

**COUNCIL MINUTES
SEPTEMBER 21, 2009**

The regular Council Meeting was held on Monday, September 21, 2009 at 7:00 PM in the Euclid Municipal Center Council Chamber. Council President Holzheimer Gail presided.

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

Excused: Scarniench, Gruber (arrived 7:05)

Councilwoman Jones moved to excuse Councilwoman Scarniench. Councilwoman Minarik seconded. Yeas: Unanimous.

Others Present: Mayor Cervenik, Law Director Frey, Finance Director Johnson, Service Director Smith, Asst. CS&ED Director Gliha, Recreation Director Will, Chief Repicky, Fire Chief Cosgriff, Asst. Director Bock, Sgt.-at-Arms Novosel, Clerk of Council Cahill.

INVOCATION

Invocation was given by Pastor Martha Forrest of Faith Baptist Church.

COMMUNICATIONS

Councilwoman Jones – The sub shop, 5 Star Subs is actually in a shopping plaza that in the past has had some difficulties with a store that was there that had a liquor permit. I'm not saying the sub shop would cause problems because it is take out, but I would not want to grant permission for the sub shop to have a liquor permit, only because in that area on Euclid Ave. there are a lot of locations that do have liquor permits or take out. My opinion is not to grant the liquor permit to the 5 Star Sub Shop. It can continue on as a sub shop the way it is, without a liquor permit and I'm sure the community would enjoy that. Thank you.

Councilwoman Jones moved to receive and approve without objection a request for an new C1, C2 liquor permit to SAED A&Z Inc., Db a 5 Star Subs, 27575 Euclid Ave. Councilman O'Neill seconded.

Roll Call Yeas:

Nays: Jones, Minarik, O'Neill, Wojtila, Langman, Van Ho, Holzheimer Gail.

Denied.

Councilman Van Ho moved to receive and approve without objection a new D1, D2 liquor permit to Martas Restaurant & Bar, 800 E. 222 St. Councilman O'Neill seconded.

Councilman Van Ho – I checked with the Chief and they've had no problems there to-date. The only objection I have is that every time I go there I eat to much food. I would say move to grant them the liquor permit.

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

Approved.

COUNCIL MINUTES

Councilman Langman moved to receive and approve the Council Minutes of September 8, 2009. Councilman Wojtila seconded. Yeas: Unanimous.

ADMINISTRATION REPORTS & COMMUNICATIONS

Fire Chief Cosgriff – This is the time of year when many parents send their children off to college. Those children for the first time are responsible for all aspects of their daily living, including their own personal safety. Therefore the State Fire Marshal is encouraging Ohio's parents, students, landlords and school administrators to take preventative measures and recognize fire risks that could save lives and property.

In the last ten years, there's been 135 campus related fire fatalities with 80% of these being an off campus housing. Common factors in a number of these fires include missing or disabled smoke detectors, careless disposal of smoking materials, impaired judgment from alcohol consumption. Fire Marshal Cooper is encouraging parents to talk with their students and make sure that they know that they need to take all fire and smoke alarms seriously. They need to know the dormitory or residence halls fire escape plans. Each student should know two ways out; one normal route through hallways and stairways and one alternative route. They should have smoke detectors installed on each level of the residence and inside each bedroom or sleeping area. Check the smoke detectors monthly and change the batteries at least once a semester. They should never remove a smoke detector batteries because of cooking smoke or the need for battery elsewhere, such as a flashlight, game or other electronic device. They should extinguish all smoking materials, candles and incense thoroughly and never leave them unattended. They should clean up immediately after parties and take all trash outside, designate a non-event monitor to be in charge of clean up. They should not overload electrical outlets or use extension cords. Keep in mind, these are items that are important for everyone, not just for students. This is especially important as your students go off to school. Thank you.

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Chief Repicky – Just a couple of things that are going on in the police dept. the last two weeks. During the day you might have heard a low flying airplane. It is not in distress, it is tracking speeders on I-90. We started up the air strike after a 15 year hiatus. In conjunction with the Ohio Patrol there's an article in the News Herald this past Saturday stating that we're trying to reduce our seven fatalities on the freeway the last three years. If you hear the airplane, I'd suggest you slow down or you're going to meet the Judge in the Courtroom.

Second item is we started the 24th class of the Citizens Police Academy. Anybody interested, it has already started but we'll be doing another one in January. You might want to contact Sgt. Jim Baird in the training division, 289-8450. We have about 20 students that learn all about the police dept. It is very informative and if you're interested, please call Sgt. Baird at 289-8450.

Third item, went to an awards luncheon, not that I need the lunch, but the Police Dept. received a Traffic Safety Award for our numerous traffic items that we do in the city, such as seatbelt enforcement, DUI patrols, sobriety checkpoints, just to name a few. I would like to commend our police dept., as well as our traffic division for the hard work they're doing to achieve that award. It was a bronze award. We didn't get the gold, but we'll settle for third.

Another thing that is coming up this week if you don't know already, they are having the G20 Summit in Pittsburgh. It is a conference of 20 countries economic summit and we've been requested by Pittsburgh to assist them so we are sending seven officers tomorrow from our SWAT team to assist Pittsburgh in hopefully a no confrontational meeting there on Thursday and Friday.

Last but not least, we had an article in the News Herald about two weeks ago about some burglaries that we've had in the city. Due to the public at large that has been calling us on anything suspicious, we've made several arrests in the last week. Unfortunately I think some are still out there so if you see somebody, a car, somebody walking around that doesn't belong in the neighborhood, please call us. It might not look suspicious to you, but we might be looking for those parties. So, heed the warning and please call us no matter how trivial it might seem to you, contact us and we'll handle it from there. That's the report.

Mayor Cervenik – I would like to add our seven officers that are going to G20 Summit, we are being reimbursed for their salary and expenditures. Councilman Gruber, they will not be playing for our rooting for Pittsburgh. They've got the Browns to root for.

Director Will – We always have something fun and exciting going on in the Rec Dept. This past weekend we had football on both Saturday and Sunday at Forest Park. If you would like to come support our children in that program, call us at 289-8114 and we'll be glad to give you a schedule. We had probably over 3,000 people that visited Forest Park this weekend to come and watch our children. Hopefully you can come out and support that.

A reminder that our C.E. Orr Ice Arena is up and running. We do have public sessions every day but Monday. If you need a schedule, call 289-8649.

We are offering home school skates on Wednesday from 11:30-1:00 and Friday 1:00-2:30. It is \$3 admission and that includes rental and a 30 minute lesson. Lessons are only offered on Wednesday and Friday is a free skate from 11:30-1:00.

Tomorrow night we'll start our first session of Tuesday night ice skating lessons. The lessons are held at 6:00 and 6:30. If you would still like to register, you can do that by arriving 45 minutes prior to your ice time at the ice arena tomorrow and bring two proofs of residency. For all the rec programs, check out the city's new website, www.cityofeuclid.com. We do have a \$5 off coupon for learn to skate for session 1. There's also information about our aquatics program. We have lap swimming, adult water exercise, tweens and teens water exercise class on Monday & Wednesday, family fun swim, and adaptive aquatics program, learn to swim and also we have plenty of family fun aquatic activities. Our next special event will be Thursday, October 15th from 7:00-8:00 PM, Pumpkin Splash. We will throw the pumpkins in the pool and the kids can go in and retrieve that. You do need to be pre-registered, Thursday October 15th.

We also have basketball clinic coming up for children ages 10-13. It will be held on Tuesday and Wednesday in October from 7:00-8:30. That is a basketball clinic for children ages 10-13.

We'll also offer our Panther Hoops basketball league which will run November thru the end of February. It is for children ages 5-14 for the 14, 15, 16, 17 & 18 year old league, we can give you a telephone number and we will be registering you through our Euclid PAL League.

Remind everybody about the Passport to Euclid walks. It is a community walking tour where we do go through each of the wards twice between now and January. This past Saturday we did have one of our tours. The next tour will be held this Saturday at 9:00 AM. We will be meeting at Upson School and taking a walk from there. If you want more information about the Passport to Euclid tour, check out the website or give our office a call, 289-8114.

Last but not least remind everybody about the community build playground express program that we'll be having at Memorial Park. It will be a new toddler play unit right behind City Hall. The current unit will stay as is. But we will be building a new area for children ages 2-5. Saturday, October 17th and anytime after 7:30 AM, you can come and help us build that and weather permitting, hopefully we'll be done in one day. If not, we'll continue on Sunday. If you have any questions, please give our office a call.

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Mayor Cervenik – I hope everybody has noticed that our new website is up and running. We've got a few problems we're working out, but for the most part it is running very well and I would like to thank my Assistant, Lisa Mayernik, Matt Mizak from our Public Television, as well as Jack Johnson and some of his staff for all the effort and work they put into it. It's got a lot of nice, new features. It is our responsibility now to keep it up to date. We are also looking at a number of other features to be adding on throughout the year to keep us technologically on top. That ends Reports & Communications.

REPORTS & COMMITTEE MINUTES

Councilman Gruber moved to receive the 2008 Comprehensive Annual Financial Report (CAFR), Monthly Finance Report through August 2009, Board of Control Min. 9/08/09. Councilman O'Neill seconded. Yeas: Unanimous.

COMMITTEE OF THE WHOLE FOR LEGISLATIVE MATTERS ONLY

President Holzheimer Gail – That brings us to the Committee of the Whole for Legislative Matters Only. This is a time that you may speak to anything that's on the Agenda, in a respectful and professional way. You have five minutes and please state your name and address for the record. I will just as a matter of reference, Item #7, which is the power purchase agreement regarding the solar panels for City Hall and Item #13 which is the admission tax on exhibition halls, etc., will both be placed in committee. Thank you.

Mr. Tim O'Neill – 114 E. 199 St. I'm a lifelong resident of the City of Euclid. I'm a member of the Euclid Fire Dept. and the current Union President. I will be speaking on behalf of the Euclid Fire Dept. Local 337 tonight. I'm here to talk about Item 14 on tonight's agenda. Even though the dollar figure on that is not that big, as government things always go, they seem to escalate drastically.

Shore has long been a political and economic football. One side wants to see it shut down, or better yet, torn down. The other believes it to be a viable cultural and financially capable business entity. There have been pro-Shore council majorities, against Shore council majorities, and a mix bag of councils and yet still the issue remains. What is going on here?

We have had multiple studies and plans for Shore over the years but at what cost to the taxpayer. I have no idea but I'm sure it's a large sum of money. If Shore is such a valuable asset and a gem of a building, why doesn't someone or a business take it over completely at zero cost to the taxpayer, as is, from the City; market it, run it and turn a profit. It is unbelievable that this issue has not been resolved one way or the other over the years. The problem, do we continue to fund Shore knowing a large revenue producing tenant could very likely be moving out soon. I'm referring to the Charter School.

Our issue with continuing to fund Shore is that the Euclid firefighters as well as every other City of Euclid employee, union and non-union has negotiated sizable concessions and pay reductions to help the city in time of economic trouble. The Fire Dept. is understaffed and we have 2009 retirees that have not been replaced. Station 3 building and parking lot are in need of major repairs. Some of our fire apparatus is very old, high mileage and in need of replacement. Every other department in the City, I am sure, has some type of similar story. Over the past few years, every city employee has significantly increased their personnel health care contribution as well. So when you are discussing and possibly voting on this issue tonight, keep in mind that we and the other city employees did not negotiate these give backs so that you could turn around and dump the money we saved the city back into Shore. Thank you.

President Holzheimer Gail – I understand there's different opinions tonight. Let's please hold our decorum that's fitting of these chambers and be respectful to all speakers. Thank you.

Mrs. June Daugherty – 81 Noble Beach Dr. We've been residents for 47 years. I speak most respectfully because I know you all and I admire and respect all the work that you do. But from another generational point of view. We need Shore. It represents a huge part of people's ability and love for the city. I understand new technology and all of that is so important but we have to save something besides Wal-Mart for the next generation. The building is 129,000 sq. ft. It did not cost the city very much money at all. It has only had band-aids and there is so much mis-information out there. It is almost like the Henn all over again. You hear this, you hear that.

Tonight I would really urge you to give us the perimeters. Now you're hearing about the boilers, it won't hold up and it is going to be closed in December or it is going to be closed here now. It's a place for people to learn. We are a very struggling community. I talk GED classes there. The ASL classes are there. People unless you have some place for these folks to go, to get training, where are they going to go? It has a wonderful location. Architecturally believe it or not, it is wonderful. You have what's going on there built back in 1920's, incidentally Holy Cross School was built in 1926. But you have big windows, you have natural lighting, you have wooden floors, you have big halls. I know it is going to take a lot. Everyone's budget has to be prioritized. I know Kathy has killed herself over, doing all that she does, and I respect and admire her. But are we making any money from the Frisbee golf people that use the Park? I don't know. Most of them are not city residents because I've been over there trying to get petitions signed. They are very nice people, they cause

no trouble. But let's dig around and see where we can make some money. We really need Shore, at least until you have some plan in mind or where are these folks going to go. Thank you all for what you do.

Mrs. Audrey Kaplan Goodman – 20201 Glen Russ Lane. In this unbelievable economy where seniors fixed incomes are being drained, people have lost their jobs, perhaps their homes, we're still being asked to believe in the future. Last November we were asked to pass probably the largest school levy in years. We were told that passage of the levy was vital to the future of Euclid. That surely if it failed and programs had to be dramatically cut, it would certainly impede new school population. So we gambled on the future with our money today.

I can tell you the tax increase was the largest my husband and I have ever seen. This November with the economy still no better and social security telling the seniors they'll not have an increase as they're used to, we're being asked to fund four new schools. Again, it is for our future, not our present.

Yet here, who has that magical crystal ball that can tell us what the population of Euclid will be in 2020? Should we not build the schools until we know what the population will be? Can we stand still? Please, someone explain to me why gambling on the Shore Cultural Centre is any different than gambling on our Schools. Can we really afford to lose the Euclid Orchestra and all they have meant to this City in both reputation and prestige? Tri-C has found a home at Shore. Let's not forget the culinary school, which serves 50 students and has a waiting list of over 100. The school has been a total success and disrupting it according to the School, could prevent senior students from completing the course and graduation on time. Why would any community put so much in jeopardy for what amounts to a small investment in time and money?

In Cleveland's Detroit shore-way neighborhood the community is supporting the Gordon Square Arts district for the rebirth and growth of the area. Now their situation is not Euclid's, as they have three major healthy non-profits who are leading this drive, but it is a community that sees what can be done if they are willing to look into the future. In Collinwood, our neighbor next door, they're continually developing the Waterloo Arts District. We have the perfect facility already built, Shore Cultural Centre. A five year plan of both growth and eventually the withering of city financial participation and maintenance and upkeep; A true asset that any community would die for.

I'm urging this Council to amend this legislation and give an expert in the field a rebirth and growth, the Coral Company, its opportunity to do their job. Is this any less of an expectation than we ask of a new Police or Fire Chief, or Director of City Services? Give Coral until December 2010 to prove that they can talk the talk and walk the walk. The issue of money is irrelevant to what Shore Cultural Centre means today, but more importantly what it means to the future and tomorrow of this community.

Mr. Victor Goodman – 20201 Glen Russ Lane. Euclid suffers from the same sickness, devouring our federal government today. It is the sickness of no compromise, no common ground. For far too many years in this city, it has not been what is the idea; it is whose idea and who supports it. Even if an idea would better this city and its people, it is automatically discarded for the most childish of attitudes.

A great thing has taken place, thanks to the Mayor. We now have a new tenant and a new business coming into this city. But on the other hand, if the administration and this Council chooses to take away a valuable asset such as Shore Cultural Center, then the gain that we have will not make up the loss we are getting.

We hired the equivalency of having LeBron James come to Euclid to create a winning team. Then, after he's here, we're really not sure if we want to have a winning team. The Coral Company is our LeBron James. They laid out an incredible five year plan. They come with a winning track record that says they know what they're doing and they've done it before. And yet, it seems that, we seem to be seeking out every nook and cranny in which to discredit the proposal. The Shore Cultural Centre can be an incubator toward the rebirth of growth and prosperity in Euclid. Let us not be so short sighted that we dismiss the future because we're not sure if we like the people who support it.

Shore Cultural Centre is positive. Coral stated they know how to write grants, they've done it before. They know how to get tenants, they've done that before. I just wonder, has anyone on this Council or the administration taken a moment of their time to go to Shaker Square or Cedar Center and see what has been done?

The Coral Company can be a vital part of our future. They already have a stake in our community. In times of trouble when money is tight, sometimes you do have to gamble on tomorrow. Sometimes you have to have faith. In November we will be asked to gamble on the building of four new schools without having any guaranty that we'll know how many numbers of students we'll have in ten years. Be strong enough to lead as you should. Be wise enough to know that you cannot do it alone. Wisdom is the reward of a lifetime of listening when you'd rather be speaking.

I urge this Council to amend the legislation and give Coral Company until December 2010. For God's sake, for Euclid and its people, can you consider the future? In conclusion, I want to state that the closing of the Shore Cultural Centre will affect one group of citizens of Euclid more than any other, for they are its greatest users. Can we really afford to do this to a growing African-American community? Thank you.

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Mr. Ray Petrea – 353 E. 232 St. Tonight we are like Yogi Berra at the fork of the roads. As Yogi says, when I come to the fork in the road, I always take it. Well tonight the option that is taken here is very important and essential to the city and future of Euclid, Ohio. The decision that is made here tonight will make a difference in the months and years ahead. So it will take forethought, wisdom and understanding of what this decision is and means.

I hope that each of you have explored resources to assist the Coral Group in helping Euclid to develop and grow. I grew up after the Depression years and I did a lot of reading in my youth regarding the successes that were made, astounding, impressive achievements. Why? Because people cared and dared to surmount the circumstances they were in. They did not give up. There's important principles in this universe. One of them is that everything that is needed is available from the universe. Everything. The Bible tells us how to obtain what we need. Ask and you shall receive. Seek and ye shall find. Knock and it shall be opened to you. I like what Tyler G. Hicks' philosophy was.

President Holzheimer Gail – Mr. Petrea, if you could focus your comments on the issue at hand. You're talking about Shore and we have a lot of people waiting to speak and I will ask everyone to keep your comments to the issue at hand.

Mr. Petrea – Thank you. The Coral Group has presented a fabulous plan for the next five years. They put a lot of time and effort into that and I think it's a disrespect to them and the citizens of this community to ignore that plan. They need more than three months. They need more than a year. Any council person that votes against less than a year doesn't deserve to be on this Council. This is an important decision. We're at the fork in the road; don't take it lightly. The wrong path could be devastating to Euclid.

I would like to quote Martin Luther King. The time is always right to do the right thing. Thank you.

Mr. Roy Larick – 23745 Lake Shore Blvd. Also speaking to Item 14, which is a little confusing. Coral has completed its original contract on Shore and Council does need time to review it. So it does seem reasonable for Council to deliberate up to 90 days and at the same time pay Coral its \$10,455, during this period. Item #14 seems fair in this regard.

I'm confident, however, that Council members will find creditability in Coral's one year management projections. It does seem likely that Council will want to extend Coral's contract for another year into the fall 2010. The way I understand this, it would cost the city roughly \$85,000 to do this. This is a reasonable price for Coral to continue operating the Cultural Centre to the standards its established in just 120 days.

Tonight I therefore urge you to consider amending item #14, to an end date in the fall of 2010. I cite two reasons for this. One is Coral's competence. As I say in 120 days Coral has done a great job. As a Shore tenant, I've had the pleasure of routine communication with Laura Kidder, Building Manager, and Laura and Coral asks the right questions about how the building can be restored and improved while maintaining its national register status. I'm no with the Landmark Commission, but in my years with it, no one has asked us to fulfill our basic role of coming up with ways to preserve landmarks. Coral is the first one to do this in its operation of Shore. In my efforts to find the information that Coral needs to develop a restoration plan, I have called a number of institutions around town and it seems that all of them have worked with Coral in one capacity or another, all hold them in high regard. I consider Coral to be competent, not only in doing what we all know it does, owning and managing properties in the inner-ring, but also in looking toward the restoration of our landmark.

Secondly I'd like to cite the Arts as a development key and where Coral fits into that. I'll also refer to the Gordon Square Arts District. You may have seen Sunday Plain Dealer article about that, a column actually. Detroit shore-way has some similarities with Euclid. The Arts District project is a \$30 million project that is predicted to create more than \$500 million in commercial, real estate development, residential as well, and also the construction jobs that go along with that and permanent jobs as well.

The relevance here is that it's a \$30 million project. That kind of money seems to be there for arts related development projects. Shore is not Gordon Square District, but nevertheless, it is a small sum that's needed to bring Shore really up to date, a few million dollars. It seems to me that Coral is capable of finding that kind of money and helping us restore a gem.

In closing I'd like to compare Shore with the Henn. Back in the early mid-1990's the Henn was Euclid's preservation issue. The Friends of the Henn coalesced in 1996 and struck a deal with the city to oversee the building's restoration and operations development. Now the building is self-sustaining and is nearly fully restored. The Henn is one of Euclid's great modern success stories.

All during the Henn years, Shore loomed as the Henn's impossibly larger sister. Shore has always been too big for a citizens group to oversee so there will never be any Henn-like story for the Shore. Shore needs a Coral to see it through. Coral is large and savvy enough to get its arms around the project. With Coral I believe that Shore in the 2010s can be what the Henn was during the 2000s; a vision completed with slow but steady development. Once again I urge you to amend Item 14 to give Coral a year. Thank you.

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Mrs. Kim Fry – 130 E. 212 St. I'm also speaking to #14. Thank you Mr. Langman for answering my e-mail last night. I was worried that no one reads comments sent to City Council and I was pleased to get an answer, so I thank you.

My husband I moved My husband and I moved to Euclid (Ward 5) a little over two years ago. We chose this city and our home because of its proximity to the lake and I-90, and because we could walk to shopping, restaurants, church, the library and local cultural events. Ever since we moved here, we have followed the debate over whether to keep or close Shore Cultural Center. We love the historical school building and have attended several programs there, including a class at the cooking school. Whenever we have visited Shore, or even when we just drive by, it has been buzzing with activity and the parking lot is always full.

I watched the entire Executive Committee meeting last Wednesday on television. Mr. Rubin and his associates with the Coral Company presented a very reasonable and inspired plan to manage Shore Cultural Center and improve it over five years using a development officer to raise the money to cover their own expenses as well as the costs of capital improvements. I believe the conservative plan, given our current economy, to spread improvements and other progress over five years is a great idea.

I was surprised at Mayor Cervenik's dismissal of the idea that a development officer could not raise \$1.8 million, which was the number that was talked about on Wednesday, Mr. Larick mentioned several million, over five years. Even in these times, a few million dollars is a drop in the bucket for a good development person to raise in grants and outright gifts.

I cheered at the arguments by Mr. Langman and Ms. Minarik for keeping Shore open and giving Coral at least one year to put the development person in place and begin to manage and improve the building properly. Mr. Langman's point about the importance of Shore's location as a center for arts and culture are so true. Shore can be a beautiful and exciting centerpiece that will complement the city's other plans for downtown development. If we close it and board it up, it will be an embarrassing eyesore and diminish Euclid's ability to attract high-quality businesses to the downtown area.

Ms. Minarik is correct in her belief that a city's commitment to arts and culture is vital to attracting middle- and upper-income homeowners to Euclid. I believe that young married couples are also a demographic that Euclid should focus on. Housing is affordable here. Young families today also want local arts, culture and community activities available for themselves and their children. Empty nesters like myself and my husband also want access to these same things.

Ms. Holzheimer Gail said it best last Wednesday night, if you believe in a vision for Shore, vote in favor of the Coral plan, and then we'll figure out how to pay for it. Believe in this vision. Please give Coral a chance. Approve the full five year plan. The one year only option, doesn't allow Coral to seek long-term tenants, thus compromising the entire long-range plan.

Thank you very much for your time and also for everything you do for the City.

Mr. Jon Gurry – 22425 Seabrook Ave. I first want to thank Councilman O'Neill for his response to my e-mail and then Mayor Cervenik. I brought an issue to you and you responded right away. But I also want to thank Laura Kidder because she did the same thing, she responded right away to an issue that I brought to her attention. She's there to respond to e-mails at 11:30, she's there at 6:30 in the morning. You can't get a more responsive management.

I want to give you a report, not so much on your proposal but as a resident on Seabrook, we live right behind Shore Cultural Centre. We hear sounds of kids tap dancing. We see people in the backyard like Kim said, there's never a day that there's not something going on back there. The culinary school that Dolly Luskin works in. There are a lot of things for people to use over there. My kids have gone to and worked in plays and my kid worked in the Hunger Center. I vote there. This has been a gathering area for my family for many, many years.

The Coral center had us over for a town hall meeting, a couple of them earlier this year. They listened to what we had, I brought in issues to their attention about that security problem they have, they responded to that. This is a good group. They seem to know what they're doing. If that place closes, the value of my street goes down dramatically. Kim also mentioned young kids. We have three new families on my street that have kids. They are participating over there. You see the kids going to basketball and you see them in daycare. This is a real value to our community and I'd like to see it kept here.

As to the 3 month, 1 year or the 5 year, if you want my opinion, extend it to five years. They are already here, they know what they're doing and they're going to keep that place running for along time. Thanks.

Mr. Tom Lang – President of Local ASFCME 2509, represent the Street & Sewer workers, Traffic Maintenance, Public Buildings and Lands, the Golf Course workers. To continue to sink money into Shore School is just ludicrous. The more money you sink in there, the more money is taken out of the general budget which will cause layoffs in departments, not only in the ones that I represent, but other departments within the city. We all have a want list. We all have a need list. Shore is want, it is not a need, it is a want. You need not to sink any more money into it. The money that you're asking for doesn't even include fixing the parking lot, putting windows in it or anything like that. If the Rubin group can do what they're saying they can do, then sell Shore to them and let them sink the money into it. Please no more money into that school. Thank you.

Mr. Tom Franczyk – 19801 Kewanee Ave. in Cleveland. I'm nine years old and this is my fourth year of volunteering at the Euclid Hunger Center. Euclid Hunger Center at Shore Cultural Centre needs to stay open because we serve hungry people and there's an even bigger need now. There's no one on where we make the bags up or for the people or on the storeroom, which allows us to serve hungry people a lot better. Money is going to buy food and other things to buy for people instead of rent. As a Cub Scout I felt it is important to give back to my community.

Ms. Wendy Oliver – 25801 Lake Shore Blvd. I hate to come up after that. I'm speaking to #14, just like everybody else. I read the Coral report and I saw the deficit that's listed that we're going to have for five years, but I also saw them trending that deficit down to ten grand a year at the end of the five years. When I added up those figures on the deficits, I came to less than half a million. If we close the building and demolish it, their figures were \$4.50 sq. ft., not counting abatement. Abatement was estimated at half a million, remediation they called it for asbestos. If you figure only 100,000 sq. ft. which it is actually a bigger building than that, and you figure \$4.50 a square foot to demolish it, which I've heard much higher numbers, that's the lowest I've heard, you still come up to a million dollars to get rid of it. So for less than half of that, we can run it for five years and see if we can make it go. Why would we not try that? Why would tear down something that could be an asset? It just doesn't make any sense to me.

I think what everybody saying is that they just don't want to throw money down a hole. I understand the union, I understand the firefighters and everybody. I understand that. But they're going to spend the money anyway because it has to be removed, you just can't let it sit there and rot. One way or another the money is going to be spent, it is less money to keep it open for five years than to tear it down. Why not give it a try? That's all, thank you.

Mrs. Sue Gratz – 2909 Fairfax Rd. I'm also speaking to #14. I'm a member of the Board of Directors of the Euclid Orchestra. My husband is the music director of the Euclid Orchestra. We moved here two years ago from California when our son who was then 16 years old received a scholarship to attend a Young Artists Program at Cleveland Institute of Music. He was too young to live here on his own, so we quit our jobs and came with him. He came here to study violin with Wayne Pruecil who is the Concert Master of the Cleveland Orchestra. I am also on the Board of Directors of the Women's Committee of Cleveland Institute of Music.

I was so impressed with the cultural impact in University Circle when I got here. The institute, the orchestra, the art museums, it is one of the main reasons that Cleveland is thriving here. I asked myself when I heard what the plan was, why would anybody consider just trying this building? The Coral Group as per your request has developed a plan to make this beautiful old building self-sustaining within five years. This lovely old building is on the Historic Register and has greatly increased the number of cultural events in your city. Because of the Shore Cultural Centre, the communities lives are enriched through the arts, through classical music from the masters. As city leaders you are responsible for bringing that culture and those beautiful works to these citizens by making this venue available to the people of your city. You have already lost your RTA circulator, your Sun Newspaper, your recycling and those are three things that every important city has to have. I keep asking myself how much more you're willing to lose.

People flocked to one city in California because it is on the water and because it has beautiful old buildings and that city is San Francisco. In the city I came from, we tore down our old buildings to the chagrin of everyone who lives there and I'm telling you that we can only see them in books. There's a book called Fresno Remembered. Because they truly exist only in the pages of the book, they're gone. What I keep thinking is if you tear down this building, you can't bring it back again, once it is gone, it is gone. I'm asking you to please think long and hard before you do this because once it's gone, it is gone and this place that houses all these wonderful things for all the people in your city, the Hunger Center, the Orchestra, everything that's there, is gone. Thank you.

Mary Emser – 247 E. 242 St. I am speaking not only as a lifelong resident of Euclid but also as President of Euclid Orchestra. I want to say thank you to the Mayor and to the City Council for taking serious consideration of the Coral proposal. I attended the recent Finance Committee meeting and feel the Coral Company did a very thorough job on assessing both the Shore Cultural Centre on its needs and potential. I realize the vote today on #14 is to give Council some time in which to read that proposal and consider it. But I'm here to ask the Mayor and Council to amend #14 to keep the Coral Company through December 2010. This would give piece of mind to the schools, the Euclid Hunger Center, the Euclid Orchestra and other organizations in the building to know their year won't be disrupted by a move.

In the Orchestra situation we have begun our 2009/2010 Concert Season and are already planning our city-wide youth concerts since they were so very well received last May. Since there's a lot of planning that goes into those, we would appreciate knowing that we will have a venue capable of seating the 1400 plus Euclid youth residents that attended those concerts.

I can try to empathize with the city employees but the programs going on at Shore are for everyone in the city, including the Euclid employees. The Euclid Hunger Center just caters to Euclid residents alone.

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If they have to move somewhere else in the middle of the winter, what are those people going to do for food? Where are they going to turn because it will take them awhile?

The city contributes to the sports programs, the pool, the ice rink, the golf course, Memorial Park. Why not a place for the arts and culture programs too? Why should we be the exception to what the City will support? Coral has a great track record, let's give them a reasonable chance. I thank you on behalf of the Orchestra members who wish to stay at the Shore Cultural Centre. Again please consider extending the contract date on today's legislation to keep Coral on through June 2010. Thank you.

Ms. Kimberly Sims – 1671 E. 276. In an effort to save time, I'm going to be really short and sweet. I just have one question that seems no one can really answer for me. I want to know if the worst case scenario happened and we close Shore, what are you going to do with \$500,000 worth of culinary equipment? No one, Mayor please? I'm just wondering, are you going to auction it? Are you going to gift it away? Are you going to, am I breaking protocol, or maybe you can answer later. I'm sitting here and I'm listening to it and I'm thinking, a half a million dollars worth of culinary equipment. I don't know if you could gift it to the Euclid Schools because they had to put special wiring in. I don't know if you want to auction it, because what is the return on getting the value of that equipment. So I'm sitting here, where would you house state of the art, a half a million dollars worth of culinary equipment?

Mayor Cervenik - If you would like me to answer I can. We would have a responsibility if Council voted in the negative this evening to relocate the culinary school. Except for the improvements made to the building itself, most of that, if not all of that equipment would follow the culinary school to where they relocate. I'm not sure we're going to have to worry about that this evening. That's what we would have to do. The bigger question on that would have been, should we have sunk all that money into the culinary school until we had this discussion this evening, so we can look at it both ways. It would move with the culinary school. We have a legal obligation. We have a lease and a moral obligation to the culinary school.

Ms. Sims – I'm sure you are. I don't come to argue today. I was just curious. Please take that into consideration. As well, we have a ton of kids in my area that use Shore as one of the places to play basketball. Unfortunately the parents are really here to speak up, but I'm in an area, the kids come by my home, they play with my son, they play on my basketball court. But you should be aware that my little yard can only fit so many children. In an effort that we have changed over some of the apartments and more children are in our areas, that you need to find a place for them to be able to hang out. Okay, thank you.

Ms. Fayne Copeland – 60 Lake Edge Dr. Euclid, Ohio. I just handed you a list of the petitions that were signed in support of Shore. The shorter list is just the Euclid residents. You've got the Master list. If you could give the short list to Councilwoman Holzheimer Gail when you're done, I'd appreciate it.

Tonight I gave Council President Gail a copy of our list of petitioners who asked the Mayor and City Council and the administration to fully support the Shore Cultural Centre. I began this petition drive in response to several statements made by a council person who asked, what is so cultural about Shore; who uses it anyways; and isn't it just a bunch of kids?

In answer to those comments I began this petition drive. The petition reads this, We the undersigned as the Mayor Cervenik, Council President Gail, City Council and the City Administration to fully support the Shore Cultural Centre, a city asset with community driven programming and an economic anchor for downtown Euclid.

These signatures were collected from March through July 2009. Of the 1,592 Shore supporters signing our petitions, approximately 60% are from Euclid. The rest of the signatures represent approximately, are you ready for this, 70 nearby communities, who utilize and support the Shore Cultural Centre. Since this petition drive, the Shore Cultural Centre Board has received both solicited and unsolicited funds and pledges in support for keeping Shore operational. To-date we have received \$10,433 in addition to the \$20,000 we gave to support the buildings operational costs. Of this amount, 12% of this \$10,000 is coming from outside of Euclid and that is in the light of so much uncertainty. Just think what we could do with the city support.

Mr. Mayor, City Council, at the beginning of this process there were a lot of rumors and mis-information about the activities of Shore. We had a challenge to correct that mis-information and to present facts to the Council that would support the continued operation of Shore. With the assistance of Coral Management, we can now say with some certainty that Euclid and the surrounding communities do use and support the Shore Cultural Centre. Shore currently is and will continue to be an economic anchor and contributor to the downtown area. I'm stuttering a lot, I hope you can follow me. The future of Shore presented by the Coral management will provide a long term economic anchor and engine to invigorate downtown Euclid.

As a reminder, in the beginning of this, the project goals as stated in the RFP is a primary goal the City of Euclid prefers the Shore Cultural Centre remain a multi-tenanted operation that will provide a premier civic facility serving Euclid and the surrounding Lake Shore communities in which all or a portion of the facility provides space in which the arts, cultural, educational and community social organizations can be promoted and flourish.

I'm going to ask you to please vote with your constituents. Mike, Councilman O'Neill, I promised you a list of all your constituents who have signed that book, the pledges and I'm still working on that. Also I want to thank the Lake Edge Beach Association for their letter asking City Council to also support this. I didn't orchestrate that, that wasn't on my part. Thank you everybody.

Mr. Terrence Walton – 8566 Barber Drive. I'm the elephant in the room. I'm the Charter School that everyone talks about. I've been a tenant at the Shore Cultural Centre for four plus years now and not one Council person has initiated a conversation with me in regards to the Charter school and any rumors that they've heard. I was willing and still willing to sit down and talk with anybody to clear up any misinformation that they have. I chose Euclid to open a school because I thought it was an excellent community. I grew up in Wickliffe and Euclid was my neighbor. We looked at Euclid as no different than us when we were growing up, very similar community, demographically and everyway and the like. I wasn't forced to move here, I've worked in Charter Schools all throughout the Greater Cleveland area from all the way as far as Lorain to as far as Akron. I've been in numerous facilities, different kinds of uses and the Shore Cultural Centre was an excellent use for a school, having been built as a school. That was the only reason, outside of the fact that I thought Euclid was an excellent community.

Through the course of four years it was very disheartening just to hear all of the negative things that were said about the building and about its usage and about the tenants in the building. When everyone who goes to that building, utilizes it, can see the wonderful things that are going on in the building. I'm not here tonight to talk about the benefits of the building. I'm just here to talk about doing the right thing.

Doing the right thing means not to put kids out and disrupt their educational experience in the middle of a school year. I came here earlier this year prior to Coral being chosen to do a study and I was told that we would know, the school would know if the direction that the city and the group was headed towards closing the building in a sufficient amount of time to make some kind of decision in terms of where we would go. All through this process I was given the information that it looks good, it looks like the building is going to be able to remain open. So, I had hope. I think it is still a viable entity. I think it can thrive.

I heard things this evening, Charter School is moving out soon. Says who? I don't know where that came from, again, no one has asked me. In 120 days, four months, I've seen more in four months happen in that building than I've seen in four years. From simple things such as, hand towel dispensers and soap dispensers in the bathroom, floors being mopped and waxed. People are coming in there and they're like, wow, look at all of the improvements that are being made in four months. Just imagine what can be done in a year, five years.

What I have to say tonight is do the right thing. Our President campaigned on change and change is inevitable. If it's the Lord's will that this place closes, so be it. But let's do it the right way. Do it in a way that's not going to disrupt the education of children from the daycare to the culinary arts school to kids in the GED program, to the kids in the charter school, and the kids that are taking classes from Tri-C. Do the right thing, have a change that we can believe in.

Mr. Dave Speck – 60 Lake Edge Dr. We've had a lot of passion and discussion this evening on #14 and that's what I would like to address also. I'm a businessman. I run a \$40 million piece of business for my company, which is a \$1.2 billion company located on the east-side. When I look at a proposal, I try to look at it as I was taught in business school, as I've been taught in the years that I've worked for all of these companies.

I've read over the business case that Coral Management has prepared. I sat down, I was in Tokyo last week, I spent an hour, staying up late one night, to go through it. I would like to say that as business cases go, I think it was a pretty good job. Not bad. I've gambled as much money as we're asking to gamble here on a lot less, not willingly, but I would say that this business case here that they've made is a pretty good case.

One of my fellow citizens, Wendy Oliver, talked earlier this evening about the cost of tearing down the building versus the cost of keeping it going and I think she took a lot of my thunder that I was planning to talk about. So I won't hammer that particular part of the discussion. Except that I would say, one other thing that we should take into account is the opportunity cost of shutting Shore down. Opportunity cost is basically what you're giving up by taking a particular course of action. What we're giving up here is economic development for the downtown area. We've had two union representatives stand up here and talk about the sacrifices that their members have made in the past year with salary negotiations. They've asked us just to shut Shore down, not to put any more money into it. That sounds like a reasonable argument at first, but I would ask the question first of all, why did we get into the situation where we had to negotiate with the union members to lower their salaries. Was it because we were funding Shore? I don't think so. I think it is the general economic situation and the situation we were faced here financially within the city. If you want to dig ourselves out of this whole, the way to do that is to do something that is going to bring some economic revival to this city. Shore represents that opportunity. By walking away from it, you're adding that opportunity cost to the cost of demolishing the building. If we want to get our unions in a situation where they don't have to negotiate for salary decreases each year, the way to do that is to build this city up financially and Shore represents our best opportunity to do that in the future. It is a risk versus reward situation; a standard business case. My argument would be that the risk here in not going forward with the Coral Management plan, is a lot more than what you would really think

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that it is. It is lot more than just the cost to tear that building down. If we don't do something to revive the downtown area, then next year, I'm sorry to say, I think our unions are going to have to negotiate again, and that's not fair to them. It wasn't fair the first time around.

I would urge you to consider amending #14 to give a longer period of time to allow Coral to manage that building and start it on its path to being the economic engine for the downtown area. Thank you.

Mr. Tom Cooke – 25641 Edgecliff Dr. Number one I just want to say, arts and culture is not defined by a building. A community is not defined by a building. Arts and culture of a community is defined by the people.

Number two, no one knows. There's no one here and I don't believe Mr. Rubin or Coral Company, have any hard figures on what the demolition costs of that building are. I don't believe that building has ever been hard bid out. So plain and simple right now, nobody knows what that building is going to cost in this point in time.

One thing we do know, if it is ever demolished, it is a fixed cost, it is a one time cost, it is over with, it is done. If the building is ever closed down, it is an ongoing cost forever and ever and ever, kind of like the last 25 years with that building.

One thing that is a guaranty, any money that is spent on this building right now, you can bet money you're going to have one heck of a fight with the unions in upcoming negotiations. You can just bet money on that, that's going to happen. That's a done deal. You're just going to have to deal with it and get ready to come because it will be here.

There are 50,000 taxpayers in this city that you're willing to spend their money for this building to support or to benefit roughly 5,000 people as I understand it, 5,000 plus or minus. The police, fire and city services all of which made concessions in this last year, benefit every 50,000 resident of this community, not just 5,000.

Coral Company, Peter Rubin has a history that goes back a long way, a very reputable company, they do have a very reputable plan that they did present. The one year and four year plan that culminates into a five year plan, as I understand it, everyone of those years is a loss year up until the fifth year if everything works out right. What I would like to see and what I would agree to, is an extension for one year of their contract. Let's put their feet to the fire, let's see what they can do. If they can say what they can do within that one year period timeframe, let's give them an extension for another one year period into their four year plan. If they can fulfill those requirements and goals that they've set forth, then fine let's move forward with that. If not, if this Council has determined that the Coral Group has failed to meet their goals and obligations within the first year, then by default, a timetable is set in motion whereby the building will be demolished and funds will be acquired.

Now, if you believe in yourself, if the Shore people really believe in themselves that this is a viable project, they will agree to this. This is a great way to hold somebody's feet to the fire, hold them accountable. Produce or you're gone. Plain and simple. We've dealt with this to long, to long. The City cannot afford to keep pumping money into this building. Henn Mansion is no comparison to this building, never will be.

I would like to see this extension, I hope Coral does good. I would like to see the renovation of this building, it is a beautiful historical building. Those of you who do know me or know of me, know my involvement in Henn Mansion and what involvement I've had in that project. I do value the history of buildings and the historic architecture of buildings. But there comes a time when enough is enough and we cannot keep on pumping money into those buildings. It is either come up with the money to renovate it, or get rid of it. Thank you.

Ms. Beth Wolf – 137 Warwood. I'm a resident of Lorain County. I grew up, up the hill from here, when to school in Euclid. I've visited the Shore Cultural Centre as a resident of Lorain County, so it does impact a wider community than just Euclid. I'd like to ask the members of Council to consider what Playhouse Square would be like without the theaters. I worked on the theaters early on, painting ceilings when it looked like it was a crazy idea and look at how much revenue it generates for that part of Cleveland, not just that part of Cleveland but a wider community. It puts Cleveland on the map and it came very close to being demolished. I've been involved with other organizations, Cleveland Public Theater, look at Gordon Square District now. Back in the day, it wasn't much and it was totally built on sweat-equity and Shore Cultural Centre has survived to this point with money from the city and also with sweat-equity. Now you have an opportunity with this fine established company that has a good reputation and the experience to make this successful. I would urge you to give them an ample extension so that they have an opportunity to turn things around and make it work. Thank you.

Ms. Ann Arnold – 12700 Shaker Blvd. I live in Cleveland. I was asked to come and talk about what it is like to be an artist and the importance of artists in the community. I really didn't know much about the details and facts about this but I'm learning this as I'm being here today. I wrote a little something here and it is just something to maybe give you some ideas, something to think about.

I am a lifelong Clevelander who chose to remain in Ohio after I graduated from the Cleveland Institute of Art. I wanted to contribute to our part of the world and have worked as an artist and independent art educator

in northeast Ohio for nearly 30 years. I have witnessed how important it is to have such gathering places as the Shore Cultural Centre where children and adults can come to explore and take classes. People strongly identify with cultural art centers within the communities that they live and visit. For example, there's Karamu and Arts Collinwood in Cleveland; Heights Arts in Cleveland Heights; Beck Center in Lakewood to name a few. The arts can be used to boast the unity and economics of a community through classes performances and seasonal art sales and events.

We are at a time in history where we are in our greatest need for success stories. Businesses, art galleries and community centers are closing their doors at an alarming rate. But people still need hope and places to dream and create. I have learned that the Shore Cultural centre is the anchor in downtown Euclid. It is a place where artists teach and share knowledge and people in the community come to learn and to gather.

Without the support that includes funding, development and maintenance, the Shore could become just another dark, empty, abandoned building in the Cleveland area. The Shore was built in 1918 as Shore High School and it is part of the history of Euclid, a part of the history of American architecture.

You have a potential treasure here in Euclid that is part of the National Register of Historic places. It has been documented that renovated and maintained historic buildings can attract tourists and tenants. The Shore Strategic plan to collaborate with schools, art teachers and arts organizations in the area, to create after school art enrichment programs, should be considered as ideas that can enrich and transform young lives and revitalize a community.

Shore can continue to be a place where adults, children and young adults can come to achieve personal and cultural growth through meaningful experiences in the arts. It is where barriers can be broken down and people can develop themselves artistically, academically, emotionally and socially. Thank you.

Ms. Robin Van Leer - I live in Cleveland Heights and I'm also creator and artist director of Parade the Circle Celebration. I can talk to you about saving the Shore Cultural Centre because in all the time I've lived in Cleveland, the Cleveland area, which is 20 years and all the time I've learned before that in other parts of the United States, I've seen time and time again, amazing buildings at the verge of being demolished and being lost and every time the community had the courage to stand behind those buildings and to keep them and save them for their heritage, they were rewarded.

I also want to speak to the fact that as a center, as a gathering space for people, it is true that the building isn't the arts and culture of Euclid, but it is so difficult to find a building that will accommodate such a diverse group of people that it is worth saving for that reason alone. Cleveland Heights, just recently when our YMCA failed and there was a building that was left vacant, a great deal of time and money and energy was spent putting that building back into working order and joining it together with our public library to create a place for our local theater company and our arts counsel so they actually had a home together. We were in a position where we were trying to create something that you already have. People have spoken of University Circle. It is unique in this country as a gathering place of cultural organizations and institutions. You already have that place here that's just waiting to be brought back to life.

In my time in Cleveland, when I first started working at the Art Museum and was looking for groups that was interested in collaborating and being part of Parade to Circle, it was very hard to find community groups and cultural groups that had the courage to take part. The very first high school that ever was willing to be part of Parade to Circle was Euclid High School. That to me spoke of this community and its courage and its vision. It went on to become part of the parade for the opening of the Rock-n-Roll Hall of Fame. We have plans again for Euclid High School to be part of Parade to Circle as we've now are about to celebrate our 20th Anniversary. I urge you to live up to what the residents of your city and your community have done and have put their courage and their own faith and sweat-equity into. I also urge you please consider a five year plan. We just moved the whole community arts program of the Art Museum into an empty warehouse in Cleveland. We had to have at least a five year guaranty for it to be worth putting the time and energy into it. If you want your Orchestra to stay, if you want your other organizations, your schools and your daycare centers and your hunger center to stay, they have to believe that the money they're going to put into and invest in this building is worth it and they're not going to be asked to leave within a short period of time.

I know I'm not a resident of your community, but what you do here impact all of us in Greater Cleveland and I urge you to consider and to act positively in saving your Shore Cultural Centre. You have an amazing jewel. Thank you.

Ms. Jinai Amos – 23410 Lake Shore Blvd. I have done some research on art in the economy, the economic impact that the arts have on local, state and federal districts. One was taken from the National Governor's Association report. It stated that there was a \$36.8 billion revenue annually; that it created \$1.3 million jobs. There was \$790 million in local revenue. That was \$3.4 billion in federal revenue. This was a report that had many examples of states all across the country, everywhere from Missouri to Ohio to Pennsylvania to Michigan to Colorado. It was very diverse in the types of regions it culminated into these averages.

It also lays out the strategies for governments to incorporate the arts into economic development plans. It said that by partnering with the cultural sector, state, county and municipal governments are melding business incentives and the arts to revitalize decaying downtown areas. States can help localities incorporate arts into

community planning through both direct financial support and technical assistance or training.

This report also focused a lot on what councils, commissions, just any sort of organized body can do to help increase the economic impact of the arts into any kind of community whether it be local, regional, state, national.

I then also found a major report done through Americans for the Arts, called Arts and Economy, Prosperity Three. That survey which is the third survey that it has done was through 2000-2005. Let me backtrack. The report that I just reported on, that was done in 2008, just last year. These are pretty current reports and both of these reports are in their multiple years of surveying.

This report also founded that there is \$166.2 billion expenditures that added to the economy. That was \$5.7 million fulltime local jobs created; \$104.2 billion in resident household income; \$7.9 billion in local government revenue; \$9.2 billion in state revenue; \$12.6 billion in federal income tax revenue.

This report was interesting because it decided to knock out New York City and Los Angeles, obviously two very large players in the field I guess. From 2000-2005, non-profit organizations grew 24% increasing from \$134 billion to \$166 billion in revenue. Basically that section of the report was just showing that the economic impact of the arts is increasing over the years, it is not decreasing, it is increasing. It is having more of an impact as we go on in the future. The key lessons from Arts and Economic Prosperity III is that communities that invest in the arts reap the additional benefits of jobs, economic growth and quality of life. That positions those communities to compete in our 21st Century creative economy.

There's a wonderful quote by our late Senator Kennedy, that the arts benefit communities as well as individuals. Cities and towns with flourishing cultural activities attract businesses and tourists and provide tremendous incentives for families. There are wonderful models in Massachusetts and across the country of communities that have integrated cultural institutions and revitalization efforts. They have strengthened their economies and greatly improved quality of life in their neighborhoods.

I have spent my time doing the research and making a report of these two major studies. As far as I know there are about two other major studies out there as well. I have forwarded my culmination notes to Council and the Mayor, as well as links to the full reports and the summaries of the full reports. I hope that Council will take the time to consider these facts, as well as perhaps put through some of those reports while you're making your decision on Shore.

President Holzheimer Gail – Ms. Amos, your time is up.

Ms. Amos – As it shows, there is an economic impact. Thank you.

Ms. Shariece Hardrick - 25450 Briardale Ave. I moved to Euclid about 41/2 years ago. But before I moved to Euclid, I lived in an abandoned house. I chose to live in Euclid because there was potential here and I felt that there was an opportunity for my children to grow and mature and to have a good education. Now if you take away the Shore Cultural Centre, my son is now a senior and my daughter is a sophomore. Now how would it look, it would be just like, I'm speaking as a parent. It would be as if I was still living in a boarding house. Not only my son, not only my children but the other people's children in the community. It would be like a slap in the face to them. It would be like a slap in the face to me if you would take this Shore Cultural away.

Since I have lived in the City of Euclid, I have matured as a young woman, as a mother and as an entrepreneur. There are many other businesses that are in the Shore Cultural Centre and there are many ministries that are in the Shore Cultural Centre. Other people from the community or outside the community come to the Shore Cultural Centre to find a place of worship. I'm quite sure all of you would agree with me that everybody needs God.

My plea to you today is to not close the Shore Cultural Centre. This is my son's first year of graduation. This is the first year of the graduating class of 2010 and I am very proud to stand here and say that. We have worked very hard with the children in the community. I'm here to plead to you today, please do not close the Shore Cultural Centre down. It would be like a slap in the face to the parents, and to the children.

Mr. Jim Froom – 816 E. 237 St. First of all I've heard many comments, we're talking about a one year plan, five year plan; \$1.8 million to \$2 million. Let's get realistic. We need a plan that's going to be permanent if we're going to do anything. We have to take and not piecemeal something. We have to take and either go all out and do it, or forget the plan altogether. Why should we come back another two years and say here's another \$2 million needed, another five years here's another \$4-\$5 million needed. It is not going to work. As a taxpayer I don't want to do that. We have so many buildings in this city that are not being utilized. As far as that goes, we do not utilize our public school buildings. The Charter School is a viable business or opportunity, let them purchase one of the vacant buildings or going to be vacant from the Board of Education and use it. We have all types of storefronts here that churches can use. As far as acrobatic and dance classes, there's all types of places they can go. Let's get realistic and figure out what this is going to actually be financially and not piecemeal, let's do it all together or not do it at all, have the support of the whole community. Thank you.

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Ms. Sonia Williams – 1961 Wyandott Rd. The Mayor mentioned moral obligation, so my question is does that extend to the pre-K through 12 grade students that are inside the building that you are proposing to shut down in December in the middle of their school year and their academic growth during that time. Isn't of enjoying their family during the season, you will have Euclid voters, Euclid employees, Euclid residents, Euclid children worrying about where they will work, where they will be educated, where they will find the many resources that are found at the Shore Cultural Centre.

Mayor Cervenik, you attended a meeting with New Day Academy and when a student who was a resident of Cleveland asked what she could do to help the city in an effort to address the financial concerns of the city. Here you have a student, with other Euclid students that reside in Euclid, look at the Shore Cultural centre as a promise in education, in the Shore Cultural Centre and in Euclid. So I hope that this just isn't part of the agenda, I hope they're aren't already actions being put in place for it to be closed down in December that you will truly consider the families, the children that are being served in that building daily and how it will be the lack of stability. I would say, at the very least irresponsible to interrupt their education during the year. Thank you.

Mr. Paul Bearden – 17903 Canterbury Rd. I've been a longtime resident of Cleveland. Prior to that I lived inside the City of Euclid and we had our family in this area for quite awhile. I've had some strong feelings about the Shore Cultural Centre since I've moved here 15 years ago. I've heard over that period of time a lot of thoughts about what should we do with the Shore Cultural Centre, where is it going to go, what plan should the city roll around on the Shore Cultural Centre.

During that time my kids have enjoyed art classes there. I've enjoyed stained glass classes there. Most recently we're taking a yoga class and it has been enjoyable and I understand it is a cost to the city to maintain the building. There is a lady there who is working away and she's working very quietly and she's asking for participants. Just a week or two ago I found myself washing some walls so I could help her prime and paint them. She's making some steps and some strides forward and she's just a wonderful lady. If you've ever met her, my hats off to her, I don't know if she's here tonight, but she should be. (Applause)

What I really wanted to say was this, I've had the opportunity in my life through travel and work abroad in a number of different countries. One thing the Shore Cultural Centre reminds me of is the dominant buildings that you would have in some of the large squares that you'd find in some of the other cities around the world in Europe. They've learned to live with their buildings that are old. They've learned to rebuild them. They've learned to make them functional and keep them there. There is something to be said that are there and are prominent. They'll be there for a long time. There's buildings that are in Europe that are thousands of years old and the cities are able to grow and thrive around them. Yet the city makes an effort to keep those cities there.

If we take down our buildings and we throw those buildings away, we cannot build a building like that today, it is just not possible. A lot of people will tell me, well the construction people say, it is just going to cost too much to refurbish it. But going forward with the way that it is being done right now, with the efforts of the city, you might see some changes. I'm asking that maybe you give it some more time and let it go on to be what it can be. It is a beautiful building. My personal thought is that it could become the center of a future square for Euclid. It would be a long shot, but it would be pretty. Thank you.

Ms. Regina Hauck – 116 E. 197 St. I swear to you one day I will learn to tape these meetings and not watch them live because I had no intention of coming here today and nothing good ever comes from that, so I'm prefacing my comments with that.

What got me out of the house tonight was the comments that a lot of the residents were making asking you to amend the legislation on #14 to increase it to the year 2010. I'm going to ask you not to do that. For a very simple reason. I think you need to increase it to the end of the year. I don't know if you need another meeting, or you just need to take the time to go over the proposal, but I think you need to vote on the five year proposal within the next month. The reason I'm asking you to do that is because Peter Rubin and the Coral Group are professionals. They put together a five year plan. It is not a one year plan, it is a five year plan. If we make it a one year plan, we are going to be tying their hands and I don't think that's fair to them. I think if they're to be successful we need to let them do what they need to do. So we either have to make the decision, do they have it for five years or don't we have it at all. You guys have to make that tough decision.

I want to go back a few years when the Coral Group had their vision for E. 205. They had a beautiful plan. They had a plan where every single resident would have had a view of the lake. But what happened is a group of residents got together and they were unhappy with that plan because they were afraid that people without children might move in. So they got a few council members together and those council people said we can't vote for this plan. So what did we do, we asked Coral to change their plan. Now we have a half-finished project on that land. I firmly believe that had his original project gone through, regardless of what the economy was, it would have been sold out. It was a beautiful plan. So I'm asking you, to put your faith in Peter Rubin and the Coral Company. If you're going to do this, do it for five years. You cannot do it for a year. How does he hire a Development person that's going to go up to people and ask them for money. We're not talking a \$25 fundraiser here. He's going to be asking people for a lot of money. They're going to say what's the plan. Oh, I

have a one year contract with the city. He's not going to get any money. You're setting him up to fail if you do that.

So, I'm asking you, extend his contract through the end of the year. Seriously consider his five year proposal and vote on it before the first meeting of November. Let's make a decision and move the city forward. Thank you.

Mr. Edward Dickson – 2142 Waynoka Rd. I'm a member of the Board of Trustees of the Euclid Hunger Center and a volunteer. My concern is not the economics of the Shore Centre, but the effect that the proposal would have on the daily lives on our most needed citizens. The Hunger Center serves an increasing amount of people, who are in a desperate need spurred by a grim economy. This need must be met and served at a crucial time which is now. They need food, that's basic and that's required. These clients need a place that provides this service without delay without interruption. Interrupting this service would be detrimental to their daily lives. Your timeline of closing the center this year would be a critical interruption. The fact is it requires a sufficient time period to notify all clients of a new location. The reason being that we only serve clients once per month and some don't even come that month. Secondly, we're approaching the holidays which is a period of our greatest demand for food. We do not want to be further disrupted to the precarious lives of those most unfortunate people. I'm requesting that you consider extending your timeline for the sake of compassion and human dignity.

Mr. David Gilliam – 20240 Kathy Dr. I'm actually here for a change of pace, I'm not here to talk about #14. Just to let you know that I'm in support of legislation, Resolution (391-09) and (392-09). I think it is time to put aside politics and whether it is popular and make a determination that we have to do what's best for the city. The lakefront is something that is an asset for our community. We've been talking about it for numerous years. If we had the ability to move forward, I hope Council supports this so that we can move forward.

The other item I wanted to talk about and I just wanted some clarification was #11, (384-09), where it is talking about amending the City of Euclid Codified Ordinance 121.20. The Councilman currently wants to expand it to include electronic communications and communications via cell phone made by council persons. The only question that I have is, when I look at the current ordinance that exists right now, some of the sub-sets basically say, and I quote, all Council members should act in a dignified and respectful manner, not only during council members comments, but at all times. The President will be primarily responsible for the enforcement of these rules as well as the control of the meeting in general.

I'm just asking a question, does our current law expand enough to cover that particular kind of behavior and decorum via whether it is electronic or whether it is face to face or whether it is in private. My only concern is, are we getting an excessive number of situations where electronic communication and things of that nature are out of order. Because I think this particular ordinance covers a council person's behavior. That's my only question to the Mayor or to Council, does this particular language that currently exist, covers the behaviors? And I quote, that all council members should act in a dignified and respectful manner, not only during council members comments, but at all times. I think that includes any communication. That's just my point and comment. If I am correct or the Law Director's interpretation is the same as mine, or they feel that this particular ordinance does cover that particular behavior, I ask that this particular ordinance not be voted on or be sent back to committee so that maybe it can be looked at again. Those are my comments, thank you.

President Holzheimer Gail – We'll make sure that gets addressed when the sponsor can address it.

Mrs. Del Tekieli – 5 E. 221 St. President of Shore Cultural Centre Board. Shore Cultural Centre is not just a cultural center, it is the community center. It services all of the people of Euclid, all demographics, all economics, the entire gambit of the community. Last week we heard one of the most impressive proposals that we've had in a long time regarding any part of the city planning, any of the city proposals that we've heard. Coral did an extremely thorough research proposal giving us as much information as they possibly could in order to make the Shore Cultural Centre successful.

One of the beautiful things about Coral's plan, in order for the building to be successful, they needed to bring more revenue into the building by renting more space and offering more programs. Thus bringing more people into downtown Euclid. One of the things that has been missing that we haven't done over the years, is that we really haven't cross-marketed from the Shore Cultural Centre to our business community and from our business community back to the Shore Cultural Centre.

The threat of closing Shore will kill the momentum that has been growing for many of the activities. For example, Tri-C has grown 30% in just a year. That's an extremely impressive number. Downtown Euclid is about to lose the Social Security office, possibly the post office and eventually the Irish American Club. What draws people to our area? We need to continue to support our businesses. We are so fortunate to have a company like Burlington that came into downtown Euclid to replace Value City. A major step up. What do we do to keep Burlington in our community, when we reduce their customer base?

Closing Shore will eliminate the traffic of hundreds, actually thousands of potential customers into downtown Euclid. When so many of the churches moved to the Mall, Perkins and other area restaurants saw a

major drop in their Sunday business. Moving the Recreation programs from Shore will eliminate potential shoppers from downtown Euclid. We have never considered the amount of money that comes into the Recreation Dept. that when they use Shore free. That's a trade-off. In fact last spring, we took in approximately \$32,000 in revenue for the recreation programs but that was never considered into Shore's finances.

Boarding of Shore will further blight downtown Euclid. Do we spend tax dollars to restore Shore? Or do we spend the tax dollars to tear down a community asset? The Mayor recently told me that we could tear down Shore and build an amphitheater. That could never replace the thousands of people who come into Shore weekly. At the Shore Board meeting not long ago, Recreation Director Kathy Will told the Board that the building will remain open until at least September 2010. Coral Company had a gentlemen's agreement that the building would be open for a year.

The New Day Academy, the Culinary School and others opened with the expectation of being opened for an entire year. Euclid taxpayers spent hundreds of thousands of dollars to accommodate the culinary school. That was not for the equipment, that was to bring the building up to code. Who pays to move them? Does the school pay more money to move them? What about the New Day Academy?

Closing Shore in the middle of a school year disrupts the lives of our children, especially those enrolled in the New Day Academy, the Culinary School and Love-n-Care Daycare Center. These children need stability. Children are not disposable.

The boiler needs to be turned on in October at a cost of approximately \$30,000, whether the building is open for a month, a week or a year, that \$30,000 has to be paid to keep the building heated throughout the winter. Not allowing the building to remain open

President Holzheimer Gail – Ms. Tekieli, you're time is up, I'm sorry.

Mrs. Tekieli – I'm sorry. Thank you. I just want to say that there's income tax that comes from that building too.

Ms. Judy Zivic – 90 E. 238 St. I promised I'm going to keep this very short. A lot has been said in support of Shore over the years, over the many, many years. A lot has been said tonight. There's a lot of passion in support of this building. We've done a lot of studying, there's been a lot of planning. There's been a lot of study and statistics. One of the things that I find just amazing though is that we still continue to talk about what can we do. We have gone through the RFP process. We've gone through the formal process. This City Council in its RFP says, the City of Euclid recognizes that throughout its history from school to cultural center, this facility has served a vital and beneficial community purpose. With this guiding thought, the City is seeking to ensure that the Shore Cultural Centre remains an active and vibrant civic center of activities in downtown Cleveland. It sounds to me like the Coral Group, who you've chosen, whose proposal rather you've chosen, is going to try to assure that happens. They've followed what you've asked them to do.

I'm a little bit confused about the ordinance that's on agenda item #14, because it sounds to me that as of December 31st this year, that's the end of Shore. I'm here to ask you all, council members to consider that this is what your request for proposals ask them to do. Rome wasn't built in a day. They need time to make this a vibrant center again. I understand there's money to invest. I understand that there's other programs that other people in this city feel are more important. But from the standpoint of economic development, and not just the programs that are already there, as of December 31st as the crystal ball falls in New York, are we going to be putting a fork in Shore Cultural Centre? Is it ending that day? From that point forward if that's the end and nothing will happen, then that means that building will have to be boarded up because we already understand that it is expensive to mothball or to destroy, so it will have to be mothballed. That's another huge expense if you're going to do it properly because it is on the National Registry of Historic Places. So you just can't close the building. It is going to take some money to mothball it, or you can leave it that way and let someone throw rocks in the windows and break all those little wonderful panes of windows. But that's the fact of life. If you don't do anything to extend the Coral Group's plan for the next five year, that building will be a nice boarded up centerpiece of downtown Euclid and I hope that's not going to happen. I hope that you consider the fact that we do have a main street plan and that's part of it as well. The Shore Cultural Centre building and its surrounding area will bring more development to downtown Cleveland. As a boarded up building, it will bring no economic development. Thank you.

Mr. Willie Brown – 20875 Miller Ave. I maybe the last person to come to the mic today to talk about the Shore Cultural issue. I know some people in the audience hope that I am. But, it kind of brings me to my central point. It is time for the leadership of the City of Euclid to set the trend as to how we're going to move forward into the future. I believe that trend needs to be able to be bold enough to make a decision and go with it one way or the other. Other items on the agenda this evening are in regards to lakefront development and many residents have said lakefront development has been bounced around for approximately 20 years. The future of Shore Cultural Centre has been bounced around for just about as long.

The city cannot move forward if decisions are continually put off for someone else to make in the future. It is time to commit, one way or the other. Live with the decisions. As long as you're making the decision that you know in your heart and your spirit it is what you believe in, go ahead and do that. But Shore Cultural Centre, lakefront development and other areas of our city, we need to start being leaders, make a decision, go with it and let's not make a decision that puts this off for somebody else to be faced with making a decision in the future. Whatever decision you make, as long as you believe in it and you're being true to yourself, you're being true to your constituents, that's fine. Stand up behind whatever you say but let's make decisions and move forward. Let's not put things like Shore Cultural Centre or lakefront development off to somebody else to make a decision. Let's just make a decision and move forward one way or the other. Let's commit, thank you.

Mr. Michael Wardrobe – 21751 Tracy Ave. I was not going to let you be the last one to speak, couldn't let it happen. But I'm on record and coming here and speaking on at least two occasions in support of the Coral presentation. I'm disappointed that again, we have to, I'm sick of this discussion. I just wish we could move on with this whole thing. I studied the Coral presentation on the website before they even presented to this fine body and realized then that this is what this city needed for this poor building. I didn't even realize that the city was still running this building. I was disappointed, I thought it was like a non-profit, completely devoid of city coffers being involved. When I realized the city was still involved in maintaining this building, I thought to myself, my God, no wonder the place is falling apart, no offense. It is a big building and it needs maintenance. Any place like that it needs to be maintained. A little bit of maintenance goes a long way over decades for a building that age.

I would just like to urge you again to give Coral a chance with this. A year is a joke. They need more time with that. I've seen what can happen in other communities. I'm a west-sider originally. I moved to Euclid ten years ago. I've been a property owner and taxpayer and active voter in this community now for ten years. I've seen, I have an art background. I come from a union family so I'm a little disturbed that there would be such adversary from the unions. I can't believe that it impacts them that much. Maybe it does, but I find it very difficult to believe.

The Wooltex building, I've mentioned that before in this room. I used to work in the mid-town corridor of Cleveland and it was a ghost town back then, back in the mid-90's. It was a horrible place to be quite frankly. But there was the art craft building which sustained life in that area and then all of a sudden the Wooltex building came along. A building that was completely dilapidated, the roof was caved in, this place was nothing but basically ancient ruins. Somebody brought it back, I don't know who, but the City gave it a chance. Somebody brought that building back to life. I've been down there to visit it. It is an incredible place, beautiful, it is a gem of the mid-town corridor. No different than what the Shore building could be, the potential.

I know about the Henn mansion. I used to visit the Henn Mansion when it was still basically two rooms, the only thing that existed in that place and it was still being utilized. I've seen it grow. I've taken part in fundraisers there. I see it as a microcosm of the Shore Cultural Centre. I hate to see Shore Cultural Centre, the building if it is left to go by the wayside and become a microcosm of the Euclid Square Mall, which I consider an abomination of my community. I don't understand what is going on with Euclid Square Mall, but I would hate to see anything further, remotely close to that horrible site right in downtown Euclid in that center of our community which I consider the heart and blood of Euclid. Again, I urge you to vote for that amendment.

Ms. Polly Mullet – 1162 Dorsche Rd. S. Euclid. I don't live in Euclid, I live in South Euclid. But I have worked at Shore Cultural Centre in the building for a number of years, kind of off and on. About ten years ago I came to one of these meetings and at that time they were talking about proposals for Shore Cultural Centre because they were talking about closing it then. At that time, Finast was going to come in and take the site, tear down this building and build a grocery store. Now I don't think it takes to much to look at what would happen if Finast had been the person in this location because they aren't in business anymore.

But in my job, I work with GED students and I answer a lot of hotline calls that come in about our GED program. I must 10 calls at least a day, some days more. But there are so many residents of Euclid that need to get a GED and continue their education. I feel really bad for city workers and the union workers that are having to do with less income and cutback and their salaries have been cut, but I also really feel for people that don't have a GED and don't have the ability to go and advance their skills and get more skills. That's a really important piece in the program, that students have a chance to improve those skills.

I really hope that people are listening because I've sat here for two hours and watched everybody's kind of facial gestures as I'm listening to what people say. So I really hope everybody takes an open mind on this. It really seems to me that five years is not to much to ask if they put together a good business plan.

President Holzheimer Gail – Seeing no others. I think this maybe the first time we've ever taken a break before we've started legislation. That does end comments from the public so when we come back we will start with the agenda and it is my intention that we move item #14 to the top so we can address that first. Let's take a five minute break.

LEGISLATION

Ord. 166-2009 (385-09) Amended Coral Co. Manage Shore Cultural Centre

An emergency ordinance authorizing the Mayor of the City of Euclid or his designee to enter into an extension of a lease-management agreement in the amount of Ten Thousand Four Hundred Fifty Four and 80/100 Dollars (\$10,454.80), including related direct costs, with the Coral Management Company (Coral); such agreement outlining the terms for Coral to lease the Shore Cultural Centre from the City and to manage the property through December 31, 2009. (Sponsored by Mayor Cervenik by request of CS&ED Director)

Councilman Langman moved for passage, Councilman Wojtila seconded.

President Holzheimer Gail – Before us is an ordinance to consider extending the Coral Management Lease until the end of the year. A week ago Monday we heard Coral present their strategic plan and their request for a one year and a four year plan to move the building forward. We had a lengthy discussion at that time. We've had many comments from residents tonight, we've received many e-mails and I want to thank everyone who took the time to voice their opinion and be a part of this process.

I want to make a couple of things clear and then Coral, Mr. Rubin and Ms. Laura Kidder, who has been managing the building are both here, so I do want to allow, if there's questions from Council, we can ask them to come up and answer questions. But, I do want to state that initially going through December came out of our last Committee Meeting. It is not an ordinance that is designed to closed the building December 31st. Anyone who saw the plan and this is one piece of it, this is the plan, the attachments were four times as thick. Council heard it and received it last Monday. We are also planning for a Executive & Finance Budget Committee meeting in early October. I think the discussion at the point of the Council Committee Meeting was we needed time to review the plan, but, the time commitment we were under was Coral that was managing the building, their contract was expiring. So we have contracts in place. We need to at least keep the building running through the end of December. That's how the December 31st date came about because Council had asked that we have some time to have that decision, but we did not want to lose Coral in that management component.

I do want to make that clear, this ordinance was not an intent to express anyone's opinion to close the building. Moving forward, I do want to and I'm not the sponsor, but I don't know if the administration wanted to comment before we got started. I do want to share my comments because I think it is important. We have discussed this for a long time and while we're not in a huge rush to make a decision, the time is ticking. Coral worked very hard, presented a very thorough, very, I think a positive plan for our downtown. Shore is an amenity to our community. Not everyone agrees with that. Just as probably not everyone sees the value in some of our other programs or services. We have many community assets in this community. We have a senior center, we have a golf course, we have Shore Cultural Centre, we have recreation programs, we have community services. It is important to a group of people, each of those, none of them are important to every single resident in the city. I really don't want to have this Council and Administration and Community get into a situation where we're pitting programs, pitting personnel, pitting anyone against each other. Because we're a community and whatever we decide we can do together.

I think it is important at this point to give Coral the year to get going. We can wait until the end of the year and make a decision, but we've lost three months. What becomes a one year plan, leaves us with three more months of uncertainty and that gives us only nine months left unless we decide to go for the year from January to December. But that does not allow for long term leases, it continues with the uncertainty.

I would not advocate today adopting a five year plan without having more discussion on it. I believe and I'll let the Coral Company speak for themselves, but they purposely did not present a five year plan. They presented a one year plan and a four year plan, because they've been in the building for 120 days. They would like the opportunity I believe to use that one year to make sure their projections are correct, make sure they really understand all the nuts and bolts of the building. They have not been in the building in the heating season, the haven't been in the building during the high volume traffic of the building. Again, I will ask Coral to address that specifically, but in the conversations we heard last Monday and in reading the plan, the idea was a one year and a four year. I would like to commit to the one year because then we get moving, they get moving right away, we give the certainty to the tenants that are in there that they have at least through the end of the school year for sure. But I think it is important and I've talked to some colleagues about setting some benchmarks.

Coral offered to meet quarterly or more often if needed, to make sure we go over the financial reports, make sure we check on the progress, get an update on tenants and they're willing to do that and we need to take that seriously and make sure that yes, they are meeting the benchmarks, yes we're making progress. If we're not, we'll re-evaluate and we set a time and say if this much money is not raised, if we're not meeting projections, then we have that one year to give them. Show us, I believe they can do it but show us. I think we heard that from residents.

Just so we are all on the same page about the numbers, what it would take to continue for one year. Again, Coral was very clear, they were not asking the City to contribute to the capital plan. To go one year instead of until the end of the year, would cost us an additional \$85,000 in operating. Where that figure comes from is the \$143,000 deficit in year one, minus the cash balance that's currently on hand of the \$58,000. That leaves \$85,000 for operating.

If we really want to make this work, if we really want to give them the jump start, I would suggest that we do consider contributing to the capital portion for the first year which includes the half-time development director, some small amounts of money for the windows and for the parking lot. These are all in your plans, but that would total \$35,750. If you combine those two, its \$120,000 to give Shore the chance to be the true asset that it can be, to be an economic engine for our downtown, for our entire community. To be a place that can connect our residents to something that they care about, whether it's the orchestra, whether its arts and dance, whether it's a non-profit board that they're apart of, whether it's a learning environment, whether it's the critical social services that they need to get through their life. Is \$120,000 reasonable? Is it the best option? If we had our way, if we had a new building, that would be great. If the schools were built and had room in their new buildings for community access, that would be great. If we had another building that was brand new, didn't have any of these issues and we can move all these programs and keep them going, maybe that would be great. This is what we have. I don't believe we can afford to lose any amenity that our resident cares about. I don't think \$120,000 is to much to ask to keep all of those critical services in place for a year while we build towards the five year plan of zero city subsidy if the plan works. Is there any certainty that the plan will work? There isn't any certainty that the plan will work but we have a company that is a professional, they've given us stacks of information backing up what they've found, what they told us.

Bottom line to me and somebody said, you've got to check your gut. Is do I think closing that building is the right decision? Will it have a positive impact or a negative impact on our community? I just come back to, we need things that residents can be involved in, can be connected to, and our community a better place. Every other community that we're competing with, has all the basic city services. We're competing on the same level with basic city services. What makes us unique? What makes people want to stay here? What makes people want to move here? It's the extra-special things like this that help give our community identity and give residents a reason to stay involved and want to be here. I think that's worth it. I think that's a good investment in our community. I know I'm one of nine. It is not my decision alone. But I did want to share that. We can talk about everything else. We can talk about the budget.

We have \$38 million budget. We're talking a total of \$120,000. There's the ability, if we really want to keep our general fund clear, we can use other funds. We can use the Endowment Fund. We can potentially if there's a possibility of, I don't know what the balance in the TIF funds are. There is the ability to make that, take that from some other sources. I think it's worth a shot. I think it's worth going for a year. I didn't mean to monopolize the conversation.

Mayor Cervenik – I think my role here would be more to just answer any questions that City Council may have. It is their decision this evening.

Councilman Van Ho – First of all, I can't for extending it until December 2010 because of the two schools that are in there. We're right back to the same place that we were, we are right now. That is we're going to disrupt a bunch of school kids in the middle of a school year. The adults have had 20 years to screw this up. Let's either do it in June when the schools have time to move into a different location, where the kids can start out in a different location.

Or, my second point, I don't think we can fix this building for \$2 million. We can probably do something and will do what we've done to many times and that is, we'll put a band-aid on something and not do it right. I would suggest that we extend Coral through June of next year. If my numbers are right, a cost of about \$31,364. In that time, between now and June, that's 9 months, let's let the Shore supporters put through or attempt to get petitions signed to put some type of dedicated tax on for Shore so that building can be fixed up the right way. If they can get a tax on the ballot and get it passed, at that point we fix Shore the right way and in a year or two, so that we have something that two years from now we can be proud of, not something that we're putting a patch on here, a patch on there for the next ten years.

I would move that we amend this resolution to give them \$31,364 to run through June; with the message, we either get the dedicated tax or we close it in June, period.

President Holzheimer Gail – Was that a formal motion?

Councilman Van Ho – Yes it is.

President Holzheimer Gail – I don't hear a second, so we will continue. My only issue with that is, and maybe perhaps we should allow Coral to come up and if there's specific questions from Council, or make sure what I said was not off base, or that was correct.

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

President Holzheimer Gail – Mr. Rubin and Ms. Kidder, if you wouldn't mind to come up and sit in these seats. The question before us is, was anything I said incorrect. Just to make sure we're all on the same page. The question following the motion, looking at one year versus through June. One year would roughly take us through the end of September whereas June would take us through the end of the school year.

Mr. Rubin – I'll try to address the questions the Council President just posed and obviously if I skip over one, please direct me back to it. On the one and four year division of the five year plan, we believe in the integrity of the five year plan. What we had proposed to the city is a five year plan. We broke it into one and four year segments because as Council President mentioned, we offered before, we will be able during the full year of operations to verify many of the assumptions that have to do with periods of the year and leasing that we couldn't possibly verify during a four month summer only experience. It also allows us time to make sure that the assumptions made financially for years two through five are more than just forecasts. The work we do in the first year can have impact in the years 2, 3, 4 and 5, particularly on the revenue side, and as you've heard me say before, Shore can't cut its way to a break even situation. Shore cannot reduce the city's financial participation by continuing to cut expenses. It is a revenue driven plan and the year gives us a chance to begin testing the revenue assumptions that we couldn't test when we had 120 day assignments.

I'm not sure what other comments or questions you would like for us to respond to.

President Holzheimer Gail – Would there be a difference in your mind from going through June versus going through the full year, if we were to consider a one year management contract?

Mr. Rubin – I don't think there'd be a significant difference from what we learned and what we can accomplish. The longer time period we have to work at it, the more we'll accomplish on the revenue side. If we go out into the market place and begin looking for additional users, but can only commit to them until June, that's a little more difficult than if we can commit to them until September or we can commit to them until December. We'll work within whatever parameters Council determines they're comfortable with, in terms of time. I don't think June versus some other period will affect our experience, but it might affect our ability to attract people to help them overcome what has been hesitancy because of the uncertainty of the future of the building. In some ways the shorter time period would feed on the concern about uncertainty.

Councilman Langman – Mr. Rubin, if you could re-iterate and I'll paraphrase and you can tell me if I'm right or wrong. You really need the full year so that you can go out to tenants and say, you can do something with that. Is that correct, is that a fair statement?

Mr. Rubin – The longer period of time we have to operate the building, the better we can achieve on the revenue side. That's the key to success here. Whether its in fundraising or its in permanent revenue sources within the building, users, tenants. WE will make the most of the strategic plan, whatever timeframe council chooses. If it means that we have to be more creative because council feels that the timeframe should be shorter or longer, we'll work within that timeframe. The shorter the timeframe, the harder the challenge.

Councilman Langman – It seems to me that giving them a year's opportunity in a perverse way lowers our cost. If we delay letting them get to work with leasing, with generating revenue, then they will not generate as much revenue and that will cost us more money over this initial year. I think where we're at now is that we hired Coral to do the strategic planning, they did that for us. That's really the issue, not, we're going to put a tax on or anything like that. We need to decide first, part of the operational, strategic and capital plans sound or relatively sound. I think that's our first decision. Obviously I think folks know how I feel, I think they did a very good job. They need the year's chance to determine whether in fact more revenue can be generated. If not, quite frankly, you'll just be caretaking the building for us and I don't think that's what I signed on anyway for a strategic plan. Residents are correct. For 20 plus years we've kind of winged it. We had no operation plan, no strategic plan and no capital plan and the results are obvious. Now we do have a plan and I think we need to embrace it. Yes, there is some risk, but we have lakefront stuff coming up and there's no guaranty that any of that is going to work. No I'm not talking directly to you Councilman Gruber.

There's always risk. But the big risk and I will bring this up again is that we have no idea numbers-wise, what the impact of closing Shore will have on our downtown businesses. We don't know whether its zero; we don't know whether its \$500,000 or a million dollars. Until you have that data, the risk is simply saying, we're going to close the building. I think the building has value and the Council President was very eloquent in stating all those cases. I think the young lady that brought up the downtown theaters, they were hours away from being demolished. Looking back, what a tragedy that would have been if that actually happened. Arts and culture is an economic engine, can help this economy Euclid's economy grow. We need to embrace that because if we were to close Shore prematurely or not allow Coral to do their work, we're going to miss out on that opportunity and we will not have that opportunity again. I say a year, let them start now

because they are already a little bit behind, they need to get to work. Thank you.

Councilman Wojtila – I was not able to be at last week's meeting because I had a commitment from my regular fulltime job. I did watch the tape and I have gone through the Coral Strategic plan. I do have questions on the Strategic plan. I was surprised today to find out at 5:00 that we were considering, the legislation that we had presented to us had it going through the end of the year. I am prepared to vote on it through the end of the year. I know we have a commitment to probably our tenants to stay open through the end of the year. Until we go through the Strategic plan and ask the questions that we need to ask and have answers that, and do our research, at least for me, to do my research, so I know this Strategic plan is the direction we're going, I can't support extending the contract until this Strategic plan is discussed, fretted out and we say yes, this is good; the capital improvements make sense, the life safety issue makes sense, the lease able area and the amount we're going to be getting in based on our projections. There hasn't been discussion about that. How much lease able area do we have in the building? What kind of rents are we going to be getting? I know there's dollar amounts listed but there's just projections, 20% per year. Can we do 20% per year? Has that been done in the past? What do we think? I'm not at that point where I feel comfortable with the Strategic plan to commit to even the first year. I certainly am and when I watched the tape there was discussion about voting on this sometime either before Halloween or mid-October. That's what I thought was happening was that we as a council were going to be voting on this legislation tonight to take it to the end of the year. I'm all for this discussion and we can stagy here as late as we need to because it is good discussion that we need to have. But, I guess where I'm coming from, I still have a lot of questions on this report, on the Strategic plan, not on the report. I mentioned when we authorized them that, that's our job, challenge is not a good word but to question and to dig into this to see if this makes sense, is that a reasonable amount of capital improvements, is it a reasonable amount of revenue that we're projecting, has it happened before? We haven't had discussion about that. Until we do that, I don't know how we can go forward with something beyond the end of this year. I would hope that we have a separate meeting where perhaps our questions could be sent to Mr. Rubin or other representatives from Coral and we can have good responses to that and discuss it. Here's one big question that I have on the finances. Council President mentioned that the Coral Company was not going to be looking to the city for the capital improvements? Meaning where would they come from then?

Mr. Rubin – The plan does not require the city to either provide capital or pledge its credit for capital improvements. As Councilman Van Ho correctly observed, \$2 million which is approximately what the five year plan has in capital improvements, does not fix Shore. The goal of the capital plan is not to fix Shore in five years, it is not a five year fix. If the five year strategic plan is executed, there'll be a five year strategic plan after that and a five year strategic plan after that because projects of this sort take that long. So there's just under \$2 million of recommended capital improvements in the first five years, so be funded through grants and government programs other than City of Euclid.

Councilman Wojtila – Another good research point that we need to look into, is that a reasonable statement? Can anybody up here make that statement, yes that's reasonable, it's been done, we can get \$2 million over 4 years, 5 years? I don't know that answer. Until I know that answer, I can't vote on anything beyond the end of this year.

Councilman Langman – I definitely appreciate my colleague's concerns and they're certainly valid. I would only answer that we're never going to get certainty. What my fear is that we simply continue to create chaos for the building and you can never make any progress because we're looking at everything to the nth degree. You've already heard that the Shore Board has raised \$10,000 and they have many more pledges that people can't commit too because they don't know what's happening to the building. If we did delay and investigate it further, then you would have to have revised numbers of what they could accomplish during the rest of the timeframe. I think you'd have to factor that in because they would not then have a full year to operate and lease out the building. That would automatically mean that our costs are higher. It is a trade-off. I think more research is good, as long as we go into clear that that means the first year performance would probably not be as good as projected. Hopefully I'm wrong, maybe their numbers are very conservative. I don't know that for sure, but that is a factor that we would have to address going forward.

Councilman Van Ho – Everybody keeps talking about a year. If we went until June, they would have had approximately a year, number one. Number two, if we're going to fund it until the end of the year, then let's spend the money to fund it the extra six months only so that we can have these schools move at a logical time, if the decision is made to close it down. If the decision is made to keep it open, that will also be in the hands of the voters, to my way of thinking. I think we should let them have the say in this, they're the ones that are paying the bill.

Councilwoman Jones – coming into tonight's meeting, as we had talked at Monday's meeting about extending the Coral Agreement until the end of December only so that Council could digest everything, so we could have

our finance meeting and look at actual numbers. In the discussions of tonight, I know Councilman Van Ho brought up an idea about extending it until June and possibly having a ballot issue to determine, for the voters to determine what's going on. Even before tonight's meeting, I'm okay with extending the contract for a year, but only to cover the operating costs. I'm really not comfortable with the capital costs right now because we don't know, first of all at the Monday's meeting there was some comments made about the parking lot that there maybe additional expenses due to the condition of the parking lot. So I'm not comfortable with covering the capital costs until we know what those actual numbers are. I do like the idea of having our Finance and Executive meeting to go over the actual numbers for the city to determine, is that something that's affordable or not.

I also looking at the development director and looking at the Shore Board, maybe the development director could be funded by the Shore Board with their fundraisers or contributions that they've been taking in. I don't know if that was an idea that was suggested or not, but that would take the almost \$36,000 from the capital part in that area and it would just leave the parking, whatever capital funds we have to go with.

If we did extend it for the year, I would hope that we would set up, as we mentioned before, milestones throughout the year and I would say even starting, whether we start at the end of the year or January and just to pick for example, and I'm not saying it has to be an actual date, but let's say we say by January the development director has to be hired and on board. Then what is our next phase to determine maybe by March or April, what is our next phase that we're going to be able to accomplish, by June and so forth. So we're not waiting until the end of that year to determine whether we're on goal or on target or not. We'll have already known in the first half of the year, are we on target, or are we on board of the projection that we'll hopefully to get by the end of the one year timeframes. So we're not at the end of that timeframe telling the tenants that you have to move in a month or whatever that timeframe is. We would know ahead of time to be able to switch avenues, whatever you need to do to be more aggressive in getting new tenants or fundraising or getting more donations coming in by having those milestones throughout the timeframe.

In summary I would say that I can agree with going for the one year for the operating costs only, and I would like to be able for us to review it in a little more detail what the capital funds expenses would be.

Councilwoman Minarik – Mr. Rubin, what is your confidence level about the capital money that you would need for five years and why do you have such confidence?

Mr. Rubin – We wouldn't include anything in our plan that we weren't confident we could achieve. We think that \$2 million over 5 years is achievable and modest and it is based on our experience in receiving grant money for other challenged assets that in some ways are less attractive for grant money because they are privately owned, harder to raise grant money for privately owned assets than this a publicly-owned asset. We wouldn't include anything that wasn't something we felt was achievable and we were confident about. Based on our ability to raise grant money in other places for capital improvements that we think are a less compelling story than Shore Cultural Centre, we think we can achieve the capital plan.

Councilwoman Minarik – Mayor at the last meeting, last week's meeting, you mentioned a downturn in the economy. Looking at the financial report, the monthly, seems every couple of years we have an up and a down from the projections. Like 2007 we were below projections, 2005. How long do you project a downturn in the revenues that we're taking in?

Mayor Cervenik – If I could answer that with certainty I'd be investing in the stock market amongst other things. Actually our income tax revenues have been going up each year. We have not always hit projections, but this only goes back to 2005, \$21 million; \$23 million, \$24, \$25 and right now through August we're at \$15. So we have had steady improvement each and every year. This year we're going to be about \$1.5 million-\$1.8 million less in collections than last year. I cannot predict how long this will go. I can tell you that 2010 is going to be more difficult and require more money taken out of the cash reserves and that's why we tried so hard to build them up because a lot of our large companies in the past years have paid bonuses in December and we receive those dollars in January, aren't doing it this December. We look to see January to be \$500,000-\$600,000 less in collections possibly more than last year. So, 2010 is going to be very difficult.

As I said at the last meeting, having said that, your decision cannot be based solely on the current economic condition, it will get better. You've got to make a decision based upon the report here and your priorities. We will take \$1.2 million out of the cash reserves, maybe a little more, but we will administer that very carefully. As the Council President said, I don't want to say it exactly as she did, to me every dollar is important. \$120,000 is very important coming out of the general fund. But, to try and pinpoint if we do this, what aren't we going to do, that's not fair to this process either.

The other thing that I want to bring up and I may have to ask Mr. Rubin, when we get sometime into year one, is it necessary for Council to adopt the plus four in order for you to achieve? Because if we're going to go through this yearly process, then just give me, 1 plus 1, plus 1, plus 1. I think that's the other thing you have to look at is after you make a determination tonight as to what we're going to do in year one, I think Council has got to be comfortable to go and adopt the four year plan. That's the decision you're going to have

to make well before June of next year. You're going to run into the same problem you're run into now. The projections show a decrease each and every year, actually a little bit higher next year, but after that a decrease in the amounts that we would have to fund this. Hopefully those projections will come true.

Councilwoman Minarik – The thing I'm confused about, we passed a budget in May within six weeks, this Council was asked to approve an additional \$700,000 in expenditures and barely blinked an eye and said yes. Now we have a plan in front of us and we're grilling the Coral Company. We don't need to understand everything they do, we're not developers. I trust that, I have been to Shaker Square. I trust and I used to go to Shaker Square a lot back in the 90's and it was run down, it was dead. I used to take the train to the games from there. There's a huge change there. I find it incredible that we don't question the administration when they come to us with a \$700,000 adjustment, but we're going to challenge a developer as to whether they can raise money by a grant for \$1.8 million. I think that's real interesting. I don't want to pit different services this city offers against each other. But we are losing \$1.5 million on the jail despite the cuts, we're still losing \$1.5 million. I don't know, but I don't think that we house that many prisoners at one time. The general fund spends \$350,000 on the lakefront community center which is not freely open to the public after 5:00 as other communities make it available for \$10 bucks a year. The senior programs serves 1700 people a year. Shore serves over 5,000 a year. I'm curious as to why we're so down on \$85,000 to keep a building open for a year, when we spend more on prisoners and lose money on them. We spend more on a lakefront community center which primarily takes care of 1700 people. It is \$85,000 and we have allowed the tenants of Shore and potential tenants to be discouraged from taking up space for decades, well, yes because I moved here in 1990 and that's when the whole thing started.

My impression was because I asked the Council President in August about the five year plan and I was told that her impression was that this was a go, that there wasn't a problem. Then last week suddenly there's huge problem. This Council approved the administration spending an additional \$700,000. Part of the responsibility of our current financial situation then rests upon this Council that didn't ask questions and just said fine, you need the \$700,000 we'll give it to you. Well now we need \$85,000 and this Council is going to make a big stink about that. I just find that curious. Thank you.

President Holzheimer Gail – The Executive Finance Committee did review the budget amendments and did approve those budget amendments, so it was not solely the administration that was Council and the administration working together. Those were based on contracts. Those were based on services that we're providing. I don't have the list in front of me so I can't recall exactly that amount, but we did approve that in the Executive Finance Committee that was passed through Council. I don't think it is fair to. I want to make sure that we're moving in a productive manner and we can get to a point to either make a decision or figure out what we need to do to get to that decision. I think it is important that at some point moving forward, whether its for one year, whether its for five years that we officially adopt this plan. Now I agree we have not had enough discussion about that, so I appreciate Councilman Wojtila's point about that. Is that part of this decision? Is it separate from that decision? Tonight before us we have the decision to ensure that we have management in that building through the end of the year. I'm comfortable enough to make that one full year, if we quickly over the next month, as part of the budget process, as part of moving forward with this, do set benchmarks, do have further discussion on the plan and do make sure that we're all comfortable with the plan. The building is going to be there until December no matter what. We've had the discussion of, is it fair to ask the schools to leave. So whether its December in your mind, whether its June in your mind, I'm comfortable with what I see going to a year. But if there's steps that council needs to take before we get to that point, I can appreciate that as well. I want to make sure we're not going to be here until tomorrow.

Councilman O'Neill – If there's no other discussion, I'll make a motion to close debate and vote on this ordinance.

President Holzheimer Gail – I don't hear a second to that.

Councilman Gruber – It's Ground Hog day. I'm one of the folks, I think there's probably three in the audience that went down to Columbus to put this building on the National Register. I have three pages of notes that I have taken through the evening, so please bare with me.

The first thing I'd like to say is the Community Circulator has been cut off from my end of town to come to that building. So whatever happens in that building with the Hunger Center and the other vital services, we need to remember that there's a certain portion of town that can't get there anymore. That's my part of town, and you're part of town and Madeline's part of town, and we need those services. Whatever happens to this building, whether it lives or dies, we have to make sure that these services are spread around the community and it is available to everyone because right now, I have pretty large population that can't get to the Hunger Center. We have to keep that in mind.

There's a couple of other things. I heard about University Circle, what a great booming area it is. I work in University Circle. I've been working \$22 million building for the last six years that got the plug pulled

on it today because there's no money for capital investments, capital improvements. They're nearly non-existent and we have a large endowment with a very well respected organization that serves a large population in northeast Ohio. So putting our hopes on grants for capital improvements, they're not there.

Shaker Square was mentioned. At one time Shaker Square had the highest per capita revenue income of any place in the United States, any place, any where. It fell on hard times and Mr. Rubin and his company they're doing a yeoman's job of bringing that back. To that, I tip my hat to you.

I heard during the discussion, we just need a few million dollars. A few million dollars, that's nice. We had a grant writer for years at Shore. How much in grants did we ever get?

President Holzheimer Gail – Let's maintain the decorum please.

Councilman Gruber – Then when I heard about the Emerson Center in Bozeman Montana. How many folks have been to Bozeman Montana, anybody in the room? You've been to the Emerson Center? Okay, it just so happens that the love of my life was employed in Bozeman Montana for 3 ½ years and was very familiar with the Emerson Center. It is about a third of the size of the Shore Cultural Centre and they've done a great job there but it's closely affiliated with the University. In fact the University pays quite a healthy chunk of their bills. You have to take that into account. If you had to go all the way to Montana to find a building that's comparable, I was a little worried about that. Also they have two restaurants that are self-sufficient in the building in Bozeman Montana.

I've been here for so long, and believe me I just want to say, shut the damn building down, okay. But I have faith in Peter Rubin. I'm going to give him a year. That's what I'm going to do. In a year I want him to sit in front of everybody that's on Council then because I'll be gone, and I want him to say either I made it go or I didn't make it go. If he didn't make it go, he has to be man enough to say I'm pulling the plug and that's my agreement with you. That's how I feel so I'll give you a year. It is hard for me to do but that's the end of my comments, thank you.

Councilman O'Neill – To Mayor Cervenik, there's a couple of entities that have been talked about inside the Shore Cultural Centre, the Hunger Center being one of them, in my opinion probably the most important business or occupier of space. If the building was to close, what would happen to the Hunger Center? Would we have the ability to relocate them?

Mayor Cervenik – If Council voted to close the building, I would do everything in my power to keep each and every entity, profit and non-profit somewhere in the City of Euclid. I do have a call into the Catholic Diocese about some of their vacant buildings. I have not received a response yet but they're moving their offices and I don't expect one until next week. We would certainly do that if that was what I was charged to do. Again, I think the statement has been made that it is not necessarily the building that creates culture, it is the activities. I have said many, many times that I am truly proud of the activities that go on in the Cultural Centre but something needs to be done with the building. You have in front of you a proposal that if you think is correct, will do something to the physical aspects of the building.

Councilman O'Neill – I think we all agree whether you're pro Shore Cultural Centre or you're against the building, I think we're all for the assets that are in the building, the arts and culture. I certainly am, but I think we all agree that if we're going to keep it open, we get behind it and pour the money into it and do what needs to be done. If we chose to close the building, the building can't stand, it can't be boarded up and left there, that's not good for the downtown community either. So if it is tonight or somewhere down the road and that building is determined by council that we are no longer going to fund it, then an estimate has to be given for the demolition for the building. I'll stick with that, whether it's \$700,000-\$1 million whatever that fee is, we need to have a hard number. I asked that when we sent out the RFP's. Unfortunately it was not written in the RFP the cost of demolition of the building. Because I felt that was as important as to what it cost to run the building and to fix the building up. So we still don't know exactly what it is going to cost to tear that building down. I think we all agree that whether its closed or open, either get behind it or we close it and it's got to be leveled. Thank you.

Councilman Langman – To me it really comes down to, you have a plan, you have a stack of information that tells you that you have a plan. If we can't decide on whether to do the plan, then we're right back at square zero, you really are. Whether we're going to appropriate the money, that means we're not going to do something else, that's very simple. I think there's enough evidence of the benefits of arts and culture. You cannot drag this out forever. The tenants have to decide, the residents have to decide whether they're going to stay here or not, if that building is gone. I don't really want to drag Mr. Rubin back 4-5 more times. They've presented something based on our charge on the RFP that everybody voted for, we need to move forward. They've presented a plan which is prudent, which is conservative and which I believe can work. Because quite frankly, if we fail here, that will diminish our ability as a the council president said, to compete with other communities. So, I don't know what we're going to do tonight, I'm not sure that we've actually settled on that.

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But I will point out that we have other legislation on the Agenda tonight or tomorrow morning about the lakefront. There's no guaranty that we're going to do anything on the lakefront ever. There's no guaranty we're going to get grants and all that. So to say that it is impossible, well you're defeating yourself before you even start. I think this community has to embrace the opportunity that's being presented to it or else you will have an empty field or an empty eyesore in the middle of your downtown. That will not help us. Thank you.

Councilwoman Jones – If we do decide to extend the contract for a year, I would like for us and maybe Law Director Frey or Mr. Rubin, you can comment on this, to review the current contract that we have because the contract that we have was drawn up based on the 120 days strategic plan. Do we need to review it for wording or something like that because it would be an extended period of time to make sure that we cover all bases.

The other thing was, there was some comments made about extending it until June and possibly putting it on the ballot for the residents to vote. If it is put on the ballot and it goes in November, that is going to be another year anyway. If it's put on the ballot before November that would mean possibly a special election, so I'm not sure what the cost of a special election would be to put something on the ballot like that. So Law Director Frey or Mr. Rubin, if you could answer my questions.

Director Frey – First of all there's a May primary in 2010. There will be an election before November. Secondly the legislation before you tonight extending the current agreement through December 31, 2009 was in relation to the management of the building, the lease of the building and then the management of the building. If Council desires to extend that agreement further in time and wants benchmarks, then the contract needs to be re-written to include that, that's not what you have in front of you tonight. So I would agree that there would need to be revisions, if that's what was intended.

Mr. Rubin – It probably would be prudent to go back working with the Law Director look at our agreement to make sure it fits the circumstances of a longer term engagement than the original four month engagement. But, the Mayor and his administration were very thoughtful about keeping controls over the effort. For those who were concerned in making this decision how long of a commitment we're making and whether a one year plan is the most prudent or a one and a four year commitment is most prudent or a five year commitment is most prudent. Our agreement has a short term cancellation clause in it and the city can cancel our agreement on very short notice anytime, in any budget cycle, at any failure to meet a benchmark, any benchmark you like. And it also includes the city must approve every lease that is more than a rental of a space. Having included both of those requirements in our agreement, in some ways, has stolen from you the ability to decide whether to extend our engagement until June or September or December or December after that. You retain ultimate control on a monthly basis on our performance. We'll be happy to come back here, hopefully for shorter meetings than this one, to report on the progress of achieving the plan. It's the green light Mayor. Because you have already enforced on us the requirement that we be on a very short lease and we get the Mayor and Administrations approval every time we enter into a lease that's more than a rental of a space in the building.

The Emerson Center is one of hundreds of examples of school buildings that have been converted arts and community centers. It just happened to be the shining example of one. I didn't want to pat ourselves on the back, but I feel now that I have to. We raised over \$750,000 in grant money in 2009 for our own assets, in spite of how difficult the economy is and our organizing a \$2 million fundraising, grant raising effort for Shaker Square to improve the public spaces at the Square. So I said before, I'll repeat. Again, we would have liked to have said that we could raise \$4-\$5 million in grants over five years. WE didn't think that was realistic. We maintained the goal we've set is a realistic goal.

President Holzheimer Gail – I have a suggestion that may serve everybody's purpose. I heard Mr. Rubin and the Law Director state this legislation in front of us does not talk to a full one year lease and there's interest on both parties to review that agreement. So that we've made progress tonight, I would like to suggest that we pass this with the amendment stating while we express Council's desire to end for the full year pending review of the contract. So that we are on record as we would like to go for the year, but within the next month, I would hope before mid-October we can have that contract reviewed. We can have another meeting with anyone who is interested in going over plan details. But we don't leave the uncertainty with the tenants in the building. Unless there's objection to adding that expression, I think I've heard that from several that we do have the interest in going for a year. Obviously this wouldn't solidify that but it would at least express that desire.

Councilman Van Ho – I'm looking at the Mayor and the Finance Director, what is your best guess of what it would cost to operate that building for the next year if we were to do what everyone seems to be suggesting, of the city's costs?

President Holzheimer Gail – The question was, what was the cost to the city to operate

Councilman Van Ho – What is your best guesstimate of what it would cost to operate because we've been paying the bills for a number of years and have a good feel. That's no disrespect to Mr. Rubin, I'm just saying

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what is your best guess estimate if we were to do what the Council President is suggesting? Because \$85,000 which was a number that was brought up sounds awful low to me, but is that a correct number?

Director Johnson – That's a difficult question Councilman Van Ho because we're operating under completely different conditions. We had full staff of employees that were paid full salary and benefits. I'm not sure how Mr. Rubin is staffing the building. There are some expenses that are going to be constant such as the utilities and some of the maintenance. But I couldn't tell you because he's operating under a completely different scenario than how the city operated the building.

Mayor Cervenik – The \$85,000 is the net number, there is a roughly, we won't know that quite until we take action on this, but there is approximately \$58,000 cash balance between what the city has left that was appropriated this year and what Coral has in their account now. So the real cost would be a deficit \$143,086. If you look at us having budgeted \$217,000 transfer the prior year, we cut it in half because of this transaction. The operating numbers to me seem very reasonable, as far as the expenses go. I have no problem with the operating numbers at all. I have some questions about the capital. I had some e-mail conversations with Jeff on Friday and Saturday and Jeff answered the majority of my questions to my satisfaction. Mr. Rubin answered your questions about concerns and confidence of raising the money. I can't dispute the income side of it. We have to deal with that. As far as the expense side goes, other than a few things on the capital, which we have time to work out, I think the numbers they have here are very reasonable to operate that building.

Councilman Wojtila – The numbers are \$143,000 expenses for the first year, plus for \$35,000 for capital, am I right so far?

Mayor Cervenik – Yes you're correct, but I don't believe we are, the city is on the hook for those capital numbers unless in fact we wanted to be. The deficit would be \$143,086.

Councilman Wojtila – You're suggesting our agreement would not, we're not giving them the arsenal they need to do the job, if we're not including the capital.

Mr. Rubin – The first year capital expenditures are very modest and in our plan are generated from operating funds. We weren't given extra money to run the Shore Cultural Centre for the four months we've been operating it. We ran it more efficiently and created a \$58,000 surplus. We're going to try to continue to generate a surplus, but we had the budget doesn't call for the city to participate in capital expenditures at all. But in year one and the limited capital expenditures that we have included in the plan are generated by a surplus out of operations.

Councilman Wojtila – I don't see that in here. I don't see that in the projection. I'm not trying to be difficult. You're talking about our own budget, it is not clear in my head, I have a hard time with it.

Mayor Cervenik – There should be two projections for you. One is called capital needs and one is called Executive Summary, at least that is what I have. The Executive Summary shows the revenue and expenses excluding the items on the capital needs sheet. The capital needs sheet, those items we, Coral and correct me if I'm wrong, fully expects to raise the funds to manage those and that includes the salary of the development director. Again, correct me if I'm wrong, but that's how I'm understanding and have come to understand this.

My concern is and I mentioned it last week and I know some people felt I shouldn't, but that's my job. If some of those capital numbers are not right or we don't raise enough, then we could be on the hook for some of those and that's again the matter of trust and confidence you have to place in this plan, with these numbers, this company and yourselves, in order to make the correct decision. I can't make that for you.

Councilman Gruber – The question related directly to the ordinance is related direct costs. Is that utilities and can you define related direct costs in the ordinance?

Director Frey – I'm going to need to look at the lease management agreement and find that definition.

Councilman Gruber – But that's included in the \$10,000?

Director Frey – That was the balance we estimated were needed to get through December 31, 2009, pro-rating a \$3,000 a month management fee. The balance in the account we were understanding would cover the rest of the cost to that building.

Councilman Gruber – Thank you Director, for your comments. Maybe we should just run with the ordinance as it is written, let it run out December 31st, most of these council folks will be here, fortunately or unfortunately, I won't be. But we have a pretty good gentleman's agreement. They could come back to us. We did get a lot of

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information that we really didn't have time, as my council colleague Wojtila said, we got a lot of information in a short amount of time to digest. At that time you would be able to firm up your numbers, the city would be able to see where we're at with a few months of heating costs and the Council would be able to go through the program. You can come back to Council at the end of December with pretty much the assurance that the majority of this body approves what you're doing and then go ahead. It might be a prudent step to take it little baby steps at a time.

Councilwoman Minarik – I think the Council President's idea for one year though is for the benefit of attracting tenants. The question I have is, before we do this, do we need to determine what that timeframe is, okay, we would set that up. Do we need to determine a fund to fund this from at tonight's meeting? Or will we have a separate meeting to go over the benchmarks, the funding all of that stuff, is that what I'm hearing?

President Holzheimer Gail – I don't think we're going to set benchmarks tonight. This ordinance has it coming out of the Shore Operating Fund. We always have the ability to amend where we fund it from.

Councilwoman Minarik – We don't need to worry about the fund tonight, correct?

Mayor Cervenik – Tonight you don't because there's enough cash balance. But I think you'd want to make that decision in 30 days because the Shore Operating Fund is going to be zero before the end of the year. You're going to have to determine if you're going to transfer general fund money, if in fact you go the year or if it is Endowment Fund, or whatever you determine the funds.

Councilwoman Minarik – The main thing we need to determine tonight then is what that one year timeframe is; is it June, is it September, we need to determine that tonight, correct?

President Holzheimer Gail – We can authorize through the end of the year, ask that agreement be brought back to us so we can designate the benchmarks, we can have a chance to go through the plan.

Councilwoman Minarik – Mr. Rubin, doesn't that hurt your opportunity to bring in tenants? They need the confidence level of having more time, right?

Mr. Rubin – If Council decides to only extend our agreement through December it is going to be next to impossible to get anyone to commit because we can't promise them anything but a couple of months of occupancy, we'll get room rentals but we won't be able to secure any new tenants for the building.

Councilwoman Minarik – I just want to confirm, did you say that in 120 days you reduced the cost and increased revenues enough that you had \$53,000 left over?

Mr. Rubin – Yes, there's a \$58,000 cash balance.

Councilwoman Minarik – We seem to have a problem with wanting to give you the building for a year, that just seems really ludicrous.

Mr. Rubin – As I said before, if you chose to extend our agreement for a year and we had the opportunity to get started on the revenue-side, you have a very short lease that you could exercise at anytime, to terminate the agreement if it wasn't going the way you wanted to.

Councilman Langman – I get the sense that we're not going to do the full year at this meeting, I maybe wrong but that's what I'm sensing. So I want a better feeling on what our timeframe is as far as coming back because they've been brought to a standstill now and it is going to take time for them to ramp up and that will cost us money because their projections are no longer for a full year, they are for only 8 months or 7 months or whatever. That's the risk you take.

I don't really want to do that, but if that's the majority will of the Council, then obviously we don't have any choice. I want to be clear that we're going to come back and approve the work that they've done. In other words, saying that we agree in principle what they've done, and that we're going to go ahead at that time and either tell them to go for the rest of the year, whatever the remaining balance is, or that we're just going to run the building out until it closes. I want a timeframe that doesn't take us until December like the Mayor mentioned, we need to do this quickly so that we have any chance of salvaging the building. So I'm looking for approving this strategic plan generated by Coral and voting on extension through the year, which to me means the end of August or the end of September of next year. Are we doing that, or are we going to try to vote for the year right now?

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Councilwoman Jones – I thought Council President had made a suggestion that we amend this for the year with the proposal that we would come back with whatever we decide what those milestones would be to add to the contract, is that still not a suggestion?

President Holzheimer Gail – My concern was that there was a desire from both the part of Coral and the Law Dept. to work on that agreement. I personally am fine saying go ahead let's get a year in, I'm comfortable that we will work together to make sure that agreement meets all of our expectations collectively.

Mayor Cervenik – If the intent of this Council and this is my own opinion, if the intent of this Council is to extend the contract for a year, then I would kindly ask that you do it tonight. The Law Dept. and myself will sit down with the Coral Group, Council needs to come up with some benchmarks that we can put into there, unless you want to leave them up to the administration and I can look at some of you and you'd probably say no, we don't want to do that, and that's okay. And we will amend the contract sometime before the end of the year you will have to identify the revenue stream, and we can do all of that administratively, just going to the one year. If your intention is to go one year, there is no reason tonight to go to just December 31st. We can handle everything else. You're going to have to identify revenue streams. You're going to have to identify benchmarks and as Peter Rubin, he can cancel in 30 days and we can cancel in 30 days. So there's some safety net built up in there. If this is what you're going to do, there's no sense bouncing around, again, just make it a year, we'll give you the amendments, vote on it and we're fine.

President Holzheimer Gail – I would like to make a motion to amend this ordinance to extend the contract for one year in an amount not to exceed \$36,000.

Director Frey – Could I ask for purposes of clarity would you identify what that calendar time is, if it is August 30th or what it is so we can actually make that in the agreement?

President Holzheimer Gail – The last contract ended September 15. So we need it to be September 16, correct?

Director Frey – Yes, but I'm looking for an end date, so that I can put the end date in the amendment.

President Holzheimer Gail – My suggestion would be September 16th through September 15, 2010, a one year time period. With my intent being, we will not stop tonight, we will continue to have meetings to make sure everyone's comfortable with the plan. We adopt the plan and we decide on benchmarks and we decide early in 2010. We can't wait until August, September 2010 to say yes we're going with the rest of the four year follow up. Whether we want to contribute money or not is a whole separate discussion. This is the management component. I think we can talk about the rest of it at another time. This particular ordinance talks about the management with the understanding that the commitment from Coral was that roughly \$85,000 from operating. That's in the Executive Summary in the front of the plan.

Councilman O'Neill – I'm having a little trouble with extending this thing until September of next year. The Coral Group took over management of the building in the middle of May this year, so they have a pretty good understanding of how things are running for the months of June, July, August and a good part of September. That gives them part of a year already. To extend it until September of next year, that's well more than 12 months of managing the building. I can see extending it until the end of the school year, next year, which is roughly the second week of June. That gives them over a full year of running and managing the building. Then we can decide sometime in-between then what the long term plan is for the building, whether we accept via the benchmarks that we put in or we decline and we move on from there.

This again puts us back into, September of next year, now the kids are back in school, then what are we going to do and the dog starts chases its tail again. We need to make a decision, I've said it before either we get behind it and we get behind what they've presented or we close the building and it gets torn down, one way or the other. It's been 20 plus years of dealing with this building, let's make a decision.

President Holzheimer Gail – My only comment would be we have 30 day out from both sides, so if we decide in March that we want to do something different. I'm looking at it as we're going in because I want to make it work. If you have reservations that it won't work, then don't support this motion or ordinance.

I made a motion and I don't know if somebody would like to second? Second by Councilman Gruber. To repeat the motion, it would authorize the Mayor to enter into a lease management agreement, not to exceed \$36,000 with Coral Company for the management of Shore. Would it be prudent to also amend the Section 2 where it says where the money is coming from to include both the General Fund and the Endowment Fund, then we can decide where that comes later? Or would you prefer to, I know in the case of some of the streets projects we list several and then decide where they come from or it comes from a combination?

Mayor Cervenik – It is council's prerogative, but I believe you can keep the Shore Operating fund.

President Holzheimer Gail – I didn't mean to delete that.

Mayor Cervenik – You need to decide soon what fund or funds they are going to come from. We need to get the benchmarks very soon and we need to work out our legal, whatever little legal jargon we have to keep it going, but we need that very soon.

Director Johnson – You could be safe and designate the Shore Corp fund which is where all the funds so far to this point have come from. If we have to make up whatever is required, it would require a transfer from some other fund.

President Holzheimer Gail – We can decide on a transfer and amend if needed.

The motion on the floor and it has been seconded is to extend the contract for a 12 month period that would go from September 16, 2009 through September 15, 2010. Councilman Gruber seconded.

Director Frey – Pardon me, is the motion also to amend the amount to \$36,000?

President Holzheimer Gail – Yes. Motion has been made and seconded. Any further discussion on the amendment?

Councilman Langman – I just want to thank the administration for stepping in and helping us break the log jam. I know we have other items to get to this evening. It is appreciated.

Mayor Cervenik – Thank you very much and you did tell everybody in the audience that spoke this evening, that they need to stay until the end of the meeting? We've got you on tape.

President Holzheimer Gail – Seeing no other discussion, let's have a question from Councilman Wojtila.

Councilman Wojtila – Do we need 4 votes or 5 votes? Is it a majority of those present?

President Holzheimer Gail – Majority of those present, which is five.

Roll Call on the amendment:

Yeas: Gruber, Jones, Minarik, Langman, Holzheimer Gail

Nays: O'Neill, Wojtila, Van Ho

Amendment passed, 5-3.

President Holzheimer Gail – That is the amendment, I'm assuming there's no further discussion on the ordinance.

Councilman Langman – Is this like a record time?

President Holzheimer Gail – I think this is a record time to discuss one item.

Councilman Gruber – Oh no.

President Holzheimer Gail – There was one other.

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

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

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

Nays: O'Neill, Wojtila, Van Ho

Passed as amended.

President Holzheimer Gail – Thank you Mr. Rubin, Ms. Kidder for being here. We will be in contact to schedule our next series of meetings with you. We do have other business to conduct, so if you wouldn't mind exiting quietly and we all hope you will stay continued to be involved and make this plan work.

Res. (389-09) UDE 1260 E. 260 – First Reading

A resolution granting a Use District Exception, pursuant to Chapter 1375.01(a)(3) of the Codified Ordinances of the City of Euclid, to Carmen DiGeronimo to allow a storage/warehouse use in a U-4 (Local Retail) Use District at 1260 East 260th Street, Permanent Parcel No. 648-07-004. (Sponsored by Planning & Zoning Commission)

Councilwoman Jones moved for passage, Councilman Gruber seconded.

President Holzheimer Gail – This is the first reading and I believe it is the intent of the Councilwoman to potentially waive the readings at the next meeting?

Councilwoman Jones – I do want to go onto the second reading.

First Reading.

Res. 167-2009 (381-09) Census Day

A resolution designating April 1, 2010 as Census Day in Euclid, Ohio, and appointing a Complete Count Committee. (Sponsored by Mayor Cervenik)

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

Mayor Cervenik – We're working very closely with the census people in forming a Complete Count Committee. I think we've talked before and you've read and you all understand that it is extremely important that every single person in the City of Euclid is counted. It definitely affects our Block Grant, it affects other income sources as well. For instance, the energy grant that we receive through the stimulus funding, if our estimated residents was over 50,000 versus the 46,000 that the Census Bureau has us at as an estimate, we would have received more than double the money we received.

I have sent out notices to various people in the community that belong to large and small organizations and I'm asking them to serve on this committee. We're going to make it fun, we're going to make it exciting and most of all we have to ensure that each and every person who lives in the City of Euclid is counted. We're going to need Council's help on this. I strongly urge its passage and I would really like to see everyone's name put on this as well.

President Holzheimer Gail – Does any object to having their name added? No, it can be sponsored by Council as well.

Councilwoman Jones – I know there's 50,000 you're eligible for certain for things. What is the groupings? Is it like by thousands or?

Mayor Cervenik – Technically if we drop below 50,000 residents, if all else stays the same, even if its 49,900, we technically could be ineligible and no longer be an entitlement community for block grants and Director, correct me if I'm wrong, but we would have to get our allocation from the County or the State.

Asst. Director Gliha – We would become a small city and you're correct Mayor, our allocation would be from the County. The County gets approximately \$3 million a year and there are 40 other cities in the county, so the \$3 million is distributed to, so I think you'd see we'd be going for \$1.1 million to maybe fighting for \$100,000 a year.

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

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

Res. 168-2009 (391-09) Stewardship Grant ODNR Marina

A resolution authorizing and in support of JJR, LLC's submittal on behalf of the City of Euclid of a Stewardship Grant pre-proposal application to the National Fish and Wildlife Foundation for funding from the Great Lakes Restoration Initiative for the Euclid Shoreline Restoration/Harbor Town Lakefront Marina Project. (Sponsored by Mayor Cervenik, Councilpersons Holzheimer Gail, O'Neill and Langman)

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

Asst. Director Gliha – Resolutions (391-09) and (392-09) are directly tied together, so I would, with your permission like to sort of review both of the resolutions at the same time. First I want to make a few quick comments about the events that happened this summer with JJR because they're relevant to what we're going to be acting on tonight.

In August, JJR spent a week in Euclid meeting with State and Federal regulatory agencies, business leaders and the stakeholders from downtown Euclid, East to 250th Street and South of Lake Shore Blvd. As a result of the input obtained from these meetings, a draft plan for lakefront development which would stretch from Sims Park eastward to the edge of the original Harbor Town concept was born. You have a, I placed in front of you a diagram of that concept.

In the past, one of the biggest stumbling blocks with the original Harbor Town concept was in order to obtain funding, we needed to show or prove a larger public access and public purpose. With the limited borders of the original plan, the perception of the agencies whether they be federal or state was that the plan was really private sector orientated rather than public access orientated.

When JJR and I think the Steering Committee, which all the members are here basically. When JJR presented the rough draft of the new waterfront improvement opportunities diagram to the regulatory agencies, their eyes lit up and suggestions for obtaining permits began to flow from these agencies. It is with this new refined public access, at least in their eyes and I believe in our eyes and the plan does show that, we have finally got the interest of the agencies that grant permission for lakefront development. They are now believing that it is truly a public purpose project and they are more than willing to start working with us in the permit process.

JJR is in the process of refining the ideas and plans created during the intense week. We are planning to hold a public meeting to unveil and discuss the new concept in mid-October with council's cooperation. But until then we must continue to move the process forward. The two resolutions before you tonight are important in keeping that process moving forward by enabling the city to take advantage of the \$500,000 grant that's on the table right now. And, by utilizing JJR to do a pre-ap that will also enable us to continue the process forward if we receive that grant.

I would like to start with Res. (392-09) first because the State Capital Improvement Grant is on the table right now thanks to State Representative Kenny Yuko and former State Senator Lance Mason. We were able to obtain a \$500,000 legislative set-aside to be used for the purpose of furthering lakefront development. The Department worked with the staff of ODNR to complete a project information package which was approved and thus generated the State agreement which once executed will enable the State to include Euclid in their next bond issuance. The deadline for extending the bond proceeds is June 30, 2010.

In discussing the eligibility issues with the State, there were basically two eligible uses of the capital grant. One being actual development costs which would mean actual construction. Two being acquisition of project property which would then eventually lead to development. Further discussions with the State lead us to the decision to propose utilizing the funds for property acquisition to assure public access and purpose.

At the time the final decision is made on the parcels to acquire, we will need to introduce or come back to Council with legislation to actually proceed with the acquisition of those properties. Of course, an appraisal is needed for our own city ordinances and laws and that process has been initiated and the appraisals are on their way. We will at the time of submitting to the State for the reimbursement of the \$500,000, we will need to submit copies of those appraisals and the proof of purchase. I have to clarify the capital grant is actually \$495,000 because the State gets to keep \$5,000 for its own administrative purposes. We will be asking for a reimbursement of \$495,000.

In the next step which is the first Resolution (391-09), Stewardship Pre-application, as part of the services JJR is providing the City under its contract is to help the city to apply for various grant that can be applied to some part of the overall Harbor Town Marina/Lakefront Restoration project. This particular grant opportunity is part of the sustained Great Lakes program which was funded by the Great Lakes Restoration Initiative. There is a two step process involved in obtaining funding. This Resolution authorizes and supports JJR in submitting an online pre-proposal application on behalf of the city. That online proposal must be completed by October 1, 2009.

The agency will take approximately a month to review the various pre-application proposals that they receive and will notify the various winning applicants that they will have until December 15 to submit a full application. During this time we hope to receive the go ahead for the submittal for the full application so that when JJR comes back in mid-October, late October we can discuss in further detail with them here present, what would be the contents of the complete application.

Currently JJR is recommending that we apply for funds for land acquisition and easements along the shoreline from Sims Park to the eastern border of Harbor Town. The expansion of the project borders to include Sims Park, has open the doors to regulatory agencies and potential granting agencies to truly view this project as a public purpose.

I would like to further mention that this is the first round of grant opportunities to come out of the Great Lakes Restoration initiative. We fully expect and JJR has assured us that more grant opportunities will follow over the winter into the spring. In addition to that, we fully intend to be working with JJR to apply for several other State grants that are due in April of each year. Hopefully those grants will be able to actually go towards some physical improvements and some engineering costs.

With that, I would ask Council support both these resolutions and vote affirmative. Once again, under (392-09), the money is on the table. What this Resolution will do and what allowing the Mayor to sign the pass-through grant agreement allows the State's to put our \$500,000 into a bond issuance assuring that when we come back to them or when this Council decides what properties we are going to acquire and how much those

properties are going to cost, when we go back to the State for the reimbursement, they would have already issued the bonds and the money will be available to us at that time. It is important that we do execute that pass-through agreement because the State does not issue bonds monthly, they do it after a certain amount of requests are put together and it is basically done quarterly.

If there are any questions on either one of the pieces of legislation, I'd be glad to answer them, or on the process overall, I would try to answer those questions.

Councilman O'Neill – Just real quickly to sum up all of that information, you threw out. Basically you're asking to get the money ahead of time, get it in the bank and then have that money ready available so when the properties do come up to try to purchase, we have the money in hand, am I correct to assume that?

Asst. Director Gliha – I guess my answer is yes and no. The \$500,000 that Representative Yuko and State Senator Lance Mason were able to obtain for us is the legislative set aside. On paper that money is already set aside. What the second resolution will allow us to do is to executive the agreement to allow the State to put that in some future bond sale so that that \$500,000 actually becomes cash at the time we ask for reimbursement.

The other resolution is a continuing process of finally being able to go after further grants with JJR's help because we are expanding the overall public asset and public benefit of the program, which will make us eligible to apply for these funds. So, you see the answer is yes and no.

Councilman O'Neill – The second legislation doesn't deal with money, it deals with the permitting process. Basically we're kind of giving JJR a blanket, whatever is available go out and go after it. Am I correct to assume that?

Asst. Director Gliha – To assist the city to go after whatever grants we can, yes.

Councilman O'Neill – They don't keep coming back to us and there's delay in time and some of these grants are time-stamped. This allows them when they become available, acting on behalf of the city, go after those grants, am I correct to assume that?

Asst. Director Gliha – I think that is correct. Every grant will eventually require Council legislative approval.

Councilman O'Neill – But it cuts out some delay.

Asst. Director Gliha – Correct.

Councilman Langman – First of all Asst. Director Gliha, thank you for stepping in tonight and giving that thorough explanation. I think you were at that meeting back in 2003 in what was Mayor Oyaski's office and we talked about connecting the potential basin to Sims. We could never figure out how to fund that while we're trying to build new homes and so forth. I bring that up because I think it points out the value that professional planning has had on actually answering some fundamental questions and moving us forward with the process. JJR has done a really tremendous job, they have the expertise to really help us go after these grants.

Just as clarification Mr. Gliha, and we talked about this today earlier, primarily the funds that State Representative Yuko and Senator Mason obtained, we really think that's for the parcels between Harbor Crest and the Normandy, is that a fair statement?

Asst. Director Gliha – That is a fair statement. I think it is important and I think the federal agencies saw it as being important that we actually control the parcels on either side of the, the one parcel that we presently own. In addition we are asking for an appraisal of the shoreline behind the apartments so that we either get an easement or we purchase some type of right to that property, so that when we go to redevelop the revetment and the boardwalk we would be controlling that property as public property. Therefore, being able to go after further grants to put those improvements in.

Councilman Langman – The JJR assisted process is really designed to help us identify and obtain those easements along the shoreline, which I understand is much more complicated than a simple appraisal.

Asst. Director Gliha – It is going to be much more complicated than a simple appraisal, that is true. In fact, I think we've baffled a few appraisers, asking them to come up with the concept in order to be able to appraise that. But, I'm sure we'll be able to work through that. You are correct. The most important parcels are the three bowling alley parcels currently controlled by K&D that surround or engulf the parcel currently controlled by the City of Euclid.

Councilman Langman – Last question, perhaps you can answer or Director Smith, obviously we have a very important sewer project that's going to go on that eastern most parcel. How does this affect that timeline,

hopefully it makes it quicker rather than making it later? Either of you gentlemen, if you could address that.

Asst. Director Gliha – In my opinion we do not intend to delay that sewer project whatsoever. We will work through that. I know Director is expecting an appraisal on that parcel itself this coming Friday. There are some funds I understand already contained in the construction project. We have been talking to the Mayor and to the Finance Director as far as whether there are some other source of funds, such as the Peterson Fund or whatever that might be able to supplement the purchase of that lot or that parcel to move it on quickly. We have to realize that the \$500,000 from Kenny Yuko is not going to be enough to buy all three parcels, whatsoever, so we're going to have to come back to Council asking for some type of supplemental funding to complete that purchase. The second grant that JJR is going to help us go after can be used to reimburse the city as part of this purchase, those things are yet to be determined. I hope that answered your question in a round about way. We will not delay the sewer project and I think Service Director you would agree with me?

Director Smith – Generally speaking I would. We are going to be meeting with the contractor here in the very near future this Thursday as a matter of fact. There's another option on the table that we're going to keep open. It is our anticipation to get that project underway in the very near future. I'll have much better details coming Thursday after our meeting and then I would probably be able to give you a more concrete answer. But as far as the 248 project moving forward as a whole, I expect that to happen in the very near future.

Councilwoman Jones – I think one of my questions has been answered. My other question was, the second grant, the (392-09), this is just for the \$500,000 to determine what we do with that. What is the estimated total cost of this whole project since this is not going to take care of the acquisition of all the property and the whole project? This legislation is just for how we're going to handle the \$495,000.

Asst. Director Gliha – If as in discussion with Councilman Langman we concentrate on purchasing the three bowling alley lots off of Lake Shore that K&D currently owns. First of all, we have to have an appraisal and I believe we cannot pay any more for the land than what the appraisals come at. I do believe we can pay under what the appraisals come at. To give you an example, I think the three lots were purchased at \$375,000, \$350,000 and \$625,000. Those are the purchase prices of the lots. That is not necessarily meaning the appraisals will be that high. But one way or another I think it is safe to say the \$500,000 on its own will not be enough to purchase all three lots, therefore we'll eventually have to come back to Council for some type of supplemental funding to be able to complete the purchase above and beyond the \$500,000 cost.

Councilwoman Jones – You said this is a reimbursement account, so what fund are the funds coming from until we get reimbursed?

Asst. Director Gliha – That is a question I have to ask the Finance Director to respond to. Mr. Johnson, the question was, since this is a reimbursement grant, from where would we take the funds to do the original purchase?

Director Johnson – That's going to be the prerogative of Council. I could suggest sources depending upon when that becomes necessary or where funds would be available. As an alternative, there's always the opportunity to issue short term notes that could be retired when the reimbursement comes back in.

Asst. Director Gliha – If I may further add, one of the reasons the State was sort of gearing us towards acquisition was they could cut a one time check for \$500,000, which expedites the whole process. By executing this pass-through agreement, it also expedites the process because they're going to go out for a bond issuance and at the time we submit the request for reimbursement the bond funds will already be available, they'll be able to cut one check for \$500,000 and immediately turn it over to the City. So, it's a matter of timing. The money will be available for almost instant payment to the city once we complete the whole process.

Councilman Wojtila – The \$500,000 that we obtained, is that a different \$500,000 because I thought we committed some cost to JJR as part of their work?

Asst. Director Gliha – The JJR contract is being currently paid out of the TIF funds I believe. This will be the first legislative action on the State capital grant that we'll be taking.

Mayor Cervenik – In our discussions upon receiving this grant mentioned that we could pay JJR and other items like that. But probably the most prudent would be for land acquisition.

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

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

Res. 169-2009 (392-09) Capital Grant State ODNR Marina

A resolution authorizing the Mayor of the City of Euclid to execute a Capital Improvement Grant Pass-through Agreement with the State of Ohio, Department of Natural Resources (ODNR) in the amount of \$495,000.00 for the Capital Improvement Legislative Grant as designated in Amended House Bill No. 562 of the 127th General Assembly of the State of Ohio for costs associated with the Euclid Marina Breakwater Project. (Sponsored by Mayor Cervenik and Councilpersons Holzheimer Gail, O'Neill and Langman)

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

President Holzheimer Gail – I think we just heard all the explanation for that, unless there's anything else to add?

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

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

President Holzheimer Gail – If Council would indulge this special circumstances. It is 11:00 and I know that some of you may have questions for the Directors at the end. But for those that don't have items on the Agenda, do you have any objection if we allow them to leave at 11:00 this evening. The Directors that don't have issues that are on the Agenda, I think that's the Chiefs. It is up to you. If you have questions or comments specifically for them tomorrow, does anyone object? As long as there isn't an item on the agenda that you need to speak to. The public if you have questions at the end, I know they're always available via phone or e-mail, or give it to me and I'll make sure to get it tomorrow.

Res. 170-2009 (383-09) Issue 1 Applications

A resolution authorizing the Mayor of the City of Euclid to prepare and submit an application to participate in the 2010 Ohio Public Works Commission State Capital Improvement and/or Local Transportation Improvement Program(s), (Issue I), and to execute contracts as required. (Sponsored by Councilman Wojtila by request of Service Director)

Councilman Wojtila moved for passage, Councilwoman Minarik seconded.

Director Smith – I am requesting Council's authorization in order to have the Mayor prepare and submit the 2010 Ohio Public Works Commission State Issue One project application and to execute contracts as required. Four projects will be submitted. They include: E. 217 St. & Edgecliff Dr. SSO Elimination. This project includes elimination of SSO #25, 28, 33 and 37. It reduces a bottleneck at the Waste Water Treatment Plant. It intercepts flow on Lake Shore Blvd. and transports directly to the Waste Water auxiliary treatment facility and it reduces surcharging in Lake Shore Blvd.

The second project being proposed is the E. 274 St. and E. 275 St. Relief Sewer for SSO Elimination. This project includes the elimination of SSO #30, 31, 32. It consists of 3,000 feet of mainline lining, house lateral lining to the test-T and it also includes Parkwood lining from E. 272 ST. to E. 273 ST.

The third project listed is E. 246 ST. Sewer, Water and Pavement Improvements. This project includes the replacement of the sewers, waterline and pavement.

Project #4, the E. 266 St. Sewer, Water and Pavement Improvements. This project includes the replacement of sewers, waterline and pavement. It also allows for the upgrade of CSO #12.

I'll be glad to answer any questions you may have.

President Holzheimer Gail – Just in summary, this authorizes the submission of the applications if we go forward with any of the specific projects council would have to act again.

Director Smith – Correct.

Councilman O'Neill – To Director Smith, on #1, E. 217 ST. and Edgecliff, I noticed it didn't mention paving, will that include paving of the road?

Director Smith – It does not. This particular project actually eliminates the concerns with the SSO's in that vicinity. The project itself will be at Lake Shore near the Waste Water Treatment facility.

Councilman Langman – Director Smith, some of the folks that might still be watching or will watch later in the 246 area, they're under the impression that the project on 248 is going to address some of the basement flooding. So, first of all is that a correct statement? If it is, what is this particular proposed project, what is that going to do for the folks over there?

Director Smith – In some of my discussions with my Assistant Mr. Bock, along with CT Consultants, I did review that from a drainage standpoint that the 248 would address the drainage in the vicinity of 246 as well. That was confirmed. The plans detail a storm sewer running from 248 down to 246 of 36 inch and then it cuts under Lake Shore and outlets. That is certainly an improvement in the neighborhood and I think once the 248 project is completed, there will be a vast improvement. The 246 project is actually a continuation of the 248. It will include the replacement as I had said of the sewers, the waterline and the pavement as a whole. It is looking at more than just the drainage on that particular street.

Councilman Langman – So bottom line, it is going to make that project even better for those folks on 246?

Director Smith – It will be an enhancement, that is correct.

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

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

Res. 171-2009 (388-09) OH EPA Dille Rd. E. 204 St. Sewer

A resolution authorizing the Mayor of the City of Euclid to apply for, accept and enter into an agreement on behalf of the City of Euclid with the Ohio Environmental Protection Agency, Division of Environmental and Financial Assistance, for planning, design and/or construction of Dille Road and East 204th Street Sanitary Sewer Facilities. (Sponsored by Councilman Wojtila by request of Service Director)

Councilman Wojtila moved for passage, Councilman Gruber seconded.

Director Smith – I am requesting Council’s authorization in order to have the Mayor apply for, accept and enter into an agreement with the Ohio EPA for their pursuit of American Recovery and Reinvestment Act of 2009 funds for the planning, design and/or construction of the Dille Rd. and E. 204 St. Sanitary Sewer project. Our goal is to utilize this fund source to enhance this ongoing project where it will offset the amount of local funds required. It appears that the funds we are pursuing would range between \$300,000-\$600,000. I’ll be glad to answer any questions you might have.

President Holzheimer Gail – Thank you for researching and going after all types of funds available, we appreciate that.

Councilman Gruber – All of Council would like to have their name put on there?

President Holzheimer Gail –Thank you, that would be fine. Any additional questions?

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

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

Ord. (387-09) PPA Solar Energy To Committee

An emergency ordinance authorizing the Mayor of the City of Euclid or his designee to negotiate with and enter into a Power Purchase Agreement (PPA) and such related documents necessary to lease City rooftop space to a third party developer to install a photovoltaic (solar) generation system for the City of Euclid Administration Building, and to sell the resulting clean power to the City at a savings over traditional energy sources. (Sponsored by Mayor Cervenik, Councilpersons Holzheimer Gail, Scarniench and Langman by request of CS&ED Director)

Councilman Gruber moved for passage, Councilman Van Ho seconded.

President Holzheimer Gail – This was suggested to go to Committee. Are there comments from the administration?

Director Frey – Given the hour, if this is going to go to Committee, that would be fine with the administration. We’ll detail the project progress at this point and by the time Committee meet, we should have a recommendation on a vendor.

President Holzheimer Gail – I’d be happy to host Executive Finance or we used to have Utilities as part of Service, but I don’t know if this fits directly in any.

President Holzheimer Gail moved Ord. (387-09) into the Executive & Finance Committee. Councilman Gruber seconded.

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

Ord. 172-2009 (380-09) City Insurance through Love Ins.

An emergency ordinance authorizing the Director of Finance of the City of Euclid to enter into contracts with U.S. Specialty Insurance Company written through the firm of Love Insurance Agency, 34920 Ridge Road, Willoughby, Ohio 44054, insuring City-owned property, contents, boiler and machinery, inland marine, and against crime for the period October 1, 2009 through September 30, 2010. (Sponsored by Mayor Cervenik)

Councilman Wojtila moved for passage, Councilwoman Jones seconded.

Director Johnson – For the last several years I have presented this legislation to Council for renewal of our insurance coverage for all of our buildings and property. Disappointingly I've had to announce to Council every year that our premium costs have increased. Tonight I'm very pleased to tell you that Mrs. Evangelista went out and sought quotes as she does normally every year and this year we were very pleased to learn that we could renew our premium with a slight increase in one of our deductibles from \$5,000 to \$10,000. But our total premium for the year will be reduced by \$20,000. I understand that \$20,000 is not enough to keep Shore operating, it is not enough to buy lakefront property, but the \$20,000 decrease for a change I found to be very pleasant. If there are any questions, I'd be glad to answer.

Councilman Van Ho – Director Johnson, what is this new reduced rate. What's the gross amount?

Director Johnson – The premium is \$54,000. The period that ended 2009, our premium was \$73,482. In 2008 our premium was \$71,647. It is a substantial reduction in our premium.

Director Frey – There is also in the legislation an option for the City to continue that coverage for two additional years at the fixed premium price that was quoted, but that depends on our claims. If we have a low claims history which is the big part of why we got the reduced premium, we'll be able to renew it at that premium for a following two years.

President Holzheimer Gail – Appreciate the effort to get quotes and get a good price. Any additional questions?

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

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

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

Ord. 173-2009 (386-09) Zupka, CPA, CAFR

An ordinance authorizing the Director of Finance of the City of Euclid to enter into a contract with James G. Zupka, C.P.A., Inc., 5240 East 98th Street, Garfield Heights, Ohio 44125, for the preparation a Comprehensive Annual Financial Report for the City of Euclid. (Sponsored by President Holzheimer Gail by request of Finance Director)

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

Director Johnson – This piece of legislation is pretty self-explanatory. We've used James Zupka for the last three years for assistance in preparing our CAFR, they've done an outstanding job. This legislation would allow us to continue to use their services for five years into the future. If you notice in the legislation it shows the amounts that they are in the engagement letter and they stay pretty much the same for the five year period. If there are any questions, I'd be glad to answer them.

Councilwoman Minarik – This one and the next one, same question. We've already budgeted for these expenses in the General Fund, or close to it, you had an idea it would be this much coming due?

Director Johnson – This particular piece of legislation is for 2009 audit year which doesn't occur until 2010, so they will be in the budget for the future years, yes. We did budget for them to do the 2008 which was just completed and that was in the current year's budget.

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

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

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

Ord. 174-2009 (382-09) New World-Finance/Payroll Software

An emergency ordinance authorizing the Director of Finance of the City of Euclid to renew a contract with New World Systems, Inc. to provide software support services to the City's financial and payroll systems for a three-year period. (Sponsored by President Holzheimer Gail by request of Finance Director)

Councilman Gruber moved for passage, Councilman Van Ho seconded.

Director Johnson – We've used New World Systems since 1991 for our software needs. Recently in 2005 we upgraded to a current Windows-based version of their software. We continue to use them and get good service out of them. I asked the Clerk of Council to provide a copy of the current year's invoice along with the accompanying documentation that shows the number of users and the modules that will be covered under this software agreement. This is an annual amount. I would expect that in future years this would probably stay about the same, it has been about the same for the last several years. It really depends on the number of users and the number of modules that we have. That's remained fairly constant for the last several years. If there are any other questions, I'd be glad to answer them. To Councilwoman Minarik, yes this has been included in the budget every year also.

Councilman O'Neill – What type of savings do we recognize by staying with this company? Significant savings? Does it allow us to work a little bit more efficient which ultimately gives us a better cost savings, am I correct to assume that?

Director Johnson – I don't know if there would be savings. We go through the list of covered modules and the number of users that are on that accompanying list. Where they're not being used, the number of licenses that are not being used we do reduce them. Originally this quote was about \$5,000 higher. As a result of going through and realizing that we didn't have some of the users, we managed to reduce it by about \$5,000. They provide very important support to us so that we can continue to process payroll and pay all of our bills and keep all of our accounting records in shape.

Councilman O'Neill – Basically take an inventory on the users and we eliminate fees on the ones we don't use?

Director Johnson – Yes.

Councilman O'Neill – It also eliminates a couple of people that we don't have to employ in the city, to normally be IT people, is that correct?

Director Johnson – Yes.

Councilman Wojtila – Have we ever looked at an outside payroll processing company?

Director Johnson – We've been approached by several outside payroll processing companies. There's a number of issues with regards to it because in trying to administer ten collective bargaining agreements, some of the nuances in payroll, particularly in regards to police and fire, are not just straight payroll. We have real concerns about the accuracy of the payroll if we were to continue to not control it and try to use an outside firm. For those reasons and my concern that we ensure that all of the proper cost centers that we have are charged properly which change on a weekly basis. We have employees that move from this department to that department, they're moved from one cost center to another cost center, or they're split between cost centers or they change collective bargaining units. Those kinds of things in order to make sure that we maintain control and accuracy is one of the main reasons why we prefer to keep payroll in house. We've never looked at the difference in cost, but I would venture to say, we have about two and a half people that actually do payroll on a full time basis and I would think that cost would compete with an outside firm.

Councilwoman Jones – Part of my question was answered. My other question was, how often do you do the market for other software that may supply the same needs at a reduced cost or it doesn't cost as much? I know you've been with this company since 1991, is it just for the stability of the software and the reliable support that we stay with it? Or have we actually gone out and looked at other software products that do the same type of thing?

Director Johnson – We constantly monitor the market. When we did pick this vendor in 1991, we did a full RFP. I think the important thing is that it is important to be consistent in the financial information that we provide to the Council and members of the administration in order to make prudent financial decisions. While we probably could go look at other software vendors, in order to maintain the consistent accuracy that we feel is necessary to provide sound financial information, we don't have any problems with this company. To do that, it is not something that we thought let's go out and see if we can find something at a better price. The important thing is, we can consistently provide sound financial information on a regular basis so that members of Council and administration can make sound financial decisions. One of the important aspects of that is to provide the same information consistently and accurately. Introducing another software vendor we probably could do that, but in trying to do conversions and that kind of thing, I don't know how much we would really result in a savings to do that.

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

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

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

Ord. (384-09) Amend Code Council's Comments-Failed

An ordinance amending City of Euclid Codified Ordinance 121.20, governing Councilpersons' Comments to include a provision providing for dignity and decorum in electronic communications and communications via cell phone made by Councilpersons. (Sponsored by Councilman Langman)

Councilman Langman moved for passage, Councilwoman Minarik seconded.

Councilman Langman – I look at this as really a housekeeping matter. The original ordinance governing decorum was passed in 1980 and obviously there's been a tremendous technological development in communications over the past 29 years. So in various matters that have come up over my time on Council we've referred back to this and I thought it would be a good idea to update the ordinance to incorporate all of the various things, cell phone, Facebook, Twitter.

After consulting with the Law Director, he made these suggested changes and we also changed the term councilman to council person to reflect a more modern time. Again, I think this is just a housekeeping matter but one that I think is prudent. For the resident that asked a question many, many, many hours ago, it was decided that the term, all, was little to undefined and that's why we put in some of the specifics.

Councilman Gruber – As probably the biggest offender, well one of them anyway. As far as cell phones go, when the city starts paying for my cell phone I'll figure out what we can do and what we can't do. It is really a relatively broad determination of what's correct and what's not correct politically correct. In one person's view it might be correct; another person's view, as long as there is no vulgarity or stuff like that. It is all a person's opinion and it is hard to legislate opinions and people's feelings, especially on cell phones, it is a he said/she said kind of thing. E-mails are a little different territory here. In public here we all know that we're under the watchful eye constantly.

It is a very hard thing and I understand the spirit of the legislation Councilman and I know I call you often on your cell phone. Oh wait, you don't have one.

Councilman Langman – That is correct.

Councilman Gruber – We've kid about that earlier today. It is really hard to legislate. I think the checks and balances that are in place now are sufficient. I'd really hate to hamstring some folks that are actually a personal property such as your cell phone. It's just how I feel.

Councilman Langman – To address Councilman Gruber's question, Law Director Frey we did discuss this in some detail. If I'm using an e-mail from my home computer or whatever, could you elaborate on the duties that we have under those circumstances.

Director Frey – The question was, what becomes a public, what's in the public domain or what's a public document. It is not the vehicle in which that document or communication is delivered, but it is the content of the document of communication. Using a cell phone to send a text message that is purely about city business, is a public document. Sending an e-mail from a private e-mail account that details the public business, is a public document. Conversely using city provided lap top or city provided cell phone and sending a purely personal e-mail would not be a public document.

So, it is not the method by which it is transmitted or the device on which it is transmitted. It is the content of the message that makes it public. To that extent, those would be fair game for public discussion or public review.

Councilman O'Neill – If the Director could clarify a little bit. We as the Council body itself, aren't we a self-policing body where the checks and balances are really in place already and I think by saying that conducting with dignity and decorum, it really does extend to all mediums of medium, including cell phones, based on what you just said. Your statement, it is the content of the message rather than the vehicle used to deliver it. If you could expound on that?

Director Frey – I would agree that it is the content of the message. Yes the answer to your question, is this self-policing. The primary enforcement lies with the Council President. In succeeding sections in the codified ordinances 121.22 and 121.23 provide a method by which a council person can, will first 121.22 is how the reported offender can be or transgressor can be called to order and then 121.23 provides an appeal mechanism. That is all within the purview of City Council. Enforcement lies initially with the Council President, but really it is in within the council body to enforce that dignity and decorum.

Councilman O'Neill – That's pretty broad statement. It allows a lot of lead way the way I understand it to be written. I believe those checks and balances are in place. I understand the spirit of the legislation but I think we have what we need and I'd be voting no on this. Thank you.

Councilwoman Jones – Maybe you mentioned this but I didn't catch it. The last part that says via cell phones, does that mean text messages that I send with my personal cell phone, whether I'm sending them about city business or personal business and how would somebody know unless they receive the text message that it was about city business and how is that tracked?

Director Frey – Under the Revised Code 149.43, the Ohio Public Records Law, if you sent a text message to me and it was regarding city business and you sent it from your private phone, and someone made a public records request for all communications regarding subject x, and that communication happened to be one of them. If I had it in a transmittable form, I would be obligated to turn that over.

Councilwoman Jones – On the receiving, the receiving person.

Director Frey – Whoever. You're a public official and I'm a public official. Either one of us who receives that request will be required to turn that over. Now, if you sent me a message and said Happy Birthday. Whether it was on your personal cell phone or a city issued phone, wouldn't matter. That is not the public business, therefore not subject to public records disclosure.

Councilwoman Minarik – Two questions Director Frey. This last line, is this redundant in your opinion?

Director Frey – The Councilman asked for this inclusion in the legislation. He obviously feels it important. I don't know that it adds or subtracts. When you look at the legislation that exists today, it requires council people to act, I guess it is easier for me to read it right in front of me. Insinuations about unethical behavior, personal attacks and insults, loud and obstreperous conduct are out of place and demeaning to the entire Council.

As the council person indicated that he was trying to make sure this included a recognition that there are all kinds of new electronic communication devices. In a sense it is more of a definitional, but I think the ordinances that exist today covers all the behavior. When this ordinance was originally drafted, these vehicles of communications didn't exist.

Councilwoman Minarik – I really don't want the Council President to have to put up with my cell phone calls and enforce all of this. The second question I have, if this is voted down, will the language revert back to Councilman?

Director Frey – It would.

Councilwoman Minarik – I would like to make an amendment that council person stays in here no matter if this is voted up or down. How do I do that? Just assume that it was already written as councilman and we make an amendment to change it to council persons?

Director Frey – I think there's a provision in our Charter actually if I'm not mistaking, yes Article 11 Section 5 of the Charter. Whenever the male gender is used in the Charter, it shall include the female gender. Certainly that's applicable to our codified ordinances. All of our ordinances ought to reflect the gender neutral and as we

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go about revising them from time to time we ought to be mindful of that and make those changes. But I'm not sure how you would amend this since it is already in there. Either this passes or it doesn't.

Councilwoman Minarik – I'm not going to bother amending it.

Councilman Langman – We up here no all about this and so forth. There are future council people that will serve that will not know. I think all of us that went through the DOJ, we know they subpoenaed every e-mail from everywhere. We're not expecting the Council President to review every text message and so forth. We get plenty of people that come to that podium that will read off e-mails and whatever else they can print off about what was said. Again, I think some specificity going forward for future council's to give them the heads up that yes, this is included, makes since. I'll make a motion to close debate

Councilman O'Neill – To put this to an end. I think any new council person coming on, whether they read that or not, they should be briefed by the senior members of council, what is proper, what they should do, what they shouldn't do, possibly the Law Director would spend a little bit of time to briefly touch base with them on what the Sunshine laws are and what they're expected to say or not to say and what they are subject to by the public. You could put that legislation in here but unless they pick it up and read it, it really doesn't matter. It takes some senior members on Council that take a new person under their wing and kind of brief them. To me that would be a council president's position. With that I'll second the motion to close debate.

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

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

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

Failed.

Ord. 175-2009 (390-09) Amend Code Parking

An ordinance amending City of Euclid Codified Ordinance 351.13 governing restrictions on the parking of commercial vehicles on public and private property to include an exception allowing such vehicles to be parked in a parking lot for the purpose of patronizing a business. (Sponsored by Councilman Gruber by request of Police Chief)

Councilman Gruber moved for passage, Councilwoman Jones seconded.

Chief Repicky – We've had several calls in the last couple of months about tractor trailers parking for an hour or two to patronize to get groceries or patronize a restaurant and unfortunately they've been cited. We felt this was a, since we have so many businesses in the city, this would improve our relations with the tractor trailer drivers and our businesses in the city. If there's any questions.

Councilwoman Minarik – Chief this is only for two hours at a time?

Chief Repicky – Yes, I don't know how long you're going to sit in a restaurant and eat, usually an hour is enough.

Director Frey – Pardon me. Part of what we're trying to do is we're not wanting to permit long term parking in commercial lots. But we do want to recognize that we have truck drivers like any other transient visitor to the city who is going to stop. We had the case where a fellow stopped to a store, we cited him while he was in the store. We're making clear that we allow transient temporary parking but we do not want to extend that to allow any type of long term parking.

Chief Repicky – The business has to be open, like tonight, I don't think much would be open.

Councilman Wojtila – I had a comment from one of the residents. This does not apply to residential areas, just commercial areas? Thank you.

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

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

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

Ord. (393-09) Amend Code Admission Tax To Committee

An ordinance to establish Chapter 797 of Title Seven, Business Regulation and Taxation, of the Codified Ordinances of the City of Euclid, to levy an admissions tax on admissions to exhibition halls, motion picture theatres, club or private golf courses and golf ranges, and performance theatres of all kinds; fixing the amount and providing for the collection thereof and prescribing penalties. (Sponsored by Mayor Cervenik)

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

Mayor Cervenik – We would like this to go into committee. This was borne out of discussions with the owners of the new Expo Center that is coming to the City of Euclid. They strongly suggested we do this. I also in a meeting with Gabriel Saluan who is running the theater now, I mentioned that to him. He's very familiar with it. Most cities they have theaters in, including Mentor, charges an admissions tax. This also maybe due to our long discussion tonight, this could be a source of revenue for some of the arts and culture that goes on in the community as well. It is late and if somebody would just move it to committee, that would be great.

President Holzheimer Gail – We had suggested Councilman O'Neill would like to host that committee.

Councilman O'Neill – I'll agree with that and I'll check the calendar and e-mail the appropriate date. It is not critical but sometime fairly soon.

Councilman O'Neill moved Ord. (393-09) to the Business and Commercial Committee. Councilwoman Minarik seconded.

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

COMMITTEE OF THE WHOLE

President Holzheimer Gail – Is there anyone from the public? You stayed this long you must want to say something.

Mr. Paul Gorek – 1850 E. 223 ST. I'll just keep you here until 1:00. For the Mayor and council President and Mr. Gruber and for my councilwoman who is not feeling good. I was coming home Labor Day Weekend and was stopped on Euclid Ave. by our fine Euclid Police Dept. doing a sobriety check up there and they were very polite, kind and courteous. I wanted to pass that along to the City Council and to the Chief of Police. Thank you.

Mr. George Riggan – 18901 Renwood Avenue. I'm president of the Renwood-Naumann-Monterey Street Association and we are going to have a candidate seminar at the American Legion Hall on Arbor Avenue. It's mostly for Ward 4 but everybody's invited to it if they want to come and well, I'm trying to get the candidates for the school board to come down. I have two confirmed and two that didn't confirm and Kirsten confirmed and Mary Jo confirmed but I got that out of way now. The big thing I got, our Association is mad about is that on the last month in September we had a block party. We put out three signs. They were three feet by four feet. They announced our block party sign. We attached them to a telephone pole. We found out later that was wrong but what was wrong was the City came along Sam, whatever his name is, I forget his name, his last name. He come along. He tore them off the, these were professional signs; these were no magic marker sign. He come down. He tore them off the pole and threw them in the garbage. I had to go up to City Hall to get them. Now he could have called Mary Jo and Mary Jo would have told me and I would have went and got it. He knew where I was because they send me, he send me a warning letter from Ms. Kelley too if I do it again I got to go to Court and even though I didn't put the signs up. Somebody else put the signs up and that made all our, cause we lost a couple days of our block party which turned to be nice, Mary Jo. But that's, our group was very mad about that, very angry. At least we deserved a phone call to come take the signs down and I know Councilman O'Neill, he praises the Housing Authority; this is one time they shouldn't get away with what they did and I am angry about it and my association is angry about it. Bye.

President Holzheimer Gail – Seeing no one else, we'll go to Councilmen's comments.

COUNCILMEN'S COMMENTS

Councilman Gruber – Good night Rose Crawford wherever you are. I'm done.

Councilwoman Jones – Thank you. I'd like to wish good health and best wishes to Madeline to a speedy recovery and since it's it late that'll be all.

Councilwoman Minarik – Abston Restaurant on 200th and Fuller is finally open and that's it. Good Night.

Councilman O'Neill – Thank you Madam Chair, just best wishes and speedy recovery to Councilwoman Scarniench and my condolences and thoughts and prayers to Director Pietravoia for a loss in his family, so our thoughts are with them and good night.

Councilman Wojtila – No comments. Good night.

Councilman Langman – Thank you Madam Chair. Condolences to the Habat family on the death of John Edward Habat, longtime Euclid teacher, coach, big supporter of Shore, he would have been really happy tonight and with that I'll say good night.

Councilman Van Ho – I hate to be the one. I've got several questions. First of all, I had gotten an e-mail, this has nothing to do with the deer lady so. I had gotten an e-mail from someone who wanted to go deer hunting up it oh I believe it was Beverly Hills and I hope we're going to not permit that bow hunting. Yea, we're not going to permit that in any way, shape, or form?

Director Frey – Bow hunting is not permitted in the City.

Councilman Van Ho – Good. I was at Weed and Seed the other night. There was a flyer passed around about a reverse 911 was the way that I interpreted it called Nextell, Nixel and I'd like for us to look into that because I read the flyer right the price is great, it's free. I would like for the Law Director to write a resolution that nears the Broadview Heights on drilling in populated areas. I can't go home even at 1:00 if I don't do this last one and that is to urge everybody to look into and vote for the bond issue for the school for the 41% discount to build the new buildings. Then a technical question on Lee Bock, are we just paying him more money to assume this new position or are we bringing someone in to replace him in Engineering as he becomes Assistant Service Director?

Director Smith – There was a slight salary adjustment with Mr. Bock. He had previously held the position of Inspector/Engineering Manager, that particular position will not be filled but we do have an interest in hiring a regular inspector sometime in 2010.

Councilman Van Ho – Okay thank you, with that I'll say good night and Madeline, we miss you.

Council President Holzheimer Gail – Yes we all wish Madeline a speedy recovery and send our thoughts and prayers to Director Pietravoia. Just very quickly I want to congratulate Holy Cross, celebrated their 85th anniversary this weekend and had a Mass and all kinds of community activities. It was a very nice event so congratulations on their long term efforts and impact in the community. And watch you calendars, it looks like we may have to reschedule the Executive/Finance Budget Meeting that was initially scheduled the 7th due to a conflict that the Mayor has. We will work on another date soon. We need everybody there so that's, we're working on a date and I'll get that to you and just a reminder for the Community Build October 17th although we had time for that, so with that I will make a motion to adjourn.

ADJOURNMENT

Council President Holzheimer Gail moved to adjourn. Councilman Gruber seconded. Yeas: Unanimous.

Attest:

Clerk of Council

President of Council