

COUNCIL MINUTES
TUESDAY, FEBRUARY 17, 2009

The regular Council Meeting was held on Tuesday, February 17, 2009 at 7:00 PM in the Euclid Municipal Center 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, Mr. Sonnhalter, Sgt.-at-Arms Novosel, Clerk of Council Cahill.

Invocation was given by Mr. Johnson of Living Waters Church of God.

Communications

Council received the monthly Finance Report through January 31, 2009.

COUNCIL MINUTES

Councilman Gruber moved to receive and approve the Council Minutes of February 2, 2009. Councilwoman Jones seconded. Yeas: Unanimous.

ADMINISTRATION REPORTS & COMMUNICATIONS

Mayor Cervenik – Madam Chairman, Members of Council, Members in the audience tonight, as well as those watching at home, good evening. I presented to you this evening a worksheet that will be the attachment for the last item on the Agenda which is the capital budget. We will be discussing in detail I believe at 6:00 on the 25th of February. There will be a couple of changes in the 2009 numbers, but we're pretty close to where we want to be but I didn't want to delay any longer, so that you have a chance to look at what the administration's plans are and to hopefully give us some suggestions before 2010, if you see some shortcomings or some items that you'd like to add on.

Please for the moment ignore the years 2012 and 2013. Since I've been Mayor I present a five year budget. We have not completed those two years yet, as you can see we're only proposing on this sheet to spend about \$870,000 in 2012 and 2013 about \$715,000. We have not plugged in the additional numbers. We will have that to you if not before by the 25th. I strongly encourage anybody with any questions concerning the 2009 numbers we should be voting on hopefully in March, as well as the 2010 numbers at least to give me a call and feel free to discuss them with me, we're always open for suggestions.

Another item that maybe added on, if you take a look at our parking lot behind City Hall, it has really taken a beating this past year and some additional dollars probably will be added on in 2009 for that.

On a more serious note and before I turn it over to members of the Administration, I am sure you all received my e-mail of February 6, 2009 concerning the operations of the Euclid Fire Department. In that e-mail I explained to you we will be reducing minimum manning for the time being to 13. That does not mean, as I mentioned in the e-mail, that we will schedule to only have 13 officers. All that means is that rather than when we have less than 16 officers, I will not be calling anyone in for overtime until we fall below 13, and I don't believe we will fall below 13.

There are 25 firefighters for each shift. The minimum manning in the past was 16, which means 9 personnel could avail themselves of a day off and still find a way, I would have hoped to keep minimum manning at 16. I reduced it to 13 to save on overtime through January we spent approximately \$33,000 already on overtime in the Fire Dept. and that does include holidays. The total budget for the year was only \$200,000.

I also sent out lay off letters, abolishment letters to four firefighters, it is a 30 day notice. Those changes have not taken place yet. In addition to that, I just gave you a letter dated February 9th that I sent to the President of the Union, and in the second paragraph, the Union has 30 days from this notice to present alternative plans that will save the same amount of money that the changes in personnel have; that's approximately \$380,000 before overtime. Hopefully we can come to some agreement and get very close to that number so these changes do not have to take affect.

However, unfortunately at times that we're at a 13 minimum manning, there will be times that I believe we will fall below 16 men which means that a firefighting apparatus will have to be removed from duty on that day. That is very unfortunate, but for the moment, due to the economic problems and situation this city and many, many other cities are taking, it is going to be an unfortunate reality.

Do I believe that 13 is the adequate manning? No, I don't, certainly not at all times. Do I believe that 16 is adequate as we've gone in the past? No. I certainly don't at all times. But negotiations for the most part centered around the deferral of overtime, the deferral of benefits that would be paid back sometime in the future. In the big scheme of things that does not help this community, does not help this city at all.

We need to understand and we need to be honest about this, many of these items were negotiated, some by people sitting across from me and voted on, some by myself, I voted on. The mayors at those times said it was only time off, it really cost us nothing. Well it has come to roost. Time off and bringing people in to fill that time off position does cost us a tremendous amount of money. That is why those decisions needed to be made. We're paying for that time off now.

There are some solutions, I've talked to you many times, publicly, even though I get criticized for it, about possibly charging for fees for trash collections, lighting, storm water management. I think you read in the paper a few weeks ago, Northeastern Regional is talking about charging up to \$57 a year for homes for storm water management. We are not in that system so we would not be charged that. But the bottom line is, I have discussed that before and we felt this is not the time to do it. We could ask the voters for a safety levy in this trying time. I'm not sure that's the time to do it. Even if you would agree to that tonight, which I'm not going to ask you to, it doesn't solve the long term problem we have in funding our safety forces. It is my hope that in regards to the letter to the Union President that we will sit down and they will come up with an alternative plan that is agreeable to all and these changes will not have to be made.

This situation is something that is very difficult to make. The decision is difficult to make. It is going to be difficult to live with, but I'm not here running a popularity contest, I'm here running a city. Right now running a city is very, very difficult. As I left the house tonight, I heard the City of Elyria is laying off I think from 8 to 13 firefighters. Other cities have done the same with both firefighting and police departments. It is something that I, even a month ago, was hoping did not have to happen because as I gave you that spreadsheet, I felt we would be able to reach those negotiations with the departments.

It has made me realize another thing as well. Starting tomorrow I'm going to be contacting various mayors in the surrounding communities of Willowick, Wickliffe, Richmond Heights, Eastlake, South Euclid and others, to sit down and have serious talks about regionalizing the firefighting, not only the personnel but the equipment in this area. I know we're talking about going over county lines, that should not be insurmountable. These mayor s have no idea that I'm going to do this over the next couple of days. As I've sat today and thought of the predicament we're in, that our long term solution is either major changes in the contracts that we have now, or we must learn to regionalize and work and share resources with other communities that are near us.

I would like to tell the residents that I certainly regret the times when there maybe a firefighting apparatus out of service. We will have to depend much more so on mutual aid. It is a decision that must be made for now, I hope there's a resolution. As to the Police Department, in my e-mail, I also explained to you that they turned down the resolutions that we had discussed. Actually it was a tie vote, but a tie vote is the same as a no vote as far as negotiations are concerned. They came back to the table last week with something that I considered totally unacceptable. It is my feeling that within the next few days, out of courtesy to those involved, that I will have to also issue 30 day notices to at least 4 and possibly as many as 6 police officers unless again we come to some resolution.

This is not something that I take lightly. This is not something I enjoy doing. But again, I've been asked to do a job by the residents. I've received many e-mails from you talking about these contracts and items that we need to work on, and I will do that. In the meantime, I will continue to do everything in my power to keep this community safe and sound as best as our finances and our safety forces will allow me to do so. With that I'll turn it over to a slightly lighter note, Kathy Will, Director of Recreation.

Director Will – Just wanted to make a few announcements. We just received word that the City of Euclid has been named a Tree City USA Community by the National Arbor Day Foundation, honoring our commitment to the community forestry. This is the 19th year that Euclid has received this national recognition and it is a great recognition. I thank the City Council for their support with this. One reason Euclid has received this, we meet the four standards, having a tree board, a tree care ordinance, our comprehensive community forestry program and our Arbor Day observation, which at the next Council meeting we will be talking about our Arbor Day.

Mayor Cervenik – Director Will, I'm going to pardon myself and ask to interrupt you. I really feel it is important for me to let Chief Cosgriff speak as well on the subject that I was talking upon. He has many of the same concerns that I have. Sorry about that Chief.

Chief Cosgriff – Thank you Mr. Mayor. To members of Council, Madam Chairman and citizens at home, firefighters in the audience. I had a rather lengthy speech all laid out to give. A lot of the points that the Mayor made in his speech, were some of the same points that I was going to make. No one in this room feels that for a fire department of our size going down to a 13 man minimum is a good idea. Most of the things that we look for guidance from a national stage, we go to NFPA standards. NFPA standard 1710 for a paid full time fire department, states that you should be able to get 15 men, 15 firefighters on the scene in 8 minutes or less, 90% of the time. I know you guys have heard me say that many times in the past.

With 16, we're able to do that most of the time, 90% of the time. I definitely think we were better off when we had four houses and 19 firefighters on duty. In this financial climate, it doesn't appear that we're going to be able to do that. We've been functioning with 16 and I think the firefighters should be commended on the job that they're doing with 16. I'm not comfortable going to 13. I have told the Mayor that and I have told Council that and I have told the firefighters that. I'm telling the citizens at home that I'm not comfortable at 13.

Probably the most ironic thing out of all of this is that I'm really not one of the persons that has a say in this. Council is doing their job by instructing the Mayor what we can or can't charge for; what level of a budget they will approve. The Mayor is doing his job, he's trying to negotiate with 11 unions during hard financial times. The Board of Local 337 is doing their job and they're trying to come up with a package that is the best package for their members. I can advise both sides. I can advise City Council. I can advise the citizens if they're willing to ask me for my opinion. But I don't have a vote in it. I am looking for people to share responsibility with me, should something bad happen. I'm not going to sit here and say that if we operate at 13 that something bad will happen. I think that there's times when we have 16 men on duty and we get a call and for whatever reason, trucks are out on other calls and you never know how many are actually going to show up. But I trust that our officers are able to make good decisions, safe decisions and they do what they can do with the manpower that's available to them. I believe that's what they have been doing with 16. I hope that we can get this settled so that we don't go to 13 on a regular basis. But like I said, it is not going to be up to me, it is going to be between the administration and the firefighters union. I hope that we can certainly work something out and soon. Thank you.

Mayor Cervenik – Thank you, Director Will.

Director Will – I just want to remind everybody at the ice arena tonight we are having a special skating night, DARE and SADD are there. Anybody that goes skating, some of the money will go towards those two groups. We have a band that is from 7:30 until 9:00 tonight. Next Tuesday is our Country Western Night, from 7:30 until 9:00. It is \$2 admission; \$2.50 for skate rental. We have quite a few public session hours. We have added some times on Thursday nights and Sunday afternoons.

Also remind everybody that we are taking registration now for the local groups for the Boys League, Pony League, Colt League and the Euclid Youth Soccer organization. If you need any information on either of those groups, please call our office, 289-8114 and we'll be glad to give you the correct telephone number.

Last but not least, on Saturday, February 28th, we'll have a Motown Band, Focus, at 7 PM at Shore Cultural Centre and tickets are \$10. Thank you.

Director Johnson – I just wanted to remind everybody the tax filing deadline will be April 15, 2009 for filing your City of Euclid income tax return. In that vein, we have extended office hours on March 16th, April 6th and April 15th, the office will be open from 9:00 AM until 7:30 PM. On Saturday, March 28th and Saturday, April 11th, the office will be open from 9:00 AM until 1:00 PM. I would also like to remind you that we are a mandatory filing city which means all residents 18 years of age or older must file a return regardless of whether there is any tax due or not. Also, I'd like to bring to your attention for the first time this year we're offering e-filing so that you can e-file your tax return on the city's website. Forms and additional information can be found by going through the city's website, which is www.cityofeuclid.com

Mayor Cervenik – That ends communications from the administration.

REPORTS AND COMMITTEE MINUTES

Councilman Gruber moved to accept the Board of Control Minutes from 1/26/09 to 2/2/09.
Councilwoman Minarik seconded. Yeas: Unanimous.

COMMITTEE OF THE WHOLE FOR LEGISLATIVE MATTERS ONLY

Mr. Christopher Litwinowicz – 21970 Morris Ave. I walk into this building to come here to express my views on something and I see how many people here?

President Holzheimer Gail – Mr. Litwinowicz, this is about the agenda only. If you have a question about something on the Agenda, this is the time to do that. If its about another matter you need to wait until the end of the meeting.

Mr. Litwinowicz – A Resolution to support the administration of the City of Euclid seeking state and federal funding for public improvements in downtown Euclid Business District area. What is that concerning? Are roads are fine, but what happens is, like on 222 and Morris, we have now a patched street, right on the corner there with a cone. We also have a problem on Miller and 222 with no traffic light, no police officer. I just got cited a ticket, that's an issue I'm going to take to the Court on the 25th.

Resolution designating March 2009 Foreclosure Prevention. Why do we need prevention? Why don't we just give our employment rights back like I've been screaming for two years? We get our employment rights back, we'd be able to work and make our payments, foreclosure is gone. Who don't agree? You all got bills. Oh a marina. I've got to take my time because we don't get this stuff in advance so I don't know what is going on until I show up.

President Holzheimer Gail – You can get it in advance, it's available in many places and there are other people waiting to speak.

Mr. Litwinowicz – An emergency ordinance enacting this Section 1590.14 of Fire Prevention. What is that dealing with because we're laying off our firefighters right now and that is why they are all here. Now they're going to speak and I'm going to sit but I got some other comments.

Mr. Ray Petrea – 353 E. 232 St. Madam President is the firefighters lay off an issue I can address at this time?

President Holzheimer Gail – It is not on the agenda, so that would be more appropriate at the end, I'm sorry.

Mr. Petrea – Thank you.

Ms. Cindy Munz – 240 E. 218 St. I am here to ask for the passage of the Resolution Designating March as Foreclosure Prevention Month for the City of Euclid. I am the Chairperson of the sub-committee of the Foreclosure Prevention Committee. The purpose of the sub-committees is the prevention and education of foreclosures and how to help a homeowner who maybe in trouble with their mortgage. Even if you are not in financial trouble yourself, you may know someone, a neighbor, a friend, a relative, who may be in trouble.

Why as a city should we care if someone else is in financial trouble? Foreclosures affect all homeowners. They bring down our neighborhoods and they lower our property values, so what can be done. This sub-committee is sponsoring a series of workshops running four consecutive Wednesday in March: March 4, 11, 18, 25. The purpose of the workshops is education and prevention of foreclosures. We will have speakers and information available at tables. The location changes each week so that it will be easy to attend, no matter what part of the city you live in.

The first workshop, will be held at the Church of the Epiphany, 21000 Lake Shore Blvd. The second week we will be at Indian Hills School, 1941 Sagamore Dr. The third week will be at the Euclid Public Library Shore Room. On the 25th of March we will be at Bethlehem Lutheran Church, 24490 Euclid Ave. As a council person, we would ask if the workshop falls within the district you represent, that you would consider being our opening speaker for that evening. If you would be able to do so, please contact myself or Marty Castelletti.

The topics presented at the workshops range from what help is available for me, to what to do if I am behind on my mortgage. Several different banks will be available to explain their process when someone is behind on their payment. Consumer Credit Counseling will be at one of the sessions speaking on credit card debt and what to do if you are in over your head. A bankruptcy attorney will speak to see if that may be the right avenue for you. ESOP, Empowering and Strengthening Ohio's People will present a survivor who has gone to foreclosure and has come out the other side, stronger and smarter and they still have their home. They will tell you how they work for you to negotiate with your lender.

The Cuyahoga County Prosecutor's Office will speak on predatory lending and what to do if you think you were subject of predatory lending. NHS, Neighborhood Housing Services, will speak on what programs are available for mortgage assistance, rescue funds and what programs maybe available to you. United Way, 2-1-1, first call for help, will be available to speak and tell you what you need to do or who you should call for help.

What if you are a renter? Did you know that foreclosures affect renters even more? Renters are not required to be given any notice that their landlord is in foreclosure. What legal rights do you have? Where do you and who do you turn to when you are told you have 48 hours to vacate the property? How do you find out if your landlord is in foreclosure?

The workshops cover all these topics and more. Even if you cannot stay for all the speakers, come pick up some information for yourself or someone else. The workshops are free and the information is free. Our goal is to prevent as many foreclosures as possible. If someone tells you you have to pay to get foreclosure help, you maybe part of a scam. Help is available to you free of charge.

Please support our efforts in curbing the foreclosure issues facing our city and support our efforts by attending the workshops. I would ask that you please pass the Resolution designating March as Foreclosure Prevention Month for the City of Euclid. Thank you.

Mr. Brian Mikelbank – 114 E. 212. I'm also to speak in support of designating March as Foreclosure Awareness Month. Marty and Cindy and the rest of that sub-committee did a tremendous amount of work to put together the resources for those workshops. Really they address a variety of causes that might cause a foreclosure. Even though there are some resources coming on line for foreclosures, the Neighborhood Stabilization Program, the County Land Bank, Euclid still has more than 50 new foreclosures every month and typically a stock of between 350 and 400 properties actively in foreclosure in this city at any time.

Each one of those decreases the value of that house, often decreases the value of houses surrounding that house. That decreases property tax collections and when these foreclosures go vacant, that decreases our income tax collection. I urge Council and everyone to support the resolution. Thank you.

President Holzheimer Gail – Seeing no other comments, we will move forward on our agenda.

LEGISLATION

Res. 18-2009 (234-09) Concrete Crushing PMX-Fogg

A resolution granting a Prohibited Use Exception, pursuant to Chapter 1375 of the Codified Ordinances of the City of Euclid, to allow Ray Fogg Building Methods, Inc., to operate a temporary concrete crushing use for a six month period at 1121 East 260th Street, Permanent Parcel No. 648-08-001. (Sponsored by Planning & Zoning Commission)

Councilman Langman moved for passage, Councilman Van Ho seconded.

Director Pietravoia – Asst. Director Beno has a report from Planning & Zoning. But before that I just wanted to give a couple of background facts as a reminder to the viewing audience and members of Council. We are very fortunate in that Ray Fogg Building Methods has acquired the PMX and very germane to tonight's conversation earlier, it is our duty to try to promote economic development so that we can bring the resources the city needs to provide the services that our so important to our residents.

Their proposal is to develop this site into an 80 plus acre modern industrial park. In order to do that, they have to first do the remaining environmental clean up, and also remove the remaining foundations on the site. That is before you this evening. The crushing is related to the removal of the foundations and concrete slabs that are on the site.

I just wanted to share with you, as I have in the past, a reminder that Fogg would like to take a green approach in redeveloping this site and I think this is a perfect example of being able to recycle and reuse the concrete material for the project itself. Once its crushed, they'll use the crushed material for the base of the proposed roadway, as well as future building pads on the site. It is a great example and the direction everyone is moving in in terms of recycling these materials so they don't end up in the landfill.

With all that said, we obviously need to make sure we're protecting the surrounding properties and the surrounding residents during the crushing operation. That is what Mr. Beno's report will speak and then Mike Novachek is here from Ray Fogg Building Methods and I know he'll be happy to explain further or answer any questions that members of Council might have.

With that I'll turn it over to Mr. Beno.

Asst. Director Beno – At its regular meeting on February 10th, the Planning & Zoning Commission heard arguments in support of a request to allow temporary onsite crushing of concrete to restore an unused industrial property into an industrial park. Based on the large size of the property at 78 acres, and the ability of the property to buffer the proposed crusher and storage piles from nearby residents, the Planning & Zoning Commission voted to recommend approval subject to the four conditions spelled out in tonight's legislation.

You have a document which has been handed out to you which shows where the eligible area for crushing is recommended to be on the site. In terms of complying with a requirement that the crushing be 600 ft. away from residential areas, 250 ft. away from streets rights of way. The applicant is here to answer any additional questions, as well as myself.

Councilman Van Ho – First of all, will we have any problems with Calabrese who wanted to do crushing at the old incinerator site? That is more or less to the Law Director, could we get into any legal problems doing that?

Director Frey – I'm sorry I was not paying close attention, could you repeat?

Councilman Van Ho – Essentially I'm asking if we grant this, are we going to have any problems with Mr. Calabrese I believe it was who wanted to do this at the old incinerator site?

Director Frey – I think the answer to that is not likely would this affect that other than to allow us a very firsthand observation of what concrete crushing entails and what level of noise is emanated from the crushing material and if there are any negative aspects. So we can learn from this if this project goes forward. But this is a recycling onsite. No materials are brought to the site to be crushed, they are not trucked off the site once they're crushed. They are re-using on site the materials. Very different operation than what has been proposed by Mr. Calabrese.

Councilman Van Ho – Can you explain how they are going to keep the dust down for the nearby residents?

Asst. Director Beno – This process is regulated by the State EPA. They do require dust containment on the crushing machinery. They do issue a permit and they monitor the amount of dust that is coming off the machinery and onsite in general.

Director Pietravoia – As part of the operation of the crushing equipment, they do use a water process that sprays the material as it is being crushed that keeps the dust to a minimum. Again, Mr. Novachek is here, he might want to elaborate if there is any additional information.

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

Mr. Mike Novachek – I'm with Ray Fogg Building Methods, 981 Keynote Circle, 44131. Here to answer questions regarding the proposal to do some temporary crushing. We think it is going to take three months or so, plus or minus, well within the six month permit request. As Mr. Pietravoia indicated, we would like to recycle this in a green technology, try to keep the product onsite. Obviously re-use it in the most cost efficient manner and not have to create additional energy use and pollution trucking it on and off the site.

President Holzheimer Gail – Can you speak more specifically to the dust?

Mr. Novachek – The crusher itself will have spray nozzles on them. Almost like a snow machine at ski slopes. It provides a mist or a spray onto the crushing material to keep the dust down.

Councilwoman Jones – I just have a couple of questions. I was able to view the Planning & Zoning meeting that took place last week and in the meeting there was talk about a mobile or stationary crusher. Has it been decided which one will be used, mobile or stationary crusher? Where will it be on the site? Will it be in that area that we talked about 600 ft. from the residential property?

Mr. Novachek – We haven't decided on what type of crusher. I would say we're leaning more toward a stationary because the production is higher, get the job done quicker. But we're still soliciting bids for that work and we haven't made that final decision yet. We're giving the bidders the option on that.

Location wise, it would be located 600 or more feet away. We don't want to be in that area close to the residential for a number of reasons.

Councilwoman Jones – Then there was talk, not only for the crushing, but the fence surrounding the property. You mentioned that you are going to be using the existing fencing to secure the property. Is that ongoing even after the development of the property? Or, will you put up a more eye pleasing fencing instead of the chain link fence that is there?

Mr. Novachek – There are no plans at this point, as far as after this process is completed, whether we would, there's no plans in the subdivision to provide a new fence. I think that would be more subject to the people, the residents of that park, each individual parcel may have their own security requirements. Right now we would want to keep up the existing fence just for security reasons, it is 8 ft. high and has barbed wire around the top protect the security of the construction equipment and also protect the children from migrating onto the site.

Councilwoman Jones – I ask that because I would like to see on a ongoing basis, a more permanent, a fence across the back of the property separating the end of your property going into the residential or the railroad there as well. If you could just keep that in mind that I would still like to see some type of fencing or maybe trees or something a barrier between the property lines going into the residential area. I'm not sure if that was something in your plans for the future or not?

Mr. Novachek – Those issues were not really investigated so far at this point.

Councilwoman Jones – A couple of other things that I would like to see or maybe you could give me your comments on requirements. I think you mentioned about, no other material was going to be crushed except for the cement that is onsite. So you won't be bringing anything off-site to be crushed there?

Mr. Novachek – That is correct, self contained site.

Councilwoman Jones – Can we get a 24 hour notification to the City of when the crushing will start?

Mr. Novachek – We'd be happy to.

Councilwoman Jones – My last question, in addition I would like to see is, right now we have city ordinances for noise, dust and vibration. I would like to see that in the agreement, these three statements I just mentioned about the materials, the 24 hour notice and complying with the city ordinances as far as what's already established for noise, dust and vibrations.

Mr. Novachek – Sure.

Councilwoman Jones – Director Pietravoia, can we add those?

Director Pietravoia – Council has the option to add additional conditions beyond those that were recommended by Planning & Zoning. The three that you just mentioned appear to be agreeable to the developer and seem appropriate. We could amend the resolution tonight to include those conditions.

Councilwoman Jones – I would like to amend the resolution to include these three. I don't know if any of my colleagues have any statements about that. But I do have one final question for now. Based on the picture that we were given and I don't know if everybody has a copy, that we were given, the area that we're talking about and I don't know if you have a copy of this picture or not, the crushing will take place in this southern part of the area before the white line start?

Director Pietravoia – It is just the opposite. The area where the white lines are shown, are the areas that are more than 600 ft. away from the closest residential property and that is where crushing would be permitted and where storage of the crushed material would be permitted. Mr. Novachek might want to comment on this, but I know that the majority of the area that is shown on the north and eastern part of the site, is an area that still needs environmental clean up. So their preference is not to stock pile the material in the northeastern quadrant of the site because they need to do clean up there. Their intentions are to place this stock piles on the southern portion of the site in that

white hatched are on the map you're looking at. That would be at least 600 ft. away from the closest resident.

Councilwoman Jones – You're talking about this area?

Director Pietravoia – Just to the north of where you were pointing with your pen. The area that's actually with the white hatched lines, is part of the PMX site and that would be where the stock piles would be located. If you look at where Mills Ave. is shown, where the apartments and condominiums are located, they're well away from the area where the white hatch mark is shown.

President Holzheimer Gail – Councilwoman Jones, do you want to repeat your amendment? If I got it correctly it was that no materials would be brought from offsite to be crushed, only materials from the site will be crushed on site. The second one was they will comply with city ordinance regarding noise, dust and vibration. Third was 24 hour notice when they begin the crushing. Law Director Frey, is that sufficient?

Director Frey – Director Pietravoia had these conversations with the councilwoman and gentleman from Fogg has detailed those and we can clearly add those into the legislation if Council amends.

Councilwoman Jones moved to amend as stated. Councilwoman Scarniench seconded.

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

Amendment passes.

President Holzheimer Gail – Any additional questions on the ordinance?

Councilman Langman – Mr. Novachek, how much money will your company save by engaging in these green practices instead of hauling the material away?

Mr. Novachek – We didn't calculate that because we never looked into hauling it offsite, but I'm sure it's quite a substantial amount of money, just in trucking cost. Any time you do site grading work, your costs increase exponentially when you have to bring in material from offsite or take material offsite. I would say roughly double, I would guess.

Councilman Langman – Double, so that would be what?

Mr. Novachek – I don't have that figure with me.

Councilman Langman – I would be curious, just for my own information if you could get that. As far as the crushed concrete pile, how high will that rise in the sky?

Mr. Novachek – There's approximately 40,000 cubic yards, or about a million cubic feet of concrete there that will be crushed. If we put it over an acre, it would be about 25 ft. If we put it over two acres, it would be half of that. So, I would guess in the 20 ft. range depending on how big of a footprint you want the pile to be.

Councilman Langman – How long do you expect that pile to be there? In other words, how quickly would you use that for construction of the road?

Mr. Novachek – The road would be completed by the end of this year, but it will only be about 10% of the pile. The rest would be backfill for utility trenches which would happen this year and depending on how much pre-site grading we want to perform, I would say at least half of that pile or more would be there for five years or so.

Councilman Langman – That kind of raises questions for me. I attending the Planning and Zoning meeting and I had a chance to talk to you. My concern is I don't want that pile of debris impacting the folks that live at Colonial Park. So with a pile that's 20 ft. high or half of that, you're going to have wind. Winds are prevailing west, northwest. I want to make sure that the pile is far enough away from that area so that folks aren't dealing with the grit from that particular pile.

Mr. Novachek – This is more of a crushed aggregate, they call it ODOT 304 type. Most of the fines will migrate into the pile. I don't expect a whole lot of dust migration in a stagnant pile. I've talked to a few crushers today to see what the standard was and most of them indicated what I just

mentioned as far as they don't normally have any measures on their stock piles that are not being used. Once you start using the piles, you have normal construction practices of maintaining the dust control.

Councilman Langman – To the administration, Director Pietravoia, how are we going to make sure from the administration's point of view, that the aggregate piles do not become a nuisance to the folks on Mills?

Director Pietravoia – That is part of our ordinances that regulate noise, dust and vibration as Councilwoman Jones indicated. In addition, because EPA regulates both the crushing and the stock pile, they will make regular visits to the site; some unannounced and some at our request so we will work with the EPA during this whole process to make sure that there are no conditions that are negative toward the area residents or businesses.

Councilman Langman – I do support this. I think it is important to get this going so that we can bring jobs to that site. My only request is that we try to place the aggregate pile as far away as possible from the residents as possible. I know that might cost a little bit more, but you are saving substantial money by not having to truck it offsite. If we can strike that kind of compromise somewhere, I would certainly appreciate it.

Councilman O'Neill – Thank you Mr. Novachek for coming in and answering questions. I along with my colleague do support this legislation. I've just got a couple of quick questions, a couple of them have been answered already. But, is six months substantial or enough time for you to do the crushing? You mentioned three months, that is enough time?

Mr. Novachek – That is correct.

Councilman O'Neill – You expect to start that crushing when?

Mr. Novachek – We'd like to start as soon as possible, sometime in March.

Councilman O'Neill – So six months from March the project should be done from the crushing standpoint.

Mr. Novachek – I would think before then. The main reason we want to start early is because of the weather. It is cooler, kids are in school, it is less likely to impact anyone. The quicker we start, we get it done, the less impact on residents.

Councilman O'Neill – As far as the debris pile, I'm kind of thinking the top of my head, it is going to be fairly large pieces chunks of crushed material and certainly piled up, if it rains, it is going to wash down into the pile. Do we have a contingency if we get some dust can we tarp that?

Mr. Novachek – It is not practical or industry standard to put a tarp over it. It is as much a high profile project for us as it is for City of Euclid and we want everything to be successful and positive, so we'll work with the City to resolve any issues as they come up.

Councilman O'Neill – Just one other thing, it is my understanding that this project is fully funded and once it starts it should roll on through regardless of the economic conditions?

Mr. Novachek – That is correct.

Councilman O'Neill – I support this and I encourage my fellow council persons to support it as well. Thank you.

Councilman Wojtila – The second bullet point under the conditions talks about Ray Fogg Building Methods to provide necessary EPA air quality operating permit and then it says in relocation approval documentation. What does that mean, relocation approval documentation?

Mr. Novachek – I think that's referring to the crusher itself. It is a relocation permit, to get it onsite. It is a permit to install.

Director Pietravoia – I can confirm that. Because these are temporary operations, a contractor will actually do this work and they own the equipment and they have to get a permit each time they go

from site to site to relocate that equipment to the next site where they're going to be doing crushing. That's what that is referring to.

Councilwoman Minarik – I thought I heard you say there would be buffers, at the beginning of this blocking some of the sound and the, did you not say that?

Director Pietravoia – I think Councilwoman Jones had asked whether in the future they would plant buffers along the southern part of the site from the future industrial development, not so much from the crushing operation.

Councilwoman Minarik – With regards to what Councilman Langman was saying, you plan on using half of the huge pile within the year?

Mr. Novachek – Probably not half within a year because there's not that much. We're going to backfill areas that we've pulled up the concrete, we're going to backfill trenches and we're going to use it for aggregate on the road. So it will be less than half.

Councilwoman Minarik – That part could be conveniently located, but the part that is going to remain for five years, how are you going to work that one down to nothing?

Mr. Novachek – As we develop the park, we'll need it for foundations for just building up pads for slabs and so forth and parking lots.

Councilwoman Minarik – If that is moved further away, that can't go where the contaminated part of the land is because you're working on that one at the same time, right?

Mr. Novachek – In the first year, we'll have the crushing done before we do the remediation of the contaminated soil on the east-end of the site. We can't put it where we have to do work.

Councilwoman Minarik – I am concerned that people have to look at it for five years.

Mr. Novachek – I don't know what that time period is and I'm not sure exactly how it is going to look. It will look better than a rundown building.

Director Pietravoia – To Councilwoman Minarik's concern, again in trying to focus on the aerial with the piles. If you picture that this is 80 acres, take about one-eightieth of that, and that would be the size of the pile on this site and it would be located somewhere between the white lines on the southern portion of the site, near the railroad tracks. So it would be as far removed, at least 250 ft. from 260th, so it wouldn't be as visible from the main road and at least 600 ft. or more away from the residents. Maybe to address your concern, if you want to try to suggest a larger area, spreading the material out over a larger area and keeping the piles lower, that maybe one way to address your concern. There's no way for any of us to predict how long it might take to actually build out the park. They will use that material each time a new tenant comes in and they're building a building for them, that will form the base for that new building. It is important to keep it there so it is usable for the project as it goes forward.

Councilwoman Jones – Mr. Novachek or maybe Director Pietravoia, whichever can answer this question. Maybe with the conversations that I've had with both of you over the past week or so, I don't remember hearing the five year time frame. But during the time when you're not using that crushed materials, can it be covered? I know we talked about it earlier today about covering it when it is not being used and you were going to look into that. Is that still an option that you can look into when it is not being used to cover it?

Mr. Novachek – I did look into it with other people that stockpile materials and crush materials onsite and the industry standard is not to cover them. From a visual perspective I think covering them with a tarp or something would make them stand out a lot more than just a grayish brown stone, from that perspective. We've answered the dust, we'll alleviate that in any manner required, we expect it to be somewhat crusted on top when it is not being used.

Councilwoman Jones – I'm just wondering, the visibility from, even though it is going to be 600 ft. from residential property, if it is high enough it will still be visible and anybody living in that residential area who wants to sell their condo, that's going to be something that a new perspective

buyer will have to see. I was just wondering over time, and I don't even know from the residential property, how much of that you'll be able to see.

Mr. Novachek – Very little if we put it where we were planning to, near the southern end, they would have to look through the industrial buildings to see the pile and those buildings would be higher than the pile.

Councilwoman Jones – So this would be on the other side of the buildings?

Mr. Novachek – In the line of sight from the apartments or condos, the majority of the pile will be the industrial buildings will be in the line of sight of the pile from the condos themselves.

Councilwoman Jones – My other question is regarding the contaminated removal. What's the time frame and duration to remove the contaminated areas before you actually start crushing?

Mr. Novachek – We're working on that right now with the EPA to identify the exact process and the exact amount that has to be remediated. Concrete remediation will be done within a week, but the soil, I would think would take a longer time, much longer, probably in the number of months in late summer.

Councilman Wojtila – I appreciate the aerial that was passed out. What helps is if you look at the distance from Dillard's to E. 260th Street, that's quite a distance from having driven up and down E. 260th Street. So looking now to the east, the cross-hatched area where they can stock pile their 20 foot high mound, would be and could be quite a distance also from E. 260th Street. I know we're concerned about it and this is a big piece of property and a 20 ft. high pile on a big piece of property, I don't think is going to be all that visible.

Mr. Novachek – I don't know if you're aware, but if you look to the south, just north of the apartments, that's a 10-12 ft. pile currently that nobody has probably even noticed.

Councilwoman Scarniench – I was at the Planning & Zoning meeting also and I never heard anything about five years. What I believe I heard is that when the park is finished, there won't be any piles left. I for one, if I'm going down 260 and I happen to see that pile, I'm going yes, something right is happening in Euclid and so I can't wait to see the pile.

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

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

Passed as amended.

Res. 19-2009 (226-09) March Foreclosure Prevention Month

A resolution designating March, 2009 as Foreclosure Prevention Month in the City of Euclid, Ohio. (Sponsor Mayor Cervenik and entire Council)

Councilman Van Ho moved for passage, Councilman Langman seconded.

Councilman Van Ho – I want to urge all of my colleagues to vote for this. I would urge the people that are watching TV who need this to show up. I've watched some of the foreclosures, it is not just a matter of taking a piece of property back; it decimates families, it messes up kids going to school, and we just need to get it to stop. Empty houses do no one any good. I was watching a CNN report the other night and they said when you have foreclosed houses, it affects the values for a mile around that house. We have several foreclosures at this point and hopefully we can get those turned around and we can get people to do something. Doing nothing is not an option, then it just happens, and pretty soon the Sheriff is there doing his job.

I want to re-state once again the times. March 4th, Church of the Epiphany, 210 and Lake Shore. All of these will start at 6:15 and go until approximately 9:00. March 11 will be at Indian Hills School at 1941 Sagamore Dr. March 18th, the Shore Room of the Library. March 25 it will be at Bethlehem Lutheran Church at 24490 Euclid Ave. I urge anyone who is in trouble with their mortgage company to come. This was put together so you're getting advice, you're getting people that can help you with negotiating with your mortgage company. It is one stop shopping is probably the best way to phrase it. I have not seen any other suburb do this and I would just like to

commend the Foreclosure Prevention Committee for having put together this total of a package and urge, if you know of someone who is in trouble, please tell them and have them come by. We don't want any more foreclosures from the point of empty houses, but more than that, from the point of the human beings that it affects. Thank you.

President Holzheimer Gail – I do want to thank the Foreclosure Prevention Committee Members, we heard from two of them tonight and there's others in the audience. This is a volunteer group made up of residents from throughout the city who represent different backgrounds, some in real estate, some in banking, some in housing, some just residents who are concerned about the neighborhoods. This was their idea. They've been working hard for the last probably 8 months, and Marty Castelletti is in the audience as well. I wanted to make sure that we do thank them and acknowledge their hard work. Throughout the month, not only will these forums be going on, but members of the committee will be speaking at neighborhood association meetings, there will be articles in the newspaper, flyers throughout the community, I would invite anyone who has an event that would like to invite a speaker during the month of March to come talk about foreclosure prevention to call Marty Castelletti at 289-8141. I'm sure we could get somebody scheduled to be there. I do want to thank the residents because they've really worked hard to bring this forward and we certainly appreciate their effort. Don't wait until March. If you do have trouble or have questions, you can call the First Call for Help, Help Line which is 2-1-1.

Councilman O'Neill – Thank you to Marty Castelletti and their committee on their efforts. Going out to the people that think they maybe in trouble or that they are in trouble. Swallow your pride, come to this foreclosure committee meeting and let them help you if you know somebody that maybe in trouble, maybe they don't want to go, go for them. This is free. These people are out here to help you. I encourage anyone that maybe out there, please, swallow your pride, stay in your house, help them, help you stay in your house. I encourage all my colleagues to pass this resolution and with this I'll move to close debate.

Councilman O'Neill moved to close debate, Councilman Langman seconded.

Director Pietravoia – I'm sorry, before you vote, I just wanted to give you an update, give members of Council an update on a related matter. You had asked at our last meeting when we passed a resolution about the HUD homes that we were asking HUD to pay for the demolition of their own properties. We did immediately follow up with First Suburbs as was requested and as of today, I had a report back that a total of seven communities, including Euclid have passed similar resolutions encouraging HUD to take care of their own properties. In addition to that, First Suburbs, as a Consortium has passed a Resolution and will be forwarding that to members of Congress. We're really pleased with the support of our other member cities that we'll have a greater voice in getting HUD's attention on this.

The other thing I just wanted to comment on the Foreclosure Committee as everyone has pointed out, has been doing a tremendous job. I think they meet more regularly than Council. They meet several times a month. One of the things we were able to do through that Committee and Marty's efforts, was to get a listing of those properties that are coming up for their rates adjusting on their mortgage. We will be doing a direct mailing, to those individuals, sometimes you don't even know if you're not paying that close attention to your mortgage and we'll be offering to them all the information that can help them, once they realize their rate is adjusting, if they think they're in trouble, all these groups will be able to provide assistance. We'll be doing that direct mailing in the next few weeks.

President Holzheimer Gail – I will add, one other piece to help address the foreclosure and abandoned house throughout the County, Treasurer Rokakis has been working at the State level to get a land bank program passed. The Governor will be at Cleveland State Urban Studies School on Friday at 2:30 to sign the Land Bank Bill, sign it there with our Treasurer Jim Rokakis, so those of you who are interested are welcome to attend that. It is going to be targeted just to Cuyahoga County to start and see how it works before they expand it throughout the State.

We've had a motion to close and second, so let's go ahead and vote on this Resolution.

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

Passed.

Res. 20-2009 (230-09) Seek State Funding Marina

A resolution in support of the Administration of the City of Euclid seeking state and federal funding for the public improvement portion of the Euclid Lakefront/HarborTown Marina Project. (Sponsored by Mayor Cervenik and Entire Council)

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

Director Pietravoia – Each year for the past several years we have been making a direct request to the Federal Government for funding to help support the new development proposed at Harbor Town. There are several different ways of asking for money these days, including the stimulus package that we've all been hearing about. This is a routine system that has been in place for many years with the federal government and you get one shot each year at submitting requests. It has always been helpful to include a resolution from Council in support of the request that we're making.

This particular Resolution would be to help fund the public improvements that are planned as part of the Harbor Town Project.

Councilman Langman – This Resolution is kind of like the first robin coming back, I know spring is coming when I see this. A couple of questions, Director Pietravoia. We've done this as you've said for many years, but now we've just received some rather promising information back from the consultants we've retained with JJR. How does that tie into this particular effort we're undertaking?

Director Pietravoia – We will include that information as part of the summary material that we submit to the various members of Congress. Typically it goes to their staff as well as directly to the members of Congress. I agree with you. I think it is important, there were some positive findings that came out of the JJR study and we'd like to incorporate those in the summary that we'll be providing to the staff and members of Congress.

Councilman Langman – I know myself and Councilman Wojtila have asked about why we hadn't had a report done, I'm glad its in. I know there are next steps that need to be done. When can we expect to engage in that process?

Director Pietravoia – We are in receipt of a draft proposal from JJR for the next steps. They proposed a work program in essence to us that would take us to a complete and engineering studies that would be necessary to move the project forward. I would suspect that would take several phases to accomplish because it is quite a bit of work. We would like to bring that draft proposal to our working committee and then to full council over the next month at most. In terms of the working committee, it would go there first, then we would bring it to Council with a request for funding for the next phases of that work. We wouldn't need to go out for bid again because we already have a consultant on board that I believe everybody is satisfied with and they have a great reputation, we'd like to continue to work with them. That will save time. It is really agreeing to the work program and the amount of funding that would be requested for that work program.

Councilman Langman – Director, when do we get the draft proposal? When did we receive the draft proposal?

Director Pietravoia – I've had the draft proposal probably for a couple of weeks now.

Councilman Langman – I guess my concern is that with some of the positive news we seem to be going at a very leisurely pace and I'd like that to be picked up. Because from what you're saying, Council won't vote on the next phase until the beginning of April, middle of April?

Director Pietravoia – I would think the first meeting in March is not practical, but the second meeting of March should be doable. We would have an opportunity for our committee to meet and have a recommendation to Council by the second meeting in March.

Councilman Langman – That is your goal, the second meeting in March?

Director Pietravoia – Yes. I just do want to comment, what might feel like a leisurely pace to you, doesn't feel anything like a leisurely pace on our end. It just so happens that all the deadlines for the various funding applications are all coming at the same time and the stimulus package in particular, you either jump on that bandwagon or you may lose out. So the timing of this was all

unknown to us and we're going to be focusing on that as well as the Shore RFP coming in next week. You'll be hearing from Mr. Sonnhalter shortly, we'll be preparing another RFP for the Landmarks Commission. We do have quite a bit on our plate and we'll move as quickly as we can to move these important projects forward.

Councilman Langman – Okay, I'm glad to hear it. The final question, something I found out just recently. We're going to install a new storm sewer line somewhere between Normandy and Harbor Crest. In past projects when we've installed such lines, you can't build on top of those storm sewer lines. A logical place to put it in would be on the parcel that we own, which lies basically in the center of that area. It makes a certain amount of sense because we own it and we can send it right to the Lake. But, from a development standpoint, that may not be the best fit. So, what are we doing to coordinate it so that storm line which is needed for the folks that live south of the Boulevard is in a place that doesn't hinder the upland development in that area?

Director Pietravoia – I would agree with your points and Director Gulich may want to comment on this as well. We are coordinating between the development department and service as well as with our city engineer, to make sure we're very cognizant of where that line locates and how it might impact future development. We do agree that there maybe a possibility of bringing the line to the edges of the site, or perhaps even offsite altogether. So we're looking at a number of options and of course we have to be conscience of cost as well.

I do agree, you have a good point and we are already thinking along those lines that we want to make sure that it is located so it wouldn't prevent us from building future development as part of the Harbor Town project.

Councilman Langman – When will we have a decision on where that line will go?

Director Pietravoia – Director Gulich may want to comment on the timing.

Director Gulich – All very good questions, thank you for bringing them up. We think that we can make the improvements that were meant to serve the people at 248, 246, also be an asset to the future development of this site as well. There would be advantages to having some infrastructure in place, provided it is placed properly and even as we discussed, advantages to the future marina, water quality situation. I think it can be, hate to use the word win/win situation, but that is our intention is to make it a win/win situation. I believe you received an e-mail late this afternoon from our engineer stating that we would shortly have some basically glorified sketches, no finished engineering for JJR to review. We'd be glad to share that with you and come to a mutual decision on what the best location is that it can be both a benefit for again the people it was meant to originally and for the future development.

Councilman Langman – Very good. Thank you.

Councilman Wojtila – I was going to bring this up later but since it has been opened up with this Resolution, the report was a good report. I think it was money well spent. Initially I was skeptical. The timing was a little concern, it did take about 6-7 months for us to get the report and I understand your staff is busy, but we outsourced this, so it would be nice when we're outsourcing work like this that we're getting a quicker return on the work effort that we're putting out there.

I was going to bring up the same points that Councilman Langman did, what are the next steps and look forward to taking it and going to that next point. I guess to that point, we do have the TIF district in place, are there funds available from that to pay for some of the next steps that we're going to be looking at?

Director Pietravoia – We're brining in about \$60,000-\$70,000 a year right now through the TIF. Those funds will be available for the future phases of this study. We'll also look at other resources that we might be able to request funding from the State and/or Federal government to help pay for, particularly for some of the engineering work that will come later.

Councilman O'Neill – Just a point of clarification to Director Pietravoia, these TIF funds that's funding this engineering and this fact-finding portion of the project, that's money that's not coming out of the General Fund, just to clarify where that money is coming from, it is not coming from operational funds, if you could just expound on that?

Director Pietravoia – That's correct. When a TIF is put in place, in essence the property owner is paying some of their property taxes into a special fund and by law once that TIF is established,

those dollars can then be used for public improvements within the project area. These are not general fund dollars. They are property tax dollars that both the city and schools agreed could be diverted back to pay for public improvements within the HarborTown area.

Councilman Van Ho – I keep hearing the word stimulus money. Is this project close enough to being “shovel” ready to qualify for stimulus money? When I look at the projects that were named in the Plain Dealer that we were going after, I don’t see that. Have we modified our request?

Director Pietravoia – Thank you for the question, it is an excellent point. We did get others asking why we didn’t include the Harbor Town project. The requirements that Congress has put in place for the stimulus package is the project needs to be ready to go within 90 to 120 days. We know for a fact, particularly from the JJR study that was just completed that at a minimum we’re looking at a 18 month time period for a sand study that would need to be done and the permitting from ODNR and Army Corps would take about that same time period as well. We consciously did not include it, however, having said that, the Resolution before you tonight is to request a direct appropriation of federal funds, it has nothing to do with the stimulus package and we’re going after the funds through that avenue since there are no time constraints on starting the project through the appropriation request process.

Councilman Van Ho – The follow up question would be, assuming we go through this direct, is it still politically correct to use the term, earmark, for this project? How soon would we be able to start to move and people start to see holes being dug and buildings being built?

Director Pietravoia – That’s a very tough question but I’ll attempt to answer it. The reason it is so difficult is the rest of the work that has to be completed by JJR, the detailed engineering and the sand transport study, would take at least 18-24 months. I had this same conversation with Councilwoman Minarik today, at earliest, as far as things in the water, whether it is part of the break wall or anything we’re building in the water, we’re really looking at 18 months out before we could start. However, with the planning that’s being done on the land portion of the project, if we can get a plan that everybody agrees to for water and landside development, there’s no reason that the landside couldn’t start sooner, as long as it is done in such a way that it doesn’t prevent the later improvements to be made in the water. At earliest as far as things in the water, we’re probably looking at 18 to 24 months out.

Councilman Van Ho – Buildings you’re saying could move relatively quick?

Director Pietravoia – On the landside we could potentially move quicker. As soon as the site planning is done by JJR, and of course we have to have a developer that is then ready and able to finance a project. There are a number of caveats there but we could physically start sooner with the landside.

Councilwoman Minarik – I have a question more related to the actual resolution. When we request money, one of these years we may actually get it. So are we anticipating 80% of the amount or 20%? What could we possibly expect in terms of if we were to get any funding?

Director Pietravoia – This year we’re asking for just under \$3 million. The total cost for all the public improvements related to Harbor Town could be anywhere in the range of \$12-15 million. Of course that would be phased in over a period of time. Each year we get advice from the staff to members of Congress, basically we’ve been advised for the past several years is the best way to approach such a big number is to seek the funding in phases over a period of years. This year’s request is for just under \$3 million.

Councilwoman Minarik – I think the reason I ask is because I recall last February the previous Council passed a resolution for the administration to begin to prepare needed documentation to borrow up to \$7 million for breakwater construction. So in light of this, should we get the \$3 million one of these years, has such documentation begun to be prepared, it has been a year. Has any documentation to, quoting from the resolution, the needed documentation to borrow up to \$7 million for breakwater construction as part of the Harbor Town Marina Redevelopment project. The Resolution was passed in February, has that been started?

Director Johnson – No it hasn’t. I would anticipate that to borrow \$7 million once a revenue stream has been identified to retire that debt, that it would not take an inordinate amount of time that would

prohibit the deliberation of the project. At any time that the project is ready to go, we could prepare those documents and it would be ready to go.

Councilwoman Minarik – Well when these studies are complete, supposing we haven't received any kind of grant money, we would be pushed to find a way to finance the \$7-\$12 million ourselves, correct? You could do that very quickly?

Director Johnson – I said once the revenue stream has been identified to retire the debt. In terms of preparing documents to issue debt, that can be done in a relatively short order.

Councilwoman Minarik – How long does it take to identify revenue stream? Is that what you're saying?

Director Johnson – Yes, I think we've been doing that now for a number of years. It was anticipated that the TIF revenues, once the development has been completed, would go partially towards the retirement of the debt. But I think there's a shortfall between the projected revenues that the TIF would generate after development and the cost of the full development.

Councilwoman Minarik – I thought that was what that resolution was, intended for, was to help get everything in place so that if and when the project actually starts taking shape, we're ready to move with it because we've identified the revenue streams?

Director Johnson – I'm not aware of any requirement that I had to

Councilwoman Minarik – It is not a requirement, it was a resolution passed last February, so I'm just asking about it.

Mayor Cervenik – What the Finance Director is trying to say is you can pass a resolution instructing the administration to prepare something such as that, but I think what the Finance Director is trying to say is that until we have that stream of revenue that can be named on that resolution and the papers to sell those bonds, we can't do it. The money received from the state, the half million dollars, would be part of that revenue source. If we were to receive just under \$3 million from here, that would be part of that resolution, the TIF money would be part of that resolution. We can't create that resolution and have the financing papers ready to go without knowing where all this money is coming from. Right now this city does not have the ability to pay that kind of money themselves without those new revenue streams. That's what we're working on.

Councilwoman Minarik – I understand that, but if I recall from that meeting, Councilman Lisy and Councilman Langman had put together a pretty detailed way of how to do it and that's why they sponsored the resolution. Now things have changed, I understand. But in light of what their numbers were at this time last year, that is why I thought the administration would have at least followed through a little bit on what the two council men had done.

Director Johnson – If I recall the plan that Councilman Lisy and Councilman Langman had proposed required a majority of that money to come from the city's general fund in the form of income tax, I believe a huge part of it was going to be savings in the general fund from the renovations of the jail, which is general fund. There were some other sources, but the majority of it was all general fund, which we have a room full of people now that are arguing about general fund money.

Councilwoman Minarik – I understand, right, the situation is different today. I'm just curious as to why in a year's time nothing has even been started in terms of how this break wall would be financed should we have to pay for it ourselves. Then God willing, if we get the \$3 million that we're asking for, then we would have to have less. It was just a question, thank you.

President Holzheimer Gail – I do want to keep us on track. This Resolution is whether we support the administration seeking state and federal funding. Let's keep that in mind and I think we all agree it is an important project to move forward on.

Councilman Langman – Well since Councilman Langman is sitting right here, I thought I'd just add a few things. The idea behind what we wanted to do was use the TIF revenues, which everybody agrees upon. Then from the development of the new condos and new construction, you would have an increase in income tax coming out of that particular area. It was that income tax that will be

plowed back into the project. I still believe that has merit, but as has been pointed out, since we don't have a plan to tap into that, we can't tap into that. It was never an idea of taking money out of the general fund away from current operations to fund the lakefront. That was not the idea. It was income tax out of the new construction which we would realize.

Councilman Langman 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.

Res. 32-3009 (231-09) OH Historic Preservation Grant.

A resolution authorizing the Mayor of the City of Euclid to submit a Grant Application to the Ohio Historic Preservation Office (OHPO) seeking an Eighteen Thousand Three Hundred and Fifty Dollar (\$18,350.00) Certified Local Government (CLG) grant to provide funding to conduct a City-wide reconnaissance survey to identify, document and submit eligible historic landmarks and/or properties to the Ohio Historic Inventory. (Sponsored by Mayor Cervenik and President Holzheimer Gail)

Councilwoman Minarik moved for passage, Councilman Wojtila seconded.

Director Pietravoia – I'm going to ask Jim Sonnhalter of our staff who has been working closely with the Landmarks Commission to report to Council on this piece of legislation.

Mr. Sonnhalter – I would like to start off the presentation, the discussion first off with a correction, the dollar amount is \$18,850. I would also like to thank Roger Kelly, Chair of the Landmarks Commission and the rest of the Landmarks Commission for their assistance in putting this together. Now that we've become a certified local government we're now eligible to apply for this funding through the State of Ohio Historic Preservation Office, only CLG's are able to do that. I think that's a great thing and we've come a long way.

This Resolution and the approach we're going to take is conduct a reconnaissance survey. That will be once we're awarded funding, we'll be able to work with the State Historic Preservation Office to put together an RFP, request for proposals, to attract qualified consultants to identify those historic properties in the City of Euclid. The work that the Landmarks Commission has done so far is a testament to their dedication. There's a huge copulation of historic properties, photographs, documentation of all sorts. It is frankly time to bring it to the pros. This project has matured to a point where we really need to bring this work in line with State requirements.

President Holzheimer Gail – The matching funds will come from the Block Grant and you had indicated earlier, most likely that will be your time.

Mr. Sonnhalter – The matching funds can be an in kind contribution and yes that will most likely be me.

Councilman Van Ho – I know that this will probably pass but I can't vote for it at this time because I think that at this time with the State needing money, with us needing money, that I just can't go along with spending \$18,000 of money looking for historical landmarks.

President Holzheimer Gail – Do you know where the funds come from? I know that they, do they come from the State Preservation Office, are they?

Mr. Sonnhalter – This is a reimbursable grant. 30% will be the city match that I just discussed and the remaining 70% is reimbursed.

President Holzheimer Gail – Do you know if that funding is from the State General Fund? Do you know the funding for the Grant comes from?

Mr. Sonnhalter – It comes from the Ohio Historic Preservation Office. It comes through the US Department of the Interior to the State of Ohio. It is then re-granted to certified local governments.

Councilman O'Neill – To Mr. Sonnhalter, the funds that are coming from the Block Grant money, does that take away any money that could be used for storefront renovation or to existing businesses

to generate more business? Are we taking funds away from any existing businesses by using this money?

Mr. Sonnhalter – No, this money would be coming from our planning budget. It is a separate line item than municipal beautification, through storefront renovation, or any other block grant funded activities that we undertake. Every year we dedicate a certain amount of money to engage in planning studies like this.

President Holzheimer Gail – Just to clarify, the \$18,850 is not from Block Grant, it is from the grant from the Historic Preservation Office, State Preservation Office. The match is an in-kind match using Jim's time and the planning dollars.

Director Pietravoia – That figure actually includes both. So the grant from the State would be around \$14,000 and the other \$3,000 or so would be the local match.

Councilman Wojtila – What would be a typical building that you would be surveying to determine if it was in your opinion historic?

Mr. Sonnhalter – We have a huge variety of buildings from single family residences to commercial structures to industrial structures. I'm sure we could name a few dozen in each category.

Councilman Wojtila – How much of your time would you expect to put into this should we get the grant, percentage-wise?

Mr. Sonnhalter – Percentage-wise of my total time? I haven't put a figure to that yet. I can tell you that it would be around \$4,350 worth of my time.

Councilwoman Minarik – Mr. Sonnhalter, it says here in the application, the attachment we received, that bonus points will be awarded during the evaluation of applications. I guess if you include projects that address an immediate threat to national register of historic places listed property. So if you put in there that you are going to fight to keep the Shore building open because it is on the National Register of Historic places, will you get bonus points?

Mr. Sonnhalter – If that were the grant we were going after, I suppose that's right we would get bonus points.

Councilman Gruber moved to close debate, Councilwoman Scarniench seconded.

Law Director Frey – Pardon me, you have an amendment. You need to make the amendment.

President Holzheimer Gail – Do we need to revoke the close debate. Or can we just amend.

Director Frey – Someone needs to move to amend. If you're going to change that amount.

President Holzheimer Gail – Before we close debate, we will take that back and Councilwoman Scarniench moved to amend the dollar amount to read \$18,850 instead of \$18,350. Councilman Gruber seconded. Any discussion on the amendment? Roll Call on the amendment.

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

Amendment passed.

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

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

Passed as amended.

Res. 22-2009 (232-09) State Funding Downtown Plan

A resolution in support of the Administration of the City of Euclid seeking state and federal funding for the public improvements in the Downtown Euclid business district as proposed in the 2007 Downtown Euclid TICI Transportation and Redevelopment Plan. (Sponsored by Mayor Cervenik and Entire Council)

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

Director Pietravoia – Similar to the earlier resolution for Harbor Town, this would serve the same purpose, this would show support for Council for our request to the Federal government to seek funding to help to pay for the capital improvements recommended in the Downtown Plan. There was a comment earlier, some concern about why we're doing this. We went through almost a two year planning process that resulted in \$9-\$11 million in safety and roadway improvements, as well as streetscape and aesthetic improvements in the downtown district.

I think it is critical to the future of our community maintain a healthy retail and business district that can serve the entire community and that's what our downtown has been and we'd like to see that continue into the future. In this case we are seeking federal funding, not to be confused with the Resolution that was passed by Council in December which involved our efforts to seek funding through NOACA, the local federal agency that provides dollars for transportation projects. We have completed that application and submitted it. It is under review by the staff in draft form. Once they complete that and advise us on whether everything appears to be in order, then we'll submit it officially as a final submission.

We are seeking funding through NOACA, we will likely include in the stimulus package because some of these improvements could in fact be designed and started within a short period of time and we're also requesting through this resolution a direct appropriation. We're hopeful that through all these avenues that we will be successful in getting funding even this year for some of the projects to start.

Councilman O'Neill – To Director Pietravoia, it is my understanding that most of the engineering on this project has been done and this project can be started in roughly 90 days if the financing is approved, am I correct?

Director Pietravoia – All the conceptual designs have been completed as part of the plan. We also have an engineering estimate for the entire downtown area now that we needed in order to file the application with NOACA. But that funding that we're seeking from NOACA would actually pay for the engineering work. That's yet to be done. We'll go from concept to detailed engineering work from the funding from NOACA.

Councilman O'Neill – If we were to get some federal money for this, this project should be able to move along within 90-120 days, am I correct in assuming that?

Director Pietravoia – I just want to qualify, the resolution that's before you, is for a direct request for an appropriation from Congress. It doesn't have the time constraint on it that the stimulus package does. So this would be done in stages, that's how it was presented in the application. Anything we go after in the stimulus package would have to be the parts of the project we believe we could design and engineer and have ready to go within a 3-4 month period.

Councilman O'Neill – With the conceptual design, without knowing exactly how many jobs that's going to create, we are continuously trying to redefine the downtown area with projects like this and the overlay projects. Now it would be safe to assume that if we could get this done, it will stimulate or become an economic engine to the downtown area, am I correct in understanding that?

Director Pietravoia – Absolutely, both temporary construction jobs would be created to do the actual roadway and streetscape improvements and then ultimately that would help attract additional businesses to the downtown business district, which in it of themselves would each have permanent jobs.

Councilman O'Neill – Thank you Director.

Councilman Gruber – I look forward to the passage of this too for the benefit of downtown Euclid. I know when you get this done, then we can go up to Euclid Ave. and start some projects up there. That's what I'm looking forward too, thank you.

Director Pietravoia – We had been talking with NOACA about going after another grant that would allow us to do a similar planning study along Euclid Ave. It is probably going to be a little while yet before we'd be eligible for that because we're completing this process. That is the next area that we'd like to study.

Councilwoman Jones – What is the amount that we're seeking in funding?

Director Pietravoia – In this case we actually have some funding from the State already, \$500,000. I'm sorry, I'm mixing up the projects, I apologize, we have too many right in a row here, that's for the Harbor Town project. We are seeking a total of \$11 million. We identified a request for \$7 million, but as I explained earlier, we are looking at doing that in phases. So in the first year, they always ask, what is the minimum amount you would need for your first year and we identified just under \$2 million for the first year. The short answer is we're hoping to get about \$2 million this year.

Councilman Van Ho – I note that we had this in the stimulus package that the Plain Dealer got a hold of. Is that \$2 million, is that what we'd conceivably be able to pull out of the stimulus package?

Director Pietravoia – No, if we get the \$2 million, this would be through a direct federal appropriation and we would have no time constraints on spending that money as we would with the stimulus package.

Councilman Van Ho – So we're really not looking to fund this out of stimulus package money.

Director Pietravoia – We're trying all avenues. That's what I was explaining earlier. We're going for engineering money through NOACA. We're going for a direct request to Congress through this Resolution and we're also going to be submitting on the State website for stimulus funding for the project.

Councilman Van Ho 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. 23-2009 (229-09) Auxiliary Dinner

An ordinance authorizing the Mayor of the City of Euclid to expend an amount not to exceed Three Thousand Dollars (\$3,000.00) to pay for the annual appreciation dinner for Euclid Auxiliary Police Officers to be held at the Manor Party Center on Friday, April 24, 2009. (Sponsored by Mayor Cervenik by request of Police Chief)

Councilman Gruber moved for passage, Councilwoman Scarniench seconded.

Chief Repicky – This organization consists of 32 men and women and fortunately it is all volunteer hours in excess of 2400 hours in 2008. Just to cite some recent activity by the unit. The wind storm we had last week where wires were down, two weeks ago the snow storm they were out assisting us. Currently they're at all the basketball games at the high school. They're a valuable asset to the community and more so to the Police Dept. because they let us respond to more serious calls for service. This would be a great night to recognize these fine men and women for their service. I recommend passage of this ordinance.

President Holzheimer Gail – We'll add all of council.

Councilman Gruber moved to close debate, Councilman O'Neill seconded. Yeas: Unanimous.

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

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

Passed.

Res. 24-2009 (223-09) Mr. Carney-Golf Course Com.

A resolution to appoint Bill Carney to the Euclid Golf Course Commission. (Sponsored by Mayor Cervenik)

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

Mayor Cervenik – I'm recommending that we appoint Mr. Bill Carney to the Euclid Golf Course Commission. Mr. Carney uses that course quite often, enjoys his retirement, formerly was the Building Commissioner for the City of Euclid. He would be taking the spot of Marlin Kaplan. Marlin has served us very excellently and really helped out on the restaurant end, has opened up a second restaurant in Downtown and his time is really tied up right now. He asked and felt he shouldn't be reappointed, so I thank him. I think Mr. Carney will be a great addition. I believe Council has one appointment to make as well.

President Holzheimer Gail – Council does have an appointment to the Golf Course Commission that I hope to have on the next agenda.

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

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

Passed.

Ord. 25-2009 (221-09) Victim Assistance Program

An emergency ordinance authorizing the Mayor, as Ex-Officio Director of Public Safety for the City of Euclid to enter into contracts for services with Karen McGrain and Mae Bennett to provide various services for the grant funded Victim Assistance Program, administered through the Department of Police. (Sponsor Councilman Gruber by request of the Police Chief)

Councilwoman Minarik moved for passage, Councilwoman Scarniench seconded.

Chief Repicky – These are our two separate grants, one is a State grant of \$40,000 from the State and a \$13,300 match from the city. Also a Cuyahoga County Grant known as VAWA, which is \$27,000, and a \$9,000 in kind match by the city. The city's expense will be \$13,300. These are contracted individuals, they will not be city employees. They're going to service all victims of crime, not just domestic violence. I seek passage of this ordinance tonight.

President Holzheimer Gail – I'll just add that Councilwoman Scarniench and I did have the chance to sit down with Chief Repicky and Capt. Brooks and the Mayor and Director Frey to talk about the program and make sure everything was in order. These two ladies are certified advocates so they do have the training necessary to do this work, as well as a long history of experience working in agencies that provide this type of service. They shared with us some of the sample reports that they have submitted while they have been working as a volunteers, doing this work. They showed us their sample unfilled out case files so not to divulge confidential information. I think the good part of this, it expands what we used to have the Domestic Violence Advocate, this expands that to include victims assistance, so assistance to other victims of crime. I certainly am satisfied and look forward to moving forward on this contract.

Councilwoman Scarniench – I just wanted to mention, these two ladies have been working in this city, volunteering in this city since May I believe. They wrote this grant and I was very satisfied with everything that I heard. The Chief agreed in his monthly report to us, we'll have a sheet in there that will kind of summarize what the ladies are doing so we really know what is going on. I hope you would all support this.

President Holzheimer Gail – Chief, they're working out of the southwest mini-station. If people would like to get in touch with them if they have questions about the program or needs some assistance, should they call them directly at the mini-station?

Chief Repicky – Yes, but I don't have the number at my hand. They can call 731-1234, and they'll forward them.

President Holzheimer Gail – 731-1234 and they'll be forwarded to the southwest mini-station which is where they're working from.

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

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

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

Passed.

Ord. 26-2009 (195-08) Amend P&Z Code

An ordinance enacting Section 1323.04 "Disclosure Affidavit" of the Planning and Zoning Code of the Codified Ordinances of the City of Euclid to require an applicant for a zoning map amendment, variance, use district exception or special use permit to submit an affidavit personally or by an authorized representative to the Planning and Zoning Commission regarding delinquency in taxes, special assessments, outstanding judgments in favor of the City, outstanding violations of the Building and Housing Code and any charges for the costs of nuisance abatement or police enforcement. (Sponsored by Councilman Langman) (Recommended for passage by the Planning & Zoning Commission)

Councilman Langman moved for passage, Councilwoman Scarniench seconded.

Councilman Langman – The purpose behind this legislation is to help Planning & Zoning make good decisions regarding land use issues. Currently when an applicant comes before Planning & Zoning, they don't have to mention anything about any delinquencies such as property tax or any assessments that the city might have against them. Planning & Zoning is not aware of that. They can make a decision that would then come before the City Council without that important bit of information.

We went through that back in the fall with a potential laundry mat. That particular owner petitioned Planning & Zoning for a Use District Exception, that was approved by Planning & Zoning, and then came to City Council for deliberations, only at the very end of the process did we find out that the property owner was seriously delinquent on his property tax. This rectifies that by compelling owners to divulge that information at the beginning of the process, thereby then Planning & Zoning can take that into consideration during their deliberations.

Asst. Director Beno – At its public meeting on February 10th, Planning & Zoning Commission offered two amendments which clarified the original legislation. They voted unanimously to support the passage of the amended ordinance. Those two amendments were just clarifications in terms of the information being sought in the affidavits.

Director Frey- The two amendments I passed out or I believe all members of Council have gotten a draft version of this that shows or reflects those changes in Section 1323.04 A2, we've inserted language that talks about outstanding judgments relating to real property. That's in A2. Then in A4, we've included a reference to codified ordinance section 529.07 and excised out later in that same section a reference to section 529.07, so we've just moved its position and deleted in its entirety Section 5. So A5, would be gone in its entirety. There would be a re-ordering of A4 to include 529.07 with the other two sections and adding the real property to A2.

As Asst. Director Beno pointed out, those were the recommended changes from the Planning & Zoning Commission and we would ask Council to accept those amendments and then pass this legislation. I think as this Council is aware and Planning and Zoning considered, that this is a model off legislation that was passed by the City of Milwaukee, to deal with issues similar to this that we know as completely as we can about the owner and the owner's abilities and past decisions as relate to current or proposed use for property. I agree with the Councilman that this certainly will assist the Planning Commission, it does not dictate their outcome, but it guides them in making that decision. With those amendments, if council is inclined we would support the passage.

President Holzheimer Gail – Just to clarify Law Director Frey, the piece we got in front of us, (195-08) does not include those recommending changes from Planning & Zoning. Those are listed on this separate paper we received tonight.

Director Frey – That’s correct.

President Holzheimer Gail – We need to amend to reflect the changes that are shown on the paper.

Councilman Langman – I’ll make the motion to amend the ordinance as such.

President Holzheimer Gail – As recommended by Planning & Zoning which would include in item #2, adding relating to real property, would include re-ordering #4, to change where pursuant to Euclid Codified Ordinance, 529.07, and striking #5 completely. Councilman O’Neill seconded. Any questions on the amendment?

Roll Call on amendment:

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

Amendment passed.

Councilman Wojtila – I support the ordinance, just a question, if I’m the applicant, will you have this affidavit to me as an applicant?

Asst. Director Beno – We have prepared the affidavit and is available and will be handed out as part of the regular application package.

Councilman Wojtila – If I’m the applicant, but I’m not the owner, I’m a contract purchaser, would I have to get the owner to provide this?

Asst. Director Beno – It is an affidavit on the owner’s part, not on the part of the perspective purchaser. Actually the perspective purchaser would be filling out, as relates to their property, if they own property in Euclid.

Councilman Wojtila – The reason applicant is in here is if the applicant owns property in the City of Euclid, then he maybe in violation of one of these areas.

Asst. Director Beno – That’s true, or a perspective purchaser can also be delinquent on taxes or similarly deficient.

Councilman Wojtila – That’s what I’m saying the applicant is not the owner of the property in question that he’s seeking one of these amendments to variance Use District Exception. He’s not obligated to get that current owner of that property to fill out on affidavit?

Director Frey- The question is, if it is an applicant who is seeking a zoning change on a piece of property for his or her prospective use, that applicant is the party who needs to disclose the information. If it is a present owner seeking to modify the use of the property, that’s the person. I suppose there are probably circumstances where the two parties are working together and they both may need to fill out that affidavit.

Councilman Van Ho – I would just like to say that I support this legislation too because I think it would encourage responsible developers and so forth and hopefully ease our problems with enforcement of various regulations.

Councilman Langman – As the Law Director pointed out, what Milwaukee has found, is applicants to get their applications considered are paying up for the most part. With that, I’ll make a motion to close debate.

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

Councilman O’Neill moved to suspend the rules, Councilwoman Jones seconded. Yeas: Unanimous.

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

Passed as amended.

A short break was taken.

Ord. 27-2009 (224-09) Amend Code Income Tax

An emergency ordinance to amend Section 791.40 ‘Authority to Arrange Installment Payments’ of the Municipal Income Tax Code, Chapter 7, Business Regulation and Taxation, of the Codified Ordinances of the City of Euclid, to establish a user fee to set up an initial installment agreement, reinstate a defaulted agreement, modify or restructure an existing agreement to include additional amounts owed. (Sponsored by President Holzheimer Gail by request of Finance Director)

Councilman Gruber moved for passage, Councilwoman Scarniench seconded.

Director Johnson – What we’re asking for this evening is the ability to levy a \$30 charge to initiate payment plans, and also to amend those payment plans. Since we started collecting the income tax in-house, the number of payment plans that we’ve done over the years have increased to the point that last year, 2008 and in 2007, we initiated nearly and in 2008 it was more than 2,000 payment plans, in excess of \$2.5 million. Quite frequently we are also required because of certain circumstances to amend probably an equal number of payment plans. The administrative burden we think, it does tax our staff to have to do this. What we’re asking to offset some of that cost, to be able to charge \$30 per incident when we either initiate a payment plan or amend payment plans.

We did a survey, I don’t have the list of communities, that do levy a charge for the initiation of payment plans, but we felt \$30 was a middle of the road, average amount. Just for your information, that is not something new. The IRS levies a charge to do installment payments and that charge as of January 1, 2007 is \$105. They will reduce that to \$52 if you agree to have the payments directly deducted from you bank account.

We felt the \$30 would offset some of our administrative costs and generate a little bit more money. I would request your support.

Councilman Langman – Director Johnson or perhaps Director Frey, the opening statement under 791.40, talks about the administrator and then later on in the sentence it talks about the administration. Is that terminology correct? Or should it be the administrator for both terms, or the administration for both terms?

Director Johnson – I would assume Councilman Langman that they could be construed as one in the same. I would not make a differentiation between those two words.

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

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

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

Passed.

Ord. 28-2009 (225-09) Amend Code Fire Prevent.

An emergency ordinance enacting Section 1590.14 of the Fire Prevention Code of the Codified Ordinances for the City of Euclid to set parameters for fire alarm users and to implement a Fire Watch when an alarm system fails to function properly. (Sponsored by Mayor Cervenik and Councilwoman Scarniench)

Councilman Gruber moved for passage, Councilwoman Scarniench seconded.

Chief Cosgriff – This legislation will allow the Fire Dept. to notify the owner or property manager of a facility with an activated fire alarm and order them to respond to the facility to reset the fire alarm. It also places time constraints on their doing so, so we’re able to get our units back in service in a short period of time.

In the event the responsible person cannot or will not respond within a reasonable time period, it will allow us to silence and then reset the fire alarm. It also provides us with the authority to order a Fire Watch, in the event the alarm system cannot be returned to a ready state.

It also memorializes the steps involved in maintaining a Fire Watch, which are largely dependent on the type of occupancy that it is. It is our intention to carry copies of this ordinance on the fire apparatus to be distributed to the property manager when the need dictates.

Lastly but certainly not least, it addresses the fact that the city or the Fire Dept. assume no liability concerning the adequacy or operation of any fire alarm system that we have reset. I'll try to answer any questions you may have.

Councilman O'Neill – Point of Clarification Chief Cosgriff, this pertains to commercial buildings and multiple residence dwellings, apartments; it doesn't affect residential structures that have an activated fire alarm system?

Chief Cosgriff – That's correct.

Councilman O'Neill – The other question is, as far as instituting a Fire Watch, that would be a firefighter from the City of Euclid can be or someone from the building that instituted the alarm?

Chief Cosgriff – Our intention is to have someone from the building that instituted the alarm.

Councilman O'Neill- That would be the first priority or preferred person in case that no one is available, where do we go from there?

Chief Cosgriff – I guess we would probably have to call in someone, of our people in order to do that, maintain that system and then bill the building owner accordingly.

Councilman Langman – I just want to clarify, I thought I heard at the end of Councilman O'Neill's answer, for the Fire Watch duties, we won't charge for this service?

Chief Cosgriff – At this point in time it has not been a problem. Most of the time the occupancies are in the high rises where they have an old alarm system and its malfunctioning and they're not able to get it reset. It might be 10:00 on a Saturday night and so we will order them, usually it is the custodian or they always have somebody on duty there, we will order them to follow these fire watch procedures until they can get the alarm back up and running. We notify our Fire Prevention Bureau and our Fire Prevention Bureau will check to see that it has been reset at some point in time.

Councilman Langman – So it is not contemplated that if one of our firefighters have to be on the premise for

Chief Cosgriff – That is not the intention of this legislation. If push comes to shove and we are not able to get somebody to do that, we would have to assume the responsibility for it. The residents assume that they have a working fire alarm system in their building.

Councilman Langman – Has that scenario ever happened Chief where one of our firefighters had to stay on the premise for an extended period of time?

Chief Cosgriff – Not to my knowledge.

Councilman Van Ho – I'd like to see this Resolution amended so that if we do have to have a fireman out there or if we have to reset the alarms, that we be paid for the time. At the opening of this meeting, we're talking about overtime and so forth, our budgets are tight and I can appreciate that they have an old alarm system, but I think that they should have to pay for our services, the same as they would if ADT were called out.

President Holzheimer Gail – Chief, do you have any objection to that?

Chief Cosgriff – I don't have an objection to that. My only concern would be, I can see your point, for a Fire Watch, but for resetting an alarm and then charging them for resetting the alarm, I don't know maybe the Law Director would have a better answer to that. I think that we would be maybe accepting some type of responsibility for that. ADT is going to accept the responsibility for that if they reset the alarm. I'm not sure that we want to do it for the couple of bucks that we'd get back.

Director Frey – I think as the Chief has indicated we have not yet experienced a situation where the building is unable to provide the required Fire Watch. We have a provision in that Chapter of our Code that allows us to prosecute for non-compliance and there's a potential \$500 fine associated with that non-compliance. The fact that we have now in this piece of legislation the ability to order the fire watch, it would be incumbent upon that property owner to follow through as required or if the city were to have to substitute for that property owner, then that would be a case where we

would seek to enforce that fine provision and that would in effect recoup our costs. That's different from us responding and resetting an alarm and I agree with the Chief. I don't think we want to charge for resetting. If we have a situation where we have repeated difficulties at that building, we going to order that repair. If the repair isn't made, we're going to prosecute. I think that's the enforcement vehicle that is already in place and we ought to use in this case.

We have adequate protection in our code section already that would allow us to pursue a fine in the event of non-compliance of any provision of this chapter including this fire watch and resetting the alarms.

Chief Cosgriff – We also have an ordinance enacted where we can charge for multiple alarms to the same occupancy in a set time period.

Councilman Van Ho – So my question is, we would get the funds back? I'm concerned about the funds being

Director Frey – Yes, I think the answer is yes between either the charge for multiple false alarms or under this section if we ordered a Fire Watch and they did not comply and we had to provide that Fire Watch, we would have the ability to get our money back, yes.

Councilwoman Jones – So if a building has a fire alarm going off and whoever gets notified that the alarm is going off and they don't come in within 45 minutes, then the Fire Dept. is going to silence the alarm?

Chief Cosgriff – This is going to be a judgment call on the part of the officers on the scene. If we talk to somebody, we usually contact them through dispatch and they say they're going to be there in a half an hour. If it turns into 40 minutes, it is not going to be any big deal, really. In the event that it appears that they are not coming or they are coming from Pennsylvania, we would in that case silence the alarm and then reset it. The first step is silencing it and the next step is resetting it. All the alarm systems are different. We are not alarm specialist. A lot of them are pretty self-explanatory in how to reset the alarm. If we silence it and then reset it and it appears to be in a ready state, we will assume it is in a ready state, and we will leave the premises after having notified the property owner. A lot of times, we can silence it, attempt to reset it and a trouble alarm will go off so we know the system, there maybe something more to the system that's not allowing us to reset it. If there's a pull station that has been pulled, the pull station may have to be reset before the alarm system as a whole can be reset. That is why we would like to leave it up to the property owner, but in the event that it is going to be, the time constraints of having a fire apparatus on the scene for a long period of time, waiting for somebody to get there to reset it, we will try to reset it if we can. If we can't then that's when we go to the Fire Watch.

Councilwoman Jones – For most commercial properties if this should happen, they may not be anybody on site, so once the alarm is silenced and if it can be reset, if it can't be reset, is this where the Fire Watch duties would start going into place? But if there isn't anybody onsite at that property, who takes responsibility of the Fire Watch?

Chief Cosgriff – We're more concerned with an occupied property than with an unoccupied property. Most of these instances are in high rises. If you're talking about a factory or something that has a fire alarm system.....

Councilwoman Jones – This wouldn't pertain to an empty commercial building, let's say it's a business that's currently not, it is 2:00 in the morning and the business is closed.

Chief Cosgriff – Most of the time we have pretty good contact numbers and the owner of the business wants to come out and find out why his alarm is going off. He wants to know if he's got a problem in that and it is not problematic for businesses as a majority. It is more problematic in an eight suite apartment building where you're trying to get a hold of somebody to come out and reset the alarm and there's nobody that, there maybe one property owner. The bigger facilities have a number of people to contact at different times of the day and night. So, the larger facilities, it is larger to contact someone and have them come out to their property. After all, it is their property and they're concerned with keeping it viable.

Councilwoman Jones – I understand that but I know one occurrence that happened last year where the alarm was going off for more than 2 hours before they finally contacted somebody to come out and silence it. In those circumstances if they couldn't find somebody to come out right away, the Fire Dept. would silence the alarm and reset it if possible.

Chief Cosgriff – That's a judgment call from the officers on the scene. One thing they don't want to do is they don't want do damage to the building if it appears that it is just an alarm malfunction. A lot of times from a power surge an alarm will go off. We get water flow alarms due to a water surge in the water mains and they are alarm malfunctions, it is not an adequate alarm and we will respond and check out the building. We're hesitant to force entry and go in there and silence the alarm if it appears there's no fire hazard and no life hazard involved, all we're accomplishing is doing damage to somebody's building and we're hesitant to do that if we can prevent it. Obviously if there's smoke coming out of it, we're going to do what we need to do. Most of the time, we will try to get a hold of the property owner and they'll come out. These are for the unusual situations where they can't come out, if it is a snowstorm and they can't come out and they say here's how you silence it and we can be in contact with them on the phone and they say this is how you go about silencing that alarm. They can walk us through it and then a green light comes on and it says that it is in a ready state, we're fairly confident that we do have a working alarm system.

Councilman O'Neill – Chief, is it safe to assume, no matter what call you go on, it is investigated and you find the initiating device, before any alarm system is reset?

Chief Cosgriff – That's correct.

Councilman O'Neill – Does the businesses in the city cooperate with an "ox-box" system in Euclid?

Chief Cosgriff – Yes they do. Not all of them obviously but a fair majority.

Councilman O'Neill – That would allow the fire department to gain access to any structure unoccupied, that's the alarm system is initiated, it allows to without doing any damage in and out of the structure?

Chief Cosgriff – Correct. Typically they have keys to the alarm system also.

Councilwoman Minarik – On Section C about any dwelling building or places required by law to maintain this system, how often does the Department check the buildings, is it once a year?

Chief Cosgriff – It depends on the facility. There are some that we check monthly. Some that we check bi-annually and some that we check annually.

Councilwoman Minarik – What's a reasonable time. If it cannot be returned to service within a reasonable time. Does that depend on the situation?

Chief Cosgriff – Again it depends on the occupancy. If it is a high rise apartment building, we want it back in service as soon as possible. We don't want people going to bed at night thinking that they're protected by an alarm system that they're not.

Councilwoman Minarik – Which is why I asked how often the buildings are checked. So the high rises with lots of people are generally checked very frequently, just to make sure the system is working, yes?

Chief Cosgriff – No, I would not say so. Typically the way the alarm system works, you know you have an alarm system that is in place and it will stay functional until somebody pulls an alarm or there is something that sets it off, whether it be a heat detector or a smoke detector, something will set it off. They're pretty reliable.

Councilwoman Minarik – I know mine is.

President Holzheimer Gail – Chief as we spoke about earlier today, this is a process that has been going on, it is not a new process, this is just setting it up as an ordinance.

Chief Cosgriff – That's correct.

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

Councilman Wojtila 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. 29-2009 (227-09) Greenleaf Energy Co.

An ordinance amending Euclid Ordinance number 185-2007 to remove Cuyahoga Landmark and Ohio Energy Specialties, Inc., and to include Greenleaf Energy Company, LLC as an approved vendor that the Director of Public Service of the City of Euclid can use to forego competitive bidding procedures for diesel and unleaded fuel purchases for vehicles and equipment for the City of Euclid, and make such purchases based on the lowest available price for a period through December 31, 2009. (Sponsored by Councilman Wojtila by request of Service Director)

Councilman Wojtila moved for passage, Councilman Van Ho seconded.

Director Gulich – We're just asking for an amendment of an existing ordinance. We come to Council every two years with pretty much a shopping list. Those regional suppliers that are able to supply the City of Euclid with fuel for all of our vehicles. It allows us to do basically what everyone in the audience does, we can shop for the best price regionally when we need to make a fuel purchase. We're asking to remove two vendors who are no longer able to perform. We're asking to add a vendor who just by chance happens to be a City of Euclid vendor, so we're pleased to add this person and we think we'll be able to do business with them and again, when we need to buy gas, we'll go for the best price just like to rest of us.

Councilman Wojtila – So this gives you the ability for a two year period? Is that what I read somewhere?

President Holzheimer Gail – No, the initial ordinance was for two years, this amends that ordinance. This contract goes through December 2009?

Director Gulich – Correct.

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

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

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

Passed.

Ord. 30-2009 (233-09) Amend Code Collection Fee

An emergency ordinance to amend Sections 791.31 of the Business Regulation and Taxation Code and 922.10 of the Streets, Utilities; and Public Services Code of the Codified Ordinances of the City of Euclid to clarify that the City will receive the full amount of the charges placed for collection without reductions for the collection fee. (Sponsored by Mayor Cervenik)

Councilman O'Neill moved for passage, Councilman Van Ho seconded.

Director Frey – We were just trying to line up our ordinances as far as the ability to recover without reduction for collection fee both in the income tax department and in the sewer department. What we're trying to do is mirror the language that's in the agreement with a collection firm that's representing the city, Weltman Weinberg. There's been certain instances where there's been some confusion as to how the percentage should be charged to monies collected, whether the collection fee is added to the whole amount, in which case the collection company gets their percentage off of that entire amount, or really what we want is it to be an add on.

What we're attempting to do with this legislation and I have been in contact with the firm Weltman Weinberg firm to make sure that we are mirroring our agreement with them is to modify this language just to show that the city receives the full amount that it places for collection including

any assessments, interest that goes along with it, any penalties or interest that goes along with the assessment itself. So if its \$100 and there is a \$20 penalty and \$15 in interest, we want to make sure we get the entire \$135 not reduced by the collection fee. With this legislation both Weltman Weinberg and the City are clear that we will receive, in my example the \$135. Their collection will be added to that, that's up to them to recover, we want our \$135 back.

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

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

Ord. 31-2009 (222-09) Assess Weeds & Lots

An ordinance to levy assessments for the cutting of weeds and cleaning of vacant lots as provided in Chapter 1113 of the Codified Ordinances of the City of Euclid. (Sponsored by Councilman Wojtila by request of Service Director)

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

Director Gulich – These are the fees associated that we're levying assessments for, for the work performed by the City of Euclid Streets & Sewers Dept. for vacant lots within the City of Euclid. Our minimum charge is an one hour charge of \$200. The prices you see here reflect those billing amounts. We don't want to get into the grass cutting business, we want to encourage people to get their own grass and we charge accordingly.

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

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

Res. (235-09) Capital Budget

A resolution adopting and approving the attached Administration's recommendations for the 2009 Capital Improvement Budget. (Sponsored by Mayor Cervenik and Entire Council)

Councilman Gruber moved for passage, Councilwoman Scarniench seconded.

Mayor Cervenik – As I stated earlier I've given you the spreadsheet there will be a number of changes which we'll highlight for you and we're looking forward to our capital meeting on the 25th.

President Holzheimer Gail moved Res. (235-09) to the Executive & Finance Committee. Councilwoman Scarniench seconded.

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

COMMITTEE OF THE WHOLE

Dave Rohl – 115 E. 219. I'm a Lieutenant with the Euclid Fire Dept., and I'm here to speak on behalf of the Euclid Firefighters Local 337. Local 337 is comprised of the most motivated and highly dedicated firefighters I've had the pleasure to serve with. Our mission is to provide the best fire and EMS service we can possibly give to this community. We as firefighters took an oath to do just that. We swore to protect the lives and property of the citizens and the businesses of the city. This oath was taken with the full knowledge that it could be at the cost of our own lives.

Mayor Cervenik has given notice to four firefighters that their employment will be terminated as of March 9th. Four firefighters have sworn on oath to protect you. Mayor Cervenik's plan will drop the daily minimum manning of the Fire Department from 16 to 13. Thus leaving us unable to staff a vital piece of fire apparatus from Station 1, located at E. 222 Street and Tracy. The coverage area for that piece of apparatus includes, Euclid Hospital, Lincoln Electric, Hose Master, Gateway Assisted Living, Euclid High School, Elementary Schools of Roosevelt, Lincoln,

Memorial, Holy Cross and Pinnacle Academy as well as numerous small businesses and thousands of residents.

The risk to lives and property by this drastic reduction of manpower and equipment will be felt citywide. Mayor Cervenik's plan leaves too much to chance when you consider a fire doubles in size every 30 seconds. A person deprived of oxygen is brain dead in 5 minutes. Four out of five fire deaths in the United States occur in homes. While our total calls for help have increased 10% over the last 5 years, our staffing has decreased by over 10%. In situations where every second counts, mutual aid is not a viable option, contrary to Mayor Cervenik's beliefs.

Over the last eight years we have seen a systematic dismantling of the Euclid Fire Dept. In 2001 the Euclid Fire Dept. had 95 members. If Mayor Cervenik chooses to lay off four members, we will have 76. We have gone from four fire stations to three. We have seen our minimum manning dropped from 19 to 16 to now 13. All the while the Euclid Fire Department responds to 6,946 calls for help in 2008, a record year.

To the members of Council seated before and Mayor Cervenik, I humbly ask you to think of the people you swore an oath to represent and protect. Please consider your neighbors, your family and your friends. In closing, the facts presented here tonight are in an effort to keep all of the citizens and businesses of Euclid as safe and protected as possible. This is set with a full understanding of the tough financial difficulties facing our city. We cannot afford to put a price on the safety of one another. Thank you.

Tom Lang – President of AFSCME Local 2509. We represent Streets & Sewers Department, the Traffic Maintenance Dept., the Public Buildings and Lands Department and the Golf Course workers here for the City of Euclid. We, too, are under negotiations with the City. The City came to us, they asked us for concessions. We have given them some concessions. They asked us for 2% pay decrease. We actually gave them a 2.5% decrease in our pay. We understand that it is a hard decision. We did it in order to save jobs in our union, to maintain the services that these people in this City need and I am asking Council to please think about how you spend money. Shore School is not a way to spend money. There are other things that need to go in this City except these services. Please think about it, do what needs to be done but the services cannot suffer in this City. Thank you.

President Holzheimer Gail – No other comments? We'll move forward with Councilmen's Comments.

COUNCILMEN'S COMMENTS

President Holzheimer Gail – I do want to thank everybody for being here. Obviously this is a very difficult issue for the administration, the Mayor, the Fire Chief and Council as well. We all did swear, Council as well, to serve the public, to protect and defend the public and make our city the best that we possibly can make it to be. As you've heard tonight, we have lots of issues ahead of us. We're working hard to help Euclid grow and prosper and be the best city it can be. Of course part of that means having strong safety forces, having strong city services. Fire protection and police protection are critical to our city, absolutely. We also are responsible for the budget and for the rest of the programs. So the Chore Worker who is providing services to help keep the senior at home, yes that's important. To someone who needs to get to work in the morning, the city snow plow driver, the Streets Workers are important. If your basement is backing up, the Streets Worker is important. If you're getting food from the Hunger Center, that is important. That is not to say that we need to cut any of those. I fully hope and I know, I believe Council shares this concern, we hope that there can be a negotiation between the Firefighters and the City. Unfortunately we're not part of that negotiations. If we can help, I would be glad to help. I don't know what's appropriate from the legal point of view, but Council is happy to help negotiate. But we are responsible for balancing the budget, so we do need to keep that in mind. I look forward to continuing these discussions. It is great to see so many people out here to support the work that the Firefighters are doing and the other city services. We have had other unions agree to give up things and to make concessions and we do need to be fair. We need to make those tough decisions and Council will make those tough decisions.

We will continue our discussion about the budget, the capital budget as well as the rest of the budget, next Wednesday at our Executive Finance Meeting, that's February 25th at 6:00. We will continue these discussions. It is very much my hope that we can reach an agreement that will keep all the firefighters working and keep our city safe. I certainly appreciate all of the work that you do and all of the work that the other city workers do. I do, again, I don't want to keep repeating myself, but I do sincerely hope that we can reach a negotiation. I will offer, if I can be of assistance, I am happy to do that.

I think other than announcing that Finance Committee Meeting that is all I had this evening. Six o'clock on February 25th, here in Council Chambers. We'll start with the Capital Budget and review the monthly Finance Reports and then continue the discussion on the regular budget. There is an Assets meeting after, so we do have that time constraint.

Mayor Cervenik – As I mentioned in an earlier e-mail, the general fund that we will be presenting to you will be slightly over \$500,000 withdrawal or use of the cash surplus. If the savings I'm trying to accomplish with the safety forces is not reached, that will jump to \$1,260,000. That will be presented on the 25th.

President Holzheimer Gail – I think I probably started out by saying this, but we are all in this together so I sincerely do hope that we can work together to reach a good solution for everybody.

Councilman Gruber – First off I'd like to announce a Safety Committee Meeting on March 4th at 6:30. There will be three items on the agenda that evening, so mark your calendars accordingly.

I would hope that the Mayor, Administration and the Fire Union could sit back down and hammer out some type of agreement because 13 is an unacceptable number to me. I represent the farthest reaches of the City of Euclid. I have some areas that it takes too long to get to now with the amount of fire apparatus and the personnel that we have. I would hope that everybody sits back down and sharpens their pencils along with the police. Those are some very vital services. I appreciate the other unions that have given back and some of the non-union employees as well. I know some of the administration, I believe all of the administration had given back parts of their pay. So everybody is in this together. I know when they tried to close fire station #2, that's when I think I met Madeline Scarniench and we fought to keep that fire station open. Thirteen is an unacceptable number, I want you guys to know that and I appreciate you coming out tonight. I know the people in Ward 1 appreciate the work that you do and I do too so thank you very much.

Councilwoman Scarniench – I too echo everything the Council President said. Thirteen is not an acceptable number. Any of you who know me know why I feel that way. I truly hope that you can sit down and hammer this out over the next two weeks because I don't want to see anybody go. I don't want to see one piece of machine out of service for any length of time. So please, this is not a Euclid problem, this is a countrywide problem and we need to work on it. I, too, if there's anything I can do, I would be very happy to help with that.

Onto other things. I want to thank the Planning & Zoning committee. I was at their meeting, I've been at quite a few of their meetings. I love the fact that they are in total support of what the city's trying to do. They have not really let anybody who has come before them who has tried to stay a demolition fail. They have gone with that. It is up to the owners that they need to take care of their property because every piece of property in this city is important. When you've got trash sitting next to you, that makes your house look like trash. So the more of these houses that come down, the better it is for our property values. So I want to thank them for their diligent work in what they're doing in helping to maintain what's going on.

As you've heard, the Assets Meeting that will follow the Finance Meeting. It won't be very long, we'll be talking about the Senior Center and there will be a short presentation from the people from the Euclid Orchestra about the use of the auditorium.

I have kudos to Chief Repicky. Dispatcher Linda McCartney, special thanks on her attitude and the way she talks to residents. I had a resident call me today and was very pleased with the way she treated him, so I wanted to let Linda know that was wonderful.

Last but not least, a friend of mine passed away on Friday, Mrs. Corrine Fitzgerald. She does not live in the City of Euclid, but she should have. She has spent more time in this city than anybody I know of who didn't work or live here. She is very involved with St. Paul's Church and by today you would think it was Christmas because the Church was packed with the people whose life she's touched. I send my deepest sympathies out to her family. That's it thank you.

Councilwoman Jones – I want to thank everyone who came here this evening. The gentleman that came up and spoke, thank you for your comments. Thank you for those who came here. Thank you for those who are not able to be here tonight because they are working. Again, the safety forces are a major part of the city and whatever we can do in our power to do that, Council is here to try to help. Hopefully the negotiations will go well.

There's a Parks & Recreation Committee meeting scheduled for Wednesday, March 18th at 7 PM. Two items on that agenda will be the Dog Park status and the Orr Ice Arena and what's going on there.

The other thing I want to mention, we had a little taste of spring over the past week where the weather warmed up some and melted all that snow we had. Unfortunately we'll probably get some more to replace that, but at least it melted what we did have and it uncovered a lot of things that we don't want to see. Trash that was collected under the snow piles are now appearing. I would request residents that in your yards or surrounding areas please pick up any trash that maybe in your area so that we can all do our parts to keep the neighborhoods clean and revitalized. Please take part in doing that before we get our next snow piles and we'll have double the amounts under that. I'm not only speaking to residents when I say that, I'm saying that to business owners as well. For those that can hear that or for those if you can translate that message onto them, business owners as well need to keep their properties up as far as trash laying around in parking lots, or in front of their properties.

My last comment is, I would like to Director Gulich, also in the thawing of the snow and ice, it also uncovers a lot of chuckholes in the roads. Brush Ave., 276, there are major chuckholes there that need to be filled in. If someone in your area can see to getting those filled in would be greatly appreciated. I know my famous comment that I always talk to you about, maybe not out in the open, but I always talk to you about Tungsten, that one area where we have that real big problem, your attention to that would be greatly appreciated as well. Thank you.

Councilwoman Minarik – A couple of things, addressing the firefighters. 2002, when I had the Euclid Observer, I had the privilege of sitting with the Union. I think we did a pretty good story about everything that you all needed. To the Mayor's credit, in the years that he's been Mayor, he has pretty much given the firefighters everything that they have needed; we've even increased manpower.

I also did stories on unions that took 0% increases so that no one would get lost in their union. Tonight we heard another union. This is a city of all kinds of services and all kinds of unions and everybody does have to work together. If some people continue to demand more than the city can afford, then other people will lose their jobs. I would just like to ask you to take that into consideration. LTV Steel went under because management was bad, lots of reasons, management was bad, the unions wouldn't give an inch. So, it's a two-way street.

With that being said, E. 185 was an exciting time last week. Our transformer blew out at the corner of Abby and then a van sunk in the middle of 185, 2 ½ feet deep into a sink hole. That got all fixed.

Yesterday was President's Day and I think a lot of people have forgotten that when I was a child, President's Day meant we celebrated George Washington's birthday. I just want to remind people of a little bit of history that although it was celebrated as early as 1778, and by the early 19th Century was second only to the 4th of July as a patriotic holiday, it was celebrated as George Washington's birthday. Congress did not officially recognize Washington's birthday as a national holiday until 1970. The Executive Order in 1971 moved the holiday to the third Monday in February.

What happens when we have these Monday, three day long weekends, we tend to forget what the purpose of those holidays were. I wanted to give two quotes from our first and greatest President, George Washington. The first is from his inaugural address where he said the preservation of the sacred fire of liberty and the destiny of the republican model of government, are justly considered as deeply, perhaps as finely, staked on the experiment and trusted to the hands of the American people. Then when he left, in his farewell address, he said, of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain what that man claimed the tribute of patriotism who should labor to subvert these great pillars of human happiness. These firmest props of the duties of men and citizens. He also discouraged political parties, which I thought was probably his greatest contribution to American society.

But Thomas Jefferson said of this President who we used to celebrate solely on President's Day, "his integrity was most pure, his justice the most inflexible I have ever known No motive or or friendship or hatred, being able to bias his decision. He was indeed of every sense of the words, a wise, a good and a great man." That is what we should remember on President's Day, that great and wonderful George Washington.

With only a minute and a half left to go, the rain barrel sale is almost put together. I actually have a flyer for you Councilman O'Neill. We are selling two barrels. We will have them on display in the lobby. The sale is March 28th, look for the flyers. An open mesh top barrel is available for those of you who have gutters, downspouts that don't go into the sewer system. And then we have the closed barrel and the workshop. More to follow. You'll find the flyers being distributed all over the city. With that, goodnight.

Councilman O'Neill – I'd just like to say that I represent Ward 5 and when the snow melted, we didn't have any litter. Kudos to Ward 5, just kidding. On a serious note, I too would like to offer my condolences to the family of Mrs. Ann Fitzgerald. Her son Bob does live in Ward 5 and she was laid to rest today. Again, I didn't know her personally but I know her son Bob and her daughter Mary Alice and I'm sorry for their loss.

It is my hope that the administration of Euclid and Euclid Firefighters Local 337 along with the FOP Lodge in Euclid can come up with an agreement that the administration and the unions can agree on and keep these must sought after and needed emergency personnel employed by the City of Euclid. I'm a professional firefighter myself, I'm also a police officer and any time you reduce any manpower, the city is less safe. I believe with 13 daily manning is a very unsafe level at running 7,000 runs a year. I don't agree that relying on mutual aid is the answer. We do it reluctantly. Euclid is in a very unique situation that their mutual aid neighbors, their staffs are very low as well and they're cutting staff.

I myself cannot vote on the contract for the firefighters because of a conflict of interest, I have a family member that is a firefighter in Euclid. So I offer any input that the firefighters or the administration can use to try to mediate and assist, I'm here, whatever it takes, let's get it done, let's keep these guys working. It's busy, it is to unsafe for firefighters. Any working fire we know that 13 is not enough. Mutual aid is 15-20 minutes away in this city. I work at Cleveland Heights. Sometimes we rely on mutual aid, we have a 16 minimum manning. I can tell you at a working fire, sometimes 25 is not enough, especially when you have people trapped.

I'm not laying any blame on anyone, the administration or the firefighters, I'm just saying let's stick to the table, let's keep the lines of dialogue open, let's keep talking, let's get this resolved. I see there are firefighters from other locals here supporting the Euclid firefighters, thank you folks for coming here. Thank you folks in the audience for coming. Let's get this done and God Bless You, you're doing a good job. With that I'll say goodnight.

Councilman Wojtila – I have similar comments as Councilman O'Neill. At the risk of being repetitive, I am going to repeat. As I look around, I think to myself, the devil's not in this room. Rather what is in this room is dedicated individuals, dedicated to the safety of our city, dedicated to the administration of our city and dedicated to the legislation of our city. We're all in this together. This is a real problem and this is a real world situation that we have to take care of. We know what's not acceptable is dipping into the reserve almost \$1.2 to \$1.5. We also know that it is not acceptable is dipping down to the staffing level of 13. We've got a problem that we've got to face head on. We all have to tighten belts, take a hair cut and do what needs to be done to get it done. I believe that we have the intelligence in this room, the capacity in this room and the ability to get it done. While we could say it is our hope to get it done, we have to get it done. We just look to everybody to figure out a way to do it, to the extent that Council can help, I'm sure we're all here to do that.

On other items, we talked about the amended budget. Are we going to be getting in preparation for Wednesday's Executive & Finance meeting? Not the capital budget, but the actual general fund budget.

Mayor Cervenik – There's been virtually no changes entered into the system since the revised budget that you received before. Basically the only two things left, except for some minor things were the changes in both contracts for the safety forces. I suppose we can get something out a couple days before hand, but we will highlight the changes that are there.

Councilman Wojtila – If it hasn't changed, I don't need to get something new.

President Holzheimer Gail – It is dated at the bottom, January 21st.

Director Johnson – I believe the Mayor handed out a sheet detailing the most recent changes. Except for the e-mail that I sent to City Council revising the income tax projection down by \$400,000 there haven't been any other changes.

Councilman Wojtila – Are going to be looking at voting on that at an upcoming Council meeting? I know we already approved the budget, but we were talking about approving an amended budget.

Director Johnson – I think what was anticipated was that after the Finance Committee Meeting on the 25th, that hopefully we would have both a capital and an operating budget to present to you at the first meeting in March.

Councilman Wojtila – That's still the plan.

Mayor Cervenik – Hopefully yes, we'll see how the 25th goes. The budget you passed was a 90 day temporary budget to get us through the first quarter of the year until we actually pass for the full year.

President Holzheimer Gail – The requirement would be no later than the end of March. The hope would be the first meeting in March.

Councilman Wojtila – Part of the budget cuts include stopping the recycling. Do we have a plan, I'm sure we do, but could you elaborate on what the plan is for recycling bins. If you're not prepared to discuss it tonight, just let us know when you will and how that's going to be handled. We are getting inquiries as to that.

Mayor Cervenik – We have Republic coming in on Thursday to discuss the matter and we'll know more at that time if we have any options. Probably the best option is going to be take your papers to Abitibi and cans, I know the fire stations take cans for the burn unit or there's other organizations that will take cans as well. We will let you know after Thursday meeting and make sure the residents know as well.

Councilman Wojtila – Just a couple of lighter items. Euclid Youth Soccer Organization, there's compulsory parent meeting for all parents with children at Euclid Youth Soccer and that's the 22nd of this month, a Sunday at 2:00 at the Library. Euclid Boys League has a fund raiser coming up and that's on April 24th at 6:00 PM and that's \$30. You can call the Rec Dept. for more information.

Finally I know signage has been discussed as updating that chapter in our Planning & Zoning Code, and I believe Planning & Zoning is going to be looking at that either at its next regular meeting, or a special meeting, do you know which that is going to be?

Asst. Director Beno – Yes, Planning & Zoning Commission voted to have a special meeting on March 20th, to go through the proposed sign Chapter. Whatever the Tuesday of the third week is, March 24th.

President Holzheimer Gail – Just to interject, you mentioned Euclid Boys League fundraiser, they're also doing sign ups as well as Euclid Pony League. If you're interested in baseball sign ups, I believe it is Euclid Baseball.org. You can always call the Rec Dept. for that information as well.

Councilman Langman – I've been on Council long enough to have gone through this particular process with the budget for my second time and it is not very enjoyable at all because you do have to make very difficult decisions that impacts families for those that work for the city. You men and women that work for the Fire Dept. and the Police Dept., you're the experts on how those departments run, we are not except perhaps for my colleague Councilman O'Neill. You know best how those services are delivered. Perhaps you know best how we can economize on how those services are delivered.

The City council is in a strange position. We don't really have a role in any of these negotiations but we vote on the final product. Just to echo what my colleagues have said, I'm hoping that we can come to some agreement so we can maximum the staffing throughout the city. That way we can maintain the services that our residents expect.

I would like to thank Dawn Knez, a Euclid resident, who works as an Art Therapist, for the Center for Dialysis Care. If you go over to the Euclid Public Library, you will see various types of artwork down the art gallery. These paintings and collages have been made by the patients of the dialysis center. If you know anything about kidney dialysis, it is a very lengthy and painful process. This art therapy helps alleviate their focus on the boredom, the pain that goes through the dialysis. It is really amazing what they produce. It was really quite moving and I was certainly glad Dawn invited me to attend the little open house they had a couple of Sunday ago. The artwork will be there through the end of the month. I urge everybody to go take a look to see what can be done under really difficult situations.

Finally I'd like to thank Director Gulich and Mr. Bock for helping the residents on Wildwood with their power outage situation. The residents appreciate it as do I. With that I will say goodnight.

Councilman Van Ho – It has been said eight different ways, much more eloquent than I can say it. I'm just going to ask that the firemen and the policemen sit down with the administration and get this worked out. We don't want to see any less police on the street, we don't want to see any less firemen in the fire houses. I'm not going to come up with any cute sayings, let's just get it done.

On some other matters. I would like to congratulate Mac Stephens. There was an article in the paper congratulating him for what he does for the kids of this city. We all know Mac and he is a person who just deeply cares about the kids, not only from a sports aspect, which is part of his job, but for their total life picture. I just want to say thanks Mac for all you do.

The Spring Fling will be April 18th from 10:00-3:00 at Sims Park. There will be demonstrations by Home Depot and other vendors and best part is we get food from the Euclid Petpals. I would encourage everybody to come out.

I would like to congratulate the Mayor and his staff for asking for as much of the federal money that is coming out, the stimulus money, as they have. You don't get it if you don't ask for it and he has asked for quite a bit. We deserve it. Whether you're in favor or against the stimulus package, it has been passed. We deserve to get a fair share of that money because our people aren't the people who get the tax shelters generally, they're the hard working people that go to work everyday and pay their taxes and hopefully you'll be successful at getting many, many millions of that stimulus.

I'd like to give Hank Gulich a pat on the back because he's been looking into and we're starting to make progress on putting LED streetlights out which will save us a dramatic amount of money in electrical bills. It is just one of the things that Hank very quietly does and next year we should start to see a little bit of that start to come. Thanks Hank. That's all I have to say for tonight, except to make one note, Mayor, I remembered to put it on every time tonight.

ADJOURNMENT

Councilman Gruber moved to adjourn. Councilwoman Scarniench seconded. Yeas: Unanimous.

Attest:

Clerk of Council

President of Council