

COUNCIL MINUTES

November 5, 2012

The regular Council Meeting was held on Monday, November 5, 2012 at 7:00 PM in the Euclid Municipal Center Council Chamber. Council President Holzheimer Gail presided.

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

Others Present: Mayor Cervenik, Law Director Frey, Finance Director Malone, Community Development Director Pietravoia, Service Director Bock, Fire Chief Cosgriff, Police Chief Brickman, Recreation Mgr. Stephens, Commissioner Beno, Clerk of Council Cahill.

Liquor Permit

Councilwoman Jones moved to object to a new D5 liquor permit to L Seven LLC, DbA Shots Bar, 24680 Euclid Ave., Euclid, OH. Councilwoman Scarniench seconded.

Councilwoman Jones – I'm making a motion to decline that permit. The reasons being, there has been two other establishments of that kind at that location that have had problem issues and are no longer open there. I don't feel that's a good spot for this type of establishment, so that's why I object to it.

Director Frey – I'm looking at an email that came from the inquiry through the Police Dept. Police Dept. could not locate any criminal record, but did note there has been a fair amount of police contact. It is council's discretion as to whether or not they want to sent that objection to the State Dept. of Liquor Control on this location. We don't have any specific criminal activity that we can cite.

Councilwoman Caviness – May I have clearance on this. When I'm objecting, I'm objecting to this since I'm new to this still, objecting to the liquor permit.

President Holzheimer Gail – The motion is to object. If you would like to object as Councilwoman Jones has suggested, the correct vote would be yes. It is confusing, we've gone through this before. Thank you for asking for the clarification.

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

Councilman McLaughlin moved to receive and approve without objection a transfer of a C1, C2, D6 liquor permit DBA 7 Eleven 36217, 22311 Lakeshore Blvd. Councilman Lynch seconded.

Councilman McLaughlin – Unless Director Frey has any objections, I have no objections to this permit.

Director Frey – This is a transfer of ownership at the BP Station and we have no issues with the transfer.

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

Council Minutes

Councilwoman Scarniench moved to accept the Council Minutes of October 15, 2012. Councilwoman Jones seconded. Yeas: Unanimous.

ADMINISTRATION REPORTS & COMMUNICATIONS

Mayor Cervenik and Fire Chief Cosgriff administered promotional Oaths of Office to Platoon Chief Chris Haddock to Asst. Chief; Capt. Will Anderson to Platoon Chief; Lt. Michael Gulya to Captain; Firefighter Chris Caimi to Lieutenant.

Mayor Cervenik – That's always gratifying to see the management in our various departments excel and it is a very proud evening. Well, Hurricane Sandy is over, it was a quite a trying week. Sometime between Monday night and Tuesday morning we had approximately 7,800 residents without power. As of this afternoon we are finally down to under 30. Those are cases that really have some serious damage in their backyards around their home. First Energy is aware of them all and are dedicated to getting them on power as well.

I want to thank the Fire Department, and also the members of the Police Dept., Service Dept., members of City Council and especially residents that really went out of the way to help each other, help their neighbors, help their friends and family. It was a very difficult situation and yet I thank God we did not experience the damage that was experienced on the east coast. I will tell you we experienced more damaged than we really thought we were. Yet we were very lucky and have all survived.

A couple of things that are important. One of the tools we used to communicate with our residents was Blackboard Connect. We sent out three days in a row messages letting the residents know what was going on, where they could go, what progress was being made and much more important things like recycling not being done and Halloween Trick-or-Treating being postponed. Those were put on messages for convenience. We have received a tremendous amount of positive response that the city used that system to communicate. We're going to look at other ways we can do that hopefully never with another hurricane, but there's other ways we can communicate some very important things that are going on in this community.

When we sent out the Blackboard Connect calls, we reached somewhere between 58-63% of the residents that are signed up. Some of that is because certain telephone landline phones do not work when there is no power. We have to ask our residents to do something for us. Go on our website, right to the left is in big block, Sign Up For Blackboard Connect. You can go to the website, go to the portal and sign up for instance for a voice call on your home phone, a text message on your cell phone and email on your computer. That will greatly increase the effectiveness of us being able to notify the residents as to what is going on. I strongly urge the residents to do that because it really made a difference knowing in our own way we'll be able to communicate to people that we're here for you, we care for you and here's what is going on, here's what to expect. We're going to continue to use this system and other creative ways.

Storm clean up will continue. City crews will pick up debris, branches and brush that you place on curbside. When you put it out on Tuesday, it is not going to be picked up on Wednesday. We're estimating it is going to take a week to clean up everything that needs to be cleaned up so be patient. Rather than having you cut them in three piece bundles and tie them up, we're going out with some shredders and throwing the brush and branches into the machine. It is a good way to get it cleaned up.

On Monday, we called in a four man tree crew from the Parks Dept. and addressed all the down trees which were blocking the right of way. There were roughly 40 trees we had to deal with. Tuesday's leaf pick up was suspended, it did resume on Wednesday. Sewer calls, surprising enough with the amount of rain we had, I guess it was because we had a steady rain, wasn't a real issue. We did not have the calls we expected and that is very thankful.

Since Tuesday, the Streets Dept. employees will continue to remove the brush. Try not to mingle the brush and the small branches with your leaves because that will cause a delay. We also had a lot of assistance from the Housing Dept., Building Maintenance Dept., as well as Community Service & Development. When we suspended the recycling, we used the three employees in recycling to help assist everyone else in the storm clean up.

Streets Dept. had 296 man hours at cost of \$5,844 with no overtime. Parks Dept., 240 man hours at a cost of \$5,079 with 28 hours of overtime included. Thirty-four tons of wood has been picked up and over 100 yards of wood chips have been produced as we speak tonight.

Some things we're going to do now that the storm has past over the next few weeks. I have asked to have a meeting with First Energy and make sure the Service Dept., as well as the Police & Fire Chief are there to discuss what went wrong, what went right, what their process was, what their decision making was in certain areas. I also want to find out if our infrastructure that's in our backyards and across our poles may not need to be addressed. Even storms that are tremendously smaller than what we experienced this past week, tend to cause significant long term outages in the areas that are affected. I want to make sure they're addressing our needs accordingly.

The second thing I need to do in my conversations with the Red Cross, I firmly believe the size of our city, a storm like this hit us, we need to have a welcome center and/or shelter here. What we're going to do is meet with them, take them down to our Community Center and here at City Hall and hopefully they will understand we do have the facilities that can house people or hold people for them to get warm and find a way to have 25-50 cots stored in that facility so when other things come up and hopefully not this widespread again, we have the ability to keep people warm and house them.

Third, which is going to be a community event, a response, I'll need help from Council, I'll need help from the Chiefs and Service Dept., but a number of mayors in other communities have a community emergency response team, or CERT as it is better known. That's where you have a group of volunteers, residents that know the city, know their neighborhoods, come together as members of a CERT team and receive training throughout the year in various safety measures. What they were used for in communities that have a CERT team for instance in Mayfield Heights, the Mayor sent his CERT team out to knock on individual doors. He didn't depend on phone calls, knocking on individual doors making sure people are okay. If they weren't to fill out a report and find assistance for them. I think that's very important. One, we can have a group of people that can assist us in emergencies and even non-emergency situations. Two, if we have these situations again, I think it would be a very effective tool in assisting our residents and giving them the information they need and also finding our residents shelter. I will be giving you more information on that later.

All in all, considering what we dealt with, I think it was handled very well. Again, I appreciate all your support in letting me know where lights were out and larger areas where people did not have power and where wires were sparking. To all the Directors and Chiefs up here, everyone of your employees acted very tremendously and made our residents feel just a little bit better.

Community Shred Day, November 17th, 9 AM to Noon. Come early because from what I understand the lines are long towards the end of that time. Get here early. Euclid residents, up to five boxes per resident. They take it out of your car, shred it and give you back your boxes. We found this is a very, very popular program.

Last but not least, this Sunday is Veteran's Day. Although some communities and some Veteran's groups are celebrating on Friday or Monday, the Euclid Joint Veterans Council is true to celebrating it on the actual day, November 11th, right here in City Hall at 11:00 as always. City Hall will be open. I certainly invite all council members and the administration to join in honoring our Veterans and certainly every resident in the City of Euclid is welcomed to come as well. Euclid is known very strongly for supporting their Veterans and paying them tribute for all they've done and the sacrifices they've made for our country. Chief, you have an announcement on daylight savings time and what you're supposed to do.

Chief Cosgriff – As I've often said before, one of the things we recommend is when you change your clocks, you change the batteries in your smoke detectors. That way you get it done twice a year. If you can't afford batteries or you don't have smoke detectors, call our Fire Prevention Bureau at Fire Station #1 and we will supply you with batteries and smoke detectors. We'll install the smoke detectors, if you don't have them. Or if you just want to stop by and pick up batteries, we will give them out to you at no cost. There really should be no reason why citizens in the City of Euclid would have a home without working smoke detectors.

As long as I have the floor, I often talk about being prepared for an event like we had last week. A couple of things that it doesn't hurt to remind residents that you should have flashlights that work. The only way you're going to know that they work is if you have a fresh set of batteries for them. One of the things that is a great source of information and I know we live in this digital age, but a good, old fashioned, AM/FM portable radio with batteries that work, you can turn it to an AM station and get weather advisories and get a great deal of information about what is going on around you. Information that you won't be able to get if your power is off.

The Mayor mentioned telephones, the old fashioned telephones that are hardwired and plugged into the wall, not with an answering machine and not a cordless phone, every house should have that. If you have your telephone system through your cable provider and your power goes off, your telephones won't work. Good advice from the Mayor in regards to signing up for our Blackboard Connect and using your cell phone numbers so we can get information to you and you can get information to us if the need arises.

With the news from the last week, it is probably repetitive to say this but downed power lines should always be treated as if they're live. A little girl in East Cleveland was critically injured because she touched a power line that was down and apparently felt that the line was dead. If you see a line down and it is hard to identify whether they're power lines, telephone lines or cable lines, treat all of them same. Treat them all as if they're live electrical wires. In an incident that we had last week, the lights are out and the power lines are at the back of your house and you've got trees back there. It is best to just stay in your house and not go back into your own backyard until it gets to be daylight, the storm has past and you can see what you're doing if you go back there. It is a lot of common sense issues but we all need to be aware about it and think about it before we do things that we would later regret. Thank you.

Mayor Cervenik – One last thing on Blackboard Connect. If a resident does not have access to the internet to sign up on our website, or you're having problems doing so, call my office, 289-2751 and we will get you hooked. We can do it remotely if need be. We just realized how important it is to be able to communicate in situations like this. Thank you.

REPORTS & COMMITTEE MINUTES

Councilwoman Scarniench moved to receive the Fire Report of August 2012; Community Programs Committee Min. 10/17/12; Executive & Finance Committee Min. 10/22/12; Community Assets Committee Min. 10/24/12; Board of Control Minutes of 10/9/12; 10/15/12; 10/22/12. Councilman Lynch seconded. Yeas: Unanimous.

COMMITTEE OF THE WHOLE FOR LEGISLATIVE MATTERS ONLY

No comments from the audience.

President Holzheimer Gail – We have a representative here from the Heritage Business Park which is the first item on the Agenda. We also have representatives here from Strand Associates which is the green infrastructure legislation. We will move item #12, Ord. (192-12) to item #2, so we can take care of that earlier.

LEGISLATION

Res. 160-2012 (133-12) Karoly-Szanto Mural Donation

A Resolution authorizing the Administration to accept the donation of a Andrew Karoly-Louis Szanto mural, with an appraised value of One Hundred Twenty Five Thousand Dollars (\$125,000.00) from HBP EUCLID CORP., owners and developers of the Heritage Business Park at 23555 Euclid Avenue, and former headquarters of TRW, Inc., and authorizing the Mayor to execute all documents necessary for the acceptance of the mural for future installation at Shore Cultural Centre. (Sponsored by Mayor Cervenik)

Councilman Langman moved for passage, Councilman Van Ho moved for passage.

Mayor Cervenik – We are privileged to be able to receive this donation and just as privileged to have Carol Smith here representing Heritage Business Park. We really appreciate the dedication, the history, that they undertook in preserving this mural. It was no easy task. She will tell you how many different tubes we have with the mural in it. We have some work to do to reassemble it, but a chunk of history in Euclid could have been wiped off if they weren't dedicated to doing this. I'm going to turn this over to Jim Sonnhalter and he will introduce Carol.

Mr. Sonnhalter – Very happy to bring this piece of legislation before you. We've been talking about this since February of this year when the Plain Dealer article first appeared and got us very excited about it. Ms. Smith is the Property Manager and owner's rep for Heritage Business Park, part of Ohio Realty Advisors, and is here to talk about the partnership between Heritage Business Park the lessor, TREMCO, Inc., the lessee who is responsible for this project. We'll talk about the project, how they're working together to make this happen for the City of Euclid.

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

President Holzheimer Gail – Thank you Ms. Smith, thank you for being here.

Ms. Smith – It is a true pleasure that Heritage Business Park can make this donation. It was a collaborative effort that we've been working on for several months. We thank the City of Euclid for working with us to find a new home for this great piece of art and to not lose the history. We continued to work on a collaborative effort because there is a large cost and large work in de-installing the mural, as well as re-installing to not lose any of its canvass and any of the paintings that are up there.

With that effort, we were able to come to an agreement between HBP Euclid Corporation and TREMCO who is our newest tenant and newest business to the City of Euclid, to cover all of the cost of the de-install and reinstall. The de-install costs have already been paid. We already paid a 50% down payment on the reinstall to Bob Dasher who will reinstall the mural for you. As soon as we have confirmation the mural has been reinstalled in the location the city chooses, we will pay the balance of that reinstall between HBP Euclid and TREMCO Corporation.

President Holzheimer Gail – Thank you very much.

Mr. Sonnhalter – I would just like to add that Bob Dasher is the President of Dasher Decorative Art. He's been in business for 40 years. He said this has been one of the most challenging pieces to work on, given the age of the piece and clay-based paint and the fact that it was painted directly on canvass that was put directly on a masonry wall. He's certainly earned his keep with this one.

Councilwoman Caviness – You answered some of the questions and that was how much it was going to cost to move it to install it. I wanted to know if the Shore Cultural Centre is ready for it; what do they have to do to prepare for this mural? Once it is installed, what will the upkeep be and will there be insurance attached to that in case there is any damage in the future?

Mr. Sonnhalter – It is our intention with the passage of this legislation to reconvene all the parties involved to map out how exactly we're going to do this. In speaking with Mr. Dasher, it is really going to be a specialized installation, we're going to look at installing dry wall panels on the wall so it is not applied directly to the existing brick. It will be reconvening everybody to map this out and establish a timeline for doing it.

Councilwoman Caviness – In regard to the insurance?

Mr. Sonnhalter – In regard to the insurance?

Director Frey – We will add it to our insured property list. Obviously with a work of art if it is extensively damaged in some way, that would be very difficult to fix. I know there are restoration specialists but we will add it to the insurance coverage for city property.

Councilman Lynch – To clarify, who has title now to the mural once it is passed? The City of Euclid agreeing to maintain it and hang it with title remaining in the owner's hands or is title passing to the city?

Director Frey – It becomes property of the City of Euclid.

Director Pietravoia – I just wanted to thank Carol Smith and ownership at Heritage Park. The reason this came before us as Jim mentioned is because of their great new tenant that is about to occupy the space where the mural is to be located at that's TREMCO. TREMCO follows Premium Steel, which went in earlier in the year. We're currently working with another tenant yet to be named that we hope to be bringing to Council on a potential expansion project.

Really want to congratulate the ownership. As you all know from the history of the building, this is over a million square feet and we had substantial vacancy there before this ownership. Really to their credit, they have put in proper demising walls, separated utilities and brought in some very substantial tenants. It is a great reason why this mural is coming to the city and I wanted to thank them.

I also wanted to thank Jim Sonnhalter who we forced to focus on this project in the middle of our transition as a department and with a lot of other major projects going on and really to his credit was able to coordinate with the ownership and make sure this ended up in a positive way staying here in the City of Euclid. Thank you to both of you.

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

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

Ord. 161-2012 (192-12) Strand Assoc. Green Infrastructure

An emergency ordinance authorizing the Director of Finance to allocate and encumber funds for the payment of the Strand Associates contract for study and planning services for the Green Infrastructure Evaluation and Enhancement Project, in an amount not to exceed \$90,000. (Sponsored by Councilperson McLaughlin by request of Service Director)

Councilman McLaughlin moved for passage, Councilman Langman seconded.

Director Bock – To begin with in the audience I would like to recognize members of the Strand team. Mr. John Lyons and Mr. Gary Wolnitzek. I asked them to be here tonight and answer any questions you might have concerning the proposal that is in front of you. As Council remembers, back when we were going for our rate increases, Council asked that we look at green infrastructure evaluation of what we've done to date, evaluation of our program and where we need to go in the future to help offset some cost within our Waste Water Treatment Plant expansion and our updates and CSO's and everything that goes with it.

This proposal, we rated several companies that had responded to our request for qualifications. When that rating took place, it was fairly easy to say Strand hands down was the most qualified, seemed to have the best grasp of what we were looking for and therefore they were a very easy selection, very easy firm to recommend to Council.

This proposal will cover our community inventory and an analysis of that inventory. Opportunities evaluation which will be part of what we've done so far, looking at it, looking at feasibility of future projects and where they belong. Project prioritization and review of our existing green infrastructure features, working with our existing consultants, CT on the CSO's and evaluating those and see where we can go with those and benefit on those programs.

Strand would be more qualified to answer any questions. My overview is very short and they are here to answer any of your questions if you have any.

Councilman McLaughlin – Thank you gentlemen for coming. Can you give us a synopsis of what Phase 1 would account for? What would you do, encompass in this study?

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

Mr. Lyons – We are happy to be here tonight to talk to you about green infrastructure. The approach that we're recommending and an approach that is similar to what we have done in other communities with quite a bit of success is what we call doing an inventory of natural systems, built systems and other features with our community that lend themselves to implementation of green infrastructure.

We'll compile information in terms of impervious surface, geology, soils, we look at topography, local hydrology and we begin to look at opportunities to offload that storm water from your sewer system. With that we begin to identify opportunities and pieces of land, properties, types of green infrastructure that could handle the storm water that we're trying to offload. When we offload storm water there's a couple of ways to do this. You can infiltrate it if you have good soils or good geology. You can infiltrate the water into the ground and you don't have to put it into your sewer system. If we can find ways to take the storm water and put it into your existing storm sewer network, it has capacity for that and keep it out of your sanitary sewers or combined sewers, we get benefit from that. Or if we can find opportunities to convey the storm water to natural systems within your community.

It is a holistic view of really storm water management and making sure that we capitalize on opportunities both on public land and on private property to minimize the amount of runoff. When we do have runoff to try to manage where that flow was conveyed ultimately to the lake, in a way that minimizes the impact on your sewers. One of the things that we feel is extremely important throughout this evaluation is to make sure we apply business case evaluation to the opportunities we identify. When we go into communities we don't want to do green just to be green. What we want to do is find cost effective solutions to your storm water management issues. We would work with CT, Lee and other folks within the city to say what's being proposed in a more traditional engineering standpoint, we call it the gray infrastructure standpoint. What's being proposed, how much does that cost and what is the benefit achieved from that. That becomes our benchmark with the green infrastructure we attempt to achieve an equivalent level of control at an equal or lesser cost at typically a greater benefit. It is not always a silver bullet, part of this evaluations process is to go through this inventory system of your city and look for those opportunities where those cost effective solutions are and how they can make sense. Does that help?

Councilman McLaughlin – Yes, very good, thank you. Can you tell me how long a study would take?

Mr. Lyons – We're estimating it will take about six months. The very first part of this process and this where Mr. Wolnitzek's firm, Human Nature is one of their strengths is really building and capitalizing on geographic information systems. We'll compile a whole bunch of information, we'll create data bases to put up all that information and then that allows us to manipulate it and depending upon the availability of the data and the format of that data, sometimes it moves very quickly, other times these guys have to do a lot of manipulating of the data and we have to look at outside sources at the State level, etc., and that could take a little longer. We do feel pretty confident we can move through this process in six months.

Councilman McLaughlin – After the process, you understand that we are under a Decree that has a time limit on it. Does the time limit on our Decree lend itself to green infrastructure? Can we implement it and still get results and be able to monitor by the time the decree is due?

Mr. Lyons – It is a wonderful question and it is a challenge in every community under orders or enforcement actions. Quite frankly, it is a little bit difficult to answer now. The first thing we have to do is get through Phase 1 and look at the opportunities that have been identified and are feasible. Often times what you find is there are opportunities to capitalize on planned projects within a city. I'll give you one example from another community. There's a major interstate right-of-way expansion currently underway. But it is going to take the transportation cabinet within that state years to get their funding. It is going to happen but it is a matter of getting the funding aligned and getting the plans finalized. In that particular case, we've worked with the regulatory agencies to say there's an opportunity for these two projects to come together in a single project and achieve cost savings for both the state highway project as well as the local sewer district. In that case we had to go back and say to the state, we need a little bit more time for that project. What we find is as long as you can provide the technical justification and the analysis to show that it is a worthwhile, cost-effective project, it is typically well received by regulatory agencies.

The first thing we have to do is look at the spectrum of projects that we are able to identify. Then we can begin to assign schedules for implementation of those and develop a prioritization scheme and you'll see in one of the tasks that we have a step to prioritize the projects. Timing of these is always an issue. If you're going to totally take control of the land, assume 100% of the cost and build the project, at times you can do that a little bit faster, but often times you're missing potential cost savings than an opportunity allows you to integrate with other planned projects. Holes are already going to be opened and you can integrate your plan into that project. If a bunch of those projects were to emerge, we may have to work with your staff and the regulatory agencies to say what do you think guys, does this make sense from a standpoint of extending the schedule a little bit or not. If they're not flexible, then we focus on projects that maybe you have a little bit tighter control along the overall schedule for.

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Councilman McLaughlin – Understood and council is aware that I'm in support of this and yield the floor to my colleagues.

Councilman Langman – Gentlemen just for folks that maybe watching at home or members of the audience, what current or past communities in the State of Ohio have you done this type of study for?

Mr. Lyons – Currently we're doing quite a bit of green infrastructure planning and design work for Cincinnati MSD and we are right now in the middle of doing a very similar process to what you're requesting for the Northeast Ohio Regional Sewer District.

Councilman Langman – Have you done any previous projects in the State?

Mr. Lyons – We have done small scale green infrastructure projects for site level storm water controls. As far as citywide regional planning of green infrastructure within the State of Ohio it is just Cleveland and Cincinnati.

Councilman Langman – Those are two of the biggest, so I'm looking forward to your work.

Councilman O'Hare – You mentioned some work that you're in the process or will be in the process for in Northeast Ohio Regional Sewer District. You talked about the creative collaboration when a highway is going up. Would there be opportunities for that kind of collaboration and green infrastructure with what you're doing with them? For example I think of the Indian Hills area and some other areas where we come closely together where that maybe a possibility.

Mr. Wolnitzek - We would certainly look for those opportunities. I'm a landscape architect and a firm of landscape architect so we'll have that community orientation when look for projects. I'll say that with green infrastructure that is often a tangible result that the citizens can see as we develop these projects. Versus a bigger pipe in the ground or a big tank in the ground that might cost as much. We can't necessarily do it all with green, but we find a right balance, a mix of green and gray that people really notice and people really appreciate and know where their funding is going to. We would certainly look for the collaborative opportunities in adjacent areas.

Mr. Lyons – One of the advantages of green but also one of the challenges of this type of green evaluation is the importance of partnerships. You're looking for opportunities to implement these green features and it takes land often to do that. Whether it is partnerships with pacts, with state local roadway systems, right of way systems, and even large public and private parcels that maybe have parking lots that they're not using all of their land or they have excess green space on their property and they want to make a contribution or maybe change the image of their particular piece of land. That represents an opportunity for this partnership, public-private or public-public, that again it is a challenge with green but it is also a huge opportunity with green.

Councilwoman Jones – Gentlemen or Director Bock, after this study is done, the six month time period or whatever it maybe, what are we expected to get back? Are you coming back with the results of the study? Director Bock, what are our plans as far as reviewing the study, are these options you're going to be giving us that we choose from? I'm just trying to figure out what the next step is.

Director Bock – It is exactly that. We're going to receive back the reports of their work on this first phase of this study and then it is going to be council's decision, we're going to have to look at it, evaluate it and decide what our next step is. That is going to take some committee meetings, I'm sure. We're going to have to go over this and decide if this is the direction we need to go or do we go in a different direction, what course we take and how far we take it. Those are the questions that are going to be left to the committee and to council to make those decisions, with the help of Strand, with the help of CT in the evaluation that they're going to do.

President Holzheimer Gail – Mr. Lyons, do you anticipate then a report back too? We have a council committee, Councilman McLaughlin's committee is the Public Service Committee and he had expressed interest in holding a committee meeting. I would expect that would be a place you could report back.

Mr. Lyons – That would be wonderful. We would imagine going through this evaluation we would have a spectrum of opportunities to share and get feedback from you on what you like, what you don't like, what works for your community. These solutions are very community specific. The more feedback we have, the more informed our recommendations can be. Within the spectrum of opportunities, we would identify, we would expect after input, a subset would be put forward as a recommended set of green structure facilities that make sense, are cost effective and fit in with the vision of the community.

Councilman McLaughlin – Just to add to Councilwoman Jones, we rely heavy on CT Consultants for advising us, the city, on what we should do. Part of the, I guess your overall look at it should heavily involve CT because if they're not onboard with it, we're going to have some head butting I suppose.

Mr. Lyons – They're a vital part of this. They know this sewer system, whether it is storm, sanitary or combined. They know this as well as anybody and we're not going to pretend to come in and suddenly know more than they do. They've built the hydraulic models of that system. One of the things that we wouldn't want to do is upload storm water from one system and put it into another system that is already hydraulically challenged. CT plays a vital role here. When we would propose offloading 5 acres of impervious surface and removing it from the sewer and putting it somewhere else, we would want CT to run their computer model and say that gets me this benefit, but causes a problem over here. This sort of integrative process that they need to be heavily engaged in. We know CT. We have not worked with them in the past, but we've had multiple conversations with them and quite honestly they've been extremely helpful and we're very excited about the opportunity to work with them. That relationship is a relationship that we are used to working in. When we go into these communities and do the green, there's typically a stable of consultants already there that know that collection system, that built those models and we try to work seamlessly with them to develop what at the end of the day is an integrated gray/green program that gets you the most bang for the buck.

Councilman McLaughlin – I like it, thank you.

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

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

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

Ord. 162-2012 (183-12) Basketball Courts Memorial Park

An ordinance authorizing the Mayor of the City of Euclid, or his designee, to enter into a contract with Infinity Paving Company, Inc. in the amount of \$134,230.00 for the construction of basketball courts in Memorial Park and further to authorize the Mayor or his designee to enter into supplemental agreements with various companies for necessary phases of construction of the basketball courts, not to exceed \$36,000.00. (Sponsored by Councilperson Lynch by request of Service Director)

Councilman Lynch moved for passage, Councilwoman Jones seconded.

Director Bock – I am recommending that we award the contract to Infinity Paving for the construction of two basketball courts and the supplemental agreements that will take care of the demolition. It will also help pay for the cost of the plans, design the construction management inspection and the full demolition of the former Strike Zone batting cages. When this went out for bid, we were looking at doing some of the work, in-house, as far as the demo goes. The prices I was able to solicit and received were very, very good prices and I would expect to be able to go out and they can just demo it at probably less of a cost than it would cost me to do it with my own employees. I would expect the demolition of the entire court. We will use material that is excavated for the courts to fill in the bowl area that's holding water now plus some additional material that we'll supply. We'll get that taken care of.

Two full courts and the demolition are \$170,830, it is an additional \$20,830 over the cost of the projected money that was set aside in the capital but it is well worth it. It is a fantastic price for getting the two courts done. This will be all inclusive, everything will be done, including the fencing. The only thing that isn't covered in here is the actual lighting of the courts for evening, but we will have the duct work in place and we'll be able to install that lighting at a later date with the duct work being in place. It is my recommendation that we go ahead with the two full courts and I'll turn it over to Mr. Stephens for any comments he may have.

Mgr. Stephens – I have discussed with Director Bock the number of issues regarding the outdoor basketball courts from having one court to one and a half courts to two courts. In regards to whether or not, not having lighting initially is going to be an issue. I would like to say that again I have to stress that based on the concept of these outdoor courts, I just want to mention that the plan again is to primarily have organized activity on the courts. I know there have been issues in the past, not only in the City of Euclid but other areas as well in regards to basketball courts. Typically those courts have been in the middle of neighborhoods surrounded by houses which the noise issue obviously becomes an issue.

In this case the basketball courts are a part of our Memorial Park Concept Plan. We've had 16 meetings I believe discussing not only the positives of adding basketball courts but addressing issues related to the soccer fields, baseball fields, the arena, tennis courts, walking paths, lighting, etc. It so happened during these meetings that the basketball courts became priority number one. I would echo Mr. Bock in that I look for your support. I think it would be a very positive addition to the city.

President Holzheimer Gail – I want to briefly, I was going to provide the background. The Memorial Park Master Plan worked for quite some time. These are tough decisions when times are tough on how to spend our money. Through that process which involved community input, talking with users of the park, public meetings, it was determined that was the priority. I know we've heard from Mgr. Stephens for many years, this is the most popular activity for the youth today. We know the quality of our recreation programs that it is more than just the athletic activity, it is about character and who they are as people, as students. We've been working for a long time in this process. I am certainly ready to support this. We've talked about it at the last Community Services committee. Council last time had said we want to make sure we do it right, we want to look at the difference between 1 1/1 and 2 courts and make sure we're doing this right. It is in our largest park, it is prominent activity and I am certainly ready to support it myself.

I did notice and Regina will correct it, in the second Whereas, we have the wrong amount. She tells me we don't need to amend, we'll just make sure that's corrected, it is a typographical error and it will get corrected so the dollar amount is \$134,230 in all.

Councilman Lynch – Just a few questions. Our last Community Programs committee when the prices were announced, what came back for bid that we could do the full two courts for the \$134,000. Mr. Mayor you had said timing you thought was pretty unique, that was something we wanted to take advantage of right now. Is the expectation the cost maybe significantly higher if we do postpone this?

Mayor Cervenik – That's always a possibility. What we really want to do, once we have this passed, we can do a lot of the prep work that we're going to do on our own to allow them to come in the spring and get this built and have it ready for the nice weather as well.

Councilman Lynch – The second point regarding the lights. Director Stephens had made some comments during and earlier council meetings and some offline conversations I had with him as well, the programs you have in mind, I understand lighting isn't an immediate pressing issue, it is something that we want. Do you have a sense for just how many daytime programs you envision us using come next summer as long as the plan gets underway?

Mgr. Stephens – Yes, some of the ideas that we've discussed as having our summer basketball program which is a very popular program take place on the outdoor courts versus renting a facility that we currently utilize. We've talked about having shooting contests, various skill level contests. We have talked about 3 on 3 competitions and we've also discussed depending on where our Police Athletic League is at the time, they used to have a very popular outdoor summer program that we would love to have on those courts as well. I run basketball clinics year round, spring, summer, fall, winter, that could also take place on those outdoor courts. We have Start Smart basketball programs for 3-5 year olds that we could even put our adjustable portable hoops so that they can shoot on 7 ft. hoops versus 10 ft. hoops.

I could go on and on and on. I could plan programs all day, every day on that type of court. The only reason that we don't currently is because of our limited access to facilities and the limited funds the Recreation Department currently has.

Councilman Lynch – Once we have these courts, even though it is more than we initially anticipated, which was 1 1/2, we have two courts, do you anticipate over the summer months still renting out the facility at Euclid Sports Plant or elsewhere to run programs?

Mgr. Stephens – With the idea of having outdoor courts to utilize, typically our summer basketball league will average 300-400 kids. I imagine we could add another 100-150 participants to that number. There would be a need to utilize an indoor facility at that point. Obviously there maybe a time or two during the summer where weather plays a part in whether or not you can utilize games. That would be no different than our baseball, softball, swimming program, we'd just make adjustments.

Councilman Lynch – That was one of the points that came up in the question and answer during the last council meeting when we stressed the importance of, if we're going to be putting in these new courts, let's also get rid of the eyesore of the batting cages. It came back with a surprising price. We were low-balling with this one and a half courts because we didn't think we would get back that good of a price to do this. But, additionally the space for those courts, in the Memorial Park Concept Plan is for potential expansion of even two more courts later on. Just to give people the trajectory which we're looking at.

I did want to talk a little bit more about the Memorial Park Concept Plan. I know after well over a year of meetings which former Councilperson Wojtila and Councilwoman Jones and many other community stakeholders were involved with. I know the basketball courts by the end of the series of meetings became this first priority. There was a pretty strong consensus from everyone in the community that this is the first thing they wanted to see in Memorial Park for this trajectory of improvement.

Can you tell me, as far as the narrative of why initially we wanted to start that concept plan if the basketball courts at all were envisioned at that time? Or if it was something that came out through a series of these meetings or both?

Mgr. Stephens – It was a combination of things. Prior to the Memorial Park Planning Committee being formed, there was a process started to implement courts at Memorial Park. It was decided that we needed to put a plan together for the entire park, for Memorial Park in its entirety to address many of the other issues that we have in the park. As we started to meet and discuss what was needed, I will be honest, I purposely tried my very best not to even speak to basketball courts because at the time and even still now I think there are some other things that we need to address in the park. As we discussed this plan throughout those many meetings, the basketball courts came up. As we eluded to earlier, basketball is a very popular activity in this community between the Recreation Dept., YMCA, CYO, our school system and various individual organizations that also have their own basketball programs.

We also decided it was necessary to improve lighting, to improve our baseball fields, upgrade our soccer fields. To look repairing and replacing restrooms, addressing the press box. Along with a number of other issues related to our pool, arena, skate park. Mr. Higley, the business manager for the Euclid School system, I don't even know if he realizes the walking path along the high school baseball field was a part of the Memorial Park plan which the school system itself addressed over the last couple of weeks. There's new pavement there so kids have a sidewalk to walk on versus walking in the street.

The plan itself addresses a lot of the needs. There are various phases contained in the Memorial Park Concept Plan. For example, I believe one of the issues that was brought up was pool upgrades at Memorial pool. If that was phase two, for example, if by chance we received a large chunk of money that someone designated just for the Memorial Pool, that would obviously go into phase one. Just last week I communicated with the United State Tennis Association in regards to our tennis courts. It bothers me that our tennis numbers continue to go down every year. I have to find creative ways to get newer equipment and a creative way to get new tennis courts. Right now the funds aren't there. If by chance the USTA calls me next week and says, we have \$25,000 to upgrade your tennis courts, that may become priority number two ones the funds come into play.

Those were some of the things that were discussed within the plan. There are various phases for some of the different projects, but again, some of those projects can be moved up or down depending on how our funding comes in.

Councilman Lynch – I just want to say, I think whenever we make investments like this we appreciate the fact that dollars are fungible and there's inherent opportunity costs when you put money in one thing, it is money that can't go somewhere else. The long term trajectory in the array of community voices involved, I'll tell you too. My first conversation after being elected council person, I spoke at the high school to some of the student leaders from the Stand Up program. I was just as much interested in listening to them, as they were to listening to me because I wanted to get a sense for more and more what students and what youth in our city wanted and need. The revisited course again and again were basketball courts. They wanted more access to basketball courts. What I'm hearing from Mr. Stephens and a lot of the voices in the community, I think this is a good thing.

We have more and I expect fully within this next year to have more opportunities with partnerships with the schools, and partnerships with other local employers for us to really explore these creative alternative ways for us to join forces and join funding to do things together that we wouldn't be able to do on our own. As we continue that process and explore those potential partnerships, I think this is an important start and one that is shared by many. Thanks.

Councilman McLaughlin – A couple of weeks ago we got this picture concept. I had a question, it says, remove sidewalk. Is there going to be a sidewalk replaced? Are they going to remove it and replace it?

Director Bock – In the bid package the sidewalk does get replaced. It will be removed for the time being, to be honest it is not in the greatest shape now and it will be re-poured so we will have sidewalk there.

Councilman McLaughlin – I've read the Memorial Park Concept Plan and I was talking to Director Pietravoia last week and he said well Pat, everything starts with a plan, you need to have a good plan. I understand that we need good plans and I understand that the basketball courts are the number one priority. My concern is that we're going to spend \$180,000 and we may not be able to maintain it and upkeep it.

I know we talk about the tennis courts, I just use that as there's many things, but the tennis courts, I spoke with Director Bock. He said, nobody plays tennis. I understand that. I played tennis last June and nearly broke my ankle on those courts and since then I've played about five times and it hasn't been in Euclid.

Furthermore, there are so many things that I wanted to talk about. In Memorial Park, swimming this summer my children took a swim and I would have friends come in from other neighborhoods and they look and walk through the locker rooms and say man this place is going down and what's with this place over there. I look and there's a pond but it is nothing but a muddy pit. I know these are part of the concept plan because 9-12 years we'll have a sustainable pond, we'll have redone tennis courts, but my concern is what do we do for the next 12 years? Are all these amenities just going to go down the toilet and we're not going to upkeep them?

That is my concern that we get these new courts and then we can't maintain them because they will go bad and they're going to need maintenance just like anything else. If you'd like to respond.

Mgr. Stephens – Your concerns are valid concerns, but I will also point out a few things. I would agree in past years there have been times when some of our facilities maybe weren't maintained in the best manner. I would like to point out a few things. You take our ice arena for example. I've done several walk-through the arena and some of the things just in the year and a half that was done, we've replaced over 100 new ceiling tiles. We've addressed every plumbing issue in the arena. We have newly painted dasher boards. We've installed new window sills in the skate change room. New door frames are currently being addressed. Working on a new sound system, we've added new padding to our hockey nets. We repaired a dehumidifier. We have a plan to implement new flooring in the party room. I was at a tournament a week or so ago when a group from a so-called affluent area in Pennsylvania came in and this is a group that travels to many hockey tournaments throughout the country and they could not stop commenting on how nice our arena was compared to most of the arenas they go to on a regular basis.

I have to compliment our maintenance staff because the arena is a lot cleaner nowadays and just because of all the things that I just mentioned, it is very apparent that we've made a real capital investment into the arena.

One of the things that I talked to Chris Grant, our Parks Supt. about back in January this year was to let's put a more hardcore plan in place so that we know as we get to the various seasons what needs to be repaired. In February Chris gave me an indication of what every pool in the city needed repaired, what pumps needed to be repaired. I knew in June what needed to be taken care of in the ice arena. The tennis courts, I would agree with you, we've had issues for years with our tennis courts. In regards to our tennis courts, Euclid High School utilizes those tennis courts. A lot of times without even seeking a permit which is something we corrected this year. With this newly formed relationship with our school system, Pat Higley, is committed to seeing how we can help each other because they utilize tennis courts, they utilize various fields at time and how do we help each other out. Past years, I don't know if there was a hard core plan put in place, but there is a plan put in place now.

In regards to our soccer fields and baseball fields, this is the first summer, I've been with the Rec Dept., 8-9 years full time. This is the first spring and summer that I didn't get more than one call with complaints regarding soccer, baseball or softball fields. That's because there was a plan put in place in January and February of this year where we met some of the shortcomings of those fields, those facilities well before the season started.

I can assure you my staff, myself, will interact with Chris Grant again throughout January and February of 2013 to make things even better for 2013. As I spent my entire Sunday from Noon-9:00 PM in Painesville last night, I will say that we need to improve all of our facilities so we can host events like I attended yesterday in Painesville that a group of our young men and young ladies participated in because they do have very nice facilities that can adequately take on that type of event.

I say all of that because yes, I would agree in past years there maybe was some times when things weren't maintained as well as they should have been. I don't know if you can say that for this current year especially 2012, just based on the feedback that I received from the residents and users of these facilities.

Councilman McLaughlin – You mentioned a list of maintenance items, pumps in the pools and what not, are you adequately funding those projects?

Mgr. Stephens – Right now as we prepare for the 2013 budget, I've discussed with Chris Grant and Scott Reese about needs going into 2013. Right now I don't know if we're going to be adequately funded. That's all dependent upon how Council feels when we start serious budget talks. I will assure you that I will make sure that all the requests I think we need as a department and what our Parks Dept. needs, are adequately addressed by administration and council. Personally I think again if we're going to change the face of the city, we had better start with our young people. If we're not going to send a message that we're not willing to invest in our young people, I just don't know how we can ever change anything.

Mgr. Stephens – The courts will be open for public play at designated times. The majority of the time will be for organized activity.

Councilman McLaughlin – There will be some minor upkeep, luckily for the basketball court there isn't too much upkeep, as long as the fencing stays intact and the hoops aren't ripped down from dunks and whatnot.

Mgr. Stephens – Our tennis nets never get ripped down, so I don't see why our basketball hoops would get ripped down. We have basketball hoops at Euclid Creek Park that for 15 years there has not been one police call regarding those hoops. In 15 years, according to their MetroPark Chief, they've never had to replace one of the metal rims. They've had to replace a net here and there, which occurs from natural use.

Councilman McLaughlin – Euclid Parks does a nice job. Let me tell you, if I get Daryl Dawkins on one of those things, I'd take it down. Thank you.

Councilwoman Jones – I just want to make one brief comment about the priorities. I was on the Memorial Park Plan Committee and we started off just brainstorming about what we would like to see at Memorial Park amenity wise and taking existing amenities and updating them or getting rid of or adding new amenities. We got our list of things that we'd like to have, then we talked about prioritizing. Of course, we wanted everything to be number one. How can we make everything number one? Before we presented the plan, the committee felt that we needed to come up with some type of priority. We presented it in a way that even though we gave the priority list stating that everything doesn't have to fall into this priority. If it happens where priority #10, we have funding to be able to do that, and I don't know what number ten is offhand, we have funding to be able to do that, that would take care of that.

In our discussions back and forth and as I mentioned we had a lot of meetings and this went over a year. We talked about the amenities for Memorial Park, but we also talked about the overall affect of Memorial Park and getting people traffic into the park as well. We talked about amenities that would affect the overall compass of the city, in addition to new people coming into the park. One of the things that always comes up every year is kids hanging out maybe doing something they should be doing. When it came up about the basketball courts and Mr. Stephens mentioned that there's always either a waiting list or more kids that he can add into the programs if we had facilities to be able to do that.

When we started talking about the basketball courts and being able to open it up to more youth being able to take advantage of those programs in that positive way in the direction he has the programs in, we felt that was a good number one priority to set. You're not going to answer the questions of all the so-called knuckleheads that are out there. But if that could draw in more of our young people getting involved in something on a positive way and then gearing them out to their neighborhoods and whatever in that positive effort, we felt the basketball courts was not only serving the priority we wanted to see at Memorial Park, but it was also serving the community as well as a program that we wanted to gear our young people into and send them out into positive feedback from that. In my opinion that's one of the reasons why the basketball courts became number one, there was definitely a need to get more programming through the basketball program.

Mayor Cervenik – I just wanted to touch briefly again on the question of are we funding these projects and these needs for the pool and other recreation facilities. We have "x" number of dollars for funding and it is pretty finite. Over the past few years it has decreased. Part of the purpose of realigning the Rec Dept. and Maintenance Dept. into one and have the Rec Dept. responsible for programs is we've created this relationship with maintenance that they do an inventory of what we need and they prioritize it. Depending on the funding we have, we will take care of the most important items first and wait until next year and have those inline to go. We're doing the best we can on the funding and the planning has never been better, the organization has never been better.

As to the basketball courts themselves, we will maintain the basketball courts but it is more than just the paving and the fencing and the hoops. It gives us a venue where we can change the lives of the children that are participating in these programs. We've done it, I've seen Mr. Stephens and his volunteer coaches at work. It can be done and it does make a difference in these kids' lives. As I've said many times and gone to many other cities and told them our Recreation Dept. is concerned first about the person, and second whether they can make that basket, throw the football, catch the ball. It helps to have those skills, but we really do make a difference. I strongly invite all of you to just walk in on a Saturday for Panther Hoops at the Sports Plant. It is a pretty neat feeling when you look around and see parents and grandparents and brothers and sisters watching the kids participate. Listening to the coaches coaching these kids in a positive manner, not the screaming and hollering that you sometime see in some sporting venues. It is all very positive and we're responsible for it, you've helped fund it. I'm looking forward to these courts being up next year. I know I've lost a step or two but I wouldn't mind being out there

playing a little bit, as long as this guy is not defending me. I really hope you support this and we've got some other items, we're working on some other funding mechanisms to help with some of the other large expenditures that we need to fulfill this plan. This plan started 11/4/09; there's 21 members, a couple were consultants; they had 16 meetings. They put together a tremendous plan. This is not unlike the lakefront plan, it is not unlike the downtown Euclid TLCI plan and it will be just like the Euclid Avenue plan. City Council adopted a planning and zoning and put it in the Master Plan. It just guides us in the future of what needs to be done. Again I certainly hope we have the support for this tonight.

Councilwoman Scarniench – This was one of those things that I wasn't going to talk about, but I guess I will. This plan started long before 2009, back when the Master Plan, I was part of the Master Plan Recreation Subcommittee. We've been talking about basketball for a long time. For two years I spent my summers being the concessionaire for PAL basketball. There's been a real loss when we lost that program. It is vital to bring it back. Anyone who was ever able to go see those kids and see what they could do, it is phenomenal. Everybody that worked there, that volunteered was great. Anyone who has ever gone to one of Mr. Stephen's programs, I try to go when he's doing the tournaments, these kids learn so much more than basketball. They are all doing great in school, that's all part of the plan.

It is just one of those things that is necessary. I look forward to this. I have no problem with there being no lights because we really didn't have lights for PAL basketball. By the time the program was over, it was starting to get dark. The kids needed to go home then. Sometime in the future, that's great. We need to keep moving forward.

One thing, and maybe it is something to think about, maybe not right this minute, but according to our Charter and maybe Director Frey can answer it or our Finance Director. Only .7 mills of our recreation is able to pay for capital expense. When I was on Charter Review, so we'll say 10 years ago, we tried to add a recreation levy and it failed. Maybe it is time to really look at that wish list, put it all together, figure out what it is going to cost and then go to the people in this city and say this is what we can do if we have this. Who knows, in the near future they maybe able to say this is a good idea because that's what people talk about. That is what was here when I was a kid and we expect those kinds of things. We need to move forward with this and get this basketball program together so that next summer we can go outside and watch the kids.

President Holzheimer Gail – Let's not talk about the recreation funding, let's keep it to the basketball courts.

Councilman Langman – I don't look at this as new because over at least my time on Council, we spent a lot of time discussing removing courts from neighborhoods. Given that I can support this going forward, I think as everybody has said, Director Stephens has done a really great job with the kids and the programs. I say let's do this and we can tackle some of the other issues a little bit later.

Councilman O'Hare – Quick question about funding. This is out of 2012 capital or general fund?

Director Bock – Capital.

Councilman O'Hare – For how many years is this being capitalized over?

Director Frey – It is part of the appropriation that Council made for this year. It would be paid for out of the 2012 General Permanent Improvement Fund allocation that Council had already approved. We will pay for the project out of the capital fund. It typically is funded by notes as the Finance Director indicated. Notes can have a life of up to five years.

Director Malone – I can help clarify this. The project as indicated is funded by the issuance of new bond anticipation notes that were issued in 2012. You cannot issue bond anticipation notes, particularly for capital projects that have an average lifespan of at least five years or more. I'm assuming with the rehabilitation and resurfacing the courts you've extended the life of the new rehab courts five years if not beyond. That would fall under the issuance authority of the Ohio Revised Code.

Councilman O'Hare – In terms of capitalizing over something, the anticipated life, which not to belabor the point, on the tennis courts, sometimes we've built things like that and then we view them as being free because we don't have any more money based in that. I understand you can't capitalize repair but it gives everybody a yardstick, here's how long it is reasonable to expect that this will last. I think in this case the courts will last obviously longer than five years without substantial need for rehabilitation. Thank you.

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

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

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

Ord. 163-2012 (191-12) OWDA loan MBR WWTP

An ordinance authorizing the Mayor or his designee to prepare and file a loan application and enter into a cooperative loan agreement between the City of Euclid and the Ohio Water Development Authority (OWDA) necessary for planning/design of a new MBR Waste Water Treatment process for installation within the existing WWTP Tankage and declaring an emergency. (Sponsored by Councilman McLaughlin)

Councilman McLaughlin moved for passage, Councilwoman Jones seconded.

Director Bock – This allows us to apply for the loan through OWDA which will fund the membrane technology at the Waste Water Treatment Plant.

President Holzheimer Gail – Any questions? This is becoming a regular occurrence on our agendas. We wish you luck and hoping to apply for grants as well as loans.

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

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

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

Ord. 164-2012 (189-12) Budget Amendment

An emergency ordinance amending Ordinance No. 28-2012 which makes the annual appropriation for all expenditures for the City of Euclid for the period ending December 31, 2012. (Sponsored by Mayor Cervenik by request of the Finance Director)

Councilman Langman moved for passage, Councilman Van Ho seconded.

President Holzheimer Gail – These were presented and discussed at the Executive & Finance Committee Meeting.

Director Frey – We need to ask the Council to amend this piece of legislation. Director Malone indicated that we had not made the increase in the appropriation. It is not a question of not having the funds, but it is merely the appropriation for the land purchase. We need to add, Director Malone has that detail. But we'll need to ask for an amendment to this piece.

Director Malone – My apologies, if you go to the second page, Waste Water Treatment Fund 510, Second Column, Other Expenditures, you see the number of \$5,075,160. My apologies, I neglected to inform that we should include the million dollar Ohio Water Development Property Acquisition Loan in that appropriation. My apologies for the oversight, request the amendment.

President Holzheimer Gail – The amendment will be for one million, so that will be rather than, \$5,075,160; \$6,075,160.

Director Malone – Thank you very much.

Mayor Cervenik – The email that I sent you, the \$8500 from Motor Maintenance was added afterwards due to some repairs that came up after that. We don't expect to bring another amendment to City Council for 2012. I say that, except that Hurricane Sandy may cause us to need a slight transfer into the Street fund, if we do not receive all the funds that are due us from Cleveland Water for doing the water holes. Mr. Bock and Mr. Reese were in contact with Cleveland Water and it appears we will have the funding on time before the end of the year and if that's the case, there should be no more amendments.

President Holzheimer Gail – Any questions about the amendments?

Councilwoman Scarniench moved to amend the 510 Account from \$5,075,160 to \$6,075,160 to account for the purchase of the property for the Waste Water Treatment plant. Councilman Langman seconded.

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

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

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

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

Ord. 165-2012 (190-12) Inter-Transfer of Funds

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

Councilwoman Caviness moved for passage, Councilwoman Scarniench seconded.

Mayor Cervenik – This is an item that we have to do. The Auditor requires us to approve any transfer of funds.

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

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

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

Res. 166-2012 (188-12) Henn Mansion Funds

A resolution to provide matching funds to be used toward continued restoration of the Henn Mansion in the amount of Twenty Thousand Dollars (\$20,000.00) (Sponsored by Mayor Cervenik)

Councilman McLaughlin moved for passage, Councilman Van Ho seconded.

Mayor Cervenik – This has been going on almost since the Friends of the Henn first took over the operations of the building and have done tremendous improvements to it. They provide us with financial statements each and every year and it shows the funds they raise, as well as the permanent improvements they've done. Our contribution has always been maxed out at \$20,000. It is fifty-cents on the dollar, up to \$20,000. They've done some very good things in the last year, year and a half, including the patio and some other items as well.

We've had the opportunity to have a number of regional groups come in and meet there. First Suburbs Council, we had a presentation to them by the Port Authority and they were all very impressed with the area as well. We will probably down the road use Port Authority for lakefront funding. It was good for them to see firsthand what is taking place. I strongly recommend this be supported.

President Holzheimer Gail – Friends of the Henn did come to one of the Assets Committee Meetings this past year and did report back on their progress. I'm sure everyone has seen the beautiful new patio they finished this year, it really is a great addition to the Henn Mansion. We thank the volunteers and many community members who have worked so hard to make that happen.

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

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

Ord. 167-2012 (169a-12) Amend Code 1359 Indoor Vehicle Sales

An ordinance amending the Planning and Zoning Code of the Codified Ordinances of the City of Euclid to amend Chapter 1359 “U4, U5 and U6 Business and Industrial Districts” to allow indoor vehicle sales in industrial buildings by amending sections 1359.03(i) “Permitted Uses”, Section 1359.06(g)(1) “Major Repair Facility and Heavy Duty Truck and/or Boat, Sales, Service and Repair”; Section 1359.06 (p) “Sales or Lease of New Automobiles and Small Trucks”; and Section 1359.06(q) “Sales or Lease of Used Automobiles and the Sale or Rental of Trucks, Trailers and Boat Sales and Rental”. (Sponsored by Planning & Zoning Commission) (Moved to Council with recommendation for passage as amended by Planning & Zoning Commission)

Councilwoman Scarniench moved for passage, Councilwoman Jones seconded.

Councilwoman Scarniench – There’s really nothing more to say, Director Pietravoia explained the whole thing very well in his letter, hopefully everybody read it. The only thing that Planning & Zoning decided is they wanted to make sure that there was no outdoor display of signage on the vehicles. With that I have no problem with this. It allows new businesses to open up and to stay within our code so they don’t have to continually go to P&Z which is what has been taking place. As long as they follow the rules, they have no problem and they are welcome in our city.

Commissioner Beno – This ordinance essentially recognizes and codifies a new way of businesses reaching their markets and that is through internet based advertising. In the past year and several months we’ve had four cases involving requests for indoor sales uses in front of the Planning & Zoning Commission and those have all been passed. What we’ve been doing is modifying our code to accommodate that use. On October 16th the Planning & Zoning Commission reviewed this ordinance and recommended a minor amendment which has been included. We support this ordinance and I’ll be happy to answer any additional questions council might have.

President Holzheimer Gail – Any questions from Council?

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

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

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

Res. (184-12) UDE New Day Academy – First Reading

A resolution granting a Use District Exception, pursuant to Chapter 1375.01(a)(3) of the Codified Ordinances of the City of Euclid, to New Day Academy, 8566 Barbara Drive, Mentor, Ohio 44060, for Permanent Parcel No. 647-19-001, to allow a charter school, K through 12, use permitted in a U-1, U-2 & U-3 (Single-Family House District, Two-Family House District, & Apartment House District) in a U6 (Industrial and Manufacturing District). (Sponsored by Planning & Zoning Commissioner) (Approved to Council with recommendation for passage by Planning & Zoning Commission)

Councilwoman Scarniench moved for passage, Councilwoman Jones seconded.

Commissioner Beno – This Use District Exception would involve the reuse of a two-story office building as a K-12 school, located within the Heritage Business Park. The management of the Heritage Business Park has worked with our department to develop a reconfigured traffic plan for the industrial complex. Trucks and other traffic will be routed to a new entrance on E. 222 St., which will help remove traffic from the area of the school and enforce a separation of the uses between the industrial and school building. The school is located on a several acre open space along the Euclid Avenue side of the park.

On October 16th the Planning & Zoning Commission reviewed the proposed traffic plan in detail and conditions were attached to this approval which addressed the issues of traffic safety. We concur with the Planning & Zoning Commission, along with the applicants who are present and we will both be happy to answer any questions that Council may have at this time.

President Holzheimer Gail – This is a Use District Exception which usually has three readings, correct?

Commissioner Beno – That is true.

Director Pietravoia – I'll defer to the Councilmember whose ward this is in, whether or not she wants to go beyond holding the hearing this evening and actually take an action. We're prepared to do that if Council would like to do that now.

Councilwoman Scarniench – I'm sorry they've sat here for this whole meeting, but the fact is and as everybody knows, I always go through the first reading. I want the public to be able to come in and ask questions. At our next meeting in two weeks, we can waive the third reading and go ahead and approve this. If there are any questions, while they're here, I have no problem with letting them speak now.

Councilwoman Jones – I have a question regarding the kids on the bus. Can we suspend the rules and they can come up and speak? Regarding the kids when they get off the bus and crossing across Euclid Avenue. I know at Planning & Zoning it was brought up and it was addressed somewhat but after the Planning & Zoning meeting I actually went down to that route because it was talked that RTA bus coming east, the kids would get off at 222nd, but there are a couple of bus stops after 222nd, before you get in front of where the school building is expected to be. I'm just wondering if those kids get off right by the school, how are they going to cross the street.

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

President Holzheimer Gail – We know Mr. Walton, but if you would also state your name for us so we have you both.

Mr. Terrence Walton – 8566 Barbara Drive, Mentor Ohio. We've looked at the possibilities of students getting off the bus as there are no crosswalks very near to where the students would get off the busses. Any students coming from Euclid Ave. going west, they would fine as the busses would be getting off right in front of the school. Those students coming east on Euclid Ave., there's a couple of situations depending on the time they would arrive. They ride the RTA 28, which would turn, one of the routes turns down E. 222 would put them on the side of the street where they wouldn't have to cross, there's actually a turn around right past McDonald's. There's also a route that goes straight out to 276 & Tungsten. That would be the one we would be most concerned with.

There would be one route where students could possibly be on in that particular situation. It would put them right around about, if they road the bus, the 7:43, school starts at 8:00. Some students would get there right around that time. Those would be students we would be concerned with.

Also going south on E. 222, we're only looking at bus #28, RTA, those students going south on E. 222, 7:35, get off right around Coulter, so they could walk down Coulter. Then again at 8:00, but the 8:00, any students riding on that particular bus would be late for school.

We're really looking at 7:35 going south on E. 222 and 7:43 going east on Euclid Ave.

We have a couple scenarios that we would consider. One, possibly working with the city to have some kind of safety device or sign posted, such as traffic light, stop sign, flashers, crosswalk, painted on the street, something of that nature. If that could not happen, we're looking at the possibility of having an adult safety car posted at the designated stops in the morning to appropriately cross the students at that time.

A third option we have is shuttle students from the designated stops to the school. The students would get off at a designated stop and then get onto a shuttle, van or bus that would then take them to the school building. This is not something that would be out of the realm of possibilities as we are currently shuttling students right now from the Shore Cultural Centre to our secondary location in Willowick. What students do is come to Shore and we shuttle them from Shore over to St. Mary's in Willowick. We've recently purchased busses and that possibility would be a very viable possibility for us to handle.

Our fourth possibility would be looking into just busing our students altogether that no one would have to ride the RTA bus. That is something we're working with the State of Ohio. The State of Ohio has provided funding to be able to do that. If a Charter School would rather provide their own bus service as opposed to using residential school bus service, they have provided funding for that.

We're looking into those possibilities, all with the students' safety in mind. One of these options we think could very well work to make sure students can be safe if that was the situation. They'd have to ride the bus or we would provide bus service ourselves.

Councilwoman Jones – Thank you and I'm glad to hear there are options since the Planning & Zoning meeting that you have put some thought into it at least.

Councilman Langman – To the administration, if we approve this Use District Exception, does that change the tax status of the parcel?

Director Pietravoia – The property will still be owned by Heritage Business Park LLC and leased to the schools. The tax status would remain the same, it is a for profit building being leased by Heritage Business Park.

Councilman Langman – Is the city obligated to install what type of school warning device or school zone device is on Euclid Ave.?

Director Bock – I don't believe we'll be required to install any devices on Euclid Ave. because of the distance from Euclid to the building that it is at, but I'll have to double check that.

Councilwoman Scarniench – Some years ago there used to be a traffic light there and it was taken out because the State said it wasn't necessary and if wanted it at that time it was like \$70,000. Is it possible to find out from the State, now that we're going to have a school there, we're going to have children that will be crossing the street, if that could be put back in at their expense?

Mayor Cervenik – We're going to look at that in conjunction if we're required to do any traffic signals, warning signals.

President Holzheimer Gail – At this point, Councilwoman Scarniench, as the Ward Councilwoman, you would like this to be the first reading and waive it at the next meeting?

Councilwoman Scarniench – Correct. We'll go ahead and vote on it at the next meeting. This way it allows anyone from the public who is watching, who may have a comment, to come in and say something. That's the way I always do it. I want them to have a chance, if they so desire.

Director Pietravoia – In preparation when they do return, if anyone does come from the public then we will need to officially hold a public hearing that evening. If not, I'll defer to the Law Director, but I think we can consider the questions and exchange that took place tonight as the public hearing.

President Holzheimer Gail – We will consider this a first reading with the intention the third reading will be waived and taken at the next Council meeting. Thank you for being here.

First Reading.

Res. (185-12) Special Permit Rolling Shutters N. Lakeland

A resolution granting a Special Permit Approval pursuant to Chapter 1387.03 of the Codified Ordinances of the City of Euclid to Makhoul Julien, 3496 Hetzel Drive, Parma, Ohio 44134, to install five (5) rolling shutters for his business located in a U4 Use District, 25911 North Lakeland Boulevard, Euclid, Ohio, Permanent Parcel Nos. 643-25-003, 007. (Sponsored by Planning & Zoning Commission) (Approved to Council with recommendation for passage by Planning & Zoning Commission)

Councilwoman Jones moved for passage, Councilman Lynch seconded.

Commissioner Beno – The business requesting these rolling shutters is the Shell Station at E. 260 and Lakeland Blvd. The business has experienced a number of break-in incidences over the course of the past year and a couple of months. On October 16th the Planning & Zoning Commission reviewed this proposal and recommended approval subject to the installation being located on the inside of the glass and the storage unit for the rolling mechanism being located inside the building. Based on the history of break ins at this location and an acceptable design which the applicants are very much in favor of doing the interior installation, we agree with the Planning & Zoning Commission and support the approval of this ordinance. The applicant is here if there are any questions.

Councilman Van Ho – Since this is Ward 8, I did talk to Mr. Beno. Normally I'm not in favor of rolling windows, but in this case, both because of the way they're doing it on the inside, where it won't be visible to everybody all day long, and the fact that they've had four robberies, three of which were this year and the other was 2011, I think we need to go ahead and pass this and cooperate because nobody can keep taking break-ins.

Chief Cosgriff – I would just like to make a comment on this. In the past, any other businesses that have installed the rolling shutters, the Fire Dept. has required them to install Knox Box, so that in the event there was a fire in the building, the Fire Dept. would have rapid access to the interior of the building without having to bring out major equipment in order to get inside. I would just like to caution the owner, that is what we would require prior to installation.

President Holzheimer Gail – From the outside, when the shutters are up, will they be visible from the exterior?

Commissioner Beno – The shutters would not be visible. If you really went up to the glass and locked inside, you could see the tracks on the inside of the glass but you would not be able to see the shutters.

President Holzheimer Gail – In your opinion, do you believe we would now have a lot of proposals for shutters or protective surfaces on our windows?

Commissioner Beno – I really don't foresee a significant preponderance of them. This is an expensive type of equipment and if businesses haven't experienced security problems in the past, they're probably not going to be inclined to want to undertake the investment.

Councilman Lynch – Is there any speculation as to why there were three break ins within the last year? Is this unique to this particular property? Does it stand out in anyway? Is there any speculation?

Chief Brickman – Typically what you'll see at nighttime in terms of criminal offense that takes place or what we would refer to as a smash and grab through a window or door is broken, quick access is made into a building. Easy grab items that might be available or cash register, something of that nature are grabbed out of the establishment. Why it has happened so frequently at this location, you could speculate that it is near a major interstate so there's a quick avenue of escape for a perpetrator. I understand the intent is to try to prevent that quick entry into the building from taking place. That's the only thing I can speak to is the fact this is not a unique location however the frequency of occurrences is something that's not ordinary.

Councilwoman Jones – Mr. Beno, I know you mentioned this will probably not promote other businesses from coming forward. I know there have been other businesses in the past that have had several break ins and it was maybe a couple of years ago some of them had come forward in wanting to either install some type of shutters on their doors. What I'm trying to get at is, if this is approved tonight and there are other businesses that come forward and want to put this type of shutter, I don't want us to get into the point where they're going to have, one business is going to have one kind, another one has another kind, and then we have this disarray of different types of shutters. Does the ordinance state as far as what type of shutters they have to be? I know it states it has to be inside the window and the mechanics part has to be in the wall, but I don't think it states what type of shutter it has to be.

Commissioner Beno – If this were a case of a shopping center where we had a uniform type of storefront, then it would be more important to look at the actual specifics of the fabric, the shutter itself. But in this case being as it is a free standing building and when it is down, it is a solid type of material, the applicant did bring in a sample of the material. I think we're fairly safe on the design criteria here in terms of it being on the inside installation. I do think if it were a shopping center building, we'd want to be a little bit more careful, but in this case we have a very appropriate design for the building.

President Holzheimer Gail – To follow up, is the question though, can we require certain types of materials? Is that within Planning & Zoning's authority in a shopping center where we wanted them to be consistent; is that part of the code that they have to get the specific shutter approved? This is hypothetical, but is that what you're asking, would that be part of the code? Do we have that authority to approve at that level?

Commissioner Beno – I think it is possible in that this is on a case by case basis to look at the specific architecture of the building. In this particular case it is a free standing building, so it seems a little less of a concern in this case, than the example of a shopping center.

Councilman McLaughlin – Perhaps someone knows this question. What are the hours of operation and days of operation of this facility?

Commissioner Beno – The applicant is here and I would have to defer that to the applicant.

Councilman McLaughlin – I'm curious as to whether it is closed all day Sunday, is it open until 11:00 at night?

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

Mr. Makhoul Julien – Our operation is from Monday thru Saturday, 5:30 to Midnight; Sunday from 6:00 till Midnight. The shutters would only be used from Midnight to 5:30 AM or 6:00 AM.

Councilman Langman – Law Director Frey we ran into something similar with the internet cafes. Our discussion tonight, if we were to approve or turn down, is that sufficient so that in future cases there would be enough to arrest a decision of denying somebody in the future based on what we're discussing tonight?

Director Frey – You have conditional use. The code is drafted so the rolling shutters or steel windows or door guards and so forth, are allowed. They are allowed with the approval of both the Planning Commission and confirmation by City Council. If either body, Planning & Zoning chooses not to approve them, not applicable in this case, or Council should choose not to confirm the decision if Planning & Zoning allows them; I would encourage council to be specific as to their reasons why to create the record as to why. Or for Planning & Zoning to create the record as to why they would not be allowed in this particular case. Then it becomes incumbent upon the applicant, as you're well aware, if they disagree with that determination they can take that issue to Common Pleas Court.

I would encourage, if there's an objection to this or a similar issue with this section of our code that either Council needs to consider amending the code, which would be the preferable approach and if on an individual basis there was something about that project or those kinds of security measures that were in council's opinion, inappropriate the reasons for that ought to be put on the record.

Councilman Langman – So if I understand you correctly, if we were to approve based on the number of break ins, then that really becomes the driving rational for other applicants. Since we do allow it, we couldn't necessarily turn it down because well, all right, you had one break in, that isn't sufficient. Am I understanding that correctly?

Director Frey – I think frequency of forced entry would be a factor that would be a valid consideration. Whether one is an adequate number, there's going to be discretion with the legislative body, but it is not absolute. If somebody haven't had any kind of forced entry and just wanted to put them up because they wanted to, and P&Z and/or Council chose not to approve that, I would certainly want that body to put on the record the fact that there had been no history and therefore no demonstrated need. If four entries as this business owner has experienced, is deemed adequate by city council, or more importantly, if it is deemed inadequate by city council, then I think Council needs to make that determination and make that record.

Councilman Langman – It sounds like from what the Law Director has described, if we approve or in any other circumstances our hand is weak in denying it if in fact there's some criminal activity that occurred to the business. I'm afraid that in a shopping center in our downtown or one of our other busy streets, a merchant will with justifiable cause come before Planning & Zoning and want these shutters and maybe a business 3-4 storefronts down didn't. They could come back and say to protect my business from potential future loss I want one of these too.

I think perhaps the Law Director is correct, we need to look at the code and how it is written. I don't see any way to turn this down since it is a use and not be on shaky ground going forward in the future. Thank you.

Councilman Lynch – I just wanted to comment on that similar point too perhaps with feedback from the Law Director. Theoretically I'm a strong proponent of legislative deference. To me that means as a legislative body we can do what we see fit, which on a local level is the purpose of a local government, as long as we're not making decisions on a completely arbitrary basis or on a basis that is discriminatory because of race or religion or gender or any of the protected classes. But that arbitrary threshold in my understanding is pretty low and it is one that if we because we're the eyes and ears of a local body, if we see any sort of difference, make any sort of differentiation, as long as we don't act arbitrarily or in a way that's discriminatory to protected class then we can enact as we see fit. Is that a fair assessment Law Director?

Director Frey – It is, arbitrary is the correct legal standard council member as you pointed out. Yes there is deference given to the legislative body. Legislation that this exception is being requested, doesn't give a whole lot of guidance. It is a very brief section, it doesn't give a tremendous amount of guidance. I would encourage this body or Planning & Zoning if they chose not to approve a request to be specific as to the reasons why. I will say, there can be very different factors. It can be a district that has high volume in off hours and therefore those kinds of security measures are unnecessary. That could be a legitimate distinction that could be made from a location that might be more isolated as far as vehicle traffic or pedestrian traffic in off hours.

Those are the kinds of issues that need to be looked at and the record made when making that kind of a determination.

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Councilman McLaughlin – I would like to say for this instance, because of the frequency of break ins, because of the conditions set forth by Planning & Zoning on the installation of these steel curtains and because of the time the curtains will be lowered, I will be supporting this.

Mayor Cervenik – Sir, did these break ins take place while you were open or when you were closed?

Mr. Julien – When we closed.

Mayor Cervenik – Do you have any security systems in place for employees when you're open?

Mr. Julien – We have alarm system and video cameras.

Mayor Cervenik – You don't feel the alarm system and the cameras are adequate when you are closed? Or is there something you can do with the alarm system and the cameras, adjust them, so that you have that security around you when you are closed rather than caging up your windows? I know it may cost a little bit more, but, just a thought.

Mr. Julien – We can see the guy who comes in and broke in and steal, but we can't catch him. That's the problem. We don't have time.

Mayor Cervenik – Do we have an alarm system or just a video?

Mr. Julien – Both, alarm system and video.

Mayor Cervenik – I'm not a, and I wasn't going to say anything but I am. I'm not a fan of these windows, these metal windows and chained up entrances and that. I think down the road we're going to be sorry as we see more and more of them. There's a lot of modern technology in alarm systems that I think can be much more responsive than what some people are using. I haven't seen his so I can't tell you that. There's more than one way to skin a cat and I don't think this way is always the best way to do so. Sorry, I wasn't going to say anything but I couldn't help it.

Councilman Langman – But you do like cats Mayor, right?

Mayor Cervenik- Yes Daryl, I'm a big supporter of PetPals, Councilman I'm sorry.

Councilman Langman – The point is well taken that if we say this shutter set up is good because of these circumstances, I don't think you can come back and say on the Avenue we don't like it because of the look, it doesn't look good on Euclid Avenue or Lake Shore Blvd. I just think once you approve these you open everything up where you're going to have to, you're going to be compelled to approve these in other locations. I don't particularly support this, but if it is approved tonight, I think you're going to have a lot of applications and I don't think you're going to be able to turn them down.

Councilman Van Ho – I believe if I understood the Law Director what he said is we can turn them down as long as we have a justifiable reason and we document that. Just as Councilman McLaughlin already did in this instance. We're sitting around here talking about this, but if it were any one of our houses that had been broken in four times in a year and a half, we'd want those steel shutters or whatever you want to call them. I really think we need to grant this.

Councilman Langman – My point is, I sympathize with the business owner, I understand what he wants to do. I just want the council people to be prepared to grant these wherever they come up in the future. If you're saying four break ins is the threshold, I don't think anybody is saying that. If you have a business on 200 or 222 or wherever that they've been broken into, you can't turn it down because we say it doesn't fit in with our design standards for the boulevard or on Euclid Ave. I think that's very arbitrary, won't hold up. I'm not speaking as an attorney, but we've been through this with the internet cafes where we didn't have everything locked down and our arguments were turned against us so we had nothing to stand on. Unless there are specific criteria that we're going to use and I haven't heard anything, just that the gentleman's business has been broken into four times, then we're going to be compelled to approve a lot of these. That's my only point. I'm not saying the business owner is wrong to come before us or it is not a problem, but I agree with the Mayor, I'm not a fan and I think there's other ways to do it. Thank you.

Councilman Van Ho – I am not a fan of them either but I'm also not a fan of somebody losing money because they keep consistently getting broken into and if you want to go back to the internet cafes, Mr. Law Director, is it not true that the reason we were going to lose that is we didn't document the reason we were turning down the second internet café?

Director Frey – My point was and why I'm advocating to Council and any other body that has to make those discretionary determinations that they make an appropriate record. There has to be a legitimate basis for the council's decision.

Councilman Van Ho – My only comment to that would be, that both us and P&Z has legal representation at our meetings. If we are not doing it the correct way, our legal representation should come out and say no guys, you haven't documented this well enough.

President Holzheimer Gail – I'm going to, we're turning this, and I see everybody's going up. I'm wondering whether, this is certainly worthy, we understand there's an immediate need on your part. We're looking at it, the long term interest and what it is going to do to our community to have a committee meeting to discuss and perhaps come up with some rationale that council is comfortable with in these circumstances. Would that fit with the Code? I know we have to amend potentially the code, but would that be an appropriate process rather than continuing this discussion for a half hour?

Director Frey – You have this application that the council needs to act, they don't have to act obviously tonight, but have to act on and any change to the codified ordinances is not going to affect this application.

President Holzheimer Gail – If we had something and put that into our record when we address this one, would that count?

Director Frey – It certainly would help, yes.

Mayor Cervenik – I would strongly recommend you take that course of action. There's nothing in our codified ordinances that I know of right now that take into fact and investigate what type of lighting is there when the place is closed, what type of security cameras, what type of signage is there. There are many, many businesses that are located on the corner of Lakeland and freeway that with lighting and proper security have no problems at all. All I ask if that we do that. I think that's a very appropriate response.

Councilwoman Scarniench – I agree with that, but I do have a question for Mr. Julien. Since you put those concrete pylons in front, have you had any break ins since you put those in?

Mr. Julien – No, because I have somebody at night from midnight until opening. He stays there with his car so nobody tries to get in.

Councilwoman Scarniench – Have you thought about a dog?

Mr. Julien – Can I ask you a question?

President Holzheimer Gail – Sure.

Mr. Julien – Which one is better, shutters or broken glass? How does a citizen of Euclid feel like about broken glass or shutters? Do they feel safe? People once they see a broken window, they don't feel safe living in the city.

President Holzheimer Gail – We understand your concern. The other concern that we have is we want a business there that's viable and successful. We don't want you to go out of business either. We want to make sure that we're protecting both your interest, but we also are responsible to the community at large. We want to make sure, this is the first one of these and we as a council, as a city, have typically been reluctant to allow this. The fear that I'm hearing from Council is we want to make sure, if we allow it, we have a reason make sure they're not going to show up everywhere. We do appreciate your concern, but we're not quite ready to jump at that right now. It sounds like we would like to have a committee meeting. We'll do it quickly so we can get an answer to this.

Councilwoman Jones moved Res. (185-12) to Safety Committee. Councilwoman Scarniench seconded.

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

President Holzheimer Gail – We will make sure you know when the meeting is. Councilwoman Jones can do it in a couple of weeks time, we'll try to do it as soon as we can and be in touch with you.

Ord. (186-12) Amend Code Urban Farms

An ordinance enacting Section 1351.04 “Agricultural Uses in Residential Districts” and Section 1351.05 “Restrictions on the Keeping of Farm Animals” of Chapter 1351 “U1 Single-Family House Districts” of the Planning and Zoning Code of the Codified Ordinances of the City of Euclid to permit and establish regulations of agricultural uses and the keeping of farm animals in U-1 residential districts. (Sponsored by Councilpersons Langman, McLaughlin, O’Hare) TO BE REFERRED TO HOUSING & BUILDING COMMITTEE

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

Councilman Langman – I won’t speak for my co-sponsors since they are eloquent and can express their own views but this matter has been discussed in the back channels for a few years now because other surrounding communities have passed ordinances to allow this type of activity. Cleveland being especially prominent and Cleveland Heights recently passed legislation to allow this type of activity. I know that there’s a psychological barrier to allowing things like chickens and rabbits and so forth. The fact is that some folks are already keeping these types of animals and considering there’s a whole type of cultural urban agricultural movement, getting back to nature, I and my colleagues, as I explained in my email thought it would be a good opportunity to move this forward and move it into Committee where it can be thoroughly discussed and also to allow the residents to comment on it. It is something new for a suburb. Most suburban folks are far removed from typical farms.

In considering this we’d be keeping up with the times and with the movement that has spread throughout the country. Almost every big city allows some type of urban agriculture. It depends on the degree. Do we allow just chickens. Some communities allow various other types of farm animals. I think we took a very conservative approach with the input of Mr. Beno and Asst. Law Director Sweeney.

I’m going to make a motion to send (186-12) to the Housing Committee, Councilman O’Hare’s Committee; and I’ll also be making a motion for the next one when that comes up, so it can be discussed. There’s no huge rush to get this considered and passed, but we do want to do it so that when the season comes and people are interested, they can purchase the appropriate chicks so they can raise them and they can be on the way to do that business.

Councilman Van Ho – I guess I’m a little confused here because we just tabled those shutters because they might have a bad look, or it might look bad as people drove by. Yet, if they aren’t looking and they hit the chicken, I would say that’s going to look just as bad. If I were going to buy a house in this city and my next door neighbor was raising chickens or who knows little piglets, whatever. In the central city and most of them that I’ve heard of are in central cities, that’s one thing. But if you put this through we’re going to be probably the laughing stock of the east side because Cleveland Heights seems to be able to get away with stuff like that, but if we do it. We’ll take it to committee but I’m confused, it seems like we’re having a real double standard here about appearances.

President Holzheimer Gail – I don’t see the connection between the two. There’s been a motion made to send it to Housing Committee. Councilman McLaughlin seconded.

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

Ord. (187-12) Amend Code Sheds/Coops

An ordinance amending Section 1377.05 “Structure for Animals” of Chapter 1377 “Accessory Uses in Residential Districts” of the Planning and Zoning Code of the Codified Ordinances of the City of Euclid to allow sheds, coops and similar structures as accessory structures in a U1, U2 or U3 Use District. (Sponsored by Councilpersons Langman McLaughlin, O’Hare) TO BE REFERRED TO HOUSING & BUILDING COMMITTEE

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

Councilman Langman – This particular piece is more of a housekeeping matter since part of our code did not allow such structures as chicken coops, etc. Since it is a companion with the other piece, I will make a motion to sent to Housing Committee to discuss along with the former piece.

Councilman Langman moved Ord. (187-12) to Housing Committee, Councilman McLaughlin seconded.

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

Res. (181a-12) World Café PULLED

A resolution of support for the "World Café" neighborhood meeting in Ward 4, on Nov. 29, 2012, to discuss "What does it mean to be a good neighbor?" and to foster positivity and engagement for residents and neighborhood associations within the Ward. (Sponsored by Councilperson Lynch) (Moved to Council with recommendation for passage as amended by Community Programs Committee)

Councilman Lynch – Because of the novelty of this approach of the World Café model that we discussed briefly at council and in committee, I wanted to include council into the process and discussion. But the consensus after talking further, this really is the type of program that can be done as a matter of course for ward meetings that are already happening, so we decided to pull it. I look forward to still hosting the program on November 29th and reporting to Council about how it went. Thanks.

Res. 168-2012 (193-12) Bargaining Agreement Motor Maintenance

A resolution authorizing the Mayor of the City of Euclid to execute an Agreement by and between the City of Euclid and the International Association of Machinists and Aerospace Workers, Local 1363, as exclusive bargaining agent for Mechanic and Mechanic Helpers in the Department of Motor Maintenance, to be effective January 1, 2012 through December 31, 2014. (Sponsored by Mayor Cervenik)

Councilwoman Caviness moved for passage, Councilwoman Scarniench seconded.

Director Frey – After several rounds of discussions with the bargaining unit that represents our Motor Maintenance employees, we reached an agreement that I've outlined in both the legislation and in the email that I sent on November 1st. It represents a pattern that I hope we are successful in getting through with the other non-safety force units, whereby we would have a 2% increase for one-half of the year of 2012; 2% increase for 2013 and 1% increase for 2014; with increases in the employee contribution for healthcare starting January 2013. More significant than following that pattern, or as significant in my opinion is that we also have achieved in this bargaining negotiation a reduction in paid time off for future employees in that unit. There would be a reduction or a cap on vacation time for future hires at four weeks and a reduction for those same future hires of 2 of the 5 personal days allowed currently under their bargaining agreement. That will match that group up with the non-union employees, although we started those changes for the non-union employees a couple of years ago. It is a good pattern that will give the city a little more room in its negotiation with the remaining units. I hope to have all of those under contract and to City Council in the next three meetings.

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

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

COMMITTEE OF THE WHOLE PUBLIC PORTION

President Holzheimer Gail – As it is the night before election, I will remind both the residents in the public portion and council members, that we did change our rules for Committee of the Whole and Council members, not changed them but clarified them to read, advocacy by members of the public for a political candidate is prohibited. Advocacy by members of the public or council about a political issue, meaning a levy issue, is acceptable. We are here for city business, not political business. I would appreciate if folks would refrain from comments that are political.

Mr. Christopher Michael Litwinowicz – 21970 Morris Ave. I need to ask the Council if it is an opportunity for one person to sponsor, it's call a payroll tax in the City of Euclid. The ordinance number would be 791, then we would make our own dot, maybe 20.

At the same time, within the next month, probably closer to two weeks, the initiative petition will be presented. A ten day public viewing and then brought down to the Board of Elections to check the authenticity of the signatures. At that time if there's 1512 registered voters, then it would be an issue on the ballot next year. Just to let the public who is watching, that might have signed the petition that it is not on the ballot but it will soon be on the ballot.

Doing the math on lowering the income tax in the city, and taking the burden off a resident who is an employee, putting it back on corporation. I suggest that we send it to committee, the public and we'll discuss it in committee some how, that we offer a 2% corporation payroll tax at the 1.85% income tax; which adding up is 3.85% So we just gained a whole percent.

I urge this Council to send a resolution to change the Ohio Revised Code of employment asking for 12.50. With the current statistics of \$7.70 per hour times 40 hours, times 52 weeks comes out to \$16,000. Times that by an average of 50,000, but the number is going to change, it comes out to \$23 million, \$22.8 million. Raise the minimum wage up to \$12.50, now you're helping out your State, your helping out the federal government. At \$12.50 times 40 hours, times 52, times 50,000 comes out to \$24 million. That's a lot of money.

On top of it, I urge the City Council to do this so then eventually the trash, the lighting fees can go back on a budget. I'm willing to sit down and show these same statistics. There is no actual statistics on rate of revenue and the rate of minimum wage. All we're trying to do is when you work out here and you pay bills, what do we have to do? At the tax rate we deduct our property tax. As we pay more in property, that's less taxable revenue for the city. We can discuss it more in the future, but I just look forward to moving this city forward in the next three years and the next four years after that. Thank you.

President Holzheimer Gail – Seeing no other comments, we'll move forward with Council Members' Comments.

COUNCIL MEMBERS' COMMENTS

Councilman McLaughlin – I only have a few things to discuss tonight and they were brought up basically in the meeting today. Director Bock it is about Shred Day. I know there were quite a few people that were left out last time because it did fill up and you talked about putting limits or an extra truck. Perhaps you could comment on that?

The lights are still up for the school at St. Robert's. I was wondering if there was any plans on moving those lights or perhaps using them for a crosswalk?

Councilwoman Scarniench, here here to let the people vote on perhaps a levy in the future for parks and rec. With that, I'll be voting tomorrow. I'll yield the floor to Mr. O'Hare.

President Holzheimer Gail – Director Bock, Shred Day, has there been plans for the need that we have shown?

Director Bock – I hope we still have plans for more need. I hope we get that many more people. We did get a larger sized truck. The last shred day was a little bit better than the one before that. This time I think some of the space of the truck was taken a little bit with some of our own material here at city hall that had to be shredded. That won't happen this time. Between a larger truck, I'll have my employees out there again as I did last time to assist the residents. With our own material not being shredded I think we'll be alright. To be honest, I hope they put us to the limit again. It has been very popular, people enjoy bringing their stuff up there. It is a good service we're providing and it seems to be growing all the time.

President Holzheimer Gail – The light at St. Robert's, you're talking about the school flashing lights?

Director Bock – I did get prices for the removal. I have those there and I'm looking at the funding to see if we can up with it to remove them.

Councilman McLaughlin – Were we going to put them up at any school like Memorial on Fox Ave.?

Director Bock – There's no plans to re-install at this time. We'll take the poles down, mast arms, the signage lights. We'll put them in with our inventory until there's money to reinstall. The take down, I'll give you a price in the morning. I have those prices sitting on my desk, I don't remember off the top of my head. Even to reinstall our existing stuff and the most expensive part is the boring and the drilling of the ground and concrete that goes underground, not so much the installation or the sign itself, now that we have the mast arms. Just that alone, we're probably still talking somewhere in the neighborhood of \$15,000-\$16,000 per sign. You have to put up two, so we have to find money if we're going to do those things. Actually taking them out and removing the base to ground level, in a safe condition so people aren't tripping on bolts or stubs of concrete and so forth, is not quite as bad, but it is still a cost.

Councilman O'Hare – We talked briefly about chickens and agriculture use before sending it there and ready to go there and we'll talk about it and it will be very interesting. Very good ideas, much good input and a couple of experts to come in and speak about it. As long as we're talking about two-legged and two-winged animals, we'll also talk about some dogs and some issues related to that. Some conversations I had with Councilwoman Jones, we're talking a look at our existing ordinance and our existing way of dealing with what we classify as dangerous dogs and seeing what we need to do, if anything in order to re-examine that. I'm thankful to Councilwoman Jones for agreeing to take a preliminary look at it, whether it goes to committee or what we do so we can take a look at that.

Last week right before the Super storm Sandy hit right at the beginning, there was a conference at Cleveland Clinic, about 1100 bio-science, bio-health executives literally from around the world that were there and it was about orthopedics. It was interesting that the Executive Director of Cleveland Clinic Innovations, Chris Coburn had about three weeks before the event, had some orthopedic surgery done and he bragged about having it done at Euclid Hospital. In addition to that with the upcoming Open House, I really look forward to seeing what they're offering and seeing some of the new opportunities, not just for therapeutic and clinic care and that sort of thing, but some of the other economic development opportunities that might be available.

I commend the development with the Blackboard system and I think you're right Mayor, this is the kind of event that really made all of us see the value of it. If we throw in there some other IT Technology that we can leverage, hopefully it doesn't take a disaster for us to see that there's a lot of other opportunities for us to do that as well.

Finally in the July bar exams in the State of Ohio, there were a total of 1200 people who took it, 1,000 people past it. Among those are three Euclid residents this time around, Kimberly Baioni from Cleveland State University Law School; Tom Creegan from Ohio State University; Philomena O'Hare from University of Notre Dame. Congratulations to those three and all of the 1,000. We can all sort of think, does Ohio really need another 1,000 attorneys added? But I'll tell you after viewing the Swearing In Ceremony today, and hearing what was said, there are some very compelling reasons and really a great presentation and congratulations to all of those. Thank you and goodnight.

Councilman Langman – First off, I would like to thank the administration, the entire administration and the employees of the city of doing a tremendous job during the storm. Although most of the power stayed on in the 7th Ward, I know there were outages throughout the city. Lots of branches down and the next day I saw our guys cutting up trees and cleaning the roadways. Job well done, Blackboard Connect System is excellent. I agree with the Mayor again, we need to get more people signed up for it so they can be better informed of what is going on in emergencies like that.

Also had the opportunity for a little area of Ward 7 that had to wait until Saturday to get their power. I talked to one of the crews that came out. They were from Wichita, Kansas from Power Electric. Really nice guys, I know they were working very hard and very long hours to get the power back on. I think we all appreciate that very much.

Director Bock, when I was coming to the meeting tonight, I noticed on Gilmore we have another waterline break. I know Cleveland Water will come out and patch it again for the sixth or seventh time. Is there any way we can move that street up even though it is only a couple of hundred yards long on the waterline replacement list? It keeps happening all the time.

Director Bock – I have spoken to Cleveland Water to try to get that placed on with the Mallard, Shoreview, Oriole Avenue projects, that little stretch, get it added and get it replaced. I'm hoping they'll agree to that but I haven't gotten an answer back from them yet. It is not another water leak, it is the same water leak. It has been the same water leak all seven times, they just can't seem to find it. We've got a couple of these in the city, up off of 260th we've had one there for five years that I know of. We've got one at 222 and Euclid that no one can seem to find for the last three years. We are putting the pressure on Cleveland Water to try to get out there and trace these things down and get them fixed.

Councilman Langman – Very good, I do appreciate that as does the resident on that corner. Finally, obviously tomorrow is voting day so I encourage everyone to go out and vote. Euclid has a school levy on the ballot. I urge folks to vote for that. I read an interesting article in the Economist Magazine that laid out, it is a whole macro look at how countries invest their public dollars. Their comments about the US is we do make a tremendous public investment in elderly concerns, elderly care, elderly income support and that's the right thing to do obviously. But they indicated that we under-invest in our children. We under-invest in their education. Until the federal government changes some of their priorities, it is up to the local communities and our children are worth the investment. I'm urging everyone to vote for the school levy. Thank you.

Councilman Van Ho – First of all I would like to agree with Councilman Langman on funding of schools. Someone put it one time that I hope I live to see the day when the schools are funded adequately and the Pentagon has to hold a bake sale to hold another bomber.

I'd like to compliment Mac Stephens for his working with the schools. It hasn't always been that way and we've got a lot of various facilities that can be used back and forth and it saves both organizations money.

I'd like to also thank the residents of Ward 8 because during the Super storm/Hurricane, some of the people were out of electricity until Friday night or Saturday morning. I got a few calls and they were all very congenial calls. They just wanted to know what was happening and is there anything you can do to get my lights back on. I didn't get called some of those unmentionable names or have people screaming at me. I thank you.

I would like to thank our safety forces and our city employees for the work they did to get the mess cleaned up and to keep people safe. I would just encourage everybody to vote tomorrow, regardless of who they are voting for, go out and vote. That's the thing that keeps this country unique in the world. Thank you.

President Holzheimer Gail – Congratulations to the members of the Fire Dept. who were promoted tonight, we wish them all well. I know they will continue to serve the city well.

I will remind folks who didn't hear at the beginning of the meeting that Veterans Day is November 11th, this coming Sunday here at City Hall at 11 AM. It is wonderful ceremony and a great way to honor and pay tribute to those who have fought for us, those who are continuing to fight for us.

Director Bock, leaf collection, I just want to make sure people are aware when their leaves are going to get picked up. We do have an icon on the city website, cityofeuclid.com that updates daily on where the leaf collection trucks are. Today I believe they were in Monday's route?

Director Bock – The leaf crews are out there. We did start up in the southwest corner of the city. We'll be working our way, trying to follow the garbage trucks around, but we're way behind that already. Mother nature brought down a lot of leaves in the storm and it is going to take us awhile. Please be patient and put the leaves on the tree lawn, not in the street. You can see some of the problems we had during the storm with the rain. People who raked their leaves into the street, catch basins became blocked, streets get flooded. I had to take people and open up streets and catch basins and that delayed us from getting some of the storm damage taken care of. Along that line, I ask people to be patient on the storm damage. I know the storm is over and people will get a little impatient on us getting this picked up, but we are out there. We do have crews out there. It is not as many as I'd like because we still have to pick leaves and do all the other things that we do but we will be out there to get this storm damage as quickly as we can.

President Holzheimer Gail – My other reminder is we are scheduled for Monday, November 26th and Wednesday November 28th for Executive Finance.

Councilwoman Caviness – I'd like to first begin by thanking the Mayor for his preparedness and for contacting each council member to allow us the privilege of knowing exactly what the steps were and the plans were with the city. I'd like to thank the city employees for their assistance and our hurricane experience, along with the police dept. and the fire dept. I know that only a portion of Ward 1 was out of power, but when I called the Police Dept. in regards to the fact that we were out of power and we wanted a little bit of extra protection during the night, they were very willing to be amenable to that request and we felt very comfortable with that even though some of the people were out up until Thursday. I did walk around the neighborhood the next morning and I did experience some of the things that some of the residents experienced and a few were downed trees. One of my questions is to Director Frey, I would assume, and that is in regards to our tree law. When a tree is on someone's property and it is uprooted and it falls onto someone else's property, whose responsibility is that? I have just a couple of more things also Director Frey.

The other thing I would like to say in regards to voting, it is an obligation, it is a person's right to exercise their right to vote and I do encourage everyone to go out and vote tomorrow if you have not already early voted. As well as, to reinforce the fact that persons with felonies still do have the right to vote as well. I leave you with that and have a good evening. Director Frey, I will wait for your response.

Director Frey – If the tree is on my yard and it topples over and falls into your yard, I'm responsible to get that tree cleared. If it causes damage to your home or property or your vehicle, then you would make a claim with your insurance company and they're going to seek my insurance to make good on those damages. It would be my tree on my property and if it falls, it is my responsibility to get that cleared. It is not the city's responsibility. Too many homeowners think it is the city's responsibility and it is not.

If the tree and many trees sit on property lines, then those become jointly the responsibility of the owners and those are where we get into thorny issues when the owners, one wants it down and the other doesn't; or one wants to cover it and the other doesn't but they have civil remedies if they can't work it out. I would certainly hope those property owners would cooperate with each other to get the damaged tree removed. That's probably the remarkable thing that we see over and over in these kind of events where people will actually put their differences aside if they have them and actually work cooperatively on important projects like that.

Councilwoman Scarniench – Now I'm totally confused because the Housing Dept. told me if it falls on your yard, whatever is in your yard is your responsibility to clean up. Now you're telling me, whoever the tree, if it is in my yard and it falls, it is my responsibility, totally?

Director Frey – That’s correct.

Councilwoman Scarniench – Anybody I’ve told the opposite to, excuse me, I was given the wrong information.

Director Frey – If the tree is growing in my yard and it falls from my yard, it is going to be my responsibility to clean that up. If it caused damage to your property, your insurance company is going to seek reimbursement from my insurance company for those damages.

Councilwoman Scarniench – I have told that to a couple of people because that’s what I was told last week. But anyway that’s over with. You can’t thank everybody enough for all the work that they did. Our crews were out, Sherwood Hill, they had things done immediately so people could get through on the streets, it was wonderful.

Halloween, seeing the Fire Dept. out, just waving as they went by. I know there wasn’t a lot of kids, but we knew the kids were safe.

One person and Councilwoman Caviness eluded to is the Mayor, people do not understand what the Mayor was doing all the time. He was out wandering the streets in the middle of night to see where the outages were. He was on the phone constantly, he probably got no sleep and he was really hoarse most of the time because he was answering his telephone and doing what he had to. When there were particular issues, he stepped up and able to handle them. Kudos to you along with everybody else because everybody did a great job. We aren’t as in bad shape as in other places, but for some people this was terrible and tragic. For those few people who are still without power, hopefully within the next day or so they’ll be back together and they need to understand to call your insurance company because you should have it in your insurance that they will pay for food that you lost. That’s a big thing.

Again congratulations to all of our promotions. Those guys deserve it. Will and Chris I’ve talked to many times over the years. They’re really great guys and I look forward to working with them. With that, goodnight and go vote.

Councilwoman Jones – I, too, would like to say thank you to the Mayor and the administration and all the worker bees that were out during the storm and during the clean up process. Director Bock you had mentioned about the water leaks and I just wanted to make sure the one on Tungsten, 26640 is still leaking. I know we’re getting into that cold weather soon, so it leaves that puddle of water right in the street. If that could be addressed so we don’t have those icy spots, that would be appreciated.

I would encourage those who are not on Blackboard Connect to get connected. The information that was communicated through Blackboard Connect, Mayor the emails sent out were great information to be able to communicate to residents as well. Of course if you didn’t have power, you wouldn’t be able to get the messages. But there is an option where you can put an alternate phone number. You may have family members that want to hear about what is going on as well, so you can put an alternate number is there as well.

I want to say, it was mentioned already to get out and vote. There’s a lot of qualified candidates on the ballot and issues that need to be voted upon. Please do your part on getting out to vote if you haven’t done that already.

I want to thank Petpals for the Clambake they put on October 26th at the Manor. It was a great event and a lot of people were there, it was a great turnout. Even for the number of participants in costumes, it was very nice. There must have been at least maybe 15 participants that were in costume which was a large number from in the past events. It was a really nice event. Thank you for all of their hard work.

I also wanted to make residents aware that Mr. Bell who is now the new Superintendent for the Euclid Schools and he had mentioned when he started that he was going to have a 90 day report. I was at a meeting at Bluestone Elementary School last week and he did give an update on his 90 days. That’s on the Euclid Board of Education website if you want to see that.

I do want to say thank you to the police department on their patrols during the storm and on Halloween, I saw a lot of patrol cars going around. That was very appreciated, thank you for that.

Director Frey, you mentioned about trees and I do have a question. You mentioned if a tree falls from my property and someone else’s property, does that include trees in the tree lawn as well? Don’t answer yet because I do have another comment I want to make.

I want to announce that there’s an event in February but don’t think February is a long time off we’re in November now, February will be here before you know it. Kiwanis has a fundraiser that will take place Saturday February 9th 2013 and it is a bowling event. At 2:30 PM to 5:30 PM it is a Sweetheart Bowl a Thon. You can bowl your heart out and help with the Euclid Kiwanis as well. They’re looking for participants who want to be able to sponsor the event. You can be a sponsor, you can donate raffle prizes or you can just join in the fun. If you want more information on ticket prices, you can contact one of the Kiwanis members and they’re looking for registration and sign up. Bowling starts at 2:30 on February 9th.

Those are all the comments I had. Director Frey if you could mention about the tree lawn trees.

Director Frey – Thank you. The trees on the tree lawn, the City of Euclid takes care of. If there's a tree on the tree lawn that has been damaged from the storm and has limbs that need to be trimmed up or if the tree itself came down, the City of Euclid will remove that tree. Those are the only trees, in addition to trees on city owned property, that we take care of are the tree lawn trees.

Councilman Lynch – I think Councilwoman Scarniench couldn't have said it better, expressing the thanks to the Mayor and Administration, employees and everyone for how the storm and aftermath was handled. We all got to feeling so good about each other, if we can figure out how to have a crisis maybe once a month, things would run even more smoothly.

In regards to one of the decisions that was made in regards to the storm, shifting Halloween to Sunday, I got a call from Mr. & Mrs. Duxbury on and they always decorate their house, really, really nicely and they re-inflated the things they had on Sunday and invited me over to take a quick look. She called me today and they had over 500 trick or treaters Sunday evening. Pretty cool. I wanted to share that at least over on Morris Halloween went really well. I was glad we made that decision.

I also wanted to add a here, here to the discussion about a recreation levy. I've floated it a couple of times in conversations and the last rec levy that was passed was in 1984 which is older than I am. That tells you the kind of updates that it maybe timely if as Councilwoman Scarniench said, we can really paint to the voters what it might mean and what they would be buying into. I look forward to those conversations.

The school levy, I didn't want to speak in support of, I was able to attend the meeting at Bluestone this past week along with some of other council persons and the community. Mr. Bell has really created an atmosphere of the highest kind of expectations. It was a good experience. I would encourage everyone to mark down February 7th will be the next 90 day cycle when Mr. Bell will be presenting again. I would encourage everybody to attend.

We had a late meeting tonight. My election day activities start at 4:15 in the morning tomorrow. So voting is really essential. What is so important about everybody voting is that the more we all vote, the closer that fit is where we translate what everybody's day to day experience is to what we really want to see happen. It is really an awe inspiring process and I'd encourage everyone to please do their part. With that I'll say goodnight and thank you.

ADJOURNMENT

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

Attest:

Clerk of Council

President of Council