

**COUNCIL MINUTES**  
**September 6, 2011**

The regular Council Meeting was held on Tuesday, September 6, 2011 at 7:00 PM in the Euclid Municipal Center Council Chamber. Council President Holzheimer Gail presided.

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

Excused: Gilliam (came in 7:05 PM); Jones (came in 7:05 PM)

Councilwoman Minarik moved to excuse Councilman Gilliam and Councilwoman Jones. Councilman O'Neill seconded. Yeas: Unanimous.

Others Present: Mayor Cervenik, Law Director Frey, CS&ED Director Pietravoia, Service Director Bock, Fire Chief Cosgriff, Police Executive Officer Capt. Brickman, Commissioner Beno, Asst. Law Director Sweeney, Mr. Sonnhalter, Clerk of Council Cahill.

**COMMUNICATION**

New C1, C2 liquor permit to Dolgen Midwest LLC, DbA Dollar General Store 10734; 27561 Euclid Ave.

President Holzheimer Gail – I know Councilwoman Jones, who is not here, did have an objection to that. I don't know if Councilwoman Scarniench if you wanted to speak to that on her behalf.

Councilwoman Scarniench – Most of us object to this. This area of our city is plagued with a lot of problems, that area in particular, robberies, things that have gone on, we just feel this would not be conducive to the safety of the neighborhood, so we are strongly opposed to this and hope everybody agrees.

President Holzheimer Gail – If we were to follow Councilwoman Jones' request and Councilwoman Scarniench's words, we would do a motion to object .

Councilwoman Scarniench moved to object to a new C1, C2 liquor permit to Dolgen Midwest LLC, DbA Dollar General Store 10734; 27561 Euclid Ave., Euclid, OH 44132. Councilman O'Neill seconded.

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

Abstain: Wojtila

Objection passed.

**COUNCIL MINUTES**

Councilwoman Scarniench moved to receive the Council Minutes of June 20, 2011. Councilman Langman seconded. Yeas: Unanimous.

**ADMINISTRATION REPORTS & COMMUNICATIONS**

Mayor Cervenik – It is great to be back, members of Council, members of the audience, as well as those watching on television. I've got a few announcements I'd like to make. Most of city council has received them through my weekly update but I think it is important our residents hear some of these as well.

First and foremost, the gentleman to my left, Lee Bock, because of the departure of Director Randy Smith being elected as the Engineer of Trumbull County, I have appointed Lee Bock as our Service Director, not Acting Service Director, he is our Service Director. He has been with us for 37 years, that's a long time. Over the past two years, his performance as Asst. Service Director has been outstanding. He has really learned to work with the public and be able to handle situations in a very quick and honorable manner. When Randy informed me of the things that happen down in Trumbull County where he was elected, I didn't have one doubt that Lee should be the Service Director. Lee congratulations, I know you will serve the residents even stronger now than you have over you past 37 years, and I'm glad to have you on the team.

Last week Community Service and Economic Development Dept. was audited by the federal government for our Community Development Block Grant, as well as our NSP monitoring. It was supposed to happen earlier, but due to the untimely passing of Bob Gliha, it was post-poned. However, due to Bob's work as well as other staff including Brian Iorio we passed with flying colors. They were very complimentary of how the City of Euclid programs with these dollars to help make our city a much better place. Director Pietravoia, please extend my congratulations although I already did to your staff and let's keep up the good work.

Euclid Avenue Corridor, TLCI study, this is the same study that we did in downtown Euclid a few years back. It has resulted greatly, it is not the only reason but the study we put together through this TLCI program through NOACA very much brought over the \$16 million of investment we've received in downtown Euclid. I expect at least that kind of investment on Euclid Ave. We have a great team working with us. They understand the importance of following NOACA's rules and the TLCI rules. We will be picking out various areas along the Euclid Ave. corridor because it is much bigger than the downtown area. I can guaranty you that we are going to turn places on Euclid Ave. to be as vibrant and open as what we have in downtown Euclid. This is a long term process. It will be about 18 months before we're done

here, at least 12 months. We will present our findings and the committee's ideas to NOACA and I'm certain they will be approved. Our next step will be as we've just done with downtown is to ask for and receive engineering money to put those plans into action.

Video on Demand, as of tomorrow morning, if you haven't had enough of the meeting tonight, you can wake up tomorrow morning and go to our website on ECTV and you will be able to have a direct link to a video demand center and you can watch this meeting all over again. We have not been able to do that up until now. Councilman Van Ho has been pushing us for this. Matt Mizak our technician found a very economical and very professional way to have this done and purchase some equipment. If I've got this right go to, [www.cityofeuclid.com/community/ECTV](http://www.cityofeuclid.com/community/ECTV). Go on the front page of the website, it will tell you how to get there. Now you will be able to watch whatever parts of the Council meeting you want. You must start at the beginning but you can fast forward, you can bookmark to go to certain places. It is just one more way we can get our residents to see what is going on in the community.

Please don't forget about the memorial remembrance ceremony to mark the ten year anniversary of the September 11 terrorist attacks. The City here will be holding in the lobby a remembrance ceremony led by the Euclid Fire and Police Departments. That will be held at 3 PM. We are asking you all to please come and attend, there will be an unveiling of a monument that contains a piece of steel from the World Trade Center, the site of that tragic event. On that day we are really encouraging residents and businesses to display the United States flag in any way they can. That is Friday, September 9<sup>th</sup>.

On Sunday, September 11, Father Betters and parishioners at Ss. Robert & William church as holding a Blue Mass. That is where we ask police and fire departments from all over to come and remember and honor the first responders that past away, that were injured, that survived, as well as all those that suffered with any type of injury on the 11<sup>th</sup>. You do not need to be Catholic to participate and I strongly encourage all our residents to be there as well, Sunday, the 11<sup>th</sup> at 11:00.

Our CAFR, our financial report has been delivered and copies to you. We received an excellent clean report again and I really need to thank the members of the Finance Dept. that were involved in the audit as well as all the employees in the City of Euclid that throughout this year and last year really adhered to our policies and procedural manuals. There was a time when the State Auditors took over, we had quite a few recommendations, not necessarily citations, but recommendations and I had sent out a number of Executive Orders such as you must reconcile your petty cash monthly and we must make sure all deposits are made within 24. An explanation as to why it is important we follow the advice of the auditors because it gives the residents confidence in how we manage their money. They have done very well and this is the second year in a row of receiving an excellent report and we expect that to continue.

Some good news, the unofficial August income tax collection report our projections were exceeded by \$60,841. This marks the sixth straight month of exceeding projections. February was the only month we were down and we were down a lot about \$130,000. But overall, at the present time we are \$622,000 ahead of our 2011 projections. We are \$1,031,000 ahead of the collections compared to August 2010, that is very important to note. This trend needs to continue. As you can see from the monthly report, we do have some revenue areas that are a little weaker than they should be. We do have a number of expense areas such as retirement pay outs and in some departments overtime, we're going to have to deal with. I'm really encouraged by the increase that we received and I think it really speaks much to the economic development projects that we have done in this community. We have created and retained a tremendous amount of jobs and it is starting to show off in our monthly income tax collections. We certainly hope this continues.

Police Chief Promotional test. I have sent a request that the Civil Service Commission begin the process of testing for the next police chief. I also will be requesting that they conduct the testing process for Lieutenant as the list has been exhausted by promotions. I know City council has some legislation talking about changing who will be eligible and whether we go outside the department or not. My action does not interfere with that at all. There's a lot of work that needs to be done before they get to that point where they can actually formulate the test. I just feel it is extremely important that the police department, when the vacancy occurs that we do not delay in appointing the next leader of the Euclid Police Dept. That is why that letter was sent to the Civil Service Commission. I feel, although you do have the right to change legislation at any time, I also feel it is important, especially from some of the things we've gone through over the past couple of years with the police department, I think it is unfair to change the rules when there's a vacancy. In talking and listening to council's comments about this subject, there seems to be an extremely wide opinion about what we really should do. Therefore, that's another reason why I told Civil Service to begin the process of getting that test ready. If Council does make any changes between now and December 30<sup>th</sup>, we can incorporate them into the process. We just feel that I don't want to have any time lapse in between the retirement of our present Chief and bringing on the next one. It is very important.

Lincoln Turbine dedication. Some things you just can't control. The turbine ran for 58 days without any interruption and the day Lincoln had their turbine dedication, there was a couple hundred people there, the day before the turbine was hit by lightning or two days before that and it caused a malfunction in the turbine. The turbine was not rotating while the dedication was going on. Lincoln in their unending way of making things happen, because the blades were not turning, that gave people there

the ability to walk up the steps and into the tower and the mast of the turbine to see inside of it and see how massive it really is. The malfunction of the turbine did not hinder in any way the excitement that we had, it was a great day. We thank Lincoln and all the organizations that helped with the building of the turbine in the City of Euclid for their help. I mentioned that I firmly believe that turbine should stand as a monument of what can be done when people all work together and they keep what is best for the community in mind first. That was done on this project.

Lake Shore Blvd., bids have been awarded and even though they're a little higher than hoped, our new Service Director feels that some of the plan of scope changes will allow us to be right on budget. The work is scheduled to be completed by October 15<sup>th</sup>, that might be a little optimistic, up to you pal, but it will be done before the year is over and that's been long awaited. The bids were a little over \$2 million. The State of Ohio is paying 85%. Along with the work being done in the street, all of the rest of the crosswalks will have the ADA handicap compliant material on it which will help people with various physical challenges to be able to enjoy walking down Lake Shore Blvd., that much more. I'm going to let Capt. Brickman talk about the gun buyback program on the 14<sup>th</sup>.

Capt. Brickman – The gun buy back program for 2011 is conducted in partnership with the City of Cleveland, Lakewood, Parma, Shaker Hts., are also involved. It is on Saturday, Sept. 17<sup>th</sup> between 8:30 AM-1:00 PM. In exchange for operable hand guns and while supplies last, citizens will receive a \$100 either gas, food or Target gift card. In addition they'll receive Cavs or Monster's tickets and entered into a raffle with a chance to win up to \$1,000. Gun buy back will be conducted in Euclid at the Municipal Service Center at 25200 Lakeland Blvd. To participate, citizens are asked to bring an unloaded working handgun to that location. The gun must be in a clear plastic bag inside a second container. Citizens must transport the container in the trunk of their vehicle and pack ammunition separately. Incentives will be given for hand guns only however, shot guns and rifles can also be turned in at that time.

Mayor Cervenik – Speaking of the Police Dept. I think it is important for me to let you know what Capt. Brickman, myself and his other captains and some of the other officers have been doing over the past couple of months. We've been meeting on a weekly basis, not only with Capt. Brickman, but Capt. Doles and Capt. Savage and when he's able to be present also Lt. Scott Meyer. We just sit down and we've been discussing various issues concerning the department's needs as well as the needs of the community as a whole. We examine the complaints that we receive, many of them from city council, many of them from residents, and find ways we can work together to keep this community safe. They've been very productive meetings and I fully intend for them to continue.

I also met recently with the Executive Board of the FOP. They have requested quite awhile ago to have quarterly management meetings, which are pretty much just informal meetings as we're doing weekly. We did do that last week and we're making some progress in picking up the morale of the Euclid Police Dept. Other initiatives are being undertaken to make sure the police force remains strong.

There is also a meeting scheduled and I will be attending to address the concerns that some of our officers have about the Regional SWAT initiative. Although I firmly believe the Regional SWAT initiative is a very positive thing for our community, a number of officers on our present SWAT team want to express their concerns and I can tell you I'm willing to listen to them. We will always have some distractions, such as the frivolous law suit as far as I'm concerned that was filed against the department and the city as well as some of the police officers as mentioned on the news last night and again today in the Plain Dealer. I promise you those things will be dealt with in a very professional and thorough manner and those involved need to hear me now that you will not hinder the progress that we are making to unify our Euclid Police Dept. The OAPC report should be out before month's end. The Sheriff's investigation that is ongoing, I hope will be out during that same time span. As always, I can tell you right now and I will tell the Council President that I have no response to questions concerning that investigation and will not have any response until such time as that investigation has been presented to us. At that time I will have responses. I just want people to understand that no one should doubt for one minute that I and the residents of this fine community have nothing but the utmost respect in the professionalism of the men and women of the Euclid Police Dept., as well as their civilian support staff. Their dedication and ability is there to keep us all safe and I'm very proud of each and every one of them. I would like Tom Cosgriff to explain a little more about the ceremony we're having on Friday.

Chief Cosgriff – Early summer we had the opportunity to get an artifact from one of the twin towers of the World Trade Center. We did apply and a piece of I-beam steel from one of the towers was sent to us. We took the liberty of that earlier this summer. We have one of our firefighters who is pretty handy in woodworking handcrafted a display table to mount that piece of steel on the table. The Monreal Funeral Home was kind enough to donate the funds to make a plaque that will also be on display with that artifact. As the Mayor has said, we're approaching the 10<sup>th</sup> Anniversary of that tragic event and we'd like to hold a ceremony, Friday Sept. 9<sup>th</sup> at 3:00 in the lobby of City Hall where this display will be unveiled and a short ceremony to honor all the men and women that were tragically affected on that day. I hope to see all of you there, we have plenty of room and see you Friday.

Mayor Cervenik – With that, I conclude my administration reports.

#### REPORTS & COMMITTEE MINUTES

Councilwoman Scarniench moved to receive the 2010 Comprehensive Annual Financial Report; Monthly Budget Report thru June 30, 2011; Monthly Budget Report thru July 31, 2011; Fire Report of May, June, July, 2011; Police Dept. 2010 Annual Report; Board of Control Min. of 6/13/11; 6/20/11; 6/27/11; 7/5/11; 7/11/11; 7/18/11; 7/25/11; 8/1/11; 8/8/11; 8/15/11; 8/22/11. Councilman O'Neill seconded. Yeas: Unanimous.

President Holzheimer Gail – I do want to acknowledge Councilwoman Jones and Councilman Gilliam have arrived and assure Councilwoman Jones that we did object to the liquor permit on your behalf.

#### ADDED TO AGENDA

President Holzheimer Gail – Before we go to Committee of the Whole, we have three items that we'll be adding this evening. Res. (359-11) which is a Resolution to extend our temporary moratorium on the issuance of occupancy permits for Internet cafes while we continue to work on that. The extension would only be through the end of the year so the intent is to have something in place before that time. Ord. (360-11) which is an ordinance in regards to the pet store licensing and requirements. The changes that were attached to our legislation were not the changes that we discussed in the committee meeting. They are not new changes, it is just the changes that were discussed at the last committee meeting. That is introduced as a new ordinance, (360-11). Finally Res. (361-11) which is a resolution authorizing support of a grant for Shore Cultural Centre for the Cuyahoga Arts and Cultural Committee. Is there a motion to add those items?

Councilman Langman moved to waive the 24 hour notice and place on the Agenda, Res. (359-11); Ord. (360-11) and Res. (361-11). Councilman Van Ho 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

Mr. Vince Riha – 1515 E. 195 St. I caught the part about having more jobs and the income tax going up, which is commendable, but brings me to a question about issue 12, why with all the facilities that we have in this town, are we going down to the vendor that was chosen to provide meals for the jail? I wondered what connection this might have to a former council person. I question why we can't do it within our own community. Thank you.

Mr. Jack Johnson 1770 E. 232 St., Euclid, Ohio 44117. I want to speak to item #16. I'm questioning, why, not that I'm opposed to a dog park, I'm a dog lover, I have a pet myself and I'm not opposed to a dog park, but I'm questioning the wisdom of a dog park at this particular time. My question is, how is that going to be maintained? We're not maintaining the properties that we have now, that's one. As a comment, I think it is unfortunate that we can find money for a dog park but we had to close a neighborhood swimming pool in the Indian Hills area. This community is literally going to the dogs.

Mr. Jeffrey Beck – 25540 Chatworth Dr. Comment and then a question. The comment I've got to make is on the two added on items onto the agenda. One is the moratorium on internet cafes. You've had all year to talk about this and now you just want to extend it for another 3-4 months. I'm in favor of just ending this moratorium. Six of these internet cafes have opened on Chardon Road within about 3 miles of me. I happen to be friends with the owner of one of them and he has been open since last summer, not this past summer but the summer before, he has not had a stick of trouble at all; I think that was one of their concerns. I haven't read in the newspaper where any of the other internet cafes that have opened up have had a stick of trouble too. I think these businesses are here to stay and we should end this moratorium and try to attract businesses into this community rather than taking our Euclid residents and send them to other communities to spend their money, I'd rather keep it here.

The second item that was added is on the grant for Shore. My question is, is there any money that this city will have to come up with in order to get this grant; if there is, how much is that and where is that money coming from? We are getting ready to get into the fall season where we need our leaves picked up and I would hate to see general fund money going towards that rather than getting your leaves picked up. That is something that affects all residents, not just a few. Thank you.

Mr. Brian Palisin – 27100 Oriole in Euclid. I just wanted to quickly comment on item 3, on your agenda. I am the person that is referenced in the particular agenda item. This issue did pass 5-0 at the Planning & Zoning meeting at the July meeting. The property is mainly desired for yard expansion, mainly so my

kids, 9 & 11, can have a little bigger place to play. The home that used to be here at 27080 Oriole was demolished in July 2007. It was one of the first homes that was demolished in the city's program. My wife and I have lived next to this parcel for about 15 years. We also had previously spoken to the homeowner in the back of the property, as well as to the west side of the property and neither property owner objected to us purchasing the property. We lived to the east and we don't object to it either.

The consideration that is being proposed for the property, the total amount is \$1,000; \$50 was paid through the city's application fee and \$950 is being paid through the proposed ordinance. The \$1,000 is consistent with Ordinance 101-2011 that was passed on June 20, 2011.

Lastly I just want to thank Paul Beno and Kelley Sweeney, they've been really helpful throughout this process so I'd be remiss if I didn't thank them. Thank you.

Ms. Marlene Kovacavic – 1210 Saybrook Dr., Macedonia Ohio. I think you've seen me a few times before, that's almost nine months now. I'm referring to item #11, Ord. (293b-11). I have no long speeches for you tonight, I'm sorry I hate to disappoint you. I do want to say thank you very much to all the council members for allowing us to at least give you information and provide you with a balanced perspective to the issue at hand.

I do especially want to thank Councilwoman Madeline Scarniench for listening to us and taking this information and hopefully all of the council members will vote yes for the legislation for the pet shop. Thank you.

President Holzheimer Gail – If council would indulge us, if we could change the order just a bit. Sarah Gyorki is here from Shore so if we could do the added legislation (361-11) first and then #9, (357-11) and #10 (358-11), Jim Sonnhalter is here and I understand it is a milestone anniversary so we will move you up to get you home and hopefully celebrate with your wife. If there are no objections, we will move forward with item (361-11).

#### LEGISLATION

##### **Res. 111 -2011 (361-11) Grant Application Cuy. Arts & Cultural for Shore**

A resolution authorizing the Mayor of the City of Euclid, or his designee, to submit a Grant Application to Cuyahoga Arts and Culture (CAC) seeking a Thirty Five Thousand and 00/100 Dollar (\$35,000.00) Project Support 1 Grant to promote public access to a broader array of arts and culture programming at the Shore Cultural Centre. (Sponsored by Mayor Cervenik)

Councilman Langman moved for passage, Councilwoman Scarniench seconded.

Director Pietravoia – Sarah Gyorki has brought to our attention a tremendous opportunity with Cuyahoga Arts and Culture for a grant for Shore programming. This is the first opportunity that we have sought funding through the Cuyahoga Arts and Culture program. There are at least two categories of grants as Sarah has explained to me and I'll let her comment as well as Jim who has been assisting Jim on this grant application. One is through municipalities, that's the one we're discussing this evening. The opportunity there is a little greater, up to \$35,000. There's a separate category that Shore is able to apply for directly which is for \$5,000. Since the city is the applicant, as we always do, we like to get Council's authority to make the application and we believe we'll have a stronger application with that legislation from Council behind us.

There's a two step process, a pre-application and then the full application. We have been in discussion back and forth on the pre-application. We're not sure yet that we'll be one selected but the full application is due on the 14<sup>th</sup>, which is before our next Council meeting. Rather than risk the chance of submitting something after the fact, we thought we would add this on this evening and ask council's blessing.

I'd like to turn it over to Sarah who will explain in a little more detail what we would actually use the grant funding for. We'll also respond to the resident's question.

Ms. Gyorki – Thanks for letting me join you tonight. Cuyahoga Arts and Culture as many of you probably know is a tax that supports arts and culture programming throughout the county. It is focused on increasing the breadth and accessibility of arts and culture programming, which is in line with our plans for increasing the array of arts and culture offerings already at Shore to various grant funding opportunities that would help to leverage additional support from the city's existing support of the cultural center. We feel it is a good fit for the strategic plan for Shore. We already have expanded programming underway. I brought some samples of our new fall flyer which all the council people have copies of, that shows some of the additional programming we're already offering through grant funded opportunities. This would be a very nice opportunity for us to get some additional support, to offer more services for citizens in the community.

Director Pietravoia – To the resident’s question, there is a required 1 to 1 match for the grant, so if we’re selected for the full amount of \$35,000 the city would make a contribution of an additional \$35,000. Those funds are already essentially in place through the operating support that we provide to Shore, which is well over that amount. We would be able to document to the grant reviewers that the city has in the past and at least for the near term future will continue to provide at least that level of operating support for Shore.

President Holzheimer Gail – Just to be clear, existing funds will be used it will not be new dollars.

Director Pietravoia – Correct.

Councilman Langman – Mrs. Gyorki, is the grant all or nothing? In other words, do we get the \$35,000 or we don’t get anything; or there are levels that we might get?

Mrs. Gyorki – There are levels, it is a sliding scale and it is based a little bit on how much the grant pool is funded and how many applicants come in and how much each of those applicants ask for. So they can’t actually tell us what our funding level would be until they’ve done the calculation at the end of the grant review process.

Councilman Langman – From your experience do first time applicants, are they granted dollars or do you have to try several times before you get the initial dollars?

Mrs. Gyorki – First time applicants certainly can be funded, yes. As long as the project is strong, there is a very good likelihood of getting funding. Shore although it is a first time applicant, the CAC does have a long history of arts and programming.

Councilman Langman – I think what we’re seeing tonight is exactly what we had hoped for when we adopted Coral’s strategic plan to begin with. We had hoped to be able to attract grant dollars and we already have three grants already locked down and that’s helping to make the building more self sufficient. I think it is very important that when we talk about different amenities in the city that we do not pin one against the other. It is not about leaf collection versus Shore versus pools, etc. Our community is made up of many different communities and some of them don’t use all of the amenities that we have to offer. I’m sure that there are some people who have never been to one of our pools or to the ice arena, but all of them are very important and it is incumbent upon us as leaders to try to find a way to make them all work in a fiscally sound manner.

Councilman O’Neill – I do believe everyone uses leaf collection in the city, I think that’s a fair question to ask. My only question to the Mayor is, there’s a fee that needs to be paid back to the city by Shore, I believe it is \$35,000 and Shore is going to give sometime at the end of September going to give an assessment of how financial they are. Is this in any way impact that pay or anything like that?

Mayor Cervenik – I believe you’re confusing Shore with the Billy Casper golf course. We transferred \$35,000 in cash flow to the golf course to get them through January and February.

Councilman O’Neill – My mistake.

Mayor Cervenik – That’s okay. They have paid that back. The Coral Group is actually requested, I don’t have the exact number but less than we budgeted for the year 2011. The request this last time for the two months, I think was only about \$4,000 and it was scheduled to be much higher than that. My goal is to show that their performance is exceeding their expectations.

Councilman O’Neill – I’ve said it publicly and I’ve commented that Laura Kidder and Sarah have done a phenomenal job over and my goal absolutely is to get it self sufficient, so I would back this legislation. It ensures that our leaves are going to be picked up, that’s not going to be an issue.

Mayor Cervenik – If I could just address the other comment about the conditions of the swimming pool. That’s an old pool and for those of you that remember during the summertime in a much newer community, either Medina or just outside of Medina, one of the reasons we closed the pool at Indian Hills was because of the chlorine mechanism. In Medina it exploded and I believe at least a half a dozen or so people were injured because it was in the same condition ours was in and theirs was much newer than that. That was one of the main reasons we closed that pool, it had nothing to do with Shore, leaf pick up or anything else. It really ended up being a matter of safety once we went in there and determined that. Mac Stephens and I and others are looking at ways to do some improvement and to provide some other recreational facilities where the pool is right now for next year. I’m not saying that would have happened

at our pool, but it did happen at a much newer pool in a community that we recognize as same problems. As Councilman Langman said, we can't pick and choose, we've got to be able to find a way to try and satisfy as many people as possible, as many needs as possible and stay within our means. That's really what it is all about.

Councilwoman Jones – I just have a couple of questions. On the resolution it says to promote public access to a broader array of arts and cultural programs at Shore. Can you just explain what that means, is it adding additional programs, or is it allowing for expansion of existing? I just not sure what promote public access is referring to.

Mrs. Gyorki – It would be both, to add additional programs that we don't already have, to expand programs based on demand, to raise the quality of some programs, if that was what was called for and to make as many programs as possible accessible to as many people as possible. It is an array and a variety of fee based and low or no cost programming for different age groups, different interests. Just as we've now expanded to offer the free concerts at Shore each month, we're offering a new free toddler time, Mommy & Me playtime. Those are some of our no cost programs that we've added. We've added after school program that is fee based, but we hope will better meet some of the needs of the folks that come to us and ask specifically for youth programming. The goal is to address that sort of community responsive programming that goes to the core of what Shore offers as an arts and cultural center.

Councilwoman Jones – The full application that Director Pietravoia said is due September 14<sup>th</sup>, do we have an estimate of when the approval would be given whether we're granted the funds or not?

Mrs. Gyorki – We would definitely have the approval before the end of this calendar year. The review process will be in November and the funding becomes available January 1, 2012 and it is for programs implemented for year end 2012.

Councilwoman Jones – I know at one time the Shore Board, does that still exist? They were doing fundraising to get funds for different programs or activities or events. Is that still existing and would there be any contribution from the Shore Board funding into this process?

Mrs. Gyorki – The Shore Board does still exist and they are still active in bringing new resources to help with the non-profit support at the center. The center is very large and it is this partnership support that is going to be necessary to really make it thrive. The Shore Board is also applying for a CAC grant, they're eligible for a much smaller grant program.

Councilwoman Jones – Is this an annual grant that's available? So once we apply for it this year and we're granted that funding, is it something we can apply for every year if the funding is available?

Mrs. Gyorki – Yes we can. There are two sources of support at CAC, general operating support and project support. General operating is not available this year, it is only happens every other year. Project support is available this year. If we were awarded this, whether we're awarded this or not, we are still eligible to apply in the next calendar year, the next grant cycle for either general operating or project support.

Councilwoman Scarniench – I would like my name added to this, I would hope all of Council would also. I think that would strengthen the resolution. Councilman O'Neill eluded to it, both Laura and Sarah have done a remarkable job with what they're doing. All you have to do is look at that Fall Flyer that is out there and there are a lot of things there that we haven't seen before. I think it is very important that we keep moving forward. We're at the beginning of the third year in our five year plan to become self-sustaining. On October 5<sup>th</sup>, we will be having an Assets Meeting so that everybody can hear about what is going on and what the next step is. I would hope that everybody would want to put their name on it.

President Holzheimer Gail – Does everyone agree to that? No, okay.

Councilman Gilliham – A couple of questions Mayor and then Mrs. Gyorki, I'll ask you a couple of questions. Mayor, could you just jog our memory, if we do have an estimate about how much we set aside for the Shore operating budget for this year, this an estimate, if you can remember?

Mayor Cervenik – It is not an estimate, we set aside \$138,000.

Councilman Gilliham – It was for the boiler, the thermostats and the Development Director, correct?

Mayor Cervenik – That ended up coming in at about \$8,000 less than expected, that was capital, \$138,000 is operations.

Councilman Gilliam – Thank you, I just wanted to make sure that I was clear. The only other question that I have, based on the presentation by the Shore Cultural Centre, if this was passed tonight, are we required to sign a letter of intent to support this, as far as the grant application?

Mrs. Gyorki – The funders do not require the use of a letter of intent. What the funders will require in order for us to draw down the grant is that we be able to demonstrate that the match has been received and that wouldn't happen until 2012. The earliest that actual commitment would be necessary to be draw down the grant funding would be in calendar year 2012.

Councilman Gilliam – So if this were approved in a perfect world and we had to match \$35,000 from the Shore Operating Fund, how would that affect operations for Shore? Even though it is allocated, how would that affect operations for Shore next year?

Mrs. Gyorki – It would increase any of Shore's operations. What it would allow us to do is leverage the existing support to bring in additional resources from other sources. So that the funding already contributing to Shore, to Shore's operations in terms of staff, utilities, insurance, other space maintenance issues, all of that can be the match for the programming itself because all of those facilities are necessary to providing programming. If we are providing the staff to manage and oversee and coordinate the programs, the lighting, the supplies, the facilities in which to hold them, then the grant funder would support the additional outside expenses to make the new programming possible. There would be no additional burden.

Councilman Gilliam – So this particular grant can address the needs of programming as well as capital investment?

Mrs. Gyorki – This grant does not cover any capital improvements, it is only for program delivery.

Councilman Gilliam – Councilwoman Jones asked a question about the Board and that was of my concerns from day one, what was the Board doing. You may not be prepared to give us an actual dollar amount of how much they raised and they are applying for their own CAC grant, as their own entity. But I do have a concern about what the actual Board is doing to address these needs. You make a comment about some of the programming and you were saying you were providing a lot of no cost programs and sliding scale programs. That to me implies low income, those in need, which I am not adverse to, but seems to be the drive of this grant. Could you give any indication why that seems to be the drive?

Mrs. Gyorki – I wouldn't actually say that was the drive of this grant. I think that our intent is to broaden the array of programs we offer. So if that means increasing no and low cost, that would be one thing we would address. Other issues that we're looking at is the quality of the programming to make sure it is really delivering what people need from us. Also the scope of the programming, are we offering the right mix of programs for what our constituents here are looking for. So in some cases no and low cost are what's beneficial and that's what is needed and that is what the community will ask for. In other cases, having fee based programming builds the ongoing capacity of Shore. What we're looking for is a healthy mix that really addresses the two issues of the funders which is the breadth of programming and access to programming. We want people to be able to access high quality arts and cultural programs here in the community.

Councilman Gilliam – One last question and then a comment. While it may not be the drive, there's obviously individuals who were denied access to arts and culture because of potential income and just not having the disposable dollars. So that is a need that Shore is trying to fulfill, correct?

Mrs. Gyorki – Yes, we're trying to fulfill the whole range of needs to the extent that we can.

Councilman Gilliam – I have a concern. I'm in support of the arts. But my concern is that these dollars, if in a perfect world were approved for the \$35,000 whatever dollar amount it is, that if we were to sign on as Council to support this and that \$35,000 from the operating fund is allocated, I would have a deep concern about the operating fund needing more dollars from us. I know what you're saying that you can't guaranty, but you made it quite clear that you have a plan in place. I just want to alert you, my only concern is that once that \$35,000 is utilized to match this grant if approved, I would have a difficult time coming back and saying here's an additional \$35,000 because operations have fallen short. I just want to put that out on public record that it is a concern of mine. It doesn't mean that it will happen, but I just want to be very clear and very open to you to make that known. Thank you for your answers.

Councilman Wojtila – To Director Pietravoia, when you talked earlier on about the grant you mentioned that the money was, I'm not sure exactly how you worded it, but the money is already there speaking of the \$35,000. If this doesn't get awarded until next year, wouldn't it have to be in next year's budget? I'm not sure what you meant when you said it was already there?

Director Pietravoia – I'm assuming based on the support that we've given to Shore in the past and given that this dollar amount is well below where we currently are at \$138,000 that the Mayor just mentioned, that we would continue in 2012 at least at that level and be able to provide this match.

Councilman Wojtila – So the budget for 2012 would have to include the \$35,000 if the grant were awarded plus Coral's fee and what ever other. What we used to do is transfer with other funds that we would have to provide for that, correct?

Director Pietravoia – In their budget if this is awarded, they would reflect that they're receiving a \$35,000 grant from Cuyahoga Arts and Culture and it would also have to reflect the continuing support from the City of Euclid for their general operating at least at a level of \$35,000.

Councilman Wojtila – A budget that we initially approved for this year 2011 for Shore, do you remember, was the amount \$148,000 initially or was that amended to something else?

Mayor Cervenik – I don't have those records right in front of me, but I believe we actually approved the full \$138,000 in the prior year and just carried the balance forward to this year. The total was \$138,000 that really wasn't for just a 12 month period, it ran from October through December of this year. The amount was approved by City Council in 2010 and the balance was carried forward through the contract period through 2011. During the Assets Committee we have to determine if we're going to continue, I certainly hope we do, I certainly hope we allow it to continue through the end of the five year plan, it gives us stability in our budget. If you look at the monthly reports you're being sent, things are improving dramatically. Still have some work on capital, but we're getting there.

Councilwoman Scarniench – At the Assets Meeting on October 5<sup>th</sup>, Laura is prepared to give us the budget for next year. It is already done and already to go.

Councilman Langman – There's been a couple of comments about the Board. The Shore Board is right now engaged in a process of development strengthening that was part of the Strategic plan and that's been led by Janice Small and Associates and that process is just beginning, in fact there's a meeting tomorrow about that. The purpose is to strengthen and focus what the Board's role and tasks are. So they've already raised some funds for some of the window restoration, cosmetic restoration granted on the east side of the building, that has been done. We hope through this process the Board will be able to do even more to contribute to some of the capital needs of the facility.

Also if we move ahead with the First Energy Grant on the lighting improvements at Shore, we will save operational dollars and that will free up funds to help with any additional grant matches, including this one, that may come down the line. I think we are definitely on the right track with this grant and I want to thank the Coral Company and the administration for helping to push this forward. I think we should approve this and I would also like to have my name added.

Councilwoman Minarik – I have no problem going after grants. Getting \$70,000 worth of program expansion is definitely worth \$35,000. Shucks we'll pay for a study and we'll put it on a shelf and we'll pay that much money. It is a tremendous opportunity. However, it is not going after the grant that I oppose, it is the nature of the funder. This was a tax that was voted on by, it was a tax on cigarettes. Sixty percent of the population does not smoke. They imposed the tax on 40% of the people who do smoke in order to go after arts and culture which is voted on by a discretionary board. When I was on the Shore Board and they submitted this grant, I voted no then, for the same reason. It is extortion. It is similar to the shared income tax. People who don't have to pay it, voted for it and passed it. For that reason, even though I think you guys are doing a great job and I love that building, on principle, I cannot support this. Thank you.

President Holzheimer Gail – I heard Councilwoman Scarniench and Councilman Langman would like to be sponsors, I would as well. Is there any other council member that would like to be listed as a sponsor before we vote? Seeing none, is there a motion to close debate.

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

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

**Res. 112-2011 (357-11) Appointing Enterprise Zone Manager**

A resolution appointing Community Projects Manager James M. Sonnhalter as the Enterprise Zone Manager/Housing Officer per the requirements of the Ohio Department of Development Enterprise Zone (EZ) and Community Reinvestment Area (CRA) Programs, to serve as staff to the Tax Incentive Review Council pursuant to O.R.C. 5709.85 and O.R.C. 3735.66. (Sponsored by Mayor Cervenik)

Councilman Gilliam moved for passage, Councilwoman Scarniench seconded.

Director Pietravoia – You may recall that each year we report to the State on any of the financial incentives that we've provided to area companies through the State established programs. Those two programs in particular are the Enterprise Zone program and the Community Reinvestment Area program. In order to accomplish that reporting, the State requires that we appoint, as the legislation indicates an Enterprise Zone Manager and a Housing Officer. In the past for many years that position was filled by our former Asst. Director Bob Gliha. With his passing, the State informed us that it would be necessary for Council to act on an appointment to replace those two positions. As indicated in the memo that was sent out to Council regarding this item and the next one on the Agenda, Jim has served on this council, the Tax Incentive Review Council which is one of the responsibilities of the Enterprise Zone Manager and the Housing Officer, for many years. And assisted Bob each year in the preparation for those meetings and in the reports that come to City Council annually.

For those reasons, we think it is a natural for Jim to be appointed to this position and we're asking Council's support this evening so that we can report to the State that we have officially replaced the position. I'll be happy to answer any questions.

Councilman Gilliam – Can I assume this is an expansion of the current duties that Mr. Sonnhalter has currently? Is it an expansion of his duties?

Director Pietravoia – In that he will be in this official capacity, it would be an expansion, but he has participated for many years both in helping to prepare for the annual tax incentive review council and in actually participating as a member of that council. It is an official naming of a member of our staff in this position which is required by the State.

Councilman Gilliam – With respect to the passing of Mr. Gliha, I know that was a huge loss. I do understand that Mr. Sonnhalter will take on this role and I support him in it, but have there been any determination whether or not manpower would be an issue in your department because of the passing of Mr. Gliha and the assumption that Mr. Sonnhalter will take on these extended duties and take official capacity. Has there been any discussion in your department about that?

Director Pietravoia – Absolutely we do intend to fill the position. This is not a replacement for filling the position, this is just one of the duties that Bob had in the department as an assistant director. As the Mayor mentioned in his opening remarks, we've also assigned Brian Iorio as the Administrator for the Block Grant. That does not mean he is the Asst. Director, again that's just a duty that we're transferring from that position. We're working on re-establishing the position and re-focusing that position keeping in mind that currently it is 100% funded by Block Grant so those duties related to the Block Grant have to remain an important part of that position.

Councilman Gilliam – Thank you.

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

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

**Res. 113-2011 (358-11) Accept TIRC**

A resolution acknowledging and accepting the minutes and findings of the city of Euclid's Tax Incentive Review Council (TIRC) as they pertain to their review of the fiscal year 2010 Enterprise Zone Agreements at the meeting of the TIRC held on August 10, 2011. (Sponsored by President Holzheimer Gail)

Councilwoman Jones moved for passage, Councilwoman Minarik seconded.

Director Pietravoia –As I mentioned in the previous item, annually we come before Council with a report on those companies that are receiving financial incentives through the State programs. Over the years the number has declined as a result of the State eliminating the personal property tax. The Enterprise Zone program in particular was primarily an abatement of the personal property taxes. With that being eliminated what we're seeing is the companies that were originally part of that program have a few years left on their incentives and once those expire, unless the State changes rules and offers additional incentives under the Enterprise Zone Program, we're not likely to see many new companies come forward under this program.

We're at that point in the year where we need to report back to the State on our findings for the couple of companies that remain in the program. There are two actions tonight that would relate to this legislation. One is adopting the minutes of the Tax Incentive Review Council which met on August 10<sup>th</sup>. The second is agreeing with the findings that they are still in compliance with their original agreements. With that I'd like to turn it over, we didn't have Jim come tonight just to add to the looks of our panel on this side of the room. We have him here so he can report on the August 10<sup>th</sup> meeting of the Tax Incentive Review Council and help to answer any questions Council might have on this item.

Mr. Sonnhalter – I'm happy to report on the results of our meeting. We did report on two Enterprise Zone agreements this year. The first of which is BIC Manufacturing, which expired September 29<sup>th</sup> of this past year. They were found to be in compliance with their agreement. Because the agreement was still active up through 2010, we did report on it. The other one is with H.C. Starck. We entered into that agreement in 2005 and it expires in 2015. They initially, even though Director Pietravoia had stated that the personal property tax is a non-issue any more, they initially projected they would invest \$550,000 in personal property machinery and equipment, etc. They've actually spent almost \$38 million and also create 140 new jobs. We do have some tremendous success stories through this incentive program. BIC as you recall was the first company to locate in the new Century Corners Industrial Park. Even though their agreement expires, things are going well and they'll continue doing business there for some time.

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

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

Passed.

**Ord. 114-2011 (355-11) Submerged Land Lease Sims Park Fishing Pier**

An emergency ordinance ratifying, authorizing and approving the actions of the Mayor in filing the Application on behalf of the City of Euclid to the State of Ohio Department of Natural Resources Coastal Management Program for the Lease of Lake Erie submerged land for the extension of the Sims Park fishing pier and other related improvements and authorizing the Mayor to execute such Lease and further finding that the area of submerged lands in the Application meet the required findings of ODNR and ORC Chapter 721. (Sponsored by Mayor Cervenik, President Holzheimer Gail, Councilpersons Langman and O'Neill)

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

Director Pietravoia – This piece relates to the ongoing work to implement the waterfront district improvements plan that we're currently implementing with the help of JJR. In particular a submerged land lease is needed for the extension of the fishing pier. As a result of that extension and the need for a revised lease, in working with ODNR, they suggested that we re-apply for a whole new lease including the area that's already under and existing submerged land lease. If you picture, I believe we included in your packets an illustration of the existing submerged land lease as well as the proposed. The existing in the 80's the method of establishing the boundaries of a lease area was simply to draw a rectangle around the entire frontage of the Sims Park property. Present day leases, for a variety of reasons, particularly for private party, they prefer to establish just the footprint of the improvements that are touching the lake bed. In the case of Sims Park, that would be the three existing stones or beach cells that help keep the beach in place. There's a fourth revetment that runs parallel to the existing pier and then the pier itself along with the extension. When we rewrite the new lease, it will be a much smaller area that will reflect just the footprint of those improvements that touch the lake bed.

The reason I mentioned that it does matter going forward, if a private entity were involved, there is a cost for a lease and it is charged by the square foot. To the city, it is a flat fee of \$1 per year and that would continue both under the existing lease and the proposed new lease, those terms would not change. The other advantage of a new lease is that the time period would start over. Municipalities allowed up to 50 years, so the new lease would be for a new period of 50 years, both for the beach cells and the pier associated with Sims Park.

In essence what this legislation does tonight as required by the State's rules is the Council, legislative body of the governing organization giving authority to make the application.

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

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

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

Passed.

**Ord. (342-11) Land Bank Sale 24150 Euclid Ave & 19749 Euclid Ave. Tabled**

An emergency ordinance authorizing the sale of Permanent Parcel 650-30-005, 24150 Euclid Avenue, and Permanent Parcel 649-08-002, 19740 Euclid Avenue, from the Euclid Land Bank to R. Todd Deegan, Meadowood Park Associates, for an amount of Eight Hundred Fifty Dollars (\$850.00) and One Hundred Fifty Dollars (\$150.00) respectively, as authorized by Ordinance Nos. 98-2010 and 101-2011. (Sponsored by Planning & Zoning Commission)

Councilwoman Scarniench moved for passage, Councilman Gilliam seconded.

Director Pietravoia – Planning & Zoning Commissioner Beno is here this evening to report on these items which are coming to Council from Planning & Zoning. I'm pleased as I think members of Council are as well to see that the change in the policy that was approved by Council in June is starting to help us move the land bank parcels. With that I'll let Commissioner Beno file his report this evening.

Commissioner Beno – On July 12, 2011 at a public meeting the Planning & Zoning Commission voted to recommend approval of the sale of the lot at 24150 Euclid Ave. for a price of \$850 and parcel 19740 Euclid Ave., for the price of \$150. The 24150 Euclid Ave. is a larger than average single family lot. It is zoned U1 which is the single family district. This lot is connected on two sides to the purchaser's apartment complex. Mr. Deegan has committed to do a substantial amount of work in terms of clean up and removing dilapidated fences. This sale will substantially reduce the city's maintenance burden and increase the attractiveness of the apartment complex.

With regard to 19740 Euclid Ave., this is a steeply sloped wooded lot. It has very limited development potential, which is the primary reason for the very low transfer price. Mr. Deegan owns the adjacent properties in both cases and the proposal is for yard expansion. There were no competing offers and I'll defer to any questions at this time.

Councilman Gilliam – Commissioner Beno, I met with Mr. Deegan and he definitely keeps the property in my ward extremely well and all his other properties across the city. I have a concern that I need to get cleared up. In regards to P.P. 649-08-002, 19740 Euclid Ave., the issue is not the price or Mr. Deegan's desire intent to purchase. When I looked this parcel number up, it says this property was transferred to the City of Euclid from the Cuyahoga-Lorain Corp on March 11, 2008. But it is saying on the Treasurer's website and on the Cuyahoga County website, the Auditor, that there's a balance of \$8,702.51 in back property taxes. It said that as of today. Basically it says that, if I'm not mistaken, it says that the city owns this property and the assessments go back to 2001 all the way up. I have a concern if Mr. Deegan were to purchase this property, what is the take on this particular balance that is showing up as being owed on the website of the Treasurer and the Auditor?

Commissioner Beno – I would like to defer to Director Frey in this matter. My understanding is that all the land bank parcels are held in a tax exempt status and that there is no taxes owed on those properties.

Councilman Gilliam – Just to cross reference I checked all the other parcel numbers and they say land bank, but this particular parcel says vacant residential land. I'm just trying to figure out for clarity who is correct and who is incorrect because all the other parcels say land bank.

Director Frey – We'll check with the County Fiscal Officer on that parcel in the morning and we can send an email. It sounds to me like when this property went through the foreclosure process and was transferred to the land bank, at that point, the County should have removed the tax delinquent balance. It sounds like that did not happen. We'll find out why that didn't happen and get that cleared up. Obviously the city is not going to pay property taxes on it that was owed prior to its transfer to the city, nor are we supposed to through the Land Bank process. Of course, then our sale of it to Mr. Deegan would move it to him, it would become a taxable property under his ownership but he would not be responsible for those taxes, it should have been abated once it was transferred to the city. We'll have to find out on that and make sure we get that cleared with the County so that Mr. Deegan isn't receiving a tax bill for the eight thousand plus backed taxes.

Councilman Gilliam – That is my concern. Is there a way we can motion to table this until next meeting? All the other parcel numbers clearly state land bank use, except for this one property in particular. I just don't want to vote on that until we have clarity. The other properties clearly state that there's no back taxes owed and it is listed in the land bank. This particular property says, vacant residential property.

Director Pietravoia – While Mr. Deegan was prepared to start fixing up the property right away, I don't see any reason why two weeks would create any major delays for him so we can investigate this and make sure it is properly accounted for in the county records. I guess the appropriate action would be to table this so it would come back automatically at the next meeting.

Councilman Wojtila – Would we be selling it to an individual or a corporation?

Commissioner Beno – In this particular case we would be selling the property to the corporation that owns the two apartment buildings that is the Meadowood Park Associates.

Councilman Gilliam – For simplicity I don't know whether or not, Mr. Deegan is not here this evening, how he would perceive this, but I think it is in his best interest to make sure we have clarity. If we can split these particular parcels and table 649-08-002, I would motion; but if it is more of an advantage to table the entire ordinance and then have it on our next September meeting, I would support that as well. What is more convenient for Council and for the administration and possibly for Mr. Deegan, if we can speculate for him?

Mayor Cervenik – I would say tabling would be simpler. Even simpler solution would be for you to vote in favor of this and I'm not signing it until we have it resolved. That's strictly up to you. I would not want to go through splitting the two properties on the legislation. Probably the safest thing to do really is just to table it for two weeks and we'll vote on it then.

Councilman Gilliam – I would prefer that.

Councilman Gilliam moved to table Ord. (342-11). Councilwoman Jones seconded.

Roll Call:

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

Nay: Scarniench

Tabled.

**Ord. 115-2011 (343-11) Land Bank Sale 27080 Oriole**

An emergency ordinance authorizing the sale of Permanent Parcel 645-28-042, 27080 Oriole Avenue, from the Euclid Land Bank to Brian Palisin for an amount of Nine Hundred Fifty Dollars (\$950.00), as authorized by Ordinance Nos. 98-2010 and 101-2011. (Sponsored by Planning & Zoning Commission)

Councilman Van Ho moved for passage, Councilman Langman seconded.

Commissioner Beno – On July 12<sup>th</sup> at its public meeting the Planning & Zoning Commission voted to recommend the sale of 27080 Oriole Ave. to the adjacent owner Mr. Palisin for yard expansion. 27080 Oriole Ave. is a buildable single family lot. This offer is in compliance with \$1,000 per lot recommended pricing policy as adopted by City Council. It does take into account that he has already paid \$50 in a filing fee which has since been waived. There were no competing offers for this property and Mr. Palisin is present tonight. I would also attempt to answer any questions if there are any from Council.

Mayor Cervenik – Just a comment, I believe this was if not the first, one of the very first homes that we demolished because of the housing and foreclosure crisis that the country has experienced and we were not left unscathed by that. What I remember most about it is, the neighbors were all out, including Brian, sitting in lounge chairs with coolers and lunch and just waiting for the front loader to come up and knock that house down. When that first strike hit the roof of the house, you should have heard them cheering, they were so happy, they had suffered with that for so long. It made me realize that we have to continue where we can and that's where the NSP money comes in to continue to demolish homes that are nuisance to the neighborhood. We need to continue to rehab homes either through the NSP program or in helping other rehabbers to come in, private rehabbers come in. We have to keep coming up with very good programs such as our first time homebuyers programs, I think we've now sold either 14-16 houses with that program through EDCOR. We need to keep working hard to keep our neighborhoods unscathed and remove the hazards that are still hanging with us from the foreclosure crisis. It is getting better. We counted just recently, we are down to 497 active homes in foreclosure, we used to be considerably higher

than that. I need to credit a lot of that to city council for passing legislation, the administration for working so hard receiving the NSP money from the federal government. Last but certainly not least, the foreclosure committee, who is trying to schedule a meeting with that has another great idea on how to keep an inventory on all our vacant homes that will help all of us be able to maintain those homes and keep them from being a nuisance in the community. Congratulations to everybody, Brian especially you congratulations, I know you wanted to buy that lot and you got it.

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

Councilman Wojtila 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. 116-2011 (344-11) Land Bank Sale 26551 Shoreview Ave.**

An emergency ordinance Authorizing the sale of Permanent Parcel 645-27-064, 26551 Shoreview Avenue, from the Euclid Land Bank to Tara A. Polk for an amount of One Thousand Dollars (\$1,000.00) as authorized by Ordinance Nos. 98-2010 and 101-2011. (Sponsored by Planning & Zoning Commission)

Councilman Wojtila moved for passage, Councilman Langman seconded.

Commissioner Beno – At its regular public meeting on August 9<sup>th</sup>, the Planning & Zoning Commission recommended approval of the sale of 26551 Shoreview Ave., to Tara Polk, who is the adjacent owner. This is for proposed yard expansion. The proposed price matches the previously adopted price guidelines for a buildable lot of \$1,000. Ms. Polk's husband is in the audience tonight if there are any questions directed to the purchasers. There were no competing offers and I'm ready to answer any questions.

Councilman Wojtila – The property is vacant, the picture has a building on it, probably an old aerial?

Commissioner Beno – This is a vacant lot.

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

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

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

Passed.

**Ord. 117-2011 (348-11) Assess Lien Grass & Nuisance Abatement**

An emergency ordinance to certify as a lien on the Cuyahoga County tax duplicate the assessments for the cutting of grass, weeds, trees and abating other nuisances such as garbage and debris as provided in Sections 529.03 and 1755.28 of the Codified Ordinances of the City of Euclid. (Sponsored by Councilperson Van Ho by request of Law Director)

Councilman Van Ho moved for passage, Councilwoman Jones seconded.

Director Frey – Ms. Sweeney is here this evening and has provided the extensive list of 592 parcels that are on this year's grass and nuisance clean up assessments. She has some comparative information she'd like to share with Council how this year compares to the prior years.

Asst. Director Sweeney – This year we're assessing 592 parcels for a total \$226,764. We are 40 parcels up from last year, however we're \$14,000 down in the assessments. That's a good thing, it is leading me to believe we had more parcels cut at the \$150 than in the past and hopefully folks learned their lesson and after they got that first ticket they started cutting their grass. I know we had a very, very tough spring. We're going to re-evaluate the program for next year and maybe we're going to have to get 3-4 contractors on the payroll this coming up season.

Comparing the last three years, in 2010 we cut 557 parcels for \$240,000; 2009 we cut 569 parcels for \$236,000; 2008, 474 parcels for \$129,916. We went up and up and up every year until this year when we went down. I'm happy about that.

From January 1, 2011 until present, we collected a little over \$10,000 in tickets that people came and paid at housing or finance. From January 1, 2010 to December 31, 2010, we collected in house almost \$35,000 in people paying tickets to the City of Euclid. Nancy Fisher advised me that from the

Cuyahoga County Fiscal Office, this year we collected a little over \$70,000 for prior year assessments. That's all the information I have if you have any questions.

Mayor Cervenik – As I said earlier how important it is that we demolish those homes that need to be demolished and keep our neighborhood's integrity alive, this program does the same. As Ms. Sweeney said, there were sometimes this year that it was very difficult, but just as residents can't cut their grass in 3 inches of rain, it is very hard for our contractors to do the same. At times we did fall behind but in the big scheme of things we are assessing 592 parcels for \$226,000 and it is a program that we will continue. A good portion when we present the budget to City Council of the \$70,000 it received this year, will go back into the General Fund because a majority of that is the overhead from our housing inspectors, Ms. Sweeney's salary, and money that we actually expend from the general fund. All in all, under very extenuating circumstances, I think we did a very good job.

Councilman O'Neill – Asst. Director Sweeney I may have misheard what you said. The difference between what was billed this year so far and collected, did you have those figures?

Asst. Director Sweeney – Billed this year, we're going to be looking at \$226,764 we're assessing. In house we collected \$10,391.55.

Councilman O'Neill – The parcels that you're cutting, that reflects cuts or is that actual parcels of property? Some of the houses have probably been cut more than once.

Asst. Director Sweeney – Parcels is number of parcels, some have single, double, triple cut, multiple cuts.

Councilman O'Neill – Those are actual addresses. Your estimate, how many of those properties do you think are vacant?

Asst. Director Sweeney – I would have to do a comparison, I really couldn't tell you. There's a lot where they are occupied with tenants and somebody is being lazy and not cutting the grass. I would say the majority are vacant properties.

Councilman O'Neill – I would tend to agree with you. The only statement I would make is the City of Euclid does not want to be a landscaper. We charge a lot of money to cut your grass. You could get a landscaper to cut many of these parcels of property for about \$30-\$40 per cut, that's a lot cheaper than \$150 per cut. My advice to people that aren't cutting their grass is to cut your grass, otherwise we're going to cut it for you. I know there's a lot of boo-hoing that goes on but I can tell you that the neighbors that are living next to the houses that have this issue with the high grass and the garbage in the backyard, are very happy when the contractor comes out and cuts the grass. If you can, find a landscaper it will be a lot cheaper for you.

Councilwoman Jones – Did you say the \$70,000 that was collected was for prior year or years, multiple years?

Asst. Director Sweeney – I don't know exactly, it could be from a couple of years, it could be three or four years ago, it depends on when the County Auditor, now County Fiscal Officer has collected the tax on that property. I did not get an itemized statement from Nancy Fisher regarding what properties and when the assessment went on.

Councilwoman Jones – This is just for grass and nuisance clean up assessment?

Asst. Director Sweeney - Correct.

Councilwoman Jones – This is just for our residential properties. How do we handle commercial properties and assessment for those types of clean ups?

Asst. Director Sweeney – This does include commercial properties. If we have to abate nuisance at a commercial property, it is added onto here.

Councilman Van Ho – I do have a comment. Asst. Director Kelley and the whole housing department do a tremendous job. When I call over there, generally somebody is out checking it that day and it is getting mowed pretty quick. I just want to thank them for that. I know I speak for the residents of Ward 8 because there were problems, I used to get really regular calls, I could count on at least one call every morning about somebody's yard. I don't get those any more because people have learned as Councilman O'Neill said, it is a whole lot cheaper to mow it or have somebody mow it than pay our \$150 bill.

Councilman Langman – Asst. Director Sweeney, is there a way to tell like back in 2009 where we had 569 parcels for \$236,824. Do we know how much we collected against those total assessments?

Asst. Director Sweeney – It could be easy to figure out, I could get an itemized statement from Nancy Fisher as to which properties were getting paid on and then cross reference past year's assessments. Don't know how accurate it is going to be, but we can give it a try if we'd like to.

Councilman Langman – Can you tell us about how much per year we're collecting from past year's and the current year?

Asst. Director Sweeney – All I know is this year, the \$70,343 and I tried emailing Nancy Fisher this afternoon and I don't think she was in. I can provide to Council tomorrow what we've collected in the past years. I think we get two payments per year from the Cuyahoga County Fiscal Officer, so I can check with her what we've gotten in the past few years if you'd like.

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

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

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

Passed.

**Ord. 118-2011 (349-11) Assess Lien for Demolitions**

An emergency ordinance to certify as a lien on the Cuyahoga County tax duplicate the assessments for demolitions of properties as provided in Chapter 1753 of the Codified Ordinances of the City of Euclid. (Sponsored by Councilperson Van Ho by request of Law Director)

Councilman Van Ho moved for passage, Councilman Wojtila seconded.

Asst. Director Sweeney – There's three parcels that we demolished that we are seeking assessments on and they're for a total of \$24,264. We did 23 demolitions this year with NSP money. There are two on the list, one is 22850 Tracy and 26471 Mallard. Those were taken down with NSP dollars, however these were not properties that the city acquired ownership of, so that is why we're assessing those two. The other properties that we took down with NSP money, the city owned so we are not assessing ourselves. The other address is 170 E. 216. That was taken down with city funds. That is way we are assessing that property. I am happy to answer any questions.

President Holzheimer Gail – Do you know the two parcels that we used NSP funds, do we need to reimburse the NSP program with the money that comes in and how will we track that?

Asst. Director Sweeney – We will, same thing as I mentioned, Nancy Fisher, when she gives me the report of the properties that we collect on, I'll advise her about these two parcels and if we get money for either of those, we'll reimburse the NSP fund.

Councilman O'Neill – Speaking of the one parcel at 170 E. 216, I want to thank the administration, particularly Director Lee Bock and Kelley Sweeney on their efforts. This was a very tough home that we've been trying to get taken down for about 4 years, maybe even more. It finally came down and the residents on 216, including myself I live on the street, are very happy that it is down. Director Bock was very diligent on keeping an eye on the property. As a matter of fact there was some things that weren't up to our standards so basically Director Bock made the contractor tear out the sidewalk that they had poured about two weeks later. They re-poured it according to our standards. The grass is coming in with all the rain we've had and I believe we do not own that property, so it is still going to be a property we're going to watch. The grass might have to be cut, it might be one of the things that falls into the nuisance abatement with grass cutting if that's the case, we will do what we have to do to keep an eye on the property. I just wanted to publicly mention that I and the people on 216 appreciate the efforts from Director Bock and Asst. Director Sweeney.

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

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

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

Passed.

**Res. 119-2011 (354-11) Apply for Brownfield Grant – Cleve. Trencher property.**

A resolution authorizing the Mayor of the City of Euclid or his designee to apply for, accept services and or expend a sub-grant through the Cuyahoga County Department of Development Brownfield Redevelopment Fund Community Assessment Initiative and to express the support of the City Council for said grant application to be forwarded to the Cuyahoga County Department of Development for environmental assessment of parcels of land at 20100 St. Clair Avenue, generally known as the former Cleveland Trencher property. (Sponsored by Mayor Cervenik and Councilperson Scarniench)

Councilwoman Scarniench moved for passage, Councilman Gilliam seconded.

Director Pietravoia – This property as most of you know has been vacant and in a tax delinquent status for many years. Unfortunately it has become a real challenge for all of us trying to deal with the property and see it put back into a tax producing status. Councilwoman Scarniench, we've had many discussions about this property from myself and other members of the staff. I'm pleased to inform you tonight through conversations that Mr. Beno has had with Cuyahoga County Department of Development, we always explore whether there are opportunities for funding that can help us in a situation like this where we have a suspected Brownfield to get the property cleaned up and bring it back to a tax producing status.

This piece of legislation would authorize the Mayor to apply for funding through the County Brownfield program and it would specifically be used to undertake what is typically known as a Phase 1 and if needed Phase 2 environmental assessment of the property. The huge advantage of this would be once and for all we would know specifically what the issues are on this property, what the likely cost of remove is and how severe, if severe at all that the contamination is on the property.

Just a little bit of background, the owners have been under demolition permit attempting to take the building down, this goes back to 2006. Unfortunately the contractor that they hired wasn't properly removing the asbestos from the building. Thankfully for all of us the Ohio EPA steps in and monitors projects like this, saw that it wasn't being done correctly and stopped the work. The unfortunate thing is due to legal issues going back and forth between the owner and the contractor and coming up with a plan that is satisfactory to Ohio EPA, it has taken this long to finally get to that point. Ohio EPA has approved a plan now for the asbestos removal and that work is underway again. What remains is still pretty challenging, that is to get the building down and get the property cleaned up and put back into tax producing status.

That's the reason for this legislation today, it would authorize us to go after the funding. You may recall we went through a similar process on the PMX site on the front end of that efforts to re-establish and re-use that property. The reason the legislation is written the way it is, in some cases the County provides the funding directly to the City and then we hire the environmental assessment contractor to do the Phase 1 and Phase 2. In other cases the County does it directly. If they choose to do it directly, we would be accepting those services through this legislation, rather than the actual funding. But in either case, they'd like to see a resolution of support from the local legislative authority. Mr. Beno has stayed this evening because he has done a lot of work to get us to this point to help answer any questions.

Councilwoman Scarniench – This would be one of those things that I would can the bane of my existence. Since the very beginning, after my first election, we have worked very hard to try to keep this area clean; getting them to cut the grass, just nasty people over there that were really threatening sometimes. Mr. Beno I'm really grateful he's kept this up and it is really hard to explain, you have a lot of small businesses over there that they have to go by here, their customers have to go by here and it is terrible with the boarded up and busted windows, the grass that is six feet tall. I was so excited when I saw the trucks and the people working over there, I'm grateful that EPA has decided to move this forward and hopefully not to long in the future we'll see this building gone.

Councilwoman Minarik – Director Pietravoia the owners owe back taxes on the property and they've made no effort to maintain the property, like cutting the grass or anything like that, yet we're applying to tear down the building. What is the responsibility of the owners to the city going forward?

Director Pietravoia – They still have 100% responsibility to take care of the property, properly maintain it and to do whatever is necessary to have the property eventually cleaned up and the building down. I just want to clarify this particular resolution would be to fund just the environmental assessments, not the actual demolition of the building. Although once these are done, it could lead to huge opportunities for other grants, similar to what we did at PMX where we actually were able through the County and State, to get funding to actually do the clean up work on the site. I don't believe any of the demolition was funded but there were millions of dollars in clean up assistance provided by the State at the PMX site.

Councilwoman Minarik – Once we know what needs to be done, we can then put more pressure on the owners, or possibly help them tear down the building?

Director Pietravoia – I would prefer to say the later at this point. They are cooperating with us at this stage in allowing access to the property so these assessments can be done. I think they understand there could be an advantage to them if we're able to secure funding for actual clean up. If that doesn't come forward, we certainly will continue to pursue the process we've already started which is to cite them for violations, the need to demolish the building and eventually the need to clean up the site. At this point we're in a cooperative working arrangement with the owner.

Councilman Gilliam – Director Pietravoia, I have a couple of questions and then I have a concern. Councilwoman Minarik has pretty much jumped into the same thought process that I have. We've heard Councilwoman Scarniench say how the owners were very nasty and mean and obviously they've been able to avoid paying taxes to the tune of about \$332,159.32. They have been adversarial as far as trying to comply. My concern is that even if we get this money and utilize it, how does it even attempt to turn the property around when we have such an exorbitant amount of dollars that we should be collecting and we have an adversarial management company that doesn't seem to get it when we put our foot down and try to enforce the rules. If we owned the land, this would be the most appropriate, but I just don't understand, this is not a private/public ownership in my opinion cooperating together. This is public trying to entice private to be cooperative.

My question to you is, this \$35,000 for Phase 1 and Phase 2 Brownfield redevelopment which I totally understand is needed in our city and all across Ohio in certain areas, how will we be able to turn this property around, even if we put \$70,000 in there because we don't own the property? That's my concern.

Director Pietravoia – You've just expressed the same frustration that we've had for a number of years on this property. This is unfortunately fairly common with Brownfield sites. These are the kinds of challenges that you face because it is very costly to address the issues that exist on these properties. Our efforts are twofold. We have been in a prosecution mode in a violation mode, that will still continue but it takes years to follow that process. In the interim, we thought it made sense to go after funding that's available to start getting a handle on what the environmental issues are on this property so we can start developing a strategy whether it is the owner, whether it is the city or the county land bank, or some combination of those three. It is important for us to go forward and develop a strategy to get this property back into tax producing status. The opportunity is there potentially to take advantage of this funding to get the assessments done, whether the current owner proceeds with the clean up or county or city or some combination, we're going to need this basic information regardless of who actually takes care of the problems on the property.

Councilman Gilliam – My second question is, if this is approved, the grant is applied and we go ahead and implement this grant. What's to keep the owners of the property from possibly causing harm to the development of this property, such as certain ignorance? We've seen, what I mean by, we've seen land owners pull up a tractor trailer with leaky oil and things of that nature. We don't have a guaranty that the owner cannot come back and prevent this. Where I'm going with this, bluntly speaking, this area is a safety issue. It is vacant, vandalism, there maybe a call for a police officer to come there because a child is hurt, a fire, a call to the police department. Where I'm going with this is, this is more of a blight issue than it is for us just trying to clean up a particular area for redevelopment. That's just my opinion based on what I've heard tonight from my colleagues and what has been talked about as far as the history. I know there's a long drawn out process and there's dollars that have to be spent on legalese but we need to take a more aggressive stance and stronger teeth in this. I'm not adverse to this if we own the property, but I think we might be putting the cart before the horse in this situation. That's just my personal opinion.

Commissioner Beno – Basically what we're doing through this legislation is helping to assemble a team that's going to take on this project. The team can consist of the county Dept. of Development, the County Land Bank, ourselves, possibly other developers. But one thing that prevents other people from stepping in and taking that property on is risk, is the unknown of, not having a handle on exactly what is on the property besides the asbestos. We know the asbestos is going to be abated. It is that risk that prevents potentially other people from stepping in and partnering with us in terms of this project. I can't emphasize that enough.

We do have to remember that this owner did not cause the damage. In fact this owner was successful in law suit against the contractor. This owner actually took the property adversely for non-payment of loans when Cleveland Trencher went out of business. It is not as though this owner has done anything intentionally or would to harm the property or continue to make profits by spoiling it in any manner, that's not the case. They have not been cooperative in terms of putting dollars into the property, but they have not done anything illegal in terms of the property.

Councilman Gilliam – Just so I have this clear, this is just a resolution to apply. If we are eligible for this grant, the only dollars that will be expended on this particular project are the dollars received from the grant and not Euclid dollars, is that correct?

Commissioner Beno – That is correct.

Councilwoman Jones – A couple of my questions have been answered thank you to Councilman Gilliam. Commissioner Beno, what is the estimated time for approval or Director Pietravoia if once we apply for this grant, how much time are we looking at before we know whether if we are approved or not?

Commissioner Beno – My understanding from discussing this with staff at Cuyahoga County Department of Development is that they are actively seeking applications at this time because they're putting together bid packages for a number of assessments. It is very timely that we're involved in this right now. There are also additional potential grants which would come into play in the January timeframe. It is important that these assessments be done now in order to have the information available and ready for future applications.

Councilwoman Jones – So you're talking about the end of this year that these assessments would be completed?

Commissioner Beno – They would be completed before the end of the year, the object is to have them completed before the end of the year in order to be eligible to use the information in applications right around the first of the year.

Councilwoman Jones – That brings up my next question as far as what are the next steps after the assessment. What is the obligation that the property owner has once this assessment is done as far as moving forward with any type of development or improvements on that land, what obligation does that owner have? We go through this assessment, find out what other environmental issues the property has, does the property owner have some type of obligation as far as any types of additional clean up or participation in that process?

Commissioner Beno – The owner is subject to the prosecution that we have initiated in terms of the demolition order. That can be prosecuted in municipal court. They would not be required to initiate clean up of things that were put there prior to their owning the property. This assessment would help to determine all of those things. It basically is necessary information in the redevelopment process.

Councilman O'Neill – I remember that property 40 years ago when it was a tax generator for the City of Euclid and it was a good piece of property, obviously now it isn't. I think we're somewhat successful with working with the FOGG people at PMX and we got money from the county and the state for the Brownfield clean up. Correct me, Commissioner Beno, did we go through a very similar process of assessing the property at PMX as we are on this property? Do you care to answer that?

Director Pietravoia – We did at the front end of that process do a Phase 1 and Phase 2 with assistance from the County, similar process.

Councilman O'Neill – We have roughly 80 acres over there of a job ready site. In your estimation Director Pietravoia, I prefer to work with business to try to move things forward and get jobs back in the city which are badly needed. Assessing that property to kind of see where it stands seems very logical to me to market that piece of property. Being that said, if that property was cleaned up, what in your estimation, what would the potential be for that property? It is obviously a commercial/industrial site and how many acres in your estimation do you have there?

Director Pietravoia – The site is over 10 acres of industrial zoned land. We have in fact already had some inquiries from area industries. As Mr. Beno indicated, a big part of the problem is the unknown risks associated with the property. It is important to take this first step regardless of whether it is privately developed by an area company that tries to acquire the property or some new developer like FOGG that comes in. Regardless of who it is, we're going to need to know upfront what the environmental risks are on that property.

Councilman O'Neill – In your estimation, it's location, it is very close to the freeway, east bound/west bound 200 Street, it is a very desirable piece of industrial property. So this is the first step in turning that back into a tax generating parcel.

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

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

Passed.

**Res. 120-2011 (356-11) Brownfield Asbestos St. Robert Parish Campus**

A resolution authorizing the Mayor of the City of Euclid or his designee to accept and expend a sub-grant through the Cuyahoga County Department of Development from the USEPA Brownfield Revolving Loan Fund for the remediation of asbestos in the structures on the St. Robert Parish Campus. (Sponsored by Mayor Cervenik)

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

Director Pietravoia – This project at the St. Robert Campus is similar to the previous legislation that we just discussed in that this also is drawing funds from the Cuyahoga County Brownfield Revolving Loan fund. In this case it is some pass through funding that was made available through the federal government US EPA. We were awarded the grant by the county. This past spring, one of the first steps that was necessary before the grant could actually be received, after the award from the County council is the hiring of a professional that would develop a detailed plan for how the asbestos will be removed from the buildings that are on the St. Robert Campus and also that same professional would monitor the work, similar to what we were describing in the previous legislation in the way that Ohio EPA is monitoring the work that’s going on at Cleveland Trencher. We went through that process during the summer months with guidance and assistance from the County staff. As a result of that we did a request for qualifications and brought forward a recommendation to hire White Incorporated who provided the best proposal and that was approved by Board of Control recently.

We’re in a position now to go back to the county with the authorization that this legislation would provide to actually accept and expend the grant. Sometimes on these grants our original ordinance is just to make applications, sometimes we include language to also give authority to accept and expend. In this case we did not so now that we’re prepared to go forward, we need to get this passed so we can get the funds from the County that they approved this past spring. Mr. Beno has been instrumental in helping us through the process, meeting all the county and federal regulations and got us to the point where we’re ready to take on the grant and start the process.

President Holzheimer Gail – There was one question, although it is called a revolving loan fund, this is a pure grant, we would not be required to payback?

Director Pietravoia – Thank you for that clarification. Municipalities that apply for this funding receive the funds in the form of a grant.

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

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

Passed.

**Ord. (293b-11) Licensing of Pet Shops - Withdrawn**

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) (Tabled 6/20/11)

Councilwoman Scarniench withdrew Ord. (293b-11).

**Ord. 121-2011 (360-11) Amend Code 505.23 Licensing Animal Establishments**

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

Councilwoman Scarniench moved for passage, Councilman Langman seconded.

Councilwoman Scarniench – For those of you who didn't hear the Chairman explain what was going on with this ordinance before, back in June when we had our last council meeting, the actual (293b-11) was what was presented. That was tabled because we were going to have a meeting with the attorney for the pet store and work out some other details which happened a day afterwards. Immediately following that we did have a committee meeting and all of this was explained. What is in (360-11) is everything that we talked about back then. One of the things in particular was removing the microchipping because we felt that if it wasn't done by a licensed veterinarian we did not want to take a chance with the animals. That was one of the things that we talked about if you all recall. When this came out, just a mix up in the numbers, nothing has changed. This has everything you saw back in June and I hope you will all support it. I do want to thank Jason Carter for all his work with us, the Ohio Advocates. Everybody who has come to all the meetings, we worked very hard on this. I know it is not exactly what we want but it is the beginning and that's the important part of this. It will be 30 days before this is enacted because it is not an emergency ordinance. Thank you everybody for all the work that you helped to do. I hope everyone will agree to pass this.

Director Frey – I was reading this piece of legislation just before the Council meeting and on page 2, Section 505.231(c)(5), I'm not sure that's worded the way the sponsor intended, that's why I wanted to raise that question. If you read that, what it says in this print, it says animals shall be humanely euthanized in any way except through the most current approved euthanasia methods established by the American Veterinary Medical Association. Is that what the intent was? Or, was it to adopt, or allow euthanasia only through the most current methods?

Councilwoman Scarniench – I'm looking at the old ordinance and that one should not have been changed because on page 3 of the old one it says all pet animals shall be handled in a manner that will not cause discomfort, stress or physical harm, or am I in the wrong place.

Director Frey – In (293b-11) if I can call your attention, we have a clearer statement.

Councilwoman Scarniench – That is the one that should be here. Animals cannot be euthanized in any way except through the most current approved euthanasia methods established by the American Veterinarian Medical Association panel on euthanasia. That should have stayed that way. Do we need to amend this?

Director Frey – It would be best if we did yes.

Councilwoman Scarniench moved to amend Section C5 to read as follows: animals cannot be euthanized in any way except through the most current approved euthanasia methods established by the American Veterinarian Medical Association panel on euthanasia. Councilwoman Jones seconded.

President Holzheimer Gail – So instead of shall be, it is cannot be. Any questions on the amendment?

Roll Call on amendment:

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

Amendment passed.

Councilwoman Minarik – Councilman you did an excellent job on this. I do have a question. If they return a pet, they only have 15 days. That's where all the, they can return the pet within 15 days and that's when they can be reimbursed for any veterinary care up to one and half times, they can't come back in six months is my point. Okay.

The other question I have is the very last part of this, this kind of raised a red flag, is that the pet store is required to collect an additional \$15 or whatever fee is set by the City of Euclid for each dog or cat sold and the pet store is going to be required then to put that money they've collected; it will be collected in accordance with this subsection and sent quarterly to the Animal Warden to be deposited in the pet population control fund and the city shall distribute the proceeds of this fee. The problem I have with that is I think that exceeds our authority as a legislative body and it is interfering in the business, we are forcing them to make a collection and we're forcing them where to give it to. I don't know that's within our legitimate bounds, or is it interfering in a business. Director Frey?

Director Frey – We are establishing a fee on the sale of that pet, a city established fee. The internal handling of that remittance is entirely within our authority as council is asked to approve here, as far as the allocation of that money. In this case it is going to help the spay and neuter fund for the animal shelter. This Council is entitled through legislative action to access fees for doing certain kinds of business within the city.

Councilwoman Minarik – We're already charging a license. They are already applying for a license. This is on top of the license that they're paying and all the other requirements that we've made for the humane handling of the animals. I don't have a problem with any of that, I just have a problem that now we're telling this establishment or any pet store that sets up shop in Euclid, oh and you will tack on another \$15, because you know they're going to pass it along to the purchaser.

Director Frey – I don't disagree, it is within the legislative prerogative to establish that fee.

Councilwoman Minarik – I don't agree, as a legislative body we really shouldn't be sticking our nose into that section of it. It is a great piece of legislation, I really think you guys did a great job.

Councilman Gilliam – Director Frey to Councilwoman Minarik's point. The city is allowed to apply fees and what this does, just being direct, it takes the administrative charge out of the city but it just passes it onto the pet shop owner. Is that pretty much the jest of what is going on at this point?

Director Frey – We have the authority, this Council does to establish fees in connection with doing certain types of business in the city. I don't think there is an issue as long as the fee that is established is reasonably related to the goal, so it is not excessive in other words, for the goal. Obviously what Council is contemplating here is saying that the sale of unaltered cats and dogs creates a burden on the community and consumes scarce resources in over population of those types of animals so it is reasonable to assist in the efforts to control the animal population to assess those fees. The wisdom of that is entirely up to city council, but it is legal and permissible.

Councilman Gilliam – I am not adverse to it. The way I look at it unfortunately and this might be a bad analogy so shoot me later but every time I go and get my oil change, they say an oil fee and I say what are you doing with the oil, and I never really know. That's just something you come across when you're dealing with certain services. The only question that I have, I am okay with this, I understand Councilwoman Minarik's concern, but I know that fees are assessed for certain services. The only question that I may have and this might be a mute point, how did we arrive at \$15 versus a flat fee of \$10? \$15 is sort of an odd number and I'm just wondering how did we arrive at the \$15 amount initially with this particular legislation since it is all new, maybe for me it just seems that \$10 would be a simpler way, more of an enticing way for residents to understand. I could be just my opinion, but I was wondering how we arrived at \$15, are we comparing it to other cities and things of that nature?

Councilwoman Scarniench – That's exactly it. All the different cities and the states, the legislation and the rules that we looked at, that was the minimum charge, these numbers didn't come out of no where, that is what they were for. As was stated, this is supposed to help us. We have an over population of abandoned animals. Every time you turn around we're going into a house with an abandoned animal. We've had the pig, we've had the alligator, we had the spider. We've had so many things, we have our own little Euclid zoo here. What happens with these animals when somebody decides they don't want them, they get dumped. We do not want to see, we want to be able to keep the regulations so that they follow the rules. We've heard many things about not following the rules, before and this is all part of it. To follow the rules to make sure that everything that we expect from them is coming forward so that the animals that are in our city, the animals that are sold in that store, the animals in our shelter are kept safe. They will pass this on, just like the oil they do it for tires, they do it for a lot of things, it is a fee. Our Animal Control Officer has to go there a couple times a week every week, but you know what, that's all part of this because the money for her salary comes from somewhere, if we're going to have this store they should be helping to pay it too.

Councilwoman Minarik – That's where I differ. Why should a pet store, first of all, I think we need to get away from the particular pet store that started this whole thing going. This we need to think 20 years down the road for this legislation. There maybe a dozen pet stores. Why should, that's my question, why should the pet store be responsible to pay this fee? Do we do the same thing at the Animal Shelter? We charged \$15 additional for people who pick up an animal from the shelter? I don't think it is our right, maybe legally our authority. I don't think it is our right to do this to a business. I just think it is wrong that we force them to collect \$15. We tell them we're collecting it and we're going to raise this money to use it for our cause. I don't think that's right, that's all.

Councilwoman Scarniench – One last comment, yes we do collect fees at the shelter. We don't give animals away. They cost money, it takes money to take care of them, so every person who adopts an animal is paying a fee and those fees are to help pay that salary. That's just the way it all works here. Again, this didn't come out of nowhere, every piece of legislation from at least 6-7 different states or cities has this fee in there and we felt it was an opportunity to better serve our community. That's all I'll say.

President Holzheimer Gail – I do want to applaud you as well, this has been very thoroughly vetted through many committee meetings, through meetings you had both with, although I agree this is not targeted at just one pet shop but anyone that would try to come into the city in the future, to your knowledge was there any disagreement with that particular section from the pet shop owners?

Councilwoman Scarniench – I don't believe so. Had this since June and not one person has said a word about any of this. We could have discussed it ahead of time, we had all summer and no one has said a word about it.

Councilwoman Minarik – I do apologize, I don't mean to cause you distress, you have done an incredible job. I just disagree, it is my opinion. You did an incredible job and I think everything that deals with the health and the welfare of the animals is magnificent, I just disagree on the last point.

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

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

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

Nay: Minarik

Passed.

**Ord. 122-2011 (346-11) Meals Prisoners Cleveland Sight Center**

An emergency ordinance authorizing the Mayor, as Ex-Officio Director of Public Safety of the City of Euclid, to enter into an agreement with The Cleveland Sight Center, Food Service Division, 1909 East 101<sup>st</sup> Street, Cleveland, Ohio 44106-8696, for the furnishing of meals to persons incarcerated in the Euclid City Jail, at a cost not to exceed Fifty One Thousand Five Hundred Dollars (\$51,500.00). The agreement will be in effect beginning October 1, 2011 through December 31, 2011; renewal thereafter will be on a month-to-month basis. (Sponsored by Councilperson O'Neill by request of Police Chief)

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

Capt. Brickman – This ordinance would continue, we are currently on a month to month contract with the Cleveland Sight Center for the meals for prisoners incarcerated in the City of Euclid jail. This would continue the meals through the remainder of the year. We did send out an informal bid process in the middle of July. We did try to recruit or at least encourage local businesses to bid on this. We sent out to four local City of Euclid restaurants and businesses. We accepted the bids that were received and we found the Cleveland Sight Center bid was significantly lower than the other bid that we did receive. Therefore, we'd like to go forward with this.

President Holzheimer Gail – I do want to make one comment. There was a comment made during the public discussion that related to a former council member who currently works at the Sight Center. As is stated in the ordinance this vendor has performed these services for 20 consecutive years. I just want to make very clear that was well before the time of our previous councilman was active. I'm sure at the beginning of those 20 years and several times throughout the process this service was bid out. I just want to make very clear there has not been any impropriety in regards to how this service was initially bid or acquired.

Councilman Gilliam – Capt. Brickman just one question so I can get some clarity on this. When I was reading it I was kind of hazy, Director Frey you can chime in. If this were approved, the contract begins October 1, 2011 and runs through December 31, 2011. Then it is a renewal thereafter on a month to month basis. When I look at the \$51,500 and divide by 12, that's a total of \$4300 a month. Am I to interpret that from October through December the contract is around \$4300 a month and then it is month to month after December 31<sup>st</sup>? The way I initially read is saying \$51,500 for the first three months and then month to month after. I just want to get clarity on that so I'm clear.

Capt. Brickman – The amount that is actually listed here, \$51,500 would be for the remainder of this year. Just to project cost, if we did have a prison population of 40 individuals in our jail, the cost for a month would be approximately \$14,100. Again we asked for bids based on a population ranging from anywhere from 30 to 60 persons incarcerated in the jail on any given day.

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Councilman Gilliam – It would be about \$14,000 per month October through December and then month to month afterwards?

Capt. Brickman – Yes, that \$14,000 again is based on 40 people incarcerated in the city jail. If that number is increased, the number would go higher and that is why the higher number is listed on here.

Councilman Gilliam – After that particular contract, it will be month to month at the fixed rate of \$11.75 per day per inmate, correct?

Capt. Brickman – That is correct.

Councilman Langman – Capt. Brickman, first I'd like to thank you for keeping me informed of the process. I know I asked earlier in the year and you picked up the ball on that and I do appreciate it. Was the other bidder, was that bid considered at all? I understand from one of the emails that it looked like we might be going with them and then we did some further investigation?

Capt. Brickman – That was a misunderstanding on my part, when I looked at the bid that was on there it appeared to be lower but the bid was based on a per meal basis not on a per day basis. It was entirely misunderstanding on my part.

Councilman Langman – I don't mean to cast any disparagement on you of course, but I think the process was a good one, Madame Chair. I know it had been awhile since we bid out that contract, so it was a fair process and I think we should move forward with the Sight Center.

Councilman Van Ho – A question to the Law Director. The Sight Center is a non-profit, so did this even have to be bid out? I'm not saying the wisdom of bidding it out or not, but technically, legally, couldn't it have been awarded to the Sight Center without any type of a bidding situation?

Director Frey – They're still in the business of providing that service. So it is not a price that we were able to obtain from the State cooperative pricing where typically council has waived bidding in those circumstances. Certainly Council could have waived competitive bidding in this case and frankly it is disappointing that we only had two bids received. Without some certification by some other agency that this was a fair competitive price, it is my opinion we would have wanted to bid this.

Councilman Van Ho – I'm not disagreeing with you but I know the federal government has a clause that allows the Society for the Blind to go in and run various restaurants or cafeterias without a bid. I'm just asking if legally could we not have done that?

Director Frey – If Council authorized us to waive competitive bidding we could have done that. We don't have a similar provision in our codified ordinances that allows us to enter into a contract without bidding with a non-profit, but we do have the authority, Council has the authority to waive competitive bidding in any circumstance.

Councilman Van Ho – I think that should pretty well do away with the question, anybody giving favoritism to anybody on this particular contract because we exceeded what we could have done if we were truly intent on taking care of one of our own who has graduated.

Councilman Wojtila – Capt. Brickman, how did the \$11.75 per day per inmate compare to our previous agreement?

Capt. Brickman – It is exactly the same as our current rate that we're paying right now. By comparative sake when we have talked with other area communities, it is very favorable in terms of what they pay for their jail meals.

Councilman Wojtila – Just to clarify when there was previous conversation from Councilman Gilliam, he talked about the agreement being \$51,000 for the rest of this year. It is not \$51,000 it is \$11.75 per day per inmate, so it all depends on how many inmates you have. There is one extra per day on the bottom of page one number 3.

Director Frey – You're right Councilman, it is \$11.75 per day per inmate. We put a not to exceed amount in just so that we had a, this is what we would establish as a draw down for this vendor. I believe it is our intention to go back out for competitive pricing again for next year.

Councilwoman Jones – Thank you Director Frey, that answered one of my questions. At the end of January 2012, we're back to the month to month \$11.75 per day per inmate. We still don't have the cap of \$51,000, if we go over or will that still be in effect? Or is that only in effect until December? What happens in January 2012 and after that? Is there no cap?

Director Frey – That's correct, we'd still be paying come January if we didn't change vendors and we continue with the Cleveland Sight Center, we'd be paying them \$11.75 per day per inmate. So whatever that total was they would invoice us and we would process that through Board of Control.

President Holzheimer Gail – The budget that we pass whether it is temporary until we pass a final one by March, it would allocate a certain dollar amount towards this particular line item as well. That's where the check would be.

Councilwoman Jones – I was just wondering why did we only negotiate until December 2011 and not for a six month time period?

Director Frey – They were offering to provide the service for a longer period of time. It was our decision to limit the period so we could go back out for pricing and give other businesses an opportunity on this business. It maybe a very tough challenge to meet the \$11.75 but we thought it best to give them that opportunity.

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

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

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

Passed.

**Ord. (347-11) Amend Code Emergency Curfew to Safety Committee.**

An ordinance amending Section 545.09 "State Of Emergency; Mayor's Powers" of the Codified Ordinances of the City of Euclid to clarify and strengthen the ability of the Mayor to establish an emergency curfew. (Sponsored by Councilperson O'Neill by request of Police Chief)

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

Director Frey – It seems to me in looking at this, this was a process that I believe Councilman Van Ho asked us to undertake. I think maybe just because of the type of legislation we had listed Councilperson O'Neill as the sponsor. We should note Councilperson Van Ho had asked for this legislation, I know Councilperson Langman had inquired about similar legislation with Cleveland Heights.

We have a section in our Codified Ordinances, 545.09 that worked very well in our opinion to deal with issues that other communities have faced and we have faced in a more limited way with the rapid collection of large number of individuals with various intentions. Some just might be for purposes of a party, some might be interested in making some sort of a social statement and some might be intent on creating some sort of mischief or havoc. In any event we have 545.09. We thought rather than trying to adopt an age specific curfew, a place specific limitation that we would be able to amend this Section of the codified ordinances to allow the Mayor to make that declaration, obviously through the efforts of the Police Dept. to make that declaration that a particular area for a particular time for a particular age group if that's appropriate would be closed to that group. There are some exceptions as listed in here.

Capt. Brickman is far better versed on how that information comes to the police department than am I. But what Cleveland Hts. experienced and I know it was Strongsville at their Mall where it is the social media of connecting and just maybe because of the newness of that, typically the age is a younger group, but they are in rapid contact to pick a place and a time that they're going to assemble for whatever this purpose is. If that purpose is potentially harmful to the businesses or residents or free flow of traffic and commerce through the efforts of the Police Dept., the Mayor would have the ability to declare that place to be off limits for that period of time and it would give the Police Dept. the authority to remove individuals who are congregating there for that purpose in violation of this section of the code. Perhaps Capt. Brickman can describe how it is they come about that.

The advantage to this legislation as I said is it doesn't make it a place specific and gives maximum flexibility, but it must be based on a reasonable suspicions and articulated suspicions that there is this undesirable activity afoot that are planned for that area. We think this is a better approach frankly than what we've seen in the other communities and it was a relatively simple amendment to our existing code section to get that. I would ask for your support and approval. This was sent to the Police Dept. for review and Capt. Brickman can talk about how it was vetted there and any other comments on this.

Capt. Brickman – The ordinance that we’re discussing at this point in time was viewed by myself and administrators over at the police dept. We have received and been part of multiple meetings this past summer that deals with the terminology that is being used as flash mobs. Be they in Cleveland Hts., in the Coventry area, Beachwood Mall and Strongsville, at the MetroParks in South Euclid, seem to become rather popular in various communities. The social network is Facebook for one, is used to coordinate these activities. Some of them we have learned are done by actual promoters who are trying to do nothing more than make money by getting a large group of people showing up, having music and entertainment. In fact earlier this year we had received information from one of the surrounding agencies that one of these may have been in plan for Memorial Park.

In any event after reviewing the ordinance, we believe it is an excellent tool that can be used situationally, whatever may present itself in terms of this type of situation throughout the whole City of Euclid, not dealing with any specific time, location, age group.

President Holzheimer Gail – I’m wondering if everyone has questions, whether we’re better off sending this to Safety Committee for a full discussion. It might be beneficial to hear about the other communities, how they’re handling it. Rather than talking about it for a half hour tonight, by the view of everybody’s hands popping up immediately, any objections?

Councilman Langman – I have no problems sending this to the Safety Committee but I do have a question for Law Director Frey. Law Director Frey, appreciate that you worked with Councilman Van Ho and I know that we shared some emails, but I still would like your formal opinion on the ordinance that was passed by the City Council of Cleveland Heights. Can you provide that opinion or at least someone from the Law Dept.? It might help with our discussions as we go forward.

Director Frey – As you are undoubtedly aware, there was a pretty traumatic and rapid discussion of that Cleveland Hts. piece of legislation with its failings. I thought this piece avoided those pitfalls and Cleveland Hts. fairly quickly moved to modify it. Sure, we can provide an opinion.

Councilman Langman – I appreciate that, thank you.

Councilman O’Neill – I have no problem bringing this to Safety Committee. I just want to say that I think we’re taking a pro-active stance by not having our feet to the fire, so to speak, like Cleveland Hts. I work up there, I know what happened up there. Not only did it happen in Cleveland Hts. and surrounding areas but it happened in Philadelphia, it’s happened in New York City, it happened in Chicago. By us taking more of a pro-active stance and hammering this out before we have an incident I think is beneficial to the city.

Councilman O’Neill moved Ord. (347-11) to Safety Committee. Councilman Gilliam seconded.

Councilman Van Ho – I would like my name added to it.

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

Sent to Safety Committee.

**Res. (345-11) Euclid Historical Museum**

A resolution authorizing the Director of Public Service of the City of Euclid to solicit bids to complete engineering work for institutional specifications for both the floor and the walls at the Euclid Historical Museum. (Sponsored by Councilpersons Scarniench and Minarik) To Be Referred to Community Assets/Programs Committee.

Councilwoman Scarniench moved for passage, Councilwoman Minarik seconded.

Councilwoman Scarniench – I would like to send this to the Assets Committee meeting on October 5<sup>th</sup>, but we need to make an amendment just for clarification purposes. Everywhere it says Euclid Historical Museum, it should actually say, have Annex, aka Township Hall because it is not the Museum we’re talking about, it is Township Hall.

Councilwoman Scarniench moved to amend Res. (345-11) to add Annex, aka Township Hall to clarify the location. Councilman Van Ho seconded.

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

Amendment passed.

Councilwoman Scarniench moved Res. (345-11) as amended to Assets Committee for October 5<sup>th</sup> hearing. Councilwoman Minarik seconded.

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

Sent to Assets Committee as amended.

**Res. (334a-11) Dog Park in Memorial Park - Withdrawn**

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) (Not Recommended for passage by Planning & Zoning Commission)

Councilwoman Jones – I would like to make a motion to pull this since the other Sportsman Park ordinance is introduced. I would like to make a comment about that, I know we're going to get to that next item. The Dog Park Committee did look at locations to have a dog park that would not,

President Holzheimer Gail – Councilwoman Jones, let's act on pulling this one first. It did come back from Planning & zoning, so Planning & Zoning did not recommend it's passage, so it had to come back formally to Council because we sent it to them. The intent of the sponsors is to withdraw this item so it not be acted on.

Councilwoman Jones and Councilman Langman moved to withdraw Res. (334a-11).  
Resolution Withdrawn.

**Ord. 123-2011 (353-11) Dog Park at Sportsman Park Lease RTA**

An ordinance authorizing the Mayor of the City of Euclid to negotiate with the Greater Cleveland Regional Transit Authority and enter into a lease renewal for the area known as Sportsman Park, an approximately 3 acre portion of PP# 647-09-009 situated immediately west of the RTA park-n-ride lot on St. Clair Avenue and to develop plans and specifications for the use of the park for a dog park. (Sponsored by Mayor Cervenik, Councilpersons Jones, Langman and Van Ho)

Councilman Van Ho moved for passage, Councilman Langman seconded.

Councilman Van Ho – This piece of legislation, first of all the lease would be a minimal lease, \$1 a year type of thing, so we're not talking significant money. The other thing is if you go out and look at the property, it is fenced on three sides so we have minimal investment in fencing. This is not an expensive resolution. It is not near what it would cost us to fix that pool. As I've said time and time again, this dog park will also bring in the very people that everybody says we want to bring into this city, I'm showing my age but the yuppies, by allowing a place for a dog park. Younger urban professionals are marrying later, they have their dogs for two reasons, companionship and security. I will once again go back to my own daughter. If she were looking for a place around Cleveland, she would blow this city out of even consideration because of no dog park and no leash law on city parks. A lot of places have them ranging, Raleigh Durham, NC which is one of the most highly educated in the research triangle, Duke and North Carolina there, they have extensive dog parks. If you've looked at Durham, NC dog park, little dogs have a park, big dogs have a park, there's a runway. We're asking to do it so this will be much more on the order of an Eastlake dog park. There will be a large area where the dogs can run and more important where their owners can socialize too. I think that if we're going to talk about attracting professional people this is one that is real cheap. It sounds real good to say the city is going to the dogs, but that's not true, we're trying to attract a specific type of people, one and it is cheap.

President Holzheimer Gail – I just want to interrupt, we're happy to attract all sorts of people.

Councilman Van Ho – I don't mean to say that somebody is excluded.

President Holzheimer Gail – There's many different types of people that are dog owners, responsible dog owners. I just want to make sure we're not singling out anybody.

Councilman Van Ho – Right, dog owners should also be catered to.

Councilman Gilliham – Just a couple of quick comments. I've talked to Councilman Van Ho so he knows where my mindset is. I will just point out a few things. Councilman Langman said we shouldn't pit activities and services against each other within the city, and I agree with him. But I also feel that all those services and amenities have to be equal and they're not and I'm publicly stating that. But that's not the issue I want to talk about.

I researched dog parks and I have yet to see any dog park bring economic development to a city. I have lived in Raleigh Durham for five years, I know why they're successful and it is not dog parks. It is their base economy and other amenities that they offer, education. We can go into detail but dog parks is not the reason why everybody is moving to Raleigh.

My other problem is, very honestly and truthfully is this, I'm looking at what we have in our current city already and we have some situations that we have to correct. I don't feel any resources to create new projects are going to attract the right people until we are settling the differences in the issues that exist in our city currently. I don't feel the dog park is really going to bring the type of attention that we would like to have.

In the Planning & Zoning meeting with Council, one of the council members said that usually around 6-10 people will use this dog park. Well I think what brings this community together would be school events, Shore, neighborhood association, city events, that's what is bringing people together. I don't think dog parks will do it and I'm not willing to invest any dollars into this until we start to fix some of the problems we currently have that have been in existence. Some of our amenities have been there since the 60's and they were designed to serve the residents. At this point we are challenged to serve those people that are moving into the city and who have been here because they've seen some areas of decline.

My reasons for not supporting this is not because I think a dog park is bad. We have issues that we have to address and I don't want to put more money or more effort into something while we're still having issues with our current situation when it comes to amenities. I'll be voting no on this.

Councilman Langman – I can't believe that we're still talking about the dog park. If you look back at the history of it, former Councilwoman Miller and former Councilman Gudenas brought this up around 1995 or 1998 and Councilman Gruber and Councilman McTighe brought it back. I know you were on council with me at that time, council president. That didn't go anywhere. I brought it back to the attention because I thought we could do it in a very inexpensive way. Cleveland's Tremont neighborhood took a set of old tennis courts and converted it into a dog park. Fencing was already there, so there would be minimal investment which fits our capital budget situation. The folks that enjoy the dog park, are very passionate, they would raise the money for the little bit of expense that it would cost. That idea then went into committee to be studied and eventually the old tennis courts were turned down as a location.

Then Councilwoman Jones and I thought well if the volleyball courts are going to be vacated for better space at Briardale, we can use that area because it has fencing and it fits in with what the Dog Park Committee recommended. Again it would be a relatively inexpensive location to actually convert.

I have no problem investigating the Sportsman Park location but the Dog Park committee when they looked at it felt that number one, we don't own the property. Number two, the location is somewhat isolated which could be a plus. Number three, there are drainage issues there. I am willing to let the Mayor discuss the idea with RTA. If we can negotiate a long term lease that justifies any future investment, that's fine, but we will need to know what it is going to cost in capital dollars to actually build a dog park there. It is much, much different from taking fencing that is already up that is not being used for its original purpose and converting it into a dog park versus building something that is relatively new. I'm willing to take this step but we will need cost estimates of installing the amenity from there. There maybe ways to reduce the cost through advertising etc., that is what the Dog Park Committee looked at for the Memorial Park locations, we might be able to do something like that there. This first step doesn't cost anything to have the Mayor talk with RTA and I hope they would be agreeable to helping us on that. But, we've talked about this for almost 20 years and we should be able to put up a fence somewhere and use a fence somewhere for a dog park. It shouldn't be this complicated. Let's move forward and hopefully the Mayor is successful in his lease negotiations as a first step.

Councilwoman Jones – Councilman Langman said some of the comments that I was going to say. As a member of the original dog park committee, we did look at Sportsman Park and one of the reasons why, one of the main reasons why we didn't choose that as a favorable location was the drainage issue and it is not city property. We were trying to look at city property instead of going into, trying to get a negotiation or purchase property or whatever. If the Mayor can work out some type of negotiation with RTA for leasing that property, my only concern with that is, if we lease it for, I think the suggested minimum is 5 years, what happens at the end of that five years if they don't want to renew it again? I would suggest that it be for at least 10 years or maybe 15 years, if they're agreeing to that because we would have to invest something to fix the drainage on that property. I would hate to see we fix the drainage at the end of the five years, now the drainage is fixed, I'm not saying this is going to happen, now they want to do something else with the property and we've wasted that investment. I would suggest a longer period of time is negotiated.

I also would not agree moving forward unless we know how much it is going to cost to fix that drainage issue because it could be a large cost, it could be something minimal. We really don't know that yet. I agree with going forward on negotiating the agreement because that's only going to be \$1 a year and if we do it for hopefully 15 years, that will be \$15. But I don't agree with moving forward with the

drainage fixing unless we know what that cost is. After we figure out that we do have an agreement, we can at least look into that portion of it to find out is the drainage something we can handle.

The original dog park committee also did look into fund raising activities to raise funds to be able to handle some of the cost. We would have to reconvene the dog park committee to see if those are still options. Even when we weren't sure of where the location was when the dog park committee suggested the Strike Zone, there were people that were willing to donate funds at that time because we were trying to move forward with that. There could be opportunities for fundraising if we know we have a lease agreement with that property for Sportsman Park for 10-15 years, we can move forward with fundraising activities that could take care of some of the cost and maybe all of the costs if possible for the drainage and other things that need to be done. I know Councilman Van Ho mentioned about the fence that is already there but we need to look at that fence and the condition that it is in to see if there are any repairs that need to be done to it. I'm okay with going forward with the agreement but if we stop there and either reconvene with the dog park committee to try to figure out the drainage issues and the cost there.

Councilman Gilliam – I have one final comment. It is a two part thing. First and foremost, dog parks will enhance a community but that's definitely after a community has developed. I'm not running against anybody so I'm not political when I say this but if you go to the Ohio Department of Education site and what do they classify the City of Euclid, major urban high poverty. That's what we're classified at in this State. A dog park is not going to turn that around.

We need to look at our infrastructure, we need to look at our buildings. Things that we have been doing but we need to be more intense on. I'm not politicking, I'm being blunt because I'm tired of sitting here debating how this is going to turn things around because it is not going to do that. We have 2.85 people are complaining about. Now we're defined by the State as high poverty. I know that sounds sad and I know people are going to say you're being negative, but if a dog park were to turn everything around, every city would have one. I don't know if Eastlake has done great since having one. South Euclid still has financial troubles and they have a very nice one.

All I'm saying to you is while the intent is good and while it is a very good thing for the moral of the city, it doesn't deal with the issues that we have right now. How do we attract people with disposable income? How do we upgrade our income for the residents that live here? How do we address the concerns that are going to make this city in the idea and the vision that we desire? I'll leave it at that.

Councilman O'Neill – There are some things I agree with Councilman Gilliam, but what's wrong with the dog park? It is a tool that enhances the community and we've made some pretty good strides in the last 4-5 years in this city. Nobody is saying this is the catch all that is going to waive a magic wand and turn the city into what everybody thinks of as Utopia, there's no Utopia it doesn't exist. It takes hard work by Council and administration working together which we've been doing to make some good achievements in the city. I don't see a big investment in this property. To Director Bock, have you had an opportunity to take a look at that property?

Director Bock – I really haven't taken a close look at it. I've looked at some of the aerial photography and I would have no estimate as to the cost of drainage at this time.

Councilman O'Neill – I'm not familiar with the drainage issues there. I think the other council people have looked at it. Let's say there is drainage issues there. Some of that work might be able to be done in-house, we did it over at the golf course. We had a drainage issue over there and we took care of that problem in-house and it eradicated a couple of issues for 2-3 residents. We have the opportunity to help a lot of residents in the city. Is it going to change the tax base? I don't know, but it is going to add an amenity to the city that's either the people living here are going to benefit from. Are we working on other projects? Yes we are. We should give it a shot. This certainly, giving the Mayor the ability to negotiate with RTA, it is not a commitment to the property, it is just saying it is a commitment to the process. I say we've really beat this thing pretty dead, it is not going to cost the city any money to negotiate with RTA and then the Mayor will come back with what he has. I say we go forward with it.

Councilman Van Ho – I'm going to not comment any further other than to say Councilman O'Neill probably said it more eloquently and more politely than I would have.

Councilwoman Scarniench – I apologize if I missed something. I have a problem with this in Section 1. If the sentence ended after the Greater Cleveland Regional Transit Authority, ended there, I would have a problem with it. But entering into a lease I do without it having to come back to us first. Because I don't know how much this is going to cost and I really want to know what it is going to cost before we do this. I've got streets that people are begging and crying that they need paved. My animal people that just walked out of here said they wouldn't bring their dog there, that's not safe. I have not heard one person that I have talked to say that they would bring their dog there because this area is not safe. I will be voting no on this.

President Holzheimer Gail – My kids played soccer there a few years ago, we never had any issues. I think we're losing sight of what's before us. I think if we can amend it to pull out, enter into a lease agreement and just make it about negotiating the lease. We have work to do. We don't have money budgeted for this. We have not approved any funding for this. If we make this simply about authorizing that lease then the exploratory committee that has been working and as Councilman Langman notes for many, many years, can continue on this track. We've had a couple of suggestions and they did not meet approval. This is our next step. I think we're making this bigger and let's not, we will have other discussions and hopefully in a committee session so we can take our time and do it right. If we pull those pieces out it will come easier.

Mayor Cervenik – As long as you're talking about amending we should amend this to read, an ordinance authorizing the Director of Law or his designee to negotiate a lease. As many of you know I am on the RTA Board and I would be forbidden under ethnics to negotiate a lease with the Board I am on. If you could make that Law Director or his designee, I would feel more comfortable.

Councilwoman Minarik – I have a question about the way it is worded. Once we get to the end of the Law Director or his designee negotiating this lease, the last line in Section 1 says, and to develop plans and specs for the use of the park. Does that mean that we if we approve this we're going to go forward and start developing plans and specs without knowing any idea?

Director Frey – The idea was to come up with the cost of converting that area into a functional dog park. There's no money appropriated as Council President said. While the intent would be to use the 2012 General Permanent Improvement fund for that expense, that would need council's authority as part of the budgeting process. Right now would be to negotiate a lease and to develop the plans and specifications including cost estimates for the conversion of that park into a dog park.

President Holzheimer Gail moved to amend Ord. (353-11), to read the Director of Law or his designee. Councilman Gilliam seconded.

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

Amendment passed.

President Holzheimer Gail – I will also make a motion to amend the ordinance to remove and enter into a lease renewal from the ordinance in the opening paragraph and Section 1.

Director Frey – It is going to have to read something to the effect, an ordinance authorizing the Director of Law or designee to negotiate with Greater Cleveland Regional Transit Authority for a lease for the area known as Sportsman Park, and to develop plans and specifications for the use of the park for a dog park. That would be the opening paragraph and make the corresponding amendments throughout.

President Holzheimer Gail moved to amend Ord. (353-11) as stated by the Law Director. Councilman Langman seconded.

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

Amendment passed.

Councilman O'Neill – This means that you're allowing the Director of Law to negotiate with RTA and whatever you negotiate comes back to Council for approval, that's what we changed, nothing happens without coming back to Council?

Director Frey – That's correct.

President Holzheimer Gail – The piece that has to happen from here is we need to figure out whether the dog park committee reconvenes or whether the council members interested and sponsored this want to serve on a committee to figure out along with the assistance from the administration what it will cost and develop the plans for a park there. That is information somebody needs to get.

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

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

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

Passed as amended.

**Ord. 124-2011 (350-11) Bids Asphalt 2012**

An ordinance authorizing the Director of Public Service of the City of Euclid to enter into a contract(s), after advertising for bids, for the City's requirements of Asphalt (Hot Mix/Cold Mix) for the year 2012. (Sponsored by Councilperson Wojtila by request of Service Director)

Councilman Wojtila moved for passage, Councilman Langman seconded.

Director Bock – This is a little early to be going out for this but I'd like to establish the prices for next year. This is for our cold patch that is used during the winter, I hate to say that already. We will need it and it is something that we use every year. The hot mix is for our road repairs, most of which are the Cleveland Water Dept. repair holes that we have to permanently patch. We do get paid for doing that but we have to expend this money to get that asphalt.

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

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

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

Passed.

**Ord. 125-2011 (351-11) Bids Cars/Van Washing & Calcium Chloride**

An ordinance authorizing the Director of Public Service of the City of Euclid to enter into contracts, after advertising for bids, for the City's requirements of washing of City-owned cars/vans and liquid calcium chloride for the calendar years 2012 and 2013. (Sponsored by Councilperson Wojtila by request of Service Director)

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

Director Bock – This is for the purchase of liquid calcium chloride which is added to the salt and helps how it reacts to the roads and ice. And for the washing of city owned vehicles, the vast majority of which are the police cars that are washed daily if not a couple of times a day, and the other city vehicles that we have, the cars. We buy the chloride and the salt and we need to wash it off.

President Holzheimer Gail – Why are these combined in one ordinance?

Director Bock – Convenience I guess, we're going to go out at the same time and why have a whole another page of paper.

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

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

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

Passed.

**Ord. 126-2011 (352-11) Ward Boundary Changes in Wards 7 & 8**

An emergency ordinance amending the City of Euclid Codified Ordinances, Ordinance No. 109-2011 to reflect the boundary changes in the Seventh Ward and the Eighth Ward as required by Article II, Section 1 of The Charter of the City of Euclid, Ohio. (Sponsored by Mayor Cervenik and Entire Council)

Councilman Langman moved for passage, Councilman Van Ho seconded.

Director Frey – I handed out the map that came off the Cuyahoga County Board of Elections website reflecting these ward boundaries that are listed in this piece of legislation. It also includes the voting locations and what precincts are assigned to what voting locations. I don't know whether a larger version of that is available, I'll have to find that out.

As far as the legislation, Council is aware that on June 20<sup>th</sup> we passed the updated ward boundaries based on the work that Council did with Cleveland State University's College of Urban Affairs, NODIS, folks. When we sent that legislation down to the Board of Elections and they mapped it, the boundary line between Ward 7 & 8, roughly between the golf course and St. Robert's property had a

little problem in the street line that we had used. As you tried to extend an imaginary line out to describe the boundary, it actually cut through a residential property. While it fit a census block, it was not capable of being easily mapped. So the representative from the Board asked if we adjust that boundary, dropping it south by one street which allowed us to follow a paved path of public right of way at the end of Wildwood and it goes over to the old Russell Erwine site and that street.

That's the adjustment that is reflected both is Ward 7 & 8. The only other change is in Ward 8 where we inadvertently transposed street number. We typed it originally as 265 and it should have been 256. When they were mapping this, they caught that and asked us to fix that as well. Those are the only changes and I'd ask that you adopt this as the official ward boundaries as what is reflected right now on the Board of Elections website.

Councilman Langman – Law Director Frey, will these changes be transmitted to the Department of Justice?

Director Frey – We've already sent them there, yes. They are aware of the current ward boundaries as is reflected in the Board of Elections map.

Councilman Langman – If you would feel comfortable, can you explain to the residents what DOJ is interested in now?

Director Frey – Sure, they asked for all of the information on our preparing the ward boundaries as we did on June 20<sup>th</sup> in that piece of legislation and this minor correction today. They are reviewing that drawing of the districts including our rationale for approaching it the way we did. I have not heard back from them, that material was sent second Friday of August, second Thursday of August it was sent out. I have not gotten any response to that and I don't know whether there will be a response in any way at all and whether there is any intention to look at this prior to these elections this November.

Councilman Langman – So by mentioning the elections, what could be the worst case scenario if they're not happy with what we have done?

Director Frey – Worst case scenario is they would go to federal court and file an action claiming a violation of Section 2 of the Voting Rights Act. I don't know if that's their issue, if that's where they intend to go. They certainly aren't going to advise me of their strategy or approach. They are looking at it from a fair opportunity for all candidates to be elected. They are aware of the filings in the eight ward races and the fact that we have the majority of the ward races are not contested races. Whether that plays a role, I can't tell you, I don't know what their thought process is. We have complied with the request for information, in fact the fellows from Cleveland State copied all of the files that they created in that process with us. If you recall there were many versions and they've copied all those files, all of that was sent.

Councilman Langman – Well that is always disturbing when the DOJ is poking around for whatever reason because it can cause havoc, potentially delay the election, hopefully that won't happen. Final question for you Law Director Frey, have we consulted with any outside legal advice on this matter as to what may happen or what may not happen?

Director Frey – No I have not consulted outside on this matter. We certainly have our own very recent experience with that in the School Board as far as local election law in the City of Euclid. I think at this point Councilman, we'll wait to hear whether the Department of Justice is interested in looking at this for this November.

Councilman Langman – Okay, fair enough, thank you.

President Holzheimer Gail – Any questions about the ordinance?

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

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

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

Passed.

**Res. 127-2011 (359-11) Extend Internet Sweepstakes Moratorium**

A resolution extending the temporary moratorium enacted in Resolution 118-2010 on the issuance of Occupancy Permits for a main or accessory use for the operation of Internet Sweepstake Cafes' or any business devoting floor area to internet-based sweepstakes marketing or retailing in all Zoning Use Districts as detailed in Part Thirteen of the Planning and Zoning Code of the Codified Ordinances of the City of Euclid through December 31, 2011. (Sponsored by President Holzheimer Gail)

Councilwoman Scarniench moved for passage, Councilwoman Jones seconded.

President Holzheimer Gail – I asked that this be drafted because our current moratorium expires tomorrow actually and I wanted to make sure we had something in place so we can continue to look at and develop our own rules and regulations. As was mentioned these cafes are popping up all over surrounding communities. I don't know whether that's a good thing or not, but it is in our best interest to make sure we have some rules and regulations in place prior to allowing them in our community. Although I don't want to extend it for another year, I think until the end of the year should give us sufficient time to get moving.

I had said we would try to meet over the summer and I will take responsibility for that not happening. We also have been waiting to hear what the State was going to do and they have not done anything that I'm aware of as well. I think we will begin, Director Frey and Director Pietravoia are going to take a stab at redrafting some legislation and we can have a committee meeting fairly quickly. It will have to be discussed at both Planning & Zoning and then adopted by Council as well in either one part or two parts.

Director Frey – The Ohio Attorney General Mike DeWine had proposed and I know legislation was introduced in the Ohio House that would provide, not prohibit, the internet cafes, but rather would provide for a licensing mechanism by the State. While that has not been enacted as law by the State, it is certainly the clearest indication that the State is not going to prohibit the internet cafes. With that as the guide, we think it is incumbent upon us to go ahead and move forward on a licensing piece and a zoning piece. In all likelihood the licensing, while it will be an interim piece of legislation will probably be pre-empted by the State at some point. In any event, what is clear is the State does not intend to prohibit or declare the internet sweepstakes cafes as being an illegal source of gambling. That was really what we were wanting to find out because this is something that ought to be a statewide application. The State decides they want to legislate to the exclusion of local government in many areas that they probably ought to stay out of, but this is one that they ought to get in and it appears that they are finally taking steps to do so. I would ask any member of Council that want to make suggestions on either a zoning component or a licensing component to please share, if you do it by email it is probably easier, but to share that information with either Director Pietravoia or myself, so that we can use that in trying to draft this. It would be our intention to have a piece of legislation on the September 19<sup>th</sup> agenda so that can be referred to Planning & Zoning. Planning & Zoning would act on it at their October meeting and we would hope to have it back here on the second meeting in October. That's our timeframe so we would be interested in comments from members of Council that we should consider in the drafting process.

Councilman Gilliam – Originally I voted no and I will continue to vote no not to extend this for various reasons. But the reality of it is, many Euclid residents are going up on Chardon Rd., spending money at the local establishments while they're at these internet cafes. In addition, I had the privilege of meeting a husband and wife Euclid team, that owns one of these internet cafes in another city and they wanted to be close to their home. They live off of Chardon Rd., but they didn't understand why we were prohibiting this. I just feel when we look at this, I have no issue with regulation, let's regulate it, all the other cities have. But we have lost dollars in my opinion in the form of registration fees, income tax, other forms of income and fees that we could have charged. If it was a danger to the community, I would say extend it, but I have not heard anyone say, we've been robbed, or we've had nuisance problems. Richmond Heights has them, Willoughby has them. I just don't understand the need to extend it unless we're going to aggressively do as Director Frey stated and go ahead with this regulations. I'm voting no on the moratorium as I did before.

Councilman Langman – Director Pietravoia and Law Director Frey, since you brought it up, you're asking for suggestions, Mr. Beno and I talked about this at the Home and Garden Show and I thought he came up with a fantastic idea. I was just wondering whether either or both of you gentlemen had discussed that with him?

Basically what it is for the audience is these machines could be placed in already established businesses like taverns, restaurants and so forth, that way you build synergy between those businesses. I was wondering whether that has been discussed at all over these many months?

Director Frey – Commissioner Beno and I have talked about that. Most communities prohibit the sale of alcohol in establishments that have the internet cafes. I'm not saying that's right or wrong. We would be kind of out there if we were allowing them to be in places that hold liquor licenses. It is part of the discussion. I know he's had that conversation and certainly has had the opinion that we ought to provide an opportunity for already existing businesses to be first in. Council President asked about issues regarding proximity of one location to another. The places that we have seen appear to be largely free-standing. They maybe in a strip center but their sole business in the internet café, they are not something else and they have this as an ancillary business, it is their primary business. That's the model that we see. I don't know whether with the expense of the equipment that somebody would be interested in putting in two or three terminals. My sense is most of these places are putting in 20-30 terminals to justify their fixed cost. I guess the market would tell us that. Those are all issues and I know Commissioner Beno has expressed those. We have talked about them, that's what we're trying to flush through that and get this zoning piece and the licensing piece back to City Council by the 19<sup>th</sup>.

Councilman Langman – I'm glad that we're considering that because it is really on a much smaller scale the issue Cleveland is dealing with, with the Casino. They did not want something that was self-contained. I know these free standing places tend to be self contained. You go in and do whatever you're going to do and you don't interact any place else.

I'm a little disappointed that we've had all this time and we don't have something relatively ready to go. I tend to sympathize with the resident that mentioned that and I'll ask Capt. Brickman too that I don't think they caused the terrible vices that they were predicted to cause. Capt. Brickman can you confirm that; have neighboring communities suffered any up tick in crime or vice due to these establishments?

Capt. Brickman – We have in fact contacted a couple of the local communities that do have internet cafes and what is communicated to us is there has been absolutely no problems associated with the operation of the business or criminal activity surrounding the business, no problems at all to report.

Councilman Langman – I sympathize with the moratorium, but we haven't really moved forward with anything so I'm going to vote no on extending that. Thank you.

Councilman O'Neill – It has been a year and we really didn't meet on it. My concern was what was the State going to do about it. According to Director Frey, it looks like you're going to get their approval and I guess one of my questions is, if we allow that to happen, and the State comes up with some type of licensing, the horse has already left the barn, does that mean the State has to come back and then they're going to have to have a license to stay open?

Director Frey – I suspect what will happen is when legislation passes through the House and the Senate, it will probably affective on some date, your license will be through the State. In that legislation will preempt or prohibit local government from licensing those operations. Much like the pay day lending. We were pre-empted from regulating those businesses by the State at some point in time, it just became a function of the State, I believe the Department of Commerce. We still had zoning authority but no business regulation. I think that's what going to happen here. They will determine that effective on some date your license to do this will be through the State. The proponents of these operations certainly are aware of it. They know the risk of going to a local license today with the State legislation looming in the background.

Councilman O'Neill – Based on that, there's a lot of monies leaving our city, personally I don't gamble, it is not something I do. I've seen people who could least afford to gamble out there gambling, but that's their business. If it creates another opportunity for business in the city, I don't have a problem with it. My other question is if they're allowed to happen in the State and there's no restrictions on if alcohol is sold or not, why would we restrict their ability to sell them in an establishment that sells liquor whether it is open container or a package type of store? I think that needs to go to committee and be brought out in committee. I'm going to vote no on extending the moratorium, but we don't have any zoning on it right now so they really can't open up anywhere because it really doesn't fit in any of our zoning. I guess I would defer to Director Pietravoia in regards to, as far as what zoning it fits into if Director Pietravoia could maybe comment. We really don't have any legislation as to where or zoning ordinance where these places fit in. Until we can hammer that out, they really can't open any place up, correct me if I'm wrong with that understanding.

Director Pietravoia – They are not currently listed as a permitted use in our zoning code, so they would have to go to Planning & Zoning for an exception or finding of a similar use. There would be an extra step involved until we actually establish our own local regulations.

Councilman O'Neill – We said a year ago we would look at this and it has been a year. I have had people approach me that want to open 1-2 of these places up. I said we have a moratorium, we're going to look at it, well we didn't do that. Now with the State moving into that position with the, I'm repeating myself, I think we need to move ahead and anybody who applies for one they're going to have to come to Planning & Zoning and it is going to have to get approval. I'll be voting no on this.

Councilwoman Minarik- Director Pietravoia, if this goes down, the moratorium expires, then we start getting all the applications before Planning & Zoning which is what motivated us to have the moratorium in the first place, right because we had about 2-3 going to Planning & Zoning and they weren't sure how to handle it so that's why we put the moratorium in place. That's what is going to start happening again?

Director Pietravoia – Absolutely we've had continuing inquiries over the course of this year so we know we will get request if they're following the moratorium and seeing that Council hasn't extended it, then I do believe we'll get inquiries right away to make application to Planning & Zoning.

Councilwoman Minarik – Your schedule was set that you were going to have something to council that we could send to Planning & Zoning in October anyway, right?

Director Pietravoia – Yes per our discussion tonight we were planning to send a piece that comes to Council first and then referred to P&Z for the October meeting.

Councilwoman Minarik – It is in your best interest too so it doesn't keep going to Planning & Zoning every time one of these café operators shows up.

Director Pietravoia – I would clarify that wasn't the major motivating factor behind the moratorium. It was the concern over whether the State was going to find that this was basically illegal gambling, that's the simplest way to put it. It took most of the summer to become clear from DeWine that wasn't the direction the State was going in. I think it is important to clarify a couple of comments have been made tonight that we just sat back and done nothing and that's a very unfair statement. Actually Commissioner Beno has drafted a piece that follows the outline that Councilman Langman has mentioned. That's under review by the Law Dept. and we have gathered examples of what other cities around us have passed. We have been following and waiting for some clearer direction from the State. I don't think we could have acted any sooner, it would have been irresponsible if we had in my opinion.

Councilwoman Scarniench – If we don't pass the moratorium, 118-2010, that we placed the moratorium on, tabled it, could that not go, can't we send that to P&Z, have they even seen it?

President Holzheimer Gail – That was the initial moratorium legislation. Additional legislation is pending in committee, not the one you're talking about.

Councilwoman Scarniench – That's the one I'm referring to. The legislation that we've already had drawn up back a year ago. Could we not just go ahead and send that on to Planning & Zoning so they can hash out what has to be done that way?

Director Frey – That piece that was drafted was licensing legislation. We hadn't done a zoning piece.

President Holzheimer Gail – Certainly it is Council's vote and it sounds like there isn't support for this. I feel like I would rather have some control as a council, have a discussion of do we want to limit the numbers. We can't deny them from coming into the city, but I would rather err on the side of taking another couple of months to decide where do we want them, do we want to allow local businesses first crack. That can happen regardless of whether there's a moratorium or not. I would prefer to not have them coming in making application until we've had that discussion and we decide as a community where we want them. They are all over the place, how long is this going to last? I don't know but my idea to bring this on was so that we have that control but it is certainly up to Council.

Councilman Van Ho – I agree with you wholeheartedly that we should keep the moratorium in place until we get a grip on the situation and do it right rather than have helter-skelter all over.

Councilman O'Neill – I made a statement that we didn't do anything, I meant from the council's standpoint not the administration.

President Holzheimer Gail – I'll take credit, not credit, responsibility for that.

Councilman O'Neill – The administration was working, Council we didn't have a committee meeting and that was my statement.

Councilwoman Jones – So we stated that we're going to try to have legislation available to come back to the council meeting on the 19<sup>th</sup>. Then that will go to Planning & Zoning. If Planning & Zoning fails it, it comes back to Council? Council has the authority to either go forward with it or not? Or how does that work?

Director Pietravoia – If Planning & Zoning, well they could do three things. They could either recommend approval as submitted to them. They could recommend denial, or they could suggest changes. Those are the three options that could come back to council. If they recommended denial and Council still felt they'd like to go forward, it would require a stronger majority of council in order to override the recommendation of Planning & Zoning but it is possible if that was the will of council.

Councilwoman Jones – I'm in favor of extending the moratorium only if we do the aggressive approach in September and Planning & Zoning in October. At least there would be and I don't want to use the word control, at least there would be some regulations stated as far as these are the regulations required for an establishment like this in the City of Euclid. Instead of having some of them open them up that may not fall into the requirements that we would like for them to be falling into. Then we have two different flavors of the same type of business.

Councilwoman Scarniench – I will support the moratorium. This is similar to what we just did with the pet shops. We extended the moratorium until the end of the year, but we knew that we would have it done now. That's it. We did fall off, we didn't do it. We need to do this and get it done and I think we will so I will support it.

Councilman Wojtila – Regarding going back to Planning & Zoning, we need to be there at that meeting because if they make changes and bring it back to us then we want the changes on the floor and we can't do that or it has to be back to them. We have to be, if we're all interested in getting this done quickly, then we need to be at the P&Z meeting. Thank you.

Councilman Van Ho – Could we after it goes to them ask for a joint meeting where we're all sitting at the table, make the changes and bring it back at the next meeting and be done with it.

President Holzheimer Gail – We'll figure out that process.

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

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

Nays: Gilliam, O'Neill, Langman,

Passed.

#### COMMITTEE OF THE WHOLE

President Holzheimer Gail – I will remind folks since it is that season that political advocacy on behalf of a particular candidate is prohibited. Please state your name and address for the record.

Rose M. Allen – 26241 Lake Shore Blvd. I'm here to talk about my favorite topic, wind turbines. The dedication of the Lincoln Electric turbine took place a couple of weeks ago. It is a glowing example of what wind turbine energy can do to save money for a company. But I would hope that the city and other elected officials throughout northeastern Ohio would look at the bigger picture. My advocacy has not been about erecting turbines all over Euclid. My advocacy has been about manufacturing. I've heard the word economic development thrown around a number of times tonight. If we truly are focused on economic development, I would hope that we don't miss out on an opportunity to bring a German company to Euclid. I wrote about it in the July issue of the Euclid Observer. There's an opportunity, right now we're in pretty much competition with Michigan, that seems familiar, and I would hope that we do everything humanly possible to get Kenersys to set up shop here in Euclid. Bluestone business park is an ideal location and it has been agreed upon by many people who are members of the Great Lakes Energy Development Task Force. We will be having our meeting on Thursday at Lincoln Electric. We have an opportunity to bring thousands of jobs and millions if not billions of dollars to this area. If we miss this opportunity we don't get a second chance. Whoever gets that first location in the US is going to be the epicenter of jobs and money. I hope that we don't lose perspective on what thousands of jobs and millions of dollars can do to the City of Euclid. It would solve a lot of our problems and bring in high paying jobs, people to fill those jobs. Not only that, if it is situated at Bluestone, a lot of those restaurants that closed at what used to be Euclid Square would probably have to open again to start feeding the

people that work there. There's so much of a bright future for Euclid if we get on board and everybody work together to make it happen that we become the epicenter of manufacturing.

I previously sent out emails about what happened to a city called Newton, Iowa. I even spoke for almost an hour on the phone with the Mayor of Newton, Iowa. His name is Chaz Allen and he agrees that we have an opportunity. They did it in 2 ½ years, they went from belly-up because of Maytag shutting down and they figured out the best thing they could do is manufacture the things of the future. Whether or not you like wind energy, everywhere throughout the world these turbines are going up. If we start manufacturing them, then I think we have an opportunity to have the most exciting time for Euclid's future. I'll continue to talk about it, I'll continue to push for it because I think it is a major solution to some of Euclid's problems.

Now on something totally different, most of you will have received a communication from me about the Alzheimer's Associations walk to end Alzheimer's. It takes place on September 25. It will be held downtown at Tower City. Starting at 10 AM, there will be some activities before that. I'm hoping that the City and residents of Euclid will join in supporting the walk for Alzheimer's because it is the sixth leading cause of death. In 10-20 years most people will know somebody who has Alzheimer's or somebody whose family is affected by Alzheimer's. I would encourage people to join team Purple Rose, which is a team I've created, or create another team here in Euclid. My effort is to not only bring attention to Alzheimer's and the walk but I've committed and I've been training to run from my home in Euclid to Tower City. If anybody wants to come out and support Alzheimer's or support Team Purple Rose in that effort, I really would appreciate it. I thank you and goodnight.

Mayor Cervenik – We have been courting Kenersys since their inception and relationship with Lincoln Electric. They have been to Bluestone at least twice. R.F. Fogg has been in contact with them. The State of Ohio, Mr. Pietravoia can say a little more about that, but the State of Ohio is working to get them here as well as the wind turbine consortium task force. There is a concerted effort to get them to locate here in Euclid at least in the region because it will create jobs, even if they were to locate in the region and not in Euclid in particular which we hope wouldn't be the case. The manufacturing jobs from the makers of the various parts of turbines would certainly spin off into Euclid, Ohio. We do have some very still competition from the State of Michigan, not only from the incentives they've asked. You need to remember Kenersys is only going to bring about 40 jobs, it is the work that comes with them that brings in the rest of the jobs. Ohio and Michigan, most states do, but Ohio and Michigan have requirements that a certain portion of the electricity by a certain year has to be created by alternative sources. Michigan's market and percentage is a little bit higher than Euclid, so we are at a slight disadvantage there but we never give up and with the success they've had at Lincoln, I think we have a good shot at landing them, I really do. Director, if you wanted to add anything.

Director Pietravoia – Rose Allen knows that I agree with her because we talk about this regularly and the case study that she has brought to our attention from Newton, Iowa is a good one and there are some lessons to be learned there. We definitely are making a strong pitch as a team to Kenersys and the team is altogether working on it including the members of the Wind Task Force. We will continue those efforts.

President Holzheimer Gail – Councilwoman Scarniench and I had the occasion at the Lincoln Electric turbine dedication to meet the president of that company and we spoke to him as well very highly about the area. He was actually very positive about Cleveland, he really enjoyed being here.

Councilwoman Scarniench – He loved it. He likes the Indians. He brought all his people here to see the Indians. He commented on E. 4<sup>th</sup> Street, the restaurants, the friendliness of the people. When I said, are you going to move here, he just gave me this big smile, so keep your fingers crossed.

Mr. Christopher Michael Litwinowicz – 21970 Morris Ave. Don't we have a Rec Director? He's been never here, that's a problem. I'm asking the City Council to think about a \$20 million new streets entire city. I need one person that's willing to spend \$20 million of our taxpayer dollars and generate a plan and put it into effect for 2012, 13, which it is a bond issue, if we had a Finance Director. It is a bond issue. We spend \$2 million in chuckholes. We need to move to the future. We never put money into our pools throughout the years, that's why they fall apart. The same council that comes up here, the same administration, the same mayor, has left and basically let us down because of foreclosing. To Councilman Gilliam, yes we are in a poverty stricken nation. Cleveland is known as the poorest city in the nation. Do you know why? Because the same politicians don't want to stand up for employment rights. But yesterday, Labor Day, President Obama made history. On this Thursday he will make history again, jobs, jobs, jobs.

To the public I protested the three mayor candidates nomination petitions. I was only given one minute to speak about three different issues, times that by two, so that's six issues. We'll lay off of that because the votes do not count. What we need is leadership out of this city hall, out of this city. Eight years, we shouldn't be shutting down the pools. It is bad enough when Shore just came here today for

public access, you want to give them \$36,000 but you can't even public access your own public access which is downstairs in the basement. We've been shunned out for too long, too long and we have an ordinance that is in effect. Nine more weeks you all, nine weeks until today. When you protest something you should have the ability to speak and while certain individuals that are in this building today was there, there has been no letter to the Secretary of State about any of our election process.

Now back on improvements. Ward 4, 5 & 6 & 7, please listen to this seriously. You need to file for a government grant called erosion control. Don't think small, think big. \$150 million to fix Lake Erie. We will have our beachfront, we will have our attraction. Somebody told me years ago, how do you attract people ....

President Holzheimer Gail – Mr. Litwinowicz, address the Council.

Mr. Litwinowicz – She just left, she just came up here and spoke. She's been asking you for years let's do something with Euclid Square Mall. 4, 5 & 6, lakefront development. Ward 1, 2 & 3, while you're not running against nobody, what happened to the Euclid Avenue project? What's going on with the Lake Shore project? There ain't nothing. That project should have been coming together from Lake Shore and coming this way and Euclid Ave. the same thing. But if the projects get started then there goes the election people have to go to the polling places. Thank you for your time and again time for a chance.

President Holzheimer Gail – Mr. Litwinowicz asked about a Rec Director. We actually do not have a Rec Director at the moment, we have a Recreation Manager.

Mayor Cervenik – Yes we do and he would be here but he probably finished up about an hour ago working with probably 40-60 of the youth of our community. He spends virtually every evening working with youth of our community on various different projects. I think that's important.

President Holzheimer Gail – There is progress being made on the Euclid Avenue TLCI project, the committee is working.

Mayor Cervenik – We had our initial meeting. It will continue. As you know we are fully funded for the TLCI project committee. Lake Shore Blvd. bids were opened and we're ready to go.

Mr. Jeffrey Beck – 25540 Chatworth. I've got a couple of issues that I want to talk about and I'll take my answers at the end after talking. The first is recycling. We're into recycling now about six months, a little over six months and I have the budget that was presented at that time in front of me. Our tonnage reduction savings estimate, we were estimating 3500 tons, would balance out the budget so the recycling program wouldn't cost us anything. Well I understand that we're running at about 50% of that. So, it is clear that at the end of a year we're not going to be able to totally fund recycling in the city. What I'd like to see is if the administration could put together a revised budget based upon the numbers that are already out there for the last six months and then extrapolating that out for the next six months and letting us know exactly what the recycling program will cost us at the end of the first year. If you can get that and get it to Council, then I can get it from my council person, as soon as the Department of Justice tells me who that is.

Second thing I want to talk about is, Director Frey, about a year ago, in fact I think it was a little over a year ago, I asked to get a copy of the current Charter printed. In all that time I haven't seen anything. I was wondering if you could give me an update as to when we're going to see that. The last Charter Review Commission disbanded almost two years ago now. If you can give me an answer to that, I'd appreciate it, thank you.

Director Frey – I'll answer the Charter. I believe we sent a copy to Council and the Council Clerk so they are available to you Mr. Beck through the Council Office if you want to get a copy.

President Holzheimer Gail – We'll work on the updated numbers and budget for recycling. Director Bock any comments?

Director Bock – We do a monthly update of the entire cost of the recycling program. It is distributed to Council every month. It is very easy to take that over the first seven months and get an average at where we're going to be at the end of the year, the monthly cost. I will put that together and send those numbers out but if you look at that monthly breakdown that we've done. Yes our tonnage isn't where we wanted it to be at this point, I think there's little doubt to that. Participation has been there. It doesn't relate to tonnage. People are putting the bins out there, they're just not filling them up. We need to do a little more education, get people to fill these bins up, put the items out there because we're there anyway. I think the program has been much better than I expected personally when we started this. I think its got a ton of potential and I think we can make it work. I'll get those numbers out to you.

Mayor Cervenik – I'd like to also add that we are using the Energy Grant money so there is no real deficit in the general fund at this time. I ran some numbers and I estimated that if the tonnage stayed as it was, it will probably cost us \$20,000-\$25,000 a year to recycle. To be completely honest with you that's a minimal amount to spend if in fact, considering the participation, but as Director Bock said, we need to educate people, we need to get more people recycling. They need to understand that cardboard of any kind can be recycled. When you take toothpaste out of the box, the box can be recycled. It is amazing what you can recycle and if everyone would try a little harder, you'd see that tonnage go up. Also with the tonnage, the other part of the coin was we're actually getting more revenue from our products than we originally expected. We expected a much lower return at the time. I'm still very hopeful that having curbside recycling, is another one of those quality of life things that our residents appreciate and we've just got to get them to appreciate it a little bit more and use it a little bit more and we'll break even.

Mrs. Mary Ann Blakeley – 6581 Newhouse Court, Mentor, Ohio. I'm the wife of Detective Sgt. Kevin Blakeley and the mother of Claire Blakeley who spoke before Council on June 20, 2011. After Claire spoke and after the announcement that the former Chief of Police was stepping down the current leadership of the Euclid Police Department reached out to our family indicating that there was indeed a willingness to provide answers to our questions. We met on July 20<sup>th</sup>.

We asked our questions and were advised that the participants in that meeting did not have the knowledge to give us the answers. It was agreed that only those with firsthand knowledge, only those officers participating in the disciplinary actions being taken against Kevin would be aware of such information. So we requested to meet with those officers. On August 8<sup>th</sup> we were advised that the Law Director would not allow those officers to meet with us. We were surprised to hear this and only have our assumptions as to why the Law Director prohibited the face-to-face meeting we requested as no reason for his decision and directive were supplied to us.

However, we were directed to submit our questions in writing and the responses would be given to us in writing. On August 17<sup>th</sup> we submitted our questions in writing. About a week later I followed up to check on the status of the response and was told that because of the tone of our questions and because our questions sounded like a deposition, it might not be possible for the police department to answer our questions. While I found this position astonishing and I found it to be a continuation of the lack of dignity that the city stated it was trying to address, resolve and eliminate, we were at the mercy of these decisions.

Further conversations resulted in leadership telling me that neither the Law Director nor the Acting Chief could compel the officers to answer our questions. That whether or not each officer chose to respond to our questions was completely voluntary on the officer's part. We were advised in writing that our request for answers that we believe were clearly related to police business conducted while these officers were officially on duty was one that asks for voluntary action by the officers.

So on August 30<sup>th</sup> we reluctantly agreed that our writing questions would be submitted to each of the three officers and they would respond to me in writing. Either we would get answers to all of our questions, we would get answers to some of our questions, or we would get a response indicating that the officer refused to answer our questions. If there were unanswered questions, the officer would indicate why those questions were going unanswered. As of 7 PM today, I heard from one officer who only this afternoon answered many of our questions, but also indicated that he had limited or no knowledge related to some of our questions and that he had no participation in some of the activities for which we had questions. It is obvious that the other two officers are the only ones able to provide the answers.

The questions that we are asking are questions that these officers should have been asked by those with authority over and responsibility for the police department. They are questions that the officers should have been required to answer in the course of police business. None of the questions were related to any ongoing investigation and no one in this process indicated that the refusal to meet and the resistance to respond had anything to do with the questions being unreasonable. Our questions as indicated on June 20<sup>th</sup> are limited to the planning, management and implementation of the meeting with Kevin on April 20<sup>th</sup> and the subsequent management of the scene and notification to us as a family. They are objective questions seeking factual responses.

In the conversations related to the tone of our questions and the deposition like nature of our questions, I asked which of our questions caused that perception; which of our questions is unreasonable, but I did not receive a response. Beginning with the Law Director forbidding the officers to meet with us, suffice it to say that we believe this administration handled this poorly and as a result we feel we were treated poorly. Being forced to come before this public body to ask for guidance as to how we can successfully facilitate receipt of responses to our questions causes us further discomfort. But given that we have exhausted all the resources that are obvious to us, we ask that someone in this body insist that we get the complete appropriate and timely responses.

I took from the Mayor's remarks earlier this evening that this administration had learned about the impact of toxic leadership behaviors and is willing to finally put an end to those practices. These recent events are further evidence for us as a family of insensitive treatment and indignities under which the city's police officers and their families were previously subject.

President Holzheimer Gail – Mrs. Blakeley, I'm sorry to interrupt, your time is up.

Mrs. Blakeley – I have one more statement, I understand, thank you.

Councilman Gilliam moved to suspend the rules to continue Mrs. Blakeley's comments. Councilman Wojtila seconded.

Mrs. Blakeley – Thank you. I request that you extend this philosophy of finally treating the officers and civilian employees with the respect they deserve and finally addressing morale to the family of those officers including our family. Thank you.

President Holzheimer Gail – Law Director Frey or Capt. Brickman, do you have comments on how we can move forward at this point?

Director Frey – None of those officers can be compelled to answer those questions. We've indicated that to the family and I'm sorry that that's not a satisfactory answer to them. We don't have any authority to compel those officers. There is legal proceedings that if the family files that they can compel that through depositions. Unless that happens, there is no authority that says that this individual must meet or must answer those questions. I understand that works a hard result in this case. The one officer did chose to send an email today. I was under the impression a second officer was going to do so, apparently he chose not to do that. I don't think there's any more that we can do to address that issue at this point.

Capt. Brickman – Likewise, I have communicated with the officers and I was informed by a second officer that he intended to answer the questions as best he could. Of course, he isn't going to be able to answer every question because he wasn't part of that. I've reached out to those who were involved asking that they respond and I've communicated with our Law Director on the same subject matter in terms of my ability to issue orders in that regard and I was advised that I am incapable of doing so, it would be illegal and improper.

President Holzheimer Gail – Seeing no other public comments, we will move onto Council Member's comments.

#### COUNCIL MEMBERS' COMMENTS

President Holzheimer Gail – I will start. I just want to say thank you to the many city workers and staff, particularly at the Rec Dept., at Shore, throughout the city and the number of community volunteers through the neighborhood groups that helped put together so many of the summer activities that really were enjoyable over the summer; the block parties, the picnics, the parades, the recreation facilities. They all did a great job and deserve some recognition for that.

I would like to announce that we will be having a joint Executive and Finance Committee meeting with the Civil Service Commission members next Monday on September 12<sup>th</sup> at 6 PM here at City Council Chamber. We do not have a specific proposal but we will be discussing the testing and selection process. There's been a suggestion that perhaps we don't change while we have a vacant position. Council had previously discussed opening it up outside of the city and that did not reach a consensus. I'm asking Council and Civil Service Commission members with specific ideas or actually safety officers who have specific ideas or issues that they would like for us to consider to get those to me or the Law Director so we can add them to the agenda. There is not specific legislation before this group, this is a discussion. That will be Monday, September 12<sup>th</sup> at 6 PM here in Council Chamber.

I would also like to tentatively set a Finance Committee meeting and I know we haven't discussed a date but possibly Monday, September 26<sup>th</sup>. This is the time of the year we should get the budget update but also if we need to consider any amendments and discussing moving forward with the budgeting process.

Mayor Cervenik – We expect to present a budget amendment at the next council meeting. If you want us to hold off, we can but we can at least present them to you and get them into that committee.

President Holzheimer Gail – That's fine or we can do a committee meeting prior to that, we can do that. I'm just looking at the week before that is pretty booked already. I'll let you know for sure but I do want to plan a Finance Committee meeting and we have the other issues of the internet café that we need to have at least a session to talk about consensus among council members as well.

Councilman Gilliam – I just wanted to give some information out. I received numerous phone calls regarding some nuances in the community and many people are still not aware of the particular sources or resources that are out there that can help empower the individuals so they can have at least a better

understanding of how things work. Those individuals who have concerns about police operations and things of that nature, we still have the Citizens Police Academy. It is one evening per week, they have two sessions per year. There is no cost to apply and attend. Their number is 289-2711 for information.

For our youth we have various programs and I just wanted to verify on the police website we still have the PAL program and that is still active, correct? That is for youth between the ages of 7-17. They have various programs from basketball, fishing, day trips, making the grade programs, junior police academy and junior explores post 18. They can be reached at 289-2733. These are just some valuable resources that we can still use.

I've talked to the police department recently and we do have a concern with juveniles. Some of the issues and some of the things that they have done. Parents, I implore you, I believe that the curfew rules should be followed, especially the daytime curfew rules should be followed. I'm just going to be blunt, if your child is not in school and is supposed to be in school, that child becomes a city problem and it is out of your control until you're able to meet with law enforcement to address those issues. Please, I implore you to talk to your children, tell them the importance of being in school and not skipping school because if they're caught, they will have an issue with the police department in the city and parents will have to account for them. And on school nights, actually any night, there are certain age limit for individuals that can stay out late. I believe up to age 13, it is 9 PM, they have to be on the property on the home. 14-15 year olds it is 10 PM. 16-17 year olds it is 11 PM. This is not an indication of children going bad, but it is an indication of having respect for the law and making sure that your child is safe. I implore you to talk to your children because if they are not respecting the curfew, they're in violation of law in this city.

I have two quick questions. One for Director Pietravoia if he can comment on this. The NSP 3 dollars, I know that Mr. Castelletti has requested a list of homes from all council people to be looked at for possible demo. I just wanted to have an update on that, where are we at with that particular program, just for clarity. Director Bock, congratulations. I have one question for you as well. You had recorded my request to report those lights out on the corner of Grand and Euclid. I still see an issue. Have you had any feedback of when they maybe able to address that?

Director Bock – I did turn those in to CEI, I will check on them in the morning and send you an email as to their response as to when they can get those done. I sent an entire list there and also in downtown Euclid and I haven't heard anything back yet, but I will make that inquiry.

Director Pietravoia – To Councilman Gilliam's question. Marty Castelletti who is managing the NSP 3 program, has he has done with NSP 1, is compiling a list and plans to have anywhere from 10-20 properties bid this fall for demolition prior to the end of the year. That's where he was soliciting input from members of Council. He is working very closely with the Housing Dept. and is compiling a list there, but we also want to make sure, from your perspective if there's anything that we might have missed, we want to make sure we're taking a look at it in this next round.

President Holzheimer Gail – I just want to add a little extra information because I was going to talk about the Citizens Police Academy too and I always forget to say something. Their next class starts next Tuesday. If folks are interested, you need to get an application into the Police Dept. Capt. Brickman, I'm assuming there is still some availability since it was on the website for that class?

Capt. Brickman – We do have several openings, in fact we're concerned about the likelihood of having to cancel the class for lack of participants. If anybody is interested they can contact Capt. Doles, 289-2711.

President Holzheimer Gail – I just wanted to make sure people knew there was a time limit. It happens twice a year. This is the 26<sup>th</sup> class, it indicates on the, and there is information on the website. It is a great way to really see. It is a serious time commitment, it meets Tuesday from 6:30 until 10:00 and for quite a number of weeks. It is very valuable from everyone who has gone through it.

Councilwoman Scarniench – I, too, would like to congratulate Director Bock, also Jim Sonnhalter and Brian Iorio. I know they all will do a great job because they have been doing a great job all along.

I would like to extend best wishes to Frank & Marianne Hiti who celebrated their 50<sup>th</sup> Wedding Anniversary in July, we should all be that lucky.

Assets, I already told you about the meeting for October 5<sup>th</sup>, it will be at 6:00. We will first hear from Shore, their update and their budget, followed by the museum. We are also going to have an Assets meeting on September 28<sup>th</sup> at 6 PM and that's to hear from the golf course.

On Sunday, September 25<sup>th</sup> from 1:00-4:00 the Euclid Historical Society is doing an antique appraisal fair. This is their second one and you can bring what you want to see their expert. It will cost \$5 for the first item and only \$2.50 for each additional item. For more information, call John Williams at 289-8577 or Lucille Portman at 731-3710.

There were lots of activities this summer. Council President named some. Some of the things that I had an awful lot of fun doing was the Pond & Garden tour, watching the Nickelodeon movie Fun Size which will open next Halloween being taken place at Shore. The UniverSoul Circus was awesome it really made me think about my childhood. The Shore Haven Club Fourth of July parade is always fun. The UH Richmond Hospital celebrated their 50<sup>th</sup> Anniversary and had rides, games, food, it was a lot of fun. We already talked about the turbine, the Ss. Robert & William Festival, along with St. John of the Cross, their picnic, the annual Kiwanis Roast and Friday at the market. I have spent every Friday at Shore going to the market and when they had music I stayed around and I spent a lot of time with my grandkids. Summer was busy and I enjoyed it but it is time to get back to work.

I do have a couple of questions. Unfortunately, what I just heard makes me believe that the Blakeley's only recourse to really get their answers would be a law suit. Is that the only way you can get a deposition from somebody by a law suit being filed? I'd hate to see that have to happen, but is that the answer that they keep looking for?

Director Frey – Councilwoman, if you're trying to compel someone's statement, that's how you do it is you file suit and you issue subpoenas for deposition. Other than doing that or some regulatory agency that has subpoena powers, I did know of any other way that you could compel that kind of information.

Councilwoman Scarniench – If statements would have been taken that day, like a lot of us have talked about before, would that have given them the answers that they needed?

Director Frey – I don't know. I don't know what would have been in statements that would have been taken that day. There are police reports associated with that that would constitute a public record. I don't know that they have that kind of information that Mrs. Blakeley is looking for.

Councilwoman Scarniench – Mayor you did say hopefully by the end of September we should have all these reports back?

Mayor Cervenik – We certainly will have the management study by the Ohio Police Chiefs Association. I've had no contact whatsoever with the Sheriff only from the initial visit and they were certainly hoping it would be wrapped up sometime around now, but I can't speak as to why it is taking this long and where they are on it and I'm not going to interfere with that.

Councilwoman Scarniench – If you can tell me if this is true or not. I've heard that we lost a grant that had to do with the SWAT team, is that something that happened?

Capt. Brickman – We did have a grant that had expired without us using all of the funds that are associated with it and we did receive some funds through that grant for use by the Regional SWAT.

Councilwoman Scarniench – So we did get that, okay. I was also told something about the cell tower, and we didn't act on that, so we lost money on that. If you know what I'm talking about, that's the only information I was given.

Director Frey – As you're aware Verizon exercised their right to cancel their lease on that tower. All the carriers have the right to cancel their lease. Verizon paid out the present value of the balance of their lease term and turned over the full ownership of the tower to the City of Euclid. We still have several carriers on that. I am concerned about that because two of the carriers on there are AT&T and T-Mobile and AT&T is in the process of acquiring or attempting too, I know the Justice Department is looking to block that on an anti-trust grounds. If that's the case, I would fully expect at some point AT&T will remove one of the transmitting units from that tower. So they become a decreasing value asset, the towers. There are not new companies getting into the business.

Councilwoman Scarniench – Did they give you a reason why they left?

Director Frey – Sure it was duplication. It was an Alltel site and when Verizon acquired Alltel they didn't need that site.

Councilwoman Jones – I won't go over all of the things that went on this summer because that's already been mentioned. A couple of things that I do want to mention that wasn't covered is, and I'm not sure if it was covered before I got here this evening, the Stand Up parade that occurred on August. Stand Up is an initiative that came out of Euclid High School to make awareness of students to stand up against violence, stand up against bullying and to stand up against a lot of things that maybe troubling them. The initiative of the parade was to make the awareness of the community on the things the Stand Up initiative are putting on inside the school. They want to make sure the community is aware of what the school is

doing so they can build the cohesiveness from a student that goes to school, they need to have the cooperation from the schools, the home life and the community for the success of a student to be able to get their schoolwork done, the home environment and the community environment. The parade was to bring the awareness of the community of the Stand Up initiative. Also on that same day there was a premiere at the Lake Shore Theater. Mr. Banc's who has a youth program that he puts on every year. He takes a group of youth and takes them through a training process of several weeks. He trains them on recording equipment and then whether it is music or it is film and for the last two years, it is the second year, he took them through and they pick a topic. It could be a topic that is troubling them. The name of this one was, it's time for a change, or something about change. It was surrounded around problems that youth may have at home whether its family members assaulting them, problems with bullying or siblings not getting along. He took them and he actually had them in the movie. They were doing the filming and editing. He taught them this whole program, it took several weeks to do it. It was filmed right here in Euclid. It is a great program, the youth got a chance to learn something that they may not have had an opportunity to learn before and they can use that skill and build it for other things. It brought them youth together that may not have known each other before and brought them to a bond that they could probably not get that bonding anywhere else. It is a positive program that he is going to expand on in the future years. It was a premiere that they had the students that were part of the movie, they had a limousine drive up in front of the theater, they had the red carpet coming out the theater and they made the parade into the movie theater, just like the Academy Awards or any type of performance like that. It was a red carpet event. It was great to see and they showed the whole movie the kids put on. If you didn't have an opportunity to see that, there maybe other chances that you can see it. Hopefully I'll let you know that coming up in the future.

We hear so many negative things about our youth nowadays, these are just two positive things that went on. The positive things need to be promoted so they can stamp out some of the negative, hopefully. Hopefully one day we'll get to a point where it is going to be all positive that we're reporting on and the negative will be the lesser one that will be reported on.

Law Director Frey, I have a question regarding polling locations. What's the process that if you want to be able to change a location from a polling location to somewhere else, what is the process that we have to go through to do that?

Director Frey – You would need to contact the Board of Elections and indicate there was some deficiency with the location and I would think you'd be wise to also be able to provide them an alternative that would house the number of precincts that they have. I know some years ago they shifted voting away from Shore because of an access issue. There were some places where there were issues with stairs and not being handicapped accessible. You would need to contact the Board.

Councilwoman Jones – Thank you and with that I'll say goodnight.

Councilwoman Minarik – September 17<sup>th</sup> is coming. We talk about the ten year anniversary of 9-11, but September 17, 1789, the Constitution of the United States was ratified. I just want to read you the preamble. Many people forget about it. This government was founded and it only had six purposes. How complicated we have gotten since then. We the people of the United States, in order to form a more perfect union, establish justice, ensure domestic tranquility, provide for the common defense, promote the general welfare and secure the blessings of liberty to ourselves and our posterity do ordain and establish this Constitution for the United States of America. Everything we do we should think in light of those six purposes as government officials. I just think that's tremendous.

This summer I have spent reading my own trilogy, it is about Whittaker Chambers. It started with the autobiography of Chambers who in 1939 came forward and accused Alger Hiss of being a Communist in the State Department. It is a fascinating biography and from there I went into the second book called Odyssey of a Friend, which over the course of six years are letters from Whittaker Chambers to Bill Buckley. Finally I'm reading Whittaker Chambers own book, which is called Witness and there is an incredible line in this book that I would like to say to the Blakeley family because you're not getting the answers that you want and you do deserve them. You do not deserve to be so disrespected that you cannot even get a public apology from this administration. So Soren Kierkegaard said, between the purpose of man and time and the purpose of God and eternity, there is an infinite difference in quality. So keep your chin up and know that the purposes of man and time are so vastly different than the purposes of God and eternity. God Bless you and goodnight.

Councilman O'Neill – Congratulations to Director Bock in his promotion, well deserved. He's been with the city, as it has been stated over 37 years in various capacities and his two years as Asst. Service Director gave him a lot of basis for moving up the ranks. I'm glad we didn't have to look outside, we had quality people right in house. I give him a lot of cell phone calls and he's always responsive to everyone and I do appreciate that. Also to Jim Sonnhalter in his most recent promotion. Jim does a great job, he's one of the unsung heroes within the Community Development Department. I can't say enough about that

department, they are the future of the city, they reach out and try to develop different sites and bring people into our city. Our greatest asset obviously is our people but it certainly takes Community Development and the Safety forces to come together and I appreciate that.

December 2, you'll hear me talk about this as often as I can. We've changed the venue of the Holiday Lighting Ceremony. It is going to be at the point at Shore Cultural Centre on the public property where the small fountain is. It will host the Holiday Christmas Tree Lighting Ceremony. It will start around 6:00 on Friday, December 2<sup>nd</sup> and will go on until 9:00. There's a lot of things being planned. I don't want to get too deep into it right now, but if I'm on-board with Shore over there, the sky must be falling, no I'm just kidding. Things are coming around, there are some positive things happening at Shore. It is time to get on board to make that five year commitment to the building to come to fruition and make them self-sustaining and take care of some of the capital needs of that building. It will be a nice ceremony. The Mayor will throw the switch to light the tree; Santa Claus; there will be a horse drawn carriage; carriage rides; strolling carolers and things of that nature. It is very pertinent for that time of the year.

I want to thank Chris Grant for his timely response to a request for some neighbors trimming a tree on 211. I want to pass that along from the residents on 211 to him.

To Director Bock, I just want to touch base, where we're at with the Edgecliff waterline and paving, with 212. I know we're a little bit behind schedule on that as those things go. We're kind of moving right along if you could just pick up where we are right now and where we want to be at the end of September.

Director Bock – The Edgecliff Waterline Project is nearing its completion. They've put down the asphalt, they have maybe another day's work over there. Landscaping, leveling the tree lawns is taking place now. I hope to have that completed, maybe not necessarily by the end of this week but early next week with the seeding going in. Tree planting will follow that. They like to wait until we get a little bit of established grass and stuff before we start digging into it. As soon as I get these guys out of the way, I'm going to contact our pavers to repave both 212 and Edgecliff and get that paving completed.

Councilman O'Neill – On 218, they still have one more surface coat to pave on 218? I noticed some of the manhole covers are sticking up and there has to be some leveling done with those?

Director Bock – Correct. Our regular paving program is where we're at now with 218 and 200 Street and a couple of other streets. We have to wait for the riser rings to be custom ordered, for each manhole they have to be measured once we grind it and we custom order, usually takes about 3 weeks. We install those and then we'll be able to put the finish coat.

Councilman O'Neill – We're looking for 218, probably the end of the month?

Director Bock – I hope much before that. Same paving company is doing Lake Shore Blvd., and while they're in town doing one job, they hope to complete the other ones.

Councilman O'Neill – I want to thank the Police Dept. for their diligence. There's been some tractor trailers parking over by the old Arthur Treacher's Fish & Chips and then again on the city's property the former St. Robert's property and I do drive by there occasionally and I have spotted a couple of tractors and sometimes a trailer attached to them. The Police Dept. did go over and either they cited them or they spoke to the person, I'm not sure, but it was removed. I think the message is sent so I appreciate the diligence from the Police Dept.

To Director Bock, is there any possibility we can get recycling bins at Benton Village. I've been asked that on numerous occasions for recycling.

Director Bock – We presently pick up recycling in Benton Village. The people can place it out in their area in blue bags. People have called and asked for bins, we've provided them for Benton Village.

Councilman O'Neill – I've had some questions about that. I can tell them if they put it in the blue bag and move it out, the problem is navigating the back parking lots. If they bring the bags or bins out to the main road there's not an issue?

Director Bock – They need to centralize it like we do for the garbage. We no longer go into the parking areas with the garbage trucks, we won't do that with ours. If they bring it out to the main street, centralize it, if they ask for a recycling bin, we'll provide one.

Councilman O'Neill – So it is available to them, they just have to make an effort.

Director Bock – Absolutely, some people have done that and we do pick up their recycling.

Councilman Wojtila – With regard to the NSP homes, I know Mr. Castelletti sent out an email looking for homes to be potentially added to the list. We need to be careful that the homes we are talking about are vacant, bank-owned properties, correct? Are there other requirements?

Director Pietravoia – Vacant, foreclosed properties. They don't necessarily need to be bank owned.

Councilman Wojtila – With regard to Monday's joint meeting with the Civil Service Commission. It would be helpful if the police and fire know about it. I don't know if we invite them or somehow Chief Cosgriff.

President Holzheimer Gail – I was going to make sure we did that. I just got confirmation tonight that the third civil service member can attend.

Councilman Wojtila – Lastly, Director Frey, if you could help me and probably others sitting up here, when Mrs. Blakeley spoke about us not being able to compel those with firsthand knowledge to answer the questions presented. Help us with the basis for that decision that we can't compel them, we don't have, I guess it comes down to we don't have the subpoena abilities, or? If you could help us there, help me with that and maybe others.

Director Frey – This is an obviously exceptionally sensitive matter. Their request is to have those three police officers that were present at that time address specific questions from Mrs. Blakeley and frankly there's nothing, there's no contract right, there's no city employment right, that the city can say to these individuals as a condition of you holding your job you have to answer those questions. That's the very short answer to that. Unless there is a compunction through litigation is one way or many federal and state agencies have subpoena powers that they can ask specific questions of witnesses under oath and can compel their attendance. There isn't a corollary provision for that in interaction between citizens and city employees. It is a voluntary act on the part of those employees. They want to answer those questions they will and if they don't want to answer them, I don't have the ability to make them answer them.

Councilman Wojtila – You said between citizens and employees, but what about employer and employee, there's no requirement there? I'm relating to my situation, I'm not in a union and I don't work for a governmental entity or public entity like this but my boss tells me to answer questions, I'm probably going to answer those questions or else, whatever the else maybe. I'm trying to draw that parallel here.

Director Frey – That's not the situation here. This is an individual asking these officers to answer those questions. It is not a case of, there was the coroner's investigation, there's the Sheriff's investigation. Those agencies have the authority to compel answers to their questions relative to the areas of their investigation.

Councilman Wojtila – But does the employer have the right?

Director Frey – We can't make an officer sit down and answer those questions to us. I don't know where in a policy or a contract that we have that authority to do that.

Councilman Wojtila – Thank you.

Councilman Langman – Director Bock, Director Bock, that sounds nice Lee, congratulations. As you know Shoreview/248 waterline sewer project started by Director Gulich, Director Smith had it and now the tail end is your responsibility. Lawn restoration is terrible. There's no other way to describe it, especially when you compare it with Lloyd Rd. and 264. How are we going to address that so the residents there have a decent looking, Kentucky bluegrass lawns instead of weeds?

Director Bock – I agree with you, to me it looks terrible. I met today with the inspector that was brought on by former Director Smith to take over this project. I've asked him to get the contractor in my office on Thursday and to come in with a plan on how we're going to address this and put this thing to bed. I don't want to deal with it, we're in a growing season, they need to get it corrected, they need to get it corrected now. If they can't come up with a plan, then I'll come up with one and we'll do it that way but we're going to get it addressed and over with during this growing season.

Councilman Langman – Good, I appreciate that and the residents have been very patient for a long time. It has been a quick summer so I wanted to congratulate everyone that's coming back. I know many of us are unopposed, I don't think that's necessarily a good thing. But congratulations to all that are coming back and good luck to those that have opposition.

There is something that has come up for the past eight years which I don't understand but I'll approach it again. I've asked the Mayor on a couple of occasions about police matters regarding Chief Repicky, Capt. Brickman, when Mr. Brett left his position I wasn't sure the timing of that so I sent him an email and his email came back that it was already closed. I sent you Mayor an email about that and I don't hear anything back. It's frustrating and it happens often. Email is a legitimate tool, I don't always have time to pick up the phone or stop by. We have to be more responsive to that. None of the questions I asked were out of line or sensitive in any way but not getting a response is simply not acceptable.

Finally I will close with a question for the Law Director. I know others have touched on it. Did the three officers in the room when the incident happened with Detective Sgt. Kevin Blakeley, did they make formal police reports as to what happened?

Director Frey – Unless I've not been given all of the files, I've not seen reports from those three officers.

Councilman Langman – Would that be standard procedure for the officers to fill out some sort of a report as to what happened?

Director Frey – I don't know that. I don't know the answer to that question.

Councilman Langman – Would Capt. Brickman know the answer to that?

Director Frey – He might.

Capt. Brickman – I believe that these officers have communicated with investigators. There is an official police report that was made up by the police department and I believe supplemental reports associated with that. In terms of there being actual witness statement, I don't know that we as an organization have come across an incident like that where the Chief of Police is witness to something and as such I don't think there's anything that addresses the requirements of an investigator to tell the Chief to put on paper what his observations were. It is an extremely unusual circumstance and I don't know if there's defined guideline to deal with that as it sits.

Councilman Langman – It does seem a bit strange and it is understandable how a family can be frustrated over not getting complete information, especially after so many months. With that I'll wish everybody a goodnight.

Councilman Van Ho – I wasn't going to say anything about Kevin Blakeley but I will only make this comment, I have since I've been on this council been one of the police department's biggest supporters and legally these officers may not have to answer anything. But as a decent human being, I would think they'd answer. Giving a woman who lost her husband in our police station a few answers seems like a small request to make and I just find it disgusting, okay, that's the only way I can phrase it. So I'll go onto the other things.

This is mainly for the people out on the television. If you have a bunch of old cell phones laying around, bring them into City Hall, we have a box right out by the receptionist where you can drop them off. They'll be reprogrammed for victims of abuse and for seniors who have emergency-type situations but they can't afford a cell phone. Empty out the house.

Our Housing Dept. does a pretty good job of taking care of the lawns and I'm not sure whether it is them or the Service Dept. that should be looking. But, almost every weekend this summer when I drive down 222 or Babbitt, I see trash put out by, some of its tenants moving and some of it is people who think that Sunday is trash day. I would like to see us take a much more aggressive aspect at this and remind the landlords or the tenants, whomever we should remind, that they can fined up to \$500 for that. If we're going to do it to the landlords, I'd ask that we do it right on the Sunday or Saturday that it happens because then we can get the landlord and they can withhold from the tenant's rent to do that. We talk about bringing people into this city. Let's assume that I want to drive down and I get a big inheritance and I want to live next to Councilman O'Neill, north of the boulevard, so I'm going to pay over \$100,000 to drive by garbage every Saturday and Sunday; okay, \$200,000. I would ask that the administration keep a close tab and if necessary bring Council into it on their attempt to usurp home rule one more time by trying to collect all of the local taxes. I was trying to figure out why they want to take this on until my wife pointed out to me, they're going to want 1 ½ % of the action to do it. I don't want them to give them that to do what our people can do, probably more efficiently than they can.

For the nay-sayers who think Euclid is going to hell in a hand basket in the area of foreclosed homes, I'm quoting from the city's comprehensive annual financial report for 2010. During 2010 Euclid experienced home foreclosures at a rate nearly identical to the national average and slightly above State and County averages. During 2010 and 2011 Ohio had the 12<sup>th</sup> highest rate of foreclosures. Before that we were right in the running, we were in the top three, so things are turning around both in our city and in our state hopefully.

The other thing is and I hear it so many times, I'm tired of hearing people bad mouth the city. If you've got a complaint, come to a councilperson, come to the administration, whatever. Lake County doesn't need help in bad mouthing us, we do a real good job of it ourselves around here. I guess I'm just saying to everyone, stop it, there are a lot of good things that go on in this city. You listen to Council ladies there list out several of them. Do we have problems? Sure, but we don't have to run to the news media or run to everybody that we know and tell them exactly what is wrong with this city.

Lee, congratulations, but I do have a question. I know the State gave us a lot of money for these stoplights. Can we program them in a way that our residents can get out? I'm growing old waiting for stoplights on 222. It just seems 222 or Babbitt, everything seems to flow relatively smooth, but you wait forever to get out on a side street.

On the capital budget, I'd ask the Mayor and the administration, look and see if we can't, I'll use the word top coat a lot of these streets. A lot of these streets need to have a thin layer of asphalt put on them so that they're smoother. We've spent a lot of money and I understand why we spent it on Lake Shore and on Lloyd, but now we need to get back to the side streets too. A thin coat of asphalt that would level out the patch jobs and the chuckholes and so forth. One other question Lee, have we heard from East Ohio Gas on Hartland yet?

Director Bock – I have talked with Dominion. As I told you before I wasn't signing off on a couple of projects, they were under some very strict guidelines to get done from the State, it seemed to work. I'm getting some concrete work that's been overdue up on Chardon Rd. and some other areas done that was not completed. I've asked them to get their landscapers in town to touch up the tree lawn areas that have been dug up. I've been promised that's going to happen, so I have signed off on one of the jobs. I'm holding the other one hostage until I see the landscaper.

As far as just top dressing the side streets with asphalt, unfortunately doesn't work well. It won't hold up. Our streets are in the condition where we stretch our streets out to 15-20 years before we repave them and they are in no shape to just do a top dressing on them. I do save some money in the chip-seal process, it does save us a little bit on tonnages when we do it. I'm always pretty good about stretching that dollar. It is just a matter that we need to invest some money into resurfacing. I will spread it as close as I can and still get a job that's going to last us 15-20 years.

#### ADJOURNMENT

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

Attest:

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Clerk of Council

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President of Council