

COUNCIL MINUTES
September 20, 2010

The regular Council Meeting was held on Monday, September 20, 2010 at 7:00 PM in the Euclid Municipal Center Council Chamber. Council President Holzheimer Gail presided.

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

Councilwoman Scarniench moved to excuse Councilman Gilliam, Councilwoman Jones and Councilman Van Ho. Councilwoman Minarik seconded. Yeas: Unanimous.

Others Present: Mayor Cervenik, Law Director Frey, CS&ED Director Pietravoia, Finance Director Brett, Service Director Smith, Recreation Director Will, Police Chief Repicky, Fire Chief Cosgriff, Asst. Director Bock, Asst. Director Sweeney, Commissioner Beno, Clerk of Council Cahill.

COMMUNICATIONS

Council President Holzheimer Gail moved to receive and approve without objection a transfer of a C1, C2, liquor permit from Josiksam, Inc., 24310 Lakeland Blvd. to Lakeland Blvd. Inc. 24310 Lakeland Blvd.

President Holzheimer Gail – I don't believe there were any objections from the Police Dept.?

Chief Repicky – No objections.

Councilwoman Scarniench seconded. Roll Call: Yeas: Scarniench, Minarik, O'Neill, Langman, Holzheimer Gail.

COUNCIL MINUTES

Councilwoman Scarniench moved to receive and approve the Council Minutes of September 7, 2010. Councilman O'Neill seconded. Yeas: Unanimous.

ADMINISTRATION REPORTS & COMMUNICATIONS

Mayor Cervenik – It gives me great pleasure tonight to introduce to your our new Finance Director Philip M. Brett, CPA, I like that because I'm one of those as well. Philip's professional experience, he was Mayfield Village's Director of Finance and Economic Development from 1992 through 2008. Since 2009 until Friday, he was the Director of Finance for the City of Seven Hills. He's a graduate of Kent State University and Borromeo College with a Bachelor's Degree in 1978. I hate to say this because mine never came close to that, with a 3.75 GPA. He also received a Master's Degree in Public Police Studies in 1985 from the University of Chicago. He is very involved in many, many areas of public finance throughout Northeastern Ohio and is a renowned speaker and team builder. He also served quite awhile ago back in 1998 through 1993 as the Director of Finance of the City of Willowick. Early on in his career he taught at Lake Catholic from 1978 until 1982. I can honestly say that I have all the confidence in the world of his ability to lead this city forward and welcome to have him on our team. Please give a round of applause.

Mayor Cervenik presented Res. 121-2010 to Kevon Smith for his outstanding efforts to educate his community on the issue of youth violence.

Director Will - Just to remind you that we are utilizing the High School Girl's pool. We do have adult swim Monday through Saturday. We also have family swims Thursday and Saturday. We offer a water exercise class and we have swimming lessons on Tuesday nights and Saturday mornings. If you want any information with regard to the swimming pools, check out the website at www.cityofeuclid.com or call our Aquatics Director Annemarie Finch at 289-8114 option #8.

Two special events we have coming up are Howl at the Hall, Wednesday, October 27. You have to pre-register and we have limited spaces between 10 AM- 11:30 PM. If you want to register, come on in, there is no charge but you do have to pre-register. The kids will go trick-or-treating throughout City Hall and all the different offices, 289-8114 or stop in our office and register.

You can register for our Fifth Annual Parks & Recreation 5K Run and Walk on Saturday November 6th. The registration forms are on our City website.

This Saturday, September 25th, we will have our season opening celebration at the C. E. Orr Ice arena to start off the 2010-2011 season. There will be a public skate from 1:00-2:30, it is \$3 per person and that does include your skate rentals. There will also be information from our Euclid Blade & Edge, and there will also be representatives from our Hockey Association. Stop on by, 1:00-2:30 and you can pick up the schedules for the upcoming season. Thank you very much.

Mayor Cervenik – This is very short notice, I received this about 5:15 this evening. Marc's Grocery and all purpose store at Lake Shore Blvd. is having a re-grand opening tomorrow morning, at 7:30 AM. That's about the shortest notice we've ever gotten. We had met with Mr. Glassman from Marc's some time ago to assist to make sure he was going to renew his lease so that the work could go forward on the strip shopping center. As you can see it is progressing very well. Mr. Glassman and his company have invested a tremendous amount of capital inside the store, modernize it with new coolers. Tomorrow morning if you have a shot before work, about 7:30-7:45 they will be cutting the ribbon. We appreciate Mr. Glassman and his company's rededication to the City of Euclid. The Lake Shore Plaza store is the 10th store Mr. Glassman opened and it is actually one of the oldest in the family. If you can make it that's great, any of the residents can make it, that's great. I've got to change my schedule to get there as well but I will get there because we really appreciate the investment that he did.

Last week I sent an email to each and every one of you on the ability that the Energy Grant and our existing contract with J&J could allow us to begin curbside recycling in-house. Without going into great detail, this is the first time the City of Euclid was ever able to negotiate a contract that was based upon tonnage going to a landfill. This year we're paying \$39 for every ton that is taken to a landfill. For every ton that does not go to a landfill we save that money. In the past we were paying as much as \$15 or \$16 per household regardless of the tonnage. Diane Bickett who helped us write this contract last summer, she's with the Cuyahoga County Solid Waste District, is absolutely confident that we could recycle as much as 4,000 tons. If we would have recycled 4,000 tons, that would be a savings of \$160,000 on our regular trash contract now. According to Director Smith and our calculations, it would cost approximately \$160,000 a year for us to recycle. That would be three full time employees, the fuel and the cost of repairs and maintenance. These three employees would also on light days and depending on how long it really does take to pick up the recycling which will be in blue bags, to do other things in the community such as dead animals in the streets, littering and things like that. It gives us a lot of opportunities and flexibility.

What I would like to do is as soon as possible and if people could make it on Wednesday, have a committee meeting to go over the items that I sent you an email, answer any additional questions you might have. We are under a slight pressure to tell the Department of Energy how we are going to use the energy grant that they gave us. If the minimum amount of recycling tonnage that we picked up was 2,000 tons, this program net with the income we would save would cost us \$80,000. Diane Bickett firmly believes we're going to break even. Using the energy dollars to fund the operations will assure us to protect our general fund for if not a year and a half to two years, so that we can get our residents educated and promote this recycling. It will include glass, cans, plastic, newspaper, magazines, junk mail, cardboard. All that would be included.

As of right now our recycling program is to drop off at Villa Angela-St. Joe's and other Cleveland locations. It is our understanding because of the tremendous amount of damage being done at VASJ, that the recycling drop off in Cleveland there will stop and we're not sure where it will be relocated.

On top of that, the City of Cleveland is involved in this again. The City of Cleveland, we would take all of our recycling to the City of Cleveland site in Brecksville, and they are waiving for us all of the tipping fees as long as we bring it to their recycling center. They have a long term contract where they are paid by the amount of tonnage of recycling materials that they bring in. It is a regional approach, it is an approach that can give us long term recycling instead of on again/off again, Council President if we could get a meeting set up as soon as possible to discuss this, I would certainly appreciate it.

President Holzheimer Gail – The Chairwoman of the Sustainability Committee which was formed to look at sustainability issues has agreed to meet Wednesday at 6:30. Four of the five committee members have agreed that they are available.

Mayor Cervenik – That's great because we do have Diane Bickett coming into City Hall at 3:00 that day to go over some of the specifics with us. There are some other options that we will bring into that meeting that can assure us that this will be a long term recycling program that we won't be worried from year to year will be cancelled and started up again. I think it is a very positive move the City of Euclid and working with the City of Cleveland is going to make it even more exciting and it is going to open up some opportunities for us in the future to work together. Wednesday at 6:30 sounds great and we'll be ready.

One other announcement I have and it is showing, you just saw an example of the great strength and leadership of some of our students at Euclid High School. I received an email today from the Euclid High School Panther Volleyball teams. They would like to invite you and the general public to attend their Volley for the Cure event on Tuesday, September 28th at Euclid High

School at 4:30. The Lady Panthers will take on Cleveland Heights in three exciting matches. The Freshman will play at 4:30, JV at 5:30 best out of three and Varsity best out of three will play at 6:30. They are looking for donations and contributions of any size. They are doing this for the Cure Event, Susan B. Koman. Any donation over \$20 will give a Volley for the Cure t-shirt, a pink t-shirt that you can wear. You get free admission to the event on Tuesday, 28th at 4:30 and you will enjoy a night of fun and great volleyball and see just what kind of great athletes and great human beings that our high school is pledging. Any businesses that make donations will be recognized via announcements and all the printed material of the event. Again a short notice, but another great program that really shows the dedication of our high school students. With that, it concludes Administration Reports & Communications.

Councilwoman Scarniench moved to receive the Community Assets/Programs Com. Min. of 8/30/10; Board of Control Min. of 8/23/10; 8/30/10 and 9/7/10. Councilman Wojtila seconded. Yeas: Unanimous.

President Holzheimer Gail – It is my understanding that all of the first readings and second readings will remain 1st and 2nd readings, no action will be taken this evening. #9, #10, #11 regarding the grants for the lakefront will be going to committee for a full discussion of the financing. Committee of the Whole is open, any comments on the agenda, please state your name, address for the record.

COMMITTEE OF THE WHOLE FOR LEGISLATIVE MATTERS ONLY

Mr. Vince Riha – 1515 E. 195 St. I'd like to welcome the new Finance Director and brings to mind a question though, what was Bernie Madoff's GPA? I guess that went over their heads, they're playing their video game.

I would like to start off with a caveat. There was a comment made at the end of the last council meeting concerning who I might have been speaking for. When I stand here and give you my name and address, I speak for myself. If I'm here representing Heritage Park, I will tell you so. Not necessarily do I disagree with them, or agree with them, but I'm here speaking for myself.

Comment on #1, which I've been told three or four times would be pulled. It has not been. I see in this agenda that you've changed the spelling. Doesn't this mean that the zoning approval was given to ALTAR house and shouldn't this go back to Planning & Zoning for re-use district exceptions because it is now changed as to who owns it? It is my understanding that only use district exceptions are good for that use district for that party.

I asked the question, has the Fire Dept. investigated to see how many people that place will hold? About the parking lot and ADA compliant. I don't know if these issues have been taken but I think they do need to be looked at. I heard on the Planning & zoning Mr. Beno talked about overlapping parking. This may be solve it or not, but has any plan been made to use other people's parking in that area to alleviate the possibility of 120 cars in an 18 car parking lot.

I'm still opposed to it and my councilman said what do we want in that neighborhood. Well I would have taken that auto shop that go turned down on 222 Street, that would have been a perfect use, it used to be a body shop right next door. Apparently nobody asked. Thank you.

President Holzheimer Gail – Law Director Frey, do you know if the change in spelling would require this item to go back to P&Z?

Director Frey – The typographical error first appeared on the Planning & Zoning minutes. The application is spelled A-L-T-E-R, and the documents came through as ALTER. We made a mistake in spelling on the Planning & Zoning application which was then picked up on the legislation. Who applied for the Use District Exception is ALTER, so we've corrected the legislation to reflect the correct spelling. It is not an invalid action at all.

Mrs. Penny Riha – 1515 E. 195 St. First of all I would like to speak to #1. There's been so many different stories circulated about this zoning. First of all, Councilman said last week that we didn't want to meet with them. We were never called or written, I have a phone, I have an answering machine. We were never contacted about anything. I just want to make that clear.

Secondly, we were told that it was going to be a halfway house for people getting out of jail, people with AIDS, oh that's wonderful because that's where all the school kids wait for the bus down at the bottom. It took us a few years to get them off of Euclid Ave. into a safe place, now we're going to do this. What is it going to be? Is it going to be a halfway house? Is it going to be a party center? Do they have any business plan? Do they have any financing? The idea of putting a party center into this old factory is ludicrous; 120 people, parking spaces. I think that would take up just about every parking space in the neighborhood. Why anybody would think that's a good fit, I'll never know. I am against it.

As far as this #14, about the study for, I'm not against anybody getting a grant to study what can be done with Euclid Ave., but I'm wholeheartedly in favor of some how asking the people what they really need and want. I think you'll get a whole different scale than the plans we've had before. I for one am tired of driving 35 miles to get a decent piece of material or thread. There's a lot of things that would fit up there really nice. Please get some input. Thank you.

Director Pietravoia – It is our understanding through Councilman Gilliam and we did reconfirm this with him after the last meeting that the item was going to be officially withdrawn for the UDE for Alter House for Mr. Watkins. Mr. Beno has made several attempts to contact him, we've not heard back from him yet, but we will continue making those contacts and we expect by the next meeting, which would be third reading that we'll have official word on the withdrawal. That's our expectation. If that changes we'll keep council and the neighborhood informed. We were told that he had planned to withdraw.

President Holzheimer Gail – Seeing no further comments on legislative matters. We'll move forward with legislation and if there's no objection, I'd like to move #7 to the first item. We have former Judge Ann Mannen here from the Save Our Homes group from the Cuyahoga County Common Pleas Court Foundation Mediation program. If there's no objection, let's move that to #1.

LEGISLATION

Res. 122-2010 (160-10) Sept. Save Our Homes Month

A resolution designating the month of September, 2010 as "Save Our Homes" Month in the City of Euclid, to educate residents about the Cuyahoga County Court of Common Pleas Foreclosure Mediation Program and the free resources that are available for assistance through the foreclosure process. (Sponsored by Mayor Cervenik and Entire Council)

Councilman Langman moved for passage, Councilwoman Scarniench seconded.

Director Pietravoia – Our local foreclosure prevention committee has been working with the Cuyahoga County Court of Common Pleas and this specific program, the Cuyahoga County Foreclosure Mediation Program. I would like to welcome Ann Mannen here tonight representing that program. Not only have they made presentations to our foreclosure prevention committee, but they have actually participated in workshops for our Euclid residents that are experiencing or potentially experiencing foreclosure. There's some good news to share about the program and I want to make sure that it gets over to our residents. I'll turn it over to Ann to tell you the rest of the story.

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

Ann Mannen – Good evening to you all. I'm here to speak to primarily City Council members because I want them to carry the message to their constituents that if there's a foreclosure filed against them, there are many alternatives that are available to them. The Cuyahoga County Foreclosure Mediation program is one of those alternatives. In that program if a case is filed for foreclosure in Common Pleas Court, a property owner has the right, there's paperwork sent out with the Summons and the property owner can request what is known as Court Mediation. Now in foreclosure mediation our goal is to bring the property owners and the lenders together to see if we can come to some sort of resolution before a property is sold at foreclosure sale.

The really good news right now is starting at the end of this month because the federal government has determined that Ohio is one of the hardest hit states we're going to be receiving approximately \$320 million worth of hardest hit funds. That money is going to be spent many different ways. Primarily to offer property owners alternatives to the foreclosure problem. The alternative is, hopefully a resolution before the property goes to sale. In normal, there is no such thing as a normal foreclosure. But in many foreclosure sales the bank is buying the property back and placing it on their REO rosters. I'm sure that in the City of Euclid, at least we've noticed, we've seen many foreclosures come through the mediation program in the City of Euclid. What we really want you to tell your constituents and your property owners is that there are alternatives available to them and mediation is one of those alternatives. In mediation, in many cases, we have approximately a 50% success rate. That means that we have mediated a case to some resolution prior to the property going to foreclosure sale.

In many cases that resolution is the property owner is able to keep their home. In most of the cases that is indeed our goal. Property owners that have been forced into foreclosure suffering from unemployment, reduction in hours, and with this \$320 million of rescue funds coming for the hardest hit State of Ohio, we're able to bring property owners and lenders together to see if there's a possibility to reduce interest rates, extend loan terms and keep the property owner in their home if that is indeed their goal.

I'm very excited about the money that is being infused into the State of Ohio because what that does is gives us many more alternatives to foreclosure and we're hoping that what it is really going to do is give lenders some real financial incentives to work out deals with property owners to keep them in their homes. If you have any questions, I'm open for those. I'm going to leave a few of my mediation department cards so that you can pick them up. I don't have any brochures tonight but I'd like to leave some of my cards with you. This gives our address and phone number in the Court Mediation Dept. I want to thank you for your time and I appreciate it.

President Holzheimer Gail – Thank you very much for being here and sharing the information. Just wanted to also take the opportunity to remind folks about the 2-1-1 telephone information line that you can get resources for where to get help if you are experiencing foreclosure or other issues. There are many agencies out there able to help. A thank you to our own Euclid Foreclosure Prevention committee for their hard work. I know they held another information session last week at the Library. Any questions from Council?

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

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

Res. (137-10) UDE Second Reading

A resolution granting a Use District Exception, pursuant to Chapter 1375.01(a)(3) of the Codified Ordinances of the City of Euclid, to Robert B. Watkins, Executive Director of Alter House, Inc. to allow an assembly use for up to 120 people in a U-6 (Industrial Manufacturing) Use District at 19571 Roseland Avenue, Permanent Parcel No 646-23-013. (Sponsored by Planning & Zoning Commission)

Second Reading.

Res. (166-10) UDE E. 222 First Reading

A resolution granting a Use District Exception, pursuant to Chapter 1359.03(c)(12) of the Codified Ordinances of the City of Euclid to Rick Early d/b/a Early's Automotive to allow an automobile towing use in a U-4 (Local Retail) Use District at 824 East 222nd Street, Permanent Parcel #641-26-003. (Sponsored by Planning & Zoning Commission)

First Reading.

Councilwoman Scarniench – I'm not sure how we do this but I would like to make the motion that we suspend the Third Reading and the meeting in two weeks we have the public hearing and go forward with this.

President Holzheimer Gail – At the next meeting you would make the appropriate motion to suspend the third reading.

Res. (167-10) Amended UDE Euclid Ave.

A resolution granting a Use District Exception, pursuant to Chapter 1359.03(c)(6) of the Codified Ordinances of the City of Euclid to Phillip Lane, a tenant at 26110 Euclid Avenue, Permanent Parcel #648-51-002, to allow a major repair facility in a U-4 (Local Retail) Use District. (Sponsored by Planning & Zoning Commission)

First Reading.

Director Pietravoia – Councilwoman Jones did inform Planning & Zoning Commissioner Beno that she would like this to go through the full three readings, so that is the intent at this point. This would be acted on with the public hearing at the third reading.

President Holzheimer Gail – There was an amended version that added some restrictions that should be on your desk, (167a-10). Would somebody like to make a motion to accept the amendments as presented?

Councilwoman Scarniench moved to accept the amendments as presented in Res. (167a-10). Councilwoman Minarik seconded.

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

First Reading on Ord. (167a-10).

Ord. 123-2010 (169-10) Amend Code 1755.20 Tarps on Roofs

An ordinance to amend Section 1755.20 "Maintenance of Roofs and Gutters; Rain Barrels" of Chapter 1755 "Basic Standards for Residential Occupancy" of the Building and Housing Code of the Codified Ordinances of the City of Euclid to provide for the temporary use of a tarp or other covering of a roof until the permanent repair is made to the roof. (Sponsored by Councilman Langman)

Councilman Langman moved for passage, Councilwoman Minarik seconded.

Councilman Langman – This issue arose from a particular circumstance over on Richards, where a home was under renovation and they had pulled the appropriate permits to replace the roof but they never moved forward with the actual roof replacement. They left a blue tarp covering the roof. On the short term basis that makes a lot of sense because you don't want additional damage to the structure if you have a bad roof. But this particular tarp was on for over a year and I had inquired off and on during that time when the roof would actually be replaced and we were given assurances off and on by the various institutions that owned the home that the work would start and it never did.

As you can imagine in the meantime that temporary covering became quite weathered and tattered and when another home on Richards also appeared with a blue tarp the residents asked what kind of neighborhood is this area becoming; I invest money in my home, in my yard, etc., how come this is happening.

In conversations with Asst. Law Director Sweeney, we discovered that we don't really have specific language to address temporary roof coverings, hence the language that's before you tonight. So if approved this will give the Housing Dept. an additional tool to compel compliance on fixing roofs and at the same time it will also protect the aesthetic value of the neighborhood by preventing all sorts of temporary coverings from being prominently displayed in the neighborhoods. I'm sure we've all seen in various wards, when you see these stark blue tarps in various levels of repair, it does drag down the neighborhood. I'm hoping that we can move forward with this language tonight and again I want to thank Asst. Law Director Sweeney and Law Director Frey for helping craft the language and if they want to make any comments, I will turn it over to them.

Asst. Director Sweeney – I piggyback on everything Councilman Langman said. The tarp is not the problem, the roof is the problem. But like he said it is an additional tool that we can use. In those two particular cases on Richards we did cite the roof, they had all intentions of going forward, both houses then fell into foreclosure, there's still in the property owner's names, we summons them, the next step is warrant for their arrest, that's not going to resolve the roof problem. We did use our nuisance abatement and Terry did remove both blue tarps and did a quick little patch job on both roofs. In the interim, one of the banks that still technically doesn't own the house yet, they are still contracting to put a new roof on in the one case and we have a patch job on the other house until that goes through the foreclosure process. Actually there's quite a number of cities and states all around that have similar ordinances on the books about temporary solutions with the blue tarps. If there's a weather situation, if it has become wintertime and they just can't get to the roof at that point, we certainly can grant an extension or if they're going through the EDCOR process to see if they can get a loan we can grant an extension in those cases.

Councilman O'Neill – I do agree with Councilman Langman that they do present and unsightly view of the street when you drive down and see a blue or silver tarp. The only question I have is, it does mention an emergency and what constitutes an emergency. I can tell you from the fire standpoint, you may have a house catch on fire, the roof is tarped and typically it is more than 30 days to have that roof, when it goes through the legal process, insurance whatever, before that house has work done on it. What provisions do we have in our legislation that allow for an extension of the time period past 30 days when a house was caught on fire and the roof was tarped?

Asst. Director Sweeney – I think we kind of have the extension built into this new language, but again also with any code, our Building & Housing Code, we certainly in the Housing Manager’s discretion or Law Dept.’s discretion, we’ve had house fires where it has taken a year to get that insurance check in and get the work started. We always have an extension built in if necessary.

Councilman O’Neill – That would be my only question to the matter and it seems to be answered and I move to accept the legislation.

Councilwoman Scarniench – I was just going to make the comment you never saw my orange tarp. But I’m totally in favor of this right now. I have another house that’s had the tarp on it since February that we’re dealing with. This is great, this gives us a little more meat so we can get these things done. I appreciate it Councilman Langman.

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

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

Roll Call: Yeas: Scarniench, Minarik, O’Neill, Wojtila, Langman, Holzheimer Gail.
Passed.

Ord. (146-10) Special Ordinance Flood Damage

Special Purpose Ordinance: Flood Damage Reduction. (Sponsored by Councilperson Van Ho by request of Service Director)

President Holzheimer Gail – This is the second reading.

Ord. (155-10) Rezoning Second Reading

An ordinance rezoning parcels at 26650-26670 Lakeland Blvd., P.P. #s 648-12-002; 648-12-005; 648-12-006 and 648-12-008, from U-5 to U-6) (Sponsored by Planning & Zoning Commission)

Second Reading. Public Hearing October 18, 2010.

Res. 124-2010 (159-10)

A resolution authorizing the Mayor of the City of Euclid or his designee to submit an application and enter into a contract, commencing January 1, 2011 through December 31, 2012, for funding of Community Social Services for seniors sixty (60) years of age and older from the Cuyahoga County Department of Senior and Adult Services (DSAS).
(Sponsored by Mayor Cervenik)

Councilman Langman moved for passage, Councilman Wojtila seconded.

Mayor Cervenik – This would be entering our second contract with Cuyahoga County, it is a two year contract for various services for our seniors including transportation, social services and the like. It was very successful first time out and we expect to be fully funded and if this resolution is passed tonight, it will allow us to continue the services that we give to our seniors.

Councilwoman Minarik – Just to clarify, the County pays for this?

Mayor Cervenik – It is actually reimbursement. We are required to do certain things and they do audit us I believe quarterly to make sure we’re following through and we’re serving the right people, then they reimburse us.

Councilwoman Minarik – What does it generally cost per year, about?

Mayor Cervenik – This grant itself, you’ve got me on that one. I’m going to tell you it’s about \$60,000, Director Pietravoia you were involved with this the first year? Our total cost for senior programs is well over \$300,000 in various things. This just reimburses us for a number of the items such as transportation and that which we do.

Councilwoman Minarik – I know sometimes we have our own part time van drivers, things like that, how do we differentiate between what the County is going to be doing, that the County is paying for?

Mayor Cervenik – What this does is people in certain classifications, age groups, and if they qualify income-wise, they actually reimburse, again it is a reimbursable grant. The cost or an 'x' number of dollars of the van, the ride that we give, the transportation or the food that we give, or the services that we give such as the meals, just actually having them at the center and providing them with any services, programs. We have people from various nursing facilities, the hospital, Cleveland Clinic, University Hospitals, we have AFSNE programs just to have them there to experience that, we get reimbursement for that as well. This lowers our actual cost out of our general fund and our block grant funding.

President Holzheimer Gail – We are in the process of going through the Block Grant review process as well and one of the questions that we asked at the public hearing was that Terah McNeal, Senior Programs Manager provide us with a break down. We fund our senior programs through many sources; through the General Fund, Community Development Block Grant, through County funds, we get funding from Western Reserve Area Agency on Aging, etc. She's going to provide us at tomorrow's meeting a breakdown of how the senior programs get funded out of each of those categories. I know you'll be there but we'll make sure Council gets that as well because it is a good reminder of which funding sources are paying for which services.

Councilman O'Neill – If she can provide the information as to if it is based on population or a financial need, funding comes from, if the Mayor can provide that information.

Mayor Cervenik – All of the above. We actually for instance our dinner program, if people from outside of the City of Euclid come to our dinner program, luncheon program, as paid for by the Area Agency on Aging. We accept people from outside the City of Euclid for some of our, most of our transportation is only city residents inside the City of Euclid, actual residents. A lot of our trips and programs that we hope to begin doing, those can be from outside people. We charge \$10 fee to be a co-member of our center and it is a \$15 fee for those that don't live in the community. We have residents that are members of our senior community programs at the Lakefront Center, as well as they also belong to Eastlake's programs and Mentor's programs as well because they like to travel. Terah will have a pretty good breakdown of the various sources they come from and they are very numerous.

President Holzheimer Gail – This County funding is actually a smaller piece than certainly our general fund and block grant, but an important part.

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

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

Ord. (162-10) City Growth Com.

An emergency ordinance authorizing the Mayor of the City of Euclid or his designee to execute a State-Local Project Sponsor Contract Agreement to accept and expend a One Hundred Fifty Thousand Dollar (\$150,000.00) Recreational Trails Program grant and to provide the required twenty percent (20%) match in the amount of Thirty-Seven Thousand Five Hundred Dollars (\$37,500.00) from the 2011 Permanent Improvement Fund. (Sponsored by Mayor Cervenik, Councilpersons Holzheimer Gail, Langman and O'Neill)

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

Director Pietravoia – I think you'll recall that this past year at the beginning of the year we submitted for four grants to the Ohio Department of Natural Resources with the assistance of our consultant JJR. The great news is that we were notified that we were awarded three of the four grants, totaling \$600,000 and the next three items on the agenda would authorize the city to enter into the actual grant agreements. We've already applied, were awarded and we're at the stage now where we need to sign the agreements.

We're recommending on all three items that this go to Committee. We're suggesting if at all possible a date of October 11 for the committee meeting. We expect to have JJR back in town then and we'd like them to give us a briefing to full Council on the improvements that would take place

using this grant funding at that briefing. Councilman Langman, O'Neill and Council President Kirsten Holzheimer Gail have seen and heard some of the information in their first trip about a month ago, but we really would like to give full Council a briefing. Further we'd like to discuss at that time some options for the full cost of the improvements associated with these three grants and the options for where the dollars would come from to pay for those capital improvements.

At this time we're recommending that all three items be referred to Committee.

President Holzheimer Gail – If you'd like to brief all of Council would it make sense to go to Executive & Finance then? The 11th is Columbus Day, I don't know if that would pose a problem.

Director Pietravoia – We may have to confirm a date through email with Council members. We asked for the 13th and they already had a commitment. They came back suggesting 11th but I don't think any of us realized at that time it was a holiday.

President Holzheimer Gail – We don't need to confirm the date this evening. We'll work to confirm the date.

Councilwoman Minarik – Perhaps it can go to a committee smaller than Executive, that way you only need the five people and everybody else can come if they want to make it, so we don't have to keep, I think it would be easier to schedule possibly.

President Holzheimer Gail – City Growth is fine, it doesn't matter to me. Everybody is invited to every committee meeting.

Councilwoman Minarik – Right, but it might be tough to arrange getting a majority of the whole council at one time.

Councilman Langman – That would be fine, the 11th is free for me.

Councilman Langman moved Ord. (162-10) to City Growth Committee. Councilman O'Neill seconded.

Roll Call: Yeas: Scarniench, Minarik, O'Neill, Wojtila, Langman, Holzheimer Gail.
Sent to Committee.

Ord. (163-10) City Growth Com.

An emergency ordinance authorizing the Mayor of the City of Euclid or his designee to execute a State-Local Project Sponsor Contract Agreement to accept and expend a Three Hundred Fifty Thousand dollar (\$350,000.00) Clean Ohio Trails Fund grant and to provide the required twenty-five percent (25%) match in the amount of Eighty-Seven Thousand Five Hundred Dollars (\$87,500.00) from the Endowment Fund. (Sponsored by Mayor Cervenik, Councilpersons Holzheimer Gail, Langman and O'Neill)

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

Councilman Langman moved Ord. (163-10) to the City Growth Committee. Councilman O'Neill seconded.

Roll Call: Yeas: Scarniench, Minarik, O'Neill, Wojtila, Langman, Holzheimer Gail.
Sent to Committee.

Ord. (164-10) City Growth Com.

An emergency ordinance authorizing the Mayor of the City of Euclid or his designee to execute a State-Local Nature Works Project Agreement to accept and expend a One Hundred Thousand Dollar (\$100,000.00) Nature Works grant and to provide the required twenty-five percent (25%) match in the amount of Twenty-Five Thousand Dollars (\$25,000.00) from the 2011 Permanent Improvement Fund. (Sponsored by Mayor Cervenik, Councilpersons Holzheimer Gail, Langman and O'Neill)

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

Councilman Langman moved Ord. (164-10) to City Growth Committee. Councilman O'Neill seconded.

Roll Call: Yeas: Scarniench, Minarik, O'Neill, Wojtila, Langman, Holzheimer Gail.
Sent to Committee.

Ord. 125-2010 (170-10) Issue 1 Projects

A resolution authorizing the Mayor of the City of Euclid or his designee to prepare and submit an application to participate in the 2011 Ohio Public Works Commission State Capital Improvement and/or Local Transportation Improvement Program(s) (Issue I), and to execute contracts as required. (Sponsored by Councilperson Wojtila by request of Service Director)

Councilman Wojtila moved for passage, Councilwoman Scarniench seconded.

Director Smith – At this time I am seeking your approval to submit two projects for the year 2011 to the OPWC for their consideration. Project number one is entitled the East 194 Street SSO Elimination. This project includes the replacement of all utilities and pavement on E. 194 from Lake Shore Blvd. North to the Lake and will result in the elimination of a sanitary sewer overflow.

The second project is E. 222 St. Relief Sewer. This project includes the replacement of all utilities and pavement from the intersection of E. 222 St. west along Tracy Ave. to E. 215 St. The completion of this project will help eliminate basement flooding in the general area. Please keep in mind these submittals are for consideration only and although we have had tremendous success in recent years with grant awards, there's no guaranty that these projects will be awarded. I certainly appreciate your consideration of these matters.

Councilman Wojtila – The second project, E. 222 St. Relief Sewer, can you go over that again what that entails?

Director Smith – That project is all utility improvements, storm, sanitary, waterline and pavement from the general intersection of E. 222 St., the project will proceed west along Tracy Ave., and terminate at E. 215 St.

Councilman Wojtila – How far along on E. 222?

Director Smith – Just beginning at the intersection.

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

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

Ord. 126-2010 (168-10) Amend Code City Council

An ordinance amending Chapter 121 of the Administrative Code of the Codified Ordinances of the City of Euclid governing City Council. (Sponsored by Councilpersons Holzheimer Gail and Scarniench)

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

President Holzheimer Gail – We discussed this ordinance although very quickly and very late in the evening at our last Executive & Finance Committee Meeting at the end of August in preparation for coming back into session. Really what this does is cleans up our code a little bit. The major changes is it makes it gender neutral language using Council member instead of Councilmen.

The new part is it does prohibit political advocacy both by the public in public's comments and by council members in our council members comments, with the thought being this is a forum for city business, not promoting any particular political agenda. It also cleans up other things like providing for electronic copies of minutes and notices at no cost. Director Frey did I miss anything of substance?

Director Frey – The Council President is correct, I just want to make sure what we had indicated both in the Committee of the Whole and the Council member Comments section was that advocacy for or against a political candidate would be prohibited. Advocacy for or against an issue would still be permitted under these rules.

President Holzheimer Gail – I will add, there was a question from Councilman Gilliam about prohibiting political attire, t-shirts and that and Law Director Frey had done some research on that and found that there was no other communities that had prohibited that. I will let Law Director Frey answer that but we thought at this point we were better to leave that out.

Director Frey – We did not find any other community that tried to regulate someone coming in with a t-shirt that might espouse a political position, or a button or a hat, as long as those things weren't otherwise obscene. We thought it prudent to leave that issue alone. What we were attempting to control was the issue of the microphone, if you will, and recognizing the decorum of these meetings and to say that while it's a fair debate outside of city council and other public forums to discuss a candidate's worthiness for election, that ought not be part of the council meeting itself. We drew the line however at local issues or national issues for that matter, as long as they were issues.

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

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

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

Res. 127-2010 (165-10) Euclid Ave. Study

A resolution directing the Mayor and the Administration of the City of Euclid to develop a Scope of Work and issue a Request for Proposals (RFP) from qualified consultants, and to seek grant funding for the purpose of conducting a corridor study for the length of Euclid Avenue, to serve as an update to the 1996 Master Plan. (Sponsored by Councilpersons Scarniench and Jones)

Councilwoman Scarniench moved for passage, Councilwoman Minarik seconded.

Councilwoman Scarniench – Earlier in the summer, Councilwoman Jones and Councilman Gilliam and I have sat around and tried to decide where we want to see Euclid Avenue go. Over the years we've talked about a lot of things, we've done a lot of studies, the Euclid Avenue Task Force, the Master Plan, and all these great things and great ideas, but we've never moved forward.

I asked Director Pietravoia if he would put together this legislation because it is time to update this so we can move forward. We decided with the Master Plan from 1996 would be the best one to use and move on that. Hopefully we can get some grant funding for it, if not I would hope that my colleagues would agree with whatever the cost is, that we would be able to do this. Once we do that, I definitely would like to put a committee together with some of the residents from the different neighborhood associations, just like we did when we did the Euclid Avenue Task Force, it was a group of people that were brought together by the Mayor at that time. I would hope everyone would support this and we've got a little disagreement on which way we want to go with it, but I think in general if we show the city is moving forward, we'll get business owners, apartment owners to jump on the bandwagon and move with us which to me would help to spur on some more economic development which we need to see on Euclid Ave. Thank you.

Please, the reason Councilman Gilliam's name wasn't on this was because this was done right at the last second. I only got to see Councilwoman Jones on Tuesday night. He has read it and he would like his name on there. If you would please put his name on there I would appreciate that.

Councilman Langman – Director Pietravoia, I'm assuming Director that you have all the previous documentation, information, design drawings, etc.?

Director Pietravoia – We do. We had this discussion with Councilwoman Scarniench. The Department has the files of all the previous studies that were done, the 1996 Plan and the Task Force. We've even had, one of our staff members was involved on the private sector side on one of the studies. Very familiar with the previous work on Euclid Ave.

We'll work with members of Council that are involved to develop the work program. We did apply to NOACCA through the transportation for livable communities initiative, same program that funded downtown. We weren't selected in the last round but we will pursue that again as a possible source of funding for this work.

Councilman Langman – The reason why I bring that up Madame Chair is I have a packet from 2002 with all the studies and some design drawings, intersection sketches and so forth. I'm looking hopefully and I hope the Councilmen agree that if we can, it would be nice to begin something now as far as, we have lots of designs and we have concepts, in your opinion is there anything that we can move forward with to at least show the residents of that area that 10-15 years worth of studies, we're not going to take another long period of time before they actually see something.

Director Pietravoia – At this point I would defer to the three council persons involved along Euclid Ave. I would guess that we would be able to undertake some capital improvements and possibly some beautification projects while we're actually undertaking this study. Those things will continue, we won't wait until the study is completed. If they're major capital improvements that might be affected by the study, we might want to consider the timing of those.

I would also suggest, I think we've shown the success for downtown and now the waterfront, the importance of starting out with a well thought out, well documented plan and eventually working things into our capital program and ultimately getting them funded and implemented. That sounds pretty basic but we're getting back to the business of following that process and I think we can do the same thing on Euclid Ave.

Councilman Langman – My final question to Director Pietravoia, I support this, just like all the other initiatives we have up there. We have really three great corridors, the highway, we're improving that obviously after many years, Lake Shore Blvd. and now Euclid Ave. I was wondering, will you give us feedback then as to okay we can start with this section or we can take the whole thing at once. Will we be getting that feedback from you and if so when?

Director Pietravoia – Are you referring to the study itself or the improvements that are recommended?

Councilman Langman – I guess I'm looking for obviously Euclid Ave., very, very large, much larger than the target area of downtown Euclid. Each section has its own character. You can break it up that way or you can try to study the whole thing. What's your sense and how quickly can you give that feedback to us?

Director Pietravoia – My expectation at this point and again we want to meet with the three members of Council to detail a work program, but my expectation is that we would identify some target areas where we would want to do some more detailed study and then look at the entire corridor at a more general level but a more intense way in those targeted areas, likely to be the major intersections along Euclid Ave.

Councilwoman Minarik – I'm not sure who can answer this. When it says the RFP from qualified consultants. Would the consultants be paid only if their grant became available? Or were you expecting the funding to come out of the city? That was my question on Section 1. It says, the Mayor and administration are hereby directed to develop a scope of work and issue an RFP from qualified consultants and seek grant funding. Those are three separate things so the city would be paying for a qualified consultant? Or were you thinking a grant would pay for the qualified consultants?

Councilwoman Scarniench – They are separate issues and we would hope that we could get a grant to pay for it, but if we can't then we need to come up with the funds, but we're not going to know what that is until we actually get these requests for proposals from these qualified consultants. I would hope that the folks that did the Master Plan would jump on this because it would be so easy for them to do. But if not, what we're looking for is just that, so that we know how much money we need. If we can get the grant to pay for it, that would be great too.

Councilman Wojtila – I support doing the study, the big question, though, what is the study? I know you're going to do a request for proposals, I guess, I'm okay approving this tonight and I don't necessarily need to see anything but my suggestion would be in the proposal that it be obviously well thought out. That it be not where you get proposals out with many thousands of dollars because I don't know if we don't get grant money we're going to be looking at spending many thousands of dollars. I think some thousands of dollars would be, I could approve. My only comment, it's not very clear what we're going to be requesting. I trust the experience that you folks have that you can do a good job of it and the Council support and the leadership that we have on Council will direct you as to how they would like to see it as well.

President Holzheimer Gail – The Resolution does speak to identifying a steering and advisory committee. My suggestion that would be a great place to start and certainly including the three ward council people along Euclid Ave. and members of the staff and some resident initially and later on down the road. Make sure that residents and stakeholders are involved in the process in the beginning, but really to come up with what exactly are you looking for so we don't waste the time of the consultants as well.

Director Pietravoia – It wasn't intended at this point that we have this fully thought out, this was to start the process and to direct us to start developing that work program. We have had enough experience at these that we can put together a pretty tight proposal and then using a committee, run it by them to make sure we're not missing anything and from there we will develop cost estimates and go on out for a request for proposal. I do agree we don't want to leave it open ended. It has been our experience when you do that you might get proposals back from \$25,000 and you might get them back for \$150,000 fee. We try to make it a fairly tight work program and an estimate of what our budget is and we let our consultants know ahead of time in a professional services study.

Councilwoman Scarniench – I don't see this as really costing a lot. If you look at and maybe all of Council who doesn't have a copy of the master plan should get a copy of it. If you take the master plan and read the whole section about Euclid Ave., it is very precise on things that should happen. Since that was done, there has been a few things that have changed. All that we're looking at is look at it and tell me is this still the way we want to move forward with this. If there's something that we need to tweak or change, let's do it and then take the plan and sit down and figure out where we want to go but get something started. I think that's very important to the development of what we want to see happen on Euclid Ave.

Director Pietravoia – This will likely come back to Council possibly even a couple of times. If it identifies a source of funds, we'll need authorization to apply, accept and expend those funds. At that time we'll have a work program worked out so there will be other opportunities for all of Council to see the direction we are going.

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

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

Ord. (133a-10) Amend Code Home Occupations Tabled

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) (Recommended for passage as amended by Planning & Zoning Commission)

Councilman Langman moved for passage, Councilman Wojtila seconded.

Commissioner Beno – The proposed ordinance tonight hopes to bring about a change in our home occupation code, bringing it into compliance with trends that we see regularly within home occupations. The ordinance sets up a 13 section performance standard which a home occupation must comply with. It is a much more flexible approach than the prior language. This will allow home occupations to evolve without adversely affecting the quality of our residential areas.

As Council is aware, this ordinance has a bit of a history, it has gone back and forth between being originated in the city Planning & Zoning Commission and then a second subsequent version that you have in front of you being originated by the City Council and then sent back to the Planning Commission.

The amended version you have today reflects the recommendations or suggestions of the Planning Commission. They begin with a more fundamental question which is the number of potential employees or non-household employees that a home occupation can have. That is reflected in the first amendment and that is that, which changes the number from 1 to 2. That's a fairly fundamental question and the rest basically are minor changes to the regulations that would affect, or directing these regulations to direct home based day care businesses. Basically that's what you have in front of you. It reflects those changes. At this point our recommendation our sincere hope is that a version is passed and we'll answer your questions at this point.

President Holzheimer Gail – Hoping that a version, not the (133a) version?

Commissioner Beno – Not necessarily the (133a) version.

President Holzheimer Gail – Is it still the administration's recommendation to remain at one employee?

Commissioner Beno – It is definitely the administration's recommendation that the ordinance remain at one employee.

President Holzheimer Gail – I understand that there is some work being considered to look at how we regulate home daycares. I would suggest that perhaps we keep that separate. I think there's been a mis-communication on who has been waiting for what. I know that there's some council members and Commissioner Beno both interested in moving forward with that. I hope that we don't have to hold this up for that discussion, we can keep that separate. It would be my suggestion also to change back to what Council initially had said and that would be one employee and I'm not sure we want to separate out home daycares as a specific use.

The reason being, our job as council people, we get the phone calls, I think this is a change. We don't have to jump into allowing everything. From my perspective it is important to protect the residential nature of a residentially zoned district and that should be our first priority. I would rather error on the side of being cautious and taking a smaller step than jumping right in and allowing everything to start with. Of course there's always room for variances if people have a specific reason then can verify and document that would not create additional burdens or nuisances to a residential area.

I know as a ward council people you all have probably gotten calls about businesses in the home and some of the problems that can cause. That would be my suggestion, we appreciate Planning & Zoning's input and hard work on this. We also have done our homework and I think are the ones that bare the brunt of the phone calls when there are problems. Any thoughts from Council members?

Councilman Langman – Just to make absolutely clear to the Law Director. Law Director Frey, we can make amendments to this proposed ordinance without it having go back to Planning & Zoning, is that correct?

Director Frey – Yes because there are six members of Council tonight, it would require five members to vote to revert back to the original version and enact that. I do, if I could for just a moment make sure that we appreciate that Section 1377.01a & b have been previously modified and that's not reflected in the print version in front of you. It will be corrected before the signed copy. What you're amending tonight, if at all, will be in the new section, deletion of the former Section d and inclusion of the new Section d or the changes in there. Section a & b had previously been amended and it will reflect the update correct language in a & b before the legislation is signed. There are no substantive amendments to Sections a & b of that Section of the codified ordinances in this legislation.

Councilman Langman – I agree with your sentiments, Madame Chair, if I heard them correctly. I'm only comfortable with one employee in a home based business at this time. Indifference to the comments you made, yes many council people are interested in at least trying to work the home daycare in a separate section to do that particular home business justice. It is different and I think the amendments some of them that are referring to home daycares are almost contradictory to what is being said in this chapter. I think it does make sense to factor out home daycares temporarily while we work on a more comprehensive approach.

Councilwoman Scarniench – I too agree with our Council President. The original intent of this was to have regulations for home daycares, for home businesses, we really didn't have them. To make it to grandiose at this time doesn't serve a purpose to me. I believe the one employee is enough. We're talking about residential areas. We do need to keep the integrity of the neighborhoods together. When you go down and look at #3, where they wanted to scratch entirely and put primarily as far as the business being inside the dwelling, then if you go on a little farther that doesn't even make sense. The whole purpose was so that there was nothing outside. This home needs to stay looking just like a home, no extra buildings, no business going on in the garages and things like that. I agree that we need to revise our policies as far as the daycares are concerned and they need to be in another spot. This wasn't intended to prevent people from doing daycares in their home. It was for other businesses that may interfere with the quality of life in the neighborhood.

Councilman O'Neill – For clarification, #2 second page, it says, scratch out only one and it says up to two employees in connection with home occupation who are not residents of the dwelling. So I'm clear on this, if they are a family member or they reside at that dwelling, they can be an employee of that company. Do we have a limit on how many of those employees we can have? There's no limit on that?

President Holzheimer Gail- Not if they reside in the house.

Councilman O'Neill – It is just any outside employee that may work at that residence.

Councilman Wojtila – Was there any consideration to changing the title of Section 1377.01 to include home occupations in the actual title? Or do you think it is clear that accessory uses would include home occupations?

Director Pietravoia – We hadn't considered changing the name of the chapter. We have a situation where it is ended up being a hybrid chapter where it does address other accessory uses in addition to home occupations. I would defer to the Law Director but I would hope that if you did want to suggest that change that wouldn't be an item that would have to go back to Planning & Zoning since it is changing the Zoning code.

Director Frey – The titles are not part of the code, they're directory so I don't think to change it would require to go back to the Planning & Zoning because it is not actually a part of the code. I don't know what else is in 1377 and I don't have the full text of our codified ordinances available here to know whether that title makes sense in the context of the entire 1377. Honestly would need to look at that before I would be comfortable with us changing that title of this specific section.

Councilman Wojtila – Looking at the other piece of legislation, 1755.20 Maintenance of Roofs and Gutter; Rain Barrels. I think when we added Rain barrels we added a semi colon and rain barrels. Sorry I didn't think of that earlier but it might clarify to add a semicolon with home occupations since there are quite a few points to that.

Director Pietravoia – I agree with Councilman Wojtila, I think other members would probably agree. It always helps to make the code very clear. A lot of times when you're searching for something you'll look at the Chapter title. This is a big category so I think using a semicolon and adding home occupations would be an appropriate change at this time. I just wouldn't delete the rest of the existing title.

President Holzheimer Gail – That would require an amendment, correct?

Director Pietravoia – Yes.

Councilman Wojtila moved to amend the title to include semicolon Home Occupations. Councilwoman Scarniench.

Roll Call: Yeas: Scarniench, Minarik, O'Neill, Wojtila, Langman, Holzheimer Gail.
Amendment passed.

Councilman Wojtila – My colleague informed me that I ignored an email from him from about six weeks ago so I apologize. I am interested in the second piece which is the daycare section. So to the extent that I can be involved with that I'm availing myself to that.

President Holzheimer Gail – Law Director Frey, should we, the other amendments that we seem to be in agreement on, should we go through those one at a time? Or can we do them in bulk?

Director Frey – You can do them in bulk if you want. If what we have added in (133a) wants to be removed, we can do them if we would just read and make a single amendment to remove all those items.

President Holzheimer Gail – The items that were added in the "a" version were all the highlighted items?

Director Frey – Yes, if you printed out on color copies they'll be in yellow.

President Holzheimer Gail – Ours are gray, the gray items.

President Holzheimer Gail moved to remove the highlighted items for allowing up to two employees, reverting that back to allowing only one employee; removing "are" adding back in, "is" actual resident. Number 3, changing it back to entirely and removing the last phrase, except play areas for a home daycare use. Number 11 deleting the highlighted portion, except as related to vehicles involved in drop off and pick up for a home daycare use. Number 12, deleting the last highlighted section, except as related to home daycare uses. Councilwoman Scarniench seconded.

President Holzheimer Gail – Any discussion on that amendment?

Councilwoman Minarik – I respect Planning & Zoning and I think they've thought this through as to why they made the changes. In terms of how much this impacts residential neighborhoods. When you've got a neighborhood with six cars in the driveway, or three cars in the driveway and two cars in the front lawn, you've got homes that have 8-10 people that are living in them that are only 1,000 sq. ft.; I think those are bigger issues than the fact that a small business is growing and wants to have two additional employees. I also think it is restrictive to businesses to say it has to be entirely within that four walls, you cannot have then a business meeting on your patio. You cannot have a croquet game, all right, if you have business consultants come in from out of town. Can't have them outside in the backyard. I think it is being a little bit too restrictive when you say every business activity has to be entirely within the house.

Then to restrict the growth of the small business and then the number of vehicles, I think Planning and Zoning thought it through pretty well and they are on the side of the small business and the side of the neighborhoods. I'm going to vote no on the amendment to change it back. Thank you.

President Holzheimer Gail – Any comments or questions before we vote on the amendment? Seeing none, roll call on the amendment please.

Roll Call: Yeas: Scarniench, Wojtila, Langman, Holzheimer Gail

Nays: Minarik, O'Neill

Failed.

President Holzheimer Gail – That's not a super majority which is necessary to overrule, is that correct?

Director Frey – That's correct, it would require 5 of the six members to vote to remove those amendments from Planning & Zoning. What Council has left before it is either additional amendments or votes on the piece that's before them up or down.

Councilman Langman – I cannot support the legislation as presented to us tonight. I think two employees is too much. Daycares can and do sometimes cause nuisances in the neighborhoods. If we were to accept this and we had issues, we would have to depend on Mr. Beno's staff and if that didn't work we would have to call the Chief and have the Police take a look at the matter. I think the way it is presented tonight, I cannot accept it, it is too radical of a change for right now. Daycares need to be in their own section and it needs to be looked at thoroughly. Unfortunately we can't do that tonight so I'll be voting no.

Councilwoman Scarniench – I also will vote no. I attended the Planning & Zoning meeting, this was a 3 to 2 vote, it wasn't a unanimous vote. I still believe in everything that I said and I think as the elected officials in this city this is our job. If we come down the road a year from now and we decide that we need to change it, it is fine, we can change it. I agree with what Councilman Langman just said, it is too radical of a change, so I will vote no.

Councilman Wojtila – I respect they just said. Can we table this for one meeting?

President Holzheimer Gail – We can. We can send it to Committee to discuss it. We could, Director Frey?

Director Frey – You could table the matter, it would stay as the 133a that's before you.

Councilman Wojtila – What's the downside to tabling that?

President Holzheimer Gail – It would be on our next agenda and we would hopefully have a full council here.

Director Frey – Full Council would require seven members to override the Planning & Zoning Commission.

Councilman Wojtila – There's a lot of good in here. I would like to vote yes with the amendments.

President Holzheimer Gail – Your point is well taken. There's been a lot of work done to this point. If we vote on it tonight, it is obviously going to fail which means we have no changes, we still do not allow home occupations, so we're back to square one. I agree, it doesn't make sense to do that. We can table it and continue to discuss it and hopefully have a resolution by the next meeting ready to vote.

Councilman Wojtila moved to table Ord. (133a-10).

Councilwoman Minarik – Just how the process works. This was voted on, so if we table it and it comes back to Council, then we can amend it again to what we just voted on?

President Holzheimer Gail – We can amend tonight. If we want to take them one at a time, if it is one employee, but I hear pretty strongly from Councilman Langman and Councilwoman Scarniench

Councilwoman Minarik – What we just voted on amendment wise is not a done deal if we table it and bring it back?

President Holzheimer Gail – Right, absolutely.

Councilwoman Minarik – If this particular piece gets turned down tonight, the code just stays as is and we would have to start all over again?

President Holzheimer Gail – Correct.

Councilman Wojtila moved to table Ord. (133a-10). Councilwoman Scarniench seconded.

Roll Call: Yeas: Scarniench, O'Neill, Wojtila, Holzheimer Gail.

Nays: Minarik, Langman.

Tabled.

President Holzheimer Gail – Four to two. That's not overriding Planning & Zoning, so that passes. We don't need a super majority to table. We will have that back as the (133a-10) version at our next Council meeting.

CEREMONIAL RESOLUTION

Ord. 121-2010 (161-10) Kevon Smith

A resolution of recognition for **Kevon Smith's** outstanding efforts to educate his community on the issue of youth violence. (Sponsored by Mayor Cervenik and Entire Council)

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

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

Passed.

COMMITTEE OF THE WHOLE

President Holzheimer Gail – This is where you can speak to anything for the good of the city. Please state your name and address for the record.

Mrs. Agnes Turk – 104 E. 200 St. When you discuss the community center, you did it very leisurely like you didn't realize how important it is to your community. I've been volunteering there for over 15 years. I answer the phones. I find places for these people to go to. Do you realize without your community center that there are people in Euclid that would not even have a warm meal a day? We've cut so many services, we don't have a social worker, which we are in badly need of there. Please, reconsider everything you can do for the community center because it is a great asset for you. You should be proud of it but you're not giving them the service they should be getting. You even have to turn away transportation for these people who can't afford to go by cab. RTA is hard to come by because you have to go through certain procedures. Give us a little bit of a break there. You built this beautiful place, let's fill it up with giving the service that you used to give 10 years ago. Thank you.

Mr. George Bryant – I live on 238 in Euclid. My issue isn't really an issue but I find it relevant. There's so many inner city youth that stumble upon a situation which I find I'm in as well, which occurs not only here but sort of throughout Ohio and in different districts and also in a few other regions as well. I always hear, a lot of communication on a lack of funding but it is not due to the

lack of funding, you know. Even when trying, sort of get these positions, even if it is nowhere but a fast food restaurant or a place that you qualify for, they often give it to these people that are already in their circle or what not. I find it insulting for a person with the same qualifications as me, getting the job that they aren't qualified for. Which makes no sense because the more you bring it up the less gets done about it. I just wanted to state that. I just want to see more progression done for those that are actually doing things, versus who can put there self in a position to do whatever. I hope some change occurs.

President Holzheimer Gail – Thanks for coming tonight. Seeing no other comments, we will move onto Councilmen's Comments, I should say Council Person's comments since we've switched to gender neutral, I apologize.

COUNCIL MEMBERS' COMMENTS

Councilman Langman – It looks like we'll be done before 9:00 so since we have extra time we'll talk about Shore. I'm kidding. Director Pietravoia, speaking of the Energy Grant, can you give us an update as to when the solar panels will be installed on our roof and the Library?

Director Pietravoia – We have been working with the consultant that we hired and the installer. They are just about prepared with all the plans that are needed for permits and we expect those to be submitted, Lee Bock made comment to me that they're already here, but it is my understanding they are supposed to be here this week or next week at the latest. Then it would be a 30-45 day installation period once those plans are approved and permits are issued. We're still looking at a window of October to mid-November hopefully for the complete installation of a system.

Councilman Langman – Definitely in this season before winter sets in?

Director Pietravoia – Barring any unforeseen problems when the plans come in for review, we should be able to review them in a routine fashion in 3-4 days. If there's a back and forth between the design professionals and our building official it could take a little longer. As long as there's no major problems, we still should be able to go forward this fall.

Councilman Langman – I'm definitely looking forward to that. Now, Director Smith, I see that they're starting to pour aprons and sidewalks on 248th, that's very good news for those folks. But I wanted to ask, if you look outside you see that some of the leaves are starting to change so I figured I'd ask what's our schedule this year for leaf pick up?

Director Smith – You threw me off a little bit with that, I thought you'd focus on the 248th project.

Councilman Langman – As a council person I don't have that luxury of focusing on one thing.

Director Smith – Where we're at with the leaf pick up. The initial start date has not been set. The equipment is ready to go though. Having said, in addition we've talked about some of the logistics as far as community awareness as to how the pick up will occur. Once again we will utilize the website to basically give a day by day map of the area we're working in and the area we will be proceeding to. I can certainly get you more information as the time nears, but I know it is not within the next week.

Councilman Langman – They're not falling that fast. Finally, I just would like to welcome Director Brett to Euclid. We appreciate you working for us and bringing your wealth of experience, I'm sure it will help us out tremendously. Welcome and we look forward to working with you.

President Holzheimer Gail – I also would like to welcome Director Brett. We're looking forward to working with you and we'll get a schedule of Finance Committees set once you get acclimated. Several of the announcements were already made but I have a couple others. Senator Nina Turner, our State Senator, is holding a meet the Senator night, open forum on any issues or topics you would like to discuss at our Euclid Library Shore Room on September 27th from 6:00-8:00. All are invited to come and talk with her.

We spoke about the opening of the ice rink on Saturday. This Saturday in the morning, we got an email today, Euclid Youth Soccer Organization has been working hard and has gotten a sponsorship this year from Chevrolet and specifically from Pat O'Brien Chevrolet. Someone from their dealership will be at the soccer games this Saturday morning at 10:00 to make a presentation. They've donated equipment, t-shirts and money to Euclid Youth Soccer to help their program. They are also going to be raffling off a car and a home entertainment system, not only for Euclid's

Soccer system but I think other local community soccer organizations. Those who are interested and willing to support our Euclid Youth Soccer which is being run by volunteers, and they're doing a great job, I've heard a lot of positive things. Look for those raffle tickets to buy. Anyone as interested as well can come this Saturday to the Babbitt Road field which is across from the YMCA and on the city property before the ice rink. 10:00 AM there will be a presentation. We thank Pat O'Brien Chevrolet for their support of our community soccer program.

Councilman Van Ho has scheduled a Housing Committee Meeting for Wednesday, October 6th at that meeting we will have an update on the NSP program, the current funding, what has been done, what's been expended and also the start of the discussion on the NSP III funds on what's available and what we might look to do with those. That will be Wednesday, October 6th Housing Committee Meeting.

Councilwoman Scarniench – I, too, would like to congratulate and welcome our new Director, look forward to working with you over the next year. The only thing I want to say is congratulations to Kevon. I've known Kevon since he was a little guy. If you can remember, way back when Heritage Park did a program in conjunction with Hand-It and Kevon's picture was on the front page of the newspaper because he was the first bike we gave away. At that time his Grandmother was still alive, very nice lady who took very good care of her grandchildren and she would be very proud of him. Again, congratulations to Kevon on a great idea.

Councilwoman Minarik – Director Smith are we still doing the summer sprinkling program because this is the time people can sign up, correct?

Director Smith – That is correct.

Councilwoman Minarik – The months we sign up for summer sprinkling it is still \$10 fee. Send \$10 into the City of Euclid and then you will be on the summer sprinkling program for next year.

The second thing I wanted to talk about was Tagaway and the demonstration we had last week with Director Will. A demonstration of how TagINATOR can take graffiti off of concrete, Crown Chemical from 79th and Harvard came out, it was tremendous. The graffiti was sprayed. The hot/cold power washer removed it within 15 minutes, you would never know that the street had a tag on it. Councilwoman Scarniench was there along with Kristal Skovira and a lot of the Parks people so I wanted to thank them for that.

Also besides TagINATOR is Tagaway. I think this stuff is as good as sliced bread. I have removed graffiti off a mailbox, a stop sign, a Dave's parking lot sign, a traffic light signal box and a garbage can top. Literally you spray this Tagaway on a smooth surface, and in 15 seconds you can take a cloth and wipe the graffiti off. It is amazing. I'm thinking of getting a mask and cape. That's pretty cool.

The other thing that's pretty cool is this week is the 2nd Sustainability Conference in Cleveland. Last year, Mayor Jackson sponsored it. As a result of that conference, Northeast Ohio Green Builders, E4S, Green City, Blue Lake, all these sustainable groups and organizations came together. This week it is Wednesday and Thursday and a lot more is going to come out because they are focusing more on what the business angle is to promoting Cleveland. I'm convinced that what Cuyahoga County is doing in terms of the Regional Sewer System; the Mayor's, Mayor Jackson's Sustainability Conferences, all this stuff, we are under selling all of Northeastern Ohio in terms of what we are doing sustainability-wise.

In fact, leading up to that, I went to a business in South Russell last week call Cawrse and Associates, they are a landscape architects, Director Pietravoia you would love this and even Mr. Bock might like this. This was, they had built a new building from grants from Geauga County. One side of the roof was 2,000 sq. ft. with a downspout that went 18 inches underground and moved over to a rain garden 20 x 20, which took all of the rain water off that roof and no flooding. The parking lot was made of permeable pavers that easily was as big as the whole Rotunda in City Council area for heavy equipment. I will send you information. They are willing to do a tour for us. There is no run off off these parking lots because it settles through the pavers and then any water that is underneath that is still left over they have bio-swales, retention basins. It is very, very cool. Cawrse Landscape Architects and they're willing to do a tour for anyone in the City and I'm going to invite the School Board as well in terms of the Upson Courtyard retention basin they are planning. They are part of what came out of the Sustainability conference from last year. I bet you people don't think I'm doing anything about sustainability.

With that, I'm not really exciting about going with this meeting on Wednesday because it was a goal of mine to have no committee meetings. I'll be there and we're going to talk about curbside recycling and maybe a paid to throw program. With that, I'd like the Mayor to think about is it possible to, just think about it. Is it possible to meet with J&J again and make adjustments to

their contract, just think about it for the meeting and I can ask you more questions later, but if you want to answer them now you can. Thanks, that's all I have.

Mayor Cervenik – The program we're doing really has nothing to do with J&J whatsoever.

Councilwoman Minarik- I know, but my question is.

Mayor Cervenik – I certainly don't believe that we are in any position right now to institute a pay to throw program. That could be something in the future but I really don't think administratively we're ready to do that now. Most other communities are not and have not either.

Councilman O'Neill – I'd like to add my list to the congratulations to Director Brett in welcoming him on board. If he's where the tried and true tradition of going out afterwards and picking up the tab for all of Council, maybe not. Any how, truce men starts somewhere.

To Commissioner Beno, if he could expound on a recent happening with one of the buildings actually in Ward 5 where there was some remodeling going on, permits were pulled and the building actually was behind Arthur Treacher's Fish and Chips and the person doing the remodeling pulled the proper permits for the scope of work but it was the point in contention was the type of use that the building was going to potentially have according to the building owner. My question is to Commissioner Beno, what is the proper procedure for people to follow when they start with the renovations of the building leading up to the occupancy permit?

Commissioner Beno – Basically it is very important that when people want to change the use of the property that they apply for the correct permits and they are permits to alter the building and obtain a Certificate of Occupancy. We have a situation in which a tenant had their mechanical contractors come in and apply for mechanical permits to do heating work and electrical work, but not to obtain a Certificate of Occupancy. It seems apparent from the work that's being done that they think that they have authorization to operate some sort of a internet café, when in fact they don't. They're basically spending a lot of money on a building and that's all well and good but they do not have the appropriate permits if they think what they want to do with that building is operated as an internet café. Basically when people pull permits without explaining what they're doing with the use of the property, those permits do not authorize a use of the property, they only authorize the installation of mechanical equipment.

Councilman O'Neill – I bring that up because we tried to pride ourselves of being a city that's moving and trying to be as user friendly for business as possible. When something like this comes up, we sort of get, some people may give us a black eye and talk us down that we're not business friendly. That's not the truth. The truth is that the people went ahead on this particular project without telling anybody what they were going to do in the building other than pull a mechanical permit and expected to go ahead and put this type of business in. I just don't want them coming back saying they had nothing but problems with the Engineering Dept., problems with the Building Dept. That's not true, they didn't properly pull what they needed to do that project.

Just to let the residents know that they are taking applications for Vote by Mail or absentee ballots. If you're so inclined to vote absentee which is a great way to vote, you can take a look at the ballots and go over all the candidates. Contact the County Board of Elections, unfortunately I don't have that address with me but you can get it out of the phone book, and request an application for an absentee ballot. They will mail it to your house. I believe postage is pre-paid on both those items. You can take a look at the ballot and the candidates for different offices, take your time and then drop it in the mail. With that, I will say goodnight.

Councilman Wojtila – The Flood Damage Reduction legislation, is the intent on that to have a third reading next meeting with presentation and vote on that?

Director Frey – We intend to have a summary of that legislation. Asst. Director Bock has provided a map of the potential flood areas in the City of Euclid and there are but a handful of those and we will provide that along with an explanation or a summary of what the legislation is intended to do. We have current legislation that restricts building in flood plan areas. This is an updated version that came to us from the Ohio Department of Natural Resources. I don't know that we had anybody scheduled, I don't think we had anybody scheduled to come and make a presentation on the Flood Plan legislation but we will get you a summary of the legislation before the meeting.

Councilman Wojtila – It is the hope to vote next meeting on that?

Director Frey – I believe so, yes.

Councilman Wojtila – Director Pietravoia, I know we received three of the four grants which is great on the ones we had submitted. The one that we did not receive, was that a large grant, do you recall? How much percentage was that share-wise?

Director Pietravoia – That was a \$70,000 grant. It was also for the fishing pier and I believe it was, I'll have to confirm this but I believe it was an 80/20 match.

Councilman Wojtila – Just an announcement to the Fullerwood neighbors that their meeting is this Thursday at St. Stephen's on Lloyd Road. All neighbors associated with the Fullerwood Neighborhood Association, there will be a meeting this Thursday.

Mayor Cervenik – Failed to mention something in my initial comments. The sound walls, the walls on the freeway, if you noticed the first two sections have gone up and if you'd take extra notice you'd notice they haven't gone any farther. Director Smith informed me that he was not happy with the quality of the walls or the quality of the installation. We went out that evening and took a look at them and I agreed with him. We called Dale Schiavoni from ODOT District 12. He called the next morning and assured me that they had stopped the work, they were not satisfied either. It appears that the walls were shipped on top of each other, the panels which caused some damage. The contractor was putting them in any how, as well as some of the installation issues that they don't quite measure up right which could be the reason our walls crumbled as badly as they did. ODOT has rejected all of the work that has been done up until now. They are working with the contractor and the producer of the concrete panels to make sure that when they start up again the walls are going to look the way they should look that they're not cutting corners here. Will it delay the October 31st completion date, I'm not sure, however I would rather have it done right than done quickly. That's why there's been no work over the past couple of days, but it will be done and I would like to thank Director Smith as well as Asst. Director Bock for noticing it so quickly and acting upon it, as well as Mr. Schiavoni from District 12. The work will begin soon.

ADJOURNMENT

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

Attest:

Clerk of Council

President of Council