

**COUNCIL MINUTES**  
**January 17, 2012**

The regular Council Meeting was held on Tuesday, January 17, 2012 at 7:00 PM in the Euclid Municipal Center Council Chamber. Council President Holzheimer Gail presided.

Members Present: Gilliam, Scarniench, Jones, Lynch, McLaughlin, O'Hare, Langman, Van Ho, Holzheimer Gail.

Others Present: Mayor Cervenik, Law Director Frey, CS&ED Director Pietravoia, Service Director Bock, Fire Chief Cosgriff, Police Chief Brickman, Recreation Manager Stephens, Clerk of Council Cahill.

**COMMUNICATIONS**

Council received a Notice of a Hearing from the Department of Commerce Division of Liquor Control stating a hearing to be held on February 6, 2012 for Shakerz, 24680 Euclid Ave.

A letter from Tax Commissioner Testa from the Ohio Department of Taxation acknowledging receipt of our Resolution 160-2011.

**Council Minutes**

Councilwoman Scarniench moved to receive the Council Minutes of January 3, 2012. Councilman Lynch seconded. Yeas: Unanimous.

**ADMINISTRATION REPORTS & COMMUNICATIONS**

Mayor Cervenik presented Resolution 3-2012 to the family of Euclid Mayor Tony J. Sustarsic who passed away Wednesday, January 11, 2012.

A moment of silence was held for Euclid Mayor Tony J. Sustarsic.

Mayor Cervenik – I have one announcement that I believe is going to be pretty exciting coming this summer. It is a program called Cleveland Hope. It is an outreach program sponsored by a network of Southern Baptist Churches. Throughout the entire summer they are bringing in approximately 200 people each week to, free of charge, to work on community projects and programs. The mission of the group is just to simply reach out to our residents and the community. Several people including myself, Council President Kirsten Holzheimer Gail, Mac Stephens, Lisa Mayernik, the new Chamber President Brian Moore, Courtney Nicolai from the Euclid Y Collaborative, met with the members of Cleveland Hope and are now working on establishing possible programs and projects for them. If City Council has any ideas, please forward them to my office. They have told us they will have many people who are skilled in various trades and professions that will oversee the projects that we would like to see done. Every city department and directors and supervisors are looking into ways to utilize these volunteers. Some of the possible programs or projects we've talked about is painting homes for low income and disabled residents; landscaping various properties; running youth camps; working on ball fields; projects at Shore Cultural Centre and lots of other good things, especially if we come up with some ideas. The nice thing about this is the supervision that will be provided by us is limited and it would be what we feel we need to do. As they're working on some of these projects they will have professional adults coming and supervising the crews of the people that have volunteered to come here. It is sort like a camp. The students for the most part actually pay to become part of this program and come into our community and do this work. We're pretty excited about it. If we decide to have them do certain work such as aluminum siding and painting, we will have to either fund the supplies or get donations of those supplies to do that work. All the labor is free.

Last year the City of Bedford had Cleveland Hope in their community for just one week and they were overwhelmed and thankful for the projects and programs that were worked on. We are meeting with one group tomorrow and next week another group and I will keep you updated on the progress of Cleveland Hope. Think about some things that you might like to see done in the community. It sounds like a pretty exciting program. Mac Stephens, I think you have an announcement about a very treasured employee of ours.

Mgr. Stephens – I wanted to make an announcement that Annemarie Finch, one of our program administrators and aquatics director in the Recreation Dept. received the First Grow scholarship which was awarded by the Ohio Parks & Recreation Association. She was one of two professionals throughout the entire state that was chosen to receive this award. This award will help offset the cost for Annemarie to attend the OPRA annual conference and trade show this coming spring. Thank you.

Mayor Cervenik – Lee Bock has some comments on our first real snow storm of the season.

Director Bock – I first would like to respond to an email that was distributed amongst the council members and I received concerning our snow plowing efforts or lack thereof. I would just like to go through this a little bit. The email was sent on Sunday at approximately 1:18. The resident in question had stated that his street had only been plowed once of this date and was in poor condition. Well I agree with that, it was only plowed once. Within two hours of this email, he street was plowed for the second time. It just so happened that his street was the last that day to get done, that section, not specifically his street. Actually my street was done after his.

We did do that and the reason for that was due to the amount of snow and I thank Mother Nature for taking it easy on us again while those east of us got pounded. I did not feel it was appropriate to work all my crews overtime over the weekend. The amount of snow that came down was minimal. It was an average snowfall at best. We had covered the city once. We were going through it a second time. At the time about 70% of the side streets were done for the second time. I then sent the crews home off of overtime and we completed the city with our normal crews at our normal shifts. It takes a little longer that way but no streets were blocked, no one was getting stuck, the snowfall was minimal and did not justify the overtime.

Also he had stated about the City Hall parking lot, the arena and Milton Ave. being plowed while side streets were not. Just to address that, that snow plowing was done by an employee working at the ice arena at the regular schedule in between his regular duties there at the arena. He was not taken off of side streets or anywhere else to do that work. It is fill in work and work that has been assigned to him during the winter time to take care of those lots. He's here on the weekend, I don't want him sitting around. We do take care of those areas so we do not have to pay overtime.

That basically covers that email and our efforts as far as snow plowing. Just to give you an idea, even with the storm starting last Thursday, we utilized 700 tons of salt, and there were approximately 130 hours of overtime paid out. You can see even a small storm does affect our budget. When I feel it is necessary I will use the overtime, but when I feel the circumstance allows us to complete it with our regular work force, I will do that. Thank you.

President Holzheimer Gail – Director Bock, would just remind, we have several new council members and I think it always helps to remind the residents the priority of how streets are done. I know mine was late too, but I'm on a dead-end street which is very low traffic. I know you have a certain priority and I think it bears repeating, the priority that you go on when you decide what streets to start with.

Director Bock – Our priority always starts with the hills. Those are our first priority during a snowstorm, snow event is that we keep the hills black, so we don't have any incidences up there. Next we go with our main arteries: Euclid Ave., Lake Shore Blvd., 260, 222, Babbitt, 185. Those are streets and Marginals are our next priority. Once those are complete we go into our secondaries; basically Lloyd Rd., South Lake Shore Blvd., Glenbrook, Miller, Monterey. These are our major cut-through streets and considered secondary streets. Once we have those in safe condition we then enter into our side streets. In a normal snowfall we will stagger where we start, where we finish to kind of make it fair for everybody. Snowfalls like we had this past weekend, the first time through, we generally will hit the hills first because they usually get hit the hardest. We started on the hills on the far west-end of the city, the first time through. The second time, I believe we started off of 200 St. to 185 and worked down through that way then up to the hills. We stagger to try to make it fair for everybody. In the heavy snowfalls, we're going to go with the area that get hits the worst first. Generally, that's our hill section. That is our longest most difficult section to do and we do that as we first call the men in as they're fresh and we concentrate up there.

Mayor Cervenik – As you know we have a committee meeting scheduled tomorrow to discuss not only the rate setting structure for the improvements that are required by the US EPA and our Consent Decree, but also show you what the rate increase and the work that is going to be done. I saw some of the pictures of some of the work we need to do and I was a little surprised by how it is going to affect our buildings down upon the lakefront such as the Lakefront Community Center. We've got a Power Point presentation that will try and make you understand what needs to be done. Probably the best part of the meeting is going to be the percentage of rate increase is going to be considerably less than what you've heard talked about by the Northeast Regional Sewer District and other communities. I would hope get through the whole meeting tomorrow. It is open to the public. I don't know that we will have time for general questions from the public tomorrow, that depends on your questions. However I intend to as we did when we raised trash fees and street lighting fees that I will be available to present that Power Point to various neighborhood organizations, public meetings as we did at the community center a couple years ago, so everybody has a full understanding of not only the cost, but the reasons why we have to do what we have to do. We will also have rate comparisons of what our new rates will look like compared to other communities, as well as Regional Sewer District communities.

For the most part you will see in spite of what we need to go through, we will actually be in a much better position than many other communities in northeastern Ohio. The government has finally started making people comply and this is sort of amazing, I believe it is the Clean Water Act of 1972.

My calculations say that's 40 years ago and they are finally getting around to making communities comply to that. There are a number of communities, I believe seven communities in northeastern Ohio, plus Northeast which represents over 60 communities, they are all going through the same exercise that we're going through with the EPA. It is going to be a very interesting meeting. We're going to get it done. We still haven't gotten final okay from the EPA. I know a number of you have emailed me and others asking have they okay'd our plan. We still haven't gotten that final okay as to whether we are going to have to build an underground holding facility. That's not the technical word, but that's what I'm going to call it, somewhere near the plant to hold the storm water until the rain stops and then slowly filter it out through the plant having full treatment. We will not have that tomorrow but what we will present tomorrow is what we know we have to do, approximately what it is going to cost and what it is going to look for. Tonight should be a quicker meeting than tomorrow to say the least.

Last but not least, you were notified that the administration has asked that #7 concerning the towing of junk and abandoned vehicles be pulled and we're going to look at that whole situation over again. Thank you.

#### REPORTS & COMMITTEE MINUTES

Councilwoman Scarniench moved to receive the Police Report of July, August, Sept., Oct., Nov., 2011; Monthly Finance Report thru December 2011; Board of Control Minutes of 01/03/12. Councilman McLaughlin seconded. Yeas: Unanimous.

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

President Holzheimer Gail – As you just heard, #7 which is Ord. (014-12) has been pulled and #2, the vacant property registration will be going to the Housing Committee.

Mr. Brian Mikelbank – 114 E. 212 St. I'll speak to #2 if that's still okay. I currently serve as the Chair of Euclid's Foreclosure Prevention Committee. We've been around since 2008 and part of what we do is look at how other communities are facing the same housing issues that Euclid is facing. Recently we focused our attention on vacant property registration programs. County data shows that Euclid residential foreclosure rate is holding relatively steady at about 4.5%. Unfortunately vacancy is typically part of the foreclosure process and research consistently shows that vacant properties pull down both neighboring and neighborhood property values. There are many benefits to these types of programs, but the committee kept coming back to these two. The legislation would hold owners accountable for the condition of their vacant properties and would hold owners accountable for their cost to the city of those same vacant properties.

We see the legislation as an important step in protecting neighborhoods and the city's housing stock by reducing blight and increasing market confidence among current and prospective residents. The committee would be happy to answer any questions that might arise and we hope you'll support the legislation. Thank you.

Ms. Mary Jo Minarik – 18870 Abby. I'm here to talk about item #8, the rain barrel resolution. I want to thank Councilman Langman for sponsoring this. This will be the fourth year if approved. I wanted to give you some stats from last year. According to Cuyahoga Soil and Water, last year's resolution had 93 people at the workshop. People made 58 barrels and 12 more were sold from Indiana. A total of 70 rain barrels. Friends of Euclid Creek signed up six new members and the Historical Museum entertained people with tours. The reason I bring that up is because the rain barrel sale is more than just about selling rain barrels and conserving water. With the cost of water going up from Cleveland Water and all that's going on, yes, it is a money saver, but what we do at the rain barrel sale is we also have environmental displays. We have a solar fountain. This year we will have a worm farm because I'm going to build on. We're hoping to have a rain garden display. Last year we had an artist who painted a rain barrel as people bought these rain barrels. Over the last three years we've had hundreds of people attend this workshop. It is great PR for the City of Euclid because it gets posted on the Cuyahoga Soil and Water Conservation District website. Memorial Park garden is also going to be there and they will probably have more information about composting as well. What we're trying to do is teach people that backyard gardening is an art form. It is really fun and I really appreciate that Council will consider it tonight and hope that you approve it. Thank you.

Mr. Jeffrey Beck – 25540 Chatworth – I know #7 has been pulled, but it does raise an interesting question. Now that we are operating without a towing contract, I'm sure towing doesn't stop in this city. During this period of time until you're going to do whatever you're going to do, how are you going to handle the towing needs of the city and will O'Connor Towing be used during this period of time. I know it is not on the agenda but I would like an answer to that. Thank you.

Chief Brickman – The towing vendors have been contacted in the interim because the contract actually expired at the beginning of the year and the vendors agreed to continue until there was an award done in the current location that we had been operating under. Towing services are continuing.

President Holzheimer Gail – Continuing as they were under the old contract.

Chief Brickman – Correct.

President Holzheimer Gail – Seeing no other questions or comments, we'll move forward with legislation.

### LEGISLATION

#### **Ord. 4 -2012 (023-12) Land Bank Sale Recher Ave.**

An emergency ordinance authorizing the sale of Permanent Parcel 641-25-067, 21041 Recher Avenue, from the Euclid Land Bank to Robert and Barbara Ann Zagore for an amount of Five Hundred Dollars (\$500.00), as authorized by Ordinance Nos. 98-2010 and as amended by 101-2011. (Sponsored by Planning & Zoning Commission)

Councilwoman Scarniench moved for passage, Councilwoman Jones seconded.

Director Frey – We've put before you version (023a-12) and I apologize, there were a couple of corrections made that are highlighted in yellow on the version that the Council Clerk passed out at the beginning. We'd like you to consider that version this evening. It is a buildable lot and therefore is not required to be consolidated and that's a significant difference than what we sent out as part of the legislative packet. I know there's been discussion on the pricing, I'll leave that to Director Pietravoia but ask that you consider version (023a-12) in your discussions and deliberations tonight.

Director Pietravoia – I'm going to be reporting for Commissioner Beno who is on a scheduled leave this week so he is not here with us tonight. He would normally report on these items coming from the Planning & Zoning Commission. Members of Council you are probably aware, most of you that the Planning and Zoning Commission serves as our neighborhood advisory committee that is per the Ohio Revised Code so that any land bank sale that is proposed goes before them to hold a public meeting at which time they evaluate the proposed sale and they ultimately accept public comment and make a recommendation to city council. Their role is advisory only and we have their recommendation this evening from their January 10<sup>th</sup> meeting at which time they considered this application. After significant discussion, they recommended to Council through their vote to approve a sale at \$500. The applicant requested consideration of a lower price due to circumstances that were unique to this property, specifically the need to trim a large tree that is at the rear of the property. He did at the evening of the Planning & Zoning Commission, the neighboring property owner had obtained at least one quote to have that work done and it was over \$600. Today we received, the Commission members requested that he receive multiple quotes. Apparently he had done that but only received one in time for the Planning & Zoning meeting. He did receive a second one which he submitted to our office and that was for \$630. Both quotes were over \$600 for the necessary trimming of the tree that's on the property.

You may recall that twice we came before Council asking for pricing policy to be established. Both were designed to encourage sale of the land bank parcels. The first one was in June 2010, those were adopted initially as a guide for both P&Z and Council. About a year later after not seeing much activity in terms of any sales, we came back to Council and amended the pricing policies pretty significantly actually to encourage additional sales. That has worked, we've had a number of sales since that time including the one that is before you tonight. Per the amended policy, the sales for a buildable lot and those are lots that are over 5,000 sq. ft. were recommended at \$1,000 as a starting point. Or, if the buyer agreed to sign an agreement that they intend to build or construct on that lot, it could be sold for a dollar. Most other properties that are not buildable, anything under 5,000 were actually priced at either \$1 or \$100 to encourage sales of these parcels.

I want to make clear because of some of the concerns that were expressed to me prior to this evening's meeting that the policy that was established was not meant to reflect either the market value or the taxable value for the properties but specifically were set as an incentive to encourage sales. That's why they're set at the relatively low prices that have been before you this meeting and previous meetings.

The intent was to get the parcels back to private ownership and to get them back into taxable status and ultimately the side benefit of that is it takes the maintenance responsibility, it returns it back to a private owner rather than the city maintaining these lots.

With all that in mind, the staff did recommend to Planning & Zoning the sales price of \$500 considering the cost of the trimming of the tree. We were willing to consider reduction from the \$1,000. Planning & Zoning ultimately agreed. The applicant actually requested further reduction to fully subtract the amount of the cost of the trimming of the tree. In any case, whether it is \$500 or \$1,000 these are tremendous prices to acquire a buildable lot in our community. Again, not meant to reflect the actual value but meant to encourage the sale and get it back into private ownership.

What you have before you this evening is the legislation is written to reflect the Planning & Zoning Commission's recommendation to Council. Realizing the policy is set at \$1,000, they were willing to consider and suggest to council to consider \$500. With that I'll defer to Councilwoman Scarniench whose ward this property is in and I know that she attended the meeting and may have some comments to add.

Councilwoman Scarniench – I was at the meeting and it was a 3 to 2 vote. There were two members of the committee who adamantly did not want the price lowered. I talked to the residents and I kind of went along with, okay, because this is going to cost them “x” amount of dollars to do this. Then after thinking about it a little bit more, the fact that this is a buildable lot, we could have a house put there, which would be property tax, income tax, a lot of different reasons, that we should not lower the price. I did talk to one council person about this and kind of agreed with the fact that we should not lower the price. I can't remember what it was that we were talking about just recently, the fact that this is such a new program, we need to let it work and see what happens with it. A year from now, we can look at it and say, this is what worked and what didn't work. But I know there's an amendment that is going to be made and I will support the amendment.

President Holzheimer Gail – Would you like to accept the amendments that are presented first in (023a-012) and if there's additional amendments we can do that, but why don't we work from (023a-12)?

Councilwoman Scarniench - I move to accept (023a-12). Councilman Langman seconded.

President Holzheimer Gail – Any discussion on the amendments that are in front of us today?

Councilman Lynch – If we're accepting the amendment, I understand the amendment purpose is only because we're deviating from that standard \$1,000 price. So perhaps Director Frey can answer to us whether or not that amendment will be necessary if we do decide to pass another amendment that says to the original \$1,000.

Director Frey – What we were asking you to do is first to amend to the intended language of what we had hoped we were putting before you and by error had not sent through. Recognizing that this is a buildable lot and it doesn't need to be consolidated. I understand that there maybe a subsequent amendment to Section 1 and it may aviate for Section 2, we can deal with that as a separate up or down vote. We would ask that you would accept these amendments as we've put them before you first and then if there's further amendment, we can handle that as a “b” version.

Councilman McLaughlin – Director Pietravoia, how many houses have we sold, I'm sorry lots, that were buildable?

Director Pietravoia – I believe once the policy was amended, this is the second buildable lot. The first one did sell at \$950 and we considered a reduction of \$50 because they had paid an application fee that was no longer required under the new policy. Their application came in before the policy was amended. Both P&Z and Council agreed to a \$50 reduction to recognize that they had already paid \$50 for that additional application fee.

Councilman McLaughlin – Do we have an idea on the real estate tax that they pay on that lot is? Is it more than when they consolidate? I've been told that when they consolidate the properties the land portion of the real estate goes up about 30%. Is this going to be higher if it is a buildable lot? Is it separate from their house so it stays separate, so it should be a separate lot therefore higher real estate taxes on it?

Director Pietravoia – When the city takes ownership of the parcel, the taxes and the values are reset to zero. If you look today at the county records, it is going to show everything at zero. Prior to that, individual lots that are buildable are typically valued anywhere from \$5,000 upwards to \$15,000 in the City of Euclid. We don't have enough experience with this yet, especially with the new county administration in terms of how they will set the value on what is essentially a distressed sale which is what we have before you. It is a vacant parcel that came to us through foreclosure. It is not really an arm's length transaction and we're trying to sell it at a reduced price for the reasons I stated earlier. My belief is the County will set the value at a level similar to what a market value would be for land in that particular neighborhood, not at the price that it is actually being sold for.

President Holzheimer Gail – We have a motion and a second to accept the amendments first. If there's questions about that, if not, let's vote on it. We'll have time for general questions after. Any questions about the amendment?

Councilwoman Scarniench – Just to further what Director Frey said, the purpose of amending this, once it is amended, we still don't know, there's nine people sitting up here, how anybody will vote. So in theory this could go with the \$500, but if we don't put the proper language in there ahead of time, that could be a problem. That's why we need to make these amendments.

Roll Call on the Amendment:

Yeas: Gilliam, Scarniench, Jones, Lynch, McLaughlin, O'Hare, Langman, Van Ho,  
Holzheimer Gail.

Amendment passed.

President Holzheimer Gail – Additional questions on the amended ordinance?

Councilman O'Hare – We're treading on unknown waters here in more ways than one because I'd like to make a motion to amend this amendment to return to the original standard recommendation for \$1,000 on this lot. As Councilwoman Scarniench had indicated, it is a buildable lot, we have relatively short duration in the program here, this is the second lot. We need to give the program a chance to work and as mentioned, we don't know what the County is going to value this at. That's always very much up in the air. I agree it will likely be in the \$5,000 or so range and \$1,000 for this lot, I believe represents a great value as well.

Councilman Gilliam – Councilman O'Hare has made a motion to stay at the \$1,000. It is a buildable lot at over 5,000 sq. ft. But we had an ordinance back in 2005 and I think the ordinance stated the minimum square footage for a home would have to be 2,000 sq. ft. am I correct?

Director Pietravoia – Yes that's correct.

Councilman Gilliam – Now, based on the size of this particular lot, is this lot able to produce a new construction at that square footage without any issues or variances that you can think of at this time?

Director Pietravoia – I believe that it could accommodate that size home. It would be out of character for the neighborhood and typically what happens is someone who proposes to build a new home would try to reflect the size of the neighboring homes. If they did try to go below 2,000 they would have to come before Planning & Zoning for a variance. Planning & Zoning has in the past granted variances where it made sense for a particular lot in a particular neighborhood.

Councilman Gilliam – The property conditions have been stated that they call for an emergency ordinance. I didn't get a chance to go by the property and I apologize for that. Is there anything on there that initially led to the particular potential owners wanting to have it at such a lower price and at the same time make this an emergency ordinance? Is there something on that property that causes some concern for the city in this transaction?

Director Pietravoia – The reason for the emergency ordinance is just to expedite the sale, it has nothing to do with the conditions on the property. We bring all of them forward as emergencies so we don't have to wait another month to transfer the property.

President Holzheimer Gail – I'm going to accept Councilman O'Hare's motion to amend to \$1,000 for the sale price. Councilwoman Scarniench did you want to second? It wasn't officially seconded. Motion was made and second by Councilwoman Scarniench. We can have discussion on the amendment.

Councilman Lynch – My one comment is to say that the one risk here to this amendment is that the person who is ready and willing to purchase this parcel now at \$500 could potentially walk away from this deal. A table of nine is not necessarily the best place to do bargaining in. I guess I would just say that's my concern. My question for Director Pietravoia, if you were present or reports from Planning & Zoning, as what you think the potential buyers willingness to go through with sticking to the policy which I think is a good policy but considering it is a risk that we want to sell this parcel?

Director Pietravoia – I know as I mentioned at the meeting and prior to the meeting, the buyer was actually hoping to get an even lower price than the \$500 that was agreed to. This really wasn't brought to my attention until today so I did not have an opportunity to contact them particularly with Commissioner Beno who has a relationship established with them out of town. Regardless though I would say if Council has a strong feeling about the price that buildable lot should be offered at, irrespective of whether they agree to it or not, that would be your action on this item and they know they can buy it for \$1,000. I believe they maybe here this evening.

President Holzheimer Gail – There's a question from Councilman Langman and then we can suspend the rules.

Councilman Langman – Director Pietravoia, the condition of the tree, does the potential purchaser they want it trimmed for aesthetic purposes or is it a hazard that is on the property?

Director Pietravoia – As I understand it, it is probably a little bit of both. It is a very large, mature tree and having experienced this myself, I know that occasionally you do have to trim them for branches that otherwise might become a safety issue. I would defer to the prospective buyer who has actually discussed this with a couple of professional tree trimming services and he may have additional information to share.

Councilman Langman – One more thing before we let the resident speak. If we hang onto the property, would we not have to take care of the tree ourselves?

Director Pietravoia – We would have to have our urban forester do an assessment and determine if we need to do the same trimming immediately.

Councilman Langman – How much would that cost the city to trim the tree?

Director Pietravoia – Director Bock would have to comment on this. I know sometimes we do it in-house. This is a pretty large tree we might have to hire a service which while we might get a better price, we probably will be in a similar price range.

Director Bock – Not having seen it, it is pretty tough for me to say what it would cost us. We'd have to examine it. If we can possibly do it ourselves we would just to save money obviously. If not, we would have to go to an outside tree service and depending on the extent, obviously if the gentleman's had two estimates in the \$600 range, we're probably going to be in the same kind of range if we have to go outside also.

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

Mr. Robert Zagore – 21031 Recher Ave. I was thinking about purchasing the property. I run into a wall. The reason I proposed the lower rate is because there's a large branch hanging over my home. There are carpenter ants in the tree. I hit a stone wall. The city would not touch it. I went and got all the estimates. I was told that it would be subtracted from the price of the property. I will not consider it now since you want \$1,000. If the tree falls on my home, you're well aware of what it is. It will cost about \$100,000 in damage if that limb comes down on my home or probably more. It is up to you folks what you want to do. I proposed what I could do, all I could do. It was refused, fine. Now, the limitations of what happen are on the City of Euclid. I appreciate your time and your diligence. Thank you.

Councilman Langman – It sounds like either the city is going to spend the money to trim the tree or the resident is going to spend the money to trim the tree and it is \$500 either way. Maybe we can do it in-house, maybe we can't. I think as Director Pietravoia mentioned, the purpose of pricing and the flexibility in the pricing are to move the parcels. I am concerned that there doesn't seem to be any timeframe that the resident has to hang onto the buildable lot. I think given the circumstances of the location, and the conditions and what the resident is willing to do, I'm willing to back up the price as presented in the legislation. Thank you.

Councilman Lynch – I just wanted to add, I think the cost benefit analysis of what we're hearing tonight that I will not support the amendment and hope that we can sell the parcel this evening.

Councilman Van Ho – I'm going to support the amendment only because we're going to have a policy, I don't think we vary that policy the second house out of the barrel. As was stated, the appraised value of this is going to be \$5,000 to \$15,000. So even at \$1,000 it is a pretty good bargain when you can buy something for 20% of its appraised value. I'm going to vote for the amendment.

Councilwoman Jones – Director Pietravoia or Director Bock whichever can answer. The resident just mentioned that if we go with this amendment for \$1,000, he's not interested in buying, so is the city going to go forward as far as trimming the tree for the branches that need to be trimmed?

Director Pietravoia – I'll defer to Director Bock but I will say that it is our property and we're responsible for it until we sell it. If the tree needs trimming we need to schedule it and get it done.

Councilwoman Jones – There were some issues, it sounds like the resident tried to get the city to trim the branches prior to purchasing the property. I don't know if there were issues in that process or not. Either way, it sounds like the branches need to be trimmed, if he purchases the property or not. I just wanted to find out if the city was going to go ahead and trim the branches that are needed.

Director Bock – If Council decides not to do this and the gentleman backs out, obviously I will have my tree people out there tomorrow to assess the situation and it is city property and we are responsible for it. One way or another we'll have to take care of it.

President Holzheimer Gail – I think it is important to have a policy. I think we have made alterations to some of the other parcels. I looked and reviewed at the land bank parcels and although this is the second buildable lot, the other ones have gone for \$1, \$100, \$300, \$850, \$150, there were a couple at \$1,000. This is going to cost us either way. We either not accept the \$500 and do the work of the tree trimming, which there is going to be a cost to that. Or, the purpose of the land bank and our pricing was to put the property into productive use. I feel like we're at a trade off and I'm willing to accept the administration's recommendation and Planning & Zoning's recommendation, so I will not support the amendment as well.

Councilman Van Ho – I also was at the Planning & Zoning Commission meeting. It was my understanding that the resident was only willing to pay \$350 or \$375, \$400, okay. So even, it sounds like he isn't even willing to pay the \$500. I don't want to fold on it.

Councilman Gilliam – Just a couple of quick comments. The resident in question who wants to purchase this property, I understand a few things that exist. One, it is a buildable lot, but unfortunately in this economy there hasn't been a lot of homes being built across the county. When we talk about city operations and the cost, I can tell honestly that I had a tree that fell down in my ward and we were going to use funds from the city and it was at a high cost to cut a tree that had fallen because of the enormous size of it. There was some question about getting the owner to do it versus the city absorbing the cost. The concern that I have at this point is by being city owned, we're still responsible for maintenance, upkeep, and that is a cost to the city. Even if a home wasn't being built immediately, as long as the resident is able to care for the property appropriately and address the issues from a personal standpoint, I think it is a plus/plus for the city. My position is that the proposed owner offered an offer of \$400 and I believe \$500 is about a 25% increase and it does not in my opinion, dissuade anybody I would feel from really wanting to obtain the property. I will not support the amendment to \$1,000 based on the fact that the city needs to look at the possibility of removing properties and having those individuals pay their rateables and hopefully come up with an option that benefits the city long term. I'm all for the city removing some of these properties. We have numerous properties that we are citing, trying to get owners to take care of. We have numerous properties that we're trying to remove off our records. I'm about promoting the resident taking responsibility and promoting the resident to contribute to the city in other avenues. I feel \$500 is fair. Whether the proposed owner chooses to purchase it or not, I feel it is a fair cost and I won't support the amendment to \$1,000.

President Holzheimer Gail – I think everyone sufficiently weighed in.

Councilwoman Jones – I have one more question. Director Pietravoia, how long has this property been in the land bank?

Director Pietravoia – I believe this is one that we've actually had since 2008 if I'm not mistaken so it was prior to our establishing the pricing policies recently.

Councilwoman Jones – So we've had to acquire the maintenance, as far as cutting the grass on the property since that time?

Director Pietravoia – Yes.

Councilwoman Jones – Since 2008 we've had to cut the grass and whatever other maintenance. Obviously we haven't been trimming the tree or anything, so we do have expenses as far as holding onto that property. If it goes to \$1,000 and it is not sold, we'll still have to acquire those expenses for cutting the grass, trimming the tree and whatever else needs to be done.

Director Pietravoia – Correct.

Councilwoman Jones – I don't remember if the resident mentioned, he may have mentioned in the Planning & Zoning meeting, I was there but I don't remember, what he plans to do with the property. Is he going to build something on it? Or just hold onto it?

President Holzheimer Gail – The ordinance indicates yard expansion.

Director Pietravoia – The application was specifically for yard expansion, so no plans to build any structures at this time.

I would like to just read from the guideline itself. I guess I just want to make a point that it is a guideline. We're referring to it as a policy as though it is set in stone and it is meant to be a guideline that is flexible. The above guidelines and this is indicating the pricing table, may not represent every possible configuration of use and size proposals. The above table is intended to be used as a guide for establishing pricing, along with criteria for review of proposals which reflect site specific conditions which may indicate weak market conditions, etc.

So there even is language in there that recognizes that this is a starting point and if there were specific conditions they should be considered by both P&Z and Council. I do agree with Councilman O'Hare and others that \$1,000 is a tremendous price even in a weak market for a buildable lot. I just want to state the facts and make sure Council is clear that you do have some flexibility in moving from that \$1,000 if you feel there is reason to do that as is being discussed tonight.

Councilman McLaughlin – We sold one buildable lot and the guideline was \$1,000 and we sold it for \$950. Okay. Thank you.

Roll Call on the amendment:

Yeas: Scarniench, Jones, O'Hare, Van Ho

Nays: Gilliam, Lynch, McLaughlin, Langman, Holzheimer Gail

Failed 5 to 4.

President Holzheimer Gail – So Ord. (23a-12) is still in front of us which indicates a selling price of \$500. Are there any additional questions or comments on this?

Councilman Langman – Since we've resolved the pricing mechanism, that mechanism is based on the trimming or cutting down of the tree. Director Pietravoia, which is it, the actual cutting down of the tree?

Director Pietravoia – It is a trimming, the tree would not be entirely removed. To remove the tree, it is a sizable tree, again I'm going to go by my own experience because it is similar to the one I had removed, after getting several bids it cost me about \$1800.

Councilman Langman – Since the price is not determined on work on the tree, and this no question on the purchaser's character, but do we need to insert something to guaranty that the tree work is actually done?

President Holzheimer Gail – That might be wise. Director Pietravoia, do you have any opinion on that?

Director Pietravoia – I'll defer to Director Frey. We maybe able to make it a condition in the paperwork for the sale of the property, outside of the ordinance itself.

Director Frey – If the buyer buys the lot with the tree in that condition and as he's described it is some peril to his home, he carries all the risk of getting the work done. So practically speaking I don't see that we need to start inserting a condition, he's going to take it out of an abundance of caution, or he's not but he carries the risk if he chooses not to do that. Of course there is now this record that were he to attempt or they attempt to sell the property, there is a known hazardous condition that he would have to disclose to any future buyer. I think we're adequately protected.

Councilwoman Scarniench – If we go ahead and we pass this and they agree to purchase it, how much times does it take before it actually becomes his? Look at the wind that is outside right now, what if that branch were to fall tomorrow? How much time is there that lapses between this would actually take place?

Director Frey – We can prepare a quit claim deed on that property within matters of a couple of hours.

Councilman Gilliam – One last comment, Director Frey clearly explained that if the potential buyer buys the home, the risk is transferred from the city to the potential owner. The question that I have is that the potential owner has discussed some of the issues with the tree. If this particular transfer does go through based on the passage of this ordinance tonight, would the city be able to send out or deploy people to determine whether or not this is a dangerous tree within a reasonable amount of time? I don't like contingencies but he's clearly explained some issues of peril and would the city be able to address the concerns that he has during the transaction or after the transaction? That's my question.

Director Bock – As I stated, I could have my arborist out there tomorrow to assess the tree, that's not an issue at all and determine whether it is a hazard to his home or a hazard to the public in general.

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

Councilman Van Ho moved to suspend the rules, Councilman O'Hare seconded. Yeas: Unanimous.

Roll Call: Yeas: Gilliam, Scarniench, Jones, Lynch, McLaughlin, O'Hare, Langman, Holzheimer Gail  
Nay: Van Ho.  
Passed as amended.

**Ord. (025-12) Amend Code Chapter 1763 Vacant Property Registration**

An ordinance enacting Chapter 1763 "Vacant Property Registration" of the Building and Housing Code of the Codified Ordinances of the City of Euclid to create a Vacant Property Registration. (Sponsored by Councilpersons Holzheimer Gail, O'Hare and Van Ho)

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

President Holzheimer Gail – This ordinance was introduced jointly by Councilman Van Ho, Councilman O'Hare and myself because we have been meeting with and working with the Foreclosure Prevention Committee. You heard Brian Mikelbank speak a little bit earlier about how this came about. The committee has been doing, just to give a little plug, the committee has been doing great work on providing education forums, looking at data, doing some research about ways to, not only what the issues are, but ways to address the issues. This legislation and this idea came from that work. We would certainly like to present that at a committee meeting. Mr. Mikelbank and Committee members will be there. I believe Councilman O'Hare has tentatively scheduled that for next Monday, January 23<sup>rd</sup>. We would politely suggest this be referred to the Housing Committee. I would turn to Councilman O'Hare to make that motion.

Councilman O'Hare moved Ord. (025-12) to Housing & Building Standards Committee. Councilman Van Ho seconded.

Roll Call: Yeas: Gilliam, Scarniench, Jones, Lynch, McLaughlin, O'Hare, Langman, Van Ho, Holzheimer Gail  
Sent to Committee.

**Res. 5-2012 (022-12) Landmark Commission member**

A resolution to re-appoint Ruth Flannery to the Euclid Landmark Commission.  
(Sponsored by Mayor Cervenik)

Councilman Langman moved for passage, Councilman Lynch seconded.

Mayor Cervenik – Ruth Flannery's term has expired on the Landmark Commission. If not a lifelong resident, pretty darn close to it. She's been a great asset to the Landmark Commission. I really feel she has earned the support of the administration and council to put her on for another term.

President Holzheimer Gail – On the website there is a notice that we are also looking for others to serve on the Landmark Commission?

Mayor Cervenik – Yes, unfortunately Roger Kelly who has been on it probably as long as John Williams. Roger Kelly's wife has some illnesses that he needs to attend to and it is making it very difficult to continue. We thought we would put that open position on the website and hopefully get some diversity and some new people into the history of the City of Euclid. We're hoping to get some responses from that on the website very shortly.

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

Roll Call: Yeas: Gilliam, Scarniench, Jones, Lynch, McLaughlin, O'Hare, Langman, Van Ho, Holzheimer Gail  
Passed.

**Ord. 6-2012 (024-12) HOME Funds**

An emergency ordinance authorizing the Mayor of the City of Euclid or his designee to enter into an amendment to the existing Agreement with Cuyahoga County, Ohio (the County), authorized by Ordinance Nos. 96-2010 passed June 21, 2010 and 168-2010 passed November 15, 2010 and to enter into an amendment of the Agreement with Euclid Development Corporation (EDCOR) to extend the time period of both Agreements through December 31, 2012 to expend HOME administrative funds in the amount of Seventeen Thousand Two Hundred Two Dollars (\$17,202.00) on a reimbursement basis for HOME administrative expenses incurred by the City and/or EDCOR on behalf of the City. (Sponsored by Mayor Cervenik)

Councilwoman Scarniench moved for passage, Councilman Gilliam seconded.

Director Pietravoia – This is actually a house cleaning matter. This program has been in place where we use the services of EDCOR to review and process all the applications for down payment assistance, in the new program that we started a little over a year ago now. The funds that pay for the administration came from HOME dollars and every year when we received HOME funds which are federal dollars, we receive a fairly significant allocation of about \$200,000 that is used specifically for either the down payment itself or in some cases we use some of those dollars for housing rehabilitation. Then there's a separate amount that they allocate for administration. This is that separate amount. We had two years worth of funding that accumulated in the amount of \$17,000. We originally enter into contract in 2010, which is why the caption for this ordinance is so long. It was amended once to bring us to the end of 2011. While the program is working very well and Karen Tomsic has processed quite a few applications, we still have about half the \$17,000 funding available. The County has already acted on this and agreed to extend the funding again until the end of 2012. Now we need the formality on the city's end to approve the same extension. Marty Castelletti is here tonight who manages the HOME program, if there are any questions. I believe it is pretty straightforward and just a house cleaning task.

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

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

Roll Call: Yeas: Gilliam, Scarniench, Jones, Lynch, McLaughlin, O'Hare, Langman, Van Ho,  
Holzheimer Gail

Passed.

**Ord. 7-2012 (021-12) Vectren**

An emergency ordinance authorizing the Mayor of the City of Euclid, or his designee, to enter into a natural gas agreement between the City of Euclid and Vectren Source, Evansville, Indiana, for the supply of natural gas for the City's natural gas aggregation program for the period of April 2012 through March 2014. (Sponsored by Mayor Cervenik)

Councilwoman Jones moved for passage, Councilman Lynch seconded.

Director Frey – We've been fortunate to have the services of Mark Burns of Independent Energy Consultants working on our behalf in the gas and electric aggregation programs for the last number of years. We are at the end of the two year supply agreement currently with IGS, it actually manages the supply of natural gas to our resident and small business users through the aggregation program through March 2012, after which time we have to provide a new supplier. We went out and asked 16 natural gas suppliers to offer pricing proposals for the City of Euclid's program. Six of those companies actually submitted proposals. I sent you the tally sheet that Mr. Burns compiled in his review of those and the two that ranked highest were IGS our incumbent supplier and Vectren who had supplied natural gas to the city prior to IGS, I think may have had the last four years of supply agreement.

Vectren's ranking was higher, slightly because it had a better pricing model. I've included how that pricing structure works with the information. At every price point that Mr. Burns calculated, the Vectren formula would yield a lower cost for natural gas, an mcf of natural gas for our consumers. There is a third supplier Volunteer Energy, while they would have a higher price under their formula, until right around a \$5 per mcf price on the New York Mercantile Exchange. Fortunately we're not anywhere close to those \$5 prices and we anticipate that we will remain at a low price and so our formula with Vectren would yield a better result at the low end.

That coupled with the fact that Volunteer Energy has not been in an aggregation supply program of our size and we are concerned on their ability to provide the requisite customer service. They've had some issues with identifying what accounts are included or excluded based on the geography. It takes Mr. Burns and his staff a considerable amount of time to fix that if the supply vendor does not properly map those accounts. So that reason, we believe Vectren is our best choice. We have not set a price.

We may in fact use a variable price to take advantage of the market condition through the summer heating period and then fix for the winter heating months. We'll determine that as we get closer to that price time. We are currently and will remain under a fixed price policy with IGS through March delivery of this year and that's at \$5.485 cent per mcf. That compares very favorably with the fixed programs that are available on the Ohio Public Utility Commission website for the Dominion East Ohio delivery area. The advantage to our program over those is that we do not charge a fee to opt-out. If a resident or small business wants to carry the risk of going to variable pricing, they can do so, get out of our program and go to the variable pricing without any penalty. That's not available in these other fixed rate programs.

We are slightly higher than the variable priced programs although some of the variable priced programs are higher than our fixed price which is stunning to me given the supply that's available in natural gas. I'm not sure how those folks think they will get any customers. But there are some that are lower than us. If a customer is risk tolerant, they can take advantage of those variable prices and do so.

I would ask that you approve the supply agreement with Vectren Source. I want to inform you that Vectren Source was just acquired by another, I believe it was Direct Energy. When I saw that in the paper this was after they had provided the bid but prior to receiving the supply agreement. I contact Mr. Burns to assure myself that we would not have any withdraw of that pricing formula or the price agreement itself, the supply agreement itself. He assured me we would see no change. We would be supplied if Council approves this recommendation. We would be supplied for the next two years by Vectren Source and again we will strike a price and announce that price by press release, by mail notice to our residents and by posting it on the city website as soon as we get to that and it will probably be closer, unless we opt to go with a variable pricing and then we would just announce that we would be in a variable pricing through this coming period of time. It would probably be through October 2012 at which point we would pick up a fixed price.

I'd be happy to answer question if you have them and if not I'd ask for your support as we enter into this supply agreement to keep our aggregate program running smoothly.

Councilman Lynch – Regarding the timing of the ordinance. Since we're passing this before the price is fixed, perhaps Director Frey you can tell me, do we lose any kind of bargaining power since we pass this authorization before prices is fixed? Or because the Mayor or his designee has some discretion on whether or not to go into the agreement, are we still in a good position in getting the best price for our residents?

Director Frey – What we are approving is the formula. We're approving a formula. The formula in this case that we would be approving is the mercantile, the New York Mercantile rate, there's a retail adder of 1.025 times that mercantile rate plus 90 cents per mcf. Again in the chart that I included in the email I sent, you can see if the mercantile rate was \$4, let's say, the price we would be paying after that formula was applied was \$5. Really all we're approving tonight is the formula, which a price will be arrived at. Again, that would be a fixed price. We may opt in our supply agreement, we have the right to do that, we may opt to have a variable price if the market says have a variable price through spring and summer 2012, we'll do that. One because there is low risk associated with that because there's low consumption during those months. Two, if supply remains high that will save our residents a bit of money. It is not a great savings because there's low consumption during those months. What we want to be able to do is protect the residents through that formula for fixed prices for next winter.

Councilman McLaughlin – Director Frey one may opt out of the aggregation for no fee, may once they opt out, can they opt back in without a fee?

Director Frey – It's interesting because I did that one winter. I started off the winter, yes the answer is yes if there is supply available. It is not a guaranty but if supply is available, yes you can opt back in. I did that. I started the winter out at a lower rate than the city's program through one of the variable rate programs, but by the end of the winter I was paying more on the variable rate than the city's fixed rate program. I got back into the city's program at that point. Yes you can get out and there is no charge to get out. You can get back in only if there is supply. I'm not aware of anybody who has not been able to get back in.

President Holzheimer Gail – Is there a fee to get back in?

Director Frey – No fee.

Councilman McLaughlin – No fee and you call the city to get back in?

Director Frey – The residents and the businesses will have an 800 number to contact Vectren directly. They frequently call us, we would prefer they call Vectren directly.

Councilwoman Jones – Director Frey, thank you Councilman McLaughlin because I had a couple of the same questions. If this ordinance is passed, this will take place starting April 12<sup>th</sup>. At that point would residents see the difference in the supplier on their bills?

Director Frey – April supply will, when those bills start showing up, it will show a different supplier. It would say City of Euclid Vectren as opposed to City of Euclid IGS.

Councilwoman Jones – Did you say the approving of the formula doesn't have anything to do with whether we're fixed or variable?

Director Frey – It is how we would establish a fixed price. It does not require us to take the fixed price option. We had many years where we used a variable price during the summer months, the spring and summer months and fixed in winter. As prices were a little more volatile, we opted to go to a fixed price year round. We also one year blended to get a lower fixed price, we blended what had been a higher winter price with a lower price that then became available as supply increased and demand from industrial users decreased. We opted to blend that price and offer our residents a lower fixed price. We were able to give them prior to that time. My sense is because of the plentiful supply and low prices, we will probably go with a variable price structure until next winter heating season.

Councilwoman Jones – This formula that we're approving is for the fixed?

Director Frey – It is for the fixed. Variable prices will be whatever Vectren is able to purchase gas that month for that month's delivery.

Councilwoman Jones – I'm asking, do we have to come back and approve something if we come back with a variable rate?

Director Frey – No, what you're approving is using Vectren as our supplier and you're approving in that supply agreement the formula on how the fixed price would be reach. We have the option under that agreement to go with variable pricing.

President Holzheimer Gail – That decision is usually made using Mr. Burns who we have as our independent energy consultant and he's performed those services for a number of years and has proven successful in getting the best value for our residents.

Director Frey – I have found him to be exceedingly on top of his game with this.

Councilwoman Scarniench – Just a clarification. When Councilman McLaughlin asked about the cost factor, we don't charge anybody to go out or come back in, but the company, the way it always was before, depending on which company you were using, they may have a fee attached if you leave them before hand for a certain amount of time or has that changed?

Director Frey – The city's program one of the requirements we put on that program as far as our bidding was to allow our residents to opt out without a fee. The can get out of our program without a penalty fee. That is not true with other suppliers. Other suppliers charge up to the highest I saw was \$150 to get out. No variable program requires an opt out fee. Our fixed program is without an opt out fee and that's an intentional on our part that we want to protect residents on the upside of pricing, we want to give them every advantage if they want to carry the risk of going after variable rates on the low side.

Councilwoman Scarniench – Those residents that are not in our program, they need to look at their contract to make sure they can opt out and it is not going to cost them anything, or they may have to wait a month or two, whatever is in their contract, but they may be charged to opt out.

Director Frey – They can always get out without a charge at the end of their supply agreement. If they terminate their supply agreements early with one of these other vendors, there maybe a charge, they'd have to look at their agreement.

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

Councilman McLaughlin moved to suspend the rules, Councilman O'Hare seconded. Yeas: Unanimous.

Roll Call: Yeas: Gilliam, Scarniench, Jones, Lynch, McLaughlin, O'Hare, Langman, Van Ho,  
Holzheimer Gail

Passed.

**Ord. 8-2012 (015-12) Harbor Line**

An ordinance establishing a harbor line in Lake Erie waters in the City of Euclid, Ohio. (Sponsored by Councilperson Jones) (Recommended for passage by Safety Committee)

Councilwoman Jones moved for passage, Councilman McLaughlin seconded.

President Holzheimer Gail – This was heard at the Safety Committee last week, January 11<sup>th</sup> and referred back to Council with recommendation. Director Frey, do you want to make some initial comments?

Director Frey – As we talked about last week, this would give us the ability to investigate, prosecute any criminal activity that may occur in the waters off Euclid’s shores. Also it would apply our restrictive ordinances for instance for hunting to those waters, we would have the ability to control that. We do not have a harbor unit as we’ve talked about. We would have the assistance from the County Sheriff if we had to get out on the lake for some investigative purpose. The waters are also patrolled by Ohio Department of Natural Resources. They would also maintain jurisdiction under their authority in those same waters. It would give us concurrent jurisdiction if you will for investigative and prosecutorial purposes. Again, avoid any confusion as to whether or not we have the authority to restrict and prosecute unlawful behavior off our shoreline on any structure that we might put in the waters as part of our lakefront project. We would urge you to follow the recommendation of the Safety Committee and approve this piece of legislation. I’d be glad to answer questions.

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

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

Roll Call: Yeas: Gilliam, Scarniench, Jones, Lynch, McLaughlin, O’Hare, Langman, Van Ho,  
Holzheimer Gail

Passed.

**Ord. (014-12) Towing Bids - PULLED**

An emergency ordinance authorizing the Mayor to enter into a contract with O’Connor’s Towing for the towing of junk, abandoned, impounded vehicles or vehicles that otherwise must be removed at the direction of the Euclid Police Department. (Sponsored by Councilperson Jones by request of Police Chief)

Mayor Cervenik has pulled Ord. (014-12).

**Res. 9-2012 (027-12) Rain Barrel Workshop**

A resolution supporting the joint efforts of the City of Euclid and the Cuyahoga Soil & Water Conservation District in hosting a Rain Barrel Workshop and Sale on April 21, 2012, and authorizing the use of the Euclid Historical Society grounds for the workshop and rain barrel sale. (Sponsored by Councilman Langman)

Councilman Langman moved for passage, Councilman Lynch seconded.

Councilman Langman – Miss Minarik, she did illustrate some of the good things that are going to happen at the Rain Barrel workshop. This is our fourth year doing this. Rain barrels are very important since we’re going to be talking about storm water management tomorrow and for the foreseeable near future. Rain barrels are an important strategy in helping to mitigate that. As we get closer, I’ll have more details and remind everybody of the workshop, Saturday, April 21<sup>st</sup> from 9:00-12:00 at the Euclid Historical Society. We’ve had good weather the past couple of years, a little cool, but bright and sunny, so hopefully everybody can make it. We’ll have more information in the next coming months and we’ll have information posted on the website. I hope I have everyone’s support. Thank you.

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

Roll Call: Yeas: Gilliam, Scarniench, Jones, Lynch, McLaughlin, O’Hare, Langman, Van Ho,  
Holzheimer Gail

Passed.

## CEREMONIAL RESOLUTION

### **Res. 3-2012 (026-12 Honoring Mayor Tony J. Sustarsic**

A resolution honoring **Euclid Mayor Tony J. Sustarsic**, who passed away Wednesday, January 11, 2012. (Sponsored by Mayor Cervenik and the Entire Council)

Councilwoman Scarniench moved for passage, Councilman Jones seconded.

Roll Call: Yeas: Gilliam, Scarniench, Jones, Lynch, McLaughlin, O'Hare, Langman, Van Ho, Holzheimer Gail.

### COMMITTEE OF THE WHOLE

There were no public comments.

### COUNCIL MEMBERS' COMMENTS

Councilman Lynch – I have a couple of questions and then finish with a brief comment. As many of you know I was abroad in India visiting family over the break and it was during that time that I received a troubling email from Police Chief Brickman regarding the shooting that happened on Naumann Ave. Just for the benefit of the residents to the degree that you can share what had happened and the level of involvement with the City of Euclid Police Chief Brickman, if you could do that I'd appreciate it.

Chief Brickman – The operation that took place on that day was coordinated by a federal agency through the Northern Ohio Law Enforcement Task Force. There was a narcotic operation that was taking place at that particular home. Obviously things didn't go as were planned and when there was gun fire there was a police response and they responded accordingly. A chase ensued into Cleveland and subsequently all individual who were involved were apprehended in Cleveland. I really can't go into a lot of details about it but there was no one seriously injured as a result of this. No law enforcement personnel were hurt. All individuals who were involved were taken into custody.

Councilman Lynch – Thanks very much. Second question is for Director Bock. The last Council meeting of the year I was very pleased to hear from you that we have a light purchased for Miller which has been out of commission for quite some time. I know we have the light but are there plans, do you have an estimate of when we'll actually be able to install it so it will be functioning?

Director Bock – The light is on order. The control box in question parts for it are on order. I haven't received word as far as when we'll receive those in. As soon as they come in we will get it up and put together. I'm hoping within the next week but I have no definite answer on that one.

Councilman Lynch – My final comment, since yesterday was Martin Luther King Day, the role of non-violence is really moving our whole country. When I say that I mean the real concept on non-violence of how do you make people secure and how do you make people really realize their own greatness. In the City of Euclid the people are our greatest resource. The degree that we can see God in each other and work and serve each other with that spirit, our community really has a tremendous opportunity to change and work in a better way. Dr. King was well known for being an admirer of Gandhi and aspirant to live like Gandhi. I think it is important, what I'll say here tonight, what makes the most practical sense for non-violence in day to day life is how non-violence relates to the economy. Because a person who really lives a lifestyle charged with the concept of non-violence is practicing discipline in every walk of their life. That creates a kind of internal economy which makes a person very insightful and very strong. When you have high internal economy, then that's the best education, that makes you fit for a job and that makes you fit to make your family feel secure. It makes you fit to have your community feel secure. It is those types of active people with that kind of active thinking that is really going to be the quality work that changes our city. I hope we can try and live that ideal in a better and better way as we continue to work and help each other and move forward. With that, I'll say goodnight.

Councilman McLaughlin – Director Bock, a neighbor of mine who is an ardent frequenter of the Orr arena asked when the light on the sign would be lit. once again? Is that in your jurisdiction?

Director Bock – I will check with my recreation maintenance people and find out. I wasn't aware that it was out. I'll check into that and get back to you on it.

Councilman McLaughlin – That was all, thanks.

Councilman O'Hare – I just wanted to say the funeral service for Mayor Sustarsic on Friday, a couple of take aways, it is kind of remarkable how you remember a few different things. One we were talking a lot about Recher Ave. this evening. First thing I find out is that was a childhood home of his and there are not that many houses on that street, there never really were it is a short street. Remember the phrase he had talking about, he didn't like giving up coffee to his wife of 63 years because he loved to watch her drink coffee. I thought that again memorable. Probably the most one is that he had a magic leg as deemed by one of his grandchildren. He also had a magical way about him. At age 18, can you imagine any of us going off and doing the things that he did at a time of such need. We look at 18 year olds as being children today. He was a man and he did a man's job back then. I'm also impressed by the fact that we had Mayors there. One of the interesting phenomenon of executive offices in government is even when you leave the office you still retain that title, people call you that. It is still, until the day he died, it is President Regan, Mayor this, Mayor that. It was nice that the Mayors were all there and our current Mayor, Mayor Cervenik, did a very nice job. The phrase I refer to is referring to him just not dignified but also calling him a statesman. That summed it up. I had the opportunity to get a nominating petition signed by him and I think it was late June and he was not doing well, but unless you knew him, you would not have known that. The twinkle in his eye and the sparkle and he was fighting right to the very end. With that I would like to think that we can all carry forward despite differences and opinions as being statesmen and stateswomen as long as we're going through with that and again it was just nice for me to see and part of the education process.

At the recent snowfall that Director Bock mentioned, I noticed a sidewalk and driveway that was shoveled. That's not really very remarkable except it was at a house that I know would be vacant. Someone shoveled it and someone shoveled the drive and the sidewalk. That person knows who they are, they were out and they did it any how. Did they do it for reasons because they're trying to maintain their own property, do something? Whatever it is, that is kind of what neighbors do. When Euclid is at its best it is a city of neighbors that do things like that. Again, I want to acknowledge that person doing that. By the way that probably wasn't during this most recent snowfall, which I agree was not one of our barn burners our 23 inches and so forth. It is just nice to see that.

A comment about Ss. Robert & William having a Poor Man's Raffle, poor man's or poor woman's raffle, depending on who wins it, on January 28<sup>th</sup>. It is \$25 a ticket with a chance to win \$750. Tickets are available and I look forward to seeing everyone there. With that, goodnight.

Councilman Langman – Thirty years ago a young Rabbi Bruce Abrams took the helm at the Euclid Jewish Community Center, that was a Temple at 250<sup>th</sup> and Lake Shore Blvd. At the time the congregation was in a little bit of turmoil but if you knew Rabbi Abrams especially then, he was a man that looked much like Joe Piscopo, the comic from Saturday Night Live. His energy revitalized that congregation for many, many years. For those of you that were around at that time, if you had the pleasure to know him, you could feel his enthusiasm, not just for his Jewish faith obviously, but for humanity in general. He was a very enthusiastic individual not just for Judaism but for all faiths. He spent much of his time reaching out to the other faith communities within the City of Euclid. If you ever had a chance to visit the Rabbi in his office over at the Synagogue on 250<sup>th</sup> and Lake Shore, filled with books; many, many on the Jewish faith, Kabbalah, Jewish mysticism, Talmud the Jewish laws, but also on faith on Catholicism, Islam, Buddhism. He was a man of great curiosity and a man who truly tried to reach out to other faiths in this community and to other communities in general. Under his leadership Temple Ner Tamid of Euclid partnered with various congregations throughout the City to hold food drives, to have inter-faith services. He was a really just a dynamic individual. After he left Ner Tamid and after the Temple moved to Mayfield Hts., he took that energy into different realms. Some of you may more recently recall that we had the Rabbi here to give the opening prayer on many, many occasions. Unfortunately Rabbi Abrams past away last week, far, far, far too soon at the age of 63. But I will never forget his enthusiasm and his fundamental belief in the goodness in all of humanity and that someday I will carry with me for the rest of my life. Thank you.

Councilman Van Ho – First of all I'd like to say thanks to our Police Dept. for their involvement in the Cleveland Euclid drug raid or whatever you want to call it. You guys don't get enough respect. There were bullets flying around and one of those people could have gotten hurt or killed, but they did their job. That's to be commended.

I would also like to thank our people who plowed snow because I can't speak for the rest of the city, but my little short street, the next day was clear and plowed and done very well. Sometimes they don't get enough credit either.

This one is to the Mayor and wherever he may hand it off to. Have we done any additional work on trying to find a way to allow Veterans to take over any vacant houses for little or no money at all? I think that would once again be a definite improvement in the city. You've got people who are responsible and they can take over these houses and put them back up to code within a matter of a couple of years, I think that would be win/win situation. Say thanks to them for their service and also to help our city go forward.

Also are we making any progress on expanding the gardens at Memorial Park? That is something that is a community thing and those people are really a family almost. That's all I have.

Director Frey – I can address the issue on adding the Veterans as a group of potential buyers. Jason Carter from the Law Dept., Paul Beno and Marty Castelletti from Development were tasked with working on that and first step in working on that was to try and find whether there were other programs around that would offer guidance. Secondly to look at federal regulations to make sure by trying to make an inclusive group, we weren't some how disallowing Veterans to take advantage of some other programs that might be available. We are working on it. I don't have an update to report tonight other than specific individuals within the administration are in fact working on that issue.

Mayor Cervenik – As far as the gardens are going, we're looking at a number of different options. Obviously one option that the group directly requested was the land to the north of their existing garden but we're also looking at other areas in the community where community gardens and the great fun that they did and the tremendous vegetables that they grew can be grown throughout the city. We'll have more on that soon.

Councilman Van Ho – I just read something from them that said they donated almost 700 pounds of fresh vegetables to the Hunger Center. It is not only helping them, it is a good form of community. When I went to the Fall Celebration, it is like they're a family, they all know each other, seem to enjoy each other and we need to be doing more of creating community.

Mayor Cervenik – The garden that is existing right now for the first year, two plots are there for the Rose Mary Center and it is used for therapy and fun for many of their clients and they're growing vegetables as well. There's a lot of good that can be done from that and there will be more gardens in this city this summer.

President Holzheimer Gail – I would like to just remind folks of two committee meetings coming up that the previous councilmen forgot to mention. There will be a Service Committee Meeting, tomorrow, Wednesday January 18<sup>th</sup> at 6:30. This is an important meeting, I hope all of Council and residents will pay attention to. It will be discussing our sewer rates, the Peterson Fund and the Mayor mentioned it earlier in the evening but wanted to make sure we re-announced the Service Committee tomorrow January 18<sup>th</sup>, Wednesday 6:30. Next Monday, January 23<sup>rd</sup>, also at 6:30 the Housing Committee will meet. The legislation that was on our agenda tonight regarding the vacant property registration program will be on that agenda. It will be the first meeting of both of those committees so we look forward to your work. That's it tonight.

Councilman Gilliam – A couple of comments and a few questions. My first question is to Director Pietravoia, in regards to applications for the internet café have we seen a significant number of applications or are we still in the process of getting the word out? Secondly, the recycling program, Director Bock, I know it was grandfathered at one particular time, are there still grant monies available to fund this project or are we actually looking at our general fund to pay for this program to still exist? Third, I have a question about #7 resolution. Mayor I would appreciate it if you can give an explanation of why this was particularly pulled. Secondly because we don't have a particular contract or vendor right now, we basically are looking at a potential bid opportunity or a single source document and how long would that particular take to award another contract to address this?

As far as the announcements, the Heritage Park Homeowners Association is having a meeting on January 24<sup>th</sup> at 6:30 PM at the Euclid Historical Society. The last thing I want to talk about is I have went to two churches on Sunday to celebrate Martin Luther King. One of them was focused on youth and the other one was focused on community. The common theme was to utilize the life and works of Martin Luther King and to utilize the works and abilities of others to form a tight knit community to support ourselves and to enhance our lives. I was very happy to go to a church on 260<sup>th</sup> and then one on Lake Shore. I saw various people that I haven't seen before in awhile, they were there and it was a very beautiful moment. No politics were discussed which was a great thing at that time. At the end of the day, I found out that there are pockets of people that are working, whether it is in their church own particular neighborhood to try to expand this. I was really appreciative of being asked to come and I was really appreciative of the work that was being done by those who were offering those programs. With that being said, I will defer to the questions that I asked, thank you.

Director Frey – If I could address the issue of why we pulled item #7. Received an email from Councilman Van Ho who has considerable contracting experience in his former life as a member of the Greater Cleveland Regional Transit Authority and he pointed out a considerable number of concerns that he had with the bid document itself. We think he makes a good point. We intend to call on his expertise and help us reformat the bidding document. It would be our intention at this point to pull the legislation

as we did tonight to reject the bids that were submitted which we maintain the right to do in the bid document, to reformat the bidding documents with Councilman Van Ho's guidance and assistance and then get that process started again.

Councilman Gilliam – How soon do you think that will take?

Director Frey – We will probably have to go back, reformat the bid packet and then we would need to go through the advertising process. It maybe another month before we get bids in for the tow contract. In the interim we will continue to assign tows to the two vendors in the same ratio as we had in 2011.

Mayor Cervenik – As far as recycling goes, at the moment it is in the budget using current tonnage figures that will probably have a cost of about \$35,000 in the general fund. It is my intention to keep it in the general fund and to work hard with our residents to increase the tonnage. You just mentioned you have a homeowner's association meeting on the 24<sup>th</sup>, let's make sure we talk up the importance of recycling and the various items that I know aren't getting put in either a blue bag or yellow bin. If we all work real hard with our newsletters, ward letters and ward meetings, we can get that price down below \$35,000. I think it I has to be remembered at our last contract with J&J it was about three hundred and some thousand dollars, they were going to charge us to do curbside recycling. I think recycling is very important issue. If you look at programs that the city offers, the participation in recycling is very, very high. We just have to get them to put more in the bins and more in the bags. We'll be looking for grants.

Councilman Gilliam – One suggestion, I know my time is up but we had about \$3500 for education. It maybe appropriate to have some staff members come out at the Ward meetings and clearly explain. From my experience sometimes flyers and mailers get looked at but they don't get read. That's human nature for a lot of people considering how the flyer was presented and basically if it comes with other advertisements and things of that nature. I suggest that people are not aware of what they can put into these particular bins on a large scale. I think the city may have to come out and do some more presentations outside of the video channel to get into the residents faces and so this is exactly what you can put in here to address that.

Mayor Cervenik – I can do that but you know what, you can all do that too. I'll be happy to do it if you think it will help. We can do that. We need to do that because my goal was to get this program to a break even project and it is going to happen.

Councilman Gilliam – I sent out an email and maybe should do more of a presentation but sometimes hearing it from the same person over and over again, sometimes it doesn't work and new faces bring attention. It is sort of like when you have a relationship with somebody, you get information from one person but a third party makes it clearer. I'm not saying we have to do the whole entire city, but that's something we may have to look into.

Director Bock – I've done approximately 7 neighborhood meetings to date. I'm already scheduled for five more this year and I will continue to and if you have a neighborhood meeting you'd like me to come and talk about recycling at, I'm more than happy to do so. Just let me know the date and I'll try to fit it in the schedule.

Mayor Cervenik – I also may have Diane Bickett be on our ECTV or come to some of the meetings as well. She's head of the Cuyahoga County Solid Waste District who helped us formulate this contract in such a way that instead of it costing us \$300,000 to recycle it is only costing about thirty-five and with the ability to get it down to zero and even make money on it.

Director Pietravoia - To the Councilman's question on internet café. We did at the end of December receive five applications for internet café. Two were on Lake Shore Blvd., two on Euclid Ave. and one at Euclid Square Mall. Per our ordinance we had a thirty day period to review those applications. They're in various stages. That thirty days is coming up. They all required some form of action or variance by the applicant. We'll be going through that process with Planning & Zoning as they submit the necessary paperwork for those items.

Councilwoman Scarniench – I too would like to send out my condolences to Rabbi Abrams family. I didn't know him well over the years but I have had conversations with him and he was a very vibrant man who had opinions on everything. I know he will be missed by all, my condolences to his family along with again Mayor Tony. The only thing I'm going to say about that is, I didn't like Mayor Tony because he took my home away. There is no way you cannot like Mayor Tony, the golf course you know. Made you laugh. He's one of those people that you can't dislike. The respect that he showed everybody all the time, he was just a wonderful man, I enjoyed talking to him over the years and his family, so involved in

Euclid politics. He will be truly missed by many, many people. I did receive a few emails from people, did you hear, just from the regular citizens. He will be missed but I know he is up there watching us.

Snow plowing. I had to go out Friday morning at 5:45 and every street that I past was empty, there was no snow anywhere. I saw the guys out, they were working very hard. Couldn't fix what was coming down so you couldn't see what was going on, but all the streets along Euclid Ave. were taken care of. I appreciate that, people could get out and get to work because they still had to get to work. Thank you to them.

I did pick up my book tonight for Citizens Police Academy that starts next week. Is it too late, Chief for anybody who is interested? There's still some openings, so if you're interested you can call the non-emergency number 731-1234 and ask for Capt. Roller and get signed up for that. I'm looking forward to that. I could never do that before because it was always on Thursday and I had two meetings. I think I can make this one except for one when we have a council meeting next month. I am looking forward to it and I already read half the book while I was sitting earlier.

Question for Director Frey, I sent you along with the Mayor information about the golf picker. We are going to be able to have that one for the first meeting in February?

Mayor Cervenik – If city council would like me to have that legislation prepared before the capital budget is prepared, I can do that.

Councilwoman Scarniench – When we had the committee meeting and we talked about it, this was strictly going to be a rental that they're paying for out of their pockets.

Mayor Cervenik – That's not my understanding. Pat Kirn is coming in next week. I will check with him. I believe they're expecting us to pick up the cost of it. It could be a rental by us. If we do it that way the interest rate is higher than if we go through our normal borrowing programs. We have to look at that. Let me talk to Pat to confirm that. Obviously I would prefer they purchase, they pay for it, but the original operating contract is not written up as such, we're responsible for capital equipment whether it is done on an operating lease or capital lease.

Councilwoman Scarniench – I would appreciate that information. We did talk about it extensively and he really wanted to have that for March, it was just too early to get it ordered to do what we needed to do and that is why it was coming up now. Whatever we can do because it is very important right now, the golf course has to close the range down for approximately 4 hours everyday. With the picker, it won't close at all, which means it will be utilized all the time. If we could do that, I would appreciate it and whatever, do the legislation and we'll see what Council says but I know he wanted to have that done first so they have it ready for March.

Mayor Cervenik – The 29<sup>th</sup> is a Monday, what I call Holy Monday because it is the extra, it is one of those five week, so we don't have a council meeting for two weeks in between. That will give us time to work on that and I'll let you know what is going on.

Councilwoman Scarniench – Euclid's Senior Center, Mardi Gras Monday. They're having a Mardi Gras Party held downtown at Massimo de Milo restaurant, Monday, February 20<sup>th</sup>. The price is \$49. The package includes round trip motor coach, escort, admission, buffet lunch and all taxes. They are going to have contests for costumes. There will be a three piece band. It sounds like an awful lot of fun. You can go the day before Fat Tuesday. If you're interested, call the Senior Center at 289-2985 to get more information on that. With that, that's it for me.

Councilwoman Jones – My condolences again to the Sustarsic family for the loss of Mayor Sustarsic. I'd also like to express my condolences to the Farris Family. Stephen Farris passed away on January 7<sup>th</sup>. Stephen Farris was the owner of Celebrity Cleaners on the corner of Babbitt and Euclid Ave. Celebrity Cleaners has been in Euclid for a number of years and it has almost become a landmark. He'll be truly missed. The cleaner business will stay open. Ada, who if you've ever been to Celebrity Cleaners is the one that you've always met, will still be running the business for the family for the meantime. I would like to extend condolences to their family.

I had the opportunity to attend a Martin Luther King event on Sunday as Councilman Gilliam mentioned at the Celebration Methodist Church on E. 260<sup>th</sup>. It was an event called HYMS, Helping Young Men Succeed. It was a brunch and I would like to thank the host of speakers that came out. One included Mr. Mac Stephens, Councilman Gilliam and some others for sharing their words of wisdom, their inspiration and their motivation for the young people that were in the audience. We also had Kevon Smith from the High School that came out and expressed his motivation through a poem that he read and some words of wisdom as well. I'm saying that for our young adults that are trying to figure out what it is they want to do in their life, as long as you have some direction or some plans in mind. You can't let obstacles get in your way.

As Martin Luther King mentioned or expressed in all of his efforts is you need to put forth your efforts in doing what you need to do. I heard this poem and I'm just going to share a few lines of it. It is about our buts. We let our large buts get in the way at times. But, I don't have time; but it is too far to go; but my friends aren't going; but the Super Bowl is on and I can't go; but I don't have a way to get there. We need to reduce our buts and take our attention towards the things that need to be done and get over the obstacles that are in our lives. I know New Year's Resolutions are for people to work on exercise but this is a different kind of but that we can reduce and reduce our buts and move on so we can succeed in our lives.

I would like to thank Rev. Bass from the Celebration United Methodist Church for putting on this event. It was a very nice event, the brunch was very nice and the speakers as well. They mentioned this was the first annual. I look forward to having other events like this at the Celebration United Methodist Church or other locations as well. I think that is all I have, I don't even have any questions. Thank you and have a good evening.

President Holzheimer Gail – That completes our meeting.

ADJOURNMENT

Councilwoman Jones moved to adjourn. Councilman Lynch seconded. Yeas: Unanimous.

Attest:

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Clerk of Council

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President of Council