

**COUNCIL MINUTES  
FEBRUARY 5, 2007**

The regular City Council meeting was held on Monday, February 5, 2007 at 7:00 p.m. in the Euclid City Hall Council Chamber. President Gudenas presided.

Members Present: Conway, Gruber, Holzheimer Gail, Langman, Lisy, Walsh, Gudenas.  
Excused: Delaney (arrived late), Mancuso (arrived late).

Councilman Conway moved to temporarily excuse Councilman Delaney and Councilwoman Mancuso. Councilwoman Holzheimer Gail seconded. Yeas: Unanimous.

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

Invocation was given by resident Stephen Robinson.

A moment of silence was given for Walter Schwegler, 99 year old Ward 2 resident.

**COMMUNICATIONS**

Councilman Langman moved to receive without objection a request for a transfer of a C1, C2, D6 liquor permit to C J Beverage, 23886 Lake Shore Blvd. Councilwoman Holzheimer Gail seconded. Roll Call: Yeas: Unanimous.

Council has received the following communications:

A letter from the Euclid Cable Television Commission regarding updated By-Laws and Rules & Regulations of ECTV.

A Resolution from the City of Cleveland Heights supporting the Euclid Township Charter Bicentennial.

A Memo from Law Director Frey regarding Notice of a Lakefront Class Action.

Letters from Mayor Cervenik announcing recent appointments to the Recreation Commission, Income Tax Board of Review, Shade Tree Beautification Commission and Golf Course Commission.

From Director Johnson, the Self-Insurance Report.

**COUNCIL MINUTES**

Councilwoman Holzheimer Gail moved to approve the Council Minutes of January 16, 2007. Councilman Lisy seconded.

**ADMINISTRATION REPORTS & COMMUNICATIONS**

Mayor Cervenik and Chief Cosgriff gave the Oath of Office to new firefighter James Retallick.

Mayor Cervenik presented Res. 10-2007 to Dierdre Dale-O'Donnell for her quick action and heroic efforts.

Acting Chief Repicky asked for a moment of silence for Edward Juratovic, a retired 33 year Euclid policeman who passed away in January.

Chief Cosgriff reminded Euclid citizens to dress small children properly in this cold weather.

Please check on elderly neighbors to see if they need errands run. Also be careful when using an auxiliary heat source such as a space heater or fireplace. Space heaters should be kept at least 3 ft. from combustible material and don't use an extension cord to power a space heater. Every home should have working smoke detectors and working carbon monoxide detectors. For more information please go to the Red Cross website or the Center for Disease Control for information on hypothermia and frostbite.

Director Will reminded Euclid citizens that when the Euclid Public schools are closed, the recreation department's activities for that evening will also be cancelled. There will be no swimming lessons Feb. 6<sup>th</sup>. One lesson will be credited with the new session beginning February 20<sup>th</sup>. Learn to Skate will be begin on Feb. 13<sup>th</sup>. Registration is at the Ice Arena from 6:00-8:00 pm.

February 6<sup>th</sup> & 8<sup>th</sup>. Friday night public sessions at the arena will be Feb. 9<sup>th</sup>, 16<sup>th</sup>, 23<sup>rd</sup>; March 2<sup>nd</sup>, 9<sup>th</sup>, 16<sup>th</sup> & 23<sup>rd</sup>, from 7:00-8:30 pm.

Friday, Feb. 16<sup>th</sup> from 7:00-8:30 pm there will be a Euclid Appreciation Night at the Ice Arena and it is free admission.

Start Smart Basketball program for children ages 3 to 5, will begin the week of March 5<sup>th</sup> at Shore Cultural Centre. Basketball clinics and open gyms will begin at Shore Cultural Centre, March 1<sup>st</sup>. For information please call 289-8114.

#### REPORTS & COMMITTEE MINUTES

Councilwoman Holzheimer Gail moved to receive and approve the 2006 Annual Court Report, Executive & Finance Min.: 1/10/07; 1/11/07; 1/22/07; Parks, Recreation & Golf Course Min.: 1/17/07; Euclid Public Involvement Min.: 1/23/07; Board of Control: 1/08/07; 1/16/07/ 1/22/07. Councilwoman Walsh seconded. Yeas: Unanimous.

**Re-Subdivision of 20451-20561 Edgecliff Dr.**- Council should approve or overrule Planning & Zoning Commission's approval to allow the re-subdividing of Permanent Parcels 642-01-095, 642-01-096, 642-01-099, 642-01-100, 642-01-101, 642-01-102, located at 20451 through 20561 Edgecliff Drive, to construct 10 attached single family homes, and 3 free standing homes. Each home to be built on an individual lot with common access to a shared open space area. (The Shores of Edgecliff)

Director Pietravoia asked if this re-subdivision could be considered with Item #1. It is essentially the same matter and directly related.

President Gudenas – We should wait to discuss that until Item #1.

#### COMMITTEE OF THE WHOLE

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

Ms. Marijo Minarik – 18870 Abby Ave. Euclid. I would like to talk about items #1 & 3, 2, 9 12 & 14. I'll start with 2, 9 & 12 simply because I have questions. On item #2, what exactly is the area that gets abatement for, we have of existing homes. Does that include the entire city or is it just a small area? I don't recall that legislation.

#9, the lowering of the income tax on the southeast side, anything that will lower taxes I would encourage Council to say yes to. Item #12, which is an emergency ordinance providing for an intra-transfer of funds. I believe this occurred a few years ago where we raided several funds in order to balance the budget rather than trying to balance the budget with what we have. I would encourage Council to vote no on that.

For items #1 & 3, regarding the Shores of Edgecliff, I have an article here from the Euclid Observer, coincidentally, November of 2000. It was written by Council President who was a private citizen at the time Ed Gudenas. It was when the whole project was originally presented. The opening paragraph read, another poorly researched and planned project has been presented to City Council that could result in Euclid taxpayers losing more than \$500,000. This was in November, 2000. This was when then Councilman Gallagher with the support of then Council President Bill Cervenik and I believe Councilman Gruber and Councilwoman Kirsten Holzheimer Gail were on Council at that time.

This was when Bill Joyce was going to receive basically \$540,000 from the City of Euclid at zero percent interest and the seller was then going to lend Mr. Joyce another \$360,000. If Councilman at-large at the time Dan Flowers had not raised questions concerning this scheme, it would have gone through, the City of Euclid would have been stuck.

Since 2000, this project has been a mess. Okay. The Councilwoman for Ward 1 caved into the residents of a small neighborhood to allow two different types of development on that area. As a result we have a mess. The lakefront view has been destroyed, nobody wants those attached housing in the back because they can't see the lake. The only reason this project ever moved forward because the Gudenas Council of 2001 finally got something going. Then it stalled again. Now Coral is coming back, they changed the plan that was recommended which was for one type of housing and that was for attached. But because a few vocal citizens kept screaming and ranting and railing, all right, we built detached single housing units. The Councilwoman for Ward 1 did not provide the proper leadership to tell the residents at that time, this is not a good idea to split the housing types and to destroy the plan that Volpe recommended. I don't know what this Council is going to do about it, but it is a mess. I would recommend it going to committee.

Finally on #14, the Resolution of Support for the Delaney's, all right. I'm sorry they are not here to receive that Resolution. It has been on my heart to come before this Council numerous times to talk about them. The Delaney's are probably the most courageous business persons in the City of Euclid that I have known in my 1 years of living here. They took a stand on political issues that were unpopular. They did not apologize for their position, but sometimes they were punished for that position. They were boycotted at times, people did not shop in that store. Nevertheless, they continued to exercise their right as Americans.

I understand the Chamber of Commerce is giving awards at their next luncheon for Business Persons of the Year. I don't know who's getting that award, but I would recommend that it should be Ed & Shirley Delaney because they exercise the American system of operating capitalism without fear of reprisals. And yet, they got reprisals. I would say they are exemplary as business persons and they should be commended for not caving into political pressures, not being afraid of economic consequences to their business, but exercising their right as Americans. If they're watching, God Bless Ed & Shirley Delaney. They are a courageous couple that I wish every business person in Euclid would emulate. Thank you very much.

President Gudenas – We had a specific question about #2, to explain exactly what that area encompasses.

Director Pietravoia – The C.R.A. area F, as it is referred to, is the area extending from Lake Shore Blvd. north and it includes the properties on both sides of E. 205 & E. 206 as well as the Shores of Edgecliff property. The question was where rehab abatement would be allowed and it would all those properties that I just described would be able to take advantage of the rehab abatement.

President Gudenas – Would that include all the homes in 205 & 206?

Director Pietravoia – Correct.

President Gudenas – This would be in addition to the Shores of Edgecliff, the other homes also.

Director Pietravoia – Yes.

President Gudenas – How will the other homeowners know about this?

Director Pietravoia – At the time that it was originally passed, I believe Councilwoman Gail helped to advocate for the rehab to be included and notified the property owners at that time. There's no change in that part of the CRA this evening, that stays the same. The only change would be on the Shores of Edgecliff portion for new construction.

President Gudenas – It might be good to remind the residents again because it has probably been a few years and there's new people moving in that they have this incentive available.

Director Pietravoia – We'll work with the Councilwoman to get that information out again.

Mrs. Madeline Scarniench – 1511 E. 221. I was going to stay home tonight and just watch on TV, but I needed to come and I needed to say what I have to say because I think tonight it is a vital issue. You will be approving the budget this evening. I would ask that you consider adding \$10,000 to the Planning & Zoning budget. Last year you did this for the purpose of fixing the zoning as far as churches and group homes. Very shortly we'll be going over that, you will see the results of that effort.

The contract was for \$6,000, they only spent \$5,000 for those two items. I'm asking for \$10,000 for a few reasons. There are two moratoriums that will be up this June. One was on the used car lots that has been in place for two years and the other is on the impound lots for a year. If nothing is done on either of these things come June, there's nothing we can do. You can't say we're going to extend it because we haven't done anything yet to fix the problem. Those are the two issues that really need to be addressed immediately with this money.

The other thing is a few meetings back Councilwoman Holzheimer Gail brought up about the second hand stores. We were told then the problem is because the Business & Taxation Code, it was actually put where it didn't belong. We need to actually get that taken care of too, whether it's changing and moving things to where they belong, whether it's referencing, but we have to be able to know where everything goes so that when this kind of a problem comes up, we aren't looking at it afterwards.

The last thing is and I know over the years it has been a big issue, is signs. Signs in the city. We've got every sort, make and model and it is time to update that code. I really believe with this \$10,000 we should be able to do all of these. I hope you will all consider this and add that to the budget. Thank you.

President Gudenas – Director Pietravoia, in light of those comments, can you prepare an estimate for a future meeting on what that may cost to do the updates on the impound lots and the other issues?

Director Pietravoia – We do have an estimate from the County Planning Commission who has been helping us with the updates to the zoning code. I will share that with Council.

President Gudenas – The sign ordinance legislation, are we ready to update that?

Director Pietravoia – The proposal that we received did incorporate an update of the sign code so it will be part of that proposal.

President Gudenas – We'll receive that, we'll review that and hopefully we can do that.

Director Pietravoia – I appreciate Ms. Scarniench's comments particularly with regard to the moratoriums. We do recognize that over the next few months we need to bring to Council some changes in those parts of the code so they'll be in place before the moratoriums are lifted.

President Gudenas – Okay, so we will work on that.

Mr. Matt Sarver – 26550 Shoreview. I'm here tonight to urge passage of #10 on tonight's agenda. The work that's done by the Charter Review Commission, the decisions and recommendations made by that body have the potential to affect every resident in the City. Therefore I don't feel that verbatim minutes are too much to ask. That's not to say that every Commission or Board in the City has verbatim minutes, Planning & Zoning for example does not. Again, with the critical nature of the work that this group does, I think it warrants having verbatim minutes.

Also, #13, are we having a tough time keeping people on the Municipal Beautification Commission/Shade Tree Commission? Are we having a tough time with that? It seems like if you want to extend term limits, it might mean that there's little interest, which I would hope is not the case because it is a very important commission.

President Gudenas – Actually it is just the opposite. We have two very involved members that are doing a great job and they want to help even longer. That's the reason they want to participate more. Anybody who wants to work for free, you get more time here no problem.

Mr. Sarver – Okay, that's great, I'm glad to hear that. Thank you.

President Gudenas – That would be Phyllis Miller and Mike Maggio, those are the two residents here that have been volunteering their time for many years doing a great job.

Ms. Susan McGinn – 141 Sunnyclyff Dr. I'd also like to encourage Council to vote yes on Item #10. Again, as Mr. Sarver said, the work that's going to be done by this Commission is crucial to the future of the city. I have a perfect example. I went to the Library to get a copy of the video of the January 4<sup>th</sup> meeting and it had been taken out so I had a tough time and I had to wait awhile before I could see it. If the minutes were verbatim, I would be able to at least get my hands on those and take a look at them and read them. Please vote yes on #10.

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

#### **Res. 11-2007 (266-07) Development Plan**

A resolution requesting a change to the previously approved Development Plan for the Shores of Edgecliff, changing the number of units from fourteen (14) to thirteen (13) homes. (Sponsored by Planning & Zoning Commission)

Councilwoman Holzheimer Gail moved for passage, Councilman Lisy seconded.

President Gudenas – Mayor Cervenik, you're the sponsor, what would you like to do? We could probably talk about the whole plan right now, there are three items that go with it, so feel free to talk about all three.

Director Pietravoia – I'll start off and I know the Councilwoman has some comments she'd like to make as well. As you pointed out, there are three items on the legislative end of what would require an action tonight related to the Shores of Edgecliff project. The fourth item is the re-subdivision that was referred from the Planning & Zoning Commission.

The re-subdivision and Item #1, reflect a change in the actual development plan. As you may recall, last December Coral Company was with us. We had modified the Development Plan to go from the original layout from a few years ago of 11 units, up to 14. This included a single unit on the southern edge of the project next to two attached units and between the two attached units that are already built.

The Coral Company reconsidered and brought before Planning & Zoning at their last meeting the location of that single unit and decided through their marketing efforts and through their own design efforts with help from City Architecture, that it would be advisable to remove that one single unit on the southern edge of the property. This allowed more room for the two attached units that will be located there. Not only for those units individually, but also the space between them and the existing units that are already built.

Planning & Zoning agreed unanimously with that change and recommended it to City Council. The Administration supports that change. I believe the removal of that single unit will make the overall layout on the southern edge of the project better and more marketable. We're also recommending the change along with Planning & Zoning.

That's the first item. The re-subdivision is the technical part of it that would actually re-plot the land to reflect 13 rather than 14 units. With regard to those two items, they would require two separate actions. One to confirm the re-subdivision referred by Planning & Zoning. Our Code also requires whenever P&Z agrees to a change in the development plan that it also be brought before council for their approval. That is why it is on the Agenda as two separate items.

Mr. Chairman if you'd like we could discuss or have questions about those two before we move onto the other two.

President Gudenas – The first issue of the day will be reducing the number of homes from 14 to lucky 13. We have two separate votes on that, the re-subdivision vote and the ...

Director Pietravoia – Change in the development plan.

President Gudenas – Does it matter which order we go in?

Director Pietravoia – No, just the fact that they were related, I thought it was important that we discuss them together.

President Gudenas – Any questions regarding the change in number of residential units? We'll proceed with the vote on these two and then we'll jump to the next part of it. We'll start with the re-subdivision. How do we vote on that Law Director Frey? Motion to Sustain?

Director Frey – You're moving to sustain the action of Planning & Zoning, or confirming Planning & Zoning.

Councilwoman Holzheimer Gail moved to sustain Planning & Zoning over the re-subdivision from 14 to 13. Councilman Lisy seconded.

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

President Gudenas – Then we'll go to the Resolution that basically says the same thing in a different way.

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

**Res. 12-2007 (267-07) CRA-F**

A resolution amending Resolution No. 53-2004 that designated "Community Reinvestment Area F" (hereinafter referred to as "C.R.A.F."), passed by Council on April 5, 2004, pursuant to Sections 3735.66 and 3735.67 of the Ohio Revised Code. (Sponsored by Mayor Cervenik and Councilwoman Holzheimer Gail)

Councilwoman Holzheimer Gail moved for passage, Councilman Gruber seconded.

President Gudenas – This would be items #2 & 3 would be directly related, so we could talk about both of them at this time.

Director Pietravoia – As you pointed out the Resolution would change the terms of the abatement that's offered within the CRA-F, which is where the Shores of Edgecliff is located. Then Item #3, just in simple terms, when the CRA-F was created originally there was a development agreement signed by Coral Company that gave them the authorization to proceed with their project and that the new homes built there would receive a 25% abatement for 10 years at that point in time.

The agreement lays out the terms of the abatement, a base price that's expected to be received for each unit to be built. It spells out that if the units didn't achieve at least an 80% sales price of the expected value of the unit, then it would not be eligible for the abatement.

Tonight what's before you is an amendment to that agreement. If Item 2 is passed, increasing the abatement to 75% for 10 years which has been requested by the Coral Company, then Item #3 would amend the Development Agreement to reflect that technical change in the CRA-F area.

Mr. Peter Rubin is here this evening from the Coral Company and Council may want to entertain some comments or questions for Mr. Rubin. I would like to explain that we've prepared an analysis and it was provided to City Council in advance indicating the annual taxes that would be generated if the abatement were increased to the 75% that's being requested. The Chart that was provided to Council indicates that we would be collecting, this is just on the real property tax side of the equation, after all 13 units are built, we would be collecting on land and the value of the homes at a 75% abatement, approximately \$38,000 per year in real property taxes.

In addition to that we asked the Coral Company to help us to estimate and to do an income tax analysis which we also provided to Council, based on the sales prices that are anticipated for these units. They were able to generate a chart that shows the income that's likely to be needed to be able to afford these homes, based on that project the annual income taxes that could be generated. When all units are built again, the 10 year income tax projection would be a total of \$470,250; for an average annual income tax collected of about \$47,000.

If you combine the \$38,000 in real property taxes and the \$47,000 in income taxes, that would reflect what we'd receive on an annual basis once all the units are actually built.

I did want to comment just briefly and Mr. Rubin might want to elaborate on this. We did include the floor plans and the elevations for the units. We discussed this at the December meeting, those have not really changed since December. Those were accepted by P&Z and Council at that time. They reflect a new unit, two attached, that will have approximately 1800 sq. ft. and will have a first floor master and other features that their marketing efforts indicated that would be desirable at this location. They are different from the earlier units and I believe again it is a change in the right direction. I know that there's been a lot of frustration over the stops and starts of this project, not only for the Coral Company, but for the City as a whole. I do think it is important for us to try to keep in perspective that there's nothing wrong with changing a plan to accommodate a changing market and hopefully to better reflect what the community would like to see at this location and what the market in general will purchase at this location. That's what we're trying to do this evening. It is important that we move forward with this project, get it built out and move onto bigger and better projects along the lakefront.

President Gudenas – You're telling us tonight that unlike other parts of the City, it is not 100% abatement, but 75% and because of the expensive homes being built, there still will be about \$3,000 a year in taxes being paid for the property taxes and even a larger amount per year in income taxes. When we say abatement, we're not saying no taxes, we're just saying less than the \$12,000 a year you probably would have paid, which apparently is not working well right now.

Director Pietravoia – I also wanted to point out we did provide City council with the results of a survey that was done by the First Suburbs Development Council, they have 15 members including Euclid. Not all 15 had responded at the time we put this together, but we have about a dozen different communities here. It is interesting to note that including Cleveland which is not a member but is certainly the mother-city in the area, offers 100% abatement for 15 years. There are a couple of other communities that offer 100%, including Fairview, Brook Park, Parma and the City of Euclid and other parts of the community.

A number of the other cities offered anywhere from 50-75% and I think the rate that's being requested by the Coral Company is in line with what the other cities are offering and also is competitive in that it will be a little bit higher than some and will offer a little bit of a competitive advantage for the City of Euclid in getting this project marketed.

President Gudenas – Anybody watching at home should stop by at the model. I had a chance to visit, it's beautiful and it is priced to sell, let's say, so I think that one will sell pretty quick I hope get this project moving again.

Councilwoman Holzheimer Gail – Tax abatement is always a tough issue. We've debated it many times on Council floor. Our decision as Council members is we look at the cost and the benefit. Yes, there is a cost to the City because we're foregoing tax dollars, which is particularly tough to talk about when we're going through the budget process. But we also have to look at the bigger picture of the community. We need to show a successful development and we need to get this development, make it successful and move on so that the lakefront project down the road at Harbor Town, Harbor Crest can continue and can be a success. The outside community looks and potential developers coming in will look at projects that are underway and see how they're going. I think it's critically important that we get this project done. Unfortunately it needs more of an incentive than we originally thought. Yes we wish it was built out and it had worked in the first plan and we wouldn't be here doing this, but to Coral's credit, they saw the marketplace, they've responded to the concerns the requests that they've found when people came through to see the model and that's how we got here tonight.

The tax abatement is tough to handle but I think in this case we need to provide an incentive for people to come in and get those homes sold and move onto the next development. We are still receiving more tax than the original apartment that was there and when the tax abatement is over, it will be that much better. In the long run, it is certainly a gain and there's many non-monetary gains that you can see when you have a successful development and you can actually see reinvestment and new investment in the community.

I certainly understand the concerns people have, but I would ask my colleagues to support me as we move forward and make this project a success. Director Pietravoia, you talked about CRA-F, but I think it is also important for people to know that we're competing not only with the other cities that we talked about, but within our own vacant lots. There are other areas in the city that already providing 100% abatement and there's other rehab abatement that's available throughout the city. If you could remind Council and the public what some of those other incentives that we ourselves in the City already currently have.

Director Pietravoia – The majority of the city in our single family residential areas is 100% abatement for 7 years. There are two areas in the city, including the downtown Euclid business district and the area generally that stretches between Euclid Ave. and the highway on the southern end of the city that offers 100% for 15 years in those two areas. The abatements that are available vary in those different CRA's as well, anywhere from 25% to 75% depending upon the amount of rehab that's being done.

The rehab in this CRA would not change with the legislation that's before you tonight. It would still be 75% for 10 years. It always had been that and will remain that.

Councilman Langman – Director Pietravoia I just want to point out too that with the projected income tax, we do share .47 of that with the Schools. Hopefully if we are successful income tax, and I don't think you have that broken out, do you have a figure for that?

Director Pietravoia – You are correct, what we did in the analysis with the help of Coral was the total amount that would be collected. Half a percent of that would go to the Schools.

Councilman Delaney – Director Pietravoia, I see that you copied us the inner-ring suburbs in Cleveland. Did you have a chance, I'm curious to find out about the Wickliffe project that happens right next to us in Lake County, or Willowick rather.

Director Pietravoia – I did not do a separate survey. We were only including what the First Suburbs had surveyed. I'm not familiar with whether or not ....

Councilman Delaney – I believe that we also compete with that housing market as well.

Director Pietravoia – Yes, with the Lamar project on the lakefront.

Councilman Delaney – The other one that I had noticed and thought of the new Lakewood project with the 50 units and I think the price points are around the same, \$300,000. It is my understanding that there's no tax abatement offered with that. I see that Lakewood does offer as much as 50% but on that large project, there's none being offered.

Director Pietravoia – The figures that are listed in the Chart, 100% for years 1 & 2 and 50% for years 3-5, I believe is the same project that you're referring to, it's on Detroit Ave. it was the former site of an automobile dealership. They structured it as presented, 100% for the first two years and then 50% for years 3-5, then it would phase out after that.

Councilman Delaney- I was specifically talking about the one by Rocky River, is that it in Lakewood?

President Gudenas – The one in the cliff? That's a different one.

Director Pietravoia – I'm not sure if that one's far enough along if they have actually discussed abatement or no abatement for that project. That's along the river.

Councilman Delaney – Right and it was my understanding that the no tax abatement will be on that. We certainly have been through this a long time. Certainly all of our disappointments, we all share the missed opportunities. But throughout the whole process there is a huge lesson to be learned here. The concept of the project did change many times over the years. The Councilwoman is right, we will probably get more tax money than the apartment that was there. We did achieve probably one of the best builds around. I think the Coral Company does marvelous work and are certainly grateful for their tour of their model unit. They certainly demonstrated that there's a great deal of quality.

I wrestle with this quite a bit. I'm adamantly opposed to the tax abatement. I don't believe it works as well as many of us are lead to believe. The original plan we had a plan, a layout, where 13 units could have been built and all 13 units would have had a view of the lake. What Coral is asking for is something to be a more attractive hook. Unfortunately the hook is in the foundations of those three houses along the lake. Now we have trouble trying to market and sell those ones that are left. Which was brought to our attention at the very beginning when we went through these steps with Mr. Paul Volpe who had consulted with Tom Bier of Cleveland State. The lake is what we have to offer, it's one of our greatest assets. In the beginning we thought this project should have been completed without tax abatement. If I would have thought that there was any involved in the very beginning, I'd probably would have rather gone further into the process to market the parcel more carefully.

We have what we have, it is a tough situation. But it is true that more projects down the road are also looking at this tax abatement. I guess we should expect that to come as well. Harbor Town is next. I believe there's a lot on the line. The lesson to be learned though is the whole process and where it changed. We were told time and time again, the interest is in the houses on the lake and we could sell those, begin the project and soon to have it take off. Then there was a 25% tax abatement, now its 75%. I hope if this does pass that is what does happen. I hope it sells, certainly Coral deserves to have this project get the optimum role, but as the tax abatement increases I think that we have to re-think it. What maybe I will talk about further in #9, I'm glad to see the Council President is bringing up the income tax. I think that as we look at our whole tax structure, that's probably a bigger cat to try to skin is to get our income tax more in line and we should probably try and make our tax structure a little more easily competitive with the communities around us. Thank you.

Councilwoman Mancuso – My apologies for being tardy. I assume we're talking about the tax abatement at 75%?

President Gudenas – We are talking about items #2 & 3.

Councilwoman Mancuso – Has anybody brought up a compromise of doing perhaps 75% for 5 years and 60% for 5 years? I would be more inclined to do something like that which still puts ahead of our surrounding communities as far as our abatement rates, and yet it doesn't set the 75% precedent as we go forward. I also agree with Councilman Delaney that this is a very quality project. I'm more concerned with the bigger picture and what we're going to do as we go forward. I'd be more apt to vote for it if we could compromise on how much and for how long versus a total 75% for 10 years. I would put that out on the floor for discussion.

President Gudenas – There seems to be an agreement with the Administration and some residents and some members of the Council that this project has started many years ago as we heard, the year 2000 and here it is 2007, we're still working on it. It is time to have it finish successfully. We talk about the future, how we're going to do something in the future, this is the only project we have of

any substance in Euclid right now. This is the project. We can't be talking about the future if we can't take care of today. Right now we need to do what we have today, finish it, make it successful, so we have something to show other people. Although this might be high tax abatement at the same time for homes not on the lakefront, these are about twice the value of what's being built. They are at an extraordinarily high value in terms of the construction standards and I think they'll be a good anchor for that neighborhood to keep the property values very high and hopefully will come up with our stew of incentives. We're learning, zero is to low, 25 is to low, 100 maybe to high, 75%, like Goldilocks said, maybe just right. To full around with 65 or 57.6, at this stage let's get it done, make it work, make it successful to bring in money, right now we're not getting any of these taxes. We'll use this as a success story for the future so we can take care of today.

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

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

Passed.

**Ord. 13-2007 (268-07) Development Agreement**

An ordinance authorizing the Mayor of the City of Euclid, or his designee, to enter into a revised Development Agreement for the "Shores of Edgecliff" with the Coral Company, 13990 Cedar Road, University Heights, Ohio 44118. (Sponsored by Mayor Cervenik and Councilwoman Holzheimer Gail)

Councilwoman Holzheimer Gail moved for passage, Councilwoman Walsh seconded.

President Gudenas – This is basically the same thing as item 2.

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

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

Passed.

President Gudenas – Good luck to the Coral group. Let us know how things go.

**Ord. 14-2007 (270-07) CT-Tungsten E. 276<sup>th</sup> St.**

An ordinance authorizing the Director of Public Service of the City of Euclid to enter into an agreement with CT Consultants, Inc. for Engineering Services required for the preparation of construction plans and supplemental specifications for the Tungsten Road Improvements from East 276<sup>th</sup> Street due east to the Cul-de-sac in the City of Euclid. (Sponsored by Mayor Cervenik and Councilwoman Walsh by request of Service Director)

Councilwoman Walsh moved for passage, Councilman Lisy seconded.

Director Gulich – This piece of legislation may look very familiar, you were probably thinking to yourself didn't we pass this in 2006. The answer is yes you did. That legislation was specific to the 2006 capital budget for a very good reason we were unable to complete that work in 2006. Director Pietravoia spent an exceeding amount of time coming to terms with the RTA. We did late in the year get an agreement. They did agree to the \$235,000 grant. It took an exceeding amount of time. CT Consultants and myself after that did sit down with RTA to review their requirements seeing how there were federal monies involved. So the only difference here is that we're asking that we use 2007 capital budgets. We are ready to proceed.

President Gudenas – The 2006 money has not been spent and instead we are going to roll it over into 2007.

Director Gulich – That's correct.

President Gudenas – So it's a wash. No tax abatement.

Director Gulich – No tax abatement.

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

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

Passed.

**Ord. 15-2007 (264-07) Flow Monitors - WWT**

An emergency ordinance authorizing the Director of Public Service of the City of Euclid to solicit informal quotes, and subsequently award a contract at Board of Control, for a company capable of supplying, installing, and maintaining eighty (80) flow monitors throughout the City of Euclid's Sewerage Collection System for a two (2) month period. (Sponsored by Councilman Gruber by request of Service Director)

Councilman Gruber moved for passage, Councilman Delaney seconded.

President Gudenas – Director Gulich, informal quotes, are those without a suit & tie?

Director Gulich – Something to that effect, Council President. There are two firms that are capable of performing this. There's a company in Indiana called Geotivity, there's a company in Kentucky named ADS. They are both capable of performing this necessary work for us. This would be part of our long term control plan, which I kind of gave you guys an update on it a month ago. My latest update is that we did indeed complete our work plan re-submittal in a timely fashion that was due by the end of January. The document I told you we would receive from the US EPA by the end of January, we have yet to receive. I'm still anticipating receiving that shortly. I'll be glad to inform Council as to what it is they are asking us to do and complete.

As far as this work goes, we need to do this in the springtime during the wet weather. This is when we can get accurate data and again this is necessary in order for us to re-do our computer model of the entire sewer system. We did that as part of our original consent decree back in 1980. We've offered to submit that information to the US EPA. They've told us it is too old. We've offered to update it. They've told us it is too old to be updated. Mike Steinhalter from CT Consultants whom I've been working very closely with is the person that's helping us out with this with CT. Also Law Director Frey has been very helpful in this whole matter with them as well. If there are any technical questions, Mr. Steinhalter from CT will be glad to address them.

President Gudenas – This is something that people may have read about in the Cleveland Plain Dealer about the Northeast Ohio Sewer District having giant increases over the next ten years, doubling and tripling. But we have our own sewer system and we are not part of that Order that EPA has done to the other ones so far. We are working on our own plan and this is part of that so we can document that our sewer plant hopefully is working fine and not putting in too many run-off water and the like into Lake Erie.

Director Gulich – We're hoping this work will demonstrate that. If I sat here and told you our system was perfect, that just wouldn't be true. This will definitely be a good tool as far as our proceeding with the EPA to formulate this final plan as to what future work may or may not be required.

President Gudenas – We're trying to keep our rates low by having good information to the government so that we're not in the same jam the other main system is that probably didn't keep up as well as we have.

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.

**Ord. 16-2007 (271-07) Flow Monitors**

An emergency ordinance authorizing the Director of Public Service of the City of Euclid to solicit informal quotes, and subsequently award a contract at Board of Control, for a company capable of supplying ten (10) automatic samplers and six (6) flow monitors capable of activating these samplers during storm events. (Sponsored by Councilman Gruber by request of Service Director)

Councilman Gruber moved for passage, Councilman Lisy seconded.

President Gudenas – Director Gulich more of the same?

Director Gulich – Yes this is something that we have no choice but to comply with. There was an administrative order issued. We do need to do this monitoring and test for when our combined sewers do overflow. This will be part of our entire report to the US EPA. Also we're asking for this particular type of monitor because we are already using them as part of our industrial pre-treatment program. The Sigma brand works well for us. We do have some parts in stock, we are familiar with them, they do the job. As the old ones get rolled out of service, we'll be able to use parts from them for this and continue to use them in our industrial pretreatment program. This will be the purchase for ten samplers and six flow monitors.

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

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

Passed.

**Ord. 17-2007 (263-07) CRIS**

An emergency ordinance authorizing the Mayor, as Ex-Officio Director of Public Safety of the City of Euclid to renew an agreement by and between the Cuyahoga Board of County Commissioners and the City of Euclid for participation in the Cuyahoga Regional Information System (hereafter known as "CRIS") for the year 2007 for use in the Police Department, Prosecutor's Office, and Euclid Municipal Court, in the amount not to exceed \$23,160.00. (Sponsored by Councilwoman Mancuso by request of Acting Police Chief)

Councilwoman Mancuso moved for passage, Councilman Langman seconded.

Acting Chief Repicky – This is our information system through the County that is used by the Police Dept., the Court and the Prosecutor's Office. It is a slight increase of about \$800 and that's the Court is using more software this year than they have in the past. That's the only increase to the ordinance.

Councilwoman Mancuso moved to suspend the rules, Councilwoman Walsh seconded.

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

Passed.

**Ord. 18-2007 (269-07) Police Vehicles**

An emergency ordinance to amend Ordinance 211-2006, passed by Council on December 4, 2006, authorizing the Director of Public Service of the City of Euclid to purchase seven (7) vehicles for use by the Police Department at a cost not to exceed \$182,000.00, through the State Cooperative Purchasing Program. (Sponsored by councilwoman Mancuso by request of Acting Police Chief)

Councilwoman Mancuso moved for passage, Councilman Lisy seconded.

President Gudenas – This is something that came up last year in December. The Chief wanted a bunch of cars and we compromised on seven, one coming from a grant. I believe we're proceeding along those lines.

Director Frey – This is a technical correction. The initial ordinance that we passed and it was for seven cars with \$168,000 from the capital fund and \$15,000 from the Justice Assistance Grant; but the legislation that we actually enacted just listed that \$168,000. We need to make this correction to reflect that the total purchase is \$182,000. It is actually \$167,000 will be coming from the capital fund and \$15,000 from the Justice Assistance Grant.

President Gudenas – Is that the out-the-door price? No options? Upgrades?

Acting Chief Repicky – It's all, except for the policemen inside.

President Gudenas – That's the important part. Any questions? We're just cleaning up the grant part of it.

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

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

Passed.

**Ord. (272-07) 2% Income Tax Incentive Zone**

An emergency ordinance creating a special two percent (2%) income tax incentive zone on the north side of Euclid Avenue at the eastern city limits to encourage the attraction of new businesses and retention of existing businesses. (Sponsored by Council President Gudenas)

Councilwoman Walsh moved for passage, Councilman Gruber seconded.

President Gudenas – This is something that I also think its time to start cleaning up and getting something productive on that land. It was back in 1998 that the City bought the Innvoy Inn, the hotel next to it. It was raised when I was the Ward 2 Councilman, even way before that. Time has stood still there and it is time that we put good incentives together. This is not the final idea, we're going to throw this into Committee, have a lot of discussion and debate. I know the Law Director is already working on something and the Director of Development, Pietravoia, is also working on some ideas. We'll come up with some good incentives. So far all we're hearing are gas stations, things like that and more convenient stores and that's not what we want at the gateway to Euclid on such an important corner.

What we want to do is come up with incentives that mean something to developers that will get some high quality development, be it a quality hotel, quality office building, but get something going this year because probably 10 years is enough to wait.

I move that we send this to the Executive and Finance Committee.

Councilman Gruber moved Ord. (272-07) to the Executive & Finance Committee. Councilman Delaney seconded.

Councilman Delaney – I think it is a good first step. But I think this should open the dialogue to begin discussions on what we can do to repeal the 2.85 income tax. I've maintained a long time that it is possible, I think our city can do it. It would require two ballot issues. Also, I think we also seriously should look at what other thing has been talked about with a special incentive and that would be the 10 acres of city owned property along the freeway, is that in there?

President Gudenas – The goal was to include the retention basin too. So if it's not, it will be because we wanted to include all of that.

Councilman Delaney – You said the retention basin, but I'm also talking about where, the Service Garage, all of our city services along the highway by 260<sup>th</sup>. If we also in this committee also look at finding a hook to market that property and maybe we can relocate our city services and better utilize more valuable land along the highway.

President Gudenas – As we discuss the Euclid Ave. land, we can discuss the freeway land too.

Roll Call on moving Ord. (272-07) to Executive & Finance Committee.

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

Placed in Executive & Finance Committee.

**Res. 19-2007 (265-07) Verbatim Min. CRC**

A resolution urging the Charter Review Commission to provide verbatim minutes of the meetings of the commission. (Sponsored by President Gudenas and Councilman Conway)

Councilman Conway moved for passage, Councilman Delaney seconded.

President Gudenas – This came up because we do have a Charter Review Commission working. People are asking me and others questions about what is going on, what is happening. The best way to do it is to e-mail them a copy of the minutes.

Councilman Conway – I do think this is an incredibly important piece of Resolution, I hope my other council members see the urgency that I believe needs to be addressed with our Charter Review Commission. Unlike previous Charter Review Commissions, this particular Commission is going to obviously have some very important decision that they need to make. After reviewing the tapes that I had the luxury of being able to do, I think that there are some concerns that the residents have addressed. We've heard time and time again, we've had this debate, some of the other council members have made comments that not everybody can see a video, not everybody has cable or reads the newspaper, but almost everybody has the opportunity to stop in at City Hall and pick up the verbatim minutes to be able to really keep themselves informed as to what this particular Commission is looking at, the reasoning behind some of the decisions that they will be making in the future. We should encourage them to keep the verbatim minutes. There was some dialogue and discussion that the Commission had. They made a decision that they would not keep verbatim minutes, but I'm hoping for the support of my colleagues up here to make this happen.

Another issue that concerns me about not keeping verbatim minutes. There will be the potential vacancies that appear on this particular commission over time and they could appear right in the middle of some important decisions that have to happen. I know there's one person on Charter Review who has already expressed a desire by pulling petitions to potentially run for Council in the future. I think it just leaves the opportunity for vacancies potentially to happen sooner than later. The only way to ensure that future members have the full knowledge that they will need to make these decisions is for them to be able to review the verbatim minutes. So I do hope for the support of my other colleagues on this Resolution.

Councilman Lisy – This is to the Administration, I know I use the verbatim minutes from Council all the time. I go back several years looking at why a piece of legislation was voted upon and the importance of it. Why don't we have verbatim minutes for the other like Planning & Zoning Commission and the Board of Control and Architectural Review Board?

Director Frey – Charter Review made a decision that I think the rational behind their decision was the fact that they intended to meet fairly frequently and wanted to make sure that they had minutes that they could approve from the prior meeting. But included with their minutes is a burned CD of the meeting itself. As part of the official record from Charter Review are not only the minutes that memorialize any actions that the Commission has taken but also the CD of that meeting. As they are approved, they are then filed with the Clerk of Council.

Maybe Director Pietravoia can better answer for Planning & Zoning and Architectural Review, but my understanding in both of those cases was the need to be able to get the formal actions of those commissions memorialized quickly because in the case of Planning & Zoning, somebody is waiting to move, waiting to build and until those minutes from that prior meeting are approved, they're not official. They can't act or they can't challenge if their application has been denied. That was the rational behind that in that case. But again maybe Director Pietravoia can further elaborate.

Director Pietravoia – Just to add briefly to Councilman Lisy. We found that its common practice in a number of communities for those types of bodies to have the official written minutes reflect the motion that was made and any conditions that apply to each case. As long as you are maintaining full tape of the meetings and that those tapes are available to anyone that wants a record of everything that actually occurred at the meeting. It was a matter of expediency. It is a matter of practice that other communities. To my knowledge, at least in the recent past, verbatim minutes in the same fashion that City Council has been, they were summaries of the meeting. It is always a judgment call as to whether or not the summary was actually capturing the correct information.

The most important matter from a legal standpoint, is that the motion is correct and any conditions are correct. Those have to be in the written documents. Anything else, is just a matter of record that is retained on the tapes.

Councilman Lisy – Along those lines I think with the advances in computer technology I think the voice recognition software, I think it is just a lot easier to be able to download the entire conversation that went on, the verbatim minutes, rather than trying to download a tape and watch the tape. You can do word searches and come up with permanent parcel number that you've been looking for and things like that. It is just mainly to be able to get access to the information. Maybe we need to look into some voice recognition software so you can digitize the meetings quicker and go about it that way. But I'm in favor of this legislation because I think it is very important to have verbatim minutes.

President Gudenas – Some of our voices are very recognizable already.

Mayor Cervenik – I will see what I can do. It will take some hours from personnel. I think your Clerk can tell you just how long it takes to transcribe a meeting such as tonight. I will see who I can find at City Hall that might be able to do that for us and make sure that they have verbatim minutes. They are going to need it in a very timely manner. I will discuss this with the Chairman tomorrow and I do need to respect their independence but I will talk with them and tell them verbatim minutes could be done without very little interference of their operations and I'll see what we can do.

President Gudenas – This is good, the advantages to the residents, just like our minutes, we can e-mail right to you, you don't have to come by to pick them up. You can get them, read them any time you want. These would also be available to be e-mailed to anybody any time.

Councilman Conway – I just wanted to add one other quick note that Councilman Lisy and your response, you talked about the fact that different judgments in summary minutes and I think what we want to do by making sure there's verbatim minutes is let's not leave open to interpretation of the future when somebody tries to go back. I've heard a few times, just recently, the spirit of why some of the decisions have been made from past Charter Review's and how they've impacted the future. We hope to by having these verbatim minutes will eliminate any future misinterpretation. Thanks.

President Gudenas – That's a good point because I believe right now they are reviewing the minutes from the Council Meeting when the slots were put together. It is part of the court case and everything else, people are reading exactly what the rational was. Seeing that this group meets only, appointed only once every 8 years, it is more important than others to pay attention. Any further discussion?

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

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

Passed.

**Ord. 20-2007 (275-07) 2007 Annual Budget**

An emergency ordinance amending Ordinance 220-2006, which makes the annual appropriation for all expenditures for the City of Euclid for the period ending December 31, 2007. (Sponsored by Mayor Cervenik by request of Finance Director)

Councilman Lisy moved for passage, Councilwoman Mancuso seconded.

Director Johnson – We discussed the details of this budget over three evenings in great detail. I don't have any additional information to add. But I'm very pleased that we're submitting a balanced budget for another year in a row and I would appreciate Council's support.

President Gudenas – One question, my understanding as I'm finding out more information about city finances is that when we appropriate an expenditure such as the budget, we need to certify that the revenue fund side is available. Should we have something like that as part of this legislation certifying that the funds are available to pay for this total general fund expenditure?

Director Johnson – There's a certification that I submit to the County Auditor, the County Budget Commission. If you'd like to view a copy of that, I can provide you with a copy of that.

President Gudenas – From what I'm understanding, in the future, I think the State Auditor is going to require us to have that as part of our legislation because apparently we need to be extra careful that when we're appropriating \$37.7818 million in expenditures, we've got at least \$37.19 in revenues. We're supposed to have that when the legislation is passed. So, I would ask that we get that information to us right away so that we can make that part of this ordinance.

Director Johnson – I believe that it is a recommendation that they are making that it be provided to you and I will do that.

President Gudenas – Then this is a very tight budget because generally the revenues coming in are just about equal to the expenses going out, so we have no room for error this year. We did work quite hard on this budget throughout the month of January.

Councilwoman Holzheimer Gail – I just wanted to follow up, we had a request from Planning & Zoning Commissioner Madeline Scarniench and if I understand correctly, you asked for some, Director Pietravoia to get some estimates and we'll handle that potentially as a separate piece of legislation.

President Gudenas – He'll present the written proposals so we can take a look at it and make sure it is something reasonable, affordable, and timely which it seems like it is and then hopefully we'll find out which department it comes out of, so that will be separate as he can present that to us.

After many discussions we're proceeding with the general fund. We haven't gotten to the capital fund, that will be later. This is the general operating fund for the City of Euclid.

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

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

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

#### **Ord. 21-2007 (277-07) Inter-Transfer of Funds**

An emergency ordinance providing for the schedule of inter-transfer of funds between all funds.  
(Sponsored by Mayor Cervenik by request of Finance Director)

Councilman Langman moved for passage, Councilman Gruber seconded.

President Gudenas – One thing also I think we're going to hear from later is that we have this annual transfer from the Waste Water Treatment Fund for its overhead back to the General Fund. I think instead of transferring back and forth, can we just make that a permanent part of the overhead so that the general fund basically is billing, not billing the treatment plant, but basically it is not a transfer back and forth, but an expense of the Treatment Plant back to the General Fund. It seems like we're going to get that recommendation too.

Director Johnson – Yes, in the draft copy of the report, you're correct Mr. Chairman, this is one of the recommendations. I have some concerns about that particular recommendation. One in that this procedure has gone on for approximately the last 20 years, that doesn't necessarily make it appropriate, but I think it was done like this because of the difficulty in really trying to determine exactly how much and how to logistically charge the Waste Water Treatment Fund with the appropriate amount of General Fund overhead. After the discussion, the decision was made to just do the transfer because of the difficulty in trying to actually charge. It is not as simple as charging a person there, it's how many paychecks are we going to charge there, how much postage are we going to charge there and that kind of thing. At the end of the day, the decision was made to do the transfer but we will look into it. I'm not totally convinced that logistically it is possible to do what the audit report is requesting.

President Gudenas – For those paying attention, it's two-hundred eighty six some thousand dollars that the Sewer Plant pays annually to the City government of Euclid and we do this because we are a regulated utility with other cities and residents of other communities using our sewer plant so we can't just arbitrarily set any amount we want, it has to be justified. Service Director Gulich, this might be something we want to look at because I believe that amount hasn't changed much over the

past few years and our expenses as we see this year have gone up over a million dollars so our expenses keep moving up, 3-5% a year, and it might be time to review how we set this in the past and see if it may need to be adjusted to help maintain our other services.

The other transfers were all part of our General Fund budget discussions, generally. Any questions?

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

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

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

Passed.

#### **Ord. 22-2007 (274-07) Shade Tree Members**

An emergency ordinance to amend Section 909.22 of Chapter Nine, Streets, Utilities and Public Services Code, of the Codified Ordinances of the City of Euclid by removing term limitations for members of the Shade Tree/Municipal Beautification Commission. (Sponsored by Mayor Cervenik)

Councilman Delaney moved for passage, Councilwoman Walsh seconded.

President Gudenas – From time to time we have residents that really want to work hard for the City and this accommodates them.

Mayor Cervenik – In appointing four new members to the Shade Tree Commission, as I was about to appoint Mr. Maggio and Ms. Miller, it came to our attention that they were term limited out and we felt that really wasn't the intention of the ordinance originally. These two people especially have been very active and very productive in helping us with the work of this commission. We thought it would be appropriate if council would eliminate the term limits, they could continue to serve for at least another term.

President Gudenas – We checked the verbatim minutes and it looked okay from why did we put this in to begin with.

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

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

Abstain: Gruber, Langman

Passed.

#### **CEREMONIAL RESOLUTIONS**

##### **Res. 9-2007 (273-07) Mr. & Mrs. Delaney**

A resolution of congratulations for **Ed and Shirley Delaney**, in recognition of their retirement and eighteen successful years of operating **Euclid Meat & Sausage Shop**. (Sponsored by Mayor Cervenik and the entire Council)

##### **Res. 10-2007 (276-07) Dierdre Dale-O'Donnell**

A resolution of recognition to **Dierdre Dale-O'Donnell** for her quick action and heroic efforts. (Sponsored by Mayor Cervenik and the entire Council)

Councilwoman Holzheimer Gail moved for passage, Councilman Conway seconded.

Councilman Delaney – This was a little bit of a surprise, I only found out about this Resolution for our family business closing its doors on Friday when the packet came. I do appreciate the nice impassioned words of resident Marijo Minarik. However, I'd just like to say that my Mom and Dad were mixed emotions about retiring because of what a great thing it is to have a small little storefront where you actually interact with the public. Not to be confused, yes, my mother does have opinions and they are not always those of mine. I have to make that disclaimer. I don't know about boycotts but there were sometimes where I went to work and walked a little softly and sometimes tried to get there outside of hours because this seat on council does have its sacrifices and having to answer to my mother every morning was certainly one of them.

I'd really like to thank on behalf of my parents, the City Council and of course the Mayor, thank you very, very, much for this. Who knows where we might resurface, but we look forward to maybe opening up another storefront around election time. Thank you very much.

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

Passed.

#### COMMITTEE OF THE WHOLE

Councilwoman Mancuso moved to go into the Committee of the Whole by Councilwoman Mancuso. Councilman Langman seconded. Yeas: Unanimous.

Mrs. Madeline Scarniench – 1511 E. 221. I wanted to send out some thank you to the Police Dept. and the Fire Dept., in particular Officer Mike Grida. A week and a half ago my father fell outside because he went out in his slippers and you don't do that when there's ice on the ground. I didn't know he was out there until my dog got very loud and very strange. Thank God that I was able to get out there and keep him from getting frostbite. Mike happened to be around the corner and he came and he helped me and I really didn't think anything was to wrong, I was going to get him in the car and get him to the VA hospital. Mike says no, this doesn't look like it is just going to be that easy. So the Fire Dept. quickly got there. I got him over to Euclid General and he's actually still in rehab, hopefully he'll come home this week, he did break his knee cap. To Mike and to the Firemen, thank you very much.

Verbatim minutes. I did not agree with the piece of legislation but I agree with verbatim minutes and I'll tell you why, very simply. Eight years ago I sat on the Charter Review Commission. We decided that we didn't need verbatim minutes. After a few meetings it became very obvious, yes we did need verbatim minutes and it became a very heated discussion. There was a little bit of arguing about it. Because, let it be known that if I say something I want you to know exactly what I said and why I said it and that's the whole reason for it. I hope that the Commission will change their mind, we had verbatim minutes and there was no problem with it. I know its time consuming but its done, just like it is here at Council every two weeks. It's done. It is important because that is the most important committee that goes on in this city because it does make what happens over the next few years. So I hope they will reconsider that and go ahead and do verbatim minutes because it is really important. Thank you.

Ms. Sue McGinn – 141 Sunnycliff Dr. I'd like to start off first of all by thanking Kathy for the rebate on the swimming lessons. Also, just to thank you, my sons have both been in the Euclid Recreation Dept. swimming lessons since they were babies. They are both champion swimmers and your staff does just a heck of a job, if it weren't for them, my kids wouldn't know how to swim.

I want to talk about the Charter Review Commission. I mentioned earlier that I did get one of the tapes out of the Euclid Library to watch and then I saw the January 18<sup>th</sup> meeting. After watching both of them I had a lot of questions and concerns. First let me start off by saying that my understanding is that the City Council hired attorney Hilary Taylor to defend the City in the law suit brought upon us by the United States Justice Department. For anyone at home who doesn't know, the Justice Department wants to dismantle our current election system in favor of a system they think we need. I guess the Federal government doesn't think the citizens of Euclid are capable of managing our own affairs any more.

Over the past year this law suit has been a portioned to the public by way of local newspapers, local television programs and public forums. There's even been damaging leaks to the press by some city official. Any involved citizen has had ample time and information available to them regarding this law suit. So, that is why I question the Charter Review Commission's, their first order of business, to request a private session with Mr. Taylor. I don't understand that and I don't really think they can do that, I'm not sure.

I'm not sure why the Commissioners are involving themselves in Mr. Taylor's realm. Isn't the law suit the business of Mr. Taylor and isn't the review of the City Charter the business of the Charter Review Commission? Council President Gudenas pointed this out at the January 18<sup>th</sup> meeting and I believe he was correct to point it out.

I understand that the law says every 8 years it is the job of a newly appointed Commission to study the Charter and suggest changes. They have two years to devote to completing this job. Rather than starting off the venture concerning themselves with the law suit, shouldn't the Commissioners time be spent finding out the priorities of the citizens and then executing those priorities?

Another concern is these Commissioners were all hand-picked by the Mayor. It is no secret that the Mayor and Council have a difference of opinion on many things, including the law suit. I

hope that this Commission who was hand-picked again by the Mayor, will bring to this responsibility, impartial, open-minded and unbiased opinions and their focus will be on representing all of the citizens and not just the agenda of a few.

My last concern as Councilman Conway mentioned is that it is public knowledge that one of the Commissioners has pulled petitions to run for City Council. This to me seems clearly a conflict of interest. A Commissioner should not be presiding over election issues that he or she can manipulate for him or herself. No one should do that. Propriety and ethical behavior would suggest this. It is another good reason for the verbatim notes that you talked about tonight. If this Commissioner leaves after a few months, the other Commissioners will have to bring his or her replacement up to speed and those verbatim notes will come in handy for that time that the replacement missed. I think if you want to run for Council, you should step down from the Commission and not waste everyone's time.

I would ask the citizens of Euclid to be watchful, and keep their ear to the business of the City. To the performance of the Charter Review Commission and to the process of the unjust law suit. The Commissioners will be holding their monthly meetings on the 3<sup>rd</sup> Tuesday of each month, here in these chambers at 7:00. You can attend the meetings in person, watch them on Community TV, or pick up a copy of the meetings at the Library as I did. You can also share your concerns by contacting the Commissioners through the city's website.

I believe the time is crucial for all citizens to get involved, let the people making the decisions know what you want for Euclid's future. Thank you.

Mrs. Rives – 1570 E. 195 St. This is addressed to Mr. Ed Gudenas, Council President, Council members, Mr. Cervenik Mayor and all Board members. On 2/1/07 I met with Prosecutor Patrick Gallagher. After the meeting I felt robbed, raped and basically no one cared. It seems as if he forgot why we were meeting. He was so busy lecturing me about Mrs. Lewis having Crohn's disease. I feel this is not his concern.

The issue at hand was my property that was being destroyed right before my eyes. Mr. Lewis having Crohn's disease does not give her the right to tear up what is mine. I gave the Prosecutor pictures, diagrams and an outline of the things that had occurred; i.e. Mr. Lewis backing the truck upon my grass, spinning off and burning the grass, throwing cigarette butts in my yard killing my flowers as well as my grass. Mrs. Lewis raking all her leaves into the street and when the snow storm came it blew it back into her driveway and she piled all this back into my yard. On 5/5/06, I had a new fence installed, moved ladder to the back of the property. She put it back on my fence, caused the fence that I paid \$4,000 to cave in.

I have tried to talk to this family only to have Mr. Lewis to shut up. I have called my Ward Council person, many times, no response. I have spoken with Mrs. Mancuso and Mr. Conway who have been very helpful. I have called the Prosecutor's Office many times also. I am truly tired. Mr. Gallagher also told me of an incident where someone was killed for something similar that was occurring to me and Mrs. Lewis. He also told me I could not call the police any more. I had to sign papers for this. I wonder that the two ladies that he told me about were told they couldn't call the police any more.

I have been a resident in the City of Euclid since 1985. I belong to Heritage Park, the unforgotten part of Euclid, 193 to 196 Street. All I'm saying, I don't need someone to be subjective, I need someone to be fair and impartial that includes the Prosecutor. I need someone to go to since I can't call the police anymore. My husband has hypertension, I have hypertension. I also have a brother dying of cancer. So you see Mrs. Lewis' life is no different than mine. All I'm asking is for them to keep the garbage cans off my fence, clean up after the kids, don't pile anything on my fence. Also had my property surveyed and he made me take up my stakes. Here's the letter where he told me I cannot call police anymore. This is unfair because somewhere along the line, this husband is a very big, tall man and you do feel threatened by him. If he tries to do something to me, I'm going to call the police. So to the Prosecutor, I'm sorry, I'm going to call.

President Gudenas – We do have our newest Asst. Prosecutor Kelley Sweeney here and I know we've given you many tasks to do over here at City Hall. Is this something that you could meet privately with our resident to sort out the facts and try to resolve this once and for all?

Asst. Law Director Sweeney – Absolutely, I could do that and I can talk to you ma'am after the meeting and we can talk about that, sure.

President Gudenas - You'll get good service from Ms. Sweeney.

Mrs. Rives – Thank you.

Mr. Dennis Berzinskas – 20890 S. Lake Shore Blvd. Well we're into February of a new year. Everyone out there, think about it, volunteering. We have so many things that you could volunteer for in Euclid to make it a better place, think about it. You can sit back there and not do anything or you can make a difference, volunteer. Try a couple. You may not fit everyone that you try to volunteer for. You'll find your place and God knows we need the help.

A couple of Friday ago at the Henn, we were cleaning up, there was a meeting called by Council President Gudenas. I was able to hear part of that meeting. He was going to have about 15 people, I think 20 or more came, 22 or something like that. It was a very enlightening meeting. Mr. Gudenas, thank you for trying to help our city. More people need this, more people need your inspiration and I hope they act on your ideas.

Now, half-truths, are they lies or are they the truth? To me, I've got a gut full of them from past administrations to present administration. You know, the check is in the mail. Council approved the check in June. I signed the check months ago. Must have been sent by snail-mail because it still didn't arrive by last week. I'm tired of it. From now on I'm going to call any of you on your half-truths. I am getting to old for the bull. Either mean what you say or don't say it.

Red Cross is moving out of Shore. Talk with them and e-mails, I found out that wasn't true. That was somebody else pushing them out, they didn't have the idea to go out. I'm getting tired of it. Keep it up, I'll call you on every point, any of you, even my friends because we do have to care about this city. This is a great city. Try to make a difference in our city. If you're not working for our city and our citizens, I don't want you here, you can leave.

Grocery carts, another thing that bothers me. The people that run these stores, run these businesses supply that for the people. But there you go, like Rocky River. They're going to charge the store owner who provides a service. Same thing again if you let a political party do something or a political, they go after an affect not the cause. Let's draft some legislation that will mean something that if you're caught off the premise with the cart that you're going to pay for it dearly. These are irresponsible people. I don't want to see irresponsible people living in this City that I've grown up in. I care about this city and I want you to care about the city making people responsible if they won't be responsible on their own, they can leave too. That cart is worth several hundred dollars. It's not fifty-cents or a dollar. Let's go after the people and get some legislation on the people that are irresponsible. I told you over a year ago about hiding in the Cultural Gardens, there were over 30 carts. What are you going to do about it? Not some simple legislation that you're going to have them stay on the property by putting that hobbling device like Dave's has, like they had up on Euclid Ave. The trouble with that is, if they push hard enough, they finally break it and they take the carts.

So what are we going to do? Are we going to be a city of people that care about the citizens? Or are we going to sit back and fall in disgrace? Thank you.

President Gudenas – Thank you and Law Director Frey that is a good point. Can we have legislation drafted, if you think its needed to make it an offense to remove a shopping cart from the premise of a business, or maybe we have that already.

Director Frey – I will look at our ordinances. I don't know whether that falls under our definition of a theft offense or not, but I will look and see. If not, if Council requests that kind of legislation, we can certainly draft it.

President Gudenas – Thank you, we'll look into that and if it is needed we'll put that on the agenda.

Mrs. Pearlitha Taylor – Happy New Year. 1495 E. 193<sup>rd</sup>. I'm here tonight concerning a business, not proposed but actually are being built in a resident where I live. I'm very, very upset about it. We talked about this person, Mrs. Victoria Whitmore about two years ago when she came forward to open a store, a little neighborhood store in our community. The residents were dead set against it. We talked with Mr. Pietravoia, we talked with also the Prosecutor, many other people about Mrs. Whitmore. We let them know that we did not want her in our neighborhood. She has been ran out of South Euclid. They have bought her property and she cannot have property, a business there, so she comes to Euclid. She has a little neighborhood store and she promised our residents that she would not bring a restaurant in our area. But yet, we noticed that she start working on the property located at 19320 Roseland Ave., which is at the end of E. 193<sup>rd</sup> St., right across from Indian Hills apartment and right next door to her store which is right next door to our playground.

Since Ms. Whitmore has been in business in that area, we have had more vandalism in our area, especially with our playground. We have had more traffic from people that do not live in our neighborhood because of her store. Now we see that she's opening up a restaurant. Mrs. Whitmore started working on her property before even pulling a permit. Our residents had to get together and call the City and inform them that she was opening a restaurant. She continued to work on that

restaurant. I myself, a citizen of Euclid, a resident of Euclid, when I tried to build a sunroom to my addition, to my home, they could not move anything until a permit was pulled. It took several months before I received a permit, but yet this lady, an outsider can come in our city and start working to open a restaurant. She will be going toward Planning & Zoning. This is just a few people that have signed a permit, our petition, but we have not stopped and we are not going to stop. We do not want her there. We are a residential area. We are trying to make our area better and safer and beautification. But yet we are going to have someone to bring a barbeque joint into our area, recruiting outsiders to come in and what's going to happen? Next thing you know they buy a barbeque sandwich and go over to the playground. We don't want that. Our playground is for our children and is very well used for our children. But this past summer, most of our young kids was ran away because of young teenagers and other adults sitting around in our playground, smoking Black & Mild, drinking pop and also dealing drugs.

I am very upset with what is going on in the City of Euclid. This is supposed to be a city of superior service. Where is the service? We supposed to be getting better, not worse. Stop bringing junk into our city. Tell these outsiders, no, they cannot destroy the City of Euclid. If they cannot come and bring something decent to our city, let's not let them in. You all have the power to stop this and that's why I'm here tonight to ask you to get more stricter on who is building and bringing business into our city. This is ridiculous, we are a resident, not a place where we should have a little store, selling lottery numbers and she says she's doing it for the little kids. But we see more adults than little kids. The lottery is in the store now. We don't that. We don't want it. The traffic is very bad in our area.

I am here tonight asking you to please, help us. Thank you.

President Gudenas – I know Director Pietravoia and I talked about this upon being informed. A Stop Order was issued for any work that was done without the permits and the status of the zoning request is where?

Director Pietravoia – You're correct. Ms. Whitmore had started some work on the mechanical system that did have a proper permit, but she had gone beyond that with work that did not have the required permit. So a Stop Work Order was issued as a result of that. She was also advised that if she proceeded with anything with the proper permit, it would be at her own risk if she didn't get the proper zoning for the proposed restaurant. That will come before Planning & Zoning at their next meeting which is a week from tomorrow.

President Gudenas – Whatever Planning & Zoning would approve a change, it would have to come to City Council?

Director Pietravoia – Correct. She is asking for an actual zoning change to the property.

President Gudenas – Will the administration have an opinion before Planning & Zoning on what's best for the neighborhood?

Director Pietravoia – We will at that time. We usually advise the Commission members on any issues that we see.

President Gudenas – Apparently we have an issue, it may not fit in.

Director Pietravoia – If I could just comment, this really isn't the proper time for this discussion but just a quick comment. It is an unusual situation because the property is zoned for a more intense commercial use and she's asking for it to be rezoned to a less intense commercial use, which allows restaurants. The other uses that are allowed in the more intense district would also be undesirable in this neighborhood, so it is a little bit of a Catch 22, it is just a circumstance of how our zoning code is written. We will have to take all that under advisement.

President Gudenas – Would the more intense use currently permitted involve the problems that we're hearing about today?

Director Pietravoia – An example would be an auto repair and things of that nature would be allowed in the current district. They would not be allowed in the change to a U4 Retail district.

President Gudenas – But an auto repair may not have the same problems of people coming at all hours of the day, hanging out in the playground.

Director Pietravoia – Correct. They each have their own unique set of circumstances.

President Gudenas – The issue there is they're trying to protect the neighborhood playground and strangers are coming in for reasons unknown.

Director Pietravoia – It is an unusual situation where two parcels in the entire block are zoned for commercial use and the remainder of the block is zoned residential. It is very unusual. It has been that way for many years.

President Gudenas – Okay, we'll deal with it.

Mr. Stephen Robinson – 175 E. 209 St. I had a couple of quick questions, maybe for Director Pietravoia, just about with Euclid Square Mall, that area. I haven't heard anything new about possible I guess situations for that area, what will be going on there possibly. It has been there, kind of vacant for some time and I just see it as a possible excellent opportunity for maybe for a gated community, or maybe a possible I don't know rec center or something outside of the box that we haven't already looked at before. I just see that area as a potential for our city. I haven't heard anything new about it, if there is any communication with yourself and somebody else, or any kind of restaurants that might be looking into that area or what not. But, I have some questions about that area, if you could kind of elaborate and let us know what is going on with that.

Director Pietravoia – We do stay in regular contact with the owner of the Mall as well as the gentleman that he hired to help market the property. It is interesting because of the interest of Visconsi and the PMX site across 260<sup>th</sup>, it has generated some more recent interest in the Mall property as well, more from a commercial or retail standpoint. While no one has specifically stated that they would like to be there, there has been some more recent interest and they've contacted the Mall owners and in turn they've kept us notified of the parties that they are talking to. I'm not sure where that will go at this point. We have encouraged them to look at alternative uses for the property, not just retail. As you were mentioning, even the possibility of residential, although it would be a challenging use at that location because of the railroad tracks and the proximity of industry, but certainly not impossible because it is a very large site.

Mr. Robinson – I was just curious about that area just seeing it as its been vacant for some time, not to much going on there and I think it can be a possible benefit for the city, as things go on there. Thank you.

Mr. Jerry Corbran – 24250 Maplewood Dr. I would like to speak about lakefront development. One has to admire the City of Willowick. This little town of 15,000 take a look, they're really going fast there; no foot-dragging out there.

I'd like to inform the administration, council and the public that we have been wrestling with lakefront development since 1989, that's 18 years. We got serious in 1994 by establishing a lakefront TIF zone to finance a breakwall and a marina. That was followed by eight years of resistance to citizen initiative by both the administration and unfriendly councils. In 2001, with the election of a friendly Council, things started to move and a developer started demolition and construction in the fall of 2003. In 2003, newly elected Mayor Cervenik, a former leading foe of citizen lakefront development initiatives promised to continue the trends. Since then progress is halted.

In each succeeding year the Mayor, in the State of the City Address, has promised that lakefront development would happen in that year. Are we about to be given the fourth year of empty promises? Thank you.

Mr. Matt Sarver – 26550 Shoreview. I just want to say for the record that I've seen the work of Mike Maggio and he's very dedicated and very talented individual. I see his work every year on the Pond & Garden Tour and he does fabulous work. Phyllis Miller, she's kind of like Sara Lee, I don't think there's anybody that doesn't like her. I guess what I was looking for regarding Item 13, was just some assurance from maybe somebody on the Shade Tree Commission, for in the future if somebody is willing to join the Commission or has a desire to join the Commission that the door would be open to them. That's all. Thanks.

President Gudenas – The door is open to many commissioners here.

Director Will - I appreciate your support in two of the members that we have on our Shade Tree Commission. All of our members have been very worthwhile and have been great in helping out.

But we always have sub-committees. So if anybody would like to be a part of it, you can call me at anytime and I can get you working on one of the sub-committees for the Pond & Garden Tour, or for our Arbor Day ceremonies. Give us a call and we'll put you to work. Thank you.

President Gudenas – If you stay at our meetings long enough, you will be on a Commission because I can see quite a few people here that are on or were on our Commissions, so we thank you all.

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

A short break was taken.

#### COUNCILMEN'S COMMENTS

Councilman Lisy – To Director Frey or Director Pietravoia, how is our agreement coming with the City of Cleveland Water Dept. regarding them taking over our waterlines?

Director Frey – I know that Director Pietravoia and I have gone through and have made a list of the areas that we have discrepancies with the City of Cleveland. We have not scheduled any get together yet with either their Law Dept. or Water Dept. We need to get that moving so we can finalize the agreements.

Councilman Lisy – Do you have an anticipated time?

Director Frey – I think we had indicated we'd have that done in 30 days and I know our clock is running. We got to get moving.

Councilman Lisy – Director Gulich, how's the contracting for the senior snow plowing going?

Director Gulich – Every year we do get some complaints and this year's no different. I found this contractor good to work with. We actually added a little area for him to do in addition to the downtown Euclid we've asked him to address an area alongside of the golf course on E. 250<sup>th</sup> Street. He's agreed to do that from this point forward, at least for the rest of the season without any additional cost. I found him to be good to work with. We've had some instances where we have 1-2 inches of snow and a little bit of blowing and I think sometimes seniors might expect to have them out there when indeed we simply haven't had that much snow.

Councilman Lisy – So the same contractor that's doing the downtown sidewalks as well as the selected areas in Ward 4?

Director Gulich – Yes.

Councilman Lisy- Because I have noticed that, I may not look like it but I do run, even in the cold weather with the snow on the ground, and its really nice where the City has plowed the snow along the golf course there and all the way around the downtown. I chose to run downtown now because the sidewalks are plowed. Thank you.

Director Gulich – He has a little four wheel drive vehicle there with the plow on it and he puts on a snow-mobile suit and he zips through that thing pretty good. I've noticed he cleans out the crosswalks going across the Boulevard and the other streets as well. He's doing the job.

President Gudenas – There's about 4 ft. of snow now on that sidewalk by the golf course. He's going to have his work cut out for him.

Councilwoman Mancuso – I also would like to commend Director Gulich's staff. I actually have received phone calls from our last snow storm of people who were absolutely astounded at how good the streets were this time. You don't get to hear that very often. For them to pick up a phone and call, so pat everybody on the back, because it came down hard, fast and it is very cold.

I'd also like to ask our Fire Chief, have we heard any more on our SAFER grant dilemma?

Chief Cosgriff – I spoke to a woman in Washington on Friday and she told me it is still under review.

Councilwoman Mancuso – Did she give you any kind of timeframe?

Chief Cosgriff – No she didn't.

Councilwoman Mancuso – My favorite topic as one of our citizens brought up, is rocks in the water. Do we have any timeline for what the next actions are? I don't want to steal any thunder if you're going to talk about it during your speech, but to move forward on getting the lakefront project actually moving.

Mayor Cervenik- I am meeting with the developer Friday afternoon. I do have some comments in my State of the City on what I believe this City Council and Administration need to do to take our future into our own hands and make the decision to do this and do it right.

Councilwoman Mancuso – I look forward to hearing it, thank you.

Councilwoman Walsh – I'd like to start with the episode at Alexander's restaurant. First of all the waitress was absolutely fabulous. I was sitting across from the man who was choking and I've got to tell you that the paramedics were called at 7:19, they were there at 7:23 and they couldn't have been more courteous, thorough and caring to the gentleman, who at that point was refusing to go to the hospital because he was fine and good and wanting to finish his dinner. Commendations to them, it was just marvelous.

Also that night, the Kiwanian of the Year was Rose Tanner, a Ward Three resident. The Kiwanian Business of the Year was the Joe Meyer Orchestra. I think that's a great credit to the Kiwanis and to Ward 3.

I, too, would like to be kept abreast of what's happening at Euclid Square Mall and the PMX, since it is in my ward, so communication on that would, I'd be ecstatic. I know my computer is down, so maybe you have sent me a lengthy thing of different things that are happening in my ward.

In researching for the residents who have called me and e-mailed both me and my colleagues, I did talk briefly to Director Frey. Solicitation, whether it be by AT&T or anybody else, they do have to register with the police dept. So my first question is, did the AT&T solicitors register with the Police Dept.?

Acting Chief Repicky – Yes, they did.

Councilwoman Walsh – And they do have to have signage on them, identification that they are from AT&T or from wherever else. So if they come to your door and they do not have that, I would not open the door. But some of the residents have opened the door to ask them questions. Who provides the signage for them, or an identification tag, the police department or do they have their own?

Acting Chief Repicky – They have their own.

Councilwoman Walsh – They have their own. Did you register a tag?

Acting Chief Repicky – We don't register tags, we just run them through a BCI check.

Councilwoman Walsh – Then I assume that its safe to tell these residents that our north of the Boulevard and some in Ward 3, that these are AT&T solicitors.

Acting Chief Repicky – There's other solicitors out there but if they don't have an ID, call us, we'll check them out.

Councilwoman Walsh – All the residents should call you. I believe according to the ordinance there is a timeframe during the day that they can go door to door and certainly for those people that are opening the door after 9:00 at night, that's just pure silliness no matter who they are. I tell my people do no do this.

It is extremely cold outside. I do want to tell anyone in the City of Euclid that if you have a problem or your heat is off or you need to have it re-established you can call United Ways First Call for Help by calling 211. While it is limited, you may call 692-1388, the Salvation Army does have some fuel funds and that number is the Salvation Army in charge of the Euclid area, 692-1388.

On a lighter note, on June 2<sup>nd</sup>, there's going to be a stroll down E. 200<sup>th</sup> Street and its turning out to be a fun event and I hope it's a little warmer than tonight. Thanks all of you and stay warm.

President Gudenas – Thank you and I'm going to go after Langman.

Councilman Conway – Since Councilwoman Walsh brought up the solicitations, do you happen know if Direct TV has also registered with the Police Dept.? I know there was a sales rep that was going around not too long ago signing up Direct TV, ended up using my name as their referral and we didn't even sign up with Direct TV. But I've had two residents call me trying to get back in touch with Direct TV because they have an issue now and they think I was the endorsement for Direct TV, which I wasn't but, you may not know tonight, not to put you on the spot, but can you please check whether or not anyone has registered on behalf of Direct TV as an independent solicitor?

Acting Chief Repicky – I'll check on that in the morning. Your name was mentioned for Time Warner too.

Councilman Conway – Director Pietravoia, I know January 31<sup>st</sup> has come and gone, can you give an update on the Calabrese issue and the final status of the cement crushing?

Director Pietravoia – They did complete the crushing prior to the end of the month as was indicated in our agreement with them and as also evidenced by the large pile of crushed concrete that is on the site now. They also have since then come in and paid all their fees and obtained their permits to start construction of the building. That was just in the past week prior to the end of the month that was completed. They met all the obligations that were part of our agreement.

Councilman Conway – For Asst. Director Sweeney, if I can ask you a question, or you can give an update for a resident. I continue to get calls and I'm sure some of the ward council people get calls as well about various retail outlets that are displaying their merchandise on the public right-of-way and on the sidewalks. Is there any update that you can give to the residents about that issue and how we should be handling it?

Asst. Director Sweeney – I think Asst. Director Beno might be able to talk more about that.

Asst. Director Beno – Displaying goods in front of the building line is prohibited by the Euclid ordinances and if people give a call to me, I'll make sure we'll get out there and enforce our codes.

Councilman Conway – Typically do you know, I know there's one or two people who continue to do it on a regular basis and I think have received some visits probably from someone in your office. Do you know what the various level of stages are that someone may go through as a habitual offender of that policy?

Asst. Director Beno – Our primary enforcement mechanism is to take them to Court where the maximum fine is up to \$1,000 per day for each offense.

Councilman Conway – I will talk to you off-line about a couple of situations that seems to be continuing on a relatively routine basis. I think it is upsetting some business owners as well as residents who are driving by some of main arteries downtown and seeing merchandise displayed on the sidewalks. Even as cold as it was this weekend, there's still merchandise on some sidewalks within the city. We'll talk more about that in detail off-line.

Director Will, if you could clarify something you mentioned in your earlier comments about when Schools are closed many of the recreation activities do not happen. Do the hours at Shore, are they impacted at all by the same situation? I know there's some Euclid Panther practices that are going on this week. Will Shore shutdown or will those things continue?

Director Will – Shore does not shut down during any of the snow cancellations because of school because of the snow. However, we leave it up to the coach to contact the parents at that point if they're going to go ahead with their practices. I know there was many of them that did cancel them and others that went ahead and opened it up for anybody that wanted to come. The comment that I made was for city school facilities, when that's closed, so are we. But Shore we do go on unless they get a call from their coach.

Councilman Conway – Thank you very much for the clarification and everybody have a good night.

Councilman Delaney – Director Pietravoia, I had a resident ask me during the week about the process that one should go to if they are to buy a rental property. Do they all register with the city?

Director Pietravoia – We passed a law last year, we've had a law in place for many years that requires rental properties to be registered, but we passed a law last year that first time registrations would pay a fee of \$200 and thereafter they would pay \$75 a year. So they register and upon registration they get an inspection by our Housing Dept. That's the proper procedure.

This is an area that we've talked about during budget and otherwise that has been most challenging for us. We like to be notified if residents or Council are aware of rental properties that you don't believe are registered, please bring it to our attention and we'll check it out and make sure we get them registered. We'd like to be particularly aggressive on that front in the year 2007.

Councilman Delaney – Thank you very much. I know they're watching tonight and sometimes they don't always believe me, they have to hear it from the horse's mouth. I would like to just close to offer my sympathy to the Walt Schwegler family. He was truly one of Euclid's most outstanding citizens. It is just a shame he wasn't able to become a Centurion, I thought that was for sure. Even at 99 he was a sharp as could be. Thank you.

Councilman Gruber – I would like to start off by asking the folks that live up on Algonquin to be patient, there will be some roadwork in your future. We've had several waterline breaks up there and the road has disintegrated immensely. Also, I visited the property that Ms. Taylor was referred to. I spoke with the owner. The owner has also purchased another problem property on Euclid Avenue, the old car wash. I think that I've received some assurances from her, she's going to work to address some of those problems. I would ask all my colleagues to please go down and check the property in question at the end of 193<sup>rd</sup> Street and make your own opinions. It needs to be looked into a little bit more. Again on the 13<sup>th</sup>, I welcome anyone from home in that neighborhood to come down and express their opinions.

I would also like to thank Ms. Sweeney for the kudos she's been receiving at every homeowner's association meeting I've gone to. They thank you for your promptness, your efficiency and your getting the job done. I'm just passing that along and I know that anything that I've asked you to help with, you've come through, so I'm glad to have you and the folks out there really appreciate the work you're doing. Thank you.

Councilwoman Holzheimer Gail – Councilwoman Walsh mentioned the E. 200<sup>th</sup> Street Stroll which will be happening June 2<sup>nd</sup>. I'll just take that a step further to offer anyone the neighborhood groups surrounding 200<sup>th</sup> Street or businesses, community associations are invited to participate in that event. If you would like to be part of the planning committee, call either Councilwoman Walsh or myself and we'll let you know when the next meeting is. The idea is just kind of a family-friendly, bring out the community, clean up the street, get a taste of what the businesses and schools and everything on 200<sup>th</sup> Street. If you would like to become involved, call Councilwoman Walsh or myself and we will let you know the next meeting date.

I just wanted to, there are many wonderful community events that we all attend and I just wanted to acknowledge Holy Cross had their annual Life on the Lake this past Saturday night. The Mayor and Council President and Senator Voinovich were all there. It was a wonderful event, it raises money to upgrade the school and we need to acknowledge the wonderful role that not only Holy Cross but many of our religious institutions, schools, community groups play in keeping residents in the community and really making Euclid what it is. I wanted to just thank everyone who was involved in putting that together.

Just a quick reminder that our next Council Meeting will be Tuesday, February 20<sup>th</sup> instead of Monday because Monday is President's Day.

Councilman Langman – Director Gulich, last time we were here we spoke about the lack of streetlights on Glen Forest and some of the problems over there. Can you give us an update on that please?

Director Gulich – Yes, since then I've had two conversations with our liaison for the Illuminating Company. My Engineering Dept. reported back to me earlier today that the first non-emergency crew available to perform that work will be in the area doing it. So I suspect with a little cooperation from the weather we should see that taken care of in the next week or so.

Councilman Langman – Another issue for you Director Gulich, on 250<sup>th</sup> along the golf course area, you have a lot of blowing and drifting snow. It has buried the hydrants which I know disturbs the Fire Chief, so can we get those dug out when the weather permits?

Director Gulich – With the wind blowing they get buried pretty much as fast as we can uncover them. When we get the drifting conditions, obviously the only thing that really does the job is a

front-end loader, but I'll talk to our crews, probably at the end of our meeting tonight and see if we can't get that addressed sooner rather than later.

Councilman Langman – A question for you Director Will, how are we coming along with the Senior Center landscaping?

Director Will – We have addressed the situation as far as the irrigation system, addressed it with some nurseries and landscapers that are willing to donate some time. I've contacted several different contractors to be able to lay out a walkway. What I do need to do though is schedule another meeting with yourself and Councilwoman Holzheimer Gail to meet with the residents of that area and hopefully we can do that before too long, in the next 2-3 weeks.

Councilman Langman – We're available. Finally I would like to thank Acting Chief Repicky and the Police Dept. There was an issue on Shoreview east of 260<sup>th</sup>, and Sgt. Blakely and especially Krystal Skovira were very helpful. Kudos to your department. Now the issue is with Asst. Law Director Sweeney which I know will be adjudicated very, very harshly as the order deserves. But again, thanks to the Police Dept., they really did a good job and of course the residents for maintaining their diligence in informing you guys on what was going on. Mr. Mayor, I hope you're ready, you have a warm-up act first. With that I'll say goodnight.

President Gudenas – Thank you. I thought this would be a good time to summarize again what City Council has been about for the past year. February traditionally is the Vision Month here in Euclid to talk about our plans for the rest of the year and that's what I'd like to talk about tonight.

First to talk about where we got started last year. We clearly knew from the election, the campaigns that residents were concerned about what's happening in the neighborhood, what's happening with kids that are not responsible, most of them are responsible. But we addressed those issues by making parents responsible for their kids, getting the kids off the street. I can say from my own personal observation, I think it's working. I know that the School Supt. Joff Jones has taken an active role with the School Board in getting the word out. We have a partnership and a cooperation that I think is working well with the Schools and the City of Euclid.

We also knew that we have problems with some of the renters and some of the landlords and we made the landlords responsible for their tenants. No longer can the landlord stay out of Euclid and not worry about what happens here. If their tenant is causing repeated problems, they will get the bill and Asst. Director Sweeney has been very active, on top of that. We sent out dozens of letters and I believe it is going to make a difference.

Equally important, we set up a partnership with CMHA about the problem rental homes with the cooperation with the Police Dept. and again the Law Dept. and the Housing Dept. Great team work so that when a CMHA home has a problem, CMHA then becomes also responsible for the tenant there and starts the eviction process which I believe again has worked and is working and we do look forward to progress. Those are all important.

At the same time, it all comes back down to housing. The Housing Dept. has been given a great deal of responsibility, we're trying to help with new software and equipment that hopefully will make the Housing Dept. able to keep up with all the workload that's coming in. That's something City Council made a priority and we delivered on that software which now hopefully soon will be coming to fruition.

Also we firsthand, I think at the first meeting we made a new commitment to the Shore Cultural Centre, once and for all, making that forever, at least in our lifetime, an important part of our government here and our civic life. The results of that is hopefully soon we'll have a culinary school moving in. We're going to have more life than ever before. We're finally going to fix that boiler system, make it a viable business, make it a viable entity for the City of Euclid that can be self-supporting in the future. That's all happening and we hope to make great progress this year.

At the same time we created two new commissions here this past year. The Golf Course Commission as we've heard so much from them, taking a very active role. The Golf Course, in case you don't know is valued at about \$8 million in assets for the city taxpayers. It does over a million dollars a year in business hopefully this year. Very important. We have 5 very concerned residents here in the City of Euclid that are greatly helping the administration and the Rec Director Will who needs help there, it's a big operation and we hope that finally we can turn that around. Equally important is the Citizens Review Committee that's reviewing the city services. As people may have noticed years ago, unfortunately the city of superior signs have come down and the goal of this committee is to give guidance to the administration and City Council on how we can get those signs back up.

Now, we didn't just pass a budget that was balanced. We also passed a budget that ended up with over a million dollar surplus. It doesn't happen very often. It probably won't happen this year,

but we do have that to go with. And equally important, the blue bags are back. That's something that we really worked hard on. We made a promise to the residents that recycling is a priority and in a matter of weeks, although the snow could probably put a stop to our bag delivery system, but March 1<sup>st</sup> recycling starts. That's a big deal. We made that promise, we delivered.

Now, we all know about the lakefront. It is very important and I know from, as Jerry Corbran had mentioned, back in 1989 it was very important. Unfortunately it becomes mixed up in elections and every election year it becomes extraordinarily important until the next election. I'm not going to talk about the lakefront. What I am going to talk about is what has become even more important than the lakefront and that's the property values of everyone's homes. We have a cancer, let's say, in our city, with the over 400 vacant homes that are bringing down everyone's property value. We can work on all the Shores of Edgecliff developments that we approved today with the tax abatement. We can build lakefront all we want, as long as we have hundreds of vacant homes in the City of Euclid, they are going to drive down property values. Why are they going to drive them down? Because most eventually are sold as is at a very low price, which drives the property appraisals for the next person.

What we need to do is get these off the vacant rolls and into the productive rolls, and I'm going to propose that this City Council and this administration acquire with partnerships at least 100 vacant homes this year, rehab them and put residents in those homes to make them productive and show that in the City of Euclid we can turn things around. We cannot wait any longer. One hundred homes should be our goal. We know we have the cooperation of the Department of HUD. We know we have the cooperation of our County Treasurer Rokakis. We know we have the cooperation of our State Senator Lance Manson, State Representative Kenny Yuko. We have a whole bunch of people ready, willing and able, including non-profit groups willing to help us, let's do it and let's do it now regarding those homes, because our property values have to come first regarding that. We can't do it ourselves, it's with partnerships. We've tried to do it ourselves, we got one home done last year. At that rate it will be 400 years and we're not going to wait that long.

At the same time, as we've talked about today, we need a plan to really develop Euclid Avenue. Once and for all let's come up with a plan for that vacant acreage that's been sitting vacant for ten years or longer, really good aggressive plan. Get other developers involved. Find out what we need to do and do it. It's long enough that it sat there unproductive. Its time that we come up with a plan, this City Council, this Administration, this year, to finally get people interested in building something good over on Euclid Ave. and I-90 on the east-end. From the meeting we had at the Henn Mansion that Dennis Berzinskas talked about, it was clear that we need to have a different marketing plan for the City of Euclid. Not advertising plan, but marketing plan. Not City Hall marketing, but City of Euclid marketing. That means again a partnership with the Schools, the Library, the hospitals, the businesses and the like. That means getting proposals and I'm going to ask the administration to please start preparing the proposal that we can go out for public relations assistance, website development assistance and graphic design assistance so we can get the basic framework in place for this City of Euclid so we can start getting the word out properly to people who are in Euclid and who may consider moving into Euclid on the good things that are going on here. Not to promote City Hall, but to promote the City of Euclid.

What I'm trying to say in all this in more than my five minutes, is that there's in my opinion, urgency. I've been around here since 1989, actually first elected Ward 2. We're talking about often the same things year after year after year and we've made progress in many, but this is the year, we need to understand, there is urgency. There are a lot of residents here that are getting concerned and they want to see something good, something important happening through their neighborhood, right now this year and they don't want to wait another year.

My message to this City Council, to this Administration is, do it now, do it this year. We must understand, we will not be able to do it alone. We need to work with the County. We need to equally work with the State of Ohio. We have a new Governor, a new Development Director who is the Lt. Governor, Lee Fisher, who's on our side. We have a State Senator with a new energy, who's on our side and the State Representative. We need to use their efforts in Columbus, which we haven't done enough, I know we've gotten something. We need to make a major effort with our partners in the County, with our partners in the State, with our partners here in the City of Euclid and with the residents to team up, get the job done, so that we can actually show real progress this year and I think people will have greater confidence in the City of Euclid.

With that I have to announce I'm also going to miss the next meeting. That's it for now. I'm going to close the meeting. Please stay tuned for the Mayor's State of the City Address.

ADJOURNMENT

Councilman Lisy moved to adjourn. Councilman Langman seconded. Yeas: Unanimous.

Attest:

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Clerk of Council

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President of Council

