

COUNCIL MINUTES

May 16, 2011

The regular Council Meeting was held on Monday, May 16, 2011 at 7:00 PM in the Euclid Municipal Center Council Chamber. Council President Holzheimer Gail presided.

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

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

COUNCIL MINUTES

Councilwoman Scarniench moved to receive the Council Minutes of May 2, 2011. Councilwoman Jones seconded. Yeas: Unanimous.

ADMINISTRATION REPORTS & COMMUNICATIONS

Mayor Cervenik – It has been quite a busy couple of weeks. I'm going to thank some people for a number of things that are done and then make some announcements. First of all the City of Euclid completed their third Relay for Life event, raising money for American Cancer. It was a very successful event, this year even more so than the past two years. It was a community lead organization and the chairperson this year was Christine Banc and she helped keep everybody organized and raised money. The unofficial total is approximately \$61,000 that was raised in the City of Euclid over an 18 hour period. Plus the fundraising they did during the year. It is a very good sum of money to raise. It was fun at the event. There was also some remembrances and prayer and hope to cure for cancer for people that are fighting it right now. There was also at the luminary service a very moving reading of the names of those that have past, as well as those who are still here with us. We're looking forward to next year, the fourth Relay for Life. As long as I'm on that topic, the Chief wanted to thank a group in particular for your team's efforts.

Chief Cosgriff – I also participated in the Relay for Life on a team with the very innovative name of the Euclid Dads. I would like to publicly thank Chris and Matt from the Paragon restaurant who allowed us to have a fundraising event at their restaurant. They allowed our team to be guest bartenders and the tips that we earned that night went to the Relay for Life. Chris put on a spread of food for anybody who showed up. It was a very nice event. If people haven't been to the Paragon restaurant, that's a real gem in downtown Euclid. It is a good place to support and I just wanted to publicly thank them for that.

Mayor Cervenik – It is people like Chris and Pat and all the participants and many vendors in the City of Euclid that made this event a great success. Upon leaving Relay for Life at around noon, pretty much exhausted, I had the honor as well the Council President as well as one of our Board Members, Donna Sudar, to attend the 11th District Congressional Art Competition. There's a tremendous number of Euclid High School artists that received awards. Anastasia Soboleva, she received among other awards, the best in show. Her and her family are going to be flown to Washington, D.C. where her artwork is going to be posted in Washington for a year, until the next one.

Many great artists, I'm going to name them. Under the painting category, again it was Anastasia First Place for Painting. Macy Franko Second Place Painting. Taylor Buchanan, Third Place painting. Matthew Burya was Third Place. Honorable Mentions are Shorooq Elbagory; Jaron Snead; Aaron Williams; Jessica Smith; Daniel Krane; Narcisse O'Neil and Deidra Thompson, all for painting.

Then we went into Drawings and that is where Anastasia won First Place, Best of Show, and that is what is getting posted in Washington. Matthew Burya was Second Place for Drawing. Cassie Kremyer was Third Place in Drawing. Euclid had a clean sweep, tri-fecta.

Under Emerging Young Artists, Honorable Mentions, we had Franek Kansah, Doninique Thompson, Tailan White, Nia Berry, Deante Bulgin, Vincent Egler, Dawn McCain, Amanda Lewis, Eriana Hargrove, Caroline Merkum, Lindsay Libby. Those were Honorable Mentions for drawing.

We also had a few others, Kate Sudar, Avianne Mitchess, Joe Keichel, Jr. and Danial Krahe. Under Mixed Media, these were some very interesting pictures and these pictures should still be down at Martin Luther King Memorial Library on Louis Stokes Blvd., if you'd like to take a look at them. Mike Fillinger, Christina Storrs, Andrea Bartel. Under Computer Generated: Cassie Kremyer won Second Place and Kate Sudar won Third Place. If I'm not mistaken Kate this is only her first or second year in doing it. Macy Franko received an Honorable Mention.

We should all be very proud of the artwork and extra-curricular activities that are done at Euclid High School and I'm especially proud of these students. It was a pleasure to be down there.

Together in Euclid, TIE, a newly formed collaborative, which includes the City of Euclid, the Public Library, Euclid YMCA, the Schools, many faith based organizations as well as many of our churches and congregations throughout Euclid. We came together in order to provide more information about activities and programs for our youth.

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So we can keep them in supervised programs and they can learn and socialize and basically stay out of trouble. We have developed a brochure that will be available through the City, the participating churches and the Y. It will also be sent home with every elementary aged child, although there are programs for all ages. It is just another way we're trying to get people to know what is going on in the City of Euclid and where they can seek help. It is not all recreational programs, there's art programs, bible schools, a lot of great things to keep our kids occupied during the summer. We will reconvene towards the end of July so we can start a fall program as well. A number of Council people did attend those meetings and I appreciate that. We certainly hope your attendance will continue.

This Friday, May 20th is the official grand opening of the newest restaurant, on the corner of Lake Shore Blvd. and E. 266 called Steve's Grill. Supposedly, I haven't been there yet but we'll be there on the 20th. They have fabulous Black Angus burgers, mouthwatering baby back ribs, homemade roasted turkey sandwiches and his signature monster grouper fish sandwich. The grand opening is Friday, May 20th at 4 PM. The public is welcomed. There's going to be live music, hot rod car display and a burger eating 2 + 2 challenge. The first contestant to finish eating a 2 pound burger and 2 pounds of fries, will win \$100 gift card and trophy. If you want to enter, call 216-261-ribs. You need to register for the 4:30 challenge.

Euclid PetPals is having their annual BBQ, Friday, May 20th at Tizzano's Party Center, 1361 E. 260 St. The beverages begin at 6:30 PM, dinner starts at 7:30.

Community Shred day will be this Saturday, May 21st 9 AM until Noon, behind City Hall. Each resident can bring up to 5 boxes of papers that they want to be shredded at no cost. The boxes will be unloaded from your car.

Imani Church, 1505 E. 260 St. is having a Health Fair, I've attended this before, it is a very good way to spend a few hours. It will be Saturday May 21st from 9 AM until 1 PM at the Church itself.

Memorial Day Parade, Monday, May 30th. It is sponsored by the Euclid Joint Veterans Council. As always the Parade starts at 10:00 from E. 228 and Lake Shore Blvd. We have at 7:45 we have a memorial event at the Euclid Cemetery and 8:15 an honorary event at St. Paul's Cemetery, even though St. Paul's has merged with another parish, we are still going to have a ceremony there at St. Paul's. After the parade, somewhere around 11:00, there's a ceremony in front of the Veteran's Monument, by the Library and we ask you all to attend. For more information or you'd like your group to join the parade, go online, AL343.org and you can get more information, as well as an application but time is running short.

Certainly we don't want to forget the E. 200th Street Stroll that is coming up Saturday, June 4th from 10 AM until 2 PM. This is the 5th year we're doing this now. It is a great event. It shows what is going on 200th Street, brings the community together. Sherrie Zagorc is out in the audience and she's the chairperson of that along with a lot of volunteers.

Rec Dept. has late night registration, all the Tuesday in May, from 3:00 PM until 7:00 PM. Also registrations will be held this Saturday, May 21st from 10:00 AM until Noon at City Hall. We're trying to give you some convenient hours to register for various programs.

Senior Programs on May 20th, Friday, 9:00 until 4:00 is having their Trash to Treasure Sale event. You might want to come in and see somebody's trash maybe your treasure. If you would like to donate any of your treasurers, not trash, but treasurers that can be used by the Senior Programs as a donation, please take them to the receptionist at the Community Center. It has always been a great event, a great day and everybody please stop down and say hello and who knows what you might find there.

Another event that happened this week was Clean Up Day. It was put together by Dave Carlson, Sheila Gibbons of the Euclid Chamber of Commerce, as well as resident Sue McGinn. They organized a clean up day. Some of the participants were school board member Donna Sudar, Director Frank Pietravoia, Sherrie Zagorc, Our Lady of the Lake Boy Scout Troop 143; Euclid Youth Soccer Organization; Euclid Hospital; students from Notre Dame Cathedral Latin, Lake Catholic, Benedictine, Ss. Robert and William. They asked me to give the shout out, and that's exactly what we're doing. They cleaned up a number of areas in the city and we really appreciate it.

This past Thursday, we had Keller Williams Realty cleaning up in front of Shore, called their Red Day. Their founder requires on May 12 of each year all of the offices find a city where they can do some nice things for and they did some tough work. They scrubbed down the fountains at Shore and the runway where the water comes from, as well as the two main planting areas, they weeded and put in wood chips and made it look a lot better. Laura Kidder is still looking for volunteers to help spruce up the gardens along 222 St. by the west side of the auditorium. Give her a call and she'd be more than happy to give you a shovel or two. Bring some friends with you, we're trying to get it all spruced up before Memorial Day.

Tomorrow at Noon, I'm hosting a luncheon at the Culinary School for about 12-14 of our larger businesses. They're CEO's or representatives and we're going to tell them, show them what we're trying to accomplish at Shore Cultural Centre, introduce Sarah G???? the new Development Director. Sara is going to get in there and tell them how these businesses could help us make Shore continue to help grow the traffic in downtown.

Tomorrow night, we're busy, Tuesday, May 17th from 6:00-8:00 PM at the Euclid Public Library, is a public meeting of the offshore wind energy in Lake Erie. LEEDCO is putting this on. An RSVP would be appreciated, not necessary, but they'd like you to respond by calling 216-241-9201, or emailing cboyce@leedco.org and let them know you're coming. There should be plenty of room for that as well.

I know the sponsor is pulling the legislation concerning Senate Bill 5 tonight until he's received the presentation on Wednesday night's Finance meeting, but I will tell you this much. We've been doing a lot of reading on this, a number of my Directors, Law Director Frey and Finance Director Brett have gone to a number of seminars on Senate Bill 5. I can tell you I will be signing a petition to repeal Senate Bill 5. I find it rather, for no better word, disgusting that the Governor and supporting legislators, are stealing our tax dollars from the Local Government Fund, CAT Tax and Inheritance tax. Those are dollars that we send down, our residents send down to Columbus each and every year and there has always been the agreement that those dollars would be coming back to us, a certain percentage. That whole formula has changed. It can cost the City of Euclid, probably in excess of \$2 million. What he says is, well I'm giving you an alternative and that's Senate Bill 5. Basically the alternative is to totally gut collective bargaining, to totally destroy to labor and administration being able to sit down and discuss ways to keep the city running in an appropriate manner. It is putting a gun to our head and said I'm taking all this money away from you and you better support Senate Bill 5 and that's just not the way things are done in the City of Euclid. They certainly aren't done that way in America. As you heard today, it is close to between lay offs and non-replacement of worker positions in the City of Cleveland, it is close to 500 people will no longer have jobs in the City of Cleveland. Many of them are police and fire. All the cadets that graduate are being laid off, they are not being hired. Normally when they come out of their cadet school they are put on the force immediately. It is a very sad, sad, state of affairs right now. We will deal with it. As I told you last week we will find a way to deal with it. With that, it concludes Administration Reports and Communications this evening.

REPORTS & COMMITTEE MINUTES

Councilwoman Scarniench moved to receive Fire Report of April, 2011; Executive & Finance Committee Minutes of 4/27/11, 5/2/11, 5/9/11; Parks & Recreation Committee Minutes of May 4, 2011; Board of Control Min. of 4/25/11; 5/2/11. Councilman Gilliham seconded. Yeas: Unanimous.

COMMITTEE OF THE WHOLE FOR LEGISLATIVE MATTERS ONLY

President Holzheimer Gail – Res. (295-11), item #9 has been pulled by sponsor. There will be discussion, correct Councilman Van Ho?

Councilman Van Ho – Item #9 will be pulled. After the Finance and administration committee meeting, it will be reintroduced two weeks from now, so it can be voted up or down at that point.

President Holzheimer Gail – This is the third reading and public hearing on Item #15, which is the EPA Consent Decree. There will be a special public hearing at the time when we discuss that. This is the time to speak to anything on the agenda. No comments from the public, we'll move forward with legislation and Item #1.

LEGISLATION

Ord. 69 -2011 (301-11) Software for Tax Dept.

An ordinance authorizing the Director of Finance of the City of Euclid to enter into a contract with Municipal Income Tax Solutions, LLC, Cleveland, Ohio, for the purchase of a tax software system and annual support and updates for the years 2012 and 2013 in a total amount of \$66,688.50. (Sponsored by Mayor Cervenik)

Councilman Van Ho moved for passage, Councilman Langman seconded.

Director Brett – The \$66,688.50 is the cost of this particular software over a 3 year period, with the first year being \$48,047.50; the second year \$6,865.00; third year being \$11,776, for the total of the \$66,000.

Currently we use a software program called Tax Man which only costs about \$5,900 a year. However the advantages that MITS offers the city and the income tax department in particular are really significant and should save some man hours over the course of time. Right now when someone comes into the office and they want to review their particular tax case or their tax forms, we have to sit down and recalculate from whatever document we have, the accumulated interest and penalties due on that particular bill. At the end of the year, we have to run a full report that updates all of the interest and penalties for all of the accounts, and it is a ream of about this thick.

What MITS does is does that automatically. Every day it updates all the penalties and interest in all the accounts so that when you bring up an account, it is already updated as far as how much is owed, penalty and interest, so we're every time we have a case in front of us, we're not sitting there doing manual calculations with it, with essentially a tape.

The other thing it will do is next year, it will allow us to incorporate e-file with the tax program so people will be able to file via internet. The following year it should allow people to use their credit cards to pay for their tax liabilities. When all of these things are considered, it is going to be an enormous savings in manpower. Not necessarily with the number of people there, although we are down one person there, but with the number of hours spent on pretty much routine calculations that can be done through the computer as opposed to manually.

We checked with a number of people who use this particular software and some people who don't. Tom Malone, in Cleveland Heights uses New World, which we use for our finance. He says that MITS is the gold standard of income tax collection software. He doesn't have to worry about it anymore because the City of Cleveland Heights voted to go back into RITA. If he had his druthers when he was self-collecting, he would have left New World and gone to MITS. It is not to say anything against New World, New World is a very good piece of software for finance and payroll, but MITS is a much more specifically based software specifically based for tax collection.

I have in the audience tonight, he couldn't wait to be here, Nick Caplik, the City's Tax Administrator if you have any questions in particular, he might be in the best position to answer any questions about the software. Again the software, we had a presentation of it, very good software and it really fills the needs of tax collection and tax administration.

Councilman Gilliam – Most of my questions were answered. This particular organization, MITS, they're going to provide technical assistance as well in the contract?

Director Brett – They're going to provide 12 hours of training in the first year and then yes, I believe the annual maintenance includes online tax support. Correct me if I'm wrong on this Nick, when they look, instead of, you call them up and you have a secure connection, they see what is on your spreadsheet in front of your or on your monitor, it is the same thing. That makes it a lot easier than having somebody trying to explain to you, do this and then do this. What they can actually say is, I see where you're at, what you need to do is this, with it in front of you and they'll even be able to move your mouse if it is like other types.

Councilman Gilliam – This leads into my other question, they're only going to have external access when we are actually using the system, correct? I know it sounds like a simplistic question, but I was just concerned about the compromising of personal identification and things of that nature. The only can have internal access when the City of Euclid is operating the actual software package, correct?

Director Brett – They can only access the line when you're on the phone with them and you initiate the link up. They can't initiate the link up themselves.

Mayor Cervenik – When we were internally going over our budget requests, there was a request made for an additional staff person for the Tax Dept. When we got into the capital end of it we were going to propose purchasing this system, we nixed adding that extra position on because much of the work the extra person, the new person would have been hired, would have been taken care of by what this program could perform for us.

Councilman O'Neill – What type of life expectancy do you feel you get out of the system? How long do you think this will be practical in service, life expectancy?

Director Brett – I'm going to, because I haven't worked with MITS directly, I'll refer back to a system that I'm used to working for in finance but I don't work with in here called CMI. CMI has been around for 20 years. What they do is essentially they've adopted to new technologies as they come along. CMI when it first came out was a command language type of software. As more and more computers moved toward the gooey or the graphic user interface, or Windows type of interface, they upgraded CMI so it would be much more Windows based than command language based and then they started working on the server. They adopt this software to the technology that is out there.

Councilman O'Neill – Is it safe to say twenty years?

Director Brett – I'm going to guess 20 years at minimum.

President Holzheimer Gail – Mr. Caplik, did you want to add to that?

Mr. Caplik – I'm just standing up here just in case there are other questions I might be able to assist with.

Councilman Van Ho – Are we confident conversion to this program would be seamless? I've been through conversions that weren't and I really don't want to be playing with people's taxes in the middle of a conversion.

Director Brett – That was a specific concern that we had and that's the reason we're picking the timing of bringing this particular software at this time. This is the low activity season immediately following the busy filing season where we have a little bit of time to run parallel. Worst case scenario were to come about, we still have Tax Man on the system where we could be continuing that for a year or for the immediate future if there were any bugs. We don't expect that. I think we asked if there were anybody on Tax Man who had converted to MITS and I don't think we found anybody specifically. However, when you make the change in software it is kind of an unwritten rule that you don't make waves on the conversion because then that word gets out and people who are considering your software maybe because of the lower cost, they get feedback from people who have had a bad experience with the conversion. MITS assured us that there should not be a problem, but they have not worked with a conversion with Tax Man to this point.

Councilman Van Ho – You mentioned Cleveland Hts. didn't have the program but would have went to it. Who does have the program where it is running smoothly?

Director Brett - Lakewood has the program. I believe Walton Hills has the program.

Mr. Caplik – Eastlake also has the program.

Director Brett – Obviously with the presence of RITA where a lot of communities elect to go and sub-contract or contract out their tax collections, you'll have fewer people using in-house tax collections. Those are the people that we use and I spent an afternoon with Tom Malone discussing sewer and taxes, two of the certainties in life. He said that MITS was a very good system and if he had his choice he would use that system.

President Holzheimer Gail – The ordinance does state that 30 cities in the state use this particular software. Did you contact them individually to find, not all 30 but, did you contact a sampling?

Mr. Caplik – Yes I have. Every month we have a meeting that's called the Ohio Tax Administrators Association. A majority of those cities that are independent, they use MITS. Each one of them have talked very highly of it. I visited Eastlake and observed their system and they also came out here and gave a presentation. It is very simple, easy, it keeps track of interest in regards to let's say rental property. Which is a nice system to have just to keep track of all the rental property within the City of Euclid.

Councilwoman Jones – Director Brett, you mentioned for 2012 & 2013 would include the support in updates. What about after 2013, are we not eligible for version upgrades?

Director Brett – Those will come separately priced after 2014, as does every software. You'll recall that it was last council meeting that I came with New World maintenance updates. Every year there will either be a licensing issue or maintenance update that will come along. This is essentially how software companies make their money is not just the software itself but the continued maintenance. Those will be available as we go along. The people that made the presentation to us, they said if we come up with not so much a problem but if there was information we could use, they really took it as long as one of our users wants a particular feature in the software, they will then start to work on incorporating that feature at no cost as long as they can sell to everybody overall. That spreads the cost of innovations because you might have a city that realizes that they want addresses for rental properties by zip code for whatever reason. They'll say we don't offer that now but we'll start on our next rework, on our next update to start to try to incorporate that. Nick, I seem to recall they basically work on two updates a year.

Mr. Caplik – Correct.

Director Brett – Once following the tax filing season and the other one at the end of the year to capture any changes in regulations through the year by IRS or State tax code or whatever.

Mr. Caplik – They actually meet twice a year with all the members using that system, all the cities using MITS. It is also a training program. If there is something they're putting together that a community or city requested, they would show that to all the members that are under MITS. It is more of a learning lesson as we go along.

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Councilwoman Jones – You mentioned the different amounts for the three years. How did you determine how much was appropriate for each year? Is it an algorithm that you calculate that?

Director Brett – They told me, I'm not that smart.

Councilwoman Jones – It just seemed like odd amounts, that is why I was wondering. Thank you.

Councilman Langman – Director Brett will we have to purchase any new hardware to support the new software?

Mr. Caplik – I believe we were in discussion of purchasing a new server for the city.

Director Brett – We were looking at the new servers would have enough storage space on them. We're looking at purchasing new servers regardless. Again I'm not an IT person, I work for a living. But the new servers that we have are able to partition off the server into different components. With the new servers we should be able to have tax on its independent portion of the server.

Councilman Langman – How much would that cost?

Director Brett – We have that in the capital budget as it is now between \$80,000-\$100,000 for the new servers. Ms. Keller used a term to describe the servers as being expandable and partition able.

Councilman Langman – Forgive me because I don't work in IT either, but would they be an addition to the servers we have, or in place of the servers we bought when we set up the Tax Dept.?

Director Brett – Right now the Tax Dept. uses the servers that are located in finance, correct?

Mr. Caplik – We have our own server for the tax department but it is located back in IT by all the other servers. The new server would be capable to handle, it would just be one big server for the city with all the departments.

Councilman Langman – Instead of having separate servers that we initially purchased, we've merged them into new servers that can handle more than just the tax department. Is that fair?

Mr. Caplik – That's correct.

Councilman Langman – Was there any consideration with going with an updated version if one exists of Tax Man?

Director Brett – We looked at what they had to offer and I don't know if they've offered any updates.

Mr. Caplik – Any type of updates that we request, it is going to cost us, since it is just us and another city that use Tax Man. The other city is a smaller city who has benefited by us having the updates added to our system and they automatically receive it. Therefore it is just two communities that use Tax Man. This system here has a wide variety of, different sized cities use it in MITS. If we're interested in updating or programming something new, it is going to be spread out among all the other communities.

Councilman Langman – That makes perfect sense. How long has MITS been around?

Mr. Caplik – That I'm not sure of, I know for instance Lakewood has had them for over 5 years along with the City of Eastlake. There's other cities Stow and I'm trying to think of all the other names.

Mayor Cervenik – I do have a list here. The City of Ashtabula was installed in July 2003. City of Bedford July 2003. City of Brunswick February 2003. Canal Fulton June 2003. It looks like they started back in 2003. There's quite a few other cities, Cuyahoga Falls, Chillicothe, Defiance, East Cleveland, Eastlake, Lakewood and so on are all using MITS for their tax department.

Councilman Langman – I guess the question is, why didn't we go with them initially instead of Tax Man?

Director Brett – I don't know how long we've been using Tax Man.

Mayor Cervenik – At the time we were using Oscar Knicely. He is involved in Tax Man for our delinquency collection. When we went on our own it was decided at that time to just expand the delinquency program into the tax collection program and it worked very good. They have not expanded and have never come up with a lot of the items that this program gives now. Now is the time to make that decision to move on.

President Holzheimer Gail – I think it is important to move toward the electronic filing. That capability is important and I don't believe we were able to do that with our current software.

Mr. Caplik – We are able to do it, it is just not user friendly at this time. If you were to go on and file your tax return, we get calls everyday in regards to how do you go about doing it. The other big thing is ACH payments. Eventually any tax payer could come into the office, sign the payment agreement and a majority of them say, can you just take it out of my checking account on a monthly basis. Currently we cannot do that. This new system will allow us to set that up for them. Therefore they don't have to mail in a check, drop off the check or come into the office on a monthly basis.

Councilwoman Jones – What's the transition period for switching over to the new software? I would imagine we'll be running both during that time period. How long does it take to do the conversion?

Director Brett – We contemplated this last year. We were shooting for this time period, you don't want to do this during filing season obviously. Between now and the end of the year is the ideal time to set it up and at some point we would start to run parallel with both systems running. Am I correct Mr. Caplik?

Mr. Caplik – That's correct.

Director Brett – Around January 1st, we would continue to run in parallel until some point where we had a season under our belts and then we would cut lose.

Councilwoman Jones – Do we pay maintenance for the existing software now? Would that discontinue as of January 1, 2012?

Director Brett – I would probably continue until after the filing season next year to be on the safe side.

Councilwoman Jones – I know some software products, if you run them, you can run them unsupported, you don't have to have a maintenance agreement. But this software you can still run it and access it. If we do discontinue the maintenance agreement, do you know if our existing software can run unsupported?

Director Brett – I believe the Tax Man would, yes.

Councilwoman Jones – Just in case there was something that happened and we had to go back.

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

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

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

Passed.

Ord. 70 -2011 (303-11) JJR Agreement

An emergency ordinance authorizing the Mayor or his designee to enter into a professional services agreement with JJR, LLC for the design, permitting and engineering of the Sims Park Public Fishing Pier and Phase I Trails as part of the Euclid Waterfront Improvements Plan not to exceed One Hundred Seventy Thousand and 00/100 Dollars (\$170,000.00). (Sponsored by Mayor Cervenik, President Holzheimer Gail, Councilpersons Langman and O'Neill)

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

Director Pietravoia – Several weeks ago we had a meeting of the Executive & Finance Committee and several other related meetings during that same time period with our consultant JJR who is working on our lakefront plan. At that time they presented their work completed to date and one of the things they focused on was the extension of the existing fishing pier and the improvement to the trails at Sims Park, specifically those that lead to the fishing pier.

At that time we discussed with Council our next steps and was recommended that we come forward with a modification of their current contract which would allow them to do the more detailed work necessary to advance the fishing pier project and the trails project. That's what we have before us tonight. This ordinance would amend the existing Phase III contract with JJR. It would add the scope of services that we distributed to members of Council as a draft. Essentially in summary what that scope would include is the detailed engineering related to the pier and the trails. It would also include the continuing work with all the permitting agencies, including the Ohio Department of Natural Resources, US Army Corps of Engineers and the Ohio Environmental Protection Agency. As we've discussed many times at these meetings, any time you do any work in the water, there are necessary reviews and permits required from all of those agencies.

The third area this contract would include is the actual preparation of the final construction documents for those improvements and then they would assist in putting together the bid set of documents and would also assist in the actual bidding of the project along with the city, particularly the Department of Public Service and our department would also be coordinating.

Finally they've included a section in their scope of work that would involve construction services onsite during the actual construction of the improvements they would attend, during the construction they would be here for periodic site inspections and prior to the actual beginning of construction they would participate in a pre-construction conference and they would assist if there are any change orders necessary and at the end would be available and participate in a final inspection once the work is completed.

As far as the funding is concerned, we did have since our last Committee meeting we did have conversations with the State of Ohio regarding the three grants that we received. The capital grant from the State, the Recreational Trails grant and the Natureworks grant. The last two that I mentioned specifically are particularly for the trails leading to the pier and they indicated that it would be eligible under those grants to use the funding for the actual engineering, scope of work that I just described to you this evening. The cost is estimated at not to exceed \$170,000 and that includes their anticipated travel and related expenses. This would be fully covered by those grants and there would still be some funding available from those grants toward the actual capital cost of those improvements.

Asst. Director Gliha is here this evening. As you know he's been taking the lead in assisting on this project. We're both here to help in answering any questions that you might have.

Councilman Van Ho – I will vote for this but more important I would like to thank your department, you and Asst. Director Gliha for the communications that we get every week explaining things like this out front. I don't have any questions essentially because you answered them out front. Thank you.

Director Pietravoia – I did get a couple questions from Councilman Gilliam, I'll defer to Councilman if he wants to discuss those this evening as well.

Councilman Gilliam – Director Pietravoia the questions that I have which are relevant to the reporting and the final phase and I think you answered them to the point of satisfaction. I'm not a person that is an engineer of any sorts, so my questions were based upon the questions about whether or not this pier would be in a Coastal Management Zone and you had expressed to me that is not true, therefore there won't be any adverse affects on the design and the construction of the additional pier. The other issues that came into place were the erosion protection plan that existed before and also the Moss Point drainage act which to me might as well been in a whole different language. You explained those to me very clearly that this is the appropriate language and the appropriate work done in addition to what JJR has already added to this to make this project successful. With those questions being answered and feeling secure with those answers I have no other questions and I was pleasantly pleased to hear the explanation of the pavilion and also the wind turbine as far as how those can be implemented either in the front or later down in additional phase. I'm clear with this particular legislation, thank you.

Councilman Wojtila – I had trouble printing the second attachment you had sent on Friday, but I tried late this afternoon and it wouldn't print. Can you tell me how much the construction phase portion of their services are out of the \$175,000? While you're looking for that, from an oversight and construction administration standpoint, a firm out of Wisconsin and their travel time associated with getting here, just seemed like we could do that perhaps a little more economically.

Director Pietravoia – While Asst. Director Gliha is looking for that breakdown, we did discuss this with JJR and they explained and I tried to briefly summarize that while they would be involved, they would not be the exclusive provider of those onsite construction services for the very reason Councilman Wojtila mentioned. Being out of state it is not practical for them to be here as often as is necessary. But they typically do take a role along with anyone we might hire locally to be sure the project meets with all the standards and engineering design work that their firm completed. I do think it would be important for them to have a role in that. There would likely be some additional cost in hiring a local firm that would

supplement anything that we might do from our own staff, typically on the construction projects, roadways and others, we do hire an outside firm to assist.

Asst. Director Gliha – The engineering construction services would include items 1, 2, 2.1, 3, 4, & 5 of JJR’s proposal, are listed at \$139,590.

Director Pietravoia – To clarify, that in essence is about three-fourths of the work that was described in the scope of services. They didn’t break it down that finely to just give a cost related to the construction phase.

Councilman Wojtila – It is a limited construction phase services with somebody else supplementing that more in the routine day to day type of construction.

Director Pietravoia – Correct, and we would work very closely with Director Smith as we approach that part of the project to see if our own staff can do it or we need to supplement with another local consultant.

Councilwoman Scarniench – Do we have a timeline on how long this phase will take?

Director Pietravoia – The engineering work would be, when you say this phase, the entire contract would extend into the end of this year and likely into 2012 during the construction of the actual project. The engineering design work would take place over the next several months. The expectation that it would be packaged and bid during the summer months and construction would start in the fall.

I neglected to mention, I did mention it in the memorandum I sent to Council, but an important factor here is that the grants that we received do have a timeline associated with them. With Council’s support at the committee and again tonight going forward with this, it will allow us to stay on that timeline and have the grant funds expended by the time their deadlines approach.

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

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

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

Passed.

Res. 71-2011 (251-11) Memorial Park Concept Plan

A resolution approving and accepting the Memorial Park Concept Plan, dated March, 2011, as approved by the City of Euclid Planning and Zoning Commission as an official addendum to the City’s 1996 Master Plan. (Sponsored by Councilpersons Jones and Wojtila) (Recommended for passage by the Parks, Recreation & Youth Committee of Council and the Planning & Zoning Commission)

Councilman Wojtila moved for passage, Councilwoman Jones seconded.

Director Pietravoia – I was deferring to Councilman Wojtila if he wanted to begin the discussion. This matter has been before Council and has been referred to the Planning & Zoning Commission. They held two meetings, one was a special meeting at which time the plan itself was presented by the committee that prepared it with Councilman Wojtila as the head of that committee and other members and members of the public participating.

Then came back to Planning & Zoning at their May 10th meeting, with the intent being that would give them time to consider the input that was received at the special meeting and they did take action that meeting and approved the plan unanimously with several amendments. Councilman Wojtila if you’d like I could go through those amendments?

Members of Council you should have received a second printed version dated May 2011 and that one does incorporate the minor changes that were considered and approved by Planning & Zoning. I will walk through those for your. There was an outside firm, Stephen Hovansek and Associates that assisted with some of the work, particularly the graphics that were included in the plan and they had not been included in the acknowledgement section, so that was added to the acknowledgements page.

Then there was a statement added after some discussion at both public hearings about the economic benefit of making improvements to the park. There was a statement added to the goal section regarding park revenue and external economic benefit that was expected as a result of improving the park. Or it was expressed as a goal, I should say. Then there was an item regarding the pond itself indicating that the pond was to be naturalized and clarifying the committee’s intent was that the wooded area surrounding the pond would remain as a passive nature portion of Memorial Park.

There were a couple of map changes, some labels that needed to be corrected and that was undertaken. They removed the sand volleyball courts, those still were in the March draft version of the plan. Since those are being moved to another location, that is being replaced with green space in the drawing itself.

There was discussion explaining the basketball courts that were shown could be expanded to the south of the area where they were proposed in the plan. While that was explained verbally, it was not actually shown on the drawing. That is now a note that is shown in the drawing to the south of the proposed basketball courts.

There was also discussion about the trails within the park. There was a desire to see a connection to and from the pond, connecting to the rest of the trail system within the park. That was described verbally but it was somehow left off the map so that was added to the map, basically you see a dash line connecting the trail system from the main trail to and from the pond.

With those minor changes at the regular meeting of the Planning & Zoning Commission on May 10th, they recommended approval and adoption of the amended plan as part of our city's master plan. That recommendation is before you as full Council this evening for action.

Councilman Wojtila – I am proud to be the Chairman of this Committee and proud of the finished product that is before us today for our review and hopeful approval. I would like to recognize committee members because this was definitely a committee of workers. The final product was a result of all the meetings and all the input and all the hard work of the committee members. If you'll indulge me I would like to read the names of the committee members: Eugene Basile; Deonte Brown; Shane Byrne; Paul Dietrich; Ken Ferlito; Larry Germovsek; Jim Grinstead; Frasier Hamilton; Susan Hamilton; Brian Iorio; Kandace Jones; Susan McGinn; Ben Perpar; Paul Serra; Mac Stephens; Jewel Stuart; Mike Tortoricci; myself and Kathy Will. In addition we did have two corporate helpers Coarse & Associates, a landscape architectural firm in Chagrin Falls provided some technical help as did Stephen Hovansek and Associates out of Richmond Heights.

I would like to also, I failed to mention the presenters that were with myself and Councilwoman Jones at the Special Meeting between Planning & Zoning and the Rec Committee, so I'll do that today. Paul Dietrich was one of the presenters; Jim Grinstead; Frasier Hamilton; Brian Iorio; Kandace Jones; Mac Stephens; Jewel Stuart; Mike Tortoricci.

The process was a Council driven process. We initiated this effort about a year and a half ago and again we have the finished product here today. There was a lot of discussion on all of the components and all the parts of this plan. I'm very proud of this plan and I hope everybody takes a close look at it and I look forward to seeing this implemented through the years to come. Thank you. Councilwoman Jones, would you like to add anything?

Councilwoman Jones – Between you and Director Pietravoia, you summed everything up. I would like to thank all of those we helped put this effort together.

Councilman Van Ho – I'm requesting that this plan be sent back to the Parks Committee, P&Z and the Rec Committee for revision. A significant portion of this plan is on land that is not owned by the city, but rather by the schools. All land beyond the lights at Stanic field towards the high school belong to the School. The plan had no input from a school official. Mr. Grinstead has not worked for the Schools for several years. Mr. Ferlito was a building principal and therefore not aware of future plans that may require utilization of some or all of that land should it be needed when a new high school is put together. The committee should have checked with the Superintendent or the Business Manager. Before we start casting and stoning things that other political subdivisions own, they should be consulted. There has been a good working relationship between the schools and the city to-date, let's not blow it.

Councilman Wojtila – As part of the initial process we did want a committee that was well rounded. I personally called the Superintendent of Schools, Dr. Jones, he referred me to the Business Manager. The Business Manager informed me that Mr. Ken Ferlito would be the School Board's representative to our committee. We knew after looking at the plan that Memorial Park, we all know Memorial Park does not include just the City of Euclid property, it does include School Board property. We knew that, we reached out to the School Board. They identified Mr. Ferlito and he was an active member of our committee.

I respectfully would not want to see this go back to committee and I hope we vote on this today.

Councilman Van Ho – The Superintendent was consulted and he had no knowledge of Mr. Ferlito being appointed officially. That's all I can say. I talked to him at 4:00 this afternoon.

Councilman Wojtila – Fortunately I keep my emails and I'll be happy to forward you his email.

Councilman Van Ho – I still would recommend that it be taken back because the people who know what was happening with this in the near future were not consulted.

Councilman Gilliam – Councilman Wojtila, you said this project has been in the works for about 18 months. It just goes back to something that I said at previous meetings, I'm just going to reiterate this one last time because there are more people here to hear this. Ordinance 192-2005 was sponsored by three Council people that said School Board members two and three council people should sit down and develop ways to share cooperative resources to look at ways to share finances and work on common interests. For something to be laying out in the public view for 18 months, I have some concerns why school officials were not that aggressive. In hearing the comments by Councilman Wojtila, I firmly believe that there was some level of reaching out to other officials. This has been going on as far as when I was on the Recreation Commission that initially started and I have been off that for two years. When Councilwoman Jones and Councilman Wojtila actually began to start this, this concept had been introduced way back in 2009 and they continued with the leadership of these individuals. Twenty-one people worked on this from all different aspects of the city. I just find it odd that the school would not have any knowledge of this situation with a school employee being part of it.

I would not vote to put this back in committee. I would like to vote it up or down this evening. It is a concept. It is a project that we're looking at. Other things have to come into play such as funding, approvals down the road and I think the work here needs to be voted up or down this evening. That is just my opinion but obviously it is not a mandate. Thank you.

Councilwoman Scarniench – I was going to kind of say the same thing. This is a concept. They have been working on it. The fact that the Recreation Commission knows about this, there is a School Board member that sits on that Commission. So they know exactly what has been going on all this time. It is a concept. I want to move forward with it. Anything we do, it still has to come back. I'm ready to vote on this tonight.

Councilman Langman – I would prefer that this go back to committee but as I stated all along, I'm prepared to vote on this tonight. Even though I appreciate the efforts of the committee, I think they've really produced a fine document. I stated all along that if the dog park was not incorporated into those plans, I could not support it.

The reason for that is, for those of us who have been around a long time, the issue of should we build a dog park, can we build a dog park has been around for about 20 years now. Many council people in the past have talked about and worked on it. I know Councilman Gruber, that was a project near and dear to him. So about 3-4 years ago I came up with an idea that I thought was workable and out of that came the Dog Park committee. It should be remember that it was the Rec Dept. therefore the government of the city, that felt that we should solicit resident input to form a committee to look at that particular issue and we actually did that. We had on the website anybody who was interested, I know it was mentioned here at Council, that was willing to work on that particular issue, become part of this committee. I think we formed a very good committee and with the help of Annemarie Finch, those folks worked on that project for a good eight months.

Just to buttress the idea that there was some support for the dog park, many of our residents went out and gathered signatures in support of the dog park and they totaled close to 200, including I might add Councilman Van Ho and his wife Kay, so thank you for that.

They reviewed all the issues surrounding the establishment of a dog park, including things like funding, liability and location. In fact I remember clearly they spent three hours on a Saturday afternoon going through the various locations. They determined that Memorial Park was the best location for a variety of reasons, not Hillandale, not Hero Park which I had suggested, and not some of the other parks also. They even through the newspaper and through a draft of brochure through the Rec Dept. were beginning the process of soliciting funds. Then this committee became established and it was okay, they'll get a fair hearing.

Unfortunately I did have a chance to review the April 19th meeting and from what I heard there it doesn't sound like they were really given a fair shake and in fact I talked to a couple of the members, they feel that their work has just been thrown away, that's how they feel. For residents to step forward with no pay, no interest in the politics of the city and what we do up here to come forward and put the time and effort into looking at it and then really have their work not acknowledged in any substantive way, I said all along, I don't think that is right.

Because of that reason I cannot support this plan even though I think the final product is a fairly good one. For that reason I would second Councilman Van Ho's motion to send it to committee. We'll see how that goes and go from there.

President Holzheimer Gail – There is a motion on the floor to send it back to the Parks & Recreation Committee and it has been seconded. Any discussion on the motion?

Councilman Wojtila – Since this involves the dog park and that was the origin behind the motion to send it to committee, I would like to address that. Our committee, the Memorial Park Concept Plan committee did recognize, did deliberate, did discuss, did consider all aspects of the dog park committee. There were members of our committee that also served on the dog park committee. We just as a committee did not feel that a dog park was appropriate for our vision, our concept at Memorial Park. We didn't think it was consistent with the type of recreation that our four legged friends use versus what normal people use. The easy thing to do would have been to include that in our concept plan but we just couldn't, we couldn't come to that final determination. It was not out of any disrespect to the Dog Park committee that we chose not to include the dog park, it was over thoughtful deliberation that we decided not to include the dog park as part of our concept plan.

We also didn't think it was within our purview and within our scope of work to look at alternate locations within the city. We recognize the work that was done by the Dog Park committee, we hope that they look at some of their other locations if this gets approved. It was out of no disrespect, we just didn't feel like it was consistent with our vision of our plan for Memorial Park. We also did have many public hearings including one in 2010 and there was not a lot of public outcry for a dog park at Memorial Park based on our findings.

Councilman Langman – If the principle goal is to increase usage and promote activities popular with the Euclid community through new improved facilities and amenities, then that fits, dog park fits. I guess I'm a little concerned when I hear, this is our plan; this should be the community's plan. The community through that committee, did their work, they went out and solicited support and it has been on the table for 18 years basically. To say we respect the work but we're not going to acknowledge and I don't think it is practical to then say come back together and pick some place else because one committee decides your citizen committee doesn't have the standing to say this is where we concluded this amenity should be.

My objection again is simply one of fairness to that committee which I don't think looking at it, I didn't think the Park Committee could say yes this amenity could stay or nor it shouldn't. I'm uncomfortable with that because those citizens put in just as much effort and just as much work to come up with their conclusion. My whole objection and my hope to reconsider this is one of fairness to them. If not, I'm willing to vote no on it.

Councilman Van Ho - Number one, I wasn't aware that you could read minds. I objected to this based on planning from the school property. I'll make no secret of the fact that I think that the Park Committee or whatever you call erred in its judgment where it comes to a dog park. I think there are several places it could be used even now, but when I sat through the meeting I could tell there was no moving the dog park committee that I guess man's best friend shouldn't be able to be in the park with him. I don't see if we've worked on this for this long to go back and get it right, rather than just push it through.

Councilman O'Neill – I was going to wait until the vote but the discussion on the motion seems to be very broad. I'll interject my part. There's a piece of legislation that is coming up that does address canines in Memorial Park. I think that if this legislation is passed tonight and the conceptual plan is accepted then we can go ahead and vote on the ordinance allowing dogs in Memorial Park on the leash. That's a step in the right direction. I am for having a dog park but I think this allows the dogs in the park right away. Summer is coming up even though we've had some bad weather. At least the folks that have dogs can at least bring them this summer to Memorial park if that piece of legislation is passed which is after this. I do believe that we should still continue to look for a location for the dog park, I think that's a viable issue and we should find a place for it, a lot of work has been put into that. I'm willing to vote for this tonight and with the other pieces of legislation also. Thank you.

Councilwoman Minarik – Councilman Wojtila there were people from the dog park committee that were on your committee as well and they had no problem with the fact that there was no dog park being included in the plan; did they come to the same agreement, or how did that work out?

Councilwoman Jones – We had much discussion on the dog park in the park in the beginning when we started meeting. We did go over the dog park committee and the results the dog park committee came with. We had discussions back and forth of whether we should, whether we shouldn't. Unfortunately and I was still in favor of having the dog park in the park, it is just a matter of the dog park committee chose that the best location was where the Strike Zone was, the putt-putt area was to start there. If we moved it somewhere else, there was talk of moving it somewhere else within Memorial Park and then we had much discussion about that. The decision was that the committee felt that with all the other activities going on in the park, a dog park at Memorial Park was not the right location for a dog park.

There are other locations and talking with some who have dogs in the city that said they would bring their dogs to a dog park, some said they wouldn't bring their dogs to a dog park. Some of the residents or people who spoke during and after did mention that it doesn't matter where the dog park is, they either would or wouldn't bring their dogs to the dog park.

There was a lot of discussion early on about the dog park in Memorial Park. We did discuss that in extensive detail.

Councilwoman Minarik – The committee members from the dog park committee also agreed that it could be moved outside of the park? That's my concern.

Councilwoman Jones – The dog park committee didn't reconvene during that time.

Councilwoman Minarik – Right but there were members of the dog park committee on the Memorial Park committee.

Councilwoman Jones – I was a member of the dog park committee that was a member of the Memorial Park committee.

Councilwoman Minarik – This plan, before we take the vote, the next question I have is, because it is just a plan to be going to the master plan, changes can be made to this plan as we go forward in the future, this is not locked in stone. My third question, that brings up an interesting point, when you have two citizen committees, who rules? When you have two conflicting decisions by two citizen committees, is there some kind of protocol to determine who has the final say? Does anyone know?

Director Pietravoia – Actually per our charter and our ordinances Planning & Zoning and City Council make the ultimate decision. The committees can make a recommendation to both bodies, but ultimately the final decision legally comes down to Planning & Zoning and City Council.

Councilwoman Minarik – But in terms of citizen committees?

President Holzheimer Gail – Typically citizen committees are formed to provide direction, advice, input to Council.

Director Pietravoia – I would offer for council's consideration Councilwoman Minarik you raised the point that a plan can be amended. Plans are meant to be living documents. Their importance is they set a general direction, in this case for Memorial Park. There is nothing to say that Council couldn't recommend that particular aspect, the dog park go back to committee or that citizen committee if they're willing, be asked to be reconvened and look at Memorial Park and other parts of the city again and try to come to a conclusion on a recommended site for the dog park.

I would urge you to consider that 98% of what is in this document has generally been agreed to, it seems by members of Council as well. It was unanimous for Planning & Zoning. They did deliberate at the special meeting part of the discussion and questions to Councilman Wojtila and Councilwoman Jones and the rest of the committee were about the dog park. They did deliberate that at Planning & Zoning as well but ultimately they did not recommend back to Council that change be made to this document. That doesn't mean it can't be revisited and come back again as a potential future amendment to the plan.

Councilman Gilliam – It says right here in the ordinance that it is an official addendum to the city's 1996 Master Plan. With that being said, unless there are no comments, I would like to have a motion to close debate and vote.

President Holzheimer Gail – We have to vote on the motion on the table to send it to Parks & Rec Committee. It has been made and seconded, so let's take the vote on the motion to send to committee.

Councilman Van Ho moved Res. (251-11) to Parks & Recreation Committee. Councilman Langman seconded.

Roll Call: Yeas; Langman, Van Ho.

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

Failed.

Councilman Van Ho – Generally your practice has been to allow, even when we were going to close debate, to allow further comment. When I very plainly said I had a further comment, it was just kind of ignored. Is that our normal practice to just go?

President Holzheimer Gail – I did not see your motion. The motion was made to close debate on that discussion, I did not see your hand or I would have acknowledged you. I am prepared to move forward on this because we have had lengthy discussion, Council has known this was happening since it was first introduced. I believe there was a wide opportunity for public participation. I'm prepared to move forward. You don't have to support it, that is certainly your prerogative. I think we can certainly continue the dog park discussion.

Councilman Van Ho – I will vote no on it but not because of the dog park. Because I had told Mac Stephens I would vote yes so he could get his basketball courts, but I'm going to vote no when we screw around with half of it, half of the land that we planned on isn't our own.

President Holzheimer Gail – Director Pietravoia, in other plans that we've had, specifically the downtown plan or the Euclid Avenue plan, the city does not own all of the property, does it?

Director Pietravoia – Certainly the city has authority to plan any land that is within the municipal boundaries. While we try to be inclusive and my understanding from Councilman Wojtila's remarks is they did make an effort to include the schools. The fact that there's concern being expressed now, I'm not really sure how to advise Council on that. My feeling was that they were part of the committee and they certainly knew about the public meetings that were held. I'm a little surprised but I do respect Councilman Van Ho's concerns coming back about the schools. We do have the authority to make plans about any land within our corporate boundaries.

President Holzheimer Gail – We would not make any improvements to property that is not ours certainly without the authority or agreement with the party that is the owner. I'm happy with this as a concept plan to move forward. Other comments?

Director Frey – There's a slight technical correction to this piece of legislation that I'd like to point out to City Council. I ask you amend the piece to include an "a" version. It should say in the opening paragraph, a resolution approving and accepting the Memorial Park Concept Plan dated March 2011 with revisions as issued May 10, 2011. There'd be that correction there and in Section 1, the same correction. I'd ask that Council amend just to make sure we're adopting the corrected version that Planning & Zoning approved.

Councilwoman Scarniench moved to amend, to include, with revisions issued May 2011. Councilwoman Jones seconded.

Roll Call on Amendment:

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

Amendment passed.

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

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

Nays: Langman, Van Ho.

Passed as amended.

Ord. (307-11) Amend Code 947 Dogs in Parks

An ordinance amending Section 947.04, "Animals and Dogs" of the Streets, Utilities and Public Services Code of the Codified Ordinances for the City of Euclid. (Sponsored by Councilperson Van Ho)

Councilman Van Ho moved for passage, Councilman Langman seconded.

Councilman Van Ho – I am trying to allow the, even by conservative estimates, 2,000 people in this city who have dogs to have some place, some public park that they can take their animals to, to exercise and to socialize with other dog owners. I had originally wanted to do this to all parks, but didn't have the votes in committee to do it for all parks. It was agreed to do it at Memorial Park as a test case and then if we don't have six drug dealers with their pit bulls chew up a child, we'll look at it a little further down the road of opening it up to other parks.

There had been a recommendation that it be sent back to committee after the Law Dept. had written it. I have no problems with that since we did agree to that, but if Councilman O'Neill said he could vote on it tonight, if the rest of Council wants to vote on it tonight, I have no problems with that either.

Councilman O'Neill – Yes, there was a lot of discussion on this at committee. Most of it I approve, but as I read through it, I don't see the sunset built into it that we talked about. We talked about leaving it in for a year or possibly two years and see how it went. If there weren't any issues then we'd go ahead and make it permanent, but I don't see that anywhere in this legislation.

The other thing I brought up was the length of the lease was a 20 ft. lease and I had recommended it be a 10 ft. lease. I felt 20 ft. was too long of a leash in a park like Memorial Park. If the sponsor of the ordinance, Councilman Van Ho is willing to adjust the language to put those two items in there, I have no problem voting on it. If he doesn't, then I vote no on this.

Councilwoman Jones – We did have a committee meeting on May 4th to discuss this ordinance that was brought to the committee. The ordinance we discussed on May 4th was there was some revisions that we wanted to have made, that is where this ordinance tonight discussion was. At the May 4th meeting we did say that we would come back to a committee meeting to discuss the changes the Law Dept. was going to make to the ordinance and revisions that we had agreed upon. I would like to bring this back to the committee for that purpose, not only to discuss some of the provisions that are not included in here as Councilman O'Neill mentioned, but to also give the public an ability to make their comments because we did say at the May 4th meeting that we would have another committee meeting to discuss it further. If there is no objection, I would like to send this to the Parks & Recreation Committee.

Councilman Van Ho – I think if this is going to go back to the committee, we need to deal with it quickly so we can vote on it before recess. There is really not going to be a lot of demand to have your dogs out in the park in the middle of December or even November. As far as the amendments that have been mentioned, I have no problems with those. I do question the leash length only because a lot of the leashes like Councilman Wojtila and I both own dogs and our leashes that you can adjust, I call it the fishing pole type of leash, some of them are 20 ft. I don't think if a dog is not trying to chew somebody up, I really doubt we're going to have a policeman coming running over and measure my leash and find out it is 11 ft. out. I have no problems with that.

Councilman Langman – I'm all for sending this back to committee, but I don't see how logically this could ever pass. We just had a conversation where we couldn't have a dog park in Memorial because there's too much activity. Talk about an area the size of the tennis courts, fenced in, metal fence and yet the meeting I listened to on April 19th, that was some of the big concerns. The dogs in the dog park would chase the kids, even though the fence would stop them. Now we're going to vote on allowing dogs everywhere in the park, just on a leash. I think that would propose a greater threat as was presented in the parks committee to children, joggers and so forth. I'm all for sending this to committee, but the logic doesn't add up. Thank you.

Councilwoman Minarik – I missed that meeting but I have one comment. I don't think Memorial is the appropriate place to test walking dogs in parks. I would think a passive park, Sims, Hillandale, something like that. I have a question, this was in committee, then did the committee send it back to Council with no recommendation?

President Holzheimer Gail – The initial legislation introduced in committee was to allow dogs in all parks. The Parks & Rec committee discussed it, did not want that, asked for changes in the legislation. The initial legislation was not amended, this is new legislation introduced. My issue from that committee was that we publicly stated there that we would bring a revised version back to committee for discussion. I had at least two residents that I spoke with after the meeting and I told them it would be back in committee. That is why I would support committee and why don't we make the dog park part of that discussion, we can address both of those at the same time.

Councilman Van Ho – If we're going to have another committee meeting, I don't doubt that there will be people who show up. But I highly doubt that there will be any of the dog park committee show up other than Councilman Jones and myself because after this was brought up about getting public input, I asked Annemarie to send out an email to the dog park people and ask about it. At all of our meetings we had 16 or more people that were there generally. She got back three notes and basically they got beat up on, they feel like they weren't respected so why play the game. I think we can have a meeting.

Councilwoman Jones moved Ord. (307-11) to the Parks & Recreation Committee. Councilman Gilliam seconded.

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

Placed in Parks & Recreation Committee.

Ord. 72-2011 (297-11) Bids Lake Shore Blvd.

An ordinance authorizing the Director of Public Service of the City of Euclid to advertise for bids and enter into two (2) contracts for Lake Shore Boulevard: for the repair and resurfacing of Lake Shore Boulevard from the West Corporation Line to the East Corporation Line, and for the installation and/or repair of all curb ramps to ensure compliance with the Americans with Disabilities Act. (Sponsored by Councilperson Wojtila by request of Service Director)

Councilman Wojtila moved for passage, Councilman O'Neill seconded

Director Smith – With this legislation I'm seeking your approval to enter into two contracts for the Lake Shore Blvd. resurfacing project. As you maybe aware this project was scheduled for last year but ODOT made a decision to cancel it and delay it until this year. So now we're ready to move forward with the project. As is indicated, this will include two contracts. One is specifically for the resurfacing and the associated items. The second item is for the concrete work, specifically pertaining to the ADA compliant ramps. The plans have been prepared by MS Consultants and they are currently under review by ODOT and the bidding is anticipated to take place within 45 days. I know we've had a lot of discussion on this project, but once again, I'll just summarize the scope. This will be Lake Shore Blvd. for its limits, including a mill and fill. There will be new black top. We're working on the plans now as far as making some slight modifications. We hope to utilize therma-plastic pavement markings over traditional paint which will last probably 5 times longer than the painting, it will be much more visible. There will be some modest curb repair along the way. A tremendous amount of sub base repair. The estimated cost of the project based on current estimates is in the amount \$2.3 million. We currently 80/20 funding with ODOT picking up the 80%, the city picking up the 20%. We have a letter prepared that was under review today that we will be submitting a request to ODOT to have the local share reduced by 10%. The whole purpose of that reduction is the last resurfacing project was completed in 1994, so now we've reached close to 18 years of useful life and much of the credit of that goes to the maintenance efforts that have been put in over recent years. ODOT recognizes that effort, so we're asking for their consideration which is typical based on the 18 years that we've obtained out of Lake Shore to reduce our local share. I appreciate your consideration of this matter and will be glad to answer any questions that you may have.

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

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

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

Ord. 73-2011 (298-11) Benza Construction Services Lake Shore Blvd.

An ordinance authorizing the Director of Public Service of the City of Euclid to enter into an agreement with Michael Benza & Associates to provide Construction Management Services for the Lake Shore Boulevard Resurfacing and Handicap Ramp Installation Project in the City of Euclid. (Sponsored by Councilperson Wojtila by request of Service Director)

Councilman Wojtila moved for passage, Councilman Langman seconded.

Director Smith – Once again I'm seeking your approval to enter into a contract with the firm of Michael Benza & Associates for the construction management and inspection services on the Lake Shore project. This is a component to the project as outlined above. Benza has performed similar services on the GCRTA project and the St. Clair resurfacing project to our satisfaction. They resubmitted, as you are aware we went out for consultant services earlier and they did submit to our request for proposals. Felt this would be a firm that is very suitable and a good match for this particular project. The fee will be based on hourly rates and is currently estimated to be in the amount of \$75,000. That will fluctuate because it will depend on strictly the amount of construction time it takes to complete this project. Once again I appreciate your consideration of this and I would be glad to answer any questions that you have.

Councilwoman Minarik – What are the hourly rates? I noticed in the other one we had we got actual hourly rates, what are Benza's rates?

Director Smith – I can provide you with the specific rates. What they had completed in their proposal, they did a blended rate and it is \$65.10 per hour. There's a little difference between this and the next contract that I'll be discussing where we ask for a little more of a senior type inspector to take the lead on this project. It is not the exact hourly rate that you'll see on the next project that I'll describe but it is close. If you were to take the \$75,000 by the 1100 plus man hours, it equates to \$65.10 per hour.

Councilwoman Minarik – Is that because it is a longer street? It is a bigger project?

Director Smith – There's a little more level of complication as far as the coordination and some of the level of detail. There may or may not be a need for two inspectors simultaneous crews. Just some of the documentation that the Ohio Department of Transportation will expect, we obviously have a lot of concern with the loop detectors during the milling operation, the way the lights will function and the impacts to that. That's why it is about double more than double in cost when compared to the Lloyd Rd. project but I can certainly provide you with the hourly rates. I should point out that this amount of money is a reimbursable cost where ODOT will pick up either 80 or 90% and the city will be responsible for the balance.

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

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

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

Res. 74 -2011 (300-11) County Emergency Operations Plan

A resolution authorizing the approval and adoption of the Cuyahoga County Emergency Operations Plan for the City of Euclid. (Sponsored by Councilperson O'Neill by request of Fire Chief)

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

Chief Cosgriff – I would like to start with a little history of this plan. In February 2009 the Cuyahoga Public Safety Urban Area Working Group was formally established. Just so you know all of the different urban area working groups go by the acronym UAWG. This new public safety UAWG absorbed the former Cuyahoga County Emergency Services Advisory Board and the Counter and Anti-Terrorism committee. Fundamentally the public safety UAWG's mission is to improve the public safety of Cuyahoga County by working towards enhancing the County's prevention, protection and recovery capabilities for all types of emergencies and incidences. To efficiently support its mission, the public safety UAWG structure is further divided into 9 functional committees, each representing a specific discipline. Some of these committee are communications, health and medical, fire and law enforcement, emergency medical service, etc.

This legislation is the result of the work that was done by the Emergency Management UAWG. Cuyahoga County has recently adopted this new emergency operation plan replacing and dissolving the Cuyahoga Major Emergency Incident Management System. The EOP, emergency operation plan, address the four phases of emergency management, those being preparedness, response, recovery and mitigation and parallels state activities outlined in the State of Ohio Emergency Operation plan, federal activities set forth in the National Response Framework and describes how local, state and national resources will be coordinated to supplement local response and recovery capability.

As I've explained in the past when an event happens, we begin with our normal response and follow our SOG's, standard operating guidelines. When our resources are insufficient to handle the event, we request mutual aid from neighboring communities both inside and outside of the county. We also do a recall procedure to get some of our off duty personnel back in. If the event further escalates, we request assistance from the County as is outlined in this plan. This is achieved from the Cuyahoga Major Emergency Incident Management System which was included as a portion of our old plan.

The difference in this plan is that it more closely aligns with the State and Federal plan using the same terminology and the same emergency support functions. Obviously this is a logical progression especially in light of the fact that all these agencies are required by law to operate under the National Incident Management System.

Cuyahoga County Emergency management agency is requesting that each local jurisdiction adopt by resolution the County Emergency Operation plan. That is why I'm requesting council's approval to adopt this plan tonight. I'll try to answer any questions you may have.

Councilman Van Ho – I don't have a problem with adopting the plan, but I thought we had discussed after the incidence in Japan of having you explain somehow to Council and on the TV how evacuations and so forth is case of a disaster of that type would happen would be done. We had questions that say, what happens if? I couldn't tell you where to go. I have a sneaky suspicion that people in my neighborhood would probably end up going to Shore, but I don't know that for sure and neither do anybody else other than a few of you in the Fire Dept. at this point know and maybe the Mayor's office of where people

would go. I'm not asking to know what our reaction would be if there was a terrorist attack, I'm saying if we have a natural event disaster where would my ward go, where would Councilman Langman's ward go, just a general light overall view.

Chief Cosgriff – It would largely be dependent upon the type of incident and you would be instructed where to go via the public address system. I can't tell you where exactly you would go. If we're talking about a tornado or an earthquake, this is something that certainly would strip the resources of the Euclid Fire Dept. and the City of Euclid. As I explained, these incidents escalate and when they overwhelm our resources, we call for help. We get help from the County.

Councilman Van Ho – Chief once again, all I'm saying is tell us in both cases. There may be certain areas in the city that could be subject to flood, but at least tell people because I know of no speaker system out there. I know of no, not everyone in this city has a computer, so you can't put it out on the internet because it would wipe out a good portion of the population that didn't know what was happening. Just tell us where people are to go, I don't think that's, in case of a tornado, you go here. In case of an earthquake, here. In case of a flood in this area, you move to here. I don't understand how that could be so complicated.

Chief Cosgriff – Councilman, with all due respect, when there's a major snow storm coming, something that happens on a regular basis, pretty much all the citizens are informed of that. They're informed of it on the radio, they are informed of it on TV. I can't tell you where you can instruct your people to go in every instance. It is going to depend on the incident. It is going to depend on who we are getting help from. There's a great deal of information on our website in regards to major emergencies. It is at the City of Euclid website and there's a link that you can find out information about everything from tornados to snow storms to everything else. If you're looking for me to tell you to go to Shore, I'm not going to do that tonight.

Councilman Van Ho – I'm not asking for you to do it tonight. I'm asking for a special meeting where you would do it, number one. Number two, we talked about the website and that's great for people my age or below but you've got a lot of senior citizens that don't have a computer, number one. Number two, I generally don't get a phone call from the city that says there's a major snow storm coming in. I generally find that out from Channel 3, 5 or 8. I don't really think that the weather man on Channel 5 is going to say, okay now there's a major snow storm coming in, it is going to hit Euclid or there's a major tornado coming in to hit Euclid, oh by the way go here if you live in Ward 8, go to here if you live in Ward 7 and on and on. People just need to understand where they would generally go and I don't think that's complicated, no one is going to, I don't know, maybe I just don't understand.

Councilman O'Neill – Chief Cosgriff, as long as I've lived here we've never had a tornado, we've had some bad storms that came through about 15-20 years ago, which was a pretty big incident. This is to Chief Repicky as well, in your experience during that timeframe, how did the police and fire department handle that incident as far as notification of residents and how they seek shelter, how did you go about notifying them?

Chief Cosgriff – Most of the people, if they were in need of our assistance, dialed 9-1-1. We did not have a way of notifying them. It is something that we have looked at in the past as far as a system to notify citizens about all types of different events. Right now we haven't budgeted for it. It is not an inexpensive thing to do and when we're having financial difficulty it is something that has not made it to the budget.

Councilman O'Neill – If something were to happen, whether it be a tornado, I'm not sure how the flooding would impact us maybe around the Euclid Creek area but I'm not sure. Would it be safe to say we would be utilizing the police department with PA systems on the vehicles to try to direct people to safety, Chief Repicky?

Chief Repicky – Probably, but in an emergency plan, you want people to stay in their houses, especially with power outages and wires down. You're supposed to have a 5-7 day supply of food, water, batteries and what not and a radio. The recommendation by the county is to stay in your house unless you have to leave it, that's the safest place.

Councilwoman Scarniench – Chief, because this is a county wide group, will you be doing the simulations like what is going on in Columbus right now for the next three days; they're doing a mock earthquake over the next three days. Will we be doing things like that?

Chief Cosgriff – Yes.

Councilwoman Scarniench – So all of the departments all over know how they're reacting to these kinds of problems.

Chief Cosgriff – Periodically we do table top exercises.

Councilwoman Scarniench – Did we put the reverse 9-1-1 in our budget? Is that not in the capital budget?

President Holzheimer Gail – It is not a capital item.

Mayor Cervenik – It is not a capital item, that doesn't mean we aren't going to purchase one. Probably when you come back from break we'll have a proposal in front of you that may not be the cats meow but maybe we work ourselves into it, maybe we start off with a limited amount of calls, rather than unlimited. So we're looking at the different costs on that.

Councilwoman Scarniench – Which would be the beginning of actually being able to do what Councilman Van Ho is looking for?

Mayor Cervenik – I remember very well the storm I believe it was 1993. We have to make sure residents are willing to enter their cell phone numbers in. In the storm of 1993 cell phones were not as prevalent, but I don't know how many towers would have been knocked down as well. There weren't a lot of people with phone lines, there weren't a lot of people with electricity. That hit with virtually no notice at all. The Police Dept. was out immediately. The Service Dept., Fire Dept., everybody was out in the neighborhoods. CEI, emergency crews were dispatched immediately. All in all it went very well. Some of it is common sense, people need common sense. There was no where to evacuate people at that time, the safest place was inside your home because there was wires everywhere. You couldn't tell if those wires were telephone wires, cable wires or electric wires. It was best to stay inside.

Councilwoman Scarniench – Most of us back then still had our transistor radios so if we heard what was going on and where we knew where to go to get the dry ice, we knew where we should be and where we shouldn't be.

Mayor Cervenik – That was when the Indians were playing very well and I plugged my battery-powered TV into my car and watched the Indians one night out of boredom.

Councilman Langman – Chief Cosgriff, Council passed a Resolution back in 2005 asking for some type of emergency plan. I know we gave you at that time a rather aggressive 120 day deadline. Is what you're proposing tonight satisfy what we asked for back then?

Chief Cosgriff – We held numerous meetings after that request from Council. We did put a plan together that included each of our department's plans. It included our mutual aid agreements. It included our recall procedure. It included what was the County's plan at that time. As I tried to explain earlier, this plan is updating and replacing the old County plan. If you approve it tonight, that portion of the plan would be removed from the book and this new portion would be inserted. The state plan was included. The federal plan was included. The training that we were required to do under the National Emergency Management System was all completed. That plan was in place. I know in the not to distant past, I was asked by Council about that plan and is it finished. This is a perfect example of the fact that the plan will never be finished. You are never going to be able to say this is the plan, we're going to put it on the shelf, we're going to distribute copies to everybody and we'll never have to look at it again, we'll never have to address it again, unless we have a major incident. This is a living document that changes as we change our mutual aid agreements, as we change our recall procedure, as we change our SOG's, as the County changes their County government and they change their plan. If the State decides that they can't fund the plan as they have done it in the past, the State plan will change. It is a living document that gets changed on a regular basis.

Councilman Langman – Chief, I understand that I know we've had some email conversations about that. But a little bit that Councilman Van Ho's point, several council's prior to this one asked can we see something of the plan and we were told it is not ready, it is not prepared. I understand it is a living document, but we have to have as public officials something, because as Councilman Van Ho says some people are going to call us. If we have nothing, we didn't even know the plan was at least presentable. I know you said if you want to see the plan, email part of the plan, come to your office. But we need something down and dirty so we can communicate with our residents. You just go back to the heavy

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rains of four years ago, they called up me about the sewer issues. They didn't call city hall or the sewer department. They wanted to know what I was going to do about it. To expect the average resident not to call us is not realistic. We have to have something that we can relay to the residents in that situation.

President Holzheimer Gail – Chief Cosgriff, isn't there an emergency plan on the website, on the Fire Department's page. I know there's a link to something.

Chief Cosgriff – There's a link to all sorts of different information in regards to specific types of emergencies, tornados, floods, etc., etc. There is not a link to the specific plan. It is not on the website. In fact if you read this resolution, at the request of the County, I had to sign an agreement saying this is not subject to a public records request and is not to be distributed to the public. In the event someone would request a copy you would be required to contact Brandi Carney at the Cuyahoga county emergency management in order to try to get a copy of this. I'm not permitted to distribute a copy of this.

Councilwoman Minarik – That addresses my question because I went back in my computer, you had sent us a couple of months ago the Ohio Emergency Plan, Cleveland's Emergency Plan, Mutual Aid plan and you sent us all that stuff. That was my question. The County Plan that we are voting on tonight, is that the old plan, is that in one of those documents that you had previously sent us, the one that is being scrapped?

Chief Cosgriff – No it is not.

Councilwoman Minarik – So we don't even know what this plan is that we're approving because we're not allowed to see a copy of it, is that right?

Chief Cosgriff – It addresses the emergency support functions that are included in the State plan and the federal plan, it is just at a local level.

Councilwoman Minarik – If I go back to the Ohio plan and the national plan, I can pretty much understand what the County plan is going to be but the specifics are left out for security reasons.

Chief Cosgriff – That's correct. All of the framework, the acronyms, the terminology, the emergency support functions, they're all very similar. The framework of the Ohio plan or the national plan, it is bringing it down to a county level.

President Holzheimer Gail – To put this in a simplistic way, this Resolution is formalizing that yes we want to partner, we want your help in the case of an emergency.

Chief Cosgriff – That's correct.

Councilman Van Ho – First of all, I'm not trying to disparage any efforts by the police or the Fire Dept. Based on what I've heard come out of the administration's mouth, we have no way at this time to communicate with our citizens, other than if they happen to have a computer, or if we can get something on the television, maybe we can communicate. But like the Mayor said, I don't know about the rest of council people, I was without power for almost a week during that storm. I had no phone, so even if we put the reverse 9-1-1 in. I don't understand why it is so complicated to give us an escape path. If I go look at a building, you've got maps of where I should go to get out in case of fire. All I'm saying is tell us where, or have the guy from the County come out here. I don't want to compromise security and have terrorists blowing up Euclid, but I would like to know where to go in case of a tornado, a flood, an earthquake, all of which can happen here in this area. Just some simple, if you don't want to put on a presentation, give us a map much like we have for every other maintenance project that we have.

Chief Cosgriff – Councilman, with all due respect, I think I'm missing something here. Say for instance that we decided that we were going to use the high school; they've got a large cafeteria, they've got emergency generation equipment, they've got showers and bathrooms. What if that was the epicenter of the earthquake?

Councilman Van Ho – What's our back up, Shore?

Chief Cosgriff – What I'm saying Councilman is, we don't know what's going to happen. If we knew what was going to happen we could tell you specifically go here or go there. We don't know that. This is something we're trying to prepare for so you're going to have other options. If we have reverse 9-1-1 and your phone system is out, you're not going to get that message. If you have a portable radio but you

don't have batteries, you're not going to get that message. If your power is out, you're not going to be able to use your computer or your TV. We can't cover every specific incident and tell everybody if this happens do this.

Councilman Van Ho – Chief, with all due respect I think you can give general directions and this emergency plan has been the secret document since I've been here. I'm going to get out voted. You're not going to give us what we want, so let's vote on this thing and be done with it.

President Holzheimer Gail – I think we're talking about different things. This is really do we want to allow or be part of the county's emergency system. Our local plan we can certainly discuss and we will make sure there is some information we can provide.

Councilman Langman – I'm happy to be finally able to vote on something after five plus years and I know everything has been prepared but you know and I know, something happens, they're going to call us. Our only recourse is, well I can call the Service Director, call the Mayor. What if the Service Director and the Mayor aren't around, then what. I think that's all Councilman Van Ho is trying to get at and so am I.

Councilman Van Ho – I couldn't even get through to the Chief on his cell phone more than likely if there's a major natural disaster because if you go back to 9-11, you could not get through on cell phones because

Councilman Langman – Madame Chair, point of order, sorry I do have the floor. So, I'm willing to support this but we're left out on a limb. Until we get some information, we'll continue to be.

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

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

Passed.

Ord. 75-2011 (296-11) GPD Group Construction Inspection for Lloyd Rd.

An ordinance authorizing the Director of Public Service of the City of Euclid to enter into an agreement with GPD Group to provide Construction Administration and Construction Inspection Services for the Lloyd Road Resurfacing in the City of Euclid. (Sponsored by Councilperson Wojtila by request of Service Director)

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

Director Smith – I'm seeking your approval to contract with GPD Group for construction management and construction inspection services on the Lloyd Rd. project. As you are aware, Lloyd Rd. is slated for improvements from Lake Shore Blvd. south to the city limits. This project is joint with the County in which the County Engineer will be paying 50% of the construction cost. The improvements include some sub-base, sub grade repair, fresh pavement, new curbs with under drain, in addition to the driveway approaches. I'm pleased to say that today at Board of Control a contract was entered into with Agresta for the actual project work. The project was estimated to be in the amount of \$500,000. We received some very competitive bids with the appropriate alternates. The bid was closer to \$427,000. We were very pleased in seeing that competitive bid. Once again this fee is based on hourly rates and is estimated to be in the range of \$28,500. Appreciate your consideration and will be glad to answer any questions that you may have.

Councilman Gilliam – I like the presentation by this organization. It definitely lays out how many people are going to be involved and clearly states what the expectations are and what they intend to do. I have one question, there's language in here that says if anything or conditions out there require the increasing of the estimated fee that they would put it in writing. To your knowledge, what would warrant any type of increase in the current estimated fee? What conditions do you think could occur once they're out doing their actual work with this particular project?

Director Smith – I tend to think that's more typical language in the contract that might apply to if there was travel time or something and could fluctuate with the price of fuel. This particular contract, much like the Benza contract that we discussed earlier, this specifically based on the rates as provided. If for some reason, to use your example, relatively straight forward project but let's say we run into some

complications that extended this into the next year, then possibly they would have some wage adjustments and they may want to come back and say look, we have contractual wage adjustments to our employees, therefore we would like your consideration of an adjustment. That would be one particular case. I would never envision that on a 90 day, it is anticipated this project will be completed within 90 days once we get underway, so I don't envision anything of that nature.

Councilwoman Jones – Director Smith, can you just explain in general how this differs from the other legislation that we just went over item #6 for the construction management services?

Director Smith – Essentially the same service is being provided. I would say based on not only the cost, but in addition to some of the components on the Lake Shore resurfacing project it is a little more challenging. This project is a little more straight forward, a little less of a window for error or confusion with regards to the construction contract.

Councilman Wojtila – Can you give us an update on the actual construction timing?

Director Smith – As soon as this is hopefully approved tonight, based on the award today, some contract work, I would anticipate that within 30 days, shortly thereafter we should be under construction.

Councilwoman Minarik – But this is not an emergency ordinance so this has to wait for 30 days? So, 31 days.

Director Smith – Correct. Exactly, we contract with Agresta who was approved today at the Board of Control. I know the process of signing that contract will take some time but we are fully aware that we have a 30 day window and that is when I would expect to get underway.

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

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

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

Passed.

Res. (295-11) Pulled

A resolution in opposition to Ohio Senate Bill 5. (Sponsored by Councilperson Van Ho)

Res. (295-11) has been pulled by the sponsor.

Res. 76 -2011 (302-11) Police & Fire Pension Pick Up

A resolution reaffirming the City of Euclid's employer pick-up, and payment, of all of the mandatory employee contributions to the Ohio Police and Fire Pension Fund for Fire Department employees. (Sponsored by President Holzheimer Gail by request of Fire Chief)

Councilman Gilliam moved for passage, Councilwoman Scarniench seconded.

Director Frey – The email I sent to City Council today outlined the circumstances requiring tonight's legislation. When we adopted the current collective bargaining agreement in 2009, we made a provision in there that firefighters hired on or after March 1, 2009 would be afforded the pension pick up by the City at a maximum of 2.5% versus the 5% the other firefighters currently receive. We had not hired any new firefighters under that collective bargaining agreement until just this past couple of months. At that point when we're in contact with the Police & Fire pension fund, they asked us to adopt this resolution detailing that not only are we continuing to pick up the 5% pension contribution for the earlier employees of the fire service, but we would be picking up the 2.5% for what it would consider new hire. That's the resolution. It has been sent twice to the Pension Fund for their review and approval so we don't have any language foul up in it and the first payments to the pension fund under that reduced rate will be going down to Columbus by the end of the month. I'll be glad to answer questions.

Councilman Van Ho – Under the language in Senate Bill 5, it gets into not paying the employee's portion, are we going to run into that in any way with this?

Director Frey – No, not with this. It would be the current contract provision. If that contract provision changes either by operation of law or through the bargaining process, then we would have to do a similar piece of legislation. Under Senate Bill 5 as you are well aware, pension pick ups would be prohibited. In any event, that would apply to new collective bargaining agreements. Ours happen to expire at the end of the year, so there isn't really any overlap. If Senate Bill 5 is effective on January 1st, it would cover new collective bargaining agreements that start January 1, 2012.

Councilman Van Ho – Then it could impact us.

Director Frey – Sure, you wouldn't have pension pick up at all.

President Holzheimer Gail – Director Frey, this is just affirming what our current contract says.

Director Frey – This is 2009 to 2011 contract. Again, the reason it is this late in this contract cycle is because we haven't hired any new employees.

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

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

Abstain: O'Neill, Wojtila

Passed.

Res. 77-2011 (304-11) Special Energy Improvement

A resolution declaring it necessary to improve City-owned property in the Northeast Ohio Advanced Energy District by the acquisition, installation and equipping of a special energy improvement project, together with necessary appurtenances and work incidental thereto. (Sponsored by Mayor Cervenik and All Council)

Councilwoman Scarniench moved for passage, Councilman Langman seconded.

Director Pietravoia – This item and the next two items after are all related. You may recall about a year ago we became a member of the first Advanced Energy Special Improvement District, along with the City of Cleveland and 15 other suburbs of Cleveland. The whole purpose behind this Special Improvement District under new State law is to let our local businesses take advantage of a financing mechanism whereby they would basically self-assess their property and be able to undertake energy improvements such as solar panels, wind turbines, geo-thermal. Recently the State legislature passed to expand that to energy efficiency improvements, new windows, roofs, insulation, things of that nature.

In order to become a member and to be a voting member on the Board, we had to do a demonstration project and assess ourselves as a city. We presented last year to Council a demonstration project which involves the installation of a new light pole in the north parking lot at City hall that would be a demonstration of both solar and wind power combined into that one project.

The way the process works, all the communities have to do a demonstration project. They all are a little bit different, but ultimately for ease of legislation, each community is assessing themselves \$50 regardless of the cost of the project. That's is what is before you this evening. It takes three pieces of legislation for each assessment. This would become a little more routine for us as we start doing more projects, but each project, each property owner that comes forward will have to have similar legislation passed for their project by each community.

The three pieces, the first one that the Clerk read in, is call a Resolution of Necessity. I explained in the memo to council that that basically is establishing the project itself, its cost and the land to be assessed, the period of time for that assessment and the pay back schedule. It is an unusual pay back schedule in our case because the \$50 would be paid back in the last year of the assessment some 25 years out, we would pay zero dollars each year until the last year and then pay the \$50. This maintains our place as a voting member on the Board by having this assessment.

If Council would like, I can explain the other two ordinances before they're actually read. Ord. (306-11), is the ordinance to proceed. It establishes that the City is in fact going forward with the demonstration projects and it is in accordance with the resolution of necessity, in terms of the amount of the assessment and how it will be paid back.

The final piece, (305-11) is the ordinance that actually levies the special assessment and instructs the Clerk of Council to publish a notice in a local newspaper and then also to send notice to the County Auditor, as we would do with any assessment that the city would impose.

It is even important in terms of undertaking these types of assessments that they be considered and voted on in the order that they're actually on your agenda this evening. That's the project in a nutshell. I know it has been awhile since we introduced the pilot project. It took some time for the articles of

incorporation to be approved by the State and for all the other cities to come online. I'm pleased to tell you that Euclid was the first in the first round of legislation and if Council is comfortable with this this evening, we'll be the first with this second round of three pieces of legislation and it is actually encouraged and sped up the process with the other communities by our leadership shown here by Euclid City Council. I'll be happy to answer any questions.

Councilwoman Scarniench – This is actually the beginning. We haven't really been in contact with our local businesses yet about how this all works, or have we? Have we had any interest shown yet?

Director Pietravoia – We have talked with about a half a dozen businesses, informally have been following this and heard about it. We haven't been very aggressive yet because it will be several months before we actually have all the mechanisms in place to offer the financing for projects.

If I can step back just a second, what I mean by that is that the district itself, similar to what the city does will issue most likely issue bonds and those bonds will finance the upfront cost of the projects and then the assessments on the property's taxes will pay that back over a period of years. The district has to put in place the mechanism to put that financing together.

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

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

Passed.

Ord. 78-2011 (306-11)

An emergency ordinance determining to proceed to pay costs of an initial plan approved by the City in order to improve City-owned property in the Northeast Ohio Advanced Energy District by the acquisition, installation and equipping of a special energy improvement project, together with necessary appurtenances and work incidental thereto. (Sponsored by Mayor Cervenik and All Council)

Councilman Gilliam moved for passage, Councilwoman Scarniench seconded.

Director Pietravoia – This is the ordinance to proceed and it will notify the county that we're going forward with this specific project.

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

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

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

Passed.

Ord. 79-2011 (305-11)

An emergency ordinance levying a special assessment to pay costs of an initial plan approved by the City in order to improve City-owned property in the Northeast Ohio Advanced Energy District by the acquisition, installation and equipping of a special energy improvement project, together with necessary appurtenances and work incidental thereto. (Sponsored by Mayor Cervenik and All Council)

Councilwoman Minarik moved for passage, Councilwoman Jones seconded.

Director Pietravoia – This levies the assessment of \$50 and notifies the County to put the assessment on the tax duplicate.

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

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

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

Passed.

Ord. 80 -2011 (299-11) Budget Amendment

An emergency ordinance amending Ordinance No. 14-2011 which makes the annual appropriation for all expenditures for the City of Euclid for the period ending December 31, 2011. (Sponsored by Mayor Cervenik by request of the Finance Director)

Councilman Van Ho moved for passage, Councilman Langman seconded.

Director Brett – This is the amendment to the final appropriation ordinance which was passed just prior to April 1, 2011 increasing some line items by specific amounts which are detailed on the attached page 1 at the back of the ordinance. Going through these quickly, the income tax department is looking for an increase in its court filing fees; bear in mind this court filing fees are going to be offset by increased revenues that we're securing through court action. The fact that these are increasing usually indicates that the number of cases that we have going to court are increasing and therefore they'll be more than offset by the amount of recovered revenues that we receive.

\$25,000 was added to data processing to once we got the more precise numbers of the servers and such that we had described earlier as far as upgrading the IT system, we felt it was best to increase that line item by \$25,000.

The other grants, reflects the grants received from those respective agencies mentioned there, Transportation for Livable communities. As we receive these we increased the appropriations for the respective revenue sources.

Shore reflects the appropriation for the boiler and the thermostats which was actually approved last year but they didn't send us a bill until this year. That reflects that.

Engineering services for the press box, that's the amount that was set aside for CT Consultants. That will all be offset by insurance proceeds.

Finally Harbor Town TIF fund, Other Professional Services, are in association with the work that is being done with JJR and the work on that area, in and around the waterfront.

Councilwoman Minarik – The only real cost that's in here is the other professional services, the very last item. We're pulling that out of the TIF, got it.

Director Brett – The reason that it was increased was because we under estimated the tax incremental financing revenues that we received by half, so we're increasing the corresponding expenditures.

Councilwoman Minarik – I thought last year the boiler and the thermostats were coming out of capital?

Mayor Cervenik – What happened last year, the purchase order that was filled out by the Director was credited to 294-51-51-41-33-05. That's the account where the \$138,000 was transferred to by Council in error. In order to reflect that change and to reflect a true balance that we have to spend in account number 290 and all the numbers behind it, we had to make this change. It was taken out of capital, purchase order was put in under 290, which is not a capital account. This is just reversing that. It did come out of capital. We need to do this so we can reflect the revenue that's available to be expended from that fund.

Councilwoman Jones – Director Brett, under the information systems, the \$25,000, is this also accommodating the additional server that we spoke about early this evening that the Tax system will need?

Director Brett – No, these are hardware items. Tax software is under Other Professional Services in another area of the budget.

Councilwoman Jones – Not the Tax software but we mentioned servers would have to be purchased.

Director Brett – Correct, this would be part of that, yes.

Councilwoman Jones – That server is included in this additional amount?

Director Brett – This is an adjustment to that.

Councilwoman Jones – This is accommodating that additional server needed for, not the software, but the server needed?

Director Brett – It is not an additional server, it is a more accurate price of one large server.

Mayor Cervenik – In reality this \$25,000 should have been included in the original budget. There was a glitch in the system that this \$25,000 in Informational Services did not add into the total and therefore did not show up. This really is more of an adjustment. We would have shown this \$25,000 in the original budget presentation to you knowing that the servers were going to be purchased and the switches were going to be all replaced. That glitch has been fixed but it was in a grouping where the \$25,000 really wasn't added to the full total. It is for the informational systems.

Councilwoman Jones – My question, you mentioned additional servers, were you already including the additional server size that will be needed for the new tax system?

Mayor Cervenik – Yes.

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

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

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

Ord. 81-2011 (280-11)

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 Council)

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

Director Frey – We had a pretty complete presentation on the Consent Decree, the process by which the Consent Decree would be approved once authorized by the City Council will go to the Ohio and US EPA for final approval. Assuming it receives that final approval, it would then be lodged with the federal court in the northern district of Ohio where it will sit for a 30 day period for public review and comment. Assuming that review and comment is favorable, the court would then enter the Decree, I would expect some time this fall and we would be operating in our Waste Water Collection and Treatment system under the conditions outlined in this Consent Decree.

One of those significant conditions is that we will, we have already provided a plan for review to the US EPA. They will provide feedback as to exactly the type of collection system and treatment system improvements that the city will be required to undertake as part of that. We've talked about the range of those, our preferred alternative that we've presented to EPA is somewhere in the neighborhood of \$54 million. The upside figure is right around \$100 million for those improvements. We do not know what those required improvements are yet until EPA provides feedback on the long term control plan. We do know that part of that process will be the upgrades to the clarifiers to the Treatment Plant; you've already approved legislation to start the engineering work on that. We for the last probably five years have been making system improvements in the collection and discharge system anticipating this day. We've continue to make those capital investments to try to discharge storm water through the storm water outfalls and capture and treat the sanitary sewage as it should be through the treatment facility.

Our big issue has been and will continue to be the affects of storm activity where the combined storm and sanitary sewage wants to work its way to the treatment facility for treatment. The contentious issue is whether we will have to hold that flow and then treat it as dry weather occurs or whether we will be able to use the wet weather treatment facility in an enhanced format to treat at a high rate and discharge to very near the levels that our primary facility reaches today.

In that very small incremental improvement lies the difference between the fifty-four and the nearly hundred million dollars in improvements. We think we get the best value for the community and all the users including the cities of Willowick, Wickliffe, parts of Richmond Hts., Willoughby Hills and a little bit of South Euclid by the \$54 million process and we will continue to push that and fight hard for that to be the preferred alternative.

We had discussion of that impact of this project or projects on the rates. That is a matter that we will have to bring back before City Council at some point this fall once this Consent Decree is final and we begin operating under it. I'll be glad to answer questions or perhaps Director Smith will have more technical answers.

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President Holzheimer Gail – This is a third reading and public hearing, so let me allow if the public has any specific questions or comments on this item, now would be the time to do that.

Mr. Christopher Michael Litwinowicz – 21970 Morris Ave. With potential litigation is there a monetary value money to this?

Director Frey – There is a civil penalty in the amount of \$150,000 paid half to the United States and half to the State of Ohio. There are also stipulated fines for violations of the discharge limits and various other compliance issues that are spelled out in the Consent Decree. Yes, there are monetary issues at stake.

Mr. Litwinowicz – Thanks again City of Euclid, Law Director, for negotiating this best deal for the city. Thank you.

Councilman O'Neill – To Director Frey, are you aware of any other litigation from surrounding communities that this is happening too as well?

Director Frey – Absolutely, the City of Lakewood operates its own waste water treatment facility. It is going through a similar process at a much higher price. Apparently their infrastructure is older or has not had the kinds of regular improvements that we have made to ours. In fact all of the systems that discharge into the Great Lakes or tributaries flowing into the Great Lakes have fallen under the jurisdiction of the US EPA Region 5 in Chicago. Obviously the big fish if you will in the process is the Northeast Regional Sewer District that is looking at some monumental project cost, huge tunneling projects where they are going to trap and hold their combined flow until they are able to process it through their various treatment plants. Their rate structure is different from ours. I'm glad to say that we benefit from this facility, while it is not inexpensive to operate, it is certainly far less expensive by probably a multiplier than what Regional Sewer is looking at.

Yes, this is all throughout. The City of Akron recently had a Consent Decree filed in the District Court. There the District Judge rejected it. So they are back negotiating with the EPA to get a Consent Decree that the Court will approve.

Councilman Langman – Law Director Frey, the mechanics of filing the Consent Decree, can the EPA, the federal EPA then object during that 30 day review, or is that just for the public or associate parties to comment or object?

Director Frey – The EPA has preliminarily approved the Consent Decree. They will not give final approval until we give approval. I don't have any reason, they have been at the table from the very outset in the discussions of this and the back and forth. They've already had a full vetting in Washington. I would imagine that is more of a formality in that step. That 30 day lodging period is to allow outside groups interested in environmental issues an opportunity to review and comment.

Councilman Langman – Is it possible that our Judge could toss the Consent Decree?

Director Frey – It is. It is unlikely in our case because we have a fairly aggressive timeline in our Consent Decree to make the improvements. That's a big difference. The fight has not been so much about what needs to be done but how quickly it needs to be done. We are operating under a 15 year timeframe. We're under one of the shorter timeframes that has been approved and it depends on the overall wealth, if you will, those statistical pieces of information from the community that this treatment facility serves. Those communities I mentioned including the City of Euclid are all part of that analysis.

Councilman Langman – As far as the range of investment that the system will be compelled to make, we're still waiting for them to get back to us on that?

Director Frey – Yes, what they've told us is they will not give us formal comment on the long term control plan until this Consent Decree becomes final. The structure of the Consent Decree is troubling to me, I will tell you that, I've said it before. I would like to know very definitely what the improvements are. That is not how this process has been handled by the EPA. Our alternative is not to agree to the Consent Decree. The EPA would have to prove that we are in violation of the Clean Water Act. The risk for us in that while we maybe able to better define the improvements that we would have to make, we will go back in time to when this process started several years ago 2007, and they would be looking to recoup fines and penalties for that whole period.

Councilman Langman – Well it seems like Madame Chair that they still hold all the cards and they never thrown anything into the pot.

Director Frey – They completely do.

Councilman Langman – The rate payers really have this sort of Damocles hanging right on their head. It is a sensible matter, we should approve it to move the process forward. Thank you.

President Holzheimer Gail – Law Director Frey, there are several reporting requirements as part of this Consent Decree and we have already contracted with CT Consultants to do that for us, correct?

Director Frey – We have supplied all of the information that we were required to supply to the EPA. We will continue to collect data as we are required to under the Consent Decree. Council has approved the necessary legislation to allow us to go out and do that. We're going to stay on track even though this process is taking much longer than initially thought.

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

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

COMMITTEE OF THE WHOLE

Mr. Rose M. Allen – 26241 Lake Shore Blvd. I'm here as a member of the Great Lakes Energy Development Task Force to once again remind the citizens of Euclid that there will be a very exciting presentation tomorrow evening at the Euclid Public Library in the Lake Room regarding the wind farm that is going into Lake Erie. Once that wind farm gets started, it puts Northeast Ohio on track to be the first fresh water wind farm in the country. By having that advantageous position, we will be able to visualize and actualize a number of jobs, economic development and business growth for this area. Euclid being a lakefront community certainly will benefit from all of the exciting development that will come out of it. I would love to have anybody who is interested in seeing how Euclid can be revitalized and once again become a manufacturing Mecca. It would be an opportunity for us to turn the City of Euclid in a new direction and provide not only jobs but increasing home values and everything that can come out of, once again being part of producing something that will be the future of our community and of this country. Anybody who is interested, the meeting will be held at the Euclid Public Library, from 6:00-8:00 PM in the Lake Room. It is open to the public and it is an exciting presentation that you will really feel that you missed it if you don't get a chance to hear about it. It is tomorrow evening, May 17th, Tuesday at the Euclid Public Library in the Lake Room from 6:00-8:00 PM and it is open to the public.

Now for something else regarding, I guess this would go to the Service Director. With the price of gas being over \$4 per gallon, there are some intersections that really delay cars unduly so. There are several, but there are three in particular that come to mind as far as wasting gas and you're idling and there's no cross traffic. One is north Lakeland turning left onto Babbitt Rd. There are times when there is no traffic coming from the other direction and people just sit and sit and have to wait without running the light. I don't know if anything can be done, but I would hope someone would look into it.

One of those other intersections is Forestview southbound onto E. 260th. There are times when there is no cross traffic, but still that light is probably a minute to a minute and a half long. Even if it is just a short period of time, if you do it over an extended period of time, you're going to use up fuel unnecessarily so. I brought this up before, the left turn arrow turning south onto E. 260 from Lake Shore Blvd., sometimes that left arrow does not activate even if there are several cars in the lane to turn. Sometimes it takes 2 to 3 changes of the light before a person can turn left. That consumes a lot of fuel and adds to pollution. Once again I'm going to ask if they can look into how to better situate that light and that left turn arrow to make sure traffic flows and people don't idle and waste their gas. Thank you.

Director Smith – We can take a look at the intersections that you mention. I think everyone is probably aware that we recently completed an overhaul of the traffic signals here. Back two years ago the project got underway and the whole point of that was utilizing congestion and air management quality monies to improve the system and make it more efficient. We've been through the process of fine tuning it. I'm not saying when we get into questions with the left turn arrows if there's not some type of issue with the loop because everything is loop detected. We can check that. As far as some of the other timing, we're still tweaking it but as you see a project specifically like with the sound walls going on now, if there's something atypical occurring in the intersection that can have an impact to the system because everything is working on various loops throughout the city. Sometimes that's a function of more so something going on whether it be the sound wall construction or an accident that is causing a trigger to the system as a whole. We will definitely take a look at the left turn and I can check the timing on the other two locations. Some of that I might suspect is attributed to other factors.

Mr. Christopher Michael Litwinowicz – 21970 Morris. Resolution to approval the accepting of Memorial Park Concept Plan. Thank you. The kids of Euclid thank you. Now the City of Euclid has established a concept plan to put the first outdoor basketball facility in the City of Euclid.

Dogs are lovely, they're a childhood pet. I came here today, getting off the phone with the Asst. Law Director Ms. Sweeney. She's reviewing a copy of initiative petition municipality of home rule township. Prior to the circulation of initiative petition proposing an ordinance or measure, a certified copy, which is right here, has presented with a copy of 791.03 rate of income taxable. Only thing I put on this petition is an annual tax for the purpose as defined in 791.01 shall be imposed on and after January 1, 1967. I didn't cut none of that out. Provided that on or after July 1, 1982 the rate of such tax shall be 2% per annum. And provided further that on or after December 1, 1994 the rate of such tax shall be the total of 2.85% per annum. Such tax shall be imposed upon the following income and it lists all those. But I'm not required to because that was already passed and all I asked was to change the 2.0.

Another presentation was the zero percent. I love my city too much. At the same time, the total 2.85% annual and provided further that on or after January 1, I didn't have time to discuss with nobody so I chose January 1st, I could have put January 1, 2013, 14 but I chose 2012. The rate of such tax shall be the total of 2 % per annum. All this means is I get 30 days to do initiative petition.

Also in our charter it states that it is three members presenting it, which is Christopher Michael Litwinowicz, Rose Hunter, Kevin Hodge, Jeff Beck, even though he doesn't want the 2.5. Okay I'm sorry. But within a week's time I'll have this petition. I really think it is valid.

I just want to tell another ordinance. If you look in Article VI, I believe it is Article IX Franchises, the Council may by ordinance grant a non-exclusive franchise to any person, firm or corporation to construct or operate public utilities. Wild electricity.

Mrs. Vanessa Cooper – 1700 Sagamore Drive. This is my first time here. I would like to first of all thank you for allowing me to speak for a moment. I'm a member of the Indian Hills Association. Our President of the Association left for this evening, they left me here by myself, my husband is not up here, but I would like to say that we've been having a rash of break ins in our area, constantly. The neighbors have narrowed it down to where we are aware that it has to do with a number of the rental properties that are in our area. We know this is a fact.

We found that some of the youth are the ones that are breaking into these homes. They're being influenced by some of the adults. I guess that's where they're not able to do the time. With young people that might be the reasoning for it. But, we're needing some help. I'm not sure what we can do. I do know that one of our meetings, Councilman Gilliam and Mr. Van Ho was at one of our meetings and we had a Detective at our last meeting, I came in late. But we're working on trying to set up curfews. I know there is probably an ordinance that you have to do, I don't know how you go about it.

We're starting a walking club. The neighbors in the community in various areas, we're coming together so we can walk the neighborhoods days and evenings. We're trying to work possibly with securities. We're coming up with various ideas to see what we can do to not get ourselves in a predicament this summer. We see it already happening, a lot of our seniors, I'm really concerned about because they are afraid and I live in Euclid, I have been here for nine years now. I'm not going to sit around and watch my area go down. I'm not going to watch the City of Euclid nothing happening.

I would love to, I work with the church. I'm busy in the community. I would love to work with some of the youth to possibly mentor, could mentor with some of these youth because I know it is because they have no leadership. They have no guidance in the homes. Honestly, in my heart we know some of the young juveniles that are breaking in. We cannot prove it and we're watching, we're staying on top of it. I'm not sure what we can do. I need some direction from you. I'll do whatever needs to be done. I am very active, I am very committed.

I don't know about Indian Hills if the school is closed or what, but it would be good to meet with the Euclid Schools or some of the other communities, the churches and maybe meet with some of the parents and some of the rental properties in the area. I know I'm all over the place but I'm trying not to forget anything. I know at some of the rental properties, I don't think the landlords are aware of who is in there, what's going on in those homes.

A lot of my neighbors, two of them, one is moving and he's leaving, he's going to Florida. That's sad and it shouldn't happen. I need your help, tell me what we can do or you can help us. We will be back next month I hope in full numbers.

President Holzheimer Gail – Thank you for coming and bringing that to our attention. I know Councilman Gilliam has been well aware and working with the Police Dept. I think the best step and the first start is always an active, committed residents who really are taking part in their neighborhood together with the police department, taking a more pro-active approach in patrolling and we'll be happy to get the appropriate people together to figure out what can be done. You're certainly on a good start and I know Indian Hills has been active with Block Watch in the past and maybe Councilman Gilliam wants to address.

Councilman Gilliam – Yes they have in the past and they've been trying to increase membership and also to increase block watch captains. I was at that meeting on the 11th and there was some questions about pro-active approaches. This situation has gone off and on since I became a councilman, actually before I was sworn in, October 2009 about some issues. It is four concentrated areas. I have talked with the Chief and Director Frey about some of the ordinances as far as trespassing and those particular violations are at the maximum.

What I'll be looking at possibly is, the actual curfew laws that are in our city to determine whether or not they need to be amended. There's also laws on the books regarding individuals who are suspended or expelled from school, whether or not they should be mandated to stay home. There are some issues that are out there.

Last year it was recommended that there was a walking club and there was some aversion to it but I guess this year the situation has called for the Indian Hills Neighborhood Association to actually form a walking club. I do have some information of a city, Charlotte, NC where they started a walking club in April 2005. They have a strict organization on how they actually approached their neighborhood. You'll get that information at the June 8th meeting as well as some other information that we'll be able to assist you. You will be able to get that direction.

As I stated in the meeting, you have to come out. There were numerous people here from Indian Hills, they had to leave. I thank you Mrs. Cooper for being here and staying this long, I know these meetings can be long at times, but you will get that information prior to your June 8th meeting and I will talk to the Police chief and the Law Director about some other issues. Thank you for coming out. We need residents to come out. Even though she spoke specifically of Indian Hills, I just want to re-iterate, it has to be a ward community, a city-wide effort. If you push them out of Indian Hills, they go to Heritage Park, what do they do? Come back up the hill. It has to be a combined effort of all residents in all parts of the city working together to be committee. Thank you.

Director Frey – Pat Gallagher, our Chief Prosecutor was at that meeting and in a follow up he has spoken with Euclid Police Captain Jim Savage who is responsible for the patrol division. We also talked with Asst. Law Director Kelley Sweeney who handles nuisance activity. I know that information was related back to Mr. Drake. I'm hoping there will be a continuing dialogue. I would also applaud the neighborhood association. The very same thing I told me daughter last year. The most effective deterrent is people being outside. The more they can do that the less likely it is their neighborhood is going to be victimized. We will continue to work with the Councilman and with the neighborhood associations to try to develop programs to effectively deal with the issues.

Mrs. Anna Mae Mauer – 691 E. 250 Street. The levy has broken. Last week Randy Smith and two people, on flooding, came to my home and surveyed and looked at my property and the neighboring properties. After he left, the next day it rained. I flooded all the way up to the back door again. It drained slowly through the night. Friday when I was getting ready, or I had started to get ready to go to the walk for life at Euclid High School, it had rained earlier in the day and the water started coming and the sun was shining and I couldn't take my little dog out to do her poopie in her fenced in yard because the water was all the way up to the back door again. The first thing that came to my mind was head for the high ground. You have an emergency place to go to, the high ground up the street. But I couldn't go up the street because the street was flooding because the water was gushing out of the home address of 771 down their driveway and flooded 250 at that area all the way out to the center of the road. The cars were going by splashing the water up, way over, almost hitting people's homes.

Up the hill, my emergency place to go to was the high ground. Happened to be Laura Gorshe's house. But Laura Gorshe's place was under water. Her whole acre was under water. I found that out by getting in the car and driving around the back street and coming in off of the Marginal and up into her place.

Now that levy is broken some place in behind us. Something has got to be done. We cannot keep up with this. The foundation of my home is starting to be affected. I'm constantly going down there, checking the walls, feeling the walls, looking for cracks, everything in my basement is up on concrete blocks, wooden pallets, anything. I'm starting to move everything upstairs into the bedrooms, packing the bedrooms with things. I had to call out of pure desperation and I didn't want to disturb him in the middle of the afternoon, Mr. Van Ho my councilman. He came to my home with his wife, who they were preparing to go for the walk. He took pictures of the flooding in my yard which was starting to recede and draining through my French drain out over the sidewalk to the street. Not a lot but it was draining. I think that was going above and beyond the call of duty, at that time in the afternoon to come.

I wish you all could come. You can't even picnic in my backyard. Grant you it is raining now and we are being under God's command right now. But this has been going on since 2005 and I have showed you pictures of it. There is nothing left in my backyard. All the plants are gone. All my roses, everything. Artificial flowers float away.

I'm asking you again and I'm asking Randy to please give us this special attention that we do need on our street. Thank you so much for listening to me.

Director Smith – At the last meeting we had some discussion on this particular subject matter and we had several commitments we had made. One was to take a look at the swale and clean it out behind the Medical Building along Lakeland. The second was the addition of a secondary inlet which would primarily act as an overflow in the same drainage course. The third was to have a review by CT Consultants of which one of the gentlemen and Mrs. Mauer is referring to was Phil Kiefer of CT so they've been out to the site, they've walked the area.

A fourth thing we have done was I requested that the crew physically take the storm drain lids off, crawl down and inspect them to see if there are any obstructions or anything dislodged. The fifth thing we had done was a camera inspection because Mrs. Mauer's situation seemed to be a little more specific as far as the drainage and the storm system. Those were the five things we've discussed. I know they're in some stage of action at this point. I haven't heard back from CT. I know at which time we do, we're going to have a meeting with the Councilman and then the residents to follow. In our commitment was a three week timeframe from two weeks ago, one council meeting ago, and we're still on track to meet that commitment.

President Holzheimer Gail – I know a solution can't come quick enough, we will continue to work on it.

Ms. Laura Gorshe – 835 E. 250 St. Director Smith, thank you very much for that update, I do appreciate that. I do have some redundancy in what I have to say tonight so please bear with me.

No surprise that it has been two weeks since I last spoke about the inordinate flooding on E. 250th St. We are again flooding and yes the ducks have returned. There was to be swale work as well as a secondary intake to be installed within three weeks. Since then, two weeks have past with no indication of any swale or intake work started. Yes it has been raining more often than not, but we all know that there has been some nice days to take advantage of the opportunity to complete this work, yet nothing has been done.

What we know and it is on record, is that we were promised communication and to be kept in the loop. However, unbeknownst to the residents or Councilman Van Ho, on Friday, May 6th, Director Smith, Asst. Director Bock and a gentleman from CT Consultants were in our yards. They stopped and talked with Mrs. Mauer and Mr. Maggio. I happen to be off work that day, at home with my car in the drive, yet no one knocked on my door. It would have been my pleasure frankly to walk through the yards or answer any questions, but that opportunity was missed.

Now we have asked for is an extensive in-depth study to be conducted. Not a walk with CT to make appearances and no actions. I ask that the study include but not be limited to: from Richmond Hts., where the sewers on E. 250th Street have been tied in; the Bluestone Parkway PMX project; under the 260th Street 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. Again Permanent Parcel 643-25-008 and Permanent Parcel 643-25-001. The Shell station on the Marginal. The Euclid Medical Building. The Post Office and the apartments.

Has this been completed as asked? When can we expect the results of the engineering study and a meeting scheduled with the residents, the administration and CT? What day within the next seven will the swale work be completed?

Additionally I would like to ask about and add to my list and perhaps maybe now the Law Director can look into this for me, it would be appreciated. The matter of the Upson Water Company and relative ordinances: 5788 from February 1929; 248-1981 and 097-08. Who know is responsible for this intake? What if any relevance might this have to our flooding issue?

I think it is fair to say that volleyball courts at the golf course are of a lower priority and that actual resident issues come first. I have also heard about prioritizing work and manpower issues. I also have a good understanding about how that should work. But this is not about the show, it is about the residents, you work for us. We pay you, let's keep that in mind. Thank you.

Director Smith – The only thing I would add to that is we did knock on your door Ms. Gorshe. There was three of us and we did take that opportunity to knock.

President Holzheimer Gail – Do we expect that there will be work started this week? Any idea when CT will have their report or suggestions?

Director Smith – I did try to contact CT today to find out the status of the report. I know they had requested some additional information from Asst. Director Bock, that was provided. I would expect within the week. I expect, unless there's some additional unique situations that will prevent the work, that it is going to be done in the three week timeframe that we committed to.

President Holzheimer Gail – Seeing no further questions or comments, we'll move forward with Council Members' comments.

COUNCIL MEMBERS' COMMENTS

Councilman O'Neill – I want to thank Lee Bock, Asst. Service Director and Director Smith for the recent issues on Edgecliff Dr. with the new water mains. There was some saw cutting that created some cream from the water and the concrete that they got right on it and got it cleaned up. Then we had an issue the other day of possibly a resident breaking one of the above ground by-pass mains, that Lee Bock came out on Sunday and myself and we spoke with the residents and that was quickly taken care of and it was much appreciated because the water pressure is down to just about nothing. The Fire Dept. came out too and checked it out.

Regarding curfews with the summer months coming up. We do have curfews for juveniles. I don't have the ordinance in front of me, but you can contact Director Frey's office and they can give you the update and what is the most current curfews for the different age groups that may curtail some of the issues with the juveniles walking after hours when they're not supposed to be on the street.

The other thing is the Dog Park at Memorial Park. I'm hoping that we can resolve that before we recess for the summer so that folks who do have dogs can walk them at Memorial Park and then continue to try to locate an area to actually build a dog park. Hopefully those efforts aren't made in vain and we will continue to work towards getting that done. With that I'll say goodnight.

Councilman Wojtila – To the residents in the Fullerwood Neighborhood Association, this is a reminder there is a meeting this Thursday, May 19th at St. Stephen's Church on Lloyd Rd. and that meeting is at 7:30 PM. Hope to have a good turnout and I hope to see you there.

One thing I failed to mention when we had our discussion on the Memorial Park legislation, I wanted to give a special thanks to Brian Iorio in the Community Services Dept. Brian's work on this project, we couldn't have done it without him. He was professional, he was efficient, he was often times emailing me asking me when we were going to be doing things. He did provide a great role and I wanted to publicly acknowledge Brian and the great work that he did on that.

Thirdly, I did go to the Police Bike Auction and that was ran very well. Lastly, I look forward to seeing all the residents at the Memorial Day Parade which will be here in a few weeks. Goodnight.

Councilman Langman – Director Smith there seems to be an unusual amount of catch basin issues in my ward. Is that due primarily to age, or the amount of water we've received over the winter and springtime?

Director Smith – I'm not specifically sure on your direct issues. But if you let me know, I know you've traded some emails with Superintendent Reese. There was some questions on cleaning some of the debris. Obviously there is some older catch basins in the city that are constructed out of brick, or as newly constructed, newly placed catch basins are typically pre-cast concrete. Obviously as we do a project like the 248 project the older catch basins are removed from service and put in with new pre-cast concrete. I'm not exactly sure on some of the issues you're referring to but if there is something specific, let me know, but that would be my general explanation.

Councilman Langman – I will do that and to the administration, is there an update on the work going on Lake Shore Plaza and Shore Center Plaza?

Mayor Cervenik – I believe they have begun doing the work at the Carter Properties end of it. I don't believe they've done anything additional at Fields at this time. I think they're sort of waiting to see, since they have the same architect, I guess that's the right term for what he is doing, seeing how the work goes on the Carter property and then they're to be transferred over to Fields.

Councilman Langman – Can we get an update from the architect Mr. Kulchytsky about where we are because he did send a, copied council a lengthy list of issues that I would like to know whether they've been resolved as they begin the work again.

Director Smith – We can certainly get an update from our Building Official on those matters and as the Mayor had indicated, we did have several meetings with the architect of record on the plaza on behalf of the plaza owners and we had some expectations. When we had concluded the meeting on different things that would occur and so far that hasn't occurred. There has been a little different step in the process, as the Mayor had indicated they started to focus on the Shore Center plaza and not on the other one but we can certainly provide you with an update.

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Councilman Langman – My final comment goes to the Police Chief. Chief Repicky, I sent an email, I believe I sent it to Capt. Savage about a particular issue and I copied you on it. I haven't heard anything back from him. Can you expedite that so I can reply to the email?

Chief Repicky – What day was that?

Councilman Langman – That was early last week.

Chief Repicky – Like the 8th or 9th?

Councilman Langman – Yeah, probably in that area.

Chief Repicky – I'll check on it tomorrow.

Councilman Langman – Finally Madame Chair, I know that we're all frustrated with how the State budget process is going and I think what they're doing is not particularly helpful to older communities, certainly not us. But, I don't think we should use the term, steal, when we're referring to public officials. I don't agree with what they're doing. I think it is very hurtful to the City of Euclid. But there is a certain decorum we should maintain and using those kinds of terms, I don't think is appropriate for the conversation. I hope they'll see the light but in ten years I've sat on Council, I don't think any legislator is particularly concerned with urban communities and their issues. They never really address them. That's my final comment and I wish everybody a very happy Memorial Day.

Councilman Van Ho – First of all I'd like to commend and thank the organizers of the National Day of Prayer. The service that I attended was very moving and very well organized and it brought in people from all aspects of the community.

I have two questions here and I hope I can get them out and then have them answered afterwards. We received a grant for recycling education. I wonder if there is any progress update on that. Also, are we making any progress on, you can call it rumble strips, or bumpers on 240th and Stephen, something to proactively slow down the traffic when it comes to that curve?

I would also like to commend the organizers of the Relay for Life. Anybody who is raising money to fight cancer has my support and admiration for what they do, it is truly a noble cause.

When will the meeting with the residents of 250, and CT and our people take place? I know the residents had requested a meeting and I thought I had too, but maybe there was some missed communications there. That they be allowed to speak to CT prior to the report being issued because there maybe some valuable input. I know Mrs. Mauer has lived there for 47 years and she may have some valuable input as may some of the other people. I just think that they should be brought in and talked with. There has been a request for fish in Laura's backyard, the ducks are requesting it, they need something to eat.

Is there an organized plan for patching the streets so that council members and residents can find out when their street or their area will be patched? I would ask the Law Director when we can have a read out on these resolutions that Ms. Gorshe brought forth. One of the things I would like to see from CT is an honest study of, there's been talk about the sewer coming down from Richmond Hts., and going through Bluestone and so forth, can we have something about that, not just that Mrs. Mauer's lot is sunk, or Mrs. Gorshe's lot is sunk. Let's look at the whole big picture.

I'd like to commend the Mayor for using the word steal. I think it is very accurate. It may not be the most polite language, but then polite language doesn't seem to influence our people down in Columbus.

Councilman Langman – Madame Chair, either we have decorum or we don't. Again, I understand how the Mayor feels, I agree with him. I don't think you should link public official with stealing.

President Holzheimer Gail – Okay, a number of questions for Director Smith, recycling education.

Director Smith – With regards to the recycling grant, I know the Mayor's Assistant is working on the literature. We've discussed it in some of our directors meetings and we have some different ideas. I know she's pulling it together, I don't exactly know when that will be prepared, but its in the process.

I did discuss the idea of the rumble strips and another suggestion you had made at the previous council meeting with an additional stop sign. It was the opinion of the people I had reviewed this with and they were internal, that number one, the rumble strips didn't seem that practical in a residential neighborhood. It would be very typical of downtown Cleveland or around the one particular bend where you can hear it from quite some distance away. A stop sign being placed is not used for speed control, if there was some issue. I know we've done some different things at that intersection as far as some curb

markers, I believe and we've changed the signage. If people aren't slowing down, I'm not sure what else can be done from a management standpoint, for traffic control to manage that.

As far as the question an organized plan for patching the streets. No, we do not have a specific plan that is implemented when we go out. It maybe on something that I've seen, the Mayor seen, someone else in the administration or someone or Council or the Street Supt. I've seen some potholes up in this particular section or this concern, it is typically an email that I would appreciate being copied on that goes to Supt. Reese and then he always provides a response back at least to the best of my knowledge.

With regards to the CT study again, that's a question mark of the extent of the study and the associated cost. What you're referring to would certainly be out of the scope that we currently have CT under contract with. They come out, they'll give us recommendations, they'll give us cost estimates and give us other thoughts. As far as performing some type of system-wide study in that area, there's going to be a cost associated with that. I can't say what the cost is because I haven't asked for it. But I would tend to think the prudent thing to do is I've relayed the information, the photographs, again it was mentioned tonight that the levy is broke; unfortunately, I don't know what levy that is. When we go out there and we take a look at the property, I don't see anything changed, but I'll be curious what CT's opinion on that is. They have reviewed the Bluestone drainage in the past and I think they'll have a comment on that. Obviously they didn't check the sewers as far as if there is a blockage and that's why that was being handled internally. I would at least like to see the CT report to-date before going any further, maybe that will give us some direction.

President Holzheimer Gail – Director Smith, part of the reason that we retained CT I believe the last time we talked is because of their longevity, their knowledge of our system. I would hope they would be able to speak to some of those bigger picture questions without having to do too much extra work. I think it would be fair to ask them to consider up stream, up elevation issues that have been look at in the past as part of their discussion.

Director Smith – Madame Chair, I agree with that 100% that they do have the knowledge of this system because they have performed the reviews of Bluestone. Obviously when we're talking about some of the construction activity out at 260th, that was associated with waterline work, with storm sewer work, so how their report is going to read. I can assure you when I was out there with CT we've walked the entire area. I provided them with the photographs. I've provided them with emails, so they have all of that information that I have.

President Holzheimer Gail – You will work with Councilman Van Ho to schedule a meeting with the residents and CT as soon as those reports are available?

Director Smith – Certainly.

President Holzheimer Gail – There was a question about the pieces of legislation that were mentioned. We'll make sure the Law Dept. sends those to you or Regina may have them. I wrote down two of the three, I didn't get the third.

Director Frey – When we get the copies of the legislation from Ms. Cahill, we'll look at that and any recent legislation that might impact that. I would anticipate within a couple of weeks, we'll have an answer on what our ownership interest or whose ownership that line resides with.

Councilman Van Ho – I would appreciate being copied on that and any other correspondence that might be relevant.

President Holzheimer Gail – Just a reminder, we will be meeting Wednesday, Executive & Finance Committee, starting at 6:30 PM here in Council Chambers. We will continue our discussion of our long term planning initiatives regarding the budget. We have the two, continuing the street lighting assessment and the solid waste collection fee on the agenda. We do have another meeting scheduled for Wednesday, June 1st, so this is still to get public input to get a report back from some of the questions we had asked. The two Charter pieces were saved for the June meeting so Director Frey could be here. That again is this Wednesday, May 18th at 6:30.

Our Lady of Lourdes Shrine is having a Pasta Dinner, this Thursday, May 19th from 4:30 until 6:45. I got a flyer and a nice note that said to bring your family and check out the renovations progress. I'm not sure what has been under renovation, but for those who are interested, Thursday, May 19th at Our Lady of the Lourdes Shrine 4:30 until 6:45.

Just one quick question, is there an update on the mailboxes in downtown Euclid? I know we had been working since the post office closed, so see if we could get a drive up at least mailbox.

Mayor Cervenik – There is not an update but I will call the property owner who was very interested in placing a drive-thru box on his property. I will call him tomorrow. The other business that is looking at having the contract for the in store site, they're still determining, I think they've actually made contact with the post office because it would require some renovations that the post office would help pay for.

President Holzheimer Gail – I have had some comments from people who would just like to have a place to mail a letter. If we could keep moving forward on that, I would appreciate it.

Inaudible comments from Councilman Van Ho.

President Holzheimer Gail – There's also one right at the corner 222 and Lake Shore, but you can't stop there, it is right on the corner. If you're walking, that's fine. I'll move onto Councilman Gilliam.

Councilman Gilliam – A few announcements, the Ward 1 meeting that was scheduled for May 26th had to be cancelled due to a scheduling conflict. The tentative date is Thursday, June 9th at 7 PM at Euclid Central Middle School.

Euclid Villa Neighborhood Association will be meeting on May 19th, this week, 7 PM, Indian Hills.

Indian Hills Neighborhood Association's next general body meeting will be on June 8th, 6:30 at Indian Hills Elementary School.

In addition, the Heritage Park Neighborhood Association is having a Spring Fling at the Emeritus House. Just wanted to get their information out. That's tomorrow from 6:00-8:00.

Just wanted to reiterate to what the residents from Indian Hills and Ward 1 had talked about. Last year we had a discussion at the Euclid Library in June and on the 2nd of July 2010, I had sent an email out to certain members talking about this actual walk in the community. There was some aversion to it because some members thought it was too intense. I'm glad to hear that at the last meeting that they're really interested in doing that now. In addition to that, they can have a night out against crime. The resident requested working with children. One way to do that is to have a kids night, or a youth night, and particularly bring them into the organization as well as maybe an Indian Hills Neighborhood Association Youth Auxiliary.

Couple of things that I have done so far since that meeting is, looking at possibly having the residents call when they're doing their walk, to call the Housing Dept. to identify potential vacant homes, foreclosed homes and even homes that are for sale or potential rental homes. I also feel that maybe we need to work with the Housing Dept. to identify landlords and invite them to neighborhood association meetings to give them their concerns, so that the landlords have an idea of potentially their tenant activity from a civilian point of view.

As far as the curfew laws, there are some on the books. If you're under 12, you have to be in the home, I mean off the public streets by 9:00 PM. 11-15 off the streets by 10 PM. If you're 16-17 11:00 PM. Maybe we need to look at the possibility of adjusting those hours, if there's a situation that warrants it. I'll be talking to Director Frey and his staff about that as well.

My particular goal is definitely look at the curfew change. There was issues of signage as far as putting in neighborhood watch sign in your yard, how big can it be or, can you have a variance, we can look into that. That would require the approval of Planning & Zoning and Council as well. Also working with the Chief or in this case Capt. Savage on patrol. Chief Repicky just one question, some of the residents were concerned when the police did arrive, some of the detectives didn't ask the neighbors around that did they hear anything. I'm not a witness to this, this is just a concern of mine. I'm wondering if it is possible that one of your detectives can come talk to a neighborhood association about what they do on a standard basis when they have those break ins. You can just hold that thought until the end.

The other thing is just to possible look at also, I know you were talking about bringing back community policing, whether or not that could have a possibility up there in the Ward 1 section of Indian Hills.

As I stated before and I'll keep reiterating this, I've been involved in other situations in other communities where bluntly speaking the whole community wanted to eradicate this and I just want to point out that, this is a Euclid thing in a sense that if there is crime, all residents have to be active. I'm imploring Indian Hills in Ward 1, I'm imploring Heritage Park and Euclid Villa to assess their situation and begin to work together. More people that are involved the less work it is and the more area that we cover. So they can't go to any particular area, but out.

Talk about a program that happened in Charlotte, NC. It is an affluent area of North Charlotte, which is close to Concord, I'm familiar with that area, pretty affluent. They were having crime issues. They developed a safety patrol of 48 residents. They used their cars and walked and each one volunteered 2 hours a week on a rotating three week schedule. They developed a plan on how to call in, how to identify problems and things of that nature. It is working pretty well even after one month. The police have definitely supported it, so it is going to take the steps of the residents helping the police, the police

identifying the needs and also sharing those pieces of information together to make it a healthy community.

We're being challenged. There has been some speculation that the challenge is from within and we need to make sure that if that is the possible truth, we need to address those individuals that possibly are harming our community.

Once again, I thank the residents for coming out. You will be receiving some emails basically talking about the next steps that we can take and also the previous email from last year and then we can decide truthfully how we want to go about it and begin to organize these methods and work with the police department. I'll defer to that question that I had for the Chief as far as community policing and also maybe speaking to a detective so they have an understanding of what procedures are actually done. Thank you.

Chief Repicky – Two things. We will start our bikes next week. We have three officers at the school this week. We've got a couple of bikes in the shop, so it will be up to full strength. As far as detectives checking the houses, usually our officers that respond to the scene check the houses, but the detectives also check when there's break ins in the area to make sure if anybody saw anything, that's routine. We could send a detective to the next block watch meeting, if you give us notice.

Councilman Gilliham – Real quickly, there was speculation on what you guys do and we don't want the wrong information to go out, we want the correct information. One last request that I forgot and I apologize to the Indian Hills Neighborhood Association. The possibility in some communities, they assign a community police officer to come into the home and give a determination of where the vulnerable areas are so the residents could possibly buy alarms or shore up certain areas. Do you think that's a possibility, or if you can't answer that now, can you look into that being a possibility?

Chief Repicky – We have one officer trained right now, Sgt. Knack, that does an excellent job and is more than willing to stop up in the neighborhood.

Councilman Gilliham – I will email him and I'll connect him to the Indian Hills Neighborhood Association.

Chief Repicky – He's on email, he should be.

Councilwoman Scarniench – It is nice to be towards the end, other people take up some of your stuff. This Saturday, May 21st, from 6:00-8:00 PM is the Spring Wine Tasting at Briardale Greens Sticks. It is \$18 a person. If you're interested to get a spot, it is 289-8574 ext. 3.

Also Saturday evening, if you're interested in some good, clean comedy, Hilarities on the Hill, from 7:00-9:00 at St. John of the Cross. Josh Wolmack who is always at Hilarities in Downtown Cleveland and four of his friends will be doing live comedy. Door prizes, food and raffle. Tickets are \$7 for adults, \$5 for seniors, \$3 ages 3-17 and \$20 max for your whole family. \$10 at the door. For more information on those tickets, 289-0770. Or you can visit their website at stjohnofthecross.org.

Next Tuesday, Councilman O'Neill is having a Safety Committee Meeting at 6:30 and we will be discussing the pet store regulations. I sent all the updates to everyone and there was only one real concern, we'll discuss it then, so hopefully we will have this back on the June 6th meeting so we can get it passed before the moratorium is up.

The following night, on the 25th, we will be having our Assets meeting. We will have an update from Shore. We'll also be discussing with Petpals, the Ord. (219-11), which had to do with the fees that are collected at the shelter.

The 28th at Euclid Cemetery, from 9:00-12:00 PM we will be doing our annual clean up thanks to Tom Cartwright and the Boy Scouts who took the lead on this this year because I've been so busy with some other things. We will be there, the truck will be there from the city, so anybody who would like to come out and help us clean up before Memorial Day, your help will be appreciated.

A couple of questions. Director Pietravoia, the Euclid Avenue Corridor process, where are we on that? If you can answer that when I'm done. Chief Repicky, a lot of questions about the driving habits on 222 close to Euclid Ave. The other day I was almost broadsided because of the traffic that people are just not paying attention. Can we get somebody out there, especially in the evening when work is out. The other place is Trebec and 200 Street in the morning when the kids are going to school, I'm having the residents complaining about that area. If we could do something there, that would be wonderful.

Director Smith, do we have any idea of when we're possibly even going to start talking about the 222 and finishing that?

Director Frey, I think this one might be for you. The homes that we are in foreclosure, people are asking, are we collecting the fees, the trash and the lighting fees on these houses? What I've been saying

is, when the house is sold, we get our money. If you can just make sure I'm telling them the right thing, that would be appreciated.

The last thing I need to say is hi to George, my new found friend. Goodnight.

Director Pietravoia – We were working on some of the logistics in terms of getting a Chair in place. We notified all the council members and through a letter the Mayor has invited Brian Moore to be the Chair of that Committee and he has accepted. Jim Sonnhalter who will be managing the process has been working on a draft. We talked about this at our last staff meeting, it is close to being complete and we'll distribute that to the council members first for review and then we'll get the committee back together for comment on that draft. That would be for the scope of work that would be issued in order to solicit a consultant. That's a quick update on that project.

Chief Repicky – We'll look at 222 and Euclid. Trebec and 200 might be a situation with the school, Roosevelt, and their new construction and we're working with the schools to try to correct that problem.

Director Frey – I'll have to check on the foreclosures. Yes, we would assess the garbage and street lighting. I'm not sure where those special assessments sit in order of priority on the foreclosure. We know they'd be behind the property taxes, if they're behind the mortgage, we may not get those through the foreclosure process. I'm going to have to look and see where that lands on the priority of collections and let you know.

Director Smith – I don't have an accurate timeframe on that because it still boils down to the local share funding. I know the engineering is substantially completed, there's some issues they're trying to work out with the railroad on the one street but otherwise I know Director Brett is trying to reconcile the books on some of the Issue 1 projects and he's been communicating, he could offer this, but communicating with Benza on some of the funding and that's going to continue probably for another 60 days I might estimate and then we'll have a better idea of where we'll stand.

Councilwoman Jones – I agree, a lot of my comments have already been either asked or answered. I would like to thank Christine for chairing the Relay for Life for this year, she did a great job, I look forward to her leadership for the next year event for the Relay for Life for our 4th year. Thank you to all of those who made that commitment to staying all night through the pouring rain and the minor delay when we had the lighting scare which stopped so we could continue the walk again. Thank you for all of those who were committed and for all of those who made their donations to a worth cause.

For that event, it was the American Cancer Society, but there are so many illnesses that we come in contact with, whether it is you yourself, myself, you have a family member, friend, neighbor or whoever. So many times early detection is the key. You have an opportunity at the Imani Health Fair this Saturday, May 21st from 9:00 AM until 1:00 PM to take advantage and get some of those health screenings for blood pressure and things like that. Take the time for yourself, or take a family member or neighbor to that health fair and get those check ups. They could be just a minor thing that could be early detection for something that is lingering in your body that you may not realize.

I went to an event a couple of weeks ago called Stroke is No Joke. There were some testimonies there from people who have had strokes that they would not have realized that they had that condition. It can happen in a split second. Don't think that because you are maybe a healthy person, you eat right and everything else that you are not susceptible to any type of diseases as well. Take the time, those few minutes that it will take for an early detection test to be able to find out that everything is okay and then you can go on.

We had some discussions here tonight on dogs in the park, a dog park, so I will be scheduling a Parks & Recreation Committee Meeting, the tentative date, I'm not going to announce yet because I want to try to piggy-back on one of the other maybe Executive & Finance Committee meetings if we can, or go with a meeting by itself. The last date that I want to go with is June 8th. Between now and June 8th we will have that meeting, but it will be announced publicly once we get that date commitment.

I just wanted to mention as Councilman Gilliam said about Indian Hills and the break ins, it is a city wide effort that we have to do as far as enforcing residents to be able to look after each other, look after someone else's property or empty homes. We've had some break ins in the Hillandale and Coolidge area as well, so it happens all over, it is the enforcement of residents to be able to ward off or deter any future break ins that would be very helpful.

Chief Repicky, while we were talking about traffic patterns, 248 & Treadwell, over the past 3 weeks, I have witnessed almost two accidents and I had a resident call me who was almost in an accident at that intersection. For the traffic coming off of Euclid Ave. going down 248 and the traffic coming off of Treadwell trying to turn on 248, the stop sign is set back on Treadwell. The traffic coming off of Treadwell moves up to turn on 248 and the traffic coming north on 248, there are too many times where there's a collision. I would like to do something about that intersection before there is a traffic accident in

that area. I don't know if there has been in the past, there aren't any that I'm aware of. If you could look into that intersection and let me know any information?

My last comment is, Mayor Cervenik, at our last meeting we talked about the street lights and you mentioned that there's going to be a more aggressive approach to get some of the lights that are currently burnt out fixed and relit again. Do you have any status on where that is and what is going on? There's been several lights that I've turned in that have either been out for a long period of time and some within the past six weeks or so that are still out. I just wanted to know have we started that aggressive approach or what is going on.

Mayor Cervenik – Chad Self our representative was notified of the dissatisfaction of City Council and our residents, I know I've been calling them in. For instance I turned in E. 215 St. from S. Lake Shore through Kenison, that whole line of lights are out. I believe all the ones on Euclid Ave. are now fixed that were called in before. I would appreciate it if you would either copy me or Director Smith on any of the emails that you send into them for fixing, or that you get from your residents and we will get right on it. Mr. Self has asked us to try to do the email system rather than calling him personally because he feels it gets done faster. We're trying. If the Police Dept. sees lights out, we like them to bring them in and we turn them into the Service Dept. There's a lot of lights out there. I know we've got 2100 fire hydrants and I know we've got more lights than fire hydrants but we'll keep working on it.

Councilwoman Jones – I do have one other, I'm out of time. Chief Cosgriff, I'll get with you after about a fire hydrant that is down. Thanks.

Councilwoman Minarik – I wanted to announce to the residents, this Saturday is East 185 Alive. Our own beloved Euclid Fire Dept. will be in the parade that begins at 11 AM. I hope the Chief remembers. There should be Touch A Truck at the Family Dollar where the kids can touch the fire truck for a little while after that. Parade goes from Neff to VASJ, should end about noon. From 12:00 til 5:00 the merchants will have their wares out on the street for sidewalk sale as well as there will be activities for the children around Mickey's ice cream shop, hopefully down by Lakeshore Chevy, we're trying to figure out some other things for that. It should be a great day if it doesn't rain.

I wanted to refer back to the stealing comment Mayor that you made twice. I have a question. The sales tax and the CAT tax, and you can answer when I'm finished, but unless those were actually dedicated monies to the localities, it was a guaranty that sales tax and CAT tax is going to go back to the localities. I do think that is an inappropriate term.

Finally, I'm not sure how to bring this up but, where do we stand with the Coroner's report of Sgt. Blakeley? The reason I ask that is, we're now in our fourth week, we've heard nothing from that. From what I understand, when an officer, or there's an accident, or an officer dies, or an officer is involved in the death of something, or someone, typically there are paid administrative leave. I'm curious as to why the three officers involved with Kevin Blakeley's death are not on paid administrative leave. That to me is just a curious question, at least until we can get the Coroner's report.

And, I have asked numerous times Mayor, you did refer to an internal audit that you were made aware of that is why we started the investigation or you turned it over to the Sheriff. I would like to know why we cannot get a copy of that internal audit that lead to the investigation. Those are my last three unpleasant questions, and I'm sorry I have to bring them up, thank you.

Mayor Cervenik – I guess some people don't care for my choice of words all of the time and audit might be another one. I used the word, audit, but there was an investigation, there was actually a, when one person is transferred to a different position they make sure that the records are correct that things are on the up and up. That was the audit, during that time, what I referred to as an audit, I think the Chief could refer to it as something else. I am a civilian. During the procedures that were taken that I referred to as an audit showed that there is some discrepancies, or some possible discrepancies and therefore it was turned over to the Sheriff's Dept. It would be part of an investigation. I did not see it. It was not shared with me. I didn't want it shared with me. I wanted it out of the department and into outside investigative hands. Maybe Director Frey can talk to you about the Coroner's report, that's his decision and the Coroner's.

Director Frey – Councilmember, I'm going to refer you to the Ohio Revised Code Section 313.10. The Coroner's investigation is not a public record with some exceptions that are listed in that code section. I will refer you to that code section, so I don't anticipate ever getting a copy of a Coroner's investigation in this case. I've not asked for one. I'm not going to ask for one. I don't think it is appropriate. There are methods for the release of that that are outlined in that code section and I would suggest that would be the place to look. The document is held by the Coroner so any records request would be made there.

Councilwoman Minarik – And the paid administrative leave question?

Director Frey – There’s no basis that I’m aware of for paid administrative leave in this case. I’m not, I don’t have any reason to suggest that’s part of this case at all.

ADJOURNMENT

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

Attest:

Clerk of Council

President of Council