Merchants meeting, I think it was two weeks ago. One of the issues that came up now that we're getting into the season was the snow plow program. I know Director Gulich, you were working on with our new snow plow contractor, were we able to work out a snow plow program for merchants or sidewalks?

President Gudenas – I think we had good news awhile ago.

Director Gulich – We did modify our bid proposal package so that I could get prices on that. We did receive two proposals on that. Actually the numbers did look pretty good and I've had discussion with the Mayor. At this point we don't have a program planned, I don't know if the Mayor wants to make any additional comments on that, but we do have a price set up that we could proceed.

President Gudenas – Mayor Cervenik, I thought we were going ahead.

Mayor Cervenik- That price is approximately .....

Director Gulich – I don't recall the exact price.

President Gudenas – You had mentioned it at a Council Meeting, it was very low.

Mayor Cervenik – Let's say it's about \$6,000. Council would have to give us the authority to do it. If you want us to, it is a very big headache to try to get each and every property owner to pay for it because some of them are going to plow their own sidewalks, some of them are going to have their normal person do it. With this low of a price, if we're going to do this on a one year trial and again it is going to have a negative effect on the budget. But, sponsor legislation and we'll give it a shot doing it this year and see how it turns out.

President Gudenas – Could you include the exact bid, how it came in. Did that include, I believe, something on Euclid Ave. too?

Mayor Cervenik – The retail sidewalk areas of Euclid Ave. as well.

President Gudenas – We better look at it quick. Maybe on the next agenda?

Mayor Cervenik – It will be on the next agenda.

President Gudenas – So we have to take money out of another budget?

Mayor Cervenik – Yes, you're going to have to if that's what you want to do Council President.

President Gudenas – We originally said to assess the property owners, but we also think it is very important. Let's think about it.

Councilwoman Holzheimer Gail – We'll definitely have those discussions. That's why I said I knew we had gotten the bid and I wasn't sure that we had decided on whether to do it or not so let's get that discussion and we'll figure something out.

President Gudenas – Councilman Lisy, you can work on that too.

Mayor Cervenik – I would say to you that at that price, it would cost us more to administrate the assessment then it would to just plow the sidewalks.

Councilwoman Holzheimer Gail – Then it becomes difficult if, and we talked about this at the meeting, if a couple of the businesses say yes and then another doesn't, you're not going to stop the snow plow, pick it up and keep going. It would make for a more difficult situation. I will report that back to them at their next meeting.

One of the other issues that came up and was that they really would like to see residents stop in and use their businesses. I was able to stop into Gallery 222, they had their Grand Opening last weekend and there really are some nice shops. But, and we all like it when these new stores come in, but they will only be successful if we patronize them. So just a word to all of us to shop at our local businesses because that's what makes them successful.

Just another reminder that the Downtown second Public Hearing will be Thursday, November 16<sup>th</sup> at 6 PM at the Lakefront Community Center.

Mayor Cervenik – If I could just piggyback on what the Councilwoman said about the small shops and businesses. I met with the owners of the Bi-Rite store on Euclid Ave., and they would like the residents to please patronize their business. They're a little tight going now and they're doing some marketing and some other things to try to pick up business, but they've put a real investment into that store and people in that neighborhood need to pay them back for that investment with their business.

President Gudenas – That's on Euclid Ave. near E. 260<sup>th</sup> Street Shopping Center. We had the Grand Opening just this summer or so.

Mayor Cervenik – It is a full service grocery store, very clean, very nice and very competitive prices.

President Gudenas – Double coupons?

Councilman Langman – I would agree with the Mayor, I'm glad it was a productive meeting. I would like to thank Tod Guntner and PetPals for holding another successful Boo Bash and Clam Bake. I thought it came off very well, the clams were excellent as was the chicken. It was basically sold out and I think they did pretty well.

Director Gulich, if you could update us on ODOT's progress or lack thereof on the spur area?

Director Gulich – I'll refer to the e-mail that I got from District 12 on October 18<sup>th</sup>. They explained that they actually did complete the original project as planned and what was taking the additional time was actually additional work that they ordered the contractor to do. I haven't had any correspondence with them regarding that, but also included in there since it is going to be another project altogether is going to be the sound barrier wall going all the way to E. 260<sup>th</sup>. Even though it is a Lake County project, it will enter into Euclid there.

Councilman Langman – Could they stop at 185<sup>th</sup> perhaps with the new sound walls?

Director Gulich – I considered moving the Welcome to Euclid signs so maybe they would just keep going. They said they wouldn't fall for that. They say they're letting that project November 15<sup>th</sup> and they'll invite us to the preconstruction meeting so I'll have some additional information when we're ready to have that. Of course the lighting by and large, which was a different contract altogether, seems like there's a few odds and ends laying around that they're

finishing up on and of course it's a system-wide improvement which is really all over the place, not just in that spur area.

Councilman Langman – The reason why I ask and I'm glad you mentioned the lighting is some of those stanchions have been along the side of the road and haven't been put together since summer. You have some significant vegetation growing up around them. A couple are, it looks like they are prepared to go up, and they've been like that for at least a month. Any estimate about when that might be completed?

Director Gulich – I'll ask ODOT for an update on that. I sent you all the e-mails, obviously they've had lots of instances going back internally with some problems there, they wanted to make that aware. It wasn't completely perfect happening project.

Councilman Langman – I look forward to that update. Finally a couple of people have mentioned the Department of Justice Investigation and as you probably all know, we have retained very reputable attorney, Mr. Hilary Taylor to represent the city. And, in a couple of Executive Sessions, he has offered us I think one would consider sage advise on how this City should present itself to the Department of Justice and to the citizens in general. I think probably the paramount advice that he's given is, you need to be united when you make statements and so forth.

So, I have to admit that I was a little dismayed to read comments in the Sun Journal on Thursday that there's some upset perhaps with the representation from you Mr. Mayor and that perhaps want another arrangement after the Council went through the trouble to look at statistical and demographic and census data to come up with a plan in general. If you do have those feelings, I would prefer if they would have been shared in an Executive Committee rather than me reading about them in a newspaper. If you could comment on that, I'd appreciate it.

Mayor Cervenik – My comments with the newspaper reporter were really more for the possible mission of a Charter Review Commission. Charter Review Commission has changed our Charter before. They have changed boundaries, they have changed the way we vote for at-large Council people. They will have the opportunity to do that again during this term, that will start sometime in December. Anybody who would sit here and say that it wouldn't be in Charter Review's responsibilities to at least look at something the Justice might accept and the people might like, is a little naïve. They have a responsibility to look at all of that. Those were my comments that were made.

I believe the comment about my disappointment with the Justice had to do with the earlier plan where we weren't, we didn't know anything about it until it was proposed because I didn't express any dismay that evening when talked with, I've talked with Hilary Taylor, we're going to meet sometime this week so that some how in conjunction with what the redistricting you did, how we can use the Charter Review, where the Charter Review's role is. Once the Charter Review is appointed, we have no control, they are a body amongst themselves, as by our Charter. They have the ability to put things on the ballot. That's what .....

Councilman Langman – Perhaps sometimes based on column length and so forth, perhaps some of your comments were misconstrued. But when I hear that you're upset or disappointed with representation, we need to know about it so that we can discuss if there is any concern on your part.

Mayor Cervenik – You most certainly did hear about my upset and misrepresentation because that happened over a month ago when the initial plan came to Council, that's when I was concerned.

President Gudenas – So you're saying those quotes were a month ago?

Mayor Cervenik- The Reporter is there. If you read the opening statement, it says Cervenik who was dismayed or something to that effect when Council's original plan was not presented earlier. I believe that's what you're reading. I talked with Hilary Taylor Friday. We're going to be talking in a meeting this week to find out how we can incorporate the role of the Justice Department.

President Gudenas – So those quotes weren't from last week?

Mayor Cervenik – Which quotes? About being upset? No, no. I was somewhat disappointed that our, and I can't speak about some of the things that I couldn't speak about with Jeff either, and I think Jeff knows that I told him I couldn't comment on some of them.

We've got a real role, we've got a real meshing here of the responsibilities of the Charter Review Commission versus what's Council's goals are.

Councilman Langman – I understand that process, but that's now a couple of different issues where since you trespassed on my time, I'm going to take some of that. A couple of different episodes where information came out first with the actual information from Weston Hurd, and now this, that can be misconstrued. It's very important that we do speak with a unified voice. With that Mr. Chairman, I'll wish your father Happy Birthday and good night.

President Gudenas – To clarify, because Council's not involved in the process of appointing members to the Charter Review Committee, will this be a requirement to be a member that they agree to look at changing our city government or they're not appointed?

Mayor Cervenik – The role of ...

President Gudenas – I'm asking about the appointments.

Mayor Cervenik – The role of the Charter Review is to look at our form of government and to make changes. The Charter is our form of government. That is their role, that is the sole purpose I appoint them.

President Gudenas – No, no, no. About the number of council members, about the ward configuration. Will that be something that's brought up specifically in saying do you support changing the number of council members or the number of wards, etc., and if they say no, we don't need to change it, then they don't get on. If they say, I think we need to change it, they get on?

Mayor Cervenik – No, Mr. Gudenas, I don't deal that way. What I want is people that care about their community and have an open mind to look at ways they can make our community better and that's what its all about.

President Gudenas – Will they be asked a question about what they think, how the city government .....

Mayor Cervenik – All depends on where each individual's conversation goes. Is that a problem?

President Gudenas – Yes I think so because then you'll only appoint people with your view on your direction, so I think so.

Councilman Lisy – What I would like to do is thank the Fire Chief and his staff, let the Fire Chief know how much the residents appreciated his staff on Halloween, around in the truck passing out candy. The residents really appreciate that, both the children appreciated it as well as the people in the homes because it really did brighten up the neighborhood, seeing the lights coming up and down the street.

On the other side of the safety services, the Police Chief. Your employees were out in full force that night and it made the environment safer for the trick-or-treaters and I heard a lot of favorable comments back from residents about how they were right there, any time there was a situation that may arise, they seemed to be right around the corner or right there to prevent anything from happening. They made it a very safe evening that night, so, thank you again for your staff.

I also want to acknowledge the Fire Chief and your staff for the training that they go through. I sat in on the Flash Over training and I know the Mayor and Director Gulich also. Flash overs are amazing at how fast a fire can change from a warm room to a very dangerous and hot room where they could actually have their gear melted, right Director Gulich? It's very dangerous environment that the firemen have to go through and young and old firemen, it is nice to know that they can recognize the signs of a flash over because it happens within seconds and it is a matter of life or death and them being able to get out of the building. The Mayor has Director Gulich's face mask that just shows you how quickly it can change inside of an environment. So, there's indicators in the room that the smoke changes color and that there's

little fire fingerlings in the air above. It is not something that a resident wants to see, but it's something that a fireman needs to know about as he's in a building there.

Director Gulich with respect to leaf pick-up, when should the residents get their leaves out with respect to the trash pick-up and what are some of the do's and don'ts of putting the leaves on the curb?

Director Gulich – Thanks for asking that question. We ask for residents to have their leaves raked out to the curb on their regular trash day. I know the Mayor said a few minutes ago we were all caught up with Monday's section, we've still got some leaves to pick up in Monday's section, Councilman Gruber. Anybody sitting at home that says they didn't mine, we're in Monday's section and we'll need to be up there again tomorrow morning. Please have them raked out on the regular trash day. We ask to rake them to the curb, we'll take them from there. It is very important, don't put any other items in the pile besides the leaves, no branches, no grass clippings, or any other yard waste. I shared a photo with Council last week and the paper was nice enough to print it. You saw what happened when an aerosol can gets sucked up and can start a fire in a truck. Fortunately no one was hurt, there was minimal property damage and thanks for the Chief for getting that under control right away.

Councilman Lisy – This is that time of year that we on Council get a little nervous with respect to the budget because it is near the end. So far the last couple of budget reports everything seems to be tracking nicely. But, please in November when we get the budget numbers, let us know if there's anything that's getting near the ranges that would cause concern because of either revenue shortfalls or expenditure increases in certain departments. But as of last October or September's report, it looked pretty good. Director Johnson, do you have any comments about where we stand right now?

Director Johnson – We are looking at that and there may be one or two small items that we maybe bringing before you, but they are going to be very small.

Councilwoman Mancuso – Director Gulich, bravo, we finally have out in City Hall the list of when we're going to do the sewer clean-ups, what you've done, what you're going to do. If we could make it look a little nicer and put it on the television, I know people are going to stop calling me about it, so I can stop pestering you. That's a great start. Even if you could put it up quarterly so they can see where you've been, what you are going to do by the end of the year and then first quarter who's slated and you're going to get a question as I questioned you tonight, why does it look like they're all in one section of the city? You made it very clear that was the oldest, those were the oldest areas and the first to be installed, therefore the first to be cleaned out. I would get that out on our cable channel so that we can all look at it and we all know when it is going to be done. It does look like you're going to get the entire city done in short order. That's very pro-active and we need to keep that up. Thank you.

For the Mayor and the Fire Chief, I'm going to be calling you to take you both to breakfast because we need to get together, the group that is going to be doing the emergency planning. I think the three of us can come up with who we think our the players that need to be at the table. Then, invite them and by January get a good working group going. The Holidays, get some of the training done, but I think between the three of us we can go over the plan that I proposed that I'm sure you've shared with the Chief already. Kind of get some of the people that have a vested interest in making this work, listed, invited, get some times, some places, some schedules to meet and then get started in January. I will be calling you for a breakfast meeting.

Mayor Cervenik – We will probably need a little bigger table than just for the three of us. I've been playing phone tag with Lauren Rock, but we need to bring the hospital into it in the beginning.

Councilwoman Mancuso – That would be great, she's one of the players.

Mayor Cervenik – We have what's called a Leadership Community Counsel and at the last meeting as I looked around the table, it's probably the starting of the committee that we need. They are all from various organizations, schools, churches, large companies, fire, safety.

Councilwoman Mancuso – If the three of us do that first, then we won't miss anybody because you'll each come from a different perspective and so will I. Then we can use December to get these folks invited. You are right, it will be a very large group, each with their own specific expertise that they can bring to the plan and we'll get it done. With that I'll say goodnight.

President Gudenas – By the way the City did another good thing, I saw the e-mail that we all have new e-mail addresses so now it's [cmancuso@cityofeuclid.com](mailto:cmancuso@cityofeuclid.com), much easier to remember. All of them end with CityofEuclid.com.

Mayor Cervenik – The City did another good thing?

President Gudenas – Yes.

Mayor Cervenik – Thank you.

President Gudenas – Mark that down. If you want to reach anybody, put a first initial, last name, cityofeuclid.com and we'll do something with it.

Director Johnson – With the exception of us that have the same first initial.

President Gudenas – Good point. But the old ones work in the meantime too. I cannot remember our e-mail address myself, I don't send myself anything.

Councilwoman Walsh – And they did a third good thing. When you read your e-mail now, you've got a little synopsis so you know which is the Viagra and which is the resident. I think that's really good.

Director Gulich, how's my newspaper boxes going? Residents want to know.

Director Gulich – This is enforcement week. As I explained to Council a month ago after we passed that ordinance, they were going to get the word out to everybody, give them an opportunity to get properly signed up and to get their boxes in order. That week has arrived. We're preparing letters telling people that any boxes that aren't in compliance this Friday, they can either get them in compliance or remove them. If that's not the case, then we'll remove them for them.

Councilwoman Walsh – I think you need to check on faded no parking signs. I saw another one on 222 and I believe the corner of Ivan. They're spotting and I didn't have my tablet with me to write down all of them as I normally do.

I'm thrilled about the garbage cans because that will stop some calls to me. I'd like to share with the public, there's a book called Cities and Villages and I believe the Administration gets that also. I thought the article on the Barberton Mum Festival was really fabulous because it started in 1989 and if Barberton could do it, so could Euclid. It draws 25,000-30,000 people to visit this flower show, it's just fabulous. I think next year Kathy Will in addition to the basket, she could start with 30,000 mum clippings and we could plant them all along the community center in Euclid. That would be the beginning of our little Barberton/Euclid Festival. We can do this. I listened to a very invigorating speaker Saturday night and everything is possible. I also want to clarify. Yes I do think the Chief needs a jail and a safe place and all that good stuff. I just can't see spending money. If you give me the answers, I'll vote for what you want. But it is not clear. It is just a little foggy out there. I also, I did write the Fire Chief an e-mail. I was so proud of that fire truck when those little kids started clapping their hands. That made me feel like I was in the Euclid that I grew up in. Everybody get out and vote. Vote for whoever you want, what issues you want, but after Saturday night's rally, get out and vote because this is our freedom and our right. Get out and do it. Amen and goodnight.

Councilwoman Walsh moved to adjourn. Councilwoman Mancuso seconded. Yeas:  
Unanimous.

Attest:

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Clerk of Council

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President of Council

