

COUNCIL MINUTES
December 21, 2009

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

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

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

President Holzheimer Gail – Councilman Gilliam unfortunately has had a death in the family, so our thoughts and prayers go out to them.

Others Present: Mayor Cervenik, Law Director Frey, CS&ED Director Pietravoia, Finance Director Johnson, Service Director Smith, Asst. Recreation Director Stephens, Chief Repicky, Fire Chief Cosgriff, Asst. Director Bock, Asst. Director Gliha, Clerk of Council Cahill.

COMMUNICATIONS

Councilman O'Neill moved to receive and approve without objection a transfer of a C1, C2, D6 liquor permit to Easy Trip 1122, 22311 Lake Shore Blvd. Councilwoman Minarik seconded.
Roll Call: Yeas: Scarniench, Jones, Minarik, O'Neill, Wojtila, Langman, Holzheimer Gail.

Councilwoman Jones moved to receive and approve without objection a new C1 liquor permit to Euclid C Store, 25451 Euclid Ave. Councilman O'Neill seconded.

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

Council has received a request for a new C1, C2 liquor permit for Walgreen's, 20485 Euclid Ave.

Director Frey – I was notified today by telephone by the Ohio Department of Liquor Control that on November 19th of this year they sent a letter to Walgreen's corporate office and the address on the permit indicating that that location was a dry precinct. It is my opinion and advice to this Council that no action is needed since a liquor permit cannot be granted to that location without a change in the status through the electoral process.

President Holzheimer Gail – So the recommendation is no action unless there are any objections from Council, we will follow that advice.

COUNCIL MINUTES

Councilwoman Scarniench moved to receive and approve the Council Minutes of December 7, 2009. Councilman Wojtila seconded. Yeas: Unanimous.

ADMINISTRATION REPORTS & COMMUNICATIONS

Mayor Cervenik - I would first like to thank all of those residents and employees who donated to our toy drive. Approximately 116 children will receive toys tomorrow in 55 different families. The generosity that was shown, especially in these tough times, are certainly much appreciated by those families and those children.

I would also like to thank Rick Case Honda in their Bikes for Kids program. They also contributed towards the toy drive and donated bicycles as well. That makes some peoples Christmas' just a little bit nicer than they would be otherwise.

Asst. Director Stephens – A couple of quick announcements. The indoor pool will be closed until January 4th. Our Holiday Skating Sessions will take place December 22, 23, 28, 29 & 30 from 11:00 AM until 1:00 PM.

Tomorrow night, December 22 at 7:00-8:45 PM we'll have the Yuletide Glide at C.E. Orr arena, come skate with Santa.

Mayor Cervenik – You should have in front of you, the Clerk past it out, the General Fund summary. It is rather grim, gruesome and very disturbing. I sent you an e-mail, I believe it was December 1st, telling you of the continued decline in revenues that we have been experiencing. I thought that our ending fund balance would be somewhere around \$2 million. Director Johnson

has done quite a bit of analysis and depending on the income tax collection for December which we feel are going to be close to projections, if not maybe a little bit over, our cash balance is going to be somewhere in the neighborhood of about \$1.1-\$1.3 million. On here it says, \$1,065,000. Most of it is from revenue declines. Some of the money we believe will come in early 2010 such as jail revenues. We're still waiting for over \$200,000 from our Local Government Funds from the State of Ohio. We're not sure we're going to receive that before January.

Also on the expenditure side that you have before you tonight, \$75,000 additional transfer, which I'm not thrilled about but needs to be done into the Recreation Fund as well. As my e-mail tried to explain, we've got some serious work to do in 2010.

It is our intentions to have the year-end closed by the 10th of January. That will give us approximately two to two and a half weeks to take those final numbers and prepare for you a budget package. Our recommendations, there's probably going to be some changes made administratively before we even get into the budget hearings. The situation is not yet an emergency, but the situation is very dramatic. As I mentioned in the e-mail, our tax collections for January, we expect to be considerably lower than they were in January 2009. We really can't predict any increases in any revenue anywhere else. The real estate taxes should remain stable in the general fund portion, but in the notification we got from the County, the Bond Retirement Fund is going to take a hit of about \$240,000 in real estate taxes. Most of that is because of delinquencies and a small portion is because of devaluation.

We've got a lot of work ahead of us. I think if you have been watching television and reading newspapers, just last week in the News Herald, significant lay offs and cuts in Willowick, significant cuts in all areas in Mentor, Elyria, Lorain, Canton, just about everywhere you go and everyone is experiencing the same thing that their revenues have just totally fallen off.

Our other concern that I did have in that e-mail is that the Local Government Fund, although has been protected as the Governor promised, our percentage of local government revenue fund, the percentage will stay the same. The problem we have is the base income amount for the State of Ohio has shrunken dramatically with income tax collections as well as sales tax collections. It is a very, very grim picture and doesn't make feel any better that others are going through the same thing. But we felt that you should have this tonight as we prepare for budget hearings. Either I or Director Johnson can answer any questions you have or we can hold them until budget hearings. We would really like to have the budget hearings start the second week in February. It seems like a long time but there's a lot of work that needs to be done between now and then. As I said, cuts are going to be taken administratively. I've talked to a number of the unions already, two of them on their own have suggested we meet right after the first of the year. They understand the severity of it. I think some of the larger unions will as well. We would like to have those details worked out before we present to you where we think we're going to be in 2010.

I appreciate your patience and understanding and I'm very, very concerned about our drop in revenue and what we're projecting for next year. That concludes the final administrative reports for 2009, unfortunately ending in that way.

REPORTS & COMMITTEE MINUTES

Councilwoman Scarniench moved to receive the Monthly Finance Report through November 30, 2009; Fire Report of October & November 2009; Organizational Minutes of 12/2/09; Board of Control Minutes of 11/30/09 & 12/7/09. Councilman Langman seconded. Yeas: Unanimous.

Lot Consolidation:

Council should approve or overrule Planning and Zoning Commission's approval of an application submitted by Mr. Anthony Foti, representative of 40 Properties Management, LTD, requesting approval to split a 31,340 sq. ft. irregularly shaped parcel from Permanent Parcel No. 647-17-001, labeled Lot No. 4A, and consolidate it with Permanent Parcel No. 647-17-003, labeled Lot No. 3A as shown on submitted lot split and consolidation plat.

Director Pietravoia – I apologize in advance, I think the maps that we provided to Council are all full size, so feel free to share this evening. This is a pretty straight forward matter. Mr. Anthony Foti is here with us this evening from Hose Master. They're doing a clean up on their two parcels. Last year when we finished rebuilding E. 222 St. as part of that project, Hose Master also built a whole new driveway entrance into their facility. The two parcel that they own, while they are legally separate parcels, the driveway doesn't sit on the parcel that's with their main building. So this split and consolidation will bring the driveway to the main parcel and will allow for some future re-arrangement and possibly some expansion at some point in the future.

Given the Mayor's report, we all understand how important it is to keep our existing businesses here and help them to grow and expand here in the community. The was passed

unanimously by Planning & Zoning Commission at their last meeting and both resulting lots after the split and consolidation will meet all of our codes.

Councilman Wojtila – There’s a faint “z” line, is that’s what is going away and the new line will be the real dark line just to the north of it?

Director Pietravoia – The “z” line that you see does in fact reflect the portion that’s being added onto what’s lot 3A. The faint line and the area between that line and the solid line, is the 25 foot portion that’s being added onto Lot 3A.

Councilwoman Scarniench moved to sustain Planning & Zoning Commission’s approval of the lot split and consolidation as stated above. Councilman Van Ho seconded.

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

Sustained.

President Holzheimer Gail – Thank you for being here Mr. Foti. We’re certainly glad you continue to expand, we welcome your business and Mr. Foti is also active with many community organizations so we appreciate your contribution to our community. Thank you very much.

COMMITTEE OF THE WHOLE FOR LEGISLATIVE MATTERS ONLY

President Holzheimer Gail – A couple of notes, #10 which was the purchase of the police cars has been pulled. #4 regarding the Golf Course is most likely the intent of Council to amend that only to negotiate and ask Billy Casper to come in for a committee meeting to discuss the details. With that, if there are any comments from the public? Seeing none, we will move on with legislation.

LEGISLATION

Res. 209-2009 (415-09) Waterfront Improvements Plan

A resolution approving and accepting the Euclid Waterfront Improvements Plan as approved by the City of Euclid Planning & Zoning Commission as an official addendum to the City’s 1996 Master Plan. (Sponsored by Mayor Cervenik and Councilpersons Holzheimer Gail, Langman and O’Neill) (Recommended for passage by the Planning & Zoning Commission)

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

Director Pietravoia – I know Council is fully familiar with this resolution. For the record, since it is an addendum to the Master Plan, I would like to go through a brief summary of the process that has brought us to this evening’s decision on this matter. We did the same thing at Planning & Zoning.

As you all know for many years we’ve been pursuing development of our lakefront and more recently we’ve been focusing on the area we refer to as Harbor Town where Waters Edge and Harbor Crest apartment complexes are located. However about a year ago with Council’s backing we engaged the consulting services of JJR to assist the city, not only look at what we’ve already done but to advance the actual implementation of the lakefront plan.

For those in the viewing audience that might not have seen any of our previous meetings, JJR specializes in waterfront development projects. They’ve reviewed all the work that’s been completed to date from actually over a decades worth of work here in Euclid on our waterfront. They were hired to work on both planning, engineering, design and to assist us in obtaining permits from all the regulatory agencies.

With JJR on board we formed a steering committee that was made up of representatives of both City Council, the administration and the major land owner in the project area, the K&D Group. It was through discussion with that steering committee and other area stakeholders that the concept was expanded to look at a larger portion of our shoreline, not just the immediate Harbor Town area. So we extended the study area in essence from Sims Park to the east end of Harbor Town near E. 248 St.

The steering committee during this period over the past year has provided direction to JJR in finalizing a future concept plan for the lakefront and the plan that’s before you this evening, the Euclid Waterfront Improvements Plan.

It is a very exciting plan. I know most of you are familiar with it by now and it recommends the restoration of our shoreline. It reintroduces the historic beaches that once lined our lakefront. It offers many amenities, all of which will be publicly accessible which makes this very distinctive from what a number of other communities are doing along their shoreline. It will open up one of

the largest stretches of the Lake Erie shoreline to our residents and hopefully visitors from other communities as well.

Natural habitats will be enhanced and places are created where you can actually get close to the water's edge with walking trails, overlooks, to take in the view of the lake setting and of course an expanded Sims Park pier and a new marina are also envisioned as part of the concept plan.

I want to tell you just a little bit about the process that brought us to this evening's decision. The plan is a result of an extensive series of technical studies and a community participation process that's been coordinated by the City and JJR over the past year, with the most intense efforts over the past year. In August of this year, the JJR team held a series of meetings with the actual property owners in the vicinity of the most impacted part of our lakefront. Nearby residents and agencies that have to provide permits for the lakefront improvements were also included in the August series of meetings. They met with city officials at that time including members of City Council, our Planning & Zoning Commission and the Architectural Review Board. They received input from all of those various entities and city officials and they went back to the drawing board and revised their original concept plan to result in the plan that's before you this evening. So they took the feedback and made revisions to the plan from the suggestions they received.

More recently the final revised plan was presented to City Council on October 28th of this year. On November 2nd, your regularly scheduled meeting, that's when Resolution (415-09) which is before you this evening for action, was introduced to Council and referred to the Planning & Zoning Commission.

City Council and the administration agreed to bring the plan to the larger community. Although we hold many meetings here, we don't always get great attendance. So we took the show on the road, so to speak, for review and comment. Three other community meetings were held, two of them on November 17th and 18th, were in neighborhood locations. They were Special Planning & Zoning Commission meetings, widely advertised and as a result were well attended by over 100 residents.

In addition, finally at the December 8th regularly scheduled Planning & Zoning meeting, the matter was discussed and further public comment was received. At that meeting Planning & Zoning voted unanimously to refer the resolution back to you, City Council, with a recommendation for approval, adding the plan as an addendum to our Master Plan.

Many people asked throughout the process and I know Council asked initially how they could ensure the plan would live and would be implemented. It is important for the city to official adopt the plan. It sends a message to the community, to develops and to potential funding sources that the city is serious about the plan and its implementation. In fact some grants and funding sources actually require that the plan has been officially adopted by the city. So this resolution once passed by City Council officially adopts the Euclid Waterfront Improvement Plan as an addendum to our city's Master Plan.

Our code requires any action on the Master Plan be referred to Planning & Zoning Commission, that's why it went there first and it is now coming back to City Council this evening. Overall, the feedback has been overwhelmingly positive. I know a number of you were in attendance in the community meetings and were also able to view the airings on our local community channel after the live meetings. Of course there were concerns that were expressed and those will be taken into consideration as we move into the implementation and the process of obtaining permits from the State and Federal agencies.

At this point, on behalf of the Mayor and the Administration and with the unanimous vote and recommendation of Planning & Zoning Commission, we strongly recommend City Council adopt the Euclid Waterfront Improvement Plan as an official addendum to the city's Master Plan. Thank you for your patience in that summary report.

President Holzheimer Gail – Thank you Director Pietravoia. It is important for people to remember the process that went into this because it is very important, this step really did involve a lot of technical background work, work from the steering committee and the staff and most importantly direct input from the residents. I do want to thank all of the residents who took the time to participate through the public meetings or through their comments. Thank the Development Department, Director Pietravoia, Mr. Gliha and the steering committee members, Councilman Langman, Councilman O'Neill and of course K&D for their involvement. This is an important step and it sends the message to the funders, to the State, to other stakeholders that we're serious and we're ready to move forward on the next step. We appreciate all your work and thank you for the comments.

Councilman Langman – Director Pietravoia, I'm sure you read the newspapers and you see what the Port Authority is doing downtown and their proposal for waterfront development. As we all know,

Cleveland tends to draw the most energy and attention and dollars from our federal delegation because they are the mother community. I think it is very important that we move forward expeditiously to keep up the momentum. So if you can, can you tell us what the next steps are with JJR in moving that process forward?

Director Pietravoia – We have in fact met several times already particularly with Congresswoman Fudge’s staff both locally and their Washington staff. When their Washington staff was in town, we took the opportunity to meet with them. Most recently JJR was able to join us to present the latest plan to that staff. As well as the meetings that they had in Columbus with members of Ohio Department of Natural Resources in particular. So the very next steps hopefully after adoption of the Resolution this evening, are to take advantage of some upcoming grants. JJR has already been doing some research and they will be assisting us in January to file a couple of grant applications. As they become aware of more funds that are available and opportunities they’ll certainly continue to work with us on that.

We’ll be coming back to Council in January once those opportunities are clearly identified with resolutions authorizing us to file those applications with assistance from JJR.

Councilman Langman – Will we also have an extension of JJR’s contract for this phase of the project?

Director Pietravoia – Yes, although the grant work can be done independently, they have already provided a draft of the next work program that they’d like the city to engage them for and we’ll be bringing that back, hopefully also in January to Council, for authorization to enter into that contract.

Councilman O’Neill – Thank you to Director Pietravoia for that information that you shared with us. It has been a labor of love, really, sitting on the Steering Committee with my fellow colleagues, Councilman Langman and Council President Holzheimer Gail, as well as the administration. This will happen, it will go forward. I think some clarity needs to be brought out. With the somewhat bleak economic outlook for the city next year, I think it is important that folks at home that are watching this understand how the funding for this project is going to come about because there’s going to be some questions as to, if the city is broke, how can we go forward and keep going with this project. So either yourself or perhaps the Mayor could answer some of those questions.

Director Pietravoia – It is a very important question. All of the funding to date has come either through the Tax Increment Financing District that has been established, so it does not come out of our general fund, and that is to pay for the consultants and the work that they’ve done so far on the project.

Also the future implementation as I was mentioning earlier to Councilman Langman’s question will come primarily out of grant funds. Typically there is a local match required and that would likely come out of our capital side of our budget, not our general fund side of the budget. The majority of any initial phases will be funded either through TIF dollars which are dollars that are paid within that district by the property owners that are in that district that are designated for improvements in this area, or through grants that are going to be going after, not through our general fund.

President Holzheimer Gail – Mayor, I didn’t mean to leave you out, you were a member of the Steering Committee as well and we appreciate your leadership on this issue as well.

Mayor Cervenik – My feelings aren’t hurt. Number one, the city is not broke, we’ll get through this economic downturn. One of the reasons we will is because of programs like this and the Downtown Euclid plan that we will be generating tremendous private investment creating jobs, creating a renewed interest in the City of Euclid which will raise revenues through income tax, real estate tax and other items like that. Again, as Director Pietravoia said, it will not be coming from the money we used to pay police, fire, and things like that. But it will definitely generate money into those funds once we get moving here.

Councilman O’Neill – I get approached frequently with those questions and for the people that are listening and will watch this, maybe not tonight but down the road, I think it is important that gets out to them that they understand that we are not taking money from paving streets, snowplowing, leaf collection, things of that nature to forge this project forward. Most of that money is coming from grant money through either the State or Federal government. I think there was a formula Director, off the top of my head I can’t quite exactly put the numbers together, but for every dollar

that was invested, it came back, I think it was five or tenfold. So for every million dollar of investment, we're looking at roughly \$10 million, if you could comment on that.

Director Pietravoia – That is correct. JJR with all of their experience on implementing projects like this throughout the country and even the world, they have done economic studies that show that a million dollars of investment in lakefront would bring back anywhere from \$10-\$12 million of private investment. That would be a tremendous boost for our city as we move forward and implement the lakefront and see that private investment as the Mayor mentioned as well.

Councilman O'Neill – I would just like to close with encouraging my colleagues on Council to go ahead and vote for this project. It is good for Euclid, it is good for the future of Euclid. Thank you.

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

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

Passed.

Ord. 210-2009 (018-09) Fedeli Group

An emergency ordinance authorizing the Director of Finance of the City of Euclid to enter into a renewal contract with The Fedeli Group, 5005 Rockside Road, Independence, Ohio 44131, to provide health care cost reduction services to the City in conjunction with the City's health care self-insurance program for eligible employees for a three-year period commencing January 1, 2010 and expiring December 31, 2012. (Sponsored by Mayor Cervenik)

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

Director Frey – The agreement which we sent electronically to you Friday with the letter from Mike McGrath to Roseanne Evangelista and then some financial information that Ms. Evangelista sent out today by e-mail, followed up with a summary of some of our health care costs from Director Johnson this evening, kind of puts the framework on this. Fedeli was engaged three years ago to serve as the health care consultant to the city after an RFP process. In the three years that they have provided that service to the city, they have been remarkably available to the city; we've had some very positive benefits, one was negotiating a reduced administrative fee from Medical Mutual. We've also switched from self-insured to an insured dental care program. It is not to say that we've had some tremendous savings. In fact our health care costs have continued to increase, but they've increased at a significantly lower percentage than the general public and certainly at a much better rate than increases seen in the public sector.

Significant in this agreement would be Fedeli will receive their compensation by way of commission from the insurance carriers. Carriers build in a commission in their pricing model. We have been assured that this will not affect our cost of insurance that it is build in. There are many other municipalities who use this model of compensation. There will be no out of pocket payment from the City of Euclid to Fedeli if Council approves this three year agreement, but rather they will receive that compensation directly from the insurance carrier. That savings is about \$43,000 annually. I'll be glad to answer questions, or Director Johnson and I will be attempt to answer questions if Council has them on this agreement.

President Holzheimer Gail – We appreciate all of the attachments and all of the information provided ahead of time, I think it helped to answer a lot of the questions.

Councilman Langman- One quick comment, I think what this shows, this process shows how successful the RFP process can work for a variety of different things. This happens to be farther down the road than some of things that we're working on currently, but the city has realized savings. It should be noted Director Johnson and Ms. Evangelista, former Councilwoman Mancuso, myself, some other folks, worked hard on the RFP and we're seeing results. Hopefully we'll be successful with other RFP processes down the line. Thank you.

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

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

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

Holzheimer Gail.

Passed.

Ord. 211-2009 (010-09) CT Consultants

An emergency ordinance authorizing the Director of Public Service of the City of Euclid to enter into an agreement with CT Consultants, Inc., 35000 Kaiser Court, Willoughby, Ohio 44094, for the purpose of performing routine engineering services for the year 2010, and to establish a schedule for project engineering services. (Sponsored by Councilman Wojtila by request of Service Director)

Councilman Wojtila moved for passage, Councilman Van Ho seconded.

Director Smith – At this time I'm requesting your authorization to enter into a one year contract with CT Consultants for routine engineering services at a cost of \$3500 per month. I had forwarded a copy of the proposed contract which outlines the services to be provided for this fee. In addition the contract establishes engineering services that can be provided at an hourly rate and services that can be provided based upon a percentage fee basis.

We'd like to bring to your attention in Section E of this contract permits the city to utilize any consulting firm we so desire pertaining to authorized services during the term. I'd certainly be happy to answer any questions that you may have.

Councilman Van Ho – How long have we had this contract with CT or its predecessor? I guess how long have we contracted with CT for engineering services, is really what I'm asking.

Director Frey – I think it has been five or six years in this recent stint.

Councilman Van Ho – I'm not taking any, I don't mean to disparage CT in any way. I think next year we should go out for another RFP. They may very well get it, but I think we need to keep everybody going after our business.

Director Smith – With regards to that comment, I did in my e-mail acknowledge that in the 2010 calendar year I would seek additional statements of qualifications from consultants.

Councilman Wojtila – Just a typo in the second Whereas, the word be is b, like texting. I don't think we're approving the agreement because that's not in the legislation, but we appreciate getting a copy of it. There is no reference to it being an annual or a one year contract that I could see, just to make note of that. That's all I had as well.

Director Smith – I know there was some confusion with regards to two different contracts that were forwarded for your consideration. Under the most recent Section I, we did specify that this is a one year period.

Director Frey – Director Smith is being kind, I sent the wrong attachment out with the legislation. He picked that up and made sure you had the correct contract in front of you.

Councilman Wojtila – In addition to what Director Smith had talked about, as far as going out for proposals next year for 2011, routine services, in addition we have the ability to go out this year in 2010 for our major projects to request additional proposals. CT's fee structure is outline here, but another consultant would be able to and we'd welcome additional proposals and then we'd have a basis of comparison. I'm not sure if that was clear but I think that is an important point as well.

Councilwoman Jones – Director Smith, I maybe just don't understand how all this works, but in the agreement and in the legislation it talks about routine services, but in the agreement it has other services that are available, but we're not agreeing to those other services, is that correct, we're just agreeing to the routine services under that section?

Director Smith – That is correct at this point in time. That was simple to establish their fee should they be awarded an authorized service in 2010.

Councilwoman Jones – For the other services that they do provide?

Director Smith – That is correct.

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

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

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

Ord. 212-2009 (014-09) Billy Casper Golf Operate Golf Course

An emergency ordinance authorizing the Mayor of the City of Euclid to negotiate and enter into a contract with Billy Casper Golf to operate and manage the Briardale Greens Golf Course for a period of five years, commencing January 1, 2010. (Sponsored by Mayor Cervenik)

Councilwoman Scarniench moved for passage, Councilman O'Neill seconded.
Mayor Cervenik – I sent an e-mail to Mike Cutler from Billy Casper Golf today asking if he could attend a meeting that hopefully you will call on January 6th and should have that response tomorrow. Then Council will be able to ask any questions they so desire. The Committee spent probably 15 hours in various meetings and there was five of us and that was 75 man hours of time to investigate. We cut it down to two. Had them come into town. It was unanimously thought that Casper would do the best job and they're the lowest bid as well. They're looking forward to coming to talk with all of you. I would just ask that we have all our questions answered hopefully on the 6th so that on Tuesday the 19th we can act on that. There's a tremendous amount of work that needs to be done.

President Holzheimer Gail – I think it is important to move forward on authorizing the negotiation because there is quite a bit of work that has to be done in the interim with our bond counsel and with other people. I would like to make the motion to amend this ordinance to just authorize the negotiation and take out, enter into a contract, so that the administration knows that is the intent and we can have a committee meeting to get all the questions answered.

President Holzheimer Gail moved to amend Ord. (014-09) to delete enter into a contract. Councilwoman Scarniench seconded.

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

President Holzheimer Gail – We will hold an Executive/Finance Committee Meeting to meet with Billy Casper on January 6th and we'll let you know the time as soon as we confirm their availability.

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

Ord. 213-2009 (015-09) Budget Appropriation 2009

An emergency ordinance amending Ordinance #188-2009 which makes the annual appropriation for all expenditures for the City of Euclid for the period ending December 31, 2009. (Sponsored by Mayor Cervenik by request of Finance Director)

Councilman Van Ho moved for passage, Councilman Langman seconded.

Director Johnson – As the Mayor eluded to earlier at the opening of the meeting, this is the final request for an amendment, appropriation, to our current appropriation balance. This is the final amendment for the year. As the Mayor earlier mentioned, we are not pleased with the results,

particularly of our revenue performance. The summary sheet that I past out also reflects our expected expenditures for the year as compared to the budget that is adopted. In previous meetings I have indicated to Council that we usually expend about 1.9, we usually have about 1.9% of our appropriation left over. This year we've been actually scouring every nook and cranny to avoid having to add to the appropriation, the figure that shows in front of you is actually .983%, just slightly under 1% of our total budget. We won't be able to rely on having almost 2% of our budget left over if this projection holds true.

Unfortunately the transfer to the Recreation Operating Fund comes at this late moment because the significant shortfall is in the revenue, primarily the revenue shortfall is in the ice arena. Because most of the ice arena funds comes in the last quarter of the year, it is difficult to really determine until the end of the year whether there will be a shortfall or whether we will make that revenue projection. If there are any questions, I'd be glad to answer them.

Councilwoman Minarik – So this \$75,000 is to keep the Orr Ice Arena operating because it had a shortfall?

Director Johnson – It is actually to keep the entire Recreation Operating Fund from having a negative balance.

Councilwoman Minarik – Because Orr came in lower, the whole department is, okay.

Director Johnson – It is one of the factors.

Councilman Van Ho – I guess a question to anyone in the administration, how is Orr producing as compared to a year or two years ago? Do we have any feel for that? Are we improving?

Director Johnson – In terms of programming, I think Mr. Stephens can address that better than I.

Acting Director Stephens – It is pretty even as compared to last year. Currently the last week or so I've been taking a very close look at some of our numbers for the current year and just trying to evaluate where some of the shortfall is occurring. I think primarily it is just a matter of enhancing our programming and enhancing the marketing of C. E. Orr arena.

Councilwoman Minarik – Is it possible that Billy Casper Golf would consider managing the Orr Ice Arena as well?

Mayor Cervenik – I don't think so. A few years back we did have discussions with two individuals that thought about managing C. E. Orr ice arena and neither one of them came through. Some of the problems are that most of the profitable ice arenas have two ice surfaces, one of them is of standard sized, the one is used for various training and practices. It makes our arena more difficult to lease out or have them operate it. We most certainly are going to look at it again and look at how we can market it better. The turn out at open skates, other than when we had the Lake Erie Monsters show up, has been very dire. Again I think it is a product of the economy. People just don't have that extra money to spend and I believe initially the expectations of the ice arena during budgeting time last year were recorded in the budget as higher than we really should have expected for 2009. We want to make sure that doesn't happen again.

Councilman Wojtila – The bottom line item on the summary, the acquisition of property, the 495, is that primarily the property we voted on two weeks ago?

Director Johnson – Yes, in the other grants fund, the 255 Fund, that is the State Grant that was awarded for Lakefront Development. We're appropriating the entire 495 because it really wasn't clear how much of that was going to be necessary for this year. So if there is a balance that is unspent, the balance will probably be re-appropriated next year for 2010.

President Holzheimer Gail – Just one clarification. I just want to make sure folks don't get the wrong information. The \$75,000 from Recreation is not solely due to the ice rink.

Director Johnson – Correct, there are other areas, other programs and some of the other areas where revenues did fall short of projection.

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

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

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

Passed.

Ord. 214-2009 (016-09) Inter-Transfer of Funds

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

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

Director Johnson – This is the accompanying piece of legislation to the transfer. If you recall several audits ago the auditors require that we do a separate piece of legislation for the transfer, although we reflect it in the appropriation ordinance also, the separate piece of legislation is required.

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

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

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

Passed.

Ord. 215-2009 (017-09) Temporary Budget 2010

An emergency ordinance which makes the annual appropriation for all expenditures for the City of Euclid for the period ending December 31, 2010. (Sponsored by Mayor Cervenik by request of Finance Director)

Councilwoman Jones moved for passage, Councilman Wojtila seconded.

Director Johnson – This is, although the language in the ordinance reads as if it were a permanent ordinance, we are treating it as a temporary ordinance. We would be required to pass a permanent ordinance no later than March 31, 2010.

President Holzheimer Gail – You'll notice the total amount being allocated would not get us through the full year anyway. We will have to come back and approve a full budget.

Councilman Wojtila – Are we required then to adopt something this year for 2010?

Director Johnson – Yes, we're required by Ohio Revised Code to at least have a temporary budget in place by December 31st and then we have until March 31st to pass a permanent ordinance.

Councilman Langman – Director Johnson, I ask you this every year since I've been on Council, but the total, the \$12 million, we're not projecting to spend \$40 million for the year.

Director Johnson – No.

Councilman Langman – So why that figure?

Director Johnson – It is an arbitrary number. In the past when we've done an exact 25% of what we think the budget will be, invariably we run short in some of the accounts, particularly with trash collection where we try to encumber a larger part of the year. So we increased it slightly over what normally would be a 25%. Undoubtedly this will not get us past March. We will not be spending more, but in order to avoid having any particular line items gone negative, we thought it would be better to increase it slightly.

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

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Unanimous.

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

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

Passed.

Ord. 216-2009 (009-09) Edge Cove Beach Club

An ordinance accepting a permanent easement and right-of way on the property of Edge Cove Beach Club, Permanent Parcel Number 645-01-030, for future access to storm sewers, and a temporary easement and right-of-way on said property to allow for the restoration of storm sewers. (Sponsored by Councilman Wojtila by request of Service Director)

Councilman Wojtila moved for passage, Councilman Langman seconded.

Director Frey – Director Smith can provide more detail onto the exact project that is underway. The permanent easement that we would maintain and the temporary construction easement that accompanies that are on that piece of legislation. We have already sent copies of the easement document to the attorney representing this particular beach club, they are in agreement with that. Obviously the city will restore the property to the pre-construction condition as part of this project but needless to say, it will help in improving our storm water management and we're very pleased this community, the Edge Cove Beach Club has seen fit to work with the city in such an efficient manner in getting this done.

Director Smith – The only comment I would make is this is in relation to the 264 Street project. We're actually looking at two easements, one a 20 ft. permanent easement and the other a 30 ft. temporary construction easement.

Councilman Langman – When is that project actually going to start?

Director Smith – This point in time the award of the contract has not been made. I anticipate having that in the next two weeks, a recommendation to the Board of Control. I believe it was 180 day construction time wanting to complete the project. I would anticipate having the contract signed in January.

Councilman Langman – One other question from a resident, this particular resident had concerns about storm water discharge. Could you explain a little bit about how Ohio EPA is involved with that? In other words, what I'm trying to get across is that we're not just dumping sewage into the Lake by any means.

Director Smith – With regards to the Ohio EPA, I'm sure everyone out there for the most part has heard about the Phase II Storm Water requirements where we will be monitored, the contractor will be monitored that proper techniques are in place to avoid erosion and sedimentation. The catch basins will have some sumps instructed in them to trap silt and some routine maintenance is anticipated from within.

Councilman Langman – Will the EPA monitor these new storm water discharges to make sure they're in compliance with all the water quality standards?

Director Smith – I know the intention is to monitor, but from my past experiences and what I've heard, obviously I've been told they have their own staffing concerns and right now it is up to our own soil and water department that will provide some of that monitoring and some of the reporting will be done internally.

Director Frey – The County Soil and Water District will do the sampling of those outfalls. The whole point of these projects in all of these projects is to try and get the storm water out of the sanitary system, so we are not putting sanitary sewage directly into the lake by any stretch.

Councilman Wojtila – Is there much restoration that will need to be done? We're not removing buildings or structures or anything like that?

Director Smith – No, there's nothing of that nature, just typical ground restoration.

Councilman Wojtila – You made one comment, you said one of the easements was 20 ft. and one was 30 ft.

Director Smith – There is an existing easement in place, I don't recall the width, I believe it maybe 10 ft. Obviously it was an 18 inch storm sewer that we're installing. We would like it to be a 20 ft. permanent easement for future maintenance in addition to a 30 ft. temporary construction easement.

Councilman Wojtila – Your Exhibit A is the same on both of them.

Director Frey – The Exhibit A shows, if you look, there's a shaded area, that's the permanent easement, the 20 ft. with the fluted area right there at the lake. Next to that, to the west, with the dashed line is 30 ft. temporary construction easement. It is really for staging the materials and equipment during that. All of that 50 ft. will be restored once the project is complete.

Councilman Wojtila – Thank you for clarifying. Thank you for doing this work in-house, saved us some money.

Councilman Van Ho – First, I like their rate for this easement if I'm reading it right, \$1?

Director Frey – Typically Councilman we don't get into discussions at the council meetings on the cost of these easements. We are obligated as you know on right of way and so forth that we have to be available to make fair compensation to the property owners. Fortunately this property owner is more than willing to work with us so that concept of fair compensation works to our benefit.

Councilman Van Ho – Leads to my next question, on the next Resolution where we're going to authorize the Mayor to negotiate for sewer rights, and there is no cap on that that we're putting on, is that normal?

Director Frey – It depends on the negotiations. We will have an idea when we contact these property owners what the value of that taking is and we will provide that, we'll work from that base point. We have been successful in many, many of our easements in getting a civic minded property owner to grant us the right to install those sewer lines or whatever the infrastructure is. In other cases, we've had to negotiate a fair compensation.

Councilman Van Ho – Assuming we'll have to negotiate a fair compensation, to use your words, you will bring back and tell us how fair we were?

Director Frey – We have a construction budget in each of these projects, I'm sorry, an acquisition budget in each of these projects. We've not had to exceed those at this point and I don't anticipate that on either of these. I certainly can inform you of the final cost of those, yes.

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

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

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

Passed.

Ord. 217-2009 (011-09) Easements on Dille Road

An emergency ordinance authorizing the Mayor of the City of Euclid to negotiate the acquisition of easements for the construction and maintenance of utilities on certain properties located on Dille Road, Permanent Parcel Numbers 646-28-055 and 646-28-062, and to expend funds and execute any and all necessary documents to acquire such easements. (Sponsored by Councilman Wojtila by request of Service Director)

Councilwoman Scarniench moved for passage, Councilwoman Jones seconded.

Director Frey – Some time ago we started the Dille Road project that includes E. 204 and part of it is waterline replacement, part of it is sanitary sewer and part of it is storm sewer rebuild in the oldest part of the City of Euclid. Unfortunately with it being the oldest part of the City of Euclid, we have one of the narrowest right of ways for a main road and it has caused, that in conjunction with the history of it, the roadway, the right of way itself is just filled with functional and non-functional lines. It has caused us to work outside of the right of way, which we normally like to stay within the right of way. In this project we've had to work, particularly on Dille Rd. outside of the right of way in a significant portion of that. We secured all the easements we thought were necessary to get that project done, including some last minute adjustments. But as the contractor was actually doing the work, we've come across three other pieces of property that we're going to need to impact. One of them we already got an agreement from the property owner through a license to go in and that would have been a temporary easement so we don't have that on here. On these two other parcels, we're going to actually need to install storm sewer, I believe they're both storm sewer lines in parts of those two properties. We're going to need to go through the formal process of contacting the property owners, negotiating those easements, getting them recorded and then giving the contractor the okay to go forward with the work.

We think, I hope that those are the last two that we'll need to get this project finished. This has been a difficult project in that regard that we encountered difficulties as we've gone along in this process and caused us to have, as we've said, to re-engineer parts of it, get new State permitting, and scramble after some of the easements, not the best way to handle a project but we've been equal to the task to date. With your approval tonight, we'll have the authority to go out and get those last two easements secured.

Councilman Wojtala – Is this impacting the progress of the construction?

Director Frey – It is, yes. There are properties on the west-side of Dille Rd. as you go from Roseland towards Euclid Ave., that we knew we were going to have to open up to make new lateral connections and we got agreements from those property owners to do that. But as it turns out now, we're going to have to install some storm sewer lines through the front portions of some of those yards. The yards will be permanently encumbered by those storm sewers. It won't affect the use, they'll be in the areas that are not build able in any event because of the setbacks, but we will still need to discuss those with those property owners.

Councilman Langman – If I understand this correctly, this is a function of not having complete records of what actually was underneath or in the right-of-way?

Director Frey – I think Director Smith could probably answer that better than I can. It is a, looking at the prints, as I've looked at over the last several months on this job, it is spaghetti in that road, you can't tell. Frankly the records are so old that the contractor found things as they've opened up that were not printed, they were not on there and it has caused some major re-work.

Director Smith – I have never heard the technical term, spaghetti, but that is correct, there has been a tremendous amount of underground utilities that we were not aware of.

Councilman Langman – Final question for you Law Director Frey, what's the timeframe for negotiating these easements? What happens if negotiations fail?

Director Frey – We're not going to allow negotiations to fail because the alternative is to either re-engineer, which isn't a good process or to go to Probate Court for appropriations. Neither of which is the way we want to do this. We will work very hard and it is why it is an emergency ordinance, so as soon as it is signed, we can contact these property owners. I would hope within a matter of a week we'll have it resolved.

Councilwoman Jones – Director Frey, maybe you answered this in Councilman Van Ho's question, but it says to expend funds but we don't know how much funds are going to be expending, right?

Director Frey – Not at this point. Obviously our goal would be to impress upon the property owners the civic nature of the project and have them do it without charge to the city. To be quite candid, many of the property owners on Dille Rd. did just that, some did not.

Councilwoman Jones – Will the funds come from the budget for this project?

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Director Frey – There is actually an acquisition line item in this budget that we would utilize.

Councilwoman Scarniench – Because of this set back, do we have any estimate in time on when this project would be completed?

Director Frey – I'm going to have to ask our engineering guys, because I don't know the answer to that. Every one of these delays has caused some impediment to getting the job done.

Asst. Director Bock – I would imagine that the project, as long as we get the easements, we can complete the sewer work over the winter, actual paving work early spring. I would look somewhere around the first of May for completion.

Councilwoman Scarniench – Will the folks on the west side of Dille still have a sidewalk? On my street, we don't have a sidewalk on my side of the street because of the way everything is put in the ground. Will they still have a sidewalk?

Asst. Director Bock – Yes the sidewalks are there and are scheduled for replacement.

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

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

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

Passed.

Ord. (013-09) Police Vehicles Purchase - Withdrawn

An emergency ordinance authorizing the Director of Public Service of the City of Euclid to enter into a contract with Statewide Ford, 1108 West Main Street, Van Wert, Ohio 45891, for the purchase of three (3) 2010 Ford Crown Victoria Police Interceptors and one (1) 2010 Ford Explorer for use in the Police Department, at a cost not to exceed One Hundred Twelve Thousand Dollars (\$112,000.00). The vehicles will be purchased through the State of Ohio Cooperative Purchasing Program. (Sponsored by Councilman Wojtila by request of Service Director)

CEREMONIAL RESOLUTION

Res. 218-2009 (008-09) Eagle Scout Patrick Smith

A resolution of congratulations to *Patrick A. Smith* for having achieved the distinguished rank of *Eagle Scout*. (Sponsored by Mayor Cervenik and Entire Council)

Council President Holzheimer Gail – I was pleased to represent Councilman Wojtila and Mayor Cervenik at Patrick's Eagle Scout Ceremony. He was unable to be here tonight but hopefully will be here at our next Council Meeting, so that we can publicly recognize him and present him with the Ceremonial Resolution.

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

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

Passed.

COMMITTEE OF THE WHOLE

Mr. Christopher Litwinowicz - 21970 Morris Ave. Ward 8, Mr. Van Ho. Our streets are flooded. I took 4 ½ hours and went around with a stick and unplugged all the leaves that the city didn't pick up. Merry Christmas and Happy New Year. Actually it's Happy Holidays, don't want to offend anybody. Ms. Scarniench, thank you Mike, that's your son, correct?

President Holzheimer Gail – You can ask your questions to everybody, and not direct specific comments please.

Mr. Litwinowicz – I'm on a politician mission. Time for change. Barack Obama do you understand? I really ran. Go ahead, I'm a politician listen. Daily, while some of them dissing, American voters wishing, Euclid, on a shooting star. I'm from the Marine Corps. Uncle Sam has got a children. I was just sentenced, time served. I guess I'm getting on everybody's nerves. But all we do is struggle everyday. Struggle of life. Why in my city in my eyes, the police, we call them po-po, police in the city years ticketing. How much money they greedy. I'm not just talking about Euclid. I've been around. This has no, but this has something to do with what I just went through.

Charge like what happened in Texas. Miss American Violet, that's a movie that's coming out. How could they let this happen? Like working first job less than minimum wage and your ward Ms. Scarniench, Georgio's pizza.

President Holzheimer Gail – Mr. Litwinowicz, please stick to general comments.

Mr. Litwinowicz – This is general comments.

President Holzheimer Gail – Not talk to anyone individually please or talk about an individual business.

Mr. Litwinowicz – Thank you. Happen like working first job, less than minimum wage. While say I'm not trying to lose my job. Why they put them to work outside in the cold, his family prays he won't get sick anymore. To many people holler at people when they said they would stop it. Why he works for less profit. All he knows, time keeps ticking. Now he's 19, still wishing. I found out, everybody calls me wild, next day made it happen, police knock on door harassing, public restaurants say I'm trespassing. Already out the house I was possessing, holding, a holler, a sack of weed, which is a possession, a ticket. But they bother not to read me my memorandum rights, fight the power. I guess I'm a public enemy mayor for five minutes of an hour. I had the right to remain silent, anything I say could have been used in a court of law. As if I was holding more than an ounce, up to 20 g's which is 20 grams, in the law, ordinance in Euclid. My Aunt also been charged with drug abuse for the system supplying heron, methadone, to prescription pills by Medicaid.

Thrown right in like a detox. Lock me up in an ice box. Didn't book me in properly, as public cameras watched sloppily. They held me captive, 4 AM, can I just go to sleep. Where's the heat, my mattress, blankets and sheets? 4 AM can I just go to sleep. They want to freeze us. But I won't let it happen. I use my mouthpiece and I did ten days. My Aunt got charged with drug abuse, so I put down in my poem, God won't let you relapse. Meaning, you know, overdose. While CO's relax. No drug just liquid syrup, looks so purple. When you're cold you look purple.

The system, Cuyahoga County, supplied illegal dosages to my Aunt, so her body tolerance is so high. While more inmates are locked down, freezing, some barely breathing, county, city remain taxing on products sold. Unemployment at a world high. Nobody's laughing, not an herbal in the sky. I guess it is like a magic trick, basketball stars make world news.

President Holzheimer Gail – Mr. Litwinowicz, your time is up. Thank you.

Ms. Rose M. Allen – 26241 Lake Shore Blvd. First of all I'd say Happy Holidays for whichever holidays maybe yours that you celebrate. Hoping that Euclid will have a brighter New Year, being that the whole country has been through a rough couple of years, particularly 2009.

One of the things that I've come to talk about again as I have in the past, is looking for an opportunity for jobs in the City of Euclid. I did have the opportunity to attend the official launch of Pearled Wind, it is on the border of Parma and Cleveland, it is owned by John Kaplan. One of the things he will be doing is being to build turbines and sell them to other people. I'm still hoping that when Euclid looks at what will be happening with Lincoln Electric putting up a demo turbine in the city, that we will look to building the parts, manufacturing the part for wind turbines and they have multiple parts but particularly the towers and the blades. And because of our proximity to two railways that are required to transport the larger parts such as the towers and the blades and its closeness to the Port of Cleveland which would allow them to be shipped at a much lower cost than any other company, probably anywhere in the country.

I do know that the City of Newton, Iowa is still moving forward and they're making much progress with what they've done in a matter of 2 ½ years of turning the city around by deciding after Whirlpool bought out Maytag and shut it down, they were able to take their manufacturing experience and retool it to building wind turbines, or manufacturing wind turbine parts. They started out with the towers and now they're building the blades.

I'm still hoping that, it is a great thing that people will see the demo that Lincoln Electric will be putting up. I've had a chance to talk with several individuals at Lincoln Electric and they anticipate by summer to have a working turbine. That's only the beginning. It let's people see how wind turbines work and that they are not noise and they are not dangerous. But I still say the most important thing for Euclid is being able to get more jobs. Looking at Bluestone Industrial Park as perhaps one of the first green energy parks in the country that would be dedicated to companies that manufacture green energy parts, be they solar panels or geothermal equipment that would help to have a greener society.

I'm still hoping the City will get behind an effort to encourage the wind energy efforts in the City of Euclid that can revive more and more jobs. On that, I'll say goodnight. Thank you.

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

COUNCILMEN'S COMMENTS

Councilwoman Scarniench – I would like to congratulate the Euclid Orchestra on their holiday performance. It was wonderful, it was the first chance that I've had to see this and it was quite enjoyable. The students from Bounce Around Dance Studio danced to the Nutcracker.

President Holzheimer Gail – We're still conducting our meeting. If you would take your conversations outside please Mr. Litwinowicz and Ms. Allen, we're still conducting our meeting please. Sorry Councilwoman Scarniench.

Councilwoman Scarniench – The children from Bounce Around Dance Studio were simply adorable, they danced to the Nutcracker, it was an enjoyable event. I would also like to congratulate the Moore Counseling and Meditation services. They've started on a new endeavor as of last night, it is called the Market Place Christian Ministry Services and I wish them well. To everyone out there, Merry Christmas.

Councilwoman Jones – As Councilwoman Scarniench said, there was a dedication service and ceremony yesterday for the Moore Counseling services. They will be celebrating 2010, ten years of services that they have been providing to communities. They've expanded on their different services that are available. This is the time of the year when so many people go through depression, especially the economic crisis that we're going through now, people losing their jobs or a downsizing, things like that. If you feel that you can't turn to a family member, a neighbor, maybe an old co-worker or somebody, there is opportunities and availability for counseling. Moore Counseling Services has a number of different services to provide for those that are in need and are in need of help for any counseling services that you may have. They are located on Euclid Ave. at the address of, 22639 Euclid Ave. The phone number is 738-1900. If you have any type of services that they can help you with, please give them a call. Don't think that because they may not offer, call, it is always best to call and find out.

I would also like to express a Merry Christmas, Happy Kwanzaa and Happy Hanukkah for those who celebrate any of those celebrations. Also remember this is the time of year when we may get caught up in the hustle and bustle of shopping, or going here and there, but step back and remember what we're celebrating this season for. Thank you and have a nice Happy New Year.

Councilwoman Minarik – Following up on the Euclid Orchestra, two events at the Shore Cultural Centre on Wednesday. This Wednesday from 2:00-4:00 PM is Santa's Christmas Show, you can bring the kids to see Santa. Free grab bags to all the children, bring a camera. Then, later on in the evening, from 7:00-11:00 there is a Christmas Concert for Peace, featuring Fayrewether and Gravity. Special Guest Trans-Siberian Orchestra Vocalist Kelly Keeling. \$15 advance tickets, \$20 at the door. For information on either of these two shows, you can call Chian Productions, at 216-289-8107. That's this Wednesday. Other than that, Merry Christmas.

Councilman O'Neill – First I want to start off by wishing everyone a Merry Christmas and a Happy New Year. Happy post Hanukkah, Happy Kwanzaa. If I missed anybody, I'd like to wish everybody a healthy and prosperous holiday season and new year.

I want to thank Mayor Cervenik, Director Pietravoia, Asst. Director Bob Gliha for their efforts, largely behind the scenes, kind of unsung and it was noted that Lincoln was putting in their huge wind turbine. We have been working, the City has been working on alternative energy sources and some things because they're not spoken in public doesn't mean that the city isn't pursuing those avenues. You guys have done a pretty phenomenal job. I just want that to be duly

noted.

Director Pietravoia, could you briefly explain, I would like to end with positive things that are happening in Ward 5. A couple positive things that are going to be happening very soon with Wendy's, the Lake Shore Plaza and the Carter properties. If you could just briefly comment where we're at and hopefully where we're going to be fairly soon on those three properties.

Director Pietravoia – We are going to see a lot of activity as long as the weather permits during the winter months. All of those projects you mentioned will be going forward. Wendy's has already secured the area and started the demolition of the structures that need to come down before they build the new restaurant which will continue during the winter months.

Carter Properties, their project for the renovation of the entire center has been approved by the Architectural Review Board. Aldi's and the renovation of the center should proceed during the winter months as well. We will be coming back to Council with a storefront agreement for the Carter Properties.

Lake Shore Plaza finally has an agreement with their mortgage holding company to release the funds for their project to go forward. We haven't seen the paperwork yet but we've been told verbally that's finally in place. We hope to see all three of those projects under construction this winter.

Councilman O'Neill – There was one more positive note, I think there was about \$750,000 NOACA funding for the Downtown engineering?

Director Pietravoia – Yes, Council had authorized us to make an application earlier in the year and that was approved at the Friday, December 16th, I think was the date of the meeting. NOACA Board approved the funding. It is an 80/20 grant. The total funds for the project are \$700,000 allows us to do the engineering for the streetscape and road redesign for the entire downtown district so it is pretty exciting stuff.

Councilman O'Neill – I appreciate that and I appreciate the work the Engineering Dept., the Community Development Dept. does and I wish you all and all the folks that are watching a Merry Christmas and a Happy New Year.

Director Pietravoia – Just to add to the list, this Wednesday evening at the Architectural Review Board, Robert Spies who owns the plaza where the former Dave's is located, is presenting plans for a complete renovation of the façade of that building as well.

Councilman Wojtila – One thing I was thinking of, it would probably be a good idea, I know you guys are busy, but to send an e-mail to the people that worked on the downtown, I forget the name of it already.

Director Pietravoia – The Downtown Steering Committee when did the planning stage.

Councilman Wojtila – There was 20 people or so that I was part of that and I'm sure it would be good news and information for them, they put a lot of time into that.

Director Pietravoia – I will do that.

Councilman Wojtila – I'm assuming refuse collection next week, Friday will be delayed until Saturday for the next two weeks, that's the only change?

Director Smith – Correct.

Councilman Wojtila – Just to keep in our thoughts and prayers the parishes of St. Robert's and St. William's as they close and form the new parish, St. Robert and St. William.

Just a closing comment, we did survive the 2009 budget and it was tough and it sounds like we'll have a tougher job in 2010. But we'll get through it, I'm sure we will, it is just going to be a lot of work and I'm sure we'll be up for the task. We do need help from a lot of people and I'm sure we'll be asking for that. With that I'd just like to wish everyone a very Merry Christmas and Happy New Year.

Councilman Langman – First I'd like to thank the Chamber of Commerce for putting on a very nice holiday party at the Henn Mansion last Thursday. It was well attended and able to meet a lot of

interesting folks that are doing business here in the city and want to increase their business here in the city. Also I'd like to thank the Euclid Historical Society for their holiday open house. They also have some interesting and exciting plans, looking forward to helping them in their endeavors. Finally the Conscience Nest on Lake Shore Blvd., they also had an Open House a couple of Saturday ago. Lots of interesting classes. Ran into a couple of folks that we all know from the business community, so good luck to all three on their endeavors.

A question for Law Director Frey, a few meetings back, Law Director, we were talking about pedestrian crossing, specifically on the Boulevard and some folks were concerned as the impression was that pedestrians can cross anywhere on the Boulevard. Could you clarify that or is that how it is?

Director Frey – Pedestrians can cross if there is not a crosswalk or stop light but must do so safely. It is the pedestrian's responsibility to only cross where there is not a crosswalk or light, in a manner that will not interfere with oncoming traffic. The burden becomes, as opposed to being in the crosswalk or crossing at the light, the burden is on the pedestrian to do so safely. It is not per se illegal to cross where there is not a crosswalk or light, but it is certainly not the safest thing in the world either. You do so knowing that you must do that in a safe manner and not impede traffic.

Councilman Langman – These signs that discourage pedestrian crossing on the south of Lake Shore, are in fact, have no bearing, are not valid.

Director Frey – If we issued a citation, someone challenged it, we would probably end up dismissing that citation. Again, depends on the traffic flow. If they're interfering with the flow of traffic, then they would be in violation, somewhat subjective.

Councilman Langman – Jaywalking throughout the city then is really a subjective citation?

Director Frey – Jaywalking, walking in the street, where there's a sidewalk available and you are interfering with the flow of traffic is illegal.

Councilman Langman – When I mean jaywalking I mean crossing the street to get from one side to the other.

Director Frey – I can cross my street without going to the end of the street at the crosswalk, so long as I'm not interfering with the flow of traffic.

Councilman Langman – But the key to determine that is it is a subjective.

Director Frey – Absolutely it is subjective, yes.

Councilman Langman – That is up to each officer that might have to.

Director Frey – If I'm the police officer and Mr. Pietravoia is racing across Lake Shore to avoid oncoming traffic, I'm going to give him a citation. I think it is reasonable to assume that would be impeding with the flow of traffic. On the other hand if it is 2 AM and there are no cars on Lake Shore, Mr. Pietravoia can cross freely.

Councilman Langman – Thank you for that clarification. With that I'll wish everybody a safe holiday season. New Year's is coming up so please be careful when you're out celebrating.

Councilman Van Ho – First to the Administration, as we go into the budget hearings, please don't cut the Rec budget to badly. I realize everyone is going to take a hit. But there's always a tendency with programs like that that they're not a necessity. But they are a quality of life issue in this city and we need to keep that in mind as we put the budget together.

To the Fire Chief, I'm still looking for the comparison to last year on these reports to see whether we're getting better or worse.

Building Dept., there's a lack of fence by the barbershop on 222 there and I would like to see if we could get a fence put up there to stop people from 222 from running through the backyards of those houses. If we have to change an ordinance to do it, I would be happy to sponsor that.

Can the Chief explain why we are freezing our prisoners? I'd ask that you'd wait until afterwards. I would like to thank the lady who keeps coming up and reminding us of windmills,

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she's keeping us honest.

To the Service Director, are we done with leaf pick up? Lastly I would like to wish everybody a Merry Christmas, Happy Hanukkah, Happy Kwanzaa and Happy New Year. With that I'll say goodnight.

President Holzheimer Gail – Temperature of the jail, Chief.

Chief Repicky – Unfortunately it is like your house, no two rooms are the same temperature so we try to monitor the jail accordingly. Sometimes people do not cooperate and they are a suicide risk so those items are taken away from them so they don't hurt themselves and I'll just leave it at that.

President Holzheimer Gail – Director Smith, are we finished with leaf pick up?

Director Smith – Yes we are.

President Holzheimer Gail – There is a routine to clean out the sewer basins at some point when time allows?

Director Smith – Correct with some routine maintenance throughout.

President Holzheimer Gail – I think that was all your questions?

Councilman Van Ho – Yes, it was brought up that the sewers were backing up because of leaves. If that is in fact a legitimate complaint, we need to be looking at it. If it is not, we need to wait and get our maintenance for next year, whatever we need to do.

President Holzheimer Gail – If you notice that as a council person or resident, you could make a call to the Service Dept. to alert them of that back up.

Director Smith – We've had several requests within the last two weeks with regards to that specific matter. If there's an area out there, please advise us and it will go towards the front of the list.

Councilman Van Ho – I would like to compliment the Service Dept. because they do seem to be very responsive when you call or e-mail them with a problem that they're on it and it is taken care of. Thank you.

President Holzheimer Gail – Reminder we will, pending confirmation from Billy Casper, we will have an Executive Committee Meeting on January 6th to meet with the consultant regarding the golf course. I do want to thank the Chamber of Commerce as well. I was able to attend their holiday reception and it was nice to hear from some of the local businesses their positive responsive and their positive thoughts going forward. Particularly there were representatives from Ray Fogg who were happy to announce the pretty much completion of the roadway and also if I have the term correctly, they are now a certified State site, so the State in addition to the County and the City are all marketing the Ray Fogg Property, Bluestone Business Park on an international basis. So very encouraged that we will have some good success there, hopefully in the coming year. There were representatives from Great Lakes Expo at the Open House as well and they were happy to report that their Home & Flower Show is 90% booked, at that point it was. They're looking very much forward to operating here in Euclid. I think with the approval of the Lakefront Plan tonight, with the funding for the downtown plan, we really do have some positive things to look forward to as we enter into 2010. I know that if we continue to work together as we have, we will get through this budget crisis. Councilman Van Ho made a suggestion, I would encourage all of Council and I know the Mayor has asked, make sure you have some discussions with the Mayor and the Finance Director and if you have suggestions, if you have thoughts, if you have items that you really feel should not be cut, make that note now so we know that going into the budget process. I know the Mayor has offered breakfast for anyone, so please take him up on that and have those conversations prior to having the budget hearings because it will make it move much smoother.

I would like to thank and everyone should remember during the Holidays the safety forces continue to work, service staff continues to work so I want to thank them for their commitment to protecting and working for our city, we certainly appreciate that as well, with our families remember them as well.

Our condolences to Councilman Gilliam on his loss. I know he was sorry to miss tonight's meeting but certainly we wish him and his family well during this difficult time. With that I will

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wish everyone a Merry Christmas and Happy Hanukkah and wish everyone a happy, healthy and safe New Year.

ADJOURNMENT

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

Attest:

Clerk of Council

President of Council