

COUNCIL MINUTES

June 21, 2010

The regular Council Meeting was held on Monday, June 21, 2010 at 7:00 PM in the Euclid Municipal Center Council Chamber. Council President Holzheimer Gail presided.

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

All present.

Others Present: Mayor Cervenik, Law Director Frey, CS&ED Director Pietravoia, Finance Director Johnson, Service Director Smith, Recreation Director Will, Executive Officer Brooks, Fire Chief Cosgriff, Asst. Director Bock, Deputy Director Gliha, Mr. Sonnhalter, Mr. Iorio, Commissioner Beno, Clerk of Council Cahill.

INVOCATION

Invocation was given by Pastor Marvin Owens of Lakeshore Christian Church.

COUNCIL MINUTES

Councilwoman Scarniench moved to receive and approve the Council Minutes of June 7, 2010.

Councilwoman Minarik seconded. Yeas: Unanimous.

ADMINISTRATION REPORTS & COMMUNICATIONS

Mayor Cervenik presented Bob & Hope Tilk with Resolution 93-2010 in recognition of their long time service and support to the City of Euclid.

Mayor Cervenik presented Eric Gratz with Resolution 94-2010 in recognition of his service as Director of the Euclid Symphony Orchestra.

Mayor Cervenik – I would like to take a few moments before, as always our Recreation Director has a few comments and announcements about things going on. Being this is the last official council meeting for this session, to review some of the items and I know I'm going to list some, and they are not all listed in order of importance but I think we've had a very, very productive session of Euclid City Council, probably on of the most productive we've ever had. It all starts with after many, many years of discussion and indecision, we have agreed upon a lakefront development plan with the help of JJR and the cooperation of Euclid City Council. This plan was adopted into our master plan by the planning & zoning commission as well as city council. It has solidified our belief that lakefront development can and will happen in the Euclid community.

There is a piece of legislation on the agenda tonight that believe it or not some people aren't sure that it is the primary piece of property to buy for lakefront development and I would not necessarily disagree with them, but the fact of the matter is this piece of property became available for sale at this time and in order to perpetuate the lakefront plan that has been adopted into our master plan is extremely important St. Robert's property be purchased by the City of Euclid. I certainly hope that City Council after the meeting last week, tonight approves that purpose. It should be noted to the residents that the money being used is not money that can be used for operations, it is not money that is coming from the new instituted trash fees. It is capital money. It is protecting a 7.6 acre piece of property in the center of our city. I hope that it is passed this evening.

We received for the first time that I can remember, an absolutely sparkling clean audit for 2008. We had no citations, no management recommendations. I thank city council for their support during that time. Our goal was really to reach that situation in 2010. We reached it two years earlier and we hope to continue having excellent finance reports like that and my hats off to Director Johnson as well as his staff.

This city council also voted to have our golf course be run by a private professional management firm. There's been some weather problems but all in all the compliments and the comments we've been getting about the golf course are very positive and I think it is going to be very successful in years to come. We are now getting more and more continual increase in play and the Golf Course Commission will be having their first meeting tomorrow to review the financial and operations of the golf course.

Great endeavor that we've been working on, some of us for the last 5-6 years is the completion of the redevelopment and ready to market Bluestone Business Park, formerly the PMX property. It is really ready and open for business. There are State hired marketing firm that is out trying to find tenants for that building. The street lights should be up soon and everything else is ready to go. That is really in the long term a very positive development for our community.

Also our downtown Euclid transportation and redevelopment plan. We went through the first stage. During this term we received \$700,000 of engineering grant to be able to take that conceptual plan and turn it into reality. We're really looking forward to that. In fact tonight on the agenda we have a piece that is our contribution to that development plan and that is for the transit waiting area and the

June 21, 2010

Page 2

redevelopment with the other three corners so they coincide with the corner that was done in front of CVS. It has already been budgeted, it is doable and we're looking forward for your support this evening.

The NSP program, the neighborhood stabilization program. I believe we own approximately 50 homes. Many of them will be rehabbed, some of them will be torn down. The first two rehabilitated properties are being done now, E. 195 St. we are working very hard to clean up our neighborhoods and the \$2.5 million grant that we received and the action we have taken together is going to go a long way towards cleaning up our neighborhoods from the effect of foreclosures and predatory lending.

We ordered a ladder truck through the hard work of Chief Cosgriff and his assistant, Paul Prijatel, we received a \$600,000 grant to help pay for that ladder truck, a truck that was very much needed.

Council adopted the long term strategy plan for Shore with the Coral Group. That is a very positive thing. Coral is doing things in that building and marketing that building much more positively than we ever could. I will have to have conversations with Council over the summertime on how to fund that long term plan, but we have committed to that and we need to move forward on it. It is going to take some commitment of financial dollars, both on the capital level and on the marketing level.

Almost a million in resurfacing will be done in our neighborhoods in the year 2010. That million dollars does not include some of the major projects such as the never ending but soon to be ended 214 St. project, 204 & Dille, 248 St. project and a few others.

We've approved the regional SWAT team which I think is a very positive step towards regionalization and shows that the City of Euclid is working for ways to work with their neighbors.

The expansion at University Hospitals that Council passed the incentive grant for at the last meeting. I will tell you it is almost 200 jobs and a lot of the reasons University Hospitals looked right here in Euclid, Ohio was because of the way the administration and city council worked together to get the first 200 jobs into the old Rockwell building to begin with and I think they felt that Euclid is a great place to grow and expand and we're glad that is happening.

We also saw the birth of the Expo Center. There's a circus coming to town in July from the 8th - 11th and from everything I see it looks spectacular. We had the Home & Garden Show there and a few other shows that show great promise to the future of that building and that whole area in Euclid.

You only need to go downtown and see Wendy's, Aldi's, Dollar Tree as well as the rest of the rehab of that shopping center. Lake Shore Plaza, I know you've heard it before and Carter properties, they will be starting, very shortly John I promise you, it is happening, it really is. In fact I ran into Mr. Carter at the golf course last Wednesday and he says we're already working on it, so that's all good news. That's over a million investment in each of those shopping centers.

Solar, Euclid is going green, we talked about it quite a bit. We're working on solar and other energy alternatives. In fact on tonight's agenda we have the SID piece of legislation. When that started it was all about solar energy, it has changed now to all types of alternative energy. I think what we need to know when we go to all types is we have to continue to move intelligently and yet carefully to make sure the investments we made are good and long term for the city. Technology is changing very fast, particularly in the LED lighting and things like that. I can only compare that with the price of televisions. When flat screens first came out, people were paying \$3,000 for a 40 inch TV and now you can buy those for \$600-\$700. We want to move judiciously to make sure the investments we make in alternative energy is good for the long term of the community. We've really gone from things as grand as Lincoln's proposed 440 ft. wind turbine which is getting closer and closer to achievement, again a lot of federal regulations and to something as simple and affordable as Mary Jo Minarik has championed, rain barrels. All of that is good for the City of Euclid.

We also have the master planning being done at Memorial Park which I think is an intelligent and smart move and we'll give dividends that will come for many years to our residents.

Now those are some of the good things and I'm sure I've missed some but everything didn't come easily during this term and one of the items that we did, at my urging and I appreciate your support was imposing reasonable fees for trash collection and street lighting so that we continue to provide the services that our residents need. Many other communities that have been charging those fees for years have actually increased their fees considerably higher than ours and we are not alone as probably 7-8 cities have instituted those fees for the first time this year. Without those fees, the cuts we would have had to make would have been terrible and would have changed the whole fabric of life in the City of Euclid.

We've got a number of challenges that I need to talk to you about tonight and are going to require future budget amendments when you come back. I would have liked to have gone into a little more detail with these at the finance portion of the meeting last week, but until 3:00 this afternoon I really couldn't put it all together on the importance of some of these issues. I do understand that many of you or all of you received emails to inform you that there are many times when the manpower of the Euclid Fire Dept. was below 16. That really should be no surprise, both the Chief and I explained during budget hearings that the budget that was presented, that would happen unless we had total cooperation with the members as to scheduling. Unfortunately I did not get the courtesy of receiving a copy of this email because I would have responded to you as to what's been happening.

We have met with the members of 337 and we discussed with them the possibility of making changes as I've proposed in another piece of legislation that is on tonight that will go to committee, our compensation ordinance. That new employees of the Fire Dept. have reduced clothing allowance, elimination of longevity and other items such as that. We had that meeting over a month ago and as of today we still have received no response which even more surprises me of the e-mail that you did receive. We certainly expected a response by now. At some point in time the union is going to need to respect the bargaining process. When the administration is waiting for a response in good faith and we don't get that and yet they inform council of this situation, which I was not aware of either, I don't know how many days they were below sixteen.

I will tell you this, I believe they are going to notify you each and every time the department falls below 16 members. What I would ask you to do is require that with that notification you receive the name or names of the people that took that unscheduled time off as well as a reason why they took that time off because I think you will better understand the position of the administration. This is where we try not to negotiate in public but when e-mails like this come out without the full explanation it does bother me a little bit. The administration will continue to work with 337 and try to come to some resolutions.

Having said that, I do believe that it is time that both the police and fire departments, we conduct entrance exams regardless of ongoing negotiations. Those two exams, we budgeted for two tests but the tests we were using the budgeted money for were for promotional exams, not for entrance exams. I'm asking City Council tonight that what I intend to do, we have a number of line items that have not been used as of yet and we would like to begin both the entrance exam for the police and the fire department as well as have enough money budgeted for the background checks that are needed before we can hire either police or firefighters. I think it is very important that we be ready to add to our police and fire force as these retirements and injuries are taking a toll. We've had a couple of unscheduled retirements in both departments. We have a number of injuries in the police department. When the retirements and injuries are taken into account, our police department can actually drop to 90 or 91 active officers and that to me is not adequate enough. I would ask for your understanding tonight as I do that with the knowledge that either in our summer meeting or the first meeting in September I present to you a budget amendment for about \$25,000. Whether we hire in 2010 or wait until 2011 is something that I will examine with both Chiefs before that time. If we do hire in 2010 there will be some budget amendment for that additional hiring due to the unanticipated retirements that come with the retirement pay out.

The other problem and some complaints we've been getting and I will take the blame for a lot of this and that is from the ability for us to maintain our own properties and facilities, cutting the grass. I would like to blame it all on the rain, I would like to blame it all on the weather, but the fact of the matter is the budget that was presented to you is not adequate enough to have enough manpower to take care of places like the Lakefront Community Center, Sims Park as well as we'd like it to be done.

Some of that problem is also due to the fact that in the past we've had summertime workers through grant programs. Those programs, most of them have changed parameters, they have to be income based, so there's been a 30-40 day delay in getting those people that can come, especially the youth that can come in and really make a difference in places such as fire station. We received complaints about the fire stations not being cut and trimmed. Many years ago the Fire Dept. did it themselves, they would plant flowers, make their station look great, even do vegetable gardens. In the last contract, as part of the concessions, they ask that they no longer be responsible for maintaining their properties, so that just put an added burden onto the Parks Dept. It is a burden with the budget cuts is being very hard to manage.

Basically we've had some problems at the community center, the grass have been high. We received complaints about a wedding this week where the grass was actually cut by people who were at the wedding and we apologize for that; although weddings are really supposed to be inside, we do give some leeway on nice days to be outside. We also were unable to water the flowers for a couple of days, the hanging baskets. We've had some hot days and as you've noticed the flowers in the baskets have pretty much ceased to look good any more and will probably be removed tomorrow.

The maintenance of the cemetery for instance takes four people one day a week to completely maintain that cemetery. A lot of it is weed whacking and weed pulling because of the gravestones. These are the things that we have to deal with.

At the same time, even with the shortage of manpower, that's the wrong e-mail, we received an e-mail concerning the Recreation Department and the Boys League, they had a tournament this weekend and it says thank you to you and your staff for making our tournament a success this weekend and in showing off our city facilities. The fields look great and the added touch of the Hollywood bases, you can explain that one if you want, lights and scoreboards were a big hit with our incoming teams. Our city looked like it was proud to host our event this year and we heard nothing but compliments from the other cities. Positive image goes a long way. The New York team will be recommending us to other surrounding leagues for next year. This is great exposure for all involved. It was signed by Anthony Stacknik who is the President of the Euclid Boys League. So there are many good things going on as well. The maintenance end of it is just not, we just don't have the manpower to do it.

In talking with Director Will, I am recommending after listening to her that we need to hire some temporary employees regardless of what grant program help we can get in and I would like to hire one night watchmen, I think these are all for 10-12 weeks that would work later times so they could lock up facilities, the parks, make sure the restrooms are closed and the litter is cleaned up for the next morning. In the spare time from doing that, that person would be cutting grass and doing regular maintenance.

Also need one full time person for 12 weeks and that person would be assigned just for Sims Park and Euclid Park, the Lakefront Community Center, so those places will be looking great at all times. I think we owe that to our residents. I would like for 12 weeks to hire two daily employees to care for all the other areas and to supplement a regular crew. This will allow us as we get the grant workers in to concentrate and leave them for a day at the various fire stations, various other public buildings, there's some weeds out in front here that I'm not thrilled about, that we can assign them with supervision to do that type of work while we can still get the heavy work done. The total cost of these will be about \$30,000. We do have money in the budget to do that now. I'm giving this to you because it needs to be done. If I cannot get the budget amendment passed in September then I basically in order to meet budget will have to lay off three-quarters of the Recreation Dept. in November and December to meet budget. As Mayor and as Council I don't think we can sit here and allow this shortage of manpower to not allow us to maintain our own property as we're asking people to maintain their own. I already talked about the delay in the summer program.

So we're talking about \$55,000 in budget amendments. I firmly believe that most of this will be made up with some revenue enhancements and some increases in some of our companies as the economy starts to pick up, we're seeing some rise this month in the tax payments from our companies. This is the month where they pay their second quarter estimated taxes and people pay their estimated taxes. Those are the two budget amendments that I'm going to be requesting shortly. Again, I apologize for not being prepared to do that last week, so that we can vote on them now. It has become very apparent to me that we do need help in both, actually all three, police, fire and recreation area. All the other areas seem to be going well. We do have the one unanticipated retirement in the inspection department, Housing Dept. I think we can get through until 2011 before we have to replace that one unexpected retirement.

To end on a high note, it has been a pleasure working with each and every one of you this past term. We've done some good things. We're going to get criticized for some of the things we've done. But I think we put the future of the City of Euclid ahead of what some people may say are the wrong moves and that begins with some of the items on the Agenda tonight. I just felt I just wanted to wrap up the term with you and tell you some of the problems we're having and how we hope to deal with them. I'm happy to answer any questions you may have.

Councilwoman Scarniench – Can we go ahead and hire these people or are we going to have until we have a council meeting to approve the budget?

Mayor Cervenik – I have the ability, there is money in the budget that we can hire these people. We will not exceed our budgeted expenditures in the Rec Dept. until sometime in October. If there's no budget amendment made, maybe November. As to the Police & Fire testing, there are some items that are coming in below budget that we can use. It would be more proper in the future that I do ask for a budget amendment for those two specific tests, but we do have the ability to do it now. I feel it is very important to inform you of what we're doing and why we're doing it. Much of this is a reaction to a number of emails and complaints that we received from members of Council. I don't want that to continue all summer.

President Holzheimer Gail – Mayor I agree, I think it is important that our properties look the best that they possibly can. I for one would like to see some information on the staffing levels of the Parks Dept. for the last 3 years maybe; if there's been any changing in duty; what is their current plan for getting the work done, do they have an operation plan; what is the equipment that they currently have and is there other equipment that would make their jobs easier?

Mayor Cervenik – We pretty much got the equipment we need. We used to have, Kathy Will maybe better off.

President Holzheimer Gail – You don't have to give it to me tonight, maybe that can come later. Obviously I think it is important but I want to make sure that we're not just adding staff without a plan to address what needs to be done.

Mayor Cervenik – The night watchman we've always had up until this year and we have found out that we cannot operate without that as well as the one person that was stationed to do the work just at the Lakefront Park. Two of the four we just realized that without them, the remaining staff just cannot do it.

Council Minutes

June 21, 2010

Page 5

We can do that for you.

Councilman Van Ho – Just a quick question, are you sure that we can get along without the unexpected retirement of the Housing Inspector? We're spending lots of money to rehab houses and so forth are we not covering as we should to make sure our inspections are up to snuff?

Mayor Cervenik – For the rest of this year we are reassigning some duties of various individuals so that we will be able to get through this year. The real nuisance of the grass cutting citations and all that will subside in the very near future. As the weather gets hotter, the grass does not grow as nearly as fast as it has this last 60 days. It has been pretty unreal how fast the grass is growing and the citations we've had. We're positive we can get through. If we determine we cannot, as I've done tonight, I will immediately come and express that concern to you. With the reassignment of duties from management and some of the present inspectors, we should get through this year okay.

Councilman Gilliam – The number you stated was \$55,000 is budget amendments. Is that all due to the desire to increase the staffing hours in the Recreation Dept., is that really where the core of this is?

Mayor Cervenik- No, approximately \$25,000 will be for the testing of both police and fire.

Councilman Gilliam – So it includes the testing as well for the police and fire.

Mayor Cervenik – As well as the subsequent background checks that would be done. If we determine we're not going to hire until sometime until 2011 which I find is going to be difficult as these unexpected retirements coming up, we could save a little bit on that. Once you do the testing and the background check, then we have a list certified by Civil Service so we can immediately extract from that list to fill in vacancies.

Councilman Gilliam - \$30,000 for Recreation and \$25,000.

Mayor Cervenik - \$30,000 for Recreation might be a little high.

Councilman Gilliam – Okay. I was just curious as to how it was broken down. Thank you.

Mayor Cervenik- I would also like to say and I know Kathy Will is going to mention it, we did Memorial Pool running and it should be running tomorrow and Indian Hills was also up and running. We're not sure that it was all because of Memorial being closed for a few days, but I think Indian Hills has come close to last year's revenue and usage already. Maybe the closing of Memorial Pool caused people to investigate how nice their neighborhood pools are.

President Holzheimer Gail – Last question for now, Councilwoman Jones.

Councilwoman Jones – Mayor Cervenik I know you mentioned the new hire and focus on Sims Park and the Lakefront but I don't want to drop the focus on other neighborhood parks as well because those are still being used especially with families who want to do picnics as well, as far as grass cutting and keeping those parks up as well.

Mayor Cervenik – By replacing those two positions that we had before, it will allow the back to normal maintenance of all the areas you're talking about. Those two areas, both Lakefront and Sims Park and the Cemetery take a tremendous amount of manpower and time. Just to have those two positions will greatly free up everybody to take care of the other things that have been falling behind a little bit. It is temporary, at the end of the season they will be gone.

Recreation Director Will – On the good news, although he has already said that, I do want to make sure that I thank Council, administration and the residents for being so patient while the pump was down at Memorial Pool. The good news is the pump is in and the pool will open tomorrow for the season at 1:00. We will return to the normal pool hours for Memorial and also the neighborhood pools as tomorrow will go back to Monday-Saturday from 1:00 until 5:00. Again Memorial Pool will open tomorrow at 1:00. If you registered for the evening swimming lessons, you are still to report to the indoor pool for tomorrow night and then our Thursday we will move back for your lessons at Memorial. Other than that, everything else is moving back tomorrow at Memorial. Thank you everybody for your patience and I'm very glad the pump got here and we got it in about a week earlier than anticipated. I appreciate again everybody's

June 21, 2010

Page 6

patience.

Because of that what we're going to do is this year Memorial Pool will be open Sunday, July 4th from 1:00-5:00 for regular admission. Memorial will be open Sunday, July 4th from 1:00 until 5 PM.

You can still register for pool passes at the Recreation Office on Tuesday from 3:00-7:00 PM and Thursday 10:00-2:00 PM. We do have programming going on all the time. You can stop by and watch at Memorial Park, Monday through Friday night and all day Sunday. We have our adult co-ed and children's softball games going on, Monday and Wednesday nights at Roosevelt field. We have 6, 7, 8 & 9 year old girls softball. Stop by and support them. Tonight was the first game of the 6-7 year olds and they are just adorable.

On Saturday mornings we have our 4 x 4 soccer at the pool soccer field. Those start at 9:00 AM and end about 12:30 PM. On Saturday at the Sports Plant we have our Euclid Panther Hoops. There's a lot of activity going on. If you want to stop by and visit and support those children that are participating and thank the parents that are volunteering for us.

As far as the special events go, we are having the Euclid Pond & Garden Tour on Saturday June 26 from 7:00-Midnight and Sunday June 27th from 1:00 until 6:00 PM. Tickets are \$8 per person and tickets are available at the Recreation office. On Friday night or Saturday, if you still wish to purchase a ticket, you can do that at Briardale Greens Golf Course.

July 1st-July 4th Memorial Park will be hosting the Cleveland Indian Charities International Youth Baseball Tournament. There will be 25 teams that are local and international that will be coming and playing at both Serra field and Stanic field. Games will be held at 8:00 AM until approximately 6:00 PM. On Sunday, July 4th, the Championship game will be played at the Indians Progressive Field at 5:00. This is our second year and they have grown again, this year they have 25 teams and last year they had 10.

On Saturday, July 10 at Memorial Park at 10 AM Kick-It Kickball Tournament. It is a national grass roots fundraising effort with a simple concept, play kickball and help find a cure for kids with cancer. You can enter as a Euclid team. You can check out www.kickit/it.org and then it will give you all the information for the Euclid Team.

Last but not least we will be hosting for the 24th annual high school world series, the CABA. Games will be played at Memorial Park, behind Euclid City Hall, on Serra Field, Stanic Field and Diamond #4. The first game will be Friday, July 23 and we will go through July 30. If you want more information, call us at 289-8114 and hit option #8. If you have any questions about any of the programming, please feel free to call us.

I do want to answer about a Hollywood base. Just to let you know it is a safety base and it is in the ground. So if a runner runs into one of the bases it prevents the base from falling over. They are new and are required in a lot of the adult sports, not so much for the youth baseball, but we thought it would be a nice added touch for them. That's what that is, thank you.

Mayor Cervenik – That ends one of the lengthiest Administration Reports & Communications you've ever heard.

President Holzheimer Gail – I spent much of the weekend at the baseball tournament and I'm proud to report that Anthony Stacknik's 12 team was the runner up, 2nd Place. The fields did look good and we appreciate that.

REPORTS & COMMITTEE MINUTES

Councilwoman Scarniench moved to receive the Fire Report of April 2010; Executive & Finance Com. Min. of 5/26/10. Board of Control Minutes of 06/01/2010 & 06/07/10. Councilwoman Jones seconded. Yeas: Unanimous.

President Holzheimer Gail – This is the Committee of the Whole for Legislative Matters Only. This is where you can speak to anything that's on the agenda. Please state your name and address for the record.

COMMITTEE OF THE WHOLE FOR LEGISLATIVE MATTERS ONLY

Mr. Willie Brown 20875 Miller Ave. – First I have a question that determines whether or not I have any other comments. Speaking regarding Agenda item #10, an ordinance repealing current Section 1377.01e of the Planning & Zoning Code of the Codified Ordinances for the City of Euclid and enacting a replacement section to alter the required conditions of home occupations. My question, Council President, is should this ordinance pass tonight, will this be coming back to Planning & Zoning?

President Holzheimer Gail – It has to be referred to Planning & Zoning.

Mr. Brown – That was the main thing I wanted to know because I know this is a matter that has been

June 21, 2010

Page 7

before Planning & Zoning before. I was just a little concerned because at the Executive & Finance meeting there was a discussion about moving forward without having to come back to Planning & Zoning. Since it is coming back, we'll deal with it then. Thank you.

Ms. Rose M. Allen – 26241 Lake Shore Blvd. – Regarding #3, I know that there was a meeting on June 14th to discuss the purchase of St. Robert's property. I had questions, since I know that these funds cannot be spent for anything but this type of purchase, is this property the best choice for purchasing? I know there was a property just east of Harbortown and a property somewhat adjacent to Harbortown. Are those properties in anyway going to affect the lakefront development? Particularly this property, it is typically, I'm unclear as to how it figures into the lakefront plan because it is south of the boulevard and most of the lakefront development seems to be focused north of the boulevard and actually on the lake. I'm just a bit puzzled about the appropriateness of purchasing St. Robert's instead of properties that are actually on the lake that are at least adjacent to where the focus of the lakefront development is at this time.

President Holzheimer Gail – Thank you, we'll make sure that gets addressed.

Mr. Tim O'Neill – 114 E. 199 St. Lifelong resident of Euclid; member of the Euclid Fire Dept. and current union President. I'm here to let the administration and Council, most importantly the residents of Euclid know that there's a serious misunderstanding in the general public that the Fire Dept. is operating at a minimal

President Holzheimer Gail – Mr. O'Neill, is this something on the agenda? This is the time for something just on the Agenda. There's a time at the end of the meeting.

Mr. O'Neill – This isn't the end?

President Holzheimer Gail – No, we're not at the end yet. We haven't started with legislation yet. If you wouldn't mind waiting we'd appreciate it. Seeing no further questions, we'll move onto Legislation and Item #1.

LEGISLATION

Ord. 95-2010 (129-10) Transit Waiting Lake Shore & Babbitt

An ordinance authorizing the Director of Public Service of the City of Euclid to enter into an agreement with the Barbicas Construction Company, 124 Darrow Road, Akron, Ohio 44305, for the completion of the Greater Cleveland Regional Transit Authority (GCRTA) Transit Waiting Environment Project at the Lake Shore Boulevard and Babbitt Road Intersection, at a cost of Three Hundred Fifty Seven Thousand Three Hundred Forty Five Dollars (\$357,345.00) which includes a contingency/discretionary allowance of Thirty Five Thousand Dollars (\$35,000.00) (Sponsored by Councilperson Wojtila by request of Service Director)

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

Director Smith – Bids were received on June 7th for this project, despite our efforts to encourage bid participation a single bid was received. Barbicas Construction bid of \$357,345 included a \$35,000 contingency and was within 10% of the engineer's estimate. On June 18th, we held a pre-award meeting with Barbicas along with their sub-contractors, namely Medhurst Masons, Yuleman Electric, Wave Landscape Development and the Tri-Mor Corporation. A reference check was also performed. This company is a certified MBE, EDGE and DBE and ODOT contractor. Based upon the information gathered I am recommending an award of this project.

The contract requires a 120 day completion date which is subject to whether and/or additional work extensions. The contractor is ready to proceed on this project. Section 2 of the ordinance requires a modification and/or correction. Funds to pay for this expenditure are to be derived from the following sources: \$20,000 from the CDBG funds; \$20,000 from the CDBG-R funds; \$317,345 from the capital improvement fund. This phase of the project does not include the GCRTA funds. Thank you for your consideration.

President Holzheimer Gail – We did receive an amended copy on our desk but it did not include the CDBG-R, so we need to make that amendment as well.

Director Pietravoia – I apologize, we did this at the end of the day to do the "a" version and the R was inadvertently omitted, that should have remained. CDBG-R should have remained in the funding Section 2, \$20,000.

Council Minutes

June 21, 2010

Page 8

Councilwoman Scarniench – I just want to make something clear. We only received one bid and this is going to be sub-contracted out so these are probably non-union workers that are going to be doing this job, but they're the only ones that applied, nobody else did. Union companies did not apply to do this job, correct?

Director Smith – There was the lone bid. We did at the pre-bid meeting, we made several contacts and we had other potential bidders at that meeting. For whatever reasons, unbeknown to us, they chose not to bid on this project. I don't recall if this contractor, first and foremost he is completing at least 51% of the contract with the balance being subbed out. I don't recall the totals and maybe Director Pietravoia will. I believe the sub-work amounts to about \$150,000.

Councilwoman Scarniench – I just wanted to make it clear that we talk about unions all the time that we're going to support the unions, but none of them applied for this job. I just wanted to make sure that was clear. Thank you.

Councilman Wojtila – Why do you think there was only one bid received?

Director Smith – I tend to think, although I don't know and we did not do any follow up with some of the other people. I think the scope of this project, I think it is too small for some heavy highway contractors and maybe too large for some of the smaller type landscapers and/or masons. It kind of fits right in the middle. As I did elude to, we made several contacts to make people aware that we had a project out to bid. Several of them did show up at the pre-bid meeting, but for some reason they chose not to bid.

Councilman Wojtila – We had previous legislation on this, I know I joked in an e-mail that I previously voted no twice on this. Can you summarize those previous legislations, other than the one that was in the ordinance which was 120-2009; do you recall what the other legislation was on this?

Director Pietravoia – Director Frey seems to have the previous legislation. The one was in June, 2008 shortly after, six months after we adopted the new Downtown plan, which was the previous December. That was to undertake similar project, not quite the full scope that we're talking about here, but a similar project estimated at that time was authorizing for \$100,000. That did pass June 16, 2008. If I recall there might have been a prior piece of legislation that authorized or either prior or subsequent that authorized the actual design work for the intersection. The drawings were the basis of the current bid that's before you tonight. Those were prepared primarily by City Architecture and then CT also participated.

Councilman Wojtila – The Engineer's estimate of \$325,774, that would have been established then when we approved the June 2009 through Ordinance 120-2009?

Director Pietravoia – That was done much more recently. The Engineer's estimate was done.

Director Smith – The current estimate was associated with this bid package.

Councilman Van Ho – A couple of comments. First of all, when you're going to bring a single bid for a third of a million dollars to us next time, I'd prefer that we had a market survey to find out why we only had that one bid. I'm going to vote against this tonight, not that I'm against the transit waiting environment, but to drive home the point that we need to be, I'm not going to blind on this thing. I would like to know why we didn't have it.

The other thing is, how did we go from \$100,000 to \$357,000? What else are we getting for \$357,000? That's a lot of money.

Director Smith – I was not here at the early stages of this project but what I've become aware of is two different things. As Director Pietravoia eluded to, the scope did change somewhat but probably a greater magnitude was the original engineer's estimate was simply under funded. I think it is a combination of those two issues.

Councilwoman Jones – Director, you mentioned the \$25,000 grant is not included in this, why is that not included in the resource for funding?

Director Pietravoia – The actual bus shelters that will be installed as part of the design are being purchased separate from this bid, so we're using the \$25,000 grant along with some Block Grant funds to purchase the new bus shelter.

Councilwoman Jones – The \$25,000 was originally for just the bus shelters, just the shelter itself?

Director Pietravoia – The \$25,000 was for any improvements in that quadrant that are related to the transit waiting area. We elected to use it because of the cost of the shelters, we elected to use it entirely for the shelters themselves. We are using our other funds, block grant and capital funds for the rest of the improvements on that quadrant.

Councilwoman Jones – The shelter itself, which the \$25,000 would be going towards, will be coming later?

Director Pietravoia – They will be part of the project. They will be installed as part of this more decorative work is completed. The concrete pads will be installed where the shelters will sit and then once everything is completed, they'll come in, separate contractor that we're buying the shelters from, same contractor RTA uses, will come in and actually install the shelters.

Councilwoman Jones – I was with the assumption early on that was going to be included in all of this.

Director Pietravoia – I think it is important to at least explain briefly, we actually budgeted higher dollar amount in the capital budget for the complete project, including the transit waiting environment dollars, \$10,000 donation toward the changeable copy sign that would also come after this work is done. There is additional funding in the capital budget that will take care of the remaining work related to the project. This is getting all the hard-scape installation done.

Councilman O'Neill – To Director Pietravoia, I recall a conversation about a year ago regarding the transit waiting environment, the bus stops if you will, that RTA was limited as to what they were going to supply as far as a shelter for us to be used as a standard shelter. I believe the conversation went something like we're going to temporary use it but the thought process was that as we redid the intersection we would bump up the aesthetics and then we applied for a grant from RTA and I believe we were awarded \$25,000. Then there was going to be a little bit more money kicked in that would expand the shelter and make it a little bit more inviting if you will to the downtown area. Could you explain a little bit more on how that came about?

Director Pietravoia – The idea has always been that this being a prime intersection in our downtown business district that we would try to design a shelter that fits in with the character of the rest of the improvements that we're developing there. RTA recommended a specific shelter that they've used in parts of downtown Cleveland as an alternate to their standard shelter. So it is a little bit more costly, that's why we're using the grant toward that cost. It is nicer looking shelter and it is not exactly custom but it is different than their standard shelter. The team that we worked with at City Architecture agree that this shelter fit in better with the design of the intersection. The supplemental dollars that will come from block grant will allow us to afford that semi-custom shelter in that intersection.

Councilman O'Neill – It has always been the goal that we were going to move in that direction and put in a better shelter than what we currently have.

Director Pietravoia – That's correct and we are getting a credit, so to speak, for what would have been the cost for a standard shelter. RTA would have normally funded the standard shelter in addition to the grant they've provided, so we're getting credit on top of the grant that will help pay the cost of the semi-custom shelters.

Councilman Langman – Director Pietravoia, obviously we hope for much more substantial improvements to the intersection, so if we do realize those improvements, how will these current improvements planned fit in with the larger scope?

Director Pietravoia – The same design team that was involved with the development of the downtown plan helped develop the plans for this intersection. They specifically recommended as part of the downtown plan that the intersection should be a unique design that is then complimented by the rest of the streetscape along Lake Shore Blvd. and in the rest of the district. So they designed it specifically with that in mind, so it will be a little bit different but it will compliment the later improvements to come. Those improvements are going to be designed using the \$750,000 grant that we received from NOACCA to do the more detailed engineering and design work for the rest of the downtown district.

Council Minutes

June 21, 2010

Page 10

Councilman Langman – The bottom line is we're not going to install this and in a few years later hopefully have to do substantial work tearing that out and replacing that?

Director Pietravoia – Correct. It is specifically designed so there will be a beginning and ending point that won't have to be disturbed for the later work.

Director Smith – Just to expand on that, I know Director Pietravoia touched briefly on that but as far as the coordination of the other projects as Council is aware we have a resurfacing of Lake Shore Blvd., anticipated for next year. In addition to a potential Issue 1 project that would be impacting that particular intersection. We took both of those projects into account and one other item, much like the bus shelters, it will be performed after the fact would be some of the crosswalk work. The whole intent was just simply project coordination so we weren't removing improvements that were recently installed.

Councilwoman Scarniench – One comment, we keep saying the transit waiting environment project. This is all four corners, correct? We're not only talking about one corner. People need to be aware we're talking about all four corners.

Director Pietravoia – The northwest corner with CVS is completed. This will match the other three corners.

Councilwoman Minarik – No I'm confused because the legislation reads the northeast corner. So the three hundred and some thousand is for the one corner or more corners?

Director Pietravoia – This budget is for the northeast corner, the southeast corner and the southwest corner.

President Holzheimer Gail – But the transit waiting station will be at the northeast corner which is what the ordinance eludes to.

Councilwoman Minarik – The \$325,000 is for one transit waiting station, yes?

President Holzheimer Gail – No, it is for all three remaining corners.

Councilman O'Neill – That's for the scope of the project Director Pietravoia, those finances?

Director Smith – That's for the scope that we're discussing here tonight. You're correct, all three corners with the exception of the bus shelters and some work that was anticipated like the crosswalks afterwards.

Councilman O'Neill – The only other comment I wanted to make, this seems to happen all the time. Sometimes it is out of the hands of us, but I would hope if there are any projects that need to dig in that intersection for the sewer or water, if they could look and maybe get that done before we do the improvements. It seems like every time we get something paved, somebody comes behind us, some utility needs a phone line, sewer line or something and digs up brand new pavement. I've seen it time and time again. I know there is only so much we can do on that but hopefully those agencies have coordinated and we have a pretty nice intersection for a fair amount of time. Thank you.

Councilman Wojtila – I voted no on this previously when it was \$100,000. I'm certainly going to vote no this time as well. I've never been a big fan of brick pavers and that's basically a lot of money that we're paying. I like the vertical improvements including the upgraded transit environment, bus station, but I will not support this.

Councilwoman Scarniench moved to amend Ord. (129-10) to read in Section 2, the funds to pay for this expenditure are to be derived from CDBG Municipal Beautification \$20,000; CDBG-R \$20,000; Capital Improvement Fund \$317,345.

Director Frey – That is correct. The piece we put in front of you this evening is incorrect, it left out the CDBG-R.

Councilman O'Neill – Just a point of clarification, the R stands for?

President Holzheimer Gail – Reinvestment dollars, Mr. Gliha, the expert on CDBG funds.

Deputy Director Gliha – The R, is the Recovery Act funding the additional recovery act funding we received for the Block Grant. We had \$41,140 budgeted for this project, we're going to use \$20,000 for the construction of the intersections and the remaining to help offset the cost of the larger, fancier bus shelters.

Councilman O'Neill – That's a separate account for funding the project, that's why the R comes in? Thank you.

President Holzheimer Gail – They are separate funds. The regular CDBG, one of the categories is Municipal Beautification and the Recovery and Reinvestment Act additional funding is where the additional \$20,000 would come from.

Councilman Van Ho – Asst. Director Gliha, the Recovery funds are what are commonly called Stimulus money, is that correct?

Deputy Director Gliha – That's correct.

Councilman Van Ho – I just wanted the citizens to know that was Stimulus money.

Councilwoman Jones moved to second the amendment as stated above.

Roll Call on Amendment:

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

Councilwoman Jones – Director Pietravoia, can you tell me after these funds are deducted from the Municipal Beautification and the CDBG-R fund, what's the balance that's left is those two funds?

Asst. Director Gliha – We have currently under the regular CDBG program, \$210,000 budgeted for capital improvements, so it would be \$190,000, after that \$20,000. The CDBG-R amendment when we presented to Council, there were two programs that were budgeted. One, \$240,000 for the Lake Shore Plaza Storefront Renovation Program and the second line item was the \$41,140 for the intersection improvements at 222.

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

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

Roll Call: Yeas: Scarniench, Jones, O'Neill, Langman, Holzheimer Gail

Nays: Gilliam, Minarik, Wojtila, Van Ho.

Passed as amended.

Ord. 96-2010 (134-10) HOME Funds

An ordinance authorizing the Mayor of the City of Euclid or his designee to enter into an Agreement with the Board of County Commissioners, Cuyahoga County, Ohio (the County) to accept HOME administrative funds in the amount of Seventeen Thousand Two Hundred Two Dollars (\$17,202.00) on a reimbursement basis for HOME administrative expenses incurred by the City during the period of May 1, 2010 through December 31, 2010. (Sponsored by Mayor Cervenik)

Councilman Van Ho moved for passage, Councilman Langman seconded.

Director Pietravoia – Members of Council received a brief memo of additional funds that we're fortunate to be able to have access to this year for the first time in some time. This is to help offset the cost to administer the HOME program which is one of the federally funded programs. In particular with the expansion of the use of these dollars on the Kenwood apartment project and also on the down payment assistance program for home purchases. The HOME program recognizes that there are costs to administer that are above and beyond our normal EDCOR funded programs, which is what we used the HOME funds for in the past. We have an opportunity to receive an additional \$17,202 specifically to offset the staff costs to administer the program.

President Holzheimer Gail – Councilwoman Scarniench is applauding your efforts at seeking additional funds.

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

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

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

Passed.

Ord. 97-2010 (121-10) Acquire St. Robert Parish Property

An emergency ordinance authorizing the Mayor of the City of Euclid to enter into a purchase agreement and to execute all other documents necessary to acquire the St. Robert Parish Campus property from the Catholic Diocese located at 23802 Lake Shore Boulevard (Permanent Parcel Nos. 644-020-001, 644-020-003, 644-020-061) at a cost of Six Hundred Seventy Four Thousand and 00/100 Dollars (\$674,000.00) for the public purpose of the assembly of land in the vicinity of planned lakefront development for future redevelopment and installation of complimentary public improvements as recommended in the Euclid Waterfront Improvement Plan. (Sponsored by Mayor Cervenik, President Holzheimer Gail, Councilpersons Langman and O'Neill) (Recommended for passage by the Executive & Finance Committee)

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

President Holzheimer Gail – We had a full discussion about this in Executive Finance Committee last week, Monday, June 14th. It was recommended to come back to Council with a recommendation for passage by a 8 to 1 vote. I have asked Director Pietravoia to give a brief overview of how we got to this point for those who were not in attendance at the committee meeting. This is an important step forward in our lakefront development plan. While it is property that is one the south side, it is an important piece of property as indicated in both the JJR plan that we all developed, worked hard to develop with public participation, it was approved through Planning & Zoning, through City Council. It really in some ways takes our lakefront development beyond the lake into the neighborhoods, connects it to downtown, connects it to other access points and neighborhoods and provides us with a much greater opportunity for economic development in connection to the lakefront. I believe it is an important step forward and Director Pietravoia would you provide us with a brief summary please.

Director Pietravoia – I'll be glad to do that. Some of the comments I had planned to make were already mentioned by both the Mayor and Council President so I'll try not to be repetitive. I do think it is important, if you brought your graphics along that we used at the committee meeting and we have a few extra if anyone here in the audience might be interested in seeing them.

To start out with the point that the adopted plan did recognize the importance of this property from both a redevelopment perspective and the potential to connect the lakefront to the southern neighborhoods. That is really one of the primary motivations that started us thinking that we ought to look at the opportunity to purchase this property.

Just to be clear for those that might not have seen the committee meeting or that discussion. The parcels we are talking about total about 7.6 acres of land on the south side of Lake Shore at the southeast corner of E. 238 St. and Lake Shore Blvd. It includes the church, school building itself, the rectory building and a building to the south of the property that used to be used for a convent. There are three structures, two accessory structures, garages associated with those two residences and the church school building itself.

The primary benefit we see here is the potential for future redevelopment. It is rare that a single owned parcel of this size becomes available in a built out community such as Euclid. I gave the example at the committee meeting of how costly it is when you try to assemble land in a project area, especially if it is developed with single family homes.

To put it in perspective, I just want to repeat that brief example that we gave at that meeting. Most homes, even in today's economy in this area would likely range in the \$80,000-\$100,000 range to purchase, particularly if you're offering to buy when someone wasn't necessarily offering to sell. If you assemble, 6 or 8 of those homes, you would achieve a size of about 1 acre at a cost of potentially close to \$700,000-\$800,000 if you had to pay \$80,000-\$100,000 for each parcel. So by comparison we have the opportunity to purchase almost 8 acres for \$674,000.

There is a real world example that we discussed at the Committee that actually occurred a few years ago. K&D purchased all the homes on 242 Street with the intent to ultimately demolish, a number of the homes have been demolished, the rest will be in the future, for redevelopment. That street collectively cost them over \$2.2 million to assemble and we estimated based on per acre cost there, they paid about

\$700,000 per acre, which is similar to the example that I gave for any single family home area that you might be trying to assemble. Just to try to emphasize the difficulty typically of assembling land in a fully built out community.

So we start with a property in the adopted plan that was recommended for future redevelopment offers the potential to connect to the southern neighborhoods, the lakefront development that is planned for the future. Also we had distributed a series of maps that show the potential to create a multi-purpose trail system that could go through this property and connect all the way from the newly developed lakefront, through this property to Briardale Greens, Memorial Park and then loop back to the lakefront again, with the potential of connecting all those neighborhoods that touch that multi-purpose trail to give them a convenient and really a kind of exciting opportunity to have that kind of multi-purpose trail that would connect them to the lakefront.

In the future we see an opportunity on the southern end of the city to connect with Euclid Creek Reservation. We're in the process of trying to assemble the land from the old railway right of way that would connect down to Euclid Ave. and create a similar loop on the southern end of town, these two loops could ultimately be connected together and have a very significant multi-purpose trail system throughout the entire community.

There are probably other opportunities to make even further connections in the future. I know I talked with Councilwoman Jones about a connection along Euclid Ave. and perhaps to the southeast part of town as well. Ultimately in the future all of those opportunities could be looked at.

One of the graphics that we provided was actually flown recently. It is an aerial view of the entire lakefront. The potential, you can see it very readily in this illustration to go through the St. Robert's property, through Briardale Greens, Memorial Park and you can even see the downtown district and how you would be able to loop back in that illustration. If you look long enough and hard enough at the illustration you can even see the industrial corridor and Euclid Ave. right up in the far right hand corner that you could connect to the southern part of the community.

We had also provided and we have extra copies if anyone is interested, just a series of about 12 photographs that showed the interior space at the church school building to give a feel for the current condition of the property. From just a visual walk through it appears to be in very good condition. The windows on the 2nd floor where the classrooms are were replaced not too long ago. We would as part of this process have a due diligence period of 60 days in which we would be able to conduct Phase 1 environmental survey of the property, a condition assessment of the buildings themselves. All of the things we wanted to be sure were answering any questions about the property before we decided to actually close and go forward with the purchase.

I did have an opportunity since the Committee meeting to develop some estimates of costs for what's referred to in the ordinance under Section 4. This ordinance would also authorize the Mayor to contract for the professional services that would be needed for that due diligence that I just described. We did a range, we actually had with Commissioner Beno's assistance, we had a number of contractors go to the property, tour the buildings and prepare estimates for Phase 1 Environmental, Asbestos and also we did get one estimate for demolition of the buildings.

We have budgeted or are recommending in the ordinance a purchase price that was negotiated of \$674,000. I had indicated that we would use additional dollars from both the Harbortown TIF and the Endowment Fund as necessary to provide these professional services. The total ranges from \$11,400-\$14,700. Based on the ranges that we received from the professionals that went through the property, that would include doing, like what you might do for your home, a property inspection. In the case of a building or property this size, it is called property condition assessment, ranging from \$3,000-\$4,000. Phase 1 Environmental, the estimates we got range from \$1500-\$3500. The asbestos assessment for all the buildings on the property including the garages would range from \$4500-\$6,200. The boundary survey with assistance of Director Smith, we estimated would cost \$2,000-\$2500. In the purchase agreement we had, if this is passed tonight, we agreed to a sharing of the closing costs where we would pay half the title insurance. We're estimating that at about \$1800 and we would pay the recording fee which is usually a nominal fee of \$50-\$150 we're estimating. All of that totals \$11,400 to \$14,700. Those would be costs we would incur during the due diligence period.

On the demolition side, I was under the estimate in terms of the one estimate we did receive, I was under where I thought we should be. I had estimated about \$15,000 based on the residential properties we've been demolishing. Given the size of these structures, the total from the two from the one estimate we received was a little over \$30,000. We would have to bid this and I would hope like with the residential properties we've been doing, once we do a competitive bid we would likely to see that number come down.

The final piece of information I wanted to present tonight, I'll ask Director Frey to assist. We're close to completing our negotiations on the purchase agreement itself. Just in summary fashion I'll explain and Director Frey might want to give more detail, but all the open items that we had highlighted in the draft version that was sent to Council have been for the most part agreed to, so we're almost

June 21, 2010

Page 14

finished with the negotiations on the purchase agreement, including the deed restrictions related to the church building itself. We were pleased that they ultimately agreed to all the changes that we asked for. Director Frey you might want to elaborate on that.

Director Frey – We do have a list of the changes that have been agreed to by the attorney for the Diocese. We do have to get through the full document. This e-mail came this afternoon, so we have not gotten a red line version of the purchase agreement itself. Once we get that red line we will go through it carefully, make sure it has the changes the diocese is agreed to that we sought and then we would prepare a final purchase agreement for review by the administration, signatures by both the city and the Diocese. We're a few days probably from actually completing the documentation and depending on the outcome this evening whether we would execute that document soon or at all is dependent upon the vote tonight. We do have substantial agreement on the terms.

Director Pietravoia – I just wanted to comment as we did at the Committee meeting that we do have plans to solicit bids for appraisals on the lakefront parcels. That was activity that we planned for 2010 and we did present information to Council to describe and explain our strategy for the acquisition of those parcels. This is not instead of, this is in addition to and we do plan to pursue the acquisition of those additional lakefront parcels in 2010.

President Holzheimer Gail – Thank you Director Pietravoia. One final, I think it is important to remind folks again, this is not general fund dollars, this is not money that it taking away from our core services, or could be used for our core services. This is money that is available for redevelopment and it is exactly this type of redevelopment that will help stabilize our budget and hopefully enable us to not have to look for additional sources of revenue.

Councilman O'Neill – Some questions were asked of my by some residents about if we do purchase the property that the cost associated with maintaining the property and what area we may move and what direction we would move if we have the school itself occupied, tear down the convent and the rectory which seems to be the course of action that we will take if we purchase the property. But there were concerns about any costs associated with the property maintenance and potentially the building maintenance, even if we mothball the building there will be some costs associated with that. Either the Mayor or Director Pietravoia can comment on that.

Director Pietravoia – There are a variety of options that we'll be exploring, everything from mothballing the building to potentially leasing it out and ultimately seeking development proposals from developers to either re-use the existing building or redevelop the entire site. We are working with JJR and they've already assisted us to develop some early concepts for how we might look at developing the site. In the short term there will be costs associated with maintaining the property, the grounds and the building. If we mothball it, those costs will be initial costs like setting up an alarm system, draining the pipes and things of that nature. Some of them will be one time costs, some of it is work that can be done in-house, minor things that our own crews can do.

If we lease the building then what we have to assess is what kind of improvements, if any might be needed in order for the tenant to go forward and lease the building and would the lease revenue we're going to gain from that offset any maintenance or improvements needed to the building. Until we start exploring that and see who is out there that might be interested, it is really difficult to put a dollar figure on those maintenance costs.

Councilman O'Neill – We had discussed in the past some other potential uses that would benefit the city with that property, possibly underground if you want to elaborate on possibly some uses whether it be through waste water treatment or some EPA issues we maybe facing down the road that that property may help us with?

Director Pietravoia – I'm not as well versed on this as Director Smith and Director Frey are, but we do have some improvements that we'll have to undertake in the future to help deal with our storm water overflow issue. That may require a location somewhere along Lake Shore Blvd., where there would be an ability to install improvements that would help deal with the water during a storm period. That's the best that I'm going to be able to describe it. This site could potentially be looked at along with a number of other where such improvements could be installed. I just wanted to clarify because I think it is important, even if that were to occur, as I understand it, it would be a fairly small portion of the site and wouldn't prevent the larger site being used or redeveloped.

Council Minutes

June 21, 2010

Page 15

Councilman O'Neill – I guess the point I'm trying to make is there maybe multiple uses for this property along with recreation. It does potentially serve the greater good of the city. I think we need to take that into consideration.

Councilman Van Ho – First of all could we get a copy of the red line when it comes back from the Diocese so we're sure that all of our concerns were addressed. If there is anything that runs a red flag up, we can talk to you before the papers are signed.

Director Pietravoia – We should have that to you tomorrow and we can distribute it to Council as soon as we receive it. We do have a final version from them but they didn't highlight the changes, so it would be difficult to go through and see the changes easily so we requested a red line.

Councilman Van Ho – You mentioned some appraisals on properties north of the Boulevard. Does that address Ms. Allen's concerns about the two properties, that's the ones we're talking about?

Director Pietravoia – Yes, the additional vacant land on the north side of Lake Shore Blvd., and also a couple of parcels referred to as residual parcels on the north side of the apartments will all be appraised as part of that process.

Councilman Van Ho – Have we started to have any talks with the people from Arthur Treacher's and the little strip center behind them about the possibility of getting that land to supplement this?

Director Pietravoia – We have not approached either property owner. Our expectation would be that if a developer is interested in this larger site and felt it was necessary to acquire those as well, that would be part of the public/private partnership where the private developer would go after those parcels.

Councilman Wojtila – When I initially heard about this, I was opposed to it, I remain opposed to it and I think it is important that I restate why I am opposed to it. We had a very focused approach on Council with regards to lakefront development. The term lakefront development was an unknown to me when I came on Council. I was a citizen of Euclid for my whole life and I always wondered what do we mean when we said lakefront development. We have a plan that we've adopted that sets forth a clear path as far as what is lakefront development. To me this is a diversion away from our approved lakefront development plan. That's number one why I think we shouldn't be proceeding with this.

Secondly, we have many capital needs. It is true we can't use the monies that we're using for a day to day operation in our general fund, but we certainly have many capital needs. Just from the Mayor's comments at the beginning of the meeting tonight, you can see the capital needs that we have our extensive.

Director Pietravoia had mentioned in his presentation, collecting redevelopment proposals. Initially there won't be any redevelopment proposals. The property was on the market. We were one of maybe two people that were interested in acquiring this property. It was on the open market, there is no reason to believe that there's going to be a huge interest from the development community at this point.

That brings me to why I'm really opposed to this because the lakefront development, that's the catalyst that would make this property more developable, make this property a piece of property that a developer would want to redevelop. We need to focus on the lakefront development, the JJR plan that we've adopted and we need to proceed focused on A, before we even look at B. I'm not even sure we should be proceeding with B ever, but certainly not before we do A. Again I remain opposed to this and I hope I have support with that tonight.

Councilman Gilliam – Director Frey, just for the record, I e-mailed you earlier today. Even though this particular ordinance says, for the Euclid Waterfront Improvement plan; this administration is going to remain flexible to private entities purchasing this land that can be a partner in lakefront development, correct?

Director Frey – As I responded to your e-mail, while the connection to the southern neighborhoods is an important part of this, overall the goal is to make this property a taxable property, both from a property tax, a real estate tax and from an income tax producing. We want to put this large piece of property back into taxing productive use on both of those fronts. Developers, ideas for the reuse of this as Director Pietravoia has said, those were some preliminary concepts that JJR provided at our request that was shared with City Council at the Executive Finance meeting. There is no set plan at this point other than those two goals to connect our neighborhoods to the lake and to make this an income producing piece of property.

June 21, 2010

Page 16

Councilman Gilliam – Thank you and with that particular interpretation, I'm still in support of this and I clearly hear Councilman Wojtila's words. When I think of lakefront development, I just don't think of a particular area, I think of a lakefront community. This is part of the community. While it maybe a little bit riskier than focusing on one particular area such as north of Lake Shore and the lakefront, I feel that it is important that the city does maintain control of the land. Maybe there won't be a high level of developers coming in and saying we want this land at this point in time, but some of the trepidation that I did have and I have all due respect for Charter schools and churches and things of that nature, social service programs; but my concern was if we lose control during lakefront development, that particular purchaser or buyer could be in conflict with what we're trying to do with a theme for that particular area and for this entire city. It is a risk but at the same time I believe it is a higher reward. If we're actively pursuing lakefront development in concert with trying to market this piece of land, whether it is to obtain funds via in kind land or whether it is to have private developers come and say this is what the city is addressing on this particular end, would you be a partner or player in this. I think if those two things are done concurrently by Economic Development and this current administration, we have a possibility of making this a win/win for everybody. Those are my concerns. I will support this legislation. I respect Councilman Wojtila's particular statements and I read his e-mail and he makes some very valid points. But for me, this is a risk that I have to take and I don't consider it a high risk, it is a calculated risk. That's my comment. Thank you.

Councilwoman Jones – Director Pietravoia or Director Frey, I'm not sure who should be answering these questions. I know we talked about the maintenance of the property and that's one of my major concerns is the maintenance of the property after it is purchased and going forward. I know the Mayor talked this evening about hiring additional staff to be able to get caught up on the properties that we do have but we're putting another property into that mix to keep up with also. The new hires that we talked about this evening were only temporary, at the end of this season, but at the end of next if we're in this same situation and we still have this property because as some of the other council members mentioned, I don't think there's going to be a developer that's going to pop up within the next six months or so and say that they want to purchase this property.

My other concern is, additional costs for maintenance of the property. You mention the cost for the surveys and the other evaluations that have to go on, but the maintenance of the property ongoing, and those could be included in the grass cutting and the maintenance of the building as well and the cost of those. We talked about capital needs and I understand the lakefront development and I'm in favor of lakefront development but I'm also wondering with the additional funds that are needed for the other asbestos testing, environment and everything else, will come out of capital needs and capital funding, what are we giving up as far as capital improvements that these funds are going to. I know the cost you mentioned wasn't a lot, it was the max was \$15,000. But that's coming out of capital funds that could be used for something else.

My other question is, if there's a developer that comes along and wants to do something with the property, right now it is almost 8 acres and they only want maybe the front part of it, are we looking at not splitting that lot up into multiple sections and keeping it whole for one developer to come in and purchase the whole thing?

My last question is, the utilities for the building, what are the average cost of the utilities on a monthly basis, do we know that?

Director Pietravoia – Starting with the utility numbers, we did ask the Diocese to provide information on that and they ranged, 2007-2009 from about \$18,000-\$30,000, a little over \$30,000; that includes gas, electric, sewer and water. That was for use as a school and church and that included the continued use of the rectory. I don't believe the convent has been used for awhile. Costs associated with the rectory would come out of that and depending on how much of the building is used and how frequently, whether it was a year-round use, that's just a ball park to give you an idea of what the costs were in the past.

Your question about keeping the property whole, any proposal that might come forward for the property would have to be thoroughly analyzed and then would come back to council just as we can't purchase without council's authority, we can't sell without council's authority. Everyone would have an opportunity to view and entertain the proposals that come forward. I wouldn't limit just to keeping the entire property together. Ideally that would be the approach, but if someone came forward with a proposal that made sense for a portion of the property, we would bring that to Council for your consideration.

Mayor Cervenik – As to the capital needs, we presented a 5 year capital plan, \$600,000 of this amount was included in this year's capital plan. As I mentioned, we're doing almost one million dollars in resurfacing work between our normal capital funds, from the redevelopment fund, infrastructure fund and we intend to do about that much next year. We can only do so much in one year to begin with so we've

June 21, 2010

Page 17

got to balance the importance of controlling this piece of property with other needs of the city. I think we've done a pretty good job of balancing. The utilities sound a little high, but if you've ever been inside a school, let alone an older school, kids are in there and it is hot, they keep the heat up pretty good. I don't see us using it for anything, I firmly expect, there's temptation to use it for Rec program or something like that but I really see us mothballing the building and just maintaining the grass an outside unless something spectacular comes around. The Recreation budget is not in a position where they can expand programs and use that building, that would be more of a cost to us. If I make the changes that I suggested tonight, the temporary employees, those same temporary employees would be budgeted and hired next year as we always have done in past years. I erroneously thought that we could survive without those temporary employees, I was wrong. I think we've all noticed over the last few weeks that we do need those temporary employees each and every year to supplement the full time employees that we have. I really think we can balance this purchase, justify the maintenance costs and continue to provide the infrastructure improvements throughout the whole Euclid, the whole 10 square miles of the City of Euclid.

Councilwoman Jones – I would just like to see a plan for the building, whether it is going to be mothballed, what is that plan, or it is going to be used for something else, what is that plan. My last question I didn't get in when I was listening to everything else. You mentioned about the EPA improvements. If the St. Robert's property was not for sale, where would these EPA improvements take place or how are we going to go about doing that?

Director Frey – In most of the scenarios we looked at included private property acquisition, some place in the greater downtown area. There would be some level of private property acquisition to provide for the equalization tanks and so forth that would make the wet weather facility able to better treat the combined sewer flow to it. It might not be adjacent to the plant, it might be adjacent to the plant, it might be down east, down Lake Shore Blvd. In every scenario there was a contemplation of some amount of private property. Again, we're quite a way from knowing what that is. We are as we've mentioned to you in the past, currently undergoing a trial period where we're trying to improve the operational ability of the wet weather facility and reduce the need for capital improvements to the level that we might otherwise need waste water facility. But I don't envision a scenario if we had to make substantial upgrades that would avoid purchasing property. Again, many different options for that.

Councilwoman Scarniench – Not to belabor the point, I think this is a win/win situation for the city. This is 8 acres of property in prime location. No matter what we do with it we're going to have taxable income coming out of that property eventually. Councilman O'Neill made a remark the other night about having a kiosk that had golf carts so they could get off their boat and ride over to the golf course and shot a few rounds, have some food and then go back. That's not such a far fetched idea. That's exactly the way you want to go. I envision as the lakefront development goes on a really nice restaurant because this is a lot of property.

As far as what we do with it right now, I could see us renting it out to a Charter School or a Church on a short term basis, a couple of years, while we're doing what we have to do and that would help us to recoup the money that we're spending. They could be required to take care of the land. Most of that land is concrete. There really isn't a lot of grass area, it is pretty concrete and you've got the little woods on the side of it so I don't think it would take a lot of maintenance if we mothball it, we sure don't have to snow plow it, so that wouldn't cost us any money. Like I said the other night, with Parklawn and Envoy, these are one of those things that we need to do because it will make the city better in the end of it. I would like to have my name added onto this please.

Councilman Langman- I received a phone call a couple of days ago with a resident who was very upset with me about the purchase, etc. She made it very clear that she felt the city was in decline and we should husband our money to focus on just basic things.

My position hasn't changed. I think that's exactly why we need to make this investment and need to complete the lakefront project as adopted by council and as presented by JJR. It is important that we undertake these types of development projects to rebuild a residential and retail tax base. That will happen when we do projects like this. I say projects because we can't just say well the lakefront is going to fix everything because that's not true. We have to keep going, keep working, keep being imaginative.

I also think the key element to all of this is JJR. Any older community is going to have to participate in their rebirth and redevelopment, either through outright property purchases or through property tax abatements or income tax rebates, or abatements, however you want to call it. I think the city in one element should be commended for stepping and making investments around the city. Now you can argue that perhaps those investments weren't followed up with good plans, etc., you can make those arguments. But again, here on the lakefront the difference is JJR. They from what they tell us have a 100% batting

average as far as waterfront development projects. That sounds pretty good to me. They also have quoted that any public investment that the city, federal government or the state government makes will reap in return between 8-12% on the private investment, I should say 8-12 times that amount. I like those odds and it is about time this city embrace the lakefront wholeheartedly. This is a part of it.

Finally, JJR really hasn't done anything new as far as identifying the new elements, they've always been out there. But what they've done is provided the expertise so that we can move forward. I have often said they have cut the knot for us and they really have. This purchase is important and we should move forward with it so we can truly make a great redevelopment project, not only on the lakefront but all the way down to the golf course and beyond. With that I'll make a motion to close debate.

President Holzheimer Gail – Councilwoman Minarik would like to make some comments and then I'll take your motion.

Councilwoman Minarik – Trying to play Councilman O'Neill on me. When preparation meets opportunity that's success. I think we are prepared, the opportunity came along, I think this can be successful in the long run. I look at E. 4th Street downtown. If developers had said, oh well we'll just concentrate on E. 4th, you wouldn't have had the overflow. You look at the Chicago neighborhoods along the lake, on the east side, they knew the redevelopment of a community is not just one side of the boulevard. There is an overflow factor. Waterloo is going through that as well, Arts Collinwood came in. They're not looking at just Waterloo, they're looking at the entire area. To focus everything entirely north of the boulevard, I think is short sighted and it cuts our ability to connect two sides of town that seem to be constantly at odds with each other as to who is getting more than the other side. With that in mind I will support this but I am concerned that if Euclid continues to pursue the policies it is pursuing of aggressively going after low mod income and not as aggressively going after middle and upper income, I am concerned that the development we'll get at St. Robert's will be dollar stores or check cashing. I would like to urge with this prime parcel that we're acquiring that we pursue more policies, similar to what we did with University Hospitals perhaps, where we can offer some kind of incentive to attract middle and upper income people. As I've said in the past, the tipping point of a community according to a renowned PhD in Economics is a community can afford 25%, 25% high, 50% middle. That's the perfect balance economically speaking. I would hope that we start pursuing the middle and upper income otherwise this parcel just may sit there for decades. With that I will second Councilman Langman's motion.

Councilman Langman moved to close debate, Councilwoman Minarik 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, Langman, Van Ho,
Holzheimer Gail
Nay: Wojtila

Passed.

Ord. 98-2010 (062-10) Land Reutilization Program

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

Councilman Van Ho moved for passage, Councilman Langman seconded.

President Holzheimer Gail – Again we did have a second discussion about this in our City Growth Committee meeting last Wednesday June 16th.

Director Pietravoia – I'm not going to go over from the beginning as we did in the committee meeting. The policies just in a nutshell we're trying to develop the guidelines and policies to direct both the Planning & Zoning Commission and City Council to give you guidance on how we would sell the land bank parcels when folks come forward with proposals to purchase them. There are state guidelines that we have to follow which these policies are in sync with. This was developed by Commissioner Beno based on his experience in other communities and we learned to Councilman Van Ho's question, we did talk with our other first suburban communities and learned again that we're on the leading edge. We're the first of the suburban communities to develop this detail of a policy and procedure for the disposition of our land bank parcels. I'll comment on that a little bit.

The State law requires that we set up a neighborhood advisory committee. We're recommending that the Planning & Zoning Commission serve as that committee. They are already in place, they hold

regularly scheduled meetings and we have the mechanism in place to take minutes, prepare and issue agendas, all of which would be necessary for this neighborhood advisory committee as well. Since our last meeting we did make a couple of additional changes. We distributed a copy of the policies. At the last meeting we went through the round of changes at that point to address all the comments and concerns we heard from council, we had individual meetings with all members of council. Since that time, we went back, we were trying to clarify on page 4 the disposition pricing policies and how we would establish the price for both buildable and non-buildable lots when they were being sold for yard expansion. If you think about the parcels that we're acquiring primarily as a result of the foreclosure activity in our community, typically scattered single lots throughout the community, so we do expect, already have had significant interest from neighboring property owners that would like to buy these parcels for yard expansion.

So in developing the policies we suggested we use the County Auditor's market value, we still believe that's a reasonable starting point, but in discussing again with the staff at the County Auditor, how they developed the value of the land, we did learn for the past several years they have changed the way they value the land. In the past they used to reduce the value of land once a home was demolished. They would bring down the value of the land by a certain percentage. Over the past several years they now take a percentage of the total value of the land with the house on it and assign that to the land value. When homes are demolished now, they no longer reduce the value of that land, they keep it at the established value.

We were concerned once we learned that's the system they are using now that in some cases the county value will actually be a significant number of the high teens, upwards of mid-twenties. We're concerned if an appraisal were done, we probably would find that the land value didn't actually achieve what's on the county books. So we made some modifications shown in red here that gives the opportunity for either the purchaser or the city to challenge the county value. When that happens to allow a process where an appraisal can be done. If it is the purchaser challenging, they think it is too high, then we'll ask them to pay the \$150-\$200 it would cost to have an appraisal done. If it is the city, we may in some cases think the value is too low for a sizable or an attractive lot, we would have the opportunity then to go after the appraisal and in that case the city would pay for the appraisal. That's what the changes on the page reflect, it is just creating the mechanism where an appraisal can be an option if there's disagreement with the County Auditor's value, but that still would be the starting point for everyone to look at to help determine pricing.

Then on the last page, the only other change we made again, all the other changes were accepted at the committee meeting. This is a new change to reflect, I believe Council President has suggested after discussion that we add some language where there has been other governmental funds used to purchase property, NSP for example, which I'll touch on, that they do have other rules and regulations that wouldn't normally come into play on all the land bank parcels. We're kind of cautioning purchasers that that might be the case and where that is the case we'll let them know when they identify a parcel if there was other funding that has different rules associated with it.

On that point, I just wanted to comment, we did seek clarification from the federal government on the parcels we're acquiring using NSP dollars to respond to Councilwoman Minarik's question. We did determine, very definitively. They responded saying that if you spend any NSP dollars at all it is the same disposition policy as it would be for rehabilitated home. By their rules you would be able to sell for the lesser of the dollars that we invested in the parcel, or an appraised value, whichever came out less. If it is an NSP parcel, that's how we would determine the pricing. We would always need to do an appraisal because they require that an appraisal be conducted and then we take the lesser of the dollars that we put into the property versus the appraisal.

Just by way of example, the majority of those parcels will be properties that we purchase that had a home on them. Many of those because of the condition are scheduled for demolition. The demolition cost would be a cost that we could count toward setting the price for that parcel. So if the cost is \$8,000 to demolish, we could charge \$8,000 for the parcel. If we felt, either the administration or council or both felt that was too high, we would also be conducting an appraisal so the appraisal would determine whether the actual value today might in fact be lower or higher than what we invested with NSP.

I hope that clarifies Councilwoman Minarik's question. We always have the option under certain conditions or circumstances to go lower with an NSP but you can't go higher than either the appraisal or the amount of dollars that you invested in the property. With that, again we had a thorough discussion so I just wanted to highlight where the changes were since the committee meeting.

President Holzheimer Gail – Councilman Langman as Chair of the Committee, did you have comments?

Councilman Langman- We probably cumulatively probably spent about 2 ½ to 3 hours discussing the guidelines. I'm still not entirely happy but I appreciate the administration's working to take into account all of our concerns. I'm sure other people aren't 100% happy, which means you probably did a fair job in

Council Minutes

June 21, 2010

Page 20

balancing everyone's interests. Even though I'm not entirely pleased, I will support this. We can always change and modify the guidelines as we go on. I think it is important to know that the bottom line is that the Council will decide ultimately what happens to these parcels. We retain that authority. I think based on all of that, I hope my colleagues would support moving this forward.

Councilman Gilliam – I know I said previously at our last meeting, City Growth Meeting, that even though it is not in the policy, because I agree with the fact that if new construction purchasers should be able to pay \$1,000 versus a side lot enlargement; I would hope in the actual agreement that there is some language stipulating that anyone who builds new construction should stay in the area for a period of years. That's stabilization. The reason I feel the \$1,000 for a person who wanted to build a side lot is because if they buy a buildable lot, they can buy it for \$1,000 and speculate. That is fully something that I don't want to happen where people just buy buildable lots, just to wait until it is time to sell. That was my reasoning for going forth with this. I just wanted to reiterate the fact that if anyone out there was purchasing a 5,000 sq. ft. or a 4,000 corner lot, that's in a neighborhood where homes have been historically, it would be imperative that they not only get that lot for \$1,000 and submit their plans, but they have some obligation to stay in that area as the primary owner and not as a landlord after one year. Other federal programs do that as well, Ohio has it in the Ohio Finance and Housing; 203K under the HUD has a one year minimum for that particular area. So there are stipulations out there and I'm hoping the Law Director can draft some language that would not only alert the particular purchaser that this is an obligation to the city and that's why you're getting it for \$1,000. So that's just my comment. I'm going to move forward with this because I feel like this is a work in progress but we have to establish some policy and move forward. Those are my comments, I'm in support of this. Thank you.

Councilman Wojtila – I was not able to make the committee meeting, but one question I had was, I thought the policy should allow for any proposal from the property owner to be forwarded onto P&Z for disposition and ultimately to Council. Councilman Langman's comments, seemed to mirror that. Is that in here that, let's say I would like to acquire the side lot next to me and I first present an offer to the city. Is there a guaranty that's brought forward to P&Z and ultimately Council?

Director Pietravoia – I'll ask Commissioner Beno if he could find the specific language, but we do indicate in here that every proposal that's brought forward would be brought to Planning & Zoning and ultimately to city council. P&Z would be advisory only and the final decision would be made by city council for every proposal that comes forward.

Councilman O'Neill – A person purchases property for \$1,000 for building. Do we have a stipulation that requires them to build in a certain time?

Director Frey – The point of this would be to enter into some type of development agreement. Those conditions would be contained in the development agreement.

Councilman O'Neill – So we'll negotiate that at the time of the sale?

Director Frey – Yes, and based on general overall policy approach, but sure.

Councilman O'Neill – My concern was someone says hey I'm going to build on this property, gets it for \$1,000 and sits on it. There isn't a timeframe built in but we can make that up through the purchase agreement. Thank you.

Commissioner Beno – I believe it is very clear in the first paragraph, it talks about the Planning & Zoning Commission shall hold a public hearing; Planning and Zoning Commission shall forward a recommendation; the Director or his designee shall provide forms and a process. I think it is very clear in the way this is written that the applicant has the right to have their proposal heard.

Director Pietravoia – To Councilman O'Neill's point. I think we'll establish a pattern once we get a couple of proposals that come forward, particularly that involve new construction. Both P&Z and Council will get a level of comfort that will offer a certain time period to accomplish that new construction. There's usually a proviso in any agreement that if circumstances don't allow completion that through a written agreement we can extend the time period. You would have to show significant progress is being made in order for that to happen. Again, Commissioner Beno based these policies on his experience in other communities and it is very typical to have that type of an agreement and to have those kinds of deadlines stated in the agreement.

Councilman O'Neill – I look forward to those problems, that means we're making progress. Thank you.

Councilwoman Scarniench – Page 4 on the Disposition pricing policies, it already says one year. To get the \$1,000 they already have to do something within the year, so we already have that in there.

Director Pietravoia – Yes, second paragraph under Disposition pricing policies. Initially our thought was they would have a year to accomplish the construction of the new home. Again if weather or other circumstances causes

Councilwoman Scarniench – Right, you can always extend it, but it is already in here that it is one year that's the deal for \$1,000.

Director Pietravoia – That would be repeated in the agreement that they sign.

Councilman Langman – Just a request to the administration, as you draft the various policies, especially for the interim uses, I think all of Council should be able to review those and comment accordingly before anything is actually adopted. I would appreciate that.

Director Pietravoia – The reason I'm hesitating is I think those policies are going to come forward through experience with the proposals that come forward. I wasn't anticipating that we would be developing, these are the policies, we're not going to be developing others.

Councilman Langman – No, no, no, what I mean is if someone comes forward with an interim use and they have to sign off as far as liability and so forth, we did discuss that. You folks will have some kind of form and I think we should see that before you start putting that form out.

Director Pietravoia – We can provide that in advance. To Councilman Langman's point, we also wrote into here after our discussion with all the members of Council, that we would notify the Ward Council member right away for any proposals that come forward, whether it be for an interim use or an actual purchase. So you would have early opportunity to weigh in on the proposal that's coming forward.

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

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

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

Passed.

Ord. (125-10) Consolidated Compensation Ordinance

An emergency ordinance setting the benefits and compensation to be paid City of Euclid personnel, other than employees of a collective bargaining unit, and rescinding Ordinance No. **129-2005** and all amendments thereto, and all other legislative enactments or administrative directives inconsistent hereto, and enacting in lieu thereof the within ordinance to be known and cited as the 2010 CONSOLIDATED COMPENSATION ORDINANCE. (Sponsored by Mayor Cervenik)

Councilman Gilliam moved for passage, Councilwoman Scarniench seconded.

Director Frey – We're asking that this be placed in the Executive & Finance Committee. I want you to know that this is a compilation both of the draft legislation that was presented, it was not legislative in form, but the draft that was presented at the Executive & Finance Committee meeting and incorporates several comments by members of City Council. We'd like you to take time to go through it in some detail and we'd be happy to meet again in a committee setting to discuss it.

Councilwoman Scarniench moved Ord. (125-10) to the Executive & Finance Committee. Councilman Langman seconded.

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

Sent to Executive & Finance Committee.

Ord. 99-2010 (126-10) Alternative Tax Budget

Alternative Tax Budget for Fiscal Year Commencing January 1, 2011.

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

Director Johnson – This is a piece of legislation that's routinely placed in front of you at this time every year. We're required to adopt this tax budget and I'm required to submit it to the County Budget Commission by July 20 of every year. This commences the budget process for the year 2011. With the passage of this Resolution as submitted to the County Budget Commission, the County Budget Commission will then be able to set the tax rates that we will be presenting legislation to you sometime later on in the fall to set our tax rates for 2011.

Councilwoman Minarik – Director Johnson, on the last page, the 2010 LT GO BAN Series with the triple asterisks, which refers to Peterson; Column 5, Amount required to meet the budget year principal and interest is blank and then the final column Amount Receivable. I have two questions on this. The \$7,000,000 Principal Amount Outstanding and the beginning of this year. That's \$7,000,000 that we have raised, borrowed, whatever, but that has all been spent on projects related to the CSO's, is that correct?

Director Johnson – Some of the proceeds of those notes include projects from prior than the 13 CSO's. What you're looking at, yes it is because it is asterisk as Peterson. The reason why there's zero amount required to meet the principal and interest payments is because the plan is to go forward with a bond issue for those notes later on this year. If you recall when we did our notes we did a split maturity and part of the maturity is to go until next year 2011, the other is to expire at the end of this year in 2010.

Councilwoman Minarik – So we don't need anything to meet?

Director Johnson- For 2011, correct because the plan is to incorporate this into a bond issue next year, at the end of this year, I'm sorry.

Councilwoman Minarik – The 2008 Various Purpose Series, that's a combination of the Benza and the Peterson taxes. So I don't have a problem with that one. But I do know that when Council approved the increase in Peterson November, 2008, it was because we needed the money specifically to take care of the CSO problem and we were going to start replacing those lines and that's why I'm asking if the money spent is being used for what Council approved it to be used?

Director Johnson – Yes it is.

Councilwoman Minarik – Okay, so the \$7 million is being used to alleviate CSO problems?

Director Johnson – Correct. But you understand that is not the total amount that we're looking at for all of the projects.

Councilwoman Minarik – Correct. Thank you.

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

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

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

Passed.

Res. 100-2010 (135-10) Energy Special Improvement District

A resolution authorizing the execution and delivery of a petition and approval of the petition, articles of incorporation, and initial plan of the City of Cleveland-First Suburbs Development Council Advanced Energy Special Improvement District. (Sponsored by Mayor Cervenik and All Council)

Councilwoman Scarniench moved for passage, Councilman Langman seconded.

President Holzheimer Gail – We did discuss this in our Executive Finance Committee meeting on June 16th. This is an exciting project and I will let Director Pietravoia explain it.

June 21, 2010

Page 23

Director Pietravoia – I want to acknowledge before I forget as I did with my other staff members. First of all I want to go on the record thanking Bob Gliha and Jim Sonnhalter for all their hard work on the previous projects and would like to start out by recognizing Brian Iorio who has helped tremendously on all the energy projects that we've been working on recently. Brian is here tonight to help respond to questions.

I mentioned at the committee and I want to start again tonight by reminding Council and thanking the members of the public that voted, we did receive the Efficientgovnow grant for \$100,000. We place third out of ten projects and the top three were funded and will be funded for \$100,000 and it will help to pay for the cost of establishing and administering this special improvement district.

In a nutshell, the district would be established under State law and would help fund energy improvements on private property, initially commercial and industrial properties through a self assessment process. The advantage of doing this is that the projects will be funded through bonds that are issued for lower interest rate than the businesses would be able to obtain through a conventional bank. Also it would allow them to pay for the cost of the improvement over a longer period of time than typically a traditional loan would.

More importantly there are tax credits and grants available this year that are more substantial than typically available, they'll expire at the end of 2010. With this Special Improvement District in place, those companies that would like to do a project not only will get lower interest rate, longer term financing, but also can take advantage of the tax credits and grants that are available. We already have a couple of companies that have approached us and in fact just got another call this week because of the publicity surrounding this, so we have several companies that are already starting to look at the possibility of doing solar and other energy projects.

The State recently modified the law for these Special Improvement Districts, it was initially only solar. They just passed, just a few weeks ago, to go to expand that to wind, geothermal and other energy efficiency projects. It is really going to make this even more popular. The nuts and bolts of it are what's before you tonight that we discussed in committee is legislation required to establish the district and for us to be part of it. In order to be a member of the district and on the founding board, you actually have to do a project that gets assessed. So we're proposing and we distributed to Council at the Committee, I don't know if anybody actually has it but I have a couple of photos that maybe Brian can bring over and pass along for members of Council to look at. It is a pretty exciting project. It is a sole source provider that we've been able to find that does in essence a parking lot light that is powered both by solar panels and wind turbines, combination in the same project.

We're proposing to do one of those as our demonstration project. Our initial assessment with the assistance of Director Smith is that it would be installed on the parking lot on the north side of the building, which right now if you go out there, it is actually a darker spot than most of our parking areas, so we thought that would be a good place to test out this technology and it would give us the ability to become part of the initial district.

Every Development Director from the member communities would be part of the original founding board. The board will establish all the policies and procedures, review of projects that come in and will actually approve the future projects submitted by private businesses.

No cost to the city. Formality to actually pass the petition, the plan itself and to do the demonstration project. We have funds through our energy grant to pay for the demonstration project. We did make a couple of minor changes to the ordinance itself at the advice of the legal counsel that's helping First Suburbs to do this. They recommended that we only assess ourselves for a nominal dollar amount. They're asking all the cities to do the same thing, so we reduce that to \$50. I think we originally, I'm not sure now if we actually had submitted it at one point to Council the full cost of the project is \$4600, but we will pay that with our energy grant and only assess the \$50. Brian I'll ask you if there were any other changes that we made to the ordinance.

Mr. Iorio – That was the only change, it was \$4600 that we initially proposed as being the self assessment and we reduced that to \$50. Just to clarify the complete project is \$11,500. The \$4600 was just for the solar segment of the project.

Mayor Cervenik – In 2010 I am serving proudly as the Chairman of the First Suburbs Consortium of which the First Suburbs Development Council is one of our major sub committees and this is a very exciting piece of legislation and program. All the Mayors are very happy that this came about and we're all very thankful for the most part to our Development Directors. Director Pietravoia thanked his staff but this sub committee is made up of the Development Directors of the various communities and they've worked very, very hard on this and they should be commended for it. It really is a move towards regionalization as well as going green as we've been trying to do. Director Pietravoia thank you and to all the members of the Development Council.

Council Minutes

June 21, 2010

Page 24

Councilman Langman – Director Pietravoia or perhaps Law Director Frey, is a traditional Special Improvement District in this new green energy improvement district and for that matter a TIF, are they mutually exclusive?

Director Pietravoia – If I understand your question, could we do more than one in the same geographic area?

Councilman Langman – That's correct.

Director Pietravoia – My simple answer to that question is yes. The entire city would be part of this Special Improvement District and I know the State legislature anticipated that there would be other districts like TIF's and Special Improvement Districts within a given community.

Councilman Langman – So you mean, no they're not mutually exclusive.

Director Pietravoia – I'm sorry, I meant to say you can do both.

Councilman Langman – Okay, that's probably easier. Law Director Frey, any comments or additions?

Director Frey – I can see where all of those could operate in conjunction in the same area. Since the assessment process itself is specifically tied to a project base versus the TIF concept, I don't see that there would be inconsistencies with a special improvement district, the solar or advanced energy improvement district and a TIF all operating in the same geographical area.

Councilman Gilliam – Director Pietravoia, just based on your research and your staff's research, what would the city lose by not being part of this? How would it adversely affect the city if we were not part of this SID, excuse me, Energy Improvement District?

Director Pietravoia – The primary downside would be none of our businesses and eventually residents would be able to take advantage of this way of financing energy improvements. If we had to do this alone, we would have to take on the cost of actually administer the program, run the board, review all the projects, that would all be done by First Suburbs as part of this larger regional cooperation with and using the \$100,000 grant that was received from EfficiencyOhio. So the downside is if we try to do it later, separately, there would be cost to us that we wouldn't incur if we were part of this regional effort. The larger downside would be that our area businesses could not take advantage of this special financing and the longer term.

Councilman Van Ho – Do I remember correctly you saying we would also not have the ability to float the bonds to help the businesses through the Port Authority or wherever we're going through?

Director Pietravoia – That is a very important point. The benefit of the cities coming together is that it is very costly to issue bonds, so in order to offset those costs, you need to do a high volume of projects. By combining all these 16 cities plus Cleveland together we'll be able to get to that volume to justify the cost of issuing the bonds. If we tried to do that independently, it would be very unlikely. All the folks that would be interested would have to wait so long until we collected millions of dollars worth of projects to be able to issue bonds and offset those costs

Councilman Van Ho – Also you mentioned Cleveland and everyone will have an equal vote, there's not going to be Cleveland having some type of super vote or anything like that, is that correct?

Director Pietravoia – That is correct. Each Development Director will have a single vote, equally weighed.

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

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

Passed.

Ord. 101-2010 (132-10) Downspouts

An ordinance amending Section 1755.20 of the Building and Housing Code of the Codified Ordinances of the City of Euclid governing the basic standards for residence occupancy to allow voluntary disconnection of downspouts from public storm sewers with the approval of the City of Euclid's Engineering Department. (Sponsored by Councilpersons Minarik, Langman and Van Ho)

Councilwoman Minarik moved for passage, Councilman Langman seconded.

Councilwoman Minarik – This first came to my attention during the rain barrel sale. A couple of residents approached me and said that cities were disconnecting downspouts. I went of the web and looked it up and sure enough Chicago, Boston, Toronto, a number of big cities have undertaken voluntary downspout disconnect programs. Actually in Boston new construction is required not to be connected, which I thought was interesting.

The reason for the downspout disconnect is primarily we've been talking about some of it tonight, this combined sewer system, the CSO's. The Mid America Regional Counsel relating to combined sewer overflows in its encouraging of downspout disconnect, talked about combined sewers or older systems that carry both storm water and waste water to treatment plants. When rain storms fill combined sewers beyond capacity and I believe we have 17 of them, the result is a combined sewer overflow; a discharge of untreated wastewater and storm water into local waterways. Although we do have the capacity to do the primary treatment, the first treatment. Residents are encouraged to disconnect downspouts from sewer pipes or redirect downspouts to grassy areas or gardens to reduce the rain that enter sewers. There's a zillion reasons why downspout disconnect is a good program.

The water that flows off of our rooftops can help keep lawns and gardens green. The downspouts that send rain water down driveways, sidewalks and underground pipes that lead to storm drains or sanitary sewer lines, the ground typically contains pollutants. Those run right into the catch basins, they can go right out into the lake. We've done so much work to clean up our lake, it seems to me that disconnecting downspouts would be a good thing.

The other advantage to this is I met with our brilliant Director and Asst. Director of the Service Dept. for their input and Mr. Bock suggested that because of the clay soil in Euclid there can be a problem, unlike Shaker Heights, our soil doesn't absorb properly and he can expand on that more. So this legislation would include an inspection by the engineering department to ensure that neighboring yards would not be impacted negatively and I would like them to comment further on that. Also there's a \$50 permit which will I think discourage anybody that's kind of flighty about yeah I just want to disconnect my downspout. They have to have a solid plan inspected by the Engineering Dept. I would like the Service Dept. to comment but I'd also like to open the flow up to my two co-sponsors, Councilman Van Ho and Langman as well if they wanted to say anything.

Councilman Langman – As part of the Federal EPA's investigation of the city and their continual oversight of the City, this is part of an overall solution to help reduce the amount of storm water in the system and that should over time make the EPA much happier with us than they are now. One or two people doing it won't have a huge impact but if we continue pushing these types of initiatives, along with others, that can have a rather significant impact on how much storm water we're putting into our system. I wholeheartedly agree with this. I think it was important to have some safeguards so that we're not putting the burden on neighboring property owners. I'm all for it. Thank you.

Councilman Van Ho – I agreed to also sign onto this because we keep talking about spending millions and millions to be able to control our CSO's and get the water through the system. If we start taking some of the water out of the system, maybe we can cut down the millions that we have to and I think there's nothing to be lost by trying this. It doesn't cost us any money, if the homeowner wants to do it, tell them I think we should go ahead and let them.

Director Smith – When we first met with Council person Minarik we had some dialogue on it we did talk about some of the concerns. I just think that everyone needs to be aware that there could be some negative impacts as well. That simply impacts on the adjoining properties if the yards are already saturated, if there's a lack of maintenance. That is some concern but there certainly is some positives associated with this type of disconnect. To bring everything into perspective, when we talk about the EPA and the impact that a program of this nature will have, I think it is important to understand some of the numbers associated with the plans.

On an average day we treat between 13-15 million gallons a day. When the wet weather facility is activated we're pushing 180 million gallons a day. I think Council still needs to be aware that there could be some negative impacts. We're willing as far as the building department and the service dept. to step forward and do our best to review the plans to ensure that there are no impacts; but there is that possibility and I think everyone needs to be aware of that.

Councilman Gilliam – Based on this legislation, when a resident wants to voluntarily removed the downspouts and they want to replace them with rain barrels, that \$50 covers the plan for the whole entire project, correct, we're not charging per rain barrel or anything like that, the whole plan submitted, the inspection and permit will be \$50, is that accurate?

Director Smith – That is correct.

Councilman Gilliam – My second question is, it says here in Section B, that there has to be standards established by the city for such devices and shall be subject for review and approval of the Building Commissioner. I don't recall on my short term on Council, have we established those standards? There's a technical thing as far as Councilwoman Minarik talking about the size of the barrels and the presentation and things of that nature. But have we adopted any standards or prepared for any standards in regard to this legislation?

Director Frey – Section B is not new. We had passed this, that portion of this, some time ago. The rain barrels presently are required to, while they can catch and collect rain water run off from roof tops, they are still flow back once the barrel itself is full, they flow back into the downspout storm line. Section C is actually disconnecting the downspout storm line from going out into the storm sewer and dispersing that water in a rain garden or some other fashion. The rain barrel may still be part of that but this is a separate concept where you're actually trying to manage the rain water on the site itself as opposed to any of the rain water, in theory, any of the rain water going into the storm system. So it is a different focus, it certainly goes well with the rain barrel, but it is a different concept. It is not just the overflow into the storm.

Councilman Gilliam – Thank you for clarifying, I guess where I was going with this and it is not that I'm adverse to this legislation. I know that the voluntary removal of downspouts can change the characteristics of a neighborhood. That could affect housing prices and things of that nature. I guess what I was concerned about is if an individual were to remove the downspouts, let's just say that they went with an alternative system, such as a rain barrel, in that capacity, there was a standard established because you could have standard grading and you could have some creative kid whose mom decides let him do just whatever he wants on the rain barrel and it's presence in the neighborhood. So I'm just worried about the characteristics. I don't think that this is a bad idea, I think it is a great idea. For those who are very interested in this, I support it wholeheartedly and I would not impede and individual from doing this. I guess my concern was that the characteristics of the neighborhood could alter and could change based on the presentation in removing the downspouts.

Councilwoman Minarik said that in Boston new construction is required that they don't have the downspouts, that is very interesting to me. I will probably talk to her to get further information on that. I'm not adverse to this, I just wanted to get an idea of how this would be presented to the community and how the community would respond to it as a whole because I know in certain neighborhoods if a person who wants to put up rain barrels and remove the downspouts, we're going to get phone calls and they're going to say I don't like yellow, I don't like blue, I don't like green and things of that nature. My concern is looking at the standards. If I ran off it is probably because I'm going all over the place, but those are my comments.

Director Smith – To expand on Director Frey's comments. As far as the standards go we have not established any at this point. We were going to accept it more as a homeowner came in with a concept that we would review it at that time. Many of the other ordinances that were shared, at least several I should say, had some very specific requirements as far as roof area and had a tremendous amount of detail. We just took a different approach.

Councilwoman Scarniench – I will vote no on this. Euclid is very unique, most of our property is small and the way I look at this is we will be impeding on other people's property. I like the concept of the rain barrels, that does exactly the same thing. I know what my yard looked like before I had my new garage put up and I had a gutter that went into a downspout and stuff so I know exactly what it would look like and it would be a mess. The thing that we really need to look at and I had a long conversation with Director Frey about this the other day, is the fact that we have 10% of the houses in our city still have combined sewers. Not 17, that's a different issue. Ten percent of the houses in the city have combined sewers. One of these days the EPA is going come and say this needs to be corrected now. He's going to get all the information to me. We'll have legislation on it so we can put it in committee and start talking about this but we really need to address those things. The cost, we would have to do the street and put the t's in, homeowners would have to take care of from their house to the street. It would be under \$10,000.

Council Minutes

June 21, 2010

Page 27

This would be a really good use of EDCOR funds down the road but I believe it is something that we need to talk about because at least over the long haul people will know that I have to do this, we're going to have time to pay for it, I can envision the EPA coming in and saying one year and I want everyone of these gone. And people aren't going to know anything about it and they're going to get stuck with a bill they can't afford to pay. So I will be voting no on this and look forward to the other information come the Fall.

Councilwoman Jones – Director Smith, okay let's say a resident does put a permit into remove their downspout and they do and there is a negative affect to the adjacent property owner. What types of provisions are in place or will be in place to be able to handle that situation, as far as, do they put their downspout back in or how to make that adjustment and the turn around time in that; because if we do get a lot of rain which we have over the past several months, then that could be very detrimental to an adjacent property owner?

Director Smith – To be forward with you we were intending on being more pro-active and less reactive. We haven't given a lot of thought as to what will happen if there's a problem. We understand the soils, the concerns of neighbors, if the yards are saturated. We certainly want to take all those into account. We would have communications with soil and water, not on an individual basis because they have their own responsibilities but we would certainly utilize them as a resource to see that number one, the resident that had the interest in paying the fees to consider this and as far as their investment, in itself that it would be worthwhile. Can I sit here with 100% ascertain and assure you that we're not going to have problems? I cannot do that. But as far as what happens after the fact, we haven't discussed that in any detail whatsoever.

Councilwoman Jones – I would like to suggest, can we move this to a committee, I'm not sure which committee that would be, to discuss some of those provisions so we could put something in place? Because open this up, I'm sure there's going to be some, it could just be one, but it could be multiples, instead of having that one negative reaction to this, I'd rather go into this with a provision that if something does happen, this is something we can follow.

President Holzheimer Gail – Sponsors have any comment on this going to committee?

Councilman Langman – I think some of the long time folks up here know that we've had issues with the current set up. We all remember Mrs. Raukar coming here and complaining about her flooded yard and we had downspouts and everything was directed to the proper drains. We still get complaints from neighbors now about wet yards and so forth. I think that is a concern but I would err on the side of trying to be progressive and giving folks flexibility to disconnect if they have a valid plan. So I don't want it presented that somehow everything is great now if we do this we're going to have a lot of problems, we have a lot of problems now. I'm willing to discuss it. I'm not sure I'm prepared to put it into committee but I think this is pretty innocuous legislation. Thank you.

Councilman O'Neill – I like the idea of being able to do that. I question the impact on the neighboring resident or property when the downspouts are disconnected. I definitely support the rain barrel and I think if maybe somebody wants to redirect rain flow they should probably look into the rain barrel. I don't know that we have a lot of problems yet with flooding yards, but it maybe a maintenance issue with that particular property owner. I guess I'm going to vote no, I will vote yes to put it in Committee to discuss it, but I would vote no on this legislation tonight only because there's no provisions if there's an issue with the flooding with the next door neighbor, how do we take care of that problem. I have no problems discussing it further in committee, but as it stands like this, I'll vote no on it.

Councilman Van Ho – I think that you're overlooking the fact that we're going to have the Engineering Dept. go out and take a look at it and hopefully they'll be able to head off most of these issues and it is a plan, it is not just I'm going home tonight and cut the pipe that runs down into my clay tile. I think we should move forward. I agree with what Councilman Langman said. First of all let's start being a little bit progressive and second of all, it is not a complicated thing, let's vote on it.

Councilman Wojtila – To me this is kind of like the pervious pavement spec that we added. Sounds nice and great and we did it and yeah we can do this too, it is not really all that practical based on our situation in Euclid. To me it is not a big deal, I'm okay with it. I would vote yes. I would like, it needs to be stated in there that if it is approved and it creates a problem, they have to reconnect it and maybe we have that ability anyway because it creates a nuisance. But, if a neighbor sees somebody disconnecting a downspout and there was a water problem previously, I just see a lot of issues down the road. If I

disconnected my garage downspouts, they would go right onto my concrete into my yard drain. I wouldn't be decreasing any run off in that instance. Again, it is a progressive thing, it is a good thing but like pervious pavement it is not all that practical.

Councilwoman Minarik- This is from an engineer of course. It is important to realize that a downspout on a house can drain approximately 12 gallons of water per minute during a one inch rainfall. That's a lot of water going down into our storm water system. It is a lot of water. When we got three inches of rain last week, I can only imagine what was going on. The fact that the Engineering Dept. issues the permit, satisfies the requirement that if I want to disconnect my downspout from the storm system, I need to prove to you, the Engineering Dept., that I have a viable plan as to where that water is going to be diverted, how it is going to be diverted. I have no problem inserting an amendment into here that if there is an issue the Engineering Dept. can pull that permit, you need to reconnect.

The City of Chicago actually had brochures they put out to residents encouraging them. Chicago, I know it is a large geographical area, but it also has some tight housing. These brochures on how to disconnect, how to divert your water and situations like that. With what we're facing with the amount of water that's going down our downspouts into the combined sewer lines and it overflows, the man hole pipes, blah, blah, it gets primary treated only at the waste water plant. It doesn't get to the second stage or the third stage and goes right into the lake. We have to start controlling the amount of storm water that's going into the sewer system. This is a huge way to help that.

Again, there are brochures we can put out. Engineering has the final say. It is voluntary. I don't know that a lot of people, I don't know that I would want to disconnect my downspout because if it really gets a lot of rain, I want it to go back into it. That's something for Engineering to work with. I do know that it can help in the CSO areas.

Councilman Van Ho – I would move that we amend the legislation to address Councilman Wojtila's concerns that should it create a problem with the neighbor and the Engineering Dept. determines that is the cause of the problem, that actions be taken to have them reconnect to the underground system. But, I like Councilwoman Minarik, don't think we'll run into that much of a problem.

President Holzheimer Gail – Second by Councilman Wojtila. I'm just looking at Director Frey if he needs more specific language or if he could wordsmith that.

Director Frey – To Council, you are right, it is not expressed in this proposed Section C. There is a sentence here, the Engineering Dept. must determine the property owner has a valid plan for how the water will be diverted. If it is Council's desire, we will insert something after that sentence that indicates in the event of a failure of the project the owner will be ordered to reconnect to the storm sewer. If that's Council's desire, we could certainly put something to that affect in.

President Holzheimer Gail – I would defer to you but it might make better sense after the line, if the disconnect is approved by the Engineering Dept. a permit maybe issued and the disconnection may occur. The follow up sentence to that might be: in the event that the problem persists, the permit can be pulled or something along those lines. Does that satisfy the two who made the motion?

President Holzheimer Gail – There's a motion and seconded. Any questions on the motion to amend?

Councilman O'Neill – Who is the authority that assesses the problem? Is it Engineering? I believe the ordinance should read that it is the Engineering Dept. makes that determination and it is their authority that makes them reconnect, so the authority is clearly defined.

Councilman Gilliam – I'm looking at this and it is not necessarily an emergency ordinance so why are we moving so fast? I guess that it could be amended and I'm not here to say that there has been a motion and a second. Like I said I'm not adverse that this has merit, but I think we're moving rather quickly on a piece of legislation that many of us are kind of, how do you say, have different opinions. I agree with Councilwoman Scarniench, there will be property issues. Most of my calls, big disputes are property lines; there's an issue with that. I don't like the idea well if the Engineering Dept. says that it is permissible and we pay a \$50 permit, then they come back and say, okay you got to change it back to the downspouts. Well I just paid \$50, when out and bought these rain barrels and now you're telling me to go back to the old way and who is going to pay that cost? The city is indemnified so it is not really good idea to me. I'm not saying that this doesn't have merit and it is creditable. What I'm saying is I think we're moving a little fast. I just want to put that out there. I'll wait until there is a call for votes on the particular amendment, but I personally feel we're moving a little bit to fast on this one even though it does have merit and I appreciate the council people who have put forth this legislation.

President Holzheimer Gail – There’s a motion and a second to amend it to include giving the authority to the Engineering Dept. to require reconnection or to fix it if there’s a problem.

Councilman Van Ho – I’m somewhat confused. I would think the rain barrels wouldn’t have this type of a problem since they’re capturing the water; once they’re full they’re diverting back into the system. This is only for the disconnection, the way I’m thinking of it or am I missing something?

President Holzheimer Gail – Let’s handle the amendment first.

Director Frey – Council President if I could interrupt and what I’m going to suggest is the language that be inserted there. Should the disconnection create a nuisance, the Director of Public Service shall order the downspouts to be reconnected to the storm sewer at the owner’s cost.

President Holzheimer Gail – There’s been a motion and second to amend to include that phrase. Let’s have a roll call on that amendment please.

Roll Call: Yeas: Scarniench, Jones, Minarik, O’Neill, Wojtila, Langman, Van Ho, Holzheimer
Gail
Nay: Gilliam
Amendment passed.

Councilwoman Jones – I have one question. The \$50 permit fee is that transferable per owner? Once it is disconnected, if a new owner buys that house it will stay disconnected. Isn’t there something on our inspection that talks about downspouts? Would that have to change?

Director Frey – My sense, I’m sure that there is. But if it was done under permit, then approval by the Engineering Dept. and permitted, that would be a permitted exception. My sense is that we would not require a subsequent owner to reconnect. They could if they chose to do so but we would not require that.

Councilwoman Jones – Not a subsequent owner reconnecting. But this permit would transfer to the new owner. So when I’m going to the point of sale inspection for the purchase of my house, is there a mention on there about downspouts?

Director Frey – My guess is that there is. But my guess is that there would be a section on there for the downspouts. If however this disconnection was done under a permit, we would not require a subsequent owner or the seller to reconnect. A seller could, but we wouldn’t require them to do so. We wouldn’t cite that as a violation.

Councilwoman Jones – I would assume it is up to the seller to make sure they know that they have the permit to disconnect.

Director Frey – They would provide that information to a subsequent buyer.

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

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

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

Res. 102-2010 (128-10) Qualifications for Engineering

A resolution authorizing the Director of Public Service of the City of Euclid to solicit statements of qualifications from interested firms for professional services related to engineering, surveying, construction management, building official and plan review services for various projects.(Sponsored by Councilperson Wojtila by request of Service Director)

Councilman Wojtila moved for passage, Councilman Van Ho seconded.

Director Smith – As you are aware we currently have CT Consultants under contract for routine engineering services. The original authorizing ordinance did not include approval for future specific

Council Minutes

June 21, 2010

Page 30

projects. At this time I am requesting permission to solicit statements of qualifications from interested firms for various future projects. These statements will be kept on file for consideration through calendar year 2012. When required the ODOT consultant selection process will be followed. As the need arises for professional services, a consultant will then be selected from the pool and a fee will be negotiated. I will then return to Council for approval. Thank you for your consideration.

Councilman Van Ho – Could you elaborate the ODOT approach towards this? I'm not familiar with it.

Director Smith – Essentially ODOT requires a little different approach than maybe what we typically would. It requires specific project scope, a very detailed outline and posting upon the ODOT website.

Councilman Van Ho – So we've determined that we need a consultant, do you go into this pool, pick out the 2 or 3 and look at them to determine who is best qualified in your opinion and negotiate with them?

Director Smith – That would be correct. The selection would be based purely upon qualifications and then a fee negotiation with the selected consultant thereafter. If there was a problem in negotiating a fee then we would move onto the next consultant and proceed from there.

Councilman Van Ho – How long would this run for?

Director Smith – The ordinance I requested run through calendar year 2012.

Councilman Van Ho – I think that sounds good. I would like to have some conversation about how we do it after that because I think we could do it much like the Federal government does it and have it much more open and transparent approach. I will vote for this.

Councilwoman Scarniench – I love this idea and I'm glad Council person Wojtila has brought this forward because to often, I've heard it, I don't know how many other people have, but why don't I get to bid on this, why don't I get to put my two cents in. This is going to open this up. I hope we'll continue to do this. I know there's another contract and I'll speak to the Mayor about it later that I hope we will do that at the end of this year because I've heard some problems and we need to do that. We need to evaluate the people that are doing work for us on a continual basis and it should be done annually. It should not just be passed through and we just continue to use the same people over and over.

Mayor Cervenik – Not to take anything away from Councilman Wojtila, but this was proposed by the administration. We discussed doing this for a long time and feel it is the prudent thing to do. I'm glad Councilman Wojtila put it on by request.

Councilman Wojtila – I was going to bring that up Mayor. My only comment, this is for specific projects, not for ongoing plan review type services that we're currently using CT for.

Director Smith – That is correct. The original ordinance for CT included an array of things covered under routine services, this would be project specific.

Councilman Wojtila – For project specific, I understand you look at the statements of qualifications and select the one and negotiate. Could you not also request proposals from more than one and evaluate multiple proposals for the same project?

Director Smith – I guess I would have to have some further dialogue with Director Frey on that. In the past it has always been my experience that the fee is the secondary component and that the most qualified consultant takes the lead. I've heard that it has been done in various respects in different formats but in my opinion, the most appropriate is to select the consultant and then proceed with the fee.

Councilman Wojtila – I can appreciate that. For a routine project where the fee is well established based on history, that makes a lot of sense. For an out of the ordinary project we maybe better served by getting multiple proposals from firms and evaluating it that way. So I would ask you to consider that as you get those types of projects. Thank you.

Councilman Van Ho – I would concur with Councilman Wojtila, that's much the same as the fed's do is they go out on a qualifications based under a federal law called the Brooks Law, and determine the most qualified and then ask for quotes and negotiate the price. That would address Councilwoman Scarniench's concerns too of why didn't I get to bid on this because we would be literally, if you will,

June 21, 2010

Page 31

advertising for each time we have a specialized project. It could be done relatively quickly to determine who the most qualified is and then sit down and negotiate fees. It is a better approach and leaves the tax payers feeling like they got the best buy and the best price.

Councilwoman Jones – Director Smith, so there would be this pool of candidates to select from when we go out for bids. So we select an engineering company from that selection group. They come in with a nice price that we can work with. They go do the project and then that project is over. The next project comes along and I know it is not going to be a one on one type thing like this, the next project comes along, do you start from the top and work down? Would this company be the next one selected? Or is it that you start with the next; how do you select from that pool?

Director Smith – It would certainly be the intent, I would never intend on working down the list if we're dealing with qualified consultants. It is not a matter of giving everyone or every firm the opportunity to perform the engineering. Once a firm completes a project on our behalf, then we would certainly do a follow up internally as to the performance of that firm. We would start to look at things as how smoothly the project went, how many change orders were associated with those particular plans and if they were managing the project, how effective they were, what the schedule looked like and things of that nature. If we've had a tremendous amount of success with a particular consultant, then of course when it came time to the next project and we were once again considering from the pool, that consultant would probably rank rather favorably. That's not to say that other people wouldn't have an opportunity based on information they were able to submit on their own success stories.

Councilwoman Jones – So they'll all be submitting bids for that project and you would select this other contractor who already had a project and they were very favorable, they would have a higher priority than the others?

Director Smith – If they were unfavorable, they would be rated much lower in the process.

Councilwoman Jones – Once you select the list or the groups to go into this pool and these will be kept on file until the end of 2012, it says on file through 2012, so I'm assuming it is until the end of 2012. So in the meantime from now until the end of 2012 there would not be any others that could venture into that pool?

Director Smith – Just one point that I would like to clarify of one statement that was made. It wouldn't be my intention to select the pool up front. It would be my intention that whoever provides us with statements of qualifications, they would all be in the pool. We wouldn't limit it except maybe we received 20 statements of qualifications and we'd still have an array of projects that have some funding issues that we need to overcome. Obviously some might be doing the design, some might be doing the construction management. So it would be the intent to have whoever submits by the stipulated deadline that we purport, it would all end up in the eligible pool. It wouldn't be that we're receiving 20 and we're going to short list down to three for the next 2 ½ years. They would all be eligible for consideration.

Councilwoman Jones – Thank you.

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

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

Passed.

Ord. (133-10) Amend Code Home Occupations

An ordinance repealing current Section 1377.01(e) of the Planning and Zoning Code of the Codified Ordinances for the City of Euclid and enacting a replacement section to alter the required conditions of home occupations. (Sponsored by Mayor Cervenik)

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

President Holzheimer Gail – This is an ordinance that Council asked to be redrafted. Planning & Zoning sent a version back to Council. Council had a difference of opinion and I believe we voted it down. Mr. Beno and Director Pietravoia after speaking with several members of Council redrafted. Because it is a change to the Planning & Zoning Code, it does need to go to Planning & Zoning. Any additional comments Director Pietravoia?

Director Pietravoia – I think the e-mail was pretty self-explanatory in terms of the changes we made and we can discuss in detail when it comes back.

Councilwoman Scarniench moved Ord. (133-10) to Planning & Zoning Commission. Councilman Van Ho seconded.

Roll Call: Yeas: Gilliam, Scarniench, Jones, Minarik, O'Neill, Wojtila, Langman, Van Ho,
Holzheimer Gail
To Planning & Zoning Commission.

Ord. (127-10) Garage Sales

An ordinance amending Chapter 1744, Garage Sales, of the Building and Housing Code of the Codified Ordinances of the City of Euclid. (Sponsored by Councilpersons Minarik and Van Ho)

Councilwoman Minarik moved for passage, Councilman Van Ho seconded.

Councilwoman Minarik – This is relating to garage sales. Right now currently garage sale may not be held on a front lawn, nor may a garage sale sign be placed on the public right of way. This ordinance changes that so that garage sale signs maybe placed in the public right of way, the tree lawn and the corner lots on main streets, things like that and provided dates and times are clearly posted. Garage sale signs maybe be exhibited 24 hours prior to and that is the other change. Garage sales maybe held on the front lawn which is the third change.

The reason I was hoping to see this passed is I have noticed that garage sales are almost discouraged in Euclid by the current ordinances in place. There was a time when they were abused, people were holding them every weekend, the utility poles were just littered with garage sale signs and never taken down. I believe this ordinance will not revert us back to that prior situation. So in light of the fact that we own, more or less, the utility poles since we're paying for street lighting, I thought we could make some changes to this garage sale ordinance and I will again defer to my co-sponsor Councilman Van Ho for any comments he has.

Councilman Van Ho – Number one, the way our present legislation is, I couldn't have a garage sale, or a very limited one at best because I have an attached garage, so it is not going to do me a whole lot of good to put all of the stuff in the backyard. I think we should change that portion of it. As far as the signs in the public right of way I think that should be done because that's how people advertise and you can't afford to put a big splash in the Plain Dealer so let's admit what we need to do and go on and do it.

Councilman O'Neill – I didn't really realize that there was a problem. As I look at the ordinance and I take it for face value, it says garage sale. To me that means that you have a sale in your garage, put your stuff in your garage no matter if it is attached or not, it is a garage sale. Put your wares in a garage on a table, shelf, whatever and sell them. I've not been aware of any problems in my ward or any phone calls regarding how to display your wares. So I'd be willing to listen to this in a committee, but as it stands right now I'd be voting no on this.

Councilman Langman – We dealt with this about 5 years ago or so, I think it was five years, it was a long time ago. I think maybe Councilman O'Neill the reason why you're not getting phone calls is because we tightened up the regulations to prevent what was really a situation that was getting out of hand. We literally had some homes holding garage sales every weekend. You had some homes where U-haul trucks would pull up with mountains of goods and they were putting on the front lawn and it would obviously create tremendous traffic issues. You also had, I know back during the Ward 2, I was always out and about trying to pull down signs for garage sales and rent to own and all kinds of home related issues and all sorts of other signs. I think people were really frustrated by how our right of ways and some of our front lawns were looking pretty tacky.

That's why the Council President, then Ward 1 Councilwoman, Councilman Gruber who was in Ward 4 and myself, Ward 2, came up with ways to tighten up restrictions. We had even proposed to charge some sort of fee to allow the garage sale, like other communities, at the time we looked at South Euclid. They actually charged a nominal fee to be able to have a garage sale. We didn't go that far, but I think it is important to look back as to reasons why we tightened up the regulations to begin with so I will not support this legislation. Thank you.

Councilwoman Scarniench – I will not support this either. I was here when all those deliberations were going on about the garage sales and Councilman Langman is absolutely correct. My memory is not that bad but a year ago I tried to place an ordinance to allow for the signs and we were told point blank, we're

looking for a law suit waiting to happen because you can't say I can put a garage sale sign but I can't put my car for sale sign or any other sign. So that was the whole purpose and that went by the wayside. As the legislation reads right now, with permission Councilman Van Ho can have a garage sale in his front yard because it says it right there. I don't believe there is any reason to change this and everything looks good and we don't get a lot of calls any more compared to when I was first elected, it has slowed down. It is really good and hopefully this summer it will stay the same so I will be saying no.

Councilwoman Minarik – If we should get sued, I think that might be a good thing similar to the law suit back in the 90's when we banned lawn signs and we got sued by CABOR because they had the money to take us to court. I do think since the residents are asked to maintain their tree lawn, to keep their sidewalks clear, to replace their sidewalks, it is not too much to allow them to put a garage sale sign on their tree lawn.

The other part of the problem is we have selective enforcement of this sign code. I see many real estate signs that are not 10 feet from the right of way, all right. I see many signs that are put on the corners of public areas, they are not picked up. Last summer my Ward was flooded with foster care signs. No one was picking those signs up. It is selective enforcement of this law. If we're not going to enforce the law, then we should get rid of the law. I have seen garage sale signs, depending on the neighborhood you happen to be in, that are huge and that are sitting right at the edge of the sidewalk, not 10 ft. in. Nothing is done.

This ordinance does not change the amount of the number of garage sales you may have, which is still held to three per year. It does not change the fact of what you can sell or the times you can sell. All it is saying that you're allowed to put a garage sale sign on your tree lawn and you're allowed to sell your goods in your front lawn. Because it is their property, number one. And, number two, I believe if citizens had a ton of money, they could sue because this is an infringement on freedom of speech. It is also an infringement on property rights.

If you don't want to be sued, that's fine, vote no. But sometimes it is worth it to take a risk. I don't think we would get sued all right. As long as we're selectively enforcing the law, and it is not being applied equally to everyone, then let's get rid of the law. When it comes to all the other signs, I see signs that are not in compliance with the sign code. We allow that to go by. But by golly, we're paying for street lights now, but we're not allowed to put a sign on the utility pole that has to come down 12 hours after the garage sale is over. That is still part of this ordinance, okay. We're paying for street lighting but we can't use the poles. Drive down any street, you will see banners on our utility poles. You will see church banners on poles. You will see city signs on our utility poles. You will see traffic signs on utility poles. You will see our telephone poles so littered with signs and this is for a temporary garage sale sign, giving an address, hours of the days, when it is going to be held and it has to come down in 12 hours, that's still part of the code.

So I fear I shall not win this one, but I wanted to make my case anyway because it is for property rights and free speech. Thank you very much.

Councilman Langman – I'm not against it because I'm afraid we're going to get sued, we get sued irregardless of my fears or not. I just don't think it is broken. I don't think we need to make this change. I think it was prior to that, we had tremendous abuses. As far as selective enforcement, we don't catch every speeder but that doesn't mean I want to get rid of speed limits. A law can't simply be judged on whether we have 100% enforcement, that is not how we should be judging whether our law is practical or not. There has to be some balance between the rights of property owners to enjoy their property and the rights of the community to not be infringed upon by excessive, whether it is signage, noise, whatever. What we did five years ago strikes that balance. I don't see a compelling reason to change that. Thank you.

Councilwoman Scarniench – I get many calls about signs. I call Brandon because they are business signs in people's yards, they're not allowed to be there. They get notified that they have to be gone or they will be penalized. If it is on the tree lawn, I call Al and Al picks them up because they don't belong on the tree lawn. Ward 2 is pretty taken care of because I make phone calls to the people that need to be called because people aren't following our rules. I don't have a problem with saying no to this.

Councilman Gilliam – My only concern is this. What Councilwoman Minarik is saying is correct, it is not equally enforced, I've seen it numerous times. But if we were to take a field trip in other communities and look at the front yard garage sales, they're not very enticing, they're very unattractive and you can find anything from a kid's toy to a full bedroom set on the front lawn. I don't like that appearance. There are residents that do not have a garage and I don't have a problem with them using the full driveway or a side yard in certain instances, but the front lawn really, really gets to me. That's one of the things that I'm really focused on.

The other issue is the public right of way, if we allow for those garage sale signs to exist, who will contest, there will be some people contesting that; I need to have my car for sale sign, or lemonade stand, real estate agent, any particular person will now be able to contest this particular law. I think that leaves us open.

At this point I wouldn't vote for this based upon, the strongest indicator is that front lawn. I've seen horror stories in other communities and I don't like the way it looks and I don't want it to be replicated here because honestly and truthfully, people are trying to already. I'm just being blunt with that.

President Holzheimer Gail – Those of us who were around several years ago remember the calls. There were many, many calls about the garage sales on the front lawns, which prompted the original ordinance change.

Councilman Van Ho – I'm not sure that there would be that much abuse of it at this point. I think we ought to go ahead and try it and if I'm wrong, then some of these council people are right, we can revisit it and take the new legislation out of place. Up until we can prove that there's abuse, we're looking and trying to find the worst case scenario.

Councilwoman Jones – The comment I wanted to make, the only part of this that I did like is that the 24 hour prior to a garage sale, put in a sign where they are permitted now. There's already a provision in here to have a front yard sale if you don't have a, if you have an attached garage as Councilman Van Ho mentioned, or you didn't have a side yard. So those provisions are already in here.

My other question is, maybe we should take steps on enforcing what's already in place instead of the so called selective enforcement. I'm sure everybody sees a sign along the way, whether it is tree lawns or whatever. I don't know if the Police Dept. would have some comments that they would like to make as far as the enforcement or maybe the Housing Dept. would like to make some comments as far as the enforcement. I would rather see us take steps on enforcing what we already have instead of changing something to make it a little more free going.

Capt. Brooks – The Police Dept. does on a regular basis retrieve garage sale signs and other signs and turn it over to Housing and I believe Kelley Sweeney does some work with that. It is being worked on obviously our officers have a lot of other duties to perform besides picking up signs and they do do it and will continue to do so.

Director Frey – I know the Police Dept. does that, Kelley gets those signs. This past Spring primary we pulled a number of political signs from tree lawns, particularly on Lake Shore Blvd., I know was one of the locations. Kelley, when we know whose sign it is, if it has a contact, phone number or so forth, she'll send them a letter and she'll send them a copy of the regulations as to when and where signs can be placed. I'm absolutely certain we don't get 100% of the signs. But it doesn't as I think Councilperson Langman points out, doesn't mean we aren't attempting to enforce the code because we are. I know the Housing Dept. those inspectors pull them; Engineering pulls them; Police pull them. We are with the resources we have available attempting to remove those offending signs.

Councilman Gilliam – Recently Indian Hills Neighborhood Association had a neighborhood sale in June. I received a call from the Secretary and President what were the established guidelines for garage sales and what were their responsibilities. I directed them to the Euclid City website but I also gave them the ordinance, giving the garage sales as well. I didn't hear anybody call back or e-mail me saying that they were disgruntled or found this to be an impediment to having a garage sale. I know my particular ward is not the established voice for the entire city, but I have yet to receive a phone call stating that the current ordinance that is in place has been restrictive or has been a problem in our community. I have seen some times posted up on telephone poles and I've actually gone to the resident's homes and some of them didn't know who I was so they were ready to call the cops on me, but that's okay I'm still learning my neighborhood, but the reality of it is, sometimes when I'm driving, I do it myself. But I haven't heard any negative feedback about this current established ordinance in the city and I feel from my perspective that's all I can go on. If other residents from other neighborhoods were to call me, I maybe a little more assertive in changing this. But I promise you, the whole front lawn issue for me, that's a deal breaker. I've seen some messes before and it is an uncomfortable situation. We do have responsible citizens in Euclid, but let's be realistic, there are some people who do not know the law and will abuse the law, just as they're doing in other areas as well. I'm just not comfortable with that front lawn issue.

Councilman Gilliam 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: Minarik, Van Ho

Nays: Gilliam, Scarniench, Jones, O'Neill, Wojtila, Langman, Holzheimer Gail

Failed.

CEREMONIAL RESOLUTIONS

Res. 93-2010 (130-10) Bob & Hope Tilk

A resolution of appreciation to **Bob and Hope Tilk** in recognition of their long time service and support to the City of Euclid. (Sponsored by Mayor Cervenik and All Council)

Res. 94-2010 (131-10) Orchestra Director Gratz

A resolution of recognition for **Eric Gratz's** service as the **Director** of the **Euclid Symphony Orchestra**. (Sponsored by Mayor Cervenik and All Council)

Councilwoman Scarniench moved for passage, Councilman Wojtila seconded.

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

Passed.

COMMITTEE OF THE WHOLE

Rose M. Allen – 26241 Lake Shore Blvd. In some response to some of the comments earlier. I am all in favor of Euclid being the best Euclid it can be; no matter what community it is in, no matter where it is located, whether it is north of the boulevard, south of the boulevard, south of Euclid. But I think we need to do a little bit more aggressive solicitation of businesses to make that happen. As far as the lakefront part of it, lakefront is on the water. If we're going to do anything with the property that the city will be purchasing, I think we ought to have something that focuses on the lakefront and the activities that will take place; such as, we have a marina in the plan. People are going to need supplies. Perhaps the St. Robert's location would be a good place to have a marine store such as West Marine or one of the others, where people can go and buy the things they need for the boat without having to go far.

The other thing about sailing, I've spent more than half my life sailing. I can tell you most people when they're done with sailing, the sun is long gone. For the fortunate ones that can sail by the stars at night, there are plenty of us who are still out there after the sun is done. So the likelihood of people leaving their sailboats and going to the golf course is not realistic. Although there are a lot of sailors who play golf because I've spent a lot of my life playing golf as well. I think we need to look at reality of what can happen with this city and look beyond what is right in front of us and look at it in a bigger picture and do things that will meet the needs of the development that we're pushing right now.

One of the things that is lacking still, is a lakefront restaurant. People who sail love to sit and eat and look out at the lake because people who sail love being on the water. If we are going to do something we ought to include a restaurant that will allow people a view of the lake and still be able to dine on fine food.

Taking a little bit of a tangent on food, one of the other things, we talk about wanting to have middle and upper income families move to Euclid. I'm certainly in favor of that. But I think we need to have something that will bring them here, why people want to come here. One thing we have a lack of grocery stores. We have pretty much one grocery store in Euclid. We lost at Tops when Tops decided to pull out of Ohio. I suggested back then that we perhaps solicit a Heinen's. I'm not going to out anybody so people breath easy at home. I go to Heinen's because there are certain foods that I'm not going to find anywhere in Euclid. I see so many other Euclid people shopping at Heinen's, be it Willoughby or over in Mayfield. I think we need to bring those things that people from Euclid want but have to go to other communities to get. Those are some of the things that I think we need to do.

As far as development of the areas that are south of Euclid, I think we should stop focusing on these cheap let's say, less than desirable types of stores. Because people with middle and upper income are not going to shop at the dollar stores. We need to start looking at other things that will attract people with middle and upper income. I think we have to look at a bigger picture and see the Euclid that we really want to exist and start working toward it.

On a separate thing, there's a very important election coming on September 7th. Yes, it is the day after Labor Day. It is going to be one of the most important elections in Cuyahoga county in a very long time. Because there will be an election to elect a new county executive and 11 new county council members. Even if I were not a candidate for county district 11, I would still encourage Euclid voters to get a vote by mail ballot because people will forget that Tuesday after Labor Day is an election and totally forget about it.

A couple of important deadlines. If you want to vote by mail ballot, you need to request on before September 4th. August 9th is the close of registration. If you're not a registered voter, you have to register before August 9th. If you haven't changed your address, you also need to do that by August 9th. On that I'll say goodnight and have a wonderful summer everyone and we won't have another regular council meeting before that election so please people keep in mind, it is probably a good idea to get a vote by mail ballot. Thank you.

Mr. Jeffrey Beck – 25540 Chatworth. On Saturday, June 12th, Euclid's Weed & Seed hosted the first annual Youth Explosion. This event was designed to make the youth and their parents aware of the many different programs and services available to them in the City of Euclid. The kids had fun playing and eating, while the adults spoke to and gathered information from the various churches and organizations who attended. The event was a success. The weather held out for us, thunderstorms were called for but never materialized.

I would like to publicly thank all members of Council and those others who financially supported us. Special thanks go to council persons Gilliam, Scarniench and Jones, who also donated their time and attended the event. Council President Holzheimer Gail, Council person Langman and the Mayor also stopped by in support. I think Councilman Gilliam may have actually found a second career there too.

I would also like to publicly thank the members of youth intervention committee who volunteered their time tirelessly in putting together this event. Sharon Resar, James Gilliam, David Gilliam and Martina Moore. Special thanks goes to Martina Moore who not only took on this task but was also kind enough to donate the use of her facility.

I would also like to thank Kelly Butaski, Pat Rogers, Cerita Paige-Lee and her niece Ariel, Colleen Kendel who donated their time working this event. For all the churches and organizations who participated, I also offer my thanks. Without each of you this event never would have happened.

Last but certainly not least, I'd like to thank our site coordinator Kristal Skovira. Her guidance was immensely important and she kept me sane during the process. We hope to be back next year even bigger and better. Thank you.

Mr. Jason Roberts – 26300 Zeman. I'm here tonight concerning Ord. (119-10), which was #10 on the Agenda on June 7th. It is yet another proposed Charter Amendment and it was co-signed by Councilwoman Scarniench. I'm here tonight to ask you to please put a stop to it and to not allow it to go to the ballot in November. I'm afraid that if it does it will pass and that's what I'm afraid of. It will give more unchecked power to the Charter commission. We elect the council members for multiple reasons and one of those reasons is to protect us from bad proposals. I feel that if this is passed, then they will be able to have more power and that it would take that power out of the residents' hands. I would like you to take that into consideration. Thank you.

Mr. Tim O'Neill – 114 E. 199 St. Lifelong resident of Euclid, member of the Euclid Fire Dept., current union president. I'm here to let the administration, council and most importantly the residents of Euclid know that there's a serious misunderstanding in the general public that the Fire Dept. is operating at a minimum safety level of 16 firefighters per day. This is not true.

The fire department has been below 16 firefighters per day on numerous occasions already this year. Again strong opposition from the Fire Chief and the Firefighters, the Mayor reduced our minimum staffing levels of 13 men per day. This is unsafe and unacceptable to the residents and to the firefighters. Chief Cosgriff was left with a budget that he knew would not fulfill the needs of the fire department. If you recall, he did not accept the fire budget after funds were removed from his original budget.

The size, general make up and run volume the City of Euclid requires by all fire standards that we operate with at least a minimum of 16 firefighters per day. The perception is the Fire Dept. is continuing to operate all three fire stations at normal staffing levels after the garbage and lighting fees are passed. Again, not true. The firefighters have talked to a number of residents over the past couple of months and the residents believe that we are operating at full staff every day. The reality is that we do go below 16 men per day. On the days that we are understaffed, a fire engine at one of the stations will be shut down, leaving that particular area of the city with no immediate fire response. We will be responding but the nearest engine maybe responding from the other side of the city. Every minute is critical and a 6-8 minute delay could have dire consequences.

The Fire Dept., City Council and the residents were told that if the fees passed there would be no firefighter layoffs and the firefighters retiring this year will be replaced and hopefully the firefighters that retired last year. So far two have retired already this year, no replacements. Considering that it takes 4-5 months to go from an entrance exam to a working line firefighter, I don't understand why the Mayor cancelled, postponed, or is delaying whatever is going on right now, our entrance examination for the fire cadets. The cost of the exam should be minimal to the city because the individuals that are taking these tests will shoulder the lion's share of the cost.

We have worked with previous administrations to do what is best for the city and the fire dept. We will continue to work with this administration as well, but we need to have the manning issue resolved quickly. We can't continue down the path of rolling the dice and hoping nothing will happen. This is not the way to operate an emergency department.

If you think that this isn't happening out in the public, I'll tell you a little story. I was talking to an elderly woman about a week ago when we were doing our inspections. We go out and do hundreds of inspections every day of the week, weekdays. She had made mention about the fees that a lot of people do. They didn't want to pay them but they understand there was a need for them and that she's happy that the police and fire are being maintained in the proper staffing. I said that we are not being maintained at proper staffing. She said why is that, that's what I thought the fees were for. She said her and her friends have discussed the issue, actually a debate and she said go on the website and it says right on the city website. I said what website is that? She says go on the City of Euclid. So I went on when I went back to the station and printed this up, right off the City website. The Fire Dept. is responsible for the firefighting and rescue operations of the City of Euclid. The department operates three fire houses with a minimum staffing of 6 men per day. This allows the department to operate three pieces of firefighting apparatus and three advanced life support ambulances 24 hours a day.

So the information is on the website for all the residents to look at and it is just not true. We need to maintain 16 men a day, some way, some how. It is dangerous. Thanks for your time and commitment to the safety of the city.

President Holzheimer Gail – The Mayor did indicate in his opening comments that he would be asking us for a budget amendment to go ahead with the entrance exams both for entry level police and fire. We will continue to monitor. I would ask that Council does get notice of when we go below 16 and the reasons for that. We can monitor. If I understand the budget right, it would require additional funding for overtime.

Mayor Cervenik – Yes, Madame Chairman, it would require additional dollars for overtime. There's minimal overtime available right now to bring in someone, I believe we still have 24 per shift available to fill 16 positions which means 8 people are off everyday. Sunday, one person who was not scheduled to be off was off, so not the whole station was closed down, but Engine #2 was shut down. I still believe 24 per shift should allow us to have 16 people per day.

A couple of statements were made, it is not true that the cost of the test will be born by those who take the test. It doesn't come close to matching the cost. That cost was not budgeted, however it could have been but instead we did the promotional exams rather than the entrance fee. So that's why I proposed to you tonight that we do go ahead and start the entrance exams for both departments. That doesn't necessarily mean that we will be hiring at this time because at this time there is no money in the budget to do that. I am not thrilled with this situation either, but I'm certainly not recommending that 16 minimum manning is ever put into a contract. That's opening up a checkbook that will soon run out of money. It has happened before. We had a meeting over a month ago about changes in new hires. I've received no response. I hope to get that response soon. I was a little disappointed to read this e-mail and not be copied on it. But I assure you that the promises that were made when the garbage fees were passed was that we would rescind and not lay off those firefighters that were listed, as well as police officers. Those letters were sent out the day after City Council approved those fees. We've got some work to do over the next few months. I hope to have the test set up very shortly. It will take 2-3 months to have everything done that needs to be done so that we have an adequate list. But, I've done what I've told you and what I've been instructed to do and that is to control costs. I firmly believe that 24 people a day should be able to staff 16 positions.

President Holzheimer Gail – We will move onto Councilmen's Comments and Councilman O'Neill you are first this evening.

COUNCILMEN'S COMMENTS

Councilman O'Neill – Just a brief notation from the Eaton Family Credit Union. It is their 7th Annual Member Appreciation Day, on Friday, July 2nd at the parking lot of their Euclid location on Babbitt Road; there is also on in Wickliffe and Willoughby Hills. It is from 11 AM until 4 PM and you and your family are welcome.

I have a couple of comments as the weather is heating up and those folks that have dogs that are maybe not doing their due diligence in cleaning up the dog dirt in their backyard. One in particular neighbor has got a complaint that when the wind blows in a certain direction that she has to shut her windows because of the stench that comes into her house. Well I think that's pretty unacceptable and it is just not being a good neighbor. I hate to have to bring this up but I know it is your yard, pick up the dog dirt. If it is a nuisance issue than maybe the city has to come out and take a look. If appropriate then the Housing Dept. will take appropriate action.

To Capt. Brooks, jaywalking in the city, it seems to be occurring now mostly through the younger adults, teenagers. I had a little experience myself on Ivan Rd. after I picked up a pizza with a group of about 10-12 young ladies that I asked to step out of the middle of the roadway and caught a little bit of lip and of course I had to respond to that. I did call the police and I believe they sent a car out. If you can respond to the stepped up enforcement in that area?

Capt. Brooks – The Police Dept. does on a regular basis enforce jaywalking, walking in the street situations throughout the city. It is not only in your ward, it is throughout the city. Often times it is young adults, juveniles and they are cited, given an actual ticket. One of the options are our Diversion program and folks then participate in cleaning up different areas of the city. We'll continue to hammer those areas as much as possible. Certainly we encourage the public to call when they see this because we can't be everywhere at all times. We will respond as quickly as possible and take appropriate action.

Councilman O'Neill – I certainly appreciate that. It is a quality of life issue and it is the kind of thing that drives people out of the city. I do call myself and I encourage anyone who is experiencing that to call the police department on the non-emergency number, 731-1234. Thank you Captain.

The other thing is we're in the season of house parties and other things and the loud music. Please be respectful to your neighbor. We do have a noise ordinance in the city and I believe it is now on the website that's up and running. There's about 10 things to be a good neighbor that the Mayor's Asst. and Matt from Euclid TV got together and Kelley Sweeney, Asst. Law Director, we kind of brainstormed and came up with seasonal ordinances that are violated that we try to be pro-active to maybe some new residents and existing residents that might have some problems.

Along those lines, I'm talking about neighborhood issues and I keep harping on maintain your grass. If it exceeds 6 inches the city will come out. They will take a measurement one of the housing inspectors. If it exceeds 6 inches, you'll be cited with a notice of 48 hours. The sub contractor is also notified and they come out after 48 hours and if the grass isn't cut, they'll cut the grass and then front and back, one cut is \$150; two cuts is \$225 or something like that. It is very expensive. If you're going to pay those fees, you may as well hire a landscaper. The City of Euclid does not want to be in the landscaping business but it is our job to get out there and maintain decent lawns, maintain housing values, I know they've dropped but cutting your grass should not be a big issue.

There was a contractor that we hired from the neighbor's complaint on 210, it was a high grass complaint, the contractor came out, cut the grass recently and just blew the grass all over the sidewalk, the street and then left a lot of cuttings. To me it might of sounded that it needed to be cut twice, but if that's the case that's what they need to do either catch it or cut it twice. We don't allow any homeowner to blow grass onto the sidewalk and the street, we should not allow our contractor to do that either. Other than that, just briefly, Director Smith, where are we going to wrap up with the 214 Street project, I know we're real close there.

Director Smith – You are correct, the remaining components on the 214 project essentially consist of the sidewalk on the east side of the road along with some remaining boxed out that are scheduled to be poured this week, weather permitting. CEI is scheduled to follow up next week with the installation of the street lighting and the landscaping will follow thereafter. With where we're at I would expect that in the next 3-4 weeks, tops, within the month of August the yards will be restored and the contract will be complete.

Councilman O'Neill – I was down there about a week or so ago and finally some frowns are turning into smiles. They do appreciate the work that the city has done over there, they really do appreciate the new street. Once the landscaping is done and the new street lights are in, hopefully by the end of summer they'll have forgotten all the bad thoughts of the mud all the other stuff. With that I'll say goodnight and have a good summer.

Councilman Wojtila – To Director Smith, the downtown engineering plans, I think we got \$500,000 or so with grant money, have we selected a firm, are they proceeding with that work?

Director Smith – That's in reference to the NOACA funds. We have not proceeded on that. At this stage part of the reason for the legislation tonight was two-fold. Number one, to address the future projects but to address this project as well. That would be an appropriate process to start the selection process with.

Councilman Wojtila – When would you anticipate that occurring?

Director Smith – The paperwork is ready to go. It was always my intention because we do have so many projects and so many things in the works and so many items on our plate was to wrap up the project that

Council Minutes

June 21, 2010

Page 39

was voted on earlier, the downtown plan and then we're ready to proceed on this project. The paperwork is being completed. We have a brief meeting with ODOT in order to get the posting upon their website, but I would expect within the next two weeks, I see no reason why we wouldn't be fairly far along in the process.

Councilman Wojtila – Director Pietravoia on the land bank policy, we talked about the NSP homes. The \$1 homes that we acquired, do those also get lumped into the NSP program?

Director Pietravoia – All those homes were either scheduled to be demo'd or rehabbed and in either case those procedures would be funded by the NSP program.

Councilman Wojtila – The specific requirements for the NSP program as far as a resale would apply to those \$1 HUD homes as well?

Director Pietravoia – Yes, that's correct, whether it is rehabbed or demo'd those procedures would come into play.

Councilman Wojtila – Council President Gail can mention this when you're talking about, what are the specific intentions for the summer as far as meetings? I know specific items that we haven't acted on: the compensation package, was that going to be discussed this summer or our next regularly scheduled meeting and the same thing with the street vending and any other outstanding items that you can think of?

One other item on the referral to the one item to Planning & Zoning, that was on the home occupation, they don't recess or do they for the summer?

Director Pietravoia – They typically don't recess. That will automatically go to their July meeting.

Councilman Wojtila – If they pass it and we don't agree with it then same thing happens again?

President Holzheimer Gail – No, because we introduced it. There's a difference if we introduce it we can pass it with 2/3 majority.

Director Pietravoia – Council can override Planning & Zoning by 2/3 majority.

Councilman Wojtila – So we won't be stuck in the infinite loop.

Director Pietravoia – That's correct. I would encourage if possible, it might be helpful if some members of Council are able to be at the July P&Z meeting.

Councilman Wojtila – I think that's a great idea. They allow us to sit at this table I know and I would encourage other council to be there as well. Finally, to the speaker Union President O'Neill talked about some way, some how, getting the staffing up to 16. I don't know what the ways and the how's are, but if there are, I think what would be helpful is hearing what any potential ways and how's are to get that. Then we approve the budget but we don't look at the details of that. If there is a way to explain to us the ways and the how's, I for one would be interested in seeing what those are. Then we could look at that intelligently, especially obviously as it relates to the budget. Thank you.

Councilman Langman – Director Smith, I know we have waterline replacement project, sewer work, but I wanted to bring up specifically Drakefield. There was work done several weeks ago and now nothing. There seems to be a lot of left over debris and wire and the residents want to know when the project will continue?

Director Smith – I took a look at all the waterline improvement projects today just to get a bit of an update on them and you're correct on the Drakefield project, the waterline and concrete is complete. The contractor has started his landscaping work on Briardale, he is going to move over to Drakefield next and it appeared that there was a leak that needed to be addressed on Drakefield as well.

Councilman Langman – When do you expect all of this to happen?

Director Smith – We have a meeting on the 28th of this month to meet with our paving contractors. You are aware the Cleveland Water contract requires the waterline installation contractor to backfill with concrete and then the city will have their contractor come in an overlay the street. I'll be able to forward a more appropriate confirmed date as soon as we meet with the Shelly Company on the 28th. I'm aware

Council Minutes

June 21, 2010

Page 40

there are some concerns and Asst. Director Bock has had some communication with the contractor today and we're going to follow up with Cleveland Water tomorrow, simply because of the depth of the concrete that was left. It is going to be somewhat difficult to maintain traffic. I have a feeling, maybe tomorrow or later on in this week we'll be meeting with all parties to come up with what the appropriate solution is because there needs to be the coordination between that contract and our contract.

Councilman Langman – Will we let the residents know in the various areas what's happening with all of this?

Director Smith – We will do that as soon as we can gather the appropriate information.

Councilman Langman – Very good thank you. Director Pietravoia, for the Lake Shore Plaza could you again tell me when that project is actually going to start? I noticed some of the storefronts are hanging sheets to cut down on the glare. Although I did see a contractor's office in maybe one of the storefronts, so I'm hoping that means they're going to start very, very soon.

Director Pietravoia – It is the question that just won't go away until they start. They intend to contract with the same construction firm that will be doing the Shore Center project. So they're coordinating between the two on the timing of the construction. I can't give you a more firm answer than that at this point. They are continuing to tell us that they plan to start this summer in the month of June, which only has about 10 days left. We're hopeful that we're going to see that construction start. If not, I've discussed with the Mayor, I don't have any reason to believe that they won't, but if it doesn't start, we'll begin to work with Law to take the appropriate steps to correct the violations on that building.

Councilman Langman – So we're giving them actually to the end of the month to start.

Director Pietravoia – Yes, at least to provide the evidence that they've entered into contract and have a firm start date.

Councilman Langman – I'll piggyback on my colleague, Councilman Wojtila's comments about the information that was shared by the firefighters. I guess I'm a little concerned because I'm hearing from both of the rank and file of the safety forces concerns, various concerns. So there is some smoke out there, whether there's an actual fire, an actual issue, I don't know that. But I think it is incumbent upon the Council to try to find out those answers with the administration obviously. We don't have a lot of oversight over the safety forces and that's how it should be, but it is a concern when you constantly hear stories of officers that are unhappy, firefighters that have concerns, residents that hear these concerns. It does bother me when we hear things on the back-end of all of that. I don't know whether we have to have a formal committee meeting or an update via and Executive Session, but there seems to be a lot of angst among our safety forces and I would like to get to the bottom of that. Finally, I'll give my last few seconds to Director Will, if you could, you could expound a little bit more on the Pond and Garden Tour, how many homes are on the tour this year and where folks can get maps and all that kind of information. For the residents, have a good summer.

Director Will – The Pond and Garden Tour is Saturday Jun 26 from 7:00-Midnight; Sunday June 27 from 1:00-6:00 PM. The Saturday night is our candlelight tour. Tickets are \$8. They are available at City Hall. Friday night, Saturday and Sunday, the tickets will be available at Briardale Greens Golf Course and we do have 21 homes that are on the tour, 8 of them are new to us and have never been a part of the tour. Come on out and take a look at all the homes.

Councilman Langman – Just a quick follow up, and the lists are available when they pick up the tickets?

Director Will – Yes when they pick up the tickets everything will be available, yes.

Councilman Van Ho – Capt. Brooks could you tell me what our policy is on controlling raccoons? I'm starting to get more and more calls I guess, I'm getting the invasion of the raccoons here.

Capt. Brooks – That typically goes through our Animal Control department and I believe they refer that out to a trapper for a raccoon problem. If you want to contact Ann Mills, she can certainly hook up the resident with the appropriate people.

Mayor Cervenik – The cost of the trapping is born by the resident, not by the city.

Council Minutes

June 21, 2010

Page 41

Councilman Van Ho – Once again I'd like to say we need to start looking at our overall plan for the finances for next year. I do not want to be in the position next year of having to vote for a garbage tax and a lighting tax because there are no other choice. I'm not saying there may not be any other choice, but I'm saying that I think we should be looking more and more now when we're not under the gun to do something next week or the city goes down.

On a more pleasant note, where are we with the sound barriers along the freeway?

Mayor Cervenik – The job was bid out on June 3rd. The completion date is October 31st of this year.

Councilman Van Ho – I, like the two councilmen before me, would like to get the safety forces and administration in more friendly terms. I would say to the firefighters, if you have suggestions given the budget restraints that we have to live with, I'd like to hear them. I'm available any time, just call me and I'll stop at the fire house or whatever. With that I'll say goodnight.

President Holzheimer Gail – While we are going on recess, we will be busy. To follow up on Councilman Wojtila's question, we do have several items in committee, some of which we had hoped to discuss before tonight but I think given the number of issues we had committee meetings on last week we were not able to do that. Tentatively, I checked with a couple of folks before the meeting, we're looking at potentially July 7th to have an Executive & Finance Committee meeting where at the minimum we will discuss the two charter issues that were presented and the consolidated compensation ordinance that was referred. If there is enough time to get the monthly budget report done and discuss any amendments we could do that as well.

There's many other items, I don't know how much, I don't want to pack too much into one meeting, but I do want to have a discussion over the summer on Chapter 121 which is the Council rules for a number of reasons. There's been some suggested changes to the Committee of the Whole, but I think it is important that we look at the whole chapter and figure out how we can make these meetings more efficient and productive. I don't think 4 hours regularly is efficient and productive. We need to figure out and discuss what we can do to make better use of our time or what information and materials we need in order to be more efficient with our time. Also we've had questions about, we often suspend the rules, so if we continually suspend the rules, maybe we need to look at the rules and see if they meet today's standards. I would like to have a discussion about that sometime over the summer. The street vending item is in committee and we requested that Councilman O'Neill as the sponsor and the Development Dept. and Law Dept. meet with the current vendors who had some suggestions and issues come to some consensus and bring it back to us. I think there was a feeling that we do need to, it is important at this time to set some regulation or policy but maybe the one that was presented was not the best option. They were going to meet and bring something back to the committee.

We also have the Shore management contract ending the beginning of September so I would like at some point over the summer to revisit that both the strategic plan on how we want to move forward with that and review the performance for the first year and decide whether to continue that contract. I think that was all that I had but I'm sure there are other items. While we won't have official council meetings unless an issue comes up that we need to act on in a timely manner, while we have some downtime it is worth having some of these discussions prior to coming back in September. At this point the only tentative date is July 7th. It sounded like there were several vacation conflicts later in July and first week of August so we would have to think about other dates. That would be the plan at this point.

Councilman Gilliam – A couple of quick questions and then comments. Director Smith, the Dille Rd., how close are we to completion? I would also like to comment on E. 204. I'm very happy to see the Walgreen's in that particular area. There's a couple of issues that during the high traffic times the access from Walgreen facing the south when they're turning right and traffic going east and west it causes a log jam sometimes in the turning lanes coming down 204. I know there is one situation where there was an accident that was adjudicated in Court on June 2nd. But residents have a concern about that log jam sometimes and being held at least 10-15 minutes sometimes trying to get off of 204 to turn east and west on Euclid Ave.

In addition the road looks beautiful but Capt. Brooks, I think some people are trying to test the speed limits on new pavement. I just wanted to make that very clear that there have been some complaints about people speeding in that particular area, E. 204.

Euclid Villa Association is meeting June 30 at 7 PM at the Indian Hills pool. Bring your lawn chairs. The Recreation Dept. will be sending a representative to talk about the pool, the access of the pool, the cost and the use. I also invite Indian Hills Neighborhood Association members to come to hear about this as well as Heritage Park. We need the pool but we need to show that we want the pool. It is very important that the residents come out and hear all the particular rules, regulations, pricing, what

particular passes are eligible so that they can utilize the pool to the maximum potential. I'd like to thank the Mayor once again for working with me to keep that pool open, but at the same time I want to make sure that our residents are appreciative of the fact that there could have been other options, let's utilize this pool. I'm glad to hear that we met last year's goal, but I definitely want to exceed that by a higher number than what's now previously stated. I'm going to say I'm happy but let's move forward.

The other comment that I have is basically this. We've all talked about budget hearings and finances and things of that nature and how do we go about trying to balance the budget. I'm going to reiterate this once again and even if I sound crazy I'm going to stick to it. December 1994 the city voted to have revenue sharing with the City of Euclid and the Board of Education receives .47 of the 2.85. I don't have all the data, but since 2000, over \$50 million has been given to the Board of Education. I'm not here to minimize the Board of Education or disparage them, but when we're talking about hiring temporary workers to keep our parks clean, when we're talking about staffing issues with Fire Dept., when we're talking about all these particular issues with the police dept., we're talking about \$50 million since the year 2000. We're the only city in the State that does this.

Now, I've talked to some administrators and some teachers and they say my particular idea would damage the school. I don't believe that's so. I believe there has to be a transition. Every school district had to go through this. Euclid is unique that we share this revenue, but I feel at this time \$50 million since the year 2000 from 2000 until 2010 as of April, we've given over \$50 million. I don't know what you think, but I personally feel that it is time to examine that. I will be researching it. I think it has merit and we can still assist the school in other ways. We've supported the levy in 2005, 2008 and also the bond issue levy. There has been "predictions" that what these four additional schools, Board of Education will save money and in some cases and this is just something that I've been hearing through the grapevine, I can't confirm it, but because those schools are averaging 600 students at each new school, that's 2400 students, other schools may not have to be operable any more because they can combine students in classrooms now.

I feel that in this point in time, it is necessary to look at that stream of revenue and if people see it as strictly money, that's not what I see this. I see it as enhancing our city. Enhancing our services, enhancing the moral of staff and putting money back into the pockets of our residents by reducing the income tax. Consequently we can still do that by raising the income tax above 2.85 but I don't think I would support it and neither would the residents.

In closing I just want to make it very clear that I'm going to be studying that particular avenue. I hope that residents take an interest in it. I know that the administration has some differences and some of my colleagues will. But at this point I feel this is an option that we have to investigate. With that, have a good summer and thank you.

President Holzheimer Gail – Director Smith, Dille Road Project.

Director Smith – For your awareness Councilman we did send a letter to the contractor on this particular project because we were dissatisfied with his recent progress on wrapping this project up. That letter went out approximately 2 weeks ago. He has made some improvements since that time. The landscaping is being predominantly completed. He's working on some repairs that we were requiring. The largest component of that project to go is the paving on Dille Rd. itself and then we'll do a comprehensive inspection and develop a punch list of items that needs to be corrected. If there's anything that we've missed during the project itself, I feel pretty comfortable with saying within the next three weeks possibly four at the longest that project will be wrapped up in its entirety.

With regards to your concerns over the traffic exiting Dille Rd. I really don't have a short quick answer to that. With regards to its proximity to the intersection and having an effective intersection, I'm not sure there's a viable solution to that. Just based on the configuration and the lay out and its proximity. We can certainly take a look at that but I'm not sure there.

Councilman Gilliam – I would appreciate an inquiry so that we can avoid possibly having numerous calls and come to a resolution. Thank you.

Councilwoman Scarniench – First I'd like to thank Mr. Beck, Councilman Gilliam for a wonderful event. Had a lot of fun. I was really hoping that he would go ahead and get into one of the inflatables but we couldn't convince him to do it. He was having fun over there. It was a great event and I look forward to next year.

The only other thing I want to say, I did read the article that Mr. Beck talked about from Forbes magazine. Over the last few days and last week or so we've seen a lot of stuff in the newspapers about what cities and states are doing. They're talking about people that are double dipping, they're talking about concessions that have to be made, they're talking about two tiered programs. This is something that we really have to look at. We've all said we cannot continue with business as usual. For the most part we

Council Minutes

June 21, 2010

Page 43

were in agreement we need to make changes for anybody that is going to be a new hire. I do have a problem, I guess I will vote to allow the testing but until we have something good in front of us that we can tell the residents that we've done everything we can to save money, I will never approve new hires right now. It just can't happen because we have to make these changes. Whether it is a two tiered system, that's okay because eventually that two tier is only going to be one tier. It is what we need to do for the future. I understand what the Fire Dept. is saying and they all work very hard but we've got to come together and come up with a plan because we can't continue the way we are. When you look at the paper and you read these articles it is being done everywhere. I hope everybody can come back to the table and start over and say yes this is what we need to do. I don't ever want to hurt anybody who is already working here, everybody knows how I feel about that, but we need to make changes for new hires so that we move forward in a positive direction. I know we'll be seeing each other over the summer, so if I don't see you have a great summer, otherwise, for now we'll see you on July 7th.

Councilwoman Jones – I first of all want to thank the firemen who came and the spokesperson who came in and gave their opinions and I, too, am interested if you have any suggestions on what can be done to make the improvements, I'm willing to hear what you have to say.

I have a couple of questions for Director Pietravoia. What's the status on the County Land Bank and where are we with that? We had the presentation, are we ready to submit properties to them?

Director Pietravoia – We did sign the agreement, the Memorandum of Understanding. The County is acquiring properties in communities throughout Cuyahoga County including Euclid. Not every city has adopted that Memorandum of Understanding so we were one of the early communities to do that. As they are acquiring or disposing of properties in Euclid, they'll be notifying us of that from this point forward.

Councilwoman Jones – So we have submitted properties to them since the agreement?

Director Pietravoia – We don't submit properties to them, they are acquiring properties on their own through that process. We can suggest properties to them that we'd like them to consider for acquisition.

Councilwoman Jones – Have we suggested properties to them?

Director Pietravoia – On a larger scale, commercial and industrial properties we have. We're having discussions with them about a number of properties.

Councilwoman Jones – Can you give an update on the dialysis center at Century Corners?

Director Pietravoia – We are talking with the developer regarding timing on the project and we expect to get an update from them within the next couple of weeks of when they would start construction and firm up all their details with the actual company that will run the dialysis center. I can provide a report to you once we get an update from the developer.

Councilwoman Jones – Thank you. Director Smith this question is for you. On E. 248 St. there is a light pole that had the orange flag hanging on it for several months now. I've inquired a few times as far as what is the hold up in getting that pole replaced. It is to be replaced, according to Mr. Reese, he said that light pole is supposed to be replaced. Do you know a status or maybe you don't know offhand but can you get me an update on what is going on with that pole? It is right in front of 1513 E. 248 St.

Director Smith – I'm not familiar with that particular issue but let me check and I will get back to you.

Councilwoman Jones – If you could let me know something before Wednesday. I do have a neighborhood meeting with that group and I would like to give an update.

Director Smith – That address one more time please?

Councilwoman Jones – 1513 E. 248. My last comment is, speaking of neighborhood associations, there is a neighborhood association meeting on June 23rd at Euclid Square Mall Euclidian room. This will include E. 248, Treadwell, Fisher and 250th residents. Flyers in those neighborhoods have been past out so hopefully there will be a good turnout from those neighbors and we can revitalize that neighborhood association again. With that I'll say everyone have a good summer and I'm sure we'll see you sometime along the summer and remember be mindful of your neighbors when you're out doing summer activities. Please for parents who have children that are out playing, please remind them to be respectful of their neighbor's property as well. Thank you.

Councilwoman Minarik – On June 7, 1776 Richard Henry Lee threw the fat into the fire when he laid before the Continental Congress resolution from Virginia, resolved that these colonies are and ought to be free and independent. With that, the Declaration of Independence Committee was formed and they worked on it. On July 2nd, after much debate, Congress warped it through and accepted it and on July 4th it was publicly proclaimed.

This is the only country ever founded on a moral premise. I would encourage everyone on the 4th of July to read the Declaration of Independence aloud to your guests. We did it in my backyard last summer. We're now inviting the residents of Abbey Ave. to campfire this year to do it again. First part of the Declaration states the moral premise for independence. The second one is the summary of grievances. That being said, enjoy your Independence Day and I would move to adjourn for the summer.

MOTION TO RECESS FOR SUMMER

Councilwoman Minarik moved to recess for the summer. Councilwoman Jones seconded. Yeas: Unanimous.

ADJOURNMENT

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

Attest:

Clerk of Council

President of Council