

## COUNCIL MINUTES

May 2, 2011

The regular Council Meeting was held on Monday, May 2, 2011 at 7:00 PM in the Euclid Municipal Center Council Chamber. Council President Holzheimer Gail presided.

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

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

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

A moment of silence was held for Police Sgt. Kevin Blakely.

## COUNCIL MINUTES

Councilwoman Scarniench moved to receive the Council Minutes of April 18, 2011. Councilwoman Jones seconded. Yeas: Unanimous.

## ADMINISTRATION REPORTS & COMMUNICATIONS

Mayor Cervenik presented a Proclamation to American Legion Auxiliary Unit 343 Miss Poppy Alexis Ball.

Mayor Cervenik presented to Mr. Rick Trivisono the Director of Customer Logistics and Community Affairs at Lincoln Electric, Resolution 62-20111 congratulating The Lincoln Electric Company as they celebrate one hundred and fifteen years of service.

Mayor Cervenik presented to Dr. Joffrey Jones, Superintendent of the Euclid Public Schools, Resolution 63-2011 commending the Board of Education and administration for responsible spending and operating the Euclid City School District.

Mayor Cervenik presented to Mr. Dave Hiscott and members of the Chardon Hill Association the Adopt-A-Spot 2010 Blue Ribbon Award.

President Holzheimer Gail – Mayor, I think we would be remiss if we did announce for those watching who might like to become involved with an Adopt-A-Spot how they can do that. This year the program is being handled out of your office and Lisa Mayernik is taking the calls.

Mayor Cervenik – Yes it is, 289-2786 or 289-2751.

President Holzheimer Gail – It is a great way for neighborhood groups or individual residents, community groups, I see a couple of Boy Scouts in the audience from Our Lady of the Lake Troop, welcome. Good way for organizations to get involved in improving our community. Congratulations to the award winners.

Mayor Cervenik – We sent out an email and there was some news programs today regarding We Hear You American. It is the Reader's Digest Program where they visit 100 towns. They delivered to us a \$1,000 check. There was two people who wrote to Reader's Digest when they heard about this program. One was Sherrie Zargorc who runs Kiddie City, but also the 200<sup>th</sup> Street Stroll. The other person was Jackie and I don't have Jackie's last name, but Jackie works for Reader's Digest and she's a former Euclid Ohio resident. Jackie thought that she should nominate Euclid and try to get Euclid some of this check in order to reinstitute the fireworks. The whole part of this award was communities eliminated some of the things that are quality of life issues that they were so used to. I told Jackie that she's going to have to come back 100 more times, if she thinks the fireworks are going to be paid for with \$1,000.

The other part of this program which I was not aware of until today is if you go to [www.rd.com](http://www.rd.com), which rd stands for Reader's Digest, and cheer for your city, which is Euclid, I think you can cheer as many times as you want. I did get on the website but got called away. There is the ability for them to come back into town this year with as much as \$40,000 for another program. We will be putting this on our website encouraging people to do so. I'm not sure when the dollars would come, if in fact we could win, boy it sure would be nice to get \$40,000 to get some special things, whether it is fireworks or not.

What we're doing with this \$1,000; \$500 will be used for a lot of the expenses that go on at the 200<sup>th</sup> Street Stroll. As I explained to Reader's Digest as well as the model, Nikki Taylor who used to be on the Apprentice show, that was one of the things, we did lose our fireworks but a number of other quality of life things came up like Relay for Life and E. 200<sup>th</sup> Street Stroll. They're going to receive \$500 to help alleviate some of those expenses.

We're also going to be receiving a piece of metal, of the World Trade Center from Ground Zero, that we feel would be appropriate, sort of ironic after last night's news, that we will put a showcase together and have that piece of metal in there because throughout the United States, this year, 9-11 will be the 10<sup>th</sup> Anniversary and there's going to be a unified recognition and remembrance of that tragic day. Get on line and start clicking and cheering for the City of Euclid, [www.rd.com](http://www.rd.com). It was a great gesture that they gave us.

A couple of other items of good news. We had our lakefront meetings this past week and they went very well. We had presentations about the expansion of the break wall. We also were able to announce that we went down to speak with the County Council and we were able to obtain \$150,000 grant, not a loan but a grant, for all of the asbestos and environmental remediation at the three properties at St. Robert's, which is a great thing. Those properties will be asbestos and environmentally free and clean.

We also received notice last week that the State of Ohio has recommended that the federal government give us a Coastal Management Grant to the tune of another \$60,000 towards the lakefront. We requested \$100,000, with the environment right now getting \$60,000 would be very, very good. The plans are very exciting. We expect when the pier is completed and other work in downtown is done, the economic development will continue to improve and bring even more businesses into the community. It is a very exciting time, I feel.

Tax results for April, unofficial, we are approximately \$265,000 ahead of projections, which I believe puts us at about \$160,000 ahead for the year in projections. We've got a long way to go especially with the budget cuts that we're expecting from Columbus sometime in June, but that's a good sign. A lot of our larger businesses seem to be hiring and that is showing up in the payroll taxes they're giving to us. I want to congratulate the Tax Dept. on their hard work the last two weeks, tax season. They work hard all year but that's an especially trying time for them.

Tomorrow is Election Day, there is only one item on the ballot, the Issue 2 School Levy. Thursday, May 5<sup>th</sup> we are observing the National Day of Prayer here at City Hall at Noon. We kindly invite all of every faith, religion, belief and otherwise background to please come and join us for an hour of prayer, reflection and getting to understand and know each other all just a little bit better.

Happy Mother's Day to all the Mother's this Sunday, May 8<sup>th</sup>. Everyone may not have had the joy or had the joy yet of being a mother, but even if you're not a birth mother you still can be a mother in other ways and don't take that the wrong way anybody. What I mean is any one who helps someone else big or small, they should celebrate Mother's Day. If you no longer have a mother, remember her as well because she did love you.

Relay for Life, May 13 & 14 at Euclid High School. It is live entertainment, food, kids activities and more. They are up to 21 teams, 165 participants and as of yesterday afternoon, they had raised online \$28,000. We ask you to come and join in the fun on the 13 & 14. Bring a few bucks with you and they have all sorts of fundraisers at the High School, or you can just go online and make a donation. It is a lot of fun, this is the third year for the City of Euclid. Besides having fun we raise money for the American Cancer Society. A lot of the money that is raised through this program is not just for research, it is to support the family and to support those that have whatever form of cancer to deal with the problems and to deal with the cure. It is just an all around good event. You see some signs around the neighborhoods, that is just advertising the Relay for Life. Hope you all can make it there. I believe I have covered everything on my list. Thank you.

#### REPORTS & COMMITTEE MINUTES

Councilwoman Scarniench moved to receive the Police Report of March 2011; Board of Control Minutes from April 11<sup>th</sup> and April 18<sup>th</sup>, 2011. Councilwoman Minarik seconded. Yeas: Unanimous.

President Holzheimer Gail – The lot split has been withdrawn.

#### COMMITTEE OF THE WHOLE FOR LEGISLATIVE MATTERS ONLY

President Holzheimer Gail – Seeing none, we will move forward with the Agenda.

#### LEGISLATION

##### **Ord. 64 -2011 (246-11) CT Consultants Engineering WWTP Wet Weather Facility**

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.

Director Smith – In review these plan improvements will include the replacement of the existing rectangular clarifiers number 1-4 with the first two of six new circular clarifiers, 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. As a result of these improvements our treatment capabilities will increase from 35 mgd to 66 mgd prior to reaching the point of by pass to the wet weather facility. The engineer's opinion of probable construction cost is in the amount of \$7,500,000.

At the March 7<sup>th</sup> Council Meeting this item was sent to the Service Committee Meeting. During the April 6<sup>th</sup> 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 15<sup>th</sup> I had provided Council with a comprehensive explanation of the services and noted the complexity involved with this project. In addition to this information I have also provided Council with a summary of current and pending engineering contracts for your awareness.

At the April 18<sup>th</sup> Council Meeting a request was made for additional fee breakdown. On April 27<sup>th</sup> I had provided this detail and received no further questions as of this date. In addition I have checked all math and it was correct as noted on the contract. At this time I am requesting your authorization to contract with CT 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. Appreciate your consideration of this matter.

Councilman Wojtila – I would like to make a comment and then a question. I did claim that there was an error last meeting that I was at. It had to do with the base design services being 90% being 90% of the base design fee. I did not see the 90% so I kept thinking one of the numbers, 460 or 414 was an error, but it was not. That difference actually becomes the letter B on the breakdown sheet.

I do appreciate the breakdown that we were given just this last Friday, the 27<sup>th</sup>. I have only one question and I wish I had asked this earlier during the day. All three of these agreements, are they all based on hourly effort? So what the consultants spend based on their hourly rates and the folks doing their work, then they submit an invoice and then we pay based on that invoice. If they were to do it less or at some point down the road if things change or whatever especially under construction phase, we wouldn't be paying that. I want to make sure because I didn't think I saw in the proposal, but it is based on hourly rate with a not to exceed amount?

Director Smith – Mr. Steinhelfer is here from CT as well to help assist with any questions that you may have. No, I believe and please correct me if I'm wrong but this is a base fee for the design of these components and then other items as far as the design supplemental services are broken out and will be based on a contractual or hourly basis.

Councilman Wojtila – So the base fee is not an hourly it is just a lump sum fee?

Director Smith – That is correct.

Councilman Wojtila – How about construction services?

Director Smith – Those are both related to the cost of construction. It is very possible that fee would vary should the construction amount come in at a lower amount then the fee would be adjusted accordingly. The same holds true for the construction services, with the exception of the design supplemental services.

Councilman Wojtila – The design supplemental service are basically all a cart, so what they do one of the tasks they get reimbursed for that task?

Director Smith – Correct.

Councilman Wojtila – But the construction phase is not hourly, they provide that service, they invoice a lump sum over the contract duration.

Director Smith – Correct.

Councilman Wojtila – Was there any thought to doing it hourly?

Director Smith – For this particular contract prior history, this is the way the majority of the CT contracts have been worded. The second project that I will be reviewing tonight, that is actually set up on an hourly basis just based on the type of work that it involves.

President Holzheimer Gail – Director Smith at the last Council meeting it was requested that if this came back for the second reading that you would like it to be amended to an emergency ordinance, is that still the case?

Director Smith – That is correct. As I had indicated previously, I don't believe at the last council meeting but prior to, we do have some specific reporting deadlines to the EPA. Approximately a week ago I requested an extension of those deadlines of another 30 days. I prefer not to go back to the EPA again and make another extension.

Councilman Langman moved to amend Ord. (246-11) to an emergency ordinance. Councilman Van Ho seconded.

Roll Call on amendment:

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

Amendment passes.

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

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

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

**Ord. 65-2011 (248-11) CT Consultants Engineering US EPA Consent Decree**

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 Langman seconded.

Director Smith – This project has also been reviewed in detail. The scope 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 this 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 upon hourly rates. The initial fee has been estimated at \$337,000. At this time I am requesting your approval of this contract.

President Holzheimer Gail – For those watching at home, what that emergency means is rather than waiting 30 days for the ordinance to go into effect, it would go into affect after it is signed. This was introduced in March, we did have a committee meeting in April. It was first reading at our last Council meeting, so we have had many discussions on this. In order to make sure we meet the deadlines we felt it was important to act quickly.

Councilwoman Scarniench moved to amend Ord. (248-11) to an emergency ordinance. Councilman Gilliam seconded.

Roll Call on amendment:

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

Amendment passes.

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

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

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

**Ord. 66-2011 (249-11) CT Consultants Engineering Swirl Concentrator**

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 Gilliam seconded.

Director Smith – This project has also been reviewed in detail. This contract includes the design and construction observation of the swirl concentrator with disinfection at Upper Terrace. This is the location of CSO 14. This work has been identified in the long term control plan as being necessary. The engineer's opinion of probably 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 be a multiple year contract as well.

President Holzheimer Gail – Again the request was made to amend to an emergency ordinance.

Councilwoman Scarniench moved to amend Ord. (249-11) to an emergency ordinance. Councilman Van Ho seconded.

Roll Call on amendment:

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

Amendment passes.

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

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

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

**Ord. (280-11) Settlement on Violation of Clean Water Act**

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, Councilwoman Jones seconded.

President Holzheimer Gail – This is the second reading. We'll go all three readings, any comments Director Frey?

Director Frey – No, we'll just move this to a third reading please.

Second Reading.

**Ord. 67-2011 (290-11) New World Systems Software**

An ordinance authorizing the Director of Finance of the City of Euclid to renew a contract with New World Systems, Inc. to provide software support services to the City's financial, payroll and community development systems for a three-year period. (Sponsored by President Holzheimer Gail by request of Finance Director)

Councilwoman Gilliam moved for passage, Councilwoman Scarniench seconded.

President Holzheimer Gail – Council members will notice there was a revised copy on your desk. There was a typo in Section 2 that listed the years. The second year reads August 1, 2012 through July 31, 2013; so it reads three years in a row. There should be a copy on your desk.

Director Brett – This particular renewal is for the primary software that we use in the city. Ten of the modules are used for financial management suite which is everyday accounts payable and financial reporting and control. Three are used for payroll and human resources. Seven are used for the community development suite, that's available. This will extend the maintenance contract for three years and there will be slight increases over that time of 4% and 5% in the second and third year. It is a very good package that we've been using and it meets all of our needs at this time.

Councilman Van Ho – For people in the audience and at home watching, can you explain what support services we're paying for?

Director Brett – This is for maintenance service on the software that we have. It includes upgrades, whenever they upgrade the software. If we ever run into any problems we would have a technician from the software company interact with us to correct that.

Councilman Gilliam – This particular company, New World Systems, is this software exclusively their software? Or, is it something we purchase that they just have the authority over and the capability to maintain and provide technical assistance?

Director Brett – No this is their software, New World Systems.

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

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

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

**Ord. 68-2011 (292-11) Chest Compression for Fire Dept.**

An ordinance authorizing the Mayor, as Ex-Officio Director of Public Safety of the City of Euclid, or his designee, to enter into a purchase agreement with Physio-Control, 11811 Willows Road, NE, Redmond, Washington, for the purchase of three (3) Lucas 2 Chest Compression Systems for the Fire Department. (Sponsored by Mayor Cervenik)

Councilman Langman moved for passage, Councilman Wojtila seconded.

Chief Cosgriff – As we discussed at the last council meeting, the Fire Dept. applied for the Department of Homeland Security Assistance to Firefighter Grant in June 2010. We were awarded the grant earlier this year and at the last council meeting Council voted to accept the grant. Also at the last Council meeting Council approved the purchase of the hydraulic cots, which are designed to prevent firefighter injuries. This legislation is the third piece to this Assistance to Firefighter Grant and it is for Lucas Chest Compression devices, which is a device that is designed to provide more effective chest compressions for a person in cardiac arrest. I can go through and bore all of you with the statistics regarding the American Heart Association recommendations for the thresholds for maintaining coronary perfusion pressure during CPR and the higher rate of a return to spontaneous circulation when these devices are in use. But the bottom line is, there's a better chance for survival for patients in cardiac arrest. These devices make it safer for the firefighters to use it especially while transporting someone while doing CPR in the back of a squad. Based on the fact that over the last few years we average nine cardiac arrests per month, these devices will save lives. The price for these devices is a state contract pricing. Unlike the cots we were awarded just what we requested. So the City will only be responsible for 20% of this cost, or a little over \$8,000.

Councilman Langman – Chief Cosgriff, just curious about the device. Can it be used on children also if they are in cardiac arrest?

Chief Cosgriff – No, this is for adults only.

Councilman Langman – Can it be used for any type of adults, they maybe overweight, they maybe elderly?

Chief Cosgriff – They are an adjustable device. I'm not sure that I can sit here and say they will work on everyone. For the vast majority of adults, we will be able to use them.

President Holzheimer Gail – Is there additional training that will be needed for the officers to learn how to use this device?

Chief Cosgriff – They have already been trained in it. We have a device that we are evaluating and it has been in use on our Rescue 1. They've gone through the training for it. It is relatively simple to use.

Councilman Van Ho – Just a note to the Chief, thanks for the fact that you guys go out and find as much money as you do from other governmental entities so we can keep our money and stretch it as far as we can.

Councilman Gilliam – Do firefighter staff have to be re-certified on an annual basis to operate this? Secondly, what is the lifeline of this purchase, if we purchase this property today, is there sort of a lifeline before we have to go back to looking at replacing these particular chest compressors?

Chief Cosgriff – They are a relatively new device. They have already changed how they are powered. In the older version of the Lucas devices they were powered by air pressure from an SCBA bottle. They found that was somewhat problematic so they have gone through to lithium ion batteries, rechargeable batteries. It depends on how much you use them. The bottom line is this is something, this is state of the art treatment, the recommended treatment. There is a significant difference in the survival rate of people that are treated with this device and I think we have to have them, especially with a city that is as busy as ours.

Councilman Gilliham – I’m not disputing the purchase, so there’s a battery inside that could be replaced, correct?

Chief Cosgriff – Yes. They each come with two batteries.

Councilman Gilliham – I know that you said it was relatively simple to use, but is there any type of association with any firefighter needing certification to operate that or any one of your officers at any given point in time can utilize that to assist an individual?

Chief Cosgriff – There is not a certification for this. We do, we have to re-certify in advanced cardiac life support every year. We have to re-certify in CPR every year. We certify in pediatric advanced life support every year as well as basic life support. This is just like any of the other pieces of equipment that we have whether it be Hurst tools on the fire trucks or inhalation equipment. We use them on a daily basis and the firefighters are good at using the equipment that they are supplied with.

Councilman Gilliham – Thank you. I’m just not a firefighter, I just wanted to get an idea of how we can utilize. Thank you very much.

President Holzheimer Gail – I think I reported back on this after the last Euclid Hospital Advisory Committee, but I think it is worth repeating. Joanne Zerhoske, the President of Euclid Hospital at the last Community Advisory Meeting complimented our Euclid Fire Dept. She was giving a presentation about the changes in their emergency room procedures and made a point of complimenting the Euclid Fire Dept. for their advanced life saving techniques, equipment and training and the patients that come in having treatment along the road from our Fire Dept. personnel are that much further ahead in their treatment. This is another step in the right direction, so we appreciate it Chief.

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

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

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

**Ord. (293-11) Pet Shop Regulations – Sent to Safety Committee**

An ordinance amending Section 505.23 “Annual Licensing of Commercial Animal Establishments; Fees”, and enacting Section 505.231 “Pet Shops and Pet Traders” of the General Offenses Code of the Codified Ordinances of the City of Euclid to create regulations for pet shops and pet traders. (Sponsored by Councilperson Scarniench)

Councilwoman Scarniench moved for passage, Councilwoman Jones seconded.

Councilwoman Scarniench – As everybody knows back at the beginning of the year there was heated discussion on pet shops. We haven’t had a pet shop in Euclid in I can’t remember when, it was Value City, way back when that had a pet shop, and we now have one. We decided that we needed to have rules and regulations that pertain to this shop. We put a moratorium of six months out and that will be coming up at the end of June. I sat down with a group of people who I would like to thank. First of all the Animal Shelter Commission, the Ohio Advocates, Ann Mills our Animal Warden, Councilman Van Ho and particular thanks to Jason Carter and Chris Frey from the Law Dept.

What you have in front of you is just the beginning but it was necessary to get this on the table so we could move it forward. I will ask if we could make an amendment on page 2, Item G 1, inadvertently I didn’t catch it but the advocates did. It is changing the age of 4 weeks to 8 weeks. Ohio Revised Code says you can’t sell an animal until it is at least 8 weeks old. I would like to make that motion at this time.

Councilwoman Scarniench moved to amend Ord. (293-11) Section G, four weeks to eight weeks. Councilman Gilliham seconded.

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Roll Call on amendment:

Yeas: Gilliham, Scarniench, Jones, Minarik, Wojtila, Langman, Van Ho, Holzheimer Gail

Amendment passed.

Councilwoman Scarniench – I would like to make a motion to place this in the Safety Committee. I talked to Councilman O’Neill and we’ve set this for May 24<sup>th</sup> which is a Tuesday at 6:30.

Councilwoman Scarniench moved Ord. (293a-11) to Safety Committee. Councilman Gilliham seconded.

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

Sent into Safety Committee as amended.

### **CEREMONIAL RESOLUTIONS**

#### **Res. 62-2011 (291-11) Lincoln Electric 115<sup>th</sup> Anniversary**

A resolution of congratulations to *The Lincoln Electric Company* as they celebrate one hundred fifteen years of service to the community as a leading employer and outstanding Euclid corporate citizen.

(Sponsored by Mayor Cervenik and Entire Council)

#### **Res. 3-2011 (294-11) Euclid Board of Education Responsible Spending**

A resolution of commendation to the Board of Education and the administration of the Euclid City Schools for responsibly limiting spending in critical areas of operating the Euclid City School District.

(Sponsored by Mayor Cervenik and Entire Council)

Councilwoman Jones moved for passage, Councilwoman Minarik seconded.

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

Passed.

### **COMMITTEE OF THE WHOLE**

Ms. Lucy Call – 18 Hurst Rd., Painesville. I would just like to thank the City of Euclid, the council people for having the vision to want to create regulations for pet shops. I think a city who is a humane city, that is the only way you can be pro-renaissance city. Thank you.

Ms. Patti Burlingham – 25211 Lake Shore Blvd. I’m here to announce the 8<sup>th</sup> Annual Bark-B-Q for the PetPals. This is one of two fundraising dinners this year. It will be Friday, May 20, open bar at 6:30, dinner at 7:30. It will be at Tizzano’s Party Center at 1361 E. 260. I happen to have tickets with me tonight. Tickets are on sale at the Animal Shelter. We are meeting with Mike Tizzano Monday to finalize the menu on all the fixings. This is our 8<sup>th</sup> dinner and it will be outstanding. This is where we have most of the people come, see what goes on at the Shelter and spend some money and raise some money for the shelter. I would like to say at the moment we happen to have an Albino gecko, a python, a guinea pig, a hamster, fish, two birds, a pot bellied pig, oh we have dogs and cats too. We have about 20 kittens, not all are ready to go home yet because we also believe in that eight week rule. Dogs we have a kennel full of dogs. Please stop by and see what we have available for adoption. If anybody wants any tickets tonight, I will be here. Thank you.

Ms. Laura Gorshe – 835 E. 250 St. Euclid, Ohio. I’m here to represent the neighbors on 250<sup>th</sup> Street, some of my neighbors are behind me. I just want to tell you a little story. I purchased my home on 250 on 1995. What drew me to the property was a wooded and park-like setting. A setting in which I could raise my family, grow my vegetable garden, plant by variety of annuals and perennials and entertain on an acre of property right here in Euclid. One of my fondest memories of my daughter now college bound run through the backyard as though it never ended.

Over the past six years the backyard flooding on E. 250<sup>th</sup> Street has become a terrible nuisance. We have asked for help from the city over and over again. In 2006 Director Gulich charged his staff to create or uncover a swale behind the Euclid Medical Building. This was to try to alleviate the flooding. That seemed to work for about a minute, but did not remedy the situation. Since that time the flooding has become worse and worse year after year.

Since the time of the swale and worsened conditions, some residents have thrown their hands up in dismay and tried to remedy this situation by installing their own drains or by tying into other neighbor’s drains. They will tell you that this has helped somewhat but has not yet eliminated the problem. Most recently over the weekend, the gentleman who spent \$12,000 was flooded.

In my yard, and my neighbor to the north and three neighbors to the south, we have had standing water in our yards since the end of February all except for two days. Today it is pretty well gone. Currently I have a family of geese, ducks, babies that have taken the residence in my pond. Kind of a funny thing, but it is what it is. We acknowledge that we are more aware than anyone else that we have had an inordinate amount of snow and rain this year but the water is seeping into our yards from somewhere. We can see it coming into our yards from our attic windows and yes I have heard that these

are backyards and basements all over the city that are experiencing what we are experiencing but I'm here to tell you ladies and gentlemen I beg to differ. Not to this magnitude or amount and length of time. That is a fact. Our neighbor association has invited the Service Director to come stay the night so he can see for himself, breakfast included. I've placed pictures on Facebook to depict the nightmare and have had friends over this past Saturday who were all shocked at the magnitude of the situation by using one word adjectives.

I know the Service Director has said that he will have his men clean out and expand the swale behind us and we do appreciate that, however, I'm here to tell you that something has changed. We residents have tried to figure this out on our own and have come to some hypothesis that have not been heard or acknowledged. In fact, our Service Director has asked the residents to tell him what has changed, then defers our questions to the Law Director. Taking this to heart, I have been conducting my own extensive research. I will not go into all that here but I can tell you I know more about the inner workings of flood water and responsibility and next steps than I ever cared to know but good to know it is. I could probably have the initials after my name on my business card that others in the administration have on theirs right now.

What we are asking is this administration and council, encourage, support and approval that an extensive in depth study be conducted by an independent consultant of engineers who can openly bid on this project as Councilman Van Ho has suggested the city consider over this past several months. To derive an in depth, solid, no doubt conclusive summary report that will tell all of us what has changed, what needs to be fixed, who is responsible and the necessary action steps to remedy the situation with satisfaction to all. This study should include but not be limited to, from Richmond Hts., where the sewers on E. 250 St. have been tied in; the Bluestone Parkway PMX project; under the 260<sup>th</sup> St. freeway bridge where excessive sewer problems have been noted. The six acres of vacant land that used to have the Sohio gas station on it, which is Permanent Parcel No. 643-25-008 and Permanent Parcel No. 643-25-001. The Shell station on the Marginal; the Euclid Medical Building; the post office and the apartments.

Now I have a couple of questions. Director Smith, when exactly did you expect that the swale work begin? If we can expect a process of the survey, when can we ask that that begin? We would hope to have open, fluid and timely communication. Thank you.

Director Smith – As Ms. Gorshe had indicated I have had some meetings with various residents along 250<sup>th</sup> and also attended a neighborhood meeting where several of the residents attended and showed various photographs and things of that nature. As a result of those meetings, there's no dispute that they have water in their rear yards, possibly some have it in basements and some in the garage. As a result of those meetings we had an understanding that we would go in and revisit the swale, simply cleaning them out and behind the medical mart install a secondary inlet, it is kind of hard to describe it, but back a number of years ago the city had placed an initial inlet and this would be a relief inlet should the primary one become plugged. We committed to do that. We've been doing some camera work.

There seemed to be one house in particular that was experiencing the basement flooding and/or garage flooding at that was at 691. The crew was out there today and I know the resident was able to witness the camera inspection and we noted several different things. One, right at the "t" there seemed to be a shifting of the pipe on the homeowner's side. We were unable to go any further in on the storm lateral so we went through the downspout drain and at about 10 ft. from the house there was a collapsed tile. We were able to run some water through it but it was very limited. The homeowner is aware of that circumstance.

The other thing I know, someone had reached out to the Health District and inquired from them what they were aware of any changes in topography or things of that nature. In turn the Health District contacted me and we shared some thoughts and they shared their findings as well that they weren't aware of any changes to anything out in the system, to the topography. We had discussed when we hear about the digging at Lake Shore and 260, there has been waterline breaks there, nothing associated with the storm sewer. When we talk about Bluestone there's about a 48 inch, maybe a 60 inch sewer that crosses the park, goes in the opposite direction. They intentionally didn't tie anything into that system for fear that someone might point to the park for the creation of additional water. We had discussed that. There was some concerns about the drainage at the Medical building over some asphalt work that had been placed there a number of years ago. Several members of the administration, the Mayor, myself, Asst. Director Bock, Councilman Van Ho, Supt. Reese, we walked to the rear yards, we checked, at least I did, we went up to the swale, the back of the Medical Building. I don't see any changes to anything that is causing a problem. Some people have noticed some ponding water adjacent to the Medical Building in their parking lot. We're going to ask that the property owner correct that. In my opinion that has no bearing on any of the backyard drainage whatsoever.

The final thing as was indicated there was a homeowner that elected to run a rear yard drain out to the front. If you've had occasion to see these yards, when you're standing in the front yard, typically they're draining out to the street. When you're standing in the rear yard, you're looking down into somewhat of a sump. As we all know water seeks its own course and obviously that's happening along 250<sup>th</sup>. Several of the rear yards there has been some additional fill material placed so when the statement

was made about me making reference to the Law Director, that is when the question came about, what happens if we fill in our backyard. Feel that's a legal question and that's more appropriately addressed by Law Director Frey.

When will the swale work begin? We're doing some other work at the present time, some root cutting and things of that nature out on other streets and I will expect we'll get to the swale work within the next three weeks. One final note that I would say, we are going to ask CT obviously we have them under contract for routine engineering services, to come out and take a look at it to see if they're seeing anything I'm not, or Supt. Reese, or Asst. Director Bock has not seen.

The final point I would make as far as I've heard from ten people, maybe more, something has changed. Being relatively new, I'm not seeing it, neither is Supt. Reese or Asst. Director Bock. Hence the comment, it is easy to say that there's additional water, I'm not sure where it is coming from. If someone has some other insight, I would welcome that input. If people are continually to have water in the basement, let us know and we'll come out and we'll do the camera inspection on the laterals from the sidewalk to the house to determine if you have homeowner problem.

President Holzheimer Gail – Thank you Director Smith and if you would please either through Councilman Van Ho or through the resident, make sure the residents are aware of what is happening and when.

Mayor Cervenik- I just want to reiterate what the Service Director said. We will have CT and whoever else we need to come out and re-evaluate, to see if there are any changes that we're not aware of and we'll try to resolve this problem as quickly as possible.

Mr. Bud Hilf – 891 E. 237 St. Euclid. I'm here tonight to talk about the Euclid Relay for Life, which will be happening in just less than two weeks at the Euclid High School stadium. Starting Friday, May 13<sup>th</sup> at 6 PM and running until Saturday May 14 at noon. This is our third year of having the Relay. When I spoke here in March, I believe we were about 16 teams. We are now as of today up to 23 teams. We know have at least between combined teams, all the Euclid Public Schools now have teams, along with several of the Euclid businesses have joined up with us.

When I spoke here in March, I believe we were at \$15,000-\$16,000 maybe. When I checked earlier today we have now raised over \$29,000 for our Relay with a goal of over \$50,000 this year. This is a very family friendly event. Our theme this year is holidays, all the teams will have a holiday theme to it. We'll be selling different items and holding different fundraisers on site. It is very family friendly, lot of things for the kids to do. I know we'll have several bands playing. In fact, when I spoke here in March, it was more about team development, but to let people know of the Relay and that Sunday I got a phone call on my cell phone which I had given out and it was a Euclid resident by the name of Adrian, who I would like to thank. He is the manager for a local reggae band and they were actually playing that Sunday night at a restaurant down the street on Babbitt and I went and saw them and they volunteered their services and they will be playing Saturday morning for us. We're also going to have Jazzercise Saturday morning and I believe a karate class for the kids. It is going to be kicking off at 6 PM on May 13<sup>th</sup> with the Euclid Marching Band leading the survivors lap around the track, at least that is what I heard so far. This is really a great event with the 23 teams we have so far.

It is very hard to find anybody in this day in age who hasn't been affected in some way, shape or form by cancer. In my personal case my team is walking, the Willie T. Walkers, are walking in honor of my father, William "Bill", middle initial T, so that's where we get it from. He died two years ago this April of Lung Cancer. We have the biggest fund raising team this year so far the Norma Fighters, are walking for their team captain. She's 35 years old and was diagnosed last year with stage four melanoma. She has two kids that are ages, 2<sup>nd</sup> grade and 3<sup>rd</sup> grade, and never had anything before that would have given her a warning sign. We're walking for her and to support her and support people like her. That's why I'm asking that the residents of Euclid are very giving as we've seen with groups like the PetPals, like the Henn Mansion, Shore Cultural Centre and with how many countless organizations. If you can come out and give us just an hour of your time, a couple of hours of your time to walk a couple laps or just spend some time and come to everyone's tents and have a look. If we can get as many people as we can to give a \$1 or \$2 to show support, especially at the 6:00 hour when we have survivors there and then there is the survivors dinner, we would appreciate it.

For more information on the Relay and as you can see we had our kick off, it was Cancer Survivor's Day on Sunday and all the teams got together and we went around the city. If you look in city businesses you'll see purple posters put up advertising the Relay. A lot of lawns, including outside City Hall and various schools and churches, signs promoting the event. Our website is [www.relayforlife.com/Euclid](http://www.relayforlife.com/Euclid), that will take you straight to our Relay event. If anybody else has any questions about it, I can be reached at 216-978-2419. I thank you for your support. I know Councilwoman Jones has a team. The Mayor was at our event this Sunday, gave a speech and we're really looking forward to having as many people there as possible. Thank you.

President Holzheimer Gail – Thank you very much. Director Smith had a comment to make.

Director Smith – Just as I was going over my notes I wanted to revert back to the prior discussion and there was one thing I had skipped over. That was in addition to two of the properties out there with an extended rear yard drains, from the rear yard out to the street. We would extend that offer to any of the property owners where the city would extend the storm lateral to the back of the sidewalk, accept responsibility for replacing the sidewalk. That was one other offer that was made to the residents.

Ms. Rose M. Allen – 26241 Lake Shore Blvd. I'm here as a member of the Great Lakes Energy Development Task Force to extend an invitation to the administration of the City of Euclid, directors and citizens of Euclid to attend an informational forum on May 17<sup>th</sup> at the Euclid Public Library from 6 PM until 8 PM, to learn about the potential that wind energy and the wind farm that will be going into Lake Erie can provide for this area. The thousands of jobs and economic opportunities that will be available. It is a fascinating presentation that will be delivered by Lori Wagner, who is President of Lake Erie Energy Development Corporation. It is free, it is open to the public, but space maybe limited because of the Library. I would like everybody to have an opportunity to come out and learn about all of the bright future that Euclid can have as we go forward with the wind farm that will be going into Lake Erie. It does not interfere with anything that is taking place now, persons from Lincoln Electric are coming to the Task Force meetings and there is so much that we can gain if we are the first ones to make this happen. We can make Northeast Ohio the hub for all of the future development when it comes to parks for wind turbines and for the energy that can be developed. Anybody who is interested, put the date on your calendar, May 17<sup>th</sup>, Tuesday evening from 6:00-8:00 PM open to the public.

Mrs. Ann Maurer – I'm the bad guy that lives at 691 E. 250. I was wondering why the city shows up and starts digging on my property in the front. I could not get an answer from anybody. I called the Service Dept., they can't tell me why, nobody is telling me why. I had to come to the meeting tonight and defer from my routine, not routine but my speech that I had prepared. How can my house flood an acre of land? Since 2006, 07, 11, I have every date when my property was flooded, my neighbor's property. Never floods in the front of the house, never floods down the driveway. I cannot drain an acre of flood water that is coming up from Laura's house down to my place. It cannot go down that stupid little drain in the middle of my driveway that the city made me put in. That foot of water that was on my property and it was there again last night cannot drain through that drain. The pipes can't handle it, it has no place to go so it comes up into my basement. Of course it comes up into my basement. My garage is flooded with a foot of water. My walls on my garage are rotting away. My concrete floor in the garage is totally cracked, I have to pour powered cement into the cracks and hope that the water that comes through there will make it set and harden.

I am sick and tired of this. I have been living in that house for 47 years, 47. I grew up in Euclid. I know that property, something has changed up the line. I can go to the second floor and watch it come across that field. It is like a giant hand coming right at me. I did offer Randy the bedroom upstairs with a free breakfast so he can watch it when it rains.

I'm asking my councilman to step up and stand up for us people on E. 250<sup>th</sup>. We cannot take this. I am proud of my home and I'm proud to live in Euclid. My street is the gateway to Euclid and all that construction and stuff that is going on down on Lake Shore, those people have to get to it and go past our homes. We cannot handle this rain, this water. God is working, but the ark already left, it landed some place else. It is not taking me, it said, goodbye girlie.

I demand that the city help us. We pay enough taxes, do something for us. I cannot go crawling around in those woods any more. I celebrated my 73 birthday yesterday and I'm tired of wearing those hip boots to go through the woods and follow to try to find out where the water is coming from. Please, please, back us up. I have pictures here for you to look at. This is the back of my place. Right up to the back door. My husband is disabled and the other night I was out there in a foot of water, I had that drain covered in the driveway. I took a broom and worked around that drain to keep residue from packing in around it so that opening that I created would let water go through and I could control it. I finally did it after 4 hours out there. Now it is time for you grown men, you younger people to do something for us. Use your engineering degrees. Thank you very much. I'm going to leave these here so you all can look at them. There's 2006 & 2007.

Director Smith – I guess so there is a clear understanding and Mrs. Maurer, the reason the crew was out there today was based on the meeting. When we did the survey of the residents, you seemed to be the one that had the most impact to the house. I wanted to check your line, specifically your storm lateral. I know you had shared with me that had been cleaned not to long ago and when we talk about the problems in your basement and in your driveway that seemed to be a different problem to me.

As a run down, what we had discussed specifically was that you had at 691 some rear and basement flooding; 695 was predominantly the rear yard; 725 was yard, the drainage was installed and the problem has improved; 835 was the rear yard and some dampness; 845 rear yard and a little in the

basement; 851 rear yard and a little in basement; 861 on one occasion, not sure why going back the entire time. When I heard the different thoughts of the residents at the meeting, you certainly seemed to have the most impact. I apologize if you were expecting a call from me, but I know at least my understanding is that Supt. Reese participated in the camera inspection, allowed you to watch it as well so you could physically see. He did tell me there was two problems with the lateral from the road to the house. I think it is a big deal because the drain you're referring to that is in your driveway ties into that same lateral.

President Holzheimer Gail – If we could stay on order. Maybe we could talk after and make sure we get everything straightened out. I did hear earlier this city is committed to revisit the swale, installing a secondary inlet and CT will be out to come up with recommendations for how to solve this problem.

Mayor Cervenik – You're absolutely right, that's what we will do.

Mr. Mike DiDomenico – 24770 Farringdon Ave. One of the other speakers spoke about, mentioned the construction at 260 St. and Lakeland Blvd. It is water main break, whatever it is. I understand it is temporary. However, when people are driving southbound on 260<sup>th</sup> at N. Lakeland Blvd., there's three lanes there. The right lane is designated right turn only. The center line is set to go straight through and the left lane is also to go straight through. The two straight through lanes are blocked by the repair work that is going on. Routinely people will go from the right lane, straight through because they simply see that there's that work there. At the same time, other people and myself, whether I'm right or wrong, want to be in that center lane and jog to the right. Numerous near misses happen at that place. There is no signage whatsoever to tell people that if you're in the right lane, turn right. So something could be addressed and save some paint being swapped on a couple of cars and hopefully nothing worse. But until the work is completed, you really need to get some stuff out there to tell people how to address that intersection.

Mayor Cervenik – That being a waterline problem we will talk with Cleveland Water tomorrow, not only about signage but the possibility of having a flag person out while they're out there working. I think that might help. Thank you for letting us know about that.

Mr. Christopher Michael Litwinowicz – 21970 Morris Ave. 791.03, the city administration, the law director, the council, are you familiar with that code? Wow. Taxation code, 2.85. Same thing as the no on 5 issue, I didn't come here to campaign but we've got trained. I really don't think I got train, trained. I was told some things that ain't right. But we're not going to discuss that here. My five minutes is I would like the time to draw the initiative petition up. Sorry Euclid. If I don't get this chance, Department of Justice. Why should I have to beg for money? I figured it out, I also figured out a couple of other things. The city, I'm about to receive a \$25 million reward, we'll talk about that later. I'll have to pay 2.85%. God Bless America. Everybody watch New York City last night. Thank God nothing happened here in Euclid like that. But after ten years.

My question is, what needs to change for it to be on the ballot? Can I just take that whole code, type it up on an initiative petition, white out 2.85 or does it say that the voters and this is what I came to City Hall today to speak to a rude receptionist to tell me that she can't call a secretary, to leave a message. I already own a gas station in City of Euclid. My income tax is 2.85. Three and a half million dollars later after paying federal, I'm paying 47.5%. Can anybody else here pay 47.5% of millions of dollars? I used to be at \$1,000, \$500, \$100. Because I can't be a corporation and buy out the City of Euclid gas stations but hold up it is coming. It is coming.

All I'm asking for is the right and by the way since I am a candidate and since I am a PAC, stand up Rose. Time for change.

President Holzheimer Gail – Mr. Litwinowicz, campaigning is out of order, you know that. This is your last chance. You will be not allowed to speak if you cannot stay on order.

Mr. Litwinowicz – I'm asking the Law Director to meet with me and I can't meet with him because I guess I'm not represented. I went to everything to become a political action committee, you know. All I need is the legislation which is 791.03, if I'm wrong, send me a letter. We don't need to discuss any more. I want to change the income tax to 2.0. 1994 it was changed by the administration. None of you all have nothing to do with that. It is the same thing. Cleveland is 2.0. How many people have friends who used to go to Euclid High School or live in Euclid that moved out this city, went east or west? I'm going to leave the rest of the time, but the whole thing is I'm figuring it out, just like how I figured out how to do a recall. Just how I figured out other things. But I didn't mean to waste my time here. But the whole thing is give the voters the opportunity to fill their initiative petition out. I don't want to have to stand out here Mr. Mayor and ask for a \$1, five, ten, twenty. I don't want to have to do that. It is a simple form that I could walk and get 1300 signatures. On top of it I'm going to be spending the next two months doing what I'm doing for the unions. God Bless America.

President Holzheimer Gail – It is any resident’s right to do an initiative petition. I don’t believe it is the city’s responsibility to help anyone put together an initiative petition. Seeing no further comments, we will move forward.

#### COUNCIL MEMBERS’ COMMENTS

Councilwoman Minarik – I wanted to talk a little bit about the rain barrel sale that we had on Saturday, it was our best ever. Between Cuyahoga Soil and Water and the barrels that I pulled in from Indiana, we sold 71 barrels on Saturday. There was a solar fountain display, a worm farm display, there were composters, there was an artist who actually was painting a rain barrel. There were refreshments and there were tours. I want to take the time to thank Friends of Euclid Creek for providing refreshments. The City of Euclid for letting us put this on, channel 20 for airing advertising. Euclid Observer for giving us a free ad. The Euclid Historical Society for hosting it and providing tours. Cuyahoga Soil Water Community District for selling their barrels and doing their workshop. The Community Garden folks had their composters and Lisa Urankar of the Euclid Art Association was the artist. It was a fun time, it is over like that. It takes two hours and then everybody just splits out it seems. It was great, I look forward to having it next year.

Then I have two questions for the administration. Mayor Cervenik, I had asked you when we were going to have our housing inspector hired, or if we had already? Council did approve that in the budget, so I was curious about that.

The other question is, as long as I’m asking you Mayor, with regard to Sgt. Blakely’s death, is there a protocol we follow? The reason I ask that is I had a family member call me, her concern was that and I could be at fault at this too. We received an email in the morning and I notified my people. The widow was not notified until the City of Euclid seemed to know about everything that was going on. Is there a protocol we can put in place for the future that the family are notified before we send out any more to respect their privacy? That question and the housing inspection, thank you.

Mayor Cervenik – As to the Housing Inspector, I have not actively told Ms. Sweeney to hire a housing inspector, partly because of comments you have made and you have brought up on this Council floor concerning the changes in the budget and how I’m going to deal with the shortfall in funds. It’s good that we are going to hold off until we see what is going on. I don’t want to hire people that will be eliminate as soon as we get the notice from the state. I’m hoping to have a much better feel for our budget woes before, I hope they don’t wait until June 30<sup>th</sup> to pass it. At that time we’ll be able to evaluate what needs to be done. If we lose \$1.7 million of funding, it is going to be more than just housing inspectors.

As to protocol, I’m not sure who was notified. I was out of town. I came into town when I heard what happened. I don’t know if the Chief can comment of when the family was notified versus anyone else. I certainly would hope the family would be notified first.

Chief Repicky – The family was notified. No name was distributed until about 4 PM. All the family members were notified.

Councilwoman Minarik – We received an email Wednesday morning and we received the name of the officer. My question is, we did not know the family had not been notified at that point and there was no indication that we should not share this information. That’s my concern. That’s why I take part blame too. But that’s why I say, is there something we can get in place so we know as well that the family has not been notified, please refrain from sending out emails or whatever. That is what my concern is.

Chief Repicky – We will revisit our protocol and make sure that doesn’t occur again.

Councilwoman Minarik – I have 30 seconds, but Mayor, the Housing Dept., the inspectors pay for themselves because of the inspections. My concern is the apartments are not getting inspected and that’s a huge revenue loss. But also, it would be nice if the Council had been told we are not going to fill that position.

Mayor Cervenik – I did not say I’m not going to fill that position and I’m also not aware of any inspections of apartments that aren’t being done. If you have some, if you know they’re not being done, tell me, I’ll make sure they’ll get done. I’m not aware work is not getting done.

Councilwoman Minarik – But the Housing Dept. does pay for itself?

Mayor Cervenik – It pays for itself only from the, probably not, if we allocated all the administrative work that goes into it, they break about even. We’re not allowed to make money on fees that are charged for that. We charge what it costs plus the administrative costs of other departments, like what we do at Waste Water and other areas as well, Engineering and all of that. We’re not making money, they don’t pay for themselves, they come close.

Council Minutes

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Councilman Wojtila – I would like to thank everybody who attended the April 19<sup>th</sup>, we had a Memorial Park Concept Plan meeting here in Council chamber. That agenda item will also be on the agenda for May 10<sup>th</sup>, a week from Tuesday, it is still at Planning & Zoning. You're welcome to attend the April 10<sup>th</sup> regular scheduled meeting of the Planning & Zoning Commission, if you'd like to talk about or comment on the Memorial Park Concept Plan committee. Hopefully after that, that item would come back to Council in two weeks from today for Council's action. We're looking at two weeks from today, it being back here.

Two questions, the word moratorium was brought up and the Internet Cafes we had put a moratorium on. Director Frey, I don't know if you could let us know in the next couple of weeks, what the schedule is for bringing that back as I think we're probably about six months into the year, or you can answer now if you'd like.

I, too, have received a lot of comments on the waterline work that's currently happening in Ward Six, which is on E. 280 St., south of the boulevard. Director Smith, if you could talk about, is it Cleveland Water that is responsible for all of the work, or do we take on some responsibility at some point in the project? That would help me out and probably help the constituents as well. Thank you.

Director Smith – Cleveland Water is ultimately responsible for the work. Generally they have a consultant working under their direction that's doing the inspection. I would say that probably from my awareness maybe several times a week they have a representative on site just to address any questions or issues that may come up. I'm aware of some of the questions on the 280<sup>th</sup> line. I know Cleveland Water had met Asst. Director Bock out there to review a concern. But if a resident has a question or an issue with the waterline, they can certainly feel free to call us, we'll contact Cleveland Water on their behalf. Or if they'd like, we'll give them contact information for Cleveland Water, but they've been very responsive when we've asked.

Councilman Wojtila – Is that the same work that is being done at 260<sup>th</sup> and Lakeland, is that also waterline work, or is that something different?

Director Smith – That is repair work completely separate from the other type. That's an issue with the waterline, that's the Cleveland Water Dept. crew out there performing that work.

Councilman Wojtila – It is not a waterline replacement?

Director Smith – Not at this point in time, but it is going to lead to a waterline replacement in the very near future.

Director Frey – The Attorney General has indicated an interest in having the State regulate the internet cafes. I don't believe legislation has progressed through the Ohio House or Senate yet on that, although I think we all anticipate that's ultimately what is going to happen and the State will in all likelihood then be the one who licenses and collects any fees from that. Having said that, it seems to me and Asst. Director Beno and I have talked about this, that it may make sense for us to move on this since it does not appear that the State is going to take a position that it is illegal gambling but rather, it is going to go through some sort of a licensing much like we had drafted in our preliminary legislation. I think it is probably time for us to work on the two different parts, one the zoning, the placement of internet cafes, and it would be smart for us to get moving on that immediately. Second, look at the licensing portion of it, although recognizing that we may ultimately lose that to a statewide licensing.

Councilman Langman – I had the opportunity to attend Detective Sgt. Kevin Blakeley's wake last Monday. By the number of individuals, residents from all over and the number of law enforcement personnel there, clearly the Detective was well respected and well loved by his family and colleagues. It was a very moving experience, I've never been through anything like that before. But the respect for the Detective was well displayed.

Madame Chair, I usually don't do this but I have some prepared comments about Detective Blakeley, I didn't know him very well, but he was always very professional with me and the residents I had him speak to. But we do take a very solemn oath of all of us to uphold the Constitution of the United States. Part of the legal embodiment of that Constitution is the presumption of innocence. You may know it better as, through the phrase, innocent until proven guilty. That's a very important concept for each one of us as citizens, because the power of government is fair greater than the power of any individual citizen. So that helps balance out the power of government versus the power of the citizen.

Now we had an Executive Committee Meeting about various matters and one of them was a situation with Detective Blakely. I know of no charge filed against the Detective. I understand that the investigation is ongoing but we have no evidence, no anything that any wrong doing was even done. And, at the time where the investigation is completed, then we'll know about who was involved and if there was any charges to be brought.

Now the statement that was made by the Mayor on April 21<sup>st</sup> unfortunately stripped Detective Blakely of his presumption of innocence. The way the statement read, it linked the Detective to possible wrong doing. I believe Madame Chair that stripping that presumption of innocence Detective Blakely was thrown to the wolves of gossip and rumor and innuendo and that is wrong. That is absolutely wrong.

So for his family, some of them are here tonight, the colleagues that respected and loved him, and for the residents that considered him a friend, he did deserve better no matter what the final outcome of any investigation. Thank you.

Councilman Van Ho – To Director Smith, our infamous curve on the corner 240<sup>th</sup> and Stephen, another serious, this time it was a truck that got hit. I keep worrying that it is going to be a kid. There are several people there. I know we put up the sign and that was an improvement but I think we need to look at something more pro-active like the, I call them the reminder strips at Dead Man's curve or something of that nature that says, hey slow down dummy. I wish you would look into that and see what we can do that's more pro-active to cause people in both directions to slow down.

The other thing is to look at 240<sup>th</sup> because as I was out there looking after this happened, there's an awful long stretch of 240 that has no stop sign, no traffic control type of thing, if you could look at that too.

As far as the problem at 250<sup>th</sup>, yes Anna your Councilman agrees with you that we need to look at this. I'd like to thank the Mayor and the Service Director for saying that yes we're going to get CT in and look at this. I think it is a system problem but if it isn't and it is an individual problem, we need to know that. While we've got them in there, if we're coming up that it is an individual problem what their best remedy for the least amount of money would be, a suggestion type of thing to these people. Please keep me very much in the loop.

I want to remind everyone that there's Bingo on Monday nights at the Senior Center at 6:45. The money does go to the Police Athletic League so all of you Bingo people you can come get your fix on Monday nights.

Senior Center is recycling batteries, specifically the smoke detector type, 9 volts. No car batteries. Please see if we can't recycle those because they are very detrimental when they go into a landfill.

Congratulations to the Mayor and his team for the \$150,000 of asbestos removal grant for the St. Robert's property.

What can we do in the recycle bins and I've seen this all over. When there's much of a wind that's blowing stuff out and it is getting to a point where I get enough complaints about it. I don't want to see the program go down because people don't want to put their stuff in recycle bins and have it blow all over the neighborhood. Can we get some type of lid or any suggestions that the professionals can come up with would be gratefully appreciated?

Also I'd like to echo the support of the Relay for Life. As someone who lives with a cancer survivor, that money does help. The research and the time that I've watched Kay go through this, the research keeps coming, it keeps getting better and it is well worth the money that we're spending. That's really all I have to say tonight. Thank you.

President Holzheimer Gail – A couple of announcements. This Sunday, May 8<sup>th</sup>, Euclid Symphony Orchestra has their last concert of the season, it is their Pops Concert at 3 PM, Sunday, May 8<sup>th</sup> at Shore Cultural Centre. For those of you who have not experienced the Euclid Symphony Orchestra, it is a treat. They are an asset to our community and I would encourage all residents, bring your mothers, celebrate mothers day, to attend the Euclid Symphony Orchestra concert.

Thanks to the Police Auxiliary we were able to attend their appreciation dinner this past weekend. These are men and women who give of their time to help protect our community, keep us safe and keep the other police officers available to do other duties. I wanted to take a moment to express my appreciation, council's appreciation to our police auxiliary. There is always room for more and those who are interested in learning more about that can call the Police Dept.

Also thank you to the Shade Tree Commission who put together an Arbor Day program also this past weekend. They planted trees in honor of Ed Dickson who is a long time community advocate and volunteer and board member for many organizations. The other tree was planted for the Euclid Hunger Center. He's also involved with that. It was a nice way to honor both that organization and a gentleman who has been along time supporter of many community activities. A special thank you to the Lake Shore Garden Club for donating to one of the trees and another community member family for the donation of the other tree.

These past weeks have been difficult for the city, but I think it is only through pulling together as a community, as our leaders and working together to solve these issues. We have a very professional police department. These are situations I certainly would not want to find myself in. I think the important thing to say is we are, we will move forward. The city is strong, we have experienced tragedies before and we will move forward. It takes all of us working together and it can be done.

Councilman Gilliam – First and foremost, if you have not already done so, please vote tomorrow. There is one issue on there which is the levy and it is important that we go out and voice our opinion through the ballot. I also want to thank the volunteers who assisted my son and I and the arborist Chris Grant in cleaning up of Euclid Villa, the garden patch on Euclid Ave. We're 80% done. Some people had to leave, it was very hard work. I think I lost 7 pounds 14 oz, but the reality of it is that it is going to look beautiful. We have about 20% more to do and I'm asking for volunteers from Euclid Villa, Indian Hills Neighborhood Association, Heritage Park, they can come contribute, it is only a little bit left to do and we're meeting this Saturday May 7<sup>th</sup> at 8 AM.

I also want to point out the Indian Hills Neighborhood Association is having a special meeting for their members, Indian Hills Elementary School at 6:30 on May 11<sup>th</sup>. On May 17<sup>th</sup>, the Heritage Park is having a dinner dance for its members, I do not have the exact location. On 5-19 Euclid Villa is having a meeting at Indian Hills Elementary, Euclid Villa members. On May 26, Ward 1 will have a meeting at Central Middle School at 7 PM. I invite all members of Ward 1 to come out, we're going to be focusing on issues that pretty much bother us during the summer which is nuisance abatement, concerns about our youth and things of that nature that may reappear on how we can best handle those situations.

Also on May 14<sup>th</sup>, this Saturday, Indian Hills is having a Casino Run to Greek Town. Please call 216-692-2221 for details. It is open to anybody in the City of Euclid. I want to thank the residents for their patience when we lost power and also for the individuals on E. 193 when they had to have their water shut off for an exorbitant amount of time. Services are restored.

I just want to plug that if anybody does have an issue with water, and they're not able to contact City Hall, due to being closed, Director Smith correct me but the number is 216-664-3060. Thank you that is the correct number to call the Cleveland Water Dept.

My next comments are going to go to Director Frey. This is something that has been in the Law Dept., we have been discussing it and it goes back to that vacant office building on Euclid Avenue, the Inland Plant. Let me just tell you what I have so far in my possession and I want to ask one question. There was complaints made by the residents about landscaping and things of that nature last summer. The city went out and remedied that with the actual owners. On the 28<sup>th</sup> of December there was a letter communicating that the Law Dept. thought about demolishing this building. Why? There were two complaints of the fire suppression systems not working. There was also issues of the owners failing to keep up maintenance for fire hydrants and not inspecting them on a yearly basis. On 8/23/2010 the City of Euclid sent a letter to the owners declaring an unsafe building by our Fire Prevention Bureau. They were given a 30 day notice. On 10/19 there was complaints about severe building issues. I won't go into detail. On 3/03 our building official Mr. Dan Kulchytsky, I may have gotten the name wrong, basically said that this building was out of compliance to receive a certificate of occupancy according to the Ohio Building Codes. It had many violations and it was violating Ohio Building Code 109.4, saying vacant buildings in serious hazards shall be raised, that was State code.

I can go into detail about the fact that in this letter they removed building systems, citing no mechanical, plumbing, or electrical facilities in this building. Failed to maintain and test fire suppression systems. The removal of a exit emergency lighting, emergency signage, fire extinguishers, and I have a bunch of pictures basically showing this building being gutted, there's nothing in it.

Now we have gave them in a letter on the 3<sup>rd</sup> of March, telling them they had to comply, giving them the opportunity to appeal this as well. On the 30<sup>th</sup> of March, this particular company, the owner of these buildings asked for an additional 30 days to cure these myriad of problems. When I mean myriad, when I see these pictures, there's nothing in there that they can possible cure to my opinion. If I'm incorrect, please correct me.

My comment is, number one, this is blight under our Administrative Code Chapter 111 Spot Blight Abatement. Number two, and this is the question Director I just want you to answer, why are we still fooling around with these people? They're bad landlords, I talked to the tenants, they don't plow the area as much as they do. They don't provide the proper landscaping and as of today, they owe about \$392,000 in back taxes. That could be an arrangement that's being made but I don't see anything about this Inland building that is positive. One last comment, I must state in the Euclid Task Force study in 1994 there was talk of this building being raised then. Why are we still dealing with this problem?

Director Frey – I don't know if administratively we granted that 30 day extension and I'll need to find that out. If we did not, then the matter has got to come to the Prosecutor for enforcement. Those are steps that we'll have to take. I'm unprepared tonight to be able to answer that specifically about that building, I don't know that. I will be happy to find that out on Tuesday and you'll get that information by email on Tuesday on what the status is of the extension request and what our enforcement actions are at this point and what our options are. To answer your question, anything can be repaired, the question is whether it is economical to do so. Obviously the owner of this property must want to repair it, or avoid the expense. It is going to be our obligation to have a plan in place that either requires them to make the necessary repairs to bring it to code and if they're unwilling to do that then we have to proceed with the process of condemnation and demolition.

I can't answer where we are with that tonight. But I certainly will do so tomorrow; I'll find out from our building official, I'll find out from our code enforcement assistant in the Law Dept. where we are on that project and I will let you know.

Councilman Gilliam – Thank you Director Frey, the residents are waiting for an answer from me as well but I thank you very much.

Councilwoman Scarniench – Monthly public service announcements for Sticks. This Thursday, is Cinco de Mayo. Sticks will be having a fiesta; chicken fajitas, chicken burritos, tacos and Mexican beer. All starts around noon. Anyone who is interested. Any time there's a Tribe game on, please stop in at Sticks, hot dogs and beer are on special. A few months ago they had a wine tasting and they're doing another one, May 21 from 6:00-8:00. It is \$18 per person. If you sign up before the 15<sup>th</sup> you can save \$3. If you want to call and reserve your spot, 289-8574 extension 3. They're also doing a Briardale Invitational, anyone who is a golfer on Sunday, May 22 starting at 12:30 shot gun start. It is \$55 per person and all proceeds will be going to the Euclid Hunger Center.

Don't forget this Saturday is the Bike Auction. New place, it will be at St. Robert's. It starts at 10:00 on the nose until everything is gone. There is no pre-views; all sales are final; checks and cash welcome.

You heard about the Euclid Orchestra, something else this Saturday is Mary Mavec's flower sale. It is from 9:00 until 3:00. They've got lots of flowers and baskets of affordable flats. It is 21701 Lake Shore Blvd. All the proceeds go to benefit the school.

Assets meeting is on the 25<sup>th</sup> at 6:30. We'll be talking about the Shelter and Shore. That actually becomes two years since we started a process, so we'll be having an update on what is going on the last two years and where we go from here.

Lastly, I too want to say something about Kevin. I've known Kevin for a long time, long before I became on Council. I'll tell you I received more phone calls from people that he has affected their lives in what he has done, especially as a detective and helping to clean the drug dealers out of their neighborhoods. They will all miss him. I was at the wake, I was also at the funeral and it was amazing to see the support that was there for his family and my support as always goes out to them, as Councilman Langman said, innocent until proven guilty and that's the way I feel, he will be truly missed by everyone.

Someone else who past away this past weekend, this just shows my age and I just wanted to make a comment about it. Way back when I was a kid, 13 to be exact, we used to have what we call the Euclid Teen Association, ETA. We used to have dances every Thursday night at our ice arena. At that time the ice arena was open. The group that used to play for us was called Tom King and the Starfires, who in later years became the Outsiders. Well Tom King, he didn't live in Euclid, but he spent a lot of time here and I have very fond memories of that group. So to anybody out there who remembers that, Tom is now in Rock-n-Roll heaven. Thank you and goodnight.

Councilwoman Jones – First of all I would like to say Happy Mother's Day to all those mothers who are out in the audience or listening. I went to an event on Saturday that was focus on Stroke is No Joke. For someone who may think that stroke, it is not going to happen to me because I'm healthy and I do all the right type of things, well there were testimonials from stroke survivors that were healthy, took care of themselves but stroke can happen to anybody. You need to be aware of the warning signs. Just because you are healthy doesn't mean it can't happen to you. Pay attention to the signs of stroke.

It was already mentioned about the Relay for Life which is another worthy cause for cancer research and education. I would like to express my condolences to the Blakely family.

My other comment I want to make is on Friday I attended an Open Dialogue at Euclid High School and it was given by Miss McDonald, who is one of the mediation teachers. Open Dialogue, it was a room full of some high students, not just seniors but 10<sup>th</sup> grade, 11 grade as well. It was some teachers, it was a couple of parents in the open dialogue. The whole idea of the open dialogue was to try to find out what can we do as the school system to try to bring forward a more peaceful and non-violent school atmosphere. The open dialogue that we had in the school system is not just for things that we can do in the school, we talked about, the students gave some very open dialogue of how they feel about the detention systems or suspension systems and some things are not fair there. They spoke very honestly about things they need to speak about. It was great to see that because sometimes in you're in a room full of teachers and administration and parents, they may not want to speak that openly but it was an open dialogue.

We talked about, we're talking about a student and I'm talking about a student that not just at the high school, this can be a student at any school. If you talk about a student and put them in a triangle: they have home life, they have school life, and they have community. If you have a strong connection with all of those three points, you can have a strong support system for that student. But, if either one of those points starts to fall down then that's where some of the areas in a student's life can start to fall into the negative elements.

We talked about how can we bring a more peaceful environment to the Euclid High School system and even some of the students brought up the fact that it doesn't just start at the High School, it has to start in middle school and elementary school as well. This is the dialogue that is going to go on and go forward and at the end of the session everybody went around the room and gave a commitment of what they can do as far as bringing forward a more peaceful school year in the next coming school year.

My commitment is that it doesn't have to start in the next school year, it can start right now as of today. So I made the commitment that I will be open to help any youth that is in the city, in the school system, whether in the public schools, private schools, home school, whatever, to try to help them to get to a more non-violent atmosphere. I also made a commitment for the Mayor on his behalf is that his door is open to any of the students that want to come and speak to him about any of the topics or issues they may have in, not only the Euclid Schools, but the community. The community is one of those points that needs to bring forward strong resources for our youth. It was great to have this conversation coming towards the end of the school year because I feel this momentum needs to start now and move forward. I look forward to the more open dialogues with the high school students and others as well.

There was comments made, I think Councilwoman Minarik made the question about the inspector and Mayor you mentioned that if there are some apartment complexes that are not being inspected to let you know. I feel that there are some complexes that are not being inspected. We have a number of apartment complexes, we have a lot of rental homes that get inspected on a yearly basis. I think we have so many of those that we're getting back logged on those inspections. There are some that are coming up for inspection now that maybe haven't been inspected for the prior year. I think we need to investigate that and if we can get an inspector, whether it is part time on board to help relieve some of this back log, it would be greatly appreciated, not only to me, other council people, but the residents that may see some of the blight from the rental properties. With that, I'll say goodnight. Thank you.

President Holzheimer Gail – I forgot to say two quick things. We had talked about starting Executive Finance Committee meetings on the long term budget planning and I have not confirmed this with anyone but Council could at least get started. I would like to start Monday, May 9<sup>th</sup> at least hold that date tentatively and I'll confirm that with you tomorrow. And you have some charter pieces that you want to address, we can add that to the agenda as well. I'll confirm that and then we'll get notice out publicly.

Another exciting thing, I just wanted to make sure folks are aware of, the Cleveland Museum of Art is partnering with Shore Cultural Centre. They're going to be doing some workshops for people who want to participate in the Parade of the Circle which is a University Circle Parade. For anyone who has ever been there it is a very inter-active fun parade. People make puppets, costumes, floats and Shore Cultural Centre is working with the Museum of Art to help put on a series of six workshops led by the Museum's Outreach team. You can come to all six or you can drop in as you can. If you would like some information about that, please call Shore Cultural Centre at 289-8578. The Workshops will start May 9<sup>th</sup>. Shore Cultural Centre at 289-8578. Maybe we'll see some of those floats, puppets or costumes at our Memorial Day Parade, that would add some fun to that.

Councilman Gilliam – I just want to thank Councilwoman Jones. She's involved with a lot of young people in the area and she submitted two young men who helped us very much. I just wanted acknowledge her support living in Ward 3 and helping out in Ward 1.

Councilman Van Ho – Mr. Henry Gronowski who lived in Ward 8 for a number of years died last weekend and I hope everyone will keep him and the family in their prayers.

ADJOURNMENT

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

Attest:

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Clerk of Council

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President of Council