

COUNCIL MINUTES

April 18, 2011

The regular Council Meeting was held on Monday, April 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, Van Ho, Holzheimer Gail.

Excused: Langman

Councilman O'Neill moved to excuse Councilman Langman. Councilman Van Ho seconded. Yeas: Unanimous.

Others Present: Mayor Cervenik. Law Director Frey, CS&ED Director Pietravoia, Finance Director Brett, Service Director Smith, Fire Chief Cosgriff, Police Capt. Brook, Zoning Commissioner Beno, Clerk of Council Cahill.

COUNCIL MINUTES

Councilwoman Scarniench moved to receive the Council Minutes of April 4, 2011. Councilwoman Jones seconded. Yeas: Unanimous.

ADMINISTRATION REPORTS & COMMUNICATIONS

Mayor Cervenik – I would like to wish all of our members of the Jewish community a Blessed Passover season and those of the Christian community in another week, a Blessed Easter season. It is great that we share this timeframe together. It is a season of hope and faith and a season where we all need to appreciate each other's differences and likenesses and try to help each other out. I just wanted to send that message.

A couple of things we had this week, Spring Fling. I would like to thank Kathy Will on a very successful and fun filled community event at the Lakefront Community Center. Thank goodness Kathy had the foresight, I don't know if she predicts the future or what, to have the Spring Fling be held at the Lakefront Community Center indoors. We could have been outside if the weather cooperated, which it didn't. It was also interesting to have the animals inside the building, most of them behaved very well. As you noticed I left my dog at home, maybe next year she will behave a little better than she has in the past. I just want to congratulate her, her staff, for doing that, ASNE, American Senior Network of Euclid, for all the displays they had up. A special thank you to Dick Goddard, the weatherman of all weathermen, or meteorologist of all meteorologists. He's been coming 3-4 years now at least. He's very dedicated to the animal community. He raises money to help the Animal Protective League and other organizations. He was an extreme gentlemen to the children and adults that came to his table, he signed calendars and other posters for them. Hopefully Dick will be back next year.

Thomas Jefferson Elementary School, we had a homecoming celebration for the father who is coming home from Iraq. They set it up as a Career day. Chief Cosgriff talked about the career of being a fire fighter. We had a police officer talk about what it means to be a police officer and how important it is to have good schooling and reading and writing skills. I talked a little bit about what it takes to be a Mayor and what my job is. The surprise came when the next person to come up with the returning serviceman from Iraq. His daughter goes to TJ and she had no idea he was going to be there and it was extremely fun to watch. I want to thank the schools for putting that together. I really want to thank the soldier for his service to the community. I asked him if he needed to go back again, another time and he said no, I'm home for good. That's always good to hear.

We also had groundbreaking ceremonies for our newest company in Euclid, Mesocoat. They're building 11,000 sq. ft. facility, it will be completed by the end of 2012. It will begin with 30 new jobs and within three years there will be an additional 60-70 new jobs. That was a great day. They committed also, they pointed to the lot to the left of where they're building now that that will be their next phase and we expect the same amount of job creation sometime in 2014.

A couple of upcoming events, Arbor Day, Friday, April 29th 6 PM at the Shore Cultural Centre out front. Celebration is honoring the Euclid Hunger Center for all the good work they do and also a very special young man and he's probably chuckling at home as I call him a young man, Ed Dickson who also volunteers at the Hunger Center. Ed Dickson has just been a tremendous contributor to the neighborhood of Euclid for all the years he's been here. The first thing I think he volunteered for was with Euclid Community Concerns and he was our tenant landlord liaison and he's been on our Block Grant Committee, he's just a tremendous individual and I just can't thank the committee enough for honoring him, as well as the Hunger Center. We'll be planting trees in their honor on Friday, April 29th at 6 PM in front of the Shore Cultural Centre and I certainly hope you all can make it.

Drug Take Back Day, Saturday, April 30th. This is sort of a recycling program at Euclid Hospital from 10:00-2:00 PM. Go through your cupboards, go through your medicine cabinet, any drugs that are expired, any over the counter drugs that are expired or any prescriptions that you no longer need, take them to Euclid Hospital, there will be signs there where you drop them off and they will dispose of them properly. We have talked before about the fact that some people flush their drugs down into the toilet or put them in the garbage and that's really not a great thing to do for the environment especially if they get into the drinking water. It is not a tremendous danger but why do it in the first place if you have an opportunity to take them right to our Euclid Hospital here.

Last but not least, Euclid Relay for Life, our third year, we'll begin on May 13th at 6 PM. Join us for a day of celebration in remembering and fighting back on the disease of cancer. To get involved go to our website or go to www.relayforlife.org/Euclid or call 289-2751 my office and we will give you all the information. We're always looking for more teams to be part of the celebration. We're also asking citizens to show up Friday evening and Saturday afternoon to go to the different booths of the teams and make a donation. There's baskets that they're raffling off with different kinds of themes. Some teams are raffling off televisions. Lincoln Electric last year raffled off a welder. A lot of good things, baked goods, it is a lot of fun and meet a lot of friends. We're trying to make this become one of the staple events in the City of Euclid. Please think about stopping by. It begins May 13th at 6:00 and the teams have members walking on the track until about noon that Saturday, about 18 hours we celebrate the triumphs and tribulations of those that we know that have suffered from the various forms of cancer and have survived. We remember those that did not survive. One of the nicest events is Friday evening at dusk, they have the luminary celebration where you if you call 289-2751 or go on the website for \$10 there will be a luminary lit for any member of your family or friend that did not survive the battle against cancer and we have a luminary with their name on it and it burns for a number of hours. It is really a very moving part of the whole celebration. We ask you all to participate and that's the end of reports and communications.

REPORTS & COMMITTEE MINUTES

Councilwoman Scarniench moved to receive the Fire Report of March 2011; Business & Commercial Committee Minutes of March 30, 2011; Executive & Finance Com. Min. of 3/30/11 & 4/6/11; Board of Control Min. of 3/28/11 & 4/4/11; Monthly Finance Report thru March, 2011; Euclid Landmark Commission 2010 Annual Report. Councilwoman Minarik seconded. Yeas: Unanimous.

COMMITTEE OF THE WHOLE FOR LEGISLATIVE MATTERS ONLY

President Holzheimer Gail – This is where you can speak to anything that's on the agenda tonight. #17 has been pulled at the request of the sponsors. #9 which is the EPA Consent Decree will be the first reading and #19 & 20 which is the street lighting and garbage collection fees will be going to committee. Thank you.

Mr. Jeffrey Beck – 25540 Chatworth Dr. Concerning items 19 & 20, I know these are going to be sent to the Executive & Finance Committee and I will speak to them there. Since they're on the agenda I will speak briefly about them here. When the solid waste collection and lighting fees were imposed upon the residents, it was to cover a shortfall in the budget and it was to be put in place for a two year period. Last year we borrowed \$885,000 since the lighting fee wasn't to be enacted until this year. We ended up not needing these funds and they were placed in the bank instead of being paid back. We are now in debt another \$885,000 for something we did not need and our now being asked of this Council to extend. The garbage fee which is due to expire at the end of the year, is being asked to be extended for four more years. It was the imposition of these fees which caused the voters to defeat the sewer levy renewal levy last November. Now you want to extend them.

I hope this council defeats both of these measures. I believe the Council and the administration of the city need to come to grips with the fact that the residents of the city are not an ATM with unlimited withdraws. I hope you discuss this in Executive & Finance and defeat it. Thank you.

Mr. Willie Brown – 26241 Lake Shore Blvd. I'm here to speak in support of agenda item #10, which deals with providing additional criteria to be used when the city is determining the lowest and best bidder for a contract. I would like to commend the Business & Commercial Committee that did a lot of good hard work and had a lot of discussion and analysis on what they're bringing forth to council and hope that council will push it through so that basically we can take that step forward as a community. Thank you.

LEGISLATION

Ord. 48 -2011 (283-11) Architects for new Jail

An emergency ordinance authorizing the Mayor of the City of Euclid or his designee to negotiate a contract with R.C.U. Architects, Inc., 7311 Valleyview Drive, Independence, Ohio 44131, to prepare plans for the design, renovation and new construction of the Euclid City Jail, at a rate of 8½% of construction cost, but not to exceed Two Hundred Fifty Five Thousand Dollars (\$255,000.00). (Sponsored by Mayor Cervenik and Councilperson O'Neill by request of Police Chief)

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

Councilman O'Neill – I don't want to take up too much time here, I'd rather yield my time to the Police Chief to comment.

Chief Repicky – I concur. To start off we've probably looked at this project for at least two years. We've had the architects in on three different occasions. I would like to thank Councilman Wojtila for his help and his expertise. We met with the architects and I've talked to two other architects and we've reduced their fee from 9% to 8 ½% which is going to save the city \$20,000. This money is already set in the 2011 capital budget and I ask Council for their support and passage tonight of this legislation.

Councilman O'Neill – The ball is kind of in the works, it is starting to roll but really we need to move on this because the longer we wait, the more it is going to cost the city in the long run. I would encourage my fellow council members to ask questions but please support this legislation.
Thank you.

Councilman Gilliam – I have a couple of quick questions. I know the initial incentive was to save anywhere between \$700,000-\$1,000,000 depending on the construction and the number of inmates and trying to reduce costs. The question that I have for Director Brett if he is able to possibly answer. Will the city recognize any savings with Senate Bill 5 being in effect? I know there's a referendum will be going on but with this current Senate Bill 5, will that bring any savings to the City of Euclid as well? Just an estimate, I'm not sure if you can be factual?

Director Brett – Right now it would be theoretical. There's a motion now, petitions are now being circulated throughout the State to repeal Senate Bill 5, the opponents of Senate Bill 5 got authorization to do that, so it is expected to be on the November ballot. That notwithstanding, I think it would then come down to there's certain things that as our collective bargaining agreements all end up at the end of this year, we would be basically starting from ground zero on the new contracts within new parameters with respect to pension pick ups, healthcare, contributions by employees and a number of other things. As it is written now, yes, there would be savings.

Mayor Cervenik – There is no pension pick up that is given to the Correction Officers, as it is to the police and fire. That 5% savings doesn't exist. As far as the 15% minimum requirement for healthcare, the City of Euclid with \$125 a month for family coverage that each of our employees contribute and with our co-pays and the drug co-pays as well, we're very close to 15%, in fact we maybe over 15% and we're working on that calculation now. There maybe no savings there at all. The bottom line is, crime control, the jail is a very important part of crime control. We can on a good night or bad night depending on how you look at it arrest 10-15 people on a Friday and Saturday night. We have to hold them until they can be at least put in front of a Judge and have a Judge allow them to post bond or if they can't, hold them in jail. The savings is going to become more, not from Senate Bill 5, which our Governor is making everyone think it is going to be the panacea of taking another \$2 million away from us, that we're going to get it all back on Senate Bill 5, we're not. I'm going to tell you that right now, we're not. The savings will be from the fact that we will have a probably 60% reduction in personnel by the new configuration of this correction facility than we have right now. We have no positive confirmation that we will be receiving prisoners from the county at a cost. We are doing very well on the prisoners we're getting from the federal government. The savings right now is based totally on saying we're getting no income whatsoever. This will still have a payback of less than eight years, this configuration. It would only be accelerated by any prisoners that other government agencies ask us to hold. Senate Bill 5 is not going to help this situation more than maybe \$50,000-\$75,000, that's maximum.

Director Brett – I misunderstood the question, I didn't know you were asking specifically to the prison.

Councilman Gilliam – Mayor, the \$50,000-\$75,000 is that total or per annual, per year?

Mayor Cervenik – That would be per year, Councilman. But that's just on Senate Bill 5 written as it is. I certainly can't be confident that Senate Bill 5 is going to be confirmed by the voters. From everything I've read on the internet and local newspapers, it is going to be a very difficult political campaign and I firmly believe that the Senate Bill 5 will be overturned by the voters regardless of personal feelings that anybody may have. When you put policemen, firemen and teachers in front of the general public and say they're going to balance the budget on my backs and your safety and the children of our schools, it is going to be a very difficult campaign for Senate Bill 5 to pass. I'm not discounting \$75,000 even \$100,000 of savings on the corrections side for Senate Bill 5. The real savings is the configuration and the reduction of the employees that we need and the healthcare and everything that we need to go with it to watch the same amount of prisoners. Any revenues we get from holding other communities' prisoners or other governmental agency's prisoners, that's a bonus. We're not calculating that bonus into here.

Councilman Gilliam – Just so I'm clear, you said with a 60% reduction in personnel, was that, I just want wanted to make sure I heard you clearly, you said it was a 60% reduction and what would that relate to, I just want to be clear on that?

Mayor Cervenik – Right now we have 20 full time employees, we will have 8 or 9, some part time to fill in, but the full time, the FTE employee count will drop significantly which also helps with pension, also helps with hospitalization. You don't have the constant transfer of prisoners that we have right now to get their food and everything else, it will all be in a podular configuration as the architects presented during the committee hearing that we had.

Councilman Gilliam – The \$255,000, I know exactly what that is assigned for, the implementation design and things of that nature. I can be sincere with you and say that I do have some concern because I've had some residents call me and they're complaints are still dealing with streets, they want to see Rec Dept. facilities upgraded and things of that nature. The only concern that I have is we may pass this to spend \$255,000 for this particular architectural firm, but the concern is a quarter of a million dollars, when we know that certain streets, I know in my ward, I've got calls from Glen Russ and Chippewa. I know some of the parents have called and complained about the fact that the possibility of the Indian Hills pool closing, other parks in the community sometimes having issues with upkeep. I know we're drained on the Recreation staff, but that's one of the concerns that I have. My question to you is, if this were to pass, is there any possibility, even though the capital budget has been passed, to may be have additional capital dollars for those types of issues that are still existing in our community today that my residents are complaining about. No one said the jail is a good thing, they didn't say it was a bad thing either. They're looking at exactly what they're seeing in front of them. I just want to pose that question to you.

Mayor Cervenik – As we presented to you that it is our hope that we will be able to, the other government agencies will give us prisoners at "x" number of dollars a day and it is going to cost about \$350,000, I think it is \$365,000 a year for ten years if we only go with a ten year financing plan for the savings in the general fund to pay for this rather than the capital. I also stated that we would put more, provided we get the revenue from other outside prisoners, we could also put that money into the capital fund as we talked about with Mr. Baucio here that we do need to start putting some general fund money into the capital fund. If we could do this by the savings in the operation of the jail, all of the questions you asked me are yes, yes and yes. We will be able to do that. That's our goal here.

Our goal is not that we want to have a nice jail for our prisoners. Our goal is that this jail, before it ever opened up, a gentleman named Sheriff Billy, who was on, no intent because that's my name, he came in and did the assessment of our jail before it opened and he called it obsolete and should not be operated as a correctional facility before we ever held a prisoner. I'm not going to sit here and criticize prior governments that went ahead and did this, but it is time we deal with it, it is time we make it right and by making it right, if we can pay for it out of the savings and add another \$300,000-\$400,000 into the capital, a lot of the things you talked about can be taken care of. That's why we've been pushing this. We've been very slow in doing it because the environment keeps changing. One day we have 30 prisoners that we were promised from Cuyahoga County and then the new government comes in and they're going to wait a little bit. We're confident we're going to get those prisoners back, in the meantime the Chief and the Warden have been very diligent in getting federal prisoners in to make up some of that shortfall.

Councilman Gilliam – If this was a go and we're able to actually see those affected savings anywhere from \$600,000-\$800,000 whatever that number is, is it the intention of the administration to look at bond retirement as well as capital improvements, if we're able to do that with these particular savings?

Mayor Cervenik – Basically bond retirement and capital improvements are the same thing. They're mixed slightly different. We have a permanent improvement fund and a the bond retirement fund retires all the debt that we borrow for our capital improvements. I think the question I would have rather heard is will we allocate this between our capital program and our general fund program and I would say yes. With some of the cuts that are coming our way, we fully expect that some of the savings we would like to keep in the general fund and a certain portion that's adequate to do the capital programs that we need will go into the bond retirement or the capital fund.

Councilman Gilliam – I knew it was the same thing but I'm looking and thing bond retirement at 3.88 mils and the other capital improvements, but thank you, I'm done, thank you very much.

Councilwoman Minarik – Mayor according to the April jail facility budget that we received, without any prisoners coming in from the county and the feds, this new jail will still lose \$894,228 a year. I think it is critical that we get some kind of a commitment from the County in writing. My understanding was that as of April 1st they were going to have all that worked out. That's one concern I have.

Another concern I have because when we met for the capital budget, Mr. Baucio said we're looking at an affordability problem. If we use, say this were built, we're looking at just to supplement our debt now, didn't he say that we would need \$500,000 or so from the general fund by 2012 or 2015. That's another concern of mine, that along with the cuts from the State and then we would be committing \$365,000 a year for the jail, I'm wondering if it is affordable.

The next question I have is in 2008, Councilman Lisy put together a spreadsheet and it was based on the dorm-style jail. He was looking at paying the jail off with TIF revenues. I'm wondering, would it be better to concentrate a project that will generate revenue, say the lakefront, where TIF revenues can go to pay for the jail? Those are some of my concerns instead of us using our general fund, get something in place where we can get that new jail. I did take a tour of it, it is in horrible condition and I agree something needs to be done. But those are some of my concerns for now. I have questions from the Goodman's who could not be here because they're celebrating Passover. Do you want me to hold off on those until you answer these?

Mayor Cervenik – Why don't you throw them all to me at one time Councilwoman and me and the Chief will answer.

Councilwoman Minarik – Okay, from the Goodman's they sent me an email, Mr. Goodman's first question is, why is this an emergency ordinance? This is over a quarter of a million dollars, why is the public being denied the right of three readings allowing them to comment? The next question, why do we need another set of plans, haven't plans already been presented from the past? The next question, why do we need one more costing over a quarter of a million dollars? Why does the administration seem to consider the building of a new jail Euclid's top main priority? The purchase of St. Robert's for nearly three-quarters of a million dollars was sold to the public because it was vital for lakefront development. Shouldn't the lakefront be Euclid's top priority as it would bring revenue and people into the city? His final question, what resident is going to move to Euclid because we have a new shiny jail? In conclusion he's asking that we allow three readings of the ordinance and allow public comment, but he goes on to say, quoting you from the last Euclid Observer, the Mayor's answer to what our major concern is for Euclid that you stated in print, you further reduction in revenue now being discussed in Columbus could drastically affect the city's ability to accomplish its goals. Based on the Mayor's concerns, the spending of public money period, must be scrutinized because Euclid without State aid cannot afford to build anything. How much time do you need Mayor?

Mayor Cervenik- As much as you're willing to give me. First of all, it is not our main priority to build and I expect those kinds of comments about a brand new shiny jail. As I said, our goal is not to make our users of the jail feel comfortable. What we are trying to do is to take a facility that never should have been built the way it was in the first place and for the least amount of dollars, to make it efficient to operate. That will provide savings as I mentioned to Councilman Gilliam and I guess you did not hear my comments to him. That will allow us to have additional monies in the general fund and our capital fund which can be used to further the development of the lakefront and to do other items to keep programs going that were afraid would lose otherwise because of the State's cuts. It is not my top priority but it is a tremendous opportunity to save \$700,000-\$800,000. I never said the jail is going to break even, you mentioned the Jail is still going to cost us \$800,000 and it is still going to cost us. Our Police Dept. costs us eight million dollars; our Fire Dept. costs us seven million dollars. The jail is a very important part of crime control. If we had no jail, we would still have to have a holding facility that would require maybe one less, two less full time employees to hold them until we could transport them to somewhere else and then pay that facility \$75 or \$80 a day. It doesn't make sense. What was the other question?

Councilwoman Minarik – There were lots of questions.

Mayor Cervenik – Did I answer the questions you asked me to answer? Did I miss one?

Councilwoman Minarik – Checking over Mr. Goodman's questions, why is this an emergency ordinance?

Mayor Cervenik – Why is it an emergency ordinance? Because we really need to get the study started. This is not, I would agree with Mr. Goodman if this was the first time we talked about this situation. We've been talking about it for 2 ½ to 3 years. Talk is over. We discussed all of this.

Councilwoman Minarik – We received this agenda Friday afternoon. The public didn't know it was on the agenda. I think the concern is that the public has the opportunity to know that this is on the agenda, the council is discussing this and get them to the mic. Not everyone gets the agenda, but this will give an opportunity to the public to get their comments. I would ask for that and I would also ask for that because I know Councilman Langman has reservations and because he's celebrating Passover tonight, he cannot make it here and I do think out of respect for his concerns, we postpone this at least to a second reading.

The other question I have, I'm also very concerned because of the regionalism issue that's going on. There was an article just in the Plain Dealer about a new community center, this was in the Plain Dealer in January, and it was about the opening of the Judge Nancy McDonald community based correction facility. The concern was why Cuyahoga was the last one to do it but Cuyahoga County now is looking at regional facilities. There's more and more talk of a regional facility, where the region will

contribute to capital. The State is changing its plan, Senator Sites is going to re-introduce his bill as well. I would like to slow down on all of this until we find out what the State and county are doing. There still is no guaranty that we will get any county prisoners, especially because the State is raising its level of what felonies are concerned. According to your budget, we're still going to be losing \$900,000.

Now to Chief Repicky, I have asked several times, what is the cost per day to house a Euclid prisoner in our Euclid jail? Do you have a rough idea?

Chief Repicky – No I do not. You would have to divide how many hours they are in the jail by the people's salary and the expenses, such as utilities and that and I have not had time. My effort has been to move this forward the last 2 ½ years. This is not an emergency, it has been on the plate for 2 ½ years.

Councilwoman Minarik – It has actually been on the plate since 2006.

Chief Repicky – Excuse me, I'm trying to finish my sentence. Two and a half years we've been trying to move this forward. As far as the County prisoners go, the work house is closing and Cleveland is turning over the prisoners to the County. The new executive is moving slowly forward to make this happen, so all the jails in Cuyahoga County get the prisoners. It doesn't happen over night, it is going to take a month or two, we will get the prisoners.

As far as an emergency, this is not an emergency, we've been talking about it for two and a half years. If you want to lose another \$500,000 for the next five years, that's two and a half million dollars. I can't stop that. This is my plan to save the residents of this city \$500,000 plus a year for 20 years.

Councilwoman Minarik – Chief, if we do not know, if you do not know how much it costs on a daily basis to house a Euclid prisoner, how do you know that it is not less expensive to ship them out to Lake County where it is \$65 a day?

Chief Repicky – There's no guaranty on the price on Lake County if they're even going to be open. They've closed half their facility already. Then we have to transport them to Geauga County or Bedford Heights, take two policemen off the street for three hours total and then it deprives our officers on the street to answer calls for service for the public. That is not what a plan that I have as good for our residents of this city.

Councilwoman Minarik – But we don't know what it cost to house our own prisoners on a daily basis.

Chief Repicky – I don't understand, what do you mean cost?

Councilwoman Minarik – If you can figure, you have 20 prisoners a day, we were told that's the average Euclid prisoners. What does it cost per day? Because it may be costing us over \$100 a day to house our Euclid prisoners; at that point it would be cheaper to send them to Bedford. This is another reason why we need to slow down and not make it an emergency. We don't have numbers. We don't have a guaranty from the County. We don't know what the County is going to be doing regional-wise for prisoners. We don't know what the State is doing. We do know that there's a huge movement to reform the entire jail system in the State.

Mayor Cervenik – Councilwoman, you're not listening.

Councilwoman Minarik – I am listening.

Mayor Cervenik – No you're not.

Councilwoman Minarik – You don't have numbers here.

Mayor Cervenik – What you're forgetting about and what you keep forgetting about is, yes, maybe it costs us \$100 a day to keep a prisoner, and we could get it done cheaper in Lake County for \$75 or \$80 a day, but you're missing the whole point that we still need employees and correction officers to hold those prisoners when they are arrested. We cannot arrest somebody, take them in the car and let Lake County do our work. We are going to have eight-ten full time employees jammed into our admittance facility, that cost almost as much as operating the dormitory-style jail. We can't just send these people to Lake county, we have to hold them. We have to have qualified, trained people to hold them. That's the piece of the puzzle you keep forgetting is not just a day to day holding, it is who is going to watch them when they come in. We can't drive them out to Lake county and let them book them. It has got to be done here. They're arrested here, they have to be held here, the Judge has to give them their hearing, whatever the technical word is, their bond hearing, or whatever it is, or turn them over to the county. That cost is expensive as well. If we're holding them in a dormitory style facility versus the mess we have now, we're

talking minimum extra dollars to do this. We have to hold these prisoners until they're sent somewhere else. As the Chief said, we have to have police officers take them out. If the Detectives need to interview them, they have to drive out to Lake County and interview them. That's a big piece of the pie there.

Councilwoman Minarik – Mayor, is there a reason that we cannot hold this for a second reading so the public has some time? Do you not want to hear the public's comments?

Mayor Cervenik – This City Council can do whatever they want. We discuss this, when did we pass capital budget, this item was on there.

Councilwoman Minarik – Mayor, I specifically asked you about the budget and said, when we pass this budget does it mean that we are approving the individual items and you said no, every item is going to come before Council; or, I would have brought it up at that point in time. My understanding was

Mayor Cervenik – I'm addressing the question again, did the public, is this the first time the public has heard about this? No. We have had at least three committee meetings.

Councilwoman Minarik – It has never been on the agenda for passage, though Mayor.

President Holzheimer Gail – Let's move on there's other council members' questions.

Mayor Cervenik – Vote however you want.

President Holzheimer Gail – Council has the opportunity, we have had several hearings.

Councilman Van Ho – I just have a few questions, first of all, this is not to build the jail, is it? It is simply to design it and get a good estimate so that we can go to bid if it is determined that we're going to build the new jail. Am I correct on this resolution?

Chief Repicky – This is to design, renovate and get a bid for a new jail. It has to go through the Board of Detention for it to be approved.

Councilman Van Ho – We're not doing bricks and mortar?

Chief Repicky – No.

Councilman Van Ho – We're designing any renovations or any new facility.

Chief Repicky – Yes.

Councilman Van Ho – My second question and I could be wrong, I remember during a committee hearing or during the budget hearings that the savings were going to be approximately a million dollars. If we actually just paid for this jail, we could pay it back in about three years. Am I correct? It is not a huge facility, it is about a \$3.5-\$4 million facility?

Mayor Cervenik – That would be dependent upon the amount of income we generate. It could be as much as 7-8 years of strictly savings if we got zero revenue, which really is not an option that we feel is going to happen.

Councilman Van Ho – Once again, I'll go back to, this is just to design this thing. Get a good feel for what it is going to cost and then the administration would once again have to come back to award the contract with whatever construction company was going to bid it, if we put it out to bid, is that correct?

Mayor Cervenik – When these plans are done, we will be able to go out for bids for construction if council desires at that time.

Councilman Van Ho – This \$255,000 estimate is a not to exceed estimate. In other words if we let this contract and for some reason everything fell through, we could stop the contract at that point and we'll only have to pay what has been spent less a little bit of anticipated profit, is that correct?

Mayor Cervenik – That is my understanding of how these contracts will work. We fully expect to have a positive result when this contract is fulfilled.

Councilman Van Ho – I do not have a problem with going forward with this. I believe we need to do this to save money. I also believe our jail is a dismal place and I don't say that it should be a hotel, but you can also start to run into standards that could have us in trouble with DOJ and we've been down that track before.

Mayor Cervenik – You are correct. If we cannot get moving on this, you will have legislation in front of you for a new roof at three hundred and some thousand dollars, for new windows at about \$147,000, new security equipment at close to \$100,000 and a whole lot of other things inside that jail and it is not going to save us a dime. All it is going to do is force us to continue operating a dysfunctional correction facility at the tune of \$1.6 million a year instead of closer to \$800,000 a year again with no revenue. If revenue occurs, that's even better. It is time we fix the problem of twenty years ago.

Councilman Wojtila – I do have the numbers from the committee meeting we had and we had estimated, the spreadsheet that had an estimate of \$500,000 in housing revenue, that's below the annual revenue that we've gotten over the last four years by \$148,000. It is a very conservative estimate. The savings we're showing with this new design was \$722,000 a year. If we take out the county prisoners, it would be down to \$350,000 a year. Nobody is excited about spending money on a jail, spending architectural fees on a jail, but absent another proposal, other than just saying let's slow down, I don't see the benefit to that. I will vote yes for this. I would like to commend the Chief and the Warden on the process they went through to work with RCU to get a good competitive price. Their fee does include construction based services which is \$38,000. If for some reason, something changes dramatically in the next 8 ½ - 9 months and we find out something different, we would have spent about \$220,000 in architectural services. I'm willing to authorize this tonight.

Mayor Cervenik – I appreciate your comments. This is not an easy decision. This is not necessarily a popular decision but my job is not to be popular or easy. My job is to say we have an opportunity here to rectify a wrong to bring savings to our general fund to possibly, hopefully strengthen our capital fund and that is why I presented this to you.

Councilman O'Neill – Chief Repicky, a comment was made about possibly changing some of the felonies to possibly misdemeanors and maybe upping the anti a little bit and making felonies a little bit different. How does that impact the misdemeanor charges? To me it means, correct me if I'm wrong, to me it means we're going to have more misdemeanors out there which means we're going to hold more prisoners.

Chief Repicky – That's exactly the case. Once they reduce the felony 4 & 5's to misdemeanor 1's, it is going to populate not only our jail but all the jails in Cuyahoga County.

Councilman O'Neill – I did have a conversation with the Sheriff a few weeks back and they're moving towards taking over the prisoners for the City of Cleveland including the misdemeanor prisoners. We don't know exactly when that is going to happen, but what that is going to do is populate the county jail even more. They're going to be looking for venues to house even more prisoners. I don't know if the Sheriff would be willing to sign a contract with us for "x" amount of prisoners, but I believe it is pretty safe to say that for the pretty distant future we're going to be having county prisoners come into this facility. Chief if you would care to comment on that.

Chief Repicky – Like I stated earlier, the work house will be closed and there's 1,000 misdemeanor prisoners there. The County jail cannot house that many, they're already over 1900. What that means is they have to take it outside and we'll be on the top five to get the prisoners right off the bat.

Mayor Cervenik – On top of all of that, you're talking about holding prisoners and the amount of prisoners we can hold, we still can't forget the fact that we have to hold these prisoners for up to twelve hours, a maximum of 12 hours, if we decide to send them to another facility. The man power to do that, is almost identical to having the facility that we're proposing now. We can't pick them up on 200 St. and drive them out to Lake County and book them out there. All the processing needs to be done here. That's the piece of the puzzle that people seem not to want to talk about. That's very expensive and it is going to cost a lot of capital improvements to do that in the facility as it stands right now, including the roof.

President Holzheimer Gail – I've been around for a little while and we have been talking about the jail for many years. It started with the budget process several years ago when we were finding ourselves having to make cuts and looking at how can we save, where can we cut that will impact services. We always look to the fact that the jail, we lose so much money operating the jail. That's where this started from. Certainly that's not our first priority, we can figure out a lot of ways to spend money, but there's very few ways to save efficiencies in operations of this magnitude. Coupled with the fact that we have to do

improvements to the jail if we don't do anything else, which seems silly to a facility that will continue to lose that much money. We have been talking about this, we've had the architects come in, we've talked about the plans, this particular plan at least twice. We've talked about different ideas through the years. It is a tough decision but I'm prepared to make it tonight. We've had these discussions for a long time, I don't think we're springing this on anybody. Because of the efficiencies we will receive, we have the total cost of the jail, we know what it will cost to run this jail, that's pretty much regardless of how many inmates are in there. We can't save on cost if we only have ten prisoners because of the staff heavy, because of the way it is configured, we have to have that number of staff.

I appreciate Councilwoman Minarik's concern, she's certainly entitled to her opinion. Council has to move forward on these processes. We can continue to ask questions and questions and questions and hold things off, but that is going to cost us money in the long run as well, I am prepared. I did talk to Councilman Langman tonight, he wanted to ensure that there will be real construction numbers are part of this process. Chief Repicky, when we get done we will have the detailed building plans that will include a total construction cost?

Chief Repicky – Yes there will be.

Mayor Cervenik – In the contract we actually have provisions where at any time during the process if we're not comfortable with the numbers that we're coming up with it can be immediately cancelled. We have the safeguards in there. If their numbers that they present to us now are way off, but this firm is, we didn't propose to hire this firm, not only to do the original conceptual plans but to go on to do this, without recommendations from other communities and other facilities that they have built. They come in on what they expect, their number are good.

President Holzheimer Gail – The other comment Councilman Langman had had was getting an update on any conversations with the Sheriff or the County. I think we covered that. We don't have a commitment but the intent is there that they still do plan to send county prisoners. Any update from the County point of view or regionalism?

Chief Repicky – As far as regional, I don't know who is going to regionalize. They're not going to regionalize with our jail because it is going to be to cost effective. If we build a dorm, we don't have to hire more people, we can increase our income that way. There's only several facilities in the county and everybody is in fiscal distress in this county, so where is the money going to come from? It is not coming from the State and it is definitely not coming from the federal government. So where is that money coming from because if there's a tree, I want to get a couple of them and plant them in my backyard because the money is not there anywhere, federal, state or local. I think if we build this dorm, it will take care of the city, hopefully for 20 plus years. Unfortunately our existing jail is not doing that and is on the negative side.

Mayor Cervenik – The Chief brings up a good point. We talk of our regionalization. I made comments before, especially with our Tax Dept. and now about possible collection of our water bills, possibly regionalizing with Solon and some other cities. Nobody, nobody wants our jail or will operate our jail because there's no efficiencies. Whether we have 20 prisoners or 60 prisoners, we have the same amount of employees, two to three times more than any other facility dormitory style needs. That was a very good point that I should have brought up. We have a very good shot at regionalization and holding many other communities' prisoners once we have a jail that's operating efficiently.

President Holzheimer Gail – In the committee meetings we did talk about the different possibilities. Is it possible to just not have a jail, is it possible to use others and just have a holding. We did look at those costs through the process of our committee meeting. I don't want to discount that we have done all that work and we did come to the conclusion I thought as a council through those committee hearings that this was the most cost efficient plan for the long term.

Councilman Gilliam – Final comment. Mayor, colleagues, I'm not really into building jails, but I do understand what the minimal capital needs of the current facility, that estimate was about \$407,000 and there's no guarantees that five years from now we will be doing the same thing. When I asked about people who escaped, there was no one who has escaped from 2007 to 2010 according to the Warden, which was a good thing. But, I'm looking at the safety issues as well, workers, equipment malfunctions that could lead to possibilities that we do not want to experience. I still think \$255,000 is a lot of money for a study but I'm not an engineer and I do refer to Mr. Wojtila because I know that he is in this field. So, I'm ready to vote for at least the planning. If we do move further than the planning, I am definitely going to be looking at those savings being utilized as the Mayor and I discussed earlier, looking at capital improvements and things of that nature. I will vote for this legislation. I have some hesitations but I see a bigger picture and a probable better picture.

Mayor Cervenik – This is not a plan, Councilman, this is the

Councilman Gilliam – The design and renovation.

Mayor Cervenik – Technical drawings and what is needed to have the building built.

Councilman Gilliam – I apologize for using those terms. I know it says design, renovation, but maybe my mouth got tired, I don't know. I understand, Mayor.

Mayor Cervenik – That point was more for the people that are watching than yourself.

Councilman Van Ho – If I'm dividing the numbers right and we were to save approximately \$800,000, if we keep delaying this, the tabs running at \$66,000 a month in additional charges. Based on everything I've heard, we have to do something so let's get on with it.

Councilwoman Minarik – I think my major disappointment tonight is that this Council does not seem to want to give the public an opportunity to come forward. As I said, the agenda was released Friday afternoon, there's no way the public in general, because we have no newspaper, there is no way they could have known that this was being voted on tonight. I would like to at least put this off until next Council meeting and then if that's what you guys want, that's fine. But, if you don't want to put this off, I have to vote no on this because the people have a right to know what we're voting on, it is their money. Thank you.

Councilman O'Neill – I would like to make a motion to close debate.

President Holzheimer Gail – Could you hold for one moment, she didn't have a chance to comment yet.

Councilwoman Scarniench – Thank you. That's what committee meetings are all about. I usually don't say anything when it comes to the jail, but that's what committee meetings are about. We've had lots of committee meetings and no one from the public comes here. Nobody ever has anything to say. Moving this forward tonight is just to me the end of the debate and the discussions that we've been having for the last two and a half years that I've been sitting up here. I know this discussion went on for quite a number of years before I was sitting up here. I'm ready to vote on this tonight.

Councilwoman Jones – I just have one minor question. If this passes tonight, what is the next phase, as far as how long does it take to actually do the planning process?

Chief Repicky – We've had two meetings with the State already. I think we move forward and final design it and then they would call the Bureau of Detention back, probably take 3-4 months to get final plans. The State is very strict in the planning of the jails. After that they would figure out the cost to construct and a timetable from there.

Councilwoman Jones – We've had a lot of discussion about this and I look at it as being that the jail in the state that it is in now is, and we've talked about, we're not going to get any funding back right away, this is a long term range that we need to do, but the savings that we can get from the new facility can go back into the community. I look at that part as a positive thing. How much will it be? We don't know but if we can go back into the community, then it is a positive thing. I want to vote on this to get past that point so we get to the planning stages and it is going to take a few months to do that and then we'll find out where we go from there.

Councilman O'Neill – Just a very brief comment before I ask for a motion to close debate. Every meeting, every council meeting, at the end of the meeting, anybody can come to the podium, state their name and can speak to the good of the order. Over the last 2 ½ possibly three years we discussed the jail and at every meeting, every individual had an opportunity to come up to speak for the good of the order. There has been opportunity for people to speak. It may not have been on the agenda that night, but certainly it has been talked about in committee and the residents had to know that eventually this was coming forward. The residents did have an opportunity to speak, whether they chose to speak, some did, or not, that's their prerogative. With that I'll ask for a motion to close debate.

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

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

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

Ord. (246-11) CT Consultants, Engineering WWT Wet Weather Facility – 1st Reading

An ordinance authorizing the Director of Public Service of the City of Euclid to enter into a contract with CT Consultants, 8150 Sterling Court, Mentor, Ohio 44060, for Engineering services required for the Wastewater Treatment Plant/Wet Weather Auxiliary Treatment Facility improvements. (Sponsored by Councilperson Wojtila by request of Service Director) (Recommended for passage from the Public Service Committee)

Councilman Wojtila moved for passage, Councilman Van Ho seconded.

President Holzheimer Gail – We did have a committee hearing on this on April 6th that was sent back to Council.

Director Smith – On March 4th I had emailed council a summary of this project. In review these plan improvements will include the replacement of the existing rectangular clarifiers number 1-4, with the first of two, six new circular clarifiers; the relocation of the existing odor control ventilation stack and chemical feed for enhanced wet weather auxiliary treatment facility coagulation.

It has been determined that the final clarifiers are the limiting factor in the ability to treat peak flows at the plant and as a result of these improvements our treatment capabilities will increase from 35 million gallons per day to 66 million gallons per day prior to reaching the point of bypass for the wet weather facility.

The engineer's opinion of probable construction cost is in the amount of \$7,500,000. At the March 7th Council meeting this item was sent to Committee as was indicated. During the April 6th Service Committee meeting I once again reviewed the details of this contract, thereafter it was returned to council with a recommendation for passage. Also at this time there was a request for documentation pertaining to fee justification.

On April 15th I provided to council with a comprehensive explanation of these services and noted the complexity involved with this particular project. In addition to this information, I have also provided to Council with a summary of both current and pending engineering contracts in order to illustrate a rather diverse utilization of consulting firms.

At this time I am requesting your authorization to contract with CT Consultants for the design and construction engineering services for the Waste Water Treatment plant as outlined. The estimated fee is in the amount of \$1,085,000 and will likely span over a four year period. I would be happy to answer any questions that you may have. I would also point out that CT representative is here that has been very involved in the plan for a number of years, Mr. Stienhelfer and I'm sure he will join me in answering any questions that you may have at this time.

Councilman Wojtila – I did request a breakdown and I did receive a breakdown but was primarily though for the supplemental services, did not include the base services which are about half of this. I would hope that we could get a breakdown of that amount. Relative to the timing of construction, I know this is based on two years of design and two years of construction, have we looked at and is there any benefit to us to stretching out the construction because don't we have a certain amount of time, we anticipate having a certain amount of time in the Consent Decree to complete the work. Have we evaluated what makes most sense from a construction standpoint?

Director Smith – If it would be permissible, I would like Mr. Stienhelfer to come up and provide some comment as well. When we're talking about the Consent Decree specifically what has been negotiated has been a period of 15 years. That 15 years theoretically was getting underway this past January so the clock is somewhat already ticking. This was one of the very early requirements of the Consent Decree and as I had indicated one of the limiting factors at the plan at the current time is with the clarifiers. So from a practicality standpoint it made sense to proceed with this project first as truly being imperative to the plant to avoid overflows to the wet weather facility.

Councilwoman Scarniench moved to suspend the rules to allow for a speaker. Councilman Gilliam seconded. Yeas: Unanimous.

Mr. Stienhelfer – The project is broken down into five phases at the Waste Water Treatment plant. This is the first phase of five phases to replace two of the clarifiers, two of the rectangular clarifiers with two new circular clarifiers. It is phased out over a period of 15 years as the Director said.

Councilman Van Ho – This isn't a question about CT or even this project, I would like to see when we're doing multiple contracts like this or when you're going into it what either the final contract price is if it has been negotiated or the estimated price if it has not been totally negotiated on the agenda. Once again so the public, if they've got a problem with this, they know what it is costing. Right now if I hadn't sat at several of these meetings and so forth, I wouldn't know that. It is just a matter of transparency. I have no problems with CT doing it because they've been involved for years.

Councilman Wojtila – I would ask and we did get a breakdown on the 15th which was Friday. I thought I had the previous proposal with me at work today but I did not, it wasn't in our packet. I don't want to vote on this tonight. I'm only one vote, I realize that, I don't know if we can call it a first reading, or just table it. I would request two more additional weeks.

President Holzheimer Gail – What additional information would you like councilman?

Councilman Wojtila – A breakdown on the \$460,000 the base fee. There was also a typo in here that I just noticed. Definitely a breakdown on that. The breakdown that was past out was on the supplemental services and the construction phase services, not on the \$460,000 base services. I hate to slow things down, but that would be my request.

Director Smith – I certainly apologize if I didn't understand your request at the committee meeting because I was under the impression it was somewhere related to the amount of the fee being higher than one would typically be accustomed to from your vantage point. I know through some of my discussions with CT that they had prepared this along with myself and we were just trying to illustrate that there's no guaranty that the fee will raise to that amount as some of these will be very dependent upon factors that may or may not come to fruition. That's how this letter was developed.

Councilman Van Ho – Would there be any damage done if we extended this two weeks so that Councilman Wojtila can have a chance to have everything ironed out, a chance to study it? He's probably the most familiar of anyone on this council, so it is reasonable.

Director Smith – I can't sit here and say there will or will not be damage at this point in time. What I can tell you is that we are looking at a 15 year, sounds like a very long time in order to complete projects but there's a vast majority of projects. Some work has gone underway and it just concerns me that two weeks, two weeks, originally I thought that this would possibly be approved back in March. That's set back six weeks at this point in time. I can't say if we don't get there and get things accomplished, where we will be in the end because there's a very specific deadline.

Director Frey – To the council member, I'm looking at the memo dated April 14th from Mr. Stienhelfer to Director Smith and I'm looking at the estimate of, it is called project engineering fee estimate dated December 15, 2010. I agree, I don't believe we attached that to the legislation. Each of the categories in the base design service are addressed in this memorandum, then I think it goes on to discuss the construction supplemental services. My sense is from reading that that all the different phases of service that we've asked CT to provide in this particular project were covered in this memo dated April 14th. I'm not sure, unless we didn't answer the kinds of questions you thought should have been answered in that, what else we would have provided tonight. I don't know if Mr. Stienhelfer can comment on that or Director Smith, but I'm looking at the memo and I'm looking at the estimate and each category in the design supplemental services is listed. That's Section A, Plan Review and Design and then it is broken down to design supplemental services. Maybe I'm not understanding the question or maybe we didn't give CT the right direction.

Councilman Wojtila – If you look at the December 15th proposal it has letter A is the Base Design Services 90%, that \$460,000 actually looks like there's a typo because that should be \$460,000 all the way to the right. That \$460,000 there's no breakdown for the \$460,000. What the breakdown is provided for is the \$180,000 which we already had the breakdown for the \$180,000 that was all the supplemental services listed. My question has to deal with the \$460,000 or the \$414,000 whichever is the right one, looks like the \$414,000 because when you add the \$414,000 with the \$180,000 you get the \$594,000. Maybe it is the \$414,000 that I would like a breakdown for. It was a long meeting when we had the committee meeting. My intent was to ask for a breakdown of that.

Director Frey – So the 6.4% and the 5.6%, the explanation of how CT arrived at those design figures? Okay.

Councilwoman Minarik – So, Councilman Wojtila, are you still suggesting we should wait?

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Councilman Wojtila – That would be my request.

Mayor Cervenik – If we get that information to you and put it on the next agenda, would you object to having it be an emergency piece of legislation so we can enter into contract immediately if you have the information that you want?

Councilman Wojtila – I wouldn't.

Mayor Cervenik – We will get that information for you. Let's make this a first reading if that's what council wants to do.

President Holzheimer Gail – Any objection from Council. We will call Ord. (246-11) a first reading.
First Reading

Ord. (248-11) CT Consultants, Engineering WWT Plant US EPA Consent Decree 1st Reading

An ordinance authorizing the Director of Public Service of the City of Euclid to enter into a contract with CT Consultants, Inc., 8150 Sterling Court, Mentor, Ohio 44060, for engineering services required to comply with the U.S. EPA Consent Decree and Euclid Sewer Study. (Sponsored by Councilperson Wojtila by request of Service Director) (Recommended for passage from the Public Service Committee)

Councilman Wojtila moved for passage, Councilman Van Ho seconded.

Director Smith – This project has followed a similar path to the previous one. The scope of this project includes document preparation, post construction field monitoring, computer modeling and program management all based on the 2010 Euclid Sewer Study. As part of the pending Consent Decree the city is required to implement a management operation and maintenance program of the sewer system. CT will assist in the start up and implementation of this program. The associated fee will be based on hourly rates. The initial fee has been estimated at \$337,000. At this time I am requesting your approval to contract with CT Consultants for this service.

President Holzheimer Gail – This as well was heard in the Public Service Committee on April 6th.

Councilman Van Ho – I would move this be the first reading because it is going to be tough to do computer modeling if we don't have a basic contract isn't it?

Director Smith – I'm not clear I understand that.

President Holzheimer Gail – Is there a relation to holding the other one and holding this?

Councilman Van Ho – Why don't we hold all of them and we'll just pass all of them as emergency resolutions if that's the decision of Council to pass them.

Director Smith – I have no objection. I believe the modeling specifically applies to the system itself.

President Holzheimer Gail – There's really no correlation between the one we did a first reading on and the next two?

Director Smith – Correct, this is based on an hourly rate not a fee.

Councilman Van Ho – I would just ask that we hold them all and pass them as a group.

Councilwoman Scarniench – I second.

President Holzheimer Gail – Any objections?

Councilwoman Jones – Director Smith, I have one question. The two accounts, the Peterson Fund and the Waste Water Treatment, how is it determined the amount out of each one of those accounts?

Director Smith – That entailed several discussions with Mr. Fink from Maximus firm, the CT representatives, myself and the Waste Water Superintendent. What we did was there was some past percentages, I don't recall the specific numbers if it was a 55 and 45% breakdown. What we did is look at each individual component of this contract and place it in the appropriate category. That's why the two different numbers are illustrated.

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President Holzheimer Gail – There's been a request and a second that this be a First Reading. Any opposition? Call it a first reading.

First Reading

Ord. (249-11) CT Consultants, CSO 14 & Swirl Concentrator 1st Reading

An ordinance authorizing the Director of Public Service of the City of Euclid to enter into a contract with CT Consultants, Inc., 8150 Sterling Court, Mentor, Ohio 44060, for engineering services required for the CSO 14, Upper Terrace Swirl Concentrator and Disinfection Improvements. (Sponsored by Councilperson Wojtila by request of Service Director) (Recommended for passage from the Public Service Committee)

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

Director Smith – This project has followed a like path to the previous two. This contract includes the design and construction observation of the swirl concentrator with disinfection at Upper Terrace. This location is CSO #14. This work has been identified in a long term control plan as being necessary. The engineer's opinion of probable construction cost is in the amount of \$350,000. The associated fee for design and inspection services is in the amount of \$65,000. This will once again be a multiple year contract and I appreciate your consideration.

Councilman Van Ho – I would move for a second reading at the next meeting on this.

Mayor Cervenik – Is there, and I have no objection to that. We know what is needed, what information is needed for (246-11). Is there any additional information that you want for (248-11) and (249-11)?

Councilman Van Ho – I don't believe so. I would just like to see that it is done as a group.

Mayor Cervenik – I just want to make sure.

Councilman O'Neill – My only question is, does (249-11) impact (248-11)? Does it impact (246-11)? Because if it doesn't, I believe we should move the legislation along and continue working on it. I just don't understand we're not moving to pass it.

Councilwoman Minarik – If we pass these tonight, they sit for 30 days. If we pass these as emergency ordinances in two weeks time, they go into effect immediately. It is actually faster if we make them all emergency.

Councilman O'Neill – I just didn't want to delay.

President Holzheimer Gail – What I had asked at the previous one was that similar question. (248) & (249) are not necessarily dependent on (246). But because they have been lumped together there seems to be a desire to have them stay and they will go into effect earlier. The intent that I heard from the group was that they would come back next time as emergency ordinances.

Mayor Cervenik – Again, if you come up with a question that you need answered before then, let us know because I think they were answered fairly well during the committee. We have no problem with that.

Councilwoman Jones – I just have one minor question about the wording of the funding. It says in 2011 component for CT Consultants project engineering services, \$41,800. Then the \$65,000 is over three years, is that correct? On the 4th whereas.

Director Frey – That's correct. It was \$41,800 in 2011, budgeting schedule indicates \$12,100 in 2012 and \$11,100 in 2013 for a total of \$65,000.

Councilwoman Jones – It is not the \$41,000 and the \$65,000 over the three years?

Director Frey – No, total is \$65,000; \$41,800 is the amount that would be expended this year.

President Holzheimer Gail – What I'm hearing is this would be a first reading and ask Council to make sure they get any questions of those three to Director Smith as soon as possible.

First Reading.

Ord. 49-2011 (286-11) Land Bank Sale North Street

An ordinance authorizing the sale of Permanent Parcel 646-31-027, 21181 North Street, from the Euclid Land Bank to Mr. & Mrs. Freddie Steven Harper and Daisy Harper for an amount of One Thousand Dollars (\$1,000.00), as authorized by Ordinance 98-2010. (Sponsored by Planning & Zoning Commission)

Councilwoman Scarniench moved for passage, Councilman Gilliam seconded.

Director Pietravoia – Zoning Commission Beno is here tonight to report from the Planning & Zoning Commission. If you recall when we adopted our disposition policy for the land bank parcels each applicant is required to submit an application, it goes through a two step process, first Planning & Zoning and then to City Council. I will let Mr. Beno to report from Planning & Zoning on these next two items. Both of the applicants are present here this evening so if there are any questions of the applicant, we could also allow them to come to the podium.

Commissioner Beno – Acting in its role as Land Bank advisory committee at its regularly scheduled meeting of April 12, 2011, the Planning & Zoning Commission reviewed an application to purchase land bank parcel located at 21181 North Street and voted unanimously to recommend approval to Council. All adjacent parcel owners were notified for the hearing and there were no competing proposals. The subject parcel meets several of the conditions listed in the adopted land bank policies which are guidelines for price reduction to below the Auditor's estimated value. Those are as follows on this parcel. The applicant does own the adjacent parcel. The applicant has a history of maintaining the lot. The transfer will benefit the city by reducing long term maintenance costs. The lot is adjacent to an industrial area. It is an area where we have for a history of receiving noise complaints from nearby residents and the applicant's property is current on its taxes and has no violations. The applicant is here if there are any additional questions, we'd be glad to accept them now.

Councilwoman Scarniench – I would just hope that all of my colleagues will vote yes on this. I have watched Mr. Harper over the last few years, since the day that house has been torn down. He has worked that piece of property knowing full well that he may never own it. It is a wonderful piece of property that he has taken very good care of, beautifully landscaped and every summer he adds more and more to it. If you haven't had a chance to look at it, it is just two doors from the museum, he's done a wonderful job. I hope you will all approve this.

Councilman O'Neill – This is one of the success stories of the land banking where we put the properties into the hands of people that either live next door and hopefully landscape it and maintain the property. I also would like to encourage other members of council to vote positive on this. Thank you and good luck Mr. Harper.

Councilwoman Scarniench moved to suspend the rules to allow a speaker. Councilman Gilliam seconded. Yeas: Unanimous.

Mr. Freddie Steven Harper – 21207 North Street. It is a pleasure to get to have a whole garden landscape at your disposal. It is a thrilling prospect to go through landscape books and see what could be. It makes me think of the future of our city, what could be of our city. We think of the work that's being done on the lakefront. Euclid is the only community other than Cleveland or Lakewood, which has done anything with their lakefront. That can make us a glowing capital of the State of Ohio really by Council continuing to do further work to improve that project because it has so much value to us. I think it helps each homeowner to want to take pride in their property so we can add a contributing force to making Euclid a very desirable place to move into. Truly if people see a value in a community, they're going to move to it. Having a good jail keeps all the bad criminals away. Who wouldn't like to live in a city where there's no crime and all the jails are full, being paid to revenue our city to make it very financially sound.

I think this is all a step in the right direction and we continue to have a good council people like Madeline that really has shown a personal involvement, she drives by our community, she sees what is happening. If we could just keep all those loose dogs from roaming the street we'd all be very happy. It is a great opportunity and I'm glad to be able to acquire the property and I hope the County won't raise my taxes too much.

Councilman Van Ho – I just want to say the man's a dreamer, I love dreamers, so let's go ahead and do this.

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

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

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

President Holzheimer Gail – Thank you for coming and we'll come by and look at the landscaping.

Mr. Harper – I look forward to it. Thank you very much.

Ord. 50-2011 (287-11) Land Bank Sale E. 196 St.

An ordinance authorizing the sale of Permanent Parcel 646-23-034, 1496 East 196th Street, from the Euclid Land Bank to Mr. & Mrs. Clarence and Edna Asberry for an amount of Four Hundred Dollars (\$400.00), as authorized by Ordinance 98-2010. (Sponsored by Planning & Zoning Commission)

Councilman Gilliham moved for passage, Councilwoman Scarniench seconded.

Commissioner Beno – Acting in its role as Land Bank Advisory committee at its regularly scheduled meeting on April 12th, the Planning Commission reviewed this application and voted unanimously to recommend approval. All adjacent property owners were notified of the hearing and there were no competing proposals. The subject parcel meets the conditions for price reduction as listed in the adopted policies. In this case the applicant does own the adjacent parcel. The applicant does have a history of maintaining the lot. The transfer will benefit the city by reducing long term maintenance costs. The applicant's property is current on its taxes and has no violations.

Councilman Gilliham – Good evening again Mr. Asberry. I have met him last year at a Heritage Park Homeowner Association picnic and walked up to me and told me exactly what I was doing wrong and what I needed to do. So at the end of the day, we developed a good relationship. That particular area has some vacant homes and I like the incentive that he has taking, him and his wife are taking, excuse me, to expand their investment in the City of Euclid and at the same time allow that particular area to receive the benefits of homeownership and also expansion. I have no objections to this. I know that Mr. Asberry is a good man. I know some people who know him and he reminds me of that too, I think he has a hit out on me. But bottom line is I think this is a good situation for Ward 1 in the City of Euclid and our particular property owners can expand their influence and their ability to beautify and also remove any issues of potential blight. I'm for this and I thank you for the application.

Councilman O'Neill – Same kudos. It is a project that is helping the city. It is benefiting the city and benefiting the residents as well. I just want to take a moment and ask Director Pietravoia for any comment on these parcels of land and how it has potentially impacted the NSP fund and kind of where it is going.

Director Pietravoia – We are building an inventory of land bank lots as a result primarily of the homes that we have demolished through the NSP funded program. One step that we've taken recently is to map all the parcels and to provide them on the website with an explanation and applications related to land bank as a means of marketing the program further. NSP funds will be available for about another two years, perhaps a little bit longer. We are using those funds in the interim to mow these lots, do any clean up that is necessary after the homes are demolished. But there will come a day relatively soon when those funds will be gone, so it is to our benefit that our residents are willing and able to take on the purchase of these properties that are adjacent to their homes. We would encourage members of Council to help us to get the word out. We are intending to come back to Council in about a month, we're doing some research right now to look at the policy that was already passed and determine if we should restructure our intent on pricing since the ones that have come forward so far have all had solid reasons for being below the county market value. We need to re-look at our pricing structure to encourage more homeowners to participate in the program. We plan to come back to council with some recommendations.

Councilman Wojtila – Do you recall if both of these were acquired through the NSP?

Commissioner Beno – These two properties, the demolitions were done on these actually several years ago before the NSP funding was available. These are not strictly speaking related to the NSP program, but to the prior general fund for demolitions that were done years ago.

Councilman Wojtila – In years past we would demolish and acquire the property?

Commissioner Beno – No, what we did was we demolished the property and placed a tax lien on the property. If those taxes were then subsequently not paid, we would receive the property in return for the tax delinquency.

Councilman Gilliam moved to suspend the rules to allow a speaker. Councilwoman Scarniench seconded. Yeas: Unanimous.

President Holzheimer Gail – Did you have any comments Mr. & Mrs. Asberry? You don't have to.

Mr. Asberry – I'm doing my best to make my neighborhood a clean neighborhood and clean environment. I've been working on that lot for a long time, 3-4 years. After it was proved that I cut all the bushes off and I put it out for the garbage man and he picked it up. I'm looking forward to gardening and I want to build a driveway and everything in there. I want to improve my neighborhood.

President Holzheimer Gail – Very good, thank you very much.

Councilman O'Neill – Just one question, does the gentleman have any cousins or brothers or sisters that would like to move in there like him because we could use a bunch of folks like you to move into our city. We appreciate what you do.

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

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

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

Res. 51-2011 (281-11) Accept Firefighters Grant Equipment Rescue Squads

A resolution authorizing the Mayor, as Ex-Officio Director of Public Safety of the City of Euclid, or his designee to accept of the Department of Homeland Security 2010 Assistance to Firefighters Grant to purchase equipment for each of the front line Rescue Squads. (Sponsored by Mayor Cervenik)

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

Chief Cosgriff – I'd like to speak about the next two items on the Agenda because they are intimately related. The first item is to request Council's approval for us to accept the fiscal year 2010 Department of Homeland Security Assistance to Firefighter Grant. We were awarded this grant with approved project cost of \$71,475, with 80% of that or \$57,000 being the federal share and the city's share being about \$14,295 as awarded. I will have to caution Council that we will probably need an additional \$4,000 on top of that amount and I'd like to explain that.

In January we had applied for this grant in June of last year. In January I received an email from an Andrea Day from the Department of Homeland Security and she was asking if I would accept a reduction on the line item for the powered hydraulic cots. This was before the grant was awarded. Obviously my fear was if I didn't accept the reduction that we would not be awarded the grant. So I accepted the reduction in my email response.

The next piece of legislation is to purchase those cots. I will speak about that later. The bottom line is, if Council approves this, I figure that we will be able to buy about \$75,000 worth of equipment for about \$18,000 of city funds. These are from the category of equipment that is meant to prevent firefighter injuries and also to improve our service to the citizens of Euclid. The powered cots are the stretchers that ride in the back of the squads and they automatically raise and lower. I would like to answer any questions that you may have.

Councilman O'Neill – The Lucas devices themselves, I've had firsthand knowledge of those devices, they do save lives. The City of Cleveland Heights we have a pneumatic version of it, which is the first version that they came out with. What we are applying for is the electronic version which is battery operated, which is the newer more state of the art. The fact that we ride two man EMS units in the City of Euclid, it really provides another set of hands, it frees up a set of hands for the squad crew, especially during a full arrest situation when we may not immediately have an engine company or a hook and ladder to respond with them. They do save lives, they provide perfect chest compressions. I do recommend that Council passes this. Regarding the stretchers, they reduce injuries to firefighters who are typically back injuries by working two man squads, times when an engine company or a truck company is not readily available to assist our EMS units then certainly having the electronic assist or hydraulic assist on a gurney is definitely advantageous for the Fire Dept.

Chief the only question I have is, if this is passed tonight, when can we get them?

Chief Cosgriff – We have a quote that is good until the end of the month for the cots. We will order them tomorrow.

Councilman O'Neill – How about the Lucas device?

Chief Cosgriff – I have a quote that is good I think until the end of May. I just got that on Friday so I wasn't able to put it on this legislation.

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

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

Ord. 52-2011 (282-11) Purchase Pro-Ambulance Cots

An ordinance authorizing the Mayor, as Ex-Officio Director of Public Safety of the City of Euclid, or his designee to enter into a contract with EMS Equipment for the purchase of three Stryker Model 6500 Power-Pro Ambulance Cots for the Fire Department. (Sponsored by Mayor Cervenik)

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

Chief Cosgriff – Some additional comments in regards to these cots. When we wrote the grant we had gotten demonstrations from the three manufacturers that make these powered cots. We also contacted Cleveland EMS who uses the Stryker exclusively and other suburban departments that have these powered cots. Overwhelmingly the Stryker was recommended. We got a ballpark price for them and in our grant request, we were requesting \$11,725 for each of these cots. That was reduced in the email that I spoke of earlier to \$10,000. As it turns out the price was much closer to what our request was. We can get these cots for \$11,378 a piece, that comes with a volume discount. You wouldn't think that three would make a volume discount but three does make a volume discount when we're talking about an \$11,000 cots. They have an annual preventative maintenance program where they will come out and go over all the cots for a five year period. There is a five year warranty on them including parts, labor and travel to come to our stations to work on them.

We do about 6,000 runs a year, that's about 30,000 runs over this five year period. They are pretty confident in the quality of their cots if they're going to guaranty them for that amount of runs. I'm hoping that you approve this and I'll try to answer any questions you might have.

Councilman Wojtila – Congratulate the Fire Dept. on the grant and receiving the grant. I'm not sure that we heard about this previously but it is always great to hear when we get grant monies and we can use 80% of federal government money for much needed cots here in Euclid. Congratulations to the Fire Dept.

Mayor Cervenik – If I could just address for city council the comment the Chief made about that he's going to need another \$4,000. We also have another item tonight, (277-11), that was in the capital budget at \$55,000 and actually we're going to ask tonight to spent \$57,460. That's why we have the contingency in the capital budget. The Chief explained this situation. Director Smith will explain that we felt we needed to add a cab to this equipment as well. Many of the items we purchase will be less than that, but that's why we also have the \$30,000 contingency in there so we're able to balance things out. We will stay within the appropriations on the capital budget that city council appropriated.

President Holzheimer Gail – Is there any legislative needed? We can use contingency to cover the over cost, we don't need to amend the capital budget?

Mayor Cervenik – When you pass each individual ordinance that is over \$25,000 that's done.

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

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

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

Ord. (280-11) Settlement of Potential Litigation

An ordinance authorizing the settlement of the potential litigation with the United States Department of Justice and Ohio Attorney General on behalf of the United States Environmental Protection Agency and the Ohio Environmental Protection Agency regarding alleged violation of the Clean Water Act, 33 USC 1251, et seq. in connection with the combined storm water collection and sewage treatment system in the City of Euclid and user communities. (Sponsored by All Members of City Council)

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

President Holzheimer Gail – This will be a first reading. Any comments Director Frey?

Director Frey – The Consent Decree is on file, the draft, again just so you're aware. Once we act finally on that piece of legislation it will still need to be reviewed and approved by the United States EPA and the Department of Justice. We've gotten preliminary approval. Once the Department of Justice and EPA approve it, it will be lodged by the US Attorney with the District Court in the Northern District of Ohio. It will sit there for at least 30 days for public comment before it will take any action on it. We're not rounding third yet on the Consent Decree, we have a couple of months or so to go before that happens.

First Reading.

Ord. 53-2011 (250a-11) Amend Criteria Minority Business Enterprise

An ordinance amending Section 109.023 of the Administrative Code of the Codified Ordinances of the City of Euclid to provide additional criteria to be used when the City is determining the lowest and best bidder for a contract. (Sponsored by Mayor Cervenik and Councilperson Gilliham) (Recommended for passage by the Business & Commercial Committee)

Councilman Gilliham moved for passage, Councilwoman Scarniench seconded.

Councilman Gilliham – This legislation was actually introduced in March 7, 2011 and it went into committee on the 30th of March. The intent of this at the initial point was to utilize the state's certification for minority business enterprises to obtain State government contracts and to basically increase and diversify a qualified pool of competitors, increasing economic development opportunities. After the Business Committee meeting on the 30th, it was expanded to add the EDGE program, which is Encouraging Diversity and Growth Equity which is certified by the Dept. of Administrative Services in the State of Ohio. There was also a desire to use any County programs that certified MBE's or disadvantaged businesses. That was added to this legislation. After further research it was found that the County does not have any minority business enterprise or EDGE programs. I did not want this particular legislation to be changed before this Council meeting and I wanted all the Council members to know that we had agreed to the MBE, we agreed to the EDGE program, we've changed the preferences that gives the local businesses in the City of Euclid a 3% preference. Minority and EDGE programs will have a 2% preference.

Before we move it forward, there has to be an area on the ordinance, the fourth whereas where we have to strike out the wording of Cuyahoga County certified minority or economically disadvantaged business enterprise. That's repeated again in Section A, #2 and Section A, #10 letter C. I have spoken to the Law Director and I'm under the certainty that by striking those we can vote to amend this to remove those and then we could allow for conversation about this particular legislation.

Councilman Gilliham moved to remove any language related to Cuyahoga County certified minority or economically disadvantaged businesses or enterprises. Councilwoman Scarniench seconded.

Roll Call on Amendment:

Yeas: Gilliham, Scarniench, Jones, Minarik, Wojtila, Van Ho, Holzheimer Gail
Amendment passed.

President Holzheimer Gail – We did have a full discussion in committee so we appreciate that opportunity.

Mayor Cervenik – I thank Council, especially Councilman Gilliham for moving this initiative forward. Besides just a discount in the bid prices that's contained in this ordinance, I think it brings an awareness and a cognizance to what we need to look for in people that do business in the City of Euclid. I think it will make them more aware of the fact, these businesses need to reflect the diversity of our community, that they need to understand that it is important that people in our community, northeastern Ohio, our region are the ones that get the jobs in the City of Euclid. I think this is a great step, I'm not sure we're done yet, but this is certainly a great step and Councilman you need to be commended for moving this forward.

Councilwoman Minarik – At the last Committee Meeting my two questions I had really were not answered. The third Whereas, the City of Euclid has determined that it would benefit the local economy. That's what got me started on the whole offering of where we compromised and offered 3% preference to the local in house businesses. I got to thinking about it and I thought, it would be great because now that

Euclid is majority Black, it is very apparent that this is a community that the minorities want to move into. What if we further encourage businesses moving into Euclid by actually offering a Euclid based business even higher, 3 ½ -4%. The idea is to benefit the local economy. If we start promoting it, this City offers a 3 ½-4% incentive and really promote it to all the groups that are in the MBE's, the EDGE, I think we can actually attract more businesses to settle in Euclid. It is just a thought but I thought that would be really cool.

The question that I had that was not answered was, what determines blood-wise? How do we determine when someone fits as a Latino are an Asian or an American Indian? How much percent of their blood has to be that particular minority? I tried finding and I could not find any kind of distinguishing criteria. The best I could come up with was in Europe and it is language that determines the minorities. If I'm 49% Asian, or 50% or even less, say I'm 30% Asian but I'm 70% Caucasian, do I qualify as an Asian?

Councilman Gilliam – I would like to answer by saying this. I never heard of a blood test of any sort for any minority. You're usually defined by birth or you're defined on your driver's license. The State has this program that they verify and I don't think that there's a scientific method to that. I think that individuals who proclaim their ethnicity on the census is affirmation enough. My last name is Gilliam, but I would have a hard time proving I'm Irish. I could say Mike and I look a little alike. But the problem is that the reality of it is I think this particular situation, the administration nor I want to get involved in that. We wanted to use the certification program that was established by the State and Department of Administrative Services to use that. If a law suit were to come where an individual says well I am African American or I am Native American, that would be something that would be challenged on the State level. I don't think the City would have the authority, nor would we like to be in that position. I don't think we can necessarily determine that from a scientific point of view. I hope that our driver's license, our birth certificates, social security cards and everything else that's out there, all this information defines that. I make jest of it because even though Barack Obama is 50% White, 50% African American, he's defined as an African American by the media, he accepts that role. That's something that we just live with right now. I don't think there's been many challenges to that and there has been litigation in other areas but not related to this that I could find. That was my response to you but thank you for asking.

Councilwoman Minarik – What do you all think about getting rid of all of this and just really pushing hard and encouraging minorities and EDGE qualified businesses to settle in Euclid, we would generate profit taxes, property taxes, rent and make that kind of a push?

Councilman Gilliam – My response to that is, that might be something down the road that we can investigate. But at this point it is important that at some point, if we're able to get this passed, we can evaluate the success or the disappointments of it. This is no guaranty that an EDGE certified business or a minority business is going to get a contract. They have to apply. They have to be part of the process. It is not free tickets or free money. I think it is important to determine whether or not we're getting enough involvement and then if we see a spike in those particular areas then we could look at possibly amending it and offering an additional incentive for businesses to come to the city as well. I would be hesitant to go further up at this point, but I do believe that if we do get enough involvement from EDGE and also from minority business enterprises, there maybe a catalyst to do that. Currently there are only 14 EDGE programs in the city, nine MBE in the city, there are five that are dually certified. Some of their services the city may not necessarily need to have procure. But at some point having this in place will in some instances bring people here to be curious if nothing else and hopefully they will reside. I think we take this in baby steps and then we come to the point of saying if there's a need for it, if its an economic incentive defined by the Mayor or Director Pietravoia, then we can go ahead and adjust these numbers. I think it is a good idea but I don't want to move to fast because this is something that has to be evaluated.

Councilwoman Minarik – From Mr. Goodman, he did have one question if I can ask it. The ordinance would change criteria when determining lowest and best bidder for city contracts. His question is, has any minority bidder who came in as the lowest been set aside in favor of a higher bid? If not, why are we changing the ordinance? If there have been no transgressions, why is there a need to change the process that we have? If they've been denied equal opportunity, that's a Board of Control or administration situation. Have any businesses come in and been denied because they were minorities Mayor?

Director Frey – I'm not aware that any contractor, first of all we've never had a requirement or offered an opportunity to a contractor to identify whether they were a minority business enterprise or a disadvantage business enterprise. This would be a new item and we've never asked that question. I couldn't tell you in the seven years plus that I've sat on Board of Control that we've ever looked into the background from an ethnicity or financial prospective other than the ability of a contractor to carry out, perform the contract. To answer specifically, no, I don't believe we've ever disallowed a contract because it was either a

minority business or a disadvantage business. Nor have I been aware of any contract that has been sought and that we've rejected where the party that been rejected has come back and said that we rejected them improperly on the basis of minority status or disadvantaged business status. Again, because we've not ever made that a criteria in the bidding process, we wouldn't have any data other than those of us who have sat on Board of Control for any length of time to be able to say that minority businesses even applied for a contract with the city because we don't know. We've never asked.

Councilman Van Ho – First of all to answer the Councilwoman's question. Most of these programs certify base on culture. In other words, has the company or the individual suffered discrimination because they were and have lived as part of a discriminated group. The second thing is, as far as giving them the percentage discount. That is to address systematic discrimination. In other words maybe Councilman Gilliam hasn't been discriminated directly but the whole African American race I think that we can pretty comfortably has been discriminated and this is so they did not get the businesses started when other people did, so this addresses and gives them at least a chance to get to the table.

Councilman Gilliam – Statewide data has shown, the MBE program is only allotted 7.2% of dollars for set aside, 7.2%. That's 93% still out there. The EDGE program exceeded their goal and went to 15% and that's still 85% out there. It was designed as Councilman Van Ho said to do just those things, to eradicate discrimination but it was also designed to spur economic development in disadvantage areas or areas that have been discriminated against. Now what that means is it may have given some credence to set aside dollars but I can tell you, in the City of Euclid, the United States Census did a survey, September 2006, based on the State certification program of MBE's, between the African American and the Asian population, they were about 17% of all total businesses in Euclid. Whether this program has made major changes or minimal changes has to be evaluated, but it doesn't necessarily guaranty any shift in contracts, doesn't guaranty that individual will get contract. They have to be certified, they have to be qualified, there are numerous qualifications that they have to pass through to be in this particular program. I think it is advantageous that Euclid puts this out there. Adjacent cities have some of these programs as well. It promotes cooperation between businesses. It promotes interaction in the community and it will also bring other businesses, potentially into the city, who could by de facto want to move into the City of Euclid because they have done business here. Those are my comments, thank you very much and I hope we can support this legislation.

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

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

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

Nay: Minarik

Passed.

Ord. 54-2011 (273-11) Bids Resurfacing Lloyd Road

An ordinance authorizing the Director of Public Service of the City of Euclid to enter into a contract, after advertising for bids, for the repair and resurfacing of Lloyd Road from Lake Shore Boulevard to the southerly corporation line in the City of Euclid. (Sponsored by Councilperson Wojtila by request of Service Director)

Councilman Wojtila moved for passage, Councilman Van Ho seconded.

Director Smith – At this time I'm requesting your approval for the contract improvement of Lloyd Road after advertising for bids. This project will include the resurfacing, new curbing, under drains and driveway apron replacement. The estimated cost is \$500,000 with County Engineer's contributing towards 50% of this overall cost. The plans are complete and the project will be completed by August 31st. I'd be happy to answer any questions that you may have.

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

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

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

Passed.

Ord. 55-2011 (275-11) Bids Street Resurfacing

An ordinance authorizing the Director of Public Service of the City of Euclid to enter into a contract, after advertising for bids, for the hiring of a contractor for Street Resurfacing for the year 2011. (Sponsored by Councilperson Wojtila by request of Service Director)

Councilman Wojtila moved for passage, Councilwoman Jones seconded.

Director Smith – With this ordinance I'm requesting your approval of a contract for the 2011 Street Resurfacing program after advertising for bids. This project will include the waterline replacement streets in addition to the regular program. We're in the process of determining the streets and will provide a list once completed.

President Holzheimer Gail – I think that probably answered everyone's question, which streets. We all have streets that need to be resurfaced. Any questions?

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

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

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

Ord. 56-2011 (276-11) Bids Road Crack Sealing

An ordinance authorizing the Director of Public Service of the City of Euclid to enter into a contract, after advertising for bids, for the hiring of a contractor for Road Crack Sealing for the year 2011. (Sponsored by Councilperson Wojtila by request of Service Director)

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

Director Smith – With this ordinance I'm requesting your approval to contract for the 2011 Crack Sealing program once I advertise for bids. Typically this would be applied to streets that were recently resurfaced to extend the useful life of the pavement. Once again we're in the process of determining the streets and with this program, the paving program and the rejuvenation program, we should have the listing to Council by the next meeting.

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

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

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

Ord. 57-2011 (277-11) Purchase Lawn Mower Street Dept.

An ordinance authorizing the Director of Public Service of the City of Euclid to purchase a 2011 Groundmaster Lawn Mower, Model #4110-D from Century Equipment, 26565 Miles Avenue, Cleveland, Ohio 44128, for an amount not to exceed Fifty Seven Thousand Four Hundred Sixty and 19/100 Dollars (\$57,460.19), for use in the Streets Department, through the State of Ohio Cooperative Purchasing Program. (Sponsored by Councilperson Wojtila by request of Service Director)

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

Director Smith – With this ordinance I'm requesting your approval to purchase a Toro Ground Master 4110-D Mower for use in the Parks Dept. This unit has a cutting deck that is 10' 6" wide which will increase our efficiency. This purchase will be made through the State of Ohio Cooperative Purchasing program. The accepted bid is from Century as was indicated. As the Mayor touched base, the price is currently \$57,460.19 to be paid out of capital. The reason for the increase from the original \$55,000 when we had a cab enclosure added to this particular unit we became aware that there are other attachments available so we're not looking at purchasing that particular attachment this year other than the mowing deck but we wanted to have that option available in case we do want to outfit it with some snow removal equipment in a future year.

President Holzheimer Gail – I think we spoke about this last year and there was some issues about parks not being cut because it has a wider deck it should increase efficiency in the mowing?

Director Smith – That’s correct. Couple different issues with the current mowers but obviously this deck is twice as large as what we currently use. In addition these are hydraulically driven wing units and we seem to be having some, just with the age of the current units, a maintenance issues that are belt driven and when the wings fold up and what have you we’ve been experiencing some problems just because of the age. Not only will this facilitate based upon the size of the deck, it will certainly decrease the down time that we have with the older units.

Councilman O’Neill – To Director Smith, what is the life expectancy of this unit? I would have to say the life expectancy is going to be totally dependent on several factors. Number one we already had discussions that this particular unit will be assigned to an employee that is trained on it. That certainly is very beneficial. The second part will be the maintenance of course. Supt. Spisak strives very hard to be sure that the units are maintained. At this point in time, some of the mowers we currently have in service are from the early 1990’s, so I think that certainly speaks to our maintenance efforts and with the technology I would certainly expect to get a tremendous amount of life, perhaps ten years, but that is just a number off the top of my head because a lot of factors go into determining that particular year timeframe.

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

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

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

Ord. 58-2011 (274-11) Bids Surface Rejuvenation

An ordinance authorizing the Director of Public Service of the City of Euclid to enter into a contract, after advertising for bids, for the hiring of a contractor for Surface Rejuvenation for the year 2011. (Sponsored by Councilperson Wojtila by request of Service Director)

Councilman Wojtila moved for passage, Councilman Van Ho seconded.

Director Smith – This will be my final request of the evening. At this time I’m seeking your approval to contract for the 2011 surface rejuvenation program once again after advertising for bids. The purpose of this program is to extend the useful life of the pavement that we talked a little bit about at the last meeting that this typically will help with 5-6 years possibly longer depending upon the circumstances. Again we’re in the process of having the streets selected, we’re just trying to pinpoint that like with the other programs and I appreciate your consideration.

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

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

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

Ord. 59-2011 (279-11) Amend Code Correct Section 922.10 Sewer Assessment

An emergency ordinance to amend Ordinance No. 153-2008, passed by Council on June 16, 2008 which enacted Section 922.10 of the Streets, Utilities, and Public Services Code of the Codified Ordinances for the City of Euclid to authorize the assessment of delinquent sewer charges to be placed on the property tax bill as a special assessment. (Sponsored by Mayor Cervenik)

Councilman Gilliam moved for passage, Councilwoman Scarniench seconded.

Director Frey – When we were preparing the project to go out to collection on our sewer delinquencies as the Mayor had talked about at the Executive & Public Service meeting, we looked at our ordinance and I erred when I initially presenting this to Council for passage in the legislation that is referenced here 153-2008 and I left in the language in Section B of 922.10 that was applicable to the collection cost on tax delinquencies. This is just a purely technical correction to indicate this is assessing or allows us to assess the costs of the collection of sewer delinquencies to the rate payer that is delinquent. I would ask for your approval of this correction.

Councilwoman Minarik- I have no problem with this but at the Service Committee meeting, the ordinance I was referencing was 112-2000 and I had forgotten about this one. It says in there, it talks about assessment and collection in Section 3 and it said that every sewer rental charge which has become due and payable and has remained unpaid for more than 30 days prior to the first day of July shall be certified by the Director of Public Service, blah, blah, blah. But it also went on to talk about how these certifications will be sent to Cleveland. Are we going by the ordinance that was written in 2000 at all?

Director Frey – The problem is we can't get very good data and that has been an ongoing issue. The Mayor directed the Cleveland Department of Water that bills our sewer charges based on water consumption to send us a list of all delinquent sewer accounts. Today we received that list of all delinquent sewer accounts with names and addresses. It is our intention then to take that delinquency and get it into the collection process right now. We have not assessed to the property taxes because we've not had reliable information. We're going to fix that by taking it away from Cleveland Water.

Councilwoman Minarik – It just seems that there's a contradiction between the two ordinances, that's why I was asking.

Director Frey – We have always tried to allow ourselves a variety of options to collect. Any and all lawful means that we can think of to collect the delinquencies, this is an option to do so. Certifying it to the property taxes is an option. We may do a combination down the road. Right now we're going to take these things and get them to collections.

Mayor Cervenik – We were successful today in receiving the information that we've been trying to get for some time from the Cleveland Water department and I thank them for that information. We have sent that onto our collection agency and they are going to confirm that they have the proper account numbers, names and addresses, amounts, so they can begin collections. The thing we need to realize is as long as Cleveland Water leaving the delinquency amounts on the bill, we could not also try to do any collection activity because you can't have two sources trying to collect the same amount of money. When we hear from Weinberg and Reeves that they have the information that they need to begin collecting, then we will instruct Cleveland Water to remove all the delinquent amounts from their bill for our sewage and in the notation block it will explain that the City of Euclid and their collection firm will be collecting all prior delinquent accounts. That way we now follow the State law, the regulations that two people can't be collecting delinquencies. Then we will be sitting as I mentioned earlier, Solon is looking into doing their collections themselves, I think some others are looking to do their sewer collections as well. We going to sit down and see if we can't share that responsibility together and totally divorce ourselves of any collection activities from Cleveland Water. We have finally gotten to a point where probably in the next 30 days we can start collecting delinquencies. Putting delinquencies on a property tax bill sounds great except for the fact that because of Cleveland Water's mis-information and lack of collection actions on their own, I don't think, I know I don't and I don't think Council wants us to assess property owners for delinquent sewage bills that weren't theirs. Our collection agency will feather out those that have owe the sewer bill and still live in the home, if they don't pay those will be assessed. The other ones they will go through the normal collection action whether they're outside of the city, outside of the state. I believe Cleveland had a number of about \$3.5 million in delinquencies, \$3.6 million. I firmly believe that some of that is not collectable but my goal is to collect at least \$1.5-\$1.8 million in delinquencies over the next 18 months.

Councilman Gilliam – I have no issue with this legislation. My concern is that we are aware that sometimes Cleveland wasn't accurate with their reporting. If our collection agency were to receive that, they become the debt collectors. So they would send out a notice to a potential household. That household may want to dispute that number. Is there any type of process and I know this is going ahead, but is there any type of process that would confirm whether or not the actual amount that the collection agency is collecting is valid? There might be a delinquent account, but I just wonder, and maybe this is something that has to be talked about later, in that process is there a way to have a meeting of the minds and determine whether or not Cleveland actually billed this particular resident correctly? We've had some issues with billing with Cleveland where they've come to us and they have also raised all kind of Cain with Cleveland Water. So I just wanted to bring that up.

Mayor Cervenik – That is always part of the collection process. The statement will say something to the effect that if you dispute this bill please contact us. The problem we have many times, just as we do in our Tax Dept. is they fail to contact us. Our Tax Dept. over the years as they've gained experience has been very good at working out disputed items and this is even more difficult because of the fact as I just mentioned there are some homes that have already changed title and we're not going to assess those people for someone else's sewer bill. That's another piece of legislation that I hope to bring you very shortly just as when you sell a home in Cuyahoga County or northeastern Ohio, there is a \$200 amount

that is held in escrow for water. That is allowed by State law. Hopefully we can do it without State action, if not we're going to ask the State to have it for all utilities, city run utilities so that when someone sells a house in Euclid we have a \$200-\$300 escrow deposit held there, and when it transfers our bill will be paid out of that or the seller would get the refund. That would greatly help as well.

Thirdly, the fact that we hope to with a number of other communities bill sewer charges and collect them ourselves, that will greatly reduce the long term delinquencies to begin with because if they refuse to pay that following September they will immediately be put on the tax duplicate because at that time we know that person is responsible for the delinquencies. Yes, there certainly will be an understanding and meeting of the minds as to who is responsible for what.

Councilman Gilliam – That was my only concern because some of the residents might think, wow, and I just want to get that out there that we were clear that there could be some level of conversation to determine the validity of it and basically cure the note. Thank you.

Councilwoman Jones – Mayor do you know, this will be a new process that will be put in place, so it mentions in the legislation about penalties and late fees. Since this will be the start up part of that, will these penalties be waived? There won't be any penalties to start off with because they're delinquent accounts anyway, is that correct?

Mayor Cervenik – Under normal circumstances, no. But if a liability is determined to be a legitimate liability and collection still cannot be met or the resident refuses even at that time to make payment, then there very well could be penalty and interest assessed when it is put on the real estate tax bill.

Councilwoman Jones – I understand that, if they've been given the ability to pay it. But not up front, there won't be any additional penalties starting off?

Mayor Cervenik – No, provided they make payment when they're contacted and they legitimately owe that amount and if they pay it there will be a time period where they just pay it. Which is a lot better than what Cleveland has been doing.

Councilwoman Jones – I guess this goes along with what Councilman Gilliam was saying. This could be something that maybe hasn't been worked out yet. If there's a dispute on that amount and that dispute process is taking longer than I think it is the 90 days, will that be something where the penalties will be waived until that is figured out?

Mayor Cervenik – That's very possible. A lot depends on the cooperation of the party involved. The collection firm that we use for taxes and other things, they're very professional and they know what their goal is. Their goal is to collect delinquencies, period. They will do whatever they can. They have leeway to do those types of negotiations to waive penalties. When it comes to a point where again if the liability is agreed upon and it is a legitimate liability and that party still refuses to either make payment or to enter into a payment plan as we do with our taxes, there are some severe consequences and there has to be because it has been going on much too long where people have realized they don't need to pay their sewer bill necessarily. I think over the next 18 months all of that is going to change and we're going to see some revenues actually increase in our sewer collection.

Councilwoman Jones – My last question is, how far back do these amounts go or the list of names go that you have?

Mayor Cervenik – That we don't know. That is what we hope that the firm can figure out. I know we have at least six or eight quarters of delinquencies and then everything else is lumped into prior, from what I saw on the spreadsheet. So they're going to look at that. We don't believe that Cleveland Water has the ability to go back any farther than that. That's why I'm saying, we're not going to collect all that is delinquent but we're going to get a good chunk of it. It is very similar to when we took over our own tax collection, Central Collection Agency which is also a division of the City of Cleveland, it is not a regional group it is the City of Cleveland Finance Dept. They weren't a lot of help in many ways in identifying some of the tax delinquencies and penalties and what action had been taken to try to collect. We had to do as we will do here work with those in delinquents to make sure that we get collected fairly and treat the people fairly. We're not trying to cause any problems but if you owe a bill, you've got to pay it. It is pretty much the same thing we had with CCA. We feel now we have enough information to do a legitimate job of collecting at least current delinquencies and then it is up to the firm to see how they can skip trace and some other things to find out prior owners that did not pay their sewer bills and we can go after them as well.

Councilwoman Minarik – Director Frey, were we not able because of this change that we’re now going through, we’ve been able to use a collection agency since 2008, yes?

Director Frey – We have and we tried to do that. The problem was we couldn’t get the billing coordination with Cleveland that they would remove from the bill the delinquency. Cleveland Water extensively was trying to collect that same bill that we were trying to place to an outside collection firm. We stopped because we were clearly in violation of the law having two entities.

Councilwoman Minarik – And now they are willing to pull it off.

Director Frey – We’re telling them instead of giving them any other criteria, we’re saying if it is delinquent remove it and instead put the message we’ll take over the collection.

Councilwoman Minarik – Thanks you did say that, thanks.

President Holzheimer Gail – This is just correcting that language, sewer instead of tax. The program is in place, it has been approved.

Councilman O’Neill – To either Director Frey or the Mayor. Just for the audience that might still be listening, could you just explain how we can’t shut off the sewer like the water and disconnect their service? You get more quicker response, much quicker response if you shut off electricity, if you shut off gas and you shut off plumbing, but you can’t necessarily shut off sewer and Director Frey if you can explain how we have to jump through these hoops.

Director Frey – The Cleveland Water Dept. can shut off water and unless you want to use plumbing with a pail of water from some other source, you have effectively shut off the sewage system. The problem is not so much stopping service, the problem is in getting the service restored, you could just pay the water component and get the water turned back on. It was nothing that compelled you to pay the sewer component to be back in business. No, there physically is not a way to shut off the sewage system and the bigger issue that you can restore water and not have to pay the sewer part. We’re going to take that option away by collecting our own delinquencies.

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

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

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

Res. (265-11) Oppose Cleveland Water Rate Decrease Senior Discount - PULLED

A resolution opposing Cleveland Water Department’s proposed increase in water rates, which includes a decrease in the discount given to homeowners who are sixty-five (65) and older, disabled, or whose income falls under a certain threshold. (Sponsored by Councilpersons Van Ho and Scarniench) (Tabled 4-4-11)

Res. (265-11) has been pulled.

Res. 60-2011 (278-11) Ohio HB 99 Prohibit Driving & Texting

A resolution in support of Ohio House Bill 99 as introduced in the 129th General Assembly, prohibiting driving a vehicle while writing, sending, or reading a text-based communication on an electronic wireless communications device. (Sponsored by Councilperson Gilliam)

Councilman Gilliam moved for passage, Councilwoman Scarniench seconded.

Councilman Gilliam – This is a bill that’s being debated and the primary representatives were Damschroder, Garland and our own Kenny Yuko was a co-sponsor of this. What this bill is designed to do is address those individuals who are using electronic devices to send, read or communicate information while driving. This particular bill basically states that no person shall drive a motor vehicle, tractor, trolley or streetcar, on any street, highway or property opened to the public for vehicular traffic while using an electronic wireless communication device to write, send or read text based information. It does not prohibit emergency and safety forces from using this. It does not prohibit an individual who has to use electronic material as part of their job duties. It doesn’t prohibit individuals from GPS use. It doesn’t prohibit individuals from using voice activated hands free. In some cases there are some truck drivers or

commercial truck drivers who use mobile data terminals to transmit and receive data. It is specifically designed for individuals who would use these devices not to use them on the open public roads. It allows for individuals to pull over to the side of the road and utilize that as far as receiving messages. It does not address cell phone usage, it specifically goes to the function of texting, reading and sending information.

If this Bill is passed, there would be a six month grace period statewide so they can address the issue. This is not designed to supersede municipalities who have their own texting rules. Some adjacent communities that have this non-texting bill are Lyndhurst, South Euclid and Cleveland and there are many other communities in Cuyahoga County who have this bill as well. If there are any other questions, I'd be glad to answer them but I hope I gave you a decent summarization. Thank you.

Councilman Van Ho – This would not affect the passenger in the car, correct?

Councilman Gilliam – That's correct sir and I apologize for not stating that but that does not affect the passenger. It is the driver of the vehicle that they're concerned with.

Councilwoman Minarik – I missed the meeting where this was discussed, the committee meeting. Didn't we have in discussion that the City was considering banning texting while driving?

Councilman Gilliam – I was the one that actually sponsored that Bill, it was met by the Safety Committee, it actually died in committee. There were concerns about Euclid being the one that would have to determine the texting laws and things of that nature and the implementation of it. They were aware of a previous State bill that was being discussed. It was brought back in this 129th Assembly. The other issue was we had on our books driving while distracted which was a very broad ordinance which kind of covered everything from combing your hair to brushing your teeth or using lipstick, make up whatever the case maybe. They felt that us having this in our city might have been redundant. They proposed that we educate our young drivers about texting. Most of this is drawn out of the fact that motor vehicle accidents, some is cell phone use but the growing number is texting, the growing age population is 16-24. At that point, the Safety Committee voted to vote this Bill down, but it is coming back up in the State and this is something that would be defined by the State that the city would just be able to follow. It does not supersede local anti-texting rules that the municipality has.

Councilman O'Neill – I agree with Councilman Gilliam's statement on how that came about. My only question would be to Director Frey. If the State does adopt this law, then we would go ahead and mirror our legislation to the State's legislation and we can write that under municipal code?

Director Frey – One of the things we get with American Legal Publishing is they will send us a list of all of the State code changes in both Traffic and Criminal law. We will go through that list, we've discussed that with them about doing it on an annual basis, we'll go through that list and decide which of those State enactments we want to adopt if we choose to adopt that and in something like this we would adopt. We would have a local version that would be identical to the State code and we would have a piece of legislation that would incorporate all of those code changes into our codified ordinances.

Councilman Van Ho – If this were adopted by the State and we adopted a mirror of the State, and I don't know why but someone sued because we were denying their Constitutional Right some way, the State would have to come and defend it rather than us, correct?

Director Frey – If someone challenged the State code in a proceeding in the Euclid Municipal Court for instance, or the City Code, in the Euclid Municipal Court, our Prosecutor's Office would defend the legislation. If the State wants to, they can inject themselves in defending State Code legislation. They would have to but they could.

Councilman Van Ho – So there isn't any advantage to us really to pass it other than to show that we agree with it?

Director Frey – There is an advantage and we would collect the fine money.

Councilwoman Jones – With this be an offense if a car is on patrol, and they were found texting or using one of the devices, they would be charged with that offense then? Or, if a police officer actually sees somebody in this act while they're driving would that be an offense that they could stop them for?

Chief Repicky – I don't know if that would be a primary offense or not. Seat belt right now is a secondary offense. I don't know texting or use of electronic device would be primary or secondary. Secondary, we cannot stop for; primary we can.

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

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

Ord. (284-11) Street Lighting Assessment – Sent to Committee

An ordinance enacting a special assessment upon all property within the City of Euclid to be used for the payment of street lighting within the City. (Sponsored by Mayor Cervenik) TO BE REFERRED TO EXECUTIVE & FINANCE COMMITTEE

Councilwoman Scarniench moved for passage, Councilwoman Jones seconded.

President Holzheimer Gail – This will be going to Executive & Finance Committee.

Mayor Cervenik – I would like to make a few comments. At the beginning of the meeting it was stated that some of this money was not needed and that we assumed debt. That's really not true. This legislation, the initial legislation was actually passed before anybody really knew who Governor Kasich was and what havoc is going to be reeking upon our budget. The main reason we had an increase in the General Fund surplus last year was we received approximately \$370,000 in additional State tax revenue than we budgeted. It appears that Estate Tax revenue is disappearing from us. Also which has been unprecedented in quite some time is the administration decreased by a little over a million dollars the expenditures that were budgeted. We had \$37,709,000 budgeted and we spent \$36,681,000 and my Directors, myself and City Council should be commended for holding expenditures down.

I have asked both of these items go into committee for full discussion. I will tell you the \$2.4-\$2.6 million that these two items raise, if you take those away and in addition another \$1.8-\$2 million is taken away by the State of Ohio, we have real problems. I would like this meeting to be scheduled as soon as possible so we can fully discuss the budgetary problems that we're going to be facing over the next few years.

President Holzheimer Gail – I spoke with a number of council members too, asked when these meetings would be scheduled and we have also previously talked about an Ad Hoc committee of some type. I think it probably makes sense to plan for a couple of Executive Finance, what we'll call working sessions to talk about both of these issues, but also other long term revenue ideas, enhancements, really getting a good handle on where we are, what we'll need as we go forward. Certainly debating the merits and issues with these two pieces of legislation. I don't have those dates but let's plan on the open Monday and Wednesday in May to really try to get working on some of those issues.

Mayor Cervenik – Both these items and our long term budgets are important enough that if we don't have enough Monday and Wednesday we should meet on a Tuesday or Thursday.

Councilwoman Scarniench moved Ord. (284-11) to Executive & Finance Committee. Councilman Van Ho seconded.

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

Ord. (285-11) Solid Waste Collection Fee – To Committee

An ordinance authorizing the continuation of the solid waste collection fee for residential accounts for the years 2012 through 2016. (Sponsored by Mayor Cervenik) TO BE REFERRED TO EXECUTIVE & FINANCE COMMITTEE

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

Councilman Van Ho moved Ord. (285-11) to the Executive & Finance Committee. Councilman Wojtila seconded.

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

Res. 61-2011 (288-11) Re-Appoint Golf Course Commission

A resolution to re-appoint Rose M. Allen, Michael Byrne and Dwayne H. Pringle to the Euclid Golf Course Commission. (Sponsored by Mayor Cervenik and Entire Council)

Councilman Gilliam moved for passage, Councilwoman Jones seconded.

Mayor Cervenik – Rose M. Allen, I believe has finished a full term. She is a city council appointment according to ordinance. She has served as Chairman of the Commission. She's done a fabulous job. She's also, believe it or not, some people don't know this, she told me she's a very good avid golfer and it is great to have her on the committee. The other two appointments, Michael Byrne and Dwayne Pringle are both ending part terms, unfulfilled terms when they were appointed so they would be fulfilling a full term as well. Those are my appointments that need to be confirmed by Council. Both of them golf quite a bit at Briardale as well as other places and all three of these members have been very, very positive people and come up with some very good ideas for Briardale Greens.

Councilwoman Jones moved to close debate, Councilwoman Minarik seconded.

Yeas: Unanimous.

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

COMMITTEE OF THE WHOLE

Ms. Latana Jackson – 20200 Lake Shore Blvd. & 20210 Lake Shore Blvd. This is my first attendance at council meeting. I've been a resident here for about a year and a half. I plan to attend many, many more. I like the whole process, I just wanted to come and take a look and see what goes on here. Now that I see that, I just met my councilman outside the rotunda. I plan to attend many more. You'll see my face a lot, either myself, my mom or my daughter. Thank you.

President Holzheimer Gail – Thanks for coming.

Mr. Christopher Michael Litwinowicz – 21970 Morris Ave. Euclid, Ohio. Tomorrow is a national hiring day for McDonald's. From 9:00 until 7:00 all you have to do is go to your local participating McDonald's and fill out an application and you will be hired, the correct way.

Ward 5 Councilman, do you understand civil rights has been violated concerning equal opportunity of employment in the City of Euclid?

President Holzheimer Gail – Mr. Litwinowicz, if you would address your questions to all of us please.

Mr. Litwinowicz – I was trying not to Mayor, but my question is, you go into a public restaurant and fill out an application. Do they have the right to embarrass you in front of everybody? Take my application, take my number that was changed because I'm in Probate Court. My phone has to get cut off. My water has to get cut off. Since 2001, actually 1999 I got out of the military. I've been denied employment because of military discrimination. I also has a heart murmur. I'm giving the evidence now. Without looking at an application, you discriminated against me on every aspect except age because I'm not 40 years old and because of not being overseas or being Mexico or being Chinese. What I have here is an EEOC Civil Rights Commission charge of discrimination. Which I plan on filing with the City of Euclid against this council member. No ward, just a council member of the ward where this restaurant is at. What's wrong with that? I have the right don't I? Sorry.

I came here to let the public know that the schools are making a ground ceremony either May 24, 2011 or June 3, 2011. The times are going to be scattered. There's going to be four groundbreaking. They're going to take dirt from each and every other and go to Roosevelt which is a new school name. We're relying on our public taxpayer dollars to start it late and that's because their process. They're also going to have the band, they're also going to have cheerleaders. I hope no council wants to take and make it their opportunity to shine. At the same time I hope the kids get the chance to shine because the taxpayer dollars paid for it.

Comments was made that I'm out of order. I'm out of order. It was just told to me in Cleveland that I can make a police report. The only problem is, just like remember food stamps, it is out of jurisdiction. When you go up to a manager and all I want to do is work and what the sad thing is tomorrow I will have a job so that 10 years will stop tomorrow but in order the EEOC has been and the Civil Rights, I wish I would recognize all I want is a job. I didn't mean to take three minutes and discuss my life, but that's the basics of this.

At the same time, I'm also campaigning for other candidates in this city. If people don't act right, we'll put them on the ballot like I did Rose Hunter for Ward 5.

President Holzheimer Gail – Excuse me, Mr. Litwinowicz, comments of political nature, advocating for a candidate are out of order. If you cannot stay on order in the future, you will not be able to speak.

Mr. Jeffrey Beck – 25540 Chatworth. I just want to make a clarification Mayor. You said the \$885,000 of the lighting fee that was advanced to us last year was spent in the course of doing business last year? Because I thought I saw in the budget where it had been banked?

Mayor Cervenik – I don't believe I said it was spent, I was responding to a comment that was said it was not needed. We can't look at a budget from year to year, thankfully we don't because the increase in the cash balance in 2010, thank goodness we have it because we need to fill some holes in 2011. That is why the legislation I have is for a longer period of time than two years to have some stability to the budget of the City of Euclid. I was just commenting on a statement that it wasn't needed. We have to look beyond, maybe we didn't spend it in 2010, but we're spending some of it in 2011. I look at the budget over a 5-6 year period, not just what happened at one time. Again a majority of our increase in cash, when you look at our budget was due to tremendous cuts that we made by consolidating departments. That was my only point.

Mr. Beck – I just wanted to verify that because maybe I didn't word it right. When I attended the budget hearings last year, I was under the assumption that the garbage fees and the lighting fees were passed to fill a hole in the budget from last year, not over a 5-6 year period. What my comment by saying that it wasn't needed and it was placed in the bank instead of being paid, that's where it came from. That's where I thought that this was originally passed for a two year period in order to cover a budget shortfall of last year.

Mayor Cervenik- I know many members of City Council passed it for two years. I may have agreed that, I may have accepted that two year, but I don't think I ever let anybody to believe that I thought after two years everything was going to be fine. That was before this new administration in Columbus, what they're talking about taking away from us could be devastating. That's why we will have that full discussion in the Executive & Finance committee.

Mr. Beck – I look forward to that, thank you.

Mayor Cervenik – I do appreciate your comments and your ability to be involved in our community, I met nothing by that.

Mr. Beck – Thank you Mayor. On March 7th, I came before this Council with a proposal to lower the income tax in the city from 2.85% to 2.5%. At that time I stated my reasons as to why this would be a prudent move. In the past six weeks I haven't heard any feedback and I'm wondering what if anything has been done to open a dialogue on this issue. If you could let me know as well as the rest of the residents in this City where Council is on this issue, I would appreciate it. Thank you.

President Holzheimer Gail – There have not been formal discussions about that yet. I'm hoping to over the month of May have several working sessions, Executive and Finance Committee meetings that we need to really start discussing any proposal that has been brought before us, any ideas Council has in conjunction with the two items that are placed in committee. We'll make sure those dates are well publicized and they are open to public participation and comments.

If I could go back to an issue brought up by the previous speaker. If there is an issue of violation at a business, is there any reason that anyone in the city would be involved in such an issue?

Director Frey – The City does not have authority over the hiring practices of private employers. Mr. Litwinowicz and I had that conversation last week. He's seeking the appropriate redress with the Ohio Civil Rights Commission, that is who has jurisdiction in contemporaneous with the jurisdiction of the Equal Employment Opportunity Commission, it is not the City of Euclid.

President Holzheimer Gail – I wanted to make sure that was not misunderstood by anyone watching. That completes our public comments and brings us to Council Members' Comments.

COUNCIL MEMBERS' COMMENTS

Councilwoman Jones – As the Mayor mentioned before earlier this evening, the Relay for Life event is May 13th at 6 PM and goes until Saturday, May 14th. It is a very worthy cause to donate to. You can donate to the teams ahead of time, or you can come in and enjoy the festivities of the event. It will take place at the Euclid High School track. The whole idea is there are about 18 teams and at least one person from each team walks around the track the whole time. It is a fun event. There will be games, there will be music. It is a fun activity for family as well. If you want to participate as a team member, you can do that by going on the Euclid website or you can give me a call 216-570-4738 or the Euclid website, www.relayforlife.org/euclid. That will take you to the Euclid Relay for Life website. You can see all the teams that are there. You can even donate online as well. Donations are being taken now, you don't have to wait until the event to do that.

I also want to thank Euclid Hill Villa for their Harvest for Hunger Pancake Breakfast, this past Saturday. They collected a whole box full of items for the Hunger Center that they will donate those items to. Thank you to all of those who did the cooking of the pancakes, it was very good.

I want to wish everyone who celebrates Easter, Happy Easter and a Happy Passover for those that celebrate that. Have a good evening.

Councilwoman Minarik – Last opportunity and then I shut up. The Rain Barrel sale is going to be Saturday, April 30 and it runs from 10:00-12:30. We will be taking orders through Wednesday. The only reason for that is because I am taking a barrel to the Euclid Hospital for Earth Day so we'll extend the deadline two more days. If you want to buy a barrel, it needs to be ordered ahead of time. Call me at 216-486-9513.

The next thing is, East 185 Alive, is Saturday, May 21st, 11 AM, a parade will go from Neff all the way to VASJ. It will all be centered around families. The Euclid Fire Dept. will have their truck in there and hopefully we'll have Touch a Truck afterwards for the kids. We've got the Euclid Seniors marching in the parade, Collinwood Seniors. We've been assured the two high schools will be kept separate, a decent distance. It should be a good time. It starts at 11 AM and the street has the sidewalk sale afterwards at 5:00.

I just wanted to close with commenting on Passover and Resurrection Sunday coming up. I think when these two days are close together it is tremendous. Throughout the Old Testament it is very interesting, the first Passover brought healing to the Israelites because they moved, they had to walk through all that desert. If you read Exodus, they will heal. Then with all the stuff that happened. Whatever you read of a King that brought back Passover in the Old Testament, healing, physical healing was always the result of the people holding the Passover. Which I think is fascinating because in the Christian Church, Jesus Christ is the Passover Lamb. To this week of Passover and Resurrection Sunday for the Jewish and the Christian faith is a great time of physical healing and redemption. For those who are celebrating Passover this evening and for the next six or seven days, God Bless you and for the Christians have a tremendous Resurrection Sunday. Thanks, goodnight.

Councilman O'Neill – I also would like to join voices with other members of Council wishing our Jewish residents a Happy Passover and this coming Sunday to the Christian residents of Euclid, Happy Easter to them as well.

I wasn't going to speak to this but this has been going on quite a bit now. The previous speaker that seems to be reprimanded every time he comes to the podium, at some point maybe some action needs to be taken. I don't know exactly how many times, I certainly am a proponent of free speech, but it seems like rule violations seem to continue every council meeting. I'll leave it to you to judge what is appropriate from that point on.

Mayor Cervenik we had discussed earlier maybe a month or so ago about possible mailbox with a drop off delivery on the north side. Could you comment on that?

Mayor Cervenik – We were on the phone again today, I'm not going to mention the individuals by name, either the stores or the developers, but we have one store that has sent to their home office the information we received from the post office to be a contract unit post office where they would actually have a facility either in their customer service or somewhere in their store where people could bring packages or letters that need to be weighed. It would still be in downtown Euclid which we don't have right now and then the post office will pick those envelopes and packages up once a day. We're also working with another developer who has just redone a shopping center and he believes he has a great place for a drop off mailbox where you don't have to get out of your car. Someone said they should be together. They don't need to be together because the store that has the retail shop, the people need to get out of their car to get a package weighed. We're trying to get that done and at the same time have a very convenient, obvious place for the post office box with the scoop on it so you can just slip it in and be on your way rain or shine. We should know within the next 30 days where that's going to be. We'll know probably in the next two weeks if the first store we approached about the retail office wants to do it, if not we'll go to the next one and we feel is appropriate. It is our plan to have postal services back in downtown Euclid business district.

Councilman O'Neill – I appreciate the efforts Mayor, I know we've talked about it for quite awhile and I have received some phone calls from some of the residents in Ward 5. It is a service that was taken from us but we are working diligently with the private sector to try to restore, maybe not all that service but at least a decent portion of it. I thank you for your efforts Mayor.

To the folks on 212 where the waterline has started, I appreciate your patience along with some of the folks that were on 214, although this project is much smaller and will be done much quicker. I have been over there a couple times with some perceived issues with some of the catch basins but understand that Lee Bock from the Service Dept. and our Engineering staff are there on a fairly regular basis.

Before the project is completed there is a punch list that is gone over and any issues that might arise, it is brought to the attention of Director Smith, and the catch basins will be, correct me if I'm wrong Director Smith, but they will be vacuumed before the street is basically turned back over to the city, which is part of our pollution control program. With that I'll say goodnight and Director Smith if you just wanted to comment on that.

Director Smith – What you said is correct. Mr. Bock does spend a lot of time out there with some other personnel. If there's an issue, if they bring it to either someone on council's attention or directly to my attention, we'll certainly see that it is taken into consideration.

Councilman Wojtila – Very excited about tomorrow night, April 19th, and it is the joint meeting between the Planning & Zoning Commission and the Recreation Committee of Council chaired by Councilwoman Jones. That meeting starts at 7 PM where we'll be discussing and reviewing the Memorial Park Concept Plan. Tomorrow night, April 19th, 7:00 PM here in Council Chamber and hopefully we'll have a good turnout.

Councilman Van Ho – A question, could we do a Saturday meeting possibly and get all of these done, these problems or challenges or suggestions that have come up for Executive Finance and maybe spend the day, rather than breaking this up into 4-5 evenings? I can tell that the Council person from Ward 4 doesn't especially like that idea. Just a thought.

This question I'm not sure will be directed to Director Smith or the Chief, are our new signals coordinated yet; the million dollar deal from the State? Going up and down, the ones on 222 just don't, the way they operate just don't seem to make sense. I almost like the old ones better. You can comment on that when I'm done please.

I would like to compliment the police on the quick response and arrest of the people involved in the shootings and eventually murder last week. In talking with the Chief, I guess we've gotten everybody? I'd say that's pretty good.

To everyone Happy Easter and Happy Passover. We miss you Councilman Langman so hurry up and get back.

I would like to thank Director Smith and the Mayor, Scott Reese and Lee Bock for coming out and looking at the flooding problem that is going on 250th, especially to Director Smith for agreeing to meet with people on Wednesday. They are just trying to figure out what is going on and if there's anything that we can do to help them. I know that Director Smith and his people have been putting their heads together and trying to figure out what is the best approach and if we can do anything to help them.

I would like to agree with Councilman O'Neill on our speakers that break decorum. If they're new I can appreciate that they may not know what's going on, but if they know and continue to break the rules then I think we need to do something to stop that. This body should not be used as a campaign forum for anybody. It should not be used to push personal agendas. If people want to threaten me with finding someone to run against me, so be it.

Director Smith – The signals, it has been awhile since we touched base on the signals but when this project initially got underway the engineering aspect was to go out and obtain counts at all of the intersections and get some type of idea of the traffic movement citywide. To answer your questions, the signals are coordinated on several different loops throughout the city, specifically like 222 St., those signals are coordinated up and down the route. That's not to say there's still ways to adjust the timing. There's issues with the loops from time to time. The short answer is yes, they are coordinated specifically 222 Street. If there is a specific concern, I still hear a few but they seem to be dwindling down with time.

Councilman Van Ho – Can you look at 222 and Fox because I feel like I spend an inordinate amount of time there when there's no traffic coming on 222. I thought one of the reasons we got the new signals was the ability to adjust so that if there was no traffic on 222 they would react sooner because that would cut down on congestion and pollution and so forth. It just seems like there could be nothing coming and this is the middle of the day, it is not midnight. You just sit there waiting for whatever timing that's happening and we could have done that with the devices that we had 30 years ago. I'd appreciate it.

Director Smith – We can do that.

President Holzheimer Gail – Just wanted to announce a couple of, I guess one meeting. JJR our lakefront development consultants will be back in town the week of the 25th & 26th. They will be meeting with stakeholders, our meeting will be the 27th, sorry I didn't mean to confuse you. They'll be meeting with stakeholders with the Steering Committee and as part of that we will be having a public meeting here, Executive & Finance Committee meeting on Wednesday, April 27th starting at 6:30. They will review their progress, specifically including the Euclid Public Fishing Pier concepts and design plan and the central shoreline update. Wednesday, April 27th, 6:30 with JJR lakefront consultants.

We received the monthly finance report that was dated April 13th, shows us the revenue and expenditures through the end of March. March we were ahead of projections. We'll hold this until we have our series of finance, certainly everyone take a look and if you have questions, but May it looks like we will be meeting several times to discuss budget issues and finances. Regina just gave me the available dates in May, include 9th, 11th, 18th, 23rd. There will be a Parks & Rec Committee Meeting on May 4th and an Assets on May 25th. I'll send an email to everyone, I'm open to Saturday. I know there are some council people that have conflicts on Saturday but we'll get the best dates for everybody and let's plan on several meetings to get these discussions moving. With that, I as well would like to wish everyone a Happy Passover and Easter, many blessings to us all.

Councilman Gilliam – I have a lot to say which is unusual because I try to close out with information but the most important information. First of all I want to thank Director Smith and Scott Reese. They had met with some residents of the Indian Hills Neighborhood Association on Shawnee and Genesee. There were some issues of flooding and concerns about what was going on in our community. I want to thank Director and Scott Reese for one having that meeting and two they were able to identify where there might be potential problems and they corrected those issues and that was through the use of a camera. The effort put forth was worthy and it was definitely respected. I'm hoping that the issues that have happened in the past do not repeat themselves. I want to thank you very much for that.

I also wanted to announce that on the 9th of April, Heritage Park Neighborhood Association had an Easter Egg hunt, I wasn't able to attend but my daughter, my wife and my son attending and they enjoyed it and my daughter spoke very highly of all the activities there. When an eight year old tells you it is great, it was probably even more exciting than you could imagine. I would also like to thank the Easter Bunny that attended, he was quite slight and tall, but at the end of the day it was good for Mayor Cervenik to come down and just be with the children and some of the adults who act like children and be able to enjoy Easter with them.

Some other good news is that on Saturday, April 30 and Sunday May 1st, if necessary, Council had approved capital budget to improve the landscaping on Grand Blvd. and Euclid Avenue hill. The Mayor has spoken to me about working and I will work on that particular day, it starts at 8 AM. I am asking volunteers from Ward 1 to attend, this is a beautification process that will represent your whole entire ward, it also represents the city as well. I will be in attendance. I will be asking members at the Euclid Villa Association meeting which is this Thursday at 6:30 PM at the Euclid Police Mini-Station on Euclid Ave., not the Library, the Police mini-station. At this meeting you will hear from Asst. Law Director Kelley Sweeney, who will talk about some of the nuisance issues so we can get a full understanding of what is enforceable and what is not. You will also be there to hear Dr. Joffrey Jones speak about the May levy. I just wanted to put that information out there.

Let me just check my notes real quick. The other concern that I've had that I've talked to Commissioner Beno about, Roseland Ave. in Heritage Park, there are four buildings that need to be addressed and I made Director Beno aware of it and I just wanted to let them know the neighborhood of Heritage Park that we are looking at Roseland Ave., there are some issues that need to be addressed and Commissioner Beno has promised me and I'll follow up to see that we can address those issues.

A new business in Euclid is on the corner of, actually E. 193 and Roseland, it is called Ms. Mississippi's Barbeque. The food is good, I've been there quite a bit. I hope that you're able to come down and enjoy it as well. Ms. Robinson is a very nice lady and at the end of the day her prices are very reasonable, so I won't be moving to far, I'll be able to eat maybe around the corner now.

With that being said, I have one serious comment to make. I met with the Indian Hills Neighborhood Association in Euclid Villa last month. There are issues in every part of this city that some of us are not used to and we have to basically rely on the police or fire or any other safety issue, but we also have to rely on us. What I mean by that is I've talked to many members of our community that say neighbors tell them to call the police, or can you do something and I think at this point I just want to be direct. Every community faces challenges. What determines the outcome of this community is what we do about it in conjunction with what our city does about it themselves. So I'm asking residents if you see something that you know is not right, please call the police department, 731-1234. You don't have to leave your name but if you do, the police can call you back to get an update if there's a possible problem, has it gotten worse or has it gone away. Many parents were talking about some of the youth is our neighborhood. It takes a phone call sometimes to address those issues. There was a question about police presence and I saw that there is an increase in police presence in Ward 1. They're driving through the day, they're driving through the evening. Residents have called and spoken to me about those things so they're appreciative of that. What I see happening is that I'm only getting phone calls from about 20 regular people who say they call the police. There is over 300 homes in the Indian Hills Neighborhood Association, there are quite a few homes in Euclid Villa and also Heritage Park. Utilize your phone, your cell phone, your landline. If you see something that's disturbing, call the police department at the non-emergency number. It takes more than a few people to correct problems and these challenges that are in our neighborhood can only be corrected by cooperation of us utilizing the services that are available,

reporting them and also the police being able to react to them. With that being said, that's my comments for the evening and thank you very much.

Councilwoman Scarniench – First of all, Happy Easter and Happy Passover to all of our residents. I, too, would like to thank Asst. Service Director Lee Bock. We recently had a meeting with the residents of Effingham where they learned about the waterline relining and what is going to take place in that neighborhood, I'm assuming it started today and will go for the next couple of months. It is going to be a little dirty but it should be all great when it is all done. Also to Director Smith and Scott Reese for attending the meeting with the residents. We did a combined meeting so that my residents on 219 and David residents all got everything all at once. It worked out well, I told them, I'll check with you next week and see what our plan of action is. You can expect that phone call later next week.

Congratulations both to the Fire Dept. and the Police Dept. on a job well done. Everybody got out safe. We've got people in jail that belong in jail. Hopefully the building that was on fire will be salvageable. I'm really glad the mutual aid and no one was hurt. Great effort from all of them.

This Saturday, Living Waters Church of God, the corner of 250 and Lakeland is their Annual Easter Egg Hunt. It starts at 11:00 and there's thousands of eggs out there, so hopefully the rains will hold out and the kids can go out and have fun, they always do.

Special thanks goes out to the Euclid Sports Plant. Everybody talked about the Spring Fling, it was a lot of fun, it was a little different this year. Where there's normally a lot of young families with kids, these were a lot of older residents and their dogs, it was really great, they had a good time. Euclid Sports Plant donate all of the food that Euclid PetPals was able to sell that day so kudos to them for helping out a worthy cause. Hopefully one of those puppies got taken home, I don't know. Did I hear that somebody in your office might have rescued a puppy?

Mayor Cervenik – We believe so. There's plan underway.

Councilwoman Scarniench – That was a cute puppy. Last but not least, the Friends of the Henn Mansion are doing their Flea Market, April 30th from 9-4:00. I know they have a preview night but I forgot to write that down, the night before but it costs \$5 to get in. It is 9:00-4:00 on the 30th; with that, goodnight.

ADJOURNMENT

Councilwoman Scarniench moved to adjourn. Councilwoman Minarik seconded. Yeas: Unanimous.

Attest:

Clerk of Council

President of Council