

COUNCIL MINUTES

May 3, 2010

The regular Council Meeting was held on Monday, May 3, 2010 at 7:00 PM in the Euclid Municipal Center Council Chamber. Council President Holzheimer Gail presided.

Members Present: Gilliham, 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, WWT Plant Manager Hall, Clerk of Council Cahill.

COUNCIL MINUTES

Councilwoman Scarniench moved to receive and approve the Council Minutes of April 19, 2010 Councilman O'Neill seconded. Yeas: Unanimous.

ADMINISTRATION REPORTS & COMMUNICATIONS

Mayor Cervenik recognized Donna Perdsock and Rebecca McFarland from Euclid Public Library on being selected one of the Top 10 Public Libraries in the country by the Hennen ratings for the seventh year.

Mayor Cervenik and Recreation Director Will presented the Blue Ribbon Award for Adopt-A-Spot to the Genesis group of Holy Cross, now Our Lady of the Lake.

Miss Poppy, Natalie Frenelle, accepted donations for the American Legion Veteran's Home.

Mayor Cervenik – I would like to remind everybody Thursday, May 6th is the National Day of Prayer. The City Hall Council Chambers will be open from 12:00-1:00 PM, for anyone who would like to express their faith and pray and reflect on God's goodness.

I would also like to congratulate Boulevard Presbyterian Church, Councilman Langman and I were there for their celebration of 60 years of existence in the City of Euclid. It was a very nice affair, we had our present Pastor Ann McCabe, as well as the original Pastor Rev. Robert Clapp there as well. We talked a lot about the history of Euclid and the importance of our churches and faith in the City of Euclid. It was a very enjoyable afternoon.

Director Will – I would like to send out a special thanks to this past Friday night, our dedication in Arbor Day in memory of resident William Tomko. I would like to send a special thanks out to the Boy Scouts for making it an extra-special night in planting a tree. Thank you also to the Lake Shore Garden Club who donated the Red Rocket Maple Tree for Mr. Tomko. Thank you again for making that an extra-special evening.

Remind everybody that you can register now for the spring and summer programs. Our Recreation window is open at City Hall, Monday-Friday from 9:00-4:00 PM. On Tuesday evenings we will be open until 7:00 PM, during the months of May and June. On Saturday, May 22nd, we will have a special registration from 10:00-12:00 PM.

Remind everybody that on May 14th and May 15th is our Euclid Relay for Life held at the Euclid High School stadium beginning at 6 PM and concluding on Saturday at 12:00 PM. I'm happy to report that right before the meeting we had 182 participants; 20 teams; and raised over \$13,000. We are far above where we were last year at this time, so I encourage anybody who wants to participate, you can go on the website, RelayforLife\Euclid.

I would like to remind everybody Mayor Cervenik did give us a challenge at the last Council Meeting, but he did change it a little bit. Last year we raised approximately \$40,000; this year he challenged us to \$60,000 and he did remind us that if we're able to do that at Noon on Saturday, May 15th, he will shave his head. I am encouraging everyone to go online, RelayforLife\Euclid. Donate to any Euclid team, it does not matter. I'm hoping at the next Council Meeting we'll be sitting here looking at a shaved Mayor Cervenik. If you have any questions, please 289-8656. Even if you don't want to participate as a team member, you can still come that evening, anytime between 6:00 PM and Noon the next day. We are there the whole entire time. Each one of the teams will have a different theme, this year we're based on movies and each one of the teams will be having a fundraiser onsite. We hope to see you and I look forward to our conclusion on May 15th of raising \$60,001.

I was approached by resident Sue McGinn, who is also one of our Recreation Commission members to host through Dave Carlson and the Euclid Chamber of Commerce, a Spring Clean Up Day here in the City of Euclid. We will be having it on Saturday, May 22nd. We will meet behind City Hall at 9 AM. We will assign you to a different zone, we're hoping you can come in with a different team, boy scouts, girl scouts, your neighborhood association. We'll give you an area and supply you with some supplies and send you off to clean up Euclid. Come back at noon and we will have refreshments for all. If you're interested in this, call Sue McGinn at 216-862-1378.

Remind you about the E. 200 Street Stroll, Saturday, June 5th. It is the Saturday after Memorial Day, the 4th year and the Stroll will begin at 10 AM and conclude approximately 3 PM. If you're interested in the Stroll, call Sherrie, 216-798-7089.

Mayor Cervenik – I just for the record state I'm not losing my mind, I'm just losing my hair, hopefully. Mike O'Neill wants to do the shearing. I did put out a challenge at the last Council meeting and one of my times during the night when I wake up and can't sleep, it dawned on me that it was nice to put up a challenge but I've got two events that evening that I'll have to come back and forth to and then to Relay for Life and others, and I felt that I needed to do something. So somehow that thought got into my mind and I hope we're successful. I don't want to take away from the team members and those participants. What we experienced there last year was phenomenal. We met many new friends, a lot of new friendships were made, the camaraderie during that time is phenomenal. As you all know my Administrative Assistant Colleen has developed breast cancer and she is successfully battling the disease and she has been a very instrumental and very enthusiastic and great example on how to handle diversity and we're very proud of her. We expect her back sometime soon, I don't want her to rush but we felt that it was a little special this year to raise a little more money for cancer research and cancer awareness. I can't say I'll make them pay, because that might be patented, but I can say, I'll make you donate. At 12 Noon we'll hopefully reach that goal and go from there. We want to thank all the participants that were there last year and are coming back this year. We just must have added about 20 more participants today because when I looked this morning, we were still about 170, so that's good.

It is a great evening. If you're not on a team, stop by, there's a lot of fundraising activities going on, bake sales. One of the most moving moments of the Friday evening is the luminary demonstration where you can purchase a luminary and you can add a loved ones name that didn't succeed in battling the disease. They're all lit up and it is truly a wonderful experience to see that. I know all the Council people will be there and I ask all the residents to be there and again, make a donation, we'd appreciate it.

Director Pietravoia – I just wanted to alert the viewing public that the census takers are starting their job. If you haven't returned your census form, they will be visiting all those addresses that didn't return a form. I did distribute information to members of Council. We want you to be aware they will come, at least 3 times, they'll also try to contact you by phone. They'll leave a card if you're not home when they do arrive to visit and you can actually set up an appointment with them if they come at an inconvenient time.

You should be aware they'll be carrying badges, an official census badge and they will also be carrying US Census Bureau briefcases. We want to make sure residents know an official census taker will never ask to enter your home and they will only ask questions related to the 10 questions that are on the census and you should answer those questions for your entire household if you do get a visit from the census takers.

Just want to put people on alert so you're not concerned if you do get a visit. These are official census takers and look for that badge. If you're concerned in anyway that someone is not an official census taker, certainly notify the city, you can call our office at 289-8158. You can also call the Cleveland East Office for the census bureau, 216-377-4420. Feel free to call our office or the Census office directly if you are concerned that there might be a problem situation.

Second announcement. I past out to all members of Council, we had a great kick-off for our Home Rehabilitation Program on this past Thursday. We had very nice coverage in both the News Herald and Plain Dealer. In the Sunday's Plain Dealer Real Estate section there's a nice article featuring the first home that will be rehabilitated on E. 195 St. Then from there we hope to do 30-40 additional houses over the next year to two years.

The second article that was in that same real estate magazine relates to our new down payment assistance program. The Mayor talked about this a little bit at our last meeting. It is a very strong program that a number of area cities use that help those folks that are employed, have an income but haven't been able to accumulate a down payment to borrow the funds through a

federal program here in the City of Euclid. You can borrow up to \$14,500. There are some income limitations and all information is on our website along with the applications and all the information you need to apply to the program, if you're looking to buy a home in the City of Euclid. Call EDCOR, 289-4625 and also look at our website, www.cityofeuclid.com

My final announcement, more good news, we partnered with the First Suburbs Development Corporation, a number of city residents and council members had encouraged that we try to go after the efficientgovnow dollars where you cooperate with other communities to collaborate on a project. First Suburbs is 15 member cities along with the City of Cleveland. We put in a grant application to raise funds to help us start a solar special improvement district. This would allow us, if we receive this grant, it will allow us to speed up the implementation of the program and it will provide financing for businesses and industries that are interested in doing a solar project on their rooftops.

The reason I wanted to announce it tonight is not only the good news that we are one of ten finalist, but also to encourage all of you to go on online and vote. The way they determine who wins the grant is the top three vote getters of the 10 finalists will receive the grant funds. The website is efficientgovnow.org. There's also a phone number to call to vote, 877-771-5206. If you can't remember all that or didn't get a chance to write it down, the information will be on the City of Euclid website as well. I encourage everyone to vote and help us to win this grant.

Mayor Cervenik – That's the end of Administration Reports and Communications.

REPORTS & COMMITTEE MINUTES

Councilwoman Scarniench moved to approve the 2009 Annual County Health Report; 2009 Annual Police Report; Fire Report of March 2010; Police Report of March 2010; Housing & Building Standards Com. Min. of 4/12/10; Safety Committee Min. of 4/21/10; Board of Control Min. of 4/5/10, 4/12/10 and 4/19/10. Councilman Gilliam seconded. Yeas: Unanimous.

COMMITTEE OF THE WHOLE FOR LEGISLATIVE MATTERS ONLY

Mr. Jeffrey Beck – 25540 Chatworth Dr. I'm here tonight to speak on #4 on the agenda, the collaborative agreement for the SWAT team. I attended the Safety Committee Meeting where this was discussed and raised a few questions there. I will repeat those questions tonight as I believe a large audience needs to know and understand this arrangement.

First, it was mentioned at the Safety Committee Meeting that the new SWAT team would be made up of 9-10 Euclid officers; about 6 Shaker Heights officers; 2-3 officers from other communities. It was also mentioned that this is a loose agreement and that these numbers could change. To protect our city from being the sole supplier of officers, I suggested this number of officers to be supplied by the different communities be formalized and mandatory. In this way each community will have representation and for lack of a better term, skin in the game.

It was mentioned at the Safety Committee Meeting that the other communities have officers waiting to apply. This should be a simple change that will protect our city from excess liability, which brings me to my second question, liability.

I understand if a suit is brought on by the actions of our officers, or any participating communities' officers, that city would be held liable. With Euclid being a self-insured city, this opens us up to potential financial danger. I suggest that the officers be indemnified under the EDGE agreement to protect the city. By operating under the EDGE agreement each city would be protected from law suits. Our Law Director stated at the Safety Committee meeting that this is possible and I would like to know if it is being done.

My third last question has to do with overtime. I understand that the overtime pay for the SWAT officers called to duty in another city is paid for under a grant. But it was mentioned at the Safety Committee Meeting that if Euclid has to call in an officer to replace a SWAT team member, then the city would be liable for that overtime. When I raised the question at the Safety Committee meeting, the Chief said he had drug money to pay for that. That really doesn't answer the question. What if in the future there is no drug money, then what? I suggest each community set aside funds to proportionally pay for overtime. Thank you.

Mr. Marcus Epps – 590 E. 222 St. I will leave item 4 alone now, that was pretty extensive. I at this point will just allow the process to play itself out. I did want to comment on issue 5 and maybe a couple of these questions could be answered.

I'm confused, I'm not sure if the 72 hours that it states here, the City of Euclid, Codified Ordinances of the City of Euclid, to require property owners to remove graffiti from their property within 72 hours of receiving notice from the city. I'm curious if that is going to be immediately when it is saw, what's the day process on that? I think 72 hours might be a little to

aggressive, five business days will just be two more days to give those businesses enough time in order to address those issues. I'm saying that coming from speaking with a business owner here in the city myself. I would like you guys to consider extending those days out. Graffiti is a good problem here. I don't like seeing it in the places that I see it either. I understand this being an issue, but I think the 72 hours is a little to aggressive. If you guys can entertain that I'd appreciate it.

Mr. Jim Froom – 816 E. 237 St. I just wanted to question on the SWAT team also. We have a very elite group here in Euclid, probably one of the better units in northeast Ohio. They've been called to take in and assist in the Case Western Reserve sniper attack. They were invited to Pittsburgh to help in an international summit there. I would just hate to see, people coming in from the outside to start off with that may put any of these people at risk. These people have to be very well trained, they have to know every move their comrades are making, every thought that they're thinking, the same as the Fire Dept. or any other elite group that the city may have.

I just think that we need regionalization, don't get me wrong, but I don't believe the SWAT team is where we should start. It could be in record keeping, maybe dispatch, purchasing, possibly down the road a regionalized jail and court house. Things like that are what we should be looking at.

To appropriate \$325,000 for a fire truck. Not saying we don't need it, we probably do. But that would be something to look at with other communities; do other communities need the same piece of equipment. Can we take and share something like that? The same with the sewer project. Maybe those are things we should be looking at instead of the SWAT team. Thank you and have a good evening.

President Holzheimer Gail – Seeing no further questions, we'll move forward with legislation.

LEGISLATION

Ord. 69-2010 (072-10) Fresenius Medical Care

An emergency ordinance authorizing the Mayor of the City of Euclid to enter into a Purchase and Sale and Development Agreement to sell property at Century Corners Industrial Park, formerly Village of Euclid property, designated as Permanent Parcel Number 648-42-001 in the Subdivision and further described in Exhibit A-1 attached hereto, containing approximately three (3) acres, to Weston Development Company for the development of a new medical office facility for Fresenius Medical Care North America for One Hundred Twenty-Five Thousand Dollars (\$125,000.00). (Sponsor Mayor Cervenik & Councilperson Jones by request CS&ED Director)

Councilwoman Jones moved for passage, Councilwoman Scarniench seconded.

Director Pietravoia – I'm very pleased to bring before council this evening our next sale of land at Century Corners. As was explained in the reading of the ordinance this evening, we are proposing to sell 3 acres of land to Weston Commercial Real Estate Company represented tonight by Rob Namy who is here with us. He's the regional vice president of acquisitions for Weston. Jim Sonnhalter of our staff who has been the project manager on this project.

We started talking with Weston, late 2008, early 2009. The economy slowed the project down a little bit and recently we had the opportunity to revisit and start our discussions up again, which brings us here this evening with the proposed sale. At that time in 2008, we had just finished American Punch Company. That project started in 2007 and took us a little over a year to develop. As part of that we had conducted an appraisal of the land at Century Corners. The appraisal came in at \$50,000 per acre and that was the starting point of our discussions with Weston when we started talking with them as well. Even though some time has passed, we were asked by Weston if we would consider a lower price, but we felt that it was reasonable to continue at \$50,000 an acre asking price. That is where we landed on this particular ordinance.

We did adjust the price due to a retention pond that's on the property. It will serve both BIC Manufacturing and the new medical facility. About .58, a little over a half an acre, is not buildable because it does contain that retention pond. In essence they have about 2.5 acres of buildable land and that's how landed on the proposed sale price of \$125,000.

Weston will develop for Fresenius, 10,000 sq. ft. medical building. They'll lease it to Fresenius Medical Care of North American to operate a dialysis center. They're estimating they'll be able to accommodate in their first year approximately 65 patients and they hope to grow from there to eventually 75 patients. There's a great need both in Cuyahoga County and western Lake County as well which is what attracted them to this location because it is centrally located and can serve patients from both counties.

With the success of this project, three sites would have been developed at Century Corners. We're glad that will put about 10 acres back into productive use and we will have six remaining acres, depending on how that's divided up, it could accommodate anywhere from two to three additional users. We'll be happy to answer questions tonight, both Rob Namy representing Weston, Jim Sonnhalter and myself.

Councilman Gilliam – In the negotiation of the sale of this land, did Fresenius Medical Care estimate how many employees would be at this new site once it is developed?

Director Pietravoia – They estimate just under 20 employees; that will be a combination of full time and part time employees. There is potential that could grow depending on how the business takes off at the location. We've also discussed with them and informed Councilwoman Jones since the project is in her ward, many of you know we had been negotiating with a physician that wanted to start a medical practice here at Century Corners. We've contacted that individual and he wasn't able to go forward with his project but we've contacted him and have asked him to get in touch with Weston to see if there might be a possibility that they could actually make a larger building that could also accommodate some space to lease to the private physician as well. There's an opportunity and enough land which would create some additional jobs at this location if that were to happen.

Councilwoman Jones – Director Pietravoia and Mr. Sonnhalter, I just want to say thank you for all your efforts in getting this project going. It will be a great asset to see something developed on that property. Thank you again.

Councilman Langman – Is Fresenius currently in the city, if so where?

Director Pietravoia – They're in the Greater Cleveland area but they're not currently in the City of Euclid.

Councilman Langman – This would be a new business not a relocated business?

Director Pietravoia – Yes, new business, new jobs to Euclid and to Councilwoman Jones' ward.

Councilman Langman – Another question, although it is not directly related to this sale, but in a way it is, we have a dialysis center, the Cleveland Dialysis Center down the avenue. From our perspective as a city, do we know how this new facility would impact the current facility?

Director Pietravoia – It is my understanding and we've talked to a couple of people that are in the field including some representatives at Cleveland Clinic that there's a lot of demand for this service and there's a need for both facilities, especially due to the fact that this one will be able to serve both Lake County and Cuyahoga County.

Councilman Langman – My last question is, since this parcel is on the avenue, are we going to look at a little more closely the architecture? I would like the building to embrace the avenue, not turn its back to the avenue. If so, how are we going to do that?

Director Pietravoia – Definitely we will do that. The Architectural Review Board reviews any new construction. They went through a process similar to this when Dr. Gill was going to build his medical building at Century Corners and they did take particular care to make sure that it was properly situated, orientated to Euclid Ave., landscaped, buffering for the parking area. It was really a very nice facility and preliminary drawings and examples that Weston have shown indicate this will be as nice if not nicer facility.

Councilman Langman – I don't want parking up against the sidewalk on Euclid Avenue.

Director Pietravoia – There's also a provision that there won't be any drives off of Euclid Ave. All the drives will be off of Century Corners parkway which will help the flow of traffic along Euclid.

Councilman Langman – Looking forward to breaking ground.

Councilman Gilliam – If this particular legislation is passed, do we have an estimate of how much revenue this particular industry would generate? I'm tongue-tied with the word Fresenius, do we have an estimate of how much revenue that would possibly bring into the third ward or to the City for that matter?

Director Pietravoia – One of the things we're still working to obtain directly from Fresenius is their payroll information. We have a ballpark figure but we don't have an exact number yet. We will be calculating that but we don't have a figure at this point.

Councilwoman Jones – If this is passed tonight, when will the groundbreaking start and when will we see something going on?

Mr. Namy – We're anticipating mid-summer, July sometime, of this year.

Director Pietravoia – There is a due diligence period in the agreement that they would sign that gives them a period of time to do any investigation on the property and make sure that everything is in order from their perspective. That would bring us to about July for a start date. We would close obviously prior to the start of construction. I should mention the funds will go into our Endowment fund.

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

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

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

Passed.

Ord. 70-2010 (097-10) Utility Shut-Off Vacant Properties

An emergency ordinance authorizing the Mayor of the City of Euclid or his designee to direct utility service shut-off before the meter for all properties determined to be vacant and unsafe structures. (Sponsored by Mayor Cervenik)

Councilman Van Ho moved for passage, Councilman Langman seconded.

Mayor Cervenik – Awhile back there was a house in Cleveland that ended up being arson. The reason was the house was vacant but the meter, the gas was not shut off from the street, so there was still gas going into the house and I felt that could be a concern here in the City of Euclid. The Law Director was able to have good conversation with Dominion and they have agreed to do this upon notification. Once they notify the property owner that the gas is going to be turned off, they will shut off the gas from the street and they will remove the meter in the home, which is Dominion's property to begin with, so they can re-use that meter. At the same time, it prevents any kind of dangerous actions to happen in the City of Euclid like what happened in that street in Cleveland. I'd strongly urge your support.

Councilman Wojtila – To Director Frey, there's no reference to a section of our code. I assume there's no opportunity to put it in a good section? Any thought to that?

Director Frey – In our initial draft we had actually made a section in the codified ordinances and after our meeting with Dominion and reviewing, I thought it was a better approach to this because this is going to be apply to gas utility, electric utility, frankly for water service, that we would have had to have repeated it in each of those sections of the code, I opted not to make a codified ordinance provision. It is as effective without the codification. The primary participants in this, the directive will come from the Mayor to the utility, the primary participants in this will be the Fire Dept., will be the housing and building department. As they come across conditions on properties that warrant a shut off prior to the meter, whether it be gas, electric or water, they can notify through the City Hall administrative channels and the Mayor can send that directive to the appropriate utility. I didn't put it in as codified because we would have had done it three times.

Councilman Wojtila – Do they make any charge for disconnecting their service?

Director Frey – Dominion who was our primary focus and our primary concern with this, they were very happy to meet with us. This was the first of the communities who had after this incident in Cleveland had approached them and we wanted to participate with them to make sure what we put before city council was affective. They were pleased with the opportunity to participate in the discussion. As the Mayor eluded to, they want to get their meter out of the house. If they shut off prior to the meter at the street level, they will then be able to, they may actually sever the line there at the street meter, depending on the condition of the property. If it is a property that is going to be demolished, they will sever the line. Not only will they shut it off but they will sever it and go into the property and remove the meter. That's the most effective way to prevent any type of explosive reaction I that property.

They were pleased with the opportunity to work with us. We think this is a very effective tool and we're glad to have their participation. We've already sent them a list of properties that we anticipate being demolished and they've come out and removed meters.

Councilman O'Neill – I definitely support this legislation but the only thing I'm asking is to go a little further and ask the utility companies if they could mark the premise that the gas has been shut off, electric has been shut off and water so that if there is some sort of emergency response to that residence, whether it be fire or police, that upon arrival they're aware that there's no active gas, electric or water in that structure. They can meet with Fire Prevention to determine what a proper marking would be that the Fire dept. would notice right away, some sort of placard or something. If the Chief wants to comment on it, that's fine.

Chief Cosgriff – Definitely the Fire Dept. supports this legislation also. Our Fire Prevention Bureau was involved in the meeting with Dominion and writing this legislation. One of the things that is always on the OIC's check list when they pull up to a working fire is to control the utilities. Obviously if we can have that task accomplished prior to pulling up, it would greatly help us. I think we could probably have something where dispatch would have a list of those properties where it has been shut off in the dispatch office and could notify us while we're in route that the utilities have been shut off to that premises, that's a good idea.

Councilman O'Neill – That could be worked out through Fire Prevention. Some pre-notification to police and fire that structure has been secured, that's all I'm asking.

Councilman Langman – Law Director Frey, I know how the ordinance reads and I support it, the Mayor pointed out the incident on the West side and many homes were damaged through that explosion. But the way it reads, I'm trying to visualize an application in the real world. For example, there's a home on 246 that's been for sale for over two and a half years now; would that fit under this definition to shut off the gas in the street? What I'm trying to get at is what's the difference between a house that just hasn't sold in a certain amount of time, versus declaring it as something that is unsafe or dilapidated?

Director Frey – If the house is unsold, but is secured, there would not be a reason to bring this ordinance into play. But if a house has been vacant for any reason and it has been the site of repeated entries, unlawful entries, we will want, in that situation, get that utility service shut off. There is a notice requirement, so it can't just happen immediately. There has to be notice to the owner and the opportunity for them to take appropriate steps to maintain the utility service. I see a big difference between just empty and empty that has been broken into or become a nuisance. It is those properties that we're going after. In addition to that, we'll likely give them the list of any properties that we're going to demolish, that we control and are going to demolish so they can get in there immediately and remove service.

Councilman Langman – A prior break-in is one of the triggering mechanisms that you're looking for. Finally, there were several homes, during the WW II times, there was a business that was going through litigation among family members, bankruptcy, etc. Will we have that authority in that case, if a property is going through a core process like that to be able to shut off the gas?

Director Frey – We have the authority under any emergency to do it today and that's through the Fire Prevention Bureau. That remains unchanged. If there was an active leak, Fire Prevention or whomever the city is going to notify the utility that gas is going to get shut off regardless of anything else that's going on, whether it is occupied or not.

In the situation you've just mentioned where there's some litigation, the utility company has to give notice to the property owner. In that case they would give notice. There is a time period under the Ohio Administrative Code for that notice period. I can imagine in a situation like that where if there was a party who wanted to maintain service that they would petition either the utility to maintain it and set forth sufficient safeguards, or they would ask the Court to order that the utility not disconnect. We wouldn't have a reason to disconnect it, just because it was vacant. It would have to have some other activity going on that made it unsafe to the neighbors.

Councilman Langman – What I'm thinking of when the Upson Deli was empty we had several break-ins.

Director Frey – In a case like that where there were repeated break ins and it appeared to be an inability to secure that building, that would be a case where we would want to have the utility disconnected at the street level. It would not sever that line but they would disconnect at the street level and cap it.

Councilman Langman – At the same time there was a bankruptcy.

Director Frey – That would not make any difference. We're not rendering the property unusable at some future date when that gets resolved.

Councilman Van Ho – I would like to thank the administration for coming up with some good common sense safety orientated legislation and I will support it.

Councilwoman Scarniench – I support the legislation but I do have a question to the Law Director. When I first was elected to Council, one of the first problems I had was a vacant home that the electricity was being stolen from. For over the year or so we went through this battle, they finally shut everything down, took it all out. Then I had a young family who wanted to buy this house. The lady grew up on the street, she wanted to live in this house. She knew the house and everything. They could not secure the mortgage because these things were not on. It became a fight between, do we get the mortgage and then we turn it on, or how does it work. They ended up not buying the house, thank goodness they still bought in Euclid, but how will that be addressed with this? It is a concern that when they shut it off, and we got somebody who wants to buy it and we can't sell it because of that reason. I know that has happened in other cases. If you could answer?

Director Frey – They do not have the right to have utility service to any property until they have ownership of that property. They can work with the Realtor or the escrow and they will probably have to make a deposit to get that utility service turned on. They may have a different problem and that might be the inspection of the property prior to having the utility service activated and in that case they're going to have to work with the seller. The seller, whether that's a private individual, or the bank or HUD, they're going to have to work with someone to get that utility service restored. It maybe an obstacle, but I suspect that's an obstacle that exists today that buyers have got to work through.

Councilwoman Scarniench – I believe it is the banks. The banks won't give the mortgage, so it is like, okay, am I going to pay this money to have this done if I'm not even sure I'm going to get a mortgage for it. I hope we will really monitor this carefully, so that we can sell these homes.

Councilwoman Minarik – Piggybacking on Councilwoman Scarniench, I know another instance where there was a house, again the utilities had been shut off at the street level, and there was a valid buyer and again they couldn't purchase the home, the banks for some reason required another assessment and eventually the deal fell through. I'm wondering, if we pursue this, will we actually prevent people from purchasing homes that can get a great deal on a house because they're not going to pay to turn on the utilities unless they're sure they can get the house. But, the mortgage company doesn't even want to offer a mortgage until the utilities are paid on. It is a Catch 22; it is a concern of mine.

How it reads, to me it is a little confusing. When it says, determined to be vacant and unsafe structures. Is that a two-fold condition that they are vacant and unsafe? Or is it that they are vacant structures or they could be unsafe structures? I wanted to question that one.

The third question, is the authority that we have to determine private property and shut down the utilities which is a huge inconvenience to the property owners, if you could clarify that a little clearer than you did.

Director Frey – We wrote it so it would require the property to be both vacant and unsafe, both conditions would have to exist. If it was unsafe, and again using an example of the gas utility, Fire Prevention already has the ability to order that gas service shut and Dominion will shut off the gas service and residents will have to vacate until the gas service could be safely restored. Nothing changes in that regard. We are trying to focus on properties that are both vacant and unsafe, both conditions. As I explained to Councilman Langman, merely being empty is not adequate. It has got to be empty and there's an inability to keep the property secured before we would want to get into that.

Working with the potential buyers and the utilities, we will do what we can. I'm not sure that's any different than when I bought my house, somebody sold it to me, I had to get utility service in my name and I had to put a deposit down for it. It was all part of the closing on the purchase of the home. I'm not sure what else, if somebody wanted to get temporary utility service, they would need to work with the public utility or the seller of that property to cause that to happen. It maybe more pronounced today because unlike when I bought my house, there are a lot of houses that are empty and no one is caring for them. We'll do our best. We don't want to prevent people from buying.

Councilwoman Minarik – The authority to go into private properties and are we overstepping our bounds as a government agency?

Director Frey – I don't believe so. We are, through this Council action, declaring this a public nuisance essentially that this is a preservation of public peace. We have the ability in emergency situations. We have the ability in our housing code and in our building code to inspect properties. This isn't anything different than those circumstances whereby legislative authority, we have the right to go onto or into private property for purposes of inspection. If the property owner refuses access to it, then our authority is through the court to get a warrant.

Councilman O'Neill – Director Frey to clarify something for me, it is my understanding that these properties are really properties that are pretty bad shape. Pretty much they're not going to get rehabilitated, they're not going to, our NSP money is not going to fix them up, it is probably going to be used to tear them down. We're really looking at structures that are going to get demolished. Certainly people that live on either side of that structure will be happy that the utilities are secured, especially the gas, that they don't risk any potential explosion to that building. Am I correct to assume that sir?

Director Frey – Certainly demolitions are a part of that and I would agree that in those cases that determination, if we taken ownership and we're going to demolish or we've condemned it and ordered it demolished by the owner, we would all be better served to have the utility service disconnected on those properties. Again, there's a notice requirement. It is not as if we say it and the utility goes and disconnects it. They notify the property owner who has the right of redress through the utility or the public utilities commission to prevent that shut off if they can adequately secure the property. One those properties that are going to be demolished, it makes sense that we would want to have utility service shut off sooner than later.

Councilwoman Jones – Thank you for answering my question because I was going to ask if you do notify the property owner first. How much time after you notify the property owner will this process take affect?

Director Frey – I did not bring the administrative code sections with me. They are spelled out by the State that the utility company has to give notice and I don't know what those periods are. I suspect they are at least two weeks unless it is an emergency. This wouldn't come into play in the case of an emergency, but I would anticipate from looking at that code that it was a two week period that they had to give notice. The utility company would give notice to the homeowner, to the property owner.

Councilwoman Jones – How much time after that?

Director Frey – As soon as they can get a crew out, they would do that, they would shut it off. We'd like them to shut it off on day 15, if it was a 14 day notice; that was the whole point in sending it to them. I don't know how quickly they will have crews that would be able to do that.

Councilwoman Jones – I just wanted to clarify this for me, the ordinance reads, vacant structures, that means commercial and residential properties, right?

Director Frey – Yes.

Councilman Van Ho – Councilwoman Minarik brought up the idea of going into the structure. It would not be city employees doing this, it would be utility company employees going in to get their property, i.e. the meter?

Director Frey – After the notice, yes. We're not disconnecting the service or taking out the meters.

Councilman Van Ho – We would have no liability at that point.

Director Frey – We don't, no.

Councilman Gilliam – My question was asked and answered, thank you.

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

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

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

Nay: Minarik

Passed.

Ord. 71-2010 (102-10) Purchase Fire Pumper

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 Custom Pumper in an amount not to exceed four hundred twenty-five thousand dollars (\$425,000). (Sponsor Councilman O'Neill by request of Fire Chief)

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

Chief Cosgriff - This legislation if approved would allow us to replace our engine 3 located at Station 3 at 260 & Lake Shore Blvd., which is a 1992 Sutphen pumper. This vehicle in my opinion, has exceed its useful life and at the very least should be moved to a reserve apparatus status. This vehicle is not equipped with an odometer, old engine 3, but it does have an hour meter that shows in excess of 12,000 hours. A bigger concern is the exposure to 18 years of northeast Ohio winters and the corrosion that creates.

We have budgeted for replacing engine 3, in the 2011 capital budget, but as you know there is a long build time for a fire truck such as this. In addition, if this is approved tonight, there is a very good chance that we can equip this vehicle with an engine that meets the 2007 emission standards instead of the 2010 emission standards. For diesel engines manufactured after 2010, the government has enacted stricter emission standards and the EPA requires the vehicles to maintain a urea tank that is used to scrub the nitrogen oxide out of the exhaust. By purchasing a pre-2010 engine, we can eliminate this additional expense and save approximately \$20,000 from the cost of this vehicle.

Another one of the changes we have made with this new vehicle is when we were writing the specs, we wrote specs so that the vehicle will have a 750 gallon water tank, giving us a 50% more water supply than we carry on our other trucks. This extra water supply is significant while we are operating with less fire fighters on duty. One of our priorities while operating at a working fire is to establish a water supply, but obviously it takes manpower to accomplish this. This extra 250 gallons of water could make the difference between effecting a rescue or knocking down the fire on the initial attack.

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As far as pricing is concerned, this vehicle is listed on State bid. We do not need to go out for formal bids. We have written into the contract that we will not take delivery of this vehicle prior to February 14, 2011. I ask for all of your support and if I can answer any questions, I'd be happy to.

Councilman O'Neill – I do support this legislation. The only question I have is, will you be coming back for any ancillary equipment for that apparatus and do you have a dollar figure?

Chief Cosgriff – This is for the vehicle only as was the case when we purchased the ladder truck. We found that if we go out to separate vendors we get a much better price and a much better guaranty on some of the equipment. This is for the truck only. We're anticipating that we will have some equipment that we can take off of old engine 3, but I will probably guess somewhere in the ballpark of \$35,000-\$40,000 additional when we get this vehicle.

Councilman O'Neill – By purchasing or by getting the grant for the hook and ladder, this puts us a little bit ahead of the capital improvement replacement schedule, correct?

Chief Cosgriff – Correct.

Councilman O'Neill – Roughly a year ahead of schedule?

Chief Cosgriff – That's correct.

Councilman Gilliam – Chief Cosgriff, you said this was projected in the 2011 capital budget. If this was approved tonight, Director Johnson, you might be able to more appropriately answer this question; if it was approved tonight, you would have a lead time to build this machine, you would take ownership in February 2011. Would any money have to be drawn down out of this capital budget for this year, or we'll make payment upon receipt of the actual equipment?

Chief Cosgriff – The contract calls for payment upon receipt of the truck.

Councilman Gilliam – We wouldn't expend anything until 2011 out of the capital budget for this piece of machinery.

Chief Cosgriff – That's correct.

Councilwoman Jones – Chief Cosgriff you mentioned that the truck will be 2007 emissions. Are we going to have a problem, let's say 5 years down the road with the 2007 emissions and not being a 2010?

Chief Cosgriff – I don't see any problem with that as long as it meets the standards when it is put in service, it is my understanding we're good for the life of the truck.

Councilwoman Jones – Even though it is not at the current emission status?

Chief Cosgriff – That's correct. They are able to sell these engines that have been manufactured, even though they do not meet the 2010 standards.

Councilwoman Jones – I'm sorry, can you say again, what is the difference in having the 2007 emissions instead of the 2010?

Chief Cosgriff – There's a stricter standard for the engines manufactured after 2010. In addition to that, there is a standard that says they have to install an extra tank on the truck itself that would carry a chemical called urea. It is a system where this urea would be injected into the exhaust, they say it scrubs the exhaust to eliminate the nitrogen oxide that is in diesel exhaust. If we were to buy a truck with a 2010 engine, we would also have to maintain a urea tank, probably at city garage. It is just an added system that is put on this truck, it is a relatively new system, but it is just an added expense.

Councilwoman Jones – It doesn't help elongate the actual truck itself?

Chief Cosgriff – No.

Councilman Langman – Is there any experience with these new engines with the nitrogen oxide emissions?

Chief Cosgriff – I wouldn't be the person to answer that question.

Councilman Langman – The reason I bring it up, I understand you want to save us the \$20,000 but on one hand we're going green, on the other hand we're going to get by with a dirty engine. I don't know how everybody else feels, but if the technology is reliable then I think we should try to make every effort to be greener with our equipment, especially with exhaust. I don't pretend to speak for my colleagues, but I don't see it as a big selling point that we're going to get an older, dirtier engine to install.

Chief Cosgriff – The only point on that is someone is going to buy that engine. That engine is going to be put in service on a fire truck that's going to be running somewhere.

Councilman Van Ho – Chief could you address the issue the resident brought up about the concept, either pro or con, on regionalization or sharing of this expensive equipment like this truck?

Chief Cosgriff – As I have said in the past, I believe the fire service has moved forward as far as regionalization in our mutual aid agreements with other cities. This is a truck that goes on 7-8 runs a days. We need it to be in our city to get to the scene quickly and be able to put the firefighters to work that are on the truck. Without question, there is not an over abundance of fire trucks in the area. They all need to be able to get to a certain area, within a certain amount of time and get to work. I don't see us sharing the cost of a pumper with other cities. I think other cities would be reluctant to do so.

Councilman Van Ho – I concur, but I just wanted to hear it explained so that the citizens could understand why we weren't sharing an almost half million dollar truck.

Councilman O'Neill – Chief Cosgriff, I've said this in the past and it pertains to the EMS units which typically run about 75-80% of the call volume in the city; certainly those are things that need to be rotated out on a regular basis. Specifically to this engine, it applies to whether it is a police car, EMS unit or fire truck, they have to start every time. They have to be reliable and to minimize the downtime on maintenance, you talk to the Supt. of Motor Maintenance, he can tell you the amount of effort, time and money that is spent on fire apparatus due to the age of the apparatus, it becomes costly to the city.

Certainly a pumper in this city and Euclid is one of the busier cities in the area, 18 years is a long time for a frontline pumper, typically they're 12-15 years. Even at 15 years they're in retirement or they're either gone or in reserve status. We've gotten our money out of the current engine. I can tell you from personal experience from being a firefighter for 27 years in another busy city that you need to get frontline equipment and rotate them out when they're still serviceable and this is what the people in the City of Euclid pay taxes for, for emergency services to respond in a reasonable amount of time. This is not an unreasonable request for this pumper. We should see 12-15 years of frontline life out of this piece of apparatus before it goes into reserve. I urge my colleagues to vote for this ordinance.

President Holzheimer Gail – Director Johnson, you don't have any concerns of allocating this money at this time? I know it was part of our five year capital budget, just wanted to confirm that.

Director Johnson – That's correct and that's one of the advantages of doing the five year plan so that we know in advance what our expenditures are going to be in the future.

Councilwoman Scarniench – I just want to make sure everybody understands, this is permanent improvement money, it cannot be used for salaries, it can only be used for equipment, things like this.

Councilwoman Jones – Chief Cosgriff, when we replace equipment like this, what happens to the old, do we get some type of rebate for the scrap material or anything like that?

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Chief Cosgriff – Typically it is sold on govdeals.com for a song. It is really not worth much at this point in time.

Councilwoman Jones – What would somebody want to buy it for the old one?

Chief Cosgriff – Somebody who would want to refurbish it, I don't know why anybody would want to buy it to be honest with you.

Councilwoman Minarik – This will be coming out of next year's general permanent improvement, not this year's, correct? How many pumpers do we currently have, frontline and reserves?

Chief Cosgriff – Currently we have four.

Councilwoman Minarik – We have four pumpers; we have three stations. The one that is in reserve now is in worse shape than this one? Or, is this the reserve pumper?

Chief Cosgriff – No, this is a frontline pumper. According to the Supt. of Motor Maintenance, Engine 6, which is at Station 2, is in worse shape than Engine 3.

Councilwoman Minarik – But we're replacing the pumper that's at Engine 3?

Chief Cosgriff – This is to replace Engine 3.

Councilwoman Minarik – But you just said the pumper at 2 was in worse shape?

Chief Cosgriff – No the reserve pumper Engine 6.

Councilwoman Minarik – This current one will go into reserve and we'll dump the other one?

Chief Cosgriff – I'll go with the suggestion from Motor Maintenance which vehicle he would want to keep.

Councilwoman Minarik – Then you said the pumper makes 7-8 runs a day, but that's not for fires, that's for EMS?

Chief Cosgriff – That's total.

Councilwoman Minarik – Primarily for the EMS then?

Chief Cosgriff – It's probably 3 to 1, EMS. That's if they're needed. We send engines on a ACLS call, critical calls.

Councilwoman Minarik – I am concerned that for \$25,000 we're going to not keep the environment cleaner because I hate the diesel engines and how they pollute the environment. The next question is \$425,000 for the vehicle only. What is the estimated additional cost to outfit the truck, and that would come out of 2011 too, correct?

Chief Cosgriff – Yes. It depends on what equipment we can salvage off of Engine 3. We were talking about \$40,000 for equipment for the ladder truck which carries a significant more equipment than an engine does, so it would be less than that, I would guess in the \$25,000-\$30,000 range.

Councilwoman Minarik – The only reason you're asking this at this point in time because it is coming out of next year's budget is because of the timeframe to build the truck?

Chief Cosgriff – That's correct. The ladder truck we ordered a couple of weeks ago will not be ready until December of this year.

Councilwoman Minarik – The extra \$25,000 for the cleaner engine, is that a problem for the 2011 capital budget, Director Johnson? If we went with the cleaner version?

Director Johnson – At this point I don't think it will be. We'll probably have to fine tune and refine 2011 when that comes which is what we've done. I don't see \$25,000 as being a deal breaker here.

Councilwoman Minarik – I would feel more comfortable with that. I know the technology may not be perfect and everything else, but I know somebody else is going to have the current truck, but maybe it will be in Idaho or something like that. Euclid is pretty congested. Thank you.

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

Passed.

Ord. 72-2010 (073-10) Regional SWAT Team

An ordinance authorizing the City of Euclid to enter into an Agreement for the Interchange of Police Personnel, Equipment and Services with the Cities of Shaker Heights, South Euclid, and University Heights for the purpose of affording additional police assistance and protection through the interchange of the services of the respective Police Departments and use of police personnel and equipment within the Participating Cities. (Sponsored by Councilperson O'Neill by request of Police Chief) (From Safety Committee with no recommendation for passage)

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

Chief Repicky – I would like to address the questions first from the audience. As far as the manpower from Euclid, that would be a formalized agreement once we decide on the size of the team every city will be mandated that amount. It is stipulated by population and the size of the police force. It is based on the HASRT formula of the Fire Dept.

As far as OT, you never know when we're going to use the team. We try to build in over time, so hopefully depending on our use in our city and the other cities we'll be okay with that.

We do have an excellent team, I'm not denying that but I think regionalization is the way to go. Training is the key and it will take time to mold the team. We have these four cities together for a reason and I think it is the way to go as far as regionalization for our SWAT team.

We had a meeting last Tuesday with our current SWAT team members, I did. We talked about the budget and our current state grant that's good until the end of the year. The SWAT team had questions on the selection of the team, the team commanders, equipment, hosting a SWAT school in the fall and tactical concerns. We will keep our team in place during this transition period of this ordinance is approved tonight and will be a full functioning team for the City of Euclid. If there's any other questions?

President Holzheimer Gail – There was the one question about the liability?

Director Frey – If you look at the legislation that we drafted, it gives some flexibility to modify the agreements, both the agreement between the communities and the memorandum of understanding. We have not had any follow up meetings with the four communities subsequent to the Safety Committee meeting. I'm certain the Chiefs will be, depending on the outcome of that this evening, will be wanting to get those meetings up, that would be the appropriate time to talk about it. I know we have had discussion in one of the earlier sessions about the organization itself carrying liability insurance and I'm guessing that would be the way to go. We do not carry the insurance, we would maintain our self-insured status, but that does not mean that part of the cost of operating EDGE couldn't include insurance to cover it, both from a liability and a professional liability issue. That would be the appropriate time and this legislation gives us the authority to make those kinds of modifications if need be.

President Holzheimer Gail – We did have a full Safety Committee, thank you Chairman O'Neill and thank you Chief for getting back to us with the feedback from your meeting and thank you to Officer Nivitsky who also got back to us with their report as well.

Councilwoman Scarniench – I was going to say the same thing. I was one of the people who wanted this to go to Committee because we didn't have enough time to really understand what was going on. I appreciate the Chief, I appreciate the SWAT team and everything. I am very happy that they've sat down and worked out some of the issues and they guys are all going to be part of what's going on. I think that's very important in anything that we do in the city, that everybody knows what's going on when it is necessary. My support will go behind this, absolutely. I look forward to looking at new and exciting things and being the first on the east-side to be able to do this program.

Councilman O'Neill – I also support this legislation and thankful that the Chief had the conversation with the SWAT members and that dialogue has opened up. I'm sure the Chief will be soliciting input from those SWAT officers as far as selection process and the training and what needs to be inputted to the regional team. Chief thanks for putting this together.

Councilman Gilliam – Just a couple of questions for clarification. Director Frey, if you do have a draft that talks about the agreement for the interchange of police personnel, police equipment and police services. Section 10, it clearly states that any purchase exceeding the total of \$25,000 shall be competitively bid and require approval of proper authorization, legislation, by each participating cities council. If it is less than \$25,000 how does that situation play in with EDGE?

Director Frey – Under the Ohio Revised Code, an administrative agency can make purchases without legislative action up to \$25,000. This City Council amended the ordinance for the City of Euclid several years ago to raise its spending limits before Council action was required to \$25,000. The other communities, if they needed to would have to take similar legislative action. The day to day equipment needs would be purchased without, one of the communities would serve as the fiscal agent. If it was Euclid, let's say, those would be coming to Board of Control for authorization because we'd be the fiscal agent paying those invoices for the entity. If it was more than \$25,000 legislation would be on your agenda authorizing that. If the four communities didn't all approve it, then that couldn't go forward. You do have ultimate financial control over this City of Euclid's participation in this entity.

Councilman Langman – Chief Repicky, I had asked initially about Richmond Hts., can you tell a little bit more about them belonging to this SPAM unit; what is that and what's been those communities experience with this organization?

Chief Repicky – SPAN is probably about 7-8 cities, Highland Hts., Richmond Hts., Mayfield Hts., Mayfield Village, Gates Mills, I don't know all of them but there's about seven, and they have been doing it for over 20 years. It has been very effective to pool resources for those cities. Bedford has what they call a SEAL team; another 6-7 cities, Bedford Hts., Bedford, Warrensville Hts., Maple Hts., Garfield Hts.

Councilman Langman – So we're really in a way catching up to these other communities that have already pulled their resources together.

Chief Repicky – We're like the third horse, we're not at the front yet, we're working our way to the front.

Councilman Langman – Director Frey, just one question about liability which I failed to ask previously. If an officer from Euclid is hurt while conducting their duties as part of this unit, would again, that be our liability as far as worker's comp goes?

Director Frey – Yes it would and that's true with our firefighters in that regional team. It is true if we have officers out on a mutual aid call, we maintain the responsibility for worker's comp in any of those events. This isn't any different.

Councilman Langman – There does seem to be many issues that haven't been nailed down completely and I understand that you can't have everything ready to go. Will this City Council see an addendum to this understand, or a more formal agreement that does spell out some of these administrative issues?

Chief Repicky – Hopefully within the next three months we'll iron out manpower size, budget size, and the like. Tactically you probably won't see that, operations.

Councilman Langman – My question is, does anything have to come back to this City Council for further approval?

Director Frey – It is not our intention to require additional approval by Council, other than from a budgeting point of view. You will have to approve an annual budget.

Councilman Langman – Was there any though given to having this agreement for a set period of time and then review the success or the progress of this organization?

Director Frey – We established this for a three year period and the communities have the ability to dissolve it as well; or the community has the ability to withdraw from participation if it is not in that community's interest to maintain the relationship. Our initial intention was to have this run for a three year period.

Councilman Langman – Do I see it in the legislation? I may have overlooked it. I know it is in the Memorandum itself.

Chief Repicky – It is under the agreement, first page, third paragraph.

Councilman Langman – But it isn't in the actual legislation?

Director Frey – No, it is not.

Councilman Langman – Should it be?

Director Frey – The legislation adopts the agreement, so it is effectively there.

Councilman Gilliam – I think you've answered most of the information about liability. I just want to point this out for the record. Under the agreement, Section 1, the second page, starts off, the calling party which issued the call shall not be liable in any manner or event for damage to or loss of equipment or injury or to death of personnel, which maybe suffered by a responding participating city and/or its personnel while answering the call. It clearly states what each participating city was responsible for.

Clearly I understand this. My only concern with this and this is something you can look at in the future when you're sitting down with the other cities is that it clearly states that the calling city doesn't have any liability and each participating city that is involved in the call has their own liability based upon their performance and based upon their actions. My concern is that if Shaker Hts. calls us and let's say South Euclid does something that could be deemed as excessive, can be deemed as out of protocol, does South Euclid at that point, possibly have a liability from the particular home that they entered or the public that they interacted with and that is my concern about this one piece right here. More importantly if Euclid were to go in to do something, and a resident or the public says that Euclid violated, it would indemnify Shaker Hts. because we were in Shaker Hts., but would that make us liable for any law suits. That's where my question of indemnity comes from. I wanted you to just make that clear because that has to be addressed because I didn't want to have a situation where any police officer actions can be misconstrued and it is not clearly stated in this particular agreement or MOU.

Director Frey – The intention here is that the City of Euclid is responsible for its officers and its equipment acting within the boundaries of the City of Euclid or acting outside. It really is not a difference from what exists today. We have a police pursuit case that we were an ancillary department responding to a Lake County department's call for assistance. There was a traffic accident, the fleeing suspect hit a car in East Cleveland. We're named, the suspect fleeing the vehicle is named, the Lake County agency that initiated the chase is named. Nothing different than what happens today. This agreement doesn't change that standard relationship. When we sent our SWAT team to Pittsburgh, we were responsible for the welfare of those officers while they were in Pennsylvania and the G20 Summit. If someone had gotten injured, it was our worker's comp that covered it. When we sent the team to Case for that situation and it was our city worker's comp coverage and liability coverage that was responsible. This really memorializes what already exists.

Councilman Gilliam – That existing as it stands, if someone said a Euclid office beat up my son in a South Euclid home, it would be the same as if they were in Euclid as far as the responsibility and liability?

Director Frey – Absolutely.

Councilman Gilliam – I just wanted to make that clear and you have clarified that for me. Thank you.

Councilwoman Minarik – Chief a couple of questions that I'm not clear about this. Will this program begin when the participating cities have trained officers; or does it begin in 30 days? That's the first question. The second question, I'm still confused as to what the primary benefit for Euclid is in entering into this agreement? Third question is, in the past how did Shaker Hts., South Euclid, University Hts., handle emergencies of the nature that are in this? Another question that was not addressed, the resident had asked, when we send an officer into one of the other cities and we have to replace them on the street, our city will pay the overtime for the Euclid officer filling the SWAT officer's spot. I would like to know if that's true, that we pay for that. Another question, when we did go to Case and to Pittsburgh, Case and Pittsburgh pay us for the use of our SWAT people? A resident had asked me if there is a central meeting place when there's an emergency, do the officers all meet at one place and then go to where the emergency is? What is the estimated time of arrival from Euclid to say Shaker Square if there's an emergency? The other question a resident asked, will the planned Euclid raids go down if we enter into this agreement? That's all my questions, did you get them all, do you need any repeated?

Chief Repicky – I'm running out of ink but I got them all. First question, when to begin, it is when the other cities agree. If this Council agrees to it tonight, we'll start forming a team as far as picking a commander and any assistant commanders and the selection of the team. Our team will still be in place. It will take at least nine months to a year before the team is functional on its own.

The primary benefit is financial and expanding our resources. Like I said before, Councilman Langman asked, we're not the first to do this, we're probably about the 6-7 in the County. I think it is long overdue and we'll be able to spread our resources. Like the Sheriff said last Wednesday on TV, he didn't mention us, but he mentioned Shaker and South Euclid, but he's looking at a regional narcotics unit and that's what we're looking at, pooling our resources, because manpower is not getting any higher, if anything it is stagnant.

The other cities in the past used their SWAT team until they couldn't function any more. I think they might have an agreement with a couple of other cities now for mutual aid like we had with South Euclid.

Call in officers, we would probably call them in, especially if it is an uncalled raid versus a planned raid. The Case Western we did not get paid for but Pittsburgh we did get paid for cash, no it was a check.

Tactical meeting, I'm not really going to get into that. It is up to the operations commander on where and when depending on where the site is. Depending on where it is at, there is probably going to be a couple officers working anyway so they'll be able to secure the area and the officer that are on the scene and then wait for the SWAT team to arrive on the scene.

As far as the Euclid raids, as I stated in the Safety Committee meeting, it is up to me as far as if we want to use them for narcotics raids or not, there's other ways to skin the cat. I think to send a message to the drug dealers and the residents of this city that they're entitled to protection and we're not going to tolerate drug activity in this city. I think it sends a clear message to the drug dealers, this is not going to be acceptable.

Councilwoman Minarik – If you have planned raids and one of the cities calls in an emergency, is our city first in terms of we will still go ahead with the planned raid, or you'll send them off to the other city because there's an emergency?

Chief Repicky – We have to weigh it out to see. If the team is big enough, we might be able to do both at the same time, I don't know.

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Councilwoman Minarik – We will be paying the overtime to replace the officer that goes off into the other cities?

Chief Repicky – Yes.

Councilwoman Minarik – If this takes effect, then our SWAT team will be the only team taking part because you said it takes 9 months to a year for the training?

Chief Repicky – It will be the functional team at this time but, like I stated, we'd like to have a school in the Fall for all the new team members, so everybody will be trained on the same page.

Councilwoman Minarik – Until then, our guys are the only ones doing the work?

Chief Repicky – Yes.

President Holzheimer Gail – For our city.

Councilwoman Minarik – No, I'm asking about all four cities.

Chief Repicky – We'd still have the South Euclid agreement, but the other two, no. I think they have mutual aids for the other cities.

Councilman O'Neill – When we send fire apparatus in other cities on a mutual aid and there's a long stand and we have to backfill in Euclid, do those cities pay us the overtime for those firefighters?

Chief Cosgriff – No, they do not.

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

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

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

Nay: Minarik

Passed.

Ord. (096-10) Amend Code Graffiti Removal- Pulled

An ordinance enacting Section 529.08 of the General Offenses Code of the Codified Ordinances of the City of Euclid to require that property owners remove graffiti from their property within 72 hours of receiving notice from the City, or the City will remove the graffiti and assess the cost to the property owner. (Sponsored by Councilpersons Scarniench, Gilliam, O'Neill and Van Ho) (From Safety Committee with recommendation for passage)

Councilman Gilliam moved for passage, Councilwoman Scarniench seconded.

Director Frey – I know that earlier today we discussed some prospective changes to this legislation. With those proposed changes if you or a member of Council wants to move them, they would certainly satisfy the city administration. Our point in this is trying to follow the protocols that we've established with the grass and other nuisance abatement activity. Recognizing that graffiti clean up or removal may take more time than getting your grass cut or getting debris removed from a commercial property and so forth. We've recognized that by adding 72 hours as opposed to our typical 48 hours clean up period. That time would start from the point in time that notice was given to the property owner, just like it does in the grass or other nuisance activity, we give a notice, we give a time period for compliance. We indicate in that notice if compliance is not had within the timeframe given the City will take action to abate the nuisance. One of the recommended changes that I agree with, we actually talked about it earlier today in the Directors and Chiefs meeting, was to develop some type of a hand out that would be given out at the time of a notice was given with products and methodologies that we found in our graffiti removal to work on different surfaces. So this chemical or this approach we've had success with on this building material, whether it is brick or painted or metal surfaces so we can

give some assistance to the business owner or the resident who is making a good faith effort to get the graffiti removed. That was one of the recommendations that we add to the legislation tonight and we certainly would agree to do so.

I also want to point out in Section D, under 529.08 establishing the protocol and the fee schedule will be the Director of Parks & Recreation. I'm not sure, we had a little brain cramp when we put in Community Service and Economic Development. It would actually be Parks & Rec who has been charged in our task force with the clean up of the graffiti. Director Will will, working with that task force which includes Building, Housing and Police, along with Recreation will work on putting that protocol together.

The important message here is graffiti has to be removed and it has to be removed as quickly as possible. We think 72 hours is enough time, after which it has to come off, if it has not been done by the property owner, we're going to have to step in and get it removed. To leave graffiti for whatever reason it was put on, it was somebody's idea of art, if it was a message, neither of those can stand and we have to act. It is the most effective tool in the arsenal to combat graffiti is the prompt removal of graffiti. I know in our city properties we try to handle those as close to the same day they get reported as is possible, but the Rec Dept. is out trying to clean those surfaces. I'd ask for your support.

To the Council President, do you want to move the amendments, or do you want to me read what we proposed?

President Holzheimer Gail – What I had talked to the Law Director about because I know there was concern about the requirement to bill people was the real thought is to get it cleaned up quickly and not wanting to penalize residents who didn't necessarily ask for it. One was to provide instructions with the citation and that would be appropriate in Section B to add a section at the very end, with instructions for best practices for graffiti removal or something along that line.

The other piece in Section D would be changing the word shall to may and changing fee schedule to protocol and fee schedule established by the Director of Parks & Rec. That being said, we would have to have a protocol in place for when we will bill people, not automatically billing everybody in every instance. It would provide some leniency in that way and I think it is important to provide instruction so we're just not giving a citation, there are best practices, there are effective means to pretty easily remove graffiti. The Parks & Rec Dept. also have people that are available to do that at a nominal fee and I don't know if we want to get into doing that, but if we then have to do it, we do have contractors. I think that makes it a little easier to get the point we want to get across, but also not be an extra burden on the residents.

Councilman Langman – What you described makes me feel a little better because what I'm reading right here is we are punishing the victim, I can't support that. There are many cases, especially when you have an elderly resident that obviously they didn't ask for any of this and we're going to send out citations, make them do something in bad weather, inclement weather, graffiti pops up at anytime. I don't know how many amendments you all discussed, but perhaps maybe pull this and revise the legislation and we can talk about the entire thing before the next council meeting and approve it all at once.

President Holzheimer Gail – Is that what people would prefer? Councilwoman Scarniench is the sponsor. Pull it or table it?

Councilwoman Scarniench – I'll make a motion that we table it until our next meeting so we have the amended version.

Councilwoman Jones – So the Parks & Recreation staff, if they have to go out will be doing the clean up work?

President Holzheimer Gail – They do it on public property at the moment. But they have contractors available that they call when they can't do it. We'll get all these questions answered and get it back to Council.

Councilwoman Jones – My question is, if we're instilling this 72 hours, that may mean there maybe more opportunities that they need to go out and do this. I'm just wondering if the Parks & Recreation staff equipped enough to be able to handle what maybe additional opportunities for graffiti removal. I know they do it now, but we don't have this process in place now to be able to

Mayor Cervenik – We can work that out under the amended program, but we feel confident it is not just the Parks & Recreation Dept. doing it, sometimes it is the Streets Dept. out there doing it. It is extremely important that we not let it exist for 72 hours so we will fine, that has to be a priority. If we have to pull off of something else we're doing to take an hour or so to get rid of the graffiti, in that 72 hour period, we will do that. That's how strongly the administration feels and the Police Dept. as well about the damage that graffiti can cause. Let us do the amendments and we'll get it back to you in plenty of time before the meeting.

President Holzheimer Gail – I'm going to ask Councilwoman Scarniench to pull the legislation so a new version can come back.

Councilwoman Scarniench moved to pull Ord. (096-10) Councilman O'Neill seconded.
Roll Call: Yeas: Unanimous. Pulled.

Ord. 73-2010 (098-10) Purchase Catch Basin Cleaner

An ordinance authorizing the Director of Public Service of the City of Euclid to enter into a contract with Jack Doheny, 777 Doheny Court, Northville, Michigan 48167, for the purchase of a Debris Body for Sewer #218, Sterling Catch Basin Cleaner for use in the Streets and Sewers Department at a cost of Forty Five Thousand Four Hundred Forty-five and 94/100 Dollars (\$45,445.94) (Sponsored by Councilperson Wojtila by request of Service Director)

Councilman Wojtila moved for passage, Councilman Van Ho seconded.

Director Smith – I am requesting your approval to have the containment one, 1998 Sterling Catch Basin cleaning machine replaced. The existing body has been repaired on several occasions and it has become worn and to thin for additional repairs. Three quotes were obtained for this work with Jack Doheny Supplies being the lowest of the three. This price includes the vessel along with the installation. All work is to be completed by July 5th. Thank you for your consideration in this matter and I'll be happy to answer any questions that you might have.

President Holzheimer Gail – This is part of the 2010 capital budget.

Councilman Wojtila – Just to knit-pick, Section 2 we refer to it as the capital budget and the other legislation referred to the general permanent improvement fund. It would nice to be consistent in the future.

Mayor Cervenik – It is the same.

Councilman Wojtila – It would be nice just to refer to it as the general permanent improvement.

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

Councilman Langman 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. 74-2010 (099-10) Praxair Control WWT Plant

An emergency ordinance authorizing the Director of Public Service of the City of Euclid to extend the current 10-year Praxair Contract (Contract #4230) with the Wastewater Treatment Department for the generation of pure oxygen for an additional five (5) years, commencing March 1, 2010 and ending April 30, 2015. (Sponsored by Councilperson Wojtila by request of Service Director)

Councilman Wojtila moved for passage, Councilwoman Scarniench seconded.

Director Smith – May, 1999 the city entered into a contract with Praxair for the supply, operation and maintenance of a 15 ton per day vacuum pressure swing absorption facility which provides oxygen necessary for the plant operations. Based upon the successful partnership with Praxair

which includes both cost savings and excellent service, I am requesting your approval to extend the Praxair contract for an additional five years. The new contract will recognize a \$5,000 savings per month over the term. Asst. Supt. John Hall is here and myself and we'll be happy to answer any questions that you might have.

Councilman Van Ho – Where are we figuring the \$5,000 savings from, is that off of what we're paying now?

Director Smith – That is correct, that is off the equipment over the ten year term of the initial contract. Actually it was compensating for some of the equipment and so forth. That expense is no longer there so the \$5,000 is just based on the extension and having some things in place.

Councilman Van Ho – Did we check with any of their competitors to get at least a ballpark of what it would be if we would have taken this out to competitive bid?

Director Smith – I'm not aware that there were any other bids sought for this particular item. What I can tell you is back in 1999 when a tremendous amount of research was done, there was \$175,000 per year in electric savings; \$10,000 per year in water savings and there was a cost of a service contract in the amount of \$156,000 as far as the service contract went. The old system was in need of repairs and so forth. Our relationship with Praxair has been very positive. There's been a lot of conversations with the Waste Water Supt. Gall and Praxair and we felt this was the best direction to go in for all involved.

Councilman Van Ho – Thank you. I would just like in the future to have some type of estimate so we can say okay, if we had went to Lindair or Oxair or whatever, that it would have been approximately this, so we can look at our residents and say yes we are saving approximately "x" amount of dollars.

Supt. Hall – Speaking to that, the system that's actually down there, Praxair owns so if we took that out, we'd have to get a whole new system by another company and we'd be paying whatever it would be at that point in costs again.

Councilman Van Ho – Once again, I'm not questioning your judgment I'm just saying in the future I'd like to see the numbers so that we know, so when residents or competitors ask we've got at least some justification as to why we didn't take it out to bid.

President Holzheimer Gail – This is another example of the cost saving measures that the Waste Water Treatment has taken part in over the last several years, we appreciate that.

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

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

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

Passed.

Ord. 75-2010 (100-10) Auxiliary Police Dinner

An ordinance authorizing the Mayor of the City of Euclid to expend an amount not to exceed Three Thousand Dollars (\$3,000.00) to pay for the annual appreciation dinner for Euclid Auxiliary Police Officers to be held at Tizzano's Party Center on Friday, June 4, 2010. (Sponsored by Mayor Cervenik and Entire Council by request of Police Chief)

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

Chief Repicky – This is our annual dinner of appreciation for our 32 plus auxiliary officers and the 2100 hours they donated in 2009. Some of the hours, one of our biggest details is the Memorial Day parade, our DUI check points, basketball and football games at the high school. I ask for Council's passage of this legislation.

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President Holzheimer Gail – They are an important part of our safety forces and this is a nice way to recognize their efforts.

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

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

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

Passed.

Ord. 76-2010 (101-10) Cleveland Sight Center Jail Meals

An emergency ordinance authorizing the Mayor of the City of Euclid, as Ex-Officio Director of Public Safety, to extend the current contract with the Cleveland Sight Center for the furnishing of meals to persons incarcerated in the Euclid City Jail, effective April 1, 2010 through January 31, 2011. (Sponsored by Councilman O'Neill by request of Police Chief)

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

Chief Repicky – This legislation is before you tonight, we've had two ten year contracts with the Society for the Blind and it expires this month. They have purchased equipment, as far as 2006, updated their equipment and at this time we feel to extend their current contract will save anywhere between \$750-\$1,000 a month by their reduced meal price. The reason I went through January 31st is because of the end of the year it is pretty hard to get contracts through because the budget shuts down about the 15th. I'm asking Council to pass this legislation through January 31, 2011. I'm open to any questions.

President Holzheimer Gail – We are not required to pay for meals we don't need. If we do change the format of the jail, we would not be required.

Chief Repicky – It is an average per day versus a flat fee per day. It is going to save us at least fifty-cents per inmate.

Councilman Langman – I did have a call from a local restaurateur that was interested in bidding on this. Did we accept any outside bids, or did we just stick with the Sight Center?

Chief Repicky – We considered the amount of equipment the Sight Center put in recently in the last three years and since the uncertainty of the jail is unknown, I didn't want to go out for bid so we asked them for a bid and they submitted a reduced cost which will result in savings for the city.

President Holzheimer Gail – The plan will be to go out for bids once we determine the future of the jail.

Chief Repicky – We will definitely go out for bids but not for a 10 year contract.

Councilman Van Ho – Because the Society for the Blind is a non-profit, we do not have to go out for bid, is that correct?

Director Frey – We would go out for bid, I'm not sure what the expected total cost of this contract would be. We would typically go out for bid unless that's not required by City Council on a particular piece of legislation. The fact that it is a non-profit might be the reason to waive bidding, but we would require Council to approve the legislation without competitive bidding for it to be effective.

Councilman Van Ho – This is not governed by the State law?

Director Frey – No, we're not buying off of state purchasing or state contract, correct.

Councilman Van Ho – No, but there is a state law that says, try to use the Society of the Blind for any food and public property.

Director Frey – That maybe, I'm not familiar with that Councilman.

Councilwoman Jones – If the current contract ends in May, why does this ordinance say starting April 1st?

Chief Repicky – We were in contact with them probably late March, early April because we knew the contract was up and at that time they offered to extend it starting April 1st, rather than May 1st.

President Holzheimer Gail – It is at the reduced rate so we see the savings for that additional month.

Chief Repicky – We get additional savings for April.

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

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

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

Passed.

President Holzheimer Gail – That completes our legislation and brings us to the Committee of the Whole the public portion. This is where you may speak to anything for the good of the city. Please state your name and address for the record.

COMMITTEE OF THE WHOLE

Mr. Jeffrey Beck – 25540 Chatworth. This is a carryover from my earlier talk. It's well known that the City's finances are stretched right now. Our residents are now paying for garbage collection and street lighting so the City can balance its budget. At the Safety Committee meeting it was mentioned that we have a confiscated drug money fund that we could use for overtime. Does Council have oversight of these funds? With the added fees and the layoffs we've had this money would have come in handy. I don't remember seeing a line item in the budget on this so I'd like someone to explain it. If there is a line item on this then the money's been accounted for. It couldn't have been used for overtime for an organization that didn't exist at the time so I was just wondering if somebody could explain that. Thank you.

Chief Repicky – Okay one thing I wanted to review is our current grant will pay for overtime on the regional SWAT and hopefully we'll be able to apply for all four cities. But with that in mind our drug money is to be used the Police Department for activities within the Police Department. Can't use for salaries, use for overtime and equipment. That's basically it and then there's two different accounts. There's a federal account and a county account that has to be separate money. Federal account has to earn interest. Interest bearing account on the county does not. That's basically an overview of the drug money.

Mayor Cervenik – If the expenditures exceed \$25,000 City Council has to approve it. If it's over \$2,000 the Board of Control must approve it so with it follows the same restrictions as for expending that money as other expenditures in the General Fund there is just restrictions on what the Police Department can use that for.

Ms. Patty Burlingham – Good Evening. 25211 Lakeshore Boulevard. Seems Friday May 14 is going to be very busy evening. There's the Boys League and the Rally for Life. Also the Euclid Pet Pals is having their 7th Annual Bark-B-Q Dinner; a barbecued rib and chicken dinner with all the fixings. Chinese auction prizes, 50/50 cash raffles. We have been very successful at these over the years. They're hosted at the Manor and they usually raise enough money to pay the medical bills for the animals at the Shelter for a couple of months. So I do have tickets with me tonight in case anyone can go. We'll be helping to sponsor because I'd like to see the Mayor with a shaved head. Maybe we can get the groomer who volunteers her time at the Shelter to shave some of the dogs too. But this is \$30 each and it's available at the Shelter or any of the volunteers that may carry tickets with them. Thank you.

Mr. Marcus Epps – 590 East 222nd Street. I for starters I'd like to say I attended on Friday the Arbor Day Celebration outside the Library. It was a huge success. It was my first Arbor Day that I've ever been too. The tree and the memorial that is there for Mr. Tomko is nice and I agree having the scouts there and that buckeye tree it looked a little better than the tree we planted but they're both good looking trees and it was a nice celebration.

I attended also on Saturday night a the first annual show choir festival at the High School and Maxine Heidmann is the director and she has entered the Varsity Chorale in a something Fox 8 is doing. It's called Gleeveland Rocks for Glee Clubs and I guess over a hundred groups were performed on Fox 8 in order to get this slot. They chose eight groups and out of those groups Euclid was selected that's always a plus. We always want to plug the positive. Our kids do a lot over at with Varsity Chorale and work real hard throughout the year so I think this is a good opportunity for them. I know she has forwarded some information to the Mayor's office. I tried to forward some information to as many as the Council Members as I could today as well. For this I would like for you to take this opportunity to let the residents know about what's going on and I'll just briefly explaining then you guys can do your stuff to plug later. It's the voting starts this Friday. The voting ends on Wednesday. You can go on every day and vote. Vote as many times as you can and that's how they're choosing the winner. The winner I believe gets \$1,000 cash another showcase on Fox 8 which would be good publicity for us and exposure for the group as well as for Euclid City Schools and with a lot of the negative stuff we hear most of the time we always say it's good to take advantage of the positive and this would be a great opportunity. So I think she's trying to get Friday night declared as vote for Varsity Chorale night. I don't believe that that's possible today or Monday. It's far too late to get the information out. However residents do watch and I meet a lot of people on the streets that say they watch so if you guys could go online to Fox 8 's website and look under Gleeveland Rocks and vote for Euclid High School's Varsity Chorale and go on anytime. A lot of us sit online a lot so just go on and click as many times as you can. I would love to see Euclid High School's Varsity Chorale win. I also have the videotape of their initial performance on Fox 8 that won them the slot and she asked me if I could forward this onto the Mayor but she needs it back so I'm not sure if you'll work that out with her but okay. Great. Thanks a lot.

COUNCILMEN'S COMMENTS

Councilwoman Scarniench – Okay we'll do this quick then. Just some public service announcements. The Euclid Hunger Center is having their fundraiser coming up on May 20 from 4:30 to 6:30 at Paradise on Babbitt Road. For \$15 you get cheeseburger sliders, a pile of fries, and a margarita. Beer, wine may be substituted. If you'd like tickets you can call Kristal at 289-8449.

On May 10th from 3 to 4 our representative from Congresswoman Fudge's office will be here in the lobby. She will be able to assist you with any questions or concerns you have at her level and I'm told she will be here every second Monday until further notice. So that's from 3:00 to 4:00 on May the 10th.

I would like to congratulate the seventh grade boys' basketball team from St. Felicitas School. They won the Eastside CYO city championship so congratulations to them

A few other things I'll guess I'll make a comment first. Somebody asked me why I'm doing all these public service things. Well unfortunately we don't have a newspaper and I feel that if we don't publicize what's going on whether it's with the residents or with our businesses who else is going to do it. So I will continue to do this. This week it's Sticks. Cinco de Mayo Friday night after 4 o'clock all the ribs you can eat for \$10. And I think margaritas are \$3 but I'm going for the ribs. So I hope to see some folks there. They're also doing a special over there every time there's a Tribe game on. Wings for 50 cents and starting May 3rd that's today, dollar for 16 ounce draft beer and \$3 for Long Island Ice Teas. Somebody said to me well what if I don't drink and I don't golf. I said well I don't drink and I don't golf but the food is fabulous and the camaraderie is wonderful.

And last but not least, one of the Ward 2 businesses the Triple Deuce Lounge which is at 21970 St. Clair is having their First Annual Rib Cook-Off this Saturday. I believe it starts at 2 o'clock and I will be one of the judges so I'm going to have my fill of ribs over the next couple of days and again go Cavs.

Councilwoman Jones – Thank you Madam Chair. First want to start off by saying thank you to St. Felicitas School. They had a career day on Friday, April 30th. I want to say thank you to the principal, the administration, teachers, and mostly the students of St. Felicitas. It was a great day. The sun was shining. It was a nice warm day out so the City had some trucks up there for

the kids that wanted to participate in the Touch-a-Truck. So you heard a lot of horns and sirens and everything that's what that noise was. It was a great opportunity for kids to get a view of what different businesses, opportunities, and professions there are available.

I also had the opportunity to attend the Euclid Orchestra performance yesterday at Shore Cultural Centre and it was a great performance and to see the kids dancing and doing their performance there was a delight to see as well.

And as Mr. Epps mentioned about the Gleeleveland Rocks he mentioned that there were 125 choirs that participated and Euclid was one of the eight that was selected. In addition to the \$1,000 they mentioned on Fox 8 even though it wasn't on the website that the winner would get a chance to perform in the lobby before the Grease performance. So that'll be an addition as well so get on the Fox 8 website and vote for the Euclid Varsity Chorale. They did a great performance. I saw them on that morning. I usually watch Fox 8 in the morning so I happened to see it and I didn't even know they were going to be on. I was oh that's Euclid. Okay so take the opportunity to vote. Another chance to vote for Euclid school is Forest Park Middle School is was being nominated for a Cool School. So you have you can go onto the Fox 8 website as well and vote for Forest Park being a Cool School. There are three schools that they usually nominate each week. It's either a high school, elementary school, or a middle school. This week Forest Park is one of the three schools that are being nominated so you can do the same thing. Go on the Fox 8 Cleveland website and vote for Euclid Forest Park. When I came before coming to the Council meeting this evening Forest Park was behind in the votes so get on and vote. The voting stops for the Cool Schools Thursday morning at 5:59. So you need to vote before Thursday morning. So you can start voting now for those who are watching at home. You can start your voting now by going into the website.

At the last Recreation Commission Meeting it was unclear when we're going to have next meeting and that will be May 25th at 7 PM the Recreation Commission meeting. So if you have an opportunity to attend that please do.

And the last thing I want to say is tomorrow is an election day for those of you who have voted yet by absentee ballot. Please take the opportunity to get out and vote. There are a lot of important issues as Euclid has some issues on the ballot as well as some important positions at up for your choosing. So please take the opportunity to get out and vote. The polls are open at 6:30 until 7:30 PM. So please if you don't where you're voting location is you can always call the Board of Elections or go on their website to check and see where you vote.

And the Bark-B-Q was mentioned and go Cavs. Thank you.

Councilwoman Minarik – Thank you. Just a few things, I wanted to congratulate the Euclid Police Department for doing a great job Sunday morning in apprehending two car thieves off of Lake Shore Boulevard. It was very exciting to see the cars go whizzing, whizzing by so that was very very good. Thank you so much for them. Saturday, May 22nd East 185th Merchant Association in cooperation with Northeast Shores is doing 185 Alive. This is the second year in a row. It begins at 10 AM with the parade. Our own Euclid band will be featured in the parade. The merchants will have sidewalk sales going on and some of the streets hopefully mine will have garage sales going on. So it's a wonderful opportunity to get out and see such a vibrant part of the City. Again it starts at 10 AM Saturday, May 22nd and then you can go clean up Euclid afterwards.

We do have a newspaper in town. The Euclid Observer was published I believe last week and it's very difficult to find. I guess its flying off the shelves of wherever it's been put. However you can get it online. The Library usually has a copy of it.

And finally I would like to ask regarding the garbage tax. Have we sent out a letter yet? I have not seen a letter to the residents that we were promised that we get a letter explaining the garbage tax. Also when are the bills going out? I haven't seen the bill yet. And third is the Administration working on some form of a Pay T program for next year or does it plan to? Thank you.

President Holzheimer Gail – What was the last question?

Councilwoman Minarik – The pay as you throw program.

Mayor Cervenik – Madam Chairman the newsletter should be going out very shortly to all the residents that will explain the billing procedure. Basically what it is, is that in the beginning of June end of May beginning of June you will receive a \$54.00 bill for the first half of the year. Towards the end of September you will receive a \$54.00 bill for the second half of the year. At this time with the budget the way it is and I see no possibilities of us doing a pay as you throw.

Right now I think there is many inequities as the pay as you throw was raised to flat fee. If in fact we were charging the full cost of garbage fee which would be about \$14.50 a person, a home rather than \$9.00 and \$7.00 for seniors under 20. I might be more inclined to do that sooner but that's a very difficult and administratively could be a very big nightmare and it could also encourage people to throw garbage on somebody else's tree lawn. Drop it off at somebody else's tree lawn on a day that their garbage isn't picked up or their garbage is picked up. So there's a lot of things to that that we have to look into before I would commit to doing that. But that newsletter will be out. It should be on our website. I talked about it on Our Town which I think airs tomorrow. So I think the word is out there.

Councilman O'Neill – Thank you Madam Chair to the people on 214. I think we're turning the corner. I see a smile on Director Smith's face. One side is paved. There's a little bit of a curing process that has to take place but I believe they can walk on it. Hopefully within two weeks or so they'll be able to drive on it and then the process will start on the east side of 214 and that it really heads us from third base heading for home and by July the landscaping should be done and hopefully by this time next year all those bad thoughts of the that the road not being there will be behind us. One quick question to Director Pietravoia, I'm getting some questions about the Marc's Plaza and kind of the progress and if you could just a quick update on where we're at with that?

Director Pietravoia – Sure. Very quick. A sign will be going up tomorrow showing the new façade of the plaza and announcing that the project is going forward. They are hiring the same contractor that's doing Aldi's and Shore Center Plaza. They're going to be staging the construction between those three projects so that the same contractor can have its crews on all three projects this summer.

Councilman O'Neill – That's an exciting, exciting project. It's going to show real progress downtown. We've already had good progress but this is really piggy backing on that and also on the Lakeshore or the car property at the end of Babbitt Road. They will be starting the balance of that plaza once Aldi's is done because they don't want to disturb the beyond the flow of traffic that's going in and out of that place right care to comment real briefly on that?

Director Pietravoia – That's absolutely correct. It's a tough tight situation in the parking so they want to try to get Aldi's completed. Open up that part of the lot again and then start the construction on the balance of the plaza.

Councilman O'Neill – Thank you Director. Thank you Madam Chairman. I'll say good night.

Councilman Wojtila – Thank you Madam Chair. There was talk about a Joint Planning Commission meeting with the Council and the Land Bank are we looking at doing that in May? I guess I'll ask that question and my second question and then you can answer that. And then Director Smith for tending the Fullerwood Neighbors Meeting. One of the things you passed along was the timing of the Lakeshore Boulevard paving. Perhaps you could tell the whole community about that. Thank you.

Director Smith – Madam Chair and Councilman originally the thought that Lakeshore was going to be paved this year. Unfortunately ODOT has moved that back one year so that will be completed in 2011 at this point in time.

President Holzheimer Gail – I don't we have not discussed that Joint Plan that meeting yet. I think we need a little bit of work on the protocols still.

Director Pietravoia – Yes Madam Chair. We'd like to talk to individual members of Council before we set that joint meeting. Our goal is to have it occur before summer recess not only the joint meeting but action on the Land Bank procedure. Councilwoman Minarik knows why I'm saying that.

Councilman Langman – Thank you Madam Chair. To the Administration, at the intersection of 250th and Shoreview there used to be traffic signal and they took it out last year and we've had now four traffic accidents at that location. So short of restoring the signal which all the neighbors would prefer how can we make that intersection safer? Chief?

Chief Repicky – I think the first thing we'll do is we'll put up our speed trailer on 250th and hopefully slow people down. After that then we'll put the real guy there and start citing up for speeding and going through the stop sign but I will check to see how many accidents we've had at that intersection this year and last year.

Councilman Langman – Alright. I've already contacted Captain Brickman and he's still confirming one that happened a couple of Sunday's ago. I know traffic signals are a touchy subject and I know many of us would like them in certain locations. Law Director Frey or maybe Director Smith can you review what constitutes an intersection that for lack of a better term deserves a traffic signal versus one that does not?

Director Smith – Madam Chair and Councilman I don't have that specific information in front of me tonight but essentially there must be nine warrants that are satisfied that is those warrants are published in the manual of Uniform Traffic Control Devices and its recommended that at least one warrant if not one more be met and then it goes on to say in the manual that even though a warrant or more are satisfied. It still boils down to engineering study of the overall traffic patterns. So there's it looks at the peak traffic volumes for eight hours, for four hours, pedestrian traffic, accident analysis, and I don't recall the other warrants that are associated with that. But as Councilman Wojtila had indicated I spoke at the neighborhood meeting and that question had come up there as well. And unfortunately or I should say fortunately it is very calculated as to when a light is to be placed or when it should not be. It's not a matter of public opinion as much as some people would like it to be.

Councilman Langman – Thank you and I would like to wish a very Happy Retirement to our one of our former colleagues Councilwoman Bernadette Walsh a former Ward 3 councilperson. She's retiring after a long career with the Salvation Army. So we wish Bernie the best on her retirement endeavors. There's a very nice article in the current issue of Crain's about local golf courses and our own Briardale Greens is mentioned as one of the courses. They mentioned that it's now under the management of Billy Casper Golf and they also mentioned some of the discounts that could be had at the course. Nice to see Briardale in Crain's. Lot of heavy hitters obviously read this. Myself not included so hopefully that will help generate more business and I'm looking forward to a good season over at Billy Casper Golf.

Finally I would like to wish the Presbyterian Church on Lakeshore Boulevard a very Happy 60th Anniversary. I had the opportunity to speak with Pastor Emeritus Clap and we were talking about various things and he's very proud that in about a five block area there was a Catholic church and a Jewish synagogue and only the Presbyterians are still there. So please stop by the church. They have a lot of great activities and it's a great organization. With that Madam Chair I'll say good night.

Councilman Van Ho – I have one quick question for Director Will. What is the progress on the dog park? It seemed to get off to the side. Can we bring it back up? Keep working on it.

Director Will – Councilman Van Ho we have been talking about that with our Memorial Park Master Plan Committee. They have discussed it and that's where it's at right now. Still in the discussion.

Councilman Van Ho – A couple of other things. I'd encourage everyone to vote for Issue 4 tomorrow that's the Library Levy. Also I'd like to compliment the Euclid Observer paper because I read it and it was very positive about Euclid. There was no shots taken and that's appreciated.

I'd also like to echo Mr. Epps's statements about the Varsity Chorale and Maxine Heidmann. I've had the pleasure for knowing Maxine for several years. Had a child who worked under her in a play and she's just one of those fabulous people who spends an awful lot of hours helping our kids and you see Varsity Chorale. They are outstanding. That's about the only word you can use to describe them.

Only one other thing Mayor is there anyway we can better maybe have Lisa better coordinate the events that are happening because like I know the Euclid Boys League. I believe it's the Boys League that's having a fundraiser the same night as Pet Pals. There are like three or four different ones on that night that any of us could have went to and so it ends up somebody gets shorted and maybe if we could do some type of coordination.

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Mayor Cervenik – Madam Chairman, Councilman that night we have the Pet Pals event. We have the opening of Relay for Life. We have the Boys League and I the event I need to attend is the Rosemary Home in Shannon Garden downtown. Those organizations should be we put on whatever we can on Experience Euclid which has a link from our page. I noticed I think the other day that the Boys League was not on and we did put that on there. So we're doing the best we can. We're not made aware of all the events that happen but we will continue to try. That's what that Experience Euclid calendar is all about. So we ask organizations to continually try and we put on there everything we can but there's a lot of things going on but we'll try. We'll try.

Councilman Van Ho – Just one other thing. Could we start having Executive/Finance Meetings on a regular basis to start looking at the revenue stream or anticipated revenue stream for next year so that we're not in the point like where we were this year when we had to pass the garbage tax in essence to balance the budget to keep our safety forces on. I just think if we start now we'd be better off.

President Holzheimer Gail – Already planned it. We had the Mayor and I had talked about May 19th which is a Wednesday evening and I know there was one conflict already and some requests to change it to the 24th but at the moment let's stick with the 19th unless there's other reasons to change to the 24th. We'll confirm that and get it scheduled but in. I'll talk to you guys after about whether it will be the 19th or the 24th. But in addition to the regular monthly review and we do intend to have a monthly Executive/Finance meeting to review the budget. Both revenues coming in and expenditures but at this particular meeting I would like us to start talking about the long term strategies. Looking at all of the options that we have thrown out as options and starting to figure out which direction we would like to do. We do have also the Consolidated Compensation Ordinance in committee and a presentation from the Law Department. I think that probably needs to be separate meeting. So we will schedule that at another time.

Just quickly on all of the events. We heard about Pet Pals, Euclid Boys League does have a fundraiser that same night May 14th at Tizzano's. I happen to have tickets for anyone who would like one and we can separate all of them Councilman Van Ho. We can I'm sure they'll be happy to take our money even if we can't attend or we can rotate through the events. They are all and it is unfortunate they're all on the same evening but that does happen. It's hard to plan those events and many times they plan them several months ahead of time. But interestingly the Boys League is starting. We do have two teams this year for the first year. A U9 and U12 who are playing as part of the Great Lakes Baseball League and they have actually started playing. They've been playing for two weeks. So the practices for the regular Boys League's teams are underway and it's a great opportunity to support their efforts. It's all volunteer and they're doing a great job.

Relay for Life of course. On Saturday, September 15th in addition to the Relay for Life Euclid High School is holding a team summit and this is open to middle school. I said September. I'm sorry. May 15th. Saturday, May 15th Teen Summit at Euclid High School. It's open to middle school and high school students but you must pre-register by this Friday, May 7 and registration goes to Mr. Smith, Ms. Russo, and Ms. Flowers. It's really there's a lot of workshops. It's free. It's at the High School and it starts at 9AM in the Boys Gym. Workshops such on self-care, resolving conflicts, relationships, college and career exploration, leadership development, diversity, and things of that nature so if you're interested in that. For more information 797-7823. Good opportunity for our youth. I believe Shore Cultural Centre is having an Open House on May 15th as well and that might be it.

I will get back to you with the Executive/Finance meeting because I know we want to watch the Cavs game.

Councilman Gilliam – All the pressure's on me to get done. Just a couple of announcements. The Euclid Villa Homeowner's Association has been in hiatus for some time now. I've talked to Kristal and we've tentatively scheduled a date for May 26th. I will be calling the former officers to come in to help facilitate this meeting. We want to get Euclid Villa Association back on track and we want to make sure we get all the members who were previously on to come back and to attract new members. So you will be seeing that information very shortly. Tomorrow if you haven't voted absentee please vote. There are some issues on the ballot that concern Euclid. One being the Library and three directly on the charter changes. I've given my opinion of those so I won't necessarily reiterate them but I do think that exercise your constitutional right to vote and if you want to see certain things be improved or you want to see certain things change you have an opportunity to do so. If you want to remain the same you have an opportunity to do so but I strongly stress Issue 4 for the simple fact that you just saw earlier if you were watching how

well our Library performs. When I was a kid I liked the library. As an adult I like the library. There is a lot of knowledge and information in there.

The other thing I wanted to bring up and this is something that I received in email. The Pal League and Euclid Recreation have received a grant which is basically going to be doing with mentoring and they're looking for 30 to 40 young men. Basically the grant is designed to prevent young people from actually dropping out of school and they are looking for mentors and they're looking for children who would be possible candidates for this program so whether it's your child or a neighbor you can call this number 216-289-2933 and you can speak to Ms. Cobb. If she's not available you can leave a message. For those who desire to be a mentor please understand that there will be a background check and an interview. It's designed to basically make sure that we're in compliance with the grant and this grant actually begins April 1 and ends April 30, 2011. And once again that number is 216-289-2933.

A couple of questions Director Smith the work at Dille Road and East 204th Street. It looks beautiful. I've just been getting a couple of phone calls, are we on schedule for completion for that particular area because of the traffic issues?

Director Smith – Madam Chair and Councilman we are on schedule with that project. We're about 90% to 95% complete. We had a few questions on traffic control ourselves and we went out and touched base with the contractor. So I'm not sure if that will help. Hopefully it does but it's going to be wrapping up here in the next couple of weeks.

Councilman Gilliam – Thank you kindly. Chief Repicky in regards to traffic. I didn't know if they have a flag person out there but I don't think the contractor's flag person in the timing of the lights always in sync. What I see quite a bit is that we have a lot of traffic jams for individuals who are turning north on Dille Road whether they're coming westward or eastward and a lot of times you'll have cars that are actually impeding the flow of traffic. I know that that could potentially be an accident. I'm just wondering at some point in time between the hours of four and about five o'clock can we just have a patrol officer just drive through because I've seen it quite regularly and I have to remind myself that I am a councilman because I've had some choice words that I wanted to use but I have not been able use them and I desire not to. But I know that I've received calls and I've also been a witness to this. So it's seems that the peak times between 3:30 and about 5:00 you see a lot of action going on and whether they'll coming westward turning right onto Dille Road or coming east turning left. There is a huge log jam at times and I just know that that's probably not being synchronize properly so I would just appreciate an observation as Director Smith has said and maybe some enforcement because some people are blatant about it and they're not being courteous drivers. Basically let me make sure I have everything. That's really all I have to say at this point in time. I'm not going to keep you guys long. Thank you for having me. Good night.

ADJOURNMENT

Councilman O'Neill motioned to adjourn. Seconded by Councilman Gilliam. Yeas: Unanimous.

Attest:

Clerk of Council

President of Council