

COUNCIL MINUTES

April 2, 2012

The regular Council Meeting was held on Monday, April 2, 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, Clerk of Council Cahill.

Communications

Councilwoman Scarniench moved to receive the following Communications, Councilwoman Jones seconded. Yeas: Unanimous.

An Order from the Division of liquor Control denying and rejecting the new application for Shakerz, LLC, dba Shakerz, 24680 Euclid Ave.

Public Notice announcing Public Comment Period and Public Hearing on the Draft Cuyahoga County Solid Waste Management Plan Update.

President Holzheimer Gail – I would like to thank the Law Dept. for their action on that liquor permit. We have not accepted them at times and it has not always mattered, but we appreciate the hard work.

Director Frey – It is a joint effort of Kelley Sweeney from Law and the Euclid Police Dept. Lt. Scott Meyer and others in getting the information together and making that presentation. I'm pleased with the outcome, it is good news for us.

Council Minutes

Councilwoman Scarniench moved to receive the Council Minutes of March 19, 2012 and Special Council Minutes of March 26, 2012. Councilman Lynch seconded. Yeas: Unanimous.

ADMINISTRATION REPORTS & COMMUNICATIONS

Mayor Cervenik presented Res. 36-2012 to Spiros Gonakis, Jr. for his voluntary service as Juvenile Court Diversion Magistrate for the Euclid Police Dept.

Mayor Cervenik – City Hall is closed this Friday in observance of Good Friday. Saturday April 7th, there's the Annual Easter Egg Hunt at Living Waters Church of God at 24951 Lakeland Blvd. This is for real because I've been there, over 30,000 eggs for the kids are on the grounds for ages 10 and under. It is a great time.

Spring Fling is Saturday April 14th from 10 AM until 2 PM. Dick Goddard will be there from 11 AM until 2 PM and it will be at the Community Center. The Euclid Art Association's Annual Spring Art Show will be at the Euclid Public Library, the best library in the nation, as far as I'm concerned from April 14-21st. You really need to stop in and take a look at the local artist, it is very exciting and creative work. In fact we had and will continue hopefully to have an art exchange every two months here and the last artwork that I had in my office I decided to purchase it myself I liked it so much. You can go there and see what they have to offer.

April is Computer Round Up Month at the Piscitello Service Center, 25200 Lakeland. Computers and all related apparatus can be dropped off at any time. No television sets. Monitors are okay but no television sets. Last week we ended the Hazardous Waste collection. Normally that brings in about 1 ton of hazardous waste. For whatever reason and I think it has a lot to do with the marketing and getting the word out through newsletters and on ECTV and other areas. Instead of the average of one ton of material collected, we collected about three tons. That's a very good thing and it gets items out of your garage that you can't dispose of in any other way. Drop off your computers and parts and printers and it is run through the County. The County turns all these items over to RT3 a non-profit organization who is taught how to rebuild computers, take them apart. It is guaranteed that all information that remains on those computers are wiped off by the non-profit agency and the county. It is a safe way to get rid of your computers.

Income tax for the month of March, again very good. They exceeded our March projections by \$163,000. A number of our larger companies are doing quite well at the moment and that's good news. For the year we are now about \$400,000 plus above our projections. That's very good news especially with the fact that this year and the beginning of 2013 we will be adding over a half a million dollars back into the general fund because our CHURP fund, police grant will have expired. Also in 2013 we will see the demise of the Ohio Estate Tax which averages about \$900,000 a year.

Last but not least, we have a Safety Committee meeting on Wednesday. I will distribute at that time so you have ample time to ask questions or come in and sit with me, I will have the capital budget distributed along with an explanation. I believe we're going to have an Executive & Finance Committee on the 11th and my intention would be to have, if approved on the 11th, have the capital budget resolution passed on the 16th. I kept it just under our \$2 million borrowing limit. I tried to take into consideration the various items that Council talked about. There's not enough money in the world to take care of everything we need at one time. It is a pretty comprehensive budget and hopefully we will receive approval for it. That ends communications.

REPORTS & COMMITTEE MINUTES

Councilwoman Scarniench moved to receive the Police Report of February, 2012; County Board of Health 2011 Annual Report; Service Committee Min. of 3/21/12; Board of Control Min. of 3/12/12; 3/19/12. Councilman McLaughlin seconded. Yeas: Unanimous.

COMMITTEE OF THE WHOLE FOR LEGISLATIVE MATTERS ONLY

There was no comments from the public.

LEGISLATION

Ord. (043-12) Rezoning 2nd Reading

An ordinance rezoning 26193 Euclid Avenue through 26245 Euclid Avenue, P.P. # 648-23-020, 021, 022, 027, 028, 029, from U-3 (apartment house) use district to U-4 (local retail) use district and further amending Ord. No. 2812. (Sponsored by Planning & Zoning Commission)

Second Reading. Public Hearing 4/16/12

Ord. (044-12) Rezoning 2nd Reading

An ordinance rezoning 26173 through 26193 Euclid Avenue also known as 26182 and 26188 Brush Ave. P.P. # 648-23-032 and 033, from U-1 (single family) use district to U-4 (local retail) use district and further amending Ord. No. 2812. (Sponsored by Planning & Zoning Commission)

Second Reading. Public Hearing 4/16/12.

Ord. (055-12) Rezoning Sent to P&Z

An ordinance rezoning 26190 Lake Shore Blvd., P.P. 645-20-077 from U-8 (Office Building) use to U-2 (two-family) use district and further amending Ord. No. 2812. (Sponsored by Planning & Zoning Commission)

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

Director Pietravoia – This item is being brought forth by the administration, working with our Planning & Zoning Commissioner. This is a residential structure that has been zoned for some time for office use and has actually sat vacant, there is a new owner that intends to use it for residential purposes. We are bringing this matter to Planning & Zoning at their next regularly scheduled meeting which is next Tuesday, April 10th. For anyone who is interested in this item I would encourage them to either submit comments or attend that meeting. It will come back to Council and we will work with our Clerk to schedule a public hearing.

Councilman O'Hare moved Ord. (055-12) to Planning & Zoning Commission. Councilman Gilliam seconded.

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

Sent to P&Z.

Ord. 37-2012 (058-12) Homeowner Assoc. Grants

An ordinance authorizing the Mayor of the City of Euclid to issue the 2012 Neighborhood/Tenant/Condominium Association Grant. (Sponsored by Entire Council)

Councilwoman Scarniench moved for passage, Councilman Gilliam seconded.

President Holzheimer Gail – This ordinance would authorize the continuation of our grant to Neighborhood groups, beach clubs, tenant associations, condominium associations. This is a program that has been in place for a number of years. They have to submit a proposal including proof that they had meetings, their budget, who they are. As you can see in the ordinance last year 25 associations participated in the grant program. This is our way of helping to provide them a little bit of assistance to do this important work in our neighborhoods. I don't know if Director Frey or Mayor had comments?

Mayor Cervenik – We mailed the grant applications out to 55 associations and as you just stated, in 2010 twenty-five associations applied for and received the grant. A number of those associations have folded and we have to work on getting them back into active status again. It is really a worthwhile program. We only wish we could give them more than that. The requirements are simple, a financial statement, proof that you've had meetings and you have to hold at least one event during the year. I strongly recommend passage.

Councilman O'Hare – Is there a list of the 25? Actually two-fold, a list of the 50 and a list of the 25 that's available?

Mayor Cervenik – Yes, I can provide that to you.

Councilman O’Hare – Secondly, I was just at a neighborhood association meeting last week and they asked a question that seemed pretty reasonable to me. While it is difficult to take these and make them into a number of different tiers, we have one association that has in excess of 430 homes in its association, as opposed to another association which might be on the lakefront, one of the streets, that’s very common that dead-ends into the Lake and maybe has 20 homes. Is there any kind of provision for an association that encompasses well over 400 homes receives the \$200 and one that has 10-20 receives the \$200? It is a fair question.

Mayor Cervenik – Yes it is a fair question. We have always tried to make this simple. I’m sure we can complicate it. If you like we could for next year do tiered, maybe \$200 for associations below 50 members. But then you’ve got to look at members or possible members. The association I belong to has 800 possible members, but they only have actually about 240-250 dues paying members. Those numbers maybe slightly off. We can look into that if you’d like.

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

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

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

Ord. (060-12) Amend Code Emergency Use of Elevators

An ordinance amending Section 559.07 “Emergency Use of Elevators in High Rise Apartments” of Chapter 559 “Safety” of the General Offenses Code of the Codified Ordinances of the City of Euclid to clarify that elevators shall be functioning at all times and especially for emergency purposes. (Sponsored by Councilperson Jones by request of Service Director)

Councilwoman Jones moved for passage, Councilman Van Ho seconded.

Director Bock – I’m requesting that this be placed in Safety Committee. After going over this with Commissioner Kulchytsky over the last couple of days, Friday and today, there has been some questions and we’d like to send it to committee so we could take care of those.

Councilwoman Jones – We do have a Safety Committee meeting this Wednesday, but it will not be able to be on that agenda. We do have another Safety Committee meeting scheduled in a couple of weeks and the date has to be finalized. I can make sure this gets on that agenda.

Councilwoman Jones moved Ord. (060-12) to the Safety Committee. Councilman Langman seconded.

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

Ord. 38-2012 (053-12)

An ordinance amending Ordinance No. 19-2011 which provided for the issuance of not to exceed \$1,100,000 in principal amount of bonds of the City of Euclid, Ohio for the purposes of refunding bonds originally issued for the purpose of assisting The Lincoln Electric Company, an Ohio corporation, authorizing a pledge of non-tax revenues and declaring an emergency. (Sponsored by Mayor Cervenik)

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

Director Frey – Calfee our bond counsel contacted me a couple of months ago asking to draft this legislation for council action at the request of the bond holder of this Lincoln note, which happens to be the bond holder is Huntington Bank; asked that the city act as the registrar in place of US Bank who is listed as the registrar. The impact of this change is simply this, instead of the city paying that year’s bond payment to US Bank which in turn would transfer it to Huntington, we would pay Huntington directly and there’s no other affective consequence. It is not re-issuance of the bond, it is not refinancing the bond or any other change that would be expensive for the city, short of the legislation tonight. I’d be happy to answer questions if I can. Or get those answers if need be, but we’d ask for your support for this technical change.

Councilman Lynch – So by shifting, clarification and then a question. By shifting US Bank will no longer be the registrar, we’ll be making the City of Euclid registrar itself? Or Huntington Bank will be the registrar and the holder?

Director Frey – The City will be the registrar. Huntington holds the bond.

Councilman Lynch – It is better to do this because US Bank was charging an extra fee?

Director Frey – The registrar's fee is \$1250, it is a nominal amount of money. We will seek, I don't know, I can't tell you that we will get how much or any of that registrar's fee returned. But it would ease the process of payment if nothing else.

Councilman Lynch – That justification is enough for me. If it was a much larger amount, I was going to ask about maybe splitting the difference with Huntington. But if it is more of an administrative purpose that sounds good. Thank you.

Councilman Gilliam – Just one quick question, Councilman Lynch asked the question that I was expecting to ask. But Director Frey, by making the City of Euclid the registrar of this particular account, what was the basis of it previously for it to have two banks act as, one as the registrar and one as the recipient, how did that situation come about previously? Obviously it is proposed to change, but what was the justification for the previous arrangement?

Director Frey – We're going to very quickly get out of my field of comfort here. When we issue bonds, someone holds those bonds for sale to typically institutional buyers. Obviously through our association with Al Baucco, Stifel and Nicolaus, they place those bonds with US Bank. Huntington happened to buy this bond. It is Huntington's request that we just pay them directly as opposed to the process of going through a registrar other than ourselves. It doesn't change our obligation under the bond for payment, nor does it change any of the other risks associated with it. There's no change in risk for instance for us holding it as a registrar. It is just a matter of that convenience.

Mayor Cervenik – Say there were 10 different entities or individuals that owned a portion of this debt, it would have made sense to keep US Bank as registrar rather than the City issuing to ten different people. Because only one institution which happens to be another financial institution is holding the bond, this arrangement really doesn't make sense. For ease of payment and administration, that's why the change is being requested.

Councilman Lynch – If it is possible to split the difference, that would be great.

Director Frey – We've asked to look at that and see if we could get a portion of that money refunded.

Councilman Lynch moved to close debate, Councilwoman Scarniench 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. 39-2012 (056-12) Bids Lane Lining

An ordinance authorizing the Director of Public Service of the City of Euclid to advertise for bids and enter into a contract for the labor and materials necessary for lane lining of various streets within the City of Euclid for the year 2012. (Sponsored by Councilperson McLaughlin by request of Service Director)

Councilman McLaughlin moved for passage, Councilman O'Hare seconded.

Director Bock – This is for our annual lane lining. We did increase the amount in the budget this year, hopefully we ran a little short last year due to the increase in prices from what was budgeted, so we hope what we've allowed this year allows us to complete the entire city this year.

Councilman Van Ho – Is there a possibility that we could line or stripe or whatever you call it the municipal parking lot behind Shore? Behind the theater? The line markings are almost invisible and it gets very confusing as to where those lanes are that you can drive down through.

Director Bock – We can definitely take a look at that. Usually that type of work we do in-house. We do have a small paint machine and as time allows we go out and take care of some areas on our own especially the parking lots and we'll definitely take a look at that.

Councilman Langman – Director Bock, what did we spend last year on this?

Director Bock – I believe and I've had to get an exact number, but I believe it was \$35,000.

Councilman Langman – And we expect to spend hopefully how much this year?

Director Bock – We've added up to \$50,000 for this year's budget.

Councilwoman Jones – Director Bock, who takes care of the lining of the crosswalks in the school zones? Is that part of this or do the schools take care of that?

Director Bock – That is also done in-house. The school zones are done in-house. We generally every other year we divide it in half, we do them every other year, they seem to hold up pretty good and we'll continue doing that. If one in your area wasn't done this year, it will be done next year. With the construction around the elementary schools, it didn't make a lot of sense to spend money on paint doing some of them this year because they got tore up pretty good with all the construction activity. If they were close and borderline, we let them go this year just because we knew we were going to be redoing them.

Councilwoman Jones – We will redo the ones for around the new schools before they open for the school year?

Director Bock – That's the plan.

Councilman Van Ho – Do we have to have any review by the Police Dept. or any other city organization in concert with the schools because those schools are moving slightly? If there is a need to move the crosswalk, is that decision made by your department and it is done, or does it have to go through red tape?

Director Bock – The schools maybe moving a little bit on their property but the street corners don't. We're going to be striping the same spots we always have as far as crosswalks. The school zones, the crossings are pretty much staying the same on the main streets. If there is a need for a change, we'll adjust it accordingly and we do work with the Police Dept. Traffic Division on any changes.

Councilman McLaughlin – Director Bock it is funny this ordinance comes up today, or ironic I shall say, that a resident and I'm bringing this up now and I won't do it later and I would have taken care of it in an email but the server was down today. There's a resident that said when they're heading west and they have to turn left on 201, that there's actually a double line in the center which would mean if they want to follow the law, they have to take a left from the second to right hand lane instead of going into the turning lane. What it should have is a solid yellow line and a dashed yellow line inside of it. That brings me, does anybody from the city actually go out and review the painting once it is done to make sure it was done by the law? How did that happen? What I'm asking for is could you have someone take a look at it because I didn't get a chance to look at it today, I was going to drive by it.

Director Bock – Lake Shore was striped by State code, that was followed on that. I will have our Traffic guys out there tomorrow and take a look at it and see why it was done that way. It could be it was just a mistake on their part. That's the first I've heard of it and we will check it out.

Councilman McLaughlin – Does anybody from the city actually inspect the lines that are being painted on the streets to verify that they were done correctly, straight and all that stuff?

Director Bock – Last year I was a little disappointed in our contractor. We had a few issues, we had to make him go out and redo some areas. He wasn't the most responsive. He wasn't a local company. It was a pretty big outfit from outside the area that was the low bidder. We've made note for this year's bidding if he shows up again. To be honest with you I wasn't real pleased with his work and what he performed. It seemed like towards the end and we did do it late in the year, but it seemed like his work towards the end got a little bit sloppy. We have made note of that fact and we had to have him redo some areas. We do check on them. We have Traffic Maintenance Dept. inspect them on a daily basis as they're going to make sure it is up to par.

Councilman McLaughlin – For clarification, if he is the lowest bidder again this year, we don't automatically go with that bid, correct?

Director Bock – No we will not.

Councilman Van Ho – Director Bock, do we have proper documentation in the file to get rid of this guy if he is the lowest bidder? Everyone, forgive me for going to my background, but everyone in operations always wants all these people thrown out and when you say where's your documentation, they go, we didn't know we had to do that.

Director Bock – We kept documentation on all his work and lack of performance. It is in the file and we don't have to go with the absolute lowest, it is lowest and best bid. It will be handled that way.

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

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

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

Ord. 40-2012 (057-12) Bids Salt

An ordinance authorizing the Director of Public Service of the City of Euclid to advertise for bids and enter into a contract for the City's requirements of Salt for the 2012/2013 Winter Season, for the period of June 1, 2012 to October 31, 2013; with an optional one year extension. (Sponsored by Councilperson McLaughlin by request of Service Director)

Councilman McLaughlin moved for passage, Councilman Lynch seconded.

Director Bock – As I promised back in September of last year I would be going out for bids early in the spring so we had the option of going with the ODOT contract if we couldn't get good prices on the bid. It has been probably from what I can find so far about 12 years since we've actually bid the contract for salt. I feel we need to get that out and get that done. A lot of cities this year, we had a very light winter in comparison to other years. Under ODOT, as I stated earlier when we went out and extended their contract, ODOT requires a minimum amount of salt be ordered, you have to estimate what you're going to use in that season and have that on standby because they don't provide it after that amount is gone. A lot of cities that went with ODOT are now scrambling to say the least because of the light winter. They put in their minimum amounts, usually 6-8,000 tons, probably only used two this year but they are responsible to pay for that 6-8,000 tons irregardless. That's kind of a risk you take with going with ODOT. I feel it is necessary that we get out and bid this because it has been far too long since we've done that.

Councilman McLaughlin – Could you refresh my memory on how much salt we have left in our reserve?

Director Bock – Due to the light winter, we are sitting with about 3,000 tons on hand for next year to start out with. We are fortunate that we. We did start this past year with an empty salt bin. We had to fill it. We ordered salt twice throughout this year. I don't have the exact tonnage, it is somewhere are 15-16 hundred tons that was used this year. We do have a little over 3,000 sitting in our salt bin and that will give us a good start into next year.

Councilman McLaughlin – Is a typical year 4,000-5,000 tons?

Director Bock – I would say typical we're around 6,000. That's pretty rough estimate. We've gone as high as 9-10,000. If I were to go with ODOT and try to estimate, I would probably estimate around 6500-7000 ton for the season. If we had one that this year we would be stuck a little bit with trying to find a place to put it all.

Councilman McLaughlin – You haven't been out for bid in quite some time. Do you have to sign an agreement to take a specific amount of tons for the contract? Or can you order piece meal?

Director Bock – We don't have a specific amount of tonnage that we're required. We do have minimum delivery amounts when we order. It is a minimum of 500 ton on an order. If we're having it piled inside of our bin it is a little bit more, I believe 700 ton on a minimum order. We do pay a little bit more for piling but everyone does. Our prices have been good. Even last year after we first came to council and with the price I believe it was \$51 a ton, even after getting approval from Council, I was able to negotiate a little bit and get them to lower their price per ton by another \$1.70. We were under \$50 a ton, it was \$49.60 which is within a dollar or so of what ODOT was getting. We did do well. They have treated us fairly as far as negotiating with us and keeping the price in line. As I said it has been so long since we bid it I think it is to our advantage at this time to go out and get bids and take a look at what is out there.

Councilman McLaughlin – With a light winter that's a good idea.

Councilman Van Ho – Will the fact that Cargill and the other salt company are under, I believe law suit with ODOT for collusion, is that going to have any affect on our price?

Director Bock – I don't know that they're with ODOT, I believe that is with the Attorney General, he is investigating as far as collusion or price fixing with the salt contracts. Personally I'm hoping with the fact that they want to look squeaky clean will get us a better price going out at this time. I hope it is to our advantage.

Councilman Gilliam – Director Frey, in the actual ordinance, second paragraph last sentence, the Board of Control is hereby authorized to waive any minor or technical irregularities that may occur during the bid process. Could you explain what that means and what would be considered a minor or technical irregularity?

Director Frey – It has been asked by one of your council colleagues before. If for instance we were to require a bank check or some type of surety that they would enter into the contract and they may have provided that surety which would be acceptable but not technically in compliance with the bid specification, Board of Control could waive that type of irregularity if there is a computation error that is apparent from the document, someone moved a decimal point, but it was clear the price was \$50 per ton piled and it said \$5 a ton piled. It was clear there were one too many zeros after the decimal point, we could review that and determine, if we could. Those are the kinds of, but frankly these guys are pretty well versed. We'll get some things where we've asked for total and there isn't a total on the bid. Although this is a single product, things like that could be a technical irregularity that we could waive.

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

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

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

Passed.

CEREMONIAL RESOLUTION

Res. 36-2012 (059-12) Spiros Gonakis, Jr.

A resolution honoring **Spiros Gonakis, Jr.**, for his voluntary service as Juvenile Court Diversion Magistrate for the Euclid Police Department. (Sponsored by Mayor Cervenik and Entire Council)

Councilman Langman moved for passage, Councilman Van Ho seconded.

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

COMMITTEE OF THE WHOLE

Mr. Joe Udovic – 21371 Naumann Ave. I've been put into test mode so I'm going for my showdown test. My is very, very sensitive. Last week when I was here I noticed something very, very unusual, Council President Gudenas' picture is missing off the wall. Mind you, I know some of you people did not agree with his political stances, but what he did as the Council President, he was the people's council president. I'm not to sure where it is, if we're removing all the pictures. If someone could give me an answer on that it would be very much appreciated.

Number two at the last Council meeting I brought up the Property Rights Commission. A couple of questions have surfaced, I want to answer them and find out what is going on with it. Number one, a resident on Friday was a little confused on this and when we talked I thought about it and I said we're going to deal more with the quality of life issues that are affecting currently the City of Euclid and the future of the City of Euclid. I hope that's a satisfactory answer for right now.

The next question I received, what would be my recommendation of a make up for this committee. Definitely from the way I'm looking at it, this is just my recommendation, I would like to see two Tea Party members sit on this Commission. I understand the Tea Party membership is not very strong in the community and since we are already connected with Cuyahoga County, I would like to open this to all of Cuyahoga County whoever is a member of the Tea Party. Then I would like to see possibly one Democrat and one Republican sit on this commission as well. I would like to see the last member decide by a coin flip, be it either Democrat or Republican.

I would also recommend that if this commission is put together that we allow someone from the administration and someone from the council to periodically attend our meetings and voice their concerns as well. Once again we want to hear from everybody and judges from everybody's stance.

This is another question that I'm a little concerned about. This has not yet been made to legislation. When I proposed the ordinance for panhandling, the very next council meeting it was put on legislation. Now from what I'm understanding from history, from the last election, Councilman Gilliam, Scarniench and Jones, you supported the mayoral candidate who is talking about property rights. So I'm assuming this is what he was having in mind. That gives me at least three people who are in favor of this. I do believe there are 1 or 2 other council members who are in favor and that gives me 4-5 members. If I have to, I'd be glad to meet with each

council person if I could get at least six members, I would suspect that I would have to have a majority and would like to see this on the agenda as soon as possible and let's put this committee together. Is there a particular date that we're looking to get this on the agenda? Is there any other questions that I maybe able to answer? I'll be willing to let my time up for the administration or for a council member if there's anything they'd like to talk about. Thank you.

President Holzheimer Gail – Does anyone know what happened to Council President Gudenas' picture?

Mayor Cervenik – Yes, there is nothing evil or sinister about the picture not being there. If you remember Council President Gudenas served two separate terms as Council President. We determined that we need to have the second term put on there as well. It should be back in about a week but we wanted to match it as closely as possible to the print on the first one.

President Holzheimer Gail – Very good. In terms of creating a committee, the typical process, a council member could request legislation. I would suggest perhaps that you would either come up with a proposal and try to work with a council person to sponsor that would be the most appropriate way to do that.

Seeing no other comments, we'll move forward to Council Members' Comments.

COUNCIL MEMBERS' COMMENTS

President Holzheimer Gail - I will welcome Steven from Boy Scout Troop 161 who is here for a badge, citizenship in the community. If you have questions after, I'll be happy to talk with you or introduce you to your council person.

The Mayor had mentioned earlier we will get the capital budget at Wednesday's Safety Committee meeting. We thought and I did not get to talk to Councilman O'Hare yet if he thought there would be time after the Housing Committee meeting on the 11th perhaps we could do it then. I know Councilwoman Scarniench isn't available that day. If there's enough who are available, we could piggy-back with that meeting. We'll confirm that date and make sure we get a notice out.

I will wish everyone a Happy Easter or Happy Passover.

Councilman Gilliam – Director Bock, I have a couple of questions and you may not be able to answer them now, I'm sorry I didn't get an email forwarded to you. I know there is some work being done on Concordia and there was some potholes on Grand and Sagamore and also Euclid Ave. The potholes were fixed on Sagamore and also Euclid Ave. I'm assuming the potholes on Grand weren't fixed because of the heavy truck work that is being there right now and the construction?

Director Bock – Correct. The gas company is up there replacing gas mains. It doesn't make sense to put our material out there just to have them knock it right away. As soon as they clear the area we'll get in and take care of that.

Councilman Gilliam – I assumed that was the reason but thank you for confirming it. Secondly, there's three lights out on E. 204. I sent an email to Mr. Valencic and he said the Illuminating Company was going to be addressing the issues, but these are actually new lamps on E. 204. The two facing the south side of E. 204 on Euclid Ave. are out. There's a third one on the corner of E. 204 & Roseland. I tried to pull numbers off of those lamps but they don't have necessary identification numbers that we can utilize. I would just like for you and Mr. Valencic to get an update status of those particular lights because I have received complaints from the residents.

Chief Brickman, are there any officers still on the CHURP grant in the Police force currently or has that grant expired?

Chief Brickman – Yes, we presently still have five officers who are employed on the CHURP grant. There's going to be staggered expiration that starts in the fourth quarter of this year and that would be three that would be off then two additional officers will be off very early next year.

Councilman Gilliam – Based on their particular work performance and conduct, for those officers that are retiring, would these individuals be considered to be put on the force off the grant? Or is that grant basically mandating that they have to expire and reapply? How does that process work?

Chief Brickman – They retain employment. They are police officers employed by the Euclid Police Dept. prior to the grant actually being in place and will continue to be police officers after the grant expires.

Councilman Gilliam – As far as the lateral hiring process, I know I shot an email to you where you had a significant number of applicants. My question to you is based on some of the retirements that have already happened and future ones that possibly will exist, when do you expect to look at those candidates to see whether or not they are basically worthy to be on the Euclid Police Dept.?

Chief Brickman – We are in the process of doing that at this time. We have done some interviews. There is presently backgrounds being done. We have additional testing through the police psychologist that is going to be scheduled in the very near future. We're hoping to move forward, it is not soon enough in my opinion, but we're trying to move forward as quickly as we can making sure we have good candidates.

Councilman Gilliham – Mayor Cervenik, as far as the debt that we're currently paying, is there any way that we can get a breakdown, even quarterly of the debt we're currently paying down and what funds we're using and then debt that will potentially be paid down. Are we paying this all on a monthly basis or are we paying these in certain cycles as far as our debt?

Mayor Cervenik – Probably most of that information is contained in the CAFRA. I will see if I can decipher or change it into laymen terms. Most of the bonds, debt payments are paid twice a year. The short term notes such as we do for our normal capital program they are usually somewhere in the neighborhood of \$2 million. They are renewed for 2-3 years until we have maybe \$8-\$10 million and then we bond those out. In the meantime, debt is being paid in the bond retirement fund so we pretty much stay the same on the balance. However as we talked about in the general fund discussions, we now have come to the point which is not unheard of, in fact it is very common in most communities, that we do have to supplement our bond retirement fund with some general fund monies. They are all different interest rates, we have a list of them. Myself and Ms. Fisher can put something together that will let you know exactly what we have outstanding.

Councilman Gilliham – I'd appreciate that, thank you. I have no other questions.

Councilwoman Scarniench – First I'd like to make an announcement, the Euclid Kiwanis Club is having their annual pancake breakfast on Sunday, April 22. It is at the Country House at the Manor, 24111 Rockwell Dr. It goes from 9:00-2:00. Adults \$6, Children \$3, children under 3 are free. All you can eat pancakes and bottomless coffee and orange juice. For information on getting tickets, write to euclidkiwanis@gmail.com.

I had a resident ask me about the progress at Sims Park with our walkway and the pier. I haven't had a chance to go down there. Can you update us on that Director Bock?

Director Bock – I just spoke with the contractor today on when he will be restarting the trail and coming in and paving that and doing the landscaping around that. I would expect him somewhere around the 15th of the month to come in and start that, but it is all weather dependent at this point. He's waiting for the asphalt plants to open up, the ones that they use aren't opened yet. I expect him somewhere around the 15th of the month.

On the pier itself we're working on putting the bid books together for that and look forward to going out for bid on the pier project itself very shortly.

Director Pietravoia – I was going to comment on the pier, but Director Bock covered it.

Councilwoman Scarniench - The next one came from another resident and this is to you Mayor Cervenik. Wants to know if we could possibly put the Euclid Update on the website? Which would save us some money because she asked me how much it costs and I told her. She said wouldn't it be a lot cost effective to put it on our website and for those people who wish to get it that way instead of mailing it. I said I would bring it up.

Mayor Cervenik – We certainly can do that. We would have to have a methodology of who wants it mailed and who doesn't. I don't know if that adds any expense onto the sorting of the mail at the mail house or not, I can find that out. In any case, it is a very good idea and I'm sure we can put it on. I shouldn't say that but I'm sure we can put it on the website as well.

Councilwoman Scarniench – We could put it in the next one that goes out saying that if you want it that way, that way everybody knows about it. Just a thought.

President Holzheimer Gail – I thought it was posted on the website, either under Mayor's Office. I know it has been in the past, I don't know if it is done regularly. It used to be posted. It wasn't on the front page. You may have had to go under the Mayor's Office.

Councilwoman Scarniench – That's a complaint of a lot of people trying to find something, it is very difficult. Police Academy, tomorrow night is the end. It has been a very fast 11 weeks. I have thoroughly enjoyed it. I have been with some very wonderful people that I know I will stay friends with. Capt. Roller and everyone who participated did a wonderful job. I've totally enjoyed it. I encourage the rest of my colleagues, Councilman O'Hare was also there for most of the time. For the rest of you come the fall, you need to get involved with it. It is very awesome because you do learn a whole lot of things that you really didn't know. I thought I knew a lot but there was a lot of stuff I didn't. Kudos to Capt. Roller and everybody and I'm looking forward to our graduation tomorrow night.

Last comment to the resident who talks about having a committee on property rights. Well I for one would not sponsor another political committee, we don't need one, it is called Planning & zoning. That's what that group does. They are residents that live and work in the city and they do a very good job. When property rights come into play, those are the folks you go talk to. It would be redundant to me to add another layer into that. That is why I wouldn't do it. Thank you very much and good night.

Councilwoman Jones – I first of all would like to say Happy Easter to everybody and Happy Passover to those who celebrate that. The Mayor already mentioned about the Easter Egg Hunt at Living Waters so hopefully it is going to be a nice sunny day that day. I would suggest you go early because there is a nice crowd that comes out for that event.

As we mentioned, there is a Safety Committee meeting this coming Wednesday at 6:30, April 4th. We have an agenda which is the towing contract, traffic cameras in the school zones, review the jail plan. Other topics that will be on discussion for a second meeting that we will have and we talked about one of the items this evening.

I would also like to let Director Bock know that it is a pleasant site to see the paving trucks and the trucks out on 276, Tungsten, Mills, 279 & Sydney tearing up the old asphalt and ready to put down the new. I still hold my breath until the new is down. I won't be satisfied until that is done, but at least it is a good sight in seeing that part progress.

One question about that, will there be someone from the city going out and reviewing the work that they're doing as they go along? We know what happened with the waterline replacement contract and the work those contractors had. I would hope someone is reviewing their work as their progress goes on.

Director Bock – At the present time with them grinding the old asphalt out, there's no reason to have an inspector out there all day long. When we start doing the road repairs, and getting into some of the casting repairs and actually putting down the asphalt we will have an inspector out there during that work.

Councilwoman Jones – The fixing of the tree lawns will come after the resurfacing is completed?

Director Bock – The tree lawn is to be conducted by the contractor for Cleveland Water, not my workers. We will be coming back in to replace trees in the area. As far as the landscaping work, that's Cleveland Water's part of it and we will stay on top of it. I already talked to the engineer there, Mr. Krofchak and he sent out the notices to the contractor Utilicon to be prepared to come in and get that landscaped. We will also be touching up the landscaping on Edgecliff, 212, 280 and the other streets that were done with waterline from last year that need to be touched up. We will be planting trees on 280th also.

Councilwoman Jones – I also would like to make a reminder announcement about the Relay for Life that will take place in the City of Euclid starting June 9th at noon and goes through June 10th at 10 AM. Hopefully you can participate either as a walker on a team, or just coming out for some of the fun and festivities. If you would like to make a donation, sign up to be on a team or create a team and participate that way, you can go to www.reallyforlife.org/euclid and sign up or make your donations that way.

Chief Cosgriff, can you just review with the residents that are listening the fire safety for outside fire pits and grills? If you can hold that because I have one other comment before my time is up.

I would like to make an announcement reading RAMM is having another movie presentation in the City of Euclid. It is called the Bully X Project premieres April 26, 2012 at the Lake Shore Theater, 22624 Lake Shore Blvd. in Euclid. There will be a red carpet pre-party at 6 PM and the Bully T film will take place at 7:30. This is a film that was put together by Mr. Banks and his reading RAMM program and the youth that are part of his program. He takes the youth, they do all the work, they're in the movie, they do the filming of the movie, they actually do all the work in setting up for the movie itself. Last year there was a movie presentation that was called Another Chance, which is the life skill movie on August 18th. The red carpet event, if you look at any of the award ceremonies where they have a red carpet, they have those who are in the movie come up in a limousine in front of the movie theater and they roll out a red carpet for them to walk into the movie theater. They have the lobby of the theater set up where they can take pictures of the so-called stars of the movie. In one of the movie rooms they actually show the performance of the movie itself. It is a great opportunity for those who are interested in learning how to work the equipment and learning how to just put on a movie production. It is also giving the subject of the movie matter in a way that young people are putting it on and for young people to understand.

I know my time is up but I just want to read this one statement. The reading RAMM staff run by a local music producer, Eddy Phatty Banks will help the students integrate their thoughts, opinions and experiences with bullying into music and film. The Bully X Project is a way for students to get the message out creatively and in a form which other students will listen to. That's a quote from Mr. Banks. The program research and evaluation has demonstrated that Reading RAMM methodology is not only widely embraced but has also increase academic performance.

Mr. Banks had this program with some of the Euclid Schools last year. He does it for not only the Euclid Schools but Cleveland Schools and surrounding suburbs. Again that performance is April 26th. The movie will be shown at 7:30 but the red carpet pre-party and process will take place at 6 PM. Now Chief Cosgriff if you could answer my question. Thank you.

Chief Cosgriff – We do allow recreational fires, people like to burn them in their backyard. However they do need to be under control, they need to be in either a commercially manufactured or an enclosed fire pit, with the maximum size of the fire not more than 2 ft. by 2 ft. by 2 ft. You need to burn dry firewood, you cannot burn wet firewood or trash. This is probably the most important part, it cannot be a nuisance to your neighbors. If you have smoke that is going into your neighbor's backyard into their house and it becomes a nuisance for them, they have the ability to call the Fire Dept., at which time we will come out and order that your fire be put out. If it becomes a problem, if we have a problem residence where we continue to come out and tell you to put your fire out, you will be cited. You should also have some type of access to a hose, a proper fire extinguisher, meaning fire extinguisher to extinguish A type fires or just a bucket of water standing by to keep the fire from getting away from you.

President Holzheimer Gail – We had a resident request and I had asked for either of you or each of you to look at our ordinance and you just stated what our ordinances allow. Perhaps would it be possible to send a summary of that to us and if there would be any recommendations for changes. I don't know if you've had a chance to look at that yet of what other cities do?

Chief Cosgriff – I can do that.

Director Frey – I know Kelley Sweeney from Law has been looking at the ordinances as well. I believe has been in contact with the Fire Safety group. I don't know whether there has been any request to change in our existing ordinance. I'll ask her tomorrow on that.

Councilman Lynch – Three things. First, Director Bock, I had a question from a resident about roadwork that is going to be done on E. 196 St. I know we went through the budget process that was one of the streets that came up in the cue of streets that were discussed. Is there any sense of what street work is going to be moving forward with that?

Director Bock- We are reviewing the streets, putting together a list in kind of a rating system as to worst. We have looked at 196, 197, the streets north of the boulevard as well as Edgecliff and many streets all over the city. I'll be sending that down to my Street Supt. He'll drive those streets and list them in his order. I do it with my inspectors and then I go out and check the final 10-12 or so. Depending on how much money I receive we'll be how far we go on our list.

Councilman Lynch – Do you know when approximately you'll make that determination?

Director Bock – Not long after the capital budget is established and I know the amount of money that we have to go out there and pave with. I will warn Council that the price of asphalt isn't getting any cheaper. Last year we were at approximately \$90 a ton for asphalt. It wasn't much more than 4-5 years ago we were paying \$40 a ton. Every year Council has been good about getting money for paving, we get the \$400,000-\$500,000. Well \$400,000-\$500,000 isn't going very far any more. We do the best we can. We get the best price we can and obviously we'll do as much as we can out there. That's our job, we need to pave streets and we'll get as much done as we can.

Councilman Lynch – Second point, I just wanted to congratulate the Law Dept. and the Police Dept. regarding the Shakerz license being denied. In addition to the closing of S&S which we talked about a couple of weeks before. I had met in February with Asst. Law Director Sweeney about the concern about municipalities generally not really having much say with whether or not the people actually receive these liquor license. I know it was a tremendous effort on behalf of the Police Dept. to make that case that we did have some success as a city. I think congratulations are due and thanks for that work.

I don't know if there is any further comment you wanted to have on that, I'd welcome it but I just wanted to get to my third point. In closing I just wanted to wish everybody a happy and thoughtful Easter and Passover as well. There's a unique circumstance this year that I just confirmed with Councilman McLaughlin that Good Friday and Passover fall on the same day this year. I think it is an exceptionally somber or momentous time for us. I don't think any one religion or sector group has a monopoly on the truth. But, religious ideals are really a part of the backbone of our country and in my experience, our community. This time is especially good time to really think about how our choices matter and how our choices what we live our lives for. Especially the concepts of Good Friday and Passover, commemorating people dying for religious reasons and religious struggles. I think their religious aim is what choices are worth making that we live our lives for and we are also willing to die for. That type of religious life I think isn't apart of any one religion but

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it is really a part of the backbone of our country and the fabric of our community and our nation. I encourage everybody in this season to really think deeply about what our ideals are and how to recommit ourselves to them in a better way. I only have 27 seconds left, but I yield the rest of my time to whatever Councilwoman Jones went over for.

Director Frey – We are obviously pleased with the decision by the hearing officer by the Shakerz operation. They still have a time that they can appeal to the full liquor commission. We hope that they have read the opinion from the hearing officer and understand that they are not the type of operation that this city wants and certainly doesn't need. I will tell you that our efforts to enforce our nuisance laws, have had some effect. I don't know that we announced, we may have that the S&S Lounge closed and we are trying to get that matter resolved through our action that was filed in Common Pleas Court and we are continuing to go forward with the other facility on Euclid Ave. that we filed a nuisance complaint with. Police Dept. has been exceptional in providing information to Ms. Sweeney on problem properties such as that and we will continue to take aggressive positions towards them.

Councilman McLaughlin – Last Friday I was driving out of town for work and I had about six things on my iphone that I needed to address with the city. So I said this is the perfect opportunity. I put my blue tooth in and I called city hall ready to tackle all of them and I realized how little I know about the inner-workings of city hall. I didn't know who to call or how to get the answers to the questions I had. I realized that organizational charts are not supposed to have names on them but I'm going to ask the Mayor if he could give me 15 minutes of his time one night and just fill in the blanks for me so I know who to call and when.

Mayor Cervenik – I actually have a list that will be very helpful for you. I can give it to everyone. The newsletter is on the website. You click About Euclid, the tab About Euclid, it says current newsletter and you click on that and it comes right up. I just got a text. I can use text. Email is not working but the text is working. We can take care of that.

Councilman McLaughlin – I will take care of those lots of little things outside of council because I don't think this is the place to address them. I was talking to one of my neighbors the other day and he mentioned a little boy on our street was playing with our light posts, the fiberglass ones that went in right in front of your mother-in-law's house and went around and got full of splinters from the fiberglass because the paint is going away. I was wondering who owns our light poles, do we own them Director Bock?

Director Bock – Those are owned by the Illuminating Company and we will turn them in for repair.

Councilman McLaughlin – That's E. 210, so I'll make a formal complaint on that. I was standing with my neighbor in the middle of the street, sorry Chief Brickman, we were loitering in the street. I was going over the sewer rate increases and I said we're going to try to do things like stop SSO's. Some of the things we're going to do is take all the manhole covers, the ones with holes in them. He looked down and said, like those holes? I said yes. How's our manhole sewer cover project going?

Director Bock – At the present time it is not going. We need to get the funds collected so we can purchase the manholes and replace those.

Councilman McLaughlin – That's on hold until.....

Director Bock- We will be working on it. The ones we had and we had some money to do, we've done. At the present time we haven't purchased any new ones to go out and replace.

Councilman McLaughlin – With that, thank you very much.

Councilman O'Hare – A couple of different points. In talking to a homeowner's group 4-6 weeks ago I cast the opinion that I thought the housing crisis while certainly protracted that things were looking up. I predicted that things would get better. Since that time I've had three different people approach me and say I'm interested in the City of Euclid, I understand there's a lot of programs. I know on the website in many different places we have information. I think there's a unique opportunity at this time to publicize that more, not only the properties available, but the support, the programs we have because people are very interested and there is a level of confidence. Director Pietravoia leave some time at the end if you want to comment on that.

Secondly about the Citizens Police Academy. I wish I could go into detail on my ride along, but I won't. It is never quite what you think it is going to be. What you see and what you learn is kind of remarkable. I want to thank Officer Brooks for the time that he spent with me and again at a different time I'll write this out and I will put it in. I think it will be beneficial to everyone.

Along those lines with the closing of this number 26 of the Citizens Police Academy, I understand from Ms. Grida that she's going to be talking about soon about the City Hall Academy and that will be very interesting and instructive and maybe you'll come away with a list that you'll be able to work from too, as will I. I see a great benefit for the Fire Dept., perhaps not an 11 week session, but I could see a session with a citizens fire academy on the smaller scale. Maybe you can send Council people out to nuisance fires in backyards or something like that. The things that get taught and learned and also the sharing. Twenty people in the class at different times made some amazing friends there. I know it is not free, I know it is work, trust me we all know that it is work but the effort does seem to be worth it.

Councilman Gilliam asked about something that I think is very timely, a simplified list of our bonds and our debt. I know that many of these are packaged together but if you read about cities like Stockton, California and what has gone on there. I know we are not them either in scale or in management and so forth, but that's our job to make sure that we don't even approach levels like that. I look forward to that list.

Last item, especially as it relates to IT and for a second there Councilman McLaughlin when you said, I was on the road with my iphone, I thought you were going to say you were emailing and

Councilman McLaughlin – Texting and emailing while driving?

Councilman Langman – I'm glad you didn't say that. But I've been trying to, not only with residents but also with myself on specific issues. I know they come to us because they've tried other things or that's our job to help them out, a paving issue or a nuisance issue or so forth. But I've gone to not just picking up the phone immediately and making the call, but entering it into the e-gov system and putting it in as coming from me and putting it in there. What I've notice however is that even when the request is not complete, I receive an email back and say it is all complete. For example, there's this pothole, there's this, we'll get to that in June when we're able to because of warmer weather. I receive back that it is complete and it is March, there's no way it can be complete. That's something we really need to look at. I understand we have about 1300 requests that filter through the e-gov system, everything from permits to complaints and so forth. Cities like Boulder, CO using what they call CRM system, constituent relation management system. They all go in there and that's what we've got to move toward. We can't move toward a system that says things are complete when there's no way that they are. I look forward to any comments or additional information on that.

Mayor Cervenik- We do on occasion get compliments as well in the e-gov. The question concerning the bond and notes, in the CAFRA, the annual financial statement, there is a whole section in the financial statements which very clearly list each bond, the interest rate, what it was for, when it is due, the maturity date. There's also something known and I can get that as well, an official statement when we bond out, there's a whole narrative that talks or explains to potential investors the condition of the city, their debt capacity. The City of Euclid by Moody's and through their bond ratings also have us listed, I think the word is very conservative debt outstanding. I will get those three things for you. Our last Moody's rate, our last official statement. You should all have it, you should have gotten a copy of the CAFRA already. We can go through it, it is not a problem.

Director Pietravoia – I'll take the opportunity just to get a quick plug in for a couple of our housing related programs as Councilman O'Hare mentioned. I would encourage residents that are interested to look at the website. We also have information on ECTV and probably the primary contact would be Marty Castelletti who runs a lot of the programs for housing rehab and our neighborhood stabilization program. He can be reached at 289-8141. We have about a dozen homes that we have purchased, rehabbed and are up for sale. We also run a down payment assistance program with help from EDCOR those loan applications are taken in. EDCOR also does loans for rehabilitation of your own personal residence. We also have a very active Weatherization program that does painting, siding, actual weatherization and provides grab bars and handicap ramps for seniors that need that kind of assistance. Best number to call for those programs is our main office 289-8158. I'll get together with Councilman O'Hare to talk about other ideas. We are doing more advertising in print. Recently we have a couple of ads coming up and we're also putting information on the electronic message sign. We're always open to other ideas to publicize the programs.

Councilman Langman – Law Director Frey, early last week I was informed by a resident that we're going to see another internet café in downtown Euclid. In subsequent email dialogue it was established that this is probably going to happen via Court action. As you well know the city council last November after much administrative review passed legislation regulating the placement of these establishments, including a distance restriction between these various locations.

In reading over your answers to some of my questions, I think members of Council know I'm sympathetic to actually doing away with distance restrictions, that's how I voted then. But I am concerned about the prerogatives of the city council. From my reading of the materials I have received, the court action began on February 28th and if it wasn't for the resident, I wouldn't have known anything about this. My concern is the majority of council passed the ordinances with the distance restrictions in it and your course of action seems to be to settle. While I'm sympathetic to that, we didn't know anything about it. I understand that

you work at the pleasure of the Mayor, but our Charter also states that you are the city council's legal representation. My concern is that we weren't informed and my second concern is I've asked you a series of questions since and have not received any reply. Would you care to comment?

Director Frey – Certainly. There is a pending court action filed on behalf of the applicant for an internet café that was by virtue of a split vote of the Planning & Zoning Commission could not proceed with the distance variance that had been applied for in that case. However in my review of the record from that Planning & Zoning Commission there is inadequate justification. I am not going to sit here tonight and discuss in detail pending litigation. I think that's inappropriate. If this Council so desires, we have the ability to convene at some point into Executive Session to have a thorough conversation regarding that pending litigation. It is my professional obligation to represent this city as best as I can do that with outside counsel and resources internally to this city as I have available within the budget. This is not a case that is exceptional in my mind, by any stretch of the imagination. Again, I will be happy to review both the facts and the law that apply to this case with this council in Executive session. You will get from me tomorrow, I will scan documents that I have relative to this case and email them to you and all City Council for your review and you can have the complete record that exists to this point on this pending action.

When we created this legislation, we created a variance process. It is my opinion that the variance process needed to be administered, even handedly in this case, in a record created and unfortunately it is my opinion that record was not adequately created.

Councilman Langman- Law Director Frey I appreciate that you need wide latitude to conduct your business. But again, you are also the city council's attorney and it would be nice to know from official channels that this type of litigation that is going on, whether you feel it is routine or not, rather than hearing it from a resident. Again, I think from February until I don't know when we first found out about it. I know maybe one or two members found out earlier, but we did not know. I would appreciate that if you could just let us know that this is happening, that would be not necessarily your legal obligation, but it would be the courteous thing to do to the city council.

Director Frey – Councilman I think that's a very fair point.

Councilman Langman – Thank you. I'll try to end on a happier note. I want to wish everybody a Happy Easter and a Happy Passover and we will see you at the next meeting. Thank you.

Councilman Van Ho – First of all I would like to wish everybody a Happy Easter and a Happy Passover. I would also like to bring forth a problem with our email system. Not a major problem but in the last month I have noticed generally when I would go up and go into the box where you can get the addresses, by putting in either Chris or Bill, then the Mayor or Law Director would pop up almost instantly. Now I've waited as long as two minutes to get that to pop up. I know, I've talked to Councilwoman Scarniench, she's having the same problem. It is not my computer because I've tried three different ones at home and all of them it takes a long time for that to pop up. Can we check into that? It is not major but when I'm trying to write an email and I'm not in the best of moods, I'm screaming at my computer.

Also I would like to ask Director Bock, when I'm done, I'm assuming the paving and landscaping on Tracy will be done this summer where the Water Dept. was in. Could you give an approximate schedule of when that will happen?

In concert with Councilman Langman's request about the law suit, I'd like to ask for an Executive Session on Wednesday before the Safety Committee hearing to allow this to be, I think the Law Director used the term, thoroughly discussed. Could we do that please? That's my questions of the night.

President Holzheimer Gail –Law Director Frey are available Wednesday prior to the Safety Committee?

Director Frey – I will be here, yes.

President Holzheimer Gail – We can get something scheduled assuming enough people can be in attendance to make a quorum. We'll make sure we get notice out for that. We are able to discuss pending legal issues in executive session. We do need to meet initially in public to reconvene.

Councilman Van Ho – If we can't do it on Wednesday than whenever the first time that we can have enough people here. Whether that be Thursday or the following Monday or whatever.

President Holzheimer Gail – I just want to piggy-back on your email question because I know many members of Council could not get into email today at all and we did figure that one out by providing a different email address to go into rather than through the employee sign on. Hopefully that will work. It is an issue that we need to address because I know many residents to count on email and many council members count on that email exchange both to answer questions and to communicate with residents.

Mayor Cervenik – Carol Keller had some experts, consultants in last week and there’s a problem with the way our virtual servers are set up. It is set up in a way that is stacking emails and that is what is causing a lot of the delay and the jam up and sometimes things end up in the junk mail. She has hired them, 6-8-12 hours, they will be able to completely refigure the virtual servers and all the problems we have been experiencing over the last 30 days or so should disappear completely. She was very impressed with their analysis of our problem and we have determined that it would be best to let them handle it. I think they’re coming in next week to be honest with you so those problems should be over. We don’t have it either, it is very tough for us as well. I haven’t had an email since 12:05, sort of nice, but can’t get my job done if I don’t get the communication.

President Holzheimer Gail – I would just like to thank Euclid High School put on their Big Show this weekend and UpStage Players put on their youth theater, they did West Side Story at the Slovenian Workman Home in Arts Collinwood area. Both productions were excellent. There were many Euclid, obviously at Euclid Big Show, they did You’re A Good Man Charlie Brown, all Euclid resident students. UpStage Players as well had many Euclid residents and both did a fantastic job. I didn’t mean to take the rest of your time.

Councilman Van Ho – Director Bock could give us an approximate schedule on paving and landscaping of Tracy because it is a busy street and I do get a fair amount of complaints.

Director Bock – My pavers will be doing Farrington from 260 to 266 beginning Thursday and also once we complete that we’ll be on Tracy grinding the roadway there, either Thursday or Friday.

Councilman Van Ho – Thank you very much and thank all of the administration for the calm and professional answers.

ADJOURNMENT

Councilman Van Ho moved to adjourn. Councilman Gilliam seconded. Yeas: Unanimous.

Attest:

Clerk of Council

President of Council