

**COUNCIL MINUTES
JANUARY 2, 2007**

The regular City Council meeting was held on Tuesday, January 2, 2007 at 7:00 p.m. 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, Finance Director Johnson, Asst. CS&ED Director Gliha, Service Director Gulich, Parks & Recreation Director Will, Police Chief Maine, Fire Chief Cosgriff, Zoning Commissioner Beno, Sgt.-at-Arms Novosel, Clerk of Council Cahill.

Invocation was given by Craig Farnsworth of the Baha'i Faith.

There was a moment of silence, National Day of Mourning, for former President Gerald Ford.

President Gudenas announced former Mayor Oyaski's mother, Mrs. Charolette Martha Oyaski, passed away on January 1, 2007.

COMMUNICATIONS

Council has received the following communications:

A letter from Mayor Cervenik appointing John Monroe to the Planning & Zoning Commission.

COUNCIL MINUTES

Councilwoman Holzheimer Gail moved to receive the Council Minutes from December 18, 2006. Councilman Lisy seconded. Yeas: Unanimous.

ADMINISTRATION REPORTS & COMMUNICATIONS

Mayor Cervenik presented Res. 1-2007 to Police Chief Maine in recognition of his almost 30 years of dedicated service to the residents and businesses in the City of Euclid.

Mayor Cervenik – Thursday, January 4, 2007 at 7 PM the Charter Review Commission will meet for their initial organizational meeting in City Council Chamber.

The members of the Charter Review Board are: D. Fay Miller, Willie Brown, David Hiscott, Carol Bechtel, Diana Ross, Frank Dempsey, David Gilliam, Brenda Hall and Spiros Gonakis, Jr.

I have appointed John Monroe to the Planning & Zoning Commission. We lost Melody Stewart due to being successful in becoming an Appeals Judge. Well another member of the Planning & Zoning Commission, Pat Fisher, was asked by Melody to serve as her law clerk. That required her to leave the position of Planning & Zoning due to possible conflicts of interest. John Monroe is a local attorney. He serves on the Shore Board and a number of other boards. He has a family and his expertise is in land use, so John will be a welcomed addition to the Planning & Zoning Board.

We mentioned Mrs. Oyaski's passing away. We truly do wish the family, give the family our sincere condolences and prayers and understanding. We also had two other deaths, former Fire Captain Richard Sterle passed away over the Holidays and also our Recreation Director Kathy Will's mother passed away. We just want to thank you for all the consideration that was given to Kathy and her family and condolences.

In addition I would like to thank the Euclid Fire Dept. and its firefighters for having an honor guard over Mr. Sterle's casket at the funeral. It was very befitting of his long and decorated career with the City of Euclid.

We also read in the Plain Dealer, Friday, which was a surprise to all of us. Eaton Corporation is planning to purchase Argo-Tech. I wasn't quite sure how to take the news at first. I know Eaton Corp. is a multi-national, multi-billion dollar firm. People I have talked to off the record have told me that they feel that this will be a very positive move, not only for Argo-Tech but also for the facility as a whole. As soon as we have some direct contact with some members of Eaton's management group, we'll be able to fill you in a little bit more. I have been told by everyone I've talked to, to just relax and it looks like it is going to be a positive move rather than a negative move. Eaton Corp. has their headquarters here in Cleveland, Ohio. They are dedicated to making this region grow and I think that's all positive for us as well.

REPORTS & COMMITTEE MINUTES

Councilwoman Holzheimer Gail moved to receive the Planning & Zoning Minutes of December 19, 2006. Councilman Delaney seconded. Yeas: Unanimous.

January 2, 2007

Page 2

Lot Consolidation

Council should approve or overrule Planning & Zoning Commission's approval to allow a lot consolidation of two sub-lots, known as P.P. #644-09-918C and 644-09-919C, respectively, in order to create one 67' x 26.5' single condominium unit located at 25801 Lake Shore Blvd. – Units #133 & 134, Bonneville Towers. Proposed lot complies with all applicable codes.

President Gudenas – Motion to sustain Planning & Zoning. We are combining two condos in the Bonneville Towers, that sounds good.

Councilman Langman moved to sustain Planning & Zoning Commission's approval of a Lot Consolidation at P.P. #644-09-918C and #644-09-919C. Councilman Lisy seconded.

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

Approved.

Councilman Gruber moved to waive the 24 hour notice and place on the Agenda, Res. (259-07) and Res. (258-07). Councilman Conway seconded.

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

Legislation added to Agenda.

COMMITTEE OF THE WHOLE

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

President Gudenas - #1, is listed as a first reading. If there are no objections, we will waive the other readings and consider this the first, second and third reading. If anybody wants to talk about #1, this would be the appropriate time because there might be a vote on that.

#4, regarding the agreement with the City of Cleveland over the waterline transfer, will be placed in Committee and possibly #3 too, to be discussed further.

Mr. Dallie Vernon – 1497 E. 196 St. I'm interested in #1, (257-07). I'm wondering what sort of a scrap iron facility this is going to be. Are we talking about old cars, or just like copper and minor metals?

President Gudenas – We do have representatives from the group. This would be the appropriate time if somebody wanted to briefly explain what the business will be and answer the question. We have former Mayor David Lynch who is now in the scrap business. No, I think he's still a lawyer.

Mr. Lynch – That's all that's left for Republicans, at least in this County. To address the question, Mr. Vernon, the facility is a recycling facility, more than anything else. As a matter of fact, everything will be removed from the facility from a large hauling box, the kind you would see on the back of a semi and should be filled about once everyday. It is a very short-term process, to respond to your question. There maybe some automobile metals, but again, those would all be removed as well on as close to a daily basis as humanly possible.

President Gudenas – This had gone through Planning & Zoning without any issues.

Mr. Lynch – There were some conditions that were placed on Mr. Krash for his operation. I want to make representation, I don't know Councilman Gruber, if this is the appropriate time to raise that? But I can see by the nodding of your head that it is. In addition to that, all the conditions that will be satisfied, the frontage along Dille will also be the subject of plantings and we plan to work with Zoning Commissioner Scarniench to make sure that they exist in the quantity and level of beauty consistent with the desires of the neighborhood.

President Gudenas – Something that will fit in with the railroad tracks.

Mr. Lynch – Perhaps we can also spruce things up around that area generally.

January 2, 2007

Page 3

President Gudenas- Any other questions on that? Anyone else on tonight's agenda?

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

LEGISLATION

Res. 2-2007 (257-07) UDE 1423 Dille Rd.

A resolution granting a Use District Exception to G.R.K., Inc. and Joseph P. Krash, Dille Road Recycling, LLC, to allow a scrap iron related facility in a U-6 (Industrial and Manufacturing) Use District, and a parking variance for seven (7) spaces at 1423 Dille Road, Euclid, Ohio 44117 (Permanent Parcel No. 646-29-020). (Sponsored by Planning & Zoning Commission)

Councilman Gruber moved for passage, Councilwoman Walsh seconded.

Asst. Director Beno – On December 19th, the Planning & Zoning Commission discussed all relevant issues in a public meeting and voted to recommend to Council support for a Use District Exception for Ferris Metal Storage and recycling at 1423 Dille Rd., subject to three conditions. Those three conditions being that open yard storage of Ferris Metal materials be limited to an amount which can be contained in two 40 yard roll off type boxes; hours of operation will be Monday thru Friday, 8:00 AM until 6:00 PM; solid fence, a minimum of 8 ft. in height must be constructed to enclose the perimeter of the outdoor storage and material handling area in compliance with Chapter 737 of the Codified Ordinances, and maintained with a uniformly painted surface.

Councilman Gruber moved to waive the three reading rule. Councilman Conway seconded.

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

Readings Waived.

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

Passed.

Ord. 3-2007 (255-07) Appointment to Boards

An ordinance amending Section 131.05 of the Administration Code of the Codified Ordinances of the City of Euclid to provide a process for which appointment to City boards and commissions are made. (Sponsored by Mayor Cervenik and Council President Gudenas)

Councilman Delaney moved for passage, Councilman Lisy seconded.

President Gudenas – This ordinance came about because of some confusion over some of the appointments that were made to the Charter Review Commission. I had asked the Law Dept. to confirm exactly what is the procedure for making appointments here in the City of Euclid and apparently we couldn't come up with any. It seemed appropriate working with Asst. Law Director Kelley Sweeney to come up with some basic guidelines so that in the future, we'll know when an appointment is made official and how the whole process will work. This sort of does, not just house cleaning, but helps us plan in the future and I know Mayor Cervenik is co-sponsoring and has in fact put it into affect already with the letter we received regarding the Planning & Zoning appointment. It is good communications, it helps us know when something is official. Asst. Law Director Sweeney, would you like to take it from there.

Asst. Director Sweeney – Every Board or Commission listed in Title 7 of the Administrative Code already has the pertinent language as to who is the appointing authority. If a particular Board or Commission has any qualifications for that member, the length of the term. However, we didn't have an ordinance that provided how to effectuate this appointment. There was only an ordinance for temporary appointments, not permanent appointments.

So, I drafted this ordinance to include a process for full appointments, whether there's a vacancy, for example if somebody has to resign from a board or commission, or if the term is going to expire. The first thing that should happen is if administration is made aware of somebody resigning, administration should advise the Clerk of Council that the membership is

January 2, 2007

Page 4

going to expire and that will start the clock ticking and as soon as that membership expires or the term ends, the appointing authority, whether it is the Mayor or Council, has 30 days to make an appointment. Then notice should be made in writing and if the Mayor is the appointing authority, notice should be given to Clerk of Council; if Council is the appointing authority, notice will be effectuated through resolution. Also no appointments shall be made prior to a membership expiring. I already mentioned the effective date of the appointment; that's about it.

President Gudenas – Thank you very much for your thorough job over the holidays. Any questions on that? One thing to the Asst. Law Director, first of all we are very pleased with the appointments for the Charter Review Commission and we do not want to do anything to upset those appointments, but I still would like to clear up exactly how we deal with, and I don't know if we need additional legislation, or how we deal with the fact that the ninth member of the Charter Review Commission was appointed after the one month time period when there is no provision to go past the one month time period. What do we do? We certainly want the appointment to stay, but what do we do to clean it up in case there's any future challenge to this?

Asst. Director Sweeney – We didn't even have a 30 day time frame to begin with, so technically the thirty days is what we just put in now with this new ordinance.

President Gudenas – The Charter says within one month after a general election, nine shall be appointed. That's in the Charter, that's not one of our ordinances. That's something and I had asked the Law Dept. and the Administration to respond back in December and I haven't received anything yet. I would like to make sure we clean this one up.

Asst. Director Sweeney – Law Director Frey and I discussed if something happens after the 30 day mark, that we don't really have a provision for what happens if someone is not appointed in the 30 days and that might be something for Charter Review to discuss.

President Gudenas – So would this have to be a Charter change? It doesn't say anything about if somebody leaves that they can be replaced.

Mayor Cervenik – To shed a little light on that, there were nine appointments made by the 7th of December. After that time, one of the appointments realized with myself that should could in fact have a conflict of interest. Between the time she accepted the appointment, and it is Miss Diane Stimburys who served on the Charter Review as the Chairman at the prior Charter Review. During the time she accepted to be on there and after that date, we realized that she married Mr. Smith, a member of the Planning & Zoning Board. As we discussed it further, because the Charter Review Commission can change items as to the way the Planning & Zoning Commission operates, that it could very well be effectively a conflict of interest.

There were nine members appointed within that time. So my appointment of Diana Ross would fall under this legislation here as it was my understanding in my discussion. I fully agree that in the future it should be in writing with notification immediately. There were nine bona fide members of the Charter Review Commission. They will be sworn in this Thursday, January 4th. The prior Charter Review Commission was not sworn in until January 14th. Swearing in does not necessarily effectuate the appointment.

President Gudenas – We understand that. Okay, we can still work out this to make sure we have it covered. Again, there is still nothing if somebody would leave to say that they can be replaced with an additional appointment which was probably an oversight from back in 1991 when it was changed and 1952 probably whatever it was when it was first started. Any questions about any of this?

We do have an amended version of this ordinance, (255a-07) which had one minor change, which basically and Council members should have this, includes the words, no appointment shall be made until a membership becomes vacant, or the term has expired. Again, just to further clarify what we've been doing in the past. So we would be first substituting (255-07) with (255a-07).

Councilman Delaney moved to amend (255-07) to the wording of (255a-07). Councilman Gruber seconded.

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

January 2, 2007

Page 5

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.
Ordinance passed.

Res. (254-07) Funds for Charter Review Com.

A resolution of intent by this Council to appropriate funds for the operation of the 2007 Charter Review Commission. (Sponsored by Mayor Cervenik)

Councilwoman Holzheimer Gail moved for passage, Councilwoman Mancuso seconded.

President Gudenas – In a way this is routine. Mayor Cervenik.

Mayor Cervenik – To appropriate the funds. Prior Council, I believe they passed legislation that compensated Board members \$25 per meeting. It also requires that we have a secretary because all the meetings are public to record the minutes and that will pay for someone to do that as well as the Board member's salaries. This is the same amount that was appropriated in 1998 and I do not believe they exceeded, I don't think they hit \$12,000 total. A lot depends on how long the Commission meets. They have the ability to meet for up to two years. They have the ability to adjourn at virtually their majority vote. It is sort of an open-ended as to how long they will last.

Councilman Delaney – I did have it here today that last Charter Review spent \$11,369.

President Gudenas – Over two years.

Councilman Delaney – Correct, 1999 to 2000.

President Gudenas – The thought of the day was because some of the members we've never met is to invite them in to a City council committee meeting where after their first meeting, but sometime this month in January, where they could come in and sort of explain how many meetings they are going to have, or what their basic plan is so we can fine tune this budget and see with all the other issues coming about, if there's going to be other needs.

Mayor Cervenik – That is one of their main initiatives Thursday night. They want to give themselves a self introduction. By the way the paper did say that I did not know all these people, I do know, I have met and talked with each and every one of them. Just to clarify that. They are going to have a self-introduction, tell a little bit about themselves, and determine how they want to meet. The Law Dept. is going to give them a brief presentation and review of some of the actions of prior Charter Review's. It is really a process that we should allow the Commission members to do themselves. They are going to want to talk to each one of you anyhow. A lot of the process for Charter Review is to interview each and every member of council if they so desire, members of the administration, members of the public. They may even go to other communities and certainly research the Charter in other communities as well. Each Charter Review, I appoint them, but from here on end they operate independently and as best way they see fit.

President Gudenas – We understand. Any interest in having the Charter Review Commission meet with the City Council Executive & Finance Committee to go over plans and budgets?

Councilman Delaney- I'd look forward to hearing an organizational meeting from them. My question would be, would this be before the time clock starts ticking on the \$25? Would they be in fact employed to come into the committee meeting?

Mayor Cervenik – Yes. When I swear them in, I would expect them to be compensated for their time on Thursday night. I don't even know that all the board members, I don't think we even discussed the compensation. I would be surprised if they all know that they do get compensated at all for this. They've been referred to as volunteers and they wanted to volunteer. Twenty-five dollars to participate in this process per meeting is, that's volunteering.

January 2, 2007

Page 6

Councilman Delaney – I wholeheartedly agree, they should be compensated. It is a very important task and they're going to have to do a lot of research and put a lot of time in other than just coming in to meet. Council President, I certainly look forward to having them for a Committee Meeting.

President Gudenas – We'll do this right away, and we have no problem with appropriating the money needed, but I would certainly like to meet with them this month in a formal setting. If you go one person at a time, it could be June by the time they get to everybody. We could schedule it before one of our budget hearing meetings. They could come in, make a presentation, this would be after their meeting Thursday so we'll know how they're organized, they have some time to think about it and can make a specific request, the timing, so the public knows what's going to happen and when it may happen and how this whole thing will go. I think the more this is in public, with this part of our Council process, the better the residents will know what is going on.

Councilman Lisy – Are the Charter Review Commission meetings televised?

Mayor Cervenik- Yes, they will be televised.

Councilman Lisy – I'd be in favor of meeting the Charter Review at an Executive Committee Meeting, but I'd like them to have some time to prepare so that we can at least get some familiarity with what their agenda would be, a high-level agenda. So, let's not make it too soon, but not too late.

President Gudenas – We'll wait until they meet on Thursday and then they can tell us when they are ready.

Mayor Cervenik – I highly doubt that they will have anything finalized Thursday as well.

President Gudenas – We don't need to know on Thursday, but you can put them on notice to let us know as soon as they are ready.

Mayor Cervenik – I'm sure they'll look forward to it.

Councilman Lisy moved Res. (254-07) to the Executive & Finance Committee. Councilwoman Mancuso seconded.

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

Into Executive & Finance Committee.

President Gudenas – We have an extra week in January so hopefully we can take care of that this month.

Ord. (256-07) Agreement with City of Cleveland

An ordinance authorizing the Mayor of the City of Euclid to enter into the following agreements with the City of Cleveland: Joint Economic Development Zone Agreement, Amendment to Water Service Agreement for Direct Service, and Asset Transfer Agreement. (Sponsored by Mayor Cervenik and Entire Council)

Councilman Gruber moved for passage, Councilwoman Walsh seconded.

President Gudenas – We on City Council were made aware of some of this by reading the newspaper. Then I had the good fortune of running into Mayor Jackson who put me in touch with his Utilities Director. Then eventually we did get the information from the administration, but this was put on tonight's agenda because after reading the fact sheet, there's a little bit at the very end that says there's basically a February 1st deadline if we want to be part of the new capital improvement budget for the City of Cleveland's waterline improvements. In fact it says that the Division of Water intends to proceed with the water main replacement selection on or about February 1, 2007, so prompt responses are appropriate. We wanted to bring it on the agenda so we could place it into Committee and Service Director Gulich, are we still okay for Thursday the 11th?

Director Gulich – Yes.

President Gudenas – So Thursday, January 11th at 7 PM, we will have the officials from the City of Cleveland, Division of Water, come in and explain this. Basically right now the City of Euclid owns the waterlines and the City of Cleveland is responsible to maintain the water lines but not to replace the waterlines. With this new arrangement the City of Cleveland would be maintaining and replacing the waterlines. We in the City of Euclid through Mayor Cervenik and the previous Mayors and Service Directors have done a great deal of work on coming up with our priorities for waterline replacements and we want to make sure that the City of Cleveland understands all the work we've done and our needs here before we proceed. There's one other part of this whole agreement where we the City of Euclid and City of Cleveland agree not to steal businesses from each other and if businesses move from one city to the other, that we compensate the other city for some lost taxes over the first 5 years. Nothing to do with residential property and it is only between the City of Cleveland and the City of Euclid, this agreement. It would not affect somebody coming from Solon to Euclid, or Mentor to Euclid or Euclid to Lakewood. We'll go over these details, but this could be a very important thing for the City of Euclid.

Councilman Lisy – Director Gulich, there's a waterline fund that gets reimbursed from the City of Cleveland for the repairs that the City of Euclid, they do part of the hole repair and then the City of Cleveland reimburses us for time, material and some other items. I don't expect you to have the answer here but I'd like to know how that would impact our budget and so if that's something that could be reviewed prior to the January 11th meeting. We generate something like \$170,000 from that, so it is a significant part of our budget for the Streets & Sewers Dept.

Director Gulich – Indeed Councilman Lisy, you're correct on all of those and we intend on having some answers at the time of the presentation a week from Thursday on the 11th.

Councilman Lisy moved Ord. (256-07) to the Executive & Finance Committee. Councilman Gruber seconded.

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

Into Executive & Finance Committee.

Res. 4-2007 (259-07) Amend Hiring Freeze

A resolution to amend Resolution 212-2006, passed by Council effective December 4, 2006, instructing the Administration to implement a hiring freeze for all departments funded by the General Fund, to be in effect from the date of passage of the resolution to June 1, 2007. (Sponsored by Councilpersons Langman, Lisy, Gudenas, Conway, Mancuso, Delaney, Walsh)

Councilman Delaney moved for passage, Councilman Langman seconded.

President Gudenas – When the hiring freeze legislation was discussed and voted on, Chief Cosgriff mentioned that he really was expecting to hire one additional firefighter. After that meeting, Councilman Lisy did additional research over all the discussions and Chief Cosgriff had provided additional information. It does seem in everyone's best interest to make a decision sooner than later on this issue because it does affect some negotiations we have outstanding and some issues we have with the SAFER grant which is a whole separate story.

That's how this came about because the Fire Chief has made a good case for this position and to do it sooner than later. Chief Cosgriff.

Chief Cosgriff – I would like to say that I certainly understand Council's concern with the financial condition of the city and the thought behind the imposition of the hiring freeze. However, I believe that we also need to maintain a stable work force and the safety of our firefighters as well as our citizens rely on that. We currently have an uneven number of firefighters among the three shifts. By hiring one additional firefighter it would even out all three shifts at 25 firefighters per. This will allow us to have some flexibility in our scheduling and the cost of this firefighter maybe offset somewhat by a decrease in overtime cost. I'd ask you to please pass this.

January 2, 2007

Page 8

Councilwoman Holzheimer Gail – I just wanted to renew my objection to having a hiring freeze in the first place before we have a budget and before we've discussed any of the individual budgets. Nothing against the Chief and your request, but all these requests should be handled through the budget process so I will again vote no on the Resolution, although I support the additional, when we discuss it, I may support the additional firefighter.

Councilman Lisy – Chief, a compliment to your e-mail. It is a complex subject and after 4-5 times reading it, I'm getting closer to understanding all the manning issues. My question is with respect to the SAFER grant. Is there anything Council can do to support your efforts in getting a favorable decision with the Federal government?

Chief Cosgriff – I would say at this time, no.

President Gudenas – To clarify, it was a year ago December where the City received the very good news that the federal government was going to pay up to \$100,000 for each firefighter hired over a 5 year time period, if we hire 10. It turns out the way the government read it, it's either hire all ten or get nothing at all. So we've hired three and now an additional, that's four, which would mean about \$400,000 which the City of Euclid certainly can use and we were expecting to get the \$300,000 for the ones that we already hired, but we received some bad news recently that some officials in Washington we're reading something completely different than the way we understood it. That's our little dilemma here and I know the Chief is working very hard to make our case and we're hoping that will change. If for some reason we need help from our other Washington officials, I'm sure they'd help us out over there. It certainly seems very unfair to the city to not be getting the money that was promised.

It is unfortunate although that at some point, we found out about this in a roundabout way, that somebody at City Hall here would have discovered that we're short \$300,000, because the money should have been delivered sometime before December. If it wasn't for this extra firefighter and all the extra research we did, we'd never would have known that the SAFER grant was not funded. We definitely would prefer in the future not to have these kinds of surprises, come out like in a little treasurer hunt that we have to go through. Any other comments?

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

Nay: Holzheimer Gail

Passed.

Res. 1-2007 (258-07) Police Chief Maine

A resolution of sincere appreciation to Police Chief David Alan Maine in recognition of his almost thirty years of dedicated service to the residents and businesses in City of Euclid. (Sponsored by Mayor Cervenik and Entire Council)

Councilman Gruber moved for passage, Councilman Conway seconded.

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

Passed.

COMMITTEE OF THE WHOLE

President Gudenas – That is our regular schedule, we're going to delay everything for another hour to make it like all the other meetings, so. But anyway, this is the time for anyone to come up to talk about anything for the general health and welfare for the City of Euclid.

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

Ms. Yvonne Yates – 27801 Mills Ave., Unit J, Euclid, OH 44132. After reading the article titled, Residency Issues Addressed, in the Panther Proud December 2006, I felt a need to respond. The article is concerning children possibly being in the Euclid School system illegally.

I am a mediator with the Department of Justice Affairs, Office of Mediation. It is my job to establish custody of children and assist parents in detailing parenting schedules so children can enjoy an uninterrupted relationship with both parents that live in separate households. My job focus is seeing that every child have the best life possible. That cannot occur if a parent faces legal actions by having a child in a school system illegally. That also puts the child's education at risk.

January 2, 2007

Page 9

Our office covers all of Cuyahoga County and in the last twelve years the message has been the same. It is written that parties understand that each child must attend school, in the school district of the custodial parent, residential parent, or the legal custodian, if the child attends public school. Determining custody of children is a serious legal issue. I think the biggest problem is that some people may not understand the time frame of the court process. In a nutshell, when a person is seeking custody of a child, that person has to first file in the intake department on 1910 Carnegie. Then have the paperwork notarized and taken to Juvenile Court on 22nd and Cedar, for data entry which results in a case number given. The case is then returned to the Intake Office for additional data entry, which results in a mediator being assigned. Judges rarely hear these cases, but they provide the mediation to help parents learn how to focus on their children and not themselves.

The mediators are assigned cases on a monthly basis. In December I receive my January cases about 20 at a time and all that is scheduled for January. Special emphasis is put on months of July through September where we concentrate on nothing but school filings. So a child's paperwork can be in place at the start of school. When all parties are present for their mediation session, usually the mother and father, or the parents and a third party, if a third party is getting the custody of the child and they are all in agreement, I can complete the case in one day. When the parties leave the session, they have in their hand a copy of the signed agreement which is now becoming contract between the parties. An exit letter that states how long it would take to receive their Journal Entry and a business card from the mediator in case the school has questions.

The case is then re-routed to all the above entities for their final data entry. It would take the party 6-8 weeks to receive the Journal Entry, which is the agreement now approved and signed by the Judge. Most schools want what is best for the child and are aware of the Court's process. If the School has any questions concerning the custody, they can give us a call. Although I'm bound by confidentiality, I can confirm an agreement is true and I am able to track its exact location and tell the school how long before the process is completed.

In the parenting agreements we also discuss how the child is cared for. So if your child is seen traveling to other destinations by car, or bus after school, it does not always mean the child is outside of the school district. It just might mean that you have a responsible parent making sure that their child is safe and cared for properly until they return home. Thank you.

President Gudenas – Thank you very much for your explanation.

Mr. Warren Wallace – Euclid. First of all I came down here, very, very, very, very upset. I talked to Pearlitha Taylor and everybody knows her and I is a best of friends. But, I hear she's being threatened not to come down here. I don't know what's that all about. Pearlitha Taylor needs help down there. For one, that area seems to be the point of infiltration for what's not good for Euclid. Our Council person isn't giving her any, any kind of help. It's a personal thing between her and that Council person, right now from what I understand that, the Council President and John Conway is assisting her, what little you're doing down there. You need to do a whole lot more. She's really your ambassador down there. That particular area is the point of infiltration for whatever's going to happen in Euclid that's not for the betterment of Euclid. I don't know what's up with this Ward 4 Councilman, but I was going to go into that, but I'll save it for another day.

What really bothers me is that you guys are allowing people to use the "n" word. You're allowing these Black residents to be disrespected and everything under the sun and you swore to serve every resident in this city. You guys are sitting down on your hands and you're doing nothing. To me that's cowardess, you're doing nothing, you're saying nothing. You all can write the Sun Journal, and you all can complain day in and day out. But when they wrote that nasty, nasty little article that this Council person took people around, took them to the worst places in the city, just so he could make this city look bad, you guys could not get together and write an article and saying we don't condone that type of activity in our city and these Blacks are not the problem that we're having. It's problems with, it's economics and everything else.

This guy took these people around here and he made our city look bad. He's the worst thing that's happening to the city right now. He's the straw that broke the camel back. Black people are so fed up with you White folks right now, it's unbelievable. I am so fed up with you guys, for sitting on your hands and not speaking. We have a Jewish councilman, right now and he don't know, what he don't realize that when these racists put Black people in that category they're putting you in there too and they are going to come after you too ...

Council Minutes

January 2, 2007

Page 10

President Gudenas – Mr. Wallace, you're crossing the line now. We've got to keep it to what's for the benefit of the city instead of

Mr. Wallace – It is the benefit of the city.

President Gudenas – Well, we're

Mr. Wallace – Well why didn't you get upset when these folks was calling us niggers? Why didn't you get upset then?

President Gudenas – Mr. Wallace now you're Out of Order, please, I'm sorry that we have to start this year, but you've crossed the line, I'm sorry.

Mr. Wallace – You crossed the line when you did not defend Black folks.

President Gudenas – Mr. Wallace, I'm very sorry.

Mr. Wallace – I'm sick and tired of you White folks, man. I'm tired of you all. I've held off long enough man. Long enough and so have other Black people and you don't seem to realize what's happening here.

President Gudenas – Mr. Wallace, I'm sorry, you're going to have to finish now.

Mrs. Madeline Scarniench – 1511 E. 221. Happy New Year everybody. I haven't said anything about this before and I really wasn't planning to do it now. But, I think enough is enough. The day that journalist was here at City Council, Mrs. Taylor sat outside with him with her books, with all of her information in it. I went to Councilman Gruber and I said, Chris, you need to talk to that young man so he makes sure he gets all sides. So if you want to blame somebody, blame me because I'm the one who told him about the gentleman.

The next day, I was one of the people that he came to my house. He probably spent 35-40 minutes at my house. I know other people who he went to their house. But I know you didn't see my name or anybody else's name in that article. Every time that we have had people come in and Chris does his tour, it is always a wonderful tour. He takes them, just like I did a long time ago, the good, the bad and the ugly. But not once did I hear him say anything racist. I know he did not take that gentleman to the bar. Chris has done everything that he can to help.

When I was President of Heritage Park, we've always had our disagreements, but we've always walked away as friends, and everybody knows I've ran against him twice and lost and we're still friends, because that's the way it works.

It is just time to stop the negativity because the outbursts like this is what is going to cause the problem in our city. It has to stop. I don't believe anybody is threatening anybody. But it is easy to say because then you can rile somebody else up. I hope, in the spirit of the New Year, enough is enough folks. You need to get the stories true. I take that back, I was mentioned in that article. I was the one that said, I don't believe she called him an Arab. That was mentioned in the article, which she says she didn't do, but when you read the minute, yeah its there. So I guess I was in the article, but no one else that he interviewed was in the article with all the good things that we had to say. I needed to say that so everybody hears the other side of it. Thank you very much.

President Gudenas – Thank you and no one here is to blame for that article. It was the reporter who intentionally wrote a scandalous piece of whatever you want to call it, and it is entirely his fault and his paper's fault for putting it together. I certainly am very sorry for what just happened, I apologize on all of us for what we just heard over here, from the previous speaker, it was completely uncalled for and I'm very sorry that we're starting our year this way. But again, the members of this City Council, Administration all are united to work to move this city forward and we all have decided that its in our best interest not to draw any more attention to that newspaper and the like. The only reason it keeps being brought up is because of us. That's been long, we're moving forward and we've done our job with that instead of drawing more attention to and add credibility to that paper that doesn't have any. I'm very sorry that we started off this way and we'll do our best not to have that happen again.

January 2, 2007

Page 11

Ms. Saddie Blount – 20831 Fuller Ave. Happy New Year. I've been a resident of Euclid eight years now and I enjoy living in Euclid. I have my daughter, Laurie, and her family to sell their home and move here to Euclid also. I met with the Mayor, he was really nice to me. I told him that we want to be more involved in Euclid, since this is where I hope to die here and my daughter is making her home here. We want to ask, how do you go about starting a small business here because her husband is a teacher in Cleveland and she just got her Master's Degree in some kind of field, I don't know what it is, but maybe Euclid can help her too. We want to do something for our children here, open up a store and some kind of game room or something. We were looking at this building across from the school, what's the name of that school? Upson School, that's what we've been looking at.

We just want to do something to give back to Euclid, but also do something positive in Euclid to show our young men what we can do living here too. So if somebody can help me with that and answer that. Plus my grandson played football for the school in Euclid.

President Gudenas – Very good. We have Asst. Economic Development Director Bob Gliha here. You could maybe give out a phone number. We have some officials here plus the Chamber of Commerce could help with some of the issues on how you get started, but the City of Euclid could help locate possible locations and make sure whatever you are doing follows our rules and is approved for that location.

Asst. Director Gliha – If you call, 289-2830, do you have a piece of paper and a pencil? Or I can talk to you after the meeting. Thank you.

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

COUNCILMEN'S COMMENTS

Councilwoman Holzheimer Gail – I would like to say Happy New Year to everybody. I'm hoping for a happy, healthy and productive year for all of us. I wanted to say thank you to Chief Maine. It has been apparent through your years of service, but was doubly apparent tonight with your emotion and your words that you really do put your heart and soul into your job. The community has benefited from that, we've all benefited from that, so I want to thank you for your service and wish you Good Luck in your next endeavors.

Councilman Langman – Chief, we're going to miss you, no doubt about that. I think in some of our e-mails, I've often said we depend on you to give us the straight deal on a variety of issues. We'll certainly miss that, but I'm sure Capt. Repicky will be able to pick up the slack. But definitely you will be missed.

For you Director Gulich, I saw on our cable access channel, you have a nice map of all the sanitary mains that have been cleaned. I was wondering if we could have a similar program for our catch basins for the upcoming spring and summer. It seems like it is here now, although it is winter, but with the nice weather, it is never too early to plan. I hope you can develop a program like that and I'd like your thoughts on that.

Director Gulich – Of course we do track our catch basin cleaning and we could do a similar mapping display with that. We can update it periodically, probably on a quarterly basis. With the nice weather the last few weeks, not only did we get the city pretty well swept up, but we're out there cleaning sewers on a regular basis when we don't have to be pushing snow out of the way and putting salt down. That is something we do have to report to the Ohio EPA as part of our storm water phases, two regulations. This information, I'll be glad to share with all the rest of the city.

Councilman Langman – Thank you. One last note about what happened this evening. We as a community can go either way. We can talk, which is cheap, or we can want to give back and do something positive which was demonstrated tonight too. I would certainly work with anyone that wants to make a positive contribution with deeds rather than with just idle talk. With that, I wish everyone a Happy New Year and it will be a good one here in the City. Thank you.

President Gudenas – Director Gulich, to follow up on the catch basins, is each catch basin numbered so we can officially identify which one has been taken care of? How do we keep track?

Council Minutes

January 2, 2007

Page 12

Director Gulich – Street by street, we basically do a map, it is a good visual representation and easier for us to work with. We do assign an address for each one for our daily reporting. Sometimes in the freezing weather, it is a little tougher to start coming out, but with the main cleaning we can do that in the colder weather. Again, we do annual reports on that which are turned into the Mayor every year which recounts that and I'll be glad to share it with Council.

President Gudenas – Thank you very much.

Councilman Lisy – Again Chief, we're going to miss you. To the Administration and Council, Happy New Year and to all the residents. I look forward to a very productive New Year, going over all these new pieces of legislation and moving forward. Thank you.

Councilwoman Mancuso – A couple of points. First our budget hearings, can you clarify again when the dates will be?

President Gudenas – We had scheduled them for Wednesday the 10th, Thursday the 11th and the 17th if needed, even more if needed after that.

Mayor Cervenik – I had originally asked the Director to send an e-mail delaying them. That will not be necessary. I had a rather, very quiet weekend with this cold and today spent many hours going over what has been prepared and we can keep that schedule. The only difference is, we will not be able to get your packet to you until probably Friday. That still gives you until next Wednesday. We wanted to get it to you about 10 days ahead of time, but we can keep that schedule. If you need more time, then we need to delay the meetings. If not, we're ready for the 10th.

President Gudenas – What we should do, although is by Friday or so work out a schedule which departments we'll do on the 10th, which we'll do on the 11th and the like. So your staff knows when to show up and we know which ones to be prepared for.

Mayor Cervenik – I'll check with everyone's schedule and I'll always make sure a spare person is here as well in case we get ahead of ourselves, that's always a good thing. No problem.

President Gudenas – But the Service Dept. should definitely be here around the 11th, if we're going to be talking with the City of Cleveland.

Mayor Cervenik – Absolutely. That could be a very lengthy meeting.

President Gudenas – That's why we have time for the next week too.

Councilwoman Mancuso – Chief, good luck, you'll be great, smile, come on, smile, good man. One other note, I did have a meeting with the Mayor and the Fire Chief and we are in the process of beginning our emergency planning committee. I talked with the Mayor's secretary today, we're going to try to plan a schedule. Once we get a scheduled room, then we'll open it up to Council members who are interested to participate. While it will look like a daunting committee, I think once we get started everybody will play a role and it will really move and we'll get this emergency plan underway so residents will stop saying, so now what and we'll actually give them some plan of action, both to take care of themselves and what to do within the city. With that, I will say good night.

Councilwoman Walsh – On a positive note, one of my volunteers lives in the Chief's new turf. She was talking how they're thrilled to have him and what a loss we are going to have. When she comes up to you and says, do you know Bernie Walsh, don't faint, because I'm everywhere, it's like a plague. I, too, will miss you, from the days when I used to sit in the back of the room, and think that you were the best looking Chief I ever saw. I hope everybody has a Happy New Year. I won't even question Director Will if she ordered the flowers for next year, we'll wait until the next meeting. God Bless You Chief.

January 2, 2007

Page 13

President Gudenas – I, too, would like to thank Chief Maine for 30 years of service. I've been on and off here for a period of time and always was impressed with the professional way the department was run, how efficiently it was taken care of, the reporting was second to none. We always knew exactly how many parking tickets and citations we had for every possible thing you could do wrong in the City of Euclid. How we have extraordinarily good training and good officers which means good leadership and the department has always been well represented by Chief Maine. Always made sure you got your cars even before you left here, you made sure you got seven of them, which was record time for anybody. We were very thankful for your years of service and wish you the best of luck, you'll just be down the road so I'm sure you'll be thinking about us and we'll be thinking about you; Best of Luck.

Just something for our City Council to consider. I know that it was brought up at the last meeting, about the lack of holiday decorations and we're going to work on something for next year, but I'm going to suggest that we maybe put a group of 3-5 citizens together to come up with some ideas that are currently working in downtown Euclid. In other words, somebody maybe from the Shore Board or the Friends of the Henn Mansion, someone else maybe a business person that we can concentrate our efforts in a few areas to really make a splash like they do in downtown Cleveland at Public Square that's lit up and maybe we do something that will rollover year round. I know we've been talking about lighting up the Shore Cultural Centre and this could be part of that. As we work on our budget we might want to consider earmarking a little bit extra and having a group of citizens really work on a good plan that will give us a lot of attention and positive feelings as we drive through our main areas.

Mayor Cervenik – During my discussion of our lack of lights, not spirit, obviously I believe I did mention that we want to work with the Shore Board and the Chamber and the small businesses, both downtown and our business strips. We've got a new business association being formed on East 200th St. and I'm sure they'll be interested as well. We have every intention of doing that.

President Gudenas – My one mention is for downtown Euclid, Euclid Ave. could have a separate group, but maybe get involved in a formal way, some of the people, which we'll talk about. I'd just like to keep working on it because it is going to affect our budget and maybe have something permanent for the City of Euclid instead of something that's just up for a few weeks.

Also just remind everybody, Wednesday and Thursday, the 10th & the 11th, will be our budget hearings. Finally I'd like to thank my nephew Erik and niece Lina for this red tie, which I hadn't had a red tie before other than the one with the big knot on it, so now I don't have to wear that. So thank you very much for that.

Councilman Conway – You can tell it's a new year, you left two minutes on the clock. Do you have anything else to add?

President Gudenas – I'll save it.

Councilman Conway – We know you'll use it. I'd like to once again join everybody else in a Happy New Year and I hope everybody has a very positive experience as we go into 2007 and I look forward to continuing to serve the community.

Chief Maine, I've only known you, probably known you the shortest amount of time as anybody up here, three years, we'll forget about the first two, but at least the last year since I've been on Council, I've truly come to admire your professionalism and leadership. I was just trying to jot down a few notes, we've worked on several pieces of legislation over the last year, one to help protect our children. We worked on the parking issues up in 193 & 195 to try to make that neighborhood a little bit safer. The time that you were able to provide to me the tour, the jail, so that we could make a good, informed decision on the jail study, was certainly something I appreciated. I just want to wish you all the best in your next endeavors and wish you a Happy New Year to you and your family.

Councilman Delaney – My sympathy to you, Director Will. Also I'd like to express my sympathy to the Oyaski family. It is certainly a charming woman if you ever got the chance to know her. Chief, in my three terms on Council, I've served with two Rec Directors, two Finance Directors, three Law Directors, one interim; two Fire Chiefs, two Mayors, two Council Presidents and twelve other council members, but one Police Chief and one Service Director. I guess that makes Director Gulich the Dean of the Administration. Certainly everyone here expresses that you will be missed and I think we mean that personally, you have been a

January 2, 2007

Page 14

consummate professional and as everyone attests here, one thing that stands out in all of these transitions is that you leave the Police Dept. in very capable and efficient hands. I think that's a huge testament to your career and your operating and your managerial. I certainly wish you the best of luck. The new community is certainly going to be better served as well. Thanks for everything you've done, too numerous to mention, but definitely good luck to you. In closing, I'd like to say Happy New Year to everybody and we certainly look forward to 2007.

Councilman Gruber – I would like to wish everyone a Happy New Year as well. Also my sympathies to you, Ms. Will and to the Oyaski Family. Mayor Oyaski is a former constituent and his mother was a wonderful lady, so Godspeed to them.

Chief Maine, I think I went through some more Council members than he did, but the same amount of administration. It was always a pleasure to work with you and I have some great memories. I think I'll save the rest of my comments for your retirement party and I hope to see you there and best of luck to you where you are going. Is it true that your new community has an unlisted police number? Is that true because it's so exclusive? That's what we've heard. There's lots more where that came from. Hope to see you, take care Chief, good night everyone.

President Gudenas – With that we wish everyone a Happy New Year and we'll see you again very shortly.

ADJOURNMENT

Councilman Gruber moved to adjourn. Councilwoman Holzheimer Gail seconded. Yeas: Unanimous.

Attest:

Clerk of Council

President of Council