

COUNCIL MINTUES

June 18, 2007

The regular Council Meeting was held on Monday, June 18, 2007 at 7 PM in the Euclid City Hall Council Chamber. President Gudenas presided.

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

All present.

Others Present: Mayor Cervenik, Law Director Frey, Asst. Law Director Sweeney, Finance Director Johnson, Service Director Gulich, CS&ED Director Pietravoia, Asst. Director Beno, Chief Repicky, Fire Chief Cosgriff, Sgt.-at- Arms Novosel, Asst. Clerk of Council Miller.

Invocation was given by Pastor Michelle Moore of the Cathedral Worship Center.

President Gudenas – In case you missed our Special Council meeting before, we do have our ninth member back on board. That is new Ward 1 Councilwoman Mary Jo Minarik. I know going way back, this will be the first time the Ward 1 Council person has been south of the Boulevard since Joe Farrell left the Ward 1 spot in 1975. We've got a little bit of history being made today.

I would also like to thank the Music Director of the Euclid Orchestra, Sean Smith, who had several members of his group here in the Rotunda before the meeting to play and also had a bigger group play at the Festival for the first time during the summertime in many years. We'd just like to welcome Music Director Sean Smith and if you could say a few words and hopefully welcome everybody to the 4th of July festivities.

Mr. Smith – I would like to start by thanking the City Council for inviting us here tonight. The groups that we had was our string program. We have two programs over the summer, a band program in which we take all the wind players and the strings, which they're put into smaller groups, which came tonight. We had our first concert Saturday with the band and that went very well. Our next concert is on July 4th, we're going to be out in the baseball field right behind this building and we'll start around 6:00 and play until the fireworks start. I hope to see everyone there, it will be a really fun time.

President Gudenas – It is a free concert so hopefully before the fireworks everyone can enjoy the music.

COMMUNICATIONS

Council has received the following communications:

A memo from Asst. CS&ED Director Gliha on the Tax Incentive Review Counsel.

A memo from CS&ED Director Pietravoia on University Hospital's Administrative Offices Relocation and Expansion legislation for related incentive grant agreement.

From Finance Director Johnson, the monthly Finance Report of the General Fund through May 31, 2007.

A resolution from the City of Twinsburg opposing the quarterly customer service charge imposed by the City of Cleveland on water bills.

COUNCIL MINUTES

Councilman Gruber moved to receive and approve the Council Minutes of June 4, 2007.

Councilman Delaney seconded. Yeas: Unanimous.

ADMINISTRATION REPORTS & COMMUNICATIONS

Mayor Cervenik – Ms. Minarik, welcome to Euclid City government and the residents both in the building and watching us on television.

Mayor Cervenik and Chief Repicky presented Res. 122-2007 and plaque to Detective Ralph J. Stenger on retiring from the City of Euclid Police Department.

Mayor Cervenik administered the Oath of Office for Sergeant to Scott Myers.

Mayor Cervenik presented a Resolution of Recognition to Sherrie Zagorc for her outstanding efforts in organizing the E. 200th Street Stroll on Saturday, June 2, 2007.

Mayor Cervenik – Stevenson's Bar & Grille was named the best cheeseburger in the area by the News Herald and we do have a Resolution here for Bruce. I'm going to have to go over there and try one of those myself.

President Gudenas – He's making them right now.

Mayor Cervenik – Will they still be good when we get out of here.

President Gudenas – They'll be well done by then.

Mayor Cervenik – The Lakefront Festival over the weekend was just phenomenal. I spent three days there, a good part of those days there, thousands of people, lots of fun. I want to especially thank Kathy Will, who happens to be not only have laryngitis from the weekend, when they were cleaning up last night, she slipped on the stage and sprained her ankle, so she's not here this evening. But her and her staff, Dean, Valerie, Mac, the whole crew of the Recreation Dept. did a phenomenal job. We also need to thank Tom Woods, Ron Emser and Ellen Ivory, especially they really ran the wine tasting. There was more than tasting because you could buy full glasses of wine. I know a few of us did. It was just a great time. It shows what Euclid can do when we all work together. The music was great and the good Lord blessed us with probably the most wonderful weather we've ever had. I just can't thank all the volunteers enough. First Energy, Eaton Family Credit Union, DiDonato Funeral Home, Gateway Retirement Community and more. Life flight, I couldn't make it I was at the eye doctor, but as I was coming by, leaving, I heard them come down and I heard there was quite a few people there and everyone really enjoyed it. It was a great time for all, we will do it again next year. Thanks to everyone.

Just a quick reminder, July 4th, Fireworks begin at dusk. Rain date is the 5th. But the way Euclid has been going with weather, I think we'll be all set on the 4th. I believe the orchestra will be playing at what time, 6:00. Six o'clock the Euclid Orchestra will be playing before the fireworks at 6:00 at Memorial Park. Please make a day of it.

One reminder, the 4th of July is a legal holiday, so your garbage will not be picked up on the 4th, so the 5th, 6th and 7th, you are going to be delayed a day, or the 5th & 6th you will be delayed on day.

One comment, I'm going to ask the Police chief to mention something as well. There's been some incidences that you've probably read about in the paper, some violent incidences and some other problems that we've experienced in the City of Euclid. I sat down with the Police Chief about three weeks ago now, two and a half weeks ago, and we have put together a special unit of four patrol cars. It is taking a little bite out of our overtime, but we're using it judiciously to go out and hit the areas where we are having, especially tough problems on. I'm happy to tell you that in talking to the number of business owners and residents in areas where they were having problems, the program, I guess we're calling it the SWEEP unit, as the men have named it, we've been very successful. I've talked with Doug Price the other day and he said the problems he was having out in front of his apartment are all but gone. We will keep this up as needed during the summer. It is very important for the protection of our men that we supply them with the right equipment. We have Board of Control at my urging last week, we ordered to purchase five more tazers, for the protection of our officers and also to just send a message that we're serious. I'm going to turn it over to the Chief, he's got a few numbers as to the success of this program. People in this community and the youth and others in this community need to understand that we don't take crime lightly, we take it very seriously.

On the same note, I'm working with the Superintendent of Schools to find a number of areas, both school property and others where we can provide places for children and young adults to play ball and get together in a supervised fashion. Because we do need to provide places and programs for these young adults to go as well. If they get bored and decide to do something in this community that we don't like them to do, they will go to jail and they will go to jail for a long time.

Chief Repicky – Mayor, I just want to advise you, we did receive the tazers today, we ordered them last week. We just have training next week to get more of those out on the road. We started this SWEEP detail in the week of June 1st and for the past two weeks in addition to officers that are in the COPS units in the schools, were transferred to afternoon shift for the summer. We've made 63 arrests in the last two weeks. Anywhere from criminal trespass to disorderly conduct, under age

tobacco, gambling in the street, warrant pick ups, walking in the street, littering, drug paraphernalia, and possession of marijuana just to name a few. I think we are making an impact. People have to understand we are not going to tolerate any disorderly behavior in the City of Euclid from now on.

The other thing I wanted to mention is a comment was made at the last council meeting about Cleveland Magazine and our ranking. You received May's report for 2007, our robberies our down 58% from last year. Simple assaults are down 27%. Auto theft is down 26%. Our injury MVA's, are also down 26%.

I'd like to thank all the officers that are on the road that are doing a fine job in the last 5 months of this year. We will continue to do our best with our resources available and I expect the figures to go down even further.

One other comment, if you noticed two weeks ago in the Plain Dealer, Cleveland stated if you looked at their map, 50% robbery increase in our line off Euclid Ave. We can't put a fence up to keep them out, but we will do our best to either push them west or push them farther east because we don't want them in our city. Thank you.

Mayor Cervenik – Along with our determination to eliminate the number of crimes that have been happening in the city, and as I said I think we're very successful, you do have the Agenda tonight limiting the hours, early-ing the hours, and I know that's not good English, but we are going to have an hour earlier curfew for both the younger and middle aged children under 16 & 18. Most of the arrests we have been making have been in that 18-24 year old age, but they always seem to have a few juveniles with them. Lowering this curfew and I certainly hope Council will agree to reduce it by one hour, will be very helpful in what the Police Dept. is trying to do to stop some of the craziness that is going on in our streets. I would like all the residents to understand from the work they've done in the last three weeks, we have a very safe community, we're just making it safer. I think Chief Cosgriff has a comment.

Chief Cosgriff – Euclid Fire Dept. will be participating in the third annual firefighter and EMS stand down day, beginning at 0830 hours on June 19th and ending at 0830 hours on June 22nd. All non-emergency operations will be suspended during this time period in order to focus on items related to firefighters' safety. This year's theme is entitled ready to respond and focuses on proper training, preparation and equipment before a call and promoting an idea that all members can respond to, work at and return safely from the emergency they are called to mitigate. Sponsors of this program are the International Association of Firefighters, along with the International Association of Fire Chiefs. We feel this is a necessary event as we continue to lose over 100 firefighters per year on a consistent basis. Despite the technological advances that we have made in our protective equipment. Those figures do not reflect the 343 members of the fire department of New York that we lost on September 11, 2001.

Obviously we will continue to answer all calls for assistance during this time period, but we will suspend our non-emergency operations such as the hydrant flushing program. Thank you.

Mayor Cervenik – That concludes administrative reports.

REPORTS & COMMITTEE MINUTES

Councilman Gruber moved to receive the Fire Report, May, 2007; EPIC Min. of 5/15/07; Executive & Finance Committee Minutes of 5/17/07; Board of Control Minutes of 05/29/07 and 06/04/07; Monthly Finance Report dated June 13th. Councilman Lisy seconded. Yeas: Unanimous.

President Gudenas – Any comments on the finance report? I see we're fairly close but we're down around \$54,000 below projections. Are we still hopeful with the Lincoln Electric economy going good and other things that we're still going to make up the previous 4 months?

Mayor Cervenik – Not only from the growth in Lincoln Electric, you have before you tonight, a resolution or an ordinance that would provide incentive grant to University Hospitals. If you remember back in October, University Hospitals said they were going to leave this community and go to Shaker Heights with a hundred and twenty some jobs and three hundred and some in payroll. I'm happy to report to you with a lot of work and effort to assist them, it is University's hospitals intention to move to the Rockwell building. Not only will their payroll remain here over the next 5 years, it will exceed over \$7 million. When you have that, when you have H.C. Stark coming in July with a 135-150 new jobs and Hose Master finishing their expansion, and other things in the works, hope to have a Special Council Meeting because of some things in the works. I'm very confident that we will exceed our projections for the year 2007.

President Gudenas – Regarding University Hospitals, had we made the assumption that there would not be that revenue for the rest of this year and now we're going to keep the revenue?

Mayor Cervenik – I believe we had the assumption of about 90 days worth of revenue. The balance of it was eliminated from our projections.

President Gudenas – Okay, so that's good news.

Mayor Cervenik – It's good news, it is all good news.

Lot Split & Consolidation:

Council should approve or overrule Planning & Zoning Commission's approval to allow a lot split and consolidation under Permanent Parcel Nos. 648-25-014, 015, 016, 017, 018, 020, 022, 023, 024, 025 and 026, 26451 through 26801 Euclid Avenue. Approval has been given to split Parcel No. 648-25-020 (26551 Euclid Avenue, original sub lot #275) and to consolidate two rectangular parcels from the original 13 parcels located at 26451 through 26801 Euclid Avenue. The proposed new parcels are to be 253' x 145' deep and 306' x 145.19' deep respectively. Both proposed lots comply with applicable zoning codes.

Councilman Gruber moved to approve Planning & Zoning Commission's approval of the lot consolidation and lot split. Councilwoman Walsh seconded.

Asst. Director Beno – This proposal was reviewed by the Planning & Zoning Commission. It will allow for the development of two office buildings on Euclid Ave. and they voted unanimously to recommend approval.

President Gudenas – Information about the office buildings, how big and what is going to be in them?

Director Pietravoia – I can comment briefly. Mr. Pla is here this evening from Domain Builders. He's building these two single story office buildings, I believe they're about 5,000 sq. ft. each. They are all masonry, very attractive and nicely landscaped as well. He will be moving his own business into one of the buildings and building professional offices in the second building. He's here this evening if there are any questions.

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

Sustained.

Consolidation:

Council should approve or overrule Planning & Zoning Commission's approval to allow a lot consolidation of nine (9) parcels (Permanent Parcel Nos. 641-10-133, 132, 131, 130, 129, 128, 054, 030, and 029) located at 469-495 East 185th Street, into one (1) parcel of 76,936 square feet for 1.766 acres including 227.62 feet of frontage on East 185th Street between Meredith and Locherie Avenues.

Councilwoman Minarik moved for passage, Councilman Langman seconded.

President Gudenas – This sounds like it is for the Rite-Aid parcel. The land they've acquired is now going to be consolidated into one parcel.

Director Pietravoia – Correct, Mr. Chairman. This relates to items #5, #6, #7 on the Agenda which are zoning changes which will require a public hearing by Council. So I would defer to Council's desire if you want to act on the consolidation or hold until you act on the zoning which will come later, either this summer or in September.

President Gudenas – Have they already acquired the property?

Director Pietravoia – They have options to purchase all of the property.

President Gudenas – does it matter for the administration one way or the other?

Director Pietravoia – We can go forward and work with them to actually file for the formal reviews if this portion is approved this evening.

President Gudenas – Is that okay? Roll Call on approving Planning & Zoning's approval of the consolidation.

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

Sustained.

COMMITTEE OF THE WHOLE

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

President Gudenas – You have up to 40 items to select to talk about. Take your pick. Item #1, we may hold for later until the representatives of University Hospitals arrive. We have an extra long agenda because it is the last regularly scheduled meeting until September.

Ms. Rose M. Allen – This is regarding the Ceremonial, #40. If it could, I would like to request that it be corrected to reflect that the person's name is Andrew Erskine Tubbs and it should also include that he was the father of our Congresswoman Stephanie Tubbs Jones. The date of his death was May 16th not May 26th. If those corrections could be made, I would appreciate it so at some point we can present the Resolution to Congresswoman Stephanie Tubbs Jones.

President Gudenas- The misspelling was on the Agenda but not on the official Resolution. The other dates do need to be corrected. Thank you.

Mr. Dennis Berzinskas – 20890 S. Lake Shore Blvd. First let me congratulate Councilwoman Mary Jo Minarik, we used to be friends, just kidding. #14, this is a long time in coming. This is for the betterment of our children. I think all of us can say, that's our future is our children. It is not going to help the whole school, it will be 50 at a time next year. But, the off-shoot of what we get, we can have dinner theaters at Shore. We can rent out the space and hopefully we can fix up the cafeteria area in the next step and really have a fine showplace. It is a lot of work, it is a lot of money. It has been neglected for years. Money has been spent on studies after study, to no avail. This is something positive for our city, for our kids, for our future. I hope everybody votes yes.

Mrs. Nancy Foreman – 650 Hemlock Dr. I'm here to speak on the Forko Resolution, I'm sorry I don't have the number of it, but I'm sure you have it in front of you. I'd just like to begin by saying that it was unfortunate that we were unable to be at the last meeting. I don't want that to be misconstrued that we are not interested or not professional about the way we handle our business. We were not informed of when the meeting was, or asked if we would indeed be available that night. Both my son and I had other meetings scheduled that we could not get out of. I just want to know that and I want to apologize if there was any inconvenience or any embarrassment to anyone because we were not there. I didn't want it reported as though we just didn't show up and we weren't doing good customer service. But, that's not the way we conduct our business and I just wanted you to know that we are serious and we do plan to do a good job if that's your wish.

I do have packets of information for you that might help in your deliberations. Please give one of these to each council and to the Mayor, Council President as well. I think it is important that you have these details. It shows you the whole range of things that go to the customer from the very beginning with a brochure. Then it has the contract, it has the oversight walk through that we do at the end to check on how the facility is left. It has the follow up thank you and indication of the amount of refunds. There's also accounting for the years 2005, 2006 & 2007 to date. The information is there, I don't expect you to read it all through now, if you have any questions, I'll be happy to answer any.

I would like to speak to one other issue that relates to this and that was an e-mail that was circulated, that was unsigned, so I don't know who it was from, but it was from somebody who was unhappy at the center. And Forko allowing people to get into certain areas of the center, which is absolutely preposterous. To be accused of accessing computer files and rummaging through senior

records is just, I took it very personally as a slap in the face. There is no time that we would ever allow anybody nor would any of our staff do that. To be so singled out in that way was very unfair.

We feel that the Center is producing money. It is never going to be a gold mine, it is going to roll along nicely and provide some income as best we can do. We can't force people to have parties. We book about 5 parties a weekend, two on Saturday and two on Sunday and Fridays at the optimum weekend. It is about all you can do. When you put about 1,000 people through there on a weekend, there's going to be some wear and tear on the center. We ask each of them to clean up for the next client that comes in. If they do that, then everybody is more or less happy.

It is akin to managing a three headed monster, if you want to know the truth. It's not an easy job. We've tweaked the procedures each year to make it a little more user friendly and to try to tighten up the rules so that there's not a lot of gray area that a lot of people can't misinterpret what we have in mind. We list all the rules on the contract and have a separate signing page for them after they've read it through to understand what is expected. We post the cleaning responsibilities. We post them in the kitchen. We do as much as we can to make sure that the center is clean and ready for the next client.

We have very few comments or complaints about what we do. Meet with the client, do the contracts, return their deposit on time. They like to have it right the next day, the Monday. They like to come into the office and get their check or if it is not there in a couple of days they'll be calling us and we usually get it back to them right away. All the monies are returned within a matter of a couple days. Nobody has been unhappy about that and I think that speaks well of our customer service.

If you consider us worthy of continuing, we may give it a go on into the future. I do think this was not going to be a lifetime job for us. I think we would hope that eventually somebody would be discovered that would really like to do this as a full time job, it is almost that. It does require a certain amount of expertise in the hospitality industry, but I think there are other people that could do it and could do it well. If you have somebody else in mind, I won't be offended if you find them willing to do it. Thank you.

President Gudenas – We're happy to have you here.

Councilwoman Mancuso – since our representatives from UH aren't here when we are done and they, Forko is here, could we move that up on the Agenda so we're not making them wait needlessly.

President Gudenas – Okay, so we'll put the Forko legislation on first on the Agenda and University Hospitals when they get here.

Ms. Regina Hauck – 116 E. 197 St. I'm not staying until the end of the meeting. It is way to long so I'm going to very loosely tie my comments into the agenda items by saying that I am in favor of changing the curfew for the children. I would like to ask the Chief a favor. You spoke about the 63 arrests and I commend you and your men for that. I would like to ask you and perhaps the Law Dept. to work together and track those 63 arrests and perhaps at the next Council meeting in September tell us how many of these were successfully prosecuted and convicted. So that we can know that the work your men are doing is not in vain.

My other comment is congratulations to Mary Jo Minarik. I know you'll do a great job.

President Gudenas – Chief Repicky, will that be something that the Police Dept. can report back maybe in September, what happened to the arrests from the sweep that took place in May and June.

Chief Repicky – We'll track the adults. The juveniles, they usually don't go downtown for 3-4 months because the Court system is so backed up down there. But, we'll keep an eye on the adult arrests.

Mr. Vice Riha – 1515 E. 195 St. I want to talk about items #9 & 10. I believe that #9, the Department of Justice has us running around in circles trying to answer questions that they are no answers, no questions have been asked yet. William Tecumseh Sherman was quoted as having said, if nominated, I will not accept; if drafted, I will not run; if elected, I will not serve.

The relationship to that is, you can't force people to do something. My street there are 62 residences, 126 registered voters. 106 are African-American, 20 are White. In the last election it accounted for 21% of the vote voted from our street. 17% of the African-American vote with 18 people voting; 8 White for 40% of the vote.

For the Department of Justice, we're trying to move all these wards around, besides confusing us, it is not doing anything. What am I to expect if this doesn't work and the Department of Justice doesn't like it? Are they going to knock on my door someday, put a star on my chest and tell me to move to a ghetto? This is ridiculous because we're trying to do something we know nothing about. All of this fervor about it, that they've interviewed everybody including the water boy at the Golf course, they still have yet to talk to my wife, who ran in 2003. They're not out to do their homework. Just trying to make a fuss and create racial diversion in the city.

#10 is great. I think they should be made to do their homework and come up with it. These statistics I give you are from the Board of Election, which State Senator Coughlin to help issue his Bill because there are other things tied to this including voter fraud. I would think hardly about trying to run around in circles for the Department of Justice when we still don't know what they want. Thank you.

Mrs. Madeline Scarniench – 1511 E. 221. I figure we're going to be here at least until midnight, so I'll throw my two cents in here. Item #30 & 31, I think are both frivolous pieces of legislation. I didn't know that City Council now is running the way campaign financing is supposed to be done. I run four times and never in my life have I ever heard of something like this. Everyone follows the rules. If you don't follow the rules, you get caught, you get in trouble. I think by doing this, you're doing a disservice to the citizens. Pay attention to what you're supposed to do and follow the rules and that's all you have to do.

I would like to know, on those two issues, do you know of any other city who does anything like this? Because I couldn't find any that does it. I hope you would really think about this and say no to it. Thank you.

President Gudenas – The City of Euclid already requires a financial disclosure statement listing sources of income and the like that all elected officials have to yearly have on file at City council. This would be expanding that. We'll have a debate and we'll see what happens.

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

LEGISLATION

Ord. 125-2007 (369-07) Forko Rental Agent

An emergency ordinance authorizing the Mayor of the City of the City of Euclid, or his designee, to enter into a renewal agreement, ending June 20, 2008, with Forko Enterprises, Inc., 23555 Euclid Avenue, Euclid, Ohio 44117, for the purpose of acting as rental agent for the Euclid-Lakefront Community Center. (Sponsored by Mayor Cervenik). **MOVED TO COUNCIL FROM COMMERCIAL & RETIAL DEVELOPMENT COMMITTEE WITH NO RECOMMENDATION. NOTE AMENDMENT TO PAGE 3 OF AGREEMENT ATTACHED.**

Councilman Conway moved for passage, Councilwoman Mancuso seconded.

President Gudenas – Councilman's Conway Committee had a long discussion on this and I see that one item was removed, the \$40 maximum per week cleaning pre-rental fee has been omitted. Would that be the only change from the previous agreement?

Mayor Cervenik – In the contract, that would be the only change. Some of the administrative things we're going to do is as I talk with Terah McNeal from the Senior Programs as well as Hank Gulich, that we are going to have a pre-rental report and a post-rental report. From the post-rental report the city will determine if in fact all of the security deposit or portion of the security deposit should be given back depending upon what the report on Monday morning states. It really is not Forko's responsibility to clean that building either. It is the renters responsibility. We will also have signing ability or a separate account for the security deposits. There is some logistical problems there that I have to work out with James Foreman but we will do that. Most people don't write a second check, we just may have to say, you're going to write two checks, one is your security deposit, one is your rental. We will work that out.

We will have an additional cleaner for a few hours. One of our janitors down in the building on Fridays because we do, as we rent that out, we do have to present it in a condition that it should be in. I talked with some seniors after the meeting and we don't have a painter on staff. There's a lot of buildings and a lot of maintenance that needs to be done. But we will concentrate and try to do a better job on the senior center and work this out. I think Forko has been doing a very good job. It is never going to be a perfect world. The seniors would be very happy for the most part if we

never rented it out and at times I see their point. But at the same time there's been a tremendous amount of money invested in there. We all just need to work a little bit better together. From Terah McNeal, she has assured me that will come from her department as well.

President Gudenas – On item 6, we had asked for the breakdown. The way the agreement works, half of the money goes to the City of Euclid and the other half goes to Forko for booking the event and managing the event. But the split is capped at \$95 an hour. Everything above \$95 an hour goes to the City of Euclid. This is why we asked for this information is because I'm not sure how these numbers were computed. On the information we were given tonight by Mrs. Foreman, there's an example on 2-25-07, 5 hours at \$95 an hour. The city's share was \$237.50.

Councilman Lisy – They also included a page of further hand-out that shows the total fees received, the city's portion of it and the fees to Forko Enterprises. It does show that break out.

President Gudenas – I just wanted to make sure that we're computing these numbers correctly. Has somebody reviewed all of these things to make sure that the 50% caps at the \$95 and everything above that is the city's?

Mayor Cervenik – Yes, we do that as we get the reports in and Nancy Foreman provides us with that breakdown.

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

President Gudenas – Mrs. Foreman, come on down again.

Councilwoman Mancuso – If I could ask. First of all, our agreement ends with Forko on what date currently?

Mayor Cervenik – Our agreement entered into with Forko on April 30th. That's why we're trying to get this done.

Councilwoman Mancuso – Here's what I would like to propose we do because we seem to be addressing this every year at our busiest time of the year and always in June we're trying to get this done. I would like to propose an amendment to the contract that would actually take us through December 31, 2008.

Mayor Cervenik – That would be wonderful.

President Gudenas – That would be great because you're not going to split it up in the middle of the season.

Mrs. Foreman – We report annually. You'll see the reports are for the year. It would make the bookkeeping more simple I believe and makes sense.

Councilwoman Mancuso – It makes more sense to go through a calendar year versus June.

Mrs. Foreman – I'd be happy to have it go through December 31st.

President Gudenas – So we have the amendment to have the end date of the agreement December 31, 2008. Councilwoman Mancuso moved to amend the agreement date. Councilman Lisy seconded. Yeas: Unanimous.

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

Amendment passed.

Councilman Langman – I'll direct this to the administration, under #10, condition of the premises, it says that a form shall be filled out in detail. Do we currently have that form? Or, is that a form to be developed?

Mrs. Foreman – In your packet there is a form that we use, we walk through with the client, following the event. We make notes of any conditions both when we come in and as we leave. We check them off, we say you have to do this, that and the other thing. A lot of people aren't too happy carting out garbage in their wedding finery at midnight, but they do it or they don't get their money back. It is as simple as that.

President Gudenas – Of course, they could hire somebody.

Mrs. Foreman – They could.

President Gudenas – The caterer could handle that for them.

Mrs. Foreman – Usually if it is catered and if it is a qualified caterer that has staff that can do that. That's what we do when we're there. We're responsible for the cleaning.

Mayor Cervenik – In addition to the form that Forko has with the client, we will also have either Terah or someone from the Service Dept. on Monday mornings doing a check of the grounds as well and if they see any problems, note them and we will discuss that with Forko and no security deposits will be given out, returned, until we've agreed on that procedure.

Councilman Langman – Have we used a form like this in the past?

Mayor Cervenik – What Forko has been using, they've been using, what you have in your packet.

Councilman Langman – Does the City have a copy of that on file?

Mayor Cervenik – Yes we do.

Councilman Langman – So we have it over a period of the past couple of years, the condition.

Mrs. Foreman – We don't send it to anyone, it is mostly for our in-house assurance so that we know that it is clean and we make notes if there is something that needs repairing or something and then we'd communicate that to the powers that be. If there was a problem of any kind, we'd note it.

One of the problems we had recently was the fire alarm going off. There was some residue left in the stove in the bottom of the oven and I noticed it before the clients bought their food in and I said don't use this oven because it has dirt on the bottom. It was there when we came, it wasn't our fault. By the time all of them got in there and they put all their food in the thing, they did turn it on and it was smoke just enough to set the fire alarm off. We had to use our pass key to get into the janitor's office where the instructions tell us to find this certain key that opens the fire alarm box, but the key wasn't there. The Fire Dept. came, the Fire Chief came, not the Chief but somebody from his office came and they used their fire box on the outside to get a proper key. It was a big hassle and we had been told exactly what to do and how to do it and then when we got in, the keys that we needed weren't there. It rang for about an hour and I had two clients, a party going on and another client that was a high school group that was doing a reunion in a couple of weeks, so it was embarrassing.

President Gudenas – It looks like the city's share is up about \$10,000 from the year before.

Mrs. Foreman – One thing you'll notice on the 2007. We had a group in there on Sunday morning that wanted to rent every Sunday from now until the rest of the year. So I had penciled them in and I had the figures in there originally because they were paying by the week and I had a little asterisk next to it to indicate that it hadn't been paid yet, but they were going to pay. Well for the purpose of this report, I took the amounts out, I left their name on there, it is under Ambassadors, you'll see it and you'll see that it is blank where the money should go. They got a little disenchanted because they've been put out of their site twice by programs that were scheduled. One time they were put out and people who were scheduled to use it, didn't come and use it. So, they've got a little disenchanted and this week they're going to the park to have their thing. I'm hoping they'll come back, that's \$300 a Sunday that we didn't have before, every Sunday.

Councilman Langman – Mr. Mayor, did you want to add anything to Mrs. Foreman's comments?

Mayor Cervenik – Only that the report we will be doing will be in addition to what Forko does with their clients. We feel after internal discussion that is our responsibility. After discussing with our senior programs people that in fact the building was in great shape sometimes. This is no criticism of Forko because they have a very difficult job. I think sometimes at midnight their employees are pretty tired too and they may not see something that's very obvious Monday morning. So that will be an additional step.

Mrs. Foreman – All of our staff that worked that are seniors too.

Councilman Langman – So we will have something on file in our records to track the condition of the building?

Mayor Cervenik – Every Monday morning, yet.

Councilman Delaney – I have a quick comment. It is certainly important work that Forko does and we did bring them in because they have good expertise in running this part of the operation, this aspect of it. The Mayor has eluded to the significant investment of that building. But we should all be cognizant of the fact that the reason that was done, the reason that project was there, was not for party center put to house our senior programs. To make sure that we put a roof over the senior programs that lended a culture of dignity to our senior citizens. If you go there and visit, you can see that it is an important place, there is a lot of wonderful things that happens, that is the priority. It is fortunate that we're able to use this nice space to be able to supplement that investment. Anyone that keeps their eye on the ball knows that if we're blessed, some of us will be there soon ourselves. It is nice that Euclid has wonderful senior facilities to offer. Thank y

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

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

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

Passed.

Director Pietravoia – UH rep is not here yet, but we do have reps here from Rite-Aid, if you want to take care of those zoning pieces.

President Gudenas – Let's confuse everybody and we'll go to #5, #6, #7. From #29 we'll go to #5. It's like Bingo night.

Ord. (413-07) Rezoning Rite Aid – Locherie First Reading

An ordinance to amend Section 1 of Ordinance No. 2812, as amended, and the map and map designations, which map and map designations, as amended, form a part of Ordinance No. 2812, as relates to and designates U-2 and U-4 use districts relative to said property. **Rite Aid property – Locherie Avenue – U-2 to U-4 Zoning Change – PP# 641-10-029.** (Sponsored by Planning and Zoning Commission).

Councilwoman Minarik moved for passage, Councilwoman Mancuso seconded.

President Gudenas – We'll discuss numbers 5, 6, & 7, all three at the same time, all related to the same issue. Director Pietravoia, are you going to start it off?

Director Pietravoia – The reason we did three separate ordinances was due to the fact that the lot consolidation had not occurred yet, so there are three parcels, I believe a map was distributed this evening that better illustrates the area that is being rezoned. It looks like this and it is entitled Rezoning Exhibit. It should be with the color photograph of the building. I see everyone shuffling through the papers.

I'll continue describing the project while you're looking for that map. We have this evening with us Mr. Greg Hopkins, he's the managing member of a company called Signature Development Group. They will actually undertake this project for Rite-Aid. This is a new drugstore proposed on East 185 Street between Locherie and Meredith.

President Gudenas – Just a quick question. Because it is a zoning change, are we required to have the three readings?

Director Pietravoia – The code requires a 30 day notice of a public hearing of Council. Normally that ends up being a three reading time period. With the summer recess, depending on when we issue that 30 day notice, we can either hold a special meeting, or have it 30 days in advance of the September meeting.

President Gudenas – I guess the question is, we're not allowed to vote on it tonight?

Director Pietravoia – Correct.

President Gudenas – Should we have waited for the presentation at the end or do you still want to do it now?

Director Pietravoia – We can do the presentation at the public hearing, if that is Council's desire given the length of the Agenda tonight.

President Gudenas – I know the Rite Aid people are here so we don't want them at the same time to go twice, but we would have to have a public hearing and all this possibly presented again depending on the issues in the neighborhood and the like. You might have to do it twice.

Mr. Hopkins – Mr. Chairman, it is up to you, we're here at the suggestion of Mr. Pietravoia in the event you wanted a presentation, but we're happy to give you a presentation at the formal public hearing.

President Gudenas – With the 30 day notice, that would be at the first meeting in September or if there is a special meeting in the summertime. City Council members, would that be okay to have the presentation when they have to come back for the final meeting; or would you like it now?

Councilman Langman – Director Pietravoia and the gentleman from Rite Aid, what is their timeline for development, demolition and so forth?

Director Pietravoia – I'll let Mr. Hopkins speak to that.

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

President Gudenas – Please introduce yourself for the record, your name.

Mr. Greg Hopkins – I'm the managing member of Signature Development Group, 23230 Chagrin Blvd., Beachwood, OH 44122. To answer your question, we'd like to try to accommodate our municipal approvals as quickly as possible. We've secured Planning Commission approval, obviously we have to have the properties rezoned, which is why we're here before you. We appear in front of Architectural Review Board next Thursday and our hope is to secure Rite Aid's formal corporate approval tomorrow. The rezone start or building drawings and hopefully be in a position to break ground sometime subject to the Schwebel's lease termination either late fall or early next year. From there the construction schedule is anyway from five to eight months.

President Gudenas – When Rite Aid made the decision to locate at this location, was Rite Aid familiar with the new CVS moving in on Lake Shore Blvd. and E. 222 Street?

Mr. Hopkins – We are aware of that. In my former capacity I was the Rite Aid real estate director, which ended at the end of last year. I've had the opportunity to be a preferred developer for Rite Aid and other retailers across Ohio. Our feeling is that is a distinct separate trade area, particularly underscored with the closing of Medic that occurred roughly 18 months ago. We're excited about the opportunity to, we work closely and I would like to publicly thank the administration and the staff to really come up with a project that we think that is both aesthetically pleasing and helps to elevate some of the design standards of your zoning code and set a standard for how E. 185 may continue to redevelop. We're excited about that opportunity. We do a lot of close work with the Cleveland Clinic. We have a project that we're proposing tomorrow on the Cleveland Clinic

campus which is a real location there and we feel this is a great opportunity to fill a gap in our market share.

President Gudenas – E. 185th Street has a theme of an Old World shopping area. Will any of those kinds of things be part of your design?

Mr. Hopkins – I'd be happy to at least, I don't know how much the presentation material demonstrate but one of our hallmarks of our work with the administration is to try to come up with something and I look at the TIF proposal further in your agenda this evening. Really promote landscaping from a street front retail with fencing and brick piers. I think we do, we have an enhanced building design. We've tried to incorporate some, for example street lighting component, which is something that is going to be flushed out a little bit more in the ARB meeting. Something that is more consistent with the Old World element of your architectural design.

President Gudenas – Will the Architectural Review Board consider those kinds of things as making sure it fits into the rest of the theme of E. 185th Street?

Director Pietravoia – Yes, Mr. Chairman, one of the unusual circumstances on this property, unlike when you get further south on 185th Street, the first few blocks near Lake Shore have a very different set of buildings and building set backs. It wasn't as certain for example on Lake Shore Blvd. where we pulled the building up to the street. There are actually a number of buildings that are set back, both on the Cleveland and Euclid side in this vicinity. Of course they will be replacing everything that's in that block so they're starting new.

President Gudenas – We just need the gateway to the street.

Mr. Hopkins – That's how we view it. You can see from this vantage point, this is from the high school across the street, looking across Lake Shore to the corner Locherie and E. 185. We've really tried to incorporate fencing and landscaping. This artist rendition doesn't do justice to the landscaping mounding that the full color landscape site plan does. It is 14,560 sq. ft. building represents what has been lauded in the industry as the finest chain drugstore in the industry. It has some innovative health care initiatives with a private consultation room, which enhances our ability to provide immunizations and health care screenings. I don't know how familiar members of council are with the property, but it is really disheveled combination of properties that have not been well maintained. We have a chance to really look at what is a larger than normal site for us, or most modern day retailers. It is probably 30-40% larger than average, but we've tried to really assemble enough land to provide us the opportunity to create a buffering to the residential to the east and create that landscape element and that gateway component that you referenced.

President Gudenas – Director Pietravoia, would this be a good time to let us know about Schwebel's Bakery, where do we stand with them? I know they are still residents and workers concerned about its location, including the delivery part.

Director Pietravoia – I have personally toured the facility so that I could understand both the storefront and the truck repair and delivery portion of the business. We are actively working with them to look at other sites. Their corporate office has asked us basically to hold off until the trigger is pulled so to speak on the land acquisition. Their six month time period to find a new location doesn't start until the property is actually sold. There is still some time but we are actively working with them even though it hasn't officially occurred yet.

Mr. Hopkins – That is always one of the challenges is what comes first, the chicken or the egg. And to Councilman Langman comments or questions, as soon as we can accelerate the municipal approval process to secure our building permit, that's when we have the opportunity to trigger the Schwebel's lease termination. The property owner has a longstanding relationship with the Schwebel's. We want to work with them, afford them enough time so we really create a win/win in seeing them relocate somewhere in the nearby vicinity.

President Gudenas – Director Pietravoia, does it look promising that they'll remain in Euclid for both parts of that business?

Director Pietravoia - At this point we've identified two buildings that could accommodate the truck storage and repair portion and several storefronts that could accommodate the storefront portion, so I would say yes.

President Gudenas – Please let us know if there is anything of course City Council can do to make that move work.

Mayor Cervenik – If we fail to find a location for the retail portion somewhere in the City of Euclid, we will certainly be working with Northeast Shores and Michael Polensek Councilman of Cleveland to find the next best solution which would be to have them locate somewhere on the Cleveland side of 185 because that store is a very important part of the business district of 185 Street.

President Gudenas – It is important in Euclid too so let's not even think about that yet.

Director Pietravoia – They have made it clear that they'd like to stay in the E. 185 or E. 200th Street vicinity. We're specifically looking in those areas.

President Gudenas – We know we have somebody here on E. 200th Street that will probably help out maybe, find the right spot.

Director Pietravoia – I did have one last comment, I just wanted to point out, we had a couple residents at the Planning Commission and one of them is here this evening, that had expressed some concern about the driveway location and the buffering between the building and the residents that will be to the east. We're working with those two residents in particular to address their concerns and we met immediately after the last meeting with Ms. Ely who is here this evening. So we'll have time over the course of the summer months before this is acted on by Council to resolve.

President Gudenas - #5, 6 & 7, this will be considered a first reading, but we are not scheduling the public hearing yet pending if there's a special meeting in August.

Councilman Langman – The representatives for UH are now here, if you want to address that next.

President Gudenas – Thank you for pointing that out. Anyone else want to be officially recognized? #5, #6, #7 can we just automatically consider that or do we have to go through each one?

Director Frey – You've read #5, you need to read the other two as first readings.

Ord. (414-07) Rezoning Rite Aid – Locherie First Reading

An ordinance to amend Section 1 of Ordinance No. 2812, as amended, and the map and map designations, which map and map designations, as amended, form a part of Ordinance No. 2812, as relates to and designates U-2 and U-4 use districts relative to said property. **Rite Aid property – Locherie Avenue – U-2 to U-4 Zoning Change – PP# 641-10-030.** (Sponsored by Planning and Zoning Commission).

First Reading.

Ord. (415-07) Rezoning Rite Aid – Locherie First Reading

An ordinance to amend Section 1 of Ordinance No. 2812, as amended, and the map and map designations, which map and map designations, as amended, form a part of Ordinance No. 2812, as relates to and designates U-2 and U-4 use districts relative to said property. **Rite Aid property – 18651 Meredith Avenue – U-2 to U-4 Zoning Change – PP# 641-10-054.** (Sponsored by Planning and Zoning Commission).

First Reading.

President Gudenas – This will be the first reading. Thank you for coming and we'll see you again soon.

Mr. Hopkins – Thank you Mr. Chairman, have a good summer.

Ord. 126-2007 (416-07) University Hospital

An emergency ordinance authorizing the Mayor of the City of Euclid, Ohio, or his designee, to enter into an incentive Grant Agreement with University Hospitals Management Service Organization, Inc. (hereinafter referred to as "UHMSO, INC.") for a five (5) year period beginning in 2007 and ending in 2011. (Sponsored by Mayor Cervenik by request of the Director of CS&ED).

Councilwoman Mancuso moved for passage, Councilman Gruber seconded.

President Gudenas – Who would like to start us off with this good news, Director Pietravoia?

Director Pietravoia – As the Mayor mentioned in the opening remarks, we're very pleased this evening to bring before you a project that involves University Hospitals and their administrative offices that have been in Heritage Park on Euclid Ave. for many years now. Originally the plan was to move the bulk of that facility to Shaker Heights in the new complex that was purchased by University Hospital there. We've determined through our continuing conversations with University Hospital that they don't have sufficient space in that new complex and started a search for the administrative offices. We were working aggressively with them and pleased when they informed us that Euclid was on the list when they narrowed it down to three locations. Two of them were outside of Euclid, one of them was in Euclid and that is the Rockwell University building, which has been vacant for sometime on Euclid Ave.

This building was well suited to their needs and we worked aggressively not only with the new owners of that building, but also to provide what's before you this evening, which is an incentive grant which will help to offset the cost of the move and help us to compete with the other two locations that they were considering outside of the City of Euclid.

The great news for Euclid is that they are committing to a minimum of a 5 year lease. They also have an option to purchase the building and they have an option to renew the lease, should that all work out to their advantage. We will retain the existing employees there. We're starting with a base of approximately 150 jobs at the end of 2006. It is expected to grow by the end of 2005, to 205 and over the next five years their projections at this point by 2011, which is the period of the grant, to grow to about 280 employees. That translates into payroll which was at the end of 2006 at \$4.4 million, growing to over \$7 million at the end of 2011.

The way this grant is structured, similar to a couple of other grants that we've done recently, it would provide at the end of each calendar year, we would calculate the amount of payroll withholding taxes that were paid and we would provide a grant then of 15% of those taxes paid. It ranges in the sample that I've provided to City Council in the draft agreement itself, we're estimating it would range from about \$24,000 in the first year to about \$32,000 in the last year.

The great news for the City of Euclid we're really pleased to have Mr. Robert Secrist here this evening, he was the vice-president of corporate real estate for University Hospitals. With this project the total payroll taxes that will be paid over that 5 year period, assuming their projections will be about \$975,000 and even after the incentive grant is paid out, the city will benefit, city and schools combined, to the benefit of \$828,000. We are very pleased to have Mr. Secrist here tonight and he may have a couple of comments for City council.

President Gudenas – Thank you very much and please state your name for the record and welcome.

Mr. Bob Secrist – I am as said, Vice President for Corporate Real Estate for University Hospitals. The more important person in this conversation is the woman to my right, Ms. Phyllis Hall. She is Senior Vice President of the UHMS organization that's going to occupy the space here. She is the Executive that ultimately made the decision to remain in this city despite a long search and an aggressive search that we made to locate additional space to house these growing numbers of employees. I also want to thank the Mayor and Mr. Pietravoia for all their help. During the search process, they were very aggressive coming to us and reminding us again and again of the advantages of being in the City of Euclid. Ms. Hall's offices are currently in Euclid in the Argo-Tech building, we call it the Argo-Tech building, a site that we inherited from Mednet in a lease that was done about 10 years ago. We've outgrown it, as you can see, with the numbers of employees increasing regularly there. We can no longer remain in that site. We did look at some sites that were very close to, if not into our office max complex including the guitar-reese building right next door where there was space available. Ultimately the decision was made to remain here in Euclid in the Rockwell building which has turned out to be very suitable for our needs and the organization. Anything you'd like to add, Phyllis? We'd like to open it up to questions, if there are any that you'd like to ask of us.

Councilman Langman – Just a comment, Mr. Chairman. Since I work for the health system, I will abstain on this vote, but I'm certainly glad that you're staying in Euclid and wish our offices were moving to Euclid instead of Shaker Heights. So, glad you're staying.

President Gudenas – Hopefully we won't need your vote for this. Any other discussion?

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

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

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

President Gudenas – Welcome Back.

Mr. Secrist – We want to again say thank you to Council and the Administration for your gracious hosting of us in the city.

Ord. 127-2007 (397-07) Notes

An emergency ordinance to provide for the issuance and sale of taxable special obligation notes in an aggregate principal amount of not to exceed \$1,000,000.00 for the purpose of paying costs of providing housing in the City by repairing and securing insecure, unsafe, structurally defective, abandoned, deserted, open, vacant and other housing structures, making emergency corrections of hazardous conditions, and abating other nuisances in housing. (Sponsored by Council President Gudenas and All Members of Council).

Councilman Delaney moved for passage, Councilman Lisy seconded.

Director Johnson – I will start this discussion and then I'm sure Director Pietravoia at some point in time will contribute. Basically this piece of legislation will allow me to issue a series of five notes in the denominations of about \$200,000 a piece. The County Treasurer Rokakis's office, we will negotiate with them, before issuing the notes, purchase these notes at a negotiated interest rate that we still will have to discuss. Through the demolition assessments that are placed on the properties, we hope that we will be able to recoup the funds or the costs of the demolition in order to retire these notes. That's essentially how it works. I'm sure the Mayor and Director Pietravoia will want to contribute additional comments.

President Gudenas – Do we have an idea of about what this interest rate might be?

Director Johnson – We don't, except that we know that the interest rate will be below market rate. Right now it is about 4.5%. We know that it will be below that. That will be negotiated by myself and the County Treasurer's office.

Another important point of this is that we will not be required to engage underwriters, it will be a private note sale. We will not have underwriter fees. We will have bond counsel fees. We will have to have a legal opinion from bond counsel, but those will be the only fees that will be associated with the issuance of this debt.

President Gudenas – Will this go into our nuisance abatement fund or some other special fund?

Director Johnson – The proceeds of these notes will go into the nuisance abatement fund and the proceeds will be used for, it can be used for rehabilitation as well as demolition of properties.

President Gudenas – We've started that process, we've already acquired, we're starting the demolition and the like and did other repairs. Where does that fund stand today in terms of expenditures?

Director Johnson – On a very small scale compared to this, this year we budgeted \$115,000 for grass cutting as well as demolition. We pretty much exhausted that entire amount this year which is

what prompts the necessity for going forward with this. Later on this evening, we've also presented legislation that will allow us to transfer \$250,000 into the nuisance abatement fund which will be a further catalyst, sort of a starter amount into the nuisance abatement fund, to continue on for the rest of this year with this project.

Hopefully the assessments from that initial \$250,000 plus some of the assessments that we've done in previous years will generate enough money over 4-5 years to allow us to repay the debt.

President Gudenas – It is in \$200,000 increments and the idea is to do one for \$200,000 and then have City Council appropriate the expenditure and then we go to the next \$200,000? As opposed to borrowing all five of these at the same time?

Director Johnson – We would have to come back to Council for the additional \$200,000 in appropriation.

President Gudenas – the intent is if this is approved tonight that the administration will proceed with the first of the \$200,000 which would reflect some of the activity that we've already started in the nuisance abatement fund. As we get a greater list of homes to either acquire for either land bank, demolish or improve, then we will proceed after that. That could be directly related with Mr. Mikelbank's help who Director Pietravoia and I will be meeting with shortly to start working on a good housing plan because now we have some funding for that. We just want to make sure that we get a big bang for that buck.

Director Pietravoia – I just wanted to comment on the timing. You asked the question about issuing \$200,000 at a time. Director Johnson will be negotiating with the County as part of this for part of a repayment term. We're going to be seeking a 5 year term for each \$200,000 increment. So if we stagger those, that will also stretch out the time period for the repayment, giving us a better chance at properties changing hands and the liens being paid for us to pay back the County.

Councilman Lisy – We had set aside a certain amount of money to do some of these activities already. Are we going to reallocate those funds to additional projects in the housing department?

Director Pietravoia – Part of the reason we're doing this this evening and the other piece that's on the agenda is that we have already encumbered all of those funds. We'll need additional funds for, lot clean up in particular and for demolition. We've used all the funds for demolition that we have available.

Councilman Lisy – so, can we go back and pay the encumbrance with this money at the lower interest rate which then freeze ups the previously allocated money for those activities?

Director Pietravoia – If we did that, we'd have a much smaller pool then to draw from for the rest of this year, the second half of 2007. If we're able to schedule the remaining 20 plus demolitions that we had on the list that we provided to Council, those alone could total at an average of about \$8,000 each, another \$160,000.

Councilman Lisy – I'm trying to figure out ways to stretch this money because housing and safety are the two biggest issues I'm hearing from our residents. So anyway we can better utilize our funds in this area, that's what I'm after. I don't mind trying to be a little bit more creative on this.

Director Pietravoia – I'll work with the Mayor and Director Johnson to see if we can reimburse some of the funds that were already encumbered and stretch the dollars further. My initial reaction is that we want to make sure that we have enough to do the full list of demolitions.

President Gudenas – We are very thankful for County Treasurer Rokakis for helping us with this. D

Director Johnson – I wanted to make other comment, note to Council. That is even with the passage of this legislation, if we have not issued the entire \$1,000,000 before the end of this Council's term, we will have to present this legislation to the new City Council to reaffirm the continuance of this program.

President Gudenas – I'm sure they'll like it. The good part is if I read it right, the full faith and credit of the City of Euclid is not part of this so this will not count against our overall debt. So that's the good part.

Director Johnson – That's correct.

Councilman Langman – Director Pietravoia, I did have a chance to review the demolition list as updated through June 15th. I noticed that Ward 2 other properties added. Are we waiting to add additional properties on the passage of this legislation?

Director Pietravoia – I was looking for that list of demolitions. We continually add to that list, but we wouldn't be able to actually proceed with additional demolitions without this piece and the next piece being passed because we have used all our funds available.

Councilman Langman – I guess the question is, will we be adding additional homes and if so when can we see them. Because I have 3-4 that various housing inspectors would like to see come down, but aren't on this list yet. So I wanted to know where we are in the process whether its this item that's holding it up or some place else?

President Gudenas – Director Pietravoia, when you get the extra County money will we have more to come down?

Asst. Director Beno – Yes, I believe when we have additional funds available, we will be prioritizing additional demolitions as soon as possible.

President Gudenas – You will provide a list to City Council within a few weeks?

Asst. Director Beno – Absolutely.

President Gudenas – We will look forward to that.

Director Pietravoia – We're attempting to do a monthly update of this list. So in about a month we'll update this list again. What I wanted to point out, the reason I was looking for the list, there are a number that haven't been posted yet, so those will be our first priority to post those that haven't been posted yet and then we'll start adding to the list after those are posted. Posting is the first step in notifying the owner.

Councilman Langman – How many have we knocked down so far?

Director Pietravoia – We did approximately 12 last year and we have 4 that are bid and ready to be scheduled for demolition this year with 2 complete so far. Two complete and four more scheduled.

Councilman Langman – With all due respect, that seems like a little bit of a slow pace and I know it could be because of the funds.

Director Pietravoia – Partially the funds and partially the posting and notice requirement.

President Gudenas – When we directed the administration, you just can't show up at someone's house and say, hey get out. You have to go through a long legal process; everyone's rights are protected.

Councilman Langman – I'm well aware of that, but we're already into the sixth month of the year.

Mayor Cervenik – Our bond counsel failed to put my name on this legislation and due to the amount of time I've had on here, I'd like my name added to this also. Thank you.

President Gudenas – We'll be more than pleased to add Mayor Cervenik along with all City Council.

Director Pietravoia – One last thought, in terms of flow of funds, it will take some time to work with the County to actually get the bonds issued to the point where we have dollars available to

spend. So in part that's why we're doing an additional transfer in the next piece of legislation that will provide the funds immediately and then when the loan dollars come through, those will take the place of the transfer.

Councilwoman Mancuso – But we're assured that the bond will come through this year in 2007? The transaction. We're not going into next year, you understand what I'm trying to say?

Director Johnson – At least the first note. This gives us the authority if the program moves quicker than we anticipate, we could issue additional notes, yes. But the idea is that we want to make sure that we've identified sufficient revenues to repay the notes when they come due.

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

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

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

Passed.

Ord. 128-2007 (426-07) Annual Budget

An emergency ordinance amending ordinance No. 113-2007, which makes the annual appropriation for all expenditures for the City of Euclid for the period ending December 31, 2007. (Sponsored by Mayor Cervenik & Entire Council).

Councilman Lisy moved for passage, Councilwoman Mancuso seconded.

President Gudenas – Director Johnson, this basically confirms what we have approved in the past and what we're talking about right now.

Director Johnson – Exactly.

President Gudenas – Our budget to reflect the changes we've mostly made since the start of the year.

Director Johnson – That's correct Mr. Chairman.

Councilman Lisy – Is there a way we can save the original budget for historical purposes so the next Council next year when they deal with comparison of original projections with the 2008 projections that they have this original number. We can see then how we deviated from the original projections and what was actually spent for 2007, that will give us a better feel for how well we are tracking.

President Gudenas – Director Johnson, basically we're asking for another column I guess with the original budget that was approved at the beginning of the year, usually in February or so and then the final one.

Director Johnson – I'm not real sure that this legislation would be the place to display that, but we could provide that information.

Councilman Lisy – I just don't want this original information lost in the records as it is constantly updated then we have a new budget. What I want to do is keep the original budget somewhere. You are right, it is not appropriate for this legislation, it is just that I don't want this legislation to cover up or replace the original budget. I know it is going to replace the original budget, I'm trying to find the right word and I'm not finding it, but I hope I get my idea across.

President Gudenas – We understand. On the Euclid Endowment account, I'm always concerned about that one. \$129,000, other expenditures, what would that be?

Director Johnson – When we had the discussion, I did not go back and change the Endowment but at the last Council meeting when we had the discussion that the Festival and the Fireworks were

originally scheduled to be charged to the Endowment Fund, I did not reduce that appropriation. I could have reduced the appropriation for those two amounts. However, I would have had to leave some in there because there are still property taxes that we are paying for properties that are being held for redevelopment. I could have reduced that appropriation, I just did not and we will not be spending that money, but \$85,000 or so that will not be spent.

President Gudenas – When we move to the end of the year, our next amendment if we could reflect that we are not spending that, that would be helpful so we could see.

Director Johnson – Or you could do it on the floor this evening, if you choose. If you choose to amend it now to reduce the appropriation in the Endowment fund by I believe its \$35,000 for the fireworks and \$45,000 for, so it would have been the total of \$80,000.

Councilman Lisy moved to amend. Councilwoman Mancuso seconded.

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

President Gudenas – So the balance of the expenditures in that account would be property taxes and the like?

Director Johnson – Yes.

President Gudenas – Can we get that report? I know Councilman Lisy in the past was concerned about some of the tax rates that the city is paying on some of our land. So when you get a chance, can we get an updated report on which parcels are being taxed and what amount?

Director Johnson – Yes.

President Gudenas – Any other discussion on the legislation?

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

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

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

Ord. 129-2007 (425-07) 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 the Director of Finance).

Councilman Lisy moved for passage, Councilman Gruber seconded.

President Gudenas – Director Johnson, this basically is the \$250,000 that we were talking about for the nuisance abatement?

Director Johnson – That’s correct. This is a recent change. Whenever we’re transferring between funds now, the State Auditor is requiring that we do a separate piece of legislation that depicts those transfers and that the transfers are made at the time the legislation is adopted.

President Gudenas – All right, that was in the previous thing we just did. This just confirms the last legislation with the \$250,000.

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

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

Mayor Cervenik- Would it be your pleasure to move item #16 next as we have a representative from CT Consultants here?

President Gudenas – We’ll be happy to move things around.

Mayor Cervenik – You’ve been doing it all night.

President Gudenas - #16 is next.

130-2007 (358-07) CT Consultants

An ordinance authorizing the Director of Public Service of the City of Euclid to enter into an agreement with CT Consultants, Inc. to prepare a Long Term Control Plan, as required by the United States Environmental Protection Agency, at a cost not to exceed One Million Four Hundred Ninety-Six Thousand Dollars (\$1,496,000.00). (Sponsored by Councilman Gruber by request of the Director of Public Service). **MOVED TO COUNCIL FROM PUBLIC SERVICE & UTILITIES COMMITTEE WITH RECOMMENDATION FOR PASSAGE.**

Councilman Gruber moved for passage, Councilman Langman seconded.

President Gudenas – Anyone who charges by the hour always comes first. Director Gulich.

Director Gulich – On June 6th a Public Service Committee had a fairly long quite complete presentation from the administration and CT Consultants explaining how our long term control plan has changed in the last two years. We originally were expecting a plan from the US EPA to address only our combined sewer overflows. In the presentation made it was explained how EPA is now requiring us to address pretty much the entire sanitary sewer system. We are currently in the middle of doing our analysis of the system and the explanation was made on how we have to develop that analysis into a computer model so we can make a presentation to the US EPA and come up what we feel is an innovative plan and use some new technology to address some situations in our sewer system that when they were installed they were perfectly acceptable, now they are no longer acceptable. Mike Stinehelfer is here from CT as the Mayor said. He was part of our presentations if there are any questions, on any facets of the plan that we have to carry out, Mr. Stinehelfer or myself would be glad to address them.

President Gudenas – The funds to pay for this come out of the Waste Water Treatment Fund.

Director Gulich – Correct, and they are in the existing budget that was shown to Council in the audit and included in there.

President Gudenas – We have no changes in the projected rates because of this new investment.

Director Gulich – that’s correct.

President Gudenas – Very good. Anyone have any questions? I know Councilman Gruber went over all the details on this in the Committee meeting. So we can proceed to suspend the rules.

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

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

Abstain: Minarik

Passed.

Ord. 131-2007 (402-07) Curfew

An emergency ordinance amending Section 545.14 of the General Offenses Code of the Codified Ordinances for the City of Euclid to change the minor curfew laws. (Sponsored by Councilwoman Mancuso by request of the Chief of Police).

Councilwoman Mancuso moved for passage, Councilwoman Walsh seconded.

President Gudenas – This basically reduces the curfew time from 11:00 PM to 10:00 PM for those 12-15. And, from Midnight to 11:00 PM for those age 16 or 17. Chief Repicky is all excited about this.

Chief Repicky – I'm excited but the patrol officers are more excited. We felt surveying other cities, especially Lakewood has similar ordinance and times. Especially 12-15 year olds, 10:00 PM we believe it will be dark no matter what time of the year and they can't drive so maybe they shouldn't be out without parent supervision. Sixteen & 17, we felt 11:00 was a late enough time for them to be out on the streets of Euclid.

Councilman Lisy – How does this compare to the City of Cleveland?

Chief Repicky – I believe Cleveland's is 9:30 for 12-15 and maybe 10:30. We really didn't research them because they are so large and their crime is a little bit higher than ours.

President Gudenas – We thank the administration, I know this came up in the past with some questions on what the City of Cleveland was doing and it is good that we are following through and we'll see how this works out. I know most of the kids are good kids, so we don't want to be punishing the good kids too, but I guess certain things need to be done.

Councilman Langman – Just for clarification, Chief, what if a juvenile is coming home from a work activity or something, how is that incorporated into the enforcement?

Chief Repicky – It's in the ordinance now exceptions. Say if they're playing baseball until 10:30 or 11:00, hopefully the parent will be there but our officers have enough discretion, they've got a bat and glove in their hand, they're not out doing something they shouldn't be, other than hitting ground balls and home runs. I think we should have no problem enforcing that part of the ordinance.

Councilman Langman – So our officers still have the discretion to make the decision on the spot?

Chief Repicky – Yes.

President Gudenas – Of course this is unsupervised minors. If they are with a parent or guardian, then it is okay to be out at those times. Any other questions?

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

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

Passed.

President Gudenas – Just a quick question, how will we let everyone know about this? I know the School Board has this automated telephone system to inform the parents with a phone call. Perhaps they'll help us with this one.

Chief Repicky – We've already Xeroxed the old ordinance so when we get the new one we could pass it out. Maybe a first time warning for kids that don't know.

President Gudenas – We might want to consider contacting the School Board or Supt. of Schools.

Chief Repicky – They are out of school right now so unless they're going to summer school, but I don't think at night. But we will notify them of the change.

President Gudenas – They have an automated phone system and they have all the parents' phone numbers in there where at a press of a button, literally, they can send a message to the parents of all the kids at a very low cost. They do this all the time to get input on dress codes and other emergencies and things like that. This might be a very good time because they are probably not sending out a whole bunch of messages, to let the parents know that this is out there. You might get a good response and I know Joff Jones, Superintendent of Schools, has been very helpful with us. Give him a call and he'll help us out.

Councilwoman Mancuso – I know we already voted on this. The other place might be our public TV station, just to roll it because I think people are going to take a look at that also. There might be some other venues because I think we have to get the word out fairly quickly because it is summertime and they're going to be out.

Ord. 132-2007 (400-07) Ward Boundaries

An emergency ordinance amending the City of Euclid Codified Ordinances Chapter 105 to reflect the boundary changes in the wards as authorized by Ordinance No. 164-2006. (Sponsored by Mayor Cervenik, Council President Gudenas, Councilpersons Conway, Delaney, Langman, Lisy, Mancuso, and Walsh).

Councilman Delaney moved for passage, Councilwoman Walsh seconded.

President Gudenas – These are the ward boundaries that were discussed way back in September with the public hearing and debate and these are the ones that are out in the Rotunda. We discovered as we're proceeding along here that the Board of Elections never did get the legislation and additional information had to be provided to make it official to actually list these specific streets. We're doing this to clean up the legislation we passed way back in September. This basically ratifies that. I believe it should have been done way back in October or so, but our legal counsel discovered this through the discovery process that this part was omitted. Is there any further discussion on that?

Councilman Delaney – This is a glaring piece of legislation, how did that happen? What went wrong?

Director Frey – When Council enacted the changes in the ward boundaries in late 2006, the information was provided for those changes, well, the map was provided for those changes by Cleveland State University. There was no detail data provided with that of the actual boundary changes by description. When we were meeting with the Board of Elections in connection with the voting rights action and discussing the timing of making changes to ward boundaries and such and the manner in which that had to occur, we discussed with them the changes that we had enacted, council had enacted in late 2006. They said we're going to need this additional street information. At the same time they said you need to amend the description of the boundaries of the wards.

So what you have here are those boundary descriptions. I will note that there are no changes, we repeated it so that it was in a single document, ward two, but there are actually no boundary changes made to ward two. It is wards one, three and four that this is basically an outline of those wards and when this legislation is signed, we will get it down to the Board of Elections and they have the time to make those changes so if there are notice needed to voters, I don't know that it will change any voting locations but it may change certainly will change ward assignments for a certain number of voters as well as then the precincts within those wards. That information will be sent out once the Board makes those changes in time for the November elections.

Councilman Delaney – When was the meeting that you had with the Board of Elections?

Director Frey – You're going to have to give me a minute while I flip through the calendar. I believe that was on May 18th. It was a Friday afternoon at the US Court House.

President Gudenas – This normally would be routine changes, the city has changed ward boundaries before and we normally would always prepare this, but this was overlooked. The legislation we approved in September was never sent to the Board of Elections and had we not done it right now, all that work we did with all the new ward boundaries would have been to late. So, we're at the very, very deadline, last chance.

Director Frey – Well the last Council Meeting without having a Special Meeting. The boundary changes will have to be in to be in place for November, have to be in by July 14th.

President Gudenas – Right and this is our last meeting, so it should have been earlier.

Councilman Conway – Director Frey, has the Board of Elections made any comment to you as to how this change could impact either people who may have pulled petitions for one ward that may

now be in a different ward and they've already gathered signatures? Or those who have signed petitions maybe for the Ward 4 person or Ward 3 person that are no longer in that ward? Will they accept the original signatures or are they now null and valid, null and void I guess I should say?

Director Frey – Petition filing deadline is August 23rd. So if there were signatures obtained on someone who is no longer in that ward, my sense is and I have not asked the Board of Elections, nor have they offered an opinion, but my sense is that particular signature would not be a valid signature and certainly that's why that in part is a reason why candidates, you suggest to candidates that they collect at least twice the number of signatures that they need to ensure that they have plenty of valid signatures for their nominating petitions.

Would it affect somebody who wants to run for City Council and thought they were in Ward 1 and now are in Ward 3, sure, that would make that change. But again the map has been available for quite some time that would have shown this. This merely defines the outline of the ward boundaries.

President Gudenas – Do we have smaller maps available to any candidates so that they can have that?

Director Frey – I don't know that we have a street map yet. We have the map of the city showing the wards on the website.

President Gudenas – I think we'll need something that we can pass out to candidates. So anyone who is interested can come to the Council Office or at the main desk here and receive a copy of each ward on its own page, so that will help them as they canvass for signatures.

Councilwoman Walsh – My question to Director Frey is, if we did this in 2006, I think it is June 2007, why did it take so long to rectify this, especially for the people who have to run?

Director Frey – Again, the Ward Map has been available in the City Hall showing those changes since the September 2006. It wasn't until May 18th when I was involved in a case discussion with the Board of Elections and Mr. Taylor and the Justice Department that the fact that this ward description, this boundary change was a necessary part of what the Board of Election needed did that become apparent to me. I apologize to Council. I wasn't here in 2000 when we made the last census change or 1990, whenever it was that we last changed ward boundaries. I apologize for not having picked that up sooner.

Councilwoman Walsh – I'm not talking 2000. I'm talking 2006 and yes the map might have been out there, but what you're telling me is it wasn't legal and binding. It just seems a very long time has elapsed since somebody caught this and what if, what would have happened to the candidates if you didn't catch it on May 18th? Where would we have been then? We would have been in limbo. What if you caught it in July?

Director Frey – I asked the Board of Elections about the changes in the May 18th meeting. So I was asking them, here is what we've done, what else do you need from us to make those changes affective to make sure that the municipal election in 2007 goes by these new boundaries. It was that discussion that led to this piece of legislation. As well as having the data, the street data, transmitted from Cleveland State to the Board of Elections. Again, I can apologize for not having recognized that sooner. The piece of legislation that we enacted last fall was submitted to the Board at that point and they said they are going to need this additional information and we promptly proceeded to provide that additional information. This boundary change took a little bit of time to put together and we needed the assistance of someone more expert in describing boundaries and Mr. Gulich was kind enough to assist in this matter.

Councilwoman Walsh – I certainly do think that for all candidates whether they be those who are attempting to repeat or those that are new, I think that it should be available in the Council Office, something that they could take with them and it should be printed at the expense of the city, by photocopying these of each particular ward. I think that's a courtesy we certainly owe the people that are running. Or, the voters, if they want to know where they are voting, especially for the Ward council people, that needs to be available, free of charge for the citizens.

President Gudenas – How soon could we get these maps available here at City Hall?

Director Frey – We can make a ward map with this information. It is there on the website, we'll print it off and put it in print form in the Council Office. It is on the website now and has been for several weeks.

President Gudenas – Not everyone will know to get it there.

Director Frey- We will print copies and have them available at the Council Office.

President Gudenas – Maybe a few at the Library too, just so the residents also understand which council person might be their new ward representative.

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

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

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

Res. 133-2007 (406-07)

A resolution requesting the United States Department of Justice (DOJ) to conduct a census of the current City of Euclid residents to further refine current population figures. (Sponsored by Council President Gudenas).

Councilman Delaney moved for passage, Councilwoman Walsh seconded.

President Gudenas – All members of City Council and I believe the Mayor are required to be at mediation this Thursday? Is that correct? They asked for all the decision makers. I'm not sure who all that is.

Mayor Cervenik – I most certainly am looking forward to it.

Director Frey – All members of Council are required to be at the Federal Court House, 9:30 on Thursday morning and may also be required if the Magistrate Judge Vecchiarelli, determines so to be there again on Friday.

President Gudenas- That includes new Councilwoman Minarik.

Director Frey – Absolutely.

President Gudenas – She gets to work on Thursday right off the bat. The reason this is on the agenda is because of that. The order is to come prepared to discuss settlement issues and be prepared to make some decision if whatever we are allowed to by law make the decisions. The one main contention that some people feel would be having accurate population figures to draw the ward boundaries in the most accurate way that the Federal government is asking. Basically this is one more tool, it doesn't mean this is going to happen, but if it is approved will basically ask the Federal Government along with the City of Euclid to share the cost in counting exactly who is living in the City of Euclid so that we can confirm that the population figures Cleveland State and its consultant provided the city back last year is accurate as compared to the 2000 census figures which the Federal Government is using. I had sent this over to the legal team, Hilary Taylor and the like and he thought this would be a good tool for the city to use to help mediate and settle this case. It doesn't mean it will be settled, but this seems to be one of the main issues is who is living in the City of Euclid. They're using 2000 figures and nothing different. We're trying to use the most current figures which is what Cleveland State provided but this obviously would be even more current. Any more discussion?

Councilman Delaney - I certainly think the city has gone through great lengths to provide all the information. I'd be happy to add my name to this piece of legislation and open it up to all of Council.

President Gudenas – Would all Council like to be on it? Okay, we'll add all of City Council on it. Is there any other discussion? Just to warn City Council, Hilary Taylor may want to go over some of the things a half hour before. My e-mail is not working so I have no idea if he scheduled it or not. So you might be prepared to be there at 9:00 in the Federal Court House, that's the one, the new.

Director Frey – That's at the corner of Huron and West 3rd.

President Gudenas – Let's be prepared for notification that we might meet a little bit before 9:30 to go over what to expect in this process.

Director Frey – Ms. Sweeney tells me it is West 9th and Huron.

President Gudenas – The one that looks like a big saucer, the top, the new one.

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

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

President Gudenas – We're going to have to take a break. We only have one minute left on the tape. We will resume with the Holzheimer Gail amendment, #11. So that in the future term limits kick in after the full term expires. Recess for about 10 minutes.

Ord. 134-2007 (407-07) Term Limits

An emergency ordinance providing for the submission to the electorate of the City of Euclid the question of whether Article II, Section I of the Charter of the City of Euclid shall be amended so that council members' offices will be in terms and not years. (Sponsored by All Members of Council).

Councilwoman Minarik moved for passage, Councilman Langman seconded.

President Gudenas – Basically we are proposing to the residents to consider that in the future if someone is appointed in mid-term, they are allowed to finish the term as long as term limits are in place so that this process we went through this time would not have to be done again.

Director Frey- If I could comment. I just want to point out to Council and the residents that a similar conclusion was reached by the Charter Review Commission and while they haven't made a formal recommendation to City Council, I know that this is one of the items that they were considering as a positive change to the Charter. Again, based on the timing of this, if there's a 2/3 vote on this piece tonight, it would be up here on the November, 2007 ballot for a change.

President Gudenas – We were at the Charter Review Commission meeting and this was presented and it did seem from the response that those members were in favor of this. We know for sure that at least one item will be on the ballot in November. The other items are still being discussed and gone over. Basically we're getting to the deadline for the November ballot and that is why it is on the Agenda tonight. Any discussion?

Councilman Lisy – What I was concerned about is if somebody leaves office a month or two into their term and now that person is, the replacement elected by council is then on for 22 months out of a 24 month term. When there is a November election that we could have run another Ward 1, not Ward 1, another candidate, sorry, as an example. We could have run another election in that time period. So my suggestion is if it is so much time before, if it is like 9 months within the beginning of the term, that then the residents should have the right to vote for the next person in the upcoming election. Does that make sense?

President Gudenas – Although that would be the only thing on the ballot then.

Director Frey – If I could comment on that. State code provides that municipal elections only can occur in the odd years. So, it wouldn't practically be able to be done.

President Gudenas – We belong in the odd years, so there you go.

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

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

President Gudenas – We'll little discussion as November comes round about this to make sure that everybody understands what we did here.

Ord. 135-2007 (411-07) MDT-Police

An emergency ordinance authorizing the Mayor, as ex-officio Director of Public Safety of the City of Euclid, or his designee, to purchase four (4) WalkAbout Mobile Data Terminals (MDT) from DRS Tactical Systems, Inc. WalkAbout Computers, 1501 Northpoint Parkway, Suite 103-104, West Palm Beach Florida 33047, in an amount not to exceed Twenty Two Thousand Dollars (\$22,000.00) for use by the Police Department. (Sponsored by Councilwoman Mancuso by request of the Chief of Police).

Councilwoman Mancuso moved for passage, Councilman Gruber seconded.

Chief Repicky – We're adding to our current computers that we have in our police cars. We're adding 4 more with Council's approval. We're purchasing it through the GSA contract, same company as we've used in the past and it is coming out of our law enforcement trust fund.

President Gudenas – Will any of these computers be able in the future to receive video images if we ever had our wireless video cameras throughout the city so that the officers can monitor on a screen what's going on at various locations.

Chief Repicky – They should be but as everybody knows, computers change, it seems like every week, so hopefully that's why we're keeping with the same company and the upgrades that come with it.

President Gudenas – That's something I hope the police department would look into to make sure the technology ...

Chief Repicky – They definitely are compatible.

President Gudenas – I would like to discuss with you further about the y-fi technology to see if we can have some additional cameras throughout the city and important areas and be another important tool for the police department to help monitor.

Chief Repicky – I'm always looking forward to new ideas and technology, as long as you have the money to support it.

President Gudenas – We'll be happy to support the technology to make your job better.

Councilwoman Minarik – I just wanted to let you know, the previous ones that I abstained on and a few more that I'm going to abstain on, is because I have no clue about the budget yet until I get a packet. I had no say in the process so I'm going to be abstaining on all of these money issues.

President Gudenas – We understand.

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

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

Ord. 136-2007 (412-07) ERT Vests

An emergency ordinance authorizing the Mayor, as ex-officio Director of Public Safety of the City of Euclid, or his designee, to purchase eight (8) ERT vests and accessories for the ERT Team, from Atwell's Police & Fire Equipment Company, 207 Chestnut Street, Painesville, Ohio 44077, in an amount not to exceed Sixteen Thousand Six Hundred Dollars (\$16,600.00). Sponsored by Councilwoman Mancuso by request of the Chief of Police).

Councilwoman Mancuso moved for passage, Councilwoman Walsh seconded.

Chief Repicky – This is three years ago we purchased 8 other vests. Now our Emergency Response Team will all be up to snuff as far as their equipment goes for the vests. I want to make one change from the Law Director. Section 2 it should say, 50% from the Protective Vest Grant, not the fund. It is coming out of a grant.

President Gudenas – Should we amend the legislation for that?

Director Frey- I don't believe it is necessary. We'll change it in the final version.

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

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

Abstain: Minarik

Passed.

Ord. 137-2007 (404-07) Shore Cafeteria

An emergency ordinance authorizing the Director of Public Service of the City of Euclid to advertise for proposals and award a contract for the renovation of the former cafeteria space in the Shore Cultural Centre, for purposes of establishing a culinary school teaching facility, in an amount not to exceed One Hundred Twenty Eight Thousand Dollars (\$128,000.00). (Sponsored by Councilman Delaney).

Councilman Delaney moved for passage, Councilwoman Walsh seconded.

President Gudenas – This is basically been approved before but just makes it a little easier to go ahead and make it happen.

Councilman Delaney – Yes, this is the money that we voted for in the previous two capital budgets. This will allow us to prepare the space to get it ready for the students, have the equipment installed and the waterproofing is to commence, Director Gulich.

Director Gulich – I was hoping to come here armed tonight with that starting date. It is going to be in the next few days, I just don't know exactly what date for the waterproofing.

Councilman Delaney – We have everything in place and this will allow the administration to go out for proposals and bring in a builder to store and repair that space.

President Gudenas – The big question is, if this is approved tonight, will there be any potential other delays that could prevent the opening of the school this fall?

Director Gulich – I spoke with Don Tarantino on a couple of issues today, met with Director Frey. We plan on having the purchase of the equipment on next week's Board of Control so that can be ordered. There's about a 4-5 week delivery on that, Don wants that obviously ahead of time. As far as the bid package itself, Mr. Tarantino is thrashing to have that prepared by this Friday, so we may have an advertisement as soon as this Friday. We just have to make sure that in CT's review of those final plans that we have all the issues addressed so that we're not having to make any changes after the fact.

President Gudenas – All the agreements have been signed with the various professionals working over there so that there's no hold ups on that?

Director Gulich – should be no hold ups.

Councilman Delaney – I will add that a couple of weeks ago we had a very good meeting with the Schools, Mr. Tarantino, Director Gulich was there, Director Frey was there, Denny Valencic from the Building Dept. Mr. Tarantino came up with a good timeline to execute all the things and we're all agreed that we have a good starting point and finishing points are on paper.

President Gudenas – The projected opening date is when?

Councilman Delaney – They want to open the culinary school for classes to begin in August. But there will be some work that will be done around students. As far as them to begin their curriculum, they'll have what they need and then as they go, they'll accomplish the tasks.

President Gudenas – Will there be an opportunity for Euclid residents to view when this is completed later this summer or fall to see what we've done down there?

Councilman Delaney – I believe that we're all assuming we'll have a very nice dedication ribbon cutting for the school. We have a Chef on Board that is writing the curriculum. He's very excited about it, he attended the meeting as well. Those discussions are just starting to take place.

President Gudenas – So this should be one with good food, the ribbon cutting.

Councilman Lisy – To Director Gulich, what is the timeline for this legislation?

Director Gulich – This is being passed as an emergency ordinance, so obviously it is in effect and we can enter into a contract as soon as we've got the bids and Mr. Tarantino has reviewed them.

Councilman Lisy – How long does it take to get the bids in roughly?

Director Gulich – If we do get to advertise this Friday, we would advertise on consecutive Fridays. Take the third Friday off and open those bids on the following Monday.

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

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

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

Passed.

Ord. 138-2007 (403-07) Evaluate Fixed Assets

An emergency ordinance authorizing the Director of Finance of the City of Euclid to enter into a contract with one or more vendors, after soliciting for proposals to evaluate all of the City of Euclid's fixed assets and infrastructure including streets, curbs, water lines, sanitary and storm sewer lines. (Sponsored by Mayor Cervenik).

Councilman Lisy moved for passage, Councilman Conway seconded.

President Gudenas – Director Johnson and I went over this and this is part of requirement that City of Euclid needs to do periodically to update all the things that it owns for the public from sewer lines and water lines as mentioned to buildings and cars and the like. At first I suggested city employees handle this but it was way too complicated so some professional firms will come in, provide this information and make this part of our annual report for 2006. Is that correct?

Councilman Langman – I'll ask now instead of waiting another 2 or 3 or 4 hours until the end of the meeting. Law Director Frey, where are we with negotiating with the City of Cleveland over our waterlines, whether we are going to turn them over or not? I've seen articles in the newspaper and so if you could fill us in, I'd appreciate it.

Director Frey – Our waterlines are owned by the City of Cleveland. They have signed the agreements. We have signed the agreements. I received back to fully executed sets just today.

President Gudenas – So the reporter didn't see the agreements yet. That's good news.

Mayor Cervenik – There are quite a few communities that still have not made their final decisions. The Service Director and I turned over our copies to the Water Dept. on June 7th. Presented them with our water line program and also received assurances that our Issue 2 jobs that have waterline components will be taken care of. That's very, very important for us. We're ready to go.

President Gudenas – With that in place we will hopefully have the administration report back on how our capital budget will be adjusted in the future for the money that was allocated for these repairs that the City of Cleveland will now help us with.

Mayor Cervenik – Our waterline and infrastructure program probably will have to be amended slightly, some of the wording in it by city council, so that some of those funds can be used for other items. We do have to be careful though that a portion of the funds and the projected revenue over the next 20 years includes infrastructure and pavement work once waterlines are done. We're going to have to keep a reserve of that. The waterline component of those projects will be freed up and will be used for other things, it just alleviates some of our normal capital improvements.

President Gudenas – Can we expect some legislation in September to amend that?

Mayor Cervenik – I believe we will be able to have legislation in September that will be backed up by spreadsheet showing the income and revenue and the reserves that will be maintained.

President Gudenas – This will help start planning for the future, very good.

Councilman Lisy – To the administration, can you refresh my memory on what we budgeted in the capital budget for this?

Mayor Cervenik – The total infrastructure program, it was approximately, I'm pulling, I think it was close to \$24 million over the next 10 years. What we have to do now is breakout the waterline components of those projects and then determine what we have left to do other items. Right now that's being paid for by a fee, a surcharge on our sewer bills that council passed earlier this year.

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

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

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

Res. 139-2007 (359-07) Group Homes/Churches

A resolution recommending the draft amendments of Part Thirteen, the Planning and Zoning Code of the City of Euclid Codified Ordinances, created by the Cuyahoga County Planning Commission, to City Council for approval. (Sponsored by Mayor Cervenik by request of the Director of CS&ED) **MOVED TO COUNCIL FROM THE HOUSING IMPROVEMENTS & BUILDING STANDARDS COMMITTEE WITH RECOMMENDATION FOR PASSAGE.**

Councilman Langman moved for passage, Councilwoman Mancuso seconded.

President Gudenas – This was discussed at the Committee Meeting about a week ago to update the zoning for Church and campus-type use and for group homes, with the help of the Cuyahoga County Planning Commission. We had a detailed presentation and this creates the provision for those uses in our current ordinance for zoning classifications. Any additional questions that wasn't covered then or to add?

Councilman Langman – Director Pietravoia, we did have a couple of issues that we kind of left for this meeting as far as some of the legalities and whether the provisions that were passed have been tested in the legal system. Did you make progress in finding out about that?

Director Pietravoia – We did have follow up conversations with our consultant from the County Planning Commission. I believe Kelley and/or Mr. Beno have a couple of comments on those questions that came up.

Asst. Law Director Sweeney – I believe one of the questions was, was there any challenges to potentially limiting a church from being in a strip plaza as opposed to a free standing building. I think that was one of the specific questions. I didn't find any cases that particularly addressed that issue, but there was and for the people in the audience and those on television, the law that is in effect that we have to abide by is called RLUIPA and that's stands for Religious Land Use and Institutionalized Persons Act. Basically that states that it prohibits the city from passing zoning laws that treat churches or religious assemblies or any other type of institutions, different terms, than non-religious institutions. The recent case that just came out on June 7th of this year, a Chicago church was denied a zoning permit to covert a warehouse into a church. The Court did uphold the city's decision to deny that zoning permit as there was no substantial burden on the church's free exercise of religion. The Court held there's plenty of land on which the religious organization can build a church or can construct a church. The fact that they were not permitted to build everywhere in the city did not create a substantial burden on that church.

I think that's good case law for the city and we can review all of those on a case-by-case basis and see where that church or other group of assembly may want to go in and make that decision.

Councilman Langman – I do have one more question. We also discussed some of the group homes, adult foster care facilities that were under 8 adults and if the city could be notified somehow that this home was being utilized for that particular program. Is there anything anywhere in the legal codes that would allow us to be notified? Or, would we have to rely on what Ms. Hopkins said if a complaint came up regarding the home?

Asst. Director Beno – Basically we would be relying on a complaint basis for our enforcement in those cases. We do not have a statute in place and would not be able to have a statute put into place that would supersede State law.

Councilwoman Walsh – I want to phrase this very delicately. If you have a complaint, and last Friday I spent an hour and a half with a gentleman who had a horrific weekend because a resident in a group home allegedly tried to break into his home. I pulled up the files of everything I've done. I've reported this home for a year. There's been 17 ambulance runs, one of them was not paid for yet. I'm not quite clear who the residents of the home are. But we don't even know how many people are in this home and I know that there's a second home in the general area. I also know that the person that they tried to break into is a lawyer and has access to some public information and knew how to get it. So the person who owns the group home in Euclid owns two homes. Also owns homes in Rocky River, Solon, Lakewood, Strongsville, Avon and my concern is, I am not saying you cannot have a group home. But I think the people that are residents around the group home should have knowledge that this is happening. The attempted break in, he was very impressed with the Euclid Police force. But the problem is, they didn't even know that this home was there. I can track it back for one year and no one has done anything on it. Thank you.

President Gudenas – Any response to that?

Asst. Director Sweeney – The one thing we will do, we will treat them the same as any other house and if there's nuisance activity going on at that house, I'll review those police reports for nuisance activity. If a nuisance abatement warning letter is warranted, I will issue that. They are not going to be treated any differently in that respect.

Councilman Lisy – Do we have any ordinances defining what a single family home, can it be two people, three with different last names or related to one another. Or can a single family home have many different individuals with no relation to one another?

Asst. Director Beno – I believe this relates to the question of what is our definition of family. Basically the definition of family in 2007 is a much more flexible definition than it has been in years past. I don't have it right in front of me now, but basically families are voluntary groupings of individuals. They are not necessarily related by blood or marriage. It would be impossible to do

that. We do regulate the number of occupants in a house based on the square footage. We will certainly enforce that.

Councilman Lisy – I was just wondering if there was something in our codified ordinances, I looking it up just now and can't find anything that really narrows it down because we break down that it could be a group of individuals too. So, our ordinances right now allow this type of activity. So I'm trying to figure out a way, again, I don't mind that they live in the city but I would just like to know that this group is, this house is in the city so that when we do have trouble that the police are better informed of what is going on at the property.

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

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

Asst. Clerk Miller – That was an ordinance.

President Gudenas – I'm sorry. I was looking at #17 already. I'm sorry. Let me go back, I was looking at the next one. Do we need to go back and suspend the rules on that?

Asst. Clerk Miller – Yes, because it is an ordinance.

President Gudenas - #17, no it says Resolution. It is because we're all jumping around here. We're a Resolution, we did it okay.

Asst. Clerk Miller – Okay, okay.

Ord. (383-07) Carpeting

An emergency ordinance authorizing the Director of Public Service of the City of Euclid to enter into a contract, after soliciting for informal proposals, for the removal of existing carpeting and installation of new carpeting for City Hall. (Sponsored by Mayor Cervenik) **TABLED 6-4-07**

Councilman Delaney moved for passage, Councilwoman Mancuso seconded.

President Gudenas – We started to discuss this before, rather than go into great detail, would it be okay to send it to Councilman Gruber's Service Committee and have a report back in September because there was some issues over public places, private places, how much money we have and what is going to be taken care of.

Councilman Gruber – Just to go back for a minute, to #17 on the Agenda, it is an ordinance, but on the legislation it is a resolution.

Asst. Clerk Miller – It is in the description.

Councilman Gruber – That's fine, we could hold a meeting whenever you feel.

President Gudenas – It would have to be in September, no committee meetings in the summer. Our duct tape will hold up until then?

Mayor Cervenik – We will buy some new duct tape Mr. Chairman, if you want it in Committee, that's fine.

President Gudenas – We had a bunch of questions and whatever, just we want to be careful with the money we're spending.

Councilman Gruber moved Ord. (383-07) into the Public Service & Utilities Committee.

Councilman Langman seconded.

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

President Gudenas – What happened to #18?

Asst. Clerk Miller – We put it into Service Committee.

President Gudenas – Sorry, now #19.

Ord. 140-2007 (408-07) Mutual Fire Aid

An emergency ordinance authorizing the Mayor, as ex-officio Director of Safety of the City of Euclid, or his designee, to enter into a Memorandum of Understanding with the City of Cleveland Fire Department to provide mutual aid for emergency responses in our mutual border areas and specialized heavy rescue incidents. (Sponsored by Councilwoman Mancuso by request of the Chief of Fire).

Councilwoman Mancuso moved for passage, Councilman Lisy seconded.

Chief Cosgriff – This Memorandum of Understanding is meant to memorialize the informal agreement that we currently have with the City of Cleveland Fire Dept. In order to be in full compliance with the Department of Homeland Security directives, we must have written agreements of this type with neighboring communities. Often times, both departments receive calls for the same emergency event and we have worked with Cleveland Fire on a somewhat regular basis, particularly in our mutual order areas and along I-90.

We have also utilized the Cleveland Fire Dept. for specialized heavy rescue or hazardous materials incidence. There is no cost involved for either city and this MOU maybe revoked by either party at any time with proper notice. I ask for your support on this ordinance.

President Gudenas – There's equal obviously fire departments in Lake County. Do we have a choice with one department or the other for these kinds of mutual aid agreements?

Chief Cosgriff – Our Mutual Aid agreement, for example, in regards to hazardous materials incidents, we list Cleveland Fire first and Lake County HAZMAT team seconded.

President Gudenas – So we do work with the Lake County groups too?

Chief Cosgriff – Yes, we do.

Councilwoman Mancuso – Are there any other cities that surround us that we don't have a formal MOU with? Is this the last city that we need to do this with or are there others?

Chief Cosgriff - The other surrounding cities that we have mutual aid agreements with.

Councilwoman Mancuso – So we have formal agreements with all the cities that surround us except Cleveland right now.

Chief Cosgriff – Yes.

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

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

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

Res. 141-2007 (405-07) Tax Incentive Review Counsel

A resolution amending Resolution No. 161-1986 and confirming the appointment of the individual serving in the position of Director of the Department of Community Services and Economic Development, or his/her designee, and the individual serving in the position of Director of Law, or his/her designee, as the Mayor's representatives on the Tax Incentive Review Counsel pursuant to O.R.C. 5709.85. (Sponsored by Mayor Cervenik).

Councilman Lisy moved for passage, Councilman Delaney seconded.

President Gudenas – This came to our attention when a report came in and I looked at who the members were and discovered that the members really some of them should be there and some shouldn't. I think it goes way back to Mayor Giunta's day when this all got started and the last change and now we're updating.

Director Pietravoia – I've worked with the Council President to address his concerns and all of the parties that are part of the Tax Incentive Review Counsel agree to update their records to show current appointments. We have the County acting. I believe they'll be acting tomorrow at their County Commissioner's Meeting. The School Board has already acted and this evening's piece of legislation on our agenda would make it clear that the city's reps are the Director of Community Services and Economic Development or designee and the Director of Law or that individual's designee.

President Gudenas – This is the minimum level.

Councilman Lisy – Upon reviewing this document and looking over our notes from the Council meeting where this originally came up, there was a concern that there was no council representation on this committee also. I sent around an e-mail requesting an amendment and I wanted to bring it up on the floor tonight to allow the Council President or his designee to be one of the other additional. Since this is an Ohio Revised Code minimum, thought it would be prudent to have someone from Council onboard.

President Gudenas – That's alright with Director Pietravoia?

Director Pietravoia – Yes, Mr. Chairman, we'd be glad to make that official in the same way that we're making the school board's participation official through this legislation. So, we would need an amendment.

President Gudenas – Councilman Lisy your amendment is as follows.

Councilman Lisy – Director Frey, do you have the official language?

Director Frey – Councilman, you did a fine job in the amendment. So I'll see if we can't get you moonlighting in the Law Dept.

The Councilman has requested the amendment to read, to add this section, that this Council does make it a matter of public record and confirms that the Council of the City of Euclid shall have the option of appointing the Council President or his/her designee and such appointment shall have such authority and fulfill such responsibilities and duties as set forth in the State of Ohio Revised Code.

It mimics the addition in Section 2 in the current proposed legislation for the Superintendent and Treasurer of Schools. It is an effective addition, we would just make changes to the ensuing Sections 3 & 4 in the legislation as amended.

Councilman Lisy moved to amend as stated by the Law Director. Councilwoman Mancuso seconded.

Councilman Delaney – I think Councilman Lisy just appointed himself to the Tax Incentive Review Counsel.

Roll Call on Amendment:

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

President Gudenas – Question would be with all the previous reports that we've had, some of the members should have been there and shouldn't have been there. How does this effect what we've been doing?

Director Pietravoia – We conferred with the County who is in charge of our local committee and they indicated that as long as the core group was there as a majority at each meeting that voted, that those votes would stand. When we reconvene this summer we will bring back 2005 and 2006 to get those two reports properly to Council in the fall, to this body in the fall.

President Gudenas – When are you meeting?

Director Pietravoia – We have not scheduled that meeting yet but we will work with Council to schedule a time when the Council rep is available.

President Gudenas – All right, summertime meeting. Any other discussion? I see none, roll call on the Resolution.

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

Res. 142-2007 (409-07) TIF E. 185 St.

A resolution to authorize the creation of a Tax Increment Finance (TIF) District for properties in the commercial business district in the vicinity of East 185th Street and Lake Shore Boulevard, to include the area boarded on the east by South Lake Shore Boulevard and East 190th Street, to the north by Lake Shore Boulevard, to the south by Meredith Avenue, and to the west by the corporation line, for the purpose of funding public improvements within the district. (Sponsored by Council President Gudenas).

Councilwoman Minarik moved for passage, Councilman Langman seconded.

President Gudenas – This came up obviously with the new development and at the same time we've already approved the planning of a TIF zone for the other drugstore, CVS location and there might be some savings and economies of scale to have the legal team do both of these. We know there's some new issues with the new laws and these will be looked at and reported back to us in the fall.

Director Pietravoia – We agreed that it would make sense to look at these both at the same time. There will be some savings with our legal counsel. I did ask the Law Director because I just wanted to be certain that as we get greater level of detail in looking at 185 Street, if we need to adjust the boundaries, we would have the ability to do that when we come back with the ordinance that would actually establish the TIF. If we see a need for that, we'll come back with those recommendations to Council.

President Gudenas – I'm sure we'll have a committee meeting and all that. The key part here is that no tax abatement is being offered for the new Rite Aid development. Did I miss something?

Director Pietravoia – I just want to comment on that. It is in an area where CRA exists. There hasn't been any request but it is in a CRA area.

President Gudenas – Do we anticipate a request because they are not here now, they probably don't know?

Director Pietravoia – Perhaps not.

President Gudenas – Good, so don't say anything, they're moving right along. The idea would be to use some of the new tax money to help that neighborhood. There's some greenspace that we're trying to preserve and some older buildings that need to be redeveloped. It is the gateway to Euclid there that will help both the City of Cleveland and Euclid. We know the hospital is possibly planning some big development on Lake Shore Blvd., I believe, I hope. This could be a big plus to make it a really solid neighborhood for everyone in Ward 1. Any other discussion? We're not actually approving the TIF, we're just letting the administration work in presenting information to us, hopefully around September. Roll Call on the Resolution.

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

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

Ord. 143-2007 (427-07) Agreement/Bogert

An emergency ordinance amending Ordinance No. 34-2007 increasing the dollar amount of the Personal Service Agreement with John Bogert from Twenty Four Thousand Dollars (\$24,000.00) to Forty Four Thousand Dollars (\$44,000.00) for the period of March 21st, 2007 to January 1st 2008. (Sponsored by Mayor Cervenik by request of the Director of CS&ED)

Councilman Conway moved for passage, Councilwoman Mancuso seconded.

Director Pietravoia – First of all I want to thank Council for your support earlier this evening with the budget amendments that you passed. We have taken seriously your suggestion on a contractual-side. Mr. Bogert is working with us in our Building division as a building inspector on a contractor basis and we'd like to increase his hours. To do that we need this legislation passed. Original contract was for \$24,000 and we're recommending that he come on during the summer months and through the end of this calendar year for up to 40 hours a week. The area that this would assist with the most is an area that we've had a lot of demand recently from Council as well as residents related to commercial maintenance and also zoning related inspections. Mr. Beno is really the only one right now that can go out on those and it has been difficult to keep up with the demand in that area. Mr. Bogert will be able to accomplish that. This was part of the budget amendment #3, of that total \$20,000 was for building and commercial code inspection. The funding is in place, we just need authorization to increase the contract amount.

President Gudenas – The only thing we'll need is his e-mail address and direct line, so the council members can get right at it.

Director Pietravoia – We will provide that.

President Gudenas – Right now I know you get a lot of these e-mails because sometimes we're not sure how it gets funneled. That will help you job the more information we have on that.

Councilman Langman – It states that the period begins March 21, 2007. Has he been working the additional hours since that time?

Director Pietravoia – That was the original start date of his contract. I'll ask the Law Director if we need to consider changing that. He did not work 40 hours up to this point.

Director Frey - \$44,000 reflects the total payment that would occur under the contract with Mr. Bogert for that period Marcy 21, 2007 to January 1, 2008. That's why those dates are reflected in there. I guess we could have written it just so that it was \$20,000 increase in the contract effective whenever this piece was effective, but we chose to write the full contract amount.

Councilman Langman – I just want to make sure we're paying for the hours that are worked.

President Gudenas – To clarify, what is the hourly rate?

Asst. Director Beno – The hourly rate is \$27 per hour.

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

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

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

Passed.

Ord. 144-2007 (401-07) Received Stamp

An ordinance enacting Section 109.06 of the Administration Code of the Codified Ordinances of the City of Euclid to require all City department employees to date stamp and sign all applications received and all receipts issued. (Sponsored by Council President Gudenas & Councilwoman Walsh).

Councilwoman Walsh moved for passage, Councilman Delaney seconded.

President Gudenas – This came up after the last meeting where there were some questions about documents coming in, when they were received and the like.

Councilwoman Walsh – I feel that it is necessary that everything be stamped in just to make sure that if we have to go back we know who received it, who took it in and on what date. I think this would resolve a lot of issues and it is good business.

President Gudenas – We're not looking for some elaborate electronic stamps but just simple date stamp that are commonly available at various supply places.

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

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

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

Res. 145-2007 (399-07) Senior Snow Plowing

A resolution authorizing the Director of Public Service of the City of Euclid to establish minimum qualifications and establish and publish a list of participating vendors for the 2007/2008 Senior and Physically Challenged Residential Snow Plowing Program. (Sponsored by Mayor Cervenik).

Councilwoman Minarik moved for passage, Councilwoman Walsh seconded.

President Gudenas – When it is 90 degrees, you better work on snow plowing, you'll be ready. Basically we had some issues with the senior snow plowing last year and I believe we're trying to set minimum standards on who can apply to provide that service so that we hopefully will have better service for the seniors next year. Director Gulich you will prepare this?

Director Gulich – Yes I will.

Councilwoman Mancuso – Could you clarify for me what we're going to do that is any different other than list more than one vendor?

President Gudenas – Minimum qualifications, that's the key part.

Councilwoman Mancuso – So they're licensed.

Director Gulich – Not only will we offer choice of more than one vendor, we will also offer varying levels of service. That was one of the problems we had last year was with the minimum service we had said we would have a minimum service, we would also have an upgraded service available.

Councilwoman Mancuso – Are they still going to go through us or are we going to have them go directly to the vendor to get whatever service they want?

Director Gulich – The homeowner or resident would go directly to the vendor.

Councilwoman Mancuso – So it would take us out of the middle. This will have nothing to do with the plowing that we do for the business sidewalks and all that.

President Gudenas – Will we set any minimum standards regarding so many pieces of equipment per contracts received? Because maybe some people are taking to many customers hoping it doesn't snow.

Director Gulich – I'm not exactly sure how we're going to do that President Gudenas. I'll work with Director Frey and obviously I've already been investing what other cities are doing to avoid those problems.

Mayor Cervenik – We met with the Executive Director of Lake Community Development Corp and they are administering a snow plowing program in Lake county. I believe they submit 4-5 options to the residents, but the resident make that choice and the resident calls that telephone number and the resident signs that contract specifically with that company. We will still monitor the satisfaction. We have a myriad of seniors that need different things. Some people need to get out of their driveway at 7:00 AM. Our current way of doing things doesn't provide that. Other seniors don't care if it is not plowed until 4:00 in the afternoon, so they will have those options. But it is going to be more than once a day and it is going to be plowed at 7:00, they are going to pay something much more standard, probably in the \$200-\$250 range. The \$96 that they were provided this year was really bare bottom. Lake Community was very happy with the way it worked last year. They would like to do it one more year on their own and then we maybe able to join their consortium as well.

President Gudenas – Very good, people will have a choice and the level of service they want.

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

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

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

Ord. 146-2007 (398-07) Fire Vehicle

An emergency ordinance authorizing the Director of Public Service of the City of Euclid to purchase one Fire Command Vehicle, fully outfitted 2008 Ford Expedition, for use by the Fire Department at a cost of Forty Thousand Eight Hundred Forty Eight and 25/100 Dollars (\$40,848.25). The vehicle will be purchased from Statewide Ford, 1108 West Main Street, Fan Wert, Ohio 45891. (Sponsored by Councilman Gruber by request of the Director of Public Service).

Councilman Gruber moved for passage, Councilman Lisy seconded.

President Gudenas – For the purposes of discussion 25, 26, 27 & 28 we'll do all at once because this is already part of the capital budget previously approved and gone over. Is there anything to add to these? I see none, let's proceed.

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

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

Ord. 147-2007 (395-07) Vehicles

An emergency ordinance authorizing the Director of Public Service of the City of Euclid to purchase the following vehicles for use by various city departments from Mike Bass Ford, 5050 Detroit Road, Elyria, Ohio 44035, through the State of Ohio Cooperative Purchasing Program, for a total cost of One Hundred Sixty Eight Thousand One Hundred Eighty One and 44/100 Dollars (\$168,181.44): Three (3) 2008 Ford ¾ Ton Pickup Trucks with Plows at a cost of Sixty Five Thousand Two Hundred Forty Two and 47/100 Dollars (\$65,242.47), and Three (3) 2008 Ford F-350 One Ton Dump Trucks with Plows at a cost of \$102,938.97. (Sponsored by Councilman Gruber by request of the Director of Public Service).

Councilman Lisy moved for passage, Councilwoman Mancuso seconded.

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

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

Ord. 148-2007 (396-07) Chipper-Parks Dept.

An emergency ordinance authorizing the Director of Public Service of the City of Euclid to purchase a Bandit Brush/Wood Chipper, for use by the Parks Department, from Southeastern Equipment Company, 8757 Tyler Boulevard, Mentor, Ohio 44060, at a cost of Thirty Three Thousand Eighty Nine Dollars (\$33,089.00), through the State of Ohio Cooperative Purchasing Program. (Sponsored by Councilman Gruber by request of the Director of Public Service).

Councilman Conway moved for passage, Councilman Delaney seconded.

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

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

Passed.

Ord. 149-2007 (394-07) Fire Dept. Vehicle

An emergency ordinance authorizing the Director of Public Service of the City of Euclid to purchase a 2008 Chevrolet Impala 4-door Sedan, for use by the Fire Department, from Bob McDorman Chevrolet, 5885 Gender Road, Canal Winchester, Ohio 43110, at a cost of Eighteen Thousand Two Hundred Thirty Eight and 33/100 Dollars (\$18,238.33). The vehicle will be purchased through the State of Ohio Cooperative Purchasing Program. (Sponsored by Councilman Gruber by request of the Director of Public Service).

Councilman Lisy moved for passage, Councilwoman Mancuso seconded.

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

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

Passed.

President Gudenas – We should note, these are all out-the-door prices, no haggling. #29 was already approved, onto #30.

Ord. (417-07) Campaign Donations

An ordinance amending the Administration Code of the City of Euclid, Part One, Title Three of the Codified Ordinances of the City of Euclid to add Section 121.33, to be entitled “Disclosure of Campaign Donations.” (Sponsored by Council President Gudenas & Councilwoman Walsh).

Councilwoman Walsh moved for passage, Councilman Delaney seconded.

President Gudenas - #30 & #31 go together. We can discuss it, send it to Committee or what would you like to do? This basically for the public would add additional reporting, all the contributions are already required to be reported with the Board of Elections. This would make for more timely reporting here at the City of Euclid of any donations from City full time workers, or city contractors and people like that.

Councilwoman Minarik – I don’t know what the profit is for these two ordinances, the purpose. When McCann, whatever that finance bill was, if people want, number one what I think what will happen is a lot of people maybe intimidated into not giving, that might be giving. And #2, again I don’t understand the overall purpose and profit of revealing employees, relatives, whatever. #3, if it gets to the point that they know that these names are going to be released 5 days after they give, they can always give it to a friend to give to the candidate of their choice and get around this law anyway. So, it is almost a waste. That’s just my take on it, I don’t know what the rest of the members think.

President Gudenas – This is something new. It could be sent to Committee.

Councilman Delaney – I disagree, I don’t think it is a waste. I think it is always good to have better disclosure. I never raised enough money to intimidate anybody. But, I certainly think that people

who are behind candidates and contribute, it shows another level of effort. But it also helps on face value to alleviate a lot of finger pointing and accusations. It is another way of disclosure that could tie up some loose ends as well.

Councilman Conway – I agree with Councilwoman Minarik that I probably don't understand this and think it is a piece of legislation that we should consider. So I won't be supporting it, but I'll ask a question anyway in case the majority of Council does approve this. When we are required to file our campaign finance reports at the Board of Elections which is public record for anyone to look at anyway. I believe we can co-mingle donations under \$25, so are we looking to remove that as well and that any dollar amount from a city employee would have to be disclosed?

President Gudenas – I think there was some discussion about having it above \$50 or some kind of amount like that. We should make it clear that the Board of Elections today requires a special form to be filed for any donations you receive that's part of your, if you're a city official and some of your employees are donating money to your campaign, there's a separate form that needs to be filed. One thing I've noticed, is I've never seen anyone here file that form, which is interesting to me. We're not getting that information, donations from people under your employee are supposed to be disclosed as a separate form with the Board of Elections and it hasn't been done. A lot of the reporting comes after the election when it is too late.

Councilman Gruber – Will this apply also to people that were appointed to Boards like Planning & zoning and Architectural Review, they're city employees?

President Gudenas – It mentioned above a certain salary.

Councilman Gruber – What would the penalty be?

President Gudenas – There is no penalty. The voters would know, again if you would like to send it to committee, that's fine, or vote it down.

Councilwoman Walsh moved to send to Executive and Finance Committee. Councilman Langman seconded.

Roll Call: Yeas: Delaney, Langman, Lisy, Mancuso, Walsh, Gudenas

Nays: Conway, Gruber, Minarik

Into Executive & Finance Committee.

Ord. (418-07) Campaign Donations

An ordinance amending the Administration Code of the City of Euclid, Part One, Title Five of the Codified Ordinances of the City of Euclid to add Section 131.66 to be entitled "Disclosure of Campaign Donations." (Sponsored by Council President Gudenas & Councilwoman Walsh).

Councilwoman Walsh moved for passage, Councilman Langman seconded.

Councilwoman Walsh moved Ord. (418-07) into the Executive & Finance Committee. Councilman Langman seconded.

Roll Call: Yeas: Delaney, Langman, Lisy, Mancuso, Walsh, Gudenas

Nays: Conway, Gruber, Minarik

Into Executive & Finance Committee.

Ord. 150-2007 (419-07) Wetland Setbacks

Ordinance controlling Riparian Setbacks and Wetlands Setbacks. (Sponsored by Councilman Gruber by request of the Director of Public Service).

Councilman Gruber moved for passage, Councilman Delaney seconded.

President Gudenas - #32, 33, 34 will all be addressed at the same time by Director Gulich.

Director Gulich – Ohio EPA is mandating that the communities across the State of Ohio come up with a comprehensive storm water management plan for 5 years. This would be the second five years of the new regulations. These new regulations all focus on storm water quality. We have been doing storm water management. We have been doing an annual report in giving the Ohio

EPA, oodles and oodles of documentation. If anyone has looked at these three ordinances there's over 25 pages, they are very comprehensive. The Ohio EPA is going to make sure that I have plenty to do.

There's three ordinances deal with controlling Riparian setbacks and Wetland setbacks. Controlling construction water quality run-off and controlling construction site erosion control sediment and other waste and storm water run off. Mainly it is for new construction that are along waterways. That would be mainly Euclid Creek, this would not apply to Lake Erie. That comes under the Ohio Department of Natural Resources. Obviously any time there is any construction project in excess of 1 acre, these storm water quality regulations will still apply.

President Gudenas – This will go to the Building & Housing Dept. because as they review applications and permits for new construction this will be part of it. Is this significantly different from what's in place now?

Director Gulich – Yes it is. It is an addition to what we're doing now. We've been doing it, as I said these are all dealing with quality and the whole idea is to keep our water systems cleaner. We've been working with the Cuyahoga County Soil and Water Conservation District. They've done a yeomen's effort to draft these so that cities can use them as a model across northeast Ohio so we won't have any compliance issues once they're put into effect and we continue to work with the county with their expertise with getting these implemented and making sure that when we do get our storm water audit which will happen in the next couple of years that we don't get any nasty letters from the Ohio EPA.

President Gudenas – Right, so basically we are modeling our legislation after what was already prepared by the County officials who know this kind of thing and it is very similar to other communities.

Director Gulich – Yes.

Councilman Langman – Director Gulich, are these regulations, are they going to be retroactive? We do have some projects that are, pardon the pun, in mid-stream of planning and so forth. I know that was terrible but I couldn't help it.

President Gudenas – We'll have to be on the side of the stream now.

Director Gulich – They haven't been in effect until the 30 days after they are passed, but after they are passed, obviously we will need to enforce them. The full kick of the new five years of regulations doesn't kick in until March 2008. The Ohio EPA held a meeting last week and they were very clear that it is important that cities get going on this because they want us to be up and running when that date comes around. We won't be facing any possible fines in the meantime, but they do do an audit, they will want to see that we are progressing with the comprehensive plan and the enforcement of the ordinance.

Councilman Langman – Let me ask more direct question to the administration. How does this affect the Hillandale project? They are already planning on the one set of regulations and now we implement these. Does that hinder them? Does that cause them other difficulties? Could somebody address that?

Director Pietravoia – My interpretation is that if a permit is already applied for, then they would come under the provisions that were in place at the time they applied for the permit. So that project already has that permit application in, so in my opinion it would come under the current regulations, not the new ones. Law Director might want to comment.

Director Gulich – I found it always in our best interest to keep the Ohio EPA apprised of what we are doing. Certainly I would want to keep them apprised because I don't want to get us in any jackpots.

Councilman Langman – I would agree and I was going to ask that. I don't want EPA coming back saying that Director Pietravoia who is usually right, but may not be in this case, so, Law Director Frey, what is your interpretation?

Director Frey –Unless the State legislature intends to make the legislation retro-active, it would not apply to actions that were taken under the old set of regulations. So, I think Director Pietravoia is absolutely correct, I don't see any intent to make this retroactive.

Councilman Langman – Thank you.

President Gudenas – Any questions on 32, 33, or 34.

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

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

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

Ord. 151-2007 (420-07)

Ordinance controlling Post-Construction Water Quality Runoff. (Sponsored by Councilman Gruber by request of the Director of Public Service).

Councilman Delaney moved for passage, Councilwoman Minarik seconded.

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

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

Ord. 152-2007 (421-07)

Ordinance controlling Construction Site Soil, Erosion, Sediment, and other Wastes and Storm Water Runoff. (Sponsored by Councilman Gruber by request of the Director of Public Service).

Councilwoman Walsh moved for passage, Councilwoman Mancuso seconded.

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

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

Ord. 153-2007 (410-07)

An emergency ordinance authorizing the Mayor of the City of Euclid, or his designee, to enter into a Lease Agreement with Mary Mavec Opportunity School at its new location, 21701-21705 Lake Shore Boulevard. (Sponsored by Mayor Cervenik by request of the Director of CS&ED).

Councilman Lisy moved for passage, Councilman Delaney seconded.

President Gudenas – This is back on the Agenda a third time because of meeting notices that may not have been followed properly. We had some questions that were never quite officially answered at the previous meeting and I know Councilman Lisy has been working hard to get those answers and we have the answers to most of them to be able to make a good decision. The one question that's still was not answered after a series of requests and e-mails is who specifically and not the word administration but what individual was responsible for not presenting the alternative location for the Mary Mavec School. In other words, I had made the request that all of city council and actually the public and Mary Mavec see other locations across the street on Bliss Lane and we had numerous meetings about that and someone had to have made a decision for city council not to get those drawings and possibilities of it happening or anything being staked out over there for people to consider.

I know I was at a special meeting at City Hall with the Mayor and the Service Director and the Sewer Plant manager and the Service Director and Sewer Plant manager more or less had been hearing about that at that time. So it wasn't them, so who was it?

Director Pietravoia – I have spent quite a bit of time both with you as Council President and other members of Council trying to respond to all the questions that have come forward. I will share with you essentially the same thing that I responded to in writing and that I have responded to other council members that have asked. This was a process that evolved over a long period of time and there was no one point in time, if you're looking for a point in time where a single individual made a decision not to share certain drawings with City council that never really occurred. This evolved over a long period of time, many discussions both with other members of the administration as well as Mavec School and the developers.

When we met internally and reviewed the sketches that Council President did see that showed the school located on the northern most edge of Bliss Lane, we had several concerns about that location. We shared those concerns both with Council President Gudenas as well as with members of the development team and the Mavec School. Shortly after that we concluded and the school concluded as they reported to you directly themselves that their preference was to move forward at the 217 Street location. We also looked at other city properties, because we understood Council's desire and we agreed with Council's desire to try to find a piece of city land where the project could work, understanding that we'd likely have more cash coming into the city coffers as a result of that.

It is a long answer for a simple question, but there was no particular point in time where a conscience decision was made by any one individual not to share those drawings. We decided collectively with all the concerns expressed and with Mavec's decision expressed to Council as well as the developer, that they would like to stay at 217 after all the back and forth, that's the way it happened.

President Gudenas – Even at the last Council meeting, where supposedly this was approved, the administration had said that we will look at the other locations, that was at the meeting, the last one in May and that we would have a report back. Even at that public meeting we were told that date that you were going to do it and yet it never happened.

Director Pietravoia – After council's vote I did not spend any more time looking at that location.

President Gudenas – I guess what I'm trying to say is that meeting date, it was never concluded that it was not feasible, no one at that meeting had said that we're not going to look at it because we have decided it is not feasible. What we were told is just the opposite that we will look at it.

Director Pietravoia – We did not take those steps after Council's vote. We did not take any further steps to look at that location.

Councilman Delaney – I'm disappointed to hear that because I did go away from that meeting with the assumption that we would have more work on the Bliss Road site. I actually had felt somewhat rushed and there was new facts in the case that came out of that debate and I guess be careful what you ask for because I had asked for this legislation, if I had another chance at it, I would like some more questions answered that I think you can help me with.

That vote that didn't take place originally, then City council, because of a procedural error, accommodated the developer and everybody, had a special meeting. We found that because that meeting wasn't called correctly, here we are again. I had read the law that the Council President had sent around. I certainly hoped we would have more information on the Bliss Road site.

One of the issues where I felt the vote was kind of rushed for me, personally, was that the developer/builder had an option that expired on May 28th. What has happened because we've past that date and this was not, I would have hoped that you've been in contact with the developer to let him know that we've had issues and procedural errors and that it wasn't inked. So what had happened to that date?

Director Pietravoia – They proceeded the very next business day, which was that Monday, to close on the properties. They have taken the option out and purchased.

Councilman Delaney – Well they own the property.

Director Pietravoia – Yes they do. I don't know that it is closed yet, but they did exercise their option and started the process.

Councilman Delaney – The issues that had come out of that meeting, that I think were troublesome and I had e-mailed the Law Director and forgive me, I left town on Thursday and I just got back today, we found that a member or a partner of the LLC with this project is going to receive commission on the sale of this property that will become city land. What was our finding on that?

Director Frey – That property once the project is constructed will be appraised. The City and the developer have to mutually select that appraiser. The fact that there is a commission to be earned on the sale of that property to the developer and then swapped to the city, won't impact the appraisal of the property. The City set the value or the cap on the project at \$515,000. That property including the newly constructed building has to be appraised before the city takes ownership and the value of that property and building established by the appraiser at that point in time. If it is less than \$515,000 the developer has to pay the city the difference between the appraisal and the purchase price. I don't know what else to tell you. It is certainly, our interest is protected by virtue of the appraisal.

President Gudenas – The question was about disclosure. Did the city receive disclosure regarding that?

Director Frey – I don't know. That contract is not with the city. So that is not something that we would have required to have that information on. That land, transaction between the seller of that property and I don't know the seller's name and the purchaser, the development team for the CVS project, that's the contract between them. Our protection is from a city's fiscal responsibility is the appraisal and the cap that was set on the transferred property on Bliss Lane.

Councilman Delaney – Well we certainly have those laws in place to protect us but when you're starting at \$100,000, we had issues with comparables across the street, much larger lot sold for \$70,000. We had issues with incomplete information on our Bliss Road city land. I am certainly an advocate of Mary Mavec's programming, proud of it in the city, I've stated that before. The school is in session. It continues on where it is. We have a drugstore that is opened, that is doing business, it wants to expand. I had hoped for much more careful planning with City Council. I know the administration has had plenty of time, but the fact that we could have built it across the street, on city land, has never been completely pushed off the table. We had asked for more information and I certainly voted that way because I wanted to hear the facts, I wanted to be proven. It's certainly refreshing that we have the system in place with the appraisal, but again, when you are starting at \$100,000, I don't know what else we could do other than ask for several appraisals. It is a difficult thing. We've had a vacant piece of property there forever. I don't know if anything has ever been built there.

I think that we still have the opportunity to take and be careful with how we operate here because to be clear, is that the developer will buy all the city land at the corner and the cap that we set \$515,000 is to go forward to accommodate Mary Mavec. Whether that is built on public land or private land, is not an issue. How that building is built, is not an issue. But it is going to be a new building and it is going to accommodate them to their specifications. I would imagine if we offered the trustees lakefront property, they would have been very, very happy with that.

I'm more interested in finding more of a balance. I would like questions answered. I think Council went to great length with this project. I wish that more council members were brought in earlier on the process. I know Mr. Spies had talked to a few of us individually and outlined it but there are so many more details here. I would hate to vote no, vote down on this. But as I had time to reflect on this legislation, a very important corner of our city, what could be done, there's a lot of bright lines here and I think that there's a lot of good ideas. I'm interested for more dialogue on this legislation and maybe even another committee meeting.

Councilman Lisy – I apologize to my colleague that I did not share all of this information. I've been working with the administration and the developers. It is common for a developer or a retail agent to be a dual agent on both properties. As a dual agent you have to sign off that you won't negotiate for both parties. The individuals involved in this project had a dual agency agreement in place with this project.

The property across the street, yes, was undervalued and sold within 13 days of being put on the market. So the owners of the 217 property realized that their property was of more value and they did turn down a request that was in the \$87,500 range. It has been on the market for at least a year at the \$95,000 range which is what the developer purchased the property for. The terminology \$100,000 includes his closing costs.

I've done a lot more work on it to increase my comfort level that there was not any type of unfair deal going down at the city's expense. The most important aspect of this is our purchaser in this development agreement that was signed April 5th, April 7th. In that agreement, it basically turned this into a land swap, where we're exchanging a piece of land, with a building on it, for another piece of land with a new building on it. To protect ourselves, we did put in this clause to get an appraisal done on the property.

Yes, it could have been on Bliss Lane and there may have been additional funds for the City, but the reason I'm in favor of this is that an option was coming up. I hate to have a developer push us because of that option expiring, but given that there are other people in this world who are not altruistic and may buy up that parcel just to be spiteful, just to make a dime, thinking five for \$100,000 and then you sell it to the developer for \$200,000, in a week you've made \$100,000. There are people out there that may try to hinder a development project like this moving forward. Those were the things that I took into consideration the original time this was brought before Council and I did find quite a bit of additional information on this that I did share with most Council members and I apologize I did not get to everybody.

Councilman Delaney – I would imagine with all due respect to my at-large Councilman, that there is common dual agency agreements, but I would imagine it is very rarely in the government sector where we would find that we would be once again going in and buying up real estate. Again, with the land swap agreement, it goes back to the amount of money that could come back to the city. As far as the issue of the 28th, that's passed, it is moot, he owns it now. I just wasn't comfortable with the developer purchasing land that would become the city's and he had come here to the Council meeting and said he was happy to overpay for the parcel to increase the downtown Euclid. I just don't see how that will serve the city as we come into this property that would be tax exempt.

Councilman Langman – I think a couple of important points need to be addressed now. When we talk about the purchase of property and whether we're getting a good deal or not, but I would argue that the consortium that purchased the dance studio is already served the city quite well. We talk in this town about bringing in good development, better development, etc., and there was a very strong possibility that there would be a dollar store there today if Mr. Spies and his partners did not step in and buy the building. Now does that mean that they should get some sort of free pass, of course not. But you have to look at the entire picture when you're looking at all the factors involved when you're going to strike an agreement like this.

I think if there was a dollar store there, then that would have a negative effect on the Bistro which is across the street. That in fact has been said by the owner of the Bistro. I think the local business people that stepped up and probably overpaid for that parcel did do the city a legitimate service and you can factor in how much that is on a monetary basis in a variety of different ways.

I think as far as communication whether the project was rushed, I would have to disagree with my colleague and say actually that the developer went out of his way to communicate with all members of council for a period of several months prior to the actual and final vote. In fact I got the first call about this in the fall of last year laying out the parameters and we did talk about whether Bliss Lane would be better or not. I know personally I did discuss with some of my colleagues, they understood where I stood on that particular matter. I did want to get control of 217 just because we've seen in the recent past that when the city doesn't plan well and control property, you get all sorts of development that may not be to the best use.

We can debate about that and we did. I think the process undertaken by members of Council and the developer was in fact a very fruitful one. Could we have explored Bliss Lane a little further? Yes, but like I said, I made up my mind relatively early. But I am a little perplexed as to why like a boomerang we are here discussing this and so, Law Director Frey, I see a copy of your e-mail, were those other meetings in your estimation legal and if not, how come we weren't told about it at the time? I know at the special meeting, the question did come up and everything was supposedly fine and the developer is making decisions based on supposedly legal actions.

Director Frey – I did send that e-mail. I have corresponded with Council President on a previous occasion and recognize that he does not agree with that decision. But all the members of Council had actual notice and that's the purpose of that section of the Codified Ordinances is to make sure that there aren't secret meetings being held and in fact there was not.

It is still my opinion and I'm sure there are several here who would disagree. It is still my opinion that the legislation enacted on that Friday afternoon is valid legislation. It is the decision of this Council to put this piece on tonight. I certainly hope that Council will enact this legislation, memorialize it, yet again. I believe that earlier legislation is in fact effective.

Councilman Langman – Okay, so that is the legal opinion that what we did prior is the legal decision of the Council?

Director Frey – I think the action on, I believe that was Friday the 25th of March, was a legal action of City Council. I'm sorry, 25th of May.

Councilman Langman – I guess I'm a little concerned because there have been other issues and one that is still outstanding that I have not received appropriate information on. So, I'm a little concerned now that is this the legal meeting, is the other one a legal meeting? I think we need to explore how this all unfolded, based on, not necessarily the issue at hand, but how it was adjudicated and what advise we were given.

Councilwoman Walsh moved to close debate.

President Gudenas – We didn't quite answer a few questions about the appraisal because there was some discrepancies versus the last e-mail, versus the contract. I know the appraisal that was mentioned before was going to be a market value appraisal based on what that new building on that land is worth in the open market place and then a recent e-mail from Director Pietravoia about the cost.

Director Pietravoia – The agreement that was passed by council that purchase, sale and development agreement, clearly stated that it would be an appraisal, done by an appraiser that was selected by both parties, mutually agreed to by both parties and it would be based on construction cost approach to the appraisal. That's what the agreement stated that was approved by Council.

President Gudenas – So basically, whatever they claim they spent, that will be the value. So it is probably not a very accurate appraisal.

Director Pietravoia – It is not unusual for the County, for example, when they value a new building, they do typically value it on construction cost, or at least the initial sale of the building.

President Gudenas – Again, we were led to believe on City Council that we would have an appraisal to guaranty the building was worth in value, that amount of money. In the fine print, it turns out, it is really not the value of the building, it is what they spent. In other words, the more they spend, automatically the value of the building goes up.

Director Pietravoia – It is still subject to a professional appraisers opinion that that is in fact the case. If they spent, \$800,000 building this building and the appraiser could not professionally justify that it had that type of a value, it is not an automatic that it would be appraised at the construction value.

President Gudenas – But if they spend \$515,000 it is guaranteed that it will be appraised at \$516,000.

Director Pietravoia – I can't state that, I'm not a professional appraiser.

Councilman Delaney – To the Law Director, you said that you believe that the first meeting held, but yet here we are again, we're doing another vote on this piece of legislation. If I remember what the rule of law was, if the special meeting was in fact what brought us here today which was the notice didn't happen and the meeting occurred and the legislation was voted on. It said that the legislation would be voided for a year and unable to bring that back for one year, if it was in fact voted on without a proper notice.

President Gudenas – That was one of the legal opinions that the Law Dept., actually that was the only legal opinion the Law Dept. did provide. State that actions taken at a meeting without proper notice, it is not just, can't be cured at another meeting, it is null and void.

Director Frey – I'm not sure where that opinion has come from, Council President. It is the opinion and I've said it, I've sent it by e-mail that I believe the action by this Council on May 25th was effective.

President Gudenas – To clarify, I had past out your legal opinion at the previous council meeting to Asst. Director Sweeney. I only assumed that you received it and I had asked the Law Dept. to give me why you ruled the previous meeting was legal, even though it is very clear we did not follow the specific notices that we have. The rules you gave me in the legal opinion gave three exceptions. One if the person is away and couldn't possibly be there anyway, such as they are out of the country. The other reason was if the person was in favor of it and it wouldn't matter and the third was that if you had noticed and asked to be excused. None of those three requirements, exceptions were part of the legal and the only legal opinion you gave me and that was brought back to your attention and through communications to your office and there was no response until today that this, in fact we weren't even sure that this would be on the agenda until then. Again at the very end of the legal opinion you gave us, it said that actions done at the meeting without proper notice are null and void and cannot be made up at a meeting that is legally called. That was a notice, a legal opinion you gave me. It was passed out to all of Council. You weren't here at the last meeting and I can only assume that Asst. Law Director Sweeney, did you pass this onto the Law Director?

Asst. Director Sweeney – Yes I did.

President Gudenas – So you did have it.

Director Frey – Council President, I'm telling you that from the authority that we researched, the fact that Council had actual notice of the meeting is what is required. I absolutely, 100% agree that our codified ordinance, 121.04 was not followed to the letter by the Clerk of Council. I don't believe that that defeats the effective nature of the legislation on May 25th because Council had actual notice.

President Gudenas – Again, the legal opinion you gave me was contradictory to that.

Director Frey – It is not contradictory Council President. In all due respect, it is not contradictory to that. The principle of those cases and annotations was that where council has actual notice, the action of City Council is effective and legal. That was the opinion.

President Gudenas – I'll be happy to go over this again with you because there was very specific conditions as part of that.

Councilman Lisy – It was my request to the Law Director to get this legislation back on, just in case there was any challenges against this because this is a project that I think will be beneficial to the City of Euclid and given the Mary Mavec project, the way things are going, I did not want it to have anything to jeopardize it, that's why I wanted to bring this back on as an emergency piece of legislation so that we could make sure there's no question about it, that it is being approved tonight.

Councilman Conway – I think that we have to take one step back, I think most of the residents are even confused why there was a need for a special meeting, why it is back here tonight. Can you take just a few seconds, Law Director Frey, walk us through the step, I'm not even sure necessarily where we're at in this process. Did we even complete the first reading? Was everything locked at the moment that there was a motion to close debate and kind of walk us through exactly where we're even at and why we're where we are at today.

Director Frey – If you recall, there was a discussion of this project at a Committee Meeting. The decision was made at that committee meeting or after that committee meeting by several members of City Council to request a special meeting. That meeting notice was hand delivered to the Council members. It set a meeting date, I apologize that I don't recall.

Councilman Conway- I'm sorry Law Director Frey, if I could interrupt you though. Can you go back further in the process and what happened at the time that we voted.

President Gudenas – In other words it was actually voted at a Council meeting.

Councilman Conway – When we voted at the council meeting when I think we thought this whole thing was done.

Director Frey – I'm sorry, we'll go back before that.

Councilman Conway – I understand the special meeting, but a lot of residents still aren't clear why we even had to have a special meeting.

Director Frey – At the regular council meeting, there was a motion to approve the agreement with Mary Mavec that would site the facility on the E. 217th and Lake Shore Blvd. Unfortunately in that discussion there was not a motion to close debate. There was not a motion to suspend the three readings. That failure to suspend the three readings was fatal to that legislation.

Councilman Conway – But we are all at least comfortable that we have one legit first reading.

Director Frey – You've had a first reading, but this is a new piece of legislation tonight. This is an emergency ordinance, it has a new number. It is a different piece of legislation for technical purposes it is a different piece.

Councilman Conway – Now I understand, thank you.

President Gudenas – Again, what happened is, when the other meeting was called, we have very specific rules so that somebody couldn't call a meeting anytime they want. All Council members are required to be notified personally either by giving a notice to them wherever they're at, or at their residence within no less than 24 hours before the meeting notice. It is very clear in our ordinances, you have to follow those two rules and those two rules were not followed so that is why we are here today, for the third time. So it actually go three readings, anyway.

We're going to close debate here and I just want to make it clear, I support the Mary Mavec building, certainly support to have a new location, I do support the developers and the CVS thing. I do not like the fact that this City Council was not given good information. We need to make good decisions. If you have incomplete information you have a chance of making a bad decision and I work with the developer and then our administration since March of 2006 over alternative locations. That is well over a year and throughout the entire process I asked and begged and pleaded and had meetings, please draw up another alternative that could be presented to City council so that the taxpayers save \$100,000. And throughout the entire process City Council members never got it. As hard as I tried to do to get this presented to them so that we could make an educated decision, it never happened and even today, when I asked who was responsible, no one will take that responsibility. It is amazing to me that even in this day that no one will step forward to say that it was me that decided that City Council will not get those alternatives. Someone had to have made the decision. Because I was involved in the meetings when collectively, it was told to me that you were going to do that. Someone made that decision and you are not stepping forward so for that reason alone, I'm voting no.

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

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

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

Passed.

CEREMONIAL RESOLUTIONS

Res. 120-2007 (393-07)

A resolution designating July, 2007 as Parks and Recreation Month in the City of Euclid, Ohio. (Sponsored by Mayor Cervenik and All Members of Council).

Res. 121-2007 (422-07)

A resolution of recognition to Sherrie Zagorc for her outstanding efforts in organizing the East 200th Street Stroll on Saturday, June 2, 2007. (Sponsored by Mayor Cervenik and All Members of Council).

Res. 122-2007 (423-07)

A resolution of congratulations to Detective Ralph J. Stenger on retiring from the City of Euclid Police Department after more than thirty-four years of service. (Sponsored by Mayor Cervenik and All Members of Council).

Res. 123-2007 (424-07)

A resolution of congratulations to Stevenson's Bar & Grille and owner Bruce Cerne on winning 1st Place in the 2007 News-Herald Best Burger in the area competition. (Sponsored by Mayor Cervenik and All Members of Council).

Res. 124-2007 (428-07)

A memorial resolution in remembrance of Andrew Erskine Tubbs, a great American and friend to many, who passed away on May 16th, 2007. (Sponsored by Mayor Cervenik and All Council).

Councilwoman Minarik moved for passage, Councilman Delaney seconded.

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

Passed.

President Gudenas – Ten minutes until 11:00, we have a couple of comments before we take another break. Anything regarding the best interest of the City of Euclid.

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

COMMITTEE OF THE WHOLE

Mrs. Madeline Scarniench – 1511 E. 221. A couple of quick things. Now that Cleveland owns our waterlines, is there anything to consider about maybe reducing our sewer rates? Isn't that supposed to continually still go up? I think we still have some years left on our rates going up, would you consider lowering it a little bit? Just a thought.

The group homes, I'm still really confused about this. If the people that live in these homes are paying rent, would this not be considered rental property and then they would fall under that category so that we could keep control. My fear is that people are living in a home that may not be adequately kept up and they can't speak for themselves and we have to. Because of the fact that they are paying rent, could that not be used under that type of legislation that they are following those rules? You can answer that after.

The last thing is, I believe this is a third time someone has attempted to close debate. If I remember my Robert's rules, closing debate is not a debatable question. As soon as it is said, you must vote to close debate. If Council said, yes, it is over. If the Council says no, it goes on. So I hope that you will check into that and the next time it is called, use it appropriately. Thank you.

President Gudenas – I believe you need a second. Okay, I'm sorry I missed that. Any answer regarding group homes as part of the rental property?

Asst. Director Beno – In regard to the group homes, we do regulate, we are allowed by State law to regulate group homes in any manner that we regulate any other house that falls into the same category. So yes, we do enforce the rental registration requirements on group homes.

Mayor Cervenik – The comment about our sewer rates. We enjoy the City of Euclid because we run a very efficient treatment plant, we enjoy some of the lowest rates in all of northeastern Ohio. We've just had an audit completed that expects our rates not to increase until at least 2012. That does not mean when we go through our evaluation this summer for our presentation to Council that some reduction or further extending out of the increase may be acceptable to all.

Mr. Albert Chylla - 482 Clearview Dr. First of all I want to say congratulations to our new councilwoman, welcome. The other thing I want to know, the equipment that we purchased tonight for the City for all these departments, will the other vehicles go on the auction block to be sold?

Director Gulich – Some of those vehicles will be moved to other departments where possible. Some of them will be sold on gov.deals.com. Those announcements will be made at our Board of Control so that will be public information.

Mr. Chylla – To Chief Repicky, I want to congratulate you on the actions that were taken on the recent crimes we had in the City of Euclid. I hope to see these arrests go further. I support this lady who made the statement earlier this evening about this. I want to know you are doing a fine job replacing Chief Maine.

Chief Repicky – Thank you. We will continue like I said before that we don't want this crime in the city.

Mr. Chylla – No we don't. We don't need this crime. Would this also help with these police officers that are on right now with these four cars? What about the increase in vandalism now with summer approaching and it happened at Upson Elementary School, they flipped over the bathrooms over there already and they you know. We've got to put a stop to this, especially the buildings are being vandalized over at Taco Bell for example.

Chief Repicky – Whenever there's an area that needs special attention, we will address the issue.

Mr. Chylla – I would appreciate it.

Chief Repicky – If you want to e-mail or call the department, that's fine.

Mr. Chylla – I think we're doing fine. Thank you and have a terrific summer everybody, I've got to work tomorrow.

Mr. Richard Johnson – 24451 Lake Shore Blvd. I'm representing the Euclid Collaborative Sub-Committee on Hunger. This Committee is working in conjunction with the Euclid City Schools Summer Food Service programs. I was asked to come today. There are 8 different sites. The last three years there were 4 different sites. There are approximately 5600 students in the Euclid School system and 4300 of them went through the food program to the school. This is during the summertime, we want to make an effort to make sure that these youngsters have food.

For everyone at home, I would like to announce these sites: Euclid High School, they have a breakfast and lunch program. Breakfast is 7:45 and Lunch at 11:30. Memorial Park Elementary the same, breakfast is 8:30 to 9:00 and Lunch 12-12:30.

Euclid Schools Child Development Center on Wilmore, Breakfast at 9:00 and Lunch at 11:00-1:00. Thomas Jefferson Elementary, Breakfast at 8:30 and Lunch at 12:00. Laparade Learning & Training Center which is Bethlehem Lutheran Church on Euclid Ave., they also have a Breakfast and a Lunch. Breakfast is at 9:00 AM and Lunch is at 12:45. The Euclid Police Mini-Station on Euclid Ave., has a lunch from 1:00-2:00. Euclid Lutheran Church, lunch from 12:00-1:00. Willo Arms Apartments in their community center, they have a lunch from 1:00-2:00.

Any youngsters, we're getting the word out, they can call George Ule at Euclid High School. He is in charge, he is the manager of all the food programs for the school system. His number is 216-797-2947. Anyone that would like to volunteer in one of these programs, we've added 18 volunteers in addition to the staff in the schools that are staffing each of these locations. With Mr. Ule and Dr. Jones support, we'll feed the hungry. Thank you.

Mr. Dennis Berzinskas – 20890 S. Lake Shore Blvd. Group homes. I think there is a law on the books already that in the homes in Euclid you cannot have more than three last names living at an address if I'm not mistaken. Maybe we should look that up and that would cover the group homes and we could do something about it and we could be notified where they are.

This last weekend, I don't know about everybody else, but I sure am tired right now. I can see how Kathy Will could have fallen down. That lady is phenomenal. She works before the festival, during the festival, unfortunately this year, not after the festival, as much. I want to thank her for all her work and wish her a speedy recovery.

While it is fresh in everybody's mind, I would like to have to call a meeting, a post meeting, so that we can go over things that we can do better. One of the things we can do better, everybody's agrees on that I've talked to, we need ice cream. Everybody have a good vacation. Thank you.

Ms. Lisa Wiggins – 1497 E. 193 Street. I wanted to first say thank you for that passing of the curfew law. I was really concerned about some of the things, but now that we have it passed, will we bring some of the officers up to get some of them kids on Euclid Ave., just not Lake Shore and on the side streets? Euclid Ave. is a great problem over there by 193, 195 and all those streets over there.

I just past out a thing for the upcoming events for Heritage Park which I am the secretary of also. I just got garage sale rules from out in the lobby. It is not the same one that I got in the mail that came with my permit. I wanted to know when was the adding of the sign violation added to the rules here and who added it?

President Gudenas- City Council approved it in May I believe. June 7th.

Ms. Wiggins – It was not the same one that I got in the mail with my actual permit for the thing. I also wanted to know, we do have, something came across me about not being able to charge for table rental, but we have to remember that Heritage Park is a non-profit organization and my thing is, what's good for the goose is good for the gander. If the City of Euclid can have things going on and they can charge for rentals and different stuff, why can't individual homeowners associations do the same thing?

President Gudenas – Are they allowed to do that?

Ms. Wiggins – Remember it is a fund raiser.

Director Frey – The issue apparently was raised by the Police Dept. I have not looked at it yet.

President Gudenas – Perhaps we could review the legislation to permit our neighborhood associations and other non-profit groups to ...

Director Frey – Pardon me, I've got to look at the lease arrangement with the property owner where that facility is situated and also look at the regulations regarding the PAL, not PAL, the Weed & Seed grants that operate that facility. Those are a couple of extra areas to take a look to see if they impact that.

Ms. Wiggins – When you look at that, can you, my number is on the flyer, if I can get a call to let me know so I can let everybody know in my organization. Because this is already planned for us for June 30th. The purpose of the donation for the tables is because it is what it is, it for our neighborhood fest that we're having in August, that's why you have both flyers because they go together. We're taking the money that we're getting from the table rentals to do something for our children that are not fortunate to get school supplies or whatever they may need when we have the neighborhood fest. That is what my concern is and I would like to know that I will be getting a call by the end of the week in regards to that leasing situation.

President Gudenas – Can you keep City council informed of what you've sent out?

Director Frey- Absolutely.

Ms. Pearletha Taylor – 1495 E. 193. I have a concern also about receiving notice that we cannot have a fund raiser. We will not be inside the building, we will be outside the building. Not only that, our fundraiser is to help our neighborhood and our neighborhood kids, which this city does not do. Everything you have in this city is a cost and some kids cannot afford it. We want to give free school supplies to our children. Not only that, we have a permit that was issued to our organization and we also have an agreement from Weed & Seed, signed by Kristal, saying that we could have this affair. All of a sudden we receive a letter saying we cannot have it. We have put flyers out. I have a problem with this. We have had a problem with Weed & Seed and that southeast mini-station since it opened. We have had to change our date for our meeting because of Weed & Seed. We are not being accommodated in that area at all. We are one of the hardest working homeowners association in the City of Euclid. We do not just do entertainment, gone on gambling trips, having parade. We are actually doing things to help our community, to beautify our community. To try to make it safer and as Ms. Wiggins stated, we noticed that the kids on Lake Shore are being ticketed. They are being moved off the street where on Euclid Ave., I approached an officer last week and asked him about why can't he do something about the kids standing on E. 195 St. He told me it is the sidewalk and it is a free sidewalk and they are not doing anything. Further the place they were standing, they had thrown paper, pop cans, everything on the ground. He tell me that is not a concern, they are not hurting anybody. But this is a main street in Euclid and yet the police department won't do anything.

Also there was a fight at the end of 193 and I happened to go down there because I see all of these kids and I wondered what was going on. The Police officer rather than going to the playground breaking up the fight, he's standing there harassing a lady that's trying to get her niece. When I asked him why don't you stop the kids from fighting, he tells me to mind my business and continued to tell the lady that's trying to get her niece, she better not go across the street. I don't

know what kind of police officer that you hire, but I know most of them are not concerned about keeping safety in our neighborhood.

Not only that, I want to go to this Euclid Ave. It is not a sign on Euclid Ave. stating on 222 and Euclid that the entrance to the Shoreway is closed. You will not know it is closed until you come down that street. It is not a sign there, that's a problem. We are not being notified.

Also, the condition on 204, is disgusting. When I sit here and hear that you approve all this money for cars and trucks for city employees, it disgusts me, I don't care what budget it is coming out of, but you cannot keep our streets decent. You cannot even put up banners in our neighborhood. We've asked for banners on Euclid Ave. for almost 4 years. We have not received one yet. There is always a problem.

Also I want to know what happened to the \$15,000 that each council person was given to do something in their neighborhoods. I want to know what did you do? Also I want to know about what is going on with Hillandale. We went through an awful situation, this church has not broke ground yet. I want to know if they are paying taxes on the land. Then I want to know about Mrs. Whitmore. She still has that exhaust system on top of her building and stating that she will be opening her restaurant. Thank you.

President Gudenas – First of all, Director Pietravoia, the banners, I know there are important issues the Police Dept. will cover. The banners on Euclid Ave., I know we purchased them, they are not up?

Director Pietravoia – Director Will took over that program this year and was working directly with Ms. Taylor and some other members of the organization. As I understand it, they selected a design recently and they were in the process of getting those made.

President Gudenas – Hillandale, I know you gave us a little report at the last meeting that they've applied for certain permits.

Director Pietravoia – They've applied for review of the roadway plan and the subdivision plan. That review will happen over the summer months at Planning & Zoning and then will come back to Council for final approval in September.

President Gudenas – The issue with the business locating that was going to be a restaurant?

Asst. Director Beno – That's a case in which the owner of the property has filed an appeal. Since there's an appeal pending in front of the Court of Common Pleas, we're restrained from taking action to order the equipment to be removed from the building.

President Gudenas – The issue about the ability to run the yard sale or something going on at the mini-station that they were given permit for, now apparently there is some issue.

Mayor Cervenik – That just came to our attention this morning. We will look into it and certainly get back to them before the end of the week. The issue of E. 204 Street, that is one of the three Issue II projects that will be funded out of Waste Water so that will be taken care of. To steal the thunder of the Ward 4 Council person, but that's in the works and will be done.

President Gudenas – The signs saying E. 222 is closed at the freeway, can we add those at Euclid Ave. so residents and visitors don't know that, it will save a lot of traffic problems. All right, we'll have the signs. Finally Chief Repicky and the police issues.

Chief Repicky – Just looking over quickly, our arrests, eight of those arrests were on Euclid Ave. in the 193, 195 area. No area of the city is getting any more special attention than any other one. If we're having problems, we're going in trying to clean it up. As far as our officer's behavior and that, I beg to differ with you, we have very professional officers, you might not agree. But, if you want to come in and talk to me, you are more than welcome to, but I stand behind my officers and their conduct and how they're dealing with the public in the situations that we are put in.

President Gudenas – At this point, our tape is going to run out, the second one, so we're going to take a minute break and sit right here. Don't go very far because we're only taking a minute break.

Mayor Cervenik – Mr. Chairman I just checked, the banners are in the house and if anything goes well, they will be up this week.

Chief Repicky – One other comment to the 195 area, I was just contacted that we made an arrest tonight at Heritage Park for someone drinking in the park. Again, there is enforcement throughout the city.

President Gudenas – As we go on in our meeting, I'm sure there will be a couple more before we're done.

Mr. Jeff Johnson – 27160 Fullerwood Dr. I want to read basically the front page for the application for a Certificate of Inspection, meaning a point of sale inspection, what the city distributes to any perspective seller of a property. There's basically a bunch of questions asked throughout the application but one of the first items after your name, address and zip code is the Codified Ordinance 1759.01. Certificate of Inspection required. It shall be unlawful for the owner of any dwelling structure to enter into an agreement to sell, otherwise convey, a dwelling structure without first obtaining from the Commissioner of Buildings a Certificate of Inspection of such dwelling structure and then presenting a copy of such Certificate of Inspection to the perspective purchase or grantee.

Meaning that you have an inspection done, you pay for it, you have it done and then the buyer gets to view the inspection. Buyer and seller make some kind of agreement between themselves, they execute the agreement and the deal is over with. Follow up inspection occurs and everything is over.

A friend of mine who lives at the North Point apartment complex, who has lived there for quite some time now, called to tell me that they don't think they're going to get a point of sale inspection there. As I'm aware and everyone else is, K&D Group purchased that property just recently and it is probably in the process of transferring title. She came upon the information by asking a manager at the complex when would the point of sale inspection be completed or started actually. The Manager explained that they weren't going to do a point of sale inspection there and she asked why not and she said they are going to take the inspection that was done in January and turn that into the point of sale inspection. The inspection in January was a rental inspection. They are two distinct different inspection processes. You can go over that with any housing inspector basically and get the answers to what the differences are.

I would think that would be pretty stupid and I was surprised to hear it because I made a recent plea to the Mayor and the Managers of the Housing Dept. to let the people who work in the Housing Dept. do their jobs unhindered or unobstructed. I went on to tell her that they are really two distinct different inspections.

I told her to contact Daryl Langman and possibly Daryl would look into it since he is her Ward Councilman and he would probably be able to give her some good answers on this information. Things like smoke detectors, electrical issues, balcony railings, balcony panels, sliding doors, concrete parking garages, common areas, they would probably be looked at a lot more thoroughly on a point of sale inspection than they would a rental. Was anybody aware of that this was skipped on Council, or that it is going on at this time? I'm going to bet not. The Housing Dept. owes each and every tenant who lives at North Point the benefit of a real, thorough, point of sale inspection. I would ask the management of the Housing Dept. and the Mayor, when are you going to get it right? Have I not bugged you enough?

I asked and verified with Ed DeFife, a friend of mine and an inspector with the city if this was true when I bumped into him on Saturday this weekend. He said that he really didn't want to comment much about it but it wasn't his call. A true point of sale on this property should be done he said but the decision was made by management up above him. Ed also told me not to involve him and I told him I wouldn't. Ed and Charlie Drazetic are friends of mine and you guys can't take that away from me. They have both told me that my statements to you over the last few months are accurate and appropriate. They also know that if they lie for you they could be held accountable by others than yourselves over there.

You can ask a city employee not to speak about city matters to people outside their departments, but you can't make a city employee lie for you and expect them to obey. I have told Mr. Drazetic and Mr. DeFife that I'm going to cooperate with other people who wish to investigate this administration and its policies in both the men, who I have high regard for, surely will tell the truth about their housing matters and policies, that would be Ed and Charlie. If any recriminations come their way, they will be protected by law from harm.

I advised my friend to get, excuse me, again to contact Daryl Langman and he will see to it that their civil rights were not violated like the tenants at Indian Hills and Willo Arms. I also stated that the city has moral and legal obligation to conduct a thorough, fair inspection when required as stated in the housing code. This City has had a housing department since the early 70's and it is still one of the best in the world and I do really mean world. Regina Cahill can verify that over the years many other cities and some of them outside this country, I'm sorry, have called to request information from us and have been given that, so there is some value there. Thank you for hearing my comments.

President Gudenas – Thank you very much. The question Director Pietravoia, the point of sale inspection what's the story with that?

Director Pietravoia – Thank you Council President and all members of Council including Councilman Langman who has not contacted me about this but I would be happy to talk to him or any other member about this or prepare a written explanation which I've already done to all members of Council on all the other statements that were made at previous meetings.

We did just conduct an annual inspection at that property. We collected an annual rental fee. We also collected a point of sale fee and we agreed that we would follow up the annual on those areas that weren't covered in the annual since it was just done a couple of months ago, including the balconies and windows and other areas that Mr. Johnson was referring to.

If this Council doesn't think we should have that type of administrative discretion on properties this large, than just tell me and we will work with you to introduce ordinances either to give us that clear discretion, or to pass whatever other ordinance you think is necessary. I don't know how else to respond to all of these comments. In my opinion, we have done everything properly and we do have some administrative discretion and we have used it where we have thought it was appropriate.

Councilman Langman – Director Pietravoia, I have not heard from the resident yet, that is why I haven't talked to you about it. Perhaps on the surface it might make sense as to what you're saying, but I would like to know what the ordinances actually reads so we know what direction, if any the council should go. Is it simply the ordinance reads in a particular way and over the years administrative liberties have been taken? Or, do we need to change the ordinances to better clarify what can be done, what should be done in a situation like that.

Director Pietravoia – To Councilman Langman, given the number of questions that are continuing to come forward, I would prefer to work with council to have clear and explicit ordinances to give us the discretion that we believe we already have.

Councilman Langman – What we'll need then, we'll need the current ordinances as written, and interpretation of them and then what you actually do in situations like that. We need to make sure that we are being consistent with all of our apartment complexes and all of our apartment owners. I think that would be the fairest way to address the situation.

Ms. Gloria Thompson – I live in Indian Hills. I see some people here, I know her, Laurie and the property manager. I will say that yes, I have renewed my lease but when I come here to speak, I have everything in my apartment that I need. I've been there six years, so I've had it before now. What is new administration? So the residents would like to know, they are in the 70's, 80's and 90's, what is going to happen? It is almost winter, I know they put the gates up or I think they call them gates. The gates don't open, they are not working yet. The residents want to know, they have a right to know. Send us notices or tell us something. The meeting we've had, a lot of the residents thought it was going to be with the owner and it wasn't. It wasn't, it was with his representative. We'd like to speak with him. They bought the place, I think it was like April, May, June, 14 months ago, I think the residents should be more informed and when they said something about the residents not liking change, they may have a hard time moving things, you know to get new carpet, some of them need new carpet, new appliances, and they may need help with that so maybe management or the representatives can work something out here.

I don't want to talk behind their backs, I don't mind, I'll say it while they are here. They say they got rid of a lot of people, which they did, but there's one the policeman, her name is Zelma, she's very rude. She's not going to let them see that side of her. Laurie

President Gudenas – You shouldn't mention specific names.

Ms. Thompson – I apologize.

President Gudenas – Please address, this way.

Ms. Thompson – Address you? Okay. Well, the Police Chief, she's rude. Can I say that to you?

President Gudenas – I have no idea.

Ms. Thompson – She's rude. Okay here we go. I would like to thank the Hunger Center, for helping out myself and the lady that I have legal guardianship for that is 90. I would like to thank the Hunger center because they said they saw Channel 23. You know I didn't know they did but I wanted to tell the Mayor, I see him laughing, that I am going to give this to this guy, let the Mayor see that. When you were being recalled, I stood by you and Jeff Johnson, I stand by him because he is an honest man and I know that he is and here's State Representative Kenny Yuko, I took his picture. I'm stood up for you when I believed in you but Jeff Johnson is a great guy. I know that for a fact. I've called him many times, he's called me back. I think he's a great guy. I saw what your opinion was of him in the Euclid Sun Journal, I don't agree with that. I know he's a great guy and he has a conscience. Like my mother passed in 1993, she was 56, like she told me, let your conscience be your guide. If you think you're doing the right thing, they you do it. I'm hoping that the owners will let the owners know what they're doing, when are these gates going to be working because I took my grandson to school for about four months, on and off and I would leave, I would see some guys working, I said will I be able to get in when I come back? They would say yes, then all of a sudden they disappear. So I think they should communicate with the residents more. They have a right to know, they pay their rent. They have a right to know when are you going to do this or when are the gates going to be working? I'm not ungrateful, I'm thankful for the surveillance cameras and all that. I don't plan on moving unless they evict me. But I have renewed my lease. Again, thank the Hunger Center for their help and thanks for listening. One more thing, I do believe in Jeff Johnson. I've communicated with him for two years and I know he's a good guy and that's all I have to say.

President Gudenas – Thank you. The management is here and I'm sure they've listened to what you've said and we look forward to communication from the management.

Mr. Warren Wallace – Euclid. How you doing Mr. Council President? How you doing Mr. Mayor? We asked last year and you listened. The festival was really nice. Good selection of music. I was really pleased.

President Gudenas – Mayor Cervenik picked them all out.

Mr. Wallace – I was signing people up to register to vote and I noticed a lot of residents, a lot of people was outside the city came here to enjoy Euclid and I'm quite sure they left with a really good image and that's what we need to constantly portray, a good image.

We had a small meeting this Saturday and just about everyone that spoke agreed that the Police Dept. was doing a really good job. Not like what we hear tonight about your guy, just terrible people. We had none of that. We heard none of that. I think you're doing a really good job considering other cities where we're at and where they're at, you guys are doing a really good job.

Also folks need to understand is policemen are people too. You just can't come up to these police officers and talk to them very rudely. You're going to get some kind of response if that's happened. If you want something out of somebody you have to be respectful when you approach them, you just can't come up there and be disrespectful to people, it just don't happen like that.

I think we should really stop painting a picture of this city just torn down raggedly houses, full of crime. It is not happening like that. It is just a couple of people who is running their big mouths. I supported the housing inspector at one time. I'm getting the impression now that he's just trying to play Council towards the administration.

President Gudenas – Again, now you're getting out of order.

Mr. Wallace – How is that out of order?

President Gudenas – Because you're doing a personal attack.

Mr. Wallace – That's not a personal attack.

President Gudenas – I'm sorry it is.

Mr. Wallace – I'm sorry, I apologize if I was out of order, I apologize Mr. Council President. We need to stop painting this city as a ran down crime ridden city. It is not like that. We have a pretty decent city here. The Administration is doing a good job and somewhat Council is. I really hope people take some pride in this city and just stop with all the negative comments and the back and forth bickering, it makes no sense. Thank you.

Mr. Vince Riha – 1515 E. 195 St. What brought my attention tonight to come here was a comment that was made last council meeting. It's 2007 an election year and the Phoenix project was brought to light again, Barry Lieberman's project. The question I ask on that as I understand it, Use District Exceptions are only valid for two years. If this thing is going to be trotted out again, its got to go back to Planning & Zoning as I understand it.

Next on my thoughts here, can the Police Dept. be given a list of vacant homes? Because what we've seen a lot of is the youths will walk up a driveway, tell the police they live there and they figure they are home. Sometimes you can't tell a home is vacant, fortunately, but they should be made aware of it so that they can check. It would make life a little easier.

The other thing, we're talking about housing inspections and point of sale inspections. If a property was turned over, title transferred in February 2007, I would think it has just fallen past the 90 days for any repairs to that point of sale inspection. Yet there's a piece of property listed as going to be demolished by the city, when at this point I don't think it has even had a chance to be repaired and I don't think it should go down that easy. I'm speaking of 19421 Euclid Ave. I don't understand why that is even on there, I think the owner at this point should be required to repair it. Or at least demolish it at their own cost, if that is the outcome of it.

I had a question for Director Frey, the tax exempt status of a religious institution is exempt if they support as I understand it, political candidates. That's the way I understand it, is that correct?

Director Frey – I don't know if I'm qualified to give you that answer Mr. Riha.

President Gudenas – That is more or less an IRS ruling.

Mr. Riha – Okay, thank you.

President Gudenas – We have a question about the Phoenix project, two year Use District Exception, whatever it was.

Director Pietravoia – I'm smiling because I think it has been affectionately referred to that. This was the Storage America project at the Inland Plant. The project is dead.

President Gudenas – So that's not coming back.

Director Pietravoia – They attempted to keep it alive, Mr. Riha is correct. So much time has passed, as long as we had plans in and they were under review and we were actively getting comments back from them, the project would have stayed alive. It has been quite some time since we've had anything submitted by them, so the project is dead. If they wanted to go forward, they would have to come back to Planning & Zoning and City Council again.

President Gudenas – For the Police Dept. a list of the vacant homes, Chief Repicky?

Chief Repicky – We already have that. We're in weekly contact with the housing department. We're not that dull not to figure out if three kids with three different names live in the same house, the vacant ones. We're on the same page.

President Gudenas – Whoever would have an answer, 19421 Euclid Ave. regarding the condition of that home, is that home could be repaired?

Asst. Director Beno – That property is currently on our list of potential demolition candidates. I will be more than happy to accept Mr. Riha's suggestion and take a look at it once again to see if it is in fact salvageable. I will get back with him and let him know what we determine.

Ms. Laurie Reynolds – I'm the Regional Operations Manager for Niederst Management who owns Indian Hills Senior Community. I know our property has been under scrutiny for the last year at least. We've addressed most of the issues. We're doing resident meetings in each building, we have council members, we are getting the tenants' needs in order. We do have newsletters out that informs the residents of what is going on at the property.

In terms of the gates, I can't give an answer because we have priorities to spend money elsewhere in terms of getting the apartments nicer from the inspections. We have to replace carpet, paint, etc., so that's where the funding is for that.

Mr. Michael Niederst – I have met some of the council at different events. I own the Management company that runs Indian Hills. So I am here. I am seeing what the problems are and we are taking care of them as they come about. I have spoke to the residents prior to this and listen to some of their complaints personally. They have been handling those as they come about. Some of the complaints that were mentioned by our residents or inspectors in this earlier, we have been handling, obviously everything doesn't happen overnight. But we are doing everything in our power to make sure that Indian Hills is a property that doesn't come about as having problems or giving any negative publicity to the city. We're here to make Indian Hills more or less a flagship of Euclid and not a problem of Euclid. We are here to listen and get any problems situated as we possibly can. I just want to follow up with that and everyone to realize that we are listening and we do see what is going on and we do look into fixing anything that we see at fault as soon as possible.

President Gudenas – Thank you for coming.

Mr. Victor Goodman – 20201 Glen Russ Lane. After hearing comments by a prior speaker, I must comment. I don't know who these people are that are portraying the city as rotten city that is crime ridden. I don't see that. I see a city of fine police and I see a city caring about upgrading the homes here that have been left by residents. So I don't share that kind of a view of my city.

Also what I find amazing is that the fear of things happening in the city have been spoken right here at this podium by members of this audience. Even at my town hall meeting, a person walked up there to say he was being terrorized. I just want to point out that you need to walk the walk before you can talk the talk. This city is a fabulous city and I won't let anybody just come up here and say I hear, it is ridiculous.

But I didn't come up here for the negative, I came up here for the positive. I noticed there is an empty chair and I too was at the fair all four days along with my wife. We had the privilege of being Simon and Paula and along with Tod Guntner, we judge Euclid Idol. It was one of the most really fantastic experiences of my life. We had about 32-35 people to show up to begin with. It was fascinating how each day these, especially the children, we had a few adults, actually got better and better and better and looked like they were on American Idol. When we announced an 8 year old young girl winner, I have never seen anybody that excited about anything in my life. I thought her heart was going to pop right out of her chest. Her grandmother is crying and the family is crying and I felt great that I was one of the people that helped say she was a Euclid Idol. And because the competition was so great, we actually asked Kathy which she accepted, that we wanted to name 4 winners rather than just two. Two children and two adults. I hope that you'll be watching Channel, I think it is going to be on 23. I hope you'll start watching Channel 23 regularly and see these fantastic kids out there becoming basically professional overnight. On the last day they dressed, as we call it, for pits. They were all dressed to kill. Where Tod was certainly one who constantly commented that you don't sing in flip flops, so they didn't wear them.

But what I observed from Kathy Will, I'm reading something here in the Agenda and I would like to propose this. A Resolution to Recognize Kathy Will, for her outstanding work at bringing the City of Euclid a major flagship moment. This woman basically almost does this by herself. She is there from dawn to dusk and she's not here because she probably can't speak because I remember the last night she was just about able to speak.

I think that this Council and Administration need to really thank this woman for what she brings to this City. As some people call James Brown the Hardest Working Man in Show Business; Kathy Will is the Hardest Working Person in Rec and Recreation. I just want to say plaudits to this woman. She is exceptional beyond anything.

The only thing with the last couple of seconds, we are a city that is very heavily apartment orientated and rental homes, probably more so than it should be, so anytime the city can use to better the lives of those people then they need the inspections and they need to do it.

President Gudenas – I observed the same thing, Kathy Will was always there when I was there and many of the staff of the Rec Dept. were there to the very end. Sorry we have a one per customer, sorry we can't make any exceptions, I'm sorry. Once we do one, we'll be all over.

Mrs. Penny Riha – 1515 E. 195. I don't think you understood my husband's point about that 19421, we don't think the City should pay to tear it down, the owner is not poor, okay.

President Gudenas – It becomes a lien. When we pay for it, our expenses are a lien.

Mrs. Riha- But I don't see why we would spend the money, she just bought the property and why should we pay to tear it down, she can afford to tear it down herself. Why don't we cite some of these people that leave these messes behind instead of doing them the favor of tearing this building down, it is ridiculous.

I think the Police are doing a good job, I think the City Building Department is doing a good job. The problem is way out of control. But this lady can well afford to take care of her own building and if she's not doing it, why should we have the burden of paying to take that down. Why isn't somebody out there citing her for the property? That's my bitch about the whole thing. Don't tear down things that other people can afford to tear down themselves.

President Gudenas – We're at the late night hour.

Mrs. Riha – Sorry, but its to late. But that's the thing, that shouldn't happen, okay?

President Gudenas – To make it clear, the only reason the home could be under demolition is because they have been cited and the work had not been done. Only at that stage does it get to the demolition stage, after the citations have been made and the work not performed. At the same time, to make it clear, if there's a demolition and the city spends money, we put a lien on the property as a tax lien, when that property is sold or sold in foreclosure, the city and other tax liens are paid first before the mortgage. The idea is the city will get its money back. We are doing no one a favor by tearing down the home because we put a lien on that property to get the money back. That property had to be cited to get to that stage. Oh, the car wash.

Mrs. Riha – If we have ordinances that say you have to maintain your property, and people that can well afford to maintain that property, why would we go through all this hassle to tear the building down when we don't just cite them, put them in jail. I mean people in this town have been put in jail for refusing to honor their obligations to keep their property up. That's what I'm saying. If it is commercial property, and it is not being maintained, come on, they can afford it. Let them fix it. Thank you.

President Gudenas – Thank you. Any one else? I see no one else.

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

COUNCILMEN'S COMMENTS

Councilwoman Mancuso – I also was at the Festival all three days and it was an improvement over last year, it will get better every year. I would just ask that if we do a post-meeting with the different organizations that were there because each of them had ideas about what they wanted to do next year, what they would have liked to have done better this year and that's what you want. I'm not sure if Kathy is the point person to do that, but it probably should be done in fairly short order, while all the ideas are fresh. I know at the Wine Fest, even the vendors were more than willing to come sit and talk with the organizations about how to do things. In order for us to keep growing and making this better each year, to do a postmortem on what we just did, I think is very, very helpful. If there is anything that we on Council can do to help make that happen, we're happy to. Kathy is the point person, for better or worse, at this point in time, with her leg up, but we do need to talk about what we're going to do better next year, because it definitely was a vast improvement over the first year we did it. I think everybody noticed that a great deal. With that, I'll say goodnight.

Councilwoman Walsh – First of all, I too was at the Festival and I think we've really found our niche. Couple of different foods and everybody can look at me and see that I never eat so that's okay.

In regard to the \$15,000 for Ward 3, everything for Ward 3 Council person suggested was rejected and I wasn't allowed to buy anything that I wanted to due to some stipulations.

I have a resident who has been on Brush Ave. in Willo Arms since 1982. Would you please take a note Mr. Beno, she would like to have all of the garbage picked up around the new construction of the man that got the property approved tonight.

Mr. Gulich, she would like to have the street looked at because apparently the man's construction vehicles have really made the potholes deep. That takes care of her request. I've lived up to my promise and I will not mention her name.

I want to congratulate the residents who pulled together in the F&S homes and also the week prior on Gary Ave., they had a wonderful street sale. Here's something for Chief Repicky, just a thought that I'm supposed to plant in your mind, our the Auxiliary Police allowed to give parking tickets for overnight parking where they shouldn't be parking?

I would like to go back to the group home situation. I have a one year file. I will not tell you the address, I will e-mail the address privately. I have a one year thick file on this home with a lot of violations on it and nobody did anything.

I would like to do a little promotion for Resource Fair that Ward 3 is going to have July 14th. We are up to 22 different organizations that are going to come there. We're going to have free food, a play is going to be performed, we're going to visit with the Care Bears, that's at 26300 Brush Ave., it is the new Family Refuge Center.

I also am privileged and thrilled to announce that I'm going to be part of something 200 National Guardsmen are returning home to Cleveland, safe and sound from Iraq on August 4th and there's going to be a wonderful celebration at the Mount Zion Baptist Church and you are all welcomed to stop down and say welcome home and that's from 11:30 until 5:00 in the day.

There is a garage sale sign that's been up at the corner of the freeway for a garage sale on Benton. This is now the third week. I can't get it on the way home from work, because I'll be rear-ended and then I don't know who would pay for the lawsuit.

Finally, in regard to oversized vehicles or boats or campers or trucks in the particular house on Babbitt Road that I have several e-mails on that also, I want to know when he pulled petition or whatever you're calling it, I want to see a copy of it. If not, I believe the ordinance says and I could be wrong and I'll apologize in September, the boat has to be moved every 72 hours. It has been in the same spot for two weeks. I hope we don't have rocks in the water and I hope the lake floods there and I hope the boat goes out to see because nobody is going to buy it for \$499 without a motor.

Having said that, I hope to see you July 14th. I wish all of you a safe and happy summer and it has been a pleasure to serve you, God Bless and it's yours.

President Gudenas – As part of my review of assorted things we do here, I came across the rules for Councilmen's Comments which were passed way back in 1980. I'm just going to read a few of these things because City Council needs to decide, are we going to continue to enforce what we have or change them because I like the idea if we have something on the books and it is not an inconvenience, we follow it.

It reads, in part, Councilmen's Comments should not be used as a forum for routine matters or common complaints which may be handled expeditiously outside of a regular council meeting. Discussion on legislative matters to be acted on that meeting should be limited. The place for such comment is directly prior to a vote. Calling a meeting of a Committee and request for legislation for future meetings, are in order, introductions of members of the audience maybe made at this time. Questions concerning the administration, not regarding legislation and not concerning routine matters, or common complaints not previously discussed with administration maybe asked.

So basically it is saying to limit the discussion to the bigger issues, the newer issues, and a few introductions and the like. I will ask City Council to please consider this. If you want to change it, so change it and bring it up. Otherwise, I'm going to ask that we follow this. It seems that I have nothing else to say, we'll go to Councilman Conway.

Councilman Conway – Not to be redundant, I'm not sure if I'm breaking those rules or not, but I'll take a little bit more time to give a continuous kudos to the Recreation Dept. lead by Kathy Will for the Lakefest. I do agree with the other Council members comments that it grew leaps and bounds from last year, I know it will continue to grow for next year. As the one resident mentioned, ice

cream would be a great thing at next year's festival. It is hot enough in here tonight, I wish we had ice cream right now. I think the air conditioner kicked off at 11:00 maybe because we didn't approve the carpeting but it is a little bit warm up here tonight.

The last comment, just wanted to congratulate all the candidates who participated in the process for Ward 1. Congratulations Ms. Minarik, I look forward to working with you over the next couple months. With that, I hope everyone has a great, safe summer months and I look forward to seeing everybody out and about in the community. Thank you.

Councilman Delaney – I, too, would like to welcome Councilwoman Minarik to your second day on the job. It is five minutes to go. Everybody to have a happy, safe summer and we'll see everyone around the 4th of July.

Councilman Gruber – I too would like to welcome Ms. Minarik, whoever would have thunk it, huh? Anyway, there's another book, another set of rules you might want to look into over the summer, Mr. Chairman, it's the Robert's Rule of Order. Many presiding officers have a bad habit of speaking on questions before the assembly, even interrupting members who have the floor. This is unjustified in both common parliamentary and laws and the practice of Congress. Someone who expects to take an active part in the debate, shouldn't accept the position of the Chair, just for anybody that is thinking about running for office.

Also, I would like to congratulate Walter and Barbara Apanasewicz on 55 years of marriage. You're a lucky man Walter and Barbara you're a saint. Also we will be, as you said, working through the summer, so we'll all be available and look forward to any invitations to picnics, garage sales, backyard barbeques, any of that. We look forward to seeing you throughout the summer. Any questions, comments or complaints, please give us a call. Have a good evening. Thank you.

President Gudenas – For your first official comments, welcome Ward 1 Councilwoman Mary Jo Minarik.

Councilwoman Minarik – thank you Mr. Chairman. I'm going to make this real quick. I am very pleased to be probably the first representative of Ward 1 in almost 20 years to be from south of the Boulevard. I think that's a big deal. I would like to give the residents my phone number that they can reach me at. This is my work number which is probably the best way to reach me, 216-486-9513. I look forward to a summer of great learning. Thank you and goodnight.

Councilman Langman – I, too, will add my congratulations to Kathy Will for a very fine Festival. She worked very, very hard as you can tell if anybody was at the festival. You couldn't find a better setting anywhere in this State to have that kind of festival, with the lake and the weather, it is unfortunate that nobody from Scene Magazine was there because that's what we're about. I saw people of all ages, all colors, different areas, coming down to enjoy our lakefront. It was really very, very well done.

Just a couple of round robin things I'll through out. Director Gulich, it seems like over the past winter we had lots of water breaks and there was some temporary patching done. I don't see many permanent patches being done. Are we on top of that because I seem to be getting a lot of calls about that lately.

Director Gulich – As a matter of fact we passed at Board of Control today, \$14,000 to buy concrete. We are doing about 40 a week. We have one crew that's doing nothing but, we had a ton of them over this winter and we're getting caught up.

Councilman Langman – I appreciate that. Just a comment for Director Pietravoia. I know some of the issues that were raised by Mr. Johnson might be a little contentious. We will work through them. Sometimes it is difficult to parse out exactly what should be done, how it should be done. I think that what you might consider criticism being offered is a way for us to move forward. I look forward to sitting down and talking with you over the summer when we quote unquote, have a little free time.

Finally, Mr. Chairman, comment to the Law Director. Law Director Frey, I've been waiting a long time for your responses on your legal opinions on the wedding fund issue. I think I've waited long enough. When can I get answers to my questions for these?

Director Frey – Since I won't be working on 35 pieces of legislation, but I do have a somewhat full day on Thursday and Friday of this week, as do you, I will have it to you at the beginning of next week.

Councilman Langman – I would appreciate that. With that, everyone have a wonderful and safe summer.

Councilman Lisy – Since Kathy Will is not here, she probably would have made this announcement. I went to the Euclid Website to find the information on the 2007 Euclid Pond & Garden Tour. The benefits proceed the Shade Tree Commission and Euclid Hunger Center. There's a special candlelight tour on Saturday, June 23 from 6:00-11:30 PM. On Sunday, June 24th, the Pond & Garden Tour is from Noon until 7:00 PM. Tickets are \$8 available beginning June 1st at the Euclid Rec Dept. If you bring in two cans of food, you get \$1 off your ticket. You can also get them from Aspen Creative Landscapes, Mike Maggio, 731-4456.

Looking over the budget information and when I compare this to previous year's revenues, this is more of a public service announcement because it is quite impressive, our revenue collections. Going back to 1996 we're at \$8.9 million; \$9 million; \$9.6; \$9.5; \$9.6; \$9.6; \$8.3; \$8.5; \$8.6 million. Then we get into 2005 which had \$9.1, 2006 when had extra pay period was up at \$12.4. Right now we're up at \$11. That's showing almost a \$2 million increase from the previous years. The trends look good like they are going up and with all the new projects going on. I think this maybe, we hit bottom a few years back and I think there's a lot of good news ahead so those tough decisions with the Police & Fire Departments on what to do, and the Housing Department, housing inspectors, I hope those are all behind us.

The bad news is, looking at the expenditures, our expenditures, there's a few months coming up, June and November where we seem to have some excessively high expenditures. What I'll do to keep in rules with our public comments, I will talk to you, Director Johnson, with those off-line. Thank you for a nice summer and Mayor would you like to comment on the budget?

Mayor Cervenik – We spent a good while looking at that today too and I was very glad to see that our public safety charges are up and other revenues where we ask Council during budget times to allow us to increase those numbers and we're achieving what we wanted. A lot of the credit goes to each and everyone of us. I think on most of these matters we work very well together and understand the importance of making sure that our budget stays stable and continues to grow. So I want to thank each and everyone of you. Please enjoy the summer, don't be strangers, okay.

President Gudenas – So, before you leave, please remember this Thursday all of Council needs to be downtown, maybe at 9:00, no later than 9:30. Please look for a notice. Whoever predicted the meeting will go until 12:00 is wrong because it is two minutes after.

ADJOURNMENT

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

Councilwoman Minarik moved to recess for summer. Councilman Delaney seconded. Yeas: Unanimous.

Attest:

Clerk of Council

President of Council

