

## COUNCIL MINUTES

January 18, 2011

The regular Council Meeting was held on Tuesday, January 18, 2011 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.

Others Present: Mayor Cervenik, Law Director Frey, CS&ED Director Pietravoia, Finance Director Brett, Service Director Smith, Police Capt. Brooks, Fire Chief Cosgriff, Asst. Director Bock, Clerk of Council Cahill.

President Holzheimer Gail – It would be appropriate for us to take a moment of silence tonight to recognize the victims of the tragedy in Tucson, Arizona over the last week. People who were public servants, residents who were doing their part to engage in our representative democracy were killed or injured. Our thoughts are with those who died and those who were injured and those who acted to prevent further tragedy.

Yesterday we also remembered the life and achievements of Dr. Martin Luther King, Jr. Let's also include a moment to include his memory and all those people who continue to work for peace and social justice. Thank you.

### COMMUNICATIONS

Council received a copy of letters sent by Mayor Cervenik reappointing Fay Miller and Edward Siplock to the Landmark Commission. To the Recreation Commission reappointing Pat Brady and Susan McGinn and new appointment Sherise Hardrick.

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Councilwoman Scarniench moved to receive the Council Minutes of January 3, 2011. Councilman Gilliam seconded. Yeas: Unanimous.

### ADMINISTRATION REPORTS & COMMUNICATIONS

Mayor Cervenik and Capt. Brooks administered the Oath of Office to five police officers who have been promoted in rank: Capt. Jim Savage; Lt. Scott Meyer; Lt. Robert Payne; Sgt. Mitchel Howser; Sgt. Michael Knack.

Mayor Cervenik – We had two Veterans that have been very active in the City of Euclid pass away this week: Howard "Hug" Lickert and Frank Svigel, both very involved in our community. Mr. Svigel served in the United States Army during the Korean War in the 101<sup>st</sup> Airborne; he was very involved in the Euclid Veterans Club along with many other things. Howard "Hug" Lickert served in the United States Army in the 236<sup>th</sup> Engineer Battalion in China and Burma from 1943 until 1945. Among other things in the community, he was an umpire for the Euclid Boys League for 35 years. We wish their families and friends our condolences and the City of Euclid is a little better place because of the contributions of both of these gentlemen and all veterans that live and participate in things in this community.

Tomorrow night we will have a final presentation, I hope, on building a dormitory-style jail. The budget hearings will start next Monday on the 24<sup>th</sup> and 26<sup>th</sup>. It has been a battle.

One other thing I do want to mention, the Expo Show, Frank Pietravoia does want to say a few words about that. It is the second year in a row we will be having our Home and Garden Show. Surprisingly enough on Friday at 4:30, the couple that won the free wedding last year, has asked me to perform the services. The groom contacted me and I told him that my wedding ceremony here is usually short and sweet and he thought that was just fine. I got a funny feeling he talked to his wife to be and I got a little bit longer of a ceremony to do, which is very proper and very fitting. We look forward to performing that ceremony at 4:30 on Friday at the Expo Center, in a special section for weddings and gardens. Director Pietravoia has a few other things to talk about.

Director Pietravoia – I would like to take this opportunity to remind our residents and anybody else viewing the meeting tonight that as the Mayor said the second show, the Euclid Expo Home and Garden Show does start this Friday and will continue through Sunday, Jan. 30<sup>th</sup>. For those interested in attending, the hours are Monday-Friday from 11:00-9:00 and Saturday from 10:00-9:00 and Sunday 10:00-6:00. Most importantly it is an opportunity for us to brag a little bit about the great things happening in Euclid so I encourage anybody that attends to stop by the Euclid Welcome Center, which is one of the permanent booths set up at the Expo and you'll see many familiar faces there as we're telling folks, not only from Euclid but the Greater Cleveland area about the great things happening in Euclid. I hope to see all of you there.

Mayor Cervenik – That concludes administration reports and communications.

## REPORTS & COMMITTEE MINUTES

Councilwoman Scarniench moved to receive the Board of Control Minutes of 12/27/10. Councilman Van Ho seconded. Yeas: Unanimous.

### COMMITTEE OF THE WHOLE FOR LEGISLATIVE MATTERS ONLY

President Holzheimer Gail – For those that are here tonight, item #1 is a First Reading. The Ward sponsor does not plan to waive those readings. They will go all three readings, as I understand it. Also at this time of the meeting you may speak to things that are on the agenda, but this rezoning issue is a rezoning issue so the only appropriate comments would be regarding the use of the property as retail use rather than industrial or commercial use. Again this is a first reading and no action will be taken on it tonight.

There have been many concerns brought to our attention regarding the operation of this business and the business practices. We are concerned with those issues and will be looking into them. However tonight is not the forum for those concerns to be raised. These are not issues that are part of the property use discussion but rather should be heard and discussed under a business practices or regarding our pet animal ordinances.

Our rules do state that comments that are personal in nature, derogatory or meant to embarrass or humiliate an individual or a specific business are out of order. You may comment, but comments need to be limited to the zoning issue; again that's the use of retail in this space rather than industrial. Appropriate issues such as parking, traffic, impact on neighboring industrial uses and not the specific store operation or business practice. Councilwoman Scarniench will talk about this later, there will be a Safety Committee Meeting tentatively scheduled for February 9<sup>th</sup> here at City Hall to discuss our animal ordinances and discuss this issue. Again, this is a first reading, we would ask that you wait for those comments other than those that have to do with the retail rather than commercial.

In addition it is anticipated that the recycling truck will go to committee and Item #6 is a first reading, the public hearing of that will be on February 22<sup>nd</sup>. That brings us to public comments. Anyone who would like to speak to something on the agenda may do so at the microphone. Please state your name and address for the record. Seeing no comments, we will move forward with legislation, item #1.

## LEGISLATION

### **Res. (224-11) Use District Exception 22500 Lakeland – First Reading**

A resolution granting a Use District Exception, pursuant to Section 1359.03(b) of the Codified Ordinances of the City of Euclid to Mario Ferritto of Ferritto Properties to allow a Pet Store (Retail/Services Use) in a U-6 (Industrial and Manufacturing) Use District at 22500 Lakeland Boulevard, Permanent Parcel No 647-03-001. (Sponsored by Planning & Zoning Commission)

President Holzheimer Gail – This is a first reading. Councilwoman Scarniench, do you have any comments?

Councilwoman Scarniench – As she stated, this is a first reading, we will go three readings which the public hearing would be on February 22<sup>nd</sup>. Please keep in mind this is just a zoning issue. I've asked Councilman O'Neill to hold a Safety Committee Meeting which will be on February 9<sup>th</sup> so that we can discuss the issues that we already have on our books. We have four things that are on our books, but they've been here since 1981, 1991, so they are kind of old. I've asked the Law Director to look at them carefully, see what we need to tweak, see what we need to do to bring those up to date and those will be discussed at that meeting. I thank you for all the emails, the phone calls, but as she said, this is a zoning issue so what we're hoping is that we're going to have really good neighbors and we're going to make sure our laws will address the issues as they come forward. Thank you.

First Reading.

### **Res. 1-2011 (222-11) Appointments to Landmark Commission**

A resolution to re-appoint D. Fay Miller and Edward Siplock to the Euclid Landmark Commission. (Sponsored by Mayor Cervenik)

Councilman Langman moved for passage, Councilman Wojtila seconded.

Mayor Cervenik – I would appreciate Council agreeing to this resolution to re-appoint D. Fay Miller and Edward Siplock to the Landmark Commission. They both have served very ably and feel very strongly in the Landmark Commission's mission, protecting the history of our community. As I said, they have served for some time now and have done a tremendous job. I have talked to both of them and they are both anxious to serve again. I think they're well worth the honor and uphold our history very well.

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President Holzheimer Gail – We thank them for their continued service.

Councilwoman Minarik – If it is all right, I would like to have Council add their names to the legislation.

Councilman Gilliam – Just for the record, how many years is the appointment to the Landmark Commission?

Mayor Cervenik – I believe both of these are three years.

President Holzheimer Gail – They will serve until December 31, 2013.

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

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

Passed.

**Ord. (221-11) Purchase Recycling Truck – To Sustainability Committee**

An emergency ordinance authorizing the Director of Public Service of the City of Euclid to purchase a used 2001 CCC Model LE 8500 with a 25YD Loadmaster Rear Loader Packer, to be used for the recycling program, from Tom's Truck Sales, 8620 Quarry Road, Manassas, Virginia 20110, for Thirty Thousand Six Hundred Fifty Dollars (\$30,650.00) (Sponsored by Councilperson Wojtila by request of Service Director)

Councilman Wojtila moved for passage, Councilman Van Ho seconded.

Director Smith – As indicated, I am requesting your authorization to purchase a 2001 CCC equipped with a 25 yard cocker body. This unit will be utilized within the recycling program. This past Friday I had forwarded to Council and email outlining this request, please let me review.

There are basically two reasons as to why I am recommending the purchase of this unit. Number one, we are currently utilizing a one ton dump truck as a back up to the recycle truck. As the recycle truck heads to the facility, the one ton dump is used to collect. We have encountered three different issues with this operation. One, we have experienced delays due to traffic accidents in route to the center. Second we have experienced delays due to an unloading line at the center. The third issue, we have experienced delays due to equipment breakdowns at the center. These items are pretty much out of our control.

These delays have resulted in additional collection overtime for the crew. Although the one ton dump can complete the task, it is not the most efficient, nor the most effective. Also by purchasing a Back up packer our non-emergency container usage will be eliminated which will add to our reimbursement.

The second factor in this request is having a true back up vehicle in the event the recycle truck goes down. Rather than wait until an occurrence, we wanted to be prepared should the need arise to rent a vehicle. We spoke to several local dealers and they were only willing to lease by the month. The lease rates varied between \$5,000 and \$6,000. This cost appears to make the lease very impractical.

Some final comments I would like to add would be that our current staffing levels are adequate, there is no need for additional employees. All three of our current recycling employees are working on obtaining their CDL's which this truck would require. By purchasing this unit our daily collection times will be reduced. Other units were considered, this truck was by far in the best condition for the price. It is route ready and needs no work. This will not be used as a front line vehicle but will see daily action. The payback of this purchase is estimated to take 2-2 ½ years and that is without factoring in the potential for a lease. I have provided you with photographs and I'll be glad to answer any questions you may have.

President Holzheimer Gail – Given the fact that the recycling program is new and we have not had a chance to review the full budget, the operations to date and discuss the alternatives, I for one would like to see this discussed in committee. I believe Councilwoman Minarik was interested in the Sustainability Committee.

Councilwoman Minarik – That would be fine, but I do have a question because of the timing. I was thinking because of the budget hearings and now safety, how long is this offer good through?

Director Smith – The offer is good through tonight, other it is a vehicle on the lot and the potential for sale is there. We have no long term commitment. I would say that I discussed this briefly with the Mayor, are there other trucks out there? Absolutely. We sent our Motor Maintenance Supt. Spisak down to Manassas, Virginia with our head mechanic and he said the following: all in all this is a great truck

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with low miles, it has been well taken care of. After looking at numerous trucks in this price range this is by far the best value for what is out there. That is strictly my only concern with a delay of the purchase is losing out on this particular unit.

Councilwoman Minarik – I'm thinking February 16<sup>th</sup> or around there, that's why I was asking.

Mayor Cervenik – We have our first budget hearing schedule for 6:30 on the 24<sup>th</sup>. Can Council possibly be here at 6:00 and possibly schedule that meeting for 6:00 before the budget hearings start? If you're able to do that, I am sure we can convince the vendor to hold off on putting it back on the lot until the committee has made some sort of decision. At committee we can provide you with a full budget based upon the tonnage we have right now. There has been some confusion by some of my comments, I tend to keep the numbers very low and conservative when in actuality we're getting almost triple the amount of money that I was going to use as an average when we first presented this. We can do that within a half hour on Monday and at least we'd be able to give the vendor an honest assessment of the possibility of passing on February 7<sup>th</sup>, the next Council meeting.

Councilwoman Minarik – If we can have the numbers prior to the meeting, days before the meeting?

Mayor Cervenik – Yes you can. Most of the numbers are contained in Mr. Smith's email already. They just may not be in the form of a financial statement and we can put them in the form of a financial statement for you.

Councilwoman Minarik – That would be up to the other committee members then.

Councilman O'Neill – I have no problem with putting it in Committee, I think it is a good idea to discuss the numbers. Director Smith, in your opinion is this a reflection on the success of the recycling that we're picking up more than we anticipated so the need is for a larger vehicle, if you could just comment on that?

Director Smith – Yes and no. Our expectations for the program, we didn't anticipate the tremendous response we received right out of the gate. We thought this was going to be more of a building process. It is not that the need is there for a larger truck, we can accomplish that with the truck we have as a front line vehicle. But the outlying circumstances when the smaller truck is in route to the recycle center, the problems that we're occurring is making our collection much more difficult within the window we have. I'm confident, I've had the discussion with Asst. Director Bock that in order to accommodate our current timeframe to pick up the recyclables within a typical day, in order to expand upon the program, in order to continue to grow the program, the purchase of a secondary unit as a back up makes a lot of sense. The volume participation has been tremendous.

Councilman O'Neill – It is my understanding that if this truck is to be purchased that the other vehicle will be working tandem so as one truck is filled and in route to the landfill the two other workers will continue to work to pick up the recycling, am I right to understand that?

Director Smith – That is correct, but the larger truck would definitely take less trips to the recycle center than the smaller unit. You are exactly correct.

Councilman O'Neill – That would cut down on the later evening pick ups?

Director Smith – It should eliminate the later evening pick ups unless there's some type of emergency.

President Holzheimer Gail – Just to clarify, you said landfill, it is not going to the landfill, it is going to the recycling center.

Councilman Langman – Just to be absolutely clear Director Smith, our initial purchase of the truck that we already have, that is the right size truck for the program?

Director Smith – Absolutely, we feel very comfortable with that truck. We've made one slight modification to the truck that has helped us in the collection and otherwise it has worked out extremely well and it has been very efficient from a fuel standpoint.

Councilman Langman – Actually as we add more tonnage to our collections, hopefully that initial truck will be able to handle that? In other words, as the program grows and we have more people because we talked about our goals of about 4,000 tons of recycling and our current truck can handle that?

Director Smith – Correct but where it will be a benefit is, in my email I indicated the amount of money of reimbursement we received from the Kimble company. There was a deduction from that amount when we utilized a container and we have to reimburse the Kimble company for the usage and taking of that container. The one point I'm trying to convey and maybe I haven't done a very good job is by having the secondary truck that will eliminate the container usage which will add to our reimbursement and certainly help facilitate the time.

Councilman Langman – Director Smith, I asked you and Mr. Bock about four weeks ago now for an updated budget for the program. I have not heard anything back. Where are those figures please?

Director Smith – I'm not exactly sure as to what figures you are specifically looking for but I felt my email was pretty inclusive as far as giving the cost of the truck, the actual cost of the truck, the actual cost of the bins, the man hours for the month of December, the reimbursement of the recyclables, the fringes for the employees. I'm not exactly sure what other and I did cut it off for the month of December but I included additional information with regards to the wage adjustments. I'm not exactly sure what other information you're specifically looking for, but I'd be more than happy to provide it if you let me know.

Councilman Langman – Yes, I know it was sent out on Friday, but I did ask 4 weeks ago. Again if you were going to provide it in that format, I would have appreciated some comment to that affect. I saw your email, you were going to have Mr. Bock do that, he did not provide that information and when I responded as to where those costs were, I didn't hear anything back until Friday. I can fish out the numbers and evaluate them, but I don't think that a non-communication over a four week time period is satisfactory. I'm not particularly happy with that, so I'm glad this is going to committee because we need to analyze those figures and work to make the program even better. Thank you.

Mayor Cervenik – The financial report will give a number different scenarios based upon tonnage. It will also spread out the cost of the purchase of the two vehicles, as well as the cost of the purchase of the bins. We need to understand that in the past, when we had recycling, even at every other week, just supplying the bags cost \$26,000 a year for every other week. If you were to translate that to every week, that alone was \$52,000, so that's like a year and a half worth of the bins. We will spread all that out and do an Excel spreadsheet on different scenarios of tonnage and it will make it all that much clearer. I would love to be able to do that Monday, just so we can let, it is a tremendous truck and it is not the size of the truck so much, we could do very well with the second truck that we have now. We certainly won't buy a new one, but this is an ideal truck to do what we need to do. As Director Smith said, this size truck, it would not have to go to the landfill nearly as much as the smaller truck; if we can meet at 6:00. Recycling, you started it O'Neill.

Councilman Van Ho – If we were to go out, buy a new truck of this size, roughly what would it cost us?

Director Smith – We checked into that, \$160,000 for this comparable vehicle.

Councilman Gilliam – Director Smith just a couple of quick questions. You talked about certain things that exist that are out of the City of Euclid's control such as delays in transport due to the traffic. A line waiting while you're unloading and also equipment malfunctions at the actual recycling center. My question to you is that, has there been any discussion about ways to eradicate potential issues, delays to transport, by maybe starting recycling at an earlier time, or maybe alternating that recycling schedule so that maybe we do certain regions? I know there is a trash schedule that I'm not fully aware of how it works, but I know in the past we alternated recycling. Has there been any discussion to use those methods to eradicate that? Or was the truck at the time the best and most reasonable option because of price and necessity, I was just curious?

Director Smith – No, we were relying pretty much on the truck as far as the appropriate fix. We were certainly looking at some consistency with the program. Being a new program, having a recycling program in the past on and off, we certainly wanted to establish something that was consistent with the solid waste collection, do it weekly and keep it very simple from that standpoint.

Councilwoman Jones – With the size of this truck that you are proposing that we purchase, and you mentioned the size of this truck would be less trips to the recycle facility. Would it be more advantageous to use a truck of this size for the initial pick ups and not use the smaller ones for the initial pick ups since it wouldn't be filling up as quickly?

Director Smith – We had looked at that and from our standpoint, no it would not. We anticipate the larger truck, it is obviously going to have much more of a fuel consumption which will have an impact. But its weight will hold, what we have is a 12 yard packer, this will represent a 25 yard packer. The tonnage for

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the 12 yard is anywhere from 2.6 to 2.8 ton. We would estimate the tonnage in this truck anywhere from 7 to 9 tons. We would anticipate this particular vehicle making two trips per week to the landfill.

Councilwoman Jones – Not landfill, recycle center. Currently you said we are using a dump truck to handle the in between while the other truck is going to the recycle facility. So what is that dump truck that we're currently using now, what are the other uses that it is being used for?

Director Smith – I'm not exactly sure of the question. It is a one ton dump truck that is out of the Streets and Sewers Dept., it has sides on it. It is used for miscellaneous purposes within that department. It is not set aside for any specific purpose.

Councilwoman Jones – When it is being used for the recycling were not actually holding up anything with Streets and Sewers because we are using that truck for recycling?

Director Smith – That is correct.

Councilwoman Jones – Is there a problem if this were not passed that we continue to use that dump truck for a period of time?

Director Smith – I wouldn't necessarily say there is a problem, but it does boil down to the efficiency and the effectiveness. We're losing time with the smaller truck because we're taking the one ton dump truck historically to the container and that's where we're unloading it. That's adding to part of the reduction in the fees that we're receiving back from the Kimble company. Can we continue to utilize the one ton, yes. If we have a problem with our truck #400, our primary truck, then we're definitely looking at a lease because there is no way that the smaller truck would be able to collect on a regular route; the dump truck could collect on a regular route. We couldn't accomplish that.

President Holzheimer Gail – These are all issues we can discuss in the committee meeting. The Sustainability Committee is chaired by Councilwoman Minarik and the members are: myself, Councilwoman Jones, Councilman Langman and Councilwoman Scarniench. Those five can we all be here on the 24<sup>th</sup> at 6:00 to start?

Councilwoman Minarik moved Ord. (221-11) to Sustainability Committee. Councilman O'Neill seconded.

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

Sent to Committee

**Ord. 2- 2011 (223-11) Engineering Service for Lake Shore Blvd.**

An ordinance authorizing the Director of Public Service of the City of Euclid to enter into an agreement with MS Consultants to provide engineering service to prepare construction plans, specifications and cost estimates for the resurfacing of Lake Shore Boulevard in the City of Euclid, in an amount not to exceed Sixty Nine Thousand Six Hundred Seventy One Dollars (\$69,671.00). (Sponsored by Councilperson Wojtila by request of Service Director)

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

Director Smith – I am requesting your authorization to enter into a contract with MS Consultants for the preparation of plans and specifications for the resurfacing of Lake Shore Blvd. for its length. We have obtained quotations from two of the firms that responded to our 2010 solicitation for engineering statements of qualifications. MS provided the lowest quote in the amount of \$69,671.

I am aware of a recent email communication inquiring if Lake Shore Blvd. is a County road and therefore the County should be paying this cost. I wish to clarify that Lake Shore is State route within the city. Based upon this designation it falls within the ODOT urban paving program. This program was established by the Governor in January 2000. The purpose of the program was to ensure that State paving funds were being evenly distributed throughout Ohio. The requirements of the program are as follows. The local agency is responsible for the engineering cost. Plans will be reviewed and approved by ODOT. Funding will be based on a 80/20 allocation with a local share being the 20%. Construction administration will be based on an 80/20 allocation once again with the local share being 20%. The local agency is responsible for curb ramps into ADA compliance.

Some additional information on this project. The estimated construction cost is determined by ODOT is in the amount of \$3 million. We will be applying for a reduction of 10% from the local share based upon our maintenance efforts to date. MS has 120 days to complete their work and have ODOT approval. Construction will be completed this year. Thank you for your consideration in this matter.

Councilwoman Scarniench – This is the entire length of Lake Shore in the City?

Director Smith – That is correct, it is through the city limits.

Councilman Wojtila – Who actually lets this out for bid then? Does the City of Euclid do that or does ODOT do that?

Director Smith – That will be the City of Euclid.

Councilman Wojtila – Hiring the construction administration fees, are we going to do that in house, or are we going to hire a consultant?

Director Smith – In all likelihood we will be utilizing a consultant for that service. That is a reimbursable expense under the program.

Councilman Wojtila – We're going to try to get our 20% reduced to 10% for all of it, construction phase and construction administration?

Director Smith – The construction and construction administration is included within the \$3 million, so that is correct, 10% would be reduced.

Councilman Wojtila – Are we still planning to do this work this summer?

Director Smith – That is correct.

Councilman O'Neill – Do we have an approximate start time and approximate finish time on that project?

Director Smith – The completion of MS in their work and the subsequent review by ODOT will be in 120 days. The contract and the letting, I would say would be a six week process. Also going back to ODOT for the approval of the contract. I would envision no more than 60 days to complete the project.

Councilman O'Neill – Can you describe the scope of the project and potentially what the impact is going to be to the businesses and the residents along Lake Shore Blvd?

Director Smith – This is commonly what is referred to as a mill and fill project. It is not a rehabilitation like we've seen on several other projects, namely the 214, 248, 264. On those types of projects a paving contractor will come in, he'll mill off anywhere from 2 ½ to 3 inches of the asphalt from curb to curb and it will be replaced. Prior to the replacement any necessary apparent base repairs will be made, any adjustments of the manholes to grade will be made and then there will be striping and replacement of the loop detectors thereafter.

Councilman O'Neill – I know you do your due diligence, but it seems like every time we end up with a beautiful street, somebody comes along and digs it up and repairs a sewer or water line. Obviously any other potential projects outside the city that maybe digging into that road, we're going to take a look at that before they start the resurfacing. Thank you.

Councilman Gilliam – Director Smith, if this particular ordinance is approved, the clock for MS would start immediately tomorrow morning. We're looking at 120 days which is about 4 months. Then another 6 weeks, which adds a month and a half. We're at five and a half months basically and then 60 days to complete. Potential start date would be August if everything was on schedule and then to be done sometime in November, correct?

Director Smith – I would agree with that schedule. The 120 day clock would actually start once the contract has been signed. I'm aware that MS has already done some of their diligence in the project to provide their application to submit their price I should say. They have performed some work and that will certainly bring it in within the 120 day timeframe.

Councilwoman Minarik – Director Smith, our cost on this right now is about \$600,000, when we start with the paving and all that but we're hoping to get it reduced to \$300,000 because of our maintenance, is that how it works?

Director Smith – Yes and no. When I say that essentially the \$600,000 is representing the 20% local share. We do envision having that reduced by 10% cutting it in half. We are responsible for the entire cost of this contract here, the \$69,671 so that would be on top. As I had indicated as one of the urban paving program requirements, we are also responsible for the reconstruction of any non-compliant ADA ramps. We specifically broken out this engineering contract into basically three phases. The first phase is for the actual engineering of the project, concentrating on the main line paving and the overlay. The second phase is a separate contract because we felt we would get a much more competitive bid by separating it to address any of the concrete curb ramps that need attention. The third part of the contract, we had broken it out, if after the cost estimates are completed and there's funds remaining, then we want to look at the construction of bus pads at key locations. To answer your question from a totality standpoint, I fully don't know the impact of the correction of any non-compliant ADA ramps. But I would anticipate our cost to be in the \$369,000 to the \$500,000 range.

Councilwoman Minarik – We've had this in our capital budget five year plan so we've been prepared to spend this money, is that correct?

Mayor Cervenik – Yes, we have. We have expected the majority of the capital money that will in our budget this year will be for roadway works. We have Lake Shore. We're looking at the possibility of Lloyd Rd. and a few other items. The funding will be in our normal capital budget.

Councilwoman Minarik – It keeps pushing back so I know we've been expecting to spend this money years ago.

Mayor Cervenik – The nice thing is, what is in the capital budget is considerably higher than what we think we're going to have to spend on this. We weren't counting on the 10% when that was first put in there so we're quite confident we'll get that 10% reduction.

Councilwoman Jones – Director Smith, how does this project or does it interfere with, I know we talked about the point where 222 and Babbitt and Lake Shore all meet and some redirection of traffic patterns in that area. Where does that project stand as opposed to, if we go forward with this, is any of that going to interfere with this paving and disrupt that portion?

Director Smith – When we completed the scope of services on the downtown study where the grant money was received from NOACA, there was an 18 month timeframe associated with that project. The engineering alone on that and then all the necessary public hearings, ODOT reviews and approvals, I would almost envision it taking the entire 18 months if not a few additional months. I'm aware that there has been no funding obtained for the actual construction of those improvements and those dollars would have to be found as well. Is there a possibility that there would be an impact? Yes, I would never rule that out. Do I envision that impact several years down the road, I would say yes. Best case scenario three years, that would be the best case scenario and I would envision it longer than that.

Councilwoman Jones – Seeing how this project is coming as an ordinance now today, how does this fall in line with other resurfacing projects that are already onboard, already scheduled?

Director Smith – This is a completely stand alone project. Our contract is solely with ODOT in completing the project. It is not tied into an OPWC project or any other funds. Strictly a contract with the Ohio Department of Transportation.

Councilwoman Jones – I mean funding wise as far as the funding for this project and funding for other resurfacing projects; where does this fall in line? If the other projects are already established and are in the plan, will this fall to the bottom of the list as far as the funding goes for the city's portion of it?

Mayor Cervenik – This project will bump no other projects that are already on schedule. It has been anticipated for two years, three years, in our five year capital plan. The various projects that you are aware of in your ward and other council people's wards will continue in spite of Lake Shore Blvd. being completely paved.

Councilman Gilliam – Director Smith, you read in the paper numerous times and we're only talking about a duration of 60 days. But in some cases some of our small businesses that are on Lake Shore Avenue could have some adverse affect and be basically just relying on walk up traffic and things of that nature. This might be a question actually for Director Pietravoia. Has the city looked at other businesses and other municipalities and maybe looked at contingencies or certain supplemental plans that can help local businesses if the product they're losing, drive through traffic and things of that nature? I know that you past out letters of information informing of those and it is such a short time, but is it possible that you

and maybe Director Pietravoia can look at potentially providing some information for them in case there are some issues with a drop in business. They know this is the better for them in the long term, but in the short term some small businesses may have some adverse action, especially start up. It is not really a question, just a suggestion and if you do have one I hope that you and Director Pietravoia could apply to those businesses that would be initially affected.

Mayor Cervenik – We will definitely be in contact with all the businesses, as well as residents that are affected by the project. As Director Smith said earlier, being a mill and fill project rather than the reconstruction that was done, I will give an example, a few years ago on Mayfield Road, and also the Euclid Avenue Corridor that RTA did. The traffic for the most part will be maintained. When they scrap off that 2-3 inches, it will be a little rough to drive on, but we will be working with the businesses. The nice thing about downtown Euclid is they do have the alternate Shore Center Drive and the back parking lot. We'll definitely be in contact with them.

Councilwoman Jones – So the resurfacing once the asphalt, I don't know what the terminology is, the top layer is grinded off or whatever you call it. The resurfacing will be the same like material, it will still be asphalt?

Director Smith – That is correct with just the potential exception for some bus pads at specific locations if the funds would permit.

Councilman Van Ho moved to close debate, Councilman Gilliam 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. 3-2011 (217a-11) Vacating E. 232 St.**

An emergency ordinance vacating East 232<sup>nd</sup> Street from the improved cul-de-sac North to the right-of-way of Glenbrook Boulevard in its entirety. (Sponsored by Mayor Cervenik) (Recommended for passage, with condition, by Planning & Zoning Commission)

Councilwoman Scarniench moved for passage, Councilman Gilliam seconded.

Director Pietravoia – This matter came to us as a result of our agreement with the Schools related to the construction of four new elementary schools here in the City of Euclid. This one in particular, the Glenbrook site, our agreement required the city to take several actions, one of them being the vacation of the paper street that existed on 232 St. in the vicinity of Glenbrook Blvd. The other is the item that is later on our agenda, the rezoning of the property at E. 260<sup>th</sup>.

The ordinance was introduced to Council at their January 3<sup>rd</sup> meeting and immediately referred to Planning & Zoning. Planning & Zoning did hear the matter at their January 11<sup>th</sup> meeting and passed the matter before you tonight unanimously with a recommendation to add a condition to the motion and that condition related to concerns that while we were hearing early on from residents of E. 232 St., both the City administration, members of City Council and the School Board and School administration took seriously the concerns that were heard from the residents. That being a concern that at some point in the future there might be a road or drive constructed from the cul-de-sac end of 232 which runs north off of Chardon Road and that would impact their street by adding traffic there.

You may recall as the plans for this site in particular were going through Planning & Zoning and the Architectural Review Board the Schools did in fact change the pattern of traffic to reflect that concern, to maintain the traffic entering the site from 234 St. as it does today for our municipal pool. Further the protections that are in place, after we vacate the right of way and transfer the land to the schools, the one diagram that you have at your seats tonight illustrates in red the area that would be transferred to the schools and you can see in the vicinity of the municipal pool that only half of the right of way would go to the schools, the other half would be maintained by the city. This is a further protection in that narrow portion that will go to the schools is not really adequate from a city standard's standpoint regarding the construction of a roadway.

In addition, there's a protection in the zoning itself for this property being Campus Institutional. Any changes that would be made potentially in the future, especially relating to traffic or access would also have to come back to the Planning & Zoning Commission so that offers another opportunity if it were ever to occur that all the neighbors would be notified and they would have an opportunity to be heard again at that time.

The likelihood of that occurring is next to nil in that we have included and the schools have agreed to language in the actual contract itself. We've amended the contract. It now will read in relation to the street vacation, as a further condition of the vacation of E. 232 Street, the district agrees that no roadway or driveway access shall be proposed or constructed connecting the subject property, the property we're going to transfer to them to E. 232 Street.

The Planning & Zoning Commission liked the addition of that language in the contract and recommended in sending it back to Council that that same language be added to the ordinance and that was done so you have before you an amended version tonight with the addition of that language.

A final point, even if that hadn't been added, the contract language itself already reads that this restriction would apply to any future owners, if at some point in the very distant future since we're building a new school here, the schools were ever to see an opportunity or need to sell off the property that same restriction would apply to the new owner. With all that in place I believe all of council received, I was copied by an email from a resident representing the street, indicating that they were also comfortable with the change in the ordinance and supported the passage of the vacation with that change.

Councilman O'Neill – To Director Pietravoia. It was brought to my attention the subsequent conversation you had with the resident representing that cul-de-sac area. It was brought to my attention that a deed restriction might have been more prudent for that area. But you're saying now that's not needed that the contract language pretty much handles any potential for a roadway being put through there?

Director Pietravoia – That's correct. The language itself both in the ordinance and the contract and the fact that the contract applies to any future owners as well would have the same impact in my opinion as a deed restriction. There was a discussion about the potential for a deed restriction at Planning & Zoning and after the discussion ended they elected not to include that as a requirement as part of their motion. Instead they asked for the inclusion of this contract language in the ordinance itself.

Councilman O'Neill – Director Pietravoia or Director Frey, there's no sunset at all in this contract that as time goes on that this contract kind of fades away and all these restrictions stay as the properties are sold off. The residents on 232 know that if that property changes five or six times, which I don't see it happening, but if it did, there's no fear that somebody might put a street in there. Am I correct?

Director Frey – We have the language in the agreement between the city and the schools that if the schools were to transfer their interest to some future owner, they'd be subject to the same restrictions. We have the zoning restriction on the campus institutional use that Director Pietravoia talked about. We have the legislation that memorializes the restriction on the access. I think that any future buyer, not I think, any future buyer is clearly on notice of the restriction, they could not buy this property from the Euclid Schools with some expectation that they'd have a right of access with a roadway or driveway to 232 St. I think, in my opinion then the residents would be protected to enforce this restriction that is in the agreement between the city and the schools. They could come to the city and say, wait a minute the Apex corporation is looking to put a driveway here. City enforce your restriction and we would have that ability to do so.

Councilman O'Neill – I'm comfortable with this. Thank you.

Councilwoman Scarniench – I want to thank Director Pietravoia and Commissioner Beno and also the Planning & Zoning Commission. They listened to the residents and it was very important to them and to me that this was put in writing. I said it at the P&Z meeting, we all know the incident with Thomas Jefferson. It took somebody who is retired and been gone to say hey wait a minute, that property still belongs to the schools. So it was very important that we have this writing and everybody was comfortable with it. Thank you to everybody.

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, O'Neill, Wojtila, Langman, Van Ho,  
Holzheimer Gail

Passed.

**Ord. (218-11) Rezoning Police Mini Station First Reading**

An ordinance rezoning P.P. #648-24-019 and 648-24-020 from U-4 to C-1(Campus Institutional) use district and further amending Ord. No. 2812. (Sponsored by Planning & Zoning Commission)

First Reading and Public Hearing February 22, 2011.

#### COMMITTEE OF THE WHOLE

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

Mr. Willie Brown – 26241 Lake Shore Blvd. Two council meetings ago I read a statement to the Mayor and City Council regarding an issue that involved racial implications. Response to this statement ranged from, you should not have handled the situation in this matter, to you did it for political purposes, to we're glad you made the statements.

Yesterday we celebrated the birthday of Dr. Martin Luther King, Jr. Though revered in death, he was loathed and criticized by many while living. While jailed in Birmingham, Alabama he wrote eloquently about his thoughts to some of his detractors. I'm going to briefly share some of those thoughts contained in his writings in letters from Birmingham jail.

These are quotes from Dr. Martin Luther King. I have been gravely disappointed with the White moderate who constantly says I agree with you and the goal you seek but I cannot agree with your method or direct action. Who paternalistically believes he can set the time table for another man's freedom. Who lives by a mythical concept of time and constantly advises the Negro to wait for a more convenient season. Shallow understanding from people of goodwill is more frustrating than absolute misunderstanding from people of ill will.

Second quote from one of this letters he wrote: we who engage in non-violent direct action are not the creators of tension. We merely bring to the surface the hidden tension that is already alive. We bring it out in the open where it can be seen and dealt with, like a boil that can never be cured as long as it is covered up but must be open with all its ugliness to the natural medicines of air and light. Justice must be exposed with all the tension its exposure creates to the light of human conscience and the air of opinion before it can be cured.

The legacy of Dr. King is best observed not in how we celebrate as a community but how we live as a community. Thank you.

Mr. Jeffrey Beck – 25540 Chatworth. Just one quick question. I was wondering if you could give us an update on the issues at Lake Shore Plaza and what is being done to correct it. Thank you.

Director Pietravoia – We have proceeded under the guidance of Director Smith with the hiring of an independent architect that has studied the issues that were brought to our attention at the plaza. We have in hand now what he considers a preliminary report as of today. A couple of items that we discussed with him that we wanted him to further elaborate on in the report, so we should have that by tomorrow. We will be providing that to the owners and we've had a request from the contractors as well, we'll be providing it to the contractors. We thought it was prudent to have it in the hands of the owners first since it is primarily a matter between the contractors and the owners. We will be reporting back to Council, once all the information has been distributed to the parties and we have a reaction from them on what this next steps are that they plan to take. I guess I would summarize it briefly by saying that while the independent has confirmed a number of issues at the properties, he also has indicated to us that he feels that they are all able to be dealt with and corrected. Some are going to require more aggressive action than others but they are not insurmountable I think was the word that he used in his report. I apologize, I guess we need to start having our water bottles here again, I'm getting a dry throat, I apologize.

President Holzheimer Gail – There is a box of them over there. Thank you.

Mr. Ron Emser – 26501 Farrington Ave. I'm primarily here just to offer a lot of thank yous to a whole lot of people for the last six weeks or so. We put together a home for the holidays, this year ended up being a poker run and we ended up dragging nine taverns into this thing and we had a whole bunch of people that spent the time visiting the different locations, getting their cards punched and everything sort of came to our little wrap up party this past weekend on Saturday over at Sticks and the place was filled. It was really a great event. We raised, I'm still counting money yet. I had to stop on the way here to a couple more locations to get their receipts. We're going to be leaving easily a thousand plus dollars over to the Euclid Hunger Center. It all worked out really well and my device went to sleep.

I just wanted to thank, I'm not going to name all the bars. There's a lot of taverns in Euclid and we found nine of them. I just wanted to thank actually one really impressive guy that participated Toby House Ref who happens to be the owner of Second Chance lounge on 200<sup>th</sup> Street. He's actually just a few hundred feet over the border of Euclid. The gentleman won the grand prize and he instantly turned it back in, the \$250 he handed in and his associate Kevin and I don't know Kevin's last name as I stand here right now, but he won \$100 and he handed it back in. I didn't expect this at all. These guys are poker players and they're all about the game. They won the money and they handed it back in.

I would like to thank Kirsten and John Wojtila for responding and being sponsors of the event with my little banner campaign. Thank you for your contributions to the Hunger Center. Some other Euclid businesses, Earth Consulting which is Fraser Hamilton; David Carlson from Nationwide Insurance; John Copic with the Euclid Observer. All of these folks threw a nice, generous donation. An individual I don't think wants to be named, so I'm not going to do that, but I made a phone call and somebody threw \$100 check in the envelope and sent it over to the Euclid Hunger Center.

We got a lot of really great people here in Euclid. The businesses participated. A lot of individuals. A few people from the Hunger Board that really helped me out, Carol and Gary DeWine, Ellen Ivory, David Tarantino, they all volunteered with it. Laura Gorsche and everybody knows her side kick Tom and I don't know his last name, I am so sorry. Lang, Tom Lang. You see Laurie you see Tom.

Also my daughter and mom to be, Jennifer and he husband Ian sat there and checked absolutely everybody in that walked through. We had roughly 100 people. I want to thank them and of course my wife also helped out in the event. That was the third annual so hopefully we're going to learn a little more of what we did with this one and try to do it again next year. But, it just makes you feel good that there's a lot of people willing to give, a lot of people that even though the incentive at the end of the day perhaps was a winning poker hand, they still participated. If we raise \$1,000 which we'll easily have that, that will translate to \$10,000 worth of food for the Hunger Center. Everybody knows that for every dollar that we collect, we get \$10 worth of food. Keep that in mind when you do the little drives. Instead of going down to Dave's or wherever else and buying a case of food or whatever, a bunch of cans, think about that it is simply better for us if you can give us \$1 we'll get \$10 worth of food. It is going to go farther than even Aldi's. Thanks a lot.

President Holzheimer Gail – Thank you Ron Emser for organizing the event. Seeing no further public comments we will move forward with Council Members' comments.

#### COUNCIL MEMBERS' COMMENTS

Councilman O'Neill – First it looks like we've lost the fight to keep the post office on Shore Center Drive. A resident brought to my attention that we seem to be losing some of the post office boxes that we're able to deposit our mail and that's a convenience for residents. We don't have the post office itself, we're going to lose it; losing a box on a corner is a big convenience or service that we're losing out on. He was specific with one of the boxes on the southeast corner of 200 Street and Lake Shore was actually struck by a vehicle. It wasn't like they removed it to cut back on collection, it was struck by a vehicle and never replaced. I'm not sure who is our point person from the city, but if possibly they can look into keeping the post office boxes throughout the city, that definitely helps the residents.

Kids walking in the street is always a problem. I bring it up periodically at Council meetings and Capt. Brooks is aware of that. I know the Police Dept. tries to be pro-active on it. I've made phone calls myself. Obviously the police can't be everywhere all the time on every street, but if you see kids walking in the street, make a phone call to the police dept. 731-1234, non-emergency and advise the police department if they have a car available they send them in that area and hopefully they'll cite. Generally they're kids, they're teenagers walking the street. In the winter, sometimes they're in the street because of the snow on the sidewalks but in many cases that's not the issue, they're in the street because they're walking in the street. If you do walk in the street you walk towards traffic.

Along that same line, in the winter with snow, it deadens the sound of sirens when either police or fire are in route to an emergency call, lights and sirens going, you need to go right. Pull to the right, stop if you can. Obviously on a freeway you're not able to do that, but typically in the winter, the cold months, the windows are up, the heaters are on in the cars, possibly the stereo is on, you don't hear the sirens for the emergency vehicles. Please be more attentive, those of you that aren't, watch what you're doing while you're driving, both hands on the wheel. Refrain from using a cell phone if possible.

My last item, snow removal, I talk about this frequently. I talk about it because it is something that I deal with as a firefighter in Cleveland Heights. When we have heavy snowfalls, at times people don't plow the drive or shovel their drive or sidewalks. Many times this hampers the ability for safety forces to access either residence or buildings. At times, Chief Cosgriff can comment on this, when it should just take an EMS unit in Euclid and possibly a crew of two personnel on an EMS unit which maybe a basic life support call, they may call another piece of equipment and as cover their truck for the manpower and that manpower at times is just to drag that cot through the snow because the steps and driveway, the sidewalks weren't shoveled. Any time there is a delay in emergency service, it is not good for the patient, it is not good for the resident. With that I'll defer to Chief Cosgriff if you would want to further comment on that.

Chief Cosgriff – He is correct. During the winter months a lot of times we end up sending trucks out to assist a squad when it is not medically necessary but we do that in order to safely move the patient and you can do it better with more people. We do keep shovels on the trucks so we can shovel the walks or steps to help protect ourselves in addition to the patient. If those steps or walks or driveways could be cleared before we get there, it would certainly help us out and help you out also.

Councilman Wojtila – To Director Frey or Director Smith if you could give us an update on the negotiations with the EPA and appropriate time for our Service Committee Meeting?

Director Frey – I got an email today from Chris Jones who is forward me a response that he had received at the end of last week from the US Attorney’s office here in Cleveland. The EPA in Washington has not yet given approval to the Consent Decree. He understands that we are going into our budget season so our ability to meet to review and discuss that is going to be more limited. We tried to get that message to Washington in time to handle that in December and apparently it mattered not. I don’t anticipate now to be prepared until sometime in mid-February.

Councilman Wojtila – Chris Jones is our attorney?

Director Frey – Yes with Calfee in the Columbus office, yes.

Councilman Wojtila – I’ve been asked to announce the East Shore Garden Club’s next meeting, which sounds very interesting. It is February 8<sup>th</sup> at the Library at 11:00 AM. It is dealing with storm water treatment and how it relates to gardens. It is the East Shore Garden Club opening their meeting on February 8<sup>th</sup> at 11:00 AM at the Euclid Public Library.

I would like to thank Ron for all the effort he put into his event. I wasn’t able to stop there. It is really more than a win/win. It is a win/win/win/win because it is a lot of fun, it raises fellowship in the community, it is for a great cause for the Hunger Center and it supports our local businesses. Congratulations and we look forward to next year Ron.

Is garbage collection and recycling pick up a day behind this week?

Director Smith – No it is on schedule this week.

Councilman Langman – Director Smith I’ll start with you. Regarding the issue at the Boulevard Presbyterian Church, Pastor McCabe and the parking lot drainage issue. You had sent out an email about a month ago indicating the timeframe that would be done. Checking old emails I contacted the Pastor and she has not heard anything from the city. So when are you going to update the church folks and I would appreciate it if you can update me right now. Thank you.

Director Smith – I don’t recall the specific day but I know Superintendent Reese has sought Pastor McCabe’s contact information. I’m aware he stopped by the church last week, was unable to reach her. So thereafter he contacted me to get her cell phone number. I know he just wanted to be sure he could coordinate the work with the Pastor and he is ready to proceed.

Councilman Langman – That should happen, if they can make contact within the next week or two?

Director Smith – It is probably going to be based more so on her schedule but we’re ready to proceed and we’re going to work around any specific events or issues that the Pastor may have.

Councilman Langman – Good. I’m going to stick with you tonight Director Smith. Regarding recycling and the bin distribution. In our initial purchase, did we purchase enough to distribute to all the households in the city that would be eligible for the program?

Director Smith – The initial bin purchase was 15,000 bins. We were aware that there were vacancies out there and the number is still a bit of a question mark. When we completed the bin distribution and we went back and picked up bins that were not utilized, that had set out for one week or greater time period, we recouped approximately 200-300 of those bins. We wound up having about three bins over on the initial distribution. Once we collected those additional bins, the second order was for 1,000 bins. We’ve had some request that either the bins were lost, stolen, taken or they didn’t receive one to begin with and we’ve probably issued around 60 to this point. We’re still looking at some expansion of the program to some remaining facilities that have curbside collection. That is where the vast majority of the remaining bins will be utilized.

Councilman Langman – Some of the bins from the empty homes were then used to distribute to occupied homes. Do I understand that correctly?

Director Smith – I’m sorry, could you repeat that?

Councilman Langman – Some of the bins that we subsequently took back from the empty home, we then turned around and distributed them to other occupied homes, is that correct?

Director Smith – That is correct.

Councilman Langman – I've talked to you and Mr. Bock about the issue on the west side of 260<sup>th</sup>. About the middle of December I received an email from a resident who not only didn't get their bin, but had indicated that she felt that area between Lake Shore and Forestview did not get a distribution. I know Mr. Bock indicated that there was a distribution, that's fine. I took that answer at face value. About two weeks later I received another telephone call from a resident who wanted to participate, same side of the street, who said that they did not get a bin. So I took the liberty of calling a few more residents on that side, none of them had received a bin during the initial distribution. But I was concerned with the response that I got back basically saying that they would have to call when clearly there was some evidence that part of the street did not or was not on the distribution list or was overlooked. That in itself is not the issue because, big city you're going to miss certain areas, etc.

Director Smith, I took the opportunity to drop a survey on that street. Now there's about 30 homes in that area and about six or seven are empty or for sale, whatever. Obviously some folks aren't going to participate but 13 residents called back saying that they did not get their bins during the actual distribution time which was late November early December. I sent that list to you and I've heard nothing back. My first question is, what is the plan to get bins to the nine residents who were not addressed either through me or through other means of getting bin?

Asst. Director Bock – I've turned that list over to Supt. Reese who is handling the distribution to the people that were missed and as soon as the time allows he is getting them. I don't know if he's gotten them out yet, but he's got that list that you sent and they are being taken care of.

Councilman Langman – When will these additional bins arrive so that these people can get their bin?

Director Smith – I would say the bins have come in from the distributor so we have them at the Streets & Sewers garage. Now it is a matter of having the time to get them distributed. We have a list of maybe, on top of your list, maybe 15 other addresses to deliver.

Councilman Langman – I appreciate that but again like with the other issue, why wasn't my email responded to?

Director Smith – I would have to go back Councilman and confirm but I believe in some of our communications I know I shared this with the balance of Council I believe that we're aware that requests were coming in from different people that they did not receive the bin or their bin was taken and that those individuals would be put on the list and once we had the bins in, we would get them distributed. That is still our means and method to accomplish that.

Mayor Cervenik – Anybody who you have on the list will have their bins by Friday afternoon.

Councilman Langman – I do appreciate that but as Director Smith as you ask your veteran colleagues, when I send an email request, I do expect an answer one way or the other. Whether you can do it or not or have difficulties, I don't care, I just want to know so that I can forward the information onto the residents and in this case that want to participate in the program.

I see that my time is up but I hope the Mayor can jump in for me and speak about the BRIDGES event on the 30<sup>th</sup> of January, Taste of Euclid.

President Holzheimer Gail – I have it on my list as well.

Councilman Van Ho – First there was an email sent to all of Council asking whether we were overpaying for salt. Have we looked at that? If we haven't, could we look at it so the residents know that we are doing all of our due diligence to make sure they get the lowest price possible on their salt.

Have we got the numbers back from the census bureau yet of total population? There was a question about empty houses, have we got those numbers back? Last and then I'll look for responses. I'm having a Ward club meeting at the Library on Saturday, February 19<sup>th</sup> at 10:00. Normally the invitations just go out to Ward 8 residents but Sunny Simon our County Council member, actually vice-president of the Council will be there to explain the County Council so that people's questions can be answered. Anybody in the city that is interested, it is from 10-12 on the 19<sup>th</sup>. Can I have any responses?

Director Frey – I took that email today. I got information that Director Smith forwarded on both the Inspector General's report from ODOT and the salt pricing information, the historic information, the last several years, what we are paying, what the State is paying and Cuyahoga County and what the State is paying in Lake County. Ms. Sweeney has been given that assignment to review our contract with Cargill

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Salt, the information from the Inspector General and the other pricing information and will make a report to City Council. So yes we are looking at that. Just to complete that, it does not appear from our very first flush that we were any way overpaying.

Mayor Cervenik – To take that a point further, for instance for last year, September 10<sup>th</sup>, our price was to have the salt dump and we do a combination of dumped and piled, but for our salt to be dumped it was \$43.96 a ton. On the pricing for Lake County was approximately \$54.62. The average statewide was \$62.47. That doesn't mean that because of any allegations of collusion that maybe our price would have been \$41.96 and we will find that out. Certainly if there are any proceedings through the Inspector General, that determines that these companies were in fact participating in some type of price fixing, that we would certainly share in and get some type of credit or reimbursement if in fact we were overcharged.

President Holzheimer Gail – Director Pietravoia any numbers from the Census?

Director Pietravoia – The Census Bureau through the American Community Survey is the new way that Census is releasing information. They released a series of reports and will continue over the next six months to continue to release a series of reports. We're working with the County to prepare some special reports specific to Euclid Ohio. Once we have that compiled, we'll get that information to all members of Council. I have also asked Brian Iorio from our staff to take the information that is being released and prepare some tables to compare it to the 2000 information so you just won't have new numbers but we'll be able to see the comparison from ten years ago as well. We should have that ready within the next couple of weeks to disseminate to Council.

President Holzheimer Gail – I have just a couple of meetings and events to announce. Tomorrow evening, Wednesday January 19<sup>th</sup> we will have a committee meeting at 6:30 to go over the jail presentation. Next week, Monday, 24<sup>th</sup> and Wednesday 26<sup>th</sup> at 6:30 we will have our budget hearings beginning. Mayor, we will be getting the budget tomorrow?

Mayor Cervenik – Yes.

President Holzheimer Gail – There's a number of exciting community events that will be happening. BRIDGES which is an organization that has been in the community for quite awhile now working to celebrate Euclid's diversity is having an event entitled 3-D event, Taste of Euclid. It is at the Lakefront Community Center, Sunday January 30<sup>th</sup> from 2:00-4:00. You can enjoy food from various Euclid restaurants and meet and have fellowship with your neighbors. They will also award the Second Annual BRIDGES Diversity Award and Announce the Poster Contest Winner there. Tickets are \$5 a person or \$15 per family. They are available at the Mayor's office or through the BRIDGES office or BRIDGES website. BRIDGES phone number is 481-3272. It is a good chance to get out and celebrate our neighbors and our diversity here in Euclid. I will see if we can get this posted on the computer so people can just click on it and get a copy of the flyer as well.

There's two events that are geared more towards our youth, but are important to help pass the word. If you have a child or know of a child that might be interest, PAL, Police Athletic League and usually has athletic programs is doing a filmmaking workshop. This program uses writing and filmmaking to foster youth leadership advocacy and self expression in our teens. It starts Sat. January 22<sup>nd</sup>, classes will be held at the Police mini-station on Euclid Ave. For more information call 289-2933 and we'll get that on our website as well.

This is an event at Shore, called Today's Future Talent Competition. There's free registration but it is geared towards youth ages 9-15. Individual or group, song or dance. You must have your own music. There are auditions being held Saturday, February 5<sup>th</sup> from 11:00 to 3:00 and the event is on Saturday February 26. There is more information on the Shore Cultural Centre website but we'll get this posted on our Euclid website as well.

All good opportunities to get involved in your community.

Councilman Gilliam – First of all there's actually a new business sign in Ward 1. It is Farmer's Insurance located at 19549 Euclid Ave. It had been there for a few months but there was some issues with the signage. The signage is now up and I would just like to invite the residents of Ward 1 and the City of Euclid also, that there is a new business and they're willing to serve our residents and city at-large.

In addition, I would like to thank Director Pietravoia and Marty Castelletti. I had been diligent about asking about the homes being presented to be demolished at 1489 E. 204 and 1910 Grand. I am witness to both of those particular homes being demolished. The residents are very happy on both streets and I'm glad that this was done because it erased a blighted scene but it also provides some new opportunities. I just want to thank you very much for your efforts.

I would also like to thank Director Randy Smith and Supt. Scott Reese for keeping Glenridge clean and free of ice. I had a request for that. I met with them. I had a concern about the winding 2.5 miles of road and so far it has been very well and residents have been delighted as well. I also want to thank them, when I was out on the 11<sup>th</sup> up in the Scottish Highlands area, there had been some plowing and it hadn't been completed and I was talking to some of the residents, I made an email request to Randy and Scott Reese and within a half an hour they were up there and took care of that area. Some of the residents said things have been better, but of course they always tell me where there are forgotten streets. We say first primary, secondary and they say they're tertiary. At the end of the day I definitely appreciate your efforts.

I just have a couple of questions. Director Frey, this issue keeps coming up regarding businesses that do not shovel their sidewalks. There's one particular business in Ward 1 that continues to plow on the sidewalks. I have addressed the owner and the residents keep complaining, it is on the corner of 196. What particular sanctions can we take and what would be the timeframe to address that? That's my first question to Director Frey.

The second question that I have is directed to Director Pietravoia or Director Smith. This architect that was hired to address the issues on the Lake Shore construction. Who is actually paying, what fund is that coming from? One last piece of information for the community. For all those non-profits, churches out there that are trying to get support in regards to grant funding and things of that nature, the Cleveland Foundation is offering two workshops on January 25<sup>th</sup>. One is grant seeking basic and the other one is professional budgeting basic, which allows you to basically investigate how you go about seeking grants and also how you propose a budget. For further information call 216-861-1933, ext. 325. I have no further questions, except for those two to Director Frey and Director Pietravoia or Director Smith.

Director Frey – I can answer the first one on the snow. If the snow is obstructing the sidewalk our ordinances require the snow to be removed I believe it is within 24 hours at the end of the storm. If a plow operator is blocking the sidewalk through plowing the parking lot or the driveway, we need to get that information, we need to get it to our engineering department. Those are the inspectors responsible for assuring that the sidewalks remain free and clear. If code enforcement is needed, they will provide that information to our prosecutor's office and they will cite them. I do not know sitting here what the penalty that is, what degree of offense but it is an offense under our code that's punishable by a fine for obstructing the sidewalk. We'd be happy to work to enforce that. It is very important, it irritates me and I'm sure all of you, when you see the sidewalk blocked by a mountain of snow at the edge of somebody's driveway.

Director Smith – With regards to the question as to where the funds are coming from for the architect. In some preliminary discussions, it appears that the cost will be charged back to the owner because this is a code compliance inspection. Preliminarily that is the intention.

Councilwoman Scarniench – Some announcements. Tomorrow evening, 7:00 at Glenbrook is the Friends of Sherwood Forest Homeowners Association. Unfortunately I won't be there because I will be here. If you live up in that area, please attend.

Also on January 27<sup>th</sup>, the Chardon Hill Association will have their next meeting at 7:00 at St. Ann's Dining area at our Lady of Lourdes Shrine. Speaking of the Shrine, on Sunday, February 6<sup>th</sup> from 8:45 until 11:30, they're having their next French Toast breakfast and a mini craft sale. French toast, bacon or sausage, coffee or tea and juice. Tickets are \$5. For more information call 481-8232.

On Super Bowl Sunday there will be a Super Bowl Fellowship on the 6<sup>th</sup> from 6:00-11:00 PM. This is at Moore Counseling and Mediation services at 22639 Euclid Ave. Anyone who would like to come, they're asked to bring a hot or cold dish to share. They're going to be giving out prizes for the best tasting and most creative food. Children are welcome but you need to register. You can get more information and register by calling 216-486-7283.

I wanted to thank Parks Dept. on their quick response to the graffiti issue that I sent. Thank you to them the resident was very appreciative that was taken care of. Also to the Streets Dept. because I'm assuming they did the whole city but in particular Euclid Ave. having the little plow that cleaned up all the streets. Actually seeing people walking on the sidewalk instead of the street because the snow was plowed. Thank you to them.

Thank you to John Hall for our tour of the Waste Water Treatment Plant. I decided late last year that I wanted to go do this and I invited some friends along. We had a very interesting day learning all about polymers and sludge and all the fun stuff. Thank you to John and all of his people.

I want send out to best wishes to Virginia Stanley. Virginia fell, this is the second time she has fallen, she is in rehab. My question and I don't want to put you on the spot Capt. Brooks, do you recall the name and Councilwoman Jones thought it was, Are You Okay. Is that the name of the program where senior citizen who lives by themselves can have a phone call every morning to make sure they are okay and if they're not then somebody goes out; is that the program?

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Capt. Brooks – That is correct. We still have that program. We'll be glad to enroll the individual there and call them everyday. It is a very worthwhile program.

Councilwoman Scarniench – This is the second time and she laid in her basement for 18 hours. Do they call the Police Dept. or do they call Kristal?

Capt. Brooks – You can call Kristal to facilitate it or the Police Dept. Either way we'll make sure it happens.

Councilwoman Scarniench – You can call Kristal at 289-8449 or the non-emergency number, 731-1234. Thank you.

Lastly in Sunday's paper there was an article about Summit County gets stuck with internet cafes and they went to court and the Judge says what they were doing was constitutional. Have we started working on the legislation, whatever it is that we want for these internet cafes? They're coming up all over us and I just wondered how far we are with that.

Director Pietravoia – We updated our discussion internally today at our Director's meeting with the Mayor. Director Frey and myself in particular we do need to do some additional research. Basically when we put the moratorium in place, if you recall, we had two goals in mind. We wanted to see what kind of impacts those cafes that do open up in communities surrounding us would have on those communities and also see if after the elections what we were hearing is the State was going to provide either some further regulations or rulings on how these cafes can operate. The later has not happened yet to my knowledge and with the change in leadership we're not sure when it is going to happen but I do think there is still an intent to do that. Our year moratorium I believe goes through October of this year, so I would expect that during the late winter and spring months we'll continue our research and try to bring something to Council before the summer recess for consideration.

Councilwoman Scarniench – Last thing and I think it would still be you Director Pietravoia, the vendors, we had a meeting last year and everything and I know they were going to get together and everything. Has that all taken place? Have we got rules and regulations set for these folks that want to do outdoor vending?

Director Frey – I will check where we are with that with Ms. Sweeney. I know she was meeting with those vendors and we'll find out and send you and other members of Council an email tomorrow.

Councilwoman Scarniench – I appreciate that because Spring is coming, no matter what anybody believes, it is coming. Just maybe a secret question, does anybody know is McDonald's moving into Alexander's? I've been hearing rumors of that they are buying the property. Anybody have any clue on that on?

Mayor Cervenik – No.

Councilwoman Jones – A couple of the announcements that I was going to make have already been said. I just wanted to give some more detail on the Today's Future Talent Competition which will be held on February 26<sup>th</sup>. The auditions are going to be February 5<sup>th</sup> as Council President mentioned from 11:00-3:00 PM. I also wanted to say that the ages being targeted are from 9-15. They are individuals or groups and it is going to be song and dance groups or individuals only. If you want to try out for that, the competition or the auditions will be February 5<sup>th</sup> at Shore Cultural Centre. First prize is being donated by Today's Future Talent which is going to be \$500. That maybe a little incentive for those to get out to the auditions. You must bring your own music to the auditions and have that ready for the event also. I just wanted to express that.

Capt. Brooks, I noticed today that there's a one way coming off the freeway off the Euclid Ave. exit going south that the one way sign is down. Can you look into that and see about getting that put back up because it is to easy for someone to turn in the wrong way.

Capt. Brooks – It is the Euclid Ave. exit? We'll certainly look into that and get it replaced.

Councilwoman Jones – I also want to thank for the snowplowing of the sidewalks. A lot of residents who are walking, you see them walking in the streets and it is nice to see them in the sidewalks, especially those that are walking at night and especially those that are in wheelchairs. Instead of seeing them in wheelchairs in the streets, they can do it on the sidewalk now, that's a good thing.

Director Pietravoia can you give us an update on the NSP program and what's going on and what are our next steps? That will be my final question.

Director Pietravoia – Just briefly the next step is for the additional funding that we receive is to hold a series of public hearings and to present a plan to HUD similar to when we received the funding in the first round. We anticipate that will be happening in the month of February. I believe it has to be submitted by either early or mid-March is our deadline. We will be bringing forward to Council during the month of February a proposal for the second round of funding. We have heard from several council members a desire giving the conditions in our market a desire to see more demolition than rehab in this next round. We're not sure yet whether HUD will accept a proposal that was 100% demolition for example, but we are exploring those questions and before we present a plan to Council we'll have some reaction from HUD to some of the proposals we've been discussing.

Councilwoman Jones – Of those homes that have been demolished, I know we have the program where either side of the abutting property residents can purchase either half or the whole properties. I know we did have, there was somebody who bought a whole of the properties that were demolished. Do we have any of the other properties that were purchased of the demolished properties?

Director Pietravoia – We've also discussed with Councilwoman Minarik some additional ideas that Cleveland is pursuing on community gardens. We're entertaining all of those ideas. We don't have a lot of properties in the inventory yet, but with this round of demolitions we will have a larger inventory and we'll be doing some more aggressive marketing of the program. Those will come here so you will be aware of them. They'll go to P&Z first and then to City Council.

Councilwoman Jones – Thank you very much, goodnight.

Mayor Cervenik – If I could just go back to my quick answer of no. That probably wasn't quite the right answer. I have heard that rumor that there are some developers interested in bringing McDonald's into downtown Euclid. A restaurant such as McDonald's needs the ingress, egress, take out and all that would definitely because of the overlay district and other code and zoning regulations and set backs, would most certainly need the use of our property to the west. With everything we've done in downtown, I'm a McDonald's eater, believe it or not. I can sit down and eat two Big Macs, a large fry and a chocolate shake in one sitting and still be hungry a couple hours later. So it is nothing against McDonald's itself but I firmly believe that downtown Euclid is more geared towards something such as an Olive Garden, Chili's, Outback or something of that style. At that time I would certainly recommend that Council allow some usage of our land to help with the quality of the layout. I really don't think McDonald's is the right fit for that area at this time. I really do not. I wanted to clarify that. I have heard that rumor as well.

Councilwoman Minarik – Tonight I'm going to forego any comments on the city's business because instead I'd like to remind the listeners and Council that this Thursday, January 20<sup>th</sup> marks 30 years since Ronald Reagan was inaugurated as our 40<sup>th</sup> President. A bit of a history lesson here. The problems this nation faced then were much the same as we're facing today. Unemployment, terrorism, strangling taxation, out of control government spending and then double digit inflation was thrown in for good measure.

Recapping the State of the Nation in 1981, President Reagan said that these United States are confronted with an economic infliction of great proportion. We suffer from one of the longest and worst sustained inflations in our national history. It distorts our economic decisions, penalizes thrift and cautions the struggling young and the fixed income elderly alike. It threatens to shadow the lives of millions of our people. Idle industries have cast workers into unemployment. They have produced human misery and personal indignity. Those who do work are denied a fair return for their labor by a tax system which penalizes successful achievement and keeps us from maintaining full productivity.

History never exactly repeats itself but it does seem that our situation today is mirroring that. But what President Reagan did after he laid out the picture of the State of the Union then, because I remember I was sitting in my mom's back room and I just cried because the man, what he did is he brought us from the brink of despair and he rallied us. In his closing words he said, and I urge Americans today to think the same way. The crisis we are facing today requires our best effort and our willingness to believe in ourselves and to believe in our capacity to perform great deeds. To believe that together with God's help we can and will resolve the problems which now confront us. Then he looked out in the audience and he said, but after all why shouldn't we believe it, we are Americans. I think that was the greatest line I've ever heard in my life.

I respectfully ask anyone listening to take the time this week to look it up on the internet or watch that video of President Reagan's inaugural speech and think on what it means to be an American. This is the first and the only nation in the history of the world that is of the people, by the people and for the people. In this country in America as in no other place on the face of the earth, the impossible dreams are possible and the unreachable stars are reachable. With that, God Bless America, thank you, goodnight.

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ADJOURNMENT

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

Attest:

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Clerk of Council

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President of Council