

## COUNCIL MINUTES

September 19, 2011

The regular Council Meeting was held on Monday, September 19, 2011 at 7:00 PM in the Euclid Municipal Center Council Chamber. Council President Holzheimer Gail presided.

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

Excused: Langman

Councilwoman Scarniench moved to excuse Councilman Langman. Councilman O'Neill seconded.

Yeas: Unanimous.

President Holzheimer Gail – Councilman Langman called me earlier this evening and had to take care of a family health issue, so he will not be here.

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

## COUNCIL MINUTES

Councilwoman Scarniench moved to receive the Council Minutes of September 6, 2011. Councilwoman Minarik seconded. Yeas: Unanimous.

## COMMUNICATION

Councilman Van Ho – I would ask that we object to this permit and ask that Asst. Law Director Sweeney explain the background of why I'm objecting.

Asst. Director Sweeney – I did get information from Lt. Meyer from the Police Dept. that Mr. Svrga does have a drug conviction. On June 27, 2003 Mr. Svrga plead guilty to an attempted possession of drugs, he did get a six month term of incarceration. Lt. Meyer also provided me with the police report from the incident. In February 2003 a crack pipe was found at the place where Mr. Svrga was living, working. He did get convicted of that. There is another issue, it is more civil in nature and I don't think it is relevant to the liquor permit but definitely the possession of drug conviction to me would go against him in this and I'd be happy to go fight this with liquor control

Councilman Van Ho moved to object to a transfer of a D5, D6 liquor permit to Paradise Island Saloon LLC, DbA Paradise Island Saloon, 830 Babbitt Rd 1<sup>st</sup> Floor, Basement & Patio, Euclid, OH 44123.

Councilwoman Scarniench seconded.

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

Abstain: O'Neill

Objection passed.

## ADMINISTRATION REPORTS & COMMUNICATIONS

Mayor Cervenik presented Resolution 128-2011 to Euclid Public Library's Director Donna L. Perdsock on being named Librarian of the Year for 2011.

Mayor Cervenik presented Resolution 129-2011 to Executive Director Nancy Udelson in support of Alzheimer's Association's Walk to End Alzheimer's on Sunday, September 25, 2011.

Mayor Cervenik – The start of Lake Shore Blvd. which was to begin today, did not begin because of the weather. We've got some bad days of weather factored into the timetable. We expect to start tomorrow. The construction will start at the east-end of Lake Shore Blvd. and will move westerly. The curb lane and the crews will be grinding and following with a leveling course of asphalt immediately after. We still expect to be done by the end of October, maybe a few days later if the rain keeps up. It is going to be done before the year is up and Lake Shore Blvd. will be smooth to drive over again.

Our natural gas aggregation program, we were very successful in establishing some new fixed rates for natural gas for the members of the program. Residents currently in the city's natural gas program supplied by IGSN Energy can pay a low fixed rate of 5.485 per mcf for all gas billed during the six months of November 2011-April 2012, which is our winter season. Maybe two years ago we were nearing very close to \$10, so we think we have a very good price here. Residents and businesses already currently enrolled in the program, you don't need to take any action unless you want to leave the program to go to another program, you're in it. If you are served by another supplier you may seek enrollment in the city's aggregation program by calling IGS Energy 1-800-280-4474, or by responding to the mailing all residents will receive by IGS in the very near future. The city's plan is we try to get the lowest fixed rate we can, but that doesn't mean that you have to stay in our program. If variable rates decline and go lower than our program, the nice thing about our program is you're able to leave it without a penalty and go into the variable rate, if in fact the variable rate is lower. However, we can't guaranty for that season you will be able to get back into our program. You need to look on the website, I think it is Apples to Apples. They give the prices everyday and it is tough stuff to follow. It is like Ma Bell, we used to have one place where you got your phone, if it was broken you get it fixed. The aggregation unit is the same thing, there's probably about a dozen aggregation companies out there that are going to be providing rates. You can go online and see, but I will tell you 5.4585 per mcf is a very, very good fixed rate.

I want to congratulate Euclid Hospital, they just recently received an award from the Joint Commission, a health accreditation organization. They have named Euclid Hospital one of the 405 top performing hospitals in the United States. They just listed that in their annual report. They were noted as a top performer in the field of treating heart failure, pneumonia and several surgical categories and I'm quite sure one of those is the Orthopedics Dept. at Euclid Hospital. Congratulations to them.

Braeview Care and Rehabilitation Center at 20611 Euclid Avenue, they've been undergoing a renovation, quite an extensive renovation inside and out. They have a community open house, Saturday, September 24<sup>th</sup> and it will be from Noon-3 PM. They invite all the residents of Euclid to come up and see what is done there and see all the good work they do.

We have another walk this Saturday, it is called Walking With a Purpose. It is designed to bring the community together to celebrate and promote diversity while participating in a walk-a-thon to support, I think there's 16-18 non-profit organizations of your choice. The walk begins at 8:30 at Sims Park and you have your choice of a one mile, 2 ½ mile, or 5.5 mile route which will start at the Park and loop back to the park. This has been organized by BRIDGES, Moore Counseling in the City of Euclid. When everybody gets back from their walk, there will be a picnic and everything points to very good weather. I hope everybody shows up, even if you don't walk, come in for the picnic and have a good time.

Thursday, October 6 from 7:00-8:30 at the Euclid Public Library, which we just honored, we will have a Euclid Land Bank forum and we will explain to residents how they can acquire property, suggested uses for those properties, how to start a community garden and also ways of us providing and other organizations providing home purchasing assistance programs that we have here in the City of Euclid. Anyone interested in that area should all attend.

My last comment, we have two items, #2 & #3 on the agenda. It is Resolutions objecting to the renewal of liquor permits for two business establishments in the City of Euclid. After a lot of discussion with the Police Dept., Law Dept. and reviewing various criminal instances that have happened at these two organizations, I felt it was very important that we put an end to it. My guy instinct is you're going to hear from some owners this evening, there maybe some other people that say they're going to do a better job of it in the future. But, as Ms. Sweeney talks about it when we get to the legislation, there's been a long, long history of problems at these two establishments. We've had a couple of problems at other establishments but in talking with Capt. Brickman, the owners of those establishments came in immediately and said how can I stop this, what can I do to help. These establishments that are on here tonight, it has been a long, long history. The City of Euclid cannot tolerate fighting in parking lots, gunshots that aren't reported to the police department immediately. In fact at times some of the people that are employed at these places actually try to cover up the gunshots, they try to cover the knife fights, they allow people to come into their establishments that have no business being there. I know you're going to hear that we've got a lot of investment put into our businesses and you can't just take our liquor license away, but that's up to the Court to decide. I will tell you this, every business next door to these establishments and others have spent tremendous amounts of money investing in their business as well. The activities that are taking place at these two specific areas in the last few years is doing nothing to help those businesses, they're doing nothing to help the community of Euclid and they're doing nothing to attract new residents to our community.

I certainly am asking for City Council's unanimous support on #2 and #3, to allow Asst. Law Director Kelley Sweeney to go to court and have them declared as nuisances and then continue to go forward and have their liquor license pulled. They are not the operations that we expected. It is amazing that we have so many establishments such as this that have been around for a long time, such as Tradewinds and others that they don't have these problems because they run their business properly, they don't allow these types of activities to happen. They don't allow people to come in that are looking for trouble to enter. If they do have a problem, they call our police department. We in this community have to say enough is enough, we won't tolerate that kind of behavior. They make the owner some money, but hurt everybody else. I strongly ask that you listen to Ms. Sweeney tonight because I don't know how much of the sheets you gave them, but they're pretty thick about the instances that have happened. Please support the Resolutions objecting to the renewal of the liquor licenses tonight.

#### REPORTS & COMMITTEE MINUTES

Councilwoman Scarniench moved to receive the Fire Report of August, 2011; Monthly Budget Report thru August 31, 2011; Board of Control Min. of 8/29/11 & 9/06/11. Councilman O'Neill seconded. Yeas: Unanimous.

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

Mr. Terry Howell - 26159 Euclid Avenue. I am the owner and manager of the Olive Twyst. As a resident, entrepreneur and graduate of the City of Euclid, I do understand and know what it means to be apart of the City of Euclid and what you guys expectations are. With that said, I'm here to apologize for any inconvenient and undesirable activities that have taken place in or around my establishment. There has been a change within Olive Twyst within the past six months. Some of the problems that have occurred, a majority of them are lack of or poor judgment made by my staff as well as myself. Sometimes in business you have to put your business and your decisions in hands of other people that work for you.

Sometimes their decisions aren't what you expect. I can sit here and point the blame on my employees or people who work for me but I have to take all the responsibility myself. I have made changes within my establishment within the past six months that have closed the snowball effect, starting with some of the security measures. I've stepped away from the family and friends and promoters and stepped outside promoters just to try a new business avenues and this in turn has brought a whole different crowd, a crowd that has become an eyesore to the community as well as my business itself.

I do apologize for any inconveniences. Right now I'm working immediately and diligently to change and re-establish what I started back in 2009. I've already fire some of my staff, might as well say 95% of my staff will be gone within the next two months, give it renewal of the liquor license. I also have increased my age limit back up to what I started with, which is 25 and up and have started a more strict dress code. I'm also planning prior to this, before this has come about, had also planned on closing down sometime in October just to re-establish what I wanted to start back in January 2009, which was more of a grown and mature crowd, bringing back the live jazz bands, the karaoke, the line dancing, more of a restaurant style venue.

Over the past six months I've made some changes that have been bad decisions and it is all my fault and I do accept all the responsibilities. Like the Mayor stated before, I do try and contact the City of Euclid when we do have large amount of crowds and the parking lot is crowded. I'm in contact with the city maybe 3-4 times a week, just to let them know as a courtesy call, not saying there's a nuisance going on, but just to let you guys know that I do work with you guys when we do have larger crowds and it may lead to something as a preventative measure. I do apologize, I did not expect any of this to happen with the changes that I made within my establishment.

Mr. Edward Chenock, Jr. – 155 E. 203 St. With the piece of legislation tonight about the objections of the renewal of the liquor license to these two establishments, it is good to see good riddance to those are actually taking a more responsible approach to putting an end to the crime in the City of Euclid and putting an end to the depletion of the quality of life in the City of Euclid as we know it. It is a shame that basically any business who sells liquor, they can be either responsible like some, like the Paragon and Tradewinds and others who unfortunately cannot control what goes on. I'm glad to see that we are finally taking a pro-active approach in restoring the quality of life in the City of Euclid. Thank you.

Ms. Anita Vokic – I'm here to speak on behalf of the S&S Lounge, where myself and my brother Miro Vokic are owners. I live in Willowick, 28902 Oxbridge Dr. We just learned about this nuisance complaint Saturday from a random email sent to us, obviously are in a little bit of a shock here. We have never heard from the Police Dept. or anybody else about these nuisance complaints or anything. We've had this bar nine years, it is going on ten very soon. If you look at our liquor license violations we've had one in the past ten years. If you can do comparables with other bars in the area, serving minors, serving after hours, dealing drugs, filthy conditions, unsanitary conditions, that's one way to look at it. We've had one in ten years, it is a very clean record for a bar.

Right here it says we have a blatant disregard. We have called the police on several occasions and every occasion. We have never tried to hide anything. My brother is the father of five children, the youngest being four. His safety is my concern as is every patron that comes into the bar. Immediately we call the police. I know that you can look at these lists and say to yourself, hey guess what this place is a nuisance. But you're also located in a shopping plaza. One of these occurrences occurred when a random guy came in on Sunday afternoon. Now, my brother didn't want to send him out to the public, you have a shopping plaza, you have kids, you have families. He kept him inside the bar, called the police and had him taken away because he was physically, you could see that he was actually mentally ill. I also own a bar in Mentor and ended up going to my bar. Luckily because my brother notified me of this from the S&S, we were able to save our customers there as well.

The bar is not the responsibility, it is not all our responsibility, none of this always happens because of liquor. Over the years, obviously clientele has changed, demographics in Euclid has changed. We're trying to keep up with it as much as we can. Ten years ago you didn't need a bouncer at the door at a club or a bar or anything like that. Now you do. Now the safety is important. Ten years ago did you have metal detectors in the Euclid Schools? No, we have that now at the S&S. We are keeping up with these changes and we're continuing to do so. I believe if this was a serious nuisance, I believe the Police Chief probably would have contacted us once. Outside of that we have been diligently working on this.

We do have patrons that we like, that we care for. We have US Vets that come in during the day. This is their home, this is their social gathering, it is more than just a bar and a nuisance to everybody. We need to learn to work together to keep these places opened because if you close this place, not only is my brother out of a job, what about his five kids and what about every person that works for him in that bar. Their salaries really rely on feeding their children. That's all I would like to state. Hopefully you guys take a really bigger look into this and see how we can work together instead of shutting down yet another Euclid business. I didn't come up here and tell you that we put a lot of money in there, how about the blood, sweat and tears. These are families that are being affected right now, let's work together to save Euclid and not keep closing things down.

Mayor Cervenik – I think it's important that the people at home and the audience understands what was just said and what has actually happened. We're not trying to put anybody out of a job. But on 9/2/11 a shooting occurred amongst patrons at the S&S Lounge and one male had been shot. The police department was not called about the shooting. In fact the victim was being helped into a car so that incident would not be held against the S&S Lounge.

The recent criminal nuisance complaints include: 8/26/11 an incident of a domestic violence; 7/15/11 an arrest was made for disorderly conduct intoxication; 6/12/11 an assault occurred, an assault occurred on 5/29/11. I read that wrong. The other one, 6/12/11 was a disorderly conduct intoxication. A fight occurred and a knife was brandished on 4/18/11. An assault occurred on 1/28/11. A fight between two females occurred on 1/14/11. EPD was dispatched to the S&S Lounge for a complaint of a large group of males fighting inside the bar. On 1/7/11 an assault occurred. On 11/13/10 an arrest was made for disorderly conduct, intoxication and open container. On 11/6/10 an assault occurred. On 10/8/10 an assault occurred. On 8/6/10 a person was arrested for disorderly conduct and drug abuse. On 8/6/10 EPD was dispatched to the S&S Lounge for the report of a riot. On 7/12/10 an assault occurred. On 6/13/10 a fight occurred. On 3/13/10 an arrest was made for disorderly conduct. On 2/20/10 an arrest was made for disorderly conduct. On 2/10/10 a fight occurred and two women were arrested for disorderly conduct. In 2009 there were also multiple reports concerning disorderly conduct.

Now I am sorry, but to have a person, a business owner come up here and tell us they weren't aware of this, just what I read, they don't and should not own that business, run that business or have any right to the responsibilities that a liquor license allows a person to have. There is a total lack of responsibility and guidance. These are true facts, they are all documented. Thank you.

President Holzheimer Gail – Seeing no further comments we'll move forward with legislation and Item #1.

#### LEGISLATION

##### **Ord. (342-11) Land Bank Sale 24150 Euclid Ave. & 19740 Euclid Ave. – 2<sup>nd</sup> Reading**

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)  
(Tabled 9/6/11)

Councilman Gilliham moved for passage, Councilwoman Scarniench seconded.

Asst. Director Sweeney – I did speak with Nina Hammond at the Cuyahoga County Fiscal Office. They've had the same process in place for eight years and I've been here five and I've been doing the same thing for five years. It looks like this one just slipped through the cracks. What's normally done is I do to the Auditor's Office first, we do the transfer and I give them my paperwork and they have to have somebody from the Land Bank Dept. sign off on it, it is very informal. They then write the parcel number on a post-it and within the next few days somebody from the fiscal office goes in and wipes out the back taxes. Then I go to the Recorder's Office and record the deeds.

The same thing happened with this deed. I do have a copy of the deed. It did go into the Cuyahoga County land bank, as usually. I just don't know why the County didn't wipe the back taxes out. Nina did say she was going to take care of that within the next couple of weeks. I emailed her the day after the last council meeting but I saw today it still was not done. It is a busy time of year for them with the special assessments going on, so I'm hoping we can have this be a second reading for this piece and hopefully in two weeks we can get that taken care of and Mr. Deegan can take this tax free. It will then be taxable to him, of course.

Councilman Gilliham – Two questions, I was the one that brought the issue up with the back taxes. So according to your research and documentation, this is a clean deed, correct?

Asst. Director Sweeney – Absolutely, I have the deed right here.

Councilman Gilliham – Thank you and Mr. Deegan won't have any issues upon receiving this particular parcel?

Asst. Director Sweeney – No, once they clear that out, not at all. We have never gotten a bill from the County for this. Sometimes we do have some properties that are in taxable status and we get a bill every six months to a year on those. We have never gotten a bill on this one, just one that slipped through the cracks on their end.

Councilman Gilliam – Thank you.

President Holzheimer Gail – So we'll consider this a Second Reading.

Second Reading.

**Res. 130-2011 (370-11) Objecting Liquor Permit S&S Lounge**

A Resolution objecting to the renewal of the liquor permit for the S&S Lounge, 22810 Lakeshore Boulevard, Euclid, OH 44123 and encouraging the Ohio Department of Commerce, Division of Liquor Control, to deny said renewal of the liquor permit. (Sponsored by Councilperson O'Neill by request of Executive Officer)

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

Asst. Director Sweeney – Both of these next two pieces, one for the Olive Twyst and one for the S&S, we're taking the same approach for both of them. We've prepared these Resolutions. Every liquor permit is due for renewal October of every year. I did read up on their brochure, they have no obligation to advise the city that a liquor permit is up for renewal. They only let us know when there is a change of ownership, transfer or a new permit. So we did not get a notice of any particular date for renewal. However when both these incidences happened in September, they were forwarded to me by Capt. Brickman in the Police Dept.; immediately took a look at these and we decided we were going to try to meet with the owners. Mr. Howell, through Councilwoman Jones, emailed us to set up a meeting before I even got the chance to do that. We met with him this morning along with the Mayor, Law Director Frey, Capt. Brickman and Lt. Meyer and Councilwoman Jones was there as well. I appreciate Mr. Howell wanting to work with us, we want to work with him but we also need to protect the city and we need to take the steps that we need to take. So we're doing a few things here, I'm asking you for this resolution and will send this down to Liquor Control Commission for them to contemplate when they're debating their renewal in October.

Secondly I have declared both the S&S and Olive Twyst a nuisance. I advised Mr. Howell today by hand delivery of my paperwork and I do have paperwork for Mr. Vokic as well. We've declared those two bars a nuisance so if there's any nuisance activity from this point forward they will be charged \$200 per nuisance instance. Also I have sent letters to the owners of the shopping plazas where each bar is respectively located advising them if the bar owners do not pay their nuisance bills I will be putting those nuisance bills as liens on the property. I don't know if anything the owners of the plazas will do but they need to be aware of the ordinance.

The next step that we plan on taking is filing a nuisance declaration in Common Pleas Court that will then be up to the Court to see if we have enough evidence to declare each of these properties nuisances under the State Code. If we are successful, which I believe we will be, we then take that nuisance declaration to the State of Ohio Liquor Control Commission, they then can decide based on the nuisance whether to revoke the liquor permit. We've got a few things going on for each of those bars. We are treating them both exactly the same because they have similar incidences going on, both of them recently in September culminating in shootings. These are unfortunate incidents and the city will not tolerate this type of behavior. I'm hoping Mr. Howell will stand by his word that he is going to work with us and we're planning on meeting with Mr. Vokic on Thursday afternoon to discuss his plans with his business. I would still respectfully request you pass both of these resolutions whether or not the owners choose to work with us, I'm hoping they do but we still need to press on, I believe.

Councilwoman Jones – Asst. Director Sweeney, can you just explain, during this process while we're waiting for a response to the Common Pleas Court or the permit, what these two establishments can do, will they still be able to function? If you could explain a little bit about that process?

Asst. Director Sweeney – They can still open up as they are doing. Mr. Howell verbally suggested to us he was possibly going to shut down the business a little bit for some revamping. He mentioned some things that he's planning on doing. I hope Mr. Vokic will consider similar things and I'll discuss those with him or we'll discuss those with him on Thursday. They can still proceed with the business as is. They still have their liquor license. They are still on the hook for our local nuisance abatement ordinance. So if there's any continued nuisance activity while they're still in business that's \$200 fine per instance but they still can operate.

Councilwoman Minarik – The reason I will support these two resolutions is because I live off of 185 and I don't understand what is going on in those two bars, but in my six blocks, Euclid has six blocks in 185 and we have four bars. One of those bars recently opened. There was concern of problems because the patrons were causing disturbances outside, just a lot of noise. The bar owner sat down with the Euclid

police, myself, some of the residents and since then we've all been working together and there's been no problems, because that bar owner wants it to work. There are no problems on these four bars.

The other thing that makes me want to support this is because, when the Horseshoe was open on 185, used to walk my dogs past there, actually I didn't walk them past there, I'd stop a block north of that bar because of all the trouble that was going on outside, Cleveland knew what was going on and did nothing about it. The tragic result was somebody got out of his car one day, ran into the bar and shot up the place. Because no one has been killed yet, doesn't mean no one will.

From what we're seeing here, in 2011 alone, the S&S has had nine incidences and the Olive Twyst has had 16 incidences just since February. There are lives at stake, the patrons' lives. I think that's bigger than any jobs. I've lived too many years off of 185 and had too many shootings occur in Cleveland right around the corner from my house. People died and so I support these and hope that the rest of Council does too. Thank you.

Councilman Gilliam – Asst. Law Director Sweeney, my math is a little different from Councilwoman Minarik, I just counted dates and I counted at least, in regards to the Olive Twyst, I counted 20 dates of record and 16 dates of record for the S&S Lounge. My question to you is, do we have recommended standards in our Codified Ordinances that either mandate or suggest that local bars have certain type of security or certain professional standards?

Asst. Director Sweeney – Unfortunately no. Some bars have security, some do not. I have actual statistics from the Police Dept., at the Olive Twyst from August 21, 2010 to August 21, 2011, one year, we've had 58 calls there. Not everything is nuisance related, there's some lock out of vehicles and lost property and things like that, but with our local nuisance code I can look back a year and I have a copy of the letter I sent to Mr. Howell. For the past year from the most recent date of the shooting on 9/14, I have 12 nuisance activities within the past year. For the S&S dating one year back, I have 8 reports of nuisance activity, the last one being the shooting.

Councilman Gilliam – The reason why I was asking is because that's something that maybe down the road Council needs to look at to avoid these situations in the future. One of my concerns is that both of these bars are in business districts away from neighborhoods and to receive these number of complaints when there's no adjacent homes and things of that nature, causes a major problem for me. I do support businesses. I support entrepreneurship. I support individuals having the opportunity to come into our city to establish themselves as good business people and to serve our community and to serve abroad. But I know that when it comes to residential nuisance abatement, we only allow two calls and then we move forward. Once again, I counted 16 dates on one establishment and 20 dates on another. I don't think we need that many opportunities to prove a point. So I'm blatantly stating that we need to look at possibly establishing professional standards so we can identify security and what type we would like to have. I'll be blunt, I frequent bars where men cannot search females. So maybe we need to have gender appropriate security staff. Metal detectors maybe an issue that we have to look at as well or at least having those wands. I want this to be a learning experience, but unfortunately we had to come to this point. There are some individuals that are better off at managers than others. When a person comes into my home and acts out, I'm responsible for that person regardless of what other people think. Any business that would court the opportunity for people to come in and service them, they have a level of responsibility as well. Unfortunately we're here at this point, but in regards to both resolutions, I'm going to support the objection of the renewals. But I also want it to be a learning experience and I'd love to talk to you about possibly looking at ways that we can establish standards for our current bars and anyone who may want to come into the city and start an establishment. That's my response.

Councilman O'Neill – I just want to caution how far we push. We have two establishments within the city that we're addressing. There are many, many establishments in this city that have no problems at all and they're well attended. I would caution as to a potential knee-jerk reaction, I certainly would be willing to have a Safety Committee Meeting to talk about it. But we're talking about two places in the City of Euclid and there's many restaurants and liquor establishments that serve open containers that have no problems. But this also sends a message to potential new owners in the city and certainly ones that may have problems down the road that we will not tolerate any nuisance in the city. As the sponsor of the legislation, I'm asking for support from council, but I would just caution how far we throw the net and go after everybody in the city when the vast majority of the restaurant and bar owners are complying.

Councilwoman Jones – To Capt. Brickman, as we spoke today, about pro-active ways for establishments that are currently in business now and as management changes from an establishment from one to the other, can you elaborate on what those pro-active initiatives can be for establishments? As Councilman O'Neill mentioned, there are some establishments that are not having an issue, but if a management changes from one in that location and now someone else is running it who may not be aware of any type of regulations or anything, and how to keep those under control. If you could elaborate on that a little bit.

Capt. Brickman – In reference to our conversation earlier today, we look at this problem as being that of crime prevention, trying to avoid inviting problems into the city. We know that there is a problem there, let's try to deal with the problem. With that being said, we do have crime prevention specialists that work for the police department. When a business changes hands, we need to communicate with them what the expectations are for that business. Additionally different measures can be taken by every business that is having problems of this nature in terms of identifying the patrons, putting in video cameras and surveillance, so that we could establish identity on somebody if there is a problem at that establishment.

Councilwoman Scarniench – I agree with both Councilman Gilliham and Councilman O'Neill. We need to look at our rules and regulations but on the other hand maybe it would be something that would kick in after the second call has been made to an establishment. We don't want to bother people who are running their businesses and doing it well and are not having a problem. But when it all of a sudden becomes a problem, then we would be able to go and this piece of legislation could kick in and say you're being warned, this is what you have to do and they may have to go out and hire bouncers, whatever you want to call them, and have those security checks. You know what, people are dying all over this country, kids are dying because of bullets that are stray or gone somewhere else. We need to do something and I don't think we're chasing businesses out of Euclid. Businesses are moving to Euclid. I haven't seen anybody leave that is a legitimate good business so I totally support both of these pieces.

President Holzheimer Gail – Just to follow up, I had a conversation with Law Director Frey and the administration today about some of these issues of what can we do to set up. I think our authority comes in the occupancy permit. We don't ultimately have control over the liquor permit. We don't ultimately have control over some of the other issues but we do in occupancy. I like the idea and Director Frey and Asst. Director Sweeney were going to start look at that as what conditions can we put. Maybe it is not for everybody, maybe it is in the step approach that we're going to give you after a certain point a condition of this permit will be and they have to research the legal side of that to see. A more thorough discussion in the Safety Committee would be an appropriate place to do that.

Councilman Wojtila – We just need to, our nuisance abatement ordinance and laws, there's no automatic trigger, we need to work on an automatic trigger so that after two events it is declared a nuisance. Then whether it is a business owner or home owner, they start to feel it right away so it doesn't escalate and get out of hand. We need to work on that.

Councilman Van Ho – I agree with Councilman O'Neill that we need to put this into Committee and have a good discussion about it with input from the police and with input from the Law Dept. and let's get something going. A lot of the suggestions I've heard here are good ones, but let's get something on the books so you know the rules coming in if you're going to have a bar or restaurant that serves liquor in Euclid, this is the rules.

President Holzheimer Gail – I didn't hear anyone suggest that this go to committee. The issues to be discussed in committee are the long going. I think it is important for us to pass these tonight, start the clock ticking. The business owners, hopefully they will improve and make some changes. They're going to have to argue that and prove their changes in a hearing.

Councilman Van Ho – If I communicated it wrong, I'm not saying put these two in committee. I'm saying we've got a problem so let's have a committee meeting and look at this and do something proactive.

Asst. Director Sweeney – I wanted to comment on one thing Councilman Wojtila said. We do have the two nuisance call trigger. We had some issues with Michelle Kelly leaving, Mary Lou Jost leaving and it left a vacancy in the police department to communicate with me. Kristal Skovira and I have set up a new plan and I think all of Council is aware of it pertaining to residential properties, any new property I declare a nuisance, Kristal is going to run those reports every week to see if anything new pops up. It is not the obligation of the residents or the neighbors to tell us something is going, we need to know that. Our computer programs don't automatically know there's something going on. Kristal is going to run every Monday, Tuesday report of all the new nuisances to see if anything new pops up. Hopefully we will be better about declaring nuisances and being able to follow through with those.

President Holzheimer Gail – That covers both residential and commercial?

Asst. Director Sweeney – Yes.

Councilman Gilliam – One last comment, to the business owners out there and to the people that are watching, Euclid is not anti-business. South Euclid, the City of South Euclid has two bars that they are actually doing the exact same thing. One is on Green Road which is called, Numbers and the other one is called Valentino's which is a long standing bar, but due to changes in ownership and loss of control we have an adjacent city doing the exact same thing, wanting to not renew their license and putting forth legislation to go to the state. This is not Euclid taking a high-handed approach and being very detrimental to the owners. This is an adjacent community, South Euclid being one of them, who is having the exact same problem and they are taking the same position that we are taking. If you want to have a business, fine but you have to have certain guidelines that you have to follow and we just can't tie up our resources with these numerous calls and putting the patrons of our city in jeopardy.

Councilwoman Jones – Asst. Law Director Sweeney, you mentioned establishing a list of nuisance properties. I would like to be notified when there's a property that comes along whether it is a business, I don't know how the other council people feel, that to give that awareness that this property is now a nuisance property and going forward, if there are any issues with it then we could be at least aware of something that is outstanding. I don't know we would get put on that list, but I would like to be notified of properties that are considered nuisance.

Asst. Director Sweeney – Absolutely, if there's one in your ward I can certainly advise you of that. Many of the nuisance complaints I get come from Council. You know something is coming before I do, so I'm happy to let you know if you were out of the loop on one, I'd be happy to let you know.

Councilwoman Minarik – Just to the business owners that came up and spoke, number one, I don't think it takes six months to realize that you've made bad business decisions when you've got violence and disruption in your establishment. Number two, 185 demographics have changed considerably too and yet those four bars on 185 don't have these problems and we're on the edge of Cleveland. I believe when you have the bar, it is the environment inside that determines whether it is going to be peaceful or rowdy. It is up to the business owner to set the tone of the place. That's where it seems these two establishments have failed. Thank you.

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

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

**Res. 131-2011 (371-11) Objecting Liquor Permit Olive Twist**

A Resolution objecting to the renewal of the liquor permit for the Olive Twyst, 26159 Euclid Avenue, Euclid, OH 44132 and encouraging the Ohio Department of Commerce, Division of Liquor Control, to deny said renewal of the liquor permit. (Sponsored by Councilperson O'Neill by request of Executive Officer)

Councilwoman Jones moved for passage, Councilwoman Scarniench seconded.

Asst. Director Sweeney – Nothing additional from what I stated.

Mayor Cervenik – I appreciate Mr. Howell coming and talking with us today and as he said he accepted full responsibility for what's been happening at his establishment over the past 6-8 months, year. But when you accept that responsibility, you also have to accept the consequences and that's what our legal system is all about.

The other thing I wanted to mention is we're talking about, in both places, large crowd disturbances, guns and knives brandished, disorderly conduct, riots. You know who responds to those, the men and women in our police department. They are put in tremendous danger because there maybe 7-8 police officers that respond and have to try and accomplish order and peace amongst as many as 100 people that have no intention of being peaceful at that moment. I think up until this moment, we have been very fortunate that none of our officers have been severely injured or worse in any of these instances. That's another reason it is important that we make sure the mismanagement of establishments like this are stopped and stopped immediately. Thank you.

Councilman Gilliam – This comment goes to Asst. Director Sweeney and I will keep it as general as possible. Whoever is responsible for this resolution, the third whereas, the last sentence, on 11/6/10, I don't understand why that information was even added in there. There's nothing else that relates to that. I believe it as insinuary, it was on the public website. I've looked at both resolutions and there was no indication of anything on there until that last sentence and I think that would be an inappropriate thing to have on the city resolution. We're not a tabloid and we're not a newspaper and I just want to make it very

plain that the last sentence to me was inappropriate, it is public, I won't go into detail and discuss it because that's not an issue to discuss tonight. I wanted to make people aware that I hope the administration erred or made a mistake, but I would not like to see this again.

Asst. Director Sweeney – It was not meant to offend anybody, it is a quote from the police report which is a public record and it is out there in the public domain. If you would like to delete that line, feel free to move your council members to do so. I'm simply quoting the police report.

Councilman Gilliam – I would like to motion to delete the last line of the whereas and basically just quote the police report to say there was a potential robbery by someone at gunpoint in the parking lot. I don't know the exact terms, but it doesn't make sense considering everything else that's on here. So motion to amend to a robbery in the parking lot by gunpoint.

Councilman Gilliam moved to amend Re. (371-11) to delete the last line of the Whereas to say there was a potential robbery at gunpoint in the parking lot. President Holzheimer Gail seconded.

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

Councilwoman Minarik moved to close debate, Councilman Gilliam seconded. Yeas: Unanimous.  
Roll Call: Yeas: Gilliam, Scarniench, Jones, Minarik, O'Neill, Wojtila, Van Ho, Holzheimer Gail.  
Passed as amended.

**Res. 132-2011 (364-11) Submit Issue 1 Applications**

A resolution authorizing the Mayor of the City of Euclid or his designee to prepare and submit an application to participate in the 2012 Ohio Public Works Commission State Capital Improvement and/or Local Transportation Improvement Program(s) (Issue I), and to execute contracts as required. (Sponsored by Councilperson Wojtila by request of Service Director)

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

Director Bock – This is our annual Issue 1 Application request. This year there are two projects which we are applying for, one being the waste water treatment plant sludge transfer force main. This is the force main that runs from the Lake Shore plant to the Lakeland plant. We had increasing occurrences of this main breaking and it is time for replacement. We spent about \$40,000 this year on repairs, similar amount last year. With upcoming changes at our Waste Water Treatment Plant that are coming up through the Consent Decree, this main will needed to be shut down, restarted; every time you do that there's more chances for occurrences of breakages and this is why we're apply for this project. It is something that needs to go forward before other improvements at the plant can happen.

The Upper Terrace CSO elimination would involve the installation of a swirl concentrator there as we have in other areas in the past in the city. It is a combined sewer there which will overflow at this time into the storm sewer which is not something we want to happen. We have approximately 17 of these CSO's located throughout our system. This is just another one that we're out to eliminate.

Those are the applications, it will be a combination of grant as well as some low cost loan funding and a combination with Issue 1. In the past two years we've increased our grant request. I intend to do the same here. The last couple of years we've received 70% grants and a combination of local share and low cost loans to provide funding for those projects. We will continue to do that here.

Councilman Wojtila – Is this the entire replacement of the whole force main? From the Treatment Plant all the way?

Director Brock – That is correct, it will replace everything from the Lake Shore Blvd. plant to the Lakeland plant. At the present time it is routed down Babbitt Road to the Marginal and down the Marginal to the plant there. There were some talks of changing the routing to make it a little shorter and easier way of getting over there. Quite frankly I'm not inclined to put it through residential areas which was suggested. They say it is new and it won't break, that doesn't always happen to be the case. I don't want this force main breaking in a residential area and having to deal with it. I'm trying to stay to the same route that is existing at this time and just replace the entire line.

Councilman Wojtila – Maybe because you haven't done the engineering, but wouldn't it be a total new pipe or is there some technology where you can re-use the existing pipe?

Director Bock – The pipe at this time is too old to sleeve or reline. It is an iron pipe, the same as water line. Some cases if you do it soon enough you can reline the pipe but in this case the pipes are too fragile it needs to be replaced so this would be an entire new line.

Councilman Wojtila – You mentioned this as annual, I don't know that we did Issue 1 this current construction year that we're in right now. Did we do any Issue 1 projects?

Director Bock – We did apply last year for this year. We did receive projects. We just not have begun some of those projects at this time. They are in the books and in the works. We just haven't been able to start them yet.

Councilman Wojtila – This Issue 1, is it a 0% loan?

Director Bock – That hasn't been determined yet, it depends on our application and the amount of grant we receive. I am simultaneously applying for some additional loans to take care of the local share through the Water Pollution Control loan funds, which as sponsored through the EPA, it is a revolving fund, they are very low interest. I am apply at the same time for those funds to cover our local share. A lot of times it is on a point system, the more grant that you apply for, the less loan that you are going to receive and at some point no loan. I can ask for 80-90% grant money but that 10% is going to be total local share. There's a trade off and there's a trade off in the point system for awarding the contract so it is a balancing act. While we have been successful with 70% grant in the last couple of years, there's a 10% local share and a 20%, zero percent loan. Sometime it is a trade-off, we might be better off with 70% grant and a very low interest loan, rather than going with a 50% grant in order to get a 0% loan. It is a balancing act and I am applying for additional funding through other agencies.

Councilwoman Jones – Director Bock, you mentioned that there were some outstanding Issue 1 projects. With those outstanding will that affect the percentage of funds that we could be granted for? Can you have these outstanding projects and still apply for additional?

Director Bock – It won't affect our application at this stage. Each year's applications are treated totally separate from a previous year. Even though I have last year's still sitting on the table so to speak, it will not affect this year's applications. I've seen projects sit on the table for 3-4 years without any problems whatsoever. I do not anticipate any problems at this point with projects that I already have in hand.

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

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

**Ord. 133-2011 (365-11) Cargill Salt**

An ordinance authorizing the Director of Public Service of the City of Euclid to extend the existing contract with Cargill Salt for the City's requirements of salt for one year, covering the period from November 1, 2011 through October 31, 2012. (Sponsored by Councilperson Wojtila by request of Service Director)

Councilman Wojtila moved for passage, Councilman Van Ho seconded.

Director Bock – I am requesting permission to extend our existing contract with Cargill for road salt for 2012. The price does include a 1.7% increase over last year's prices. I do not believe it is in our best interest to go to bid at this time. Our prices are slightly higher than ODOT's pricing. We are below other cities that have received bids. I've provided pricing information to you to show you where we stand. Unfortunately ODOT pricing is not available to us this year. Their deadline is in May for getting on their list, they've maxed out their quantities and that is not available to us right now.

There are some downsides as attractive as ODOT pricing looks, there are some setbacks in it that are worthy of note and has to be considered when we're going in that direction. One is the delivery time. In our contracts we specify a 24 hour notice delivery start time from the time we make our order; ODOT allows 2 weeks. So we get into an emergency situation where we need salt, it could take us up to 2 weeks to receive salt. There's quite a bit of advanced planning you have to take into account when you're dealing with ODOT, part of that is our storage capacity. At the present time we can store approx. 2,000 tons of salt, that is what our bin holds; 2,000, as much as that seems, is not a lot. It is a disadvantage to us when dealing with ODOT because they also do require when you establish your tonnage for the year, you are responsible for that tonnage whether you need it or not. So if I go in with 7,000 tons for that year, if I only needed 5,000 or 4,500 tons, I'm still stuck paying for 7,000 and I have to have a place to put that and we do not have that at this time. We cannot store it outside, the EPA frowns greatly on that.

There are some setbacks with ODOT but I like having that option available to us when we go out for bid. I would intend to go out for bid in March 2012, establish prices with the companies and have the ODOT pricing as a fallback. I think it makes a lot of sense. I think we go in as a disadvantage this late in the season. A lot of the communities that I have talked to which was quite a few of them, including Cleveland Hts., South Euclid, Independence, Mentor and Wickliffe. I contacted all of those communities. A vast majority of them are under ODOT and the reason for that is if you remember a couple of years ago these communities tried to put together a consortium, it went away from the contract prices here. The consortium fell apart when the supplier could not supply the salt in the middle of a very difficult winter. They were being charged \$75-\$110 a ton by the local suppliers for salt. They've fallen underneath ODOT at this time and I guess it is to their advantage. But you see the cities that have gone out, we're still priced very favorably. There's an advantage to our 24 hour delivery and we only get what we need. I don't want to be committed to buying 8,000 tons of salt when I only need six. We would be stuck with that.

It does help us in the bidding process later. I think it is one thing that we have in hand that if the supplier comes in too high of price we have a fallback which we don't have right. I do request your support in this matter.

Councilwoman Scarniench – Director Bock, back in the Spring, I can't remember exactly when, a few of us were on one of my all famous tours. One of the things we looked at was where the salt is kept. We talked then about the possibility of having another structure storage for more salt so we don't have that kind of problem. Is it possible to put something together so that when capital budget comes around we may actually be able to do something so we can store more salt when we get a good price like that?

Director Bock – Two years ago we looked very seriously at building a new salt structure for storage there. It would be a little larger than what we have now capacity-wise. It would basically double our capacity, maybe a little bit more and we were talking to the tune of \$200,000-\$250,000 for this type of structure. Unfortunately at the present time with the different needs under capital and our equipment needs, that was kind of put on the back burner. I will continue to look at it and when the opportunity arises, bring that out for capital.

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

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

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

**Ord. 134-2011 (366-11) Bids for Chemicals WWT Plant 2012 & 2013**

An ordinance authorizing the Director of Public Service of the City of Euclid to enter into various contracts, after advertising for bids, for the purchase and delivery of all required chemicals necessary in the operation of the Treatment Plant for the years 2012 and 2013. (Sponsored by Councilperson Wojtila by request of Service Director)

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

Director Bock – I would like to go out for bids for chemicals necessary at our Waste Water Treatment Plant. This is earlier than normal but I'm trying to get all the contracts which will be coming up renewed before the first of the year for budget purposes so I have a better hold on where we need to be. I would request your support on this.

President Holzheimer Gail – Appreciate your foresight in that manner.

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

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

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

**Res. (368-11) UDE Daycare 24451 Lake Shore – 1<sup>st</sup> Reading**

A resolution granting a Use District Exception, pursuant to Chapter 1359.03(c)(12) of the Codified Ordinances of the City of Euclid to Robert Sebastian, Owner of Creative Minds Arts, Inc. to allow a day care center in a U-3 (Apartment House) Use District, located at 24451 Lake Shore Boulevard, Permanent Parcel No. 644-06-001. (Sponsored by Planning & Zoning Commission)

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

Director Pietravoia – This matter was before the Planning & Zoning Commission and it was approved at that time. Councilman Langman was in communication today with Commissioner Beno and he would like the public to have an opportunity, if anyone is interested to comment on this at the council level, so he's asked that we put this to second reading with the intention of acting at the second reading.

President Holzheimer Gail – I will reiterate that. He does expect to ask to waive the three readings, so ask council to make a decision at the next meeting, October 3<sup>rd</sup>. We will consider this a first reading.

First Reading.

**Res. 135 -2011 (369-11) Levy Millage**

A Resolution adopting the rate of each tax necessary to be levied both inside and outside the ten-mill limitation, as certified by the Cuyahoga County Budget Commission. (Sponsored by Mayor Cervenik and All Members of Council)

Councilwoman Minarik moved for passage, Councilwoman Scarniench seconded.

Mayor Cervenik – This is a Resolution stating the amount of real estate tax, inside and outside millage that will be levied upon our residents and businesses for the coming year. We do this annually and this is the beginning of our start of the budget proceedings. There is no change in the millage inside or outside as there has been no tax increases put before or passed by the voters for the City of Euclid.

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

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

**CEREMONIAL RESOLUTIONS**

**Res. 128-2011 (362-11) Congratulations Library Director Perdsock**

A resolution of congratulations to the Euclid Public Library's Director *Donna L. Perdsock* on being named "*Librarian of the Year*" for 2011 by the Ohio Library Council. (Sponsored by Mayor Cervenik and Entire Council)

**Res. 129-2011 ( 363-11) Support Alzheimer's Association**

A resolution in support of the Alzheimer's Association's "*Walk to End Alzheimer's*" on Sunday, September 25, 2011, at Tower City in downtown Cleveland, Ohio. (Sponsored by Mayor Cervenik and Entire Council)

Councilwoman Scarniench moved for passage, Councilman Gilliam seconded.

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

**COMMITTEE OF THE WHOLE**

President Holzheimer Gail – This is the public portion where you may speak to anything for the good of the city. Seeing no one, we will move to Council Members' Comments.

**COUNCIL MEMBERS' COMMENTS**

Councilman Gilliam – I have nothing to say this evening. Thank you.

Councilwoman Scarniench – Just some announcements. Euclid Historical Society on Sunday, September 25<sup>th</sup> from 1:00-4:00 is having their second antique appraisal fair. If you have something you'd liked looked at, to find out the value of it, you can come and their expert appraiser for only \$5, will tell you what it is worth. If you have an additional item, it is \$2.50 for each one. That sounds like fun, 1:00-4:00 on September 25<sup>th</sup>.

Also we have the Petpals 9<sup>th</sup> Annual For Paws Clam Jam and Boo Bash, Friday, October 28<sup>th</sup>. The cost is \$40 per person, music dancing and dinner. Lots of prizes, lots of costumes. You never know who you will see there. For more information, it is a great fundraiser for the Animal Shelter, call 289-2057. Deadline for tickets is October 25<sup>th</sup>.

The Rose Mary Home is honoring their 90<sup>th</sup> Anniversary with a Holiday Reverse Raffle on Friday, November 11<sup>th</sup> at Tizzano's. Call if you are interested, 481-4823, ext. 105, that's Donna for more information.

Please don't forget if you want to vote by mail, you need to make that phone call. We're not getting the ballots automatically sent to us. If you would like the ballot, please call, 216-443-3298.

A lot of people keep asking if there are going to be any candidates nights, any forums. The Library is doing candidate forums on October 9<sup>th</sup> at 2:00 a Sunday for the Judges and School Board. October 23<sup>rd</sup> will be City Council and the Mayor's race. Those are both at the Library, both on Sunday at 2:00. That's the only one that I know of and it is for everyone in the city.

I wanted to thank the Service Dept. because every time I call them with the sewer problems over the last few weeks and we've all had them, they've been able to get out and take care of the situation and the residents they have helped greatly appreciate it, so I thank you. Goodnight.

Councilwoman Jones – Councilwoman Scarniench made all the announcements that I was going to make, so I just wanted to make the reminder that schools are open, please be careful, it is not staying as light out as it used to be. Please be careful of kids who are out and about. This is also the season for open houses for the schools, so you may see more activity with the kids out and about for those activities. Please be cautious in these school zones as well. Thank you and have a goodnight.

Councilwoman Minarik – This is going so quick. Mr. Bock I do want to thank you, I've been meaning to, the sidewalks on E. 185 that were replaced. It has been 20 years that I have lived in that neighborhood and it is the first improvement to that street I've seen the city make. The residents love it, the merchants love it, the bicyclists love it, everybody loves it, thank you, thank you, thank you.

Mayor, to a more serious subject, it's been awhile since some questions were asked regarding Chief Repicky, so I wanted to ask you some questions as the Safety Director. About two months ago Councilman Langman asked you the following questions regarding the Chief's retirement. You answered a couple of them or Director Frey did, but the three questions that have not been answered yet was, does the Chief's retirement affect the Sheriff's Department investigation; besides the Ohio Police Chiefs Association study, what other special projects will Chief Repicky be working on; is there a stipulation of how much time Chief Repicky must report to the station for work.

In addition to those questions, I had asked Chief Repicky on June 6<sup>th</sup> when was the last time we had a report sent to the Attorney General by March 1<sup>st</sup> regarding a property room and as supposed to be done by the Rules and Regulations of the Euclid Police. He never did get back to me on that and I was wondering if you ever found out if we have ever sent the report to the State Auditor.

The last question I had asked you back in July was to explain Chief Repicky's decision to move Sgt. Blakeley's body before a coroner or a doctor had arrived. It seems to be totally irregular at least according to the Coroner's Office it was highly irregular. If you could answer of those questions, that's all I have. Thank you.

Mayor Cervenik – Chief Repicky's retirement has no correlation with the Sheriff's Department investigation whatsoever. I believe he has been questioned or brought down and talked to the investigation team as many other officers have. It has no correlation to his retirement at all. Chief Repicky has been in contact with the Ohio Police Chiefs Association and cooperating with them as they're trying to reformulate some of the business practices and improvements that they feel can be made to the Euclid Police Department, other officers have as well. Some of the projects he is working on that, I don't have the sheet in front of me, I did have it last meeting, but I will send you an email on the things he is working on. He's working on getting his grants for our 9-1-1 system and our communication system. He's working on getting grants for the, I keep wanting to call it broad-banding but it is actually narrow-banding of our communication system. It is a very important thing we need to do by the FCC. I don't understand the whole thing myself, but he does. Just on those two items alone, if he is successful we probably could see close to \$200,000 in grant money to help us do those two projects that need to be done. He's also working on a number of regionalization projects with the County and some neighboring communities which I'm not at liberty to talk about at the moment. But we are following the practices of trying to save money by sharing our services with other communities, just as we are closing in on the combined SWAT team from other communities, we're still working on that, that's got a little way to go as well. He's also working on a few other projects. I haven't required him to be at the police station any given amount of time. He's been in direct conversation with myself and he has been at the police station, did I say fire before, okay, police. He's also been in contact with Chief Cosgriff concerning some of the regionalization efforts between communities. He's been a very busy person.

I'm not sure if you would repeat your question about the report at the State Auditor, that one I don't get.

Councilwoman Minarik – According to the Euclid Police Department's Rules & Regulations, by March 1<sup>st</sup> of each year the Chief of Police or his designee shall cause reports to be forwarded to the Attorney General that include records of receipt and disposition of property seized and held, fine money received, all property coming into the possession of the unit. In June I had asked Chief Repicky when the last time that report had been sent, he said he would check into it and let me know and I'm still waiting and that was back in June. The final question was about moving Sgt. Blakeley's body.

Mayor Cervenik – Captain, I believe it was an email, right?

Capt. Brickman – I believe that there was information on this emailed awhile back. I'm aware that somebody from our agency had contacted the Attorney General's office about this and they had no idea what we were even talking about when we referred to this certain code. I believe that code was in fact repealed and they indicated that they weren't getting whatever was mentioned sent to them by anybody. I don't know that we're remiss in doing anything. I can try to revisit the emails and make sure if there was communication on that that it gets forwarded to you.

Councilwoman Minarik – It is in your rules and regulations. I don't know that it is a State code, it is Euclid Police Department's rules and regulations; it is 91-001-644, that is what I was basing it on.

Capt. Brickman – Thank you.

Councilwoman Minarik – Thank you. And the moving of the body?

Mayor Cervenik – That was the decision made by the Fire Dept., Chief Cosgriff do you have any?

Chief Cosgriff – It is my understanding that the body was transported by the Euclid Fire Rescue Squad at the request of the Police Chief.

Councilwoman Minarik – When the Coroner is shocked that it happens and dismayed because you don't move a body until a doctor or a coroner shows up, that's why I was asking for his reason. Thank you.

Mayor Cervenik – I'm not sure where you found that the Coroner used the word shocked. All I can tell you is from the reports that you and others received and from conversations that I had with a number of police officers that was there, the decision was made in a judicious manner to not in any way to cover anything up, other than to say the body was there, it was pretty clear what happened and the Coroner did confirm the cause of death as they thought. I believe the decision of the people there at that time felt it was best to remove the body from the police station, period. If you're insinuating that there was any, I hope not, because there wasn't. You had to be there, you had to be there and I wasn't but I've talked to people that had and had to be there to understand the decisions were made and not made for various reasons. It was an extenuating circumstance that we pray to God never ever happens again.

Chief Cosgriff – I will say this, that it is not highly unusual for a rescue squad to transport a body that is obviously deceased. I can think of many instances in my career where we've been called to an incident where we have done CPR and worked on the patient until the medical control has said it is okay to stop. In certain situations we transport the body, a lot of times it is for the good of the family or for the good of the bystanders, for the good of the patient. It is not unusual to transport a body, it is something that we spend a lot of time and a lot of training and we do have medical direction for the times that we are stumped, we can get on the cell phone and we can call our medical director who is on duty 24 hours a day and look for advice. Sometimes it is advice on treating a patient, sometimes its advice for where to transport the patient or what to do with the patient. That's why they have accepted the role of medical director. It would not be unusual to transport a body, that's all I have to say.

Councilman O'Neill – If the Mayor could add a little insight, the Stand Up for Euclid Night is September 30<sup>th</sup>, am I correct, at 6:00, if you want to comment on that?

Mayor Cervenik – You are correct. Stand Up for Euclid is a program to prevent violence and to promote safety in our schools and in our community. It is an extension of the Stand Up Parade and ceremony that we had at the beginning of the school. I must commend tremendously Principal of the High School, Charlie Smialek, his staff, as well as the school board and certainly last but not least Dr. Jones, our Superintendent for putting these programs and making our children understand how to make the right decisions. They're succeeding. The children I've talked to, the students I've talked to that night of the walk on 222 Street and the program we had, they're getting it, that's what it takes, it takes our community. When I got to speak I used words and I said this maybe strong words that you hear coming from your Mayor but we love you, you are our community, you are our children, we care for you. They need to hear that because I don't know if they always hear it at home. I don't know if they always hear it amongst their peers, but that is the whole program behind and the whole emphasis behind Stand Up is to let our students know that they have people everywhere to turn to, if they don't have those people at home. We should all be very glad that our school system knows that's an important message to send out to our students.

Councilman O'Neill – The time and location again?

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Mayor Cervenik – The high school football game at 6:00 with game starting at 7:00. I forget who we're playing, I think we're playing Glenville.

Councilman O'Neill – To Director Bock, it is a little bit early but I just want to start making some announcements regarding leaf pick up. It is going to be here before you know it, if you just comment. We're about a month away but it is going to happen before you know it and guide us through that process real quick again.

Director Bock – Leaf season will be here very shortly. We will again this year have our website location, as far as the location of the trucks so that residents can track when we will be in the area. Our equipment is ready to go. We've been mounting the leaf boxes on the dump trucks as they become available. We will be ready to go and we ask the people to place the leaves on the tree lawn, not on the street. We'll get them off the tree lawn. When they get put in the street, when we get later in the year if we get an early snow, they get plowed down the street in people's aprons and all the issues that we have. So please pile the leaves on the tree lawn and we will pick them up from there. Unfortunately I did see some leaves coming down today with the weather, so I am anticipating a little bit early start to the leaf season this year which necessarily isn't a bad thing. Get them down early, get them up that much earlier, I don't want to be picking leaves in February again this year.

Councilman O'Neill – Edgecliff is looking real good over there by 206 and 217, all the holes have been patched and we're just waiting for the final grind down and paving, so we know that's coming hopefully sometime by the end of the month on that schedule. We appreciate it, it has been a long summer but it is going to look really, really nice. One last thing, the curfews in the city, we do have curfews for minors during the school day, Monday through Friday. School age children are either supposed to be in the school or if they're home schooled they are supposed to be in the home that they reside in and taught by a parent. I talk about this every year, if you see a student aged child walking and are not in school, notify the Euclid Police Dept. and they will send a car out if available and talk to the individuals and find out why they are not in school. Many times this leads to home invasions during the day while people are at work and these kids got nothing else to do and cause mischief. It is the eyes and ears of all the residents to get out and look and see what is happening. The Police Department can't be everywhere all the time, so we do rely on residents to get out there and notify the police when they say any suspicious activity. With that, I'll say goodnight.

Mayor Cervenik – If I could go back to the leaves for a minute. We do have it on the internet and it does show where we're supposed to be. But there's going to be times when we're supposed to be there, it snowed the night before, it is raining, and we're not going to be there, so we will change that on the internet. I've talked to a number of homeowner associations and they are going to take an effort to notify by email, a lot of them have these email groups of all the members. The thing we still need some help with is there are a lot of people that do not have internet access that do not have the information we'll be putting on Channel 20. So if you know of residents in your neighborhood and I'm not just talking to you, I'm talking to people in the community itself, if you know they're coming, if you got the email that we should be there on Monday, let's your neighbor know if they're elderly and they can't do it themselves, help get the leaves out for them. The less trips we have to make down those streets, the better, but we will try to keep on track but it is just amazing what rain, snow does and even badly when people continually as they're clipping their hedges for the end of the year, instead of putting them in a garbage container, they throw them in with leaves and it really, really jams up the machines. The only way to fix them is to send that truck back up to the garage, that hurts too. So keep twigs and bushes and branches out of the curbside as well and we'll be okay.

Councilman Wojtila – Will you do a quick reminder of the upcoming committee meetings?

President Holzheimer Gail – I will.

Councilman Wojtila – Director Pietravoia, it looks like there's a little bit of activity starting at the old Arthur Treacher's, are you able to talk about that tonight?

Director Pietravoia – That was approved awhile ago by the Architectural Review Board and it took awhile for them to get their permits. The activity you see now is the demolition related to the remodeling that's about to occur for a Happy's Pizza.

Councilman Wojtila – I happened to take a different route home today and I did see one of their other establishments on the west side; hope we don't create as much signage. Director Bock, if you could give an update on the engineering of the downtown plan either tonight or an email upcoming. I'd be curious to see how we're doing with the engineering plans for the downtown.

Director Bock – I haven't gotten totally up to speed on that project at this point. I am meeting with the engineering firm tomorrow morning and going into status. We have sent in the required paperwork to ODOT, that was signed and sent in the working agreement. I will be working with the engineering firm along with Mr. Sonnhalter and after tomorrow morning I'll have a better grip on where we're at there.

Councilman Wojtila – If you could just update me after that, I'd appreciate it.

Councilman Van Ho – First I'd like to compliment whoever put together the 9-11 Ceremony here at City Hall. It was very moving and it was very well attended, there were probably 200 people or so in that lobby. The Fire Dept. was able to secure and it is in the lobby right now a piece of steel from the Twin Towers. It was just very moving. Our Fire Dept. is to be complimented on getting that and putting that part of the ceremony together.

I think this goes to the Mayor but I'll ask, I had a complaint from a person at 23194 Gay Street, or Gay Avenue about golf balls, so I went over and looked at it. Her house is getting beat up pretty well. I went down through walking looking and there's several in that general area of Gay that are getting beat up pretty well. We've got the big nets up and so forth, I know that. If there is some way that we can protect these houses and these people so they can sit in their backyard and not have to duck golf balls? It is better than it was, but we still need to do something.

Mayor Cervenik – I'll be meeting this week with Billy Casper Golf, we'll go for a walk over there and see if there is not something additional things we can do. Even a golfer as bad as I am, thank God I haven't golfed much this year, I think I'd have a difficult time getting it over to one of those houses. Let us check into it. One of the nets could be broken and it is going through the nets. We'll take a look at it; I think we're meeting Wednesday or Thursday and I'll let you know.

Councilman Van Ho – Can someone talk to Ken Klickinger the project oversight manager for the schools construction? Over at the old fire station on 260<sup>th</sup>, he pointed out to me when I was over there that there are still a hose drying equipment over there and there's quite a few oxygen tanks down in the basement. Could we look at those? If they're good, we better get them out and if they're not we better tell them so they can junk them when they have to demolish the building.

Chief Cosgriff – We'll take care of that.

Councilman Van Ho – That's all I have.

President Holzheimer Gail – I want to follow up about the 9-11 Anniversary and thank Captain Will Anderson and his committee who worked with them and also thank Chief Cosgriff, Will and Representative Yuko and Mayor Cervenik for their heartfelt remarks. It was really a very nice ceremony. I know one of the things Will had felt bad about was that he did not thank Rebecca McFarland from the Library, so I want to do that publicly for him today. I told him we all do that, we get up and speak and you get down and you say, shoot I forgot. He felt bad about that and I wanted to thank the Library for their participation as well. They put a nice piece about the ceremony and about the piece of steel from the World Trade Center in their Library Lines so the whole community can see it. It is important for residents to know that it is open, City Hall, come in and view it, see the plaque and I think it is an important remembrance.

I also wanted to thank Fr. Betters and Ellen Ivory from Ss. Robert & William parish and church who held a Blue Mass on September 11<sup>th</sup>. There were representatives from the Police & Fire Department as well as Council and the Mayor. They had a reception after and that was a nice way to remember that day and be with community members as well. I wanted to thank them.

Councilman Langman asked me to ask Director Bock for an update on the timeline for E. 248 Street tree lawn replacement.

Director Bock – Madame President, Councilman Langman who I'm sure is watching, the 248 Street tree lawns will begin later this week with the removal of the existing grass and weeds that have been an issue for awhile and we will be sodding those tree lawns in order to complete that project.

President Holzheimer Gail – The C.E. Orr ice rink has its opening day this Saturday, September 24<sup>th</sup> from 1:00-3:00. There will be free skate and also sign ups for Learn to Skate. After you Walk With a Purpose with Bridges, Moore Counseling and the City of Euclid at Sims Park, and after you go to Braeview Manor on Saturday to see their renovations, you can go to the ice rink and skate. A lot of things going on, we appreciate that, good stuff.

The Block Grant, the Community Advisory Committee will be having its first public hearing this Wednesday, the 21<sup>st</sup> at 6:30 here at City Hall to review past performance and accept proposals for next year's block grant. That will be 6:30 here on September 21<sup>st</sup>.

At this time we have a committee meeting, Executive & Finance, scheduled for Monday, the 26<sup>th</sup>. First order of business, budget update and discussion of any amendments that maybe needed.

Mayor Cervenik – We will present at that time the known budget amendments we have now. We will expect a few more budget amendments probably in early November but we need to take care of the ones we have now.

President Holzheimer Gail – In addition to that, unfortunately Commissioner Beno will be out of town so both the home occupation and the internet café piece have very heavy zoning issues with them. I think we can have a general discussion of an update but I think it makes more sense to wait until Commissioner Beno is here to have the detailed discussions about the legislation concerning both the zoning issues. We'll meet at 6:30 on Monday the 26<sup>th</sup> for Executive & Finance. I can certainly talk to Council after so we don't take the whole public meeting, but we need to get some dates and there's another meeting scheduled so I think we're going to have to figure out a way to make that work with the timeframe that we have. They still are anticipating introducing legislation on Monday, 3<sup>rd</sup> for the internet café. We do have two pieces of legislation regarding the home occupation in committee. One was initially sent, the original piece was sent to the Business & Commercial Development Committee last October. That was the one Council did not reach consensus on and it came from Planning & Zoning. There was a second piece introduced by Council members in June that was sent jointly to the Executive & Finance and the City Growth. Similar pieces but different sponsorships to avoid the flip-flop back and forth between Planning & Zoning and Council. The one Council sponsored can be, if P&Z makes changes and sends it back, we can override it with a super majority. The recommendation at this point would be to have that discussion from that perspective in the Executive & Finance and City Growth Committee, which I'll work with you on a date. I don't have a date for those other than we can have a general policy discussion if that's council's interest on the 26<sup>th</sup>.

If you have not given your comments to Director Pietravoia and Commissioner Beno about the internet café memo, please do so because they are working on drafting the legislation. That was all my notes, thank you and have a good evening.

ADJOURNMENT

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

Attest:

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Clerk of Council

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President of Council