

COUNCIL MINUTES
TUESDAY, JANUARY 20, 2009

The regular Council Meeting was held on Tuesday, January 20, 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.

President Holzheimer Gail called the meeting to order on this historic day in our Nation. We will all send our congratulations to the new President, President Obama and join him in helping to make our country a better place.

COMMUNICATIONS

Councilwoman Jones moved to receive and approve without objection a new D5 liquor permit to 1080 E. 260th Street. Councilwoman Scarniench seconded. Roll Call: Yeas: Unanimous

COUNCIL MINUTES

Councilwoman Scarniench moved to approve the Council Minutes of January 5, 2009. Councilwoman Minarik seconded. Yeas: Unanimous.

ADMINISTRATION REPORTS & COMMUNICATIONS

Mayor Cervenik presented Res. 6-2009 to Donna Sudar on being named Euclid Sun Journal's Most Influential Person of 2008.

Mr. Peter French, Community Resource person from the Dept. of Justice, presented the City of Euclid with Certificate of Achievement for successfully administering the Weed & Seed Program for ten years. Members accepting the award were: Chief Repicky, Mayor Cervenik, Council persons Jones, Scarniench, Gruber and Weed & Seed members.

Councilwoman Scarniench presented Director Will and Manager Berman with a framed t-shirt signed by eight National Skating pairs that performed at the C.E. Orr Ice Arena on Monday, January 19, 2009.

Chief Cosgriff – I'm proud to inform you of two recent items that I believe are good news for the Fire Dept. and the City of Euclid in general. On Friday, January 9, 2009, I was notified that our application for the fiscal year 2008 Assistance to Firefighter Grant had been approved and approximately \$113,000 project. The Federal government will contribute 80% of this cost or a little over \$90,000 with the City of Euclid responsible for the remainder.

By accepting this grant, we will be able to equip all of our emergency vehicles with equipment that will capture the carcinogenic carbon monoxide exhaust from the diesel engines. This will help to keep the breathing air in our fire station at a purer level than it currently is and in turn make for healthier firefighters.

The second part of the project is for the purchase of five Masimo Rad 57 Pulse Oximetry, that's a real mouthful and to tell you in technical detail what it can do is another mouthful. Basically this is a non-evasive diagnostic tool that we can use in determining if our citizens or if our firefighters have been exposed to carbon monoxide or certain other poisonous gases. As you know often times CO poisoning mimics flu symptoms with people feeling light headed along with nausea and vomiting. These units will tell us definitively if a person is suffering from CO poisoning in a non-evasive manner. When I say non-evasive, I mean that we put a little clip on your finger and it readily tells us your pulse along with the oxygen and hemoglobin levels in your bloodstream without having to draw blood and send it off to a lab. I always recommend having carbon monoxide in everyone's home, but we know that not everyone does that.

The second thing I would like to speak about is another piece of equipment that we just recently put on our rescue squads. This equipment is called a continuous positive airway pressure or what we call a c-pap machine. Our paramedics have been trained in their use and these machines were put into service yesterday on all three of the rescue squads. What these machines do is bridge the gap between trying to treat a short of breath patient with drug therapy as opposed to intubating them. Now what does that mean.

When a patient becomes extremely critical, we end up putting an endotracheal tube down into their lungs and we breath for them with the help of a bag valve and an oxygen tank. Typically

this invasive procedure saves their life but also makes their recovery time longer as they develop complications from having that foreign body introduced into their lungs. This new piece of equipment should help us treat these patients in a non-evasive manner before they become extremely critical. Statistics have shown less incidence of these patients developing pneumonia or bronchitis and less incidence of them becoming dependent on a respirator. The bottom line is that our patients should spend less time in the Emergency Dept. and less time in the Intensive Care Unit and consequently less time in the hospital.

This C-pap machine is the state-of-the art in patient care and I would like to publicly thank our EMS Coordinator and our Medical Control from Euclid Hospital for providing us with this equipment. Euclid Hospital and the Euclid Fire Dept. have made the commitment to providing our citizens with the highest possible level of care and I am grateful for their continued support. Thank you.

Director Will – I need to send thank you out to someone over the holidays that helped me out with our Annual Toy Drive. I apologize for not stating this earlier, but thanks to many of the children at St. Felicitas for giving up three of their afternoons over their holiday to come in here to City Hall to help me wrap all 700 gifts. To everyone there, thank you for doing that, it was a great time and I know I owe you all lunch and I promise to get that to you. Thank you.

Just remind everybody this Saturday we will be having our Indoor Market at the Cultural Centre from 9:00 AM until 2:00 PM. There will be bakery goods, jewelry, homemade breads, etc. At Shore from 9:00-2:00.

They also will be having a comedy show on Friday, January 30th at the Cultural Centre. The program will be from 7:30 PM until 9:00 PM. Doors will open at 6:30 and it will be hosted in the Culinary School. If you have any questions about any of the events at the Culinary School or at the Cultural Centre, you can call 289-8107.

Remind you that we also are doing our swimming lessons and ice skating lessons. You can check out the city website and we have all the times and dates for that. Hopefully you'll be able to stop by the arena on Saturday while Andrew is skating there again.

Finally there will be an Experience Euclid Business and Community Fair, also on Saturday. It will be held at the High School Ballroom from 11:00 AM until 3:00 PM. There will be over 100 things for you to do. You can try your luck at the pizza and sandwich eating contest. You can jump around in the Euclid Kid Zone and then there will be sounds there from different performers from the local choirs. This is sponsored by the Euclid Chamber of Commerce, Saturday the 24th at the High School Ballroom from 11 AM until 3 PM. Thank you.

REPORTS & COMMITTEE MINUTES

Councilman Gruber moved to accept the Fire Report of December, 2008; Work Session Minutes of 1-10-09; Monthly Finance Report through 12-31-08 and Board of Control Min. of 12-22-08. Councilman O'Neill seconded. Yeas: Unanimous.

COMMITTEE OF THE WHOLE FOR LEGISLATIVE MATTERS ONLY

Mr. Dennis Meaney – 79 E. 202 St. I've lived over in that neighborhood for almost but not quite yet 50 years. I appreciate you taking the time to listen to us tonight. First I'm here to speak on Item #1, on the Agenda, but as an Office of the Euclid Youth Hockey Association, I would like to thank all of you for everything you've been doing and your commitment to keep the rink open. It has been great, thank you.

Item #1 is the enabling language for Project Labor Agreements and Responsible Contracting Practices. These projects have been used the greater Cleveland area with great success for both the public and the private sector. I wrote down just a few of them just to go through them. The Gateway project, both Jacob's Field, the Gund Arena, the Cleveland Stadium, University Hospitals, Cleveland Clinic has used project labor agreements. MBNA banks, Alan Bradley, Parma Industrial Park, Parma Justice Center, Parma School Systems, Severance Hall, all the stores in Legacy Village, University Square Retail Shopping Center. They certainly aren't new to the City of Euclid where we have used them here before, the Euclid City School District has used them before, the Euclid golf course, both with great success. You can get that backed up by the School District Board Manager and Joffrey Jones, School Superintendent and also I'm sure the Mayor would be able to shed some light on how well it worked over at the golf course. Some of you were council people when that went through. Maple Heights Dispatch Center, Parma City Schools I mentioned, North Olmsted and there's a list more and we can make the list available to you as we try to answer some of the questions that you might have here tonight.

The benefits for the customer have been high quality construction projects that come in on time and on budget. The responsible contracting language that's contained in the PLA has 16 point discourages and disqualified incompetent contractors and protects Euclid taxpayers.

To summarize these 16 points, these points include documentation of past performance and financial responsibility as well as disclosure of past disqualification of any projects and non-performance. Disclosure of OSHA safety violations, suspension or relocation of licenses, litigation and unlawful and criminal acts also. It contains language that contractors who work on the project participate in State approved apprenticeship programs which helps ensure a skilled labor force for those projects.

The Responsible Contracting Language also has protections for the workers. It ensures that the work force will be drawn mainly from area residents and that they receive fair wages and benefits. This has certainly been a problem here in Euclid as of late. We have some good companies, good businesses here such as CVS, Burlington Coat Factory, Key Bank, Fifth Third Bank, just to name a few, who recognize the benefits to themselves and to the community by building with local area residents. We have other companies who have brought in work forces from not only out of the area, but from out of state. In some areas we were even dealing with workers being brought in from out of the country.

Good wages and benefits are good for the community. When workers have good jobs, they are able to have buying powers in the communities and patronize local businesses for the businesses benefit and the community benefits from the taxes that the businesses pay and the workers pay. If you need any more clarification on any of these issues, there are a number of people here tonight I'd like to recognize the Executive Secretary of the Cleveland Building Trades Lorrie Soggs. There are some business representatives here from various locals, the Pipefitters, the Plumbers, the Iron Workers. We have a strong labor community here and a number of the residents have come here tonight and I would like them to please stand up for a moment, all members of the Cleveland Building Trades.

Thank you everybody for everything that you're doing and we appreciate your commitment. Madeline thank you for introducing the legislation and Mayor and Law Director for your support and Council for any of your consideration you can give us we'd appreciate it. Thank you.

Mr. Jeffrey Beck – 25540 Chatworth. I've just got a couple of questions on #3, the Rain Barrel Workshop and sale. I gather the Rain Barrel Workshop will be how to do it yourself to install these things, if you're unable to do so, you can answer this during the legislation, would there be somebody there that you can hire to do this? The second question is, it looks like you're also going to be selling these rain barrels that day, is there any way we can get advance information on the different styles, sizes, colors or what would be available in rain barrels, if it could be posted on the Internet site or if there would be a pamphlet or some place you could go to take a look so we could make a decision that day if you want to buy one or not. You can answer that during the course of the legislation, thank you.

Mr. Tom Cooke – 25641 Edgecliff. I will be addressing Item #2, a Resolution to seek proposals for the development of Shore Cultural Centre. While I would like to say that I support this resolution, I cannot. The only way I could support it is if a qualified party put together a proposal that would include reconstruction of Shore at absolutely no cost to the City of Euclid and in the economic climate, I just don't see that happening.

Over the past 20 years that the City of Euclid has owned Shore, we have experienced some of the best economic times this country has ever seen. During that time literally nothing substantial has been done to restore this building. I really don't care who is to blame for this the fact of the matter is plain and simple, nothing has been done. This country is now entering economic decline that is already the worst and most prolonged downturn in the past 75 years. The end is not in sight and odds are it is going to get worse. The residents of this city already know this, they are feeling the effects and have experienced this for quite some time.

In my view at this time, given the known economic conditions that currently exist, it would not be prudent to entertain this proposal. The City has already experienced layoffs in the jail and belt tightening in other areas have already taken place. City labor contracts that are up for negotiation are already being asked to consider the economic climate in their proposals and in the spirit of cooperation and understanding they have. It is a little difficult for a city employee who has just been laid off a few weeks ago to see this proposal that most definitely will cost the City of Euclid money that could have been paid for his or her salary. It is extremely difficult to try to negotiate a labor agreement asking for moderation and concessions on one hand while at the same time soliciting proposals for Shore Cultural Centre that will inevitably cost the city money it doesn't have.

I know longer accept the argument that the City of Euclid will benefit from the continued existence of Shore Cultural Centre. The time is up, it is time to move on. Given the current uncertain extremely volatile financial times in which we live, any monies that can be saved by immediately closing Shore should be. Those funds saved should be used to support Police, Fire and

ongoing city services, the basic quality of life issues that will serve all 52,000 residents of this city equally. Thank you.

LEGISLATION

Ord. 7-2009 (212-09) Project Labor Agreements-New Code

An ordinance creating new Section 109.025 of Chapter 109, Assessments and Contracts, of the Administration Code of the Codified Ordinances of the City of Euclid entitled "Project Labor Agreements and Responsible Contracting Practices" which provides for project labor agreements to be evaluated, negotiated and adhered to in the course of certain City building projects, and establishing responsible contracting standards and procedures. (Sponsored by Mayor Cervenik and Council President Holzheimer Gail and Council Members Gruber, Scarniench, Jones, Minarik, O'Neill, Langman, Van Ho)

Councilwoman Scarniench moved for passage, Councilman O'Neill seconded.

Councilwoman Scarniench – When Mr. Meaney sent this e-mail to all of Council, I sat and I read it and I looked at it and said, this is a no-brainer. We spend a lot of money on things that weren't in the contract to begin with that all of a sudden we need to do something else and it is going to cost "x" amount of dollars.

Labor has always been good to the city; it was built on labor. It was the manufacturing capital, probably one of the best in the country at one time. All of these men have worked very hard and I truly believe that this is what is good for us, especially in this time. Because every man that is sitting here that lives in this city, if he doesn't have a job, could be losing his house. We've already got enough houses that are empty in this city. I think with the support of this it will ensure that anything that we do as a city government will follow these rules and hopefully any new business that comes in, will take this as a lead. We would love to have them to follow through with this and support it and we would go after them diligently to use labor in the proper way. I'm honored that the Mayor put his name on here. I'm hoping that all of Council will agree with it. I know there are some questions, I don't know if they've all been answered. If we could probably take a few minutes to get some of them answered especially when we have all of these experts out there, if that is possible that would be great.

Councilman O'Neill – I totally agree with Councilwoman Scarniench's view on this ordinance and without objection, I'd like to have my name added to the ordinance, and all of Council if there are no objections.

Mayor Cervenik – I can tell you from experiencing entering into a PLA with the building trades on the clubhouse at the golf course that it worked even better than we anticipated. Costs came in under budget, job was done on time, the job was done correctly and should last a very long time. I was asked by Mr. Meaney and a number of other representatives, talked with the School Board when they passed a permanent improvement levy to open up the two schools, Memorial Park and Indian Hills and they agreed to enter into a Project Labor Agreement at that time. They had the same results that we did at the golf course. We had quality work, we were confident in the work that was done. It was being done by local people. It was being done by people that were going to receive retirement benefits, by people that were going to receive hospitalization so that they can take care of their family. It is very important.

One of the things the administration has tried to do, we've been successful on a number, we've been unsuccessful on a couple of recent ones as well is that when we know a project is going to be looked upon in Euclid we sit down and talk along with the Building Trades and try to convince them and make them understand the wisdom of using our local tradesmen and the benefits that we have received through other projects. We will continue to do that as well.

This legislation though would be just for our property and for our buildings. I think it is a very, very noble piece of legislation. I think it makes a statement to the community that we care for the people that live here, we want to make sure they can raise their family in a great way. When we talk about the lowest and best bid, the lowest bid is we have found out on a number of occasions is not the best bid, it is not even close. When you enter into a PLA and you work out the prices and the timing that needs to be done, it is the best bid, there's no doubt about it. I would strongly suggest, there were some questions, I have no problem seeing this go to Committee, if some members think they need more questions answered, but I think we've really got the expertise tonight to pass if you so desire. I am 100% behind this piece of legislation.

Councilman Wojtila – I agree the no-brainer part, I think Madeline mentioned. To me certainly applies to Letter D and beyond in this new section 109.025. The questions I have and what I struggle with are A, B, C, more specifically the Project Labor Agreements, the Requirement.

I know we've been doing it and we believe or I believe that it has been working to our benefit. I just don't know why we would need to implement it as law versus continuing the practice and perhaps a resolution for items A-C make better sense with the Section 109.025 being limited to Paragraph D and beyond. That's where I'm coming from. A, B, and C while I'm sure there's merits to it, I just wonder if that wouldn't be stricken and drafted as a Resolution versus into the actual ordinance.

Mayor Cervenik – If I'm reading this correctly, this does not require the Mayor or my designee to automatically enter into it. We would be required to entertain a PLA first and evaluate it and determine that it makes sense. If by some reason, I believe it is Section B, or C, that for whatever reason I don't feel it makes sense or whoever Directors is responsible for the work doesn't feel it makes sense, we can reject that and present our reasons to City Council. Then City Council can either accept or reject our reasons for not being comfortable with the PLA. Whether it is passed as a Resolution or an ordinance, at least from this administration, it is still going to be treated as an ordinance because I firmly believe it is the right thing to do. This doesn't require that we have to on every job enter into it; it does mean that we will entertain and bargain.

When we did the clubhouse, we didn't just say okay, we're in a PLA go do it, tell us what your price is. There was quite a bit of push and shove and bargaining and within the building trades themselves the Board of the Building and Trades are getting the best prices from the qualified companies that are their members versus working with bids from unqualified companies from outside of the area. Actually in the long run it makes our job easier when determining who best can perform the job at the best price. We actually come partners, it is an agreement that we actually become partners with the building trades and they work hard amongst their members. They don't just have one plumber. They've got other plumbing companies. They don't just have one labor organization, they have others. They don't just have one carpenter's company, they have others that are in this union. There is fierce competition amongst their members which assures us a very good price from a very good quality company; that is why I really don't have problem with A, B, C or D.

President Holzheimer Gail - I wonder while Mr. Soggs is here or perhaps Mr. Meaney if we could suspend the rules and allow them to walk us through what the typical PLA process is.

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

President Holzheimer Gail – Mr. Soggs would you perhaps like to walk us through the sample process of how a PLA works?

Mr. Soggs – Thank you for this opportunity. You were right on point Mayor and we feel when we enter into a Project Labor Agreement we are in fact partners with the owner. The Mayor brings up a good point and I don't have the enabling language in front of me but I know what is consistent and that is when you have a project at this threshold, it does go to the Mayor to look over that project and see if it is a good fit. There's no necessity to do that and the check and balance with City Council as the Mayor stated.

Once we enter into a Project Labor Agreement, we believe in the Cleveland Building Trades, our work just begins. The Mayor eluded to it. As far as working hard with our contracts. The first thing we do is we ask to work with your instruction Manager, General Contractor, whoever is sending out bids. We ask to have a copy of the bid notice. We then in turn send it out to all our representatives, a number of those union representatives are in this audience. They in turn speak directly to their contractors that they know are a good fit. They know the work, they know it would be a good fit, they know who has got to work at a particular time, whose pencil is going to be a little sharper than a person who had a full plate of work.

That's what we do and we stay with it. That's what the Mayor's referring to. We've had a number of conversations personally in these last project because there is no magic to it, the more bids you get the better bids you're going to have. We can control that. We have the personal relationships with these contractors to get you a good bid and get it done.

There's another item though that is sometimes overlooked in a project labor agreement scenario situation. That is, there is absolutely no work stoppage on a PLA job. What I mean by that is just simply that. Generally there's absolutely no work stoppage where somebody has a problem on the job and stops working. That absolutely will never happen. That's whether there's a project labor agreement or not, as long as our affiliates are involved. But in the event that a union is negotiating for their contract, collective bargaining agreement with their respective contract organization, it just so happens there are a number of contracts that are coming up this year. At least a half dozen and the affiliates of the Cleveland Building Trades with their respective contractor organizations. They'll bargain very hard to get their 3 year or 4 year collective bargaining

agreement. Let's say that the golf course clubhouse project was underway and the carpenter's were not successful in reaching an agreement with their contractor organization and there was a work stoppage, there was a strike because they couldn't get a contract. Has nothing to do with the job in Euclid. However without a project labor agreement, that union would withhold services from their contracts because it didn't have a collective bargaining agreement.

What I'm leading to and bear with me if I'm getting long winded on this. Under a Project Labor Agreement there is no work stoppage. It doesn't matter that the carpenter doesn't have a contract with his contractor organization. They will continue to work only on project labor agreement jobs throughout the city. That's where we just signed a one billion dollar project labor agreement with University Hospital, they would really be hurtful, out of control of anybody here in this room, there would be a work stoppage because of failure to get a contract, their work would stop. That's not the case with a Project Labor Agreement.

I just want to make that point known because it is rarely mentioned in a forum such as this. I'd be happy to answer any questions any of the council people have.

Councilman Langman – Two questions, one for the Mayor and one for Mr. Soggs, but I'll ask the question to you first. My concern is the number of quality of bids because obviously that helps any taxpayer funded project. Number two safety concerns and number three the progression of the project. You addressed #3 already, could you address again #1 and #2 for me?

Mr. Soggs - #2 as far as the safety of the project. All our trades in the Cleveland Building Trades, everyone has an apprenticeship program that go from 4-5 years intense training over a four year period for our young members before becoming a journey person in any of those local unions. In addition to that there's ongoing journeymen training during the course of their tenure as a journeymen, ongoing safety, OSHAA 500, so many things. We believe that, my local union was the Operating Engineers and many of you have seen the Target that said, Safety is our Target. There's no more important issue to the Cleveland Building Trades than that of safety. We practice it, we involve it in our apprenticeship programs and as I say, they go onto ongoing training for journey people including safety. The other is was the?

Councilman Langman – The number of quality bids. Obviously we want as many as we can to help with costs and so forth. In this type of agreement, do you generally see that?

Mr. Soggs - You all know here, you've been involved in contracts before. As you put a job out to bid, the first thing you do is you advertise it, it is in the newspaper, it goes out in the conventional means and your general contractor puts the word out or your CM puts the word out on the street. The architect advertises. That's business as usual.

The difference with a Project Labor Agreement is what I mentioned earlier. In addition to the conventional way of advertising a bid, we particularly ask for that bid notice. We turn around, some of the people that sit in the room are really tired of me sometime at the Building Trade meeting saying here's the list this week of the jobs that we're working on. Today we announced one at Metro Campus of Community College. Everybody knows the drill. Here it is, this is the bid notice, this is the bid opening. They know in turn if this particular job happened to be a data processing piece. The electrician knows automatically to jump in gear, call his data processing. Again, that's a sector of their contracting industry. They make these calls. I see Matt Donovan, I remember how many times he made calls to plumbing contractors. We have personal contacts to these contractors and say let's bid this job, you know it is going to be a good job, you have a level playing field as far as the bidding, let's get busy and let's bid it.

Yes, absolutely time after time it is proven and well documented that we have a better bid, a larger bid when a PLA is involved.

Councilman Langman – Can you tell us generally speaking what are the cost savings going this route through PLA versus the traditional way of bidding if any?

Mr. Soggs – You mentioned one already as far as the safety training and the training that all of our people are involved with. You all are involved with prevailing wages whether there's a project labor agreement or there's not a project labor agreement. You're going to pay the prevailing wage, you're mandated by law to do that.

My statement is why not get the best trained work force that you can have because you're paying the prevailing wage it is just the union rate anyway. Coupled with that what I just said about getting the bids out together, working as partners and then certainly the advantage of never having to worry about a work stoppage if the iron worker goes on strike with his contractors. Did I answer that completely?

Councilman Langman – You did, you did well enough for my purposes. Thank you. Turning to the Mayor. Mayor I'd love to have these guys eventually take a crack at Shore if we get to that point, but if we did go down that path where there was a plan for that building, would a PLA fit into that process and if so how? I know it is speculative, but.

Mayor Cervenik – I was going to suggest when we get to #2 tonight to make sure that it is amended to refer to either the passage of the PLA situation tonight or of its pending passage in the future. I think a PLA if we get the type of proposal that I'm hoping to get for Shore, I think a PLA would be a perfect example of the right reasons why we would enter into that agreement in the first place. I think that's perfect perfect situation where a Project Labor Agreement could show the success and the wisdom. That building has tremendous problems with electrical and HVAC and a whole lot of other things that these men and women out here are very adept to handle.

We also mentioned something about safety. Someone told me, well you know the labor unions can be a little more expensive than some of these other companies. Yes, they can, they can be a lot more expensive at times from companies that are shipped in from Indiana, like we had on 185th Street. If they're digging a hole, they just put their men right down in the hole to clear something out rather than putting in the proper safety standards there. That is not something the City of Euclid should support. That is not something our State should support and for the most part they don't. I would suggest we put something in the RFP just referencing that if it is passed tonight or when it is passed if the RFP is in place, the PLA is in place in the City of Euclid. From where I stand that should not deter anyone from making any proposals. If it does deter anyone from making a proposal on the building, then it is probably somebody we don't want there anyhow. I would suggest putting that there.

Councilman O'Neill – Thank you Mr. Soggs for coming. I've just got a quick question. By entering into this agreement, does this ensure that the labor force will come from the Cleveland area and not from outside the State?

Mr. Soggs – On the PLA alone it doesn't, there is no safeguard in that. However, that's as far as what you have in front of you which is the enabling language for PLA's. However, the advantage of the specific PLA. You hopefully will vote in the ability to do this when there's a project of this economic threshold. After that's done, let's just take the project in question, comes up and you're considering, you decide that you want to do that, as the Mayor eluded to earlier, we sit down and we talk about this project labor agreement and what is going to be in it. It certainly would be our recommendation to you to put those issues in it. That's the perfect vehicle for that, whatever you wanted and that would help you safeguard that very thing councilman.

Councilman O'Neill – That would be one of the reasons, obviously I'd be for it to try to keep our local people working, local skilled trades working. Euclid would be great but the Cleveland area would be good too.

Mr. Soggs – We've seen that language in a number of our past PLA's.

Councilwoman Minarik – Mayor we used unions for the golf course building. But we didn't have a PLA in place at that, or did we?

Mayor Cervenik – We most certainly did enter into a Project Labor Agreement even though we didn't have enabling legislation, we did present legislation for that specific project to enter into that.

Councilwoman Minarik – That was the choice of the administration at that time to enter into it. That was a voluntary thing. My question would have been if we hadn't, what would have been the advantage, since we're using unions anyway, what's the advantage of a PLA. You did mention one thing and that's the prevention of work stoppage. Is that the major benefit to the City?

Mr. Soggs – If I were to summarize, yes. There are so many ancillary parts to this. The training the skilled work force, the safety all those things, yes. If I were sitting in your shoes looking at this, as so many other people have sat in your shoes, I would think that is probably the biggest reason for that. Even on a union project where you have all union trades, that thing could happen and it doesn't happen very often. I can count on one hand how many times it has happened in ten years. However, wouldn't want it to happen when there's a City of Euclid project going on.

Councilwoman Minarik – We already have an unspoken policy of using unions all the time, correct?

Mayor Cervenik – If we hire a company they are required to pay prevailing wage, which does not necessarily, many times does not give the same and get us the same quality of training and that we would get otherwise. State law requires prevailing wage.

Councilwoman Minarik – Right, but we have an unspoken policy that we typically will go with trade unions?

Mayor Cervenik – No, we do not have any legislation that typically would require us too. As a personal practice and as a positive business practice, I not only try to do it with city jobs, but I have personal meetings with virtually every developer that's going to do something inside the city and trying to get them to hire as many union companies as possible.

Councilwoman Minarik – That is what I meant by an unspoken policy.

Mayor Cervenik – If I get 80%, these guys are going to tell me that's not enough and that's fine and dandy but at least we try.

Councilwoman Minarik – So what this is doing then is requiring us to offer or include unions in the projects bidding but we don't necessarily have to use unions if it doesn't work, correct?

Mayor Cervenik – If in fact and it is again in the rejection of the project labor agreement and council agreement with council action being required, if for some reason and I'm going to tell you right now in working with the local building trades there was a project and what they were presenting to me I felt made no sense, I could reject that. I would give council the recommendations on why the rejection has been given to you. Council would still have the ability to say well we disagree Mayor we're going to enter into it anyhow. It is not a 100% guaranty that we would do this, but it certainly makes that our first step because of all the benefits that we've mentioned here this evening.

Councilwoman Minarik – You've used a PLA with the golf course, but it wasn't law. This legislation is more to ensure against future administrations for example, that they would continue the practice of PLA's offering jobs to the trades, is that the thinking behind this?

Mayor Cervenik- Future administrations, future council, actually what you're just basically saying is this is quote, a best practice in business. If you're going to do work on your buildings, the best practice and the most positive way to get something done would be to follow this legislation (212-09) because we will get quality work at a quality price on time. This is what we're saying. There are escape clauses in here that will allow that to change. Again in working in the past, I don't, I've never had that experience where you guys are way out of line here. It has always been a very good, positive experience.

Councilwoman Minarik – The projects are not restricted to just buildings. For example when the downtown project goes in, it would be the streets.

Mayor Cervenik – At this time, this is for all public buildings, not necessarily for street repairs, sewers. The vast, vast majority of those companies are already union to begin with.

Mr. Soggs – That gives you and the Mayor has mentioned, to look at a State infrastructure piece, sewer job done. Quite honestly we've never had a project labor agreement for a sewer job. The Mayor could look at that and say that really isn't a good fit even though it is in that area. First of all you have the right of refusal even in something, as he mentioned.

One other point I'd like to make. We're talking about quality construction here. I don't have the benefit of having it in front of me, but I know what's in it. When you read these points of responsible contracting, I think it will tell you a good story as far as the quality that it mandates. Let me say this, yes this is about union construction because everyone in this room is a union member. But I'm here to tell you this, just because there's a project labor agreement, if our union contractors, if one of our union contractors failed the litmus test under responsible contracting, they won't be on this job either. So it is all about quality contractors.

Councilman Van Ho – I can attest to the quality of the union labor having just got done with Euclid Corridor which we couldn't do as a project labor agreement because of federal requirements. But we got, the job came in under budget and on time and we had very little tear out of any thing that had already been done and we had no problems with the unions. I would just heartily recommend that all of Council vote for this.

President Holzheimer Gail – Sounds like people's questions are answered. I have a couple probably pickier questions if we're going to go ahead with this this evening. In Section A it talks about morals. It seems to me that morals is kind of an odd word when we're legislating. So I'm just curious whether we can change that to perhaps well being? Promotion of better quality workmanship on city building projects which saves tax dollars and protects the public health, safety and it reads morals. I think I'd be more comfortable with well being rather than morals if nobody has objections to that.

Then my second question was why the \$200,000 threshold, where did that come from? Let's start with those.

Director Frey – If Council wants to amend that language that's certainly appropriate as you had indicated in your e-mail earlier today and my response. I don't have a problem, I think those words are often times end up in legislation as a strength, but I think you're right, well being would perhaps state it more succinctly.

As to the dollar value, when I initially drafted the legislation, I put a \$500,000 figure in that. When I was able to locate Parma's enacted legislation, Parma used a \$200,000 figure so I changed it to the \$200,000 and sent it to City Council. I will readily admit that is somewhat arbitrary just on the basis on what I was able to find in one local example.

President Holzheimer Gail – Just for clarification purposes, Section C which talks about the rejection of the project labor agreement, talks about it coming back to Council for a question by motion. You did clarify it, but I want to clarify it for Council, that would mean an ordinance or resolution from Council directing the Mayor to either reverse it or go ahead with that.

Director Frey - The best practice would be to have Council act by way of Resolution.

President Holzheimer Gail – In Section D, the fifth line again says moral worth. Again I would change that to well being. Not that I don't believe anyone doesn't have good morals, but when we're talking about legislation it is hard to legislate morality. It don't want to get into that business.

One other just minor question in Section D, 2 (b), it talks about history of claims for extra work. I take that to mean change orders, but I just want to make sure that if it doesn't mean change orders we're including their history of requiring change orders.

Mr. Soggs – Those are change orders.

President Holzheimer Gail – I just wanted to make sure that was the same. Then in that #2, it says the Mayor shall require bidders to furnish those items. It sounded to me from the initial conversation that the Mayor would have the ability to determine what was in the PLA, but this would require all 16 of these A-P, to be in a PLA?

Mr. Soggs – Council President that's a very good point. Generally these things do not in fact appear in the body of the PLA. They're in a self-standing document called Responsible Contracting Practices. They are a voluntary thing. It is not voluntary. You can mandate that they submit this. But then how do you quantify your answers as far as yes or no, whether they get the project or they don't. That's been a long debated issue. It is really then at your discretion after, the way this reads. It is your discretion to decide after receiving this information if they should be eliminated.

But some years ago our attorney brought together a lot of area contractors, engineers, architects, and we sat down and said how do we quantify this. We do have a document that mirrors these points as well as some other ones. It actually talks about as a suggestion that you could adopt and we can have those for you if you'd like, of the whatever number there was, if you failed to not only submit it, but if you had these violations, if you faltered on three of these things, you were out. You don't have that here. You have the discretion to use it at your will but nevertheless we can provide that for you if you'd like down the line.

President Holzheimer Gail – Mayor your intent would be to ask them to respond to all 16? Whether they do or not I guess is their choice or how we react to that information. It is not that you want to pick say in this particular PLA we'll include A-M instead of all.

Mayor Cervenik – Through that process is probably where a recommendation not to enter could come if we got to that point.

Councilwoman Jones – Most of my questions have been answered. But I have one question about the monetary value. This is stating for the projects over \$200,000, what about projects that are

under that dollar amount do they not fall into this PLA agreement? I would think that we want to have those projects have the same type of quality work that the other projects would have.

Director Frey – There’s nothing that this legislation would prohibit the entering of a project labor agreement on a specific basis. But as you can imagine there’s a bit more front-end work if you’re going to enter into a project labor agreement. So I suspect the City of Parma and my recommendation to Council is that by setting the threshold at \$200,000 you are, other projects, smaller projects, would proceed along again as Mr. Soggs pointed out, we are already required to pay prevailing wage. But depending on the nature of the project, there’s not a whole lot that’s going to get done in the public building area for less than \$200,000. The Mary Mavec building, while it wasn’t a publicly built building, that construction project was I think around \$450,000 or \$415,000. I’m not sure of the amount of the clubhouse but it was over \$1.2 million for the golf course clubhouse. There aren’t a whole lot of projects that would fall under the \$200,000. Maybe a pavilion in the park and that was what I was really trying to keep out of the business was small projects.

Mr. Soggs – That is a very good point and these numbers are tried and true. They not only come from Parma but when we first talked to Parma so many years ago, we tried to see where that area needed to be that number one is big enough and yet small enough. Clearly when you talk about a \$500,000 threshold, you’ll miss some projects. Quite honestly if you wanted to do a project labor, certainly it is your, you certainly would be able to do this. The County is considering this very number for all county projects. We truly really wouldn’t want to see you do that. We don’t know what every project looks like, but historically we know that it just may not be in your best interest to do something smaller than \$100,000. It just might not be worth your while to do that. I’m not supposed to say that, but that is what it is. We’re partners and we believe that’s the right number. I think you’ll be just fine with it. If you see the project that’s under that that you feel should be to do that, well I’d say go ahead with it.

Councilman Gruber – A lot of these projects under \$200,000 could probably be done in-house with our own union workers. So they’re not as big as some of the projects, but we can handle them ourselves.

Mr. Soggs – With the County, we’ve actually talked about that threshold. We have an in-house group with the county.

Councilman Van Ho – You mentioned change orders and one of the things that we need to be very aware of is why those change orders came up because it is not always the contractor; many times it is an architect that can’t calendar draw. I would just caution us to not tighten that down to much.

President Holzheimer Gail – I didn’t read that whole sentence, but it ends with and explanations for those items.

President Holzheimer Gail moved to amend Section A, the reference to morals in 1 & 2, change those to well being. I think it makes more sense to delete moral worth in D #1, because that lists a whole accountability, reliability skill, capacity, judgment and integrity and just remove moral worth. Councilman Gruber seconded.

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

Amendment passes.

Councilman Wojtila – Director Frey, letter B #2, talk about the Mayor will negotiate a project labor agreement with the appropriate trade union. Would that agreement then come to Council?

Director Frey – I think what we would do in a case like that, we’d obviously have some authorizing legislation for the funding itself. So, we may have a project where we’ve gone out for bid, we’ve negotiated a project labor agreement, we’re going to come back to City Council for the authorization to spend “x” number of dollars. Probably in that piece of legislation we would also put subject to the project labor agreement negotiated and attached hereto. What we did when we did the golf course is we actually presented legislation that adopted that project labor agreement in that case. I think we would do the same thing in a situation like that. Once we’ve got the agreement together and we have the price, we’d come back to City Council and say here it is.

Councilman Wojtila – Not really the answer I thought I’d get. Does the Mayor actually enter into the agreement?

Director Frey – Once he’s authorized by City Council to do so.

Councilman Wojtila – I didn’t think you answered me in the affirmative on my question. That’s important because then we would, you talk about the checks and balance, that would be the balance that we would be adopting legislation authorizing the Mayor to execute that agreement.

Director Frey – By ordinance you would be requiring that the Mayor enter into the agreement or provide an explanation as to why an agreement doesn’t make sense in that particular project, which you can accept or reject. But you always are going to have the responsibility to fund the project. If the project has a cost of \$1.5 million and it has this project labor agreement as a component of it, I would think we would put all of that into a single piece of legislation and present it to City Council. Here’s the authorization to expend the funds subject to this project labor agreement for this project. It would be a comprehensive piece of legislation for that project.

Councilman Wojtila – I assume Parma, their legislation has not been challenged?

Director Frey – Not that I’m aware of and there is case law that supports project labor agreement in the public sector.

Councilman Wojtila – I would restate my position that A, B, & C should be a resolution. I support the idea of a PLA. I support letter D.

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

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

Roll Call: Yeas: Gruber, Scarniench, Jones, Minarik, O’Neill, Langman, Van Ho,
Holzheimer Gail
Nay: Wojtila
Passed as amended.

Res. 8-2009 (215-09) Shore RFP

A resolution directing the Administration to seek proposals from qualified professionals, as described in the Request for Proposals (RFP) on file with the Clerk of Council, to provide the services of a property manager and/or developer to create a business plan and/or development proposal for the Shore Cultural Centre. (Sponsored by Council President Holzheimer Gail and Councilman Langman)

Councilman Langman moved for passage, Councilman Van Ho seconded.

President Holzheimer Gail – This Resolution probably started from our last Assets Committee where we were discussing Shore and trying to figure out the best course of action. We talked about wanting to do something similar to the process of the lakefront planning and Councilman Langman had some conversation with developers which led us in this direction. We had a very productive Executive & Finance Committee meeting on Thursday to review the draft of the RFP. Director Pietravoia made some changes based on those comments and we have the resolution here before us tonight.

Councilman Langman – There’s really not to much to add. First I’d like to compliment Director Pietravoia for taking all the changes that were suggested and putting into a document. I think it turned out very well and I know you worked hard on it. Some people were banging on you to get it out quicker but I think the final product is very good. Assuming that we pass this tonight Director Pietravoia, when would it actually go out?

Director Pietravoia – We had made plans within the next couple of days after tonight to actually issue the RFP. We actually submitted in the copies that I presented to you tonight an amended list of potential respondents. The ones shown in yellow are new. It is substantially the same list, but we did additional possible respondents.

Councilman Langman – Given that we did pass the PLA you can easily put that into the document I would imagine?

Director Pietravoia – Yes, the section that describes public incentives and things of that nature, things that are city related, we can add the language indicating that clearly if anyone takes on a project that addresses all the capital improvements needs in that building which are to the tune of \$9-\$11 million, there would be a PLA requirement. We will add that language.

Councilman Langman – I don't necessarily expect that but I'm hoping to get back lots of proposals. I think this is a critical step to take at this point. I think the resident brought up that Shore has been on the agenda for many, many years, decades in fact. I think what Councilwoman Scarniench had done and the Council President and I had kind of ran with is what needs to be done to finally make some decisions about the building. Whether it should stay, how it should stay or whether it should go. There is no inexpensive solution to Shore, but it has to be emphasized that the majority of the expenses that are outstanding for the building are on the capital side. As most people know capital money cannot be used for salaries or benefits.

I think through this process we're taking a very important step in making a final decision on what happens to the Shore Cultural Centre. Tonight I'm not going to give my opinion on what I think should happen, but I think this is a very important step for us to get us to the final goal, which I think we all agree upon a final solution for this particular item.

Councilman Van Ho – I would agree with Councilman Langman I think we need to finally decide what we're going to do. We spent 20 years and when we did an Assets Committee I figured out in excess of \$87,000 on various different studies over the years. Hopefully to paraphrase, this will be the study to end all studies and we can get on with it. I would love to see us save Shore if there's a way that we can use somebody else's money to do it.

President Holzheimer Gail – The only thing I will just follow up with is in my opinion, this is not another study. We're looking for a developer, a partner, I like Councilman Wojtila's word of partner; to work with us to find a solution. We're not looking for someone to give us another study, we're looking for them to develop a plan and really give us ideas for making Shore successful and a vital part of our downtown.

Councilwoman Jones – I just have a couple questions and I know we're looking hopefully to get lots of responses from the proposal, but on the other side is, what if we don't get the responses that we're expecting or we don't get the type of responses that we want. What is going to be the timeframe to say okay, this is the final decision making and we have to move onto something else. We can be until the end of the year, according to the time schedule, this is beginning of March. It would be nice to be able to get a developer to be able to do something with the property. What if it comes out and we don't get the type of response we want, do we go through this process again which could mean another three months? How do we all put an end to this and decide okay we had enough requests going out, now what are we going to do? In the meantime, the City is still responsible for the maintenance of the building so their expense is there.

Director Pietravoia – I can't speak to the ongoing expenses, the Mayor or someone else might want to comment on that. As far as the process goes, the idea would be that by the time we have received proposals and reviewed them, as a committee we'll have a level of comfort whether we think there's a doable project. It wouldn't be at the end of this entire process sometime in March. We should know once those proposals are received and during the period that we're reviewing them, we have the right to reject any or all of the proposals if we don't feel we've received anything that will result in the type of project that we're hoping for. I don't know if I've completely addressed your question. If we don't any proposals that we feel are responsive and will achieve a project that meets our goals, then that part of the process will either have to be re-started or as Council and administration, we have to come up with another solution without going out for another RFP.

Councilwoman Jones – Should we put something in place so we already have a decision made up. I'm not saying that we're not going to get proposals and I'm hoping that we do get proposals, a lot of responses, but I'm just trying to look at the other side, what if we don't. Can we already put something in place that if we don't this is plan B, whatever plan B maybe?

President Holzheimer Gail – I think that would be a question for Council as a group more so than the administration.

Mayor Cervenik – Madame Chairman, you wouldn't like my response probably. I certainly hope that we do receive something positive out of this RFP process. I certainly hope that Council listen during the work session and will agree to have the transfer for Shore come from the Endowment Fund for 2009 to minimize cuts in services to our residents and to avoid any other lay offs.

I also hope that if in fact this process gets us to a point where Council determines that they want to spend money with the developer to come up with this plan, that that expenditure also be taken from the endowment fund because the general fund is this year at its tip, that's where we pay for all of the services and the people that provide those services to the residents. We can talk a little bit more about that tomorrow. It is very imperative that happens in order for us to be fiscally solvent through the year 2009. It also allows everybody mentally to understand the urgency of what really needs to be done with Shore depending upon the responses that we get.

Councilman O'Neill – In theory I agree with the RFP proposal. My dissention comes from spending any money on the RFP. We spend enough money on the building. Let's send it out and see what comes back, I don't have a problem with that. I have a problem with going into the Endowment Fund, pulling any money out of that for the building. I have a problem with spending any money on more research for developing Shore Cultural Centre. If we could strike out any monies that we might spend, then I wouldn't have a problem going with the RFP's, but as it stands, the way it is, I would vote no on it.

Councilwoman Minarik – I'm going to bring up the demolition part of the RFP again. I know I'm going to be voted down, but I just need to say it. I think including demolition as an option sends a mixed message to anyone putting up a bid. Almost like give us your best shot but you know what we'll also think about demolition. So I just want to put that out there that I would like to see that stricken, I know it won't be.

My major concern is with this RFP is that the deadline for submission maybe to short. If they're going to be looking at the studies, if they're going to be putting together a plan, they're doing it on their own time, it is not as though they're being paid for it. It is a bidding process so I'm wondering if we could extend the time even by another week for them to submit a proposal, to give them time to thoroughly look at the studies come up with a good, solid, business plan. That's my first comment.

Are we assuring anyone who submits a bid and is approved, that they will get the job? Is that a guaranty or can we turn down the whole project again? This is a definite? I've just heard on the streets over the last few years that people out there in the business community are a little bit leery of submitting proposals to Euclid because a lot of times we don't follow through so they spend the money. I just want to know, we are committed to this project, correct? If someone submits a proposals, we okay them, we are going ahead with this? Is this part of what this Resolution is all about?

President Holzheimer Gail – That would be my intent. Any action after the RFP is received will require Council approve. Obviously would depend on the content of the responses we get. My intent would be if we get a good response, yes, go forward.

Mayor Cervenik – The word on the street is that Euclid does do what they say they will do. We just received four, all four of our Issue 1 projects because the State of Ohio and DOPWICK knows that we get them done. We receive \$1.3 million for 222 street infrastructure because they know we get the job done. We helped R.A. Fogg receive \$5 million from the State for job ready site and another million from the County because they know we're going to get the job done.

The word on the street is good proposals come into Shore, and because it is not the panacea of just arts and that, that we walk away from it. I know I presented a plan through Marous that I thought could have saved a lot of the cultural aspects of that building and they weren't treated quite as politely as they probably should have been in a couple of public meetings. But, be that as it may, if this process brings in 2-3 very good possibilities that someone will take over this building and do what needs to be done whether it is the mix of arts and culture, retail, incubator, whatever it may be, then yes, we do need to run with it or we've lost all credibility. That's not a problem but I don't think we're looking for someone to come in and say pay me so much money and I'll tell you what to do with the building. We're looking for somebody to make it what it needs to be and let the private sector profit. We shouldn't be in the business of running that building, I think we've proved that over 20 years.

Councilwoman Minarik – To address the residents concerns, that's a major reason why I support the RFP. Shore has never been professionally managed. It has never been professionally marketed. Part of the RFP also says that whoever submits their proposals, they are going to try or their plan will be on how Shore will reach self-sufficiency. That is a component that we on Council inserted into the RFP. That's why I think this is a good thing. This is not another study. This is an opportunity for the building to become self-sufficient and not cost the city money and still repair itself and provide the residents with a lot of opportunity. Thank you.

President Holzheimer Gail – Director Pietravoia, your thoughts on extending the proposal deadline?

Director Pietravoia – I actually agree from the beginning that I thought this was a very tight timeframe and if you are going to submit a fairly complicated proposal, three weeks is a pretty tight timeframe to pull that together. I would have no problem extending it by at least a week. I think we were driven more, on both sides, Council and the Administration by the urgency of some of the budget questions that were before us and trying to get an answer as quickly as possible.

Councilman Van Ho – I would suggest that we go ahead with a week. As both Councilwoman Minarik and Director Pietravoia said, we want quality proposals so let's give the maximum amount of time we can. But I do want to keep the demolition in there as an option. I think we all agree that it is the last choice option. Don't close any doors, someone may come up with a fantastic idea that includes tearing down part or all of Shore.

Councilwoman Scarniench – I have to agree with what Councilman O'Neill said and what our resident, he said. This can't be something that we have to spend more money on. Tomorrow night we're going to sit and we're going to tear apart the budget and hear the Mayor's proposal on his plans on how we're saving the budget. I will have a problem with spending more money and I too have a problem with the money coming out of the Endowment Fund. God for bid, if something happens in this City, where are we going to have the money to do what needs to be done. That Endowment fund is down pretty low and if we're going to spend money to transfer over there for them to keep going, then we're going to spend money for somebody to come up with a plan for us, I really have a problem with that. I don't have a problem with changing the date, that's fine. As long as we keep to our timetable. I truly believe that by the first meeting in June, we need to make a decision one way or another; if it is closing the building, or going forward with a plan that someone puts out that is really good. That was a promise that some of us have made that this was the year that we were going to make a decision about Shore and I hope to keep that for everybody.

Councilman Langman – I guess can go for the extension of the deadline but the whole genesis beyond this is the whole budget issue, the expense issues, that's why we wanted it done quickly and before we entered into the RFP process, we potentially could have had somebody in here doing things by the first of February. So I'm willing to give it another week on the deadline. But I agree with the Mayor, we need to move, we need to make decisions so that we can finalize how we're going to approach the building. I don't want to drag this out indefinitely and give somebody more time if they can't do whatever, some firms are ready to go, if they can respond in the timeframe then we go with these proposals and evaluate those. That is where we will make lots of decisions. I think that, what bothers me is that we're trying to say that we can't spend any more money. If we close the building, we're going to spend a lot of money because it is going to take a lot of money to secure the building if it is empty and closed. If we have to demolish it, it is going to cost a lot of money. In reality, this process can in the long run be a low cost alternative than for the city to have to secure the building if it is closed and then to eventually demolish it. I'm ready to move on this, I'm ready to close debate.

Councilman O'Neill – Just to caution that we're talking about these RFP's coming back and we're saying that we're ready to make a move before we even know what we've gotten back yet. I would caution that it is probably not the time to say whatever we get back, we're picking something right now because we don't know what is going to come back. So until those RFP's come back we open them up and take a look at them, I think it is premature to be stating that we're going to go ahead with a project that we don't know how it is going to be funded, if it is going to be funded or if it is going to be a private concern. I'd rather wait and see what's going to come back before we move ahead and make statements about any demolition or remodeling or anything that might happen in the future.

Councilman Wojtila – Director Pietravoia, great job with the proposal. Also to Jim Sonnhalter for his work. I hate to wordsmith it but a couple misleading comments I think. One has to do with permanent tenants on top of page 5. A permanent tenant to me means somebody that will never be gone, they're there. We don't really have a permanent tenant do we?

Director Pietravoia – I used the terminology we've been using at council meetings to distinguish between temporary and longer term tenants.

Councilman Wojtila – I think it is misleading so I think we need to change that word.

Director Pietravoia – Long term.

Councilman Wojtila – Even long term in the business world to me is a lot more than 3 months. I would suggest if you do call it long term, every is month to month is my understanding, well maybe some are until the end of June, is that right or am I wrong? Maybe just current tenants, some have been there for awhile, you can pick your own words. Just the phrase permanent and long term tenants to me was misleading. I agree with Councilman O’Neill that we need to see what we get before we can even start talking about that.

Director Pietravoia – I can make that change.

President Holzheimer Gail – We don’t need to amend that, that’s the attachment, correct?

Councilwoman Jones – With the Resolution, I just feel a little uncomfortable with the way it is, I like the RFP draft and that looks good and even all the pictures and everything that are in there. But, I would like to see something that says because looking at this this can go on and on if we don’t get proposals that we’re looking for, we can just start the cycle over again and keep starting it over again. I would like to see something in here stating that, whether it is a date deadline or after whatever how many tries then we go into Plan B, whatever that Plan B decides determines to be. I would just feel a little more comfortable knowing that there is an alternative if we do have to go that route.

Councilman Van Ho – The danger of putting in a time deadline is that we might make a decision based on the fact that we have to get this done by a certain timeframe and it might not be the best decision. I would say, the understanding is we’ve got to make a decision sometime roughly the middle of the year, but not to put in a definite drop dead date of when we’re done doing proposals.

President Holzheimer Gail – I’m a little concerned, if we had a Plan B, then I think we could make that a part of it. But we don’t have a Plan B. My intent at least is we’re going to get some proposals. We’re going to sit down as a group, we’re going to review them. We’re going to decide if they’re feasible. If none of them are feasible then we still together as a group has to decide what’s our next course. Just re-issuing the RFP to the same group is not going to get us, I would think, any different results. I think we move forward with this and if somebody wants to work on a Plan B in the meantime, I’m working under the assumption that we’re going to get some responses and we’re going to hopefully be able to move forward on one of those. Director Pietravoia or Mayor Cervenik, do you have any thoughts on?

Mayor Cervenik – I think we’ve discussed this thoroughly over the past few weeks, and I can’t make a motion to close debate, maybe somebody else could.

President Holzheimer Gail – There was a motion by Councilman Van Ho.

Councilman Van Ho – I would say that Plan B might be a good subject to talk about at Assets as we’re moving along.

President Holzheimer Gail – But not to hold up this process.

Councilman Van Ho – Once again, I’m just opposed to a deadline.

Councilman Langman – I have a motion to close debate that’s still on the floor.

President Holzheimer Gail – I’m sorry, I thought that was Councilman Van Ho’s that is why I went to him.

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

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

Passed.

Res. 9-2009 (213-09) Rain Barrel Workshop

A resolution supporting the joint efforts of the City of Euclid, Friends of the Euclid Creek and the Cuyahoga Soil & Water Conservation District in hosting a Rain Barrel Workshop and Sale on March 28, 2009, and authorizing the use of the Euclid Historical Society grounds for the workshop and rain barrel sale. (Sponsored by Councilwoman Minarik)

Councilwoman Minarik moved for passage, Councilwoman Jones seconded.

Councilwoman Minarik – Last spring before we recessed, the Council and I appreciate it, we passed a resolution for the City to sponsor a rain barrel workshop program in the spring. Since then I've worked with the Friends of Euclid Creek and the Cuyahoga Soil and Water Conservation. We have set up a date as to when that will be. It was recommended to me though, Council we need a Resolution partnering with Cuyahoga Soil and Water and with the Friends.

President Holzheimer Gail – If you're going to talk, would you please go out into the lobby. We are still conducting our meeting. Thank you. I'm sorry Councilwoman Minarik.

Councilwoman Minarik – That's why I'm coming before Council tonight is just to make this official. With regard to the resident who had questions about the rain barrel, we have talked about that with the Friends of Euclid Creek. If a resident needs the rain barrel installed, they will be the supervisor and we will have volunteer groups assisting them to walk through that. Cuyahoga Soil and Water typically right now they only offer closed rain barrel. They are going to look into options for several types of rain barrels for sale. So that residents can chose an open top, or closed top and a couple of different types. Then throughout the month of February we will probably be working on promoting the whole program, there will be more information. There's no cost to the City of Euclid, isn't that nice. Director Gulich has agreed to provide a truck to haul the barrels to the Historical Society and Director Will has said she has a couple of tents we can use for anyone who is going to be on the grounds with material. There will be more information coming. This is the major point we have to get through. At this point then, between Cuyahoga Soil and Water, the Director for them, Claire, and the Friends of Euclid Creek and myself will be putting this whole thing together. I hope that answers your questions. I would ask Council to say yes to this. It is no work on the city's part and no costs. But it will, if you look at the board in the lobby, one of the things we can do is conserve water and it will help our residents conserve water especially in light the sewer rate increases on our water bills. Thank you.

Councilman Gruber – Thank you for bringing this to our attention. I heard twice no cost to the City and in Section 1 it says that the program authorizes the use of city employees as necessary to assist in supporting the event, including promotional activities. So there maybe a cost to the citizens. I'm also still concerned about when new homeowners buy a home, what their responsibilities. If a rain barrel is already there and the talk of an open top rain barrel, kind of leads me to think of a mosquito problem, so if you could answer some of those questions. The open top thing with the West Nile virus, we're told not to have any standing water and so forth. I'm all for the closed top. The open top, maybe.

Councilwoman Minarik – Those are my terminologies. I stand corrected, it will be minimal cost to the city. Okay, minimal cost. As far as the open top, it is only because there are types of water barrels with screens on top, they still have lids, but you can take the lid off.

Councilman Gruber – They will be sealed in some manner.

Councilwoman Minarik – Right. Right now what they offer in the rain barrel workshops is totally closed. You're only option is to put a spigot for a hose. So we want to give the residents an opportunity to have a choice. But yes, I believe our legislation requires where you have lids on our rain barrels so everything will be in compliance.

Councilman Gruber – Again the new homeowner question, what if maybe the folks that live there now are green and happy and then we have new folks move in that really don't know how to handle the rain barrel, how will that be handled? Will that be handled in a point of sale inspection? Will there be some literature left there?

Councilwoman Minarik – I think that should be probably between the buyer and the seller.

Councilman Gruber – That will work out well.

Councilwoman Minarik – We have legislation in place so I'm sure something will be worked out through that.

Councilman Gruber – I support you.

Councilman Langman – Just to clarify we did pass legislation that helps evaluate rain barrels, existing, new and if that did become an issue we do have the capability of going out to evaluate the situation. Thank you.

Councilman Wojtila – I applaud Councilwoman Minarik.

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

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

Passed.

Ord. 10-2009 (210-09) Court Imaging System

An ordinance authorizing the Clerk of Court of the Municipal Court of the City of Euclid to enter into an agreement with Innovare Solutions, LLC, 20820 Chagrin Boulevard, Shaker Heights, Ohio 44122, for a Support Services Program to its CourtMaster/2000 computer program. (Sponsored by Council President Holzheimer Gail by request of Municipal Court Judge)

Councilman Wojtila moved for passage, Councilman Van Ho seconded.

Director Frey – The Court is finding its ability to store court records, case records to be more and more difficult given the passage of time and the increase in the volume the court has experienced. The Ohio Supreme Court through its rules of superintendents has set forth a schedule of how long documents have to be kept by the court including some that are five years or seven years or permanent in the case of documents concerning real estate. What this request to City Council tonight would do would be to allow the Court to purchase an imaging system from the company that provides the court software, its docket system as well as the docket and support system for the Prosecutor's office. Innovare Solutions in Shaker Heights would be providing the document imaging software that would allow the court to reduce its paper storage requirements by a considerable amount. I anticipate what the court would do from talking to the clerk would be image current files and as that process moves along, then they would start to image former older case files. The effort is to keep the files electronically and not in paper form. But always to comply with the rules of the Superintendent's on the time. This is funding that comes from the Court's special computerization account. It is funded through court fees so it is not a general fund requirement. That fund specifically provides the court the opportunity for both system improvements and some employee costs associated with that. It is not a general fund account. I would be glad to answer questions if I know the answers.

Councilman Van Ho – My normal question, how much are we budgeting or anticipating spending?

Director Frey – It was \$42,500 was the amount for the court's special computerization fund.

Councilman Van Ho – That's not only the software, is that maintenance also?

Director Frey – My guess is that there would also be maintenance requirements that would be part of this agreement. They have done that with the court software now.

Councilman Van Ho – In addition to the \$42,500?

Director Frey – My guess is that probably provides an initial period of maintenance and support.

Councilman O'Neill – To Director Frey, a point of clarification, that is funded through the fees that are generated through the Court System, correct, it doesn't come from the General Fund?

Director Frey – That's correct. No General Fund dollars are involved.

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

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

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

Passed.

Ord. 11-2009 (209-09) Purchase of Trucks & Van

An ordinance authorizing the Director of Public Service of the City of Euclid to enter into a contract with Valley Ford, 5715 Canal Road, Cleveland, Ohio 44125, for the purchase of two (2) 2009 Compact Pick Up Trucks at a cost of Twelve Thousand Four Hundred Fifty-five and 50/100 Dollars (\$12,455.50) each for the Building and Housing and Weatherization Departments, and one (1) 2009 full size Cargo Van for Public Buildings Department at a cost of Eighteen Thousand Nine Hundred Twenty-eight and 50/100 Dollars (\$18,928.50). The vehicles will be purchased through the State of Ohio Cooperative Purchasing Program. (Sponsored by Councilman Wojtila by request of Service Director)

Councilman Wojtila moved for passage, Councilman Van Ho seconded.

Director Gulich – Purchase of these three vehicles as was mentioned will be through the State Coop. These were all approved by Council as part of the 2008 Capital Budget. The fact of the matter is, when we approved the budget, the last go around window had already closed that would apply to these three purchases. We had to wait for that window to open back up. I'm pleased to report that we're able to make these purchases within the limitations of the approved capital budget amounts as approved by Council and be able to return a few dollars to that account with these purchases.

Councilman Van Ho moved to close debate. Councilman O'Neill seconded. Yeas: Unanimous.

Councilman Langman 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. 12-2009 (211-09) Hot/Cold Mix

An ordinance authorizing the Director of Public Service of the City of Euclid to enter into a contract(s), after advertising for bids, for the City's requirements of Hot Mix and Cold Mix for the year 2009. (Sponsored by Councilman Wojtila by request of Service Director)

Councilman Gruber moved for passage, Councilwoman Scarniench seconded.

Director Gulich – By hot mix of course we mean that hot type asphalt that our streets department will be using for their 2009 road maintenance program. The cold mix is the cold patch material that we use in the chuckholes. A little tidbit here, in 2008 we were serious about chuckholes, we spent \$43,431 on 576 tons of cold patch material. The hot mix for our road repairs, we spent \$29,550 on 656 tons. We will keep our expenditures to within the 2009 operating budget where these dollars are approved.

Councilman Wojtila – I see in Section 2 as you just stated, the 2009 Operating Budget, is that the same thing as the General Fund or is that different?

Director Johnson – No, these materials are purchased out of the Streets Construction Maintenance and Repair Fund and the State Highway Fund, a combination of those.

President Holzheimer Gail – Which are not general fund but separate street's funds.

Councilman Wojtila – So what Operating Budget mean then?

Mayor Cervenik – That would be in the budget book, Fund 210 and 220. They have their own funding sources. When you received your original budget there was about a \$96,000 transfer that was going into streets. Since we're able to collect the money from the City of Cleveland and reach an agreement with them the water holes, we were able to because of the fund balance, additional money we're able to relieve that. Otherwise there would have been some general fund money going into there. That's the operation of the street funds. It is not paid for out of general fund dollars.

Director Johnson – In your budget booklets, State Highway is page 66 and the Street Maintenance and Repair Fund is page 76.

Director Frey – If it is Council’s pleasure we certainly can amend Section 2 to specifically list those two fund names. It would not be bad practice.

Councilman Wojtila moved to amend so that the fund be indicated as State Highway Fund, Street Construction, Maintenance and Repair Fund. Councilman O’Neill seconded.

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

Amendment Passed.

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

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

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

Passed.

CEREMONIAL RESOLUTIONS

Res. 6-2009 (214-09) Donna Sudar

A resolution of congratulations to *Donna Sudar* on being named the Euclid Sun Journal’s *Most Influential Person of 2008*. (Sponsored by Mayor Cervenik and entire Council)

Councilman Gruber moved for passage, Councilwoman Scarniench seconded.

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

Passed.

A short break was taken.

COMMITTEE OF THE WHOLE

Mrs. Jessica Forsythe – Euclid Chamber of Commerce, 21935 Lake Shore Blvd. Just wanted to remind the city again that this Saturday is our Experience Euclid event which will be held at Euclid High School in the ballroom, E Room area. There’s going to be a taste of Euclid, inflatables, the businesses will be showcasing their products and services, as well as a lot of the non-profit organizations like the Garden Club, Historical Society, Henn Mansion. We’re very excited to have everyone come out. We’re expecting over 1,000 in attendance. I’ve been promised no snow and clean roads. Cross your fingers on that. It is from 11:00 until 3:00. A great way to get out of the house and get rid of that cabin fever for all ages, health screenings from the hospital. Please take the opportunity.

Also, the title of the Fair is based off of our new website, that was a partnership with the City of Euclid. Thank you very much for that; www.ExperienceEuclid.com. It is up and running. Any organization in the City of Euclid can go onto the website and submit an event that you are going to be hosting whether it is an open house at the Masonic Temple or it is an Annual Dinner you are having for your organization. Feel free to go on there. It does have to be an organization-based activity; something that is kind of a special event. Really this website is going to be a one-stop location so that way everyone knows what’s going on in Euclid. ExperienceEuclid.com, please go on there and check it out. Thank you.

Councilman Wojtila – For those that don’t know, including myself, which are the best doors to enter the high school for the ballroom?

Mrs. Forsythe – The south end of the High School, where the E Room entrance is. We’re working with a Euclid alumni entertainment enterprises, Dan Crawford who has volunteered over \$2,000 worth of supplies. There will be a Dancing Man out front so you will not miss the entrance. There will be a big star archway out front. You will not miss the entrance to go in, and we’ll make sure all the doors are unlocked for you.

Mr. Tom Cooke – 25641 Edgecliff. Just a few comments, Councilman Langman with regard to the capital funding. I understand the capital funding and where the salaries come from, but in the long

haul, no matter how you cut it, all tax dollars come from the residents. We just put them in different boxes and call them different things.

My primary opposition, my only opposition really to this project as it stands is where is the money? Where is the money? I want to know, where is the money going to come from plain and simple? You're going to go out for proposals, you're going to receive proposals back. You're going to have to select between a multitude of proposals hopefully. That in itself is going to take a long period of time because there's a lot of people involved. There's going to be a lot of proposals there. There's going to be a lot of stuff to sift through.

Once you do that and submit that back to the successful bidder, they're going to have to come up with contract documents, drawings. That in itself is going to take a fairly extended period of time. In the meantime, who is going to pay these people to come up with these drawings, specifications, bidding procedures? Once it does go out for bid, and there are successful bidders, you're going to have to select through the bids and find out where the project went over budget because I guaranty you as I stand here today, that project will be over budget. If it is budgeted for \$9-\$12 million, expect \$15-\$20 million, it will happen. I've been on these projects. I've done Severance Hall. I've done the Hanna Theater. I've done the Grand Arcade. They are huge remodeling projects that are extremely extensive that only a very select few contractors that are qualified in the City of Cleveland can handle. So there's a whole lot here that you don't understand what you're getting yourselves into. Not to mention, the first and primary question, where's the money? That's what I want to know, where's the money?

I understand it does cost a lot of money to close down a building, there's no question about that, it will be a continuing cost. The other alternative is, give the building away. Give it away. It no longer will be a cost to the taxpayers. All of a sudden it is an income producing entity because it is owned by a private group or citizen in which they have to pay property taxes. I don't believe that any city at this point in time is in a position that can take on this type of a project. I'd love to see it happen, believe me I really would. It is a beautiful building. Unless we get a lot of money somewhere, I just see us spinning our wheels and I don't like to see, I hope not to see this Council, I would like to see this Council spending time on bringing income producing entities within this city and not on spending time, spending money, taxpayer's monies on a project of this nature.

Mrs. Barb Kinsella – 26470 Farrington. I've been a resident of this city for 55 years. I raised my family here, I work here, my kids went to Euclid Schools and now my grandchildren live across the street. Gone are the days of excellence in education, not locking our doors, children going alone to the neighborhood store, policemen parked in patrol cars eating donuts because there is little or no crime.

Well wake up Council, administration and residents. If our jail at times is filled to capacity and beyond, our policemen are not eating donuts. The number one priority in our city should be safety. My concern is the jail. I know this is a sore topic, but I'm going to bring it up. Now a wing in women's is going to be shut down. Crime is going to get worse and it will. Where are these criminals going to go and if they are housed in another city, doesn't that cost us? Look at other ways to cut the budget, number one being the fireworks. I hear it is an outrageous amount, probably could save a couple of jobs. Council mentions we can't give up our assets. At this point in time, our police, our fire, our jail, are our assets. Rethink this laying off of Corrections Officers please. We cannot let them go, nor can we let any policeman or firefighter be cut.

People ask me where I live and I say Euclid and they go ooh, aren't you afraid. They don't remark on, ooh you have Shore Cultural Centre, ooh you have an ice rink. But anyway my response to them is that we have an excellent safety forces. I'd like to say something to the parents that are watching. Parents of our Euclid children, take responsibility for your children and their actions. Involve yourselves in their lives, believe me it will be a rewarding experience to both you and your child. You cannot expect the schools, police and the city to control and entertain your children.

Mr. Erick Heinemeyer – 21751 Priday Ave. I also came here today to talk about safety. Since the snow storm two weeks ago, there has been at least four times that I've driven up and down E. 222 Street where people are walking in the street because they don't want to walk on the sidewalk because of the snow. It is rather dangerous because 222 Street is a very narrow street for having two lanes and a turn lane. Can we get a little bit more patrols up and down? The last time that I had to pass someone like that was this past Sunday at 5:00. I don't have a cell phone, I can't call 9-1-1 and say you've got someone walking down 222 Street. We do need to look out for these people.

Mayor Cervenik – There is no excuse for most of these people to be walking on our main streets anymore. We have twice now, with the new equipment we have plowed, cleaned public sidewalks on all the main streets. We will watch that a little more because there really is no excuse. Within 36 hours after the first big snowfall, all the major streets we had the tractors out taking care of those sidewalks. We'll look a little harder at it and make sure people, maybe some of these people didn't

realize the sidewalk was plowed. It is amazing, I think it is the first winter we're actually getting compliments on something we're doing. That's pretty good stuff and we'll continue to do it.

Chief Repicky – We did probably about a week ago I was driving down 222 like you said during the day and I advised three gentlemen to use the sidewalk and there was only an inch of snow and they went on there. When I proceeded they decided to get back in the street and we decided to send a couple of cars to give them coupons. Hopefully they won't be walking in the street anymore but we are enforcing the ordinance and it is very dangerous on 222. Thank you.

COUNCILMEN'S COMMENTS

Councilman Langman – First I'd like to thank Director Gulich and the Service Dept. Last Friday we had a water main break that happened to be on my street. I called the Service Director Mr. Gulich, we got some plows out there but since the water company did not respond right away, it created quite a mushy, frozen mess by Sunday morning. Some of the residents and I we went out there to shovel out the catch basins and I called Director Gulich and actually the Mayor too and within about 15 minutes of us out there, the front end loader came down and shoveled out all that debris. I'm happy to report that the water company did finally come out and fix the line and the street is clear. Again Hank, good job to you and Mr. Reese and the rest of the guys, although some of them should be wearing hats if they're out in that cold weather.

I do also want to thank Chief Repicky. Last night I had the opportunity to speak to the 232, Gay Ave., homeowners association, I share that one with Councilman O'Neill and we decided to split up the events yesterday. He went to the MLK Event at the High School, I went to the homeowner's association. There were some issues that the residents were concerned about. Lt. Doyle came out to speak to them and they really appreciated the attention that we gave to that area over this particular incident and again many thanks to you Chief and kudos to Lt. Doyle.

January 20th, a very important day. I know January 20, 1951, that's my parent's anniversary, so Happy Anniversary Mom and Dad on their 58th Wedding Anniversary.

Of course today we inaugurated a new President. Today is not really about Democrats and I know Republicans may not be to thrilled, but really today ladies and gentlemen was a great day for Americans because you see that transition of power that is taking place in our country over the many centuries now done peacefully, done with joy and done with respect. God speed to President Obama as he assumes his new duties. With that I'll say goodnight.

Councilman Van Ho – First of all I would like to say that I am very happy to see that we can pass the Project labor Agreement in one meeting. I think it is going to work for our benefit. Overall, Director Gulich, the plowing has been very good but I have had a couple of complaints that they would like to see more plows on the side streets. That's just a word of advice.

I agree with Councilman Langman that the inauguration today starts a new day and hopefully a better day than what we've had in this country for the last year or so. Goodnight.

President Holzheimer Gail – A couple of thank yous. I want to thank Kathy Will and Jennifer Berman for helping to make the ice skating events happen and Councilwoman Scarniench who was there all day checking out the ice skates and has wounds to show from it. I think it really is an example where people came together to make an event happen. It was very well received. I wasn't able to make it to the public session but was able to be there afterwards for the National Skaters and it was a great opportunity to see them up close. The residents really came out and supported that and there was a line of people to get autographs and it really was a nice event. Thank you for helping to make that happen.

Also to Mac Stephens, he held a wonderful event at Euclid High School yesterday to commemorate Martin Luther King Day. It was a Junior MBA Competition as well as two key-note speakers, one by Mac Stephens himself and one by Cheryl Cookie Johnson. It really to me illustrated the creativity that Mac and the Department have used to utilize sports and athletics to, but also combining that with the desire to teach kids how to learn to be a good person, how to succeed in life. It was really very evident in yesterday's program that they are doing all they can do to not only just provide athletic and sports activities, but make that really taking that extra step to help kids and families achieve and really dream to be better. Both Mac and Cheryl Cookie Johnson's speeches were motivational and I think very well received by the kids and the families that were there. I really want to thank Mac and Kathy and Mayor Cervenik for helping to make that happen. It was really a good experience. I was glad to be there and glad to witness all the good things that are happening in our community.

That ties in so closely with what the new President, President Obama, spoke about personal responsibility and all of us really needing to take part in helping our country, helping our community become the place that we all want it to be. I look forward to continuing our efforts from the Council's and city's point of view to encourage residents and really give them the opportunity to

help make our community a better place, whether that's through their neighborhood association, through a committee in the city, through the Rec Dept. programs, through one of our assets like the ice rink or Shore. I think we have a number of ways people can get involved and if you ever don't know how to do that and would like to give me a call, I'd be happy to help try to find a way for you to be involved as I'm sure any of the council people will.

The Chamber Event was already announced, but I will remind folks again, it should be a wonderful event. If you see these are the postcards, green and blue postcards, I assume they are all over the place in the community. Pick one up and we hope to see you at the Euclid High School ballroom this Saturday, January 24th from 11:00 until 3:00.

Lastly a reminder that we will continue our budget discussion tomorrow evening, January 21st at 6:30 starting here. Mayor do we have anything to review before the meeting?

Mayor Cervenik – Not much has changed since the work session when I gave out that one sheet. Mr. Johnson and I will be going through it tomorrow afternoon and we will try and list for you some of the other items that we haven't included with cost figures. I know Councilman Langman was concerned about the cost of fireworks plus overtime and some items like that. Just a general discussion, we've still got some conversations that need to be worked out with the unions and we'll update you as best we can.

President Holzheimer Gail – So we'll work from the packet that was provided to us last week, as well as the initial budget book?

Mayor Cervenik – The initial budget book at this point, except for reference on other years has changed dramatically. I would use the reference book that was passed last Saturday at the Work Session. I will again start with that number and work our way down and I will have also, Councilwoman Scarniench had sent a number of questions that I talked to her personally on but we will have an answer for those as well, as to why we're recommending what we're doing. The bottom line is so that we can minimize the number of layoffs and maximize the amount of service that we can provide in the year 2009.

President Holzheimer Gail – We had a question from the audience about the jail and while we have proposed to close both the women's wing and one of the men's wings, we will still have a jail. We will still have a number of cells available to house prisoners. We will still be responsible for getting them to other facilities. I just want you to know that we are not closing it completely, we are very concerned as a council about the safety of the community and we are forced to make difficult decisions as we face balancing our budget. We'll continue that conversation tomorrow night. I didn't know if you wanted to add anything else.

Mayor Cervenik – Because of the changes in how we're charging people, many of the prisoners, especially the female prisoners that in the past might have been charged under our local code, and would have been paid for strictly by the city, will now be paid for by the County. I believe our Warden has a pretty solid agreement with Geauga County to handle the women prisoners, as well as the male prisoners. Our felons, most of our felons will go directly downtown and the balance of our prisoners, whether by State Code or City Code, 32 will be tight, but we'll manage. Again the net savings after some reduction in revenue, should come very close to a million dollars this year and probably closer to \$1.1-\$1.2 in 2010.

Last but not least so that everyone understands, this is not a reflection upon the professional way that our correction officers have been handling and doing their job. It is a reflection upon the way that building was built. I don't know how many times I've said it since I was on Council. Sheriff Billy who just happens to have the last name that is my first name, did review of the facility before it ever held one prisoner, before it ever held one prisoner in there, and the statement of the first paragraph, first page, says your facility is obsolete, period. It would take three times the amount of manpower to operate a modern, well built facility. We can no longer deal with that and that is what happened. We are working diligently to find jobs for those that are laid off internally as well as externally and we will continue to do so.

President Holzheimer Gail – I'm sorry I went beyond my five minutes.

Mayor Cervenik- That's my fault, I took them.

Councilman Gruber – I'll be short so it will make up on the other end. I, too, would like to thank Director Will for the event yesterday at the ice rink. I had an opportunity to go there and I did not cause any of the wounds to Councilwoman Scarniench. She did have some battle scares but it was

well received by the community. I was surprised by the turnout. Your staff did a wonderful job and the kids that were participating had a great time, so it was really a nice event.

I would like to wish a speedy recovery to Mr. Lawery, he was hospitalized today and I hope he's out by later tonight. Director Will I probably should have talked to you about this off-line, but when I was walking the dog this evening I noticed that we have several shade trees on Algonquin that when the garbage truck comes by the branches are hanging over and they are getting knocked over, if you could have the arborist take a little look. Some of them maybe our trees, some of them maybe personal trees because we don't have sidewalks there, so there's a little question. That's all I have and I wish everyone a goodnight.

Councilwoman Scarniench – You already heard what I had to say about the ice arena, it was a fun day. I, too, got to go to the basketball at the high school last night and Mac Stephens did a wonderful job. The speech that we heard from Cheryl was inspiring, it was wonderful. It just goes to show you, you listen to her last night and you listen to the President, you can do anything you want to, reach for the stars and keep working for it and you can be what you want to be.

Kudos go out to a young person, I don't know if it is young man or a young lady who was instrumental in helping to catch the crooks from Lake Shore Coffee House. I hear they followed them, got the license plate number and our police were able to pick them up and arrest those people. Congratulations to whoever that young person was who took that initiative.

You've already heard a couple of times about Experience Euclid this Saturday. City Council will be represented there, most of us are free that day so we will be there. If you've got questions, you want to come around and sit and talk, most of us will be there. So we look forward to seeing you there.

Tomorrow night is the Heritage Park Community Association meeting, at 6:30 at the Historical Society. Also tomorrow night is the Friends of Sherwood Homeowner's Association at 7:00 at Glenbrook. Unfortunately I'm not going to be able to make either one because we will be here. Next week the 29th is the Chardon Hill meeting and I will be at that one. I look forward to seeing the neighbors then.

The Assets meeting for next Wednesday, we will begin a discussion about the senior center and what our plan to do as far as the Forko contract. We've been talking about that and we need to make a decision on where we want to go with that. We will be following up with some information about the ice arena from the meeting that we had last week. All the ice folks are welcome to come and we will make sure that they get e-mail so that they know. Last but not least, we will be talking about the Shore auditorium. That's the agenda and we don't know what's going to come up tomorrow night, so there maybe something else added, but that's it for now.

God Bless President Obama and in his words, God Bless the Country of the United States of America.

Councilwoman Jones – First of all I want to wish a Happy Birthday to Evelyn Davis. Today is her birthday and what an historic moment to celebrate your birthday on, so happy birthday Evelyn.

The last Council meeting I forgot to mention and I'm sorry for those who participated in our Christmas Caroling during the Holiday. I just want to say thank you to those people who came out to help give cheer to anyone that was in the area that we were Christmas caroling in. So for all that participated, please get your voices prepared for next year because we will do the same thing and Councilman Langman has offered to share Hanukah songs with us as well. We look forward to that.

The Martin Luther King event at the High School yesterday was a great show of how you can take someone who has come up through the ranks, just like Cookie Johnson did, and her determination and will to, this is what she wants to do, even though she had been told that women don't play basketball during the time she was coming up, her determination to do it, proved to that you can do what you want to do, if you just put your mind to it and do it. She also stressed and so did Mac Stephen stress the importance of getting good grades in school. Keep up with your academic work in school so you can be able to do what you want to do whether it is sports, whether it is academic activities or whatever. You just have to focus and stay on point with what you are doing. I want to say thank you to Mac Stephens and Director Will and everybody else that was involved in that, it was a great event to see the little kids throwing the basketball during the basketball challenge. Those could be our next major basketball stars that are running around Euclid.

The performance at the ice arena. I have always liked to watch ice skating, but I've always watched the Olympics on TV. It is a lot different when you see them live and in person. Even though it was a smaller arena here in Euclid and we have a very nice arena, they make it look so easy. I'm not a skater even though I like to watch it. But looking at that I'm thinking I could do that, but I don't think I'm going to try that. They make it look so easy just twirling around the ice and I congratulate them for all their efforts and determination again. This is another venue where their determination and will and practice has got them to the point as far as being champions. I

wish them luck in their efforts this week with the competitions. With that I would like to say goodnight.

Councilwoman Minarik – Councilwoman Jones is always so encouraging, it is so great to talk after you. Again, this is great country with a peaceful transition. Regarding the people walking in the streets, Chief Repicky, I got a call, a gentleman was walking along Roberts because the sidewalks had not been plowed, this was about 2 AM, and a patrolman stopped him and warned him he needs to walk on the sidewalks. Could the patrolman use a little discretion? If the sidewalks are not plowed by the resident, is it okay for a resident to walk in the street?

Chief Repicky – I hope they would use some discretion as we do everyday on the job. Unfortunately, hopefully they didn't give him a coupon.

Councilwoman Minarik – No, they did not ticket him, so that was good.

Chief Repicky – Maybe higher boots for the next time he is walking on the sidewalk.

Councilwoman Minarik – Just some random thoughts from watching Donna Sudar get her award and watching the Weed & Seed people get their congratulations. Listening to all the stuff that goes on, volunteers are tremendous. I was especially struck by Donna Sudar, not so much by everything that she does, but because of the example that she is giving to her children. Because one of the great things about volunteers, especially if they have children is that they raise up another generation that have been so exposed to it that they naturally jump into what their parents have done. That could also be added to what Donna Sudar has done in this past year. She's provided a great, great example to her children, who will probably imitate her in the future.

I wanted to talk a little bit about the comments made to shut down Shore, shut down the fireworks, do all this. While I understand the city's primary responsibility is safety and services. I remember when Richard Nixon banned Christmas lights back in the 70's and I was just maybe like three years old then, but, no I was older, but I do remember how dark and gloomy Christmas season was. There were no Christmas lights because of the Oil Crisis. It took years for people to start putting up Christmas lights. Sometimes while things do cost money like the fireworks, there are something that they do for the soul that encourages a person to go on. Because we get such joy now out of the Christmas Lights but it was so depressing. We need certain things especially in hard economic times to cheer us up and to give us hope and to encourage us. It is just a cautionary statement, before we just get rid of everything that is extra curricular, we need to carefully look at what kind of cost it will have on the soul.

With that again, I'm so proud of America. The first time I realized how great this country was, was when George Bush, Sr. handed the keys over to Bill Clinton, two diametrically opposed people politically and I sat there and said, how gracious this is. This just doesn't happen in other countries in the world. Today, we had George Bush hand the keys over to Barack Obama, again, two men of diametrically opposed positions. Only in America, this country is just the greatest country in the world. God Bless America, God Bless our new President, I wish him the best of luck, and God's grace be upon his family and his life. Thank you.

Councilman O'Neill - I'll stand in line and congratulate our new President Obama, hopefully the country gets behind him and moves us forward. We've got some rocky roads that we have to run down, but I think if we all stick together the country will pull out of this and hopefully in a relatively short period of time.

Thanks to the Streets Dept., the crews are out there plowing and Hank Gulich and Scott Reese, those guys are working over and above the call of duty. They do a great job. I know there is some more clean up that needs to be done on some of the ancillary streets, they are going to be getting to them. Appreciate all those efforts.

On January 31st, the East Side Irish American Club is having their 31st Anniversary Dance. They have a website that you can go to if you're interested in going. I'll be going hopefully. A few other members of Council and the Mayor will be going, maybe we can get a table. I'd like to show some support to the East Side Irish American Club.

C.E. Orr arena, thank you to Councilwoman Scarniench and all her volunteers for sort of putting Euclid back on the map a little bit. I understand there was some media that covered that event. It is always good to have some positive PR when you can get it, I appreciate your efforts.

As far as the jail closing, I just had a question to the Mayor. On the female prisoners that we're going to be housing in Geauga County, are those, they aren't felons, are they misdemeanors and we will be paying Geauga County for that housing?

Mayor Cervenik – Your guess is as good as mine. Some of them will be felons, some of them will be charged under State code, some of them will be charged under City code. Any felon and/or State code charged the Geauga County would bill Cuyahoga County. If it is a city code, we will pay. That's the one part of all this that is the revenue-end, is the mix of prisoners, we can't predict how many felons, how many misdemeanors, are coming in. We reduced the revenue considerably to account for that.

Councilman O'Neill – I understand that, I guess my question is, Cuyahoga County doesn't have a facility for the female lock up?

Mayor Cervenik – They do but they're running out of space as well. They're shipping prisoners all over the place. They're shipping prisoners to Bedford Heights and even farther than that. Which is available to us, I talked to Mayor Burger and he said when they have room they will be more than happy to facilitate us as well.

Councilman O'Neill – Those fees are paid through Cuyahoga County?

Mayor Cervenik – They will bill Cuyahoga County unless in fact they were charged under city code. More than likely we would keep those in our facility.

Councilman O'Neill – I just wanted some clarification on that, thank you Mayor.

To the residents that were talking about the sidewalks that weren't plowed and the people had to walk in the streets. I believe there is an ordinance that you have to walk towards traffic so you don't get blasted by a car. My point is that there is an ordinance on the books that in a residential area you do have to shovel your sidewalk within a reasonable amount of time. I'm not sure of the actual time frame and I don't want to put the Law Director on the spot, 12 hours. Okay it is 12 hours then. We've had multiple snowfalls, so residents may not be able to get out there to shovel that snow. Those that are capable, please get out there and shovel your snow so we don't have residents or people visiting our city walk in the streets. Also leads me into, again I've talked about fire hydrants. Those of you that are capable of digging out your fire hydrants, please dig out the hydrant in front of your house and maybe one that's down the street from you. Fire Dept. can't be everywhere all the time to dig out fire hydrants. But, I know they make an attempt in the commercial areas to open up those hydrants, but certainly hydrants that are on residential streets, there's got to be some young kids on the street and maybe they can do 2-3 hydrants. It is a safety issue. Any delay in getting water on a fire could be a fatal fire. The City recently experienced a fatal fire, notwithstanding getting water on it, I believe the fatality happened because of the timeframe that the fire was burning in the house. But any delay in getting water on a fire is detrimental. Also with the EMS, getting a gurney down the driveway, up sidewalks, the walkway to the house, there's slip factor, please shovel your stairs and a pathway to the sidewalk so if an EMS unit comes to your house, they're not delayed by getting the gurney into your house.

With that I'll just say to the youth that are out there, it is never to late to do the right thing. With that I'll congratulate President Obama again and say goodnight.

Mayor Cervenik – I don't normally answer telephone calls but that was my mother-in-law and I always answer that one. The Anniversary Dinner is this Saturday, the 24th. She's watching you on TV. She knows because she stuffs the Seanachie.

Councilman O'Neill – I stand corrected I a flyer.

Mayor Cervenik- We're going this Saturday, the 24th.

Councilman O'Neill – We're going this Saturday, I'm probably getting buzzed right now.

Mayor Cervenik – Anybody listening, don't show up on the 31st, let's have a good time on the 24th. That's from Mom.

Councilman O'Neill – My point exactly, it is never to late to do the right thing.

Councilman Wojtila – First of all I would like to congratulate the Chief on the Grant monies. I know we all talk about safety and security being number one priority which it is specifically for me and congratulations on that. It is a great effort and just to encourage the staff to keep looking for those grants because we know we need that type of income given where we are. Again, congratulations.

Director Pietravoia, thank you for the update on the NSP program. I think those periodic updates are invaluable. I try not to pepper you with a bunch of comments because I'm afraid you won't update us then in the future. But, I did e-mail you and I was concerned about your last paragraph where you talked about blanket authority on the NSP. You don't have to get into all the detail but I for one am concerned about any type of legislation that has blanket authority.

Director Pietravoia – What we were trying to get at there is our ability to move quickly when properties become available. It is not that there wouldn't be any oversight, what we envisioned is if we got legislation passed by City Council similar to when we do some of the public service contracts, it would give us authority to take certain actions. Then as we identify properties to use the NSP funds for, those would come before the Board of Control. Certainly we could build into that process a notification to the Ward Council people in advance of any Board of Control meeting. So we're trying to look at a way that we can move more quickly. I should have stated earlier, our local laws require anytime we buy or sell a property there's legislation required for both actions. So if we're going to be able to move quickly and spend these funds in an 18 month period, we're probably going to need to find a way to streamline that process.

Councilman Wojtila – We'll be watching cautiously because and I think we've shown that we're willing to work quickly with the administration. We'll be looking for the legislation on that.

Director Pietravoia – We're open to other ideas as well. We'll be having more discussion about that as the funds start flowing.

Councilman Wojtila – How about an update on various studies, the JJR study?

Director Pietravoia – I just had this conversation with Councilman Langman earlier in the evening. The JJR study is essentially complete. They're waiting essentially for my green light to release the final report. I hope to have that accomplished by the end of this week and all members of Council will receive a copy.

Councilman Wojtila – Chief Repicky, how about the Jail Study?

Chief Repicky – I believe the consultant would like to meet with Council at a Safety Committee Meeting maybe the first Wednesday in March if possible, I think it is the 4th.

Councilman Wojtila – Director Pietravoia, back to you quickly. We submitted I assume the engineering grant proposal for the downtown project. I believe we passed legislation on that last year. Do we have a timing on when we expect to hear back on that?

Director Pietravoia – Actually we're still working on that proposal. We submitted a letter indicating that we have an application forthcoming so we would get our place in line. I won't know about timing until we at least get the application in.

Councilman Wojtila – As I understand, that was a grant that there was no deadline, it was out there.

Director Pietravoia – Correct. That was passed just before the holiday, that is why we submitted a letter during the holiday period so that we could get our place in line.

Councilman Wojtila – Thank you, I know you've been working on other RFP's. An announcement, there is movement toward a Lloyd Road Neighborhood Association. Any neighbors on Lloyd Road both north and south of Lake Shore Blvd. look for a flyer coming out, there will be a meeting in early February on that. With that, on this great day in our nation's history, it is my pleasure to make a motion to end the meeting.

ADJOURNMENT

Councilman Wojtila moved to adjourn. Councilman Van Ho seconded. Yeas: Unanimous.

Attest:

Clerk of Council

President of Council

