

COUNCIL MINUTES

June 20, 2011

UNOFFICIAL – PENDING COUNCIL APPROVAL

The regular Council Meeting was held on Monday, June 20, 2011 at 7:00 PM in the Euclid Municipal Center Council Chamber. Council President Holzheimer Gail presided.

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

Excused: Wojtila (came in 7:15 PM)

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

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

COUNCIL MINUTES

Councilwoman Scarniench moved to receive the Council Minutes of June 6, 2011. Councilman Gilliham seconded. Yeas: Unanimous.

President Holzheimer Gail presented Res. 98-2011 to the family of Sgt. Kevin M. Blakeley.

ADMINISTRATION REPORTS & COMMUNICATIONS

Mayor Cervenik presented Res. 93-2011 to Kristen Krysiak, Euclid High School's Valedictorian.

Mayor Cervenik presented Res. 94-2011 to Alex Boyes, Euclid High School's Salutatorian.

Mayor Cervenik presented Res. 95-2011 to Sarah LeBarron, Andrews Osborne Academy's Salutatorian.

Mayor Cervenik presented Res. 96-2011 to Sarah Hocesvar, Beaumont's Valedictorian.

Mayor Cervenik presented Res. 97-2011 to Timothy Frey, Villa Angela-St. Joseph High School Valedictorian.

Chief Cosgriff – Following some national tragedies I've gotten a number of questions regarding what to do in the event of an emergency. I've talked at length with city council in regards to the plans. What would we do if we have tornados, flooding, earthquakes, and I have often said a good old fashioned transistor is probably the best thing that you can have to learn what's happening and what to do to help yourself and your family. I stress the importance of good batteries, fresh batteries, just as we stress for the smoke detectors. I also talked about the substantial amount of information that we have on our website and yet I realize there are citizens that don't have internet access or don't know how to use the computer. For those people, I've gotten a number of pamphlets from FEMA, everything from a preparing makes sense pamphlet, preparing for older Americans, preparing for people with disabilities and special needs, even a pamphlet on preparing your pets for an emergency. Also a check list of things that you should have at your house, every family, every household should have a number of these things. You can go down the check list and make sure that you have everything. You can get these pamphlets by stopping by the fire house, 775 E. 222 St., next to the High School. Or if you call the Fire Chief's office at 216-289-8405, we will take your name and address and we'll stick it in the mail to you. There should be no reason why our people are not prepared for the event of an emergency. Thank you.

Mayor Cervenik – There is an organization called the American Community Survey and it is an arm of the US Census and they're conducting an ongoing collection of census data so they don't wait a full 10 years before they update the information that they have on various communities. They're going to be conducted on a yearly basis. The collection will be on a much smaller scale throughout the communities across the country than the full 10 year census. If you are contacted by the American Community Survey, please know that they are a legitimate organization.

I'm happy to inform you, Thursday, 21st from 10:00 AM until Noon, being hosted by Lincoln Electric in partnership with the City of Euclid and the Port Authority; we will be discussing ways to expand the foreign trade zone in the City of Euclid to benefit even further our local companies. There are some very good advantages to foreign trade zones. Right now Lincoln Electric is the only company considered in a foreign trade zone. We're having the seminar with 40-50 businesses attending, July 21st, 10:00 AM until Noon.

As most of you, unless you've got really dark sunglasses on, have noticed that the wind turbine at Lincoln Electric is up. It is quite a sight. It is a statement of the City of Euclid and it is a statement we've been trying to make is that we're trying to attract alternative energy companies to Bluestone Heritage Park and other areas throughout the community. It is my understanding that right now the various parts and components of the turbine are in various stages of testing and we believe that within the next 30 days or so the wind turbine will be generating electricity. We're looking forward to that.

For those of you that wondered what was going on at Shore Cultural Centre today, it was Paramount Pictures was on the property to film for an upcoming movie. This was arranged through the help of Coral Group. They collected a fee for the rental of the grounds. We were paid for all the security time that our officers and other personnel provided while they were doing this money. Paramount wanted to make things look nice, they painted, touched up, 64 windows on the front of the building. The building looks a whole lot better than it did a few weeks ago. The movie, I'm told, we did a little research on the website, is called Fun Size. It is a kids movie and one of the stars, I don't know these people, but one of the stars is Victoria Justus, she's on Nickelodeon's Zoe 101. My children are in their 30's, so I'm really not sure. Also Victoria, and I

don't know what her last name is, from I Carlie. Those of you that know those programs, those are some of the people that will in the movie. It is a family movie, it is a children's movie, and it will be nice to see a little bit of Euclid. It is based upon a teenage girl takes her younger brother out for Trick or Treating, loses him, then has to get him back before Mom and Dad find out. It is supposed to be, if anybody watched Adventures in Babysitting, it is sort of like that; where the babysitter took them out of the house and had to get them back before the parents came home. That's very exciting news. We hope this is the first of many movies that are taken in the City of Euclid.

Special Olympics Torch Run is tomorrow, conducted with our police department. It will be at noon, with the pass off from Euclid Ave. from the Wickliffe Team. I believe Captain we end up at Shore Center around 12:30, might be a little slower because he's leading the runners. But, please stop by, it is a good event and donations are accepted. You can make those checks out to Special Olympics Torch Run.

This weekend is the Pond and Garden tour, Saturday, from 7:00-11:00 and Sunday from 1:00-6:00 PM. Tickets are just \$5 available at City Hall at the Recreation window, or you can get them at Briardale Greens. I want to especially thank the Shade Tree Commission for sponsoring this event. With some of the changes we made in the management and the combining of various departments, the Shade Tree Commission really took it up a notch to make sure this will continue to be a good event that happen everywhere in the City of Euclid.

Cleveland Indian's Charity Continental Cup, is a youth baseball tournament that begins June 30 thru July 3 at Memorial Park. I hope everybody can attend that as well. I believe no one else had any other comments to make this evening.

Mayor Cervenik and Capt. Brickman administered Oath of Office to Sergeant Mike Janson.

REPORTS & COMMITTEE MINUTES

Councilwoman Scarniench moved to receive the Monthly Budget report through May 31, 2011; Executive & Finance Com. Minutes of 6/1/11, 6/13/11, 6/15/11; Sustainability Com. Min. of 6/8/11; Work Session Minutes of 6/7/11; Board of Control Min. of 5/31/11; 6/6/11. Councilman Gilliam seconded. Yeas: Unanimous.

Lot Consolidation

Council should approve or overrule Planning and Zoning Commission's April 14, 2011 approval of an application submitted by Raymond Negrelli, acting as agent for Gateway Properties, Ltd.: A consolidation plat which will combine a 2.287 acre parcel and a 0.317 acre parcel to create a unified parcel of 2.604 or 113,430.24 sq. ft. This request involves parcels 641-32-006 and 641-32-009, also known as 725 East 200th Street. Said consolidated parcel would be in compliance with all applicable codes.

Commissioner Beno – On April 14th at its regularly scheduled public meeting, the Planning & Zoning Commission heard a proposal to consolidate the lots and forwarded its recommendation to approve. The proposed consolidation is in compliance with all applicable codified ordinances. This consolidation will help facilitate a building addition to the Discount Drug Mart on E. 200th Street. If there are any questions, I'll be glad to try to answer them at this point.

Director Pietravoia – I just wanted to comment, it is a very exciting project, Discount Drug Mart has been in the community years. In 2009 you may recall there was some coverage about them as a chain and their strategy and they started planning then to expand all their stores in northeast Ohio so we're really pleased that they're expansion plans have made it to the store on 200th Street to serve our residents. Not only will they have a more efficient and larger floor layout, they'll be adding a full deli, frozen foods, more produce and a new state of the art pharmacy with a drive-thru pharmacy. It will really be a full service store and we're please, nearly three-quarters of a million dollar investment. They employ approximately 40 people right now and they'll be adding 2-5 new employees as a result of the expansion. Their current payroll is over \$700,000 and will also grow as a result of the expansion. We're pleased Discount Drug Mart is making an investment in Euclid for our residents.

Councilwoman Scarniench moved to sustain Planning & Zoning Commission's approval of above referenced lot consolidation. Councilman Gilliam seconded.

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

COMMITTEE OF THE WHOLE FOR LEGISLATIVE MATTERS ONLY

President Holzheimer Gail – Item #3, the annual licensing of commercial animal establishments will be tabled at the sponsor's request.

Marlene Kovacavic – 1210 Saybrook Dr., Macedonia. This has been a long journey. It didn't just start last year when I began protesting at Adriatic Pet Store or even early January when I came to my first Euclid Council meeting to convince you to ban the sale of puppies and kittens at a new pet store. My journey began 4 ½ years ago when I rescued a 12 week old Golden Retriever puppy. The email I received said the puppy was going to be blind and was going to be put down by the pet store if no one would take him. I didn't think twice and answered the email. The email was written by the Aunt of an employee of Strongsville Pet Emporium. If

you're not familiar with this particular store it was once owned by the former owner of Adriatic Pet Shop.

This puppy was brought into the pet shop a few weeks before Christmas and when he didn't sell and began to have untreated medical issues, the pet shop deemed him damaged goods. I took him to my veterinarian who was appalled at his condition at only 12 weeks of age. He had scratches on his corneas, missing patches of fur, sores on the pads of his feet and severe diarrhea. But with proper medication and diet all issues were cured. He is not blind, nor will he be. It only took a few dollars to make him well, yet this pet shop owner would not provide him with the necessary medical care and maybe dead if an employee had not saved him. The puppy never saw a veterinarian at the breeder, nor in the care of Strongsville Pet Emporium. All shots were administered by the breeder and the pet shop. There was no veterinarian signature on any of the puppy's paperwork. Ms. Zahorsky challenged

President Holzheimer Gail – Excuse me, you're not allowed to make personal statements here, so if you could refrain from using an individual's name, or an individual's stores name please.

Mr. Kovacavic – The health guaranty was challenged in the proposed ordinance. The purpose of this guaranty is to protect buyers from the heart ache and expense of obtaining a sick animal with no recourse. Sixteen states have enacted so called lemon laws. Consumer protection measures solely geared to provide specific recourse to members of the public who purchase sick or diseased animals from pet shops. Since Ohio is not one of these states, the proposed ordinance provides protection to buyers that purchase animals in Euclid.

Another reason for objecting to the health guaranty in the proposed ordinance, is because the pet shop does not know the health background of the breeding parents and if she does, the parents of the puppies are probably not in good health. There were also claims made that you cannot force people to spay and neuter their pets. Until we have laws that can be enforced, this is partially true. Anyone who understands the pet overpopulation crisis and does not want to see another animal put to death by unscrupulous breeding practices, would be an advocate for spaying and neutering.

It was also stated that customers of a pet store do not want to go to a shelter to get their puppies and kittens. However there are many sources to find puppies and kittens. There are many local rescues, private breeders who will guaranty the health of their animals, both medically and genetically and petfinder.com which is one of the internet rescue sites. This morning I checked pet finder and there are 458 puppies and a whopping 785 kittens within the Euclid zip code. As you can see there are many sources to find puppies and kittens and pet stores do not have to be one of them to supply the demand.

I was also stated that the owner wished to do microchipping herself. It was immediately apparent that she saw money making opportunity but did not stop to think of the welfare and health of the animals. All of this boils down to one thing, the greed of money. There is no compassion for the animal's welfare nor the problems pet shops add to our society. It is no surprise that there might be disagreement with the proposed ordinance. While we recognize that change is difficult, change is necessary when it comes to pet shops and community responsibility to the ever increasing pet overpopulation problems. It is happening all over the country and as and more government officials become aware of the problems of pet shops and impact and cost to their communities.

As a conscience and humane society must act to prevent the shocking over population of companion animals. If we recognize the problem, we can prevent cruel dumping and killing of so many innocent animals that have no voice except through us.

President Holzheimer Gail – You're time is up. Thank you very much.

Ms. Claire Sadar – 23731 Hartland Ave. I have been a Euclid resident and pet owner for over 20 years. I moved to the city in 1988. At that time there were so many things that I really loved about the city and thought it was a great place to live and own a home. After all the city slogan was, Euclid, the City of Superior Services. In my early years of my residency I came to realize that the city in an effort to control its ever growing animal population was adopting ordinances to dictate what residents could or could not do for or with their animals. Euclid was the first city to pass a leash law. Euclid was one of the first cities to limit the number of animals that residents could own. Euclid was about the only city that would not allow residents to walk their dogs in the city's parks. Why is it then that this Council does not see the need to ban the sale of dogs or cats by pet shops or any other establishments in the city? Isn't this part of controlling the every growing animal population?

Millions of animals are euthanized in shelters all across the country every year. This is not animal rights propaganda as some people say. This is could hard facts coming from organizations and groups who work with rescue animals every day. These animals are a burden to the already financially strapped cities across the country. Look at the City of Euclid, the pound and its staff were one of the first services to be cut when the city was making budget cuts. Now the shelter is staffed with only one full time Animal Control Officer and the rest are volunteers. So why is it that this Council does not want to adopt an ordinance that would prevent the sale of cats and dogs in the city when the city provides little funding for these animals and places the burden on volunteers. Volunteers who give countless hours of time and energy toward the rescue and placement of animals. Volunteers who are overburdened with dogs and cats that they rescue every day. Volunteers who have come before you to express their concerns about the sale of cats and dogs at shops within the city. If the

people who owned pet shops really cared about dogs and cats, they would host adoption events like national pet store chains do. Chains like Petsmart work with shelters and rescue groups to assist with placing animals in loving homes and contribute millions of dollars to support and promote animal welfare causes across the country. These stores help ease the burden on rescue groups and volunteers. Chain stores like Petsmart do not view the sale of cats and dogs as the cash cow that keeps them in business. They know that these animals come from puppy mills and backyard breeders who only care about how much money they get for the countless litters they produce. They know this process contributes to the millions of homeless animals every year. If the people who own the pet shop in the City of Euclid really cared about dogs and cats, they would host adoption events rather than relying on revenue from the sales of these animals. If they really cared about these animals, they would not have an F rating with the Better Business Bureau and a record of numerous complaints filed against them in every city they have done business. These people used to own a pet shop in Strongsville. According to records obtained from the Better Business Bureau, this establishment went out of business with an unsatisfactory record due to unanswered and unresolved complaints. These complaints concern allegations that ill animals or animals with congenital defects were sold. Refunds were promised and animals were misrepresented as pure breeds, the refunds never occurred. The store abruptly closed without warning and papers covering the windows stated moved to the east side. These owners then opened up a shop on E. 185 St. The business currently is listed with an F rating by the Better Business Bureau with numerous complaints about ill puppies being sold at the store. I was going to quote some of those from the internet but I will skip that because I don't want to violate the requirement of not being able to be specific.

They can move to different cities, change the name of their business, but in the end, the result is the same, people and animals who are victims of their bad business practices. So why is that this Council does not want to adopt an ordinance that would prevent the sale of dogs and cats at the pet store and any other establishment in the city, knowing Euclid residents will not benefit in any way. Euclid would be just another city of residents who are victims of bad business as countless residents of Strongsville and Cleveland are.

I would like to thank the Mayor and City Council for the opportunity to speak on this issue. I would also like to extend my thanks to all the animal rescue volunteers for your tireless efforts toward the common goal of no more homeless pets.

Mr. Joel Barron – I'm with the Fraternal Order of Police Lodge 18 Political Action Committee, 545 E. 222 St. I would like to speak on the matter #14 on the agenda, the proposed ordinance (341-11). The Fraternal Order of Police Lodge 18, is, I have to say, completely opposed to this legislation as it is currently drafted. We appreciate you listening to the grievances that we brought before you and attempting to moving towards solving future problems that we may run into. Hopefully we don't have a repeat reoccurrence of some of the issues that are currently going on.

Two specific areas that I would like to mention is rule 1 of 3. We see down the line some problems that may come out of that specifically. Outside candidates, I can understand how you feel it might be good to open it up to outside candidates, I have to say, after working next door for 16 years, I work with some excellent individuals and some people who would move into the captains positions, eventually the chief position, they would do an outstanding job. They know the department, they know the personnel, would definitely have a leg up on somebody coming in from the outside. There's no rush at this point in time to pass this legislation as we see it. Would like to at least see it go back to or go to Safety Committee, get a little more input from police and fire unions. We're kind of concerned if this gets rushed through that unintended consequences may come into play with the way it is currently drafted. We would also like to see the current problems that we're dealing with, maybe pushed to the forefront. Don't know what you can do legislatively there but we're working with the City administration, with the assessment from the OACP, we've got some movement at least in that direction. We need to continue to work on what's currently going on there. Again, thank you all very much.

Ms. Gina Lutz – 29225 Chagrin Blvd., Pepper Pike, Ohio. I'm the founder and executive director of Dogs Unlimited Rescue which is a 501.c3 non-profit organization. Dogs Unlimited Rescue started approximately a year and a half ago and has saved and rescued more than 160 animals. Dogs Unlimited Rescue is an all volunteer, non-profit organization that is dedicated to educating the public and saving abused and neglected animals from an uncertain fate. Our organization rescues animals from high kill shelters, abuse or neglect cases, hoarding situations, owner surrenders and dogs and puppy mills. Our goal is to improve their life by providing quality care and placement into permanent loving homes. We will continue to educate, rescue, rehabilitate and encourage the adoption of pets from shelters and rescue groups. Our organization gets puppies into our rescue fairly often. A few recent examples would be a female pregnant dog that just had puppies that we rescued from a hoarding situation on Memorial Day. We also rescued a female Chihuahua from the City of Cleveland kennels who gave birth to three puppies. All of these have found wonderful homes. Another case was where we rescued 12 cockapoos from a backyard breeder that were in horrific condition, severe health related issues, not to mention that these dogs were living in deplorable conditions. Their hair was matted to their body, filled with feces and urine burns all over their body. We also rescued four cockapoo puppies from the same backyard breeder. We currently also have a three month old pure bred mini golden doodle in our rescue that is up for adoption. By these few explanations and examples, you can see that there are plenty of puppies and dogs in need of loving homes. All of our dogs are immediately examined and provided all

necessary healthcare by a licensed veterinarian. Dogs Unlimited Rescue spares no cost when it comes to medical or behavioral rehabilitation of the animals in our care. Consequently we are not adopting out animals with quote issues. Any health or behavioral health issue is addressed before it is adopted out. Our goal is to find these deserving animals their forever home and be sure our thorough screening process does not put these dogs back into a position where they get recycled into a rescue or negative situation. There are many shelters and rescue organizations working very hard to save as many animals as possible.

We feel that it irresponsible for city government to allow a pet shop to sell unaltered animals without a spay or neuter enforcement policy. When we adopt a puppy to a family, we have spay/neuter deposit along with a clear description and specification that the puppy must be spayed or neutered by six months of age or the puppy will be taken back into the care of our organization. The adopter must provide written medical documentation by their veterinarians stating the puppy was spayed or neutered. We do not feel that it is necessary for a pet store to sell puppies and/or kittens in order to make a profit. Not only is it unnecessary it is inhumane. We have a few adoption events monthly in a store called the Pet People, which is a humane store that sells no animals and is very successful and has eight plus stores throughout Ohio. This pet store is not only successful but they also support local rescues without selling puppies or kittens to make a profit. Everyday Dogs Unlimited rescue receives numerous emails or phone calls asking for our help to save dogs or cats that are going to be destroyed in a shelter because there simply are not enough homes or adoptions for these animals. The Humane Society of the United States estimates that 4-5 million animals are destroyed in shelters annually which mean that today and everyday approximately 11,000 dogs and cats around the country are being euthanized. As I left my office I received an email from Richland County Pound that five purebred sweet labs were going to be destroyed within a few days because of overcrowding.

Jack Shea from Fox 8 news did a story in January this year about the sad realities we must face that 67 tons of dead dogs and cats are put into the Cleveland City trash each year. We feel that allowing a pet store to sell puppies and kittens is not only inhumane and unfair to taxpayers on many levels. Thank you for your time.

Mr. David Napoli – 407 E. 214 St. Euclid. First issue I would like to talk about, the second on there as well. I want to thank those people for putting that on the agenda. I think it is very important that although this is a free country that we just check these businesses, especially with something that is new and we don't know about for sure. We don't know how they handle it. It is good that we are tabling that and putting that aside to think about for a year or two. Figure out what we want to do with this company. To say how we are going to handle it when we do have new pet stores coming in. We need to know what our laws are going to be if people are going to sell pets. I just want to thank you for putting that on the agenda.

The second thing is the two pieces on the agenda about the dog parks. I know in Euclid we've been thinking about that for a very long time. As someone who owns their own house, owns a small business in Euclid and works full time and owns a purebred dog, I want to encourage you to encourage dog parks in Euclid and allowing dogs in parks in Euclid. If you want to attract young adults who we often call as yuppies, young professionals with jobs and hopefully with money, I think Euclid is a great place for that. These people are going to look at a lot of things when they decide where to live and when to settle down. Euclid has a lot of things to offer being on the lake, being a great place for starter homes, being a great place in a lot of ways for these young professionals. A lot of these young professionals as you may have noticed, are not having kids anymore and instead they're having pets. Those are their new kids. It does seem funny but it is the truth of it all. When they look for a place to buy a home and things like that, they're going to look at affordability, but they're also going to look at what the city offers as far as amenities go. One of those things is dog parks. There's a lot of good things we're doing on the shore, which I do appreciate and I'm thankful for, but also we do need to think about those dog owners. That could be one of the biggest deciding factors. You may not hear there here, but they're out there. We want them to buy here because they have jobs and they have money. I would like to encourage you to pass this law, to pass it into legislation and to consider passing into legislation or amending it to allow dogs in all parks because these people will come and we want these people to come to the City of Euclid. Besides that, it is free. To all dogs in parks, to attract people who are dog owners. These people are not dredges on society. They have jobs, they work hard, we want them here. I would like to encourage you to allow dogs. This is a change of ideas. It is not a change of people. We need that kind of change in Euclid. We need positive change and this is a free way to make change. Some people may not be happy with the idea of dogs being in parks, that may not be the way Euclid used to be, and it may not be the way Euclid is, but we need something to look forward to and this is one small way, one free way to encourage growth in Euclid. Thank you.

Ms. Amy Vickler – 4103 E. 76 St. and I am the Director of PAWS, otherwise known as PAWS Ohio. I'm going to be real brief because the people behind me have made some great points and I know you don't need to hear them again. I want to tell you about PAWS. We have 65 kittens at this point and we have 35 cats in foster. Just in our foster homes, that is how many we have. We have 25 dogs and puppies in our foster homes and we're countywide. I can guaranty you that the City of Euclid, I know the City of Euclid has benefited from PAWS being there because we have a huge, huge over population. Myself and the people behind me, I know there's a lot of passion and there's a lot of passion because we get really tired and burnt out from irresponsible pet owners, from people who buy a puppy, buy a kitten, kind of get tired of it and then toss it out and that puppy

or kitten reproduces and we're cleaning up the mess. I beg of you, be agents of change. Just be agents of change. You don't need this here. Just be agents of change. Take that step forward. Realize that there's so many people, so many people working so hard, so hard to stop the overpopulation. We get cats and kittens and dogs and puppies in that are in horrible, horrible situation, horrible shape. We spend so much money to get them right and I just beg of you, be agents of change, please.

Mr. Pete Bernacki – I'm a member of Local 337 Euclid Firefighters. I'm here tonight to discuss #14, ordinance (341-11). I rise in opposition to this and I'm requesting that you table this matter and have more discussion on it. I feel the Chiefs that we currently have, Chief Cosgriff, we had Chief Dworning, Chief Slattery, Chief Langa. Each and every Chief has brought out department up to a better standard, a higher standard. Educationally, all throughout the process, each one of the chiefs has been better. We have captains that are going to bring the next and platoon chiefs that have more education and they're going to bring our department up even more. To go outside this city, you're not going to bring in people that work in the city, that know the city. Chief Cosgriff said the same thing. He knows this city, he's been here. The captains, the platoon chiefs have been in this city. Our Asst. Chief has worked in this city, they all know this city. To go outside to Utah and bring in somebody that the guys got a laundry list of certificates, that's great. But you know what, he doesn't know this city. He doesn't know how it works and the nuances of it. This isn't a business. It is not a corporation, the Fire Dept. isn't. People's lives depend on us and we depend on those chiefs to make the right decisions for us. We need the people that have been around that know the job and know this city. That's all we're asking.

Ms. Amy Wager – 10081 N. Surfside Circle, Aurora. I have a prepared statement from the owners of Petique, which is a pet store in the west side of Cleveland and they don't sell dogs and cats and they collaborate with a lot of rescue groups and organizations. I'll start now.

Hi, my name is Lawrence Carter, co-owner and operator of Petique, a pet boutique on the corner of W. 110 & Clifton in Cleveland. Petique was born of the idea to offer fun, functional and fashionable necessities with unique gifts for pet owners who wish to spoil their furry four legged friends as the family members they are. Of course we had to do this all without our customers having to take out a second mortgage on the house. Finding unique gifts, toys, cloths, dishes, collars, bags and beds was only a small piece for us. Providing wholesome, healthy and dog and cat treat food lines that provide a longer healthier life for our companions was a must. Finally supporting pet friendly charities and organizations while championing pet adoptions is what gave heart to Petique.

When we opened our shop years ago we made the decision to not sale dogs, cats and other animals. In doing so we knew we were making a difference in the efforts to help homeless pets by not supporting puppy mills and inundating the over saturated pet market with more and more dogs and cats while others were languishing and being euthanized in shelters due to space constraints alone. A few years ago we signed the Humane Society of the United States puppy friendly pet store pledge committing not to sell puppies and instead support local animal adoption programs and provide literature that helps customers learn how to locate a reputable dog rescue or shelter. The HSUS applauds retailers like us because our actions prove it is not necessary to support the cruel puppy mill trade to operate a successful pet related business. In addition to our refusal to sell dogs and cats, we also collaborate with local rescue organizations in their efforts to stem the tide of pet overpopulation by sponsoring pet fashion shows, local adoption fairs and fundraisers. Additionally in our shop you'll find our rescue rack, featuring canine fashions for a cause with part of the proceeds going to various pet orientated charities. Creating a store with a focus on much needed pet supplies and gifts has not prevented us from offering our customers pricing at or below those of the large corporate pet supply stores, while maintaining the personal touches of a small, local, family-owned business. We serve pets and their parents from all parts of Greater Cleveland and our nurturing a growing internet market. We enjoy strong client loyalty due to the values by which we operate. Our customers come from far and wide and appreciate our strong commitment to their pets, as well as the pets in our community that are looking for their forever homes.

Now by no means do I mean to insinuate the business model I follow by not selling dogs is an easy path ripe with profits. You have to still be creative, cultivate relationships with your customers, the local rescues and other pet businesses in the area. When you do it, it is possible to run a successful business and have a truly rewarding life as Petique is an example. Thank you for your time and attention, respectfully Lawrence Carter, co-owner of Petique. Thank you.

Ms. Cindy Berman – 1342 21st St. NW in Canton, Ohio. Ohio Advocates for Companion animals, or OA4CA does not wish to put the new Euclid pet shop out of business. It is true that we do not want this pet shop or any other pet shop to sell puppies and kittens. But we would like to show the owner of this new store that they can still have a profitable business without selling puppies and kittens.

In November 2010, OACA, sent a certified signature required letter to the new pet shop store, and I'm going to say this without using names, the new pet shop store's mother, who was the owner of the former pet shop on 185th, does that make sense. Unfortunately the letter was returned unclaimed. The main purpose of this letter was to encourage the former owner of the store on 185 to go humane. In part the letter read, we do not wish to put your store out of business, but wish you to stop selling animals. We would like to work with you

in helping your store become humane pet store and allow rescue organizations to partner with you and showcase their adoptable puppies and kittens. The Humane Society of the United States, HSUS, invites you to sign the puppy friendly pet store pledge. Pet stores that sign this pledge agree to discontinue the sale of puppies and kittens. How will your store benefit from this program? When you sign and return the pledge, your store's name, address and website will be listed on the HSUS website, which is visited by thousands of pet lovers every week. The HSUS will provide a free eye catching sign to hang in your store to promote your humane choice. Stores that cease selling puppies and kittens entirely will receive publicity in the form of the official HUSU press releases distributed to the local media outlets to applaud their humane change and bringing new customers to the store. All stores that sign the pledge will receive a welcome package which includes free materials for your customers to help them find puppies and kittens from humane sources. Your store can be seen as a hero in your community by pledging to work with shelters, to increase their adoption programs. Stores indicate a participation in adoption programs will be highlighted on this website. The website will encourage pet lovers to contact your store for more information on these adoption events. The Humane Society will conduct an outreach and awareness campaign to lead pet lovers to shop at stores from the list on the puppy friendly pet stores list.

OA4CA will coordinate a grand re-opening of your humane pet store bringing media attention and providing volunteers for this event. Someone stated at a previous council meeting the owner of the new pet store loves animals. If that's the case then surely she would not want to see a puppy, kitten, dog or cat put to its death because their time has run out at a local shelter. Instead we hope the owner of this new pet store opens her heart and helps the homeless animals of your community and begins working with the rescues and the shelter of Euclid. It is the responsible and humane thing to do.

Andrea – 1902 Harding Dr., Wickliffe, Ohio. I can't take it any more. I can't sit there and be quiet. Why does it have to be one way and one way only with a pet store? Why can't the pet store sell animals and also help with adoptions? Is there a law against that? People come up here and say these stories about things that don't make sense, that aren't true. I think it is just their belief, not everybody in this room believes the same thing about should animals be sold at a pet store, should they not, should they be from shelters.

Another problem I have is, if someone is coming into a pet store to look for a dog or a cat, they pay say \$400 for this dog, do you think for one minute that they're going to dump this dog off somewhere, that they're not going to take care of it after you've just spent \$400 for a dog? On the other hand, it just doesn't make any sense to me. We can go back and forth, back and forth, back and forth. I think there needs to be some kind of law put in place definitely and that's why we have these meetings. But to keep going back and forth is just ridiculous. I'm not going to make this a long speech. I think this is ridiculous.

Now the City of Euclid came in and brought some guinea pigs to the store, I mean if they can tell stories, I guess other people can. Some guinea pigs that were sold for \$5, just to cover the cost of maybe the food while they were there. The store, to me, any pet store would do their part in rescuing animals as well as selling them and not abusing them by any means. It seems to me like these pet rescues are getting their dogs from, and let me know if I'm wrong, anyone in this room, are getting their dogs from puppy mills, but they're calling it a rescue but yet there is an adoption fee. You're saying it is an adoption fee rather than an animal being sold. It just doesn't make sense to me and I had to bring that up.

Other than that, I think everyone should really seriously think about this very seriously. This is a very serious situation and I don't think pet stores or rescues, neither one of them have, they're all for the animals, personally, both of them, on either side. Nobody is wanting to abuse animals, nobody is wanting to see this going on, but it is and nobody has a quick answer on how to stop it. To stop a single pet store, it is just ridiculous. To point finger, the store and the city, everybody come together to help the animals that are being sold or the animals that are in shelters. It should be a united thing, not just one way. Not coming from one side. Don't sell them at all and things like that. Thank you.

President Holzheimer Gail – I don't want to belabor this but Councilwoman Scarniench has been meeting several times, she continues to meet. The reason it is being tabled this evening is because there were some challenges that we needed to make sure we could discuss, revise the draft and bring it back. It is the intention to bring it back as quickly as we can get that work done. That is the reason to extend the moratorium because we don't want that to lapse until we have rules in place. I don't believe Council is not trying to make these rules, they're going to follow through. I will be happy to take comments on this specific legislation but let's keep the comments to the legislation please.

Ms. Linda Flemming – 18518 Glenfield Rd., Cleveland. I just want to mention that as they said behind me that there's too many animals out there being abused at the hands of people. The bottom line is, the majority of the pet stores do support puppy mills. If you, I want everybody in this room, if you don't know what a puppy mill is, Google it on the internet and you will see the horrible, you'll cry, a grown man will cry looking at these images. That's what pet stores do. Somebody has to be the voice for these poor, helpless animals, that's all I have to say.

Ms. Diane Keenan – 25781 Lake Shore Blvd. One of the main reasons I came up is I'm a Euclid resident and have been for 40 years. I'm a hospice volunteer. I pay my taxes. I thank this forum for presenting an opportunity for the citizens to speak. Many of my friends and I are going to be watching what happens with this very, very closely. I work extensively with Valley Save a Pet in Chagrin Falls, it is a no kill shelter, it is for strays only. They are full. I called them last week after I received a call at 6 AM from a friend. This kitten is following me to the bus stop, I'm afraid it is going to get hit by a car. That kitten went to my vet. I paid the vet. I called Valley Save a Pet and because of my past involvement with them over the years, they made an exception. He was picked up, he was 4 months old. There was nothing wrong with him except an ear infection. There were no postings. No one was looking for him. He wasn't from the neighborhood. He is now securely placed.

I think it is a shame we had to go to Chagrin Falls to find a shelter for him. I think everything that has been said here rationally about the over population of strays, the limited hours of the shelter here in Euclid. You can't change basic human nature. You cannot legislate morality. They've tried in this country for years, it is not going to work. But, you can make rational choices. My friends and I are going to be watching this situation very, very closely. I tend to take the high road and I'm going to believe that the right choice is made by these council members concerning this very difficult and increasingly worsening situation here where I live in Euclid. Thank you.

Ms. Lucy Call – 18 Hurst Rd., Painesville. I have two sentences. More dogs and cats will die unnecessarily if Euclid city council members fail to support Councilwoman Scarniench and her recommendations on her revised ordinance. It is time for reform and government responsibility. It is time for the City of Euclid to be the model to other cities in the State of Ohio and to be part of the solution, not part of the problem.

Mr. Jerry Toth – 615 E. Paige Ave., Barberton, Ohio. I read the rebuttal on the ordinances that was offered by the pet shop owner. I just wanted to address a few things that were on there, something was brought up there about being a private business and policies should be able to be basically whatever they want them to be. Some councilwoman and some animal rights activists as it was stated shouldn't be able to dictate policy. I want to bring it up, every business has policies to follow, guidelines, ordinances, laws, whether it is state or federal. Some simple things would be like a grocery store or bakery regulated by the health department. Automotive and other businesses of that sort are regulated by OSHA. Everybody has guidelines and laws to follow.

Another issue was brought up as far as microchipping. They thought it was a good idea but it should be done by the pet shop. The AMVA, American Veterinarian Medical Association, has this to say about microchipping. It is considered implanting by method of injecting with a hypodermic needle which should be done under supervision by a veterinarian because they know where the chip should be placed, know how to place them, how to recognize signs of problems and treat problems if they occur, which would not be accessible in a pet shop. Already specified and addressed practices a veterinarian medicine in three states that address microchipping directly are New York, Pennsylvania and Washington state, consider that a veterinary practicing in veterinary medicine. Ohio states, doesn't directly state, specifically address the microchipping, but it has for complimentary alternative integrative therapy, surgical embryo transfer and dentistry, one of the states it was mentioned is performed by a dentist, is practicing veterinary medicine. Even farm procedures most that are exempt from not consider veterinary medicine are still recommended or called for to be supervised by a veterinarian.

Also it was mentioned in the rebuttal whether it was dogs or cats that were talked about and not wanting to have to go to a USDA breeder, it was stated as cutting corners to help the bottom line. That is how the wording was put in there. I'm sounding more like we're talking about a car or jewelry. Cutting corners in a lot of businesses leads to, in many industries, results often injury, health risks and even death. None of which I don't think anyone wants to see.

Something that was brought up here tonight on adoption, the adoption fee that is charged at rescues and stuff, from doing rescue myself personal level before I got involved with rescues, the fee that is charged ranges anywhere between \$35 to \$100 or dogs are even more, covers a fraction of what money is involved and what is put into those animals from a rescue or for a puppy mill, God forbid, can go into the thousands of dollars.

Something was brought up in the rebuttal that not selling dogs and kittens would hurt the bottom and force many turn away and loss of sales of other products. On February 22 when we were in here when this was brought up by a representative for the pet shop owner that only a few dogs would be sold and this would not be the main part of their business. Now all of a sudden it is a main part of their business.

My uncle went through an adoption, he bought a dog. I was against it. He bought a puppy, he loves his dogs. He had problems with it. About three months went by, he had a lot of money into it that he couldn't afford. A true breeder that it was that sold it to him offered to take the dog back, pay all medical expenses and reimburse him for everything he had into it.

President Holzheimer Gail – I'm sorry sir, your time is up. Thank you. Seeing no further comments we'll move forward with legislation.

LEGISLATION

Ord. 101-2011 (336-11) Land Reutilization Program

An ordinance amending the Application Review and Disposition Policies for the City of Euclid Land Reutilization Program. (Sponsored by Mayor Cervenik by request of CS&ED Director)

Councilman Gilliham moved for passage, Councilwoman Scarniench seconded.

Director Pietravoia – We’ve been working for the past few weeks to look at our land bank disposition policies after about a year of experience with the policies. Planning & Zoning Commission Beno who has been in charge of the program prepared a very thorough memo explaining the proposed changes and the proposed pricing policies. I’m going to ask him to summarize that briefly and then we’ll be happy to answer questions. I would encourage council if you are comfortable with what we are proposing to act on this tonight. We do think there’s an opportunity this summer because of the interest that we’re seeing if we change the policy to see more activity in the sale of the parcels and I think our primary goal is to get these parcels back into productive status, particularly from a tax producing status. With that, I’d like to allow Planning & Zoning Commissioner Beno to give a brief summary and then we’ll open it up to questions.

Commissioner Beno – In looking at the last year of operation, we have determined there are four areas of the current pricing policies that are not working very effectively in terms of promoting sales of vacant lots. The first is we begin by using the Auditor’s market value as the starting point for pricing of sales of vacant lots. What we’re finding is those values as stated by the Auditor are just too high, they are not in line with current market conditions. We find purchasers are reluctant to pay upfront fees or to take on expenses such as initiating appraisals to challenge the Auditor’s values. We find it important to provide a structured beginning price point or typical range for vacant lots, rather than the full broad spectrum of pricing that the Auditor values indicate.

Finally we’re proposing a price breaks for proposals which involve either development of houses, home improvements and also when a proposal involves splitting lots so that multiple property owners can cooperate and all improve their properties. We’re asking to adopt these policies and we feel these four issues will basically help us to move properties back into the private ownership.

Councilman Gilliham – In looking at some of the amendments that are highlighted on page 4. When it talks about the lot size being 5,000 sq. ft. or greater, my question to you, these prices seem reasonable but if an individual were to approach the city let’s just say on a buildable lot of 5,000 sq. ft. or greater and they sincerely wanted to do yard expansion and no consolidation. Ten years from now this particular property comes to be sold, could an individual purchase, would that property be part of that one parcel. That person can build on this lot if it meets the city’s standards of 5,000 sq. ft. or greater, correct?

Commissioner Beno – That is absolutely correct. We’re not trying to prevent the buyers from having property rights in the future. We feel if they hold the property, maintain it for quite a few years and then the market comes back and the lot is up to a standard to be built on, then at that point it would be good to see the development of that property. What we’re trying to avoid is the city having to upfront carry those costs of maintaining the lot. The fact of the matter is a homeowner next door to a lot can keep that lot cut and maintained much more inexpensively than we can under contract. If a homeowner does make a good investment and cares for a lot until the time that the market comes back, we have no problem with that.

Councilman Gilliham – For clarification, if any owner were to buy these lots whether it be an addition to develop a home or yard expansion and that same owner maybe three years from now wants to come back to P&Z, they can change their intentions. Would there be an additional cost if I bought the house for \$1 and I realize I don’t want to build a house on here, that situation comes into play, and they may want to do something else with it, do we have any stipulations from preventing them from just putting a garden up there and saying that’s their property and that’s their garden?

Commissioner Beno – First I’d like to clarify that we’re selling these properties to adjacent property owners or to developers who have a current proposal to develop. We’re not encouraging absentee owners to speculate with them. If that’s the case then we’ll hold them ourselves. Basically yes, it is exactly what you are saying that if a owner buys and cares for the lot and then just chooses not to develop it in the future, as long as they keep it well maintained, that would be their property and their property right.

Director Pietravoia – If I could clarify, I just want to make sure that I understood Councilman Gilliham’s question. Depending on the purchase price they paid. If they paid the \$1, which is where they are agreeing to build a home, they would in fact be obligated to build a home, they can’t change their mind, there would be a reversionary clause in the agreement where the property would come back to the city if they didn’t proceed with their plans.

Councilman Gilliam – That was my question, are there any sanctions if something were to happen in that development?

Director Pietravoia – Yes, and what Commissioner Beno was explaining is in the case where they bought it as a yard expansion, they would have the option later to develop it if they chose to, but they're paying more upfront, they're paying \$1,000 shown in your proposal and therefore there wouldn't be a reversionary clause in that case. They are just using it as yard expansion with the option in the future if the market conditions improve that either they could build or someone else could build on that lot.

Councilman Gilliam – So it is iron clad that when there's a condition to develop a house, they have to and there are sanctions for not developing. Okay that was just my concern.

Director Pietravoia – The other option is to pay more upfront, \$1,000 rather than \$1 without those reversionary clauses.

Councilwoman Jones – Out of the houses that have been demolished, how many of those lots, what is the average lot size of those properties?

Director Pietravoia – They do vary depending on where they are in the city. Probably about 20% and Mr. Beno can correct me if I'm wrong, but about 20% end up being 5,000 sq. ft. or larger where they're buildable. A lot of the lots are smaller lots that by today's standards would be considered substandard.

Councilwoman Scarniench moved to close debate, Councilwoman Jones 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. 102-2011 (340-11) Extend Pet Shop Moratorium

A resolution extending the temporary moratorium on the commercial selling of dogs and cats by a commercial animal establishment to December 31, 2011, as defined under Section 505.01(9) of the Codified Ordinances of the City of Euclid. (Sponsored by Councilperson Scarniench)

Councilwoman Scarniench moved for passage, Councilwoman Jones seconded.

Councilwoman Scarniench – Is it okay if I talk about both at the same time? First I want to thank everybody who came tonight and spoke. One of the things that is very important, I put the December 31st date on this for no other reason, so we don't have to keep doing this again. The only reason the legislation isn't in front of you today is because I am pro-business, don't get me wrong, I am not against free enterprise. I truly wanted to make sure that what we were doing was in the best interest of the citizens of Euclid. I held off so that I could meet with the attorneys for the pet store and our attorney and we did that and that was on Thursday, which was too late for this agenda.

Our attorney, Jason, did a great job. We manipulated a few things, we changed a few things and I will be sending the final draft of this legislation to Council within the next two days so that they know what is coming. We have a meeting over the summer, I'm guaranteeing you it will be on the agenda and we will vote on it. If we don't have a meeting and I really think we will, it won't happen until September. This will not be an emergency so it takes 30 days after that. That's kind of why the date is there.

One other thing, I would hope that we listened to this and everybody has listened to this over and over and over. When this comes, I know that I will put my trust in this council to do what they believe is right. So I hope we can limit how much we listen to because we have listened to it, everybody has listened to it and I appreciate it. One comment I do want to make, some years ago and I can't tell you the year, our shelter was closed because of funds, there was no doubt about that. People stood up and voiced their opinions about that and our then police chief said to me, if you're willing to take this on, we'll open it and I did, I became the chairman for the Euclid Petpals and also the chairman for the Euclid Animal Shelter Commission. We worked very hard to put our shelter back together. It is run by volunteers and unfortunately there's not a lot of volunteers, our volunteers are older, that can come out. The times are limited. We are a no kill shelter. We do not euthanize animals. We keep them until we find them good homes. That's the way that is.

People have made references to the fanatics, well I tell you this, when Council gets this new piece of legislation they're going to see that the microchipping is gone. The reason that is is because these so called fanatics truly believe that in the best interest of the animal that this should only be done by a veterinarian just like the veterinarian society says. If it had to be any other way, they didn't want it, that's why I pulled it. We made some different things, some people aren't going to like and that's the way it is going to be. This is a piece of legislation that needs to come forward. When I was on Planning & zoning, one of the things they said was

we've got to update our codes, and they've been doing that for the last few years consistently updating our codes. Unfortunately this code didn't get to us before this situation because maybe it would be a totally different thing and would say no animals being sold in the city.

I trust my colleagues to read this, any questions they have I will be able to answer, Jason will be able to answer because he's done remarkable research on everything we have and it is a good piece of legislation and I'm confident they will all support it.

Councilman Gilliam – I voted no for the moratorium because I don't believe in stopping businesses from coming to the city. I believe the city has the officials and the employees to direct any issues that may come about and properly address them. In regards to the resolution to extend the moratorium, I will be voting no but I do believe in regulation. Those are my comments.

Councilman Langman – First of all I want to thank my colleague, Councilwoman Scarniench, she's been a good steward of this issue and we're kind of leaning on her to work through all the ins and outs, especially with the attorneys. We do want to have updated fair regulations that respect the concerns of pet owners and animal rights activists along with business personnel. I just want to clarify the year the shelter closed temporarily was 2002. I want to give a little shout out to former Councilwoman Miller and former Councilman Lisy and myself for passing the enabling legislation for Petpals. I think I've been to just about every one of their fundraisers. They've done a tremendous job. If anyone is watching, Petpals is certainly a worthwhile cause to support.

Councilwoman Minarik – I just want to clarify the moratorium, I know it goes through December so we don't have to keep extending and extending. For the sake of the business knowing what its position is, where it is going to go, can we have some kind of a date that this will be settled so the business can determine what it wants to do, is that possible? Say by July 20th or something.

President Holzheimer Gail – Council has to act on it so at the latest it will be the first Council meeting in September if council would like to have a special meeting once we get the legislation back.

Councilwoman Minarik – Because you have the legislation already, right?

Councilwoman Scarniench – Correct. I'll send it to you within the next day or two.

Councilwoman Minarik – I would like to have a special meeting then and held sooner. It is a business that is trying to get up. If they don't like it they can make adjustments, if they do like it, that's fine. Basically we're putting a business on a moratorium too.

Councilman Wojtila – Director Frey any concerns extending the moratorium for 6 months from a legal standpoint?

Director Frey – No, we don't have any, a one year moratorium is not an unreasonable period of time.

Councilwoman Scarniench – Just the fact that once we have a meeting and normally we do end up having a council meeting at some time this summer and I'm feeling we're going to, that's when I would do this, otherwise it will be the day after Labor Day will be our next regularly scheduled council meeting.

Councilman Van Ho – I would like to compliment Councilwoman Scarniench for the work that she's done on this. I know it has not just been a piece of legislation, she's been trying to do what is right for everyone, the pets, the business owners and the pet advocacy groups and we owe you a debt of gratitude for this one.

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

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

Nay: Gilliam

Passed.

Ord. (293b-11) Amend Code Pet Shop Regulations

An ordinance amending Section 505.23 "Annual Licensing of Commercial Animal Establishments; Fees", and enacting Section 505.231 "Pet Shops and Pet Traders" of the General Offenses Code of the Codified Ordinances of the City of Euclid to create regulations for pet shops and pet traders. (Sponsored by Councilperson Scarniench) (From Safety Committee with a recommendation for passage) (Tabled June 6, 2011)

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

Councilwoman Scarniench moved to table Ord. (293b-11), Councilman Langman seconded.

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

Ord. 103-2011 (284a-11) Street Lighting Assessment

An ordinance enacting a special assessment upon all property within the City of Euclid to be used for the payment of street lighting within the City. (Sponsored by Mayor Cervenik) (From Executive & Finance Committee with a recommendation for passage as amended)

Councilman Van Ho moved for passage, Councilman Langman seconded.

Mayor Cervenik – I think we've discussed this at great length at a number of committee meetings. At the last meeting it was sent to City Council as a whole to be passed for approval but for one year only. I would like either yes or no tonight so I know what I have to do with the budget that will be coming up next year. If we know this isn't going to be in place, changes are going to have to take place in 2011 as well as 2012.

Councilman Van Ho – I would like to be added as a sponsor on both lighting and the garbage tax fees. While this may not be a terribly smart political move, I believe it is the right thing to do. The added monies that are not going to give us some luxury garbage service where the garbage man goes clear to the backyard and brings everything out, nor are we going to get fancy street lights. This allows us to move money around that we would pay from the general fund for both of these services that we can legitimately charge the residents at this time, so we cannot pay police, firemen, rec people, sewer people and keep an adequate level of service. I realize this is going to create a hardship on some people, but I also think those same people are the ones that we really have to look out for. The upper middle class of this city can move if this \$150 or so total is going to drive them out. But there are an awful lot of people who can't afford to move, who are elderly or who are poor and they deserve a decent level of service. If we don't pass these ordinances, they're not going to have that level of service because the vast majority of our budget is payroll. We need the cops, we need the firemen, we need the rec services so these people will have places for their kids to go and stay out of trouble. As soon as the economy turns around and we can get rid of this legislation, I'd be happy to sponsor legislation to get rid of both of these. Until that time, we need these taxes. Thank you.

Councilwoman Scarniench – I wasn't able to be at the meeting when this was discussed, I was babysitting my grandkids and I thought that was very important and everybody knew I had said I wouldn't support anything more than a year. I do over the last day or so gotten some questions so if we could answer them to clarify.

On the lighting fee, why does it say it is going to be collected in the calendar year 2013? I was always under the impression we're collecting in the year that we're collecting, so what's on my tax bill right now, I'm paying for 2011. Next year's tax bill I would pay for 2012. This says we're going to collect it in 2013, so can somebody explain how that works?

Director Frey – We've assessed already 2011, as part of this budget process which is collected in 2012. 2012's assessment, you're always collected a year after the item is placed on the tax duplicate. If I recall, we borrowed and so we've actually used the money a year ahead of when we actually got it.

President Holzheimer Gail – For the lighting only, the garbage is for the current year.

Councilwoman Scarniench – As of right now, all we've collected is two years in lighting, last year and this year. This is still the first year for the lighting?

Director Frey – Right.

Councilwoman Scarniench – That's why it is on there like that?

Director Frey – We essentially borrowed against that future tax obligation, special assessment.

Councilwoman Scarniench – People are really confused. When you look at the bill it just says special assessments. I don't know if we can have them put the year on that this assessment is for? People keep thinking that they're paying for last year because our taxes are in the arrears. What we pay this year is actually for last year. So they feel like they're being double billed. I don't know how else to explain that to them. That's is how I was told, the taxes are in the arrear but the assessment is for the current year.

President Holzheimer Gail – For the garbage.

Councilwoman Scarniench – It is not the same then for the lighting?

Mayor Cervenik – The lighting is one year behind. We took out revenue anticipation notes knowing we wanted to postpone the full effect of both service fees being put on at one time. The garbage is being collected for this year, even though taxes say otherwise. The best way to explain it is to ask people to look in the checkbook and

they will realize they paid \$108 for trash last year. They're going to pay \$108 this year and \$108 next year.

Councilwoman Scarniench – But they think they're paying for last year over again.

Mayor Cervenik – Because we're using the county tax bill as the collection vehicle, there's not much we can do about that. However, our collection rate was in the mid-70's through the end of calendar year, the first year we did it and billed in house, we've collected approximately 95% for the first half of this year. So it also a very efficient way of making sure that people pay.

Councilwoman Scarniench – If you could reiterate, we have a flat fee for the garbage. How do they get assessed for the lighting fee again because they're confused on that?

Mayor Cervenik – The lighting fee is 1.34 mils and it is based on valuation. I had a call the other day saying why can't you do that at a flat fee either. What we tried to do by doing it by valuation is it more fairly spread that across all of our businesses, as well as our apartment complexes which do not share the services of our garbage pick up, they have their own. By doing it as an assessment based on valuation, it takes a lot of the burden and that's what we've always tried to do is take as much of the burden off the homeowner as possible. This does that, it spreads amongst a much larger pool of residents.

Councilwoman Scarniench – One last question. As an accountant, is it possible, can people actually write this off, if you file long forms you get to write off your taxes; because this is on the tax bill, I'm being asked if they are allowed to write that off and I said I'll ask?

Mayor Cervenik – It is not a deductible expense according to the internal revenue service code. However I think a lot of people do it any how. They take their total tax bill that shows up on their real estate taxes. I don't recommend that.

Councilwoman Scarniench – They would only catch that if somebody was auditing their books.

Mayor Cervenik – I will not respond to that one.

Councilman Gilliam – For clarity sake, from day one I felt two years was enough time for the administration and the council to look at long term stabilization. I strongly still feel that way now. I see after watching the executive and finance meeting that the Mayor at least wants some level of stability and if one year was one year, then so be it. I will vote for this and my reasons are stated because there are some issues that we're still addressing in the City of Euclid and it would be a detriment to not have this funding while we're trying to figure out what will be our best position in the future. While I still firmly believe that two years is a better timeframe to assess our long term financing, I will vote for this lighting fee this evening.

Councilman Wojtila – As I mentioned in the Executive & Finance meeting, this has been a real tough piece of legislation for me personally. I made the comment, like at home, back in the days when I used to get raises because the economy was strong and we were doing well, I would get a raise but I wasn't saving any additional money, I was just spending more money. I didn't want this to be a raise to the city's coffers where all of a sudden we're spending more money. Councilman Van Ho mentioned better street lighting and elaborate garbage pick up, that's tongue in cheek. I'm convinced this legislation is not giving ourselves a raise or giving the city a raise and therefore we could spend more money. It is only to hold the status quo that we have right now. I say unfortunately because unfortunately I don't want to be subject to a continuation of either of these taxes but I will be voting yes on this.

Councilman Langman – Given the condition of the State budget and the steps they've taken to address their budget concerns, while they have pushed a lot of those issues down to our level. I think it is prudent to move forward with these, even though I don't particularly like them. I have to say this is not a validation of how I think the administration does some of its business, because we do have significant issues that have arisen within the past week or so that shows we must do much better in how we deliver services. Yet, it is not fair to this administration or if there's a new administration walking into even less revenue. So, I'm reluctant to do this but I think the facts present we have to do this because of some of the things going on at the state level. They have pushed down upon us tremendous revenue decreases. Right now the only way to make that up would be to lay off people and we can't afford to do that either. I'm reluctantly going to vote for both of these items.

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

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

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

Ord. 104 -2011 (285a-11) Solid Waste Fee

An ordinance authorizing the continuation of the solid waste collection fee for residential accounts for the years 2012. ~~through 2016~~. (Sponsored by Mayor Cervenik) (From Executive & Finance Committee with a recommendation for passage as amended)

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

Mayor Cervenik – Just to add onto what some of the council members have said, these fees were put in place before we had any idea whatsoever of what the State of Ohio was going to be pushing down upon us. That just makes the urgency of keeping them in place even more important. We're still going to have a lot of budget issues to deal with coming up.

President Holzheimer Gail – I do want to make sure that people are aware. We have had several committee meetings on this. We met May 9th, May 18th, June 1, June 13 and had a meeting about pay as you throw opportunities for garbage collection on June 8th. We have had much discussion about this in relation to the budget. I think the change for one year only is because we do want to continue to look at long term options. We also have on the agenda tonight something we talked about in those committee meetings, the start of an Ad Hoc budget stabilization committee to look at other long term opportunities for growth or stabilization. We will continue to move forward looking into the pay as you throw option. I just want to make sure folks know we have done quite a bit of work to get to this point tonight.

Councilman Van Ho – Once again I would like to be added as a sponsor on this. Glad you brought up pay as you throw because this year extension will give us a chance to look at pay as you throw and make sure that it is the right move for us. Anything we do to change this is going to have a monumental affect on the budget, so we just need to know we're going in the right direction. At first glance it looks like pay as you throw makes sense but we need time to look at it and not just one committee meeting and bring it to council and pass it. Let's give Randy and his people time enough to do it right.

Councilman Gilliam – Mayor just for clarification, if this were to pass tonight, the solid waste collection fee would be collected for the year 2012 on the 2012 bill, correct?

Mayor Cervenik – Yes.

Councilwoman Minarik – I do appreciate the fact that we had Sustainability committee meeting and we are exploring PAYT, but as far as this ordinance goes, I will vote no on it. The reason being because it is not a garbage fee. If it were a garbage fee we would not be taxing empty homes for garbage that they don't put out. We would allow people to opt out that have the opportunity to take their garbage to their places of business. We would not have put the money into the cash reserves. Because it really, honestly was not for the garbage, I'm going to vote no again. Thank you.

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

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

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

Nay: Minarik

Passed.

Res. 105-2011 (339-2011) Ad Hoc on Long Term Budget Stabilization

A resolution creating a the Ad Hoc Committee on Long Term Budget Stabilization and Growth, appointed by City Council, to review and evaluate the City of Euclid's municipal finance structure and provide recommendations for increased stability and growth in revenue in order to ensure ability to fund quality services and encourage investment for future growth. (Sponsors Mayor Cervenik; Councilpersons Gail and Langman)

Councilman Langman moved for passage, Councilman Wojtila seconded.

President Holzheimer Gail – This is a follow up, as I said just a few minutes ago to our Executive and Finance Committee meetings. We had discussed the idea of utilizing residents with financial experience, local business leaders to help us get a third party look at our budget at funding opportunities, with the intent being to come up with recommendations to be presented to the Council and administration. The resolution does not get into all of the details, but my suggestion would be that we have a small steering committee of council members work with the Mayor and Finance Director, ask for letters of interest and qualifications of residents and work collectively to develop the committee. My idea would be a 9-12 month timeframe. I also don't want to constrict the group, I want to let them determine their best process. The resolution, my intent was fairly vague, just to get the idea we

would like to start this committee moving because it is an important part of what we committed to with the fees. Councilman O'Neill – I do support this. I think it is important that we also reach out to the business leaders in the community whether they're actively working or potentially some retired business folks that have that type of expertise that might lend their hand to us. In order for us to get rid of the street lighting fees, the garbage fees, we're going to have to create business in the city, create jobs, bring people back to the empty homes and that's not going to happen without us working with the business community and try to encourage business to come back to the city. This is a good start. Let's reach out to the business community as well as financial people to see what we can do. We are getting some new business in the city, but over the years, the last 30 years, we've had some major corporations that have left and took that tax base with them so now we have to get back to that. One business at a time, whatever it takes, let's get back to that point. I do support this legislation. I would also like to see some business people also on the committee. Thank you.

Councilman Langman – First of all I'm pleased that we got together and had several discussions about this and you actually presented this. This is an idea that I've been interested in for awhile. Other communities such as Cleveland and Shaker Heights have pursued similar tracks. I think it can be productive just because we've heard over the past several months different ideas for changing how we tax, how much we tax, different levels of tax. A committee that looks at it comprehensively can serve the community very well. Hopefully whatever they suggest that council can take a look at it and move forward. I also thank the Mayor for also being a co-sponsor. Thank you.

Councilman Van Ho – I also support this resolution but I will remind everybody that the Devil is in the detail and it is going to take some compromise on who the members of this committee are going to be from both sides, from the administration and from council. I hope we keep that in mind when we're not in council chambers promoting the idea, but trying to get it off the ground.

Councilwoman Jones – I support having this Ad Hoc committee also but there are some questions that I have. If this were to pass tonight, what are the next steps? We talked about a steering committee. Since this is the last official or scheduled meeting for the season until September even though we'd probably have a special one. For those that are listening to the meeting tonight or after tonight, if there are interested parties or business owners or whomever, is there a contact, who should they contact for that interest? There needs to be a deadline as far as a date saying this is when the steering committee would be put together, this is the deadline for the date of interested parties to contact whomever.

President Holzheimer Gail – I'm certainly open to that, would July 15th, have letters of interest and qualifications submitted to my attention at the Council office sound fair?

Councilman Gilliam – I think we need to extend it to the following, the 22nd. Some people aren't going to be watching this evening, some of our business leaders may not even live in this community, but have a vested interest in the city and we may want to contact those individuals and give them about 4 weeks to respond and put forth the steering committee. I thought the 22nd would be an appropriate date, it is just a suggestion.

Councilman Van Ho – I would also suggest that we get a hold of the Chamber of Commerce and have them put this out to all of their members because they are becoming more and more active and seem to have some good ideas. I would also like to see if at all possible that we have at least one person who is a minority or disadvantage business person on this committee so that whatever we do is not going to adversely affect minority, disadvantaged or small business.

President Holzheimer Gail – We would look to appoint a very inclusive representative committee.

Councilman Wojtila – The Council President and I had talked before the meeting about the Steering committee really addressing a lot of the questions that I had presented in the email which I'm fine with. The only thing that bears talking about is the item on budget. I do think it is important that this be wrapped up and a recommendation be provided in less than a year. I think the only way we could do that in less than a year would be if a budget were to be provided. Again, we don't have to discuss that tonight, that can be one the steering committee addresses. I think a budget would be important to make sure the task gets completed because the year will come up quickly and the two pieces of prior legislation will be back on the agenda. That's my comments. Thank you.

Councilman Langman – I think we can address all of those matters in a short time. After all we all know business people, both large business individuals, smaller business owners, from a wide spectrum. Councilman Van Ho's suggestion about the Chamber is a good one. Obviously the Mayor and Director Pietravoia are in contact with our major firms in the city, I'm sure they would be willing to lend a hand. The idea for the committee is to blend all those interests together within the community and then present proposals to the city to hopefully adopt. I think we can do that and we wanted to get this on before the recess because we should move

forward with it because there are a lot of presentations and ideas out there.

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

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

Ord. 106-2011 (325-11) Purchase Street Sweeper

An ordinance authorizing the Director of Public Service of the City of Euclid to enter into a contract with Southeastern Equipment for the purchase of a 2011 Schwarze A7000 Regenerative Air Sweeper with the further authority to trade in Sweeper #162 for \$10,000 against the purchase price of the A7000 Sweeper. (Sponsored by Councilperson Wojtila by request of Service Director)

Councilman Wojtila moved for passage, Councilman Langman seconded.

Director Smith – Tonight I am requesting your approval to purchase the 2011 Schwarze Regenerative Air Sweeper from the Southeastern Equipment company. The purchase price will be \$165,846.98 and this amount will be financed over a four year period. This price includes a trade in allowance of \$10,000 for sweeper #162. This sweeper is currently out of service and requires approximately \$10,000 worth of repairs. This item is being purchased through the State of Ohio Cooperative purchasing program. The streets and sewers department demo'd a total of four sweepers, with this unit representing current technology and exceptional price. Joining us tonight we have a representative from Southeastern Equipment should you have any specific questions and Motor Maintenance Supt. Spisak is here as well. I did receive questions from three on council that I did provide a response for but at this time I would be happy to answer any further questions that you may have.

Councilman Gilliam – I have one question and I'm sorry I didn't get it to you earlier. The cost for repairs for one of the sweepers is about \$10,000 and we're looking at a purchase of a sweeper which is a lot more to be financed. What was the main consideration against investing \$10,000 in an older machine, versus going out and purchasing a new one with a \$10,000 credit?

Director Smith – I would say that decision was two fold. First the equipment and that was one of the responses to Council, is not really gauged in the year the equipment, but more so the man hours associated with its service. Both sweepers that we currently have in excess of 5,000 hours, so that was the first factor investing \$10,000 plus our own labor cost into a piece of equipment that has that amount of hours on it. The second factor is just the type of equipment. It is somewhat new and exciting technology. There's essentially three types of sweepers on the market. I did share some of that information, one is the typical broom type that has the operating brooms that sweep the debris into a conveyor belt and that is emptied into a hopper. The two sweepers that we currently have are vacuum type that simple use the vacuum effect to draw the dirt and debris up. With this particular unit, it actually has compressed air that is blown down onto the surface of the street and from that it is vacuumed up. It believe it is considered a closed system where it doesn't have the exhaust of the dust and so forth. It is really a better product. I would anticipate and I know that's been shared with us in all likelihood this could be a future mandate from EPA from an environmental standpoint, but it is not at this time.

Councilman Wojtila – The split between the general permanent improvement fund and creeks and sewer fund, do we know percentage wise?

Director Brett – We haven't decided that at this point yet. In fact we've elected to do a lease in arrears so that the first payment is not until April 1st so we'll be in a better position after the first of the year to allocate those costs appropriately.

Councilman Wojtila – How much do we operate the sweepers? Percentage of the year?

Director Smith – I don't know the specific hours it would be used but both sweepers see a lot of heavy use, especially at certain times of the year. The intent is to have a unit and to look at more of a trade in or a replacement unit rather than investing the amount of money we have been in the repair of machines that have in excess of 5,000 hours. For me to give you an hour standpoint per year, I would have to get some assistance .

Councilman Wojtila – Are we getting rid of the 1998 and 2000?

Director Smith – That would be correct, that is our intention.

Councilwoman Scarniench – Those are the only two sweepers we have Director Smith? So we're getting rid of two and only have one?

Director Smith – That is correct.

Councilman O'Neill – Were there any possibilities for grants for this?

Director Smith – Not that I'm aware of, not for this type of equipment purchase.

Councilwoman Jones – A couple of question, Director Smith you mentioned or Director Brett you mentioned the first payment would be starting April 1, 2012. Would the other payments also be in 2012, or would they be spread out over a number of years?

Director Brett – They would be spread out over 4 years, four different payments.

Councilwoman Jones – One of the responses you sent back, the payments would be approximately \$44,0000?

Director Brett – That was before the \$10,000 was taken into account. So we're now looking at \$41,500 per payment roughly.

Councilwoman Jones – I think you answered Councilman Wojtila's question as far as the distribution of the two funds we don't know yet how much would come out of each of the funds, is that true?

Director Brett – That's correct. We would look at the relative health of the permanent improvement fund for which there is a large demand every year. We would also look at the sewer equipment replacement fund, which generally has a balance that we would be able to take out a significant portion of the allocation. When I gave you the price I forgot to take into account the interest. It is \$44,419 per year with it starting on April 1st and having an annual payment for the next 4 years. We could reduce that to some degree by stepping up the payments if we so desired. I talked with the person from the leasing company, but it would change that much.

Councilwoman Jones – My other concern is that hopefully there wouldn't be a larger percentage of this coming from the general improvement fund, more from the Creeks & Sewers?

Director Brett – It would be coming from the sewer equipment replacement fund which is part of 512 account. It would be more on that the 512, than it would be in the permanent improvement. Again the demand for resources out of the capital improvement is pretty fierce and competition for those resources are pretty fierce. We would want to keep that mostly in the 512 account.

Councilwoman Jones – Why wouldn't it all come from Creeks & Sewers and not from general permanent improvement?

Director Brett – If it all came out of the 512 account, then you would draw down that account to far for it to accumulate significant funds to replace, when the second sweeper is needed eventually or other equipment, needs a certain amount of funds in there every year because they're large ticket items. So again, a portion would go from the capital improvement fund, but most of it would come out of 512. It is a balancing game between the future resources in both those accounts, not to over tax them on one particular purchase.

Councilwoman Minarik – Director Smith, how long has the 162 been out of commission?

Director Smith – I believe about 30 days.

Councilwoman Minarik – Only 30 days, okay. We purchased it, it has 6,000 hours on it, average life span is typically 5,000 or you said after 5,000 hours that's when the cost of repairs go up significantly?

Director Smith – That's correct.

Councilwoman Minarik – It took 9 years maybe 10 years to get that many hours on it. If we put the \$10,000 into it, how much more life would we get out of 162?

Director Smith – I believe that's very hard to gauge because we're repairing one component of the truck but that certainly doesn't speak for the other components of the truck. To invest \$10,000 into this particular unit, I would say we're looking at probably additional repair investment as well, probably sooner than later.

Councilwoman Minarik – Sure, it is like a used car. I'm just questioning, we spent \$145,000 on it and now we're going to be spending \$165,000 on this machine and we can expect it to last 6,000 hours which could be 8-9 years. Given the economic times, I think it is almost better to invest the \$10,000 or more into repairing it and getting some more use out of it. It is my opinion thank you.

Councilman Gilliham – Director Smith, maybe I'm reading this wrong or I'm confused, but I'm hearing that sweeper #162 is the one that is going to be traded in or giving to Southeastern Equipment for \$10,000 credit reducing it to \$165,000. I thought I heard you say that both of them would be put out of existence, both sweepers, current sweepers?

Director Smith – That is correct.

Councilman Gilliham – We have the potential of losing two sweepers currently for one. 1998 and 2000, two years apart, they both exceed 5,000 hours. I'm just concerned about the benefit of having one and in that same timeframe you might have to use this more so than 1998 or 2000. It is not that I'm adverse to having clean streets and having the most updated equipment, I'm just concerned about going down from two to one and potentially having some issues. Are there any warranties or guaranties with \$165,000 on this particular piece of equipment?

Director Smith – I believe there's a one year guaranty on the unit itself.

President Holzheimer Gail – Your comments about going from 2 to 1?

Director Smith – The two if there's some reason that council would feel more comfortable without disposing of the sweeper, I have no objection to that at this point as a back up. The reason why we're not utilizing that as a trade in because the company was not interested in accepting that particular sweeper in its current condition.

Councilman O'Neill – How often in the city do we have two sweepers running at the same time?

Director Smith – Typically we do not. It is one sweeper and if the other one is down for repairs, we'll switch over.

Councilman O'Neill – The second sweeper you want to put on govdeals to see what we can get for it? What typically do you think you can get for that on trade or sale?

Director Smith – I really don't have, it would be a guesstimate off the top of my head. If I had to give you an offer like that, it would probably be \$4,000-\$6,000.

Councilman O'Neill – We can reduce the purchase price of the new vehicle by between \$5,000 and \$10,000?

Director Smith – Correct.

Councilman O'Neill – The new unit has newer technology. Theoretically could you get more than 6,000 hours out of that unit with maintenance on it?

Director Smith – Right now that is the thought that this technology has much less in the moving parts than the current sweepers do and that's one of the reasons why we wanted to take a very hard look at this technology, not only from the environmental aspect benefit, but also from the amount of moving parts where some of the mechanical sweepers, they are additional parts that can fail and need attention.

Councilman O'Neill – The newly purchased unit, if we were to buy it, goes down in the first year, will they supply us with a replacement while that's under repair?

Director Smith – I haven't had that specific conversation with Southeastern, but it has been a very good company to work with and they've provided us with good support in the past and I would expect that in the future.

Councilman Van Ho – You mentioned the ability to keep the one sweeper that it would only get \$4,000-\$6,000, based on the price of a new one that sounds very cheap insurance to me to have a back up. I can't speak for the rest of council, but I think holding onto the second one would be a good idea.

Councilwoman Scarniench – Director Smith, what other monies comes out of Creeks & Sewers? What does the 512 account pay out?

Director Smith – That would pay a percentage of the department as whole, from wages, other costs, anything to do with the employee salaries. The particular fund that this amount of money would be coming from would be the \$75,000 equipment rental replacement fund. Historically we have not utilized that entire amount or come anywhere near that and that's why the intent was to pull it out of that particular fund account.

Councilwoman Scarniench – I appreciate that. The money coming out of our fund, is that already in there? That's not already included in our capital budget, correct?

Director Brett – No, that's one of the reasons behind the April 1st payment on this so we're pushing that into 2012, it won't affect the 2011 capital budget.

Councilwoman Scarniench – I have a real hard time with this. This is a lot of money. I would like to see us do what we need to at least for another year before we go ahead and make this kind of commitment. We just did this with the recycling, we ended up having to go get a second truck. I'm going to vote no on this.

Councilwoman Jones – Director Smith, on the cost that you have here for the new truck. This is a brand new truck, right?

Director Smith – Yes.

Councilwoman Jones – Are there any so-called, maybe slightly used trucks that are available? Have we looked into that possibility?

Director Smith – I would say we have slightly used or in excess of slightly used trucks and at some point in time I would recognize and I know I've been a proponent of used equipment at certain times for this particular piece of equipment I would not be a proponent of a used truck. This is current technology. To say I didn't even shop for a used truck, from a sweeper standpoint because I don't think that would be the most effective piece of equipment purchased used.

President Holzheimer Gail – Does Council want to hear from Supt. Spisak about the condition of the current ones?

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

President Holzheimer Gail – Mr. Spisak would you come forward and shed some light on our current equipment.

Supt. Spisak – I really can sum this up with the sweepers in this statement. Sweeper 149, that's the one I was entertaining the idea of selling on govdeals. We paid \$131,831 for that piece of equipment. The maintenance cost with parts and labor is now \$135,641.16. The second one that's currently in need of \$10,000 in repairs, we paid \$149,179 for that piece of equipment and so far not including the \$10,000 that is needed, we have spent \$145,347.79. To me that is unacceptable. Why would anyone want to continue to put funds into equipment like that?

President Holzheimer Gail – Thank you, that makes it much clearer, we appreciate that.

Councilwoman Minarik – Mr. Spisak, with the new truck that we get, when do anticipate we're going to have to start making repairs on that one, because in the 8-9 years we've had these, when did the repairs start to really get expensive? Was it over the 5,000 hour mark?

Supt. Spisak – That's correct.

Councilwoman Minarik – How long does it take to get to the 5,000 hours typically?

Supt. Spisak – 6,7, 8 years.

Councilwoman Minarik – So you don't see any major maintenance costs for the new sweeper then for about 5,6, 7 years?

Supt. Spisak – That's correct. Mike, do you have the projected costs?

President Holzheimer Gail – To keep a sweeper operating, we're looking at some, rather than \$40,000 a year starting next year, you would estimate we would need to put quite a bit into it to keep it up and running?

Supt. Spisak – Absolutely. The \$10,000 is for an impellor system, that's not addressing the rest of the truck. These parts are not getting any cheaper. This is Mike Crest from Southeastern Equipment.

President Holzheimer Gail – Mr. Crest, if you could state your address for the record as well.

Mr. Mike Crest – With Southeastern Equipment, I live at 34950 Dorchester Rd., Gates Mills. I don't have the maintenance cost on me, what Mr. Spisak was referring to was the average general annual maintenance cost for this type of sweeper compared to the ones that you currently own at substantially less. As was previously mentioned the amount of repair parts are much less on this type of sweeper as well. What I can also add is most major municipalities do like to have a 4-6 year average life span of their unit before they trade it in or sell it themselves because of the normal high maintenance costs that occur after that time period.

President Holzheimer Gail – Mr. Spisak, you and your staff are able to service this type of equipment?

Supt. Spisak – Absolutely.

President Holzheimer Gail – Just making sure, it is a different type.

Councilwoman Jones – Mr. Spisak, with having only the one unit, because we had two units before, would they alternate? The two units we currently have, would they alternate based on if one is out to be repaired? My question is, is that going to put more wear and tear on the one because that would be the only unit being used. Is that going to make it, run its lifetime out faster than having the two units like we have now?

Supt. Spisak – I think that question would be better answered by Supt. Reese on how he would deploy the use of that sweeper.

Councilman O'Neill – The difference between the technology of the more modern blowing unit compared to the brush system that we currently have, to me, correct me if I'm wrong, but it seems like there's going to be much less wear and tear on a newer unit than you have with all the mechanical moving parts on the current units that we have today. Is that correct to assume that?

Supt. Spisak – That is correct. That was one of the considerations in going to this type of equipment.

Councilman O'Neill – This newer unit does not have the moving parts of our older units. Therefore, to me it lends itself to longer life with maintenance that we do in house. Theoretically we can get beyond 7-8 years because of the less moving parts on the unit.

Supt. Spisak – That's correct.

Councilwoman Scarniench – Mr. Spisak for clarification, the one that we bought in 2000 is the one that is costing us all the money, is that correct? You said \$131k we paid for the one in 1998?

Supt. Spisak – That's correct \$131,831.

Councilwoman Scarniench – So in essence we're paying more for the maintenance cost than we actually paid for the purchase of them. Okay, you convinced me.

Councilman Wojtila – We did include this in the capital budget for this year?

President Holzheimer Gail – No, the payment would not come until 2012.

Councilman Wojtila moved to close debate, Councilwoman Scarniench 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. 107-2011 (324-11) Financing of new Street Sweeper

An ordinance authorizing the Director of Finance of the City of Euclid to enter into a contract to finance the municipal purchase of a 2011 Schwarze A7000 Regenerative Air Sweeper from Southeastern Equipment with TCF Equipment Finance. (Sponsored by Mayor Cervenik)

Councilman Langman moved for passage, Councilman Van Ho moved for passage.

Director Brett – We looked at 3 different companies in researching the financing for this, American Financial Network, US Bank and TCF. All the companies we spoke with were very responsive in their informal bids but TCF was by far the best of the three bids. Very responsive when we wanted to change various scenarios with

them and came in with the lowest interest cost. I recommend financing through TCF Equipment Finance.

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. 108-2011 (333-11) Osborn Engineering Waterline Replacement

An ordinance authorizing the Director of Public Service of the City of Euclid to enter into a contract with Osborn Engineering for professional services for the Waterline Replacement work on East 201st Street, East 202nd Street, East 260th Street and Glenbrook Boulevard. (Sponsored by Councilperson Wojtila by request of Service Director)

Councilman Wojtila moved for passage, Councilman Gilliam seconded.

Director Smith – At this time I'm requesting your permission to contract with Osborn Engineering for waterline replacements. The design fee is \$65,520 which represents 8% of the construction cost. The administration fee is \$40,950 which represents 5% of the construction cost. These amounts are set by the Cleveland Water Dept. as a not to exceed amount. The streets as was mentioned: E. 201 & 202 north of the boulevard. There had been some issues with water quality and water pressure that were brought to my attention. E. 260th St. at the underpass, I'm sure we're all aware that there has been several repairs ongoing for quite some time. It would be about 1300 ft. associated with that particular project. Glenbrook Blvd. and that's associated with the school construction, some waterline improvements there as well. Construction should be late in the fall or spring of 2012. The past performance of this company has been acceptable, they have not necessarily performed directly for the City of Euclid, but they have performed for the Cleveland Water Dept. on Euclid streets in the past and we had no problem. They did submit, as council is aware, I went out for statements of qualifications. This was one of the firms out of many that did submit. We took a hard look at their qualifications and past performance and feel comfortable. Cleveland Water is giving us the option to administer the project. That was one of the questions that had come into Asst. Director Bock and we elected to do that. Essentially we elected to do that for one reason, it can definitely streamline the process and that gives this project the hope of being completed later this fall. I would appreciate your consideration of this matter.

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

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

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

Ord. (307a-11) Amend Code Dogs in Memorial Park

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) (From Parks, Recreation and Youth Committee with no recommendation for passage)

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

Councilman Van Ho – This ordinance would allow people to walk their dogs at Memorial Park on a leash and be responsible for cleaning up their own messes. As was mentioned earlier today, we have significant number of dog owners in the city and this is an issue where, which was also mentioned by a resident, we are constantly looking for ways to get yuppies to move into this city. This is a cheap one, it may cost us \$100 in doggy bags a year. I go back to my own daughter who is, I hate to say this, as yuppie as they come. She will tell you and so will her friends because I had this discussion on Facebook. That is one of the things that they look at because they are not having children as young as the generation before them did and their dogs are their family. I have a wife in Rhode Island right now taking care of my daughter but 50% of her job is taking care of the dog because the dogs of these single yuppie really become family, almost like children.

I would suggest if we are truly serious about getting yuppies to move to this city that we approve this resolution. Yes there will probably be dog messes that aren't cleaned up. There are already goose messes that we don't clean up. I've been told by our Parks Dept. that we have some human being who leaves messes around the park that we have to clean up. It is going to happen but it is well worth it to come up with a pet friendly environment. I would like to see this past as well as the next one, which is the dog pound resolution which was put in to try and not make this one come to being. We really should pass both of them and see what works and go from there.

Councilman O'Neill – I don't know if I was the one who suggested it or not, I certainly was part of a group of people on Council that suggested the possible use of Memorial Park. I want it limited to Memorial Park and not any other park in the city just to see how this was going to work. The reason I was for allowing the dogs in Memorial Park is because we still haven't built a dog park. A lot of effort through an Ad Hoc committee was put together to find a location to build a dog park. I like the legislation. I like the fact that there should be a sunset built into it and see how this goes. That doesn't take away our efforts to build a dog park. I still believe a dog park needs to be built and it needs to be built soon. Too much time has gone by to build a dog park. I would be for this legislation, I will be for this legislation and encourage to pass it with sunset built in. If there are issues down the road, we let it expire and then we go on from there. We really need to find a location for the dog park and get it done, it is going on three years. I encourage my other council members to pass this legislation and the one that follows up behind it.

Councilwoman Jones – We've had committee meetings to talk about whether we should allow dogs in the park or not and I know we've had discussions about this and I still am with the feeling that, I don't support this because it leaves it open to, even though the majority of the people will clean up their dog droppings, but there are going to be some that won't. Those are the ones that are going to get most of the publicization and have complaints against that. Then it becomes who cleans that up? Does the city parks dept. clean it up? They're taxed enough with all the other duties that they have to do. If we're going to take a step forward, I would be more in favor of a dog park, take that step first and then see how that goes and then move it further. Maybe once we get Memorial Park or other parks to a point where we have walking paths or trails around where dogs can walk around the trails, then we can look at that again. I don't feel that I'm not ready to accept this for Memorial Park right now. I would be in favor of a dog park, but not openly having dogs in the park.

President Holzheimer Gail – I agree with that as well. I know we did have a lot of discussion about this. I think it is from the clean up standpoint that will be an issue. Also with a park that is so active, there's baseball fields, there's soccer games, there's baseball, there's kids playing at the park. There's people in the park being active. Within the last two weeks I have been at a softball game and a baseball game, outside the City of Euclid. One dog was on a lease, was sitting there but barked the entire game and it was very distracting for the girls, as well as the people sitting around. Another baseball game someone had their dog on their lease and always was good, barked a little bit, she moved it away, but then it snapped at somebody. I think the other activity, I think we're opening ourselves up to issues that we don't need to deal with. I would certainly favor continuing the discussions for the dog park and I think that's the way to go.

Councilwoman Scarniench – I agree, I don't think Memorial Park is the right place. We're only minutes away from Metroparks and you're allowed to walk your dogs there. You don't have people playing baseball, they're walking paths, people are walking, people are riding. That's okay and that's where I've taken my dog.

One of the things that really concerns me about this is the humanely confining of a dog in a vehicle. I don't think there is such a thing. Leaving a dog in a vehicle is dangerous to the health of that dog. I really don't like that. I don't know if we can amend this to take it out. I truly don't know if this will pass or not, but I would like to make that amendment to remove that about the vehicle. It is in Section D, it says, at all times have safely and humanely confined either in a vehicle.

Councilwoman Scarniench moved to remove confined in a vehicle in Section D. Councilman Van Ho seconded.

Councilwoman Minarik – I'm sure it means if you're driving into the park or something like that.

Councilwoman Scarniench – That's not how I see that. I see that as okay, I can leave my dog here. You see people who leave their dogs at the store, you see them leaving their dogs in the vehicles all the time. Especially in the summer time, two minutes is two minutes to long for a dog to sit in a car. I don't read it the same way.

Councilman O'Neill – I have a friend of mine that the dog pretty much lives in the truck with him. When it is hot he leaves the truck running, it idles and the air conditioner is on, if the dog is in the truck. You've got police dogs in police cars. The cars are running, they idle with the air conditioning on, they have fans that are on. That's a pretty blanket statement that you can't leave an animal in a car. What if somebody comes up, they need to use the restroom, they come out. There are laws cruelty to animals and I think those should be followed. By taking those out of the ordinance I don't see how that addresses that issue. I can sit here and start knit-picking, if you want, but either you're humane to the dog or your not and the police dept. will be called is there's an issue. Same with leaving a kid in the car.

Councilwoman Scarniench – It would read, all dogs brought in Memorial Park shall at all times kept on an adequate leash.

President Holzheimer Gail – Not dealing with how they're getting there. We're assuming they're doing that in a way that's humane. Further questions?

Roll Call on Amendment:

Yeas: Scarniench, Jones, Wojtila, Van Ho, Holzheimer Gail

Nays: Gilliham, Minarik, O'Neill Langman

Amendment passed.

Councilman Langman – First of all it has to be stressed that these two things are not mutually exclusive to each other. You can have a dog park and have dogs in the park. They really are two separate kind of social gathering places. Folks that use dog parks tend to let their dogs run loose within the confines of a dog park and they socialize versus walking the dog.

Having said that, I would prefer to focus on getting the dog park built. One of the reasons, this has been almost 20 year odyssey of suggestions and ideas and so forth. It would be a good compromise, at least at Memorial Park because of, as others have pointed out, all the activity that goes on there. I know at one time we were very, very close to getting the dog park committee up and raising funds and we were going to raise some through the recreation contribution system to make that happen. I think we have a viable location to test whether that concept works and I would like to see us really push after that.

I cannot support dogs on leashes at Memorial because of all the activity. My last comment is this was not put on to dissuade folks from voting for your piece of legislation, Councilman Van Ho. It is just that the dog park committee worked on this for about a year and we really haven't done anything since. We really need to validate their efforts to make this happen. I think they did do a very thorough job in exploring the pros and cons of a dog park and all the location options. They looked at several different locations. We have the opportunity and we have to send the resolution to Planning & Zoning, but it make sense to do the dog park at Memorial rather than dogs on leashes.

Councilman Gilliham – Ord. (307a-11), my daughter plays soccer, son plays baseball and I was at the Babbitt field for soccer and I didn't see any signs that said no dogs, but I saw three dogs on the field. These were residents, two from out of Euclid and one was a new resident. Same as Council President Holzheimer Gail has expressed, there was one dog running up and down the field, chasing the soccer ball with the kids. It became a distraction.

The only concern I have about this is it is a very populated area. If we open the door to dogs, a kid walks within 10 ft. of a dog and gets nipped, what's next, we have to have muzzles on the dogs? Then we've got to decide which dogs are vicious and which dogs are not vicious. How do we know the temperament of these dogs based on the owners? One owner could have a mean Chow and one could have a nice pit bull. You don't know until a situation happens.

The reality of it is, I do not think that it is appropriate to let these dogs in Memorial Park. Besides that, I received 5 emails and all 5 emails told me no. I even got a phone call saying no. That's six no's given to me about the concerns. No, they weren't young urban professionals. They are long term citizens but they made valid points protecting their children, their grandchildren, nieces and nephews and people who come to this city. I'm not against a dog park, I think it is sad that we haven't figured out a way to find some land to make this happen. The reality of it is, I do not think Memorial Park is the appropriate place for dogs based on the population. You have apartments there, you have all these different fields, you have visitors coming in. I do have some major concerns and this could be an ever evolving piece of legislation based on incidences that happen if dogs were allowed in any parks in the City of Euclid. I will be voting no on this ordinance.

Councilwoman Minarik – I would have preferred it if you had recommended Sims Park because it is more of a passive park in nature. I have more faith in dog owners than this council does apparently. I will support this if only to prove to people that not every dog owner is horrible on how they walk with their dogs. If there's too much activity, a lot of dog owners aren't going to walk their dog at Memorial. I don't know if Memorial is active 24/7. It is going to take years the way this Council operates for a dog park to ever come in because it is going to go to Planning & Zoning and then it is going to come back for discussion. I'm going to support this, even though I would prefer Sims, because we need to show the community that yes, dog owners are responsible. The only thing I would suggest is rather than threaten dog owners who don't pick up their dogs poop, with impounding their animal, I say I would recommend an amendment that we give them a ticket, the same as we do if they don't pick up their dogs pool on the street. That's about \$100 or \$150 ticket. I would like to make a motion to amend impounding the dog to a misdemeanor, how would we word that Director Frey, just a flat ticket amount of \$100?

Director Frey – We could make it a minor misdemeanor which is a fine up to \$150 and court costs.

Councilwoman Minarik – That's the motion I would like to make, thank you.

Councilwoman Minarik moved to amend minor misdemeanor. Councilman Van Ho seconded.

Councilman Gilliam – I truly understand that you're saying cite those individuals for particular violations, but I think it would be quite difficult if the police were on the street for a nine man shift and we call and say this guy in the blue shirt and white pants and red Nike's is walking a dog, a collie and he pooped. I just don't think the police dept. would have the ability to respond to that in an appropriate situation to ticket that person. We would be left with the obvious situation of a dog poop and another responsible dog owner may have to pick that up. I'm not saying what you're saying is not feasible, but it would be an administrative nightmare to enforce that and that's just my comment on it.

Councilwoman Minarik – Who would enforce the impounding that is already in, isn't that tougher?

Councilman Gilliam – I would agree, that's why I'm not supporting this legislation.

Roll Call on amendment:

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

Nays: Gilliam, Jones

Amendment passed.

Councilman Langman – As maybe a point of order, we've had this piece of legislation when it was originally proposed and in committee and then a first reading, second reading. To move the business along a little bit, we need to come up with what we would like to change before the meeting instead of discussing this and discussing this and discussing this. Therefore, I will make a motion to close debate so we can vote.

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

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

Roll Call: Yeas: Minarik, O'Neill, Wojtila, Van Ho

Nays: Gilliam, Scarniench, Jones, Langman, Holzheimer Gail

Failed.

Res. (334-11) Dog Park in Memorial Park

A resolution adopting a recommendation for a Dog Park in Memorial Park starting with a 2-year trial period. (Sponsored by Councilpersons Jones and Langman)

Councilwoman Jones moved for passage, Councilman Langman seconded.

Councilwoman Jones – We've talked about this already enough. We've had plenty of discussions, we've had public meetings about a dog park somewhere in the City of Euclid. We had a Dog Park Committee to come up with proposals for a dog park. I think we're to the point with the last legislation that failed, I'm in agreement to move forward with the Dog Park instead of having dogs openly in the park. See how this goes, maybe it will work out, maybe it won't. It is a choice of a resident to bring their dog to the dog park. There will be some dog owners who will and some who won't. At least we can start out with a location that's already sizable enough to start on temporary basis and we can always grow from there. We can always have additional dog parks in the city if that's what the need is. I would like to have support of the rest of council of at least getting started with the dog park. We put a starting date of January 2012 so that we can get some ideas and suggestions together. There was some concern that there would be funding that would be taken to put this dog park together. The basis of the site that we're looking at are already there, it is just a matter of some extra amenities that we can do. With the Dog Park Committee that we had a couple of years ago, we did start on some fundraising ideas and when the dog park was kind of squashed in the location that we were going to put it in, that all ceased. I would like for us to be able to pick up that suggestion again with donations for a dog park. We've talked about a lot of dog owners in the City of Euclid who want to be able to have a dog park, maybe they would be willing to donate to that effort as well.

Councilman Langman – Obviously I echo a lot of the comments Councilwoman Jones. I think why we're pushing this now is there is a relatively good location very similar to what the dog park committee settled upon that would be relatively inexpensive also, so you wouldn't have to invest in a lot of fencing and so forth. Originally when we talked about putting it at originally the decommissioned tennis courts, the idea was to test that site as a viable site. A lot of communities have taken areas that have been used for one thing and then abandoned for whatever reason and turned it into dog parks very successfully. I have talked to the former Chair of the Dog Park committee, she is willing to begin reconvening and reactivating those ideas to raise money. Like I mentioned before, we were just on the cusp of beginning to raise funds, so I understand this has to go to Planning & Zoning, I hope that can be addressed relatively quickly because we have talked about this for close to 20 years in various guises and we should test it to see if it is viable. If we have then find a suitable location

some place else, at least we'll have that background data to make that decision.

Councilman Van Ho – I would like to be added as a sponsor. The money, I don't think is going to be that great because essentially you need to put a sally port type of door in there, so that when I'm letting my animal off the lease, he doesn't take off in the wrong direction and terrorize all the children at Memorial Park. The other thing would be picnic tables. If this works out, as I think that it will, we probably need to put some type of water spigot over that but that's not for another couple of years as long as there's some type of water close by, possibly where the old batting cage was or somewhere like that where the owners can get water for their dogs. It is not going to be a tremendous expense and it is well worth trying.

I would also like that hopefully the city doesn't use where the other tennis courts were taken out of because if this goes as well as it should, we're probably going to need to add on some space. My thing would be that we know that because if we're going to use it as a dog park, there should be room to expand it if it goes as well as it should.

President Holzheimer Gail – Director Pietravoia had suggested that this needs to go to the Planning & Zoning Commission. For those of you who don't have the legislation in front of you, the site that is being suggested is the old sand volleyball courts on Milton, just into Memorial Park off of 222. Because the Council and P&Z recently adopted the Memorial Park Master Plan which did not include this, it was Director Pietravoia's recommendation that it needs to be sent to Planning & Zoning.

Director Pietravoia – Just to remind council this is consistent with the process that we discussed when the plan was adopted. If there was a substantial change it would need to go back to Planning & Zoning for their review and recommendation. Council always has the final decision when it comes back. Hopefully there will be an agreement, I know there's been a lot of discussion. I think all parties actually believe we do need a dog park in the community, it has been a very difficult process to get agreement on where it should be located.

I would recommend the next meeting of Planning & Zoning is July 12th. This could be on that agenda as an automatic referral from Council. I would caution, we will try to talk with the chair and get some feedback before that meeting. I would caution that sometimes they like to schedule specific hearing so they can get word out to the community for people who want to come. For tonight, if we would like to consider it at the 12th and if the Chair agrees, we can start getting word out this evening as part of this discussion that the deliberation by Planning & Zoning would be the evening of the 12th and hopefully they would be prepared to take action that evening as well.

Councilman Wojtila – As the Chairman of the Memorial Park Concept Plan, I do want to say that we did discuss the dog park within Memorial Park at great lengths. Our committee decided that it was not the right location anywhere in the park was the right location, that is why our plan did not include a dog park. I will vote against sending this to Planning & Zoning and if I'm in town, I hope to be at Planning & Zoning's meeting on July 12th speaking against the dog park at Memorial Park.

Director Pietravoia, if Planning & Zoning does not recommend this item back to Council, how do they return it to us, with or without recommendation?

Director Pietravoia – Typically they would review and make a recommendation back to Council. That is how the item would come back to you. It could be to recommend against it or they could recommend in favor or the third option, recommend in favor with some change, maybe a change in location or other considerations.

Councilman Wojtila – If they recommend against it, would we have to have a three-quarters vote or two-thirds vote?

Director Pietravoia – We believe it would be a three-quarters vote of Council to override.

Councilman Wojtila – On the ordinance, Section 1 talks about a two year period, but it lists three years so the final year ought to be 2013.

Councilman Langman moved to amend Res. (334-11) to Dec. 31, 2013. Councilman Van Ho seconded.

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

Nays: Wojtila

Amendment passed.

Councilwoman Minarik – If Planning & Zoning says this is fine, it comes back, we're done discussing this right? Or if Planning & Zoning says no and it comes back, it takes the three-quarters to overrule. This is the meeting where we do all the discussing, is that correct?

President Holzheimer Gail – Or at Planning & Zoning.

Director Pietravoia – In that regard, if I could suggest then, I would be sure either the dog park committee or members thereof, or whoever would be appropriate would be prepared to be at the July 12th meeting and actually present some arguments for and explain their position.

Councilman Gilliam – I know I voted for the amendment, Councilperson Jones or Councilperson Langman, why was it a two year trial? Was there any thought as to why it was two versus one?

Councilwoman Jones – Just to get an initial start. We stated starting January 2012, when in actuality once everything gets put in place it maybe a few months into that year. We can have a whole year, a whole season, or multiple seasons to go through that a couple of times. Two years was an adequate amount of time for a trial period.

Councilman Langman – I agree with my councilperson's sentiments. It was basically to see if they could ramp up and get a full season with the function of the park at a full capacity.

Councilwoman Minarik – As with the last one, I don't think Memorial Park is the best spot for a dog park. However, because the committee came up with that after a lot of hard work, I will support this going back to Planning & Zoning. I question my colleagues who voted down the last ordinance because Memorial Park had too many people, therefore dogs couldn't be in the park on a lease. Now we're going to have dogs in the dog park, running loose inside of a caged area. But there's still going to be tons of people. I just question the logic of the council that vote no on the last one and is going to vote yes because they want to see a dog park in Memorial Park. That's all, thank you.

Councilwoman Jones – I can comment on that because I voted no on the last one. My thought process in doing that is the site that we're looking at is over to the side and not actually in the mix of all the activities going on. People parking in the parking lot may not be coming that way, you have to walk down the little path there to walk past that area of the dog park or ride your bikes, whatever. It is not somewhere that is right next to where there's a lot of activity going on with baseball or soccer. It is a location almost to the outskirts of the park. Even though the Dog Park committee originally chose the old Strike Zone because we felt it was more isolated, that gave it more room for growing. This location could if it does work out, could have opportunities for growing if it need be. It is a location that there's already a fence, there's already basics that are there. We can use that as a trial basis. If it doesn't work out, it doesn't take that much to disband it. If it does work out and we need to have other dog parks in other parts of the city, then we can look into expanding that as well.

Councilman Langman moved Res. (334-11) as amended to Planning & Zoning Commission. Councilwoman Jones seconded.

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

Nays: Gilliam, Wojtila

To Planning & Zoning Commission.

Ord. 109-2011 (335-11) Ward Boundaries

An emergency ordinance amending the City of Euclid Codified Ordinances to reflect the boundary changes in the wards as required by Article II, Section 1 of The Charter of the City of Euclid, Ohio. (Sponsored by Mayor Cervenik and Entire Council)

Councilman Gilliam moved for passage, Councilwoman Scarniench seconded.

Director Frey – Our Charter requires that after the ten year census that the council meet to adjust the ward boundaries to reflect the movement of the population within the city and to ensure that the wards are approximately equal in total population. The boundaries need to be drawn in a manner that the wards are compact in nature, adhering to historic boundaries, natural boundaries such as Euclid Creek, barriers that may not be natural but create an historic division such as the freeway and main roadways. Again create reasonable boundaries that provide a continuity to the population within.

The city worked with the Cleveland State University Northern Ohio Data Information Services which is out of the Levine College of Urban Affairs. We met several times, the Council President and I did with Dr. Mark Salling at Cleveland State to work on preliminary concepts. There was a public meeting at Cleveland State with council members present. It was open to the public where we went through this process, received input from the members of Council, made adjustments until finally we arrived at a configuration where the ward boundaries are drawn in a manner that no ward is larger than the smallest ward by 10%. In other words, the margin there is 5% either way from the average size of the ward.

We've accomplished all of those things. We have maintained three wards that provide at least a statistically significant opportunity for minority elective process or participation as defined by the federal courts through case determine, including the city's case that was heard in the Federal District Court in 2007.

I'm certain that there were other boundaries that may have been drawn. We were attempting to draw these boundaries in a manner that affected the least number of individuals being changed from ward to ward because we had so recently gone through the changes after the voting rights litigation. We presented the description of the ward boundaries in form to amend our codified ordinances, Chapter 105, then each ward is represented by a separate section number. I'm hopeful that after our first attempt to do this we went through this again several times trying to make sure that we have described the outlines of each of the wards in streets or other boundaries, railroad tracks, corporation limits and so forth. Having said that, if this is approved by City Council we will send this onto the Board of Elections. The Board of Elections will review our mapping skills and ensure that we will fact describe the entire city. They will designate the precincts, if there are precinct changes to be made, I've been advised that they would likely reduce the number of precincts in total. Then they would send out notification for any change for the electorate. In other words, if they are assigned to a new ward or a new precinct within the same ward, they'd be notified by the Board of their new assignment. If it required a change in location of voting, they would be notified of their new voting location. I'd be glad to answer questions.

Councilwoman Scarniench – First of all, thank you for putting me back in the city. My question is, we vote on this tonight but it doesn't really become official until the Board of Elections certifies it and lets us know?

Director Frey – If we vote on it and approve it tonight, these are the ward boundaries. If the Board of Elections goes through our boundary description and finds there are some error, I'm certain they will call and say you missed this street or you've left off this particular area and ask us to correct that, in which case we would likely be meeting in a special session to get that approved.

Councilwoman Scarniench – You did a marvelous job with this, I know it was hard, complicated to go through all of that. Thank you very much.

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

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

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

Ord. 110-2011 (332-11) Amended Alternative Tax Budget

Alternative Tax Budget Information (Sponsored by Mayor Cervenik by request of Finance Director)

Councilwoman Scarniench moved for passage, Councilwoman Jones seconded.

Director Brett – Looking at the original alternative tax budget, I'd ask that we work from that and request the following amendment. On Schedule 2, where it says Schedule 2 continued, for the Two Mil Sewer Levy, I'd ask that be changed so that no money is coming in and that reads zero for total estimated receipts for a total of \$15,396.

Under the Schedule 3, neither form got done correctly. Looking at Schedule 3 in the original, all I'm doing at this point is taking out Lincoln Electric refunding because that is funded out of the general fund. Just deleting that one line and the rest remains the same.

President Holzheimer Gail – We get this every year?

Director Brett – Correct. This is the first step in the budget process for 2012. Most importantly it establishes what our property tax revenues will be where we go through the funds that we have property tax levies and we communicate what our needs for in that fund with respect to property taxes.

President Holzheimer Gail – We did receive an amended copy on our desk, can we adopt the amended version with one motion Director Frey, or should we act on each?

Director Frey – You can make one motion to amend.

President Holzheimer Gail – Did everyone get the amended version that was on their desk, which deletes the Lincoln Electric refunding and deletes the Two Mil Sewer Levy because that did not pass.

Director Brett – With the one that is on your desks, I would need to add, 2011 Series A, which date of issue was 4/27/2011, with a final maturity 2031, principal amount \$8,830,000, amount required for budget year principle

and interest payment \$752,325; amount receivable from other sources \$251,988. That got inadvertently deleted along with Lincoln Electric it appears.

President Holzheimer Gail – It appears we will need two motions. Let's work from the original, and would someone like to motion to amend to delete the mention of the Two Mil Sewer Levy, with total estimated receipts coming in.

Councilman Wojtila moved to amend to delete Two Mil Sewer Levy. Councilman Van Ho seconded.

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

Councilman Van Ho moved to amend to delete Lincoln Electric refunding from Schedule 3. Councilwoman Jones seconded.

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

Councilman Langman – I'm looking at last year's and under Schedule 3, Director Brett it looks like column 4 are totals from last year of about \$34 million, this year they're \$43, so the amount required to pay down that principle and interest jumped from last year about \$3.3 to a little over \$7 million. I have a general understanding but in case anyone is interested out in the audience, can you explain that please?

Director Brett – Can you rephrase that Councilman?

Councilman Langman – I'm just wondering why, especially for folks in the audience, last year we had a certain debt level and a certain amount required to repay that debt, this year it is much higher.

Director Brett – I would have to look at last year's because looking at the various debt that we have in there, if anything the debt has been combined into fewer lines. A lot has transitioned from notes to bonds but I don't think there should be a significant increase.

Councilman Langman – I don't want to belabor it, I will email you the question and we'll go from there.

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

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

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

Ord. (341-11) Civil Service Commission Rules

An ordinance amending Chapter 13 "Promotion – Police and Fire" of the Local Rules of the Civil Service Commission of The City of Euclid, Ohio. (Sponsored by Councilperson Van Ho)

Councilman Van Ho moved for passage, Councilman Langman seconded.

Councilman Van Ho – First of all I would like to ask that this be put to committee, I don't care whether it is Safety or Executive. There seems to be concerns amongst our firemen and policemen of what is being done here. Let's take it to Committee, listen to their concerns, any suggestions they may have and go from there. The purpose of this resolution is not to hurt our police, it is to make sure they have the best leadership possible.

Councilman O'Neill – I think the appropriate committee would be Safety. I agree with Councilman Van Ho, there's a lot of this that I don't agree with and I believe Civil Service needs to be included on this legislation also. I think the appropriate committee is Safety.

Councilwoman Minarik – If we do a Safety, can we have the Civil Service Commission members present?

President Holzheimer Gail – We can certainly invite them.

Councilman O'Neill moved Ord. (341-11) to Safety Committee. Councilwoman Minarik seconded.

Roll Call: Yeas: Gilliham, Scarniench, Jones, Minarik, O'Neill, Wojtila, Langman, Van Ho, Holzheimer Gail. Sent to Safety Committee

CEREMONIAL RESOLUTIONS

Res. 93-2011 (326-11) EHS Valedictorian Kristen Krysiak

A resolution of congratulations to *Kristen Krysiak* for her exceptional academic performance as Euclid High School's *Valedictorian*. (Sponsored by Mayor Cervenik and All Members of Council)

Res. 94-2011 (327-11) EHS Salutatorian Alex Boyes

A resolution of congratulations to *Alex Boyes* for his exceptional academic performance as Euclid High School's *Salutatorian*. (Sponsored by Mayor Cervenik and All Members of Council)

Res. 95-2011 (328-11) Andrews Osborne Salutatorian Sarah LeBarron

A resolution of congratulations to *Sarah LeBarron* for her exceptional academic performance as Andrews Osborne Academy's *Salutatorian*. (Sponsored by Mayor Cervenik and All Members of Council)

Res. 96-2011 (329-11) Beaumont's Valedictorian Sarah Hocevar

A resolution of congratulations to *Sarah Hocevar* for her exceptional academic performance as Beaumont's *Valedictorian*. (Sponsored by Mayor Cervenik and All Members of Council)

Res. 97-2011 (330-11) VASJ Valedictorian Timothy Frey

A resolution of congratulations to *Timothy Frey* for his exceptional academic performance as Villa Angela-St. Joseph High School's *Valedictorian*. (Sponsored by Mayor Cervenik and All Members of Council)

Res. 98-2011 (331-11) Appreciation and Condolence Sgt. Blakeley

A resolution of appreciation and condolence to the family of **Sergeant Kevin M. Blakeley**. (Sponsored by Mayor Cervenik and Councilpersons Holzheimer Gail, Langman, Minarik, Jones, Scarniench, Van Ho)

Res. 99-2011 (337-11) Retirement Captain Nosse

A resolution of congratulations to **Captain Leonard Nosse** on retiring from the City of Euclid Police Department after **thirty-seven years of service**. (Sponsored by Mayor Cervenik and All Members of Council)

Res. 100-2011 (338-11) Retirement Captain Brooks

A resolution of congratulations to **Captain David Brooks** on retiring from the City of Euclid Police Department after **thirty-six years of service**. (Sponsored by Mayor Cervenik and All Members of Council)

Councilman Gilliham moved for passage, Councilwoman Scarniench seconded.

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

COMMITTEE OF THE WHOLE

Mr. Christopher Michael Litwinowicz – 21970 Morris Ave. Madame President, City Council, Law Director, I move that the City of Euclid prepare emergency ordinance on 791.03 as there as of January 1, 2012, the annual income taxable income will be 2% there as, to prepare for the voters to the Board of Election. We have until August 10th. The City Law Director, the City Council, the City President, we'll be getting 1300 registered initiative petition on home rule township to prepare for the Board of Election by August 10, 2011 by 4 PM. I've asked to move that an emergency meeting be prepared for some time in July or August, the first couple of days, to give enough 10 days for a public viewing and you have to do an emergency ordinance on a one reading.

Congratulations to the Police Dept. Capt. Brooks and Capt. Nosse. Thirty-seven years and thirty-six years. Thank you. Citizens of Euclid love you.

Concerning your ordinance (335-11), we're in an election process. I also like to move that the City of Euclid Law Director comes from the whole city council with the Mayor on it, to the Secretary of State including the pre-check. Now the computer system is awesome. They moved on this and put the computer where we can see the names because the people down there controlled all that, now we control it. The problem was, that we're in an election process that started I believe January 1, 2011, because I started pulling my petitions then.

Congratulations to the, excuse me, I had a question for him. Anyway, Mr. O'Neill, there's an older gentleman on E. 190th, I believe that's the wrong ward but anyway. This person has told me that 7-8 years, I'm looking into investigating it, but there was some money for streets that's not there or whatever. These are comments that came from this particular gentleman, Mr. Orlando.

President Holzheimer Gail – You should not use a person's name. If they are not here they may come speak for themselves.

Mr. Litwinowicz – He wanted me to. Okay, thank you. Now for the best of the city, the boundaries are hard work and thank you City of Euclid, fixing a problem when people move in and out. But whatever you guys do, make it for after this election, the boundaries will change during the election process because my attorney and I we spent a lot of money and time printing the entire city and paying the Board of Elections to print the same stuff. Some of this is campaign literature for change in Euclid.

My last 30 seconds, is it possible the city could stand up and send it to the Secretary of State? By sending a letter there, it is not acknowledging nothing, it is just in case if anything happens because of this election, you're saving the city the problems you already spoke up about. Thank you, I had to make this public.

Ms. Rose Hunter – 521 L Kenwood Dr. I would like to say that I'm not a dog owner, but I fully support the dog park in Euclid and I'm looking forward to the July Planning & Zoning Meeting. Thank you.

Mr. Dave Napoli – 407 E. 214 St. Again, I want to thank the Councilman who supported the issue for allowing dogs in the parks in Euclid. Some of the things I heard there, I was disappointed in hearing. I want to express it a little bit and with Memorial Park, that legislation opened up for dogs to not only walk in the parks but also have a dog park which I appreciate both of, however if I'm going to be walking to that park, I obviously have to walk through that park to get to the dog park; so just a thought there. I understand that some people have bad views about dogs and are a little nervous about that, but let me remind you that we walk those dogs down 222 St. and Lake Shore Blvd., in front of schools and everything else. They're just as much of a risk there as they are anywhere else. I think the laws that apply in front of people's house, in front of people's businesses should apply in the parks as well. There shouldn't be a difference between the parks and that. The idea for new people coming in that might not be here and might not have everyone's ear here, would benefit those people and I think that is a turn off to new people coming to this city.

I would like to thank the Councilwoman who supported the idea of Sims Park. I really do hope for that as a dog owner when I do walk down that street, it is a perfect place to walk dogs. I think dog owners are very careful people and that would be a great place and very attractive to people. I hope maybe in the future there would be legislation to allow dogs in Sims Park. Thank you.

Mr. Vince Riha – 1515 E. 195 St. The comment you made about getting the rubbish out of the backyard, that left when the City of Superior Services moved. My question here is, being it is an election year, E. 193rd, Roseland and E. 195th Street all have holes left by the Water Dept. that have never had asphalt put in them. The one on 195th Street has an orange barrel that was in there before the snow came down. It is still there. I was wondering if you could allocate a few pounds of asphalt to fix those holes to cover the stone that is in it.

The comment that was made about taxes and not being able to take a portion of that off your income tax, in the case, my mortgage comes through and they pay the taxes and all I ever see is a line that says real estate taxes paid. Obviously we have to have legislation that the banks will now provide an appropriate markings.

My real reason for coming though tonight was censorship. I wanted to know why the videos that are shown from the council meetings are censored and if the minutes that you approved at the beginning of this meeting reflect those same censored remarks that were shown? If so, is that an accurate thing to vote on because it is not the official public document that occurred? Thank you.

President Holzheimer Gail – Mr. Riha, I'll be happy to talk with you after, I'm not quite sure I understand what you mean, but I'll be happy to talk with you further and find out.

Mr. Joseph Udovic – 21371 Naumann. Just to make a quick observation while you were talking about the dog park. I got a chance to look at that map that is outside in the hallway. If I'm reading this wrong, please explain to me. As a quick observation, the area that I'm looking at the could potentially be considered a dog park is labeled as green space. To me green space is something that is neutral, not used. To me it sounds like a great idea to have a dog park in an area that is just labeled green space.

I would like to thank the Council, we did put together a flyer for July 4th, if you could pass this around please and make sure the Mayor and whoever is in charge of getting this notice on the Community, it would be appreciated. Two weeks ago I spoke about that the Cleveland Tea Party would like to put together a Patriot Day. This is the flyer that I worked on, the Council of Ward 4 also helped me and worked on it. The idea is now we need to start promoting it. I was hoping that during the past week you promote at the local neighborhood association meetings. What I am now asking is that we go next step is make more copies, pass this out to local active ward leaders. Put these on the message board, Channel 20 the community station. For example I noticed on Euclid Ave. by Heritage Park, there was notice of signing a petition against SB 5. Now maybe we could put this on as a message that we want to create a social event for the 4th of July where the residents can actually meet somebody who they don't know and form a social network in the city. This is a great way for us to celebrate a holiday event, all I'm asking is you take 5 minutes and meet two people, that takes ten minutes out of a whole day and just get some basic content information, a name, address and phone number and keep in touch with these people and form an inner league from one end of Euclid to the other end of Euclid. Thank you very much. As I said two weeks from now is the 4th of July so hopefully we'll get this ball rolling quickly. Everyone have yourself a happy and safety 4th of July. Thank you and have a good evening.

Miss Claire Blakeley – 443 W. 50th Street; Apt. 5W; New York, New York, 10019. I am the daughter of Detective Sgt. Kevin Blakeley. My father devotedly served the City of Euclid as a police officer for 28 years.

I'm here tonight to ask the members of Euclid City Council to continue to seek out the truth and demand accurate and consistent information to the questions that remain unanswered for myself and my family. Was the appropriate standard protocol for notifying the family of a police officer's death followed immediately subsequent to my father's death? Here's my family's account. My father's sister was notified by her civilian neighbor who has no official connection to the Euclid Police Dept. other than her citizenship in Euclid that something serious had happened to my dad. My father's sister called my mother, my mother attempted to reach my dad on his cell, then to text him to ask him if he was all right. Knowing that reception was not consistent in

certain areas of the building, she called the police station. She was put on hold and that call was never picked up again.

If you are able to confirm that this is the protocol for notification of the family, I suggest you work rapidly to amend it. The way my family was notified was not only unprofessional, but grossly irresponsible and discourteous. The process lacked the respect that my father had earned and the respect that I hope every officer and his family would be shown. As a family, we found it agonizing. We would be happy to provide input on more appropriate ways of notifying the family.

What is the protocol for facilitating and overseeing the nature of the alleged disciplinary action conversation that took place in the Lieutenant's office on April 20th. What is the protocol for investigating an event where four men who all have guns walk into a room and only three walk out alive? Is it to have a thorough and impartial investigation done by an outside agency into the other three officers and the specific events that occurred in that room? If so, who is heading up this investigation and what are the findings? It is not acceptable that the accounts of what happened in that office be based solely on the words of the men inside. My understanding is that a more quality and creditable investigation would be to establish secure controls where participants are separated from each other and separated from access to the scene and appropriate forensic testing is completed. Thus far, as a family, we have been told this was not completed.

Why was the media told my father committed suicide before an autopsy or an investigation was completed? Why did our leadership rush to the press instead of waiting responsibly for accurate results from a complete and thorough investigation? The words, these are the facts lead me to ask, how were these facts obtained? Why would the Mayor say no words were spoken before an impartial investigation was completed? How exactly was my father notified that charges were pending against him, if no words were spoken? Why, in a press conference aimed to reduce misinformation was the media told ambiguous information about an open investigation regarding my father's work performance? The Mayor, by his own admission in a meeting with my mother admitted to her that he never saw any evidence of such conduct, yet this action had his full knowledge and approval. Where is that evidence? Who obtained? How was it obtained? Why hasn't it been presented? Why would the Mayor go to the press without it? Right now we're just going on the word of one unscrupulous individual who we learned two weeks ago is viewed by 95% of the police department as a person in whom they have no confidence. When did it become acceptable for leaders to disseminate incomplete or misleading information? What other agenda were they following that they decided to sacrifice accuracy for speed?

My mother met with the Mayor on May 20th. At that meeting the Mayor confirmed that the Chief of Police of the City of Euclid does not report to the Mayor as his role in Mayor or as Safety Director. When pressed again for an answer to her question, who does the Chief report to, the Mayor responded the Chief of Police reports to himself. Our concern as a family is that there is no opportunity for a creditable investigation as long as several members of this administration have continued access to the internal operations of the Euclid Police Department. Thank you.

President Holzheimer Gail – Law Director Frey, are there any comments? I know we're under and investigation.

Director Frey – I don't have anything that I can add this evening, no.

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

COUNCIL MEMBERS' COMMENTS

Councilman Van Ho – I had a request to mention the passing of Marilyn West who was a neighbor to one of the people within City Hall that I have a great amount of respect for. Marilyn did a lot of young athletes and yes we have lost another good person from this city.

I was glad to see the graduates up here tonight. These are the people who we do not hear enough about. These are the kids that day in and day out are grinding through and getting good grades, going to college or trade school or wherever they're going and we just don't hear about them because they are too busy working.

I would like to thank Chief Cosgriff for getting the pamphlets for how people should act in case of an emergency. As you pointed out, the people without computers are in great needs of this.

Lastly I'd like to say, just because we're on vacation, my phone is still hooked up and if any of the people within Ward 8 have a problem, I hope they'll give me a call through the summer so we can get that problem worked out. Thank you.

President Holzheimer Gail – A couple of comments that I wanted to make. I want to start with the investigation. We need to wait. We will be waiting and we will take a very serious look at the investigation that is being done. Council has been made aware of some issues as well. Council will be looking into them. So you have my pledge that we will get all the information and we will continue to look at it. We can't comment because there's an ongoing investigation. Of course our sympathies are with you and we will be working and we will be waiting for that report and we will be looking at the Chief's report, the Chiefs Association, their evaluation and their audit that they are doing. We will take all of the, we will look at them all very seriously.

On a much lighter note, I did want to complement the Parks Dept. I think the city is looking nice, the baskets are very nice, the flower baskets. There's many summer activities that are happening, I just want to make sure residents take the opportunity to engage in the pools, the parks, the many athletic and recreation programs that the Recreation Dept. does a great job of. There was a baseball tournament this past weekend and there was a little bit of a glitch at the planning of it but the Rec Dept. did a great job of making everything go smoothly until the rain hit. I do want to compliment the members of the Rec Dept. and the Parks Dept. that helped make that happen. There were many residents that let us know their feelings and I really appreciate their commitment to youth sports and to their kids and to the community. I look forward to an ongoing good relationship both with the city and the partner agencies like Euclid Boys League and Euclid Youth Soccer and Euclid Youth Hockey. All of the volunteers that help make these programs happen, football, basketball, I don't want to leave anything out because we do depend on them to help us do the programming and we do depend on them to help make it happen. I thank all of the volunteers, particularly Anthony Stachnik and his whole crew this past weekend for the baseball tournament.

We don't have any meetings scheduled at the moment but I'm sure we will. You will be notified if you're on our notification list, or you can check the city website as well.

Councilman Gilliam – Just a couple of quick comments and then I have some questions. Just wanted to thank Indian Hills apartments for having their senior day on the 17th. It was a joy to walk out there and see so many people. They were interested in what is going on in the city and Capt. Brickman the only request they had is they've had some break-ins in the parking lot and they truly understand that's private property. But if there could step up patrol on 191st and 193rd, they'd appreciate it. They think that would be an additional deterrent to their security patrol.

I want to thank the administration and council for approving the capital budget. Grand Blvd. is very beautiful and Ward 1 is definitely happy and I'm sure the entire city as well. Mayor Cervenik, the question of the \$20,000 that was allotted on Grand, was that all spent on Grand? Residents from Upper Valley, Indian Hills are asking whether or not there is any additional money left because they did see their actual stuff get landscaped but they would like some mulch and things as well. That's one question.

It is the summertime, if you have any disputes with neighbors, you must call the police dept. because we have nuisance abatement laws that would address that. To the children out there, respect your elders. To the parents, remind your children to respect their elders. Most importantly, curfew laws as still in effect.

Just a couple of quick questions to address rather quickly. Mayor I just heard from the young lady quite a few pieces of information, at least six questions that she asked directly and I know that Director Frey could not comment, but my two questions are, who is investigating this and what is the timeframe for this family and other people who are concerned in the public to get answers about this?

Mayor Cervenik – The investigation on the death is handled through the Coroner's office. The Sheriff's department is doing the investigation of various aspects of the Euclid Police Dept.

Councilman Gilliam – There is no particular timeframe at this time or estimated?

Mayor Cervenik – They have told me that there's no specific time that it is far reaching and very complicated investigation. When they are done, they will provide us and the County Prosecutor with their recommendations. I can't give you any idea when that will be unfortunately.

Councilman Gilliam – Capt. Brickman, I have a question, I heard a rumor that it is in the policy and procedure of the Euclid Police Dept. that police officers are not allowed to talk about any issues to elected officials or other employees in the City of Euclid. Can you confirm or deny that?

Capt. Brickman – Yes I believe it is actually in the rule that we are not supposed to have contact with council members about matters pertaining to the operation of the police department.

Councilman Gilliam – You believe so, is this particular information available for Council to review? Or is that something based upon your department

Capt. Brickman – It would be and it is part of our rules.

Councilman Gilliam – Thank you. One last question to the Mayor. Mayor, there was an issue about a space being abolished which was the captain's position being abolished, is that still currently being abolished and if it is what were the reasons behind it?

Mayor Cervenik – The reasons behind it were financial. I believe we even talked about the top heaviness of our departments in budget hearings. However I did have conversations with members of the union and if in fact

when this management study is over and I know they're looking at all the captains positions right now, if they determine that we should have four or if they determine we should have two, we will look at that. I would have no adversity of putting that fourth captain's position back into the department if it proves it should be there and it is needed.

Councilman Gilliam – One last question I just wanted to ask. I was told that the captain's list was set to expire at the end of this month. Is that accurate and if so, can we actually extend it? Some of the officers have said that they have never heard of any particular civil service list ceasing, it was always extended and I just wanted to verify the accuracy of that statement.

Director Frey – I'll find out what the expiration date is on there. The action to extend it is based on civil service authority. The Board, their Commission can move to extend an eligibility list. I can tell you that many times they've been extended and several times they have not been extended. But I'll find out what the expiration date is on the current list and send you an email tomorrow.

Councilman Gilliam – I know I'm beyond my five minutes but I'll make just this one last comment. In speaking to some of the officers, you've heard them speak before at the June 6th meeting, they still have various concerns about the investigation and also their livelihood as officers. One of the questions they asked was, who is protecting the police and fire? I think it is council's job and the citizen's job to ensure that. Not indicating that anybody over there is not protecting them, but they have questions and concerns and they feel like some of their issues are not being addressed and I wanted to bring it up tonight. I'm hoping the captain's list will be extended until after the review and then the decision can be made on whether or not it is financially feasible or not to do that. Thank you.

Councilwoman Scarniench – I just want to piggyback on just a couple of things that Councilman Gilliam just said. We were told in previous years that the Mayor is allowed to go ahead and all he has to do is write a letter that says that he wants the promotional test extended for the extra year. Personally, I don't know how anybody else feels, but I think that would be something that needs to be done to show good faith. I credit every officer, retired and still working who agreed to talk to us. It was eye opening. It was very heartfelt and it was very emotional to a lot of people. For me especially because so many of them I've known for so many years. I would really like to see that happen because I believe it is only a couple of weeks before that test would expire. I think that would be important. I know there are three positions that are open and I believe one of them we've already gone over the 45 days limit. We're looking at a problem there. Again, this will be the last thing at this time, in good faith, I think the officers who are entitled to those positions should be promoted and not wait. It needs to be done. There's too much heartache that's going on and I think this would be something good that would happen in the department because it is really scary when they say that they feel safer on the street than they do in their own department. I hope you will think about that Mayor and consider doing both of those.

Now onto a lighter note. Happy Birthday to Mr. Beck, two days late but it was just his birthday and we won't tell how old he is. This Sunday, June 26th, Italian Day at Our Lady of Lourdes Shrine. It starts with 11:00 Mass in Italian and goes from there. The dining room will be open at 12:15 and they're going to have sausage and peppers and onions and pizza and lots of Italian fun. It is a beautiful day outside and there's going to be an Italian Choral Group that will perform at 12:15. Come out and enjoy one of those services that we have in our city that a lot of people don't even know about.

I want to commend Sarah over at Shore. Councilman Van Ho and I sat there with my popcorn, I went and bought popcorn, and watched the old time cartoons the other day. It was like oh God, I really do remember those. It was a lot of fun. I think they're going to do it again in the fall so I hope more people will come out and attend that. It was free and you could bring your own snacks and they had prizes. I got to go over to Shore today and I got to talk to one of the Directors which was kind of cool because any kids that walked by to see what was going on, they knew who those girls were. It was amazing to see how this all went on so kudos to Laura for pulling this all off, to the Board of Education for letting them use our school buses even though they had different names on them. Tomorrow, never mind I can't say where they're going to be tomorrow, but it won't be in Euclid. The movie comes out next Halloween, not this year but next Halloween. They have 34 days of actual shooting and then it takes them all that time to do what they have to. The thing will be, I guaranty, well I can't guaranty, but I'm pretty sure Shore will be in that movie because it is the opening of the movie. Watching kids come off the bus in Halloween costumes, I said boy I would like to have some of those. It was great. They spent a lot of money in our city over the last 24 hours. They are, I would assume by now that they're packing up and moving onto the next place. Congratulations, Hollywood has come to Euclid and has put us on the map.

Last thing, to those folks I'm losing in my ward, I'm still around. But to the new folks that I'm gaining, I will be around and hopefully I will be able to meet a whole lot of you over the next couple of months. Please feel free to call me, use the email, miscarniench@cityofeuclid.com. I do a newsletter that I send out. If you're in that new area which actually is Ivan to the freeway over to Panini's, I get Panini's now, if you want to be on my newsletter list, please email me and give me your information and I'll add you. Have a great summer and I know we'll see you in a couple of weeks.

Councilwoman Jones – First of all I wanted to say thank you to the speaker who got up and spoke with the comments regarding Kevin Blakeley, it was very appreciated.

I want to say congratulations to the high school students that were here this evening on the accommodations that they received. It was well deserved. These are the types of comments that you don't often hear on an everyday basis. I send kudos to them. To show others who are either in the Junior year or lower grades, that they can do the same thing as well. They just have to put their minds to it and it can be done.

There's a lot of activities and events that are going to be coming up within the next few weeks in the city and these events could be bringing more people to the city to participate in these events. On June 25 & 26 we have the 3 on 3 Hoop it Up basketball championships. This is a national event that goes around to different cities throughout the United States for this championship. It is opened up to multiple different age groups to get your three man or women, women can be in this competition as well, teams together for the basketball competition. So this event brings lots of people to it, not only those who are participating but spectators as well. It is an opportunity to bring new people to the city and increase or put some money back into the economy.

We spoke about the baseball tournament. Also starting July 1st is the UniverSoul Circus that will be at the Euclid Square Mall parking lot. The 3 on 3 Basketball tournament will be at the Euclid Square Mall parking lot also on the Babbitt Rd. side. Then the UniverSoul Circus, the following week will be at the Euclid Square Mall parking lot on the Babbitt Rd. side. This again will bring in a lot of people to the city as well.

A couple of other events is New Praise Ministries which is a church that meets in the Euclid Square Mall is having a revival June 22-26th. I also want to say welcome to a new business in Euclid. The Confident Car Care and Tire Service, located at 25680 Lakeland Blvd., just opened up on June 13th as their first day. I would like to say welcome to Ernie and Tina Adamic for locating their business in Euclid. They have two other locations in Willoughby and Mentor and this is their third location they are opening up. Thank you for them coming to Euclid with their business as well.

I would also like to say Happy Birthday to Mr. Beck and Happy Birthday to Councilwoman Scarniench as well. It is her birthday this month also.

I'm looking forward to the Ad Hoc committee meeting that we talked about forming. I really look forward to hopefully getting some new insight on some revenue sources if need be or some ideas and change of ideas and suggestions. I would encourage those who would like to participate in that to send a letter to the Council President Holzheimer Gail and you can get your name on that list as well. I look forward to that and with that I'll say goodnight and we have the summertime coming up, please watch out for kids running out in the streets. This is the first couple of weeks after school is out, they get more hyped up and active than usual so you may see them darting in and out. Please remind your children as they're going out to play to watch out for cars that may not be as cautious as others when they're riding their bikes. With that I'll say goodnight.

Councilwoman Minarik – Fourth of July, I'm going to start off with the light stuff. On 4th of July I encourage you to meet some people but what we do at our household for the past several years, we read the Declaration of Independence and we play patriotic music and then we sit and have a fire and go through what it was that we fought and died for. So I urge you to do that as well.

But that leads me to this whole thing that is going on with the Police Dept. I'm disappointed that Chief Repicky isn't here tonight. Mayor Cervenik we learned last Council Meeting that as Ex-Officio Safety Director, the Chief is responsible to you, contrary to what you seemed to have told certain people. I want to talk about, I have an issue, number one, why we can't answer Miss Blakeley's questions because her questions have nothing to do with the Sheriff's investigation.

The Coroner's report has not been completed yet. The Coroner has not ruled that Sgt. Blakeley's death was a suicide. I talked to the doctor that performed the autopsy. The doctor said Sgt. Blakeley died of a gunshot wound. There is nothing that said suicide. We do have the right to answer the Blakeley family's questions. Now since nothing was ruled a suicide yet according to the investigation, all we're going on is by the witnesses in the room; if the investigation did not rule it as a suicide yet, to my way of thinking it is a crime scene investigation and should have been treated as such. It should have had preliminary investigations, interviews of the three witnesses to the event. I don't believe that was done either. Mayor you are the Ex-Officio Safety Director.

I had asked a few weeks back why the three men in the room were not put on paid administrative leave until the autopsy. Director Frey you said you saw no reason. Until it is ruled a suicide, it is a crime scene and should be treated as such according to the rules and regulations of the Euclid Police Department. That's my opinion anyway because it has not been ruled a suicide.

I also want to know and I think the other reason that we are allowed to answer these questions is because the Blakeley family is going on the assumption that Sgt. Blakeley is innocent. These are not questions about what is going on in the property room. We do know that Sgt. Blakeley went from Narcotics to managing a property room. That to me sounds as though he got demoted, all right, not maybe by office but being put in charge of a property room after you've been in charge of narcotics is kind of demeaning.

My concern is that as Safety Director we have a Police Dept. that has lost confidence in its Chief. We have a good officer who died of a gunshot wound. And yet we have the Safety Director notifying Council at

nine o'clock in the morning the day he died. We didn't know we weren't supposed to tell anybody. We didn't know that there were rules about, we just assumed that everything was done properly. We have a Safety Director that then goes on to say that there's this investigation going on at the outset but then Mayor at the next Council meeting, and I quote, let me back up. You talk about how there were discrepancies and you will full knowledge, this is in the press statement said you sent it to the Sheriff's Dept. and then at the Council Meeting you say, during the procedures that were taken I refer to as an audit showed there were some discrepancies or some possible discrepancies and therefore it was turned over to the Sheriff's Dept., it would be part of an investigation. Mayor, you said you did not see it, it was not shared with you, you didn't want it shared with you, you wanted it out of the department and into outside investigative hands. You're the Safety Director. You should have taken a look at all of this stuff. You don't take one man's word that all this stuff is going on and then to say that you didn't want to see it. I'm disappointed that there is a lack of leadership. I'm just disappointed. I'm disappointed the Blakeley family cannot get answers that have nothing to do with the Sheriff's investigation. They just want some answers and they're being told that they can't get them. It should have been treated like a crime scene. Witnesses should have been interviewed and they weren't. We won't get the Coroner's report until about July 1st because the Doctor will be going back to Columbus then and she's assured me everything will be done by then. Until then, we do not know it was suicide. Let me make that very clear. Nor do we know since Sgt. Blakeley apparently showed up for work, we also do not know that he knew he was going to be interrogated. There's a lot we don't know. There's a lot the Blakeley family doesn't know and they should have a right to know some of this stuff. That's why I started with the happy stuff first, goodnight.

Councilman O'Neill – My sincere condolences to the Blakeley family. I hope tonight starts the healing process for you with the Resolution by City Council in a small way. I'll reserve comment until all the facts are presented by the Sheriff's Dept., the FBI and the Police Chiefs Association. There's a lot of things that happen during these investigations that will come out and the sooner the better for not only your family, but for city council and the City of Euclid as a whole. Hopefully we become a better city with the investigation being revealed.

I will comment to Director Smith. There's a barrel on 218 south of Lake Shore Blvd., there's a plate in the street. I've had neighbors complain about the barrel blocking their ability to get in and out of the driveway. I did talk to Supt. Reese about that and they were going to make some work done over there but it doesn't look like really nothing has been done so if you can email me or call me on that I can let those folks no.

To Director Frey, is there any update on where we are with the Rukule house as far as the demo? I know we got backed up because of some of the EPA permitting on that house.

Director Frey – I should have checked on that today before the meeting. I thought the demolition was imminent. I thought the asbestos abatement had been completed and so it was a matter now and utilities I know have been shut off, disconnected. I thought the demolition was imminent, I'll find out when the company is scheduled to get to that and I'll send you an email in the morning. I know we're close.

Councilman O'Neill - I know we're backed up about two weeks because there were some issues on the permitting process. But I've got some neighbors starting to breathe down my neck, I'm just trying to keep them informed.

Director Frey – Absolutely, that house needs to come down. I'll find out.

Councilman O'Neill – Director Smith on 212 and Edgecliff, do you have any idea, are we on track with going towards paving or when we might be able to see that paved, any idea?

Director Smith – I know we have about 13 streets under the waterline replacement program. The vast majority will be paved this year. Edgecliff I know will be in the first wave of the project.

Councilman O'Neill – I guess my question, are we looking at July, August or when?

Director Smith – I hate to give you a specific date but I would feel fairly confident sometime in August.

Councilman O'Neill – The other comment is the neighbors with the grass cutting. Please maintain your lawn. We don't want to be in the landscape business, it is \$150 a cut if the city has to come in and cut it. Hire a landscaper, they're about \$25 a week, it is a lot cheaper to hirer them if you can't cut it yourself. Those folks, I've had some complaints in my ward that have dogs and the dog does its business in the backyard and they are somewhat reluctant to go back and clean it up and it gets hot outside, it is 90 degrees, people got their windows open and depending on the wind direction, it waves into their house and that might fall under the nuisance abatement if the city has to go in and clean it up. There's a fee attached to that also. Under the same vein as the open windows is the loud noise. Please respect your neighbor. Play your music so that two blocks away can't hear it. Same with the music driving up and down the street, there is a noise ordinance for vehicle playing loud

music, the Police Dept. does have meters. They can pull you over, they can do a sound decibel assessment and if it exceeds, I'm not sure what the sound decibel is, there's a fine attached to that. Those are quality of life issues that drives people out of neighborhoods and that's the kind of stuff I really go out and I seek that out when I'm driving around and I write stuff down. I personally try to be pro-active with that. With that I'll say Happy 4th to everybody and have a great summer. Enjoy Lake Erie, it is one of our best assets.

Councilman Wojtila – I, too, would like to thank the daughter of Sgt. Blakeley for getting up and speaking and representing your family as your family has a deep, long tradition in Euclid and the questions you posed deserve to be answered, you deserve answers and I thank you for getting up and presenting those questions to us tonight.

I want to also echo Councilwoman Scarniench in what she said, there were a lot of things that were brought to our attention very recently within the last week. Troubling is an understatement. I guess to Director Frey, as legal advisor to us as a council, what I would like are options that are available to city council. I don't expect that tonight but if you could present that to us and send it to all of us. What options are available to us as a city council? I would like to know what they are and we can evaluate because I don't know what to do here. But I think it's important, it is important to me so I would like to, in your role as legal advisor, let us know what our options are and copy us, copy all of council. Similar to the questions that Councilman Gilliam asked, I was with him when those questions were posed to us or brought up to us. I would like to know those too. I would request that items such as this be sent to all of us. We all want to know, we all need to know. I respectfully request that we be copied on that.

With respect to the one comment, I have to ask you Capt. Brickman, you've been around the police station a long time. The rule about not talking to elected officials, has that been an ongoing policy or is that just a recent policy?

Capt. Brickman – It has been in the rules for a long period of time.

Councilman Wojtila – A couple of other unrelated items, to the first topic has to do with Ss. Robert and William's festival, they are having a festival this year. It is focused on the family, it is focused on community as well. While it is a parish festival, it is also opened up to all the city on August 19th – 21st, Friday through Sunday. I encourage you to attend, Ss Robert and William their first summer festival. Council President Gail, are you expecting any Executive & Finance meetings during the summer or are you still waiting to see how things shake out?

President Holzheimer Gail – I expect we will meet; Executive & Finance or other committees.

Councilman Wojtila – There have been things that recently have been forwarded, particularly the home occupation legislation was put into Executive & Finance 2 weeks ago. I would encourage at least one Executive & Finance over the recess. Thank you.

President Holzheimer Gail – There was also a request to discuss the internet cafes so we could probably do both at the same time.

Councilman Langman – I think the key term that I've heard tonight and prior is frustration. There seems to be a tremendous amount of frustration. Whether that be with the emails that we received regarding the Euclid Boys League and the condition of the fields. That didn't just bubble up on that particular time. This frustration has been growing for awhile. I'm certainly glad those issues will resolve for the tournament, but that points out to some long term issues that have to be addressed. I have residents on 248th that have been waiting now for two months to have their tree lawns restored to a satisfactory level, that has not occurred. They continue to wait and they continue to wait and now we're at the point of the year where okay you're going to put down seed which the contractor did put down, it didn't germinate, so now I have a whole street full of residents that are upset on the comments made by the contractor that were not very professional. In fact they were downright disrespectful to some of them blaming them for the conditions on the street. So that's frustrating.

Finally you have what we heard from the FOP regarding the operation of the police department. That has to be of utmost concern. Not only for the issues surrounding the Blakeley family but every resident within this city. You simply have a department that has been pushed to the very limit and they're at a point now where they have to express themselves in this way. Perhaps we can resolve it through this study, but I don't know for sure. What it does point to is we cannot be a reactive community where we react to things that build and build until they explode. That's what happened with the three things that I just mentioned. That is not satisfactory. What makes it worse for the Council is that we're basically kept in the dark about all this. The police aren't allowed to talk to us. We find out information from the news media rather than from the administration.

To that point, Law Director Frey, I asked you two weeks ago to develop a timeline and provide memos that I saw on Channel 19 news and any letters that were sent to the Sheriff's department initiating the investigation into the property room, I really heard nothing back on any of that. So, I'm going to make an additional request. Since there was a prior incident the year before regarding alleged cameras within the police

station and the common thread as far as those two reports go is Kevin Blakeley. So, what I'm asking for is we have the final report from the Internal Affairs committee, I want all relevant documents surrounding that Internal Affairs investigation, including any polygraphs that were given, polygraphs that were requested and refused and any other notations from that committee. Because as a city council we have a duty to be informed about all of these matters, we haven't been given that consideration. I'm looking for that, not only for the benefit of the Blakeley family but for the police department based on the comments that I heard last Thursday, very troubling. So, Madame Chair, we have a tremendous amount of work to do, not only us but the administration because there are a lot of things in this city that are not going well. They're bubbling below the surface, we don't have any real news media so nobody knows about them. That's what I'm looking for is information.

So, quick question for Law Director Frey, when can you get us, the city council, that information?

Director Frey – You'll have the letter to the Sheriff, I have a copy of that. I do not have a copy of the letter, nor was one able to be produced, that bears the signature of Sgt. Blakeley that was shown on television. I do not know the source of that letter. We have the text of that that was produced on a city computer that I can produce but it is not a copy of what was shown on television and again I don't know the source of that. The Internal Affairs investigation I believe you had already received a copy of that report. That has been released many times to many different sources as a records request and I'm happy to send that over to you. We have a file and we can send that. I may have to get the discs with the audio interviews on it copied again, so that may take a day or two to have the department copy those. All of that material is available. I do not have any notes from any member of the Internal Affairs committee. I have the reports that were presented, I have the audio tapes or disc of recorded conversations. I have the polygraph results and I'm happy to provide those. Those have all been released.

Councilman Langman – We do have the report, I want all the background information.

Director Frey – You'll have what I have.

Councilman Langman – Director Smith, getting back to 248th, there are two homes that according to you the policy is we don't give trees that have light poles. There are two homes that have trees and light poles. Anybody else on that street that has a light pole that was refused a tree should get one.

Director Smith – The second consideration that you left out of that comment was if there was an issue with the sewer laterals or any of the other utilities.

Councilman Langman- That was not the information related to me when I talked to Mr. Grant.

Director Smith – With all due respect Councilman, when we had this conversation it specifically had to do with the light poles and/or sewer connections. I'd be more than happy to check on that and confirm, but that's the policy. If there's a light pole and I just had a request earlier today about coming out and trimming a tree on a particular road that was having interference because the tree was in close proximity to the light, that's what we're trying to avoid.

Councilman Langman – Director Smith, we've talked about this. I know what Mr. Grant told me and by the way I've sent Mr. Grant three emails about other issues and have received no reply. I will expect a reply to the 248 Street folks and the issues that I sent to Mr. Grant. With that, Madame Chair, I wish everyone a happy summer and I will make a motion

Director Smith – I would just like to comment on the 248 as far as the yard restoration. To back up to Chris Grant, he's been on vacation this past week, so if there's been a no response I'll acknowledge that and I'll check with Chris back on, he'll be in the office on this coming Wednesday. I know I had sent out one email but perhaps not to yourself concerning his vacation time. With regards to the yard restoration on 248, just so everyone is aware on Council since there was some comments made to that effect, obviously CT has done the design on the 248 project. K&M has done the inspection. Same crew that has done the 204, Dille Rd., 214 and 264, for whatever reason we seem to be struggling a little bit with the restoration on 248. What we have John Thomas of K&M doing is going out and doing a survey of the remaining yards to try and get specifically what the issues are. We'll continue to do that as I had indicated and hopefully by the end of next week we'll have everything wrapped. I'm not saying everyone is going to be in agreement or satisfied, but as far as I'm concerned we will insure the work is done to the highest standard and go from there.

Councilman Langman – Director Smith, I suggest you talk to Mr. Thomas because he's telling the residents, you folks want sod, we're not going to do anything more. That's not acceptable. That's showing disrespect to those residents over there. I want the issue resolved. With that Madame Chair, I will make a motion to adjourn.

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President Holzheimer Gail – We do need a motion to recess for summer.

RECESS & ADJOURNMENT

Councilwoman Scarniench moved to recess for summer. Councilman Gilliam seconded. Yeas: Unanimous.

Councilman Langman moved to adjourn, Councilman O'Neill seconded. Yeas: Unanimous.

Attest:

Clerk of Council

President of Council