

COUNCIL MINUTES  
JANUARY 5, 2009

The regular Council Meeting was held on Monday, January 5, 2009 at 7:00 PM in the Euclid City Hall Council Chamber. Council President Holzheimer Gail presided.

Members Present: Gruber, Scarniench, Jones, Minarik, O'Neill, Wojtila, Langman,  
Van Ho, Holzheimer Gail.

All Present.

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

Liquor Permit

Councilman O'Neill moved to receive without objection the transfer of a D1, D2, D3, D3A, D6 liquor permit from Erie Waters, to Shore Center Saloon, 22671-81 Shore Center Dr. Councilman Gruber seconded. Roll Call: Yeas: Unanimous.

Communications

Letters from Mayor Cervenik re-appointing members to the Recreation Commission: John Conway, Vaugh Johnson, David Gilliam.

A Resolution for the City of Highland Heights on the Silver Alert Program.

Council Minutes

Councilman Gruber moved to receive and approve the Council Minutes of December 15, 2008. Councilwoman Minarik seconded. Yeas: Unanimous.

Administration Reports & Communications

Mayor Cervenik presented Resolution 1-2009 to Jordan Edwards on his nomination to represent the City of Euclid at the National Young Leaders State Conference.

Mayor Cervenik – On Monday, January 19<sup>th</sup>, we will be celebrating Martin Luther King Day at Euclid High School gymnasium. We will be doing it along with the Junior NBA Skills Challenge which is sponsored by First Merit Bank, from 6:00-9:00 PM. We will begin with skills challenge and then we'll be asking the various participants to ask the young people to share their vision of Dr. King's dream; not our vision, their vision and what they feel Dr. King did for their life. I will be there to say a few words, Coach Mac Stephens will be talking about Dr. King's expectation for today. We also have Cheryl Cookie Johnson as the motivational speaker. Cheryl was the 1986 Women's Olympic Basketball Team member. She played in the WMBA with the LA Sparks and now she plays overseas. She has graciously offered to talk to the youth of our community being about dreaming and the best that you can be. This will happen Monday, January 19<sup>th</sup>, from 6:00-9:00 PM. We will have flyers going out to the various schools. It will be on our television station and please spread the word. It will be a motivational and great experience for the evening.

Director Will – I would like to thank Council, Administration and all the residents here in the City of Euclid for all of their participation in all of our activities that we had in the holidays, especially the Toy Drive. We were able to make 124 children very, very happy on Christmas morning. Thank you to your generosity, I really appreciate it more than words can say, thank you.

Keeping up with everything, now that everyone ate so wonderfully over the holidays, it is time for you to get back out and exercise again. We have the Euclid High School pool open, adult swimming lessons, youth swimming lessons, family fun fitness nights, we also have adult lap swimming. We have added Friday evenings, we've also added Saturday morning swimming lessons and swimming for the adults. We have lessons Tuesday and Saturday, if you want to register, come to our office or give our office a call.

We also have a lot of exciting items coming up, to our ice arena. We have lessons on Tuesday and Saturday there. We have public sessions on Tuesday, Friday and Saturday. This weekend our Blade and Edge Club will be hosting their basic skills celebrate skating on Friday, Saturday and Sunday. Stop by the ice arena during any of those times and see some of the wonderful skills that the children have learned in some of our learned to skate and in the Blade and Edge Club.

We also have another special event at the ice arena, High School Musical, Tuesday, January 13<sup>th</sup> from 7:30 until 9:00, if you show your school spirit by wearing your school colors, you will get in for free admission and you will listen to all the High School Musical hits with all of your friends. If you want any information on the lessons at the arena, call 289-8649. Monday, January 19<sup>th</sup>, we will host a free public session from 12:00-2:00 for anybody that would like to come ice skating at the arena. Monday, January 19<sup>th</sup> from 12:00-2:00. It will be a free admission that day.

Shore Cultural Centre, we will begin our indoor market/farmer's market. It will be held the second and fourth Saturday through June. First one, Saturday, January 10<sup>th</sup>. The market will be held from 9:00 AM until 2:00 PM. We'll feature Amish vendors, bakery, cheeses, jellies, jams, maple syrup, crafts and more. If you want to participate, it is \$10 a table. You can call 289-8107 or stop by during any of those times and get some of the yummy bakery and items that they have.

On Saturday, January 10<sup>th</sup>, Home Depot will be doing a class on winterizing your house or apartment. That will be at Noon. We also have other classes going on at the Cultural Centre. You can visit their website at ShoreCulturalCentre.org or all 289-8107.

At Shore on Friday, January 30<sup>th</sup>, there will be a Comedy Cabaret Show, 7:30 until 9:00. Tickets are \$8 in advance or \$10 at the door. Tickets are available at Shore and they are selling on 90 tickets. If you want any information, call the Centre at 289-8107 and hope to see you at some of the events.

Director Gulich – I have a brief update regarding the traffic signalization project throughout the City of Euclid. The resignalization of all the intersections that were not done in the prior signalization going back to 1999-2000. Starting next week, January 12<sup>th</sup>, the contractor for ODOT will begin to decommission the signals that are no longer warranted. This process is a 30 day process approximately. Contractor was required by State law to put the lights on flash for 30 days, necessary signs will be posted in accordance with State law indicating that the lights are scheduled for removal. After the 30 days, contractor will begin disassembling of those materials. They will become the property of the City of Euclid, the old materials. When the weather gets nicer, we will see the contractor back and the mast arms that were put up where the signals are going to go back up, you'll see the new LED lights go up. During the winter the contractor will be working on the system that will allow our safety forces to actuate them in emergency chases and runs. That should be up and running this summer when the rest of the project is completed.

Director Pietravoia – A quick announcement to the community. This will be particularly helpful for Director Will at our Council Meetings. We have a new website that has started in a joint partnership with the Euclid Chamber of Commerce called Experience Euclid.com. This Thursday, January 8<sup>th</sup> at Euclid Public Library at 7 PM, there will be a training session for anyone from the community that represents an organization to tell you how you can get your events posted to that website. All those wonderful events Director Will just mentioned, will also be included on the calendar. In our partnership, many of you may recall this came out of several meetings that were held over a year ago that was the BRIDGES group. It came out of business committee that we form a joint community calendar. Any event going on in the city will be on ExperienceEuclid.com as long as the sponsoring organization submits it as an event. It will be a great tool to find out what is going on in the City. I encourage anyone out there that is listening that represents homeowners association or any other organization in the city to try to attend, 7:00 this Thursday evening January 8<sup>th</sup> at Euclid Public Library. Thank you.

#### Reports & Committee Minutes

Councilman Gruber moved to accept the Fire Report of November, 2008; Police Report of November 2008; Executive & Finance Minutes of 12-2-08; 12-3-08 and 12-08-08; Board of Control Minutes of 12-08-08 and 12-15-08. Councilwoman Scarniench seconded. Yeas: Unanimous.

#### COMMITTEE OF THE WHOLE FOR LEGISLATIVE MATTERS ONLY

No comments.

#### LEGISLATION

##### **Res. 2-2009 (205-09) Juv. Diversion Program**

A resolution authorizing the Chief of Police to establish regulations and a schedule for participation in the Juvenile Diversion Program in the City of Euclid in conjunction with the Cuyahoga County Juvenile Court. (Sponsored by Mayor Cervenik)

Councilman Gruber moved for passage, Councilwoman Scarniench seconded.

Chief Repicky – We've researched for the last year or so our Juvenile Diversion Program as far as funding it. There's at least 3-5 other suburbs that have charged a nominal fee for the offender/parent to get into the program. There's more than half a dozen, closer to a dozen.

Rather than go downtown which would cost them about \$190 fine, we're looking at starting out with a \$50 fine that they would have to bring to juvenile program. Also the County wanted us to expand our current program to second offense for our Euclid youth. Also they're going to add traffic, only speed and/or seatbelt violation. We'll also handle that for the Court.

Right now we applied for \$18,000 from the County and we're looking hopefully for February for approval from the County. This money will pay for our contracted employer for the Court and also for counseling through Berea Children's Home.

President Holzheimer Gail – Council will probably remember not to long ago we did have a chance to meet with the staff of the Juvenile Diversion Program. We did talk about potentially instituting a fee to help pay for the cost of the program, as we were losing some of the grants that helped fund it. This would allow Chief Repicky to develop the criteria and set that fee in order to make that happen.

Councilwoman Scarniench – I would love to add my name and I would hope that all of Council would like to have their name added to this.

President Holzheimer Gail – Sounds good. Very positive program in the community. We look forward to the continued success of that.

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

Roll Call: Yeas: Gruber, Scarniench, Jones, Minarik, O'Neill, Wojtila, Langman, Van Ho, Holzheimer Gail.  
Passed.

**Ord. 3-2009 (208-09) Amend Code Snow Ban**

An emergency ordinance amending Section 351.15 of the Traffic Code of the Codified Ordinances for the City of Euclid to change the snow emergency parking regulations. (Sponsored by Councilman Wojtila by request of Service Director)

Councilman Wojtila moved for passage, Councilman Van Ho seconded.

Director Frey – Several meetings ago I know in the administrative comments at the beginning of the meeting I indicated that the snow ban exists and I was reminding the residents of the snow ban existing. We thought that we would ask Council's approval to amend the legislation to make it more of a self-executing provision in our code. Essentially what this ordinance we are recommending tonight would do, would be to impose a snow parking ban, anywhere in the City where snow fall has exceeded 2 inches, until such time as that street is plowed. No declaration is necessary to put the snow ban into effect. It is in effect when snow on Councilman Van Ho's street exceeds two inches, until the time that the snow is plowed.

What we experience is that we can have a significant snow fall for instance in Councilman Gruber's ward and there maybe nothing or nearly nothing at my house. The snow ban exists in that area where the snow has fallen, until such time as the snow has cleared. That is what this legislation would more clearly state than what is existing in our ordinances today.

Councilman Van Ho – Just a question that we're going to put plenty of signage out so everyone understands, correct?

Director Frey – We have many signs that are out posted on all of the major thoroughfares indicating the snow ban. Director Gulich says 52.

Councilman Van Ho – But are we going to tell them the game rules?

Director Frey – The sign says, the snow ban is in effect when snow exceeds 2 inches.

President Holzheimer Gail – There's a sign down on Upper Valley. I believe this is pretty uniform across the area. Most people know that when it is two inches, you need to be off the street.

Director Frey – We think this is just much easier to understand and follow.

Councilwoman Jones – Since we have the new website, maybe this can be an announcement on the website about this changing, not changing but further explanation.

Director Frey – We'd be glad to make sure we publish it in its new form on the website.

Councilwoman Jones moved to close debate, Councilwoman Minarik seconded. Yeas: Unanimous.

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

Roll Call: Yeas: Gruber, Scarniench, Jones, Minarik, O'Neill, Wojtila, Langman, Van Ho, Holzheimer Gail.  
Passed.

**Ord. 4-2009 (207-09) CT-LTCP Addendum**

An ordinance authorizing the Director of Public Service of the City of Euclid to enter into an addendum to the current CT Consultants, Inc. contract for engineering services for the Long Term Control Plan in the amount of Two Hundred Forty Nine Thousand Nine Hundred Dollars (\$249,900.00). (Sponsored by Councilman Wojtila by request of Service Director)

Councilman Wojtila moved for passage, Councilman Van Ho seconded.

Director Gulich – I think everyone has heard about our long term control plan for quite some time now. It is a requirement by the US EPA for any sewer system in this region that has combined sewers within its areas. Of course you've heard that we have approximately 7% combined sewers in our overall sewer system here. All the combined sewers that are in our regional system, are in the City of Euclid, none of the outlying communities have them. This only affects us as far as that goes.

We've been in constant talks with the US EPA. We initially entered into a contract with CT going back until June 2007 for \$1.45 million. Since then we've been hard at work at this. Met with them regularly, been to Chicago; Chicago has been here. As you know from my update reports and the one you received recently it is an ongoing process and we are making good progress here. I did relate to Council that we have a draft of our Long Term Control Plan Combined Sewer Separation Alternative Analysis and Cost Estimate. We're going to be meeting with CT again this Thursday for final review of that so we can submit it down to US EPA on Friday. I'm not quite sure what they're going to do with it to be quite honest with you. When we get it down to EPA on Friday, I'll be glad to see that Council gets it as well. We'll have some final numbers on there on what we feel it would take to separate our sewers; three different methods, three different levels of intensity.

Having said that, I know there are a lot of questions in regard to this addendum to the contract which involves approximately a 16% increase. First of all, something we'll need to do on the floor tonight is amend the ordinance. It should state \$244,900; not \$249,900. That was one of the questions I received.

A couple of other ones I have answers for. There's a couple of technical issues that I have Mike Stinehelfer with CT. I think they can be best answered by him. I'd ask Council to suspend the rules and allow him to come up in a moment here.

Couple of other simple questions here. Geotivity was involved with this. I think most of Council that was around last time would remember, we actually went out to bid with their approval, entered into a separate contract with Geotivity. There are only a few companies around regionally and nationally equipped to do the type of flow monitoring that was required for this type of work.

We did have some problems with the virtual rain gauge. You're probably all wondering what a virtual rain gauge is. Mike Stinehelfer is going to tell us a little bit about that, hopefully without confusing us. The situation with Geotivity though, as of late, has become problematic, they have gone into receivership. The good news is we still have some of their money. We haven't paid them everything. That's going to create some new problems and we're in the process of working through those at this time.

Having addressed those issues, there are some additional questions Councilman Wojtila came up with, they're all excellent questions and need to be answered. If it is all right with Council, I'll ask Mr. Stinehelfer to come up and address questions, 4-8, which also involve the 2009 status report which Council received last week. I think he can address any further questions Council might have quite handily.

Councilwoman Scarniench moved to suspend the rules, Councilwoman Jones seconded. Yeas: Unanimous.

Mr. Stinehelfer – First I'd like to go over a few things in the draft, or in the status report. As was indicated we started this process early 2007, since then we've been in discussions with the Dept. of Justice on the judicial consent decree and also with US EPA on the long term control plan. The process has been ongoing and we have been moving along very well to this point. Currently we've completed all the items in the work plan up to 70% of the project. We've submitted the model we've prepared to US EPA and they have that under review right now. They've had some questions, we've responded to those and we're waiting on a response back.

The remaining four basic items that need to be completed is a cost performance analysis once the model is completed on the project. We'll do a cost performance analysis on the various alternatives that are available. We then have to do a financial capability assessment of the selected improvements and then a selective plan an implementation schedule from that cost analysis and then the report preparation itself. That was originally scheduled to be completed in 2009, December 2009 of this year.

During the course of these activities, that we've been going on, as was indicated, Geotivity was under contract to provide flow monitoring for the modeling. We developed some problems with that flow monitoring data early in the process. We had developed a model, got the report from Geotivity on their flow monitoring data, put that into the model and determined that there was some issues with the flow monitoring data that we had to work out. The initial problems we had with the flow monitoring data was basically setting up many models in the system and then combining all those mini-models into one major model for the whole system. Because of the large size of the system and the complexity of it, these mini-models were not correlating very well. We had to go back into the data, meet with them on numerous occasions and make adjustments to the raw data and also take the raw data and put it into a form that we could use it in the models and make the data realistic.

As was indicated also at that time they went into receivership and the virtual rain gauges was one of the other problems we had. Virtual rain gauges are basically Doppler radar that you see every night on your TV screen with the weather man. We had four actual rain gauges in the system, installed in the system, monitoring rainfall data and then we were going to take the actual rainfall data that we had and apply that with the Doppler data and get a rainfall program throughout the city. Because of data gaps in that Doppler data and some other issues, it was determined the virtual rainfall data would not be available to us for the modeling purposes. WE had to eliminate the virtual rainfall data and actually use the actual rainfall data and put that into the model and utilize the actual data. Those were the main issues that we had to resolve.

Also at the same time, US EPA asked that we do a preliminary sewer system elimination, sanitary sewer elimination plan. This was basically different from your combined sewer system, the sanitary sewers in the system also have some overflows. We were asked to do a preliminary plan to eliminate those overflows. That was not originally contemplated in the work plan that was prepared and accepted by EPA.

Those were the major issues that we've had to go through to get the program back on track and finish up. With that I'll open it up to questions that you might have.

Councilman Wojtila – The contract with Geotivity, do you remember how much that was for?

Director Gulich – That was approximately \$200,000.

Councilman Wojtila – Since they used virtual rain gauges, could we pay them with virtual money?

Director Frey – We're holding about \$24,000 that has not been expended yet. We have been in contact with the receiver, this is a Canadian firm and it makes all of the discussion a little more difficult. We believe we had contact with the principals from Geotivity that are in Florida, if I'm not mistaken, and we're trying to work through those issues, but until we get satisfactory data to use, for sure we're not paying the balance. Secondly we'll take whatever resources we need to do make that contract make sense for us. I don't know financially what kind of shape that company is in if they're in receivership. We will make sure we protect ourselves to the extent possible and not have to duplicate that work.

Councilman Wojtila – The legislation, the \$249,900, this is, so we're clear and I want to make sure, I'm saying as a statement but it is probably more of a question, this is for work that has been performed already to get to where we are now?

Mr. Stinehelfer – Some of the work has been performed, some of it hasn't. This would be in addition to the original contract.

Councilman Wojtila – What additional work has yet to be done out of what we would be authorizing tonight should we pass this?

Mr. Stinehelfer – The cost performance analysis part of the work hasn't been done yet.

Councilman Wojtila – So would it be more than 1-4 on the status report?

Mr. Stinehelfer - #1 is the cost performance analysis.

Councilman Wojtila – The \$244,900 does it include 2, 3 & 4 and the status report?

Mr. Stinehelfer – No.

Councilman Wojtila – So then looking at the status report, the fourth paragraph is the same item as number one in items 1-4?

Mr. Stinehelfer – I'm sorry would you ask that question again.

Councilman Wojtila – The 4<sup>th</sup> paragraph in the status report, begins with, In October 2008, US EPA DOJ requested the city consider the elimination of all combined sewers in the city. Then it talks about three levels of separation and schedule for completion on December 31<sup>st</sup>.

Mr. Stinehelfer- Part of that work that is done in the 4<sup>th</sup> paragraph is part of the cost performance analysis.

Councilman Wojtila – So it is the same, or?

Mr. Stinehelfer – It is part of, there's more involved in the alternative analysis. The separation is only one option that you have to consider and there's three other options that you can consider in the cost performance, it hasn't been done yet.

Councilman Wojtila – When you say separation, there's three levels. Is that where we talk about complete, partial and another level of partial?

Mr. Stinehelfer – That's right and two partials are being considered right now.

Councilman Wojtila – The one we've done to date is the complete one?

Mr. Stinehelfer- We've done all three of them; complete and the two partials. That's been submitted to the city. Separation is only one option that you have for alternative use. There's treatment and discharge, there's treatment, transport and treat and there's also, the fourth one is storage and treatment. There's three other alternatives that we haven't started looking at yet.

Councilman Wojtila – Further down on the status report you talk about other items that have come up recently through discussions with the EPA. Is #1, is that the swirl concentrator that we talked about at our Service meeting?

Mr. Stinehelfer – Yes, that's the wet weather treatment facility, those are the large swirl concentrators. You also have some system swirl concentrators that are in operation. Item #1 is the existing wet weather auxiliary treatment facility. That provides primary treatment right now. EPA is asking the city to consider the cost to eliminate that and do what's called secondary treatment options with a no feasible alternative evaluation.

Councilman Wojtila - #3 on that same list talks about work plan, scope of service modifications. Can you enlighten us on some of those modifications?

Mr. Stinehelfer – One of the things they want the city to do is perform an updated SSOEP, we've done a preliminary. They want it updated. They want the maintenance plan and they want a sewer system evaluation survey done in conjunction with that plan. This is on your sanitary sewers now. The sanitary sewer overflows. They have previously accepted work plans scope of services. What

we had in there were various items of completion. Some of those are not relative now to this additional work that they're asking for. So more than likely we'll be eliminating some of those and maybe adding a couple to the work plan, depending on what we can negotiate with US EPA.

Councilman Wojtila – You talked about a subsequent meeting, #8 in my e-mail talks about anticipated next steps and timing. I don't know who best to address that?

Mr. Stinehelfer – Timing right now as I indicated earlier, we have the model is prepared and into the hands of the EPA for approval. Once that model is approved we can go ahead with the four items up there. However with the separation that they've requested the city to look at, separation cost in the plan we've prepared right now, that is one of the options.

If you agree to accept that as your, the only alternative that you want to participate in, then what would happen is they would immediately say stop work on the Long Term Control Plan, there's no reason to finish the Long Term Control Plan if you're going to separate your sewers and eliminate your CSO's there's no reason to have a Long Term Control Plan. Once that's decided, if you want to proceed and finish the Long Term Control Plan, then we would go back, not go back, they've told us that we need to continue on as if nothing is happening but continue on to try to meet this 2009 deadline, which we're doing. Once that's decided, that would change the scope and then we would also have to address items 1, 2, 3 that we've listed there because those are not associated with the combined sewers, those are associated with your sanitary sewers. In addition to addressing your separation of your combined sewers, you'd have to continue on to address items in #1, 2 and 3 at the bottom.

Councilman Wojtila – When do we expect to hear back on the model report?

Mr. Stinehelfer – The model report we should hear back in 30-60 days I would expect a response back on the model report. The review of the separation plan, that process would be strictly up to the city as to how fast they want to move on that issue.

Councilman Wojtila – I think Director Frey already answered my question that there's probably no opportunity to go back to Geotivity for all the additional work that their lack of performance or lack of good data caused so much additional work. I know hindsight is 20/20 but in the future it maybe better to have this type of firm to work as a sub-consultant to our consultant so that it is an internal problem to our consultant and doesn't become a problem to us. Just probably something to keep in mind. We look forward to the next step in seeing, the frustrating part about this is most of the work has been done it appears, and we're approving it more in hindsight than ahead of the game. I guess look forward to approving these items prior to the work being performed. I guess that's it for me.

President Holzheimer Gail – I had the same conversation both with Director Frey and Director Gulich earlier today, who have both assured me that they will bring this to us ahead of time, before the work is done next time. Mr. Stinehelfer, do you anticipate the existing contract will pay for the required work? Or will we be looking at additional changes to the contract?

Mr. Stinehelfer – Depending on what happens to items 1, 2 & 3 on the list, there could be additional work, yes.

President Holzheimer Gail – We're really at the mercy of the EPA until we hear back from them, correct?

Councilman Wojtila – I would just suggest additional contracts be new contracts and not addendums to this contract. This one I guess I can see as an addendum because it was work that had been started and work that was part of the original scope but because of the data insufficiency it was part of that contract. I would hope that additional work beyond that would be a new contract and we would see that and understand the scope and maybe break it down into smaller pieces versus a three year contract.

Councilman Van Ho – Question, does this Geotech have E&O insurance that we could go back against?

Director Frey – We're going to need to pursue that if we don't get the data from them, we're going to have to pursue that type of remedy. I don't know. We will need to be in contact with the receiver, who is in Canada in an attempt to pursue claims through them.

Councilman Van Ho – Do we require that on our contracts?

Director Frey – We require a performance bond in our contract. We will pursue that.

President Holzheimer Gail – We do need a motion to amend to correct the dollar amount from \$249,900 to the new amount of \$244,900.

Councilman Gruber moved to amend Ord. (207-09) to \$244,900. Councilwoman Scarniench seconded.

Roll Call: Yeas: Gruber, Scarniench, Jones, Minarik, O'Neill, Wojtila, Langman, Van Ho, Holzheimer Gail.

Amendment passes.

Councilwoman Minarik – Just for the heck of it, I know the work has already been done, what if we voted no on this?

Mr. Stinehelfer – I'm not sure.

Councilwoman Minarik – I think that's just another reason that we should be prepared ahead of time so that you can make sure that you get your money.

Mr. Stinehelfer – We certainly can work with a new contract too with the other work.

Councilwoman Minarik moved to close debate, Councilwoman Jones seconded. Yeas: Unanimous.

Councilman O'Neill moved to suspend the rules, Councilman Wojtila seconded. Yeas: Unanimous.

Roll Call: Yeas: Gruber, Scarniench, Jones, Minarik, O'Neill, Wojtila, Langman, Van Ho, Holzheimer Gail.

Passed.

**Ord. 5-2009 (204-09) Brandishing Replica Firearm**

An ordinance to enact Section 571.15 of the General Offenses Code of the Codified Ordinances of the City of Euclid to criminally punish individuals for brandishing a replica firearm, and revoke Ordinance 238-2008, passed December 1, 2008. (Sponsored by Councilwoman Scarniench)

Councilwoman Scarniench moved for passage, Councilman Gruber seconded.

Councilwoman Scarniench – The reason this is back before us because inadvertently the Section number from the code was printed wrong, that's the only thing that is different with this from what we passed last meeting.

I do have a question for the Law Director. Because you weren't here at the last meeting, I had a discussion with a few people. We changed Section B, so that it involves everybody, it didn't matter if they were 18 or under, so now this is for everybody. I'm under the impression that because of the fact that we already have laws on the books that pertain to adults, this really isn't necessary. The whole purpose of this legislation is so that when a child 18 or under is picked up and has to go to the court, has to go to the county, we have nothing in our statute that allows us to put down anything about these replica guns. That is what this whole thing was about. So that we have a statute so that they can actually put that. I did have a question today, and I said I don't know why, that is the reason why. There is nothing right now in our statute.

My question to you is, are we looking for trouble by having this for anybody? Can we go back to the 18 and under?

Director Frey – Yes you can go back to the 18 and under, that was clearly the intent was to provide a mechanism that we could present a case to Juvenile Court. I think I had indicated that the object of this legislation which was recommended by the way by Juvenile Court, by the intake officer that handles the Euclid cases, was to give the court and the police department the opportunity to more effectively intervene in a child's life so that we hopefully can prevent this behavior from resulting in that child's serious injury or death by showing what appears to all the world to be a real hand gun and put that individual or innocent bystanders at risk for somebody responding who does have a real gun. That was clearly the intention. That's why the Juvenile Detectors brought the matter to us. We don't feel it is a necessary tool for adults. If Council wishes to go back to the initial discussion

and have Section B, which indicated no person under 18 years of age shall possess, as was originally drafted, I'm more than happy with that. I think that's better legislation. I don't think it was our intention to necessarily use this with adults.

Councilwoman Scarniench – Would it be proper now to make the motion that we do go back to the original way it was written and this would be for anyone 18 and under? That's a motion.

President Holzheimer Gail – So moved by Councilwoman Scarniench, second by Councilman Gruber. Roll Call on the amendment.

Roll Call: Yeas: Gruber, Scarniench

Councilwoman Jones – I just have a question, what are we amending, to go back to what?

President Holzheimer Gail – To go back to the 18.

Director Frey – I'll just read how it would read if this is amended. No person under 18 years of age shall possess or alter a replica firearm in such a manner that the object is indistinguishable from a firearm whether or not the object is capable of being fired. So we would just be inserting in that section B, of what should be 571.15, under 18 years of age, it would only apply to.

Councilwoman Jones – How are adults handled?

Director Frey – We would have an adult, if it was a menacing case charged as a menacing. It would more depend not so much on the mere having it, but how you would be using it.

President Holzheimer Gail – I neglected to ask if there was discussion on the amendment so let's back up just for a minute.

Councilman O'Neill – If we don't amend to 18 or under, there's no conflict here correct? You're going to charge an adult with an adult charge.

Director Frey – We're going to charge an adult with an adult charge.

Councilman O'Neill – By not changing it, it really does not sit in conflict?

Director Frey – We probably will not to be honest with you, probably not use this with adults.

Councilman O'Neill – By leaving it the way it is, other than the initial change we talked about, it is fine. Am I correct in assuming that?

Director Frey – Our intention was to address juveniles. If we don't change it, it is to discretion with the Police Dept. and the Prosecutor whether an adult would get charged under this section. We probably would not charge adults under this section. We would charge adults, as we've had this discussion, under State Code, probably with a menacing.

Councilwoman Minarik – Can't juveniles be charged with menacing?

Director Frey – They can, but the menacing doesn't show that there was this attempt to a firearm, it is not part of that code section. Again, what we were trying to address was, I think as the Detective pointing out, an incident where they received a call, came upon juveniles who had at Glenbrook I think is where the playground was, who were not doing anything else but were there at that moment with these altered guns, they thought they were real guns until they confiscated them did they learn they were in fact bb guns or soft pellet guns that had been painted or altered to make them look like they were real guns.

Councilwoman Minarik – But right now, if a juvenile brandishes a toy gun that looks like a real gun...

Director Frey – If they're doing something with it that would amount to a menacing, yes, they could be charged with the menacing. But they couldn't be charged merely for having it. That was the intent was to try and stop that behavior at its very inception so that that child or someone else, some innocent person doesn't end up injured.

Councilwoman Minarik – Since the real concern is not to injure the child by someone else thinking they have a gun. Is it in the legislature's power to just hold harmless, say someone who shoots the child or hurts them, because they thought it was a real gun?

Director Frey – They probably already have that under self-defense, but it doesn't lessen the injury to the kid. We're looking for prevention here, was really where we were going.

Councilwoman Minarik – So we're going to presume that everybody who has a toy gun painted is going to brandish them in a menacing manner.

Director Frey – What we're hoping to do is involve ourselves either through the Police Dept. and/or the Court with this youth, so that the youth recognizes the real risk that he is, this behavior puts that youth at risk or puts his buddies at risk or put some innocent bystander at risk. That's absolutely what we're trying to do is get involved in a more meaningful way early on.

Councilwoman Minarik – What's the penalty?

Director Frey – It's a misdemeanor one, is how they Council chose to pursue this. That's what we proposed and that's what Council approved. This would go to juvenile court and so the degree of offense is not as significant as is the court's ability to interact.

Councilwoman Minarik – The officer can't write down there that the child was brandishing a toy gun; that will have no influence?

Director Frey – It depends if they are charged with a disorderly offense, that's what's going to be on the citation. I'm sure there's probably a little bit of room for additional verbiage. But there's real risk that's not going to get picked up in the process and that there isn't going to be the same level of intervention.

Councilwoman Minarik – I understand the concern but we're getting ready to celebrate 218 years of the Bill of Rights. To presume guilt, just doesn't seem to go along with America. As I did the last time, I'm going to vote no on this. There's got to a better way.

Councilwoman Scarniench – I just want to reiterate that this recommendation came from the Juvenile Court system. This will give them another tool to help these children, they can put them in counseling, they can send them to any kind of a class. We're trying to prevent gang activity. If it's a toy gun, if it's a squirt gun, you know it is a squirt gun. But if it's been altered, you don't know what it is and that's the whole point behind this to be able to have more enforcement so they can understand the ramifications of what they're doing with that gun and hopefully save their lives at some point. Thank you.

President Holzheimer Gail – We have an amendment on the table to go back to the initial intent which was to aim this at the juveniles, so the amendment is in Section B changing it to no person under 18 years of age. Is there any more discussion on that amendment before we vote on that?

Councilwoman Jones – Is it a conflict because I know you mentioned that adults would probably not go through this, be charged with this, so is it a conflict of not having, just put at 18 and the adults are using the other ordinance, is that why you're suggesting we add the 18 back in? I don't see, we'll be covered both ways if we leave it as nobody anyway, it would be adults and juveniles.

Director Frey – The intent was to address the juvenile issue and that's the way we initially wrote it. It was the discussion of City Council to broaden the scope to include adults. To be quite honest as Councilman O'Neill has pointed out, whether it stays the way it is right now or has the amendment, the under 18 put back in, really is not going to matter so much to the police department because we're not going to charge adults under this code section. There is no corollary State code section for adults. This is something a local ordinance that many communities have adopted but would only deal with adults charged if we leave it the way it is, adults charged under local ordinances, which we're not going to do, or juveniles that we would charge under this ordinance and they would go to the Juvenile Court.

Councilman Van Ho – Is there any other use other than intimidation that would cause these juveniles to modify these, whether it is squirt guns or soft pellet guns, to look like real guns?

Director Frey – I think Detective Wittreich had pointed out that it is, you show it, it is an intimidation. Obviously you know if you're the person having it that it's not capable of being used as a firearm. If I'm holding it and you see me with it, you're not going to know that. If I'm, pardon me, but dumb enough to do that, and you happen to have a real gun and believe that you're in imminent fear of serious bodily harm and you pull that gun out and shoot me, it doesn't really matter that I knew that it wasn't capable because I'm just as dead. I think it is important that we try to recognize what we're trying to address. We're trying to intervene to prevent some youth who could otherwise be redirected into a positive lifestyle. It is not just that youth, but it is his buddy or some innocent bystander. I think this is important and I would encourage council to approve the re-numbering of the section, whether or not Council chooses to move on the amendment is to be quite honest, not as material as just getting the number correct so that it is in our codified ordinances the way it is.

Councilman Van Ho – The object of this legislation is to save lives, not to find a way to throw somebody in jail.

Director Frey – You are absolutely 100% correct.

Chief Repicky – I didn't bring any weapons for show and tell again, but I think we've covered everything. It was just an error on our part as far as the number. I don't think I can say any more than the Law Director stated.

President Holzheimer Gail – Roll Call on the amendment.

Roll Call: Yeas: Gruber, Scarniench, O'Neill, Van Ho, Holzheimer Gail

Nays: Jones, Minarik, Langman, Wojtila

Amendment passes.

Councilwoman Scarniench moved to close debate, Councilwoman Jones seconded. Yeas: Unanimous.

Councilwoman Jones moved to suspend the rules, Councilwoman Minarik seconded. Yeas: Unanimous.

Roll Call: Yeas: Gruber, Scarniench, Jones, O'Neill, Wojtila, Langman, Van Ho, Holzheimer Gail.

Nay: Minarik.

Passed as amended.

### **CEREMONIAL RESOLUTION**

#### **Res. 1-2009 (206-09) National Young Leaders**

A resolution of congratulations to Jordan Edwards on his nomination to represent the City of Euclid at the National Young Leaders State Conference. (Sponsored by Mayor Cervenik and entire Council)

Councilman O'Neill moved for passage, Councilman Wojtila seconded.

Roll Call: Yeas: Gruber, Scarniench, Jones, Minarik, O'Neill, Wojtila, Langman, Van Ho, Holzheimer Gail.

### **COMMITTEE OF THE WHOLE**

Mr. Willie Brown – 20875 Miller Ave. This evening I would like to make some comments on behalf of the Mitchell family. Some of you may recall Mrs. Mitchell has been here before. Their son Germaine, was killed in our city in April 2007 and the murderer has not been found and the Mitchell family continues their efforts to try to keep the public aware. Anybody who may have information, please contact the local police department. This is a memo that they sent out during the Holidays.

It says, Dear Family, Loved Ones and Friends. On April 26, 2007, Germaine K. Mitchell was murdered and unfortunately this case is still unsolved. The family was interviewed on video tape Jason Lee of the News Herald which was followed by an update article of October 2008 to refresh memories and to keep the word circulating in the public for information regarding his murder. You can access the article by logging onto the News Herald.com and enter Germaine Mitchell and by clicking video you will be able to hear parts of the interview. A reward of up to

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\$2,000 is being offered through Crime Stoppers. An account has also been set for Germaine to increase the award amount which we're prayful will aid in encouraging someone to come forth with pertinent information to help resolve this case. If you would like to make a contribution in the amount of your choice, go to any Fifth Third Bank and tell them you'd like to make a donation to the Reward Account for Germaine K. Mitchell. It has been over a year and our family is in desperate need of closure in the death of our beloved son. Keep us lifted in prayer as it is becoming especially difficult with the holidays and other special times that we shared rapidly approaching. We love you and may God Bless each of you. The Mitchell Family.

If anyone out there watching this has any information that may assist in finding the person who committed this terrible crime in our city, please step forward and contact the police. Thank you.

Mr. Rick Pische – 22001 Fuller Ave. Happy New Year everyone. I'm allowed to speak about what you've been talking about tonight with the guns?

President Holzheimer Gail – You can speak about anything for the good of the city.

Mr. Pische – It is plain and simple about the phony guns. When I was a kid, there are a few of your around my age, we played law-man and everything and we didn't have the problems we do today. It is said that there are so many children out there that pick up guns that are phony ones and they spray them black and they're putting them everywhere where the thugs hold on and they're pulling them out. It is very simple, you probably have somewhat statistics of Ohio or United States Chief of people that have been shot, minors, when an officer or someone thought they had a real gun?

Chief Repicky – I don't have that in front of me now, but there probably are stats where people are shot with fake replicas.

Mr. Pische – Your guess would be? Well one is too many. I'm sure it is many children that are gone because of foolishness. It all comes back to family, you know that I look at. You keep your family close, know what their up to, know what the kids are doing. In my household my daughter does not allow any phony guns. It is sad because I had a lot of fun with guns. My kids, I got them guns. We had the holsters and played Cowboys and Indians and the Rifleman. Hey kids throw me the gun, my brother used to throw the gun, I used to click it off, bang, bang, bang, and little tiny bullets would come out. We can't do that any more and it is sad that we can't have Leave It To Beaver Days any more; they're past. This is the real world. We have to pass these laws to protect. It is like the law that I brought to, the Resolution about having the dome light turned on and everybody at 12 o'clock. It is to protect lives. I would love to drive down the street with my arm out the window and no seatbelt and use both sides of the road and just have a gay old time, but we just have to tighten up everything. The gun protection thing with the children it definitely has to be. Anyone in the community sees children playing with phony guns and they look real-ish, get out there and take them from the children, give it to the parents. Let them know about what you saw on TV that kids do get killed. I don't know what else, that's about it. Have a good New Year.

Ms. Cynthia Mignogna – 24101 Puritan Ave. I'm here to talk about the article that was in the Sun Journal about the C.E. Orr arena possibly closing. Obviously to me it would be a great misfortune. I have a son who is a hockey player and I have a daughter who is a figure skater. We also have a missed opportunity here that we have US Figure Skating Nationals in Cleveland, January 18<sup>th</sup> – 24<sup>th</sup>. We had 10 pair skaters that wanted to come practice on our ice and were turned away. Bill Koyle was so kind to join us tonight. He is one of the people in charge of US Figure Skating Nationals at the Q. I just wanted to say it is a missed opportunity and I would really hate to see our rink close. There are a lot of kids that use it. This past Friday there were several kids there skating, Councilwoman Gail was there with her kids. They made over \$700 in two hours I heard. It is not promoted. There's a lot of kids that could use the rink and it would be nice to see it used to its potential. If anybody has any questions about the figure skaters that are going to be competing at the Q and many of them will be on the Olympic Team next year's Olympics, Bill Koyle can answer any of those questions.

President Holzheimer Gail – I know we've seen several e-mails and I thought had been working towards a resolution.

Mayor Cervenik – It is our understanding those figure skaters will be skating on the Holiday. We will have free skate early in the morning and then we've got a tournament as well, and there will be afforded free ice time so that we can see Olympic style skaters there. I'd also like to caution that

during these tough economic times, City Council and the administration have to discuss various ways of saving money and making ends meet. Because we discuss the possibilities and the cost of certain facilities, that doesn't mean that facility is going to close. If you look through our budget book, we're about \$100,000 in the red through the time the budget book was printed. That doesn't include any of the maintenance employees and other things that are done there.

What we have to do, we don't necessarily say we're going to close it. We have to look at various ways to operate it differently, change some times around, possibly charge some more money, so that we can keep it open. So no decision has been made yet. It is my understanding they're going to be skating. That ice arena is going to be full on Martin Luther King Day.

Ms. Mignogna – What about future holidays where in the past have been open but in the last couple of years we've been closed like President's Day ?

Director Will – One of the big reasons that it has been closed in the past and obviously I've explained that before is that it is city holiday for our maintenance employees. Our maintenance employees to have them come in has been an added expense. We are working on being able to open for the holidays to be able to get every group together. Our intentions are to bring all the groups together that are using the rink to get their ideas on how we can change and make this rink work. It has not ever been anything said, I've had to make some decisions and make some announcements and I know it sparked a lot of different people calling about closing the pool or closing the arena. It did spark up some great conversation. But you will definitely be getting a call from Jennifer the rink manager and we'll be pulling all the groups together, not only Blade and Edge, Hockey, every group that utilizes the rink to work on next year's schedule to see how we can make this work. As far as January 19<sup>th</sup>, we're planning on being open.

Ms. Mignogna – What about the 24<sup>th</sup>? Where most of the rest of the rinks that I know of in the city are doing a free open skate with one of the competitive skaters appearing at the rink.

Mr. Koyle – We have received confirmation that you have offered the time for the 24<sup>th</sup>. Jennifer confirmed that today I believe.

Director Will – That's what I assumed, okay. I was looking, I believe that was all confirmed today, but I wanted to make sure.

Mr. Koyle – I apologize, I didn't let them know. I'm Bill Koyle, the Chairman of the Greater Cleveland Counsel Figure Skating Club. Of course, from our perspective we'd love to do anything that we can to work in coordination with you to come up with ideas and plans to keep the rink open and keep the skating club viable. We appreciate everything that you're doing for the US Figure Skating Championships which will be January 18-25<sup>th</sup>. Thank you so much.

President Holzheimer Gail – I'm not sure I understand. I thought there was some discussion of having the professional skaters practice on Martin Luther King Day, or is it the 24<sup>th</sup> or both?

Director Will – There were two different dates, but it was originally the 19<sup>th</sup>. I know Jennifer had made some other arrangements on the 24<sup>th</sup> also. There are some other items happening on the 19<sup>th</sup> with that too.

President Holzheimer Gail – I believe we have a Euclid resident, or former Euclid resident who is competing. We'll have to make sure we get a local story.

Mr. Koyle – We're doing everything on our behalf to draw the attention from our partner, WKYC Channel 3 and the Cleveland Plain Dealer to Andrew Sperhoff who is going to be skating here and apparently he's looking to bring I believe 5-6 other pair teams who are competing at Championships during that week here to skate. I believe that's for the two hours after the open session that you already have planned.

President Holzheimer Gail – That's the one on the 19<sup>th</sup>, correct.

Mr. Koyle – The one on the 24<sup>th</sup>, is the annual. We have an Annual Skating Month, which we're obviously condensed on our one day for the championships where we're bringing national competitors in to everyone of the 17 clubs in Northeast Ohio. So they can reintroduce skating to the members and try to draw some community attention.

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Ms. Cindy Barker – I'm a Euclid Blade and Edge Board Member. Can I have clarification from Director Will. My understanding was, you said there was a free public skate from Noon until 2:00 on MLK day?

Director Will – That is correct.

Ms. Barker – What we're additionally looking for is these national skaters are looking for ice team from 3:00 until 5:00.

Director Will – That's correct, they are coming in from 3:00 until 5:00. That has been arranged.

President Holzheimer Gail – That would be open to the public to watch and we'll be able to spotlight the skaters and hopefully those who are there for the public session will stay around and watch the national skaters.

Ms. Jinai Amos – 23410 Lake Shore Blvd. I would also like to comment on the C.E. Orr arena. I was a skater with the Euclid Blade and Edge Club for over 12 years and I would hate to see the rink closed. It provided me with many leadership and life growing skills that I continue to utilize today. I also, the Mayor talked about not necessarily closing the rink, but for alternatives in how to run the rink and I understand that privatization of the rink has been one of the solutions that has been tossed around. As politically minded as I am and as a student of public administration, I don't think that privatization of this community asset would be beneficial to the residents of Euclid. I don't think it would be economically viable for them. I would like to see the rink continue to be seen as a community initiative in programming for the city.

Unless there's no one else who would like to speak on behalf of the rink, I'd like to move on.

President Holzheimer Gail – You need to finish your comments now, we can't have the back and forth. If you have other comments, you have your five minutes to finish.

Ms. Amos – I'm sorry. I was also here to discuss the Shore Cultural Centre. Again I'm very community minded and I feel like the community programming that is arts, culture, spiritual, social programming, I think there should be a particular place within the city that all of that can be easily accessed. So I look forward to many more discussions that the Council may have on that issue as well. Thank you very much.

Ms. Barbara Tingley – 101 E. 209 St. I'm also here to discuss about the Euclid C.E. Orr arena. I have been a lifelong Euclid resident. I grew up with the Learn to Skate program. I currently have children in the Learn to Skate program. I am a Learn to Skate instructor also now. I was a member of the Euclid Blade and Edge Club. Member of the Precision Team that we used to have that we went to different States for competitions. I also have a son in Mite Hockey and another child of mine is starting in the Learn to Skate program.

Being a resident over the many years I've been here and being involved in the rink, I don't think that the rink has been utilized to its fullest potential. I see other rinks are doing things. They are open for instance, when my children went to Mentor for the entire day, sort of I guess you'd call a day care for the day, but the rink was open from 8:00 AM until 5:30 or 6:00 pm. It cost \$25 ahead of time; \$30 the day of. They could go, skated, they watched movies, they ate, they did crafts, they did lots of things while they participated there. In addition the rink was also open for a public skating session. In addition to the money paid for the day, they also were able to make money on a public skating session.

I hardly see any flyers that come home in the mail in my student's folders from school. Weekly, almost every other week, we get a message about Palisades Roller Rink. I think trying to promote the rink in different ways. I was so happy to see the great turn out during the holidays, but I think also a separate, I know everything costs money, photocopying and getting out to the schools, but I think trying to get other communities, Willowick, Willoughby, these other places, Mayfield, that don't have ice rinks and draw from those communities and bring them here. I know our ice is cheaper than other. Mayfield High School practices at Gilmore. Their ice cost is significantly higher than Euclid's. I think there are a significant number of ways to improve attendance and the use of our ice rink. It looks deserted. You walk in there, there's no lights on, there is no one to answer any questions. There's not a lot of information. I think it would be a shame for our community to have this nice facility that makes us stand out from other communities in this area if we didn't have that here any more. My kids are real young so we're just getting started in the program. There's ways to draw in more kids. Thank you.

President Holzheimer Gail – As a follow up, did I hear you say you will be arranging a meeting with all of the groups as part of the ice rink, or Ms. Berman?

Director Will – We're going to be having a meeting with all the groups within the next two weeks to sit down and talk about all the different ideas, etc. I would love to have the ability like Mentor does. First of all they have two sheets of ice so they're able to offer different items. As far as their daycare, they're a civic center, their rec center is also built in with their ice arena. They have some different items there that we could not compare to. I did plan on having and inviting all of our Learn to Skate instructors, etc., to the rink to discuss them all. I know there are probably ways that we could make everything work but everybody is going to have to be willing to give in a little bit.

President Holzheimer Gail – I just want people to know that if you're not part of one of those groups, but still are interested or have ideas about the ice rink that your input is valued as well and you could contact the Rec Dept. to offer that or to be a part of that meeting.

Mr. Frank Vidmar – 111 E. 214. I've been a resident here for about 12 years. Before I begin talking, I'm going to talk about the C.E. Orr arena again. Just wanted to point out that I'm a deep admirer of Dolly and Cindy Mignogna. They offer an unbelievable amount of volunteer time and we enjoy their families as well. I'm a little bit nervous, this is my first time here ever. I watch you guys on TV sometimes in Tom Cosgriff's, Chief Tom Cosgriff's garage, I don't have cable to save on expenses.

I do feel the rink is being underused as well. One of the things I wanted to talk about that was already reflected is that we don't go to outside cities for advertisement. I think we do a very average job within the city schools of advertising and getting the elementary kids and the pre-schools on the ice. But we do an absolute terrible job outside of the city limits. If you're a resident of Wickliffe, Willowick, Willoughby, or Willoughby Hills, those are kids that should be coming to Euclid, not to Mentor. Schools that are in Richmond Heights and South Euclid should be coming to Euclid and not to Cleveland Heights.

I wanted to say something else. Some of you have not been to other rinks, I've had the pleasure over the last few years of traveling all over the State and even out of the State to different arenas. We get a little bit of a warped view on how our arena is because maybe we compare it the state of the art Cleveland Heights or to Mentor which is much larger. But we get all kinds of compliments from other places on how nice are facility actually is. We do have the best locker rooms, the largest locker rooms. We have a first class parking lot. The arena itself is very warm and the mothers and the children like it. That is basically what I wanted to say. I guess that's it. Actually one last thing. I'm very nervous. The last thing I want to say is I actually have a game plan here on how this can work and I guess if I have a minute I can tell you what I feel will work.

If we actually have a representative, each week visit a different school, whether it is a preschool or an elementary school in the cities that I just mentioned, and advertise their particular school night for open skate, and offer an unbelievable discount such as \$1 admission, \$2 skate rental, to get them in the door; perhaps get 30-60 kids in from that school, to expose them. They'll bring their brother, their sister, their bring their parents. They'll beg their parents to take them and offer these coupons. Once they are there, have a representative from each division, one representative from the hockey association, one representative from Euclid Blade and Edge; representative from Learn to Skate Program, have them at a table with paperwork so that when these kids walk in, maybe you'll only get one or two kids, but that's successful because those kids will never leave. They will continue to skate and they will tell their parents, maybe their parents will start skating or their younger brother and sister will skate as well. Thank you.

Director Will – I just wanted to add to that comment because I appreciate that those are some great comments and we did just start recently over Thanksgiving and Christmas to have Jennifer contact the different cities and start telling them about the ice arena. We did do a Val-Pak this past season, which goes out to Cuyahoga and actually some Lake County residents. We've had great feedback from that. I know that going to the schools and stuff outside the city will definitely help but we did just start doing that and offering different parties or ice skating.

Ms. Del Tekieli – 5 E. 221 St. I'm President of Shore Cultural Centre Board of Trustees. For many years, Shore Cultural Centre has been battered around with very little positive influence until recently. Last summer a new building manager, Rick Evans, was hired and he has produced some good results. Prior to that there had been very little onsite managers, very little managing for a few years. Yet the building and the programs continued to thrive. One example is Tri-C. Recently a mailer went out from Tri-C to all of our residents. The mailing promoted three cities. Warrensville

Heights had three swimming classes. Garfield Heights had six credit classes and Shore had eight credit classes. We're fortunate to have Tri-C interested in our community, we're a good market for them.

Another of our programs is English as a Second Language program. Before I retired from the School District, I was the administrator for this program. Our students consisted of people from many different countries, all walks of life and many surrounding communities taking our classes at Shore, including a concert pianist and many medical professionals and their families.

Recently one of the council people questioned what affect young children in the pre-school programs or recreation programs would bring to downtown Euclid. Well they don't shop but their parents do. Give Mom an hour to kill while her child is taking a dance class or a basketball class and I can guaranty you that 8 out of 10 women will run to the nearest place to shop.

When President of Council Kirsten Holzheimer Gail, Councilman Daryl Langman, Director Will and Director Pietravoia and I met with Peter Rubin of Coral Company a week or so ago, we met with his Marketing Director and his Operations Director. I think they felt the same energy that I did that this company or a management company can bring to Shore. Peter Rubin is one of the most well respected developers in our area. He's invested millions in Euclid. He actually built and sold three homes over seven hundred thousand dollars on Euclid's lakefront. Unfortunately the rest of the project hasn't moved as well because the bottom fell out of the real estate market.

I commend Councilman Langman and President Gail for showing the initiative to meet with Peter Rubin. He's a good businessman with exciting ideas. I'm sure both of them and both Directors felt the same way I did as we left that meeting. Mr. Rubin talked about bringing a new energy to the building, both internally and externally. He talked about how he would manage the building and some of the things he would do from day one. He reeked of professionalism. Coral Company would bring in a team of professionals to do an in depth analysis of what it would take to make Shore successful, bring more people into the area plus look at the pluses and minuses of the building and expand programs. Mr. Rubin will not be doing another study. His proposal was to have his team manage and analyze Shore.

Be it Coral Company or another management company, once a management company is hired and Shore's future is established, we can apply for grants to assist in many areas. We actually have a couple proposals to fix the windows. I'm asking the council and met with the Mayor today and he was very amicable to seriously consider Coral's proposal and those from other management companies. If we could lose more than \$6 million in the past four years on a jail that serves a handful of criminals, then we certainly can invest in a building that serves thousands of people of all ages, religions, races, nationalities and income level on a weekly basis. A closed Shore blights downtown Euclid and the entire Lake Shore neighborhoods. Thank you.

Ms. Jean Reilly – 24024 Euclid Ave. I'm a long term resident of Euclid and currently the President of the Friends of the Henn Mansion. First I'd like to thank the city for their support of the Henn Mansion all the years, current and past and we're actually on our last legs of our renovation plan on the third floor. That plan has taken awhile but it has moved ahead and proud to be a part of that.

Tonight I'm here to voice my support for saving the Shore Cultural Centre. I hope the current administration gives every opportunity to hear and possibly agree on how Shore can become another Euclid historic jewel. I feel it is such a big part of Euclid's history that demolition should be put off forever. I know money is tight and it is just such an important part of our past that any plan, opportunity, hope to save it should be considered. Thank you.

Ms. Dena Henry – I don't live in Euclid. My address is 9073 Agard Court. I did grow up in Euclid. My company name is Champ Promotions and why I'm here is I wanted to announce an event. I've been looking around the city at several different places to try to find a facility to have concerts and I just have always been in love with Shore auditorium. So, we're going to start having a series of music concerts and we're starting it off on January 31<sup>st</sup> with a band called Focus. Focus is a Motown band and they're very talented. They feature four singers and it just another reason to keep Shore alive. I would like to continue to have entertainment. Another reason for having it at Shore auditorium is because I like the whole idea of the family atmosphere. Where a family can come and hear music. I will definitely make sure that it is for all ages. It is just a nice thing to do because adults like to go out. They can't afford babysitters any more and I just think it is a great idea to have it at Shore auditorium. Another reason is the acoustics are just outstanding. I couldn't think of a better place to hold a concert. I just wanted to announce that because that will be going on this year, hopefully.

President Holzheimer Gail – I don't believe you said what time, January 31<sup>st</sup>?

Ms. Henry – January 31<sup>st</sup> at 7:00.

President Holzheimer Gail – If people are interested in tickets?

Ms. Henry – We're going to start promoting it. We haven't really got the ball on the road, so. Any questions? Thank you.

Ms. Helen McDonald – 20370 Nicholas Ave. I'm coming to talk about the Shore Cultural Centre. I just want to second what Del said about the mothers shopping. They drop those kids off and run to the nearest store as fast as they can. It does really benefit the surrounding businesses in the area. I know Del had mentioned that there were some grants that she was looking into and I wanted to know at the last meeting, we were discussing the grants from the government for the National Registry of Historic buildings and we were going to look into grants for that. I wanted to know if anybody had looked into grants for that and what the outcome was.

President Holzheimer Gail – Has anyone had a chance to look at grants from the National Register?

Director Pietravoia – Not specifically for that but the Landmark Commission working with Jim Sonnhalter has been looking at the possibility of getting a grant through the State of Ohio. It could be used for a wide range of purposes but we didn't look specifically at the National Register.

Ms. McDonald – Is that an option or something that we're looking into?

President Holzheimer Gail – I think we can certainly look at it. I don't know enough about it. I know there's tax credits available for historic buildings but the city doesn't pay tax. We certainly will look at it. As we move forward we're going to need to look at every option to make it work because the City, we all probably know the city can't do it itself because of the cost. Any grant that's out there, we should be looking into.

Councilman Gruber – Didn't Shore have a grant writer? He had his own office and everything; how did that work out? Didn't work out well.

President Holzheimer Gail – We can find out, but the Landmark Commission, as well as preserving historic structures and working on that. We can certainly, unless Director Will has any other.

Director Will – I'll look into that.

Ms. McDonald – I was just wondering if we are knocking down Shore Cultural Centre are there plans for a new rec center or plans for that land?

Mayor Cervenik – That's way far into the future. We haven't made any decision on Shore yet.

President Holzheimer Gail – The next step really will be the budget process. The next budget hearing our we still on track for January 21<sup>st</sup>? January 21<sup>st</sup> where we will again look at our budget. No decisions have been made about closing Shore; about not closing the ice rink. We started the budget process early because we wanted to try to get it done early. Part of that is we all threw out ideas and we all asked questions. Some of those questions and some of those ideas became interpreted as it has been done. No decision has been made and that discussion will continue on the 21<sup>st</sup>.

Mr. Kevin Kinsella – 26491 Farrington Ave. First off, I'd like to thank the councilman and councilwoman that came over to the Jail last week. I wasn't there so I don't know exactly who it was. I'm not going to point out the people that I do know because I don't want to omit anybody. Several years ago and for the past several years actually we've been asking for Council to come over and nobody ever took the time to do that. I do appreciate people who come over and make informed decisions before they go about their business.

On another note, I've been a resident of this city since 1973 when I was born. I'm very proud of this city. I work in the city. I've raised a family in this city. I've enjoyed the Shore Cultural Centre and the ice rink. What I do have to say though is that I don't speak about things that I'm not completely knowledgeable and make ignorant comments like some people that talk about the jail and the minority that it provides for and what not. What that resident probably doesn't realize is that the jail is being closed, three-quarters of it now will be gone, 13 full time officers will be gone, three part timers and the secretary will be gone. So a comment like that is a

real punch in the gut to people who have lost their jobs. I'm sure she didn't know better or she wouldn't have said something so ignorant.

But, that being said, as far as the Shore Cultural Centre and the ice rink, I would love to see us get some sort of cultural center. I do think the arts are very important in this community for families and what not. Same thing with the ice arena. I won't speak as to whether it is being used correctly or not because again I don't know specifics so I won't try to pretend I do.

As far as the Jail goes, the other three-quarters of the prisoners now that will be on the streets, maybe they can enter the Jazzercise program at Shore Cultural Centre, something of that nature and we'll be able to keep them there. Thank you.

Mr. Michael Scarniench – 23314 Roger Dr. I believe a handful is five. Everybody agree with me?

President Holzheimer Gail – If you could address your comments to the ....

Mr. Scarniench – 14 people in a one hour shift.

President Holzheimer Gail – Mr. Scarniench if you could address your comments to council that would be appropriate.

Mr. Scarniench – Sorry, sorry. I apologize. It just fires me up. Five is a handful. I've booked in 14 people in an eight hour shift once. They bring 5-6 in at a time when they kick people off the streets, doing whatever they do. I'm not going to get into that. But there's a lot more than a handful of people. 70-80 people is what we used to have, but in three weeks we'll have like 30. I can't even, sorry.

Ms. Regina Hauck – 116 E. 197 St. I want to start with a disclaimer that my comments tonight are my own comments. They have nothing to do with Madeline Scarniench's Council Committee that she has that's looking into council benefits. They are my personal comments and they are not to be reflected on anyone on that committee or the committee by itself.

There are a lot of people here tonight that are here talking about things in the city that are near and dear to their heart. The C.E. Orr ice arena, Shore Cultural Centre and the Jail. People have lost their jobs. I sat with the Mayor and Director Johnson and went over the budget with them. It is a very tight budget. Before the Holidays I had sent City Council members an e-mail asking each of you to please waive your health benefits for the year 2009. It has long been my belief that you should get your health benefits from your full-time employer, not from the residents of this city.

I asked you to please contact Director Johnson by the 31<sup>st</sup> of December and waive your benefits. Can I please see a show of hands of the amount of people that are still taking their benefits. Just three of you. Okay, Director Johnson, I know you had four people in the budget. So is it just three now? Did another person since we met waive their health benefits? Or is someone to ashamed to say that they are taking them? There were two families and two single people that were taking it. I'm asking you again today, to turn down those benefits.

I should not be paying for your health benefits. I should not be paying for your children's health benefits. As you can see tonight, there are better places that our money can be going in this city. You should be getting your health care benefits from your full time employer. For those of you that are going to argue that it is not a lot of money and that you're putting money into it too and you're putting in more money than you're taking out, you're gambling. That's a gamble and you're gambling with my money, you're gambling with all of these people's money. You're gambling with the 85 year old woman who lives on your street that can't even make her house payment because her taxes went up again. You're gambling with her money. You are asking them to pay for your health care benefits for the health care benefits of your children. It is not our responsibility to pay for your children's health care benefits. It is your responsibility.

So I'm asking you again, tonight, to please waive your health care benefits for 2009 so that the money can be spent to further this city. Do what's best for the citizens of the city, not what's best for you personally. Thank you.

Mr. Mark Milicic – 26292 Leslie Ave. I also work at the Jail and I was kind of wondering, who actually makes the decision on the layoffs. Is it the Mayor himself or is it the Mayor along with Council or how does that go?

Mayor Cervenik – The decision to close the one male wing and female wing was a group decision that I approved as the Safety Director. The layoffs themselves are dictated, at least the individual layoffs themselves are dictated by your bargaining contract. I take full responsibility. I'm the boss here and I take responsibility here for my actions.

Mr. Milicic – For the last year and a half when we were asked to sit down, all CO's, not just myself, sit down and write down ideas on how to save money. We did and we came up with plenty of decisions or ideas, why weren't those looked at before the lay off occurred? I mean 16 people, if it saves six jobs, it still is six jobs or five jobs. Two jobs. Obviously there's ways you can save money throughout the jail, instead of just closing. Obviously this city needs it, correct?

Mayor Cervenik – This City definitely needs a jail and we feel taking the proper procedures we will be able to provide the space necessary with the 32 remaining beds.

Mr. Milicic – This summer when we had 66 male beds and then we had 76 males actually in the jail; that wasn't even enough beds. How is 32 going to be enough if 76 isn't enough?

Chief Repicky – Unfortunately the Jail has been open for 20 years and before it was opened it was not designed properly, unfortunately. No matter how many bodies we put in there, as far as inmates, it is not going to pay for the employee cost. Unfortunately, myself, the Warden and the Mayor had to make a decision on what to do. No matter if we put 100 bodies in there or 20, the cost was extreme in regards to the employee costs.

#### COUNCILMEN'S COMMENTS

Councilman Wojtila – Director Pietravoia on the NSP program. I know we weren't successful in getting money from the State, how about the County? Is there still a possibility that we might get some money from the County for that program in addition to what we've already received as an entitlement community?

Director Pietravoia – We did finally receive a response late today from the State on the formula that they use to calculate whether Euclid would receive any additional funds. Unfortunately the information received was not very clear and we have to follow up with them for some additional information. At this point, from what I've received so far, it seems very unlikely that we can expect to receive additional funds. Apparently members of Council may have seen, there were a number of cities that didn't get direct allocations like Euclid, including Lakewood, Cleveland Heights and others. If you'll take note, they were all under a certain dollar amount. Apparently a decision had been made that when the Federal Government first ran their formula, if you came under that cap that you were likely going to get your allocation through the State rather than directly. So it wasn't so much that they reassessed, they already knew the dollar amounts for those cities. But because they came under that cap they got their allocations through the State rather than through the Federal Government directly like we did. We were above that cap along with several other larger cities like Cleveland, Dayton and others that received direct allocations. We'll continue to pursue it and I'll keep Council informed. So far from what we've received, there doesn't seem to be any intention for Euclid to receive additional allocations.

Councilman Wojtila – I know on the 15<sup>th</sup> we had talked to the Mayor about getting a listing or spreadsheet or matrix of cost saving ideas. Is that still in the works and do you think we'll have that prior to the 21<sup>st</sup>?

Mayor Cervenik – I talked with the Council President today and I hope to have it to you by the 14<sup>th</sup>. Some of the e-mails I received from Council maybe two weeks ago and then some of the e-mails I received recently, sort of contradict the way they felt before which is normal in this budget process. But I will list them all on and I will try and contain the administration's recommendations as well.

Councilman Langman – I would like to thank all the residents for their Holiday Cards and phone calls. I really appreciate it and hope they had a very happy holiday season. I know the city faces very difficult times, we will get through them. I did want to mention something about Shore. Ms. Tekieli did mention the meeting with Mr. Rubin. Really the next step in the process to come to some agreement was to conduct an RFP process. I do want to clarify some of the comments that appeared in the paper that were not correct. This process began with an e-mail that I sent to a couple of firms. One of them, Coral responded positively. I then shared by findings with the Council President before Thanksgiving. We arranged to meet with the CEO of Coral on December 2. The meeting was spectacularly successful I would say, it was very well received. It surprised me, I think it surprised the Council President. When we got back to City Hall we did talk to Director Pietravoia about the meeting, how it went. I know that the Council President shortly thereafter informed the Mayor. The Mayor has talked to Mr. Rubin. Directors Will and Pietravoia went to the second meeting. They in fact, I think were fairly impressed although they did have

some questions. If the Mayor wants to hear from me, wants to hear my voice, I'd be happy to do that. But I think you have three competent individuals that could keep the Mayor up to speed on that. And as far as the RFP's process goes, I'm very satisfied with what Coral has produced, but the Council President and Director Pietravoia they insisted that the RFP process go forward and I support them on that. The Mayor's assertion that somehow I ordered something to happen or that I don't have the authority, is not correct. I know that's very entertaining, but I think the critical factor here is that we are working on a plan that addresses the long term viability and the short term viability of that building. If we can't pull that off, then we'll have to look at other options. But that's the process we're engaged in, willing to work with the Council President as I have done for the past few months on this, with the Directors, with the Mayor. But I think we're on a very promising process and people had talked about the ice arena and other amenities. Even though we're going through tough budgetary times, we can't strip the community of our assets. Because then Euclid becomes a less desirable community to live in. Even though the short term answer would be to close pools or close this or that, in the long term I think will hurt us. We do have tough decisions to make and part of it is the jail. To the resident, I have been through the jail a couple of times with former Chief Maine and would perhaps go through it again with you, if you desire. But nothing is particularly easy in these economic times. It is a New Year, new ways to do things, new ways to look at things. I think we can preserve all of those amenities and get through this economic crisis. Hopefully this first quarter will be the very worst of it and with the new administration coming in in Washington, things will get better from there. We are making progress on some of these matters. Finally one item we're not making progress on, Director Gulich, that light on Gilmore is still out and has been seven months now. When can we expect that street light to be fixed?

Director Gulich – Darlene Johnson was here from the Illuminating Company. Unfortunately she's left the meeting already. We could have confronted her in person on that. I will e-mail her tomorrow on that and ask that question of her and get a response from her directly to you and myself.

Councilman Langman – Very good, I appreciate that. With that, I will say goodnight.

Mayor Cervenik – I talked to the Council President today and I told her that the administration would prefer that City Council pass a Resolution to prepare and RFP. You don't just put something out there, ask for ideas. It would be nice to have a little conversation in public with other members of Council to see exactly what they want on that RFP. An RFP is a very serious thing. When you send an RFP out it shows an intent and the seriousness of the city. I believe the Council President will have that on for our next council meeting and if Council so desires we shall do that. In the meantime I have talked to Mr. Rubin. Not about specifics, just about agreeing to sit down and talk about his ideas. Thank you.

Councilman Van Ho – First of all I'd like to express my appreciation to whoever initially came up with the idea of the RFP. I think especially if we're going to proceed on something as controversial as Shore has become, we need to get every conceivable idea out there and it needs to be visible to the public that we're doing this in a very transparent way. Thank you whoever did that.

Director Johnson, after the budget is approved, can we start looking at the various banks that are in this city and are they reinvesting back in our community or are they taking money out? I don't know, I have no preconceived notions, but I'd like to know. If they are taking money out and not reinvesting it, then I'd like to see if we can't minimize any deposits we have with those particular organizations.

Then a procedural question, why do we do Ceremonial Resolutions at first and then pass, approve them later? Because, we've never done it, but just on the outside chance, we turned one down. Could we not simply have a quick voice vote on those before we present them?

President Holzheimer Gail – Council Clerk informs me there is a section in our Code that allows you to put them together at the end of the meeting so you don't have to read each one individually. I don't know if that's why. Ceremonial Resolutions are typically by all of Council.

Mayor Cervenik – That is why but Councilman Van Ho, we don't like to make them wait until the end of the meeting. Tonight would have been okay probably. But we've had some meetings here were making them wait to long.

Councilman Van Ho – I'm just saying run it through and voice vote it real quick. I doubt we're going to turn many if any down.

Councilman Gruber – We get the agenda before the meetings. If there are any questions on Ceremonial Resolutions, bring the point up then.

President Holzheimer Gail – We could certainly discuss that.

Councilman Van Ho – While I congratulate AT&T cable for doing a community channel, I'm not really interested in what Mentor or Westlake is doing. Can we get them to do something about Euclid?

Mayor Cervenik – We received communications from AT&T. We are filling out the information for our cable capacity and then they will be coming in to see what we can do about getting Euclid on.

Councilman Van Ho – Thank you.

President Holzheimer Gail – I do want to thank all the residents who took the time to come tonight and speak about the issue that is important to you. To the members of the Corrections, thank you for coming. Decision that ends up laying people off is a very difficult one, nobody takes that lightly. We're looking at a pretty unprecedented place in our budget and in our history really looking at having to cut potentially \$2.8 million from our projected budget. Please believe that no one takes that lightly. For myself and I'm sure most of council and I know the Mayor and Chief are always interested in your ideas and your thoughts and do our best to make those happen. Please continue to share your thoughts and ideas and as we move forward with the budget process and the new jail study, we'll certainly want your input and look forward to hopefully better things to come.

While I think health care and insurance issues are a private one, I will say that I have not always taken health insurance. I currently do take health insurance and that's because I do not have another full time job out of the city. Currently I do not have them available to me through my husband's employer. So starting in October I did begin taking benefits again. When I have benefits available to me at another point, I will most likely choose not to use the city benefits, but they are available to me. We do provide an important service to the community and we can debate whether council benefits are a good idea or a bad idea and understand there's a committee looking at that. If that explains it, that explains, but that's a personal decision and it is one that, it is a decision that I've had to make.

I will remind folks that we have a budget hearing. Our next budget meeting will be Wednesday, January 21<sup>st</sup>. I don't think we decided on a time, but we could start a little bit earlier so we have more time if that's agreeable to Council. We will have that date certainly set and time set. We'll have the matrix and hopefully have discussions prior to that so we can have a productive meeting.

Saturday and I know a couple of council members were not able to make, but I would like to hold a Work Session. A Work Session for those of you who are saying what's a work session, is really just an informal meeting where Council can get together and discuss issues. It is open to the public. It will not be televised. It is not a formal meeting so we won't have minutes, but it is an opportunity for Council to get together, talk about ideas, talk about programs, talk about what we're working on. Talk about mutual issues and hopefully no decisions being made just a work session. That will be here at City Hall.

A Short Break was taken.

Councilman Gruber - First of all I'd like to wish everyone a Happy New Year. Second, the stanchions on E. 222 St. that used to hold, this is a question for Director Gulich, they used to hold the arrows. Are those going to be reused or are those new stanchions; do you know what I'm talking about, the ones that have the sign on it that you can turn in the middle of the road? If we're not going to use those, there's some scrap value there.

Director Gulich – We do have to have those center lane arrows posted. It is kind of a legal matter. Those poles originally held the “x's” when we had the lane changes. Of course we did away with that about 7 years ago now and that's worked out real well safety wise.

Councilman Gruber – I think probably stringing a wire across would be more cost effective than having those poles up there. There are several empty ones. Maybe something to look at, but the scrap value of aluminum right now is one of the only bright spots in the scrap world.

This will be a question to you or the Police Chief, the posted speed on 222 Street is 35 mph, through the whole length?

Chief Repicky – Except for the schools during school hours.

Councilman Gruber – I would like to thank the Fire Dept. for their work on a couple of fires up in the Indian Hills area. I appreciate what you did and the timeliness in extinguishing the fires. I would like to thank Madeline for taking over for me for a week or so when I was gone. At the same time, my phone after 44 years at the phone company, the circuit blew out, so I didn't know I wasn't getting calls for a week, I just thought nobody liked me anymore. But Madeline said everything was under control so that was good.

Before we go for RFP's we should probably go for RFQ's, request for qualifications of companies that would be able to do RFP's. That's the first step generally in that type of process. Long before I was on Council the people of Euclid have been told the Shore Board has a plan, I'm still waiting for it; you can bring it up any time. Sell Shore to Peter Rubin, get three appraisals, let him take it. He's been trying to sell his product in Euclid long before the bottom fell out of the market. He never delivered what he promised. I'm telling you how it is. The Shore Board needs to step up to the plate, come up with a real plan. I don't think Peter Rubin is going to be the answer. He came back to us a couple of times for different things.

President Holzheimer Gail – Stay on task please and not make it about personalities.

Councilman Gruber – Okay. The developer, Coral Group. I'd like to see several other people involved with this. I know we had plans before but we do need to broaden the scope of who we're looking at. Get Request for Qualifications and then Request for Proposals and then go from there. That's it, have a good evening.

Councilwoman Scarniench – First I'd like to welcome everybody back and Happy New Year. I would like to thank the Chief because I was one of those people who went to the Jail last week. Unfortunately I knew what was happening because my son had told me the night before but no one else that was there knew about it until right then because we got an e-mail telling us what was happening.

I understand why the Mayor is doing what he's doing. We've heard for years and years that we're losing money because of the configuration of the jail. It absolutely has nothing to do with anybody who works there. I am truly hoping that our HR person is going to work diligently to help these gentlemen and ladies find a job.

I want to congratulate my husband on his retirement. He's already driving me crazy and it has only been three days.

I would like to thank the Parks Dept. We had two trees on Sherwood that were potentially very hazardous and when I made the call, they came out and they took those trees down. With the ice storms that we had, one of them could have been really hazardous to someone if they were driving there.

I'd like to thank Director Gulich for fixing all the street lights that I have out and also for the water leak. You guys make me look good so I thank you. The complaints came in, they weren't being addressed and you were able to take care of that for me. Thank you.

The other place that I went to this past week was the ice arena. I went in there with one perspective and walked out with another one. We didn't leave there until probably midnight, maybe a little bit after that. Got some ideas. I'm ecstatic that we're going to go ahead and do the 19<sup>th</sup>. Mr. Sperhoff e-mailed me today and told me the skaters will be there afterwards to do autographs. This is an opportunity that is going away because what I'm told is that they will not be making these tours any more. They are going to be staying in Colorado. This is really exciting. Director Will is not here but I'll make sure she knows that when she meets with all the groups I would love to be there because I do have some ideas.

I don't think we were looking to sell anything. I think more in professional management maybe what we're talking about.

Last thing, I resent when a citizen comes up and makes accusations that they really don't know anything about. We heard one tonight; we've heard one before when we're talking about Shore. We're told that we couldn't get grants because the Mayor is always saying we're closing. We know that's not true. I have paperwork that proves that. The Shore Board fell short and didn't do their due diligence. Today I spent for 7:00 this morning until right before I got dressed this evening going over everything about Shore. I've got some plans, I've got some proposals. I'm not going to talk about them now, on the 28<sup>th</sup> of this month is our next Community Assets Meeting, I will talk about them then. Thank you.

Councilwoman Jones – Happy New Year to everybody. I just want to send a special hello to Josie and Audrey at Euclid Villa; and Mr. D. on Fisher.

A lot of conversations have been going on here tonight, not just tonight but over the past several months about what is going to happen here, what's going to happen there, what should we do with this, what should we do with that. There is no decision has been made yet; no final decisions have been made yet. Whenever any discussions of this magnitude go on, it is best to have everything on the table, whatever ideas, suggestions there are, have them all on the table. I think that's the point where we are at now. The ideas and suggestions are coming to the table, none of these decisions have been picked up and saying that we're going to do this or we're going to do that. It is my opinion, it is best to get all of the ideas out on the table. I always look at it as don't look at your opinion. When I'm sitting up here, I'm not looking at my opinion. I'm representing Ward 3 in the City of Euclid, so I take my personal hat off and I put the Council person's hat on and I look at what's better for the City. It is also taking into the personal account of all the residents of the City of Euclid, you have to look at that as well. When the bottom line comes down to it, it has to be a business decision. You go to any other business or organization that make decisions based on what's financially feasible to be able to continue to support what's going on, whether it is city, whether it is business-wise. I know running a business is a lot different than running the city, but it still comes down to the bottom line.

The bottom line that I want to say is, there's not a decision that has been made. All the ideas and suggestions are out there and as we mentioned tonight, if you have other suggestions, now is the time to bring them out instead of waiting until a decision is made and then you say, oh we should have done this and it is to late.

I encourage those who do have other suggestions or opinions or ideas to bring them out now before it is to late, before you say, we should have done this, we should have done that. On that note I would like to say again Happy New Year and best wishes to 2009 to everybody. I know 2008 brought about a lot of changes, not only in the City of Euclid but across our nation as well. We have to pull together to be able to accomplish goals instead of working separately. This is one of the times that we need to do that. Even though we were going through financial struggles as a nation, going through financial struggles as a city and individuals, we pull together to bring forth positive results in 2008. We can keep doing that in 2009 in the future by everybody doing their little pieces and parts which will make one big piece part. Thank you and goodnight.

Councilwoman Minarik – I would like to thank Sue Brandt and her assistant Jo from the Beachland Hair Design, along with Grady from the Groom Room. Their Cut-A-Thon raised over 250 pounds of food that went to the Cleveland Food Bank. I would like to thank all the residents that brought food and had their hair cut. That was very, very good. With the holidays ending, we don't forget to feed people then. It is still cold outside and people are still hungry and people still need our help. Please continue to drop newspapers off at the Hunger Center, so that they can raise money. Continue to donate food, continue to donate money to our own Hunger Center, to the Cleveland Food Bank. The acts of kindness you did through the month of December should be all year long.

Regarding the comments from some of my colleagues chastising Shore Board for never coming up with a plan. The building belongs to the city. The Board is not responsible for the building. The Board has its own responsibilities. The Board was never told it was supposed to save the building. Whoever owns the building is responsible for the building. This is a group of volunteers. I think it is wrong to chastise volunteers who bust their butt for a building. I think it is wrong to blame them when the blame truly falls on the owner of the building which is the City of Euclid. With that, Happy New Year and God Bless you all.

Councilman O'Neill – Happy New Year to everybody. I've just got a couple of things. On the C.E. Orr arena, I've got to be honest with you, I'm not an ice skater, I don't really know a lot about it. One of the things that was brought up is it is the size of the ice, it is not a regulation rink that was brought up to me. I'm not sure that might be one of the reasons why we're not getting more rentals, I don't know, it is something to look into. If somebody can enlighten me on that, please e-mail me that.

Also to the laid off members or soon to be laid off members of our Jail, my condolences. I've been there, it is tough. I know that. It kind of segways into Shore. Our first priority in the City here is the safety of its residents. Speaking for myself and I think I can speak for the rest of the members of Council that our residents are our number one priority their safety. For us to start putting money into other assets that are not safety orientated I think we really have to look at that twice. If we could save one or two jailers their jobs by not putting more money into Shore, I think that's an appropriate use of our funds.

We're going to listen to people on the 28<sup>th</sup>. Everybody is going to have their say. They're going to have an opportunity. I personally sit on the Assets Committee. Shore Cultural Centre is in my ward. Councilwoman Scarniench chairs that committee and unfortunately a couple of meetings took place and I read about it in the Sun Journal, I didn't know anything about it. Anything that deals with Shore Cultural Centre kind of deals with the community that I'm on and I would like to be notified about those meetings so if I'm not working, I'd like to attend it. I don't like to read about that in the paper.

Speaking of the paper, there are things that are printed in some of the local papers that don't have all the truths, so don't believe everything you read in the paper. Certainly about stuff that's closing because not all of it is all the truth and people come to conclusions based on passion. What we're trying to do here like Councilwoman Jones said is put everything out on the table, get everybody's ideas and try to be transparent when we do that and everybody has a better understanding on what's going on. Certainly nobody anticipated the economy was going to do this fall. We certainly didn't, we felt we were in much better shape. Unfortunately that's the hand that we're dealt and we got to play it. We're going to keep the residents safety paramount in what we do and then from there we'll move the city forward. We will get out of this. It will be tough for a little while, but Euclid people are good people. I've been here all my life and I can tell you I've been to the jail, unfortunately for work I've brought prisoners there; happen to be a police officer. So I'm well aware of the jail. You guys do a great job and hopefully down the road the economics change and maybe we can get hopefully all of you back in one capacity or another. Good luck to you. If I can help you, please contact me and anything I can do to help you, I'd appreciate it, give me an e-mail or a call. Good Luck to you and with that I'll say goodnight.

President Holzheimer Gail – That concludes Councilmen's comments. Just another reminder, our next meeting is not Monday, that's Martin Luther King Day and City Hall is closed. It will be Tuesday January 20<sup>th</sup> at 7:00 here.

#### ADJOURNMENT

Councilwoman Minarik moved to adjourn. Councilwoman Scarniench seconded. Yeas: Unanimous.

Attest:

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Clerk of Council

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President of Council