

COUNCIL MINUTES
October 3, 2011

The regular Council Meeting was held on Monday, October 3, 2011 at 7:00 PM in the Euclid Municipal Center Council Chamber. Council President Holzheimer Gail presided.

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

All Present.

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

COUNCIL MINUTES

Councilwoman Scarniench moved to receive the Council Minutes of September 19, 2011. Councilman O'Neill seconded. Yeas: Unanimous.

COMMUNICATION

Council received the following communications:

A notice of hearing from the Ohio Division of Liquor Control re: Transfer of Ownership Application, Paradise Island Saloon, 830 Babbitt Rd., scheduled for October 28, 2011.

A notice of hearing from the Ohio Division of Liquor Control re: New Permit Application, Dollar General Store, 27561 Euclid Ave., scheduled for October 28, 2011.

ADMINISTRATION REPORTS & COMMUNICATIONS

Mayor Cervenik and Executive Officer Brickman administered the Oath of Office for entry level police officer to William Brooks Jr. and Joseph Primiano.

Chief Cosgriff – I would like to take a minute to speak about National Fire Protection Association Fire Prevention Week that will begin Sunday, October 9th through Saturday, October 15th; although obviously we would encourage a conscience effort at fire prevention every day of the year. I'll start with a little trivia regarding Fire Prevention Week, which was established to commemorate the great Chicago fire of 1871. This fire started on October 8th and killed more than 250 people, left 100,000 people homeless, destroyed more than 17,000 structures and burned more than 2,000 acres. This was the fire that was believed to be started by Mrs. O'Leary's cow, who allegedly kicked over a lamp and started the barn on fire.

The trivia that I would like to share is that recent research by Chicago Historian Robert Crome has helped to debunk this version of events, although he is unable to definitively identify a cause. I guess he was just tired of having the cow get blamed for something that it didn't do. Another bit of trivia is that although this was very infamous fire, it was not the biggest fire of that year, or even of that day for that matter. That distinction goes to the most devastating forest fire in American history, the Peshtigo fire in northeast Wisconsin. This fire destroy 16 towns, killed almost 1200 people and scorched 1.2 million acres of land before it was finally brought under control.

On the 40th Anniversary of those fires, the Fire Marshals Association of North American decided that this week should be used to keep the public informed about the importance of fire prevention. A few years later in 1920 President Woodrow Wilson issued the first national fire prevention date proclamation. Since 1922 Fire Prevention Week has been observed in the Sunday through Saturday period in which October 9th falls. Coincidentally, 1922 was also the year the Euclid Fire Dept. was established.

On a more serious note, this year's fire prevention week theme is protect your family from fire. We all know that fires in the home take a great toll on life and property each year. During the five year period from 2005 until 2009, NFPA estimates that US fire departments responded to an average of 374,000 reported home structure fires per year. These fire caused an estimated average of 2,650 civilian deaths, almost 13,000 civilian injuries and \$7.1 billion in property damage. Those figures are also per year in that five year period. I think we can all agree those are some pretty staggering numbers.

Smoking materials remain the leading cause of home fire deaths, while cooking equipment is the leading cause of home structure fires and home fire injuries. You often hear me speak about the importance of having working smoke detectors and of the program that we have in place to ensure that all of our citizens have working smoke detectors in their home. There's also a great deal of information regarding fire safety and emergency planning at the City of Euclid website. You can go to the city's website and click on the Fire Dept. link and it will take you to a whole wealth of information. We also have a number of different brochures on fire safety and emergency planning available for pick up in our Fire Prevention Bureau located in the administrative wing of Fire Station #1. Let's all do our part to practice fire safety in our homes and try to make this upcoming year safe for all of us. Thank you.

Mayor Cervenik – Thank you Chief. Thursday, October 6th, 7-8:30 at the Euclid Public Library, we will be holding a Land Bank Forum. The topics to be discussed will be the info about the land bank itself, home ownership assistance, the NSP properties that are available for purchase by our residents, EDCOR assistance, as well as community gardening. We'd like you all to be there it begins at 7 and will end approximately 8:30.

The C.E. Orr ice arena is now open. Currently public skate sessions, and it has been cold enough that you can think about skating already, are on Tuesday, 7:45-9:00 PM and Saturday 1:00-2:30 and 7:30-9:00 PM.

You should also have before you an edition, new newsletter that has been done in conjunction with K&D and the City of Euclid. We have joined together to produce the new Living in Euclid brochure. The booklet has several different sections and each focus on different aspects of life in the City of Euclid. It also promotes the various and the list keeps growing the properties that K&D has. A big part of this is for K&D to be able to market the City of Euclid to prospective clients and customers and tenants in their various buildings. They have been so kind to pay for all of the production, all of the graphics. We received 3500 brochures and out of our very meager promotional budget we purchased 3500 brochures at a cost of \$1200 so we can distribute those. Take a good look at it, we plan on doing this quarterly with their assistance. If you have any questions or suggestions, please, please let us know about it. I want to especially thank Cheri Ashcraft from K&D and her team, as well as from city hall, Brian Iorio, Lisa Mayernik my assistant, as well as always Frank Pietravoia our director. We put a lot of time into this, we wanted to make the first one come out looking great. Again we're open for suggestions in the future. I think it serves the City of Euclid and K&D very well in promoting the community.

Columbus Day will be observed Monday, October 10th, City Hall will be closed. Garbage pick up will remain the same. This is not a general holiday. Please continue to take your trash out the same time, but City Hall will be closed Monday, October 10th. That ends reports and communications.

REPORTS & COMMITTEE MINUTES

Councilwoman Scarniench moved to receive Executive & Finance Committee Minutes of September 12, 2011; Executive & Finance & City Growth Committee Minutes of September 26, 2011; Board of Control Minutes of 9/12/11 & 9/19/11. Councilman Gilliam seconded. Yeas: Unanimous.

COMMITTEE OF THE WHOLE FOR LEGISLATIVE MATTERS ONLY

Mr. Jack Johnson – 1770 E. 232 St. Euclid, Ohio. I want to speak to item #10, stencil number (375-11) on your agenda. I have two questions. This piece of legislation authorizes the city to enter into an agreement with Cuyahoga County for the resurfacing of Highland Road from Euclid Ave. I believe it is to Richmond Rd. A couple of questions, number one, how much is the City of Richmond Heights have to pay towards the cost of this project? Number two, why are we doing this project? The last time I traveled that street, the particular portion that was in the City of Euclid didn't seem to be in very bad shape. Especially when you compare that to the condition of Chardon Rd. from Euclid Ave. north to St. Clair and 222 Street from Euclid Ave. north to Tungsten Rd. Those roads have been in very bad shape for a very long time. I think those roads would benefit the City of Euclid residents much more than Highland Rd. Thank you very much, appreciate answers to my questions.

President Holzheimer Gail – We'll make sure those are addressed during the discussion. Seeing no further comments we'll proceed to legislation.

LEGISLATION

Ord. 136-2011 (342-11) Land Bank Sale 24150 Euclid Ave. & 19740 Euclid Ave.

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)

Councilman Gilliam moved for passage, Councilwoman Scarniench seconded.

Director Frey – I know Director Pietravoia has already reported on this sale from the Land Bank, I just wanted update city council. We have made several efforts with the County Fiscal Office to get the tax status cleared up on this property. The tax balance that was showing and is still showing on the County records is an error that should have been zeroed out, however we have not been successful in actually getting that. We've got the acknowledgement that's going to happen, but we haven't actually seen that done. I know we've had some discussion about what's the most appropriate way of handling this this evening, and I would suggest that we move forward with this piece of legislation. The buyer will have the right to close on the deal if he chooses to do so and may choose to hold off until we get those taxes cleared, but at least we would have the authority to complete the documents that are necessary to make the transfer, once the buyer is in agreement of taking that property.

I would suggest we go forward, it is certainly up to City Council. We have every expectation that the tax balance on these parcels will be removed by the County Fiscal Office.

Councilman Gilliam – I was the individual council member who had noticed those taxes on that particular property. After speaking with Mr. Todd Deegan last Monday, I believe that was the 26th, we told me he was very confident everything would be taken care of and he told me to go ahead and move forward. I'm willing to vote on it tonight based on the fact that the actual purchasing agent, Mr. Deegan, who is the proprietary owner of Euclid Terrace and other properties is well aware of the situation and he told me he was fine with the action being taken to go forward.

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

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

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

Res. 137-2011 (368-11) Use District Exception 24451 Lake Shore Daycare

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 Langman moved for passage, Councilman Wojtila seconded.

Councilman Langman moved to waive the three reading requirement. Councilwoman Scarniench seconded.

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

Commissioner Beno – On September 13th after public notice at its regularly scheduled meeting, the Planning & Zoning Commission voted to recommend approval of the Use District Exception to permit a daycare center in a U-3 apartment house district. Staff also recommended approval to the P&Z Commission the need for the UDE arises from language which permits a daycare within religious and educational buildings in U1 and U2 districts. However it seems to be an oversight in our code that it did not include accessory buildings which are sometimes located in large apartment complexes. A representative of the property owner is present and I will also be available to answer any questions Council may have.

Councilman Gilliam – The name of the company that would be moving into this particular facility is Creative Minds Arts Inc., correct?

Commissioner Beno – I believe that is correct, yes.

Councilman Gilliam – I'm sitting here showing a letter from the Secretary of State saying this corporation for profit was cancelled August 17, 2011. I'm also sitting here holding a letter stating that this particular property was sent correspondence to respond to the State and did not and that was the reason for the cancellation. I'll pass this down to Council to see. I'm just wondering how we can let any building, corporation come into the city if it is cancelled by the State.

Commissioner Beno – The applicant is here. I think that question would be best directed to him.

Councilman Langman moved to suspend the rules to allow Mr. Robert Sebastian to speak. Councilman O'Neill seconded. Yeas: Unanimous.

Mr. Robert Sebastian – 879 E. 154, Cleveland, OH 44110. Actually that's incorrect, the actual name of our corporation is Creative Minds Educational Inc. That was an error on my part on the original application. The corporate name is Creative Minds Educational Inc.

Councilman Gilliam – Mr. Sebastian, I saw two particular entities listed under your name. One was Creative Minds Educational Inc. in Lake County and then I saw one registered Creative Minds Arts Inc. which exists on E. 9th Street in Cleveland, Ohio, you as the registered agent. My question to you is, which one is accurate because Creative Minds Arts was established May 25th of this year and it was cancelled August 17th of this year. The one for education is still active, I saw that. I'm looking at the paper right now and according to this Resolution, it says Creative Minds Arts Inc. which matches that cancellation letter which is existing right there. If you would like to see it, feel free to get it from council.

Mr. Sebastian – No I'm aware that it was cancelled sir. We have another partner that was involved and that partner was thinking of leaving, if that partner would have left, we would have switched the name to Creative Minds Art Inc and we did initial paperwork to the State. But we cancelled it because she did indeed decide to stay a part of the organization and there was no need to change the name whatsoever. It is Creative Minds Educational Inc. The only business, Creative Minds Academy of the Arts.

Councilman Langman- Mr. Beno, the Resolution reads owner of Creative Minds Arts Inc. My first question is, did Planning & Zoning check on the appropriate articles of incorporation for the applicant? Walk us through the process of how we got to this point.

Commissioner Beno – Actually I don't know of any particular reason to go into that sort of detailed check on how the applicant is incorporated. What we're reviewing is the appropriateness of a daycare in this facility. That's really the only question is, the health and safety of the layout of this property to serve as a daycare facility. It is a real estate review, not a review of incorporation papers.

Mayor Cervenik – I can defer to the Law Director, but if that is the case, I certainly believe this legislation should be amended to the correct legal corporate name that the gentleman says he will be operating under and paying taxes to us under.

Councilman Langman – I'm a little confused as to what is the actual legal incorporated name of the entity.

Mr. Sebastian – Creative Minds Educational Inc. It is a valid corporation.

Councilman Gilliam – That is located in Lake County, correct?

Mr. Sebastian – Yes, it was located in Lake County when we did the initial articles of incorporation, that was where our primary office was at, that is correct.

Councilman Van Ho – I would make a motion, I'll ask the gentleman to dictate the correct name. We amend the legislation to allow it to be correct.

Councilman Van Ho moved to amend Res. (368-11) to read Creative Minds Educational, Inc. Councilman Langman seconded.

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

Nay: Gilliam

Amendment Passed.

Councilman Wojtila – The Use District Exception runs with the property, or runs to the other that's being granted that use district exception?

Commissioner Beno – Use district exceptions run with the property.

Councilman Wojtila – So if Creative Minds Educational Inc. were to leave, another daycare could move into that facility?

Commissioner Beno – That is correct. Each daycare is a conditional use and it would go through the conditional use review process. But the use district exception would run with the land. This application went through two review processes at the same time.

Councilman O'Neill – Mr. Sebastian, could you briefly explain to us how the residents of Euclid particularly this apartment complex will benefit by you creating a daycare?

Mr. Sebastian – First and foremost with gas being as expensive as it is today, in today's world, it is very convenient for you if you live there. You don't even have to physically get in a car to bring your children, you can walk over, actually to our facility, and leave your children there. In addition we're going to have extended hours, Monday – Friday from 5:30 AM until midnight and Saturday 6:00-6:00. As the world is changing and evolving, people don't work the traditional work schedule any longer. You have parents that need night care, you have parents that need Saturday care because obviously their jobs dictate that. We will also employ roughly 15 individuals who are from this community, who will be a part of the staff at this facility, as well as additional amenities to the K&D residents. There are going to be some kinds of specials that we'll run, if you put your children there, you'll get a discount, if you're a K&D resident. Those are some of the types of things that would benefit the city, obviously our taxes, daycare is a big business.

Councilman O'Neill – Where do you feel you're going to derive your customer base from?

Mr. Sebastian – I would say 80% from the K&D apartment complexes. Right now we've done some pre-enrollment and the majority are coming from within those complexes. Maybe another 10-15% from outside the K&D apartments. Remember K&D has apartments everywhere throughout the City of Euclid and all of their residents would be entitled to bring their children to that facility.

Councilwoman Jones – Thank you Mr. Sebastian for coming. Mr. Sebastian, I have a couple of questions. You mentioned the hours of operation, can you say them again, I didn't catch them?

Mr. Sebastian – Monday-Friday 5:30 AM until Midnight. Saturday 6:00 AM until 6:00 PM.

Councilwoman Jones – How many kids are you expecting to have at one time in the facility?

Mr. Sebastian – According to the square footage of the building we could have no more than 68 children at any one given time.

Councilwoman Jones – What are the ages?

Mr. Sebastian – Six weeks old to 12 years old, with the bulk of the children being six weeks old to five years old. Obviously it is toddlers, pre-school, pre-K, and we'll be licensed for seven school age children, siblings of other children who are already enrolled in our program.

Councilwoman Jones – I want to thank Commissioner Beno for explaining some clarification for me because I was anticipating it was going to be inside the apartment complex but you're talking about the small building outside.

Mr. Sebastian – That is correct.

Councilwoman Jones – You said 15 employees and Commissioner Beno mentioned there would be adequate parking that will be able to handle the number of employees. Would these employees be onsite at all times of hours of operation?

Mr. Sebastian – Absolutely not. We would never have 15 all at one time. We are required for the basic group of 68 children to have 10 full time staff members. The other five are comprised of day early mornings, 5:30 AM – 8:30 AM. The staff that would be 6:00 until midnight are separated out.

Councilwoman Jones – Last week we had a committee meeting where we talked about in-home businesses, which I think this is a little bit different even though it is on a residential property but it is a separate building. This would not fall under any of those regulations that we set up for in-home businesses, is that correct?

Commissioner Beno – That is correct.

Councilman Langman – Mr. Sebastian do you currently run daycare facilities of this size?

Mr. Sebastian – Yes we do. This is a smaller center. We have some centers that have 168 children within the facility, a staff of over 25 individuals. One of the things I want to say too, yes we do have experience running facilities. We actually have several other facilities throughout the City of Cleveland. This is our first center within the City of Euclid, however we do operate a center on E. 200th Street which we took over approximately one year ago, Campus for Kids, across from Home Depot but it is in the City of Cleveland.

Councilman Langman – Given that the building was originally constructed as the leasing office for the Harbortown Complex, so it was a commercial establishment. The use compliments what else is going on within the apartment complex. It is rather large and there are a number of children there. That's why I tend to support it. There are some nuisance issues, we don't want horns going off late in the evening, it tends to echo throughout the towers, etc. That's why I do support this, it is a good use of the building and we can get it into productive use instead of sitting empty.

Councilman Van Ho – I also support it, I think it is an example of an apartment owner actually stepping up to the plate and doing it in a responsible way when they're going to be leasing to people who have young children to have it right there onsite, for their other complexes to be able to give you said a 10% discount I believe it was?

Mr. Sebastian – Some sort of a discount, it hasn't been decided yet.

Councilman Van Ho – I only hope that more apartment owners will step up to the plate and do something similar to this.

Councilwoman Jones – Since it was a little confusing in the beginning, you said you have a location in Eastlake?

Mr. Sebastian – No, East 200th Street. None in Eastlake at all. We did originally we were going to open one in Lake County and because of the economy, some areas are better than others for daycares right now. Lake County is not a good area unless you're in Painesville because of economic situations. Cuyahoga County is way better because you have more people who are eligible for daycare vouchers. A lot of times because of the economy situation, people who have to pay out of pocket for childcare they do a lot of creative stuff, the mother might work 1st shift and the father works 2nd shift so they can alternate care. In addition they might have a family member care for kids because it is way more affordable. An infant for one week is \$162 and that's if you just have one child. If you have multiple children, it can get into literally \$500-\$700 a week just for daycare. That's because of the economy, Lake County has been greatly impacted because of the economic status of most of their residents.

Councilwoman Scarniench – Mr. Sebastian, if I remember correctly at the Planning & Zoning Meeting, you said you would be closing the 200th Street building and moving everything over to this property, is that correct?

Mr. Sebastian – That is 100% correct.

Councilwoman Scarniench – Welcome to Euclid.

Mr. Sebastian – If I could add one thing, she was asking about a benefit for the city too. Our program is uniquely different, we're not really a daycare center. We're an educational program where all of our teachers, the majority of our staff members have bachelor degrees in early childhood education. Many even have as high as a master's degree. We're really committed to teaching children, not just babysitting all day. It is a different kind of a context. We provide arts programs that are free to the children. We offer Suzuki violin to every child in our program. Dance class, music, theater, all sorts of things, Spanish and Chinese lessons. Ours is really the education of the child, running more an actual academy, not just a daycare center by itself.

Councilman Gilliam – Mr. Sebastian, I want to thank you for coming tonight. My reasoning for voting for the change is, not for the amendment, was based on the fact that I know this is a business, I'm sure you had enough time through Planning & Zoning to know it was Creative Arts and now to be confronted with it you're saying it is a different building. But I do support what you're doing for the community. Call me a stickler, call me a knit-picker, whatever you want to call me, at the end of the day I support the business begin ran appropriately. I had a little bit of disconcert about voting on something that has been through Planning & Zoning, that has been out in the atmosphere for you and the city to correct. I brought it up for that main reason only, but I will support this daycare being applied for, coming into our city.

Mr. Sebastian – If I may just respond quickly to your comment. We had a very short amount of time to pull all of this together. When we got involved with K&D Group it was late into the summer and we found out that there was only one more meeting, the next meeting was September. We literally had a week or so, and it was just an error on our part. I apologize for that confusion but we are Creative Minds Educational Inc. and our actual daycare facility is called Creative Minds Academy of the Arts. We would like to invite you once we get open, for all of you, extend an invitation for you to come and visit our program and see the facility because they've done an excellent job with the building, they really have, excellent quality work.

President Holzheimer Gail – We wish you great success.

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

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

Passed as amended.

Ord. 138 -2011 (372-11) Budget Amendment

An emergency ordinance amending Ordinance 80-2011 which makes the annual appropriation for all expenditures for the City of Euclid for the period ending December 31, 2011. (Sponsored by Mayor Cervenik by request of Finance Director)

Councilwoman Scarniench moved for passage, Councilman Wojtila seconded.

Mayor Cervenik – We reviewed this at our Finance & Executive Committee meeting. There's no changes to it, if you have any other questions, I'd be happy to answer them.

President Holzheimer Gail – These were presented and discussed at the Executive & Finance meeting last Monday, any additional questions from Council members?

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

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

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

Ord. 139-2011 (373-11) Inter-Transfer of Funds

An emergency ordinance providing for the schedule of inter-transfer of funds between all funds. (Sponsored by Mayor Cervenik by request of Finance Director)

Councilman Langman moved for passage, Councilman Wojtila seconded.

President Holzheimer Gail – This was discussed in Executive & Finance Committee last Monday, it represents the transfer to the Animal Shelter. Any questions from Council?

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

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

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

Res. 140-2011 (379-11) NSP1 Amended Plan

A resolution approving an amendment to the FY 2008 Annual Action Plan for the Neighborhood Stabilization Program (NSP1 Amended Plan) authorized by Title III of the Housing and Economic Recovery Act of 2008 for the redevelopment of vacant, abandoned, foreclosed residential properties and authorizing the Mayor or his designee to submit said amendment to the Department of Housing and Urban Development. (Sponsored by Mayor Cervenik)

Councilwoman Scarniench moved for passage, Councilman Wojtila seconded.

Director Pietravoia – Periodically we meet with representatives from HUD and we just completed a review of both our block grant and NSP programs late this summer. As a result of the review, the HUD officials recommended a number of changes in our original NSP plan for the first grant that we received from the Department of Housing & Urban Development. Mr. Castelletti who has been managing the program has outlined in a brief memo to Council what the changes are to the original plan. They were posted for a 15 day public comment period which ended today. That brings us to tonight's meeting which in essence is a second public hearing on the NSP plan, the first one being held when it was originally approved, to discuss the changes. I'll let Mr. Castelletti walk through those briefly and then we'll both be happy to answer any questions.

Mr. Castelletti – We received \$2.5 million in funds from HUD and the program is referred to as the Neighborhood Stabilization Program, NSP. There's been several more programs that have come out so now we refer to it as NSP1. To receive the funding the city had to go through this process, we had to submit an action plan, substantial amendment to HUD in accordance to HUD regulations. We had to work with them to craft a plan that met their regulations and also accomplished what we were trying to get done in the city. We had to public notice of the plan in the newspaper and post it on the city website for no less than 15 days of public comment. We had to hold a meeting for council to review and approve and upon approval we had to submit the plan to HUD along with a summary of any citizen's comments, the grant application and certifications for their final approval.

Currently the City of Euclid is proposing changes that trigger an amendment to our NSP1 plan, according to the HUD rules and regulations, and requires us to go through the same process we went through to submit our original plan. Here is a summary of the proposed changes to the action plan substantial amendment and explanation as to why we are requesting these changes. We added a new activity for land bank disposition and maintenance and made budget reallocations to fund this activity. This was needed to fund the cost of maintaining all of our NSP properties, some of the maintenance costs are grass cutting, exterior maintenance, insurance costs, utilities costs, if there are any while we have these properties.

We revised the original budget. This revision will show the reallocated activity budget amounts and actual expenses instead of the original estimated amounts. At the time when we developed this plan we were essentially just coming up with general estimates of costs to acquire and rehab and to demolish properties. These actual numbers show what we have spent and how we've spent the money.

Number three, we've modified our existing activity of acquisition and rehab program to give us the ability to allow permanent rental housing benefiting developmentally disabled individuals. Under this program the City of Euclid reserves the right to enter into agreements with third party entities to provide supportive services funded by non NSP sources. Essentially the only agreement we will need to enter into is at the time of the sale of the property we will create either a deed restriction or a land covenant that requires an organization to income verify the residents, as well as provide affordable rents as determined by HUD.

Last but not least we ask to provide verification as to the use of our program income. This will give us more flexibility to use program income to fund all of our activities, not just to refund a specific activity. We'll be able to take these funds and direct them towards land bank maintenance as well as the other activities if we have a demolition.

As you know you received both copies of the original plan as well as the one that's updated with all the changes. If you have any questions at this time I'll be glad to answer them.

Councilman O'Neill – Briefly you talked about at the end there using funds to maintain the land bank properties, can you go into a little more detail as to what that is?

Mr. Castelletti – We have grass cutting through the summertime. We have at times the bushes will get overgrown or the properties start to look a little run down so we will send somebody out to clean up the yard. We have insurance costs because we have to insure these properties while we own them. We also have utility cost on our rehab properties. On the demos we shut down all the utilities. That pretty much covers the land bank maintenance costs.

Director Pietravoia – If you look on page 10 of the plan you'll see that we're now budgeting \$78,100 for that maintenance category. We're shifting some of the funds that were originally estimated in other areas into maintenance. I wanted to comment because this is a fairly new program from HUD's perspective, only a couple of years old, even their advice to us has evolved over the life of the program so far. Originally they felt comfortable that those costs that Marty was describing would be considered project costs and could just fall under the umbrella of the larger categories. As the program has evolved, they realized from all the cities across the country the importance of the maintenance of the properties and really wanted to get a handle on what that required from a dollar standpoint. They asked us along with other cities that are going through the same process to make that type of budgetary amendment.

Councilwoman Minarik – Mr. Castelletti, this is NSP1, how much did we receive for NSP 2 & 3, would you refresh my memory?

Mr. Castelletti – We did not receive any funds for NSP2. We received just a little over one million for NSP3.

Councilwoman Minarik – What is the balance in NSP1, that was \$2.5 million, do we still have money there?

Mr. Castelletti – We have approximately \$20,000 left in our balance for NSP1 as soon as we sell some of our properties we'll be able to take that program income and continue to do all the activities.

Councilwoman Minarik – When we sell the land bank land, that goes back into the NSP money?

Mr. Castelletti – Correct.

Councilwoman Minarik – Have we sold any of the rehabbed homes?

Mr. Castelletti – Not yet, we have one that is getting pretty close. We have a potential candidate that is going through the down payment assistance, the housing counseling and getting approved for that. If that happens, then hopefully we'll have a house sold.

Councilwoman Minarik – Can I address the rental issue at this point for the developmentally disabled? Does this kind of go into a conflict, we set this up and I think HUD was also wanting it to be owner-occupied to provide stability to the cities. I know we've gotten very specific and it will only be rentable to developmentally disabled people, so that closes the door on all the other rentals. Does that go against the point of what we wanted to do, in terms of owner-occupancy establishes people in a neighborhood?

Director Pietravoia – We've agreed from the beginning that sales to owner occupants is our priority. HUD's program from the beginning however did allow rental to be part of the plan that was adopted. We chose initially to not include that because we felt that generally we have enough rental properties in the community we didn't want to recreate that through the efforts of this program. We had intended to attempt to sell to HELP Inc., they're interested in one of our properties and was through this process of dialogue back and forth with HUD that they determined that it would fall under the rental category and that our original plan did not accommodate that. In part we are asking for that change specifically to allow the interest in that particular property to go forward. Those representatives are here this evening if there are any specific questions about that project.

Councilwoman Minarik – That's the parcel that we bought hoping to entice seniors, as they were getting older, is that the one that is handicapped accessible? Was there no market for that; interested seniors who would want the handicap? That was a big part.

Mr. Castelletti – I'm sure there is a market, but HELP Foundation came along and expressed interest earlier this year so we wanted to try to provide that opportunity for them.

Councilwoman Minarik – Will you plan on getting another home and rehabbing it?

Mr. Castelletti – We would like to if the opportunity presents itself, if it is the type of house that is conducive to that kind of redesign work like the F&S homes are. We'd probably try to do that again, yes.

Councilman Gilliam – Is HELP Foundation, Inc. purchasing this home, is that the intent of the foundation? I just wanted to get clarity on that. I understand when the original plan was written that you could rent to those agencies for developmentally disabled who provided supportive services. Is the HELP Foundation looking to utilize it on that particular motive, or are they looking to purchase this home and then utilize it for their own particular use relative to what HUD would think appropriate? I'm confused whether it is a purchase or a rental?

Mr. Castelletti – It is a purchase, the foundation will purchase the home and they will own it.

Councilman Gilliam – Does that make the property then a non-profit status, correct?

Mr. Castelletti – I would think so.

Councilwoman Scarniench – I've known Dave Rice for 30 years and I know the work that he does. This home would be an asset to anybody who lives next door to them. I have a home similar to this that's on my street that is not handicap accessible. It is ladies that are living in the home and they're the nicest people. They take pride in what they do, their buses come and pick them up, you never even know that they're there. I think the people in that neighborhood would be very impressed with what goes on. I think it is a wonderful idea.

Councilman Wojtila – Since we have you Mr. Castelletti, how is NSP3 work coming along?

Mr. Castelletti – We've gotten started on our first batch of demolitions. We're working on getting the asbestos surveys for 16 properties right now and hope to get the demolition process going before the weather turns really bad. That's the initial phase that we're in right now, just the demolition part.

Councilman Wojtila – When you met with HUD, is there any talk about NSP4?

Director Pietravoia – There is in fact, although I don't believe they're still calling it by the same name, but it is a similar program and it is way too early to know for sure if they will fund it. If they do, we will likely qualify again as an entitlement community versus some communities that actually have to apply for the funding through the county.

Councilman Wojtila – In their review and HUD's review of our work on the NSP program, is there any concerns that they had that they brought up?

Director Pietravoia – Primarily what we're discussing this evening, they would like to see our plan reflect the actual cost that we've incurred, particularly the change to allow the rental if we proceed with that sale. In addition to that they were actually very pleased with our progress in terms of our ability to spend the funds on time, that's always a big concern of HUD's, not just for NSP but for any of the funds that they provide. We had met all of their timelines in getting the funds expended in time.

Councilman O'Neill – Regarding NSP1, how many homes have we demo'd and how many homes have we rehabbed?

Mr. Castelletti – We currently have demolished 29 properties throughout the city. If you include the two houses that we had done last year, we have another seven that are just about to be finished, so we'll have nine completed by next week. We have another one on Mallard that will be coming up probably 98% done right now, another week or two we'll have that one done, for a total of 10. We have three more in progress right now that I would like to see done by the end of the year, we'll have 13 total.

Councilman O'Neill – In rough estimate those 10 houses that we've rehabbed, what is the average investment of NSP funds into those houses? The reason I ask that is because as those houses are sold, we can see those finances coming back into the pool of funds either to go towards more rehabbing and more demo.

Mr. Castelletti – Taking into consideration the acquisition costs, in some cases we've paid \$1 for these homes, in other cases we've paid significant money, but I would have to say on an estimate of probably about \$90,000 per house, acquisition and rehab included.

Councilman O'Neill – These ten houses, we're looking at \$1 million going back into the NSP fund to be reinvested in the community.

Mr. Castelletti – HUD dictates that we can sell the property for no more than what we put into them. However, we do also have to get them appraised and that would ultimately be the sales price that we set and we're finding out in many cases the sale prices are kind of low, probably \$75,000-\$80,000 an average price. I'm not sure we'll get that money but we should get pretty close to that.

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

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

Passed.

Ord. (378-11) Extension of Coral Lease for Shore Cultural Centre

An ordinance authorizing the Mayor of the City of Euclid or his designee to enter into an extension of the current lease-management agreement with the Coral Management Company (Coral); such agreement outlining the terms for Coral to lease the Shore Cultural Centre from the City and to manage the property through December 31, 2014.(Sponsored by Mayor Cervenik, Councilpersons Minarik and Langman) TO BE REFERRED TO COMMUNITY ASSETS/PROGRAMS COMMITTEE

Councilman Langman moved for passage, Councilwoman Minarik seconded.

Councilman Langman – I don't want to go into too much detail since it should go into Committee and we're having an Assets Committee Meeting on Wednesday. So I will make the motion to send it to Assets Committee and we can discuss it in great detail.

Councilman Langman moved Ord. (378-11) to the Community Assets/Programs Committee. Councilwoman Minarik seconded.

Roll Call: Yeas: Gilliam, Scarniench, Jones, Minarik, O'Neill, Wojtila, Langman, Van Ho, Holzheimer Gail
Sent to Community Assets/Programs Committee.

Ord. (376-11) New Chapter Sweepstakes Terminal Cafes

An ordinance enacting Chapter 705 of the Euclid Codified Ordinances, Entitled, "Sweepstakes Terminal Cafés." (Sponsored by Councilperson Gilliam by request of Mayor Cervenik) TO BE REFERRED TO EXECUTIVE & FINANCE COMMITTEE

Councilman Gilliam moved for passage, Councilwoman Scarniench seconded.

Director Frey – This legislation is a compilation of work from Commission Beno, Director Pietravoia and myself. Certainly looking at legislation that outside communities have enacted in their cities. We know this is going to be sent to the Executive & Finance Committee. We expect in our own internal reviewing of this, we may have some updates to suggest to you in that committee setting before we enact or move final version to City Council. We'd ask that this be sent to the Executive & Finance committee for discussion and some possible changes to it that will clarify language and so forth.

Councilwoman Scarniench moved Ord. (376-11) to the Executive & Finance Committee. Councilman Gilliam seconded.

Ord. (377-11) Amend P&Z Code for Sweepstakes Terminal Cafes

An ordinance amending Section 1359.03, Entitled, "Permitted Uses", Section 1359.04, Entitled, "Definitions of Specific Uses" and Section 1389.03, Entitled, "Schedule of Required Space" of Part Thirteen of the Planning And Zoning Code of the Codified Ordinances of the City of Euclid to provide for the inclusion of Sweepstakes Terminal Cafes. (Sponsored by Councilperson Gilliam by request of Mayor Cervenik) TO BE REFERRED TO PLANNING & ZONING COMMISSION

Councilman Gilliam moved for passage, Councilwoman Jones seconded.

Director Frey – This is the companion piece to what we just sent to Executive & Finance. This would provide that sweepstake terminal café would be included in the zoning sections that deal with permitted uses, parking regulations and so forth. We know this has to go to the Planning & Zoning Commission, we'd ask that you send it there this evening.

President Holzheimer Gail – I still need to talk with their commissioner. My guess is this would be on their agenda at the next meeting, but most likely not acted on. I will be sure to inform Council because I think it is important to have Council & Planning & Zoning meet to be on the same page so we don't end up with too many back and forth amendments. If there are questions, concerns or issues, I would suggest that you watch and make sure that if you can't hold a joint meeting that you attend the Planning & Zoning meeting to make your issues or concerns known.

Councilwoman Scarniench – Because we're going to put the other one in Executive & Finance, are we going to have that soon enough so we can get this piece also sent over to P&Z, so it gets back to us before this Council is finished?

President Holzheimer Gail – The first one does not need to go to Planning & Zoning because it is business regulations, if I am correct?

Director Pietravoia – You are correct, we will provide it for information because for them to understand why we're changing the zoning chapter, they'll need to see how we plan to do the licenses and regulate the businesses.

President Holzheimer Gail – But it is the use that Planning & Zoning needs to weigh in on.

Councilman Gilliam moved Ord. (377-11) to Planning & Zoning Commission. Councilwoman Scarniench seconded.

Roll Call: Yeas: Gilliam, Scarniench, Jones, Minarik, O'Neill, Wojtila, Langman, Van Ho, Holzheimer Gail Sent to Planning & Zoning Commission.

Ord. (311-11) Amend P&Z Code Home Occupations

An ordinance repealing current Section 1377.01 (e) of the Planning and Zoning Code of the Codified Ordinances for the City of Euclid and enacting a replacement section to alter the required conditions of home occupations. (Sponsored by Councilpersons Wojtila, Langman and Scarniench) (From Executive & Finance Committee and City Growth, Planning & Development Committee) TO BE REFERRED TO PLANNING & ZONING COMMISSION

Councilman Wojtila moved for passage, Councilman Langman seconded.

Councilman Wojtila – I'm not sure if Director Pietravoia wants to add anything, but we did have a committee meeting on this. The history was that this had been discussed quite a bit over the last couple of years that either died in committee or died by a vote because we didn't have a super majority. I felt it important enough to bring it back with some changes and we discussed it at the committee meeting, referred it back to Council for today's meeting with the hope it then be referred to Planning & Zoning for discussion and placed on their next agenda.

Director Pietravoia – We do believe because this has been discussed several times at Council and Planning & Zoning that they maybe very likely to act on this at their next meeting. Again, as the Council President indicated, we will find that out for sure and let members of Council know, so if you'd like to be present, we'll know for sure if they're discussing it at the next meeting, October 11th. We will let you know, Commissioner Beno and myself, will be in contact with the Chair to see what their intent is in receiving this for the meeting of the 11th.

Councilwoman Scarniench moved Ord. (311-11) to Planning & Zoning Commission. Councilman Langman seconded.

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

Sent to Planning & Zoning Commission.

Ord. 141-2011 (375-11) Resurface Highland Rd. with Cuyahoga County

An emergency ordinance to authorize the Mayor of the City of Euclid, Cuyahoga County, Ohio to enter into an agreement with the County of Cuyahoga, Ohio for the repair and resurface of Highland Road, within the municipal boundaries the City of Euclid, with the cost to the City not to exceed One Hundred Twenty Thousand Dollars (\$120,000.00). (Sponsored by Councilperson Wojtila by request of Service Director)

Councilman Wojtila moved for passage, Councilman Van Ho seconded.

Director Bock – This legislation will allow us to enter into an agreement with Cuyahoga County for the repair and resurfacing of Highland Road. The total estimated cost of the project is \$5.5 million. The federal portion of this, they will be paying 80%. The County will pick up 10%. Then municipalities pick up the remaining 10%. That cost will be split between Richmond Hts. and Euclid with Richmond Hts. paying 65% of the 10% cost and Euclid picking up 35%.

Originally when this was first brought to us, our costs were going to be in the neighborhood of \$257,000. A share of construction as well as engineering costs on this project. Through negotiations with the County, Euclid along with Richmond Hts., we've been able to do the engineering portion only of this contract with the County picking up the total construction cost. We reduced our cost to that number of \$110,000-\$120,000 and it could come under the \$110,000.

The work on this is to coincide with the replacement of the bridge decking on Highland Rd. Those are scheduled for 2013. The engineering portion of the work has to be accomplished in 2012, ahead of the actual construction. That's the need for the funding now. I do not expect to expend funds until the middle of 2012.

As far as the questions brought up from Mr. Johnson, 222 and Tungsten has already received Issue 1 funding for that project. We don't quite have the local share together yet for that portion of that funding. We intend to apply for some Cleveland Water Reimbursement for the waterline replacement there. No guaranty we'll receive it but we will apply for it in order to get some of that money. As far as Chardon Rd., there is no State or County funding for Chardon Rd., that's totally Euclid responsibility. Again, I am going to apply for Cleveland Water funding which will allow us to do some water main as well as hydrant upgrades and then make us eligible to use the Waterline fund for the resurfacing of that project. Those applications go in May, there's no guaranty we'll get them. Chardon Rd. is an expensive undertaking even though the curbs seem to be in fairly decent shape, the road is very bad. The cost of that project, just on the resurfacing part could cost over half a million dollars just to resurface that street.

222 and Tungsten, local share is around \$1.4 million, obviously we don't have all that money available and we are applying for funding for there. Even though we received Issue 1 funding, it is not enough to cover our local share. That is why it is separate from this County and making us eligible for that work.

President Holzheimer Gail – The project does go from Euclid Ave. to Richmond Rd., but the municipalities involved, Euclid and Richmond Hts., are only paying 10% of the total cost. Of that 10%, Richmond Hts. is paying 65%, Euclid pays 35%. We're not paying more than our portion of the road.

Director Bock – That is correct.

Councilman O'Neill – When will this project get started and completed? Basically you're saying it will cost the City of Euclid \$120,000 to have the bridge deck and the road replaced. Am I to understand it that way?

Director Bock – The bridge deck is a separate project that is totally being done by the County. There is no Euclid cost to that project. This is a resurfacing with coincides with the decking work to be done and there is some road repair that has to be up there. I do admit Highland Rd. probably isn't the worst of our roads in the city by any stretch of the means, but it will need resurfacing with the next 3-5 years and here's an opportunity to get our portion of the job done for \$100,000.

Councilman O'Neill – Is it a time issue where it is do it now or we don't do it? Can you explain?

Director Bock – The federal and county funding, they will not move forward and guaranty the funding until they have the agreements from the local municipalities as far as agreeing to our share of the cost. Everything is on hold until we agree to this. Richmond Hts. agreed to it back in June. The agreed to the original format. The administration, former Director Smith and myself have been working with the County Executive and the Engineer's office on reducing our cost and we've been successful at that, making our portion just the engineering cost and saving us in the neighborhood of \$150,000-\$190,000.

Councilman Van Ho – Director, question, if I listened to your numbers correctly, this whole project would be about \$5.5 million?

Director Bock – Correct.

Councilman Van Ho – And our portion of it would be about 35%.

Director Bock – Both municipalities share a 10% cost of the total project.

Councilman Van Ho – I'm saying 35% of the total project is us, right?

Director Bock – No. Ten percent of it is municipalities. We share that 10% cost with the City of Richmond Hts. Richmond Hts. is paying 65% of that 10%, we're paying the other 35%.

Councilman Van Ho – If we did not have these funds coming from the County, our portion would be about 35% of the total project, if we had to do it, correct?

Director Bock – Correct.

Councilman Van Ho – So in other words we're looking at \$1.9 million is what it would cost us if the money wasn't there. We pay \$120,000 and get \$1.9 million worth of goods and services; that sounds like a good deal to me.

Director Bock – A good example is Lloyd Rd. A standard project with the County when it doesn't involve the federal funding and so forth is a 50/50 split of total cost with the county. Lloyd Rd. came in at around \$480,000 a little over. Our cost was \$240,000. That's a very small part of what would be involved with Highland Rd. So, you can see that we're getting what I think is an outstanding deal on this project.

Councilwoman Scarniench – Director Bock, I appreciate all your numbers and I understand this and why we need to approve this. For two Directors before you promised me that Chardon Rd. would be at least fixed and it is still the bumpiest road in this city as far as I'm concerned and to a lot of the residents that go up and down and it hasn't been done. 222 I was promised that it was going to be done, but we don't have the money. You just said it is \$1.4 million. By our previous Director I was told, we didn't have enough money so we're going to do some other little projects. How are we ever going to have enough money to finish this if we aren't saving for it? How long does the federal money sit there before they say you're not using it, it is gone?

Director Bock – I can't answer to what Director Gulich or Director Smith told you before, I can only tell you what I have in front of me. I looked at all the projects, I looked at all the projects that we have sitting on the table when I took over. Funding is there from Issue 1 on several projects. We're waiting for the numbers to balance out as we complete projects and more money is available to borrow. How long is it going to take us? 222 and Tungsten Rd. project is one of the priorities, along with Bruce Ave. and that SSO elimination. Those are both projects that are out there and they're at the top of the list. As soon as funding is available, we will proceed with the projects. It is not a matter of we don't want to do the projects, believe me I love fixing roads. The more money I can get to fix roads, the more I'll do, more than happier to do that and the same with the sewers. All this recent rain and some of the house back ups, we know we got problems, we know we have issues and we have to get them done. As soon as I have the money I'll do them. This project on Highland Rd. is an opportunity for a bargain and getting a major thoroughfare completed. I think we'd look a little foolish if we allowed the bridges to be repaired, all of Highland Rd. be repaired except for our 30% of the project. I think this is a great opportunity and something we need to take advantage of.

Councilman Gilliam – From what I've gathered and from what I've read, many cities, one of the basic desires is to make sure your perimeter looks good when people are leaving and coming into the city. I, too, have had some issues in my ward as far as roads as well. When I look at the number, we're talking about a \$5.5 million project, where the federal government pays \$4.5, the county pays \$500,000 and our bill is \$120,000 and Richmond Hts. \$380,000. While understand the need, all of our wards can say they have some roads that need to be repaired and I would agree with that. But for \$120,000 on a \$5.5 million project, it makes too much sense to me personally and professionally not to go ahead and vote this and go for it.

Councilwoman Jones – This fund that the County money is coming from the County Motor Vehicle License tax fund, have we applied for these funds before for other projects? If so, is this a fund that we can apply for future projects? What are the requirements for these funding to be used? Mentioning the other projects that you said are on the list waiting to be done, are there funds available in this fund to apply towards those projects?

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Director Bock – I believe that fund is available to the County, I don't believe it is available to us. I'll have to look into it a little more but that's money we pay on the gas tax and so forth that is paid to the county and they have that available and they earmark certain amounts of that funding for road repairs. I don't believe we have the ability to apply for that money, that's strictly something the county uses for funding. I believe we do have sign off on its usage within our project, but I don't believe that money is available to us.

Councilwoman Jones – After the bridge work is done on Highland Rd., let's say for instance we didn't go along with repaving, what would be the condition of Highland Rd. after that work is done?

Director Bock – I really can't answer that one. The contractor says he's going to be careful, they're going to try to maintain, but it is added construction, you've got equipment moving back and forth, they're tearing out bridge decking, there's some pretty heavy equipment there. I imagine they can contain the damage but there's no way of saying what the condition would be.

Councilwoman Minarik – Director Bock, I'm not sure what fund then are we getting our \$120,000 from. The county is getting its portion from the motor vehicle license tax, where are we getting our \$120,000?

Director Bock – I have earmarked this to come out of our 2012 capital fund. The \$120,000 is a not to exceed amount. The best I can tell we're going to be around \$108,000 or so, that's why I put it from the \$110,000 to make sure it is enough. I am going to forward this to different engineering firms that we normally do as well as the engineering firm that Richmond Hts. is using for their portion of the project and obviously look for the best price I can and get our costs done as cheaply as I can.

Councilwoman Minarik – Streets that are in bad repair have to be put on hold because we're pulling this money out of next year's capital?

Director Bock – I certainly hope not. I do have a big list of streets that need to be done. I haven't seen all the capital needs for my different departments yet, I don't know how much funding we'll receive for paving. I know last year we earmarked part of our funding for Lloyd Rd. and some other items that we won't have this year so hopefully we'll be able to get back to more paving work. I'm sure we've used \$120,000 will affect something somewhere, that's why I say I'll keep it down as low as I can, I hope I can get it under \$100,000.

Councilwoman Minarik – Maybe a better question then to the Mayor, we have made a substantial commitment this year to repaving which was Lloyd Rd. and Lake Shore Blvd., which put out a lot of streets that needed because that took all our money. We typically spend about \$150,000 on repaving anyway a year, right?

Mayor Cervenik- That really isn't true. It did cost us to get two very major streets that needed work repaired. But we were able to do that because we took tremendous advantage of the Cleveland Waterline work, their reimbursement, so we were able to tap into our Euclid infrastructure waterline program. Over the last 18 months we've done about \$16 million worth of paving and sewer work. So we will have additional funding next year. Lake Shore was about \$600,000 and Lloyd Rd. was \$250,000. We will have some increase in funding for paving of other streets. The two Council has brought up we're going to look at and see what we can do and that is Chardon and E. 222 St. Those are huge, huge projects. That doesn't mean we can't get them done. We've got the first half, phase 1 of 222 Street done and we received \$2,300,000 out of the \$3 million in grants. I know the President is talking about another infrastructure program. The City of Euclid, those two projects, would fall right into that program. Will it get passed by Congress? I don't know. But we're always looking for grants and money. It should be noted that we don't have access to directly spend the money that the county is using, \$304,000 was given to us from Cuyahoga County to help us with our 222 Street project. We're not done. There's a good chance one of those two roads can get done in the next couple of years.

Councilman Langman – While we're talking about streets, Director Bock, you know that 250th between Ellsworth and the Marginal has been chopped up with various utility issues. I'm just putting the bug in your ear, don't forget that street, get a lot of calls about the bumpiness of it. While that might help keep down the speed on that particular road, it really needs a lot of work.

Director Bock – I have sent a letter off to the County concerning E. 250 and the resurfacing of that street. They do have a new system in place with the new county government where they rate their county roads for resurfacing. I've requested that to be done there, as well as the Richmond Rd. and Euclid Ave. intersection area, that section of roadway which is terrible. I have requested both those sections get rated and get on the radar so to speak with the County.

Councilwoman Jones – Director Bock, while I know that you mentioned that this is a good deal with the repaving of Highland and the streets issue is a very sensitive issue with me now that we're finally getting the waterline replacement done on Tungsten and all of that work. I'm just wondering, if this is approved tonight to

go forward and next year we get a good deal to maybe do Chardon or 222 and other streets will be put off again because another deal comes through for these other streets that we talked about. So, I'm just wondering for the smaller streets that just need resurfacing or some fixing up or patching, and I know you mentioned that you have a list of streets that you're going to work with and I talked to you about a number of streets to add to the list. I'm just wondering as the larger projects come in and we get these deals, how do we figure out which streets of the smaller streets get the priority for resurfacing?

Director Bock – Our normal paving program, our resurfacing program that we do in-house out of the capital, we rate those streets every year. I work with my Street and Sewer Supt. Scott Reese. I take councilmen's comments as far as which streets they feel are worse and need to be done. I take residents' complaints. We track all these streets, we go out and check them ourselves, my inspectors are out there or they're driving around doing other inspections or checking the streets. What we check now will come up with a list and when it comes spring time that list will change, some get worse, don't look so bad once we've gone through winter. We'll come up with that list and when the capital funding comes through we will pave and use every penny that we can of the capital funding. As far as the projects like Highland, this opportunity is there with the capital and I think we have to take advantage of it. Some of the other streets, the bigger projects that come in, obviously there's Issue 1, there's Waterline Reimbursement projects. I already have an additional six streets funded for next year that are going to become part of the Waterline Reimbursement program that we're going to be administering rather than Cleveland Water because some of the problems we've had this year, we want to avoid next year. We're going to be handling it ourselves and we'll receive full reimbursement from Cleveland Water. We try to take advantage of every program that's out there, every where that we can get money, especially if it is free money, we're going to use that to get some of the major projects done. I think this one along with Lloyd Rd. were just opportunities to get things done on major projects with little capital expense. Now that we're done with Lake Shore, Euclid Ave. was completed not that long ago, 260 has been done, these are all our State streets. I think we're looking at getting more side street and neighborhood streets done.

Councilwoman Scarniench – How long will they allow us to keep that Issue 1 money on hold? Is there any priority, you've got five years or whatever, does anybody know that?

Director Bock – Consulting with my engineering consultants, they tell me that they've seen some projects with some DEFA funding and other Issue 1 funding have sat on the shelf for 6-7 years before someone starts rattling the cages. I think we've got a few years before we get to that end. As I said, there is some Water Pollution Control Loan fund money out there that we're applying for and some other way to try to fund some of these jobs and get them off the shelf.

Councilwoman Scarniench – Isn't Chardon Rd. a federal road? Route 6 is the longest road in the country, it goes from the tip of Cape Cod and it used to go all the way to Long Beach California until they put the freeway system in and now it stops at Bishop, California. Is that not a federal road; could we possibly get some money from the feds for it?

Director Bock – The section of Chardon Rd. from Euclid Ave. running to the Cleveland line on St. Clair is not part of, it is Chardon Rd. it is not Route 6.

Councilwoman Scarniench – It was worth a shot, okay, thank you.

Councilman Van Ho – Director, would it be possible to get a list of what you anticipate at this time. We go through and then we get to the budget and we're all scrambling because we all may not completely agree with your priorities. I, for one, would like to have a chance to discuss it before it comes to the budget session. Revised list in the spring, I'd like to see the revised list also.

Director Bock – I try to provide the list in the spring before we go out for bids so Council will be able to see an estimated cost and what it runs. Surely I will get that to Council and give them a list of the streets and I try to do estimates on what it is going to cost us for the streets and how much money we have to spend and where the cut off is. I think I know what street you're talking about, Ivan is another major street that needs to be redone and it is going to be a very expensive street to do. That is on also the list. I will provide that list to all of council and we can go over it. I add your comments to that list, the streets that you feel need to be done and we try to be very subjective as far as how we rank them. Would be more than happy to provide that and go over it with you at the time.

Councilwoman Jones – If this passes tonight, what kind of emphasis will be put on some of the streets that need holes fixing or patch and things like that, which may not get done next year to help preserve those through the winter and into next year. Will there be some emphasis put on patching the holes, I would say more than holes on some of the streets and the crevices that need to be filled in?

Director Bock – I believe we do that every year now. Streets that don't make the list, we've done some work on 250 with some repairs over there this summer. Our Street Dept. has been very busy on trying to not just cold patch but go and grind out some areas and do some patch work repair and try to hold things together until we can resurface the streets. If you'd like to call my office with a list, we're working on it all the time, it is not something that we just do in the summer, we work on it all winter. If you have streets that have potholes and that type of thing, we'll get out there and during the spring and summer if you have a street that is on the list that maybe we missed, from time to time we'll miss something, so if you have something that you feel needs to be taken care of, get it to me and we'll take a look at it and I'll have Scott go out and take a look at it.

Councilman Wojtila – Just curious Director Frey why we have the Sections A-I included in the legislation? Is that part of county reform?

Director Frey – The ordinance actually came to us from Cuyahoga County, so this is their draft ordinance. We made the specific changes to include the City of Euclid and our funding source. Other than that, this is really their form ordinance that they've asked us to use in this case.

President Holzheimer Gail – These are important discussion to consider when we begin the budget debates as well. Council has the authority to set the levels of funding, given that we also have the resources for streets repaving and improvements. We can continue this discussion there.

Councilman Scarniench moved to close debate, Councilman Gilliam 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.

Ord. 142-2011 (374-11) Purchase Fuel 6 Vendors

An ordinance authorizing the Director of Public Service of the City of Euclid to forego competitive bidding procedures for diesel and unleaded fuel purchases for vehicles and equipment for the City of Euclid for the calendar years 2012 and 2013, and make such purchases from any of six (6) specified vendors based on the lowest available price. (Sponsored by Councilperson Wojtila by request of Service Director)

Councilman Wojtila moved for passage, Councilman Langman seconded.

Director Bock – This is something we've been doing since approximately 1988. Suppliers are very reluctant to lock in prices on fuel costs, the way they fluctuate. We have a list of six local suppliers that we go out and every time we need fuel on a monthly basis we call them and we get their prices and compare the prices and go with the cheapest available price for that month. I gave you a sample before the meeting, that's the one we performed today. It is the same system, it is something we go through every month, whether it is diesel fuel or gasoline and we purchase at the lowest possible price. I'm hoping for your support on this.

Councilwoman Jones – Did you say it is always the same five vendors that we go out for?

Director Bock – There is actually a total of six. One of the vendors does not do diesel fuel, which the sample tonight was for diesel. One of them just provides unleaded gas for cars and so forth. There's six for gas, there's five for diesel. Those are all the local suppliers that can get it here. By local I mean regional. We don't go to far away just because of delivery and we're not going to save anything if they have to add extra delivery cost.

Councilwoman Jones – That's what I was going to ask, is there a certain mile radius that you stay within.

Director Bock – Some of these companies you'll notice an out of state address, these are their home offices, but they're located distributors. They have their local offices, but this is their corporate headquarters and that's why those addresses are listed being out of state.

Councilman Van Ho – I have no problems voting for this but have we looked at the concept of buying futures? I know that the Mayor is familiar with RTA has bought futures and it seemed to save them a lot of money.

Mayor Cervenik – I don't believe we are in that same category that RTA is as the volume of fuel that we do use that it would be worth the consultant fees and the fees of purchasing those futures.

Councilman Van Ho – Did we look to see if there were any groups that we could go together with? I know the schools do a lot of buying for all of the schools in Cuyahoga County.

Mayor Cervenik – We can look into that and talk with the schools about how they purchase their fuel as well.

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

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

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

COMMITTEE OF THE WHOLE

President Holzheimer Gail – A gentle reminder that advocacy on behalf of a specific candidate is prohibited. Advocacy on behalf of an issue is permitted.

Mr. Christopher Michael Litwinowicz – 21970 Morris Ave. Real quick Mr. Service Director, how much are we rated per gallon? The public's rated about \$3.12 and it fluctuates. I know it is part of council and the Mayor and the administration to work together to work with the Service Director. Right now that's bogus why we're paying per month, when we have multi-millions of dollars sitting in front of this council. We're not allowed to make profit, but citizens are hurting and paying a high rate. My plan is to implement a budget to go ahead and buy gas at a lower price. Right now the market is down to \$77. How much are we paying right now per gallon? Because I sure see the same, same, same, white trucks for the last three months, ain't doing nothing. The same, same, same, oh by the way that's somebody who called on me, that I wasn't even in that vicinity. The same, same, same, police officers that waste gas sitting on 260th harassing, retaliation. We could continue to go.

I guess there's no leadership because we're mis-spending tax payer dollars. The bottom line is \$2.5 million, this is on item 10. \$2.5 million times 8 wards is \$20 million. The Council has to agree to spend the money. It doesn't matter when the project is done, we just can't get to that level in this city. It seems like I've got to make a movement and campaign on streets for it even to be brought up. Thank you.

There is one happy note today, our city can move forward and make the change necessary. When I say change for the better of the city, I need one person, one person in this city that thinks that I have the right to work. There are 45,000 people in the City of Euclid have the right to work. The second thing is, \$12.50 minimum wage. Everybody said I want to raise revenues, I want to do this, we could do this. If Mr. Bock had more revenues, sure he would be out there doing, he's only one person. In my eyes the council has failed to understand what the city needs and we need to act on it immediately before the election, so that we can move forward. We don't need to continue to speak because at the same time there's going to be other streets that's going to be brought up. The only way for all our streets to be paved and done and start fresh instead of a street being put back on the back burner because 276 we had a lot of ladies, 2-3-4 years ago come here and those still haven't been done.

It's time to act. Each person here has a voice through their own ward. I read everybody's literature and I like it. But we can make progress by actually acting as council and administration and the mayor right now. I need one person, so then I can proceed and get these employee rights throughout the State of Ohio. Now I came to you tonight to speak about two main issues that affect everyday life, everyday life, everyday life. Also this council has to understand, we cannot pay for trash and lighting. Figure it out and put it on a FY budget, fiscal year budget, \$38 million times four more years is \$152 million. Four more is another \$152, that's \$300 million.

Mr. Harvey Hutter – 1446 E. 204 St. I would have a question of Mayor Cervenik. Mayor Cervenik is it true that we had a prisoner die in the Euclid City Jail over the Memorial Day holiday? Why weren't we notified? Why wasn't the city council notified and when are you going to tell us? Are we being sued by the family?

Director Frey – Yes an individual who came into the city jail, I don't know if it was Memorial Day, I don't know the date, I think it was, may actually have been late April, I will have to check. An individual who was intoxicated was brought into the jail. He was found unresponsive the next morning. The rescue squad was called and he was pronounced dead. The incident was reported to the State as is required. The coroner's office took possession of the individual's body and to the best of my knowledge there has been no law suit filed. We certainly have not been served with any complaint on behalf of the family of the deceased. City Council was notified when there appeared to be a press inquiry. Several stations were contacted and made a request for information regarding that death. We notified City Council at that time.

Mr. Bill Mastroianni – Euclid Firefighters Local 337, 25971 Lake Shore Blvd. Special thanks to Madeline Scarniench, Councilwoman Madeline and Mayor Bill Cervenik for coming to our walk the other night in the pouring down rain. Didn't get to much done but thank you for your support. As I stated my name is Bill Mastroianni. I've been a Euclid firefighter for the last 13 years serving the citizens of Euclid day in and day out. I would like to speak with you today about why people should vote no on Issue 2 and about the hypocrisy of the extreme politicians in Columbus who support Senate Bill 5 and the drastic effects this may have on the community if passed.

Every day the more Ohioans learn about Issue 2, the more they understand it didn't have to be this way. This is a bad bill and it goes to far. Politicians didn't have to attack Ohio workers like firefighters, police officers, teachers and nurses. They could have chosen a different path. Instead they locked people out of the State House. They told firefighters like us, we know how to run your community better than you do. To make matters worse, while asking hard working Ohioans to make shared sacrifices, they were giving out huge pay raises to their staff members. They were increasing their budget while slashing funding for communities nearly in half. All the while Ohio's unemployment rate continues to rise with most of that job destruction being born by public employees like us.

To give you an example, Senator Neihaus's executive staff each received a \$15,000 pay increase. The deputy finance director received a \$23,000 pay increase. Governor Kasich's Chief of Staff received a \$50,000 pay raise increasing her annual salary to \$170,000. This does not sound like shared sacrifice.

To take this one step further, Governor Kasich's 27 cabinet members earn an average of \$131,000. Twenty-two of them receiving a \$6600 car allowance. At least seven members are double dippers who will receive State pensions and government salaries. Again, not shared sacrifice. Politicians, no offense, should not be able to hide behind loop holes in a bill that exempts them from playing by the same rules they're trying to enforce. Under Senate Bill 5, paid sick leave and vacation days would be reduced. The General Assembly members enjoy unlimited pay leave for any reason with the approval of Senate and House leaders, which is rarely, if ever, denied.

Ohioans deserve to be treated fairly and we should not put up with double standards. We are public employees have sacrificed our share. We've given up millions of dollars across the state and on the local levels in order to assure our vital services remain whole during these tough times. Euclid Firefighters Local 337 have taken pay freezes and even reductions in pay. We have made concessions. We have worked days for comp time only to keep staffing levels at safe levels. We continue to do more with less. Our daily manning is down nearly 25% in the last 15 years, while our run volume is up 43% in the same timeframe. All of these reductions and concessions were achieved through the collective bargaining process. The current collective bargaining laws allow unions and city officials to discuss safe staffing levels. It allows us to discuss safety equipment. If Issue 2 is passed, unions will no longer be allowed to discuss these matters. This will allow politicians to determine what they believe is safe, taking it out of the hands of the professionals and the experts. This will lead to less firefighters and police officers on the streets, ultimately leading to increased response times, more property loss, less efficiency and higher rate of injury to the firefighter and the police officers. Firefighters potential injury rate increases by 42% when the number of firefighters are reduced on the scene.

To take this one step further, our team leaders, lieutenants, captains, platoon chiefs and above will be stripped completely of their bargaining rights, eliminating them from any unions. These bosses do the same job we do. They should not be punished for being promoted. A recent commercial shows Mayor Mike Bell from Toledo stating that he was laid off as a young firefighter and Senate Bill 5 will give him the tools to not have to lay off firefighters. Well Mayor Bell does not tell you that he was rehired and promoted up the ranks and retired as the Chief of Fire for the City of Toledo. Retired from that job, was appointed the State Fire Marshal. Retired again from that job and is now the mayor, essentially triple dipping. Little does Mayor Mike Bell know that he already has the biggest tool in his toolbox to save jobs. This tool is called collective bargaining.

Pro SB 5, air their commercial stating all they're asking for is 10% contributions and 15% towards our healthcare. Nearly 94% of unions already contribute the 10% towards pensions and many already pay more than the 15% towards their healthcare. Local 337 pays nearly 18%. I just have a few more comments, please.

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

Mr. Mastroianni – Senate Bill 5 compares teachers to firefighters, police officers to nurses, street and sewer workers to recreation workers. We all operate differently. We all do different jobs. We all contribute to the community in different ways. It is not right to lump us all together. We are not the same. Issue 2 does not compare apples to apples.

Just a few points from the Senate and House members. Senate Bill 5 has too much undefined language. It should not be passed in its current form. Senate Bill 5 is such a bad bill and had zero co-sponsors and only passed the Senate by one vote and had to have their own members kicked off the committee to get it passed. Senators Sites and Grendell called Senate Bill 5 unconstitutional.

In closing, extreme politicians in Columbus state this bill is about healthcare and pensions. Commercials state that, we only want this and we only want that. If Senate Bill 5 was only about these two items, why is it over 300 pages long? Thanks for your time, thanks for the motion, thanks for the opportunity and we again encourage you to vote no on Issue 2.

COUNCIL MEMBERS' COMMENTS

Councilwoman Scarniench – I will be short because I stole everyone's thunder last meeting. This Wednesday is our Assets Committee meeting that starts at 6:00 in Council Chamber. We will first hear from Shore, the Coral Management Company, the progress of what they've done over the last couple of years. We're beginning to start our third year in this program with them. They're ready to present their budget so if you're interested in Shore please attend. Following their presentation, we're going to hear from the folks at the Euclid Historical Society on some plans that they have coming up that are very interesting and I hope Council will approve.

Congratulations and bid a fond farewell to Pastor Bode and his wife Mary. I didn't get to attend their program the other day but after 30 years, they are leaving Euclid Bethlehem, I know they will be missed and Kandy will talk about that.

Director Frey, could we have legislation for the next meeting in support of the repeal of 5 and hopefully all of my council colleagues will agree. Thank you and goodnight.

Councilwoman Jones – I also want to say congratulations and best wishes to Pastor Bode and his wife Mary who were leaving and relocating to Florida. Their last service will be October 30th and the 31st they'll be starting on their journey. Best wishes to them. There was a little get-together this past Saturday for the Bode's at Bethlehem Church. It was made up of some congregation members, members of the community, the Mayor came by, just to wish them a farewell. They will be greatly missed in the community over the 31 years that Pastor Bode has been with Bethlehem Church so we wish them well.

I also want to make an announcement, Saturday, October 8th, from 1:00-4:00 PM at the Euclid Police Mini Station, 20001 Euclid Ave., there will be a Financial Wellness Day. This is an event that will have multiple information sessions for all ages. It will include basics of money management, planning for retirement, college fund planning, credit how do you understand it and take care of it, introduction to home buying, business banking, introduction to education which could include entrepreneurship, how to balance your checkbook. There will also be activities for kids or events for kids that will show them how to count money and how to use math in your daily life. I know when I was younger and I took math and algebra and those types of math courses, I used to always say, when am I going to use this in my daily life. This Financial Wellness Day will show our young people where they will use math in their daily life. If you have the opportunity to attend, it is a free session and you can call to make your reservations by called 261-5300 ext. 0, or Euclid police mini station 289-2733 and speak with Audrey at the mini station. It is an event that will be well worth your time in attending.

I also want to mention about the Petpals Clambake which will be October 28th which will be at the Manor, 6:30. Tickets are \$40 and you can dress in costume because it will be a Halloween event. You don't have to dress in costume if you don't want to. You can contact the Animal Shelter or someone in Petpals for tickets.

September 24th there was a walk called the Diversity Walk. At the last meeting I mentioned that it was coming up. We had the walk and it turned out to be a nice day. It was a walk that people were able to donate funds to 5 non-profits. The Rose Mary Home, Mary Mavec, Moore Counseling and Mediation Center, BRIDGES and Hunger Center. People took donations before the walk and they were able to designate where they wanted their donations to go to, one of those five non-profits. There was also Dave's Supermarket had grilled hot dogs and sausages and there were other refreshments, pizza and vendor tables from these different non-profits so you can get an idea of what they were all about.

One of the other things being promoted at that Walk also was the Stand Up. Stand Up is an initiative that was started in the Euclid High School by a young man who had a tragic incident to one of his friends that was shot. He came to the administration of the schools and he said that he wanted to be able to do something for the kids in the high school to be able to help them make the awareness of violence and to stay away from violence. The Stand Up initiative was started in 2009. Since 2009 until this date, the schools have been able to track that because of this Stand Up initiative they were able to track and notice a decrease of incidence of fighting and violence in the schools, fighting and different types of altercations. The initiative is to bring the awareness of our young people to Stand Up against bullying, Stand Up against fighting, Stand Up against those negative elements and activities, Stand Up to be yourself, Stand Up for communication. What the High School is now trying to do is take that from the high school and filter that into the middle school and elementary schools. What they were noticing is most of the fights that were occurring were starting with 9th graders so they wanted to be able to help those that are coming into the high school to be able to stand up. The initiative is also being taken out to the community. In order for a student to have a good learning environment, they need to have a healthy home environment, a healthy community environment and a healthy school environment. We're trying to make the Stand Up initiative a household word so when you say, Stand Up, it doesn't mean that you're going to stand up out of your seat, but it is going to Stand Up for those positive things, not only in schools and your community and your home life.

One other comment I want to make about Stand Up. This past Friday at the Euclid High School football game was an awareness also for the Stand Up initiative. Even though it was a cold rainy day that night and the field was all muddy, different people spoke about the Stand Up initiative in the high school. We want to be able to filter this not only in Euclid Schools, Euclid kids, but filter this throughout the community as those kids who are graduating from Euclid High School go off to college, take the Stand Up initiative with them so they can Stand Up against negative elements and activities that maybe entering their lives as they start their new journeys. I've run out of time, so I want to say thank.

Councilwoman Minarik – I'd give you mine because I have nothing to say. Thank you.

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Councilman O'Neill – Just a seasonal reminder that as the leaves are changing and dropping off the trees, not to park on piles of leaves that maybe in the street. The catalytic converter on your vehicle could ignite the piles of leaves and start your car on fire. Check your vehicles battery connections and all that and make sure your vehicle is ready for the winter. Batteries in your smoke detectors, it is time, it is the month of October. As we change the times on the clocks, we should be changing the batteries in the smoke detectors. Periodically test them and make sure they're functioning properly.

To Mayor Cervenik, a comment was made by a speaker regarding the street lighting and garbage collection fees. Could you very briefly explain how those fees allowed us to get some work done in the streets, allowed some funding for badly needed streets that have been repaved. We're always searching for funds to get side streets done, if you could just comment on that.

Mayor Cervenik – Actually the street lighting and the trash fees go into the general fund which is not normally used for paving. However, it is deposited into the general fund which pays for our safety forces, it pays for some of our recreational programs. It pays for many of the services that our residents count on on a daily basis. Without council's support and council's vote to institute those fees at my suggestion, as I said back then, two years ago, this community would not be a community we would probably want to live in because there would have been some drastic cuts. Probably the toughest part, a time of my life the last two years as Mayor, was having to notify I think it was 6-8 firefighters and the same number of police officers, that if the fees were not instituted within 30 days they wouldn't have a job. It was very refreshing and very comforting when City council voted to institute those fees and we could go down and tell the members of both police and fire that they still had a job. I went home that night knowing that our community would still be safe because we were at least adequately staffed to do what we need to do.

Councilman O'Neill – And we've replaced firefighters and police officers in the last two years that have retired.

Mayor Cervenik – We've hired two police officers tonight. Chief, I believe we're very close to adding as I put in an email to you, three additional firefighters to bring us up to 25 per shift, so that one we're adequately staffed. Number two, we don't have to use as much overtime and it allows us to stay at that 16 minimum manning. When we fall below 16 more often than not we need to shut down one of the apparatus whether it be an ambulance or firefighter equipment and we don't want to do that. Without those fees, we couldn't do that.

Councilman O'Neill – Thank you Mayor, with that I'll say goodnight.

Councilman Wojtila – Two requests. Prior to our Assets Committee meeting on Wednesday, the Coral legislation did not include Exhibit B to their lease. If we could get a copy of Exhibit B, I would appreciate that. Also there's a couple questions posed on the in home occupation posed at the Executive & Finance Committee Meeting. I don't think we've had a response to that but if we could get a response to that certainly before the 11th of this month when we have the Planning & Zoning Commission, that would be most appreciated.

President Holzheimer Gail – The one outstanding question was existing, the daycare who had 12 children, would they be grandfathered in under a changed law.

Director Frey – We'll send that memo out and our opinion is yes, they will continue to be able to operate as an existing usual and customary in home business.

Councilman Langman – On October 12, a Wednesday, the Upson, Shoreview and Zeman Homeowners Association will have a Candidates Night at St. Williams. It will start at 7:00. We'll hear from the mayoral candidates, candidates for Judge and some of the school board members. I hope folks in Ward 7 can attend, it should be very interesting.

To the administration, I noticed that the Fields property is moving along very, very slowly as far as the storefront renovations, the fixes to them. Can we be provided with an update as to the progress and what the estimated completion date might be?

Director Bock – We should have that update before the end of this week.

Councilman Langman – You'll email that to Council?

Director Bock – Absolutely.

Councilman Langman – Very good. A couple of updates on the Sheriff's Dept. investigation into various aspects of the police department. What is the ETA of their investigation finishing, do we know?

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Director Frey – I spoke with the County Prosecutor’s office today. They do not have the information yet from the Sheriff’s Department. They had expected it at the end of last week and they were contacted and said that the detectives who were working on the case had not completed their work and had not yet sent it onto the Prosecutor. I don’t know what the new expected delivery date is for that investigation. I’ve got to believe that it is going to be very soon if they had indicated an expected date last week, but it has not been delivered as of today.

Councilman Langman – The Ohio Police Chiefs Association, they came in and did a study. I’m assuming they’ve completed their work and our producing a final report. When might we see that Mayor Cervenik?

Mayor Cervenik – I received an email from Chief Sarver who headed the management study and I believe it will be in the mail sometime today, so we should have it Tuesday or Wednesday. We will review it with the Police Dept. He would like us to review it and get back to him and then it be finalized and ready for distribution.

Councilman Langman – Do we have an estimated time when all that will take place?

Mayor Cervenik – I plan on meeting with the Police Dept. on Thursday afternoon.

Councilman Langman – Then you’ll provide feedback to Chief Sarver?

Mayor Cervenik- Yes, we just want to make sure that everything is clarified and proper and that there’s no miscommunication and that will be out. We hope to use that report to make our police department better.

Councilman Langman – Okay but I would like to see that too.

Mayor Cervenik – You will get to see that.

Councilman Langman – Before the election?

Mayor Cervenik – Well I don’t know what the election has to do with it but if you want it before November 8th, I can assure you will receive it before the date of November 8th.

Councilman Langman – I say that because Chief Sarver said that the actual report was completed in the middle of August.

Mayor Cervenik – I don’t know how he can say that, because there’s been communication with members of the Police Dept. up until about a week ago maybe, so it wasn’t completed.

Councilman Langman – Thank you.

Councilman Van Ho – I would like to thank and I’m sure everybody up here would like to thank the resident who called in on 280 E. 216 and there were two gentlemen breaking in to steal things and they got a rude awakening. They got 12 police cars there to convince them they really didn’t want to do that. I bring that up to say to everyone here and out there, if you see something unusual, call the Police Dept. and have them stop over and check it. You’re not bothering them. They’re not going to think that you’re a terrible person. They would rather you do it now then they have to spend a lot of time investigating. I believe that’s 731-1234, Chief?

Executive Officer Brickman – That is correct, or 9-1-1.

Councilman Van Ho – Or 9-1-1 if it is an emergency. I’d also like to thank the Euclid Police Dept. They responded quickly, they handled the situation. Lately there have been a few people, both in the area and in the State who would like to make our police, our firemen out to be greedy people. I would just ask these people that would like to take away collective bargaining rights for the safety forces, do they want to go running in with our police when they go into a house like that, not knowing if those criminals have guns that they’re going to get shot. Or do they want to go running in with the firemen, into a burning house. I don’t think so. At any rate, great job on what you did there.

Mayor, in the Saturday PD letters to the editor, Pat Kordet who is retired Executive Officer EPD, actually put forth the theory that when there was pension pick up it actually saved money. Can you confirm or disagree with that? I would like this done to allow our voters to have more information so they can understand why decisions were made in the past.

Mayor Cervenik – It is hard to say if it saved money or not. If you pick up someone's pension versus putting it into their payroll, their hourly rate, obviously you will save some money on overtime. As I believe former Capt. Kordet's letter stated. It also would save us money, it would say money on retirement pay out. Whereas, rather than paying out the accumulated sick time, comp time, vacation time, at higher dollar per hour, you would not have to do that if it was pension pick up. I don't know that the pension pick up was put in place all at one time. So the letter will be correct if we traded 5% pension pick up for 5% wage. Although the theory is correct, it all depended on the circumstance each time the contract was bargained for. On those instances, as I say with pay outs and overtime, it could save the city money. However, the beef is always that most private sector people do not have that same opportunity.

Councilman Van Ho – Chief Cosgriff, I have a real simple question. Why are some exit signs in buildings green now? I grew up with red all my life and all of a sudden I see a few green ones popping up.

Chief Cosgriff – I don't know the answer, I will check with our fire prevention bureau and let you know.

Councilman Van Ho – I would like to also echo what Councilwoman Scarniench said. I would like to see some type of legislation on for next meeting to defeat SB 5, Vote No on SB 2, however you want to say it. Something where we as a city take a stand on Issue 2.

President Holzheimer Gail – To avoid the confusion, the initial bill was Senate Bill 5 that passed through the Ohio legislature. Issue 2 that is now on the ballot because of a referendum petition initiative is Issue 2. The suggestion that we heard tonight was to vote no on Issue 2. We'll have to figure out how the correct resolution, how that would be worded.

Councilman Van Ho – I have faith in our legal department.

President Holzheimer Gail – I do appreciate the members of our firefighters being here tonight, they certainly contribute, as well as the police department, all of our city workers, locally and regionally do give a lot. Through our last several years of budget difficulties they have proven that they have been able to give back and have given concessions and we certainly appreciate that. That is through the work of collective bargaining and I think when you mandate something without having people at the table and having those discussions, it often leads to bigger issues. We appreciate you being here and helping to educate voters on that.

Just a remind that the Board of Elections will no longer mail out automatically the applications for the Vote by Mail or what we commonly know as absentee voting. Those applications are available through many places, one of them is through the Board of Elections website. There have been copies printed in the newspapers. There is a link on our city website and it is very easy to do through the Board of Elections website, you just put your name, your date of birth and then it comes up so you can confirm that is who you are and you want to vote by mail ballot sent to you. Those of you who have gotten used to having those sent automatically, a reminder that you need to ask for that or mail in a request for that.

Several of the other things I was going to say have been said, so I won't repeat other than to thank the partners for our downtown bus shelter, RTA and the many partners that worked on that project. There was a ribbon cutting last week to officially announce the completion of that program. A lot of positive comments, both from residents, but also our community partners the way downtown Euclid is looking. We could not have done that without the partnership of everyone involved and it really turned out to be a very nice waiting environment and a boast to our downtown area.

Just a reminder the Euclid Public Library will be having candidate forums on Sunday, October 9th at 2:00 will be the School Board candidates and the judicial candidates. On Sunday, October 23, at 2:00 will be Council candidates and mayoral candidates at the Euclid Public Library from 2:00-4:00. With that I'll turn to Councilman Gilliam, who is ready to talk about Stand Up because he wore his t-shirt.

Councilman Gilliam – Just a couple of quick things that I just wanted to bring up. We've heard the statement about Stand Up and how it has affected the Euclid High School community and how they want to expand it. If you want to support Euclid Stand Up, this is an actual t-shirt, designed by a high school student. This is the front and the back. One of the things designed to get the message out and this shirt was designed by a high school student. They are taking a very active part in trying to remove violence and have a very peaceful environment for students to learn and also to bring the message out to the community. They are having an event October 20th, which is a bonfire, a rally, to talk about Stand Up, at baseball field #5 at 7 PM. If you have any questions about Stand Up, please call Kristal Grida at 289-8449, one of the positive things that are happening in our community.

Also wanted to announce Indian Hills Homeowners Association will have a meeting, Wednesday, October 12th at 6:30 PM at the Indian Hills Elementary School. On Thursday, October 20th, Ward 1 we are trying to have a candidates night. If all the candidates cannot make it, we will not have it, we will just have a follow up to our safety meeting. I want to be fair to all the candidates if they have prior appointments, it will just be a follow up to the safety meeting at Euclid Central Middle School.

I wanted to talk a little bit about a couple of things that happened on the 29th of this past month, over 90 residents came to Euclid Central School Library to talk about safety. That is a major concern for them in Ward 1. They were given presentations by myself, Prosecutor Pat Gallagher and also Asst. Law Director Kelley Sweeney and there was some commitments made by residents to address those issues. One of the concerns that we have is that in dealing with individuals who are committing crimes or possibly having issues, a majority of them have been juveniles between the ages of 15-19 years old. We had expressed to them, Prosecutor Gallagher, Asst. Law Director Sweeney and myself, to call, call, call be diligent and there has been success in the past.

One of the things that happened on Friday, 30th was a known suspect by the community of school age was walking the streets. Two residents called the Police Dept. The young boy was approached by a police officer but he was taken home and his mother said that she would keep an eye on him. To those residents who called, they felt very, very, upset that this child wasn't in a curfew violation. When I spoke to a member of the police department, he did acknowledge that the officer was a rookie who didn't know the history of this teenage boy. Capt. Brickman I just want to point this out to you. We have to pass this information on. This kid is well known by your detectives, he's been on numerous cases but a patrolman had no clue what this person's history was. For residents to go to a safety meeting on the 29th, only to hear on the 30th, that he was taken home to his mommy who doesn't watch him at all, was not the appropriate thing. If we're going to be diligent, we have to enforce the rules. That's what the residents want to know is making sure that we as a group are working together. I just want to point that out to you. It wasn't an issue where any harm was done, but some of the residents who called me felt that it was almost like he was given a break for some reason that they're not aware of, especially when they've identified him and they were astutely aware, at least they thought that the whole police department knew about this one individual. If there is any way that the detectives who are working in juvenile, who have these cases of repeat, habitual offenders, not kids who make a mistake, I'm talking about offenders, if that information can be past down to the patrolmen who are on patrol, it would be a big help in having the residents continue to have faith in how the system works.

The second question that I have is, kind of a unique question, Capt. Brickman, the Edge program, that agreement was between University Heights, Shaker Heights, South Euclid and Euclid. There was an issue about two weeks ago on Leslie where Beachwood was called in. What is the status of the Edge program and how come our three other partners were not involved in this and I'll end with that.

Capt. Brickman – The Edge group also includes the City of Beachwood. The Edge team, we're still participating in, it is not a functional, operational team at this juncture in time. The Euclid Police SWAT team is still functional and shall remain so. The Beachwood team is a support team that consistently and regularly backs up the Euclid Police Dept. when they're in tactical operations. When this incident took place we had contacted their department to ask for the use of an armored vehicle. They sent additional personnel also.

Councilman Gilliam – I'm looking at an old draft and I didn't see Beachwood on here, that's why I brought the question up. I see four cities and not five so I was just curious about the situation but Beachwood is actually part of that actual group as well. There are actually Euclid, South Euclid, University Heights, Shaker Heights and Beachwood makes the fifth city, correct?

Capt. Brickman – That is correct.

Councilman Gilliam – Thank you for correcting me and I apologize, I just wanted to make sure, thank you kindly. With that I have no further comments or questions.

ADJOURNMENT

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

Attest:

Clerk of Council

President of Council

