

COUNCIL MINUTES
MONDAY, MAY 18, 2009

The regular Council Meeting was held on Monday, May 18, 2009 at 7:00 PM in the Euclid Municipal Center Council Chamber. Council President Holzheimer Gail presided.

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

Excused: O'Neill

Councilwoman Scarniench moved to excuse Councilman O'Neill. Councilman Gruber 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, Sgt.-at-Arms Novosel, Clerk of Council Cahill.

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Councilman Gruber moved to approve the Council Minutes of May 4, 2009. Councilwoman Jones seconded. Yeas: Unanimous.

ADMINISTRATION REPORTS & COMMUNICATIONS

Mayor Cervenik – I have a couple of announcements here tonight and then we also have some police department awards, which we're all very proud to witness this evening. First item, the Relay for Life that happened over this weekend was a phenomenal community event. We weren't quite sure what to expect when we started with this. We ended up having a great 18 hours of friendship, fun, a little bit of exercise and the best part of all is we raised just about \$40,000 for the American Cancer Society. The goal was \$30,000, they had originally given us a lower one and we knew we could do better than that. We showed them we could. We were told that this was the best first night event for Relay for Life that the American Cancer Society has ever put on and I really need to thank the Recreation Dept., Director Will, your whole department and especially Jennifer Berman from that department. Jennifer was thrown into this and she didn't know quite what to expect and she did a really tremendous job. I also need to thank Jan Horvath who helped put this together as well. She doesn't work for us, she is a Realtor here locally. Jan convinced me to walk the last hour with her. We walked 12 laps which was 3 miles and I was happy to say that I wasn't too sore the next morning. The top three teams were the Euclid Mom's For Life, they raised approximately \$5,900. The McGarry Marchers came in second at about \$5,400. Lincoln Electric came in third at about \$3,900. There is still some money coming in.

I want to thank all the bands, residents and businesses who really were very generous in their donations. We will be doing this again next year, same weekend we hope. A special thank you to the Board of Education and the Administration including Joffrey Jones for allowing us to use their facility and making it a great night. To the neighbors, there are a few neighbors I think we kept up for awhile, there was Karaoke from 2-5 in the morning and we may change that next year. We apologize for that but again we raised \$40,000 and the community should be proud. Next year all of you think about joining. If you don't want to be on a team and here's one of the things that we really didn't promote enough, is you can just come there and there are all sorts of events and bake sales, that you can come and participate in and help the team, the various teams raise additional money. It was a great weekend for the City of Euclid.

Recycling. We have entered into a partnership with the City of Cleveland. City of Cleveland has a contract that only a few communities have and it has been an ongoing contract with them that they are required to provide a certain amount of tonnage to their recycler or they get charged additional money. Ours was basically \$246,000, no matter what we put on. They are going to in the next few weeks with the cooperation of Villa-Angela St. Joseph High School, we're going to have three pretty good sized bins over there in their parking lot, it has to stay on the Cleveland-side, for all of our recyclable materials that you can drop off yourselves. I think that's a very positive thing and it is not going to cost us anything at all. Cleveland needs our tonnage to help them out.

Aluminum cans can still go to the Fire Station or up to Petpals. Our papers, I still encourage you to give to the Hunger Center, the various schools, charitable organizations, churches and Petpals that have the green and yellow Abitibi bins. They do get some funding from that. Everything else can go to these bins. The other place to go to is the Cleveland Library on the old Villa Angela property very close to Euclid Beach. They will take recycled plastic number 1-7, non-waxed cardboard, all types of glass, aluminum and steel cans and they even take plastic grocery bags, newspapers and magazines. The few items that are not accepted are Styrofoam, aluminum foil

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and books. We're still able to recycle. Try and still drop off the paper and the aluminum cans to our local agencies.

Special congratulations to our Ward 1 Council person, Chris Gruber who was inducted into the Euclid Central School Alumni Hall of Fame this week. Very well deserving, I don't know why you didn't make it in the first class, but you got in on the second, that's good because you are very well deserving of it, you've contributed much to this community. It was a great event and I'm glad to see our Schools honoring their alumni.

Memorial Day parade, this Monday, it is the earliest Memorial Day can be. Morning graveside services will start at 7:45 at our Euclid Cemetery, which by the way we owe a thank you to Madeline Scarniench and her crew because from what I understand it looks pretty spiffy up there. That's great and that's a good way to honor the Veterans on Memorial Day.

From the Euclid Cemetery, at 8:15 we'll go to St. Paul's Cemetery. We have services there. Then we have another small service at the Slovene Society Home, better known as Recher Hall. The parade itself starts at 10:00. Please meet at E. 228 St. and Lake Shore Blvd. at 10:00 and we will march down E. 222 St. and it takes about an hour for the parade and there will be a special ceremony at the Veteran's Monument by the Library. Rob Stall, the former CEO of Euclid Hospital and current CEO of Medina Hospital is the main speaker. He's the Brigadier General and he's got a lot of interesting things to talk about.

We had talked about our Euclid gas aggregation. We have just added 1734 new accounts to our aggregation program. Our rate is extremely competitive and as the rate starts creeping up now, we're actually going to look even better. Our residents should save substantial amounts of money.

We talked last meeting about the electrical aggregation. The auction prices that Illuminating Company, First Energy received came in considerably less, about 6% less than they expected and we will still receive the 10% reduction off of those prices. For our residents that stay in our electrical aggregation program, your electric rates for the last half of this year will be decreased by 16% and somewhat less than that after there. It is a good situation all the way around and works out well. Kathy Will has a few announcements and then we will have the Chief do his program.

Director Will – I, too, would like to thank everybody that participated in the Relay for Life. It was a great event. I am sure you will all hear from me starting in January next year making the announcement so that we can get more than the 300 people that we had this year involved. Thank you again to everybody for making that a great event.

Thanks also to the volunteers at the Cemetery Clean Up. Unfortunately I was unable to be there on Saturday morning because I was still finishing the Relay for Life and on Sunday I was a no-show because I couldn't move. Thank you to everybody for everything that you did. You certainly saved a lot of time on the Parks & Rec Dept. I know we have a lot more to do but now we don't have to devote it to some of those projects that you did. Thank you, thank you to the residents that came out.

Just remind everybody that we are still taking registration for summer programs including our girls and boys softball, co-ed t-ball, tennis lessons, 4 x 4 soccer and fast pitch softball for grades 7-10. We do this on Tuesday from 3:00-7:00 PM. We'll also be doing registration for the summer pool. This year we have added synchronized swimming, we will have a Get Ready Set Swim program that will teach participants about the competitive swimming. We've also added a Whales Tales Safety program. Everyday at the pool at 3:00 or Monday & Wednesday at 3:00 during the rest period, some of our water safety instructors will have a class and show the participants different segments of safety at the pool. They'll like it, it is all based on these whales. Watch for more of that, our Whales Tales Safety Program.

We'll continue with our Learn to Swim swimming lessons. We will also continue with our Panther Swim Team and we will have Memorial Pool open this year, Monday-Friday mornings for an early bird swim from 6 AM until 8 AM. We will also be open on Friday evenings. If you want a schedule for the pool, check out our website at euclidrecreation.com or give us a call and we can get some information out to you.

Another new event is the Passport to Euclid Walking Community Tour. There will be a series of one hour walks, approximately 2 miles, through our own 8 wards. They will be held twice a week on Wednesday and Saturday from June through August. Participants will receive a passport and a t-shirt and you'll get your passport stamped every time you participate. There will be an end of the tour wrap up party. It is just to go for a walk with your neighbors and see the different areas that we have in each ward. The first one is June 3. If you'd like more information call our office.

Next Thursday, May 28 at 7:00 PM we'll be having a very exciting program. It is fun, it is free and it is for the entire family. It is going to be an Ohio Chautauqua preview tour. We will be having our Ohio Chautauqua tour July 15-19 at Sims Park. We're going to do a preview on Thursday, May 28 at Central Middle School at 7 PM. We will be having two people who help

shape our modern world, Henry Ford and Zora Neale Hurston that will be portraying those characters. It is free at 7 PM at Central Middle School.

Finally a reminder about the E. 200th Street Stroll that will be held Saturday May 30th from 10 AM until 2 PM. There will be the Euclid Beach Rocket car rides, Lolly the Trolley, entertainment and activities for the entire family, great food, many of the businesses on 200th Street will have different specials. Area organizations will be there. Our Euclid City Council will be there. It is celebrating the start of our Euclid's 200th birthday. Even if it rains, this event will be on because there will be plenty of sunshine on 200th Street that day. Any questions in regards to the programs, you can call our office at 289-8114. Thank you.

Police Chief Repicky and Capt. Doles presented the Annual Police Department officer, employee and civilian awards for the year 2008.

The awards presented:

Officer of the Year: P.O. Daniel Novitski #57.

Employee of the Year: Karen Brooks.

Injury on Duty: P.O. Matthew Fetters #31.

Meritorious Service: P.O. Casey Kleckner #84.

Exceptional Service: P.O. John Buling #5; P.O. David Roose #25; P.O. Joseph Baglione #63; P.O. Matthew Fetters; P.O. Larry Germovsek #3

Merit of Achievement Award: P.O. Joseph Baglione #63; P.O. John Buling #5; P.O. Frank Kravos #79.

Employee Award: Linda M. Beck

Civilian Service Award: Grand Theft Deception – May 8, 2008 – Kerry O'Reilly
Domestic Violence – August 12, 2008 – Josh Gowing
Aggravated Robbery – October 5, 2008 – Michael Yentz

REPORTS & COMMITTEE MINUTES

Councilman Gruber moved to accept the 2008 Annual Fire Report; City Growth Development & Zoning Min. of 4-8-09; Monthly Finance Report through April 30, 2009; Board of Control Min. of 4/27/09 & 5/4/09. Councilman Wojtila seconded. Yeas: Unanimous.

COMMITTEE OF THE WHOLE

President Holzheimer Gail – This is the Committee of the Whole for Legislative Matters Only. Item #1 is a First Reading, it is a rezoning, so that needs to go three readings. Item #8 has been pulled by the sponsor. #5 will be going to the Housing Committee as well.

Seeing none, we will move forward with Legislation, item #1.

LEGISLATION

Ord. 325-09) Rezoning 20611 Euclid Ave., Braeview – First Reading

An ordinance to amend Section 1 of Ordinance No. 2812, as amended, and the map and map designations, which map and map designation, as amended, form a part of Ordinance No. 2812, as relates to and designates U-3 and CI use districts relative to said property. (Rezoning of Alliance Healthcare Braeview, Inc., 20611 Euclid Ave.)

Councilman Gruber moved for passage, Councilwoman Scarniench seconded.

Director Pietravoia – I wanted to inform Council that the Braeview Center has been taken over by a new owner recently and they're making some major improvements to the facility. As part of that process we realized for some time it has been zoned as multi-family, with our new Campus Institutional District, it made sense to change that zoning. We actually recommended in working with the owner the change in zoning and will be happy to report more fully at the third reading and public hearing for this matter.

First Reading.

Ord. 107-2009 (324-09) Agreements Health Care

An emergency ordinance authorizing the Director of Finance of the City of Euclid to enter into agreements for medical, stop loss, dental, vision, and pharmacy health care insurance, as recommended by the City's Health Care Consultant, The Fedeli Group, for eligible employees for up to a three (3) year period commencing June 1, 2009 and expiring May 31, 2012. (Sponsored by Mayor Cervenik)

Councilman Langman moved for passage, Councilwoman Jones seconded.

Director Johnson – This piece of legislation has been over the last several years been a routine piece of legislation that we presented to Council which is the renewal of all of our health care contracts for our total health care plan for city employees in the city. This year there is a difference to what we're presenting you as to what we've presented in the past. This year what we're recommending and hoping that Council sees fit to allow us to renew the contract with Medical Mutual for a three year period rather than a one year period. There is substantial cost savings to the city. We feel that by doing this for a three year period, we would save approximately \$177,000 over that three year period. There are a couple of other minor changes but they are not really significant. I would point out that the dental program and the vision program would remain the same. What we're looking is the changes in all of the other coverages. If there are any questions, I will try to answer them for you and we do have Mrs. Evangelista and Michael McGrath, Vice-President from Fedeli Group in the audience if there are any questions I cannot answer, hopefully they will be here to answer them.

Councilman Langman – Director Johnson or Mr. McGrath, what is the significance between the three years versus five years, could we save more if we locked in at five years?

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

Mr. Michael McGrath – 5005 Rockside Road, Independence where the office of the Fedeli Group. Excellent question. Just a very brief overview. Medical Mutual being a regional Cleveland, Ohio insurance company recognizes the economic hardship that many employers have faced over the last year to 18 months. Little bit of a tongue in cheek acronym Medical Mutual has kind of dubbed this their economic stimulus package. They understand that by slowing down the administrative fees over a 3 or even a 5 year period, it should allow some financial stability to some of their employers, both private and public. From a professional prospective, I believe that a three year commitment to Medical Mutual would provide some stability to most any employer. I'm a little bit reluctant to recommend a five year period because quite honestly my crystal ball doesn't look out five years. I'd be a little bit uncomfortable recommending going for much more than a three year period.

Councilman Langman – Mr. McGrath in the coding process, were there other carriers that were close as far as what they could offer to the City? Or, was it pretty clear cut with MMO?

Mr. McGrath – It was a pretty clear cut decision. One of the things the Fedeli Group does when we look at an employer like the City of Euclid, or for any of our clients for that matter, is we pro-actively go out to the market and we seek competitive proposals from the other insurance companies and third party administrators. What we found was that on a fully insured basis none of the options made sense, including the one from Medical Mutual, which quite frankly I wasn't surprised with. Your utilization is quite desirable if I compared you and benchmarked you to other employers both public and private. The responses from the RFP, request for proposal, showed that while there were some companies that were close to what Medical Mutual was offering, nobody provided any compelling reason to make a change. I would submit that on par, if anybody was really right at where Medical Mutual was, the soft dollar costs that Roseanne and Jack would incur by making a transition just quite frankly don't make any sense.

I would also like to submit that while we're talking about changes, I would want to submit to Council and the administration that we're talking about purely administrative changes. There are no benefit changes whatsoever in this legislation nor in this renewal package with Medical Mutual. The deductibles, the co-pays, the cost sharing that the employees and their families realize will remain the same.

Councilman Langman – On the last paragraph of the letter we received, you indicate that the City should consider a dual option program. Can we speak to where we might be in developing such a program?

Mr. McGrath – One of the things that the Fedeli Group and myself particularly and my consulting practice, we look at employee benefit offerings. This country has been indoctrinated into believing that there's a one size fits all model. That was very easy to accomplish when healthcare costs were going up at a single digit pace. We're now and have been in the environment where healthcare costs are going up at 10%, 20%. I have clients that have healthcare costs going up at an even greater pace than that. We're no longer in an environment where one size fits all.

In order to accommodate the needs of many employees and their families, we often recommend that an employer offer two different options. We would simply recommend that the

city continue with the healthcare plan that has been negotiated with the various unions, but to appeal to a perhaps younger employee, or perhaps an empty nest employee that doesn't need such comprehensive healthcare for a plan that has a slighter higher deductible. In return, the city is looking at some options that would reduce the amount of contribution that that employee would have to pay. As an example, if I were to take a higher deductible plan, I might expect that the city would reduce what they ask me to pay for my monthly contributions to a very low amount. We find that younger associates, younger employees and their families traditionally are more concerned with what's it is going to cost me to go to a doctor, what's it going to cost me to get a prescription filled. Not so concerned with a very low deductible or 100% coverage plan or 90% plan, they would like to have that money in their pocket at the end of the month for the what if.

Councilman Langman – Director Johnson, do we have a timeframe where we might have some idea whether we're going to go forward with this or not?

Mr. McGrath – Can I jump in on that real quick? The fact that we're renewing for June 1st, gives the city the leverage to implement such a plan really at any time. You're not tied to a calendar of viewing that right now. From a flexibility standpoint, there's a great deal of flexibility there.

Director Johnson – This proposal was just brought to us by Mike, we met last week. We are looking at it. We are considering it, but we have not established a timeframe by which we'd want to implement it. We are considering it as an alternative for some employees.

Councilman Langman – Next week maybe?

Mayor Cervenik – We also have to sit down and look at our population, our census that we're covering and see how that makes sense as well and see what benefits. We could have a three tiered option, like a whole menu of different options depending on what our census is. We will be looking at it and Fedeli Group has been very helpful as well as Roseanne who has been very helpful in keeping our medical cost under pretty good control right now, thank you.

Councilwoman Scarniench – It sounds like my husband just retired and there were three plans, three tiers to PERS's plan. Each one cost a different amount of money. You got to pick which one you wanted which is really helpful. For somebody who doesn't use a lot, it would be cheaper and somebody who uses more, it is a lot more but the value in that makes it the better option for you because you know your bills are expensive. Hopefully this will work and I think a lot of employees might go for it.

Councilman Van Ho – Director Johnson, do you and Roseanne feel this is the best approach?

Director Johnson – Absolutely. As Mike mentioned earlier, other entities are experiencing double digit increases and our healthcare cost increases have been single digits now for at least the last 5-6 years. So, we have but, before we implement the other options we definitely want to look at our plan utilization to determine if it is feasible. Yes, I think that this option of a 3 year contract saves us significant dollars over the next three years. I would highly recommend it.

Councilman Wojtila – For everybody's benefit, choosing the three year option would not preclude us from doing that dual option or a three option program, we could do that at any time, even if we went with a three year option. So what is the risk with the 3 year option that the administrative cost would go down and we would lose that?

Mr. McGrath – Excellent question councilman. Medical Mutual's offer to the city as well as to many other employers is a three year commitment. That three year commitment provides the city with a very articulate representation of what your administrative cost would be for a three year period. We don't have any guess work going into year two and year three. We still have the ability to change benefits or shop your stop loss insurance outside of Medical Mutual. In two years, if we decided collectively that going to another insurance company was still the best option, all that happens is that the old administrative fees would revert back to what they are, which I might add are still quite competitive relative to today's market place.

Councilman Wojtila – One other question, the aggregate protection of the 3.19 the Fedeli Group was able to negotiate, that's just an annual and has to be re-negotiated every year?

Mr. McGrath – That's correct. The only part of the three year administrative deal is just that, it is the actual administrative cost. The claims cost as well as the stop loss insurance are still variable components, ones that the Fedeli Group will still keep a very close eye on and we will continue to shop for stop loss insurance companies outside of Medical Mutual, should we believe that there's stop loss renewal next year is uncompetitive or unwarranted.

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

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

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

Ord. 108-2009 (327-09) Budget Amendment

An emergency ordinance amending Ordinance No. 32-2009 which makes the annual appropriation for all expenditures for the City of Euclid for the period ending December 31, 2009. (Sponsored by Mayor Cervenik by request of Finance Director)

Councilwoman Jones moved for passage, Councilwoman Minarik seconded.

Director Johnson – We discussed at least in principle most of the major items of this particular budget amendment in the Finance Committee Meeting. I did tell you then that we would probably would have to refine these numbers and I'm happy to present that the General Fund is coming in slightly less than what we had originally presented at the Finance Committee Meeting.

Without going into a lot of detail, I wanted to explain some of the major points of why we were requesting this general fund amendment. First and foremost, our worker's comp cost this year and we had this discussion last year. But for the last two years, our worker's comp administrative rate has gone up 50% a year. It went up 50% last year and it went up another 50% this year. There's two components to our worker's comp cost. One is the administrative portion and the other is claims, very similar to our healthcare plan. Our actual claims for worker's comp went down about \$200,000 this year versus last year. But because the rate went up 50%, and the rate is based on total payroll dollars for the prior year. Because the rate went up 50%, our total worker's comp cost was increased by about \$200,000, which was more than we had budgeted. We were hoping that it would at least stay the same. The general fund portion of that shows the \$164,000. You'll see throughout the rest of the budget amendment explanation it just says worker's comp. Those are the amounts that we had to increase the appropriation in other funds to accommodate the total worker's comp increase. If you look down at the bottom under the transfers out, two of the three transfers out are because of the worker's comp increase in some of the other funds that we make transfers to.

The other two major amounts were police and fire and corrections. As a result of collective bargaining, some of the savings that we had originally intended are actually going to be spread out over a two year period. So that required an additional appropriation. In addition to that, in the Fire Dept. there was one retirement that was just announced that we just became aware of, that wasn't budgeted. Included in that amount for the Fire Dept. is a retirement of an officer.

The balance would be for Grants. We received several grants and you can see those amounts being budgeted. That's a good thing. I believe we've discussed everything else, if there are any questions, I'd be glad to answer them.

Councilman Langman – Director Johnson, from year to year do we get any sense of what worker's comp administrative cost what they might go up, 50%? 20%? 10%?

Director Johnson – What's difficult to gauge Councilman Langman is where those rates are going to be pegged and it is primarily due to the fact that we have a number of death claims. We had a firefighter death claim in 2005; police officer death claim in 2007. The death claims are really what is driving the major 50% increases in the rate. Death claims are the most expensive. Just as an insurance company would do when they view you as a risk, the more expensive your claims are, the more expensive your premiums are going to be.

Councilman Langman- Will we get relief from that, five years out, ten years out or never?

Director Johnson – In the retrospective rating, these claims are with us for ten years. At the tenth year, the Bureau sets a reserve of what's required to satisfy that claim for the balance of the life of

the claim and we're assessed that reserve. So, I would expect that it is going to be with us for awhile.

Councilman Langman – Given the request for the increase in the appropriation, do we foresee any other items in the coming months where we might have to come back for a supplemental appropriation. Anything on the horizon that we might have to be aware of?

Director Johnson – I'm not aware of any at this point. I continually try to apprise Council as soon as I'm aware of the necessity for any additional amounts to the budget. I don't foresee any at this time. Change in staffing, could necessitate a change, but barring anything like that, I don't envision that we would require anything. Our worker's comp bill comes in at the beginning of the year and that's one of the unknowns that we usually don't really have a clear handle on. I can't think of any other major expenditures like that which are going to come in later in the year that we don't have a pretty good handle on. If there are some changes in services that we provide, obviously that would necessitate an increase. But if all services stay the same and staffing levels remain at where we have them budgeted now, I don't imagine that there would be any substantial increase.

Councilman Langman – Director Johnson, I sent you an e-mail with some various questions, some regarding the Moody's letter. Again I know on Monday's things get busy, did you have a chance to review that and answer those questions?

Director Johnson – I did read the e-mail. I printed it off here and are you referring to the Moody's report or the general fund?

Councilman Langman – You pretty much answered the General Fund portion. But the Moody's I can wait. I just want to make sure that you saw it and we can address some of the figures mentioned in that letter that I have concerns with.

Director Johnson – Yes, I apologize I did not have a chance to review it, but I did have a chance to read it.

Councilman Gruber – This is to the administration, going back to the worker's comp cases. You are a member of the Greater Cleveland Safety Council and they do issue a rebate at the end of the year, so maybe there will be some hope with that, some relief. I know last year we got a nice check because we go to the same meetings, I ran into you there. So there is some possible of a rebate.

Director Johnson – We did get a substantial rebate, I believe it was around \$30,000 figure. We did get a rebate for participating in the Greater Cleveland Safety Council. Roseanne attends the meetings, I believe the Mayor attends some of the meetings. Anything we can do to save a buck.

President Holzheimer Gail – We discussed this in the Finance meeting but this additional spending, you still feel we will be on track given the expenditures of where we are today? You still feel we'll be on track with our budget projections?

Director Johnson – I estimated approximately what our increase cost in postage as a result of postage rates increasing. I think it only amounted to \$5,000 in total general fund, so we feel that we can absorb that within the fund. I assume that energy prices are going to drop or at least stay level. I don't think that we should see this huge escalation in energy costs. So, anything could happen, but I don't expect anything at this point.

President Holzheimer Gail – We will continue to monitor it on a monthly basis.

Mayor Cervenik – Yes. If you look at the General Fund income statement that was provided to you along with the tax report, where I've said publicly that April is the month where we really need to do well. We did do well, in fact for the year we are actually \$9,000 I know on a \$40 million budget that's not a lot, but it is a positive number. On page 3 of 3, you see that we have actually increased for the moment, we have a positive \$1.9 million in the general fund. Last year it was a positive \$2.4. Tonight on your transfer sheets, you have the \$500,000 from the Nuisance Abatement to put back in the general fund. For all intensive purposes, we are at the same level we were last year, which is good because we don't expect that tremendous drop in revenues in September through December that we experienced last year. We're pretty confident. We're really holding back on expenditures and watching that. I think the amnesty program will help to a certain extent and there are a couple of other things out there as well. I hope we have a few more budget amendments

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because I want to see us get some more stimulus money in. In order to spend that stimulus money, we need to amend the budget. We're working on various areas to get money from the stimulus package as well. We're on track, we're doing okay.

Councilwoman Minarik – Director Johnson \$739,000 that you additional spending, you're anticipating that the money will come because we will have reached our projections or better, and because the amnesty program will bring in the money? We don't really have this money, right, based on the budget. Could you explain that? I thought we had maxed out the projections when we voted for the budget in March.

Director Johnson – We began this year with a little more than \$3 million in the bank. Originally when we adopted the original budget, we anticipated that we were going to dig into that to the tune of about \$500,000. This amendment adds \$700,000 to it which means that assuming that we spend every dime that is budgeted and all the revenue comes in exactly as to what we estimated, we would cut into our balance to the tune of \$1.2 million.

Councilwoman Minarik – The reserves?

Director Johnson – The reserves.

Councilwoman Minarik – That's assuming everything goes as planned?

Director Johnson – That's assuming everything goes as planned. There's no consideration for the Amnesty Program, or what the amnesty program will bring.

Councilwoman Minarik – I thought I had asked at the Finance Meeting if the half million dollars anticipated was being part of the budget. I thought maybe you said that you were figuring that or hoping or how did you?

Mayor Cervenik – What we didn't do, is we did not reduce any further the amount of income tax collected, knowing that was there. We budgeted conservatively. We firmly believe there will be additional monies. It is a little hard to project that. We will see on July 10th.

Councilwoman Minarik – I know in March when we voted on the budget I had asked if there were any anticipated huge amendments and it was like well, we can't guaranty anything but doubt it. Less than two months later, now we're being asked to amend it and spend an additional \$739,000. Is it possible, what would be the impact if we held off until the end of the second quarter to see how we're tracking this money? What would that do if we were to do that, just hold off on this for another couple of months?

Director Johnson – In total, we have some other line items in here such as the grants that we could not spend the money. My concern would be that there are some of these departments that before then could go over budget. We monitor every single line item. I'm sure the Directors and Chiefs here will tell you that we will not allow them to spend any money in line items that don't have sufficient budget in.

Councilwoman Minarik – They could be over budgeted by June, the end of June?

Director Johnson – No I'm saying that we will not allow them to. It is not conceivable that we would stop government from running. Payroll continues every two weeks. If it was in the summer, we would probably have to call a Special Council Meeting. If it got to that point. There are a few line items that need attention now. Our conversation about a budget amendment was before the conclusion of all collective bargaining. At that point I shared with council what I knew at that point. I didn't want to talk about the possibilities of collective bargaining until all collective bargaining had been concluded and we had a chance for the smoke to clear and we could see exactly what it was.

Councilwoman Minarik – A lot of this also was overtime in the Corrections Dept., and like you said, Workmen's comp, so it is not all, we did not anticipate the firefighter retiring? That was not part of the three that you had anticipated?

Mayor Cervenik – We had budgeted for one.

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Councilwoman Minarik – I thought you had budgeted for three.

Director Johnson – I know this particular retirement we had not budgeted for. Because we weren't even aware of the fact that he was going to retire.

Councilwoman Minarik – There are going to be four firefighter retirements now?

Mayor Cervenik – Chief, I think the question was, is the end of our retirements for the year that we know of?

Chief Cosgriff – That we know of. We did take out the one because the one firefighter was using up his time.

Councilwoman Minarik – I was also under the impression that we were still fighting the workman's comp for the firefighter that died, isn't that true?

Director Frey – That is true, we are litigating in that. We still are paying however on the reserve or the claim on it. The entry from worker's comp has been contrary to the city's position. We are paying it. We are still challenging that decision but in the interim we're paying.

Councilwoman Minarik – If we'd win, we'd get the money back?

Director Frey – We'd recoup that, yes.

Director Johnson – At that point, there could possibly be an adjustment to the rate. However, we do have a police officer death also.

Councilwoman Minarik – As long as nobody dies, we're okay. The workman's comp goes up about 50% every time an employee dies?

Director Johnson – The rate.

Councilwoman Minarik – The rate, that's what I mean.

Director Johnson – Yes.

Mayor Cervenik – It is not just the death, there are other factors as well. It comes with other injuries. We just honored a police officer tonight that just had a very serious injury. All those things add into the formula. It is not just a death. We have that coverage so that the families are taken care of if there is a death or severe injury.

Director Johnson – The death claim has more impact than regular claims.

President Holzheimer Gail – Can I go back to the end of the year projections for a minute because I thought I understood it the other way. But what you just said is, if everything goes as it is on paper, if we spend everything we've planned to spend, if we bring in everything we've planned to bring in, we will still go \$1.2 million into the reserves. I thought at the meeting you said, I don't think we've ever spent everything we've budgeted to spend and the addition of the amnesty income tax that we're still planning not to go into the reserves much more than \$400,000-\$500,000. I know it is a budget, so we can't guaranty that, but I want to make sure. I think what you just told Councilwoman Minarik was a little different than that.

Director Johnson – Right, I guess I should have probably continued by saying that history has shown us that we've not always spent every dollar that was budgeted. Over the last several years, I believe the average has been about 1.89% left over of what was budgeted. We've always been pretty close to 2% below whatever has been budgeted. Depending upon the results of income tax collections, we've either exceeded our revenue projections, or have been slightly under. It has primarily been dependent on income tax collections and the results of that. I don't want to confuse, but should have taken it a step further.

Mayor Cervenik – If we were to take 2% of our \$38 million, you're talking \$760,000 we're not going to spend, because we already made some reductions that we hadn't made in prior years, I'm looking more, we'll probably spend about \$500,000-\$600,000 less than that total and then you add

in. That brings us pretty much back to the \$500,000 amount and depending on how the amnesty program goes, I firmly believe we're going to be very close to breaking even. Then the other added advantage, if we're going to start working on the 2010 and 2011 budget very soon, we have significant savings in the police contract and some others in 2010 that we had not expected because we did that over two years to get the level of give backs that we expected. That's going to help us in 2010 as well. I will be very surprised, unless some crazy things happen that we will be very close to our \$500,000 number.

President Holzheimer Gail – That is what I had hoped to hear and I thought that is what we had heard last time. I think most of these items, if you look at the general fund, especially aren't things that we can change the spending on. As we track the budget each month and if we find that we don't think we're going to make the projections, then we'll need to look at spending but I don't think we have a choice to pay the worker's comp or the policemen. If I understand there's a couple who we thought were going to retire that are not and some factors like that which we don't necessarily have control over. Most of this spending is not new programs or new services. They're existing services that we have to pay for.

Mayor Cervenik – If you look at the Moody's report, Moody's even says, currently satisfactory financial operations to face pressure in 09 and 2010. It says Moody's believes that the city's financial operations will remain satisfactory in the near term due to currently suitable reserve levels and the enactment of significant expenditure controls. However, median term challenges exist as the city intends to draw on reserves in 09. So they are well aware of what we're doing. We face a structural imbalance in future years unless key revenue sources recover. The next paragraph down is our income tax which is basically 62% of our revenue. That's what we're working on to make sure that's done.

I will tell you that by getting this rating, as you know, we received a 1.75 coupon rate, with a 1.5% yield to the investor. That's much lower than we had expected to get. But because of the positive rating we got from Moody's that helped as well. So we've got to make very sure we don't go into that cash reserves as we did 5-6 years ago and it is not going to happen while I'm sitting here.

Councilman Wojtila – Trying to keep close tabs on this, we understand what you're saying that hopefully we won't spend 2% of our projected expenses because that's historically what we haven't done. But also historically we haven't ratcheted down when we did the budget. So we're kind of leery about that as well. It is not fun, and I know you guys are doing it and we're all doing it, we need to just monitor closely, to me I think we're probably going to be somewhere around a little over a \$2 million cash balance at the end of the year, if I had to bet on it. I don't know if that means dipping into our cash reserves or not if we end the year at over \$2 million. Mayor you kind of made the comment that you don't want to see us dipping into cash reserves, will that be dipping in? What does that mean, dipping in below that?

Mayor Cervenik – If in fact we end up this year using a little over a million dollars in our general fund, I will have some tough decisions to make. The agreements we have with all the collective bargaining units, and this is what is very important for them to understand, is that we have agreed to no layoffs, provided our general fund balance at the end of 2009 does not fall below \$2.7 million. If situations take place, unfortunate situations take place and we go below that, there will more than likely be some layoffs in 2010 in order to preserve our cash balance. What we're trying to do here in 2009 is to make sure we continue to provide the services that we can and we need to provide to our residents. If we find that as we go through the year the numbers that are on 3 of 3 begin to vary much over 2008's numbers, then we will have to very seriously in January propose layoffs in various departments in order to keep our cash reserves where they need to be.

Councilman Wojtila – Director Johnson, with the numbers you put together that accompanied the Moody's report, do you foresee any other long term debt financing that you plan to do with our rating now of the one? Are we sitting tight for the time being? Are there any other debts that we have to convert I guess is the question, or should convert?

Director Johnson – There's not any other debt that we need to covert, you're talking about to long term financing to bonds?

Councilman Wojtila – Yes.

Director Johnson – But the notes that we just did, we will at some point have to convert to long term financing. Hopefully that won't have to come before next year. So, what I'm saying is that I would expect that by the first quarter of next year, we will be back in front of the rating agencies again, and they're going to want to know what our fund balances are and what our budget is going to be, how we're handling the finances. I had at a previous council meeting talked to Council about financing of the waterline infrastructure projects for the 2010 construction year. I indicated to Council that I more than likely were going to be presenting you with additional amounts of borrowing to finance those projects because the engineering would start sometime this year. I've had some conversations with our underwriter and he feels that we should probably consider alternative sources of financing for those projects. We have done this in the past, the Ohio Water Development Authority loans money specifically for water and sewer projects. They have very competitive interest rates. So rather than seeking conventional financing, I anticipate that I will be contacting OWDA for the financing for those projects. To answer your question, I don't expect to have to seek any more general obligation long term debt or short term debt, but we may look at trying to finance some of these CSO projects with loans from OWDA. The loans from OWDA don't count towards our statutory general obligation debt limits. I hope that answers your question, is that I am considering other sources of financing for some of the projects that I had told you earlier we would probably come to you for approval on financing.

President Holzheimer Gail – We have discussed and I think these all sort of go hand in hand, having a meeting in the near future to go over the waterline projects, also look at our debt, look at our borrowing options. I think that will help clarify all of these issues. I've been on Council for quite awhile and I still don't understand all of it. So it is not an easy concept. I think it would probably benefit all of us to have another review of what are the different types of debt, the waterline projects that we have in place, the ones going forward, that has changed again, so that is another reason to have that meeting to look at the waterline projects. We're trying to land on a date that the bond counsel and Michael Benza, if we need both, can be here as well as Council available. We will look to do that, if not before the summer break, shortly after.

Councilwoman Minarik – First of all, this is an all or nothing because the grants are included in here, we're voting on all of it or nothing, right? We can't break out the spending from the grant money, do you see what I mean?

Director Johnson – It would be difficult to do that.

Councilwoman Minarik – Are we getting a handle on the overtime that's already cost us, you're requesting \$96,000?

Director Johnson – The Police Chief and the Mayor have sat down and discussed this and perhaps they might want to comment.

Mayor Cervenik – We just signed an agreement with the Corrections Union and we will be using some of the laid off full time workers as part time replacements. A good portion of the overtime came I believe from a Supervisor who was incapacitated or was unable to show up and that caused some of the overtime as well. We should have a handle on that.

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

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

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

Passed.

Ord. 109-2009 (326-09) Inter-transfer of Funds

An emergency ordinance providing for the schedule of inter-transfer of funds between all funds. (Sponsored by Mayor Cervenik by request of Finance Director)

Councilman Gruber moved for passage, Councilwoman Jones seconded.

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Director Johnson – This is an accompanying piece of legislation that mirrors the transfers that are showing in the general fund budget amendment. The State in a previous audit required that we do the transfers as a separate piece of legislation and that's what's in front of you.

Councilwoman Jones – What is the balance of the Nuisance Abatement Fund after this transfer?

Director Johnson – I believe after this transfer about \$60,000. We've tracked that \$60,000 to do the grass cutting and nuisance abatement for this year.

Councilman Van Ho – This is just a normal run of the mill thing that would happen every year. We've just formalized it in response to the State Auditor, is that correct?

Director Johnson – To further address your question about the nuisance abatement fund, we actually started the nuisance abatement fund with a transfer from the general fund and I believe we took some money from Sidewalk Repair, or some other fund. This is in essence repaying the General Fund for the money that we borrowed to start this fund.

Councilwoman Jones – Was it \$500,000 that we started with?

Mayor Cervenik – We transferred \$250,000 if I'm not mistaken into the fund and an additional \$75,000 from the Sidewalk fund. But when we cut grass and do nuisance abatement we put an overhead charge on there to repay the General Fund, such as the inspector's time, the housing manager's time, Ms. Sweeney's time and all that. That's the overhead that gets charged back to the General Fund. It is repaying the General Fund for the time they spent. That's what that overhead charge is for. When we collect it from real estate taxes or the tax assessments, it is all deposited into the Nuisance Abatement Fund.

Director Johnson – In addition to the Building & Housing Dept. overhead charges, my department is involved quite a bit. One, in that we have to certify all the assessments to the County Auditor; we also keep track of that and collect it. But we are constantly doing title transfer certifications so that every piece of property that's transferred and a title agency that's requesting a title search, we verify whether there are any pending assessments on the properties. We do charge them a nominal fee for those title search verifications. I don't believe it covers our cost totally. In essence what we're doing here is recouping some of our General Fund overhead charges that have accumulated over the last 3-4 years.

Councilwoman Jones – That was going to be my other question, was this just for one year? So this is for a 3 or 4 year time period?

Director Johnson – This is the first time, it is actually three years.

Councilwoman Jones – Will this be a once a year thing after this, or will it always be an accumulation of 3-4 years?

Mayor Cervenik – It probably should be, not to this amount because we won't have it accumulated effective 3-4 years cause. But whatever portion we don't need for the grass cuttings and those types of abatements, should be transferred back into the General Fund to be used for them to carry on their duties. Also the NSP funds is going to eliminate some of the general fund expenditures as well. Hopefully we'll get more of those.

Councilman Van Ho – Director Johnson, you mentioned that we don't cover our costs for researching for the service for the Title companies?

Director Johnson – We do charge title search agencies a fee. I don't know it might be \$10-\$15 per search. We do probably a dozen or so a week. In the selling season it is higher than that, but it is continually year round, so we do recover some of the cost, but we don't recover all the cost.

Councilman Van Ho – Can we take a look at that and attempt to recover all of the cost because having worked with title companies through the years, they don't give anybody else anything for free I can tell you. Let's at least break even.

Director Johnson – When I first came back into the Finance Dept. I believe we were charging them \$5 or some such thing and we increased it to \$20-\$25.

Councilman Van Ho – I'm just requesting that we take a look and if it costs \$15, we charge them \$15. If it costs \$25, we charge them \$25. I don't feel like donating to their business out of our funds.

Director Johnson – That's a good argument.

Councilwoman Minarik – Following up on Councilwoman Jones, when we go out and cut someone's grass and charge the \$150, does that \$150, whether they pay it or we collect it through the taxes, that's what feeds the nuisance abatement fund? Is \$60,000 enough to get us through this summer with the grass and outdoor taking care of everything?

Director Johnson – Yes.

Councilwoman Minarik – How much did we spend last year?

Director Johnson – Just for grass cutting it was around \$60,000.

Councilwoman Minarik – We do other things with nuisance abatement money.

Director Johnson – The other big part of it was demolitions. The demolitions are about \$5,000-\$10,000 a piece. The Neighborhood Stabilization Funds will be used for demolitions this year.

President Holzheimer Gail – We can certainly watch that amount. We do not want to skimp on cutting grass or nuisance abatement activities. If that account gets low, I'm sure we will hear and can act accordingly.

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

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

Roll Call: Yeas: Gruber, Scarniench, Jones, Wojtila, Langman, Van Ho,
Holzheimer Gail
Nay: Minarik

Passed.

Ord. (332-09) Purchase HUD Homes \$35,000

An emergency ordinance authorizing the Mayor of the City of Euclid or his designee to enter into sales contracts for the purchase of homes from the U.S. Department of Housing and Urban Development (HUD) and other banks or similar institutions, at a price not to exceed \$35,000 per property, and rehabilitate or dispose of the property under a disposition strategy developed by the City using funds from HUD's Neighborhood Stabilization Program. (Sponsored by Mayor Cervenik)

Councilman Van Ho moved for passage, Councilman Langman seconded.

Director Pietravoia – I'll just briefly give an overview since this is going to go to committee and we'll explain in more detail at committee. Also provide an update to Council on NSP and the HUD programs that we're involved in.

With the ability to purchase the \$1 HUD programs, that's given us an inventory of homes to rehab or demolish through the NSP program. However we're finding and HUD has made an offer, I reported to Council I think a couple of weeks ago at our last meeting that we did finally get a response from them on the other homes that they own that are not eligible for the \$1 HUD program yet. They have offered for those homes value greater than \$100,000 that they would provide a 10% discount. For homes that are under \$100,000 they'll provide a 50% discount. For those that are at \$20,000 or less, they will sell them to the City for \$100. That last category is the one that we're paying the closest attention too and think we can get some additional inventory through those that are valued at \$20,000 or less.

The authority we have right now, only allows us to buy the \$1 homes so we would like to broaden that to include these other areas that HUD has expanded the program to and also to look at bank owned properties that may come available. In some cases some banks are indicating that they may reduce the prices substantially. We can explain that in further detail at the committee. We feel

if we set a benchmark at \$35,000 even if we have to put \$40,00-\$50,000 into the property, we'll still be under the dollar amount at which we'd be able to market or sell the homes.

In essence that's what we're trying to achieve with this and it will allow us to act on the properties quickly. Marty Castelletti is here, the Program Manager, and we have discussed with you and Councilman Van Ho from the Housing Committee that we'll go into more detail at Committee on this.

Councilman Van Ho moved Ord. (332-09) to the Housing Committee. Councilman Langman seconded.

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

Placed into Committee.

Res. 110-2009 (330-09) Energy Efficiency Grant

A resolution authorizing the Mayor of the City of Euclid or his designee to submit an Energy Efficiency and Conservation Block Grant (EECBG) Application to the U.S. Department of Energy (DOE) for a formula grant for the purpose of developing community-wide strategies, initiatives and projects that reduce fossil fuel emissions, reduce total energy use and/or improve energy efficiency. (Sponsored by Mayor Cervenik by request of CS&ED Director & Service Director)

Councilman Langman moved for passage, Councilwoman Scarniench seconded.

Director Pietravoia – This item was one of the budget amendments that we just passed this evening. We have been informed by the Department of Energy that we'll be receiving a grant, what they refer to as a formula grant, of \$196,000. That was based on a formula that looks at population, day time population, as well as our regular population. Also takes into consideration a series of other factors.

While it is a formula grant, in order for us to receive the funds, we do have to make an application. This Resolution before you this evening is giving us the authorization to prepare and submit that application. We have until June 25th is the deadline. However they're encouraging anyone who is getting a formula grant to try to submit sooner than that because they do allow themselves 120 day review period to give comments back to us. So if we want to get these funds soon and get them spent quickly, we'd like to get an application prepared and in as soon as possible and we're asking council's assistance in passing this Resolution tonight.

I did pass out this evening and I sent by e-mail as well a summary of the grant itself and the types of things that are eligible. One of the things that is required is we have to prepare and energy strategy. We can do that on our own or with the help of a consultant. We've interviewed one consultant so far and we'll probably interview at least 1-2 others before we make a decision. We won't expend any dollars until we're actually sure we're receiving the grant.

President Holzheimer Gail – I know there's been a number of council members working on alternative energy projects as well, so I would hope that all of Council will agree to add their names to this legislation as well.

Councilman Van Ho – This one merge into #7, which is with the Library, which would be alternate energy?

Director Pietravoia – We did want to have these on the same evening since the source of funds for that joint library project which is coming up as the next item would be through this energy grant.

Councilman Van Ho – Do we have any shovel ready projects for this?

Director Pietravoia – It is a little different in that they are not exactly categorizing projects as needing to be shovel ready. However, we are very close with the help of Council, Council President Holzheimer Gail, Councilwoman Scarniench and Councilman Langman, we've already retained Dovetail to look at the possibility primarily for solar energy on our municipal buildings. With the results of that study we know that City Hall of example is a prime candidate for solar panels and that is what the next item is all about.

Councilman Van Ho – Could a citizen who had a good idea come forward with a proposal and possibly get it approved or funded?

Director Pietravoia – The Department of Energy is taking individual applications as well and a lot of the money is being allocated to the States. So a citizen could apply to the State or directly to the Department of Energy. Our amount of funds \$196,000 seems like a lot of money, the dollar amount that we

Councilman Wojtila – Who do you envision utilizing to develop the community-wide strategies, initiatives and projects?

Director Pietravoia – There are probably a dozen or more local consulting firms. We've interviewed one so far, that's what I was mentioning earlier. They special in this type of work and as you can imagine, with all the stimulus funds that are out there, quite a few companies are soliciting us to try to help us prepare that strategy. There are two options. You can elect to do a very simplified version and submit that on your own directly and only spend the initial money for those items in the simple strategy, I'll call it. Or you can engage a consult, in either case you can engage a consultant, but if you do a more detailed, long term strategy, you would definitely need the help of a consultant. There's certain benchmarks you have to prove on how you would save energy and create jobs and we would likely need a consultant to help us prepare that.

Councilman Wojtila – Can this \$196,000 be actually used for the project cost? Or just in developing the strategy?

Director Pietravoia – It is intended primarily to be used for the project cost. The strategy, if we engage a consultant we're anticipating that might be in the \$10,000-\$20,000 range, at least judging from the first proposal we've received.

I should also indicate this program actually was put in place a few years ago by Congress, but it has never been funded. President Obama is the first one to fund the program. It is expected to be an annual program, similar to block grant, where there will be grants provided to each community that's eligible on an annual basis. So, even if we don't initially do the longer term plan, it will be to our benefit eventually to do a long term plan because that will put us in line for future annual grants.

Councilman Langman – Euclid has actually been relatively pro-active in trying to cut down on fuel usage if you look at our street traffic signals, synchronization, the Honeywell process. I know that bike paths are part of our downtown planning study, etc. So, when the enabling legislation says community-wide, it is primarily municipal buildings, municipal activities? Or can we partner with, as we want to do with the Library, with the Schools, etc.?

Director Pietravoia – Not only are we able to partner with other entities like the Library, but they encourage the community-wide strategy to also address ways that area businesses can improve their or reduce their energy use. We could develop as part of our strategy programs that would assist local retailers, commercial businesses and our industries as well.

Councilman Langman – So it is really a wide ranging program?

Director Pietravoia – Yes. With the first grant being \$196,000 we probably won't be able to cover everything we'd like to community-wide, but if it does become a community program over a period of years, we could start developing programs that assist businesses as well.

Councilman Langman – So we may not actually fund a particular project, but rather come up with a strategy with this initial grant? Is that what I'm hearing, or are we at least going to try to do one particular project?

Director Pietravoia – So far the advice we're getting is that if we can identify a number of discreet projects we'd probably be better off with the first grant to do a simple strategy and to fund those specific projects, like the solar panels for city hall. We may determine that more than one municipal building would make sense especially now that we know we have the grant dollars to potentially help fund.

Councilman Langman – Are we the only community in the area that has received this grant, or have others?

Director Pietravoia – A good number of communities received grants, similar dollar amounts, some were higher. The benchmark again, this is an area we're watching closely, but the benchmark for

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those communities that received more was that magic 50,000 population. If you had 50,000 you were eligible for two categories of grants rather than one.

That's why the numbers varied widely.

Councilman Langman – It would like and I'll go back to an issue that was brought up before, but street lighting in this city is a tremendous expense, about \$800,000. If we can leverage some of this money, along with other communities, to move CEI to help replace current technology with something much more efficient, that would be a tremendous savings for us.

Director Pietravoia – We do have an opportunity to look specifically at the possibility of LED lighting. In fact our internal meetings discussing how we would approach this, that was one of the top ideas that we discussed, along with the solar panels for city building.

Mayor Cervenik – I've been in contact with the group from GE that specializes in LED lighting and they think there is a very good possibility that if we do a broad enough program, long term planning that it will come to pass and it will save us \$800,000.

Councilman Langman – I know we haven't talked about it in a few days, but can Shore be part of this process as we engage the Coral Company? They're going to be looking at all sorts of different things. Will we be engaging with them regarding this long term strategic plan?

Director Pietravoia – I don't know that we will specifically spend dollars on Shore out of this grant, but we did look at, when Dovetail did the study for municipal buildings, they did look at the feasibility of Shore for solar panels, specifically. We can reconsider all the city buildings that Dovetail looked at. But our primary emphasis that you'll see from the next item on the agenda is to concentrate on City Hall and to try to package a project that would be attractive to private investors.

Councilman Gruber – Councilman Langman beat me to the punch, I was going to ask about industrial users and I know that there's great interest, especially by one local company in wind turbines, could there be a possibility of us merging with them and doing maybe like engineering work or something for them with these funds to create the wind turbine project?

Director Pietravoia – Not only might that be a possibility on the engineering side, although it might be a small contribution, we might be able to contribute toward the actual construction of a turbine, or some aspect of it.

Councilwoman Jones – There's no city match that has to go along with this grant?

Director Pietravoia – No, this is a straight, 100% grant to the City.

Councilwoman Jones – The \$196,000 is we're applying for the full amount. Is there a possibility that we may not qualify for the full amount and only get a partial amount? Or is it all or nothing?

Director Pietravoia – As I understand it, it is the entire grant and the process they've described to us is if they don't approve our initial strategy that we submit, in that 120 day period that I mentioned while they're reviewing it, they would come back to us with comments, as many times as necessary until they approve our strategy for the full grant amount of \$196,000.

Councilwoman Jones – Within that 120 days they would come back?

Director Pietravoia – Ideally we would have, if necessary, back and forth during the 120 day period. If it needs to take longer, they're allowing themselves 120 days to respond to our initial strategy but we're expecting that because the desire is to see the dollars spent quickly, that they will review all the plans relatively quickly and if we need to make changes, they'll get back to us in a timely fashion.

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

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

Passed.

Ord. 111-2009 (331-09) Joint Solar Energy

An emergency ordinance authorizing the Mayor of the City of Euclid or his designee to partner with the Euclid Public Library on a Joint Solar Energy Project and to obtain and utilize in cooperation with the Euclid Public Library the necessary financial, legal and technical consultant services, in an amount not to exceed \$10,000, to procure a substantially funded and economically viable proposal to implement a solar powered alternative energy generation system for the City in conjunction with the Library. (Sponsored by Mayor Cervenik by request of CS&ED Director & Service Director)

Councilwoman Scarniench moved for passage, Councilman Langman seconded.

Director Pietravoia – I'm very excited to be able to bring this before Council this evening. The Library Board and the Library Director and Staff have been very forward thinking in trying to pursue alternative energy here in the community. For approximately now been in discussion with us to see if there's a way we could partner with them. As I mentioned earlier through Council's support, we did hire Dovetail which is a local firm that does an assessment of city buildings. They looked at all of our buildings, they independently did a study at the request of the Library for the Library building itself. They concluded in particular that City Hall and the Library both have large flat expanses that are well suited to solar panels and that over a period of time we could save fairly significant percentage on our electric costs if we're able to go forward with the project.

This ordinance that is before you this evening, has also been brought in the form of a Resolution to the Library Board, for the same dollar amount. Their committee system that already met on this has approved it and recommended to the full Board which will meet tomorrow night and their anticipation is that they'll approve \$10,000 as well. Between the City and the Library, we would have a total of \$20,000 available. As the ordinance explains, it would be specifically for the consultant services we would need to go forward to implement a project. We do anticipate we'll need legal and some engineering advice for the buildings involved. On the legal side, since we're two separate entities, we would need help in crafting the actual contracts or agreements that we would need to enter into in order to do a joint project. What we're anticipating is that we'd likely go after a private investor that would actually purchase and install the solar panels and they would own them and lease our roof space for the panels.

The reason for that, private investor, unlike the city and library, would qualify for significant tax credits that we can't take advantage of.

Under that kind of a scenario, the payback period is much shorter within a matter of 6-7 years to fully pay for the equipment and start seeing a profit come in, whereas if the city did it on our own, the payback would probably be a longer period of 12-13 years.

The other benefit of that is there would not really be any significant up front cost other than these consultant services to prepare the agreements and do the engineering that's necessary for the respective roofs of our two buildings.

It is possible as we engage the consultants that will be needed, that we may determine that we can do an even larger project that involves one or more city buildings other than city hall, but we won't know that until we get into it with the consultants. As was mentioned in the previous item, we're looking at the source of funds for this to come out of the energy grant and that is an eligible cost.

It is pretty exciting. I would really love to see this and I know several members of Council that have been involved more directly, there's a very real possibility we could see this happen this summer, within a matter of 6-8 weeks, we could probably conclude all the legal and technical services that we would need and go forward finding an investor and get a project installed late summer or early fall. I'll open it up for questions.

Councilwoman Scarniench – I would hope that everybody on Council would add their names to this because we have Councilman Langman, myself and Council President have been doing this since November. It is exciting and it was great to have the Library partner with us, come in and this will be super and it will be great because we will be one of the first of doing something. Another positive for Euclid.

Director Pietravoia – I should comment, Director Perdsock did apologize that she had another obligation this evening, but she's obviously fully in support of this and expects the Board to vote on this tomorrow night as well.

Councilman Langman – Exactly what will the consultant do for the \$20,000 price tag?

Director Pietravoia – It would likely be a number of consultants at least 2-3. The most important one is probably a legal consultant that would help us prepare the necessary agreements and help us,

not just between us and the Library, but between us and the private investor that would actually do the project. The lease agreement for the roof space, the terms in which eventually the equipment would turn over to us for ownership after they've taken all their tax advantage. Then we would get full benefit of owning and getting the full reduction of electricity costs after that point. So preparing all those documents is one of the main things. As I mentioned, we'd likely hire an engineer that would look at the respective roofs to determine any specifics as to how they would be attached and where they would be located.

I should comment also, most importantly, also help us to find which company would be most appropriate to actually buy the equipment from and do the installation. While Dovetail did the study for us, they're also a provider, so we'd look to an independent consultant that would look at not only Dovetail but anyone else that's out there to make sure we're getting the best project for the dollars we're going to spend.

Councilman Langman – Speaking of Dovetail, what you've described is what they did present to us. Do we expect to see substantial savings going this route instead of just giving Dovetail the okay to begin once the City Hall roof is done?

Director Pietravoia – We would know relatively quickly once we get this process started. If there are no advantages to shopping it out, there are not a lot of people that are doing this right now, so we very well may end up with Dovetail and we wouldn't have to spend a lot of time or dollars on that aspect of it, we could conclude that pretty quickly.

Councilman Langman – Are we sending out a formal RFP to whoever might be able to help us with this?

Director Pietravoia – Our partnership with the Library they've done a lot of research on this already and on the legal side they've identified a local firm that is specializing in this area. We've already met with them and probably we'll just hire them directly just because of their specialization. Then part of what they'll do is assist us to engage the other consultants that are needed.

Councilman Gruber – To the administration on a related subject, talking about windmills and solar power and the new energy, I believe in our ordinances we don't have any regulations for those two products, especially the windmills. I know we were forwarded earlier in the year some legislation from another community that maybe we need to look at and put some of that into our books before somebody wants to put up a 600 ft. wind turbine. That's just something to keep in the back of your mind.

Director Pietravoia – We have started research and have several samples that we're already looking at. It won't be necessary for the solar panels, but certainly for the turbine.

Councilwoman Jones – You mentioned that this is contingent on the Energy Efficient Grant being granted before this can go forward because that's where the funding is coming from right? So whatever that process that we have to wait for, for that approval, this won't start until that has been approved?

Director Pietravoia – We don't plan to wait. We're confident that we're going to receive that grant and that's why we put this through as an emergency ordinance. They have made clear to us that this type of consulting services would be an eligible part of the grant expenditure. All these grants are set up by the way as a reimbursable anyway. You have to spend your own dollars first then you're reimbursed after you've made the expenditure.

I suppose you'd say there's a little bit of a risk there, but we think it is very, very minimal because we know these kinds of consultant services are eligible. I should also add, our level of comfort is greater because they've specifically identified that solar panels on municipal buildings is an eligible cost. It should be a no-brainer as they say.

Councilman Van Ho – Councilman Langman used the figure of \$20,000 and I'm reading this and it is \$10,000. Is the Library kicking in \$10,000 also as a match to this?

Director Pietravoia – Yes, I apologize if I didn't make that clear. While their final vote on that is tomorrow night, but their seeking \$10,000 from their Board and with our \$10,000 it would be a total of \$20,000 available if we need to expend that much.

President Holzheimer Gail – We look forward to hearing the progress.

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

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

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

Ord. (329-09) PULLED

An ordinance repealing the licensing and permit fees required for game machines, vendor licenses, liquor permits, Christmas tree sales, billiard rooms, bowling alleys, fortunetelling, self-service gas stations, going out of business sales, bus companies, snow removal, taxis and recreational vehicles of the Business Regulation and Taxation Code of the Codified Ordinances of the City of Euclid. (Sponsored by Mayor Cervenik)

Pulled by Mayor Cervenik

Res. 112-2009 (322-09) Grant Fire Aerial Cat

A resolution authorizing the Mayor, as Ex-Officio Director of Public Safety of the City of Euclid, or his designee, to apply for the FY 2009 Department of Homeland Security Assistance to Firefighters Grant for the purchase of a KME Aerial Cat Mid Mount Aerial Cat 100' ladder platform with 2000gpm pump at a cost of Nine Hundred Sixty Thousand Dollars (\$960,000.00) (Sponsored by Councilman Gruber by request of Fire Chief)

Councilwoman Scarniench moved for passage, Councilman Van Ho seconded.

Chief Cosgriff – We are permitted apply in two different categories for the 2009 Department of Homeland Security Assistance to Fire Fighters Grant. With this, along with Item #10, I am seeking Council's approval to do just that. For the last three years, we have applied for a fire pumper under the fire vehicle acquisition section of the Assistance to Firefighter Grant, and have been unsuccessful each time. Nationwide the dollar amount allocated to this grant area is extremely, in light of the fact that most fire departments can show a need for funding to replace aging apparatus.

By requesting a Ladder Truck we can focus on the regional capabilities of this type of truck and possibly get a more favorable response, although I am certainly not optimistic of that. Our current back up ladder truck is 18 years old and will need to be replaced anyway, so if we can get the Federal Government to pay for 80% of the total, it would certainly be a good thing for the City of Euclid. I respectfully ask for your approval to request these funds.

Mayor Cervenik – I just want to add that during our Directors meeting today when we discussed this, if we do not receive this grant, we intend to enter into serious negotiations or discussions with some of our neighboring cities to the east and the south that have newer ladder trucks than ours. This ladder truck was scheduled for the 2011 capital budget, so the timing is right if this happens. Although it is on that budget, we really need to take a look at what's available in this area and find ways to share those expensive resources.

President Holzheimer Gail – I think that makes sense.

Councilman Wojtila – Just a quick question on the timing of the submittal and when you would hear back if successful?

Chief Cosgriff – We could hear back anytime between the time we apply for it, which the deadline is coming up later this month. Anytime between now and next year at this time. They go through a weekly series of awarding the grants and it takes about a year for us to hear back.

Councilman Van Ho – I would like to commend the Chief and the Mayor for coming up with an alternative approach that we're just not looking at the same old grants that we've went after for years and got turned down. We're trying to come up with a way to get what we need through an alternate method is good.

Councilwoman Scarniench – Once we know if we get the grant, how long will it actually take to get this truck?

Chief Cosgriff – If we are awarded the grant, we have specs that are ready to submit to KME, but this truck will probably take 9 months to a year to build.

Councilwoman Scarniench – This is another one that I would like to have my name, and I would hope everyone else would have their name put on this.

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

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

Passed.

Res. 113-2009 (323-09) Apply Grant Cameras & PETZL

A resolution authorizing the Mayor, as Ex-Officio Director of Public Safety of the City of Euclid, or his designee, to apply for the FY 2009 Department of Homeland Security Assistance to Firefighters Grant for the purchase of: 4 MSA evolution 5800 HD Thermal Imaging Cameras at a cost \$10,838.00 each for a total of \$43,352.00; and 80 PETZL EXO Personal escape systems that allow a firefighter to “bailout” of a hazardous environment when no other escape route exists, at a cost of \$395 each for a total of \$31,600. (Sponsored by Councilman Gruber by request of Fire Chief)

Councilman Gruber moved for passage, Councilwoman Scarniench seconded.

Chief Cosgriff – This item is also requesting Council’s authorization to apply for the 2009 Assistance to Firefighter Grant, under the category of Fire Operations and Firefighter safety. If approved tonight, we would be requesting funds to replace our thermal imaging cameras, which have become problematic and to purchase 80 sets of PETXL, firefighter bailout systems.

The thermal imaging cameras that we currently carry are just six years old, but they are used on a daily basis and are subjected to extremely harsh environments and have been costly to keep in service. The PETXL EXO Personal Escape Systems are self-contained bailout systems that would be issued to each firefighter if we are successful. This will provide firefighters with the ability to rapidly extricate themselves from a hazardous environment should the need arise, although hopefully the need does not arise.

Like the other Assistance to Firefighter Grant, if this is approved, the Department of Homeland Security would pay for 80% of the cost of these purchases. I am asking for your approval to apply for this funding and I’ll try to answer any questions that you may have.

Councilman Langman – Chief, what is the expected life span of the cameras, if in fact we were able to obtain them?

Chief Cosgriff – I would guess in the City of Euclid, probably six years, that’s what history shows.

President Holzheimer Gail – I’m just curious if you could describe the bailout measure. Is it something that goes on the uniform, it is a piece of equipment?

Chief Cosgriff – It is a pouch with a fire resistant impact resistant line and a hook and a descending device. Basically what happens is if they were trapped in a room where they could not get back out from the same way that they got in, they could go out through a window. You find a place to put the hook, you bailout of the window, and you can walk down the side of a building or side of a house or whatever. It is a descending system.

Councilman Gruber – I hope you’re successful with this, but if you’re not, maybe these personal escape systems are something that we should look at budgeting for the firefighters in the future. The general fund or capital budget, because it sounds like a very good instrument to have.

Councilwoman Jones – How many of the cameras do we currently have now? Is this replacing existing, or is this in addition to what we already have?

Chief Cosgriff – We currently have four. We carry one on each fire apparatus and our Command Vehicle also carries one. These would be replacing those that we currently carry.

Councilwoman Jones – Is there any type of rebate for used ones that you turn in?

Chief Cosgriff – I'm not sure about that, often times there are, as an incentive to go with the same manufacturer, they will buy back, they'll give us something for the other cameras.

Councilwoman Jones – The escape system, 80 because that's the current number that we need now?

Chief Cosgriff – Yes.

Councilwoman Jones – This will just supply us for what we have now and in the future if we need more, they would be purchased at whatever that price would be.

Chief Cosgriff – I think they were \$345 a piece.

Councilwoman Jones – Is this replacing, we don't have any escape systems?

Chief Cosgriff – We do not carry them now. This would be equipment that the City of Euclid would own and when a firefighter would retire, we would be getting it back from him to re-issue the new firefighters that are replacing him. I'm hoping that we never have to use these, so these things stay functional for many years and it does not become an ongoing expense for us. The turnout gear, we have to buy new turnout gear for them because that's specifically fitted to each firefighter. This would be something else that we could just pass it on from one to another.

Councilwoman Jones – You're going to check into if we get a rebate for the old ones that we'll not be using any more?

Chief Cosgriff – Yes. If we are awarded this grant, we would then, that would be the time to look into what they would offer us.

Councilwoman Scarniench – I'm going to ask a stupid question. We have to use this and you're hooking it onto something. How would we be getting it off? How would we be able to use this again? It would be hooked onto someplace that nobody can get to. The whole idea is that they're going to use it to get out of the building because there's no other way and wouldn't it just burn up? How do we get it back?

Chief Cosgriff – It is fire resistant. I guess we'd worry about that when the time came.

Councilwoman Scarniench – Hopefully we'd never use them. Again, I would like all of council's names on it.

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

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

Passed.

Ord. 114-2009 (319-09) CT-Various Streets

An ordinance authorizing the Director of Public Service of the City of Euclid to enter into a contract with CT Consultants, Inc. for Engineering services required for the preparation of construction plans and supplemental specifications for Roadway and Utility Improvements - various streets in the City of Euclid, (OPWC Project No. CA 08M/CA 09M). (Sponsored by Councilman Wojtila by request of Service Director)

Councilman Wojtila moved for passage, Councilwoman Minarik seconded.

Director Gulich – Last fall when we brought forth the authorizing legislation to Council and I described the four projects we were applying to, never did the Mayor or any of us think that we would be receiving funding assistance for all four projects; 4 for 4 have never happened before in all the time we've been doing this. Yet, here we sit with yet two more of these projects that were recently approved. Not to confuse people by using the words various streets, this applies to one specific project, hopefully you had a chance earlier to review the e-mail I sent out. This would involve five different streets and they would be streets between South Lake Shore and Newton: E.

190, E. 191, E. 193, E. 194 and E. 195. These sewer systems here are the old invert types with the sanitary directly underneath. This area has been identified by CT Consultants, people who put together the applications and are performing our Long Term Control Plan, has a very large source of inflow and infiltration into our sewer system. This will go a long way to eliminate a large source of inflow and infiltration in this area. These sewers were constructed in the early 1920's and our studies have shown that it is time to replace them. All these streets except one qualified for Cleveland Water Funding. In our meetings with Cleveland Water Dept. we were able to convince them to include all the streets, the one that was not originally going to be funded. That was not at the loss of any other streets.

I'll give you some quick numbers on the project itself for the streets, 190-195. We've got a 20% grant, to the tune of \$783,000; 0% loan, 30% to the amount of \$1,174,500; which leaves us with 50% of the share at \$1,957,500; for a total project cost of \$3,915,000 for these three streets.

The Cleveland Water Funding available is based on the lineal feet, \$481,000 of assistance from the Cleveland Water Dept.

We'd like to get going with these projects so we can continue to report to the US EPA that we are making progress with our dealings with inflow and infiltration, CSO's and the SSO's that we're faced with resolving.

I have a couple of more numbers here. The dollar amount for this contract is an amount not to exceed \$324,900.

Councilman Van Ho – I would move that we table this item and the next item until we've gotten a copy of the contracts. Councilman Wojtila had requested that and to date I don't believe we've seen it. I'm not against the legislation, I would just like to start a precedent of us getting to look at the contracts before we authorize going into them, to make sure what we're authorizing.

President Holzheimer Gail – Director Gulich, are the contracts available?

Director Gulich – Yes, we can see that they are all supplied to Council tomorrow.

Director Frey – If I could, the contracts contain the same terms as the contracts for CT for all of the roadway projects, the sewer projects and street related projects. As typical with many of the engineering services, those contracts contain a percentage of the total project cost. It is an amount not to exceed and its capped at some percentage of the total. I don't know if it is 10% on this, it might be slightly less than that.

The terms of the contract are the same terms as the other agreements. We'd be happy to provide that. There's no hidden agenda there but it is not a different contract for this project or the next project. They're the same contract with the various engineering services specific to that project included. So, yes we'll be happy to provide it. I guess if Director Gulich says we can have it tomorrow, we'll have it tomorrow. I would rather us move forward. Councilman Van Ho, I understand your concern, but I'm not sure these are projects we want to delay for another two weeks to get moving on them. I would urge Council to go forward with it, we will get the contracts to you but there are no terms in them that will be a surprise.

Councilman Van Ho – I'm not alleging that anyone is trying to slip anything past us. I just want it to be established as a precedent that when you're asking us to authorize something like this, that we at least get a chance to look at it. I think I heard Director Gulich use \$300,000 figure. I would like to at least look before I say go for \$300,000.

Councilman Wojtila – I agree with Councilman Van Ho. Could we also have the legislation amended to include the dollar amount that we're authorizing?

Director Frey – I'll make certain that we have the dollar amount, not to exceed, figures in here. I don't know, to be quite candid with you why we did not in this.

President Holzheimer Gail – Director Gulich, would it create a problem to table this until the first meeting in June, June 1st?

Director Gulich – As I stated earlier today in my e-mail, we would like to move forward with this, with all due respect to the Councilman's concerns. Again, I'm the one that has to report to the US EPA whether we're moving ahead with projects or whether projects are stalled out. They don't like to hear about projects stalling out.

Councilwoman Minarik – Director Gulich, what is the percentage that CT gets of the project, do you know off hand?

Director Gulich – Approximately 8%.

Councilwoman Jones – Director Gulich, so these projects are based on, when we had those meetings about the US EPA and all the requirements of the work that had to be done for that. This is where these projects are falling into place?

Director Gulich – Excellent question, you heard about inflow and infiltration, you've heard about combined sewer overflows, you heard about sanitary sewer overflows. This project will address a source of inflow and infiltration, the job subsequent to this will discuss is one of our primary SSO's, sanitary sewer overflow that goes directly into Lake Erie. The answer to your question in short is yes.

Councilwoman Jones – If this is approved tonight, when would this project start, after the engineering services are done? I don't know how long that takes. When are you anticipating that this project would start?

Director Gulich – The design services would take 3-5 months. The Ohio EPA will have to review them and then the City of Cleveland Water Dept. will have to review them. So at best we're talking about a late 2009 construction start.

Councilwoman Jones – My other concern is with the Cleveland Water Dept., we have all these other projects that are going on with the Cleveland Water Dept. and one is we talked about the Brush construction and the other streets surrounding those. Where does this fall into priority with those other projects that are going to be going on, that also are supposed to be starting in 2009 this year?

Director Gulich – As far as I'm concerned with the needs of our waterlines, the City of Cleveland can't move forward fast enough with more projects. So I welcome them to come on hard and heavy. Of course, the project you're referring to in the Brush Road area, Tungsten Road area, 276th, those areas will be taken care of, those will all be administered by the Cleveland Water Dept. These will be administered through the City of Euclid. The Water Dept. will only have involvement insofar as the review of the plans and having an inspector out on the job to verify proper installation techniques.

President Holzheimer Gail – And helping to fund.

Director Gulich – Yes, and helping to fund, the important one. One set of projects will not get in the way whatsoever with the other set of projects.

Councilwoman Jones – But it is possible that these would start and complete before the other ones would even get started or completed?

Director Gulich – The 2008 projects that we're doing in 2009 will get completed. The 2009 projects are going to be completed in 2010, whether these projects move forward or not, of course they will. I hope that answers your question.

Councilwoman Jones – It answers my question, I just don't agree with the priority. I know you explained the difference between the two, but I just don't agree with the priority on these done first. I know that you mentioned that the city is administrating these and the Water Dept. is administrating the other ones, which could determine the length that it takes, but we've been waiting for awhile for the other streets. So that's my concern that these streets are being done and the other ones are not, even though we talked about the administration of the funds and everything, just the overall picture, is these streets are getting the improvements done and the streets that desperately need the improvements are not getting done.

Director Gulich – I respect that point. Please bare in mind that there are some significant sewer issues here affecting the water quality of Lake Erie. It doesn't make them any less important, we know how bad those streets are. 2008 streets will get done in 2009; 2009 streets will get done in 2010. We keep encouraging the Water Dept. (unable to hear tape).

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Councilwoman Scarniench – I have no problem with going ahead and voting on these tonight. We've been using CT for a number of years. I don't think there's ever been a problem with the contracts that they've done. I understand where we want to start doing things a little differently, but I would vote against delaying these.

President Holzheimer Gail – Director Gulich, this is the third or fourth project this year that are all similar agreements. (unable to hear tape), for each project, but it is based on the same criteria and pattern. I respect Councilman Van Ho's point that we do want to see the contracts in this particular case, we've approved the format before and I as well will be comfortable going ahead to get the projects moving. In the future, I think I hear very strongly that Council wants that agreement before we vote on it.

Mayor Cervenik – We will electronically e-mail all of Council these contracts tomorrow.

Councilman Van Ho – If we're not going to vote on the motion to table this, which I would prefer that we did to see where everyone stands, I would request that anytime we're going to approve a contract like this, whether it be for the Service Dept. or anybody else, that it be e-mailed to us on the Friday before Council meetings so we've got a little bit of time to look at it. When we're doing stuff by e-mail and so forth, it is not costing paper, it is not costing effort. Really you're just running it through a copier to make a PDF file and sending it to us and I don't think that's too much to ask.

Director Frey – Councilman, I agree with you, it is not too much to ask and I've made a note on these two pieces of legislation, that we will change that practice and you'll have those agreements and you'll have the estimated costs.

Councilman Wojtila moved to table. Councilman Van Ho.

Roll Call: Yeas: Minarik, Wojtila, Langman, Van Ho,

Nays: Gruber, Scarniench, Jones, Holzheimer Gail

4 to 4. Motion to Table Failed.

Director Frey – On a tie vote, that motion fails.

President Holzheimer Gail – We have the ordinance on the table still for discussion.

Councilwoman Minarik – Do we need to make an amendment then, not to exceed \$325,000?

Councilwoman Minarik moved to amend Ord. (319-09) to read, not to exceed \$325,000.
Councilwoman Scarniench seconded.

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

Amendment passed.

Councilwoman Jones – Director Gulich, the partial reimbursement from the Cleveland Water Dept. what is the percentage of the reimbursement, maybe you mentioned that in your numbers, I didn't catch that.

Director Gulich – It never comes down to a matter of percentage. It is a matter of lineal feet of waterline and the maximum reimbursement, as I've stated before, is \$185 per lineal foot.

President Holzheimer Gail – Which is this case you said \$481,000. That comes out of our portion of the local cost? That would reimburse our portion of the local cost? Yes, okay.

Director Gulich – A minor point of order if I might add, we talked about four projects and I think the impression might be that these are the third and the fourth projects, no, they're the second and third projects. We recently received word from Columbus that the fourth project, E. 266 which was only receiving partial funding because it was right on the edge so to speak, it has actually received the full funding just in the last few days. We'll be able to move forward fully funded with yet another project. Jack Johnson is grimacing as I speak.

President Holzheimer Gail – That's where that discussion of the waterline and the debt capacity and our borrowing will come in. Any additional questions on the ordinance?

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

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

Roll Call: Yeas: Gruber, Scarniench, Jones, Langman, Holzheimer Gail

Nays: Minarik, Wojtila, Van Ho

Passed.

Ord. 115-2009 (320-09) CT E. 264 St. North

An ordinance authorizing the Director of Public Service of the City of Euclid to enter into a contract with CT Consultants, Inc. for Engineering services required for the preparation of construction plans and supplemental specifications for the East 264th Street Improvements – Lakeshore Boulevard to Edgecliff Drive – in the City of Euclid, (OPWC Project No. CA 06M/CA 07M). (Sponsored by Councilman Wojtila by request of Service Director)

Councilman Langman moved for passage, Councilman Wojtila seconded.

Director Gulich – This involves E. 264 St. north of Lake Shore Blvd. I think as everyone is aware, there's a short stretch of Edgecliff on each end of that, that also would be involved. We have a sewer situation over there where there is a sanitary overflow. In wet weather periods, there's a pipe going directly to the Lake that serves to keep the whole system overflowing so basements don't back up. The only way to deal with that is to replace the entire sewer over there. Again, waterline funding is available from the Cleveland Water Dept. It was not originally on their list. We made some good arguments with them and their contribution would be a total of \$201,465. This also is a contract not to exceed. A little smaller project than the previous one. That dollar amount is \$119,700. The Issue One numbers again for E. 264th, a 20% grant totaling \$293,000; we've got a 39% 0% loan, totaling \$439,500; our local share is \$732,500. Cleveland Water Dept. money goes towards that. For a total project cost of \$1,465,000. Timeframe might be a little briefer on this because it is a briefer job.

President Holzheimer Gail – Same comments apply regarding the contract for next time. I think Council would like to amend this to include not to exceed, would the correct figure be \$120,000 in this case?

Director Gulich – Fine and yes.

Councilman Van Ho moved to amend Ord. (320-09) to include, not to exceed \$120,000. Councilman Langman seconded.

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

Amendment passed.

President Holzheimer Gail- Any additional comments on the ordinance?

Councilman Wojtila – Director Gulich, what was the total amount of the project? We had 20% grant, 35% zero loan and then our contribution minus the Cleveland Water Dept. of 201,000; what was the total amount?

Director Gulich – Total project cost, \$1,465,000. If you haven't had a chance to see it, I've got all these numbers in an e-mail that I sent out earlier today.

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

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

Roll Call: Yeas: Gruber, Scarniench, Jones, Langman, Van Ho, Holzheimer Gail

Nays: Minarik, Wojtila

Passed.

Ord. 116-2009 (321-09) Hydrant Replacement-Rockwell Dr.

An emergency ordinance authorizing the Director of Public Service of the City of Euclid to enter into an agreement with the Shelly Company, 8920 Canyon Falls Boulevard, Suite 120, Twinsburg, Ohio 44087, for the City of Euclid's Hydrant Replacement and Road Resurfacing on St. Clair Avenue and Rockwell Drive. (Sponsored by Councilman Wojtila by request of Service Director)

Councilwoman Scarniench moved for passage, Councilwoman Jones seconded.

Director Gulich – I think as everyone is aware, Council approved Michael Benza and Associates some time ago to prepare these plans and specifications. Met with Lincoln Electric to coordinate our efforts with them. We're going to have a busy summer over there with some school and some special events over there. We got every piece of legislation in place, except we failed to present the authorizing legislation to enter into a contract in a more timely manner. I supplied the dollar amounts with the engineer's estimate earlier today and what the actual bids came in at. I gave you all those numbers and I neglected to bring it to the meeting tonight. We're seeing successful bid in excess of \$300,000 less than the engineer's estimate. We're ready to move forward on this job in a matter of, probably about a month, when the contract is secured and the contractor is ready to go.

Councilman Wojtila – I think we need to make an amendment to include the cost again in this legislation.

President Holzheimer Gail – Did somebody bring the e-mail with them with the cost?

Director Gulich – That dollar amount is \$1,363,287.22. The legislation already has the name of the contractor.

President Holzheimer Gail – Do we want to round it up? The amount is \$1,363,287.22.

Director Gulich – The dollar amount that's under the Engineer's estimate is just shy of \$400,000. We got a real good price here.

President Holzheimer Gail – That's \$400,000 under the Engineer's estimate?

Director Gulich – Yes.

President Holzheimer Gail – Good bidding.

Councilwoman Minarik – I move to amend Ord. (321-09) to read, not to exceed \$1,400,000?

Director Frey – We have the bids so we're better just to leave it.

President Holzheimer Gail – You want the actual bid amount. Do you have that Director Frey, \$1,363,287.22?

Director Frey – Yes.

Councilwoman Minarik moved to amend Ord. (321-09) to read, not to exceed \$1,363,287.22. Councilman Van Ho seconded.

Roll Call: Yeas: Gruber, Scarniench, Minarik, Wojtila, Langman, Van Ho, Holzheimer Gail
Amendment passed.

President Holzheimer Gail – Any additional questions? We talked about this one several times before?

Councilman Van Ho – Should this come up in the future, we get a copy of the contract.

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

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

Roll Call: Yeas: Gruber, Scarniench, Minarik, Wojtila, Langman, Van Ho, Holzheimer Gail.

Ord. (328-09) Amend Traffic Code - Failed

An ordinance to repeal Section 351.14 of Title Seven, Part Three, Traffic Code, of the Codified Ordinances of the City of Euclid and to enact a new Section 351.14. (Sponsored by Councilwoman Minarik)

Councilwoman Minarik moved for passage, Councilman Langman seconded.

Councilwoman Minarik – This came to my attention when a business owner on E. 185 had his vehicle ticketed because he had a banner securely tied to the vehicle advertising his business. The ordinance 351.14, the original ordinance, reads that no person shall operate or park on any street, any vehicle for the primary purpose of displaying advertising. It was passed in 1956. I think that was before the time there were magnets, that there was lettering done. We see cars parked all the time now that have advertising on the side. I thought this was a little outdated. I'd like to allow vehicles to display advertising when they are parked, but I was concerned about safety, that they don't blow off and can involve blocking somebody who is driving or walking. That is the purpose of the ordinance and I hope you would consider it.

Councilman Van Ho – I'm going to ask the Sgt.-at-Arms to pass out two pictures. One is when our cops ticketed this. The second one is the same car that was taken just at a random time, I believe it was Saturday. Because I'm tired of being put into the position of looking like I'm anti-small business when I don't want our city looking trashy, okay. The business that brought this legislation up was a Cleveland business, parking in front of a Euclid business. It was Revol phone store on 185, directly across from National City Bank. When our policeman asked why he did, why he put it there and not in front of his own store, he said, well it would block my store. You want to trash up 185th, do it on the Cleveland-side I guess is what I'm saying. I don't understand why we keep coming up with legislation that's going to ruin this city's image. Don't tell me that it promotes small business because it doesn't. We're going to start to force the people who have income to spend out of this city. Because if we keep trying to make it look trashier, they're going to vote with their feet and walk out of here.

If the legislation passes, I would ask the Law Director draft a piece of legislation that will allow For Sale By Owners and Realtors to hang a bid sheet in front of the houses with For Sale, call such and such a number. Also we've probably ought to have some legislation to allow banners to be hung between the light poles on the freeway. I'm trying to be satirical because if I weren't I'd break out and have a temper tantrum, which I won't. I would just urge Council vote this legislation down.

Councilman Gruber – There's been a long standing debate in the City of Euclid about parking commercial vehicles in your driveways. I'm afraid this might open up a whole another debate on it because people might bring these vehicles home, or their work vehicles and say, Rent to Kill Pest Control, or whoever. The other item, I did get a phone call from a senior about this particular vehicle about the inability to pull out of the side street when they were leaving the bank because they couldn't see down the street because the vehicle was there. That's probably the reason it was ticketed for more than anything. I can't go on with this legislation either. I have to agree with some points of Councilman Van Ho.

President Holzheimer Gail – Director Pietravoia, or Director Frey, the two pictures, the second one has advertising on the car and we've talked about the magnets on the car. Is there anything in our ordinances that say that's against the law? They can have that type of advertising currently?

Director Frey – Many vehicles can and do have that kind of advertising and to the best of my knowledge we have never invoked the current version of our parking ban. Obviously an additional impediment with the picture with the banner on it is that fella can't get in that car and move it very easily without standing in the street and untying the banner from what appears to be attached to the wheel and the mirror. Unlike the second picture where the same information is conveyed on a window, he can get in the car and move it. So I'm not quite sure how he can comply with, safely comply in the picture with the banner on it, on the time restriction on how long he can park there. As well as his personal safety when he's in attempting to attach or detach that banner. But to the best of my knowledge, we have not issued citations to any vehicle as depicted in the second picture that had the clearly it's a commercial message, on the window of that car. I don't know if that's much different than seeing the plumbing truck going down the street with the name of the business and phone number; Honest Work at Fair Prices, or whatever the slogan would be for that business.

The second picture, I think we have not had a problem with, the first picture clearly we I think have problems on several levels.

Councilwoman Minarik – I took this first picture. The reason for the legislation is because the second picture right now is currently if he parks that car, it is against the law, this second one, where it is not a problem. Right now it is against the law to have a vehicle that has a magnet or has painted lettering, it is against the law to park it on the streets.

My concern and why I wanted the secured, so as not to interfere, I'm not sure how to word that, but it was because of this first picture that you're looking at. That banner, no matter how tightly he secures it to his car, it can blow away. It can blow right into a window of a vehicle. So that's why, if this Council wants to determine what's secured, so as not to interfere with, what that means. If you want to define that as magnets or lettering or however you want to do it, or specifically deny banners, that's fine. My concern is that right now, a vehicle is not permitted under the current code to park on a street if it has advertising on it because it can be construed as permanent advertising.

Councilman Langman – Law Director Frey, I know how the current ordinance reads, but there is some interpretation on how you enforce various ordinances. Are you aware in the second picture, whether or not the police or anyone else has ever ticketed a vehicle that had this type of advertising on it for violating the code as it is today?

Director Frey – Chief Repicky probably better.

Chief Repicky – As you see in the second picture, technically that's a view obstruction. If that car in on the road, that you can at least see the rear and the side obstructed, that guy could be cited for view obstruction. I've seen people be cited for hanging stuff from their review mirror. So it is an ordinance that they can be cited.

Councilman Langman – I know it is an ordinance and it can be cited but ...

Chief Repicky – It is the same as the tinted windows. That's a safety factor and this would probably be a safety factor too. If people can't see out their windows, they will get in an accident, either lane changing or whatnot.

Councilman Langman – My concern with the proposed change is that once you're talking about advertising you're talking about other types of speech, am I correct Director Frey?

Director Frey- Yes, in your e-mail and my response to you, I concur that while we have permitted bumper stickers and magnetic signs on the sides of vehicles, certainly not in violation of the current version of 351.14, which I point out indicates that, no person shall operate or park on any street any vehicle for the primary purpose of displaying advertising. I think that's the distinction between the current and the proposed. Clearly in the picture that the Councilwoman took of the vehicle, the primary purpose of that vehicle being parked there is for advertising.

The Chief makes a good point about the ability to safely see from that window. That is not Section 351.14. 351.14 prohibits the use of that vehicle primarily for the purpose of advertising. I guess you would take exception potentially with the RTA bus. It's primary purpose is to move people. An ancillary purpose is to raise revenue for RTA by carrying advertising on it. So long as that advertising doesn't obstruct the driver's view, I guess it is permitted. We've not, to the best of my knowledge and I think the Chief would confirm that, we have not issued citations under this current section of 351.14, for that type of signing on a car, or a commercial vehicle of that matter. Yes I think if we, I'm not sure how the banner or the placard that covers the whole driver's side of that vehicle could be anything other than primarily for advertising. I think if we can stick with that distinction, we'd be better served.

Councilman Langman – I don't feel comfortable voting on this right now because I think there are other permeations of what could happen, that I think we maybe we need to consider a little bit more. I would ask the sponsor if she would table it for further discussion at this point.

Councilwoman Minarik – I would be willing to move it into Councilman O'Neill's Business, because I know he's planning on having one.

Councilman Van Ho – I would second that and I would also ask that the Law Director look at all of what we've discussed tonight and try and come up with some type of legislation that's going to

make both Chief Repicky and the Council people who want the freedom of speech thing merged together.

Councilwoman Scarniench- I would suggest that we sent it to Planning & Zoning and let them talk about it and come up with if something should be done. Because I couldn't agree with this at all. Another reason is, if this vehicle is parked in a driveway in the City of Euclid, it is against our code, because you're not allowed to have commercial vehicles. If it is doing this advertising and it is parked in a driveway and it is in Ward 2, I'll tell you, it is going to get a ticket. To me it should go P&Z because that's where their expertise comes in and see if they come up with something that would be amenable to everybody.

Councilwoman Minarik – This is about parking on a city street. Not about parking in a driveway. When Daugherty Construction or one of the other contractors is driving around and they park their car, they have the lettering on their vehicles when they are working on a home, and that car is parked on the street, they're advertising. That's why I think we need to re-think this ordinance because we have too many businesses that have advertising on their vehicles when they park on a street, that is the primary purpose of that vehicle, that's why they've marked it in such a way. But I do think we need to talk about how to properly secure it or put it on there. That needs to be defined better.

President Holzheimer Gail – I think I heard a motion and a second to send it to the Business & Commercial Development Committee. We need to either discuss that motion or vote on that motion. Councilman Wojtila, do you have a question on the motion?

Councilman Wojtila – I think I'm going to discuss the motion. I like the way the language 351.14 reads currently. I don't think I need any further discussion on the additional commentary on how we control putting on placards and lettering and signage. I like 351.14 the way it is written now, talks about parking or operating, the primary purpose of displaying advertising. So if you have a vehicle where you have a huge parking lot in the back but you intentionally park in the front because you want to display your advertising, I think that's what this section of the code is prohibiting and I like that prohibition. So I'm comfortable with no additional discussion and I wouldn't support going to committee.

President Holzheimer Gail – There's been a motion and a second to send it to the Business & Commercial Development Committee. Let's have a roll call on the motion.

Roll Call: Yeas: Jones, Minarik, Langman, Holzheimer Gail

Nays: Gruber, Scarniench, Wojtila, Van Ho

Motion to send to Committee failed.

President Holzheimer Gail – We have the ordinance on the table as it stands.

Chief Repicky – The last two years City Council passed various ordinances to clean up the city with sign pollution. Garage sale, for sale and other signs that were attached to telephone poles and tree lawns. With the help of the Housing Dept. and the Police Dept. we have cleaned the city up with illegal posted signs. Not every resident is going to like every ordinance that is passed by City Council. We cannot though have a knee-jerk reaction because of one incident. When a person is advised of a violation and he continues to violate the law, I see that person has no respect for the law.

I do not support this legislation and I hope that City Council makes the right decision and votes this ordinance down tonight. Thank you.

President Holzheimer Gail – I don't actually support the ordinance either, but if somebody wants to have a committee meeting and discuss it, I will always support that. But at this point we have to vote on the ordinance or not, unless the Sponsor has a different, Councilwoman Minarik.

Councilwoman Minarik – I have a question for the Law, is this, how far can a local city go, Law Director Frey, in restricting business-free speech?

Director Frey- This is not a restriction of free speech Councilwoman. In my opinion, it is a restriction of where advertising is permitted. We don't permit, under our code, off-site commercial advertising. From a zoning point of view, that banner violates that.

Councilwoman Minarik – I'm not talking about the banner, that's the picture here, but it's the ordinance that won't allow advertising, a vehicle to advertise. Does that mean then that a car that is parked on a street that has advertising on it, is that in violation of the law?

Director Frey – Again, our code prohibits off-site advertising for a business. If the Geek Squad comes to my home to fix a computer, clearly while they're parked there, they are in fact advertising their business. But that's not the primary purpose. The primary purpose is to presumably fix my computer, get paid for that service, and ancillary to that is to say, hey we're a good computer repair company use us. I suppose they get that same benefit driving to and from wherever they operate from. Our Code is not going to cover every situation. I know we have had issues before with commercial vehicles parked in residential areas. I suppose technically that violates our zoning code.

Councilwoman Minarik – That's my question.

Director Frey – Technically it violates our zoning code. I don't know if we've enforced that with any kind of regiment to it. I think that's the best answer I can give you is that it may technically violate it, we have not necessarily enforced that on a uniformed basis. I guess I think we are way past that point in this type of circumstance. I understand you're trying not to focus on this particular method, but I think we're way past that point because I think clearly this individual had prior knowledge that he could not do what he did. He had done it before. He had been advised against doing that. He'd been advised that he could not park for an in determinant period of time on the Euclid-side of the street and it didn't seem to matter to him.

Councilwoman Minarik – Right, but I'm not, that individual, all that incident did was bring to my attention this law. I just think this law if it is not going to be enforced all the time, needs to be changed that's all.

Councilman Van Ho – I think that any businessman, the name Daugherty was used, who gets hit with a ticket for having it painted on the side of his truck, his attorney would tell him to explain to us that it is not for the benefit of advertising, it is for the benefit of identifying the truck in case he has an employee who is driving recklessly or who is spending excess time in a bar. Not saying that's the real reason, but saying he could get out of it based on that because our says, primarily advertisement. And I can't believe that every other city in the country including some very prim and proper cities, haven't enforced some type of legislation against advertising on the side of trucks.

Councilwoman Scarniench – I think there's a difference between a commercial truck and a private vehicle. On the side, if it is on the side and it is painted on the car, that's one thing. The fact that it is on the windows, it is, it is a safety hazard for anybody that's around. I did get a few phone calls today and I won't say what was said, but it is in Cleveland, let them stay in Cleveland, we don't need this kind of problem starting in Euclid. Because you let one, then all of a sudden it mushrooms. Like the Chief said, we've worked very hard over the last few years trying to make things better. To me this would just make it worse.

Councilman Langman – Law Director Frey, if this banner was simply posted onto the tree lawn in the right of way, would that also no be illegal?

Director Frey – That would be illegal.

Councilman Langman- I think based on that, if you're doing it primarily for advertising, it should stay illegal.

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

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

Roll Call: Yeas: Minarik
Nays: Gruber, Scarniench, Jones, Wojtila, Langman, Van Ho, Holzheimer Gail
Failed.

COMMITTEE OF THE WHOLE

President Holzheimer Gail – That is the end of the legislation. We are in the Committee of the Whole. I would have taken a break an hour ago if I would have thought we were going to go this long, sorry guys. At this point, let's continue on.

This is the Committee of the Whole, Public Portion, you may speak to anything for the good of the city. Please state your name and address for the record.

Mr. Christopher Litwinowicz – 21970 Morris Ave. Three million, \$5 million we're about to spend on three projects. But we're telling Coral Group that we're trying to fix the Shore Cultural Centre. I just saw somebody paving their own driveway today, you wouldn't be surprised at how much it cost.

Forgot about our basketball hoops at Memorial Park. I'm going to have fun this summer. I guess I'm going back into politics. R-E-C-A-L-L, I need 3,405 signatures thanks to Barack Obama. We just did an ordinance here, which we should. If we want to recall a Mayor, a Councilwoman, a President, we should be allowed to go on those statistics of those voters. Which would have only mean 890 votes, signatures. I think that this city should go ahead and invest, the Mayor can just take the money out because it is not a lot, but just take it out of your guys' budget for this year and show Coral Group and pave that parking lot. We've got Memorial Day. We've got all those people that are going to go ahead and be in that, downtown Euclid, which we've been talking for six years. Downtown Euclid. I'm happy to get these grants for the city because without that, these projects wouldn't be done. Thank you Council for approving it. I appreciate you looking into the contracts. Thank you.

I see how quick Cleveland, you want to talk about Cleveland. A business. That ticket, oh well, I get ticket all day long. My car was in my driveway and I got a ticket for snow plow, I paid it. That individual can actually look at it as a retaliation. I hope he don't come sue this city because I want to make changes in the next two years.

Our roads like I said need to be done and I've had a nice conversation today. We need a ten year plan. That means 10 years, a certain amount of percent of the money that is delegated for this Council should go to the Streets. So if it is going to cost us \$5 million a year, so what's that \$50 million, we need to go to the bank and get a loan for this.

Coral Group gone, but I'm still here. Shore Cultural Centre, we need to invest \$4-\$5,000, I'd do it for free. Just buy the materials and I'll sit there and patch. That's all it is to resurfacing. It would just make that place look better and that Coral Group don't have to come back here and say, you need to do the back parking lot. 120 days, 118 days it is going to come back. What are we going to have? I suggest to Council, go ahead and call up your councilwoman and call up your Congress, I mean your Governor and have these people realize that we need a Community College here. As I look at it throughout the years, \$200,000 adds up and we could actually built our own community college on \$8 million in the last 20 years.

There aren't really nothing, I just see you spending, but I don't see you spending where it was told to be. \$20,000 you can do that remodeling. I have 30 seconds, that's the same what the Board told me. But it ain't over with. To the welfare of the City, I'm sorry. But I'm going to have to proceed in the District Court and also have to proceed to work hard for the next six months and recall. I'm sorry Mr. Cervenik, it is not your fault, but someone has to pay and the only way for me to be Mayor is to do a recall.

President Holzheimer Gail – Thank you, your time is up. Any additional comments? Seeing none, we'll move forward with Councilmen's Comments.

COUNCILMEN'S COMMENTS

Councilman Wojtila – Director Johnson, if you could identify with how we are doing with the amnesty program as far as getting the word out to the people in the city that are delinquent?

Director Johnson – We are in the process now of sending out notices. I think I told Council this, sending out notices to every account that has an outstanding balance. In addition we're in the process of making sure that the announcement is posted on our website. Just this afternoon, the tax administrator sent a request to Supt. Jones at Euclid Schools requesting that they distribute copies of the same flyer to students in all of the schools. We're posting it and trying to make it known in all the ways that we possibly can.

Councilman Wojtila – Director Gulich, I had some concerns over with the elimination of traffic signals, red light cameras, on various streets such as 250th, have you received many complaints or concerns from residents about crossing those streets, with the lack of signals?

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Director Gulich – If I've said we've gotten none, that probably wouldn't be the case, but they've been few and far between. Surprisingly enough we've gotten very few calls. We've advised people that at an intersection where a signal has been removed, they can still cross legally. They can cross at any non-signalized intersection, obviously they have to exercise caution.

Councilman Wojtila – Well consider this one complaint, a resident of Ward 6 just expressed concern about the ability to cross the street.

Director Gulich – They are welcomed to contact my office and I or Mr. Carlo our Traffic Maintenance Supt. will be more than happy to discuss their issues with them. Goodnight.

Councilman Langman – Director Gulich, can you update me where we are with 248 & 246 on the storm sewer project in that area?

Director Gulich – I responded to your e-mail but you were, it was kind of late in the day so I'll verbalize. The project is moving along, we're in the final stages of design. As a matter of fact I'll be meeting Wednesday with our consultants out at the proposed Lake outfall site, to go over what the final end result will look like. We're going to try to keep it simple in an effort to contain cost. We don't want anything that doesn't look appealing so we're going to blend aesthetics and engineering best possible way. Moving right along and don't expect any hold ups and I'll keep you informed on it.

Councilman Langman – Regarding streets and so forth, has there been any changes to the list or the tentative list that we received about a month ago regarding street resurfacing?

Director Gulich – For street resurfacing no. Since we came out with that initial list which I gave you that was in our bid specs, we did get some good prices again. I suspect we'll be able to add lists, we have contingency lists. Nothing is for sure yet, we don't know what problems we're going to encounter, the streets we're going to do. I think we've anticipated what trouble areas we might have. But if anything, we should be able to do more than we originally anticipated.

Councilman Langman – Very good, that's good news. Director Pietravoia, today is the first official day of Coral's management of Shore. Can you tell us how that went? Any issues or concerns? Is the building fixed yet?

Director Pietravoia – My understanding was that we had a very smooth transition on the first day. Actually Director Will has handled that aspect of the project so she may want to comment further.

Director Will – It did go very smoothly. Over the weekend I had met up with the new Building Manager to try to anticipate some things that would be happening today. I did meet again today with Laura, the new building manager and went through a lot of different items. When I left the building at 11 o'clock today, I haven't heard from her since, so I'm assuming all is well. But it went very well thank you.

Councilman Langman – I just want to wish everybody a very meaningful and happy Memorial Day. Hopefully you'll have the opportunity to celebrate with your family and to take a moment to pause and reflect on the meaning of the holiday. Finally I will wish my mother a very Happy Birthday. Goodnight.

Councilman Van Ho – I have several things, but when I ask a question, if we could have it answered after I get done, I'd appreciate it. First, Director Gulich, what are we doing at 249 and DeVoe about putting up the white stakes? Or, have we managed to find some traffic legislation some where that says that we can't do that?

I'd like to personally thank Kelly Sweeney for the quick action that she took on the garage on 249 and DeVoe and just for generally getting right on the lawn problems in Ward 8.

Mayor who would residents call within the city if they are interested in the gas and electric aggregation program?

I think we need to give a special thanks to the people that were honored by the Police tonight. They are what make Euclid a special place to live.

I want to thank Bill Tilk for making being the Councilman of Ward 8 interesting, frustrating, but always exciting.

Also an announcement, Paradise Pub, which is in the same building as the old Fairway Inn on Babbitt Road is actually having a soft opening tonight and they will be opening for both food and beverages, full menu very quickly.

I'd just like to say that I think we owe all the employees that worked on getting the approximately half million dollars worth of grants that we just made a budget adjustment for, a note of thank you.

Then a question, why haven't we dropped the new stop lights down and started using them right there by Panini's and 222? That is for Director Gulich. That concludes my questions.

Director Gulich – 249 & DeVoe, I think Councilman Langman is well aware of the history of the traffic pattern there. Up until two years ago there was absolutely no striping in that intersection, it was basically an every man for himself intersection. He brought it to our attention that we should study that and we worked out the results and striping plan and did some additional signage out there. Police Dept. has report to me that since we've done that, there have been absolutely zero accidents in that intersection.

Councilman Van Ho – I got a garage that just went down about two weeks ago because we don't have something that actively discourages people from taking that corner to fast. So, as you are aware I had asked about the idea of a curbed island and when you gave me the price, it seemed a little expensive, so my next question based on a suggestion from the Chief Repicky was that we put the white, I don't know what the technical name for them is, but like the white stakes that are down by the E. 222 St. bridge.

Director Gulich – I believe the word for those is attenuators and we've got them underneath there. We run into a problem with those when it snows. They usually end up getting wiped out. So it is a little easier to negotiate those in the underpass areas. We could put up the attenuators and probably lose them all when it snows. Mr. Carlo has come up with an alternative striping plan, which he feels would be a more viable option. I'll be glad to share that with you before we would proceed with that.

Councilman Van Ho – Let's look at it because I think we've got to have some type of active interference for lack of a better word.

Director Gulich – One thing with the DeVoe curve at the other end, the Chief can speak up on this, since we do sign them in compliance with the State Traffic Codes, one alternative is to lower the speed limit to 15, then it becomes an enforcement issue. The Police Dept. has their concerns on how enforceable that is. The best way to slow cars down is, it is the speed limit and enforce it. That's another alternative.

Councilman Van Ho – Let's look at your new plan.

Director Gulich – New traffic lights. To make a long story short, they kind of all have to be turned on at the same time, it's the system. We cannot activate one and have it work as it should work. They do have to work in unison and the only thing I can tell you is the 222 Corridor is probably going to be the first one up and running. It is going to be sooner rather than later. We're not aware of any accidents in that. I know some people coming out on Miller wanting to make a left hand turn, have had to wait out there. If we could have gotten that one running ahead of the other ones, we would do so. We've asked that corridor to be completed first, mainly so that intersection can get up and running before the other ones.

President Holzheimer Gail – The Mayor will probably tell you to call the Law Dept.

Mayor Cervenik – Call the Law Dept., Gerri Allay is very well versed on the project aggregation.

President Holzheimer Gail - Just a couple of quick things. We will have our monthly finance meeting and partner that with the Housing Committee Meeting on Wednesday, May 27th. We'll figure out a time to start, but if you would mark your calendars for Wednesday, May 27th for both Finance Budget Update and the Housing for the NSP Update and the legislation regarding the HUD Homes and Bank Owned homes.

This weekend is Memorial Day. There really are wonderful ceremonies at the cemetery in the morning. For those who have not experienced those, I would invite you to join us, they really are very nice a great way to pay a tribute to our veterans. The parade of course is always wonderful to see all the residents both marching and watching. Euclid Youth Soccer is also holding their

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Memorial Tournament this weekend, mostly at Memorial Park, so if you want to see a soccer game, you have many chances this weekend.

200th Street Stroll, a reminder, that's always a great event as well and thanks to Sherrie Zagorc and all the 200th Street merchants for pulling that together. That will be Saturday May 30th from 10-2 along 200th Street. With that I will wish everyone a Happy Memorial Day and see you next week.

Councilman Gruber – Kudos to Director Will on getting the baskets up, they look a lot bigger and better this year, they look nice, thank you very much. Chief Cosgriff, than you for your fire report, it is a nice job and very comprehensive.

To get wells, one to Ruth Chase, and I know nobody pushed you, but I hope you get well soon. To Barbara Apanasewicz, who also just recently had a nasty fall. To both of you, I wish you a speedy recovery and anybody else that is not feeling good. With that I'd like to wish you a Happy Memorial Day and we'll see you in the parade.

President Holzheimer Gail – I did neglect, I did want to say thank you and congratulations to everyone who participated in the Relay for Life. It really was a great event and one that is very positive impact both for the community and the cause. I look forward to participating more fully next time. Congratulations to everybody who participated, that was a great event.

Councilwoman Scarniench – I want to say a bunch of thank yous. To everybody who came out Saturday and Sunday to help do the cemetery, from Pack 143 Tom and Will Cartwright; from Troop 367 Chuck & Michael Huber; from EHS Key Club, Brittany, Breanna, Simone, Marit and there was another young lady but she forgot to sign in and one Mom from there, Joyce Tucceri. Special thanks goes out to Albert Chylla who spent both days with us and him and my husband together, they were wonderful, they worked very hard for me. David Shillander, Barb Fulgham, Mary Liderbach, Cindy Burgett and Councilman Wojtila. Thank you all for coming out and we'll probably do this again in the fall. So we will work on it then.

I want to thank Denny Valencic for getting the light up at the museum, the flag is now lit, that's been a pet peeve of mine, so thank you Denny, that's been done. I, too, the way we're doing the grass now, it is excellent because no sooner we get them turned in, they're getting cut. It is really kudos to who came up with that plan.

Speaking of grass, railroad, Chardon Road, was not cut once last year. I know we can't get at those people, can we send somebody to do it? It is probably 4 ft. tall it will probably take 15 minutes to do, but it is a disgrace. I don't know how we can make the railroad cut it, but somebody needs to cut it. If I owned a weed whacker I'd go do it myself but I don't own one.

Another complaint that I've had but it is not my ward, but I've had a few complaints about the Pla property and the people are saying why don't we have performance bonds so that we can take care of what has to be taken care of when they fail to do their job. Do we have any such thing like that or should we be looking at legislation to do that?

Director Frey – We have a contract to get that property cleared and leveled. I know there's a bankruptcy involving that property. We'll likely end up probably putting a claim in on the bankruptcy and assessing the property so when it ultimately sells, we recover our money. Right now, that's what we have. I'm not quite sure how you would structure a performance bond when it is not a city project.

Councilwoman Scarniench – A couple of complaints, and I don't know if anybody else has gotten them. These landscapers that are doing grass cutting in they're leaving all their debris in the street. How do we get them to stop doing that? Somebody suggested can we make them sign up and pay a \$10 fee so that we have their names and their license plate numbers so that when somebody is doing that, we have some way to go back at them. I said I would bring that up and ask. That's it, thank you.

Councilwoman Jones – Just a comment about the Euclid Ave. clean up project and also on Brush, the clean up on those houses. I did talk to Charlie Drazetic about the process or the status of getting that whole area cleaned up. He did say that he was going to contact whoever the contractor was who is supposed to be cleaning that out because as of, I drove by this morning, there wasn't any staff or progress on it yet. I don't know yet, I didn't drive by there before coming here tonight, so I don't know if anything was done with it today, but he did mention that the contractor has been, the engagement with the contractor has been arranged and it was supposed to start last week, but obviously it didn't start yet.

Director Gulich, on Brush Ave., the leaks that were coming out of the hill, seems like they have been fixed, but the orange barrels are still sitting there. Are they still sitting there for a reason, or?

Director Gulich – I'll have to find that out. I went by there the other day to see it for myself after all this time, I don't recall seeing the barrels. If they're the Water Department's well get them out of there. It turns out that after a year of them saying, that it absolutely was not a water leak, it was something else, guess what, it turned out to be a water leak.

Councilwoman Jones – See, could have had that fixed a long time ago. Maybe you can answer this, I have a few other questions, maybe you can answer this at the end. Whose property is that hill that was where the leaks were coming out of? Now that those are fixed, there are those two bare spots that are just, what used to be dirt puddles or mud, but something needs to be done as far as landscaping on that area. If you can answer that at the end because I do have a few more other questions.

I do want to talk about the Relay for Life. I did participate in the Relay for Life. I was there all night walking most of the time. I did have a team that signed up, I had about 20 team members and they came various times throughout the evening because not everybody was able to stay overnight. I did have about 8 that did stay overnight and we just walked various times, sometimes more than one on the track at once. But you're walking and talking and the time goes by fast. During that whole night, walking and talking, it was fine, the next morning, like Director Will mentioned, it was a little hard to move but I did get up and move anyway because I had other things to do. But it was an effort that was well worth the pain that I went through to get there. I look forward to doing it again next year.

I want to say thank you to those who participated and were part of the Central Middle School Bike-A-Thon that was last Saturday. They are going to build on that to have another one next year for donations of bikes and things like that. It was a nice weather, it didn't start raining until later in the day.

I want to announce that on Friday, May 22, Tizzano's Party Center is opening its business up to a Teen Dance. It is going to be open to teens from 6-8 graders. They must come in and present their school ID. If they come from a school in Euclid, they must present their school ID in order to get admittance into the event. It is \$6 per student and \$1 of the proceeds will go towards DARE for this event. For other events, because Tizzano's wants to open the business up for other events like this in June and July, if this first one goes well. It will be from 7:00-11:00 PM. There will be concessions available for a minimum charge at the event as well. Tizzano's is supplying the DJ, which will provide the music and it will be a lot of fun. There are volunteers that have already lined up to help chaperone and greet the youth as they come in and security will be available as well. This is another way for Tizzano's wants to help the youth. It is another way of doing that because he is always participated in PAL activities.

My last comment is, for the Coral Agreement for Shore Cultural Centre, in the agreement it mentioned about the full time employees and the employees at Shore would stop being Euclid employees at the time of the agreement with Shore. Do we know at this time if those employees are now employed by Shore and continuing to work at the Shore Cultural Centre or what's the status of their employment?

Director Will – The status with that right now, is of all the employees, Coral Group has offered a position to the part-time secretary that was there. That's the only employee that has been offered any position with them.

Councilwoman Jones – For the other positions that were the city employees, those are being handled by the Coral?

Director Will – The positions of the employees that were currently at Shore, they are no longer city employees and are no longer being employed by the City of Euclid. It was then up to Coral on what they wished to do. Coral at this time has only offered a position to the part-time secretary.

Councilwoman Jones – Thank you.

Director Gulich – Councilwoman Jones, the water leak of E. 260th, you were referring to is a result of the lateral connection to the old Toys R Us store. After the City of Cleveland finally identified that was the source of the leak, they took every means possible to notify the responsible property owner there. After a couple of weeks of being unable to do so, they just simply went and shut the water off. Right now the line is shut off. Before it gets turned on, that repair has to be made and in

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talking with Supt. Scott Reese, we are going to go in there and take care of those repairs that you had mentioned because it needs to be done. We can't have that mud washing over our sidewalks continuously, that's been a mess. We can address it now that the leak is shut off. Probably at some point in time, someone is going to have to go in there and have to dig that up and I don't know when that would be.

Councilwoman Jones – That was a good answer, but I was actually referring to the Brush hill behind the car wash, whose property is that?

Director Gulich – That would be the responsibility of probably the Cleveland Water Dept. I would have to say because it is actually in the right of way. Believe it or not there are two old lateral connections. It was anticipated any building on the south side there would have received its water supply from Brush Road. As it turns out, there were two lateral connections that were simply leaking, not hooked up to anything. So, they have blocked those off to stop that from leaking and now that we've gotten this far, we can get the Water Dept., I'd say after it is dried up a little bit because it is so saturated, to address that issue.

Councilwoman Jones – Whose responsibility is the landscaping of that hill?

Director Gulich – Cleveland Water Dept. It was their leak that caused it.

Councilwoman Jones – I know I've gone over my time, but we're going to add them on the list of things they need to take care of?

Director Gulich – Right now I'm just celebrating the fact that they identified the leak and got it shut off. You're right, that needs to be attended to now.

Councilwoman Minarik – I'll yield you a lot of my time. I wanted to thank the Service Dept. for getting in touch and handling all of the 200th Street sidewalks and driveways. They are all going to be done in time for the Stroll. The residents are loving the fact that the Water Dept. came out and filled up, you re-dug out all the waterline holes, all those orange barrels, gone streets are level. Some residents are a little upset because now they have no speed dips to control the speed of the passing traffic. I'm sorry I can't do anything about that.

I will be out of town from this weekend through Friday 29th, back in time for the Stroll. Anyone needing to call me, and it shouldn't be that busy, they can call Councilman Greg Van Ho, who has graciously since he is adjacent to my Ward, he will take my calls, 289-2286, is Councilman Van Ho's phone number. Again, I will be gone from this weekend through next Friday, 29th. I'll miss the Finance and Housing Meeting. I'll yield you the rest of my time and with that, goodnight.

ADJOURNMENT

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

Attest:

Clerk of Council

President of Council