

COUNCIL MINUTES  
MONDAY, MAY 4, 2009

The regular Council Meeting was held on Monday, May 4, 2009 at 7:00 PM in the Euclid Municipal Center Council Chamber. Council President Holzheimer Gail presided.

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

Councilwoman Scarniench moved to excuse Councilman Gruber. Councilwoman Jones seconded.  
Yeas: Unanimous.

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

Invocation was given by Pastor Larry James from Abundant Life Christian Center.

COUNCIL MINUTES

Councilwoman Scarniench moved to approve the Council Minutes of April 20, 2009.  
Councilwoman Minarik seconded. Yeas: Unanimous.

ADMINISTRATION REPORTS & COMMUNICATIONS

Mayor Cervenik- As you know the Memorial Day Parade is quickly coming upon us and I'm happy to say we have American Legion representative Jean Bower her, this evening along with other volunteers. If anyone would like to make a donation towards a Poppy, I would certainly encourage you to do so.

Mrs. Bower collected donations for the American Legion Poppy Campaign.

Mayor Cervenik presented Res. 96-2009 to Mama Catena's Ristorante.

Mayor Cervenik – We have installed the Drop Off Lock Box for the Tax Dept. As you come to the back door, you look to your right and you will see that there is a box where you can slip your envelopes in if you happen to come to pay your taxes when the Tax Dept. is closed. It is lighted, it has a cement pad so everything is fine and dandy. The Tax Dept. does close at 4:00 so they can reconcile their records for the day. As we've had people to come in to pay this will be a nice way so they don't waste their trip. Everybody must pay their taxes and we have an item on the agenda tonight that I'll speak about later about another way to help collect our taxes.

I would like to announce unofficially we had our tax numbers in for the month of April. We were a little more than \$90,000 over our April projections, which puts us at \$9,000 ahead of our four month projection. We really felt we were pushing those projections for the first quarter of the year. We've got a ways to go. If you saw the news today, Twinsburg's auto plant is closing, there's some problems possibly in Parma with the auto plant. But we are cautiously optimistic that our projections are close, the changes that we've made and the contributions the employees have given will get us through this very tough and trying time. If you need to get here after 4:00, you can drop your check off in the lock box.

Director Gulich – Since we've recently stopped curbside recycling due to budgetary constraints, I've been working at a cost alternative that would be acceptable to the city. I've been in negotiations with the City of Cleveland actually I was hoping to announce a drop off location in the City of Euclid at a very reasonable price. We've hit a couple of walls with their City of Cleveland's law department, so I'm continuing to negotiate on that, to get a drop off that again would be very reasonable price. Currently I have negotiated that we are welcome to use their drop offs. They have numerous drop offs not to distant from our Euclid border. The downside of that is yes, it is a little inconvenient, I'll admit that. The upside of it, it is positively free, and that's a pretty good upside.

The closest locations which people can bring their recycling to 24/7 are at 17109 Lake Shore Blvd. Anyone venturing into Cleveland on a regular basis there's another one at 856 E. 152. In front of me I have a full list of locations rather than bore you with the full list, I'll make sure we get this circulated. Again, this is free. Yes it is a little inconvenient, price is right, in the meantime continue to negotiate to get a drop off location of our very own here which should be a very favorable price that I think we can swallow.

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President Holzheimer Gail – Director Gulich, I just want to make sure that everyone got that clear. We have been given approval to use the City of Cleveland's drop off recycling bins.

Director Gulich – Yes, to make a long story short, I've been talking with our Solid Waste Commissioner and their Service Director and they're in a position now, they do collect all their own recycling and they're one of the few communities that is still receiving pay for their recycling. Most communities are either receiving nothing or they're having to pay. Their agreement with Waste Management, Waste Management is calling them to increase their tonnage in order to maintain the current position where they can actually get money for their recycling. They're looking to increase their tonnages so that's why they're willing to offer their current locations at no cost and a location particularly for the City of Euclid at relatively little cost, which is currently what we're negotiating.

President Holzheimer Gail – Will those sites be posted? You could probably get at it through the Cleveland Website, but can we do a link from our website?

Director Gulich – Absolutely.

President Holzheimer Gail – I know there's one behind Arabica on 185<sup>th</sup> as well. That's probably the closest to most, but it is one small dumpster-size bin. Not as big as the one behind the Library at the old Villa Angela and there are several at the Euclid Beach Park as well.

Mayor Cervenik – The only thing I would like to add to that is that locally here we still have, although Abitibi company has been having their financial problems like everyone else. They hope to have those worked out as does Chrysler in bankruptcy court soon. We have many charitable organizations that have an Abitibi bin at their location. I would encourage you to continue to drop your papers off at our local organizations. Aluminum cans can either go to the Fire Station #1 or PetPals on Lakeland. Everything else, you're plastic and bottles, we can take over to Cleveland. Some of our organizations are still making some money, although not as much as they were before by dropping the paper and aluminum cans off at their locations. Hunger Center behind Shore, a lot of the schools have them and as I've said, Petpals on Lakeland Blvd.

Director Will – If you have any questions about any of the announcements that I have, you can always contact our office, 289-8114, or check out the website, Euclidrecreation.com. We are continuing our registration for our spring and summer programs on Tuesday here at City Hall from 3:00-7:00 PM. We do currently have openings in all of our programs. Some of them are filling up quickly and some of the deadlines are coming up. You want to make sure for girls fast pitch and boys basketball for the summer that you do come in and get registered; Tuesday 3:00-7:00 PM at the Recreation Office.

This Saturday beginning at 9 AM at Memorial Park, we will be hosting our Junior Olympics. There will be basketball, tennis, soccer kick. It is a free event and you can come to the Park and register that day, bring your parents, you need to have your parents sign. After that immediately we'll do our Pitch Hit and Run competition that should begin about 10 AM. If anyone is interested in either one of those programs and needs more information you can call our office.

On Friday, May 15 through Saturday May 16 is the American Cancer Society Relay for Life event that will take place at the High School stadium. Currently the City of Euclid has 21 teams registered and we have raised almost \$14,000 for the event. You do not have to be a participant by being registered. You can come to the Stadium that night any time after 6 PM and participate in the events that will be going on. There will be bands, DJ, and we'll also be showing movies. Each one of the teams will be selling different food for their cause to raise money. So again, you don't have to be a part of an actual team, you can come and just support it and see how much fun all the different teams will be having with their campsites and everything all set up. We're looking forward to that. You can always check out, [Relayforlife.org/Euclid](http://Relayforlife.org/Euclid), if you need any more information on that.

On Saturday May 15<sup>th</sup> beginning at 9 AM, we will start our Cemetery clean up. If you are interested in helping us, you can come up there in the morning and help us paint and weed whack and move some of the graves around, shift them back in spot. We've got a lot of great stuff, gravestones, I'm sorry. We have a lot of fun stuff, we don't have to dig any graves. It is a fun day. Last year we had about 20 people that had come out. I have already received some calls.

Councilwoman Scarniench is assisting with that, it was actually her idea since the Parks Dept. didn't have the manpower to be able to do that. We'll also be doing it on Sunday morning so if you want to participate you can show up at the Cemetery and we'll put you to work or you can call our office and I can give you some more details on that.

The Shore Cultural Centre will be hosting a Comedy Show that will be this Saturday, May 9<sup>th</sup> from 7:30 until 9 PM in the Culinary School. They'll be featuring 5 different acts who have toured the northeast and Midwest states. They are only selling 90 tickets and the tickets are going fast. It is \$10 advance and you can get them at Shore Cultural centre. There will also be light snacks available for a small donation in the culinary school.

I would like to remind everybody that we do have an indoor farmer's market at Shore the 2<sup>nd</sup> and 4<sup>th</sup> Saturday of the month from 9 AM until 2 PM. That will continue right up until the time when we start our Friday night markets on July 3<sup>rd</sup> and that will be in the parking lot of Shore from 4 PM until 7 PM. It is indoor right now on Saturday, 9:00 until 2:00 and then it will move every Friday from 4 until 7 in the parking lot.

The Euclid Orchestra will also be hosting their annual Pops Concert on Sunday, May 17<sup>th</sup> at 3 PM. It will be featuring the music of the Beatles, Broadway, Strauss and more. If you'd like to get tickets, call 289-8107.

I would like to remind everybody to save the date. On Thursday, May 28, we are going to bring two performers from the Ohio Chautauqua performance event that will be happening in July. Two of the performers will be coming on May 28<sup>th</sup> at 7:00 to give us a little idea of what is in store for us in July. This event is free. It is 7:00 at Central Middle School. Hopefully everybody will come out for that and will get excited about the different event happening in July.

Last but not least, the Pond and Garden Tour will be held on June 27<sup>th</sup> from 7:00 until Midnight and Sunday June 28 from 1:00 PM to 6:00 PM. We currently have 10 homes that will be on this year's tour. We are looking for some new homes to be on it. If you have a beautiful house in Euclid and a beautiful pond or just a beautiful garden, and you would like to showcase it, please call our department at 289-2726 and we'll get you registered and get you all on the tour.

Last but not least, sorry, we have begun our Adopt a Spot program for this year. We are looking for different neighborhood groups, different businesses, or just individuals who would like to take a spot from the city to be able to maintain that for the year. We would ask that you help us by weeding it, watering it and planting any flowers or bushes that would go into that spot. We will work with you on the different ideas that we have for the area. We'll work with you on some plants that will work. We'll also work with you on purchasing the plants. Home Depot has been very good to us and we were able to get flowers and different plants at reduced prices. If you are interested, call me personally 289-8656 and I will go over all the particulars with you. You do get a sign that would advertise your business or company or your organization name. Right now we do have 21 that have participated in the program. You certainly help us out a lot by beautifying our city. Thank you.

Chief Cosgriff – I would like to just take a couple of moments to talk about the H1N1 Virus, that nasty virus that was formerly known as the Swine Flu virus and what is being done about it in our area. As of 1:00 this afternoon, the State of Ohio has three confirmed cases of H1N1, the one in Elyria that you no doubt have all heard about and there are two newer cases in Franklin County, which is down by Columbus. There have been no confirmed cases in Cuyahoga County. The suspected case at St. Felicitas was determined to be negative.

The County has set up an emergency operations center in case this were to escalate and they are holding daily briefings with emergency coordinators. As recently as last Fall, the Euclid Police and Fire Departments participated in a countywide drill to test our ability to distribute medications in the event of a pandemic emergency. This went relatively smoothly. When the President recently declared this a public health emergency, it allowed certain procedures to take place to prepare for a worst case scenario. What this means is the Federal Government increased its orders for the medication used to treat this virus and it also began distribution from the strategic national stock pile. In case you didn't know this, the federal government stocks large quantities of medications and medical supplies for just this type of emergency. This allows for rapid deployment of these meds in preparation for distribution to first responders and citizens should the need arise. Obviously the states with confirmed cases are the first to get shipments from this national stockpile, so we do currently have medications in place in Cuyahoga County.

So for the citizens, what can you do? You should continue to take all the precautions that you are always encouraged to take. Stay away from sick people if possible. If you must come in contact with someone with flu-like systems, use any and all precautionary measures that you may have at your disposal. Such as simple face mask or medical-type gloves that you can wear. I cannot over stress the importance of washing your hands frequently and covering your mouth and nose when you sneeze or cough. I hate to say it but these are all things that we all should have learned in Kindergarten and they are certainly pertinent today. There's more information, should anyone be interested at the CDC website or at the County Board of Health website.

My second announcement on a lighter note is that the Fire Dept. will begin our annual hydrant flushing starting tomorrow morning. As we have in the past, we will post notices at the end of all the streets on the day before we are going to flush the hydrants. But the problem is that not

everybody sees those signs. I would ask if you have an elderly neighbor that you know doesn't get out on a regular basis, if you see a sign saying that the hydrants are going to be flushed tomorrow, if you could pass that information onto your neighbors.

If you are on a street where the hydrants are flushed and you come home, you may find rusty water in your sink or in your toilet. All you need to do is let that water run until it runs clear and then the water will be okay to use. One of the biggest problems we have is with somebody not knowing that we flushed hydrants that day and they go to do a load of laundry and the laundry comes out rusty. If we could pass that information along to your neighbors that might not know it, I would certainly appreciate it. This is something we need to do on a yearly basis, actually on a semi-annual basis we need to do this in order to make sure that the hydrants on your street are functioning properly in case we should need them for firefighting. That concludes my report.

Chief Repicky – Next Monday, May 11<sup>th</sup> at 1:00 PM in City Hall Council Chamber, we're going to be presenting a sign in memory of George Brentar which will be posted on the freeway on I-90 eastbound on E. 207 and westbound by the Euclid Ave. entrance ramp. It will read, Patrolman George Brentar Memorial Highway. That is next Monday, May 11<sup>th</sup> at 1:00 PM. Replica signs will be given to the family.

I do want to personally thank State Representative Kenny Yuko who was instrumental in spearheading this effort. Legislation was passed by the State around Christmas last year. The signs will be mounted this week and bagged we will unveil them on Monday after a brief ceremony here.

Mayor Cervenik- That concludes our reports for this evening. Thank you.

President Holzheimer Gail – I would like to welcome Councilman Gruber for the record.

#### REPORTS & COMMITTEE MINUTES

Councilman Gruber moved to receive the Police Report of March 2009; Fire Report of March 2009; Executive & Finance Minutes of 4-15-09; Board of Control Min. of 4/13/09 and 4/20/09. Councilwoman Scarniench seconded. Yeas: Unanimous.

President Holzheimer Gail- We do have one item, #2 on the Agenda, was not the full ordinance. We do need to waive the 24 hour rules to place the full ordinance that should be on your desks and was sent electronically on the Agenda.

Councilwoman Scarniench moved to waive the 24 hour notice and place on the Agenda Ord. (318-09). Councilwoman Jones seconded.

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

Placed on Agenda.

#### COMMITTEE OF THE WHOLE

President Holzheimer Gail – This is the Committee of the Whole for Legislative Matters Only. You may speak to any item on the Agenda. Please state your name and address for the record.

Mr. Dave Hiscott – 1970 E. 224 St. I'm here tonight to talk about #6 and #7 on the agenda. As some of you know I did serve on an Ad Hoc Citizens Committee, studied the current council compensation package; did comparisons to like cities and we made recommendations to the Executive and Finance Committee meeting last week. I believe everyone on Council has received copies of our report and recommendation.

I just wanted to reiterate several of the key points that we made last week. The State of Ohio law says that city council members are considered employees. Euclid City Council are part-time employees. No other part-time Euclid employees are eligible to receive health benefits. Council members taking health benefits receive in fact more compensation than those who do not. This is basically unfair to those doing the same job and who may in fact be even more productive than those receiving benefits.

Many employees in the general marketplace who work 32-38 hours a week do not receive benefits and may not be eligible for benefits through their employers. There was some talk last week that the Council job, although part-time is a so called 24/7 part-time job. I would say that there are many other people out there working full time jobs and not receiving benefits.

Total cost for health benefits paid out for council members taking benefits average \$44,507 for the years 2001 through 2007. This is just an average with costs reaching just under \$75,000 in 2005. This of course is in addition to salary costs.

Total estimated savings by eliminating these benefits are almost a quarter of a million dollars over the next five years. This money can be used to benefit the citizens of Euclid in many other areas.

The last election fielded some 26 candidates for Council Office. The majority of them said during debates when asked direct questions if not having benefits would deter them from running for city office, the answer was no, from the majority, it would not deter them. There was also some discussion that the benefits, not having health benefits would stop qualified people from running for office.

There was a councilman at the last Executive & Finance meeting that said, "I don't have the wisdom to vote on something that will affect future councils." If this is the case and there are others on Council that feel the same way, they should abstain from voting. Please keep in mind that all councils, past, future and present, passes laws and ordinance at every meeting that potentially affect up to 50,000 citizens for as long as they live or work in the City of Euclid.

Lastly on #7 regarding pay increases. Please keep in mind that any council can change future compensation during any election year by following the rules laid down in the city charter. I ask that you do the right thing on #6 and vote to eliminate the health benefits for Council. Thank you.

Mr. Jeffrey Beck – 25540 Chatworth. There are several items on the agenda that I wish to speak to this evening. First, items 12, 13, 14. These are the submissions of the Charter Review Commission, of which I was a member. These issues were debated publicly over the course of many meetings and need to be past onto the voters. In fact item 14 did appear on the ballot last November and was overwhelmingly approved by the voters. Due to some issues, this vote did not count, so you must put this on the ballot again.

Item #6, the compensation ordinance eliminating health benefits must also be approved. No part-time employee of the City of Euclid qualifies for health benefits and neither should council. The savings to the city over 5 years will be a quarter of a million dollars. There are some on Council who are so against this piece of legislation that they went back nearly 40 years in Council proceedings looking for a way to discredit it.

I would ask these council people a few questions. What will you say to the Jailers who were laid off in January who lost their health benefits? Thank you for your sacrifice? How about the safety forces who just gave back a portion of their compensation in order to avoid layoffs? Thank you for your sacrifice? Finally, what would you say to a single mother of three who works two part-time jobs in order to make ends meet, pays a high city income tax, and neither job offers health benefits? Sorry ma'am, but our part-time job is 24/7 but thank you for your sacrifice?

I'm not advocating passage of this ordinance because times are tough in the city. I'm advocating passage of this ordinance because it is the right thing to do no matter what the economic situation is.

I'm also in favor of Item 7, raising the compensation for Council in 2011. This will bring in line the compensation offered by the cities we studied.

Finally, I find it interesting that the compensation ordinances appear on the same agenda as the Charter Review ordinances. Last week the opposition to the compensation ordinance called the committee who recommended it, unqualified. I think back to the Charter Review Commission and when we recommended a change not in agreement with the same people who opposed item 6, we were also called unqualified. Since the voters overwhelmingly approved one of our recommendations, I guess that makes them unqualified. Thank you.

Mr. Ray Petrea – 353 E. 232 St. Madame President, I would like clarification on your remarks before this session about item #2, is that open for comments?

President Holzheimer Gail – Yes, the clarification was on the original agenda we just had a summary that there will be an ordinance authorizing the Mayor. The actual legislation had not been completed at that time. So the actual legislation, if you'd like me to read it for you, it is just, we had to make sure we had the piece of legislation on this agenda.

Mr. Petrea – I'll be satisfied with the proposal however it comes out.

President Holzheimer Gail – It just provided more details.

Mr. Petrea – I would just like to say that I'm for item #2. I believe in the Coral Management Company. I was impressed with their presentation. I was impressed with Peter Rubin's answers to the questions, he seemed honest to me. There was a lot of questions he answered, I don't know, because he did not have hands on experience. I was quite impressed with his staff and their commitment to this proposal. They are a company that has had success and they are used to

meeting tough challenges. This impresses me to no end. There is no other offer on the table that proposes a successful resolution of Shore Center, so I'm going to be for this.

I want to, oops. Before I dropped and spilled this water, this glass, I would say was half full. Other people might have said, it was half empty. But I think people who think the glass is half full are more positive oriented. They are more likely to take risk. They are more likely to have vision. Whereas people who visualize the glass half empty are more reluctant to take risk. They are more reluctant to try. They are more reluctant to be challenge. They are more often likely to make excuses for not succeeding. I believe, in my mind, I perceive that the Coral Management Company would view this glass as being half full. Therefore, they look at challenges as challenges. They already have successful experience to build upon, plus they have resources available to consult and use.

This book, Think and Grow Rich by Napoleon Hill, has been one of mine through my teenage years even now. It lists over 50 reasons that people make excuses for not trying or not succeeding. They have too much debt. They don't have the money. The family is against it. My friends don't like the idea; whatever, whatever, whatever. It also presents ideas for success and what you have to do to be successful. If you have never read this, you have missed an opportunity for growth. I would suggest you go to a bookstore and get this classic book, Think and Grow Rich. It is not really about getting rich, it is about succeeding. It is about meeting the challenge. I tell you again, I am for #2. Thank you. I'm sorry I spilled all this water.

Mrs. Annemarie Dittorio Finch – 336 Walworth Dr., Euclid, OH 44132. I'm a lifelong resident of the City. I attended Euclid Schools when the High School was graduating 1,000 students a year. I played on its supervised playgrounds, and I ate ice cream at Euclid Race Dairy. When I married in 1986 we bought our first home here and in 2005, when it was time to buy a new home, we looked to the Westside, my husband drives everyday to Parma. We looked to Lake County because that seemed to be the place that past Euclid residents migrated, but ultimately we decided to reinvest in Euclid, to the dismay of many.

I am tired. I am tired of hearing that the City won't do this and the City won't do that. Because it is my reasoning that if you live in this city, you are the city. I am tired of the addiction to studies that this city seems to have. Past administrations and Councils have authorized and paid for numerous studies concerning Shore. It is time for an intervention. The problem is nothing is done with the results. Actions and inactions speak louder than any words. Forty-two requests for proposals concerning Shore were sent out and only three responded.

I have listened to passionate groups of Shore supporters and opponents alike stand in front of this podium. I have heard people say, it isn't about money, but don't kid yourself, it is about money. The building as it stands needs to be taken care of. Keeping it or demolishing it, the cost is millions.

So I ask for the answers to the following questions. Why weren't more developers interested in offering a proposal for Shore? Some would say it was a lack of vision and others would say they had the vision. What will the Coral Group learn about the building that the previous 15 years of studies haven't provided? \$3,000 a month in payments to Coral is coming from somewhere, what line item on the budget will this expense come from? Where is that money coming from? Myself and all Euclid employees have taken pay cuts in one form or another to help this city through this time of economic turmoil. All departments were asked to cut back and all departments have done so. Our administration and our council have a duty to act in a fiscally responsible manner. How is this acting in good faith?

Who on the administration or Council are going to explain to the city employees the reason for this expenditure? If capital money is going to be used, what capital projects are being postponed? Coral is a business. Businesses need to earn a profit and are Shore tenants ready to accept an increase in rent? Why must we pay a group to look at past studies?

I am tired of the indecisiveness. I am tired that it seems to take years to make things happen. If the city decides to keep Shore, then find the money to fix it. If the city decides to tear it down, then find the funds to do so. But spending more money on a strategic plan is not the answer. You have to vote for your heart, I guess. We've learned it. We've rolled in wagons full of paper, study after study, the answers are there. I guess you have to vote your own peace. Thank you.

Ms. Fayne Copeland – I'm speaking in respect to #2. 60 Lake Edge Drive, Euclid, OH. On behalf of the Shore Cultural Centre I would like to thank the Mayor, the City of Euclid and City Council for helping us create a plan with the Coral Corporation which we believe will allow Shore to realize its full potential.

Mayor Cervenik has asked us to direct our contribution of \$20,000 to help pay for the operational cost of the building and the Board has agreed to do that. I want to thank you Mayor for working with us on that. In addition Shore has received over \$7,000 in unsolicited pledges supporting the Coral company's proposal.

The Board intends to continue with our fundraising efforts to help keep Shore open. We hope to keep it open for a full year, if possible, to let Coral's plan fully develop. We think we have an answer. I believe the strategic planning will answer a lot of the questions that we all have here at this table.

President Holzheimer Gail – If you could address your comments to us, thank you.

Ms. Copeland – I'm sorry, thanks Kirsten. That's it, thank you everybody. I also wanted to thank all of the City Council and the City administration, Shore Board and our supporters for all their efforts because we've been working very hard on this. Thank you.

Mr. Christopher Litwinowicz – 21970 Morris Ave. #2, don't sponsor it just yet. I've got somebody coming in that we can get an education. Am I lying? Do you know they're lying? When will the \$200,000 decrease for paying for Shore? So that's two hundred, now they're giving, that's \$20,000. I could run a house for probably the rest of my life on that; electricity.

The place needs to go. It needs to go. We take a house down that don't need to go that we could put someone in there. But we won't take this down. We want to spend money. Why not create money? Let's use them, we got other aspects like downtown Euclid that we're still, that's the project that's on hold. Lakefront development; the basketball hoops. I'm going to stop there because.

President Holzheimer Gail – Stick to the agenda please.

Mr. Litwinowicz – That is part of the Agenda but I'm going to stop right now. Public service. What is \$396,000, what is that for for our sewers? We had a conversation about the streets that deals with all that. The whole city needs to be tore up in the next two years and redone with our money.

#6, sponsored by Councilwoman Scarniench. I guess you sponsor employees. Don't take that the wrong way. It is a joke because I'm trying to find someone to sponsor a resolution to change the Ohio Revised Code, but you want to change your pay. That's what we've been asking, okay? I can't do nothing because it is not on the market, we talked earlier. See I can't go further, but she just, that's all it takes in one person or it is going to take 80,000, one million signatures to put it to the ballot.

I see we got an emergency ordinance for income tax. That's the same thing. You want to tell us that we've got to do something. #12, everything that we spent money on that's on here for our charter review commission, Council pass it. We want it to vote. That means that either somebody went out and spent time or they got signatures. We hired these people to discuss our Charter. There should have been some other things on the Charter to change, but we're going to have to wait eight more years. But that stuff needs to go.

Back on #2, I wish you guys would take the time, maybe put that to Council, or committee, I'm sorry, committee, and review this.

President Holzheimer Gail – Mr. Litwinowicz, we've had that in committee, we've had probably four committee meetings on it already.

Mr. Litwinowicz – So you all willing to pay some money out while we're making cuts. We shouldn't have no money to do that. But that's it, I'm running out of time. I got 5 minutes to look over something. I just don't agree that the sewers, if we're going to do something we should be spending millions to do the whole city throughout the next couple of years. Just put that in the proposal.

Ms. Tamara Blanton – 1661 Beverly Hills Dr. Oh for me to be here you guys must have did something real bad. I'm bringing this paper here, I want to show you guys this paper, it is from 2007.

President Holzheimer Gail – You can hand it to the Sgt.-at-Arms please.

Ms. Blanton – It is a lovely little paper although the person that wrote it should have been the Editor and Chief and the people that should have wrote it were probably the high school kids.

President Holzheimer Gail – If you could address your comments to us. Is this about something on the agenda?

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Ms. Blanton – Oh yes. First of all I'd like to say that I was here a couple years ago and I mentioned how we should get into the recycling program and how we could probably make some money. Now I found out that Lakewood beat us to it and they're going to save two-thirds of their trash bill by forcing people to recycle. Isn't that amazing? We could come up with two-thirds more income for you guys to do whatever you like. We don't mind paying you guys this salary, and if you want four year terms or even if you want more money, that's fine. But let's find a way to make everybody have money.

Just so we're clear here. This land is invaluable. People at home, people in the audience. A hundred years ago, if you could walk to the Lake, you had it going on. Now somebody told you, guess what, your land is not worth anything and you guys are falling for it. Well my thing is, when you talk to an old person, do you guys know any old people, that aren't tanked all the time or all messed on cholesterol drugs and can't think. If you ask any old person what made this country great, what made this city great, they will tell you, it was not, oh this guy came up with this, it was innovation. See a need, fill a need.

Now for some reason, you guys have decided that you're going to have separate meetings. I've never seen you guys meet with the School Board. Does that happen once a month, am I wrong?

President Holzheimer Gail – I'm not sure what item you're talking on the agenda?

Ms. Blanton – I'm talking about the fact that when you go into a community, say somebody like me, somebody who is not going to go to a party afterwards, I'm going to actually go home and try to come up with some stuff for my kids to get to bed, some money. What I'm telling you is, people like me that move into a community want to see a good school system. Now I don't know how one person can do one thing and one person can do the other.

President Holzheimer Gail – I just want to make sure you understand, we have time at the end of the meeting that you can speak about anything. This is the time of the meeting that you can speak just about legislation, specific items.

Ms. Blanton – I wanted to talk about Coral. I don't know when we're going to get to that.

President Holzheimer Gail – That's the time now, if you would direct your comments to the Shore proposal, that would be great, you have two minutes left.

Ms. Blanton – I don't know whose back Coral's scratching, but that land belongs to us. You ask anybody who lives in Euclid, and they're going to say, yeah I fought the rats to get to school, I love that building. But I don't have those ties. I go into the building and the smell makes me ill. It is a beautiful auditorium but to give it to someone who obviously, maybe somebody is playing golf with him, I don't know why Coral is all of a sudden the head people. But that should be run by the city. If you need volunteers, I'm sure there's plenty of volunteers you can find. It is criminal that's going to be sold out from under us. If you look at that property, I don't know if you guys realize, but that, other than the CVS property is some of the choicest property in Euclid.

Now you guys want more jobs, remember this is America's north coast. Euclid is not some little fly by night city. We are on the border of the United States. First of all get control of the air, we need our fly space. Everybody is flying over us dumping stuff on us. You want more jobs? Hire more cops. You want to go out and go into the lake, that's a great idea, let's get a ferry going over to Canada. There's plenty of money to be spent where you're going to get something back for it. Let's not throw away the best property we have in Euclid. Thank you.

Mr. Warren Wallace – 24430 Mavec. Item #2. I don't really know a whole lot about what's happening with this Coral. I have heard that city workers at Shore will be laid off, is that true? Nobody knows? I guess that's the atmosphere around here, nobody knows anything. Well from what I understand is that Coral will be hiring their own teams. Well those city workers that you guys are laying off, that's being laid off, will they be hired as part of this Coral team? Some of these folks have been there, they know this building, they know what is happening, they know the city, they are city residents. Shouldn't some of these laid off workers be rehired on this team instead of bringing outsiders into our home and telling us how we should do it? Shouldn't some of these laid off workers be hired on this Coral team?

President Holzheimer Gail – That would be Coral's decision.

Mr. Wallace – Are any of our tax dollars going into this and how much?

President Holzheimer Gail – You have limited time. If you have questions, we will answer them during the discussion. You want answers now?

Mr. Wallace – I don't have a whole lot of information, but from what I understand we're laying off city workers to bring in outsiders. They're hiring a new team where we should be trying to have these people hired, the people that's been there for awhile that knows the building. Nobody seems to know what is happening up here or you don't want to give me any information. Maybe I'm asking the questions that are a little bit too hard for you guys, I don't know.

President Holzheimer Gail – Sir, we will be answering lots of questions. We've had several meetings on this. Typically the residents state their questions and we answer them as part of the discussion. I'm noting your questions and we'll make sure that we answer them.

Mr. Wallace – Thank you very much.

Mr. Mac Stephens – 285 E. 216 St. I would like to speak to #2 on the agenda. I'm not, to be honest, not quite sure how I feel about this particular item or which direction is the best direction. But I will say this, the most pressing need that Shore needs to serve is that of youth development in the form of the current daycare, the Charter School, and the various activities that are currently being offered that are directed towards young people.

It is my hope that since we, the City of Euclid, are basically going to finance the development of Shore, everyone had better keep in mind first and foremost Coral must help meet the needs of young people as a first step in managing this building or I see this as money wasted. In light of the cutbacks in the budget, the rest of the city has had to endure.

As someone who has made 15% or more cutbacks twice in the programs that I conduct for the good of this city since January, I find it ironic that I stuck to those cutbacks and I gave a proposed budget going back to January that I stuck to. In fact I stuck to it so well that I bought \$314 of equipment out of my own pay so that I could administer programs because I'm that serious about not going over the budget.

I without hesitation accepted a reduced pay because it was for the good of the city and the good of the budget. But yet, there are monies that are going to be directed to Shore that I'm not so sure are the best for the city.

I say this because in principle I have some serious concerns when you look at the amount of money that will be put into this project over time. There's not been a lot of discussion regarding the people that utilize this building the most, the young people. I just left a class of 3-5 year olds at Shore that many of you will never witness or would never be willing to come witness. I conduct activities on a weekly basis year round that involve 300-500 young people per week, but yet I have never seen anyone in this room except for the Mayor and Director Will come witness and see exactly what is being conducted in the auditorium, auditorium gym, center gym, community room, the park out front or the various classrooms that I utilize.

I say that to say this. Be careful how we utilize city funds and let's make sure we're doing what's best for Euclid.

Mr. Shawn Young – 222 E. 12<sup>th</sup> St., Cleveland, Ohio. Well I just have a few questions. A couple of weeks ago I asked the same questions, but I guess I'm still not having the answers that I wanted. I'm here just to talk about the school that is in the building again, which is New Day Academy. When I'm looking at the paper, what I see in there, the answers kind of make things a little bit more difficult.

The last time I came I talked about, you guys have tenants in the building, including the Charter School which is New Day Academy. My concern at that time was and still the same, the decision you guys are going to take is going to affect some young people that's there, in the school, living throughout Euclid and also other areas of Euclid, come in everyday for the education. So what I don't want to see in the last minute the school and the kids get disrupted and they don't know what to do. It is kind of frustrating, we still don't know, we kind of sitting on the edge, not understanding where we're going with this.

My first question is, the 120 days, when does that start? The second thing is, I understood in the paper that says, after the study within the 120 days, which leads up to September, if the study is not done or if it is not done and come back including how to finance the building, the administration will not turn the boilers on. That leaves the school into the beginning of the school year, which is the end of August and then shut the school down and to try to find another building and then you're looking at a couple of month where our children will be left without education in that time period. I think none of us would want some of our own kids to go through that situation.

I guess what I'm saying is to keep that into consideration and please let us know what do we need to do from here? What does the Charter School need to do from here because they're your tenants they pay rent every single month. But again, last time I asked the Coral when they was here, they're saying, the plan is up to almost 5 years so there's no rush to that. What I'm looking at today and what I heard the last time is still kind of confusing. I would like to have a clear understanding of what the school need to do from here so we will not run again into the school year with the students being rushed out of there and not having to go to school for a couple of months, just to find another place to go. I guess that's my question. Thank you.

President Holzheimer Gail – Seeing no other comments, we will move forward with the agenda.

LEGISLATION

**Ord. 97-2009 (280-09) CT - LTCP**

An ordinance authorizing the Director of Public Service of the City of Euclid to enter into an agreement with CT Consultants, Inc., in the amount of Three Hundred Ninety Six Thousand Eight Hundred Dollars (\$396,800.00) to provide additional engineering services regarding the USEPA's request for additional study of the City's sewer system for the Long Term Control Plan. (Sponsored by Councilman Wojtila by request) (Recommended for passage by the Public Service Committee)

Councilman Wojtila moved for passage, Councilman Van Ho seconded.

Director Gulich – We introduced this legislation a month ago with the intention of having a committee meeting which also served as a public hearing. We had that meeting last Wednesday. I would like to thank Chairman Wojtila of that Committee and the members of Council who attended. You were treated to a rather comprehensive presentation by CT Consultants. Mike Stinehelfer is out in the audience, thank you for coming tonight Mr. Stinehelfer.

As everyone is aware the city is required to enter into a long term control plan with the US EPA in conjunction with the Consent Decree, it has been an ongoing process. Back at the beginning of the year when we last amended the contract, Council asked us to come back if we needed to with a fresh proposal in the event more work was needed to satisfy the requirements of the US EPA. US EPA has indeed asked for some additional analysis of the wet weather auxiliary treatment plant at Lake Shore Blvd., an SSES, SSOEP update to eliminate sanitary sewer overflows. What do all those letters stand for? Basically we need to identify all the sources of inflow and infiltration in order to meet the requirements of the US EPA. Thirdly we've been required to come up with a development of a comprehensive maintenance program, the acronym MOM, yes Mom, right in time for Mother's day. We're being told we have to come up with a MOM program.

Of course we have been maintaining our sewers throughout the history of our city. We're doing quite a good job at it but we are required to come up with this comprehensive maintenance program as per the US EPA which we will need to carry out. Again, the committee heard the alternates that are available as far as separating sewers out in the field; improving the system that we've already got consisting of our six swirl concentrators out in the field; and our wet weather treatment plant at Lake Shore Blvd. A couple of other possibilities, building large tunnels like the City of Cleveland has with the regional sewer system. Also expanding the operation of the plant down at Lake Shore Blvd. It is up to us to come up with the most cost efficient plan, which is what we're attempting to do. We need to settle this with the US EPA in a timely fashion as possible and then get on with the improvements we need to do.

Having said that, I'll ask if there are any questions and again Mr. Stinehelfer is here. I would like to thank the committee for the meeting we had last Wednesday which was attended to by most of our fellow user communities, City of Euclid's sewer system is indeed a regional sewer plant serving a number of communities. What we do at the waste water treatment plant, cost there will be born by the outside users or if trunk lines are required to be put in, outside users would have to pay their fair share. I will only add that additional information will be available when we have the audit that Maximus is doing. We have to do an annual audit and we hope to have that information out to Council in a few weeks, which is very helpful as far as seeing where the money is going, that our rates are indeed where they need to be. Thank you.

Councilman Langman – Director Gulich again thank you for the questions I had via e-mail. Just one thing though, the amount to be spent, the \$396,800 that is specifically for sewers within the City of Euclid therefore our other user communities will not be contributing to this?

Director Gulich – That is a very good question and that did come up at our meeting on Wednesday, I know you were unable to attend. But, anything with the wet weather auxiliary treatment facility, that is used by the outside user communities, they would bear their fair share of any cost pertinent to that.

Councilman Langman – Do we have an estimate of what that particular cost for the wet weather facility is?

Director Gulich – We don't have an estimate of cost, but we do have information from CT and it will be contained in the audit, what percentage they would be required to pay.

Even though we don't have numbers, they'll pay their fair share through a percentage of what ultimately we're required to do. We're looking at simply doing, we'd like to do is simply modify what we've got down there. When we first built it, it met all of the US EPA requirements. As you are well aware, US EPA changed the game. They say basically, do more. They don't give you a choice but it is incumbent upon us to negotiate again the most cost effective method of meeting their requirements.

Councilman Wojtila – The e-mail that you sent us either today or over the weekend that had the bar chart with the schedule on it. It had an error in the years on the top.

Director Gulich – Yes it did and I have the fresh schedule to hand out to you. Put that in there just to test you. Mr. Stinehelfer brought that to my attention after the meeting and I was going to see that you got this today.

Councilman Wojtila – I made the comment at the Public Service Committee and I think this is obviously a difficult item to get your arms around. The administration has made the comment that we're taking a conciliatory approach which I think is the right approach. I just wonder, are we being too aggressive in our response to the EPA or are the timelines that are attached or the timelines that we are proposing agreed upon in timelines that we're following through with? In other words, can we go slower?

Director Gulich – We could go slower, I don't want to go more expensive. That's the whole idea here. We want to move along as quickly as possible but as efficient as possible coming up with the most cost benefit analysis that we can.

President Holzheimer Gail – Director Gulich there is enough money at the Waste Water Treatment Engineering Fund to cover these funds without a budget amendment correct?

Director Gulich – Correct.

Director Frey – There is also been recommended that we amend this. There is sufficient funding but that we reflect that there would also be an allocation to the Peterson Fund as a portion of this. Both funding sources, the Waste Water Treatment Engineering Fund and the Peterson Fund would be assigned. At the appropriate time, we'd ask that Council make that amendment.

Director Gulich – That is exactly what Councilman Langman was referring to.

Councilwoman Jones – That was one of the questions that I had so thank you for that answer. Director Gulich can you just explain, maybe you explained this in your first, what the MOM plan is. It says that it is estimated to be completed four months after all of this initial work is done, or four months after what? Where does that fall into the rest of the plan?

Director Gulich – With Council's permission I would ask Mr. Stinehelfer who has been sitting out there patiently to answer that question. He can answer it better than anyone else in this room.

Councilwoman Jones – I'm sorry, maybe it was explained at the committee meeting but I wasn't able to attend that.

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

President Holzheimer Gail – Thank you Mr. Stinehelfer.

Councilwoman Jones – Can you explain what the MOM plan is and how that fits into the timeline for the other work that is being done?

Mr. Stinehelfer- The MOM plan is the preventive maintenance and operation plan for the sanitary sewer system. That would include your combined sewers as well as your sanitary or separate sewers. The plan by the timeline is scheduled to be completed beginning in October this year and

going into December of this year. Then there's an approval step for another two months going on into January of 2010. That's on the new timeline, not new but the timeline that was just handed out.

Once that plan is finished, that will be an ongoing maintenance program for the City to complete and maintain their system until it is amended I guess.

Councilwoman Jones – The cost for the plan is just the one time fee? That's not an annual maintenance fee is it?

Mr. Stinehelfer – No, that's just a one time for the preparation of the plan.

Councilman Wojtila – One last question. The amount that we're authorizing and the work scope that we're approving, would that take care of all the tasks then after, from May 2009, barring any changes I'm sure with discussions and negotiations with the EPA. From what we anticipate, will that take us through the services as depicted on the bar chart?

Mr. Stinehelfer – That's correct.

President Holzheimer Gail – I will entertain a motion to amend to include the Peterson Fund.

Councilman Van Ho moved to amend Ord. (280-09) to include the Peterson Fund. Councilman Langman seconded.

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

Amendment passes.

Councilwoman Jones – Director Frey you mentioned about a portion of this coming from the Peterson Fund but we don't know yet the amount that will be coming from that fund?

Director Frey – That's correct, I don't think that's determined at this point what portion of that is Euclid system versus what portion of that is the overall wastewater facilities.

Councilwoman Jones – After this is completed, so this will take care of all of our combined sewers the rest that we currently have?

Director Gulich – The options are basically to separate the combined sewers. We've already had CT look at that, it is a very expensive alternative. Our preference is to take the existing swirl concentrators and modify those to a point where it will satisfy the US EPA. There are other alternatives and that is exactly what CT is studying for us. We will successfully eliminate all the CSO's one way or another to the point where we will satisfy the US EPA.

President Holzheimer Gail – There was a question from the audience about spending this money versus paving roads. Sewers are underneath the roads, so we have to fix the sewers before we can fix the roads and there are separate funds to pay for each. I don't know if you want to comment further than that Director Gulich?

Director Gulich – I think that covers it, thanks.

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

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

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

Passed.

**Ord. 98-2009 (318-09) Coral agreement Shore**

An emergency Ordinance authorizing the Mayor of the City of Euclid or his designee to enter into a lease-management agreement in the amount of \$67,000, including related direct costs, with the Coral Management Company (Coral), such agreement outlining the terms for Coral to lease the Shore Cultural Centre from the City and to manage the property for a minimum period of four (4) months (120 days) and to develop a five-year strategic plan and associated five-year capital plan for the Shore Cultural Centre that assesses the financial viability of the building and determines whether all or part of it is feasible to remain in operation to house arts and cultural organizations/activities. (Sponsored by Mayor Cervenik by request)

Councilman Langman moved for passage, Councilwoman Scarniench seconded.

Director Pietravoia – I'll start out with a report on our work since the last Council meeting and then we'll try through discussion and questions to answer some of the comments and questions that we're brought up this evening.

I do want to let everyone know, I think it is probably obvious to Council and certainly to the Mayor and the rest of the administration, but we've all taken this very seriously and have put a lot of work into getting to the point that we're at today in recommending that we do go forward with this study. The Mayor and the Finance Director in particular have developed recommended funding strategy that will allow us to go forward without impacting the general fund for all the reasons that some of the speakers stated this evening in terms of the situation that were in with our general fund budget.

So what you have before you this evening is a recommendation that we go forward with the study but our negotiations focused on how we would structure the agreement and how we would put together not only the strategic and capital plan, but the management portion in a way that would allow it to be funded through the capital fund. That is in essence what we've developed.

In addition to that, we also focused on what would the structure need to be that would give Coral in this case the greatest flexibility in taking over operation and management of the building while they're conducting the study to give them the flexibility and the greatest chance for success. Flexibility in terms of operating the building, in terms of staffing, in terms of contracting for maintenance, for utilities, for all the things that go into operating a building. In essence we want to give them the ability to do what they need to do as professionals to take a stab at making the building financially viable.

The structure we came up with rather than initially it was just a straight management structure we're now recommending a lease management agreement wherein Coral would lease the building from the city for a nominal fee and they would take over the complete operation and management of the building. In addition to what Council received in your packets which is a scope of work, a very detailed scope of work that both the administration with some input from Council and certainly a lot of work on Coral's part, prepared a detailed scope of work for the development of the actual five year strategic plan and five year capital plan.

What still needs to be worked out is the overall contract language, which we intend to do. Also the actual lease itself, which will become an exhibit to the contract. And the details of the management portion of the scope of work. We had a conference call again today. We've been working diligently for the last two weeks including right up to today. We were on the phone for almost 2 ½ hours if not longer, and then some follow up conversation after that and made a lot of progress on the management side. I believe with the discussion we had today, we'll be able to have the management portion of the scope of work and the overall contract completed within the next few days.

I want to assure Council and members of the public that this is not going to be a situation where Coral comes in and they do their thing for four months and at the end we get a report. We will be working very closely and very carefully during that entire four month period with them. We will know from the gentleman from the school, hopefully well before the end of the four months the direction that we're taking and whether or not there is going to be a need to notify tenants whether they can be there for the next school year or not.

Keep in mind, our goal is in four months a written report is complete. The entire process is done and we have a report in hand. It is not that we will have to wait for that written report for all of us to have a good sense of what the direction of the building is taking.

I want to just briefly explain the breakdown of the funding in the legislation that is before you tonight would authorize the lease management agreement and it is for a dollar amount of \$67,000. That's increased from our earlier discussions and I want to explain the reason for that. The bulk of that would be the cost of the preparation of the plan itself, the strategic and capital plan which is \$30,000. The management fee for 4 months, would be \$12,000; that brings us to \$42,000. In order to allow the flexibility I discussed earlier in operating the building, we would take the remaining balance at the time they take over the building in the Shore operating fund, and make it part of this contract. We're estimating that at about \$20,000. So that brings us up to \$62,000. The remaining \$5,000 is reimbursement for direct expenses that Coral has already identified. This would be for mailing, printing, things of that nature, out of pocket expenses. They don't expect that to exceed \$2,000 and we always try to build with Council's support at least a small contingency in the budget, so we recommend an additional \$3,000 if there are additional meetings or optional services that we might want to consider. That brings us to the total of \$67,000.

Briefly I just wanted to explain on the operating side, as I mentioned, \$20,000 would come from the Shore operating fund. As you heard from Ms. Copeland this evening the Board has discussed and will be taking a final vote on contributing toward the operations in the amount of

\$20,000-\$24,000 depending on the fundraising that's currently underway. I know they're at seven in pledges, what we'll need at some point soon is an actual commitment for the dollars in addition to the \$20,000 pledge amount.

That brings us to, let's say \$47,000 if the full amount pledged is available during the study period. In addition to that, whatever rent revenues would normally come in during the preparation of the study, during the summer months would also be available for operating. We've started to share that information with Coral, they haven't officially started the study yet so they're looking at the numbers but they haven't officially analyzed them. The first task they'll undertake is to review all the information and to determine how they will operate with the funds that are available.

Our preliminary look at all the, amount left in the Shore Operating Fund, the amount contributed by the Shore Board and the rents as we've studied them over the past three years, we believe will be sufficient to allow them to operate during the four months of the study period.

That summarizes my remarks. I didn't want to get into, we can through questions if you'd like the actual detail of the strategic plan scope. It is a six step process that leads up to the development of the plan, very detailed steps as Council has seen in the draft that was provided. A very thorough analysis as recommended by Coral in the draft that all of Council has seen.

Madame Chair, if there are specific question you would like me to try to address that I haven't covered and the rest of the administration will help answer questions as well.

President Holzheimer Gail – There was, from the audience, some specific questions about the 120 days, when does that start, that would be, when the contract get signed. I don't know if there's a target date in mind?

Director Pietravoia – If there's passage this evening with the completion of the documents, hopefully by the end of the week, we could potentially have a contract signed by the end of this week or early next week and the 120 days would start at the time it was signed.

President Holzheimer Gail – To the consideration of the schools, I think you addressed that already but the point I guess I would say very clearly to the schools is make sure you're in contact with Mr. Rubin and he's indicated that they will work with those groups. He understands that there needs to be a commitment to the schools by a certain date if they're going to be there. I think Council, to me I think we've made great progress. I think this isn't answering that question specifically but I want to back up and sort of lead into the comments.

When we started the Shore discussion there were opinions across, from a very wide spectrum. I think through the course of the presentation through the RFP process, through community input and discussion, we've come to a very good consensus that I think will lead us in the right direction. That's the piece that's missing is we can't guaranty the full year at this point. I think those of us who have been part of this and want to see the building work, would love to be able to say, yes, we can guaranty you a year, but we need to have the study done, Coral is very cognizant that the schools need a commitment by a certain time and I would just ask you to be in touch with Coral. Coral has made that commitment to work with you to work with the deadlines and the timelines. I don't know if anyone wants to answer that as well, but I want to thank the administration and I want to thank Council and I want to thank the Shore Board and all the residents who and Coral of course, everyone who has put in so much time and effort into this process. I think we really have come to a good result.

I do know people talk about study; we do study after study. This is not a study. This is the development of a strategic plan. At the end we will have a document that tells us, can this building be viable. To be viable these are the steps that we need to take, this is the funding that's available and Mr. Rubin, the Coral Company, Council and the administration have all been very clear that we cannot count on the City to fund this long term. We will have to have discussions when the plan comes in if it will require some city money, if it won't. We're all hoping that it won't, but there is certainly a component. Arts and culture are important and community programs are important. We will have that discussion at the end, but I think everybody is going into this with the understanding that we do not want this building to be a burden on the city; but we see the value of the building, of the programming, of the culture and community activities that are there.

I really want to thank everyone who has put so much time and Mayor, especially, you've had a change of tune and I appreciate that and I think everyone has worked very hard to come to an end point that we can all be happy with.

Mayor Cervenik – I'm not sure if it is a change of tune, I guess it is a little bit. This is it, okay. I've been told by many members over there and the Coral Group that this is it. That when this 120, or 126 or 124 day period is over, it don't think we can be that rigid. If it takes another week to get done what needs to be done, we need to allow that. The funding will be available. But when it is over, we will know if it all ends on that day or if a new beginning starts on that day. I have no idea

what the results of this project are going to present in front of us. I do know that its being done the right way. I firmly believe it is being done by the right people and I firmly believe, although it is a little convoluted and different than anything we've done before, I think it needs to be so we have the ability to make the right decision.

The money that is being used, the \$47,000 of capital, you need to understand that there was a \$19,000 dis-encumbrance of the study that Doty Miller had. So that was put back into the funds, that council already authorized to be used. We did not go forward with the second half of the Doty Miller plan. So in essence this is only an increase of \$28,000 out of the contingency of the capital money, out of the permanent improvement fund.

The \$20,000 that is being transferred for operations, is the balance left that we budgeted. Doing all of this, our \$107,000 transfer from Shore to the General Fund, will not be exceeded during this time period. I think that's very important to the employees of this city. The employees of this city did sacrifice tremendously, anywhere from \$500-\$1200 out of their own family pockets this year. Next year they've agreed to go back to the 2008 wages that were paid. That's the reason we've had to lay off very few employees.

Mr. Stephens talked about the commitment to our youth. We most definitely and I'm sure it is included, that as we go through this we have to find ways in that building or somewhere else to serve our youth because they are very, very important to us and they need to know that we care and they need to have a place to be.

Who's going to take responsibility for the funding and the responsibility for spending this money? I am, that's my job. I promise you that if the Coral company comes back and says that there's really not much sense in going on unless the city is willing to spend \$8-\$9 million, I would tell you that this administration would not be in favor of doing that. I think most of the members of Council would feel the same way.

The Charter School, as Mr. Pietravoia mentioned as well as the culinary school, those issues, those parts will try and be solved very quickly so that they have some notice. I commit to both the Charter School and the Culinary School that if in fact early on Coral feels that they won't be able to make a decision by their school year starting, I will find a place for you in the City of Euclid. I've committed that to all the various organizations that are in that building. If the Coral Company's plan comes back and says, you know we can do this, here's alternative funding, but we're going to have to close the building for two years while we do this, I will tell you that with your help we will find a place for these organizations, relocate in the City of Euclid while this building can be done.

We're not sure what is going to come out of this plan. Nobody may be happy and then again, everybody may be happy. But I think we have shown the community that we're willing to work together. I'm really anxious to get moving forward on this and I appreciate everybody's cooperation.

President Holzheimer Gail – The other question that has not been addressed is about the custodians at Shore and whether they would be considered for, and I don't know if we can answer that piece, but if you can explain.

Mayor Cervenik – We cannot answer that at this time. We will talk with the management team. Basically we are turning this building over to the Coral Company, leasing it to them to operate and incorporate that into their strategic and their physical plan for the building. So that would be a decision that Coral has to make. This City Council and this Administration will not be making the normal day-to-day decisions on the operation of that building for at least the next 120 days. Some people may say that's a real good thing. But we will be working closely with them and getting progress reports to see how the study is going. It maybe possible that a number of people will lose their jobs temporarily or permanently and again I feel bad for that. If we do nothing and keep on going the way we're going, that result will happen anyhow because I had no intentions of spending \$200,000-\$300,000 in general fund money on this building when we don't know where it is going.

President Holzheimer Gail – Are there any capital projects being postponed because of this? You indicated that some of it was coming from disencumbered funds.

Mayor Cervenik – Technically no, but you could say yes. You could say that if we use this additional \$20,000 say on a Dog Park, so I don't want to say that it's not coming at the expense of other projects, it is not coming at the expense of any budgeted project. Some of the prices in our permanent improvement budget are coming in considerably lower than planned. So again, yes, nothing has ended, but there's other, I could probably talk to ten people out in this room and have ten different ideas about what that additional \$28,000 could be used for. But that's the case with every decision we make here. That's the best I can answer.

Councilwoman Scarniench – I guess tonight has been 22 years in the making. We've come a long way. I knew when I started this project I was going to ruffle some feathers, but that's what it is all been about. I want to commend everybody, both Council and Administration and everybody in the public. Everybody who has written a letter, sent an e-mail, made telephone calls. When this is done, this 120 days we're finally going to have an answer and then we can move on and do what needs to be done. So thanks to everybody.

Councilman O'Neill – Director Pietravoia, thank you for your efforts. Your kind of back was up against a wall and as usual you came through. Thanks to the Mayor, there's no secret to how I felt about Shore and I took a step back and looked at the bigger picture and what's best for the city, had a lot of input from residents. So that's what we do, we sit on a Steering Committee and we collectively think about what's best for Euclid and in my opinion this piece of legislation with the Coral Group is probably going to be the best thing for the city. I support this legislation, I will be voting for it and I look forward to Mr. Rubin's results, hopefully it is a positive thing. But along with Councilwoman Scarniench, this is it, it's time to you know what, or get off the pot. The buck stops with this Council and what it is, is what it is. Thank you to all of you that gave input, e-mails and voicing your opinion and I look forward to the results from the study. Thank you.

Councilman Langman – I think number one it has to be emphasized, with this legislation we are not selling Shore to the Coral Company, it is a lease, it remains city property, we control it. If this should not work out, it is still in our control to do with the building as we see fit. What happens after the 120 day period, well that is to be determined.

I just want to thank all the residents for all their many e-mails and letters and so forth. I think this issue I've gotten the most mail, phone calls, of any other from the time I've been in the City Council.

The second point I want to make, there's no, I don't want to use the term shame, but that seems to be the best word for seeking outside advice on these various issues. We do not have all the answers sitting up here, no council has, no administration has, so we have engaged hopefully an entity to help us come to a decision after as Councilwoman Scarniench said, 22 years of conversation and debate and ideas, discussion is good. But 22 year is probably a bit much. I think we've seen the same process unfold on the lakefront, where we've had conversations dating back to 1989 and we still don't have the final plan, but we've brought in somebody to help us with that process an expert, even with, even though some members of the audience won't like it, compensation for elected officials. My point is, there's no problem bringing outside experts to help with that. Sometimes cities have to do that to make the best decisions for you the public.

Obviously I support this. I did contact Coral initially back in November or whatever, so I'm finally glad that we've come to the end of, or almost to the end of this process. The administration gets many kudos for their efforts and sometimes the Mayor and I spar but we brought it together and we're going to move forward from here. I wholeheartedly and enthusiastically support this.

Councilwoman Jones – Director Pietravoia, I think maybe you mentioned some of these. In this detail plan that you have for the strategic plan and I know the lease agreement is coming, I would like to see some milestones, and I know you said there will be communication between each party, but that verbal communication sometimes if it is actually written into the plan as far as at this point you know will give a status on, and that comes along with the tenants, especially the schools, I would imagine there's a drop dead date of when they need to know whether they have to move or not move. I would like to see that in the plan as far as what that date is and letting them know at that point what the status is.

My other question is, after the 120 days, I know we would like to see favorable results, but what if it turns out that the building can't be used in the way, for the development or whatever? I think we need to have some next steps as far as what to do from there. I'm not sure what that is, but it probably doesn't have to be in a lot of detail, but just a road to go down if we need to travel down that road.

My last question is, you mentioned that Coral will be leasing the building from the city, do we know what that lease fee would be at this point?

Director Pietravoia – I'll start with the last first. It is likely to be a nominal fee of \$1. The lease is just to get the structure in place that we need for them to have the greatest flexibility so the fee would be nominal, either \$1 per month or \$1 for the whole period.

To your first question on the milestones and adding that to the scope, I think, we did try to work carefully in the detailed tasks that were outlined to identify places at which they would be providing a report or a summary memorandum to the city during the course of the project. In fact, when we get to the general contract language, it will tie the payment, the actual payments that we're going to make to some of those interim products being submitted to the city. I think we are well

covered there. It is not just going to be a matter of discussion, they will actually be presenting to the city summary reports as they go along during the course of the study.

I can't answer the question today, I don't think Coral would be able to, about at what point or what date we'd be able to know for sure whether we have an answer for the school situation. We know it will come during the course of the study, it won't be day 120, hopefully it will be much earlier than that. But I don't know that we can answer that question precisely tonight.

Your second question was after 120 days what if the building can't be used as we had envisioned, what are the next steps? The plan itself will develop a strategy for whatever course of action we think is doable. If it is closing the building, or it is closing part of the building, again we're going to know relatively early on in the process what direction we're taking and the plan itself will outline steps for that particular strategy.

We won't be left hanging if the outcome is it can't continue the way it is, then the strategy will tell us what our steps need to be to accomplish the agreed to approach. It is hard to be more specific at this point since we don't know what that outcome will be going into the study.

Councilman Van Ho – As most of you know I wasn't thrilled of the concept of doing this study, but I do hope it is successful and we find a way to fix Shore. I will vote for it because hopefully the Coral Group can come up with a plan where we can quit spending money. I don't think any of us hate the building, we just don't like pouring \$200,000 a year of taxpayer money into it every year. Let's do it.

Councilwoman Minarik – Everybody seems to have an underlying fear that this study is going to come out really bad. I for one am very excited that I believe it is going to come out as a great opportunity for the City of Euclid. For the first time the shackles of the city's administration will be off Shore, the tenants will not be afraid the building is going to be shut down. Coral, an outside group, is going to be marketing the building for tenants, marketing the auditorium. I think this is exciting. This is a great day. I think that we do need a Plan B, for when Coral comes back and says, you know what, we can make this building self-sufficient in five years, how do we start drawing it down, say for how much. We do need a comprehensive attempt to Plan B for when the study comes back and says this is a great opportunity for the City of Euclid to put us on the map of the country and a feather in Coral's cap too. Thank you all for all the hard work involved.

Councilman Wojtila – I will be voting yes on this also. I have looked at all the reports and read all the reports, a binder full and this is different than the reports, I put it in a binder because it was easier to read that way. I was trying to go through the income and expenses side. No where in any of those reports do you even know how much lease able space we have in the building, or maybe it is known but it wasn't in the reports that we have. A strategic plan, I think that is what it was called, maybe it is a business plan. Mr. Rubin made the comment, if he were to take over the management of the facility, he wouldn't lease it to a tenant that didn't have a business plan. We as the landlord don't have a business plan. This is creating a business plan that we'll have in four months. It is going to be a business plan that we all look at and we all have to challenge. That's what we do, we get reports and we challenge them, just like we did with CT when we had the public service committee meeting.

There was comments made, let Coral do their magic. Well there's really no magic here. This is a building where you have income, you have expenses, you have services it provides. Good services for the community and we need to evaluate that to see can we come up with a business plan so that it's not a drain on our funds. I don't think there's anything wrong with funding a portion of the building, but we need to know what that is and we need to understand, can we handle that. This is the way to get to it. So it is not like previous reports. I do support it. I'm looking forward to seeing it and challenging it and I previously wasn't, I could have gone either way on keeping the building open during the strategic plan. I think it is better to keep it open because I'm glad our projections are right where we thought they were going to be, that makes it easier for me as far as the income goes, so. With that I'll make a motion to close debate.

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

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

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

Passed.

**Ord. 99-2009 (313-09) Energy Consultants**

An emergency ordinance authorizing the Mayor of the City of Euclid to enter into a consulting agreement with Independent Energy Consultants for the supply of electricity for the City's electric aggregation program. (Sponsored by Mayor Cervenik)

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

Director Frey- You're all obviously well aware that we have a gas aggregation program and used to have an electric aggregation program. Some years ago the program offered to the residential and small business customers by WPS ceased because they could not match the price available to those same customers, potential customers from CEI.

First Energy Solution, a subsidiary of First Energy, has approached the city about offering an electric aggregation program that would start as soon as we can complete the documentation and they can queue us in to a group of communities that have expressed an interest. The plan would be to have this, if Council approves, effective September 2009 through April 2010. The first piece of legislation (313-09) would authorize us to enter into an agreement with Independent Energy Consultants to act as the city's consulting manager on this program. This is the same company we use for negotiation on the gas aggregation program. They also prepare and file the documents with the Public Utilities Commission of Ohio on behalf of the city. I have worked with this company and another company prior to them. I will tell you that in my unqualified opinion, Independent Energy Solutions has provided the professional level of consulting that one would expect. It always seemed like we were behind the curve with the former consulting company that we used. That has not been the case with Independent Energy. In fact, it is Independent Energy that moves much of what we do in the aggregation program. As we have set a fixed price for natural gas for instance. Every Saturday I look in the Plain Dealer to see what the other supply companies are offering on the fixed price and we remain and actually this last Saturday's pricing, we're far better in our natural gas pricing than the fixed prices offered by the competitors.

I am confident that Independent Energy Consultants is the right choice to represent us in this negotiation, to represent us in the aggregation program and the required filings with the Public Utilities Commission and would ask Council to approve the agreement that we would execute with them to provide those services.

Councilman Wojtila – The \$0.0005/kWh per kilowatt hour, is that a standard rate?

Director Frey – That is the standard rate for consulting companies and again that is not directly paid by the City. It is part of the utilities cost, which of course is passed on eventually to the rate payers, but it is a very minor amount.

Councilman Wojtila – Any idea of what that would equate to annually?

Director Frey – Don't know. We do not get invoiced, it depends obviously on the number of customers, both residential and commercial that would be part of the program.

Councilman Wojtila – Help us out, what is the relationship between then First Energy, our provider is First Energy Solution; what's their relationship with CEI?

Director Frey – They are both subsidiaries of First Energy. Councilman I asked the question, why is a subsidiary of First Energy offering a price that is competing against another subsidiary that Cleveland Electric Illuminating company. I don't know that answer, why they're in, but they have approached a number of markets, a number of communities in this market, both in the First Energy, more traditionally in the Akron market, I guess that was Ohio Edison, and then in the Cleveland market, CEI, offering this discounted energy program. My sense is what they're doing is ensuring against other electric supply companies coming into the market. I would like to think that there's a lot of competition out there, but there has not been any offer. We have unlike the gas supply where there has been a ready market of different suppliers willing to bid, there have not been any suppliers until First Energy Solutions approached the city with this offer. The positive thing about this, it is very clear, it is 10% for September 2009-December 2009, it is 10% less, this is residential, 10% less than CEI's rate. You can't lose.

Councilman Wojtila – Is there any risk that you can see?

Director Frey – None that I am aware of, none that our consultant has recommended. He has strongly urged us to go forward with this.

Councilman Wojtila – In the actual agreement between the City of Euclid and First Energy Solutions, there was referred to EDU, but EDU is not a defined term in the agreement. I assume it means like CEI, the provider of power, but it is not defined.

Director Frey – I see the term here in their EDU rate plan and EDU rider's generation. My guess is this is a, that is probably a different supplier that they may have pulled that from. We will actually get new agreements if Council approves this and I'll make sure we get that defined.

Councilman O'Neill – To Law Director Frey, for the lay people that maybe watching on TV, they don't quite understand how this impacts them at home. What do they need to do or what don't they need to do to opt-in to this program and how does it impact them at home?

Director Frey – We have this conversation on a daily basis a number of times. We are an opt-out program. The voters of the City of Euclid sometime past, opted to create an opt-out program. I believe it was November 7, 2000. So you're in it unless you get out. Anytime there is a change and this would be a change, those customers who would otherwise be in it unless they get out, will receive a notice telling them that, that they are in it unless they get out. They can complete that form and send it in or they will have the option of calling in and saying I don't want to be part of the aggregate program. Many people make that choice. I'm not sure in this case why you would because of the rate structure. This is again unlike gas where there are many, many other competitors. I guess you could opt-out and pay CEI's rate which would be 10% higher. Unless you otherwise got some sort of a discount, I'm not sure.

There are a group of individuals who would not be eligible. That is if they are on some type of energy assistance program or if they are in arrears in their payments, they would not be eligible for an aggregate program. That is true in gas, it would be true in electric.

Councilman O'Neill – So basically you are working on behalf of the residents of Euclid to get the lower rate for the residents without any effort on the resident's part.

Director Frey – If this works right, you will be able to get lower rates through the aggregate program than you would get independently. With the natural gas program and we would do that as well in the electric program, we don't charge an opt-out fee to get out of our program. For some reason you did not want to be part of it, and didn't initially opt-out, you could change at a later date without a penalty.

Councilman O'Neill – Thank you for your efforts. The residents again benefit from your office, getting out there and looking out for their best interest. Appreciate what you do Director Frey, thank you.

Councilwoman Jones – The budget program, a lot of seniors on that program, is not considered energy assistance so they would still qualify for this program?

Director Frey – I pay my gas bill on the budget program because it smoothes my payments out. That's not what we're talking about. We're talking about energy assistance programs where there is assistance from some outside fund to help defray the cost. Or, if you are in delinquent or in arrears on the payment, those are the categories that would not be eligible.

Councilwoman Jones – I just wanted that clarification.

Councilman O'Neill 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: Scarniench, Jones, Minarik, O'Neill, Wojtila, Langman, Van Ho,  
Holzheimer Gail

Passed.

**Ord. 100-2009 (311-09) Electric Aggregation**

An emergency ordinance authorizing the Mayor of the City of Euclid, or his designee, through the assistance of Independent Energy Consultants, to negotiate a power supply agreement between the City of Euclid and FirstEnergy Solutions, 341 White Pond Drive, Akron, Ohio, for the supply of electricity for the City's electric aggregation program. (Sponsored by Mayor Cervenik)

Councilman Van Ho moved for passage, Councilman Wojtila seconded.

Director Frey- Again, just so that we're clear, this piece of legislation would actually authorize the Mayor or designee to execute the agreements once negotiated with First Energy Solutions to provide electric aggregation services to both residential and commercial users. The commercial users are small commercial users, I'm not sure, it is limited to apparently 199 kilowatts and I would imagine to commercial users they'll know whether they fit in that criteria or not, they will obviously receive notice from this if this is approved.

The discount for September 2009 until the end of that year is 10%. It is 6% in 2010; 5% in 2011 and 4% in 2012. Obviously as the program goes on, we will know whether there are other suppliers that come into the market. At which case, at the conclusion of this agreement we would go out for offers from those suppliers, this and other suppliers to see what kind of rate would be available to the aggregate program.

We use two benchmarks and we do this with natural gas, we're doing this with electricity. One we want to be able to be lower than the dominant utility in this market. Obviously it doesn't take any imagination to know that these rates are going to be, they have to be lower by definition than CEI's. The other group we like to watch is NOPEC serves a number of northeast Ohio communities as a government aggregator. You won't find their rate in the charts in the paper but they are a large government aggregator. We will follow what they're doing to see when they are going to strike a price, who they're going to have supply agreements with. We are confident that when they publish their rates, these rates will be significantly lower than that which is offered to the NOPEC community. On both measuring sticks I feel very comfortable that this is a good agreement for the residents and small businesses in the city.

Councilwoman Scarniench – To clarify, a small business, they're going to get notified of this, they don't have to opt-in? It is only the bigger businesses that would have to opt-in to the program?

Director Frey – I believe the small businesses, one they will be notified. Two, I think they have to opt-in. The business users I believe have to opt-in. It is only the residential users who are the opt-out. They will be notified, absolutely.

Councilwoman Minarik – Director Frey, 1.1.1, talks about certification. Because the voters voted on this in 2000, we're already certified or this is just like language to be part of the contract just typical?

Director Frey – Yes we are already certified. We have maintained our certification right along as an electric aggregator with the Ohio Public Utilities Commission.

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

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

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

Passed.

**Res. 101-2009 (317-09) Byrne Grant**

A resolution authorizing the Mayor as ex-Officio Director of Public Safety of the City of Euclid to accept the 2009 Recovery Act Byrne Memorial Justice Assistance Grant in the amount of One Hundred Twenty Seven Thousand Twenty-two Dollars (\$127,022.00). (Sponsored by Councilman Gruber by request of the Police Chief)

Councilwoman Scarniench moved for passage, Councilwoman Jones seconded.

Chief Repicky – This I hope is the first of many stimulus grants that we will be receiving. This could last four years but it depends on how we spend it. There is no city match to this grant. If there's not any other questions, I ask for your passage of this Resolution.

President Holzheimer Gail – The ordinance indicates this would be used for overtime details, sweeps, drug interdiction, after school detail. All good programs that help keep us safe.

Councilwoman Jones – It mentions details will address issues at dismissal time at High School and both middle schools. Does this include the issue at the Library at times when school is out? There's been some issues there with students.

Chief Repicky – Yes it will.

Councilwoman Jones – Do we know how we're going to address that yet, or will that be coming?

Chief Repicky – Address the issue of the Library?

Councilwoman Jones – Do we already have plans in place on how this is going to be used, or will that information be coming?

Chief Repicky – We're still developing plans.

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

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

Passed.

**Ord. 102-2009 (283a-09) Repeal Council Benefits 2011**

An ordinance modifying the 2005 Consolidated Compensation Ordinance (129-2005) by repealing the health care benefits of Euclid City Council members effective December 1, 2009. ~~and modifying the compensation rate of said members effective December 1, 2011, by raising Council members' rate of compensation to \$11,000 annually and that of the Council President to \$12,000 annually.~~ (Sponsored by Councilwoman Scarniench and Councilman O'Neill) (No Recommendation for passage by the Executive & Finance Committee)

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

Councilwoman Scarniench – This is another one of those conversations that have been going on for a long time, at least for the last 13 years. One of the things I promised when I was elected was I was going to bring this to the table. I want to thank my committee, the people who stepped forward. It was publicly announced, anyone who wanted to be on the committee could have been on it. I want to thank again, Jeff Beck, David Hiscott, Regina Hauck and Roseanne Evangelista. We worked very hard compiling the information, it is all in black and white. The numbers and everything that we put together. In know way was any breach made as far as how these numbers came up, as far as city workers; it is all very in general.

The bottom line of it is, is that this is, people don't get into public service to make money. I have always felt that, we couldn't find the exact year, but I think it was in the 90's when they decided that the Commission members that were on Commissions in the city would not get health benefits any more, they were part time. Ever since then I have campaigned about this, I have talked about it because I don't believe that we are full time. We may work full time, but that is not a full time position. This is not Cleveland, we don't each have an office, we don't have a secretary, we work at home, we don't work in the summer as far as meetings are concerned. What we do is pretty much what we choose to do. The committee came up with the plan that is before you. We surveyed 27 different cities and of those 15 of them do not have health benefits. People that we talked to say you do, I said yes we do but I'm trying to eliminate them. As you heard earlier, by eliminating them we're saving a quarter of a million dollars. If the next piece of legislation doesn't pass, it will be much more than that.

I'll speak about both of them together. The purpose of the raise, it may sound like a lot, \$2,000 but that \$2,000 gives that quarter of a million dollar savings over 5 years. What that does is gives everybody the same amount of money. It has been brought up, it has been talked about, the fact that those who take the benefit receive a lot more pay than those that don't take them. That was seemed unfair. This raise gives you a little bit more money and it brings us more in line with other communities. Again, according to our Charter, this is our job. This is part of what we're supposed to do. We are not doing this for ourselves, we're doing this for the people who come after us. That's the way it is because it is not fair to give yourself a raise. If that happens and we're re-elected, we already know that upfront. By doing this, you're giving a time period that you can do

this at, so the people who do plan to run, know exactly what they're running for and what they're getting. With that I just thank my committee very much and I thank anyone on Council who supports this.

Councilman Van Ho – I'll be voting for this piece of legislation to suspend the health care. I will not vote for the other one because I don't think, as Councilwoman Scarniench said, I didn't go for this job for the money. I think I can somehow survive without it. I'll vote against the raise but for suspension of the health care benefits because it is the only part-time job I know of where you get health care benefits.

Councilman Langman – I don't think I'm going to win this debate, but I'll speak my piece anyway. I think since I was first elected to City Council, this issue has come up. Councilwoman Scarniench mentioned timeframe. What bothers me about the process is not that we're making the decision per se, we make decisions on everything else. Just to me it looks like if you're going to look at compensation for a city council, and there was talk of the mayor's compensation, etc., then you should have folks that are not attached looking at it. The folks that are on the Ad Hoc Committee are attached. They made quite clear that they think health care benefits are not desirable for the city council. I don't happen to agree with that. If you're going to do something, you need to take a look at the entire picture including the length of terms. I have said that since 2004, 2005 when this came up once before. Then I said, well the entire structure of City Council should be looked at including the numbers, length of terms, do you get paid more, do you get paid less, etc. Obviously the DOJ will not let us change the number of city council people, but the point still remains. You need to take a look at these things in an overall coherent way, not in a piecemeal way, that's my objection. It doesn't mean the people on the committee are good or not good or have expertise, but I know that having actual people that work with benefit structures and can evaluate what the job really entails is very important. I will continue to say, this is not a part-time job. I know when I first ran, I had no idea of all the responsibilities that you have. Nobody knows that going in and I certainly was not aware of how much you get paid or what the benefits are. I know when Mrs. Mannello explained the first time, this is what you get, I said you've got to be kidding to get all this. Then you realize actually doing the job, it takes up a tremendous amount of time to do it well. I think that every council person I have served with over the past, whatever it is now eight years, has worked really hard at the position. I do think that we have not taken an overall look, we have simply done something to justify getting rid of a benefit. I think if you do go to 4 year council terms, you will need to look at the incentives required to retain people to invest that amount of time on a limited basis to continue making that investment. You're asking people to do an awful lot. With that, I'll end my comments.

Councilwoman Minarik – I'm not sure but I don't think I was opposed or for this getting rid of the benefits. What I was opposed to was the secrecy of the process. There are no minutes, there are no notes from the meetings. There was no invitation to Council members to attend the meeting. Yes you can say that these were private citizens, but we have other committees where citizens at least have notes, they at least have minutes.

The reason that I went back 10 years, I remember the Charter Review when it was meeting wanted to find out why Council people did what they did. I wanted to find out the rationale of the Council when they originally gave benefits. It was not because I was opposed to this. Actually I wanted to see if they passed this because they were in it for something for themselves. So I didn't do it because I was against it, I did it because I wanted to find out the motives of the original council that passed legislation.

What I did find out which was interesting and I wasn't expecting this was that in 1970 Ordinance 215, see everybody keeps saying that this is a part time job, part time job, that is the basis for this whole issue. Ordinance 215-1970 and I do not know if it has been changed, but I don't think so, .3, Working Hours. It specifically says in this ordinance passed by City Council that professional members of the Law Dept., the Clerk of the City Council, Councilmen and Commissioners of the City, as well as the Sgt.-at-Arms, I think Mr. Novosel will be pleased to hear this, shall be considered as full time personnel with regard to vacations, sick leave and other benefits set forth under subsequent sections of this ordinance.

I wasn't looking for this. I wasn't looking for a reason to vote against it. I was looking for the rationale. However, what we have found out is that one of the major arguments that we are a part time group, we are not a part time group as Ordinance 215-1970 says, we are entitled to the benefits. If this Council wants to pass an ordinance changing this, that's fine. But don't tell me that we're part time because the ordinance says that we're to receive the benefits that full timers get. That's probably what we should do first, is change that ordinance, thank you.

Councilwoman Scarniench – I would like to share an e-mail that we received today from Director Frey. If health insurance was part of the 1970 ordinance, it certainly would have been available to the members of Council, under the section of the ordinance that you attached based on the language. The compensation ordinance has been amended many times over the years, at least twice since I've been in this position. Because there is no Charter provision, the decision to afford health benefits to members of Council is a matter entirely within the authority of Council to decide so long as council conforms to the time restrictions in the Charter.

At some time in the past, it was decided to take out the words full time. It is not in the current compensation ordinance. It is not there. Someone decided that that wasn't true and that is how that is. It is whatever we decide is the way it works.

As far as my secret meetings, I three times publicly asked for people to be on my committee. It was my committee, I was trying to come up with legislation. There was nothing underhanded about it. When anybody does legislation, do they automatically go out and find experts? I think I had at least three experts that this is their job, this is what they work with on my committee. There was nothing wrong and I believe I have done nothing wrong with my committee. Councilman O'Neill came to meetings because he said he was interested. No one else said they were interested. Thank you.

Councilman O'Neill – Councilwoman Scarniench kind of beat me to the committee punch line. She got organized a little bit quicker than I did. Without a doubt this was offered to, at least one occasion to members of Council to be on it. Whether people took her seriously or not, I did, because it was something that I ran on when I ran for Council was one of, there were two things and that was one of the items.

As far as compensation financially, I make \$260.42 take home I think every two weeks. It is certainly not about the money. I don't take the hospitalization either. I took this job because I wanted to move this city forward and work with the administration to accentuate the attributes of the City of Euclid. I wasn't seeing that previously but I can see it now, that's why I ran.

I don't believe that Council persons are full time position. Although there are times when we work odd hours. I think you can compare our hours with a person that works 40 hours a week and I think they work more than we do.

Frankly I don't want anybody to represent me that's taking this job for compensation for health benefits. I don't think they would represent myself or Ward 5 adequately. So, I would be in favor of this legislation and I will be voting for it. I thank the committee that consisted of Regina Hauck, David Hiscott, Jeff Beck, Roseanne Evangelista, and last but not least Councilwoman Scarniench for their efforts. I played a very, very small part, if nothing else I gave my support but I encourage the rest of the members of Council to support this legislation and I would make a motion to close debate.

Councilman Wojtila – My opinion on this whole item. Compensation is an overall package. Health care costs have certainly gone up in comparison to other costs since the 70's or whenever the original ordinance was referred to.

The comment was made earlier that we had about a certain number of people that ran this past election. It worked out to be 2.9 people per ward. That's a pretty good indicator that our compensation is sufficient to get sufficient number of people running for the positions and hopefully qualified people which I think we are qualified people running for these positions. I think the overall compensation package is satisfactory, it is sufficient and I would support no health insurance and I will also support the second piece that follows it. Thank you.

Councilman Van Ho – I just wanted to add to Councilman O'Neill and thank the committee and Councilwoman Scarniench for taking the time and studying this and doing as thorough a job as they did.

President Holzheimer Gail – I have to say this is an item that I'm very torn about. I have taken health benefits in the past and I have not taken health benefits in the past. I look at it in two different ways. I don't need to go into the whole rationale, but it does take quite a bit of work, it does take quite a bit of time from your family and from other things that you do, but we chose to do that. Although sometimes it feels full time, it is technically a part time position.

I really am torn. I think given the fact that we're in such a tight budget and we've asked employees, this is the piece that council can do to give back. I would like to see in the future a group look at and Council can bring this forward perhaps next year if the budget situation is different, the ability to buy it at a part time level perhaps. That's a separate issue than this. I think just particularly because of the budget and this is one area the Council can say to the employees and to the residents that yes we get it that you've made sacrifices, we too can do that this time.

I think there is a lot to this work. There is certainly a lot of responsibility, a lot of time that's put in and that's valuable. We need to look at that. This is an item that is not a charter change, it is a council change so future council's can look at it again if they don't like this decision.

Councilwoman Scarniench – In respect to what you said, somebody brought up to me an idea today and it is actually not to late because we still have time to do this. The whole idea of being fair and equitable, I would like to look at see what it would cost us, in exchange for this, if maybe that we were compensated the amount of money that we spend for PERS. I don't know what that would be. I don't know the number offhand or anything. But it would be equal. That's the whole bottom line. It would be equal to everybody where the health benefits are not equal. I understand what you are saying as far as sometime in the future looking at buying in, but to me the fact that we are self-insured, we would still be paying. If we weren't self-insured, I would have no problem with buying in. Because then you would be paying what it cost for the insurance. But the rest of it wouldn't be coming out of the city funds. So that's the last that I have to say.

Councilwoman Jones – Thank you to the committee.

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

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

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

Nays: Minarik, Langman

Passed.

**Ord. (312-09) Raises Council Failed**

An ordinance modifying the 2005 Consolidated Compensation Ordinance (129-2005) by modifying the compensation rate of said members effective December 1, 2011, by raising Council members' rate of compensation to Eleven Thousand Dollars (\$11,000.00) annually and that of the Council President to Twelve Thousand Dollars (\$12,000.00) annually. (Sponsored by Councilwoman Scarniench and Councilman O'Neill) (No Recommendation for passage by the Executive & Finance Committee)

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

Councilwoman Scarniench – I'll keep this short because I've already said it. The purpose behind the \$2,000 raise, to some it may sound like a lot but it really isn't because we just took away \$10,000-\$15,000 a person with that. By giving the raise, again it is a uniform amount, it helps to pay those little things that we all do, all the fundraisers and all those things, and again, it brings us in line with what other cities are paid.

Councilman Langman – Again I will object not to the actual change, but we're doing this all in piecemeal. You've got term limits that are, the length of the term might be changed, you have this, that can be changed. I just think it opens up a bad precedent in the future. It can be manipulated down the road.

Councilman O'Neill- I just wanted to clarify that this only goes into effect with the next council.

President Holzheimer Gail – 2011.

Councilman O'Neill – Two councils. It is four years down the road, it is not something that is going to happen tomorrow. Hopefully the economy picks up in the City of Euclid and again you have to get re-elected in order to get this pay raise, not much of a pay raise and to be honest with you, I think it was 93 the last time this Council actually got a pay raise. Also we're saving, to Director Johnson, I think the average cost per insured full time employee in the City of Euclid is \$9500 a year, am I correct?

Director Johnson – It is closer to almost \$10,000.

Councilman O'Neill – If everyone on Council were to take health care benefits, we're looking at about \$90,000 a year. What we're saying four years down the road is, we're giving that up now, we're saying down the road is in four years, we're going to get \$2,000 a piece. I think that's a reasonable request. Some might say we're giving ourselves a percentage-wise a substantial pay

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raise, but we're not giving it to ourselves, we're giving it to whoever is on Council in four years. This is a reasonable request. I would support this legislation and I would request that my colleagues also support it.

Thank you.

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

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

Roll Call: Yeas: Scarniench, O'Neill, Wojtila,

Nays: Jones, Minarik, Langman, Van Ho, Holzheimer Gail

Failed.

**Ord. 103-2009 (306-09) Amnesty Tax Program**

An emergency ordinance authorizing the Income Tax Administrator to conduct an amnesty program for collecting delinquent municipal income taxes during the period from June 1, 2009 through July 10, 2009. (Sponsored by Mayor Cervenik)

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

Director Johnson – If Council so chooses this evening to adopt this legislation, we would be providing a one time opportunity for those persons and/or businesses who have failed to file past due income tax returns or have an outstanding balance to come into the Tax Office and settle that balance.

The program we're proposing would run from June 1, 2009 until July 10, 2009, exactly six weeks. The program will not be extended or repeated. The summary details of the program would be if the balance would be paid within 10 days, you would pay the tax only, no penalty and interest. If the balance is paid within 30 days, you would pay the tax and 50% of the interest, no penalty. If the balance is paid within 90 days, you would pay the tax and 100% of the interest. Those are the major points of the plan and if there are any questions, I'd be glad to answer them.

Councilman Langman – Is the deadline, is that a fast-hard deadline. If somebody came in on the 11<sup>th</sup> or 12<sup>th</sup>, would they still be able to participate or no?

Director Johnson – No sir. Once we establish these deadlines, it is imperative if someone comes in on the 11<sup>th</sup> that we cannot extend these provisions to them.

Councilman Langman – Why the six week period as opposed to five weeks, seven weeks, is there any rhyme or reason to that?

Director Johnson – Yes there is. The six week period through experience and our Tax Administrator has had experience in other communities. She has found that the six week period works the best, extending the period to a longer period than that has not proven to be successful in the past.

Councilman Langman – We're going to start publicizing this assuming this ordinance passes tonight?

Director Johnson – Yes we will. This will be posted on our website, it will be posted on the Community TV channel. In addition to that, we will be mailing, as a matter of fact, the Board of Control this afternoon approved contingent upon Council's approval this evening, a requisition that would do a mailing to all accounts that have outstanding balances that would fit within the purview of this program.

Councilwoman Scarniench – We did this once before didn't we? How well did that turn out?

Director Johnson – I'm not real sure what the success was but that program was done in 1993, that was the last time when it was done.

Councilwoman Jones – Do we have an estimate of the amount of delinquent balances that everybody came in and paid their delinquent balances how much that total comes to?

Mayor Cervenik – We do, it changes on a daily basis. All of those will have the opportunity to pay those balances off early, even if they have a payment plan, they can immediately follow the rules of

this program and be relieved of the responsibility of the payment plan. Anyone who is under garnishment or anybody who is under a Court Order, are not eligible.

Director Johnson – Anybody that we have a judgment on.

Mayor Cervenik – An estimate of what we're going to collect, I believe we collected about a half a million dollars in 1993, that's a long ways back. The deal there was we didn't have the information that we have now because we were using CCA. We will be able to get in touch of the proper people, those who are delinquent and we could exceed that by somewhat. It is not a windfall. We have budgeted probably close to half a million in our budget for the year. Anything more than that would certainly be helpful. It works, people will come in, in fact Lovelace, our Tax Administrator has sort of put a buzz on the rest of the, a lot of the other communities that collect by themselves, they've asked for the legislation. Another thing the Council approved was the \$30 fee for a payment plan. Many of those cities are also going to follow our lead and do that as well. So, every once in awhile, we're at the forefront of what's being done. We're going to keep very strict, tight records of how this program works, just so we know what the results are. It probably won't happen again until another 10 years or so. Otherwise people would just sit back and wait for it to happen again. This wasn't announced or brought before you, until after April 15<sup>th</sup>, because people would have sat back possibly and waited then as well.

Councilwoman Minarik – Mayor you said that the budget that we passed, you're budgeting for \$500,000 that you're anticipating collecting?

Mayor Cervenik – Actually what we didn't do was cut our projections even lower than they are knowing that we were going to do this amnesty program. We're hoping to see about a half million dollars come in. I'm hoping to see \$2-\$3 million come in, but you've got to be realistic here.

Councilwoman Minarik – But what if we don't even get the \$500,000? The budget that was passed reflects an anticipated half a million coming out of this program.

Mayor Cervenik – Give or take a few dollars. Like I said, we didn't cut it as far as we would have. I also expected us to be probably \$300,000-\$400,000 behind right now. I thought our projections for the first 4-5 months of this year were a little high, it isn't. So regardless of what happens, we're going to be okay.

Councilman Wojtila – I was not at the Executive & Finance meeting last Monday, a week ago, but I did watch the tape. Are we planning on having another one of those? I thought I heard towards the end that we were scheduling one a month.

President Holzheimer Gail – We have not scheduled an Executive Finance Meeting but our intent is to have one at the end of each month to go over the monthly report and make sure we're on target.

Councilman Wojtila – The one somewhat scarier item was the \$700,000 in additional costs. In conversation today with Director Frey, we're hoping that this would then help to offset that cost so that we're still maintaining our cash reserve which is the goal.

Mayor Cervenik – I would just like to add to that. There are additional costs that we put in there but as happened last year, in total we spent a little over \$900,000 less than we budgeted totally. So we don't spend as much. But in those certain areas, rather than transfer a little bit from each line item, each line item, we transfer the amount we think we need for that program. Our expenditures are below where we budgeted them as well, actual expenditures.

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

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

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

Passed.

President Holzheimer Gail – Do you guys want to take a quick break? Okay, let's keep moving.

**Res. 104-2009 (307-09) Special Leave**

A resolution approving a special leave of absence for a one year period, through February 14, 2010, for Robert Roach and James Braidic. (Sponsored by Mayor Cervenik)

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

Director Frey – These two individuals, Robert Roach and James Braidic were Corrections Officers who when the City made the decision to reduce the level of functions at the Jail, opted to take positions that came available at the Waste Water Treatment plant, while they were senior employees in the Corrections Dept., it allowed two junior employees that would have otherwise been laid off to maintain their position so it was a net savings to the city.

It has been common in situations where the collective bargaining agreement provides, to come to City Council and ask for an extension of the Leave of Absence that the Mayor initially granted to allow these individuals the maximum leave period from their former position. To the consternation of Bob Gall and Director Gulich, these two individuals are not looking to get out of their current positions at Waste Water. This merely gives them the option, should something at Waste Water occur, because they are the junior employees there, if they were to get bumped, they would have the ability to go back to their former positions in the corrections dept. for us to one year if approved by City Council. I don't anticipate that to occur. We have done this before, it has not ended up meaning that we've had to move those people back. It does give them some level of protection should something occur with their position at Waste Water, it would allow them to return to their former job. I would ask for your passage. It is a provision, not mandatory, it is discretionary with City Council, but it is a provision in their collective bargaining agreement, allowing them to petition for that additional leave. I'll be glad to answer questions.

Councilwoman Jones – Director Frey, if something did happen at the Waste Water Treatment Plant and they got bumped from there, went back to Corrections, does that mean two positions in Corrections would get bumped?

Director Frey – Yes, that's what it means.

Councilwoman Jones – The numbers for the Correction positions is including these two or not including these two?

Director Frey – It doesn't include these two individuals. The number of correction officers, after we reduced the function of the Jail, is the same number whether these two individuals are part of that group or not. All this would do would be to allow them to return to those positions to the exclusion of the two junior members on that list. Let's say there was a technology advancement in Waste Water in the next 30 days that reduced the number of operators we needed. These two being the most junior members of that bargaining unit would get laid off. It would give them a right to return to their former job as Correction Officers, but that would in turn mean that the two junior Correction Officers would be eliminated or laid off.

Councilwoman Jones – What happens after the year, if they're still at the Waste Water Treatment Plant?

Director Frey – They lose their right to return, that ends.

Councilwoman Jones – If they get laid off at the Waste Water Treatment Plant, they can't go back to the Corrections?

Director Frey – That's correct.

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

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

Abstain: Scarniench

Passed.

**Ord. 105-2009 (316-09) County MRDD Lakefront Ctr.**

An emergency ordinance authorizing an amendment to the rental agreement with Cuyahoga County for the Board of Mental Retardation and Developmental Disabilities at the Lakefront Community Center. (Sponsored by Mayor Cervenik)

Councilwoman Minarik moved for passage, Councilwoman Jones seconded.

Director Frey – I'm getting tired of hearing myself talk and I'm not done. I will be quick. The Board of Mental Retardation is a tenant of ours at the Lakefront Center, occupies approximately 1750 sq. ft. They approached us about changing the renewal term of their contract and to provide specific language on response to various alarms. This legislation would authorize us to make that change. What it would do, it would not change the rent that is paid on a monthly basis or the utility payment that is made on a monthly basis, but it would allow the Board of Mental Retardation to renew one year at a time for a total of five renewal periods. Again, it would not change the compensation unless they opted after some period of time not to renew for the successive years. I guess it allows them the flexibility as a public agency, tax supported public agency if they're mission or funding changes that they would be able to avoid the lease or remaining years on that lease. It is property if you recall, initially as it was built out, Cuyahoga County and the Board of Mental Retardation put \$50,000 of capital into that space, so it is a very functional space at the Lakefront Community Center. I don't think there's any interest in their part in seeking to avoid filling out the remaining five years of the lease, but they were looking for additional protection. We do have the benefit of the rent increases. As far as the protocol to responding to alarms, the MRDD have primary responsibility to respond to emergency alarms other than fire. The City would have the primary responsibility to respond to fire alarms. That's a pretty easy call because it is our fire department who is going to make that immediate response to that event. I think while it kind of lays out that relationship, it really is no burden to the city whatsoever. I'll be glad to answer any questions.

Councilman Wojtila – I'm just surprised to learn that 1750 sq. ft. because that equates to \$18 a square foot rent that they're paying, plus they also utilities. Thank you.

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

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

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

**Ord. 106-2009 (315-09) Legal Counsel**

An emergency ordinance authorizing an encumbrance of Forty Three Thousand Two Hundred Forty Two and 66/100 Dollars (\$43,242.66) to the firm of Millisor & Nobil for payment of services rendered through March 31, 2009 in connection with the defense of the City in a wrongful termination lawsuit brought by former Fire Chief Michael Dworning. (Sponsored by Mayor Cervenik)

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

Director Frey – You recall recently we encumbered \$100,000 for payment for services. We would have been significantly over that allocation instead of trying to increase the payment through that initial allocation, I felt it more appropriate to disencumber the remaining balance, almost \$28,000 and then seek authorization for this particular invoice for the \$43,242. As Council is well aware, there is a significant efforts made in preparing this case for trial during the month of March. This is a substantial invoice by any stretch of the imagination. I can only tell you that I anticipate that we will, with the budget amendment proposed be able to manage our expenses for 2009 with the allocation. This probably represents the high water mark, as far as a monthly invoice.

Again, we've disencumbered \$27,800 that would obviously be used to offset some of this expense on this particular piece of legislation.

Councilwoman Minarik – When we approved the \$100,000 at that time Director Frey, you said our expenses were up to about \$435,000. So this is not an additional \$43,000 above that; this is really almost \$15,000?

Director Frey – Yes, correct.

Councilwoman Minarik – So now we're at \$450,000.

Director Frey – No small amount of money.

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

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

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

**Ord. (308-09) Charter Amendment**

An ordinance providing for the submission to the electorate of the City of Euclid, the question of whether Article V, Section 8, the Board of Control, of the Charter of the City of Euclid shall be amended so that the Council shall establish the minimum expenditure level requiring prior approval by the Board of Control. (Sponsored by Charter Review Commission)

Councilwoman Scarniench moved for passage, Councilwoman Jones seconded.

Director Frey – This piece is recommended for passage and submission to the ballot by the Charter Review Commission as are the following two pieces dealing with the Director of Law definition of duties, and the terms and election for members of Council.

I know that Councilwoman Scarniench has asked for a piece of legislation for Council to consider as an additional ballot item that would change the term date from December 1<sup>st</sup> to January 1<sup>st</sup>. I have not worked on that yet, would need to work on that carefully to consider its impact or ramifications with the other piece term and election for City Council. These would have to be approved so that they are to the Board of Elections by the first meeting in September. I would ask that these three pieces be placed into Executive and Finance Com. so that the companion piece with the term date of January 1<sup>st</sup> can be drafted, included, discussed, acted on as a group, if that's Council's desire, and sent to the ballot.

This piece, very succinctly just sets, provides that City Council will set the threshold amount for a city department expenditure before it needs to go to Board of Control. Council already has the authority to set, establish the upper limit, where Board of Control can act before it has to go to City Council. This would also allow City Council to set the threshold amount for a requisition to go to Board of Control. \$2,000 which is established currently by Charter, maybe absolutely the right level, as times change \$2,000 is not \$2,000 any more. Just as we changed the upper limit from \$15,000 to \$25,000 Council may want to consider, some future Council may want to consider a different threshold before Board of Control authorization is required. That's the essence of that piece, again I would ask that it be placed in Executive & Finance.

Councilman Van Ho moved Ord. (308-09) to Executive and Finance Committee. Councilman Langman seconded.

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

**Ord. (309-09) Charter Amendment**

An ordinance providing for the submission to the electorate of the City of Euclid, the question of whether Article V, Section 5, Director of Law, of the Charter of the City of Euclid shall be amended. (Sponsored by Charter Review Commission)

Councilwoman Minarik moved for passage, Councilman Wojtila seconded.

Director Frey – This piece really takes a single paragraph in the Charter and kind of flushes it out I believe so that a person perusing the Euclid Charter would have a better sense of the duties of the Director of Law. The Charter Commission provided each of the city departments the opportunity to make that presentation. This is really modeled after Cleveland's Charter provision. I don't think you will find anything in any of the proposed sections that differs significantly from the existing language. But I think it provides a better flow and a better understanding of those duties. Again I ask that this be placed in Executive & Finance Committee.

Councilman Van Ho moved Ord. (309-09) to Executive & Finance Committee.

Councilman Wojtila – Director Frey, if you look at the first sentence of Letter C, sometimes legalese is hard to read, but that looks like there are some wrong words in there.

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Director Frey – The Director of Law shall prosecute or defend for and on behalf of the City all complaints, suits and controversies in which the City is a party; is that the sentence?

Councilman Wojtila – Yes, towards the end is what I was referring to.

President Holzheimer Gail – We can have that discussion in Executive Committee.

Director Frey – It reads fine to me but again I understand your point.

Councilman Van Ho moved Ord. (309-09) to Executive & Finance Committee. Councilwoman Scarniench seconded.

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

Into Executive & Finance Committee.

#### **Ord. (310-09) Charter Amendment**

An ordinance providing for the submission to the electorate of the City of Euclid, the question of whether Article II, Section 1, Power, Election, Term of Office and Section 7, Vacancy, of the Charter of the City of Euclid shall be amended. (Sponsored by Charter Review Commission)

Councilwoman Jones moved for passage, Councilwoman Minarik seconded.

Director Frey – Mr. Beck was correct in his comments earlier that this piece did in fact appear on the ballot, although not with the language that we had asked the Board of Elections to include. So those election results did not count by virtue of the fact that we, as a city withdrew that piece before the election itself. This is the more salient issue that would stagger, would change Council terms to four years and stagger those four year terms so that half of the Council would be elected in any one municipal election cycle, including the Council President. It would start term limits anew. It would provide for the mechanism for the retention election of a council member appointed to a vacant position, if that vacancy was more than 27 months before the next election.

It is a piece that I know has had a lot of debate, probably needs to be discussed again so that the public is fully aware of what the changes would take place and if those changes would start with the 2011 term. It would have no impact on the election in 2009. It would start the term after that. Again, I would ask this be placed in the Executive Finance Committee, waiting the piece that would conceivably change the term start date to January 1.

Councilman Langman moved Ord. (310-09) to Executive & Finance Committee. Councilwoman Jones seconded. Yeas: Unanimous.

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

Into Executive & Finance Committee.

Director Frey – Before we move to the last piece, I just wanted to and I should have in my comments thanked the Charter Review Commission, I know we did so by a resolution some months ago. But these pieces really culminated the work of the Charter Commission. They did an outstanding job at deliberate review of the Charter and again I wanted to thank them and take this occasion since at least two of their members were here this evening to thank them for their efforts on behalf of the citizens.

#### **CEREMONIAL RESOLUTION**

##### **Res. 96-2009 (314-09) Mama Catena’s**

A resolution of congratulations to *Mama Catena Ristorante* on the occasion of the *20<sup>th</sup> Anniversary* of its opening in Euclid. (Sponsored by Mayor Cervenik and Entire Council)

Councilwoman Scarniench moved for passage, Councilman Van Ho seconded.

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

Passed.

COMMITTEE OF THE WHOLE

President Holzheimer Gail – This is the Committee of the Whole, the public portion where residents may speak to anything for the good of the city. I will remind you that remarks meant to embarrass, degrade or, I don't know what the other one, are out of order. Let's keep it positive where you can ask questions and make comments. Thank you.

Mr. Christopher Litwinowicz – 21970 Morris Ave. Going through a hard time, economic, but our government, starting with the President years ago, gives the city money. In the last year I sat back and watched things be told and it is not happening. Today, congratulations to the Police Dept. for \$127,000. It helps our city. Maybe we can get our basketball hoops and name it after a dead officer. That's the only way we're going to get hoops for that to happen.

I hate to come here and wait 3 ½ hours to express issues. I've contacted people, people call me back, it is the same old thing. Twenty-years at Shore, longer than that. Now they've got, basically can I get a can and start soliciting, that's what I mean, their raising money that we already pay for. \$200,000 that's like \$5 million. You don't want to put \$8 million into something, you would never put \$8 million into something. I'll put \$37 million times four, is a hundred and some million dollars. I'll put a school. Rec Center idea, never happened. Euclid Square Mall, will never happen. \$500 for an attorney to file some paperwork that I have right here, for one hundred million dollars. If you all don't know, I ran for Mayor and the law just spit on my face. Again it just spit on my family's face. We tried to get help for somebody that needs help and thank you to your officers. It is not the police department's fault in this situation. It goes way past that. I'm not going to get particular in the situation, but we probably got a missing person or a dead family member. That now for the last day I've been out searching for her. Just like I did last year and there's certain situations, I don't want to go back, I want to get off that.

I don't want to do this. But it seems like people come up here and request things and it doesn't happen or it is be told to us and out of that 2:00, 3:00 enforcement, I hope that I don't see that again. These kids don't need to see law enforcement, they need something to do. I had the plan and I guess I'm at 2 ½ years for the plan. When I go through this, the same people that are here are the same people that are still going to be here. Meaning that when I do become Mayor, I'm going to move one person down to be my assistant and then find a secretary position for that assistant. Then I have two years to make these decisions.

I come to you because it doesn't make sense. We have the money there. Why wouldn't you want to make that a community college? Why wouldn't you want to get State and Federal money? It is just like you know slow process, slow process, we've got to pay them for 120 days, we're going to find out what it is and it is going to be the same. I see people losing their jobs, people fighting for them. Employment rights. I'm only 29 years old, about to be 30 and I'm going to end it real quick. We as politicians, when I ran, we're here to make things change from what happened in 1970. We don't need to go back to there, we just need to make new things that make sense. Because back in 1970, I'm sure people can vouch, \$2.35 to raise a family in the city of Euclid is what my family was raised on. But it went up. In conjunction why I came here today is to preach.

President Holzheimer Gail – I'm sorry Mr. Litwinowicz, your time is up.

Mr. Litwinowicz – Okay.

Mrs. Annemarie Finch – 336 Walworth Dr., Euclid, Ohio. I'm also the Aquatics Director for the City of Euclid. A couple of things, one is I have good news for that the City of Euclid just put in AED's in all of our public buildings. Hopefully we'll never have to use those, those of you who don't know what those are, those are the Automatic External Defibrillators. We're hoping they never have to be used, but they're there. Kudos to the Motor Maintenance guys who actually spearheaded getting those.

Second of all, I am a very optimist. I was over at Councilman Wojtila's ward and I want great things to happen, I want Shore to, if Coral is going to do what they say they're going to do, I will be the first person to sit out on the green there and eat my ice cream. I'm here for the long haul.

I want happy things in Euclid. I want good things. As I told Councilman Wojtila's group, is the days of Euclid of the 60's and 70's were wonderful places, they were great memories for me and my family. They were the past. We can have those heydays again and I look forward to having those. We have to remember, we can't go back to the 60's and 70's. Our new happiness is coming and I'm hoping with the Coral thing, that it does happen, in 120 days I'll talk to you about that.

Twenty-two years. Twenty-two years I actually weighed what's on my driver's license. I had no children, so I'm hoping this is a positive thing and good things will come too and there's hope for me.

As far as work hours, I think I'll speak for my co-workers in the Rec Dept. Yes you guys are part-timers. We are full-timers times two. Sometimes you show up at the City Office at 6:00 in the morning and Mac Stephens and myself are there. You come back the same day at about 10:00 at night, we're still there. In between that, we're at basketball courts, we're at baseball fields, we're at swimming pools. On our day off, next week, I forgot I took the day off on Friday, I'm doing a Community Outreach program at Upson School, I forgot I took the day off. So, I'm not sure you're part-time, I think we're double time. I just want that out there because the one thing is I want to cheer my Rec buddies, is we do a lot of work. We gave up one hour so we're now down to about 62 hours a week instead of 63.

I know it is not easy sitting up there. It is much easier for me to watch this meeting at home, so I can snack. But I'm hoping all good things come out of today's meeting. I will be back in 120 days.

Mayor Cervenik – If I may just reiterate. The Rec Dept. is a special group of people and I think you all know that. She was just talking about during the day, during the week. They are out on the weekends. I went to a spelling bee a few weeks ago, I didn't know that Mac Stephens was going to be at the spelling bee. It is an afternoon and he's there with the youth. They do work tremendous amounts of hours. For the most part, I think they have a lot of fun doing it and I just want to personally say, you as well Kathy, thank you publicly very much for all that you do. You make the community better and you make us all nice and happy a lot of the time.

Ms. Patti Burlingham – 25211 Lake Shore Blvd. This is the last call to get your tickets for the 6<sup>th</sup> Annual Euclid Petpals Bark-B-Q, this Friday, May 8<sup>th</sup>. I already picked up a few tickets tonight. This is one of our big fundraisers for the year and with the economy and everything else going on, donations have gone down, memberships have gone down, however the veterinary and medical bills have gone up. We definitely want to see people out, willing to take chances on 50/50 cash raffles, Chinese auctions, have lots of fun, have a good meal and listen to good music. I do have some tickets with me tonight.

Just as a side bar, whether you're full time or part time, I'm a volunteer and I'm putting in about 35 hours a week. Please come out to the Bark-B-Q and very shortly we will have over 30 kittens available at the Animal Shelter. They have been rescued from here and there and wherever. I'm currently bottle feeding 7 of them, which I have to go home and do that again before I go to bed. One of our volunteers is taking care of 13 and we have many more at the Shelter. If you're ready for a kitten, come see us in a few weeks. Thank you and good night.

President Holzheimer Gail – Seeing no other comments, we will move forward with Councilmen's Comments.

#### COUNCILMEN'S COMMENTS

Councilman O'Neill – Timing is everything. Quick announcement, the E. 232, Gay Ave., Roger, Pam Court and Williams Neighborhood Association will be having a meeting on May 11<sup>th</sup> at 7 PM at the East Shore Church next to Marc's in the basement.

I want to thank the administration again for their efforts putting together the contract with the Coral Group and looking forward to their results in 120 days or so. I think it will finally put to rest what we've all been waiting for, for quite awhile.

Thank you to the Euclid Fire Dept. and Police Dept. for their efforts. Also to the other city divisions for all the work that they do. Just to say Happy Mother's Day on Sunday to all you mothers out there and goodnight.

Councilman Wojtila – Chief, I would like to thank you publicly for the grant you received. It was great work. I would like to echo what the resident said, that's helpful to everybody and good luck with the other ones that you've submitted for.

I would like to publicly thank Annemarie Finch for her fantastic job at the Ward 6 meeting this past Thursday. Also in attendance were Jim Sonnhalter with the Community Services and Economic Development Dept., Jim did a great job along with Mike Knack of the Crime Prevention Dept. of the Police force. I would also like to give a plug to Mike's Crime Prevention Workshop at the Library which is May 12<sup>th</sup> at the Euclid Library and that's from 7-8:30. He does a great job. We saw just a few minutes of his presentation last Thursday, so I would encourage all residents to go to that. With that I'll say goodnight.

Councilman Langman – I would first like to thank you for assisting me on the work we did with Coral to build that proposal into something that I think will be very beneficial to the city. I know I think we first went up there and discussed this at the end of or maybe before Thanksgiving. I do appreciate your assistance, as with Councilwoman Minarik, she was also instrumental. I would

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especially like to thank Director Pietravoia, I know he's been working hard on that and now he can maybe devote more attention to other matters that are on his plate.

I think finally we are going to find out what needs to be done at Shore and how we can do it without taking away from current services, without hurting our general fund, and that's what we've been looking for for many, many years. So I appreciate everyone's help, the Mayor's help also. With that I will wish my Mom a Happy Mother's Day and say good night.

Councilman Van Ho – What is the progress on the Dog Park? I heard that we're looking at Sportman's Park and Hero Park again. That would be my first question. Also to remind everyone to start mowing their yards. They're getting a little tall in some places and you really don't want us to do it because we're real expensive, about \$200 a lawn. I would suggest that you get on it. If I can have an answer to that first question and I'll say Happy Mother's Day and good night.

Director Will – The last committee meeting that we had had, it had been asked upon our staff to go out and take some photos and research some areas; the mini-station, 228<sup>th</sup> area to make sure the area that we had looked at and thought we could not use to re-look at that. While we were doing that, we did take another look at Sportman's Park to see what it would be for a drainage system, to see if it is something that we should look more into prior to just ignoring that. That's where we're at right now. We're waiting for some quotes to come in. Once we have the quotes for the Sportman's Park and some final pictures that Annemarie has taken of the other facilities, we will have another committee meeting and hopefully be able to move forward soon with something.

Mayor Cervenik – It might be helpful if at some time in the next few weeks City Council sort of let's me know how much they're willing to spend on a dog park, because that is a big part of the equation. If you have some round numbers over the next few weeks, give me a buzz or an e-mail so I can judge what you're talking about.

President Holzheimer Gail – I have just a couple of announcements. We received a notice and I wanted to congratulate some students at Villa Angela St. Joe's who were recently inducted into the National Honors Society. The National Honors Society recognizes them for their scholarship, for their leadership and their character. I just will read to you those who are Euclid residents. Junior: Alyssa Hunnell; Leah Hunnell; Kristen Knight; Kimberly Rossman; Kelly Trueman; Marian Zgodinski. Sophomores: Ellen Cvelbar and Law Director Frey's son, Timothy Frey. Congratulations to those students.

Euclid Orchestra will have their May Pop Concert and Director Will announced that earlier, but just as a reminder it is Sunday, May 17<sup>th</sup> at 3 PM at Shore.

The Mayor is sponsoring a Charity Golf Outing on Thursday, June 11<sup>th</sup> at Briardale Greens. Proceeds will go to the Rose Mary Center, Euclid Recreation Youth Scholarship Fund, Euclid YMCA's Strong Kids Campaign, Euclid Senior Programs and Euclid PAL. If you would like information on that, call Lisa Mayernik, 289-2751. There is information through the Mayor's Office and on the website. They are all good local organizations and it is always a fun event whether you golf or not, there's ways to be supportive.

Just wanted to also congratulate the Mayor who was recently, the Crystal Angel Award at the Rose Mary Center. He received an award for his community leadership and support of the Rose Mary Center this past Friday at an event. Congratulations to you on that.

Mayor Cervenik – Thank you. Part of the award was a ceramic angel and I was going to bring it here and show you, but I feel really bad for the Chairman of the Event. When he was getting ready to present it to me, dropped it and it is in 1,000 little pieces. I'll have it next time, they're going to get me another one. But it was a very nice evening, it was an award that I needed to share with not only employees but with the employees of the Rose Mary Center because the service they provide not only their clients but their clients' families is just out of this world. It was nice to be recognized by them as well. Thank you.

President Holzheimer Gail – Lastly, I just wanted to remind people that the National Day of Prayer will be recognized Thursday, May 7<sup>th</sup> at Moore Counseling Center on Euclid Ave. They will have programs at 7:00 AM, 12:00 Noon, 7:00 PM. Anyone who is interested can join them to commemorate the National Day of Prayer. Moore Counseling is on Euclid Ave., just east of the McDonald's, I don't have the exact address but that, too, is on the website, 22639 I'm told. They've done a lovely renovation there, it really is a nice place and it is a good opportunity to get in there.

We will work on setting a date for the Executive/Finance meeting and I will make sure Council is aware of that towards the end of May.

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Councilwoman Scarniench – Just a couple of things I want to reiterate about the cemetery clean-up Saturday, the 16<sup>th</sup> from 9:00-2:00; Sunday, the 17<sup>th</sup> 12:00-3:00. Bring your own tools, everybody come, it is a lot of fun.

I would like to say Hi to Mr. Chuck Barrack, up there in Indian Hills. He's a long time watcher and I spoke to his wife the other day and I wish him well with his health. I also want to say Hi to my new friends in the Recher area. We're attempting to start a homeowner's group there. We had our first meeting last week and hopefully we will hear good things happening over there.

This week also, Thursday, 7:00 is the Chardon Hill Association meeting, that takes place at St. Paul's in the basement of the school. I will look forward to seeing all my Chardon Hill folks up there.

Lastly, I was listening to a conversation that I was actually eavesdropping, but I'm going, and why don't we know this. I want to read to you about a young lady who is a senior at our High School. Erika Rodriguez has received awards from the Graphic Arts Counsel of the Cleveland Art Institute. She currently has a display being shown in Columbus at Rhodes Tower. Also just received a prestigious Arts Award from EHS Teacher Mrs. Edy Melon. She is also participated and won first place for a banner that the SADD group made and was displayed at Kent State University. She will be attending OU in the fall and she is the daughter of Kim Rolf who works at Sticks. Congratulations Erika on your wonderful career; on that, goodnight.

Councilwoman Jones – First of all I want to say that I went to an event Friday, Night at the Races event at Recher Hall and I want to say thank you to Mac Stephens for selling me the ticket. It was a fundraiser event for Friends of Football. It was a very nice event, it was very well attended. Out of all 10 races that I betted on, only won two and that was the Mayor's Horse and Director Will's horse. Thank you for your participation in those and those are the only two races that I won on but it was a very nice event and thank you for those who helped put that together.

I want to say that Euclid Hill Villa this Saturday is having a bake sale that is open to the public. It is in their community room. When you go to Euclid Hill, sign at the security desk and they'll point you to the direction of the community room. They have a lot of baked goods that they're preparing so hopefully you get a chance to stop by and say hi to Josie and the gang.

I want to thank Director Gulich and his department on one of the leaks on Tungsten Road. It looks like there has been something addressed with that. I see some patching there and I saw the cones the other day, so we're making progress, that's one out of the list.

The other question I want to ask about that is, it looks like there's gravel on top of that, will that be smoothed out? I know the rest of the road is all bumpy but if that gravel part can be smoothed out, that will be some improvement.

Director Gulich – Absolutely, it will be. I talked to Supt. Reese about that earlier today.

Councilwoman Jones – I just want to emphasize what Council President Holzheimer Gail mentioned about the National Day of Prayer. Even though she mentioned the time 7:00 AM, Noon and 7 PM, throughout the hole day, just take a couple of minutes whether you do it individually or you do it as a group, whether you have a co-worker and the two of you stop and just for a couple of minutes just either have a silent prayer or just a prayer in general. Just take that opportunity to do that would be greatly appreciated amongst the whole nation.

I want to thank the Recreation Dept. and Annemarie Finch on putting the AED machines in the public buildings. I had an occurrence when I was out of town, about 10 years ago, where there was a machine that was needed and it wasn't available. Luckily enough the emergency squad came in time to revive that person. But had there been an available unit, they maybe could have been revived a little quicker than they were. They are very important to use and hopefully as she mentioned, we don't have to use them, but if we do get to a point now that technology is so advanced, the machines even walk you through or talk you through how to use it for those who don't know how to use it.

My last comment I want to make is about the Dog Park. I know there was a committee that was formed last year in September to look and investigate the Dog Park and we did go through a number of locations. At the Parks & Recreation Committee Meeting, the Committee came up with what they considered the favorable location. At that committee meeting there was another suggestion for a location to look at by the southwest mini-station and the committee was going to address that.

My concern is we're going through and looking at the other locations that the committee already looked at in the past and I just feel that we need to engage the committee members in doing that as well. I applaud Annemarie Finch for her efforts and Director Will for your communications, but I don't think we're engaging those committee members that were actually a part of that decision making as well on revisiting those areas. So I would like to see that committee members are also included in that.

I would just like to wish all those mothers a Happy Mother's Day and hope we have a nice sunny day on that day. Thank you and goodnight.

Councilwoman Minarik – I would like to thank the Mayor and Service Director Gulich for moving or finding the funds to move my box on Monterey. I think it is a great opportunity to show that the city works with people. When I did tell the building owner, he is willing to do some landscaping in exchange. When I told the business owner, he was in shock that the city had actually said that they would help him, get what he wanted. So I just wanted to thank you, you've made two people very, very happy there.

Chief Repicky, I had a call from a resident. Apparently Wednesday night there was suspicious activity going on at the house next door to the person. They knew it was an empty house, they knew the person that was inside the house, knew the former owners but was not a member of that family. When they called for a police cruiser to come by, dispatch told them it was 11:30 at night, that they should call the Building Dept. I just thought that you might want to be aware that we encourage residents to call the EPD when they see suspicious activity. I think when residents call dispatch, they expect to be taken seriously. The police did come out the next day when another resident called and said there was suspicious activity and it was taken care of.

Finally, I wanted to talk about Arbor Day which was a week ago Friday. Jerry Corbran was the Man of the Hour and of the Day. Every Sunday evening I put a fire in my backyard and anybody who wants to can come by and we sit and talk. What I've learned about fires is when you put those logs on there, there's the flames and then there's the hot coals. The flames are exciting and they grab your attention and they keep you going and they energize people but they die down and then you have the hot coals. You throw a piece of wood on and because of those hot coals, that wood will get hot again.

Jerry Corbran is a hot coal. For so many, many years he has just consistently burned hot. He doesn't make a big splash, but he gets other people to become fires and to light and energize. I don't know if enough credit is ever given to someone like that. We have a lot of hot coals in the community but I think Jerry Corbran probably is one of the most amazing people that I have ever met and I hope and I am very glad that first of all he was alive when we planted the tree in his honor. Secondly I hope that my life will be a hot coal when I'm 80 years old and still getting people fired up. I just wanted to say we need hot coals. That's it, thanks, goodnight.

President Holzheimer Gail – Appreciate everyone's work tonight.

#### ADJOURNMENT

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

Attest:

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Clerk of Council

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President of Council