

**COUNCIL MINUTES
NOVEMBER 20, 2006**

The regular City Council meeting was held on Monday, November 20, 2006 at 7:00 PM in the Euclid City Hall Council Chamber. President Gudenas presided.

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

Others Present: Mayor Cervenik, Asst. Law Director Sweeney, CS&ED Director Pietravoia, Service Director Gulich, Police Chief Maine, Fire Chief Cosgriff, Zoning Commissioner Beno, Asst. CS&ED Director Gliha, Sgt.-at-Arms Novosel, Clerk of Council Cahill.

Invocation was given by Capt. Stella McGuire from the Salvation Army.

COMMUNICATIONS

Council has received the following communications:

From Director Johnson, the General Fund report through October 31, 2006.

From Mayor Cervenik, Feasibility Study Proposal for Euclid City Jail.

From Euclid Cable Television Commission the City Council requested Report Summary of the Euclid Community Television Public Access Studio Facilities Review.

President Gudenas – Director Johnson is not here tonight, or is he coming later because I did have a question about the budget report.

Mayor Cervenik – I know Director Johnson had e-mailed me last week that his daughter tonight is getting inducted into the National Honor Society at Regina. Both of my children inherited my wife's intelligence rather than mine, so they were inducted as well and it is an important thing for parents to be at. While we're on the subject, Director Frey's son is being honored as an athlete, although he is a pretty good scholar at VASJ as well, and we have Kelley Sweeney here filling in. Sadly, Kathy Will's mother has taken a slight turn for the worst on health and she's tending to her Mom, so they will not be here tonight. If you have any questions, I'll try and answer them.

President Gudenas – I appreciate you letting us know all of this. Very simple question, October revenues in the report were up substantially over previous months and previous Octobers. There was \$2.1 million versus \$1.5 million the year before. Was that because of our new system of collecting the quarterly payments and we're being more efficient in collecting the money? Or, is it some kind of economic activity?

Mayor Cervenik – If you look at the actual collections for 2005, it was \$1.4 million. Our projections were in October, \$2.1 million, we were slightly short of that. That is mostly to do with timing difference is that CCA would always hold those funds for a different 30 days. In October all the extended returns, their payments are due on the 15th of October, as well as the payments for estimates. We wouldn't get those until December, we actually receive them in the month of October.

President Gudenas – We're collecting everything quicker.

Mayor Cervenik – Right, and I will tell you that I slept very good the night I got this report, because if you look, our projections were considerably higher, almost \$700,000 higher than the previous year and I was really very happy to be within \$41,000 of that. I'm not sleeping well again this month, if you look at the projections versus collected in 2005, it was \$2,035,000. We're projecting \$2,098,000. Again the timing plays in that projection as well because some of the money we collected in November of last year, we collect in October of this year.

Bottom line is we're about \$290,000 above our projection, \$285,000 ahead of projections, which being ahead is always better than being behind. I think as Director Johnson has told me since the beginning of the year, we're fairly confident that at the end of the year, we will meet our projections, we just went about it a slightly different way.

President Gudenas – Well, all's well that end's well.

Mayor Cervenik – A little scary. Next year you're going to see a nice level projections for sure.

President Gudenas – Okay, just because it is our first full year of collections, I'm trying to understand how the money is coming in. Thank you, that answers that.

COUNCIL MINUTES

Councilwoman Holzheimer Gail moved to receive and approve the Council Minutes of November 6, 2006. Councilman Gruber seconded. Yeas: Unanimous.

ADMINISTRATION REPORTS & COMMUNICATIONS

Mayor Cervenik congratulated the Euclid Panthers, 8 & 9 Year Old Tackle Football Team and Cheerleaders for a great season.

Mayor Cervenik – We have reports from various Directors and Chiefs, and probably the most fitting, due to the fact that Thanksgiving is right around the corner, is our Fire Chief to talk about safety over this special holiday.

Chief Cosgriff – I would just like to take a moment to caution our citizens if they plan to use the outdoor turkey fryers this Thanksgiving. The Consumer Products Safety Commission reports that there have been more than 75 incidents involving turkey fryers and the majority of these have been fires that have occurred while the oil is being heated, before the turkeys are even added to the fryer. If left unattended, or not watched closely, the oil will eventually boil over and come in contact with the open flame from the burner and then continue to be fueled by the propane supplying the burner.

As a result of these dangers, the Underwriter Laboratories have not given their seal of approval on any turkey fryer. For those of you with internet access, there's a pretty good short video at the UL website. If you must use the turkey fryer, please remember some of these following tips. You need to keep the fryer outside, away from buildings or other structures, such as garages, car ports or wooden decks. Never leave the fryer unattended. Remember that the quantity of oil will remain very hot long after the cooking is finished. The fryers tip over easily because they are top heavy. Also realize that the oil will be displaced when the turkey is immersed, increasing the chances of it boiling over. Above all, remember to carefully follow all the manufacturers recommendations and make sure the turkey is thawed before you slowly lower it into the oil. Lastly, and I know that this should go without saying, but you can't fry a turkey with stuffing in it.

Now hopefully I've discouraged everyone from using these fryers. However if you must use one of these, and you were to have a fire, remember that you cannot put out this fire with water, you'll need to have a dry chemical extinguisher and above all, do not wait to long to call the Fire Dept. Having said that, I would like to wish everyone a safe and Happy Thanksgiving.

Chief Maine – About a year ago the Mayor approached me and said would it be possible at some point in the future to enhance our visibility in the neighborhoods by having some sort of take home car program for our officers. There are a number of other communities in northeastern Ohio, as well as around the rest of the nation that have had that program in place for some time and it has proven to be a benefit.

The problem we had was having vehicles available to implement that program. I'm happy to say that as a result of finally getting our cars about a month and a half ago, and the fact that we're not using old police cars for city vehicles any more, for the most part, we did have some fairly decent cars still with less than 100,000 miles somewhere in the area of 80,000-90,000, three cars that we felt would be more than appropriate for this program.

That being said, we put together a policy and procedure and effective tomorrow, we are going to implement this program in the City of Euclid. We selected three officers that we think will do a good job, have done a good job in the past, and have the kind of work ethic that would be worthy of them having these vehicles. We should be having more visibility in the neighborhoods; there's a policy and procedure that goes along with that and I'd like to thank the Mayor for giving us the opportunity to put this into place.

Mayor Cervenik – One of the other reasons this policy has been made possible is that we've gotten away from the practice of putting these gas guzzlers into the Housing Department and Inspection Dept. We can probably get another two years out of them, not for police work per se that needs somewhat newer, safer car, but will allow for these cars to be in the neighborhood and definitely be a deterrent to crime. We're going to monitor the program, see how it goes, pay attention to comments and questions and possibly complaints that we get from the residents. With three cars we thought it would be a very good idea to start. A couple of years from now they will go on government.com and we'll sell them. We'll see how it goes. Chief, thank you for working on that as well.

Kelley Sweeney has some comments on some new laws concerning rental properties in the State of Ohio.

Asst. Law Director Sweeney – As I previously reported to you at a previous council meeting, in early October I sent out 339 letters to CMHA subsidized properties, those were 1 & 2 family properties, advising them that they had to get in compliance with Euclid's ordinances to register their rental properties.

I was giving all the homeowners approximately one month to get into compliance with us and send us their registration, fees, whether it be \$200 for a new rental or \$75 for renewal of the rental property. I had a meeting with CMHA on October 26th, and they assured me they will then send a follow up letter to all of the property owners who have not complied with my letter and our ordinance.

As of today, I sent CMHA a list of 180 non-compliant property owners. I talked to someone at CMHA today by e-mail and after the Thanksgiving Holiday they will send the follow up letter to the property owners. They advised me they have a three strike policy basically that you would get three violations being a property owner, you will be removed from the program. If the property owners do not comply then with CMHA's letters, that will be a strike against their contract with CMHA.

The second thing I'd like to talk about is the new State law which just took effect September 28th. It is a State requirement to register your rental properties with the County in which the property is located. This is ORC 5323.02 and that requires rental property owners to file with the County Auditor, their name, their address and phone number. If the property is owned by a corporation, who will manage that rental property. The address of the rental property, permanent parcel number, the year the house was built.

The County, I don't think any of the counties yet quite know how to implement this. The information is not available on line. We can't go on line and say what properties have been registered in Euclid quite yet, since this has just been in effect since September 28th, they're figuring out what they want to do. But, in the event, when they get this going, if the property owner does not register their rental property, it will be \$150 fine or 30 hours of court community work service. For all you rental property owners that are out there, you can get your forms available on line at www.auditor.cuyahogacounty.us. The City of Euclid also requires registration of all your rental properties so you do have to comply with the State code, you still have to comply with Euclid's code as well because we also require the extra step of having your rental property inspected. Thank you.

Mayor Cervenik – Director Gulich wants to give us a quick update on leaf pick-up which has been going quite well.

Director Gulich – Yes we are indeed out there picking leaves as we speak; four pickers out tonight, two vac-als. We'll continue to work late tomorrow, Tuesday and Wednesday the day before Thanksgiving as well. We're actually in Wednesday's section today, which is approximately 3 days behind your regular garbage day schedule. Please, rake them out, we'll continue after the holidays to pick up leaves. After you've had that fried turkey and you feel like getting a little fresh air, get out there and rake them. Our crews will continue to work after the holidays, we'll work overtime until we get caught up and get back on their regular schedule and continue to pick up the leaves. Feel free to rake them out. If you want to bag them and put them out with your regular trash, you're also welcomed to do that. Waste Management will take them if you bag them and put them with your regular trash. Thank you.

Mayor Cervenik – When you are raking leaves, if you could leave them on your treelawn, put them at the edge of your treelawn. As the weather gets bad and there's snow and rain, if they're up off the puddles that are in the street, it will make it a lot easier for the crews to pick those up. Try to keep them on the treelawn. Again, if you have a neighbor that's unable to rake their leaves, having some problems, help them out. Send your kids over there or go over there yourself and rake it out and we'll get these all cleaned up before the snow flies. That will conclude administrative reports tonight other than to wish everyone of you, you and every resident of the City a very happy and thankful Thanksgiving and really do take some time as our Salvation Army said; think about why we are there for the day and be thankful for what we have and what we had up until now and hopefully we'll be thankful for what we'll get in the future as well. With that, Administration Reports and Communications are over.

President Gudenas – Thank you.

REPORTS & COMMITTEE MINUTES

Councilwoman Holzheimer Gail moved to receive the Animal Shelter Report of October, 2006; and Board of Control Minutes October 30th and November 6, 2006. Councilman Conway seconded. Yeas: Unanimous.

COMMITTEE OF THE WHOLE

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

Mr. Victor Goodman – 20201 Glen Russ Lane - #4, it doesn't have any explanation here, and I think the citizens should have an understanding of what is the Memorandum of Understanding, being that this has been a very contested problem for the residents located near that area. So, what is, what are we conceding?

President Gudenas – We have a one page summary as part of our legislation. The highlights are 8 items. One says, that they can do temporary crushing between 8:00 & 5:00, it must be all done by January 21st. No new material can be brought there. Twenty-four hour notice to the city before it begins. All of the permits with EPA, Cleveland Air Pollution, etc., all city ordinances are followed. Dust, noise control equipment used. Sweeping of the streets is done. No additional concrete provided equally important by today, they would have had to apply for the building permits to construct the building, and it says, agree to a construction schedule that will complete construction with the time limits established. They also have to agree to a construction schedule to build their buildings, that's the important part.

This doesn't settle the whole case, this is to get rid of what we have there while the legal stuff ...

Mr. Goodman – I just felt the way it's worded, nobody knows what is your concession. But also, how are you going to monitor them not bringing in any new material?

President Gudenas – That's why we have Councilwoman Walsh.

Mr. Goodman – Councilwoman Walsh will be watching.

President Gudenas – That's our City Hall staff here, we have plenty of people and I'm sure, you don't ever want to break a court order like this because then you're in bigger trouble.

Mr. Dennis Berzinskas – 20890 S. Lake Shore Blvd., same thing #4. Responsibility. Responsible people don't cause problems usually. Mr. Calabrese bought the property with the understanding that no rock crushing, no concrete crushing would take place. Mr. Calabrese has violated that. He got the property for a cheaper price with that understanding. When are the responsible people up in front of me going to be responsible and say no, no you did what you did, you got what you got end of story. If we have to cow-down to everyone that says I'm going to sue you to get their way, let's all move out. Because anybody can have anyway they want.

When I went to school, last period teacher told us to go home, tell our parents to call City Hall, call our Council people because they wanted to build on our shoreline apartments. Sounds good, get a lot more money per square foot because many more people are stacked up on top. Good sounding. But he also said, they'll be using the city services and carrying their fair share. Sooner or later the government will come along and they'll say that you have to allow children in those apartments. I can still remember going back that there was senior apartments, adult apartments and they did that didn't they? When is anybody around here going to start taking responsibility for the citizens of this city that support you to say Mr. Calabrese, you entered a deal, you have not built anything, you brought more concrete to the site and you started crushing it. Violation, violation, violation. When are you going to stick up for the citizens? Thank you.

Mr. Vince Riha – 1515 E. 195 St. Item #7, the snow plowing, when you refer to the Euclid Business District, I'm not sure what that encompasses. Will it cover the vacant Lieberman property? What about the property in front of the cemetery? For years I've asked about having the kids walk in the street because the streets and sidewalks haven't been plowed there. Has it been addressed the fact of the Cuyahoga County bridge which several years ago entered into the picture where nobody wants to touch it because it is Cuyahoga County property. I hope all of that has been addressed.

President Gudenas – We will go into that and I know Councilman Gruber wants to add a few areas in Ward 4 also and Ward 3. We'll find out.

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

LEGISLATION

Ord. 192-2006 (231-06) Pioneer Relocated

An ordinance amending Ordinance No. 165-2005 passed the 7th day of November, 2005, and the related Incentive Grant Agreement with Pioneer Solutions, LLC (hereinafter referred to as "Pioneer") located at 22221 St. Clair Avenue (formerly, the Hitachi building) to change said address to 24800 Rockwell Drive, Euclid, Ohio 44117. (Sponsored by Mayor Cervenik by request of the CS&ED Director)

Councilman Conway moved for passage, Councilman Lisy seconded.

Director Pietravoia – As I mentioned at the last Council Meeting, we had a bit of good news and that was Pioneer Solutions was able to find space here in the City as a result of Lincoln buying out the Hitachi building. We assisted them by hooking them up with Marine Mechanical Corporation on Rockwell. Marine Mechanical when they occupied that building, one of the first things they did after they moved in was asked me to come and tour the excess space that they would have available for lease and ask our assistance as we became aware of people that needed space to try to direct them to them. We have a good fit here for the two companies.

What's before you tonight is really a piece housecleaning legislation. We just need to amend the original agreement that kept Pioneer here in the first place, that was entered into on November 7, 2005, to adjust the address from the Hitachi building to 24800 Rockwell Dr., which will be the new home of their growing company.

Councilman Gruber – Could you elaborate on the type and the number of jobs? I know I worked with the principals of this outfit and they're really

Director Pietravoia – Pioneer Solutions grew out of the Hitachi Company, they were the engineering group that were formerly employed by the Hitachi and now they formed their own company once Hitachi moved out of the city. There are currently, they've grown actually already, just in the short year that they formally located here as a separate company from 34 employees to 37 and they also have 7 part-time employees. Total payroll now already of \$2.5 million. They have exceeded their base payroll which is how our original incentive agreement was structured and have already received one incentive grant payment from the City as a result of that.

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

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

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

Res. 193-2006 (232-06) FY 2007 CDBG

A resolution approving the Annual Action Plan for the FY 2007 Entitlement Year under the Community Development Block Grant Program of the United States Department of Housing and Urban Development as recommended by the Citizens' Advisory Committee appointed by the Mayor of the City of Euclid. (Sponsored by Councilwoman Holzheimer Gail)

Councilwoman Holzheimer Gail moved for passage, Councilman Langman seconded.

Councilwoman Holzheimer Gail – This is our annual Action Plan funded through the Community Development Block Grant process which is a program out of the Housing and Urban Development Department. We have received funds for many years. This is I believe the lowest amount budgeted we've ever had, but maybe with some changes at the federal level, hopefully we'll see a change in that.

The basis of this program is to meet two main criteria. One is to serve low to moderate income folks and the second is to eradicate slum and blight. We had a citizens review process. Citizens met several times. We reviewed the progress from past program recipients and we also entertained new proposals from new recipients. This year we actually had more new proposals than we ever had before. We had some lively debate and discussion about the best programs to be funded. Obviously they had to meet certain criteria that is set forth through HUD.

The main program areas continue to be part of our Senior Programs, EDCOR which is our low-interest loan program to do housing re-hab; Storefront Renovation and Municipal Beautification, handicapped and some special projects for homeowners; Neighborhood programs and then the program planning and administration of the grant.

I want to thank the citizens who participated in this program and Director Gliha who has always done a great job and knows, the program seems to change almost every year in terms of reporting requirements and this year there was a new way to submit proposals, so he always does a great job of keeping on top of that as well as Jim Sonnhalter who helped through the public process.

President Gudenas – A couple of questions with the document that came with the legislation. On Page 6, the Storefront Renovation program and that the budget for 2007 will be \$125,000 which is apparently the same as 06, but it says that we have yet to spend \$125,000 from 06. Would that be because we have not spent the money but earmarked it for a project, or are we saving it up for bigger projects in 07?

Director Pietravoia – I'll comment and then let Asst. Director Gliha comment as well. It is a combination of both actually. We had a couple of significantly large projects that we expected to go forward in 06, that have not moved forward as quickly as we would have liked. That money is kind of in reserve for those projects.

President Gudenas – Are those projects officially approved?

Director Pietravoia – One in particular project that I'm thinking of is not far enough along to be officially approved. We have two major property owners in Downtown Euclid that own a full commercial shopping center, both interested in the program. It will take significant dollars to do both of those projects so we have those in reserve.

President Gudenas – Page 8, regarding Municipal Beautification, we have about the same thing, a budget of \$125,000 for 07, but \$90,000 being carried over from the year before. Is that the same thing where we approved the projects but not spent the money for it?

Director Pietravoia – In this case in particular, we're reserving funds for the rebuild of E. 222 Street in our industrial corridor. So a significant portion of the funds that you see there would be for that project.

President Gudenas – When you say significant of the \$215,000 total, how much of that might be for E. 222?

Director Pietravoia – Is it the carry over is set aside for that project.

President Gudenas – I know that we've been having plans for the Euclid Lakefront Center, which is also our senior center, to finish the landscaping and all the lakefront work, etc. Is that type of work considered municipal beautification?

Director Pietravoia – We have spent program dollars on the Lakefront Community Center out of municipal beautification program, yes.

President Gudenas – Have the 2007 items already been approved for municipal beautification, or is that still up in the air?

Director Pietravoia – Not in their entirety. There will still be an opportunity to determine which projects will be funded in 2007. Same thing with storefront.

President Gudenas – We started working on the plans, hoping to be on the way right now, but I don't know whatever happened so this might be a good source to help.

Director Pietravoia – These are the plans for the park area on the lake side of the building?

President Gudenas – Correct, the land where we used to have the nice gardens and seating areas and gazebo, what have you, irrigation, things like that, it is a lakefront park, it looks like it is unfinished from where it used to be.

Director Pietravoia – A portion of that would qualify Mr. Chairman. I don't believe it was our intent to pay for everything out of Block Grant, but I know we have spent and will continue to spend block grant dollars there.

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

Passed.

Ord. 194-2006 (233-06) EDCOR

An ordinance authorizing the Director of the Department of Community Services and Economic Development of the City of Euclid to enter into a contract with the Euclid Development Corporation (EDCOR) for the continuation of the administration of the single-family low interest Home Improvement Loan Program at a cost not to exceed Forty Four Thousand Five Hundred Dollars (\$44,500.00) for a twelve (12) month period from January 1, 2007, through December 31, 2007. (Sponsored by Councilwoman Holzheimer Gail)

Councilwoman Holzheimer Gail moved for passage, Councilman Delaney seconded.

Councilwoman Holzheimer Gail – I'm sure Director Pietravoia or Asst. Director Gliha may want to add, but this is one of the programs that was one of the sub-recipients through the Community Development Block grant funding that we just approved the annual action plan. EDCOR has received funds for the administration of their low-interest loan program. This money does not go directly to the loans, but the administration of the program. As any contract over \$15,000 that is funded through Block Grant it does need Council approval. I would urge Council to support this very important program with this legislation.

President Gudenas – It looks like we have for the last 28 years. What are the odds that we're not going to?

Councilwoman Mancuso – Point of clarification. Our program administrative assistant at \$31,000 is who, what?

Director Pietravoia – That is the only staff right now of EDCOR, Karen. That reflects the salary for that position.

Councilwoman Mancuso – What was it last year? Are we in the ballpark?

Director Pietravoia – Yes, we're really just reflecting a minor cost of living increase as we've done in the previous years.

Councilwoman Mancuso – Our financial services, accountants, taxes, that's in line with last year also, \$6,000?

Asst. Director Gliha – That's correct. EDCOR of course is an independent non-profit and we require them to have independent audits performed of their services which includes the whole portfolio of the loan program.

Councilwoman Holzheimer Gail – EDCOR's request this year is the same as their request from 2006 and 2005. It looks like they've had the same funding level for the last three years.

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

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

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

Passed.

Res. 195-2006 (235-06) Calabrese Memo of Understanding

Resolution authorizing the Director of Law to enter into a Memorandum of Understanding with Calabrese Enterprises, Inc. for the temporary resolution of Calabrese's Motion for Preliminary and Permanent Injunctions in *Calabrese v. City of Euclid*, Cuyahoga County Court of Common Pleas, Case Number CV-06-601356. (Sponsored by Mayor Cervenik)

Councilman Gruber moved for passage, Councilwoman Holzheimer Gail seconded.

President Gudenas – This is on the agenda tonight unfortunately not to solve the whole legal issue. Basically our problem is this. Our law the way we interpret it says, no rock crushing and cement crushing. But when the law was written however long ago, twenty years ago, whatever, they said rock crushing and meant cement crushing, but it didn't officially say cement crushing, so he's saying, well we changed it to correct it, to specify cement, but it was after he already but the stuff there. So he should be allowed to do whatever he has, with the old stuff, then he's arguing he's grandfathered in because he had the stuff there before we changed it to officially say rock and cement crushing, when it always really meant cement crushing and he had agreed to not do that.

So anyway, it is a complicated thing, we're in court. He filed something to allow him to do this immediately and it seemed in the best interest of the taxpayers to resolve this one issue, so we can concentrate on the big issue. Basically this permits the removal of everything that's there and nothing else added onto it.

There are a couple of important parts to it that we need to clarify. Were the building permits applied for by today?

Director Pietravoia – Mr. Calabrese and his team of designers came in last week applied for the permit to build the building for their company headquarters and submitted all the plans and necessary paperwork for those permits. They also applied as was indicated in your reading of the requirements in this agreement, they also applied for the Architectural Review Board, that will happen December 21st.

The building plans that were submitted, I reviewed. They included about a 22,000 sq. ft. building which is in line with what our expectation was. The designs show a brick façade, which is substantial building for an industrial area. Well designed building which is subject to the Architectural Review Board review coming up in December. It also includes as part of that 22,000 I would say about 3500 sq. ft. for their office headquarters for the company, which will be located in the same building.

President Gudenas – Did they also agree to a construction schedule that will complete construction within the time limits established through the permit process as written in the Memorandum of Understanding?

Director Pietravoia – Yes, essentially that would be triggered by when the building permit is issued. Obviously we need some time to review and approve the plans and get them through the Architectural Review Board. That next meeting is scheduled December 21st, so they can't get a permit issued until they get through that review process.

President Gudenas – This would imply that so many days after getting the permit, construction will begin and finish.

Director Pietravoia – That's correct.

President Gudenas – So, did they do that part of it?

Director Pietravoia – Again, they have agreed to that, it will just be subject to the date that we issue the permit.

President Gudenas – How many days is it? How many days will they start after the permit is issued? How many days will it be that they finish?

Asst. Director Beno – Generally building permits are good for one year and maybe extended is there's a particular weather reason to stop, hold off construction. Construction permits are expected to be in place for one year.

President Gudenas – That's why we're asking here because it says through the permit process and as you indicated, one year, we'll we're extending it for another six months or another year and suddenly we're into several years. So our understanding is that they're agreeing to specific timetable right now, that as soon as they get the permit, they start within 30 days, 60 days, and they finish so many days after that. If that's not in here, then it should be because that's what the agreement says.

Director Pietravoia – The other trigger that we had in there was that they would actually move their company and occupy the building within 75 days after the building is complete and we issue a certificate of occupancy.

President Gudenas – But if they never complete it, the 75 days never start.

Director Pietravoia – Understood.

President Gudenas – We're in court with this person because they've already violated an agreement two years ago. So, we're supposed to trust this person?

Director Pietravoia – My opinion is that we're covered on your concern. I understand your question is related to the permit process itself and when that permit gets issued.

President Gudenas – No, no, my question is only, how many days will they start after they get their permit? According to this, they should have agreed to that construction schedule.

Director Pietravoia – We can specify a specific date. It is difficult to do that when we have not been through our Architectural Review Board process. You are saying a period of days after the permit is issued to start construction.

President Gudenas – We don't know if it will take 30 days, 60 days, 100 days, who knows how long it will take. But after they go through our Architectural Review and the other departments, they should start construction and at the same time we should limit the maximum timewithdraw the permit they applied for because they could say they need more whatever. Again, the reason we need this is written is because they violated an agreement we already have in place with them and we are in Court.

Director Pietravoia – I'll ask Asst. Director Sweeney if we still have the opportunity to add a specific time period after the permit is issued.

President Gudenas – Well, good thing you're right here.

Asst. Director Sweeney – We were unsure with weather conditions and Cleveland as we know it when we could possibly get done with this. We were thinking maybe end of June, end of July. We did not think it was going to be a year that the building was going to be completed.

President Gudenas – What can we put in writing for a specific date? End of July?

Asst. Director Sweeney – I can take that back to the Law Director and he can talk to Mr. Calabrese's counsel and see if we could work July 31st.

President Gudenas – Because this would be part of our legislation. Councilman Conway.

Asst. Director Sweeney – Finished by July 31st.

Councilman Conway – I guess I have a little different scenario here based upon history with this particular individual. Let's say we pass this tonight, when is the, in theory, the earliest he could start crushing the concrete, immediately?

Asst. Director Sweeney – I believe so.

Councilman Conway- Tell me how the city's protected in the following scenario. They start crushing concrete next week. They finish. He successfully crushes all the concrete that they always wanted to do and then never delivers on the rest of the promises. How are we protected?

Asst. Director Sweeney – Our law suit is still pending. We have a counter claim for breach of contract from the original purchase and project agreement. It didn't set a time frame in there when he was to build the building there. Courts would interpret lack of a date, a reasonable period of time. We're two years now, we feel that's unreasonable, he needed to get moving on building that building. So, we feel that part of our counterclaim is strong. We've also lost some revenue from him not building the building. We've lost property taxes, we've lost income taxes, so we also have a damage component in on our counter-claim and that is currently before the Court. Worst case scenario, we have a hearing with the Judge on February 1, 2007.

Councilman Conway- You're comfortable fully in that scenario that we are definitely protected if the scenario I outlined is actually what ends up happening at the end of the day?

Asst. Director Sweeney – I am.

Councilman Conway – Thank you.

President Gudenas – Although Councilman Conway raises a good point which is others may say also that we should put it in writing, double protect us.

Mayor Cervenik – Having this Memorandum of Understanding filed with the Court, Mr. Calabrese would also be in contempt of court, which can be punishable by substantial fines and jail time as well.

President Gudenas – The other agreement didn't have a specific date, no we're arguing over that. We're right back to the same spot, we don't have a specific date.

Councilman Delaney- The intent of this agreement is for Calabrese to crush the existing rock that is on the property and that's it, is that correct?

Asst. Director Sweeney – Correct.

Director Pietravoia – If I can respond to that. Also I think what's important is that it is tied to, as the Chairman is indicating, the construction of the building and moving their headquarters into the building. That's what the city gains through this temporary resolution. So, it's not just to allow them to go forward, it is also for us to get the things that we've said all along, the city should be getting out of this deal.

The other thing that it does, just to clarify further, if this is agreed to and goes forward, it relieves the one action against the city which also was seeking damages. So it relieves that one action and essentially eliminates it, it is erased if we agree to this settlement for that part of it.

Councilman Delaney – Say it follows through and he does build his building and desires to continue to crush concrete there and starts to load his property up again, with the building there. Where do we go from there?

Director Pietravoia – That is part of the agreement, Mr. Chairman to Councilman Delaney, that no additional concrete will be brought or stored at the site. It is all tied to the final resolution of the rest of the litigation that is out there.

Councilman Delaney- Okay, that was our agreement before and he loaded the property up with concrete My point is that we can find ourselves in another situationputs his case on the line, follow the city's set a precedence, they've already let me do it. So in a way he's pushed us to that point.

Director Pietravoia – I think it is important to note as both the Chairman and the Mayor did that now if that's violated, they would be violating essentially a Court agreed to settlement. So they are not just dealing with the city now, they are dealing with the Court and Judge as well, which puts us in a stronger position.

Councilman Delaney- Mayor I understand that you have met with the neighbors, most specifically the Lakeland Civic Organization. I did get that phone call that you'd be there. So you notified the neighbors, I realize that maybe there is no one here that represents the neighborhood, but can you tell us just how that worked?

Mayor Cervenik – Yes, we met with some of the officers and after members of the Civic Association and they understood as well the need to take care of the inherit problem of the pile of concrete that is there now. They understand that we will not tolerate any further crushing on that site. Although they are in support of this agreement because they know what is best for the city, they have told us and we have promised them that we will do everything in our power to make sure that no permanent concrete crushing ever takes place in there. They will be monitoring the situation with us. They will let us know if there are any problems during this temporary crushing time. I would just like to personally thank the members of that organization for doing what I feel is best for the community at this time.

Councilman Conway – I guess my next question is what is our recourse let's say if either A, we find them bringing in more concrete during this period of time; or they start crushing at 7:00 AM or 6:30 in the evening. What is our protection again if they do not follow through with some of the other stipulations outlined here that wouldn't necessarily immediately be able to go back to the Court to have them review; if we were in a position that they were doing something we needed to shut them down.

Asst. Director Sweeney – We still have that February 1st hearing date before Court, if there ends up being a violation of any of the terms 1-8. Mr. Calabrese is supposed to give us 24 hour notice before he is to commence the concrete crushing. We're going to let the homeowner's association know, our inspectors will go take a look to make sure it is within the parameters of 1-8, that we have agreed to. If it's not, we'll stop him as we did in the last instance and we'll go forward with our Court hearing on February 1st.

Councilman Conway – I probably should have said the question a little differently, but we will immediately be able to shut them down if they violate? I understand that we're in a different position on February 1st, but my concern is that on that given day, if there's a problem, we still have the same ability we did in the previous instance to shut them down if they violate one of these stipulations.

Asst. Director Sweeney – I believe we can.

Director Pietravoia – We do have that authority. We did it the last time within a matter of hours, as soon as it was reported to us, we had our Building Official out there and shut them down immediately. We would still have the same authority to follow through in the same fashion.

Councilman Conway – Just to add on the Mayor's comment. I did immediately talk to the President of the Lakeland Civic Association. I agree with your comments. They have developed a comfort level. I was hoping that they would come here and make some comments as well because I know initially many of the residents who weren't privy to that meeting, also understand their concerns from their previous comments. Still a little uncomfortable that we're not as protected as we think we are, but we've got several years of history that tells us that we may not and should not be comfortable. But I do know that we are in a position to potentially need to take some action to protect the city overall. Thank you for answering the questions.

Councilman Lisy – We still have a pending Court date of February 1st and if he violates this Memorandum of Understanding, it will look less in his favor for this Court hearing on February 1st if he does not follow through with this agreement. I guess my question to Director Pietravoia, can we expect by February 1st, to have a building permit for him and for him to start his process?

Director Pietravoia – Yes, we should be able to issue the permit shortly after the December 21st Architectural Review Board Meeting. Assuming that they don't ask for any major changes to their design plans. Even if they did, within a reasonable time after that, they could turn around revisions and get a permit issued.

Councilman Lisy – You have to think of what would be his motive just to crush the concrete on the property. I don't see any motive for him to bring a concrete crusher in, crush the concrete and leave it there or even sell it for the amount of cost that it is. So the only motive I can believe that he would have is to use it for the foundation of his building and build the building, which is what we want him to do with this.

He also has an item in this Memorandum of Understanding that he will be listing the parcels with a Broker by February 5th, to move additional businesses into the City of Euclid on that site. I don't see any reason why he would not want to start this project so he can start generating

additional revenue for himself by renting his property. He has a 22,000 sq. ft., he needs 3,500 or something like that, so that leaves 17,000-18,000 feet for him to rent. Yes, it doesn't give us a date to hold him to, but I don't see any financial advantage for him to crush the concrete and not do anything with the crushed concrete, or just get rid of the pile.

I was there this morning, it is unsightly, it is a mess. The whole area needs a make over. I hope he comes through and does this make over quietly and quickly and follows through with this Memorandum. History is one thing, and it does bother me. I try to look for his motives on not following through on this Memorandum of Understanding, I just can't see what we're out, especially with an upcoming Court date February 1st. Thank you.

Councilman Conway – I'll just add a comment to Councilman Lisy's comment. We think the property is more marketable in the open market if that concrete is gone and he wants to sell it.

Director Pietravoia – Yes, absolutely, I think visually it changes the whole look of that property and it is a very highly visible site from the highway with decent access. I think the removal of that pile would help market the property.

Councilman Conway – Is there anything that we can do to potentially, I don't know, ensure that he just doesn't crush the concrete, get rid of it and make the property more marketable and sell it without following through on these? Again I understand we are going to Court and we can use this leverage in February, I'm concerned between today and February.

Director Pietravoia – I'm not sure how else to respond to that because I do believe that would be a major violation of this agreement.

Councilman Conway – It is probably just a hypothetical.

Director Pietravoia – I appreciate where you are coming from. I believe that our best recourse would be to stop him if he didn't proceed with applying for the permit and going forward with the Architectural Review Board. If we had any indication that he didn't appear to be serious about building the building, we would have an opportunity to intervene.

I also want to clarify, Mr. Chairman, to Councilman Lisy, he will use the entire building that he is building. The additional space beyond the 3,500 sq. ft. is for warehousing of the vehicles and construction equipment associated with his business.

Councilwoman Walsh – Item 8, says pending final resolution of litigation. So, to me I think you could argue that you could go back and do what you wanted. I talked to the residents. I talked to the lawyer. When I talked to the lawyer on Saturday, we had a very interesting discussion of where this should go. The residents feel that we should go forward. But, when you look at this in writing, I have some reservations.

Also, it talks about adjacent property. Is he going to ask to crush concrete to make the base for the adjacent property? I think Councilman Conway brought up a very interesting point. If you take the concrete away, can he sell it? When you talk about costing the city money, it costs the city money because you sold him the property for a cheaper price and there's no retribution for that either.

I talked to the residents. I believe what they say. I believe that they believed in Director Frey and the Mayor. But, I look at this and I see a couple of serious loopholes that maybe no one realized. I think you need some dates down there.

I talked to Councilman Lisy, I was totally satisfied when I came in here how I would vote. But I have some reservations right now.

President Gudenas – Councilwoman Walsh is absolutely correct. If the intent, contrary to common sense would be to crush the rock that's there for the foundation and be done with it, there would be no item 8, stating that there would be nothing additional pending the court case. He's still trying to get permanent approval to have a permanent rock crushing business on that site. It says that in writing. The City of Euclid is almost agreeing to that, that we're putting ourselves at risk, contrary now, where we had no risk before because we put it part of the agreement that you're not going to be crushing the rock. But, it is very clear that the intention here is for him to try to keep the rock crushing going permanently, otherwise, it would just say, no additional concrete will be brought and we will settle our law suit, period, we're done with it.

Why is the law suit continuing? Only because he wants to continue to crush the rock. This needs to be, we're more than pleased maybe to settle it short-term, if this is iron clad, guaranteed, to protect the citizens. Because, there is probably more money to be made crushing rock and selling it

as aggregate for who knows what, and recycling it, than doing something else right now because very few cities will permit this kind of thing.

Councilwoman Mancuso – As we said earlier, I think we fell into this trap by not having a date to begin with. We still don't have a date on this temporary process. I would be more comfortable being protected if I know once a permit is had by this gentleman, he has 30 days, 60 days, to begin construction and an end date. Because we all know there's a reasonable period of time that it takes, weather, whatever. But we have again, no dates in this temporary process. Which again, he could do any one of these scenarios and we can go back to Court. In the meantime, we've lost time, we've lost the credibility of our citizens, which I think we deserve to lose. They fought the good fight the first time. He's back and he's taking us to Court. He hasn't dropped his law suit which was part of what I thought he should be doing to begin with. You want the ability to crush temporarily, drop your law suit in good faith, he hasn't done that. So he's not finished. I think from our perspective, we need that type of end-point for both him and to protect us. That's how we got here to begin with and quite honestly, he hasn't met his part of the bargain all the way through. It is not like we're dealing with someone who we can say, in good faith, we'll trust you because the citizens already went through that once.

Mayor Cervenik – Would the City Council be comfortable with amending and I don't know exactly how you're all going to do that in Court, but that he must begin construction, due to the December 21st meeting, construction must begin within 60 days upon issuance of permits and be completed within 180 days?

Councilwoman Mancuso – That's better.

Mayor Cervenik - The Law Director has informed me that he feels very strongly that our case, we will be triumphant in our case, of course you never know in Court. That could end the whole thing. But why don't you make a motion to amend it to begin within 60 days of issuance of permit and construction be completed within 180 days.

President Gudenas – We will make that Item 9, or add it into the first paragraph after #8? Okay into the Whereas, we'll add another whereas then that both parties agree that construction will start no later than 60 days after

Mayor Cervenik – Issuance of permits and must be completed

President Gudenas – Issuance of permits from the City of Euclid Building Department.

Mayor Cervenik – Yes, yes.

President Gudenas – No one else. We're not going to wait on, they could say we need a permit from who knows.

Mayor Cervenik – They get our permit, they've got to start moving and it has to be completed within 180 days. I think that's reasonable. If there is an extension needed, City Council will have to approve that extension and it better damn, pretty good, serious consequences.

President Gudenas – Are you going to put that into that agreement, damn, pretty good consequences?

Mayor Cervenik – Excuse me, I shouldn't have said that.

Asst. Director Sweeney – We'll use the legalese for that.

Mayor Cervenik – It is going to have to be some serious significant event which caused the completion not to be done within 180 days. Okay? We need to get rid of that pile and we need to move on.

President Gudenas – The concern of course is he'll do that and then they'll be another pile next door.

Mayor Cervenik – There will not be another pile because as soon as I hear a truck moving, I'm calling up the Councilman in Ward 3 and we're going over there and stop the trucks from coming

in. There will not be another pile there unless of course the Court in some way determines that concrete can be crushed there and we don't believe that is going to happen.

President Gudenas – We have a motion, let's just take care of this one motion.

Councilman Gruber moved to amend to add the time period for when construction needs to start and finish. Councilwoman Mancuso seconded.

Roll Call on Amendment:

Yeas: Conway, Delaney, Gruber, Holzheimer Gail, Langman, Lisy, Mancuso, Walsh, Gudenas.
Amendment passes.

Councilman Gruber – I remember when Mr. Calabrese was here the first time and the second time and pretty much knew that we weren't supposed to do that. This is a slow time of the year for concrete, all the road work is done, he wants to get rid of that pile and I'm sure when Spring rolls around, unless we have some type of court order or guaranty, that there's going to be more concrete up there.

I'm going to defer my vote to the Ward 3 Councilwoman. I'm very skeptical of all this. But I will defer whatever the Ward 3 Council person recommends, I will follow her lead.

Councilman Lisy – We are the legislative branch. We are to look at how this has an impact on our residents and a concrete crusher has been moving up and down Euclid Ave. in front of my building for the last 6 months. I couldn't tell you which vehicle it was because there's no dust, there's no noise, nothing more than the diesel engine associated with it. I think Calabrese has a hell of a case against the City of Euclid and we'll lose in Court. That's just my opinion because the technology has improved from the original legislation that was put before the Council 20, 30, 40, I think it was even 50 years ago when this piece of legislation was written on nuisance abatements. Concrete crushers back then were huge. You'd drive a dump truck up and you'd dump it into and kick dirt and gravel and dust everywhere. It was very noisy. With these new concrete crushers, the one he's looking at, you hear the diesel engine. You hear a diesel engine. Where is this property? It is on the other side of the freeway. What moves up and down the freeway? Diesel trucks.

Director Gulich, when is the sound wall coming in?

Director Gulich – ODOT opened up bids I believe on November 15th for that. They said they would be in contact with us at City Hall and let us know when they are ready to enter into a contract and begin work on that. I'll have that information at the pre-construction meeting so I'll have to think very soon in springtime you'll be seeing that wall going up. My understanding is that it is going to start at our end.

Councilman Lisy – So the bottom line, I'm looking at the legislative matters here, I'm not one to legislate just because I don't like a person, or I don't trust a person. I'm legislating because I want to do what's best for the city. What's best for the city is not to create unnecessary laws or barriers. Also to spur economic development. If he's willing to bring jobs in, clean up an eyesore, move forward, I don't see, yes, there are some weaknesses with this agreement, thank you Mayor for your suggestions, time-lines do make me more comfortable. That was my first question, probably my only question I had before I came here with respect to this, was a time-line, what was his time-line. When I talked to their lawyer, they were going to be very aggressive and have this whole project done in, concrete all crushed by a certain time period and moved in within 180 days.

So, yes, he maybe fooling us again, but I don't see any, I see our legal position, if we would move forward with this and they bring some expert witnesses on concrete crushing and noise level and dirt and stuff, we're going to lose and he's going to be crushing concrete. And, we've now gone through another set, we've cost the citizens more money in legal cases, Asst. Law Director and Law Director are spending more time on this case when we could get it over with tonight with these modifications and let see if we can trust him this next time. I hope we can. Yes, he may come back later on and do more concrete crushing there, but I'm willing to roll the dice, trust our new business coming in here because legally I think this is not a bad agreement now that the time-line has been added.

President Gudenas – So this time he will not take the football away and we rush to kick it. As the at-large Councilman said, eyesore. It is not the concrete crusher moving up and down the street, if that pile of concrete was right next to the Councilman-at-large's building, where you're trying to rent your space out and you had a giant pile of concrete right next door, then you would notice it,

then you would have a great deal of trouble getting people to move in. Because, they would say, when's the pile going to go away, and if the answer is never, that's an ongoing business, so much for your property values. This is the entrance to the city, so that's part of our role as Councilmen is to make sure we're protecting the value of the land in the City of Euclid. Freeway land everywhere else is the most valuable land, where you have the most expensive buildings, the most jobs coming in, because that's what that land is supposed to do is provide jobs and taxes, as opposed to residential stuff and other things.

So, it's that pile of rocks that we all know is an eyesore, we know we need to get rid of it if we are going to better the image of Euclid. And, we want to get rid of it but we don't want to be trying to kick that football forever because it is going to diminish the value of the rest of the land that he's trying to sell.

So, my next question would be, can we add another whereas that after his building is completed, no additional rock will be brought into any of the property? Or concrete, I'm sorry, or slag, or pebbles or sand. In other words to add that after this building is complete, that no additional material will be brought in?

Director Pietravoia – I appreciate where you're going with that. I do have a concern because our original agreement with him that was approved by Council at the time, was that he would be able to store materials related to his construction business. Our interpretation of that was that would be material that he actually purchased and used in the, related to his company. So, concrete block, the wire that they imbed in streets, things of those nature, were intended to be stored at this site.

President Gudenas – No, we're talking about crushed concrete. In other words broken up concrete as he has there now. We're not talking about concrete blocks, and things that he needs for his business to resell and use.

Director Pietravoia – I believe that specifically would be a reasonable addition, as long as its clear that he can store materials related to his construction business. He wouldn't bring his company here if he wasn't able to do that.

President Gudenas – Perhaps would could refer to the whereas, that whereas the original purchase agreement with the City of Euclid allowed the storage of construction materials, but both parties agree that crushed concrete or any type of rock is not considered permissible items to be stored. So that we clarify once and for all that that's not on the list. Asst. Director Sweeney, do you think we could put that in there?

Asst. Director Sweeney – That is basically what #8 is, pending final resolution of all these matters. If we end up settling this case, or we lose this case, he can bring concrete.

President Gudenas – We're saying right now that if you're going to crush this, which he was never allowed to do to begin with, that's the end of it. If he's really, that's his intent, this way we're going to know once and for all what is his intent. If it is to constantly bring in rock, year after year, he won't agree to it. If his intent is strictly to bring it in to build this building like he said and be done with it, he'll have no problem.

Asst. Director Sweeney – His appeal from Planning & Zoning is to crush concrete.

President Gudenas – We want to put it in writing that he won't. If he wants to settle this part.

Asst. Director Sweeney – This is not settling this case. This is not. Even if we put that in, this case is still on-going.

President Gudenas – It certainly will limit that if he's agreeing that he won't bring any more in after the building is built.

Asst. Director Sweeney – Pending the finalization of ...

President Gudenas – No more pending. That would be another whereas.

Asst. Director Sweeney – That won't, that won't ...

President Gudenas – Then we know basically the Law Department is saying that he has an intent to crush rock forever.

Councilwoman Walsh – I was told on Saturday, it was temporary. It was to end by January 21st. It was only the concrete for ever and ever amen that is there. No more concrete would be brought in period. If you're telling me different,

President Gudenas – Who told you this?

Councilwoman Walsh – The lawyer.

President Gudenas – The lawyer for Calabrese?

Councilwoman Walsh – Yes.

President Gudenas – So let's put them on the line. If this is what they said.

Councilwoman Walsh – Now you're telling me something different. You're telling me a different interpretation of the conversation that I had with the lawyer.

Director Pietravoia – I don't want to put words in anybody's mouth, but Asst. Director Sweeney is obligated to tell you from a legal perspective that there are still pending Court actions and that they relate to the very item that you're asking us to add to the agreement now.

President Gudenas – We're trying to settle it.

Director Pietravoia – I will suggest as the Chairman has, that if we add a statement basically along the lines, I'll repeat what you said, Mr. Chairman; Whereas the original agreement allowed the storage of construction materials related to the company's operation. Both parties agree that crushed concrete is not an item permissible to be stored on site. I believe that will cover the concern that you were both addressing now. We'll know if they agree to that addition, that we've made further progress, with regard to crushed concrete.

Councilman Gruber – Just to kind of put this in perspective. He's building a 22,000 sq. ft. building. He's going to use 3,500 for office, which is like a very large home. The rest of it is going to be a garage. It is not going to be a medical office, it is not going to be a lawyer's office. It is just going to store his equipment in the back, it is going to be a glorified garage. It's all its going to be, so we have to keep that in mind too. I don't want people out there to think we're chasing away, if we were to, some large medical complex or something. You have to look at where the land is and what he can do with it. So, just keep that in mind, 3,500 sq. ft. is going to be his office, the rest is a garage.

President Gudenas – But he won't have any rock next to it, hopefully. Asst. Director Sweeney, the statement Director Pietravoia just made, we refer to the original agreement stating that, and I would say on any of the property purchased from the City of Euclid, that and I would expand the word crushed concrete to whatever he is using in his legal action, rock, crushed rock, none of that material will be brought to the site after the building is up. Is that they way Director Pietravoia said it?

Director Pietravoia – You qualified by stating that material would not be an item permissible to be stored on any portion of the site purchased from the City of Euclid.

President Gudenas – Right, he bought a lot of land, he'll just stick it over on the next parcel and start all over. We pretty well know we have to be pretty specific.

Councilman Lisy – Director Sweeney, is there a legislation on the books that prevents people from storing concrete or crushed rock, gravel, sand, on industrial space?

Asst. Director Sweeney – I think only if it was a nuisance and I don't know if we can say that that particular item would be a nuisance.

Councilman Lisy – So if for some reason we feel we need to legislate against this person, or create barriers for him to do business because of the person and its; I think this is getting personal rather than us being objective and doing our jobs. His business is, what's the company's name, I'm drawing a blank on it?

Asst. Director Sweeney – Calabrese Enterprises.

Councilman Lisy- And what does he do?

Asst. Director Sweeney – Concrete business.

Councilman Lisy – He’s construction, concrete, and so we don’t want a construction concrete company to bring sand, concrete, crushed stone, which is a fundamental product of his business onto his property. I wonder if this is a deal breaker.

President Gudenas – Again the issue here is that the price was reduced considerably from over \$500,000 initially to a lower amount when the rock crushing was removed. So the taxpayers suffered, what some people consider several hundred thousand dollar loss with the understanding that this being the gateway to the City we will not have an eyesore that people will see forever as you come into our city. We sold the land for less than the original price. As a result, you buy low, you pay some other way and that means you’re going to take care of your land. We have done that before, we have sold land to developers at a much lower cost if they promise to do certain things, that’s a standard operating procedure.

Councilwoman Mancuso – After this comment, I’d like to close debate. I think we need the dates to move forward. We have a court case that’s going. This shows good faith on our part. I can’t speak for the judgment or the behavior of this gentleman which we’ve had before. I just want some assurances that the City is not going to be left holding the bag again and its citizens have to look at us one more time, a third time. So, I think the dates, move on with the court case, and let’s be done with this for right now. It’s a temporary process. There’s a part of me that agrees with Councilman Lisy, where do we draw the line. I also believe we have lost revenue from this gentleman’s antics and business ethics in the past. He got this land for a much lesser amount of money and has sat on it because he didn’t get his way. We made our amendment ...

President Gudenas – The amendment, we should read one more time.

Mayor Cervenik – The amendment is they must begin construction 60 days after the issuance of the permits and it must be completed 180 days after that and use the legalese for everything else I said.

President Gudenas – That one we already voted on. The other one is regarding bringing in additional material.

Mayor Cervenik – As Councilman Lisy was saying, a good part of his business will be, when he’s done at the end of the day, he’s going to have trucks, he’s going to dump concrete down there, he’s going to have sand, he’s going to have mortar, that’s part of his business. I think what we tried to do here tonight is solve the immediate problem, go to Court with a pretty good case that we have and hope we can win it. I don’t know that a construction company is going to agree not to bring those materials on their site on a temporary basis. I really thought as Councilman Lisy said and as Councilwoman Mancuso eluded to, is we want to take care of this immediate problem, then it’s up to the Court. No matter what we put in here tonight, if the Court rules the opposite, what we put in here really isn’t going to matter.

President Gudenas – Mayor Cervenik, because I wasn’t here on Council when this land was sold to this individual, did you and your administration believe that there would be no rock crushing on this site?

Mayor Cervenik – Yes I did. I believe there would be no permanent rock crushing on the site. I did not believe he would open up a permanent rock crushing. However,

President Gudenas – Is it the intent of the city to not permit rock crushing on this site when this land was sold to him?

Mayor Cervenik – Permanent as a business, yes, but as we’ve gone through this process of the last year and a half, this is what the construction industry does, just as we’re going to be starting recycling, curbside recycling. This is what the construction industry does instead of dumping all of this material into a landfill, they restructure it, they recycle it, they make it into foundations as this man is doing. We don’t want that business to be on there. We talk about the reduced price. You

got to remember that he bought a piece of an incinerator property, there were no other takers. Yes, he did reduce the price when he knew that we weren't going to allow him to do that as a business. But he was buying incinerator property, to the best of my knowledge, we had no other offer even close to what we got paid here.

Our goal on this Memorandum of Understanding is to solve the immediate problem. I think if we start saying you can't bring that in now, it's not going to solve anything.

President Gudenas – The city sold the land specifically to someone who promised they will not rock crush. The city sold the land with the understanding there will be no rock crushing because the City of Euclid understood that rock crushing was not good for the City of Euclid in that specific location. If he wanted to crush rock, there are plenty of other locations in the City of Euclid that people will not notice or see or complain about, out of sight of residential areas and the public. That's why the city sold this land for a lower price and my recommendation, maybe we could re-write it, is that be very clear that after the building is up there will be no rock crushing at the site because that is not a normal part of the construction business to rock crush at your headquarter site.

Mayor Cervenik – I would strongly suggest then that you have your Council vote on that amendment. We will put it in the agreement and we'll let you know before the end of the week if they accept it.

President Gudenas – Okay, how do we want to, does anybody want to add an amendment regarding bringing in additional materials or permitting rock crushing? Because I think we're hurting our case by permitting this temporary procedure where it clearly says that keeping it open for the future might be part of the plan. I want to take that out because that was the original intent. What is, any regarding this, how this amendment would be worded?

Councilwoman Holzheimer Gail – For consideration, what if we just removed in #8 that last part of the sentence pending final resolution? What if we just left it at no additional concrete will be brought or stored at the site?

President Gudenas – Well, we, that's so vague because concrete could be a concrete truck that's there as part of his business. We're assuming he may have, we're talking about crushing the concrete as opposed to concrete block or building....

Councilwoman Holzheimer Gail – I had a discussion with Director Frey, I believe it was last week, about this and I asked him specifically do you think this will hurt our case in the long run to allow crushing and he did not believe it would because this is a temporary measure to get rid of the pile and to get the building built. I can't answer how the Court's going to, going to rule. I think the important piece is we need to get rid of that pile. We need to get the building built. If he doesn't, he's going to be in contempt of court and we certainly will have a case to say why should you listen to him? Why should you, I guess I...

President Gudenas – Well, he's saying he's going to continue the lawsuit until he wins, basically.

Councilwoman Holzheimer Gail – Well, he can do that regardless.

President Gudenas – Not if he agrees to not do it then there's no more... Any other comment on the proposed amendment, do you want an additional part to it? You want it?

Councilman Langman – I think given all the issues in front of us I don't think we need any additional language. I think #8 covers it for the moment. We know what he wants to do that's why he's going to continue to sue. He's going to do that anyway whether we agree to this or not. So I think as Councilwoman Holzheimer Gail said get rid of the pile, get the building up and then we, hopefully, we are in negotiations with him during this process before the Court date we can come to a more satisfactory permanent solutions.

President Gudenas – And I heard the Administration stating that rock crushing is not a bad thing to have over there that it's part of his business. That we should expect rock crushing forever.

Mayor Cervenik – That's not what the Mayor said. I said that...

President Gudenas – I said the Administration.

Mayor Cervenik – Okay, the Administration didn't say that and as the Mayor I didn't say that. I just said that this is an accepted method and a new method in construction work. It's done all throughout the United States to stop things going to the landfills. I didn't say I want it over there nor do I expect it over there. We are vigorously fighting in Court and trying to work out negotiations so that it doesn't happen there.

Councilman Lisy – You did bring up a few good points and that's about the aesthetics and if I recall correctly, there were going to be safeguards, not safeguards, landscaping that was going to try to beautify the area. As you said, it's a gateway to our community and that landscaping is a Planning & Zoning or Architectural Review Board issue that that's where that battle should be fought. And so right now before us is getting rid of this concrete mound and getting his building built as expeditious as possible. Thank you.

President Gudenas – All right, anyone else want to comment if we need an additional clarification or not? I think we do, but I'll defer to our whoever.

Councilman Delaney – I, I agree with Councilman Langman's comments. One way or the other I believe that this company is going to continue on in court and I certainly won't want them to walk away from the table and not remove this pile waiting that outcome. I think as far as where we're headed in the future we can't sit here and decide. I realize that the future of concrete is going to be recycling. It's going to become mandatory at some point. Even cities are going to have to implement that as a part of their services. I talked today before this Council meeting I talked to our State Representative Kenny Yuko about these, he's going to spearhead an effort to renovate our sound walls and I believe that there is sound walls earmarked for that property so I think that there's probably a lot in the future to come down for this property that will alleviate a lot of the fears that the residents have; but as far as the agreement in front of us, I think that our amendment for getting the building built is a good one. But I think that to amend it any further is probably, there's probably no need to do that.

President Gudenas – All right, anybody else? Okay.

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

President Gudenas – And we're going to vote on the amended whereas Memorandum of Understanding Resolution Agreement.

Clerk Cahill – The resolution.

President Gudenas – The resolution.

Roll Call: Yea: Delaney, Holzheimer Gail, Langman, Lisy, Mancuso,
Nay: Conway, Gruber, Walsh, Gudenas
Passed.

President Gudenas – Okay, good luck.

Ord. 196-2006 (210-06) Prohibit Jake Brakes – Sec. 337.21

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 Walsh moved for passage; seconded by Councilwoman Holzheimer Gail.

President Gudenas – Third reading, anything to add?

Councilwoman Holzheimer Gail – As the gentleman from the audience suggested at the last meeting, we'd like to remove or transmission from the ordinance. As he stated, that's not necessary. The trans, there's are no transmission brakes as?

President Gudenas – Does the Assistant Director know the proper language that we're talking about? Assistant Director Sweeney.

Asst. Director Sweeney – Yes, Council President to all Council, I believe in Subsection D, no person may slow a vehicle by device, method or practice known as engine braking, and we would take out transmission or transmission braking.

President Gudenas – Okay, so we have that amendment.

Councilwoman Holzheimer Gail moved to remove or transmission braking from the ordinance; seconded by Councilwoman Walsh.

President Gudenas – Any discussion on that?

Roll Call: Yeas: Conway, Gruber, Holzheimer Gail, Langman, Lisy, Mancuso, Walsh, Gudenas
Amendment passed.

President Gudenas – Okay, so is there any other discussion on....

Councilwoman Holzheimer Gail – Just as another kind of general comment on it for those who aren't familiar with it, this came through a resident's suggestion to Councilwoman Walsh and myself a Jake Brake is a brake that a truck uses that's very loud and it is disturbing to the residents that live by the freeway interchanges. So we brought this forward as a result of that neighborhood meeting and ask for Council's support.

President Gudenas – Okay, I see no one else.

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

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

Ord. 197-2006 (222-06) R.C.U. Architects Agreement – Jail

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, Independent, 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)

Councilman Gruber moved for passage; seconded by Councilman Langman.

President Gudenas – And we've been talking about this for about 6 months and what we were hoping for is the specific information on what the proposal was about. This came to City Council from the Administration because the Administration believe that we will save a great deal of money for the jail if the interior of the jail would be renovated. And the only reason this came to City Council was to save General Fund money. It was not to redevelop City Hall or any other building, wasn't to improve workflow patterns, was strictly to save money for the jail and nothing else. And we were promised that the footprint of the jail will not increase that no additional space will take up from that building. So that's how this got here.

The proposal presented to us was a little bit different and that's where we are now. The proposal apparently that we have the detail on has all three options being looked at including additions to the jail building and renovations to other parts of our City complex over here, which would significantly increase the expenses. So more debate.

Mayor Cervenik – I'm not sure your interpretations are exactly correct. I know I got your email and you were concerned about, I don't know if it was yours or Councilman Delaney's, that we don't have money in our Capital Fund to do anything. We're not sure what we're going to be able to do without this study being conducted in the first place.

City Council specifically asked us to add into our proposal looking at the Police Department renovation, if possible, alterations.

President Gudenas – Wait, time out, when did we ask that?

Mayor Cervenik – Yes, you did.

Mayor Cervenik – I believe Councilman Lisy did. I believe Councilman Conway did. I don't have the exact date and if I'm not mistaken Councilwoman Mancuso was concerned as well. I could be wrong on that one.

President Gudenas – Pardon me?

Mayor Cervenik – Yeah, that's what I thought. The words alternation and additions just depends on what they find out. I talked with Anthony Fini about reducing option 2 or 3 and he says Mayor, we really can't do a thorough job without looking at all of them. It should be noted that the original proposal to you was \$35,000. This is \$12,000. In all as far as legalese goes since we're using that word tonight, this really does not need Council approval. I want Council approval. This could go before Board of Control and I really think Council needs to buy into this. There are a number of good things that can come out of this. The, his, the whole study and recommendations on what we can do will be phased to when we can afford to do them, I've, I'm just really feel that for \$12,000 a very important, very important item that should be passed.

I liken it to the \$6,000 that we're paying Doty at Shore to prioritize and come up with recommendations to make that older building more efficient as well. We have the ability, maybe not as high of numbers as I thought, but we definitely have the ability to save considerable money in the General Fund over time doing some alterations and some reconstructing of the inside of the building and that money can be used to pay for other capital projects. Capital projects are very often funded through General Fund allocations so again, I think we've got a good proposal before you. I'm very confident that RAC Architects will do a good job for us.

Our Correction Officers are looking forward to working with the architect and putting their input into this program and I strongly ask for this support this evening.

Councilman Lisy – Looking at this with the first and this is again, a preliminary assessment and so I took some time and I came up with my own jail cost benefit analysis report. I just tried to take the numbers that we discussed at the Executive Council meeting in May, I think it was, I didn't have the date and we took the numbers out of the budget on our expenses and we spend \$2.5 million on jail operations, 2.45 rounded 2.5 million. We bring in \$750,000. We spend 2.5 and 23 bring in 750,000 so we lose \$1.7 million on our jail. It's definitely not a revenue generating source.

Now I equate this to a business and if you have your employees and you don't give them the proper tools and they only produce half the product they can make, that's very inefficient. And what you have right now given our current layout of our jail we can house literally half as many prisoners as we could given the staff and the cost of the jail right now. So if we could provide the tools to our Correction Officers that they would then be able to hold twice as many inmates, we could generate from other cities, the county, the state, the federal government, I don't remember which ones we talked about, we could generate \$1.8 million from these other sources. So if we generate \$1.8 million and we don't increase any of our expenses we would save over a million dollars; however, that's unrealistic not unrealistic but that's very optimistic. I would love for us to save that type of money.

And so what I did I went through our budget books and I looked at our personnel costs, our miscellaneous expenses, our fixed costs and hospitalization costs and I basically increased them by 30, 50%. I have different spreadsheets and different numbers and then I showed the annual increase in those different accounts and I pass this out and when you do it that way, you still save \$1.1 million compared to what we're currently spending and then if you look at the debt service to pay for these modifications and you subtract that, we are then left with \$730,000 of additional monies to spend on other projects in the city. And when you add that up over a 10-year period it's over \$4.6 million. And so we have concerns that this is near our parks, it's near our schools. Well, I'd love to put this extra money towards activities where we build a recreation center. And so the way I look at it is that the numbers, I think I'm being conservative, too, because I could play around with these numbers and we only charges \$62.50 per day for a prisoner. Other cities charge \$70 and so if you start adding all this up, there's ways we could and it's not making money on the jail. We're not spending as much money as we are. I mean it goes from \$1.7 million down to \$500,000. So when you come from \$1.7 million loss to a \$500,000 loss you save \$1.2 million. So the numbers are there.

Now if they could keep it in the same footprint not expand the jail, clean it up, make it look nicer maybe get rid of the barbed wire, make it safer, increase the through put, this may be a wise \$12,000 investment to get a \$4.6 million return. And again, some of the earlier numbers or earlier information we saw that it would most likely bring our jail up to Code in some of the areas that were lacking. It will increase the safety of some of our Correction Officers. So for \$12,000 study

I'd like a little more information on this study. I'd like to know what they're planning to do. I'd like them to keep confine, I'd like to know timelines; but for \$12,000 and with the potential payoffs of this financially for the City of Euclid and also for the Correction Officers, I'm in favor of this. Thank you.

Mayor Cervenik – On some of the dollar figures we charge, we receive \$62.50 a day from county prisoners after I think 10 days the initial 10 days we receiver over 85. I believe we're at a hundred dollars for federal prisoners, but to be conservation again we've been using the 62.50.

On this firm once they get their initial movement, they would, they told me they would like to sit with members of Council. They'd like to go over what they're looking at maybe walk through the facility with you. I know you've been invited there before, but they would walk through with you and show why they have to look at certain things. And you know, we're looking at ADA compliance. That's something we need to look at. We are looking at the safety of our, of our workers and last but not least the changes we do we have to make that they that they don't trigger something from the Bureau of Adult Detention and actually cost us money rather than give us money. And this firm's going to be looking at that very closely.

And one last thing, the wire's coming down regardless. The barbed wire's coming down this year. That will not, that is no longer a necessary detriment on that building. And some of the signs are going to be changed as well to Justice Center instead of jail in the area.

Councilman Lisy – The one thing I also wanted to mention, and I forgot, never mind.

Mayor Cervenik – Well, I'll add one more. I really don't want to see us our inmate population either and this study will help us gauge where we're best balanced, too. I definitely don't want to do that.

President Gudenas – Well, proposal, proposal, numbers from Councilman Lisy are more than doubled going from 65 to 145. That's 80 additional.

Mayor Cervenik – If we went to full scale, we would have the propensity to do that; but until we go through this study, we're not really sure what we're going to want to do.

President Gudenas – A study will never be the same as we start.

Councilman Conway – On this particular issue, I certainly agree with Councilman Lisy's comments and I appreciate the hard work he put into doing this spreadsheet so thank you for doing that for all of our benefits.

First thing I wanted to do is generally speaking when the prior proposals came in front of us for the other proposal, one of my larger concerns was the fact that we were paying a lot of money for a, a survey or proposal that really wasn't very comprehensive. I always felt that it was pre-determined what the outcome was going to be. I've listened for a few years now, Councilman Gruber make comments about all the money this City has spent on surveys that have ended up on the shelves and provided no real benefit to the City. I think this investment of \$12,000 to really evaluate several scenarios to make a better informed decision in the future is definitely \$12,000 that I'm very comfortable investing to find out all the different scenarios that we should be reviewing in the future so I certainly support this.

I did have the opportunity to tour the jail and again, thank you to the Chief for allowing that time. And it is something that I will support tonight. I will agree with Councilman Lisy. I probably expected a lot more detail than the document that we received tonight but based upon the dollar amount with what we should receive in the long term is something that I'll certainly support tonight so thank you.

President Gudenas – The letter we did receive states very clearly in the very first paragraph the study goal will be to maximize inmate population. Get as many prisoners as we can, it's in writing, which basically says the study goal is to get the city into the jail business as opposed to the original intention was to reduce the cost of the jail operation. And that was the only reason we were looking at this was to reduce the cost not to maximize inmate population. So I have a big problem with that I think that sentence should be changed the goal should be the lowest possible cost to the taxpayers to operate a jail in the City of Euclid. And if it turns out it's 40 people and we can do it in a dormitory style and just have enough for what we need that's, might be the better way to do it. But right now we're headed towards maximizing inmate population, which could imply who knows what in terms of additions, which again is contrary to where we started with all this.

Councilman Lisy – I think you're wrong because the only way we could ever lower the cost would be laying people off and firing people and I don't think it's ever, it's never been my intention to lay people off throughout this matter and so the only way we could ever save money on this would be to increasing the number of inmates that were there. So I, from day 1 it's always been presented by the Administration that this plan would show a better way to improve flow inside a correctional facility so that it's safer, ADA compliant and we could house more inmates. I mean, those are all the notes I've had; those are all the things I've read about it so it's not a surprise to me.

Mayor Cervenik – With all due respect, do you want the architect to come in and show us only about half of what we could have there rather than let us make the decision and you with Council make the decision on what they want? I think what they're going to do is they're going to maximize the functionality of the footprint that we have and we will go from there. Nothing can be done until we come back to Council with the study.

Councilman Delaney – I think when we started this the thought was that our jail was obsolete, that it was full that we had more guards because of the obsolete design that it was inefficient. I'd like to thank Councilman Conway for giving us this very, very detailed spreadsheet with...

President Gudenas – Councilman Lisy.

Councilman Delaney – I'm sorry, Councilman Lisy.

President Gudenas – The one with the computer.

Councilman Delaney – The very detailed spreadsheet of something that we've asked the Administration for, for 6 months at least in part. The, the one page that we did get from the architect is very confusing to a certain extent with the three options. I certainly would have expected a little more detail in a proposal, but I think that we should narrow the scope. I think if we leave too much on the table certainly I'm not interested and I would like to hear what other Council members are interested enlarging the jail, putting in additions. I'm not interested in doing a bigger footprint. I think what we need to do is make the jail more efficient. I don't think we were looking at laying off guards to cut costs. I don't think that it's a goal to maximize inmate population. I think that crime trends will dictate that.

The Judge was very clear that it is a concern of hers when she's sentences people what we have as far as a facility. So as far as what the architect should be charged with I don't think we want to have a wide range. I think we want to have a narrow scope. I think that we want to tell them what we're after. And if they can take that footprint and they can make a more efficient jail and make it ADA acceptable make it a more updated that should be the goal that we're after. Thank you.

Councilman Conway – I would agree with Councilman Delaney from the standpoint that when I look at this study I don't have a great desire here to see us invest a lot of money in making our jail bigger. And I think everyone from at least Administration standpoint I don't think any of us are looking at turning the jail into a profit center. However, I think we would all agree to Councilman Lisy's comments earlier is we can shrink the gap between what we're spending and what we're bringing in that certainly would be a positive thing that everyone in the community would certainly appreciate.

I don't have a problem, as I stated earlier, with the \$12,000 expense, though, to understand the options that are currently available to us. I don't look at this as a, a automatic as to where suddenly overnight the jail is going to increase in size since obviously that would come before the Council to make that decision. But I think that having a comprehensive study is something that would be in our best interest, especially if it can be delivered at the expense that's outlined in our proposal tonight.

Councilwoman Mancuso – I think I have to make very clear where I stand on our jail. The Option #1 is the only option I would even consider where we look at no additions, interior space study, converting to dormitories; study the cell blocks, Police Department renovation, ADA complaint and Bureau of Adult Detection compliance. I am not interested in doing anything else with the jail.

The citizens have never, ever brought to our attention that that is a concern of theirs. We have limited funds in this city. I don't want to be in the jail business. I want it to be as small and compact and efficient as it can be. I don't want to consider a plan that talks about adding to the jail or building a new jail. I don't want to be in this business. We are in the business out of necessity, but I don't want it to get bigger. I don't want to add on to it. I don't want the footprint getting larger. We need to make it efficient. Option 1 is all I'm willing to look at. If we have to look at

this grand scheme somewhere along the line, we're going to have to come up with money for the grand scheme. And that's where we started from with the \$35,000 consultant. I, we need some efficiencies. Option 1 is the only one I'm willing to consider in this proposal.

President Gudenas – And we will consider all of this in a few minutes because we will have to take a break and continue this later. Stay tuned. What will happen?

We are back for more discussion.

President Gudenas – Councilman Conway about the jail.

Councilman Conway – A quick question, I guess this is probably directed to the Mayor for everyone's education. Is there a price tag associated with Option 1 or is \$12,000 or and this particular proposal all that RCU is interested in at this point?

Mayor Cervenik – When I talked to Mr. Fini this afternoon he says he cannot do the study in a professional way without being able to present this all of these things. So there really is no dollar amount on a, b or c, 1, 2 or 3 because they're all very much interrelated and that's where we left it.

Councilman Conway – Okay, thank you.

Councilman Langman – In reviewing the proposal I just want to back up a little bit because I know it's been kicked around a couple of times but do we expect that we can actually break even if we do some of these efficiencies? I know we've talked about it in the past and Councilman Lisy's projections are a little bit different so do we have a sense of what we can do? Or it's someplace in between what Councilman Lisy told us?

Mayor Cervenik – It goes back to the facility itself that we average about 65 prisoners give or take. All of them are not ours probably are 20 from outside of our region that we get reimbursed various amounts for. We could hold, if we were to change areas into dormitory style, we could hold maybe 20 more, maybe 40 more without any increase in cost. Do we think we can break even? Probably not. We're not in the jail business to make money; but if we have a cost that can be reduced without increasing the outside footprint of the building and without, you know, without reducing the safety of the residents, I think it's something we need to look at. Dormitory style allows for much less supervision, much less prisoner movement. So could we, if we would probably to break even have to do an addition. I'm not looking forward to that, but if we can save 800 or a hundred thousand, you know, \$1 million a year, 800,000 a year. The debt service on a \$5 million bond is \$360,000 so that gives you the propensity of what we might be able to do with this savings. And we're not asking any decisions to be made, we're just asking, I just firmly believe for the \$12,000 we need to know what we can do.

Councilman Langman – Well, it may come as a shock to you, but I happen to agree.

Mayor Cervenik – Thank you.

Councilman Langman – We need the data.

Mayor Cervenik – I appreciate that.

Councilman Langman – We need the data to move forward and if we don't have the data, we can be here for the next several nights kicking around these elements. That doesn't mean that that's the first project that I want to do and we still need to have that conversation and how we actually fund whatever the recommendation is finally decided upon will be another series of discussions. But I think it's time that we move on.

Mayor Cervenik – Thank you and as Mr. Rini, Fini said today that once they get the initial feel and they're ready to make a presentation they would like a number of Council people to be a big part of the process so that you can understand fuller why these things can bring a savings to the community without making us any less safe. So I appreciate your support, Councilman, and we agree more than just this.

Councilman Langman – Chief, did you have a comment?

Chief Maine – We've talked about a lot of possibilities. One of the things you can really wrap your hands around we, we know that we can save money because of the way the bed jail is set up in the control room operations. Right now there are different, as you saw when you came for the tour, that there are different control rooms one for the men's and one for the women's. One of the things that they've talked about is consolidating that so that instead of having two posts, and that's really where your manpower comes in why it's so manpower intensive. Instead of having two posts, you'd consolidate and you have one and as Councilman Lisy can appreciate, you reduce your FTEs, your fulltime equivalents, and that's where the personnel costs come in. So I mean, if we're going to do that, we're going to need to have someone take a look at how we do that anyway. Even if we didn't anything else to maximize the efficiency of the jail in terms of its population just that by itself could save a considerable amount of money so this makes a lot of sense for so many reasons and it doesn't commit the Council to anything at this point.

President Gudenas – And Mayor Cervenik, I have startling news. I also agree with you on this in that we all want to make the jail as efficient as possible. We're just trying to figure out what's the most efficient way to make it as efficient as possible.

Mayor Cervenik – And that's why this proposal is in front of you tonight because I want to find out what it is too so I'm glad you agree with me because you could have fooled me.

President Gudenas – Well, again, there's, there's one part that's missing in this proposal and that's the expense/revenue projections because we were always told we needed to hire a consultant to tell us how much we're going to make and what is it going to cost us? And when we hire the consultant they'll give us that answer because we asked the Administration, you know, give us that information. You said you can't do that until we hire somebody but no where in this proposal does it say that they'll provide any type of operational projections, in terms of revenues and expenses.

Mayor Cervenik – Again, the operational changes in savings is based upon, as the Chief said in one area reduction of manpower but more importantly the increase of possible paying inmates.

President Gudenas – But see Mayor just...

Mayor Cervenik – So that if we can do 20 inmates, I gave you the spreadsheet quite a while back that showed what we would get a day per prisoner minus what it cost for food and that will hold true and that will be a part of this. If we do it ourselves internally, we'll be able to show you okay this proposal in Option 1 saves us 5 FTEs and we can add 20 new prisoners. And we just work that out with our numbers.

President Gudenas – But Mayor, again, that's the part we agree on, but when I read this document, you mention reduction in manpower, more efficient. This says there will be no reduction in manpower. We will maintain jail personnel so we will have no reduction. And at the same time you had said we will keep the original footprint. We will not make it any bigger but yet this says over and over that there is a great chance that we will increase the footprint so I'm just trying to figure out what and then it says the goal is not to maximize the cost to the taxpayers to make sure it's as low as possible. You know, the goal is not to run the jail at the lowest cost possible to the taxpayers but to have the highest number of inmates to maintain the current workforce.

Mayor Cervenik – I would contend that the real answer and the best thing for the community falls somewhere right in between those two statements.

President Gudenas – I know but the study says that they're not going to look at the other things. The study says that they will only look at something that will maximize the inmate population. It says that in writing. The study goal will be to maximize inmate population and it also says we will not look at operating at greater efficiency but to maintain all jail personnel. So we agree with you but then we read it and it says that we will look at increasing the footprint.

Mayor Cervenik – Would you please amend this to read the study of this goal will be to maximize the efficiency of the jail?

President Gudenas – Okay.

Mayor Cervenik – Okay?

President Gudenas – Very good.

Mayor Cervenik – Please.

President Gudenas – And then regarding additions.

Mayor Cervenik – Some of the additions, I believe the word addition is a little bit of a misnomer. The summary of the word addition is that we have these outdoor recreational area.

President Gudenas – Right.

Mayor Cervenik – And any construction that would be done there could be referred to as an addition. We do not intend to do any footprint in here. In Option 3 where he mentions additions would only be, it could be temporary or permanent if in fact if we chose to make some of the major changes inside it would give us an option of either holding our prisoners in that addition or not doing that addition and housing those prisoners somewhere else while some of the work was taking place.

The goal here is not to add on to our jail. So if you want to rule that out, fine because I know they're going to give that to us any how. So if you want to eliminate that to make yourselves feel more comfortable please get rid of #1 in Option 3.

President Gudenas – All right.

Mayor Cervenik – But keep #2 in Option 3, but get rid of #1 in Option 3.

President Gudenas – And then tell me again who is going to prepare the expense and revenue projections part of this study?

Mayor Cervenik – The Police Department and the Finance Department once we have the, once we know the different, the different scenarios we have here we can calculate in very short order and we will do it under the auspices of RCU to calculate what the savings are. We have, we have the increase of the revenue coming in, but we have the increase of the meals, which is something around \$12.61 a day or something to that effect. The net amount of that times the increase because of the dormitory style would be our adjustment.

President Gudenas – So you're saying the revenue and expense projections will be entirely prepared in house?

Mayor Cervenik – They will be prepared with RCU, but they will be prepared in house. I will ask them to look at them to verify that these are what, these are the savings. They don't what all of our personnel costs are.

Chief Maine – You know, you ask us to prepare these revenue/cost projections each year when we do our budget anyway and if you look at how we've done our budget and how accurate we've been on our budget projections, we've come in close to budget if not under every year that I've been associated with this jail so I don't understand what your reservations are with us providing those projections.

President Gudenas – I, no reservations other than this City Council for the past 6 months has been told and I've been in the office with the Mayor and you were present that the Administration cannot provide those numbers that we need to hire someone to provide those numbers.

Chief Maine – No, sir, I...

President Gudenas – I believe the Administration always could have provided those numbers.

Chief Maine – I never, I never remember anybody in this Administration saying we needed to hire somebody to provide those numbers. What we said was you had asked for numbers associated with jails that have already had either been newly constructed or newly renovated? The problem that we were having was getting those numbers from those facilities in a manner because of the way they report their numbers to allow us to, in effect; bring those figures back in a way that would make sense to you. That's where the problem was.

President Gudenas – All right, so the, that problem is solved and...

Mayor Cervenik – That's solved.

President Gudenas – And as, will these numbers be part of the final presentation?

Mayor Cervenik – To City Council, absolutely.

President Gudenas – In other words, we're not going to see all kinds of plans and we say what is this going to cost and to operate the numbers will be associated with each one?

Chief Maine – I can guarantee you, excuse me for butting in, but I can guarantee you once we know how many people are required to man the jail and that's dependent upon the plans they come up with, with also the potential capacity we will have a very good estimate of what the bottom line is going to cost us and we can do that in house.

President Gudenas – Very good, but that'll be part of the whole plan because again it wasn't mentioned here. We were under the assumption that this consultant was going to do that.

Mayor Cervenik – I didn't feel it was prudent to pay the consultant to do the calculations that we can do our own very simply.

President Gudenas – That's very good. So we have an amendment that the Administration would agree to that the understanding that the...

Mayor Cervenik – You're not voting to have us look at additions.

President Gudenas – We're taking out item 1 in Option #3 and also the goal of the study will be to....

Mayor Cervenik – Maximize the efficiency of the jail.

President Gudenas – Okay.

Mayor Cervenik – Operations of the jail.

President Gudenas – And that could be part of a whereas...

Mayor Cervenik – Whole thing, yeah.

President Gudenas – Whatever.

Mayor Cervenik – We can live with that and we can all move on, but you need to vote on it, yes.

President Gudenas – We're trying to make sure we understand what's happening because we, we definitely support the Administration here; but I've been around long enough that nothing has ever worked out here. This building was supposed to cost 7 million came in at 11 million. An industrial park was supposed to be the greatest thing ever. We have a \$4 million debt on it. We have \$1 million vacant parcel on Euclid Avenue. We've got a golf course building who knows what's going on with over there and we could go, I can't, in fact, even remember one project that the City has done that's actually operated as plan. If anybody has that project, let me know.

Councilman Lisy – I've gone over these numbers and I'm quite confident that, Mayor, I'll take that bet from the Council President and I'll work with you on this and we'll definitely come within these numbers because I think there's enough room for error in here that not only will we come in the numbers, though, there'll be some additional money so.

Mayor Cervenik – Thank you, Councilman.

Councilman Lisy – It's really a positive, I think we can really improve the look, improve the flow, improve the safety and then generate some additional revenues that we can use on other projects.

Mayor Cervenik – Absolutely.

Councilman Lisy – And I think that's why I'm very much in favor of this and I'll do whatever I can to help you out on this one.

Mayor Cervenik – Okay, I'll be calling you, thank you.

President Gudenas – So the amendment.

Councilman Langman moved to amend the ordinance; seconded by Councilman Lisy.

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

President Gudenas – Okay, any other discussion? If approved tonight, when do we expect to have this finished?

Mayor Cervenik – I didn't expect it to be approved tonight after all this. But I, I, really believe we're looking at about 90 days to 120 days to have this done. I mean.

President Gudenas – It's Thanksgiving we've got to do something.

Mayor Cervenik – I would really like it to be done within 120 days at the longest and I think it'll be done before that.

President Gudenas – Okay about 4 months.

Mayor Cervenik – No more than that.

President Gudenas – Okay, very good. Anything else? This time we do need a motion to close debate.

Councilwoman Holzheimer Gail moved to close debate; seconded by Councilman Lisy. Yeas: Unanimous.

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

Roll Call: Yeas: Conway, Delaney, Gruber, Holzheimer Gail, Langman, Lisy, Walsh, Gudenas
Nay: Mancuso
Ordinance passed as amended.

Ord. 198-2006 (234-06) NorthCoast - Snow Removal

An emergency ordinance authorizing the Mayor and the Director of Public Service of the City of Euclid to enter into a contract with NorthCoast LawnScapes, 8974 Lake Overlook Drive, Mentor, OH 44060, in the amount of four thousand seven hundred and fifty dollars (\$4,750.00) for snow removal service on City sidewalks in the areas of Downtown Euclid and the Euclid Avenue Business District for the 2006/2007 winter season. (Sponsored by Mayor Cervenik and entire Council)

Councilman Gruber moved for passage; seconded by Councilman Langman.

Director Gulich – Going back almost a year ago when the discussion came up, I did tell Council that I would during the summer months when we went to bids for a senior snow plower for driveways, I would also get a price for the downtown business district and the district of Euclid Avenue from the City of Cleveland line easterly to the properties that were included in the question at the beginning of the Council meeting over to near Central School over there. I did secure that price.

I think I made it clear with Council in an email sent out last week I did have some concerns. My personal preference would be to either enforce the ordinance we already have or as Kelly Sweeney has crafted an ordinance recently to deal with the garbage cans being out early, being left out late, I'll pursue other means; but again, if this is what Council wants to do, we'll go and do it.

President Gudenas – Well, this would be probably an experiment for the first year to see if the City could efficiently put a program together with the understanding that in the future years we would bill, assess the property owners for this work. They could hire their own and if there snow was cleared, then they wouldn't be done. But just like grass cutting if your grass isn't cut, the City'll cut it. If you cut it, then the City won't bother you. So I think it might be an experiment to let the business people know that there might be a more efficient way to more or less aggregate everybody together, one big contract and do it all at once.

Councilman Gruber – We'll probably have some bumps with this. This is going to be a little difficult. Maybe at the end of the year, we might find out that the contractor had made some damage to properties and so forth; but since it is on the table tonight, I'd like to amend some of the areas that weren't included in this and it's really not much more area. And for the price this gentleman quoted us at \$4750, I don't think it'd be much more. We could put a dollar amount on the amendment if you'd like, but I'd like to amend the area from the Richmond Heights line on Richmond Road to Euclid Avenue. That would include 100 Richmond Place, all, St. Felicitas, 100 Richmond Place to Euclid Avenue; west on Euclid Avenue on the south side of the street to Babbitt Road. Then cross Babbitt Road to the north side of the street and continue east from Babbitt Road to 260th Street. And that would encompass the Plaza where the Bi-Rite Shopping Center is 'cause lot of seniors in that area do walk and that is a pretty important area and it would help our business in the Plaza over there and I spoke with the Ward 3 Councilwoman and I think we deserve to give our seniors that kind of service.

So if my Council colleagues would agree to that for a reasonable price, I'd like to amend that.

President Gudenas – Okay and the Euclid Cemetery location is already included. I know that came up earlier.

Councilman Gruber – Right.

President Gudenas – And Director Gulich, do we have a feel for what this may increase the whole works by?

Director Gulich – I'd certainly like to sit down with Councilman Gruber and review the areas so that we're completely in agreement on the area you just described and I'll definitely talk to the contractor tomorrow and get back to Council as soon as I have that information.

President Gudenas – Okay, but we could, with the understanding it'd be less than a thousand dollars?

Councilman Gruber – Yes, sir, put a dollar amount on it. That's fine.

President Gudenas – Okay, well, we could just make that understanding.

Mayor Cervenik – And with the understanding that if he says not this year, we will go forward with the items that we presented to you tonight.

President Gudenas – Oh, in case he has already scheduled his workers and he might be...

Mayor Cervenik – We'll do everything to convince him to do what you want to have done, but if he says no, I don't want to throw, you know, the baby out with the bath water.

Councilman Gruber – Okay and then we can enforce that on the property owners in that area because that is a pretty dangerous area even when it's not snowing and raining that area, I've had the Service Department over there on Richmond Road remove the overhang brush and the seniors are getting hit in the head with the bushes and stuff so.

Mayor Cervenik – I agree, Councilman, it's a very highly traveled pedestrian area, probably higher than some of the other areas he's doing here at times.

Councilman Gruber – Thank you.

President Gudenas – And can we also as part of the Administration's part of this make sure that all the property owners in this area know that this is not a freebie forever. That this is a one-time to help them out for this year to let them know that the City can pull together this service and next

year, if it works out good, they'll get a bill with the opportunity to hire their own contractor or their own employees and take care of it. But they need to know because otherwise you did it this year you need to do it again.

Mayor Cervenik – I would only provide that at this price, boy, that's probably just better letting him do it all. The assessing does have a cost with it, personnel cost and if we start giving the options of letting, you know, some properties doing it and some don't then he's going to be skipping properties. So let's, I think this year we ought to just see how it goes. They understand it's a trial.

President Gudenas – Most businesses will...

Mayor Cervenik – It's a trial. It's a trial.

President Gudenas – Just like grass cutting, you know, someone didn't do it then we're not going to go after him forever.

Councilman Langman – Director Gulich, what about the County bridge? I see on the map here it looks like we're going to end plowing right there because of the County's ownership of the bridge and that doesn't make a lot of sense because you have kids walking to school and they have to jump into the street right there just to make it the extra few feet to get to the school so can we negotiate something that we can allow plowing there just for the kids safety? Is that possible?

President Gudenas – Do we need the County's permission to take the snow off of their sidewalks?

Director Gulich – As a matter of fact, I'll probably be talking to Mr. Klaiber about some other items in the next couple of days. I can bring it up with his office in regard to what the possibilities are there and get back to you.

Councilman Langman – Okay, that would be good. Thank you.

President Gudenas – Because we're talking about that small area from Dille Road to Euclid Central because Euclid Central the schools will take care of their own sidewalks so it'd be a shame to have that little bit not touched and tell him we'll send them a bill, if they have money.

Anyone else? And just so everyone knows that in the downtown Euclid section, basically, it'll start at East 222nd Street right at Seabrooke going down to Lake Shore, Lake Shore going west to just past 219 and then going down the other way to where downtown Euclid ends just past Sims Park and then, of course, all of Shore Center Drive. So the downtown Euclid area will be more or less completely covered, which should be a very good thing for residents who will visit there. But then again it might be 40 degrees every day, this guy may have a good weather forecast.

All right, anything else?

Councilman Gruber moved to amend the ordinance to include the area all of St. Felicitas, 100 Richmond Place to Euclid Avenue, west on Euclid Avenue on the south side of the street to Babbitt Road. Then cross Babbitt Road to the north side of the street and continue east from Babbitt Road to East 260th Street; seconded by Councilman Langman.

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

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

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

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

Ord. 199-2006 (227-06) Maximus, 2007 Audit – WWT

An ordinance authorizing the Director of Public Service of the City of Euclid to execute a professional services contract with Maximum, Inc., relating to the performance of audit cost analysis studies of the City's Waste Water Treatment Plant, as well as other agreed upon services specified in the proposals, for the year 2007 at a cost not to exceed Twenty Nine Thousand Four Hundred Dollars (\$29,400.00). (Sponsored by Councilman Gruber by request of Service Director)

Councilman Gruber moved for passage; seconded by Councilman Lisy.

Director Gulich – Going back to the resolution of our infamous consent decree, I think everyone remembers all too well, the U.S. EPA required the City of Euclid to perform an annual audit, a comprehensive audit, ordering us to set our, our user fees in a manner that we could operate our Waste Water Treatment Plant effectively and responsibly. That original audit was done by David M. Griffith, who was chosen by the U.S. EPA for us. As you've heard me say in the past, that company went on to be DMG Maximus now is Maximus, Incorporated. Bob Fink, who's, did the work last year and the preparation of this audit is in the audience if there's any questions directly for him, he's been waiting patiently out there. Just like to add that the, this year's price I would like to amend from what's on the legislation. Legislation has last year's price, like to amend that on the down side \$500 to perform the same services, no less services.

President Gudenas – All right, that'll pay for the extra snow plowing.

Director Gulich – The only other thing I'll add is if Council remembers correctly, last year's audit recommended that our rates would be substantial, would be, we'd be able to maintain our existing rates until June 2009 with no foreseeable need to increase. Bob Gall, down there, has done an excellent job of running our plant. The audit is an excellent tool we've found year in and year out. And again, if there's any questions for Bob Fink, he's been out in the audience patiently waiting.

President Gudenas – Question perhaps Director Gulich could answer, will this firm be able to give us some kind of information on how our sewer plant compares to other municipal operations cost per cubit foot of material or however or how many people served? In fact, why, can you step up? We won't hear anything for the record otherwise.

Mr. Bob Fink – The question is will this report provide you an answer on the efficiencies of the operation?

President Gudenas – Compared to other operations, how do we compare with other municipalities?

Mr. Fink – It's not been part of, we have information that we can supply as far as rates of different communities or like facilities. Those rates don't always compare apples to apples as far as there's nothing the same in one community compared to the next. So as far as, I'm not sure I'm going to answer your question.

President Gudenas – Well, how many different communities does your firm work with?

Mr. Fink – Well, there's probably 300 that we do across the country. We're a national company. So that information can be made available.

President Gudenas – In other words, if we, in other words are there other sewer plants of a similar size that you deal with?

Mr. Fink – Yes.

President Gudenas – And if, would it cost us additional money if we asked you for these?

Mr. Fink – Just the information like that? No.

President Gudenas – Right, okay, just to see how we stand with others.

Mr. Fink – Pricing of similar size facilities.

President Gudenas – And operations, in other words, not, in other words the revenue and the expenses.

Mr. Fink – Right.

President Gudenas – To see are we doing average, better than average, below average?

Mr. Fink – Sure.

President Gudenas – Hopefully better.

Mr. Fink – Yes and you're doing a fine job from what I can see over the years from our experience.

President Gudenas – Well, that would be nice to spread the word then. All right.

Councilman Gruber moved to amend the ordinance to reduce the amount by \$500; seconded by Councilman Delaney.

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

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

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

Ord. 200-2006 (228-06) CT Consultants- Engineering '07

An ordinance authorizing the Director of Public Service of the City of Euclid to extend the agreement with CT Consultants, Inc., 35000 Kaiser Court, Willoughby, Ohio 44094, for the purpose of performing routine engineering services for the year 2007. (Sponsored by councilman Gruber by request of Service Director)

Councilman Gruber moved for passage; seconded by Councilwoman Walsh.

Director Gulich – CT Consultants is providing the services for the City the previous two years. They assumed that function from Chagrin Valley Engineering at the same price Chagrin Valley was doing this. And again this is the daily engineering services they supply not only to my office but also our Engineering Department in preparation of our in-house specs when we do the resurfacing and some of the other things we do back there. Also any drainage issues related to any of our parks or public grounds, sewer issues, they also help with that whatever the needs are at the time.

And I would ask since they've been doing this now, this will be the third year at the same rate, after talking to the Mayor, Law Director and CT, thought I'd raise it \$200 a month if Council would approve amendment to raise that from \$3100 to \$3300 think that would be fair at this time.

President Gudenas – All right.

Councilman Lisy moved to amend the amount in the legislation from \$3100 to \$3300; seconded by Councilman Delaney.

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

President Gudenas – All right any other discussion? I see none.

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

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

Ord. 201-2006 (229-06) Towing Contracts – Police Dept.

An ordinance authorizing the Mayor, as Ex-Officio Director of Public Safety of the City of Euclid, to extend the contracts with O'Connor's Autobody and Towing Service, Inc. 29100 Anderson Road, Wickliffe, Ohio 44092, and United Towing Service, Inc., 3929 Superior Avenue, Cleveland, Ohio 44114, for towing of vehicles that are junk, abandoned, or that otherwise must be removed, at the direction of the Euclid Police Department, within the city of Euclid for the year 2007. (Sponsored by Councilwoman Mancuso by request of Police Chief)

Councilwoman Mancuso moved for passage, Councilman Conway seconded.

Chief Maine – Both this ordinance and the following one are simply maintenance ordinances that will extend the contracts that are presently in place for one year. This one extends our towing contract with both Action Auto Repair Company being United Towing Services as well as O'Connor's. There's no cost to the city. All monies exchange hands between the towing company as well as their customers or the people that we have their autos towed. Both companies go through an inspection process, the towing yards, as well as their vehicles and their drivers, so he's asking for another year extension on this.

President Gudenas – We can discuss the other one at the same time, if there's anything. I know in the past, and I don't remember the details, were there other Euclid firms interested in the towing contract?

Chief Maine – There were no other Euclid firms interested.

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

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

Passed.

Ord. 202-2006 (230-06) Dr. Thomas

An ordinance authorizing the Mayor, as Ex-Officio Director of Public Safety of the City of Euclid, to renew the contract with Harold Thomas, D.O., Inc., 26151 Euclid Avenue, Euclid, Ohio, to provide necessary medical and dental service for City employees, jail inmates, and others for whom the City might need to provide medical attention for a period of one year, commencing January 1, 2007 and expiring December 31, 2007, in an amount not to exceed Seventy Three Thousand Six Hundred Dollars (\$73,600.00). (Sponsored by Councilwoman Mancuso by request of Police Chief)

Councilwoman Mancuso moved for passage, Councilwoman Walsh seconded.

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

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

Passed.

COMMITTEE OF THE WHOLE

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

Mrs. Del Tekieli – I'm Director of the Week Long Celebration for the Shore Cultural Centre and I'm going to tell you something good. First of all I want to thank Councilwoman Mancuso for buying two of the tickets already and to let you know that the tickets are now on sale for our week long celebration hosted by the Shore Cultural Centre beginning December 3rd through Saturday, December 9th.

The celebration kicks off on Sunday at 3 PM with the Euclid Civic Orchestra's popular Holiday Concert. Prior to the concert, the Shore Board of Trustees will open its tree auction. The Christmas Tree Auction in the Community Room at 2:30. The trees will be on display at intermission and after the concert. The tree auction will take place the entire week. The decorated trees are donated by various businesses such as National City Bank Babbitt Branch and their tree is on display already at the bank. Gateway Retirement Village is doing a scarlet and gray tree. Home Depot, Value City, Wendy's, Kiddie City Child Care Center and UpStage Players are also donating

trees. The final bids or tickets will be accepted up to 4:30 on Saturday, December 9th and the winners will be announced at 5 PM.

The general public is invited to participate in the auction and at a special showing of the trees on Thursday from 6:00-9:00 PM. On Friday night, December 8th in the Community Room, the Shore Board in cooperation with Beach Club Bistro is hosting a patrons party and wine tasting to benefit Shore. The tickets for the wine tasting and a light dinner and a free holiday home ticket are just \$35 pre-sale prior to December 1st and \$40 thereafter. The Holiday Home Tour takes place on Saturday, December 9th and showcases 5 unique Euclid homes including one recently featured in Cleveland Magazine, plus the historic Henn Mansion and the Shore Cultural Centre, all beautifully decorated for the holidays. Four of the homes are on the lakefront and one is an 103 year old restored Gothic home.

The Tour begins by picking up the brochure in the Shore Community Room at 10 AM with coffee and donuts donated by Dunkin Donuts. The homes will be open from 11:00 to 5:00 PM. Tickets for the tour are \$10 pre-sale prior to December 1st and \$13 thereafter. Refreshments will also be served at the Henn Mansion.

Tickets can be purchased by phone at the Shore Cultural Centre with a credit card or in person. We're requesting non-perishable food donations to be brought into the Hunger Center, if you so choose. Thank you very much, I still have tickets with me.

President Gudenas – Thank you and I don't believe you mentioned the Euclid Orchestra part of your celebration. You did, I'm sorry, Sunday, December 3rd.

Mr. Victor Goodman – 20201 Glen Russ Lane. First I'd like to just again appeal to the Mayor that I would very much like to be considered on the Charter Review. I am one of the only people that ran for election that still comes to Council and still cares. There is another gentleman as well, but I'd really like to give back to my city and I hope you will consider me.

Next I'd like to talk about the death of a myth. Don't let anybody ever say that a minority cannot get elected in the City of Euclid again. In the recent election, a two time former Mayor was an 82% plurality on the last time he ran was slaughtered by a minority in the City of Euclid and I have the figures right here. Only one ward went the other way, Ward 2, 3 and 4, unanimously supported a minority. I don't want nay-sayers to tell me, well he was a Democrat and it was a Democrat way. Well, so were the two minorities that ran in 2001 and 2003, they were Democrats, they lost. Evidently this minority person who I very much worked for, got his message out, got people involved and got it done. There can never again be said that in the City of Euclid a minority cannot get elected, especially over a person who was well known in this City. He should have lost this city if we were racist.

Lastly is something that is so disturbing that for nearly the length of time that it has come to come to this meeting, I just don't know anymore what to do. On November 8, 2006, the City of Euclid was mortally wounded; and, a Council person aided and abetted in that self-destruction.

Now this Councilman may now say, they took me out of content, they misquoted me, but I have something else to say. If he had never been part of the process, he couldn't have been misquoted and he couldn't have been taken out of content.

How in God's name can a Councilman help this rag to destroy the City of Euclid? I would like to know how this gentleman who wrote this happened to wind up at a bar in Euclid, of all the bars in Euclid, that had a crotchety old white drunk guy spouting off racist remarks. This is not my city.

I will not tolerate, you are elected to serve and protect. You failed. I would like to call, just as they do in Congress that this body sanction its own. We cannot tolerate somebody partaking whether it was a mistake or not. He gave him a tour.

Mr. Dennis Berzinskas – 20890 S. Lake Shore Blvd., not Lower Lake Shore Dr., alas. This is a time to be thankful this coming week, family, friends. I really want to thank people who went out of their way, we had a glitch, Councilman Conway, thank you very much. Mike & Sue McGinn, thank you very much. Dave Gorske, thank you very much. You made a tough situation a lot easier to handle. You satisfied a lot of people that needed it in the city and I really, really, from my heart appreciate you.

Mayor Cervenik, I think we can both say what we talked about the other day, that we both care about the city deeply, but we go about it in different ways. So to you and your family, I hope you have a beautiful Thanksgiving. All of you on Council, may you all be thankful for the blessings we have. Thank you all.

Mr. Vince Riha – 1515 E. 195 St. First thing I'd like to say is anybody that's interested in that Calabrese property should go to the Architectural Review Board. Because I sat here and listened to

all the debate, and I still don't know what he's putting there. Councilman Lisy pointed out that he's going to market this property to get other tenants. Councilman Gruber said its going to be one big garage. Still have no idea what he's building there, so it ought to be interesting at Architectural Review Board.

The reason I came, I handed out on of these to the Mayor and to the Service Director and like to take you on a little tour of some of the things from our neighborhood. In the lower right corner is a piece of property visible from the street, you see the litter and the trash. The next picture that looks like a boat ramp for a launch, is the corner of 193rd and Roseland. I have requested several times through e-mail that because of the construction on 195th and 193rd, that the sewers be cleaned. This was taken Sunday, you know how hard it rained Sunday, and this is what it looks like all the time there. This would be about a foot and a half deep at the catch basin. The catch basin is in the left corner of the driveway apron. The next one, on the upper left hand corner, the home with all the debris up on the front lawn. It is a vacant home, it is owned by Remax. Over four weeks now I have called and left voice mail messages about this tree debris that is not only about 4 ft. high on the treelawn but also covers the sidewalk. It is still there. It is vacant, so I don't know where you go with that.

Moving around to the middle, that column you see is about six feet of the sidewalk on Euclid Ave. This picture was taken Sunday. The Junior High School kids go by there, the picture doesn't do it justice. All the weight is at the top and I'm sure one of these days, some kid is going to push on it and it is going to fall over. The property is the vacant Lieberman property, so I don't know where you go with that, but those are all abatements that under Section 529.03 I think should be taken care of because of the safety problems. There are also on 195th Street, several dead trees that have been condemned for over 5 years. One of them happened to fall down the last storm, took out a street light, but the other ones still stand. The Fire Dept. had the whole street blocked and then they took the tape down and the tree is still there, what's left of it. I would like to see those taken down and under this ordinance that these safety hazards be alleviated.

Also, I had a question, when a rental property is given a home inspection, how long does the owner have to make the repairs on it? That's all I have, thank you.

Mayor Cervenik – Vince if the debris at 1524 E. 195 was not picked up today, I can assure you it will be picked up tomorrow. In talking with the Service Director, we will take care of that dangerous situation at 20001 Euclid, the pillar. We'll get those catch basins cleaned this week as well.

President Gudenas – And the trees?

Mayor Cervenik – I have to talk to Dean Grida about the trees. I don't know if those trees are on private property or public property and the way we tackle that problem would be dependent upon that.

President Gudenas – Is there a way you could summarize a little plan of action? I know we exchanged e-mails too.

Mayor Cervenik – I would say that before noon we would have the debris picked up, not only,

President Gudenas – Not right now, I'm saying if you could send out a little memo on the various items.

Mayor Cervenik – They are going to be done tomorrow, except for the trees.

President Gudenas – That would be the best. Very good.

Ms. Celeste Laney – 2220 Glenridge. I'm a new resident of the City of Euclid, I moved in about a year and a half ago and I also read the article in the Scene Magazine and I was very appalled by the article. I do work also in the City of Euclid and all of my co-workers and neighbors were appalled. For them to put that in a public, free, it was free to everyone, our outside communities, neighboring suburbs and everyone have free access to that paper. You talk about the property value being down, people are moving out of the City of Euclid. After reading that article, I would not want to move into this City. I thought this was a diverse city that had equal opportunity for everyone. I feel different now. It touched a core in me. I've been here for hours just to say this.

It is not fair to say African-Americans do not keep their yard up. Their homes are deteriorating, aluminum siding is falling down. That is an inaccurate statement to say. That is a

very ignorant statement to say. It was not appropriate also to say in that article that our children stand on the corners with their pants down smoking Black & Milds and that there's no jobs here and most of the people that are African-American is on Section 8. I am a nurse, I'm a hard worker, I purchased my home. I'm not on Section 8 and I'm not on public assistance.

There was so many things in that article that was inappropriate, not only to the African-Americans but any other person that lives in this City and I believe that they owe us an apology as a community, some type of repercussion should be taken in regards to that article being published. I am very disappointed. I know someone had to see that before it was printed and put out free. Again, you would not have people want to move into this City if they think that it is the shams.

Mayor Cervenik – I may be able to comment on that. Ma'am number one, please don't let the Scene Magazine be the spokesperson for the residents of the City of Euclid. Mr. Goodman said that we were mortally wounded. It is going to take more than a rag like the Scene Magazine to destroy the City of Euclid.

You stated that it touched a cord in you. I hope the cord that touch gets you involved in our community.

President Gudenas – Ma'am, we don't go back and forth.

Mayor Cervenik – And that we let our co-workers and our friends that read that magazine understand that its wrong. That reporter went out to find the worst of the worst. He quoted the most negative of negative people and he did it on purpose. I spoke with that reporter for two hours. My Director, Jack Johnson of Finance, spoke to that man for well over two hours and they came in and took photographs of him. They didn't use anything we said at all because, according to the reporter, we were to positive.

Now I hope everybody here understands, it is going to take a lot more than the Scene Magazine or Free Times or any other rag like that to bring us down. We all got to pull together and work hard and spread the news that this community is an open, loving community and everyone is welcome. All of our kids do stupid things once in awhile, it's kids, that's what we do. So please, I'm glad you choose Euclid as your home. Please don't, let the magazine article bother you, but don't, don't let that reflect what really is going on in our community.

Ms. Laney – Okay, thank you.

President Gudenas – I should add the Scene Magazine is probably looking for attention. If we did ask for apologies and the like, the would love that to even promote their point of view even more.

Ms. Pearlitha Taylor – 1495 E. 193 Street, Euclid, Ohio. I, too, read the article in Scene Magazine. I, too, but I really didn't interview with the gentleman, I gave him articles from the Sun Journal and the Cleveland Plain Dealer about things that have been going on in the neighborhood. I welcome the new person to Euclid but open your eyes and be for real. Maybe you're not living close to Euclid Ave. But we do have kids that's coming on Euclid Ave., taking over the community. Most of these kids are not from our neighborhood. Most of these kids are from other neighborhoods, but we have a police department that will not arrest these kids, will not get in touch with their parents, which we have asked for.

Just before coming to the meeting, there were kids on the corner again. Number of them was in front of the old car wash, next to the Sunoco gas station. They look at you, like they will, you know they're angry. I know a lot of them I have not seen in this neighborhood that lives in home. Some of them may live in an apartment building. I, too, am ashamed of what Scene Magazine wrote. Especially some of the things they said I said because for number on, I told them I love the City of Euclid, that's why I'm still here, that's why I am putting money into my property. But someone deterred them a different way. That person hurt the City of Euclid more than anything. No matter what was said, how it was quoted, in certain places you just do not take reporters. I did not give him any negative information, only good information because that is why I'm still here fighting. That is why I am at Council Meeting every chance I can get to talk about let's bring Euclid back to the map. Bring business, good business to Euclid, not just Dollar Stores. Sure we may need some, but not on every corner. Bring some stores so our kids can get jobs, part-time jobs. On Euclid Ave. we have one drug store. As long as Euclid Ave. from 191st Street all the way to the border of Lake County, one drug store. We need to look at what is going on in Euclid. We need to make a change. Sure that was a wake up call. The person who wrote the article, I think they exaggerated and found mostly negative things. But, when you talk to most people, they would not move to this City, especially if they drive down Euclid Ave., what do we have to sell? Where can our city come up and sell Euclid again? I'm happy to see new people come to Euclid. But also

would like to see them get involved, just not come and sit on the hill. Just not come and get comfortable in your home. Get out and fight. Get out and make a voice. I was so happy to see this young lady speak tonight. But get involved. Just do not go to work, and come home and stay in your neighborhood. We need to fight and work together. We need to bring Euclid back and it starts at City Hall. It starts with our administration. Bring some good business to Euclid and Euclid will grow. Do some beautification. All the beautification I hear is not where it can be seen the most. Stop thinking in the box, come outside the box and bring some good to Euclid. We cannot grow if our Administration doesn't see that we can do better. We have been cheated, we deserve better in Euclid. We have one little store that you can shop at. Value City, everyone doesn't just shop at Value City. You talk about bringing all these big homes and business, where are the people going to shop? Let's get together people and bring Euclid back and put it back on the mall, get us some business, good night.

Mr. William Hilf – 891 E. 237 St. Euclid. This will be my last time up here before we have UpStage Players auditions for the Wiz, which will be taking place December 2 & 3 at Shore Cultural Centre. Ages 7-10 will have an audition slot from 9:00-11:00 AM. Eleven to 15 year olds can have auditions from 11:30 – 2:30. Registration will begin a half hour before those time slots and the actors must stay for the entire time slot. Late comers will not be admitted. We are located in Room 258, which is above the Auditorium, most easily accessed from the back parking lot. We ask that you bring a current photo of your child, we won't be returning it, it will be used for bios, even if you've been a member of our company before. We'd like that you bring a copy of your child's birth certificate as proof of age. We've had problems before with people trying to sneak in kids a little to young or a little to old, it is for 7 to 15 year olds. We ask that you come with a song prepared, no accompaniment, song Acappella, it be a Broadway song, not from the Wiz. Only about a minute or two is needed. Try to wear comfortable clothing and appropriate shoes so that you can learn to dance, so we can see you move on stage. There will be a small \$5 fee that we collect at auditions that will be used for folders and literature to help offset the cost of the amount of copying that it takes to give out papers every week to over 100 kids. Rehearsals will be from 10:00-2:45 every Saturday until performances and depending upon your role you'll have some week night rehearsals, but if you're younger, you'll only have one rehearsal a week at night, if you're older you may have two.

Our performances will be at the Shore Cultural Centre, March 30th & 31st and April 1st. We're looking forward to this. We've done this show once before. We've grown considerably since then and we're looking forward to taking a second shot at it. For more information call 216-731-1520 or 216-731-5793. You can also e-mail UpStagePlayers@aol.com. We're a volunteer group, non-profit, all of our staff is volunteers. We do this for the children, not for any personal gain or profit.

Now, stepping back as the head of UpStage Players, the Business Director, excuse me, and is to a citizen of the City of Euclid. Our theater company has been performing in Euclid since 1997. At that point I was living in Cleveland and had no huge interest in moving to Euclid. I'd always been a Clevelander, always figured I would be a Clevelander. But, it was time, we started having a family and we were looking for housing and the place that we could find housing that we liked and that we could afford and that was close to our theater company was Euclid and we moved here in the summer of 2000 about a month before my daughter was born.

We chose to move here and we've chosen to stay here. We've had friends, families that we know from the theater company, people from the neighborhood who have chosen to run to other counties and said, you're going to do it too, you're going to do it too. It is not going to happen. For one thing I like this city and I chose to move here and despite what somebody might find by going into a bar and finding an angry drunk, or finding a person that is upset and is willing to say outlandish things about the city, I'm not going anywhere and my family is not going anywhere. We like our neighbors, whether they be black, whether they be white, it doesn't matter, we like our street. We like what the city has to offer between the rec department, the other city amenities, the easy access to the freeway so if we need to go over to visit family members farther east, farther west, we can get to places. I work in Painesville and Cleveland, I have easy access to both. I work in Geauga County sometimes. I have easy access to that. That is one of the things that Euclid has to offer is location.

When I first moved to the city, the neighbors to my right were White and they were so happy that a White family moved there and then they promptly moved four months later and told me they were going to sell to a White family and they did. Then two years later we had the police to the house half a dozen times for domestic violence, the house ended up in foreclosure and was empty for two years. Yard wasn't kept up, pool collapsed in upon itself, what a joy to live next to. Since then we've had an African-American family move in, amazingly the house is kept up, the pool is no longer there, they have a wonderful child that comes over and plays with my daughter

when the weather is nice. It doesn't seem to fit with what the Scene Magazine has to say about this city. Thank you.

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

COUNCILMEN'S COMMENTS

Councilman Conway – I had a quick question for Asst. Law Director Sweeney regarding the conversation we had earlier about making sure that landlords register and you gave out a website and some other information. I don't believe it's on our public access channel right now and it may not even be on our city website, but can we get that information published so that everybody can find it outside of this meeting on the various venues that we have?

Asst. Director Sweeney – I will do that.

Councilman Conway – I'll make my comments short tonight in light of the fact that we are getting ready to celebrate Thanksgiving and we had some very good opening remarks and we saw some of the many things that we should all be thankful for here in the City of Euclid with the football team coming up and getting started off with the Cheerleaders. Little things that sometimes get overlooked but something that certainly should make us all thankful for one of the reasons that we live in Euclid. It is unfortunate that we've had to even talk about the Scene Magazine and time and time again the press does not necessarily represent what we all know is the true amenities of the City. It is unfortunate that it had to come out and I hope that we don't need to ever talk about it again and everybody will do the right thing. I know myself, as a business owner, I did one thing that I knew I could do and I used to run an ad in that magazine and it used to be in one of my establishments and the first thing we did was call and remove it. I think that's the great thing that you have as a power of a resident that you can try to send a clear message that that kind of, in this particular case, one-sided journalism is something that we're not going to stand for. But I think we have a tremendous responsibility as the residents to continue to talk about the positive things that we have in the City of Euclid, as frustrating as it can be. I know I've had to spend a lot of time in several of the jobs that I know have, trying to overcome some of the negative perceptions that outsiders have of the City. But I continue to talk about the positive things and I know that we will all in this community continue to do so especially in light of the current Holiday that we have coming up. With that, as I said I'll make my comments very short, but I do hope that everybody has a very Happy and Safe Thanksgiving.

Councilman Delaney – Thank you. Director Pietravoia, I thought about bringing this up at the discussion over the Block Grant funds, but over the years there has been promises of some of that money that had been earmarked in the past to do exterior lighting to the Shore Cultural Centre. In light of Ms. Tekieli's comments about the efforts that are going to go with the Christmas Celebration, I know that it is three weeks to a month away, but I was wondering if we could do a look into that to see if it is possible to bring in some of the permanent lighting for the exterior of the building to aid in their celebration of Christmas and then to go and help light that center of our city here on out.

Director Pietravoia – I believe Mr. Gliha has had a brief conversation, is Del still here? He's had a brief conversation with Del about the funding for the lighting and we had talked about the ability to maximize and stretch the dollars by using some of the capital funds that were planned to be allocated to the building for that lighting and potentially using block grant funds for something else. So, we had kind of left that unresolved because we were waiting to see what was going to happen with the capital dollars allocated for Shore.

Councilman Delaney – Well, I'm not turning away any money at this point. If that's possible to help and be part of that, there is something we can line up in the next three weeks, to bring that in, I'd like to work further with you the next two weeks on this. We did it with the Henn Mansion, we've certainly done it in smaller time frames at some of our festivals as far as getting the electric and what not we need to be bringing to that area.

It is really not in my style to discuss things that were off-color in the media. I promised myself I wouldn't. However, I believe that the Council President was right, you have a publication that was looking to try and grab attention, to try to capitalize on our controversy. If you saw here tonight we had trite debate, we talked about a business and its operations and its zoning. We talked about how to go forward with the jail plan. There's several things that we have to do on a day-to-day basis. I don't think the article in that certain tabloid had said anything at all. I don't believe it

made a point. I don't think it had a start or a beginning, it was just rude, it was pretty much textbook hatchet job. Its unfortunate and I believe that as far as asking for retraction, the best revenge is living well. What we can do now is to go forward to work together and bring projects into Euclid and to garner the attention that we deserve and promotion of the things that we do get accomplished.

We have ourselves in front of a Federal Judge on different issue. We've promised to our attorney and our Law Director that they would be our spokesman. So again, here as we've promised each other, we should refer the media and all inquiries to our attorney and our law director. I think that would alleviate the problem.

If there is any silver lining, I think my hunch is that the readership of that certain alternative tabloid probably didn't have the attention span to go through all three pages, so we might be safe there. What I'd really like to do is wish everybody a Happy Thanksgiving and stay away from the deep fried turkeys, maybe try a roasted duck.

President Gudenas – Incidentally, deep fried turkeys didn't work in Middle Bass, they burnt the whole building down a couple of years ago with one fryer.

Councilman Gruber – I wasn't even going to comment on the article, because of the theatrics earlier, I feel that I have to make some comments. The gentleman was in the audience here a few council meetings ago and he was out talking to a resident and he looked at me and I said if you have any questions, give me a call. Sure enough he called a couple days later, I met him right out here in the lobby. Then I gave him the tour. The tour that I've given Frank Pietravoia, I've given Frank Ilcin, I've given Howard Litchig, I've given Barry Lieberman and I give Jeff Piorkowski once a year among other business owners on Euclid Ave.

We started out at the min-station. Mini-station over in your ward. We talked to Kristal Skovira for 25-30 minutes and Kristal is one of the best ambassadors to the City of Euclid you could ever find. When Kristal got down with him, we went over and talked to Larry Germovsek and Larry told him about the PAL program and the hundreds of kids in the basketball program. All positive, positive, positive, we were there for 40 minutes. We went down Euclid Ave., took him by Jeff DiDonato, the funeral home owner that just spent over \$3 million on the property and he talked to Jeff and right there I could kind of tell where this was going because he was asking Jeff some kind of things that were just kind of weird kind of things. So, that was fine.

We went to J.D. Buyrider, we talked to them a little while, positive, positive. Euclid's great, we're glad we're here. Took him up to my neighborhood, took him to the house, showed him the house up there, he talked to my neighbors up there. Very positive, positive, positive. I game him all information, all the good stuff on the City of Euclid. I got it back unopened from him by the way. Took him around, same tour I gave everybody. Went to the Lake Erie Lodge, introduced him to the owner there and we told how we worked with him to clean the act up, make it better. He got out of here and he told me, that was great, I'm really glad that I brought him back here, dropped him off, he said I'm glad I'm with you, you really showed me a lot of good stuff on Euclid. He said I want to finish the tour, I want to go on the other side of town one day and I said okay fine. Well, he never called.

The Scene comes out and I look at it, he portrayed me in a pretty positive light, I think. I think most of these people up here are maybe a little older than me, but I'm the old man, so you guys better watch that. So, right there I knew there was trouble. I called him up and I said, what are you doing to us here, I took you here, I showed you, oh by the way, I've never been in that bar he questioned. I'm sure he didn't have to go far to find a bar like that. I said, what did you do to us? I said I took you positive, positive, positive and this is what you did. He said, that's the story my editors wanted. And I said, okay, right there, that's the end of it. And to describe the fella, young kid from Twinsburg, probably the first job he ever had. Yeah, it was a hatchet job. So it wasn't, no matter how you make it and yeah, I did call him that because I was pretty upset with him the one quote in there, but that's all he got right. In the first paragraph and a half he got four things wrong and out of three hours of conversation he got a paragraph and a half.

So, that's not what he was looking for anybody that's got the cover, anybody who's got the magazine, look on the cover and see the surfers and see the pier in the back, that picture wasn't even taken in Euclid. I'd like to wish everybody a Happy Thanksgiving at this time and I think the Council President is correct, just let it go. Thank you.

President Gudenas – And you do not look like Richard Nixon.

Councilman Gruber – Thank you.

Councilwoman Holzheimer Gail – We've discussed positive ways of portraying this city and I believe Mayor last budget session you asked us to do a newsletter and that was then taken out of the budget. Mayor, could you describe to us how does City Hall handle PR? How do we get positive stuff out to the press, to the media, to our residents?

Mayor Cervenik – We do send out press releases every time something good happens on an economic development front or any other area, housing, items like that. Yes, it would be nice to have money for a newsletter, it also would be nice to be able to have some promotional budget as we did back in early 2000-2001 to promote ourselves beyond the community.

My knee jerk reaction to this specific article was to write a nasty letter and as some others have said, it is not worth it. What I did do is pull out 24 ads of Euclid businesses and businesses in the area that have Euclid people and we're going to pull those out. But I think we need to as a Council and Administration sit down and determine ways to promote ourselves. We can use our website, we can use our television station, we can use print media. We need to do that. We need to start compiling all the good things that are going on and make sure they get out. Those have to be on the front page of the Sun Journal, not on the third or fourth page or the Community page.

I would like help from all of you to come up with a program, it is going to cost some money, let's not kid ourselves. But, the money not spent on something like that is far, far greater expense than what we could spend and put a positive spin on things. Also, had a number of our larger businesses call and say that they would like to be a part of that as well. Because they feel the City of Euclid is a great place to do business, great place to live. Their employees like living here and they felt that we got a raw deal as well.

Councilwoman Holzheimer Gail – Thank you. I don't mean to point out just the newsletter as the end all be all, but I think it is important and all of us sitting up here and all of the residents, we need to talk about it and we need to recognize the positive. Because a lot of times we'll get caught up in oh this is the problem, this is the problem, nothing is working, people hear that and if that's all you're hearing, that's what sinks in. We all need to be very conscience of spreading what's happening good, get those good stories out there, comment on the kids and what they're doing and the schools and the businesses and cross-promote, if the Library's willing to give us a little paragraph every newsletter. Anyone who does a newsletter perhaps, I know the Chamber always has a city component to it. I think we need to be very creative and perhaps put some money towards it but we really need to let our residents as well as if you can get it outside, know that Euclid is a great place to live and we have a lot going for us. With that, I'll will say Happy Thanksgiving to all.

Councilman Langman – The community really does have a lot to be thankful for. Now, you're going to have an outsider coming in from a newspaper that has take their take in it. To me what struck me is how so tired that was, we've seen these stories about other communities for decades. So to me this was just rehashing old inaccurate news items that didn't even get the essence of what the community was all about. We are doing good things. If we do good projects, we do good things within the community, that will be publicized. That will serve as the bellwether to show where the City of Euclid is today in this century. Not speculated on by somebody else.

For example, we had a very productive Downtown Planning Committee Meeting and if anybody that was there or hopefully we'll have some slides of that on the website, have to be truly excited about the potential for Downtown Euclid and we're going to make a lot of that happen relatively soon. That's one thing to be very proud of.

We do have some new businesses on Euclid Ave. including the Bi-Rite. We need to support that. We're redeveloping and remaking our 222 Industrial Corridor, that's another item to hang our hats on. All of the many dozens and dozens of good things that happen in our community every single day. So you're the best ambassadors for the community. We can only do so much. I'm hoping that we, as a community, can pull together and make that effort. So that's what we have to be thankful for is the opportunity to sell our city. Really, when I say thanks, I truly mean that because all of the elected officials up here should be very thankful for having the opportunity to serve you. That also entails an enormous responsibility. That requires us to take responsibility for ideas that we may present and things that we may say. We have to act on a very high level, I think to affirm that the trust that you've placed in us.

I do have to bring this up and hopefully the Mayor will have an answer, but I did read Jeff Piorkowski's column and I'm a little dismayed by the language that was used regarding me and I don't think if that was used here at the Council floor, that would be in order. So, Mayor, we agree on a lot of things, we disagree on some things, obviously we do here. But I don't think that that type of language is appropriate for another public official.

Mayor Cervenik – Mr. Langman, I would love to sit down and talk to you about that, one on one.

Councilman Langman – Well, there you have it. Again, I think that kind of language is out of order and with that ladies and gentlemen, I'll wish you a very fine Thanksgiving.

Councilman Lisy – Happy Thanksgiving everybody. Thank you.

Councilwoman Mancuso – Two issues, one, Mayor I know after our tax season you got together with our tax experts. Do we have any synopsis of what came out of all that before we get into another tax season?

Mayor Cervenik – Yes, I believe Director Johnson has notes. For the most part they were very happy with the procedure but we have one more meeting scheduled immediately after our consultant comes in and looks over our codes and that should be happening very shortly and Jack's not here tonight to tell me what date he's coming in. But, we've asked these people to come back, work with the specialist to look at our tax codes. A couple of recommendations that they made about changes on the form, I know Ms. Lovelace is working on those, she'd worked on those a couple of weeks ago.

Councilwoman Mancuso – So will we get a summary before the end of the year? I know we had talked to Jack early on and wanted to wait until we got this. So we'll get some kind of report before the end of this year?

Mayor Cervenik- Yes.

Councilwoman Mancuso – The second part was on some of our ordinances, some of our codes that we allocated funding to the legal department so that we could update some of those. Where are we on those? This year in this budget we allocated some funds just to start updating some of the codes that we're currently using.

Asst. Director Sweeney – I really can't speak, Law Director Frey is handling that matter but I can have him get back to Council about that.

Councilwoman Mancuso – If we could get a summary of where we're at, because we're almost at the end of this year and we're going to be back into budgets again, and if we're going to be allocating any more funds, I would like to know what we've done this year to update those. I know we had a limited budget for that but we should have been able to accomplish something in that.

Asst. Director Sweeney – I will advise the Law Director to get back to Council on that issue.

Councilwoman Mancuso – I wish everybody a very nice and hopefully loving Thanksgiving. Good night.

Director Pietravoia – Councilwoman Mancuso, I'm not sure if you meant the Law Dept. budget specifically or just in general, because we did allocate some funds in our department and we have contracted with the Cuyahoga County Planning Commission to update several aspects of our zoning code. They are about 2/3 of the way complete with that work and we'll be bringing those recommended changes to both Planning & Zoning and City Council.

Councilwoman Mancuso – Before the end of the year?

Director Pietravoia – I will defer to Asst. Director Beno on the timing. With the Holiday season upon us,

Councilwoman Mancuso – Could we at least get,

Director Pietravoia – It is going to take some deliberation of both bodies, so we maybe able to at least advance them by the end of the year but we won't likely see either body act on them probably until after the first of the year.

Councilwoman Mancuso – If we can just get an update of which ones we're working with because it has been a whole year and we're going to go back into budget and I'm sure you're going to request more funding for that. I would like to be able to at least look at what we've done this year.

Director Pietravoia – We will get that information out to Council by e-mail is probably the easiest way.

Councilwoman Walsh – First thing, it impressed me that we covered so many things tonight with the sensible debate going back and forth with the residents first in mind. Sometimes I think you tend to forget where the residents are in the triangle, but they should be at the top of the triangle, always. I think tonight both the administration and the Council showed that the residents were at the top of the triangle.

You talk about a newsletter, but I think we all have to go out and we all have to be the very best ambassadors we can be for the City. A newsletter among ourselves inside our borders is nothing. We have to go and we have to rectify what happened.

I really didn't want to talk about the Scene because when I read the Scene Magazine, I cried. I cried for us and I cried for our city and I seriously thought about resigning. It is not my city. I love this city with a passion. Whether you banter back and forth or you vote yes or you vote no, you just try to do your best. But there was not one article in that Scene that was my city and the city I wanted to be elected to represent.

It is unfortunate it happened, but a lot of times people light bonfires and those bonfires are smoke screens to hide hidden agendas. I cannot for the life of me figure what the agenda was. I am not anything that is in that magazine, in that article, nor would I ever be. But then I thought about it and it is an honor to sit up here and serve. It is a pleasure to sit up here and serve. Serve I will and serve I must until somebody comes along that is a better person to serve and sit here for Ward 3.

I've developed a lot of relationships and a lot of friendships and I think I've done my job. But that Scene Magazine is not one person on this Council. It is not one person in this administration. I would fight to the death to defend anybody that is not us.

Having said that, I hate to turn and be really happy, but, I do have raffle tickets for a Play Station 3 to benefit Toys for Tots and that's another cause that I'm really trying to help because we're going to do a lot of good for a lot of kids. I wish you all a Blessed and Happy Thanksgiving and let's be thankful that we live in Euclid, the best little city in the world. Thank you.

President Gudenas – With me speaking last, that means our first year is up. It was about one year ago we were elected and we have just about finished twelve months of our first year in two years in office. And I'd say that we've probably surprised a lot of people in how we've moved along and done many good things. But at the same time, there is much more to do. I'll ramble a little bit in that, we are not a small city, we're one of the top 20 cities in Ohio. We are an extraordinary city with 4 miles of lakefront, 6 freeway exits that will take you right into our city in either direction. Metroparks, beautiful homes, great neighborhoods, people that will accept anyone moving into the neighborhood. Extraordinary safety forces, second to none.

It is an extraordinary city and it has been an extraordinary city since I was here, since generations before me were here. That's the key part is that our city will go how we make the city go. It's in our hands. For the first year, it has been in our hands to do our best that we can and now we have just one more year to do what we can. We have challenges everyday to make good decisions for the benefit of the residents. And, as was said just minutes ago, that's who we work for and that's all we work for are the residents. We cooperate with the administration, cooperate with all the workers here, residents come first, what's best for the people who live and work here in the City of Euclid, period.

We will have great challenges for the next year as I sense all the goals that are listed in that checklist out front and I'm going to start checking some off because one year is up and we're going to have to focus. But, as I look at our financial situation, we will have big challenges next year. The bond retirement fund which provides all the money for these big capital projects to fix up Shore, to buy the Police cars, to fix up the jail, what have you, appears to be in a very bad situation in my opinion. In that, before we were told that maybe the general fund will need to contribute some money to it, it seems that we will have to contribute money to it in a sizable way, possibly to reach some of the goals that we have there, at least \$500,000 a year.

At the same time, we don't know how our income tax collections are going to go. This is our first full year with our own system where we have accelerated payments coming in this first year, which normally would have been spread out over several years. We're hoping things can continue but we don't know for sure.

That's where, for instances on this jail program, we all agreed with the administration to make an efficient jail run as best as it can for the taxpayers. We have to remember that every penny that goes to the jail, doesn't go for a Rec Center, doesn't go for the Senior Center landscaping, doesn't go for police cars, doesn't go to Shore Cultural Centre for its lighting. We have to watch every single project as its going to be our last project.

As a result, we're going to have a special meeting, November 29th, it is a Wednesday to talk about the Bond Retirement Fund and its projections over the next few years. Because before we do our budget hearings, we first need to know what capital does the city have for its future investment because that will determine how the General Fund goes to. That's number one on the agenda that day, number two, City Council will appoint its hopeful or talk about the four appointees to the Citizens Public Involvement Committee, EPIC, for helping with the future involvement in elections and political activities here. Those will be the two items on the agenda.

Now I'd like to have a challenge to City Council and Administration because as we go to these budgets, we're going to have to deal with millions of dollars of issues, but what if we focus for a little bit to come up with \$100,000 a year in savings from the small items. Let's just see what we can accomplish real quickly. I know Councilwoman Walsh did quite a bit of work on envelopes, how much we could save by printing them elsewhere. I've looked at our phone records, seeing what we pay for long distance. It all sounds a little simple, but I think we can add up to \$100,000 a year. We're not talking about changing employees or this or that, but take all the things we do throughout the City, come up with that and let's do something with that money towards one of our big projects. I'd say let's do something small, which will add up, because we also have the very big projects.

At the same time, let's focus back again on the things that were brought to our attention. For instance we had a gifted student from Euclid High School that made a great presentation to the City about our website. A lot of it was free stuff. Let's just do some of these things that were brought to our attention, get them done and make the City better. Let's remember the, we talk about ambassadors, the Euclid Orchestra is one of the greatest things we have here, Sunday, December 3rd. Go see them, they should be live on our cable TV studio. Why they are not being shown, I don't know. That's the kind of thing we need to do. That's what gets the word out throughout the community. I think that's about it. I would like to wish Mayor Cervenik, all the administration a Happy Thanksgiving, all of our Council members Happy Thanksgiving, residents Happy Thanksgiving. Thank you for giving us this first year to work for you and we look forward to greater things in the future and hopefully we'll all be reading about the good things.

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

Attest:

Clerk of Council

President of Council