

COUNCIL MINUTES

March 15, 2010

The regular Council Meeting was held on Monday, March 15, 2010 at 7:00 PM in the Euclid Municipal Center Council Chamber. Council President Holzheimer Gail presided.

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

All Present.

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

COUNCIL MINUTES

Councilwoman Scarniench moved to receive and approve the Council Minutes of March 1, 2010. Councilwoman Minarik seconded. Yeas: Unanimous.

ADMINISTRATION REPORTS & COMMUNICATIONS

Mayor Cervenik – First of all we have a walk on item tonight and it is a Resolution in Memorial for Cleveland Heights Police Officer Thomas F. Patton, II. I would certainly hope Council would waive the 24 hour rule, but I would ask that all of us now stand up and share in a moment of silent prayer for himself and his family and his community. Thank you.

Recreation Director Will – I have a few announcements before I will be calling up some of our lovely members in our audience this evening. Remind you that the Parks & Recreation Dept. will be offering a basketball skills clinic for children ages 9-12. It will be held on Monday and Wednesday evenings starting this Wednesday, March 17th. It is \$25 for resident; \$50 non-resident. There are two different time slots, 6:00-7:15 and also on Wednesday 6:00-7:15. That's our basketball clinic open gym. If you are interested in registering you can come to the Parks & Recreation Dept.

We'll also be offering a Start Smart Baseball league for children between the ages of 3-5, to teach the fundamentals of the game of baseball. That will be held on Monday and Wednesday, at Shore, April 12 thru April 28. That's \$30 for a resident and \$55 non-resident. Times on Monday & Wednesday are 6:00-7:00 and that begins on April 12th.

There will be a Community Easter Egg Hunt on Saturday, April 3 at 11:30 at the Living Waters Church of God on North Lakeland Blvd. There will be over 30,000 eggs for everybody to collect. There will also be prizes given away. That's Saturday, April 3rd at 11:30 at Living Waters Church of God Community Easter Egg Hunt.

On Saturday, April 17th will be the Annual Spring Fling. Dick Goddard will be available from 11:00 AM until 2:00 PM for autographs. If you're thinking about buying your first home, possibly renovating your current house, you can visit vendors that will be there at the Henn Mansion. We also encourage you to stop by the Home Depot booth and they'll help you with all the questions that you might have about getting everything ready for the spring. Saturday, April 17th at the Henn mansion on from 10 AM until 3 PM.

Another reminder about Euclid Relay for Life. If you want to join a team you can contact the Rec Dept., 289-8114. That will be Friday, May 14th at 6 PM through Saturday, May 15th at Noon at the Euclid High School Track. You can join us for a day of celebrating, remembering and fighting back. You'll join a team, we'll have people walking throughout the evening. There will be entertainment. Each of the groups that register will also be having a fund raiser, so even if you don't want to walk, you can come and participate and buy something from one of the vendors. Euclid Relay for Life, May 14th through Noon on May 15th.

At this time I would like to call up all of our visitors who are here from the Euclid Hockey Association.

Mayor Cervenik and Recreation Director Will recognized the Euclid Hockey Association for all their successes this 2009/2010 Hockey Season where all six teams brought home a banner.

Mayor Cervenik – Some housekeeping items, #10 and #11, the two pieces of legislation concerning the Waste Water facilities plant are being pulled. We need some additional clarification so they will be pulled and brought back after clarification is made.

I would like to congratulate the American Legion, Post 343. I attended their dinner Saturday night, 80 year Anniversary Dinner, and we want to thank them, time and time again for all the good work they do not only for the veterans but the whole community. They are a great group of people and the fact that they've been around for 80 years doing good things for our community is fantastic.

On Wednesday, St. Patrick's Day, I'd like to wish everyone, because everyone is Irish on St. Patrick's day, whether they really are or not, a very Happy St. Patrick's Day. There's a mass at Ss. Robert & William at 10 AM, hosted by the Irish American Club and everyone is invited there to begin the day. The parade begins downtown at 1:00 and there's festivities all over Cuyahoga County for the rest of the evening. The only thing I ask is that you enjoy yourselves, but also be very careful and not that it is a commercial or anything, but have a designated driver if you intend to celebrate the way many of the Irishmen do from year's past. We wish you all a safe and happy holiday.

Also, I'm going to bring it up because a couple of you have asked about it. I had sent an e-mail this past Friday, at the NOACA meeting which is a 5 County organization that distributes highway transportation funds, that we would be voting to approve many, many projects, close to \$40 million in projects including the replacement of the sound walls in the City of Euclid with those that are in Lake County and up through 260th Street. We did do that, however that Resolution was based upon Congress passing the Stimulus II act which is not quite done yet. This Friday, the TAC committee from NOACA, which sets the budgets for ODOT will be moving many of those projects into ODOT's regular budget for 2010 of which our soundwalls will be part of those projects which will be coming in. We expect approval from that and then the second Friday in April, the full governing body of NOACA, which I am a member, is expected to approve those projects which again include our sound wall. Although it is not definite yet, it is public record that we are on the radar of getting our walls replaced.

As I had sent an e-mail to you, we had sent a rather detailed letter to the Governor and the people from ODOT and my administrative assistant, Colleen Tarsitano, as well as Matt Mizak, our television specialist, did a tremendous job on really displaying attached to that letter just how decrepit these walls really are and how they are becoming a danger. I want to thank them, as well as Bonnie Teeuwen from the Dept. of ODOT, she's our District 12 Deputy Director as well as Dale Schiavoni. I need to thank Anne Hill for all her efforts; she's the Deputy Director for the Governor's Office in Cleveland. As well as Governor Ted Strickland and last but certainly not least Kenny Yuko who becomes a real pest down there and sometimes things get done just because they want Kenny to be out of their office for awhile and that's a compliment to Kenny, not a criticism.

So although it is not final yet, we are well on our way to working out a situation where those walls will finally be replaced. I will let you know what happens over the next 30-60 days and I'm pretty confident with the people we have working for us, it will be taken care of. I believe that concludes reports and communications.

REPORTS & COMMITTEE MINUTES

Councilwoman Scarniench moved to receive the Police Report of January, February 2009; Monthly Finance Report through February 2010; Executive & Finance Com. Min. of 3/3/10. Board of Control Minutes of 2/22/2010 & 2/1/10. Councilman O'Neill seconded. Yeas: Unanimous.

Lot Consolidation

Council should approve or overrule Planning and Zoning Commission's approval of an application submitted by Mr. Brian Bukovec, requesting the consolidation of two parcels. The first parcel is approximately 1.38 acres or 60,000 sq. ft. The other parcel is 2.35 acres or 102,366 sq. ft. The consolidation of these lots would create a 3.73 acre or 162,366 sq. ft. Said parcel would be in compliance with all applicable codes. (Radix Company, 26000 Lakeland Boulevard)

Director Pietravoia – Just for the record Commissioner Beno is with us here this evening to make a formal report from the Planning & Zoning Commission to Council.

Commissioner Beno – On March 9th, after public hearing and accepting public comment, the Planning & Zoning Commission voted to recommend approval of the proposed lot consolidation. This consolidation is fully in compliance with all codified ordinances.

Councilwoman Scarniench moved to sustain Planning & Zoning Commission's approval of the lot split as described above for Radix Company at 26000 Lakeland Blvd. Councilwoman Jones seconded.

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

Sustained.

Councilman Langman moved to waive the 24 hour notice and place on the Agenda Resolution (063-10). Councilman Van Ho seconded. Yeas: Unanimous.

COMMITTEE OF THE WHOLE FOR LEGISLATIVE MATTERS ONLY

President Holzheimer Gail - #3 & #4 will be going to committee and #10 and #11 have been pulled. Seeing no comments, we will move onto Legislation.

LEGISLATION

Res. 26-2010 (057-10) Bluestone Dedication Plat

A resolution approving the dedication plat for Bluestone Boulevard to be located east of East 260th Street and continuing to its easterly terminus to allow for the dedication of the public right-of-way. (Sponsored by the Planning & Zoning Commission)

Councilwoman Jones moved for passage, Councilwoman Scarniench seconded.

Director Pietravoia – Very excited this evening to be able to bring before you the official dedication plat for Bluestone Boulevard at Bluestone Business Park. Mike Novachek is here with us this evening representing Fogg, the company that has brought us to this point. As you are all aware, it has taken a lot of work and a lot of effort and about \$6 million to get us to this point. The action before you this evening is to dedicate the actual right of way for the roadway. In Euclid, our Codified Ordinances, the acceptance of the street is a second step, the actual physical improvements of the street will come shortly probably about another month or so. At this time we are taking the first step which is to accept the dedication of the plat itself. Mr. Novachek would be happy to answer any questions or may even want to give us an update on where things stand with the Business Park. Before we do that, for the record, I would like Mr. Beno to report from the Planning & Zoning Commission.

Commissioner Beno – On March 9th, after public notice and accepting public comments, the Planning & Zoning Commission voted to recommend approval of the plat.

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

Mr. Mike Novachek – I'm with Ray Fogg Builders. It has probably been a little less than a year since I was last here asking approval to move forward with this project. Since then we've completed about five major phases, one being the purchase of the property, the second being the demolition of all the existing slabs and concrete and foundations which produced over 100,000 tons of concrete aggregate. The third phase is we had extensive environmental clean up; cleaning up the site. Last was the improvements which included all the sewers, the waterlines, and the road down the middle of the property. Today we are actively marketing the facility and some final clean up to do in the Spring as the weather permits. We're on our way just as advertised.

Councilman Langman – To the administration, just out of curiosity, is the roadway warranted? As far as if it starts to crumble, are we responsible, are they responsible?

Director Pietravoia – I will let Director Smith respond to that. There is a requirement in our code that he'll explain when the road is completed.

Director Smith – Essentially there will be a maintenance bond. At this point in time since it is simply the dedication of the right of way, that will give Fogg the opportunity to complete all the improvements. There are some minor utility installation to go along with the streetlight that needs to be taken care of. After those improvements are completed, the roadway can then be accepted in and a maintenance bond will be required. If there is a need to accept it prior to, then we would talk to the contractor about a performance bond for that work, but we don't anticipate doing that at this time.

Councilman Langman – How long does a maintenance bond generally last?

Director Smith – Two years.

Councilman O'Neill – I'm happy the project is moving along. It is going to be a success for the City of Euclid, hopefully sooner than later. The road going in, I'm looking at the blueprint here and I don't see, maybe I'm overlooking it, but I don't see any sidewalks, will there be any sidewalks?

Mr. Novachek – No there won't be.

Councilman O'Neill – Strictly an industrial driveway then?

Mr. Novachek – That's correct.

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

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

Passed.

Res. 27-2010 (060-10) April Census Awareness Month

A resolution designating April, 2010 as 2010 Census Awareness Month in the City of Euclid, Ohio.
(Sponsored by Mayor Cervenik and Councilperson Jones)

Councilwoman Jones moved for passage, Councilwoman Scarniench seconded.

Director Pietravoia – We thought it would be appropriate this evening, rather than waiting for the first meeting in April to make a designation of the entire month as Census Awareness Month. Brian Iorio from our staff is with us this evening. He's been leading the charge along with the Complete Count Committee, Kandace Jones is a member of that Committee and several others here. I'm pleased to bring before you this evening this Resolution so that we can get the news out about the Census and encourage our residents to fully participate. Brian has some remarks for Council this evening.

Mr. Iorio – Council President, members of Council and particularly anyone that maybe viewing this meeting. I'm here to ask for your support to designate the month of April 2010 Census Awareness Month. In the coming weeks we'll begin receiving our 2010 Census forms. It is very important that everybody fills out and returns their Census form. By completing and returning your Census form, you are performing an important civic duty while helping to better define the future for you, your community and our country.

Every year the federal government distributes more than \$400 billion to tribal, state and local governments, school districts and non-profits based on Census data. Census data guide the local planning decisions including where to provide additional social services such as childcares and senior centers and build new roads, hospitals, schools and job training and community centers. Since the data is used to reapportion congressional seats to States and assure proper district representation, participating in the Census is easy, important and safe. One of the shortest Census forms in history, the 2010 Census form takes about 10 minutes to complete.

By law the U.S. Census Bureau cannot share respondent's answers with anybody, including other federal agencies and law enforcement entities. All Census Bureau employees take an oath of non-disclosure and are sworn for life to protect the confidentiality of the data. The penalty for unlawful disclosure is a fine of up to \$250,000 or imprisonment of up to 5 years or both.

Every person living in the United States must be counted in the 2010 Census including renter occupied households, people of all ages, races, ethnic groups, citizens and non-citizens. For individuals who have been displaced from their homes for any reason, you should be counted at the residence you currently live most of the time. Your participation will help to provide a new portrait of America illustrating our nation's growing and changing population and demographics.

April 1st of this year is designated nationally and locally as 2010's Census Day. This day is a point of reference for when to fill out and return your Census form. If you haven't received your census form by this day, April 1st, please call me, Brian Iorio, at 216-289-8140 and I will make sure you receive a replacement form. Also for anyone that may need assistance due to disability or possibly language barriers, the Census is setting up Questionnaire Assistance Centers at several sites throughout the City, the Shore Cultural Centre, Euclid Public Library, the Imani United Church of Christ at 1505 E. 260th ST., Euclid Square Mall, our Lady of Lourdes Shrine at 21281 Chardon Rd. In addition, Be Counted Sites will be set up throughout the community and they will also supply information and replacement forms.

President Holzheimer Gail – Brian, it is true that if people do not mail in their form they will be visited at their home by a Census worker?

Mr. Iorio – Yes, if you do not want someone to come to your home, fill out and mail back your Census form promptly.

President Holzheimer Gail – It is important to know, I know people get nervous about people coming to their homes, so Census workers who if you don't turn your form in which we certainly do hope you will take the time to mail it in, they will have a badge and a canvas bag that's marked US Census. You do not have to let them into your home and you do not have to give them Social Security numbers or any kind of personal information.

Mr. Iorio – Census Workers should not ask to come into your home.

Councilman O'Neill – Mayor Cervenik, can you take a moment to explain, specifically to Euclid how the population impacts our city or the lack of population, basically what we get by having a certain population in our city, the benefits that we derive by having a certain population, how important it is to us.

Mayor Cervenik – There are numerous advantages to making sure that everyone is counted. First and foremost we are an entitlement company and we receive over \$1.2 million in Community Development Block Grant money. The Stimulus programs that took place this year, we received an additional \$500,000 in Block Grant money for our normal programs that we do.

To show you how important it is to make sure everyone is counted, there was an energy grant that we received \$196,000 of money, “free money” that can be used for energy projects. But because that program used the estimated Census numbers rather than the 2000 Census numbers, which in 2000 we were over 50,000, the estimated has us below; we missed out on an additional, close to \$250,000-\$300,000 in energy money. Because any community that was estimated to be over 50,000 received almost double.

That's how we can lose and we can lose a lot. We also have different stimulus packages that I'm sure will come up that these numbers are going to be very important and 50,000 residents seems to be that magic number. Two hundred and fifteen federal programs handed out an average of \$1,469, just short of \$1500 per person and all of that through these years 2000-2008 were based solely and completely upon census numbers. That's how very important it is that we do that.

I strongly suggest that the people that live in rental properties, apartments, single family homes, count every single person in that home. Even if they're only going to be there for a year, even if they're a short time resident, if they are in your house on April 1st, they are members of your home and you should include them. I don't condone the overcrowding of a dwelling in any situation at all, however, if you happen to experience that, please, for your sake and ours list each and every person living with you in that dwelling. None of this information is shared with any other governmental agency. No one is going to find out. Again, I don't encourage that, however I do encourage that if you have six people living in your apartment and your landlord says you can only have five, list the sixth person. It is extremely important that every person that lives and associates and works and just is in the City of Euclid and receives our services is counted. I can't stress, as Brian said, the importance of answering.

Secondly, you don't want people knocking on your door in the middle of summertime asking to count people in your house. Fill it out, do it. I have a small condo in Chautauqua Lake, went there last weekend; guess what was hanging on my door? A Census, ten question report, asking me to fill it out. I'm not a resident of New York so I simply checked that I'm not a resident. That's how broad based this is. We all need to fill them out, fill them out correctly. The information is completely private and it is our goal to stay above 50,000. Either Saturday or Sunday Plain Dealer, talking about the population in the City of Cleveland possibly dropping to as low as 330,000-340,000 people. What they did say in that same paragraph was where did they go. They said many of them have moved into the inner-ring suburbs of Cleveland, which we are one. Again, all I can tell you is please, fill out the Census accurately, completely, honestly and mail it in on time because we will all benefit. As Brian said, there's money for schools, there's money for safety programs, police, fire, hospital. We've got a great hospital but they certainly could use more funding if available and if our population numbers require it. So I ask each and every one of your councilmen, councilwoman, council people, to really when you're at your Neighborhood Association meetings, make sure you mention it. Anywhere you go make sure you mention it. Fill out your census and fill it out honestly. I firmly believe we will be over 50,000 if everyone fills this out correctly. Free money, free dollars, it is money we've sent to the various organizations and if we don't get it back, we're going to be a donor community and have our money sent to someone else. I can't stress the importance of this month making everybody aware of the census.

Councilman O'Neill – For the record, as much as we feel that pets are members of the family, pets are not people and they cannot be counted.

Councilwoman Minarik – I do have a question. How does the government know that you're not padding the numbers?

Mr. Iorio – I'm not sure.

Mayor Cervenik – It is a federal offense, punishable by some jail time if you falsify any information and that works both ways. If you don't honestly fill it out about the number of people living in your dwelling, is just as wrong as padding.

Councilwoman Minarik – If it is all confidential information, how are they going to know?

Mayor Cervenik – It would be very difficult that's why we're pleading with people to be honest and open and accurately fill out the Census form as quickly and as soon as possible.

Councilman Langman – All good stuff, needs to be done. I would suggest that we all add our names to this because it is a very important process coming up.

Councilwoman Jones – Brian and the Mayor did a great job explaining everything. Over the past several weeks, I would say at least 3-4 weeks, there have been some people who have said they've received the Census form and filled it out and mailed it back in. That was not the actual Census form, it was something that was mailed that actually looked like a Census form but it was not. The actual Census forms are being mailed out as of this weekend. If you had received one before that wasn't actually the Census form, the Census Bureau sent out a letter to all households saying you'll receive your Census form as of a date or a timeframe. That was good timing because there were people that I had talked to that said oh, I filled that out already. But the forms hadn't been sent out yet. So if you're one of those residents that did fill out one of those forms, please remember that wasn't the actual Census form that you filled out and you still need to fill out the one that you will get in the mail. Thank you.

President Holzheimer Gail – Thank you again to the Complete Count Committee, all of the volunteers who are working to help spread the word, we certainly appreciate all of their efforts.

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

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

Passed.

Ord. (056-10) MOU County Land Reutilization Corp.

An emergency ordinance authorizing the Mayor or his designee to enter into a Memorandum of Understanding (MOU) with the Cuyahoga County Land Reutilization Corporation to establish protocols in the development and operation of the Cuyahoga County land bank in the City of Euclid, Ohio. (Sponsored by Councilperson Van Ho by request of CS&ED Director)

Councilman Van Ho moved for passage, Councilman Langman seconded.

Director Pietravoia – This agenda item as well as the next are related and we would recommend because of the complexity and the newness in part for the first agenda item that we're discussing that we should have this referred to Committee for further discussion.

I would like to just explain briefly that all the communities in the county are going to be entering into a similar agreement with the County Land Bank which is the first item on the Agenda and it basically sets out the standards that they'll be required to follow when they acquire, hold and sell properties in our community of Euclid. The standards may vary a little bit from city to city. We've spent a good amount of time with the county staff actually going through what you received as a final draft. It meets with their approval and we'd like to describe that to you in more detail along with a member of the County Land Bank at the Committee meeting.

I think it would be appropriate to mention briefly on item #4 which is our local land bank, to discuss those at the same time since they are interrelated.

Councilwoman Jones – I do have a question on the wording. On #3, if this is going to committee, is it necessary for it to be an emergency?

Director Pietravoia – Yes, we still at time of passage would like it to become effective as soon as possible. That's at the request of the County Land Bank. They're already up and running and they'll be receiving properties shortly coming into their land bank so the sooner these protocols become law, the better for everyone involved because our procedures that we've spelled out will become effective here in Euclid.

I should add, I believe only one or two out of how many communities are there in Cuyahoga County, over 57 communities, only one or two have entered into an agreement so far. We're right out at the front again, in fact we've had several of our member First Suburban Communities request our draft, rather than re-invent the wheel, they're taking a look at what we've agreed to with the County and will likely adopt something very similar.

Councilman Langman – In conversation with my colleague Councilman Van Ho and since any type of parcel can be part of the land bank, I'll volunteer to host in the City Growth and Planning Committee, jointly with my colleague Councilman Van Ho who is the chairman of the Housing Committee, and then we can work on setting dates, if that is agreeable with everybody we can do that.

Councilman Langman moved Ord. (056-10) to the City Growth, Planning & Development Committee. Councilman Van Ho seconded.

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

Into Committee.

Ord. (062-10) Policies Land Reutilization Program

An ordinance adopting the updated Application Review and Disposition Policies for the City of Euclid Land Reutilization Program. (Sponsored by Mayor Cervenik by request of the CS&ED Director)

Councilman Langman moved for passage, Councilman Van Ho seconded.

Director Pietravoia – Planning & Zoning Commissioner Beno had along with the Law Dept. has spent a good deal of time at the request of Council over the last year looking at our local land bank policies and making sure they are inline with the Ohio Revised Code. We did find that it is necessary to update our policies and the one major point that I would like to bring out and we'll be discussing this with the Planning & Zoning, we do need what is referred to as a Neighborhood Advisory Committee, under the Ohio Revised Code. We're going to ask Council to designate Planning & Zoning Commission to serve as that committee for the entire city. We'll explain that further as we get into it in committee discussion.

I would like to thank Commissioner Beno and Law Director Frey and his staff because a lot of work has gone into both pieces to get them to the point where we could finally bring them to Council for consideration.

Councilman Langman moved Ord. (062-10) to the City Growth, Planning & Development Committee. Councilman O'Neill seconded.

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

Into Committee.

Res. 28-2010 (058-10) Arbor Day – April 30th

A resolution celebrating Arbor Day on Friday, April 30, 2010, in the City of Euclid, and encouraging all residents throughout our community to observe Arbor Day and appreciate the beauty, value, benefit and significance of trees to our City. (Sponsor Councilperson Jones by request of Parks & Rec Director)

Councilwoman Jones moved for passage, Councilwoman Minarik seconded.

Director Will – I hope that everyone will join me along with our Shade Tree Beautification Commission on Friday, April 30th, 2010 at 6:30 PM outside at the Monument between the Library and the Polka Softball Hall of Fame. We will be planting a Red Rocket Maple Tree which will grow to approximately 8 ft. wide, 20 ft. tall. It will have green leaves in the summer and be bright red in the early Fall. We will be planting a tree this year in memory of well known resident William J. Tomko. He was a former member of our Euclid Board of Education, Euclid School Board, Recreation Commission, Euclid Historical Society, Euclid Vets Club, American Legion Post 343 and the Euclid Kiwanis Club. We felt this was a great place since I think everybody remembers Mr. Tomko on the parade day. We felt it befit to plant a tree in memory of him there.

I also wanted to make a note that the tree this year is going to be donated by the Lake Shore Garden Club. They had approached me and offered to buy a tree, so thank you to the Lake Shore Garden Club for donating the tree for Mr. Tomko on Arbor Day, April 30th at 6:30 PM.

Councilman Langman – I think trees are something we can all get onboard with so I would make a recommendation to add all our names to it.

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

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

Passed.

Ord. (061-10) Purchase Property 200 E. 228 St.

An emergency ordinance authorizing the Mayor of the City of Euclid to enter into a purchase agreement and to execute all other documents necessary to acquire property from Thomas and Kathy Soini located at 200 East 228th Street (Permanent Parcel No. 644-24-029) at a cost of Twenty Three Thousand Five Hundred Dollars (\$23,500.00) for the public purpose of augmenting the Euclid municipal parking lot and to provide additional public parking in the Lakeshore Boulevard Commercial District in support of the Downtown Euclid Transportation and Redevelopment Plan. (Sponsored by Mayor Cervenik)

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

Director Pietravoia – We have an opportunity as presented to you this evening through the proposed legislation to acquire a relatively small but in my opinion a critical piece of parking in the downtown business district in the block between Babbitt and E. 228 St. We're referring to it as the Soini parcel because it is currently owned by Kathy and Tom Soini.

They have owned the parcel for quite a few years. They purchased it when they were running the South Shore Tanning Salon. We distributed another map this evening with a larger area shown. I would like you to refer to that so you could follow along as I'm discussing the points related to the acquisition of this parcel.

The corner parcel referred to as the Miclea property, currently as you can see from the yellow lines on the map, only has about 8 parking spaces associated with that building. It is a fairly substantial building. Then to the west of that, the Irish American Club has, it is a little flag shaped parcel with a small driveway that comes out to 228 St. That currently has about 15 parking spaces.

We calculated under today's code if those uses were to come forward on their own as new uses to go into those buildings, the Irish American Club alone as in a place of assembly would require well over 100 spaces and that's only if you look at the main floor. If you count the lower level that would probably be close to double that. The Miclea property, if it were to be re-occupied as a general retail use would require a minimum of about 20 spaces. If it were to be occupied by a restaurant that used about 2/3 of the space for actual seating for patrons, you could be anywhere up to 50-60 spaces required.

The city has had a long history, if you look at the blue outline on the map, municipal parking lot, we've had a long history of acquiring properties within this block and trying to stabilize the parking situation there. I believe the acquisition of this parcel could be a move again in that right direction. You would never have enough parking in this block to accommodate all the buildings that actually exist in the block. If we were to try to re-divvy up the municipal lot again and start over and have each parcel own their own parking, it is just physically impossible, there is not enough parking.

But what has worked well over the years, I believe it was the early 80's when we acquired all this land, is to create the shared parking lot and with the different business hours and busy periods of the various businesses in the block, it has worked out well as a shared parking lot.

We do have a couple of agreements. The acquisition of that lot allowed the 5/3 bank, Cardinal Federal at the time, to enter into an easement agreement with the city for the municipal, where it says municipal parking lot, that's actually used by 5/3 bank under an agreement from the mid '80's. Then Dave's Supermarket, when that was developed originally as a Tops, there was an agreement that they would have non-exclusive, in other words anyone could use the space as non-exclusive rights of the parking in the municipal lot as well for their customers.

The development of the Lake Shore Cinema was all predicated on the acquisition of the parcel just to the east of 5/3 Bank and the larger parcel behind in fact I didn't realize this until we started looking at this, but we had actually purchased the theater as well, turned it over to the CIC at that time, the Community Improvement Corporation, and then a few years later entered into an agreement with Al Saluan to purchase and renovate the theater from the CIC. That was all part of the agreement was that we would continue to maintain the municipal parking lot serving all those businesses.

That brings us to the Soini property from my perspective as a Development Director, the Soini's no longer have use for this, they bought it separately because they were leasing the Miclea property. Since they have moved their business, no longer are leasing the Miclea property, they have no use for this lot. They were asking originally over a year ago about \$40,000, they paid \$35,000 for it. The County Auditor has it valued at \$42,000 including the parking lot improvements themselves.

We didn't feel, originally about a year ago when we first started discussions with them that it was a correct move for us to pay their initial asking price and over time they have come down substantially which brings us to where we're at this evening. They have agreed to a purchase price that's well below the market value that established by the County of \$23,500.

I feel it is important for us to have control of this parcel because it will give us a lot of flexibility in the future of reoccupying the corner building. Also as we look to the future, the Irish American Club, either these spaces will be available to them as part of the municipal lot, or we would have the option of once we own it, splitting up this land and either selling or leasing a portion of it to the Irish American Club, and/or future tenant of the corner building.

As we've done in the past, I think it would be a good move to acquire this while it is available at a very reasonable price. In the long term it will also give us the opportunity as needed and we develop the roadways through this large block that we're proposing in the downtown plan, to have the land that we would need to have to make any related improvements to that roadway.

For all those reasons, we're before you this evening. The Soini's understandably after a year of discussion are hopeful that Council will support our proposal and we can move forward on closing on the property.

President Holzheimer Gail – Just to add, the funding for this will be coming from the Permanent Improvement Fund, which Director Johnson can confirm, cannot be used for daily operations of the city including police, fire, housing, recreation, etc.

Councilwoman Scarniench – What is this parcel zoned at right now? I know there used to be a building there, so what is it zoned at right now?

Director Pietravoia – The entire block is zoned U4 Retail. You're correct, there was a Fotomat building on this site. I remember driving through and dropping off pictures there, I don't know if anyone else here has. That was sold with the Fotomat on it to the Soini's. As I understand it, they took it down and developed a parking lot.

Councilwoman Scarniench – Will we change the zoning once we own it?

Director Pietravoia – No, the entire municipal lot is still zoned the same as the surrounding property so it would stay U4 retail.

Councilman Langman – Director Pietravoia, I've asked you a series of questions, you've answered most of those, but just for the audience, given the configuration of the parcel and if my chance there was interest in building something there, what could be built there?

Director Pietravoia – Typically on a commercial lot, the ratio would be about one-third building to two-third parking and circulation. So this parcel is a little over 7,000 sq. ft. You'd be able to build a building about one-third of that so a little bit over 2,000 sq. ft. Then the rest would be parking and circulation. That would compare to maybe a smaller version of the Dunkin Donuts for example, would be about the size building that could fit there.

Councilman Langman – During the Ward 2 days, I spoke with the owners of the Tanning Salon and one of their big complaints was the use of the parking by folks going to other establishments, be it the Irish American Club, Tobacco Store across the street. So I know they've been interested in selling this for at least since then. I guess my main question is, since the parking here really benefits the two parcels, the Irish American Club and the Miclea property, why can't they purchase it since the parking obviously benefits them directly?

Director Pietravoia – We have been in conversation with both parties and will continue our discussions with them. Ideally one or both would purchase either all or part of this parcel. In the interim, I do think it is important because it could also serve the Cinema which its rear entrance is immediately adjacent to this as well. As long as we own it, it would be public parking and it would be open to any of the uses in the immediate vicinity. In the long term, I think the best use would be, unless the Irish American Club were to expand into the corner building, the best use in the mid-term would be to split the lot so that both buildings had a little bit more parking, actually dedicated to their building, would make both those buildings more marketable and we would work toward that. I can't guaranty that would happen and if it didn't it would just become an expanded part of our long standing municipal parking lot.

Councilman Langman – I would like to thank Tom and Kathy for actually making the investment and removing some retail there that really was very congested in through there. I know the Fotomat was there when I was much, much younger, but I think this rather than being part of the downtown plan, I think this addresses a long term property issue zoning. We have similar circumstances in downtown where you have long time ownership that's fragmented and makes it difficult to assemble to do things.

I would be much more in favor of this if in fact it was a pass-through but since the price is relatively reasonable, I can support it. I do think we are generating benefit, specifically for those two parcels, rather than the sort of common area to the west. I will support it.

Mayor Cervenik – Thank you for your support. I have been in contact with Pat Coyne at the Irish American Club. He will be presenting options to their Executive Board shortly after the Holiday. At least the portion behind their building very well may become a pass-through. They see some advantages. As much as people complain about government being slow sometimes, this is a case where we could actually move a little faster than a private entity and we don't want to lose the opportunity of this price.

Councilman Langman – Understood as long as there are other properties out there that hopefully we could move quickly when those come up too. I think the discussion about the land bank ties into at least, not directly, but we've talked about this in the past, Director Pietravoia, about obtaining other parcels.

Councilman O'Neill – Just to reiterate what the Councilman and the Mayor were saying. It is a good price and I personally was approached by the owners about a year ago when they were interested in selling the properties. The price was higher, it has now come down substantially. I believe this will be part of the downtown development plan that we've adopted, the downtown overlay. The more we get in control of these properties, I think the easier or the quicker we can develop these projects that may be coming in the future. So certainly, the County Land Bank would be something we should consider for future properties that we might want to acquire. I would encourage my colleagues on Council to pass this legislation. Thank you.

Councilwoman Jones – Director Pietravoia, I have a question regarding municipal parking in addition to this area. I think it was last year sometime we had talked about this municipal parking lot and the traffic directions that flow in and out of there and we talked about improvements in that traffic pattern. Have we addressed any of those concerns yet?

Director Pietravoia – At the time I believe the conversation you're referring to is when Aldi's came forward and we did enter into a license agreement that allows Aldi's trucks to exit through the parking lot. At that time we talked about longer term improvements to potentially turn what are now just circulation drives through the block into more roadway like improvements. Those will not occur in the near term, those will likely occur in the long term. The internal roadways that are shown in the downtown plan would be one of the last improvements that we would make in the entire downtown district as we move forward to implement the plan.

Councilwoman Jones – You mentioned that the Irish American Club for its capacity needs how many spaces for that facility?

Director Pietravoia – They actually have right now what is referred to as grandfather rights because they've been there for many years. But if they came into today as a new entity under our newly adopted code, a use of that nature would require probably well over 100 parking spaces.

Councilwoman Jones – Because they are grandfathered in, the amount that they have now is adequate for that usage?

Director Pietravoia – With the understanding that they share the spaces in the municipal parking lot with all the other users in this area. If the municipal parking lot were not there, it wouldn't be possible for a use that large, even the theater, for example couldn't exist there if it weren't for the municipal parking lot.

Councilwoman Jones – If somebody moves into the end property, they would have to acquire additional parking because that would be under new codes, meaning they would need more than just the parking that's available currently?

Director Pietravoia – Correct. Since the property went vacant and has been for some time, it would have to be current with our new code that was adopted. So what they would have to do, our code allows if you don't own a property, you can enter into a written agreement for a lease or shared use of other parking spaces. So even that corner of property could approach the city for example and say we'd like to enter into a written agreement with you that we'd like to share some of your public parking spaces to meet our parking needs. That would meet the new code as well.

Councilman Wojtila – Just one comment, I support the legislation because it is consistent to what we've done in the past. But the question that I thought of when you were talking Director Pietravoia was, do we have any agreements with 5/3 bank or any of the other building owners to maintain the parking areas, or do we do all the maintenance of the municipal lot?

Director Pietravoia – It does vary. The portion that's immediately to the east of 5/3 there is an actual written agreement in which they maintain and plow snow and maintain the landscaping in that area. To my knowledge, even though there are other agreements to share the use of the spaces, that's the only one where someone else is actually maintaining a portion of the lot. Director Smith or Mr. Bock may know of other arrangements.

Director Smith – As far as the snow plowing activities of the lot, that is completed by the Public Buildings and Lands Dept. As far as some of the salting and some other maintenance that's under the Streets & Sewers Dept.

Councilman Wojtila – You don't need to comment on this but one thing that, one way of being able to maintain and improve that area would be to do an assessment on the properties that surround it and they benefit from it. That may be something we need to look at as things improve and the business owners can tolerate something like that. Certainly an improvement in that area is needed and we're maintaining lots that they don't have to. If we improve, upgrade and then access, that would seem an equitable way to do that for the future.

Director Pietravoia – I do think it is important to understand that at least two of the developments that took place, when the theater was expanded to seven theaters, part of that agreement, as an incentive, for the owner to invest that private money, I think it was over \$1 million to expand, was that we would continue to own and maintain the municipal parking lot. It was a similar arrangement when Tops was originally built. While I do agree with you, Councilman Wojtila, we would have to look at those written agreements that are already in place and see what kind of latitude we would have to go back to all the owners in the area. Mayor Cervenik and I have been talking for some time with a couple of members of Council as well, about trying to do a special improvement district. That would be another way, it would be similar to what you describe, where the owners collectively agree to self-assess themselves to either make improvements or to undertake maintenance of a property like this. We would certainly be willing to explore that.

Councilman Langman – Has the city ever made any improvements to the parcel under discussion?

Director Pietravoia – In this entire area, including the blue outlined area, we've invested substantial Block Grant dollars. A small portion went into the edge of the site, as I understand it, which would be to the south of the red line on the property shown on your map. We did put some Block Grant dollars from the Municipal Beautification Program into planting trees and installing raised curb islands to help direct the traffic.

Councilman Langman – I do remember that is fairly new and I seem to recall that there was some understanding that we can make those improvements even though it was that parcel.

Director Pietravoia – Correct.

Councilman Langman – Special Improvement District has been talked about for a number of years. It is rough to try to do it right now, but that is definitely something especially since we are planning all these general improvements.

Councilwoman Minarik – I have a question on the funding. This money would come from the General Permanent Improvement Fund. When we go to purchase the three lakefront parcels that are left, we're planning on using Endowment money, why could not we use general permanent improvement money for those three parcels?

Director Pietravoia – We would look to use a combination of funds for the lakefront parcels, the State Capital Grant that we receive Endowment Funds and if needed, we could use permanent improvement funds there as well. It is possible, but we would use the other resources first before we went to the permanent improvement fund.

Councilwoman Minarik – Why?

Director Pietravoia – From a budget perspective, you don't want to issue any more debt than you have to. Those are much larger parcels, much more expensive so we'd likely have to issue debt in order to acquire them.

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

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

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

Passed.

Res. (050-10) HR 4635

A resolution in support of H.R. 4635 which would require lenders of Federal loans or guarantees to enter into mediation with homeowners prior to placing the property in foreclosure or a sheriff's sale. (Sponsored by Mayor Cervenik)

Councilman Van Ho moved for passage, Councilwoman Scarniench seconded.

Mayor Cervenik – First of all I would request that all of Council have their name added onto this. This is very important legislation. This was introduced on the 22nd of February by our Ohio Reps, Marcia Fudge, Betty Sutton and Mary Jo Kilroy, along with California Maxine Walters and Florida Kendrick Meek. Basically it requires lenders of loans with federal guarantees or federal insurance to consent to mandatory mediation before there is foreclosure and I think that's very, very important. One time mediation with the affected mortgager with a housing counseling agency, and that would be done at the expense of the qualifying mortgagee. We believe so many foreclosures could be eliminated or avoided if this kind of mediation could be entered into. The 11th District of Ohio, 18,531 homes are projected to be foreclosed upon over the next four years, that's a very sizable number. Ohio's current mediation program is available, but it is not mandatory. What they have, most mediation programs, whether they're mandatory or voluntary, they have 75% resolution rate to them, that's something. If we could avoid 75% of those 18,000 foreclosures that are predicted over the next four years, I think that would be a wonderful thing and really strengthen our neighborhood. I certainly ask for your support this evening. I commend representatives Fudge, Sutton and Kilroy for their pushing this resolution. I think our support of it as well will help it pass. It will also help all of our neighborhoods throughout the whole region be stronger and allow people a better chance to be able to remain in their home.

Councilman Van Ho – I would just like to echo a little bit of what the Mayor said because you're not just foreclosing on a home, driving property values down, you're throwing people out of those houses, families and so forth. We need to give those families every chance they can to stay in those houses especially when we're looking at large banks who don't have to talk to them at this point, just foreclose it, write it off the books, and that's people's lives. We need to stand up for the average person in this city and anywhere else.

President Holzheimer Gail – There is help available but many times because of the stigma or because people are afraid to ask for help, they don't ask for help until it is too late. What is nice is about mandatory mediation is that even if they've held off until the point that used to be too late, they would have that last shot before the foreclosure to go through mediation and get some help that's available. Help is not available to everybody but 75% of the people can either save their home or get out of the mortgage without a lien or a bankruptcy. As a reminder to folks, there is help available. You can call 2-1-1 which is the County Help Line. There are agencies, our own County Court system has a mediation program. There's many community non-profits like ESOP, Empowering and Strengthening Ohio's People; Neighborhood Housing Services and many others that do have help available. I would encourage anyone interested or having trouble with their mortgage to contact and see if you would qualify for that assistance.

Councilwoman Minarik – I failed to look up this bill so I'm not familiar with it. But because it is a federal bill, I'm sure there's more to it than just one requirement for mandatory mediation. What else is in this bill, do you know? Do you know how many pages the bill is?

Mayor Cervenik - I don't know if there's any add-ons to this bill, such as the healthcare bill or anything like that, if that's what you're getting at. I don't believe so. I think this is a stand alone bill for the most part and the beauty here is as the Council President said, we have 2-1-1 and we have Courts that encourage mediation and those are normally calls that need to be made by that person who is in trouble and they are very reluctant to do so. By this being mandatory, the foreclosing entity cannot take that action until they have at least made contact with the person that's in trouble. It sort of takes away some of the stigma and allows that person to understand that they have that possibility to do so. If there's any earmarks on this bill or anything, I don't know. I'm talking about just House Bill Resolution 4635, which is foreclosure mandatory mediation act of 2010.

Councilwoman Minarik – I think the sentiment is great, but it is my fault I did not read it so I can't vote for it until I at least see a summary of the bill because guaranty you there's more in here if it's a federal bill and I would like to see what that is. But I do agree with the concept.

Councilman O'Neill – Nor did I read this bill and I have some concerns that if the agency that loans the money to the person that's in the house, is there some type of mandatory teeth in the bill that the person in the house has to come and talk to the loaning agency or can the person that's sitting in the house just keep putting it off, putting it off and putting it off and then the banking institution has to chance them and then we get into this whole problem where people become squatting in the houses. So until I read this, I really can't support it either.

Councilwoman Scarniench – Can we pull this and put it back on the next Agenda so everybody has a chance to read it because I think it would be important that we're all saying yes to this?

Mayor Cervenik – It will be to late. I'll pull it and if it is too late, it's to late, if not, we'll put it on, if I could, I'll have the information and throw it on the Special Council meeting?

President Holzheimer Gail – Okay.

Councilman Langman – Money for Shore and the Lakefront, do we know if that's on there by any chance?

Mayor Cervenik – If you pass it tonight, I'll make sure it is.

Councilman Langman – My only comment is, who would we actually send out Resolution too, our federal delegation or other entities?

Mayor Cervenik – Let me make sure you get the full resolution and we'll make sure there's no earmarks or anything on it unless they come to the City of Euclid and we can act on it on the 22nd.

Mayor Cervenik pulled Res. (050-10) until March 22, 2010.

Ord. 30-2010 (055-10) Amend Code Pervious Concrete Pavement

An ordinance amending Section 1749.08 of the Building and Housing Code of the City of Euclid Codified Ordinances to permit the use of water permeable surfaces in order to help reduce flooding and pollution caused by storm-water run-off within the City. (Sponsored by Councilperson Langman)

Councilman Langman moved for passage, Councilman Van Ho seconded.

Councilman Langman – As the ordinance reads, this would allow pervious paving materials throughout the city. Currently our code allows for traditional asphalt and cement and so forth and when it rains, obviously, that water runs down that cement and into a storm sewer. Low and behold our friends at the Federal EPA are very interested in storm water management issues and in fact we're in negotiations with the EPA right now.

There is new technology that allows to implement or to place into roadways and parking lots and sidewalks pervious material that has similar strength as traditional cement and asphalt but allows the water to drain through it. That water then would not then go into the storm water system and in discussions with Law Director Frey, the EPA would be a little happier with that. So through some investigation that I did, I forwarded on information to the Law Director on what the City of Toledo is doing, they did go through the process and adopted regulations that allowed this type of material to be used.

The amendment to our code tonight does not recommend any particular type of material, whether it is asphalt or concrete or any particular type of technology. It simply allows the use of it if the use lends itself to it. Our City Engineer and City administrator still have the capability to review plans and to approve, if in fact needed. I think it is very important to keep in mind that our neighboring sewer district, Northeast Ohio Regional Sewer District, is imposing fees that although they are in litigation right now, to help manage their storm water run off. In other words from their driveways and roofs and so forth.

I think this does a couple of things and one of them being that what I'm proposing is its part of our green initiatives and in fact if it turns out the technology is viable and somebody wants to do it, it could and I say could, help us with our EPA storm water issues. I know that I sent the Council lots of information that I had already sent to Law Director Frey and Director Smith and to other members of the administration, so I'm hoping that we can pass this as the first step in what could be helpful to us, may not be, but at least we would have the opportunity then, in the city to use this type of paving material. With that, if the Law Director has any questions or comments, I'll turn it over to him.

Mayor Cervenik – I was just going to ask the council person what is meant by; the mix shall be air entrained per specification and otherwise modified to achieve a minimum 28-day flexural strength of 650 psi, do you have any idea?

Councilman Langman – I actually asked Fred Lisy about it and he described it and I'm still not quite sure what that means.

Director Frey – The good news is for all of us who didn't figure what the 28-day flexural strength means is that's not an amendment to the code, we've only added Section D, the Water Permeable Surfaces. We all recognize in this room that Euclid's soils are not the most conducive to natural drainage because of the high clay content. So while there maybe technology that can benefit, more likely is there will be technology in the future that will assist this process. Storm water management is an important component. We know that the EPA is starting to zero in and the Councilman is correct that Northeast Regional Sewer is suggesting imposing a storm water management fee on the communities and businesses and residents that it serves. The City of Euclid has taken steps to not to be included in that litigation. We filed our answer and asked the matter be dismissed as to the City of Euclid. We are already managing our own storm water issues and as you are aware have taken several steps to improve our storm water management. But the Councilman is correct, the infiltration of storm water, or the mixture of storm water into our sanitary sewage is one of the major concerns in our ongoing discussions with the US EPA. So all of the steps we take to reduce the amount of storm water that ultimately gets into our sanitary sewer collection system, will be to our benefit. While the technology exists today, our soils may not be the most cooperative in that anything we can do to reduce that storm water infiltration will be to our long term benefit.

Councilman Van Ho – I would like to have this sent to the appropriate committee so we could study it a little bit to make sure there are no down sides to this prior to our letting it become part of the code. I just think it would be prudent.

Councilman O'Neill – Anything we can do to reduce the amount of storm water run off is beneficial to us. I do have some questions and I would agree with Councilman Van Ho maybe send it to committee. I saw some of the pictures, I think it was Dubuque, Iowa where they are doing some paving. Some of the questions I have, it seemed to be very porous and I'm just wondering how that would hold up with a day where we had rain and then we have a freeze overnight, would that hurt the pavement? Anytime you get thawing and freezing, it starts buckling asphalt. I'm not sure what the weather is like in Dubuque, Iowa, I think it is cold. I think it is a good ordinance and want to get some more information on it.

Councilman Gilliam – Basically we're not actually amending, we're just saying that we're adding the possible usage of what a permeable surface is, correct?

President Holzheimer Gail – Yes.

Councilman Gilliam – It is just an addition. We still have our current ordinance in effect.

Director Frey – That's correct, it doesn't alter any of the methods for pavement. Just so you are all aware, this is not within the right of way. This isn't affecting public roads. This is essentially for use on private property. A commercial enterprise who wants to install a permeable surface parking lot would have the authority, with the approval of the city engineer to do that. That would be an acceptable method of paving. Again, to the extent that the concept of storm water management is, reducing the amount of, or

taking steps to reduce the amount of storm water that ends up flowing into the sewer systems. That's what the storm water management fee is all about. It is based upon the amount of impervious surface. This would be a way to get a credit against that storm water management fee for instance in the Regional Sewer District's plan, this type of project, if a corporation who had a fairly large employee parking area were to install a pervious pavement in that parking area, they would get a credit against their storm water management fee under the Regional Sewer's plan. I think there's some real benefit to this.

Councilman Gilliam – I would agree with Director Frey and Councilman Langman that I understand my colleague wanting to find out more information about it, but we're not changing the ordinance, we're just allowing the usage of and it still has to be confirmed by our city engineer. I would like to move forward with this.

Councilman Langman – I believe I sent along photographs from Jason Stangland from JJR who is helping us with our lakefront. I know in Dubuque, Iowa as the Law Director mentioned, they are beginning to experiment with using that type of pavement in the gutter so as the water sheds from the center of the street towards the gutters it is absorbed. Councilman O'Neill that is a good question, the representative of the Ohio Cement Contractors, I hope I got the trade group right, explained how the freezing and thaw cycle, it is dependent on how you prepare the base, that's absolutely critical. But the way you get around the heaving and cracking is having a good base so that water drains away. I'm not opposed to sending it to committee if it ultimately leads to passage; I don't think it is necessary. But I'll leave that up to my colleagues because it is only an addition, not a mandate.

Councilwoman Scarniench – I agree with my two colleagues. First of all thank you Councilman Langman for putting this together, we've been talking about it for awhile. I know over the last few years I've talked to many of the contractors and this one along with #12, they're ecstatic to hear these things that are finally going to happen that we're changing. I would like to have this stuff in my driveway because of the water that sits there and I know it ends up running off. I will vote for this tonight.

Councilman O'Neill – In light of the new information just provided to me, I'd be willing to vote on it tonight.

Councilman Van Ho – I would still like to see it go to committee. We've been several hundred years without it, I don't think two weeks or so more is going to flood the city out so I think we should take a look and be very careful because we can say we're not modifying it but we're in effect suggesting it. I think we should study it.

Councilwoman Jones – I agree with Councilman Van Ho that we should put this into committee. I didn't get a chance to review the information that Councilman Langman passed along before tonight's meeting. I understand this is only an adding on of materials that we can use, but I would like to be able to review that in case I do have other questions. I would like to, if that was a motion to put it into committee.

Councilman Van Ho moved to send Ord. (055-10) to the City Growth, Planning & Development Committee. Councilwoman Jones seconded.

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

Motion to send to Committee Failed.

Councilwoman Scarniench – One of the sheets that Councilman Langman sent us was a list of all the places that are using this. Cleveland State is using it all over where they are doing their new building. It is being used all over our State in Akron and Columbus. There's a lot of people who are using it.

President Holzheimer Gail – I support it, my feeling is always if people want it to go to committee and want more discussion, that's fine, so that's why I voted against, but I'm prepared to vote for this evening.

Councilman Langman – I don't think the amendment sell a particular application or technology because I've talked to a couple of people about it and these things evolve and change. This opens the door for that. It doesn't mean that you use a particular product in any particular setting. Because again, I think it is true, our soils are tough, but up the ridge, the soils are different. I think we have had some buy in from the Euclid Creek Watershed Coordinator, she's interested in it. She wants to see the application. I think there is some buy into it. Again, if our administrative staff says this is not a good spot for an application, they absolutely have that right. I think it makes sense to move forward and the administration has control

President Holzheimer Gail – Director Smith, do you have any experience with impervious concrete or any concerns that we need to know about?

Director Smith – I guess as the Department that would eventually be approving it, either in conjunction with the City Engineer or not, Councilman Langman had inquired of me if I had any concerns with this particular ordinance and I told him I had no concerns with the ordinance, but I remain curious. Some of the comments made tonight with regards to the freezing of the surface are warranted. It is highly maintenance intensive as well. There's various disclaimers from the company that provided the specifications as well. Several of the sites, I know Cleveland State was mentioned, we actually took a tour of that site, Asst. Director Bock and myself and they are no longer in existence, they were removed. I had envisions of maybe a substantial parking lot and it was one or two spaces and they were consumed by buildings. I guess my personal opinion was that it provides for another tool in the tool box as I eluded to and based upon it needing to go through a review process that I had no problem with adding that.

President Holzheimer Gail – The other thing is there's no reason we can't continue to talk about it, have some exploratory sessions with having it in the code and address it in the future if needed.

Councilman Gilliham – I voted yes to put it into committee because I do support my colleagues if they do have questions and concerns. But one of the things that I see as a value is it is only adding to our current ordinance and at the same time, I think it is technology that has not been tested in Euclid, but as long as we research it, as with anything else that is new, and maybe not understood by us, these things do become possibilities and possibilities lead to improvements. So this is really a work in progress and I thank Councilman Langman for bringing this forward because I think it is a valuable thing to research and it is a starting point to some of the issues that we're having with storm water drainage.

Councilman Wojtila – One of the other areas where this was listed on the list that Councilman Langman provide was at Lakewood Park and that was an area where they installed a path and they were trying to save a tree so they built it over the roots of that tree. It has specific locations but it is heavily maintenance driven. You install a system like this, you're going to have to spend a lot of money on maintaining it. I guess I support this. I don't know how applicable or how pertinent it is going to be. Cleveland State probably did it with grant money or things like that, apparently that didn't work too well. I don't know if it really hurts us to approve it, I just don't know how pertinent or applicable it would be either. Those are my comments.

Councilwoman Jones – I'm not saying I'm not in favor of this. I was just saying that with everything that we talk about, new things that come up, there's always something that, a counter-side of whatever the new option is. So I do approve of this but I just wanted to hear some more information as far as the process, you mentioned about the maintenance of it. I would just like to hear some more information about that. That's why I was saying that it should go to committee.

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

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

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

Ord. 31-2010 (054-10) Aerialcat Ladder – Fire Dept.

An emergency ordinance authorizing the Mayor as ex-Officio Director of Public Safety of the City of Euclid to enter into an agreement with Kovatch Mobile Equipment, Fire Apparatus Division, for the purchase of a KME 100' Aerialcat Ladder Body, mounted on a KME Predator X-MFD custom chassis with a Cummins 500 hp Diesel Engine, Allison 4000EVS Transmission, 2000GPM single stage pump, 500 gallon water tank and accessories for the Fire Department, at a cost not to exceed Seven Hundred Sixty Thousand Dollars (\$760,000.00). (Sponsored by Councilperson O'Neill by request of Fire Chief)

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

Chief Cosgriff – As the legislation reads, this is for, if approved, will allow us to enter into a contract with KME to begin construction of the ladder truck with all the amenities that Regina spoke of; the 2000 per minute pump, 500 gallon water tank, 500 hp Cummins Diesel motor, 4000 EVS Allison transmission.

This process began about a year ago when the Asst. Chief Frank Prijatel applied for this vehicle under Assistance to Firefighters grant. We were notified earlier this year that our application had been favorably reviewed, although they were reducing the requested amount from \$940,000 to \$750,000. The City of Euclid would be responsible for 20% of this amount, or about \$150,000. We put a committee together to search for a truck that would serve our needs while remaining in the parameters imposed on us by the Department of Homeland Security. We found we could purchase a truck using a State bid price and changing a few items to meet our particular needs. I have quote from KME for about \$750,000, although I have requested legislation for \$760,000, in case we need to make any minor changes as we go through the build process.

Another significant factor is that this grant is for the truck only. It does not include the equipment that we will need to actually put this truck in service. I will be returning to Council later in the year to request legislation for needed equipment. This amount will probably be in the ballpark of \$50,000. A few years ago I requested \$1,000,000 in the capital budget in order to replace our 1991 Sutphen ladder truck. If this is approved with the \$50,000 for equipment it will total about \$200,000, which is a significant savings over the \$1,000,000 that I had originally requested. It seems like that \$1,000,000 request kept getting pushed back year to year because it is a significant chunk of money.

I received an e-mail this afternoon with some questions in regards to this legislation. In regards to approving this before the budget process was completed. The Department of Homeland Security has pretty strict parameters for this type of a grant. We are required to have this truck in service by mid-January of next year. A ladder truck typically takes 10-12 months to build, so the clock is ticking. We do have a clause in this agreement with KME where we will charge them \$250 a day if we do not have this truck by December 15th. I've been pretty much guaranteed that they will not let that happen.

The second question was in regards to staffing levels. As you all know I prefer to have three fire apparatus in service at all times. Without maintaining our 16 man minimum, there are times when we drop down to two fire apparatus, we will always have a ladder truck in service, that's a vehicle, like I said this one has a 2000 per gallon per minute pump, so it can do the work of a pumper, but also do the work of a ladder truck.

We would be remiss if we did not exercise this grant especially in light of the fact that we're replacing a truck that's almost 20 years old. I will answer any questions anyone has.

Mayor Cervenik – I would like to thank the Chief as well as the Asst. Chief for their efforts in obtaining this grant as well as any other officers in the Euclid Fire Dept. that assisted. The Chief is correct, we had a million dollars budgeted for the purchase of a new ladder truck and it did always seem to get pushed back each and every year. This year we were scheduled to buy a pumper for \$400,000, which because of this savings we hopefully still will be able to do. That will bring, I believe I was presented in 2004 when we started doing a 5 year budget plan, I believe that will make all the equipment request that the Chief and the Fire Dept. at that time felt were necessary. We purchased three new squads. We have an additional pumper, the one we're talking about now and this ladder truck, as well as a pretty nice kitchen and living area in Station #1. We do need to do something in Station #3 as well when we talk about capital. I think this not only allows us to have the equipment that's necessary, but it actually frees up a significant amount of money to be used in other areas where we've been pretty short. Gentlemen and officers of Local 337, thank you very much.

Councilman O'Neill – Big thanks to Asst. Chief Prijatel and his committee for spec-ing out the apparatus in a relatively short period of time and definitely securing the grant money. It is not easy to get money from the Feds, but it actually puts us a little ahead, although I do not want to lose sight of another pumper that we definitely need for the city.

I think it also needs to be said that by acquiring this new apparatus it will cut down on some of the down time on the vehicle maintenance. Our Supt. of equipment had stated in the past how expensive it is to maintain the equipment on the Fire Dept. and certainly a new ladder truck will cut down on some of the costs of maintaining emergency vehicles. I've said it in the past that we can't drag every last dollar out of emergency piece of equipment, there's no choice, it has to start, it has to go. I'm very familiar with the Fire Departments in the area and actually puts Euclid more in the forefront when it comes to emergency equipment. Equipment here is in very good shape. We want to stay on top of that and I want to thank the Chief for his due diligence as well. I request my colleagues to support this also. Again to reiterate what the Chief said, there's going to be approximately \$50,000 worth of hardware that needs to go along with the new ladder truck. There is some equipment pretty outdated and typically fire trucks, trucks not pumpers, hook and ladders, you get about 15-20 years out of them, you certainly are exceeding that limit with the old ladder truck, #5. Pumper is a little less time because they have a tendency to take a beating. We want to get into a rotation on the EMS units before they really take a beating. Our squads take a beating, they go on a lot of runs, they put a lot of miles on them. It is prudent to rotate those out of the front line service in the reserve and then ultimately get rid of them. But there's still a little bit of life left

in them and they're not beating us up on the maintenance. Again I encourage my colleagues to vote for this legislation and thanks again Chief.

Councilman Van Ho – I am going to vote for the legislation and I'll vote for the equipment to equip the truck when it comes, but in the future when we're looking at three-quarters of a million dollars worth of equipment, I'd like to see us do a study to see whether we can use some type of, I'll use the term regionalization or talk to our neighborhood suburbs, see if we can split the cost of these or what. Maybe we buy this and they buy a pumper that's needed. Because even \$200,000 is a whole bunch of money to people in my ward. That's all I'm saying, a study, if it doesn't make sense, then we go ahead and buy, but we need to be looking at regionalization in that area because as you so amply put it, Councilman O'Neill, it is expensive pieces of equipment and we've got a city budget we need to stretch.

Councilwoman Scarniench – I'm glad to see this that it is finally coming forward because it has been over the last few years, kept getting pushed back. I know we've worked really hard at replacing the police cars over the years, so it is good to see that this is working on the other side.

My question is, what's the difference between taking the money from the General Improvement Fund, instead of the Capital Budget?

Mayor Cervenik – There really is none. The General Improvement Fund is a specific fund, our capital program is what we hope to present to you sometime in April, once we have the general fund done.

Councilman Wojtila – Chief, I think you announced this on February 1st that we were successful in getting the grant. I know from my standpoint it kind of got lost in all the other activities that were going on. It is noteworthy and it is a huge help especially when we start looking at the capital budget which I suspect will happen after we get through the next couple of weeks. Again, this is a great effort and it is actions like this that we need to applaud and also continue doing in the future. Thank you.

Councilwoman Jones – In either situation of how the budget turns out next week, let's say we do have to go down to one fire station. How does that affect this grant? If we are able to keep all three fire stations open, where would this vehicle be housed, at which location?

Chief Cosgriff – This truck would be housed at Fire Station #1. If we did go down to two trucks, two fire apparatus, we would have a pumper and ladder truck in service. This truck we will be using on a daily basis, if it is approved. I shouldn't say regardless of our staffing level, but if we were to drop further than we are today, it would mean taking a rescue squad out of service as opposed to a ladder truck. We're going to have a ladder truck in service 365 days a year, 24 hours a day.

Councilman Van Ho – I did not by any means want to rain on anybody's parade. What you guys did of going out and getting the \$600,000 was very admirable. I just want it looked at in the future so we can stretch our funds. I do not want our firemen put in harms way in anyway so let's get the equipment that they need now because even if this would be a good candidate for regionalization, time has past, let's get them the equipment that they need.

Councilman Gilliam – I also support this but I don't do it hesitantly but I do it with the observation in looking at our current budget that I understand that our safety forces need the actual materials and the equipment that they are necessary to do their job. This ladder truck is essential. You can't have a fire department without a ladder truck, I truly understand that. I hesitate in stating this but I state this with some certainty that there has been some concerns from citizens about 60% of our budget going to safety forces and at the same time, during the time of this budget hearing, this particular request being made. I'm not an individual that would never, ever deny grant money. It is necessary, you applied for it and it is earned. In the future I hope that when we are looking at our budget down the road that we are able to look at both sides of the fence and say that this cost is on the backs of our citizens who do need your services, but at the same time, when we're looking at our budget again, that we take into consideration what the citizens are concerned about. Because there has been some concerns, not to belabor the point about benefits and things of that nature. This is essential, I'll support it and I'll stand in front of anyone and say that, but that's my comment. Thank you.

Mayor Cervenik – If I could just address the regionalization comment. It is the intention of the administration to talk and work and try to come to agreements with other surrounding communities. We're in a slightly difficult little pigeon-holed area, where Cleveland which does not participate in mutual aid. Most of our neighbors to the East are from Lake County. It makes it a little more difficult. It doesn't mean that we can't cross county lines and we will intend and try to do that.

I was asked to serve on the new County Government's sub-committee on Governmental Collaboration and this is one of the items that we're going to be looking at very closely, how the various governments, at least the new districts that they belong in are able to help each other out in purchases and services such as this. We've got a very strong mutual aid system amongst the communities, although that's getting stretched to the limit as not only our Fire Dept. but others are losing manpower. We can't depend on that quite as much, but we have every intention of having discussion, serious discussions with the communities surrounding the City of Euclid in ways we can work together.

Chief Cosgriff – In response to Councilman Gilliham's comments and I kind of hesitate to make this response. But, there is a significant difference between the job the safety forces do and the job that many of our citizens do. When we leave our homes in the morning, we say goodbye to our children and we say goodbye to our wives and we go to work and we hope that we return the next morning or the end of the next shift or whenever it may be. That's not always the case as is pretty good example was the Resolution on the floor tonight in regards to the Cleveland Heights Police Officer.

I somewhat take offense by the fact that the safety forces are continually disrespected because they take up such a big part of the budget, but it is a necessary part of the budget and we do a different job than a lot of different people. I just had that comment.

Councilman Gilliham – I don't think that anyone is disrespecting the safety forces, Chief. I understand that the police run to the bullets and you run to the fires and we do not. I don't think it is an issue of disrespect, it is just that when people are looking at their budgets and looking at where they're standing at this point in time, just as any union would look at their particular situation to determine manpower and determine what they may need, there's just a question of where's the middle ground for some. I'm not saying that anybody from the police or fire department is not looking at that, I'm just stating what my constituents believe, they think needs to be addressed. As I stated before, I am in support of this and clearly understand the nature of your positions and I'm not adverse to supporting our fire or police department in getting the equipment that they need to do their job efficiently so they can return home.

Councilman Langman – Point of Order, when any of us speak, they need to be recognized before, I know sometimes that kind of gets lost in the exchange. Just a comment about the regionalization. There are such a thicket of issues to get through. I hope that we work this out before we need another apparatus. But it is, I think it came up with the Land Bank discussion. You have 53 approximately different jurisdictions, municipalities, townships, whatever, it is going to take a concerted effort to get there. Very sympathetic to what Councilman Van Ho was saying, but you really have to plow through some of these initial items to get to that point as far as sharing equipment costs.

Councilman O'Neill – I respect what Councilman Gilliham said, but I just want to let the people who are watching know that the money that we're talking about paying for this apparatus is coming from capital improvement, it is not operations money in the city. I think it is a separate account so we're not taking anything away from any of the residents, we're actually providing them much more safety by buying a brand new fire apparatus.

President Holzheimer Gail – In addition, 80% of it is from a grant. 80% of it, where we had budgeted, the point was made earlier where we had budgeted prior, a million dollars, we are now looking at spending, with the additional \$50,000 request to come, \$200,000.

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

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

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

Passed.

Ord. (052-10) Wet Weather Auxiliary - Pulled

An emergency ordinance authorizing the Director of Public Service of the City of Euclid to enter into a contract with Clean Harbors, Inc., 2930 Independence Road, Cleveland, Ohio 44115, for the purpose of removing, dewatering and properly disposing of accumulated grit and debris from the Wet Weather Auxiliary Treatment Facility (WWATF) at a cost not to exceed Eighty Five Thousand Dollars (\$85,000.000). (Sponsored by Councilperson Wojtila by request of Service Director)

Ordinance (52-10) has been pulled by Mayor Cervenik.

Ord. (051-10) WWT Plant Equipment - Pulled

An ordinance authorizing the Director of Public Service of the City of Euclid to advertise for bids and enter into a contract for the purchase and delivery of one (1) new Falk gear drive/speed reducer, and the rebuild and delivery of four (4) existing Falk gear drive/speed reducers at the Wastewater Treatment Plant, at a cost not to exceed One Hundred Fifty Thousand Dollars (\$150,000.00). (Sponsored by Councilperson Wojtila by request of Service Director)

Ord. (051-10) has been pulled by Mayor Cervenik.

Ord. 32-2010 (053-10) Amend Code Concrete Finishes

An ordinance amending Section 903.11 "Construction, Grading, and Finishing of Sidewalks, Drive Aprons, and Ramps" of the Streets, Utilities and Public Services Code of the Codified Ordinances of the City of Euclid to provide for the use of a medium broom finish or better on the top surface of sidewalks, drive aprons and ramps.

(Sponsored by Councilperson Wojtila by request of Service Director)

Councilman Wojtila moved for passage, Councilwoman Scarniench seconded.

Director Smith – I am requesting an amendment to the 903.11 ordinance in order to allow for a medium broom finish or better on the top surface of our sidewalks, drives, aprons and ramps. The reason for this suggested change is three fold. 1) the placement of the existing required swirl pattern is becoming a lost art form; 2) there is less working of the concrete with a broom finish which results in a superior end product; 3) there have been continually requests by contractors to modify this requirement. I'd appreciate your consideration of this matter.

Councilman Langman – I urge my colleagues to support this as it is both a residential and business friendly change. I think I know over the course of my service many complaints about having to have the hand finished product, it is just very cumbersome.

Councilwoman Minarik – I agree. I still recall a story in Euclid Observer where a person laid their apron out and it was a broom finish. The Engineering Dept. came along and told them that they had to pull it up because it wasn't a swirl finish. It was kind of ridiculous. It was let go, they were allowed to keep it, but this is reasonable.

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

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

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

Passed.

Ord. 33-2010 (059-10) Fees for Euclid Cemetery

An ordinance amending Section 949.05 "Charges" of the Euclid Cemetery Chapter of the Streets, Utilities and Public Services Code of the Codified Ordinances of the City of Euclid to increase the fees for the Euclid Cemetery. (Sponsored by Councilperson Jones by request of Parks & Recreation Director)

Councilwoman Jones moved for passage, Councilwoman Scarniench seconded.

Director Will – 2003 was the last time we increased any of the fees for the Euclid Cemetery. I'm asking tonight for Council's approval to raise the fees for the cemetery due to the increasing cost for the services and also asking for the rates to reflect the overtime cost for the employees.

The first fee that we have one here tonight is for us to add a fee that would include any services that are done after 1:00. Currently we charge \$300 to open a grave and after 1:00, I'm asking for Council's approval to add the rate of up to \$450.

For both the opening of a grave or the digging up of a grave already in the ground, the second fee is for the gravestone, the actual foundation. Currently requesting to raise that \$50 from \$100 to \$150. For a large foundation, to raise that from \$5 per cubic feet to \$10 per cubic feet.

Currently the rates for Saturday, Sunday and holidays are combined. I'm requesting that if a grave needs to be done on a Saturday or Sunday the rate now be \$450 regardless of the time on the day. I'm also requesting for the holiday, for that to be \$750, regardless of what time. We have to have at least two guys come in for 4 hours.

We did compare and speak to the individuals at Mentor, Perry, Willowick and Wickliffe and I do have some of those comparisons if you would like to see them. Again, the main reason for these increases are just to be able to cover the overtime costs for the employees. Any questions, I'd be glad to answer them.

Councilman Van Ho – First one is, Director Will said \$750, the Resolution says \$700, which one is it?

Director Will – It is \$700, I apologize.

Councilman Van Ho – At \$250, can I dig my own grave for the ashes?

Director Will – Unfortunately, no.

Mayor Cervenik – I believe Catholic Cemetery Association, at least at Calvary, the fee is approximately \$900.

President Holzheimer Gail – That was my question, you said you had talked to the other cities, I'm assuming our fees are in line with theirs?

Director Will – To go ahead and compare them with an All Souls or something like that was different. I went to the places where the city actually maintains their facilities and now we are in line with them. They all had after 1:00 and special rates for the weekends and holidays already.

Councilwoman Scarniench – Seeing that I spent a lot of time in the cemetery last year, are there really that many sites that are still available for people?

Director Will – There are still a lot of sites that are there that have not been filled. However, all the deeds and everything have been sold. They just haven't been utilized yet.

Councilwoman Scarniench – These prices still are fairly cheap. I believe, I think at All Souls, it doesn't matter if it's a casket or if its ashes, it is the same price to open a grave.

Director Will – That's correct.

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

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

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

Passed.

Res. 25-2010 (063-10) Memorial P.O. Patton from Elyria

A resolution in memoriam for Cleveland Heights Police Officer Thomas F. Patton, II, who gave his life on March 13, 2010, while in the line of duty. (Sponsored by Mayor Cervenik and Entire Council) (24 Hour Notice Waived)

President Holzheimer Gail – We just spoke a few minutes ago about the sacrifices our safety forces encounter and their families and this is certainly an example, all too close to home for us in Euclid, of that service and the sacrifice that they give. It is fitting that we honor his life but also remember our safety forces and their families during this time.

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

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

Passed.

COMMITTEE OF THE WHOLE

Ms. Patti Burlingham – 25211 Lake Shore Blvd.

Ms. Pat Barnes – 209 Greenbriar Court.

Ms. Burlingham – We come to you this evening as representatives of the Euclid Petpals. With the Executive & Finance Committee Meeting on the 3rd and another meeting tomorrow night, we would ask you to reconsider the lay off of the part time employee at the Euclid Animal Shelter. The position covers more than just janitorial. It is animal care. It encompasses a variety of duties including assessing animal's conditions, age, temperament of an animal, especially dogs. Volunteers cannot do that. He provides medical care in preparation in mixing of vaccines, which have to be done with syringe. Volunteers can not do that. He accompanies the Animal Control Officer on impound runs, especially with dangerous or potentially dangerous dogs doing the ride along where dogs have to be snared with the safety poles, catch poles and takes care of the animals at the Shelter. Volunteers can not do that, nor should be asked to, put possibly their health in jeopardy with a dangerous animal.

He provides and also covers minor building maintenance. There are a lot of things that are done around the building that he can fix without having to call another city employee out to cover those things. Many of those things, volunteers can not do, don't have the knowledge, etc.

We would ask you to reconsider the lay off of this position and we thank you for your time and consideration.

Mr. Tom Gorenssek – 725 E. 250 St. I come to you to ask for some help with regarding school buses and the fact that many people don't seem to know that a three lane street, such as E. 250 St., which has one lane northbound, one lane southbound, the center turning lane, that that is not a divided highway and they must stop for a school bus if they are coming from the opposite direction.

The police have been very helpful in monitoring that and there has been several occasions in the morning where I've see someone pass by the school bus and there's been a police officer either following the bus or on a side street. That's very gratifying to see that the person is caught in the act.

Just last Friday morning, my daughter was getting on the bus, the bus was northbound and the traffic going southbound to the highway was not stopping. The bus driver does honk the horn and sometimes people stop. This time he kept honking and finally the first car in the line did stop. The second car behind her almost hit her and the woman was texting on the phone. Then the woman in the second car was yelling at the first car.

It is not unique to E. 250 St. I think all, Babbitt. E. 260, 200 Street are all marked the same way. Is there anyway we can do some public education about making people aware that they have to stop for the school bus when the lights are flashing, no matter if you're behind it or coming up against it? My daughter gets on and off the bus on the same side of the street, but the girl next door, the bus lets her off across the street in the evening. It is just an accident waiting to happen.

President Holzheimer Gail – Thank you, you just did one piece of the public education by reminding us here tonight. Chief Repicky, would you remind folks who are watching what the rules are in terms of stopping when a school bus is there and if you have other thoughts on how we might educate the community.

Chief Repicky – There's only two streets in the City of Euclid where you can pass a bus in the opposite direction, that's Euclid Avenue and Lake Shore Blvd. It has to be four or more lanes and those are the only two State routes in the city that you can do that on. To the people that are watching this on TV, mind your p's and q's as far as following a school bus, you cannot pass it, or in the opposite direction, any other street other than those two. That's only in the opposite direction. You can't pass it in the same direction on Lake Shore or Euclid Ave.

Another thought was brought up, I know this is a sore issue for some people, but the cameras that we were talking about. Some cities are looking at putting them on the school buses, very effective method to stop this behavior. All it takes is one child to get hit and it is one too many as far as I'm concerned. We will continue to enforce the school bus passing.

Mr. Gorenssek – I understand if the school bus driver is able to catch a license plate and report it to the police, the police can issue a ticket to that driver. But it is really hard to try to get a license plate number when you're waiting with your child to get on the bus. Thank you very much.

Mayor Cervenik – To help educate the public, I will also ask Lisa Mayernik to put this on Channel 20 the rules of virtually not being able to pass a school bus except on those two streets in the opposite direction and the penalties and fines involved.

Mr. George Riggan – Renwood Ave. I'm going to wear a different hat today. I'm here tonight to represent the Greater Cleveland Slow-Pitch Hall of Fame and Museum as one of its coordinators. I would like to invite you all to help us celebrate our 10th year anniversary as a museum and our 25th year as an organization. Our plan is to open each Saturday in April from 11-3 PM. We'll conduct a free guided tour

of all the museum artifacts. The Hall will always be extremely grateful to the opportunity to be part of the Euclid scene. As a special thanks to the three Mayors that were involved in our organization, Dave Lynch, Paul Oyaski and Bill Cervenik, and to the many council persons and city directors for their support and guidance through the years. It would please us to have you all as our guest some Saturday in April and feel free to bring your family, your kids, and I think the kids would enjoy it because we have a lot of old stuff, really old stuff. If you can think about it, we're open every Saturday anyway, but especially in April we'll be conducting guiding tours, we'll try to have more people there. Mayor you forgot to mention American Legion has good fish fries on Friday. All you can eat for \$8.

Mayor Cervenik – Yes they do, I did forget to mention that. There's all sorts of Fish Fries throughout this city that are phenomenal. Tonight yours is the best.

Mr. Marcus Epps – 590 E. 222 St. I'd like to first start by informing those who don't already know and to remind others that on March 28th the Euclid Kiwanis Club will be having their Annual Pancake Breakfast. I believe it is at Maria's. This is going to be my first Pancake Breakfast, I'm sure you guys have all been to the last one. It is going to be at the same place it was last year for all of you who don't know. It is from 9:00 until 2:00, to accommodate people's schedules. I believe that is March 28th.

In response to all the feedback that I've received from residents, e-mails, phone calls, about where have I been. I have not gone anywhere. I will say to you though that I've stated my concerns on the issues that are important to us and I can't overstate them, so I encourage you all to come out and be another voice and speak. I just feel that this issue, we all know what it is, has clouded our political system and our government right now and I will not continue to be a finger pointing the blame, but will do what I have done and try to educate you about what's going on so you can come out and help in the process of being a part of that fist.

Also, again, so that you all know, you can visit, some people have concerns about a site, we have not website or anything like that, but I encourage all of you to go on Facebook and find us under the Epps Restoration Campaign and I'll be glad to check all your comments and talk to you then. Thanks a lot, good night.

COUNCILMEN'S COMMENTS

Councilman Van Ho – First of all I had received a letter about the DROP program for the Police so I did look into it and there was some mis-information out there about the DROP program. I'm going to ask, when I'm done, if the Law Director could explain it, I call it laymen's terms, that should take about 2 minutes because that's the way he explained it to me this morning and it made perfect sense.

I would like to express my personal sympathy to Officer Patton's family. As the Resolution said, he came from three generations of Police Officers. I was privileged to know and work with his grandfather, John T. Patton, who was one of the most kind, gentle, people, regardless policeman, just a genuine human being. I know his father who is a dedicated public servant. All indications are that the apple didn't fall far from the tree with Patrolman Patton and I just don't know what else to say to his family other than we're sorry.

I would like to offer personal congratulations to everybody that worked on that sound wall project. We needed it desperately and I hope that it will pass.

Mayor Cervenik – Thank you because it is not done yet. We're still working on it.

Councilman Van Ho – I have faith in you Mayor. I received a letter from a citizen that's greatly concerned about flyers that are appearing on her door and I'm going to turn it over to the Law Director after the meeting. It is nothing obscene or even political which surprised me. It was from a restaurant and I would like you to look at it and see if there's anything we can do when people don't want flyers. If you could tell us at the next Council Meeting when we're got it on the camera so that she and other residents will know what is going on. That's all I have to say tonight.

Director Frey – The DROP program is a program designed by the Ohio Police and Fire Pension system for officers who have 25 years of services and they have to be 48 years of age. They are able to maintain their employment. They make a private announcement to the pension fund, they're able to maintain their employment with the City and the officer making their contribution to the pension fund at the same rate. The difference is, instead of the pension amount, the contributions going into that defined pension, they go into an annuity. The affect of it is that many officers have remained with the Departments longer than they would have.

The upside is that the communities have additional experience in their police and fire services. The downside to it is in many cases promotional opportunities are thwarted. Younger officers are unable to move up in the progression in the departments because more senior officers have remained on the force

so there has been some stagnation there. Secondly the communities are responsible for the healthcare costs typically through contractual arrangements with the bargaining units are responsible for the healthcare costs as opposed to the retiree and the pension system picking up the healthcare costs. Those are some of the downsides.

The reality of it is we will see a large number of retirees in the next several years as the first graduating class, the first maximum 8 year class hits in 2011. We anticipate that we will have a high rate of retirements in 2011 and for several years after while this process kind of adjusts. That's the 2 minutes laymen's version.

Councilman Van Ho – Could you clarify two things. First of all, this is a State law, we didn't come up with this.

Director Frey – That's correct, it is statewide through the pension system.

Councilman Van Ho – Second, had that policeman retired, we would have replaced him with another body and therefore it is not costing us the residents at a half a million dollars.

Director Frey – The hourly rate is a contractual rate based on the position with the department. If it is a patrol officer, if it is a sergeant, lieutenant, captain and so forth. In Fire, in our case, if it's a first class firefighter, lieutenant, captain, platoon chief and so forth. There's no difference in the rate based on longevity with a community.

President Holzheimer Gail – Reminder we are having an Executive and Finance Committee Meeting tomorrow night at 6:30 here to talk about the two pieces of legislation with the proposed fees, the garbage fee and the lighting fee. There will be a Special Council Meeting next Monday at 7 that is March 22nd. The Agenda will be the budget and the two proposed fees, assuming they get sent from tomorrow's Executive Committee. That will start at 7:00 here in Council Chambers and possibly the other Resolution regarding House Bill on foreclosures.

I want to thank all the residents who came out to the public forums. We had two public forums last week; one at Central, one at the Lakefront Community Center. They were both well attended. We had a lot of comments. I would like to thank the Administration, the Mayor and the Directors and Chief who were able to attend and help answer questions and talk with residents. I think that really helped make sure people are aware of what we are doing. Thanks to all who participated in that and thanks to all of those who continue to ask questions and provide us comments and suggestions.

I do also want to thank, I had the opportunity to go to a new neighborhood association who was interested in a Block Watch program for Councilman O'Neill on 208 North of Lake Shore and they had a very good turnout. We're happy to be able to meet. It just reminded me again to make sure that those people who don't have a Block Watch or a Neighborhood association or a beach club that's active, there's some wonderful resources that are available through the Community Policing Dept. If you don't have an association or you had an association and it needs a little bit of help getting rejuvenated, either contact your council person for some direction or Kristal Skovira at the mini-station and we would be happy to work with you to get that started again. It really is a nice way to get to know your neighbors and help keep your neighborhood strong. I would encourage everyone to consider that and make sure you take the time to attend a meeting in your neighborhood if there is one.

Also I wanted to acknowledge, there was an Eagle Scout Ceremony at Troop 161, new Eagle Scout at a Euclid Boy Scout Troop, his name is Lee Neal. He currently lives in Concord but lived in Euclid for many years and is part of the Euclid Troop. His Eagle Scout project was at the Hospice of the Western Reserve, so I wanted to acknowledge his hard work as well as the Troop and Troop Leaders there. I'm guessing Councilwoman Scarniench will remind us of the names of the other gentlemen who, they don't live in Euclid.

Just quick question, we started a new garbage collection March 1st and new senior transportation connections program, March 1st. From all accounts that I've had, they've both been successful, but wanted to give you an opportunity to talk about either of those, Mayor or Director Smith.

Director Smith – With regards to the J&J contract, everything has gone fairly smoothly. I'm aware that there's been some timing issues where maybe they have been on a different schedule, more so earlier than the past pick up. But for the most part it has been a very smooth transition. They've provided some additional manpower upfront in order to handle some of the complaints and some of the concerns. But all in all it has gone without problem.

Mayor Cervenik – I can pretty much say the same thing for senior transportation. It has worked out very well, I've seen no complaints and believe me if it wasn't working right, I would receive the complaints. I

would also like to thank the management of Indian Hills because they have been transporting with their own buses most of the seniors that participate in the programs, not only down in the morning, bring them home in the afternoon. We still have one person decided to take a job elsewhere in Senior Programs so we do have to fill that position and we will do that shortly and we should be running smoothly.

Councilman Gilliam – The Euclid Boys League is still accepting applicants for baseball. The actual deadline to receive the discounted price is today. You can still register online at info@euclidbaseball.org. You can also call the Commissioner at 299-4724. In addition, the Pony League is at the beginning of their registration at this time. I do not have that information in front of me, but if you called the Commissioner of the Euclid Boys League, he'll be glad to refer you to the Pony league.

In addition Congresswoman Marci Fudge will be a speaker at the Economic Recovery Forum on March 27th from 9:00-5:00 PM at the Intercontinental Hotel, 9801 Carnegie Ave. If you're interested in registering, call 888-357-2437. Due to the fact that it is 9:00-5:00 PM, parking is free and there will be a continental breakfast and lunch. This particular forum will be focusing on economic and community resources at the federal and local level.

For individuals that are seeking training in employment, the Hard Hatted Women program is offering information on non-traditional careers in the trades area and that's actually tomorrow, March 16th from 1:00-5:00 PM. The location is at Maple Heights Library, 5225 Library Lane. Please call 216-861-6500 Ext. 23.

Those are just announcements for the community and with that I will close. Thank you.

Councilwoman Scarniench – As you mentioned about the Eagle Court of Honor. Last week Troop 367 out of St. John of the Cross had 4 Eagle Scouts. I was very happy to be there in attendance, it was a wonderful program. The four boys do not live in Euclid but the Troop is in Euclid. I know within a couple of weeks, there are two more Eagle Scouts and they are Euclid residents and I will talk about them then.

If you haven't had your chance, Girl Scout cookies are being sold everywhere. Please support the Girl Scouts. I bought some the other day and they're still as good as ever.

I, too, was at both of the Town Hall meetings. I'd say we had about 200 people total. Both nights were very good, very informative. I feel like we walked away from there when people understood what we are doing and why we're doing it. For the most part they were very supportive over that. I know that over the next few months there's going to be a lot of meetings, the Mayor is going to attend, we'll all be attending. So please go to go to one so you can learn exactly what we're doing and why we're doing it.

Are we going to talk at all about the budget tomorrow night?

Mayor Cervenik – I think that the two items that are on the agenda are so closely intertwined with the budget that there will be no avoiding that and the results if those ordinances are not passed, the effects they have on the budget. Yes, we'll be discussing it.

Councilwoman Scarniench – Because of that reason, I would ask Director Will, she saw my little note before, I would like you to put figures together and I know it should be easy to do. We've heard the reports and everything about swimming pools. If we close two of those swimming pools and we went back and had the ice arena opening up September 1st, I would like to know the cost to do that. It was very obvious tonight, we stood here and we applauded a bunch of very hard working young folks, both boys and girls and I know by us not being open, that is going to hurt their program and I really don't want to see them have to go somewhere else. If you could do that, I would really appreciate that.

I would like to send out sympathies to Abby Vernon, her husband Dale passed away last week. Both Abby and Dale were long time, they are founding members of Heritage Park Association. They have been long time audience participants here at City Hall for many years. They've been married for 30 years and she said they were joined at the hip so my condolences go out to her and her family.

Councilwoman Jones – I would just like to say congratulations to the Euclid Youth Hockey and the awards they received and the presentations from tonight. They have done an exceptional job in the events and sports that they enjoy.

I would also like to express homeowners and businesses as well. We are getting teased right now with Spring, which is coming hopefully right around the corner. Most of the snow has melted but it has left some surprises under that snow, which is some trash which has probably been there since the snow fell. If you would please take the opportunity to pick up any trash in your yards or surrounding areas, that would be a great appreciation to the clean up of the neighborhood as well. Hopefully we won't have any more snowfalls like we had already, but if we do have some, at least we'll get the underneath cleaned up already so it will be ready for spring when the flowers start coming up.

I would encourage those who haven't had the opportunity to view any of the Executive & Finance meetings prior regarding the budget and finances that we've been going through, to come to tomorrow's meeting and express any concerns, if you have any questions at that time to do that. I would encourage you to come and as Council President said, it is tomorrow at 6:30, hopefully we will see you there.

My last comment is we talked about the Census tonight so please look for your Census forms in your mailboxes fairly soon and fill it out as soon as you get it for everybody that is in your household, it doesn't matter whether they should be there or not. But everybody in your household please fill the responses out and get them sent back in right away. Thank you.

Councilwoman Minarik – Four things tonight. First is I wanted to comment on the Gun Show that took place at the Expo Center March 6 & 7th. I went, it was my first one. It was great. It was packed. It was peaceful. It was respectful. I just thought it was tremendous and I just wanted to commend the city again on this Expo Center that we've got. The shows are coming in every weekend it seems.

I wanted to ask and you can answer this when I'm finished, Mayor, I think you've said it is up to Council what we can do and I really want to keep the Kennel Person position and I would like to keep one receptionist out there in the lobby during peak hours. When I'm finished, if you would comment on what we as a Council, if we have that authority to tell you that and then let my colleagues think about that. I fear that the Kennel could close without a kennel person. I also think with a receptionist, that is a face that people can come into. I don't know, but I really don't like voice mail and having a live person answering the phone does a lot for our residents. I would like you to think about that.

Rain barrels. They're actually up in the Library. I was so proud. Although I put it up this year, I did call Denny Valencic to come by and make sure it is stable, my display. We do have two barrels on display, people were thronging around them, it was so exciting. It is right in the lobby. We have flyers out here and flyers around town. The rain barrels are 55 gallons or 60 gallons. You can call me at 216-486-9513 to either order one or the other and I'll get you in touch with Claire Posious, or pick up a flyer and her information from Soil & Water is there for the workshop.

The other exciting thing is we have solar fountains with 6 volt battery backups. If you were to buy these on the internet, they would cost you about \$125 with tax and shipping. The rain barrel sale special is \$90 flat, you can't beat it, it is very cool. Cuyahoga Soil and Water will also be having some kind of display, information on how to build a rain garden, what plants are available. They actually have kits that they sell, I don't think they'll have a kit there that day. We will have a worm farm on display according to Sansei Technology. I think that's about it for the rain barrel say. It takes place, I forgot to tell you that, it takes place, Saturday April 10, from 10:00 AM until 2:00 PM. The workshop itself is 10-11:30 AM because you build your own workshop. We should have volunteers as we did last year to help assemble those rain barrels if you need help. If you have any questions, please give me a call, rain barrels are very, very cool in light of the sustainability stuff that we've been working on.

Finally I did want to comment, my last thing is on Dale Vernon who did pass away. Dale Vernon was a patriot. I'm reading a book called The Patriot which begins in 1775, it is very awesome and covers all that and the courage to speak their minds, to fight for liberty, to stand up for what you believe and to remember that America was founded on individual liberty. The moral premise that all men are created equal and that governments are here to serve the people. Dale Vernon was just one of a kind. He shall be sorely missed. Abby, our hearts and prayers are with you this evening. With that, goodnight.

Mayor Cervenik – I don't necessarily want to lay off the part time worker at the Shelter nor the receptionists. I agree we need live persons there. We are taking steps to have various secretaries either work at the switchboard or have the switchboard transferred to their phone so that there is a live person there. Basically how the budget works is you give me an appropriation for the amount of money I can run the city on and then I have to make the decisions internally as to what needs to be done. You really don't have the authority to say you have to have a receptionist there. At the same time, I and other Mayors before me have always tried to listen and share and work with Council so that we're all on the same page. We're looking at some of these things. I get telephone calls, I got a telephone call from the FedEx guy saying I want you to keep somebody out there at the switchboard. We're looking at Recreation and Vital Statistics as being the people of when someone walks in would be responsible to directing them to wherever they go or calling the office when someone comes in, the appropriate office.

We're looking at a lot of those things, we have not finalized many of those, but the bottom line is we have to prioritize. If I have to spend \$27,000 on one thing, then I'm not going to be able to spend it on something else. That's sort of been my life for the last 6, 7, 8 weeks on some of the tough decisions we made. I will take your comments and others into consideration and see if there's not some things we can do. Just as Councilwoman Scarniench said, let's look at closing two pools and leaving the ice arena open. I don't like to pit one thing against the other because they are both very important to different groups of people. That's the priority and decisions that have to be made on a daily basis around here but I'll see what we can do.

Councilman O'Neill – As far as the rain barrels go at the Library, they didn't confuse them as beer barrels did they? Okay. Reaching out to my brothers and sisters in the Cleveland Heights Police Dept. My sympathies to the family of Tom Patton Jr. I knew him, he's a young police officer. I have been on calls with him so my condolences go to him and his family and the officers in Cleveland Heights.

Congratulations to the 216 North of the Blvd. They've established a homeowners association. Patrick Henry has lead the charge, he's the man right now and congratulations to you Pat. Lastly, I want to wish everybody a Happy St. Patrick's Day. Please be responsible, get a designated driver, walk, take a bus, take a cab, give your keys up to somebody that has not been drinking. With that I'll say goodnight and Happy St. Patrick's Day.

Councilman Wojtila – I will not be at the Executive & Finance meeting tomorrow, I have to be out of town for work. I will be watching the tape. I am ready to move this forward to City Council or the special council meeting next Monday and I'll be in a position to vote at that time.

Just a question on the legislation, is there intent to have revised legislation for tomorrow night?

Mayor Cervenik – Yes there is. Both the amount of the charge as well as a number of council people have asked to have a time limit set. Because of the fact in the second year it would be going on the tax duplicate if approved, we resolved that issue because you need to assess that by September. But City Council would have until the end of December to remove that assessment if something happened in that term that would allow us to reduce that fee or eliminate that fee. The Council people who were concerned about that have agreed to that. The legislation will read that in September will be assessed on the tax bill for 2011. However, City Council reserves the right to remove the assessment if they so feel fit. If we don't assess it by September then we're going to go through the whole billing process, which one is cumbersome and also being on the real estate tax bill really provides for a greater collectibility of those amounts. We will have a, whatever the ordinance number is, b or a, or whatever it is.

Councilman Wojtila – If you could e-mail those out earlier as possible tomorrow, that way I'll hopefully have an opportunity to look at it and provide my comments probably to the Council President. Since I won't be there, I'd appreciate it.

Councilman Langman – To Director Smith, great seeing the work on both sides of the Boulevard at 248, however that is creating mud and debris and so forth. Can we send the sweeper down there to sort of keep that debris and mud down?

Director Smith – I think what my preference would be, I know we've had some communication with the contractor on that project with regards to that specific matter and I would continue to work with them because that's their responsibility. If need be we will send the sweeper out but I prefer to do that as a next step. I prefer to continue to work with the contractor to get that addressed.

Councilman Langman – I appreciate that. Director Pietravoia, see the sign now in front of St. Robert's so what are we doing to obtain it, are we thinking about that?

Director Pietravoia – The Mayor, Jim Sonnhalter and myself toured all the properties that are available. The Catholic Charities is maintaining the properties until they are sold and a broker has been retained to actually sell them. We have not made any type of offer on any of the properties. We have indicated that our preference is that they go to a tax producing status, we'd like to see them developed. Although we've been told that most of the interest has been from either other churches or charter school uses. We're willing to work with council if there's an interest in moving quickly. The Mayor and I have been discussing strategies, but we haven't made any type of formal offer on any of the properties at this point.

Councilman Langman – If you gentlemen develop a preference and direction you want to go, if you want to inform us so we can comment, debate it. Since we're talking about that parcel, when are we going to see an updated contract for JJR's services?

Director Pietravoia – We hope to have that one the next Council Meeting for April 5th.

Councilman Langman – To Chief Repicky, I know I sent you an e-mail about some incidences that were supposedly resolved. Were you able to gather that information?

Chief Repicky – Yes I was.

Councilman Langman – Just a reminder of our ongoing headache at Russell Erwine. Every spring we have the same issues over there. I know I sent you an e-mail about it, if you could acknowledge that we'll get some attention as the weather warms up, hopefully soon, that would be appreciated.

Chief Repicky – That was sent onto the detail shift and they will be bringing people into the hotel as soon as possible.

ADJOURNMENT

Councilman Langman moved to adjourn. Councilman Van Ho seconded. Yeas: Unanimous.

Attest:

Clerk of Council

President of Council