

COUNCIL MINUTES
MONDAY, APRIL 20, 2009

The regular Council Meeting was held on Monday, April 20, 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, Langman,
Van Ho, Holzheimer Gail.

Excused: Wojtila

Councilwoman Scarniench moved to excuse Councilman Wojtila. Councilman O'Neill seconded.
Yeas: Unanimous.

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

Invocation was given by Pastor Jeffrey Charles Jackson from Way of Life Gospel Church.

COMMUNICATIONS

Council has received a letter from US Department of Housing and Urban Development regarding HUD to demolish abandoned and distressed HUD-owned properties.

COUNCIL MINUTES

Councilman Gruber moved to approve the Council Minutes of April 6, 2009. Councilwoman Scarniench seconded. Yeas: Unanimous.

ADMINISTRATION REPORTS AND COMMUNICATIONS

Director Gulich – This past Saturday we had our Community Shred Day right here behind City Hall which was very well received. I hear from Iron Mountain who we're doing this in conjunction with, collected over 5,000 pounds of material that they shredded on site. If you missed it or weren't ready, or couldn't make it, we're going to be doing it again on Saturday, July 11th. Same deal, bring your stuff to be shredded to the back of City Hall and it will be done for you by Iron Mountain in front of your very eyes.

I was hoping to have an update on the curbside recycling. Sorry to say I was not able to bring any additional information to tonight's meeting. I hope to have some more information in the next couple of days on how soon we could potentially proceed with a drop off plan.

We still have the rest of this month to recycle your computer at the Service Garage on Lakeland Blvd. Anytime day or night we have the drop off location by the sidewalk. Any of your unwanted, unloved or unneeded computer components can be dropped off there. They will be recycled and rebuilt and donated to schools. What can not be returned to duty will be recycled in an environmentally friendly method.

Director Will – I would like to take a moment to thank all the residents, Council, Administration and the dogs of the City of Euclid for coming out this past Saturday to our third annual Spring Fling. I'm amazed for three years in a row the weather has been spectacular. I think everybody had a great time coming out and just walking around. Quite a few dogs were walking around. Everything went wonderful so thank you to everybody, special thanks to Rick Evans for helping put that together. Especially thanks to Home Depot for coming in and doing all the workshops and giving away all the information that they did.

Remind everybody this Wednesday is Earth Day. Go outside, even if it is raining, take a walk, pick up some litter, just enjoy it. Again Wednesday is Earth Day.

Parks & Recreation Dept. is still taking registration for our classes for the summer. To beat the early deadline of May 1st, you can still register tomorrow evening from 3:00-7:00 for any of the summer programs. If you have any questions, call 289-8114 and hit option #8.

We will be having our Relay for Life, which is sponsored by the American Cancer Society. It will be held at the Euclid High School Track, May 15-16th. We'll begin at 6:00 PM and finish the next day at Noon. Somebody from your team is to be walking at all times. The City of Euclid currently has 16 teams and we have raised at this time \$6,500. I think that's wonderful with the teams. If you're still interested in joining a team, you can check out relayforlife.org/Euclid, or you can call the Parks & Rec Dept. and we can get you registered on a team. Or if you'd like to donate. That's May 15-16 from 6:00 PM until Noon.

Also that weekend, we'll be busy, Councilwoman Scarniench and myself and all of our cemetery helpers will be doing our Annual Clean Up. We'll start on Saturday morning, so if you're not in the relay, you can go over there, from 9:00 until 2:00 PM, Saturday May 16th. Sunday, May 17th from Noon until 3:00. We've got some painting to do, we've got some cleaning up. Hopefully you'll come back out and spruce up our cemetery before Memorial Day.

We are looking for additional residents to be on the Euclid Pond and Garden Tour. It will be held on June 27 and June 28. If you know someone who has a pond or garden that would like to showcase it and have the residents come out, give us a call, 289-2726. I'll be again announcing that if you want to go on the tour.

Last but not least, this Friday is Arbor Day. Our Shade Tree Commission cordially invites everyone to the golf course at 5:30, Friday, April 24th and they will be planting a tree in honor of Jerry Corbran. Thank you.

Mayor Cervenik – Only one comment from myself is May 7th, is the National Day of Prayer Observance. Martina and Brian Moore, along with Diana Ross have volunteered to hold the public gatherings at Moore Counseling and Mediation Services at 22639 Euclid Ave. They will be having a service at 7:00 AM, at Noon, and at 7:00 PM, so that everyone has a chance to join and public gathering. We welcome all faiths. The basis of the day is to pray for our nation and our city. I thank those individuals for putting that on for us and hopefully we can all attend. With that our communication are over.

REPORTS & COMMITTEE MINUTES

Councilman Gruber moved to accept the 2008 Annual Police Report; 2008 Annual CS&ED Report; the monthly finance report through March 31, 2009; Board of Control Minutes from 3/30/09 and 4/06/09. Councilwoman Jones seconded. Yeas: Unanimous.

Lot Consolidation

JND Properties, LLC, development agent and Walgreen Company owner, requesting the consolidation of original sublots 1, 2, 3, 49, 50 and 51 into one parcel with a total area of 54,641 square feet, or 1.2544 acres. The lot is comprised of the entire block face between Dille Road and East 204 Street on the north side of Euclid Avenue.

Director Pietravoia – Just a couple of quick comments and then Mr. Beno has the report from Planning & Zoning. I'm very pleased tonight to finally bring before Council the lot consolidation that will allow the Walgreen's Project to go forward. I'm smiling because Councilman Gruber knows that we've been pushing for a long time and he certainly stayed on me to make sure we do everything possible to make this project happen.

We have with us Neil Weinberger representing JND Properties and with Council's permission, I would like to have him have an opportunity just to make a couple of comments and let Council know about the status of the project.

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

Director Pietravoia – I believe all members of Council do have the drawings of the project as well as the lot consolidation which is before you this evening.

Mr. Weinberger – We're pleased that it is actually almost three years to the date that we actually appeared before the Planning & Zoning commission and Architectural Review Board and presented plans for the project at Dille and Euclid. It was delayed because of some lease matters that Walgreen's had to deal with at their existing location down the street. We are now ready and prepared to move forward. This lot consolidation is the final part of the approvals. Then we hope to be pulling permits and start construction this spring with hopefully a store targeted opening date of January 1, 2010. I just would like to take the time to again thank Council, Councilman Gruber for your patience and to the Mayor and Mr. Pietravoia and Mr. Beno for working with us. It is hard to believe that it has been three years but lots of e-mails and phone calls and patience in the part of the city and the neighbors as well to allow this project to go forward. In these economic times there's a lot of retailers that aren't going forward with project, so a compliment to the City of Euclid that Walgreen's believes in your community. Has good business here, does already have two stores and this is a relocation of the one store. It is a commitment going forward to your fine community. Thank you.

Councilman Gruber – Thank you for keeping on this project and of course Director Pietravoia. We look forward to working with you and let's get going. I urge my council members to approve this.

Councilman O'Neill – Just to echo Councilman Gruber's sentiments. I appreciate your company doing business in our city and relocating to Euclid and look forward to a prosperous business on the part of Walgreen's. Thank you.

Council Minutes

April 20, 2009

Page 3

Director Pietravoia – We'll put the boards on display if Mr. Weinberger will loan them to us for a few days, we'll put them on display in the lobby. It is a high quality project, all masonry, very attractively landscaped and fenced on Dille and Euclid Ave. It is going to be a beautiful project, we're looking forward to construction starting. Mr. Beno just has a very brief report for the record from Planning & Zoning.

Mr. Beno – At its regular meeting on April 14th, the Planning & Zoning Commission held a public hearing to consider the lot consolidation you have in front of you. They did vote to recommend approval of this consolidation.

Councilman Gruber moved to sustain Planning & Zoning Commission's approval of the Lot Consolidation as stated above. Councilman O'Neill seconded.

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

Approved.

COMMITTEE OF THE WHOLE

President Holzheimer Gail – This is the Committee of the Whole for Legislative Matters Only. Please state your name and address for the record.

Mr. Vic Leanza – Excuse me if I'm pre-empting anyone, but it is easier to get up here from where I'm sitting. I won't be here long. I live at 25651 Edgecliff Drive. I haven't been up here for awhile because I haven't needed to, the council is running pretty smoothly with very little contentiousness and I congratulate you all for your service to our city.

I wanted to discuss the item #2, the preliminary Phase II assessment of, I don't know how it is worded, but \$50,000. Is the \$70,000 an addition or is it just \$20,000? You can discuss that later, but I read that to be \$70,000 altogether. That's the postage and handling I guess that we always hear about.

I have sailed on the Great Lakes all my life. Moved down here to Euclid, twelve years ago, built a home on the Lake. I had to get permits from EPA, Coastal Management Firm Sandusky, State of Ohio Department of Natural Resources, Corps of Engineers Buffalo New York, City of Euclid. Put in a revetment of rocks and two fifty foot piers to break the waves and protect our shore. I'm very familiar with the Great Lakes. My son is a Captain of a ship on the Great Lakes. There's a general movement of silt and sand from west to east along the south shore. Anything that's built that protrudes from the Shore inhibits the natural flow of silt and sand. That's why I was limited to 50 ft.

I am not opposing or affirming the building of the Harbor Town. I just want to point out that about five years ago I stood up here when Doug Price was presenting his stats on it and I gave him my card in front of all of you or your predecessors. He was to call me, never did; never returned my calls.

When I met with you Mayor Cervenik about a year and a half ago when I was Y Board Chair, we talked about Y things, you also said that the Harbor Town Project was not a high priority and that there were many other things to be done businesses to bring into Euclid, all of that, which the Walgreen Project represents that. I want to make sure that this is a very transparent process and that those of us along the shore are really kept up to date about the engineering of this. Because when you're down wind so to speak, of a protrusion on the south shore, you lose your beach and the silt and sand tends to build up on the windward side.

All I'm saying is, let's keep the public informed. No secret meetings on it and good luck when it comes up. I will neither oppose or affirm it unless I see that something is being done that is inappropriate in the planning and engineering. Thanks a lot.

President Holzheimer Gail – Mark, I think we're done with these boards, if you wouldn't mind putting them in the lobby. Thank you.

Ms. Fayne Copeland – 60 Lake Edge Dr. Three weeks ago I stood before City Council and made the following offer on behalf of the Shore Board of Directors stating that we were prepared to contribute \$20,000 toward the management fees and strategic planning costs shown in Coral's proposal. Since that time the Shore Board has been delighted to hear that the Council is planning to move forward with at least part of Coral's proposal, however there's now discussion at Council about whether or not to keep the building open and operating during the conduct of the strategic planning. The Board of the Shore Cultural Centre feels that this was not an option and our offer was made with the understanding that the building would remain open and operable with continued programming.

The Board has asked me to re-clarify our offer and I've e-mailed this to you, today. I'll read it. The Shore Cultural Centre's offer of \$20,000 along with our promise to continue our fundraising efforts is intended to defray the expense of hiring the Coral Corporation to manage the day-to-day operations, which conducting the strategic planning process, and reporting their findings back to this City Council. Any and all contributions are contingent on the building remaining open, operable and with continued programming.

To date I just want to tell you that we've received over \$3,570 in unsolicited pledges and we plan to actively solicit pledges soon. The Shore chose Coral's plan because the entire plan makes sense. Communitywide strategic planning, day-to-day management, advertising, marketing and the ability to go after funding for capital improvements.

I was concerned when the Council decided to think about relocating Shore's tenant base. The result of the strategic planning process will provide the answers to many of our questions. Coral's plans bring all stakeholders to the table, the City of Euclid officials, the Shore Board, current tenants, clients, visitors, patrons, Euclid School Officials, downtown business owners and operators, potential and prospective tenants and users and regional business, arts and educational organizations.

The result of this strategic plan should address the following matters and I think it will answer a lot of the Council's questions. First which tenants stay and which tenants need to relocate. Our tenant base should be determined through the strategic process within the confines of our new organizational structure. Coral stated in the committee meeting that they prefer to begin working with all the tenants in the building and that they would recommend to the city which tenants if any would need to be relocated. Coral further guaranteed that tenants who had to be relocated would be happier in their new site because Coral specializes in placing the right business in the right location.

Second strategic planning should address which tenants might achieve better profits by focusing on group advertising and marketing plans that would increase their profit and their ability to pay competitive rates for improved rental space. We need and we want market rental rates for our building.

Third, tenant capacity. Councilwoman Scarniench envisions Shore as a premiere civic center on a smaller scale. Her vision maybe spot on, but before we proceed with ideas of demolition, Coral must be given the opportunity to assess the tenant capacity of the building.

Fourth, forward development. The rigorous demands of creating a premiere civic center will require certain skill sets which are capable of meeting such demands. Coral can help us develop the Board in that manner.

Fifth, undetermined benefits. We have so much to lose shutting Shore down. We stand to lose businesses who are now deciding that they've had enough and it is time to join the plight of people leaving Euclid.

So please let Coral do their magic. Mayor Cervenik, are you listening? Okay. Let them advertise, market, raise revenues, create the plan, manage the vision, fill the building with tenants who can cover the building expenses and find the funding for capital improvements. Mayor Cervenik, City Council, let us make you proud, I think we can, I know we can do this. And we're going to hear a lot of arguments tonight and we're listening to your concerns. I'm asking you to meet with us and find an approach where we can make a difference together. We have 1,240 signatures on our petition drive.

President Holzheimer Gail – You're time is up. I do want to clarify that tonight on our Agenda is a resolution authorizing the administration to negotiate the contract. We are here tonight for that specific purpose. We are not debating and I know that many of these issues are interrelated. I don't want to get bogged down this evening on opening and closing the management side. We're looking at the professional services contract for the strategic plan.

Ms. Jinai Amos – 23410 Lake Shore Blvd. I am here also to speak upon agenda #5, which is the strategic planning for the Shore Cultural Centre. I just wanted to make Council aware that the Shore Cultural Centre Corporation which is our non-profit board has recently set up a new fundraising committee whose initiative is to continue our own fundraising initiatives that will help support the strategic planning costs and potentially as the Council decides operate any further operational costs in the next fiscal year.

Just to give you an idea of some of the ideas that we would like to continue to consider and develop if given the chance to have an opportunity to have that money go towards Shore remaining open and programming available, is to just continue this new committee that we've developed. The \$20,000 contribution to the start up fee. We are also planning on in a sort of fundraising campaign that will contribute all monthly finances to the Coral management fee, operational costs if appropriate, as well as any capital funds that may then be decided upon in conjunction with Coral's advice. Federal, state and local grants will also be researched and applied for.

We will also encourage tenants if possible to initiate their own grant writing opportunities and some of us on the Board do have that experience. We would also be willing to give them counsel or advice if they so desire or have a need for that because of their lack of experience.

We will also be considering naming rights, corporate sponsorship, as well as revising our membership initiative and donor drive with a data base that will hold all of that information so we have an easy access to some of our future fundraising initiatives. We also plan on doing small and large fundraising opportunities which we currently do which includes concert performances, comedy performances, concession sales, things like that where we could require little monies but monies that in the end go into the big pot. Then lastly we will also be encouraging board members to look for matching gifts from their places of employment or their churches.

Just in the last couple of minutes that I have, I recently came upon this article from the Wall Street Journal, which talks, entitled Artists vs. Blight. This came out April 17th. It was very interesting. It talks about a New York couple who moved to Cleveland. They are artists and they recently bought property in Collinwood, which some of you maybe familiar with. As sort of an up and coming transient artist neighborhood. They have identified in this article two major fundraising opportunities which the Shore Board has also recognized which is Building Bridges and the Artists space project, so that was very good to see that cross connection there.

Also they made a statement that the city of Cleveland is currently putting in I think a plan of half a million dollars towards their arts development. I thought that was an interesting article, current event on this issue. I look forward to further discussion that Council may have tonight and I hope that we can continue to work on this together. Thank you.

President Holzheimer Gail – Seeing no other public comments, we'll move forward with legislation.

Mayor Cervenik- I erred earlier in my reports and communications and I would ask if Council could waive the rule. Sherrie Zagorc is here and I forgot to mention that she's trying to raise money for a playground. She really was supposed to be part of my reports. If you could waive the rules and let her come to the microphone, so she doesn't need to be here all night.

Councilman Langman moved to waive the rules, Councilman O'Neill seconded. Yeas:
Unanimous.

Ms. Zagorc – 361 E. 210, Euclid. I presented you with a packet of many things here tonight, put together with a little key ring that signifies one of those events. First of all I would like to say to everyone who is here that this is the week of the young child. As a professional in early childhood education that's a very important or significant week to us in that we are honoring the important people in young children's lives. The theme for this week is bring communities together for children, children bring communities together.

I wanted to present you with one of those brochures so that you can take a look at an initiative that is from the National Association for the Education of Young Children. With that, we are kind of tying that in with our playground project. Last summer I attended a workshop with Kaboom and Kool Aid. Kaboom is a non-profit organization whose mission is to build playgrounds across the United States and they're even going into other countries within walking distance of every child. I was so excited to have attended that workshop that I applied for a grant to build an infant/toddler preschool playground. In talking with Kathy Will, she said that would be a great idea, we have nothing like that in the City of Euclid.

So my premise in my grant proposal was to first of all bring childcare professionals in Euclid together and so we've been inviting and meeting for the last four months at the Library to make sure this is a project that we felt would be accomplished and we have come to the conclusion that this is something that not only the directors of the childcare centers, but also our families and also other citizens in Euclid would like to join us in helping to make this a reality.

I've given you a little bit of information about what we've done so far and I've also given you an invitation to attend our All Aboard for the Playground Express Planning Party. Which is going to be held right outside in the Lobby of City Hall on Thursday, April 30th from 5:00-7:00. We're going to invite families with children to come and help in the decision making or planning process. We're going to ask the adults to join us on many of the committees that we would need to have in order to plan and fundraise and actually build. This is a community build project so we all need to get together to accomplish this end result. We'll have a few refreshments as well. We would like to invite you to come and be a part of this project. The grant needs to be fulfilled by October of this year so we're working really hard to get that moving along.

Also, another event that's coming up that we would like to invite everybody to attend is the E. 200th Street Stroll. This is the third year for the Stroll. The last page and also the little flip-flop that's attached to the entire packet, is to remind you to please come to visit us on E. 200th Street on Sat. May 30th from 10:00 AM until 2:00 PM.

I think that's it. Anyone have any questions? Another thing that I thought of while we were talking is that I would also from Kiddie City, the childcare community, the non-profit organization that I helped co-found, we recently installed some windows that we were able to acquire because of a storefront renovation grant. Thank you very much for approving that. They're beautiful, they're safe, they're energy efficient and we love them. We can't wait until we can open the screens and get some fresh air into the building as well. Thank you.

President Holzheimer Gail – Thank you Sherrie for putting this effort together. For those who have been part of a community build playground, it really is a wonderful process and I would encourage anyone to participate. You really do not need a whole lot of skills to do it, just the willingness to help and the willingness to work. It is a great community building process, I wish you good luck, I will be there to help. We appreciate all of your efforts in the community. I saw you on 200th Street working on your planters for Adopt-A-Spot. Thank you very much. Moving forward with Legislation.

LEGISLATION

Res. 82-2009 (275-09) Pawn Shop

A resolution granting a Use District Exception, pursuant to Chapter 1375.01(a)(3) of the Codified Ordinances of the City of Euclid to George Davet, President of George's Pawn Shop, Inc., to allow a U-4 or U-5 conditional use in a U-6 (Industrial and Manufacturing) Use District in the Ramsey Bennett Building located at 25010 Lakeland Boulevard, Permanent Parcel No. 648-02-005. (Sponsored by Planning & Zoning Commission)

Councilwoman Jones moved for passage, Councilwoman Minarik seconded.

President Holzheimer Gail – This is a second reading.

Councilwoman Jones – I would like to waive the third reading for the discussion of this topic, if all the questions and everything is answered. You should have received a diagram of the building location where Mr. Davet wants to move his business to. Over the past several weeks I've had conversations with Mr. Davet and with the current building owner as far as what he would like to do with the building. I've had conversations with surrounding business owners as well. With some conditions put in place for this to be approved, one of the conditions being and I went over this with Mr. Davet and his crew, is that there will be no outside sales, it would have to follow the new sign regulations without a freeway sign. We talked about a time stipulation for the ramp that's by the parking area to be filled in.

I would like to suspend the rules and let Mr. Davet and his crew to approach the podium to answer any questions that you may have and also he can explain the transition process because this would not be an all in one move. It would be a transition where he would open his business and then transition from his current location to his new.

Before Mr. Davet comes up to the podium, I would like to say that I did take the opportunity to visit Mr. Davet's current location on 152 St. and I visited on three occasions. The first one was just to get an idea of where his current location was. The second time I actually talked to one of his customers that was outside going in. I did have to wait awhile before somebody was there because I was just there to observe the business. It is not like it's a business where there's traffic going in and out all the time. The customer that I did talk to said that they had been to other Pawn Shops and Mr. Davet is very fair. The third time I went to visit, I went inside and Mr. Davet took me on a tour of his location. He has a very awesome cataloging procedure to keep track of everything so I can understand why it would be a transition to move from the old to the new. Maybe he can explain that process when he comes up to the podium. With this location, what he's planning to do or like to do, the way the building sits is he would like to rent the front part of the building out for office space. His business would be in the middle section and the other part would be for storage.

The way the property sits is there is a building which is Hamilton Mold and Machine sits right behind this building location. One of the concerns that Mr. Fleming had from Hamilton Mold and Machine was the site of a pawn shop on that location. One of the things he also mentioned was that in a pawn shop is bringing more people business to that area which a lot of the business in that area don't have people traffic. We talked about and with Mr. Davet's business, it is not like it's a continuous in and out everyday. We talked about where the traffic would flow from into Mr. Davet's business would be on the side area. Mr. Davet is willing to put a fence up along the back,

the one section on the side and put additional shrubbery on that back section and the front along the building.

At this time if we could suspend the rules and ask Mr. Davet and his crew to come up to the podium?

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

Councilwoman Jones – Mr. Davet, if you could just explain first of all why you picked this location. Second of all, your transition process to be able to move into this location if this is passed tonight and where you are moving from.

Mr. Davet – I've been in the pawn business for, my present location for twenty years. It has been a very good business for me and I've been in the business for close to forty years. I have a great customer base and I like the location along the freeway where people can come in and out fairly fast. I have quite a bit of customers from Euclid. In the last year, I have 1200 customers that have Euclid addresses. Within the last six months, it was 830, with Euclid addresses.

We are a general pawn shop. We don't just take jewelry, we take tools and I have a lot of small plumbers and carpenters and people that store things in my pawn shop. It is much more reasonable than renting at a location for a lot of small people. The pawn business, I just can't close a store, call the loans in at one time. We go into a contract so I have to give the people at least 90 days to work out the loans. That's why I need a transition time, open up at one location and be closing the other location at the same time.

Councilwoman Jones – One other thing that I wanted to mention and some of the information that I found out about Mr. Davet, his wife is a teacher at Shore Cultural Centre for English as a Second Language. Used to live in Euclid on 222 in one of the homes next to the police station?

Mr. Davet – Right next to the high school, one of those three homes there.

Councilwoman Jones – So he is very familiar with Euclid and the business opportunities in Euclid. At this time, if any of the other council representatives have questions for Mr. Davet?

Councilman O'Neill – Where are you relocating from?

Mr. Davet – On E. 152 in Collinwood area.

Councilman O'Neill – Welcome to Euclid.

President Holzheimer Gail – Mr. Davet, just out of curiosity what is the difference or could you explain the difference between, there seems to be a new model of consignment shops versus a pawn shop. I don't know if you can address that.

Mr. Davet – In a pawn shop really they're putting their valuables up as collateral for a loan, they really don't want to sell it. That's the business that I like. There are pawn shops that do a lot of buying. I found that I like the pawn customer, they come back for their goods. A lot of people store things in our place. They really basically leave it there for safekeeping, or for money that they need to get by with. We make short term loans. Our loan is for a 90 day period. They have to pay their interest or get their loan out within 90 days.

President Holzheimer Gail – Are you comfortable with the conditions that Councilwoman Jones outlined regarding the new sign code and not have a freeway identification sign?

Mr. Davet – Yes.

Councilman Van Ho – I'm going to vote against this legislation not because of anything that you have said, or anything that I've heard about the business, I just don't like the concept of a pawn shop right on the freeway. We're fighting image problems now and that's not going to help our image. I will be voting against it.

Councilman Langman – To the administration, we currently have any other pawn shop establishments and if so where are the locations?

Mr. Beno – There's currently a pawn shop on Lake Shore Blvd., about a third of the block passed from the corner of the intersection of 222 and Babbitt.

Councilman Langman – To Capt. Brooks, have we had any trouble at that location? What do you know generally, do pawn shops cause an increase in crime or criminal activity?

Capt. Brooks – We haven't experienced that with Best Pawn. They've been cooperative. They provide us records on a timely basis. We have a good relationship with them. We haven't seen an increase in crime because of the pawn shop there. There's pawn shops readily available throughout the greater Cleveland area, so just because we have one in Euclid doesn't mean that crime is going to increase.

We've also had a lot of dealing with George's Pawn Shop over the years. Our Detective Bureau has worked closely with him, know him to be a reputable businessman. Cleveland Police work with him along with a task force, so he has a long track record of cooperating with the police and making sure whatever he takes in is not stolen.

Councilman Langman – My final question is for the Law Director. Law Director Frey, for the folks that are watching here and at home, are there any particular Euclid regulations that would govern this particular location?

Director Frey – We have zoning requirements. There are not business operation requirements. Zoning requirements but this would comply with those if the Use District Exception is approved.

Director Pietravoia – When you are ready, we do have a formal report from Planning & Zoning with conditions that they recommended as well.

Mr. Beno – On March 10th at its regular meeting the Planning & Zoning Commission held a public hearing to consider the Use District Exception for a Pawn Shop located at 25010 Lakeland Blvd. The Planning Commission recommended approval of the proposed pawn shop subject to a condition that a revised site plan incorporate a code compliant parking lay out and fencing along the north property line.

Subsequent to that, there has been discussion with the appellants. We do have those four conditions as discussed previously. I think I have a little bit tighter wording for those four conditions if you don't mind me presenting them. First that there be no outdoor sales permitted on site. Second, signs would be limited to building mounted and monument signs as permitted by Ord. (305-09). Three existing loading dock is to be removed and replaced with a code compliant parking area within six months of the issuance of a temporary certificate of occupancy. Finally fencing is to be installed as shown on the revised plan submitted to Council.

President Holzheimer Gail – Does the fact that we have not voted on (305-09) yet matter at this point?

Director Frey – The fact that the applicant has acknowledged his contention to be bound by that as a condition, will satisfy. We can incorporate that by reference into this. In fact that legislation, if it is enacted tonight would probably be in effect before he would assume operation at that facility any how.

If I could just correct, Councilman Langman asked if there are other regulations, there are regulations that govern the reporting requirements of pawn shops. Those, Sgt. Blakely from the Narcotics and Vice unit is aware and has already had meeting and conversation with the operator, so they are well aware of the requirements as a pawn operator and their compliance with the Police Dept. I know that Capt. Brooks has indicated the reputation that this operator has with the Cleveland Dept. as well as the Euclid Dept. as an adjoining business or neighboring business. I just wanted to make sure I correct myself on that fact. We're okay with zoning if the Use District is applied and Mr. Davet is aware of the requirements in our code.

President Holzheimer Gail – Mr. Beno, I want to make sure I heard you correctly. I heard you say limited to wall and monument sign. Did you say restricting the freeway identification sign?

Mr. Beno – By saying that it will be limited to the building mounted and monument signs, that does automatically eliminate the freeway sign.

President Holzheimer Gail – I just want to make sure we were clear on that point. We need to amend the legislation to include the six conditions at this point?

Mr. Beno – Four conditions.

President Holzheimer Gail – The Planning & Zoning were already included, the two that you mentioned from them?

Mr. Beno –Yes.

President Holzheimer Gail – Would Council like to hear those again, the four conditions or everyone is comfortable. Would someone like to make a motion to amend to include those four conditions as outlined by Mr. Beno?

Councilwoman Jones moved to amend to include the four conditions as outlined by Mr. Beno. Councilman O’Neill seconded.

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

Amended.

President Holzheimer Gail – We do need, if we’re going to vote on the amended resolution we do need to waive the readings.

Councilman Langman moved to waive the three reading requirement on Res. (275-09). Councilwoman Jones seconded.

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

Nay: Van Ho

Three Reading Requirement Waived.

Councilwoman Minarik – Do we still have to waive the third reading?

President Holzheimer Gail – That’s what we just did. We’re all set, correct Director Frey?

Director Frey – As I understand, right now we’ve amended, so we have Resolution (275a-09), and Resolution (275a-09) was waived the three readings.

Councilman Langman – Just as a final comment, I would have to say that my colleague, Councilman Van Ho’s reasoning is quite compelling, so I will be voting no on this.

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

Roll Call: Yeas: Scarniench, Jones, Minarik, O’Neill, Holzheimer Gail.

Nays: Gruber, Langman, Van Ho.

Passed.

Ord. 83-2009 (270a-09) JJR Phase II Marina

An emergency ordinance authorizing the Mayor of the City of Euclid or his designee to enter into a professional services agreement with JJR, LLC to provide preliminary coastal engineering analysis, design and pre-application permit consultation services for Phase II of the Euclid Harbor Town Lakefront Mixed Use Marina Project at a cost not to exceed ~~Fifty Thousand Dollars (\$50,000.00)~~ Seventy Thousand Dollars (\$70,000.00) including related reimbursable costs. (Mayor Cervenik by request of CS&ED Director, Council President Holzheimer Gail, Councilmen Langman and O’Neill) (Recommended for passage as amended by City Growth, Planning & Development Committee)

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

Director Pietravoia – We did hold a separate City Growth Committee Meeting at which time JJR was present to not only present the findings from their first phase of work but also to discuss the second phase which is before Council for consideration this evening. Councilman Langman may have some comments on the committee report after I complete my remarks.

I appreciate Mr. Leanza’s comments earlier and want to assure him that one of the main aspects of this second phase of work is in fact to look at the sand movement that he described and to

make sure that we're doing everything properly in designing any lakefront project so that it would be in a position to be permitted by ODNR, Army Corps and all the other agencies that would have to be involved in providing permit.

The difference in the dollar amount, this was amended at Committee. Originally we had an early estimate for the work of \$50,000. Once we finalized the work program that was presented to Council at Committee, that estimate was actually \$64,000. With Council's blessing at the Committee we increased the dollar amount to \$70,000 to include the related reimbursable costs that are shown in the ordinance.

So this evening I would encourage Council to pass this legislation so we can move forward with the second phase of work. This does involve some engineering work as well that would lead to any improvements that are built in the lakefront. We have an opportunity with a State grant that we received and the second amendment on the ordinance is in Section 3, to include a reference to that State grant. Any engineering related work, not the planning or the concept work, but the engineering work is fundable through that State grant. So we would look to Council with your approval to allow both the TIF funds that are collecting in Harbor Town and the State grant to be used to pay the cost of this second phase.

At the end of this process we'll have a very solid idea of the concept that we're moving forward on, both on the land side and the lake. We will have a very good idea from the agencies that have to provide permits where they stand on that concept and what issues they might have that we can change or revise so we would be able to go forward with the project. With that I'll open it up to Councilman Langman and other council members.

Councilman Langman – Just to build upon a couple of comments from Director Pietravoia. I think the sand migration issue is one of the prime issues that we will have to address before obtaining the permits. Mr. Leanza I can assure you that will be addressed in a way that does not harm to any, downwind, so to speak, property owners. In fact, we cannot do that, whether it is a marina or a pier or any other structure on the lake.

I think the process so far has been a very good one in that we've kind of broken the log jam on some previous years discussions on various items. Brought in a professional firm with JJR to help us with that. They can help us guide us through this process. I'm looking forward to the completion of this phase, which I believe Director Pietravoia in case I'm mistaken will take about 14 weeks to complete and then we'll go from there once that product is delivered.

I do have one question for you Director Pietravoia, since the Committee Meeting, have we made any progress in defining a little better the ratios between the actual engineering versus the planning and thus how much is going to be paid from TIF versus the State grant?

Director Pietravoia – We did follow up with the State contact on the grant and the original estimate that JJR provided in their proposal was approximately \$20,000 of the fee would be for engineering related work and the remainder would be for more planning related work. So from the State grant we would be eligible to cover about \$20,000 of that fee. The remainder would come from the Harbor Town TIF which does currently have a balance of approximately \$52,000.

Councilman O'Neill – To the folks that might be listening, our steering committee absolutely wants to keep this well vetted in the public so everybody understands what the concept is going to be. I think the people that live along the shoreline will actually benefit on this project and at no cost to them. Also the sand movement, according to JJR, every step of the way they involve the Army Corps of Engineers, they involve ODNR and some of the other permitting agencies that they have them on board so that the State and Federal agencies are well aware of what we're doing. That's an asset JJR brings to the table.

There's one more thing that I would ask Director Pietravoia to comment on is the half a million dollars that we got from the State. It does have an expiration date, so if you could comment why and when we need to move along with the process and utilize those funds.

Director Pietravoia – We have approximately 18-24 months to expend those funds. The State has to actually issue bonds for all the capital grants that they approve throughout the State. First series of bonds have been issued. Our project was not included in that first round, but we expect that it will be in the next round. It will still be in that timeframe of 18-24 months once the bonds are issued and our application is submitted to the State.

Councilman O'Neill – To Director Pietravoia, these funds are coming not from the General Fund but from TIF funds and State monies that are provided to us, so it is money that has to be spent on this type of project.

Director Pietravoia – That’s correct. Both sources of funds are not general fund related. The TIF dollars are accumulating in the Harbor Town TIF that was established about two years ago. The State Capital Grant was one that we went after with the Mayor and Council’s support and State Rep Kenny Yuko and at the time Senator Lance Mason, we’re able to advance our project to get its first capital dollars from the State in the amount of \$500,000. Those are State dollars, not city general fund dollars.

Councilwoman Jones – Did you say 18-24 months for the funds to be spent or allocated to be spent?

Director Pietravoia – Ideally because they’re capital grants, they’d like to see the project well underway and the dollars actually spent. It is a reimbursable grant which is the case with most of the grants that we receive; where we have to front the money and then we’re reimbursed from the State.

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

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

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

Passed.

Res. 84-2009 (299-09) Dispatchers/Record Rm Contract

A resolution authorizing the Mayor of the City of Euclid to execute an Agreement by and between the City of Euclid and the Civilian Uniform Police Personnel Organization (CUPPO), as exclusive bargaining agent for all Police Dispatchers and Police Record Room Clerks. (Sponsored by Mayor Cervenik)

Councilman Gruber moved for passage, Councilwoman Scarniench seconded.

Director Frey – The City negotiated a four year agreement with the Records and Dispatch personnel in the Department of Police. That group is represented by the Civilian Uniform Police Personnel. As provided in the detail sheet attached to the legislation, it provides for a no change in the hourly rate for 2009. There’s a half percent increase January 1, 2010 and a half percent July 1, 2010. A 2% increase January 1, 2011 and we have agreed that we will include in the contract language a provision to re-open on the economic issue for 2012.

The cost savings the City achieves through this contract is we are removing the, what was entitled the proportional payment of \$250 per employee for 2009 and 2010. We are removing clothing maintenance payments either \$275 for full-time or \$225 for part-time employees for 2009 and 2010. The net change is slightly above the 2% goal in the cost savings from this group from the period 2009 and 2010. It was ratified by the Union with their vote last week and I would encourage city council to approve this contract. It is a relatively small number of employees, but they play a vital role in the operation of both of our safety forces, they dispatch both for police and fire. They also provide most of the police record keeping, record retention and as individuals, both courts and prosecutors, the department needs records, it is a vital area to keep track of historic information for the department of police.

Mayor Cervenik – I would just like to take a moment, we have settled 9 of the 10 contracts. Ironically it’s the three janitors at the Shore Centre that we will be meeting with shortly. The agreement we received from all the bargaining units, as well as the non-union employees, I need to thank them tremendously. They truly understand the urgency of the financial atmosphere that we and other cities are in right now. They agreed to take money out of their family’s pockets, to one, make sure that they could all maintain their jobs and number two that they could continue to provide services to our residents, safety, police, fire, senior, housing inspectors, the gambit of services we provide. They felt it was important to do this.

There’s been years in the past in other cities existing that have not come to the conclusion of contracts this early in a bargaining year and we have. We’ve done that without high priced attorneys as has been in the past. We do have with a number of the contracts that you have not voted on yet, we have some non-economic issues, some language issues to change, which should not add any economic detriment to the budget for 2009 and 2010 because many of these employees

by agreeing to no raises in 2010 as well. So it is a two year sacrifice that they've made and their raises in 2011 are nothing to shout home about.

But they did it because one, they wanted all their co-workers to be employed and number two because they do enjoy their jobs and they enjoy providing the services. I need to thank them. If you see them, I think you need to thank them. Unless some crazy things happen in tax collections over the next few months as agreed to in most of these union contracts that as long as our cash balance will not be decreased by more than we budgeted in March, \$2.7 million that no one will be laid off. If we fall below \$2.7 we do have the ability and hopefully not the necessity to institute lay offs.

I just really need to thank the employees for their cooperation and for the most part, outside of a few meetings we had, they were very cordial and very professional. I think that speaks highly for the union officials that bargained here as well as their members. I wanted to get that in there.

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

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

Passed.

Res. 85-2009 (302-09) Bids Demolition HUD Homes

A resolution authorizing the Mayor of the City of Euclid or his designee to solicit for bids and enter into a contract with the demolition contractor supplying the best and lowest bid for the demolition of properties utilizing the Department of Housing and Urban Development's Neighborhood Stabilization Program (NSP) funds, bid in blocks of no more than 10 properties, after approval by the Board of Control. (Sponsored by Mayor Cervenik)

Councilman Van Ho moved for passage, Councilman Langman seconded.

Director Pietravoia – Asst. Director Sweeney is going to be reporting on this item as well as Marty Castelletti who is managing the Neighborhood Stabilization program, he is here this evening.

Asst. Director Sweeney – As Council's aware we're getting a nice chunk of money from the Federal government and Council passed our action plan or our Disposition Strategy for this money. With this money we intend to demolish a number of homes and rehabilitate a number of homes.

We feel that by soliciting bids in blocks of 10 properties instead of single properties as we currently do now under the demolition program we have, we feel we're going to get a better price from the demolition contractors, they're not going to have to continue to re-engage their equipment and dumpsters by going to a property, taking the stuff back to their headquarters, go to another property, taking their stuff back. If we solicit for bids in blocks of 10, if the successful bidder will have their list of 10 properties and just go from property to property to property.

We do feel we will get better prices by going out for bids in a block of 10 properties. Since we do have to use this money within 18 months, we feel that for the ease of administration if we can do in blocks of 10 and deal with one contractor for a large number of properties.

We still plan to engage in competitive bidding, advertise in a newspaper of general circulation. Have the bids opened by Board of Control and we would seek that Board of Control can authorize the best and lowest bid, instead of having to come to council for each time we're going to put a block of 10 properties together. Two reasons, ease in administration and we feel we're going to get a better price on the bidding.

The other thing that I'm working on with respect to these demolitions is two recycling programs. One is for recycling plant materials and one is for habitat for humanity and their restore. With respect to the plant materials, we're going to give first dibs to the city and the Recreation Dept. Let them take plantings from any houses that we intend to demolish and use them for city purpose, city buildings, on any city grounds or for adopt a spot locations. If a particular property doesn't have any plantings that the city needs, we will then open that up to the neighborhood associations where that particular property is located and engage the neighborhood association to take any plantings from those houses for general neighborhood purposes. People can't just come and loot the plantings at a house and put them in their own yard. Has to be for the general purpose of that neighborhood, neighborhood association or adopt a spot.

With respect to Habitat for Humanity and their restore, their restore raises funds for Habitat for Humanity by rescuing, recycling, reusing, reselling building materials that would otherwise be thrown away in a demolition or rehabilitation. We plan on engaging the services of Habitat for Humanity to go in and salvage the interiors and exteriors of these properties that we plan to demolish before our demolition contractor arrives. Habitat for Humanity is already working with

Shaker Heights, I've obtained copies of their contracts and waivers and releases of liability, we'll tailor them to our needs and basically we'll walk through each property with representatives from Habitat for Humanity, they'll tell us what they would like out of a particular property we're going to demolish or rehab, if we're not using the particular items on the rehabilitation properties, and have them sign a waiver and release and have them take those items out.

Those are a couple other reasons why it will assist administration in bidding in blocks of ten, we'll have a better schedule and no better which houses are coming down and when they're coming down and then engage the city and the non-profits to remove the plantings and fixtures from the properties.

Mr. Castelletti – The whole process of purchasing HUD homes, it takes about six weeks for the whole thing to happen from the time we get notified that there is a property available until we actually do the purchase. So while this is happening, we have a few other things we have to take care of, including getting a historical clearance depending on if we do demo or rehab the house. In the process, if we can get the bidding going and once we determined that we do want to demo these properties, then it can kind of speed up things a little bit by doing them in blocks. That's the whole idea.

President Holzheimer Gail – Mr. Castelletti, could you talk about the process of deciding which homes, not in great details, but just have we identified or detailed the process of determining which homes are demo'd and which homes are rehabbed?

Mr. Castelletti – I have been working with the Housing Department, what we do is we identify the properties as we are notified from HUD that they are available. We take a look at that property and see what kind of condition it is in. Not only the condition, but also the general overall nuisance to the neighborhood, if it has been a problem, if there's been police calls and those kinds of things. We also try to get an idea of what we think the rehab cost would be to fix that property, if it would be something that we can put something into and still make it a marketable home. If somebody wanted to rehab the house, would it be worth it to put in as much money as they have to and still be able to sell it at a reasonable price. At some point if it is determined that it would cost too much money to rehab the house, which would put it over its market value, then we just decide that we're going to tear it down. Also if we do decide to forego the idea that it is going to be torn down for that purpose, if it is a demo'd property that if it is a nuisance type property, that's often times an issue that we feel is as important and because we have some other ideas of what we want to do with the property in future development, then we feel that would make it a demo property and we could use it perhaps for neighborhood gardening or maybe a lot splitting and we think that would be a better use for the neighborhood.

Councilman Gruber – Approximately how many homes do you hope to demolish?

Mr. Castelletti – Under our current NSP program, we're shooting for 65 or so.

Councilwoman Jones – How many homes, you said approximately 65 to be demolished. Do we already have the first block of 10 designated, of which ones they would be?

Mr. Castelletti – Of the first ten that we've received from HUD, we are planning on demo-ing seven of those and going forward, we'll see what they present to us. They're not just going to be HUD homes. There will be homes that we plan to purchase if they are bank-owned and we can pick them up at a reasonable price.

Councilwoman Jones – So the maximum would be ten in one block?

Mr. Castelletti – To start with we're going to do ten. If we can gather ten at a time and go out for bid for them, we'll get the best price I think.

Councilwoman Jones – What is the duration, after you identified what the ten would be, whatever the process is to get to the point where they're being demolished, it is not like you're going to be demolishing them all at one time, is this a process, a month or two months?

Mr. Castelletti – It depends upon the time it takes to acquire the properties. We're not going to go out and try to purchase 60 at one, it is going to be an ongoing process as we identify them and decide that we want to demo them. Also, I'd like to point out that under our NSP Plan originally we figured we would be spending a lot more money on property acquisition to do the demo, but now

Council Minutes

April 20, 2009

Page 14

with HUD's stepping forward and restarting the \$1 HUD program, obviously paying \$1 for a house, greatly reduces the costs of the whole process. So we think we might even be able to do more demo or perhaps even do a little more rehab with the extra money that we have.

Councilman Van Ho – I would like to urge all my fellow council people to vote for this. As you know I've been trying to get foreclosures stopped, but at this point these houses are beyond that. So let's get rid of the blight, make the neighbors feel better about their neighborhood. I'm also excited about the recycling of the plants and Habitat for Humanity. Plus as Marty said, he's buying right at \$1 per house, you can't beat it.

Councilwoman Scarniench – Mr. Castelletti, would you give Council a list of the homes that we will be tearing down?

Mr. Castelletti – Yes, as we identify the properties that we're going to demo, we'll identify which ward they are in and then we'll notify the Council person in that ward and let them know what the disposition of the property is, whether we're going to do the demo or rehab the property.

Councilman O'Neill – Just real quick, I like the idea of the doors and maybe the windows going to Habitat for Humanity, that kind of greens up the process a little bit. But it is my understanding that the houses that are identified, they're not hitting on 10 houses blind, they're going to be 10 addresses that the demo contractors are bidding on, correct?

Mr. Castelletti – Correct.

Councilman O'Neill – You will notify us, which houses those are?

Mr. Castelletti – Yes.

Councilman O'Neill – It takes approximately one day to take a house down, is that right?

Mr. Castelletti – Roughly a day or two.

Councilman O'Neill – Usually no more than two?

Mr. Castelletti – Yes, they have to fill the hole back in. The whole process that we require, probably takes a couple of days.

Councilman O'Neill – It is a pretty rapid process once it starts going?

Mr. Castelletti – Very much so.

Councilman O'Neill – And the neighbors that live next door to the blighted houses appreciate that.

Mr. Castelletti – I think they have. So far with the current demo program that we have, we haven't had any complaints at this point.

Councilwoman Jones – Let's say the house is demolished and that property is turned over to use for a community garden or a playground or whatever, who is the ultimate owner of that property? Would that be the city?

Mr. Castelletti – In some cases the city will retain ownership. If we do the lot splitting, hopefully we'll be able to split it off to each neighbor on each side. If we do any other, if it is just turned into a little park, then the city will continue to own the property.

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

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

Passed.

Director Pietravoia – Before we continue, I just wanted to comment quickly on the letter that Ms. Cahill referred to that we received from HUD because it is related to the item that you just acted on. In response to the Resolution that was passed by Council asking HUD to pay for their own

demolitions, they did come back, and in fact they didn't offer to pay for their own demolitions, but in addition to the \$1 HUD program, they have offered substantial discounts to the city in acquiring other properties without waiting the full six weeks that we used to have to wait for the \$1 HUD homes.

For example, in their letter, I'll start with those that we think will be most applicable for City of Euclid. Some properties through the HUD program are appraised at \$20,000 or less, those would be offered to the City for \$100. Those that are between \$100,000 and below to \$20,000 would be offered to the City at a 50% discount of the appraised value of the property. Anything over \$100,000 the discount is much less substantial, it would be 10%, but we think most will fall into those first two categories that I mentioned. So this is also another step that HUD is taking to speed up the process and also make our NSP dollars stretch further. I just wanted to comment on that because it related to the action you just took.

President Holzheimer Gail – I think it would be worthwhile, I think this Wednesday's Housing meeting is probably pretty full, but I think at some point in the near future it would be a good idea to have an update on the NSP program and where we're at with that so we can work to schedule that as well.

Director Pietravoia – Were you expecting that this Wednesday?

President Holzheimer Gail- No, if you're able to, we can. But I know everyone's schedules have been pretty hectic, I don't want to put that on unless you already.

Director Pietravoia – We can be prepared for Wednesday if we had more time, we'd be a little further along in all the contracts being signed and all.

President Holzheimer Gail – It is Councilman Van Ho's committee meeting, but I was thinking in the future, not necessarily Wednesday. He would concur so we won't expect that at Wednesday's Housing Meeting, but at the next scheduled Housing meeting perhaps we could have an update. Thank you.

Res. 86-2009 (303-09) Coral Contract

A resolution authorizing the Administration to negotiate a professional services contract with Coral Group to conduct a study and develop a strategic plan for the Shore Cultural Centre that assesses the building and determines whether all or part of it is feasible to remain in operation to house arts and cultural organizations/activities and to determine the associated costs. The plan should incorporate an operating strategy and a phased capital plan, if the building is determined to be viable, in whole or in part, and Administration is to present the contract and related Scope of Services to Euclid City Council for approval at the council meeting to be held May 4, 2009. (Sponsored by Executive & Finance Committee of Council)

Councilman Langman moved for passage, Councilwoman Minarik seconded.

President Holzheimer Gail – This Resolution came as a result of our last Executive/Finance Committee Meeting at the recommendation of the Steering Committee that had worked on the Shore RFP's. This again, as I stated earlier, authorizes the administration to negotiate the contract with Coral for the strategic planning portion of their RFP proposal, or their proposal that was submitted in response to the RFP.

There were several items that came from that Steering Committee recommendation and that's why we thought the administration needed some time to be able to sit down with Coral, spell out the scope of services, what would be included in the strategic planning process and then bring it back to Council for approval, hopefully at the next meeting.

Councilman O'Neill – To the administration, I'm prepared to vote on this and vote for this ordinance. However, I would request that in part of the negotiation process with Mr. Rubin and the Coral Group that the City has a representative that meets with Peter Rubin and the Coral Group on a regular basis to kind of formulate a plan collectively. I think this is a reasonable request and I will be voting for it and I urge Council members also to vote for it.

Councilman Langman – To the administration, assuming the Resolution passes, when might we have the final product, hopefully before the meeting, so the City Council can review it?

Council Minutes

April 20, 2009

Page 16

Mayor Cervenik – It won't be much before the next meeting. I think you're asking a lot to have it done within a two week period. We are up to the task, we will have it done. You will at least have the basic outline of an agreement, you can correct me if I'm wrong, with your packet for the next Council meeting.

Councilman Langman – I would prefer to have it a little sooner, just to make sure all the items are touched upon.

Mayor Cervenik – Respectfully I will try to get it to you sooner. But if this wasn't a very complex issue, we wouldn't have had all these meetings and I want to make sure what we come up with is something that is good for the full community. We will try and get it to you sooner.

Councilman Langman – Can we at least have an update on how the negotiations are going?

Mayor Cervenik – Certainly.

Councilman Langman – I will expect that, thank you.

President Holzheimer Gail – We are working from the proposal that was submitted. They did outline pretty specifically what from their perspective was included in the strategic planning process and the Steering Committee did submit their report that indicated a couple of other items that they would like to see as part of that. I think we have a good starting point from both of those.

Councilman Van Ho – A side issue to this, we're negotiating this, it is going to be at least the middle of May before we pass it. Mr. Rubin needs 120 days so that's going to put us somewhere into September. I think we need to understand that there are certain tenants in that building that may have to move because they don't know. Specifically the Culinary School and the Charter School because they can't wait until the middle of October and suddenly be told, get out, we're shutting it down. I think we need to make that very plain that if they decide to move, we're not going to fight them on it.

President Holzheimer Gail – I think it was the intent, based on the Executive Committee meeting and as stated in this ordinance that we will have something back to us May 4th with, I think everyone is aware timeliness is an issue. It would be my hope that we would be able to pass the final contract that evening.

Councilman Van Ho – I just want to make sure that we're fair to the tenants as well. Because they have hung in through some unbelievable times.

Councilwoman Scarniench – First, I want to thank everybody who has called or e-mailed on either side of this issue. It is a tenuous issue to say the least and I appreciate everything that has come before me.

Having said that, I think we tried very hard and I'm going to read what I wrote so that way I don't get off topic. To bring a mutual plan together, but actions that don't seem appropriate are unacceptable. I've heard from more than one person about things that took place on Saturday. Staff was verbally attacked in public by people and this is wrong. That's not how you do business. So I hope that would stop.

Councilman Wojtila has concerns about the cost related to managing the building. So this is coming back so everybody will be here.

When I read the e-mail that we received today, it kind of upset me because I thought we were actually all working on the same page. I was very excited when the Shore Board said that they were going to give us \$20,000 towards this. I said then, that's great because that would pay for most of the plan. Now all of a sudden that's changed. I will vote yes for this, but I want everybody to know up front that until we have the update on the city's financial forecast for the next couple of years, I cannot say that I would support keeping this building open. I know that some of my colleagues feel the same way, so you need to understand that. We have to watch out for everybody in this city, every employee, every resident, that lives and works here. Having said that, that's it, I will vote for this.

Councilman Van Ho – I'll be voting for this and initially I was not inclined to vote for any extension or any additional money to put this through, but a very wise woman on Saturday didn't verbally accost me, she came and talked to me reasonably and said look if you shut this down, for

two months, you've shut it down because it will never come back. That made some sense so I don't want to spend \$30,000 if we're going to shut it down and then that's a waste of \$30,000.

President Holzheimer Gail – We do have some time before May 4th. I think Council can as one of the residents I think very eloquently said, work on finding the money. We have some work to do. This is the beginning. This authorizes, I think sets Council's intention that we're interested in moving forward with Coral on the record. It authorizes the administration to negotiate the contract. We will come back at the next meeting and hopefully have several different ordinances and we will decide, we will make the decision. Council ultimately has to decide whether we're willing to fund the building additionally, whether we go forward and fund these strategic plan and the question of the management of the building. So those will most likely be on the next Council agenda.

Councilman Van Ho – Move to close debate, unless somebody has an objection.

Councilwoman Minarik – But we are meeting Monday in Executive Finance to look for the funding, correct?

President Holzheimer Gail – We have an Executive Finance meeting scheduled Monday, April 27th. There's two items. One is the budget, so we will look at where we are to-date with the budget, both income and expenses. This can be part of that discussion. We have a report from the compensation committee and their recommendations. We probably will do that first since they called their intention of the meeting first. We'll get that done with.

Councilwoman Minarik – My other comment, my understanding is I don't believe the Shore Board changed their offer. I think they clarified it. In re-reading the old statement that was originally presented at the proposals, that statement did reference management and strategic plan. But with the discussion that had been going on at the last meeting, open or close, I think the Board was concerned and wanted to simply clarify that perhaps Council missed what they said at the first meeting. They have not changed their position, they just wanted to remind Council that has always been their position.

Councilman Langman – I will second Councilman Van Ho's motion to close debate.

President Holzheimer Gail – There has been a motion and second to close debate. Yeas: Unanimous.

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

Passed.

President Holzheimer Gail – Ms. Hopkins is here from the Planning Commission. I know she sat through many meetings working on the sign code. I wonder if Council would agree to move item #11, the sign code up to the next item so that she doesn't have to sit here. Would that be agreeable to everybody? Is that alright Mr. Beno and Ms. Hopkins? Let's go with Item #11.

Ord. 87-2009 (305-09) New Sign Code

An ordinance adopting the revisions prepared by the Cuyahoga County Planning Commission and approved by the Planning and Zoning Commission to Part Thirteen, the Planning and Zoning Code, of the Codified Ordinances of the City of Euclid, repealing Chapter 1743 "Street Graphics" and creating Chapter 1390, "Sign Chapter". (Sponsored by Planning and Zoning Commission)

Councilwoman Scarniench moved for passage, Councilwoman Jones seconded.

Director Pietravoia – Very excited this evening to bring this before Council after thirty-some years of not dealing with updating our sign code, other than in some small piecemeal ways. This is something planning and zoning has been asking for and City Council has been asking for, so we're very pleased to bring an entire new chapter for the sign code before you this evening.

Commissioner Beno who has spearheaded this process along with Kris Hopkins from the County, has a report from the Planning Commission. I know many members of Council were in attendance at every meeting that was held and there were several as outlined in the legislation this evening. This has been going on for quite a few months. I thank all of Council that were able to attend those meetings and would be happy tonight if there are any further questions or comments to try to address them. I'll turn it over to Mr. Beno.

Asst. Director Beno – The County Planning Commission has developed with much input from both Planning Commission and members of Council an ordinance which is much clearer and more up to date than our current sign chapter. They did try to follow three basic principles in developing this code. The first is to keep it content neutral. What this code does is attempt to tell businesses where they can advertise and how much advertising they can have. It does not limit the content of what they say in their advertising.

The second is we do regulate the basic placement of signs in order to reduce clutter and have an orderly built environment along our commercial streets. As well as allows significant design creativity within what a store owner can do or business owner can do with their property.

Finally we do maintain some continuity with how the City of Euclid has regulated signs for a long time. City of Euclid has not allowed any billboards for the last thirty plus years. That regulation is still thoroughly in place. The primary regulations relating to how residential properties are allowed to sign themselves is still maintains continuity, we're not changing making very few changes there.

With that, I think we're ready to answer questions and I'll turn over the microphone to my colleague Kris Hopkins from the County Planning Commission.

President Holzheimer Gail – Thank you Ms. Hopkins, any remarks?

Ms. Hopkins – We're here to answer questions, yes.

Councilman O'Neill – Thank you for the large, large amount of work that you've put into this. Really appreciate it. I guess the only real basic question is to Director Frey. Obviously you've read this before and gone over it. There's no freedom of speech problems that might arise from this?

Director Frey – To suggest Councilman that there would never be a speech issue raised I think is naïve. I'm certain that history would tell that commercial and residential property owners will attempt to push the envelope. As those cases come along, we'll have to deal with them. Obviously in a pro-active way here by virtue of the legislation and reactive if someone crosses that legislation.

The important concept is to try to regulate placement, duration of signs, but not content. Those being the first words I heard tonight, assure me as I would expect from the County Planning commission, they will understand the case precedent that has been established that we're really, with exception, there's vulgar and obscene. But past that, we cannot be in the speech business. I think those principals have been embodied in this code and I'm as comfortable as I can be that these would withstand these kind of scrutiny.

Councilman O'Neill – To Ms. Hopkins, is this modeled after some existing codes? Or are we kind of the forerunner here, can you expound on that?

Ms. Hopkins – I would say that when we prepared the regulations we did look at a number of different communities that have adopted similar standards. To say that this was modeled after one specific city would not be correct. But I in the past have worked on a number of zoning regulations and sign regulations for a number of cities in northeastern Ohio and am aware of nearby communities that have adopted similar standards, standards such as a maximum height of 5' for freestanding signs for local businesses. And the square footage that we have recommended in terms of 30 sq. ft. for the average local business for a free standing sign. The formula for the wall sign at one and a half square feet, per lineal foot of building frontage. Those are typical formulas and sizes and heights that you will find in a number of communities. There's not a lot of continuity in northeastern Ohio, however, so you will find a variety of regulations also if you were to look.

Councilman O'Neill – Thank you for your time I know you've spent a lot of time here in Euclid, we appreciate what you've done for us. Thank you.

Councilman Van Ho – I know we can't regulate content, but I would hope that the pawn shop that we just approved doesn't use one of our infamous McGilla balloons that we also approved at the last meeting, to advertise a grand opening. See if we can't control that please.

President Holzheimer Gail – I do want to thank Council. Many council members were able to participate in one or more of the Planning & Zoning Commission meetings. Thank the Planning & Zoning Commission and Ms. Hopkins and Mr. Beno and Director Pietravoia as well. There was a lot of work that went into revising this Chapter and I appreciate everyone's work and cooperation.

Councilwoman Minarik – I think street graphics are just such a huge, huge deal and I wanted to thank the Planning & Zoning Commission and Ms. Hopkins and Mr. Beno because I raised quite a few emphatic points and we reached great compromises. Free speech is not just content, free speech for businesses, also placement, design things like that. I really want to commend Ms. Hopkins and Mr. Beno, I think they did a great job in mollifying my concerns. This is a great piece of work and as Chairman McGarry says, it is a living document and if enough variances come to the Planning & Zoning Commission, it could probably change again. Thank you very much.

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

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

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

Passed.

Ord. 88-2009 (300-09) Easements

An emergency ordinance authorizing the Mayor of the City of Euclid to negotiate the acquisition of easements for the construction and maintenance of utilities on certain properties located on Dille Road and Roseland Avenue, Permanent Parcel Numbers 646-24-001, 646-29-001, 646-29-002, 646-29-014, 646-29-015 and 646-29-020, and to expend funds and execute any and all necessary documents to acquire such easements. (Sponsored by Councilman Wojtila by request of Service Director)

Councilwoman Scarniench moved for passage, Councilman Gruber seconded.

President Holzheimer Gail – Just an item of clarification, all of ours say 646, I think you said 649 a couple of times. It is all 646. It is correct in the ordinance.

Director Gulich – I spoke quite a bit about this project at our last meeting, this long awaited Issue 1 project is ready to get going. I spoke briefly about the 40 ft. right of way on Dille Rd. being jam packed with existing infrastructure amongst which is a 48 inch City of Cleveland distribution main and also the local eight inch main that serves the local residents. Both federal and state EPA requirements call for sanitary sewers to be at least 10 feet away from existing water mains. This doesn't leave us a whole lot of room, that's why we're asking for this 20 ft. strip easements in a couple of places it will be 30 ft. in order to get this infrastructure in and coincide with all the EPA regulations and get the work done in a timely fashion.

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

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

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

Passed.

Ord. 89-2009 (238a-09) Amend Code 1389.05

An ordinance repealing current Section 1389.05 of the Planning and Zoning Code of the Codified Ordinances for the City of Euclid and enacting a replacement section to alter the required conditions of parking and other paved areas. (Sponsored by Councilman Van Ho by request of CS&ED Director) (Recommended for passage as amended by the Planning & Zoning Commission)

Councilman Van Ho moved for passage, Councilman Langman seconded.

Director Pietravoia – The next four items, 7-10 are all related and they deal with codifying standards that we've been using for sometime, but weren't actually reflected in our code in terms of parking areas, driveways, etc. We worked with Director Gulich and others to ensure that it covered all the matters that we needed to get codified.

Asst. Director Beno has a report from Planning & Zoning Commission on #7 and then some general comments on the other three. I don't know if you wanted to handle them all at once and then we'll vote on each one separately?

Council Minutes

April 20, 2009

Page 20

President Holzheimer Gail – We'll vote separately, but you can address them all if you'd like Mr. Beno.

Mr. Beno – The first piece #7, is the only one that was required to be reviewed by the Planning & Zoning Commission, that was done at the April 14th meeting. They voted to recommend approval of the amended piece that you have in front of you. This ordinance incorporates by reference several changes which have been made over the past year to commercial districts and including the implementation of the Campus Institutional district. Those regulations that had been put on parking in those specific areas are now incorporated by reference into the parking chapter making it much easier to find and more clear.

This ordinance also clarifies requirements that parking be hard surfaced and paved for one, two and three family houses as well as the commercial districts. If there are no further questions on this piece?

Councilwoman Jones – I just have one question to clarify on #2, under the conditions of parking areas, it says institutional and multi-family commercial and industrial access drives shall be no less than 12 ft. per directional lane. If a business is sharing a drive, let's say there's two businesses together and the drives run together, does the width of the drive take into consideration that they maybe sharing drive entrances and exits? Or is this per business?

Mr. Beno – The 12 ft. reference is per lane. So it kind of depends on how many lanes the apron is designed for. Then in the width of access aprons there's always a final reference back to the Service Director's ability to exercise judgment on lanes. This is a guideline and he does have discretion as needed to maintain appropriate traffic control.

Councilwoman Jones – I just brought this question up because some of the businesses, especially on Lakeland Blvd., share a drive entrance and exit. I was just wondering if that would be considered, the total drive would be considered in that width.

Mr. Beno – Yes I believe that the Service Director has the authority to determine how many lanes are needed in a given situation and take into account the traffic speed of the given street. That's basically been incorporated into the three standards that apply to the entrance and exit drives.

Councilman O'Neill – To Mr. Beno, this is addressing any future development, correct, it is not retro-active?

Mr. Beno – There's nothing retro-active in this code, this is for permits applied for after the effective date of the ordinance.

Councilman O'Neill – Or if there's a change in the use of the building or renovation of a building which changes the use of the building, then they would have to comply? This does not affect any existing business?

Mr. Beno – Yes, it would not retroactively affect existing businesses.

Councilman Van Ho – I would urge my colleagues to okay all four of these so that we give Director Beno and Economic Development the teeth behind this so that they don't have to ask, they've got a little more leverage.

President Holzheimer Gail – Why don't we take care of this one and then we'll take comments on the others; I know I said it differently before.

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

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

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

Passed.

Ord. 90-2009 (240a-09) Amend 1749

An ordinance amending the Building and Housing Code of the Codified Ordinances of the City of Euclid to add Section 1749.08 "Minimum Standards for Installation of Drives, Parking, Auto Maneuvering, Walks, Patios and Dumpster Screening Areas setting forth standards to be used in the installation of driveways and other paved areas outside of the public rights-of-way. (Sponsored by Councilman Van Ho by request of CS&ED Director) (Tabled 4-6-09)

Councilman Van Ho moved for passage, Councilman Langman seconded.

Mr. Beno – This ordinance is really the most technical of the four. This establishes in effect minimum construction specifications for paved areas for driveways as stated, walks, patios, etc.

President Holzheimer Gail – These are not new standards, this is just codifying the standards that you're currently operating from?

Mr. Beno – These are very commonly accepted standards within the industry.

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

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

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

Passed.

Ord. 91-2009 (239-09) Amend Code 1733

An ordinance repealing Sections 1733.05 and 1733.06 of the Building and Housing Code for the City of Euclid to move the City's foundation, grading, and drainage standards under newly enacted Sections 1749.06 and 1749.07. (Sponsored by Councilman Van Ho by request of CS&ED Director) (Tabled 4-6-09)

Councilman Van Ho moved for passage, Councilman Gruber seconded.

Mr. Beno – This section primarily involves existing ordinances and their locations. Basically by putting them to the Chapter for miscellaneous construction types, we're making it more clear where to find them actually. Then, one other thing that this ordinance does is it clarifies when drainage requirements apply on constructing or reconstructing driveways. Basically this is in effect the most clean up piece of the four.

President Holzheimer Gail – Any questions from Council? We all have had four meetings to study these and have our questions answered.

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

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

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

Passed.

Ord. 92-2009 (237a-09) Amend Code 1755

An ordinance amending the Building and Housing Code of the Codified Ordinances of the City of Euclid to add Section 1755.25 "Maintenance of Exterior Drives, Parking, Auto Maneuvering Areas, Walks and Patios setting forth standards to be used in the inspections, construction, and repair of driveways and other paved areas. (Sponsored by Councilman Van Ho by request of CS&ED Director) (Tabled 4-6-09)

Councilman Van Ho moved for passage, Councilman Langman seconded.

Director Frey – I just want to clarify. On item #8, (240a-09), there were amendments made to that piece of legislation from what had initially introduced to city council. So I would ask that Council go back and approve the amendments that appear before you on (240a), vote on that and then re-

Council Minutes

April 20, 2009

Page 22

vote on the approval of (240a). Likewise with this piece of legislation, (237a) vote to accept the amendments before you act on the legislation as amended. Let's take (237a), and then we'll go back to (240a).

Mr. Beno – This ordinance clarifies maintenance standards and when repair and replacement is required in these paved areas. This ordinance has been amended to reflect concerns addressed by Councilman Langman at the meeting where this was introduced. I believe we've done that in Section b, and I believe we have a much better piece and I appreciate Councilman Langman's input.

Councilman Langman- I just want to thank Mr. Beno for putting up with my input into this, I appreciate his patience.

President Holzheimer Gail – Law Director Frey, we need to approve the amendments in this item?

Director Frey – Yes, we had introduced this as (237) and tonight you have the "a" version. So if you would accept the amendments and then continue on.

President Holzheimer Gail – We're on (237a) which we have not acted on yet.

Councilman Langman moved to accept the amendments in (237a-09). Councilman O'Neill seconded.

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

Amendments accepted.

President Holzheimer Gail – We now have Ord. (237a-09). Any additional discussion?

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

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

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

Passed.

President Holzheimer Gail – Before we move on, we voted on Ord. (240a-09). Before we approve the amendments as presented, Director Frey, do we need a formal motion to repeal our vote?

Director Frey – Yes, please if you could move to withdraw the vote on (240a) as it was originally called and then vote on the amendments.

President Holzheimer Gail moved to withdraw the vote on Ord. (240a-09). Councilman O'Neill seconded.

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

Approved.

President Holzheimer Gail – Law Director Frey, do we need to re-read the ordinance?

Director Frey- No.

President Holzheimer Gail – We need a motion to accept the amendments as presented in Ord. (240a-09).

Councilman O'Neill moved to accept the amendments in Ord. (240a-09). Councilman Langman seconded.

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

Approved.

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

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

Roll call on Ord. (240a-09).

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

Passed.

President Holzheimer Gail- Law Director Frey, that was the only one?

Director Frey – Yes, thank you. I apologize not having picked that up before you voted initially.

Ord. 92-2009 (298-09) Waterline Bonds

An ordinance to provide for the issuance and sale of not to exceed \$700,000 in principal amount of bond anticipation notes of the City of Euclid, Ohio in anticipation of the issuance of bonds for the purpose of improving waterlines in the City including related infrastructure improvements, and declaring an emergency. (Sponsored by Mayor Cervenik and entire Council)

Councilman Gruber moved for passage, Councilwoman Scarniench seconded.

Director Johnson – This piece of legislation authorizes me to issue additional debt to fund item #6, which you just adopted, the Dille, E. 204 Street project. As I brought to your attention at the last Council Meeting, we had a change in the funding of this project originally, the engineering was done out of the waste water treatment fund. We've shifted the funding for that project to the waterline fund which necessitates this additional borrowing.

I would also bring to your attention that this should conclude the necessary borrowing for the construction that is set to begin this year. I will be presenting legislation to you later on this year which will provide the funding for 2010 construction year projects. The reason that we will be doing that is because the engineering has to begin before the construction of the project. So as not to be confused, we will be in front of you later on in the Fall with the waterline and Peterson projects that will be scheduled for 2010 construction. But we would need the funding in order to begin the engineering this year. If there are any questions, I'd be glad to answer them.

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

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

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

Passed.

Res. 94-2009 (301-09) Reimbursement 222

A resolution declaring the official intent and reasonable expectation of the City of Euclid, Ohio on behalf of the State of Ohio (The Borrower) to reimburse its General Permanent Improvement Fund for the East 222nd Street Project (C A 041) with the proceeds of Tax Exempt Debt of the State of Ohio. (Sponsored by Mayor Cervenik by request of Finance Director)

Councilwoman Scarniench moved for passage, Councilwoman Jones seconded.

Director Johnson – This is a rather unusual piece of legislation. Three years ago when we commenced the first phase of E. 222 Street Reconstruction, we had at that point no intentions of seeking reimbursement for any of our costs related to that project from the State. If you will recall, there were about 5-6 different funding sources. We issued our own debt. We had two State Department of Development grants. We also received a grant from County Engineer Bob Klaiber's office. We also had a loan from Issue One for about \$1.9 million. It was a very complex project in terms of funding and being able to manage this.

Because of the timing of receiving the reimbursements of some of those grants, we, the City, advanced some of the money so as to not impede the progress of the construction of the project. Hence having done that, in order to receive the reimbursement from the State for the money we advanced in the project, they're requiring us to pass this Resolution \$498,000 so that we can get the reimbursement of the funds that we've advanced.

If we had for an instant thought that we were going to be seeking reimbursement from the State, we would have had this Resolution in front of you back in 2006. But because of the timing of the project and the way it went, we advanced some of the money and now they're requiring this Resolution so that we can get reimbursed our \$198,000. I hope that explains it in a nutshell.

Councilman Langman – Director Johnson, if I understand you correctly, the State is not contesting this in any way?

Director Johnson – No. Whenever we commence an Issue 1 project, there's always forms that the Mayor signs off on, I have to sign off on and one of those is if we're going to be seeking reimbursement or not. We have to this point not. We issued debt for our share. What happens is the Issue 2 portions of these projects are paid directly to the contractor by the State. We authorize the release of the funds, the State pays the contractor directly. We don't have any intentions of seeking any reimbursement. But because of the timing of getting all of the funding in from all of these different sources, we had to advance \$198,000 on the project, so as to not stop the project. That is why we're asking to have this done so that we can get our money back.

Councilman Langman – So who actually caught this issue, because it is a good catch for us obviously?

Director Johnson – It would have been caught. We're at the conclusion of the project now. We submitted for the reimbursement and I wasn't aware that we would need to do this resolution. If I had known three years ago that we were going to need to do this, we would have done it. I guess it is good accounting in our department, we're right on top of all the money that's due us.

Councilman Langman – Thank you Director Johnson.

Councilman Van Ho – So all we have to do is pass this and we get \$198,000?

Director Johnson – That's all.

Councilman Van Ho – Sounds good to me.

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

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

Passed.

Res. 95-2009 (304-09) Victims' Rights Wk

A resolution commemorating and declaring the week of April 26th through May 2nd, 2009, as National Crime Victims' Rights Week in the City of Euclid. (Sponsored by President Holzheimer Gail)

Councilwoman Scarniench moved for passage, Councilman Gruber seconded.

President Holzheimer Gail – I asked for this Resolution to be drafted as a result of a collaborative meeting last week that our Euclid Victims' Assistance program put together and they were informing us, educating us on some of the programs that they're going to be doing. I thought this was a great way to acknowledge the work that our own Euclid Victims' Assistance program is doing and how they're tying into National Crime Victims' Right week.

As a way of reminding folks, we do here through the Euclid Police Dept. have the Euclid Victims' Assistance program. There are two women, Karen McGrain and May Bennett who are working out of the southwest mini-station. They are providing assistance, education advocacy to victims of any crime in addition to victims of domestic violence and education and advocacy issues.

They have pulled together a collaborative board that consists of many different representatives, representing the schools, the hospitals, senior programs, community programs, the Euclid Collaborative, many people, residents and members of the police department who will help, I guess oversee, guide and provide assistance to the program. They are still new. I was glad to hear they did receive their second grant. Both grants were successful. Council did approve going out for, applying for those grants.

So I thought this was a good opportunity to remind everybody that they are there, they are working to help victims and as part of their National Crime Victims' Rights Week, they are doing a

project based on a national project called the clothes line project. It is a way to help crime victims express their emotions by decorating a t-shirt. The t-shirts will eventually be displayed during the month of October which is Domestic Violence Awareness Month. If people would like to learn more about the clothesline project, they could call the Victims Assistance Program at 289-8232. They will be having additional sessions on t-shirt decorating sessions on Monday, April 27th and Wednesday, April 29 at Shore Cultural Centre from 11-2. You could call that number, 289-8232 if you would like more information about this project and I'm hoping Council will join me as sponsors of this. Capt. Brooks, any additional comments?

Capt. Brooks – Thank you, I think you've summed it up very eloquently. I think this is a great service for the community and I hope we can take advantage of it and promote it and they're well on their way and they've obtained funding to take care of their own salaries. It is pretty much no cost to the city, very minimal.

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

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

Passed.

COMMITTEE OF THE WHOLE

President Holzheimer Gail – That completes our legislative agenda. It is time for the Committee of the Whole. The public may speak on anything for the good of the city.

Mr. Victor Goodman – 20201 Glen Russ Lane. This past week a basic miracle happened. An unknown woman appearing in a far off country came in front of three very tough judges, who mocked her even being there, until she opened her mouth. Out from it came on of the most exquisite voices I think I have ever heard. I have replayed it probably 20 times.

This woman has gone through a life that said she should never have even gone on that stage. But you see what she did was never give up. Never let the naysayer that told her she was too ugly, she was too fat, she was too stupid, to do anything. She came up there and actually two of the judges insulted her when they told her how wonderful she was. One saying that when you came up here everybody I felt hated you, but boy you opened up your mouth. Then another judge said, I think everybody here was against you until you opened up your mouth, now there's nobody against you. Those were negative comments, not positive. The only one who actually sounded halfway decent was of course the biggest critic of them all, Simon Cowell said the minute you came out here and stood on that stage, I knew something special was going to happen.

Well I guess that's the way I look at the City of Euclid. I'm waiting for something special to happen. I got to thinking after watching that, Susan Boyle, that I wondered what is an Asset Committee supposed to do. The only logical explanation I could come up with was that they were there to take the assets of our community and find a way to make them better than they were. Although none of these things have been done, I heard recommendations from members of that committee, consider closing Memorial Pool for the summer; that's an asset. I heard two council people ask for the restriction of the Community Senior Center, because God forbid, to many people are using it, we might have to actually repair it someday.

The only thing that I see that is happening with this Assets Committee is that whoever sits in the next Council will not have to have an Assets Committee because there will be no assets. Shore Cultural Centre is a building; archaic, it has not been properly cared for. But, let's call it Euclid's Biggest Loser. You know those people who get on TV that way 700 pounds and then at the end look better than I could ever hope to be. Because somebody believed they could do it and I don't see basically anybody here including this administration who doesn't even look at me when I talk, say I'm working for tomorrow, not today, and he's still not looking at me. I know you're there but I don't know where your face is. It is despicable.....

President Holzheimer Gail – Let's keep things in order, please.

Mr. Goodman – Well he answered me. Call him out of order.

President Holzheimer Gail – Let's keep things in order, please.

Mr. Goodman – It is despicable to me that instead of wanting a better Euclid we want to less of Euclid. A councilman said at the last meeting I attended that he resented another council person

saying that Euclid was dead and I commented about that at that time. If we take away everything that Euclid can be, why would anybody with a family want to move into this city? Why would anybody with a business want to move into this city? It was reported by Fayne Copeland that the Charter School represented almost \$1 million of salary. How can this city afford to throw away a nickel? And close the building while you're thinking about saving the building is the most ridiculous thing I've ever heard. Being that I see there's only seconds, I would urge Councilwoman Scarniench, hearsay is a terrible thing to do, especially by a council person. I was there, there was no confrontation and you were not there and you're repeating rumor and hearsay.

President Holzheimer Gail – Mr. Goodman, your time is up, thank you.

Mrs. Susan McGinn – 141 Sunnycliff Dr. I would like to start off by, I've been wanting to come up and talk about Shore for awhile, so I'm a little late but I still need to say it. I would like to thank Council first of all for putting Shore in the forefront right now. A decision has to be made and not deciding and postponing any longer would not help our city move forward. I really give you guys credit for that and especially for Councilwoman Gail and Councilman Langman for initiating the RFP process. I think you guys are really going in the right direction.

I just would say give the building a plan, as it has never really had a plan. Give the building a chance, as it has never really had a plan. Give the building a chance, as it has never really had a chance. Give the building professional management, which it does not have and really has never had. Please remember, when you vote on its future, to put your personal feelings aside, which I witnessed quite a bit of that up here, and do what your constituents want. Please, listen to your constituents.

The real reason I'm here, I wanted to talk about an experience I had this weekend. I wanted to start off how much I admire and appreciate Euclid resident Ken Ferlito, most of you probably know him. This past weekend was the Euclid High School Big Show, Beauty and the Beast and Ken directed it. He actually saved the show. They were not going to have a Big Show this year. As the topic of arts and culture is being so fervently discussed in our city and between these walls, this production and the experience is a perfect example of how we cannot sacrifice arts and culture and how important it is to our children and the entire community. They packed the house at every performance, I was there for each one. It was a wonderful community and cultural experience with so many talented kids. I know I saw quite a few of the council people here, Councilman Van Ho, Councilwoman Gail, Councilwoman Scarniench and I'm sorry, Kandace, I'm sorry. Any how, you guys were there so you know what I'm talking about.

Beyond the singing, the dancing, the costumes, the choreography, the orchestra and the absolutely wonderful sets, there was a lesson there that these young people gave to our community. Mr. Ferlito should be proud of the performance these young people gave Euclid residents. But prouder yet of the example that they set. Shoulder to shoulder, boys and girls, black and white, moving their mountain. Behind the scenes I witnessed them holding hands and praying together before their last performance. For me, as I'm sure for all of them, it was an unforgettable time.

So I guess I'm saying, thinking, why don't we ask these young people of our city if we should eliminate a cultural asset in our community. Like Ken Ferlito's example, we should all be offering them opportunities, possibilities and dreams. This is one reason why I think the cultural centre piece of our city should be saved and should remain. Thank you.

Ms. Patti Burlingham – 25211 Lake Shore Blvd. I come to you tonight as a member of the Euclid Petpals. Just want to remind everyone that we have our upcoming 6th Annual Bark-B-Q on Friday, May 8th at the Manor. We had flyers in everyone's packet at the last Council meeting and I just so happen to have tickets with me tonight, if anyone has their checkbook. This will be our first big major fundraising for the Petpals which pays all the veterinary bills and buys all the medicine for the animals at the Euclid Shelter. I'd also like to thank Kathy Will and her staff for Saturday. I don't know whether I thank Kathy or Dick Goddard for the weather, but it was absolutely gorgeous for the Spring Fling. We had many people stopping by, donating money and getting hot dogs. We actually ran out of hot dogs. Kirsten you missed the kittens. I had four nursing kittens with me that day. We actually have 23-25 kittens going to be coming up for adoption fairly soon, so we need to find homes for our older kittens.

Please join us for the Bark-B-Q, it is \$30 per person and that includes your rib dinner, along with chicken and all the accoutrements and beer and wine and we have raffles and Chinese Auction and door prizes, etc. If anyone wants to see me for flyers or tickets, I will be here, thank you.

Ms. Pearlitha Taylor – 1495 E. 193. I'm here tonight, I came in tonight basically to talk about some things that was going on in the area where I live. I was wondering did the administration know anything about the building at the end of 193, 195, 196 and Roseland Ave. All of those buildings

are empty and they are up for sale. From what I understand from one of the people that was just approved to open a restaurant that someone is looking to open up a junk yard there. Because the change in the zoning, they trying to find out what would they need to do to come in and open a junk yard. The neighbors are very, very concerned. About opening up and changing the zoning like the zoning committee did and also the council, that leave us open for a lot of negative things to move into our area, which we're very unhappy about. I'm just wondering at the end, do anyone know anything about that.

Also another thing I want to thank Council for putting off voting on Shore Cultural Centre. I am very much in favor of Shore Cultural Centre. Anything that deal with cultural, children and creativity, I am for that. I also like to say that I did go out this weekend and some of the council people be very aware because the people in your resident is not for Shore being torn down. They're very upset. I walked Ward 1 and Ward 2 and I was able to get quite a few signature. In Ward 2, Indian Hills, I didn't even go there but someone was able to get over 230 signatures. Ward 2, I was able to get 40 in a short period of time I was there. I do intend to walk other wards because like I say, don't only do your homework with certain people. Do it with the people that put you in office and the people that you work for. You work for the people. You've got to be concerned about the people and what the people want and what the people need. This is not what we're seeing right now.

Another thing, I wasn't aware of the pawn shop and I got in a little late, but when I did see it on the agenda, I was just outraged because you're asking for trouble when you bring pawn shops into a neighborhood. Especially in an area right off the Shoreway. That's easy access in and easy access out. Certain neighborhood, this cause people to rob, steal, snatch purses. This place is moving off of St. Clair area of E. 152 St. I know exactly where it is located. Talk to some of the people in your neighborhood, in your ward. See what they are looking for. Pawn shops is not the answer, especially right off the Shoreway, bad, bad deal.

Not only that, the gentleman that was here from the Church, he couldn't believe that this Council would vote on a pawn shop off the Shoreway. I went out and I talked to him and he said, I couldn't believe that, what are they thinking about. Same feeling I had, easy access on and easy access off. Be very careful of some of the business you want to bring into our city. We want to bring this city up, not tear it down. We want to make the city more profitable than a loser. We're not bringing good business in, I'm sorry to tell you that and I know it is not your fault because every city is basic suffering. But when you do your homework, you check other city the size of our city, that have the same type of problems, things that going on in their city and how they are staying afloat. You communicate with those people. You don't just come to a meeting and sit down and talk to the administrative staff. You go out and you do your homework and your skills and what would make your community better. This is the only thing I'm asking. Thank you and goodnight. Thank you again for putting off voting on Shore and I will be walking and talking to other people to see how they feel about Shore Cultural Centre. Thank you. Mr. Gruber, I notice you putting your eyes up in the air, but thank you still.

Councilman Gruber – I was trying to get the President's attention. Actually CB Richard Ellis has the California Ceramics building listed. What they're looking at doing is, some of us know Howard Lechtig, he's actually one of the listers. He was looking at it to be an artist enclave, so he's looking for other people to be involved with that. The only talk of any recycling or junkyard in the area would be at the Dille Rd. area and I don't think anyone on council here is in favor of that. I haven't heard anything different, but I will talk to Howard Lechtig and I will see what the plans are for the California Ceramics building.

Mr. Vic Leanza – I know you're tired so I'll be brief. I wanted to just talk a little bit about when you were talking.

President Holzheimer Gail – Name and address for the record please.

Mr. Vic Leanza – I'm still Vic Leanza and I still live at 25651. Thank you Kirsten for not slapping me down verbally when I spoke from the gallery. I assume you have a parliamentarian, is that the Law Director.

The word demolition has been removed from my vocabulary and replaced with deconstruction. We're living in the best of times and the worst of times. So, we'll never live like we did in the 70's and 80's again. We're being taught a lesson by someone and it is probably a good one because we have to rethink how we live, how we buy, how we conserve. I'm a conservationist all my life. I don't use the term environmentalist because that's gotten a bad name. But there's plenty of people in this town who do de-construction, that's not bulldozing a building down and slapping it into the ground or whatever. I heard reference to giving some of the parts of

some of the houses to Habitat for Humanity and I have two retired relatives who worked in New Orleans in February.

Deconstruction can be done in almost the same time as that bad word that I told you about. So I want you to look into that. I want the audience who is watching here, if there is anyone left, although there's no sports events tonight, so maybe a few of them are watching here. That you can bring down a material and use it for other purposes. Some of it you can even sell. Some of it you can give away. I've lived in Euclid for twelve years, so I'm all for having more businesses, better homes, upscale homes, I know Cleveland has gotten some people to move back in to offset urban sprawl by offering a certain number of years of tax abatement. We want the taxes but maybe five years or ten years of tax abatement might bring in better homes. In the stimulus package and I've attended very many seminars on it, there's \$786 billion of which \$67 billion is earmarked if I may use that bad word, for environmentally friendly building. I don't know if the portion that's given to Ohio for the Governor to use his own judgment or the legislature to disperse on behalf of environment. But that's the top one now. The second one is health care and the third one is education.

We are living in fantastic times. You're serving in fantastic times. I thank you for your service and Kirsten you're a class act.

President Holzheimer Gail – Thank you. Seeing no other public comments, we will move forward with Councilmen's Comments and Councilwoman Minarik you are first this evening.

COUNCILMEN'S COMMENTS

Councilwoman Minarik – Law Director Frey, I was hoping Ms. Sweeney would still be here. We have a problem with profanity on Ball Ave. and Fuller Ave., the juveniles. Is there a nuisance law in place so that residents can call or report on that, can you tell me please?

Director Frey – We have ordinances that deal with vulgar, abusive language. The residents if they have an issue with a particular individual or group of individuals need to call the police department. If it is connected to a specific property and we have more than two incidences of police response, we will issue the nuisance abatement letter to them indicating that any further calls will result in the assessment to that property owner. I believe the amount if \$100, I'd have to check that.

It needs to go to the police department for the police department to act obviously. If it is a moving group of individuals, it is going to be a little tougher unless that group happens to still be together when the police officers arrive.

Councilwoman Minarik – First response is still to call the police?

Director Frey – Absolutely it is, yes. Nothing is going to happen unless that call is made to the police department.

Councilwoman Minarik – Capt. Brooks, do you know if we're going to be doing the sweeps this summer?

Capt. Brooks – It is definitely our intention to stay on top of the problems in the city. Do the sweeps, we're hoping for some grant money to assist us in that behalf. Certainly the Mayor has indicated that he wants to keep tight reins on the trouble makers, so that's our intention.

Councilwoman Minarik – Mayor Cervenik, you had said during the budget hearings you were going to talk to Supt. Jones about possibly sharing the cost of school guards. Did that conversation ever take place and what was the outcome?

Mayor Cervenik – Excuse me if I mislead. I am not in favor of them paying for that. We have made some adjustments to the police that are inside the schools to sort of balance the ability of who should be protecting what. It was sort of taken care of. I think we took one police officer out of the schools. That sort of makes up for the school guard.

Councilwoman Minarik – With the ODOT traffic lights going up, we have all of these refrigerators now being placed on lawns, curb lawns, and it is really irritating. I'm sure if a refrigerator was put on someone's curb for pick up and it wasn't picked up week after week, we'd all be screaming bloody murder, and yet we have these six foot monstrosities. Is there any type of landscaping that we can do for these things or is there any way we can have any say so in where they are placed. I understand ODOT can put them wherever they want without our permission, is that true?

Director Gulich – I know we discussed this last week when we met out in Monterey. A lot of considerations go into where these boxes are placed. They have to go near a power supply, obviously. They have to be

Councilwoman Minarik – I understand, can we change it so that the city, and that is why I was thinking maybe the Law Dept. is better because yes ODOT does it right now and I know the considerations, but can they at least confer with us? Can we pass legislation to that effect?

Director Frey – The public right of way is available to public utilities. For controller boxes and the like, they are permitted to place them in the public right of way. Probably the most effective approach is the approach we've taken with AT&T and that's to try to discuss the placement of those ahead of time and whether there is a place that is less obvious that that box can be placed. Director Gulich, I presume has been engaged in that conversation with the contractor and installing the signalization upgrade. Landscaping and there has been some instances where we've landscaped around the AT&AT u-verse boxes. That is not a perfect solution because you have to find landscaping that is resistant to exhaust, the road salt and other chemicals and that is not an easy task.

We can certainly pass a resolution if that's the desire of City Council to direct the administration to discuss that matter with ODOT. We can pass a resolution directing ODOT or asking ODOT to confer with the city with the placement of those. But ultimately, they've got a lot of authority, as does any utility to the use of the right of way.

Councilman O'Neill – Just want to comment that Spring is around the corner, it doesn't seem to be quite here but they're talking about snow tomorrow night, but that's not going to last. People are cleaning up their yards and thanks to them and thanks to you folks out there that are sprucing up your properties. I would just remind everybody that there's a lot of garbage that's left over from the winter. If you'd please get out and take care of the garbage maybe at the curb in front of your house, maybe on the tree lawn, possibly next door to your house. I would remind Capt. Brooks that I'm going to be asking the Police Department to be a little bit more diligent in the littering in public. We seem to have a problem in Ward 5 on Lake Shore Blvd. by Lake Edge, I get some complaints about kids walking down the street. I know you've got to catch them in the act, but maybe we can get some traffic cars and pay a little more attention. Spring is here, summer is here.

It leads into the loud music complaints that are going to be coming. Windows are down, radios are up. Those are way of life problems. They impact the way people live in their houses. I would ask the neighbors to be mindful of their next door neighbors and how loud they play their music. Again we do have a nuisance ordinance. The police come out to your house, there could be fines levied. Even if you're a renter, the landlord of that property could have a fine levied on them. It is \$100 after 2-3 complaints. Please just be a decent neighbor, that's all we're asking here.

Also the kids, school is going to be letting out pretty soon. The kids are, a complaint I get every year is, the kids walking in the middle of the street. We pay a lot of money to maintain our sidewalks. I would encourage the parents to get on their kids and have them walk on the sidewalks. If not, the Euclid Police Dept. will be paying them a visit and the parents will be paying some fines for the kids. Those are quality of life issues, as well as barking dogs. Dogs should not be barking all day. Especially when people come home from work, they don't want to hear that. Control your dog, stop it from barking. I'm a dog lover myself. I've had a lot of dogs. My dogs never barked all day. If it is tied up all day in the hot sun, it shouldn't be. Be respectful for the neighbor. Pick up after the dog. Get complaints about people walking their dogs down the street where the dog does what it naturally does on someone's front lawn. Carry a plastic bag, pick up after the dog. We shouldn't be having these conversations, but unfortunately we do.

The only other thing I have is for Director Pietravoia, I just wondered if you had an update on the Fields, renovation project of the façade, Fields investment on Shore Center Dr. and Lake Shore. Is there anything you can add right now?

Director Pietravoia – We are in the final stages of negotiating the contracts with the County for the loan that was required in order for the project to go forward. We're also actually assisting them with some tenanting of the plaza, which will help them be in a stronger position for all the financing that they're asking for. We don't expect any further delays. We're hopeful that this spring we will see construction start on the project.

Councilman O'Neill – There's a little bit of a competition here between Councilman Gruber and myself. He's got his Walgreen's project now and I've got Fields. There's going to be a little bit of a bet who gets done first. Whatever we can do.

Council Minutes

April 20, 2009

Page 30

Director Pietravoia – I appreciate your concern and I trust and I'm looking at the Mayor as well because he's helping, that we will not be waiting three years for that project to start.

Mayor Cervenik – Councilmen, I received a call today, a long awaited call, that I will be meeting with the owner of one of the main tenants in the building to show the City of Euclid's commitment to downtown Euclid and what their establishment means to the City of Euclid. I'm quite sure from the initial conversation that this project after taking with them will move forward very quickly as it needs to.

Councilman O'Neill- For the record, I like my Porterhouse Steak well done. With that I'll say goodnight.

Councilman Langman – First question to Director Gulich. It is Springtime and some of the utility companies had left over work from the Fall. Director Gulich, do we know, are they going to be back out into the neighborhoods, especially there are several areas in the 7th Ward, where they need to make repairs to the tree lawns.

Director Gulich – I know we've had that conversation in the past and I've got my engineering department on top of the utilities and keeping track of these projects to make sure that this gets done in a timely fashion. We haven't had any real good landscaping weather yet, but that is going to be coming up in the ensuing weeks.

Councilman Langman – I would like to thank the Euclid Police Dept., Capt. Brooks for addressing the issues at Russell Erwine. That is a school that I would like to see demolished and redeveloped, rather than Shore. I would urge the administration now that the school facilities commission has made their recommendations, that we work on removing the building, it tends to be hang-out for juveniles. It has become an increasingly a nuisance for the immediate neighbors. I know it can't be done right away, but I hope that would be a focus to resolve in the coming months and hopefully a year or two.

Mayor Cervenik – In discussions with their Business Manager last week, there should be some changes in State law that I really don't want to get into detail about, but that will allow that type of development to happen.

Councilman Langman - Finally I would like to urge everyone to come out to the Arbor Day Celebrations in honor of Jerry Corbran, a long time Euclid resident, World War II Veteran, fought in the Battle of the Bulge. Came to Euclid to raise his family. He has been involved in civic activities long before I was born. He was one of the individuals that help spearhead the development of the golf course. He also helped develop the pumping system that has saved the city tremendous amounts of money irrigating the course. It seems like every major issue Jerry Corbran is around it, whether you agree with him or not. I think he represents the true definition of what a citizen is. He is always so even tempered, and even keeled, no matter what's going on around him. I'm amazed at his patience and his forbearance and just his energy even at his age, he's still very much involved in what's going on here in the city. I think the Red Oak that is going to be planted in his honor is well deserved and that will happen Friday, late afternoon, at 5:30 at the Euclid Briardale Golf Course Club House.

I think it is very important, whether you realize it or not, we took really a couple of big steps tonight on two major projects. Shore which is always contentious, the lakefront, which has been contentious in the past. What we've done is taken steps to cut that knot. Which we tend to do in Euclid, we tend to tie ourselves in knots arguing, discussing, debating, years and years, you don't see a lot of action. I think with the JJR additional study the Phase II study that we approved, we're on a good path on the lakefront. I think with Shore even though we have much work to do, we've taken the step in cutting that knot so that we can make informed decisions going forward. With that Madame Chair, I hope to see you all Friday evening.

Councilman Van Ho – First of all I didn't know Jerry Corbran had been involved that long, since you were born?

Councilman Langman – Yes, that's a long time.

Councilman Van Ho – First of all I'd like to remind everybody, the Mayor brought it up earlier about the National Day of Prayer on May 7th. City of Euclid, Moore Counseling and Faithful

Companions went together to put this on. There will be three services. One at 7:00 AM, one at 12:00, and one at 7:00 PM. I hope everybody will be there.

I'd also like to thank whoever on the staff put the new, I call it the problem program, on the city website, where you can type in your problem and track it. Because to many times I hear, I've talked to the Director a dozen times. This will give us hard core documentation as to what it's happening. I think it is a giant step.

I'd also like to mention the Library Foundation is having a Fiesta Friday on May 15th. It starts at 7:00 and tickets are \$19.35 in honor of the Library starting in 1935.

Also, the Assets Committee was brought up and the Assets Committee, part of its job is to look at the whole picture of the city. There are no sacred cows as to the assets. We have to look because we have a limited amount of money to spend and we have to look at the best way to spend that money on the various assets. The pools didn't get closed down. It was brought up. It was discussed. The skating rink didn't get closed down, it was brought up, it was discussed. We're looking at everything in depth. So don't worry about things closing until you see a resolution to close them.

I know that Council person had a right to say that Euclid was dying. I also had a right to object to it. That's the wonderful thing about freedom of speech in this country is that it runs both ways. I just thought it was an irresponsible comment, she thought it was a responsible comment, let it go at that.

Director Gulich, I have faith in the Service Dept. coming up with a creative way to fix the problem at 240th and Stephen of drivers not sensing that there's a curve there. Whether that be a caution light, I don't care, but I don't want to hear about a kid getting hurt or an adult. Please see what we can do.

As far as Erwine, it is not a vacant building. The trades for the schools are there at this time and until we can figure out what to do there, that building is going to have to stay open and I know that the school administration has worked very diligently to work with the administration on any and all projects that have come up. They also have to have a place to put their trades.

With that, thank you. Oh by the way, just one other comment, you are a class act Madame President.

President Holzheimer Gail – Thank you. The egov, is that what you were talking about? Does somebody from the administration want to share with residents how they can make not only a complaint but a positive suggestion or compliment?

Mayor Cervenik – We would appreciate positive comments. There is a logo now on our existing website and you click on it and you can go in and there's a myriad of complaints and concerns that are listed. When you send it to us, you will receive immediately a tracking number and that message will go to a person of first response. There's already been specific times of response put to each type of complaint. If that response time is not met, then the program will kick that complaint up to the next level in city government. I hope I don't ever see any of those come to my desk, other than the ones that are directly sent to my office. I don't think that will happen. It tracks the problems, it allows us to see where maybe certain specific problems are concentrated in what areas. It also lets the residents see where they are and I think it is going to be very helpful for us. I think it should be very helpful for City Council in dealing with some of these questions that we get. We may have a few bugs the first couple of weeks. We've tried to keep it quiet and just let people see it and do it on their own, but that's fine. My assistant, Lisa Mayernik, along with Jack Johnson, really deserve a hand for getting that up and running. It took a little longer to put all those steps in than we originally thought, but we think they're all going to run just fine. If you have any complaints about it, please let me know. It is a good way to communicate.

President Holzheimer Gail – Director Gulich, I wanted to follow up with the recycling. I know you had mentioned you had hoped to have something to announce and hopefully later this week. I don't know if anybody else has noticed but when you drive up and down the streets on garbage day, you still see quite a few blue recycle bags. Whatever we do I think we need to plan communication to our residents, not only the change in the recycling but where the drop off locations or whatever we're able to work out will be. If you would think of that as part of any change or transition that we have. I have been getting quite a few calls and comments from people as I see them. It is something they feel fairly strongly about.

Director Gulich – Absolutely, I agree.

President Holzheimer Gail – I also wanted to compliment all the crew and the cast and the directors from the Big Show. It really was a wonderful production as it always is. The kids do a phenomenal

job and I know the amount of time and energy that goes into that, they should all be commended and we really did enjoy it, so congratulations to all of them.

Several meetings coming up, Councilman Van Ho has a Housing Committee this Wednesday, April 22 at 6:30 to discuss point of sale and apartment inspections. There's three pieces of legislation that will be on there. Next Monday we have an Executive Finance Committee Meeting. At this point starting at 6:30. First item will be the council compensation recommendation from the committee that was formed and their findings. They can present to us and after that we will have the update on the finance, the first three months budget and discussion of Shore funding as part of the budget discussion.

Wednesday, Councilman Wojtila has a Service Committee Meeting at 6:00 here to discuss, this will be a public hearing as well, on the long term control plan. There is an ordinance that we sent that CT our engineers have found out due to the EPA mandates that there's additional work to be done. We will have that ordinance as well as a public hearing on the long term control plan. Does that adequately reflect? Wednesday, April 29th, 6:00 here in Council Chambers; long term control plan, as well as the ordinance for CT Consultants. That will start at 6:00 for the Service Committee. I think that's it for me.

Councilman Gruber – I would like to thank Councilwoman Scarniench for taking care of business while I was out of town, thank you very much, you did a great job as usual. Capt. Brooks, I had a discussion with someone at the schools today about Indian Hills School, when the kids are getting out of school. Lately on Delaware there's been private transportation vehicles, vans picking up the kids and they're parking on both sides of the street and there are buses coming through there and there is no way an emergency vehicle can get through there. Not only that, but you can't see the kids coming across the street. I did bring it up to someone at the schools today and I told them I would bring it up at the meeting tonight. Maybe during that time of day if a car could go up there and remind them? There seems to be an awful lot of traffic up there for the amount of kids that go to the school, you know people picking them up. Maybe I suggested to the school that they could pick them up back by the parking lot. But Delaware is very congested, very narrow, and it is pretty dangerous. If someone could give that some time, I'd appreciate that. Thank you and that's all I have tonight.

Councilwoman Scarniench – Question for Director Gulich, I received a phone call today about grass cutting. I said I would bring it up tonight. We have a program where we contract with snow plowers to give our residents a discount. Is there any way, has anybody ever thought about doing it for grass cutting? Apparently there are some unscrupulous people out there that are taking advantage of some of our senior citizens. I wondered if that was a possibility of something that we could do.

Director Gulich – I don't know why we couldn't. I'm not aware of any other cities that is doing it around here, but I don't know why we couldn't be the first.

Councilwoman Scarniench – That would be great if we could look into that.

Director Gulich – I will talk to the law department on that soon and see why we couldn't do it in a similar fashion as we do the snow plowing.

Councilwoman Scarniench – Thank you. Saw CT today on 222, marking their territory, so it looks like the Phase II of 222 will be moving right along. That was exciting. I noticed that all the lights are finally down, not the poles, but all the lights are down along the corridor where it is finished, so it really looks awesome now just looking out and seeing all those pretty lights there, so that's wonderful.

Two other things real quick. This Saturday, the 25th, the Henn is having their Flea Market from 9:00-4:00. They have lots of goodies. If you're out and about, please stop at the Henn. Also, Indian Hills Homeowners Association, as of right now, they've got over 37 different households that are going to be working for their rummage sale this Saturday, from 9:00 until 3:00. We've got lots of things going on in the city if you're one of those people that likes to go looking at other people's stuff.

Just one last comment, I guess everybody has an opinion and you have a right to your opinion. I think the Assets Committee is doing exactly what I wanted it to do when I asked to have this done. We've modernized the golf course. People are excited about the things that are going on over there. The Historical Society has been given a year, which is almost up, on coming up with a plan and doing something to modernize the annex. Hopefully we're going to hear something from

Council Minutes

April 20, 2009

Page 33

them real soon, because that deadline is coming up. If it is not met, yes the building will go down because if you had to live next door to it, you wouldn't want to be there.

As far as the swimming pools, that was a discussion, it was over, that was a budget thing. As far as the Senior Center, those again were discussions and what's going on. They're painting, there's all kinds of things going on there. It is being brought up to date and the people are excited about the way it looks. So I think we are doing what we're supposed to be doing. I'm happy with it and with that, thank you and goodnight.

Councilwoman Jones – I just want to make a comment about the Big Show. I wasn't at that event, but I did have tickets to go and when I found that I couldn't make it, I did give my tickets away to somebody else. So maybe it was my twin that was there. But I did hear that I missed a very good show and I'm sorry that I did miss it.

Director Will, I just wanted to find out, Hillandale Park is there a drainage problem in the past with Hillandale Park? Are we going to have that problem again this year?

Director Will – We're actually looking into that right now getting ready for the spring/summer softball programs. We did not have a problem with that last year. We utilized the field from May until the beginning of August. There is not a drainage system there. Hopefully there will be no problem but they'll be getting ready to be used for the summer for baseball.

Councilwoman Jones – So there is a drainage problem?

Director Will – There is not.

Councilwoman Jones – Maybe it is just because of the amount of rain that we've had plus this snow that melted, around the outside of the baseball area there's quite a bit of water that has accumulated there.

Director Will – They haven't gotten out and done the spring work on it yet either. Our spring clean up on it will make a difference.

Councilwoman Jones – Maybe this would be directed to Director Gulich. On the area on Richmond Road before you get to Euclid Ave. between where the Euclid Villa driveway is and Euclid Ave., on the west side of Richmond Rd., this is the time of year where that foliage is going to start to grow in again. Can we make sure it is cut back enough so that it doesn't grow over the benches that are there, because those are used quite frequently throughout the nice weather time period. Also can we make sure we clean up that area as well as far as any debris that has fallen in there throughout the spring and uncovering of any trash?

Director Gulich – Between Director Will and myself we will take care of that.

Councilwoman Jones – I just want to make a comment to Councilman O'Neill who mentioned before that Ward 5 didn't have trash. I do want to encourage those residents that are, now that the weather is getting nice and I did see this weekend that there were quite a few residents out cutting their grass. As you're doing that, please remember to pick up any additional trash that is left. As trash pick up is made in your neighborhoods, if there's trash debris that's left from the trash collector is not getting everything, please make sure that you pick up whatever is left so it doesn't get scattered throughout the neighborhood.

As far as the egov complaint process, I did go in and use that. I did immediately receive my tracking number and I was able to go in and get a status. The only thing that I would recommend is that it comes back and gives me an e-mail address of who I can e-mail for a status. But if it has something on a regular basis where I can go in and see what that status is, that would be helpful.

Director Johnson – There's another feature on it, without delaying, there's another feature that as a resident you can go in and register and when you register, then you can periodically log in and see all of the complaints or requests for services that you've initiated and what the status of all of those are in one grouping, rather than having to keep all of those tracking numbers. That's the advantage of going in and registering as a resident.

Councilwoman Jones – Maybe I just didn't notice that if that could be more noticeable. Another comment I want to make, Director Gulich, I sent you an e-mail and I copied and I got a response back regarding the number of water leaks throughout and I gave you a list of about six of them. I did receive a response back from four of them, two of the other ones that they have to check them

out once the roads dry up. The responses that I did receive for those especially the one on 260th, underneath the railroad tracks and the one on Brush on the hill and 276, is that the Water Dept. is having a problem out the source of the leaks. But these are leaks that have been going on for, some of them have been last year. My concern is, what's the priority that the Water Dept. is putting on getting these fixed? It is not only causing a problem for, the water is coming out, but the water is causing the roads to deteriorate even more than what they were already. They are already in bad shape, but it is deteriorating even more. If you have any additional comments on that, that would be appreciated.

Director Gulich – It may come as a surprise, it may not, but sometimes the Cleveland Water Dept. seems at a loss to pinpoint the location of these leaks. I think Councilwoman Scarniench can vouch for that when we had water gushing up on Euclid Ave. last year in her ward and they said that's ground water, there's no water leak. It did take a call and a meeting with the Asst. Commissioner, and that is probably what I'm going to have to do in these cases too. I haven't had a chance to review Scott Reese's report on that. Usually it is a matter of going to the Asst. Commissioner and taking that route.

Councilwoman Jones – Thank you.

ADJOURNMENT

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

Attest:

Clerk of Council

President of Council