

COUNCIL MINUTES

November 21, 2016

The regular Council Meeting was held on Monday, November 21, 2016 at 7:00 PM in the Euclid Municipal Center Council Chamber. Council President John Monroe presided.

Members Present: Stephana Caviness, Madeline Scarniench, Taneika Hill, Kristian Jarosz, Charlene Mancuso, Patrick Delaney, Daryl Langman, Laura Gorshe, John Monroe.

Others Present: Mayor Kristen Holzheimer Gail, Fire Chief Haddock, Police Chief Scott Meyer, Planning and Development Director Jonathan Holody, Law Director Kelley Sweeney, Administrative Director Letitia Linker, Finance Director James Smith, Planning and Zoning Commissioner Paul Beno, Assistant to the Mayor Kristal Grida, Clerk of Council Catherine Petersen.

COMMUNICATIONS

Liquor Permit Request: Youannas Inc
DBA Euclid C Store
25451 Euclid Ave

Letter from Law Director Sweeney to Mr. Potroos regarding this permit request.

Director Sweeney: I did send correspondence to the new applicant. I don't know if they're here. I guess not. Sgt. Arriza also ran for criminal background on the applicants and he came back clear. There were no concerns from the Law Department or from the Police Department on this applicant. It is also important to know that the property owners have been cited by the Zoning Department and they do have a criminal case going in the court right now. But that's on the property owner not the new liquor applicants. The attorney for the new applicant did contact my office this afternoon and asked for information on the violation basically it's too many window coverings in the front window. The window coverings can cover more than 50% with signage and it is covered more than 50%. But that to me would not be enough to oppose a liquor permit.

Councilwoman Gorshe: I did speak with the new owner's attorney over the weekend we had a wonderful conversation. Mr. and Mrs. Penniman have good intent in this business transferring the liquor license. I have no concerns at this time as they are new applicant. Again Director Sweeney did advise me that there is some sign issues in the Prosecutor's office again the new owner and the attorney was aware because it has to do with signage in the windows I'm sure it will be taken care of sooner than later. So at this time I have no reservations about this going through.

President Monroe: Any further discussion? Seeing none, I'd entertain a motion to request a hearing on the advisability of issuing the new permit. So moved by Councilwoman Gorshe Councilman Langman seconded.

Roll call: Nays: Caviness, Scarniench, Hill, Jarosz, Mancuso, Delaney, Langman, Gorshe, Monroe

Motion fails.

COUNCIL MINUTES

Councilwoman Scarniench: Move to accept the Council minutes from November 7, 2016.
Seconded by Councilwoman Caviness. All in favor? Yeas. Unanimous.

ADMINISTRATION REPORTS & COMMUNICATIONS

Matthew Sullivan was sworn in as a new Euclid Fireman by Mayor Gail and Chief Haddock.

Chief Haddock: I'm very proud to announce the Euclid Fire Department was recognized as the employer of the year for 2016 by Cuyahoga County Community College, their division of Workforce Community and Economic Development. This was for the work that was done with the Euclid Fire Academy. Cuyahoga County Community College is the fifth largest in the United States, it's the largest community college in Ohio and this award comes from the creation and the expansion of the Euclid Fire Academy. Chief Anderson was the driving force behind this, and we've had to Euclid High School graduates and we currently have eight Euclid High School seniors that are enrolled. The

program liaison been shifted over to firefighter Marshaun Khan-Assian. He is also the Euclid High School graduate, but the liaison between the Euclid Fire Department, Tri-C and Euclid High School. So were very grateful for that. It's that time a year, we had a real mild fall and we finally kicked into some cool weather so people start fire up the fireplaces. A couple tips, I just wanted to share, please have your chimney and woodstove inspected and cleaned by a competent and qualified chimney specialists. Keep the area around the hearth free of debris and decorations and flammable materials. If you have glass doors, please leave the glass doors open while burning a fire. Leaving the doors open ensures that the fire receives enough air to complete the combustion and keeps creosote from building up. Close the glass doors when the fires out to keep the air from going up the chimney. Keep air inlets on woodstoves open and never restrict the air supply to fireplaces otherwise, you're going to get a buildup of creosote. Use fire resistant materials around woodstoves. Thank you.

Mayor Gail: I've a couple of thank yous. I want to make sure to thank the Euclid Joint Veterans Council. They put on an excellent Veterans Day Program last week I think it was probably one of the best attended here at City Hall and one of the things that was particularly moving was that there were five or six gentlemen who were World War II survivors. So was wonderful to have them here and be able to acknowledge and pay tribute to our local veterans. I also want to thank the law firm of Nager, Romaine and Schneiberg. Councilwoman Hill and I were able to join them this Sunday they have had a community giveaway. They give 100 families turkeys and some other items. To help celebrate the holiday so we are very grateful of their community service and their involvement in Euclid. There up on Euclid Avenue and I appreciate the opportunity to join them for that. I know Councilwoman Hill was busy helping to identify families in need and delivering a few as well so thank you Councilwoman Hill and our NRS attorneys. A couple of events coming up tomorrow evening at St. Robert and William it will be the second event hosted by Faith in the City group. It is an Ecumenical Service, the theme is Unity and Thanksgiving. There will be free will offering for the Euclid Hunger Center that takes place at St. Robert and Williams Parish at 367 E. 260th St. tomorrow evening at 6:30. I hope you'll join us Friday, December 2nd, at Shore Cultural Centre. We will have our annual lighting festival and celebration, I want to thank many of our sponsors including Euclid Hospital, K and D, Rick Case and a number of other sponsors who we will make sure we list and pay tribute too. We could not do this event without their support and sponsorship. It will include the tree lighting a visit from Santa and Mrs. Claus in a horse-drawn wagon, ice sculpting, the Bistro will be open, puppet show, children's activities and holiday concert by the church choir and other musical performances, so it's always great event. A great opportunity to get together with members of our community from all over. Again Friday, December 2nd from 5 to 9 at Shore Cultural Centre and to follow up on the holiday that Sunday September 4th that will be the Euclid Orchestra's Christmas Concert. That's always a wonderful event Sunday, September 4th at 3 o'clock. I would also like to invite the community to join us for the official public swearing in of our new Police Chief Scott Meyer which will take place on Wednesday December 7th at 6:30 here in Council Chambers. We encourage and invite anyone who would like to join us for that event. Director Stephens was not feeling well today so I have just a couple of announcements for recreation. They are finishing sign-ups for panther hoops for their winter sessions, sign-ups end November 30th so if you would like to participate in the panther hoops basketball winter session please call or stop in the rec department. You can call for information it 289-2114 and they also will beginning session 2 of the learn to skate program at the C.E Orr Ice Arena. There will be a free session on Tuesday, November 29th from 6 to 7:30 if you'd like to try to skate first. But anyone interested in registering for session 2 that will begin December 6th as well. You can register here at City Hall or at the ice rink Monday and Tuesday from 3:30. Actually there several times you can visit our website or call out rec department for more information.

Chief Meyer: Not to be outdone by the Fire Department, on Monday, November 14th the Euclid Police Department received the American Automobile Association's highest award, the 2016th Platinum Award for Community Traffic Safety. Euclid Police obtained the platinum status for education, enforcement and engineering to improve traffic safety. Special thanks all members of the Police Department who made this work possible. Additionally, that was a good week for us, on Thursday, November 17th the Euclid Police Department Community Policing unit in concert with University Hospitals and Safe Kids/Safe Communities help raise money at the Mocktail Fundraiser. The money raised at this fun event goes to public education programs aimed at child safety. The Euclid team won the best drink name for nonalcoholic drink with the name of "The Final Shot" in honor of the Cleveland Cavaliers. A special thanks to Chef Dan and the Euclid Culinary School and the special company for their assistance. Just another quick reminder please help us cut down on thefts from vehicles and vehicle thefts by always locking your car doors and never leaving your cars unattended, unlocked and running. There is Coffee with a Cop tomorrow morning at Maria's at 9:30 on Lakeshore Boulevard.

Director Holody: I'm happy to report that last week we received word from the Ohio Department of Transportation that our funding application for funding to improve the Richmond Avenue and Euclid Avenue intersection was approved. We have been awarded \$1.8 million in safety funding. This grant does require a 10% local match and it's available for construction in fiscal year 2021. We like to recognize City Architecture and GPD Group our consultants that help us design the minor widening in lane reconfiguration plan that was approved by ODOT and we look forward to working with ODOT in the future to undertake that improvement. I'd also like to announce on Thursday, December 8th the Euclid Chamber of Commerce will be hosting their annual holiday party. This year the event will be held at the Great Scott Tavern from 5 to 7 PM. Tickets are only \$15 this year thanks to a generous sponsorship by the Allstate on E. 185th St. so I'd like to again invite all members of the public to the Euclid Holiday Party on Thursday, December 8th.

Director Knecht: 2017 marks the seventh year that the Cuyahoga County Solid Waste District has offered grant opportunities for recycling of household hazardous waste products. Once again this year we were able to secure one of those grants. The paperwork has been sent out and everyone should start receiving their colorful flyers. One side describes the trash pickup and dates that trash will not be picked up on for residents hopefully keep this on the refrigerator to clear up any confusion on holidays. The other side does let everybody know what the communities shred day, scrap tire round up, household housing is waste round up and computer round up our throughout the year. I want to thank those of my staff that are worked on this very hard through the years to continue to be able to do this. We've had really great recycling numbers they continue to go up in Euclid and it helps all of us in the long run. I'd also like to announce that leaf pickup will not be going on this Friday or Saturday after Wednesday evening the crews will not start again until Monday morning. I appreciate those have been working to help to keep the leaves out of the street and up on the tree lines I've noticed a lot of neighborhoods people of done a very good job and I do appreciate all the efforts that been put in to help get the word out on that.

REPORTS & COMMITTEE MINUTES

Councilwoman Scarniench: Moved to accept the Board of Control minutes from October 31st and November 7th, 2016 and the monthly Financial Reports from March 2016 through October 2016. So moved by Councilwoman Scarniench, Councilwoman Hill seconded. All in favor? Yeas, unanimous.

COMMITTEE OF THE WHOLE FOR LEGISLATIVE MATTERS ONLY

Mary Jo Minarick: 18870 Abby Ave. We're here to talk about number 9, which is to raise the age to person nicotine products from 18 to 21. I did watch the safety meeting this time and the sponsor the legislation said in that meeting we cannot legislate morality. Then said the legislation provides guidance to youth. Council, if you pass this into a law it's not guidance it's legislating morality. And that becomes a slippery slope. But I'm not here to talk about how this legislation would pull EPD resources off the streets. In order to enforce this and I'm not going to talk about the stats from the National Institute of Drug Abuse that show a five year downward trend in our youth regarding opioid use, alcohol use, cigarette use and heroin use. And I'm not here to talk about how when it comes to cigarettes versus, obesity, and obesity actually has greater health risks then cigarettes and greater health expenditures and health visits. I'm also not to talk about if you pass this, these kids are going to go from 21-year-old or 18-year-olds there to 35-year-olds. This is to stop kids are getting cigarettes. What I do want to talk about tonight is the law that's currently on the books. First, if you're gonna start considering the 18-year-olds are not adults then I recommend that this Council change its curfew laws to extend the curfew to 18 to 20-year-olds and make it that it's midnight and after midnight they need adult supervision to be out on the streets. If that's to treat 18-year-olds. The current law on the books I looked it up, the Ohio Revised Code ordinance 2157.87...

President Monroe: Is this in regard to a specific item on tonight's agenda?

Ms. Minarick: Number nine.

President Monroe: But how is the curfew law related?

Ms. Minarick: Because this legislation is going to treat 18-year-olds is not adults. That's why. But I didn't come here to talk about that. I'm here to talk about the Ohio Revised Code 2157.87 (b) (4) it

said no child may accept nicotine products from an adult. The punishment is a fine, education, or community service. Then Ohio Revised Code 2927.02 (b) includes in terms of adults that may not give out nicotine products in terms of merchants, retailers, whatever. It also says no other person, which would be an adult 18-year-old to 20-year-old on the street may distribute to a child accepting parents guardians and spouses nicotine products in the penalty, it's a misdemeanor of the 4th degree. The penalty is 30 days max or \$250 fine. My point is the law is already there. The sponsor this legislation claims this is to protect our babies. That sponsor has seen 18 to 20-year-olds giving cigarettes to children. My recommendation is to take a picture, it's against the law that they're doing it. Get a description better yet, go talk to the child, talk to the adults say your break in the law, this is a penalty that's on the books. I also recommend the rather than go after this legislation, and the law by an 18-year-old 20-year-olds who just buying cigarettes because their buying them for themselves. This Council focus on something of serious concern, housing values, crime things like that. Please vote no on this, thank you.

David Lynch: 216 Wells Court. I'm discussing your number 13, which is legislation related to interior and exterior inspections. The client has asked me to come here this evening the client is called REO investments and it's headed up by a fellow named Frank DiNardo. The biggest concern he has is it about three years ago a federal court in southern Ohio issued a ruling involving the City of Portsmouth Ohio. I sent a copy of that opinion from the Judge to Councilman Delaney and to Councilman Langman. I also sent a copy to Councilwoman Gorshe this morning. The case essentially discusses municipalities and some legal requirements that they may have as it relates to the inspections. Believe it or not the federal judge in that case instructed specifically that to do the inspection of the interior of the home that there had to be an issuance of a search warrant in order to do that inspection Now whether you agree with that federal judge are not it's something that the City Council should be aware of. The only reason Mr. DiNardo said to mention that the City Council is because the way the Portsmouth case seems to be worded has the potential that a landlord who wants to be cooperative owns a house or rental home in the City of Euclid wants to be cooperative, the inspection because it's a good thing to maintain health and safety. He may find himself the target of potential lawsuit from their own tenants. By virtue of them having waived the requirement of the search warrant. Now the Law Department I'm sure will be advisable advise as to a relates to the applicability of Portsmouth and how it interfaces with this legislation. But Mr. DiNardo asked me to mention to the Council if the administration that there's a concern on his part that doesn't put landlords in kind of a peculiar position if they make every effort to be cooperative. The second aspect of all of this is that even though that's coming from a Federal Court and scored in southern Ohio that same sort of action has been filed with the City of Bedford Heights and is being litigated now. The plaintiff there is being represented by Sheldon Burks. I'm mentioning that because the fact that the impact of the Portsmouth case is getting closer and closer and closer to the front steps of the homes here the City of Euclid. Two landlords that are renting here in the City of Euclid that want to be responsible. So I asked administration the Council take that into consideration it looks like so the caption on the legislation that number 13 is probably headed for committee but to the extent that you can bring yourselves up to speed on this outstanding issue I know would be good for the residents and for the property owners to make sure that all of the t's are crossed and the i's are dotted. Thank you.

Paris Rice Sanders: 24799 Lakeshore Blvd. I'm here just ask that you consider the age raising it for tobacco. I know that everyone doesn't see the same way. We might be seeing from a different perspective. I know we talk about it being citywide and so I kinda did hear the other resident that said it maybe we need to rethink it because of the age. I know alcohol you have to be 21 and there was a reason for that. I think it's something we should try I was just at Walgreens yesterday night and I witnessed someone trying to buy tobacco for a younger child and I like the way the cashier told him I heard you talking about outside while I was on my cigarette break so I can't sell it to. So I did see a store take precedence and not take it happen. But I think if it would have been 21 he was 18 and he would be able to buy it. But he was 21 he would know to be able to buy it so I think it's something I think we should consider. Euclid is taking a lot of chances and I think we should try any and everything to try to make our city a little safer for children so I would consider raising the limit on it. We can talk statistics but I'm just talking about doing a change of the neighborhood, thank you.

Spiros E. Gonakis Jr.: 20050 Lakeshore Blvd. is the office address and 106 E. 196 Street 44119, is the home address. I'm also here to comment on number 13. And interest a fair disclosure I also represent a number of homeowners in the city where this proposed ordinance would have a direct impact on them and I guess I'll be much more direct and not as. This is Baker vs. Portsmouth case simply says warrantless searches that impose criminal penalties on homeowners on tenants who exercise their 4th amendment rights are unconstitutional. I would encourage everyone on Council to read this case before you make any votes on this legislation tonight because what you're doing is

you're putting the city a risk in my opinion. Again I represent a number of the landlords, but I also am a home owner here and I have my business here and the last thing I want to do is have the city face litigation. Pushing this ordinance through like you did a couple weeks ago is not the right thing to do. That's my humble opinion and I think you're putting the city at risk and again it's not the way the ordinance is framed, you need to get a warrant that is with the Federal Court is saying. Plain and simple are the ways to get around the warrant requirement? Yes. But as your ordinance is presented tonight you're trying to make the exception whereas interior inspections and corrections of these violations are important for the health and safety of the tenants. Portsmouth did that too and that wasn't enough. Based on this Federal Court decision so if members of Council if you have an asked your Law Director or her staff how Baker vs. Portsmouth is going to affect the City of Euclid, you're failing. If you have an asked the Law Director how an application of Baker vs. Portsmouth we don't require warrants in these interior inspections. How that can impact the city. That's a problem. Another component of this Baker vs. Portsmouth case is the homeowners in the class action filed to recover their inspection fees and typically cities are immune from civil liability but in this case the Federal Court went out of its way to say no and denied the City of Portsmouth some summary judgment motion and so the city could be held liable to have to pay back those fees. Which would be extremely costly and detrimental to the city in this case. Mr. Lynch talked about how this case is pending in federal for now with the City of Bedford. I would not only request that you put this number 13th into committee but take a step back and wait to see how this current lawsuit against the City of Bedford Heights pans out. Why do we need to rush to judgment? It seems that the ordinance in place for housing violations, that would satisfy the city's need or the cities concerned about keeping the property values up and about keeping these violations repaired. I just think that this is, you're trying to push this legislation and it's in haste. So I would ask you to table this, go to committee, work with the administration, work with my clients who are willing come in and talk with you and it's my understanding until recently we haven't been able to do that. We been able to speak with the administration but for whatever reason Council does not want to talk about these matters with us. We are willing to do that. The last time Council didn't heed to a federal courts holding that something was unconstitutional was about 10 to 15 years ago and it cost the city hundreds of thousands of dollars in attorney fees in that Hillandale project. I don't want to see history repeat itself, so please put this number 13 in committee as opposed to voting on tonight, thank you.

Linda Shank: 27701 Shoreview. I had intended to say anything but after hearing the last two I had to speak up. On number 13 it's wonderful that these landlords are so concerned about rest of the city. It seems to me I've never been a renter, but I've always heard that renters needed to allow the owner of the house access to the premises when need be. If city law requires the inspection be done then I think they could safeguard their legal risk by maybe putting it in the lease. Once a year the city has a right to come and inspect. It seems that would be a simple solution and we can avoid lawsuits thank you.

LEGISLATION

Ord. (128-2016) (145-16) Authorizing the Mayor to enter into a contract with 3 S Towing and Recovery – January 1, 2017 through December 31, 2018

An ordinance authorizing the Mayor, as Ex-Officio Director of Public Safety of the City of Euclid, to enter into a contract with 3S Towing and Recovery, 1090 East 305 St, Wickliffe, OH 44092, for the towing of junk, abandoned and impounded vehicles or vehicles that must otherwise be removed at the direction of the Euclid Police Department for the period from January 1, 2017 through December 31, 2018 (Sponsored by Councilperson Mancuso)

Comment: Oftentimes cars need to be towed at the direction of the EPD and this is to award the towing contract after proposals were received and evaluated by the Public Safety Committee.

President Monroe: At this time I'd entertain a motion for passage so moved by Councilwoman Mancuso, Councilman Delaney seconded. All in favor? Yeas, unanimous.

Director Sweeney: I know if Capt. Savage wanted to talk about towing or not. We just had a Safety Committee maybe Chairwoman Mancuso would want to speak.

Councilwoman Mancuso: We did have a Safety Committee just prior to this and we were on time so we could be on time first of all. Please indulge me, I would like to first thank the members of the Safety Committee and Law Director and Capt. Savage in the Police Department for the work. The time, the effort, to try to put together a respectable fair transparent process for determining who will be our next towing contractor. What we need to remember about this piece of legislation is we're looking out for our residents here the city is not paying these expenses. We are looking out for our residents so we want the best and lowest for towing, for storage. We want access availability, we want to one stop shop for them to release the car so we went through a process, we had three meetings the first was on August 17th where the committee members actually discuss the history of previous agreements. How we wanted to go forward. Every member of the committee was given the bid specifications that were going out to the different vendors who asked for them. We agreed on going forward with some inspections of any applicants that would apply for this particular agreement. The second committee meeting which was in October 19th, we actually asked each of the applicants and we had three applicants to come and join us at a Safety Committee meeting where the member of the Safety Committee had all three responses which they can compare and did compare review with the bid specifications. To see if the vendors complied with what was needed. The vendors were able to answer questions and give clarification to the committee members who had questions. The last meeting was tonight just before this meeting where we asked our safety committee members individually if they had a recommendation after going through the due process. At the second meeting Capt. Savage gave a summary of the on-site visits that had been requested during our first Safety Committee meeting. So everybody on the committee got to hear what was observed on the on-site visits. In the last meeting which was tonight we asked each of the committee members who had reviewed the information to give a recommendation. The majority of Safety Committee members did recommend 3S. I then asked for motion to make the recommendation to entire Council which we did and they also recommended 3S. So I would ask my colleagues also to support the work that all these individuals have done the time, the effort, and the very clear quest to be transparent in doing this agreement this time around. Thank you.

President Monroe: Colleagues any further comments, questions, concerns?

Councilwoman Scarniench: Every once in a while I get on my soapbox and I guess tonight I will do it again. Approximately two weeks ago I was scolded because I was told I was trying to steer the results of this contract. Well to me, it's not steering is called advocating for business and in my ward. If it's telling people how I feel, I don't see where that's wrong. I was told that I gave inside information to one of the workers and I can't say that I did that. I know he was here when those bids were opened and he read the bids, so he knows everything that we knew at the time. So I can't say that I did that. The biggest thing was that me and his mother are friends. Well you know what, that's true. But I'm friends with a lot of people that live and work in the city. I've lived here for over 55 years. So I guess from now on I better make sure that anything that any contract that we go after that I abstain because I probably know somebody. I think it's very presumptuous that 3S was put on this legislation before the committee met. Because, what if somebody had changed their mind. It should have been blank like we were told. And the last part of it I think it was very detrimental to United Towing when that whole issue of taxes came up. I think that was very unfair and it just proves that what's been going on for the last eight years which is when I met Dave because he is my constituent when I try to put together a business owners group on St. Clair where he is located. So I've known him for that long. But were not friends I don't know his wife, I've never met her. I'm sorry if because I know John's mother somebody takes offense to that. Well, I've never taken offense to it before. And I will say again I thought that they were not given a fair shake that they should've been given back then because the administration at that time wanted their friend to also have a part of that contract and that's what we've lived with for all of these years right now. So for that reason because I don't want anyone to say I am doing anything illegal I will abstain from voting.

Councilman Langman: It's difficult to go through these issues and do so and in an impartial way so I guess I'm painted here, that my colleague would abstain when if I understand the law correctly, there's no reason for her to abstain. Am I correct Law Director Sweeney?

Director Sweeney: The Councilman and I had a private discussions in my office and I'm sad to see that she's airing this dirty laundry at this Council meeting. I felt she didn't ask appropriate questions at the Safety Committee and express those concerns to her. Regarding the tax issue, I was asked to do a background check on all the vendors and I did that and I reported what I found in LEXIS-NEXIS and I asked Mr. Clark to present information to the contrary and I still have not received that information. But it is also my understanding that the tax matters were not even contemplated by

Council. So that's a nonissue. And if the Councilwoman feels she is impartial in this matter she can vote on the matter. It did not appear that way. That was the question whether she can vote or not and if she feel she is impartial she can vote. If she feel she is partial than she should not vote.

Councilman Langman: That doesn't really answer the question of law.

Director Sweeney: But that is what it is. If she cannot be impartial in this decision she should not vote on it.

President Monroe: Thank you, my only point is...

Councilman Langman: My statement on the legislation Mr. Chairman is this. Same as I said in the safety committee I think United is the best contractor for this particular service. They are located within the City of Euclid. They've done the service successfully and legally for decades and the ready to hit the ground now and they don't have to buy new equipment and so forth and that's my decision.

President Monroe: Colleagues any comments, questions or concerns? Seeing none, I'd entertain a motion to close the debate so moved by Councilwoman Mancuso, Councilman Delaney seconded. All in favor? Yeas, unanimous. If this is a first reading, this had to be a first reading I think is at least a second reading because it has to start somewhere before it was sent to committee. But at this time I'd entertain a motion to suspend the rules so moved by Councilwoman Mancuso, Councilman Delaney seconded. Mdm. Clerk if you would call the roll as to the suspending the rules only.

Roll call: Yeas: Hill, Jarosz, Mancuso, Delaney, Langman Gorshe, Caviness, Monroe
Abstain: Scarniench

Motion passes.

President Monroe: So the rules have been suspended so this is the third and final reading of this ordinance, proposed ordinance. At this time, I'd entertain a motion for passage so moved by Councilwoman Mancuso, Councilman Delaney seconded. Mdm. Clerk can you please call the roll as to the merits of the proposed emergency ordinance.

Roll call: yeas: Hill, Jarosz, Mancuso, Delaney, Gorshe, Monroe
Nays: Langman, Caviness
Abstain: Scarniench

Motion passes.

Res. (129-2016) (151-16) Approving the Annual Action Plan for FY 2017 Entitlement Year under the Community Development Block Grant Program

A resolution approving the Annual Action Plan for the fiscal year 2017 Entitlement Year under the Community Development Block Grant Program of the United States Department of Housing and Urban Development as recommended by the Citizens' Advisory Committee of the City of Euclid and authorizing the Mayor to submit said Annual Action Plan to the United States Department of Housing and Urban Development. (Sponsored by Mayor Holzheimer Gail and Councilperson Scarniench)

Comment: This allows the Mayor to submit the Annual Action Plan to the US Department of Housing and Urban Development.

President Monroe: At this time I'd entertain a motion for passage so moved by Councilwoman Hill, Councilwoman Caviness seconded. All in favor? Yeas, unanimous.

Mayor Gail: This is our annual approval of our block grant funds director holiday and manager Iorio are both here and can explain fully.

Brian Iorio: The City of Euclid is designated as an "Entitlement City" by the US Department of Housing and Urban Development (HUD). As such, the City receives an annual allocation from the Community Development Block Grant Program (CDBG). The City's CDBG grant allocation is expected to be \$900,000

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in 2017. The CDBG program is designed to support the provision of decent housing, a suitable living environment and expanded economic opportunities, principally for persons of low-and-moderate income. The annual CDBG grant allocation to the City of Euclid has ranged from \$178,000 in the early years of the program to a high of \$1.29 million in 2001. Since 2001, the grant amount has declined while the needs of the City’s low and moderate income citizens have been increasing. Every five years, the City is required to develop and submit a Five Year Consolidated Plan. The objective of the Consolidated Plan is to align and target all HUD funded federal grants received by a community (CDBG, HOME, etc.). The consolidated plan is carried out through Annual Action Plans that summarize the actions, activities and the federal and non-federal resources that will be used in the given year to address the priority needs and goals identified in the consolidated plan. Each year, a Citizen Advisory Committee is created to review past program performance and develop recommendations on the use of future allocations. Committee members are appointed by the Mayor. The FY 2017 Citizens’ Advisory Committee is composed of the following seven members:

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| Councilwoman Madeline Scarniench | Edward Dickson |
| Christopher Tulloch | Paul Dietrich |
| Janice Dillard | Greg Fondran |
| Richard Tolley | |

Some notable accomplishments for the 2016 program year through August are as follows:

Senior Programs	17,000 congregate meals served 15,000 Home Delivered meals served 4,500 transports 8,400 participants in the various activities
Storefront Renovation	3 projects completed (JLJI, Infield Chiropractic and BG’s Olde World Tavern 3 projects in process (Simon Grocery, 504 E. 200 th St., 627 E. 185 th St.)
Municipal Beautification	6 projects either in process or completed : <ul style="list-style-type: none">• Sims Park GI• Euclid/E260 Intersection improvements• Shore Cultural Centre Wheelchair Lift• LSB/E189th St TWE• LSB Bicycle Safety Improvements• 2016 Tree Planting
EDCOR	8 Loans completed 6 loans in progress
Health, Safety and Well-Being	Completed <ul style="list-style-type: none">• 5 outside handrails• 35 interior handrails and grab bars• 4 wheelchair ramps• 5 vinyl sided homes and garages• 5 homes painted• 54 completed jobs In process

	<ul style="list-style-type: none"> • 2 vinyl sided homes and garages • 9 homes painted • dangerous tree removal • 12 in process jobs <p>Waiting List</p> <p>25 paint program 11 vinyl siding program</p>
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Fair Housing / Fair Lending	Part of 3 Community Benefits Agreements 10 Rental audits performed 182 CTO calls for service
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Two committee meetings and two public hearings were held to review past performance and to establish programs and budgets for FY 2017. For next year, the Citizens’ Advisory Committee has recommended the continuation of existing programs with the addition of a possibly new source of funding: a Section 108 Loan Guarantee for Phase II of the Waterfront Improvement Plan. The source of repayment of the loan is proposed to be from the Harbor Town TIF.

PROPOSED FY 2017 CDBG BUDGET

In keeping with the objectives outlined above, the Annual Action Plan for the FY 2017 Entitlement Year as recommended by the Citizen Advisory Committee proposes the following allocation of CDBG funds:

Senior Programs:	\$241,000
Storefront Renovation:	50,000
Commercial Demolition Program:	20,000
EDCOR Administration:	60,600
Municipal Beautification:	50,000
Health, Safety & Well Being (Weatherization)	283,400
Neighborhood Programs:	35,000
Administration	155,000
Planning	5,000
<hr/>	
<i>Subtotal</i>	<i>\$900,000</i>
(EDCOR Revolving Loan) Program Income	75,000
<hr/>	
TOTAL	\$ 955,000

Section 108 Loan (Waterfront Phase II)

Loan Amount: \$1,500,000 Annual Repayment: \$90,000 Repayment Source: Harbor Town TIF

COUNCIL ACTION NEEDED

Authorization from Council is needed for the Mayor to submit the FY 2016 Annual Action Plan to HUD and to enter into contracts and agreements associated with the grant (with the approval of Board of Control where applicable). The legislation specifically authorizes contracts with the following entities: the Ohio Historic Preservation Office for the required review of historical impact due to CDBG activities; the Housing Research and Advocacy Center for the implementation of our fair housing activities; and EDCOR for the implementation of our low interest loan program.

I would be happy to answer any questions.

President Monroe: Colleagues any questions, comments or concerns?

Councilwoman Hill: I just have a question about the \$35,000 for the neighborhood programs. What type of programming have we done with those funds?

Mr. Iorio: Some neighborhood programs are typically called is a title for fair housing and fair lending. So it's not what you would think without the grant comes out of the Mayor's office and organizations. It's directed a fair housing activities. This past year we have added fair lending activities to that program as well.

President Monroe: Any further questions, comments or concerns?

Councilman Delaney: You did go through fairly quickly the numbers. Can you break out the EDCOR administration \$60,000, just briefly?

Mr. Iorio: For the proposed budget for 2017 for at EDCOR, personnel came to \$48,500, office expenses \$3500, and capital expenses such as software hardware a scanner that sort of thing, \$1000. Financial services \$6600 and promotional expenses for \$1000.

Councilman Delaney: The people in that office administer a \$10,000 grant for house?

Mr. Iorio: It's the 3% low interest loan so anywhere up to \$25,000 and also the down payment assistance program.

Councilman Delaney: So the down payment is 10?

Mr. Iorio: That's the \$10,000, that's funded out of home funds but it's an eligible activity from the CDBG side to pay for administration for home funded programs.

Councilman Delaney: It's all fair housing, but do they screen the applicants?

Mr. Iorio: Made up by the members of the board of EDCOR.

Councilman Delaney: The reason why ask is I get notification on my phone for from the County Sheriff. Sometimes I get complaints about people moving into the neighborhood that are registered sex offenders. And I found that we sold an EDCOR house to one of them. I'm just wondering that doesn't disqualify anybody to advertise and promote and sell the house to a sex predator?

Mr. Iorio: There's nothing in the bylaws are in the program guidelines barring this sort of sale. It's something that EDCOR Board is perfectly allowed to add to their bylaws if they so wish.

Councilman Delaney: I bring it up because this definitely something to talk about. We're trying to put these good programs out there to improve our conditions and certainly to say that the system may or may not be working but for me and first line of dealing with the residents and talking to

them and finding out the concerns in their neighborhoods, sometimes they just wonder from the cities in. So this \$60,000, the \$48,000 for the salaries is that it budget time when we have different salaries divided up among different, is this grant paying for different people in economic development part of their salaries?

Mr. Iorio: This \$60,600 proposed for EDCOR administration is purely for EDCOR activities. It's up to EDCOR to decide how to allocate those funds within the organization.

Councilman Delaney: How many people do they have out of those funds?

Mr. Iorio: I believe there's only one paid staff person.

Councilman Delaney: How about general management? That line item in \$155,000?

Mr. Iorio: That line item would be included in the budget for 2017. In general several members of the planning developed apartment are paid that fund as well as office expenses, paper, those sort of things.

President Monroe: Colleagues, any questions, comments or concerns? Seeing none, I'd entertain a motion to close the debate so moved by Councilwoman Hill, Councilman Jarosz, seconded. All in favor? Yeas, unanimous. At this time I'll entertain a motion to pass the resolution on its merits. So moved by Councilwoman Scarniench, Councilwoman Hill seconded. Mdm. Clerk can you please call the roll as to the merits of this proposed resolution?

Roll call: Yeas: Hill, Jarosz, Mancuso, Delaney, Langman, Gorshe, Caviness, Scarniench, Monroe

Motion passes.

Res. (130-2016) (152-16) Authorizing the Mayor to submit a Cuyahoga County Supplement Grant Program Application seeking \$50,000

A resolution of support authorizing the Mayor of the City of Euclid, or her designee, to submit a Cuyahoga County Supplemental Grant Program Application seeking fifty thousand dollars (\$50,000) to plan and implement a Municipal Tree, Flower Planting and Beautification Project throughout the City of Euclid in FY 2017. (Sponsored by Mayor Holzheimer Gail)

Comment: This will authorize the Mayor to submit a grant application for a tree/flower beautification project throughout the city.

President Monroe: At this time I'd entertain a motion for passage. So moved by Councilman Langman, Councilwoman Gorshe seconded. All in favor? Yeas, unanimous.

Mayor Gail: Our staff always looking for grant opportunities Cuyahoga County has a new opportunity available that I think are County Councilwoman Sonny Simon was instrumental in getting past so I will last Director Holody to give you the details and would encourage Council support for this resolution.

Director Holody: Cuyahoga County will make 20 grants of up to \$50,000 available in 2017 to municipalities and community development corporations, to undertake projects that will improve the health and welfare of our communities. Applications are due December 23rd and they will be evaluated based on their impact. Included in the project's ability to leverage funds and spur additional investment. We are proposing to apply for \$50,000 to fund and expand the Municipal Tree and Flower Planting Project in 2017. Benefits of tree planting are well known to us but those include improvements to water quality, reduction erosion, and reduction in storm water runoff, lower city temperatures, better air quality, wildlife habitat and aesthetic improvements. In addition studies have found that landscaping especially with the planting of trees can increase property values by as much as 20%. The county recognizes the importance of the robust tree canopy and earlier this year the County Planning Commission conducted a countywide urban tree canopy assessment. Their goal was to identify opportunities for additional tree planting in Cuyahoga County. The findings are available all available online and are broken down by community. Unfortunately Euclid ranks 44th out of 59 communities for urban tree canopy. The study found that 27.4% of our property is currently covered by tree canopy while 49% has the potential to be covered by tree canopy. One factor that may be

impacting this may be the emergence of the emerald ash bore that hit especially hard and who's resulted in many trees being removed over recent years. This year we were able to plant 170 trees at a cost of just under \$50,000 using Community Development Block Grants funding. This planting was limited to areas of low to moderate income neighborhoods in the city because of the restriction of the block grant. With the county funding we could not only double our efforts next year but to expand our efforts in areas of non-low to moderate income. I have a map that shows those areas along with the tree canopy. This proposal was included in the advertisements for a Community Advisory Committee meeting. We receive no negative comments when this was reviewed by the community advisory committee. In fact they found this to be a favorable proposal. They did have one suggestion that we will be reviewing for possible implementation and that is the ability to allow cost-sharing option whereby residents would pay a portion of the tree planting in order to receive priority planting. So we're looking into that as a possible way to leverage even additional funds. In conclusion, we feel that this proposal is in line with the county's requirements and the objectives of the county and meet serious needs and goals of the city we respectfully request your approval of this item tonight I'll be happy to answer any questions you may have.

President Monroe: Just to remind everyone this is just to apply for the grant. Thank you.

Councilman Langman: I think if everyone's in agreement we should all add our names to this. Just two questions though one for Director Holody. Is there a geographic restriction to where these trees can be planted or can we plant them along for example the marginal right-of-way?

Director Holody: We would have to, I think, work with ODOT if we were going to propose anything along the Marginal. We coordinate with the Service Department to ensure they were planting in proper locations and instances with private property owners we know to find the property owner and make sure that they are supportive of us planting a tree in front of their property. So we can certainly look into the Marginal with ODOT and the Service Department if there will be an option.

Councilman Langman: A question for Director Knecht, we've been asking for trees on Drakefield due to the water line project and this grant was successful in getting it can we expedite the planting of trees on that street?

Director Knecht: Yes, it would help expedite that.

Councilwoman Caviness: I just want to ask one question and that is how you are informing the homeowners about the tree planting? Or how have you been doing that?

Director Holody: We hand-deliver a notice to each property owner with contact information as our department that they can follow up if they've any questions or concerns.

Councilwoman Caviness: I had two situations in this past month where the owners did not want the tree. I tried to talk to them about it but they found that it would be a hindrance to them when they were taking their bins out so I was just wondering why they were not aware of that prior too. But you said you hand-delivered him?

President Monroe: Any other comments, questions, or concerns? Seeing none, I'd entertain a motion to close the debate, so moved by Councilwoman Hill, Councilman Jarosz seconded. All in favor? Yeas, unanimous. I'd entertain a motion to pass the proposed resolution, so moved by Councilwoman Hill, Councilman Jarosz seconded. Mdm. Clerk can you please call the roll as of the proposed resolution.

Roll call: Yeas: Jarosz, Mancuso, Delaney, Langman, Gorshe, Caviness, Scarniench, Hill, Monroe

Motion passes.

Ord. (148-16) Authorizing the Mayor to enter into a professional services agreement with SmithGroupJJR for Phase IV (C) - Euclid Waterfront Improvements Plan

An ordinance authorizing the Mayor or her designee on behalf of the City of Euclid to enter into a professional services agreement with SmithGroupJJR for Phase IV (C) of the final design and engineering, construction documents and bidding assistance for implementation of the central shoreline capital improvements recommended as part of the Euclid Waterfront Improvements Plan,

not to exceed Six Hundred Seventy Six Thousand and 00/100 Dollars (\$676,000). (Sponsored by Mayor Holzheimer Gail and Councilpersons Langman and Mancuso)

Comment: This is for design and engineering services for the Waterfront Improvement Plan.

President Monroe: At this time I'd entertain a motion for passage, so moved by Councilwoman Mancuso, Councilman Delaney seconded. All in favor? Yeas, unanimous.

Mayor Gail: Director Holody will address this but it's the next step forward in our Lakefront Development Plan.

Director Holody: As you may know, JJR submitted permit applications for the next page of the waterfront improvements which includes a public trail in shoreline stabilization along three quarters of a mile of our waterfront heading east from Sims Park. This round of contract since before you tonight will authorize JJR to move forward the final design and engineering that'll take us all the way through the bidding phase of this next round of improvements. We had the opportunity to meet with the Waterfront Steering Committee which includes Councilmembers Langman and Mancuso and I believe it was suggested that at that time we be prepared to present this item in committee. Which we are think there's been some discussion in that perhaps there be appropriate to refer this to the city Planning and Commercial Development Committee. We be happy to see that happening and work with the chair in order to coordinate a more detailed presentation on this to Council.

Councilman Langman: will have plenty of time to discuss in committee so I would suggest sending it to Councilman Charles is committing which is planning and business development or some such verbiage.

Pres. Monroe: I've got two quick questions. this was in the budget correct? For 2016.

Dir. Holody: it was included in the capital budget.

Councilman Jarosz: I just like to make a motion to send it to the committee.

Pres. Monroe: seconded. Mdm. clerk can you call the roll to send this to committee.

Roll call: yeas: Mancuso, Delaney, Langman, Gorshe, Caviness, Scarniench, Hill, Jarosz, Monroe

Motion passes.

Res. (147-16) Granting a UDE to Natasha Farley – child day care center at 26410 Lake Shore Blvd.

A resolution granting a Use District Exception, pursuant to Chapter 1375.01(a)(3) of the Codified Ordinances of the City of Euclid, to Natasha Farley, prospective tenant, to allow a child day care center in a U8 –Office Building District, Permanent Parcel Number 645-19-007, 008, 045, in a former bank building, 26410 Lake Shore Boulevard, Euclid, Ohio 44132. (Sponsored by Planning and Zoning) (Sent to Council with recommendation for passage)

Pres. Monroe: at this time entertain a motion for passage so moved by Councilman Langman, Councilman Delaney seconded. All in favor? Yeas, unanimous.

Dir. Holody: this item was reviewed and recommended for approval by the planning and zoning commission on November 10. As Council typically has use District exceptions go at least two readings we were anticipating this to be a first reading this evening. We will be inviting the applicant to attend the next Council meeting and Paul Beno and I are here and available to answer any questions you may have.

Pres. Monroe: just so everyone is clear this is the former US bank building? Thank you.

Councilman Delaney: I'm hard-pressed to pass this without a great deal of information. There was a lot of grandiose idea when this building was purchased I'm just curious it's very visible, location Lakeshore Boulevard, very busy street, look forward to getting presentation.

Pres. Monroe: any further discussion? I'd entertain a motion to close the debate for this evening so moved by Councilman Delaney, Councilwoman Mancuso seconded Mdm. clerk can you please call the roll as to closing the agenda for this evening only.

Roll call: yeas: Delaney, Langman, Gorshe, Caviness, Scarniench, Hill, Jarosz, Mancuso, Monroe

Motion passes

Ord. (131-2016) (128-16) Amending Chapter 1371 "Nonconforming and Existing Uses; Restoration" and Chapter 1375 "Use District Exceptions"

An ordinance amending Chapter 1371 "Nonconforming and Existing Uses; Restoration" and Chapter 1375 "Use District Exceptions" and creating new sections of the Planning and Zoning Code to cure issues with these chapters. (Sponsored by Mayor Holzheimer Gail) (Sent to Council by Planning and Zoning with recommendation for passage)

Pres. Monroe: at this time I'd entertain a motion for passage so moved by Councilman Jarosz, Councilwoman Hill seconded. All in favor? Yeas, unanimous. I believe this is a third reading so we've had a lot of discussion.

Dir. Holody: this item has also been review to make a rented for approval by the planning and zoning commission. Zoning Commissioner Paul Beno is here with us and he and I be happy to answer any question the Council may have. But this is a comprehensive revision of the use District exception chapter as part of our ongoing efforts to keep our zoning code updated and very usable.

Pres. Monroe: colleagues, any further questions, comments or concerns? Seeing none I'd entertain a motion to close the debate this evening, so moved by Councilman Gore she, Councilman Langman seconded. All in favor? Yeas, unanimous. I'll entertain a motion for passage of the proposed ordinance so moved by Councilwoman Gore she, Councilman Langman seconded. Mdm. clerk can you please call the roll as to the proposed ordinance. This is on the merits of the proposed ordinance a final reading.

Roll call: yeas: Langman, Gorshe, Caviness, Scarniench, Hill, Jarosz, Mancuso, Delaney, Monroe

Motion passes.

Ord. (132-2016) (149-16) Enacting Chapter 1703.043 "Erosion and Sediment Control"

An ordinance enacting Chapter 1703.043 "Erosion and Sediment Control" of the Building and Housing Code of the Codified Ordinances of the City of Euclid to establish technically feasible and economically reasonable standards to achieve a level of erosion and sediment control. (Sponsored by Mayor Holzheimer Gail)

Comment: These changes will be added to our updated Storm Water Management Plan that was mandated by the Ohio EPA. The EPA does ask for updates to local ordinances approximately once every 5 years.

Pres. Monroe: at this time entertain a motion for passage so moved by Councilman Caviness, Councilwoman's carnage seconded. All in favor? Yeas, unanimous.

Mayor Gail: number seven and eight our updated our local codes to meet the EPA current requirements and Dir. Knecht can explain a little bit more.

Dir. Knecht: both these are part of our updated storm water management plan. We just submitted that earlier this month to the EPA. This is updating of the ordinances is required. For the plan to become effective if we pass these here tonight they will be sent to the EPA then for review and that would be added to our updated storm water management plan and would go into effect immediately. This is part of our MS for permits were under for a five year. The EPA likes cities to update their ordinances to be at least as stringent as Ohio EPA is on their ordinances. We can go over and above that but at this point they would like us to at least match it. One of the things that we did because there were several communities that were doing this at the same time as us. the Euclid Creek watershed as well as as a couple of others gathered those communities we went through the ordinances and talked about them and decided that we would try to make a standard set of ordinances across many communities

which will make it easier for the contractor to know what he is adhering to as well as our inspectors to be able to inspect across multiple communities and be able to enforce these things properly. If you have any questions I would be happy to answer them and I asked for your support tonight thank you

Councilwoman Mancuso: what other communities were involved in drawing this up?

Dir. Knecht: any of the MS for communities that are around us such as Richmond Heights, Beachwood, South Euclid.

Pres. Monroe: colleagues any other comments, questions or concerns? Seeing none I'd entertain a motion to close the debate, so moved by Councilwoman Scarniench, Councilwoman Caviness seconded. All in favor? Yeas, unanimous. At this time I'd like to entertain a motion to suspend the rules, so moved by Councilman Langman, Councilwoman Gorshe seconded. Can you please call the roll as to the motion to suspend the rules?

Roll call: yeas: Gore she, Caviness, Scarniench, Hill, Jarosz, Mancuso, Delaney, Langman, Monroe

Motion passes.

Pres. Monroe: at this time I'd entertain a motion for approval of the proposed ordinance emergency ordinance so moved by Councilman Langman, Councilman Delaney seconded. Can you please call the roll as to the proposed emergency ordinance?

Roll call: yeas: Caviness, Scarniench, Hill, Jarosz, Mancuso, Delaney, Langman,

Councilman Langman: you said emergency ordinance it doesn't read as such.

Pres. Monroe: I think we suspend the rules on the previous vote.

Dir. Sweeney: that doesn't make an emergency. It still will be effective 30 days from the date of the signing.

Pres. Monroe: thank you for the clarification. I guess is to the third reading of this proposed ordinance thank you.

Roll call: yeas: Gorshe, Monroe

Motion passes.

Ord. (133-2016) (150a-16) Enacting 1703.042 "Comprehensive Stormwater Management"

An ordinance enacting 1703.042 "Comprehensive Stormwater Management" of the Building and Housing Code of the Codified Ordinances of the City of Euclid to implement a stormwater management program. (Sponsored by Mayor Holzheimer Gail)

Comment: These changes are part of our updated Storm Water Management Plan that was mandated by the Ohio EPA. Revisions are requested by the EPA typically once every 5 years.

Pres. Monroe: at this time I'd entertain a motion for passage so moved by Councilman Charles, Councilwoman Hill seconded. All in favor? Yeas, unanimous. I think all the comments carryforward except Dir. Sweeney.

Dir. Sweeney: Dir. Knecht had CT consultants look at these two pieces and they did find a couple of typos in this case on page 14 the top third at I they are asking to put a clause in here bridges shall be designed as practicable, so that's the recommendation on that paragraph. And then on the next page at paragraph see the very last line it gives a section 1703.04 2.0 9C6, should be C-5 so I would ask Council to make those two amendments make this an "a" version please

Pres. Monroe: any further comments questions, or concerns? At this time I'd entertain a motion to close the debate so moved by Councilman Jarosz, Councilwoman Hill seconded. All in favor? Yeas, unanimous. At this time I'd entertain a motion to amend the ordinance as stated by Dir. Sweeney, so moved by Councilwoman Caviness, Councilwoman Scarniench seconded. We better do a roll call vote on the proposed amendment.

Roll call: yeas: Scarniench, Hill, Jarosz, Mancuso, Delaney, Langman, Gorshe, Caviness, Monroe

Motion passes.

Pres. Monroe: at this time I'd entertain a motion to suspend the rules, so moved by Councilwoman Scarniench, Councilwoman Hill seconded. Please call the roll is to the motion to suspend the rules.

Roll call yeas: Hill, Jarosz, Mancuso, Delaney, Langman, Gorshe, Caviness, Scarniench, Monroe

Motion passes.

Pres. Monroe: I'll entertain a motion to pass the proposed ordinance so moved by Councilwoman Mancuso, Councilman Jarosz seconded. Can you please call the roll as it to the proposed ordinance?

Roll call: yeas: Jarosz, Mancuso, Delaney, Langman, Gorshe, Caviness, Scarniench, Hill, Monroe

Motion passes.

Ord. (134-2016) (123-16) Amending Sections 537.20 and 537.205 "Offenses Relating to Persons" to prohibit sale and distribution of cigarettes, tobacco products and alternative nicotine products for person under 21

An ordinance amending Sections 537.20 and 537.205 of the "Offenses Relating to Persons" Chapter of the General Offenses Code of the Codified Ordinances for the City of Euclid to update the ordinances to include alternative nicotine products and to prohibit the sale and distribution of cigarettes, tobacco products and alternative nicotine products for persons under the age of 21. (Sponsored by Councilperson Hill) (Sent to Council by Public Safety Committee no recommendation)

Comment: The code updates will include new nicotine products like e-cigarettes and will also increase the age to purchase nicotine products from 18 to 21.

Pres. Monroe: at this time I'd entertain a motion for passage so moved by Councilwoman Hill, Councilwoman Caviness seconded. All in favor? Yeas, unanimous. This is the third reading of this proposed ordinance it's had significant discussion. Mayor or administration do you have anything to add. No.

Councilwoman Hill: honestly I'm surprised that at the pushback. I'm remember 1986 I think I was nine years old my mom used to send me to the store to buy her cigarettes and at some point someone thought that a nine-year-old should not be going to the store to buy cigarettes so enacted a law an ordinance that said you have to be 18 to buy cigarettes. We already have legislation on the books that puts an age limit all a mask and is a removed from 18 to 21. Were not asking that are officers are doing any extra work to enforce, they already are enforcing the fact that if you're under the age of 18 and your purchasing. Were not stopping people on the streets were not pulling officers out of their cars to stop kids and ID them because they have tobacco products in their possession. Again, this is something that the comment was made we have so many issues, you're right we have a lot of issues but that doesn't mean we have to ignore anyone who see something come up and we can make it better than let's do so. One of our jobs, I think our main job his counsel is not just about the lawsuit we make but the decision that we can make to improve the quality of life for all of our residents and that includes our children. So if it can help in any way why not push it forward. One of my colleagues said did recommend that we possibly do a two-year trialed I would be open to amending it to that if that's possible. If it's effective, hallelujah. If it's not effective then still lease we tried and we did something so again I asked my colleagues whatever your reason may be for your support that we raises limit from 18 to 21 and again it simply for purchase. We arty have a lawn the books were already are enforcing the age I'm just asking that we raise it up a little higher to make some impact. If it's a small impact, if it's one person we can help and I think we've done a great job.

Councilman Delaney: I wholeheartedly support this and I don't look at it as a moral measure it's more of a health measure. I teach in high school where there's a significant amount of 18-year-olds and quite a bit of those tobacco products wind up getting right back in the hands of the younger kids that shouldn't have them. I'm very agreeable with this and I also appreciate the comment that we not only have to take the big things but we actually have to do little things to when they come by and this is one of those opportunities thank you

Councilman Langman: I to support the legislation. I did suggest that maybe it could be a sunset provision if it makes it more palatable to colleagues the might be hesitant. But I am comfortable with it as is. Thank you.

Councilman Scarniench: I don't support this measure and I stated before a and 18-year-old can go to war and die for his country they have the right to decide on their own how to use the body.

Pres. Monroe: any other comments, questions, or concerns? At this time I'd entertain a motion to close the debate so moved by Councilwoman Hill, Councilwoman Mancuso seconded. All in favor? Yeas, unanimous. Are there any proposed amendments at this time or we should just vote on the ordinance is written first? Will do that. At this time I'd entertain a motion for passage so moved by Councilwoman Hill, Councilman Delaney. Mdm. clerk can you please call the roll as to the proposed ordinance.

Roll call: Yeas: Mancuso, Delaney Langman, Gorshe, Caviness, Hill,
Nays: Scarniench, Jarosz, Monroe

Motion passes.

Ord. (135-2016) (133-16) Amending Section 545.04 of the Peace Disturbances Chapter to enhance the criminal penalty for those who engage in persistent disorderly conduct

An ordinance amending Section 545.04 of the Peace Disturbances Chapter of the General Offenses Code of the Codified Ordinances for the City of Euclid to enhance the criminal penalty for those persons who engage in persistent disorderly conduct. (Sponsored by Mayor Holzheimer Gail)

Comment: This increases the penalty for persistent disorderly conduct from a misdemeanor of the third degree to a misdemeanor of the first degree.

Pres. Monroe: at this time I'd entertain a motion for passage, so moved by Councilwoman Mancuso, Councilman Gorshe seconded. All in favor? Yeas, unanimous. Again this is the third reading of this proposed ordinance I know we've had a lot of discussion, Mayor is there anything else to add, Dir.?

Dir. Sweeney: I know some folks had reservations with this and I believe the prosecutor case a called Councilwoman Hill to explain why we want to put the persistent disorderly conduct on the books. I want to make sure everybody knows were not arresting people for exit exercising their First Amendment rights. Disorderly conduct tool to is a combination of intoxication, profane language, abusive language, loud noise, violence towards others and when the officers repeatedly have to ask someone to stop stop stop this is what this would cover. The persistent this orderly were not stopping their behavior after repeated requests. This also is a good tool for us we have a number of domestic violence cases and often times those, with victims consent of course because can be reduced from Tibet domestic violence to something else. Sometimes we don't want to reduce all the way down to a disorderly conduct which currently is a misdemeanor of the 4^{tho}. This is a little bit of that selling point where we can give them a misdemeanor the 1^{sto} but it's not a domestic violence conviction on the record. I don't know of chief Meyer has anything else to add along those lines.

Chief Meyer: I don't have anything additional I know that we've discussed this several times but I think the issue became not the enhancement but the actual wording of the ordinance and again we follow it's exactly the way it's written for state code.

Pres. Monroe: any further comments questions, or concerns?

Councilwoman Caviness: to the Law Dir. I just have one question right now and that is in the state of Ohio the local ordinance or the statute for persistent disorderly conduct is a 4^{tho} is that correct?

Dir. Sweeney: I don't know what the state code says about persistent disorderly, we modeled this after other cities like University Heights, Cleveland and Mayfield Heights. They do have an M1 persistent.

Councilman Caviness: conflicting with the state statue, if we go with the 1^{sto} then?

Dir. Sweeney: I would have to check on that.

Councilwoman Hill: again I just have to address my concerns yes the wording of the ordinance I don't like it at all but I honestly don't like going from a 4th misdemeanor down to a first-degree the next step is a felony five and I think it opens the door to get people in the system for something where here were talking about language. It's not an 'and' can be any of these things their ors in here, so it could be unreasonable noise, will that depends on who it is that's unreasonable and nowhere in the ordinance does it say that this persistent disorderly conduct only pertains to when an officer is there and asking you to stop. Even with that depending upon what is going on in that person's mind what's going on in the whole situation, the officers mind that day. It could be will have asked you twice and I'm tired of asking you so now I feel like this is persistent. And in this is the charge that we write up. And again were going from not necessarily because it's violent and I think the prosecutor for calling me we did have a discussion about this. It didn't necessarily change the way that I thought but I don't think that for someone has who has frustrated expressing that anger and because I'm offended by it that I should be now convicted of a crime that is, could give me jail time if it was any stronger. I just think I just think it's good for our community. I don't think it's good for residents, I can see our kids getting into a lot of trouble and that is not what I want for our children. I do not want to get them in the system that they may never get out of that will prevent them from getting jobs later in life because they were a little hotheaded at the age of 16. So I am not in agreement with this I think we look at the whole ordinance in itself specially this part I think were known a disservice to our community. And another thing when I spoke with the prosecutor she said that oh well it's not often that we charge on this anyway so then I'm wonder why change it. If it's not something we really charge then why change it so that the one time that we do again he goes from misdemeanor 4 down to a 1 which is one step from a felony five for those that may not know so that'll is my thought on that.

Pres. Monroe: for the record I think it's just it's a change from a 3rd misdemeanor to a first-degree misdemeanor.

Councilwoman Caviness: I just wanted to read something that an interpretation that I read today it said that in Ohio and throughout the country the peace and good order of communities are often protected by make disorderly conduct statutes which failed to sufficiently define prohibited conduct. The failure of such statues provide specific standards for enforcement and determination. The courts to uphold these laws may lead to arbitrary standard of justice. And that the US courts confronted with many cases have because of the statues are so vague there are reasons why some persons can't declare that it's an offense to the First Amendment and their freedom of expression and religion speech progress assembly etc. and we can say here that even the misdemeanor charge can be that someone may perceive or observe two or three students or person standing on the corner and feel bothered by that and call the police were talking about persistent but at the same time we talk about persistent and is subjective. It is subjective in who determines whether it's persistent and persistent disorderly conduct according to our Ohio statute means the law enforcement officer who perceives it as persistent. No one else. No one else. So I just don't it just seems as though it's a cause that deprives people of life liberty and property. Although I know that if something is going on and is consistent in the neighborhood I will make a call. And I advise other persons to do the same but it just seems too subjective to change it right now. I just don't agree with it as well.

Councilman Jarosz: I appreciate the concerns of my colleagues but whether or not we agree with what list of disorderly is not what's before us, was before us is if there is a persistent conduct an officer would like to stop my belief is that the intent of this is a given motive. If I'm acting consistently disorderly disrespectful to a police officer than that police officer says stop your behavior why not keep going because the worst they can do is take it from 4 to 3. I think what this does is give us a little more teeth to actually get the behavior to stop because going from a three to a one is probably a little more consequential to the offender. I think of colleagues have concern about what is disorderly and our list of what is considered disorderly is potentially compromising some of their constitutional rights since we should probably have a meeting where we discussed were put on the list of disorder that somewhat before us. Not making a judgment about what the list of disorderly us were simply suggesting in order to have our police frankly listen to and I disagree with Councilman Hill if a police officer says two or three times to stop something then you probably should and I don't think hey I am a hothead is a reasonable excuse. So if we want to address what's disorderly I think we can but that is not what is before us thank you.

Pres. Monroe: Any other comments, questions or concerns?

Councilwoman Scarniench: I agree with Councilman Charles to me the word persistent means and officers come to somebody's house two or three or four times, that's persistent. I don't think were to

charge somebody the first time we ever go to the house and explain to them the rules and regulations. Persistent means constantly doing it. And therefore I am in support of this.

Chief Meyer: I need to reiterate once again that these are arrests are not made for political speeches or because somebody was just mildly hothead. If you want to see what disorderly conduct looks like I recommend a ride along with the police department or I recommend a Thursday in our municipal court and you'll see what disorderly looks like. And again to these are reviewed by a judge. If you want to contest the charge you can do so. It's not simply handed a ticket there is a document to report that must go along with it that must explain the behavior. Thank you

Pres. Monroe: at this time I'd entertain a motion to close the debate so moved by Councilman Jarosz, Councilwoman Scarniench seconded. All in favor? Yeas, unanimous. At at this time I'd entertain a motion to pass the proposed ordinance so moved by Councilman Jarosz, Councilwoman Scarniench seconded. Mdm. Clerk and please call the roll?

Roll call: yeas: Delaney, Langman, Gorshe, Scarniench, Jarosz, Mancuso, Monroe
nays: Caviness, Hill

Motion passes.

Ord. (136-2016) (146-16) Amending Section 1755.99 (b) of the Basis Standards for Residential Occupancy Chapter to update the ordinance to reflect correct penalty for a minor misdemeanor offense

An ordinance amending Section 1755.99(b) of the Basic Standards for Residential Occupancy Chapter of the Building and Housing Code of the Codified Ordinances for the City of Euclid to update the ordinance to reflect the correct penalty for a minor misdemeanor offense. (Sponsored by Mayor Holzheimer Gail)

Comment: This will correct the outdated code to reflect that the maximum penalty for a minor misdemeanor is \$150.00.

Pres. Monroe: at this time entertain a motion for passage so moved by Councilman Langman, Councilman Delaney seconded. All in favor? Yeas, unanimous.

Dir. Sweeney: back in 2000 for the Ohio Gen. assembly changed what a minor misdemeanor is, the penalty and that is \$150 so back in 2004 we did amend our code and all the sections the specified minor misdemeanor but we must of witnessed one section so masking you to amend the penalty 1755.99 word indicates the minor misdemeanor currently is \$100 but really it's \$150.

Pres. Monroe: colleagues any questions, comments or concerns? Seeing none at this time it entertain a motion to close the debate, so moved by Councilman Delaney Councilwoman Gorshe seconded. All in favor? Yeas, unanimous. At this time I'd entertain a motion to suspend the rules as to this particular ordinance so moved by Councilman Delaney, Councilwoman Gorshe seconded. Can you please call the roll as to suspending the rules?

Roll call: yeas: Langman, Gorshe, Caviness, Scarniench, Hill, Jarosz, Mancuso, Delaney, Monroe

Motion passes.

Pres. Monroe: at this time I'd entertain a motion to pass the proposed ordinance so moved by Councilman Delaney, Councilman Langman seconded. Mdm. clerk can you please call the roll as to the proposed ordinance.

Roll call: yeas: Gorshe, Caviness, Scarniench, Hill, Jarosz, Mancuso, Delaney, Langman, Monroe

Motion passes.

Ord. (153-16) Amending Section 529.07 “Criminal Activity as a Nuisance; Cost of Abatement” to make an exception for domestic violence

An ordinance amending Section 529.07 “Criminal Activity as a Nuisance; Cost of Abatement” of the Nuisance Abatement Chapter of the Codified Ordinances of the City of Euclid to make an exception for domestic violence, E.C.O. 537.17, being considered a criminal activity. (Sponsored by Mayor Holzheimer Gail) (To be referred to Public Safety Committee)

Comment: Domestic Violence, ECO 537.17, should be removed as an offense that is considered a nuisance.

Pres. Monroe: at this time I’d entertain a motion for passage so moved by Councilwoman Hill, Councilwoman Scarniench seconded. All in favor? Yeas, unanimous.

Dir. Sweeney: I was contacted about two weeks ago from three students at Cleveland Marshall and Cleveland state Masters program and they are doing a research program on nuisance abatement ordinances and they talk to me about amending the particular section to carve out an exception for domestic violence being considered a nuisance. If you considered domestic as a nuisance it may run afoul of fair housing standards and things of that nature. The students would like to comment talk to the public safety committee about their research and findings, some cities have been sued and have gotten money judgments against them and have also had their nuisance abatement ordinances stricken in their entirety.

Pres. Monroe: colleagues, any questions before we entertain a motion to send it to Councilwoman Mancuso’s committee? Seeing none at this time I’d entertain a motion to close the debate this evening so moved by Councilwoman Scarniench, Councilman Caviness seconded. All in favor? Yeas, unanimous. At this time I’d entertain a motion to referred this matter to the public safety committee, so moved by Councilwoman Scarniench, Councilman Caviness seconded. Mdm. clerk and please call the roll

Roll call: yeas: Caviness, Scarniench, Hill, Jarosz, Mancuso, Delaney, Langman, Gorshe, Monroe

Motion passes.

Ord. (137-2016) (154-16) Amending Section 1761.05 ‘Rental License Fees’ must include both exterior and interior inspections

An ordinance amending Section 1761.05 “Rental License Fees” of the Building and Housing Code of the Codified Ordinances of the City of Euclid to specify that rental inspections must include both exterior and interior inspections. (Sponsored by Councilpersons Delaney, Gorshe and Langman) (To be referred to Building and Housing Standards Committee)

Comment: This would clarify that rental renewals will have both interior and exterior inspections every year.

Pres. Monroe: at this time I’d entertain a motion for passage so moved by Councilman Langman, Councilwoman Gorshe seconded. All in favor? Yeas, unanimous.

Mayor Gail: this is legislation that is introduced in sponsored by Councilman Delaney, Gorshe and Langman. I don’t know if you want to let them speaker Ms. Grida would like to address the topic as well.

Kristal Grida: I appreciate this coming on the agenda tonight, I am happy and excited to talk about this and committee. I think that we should have a conversation and address what your concerns were in order to bring it here to legislation I’d like the opportunity to inform you about the numerous ways that we currently are limited to any interior concerns with rentals. Also in looking at implementing this I know we’ve talked briefly about this in prior committee meetings. The extra work does come at a cost and so I would like to also talk to about how the housing department feels that we can invest in our housing start in a little different use of our time through the vacant property registration. So I’m guessing that can come up and committee as well.

Councilman Langman: this piece is a bit of housekeeping Mr. Chairman. For the amount of years I’ve been on Council for starting with the apartment rental inspections it was always external or exterior,

interior inspection and then we began seeing more single-family rentals the regime was extended to those single families. Again the assumption was that the inspection would incur on the exterior and interior for my time on Council that's how we approached it and I think every piece of legislation was addressed with that in mind. However, it was never formally specified so it's my understanding from the administration in communication that last December the previous administration previous Law Dir., and the housing manager decided that due to whatever reason which I'm assuming are related to manpower ended the interior inspections. Now this was not shared with the Council, I look back to my communications and there's no communications. Current administration has extended this without formal Council debate or acknowledgment. And we brought this up now for several months and again I do not see any formal communication as to why we are no longer doing the interior inspections how could it be that there is case law that's been decided out there? We don't know that. However, in informal conversations with Mrs. Carita and other members of the housing department I discussed with them the importance of doing internal interior inspections for rental properties in the reason for that is, somebody has to speak from the tenant. We see that attorneys are here represented property owners and that's wonderful, their interest should be protected but who speaks for the tenant? And over the years of gotten many calls from tenants that are petrified of reporting issues within their rental units. Now usually and all of us know that if you get a few phone calls that usually the tip of the iceberg. So that's why I feel is very important to specify what were actually inspecting. That's what our residents are demanding of us. If you look at the housing department's only initiative they want to make sure that there's a robust inspection process. Not only with this administration but with past administration. Our Master plan survey questions many of our residents feel that the upkeep of property is a of prime importance. Now does this mean that this is the best way to do it or that point-of-sale inspections should continue, maybe not. But there was never any formal indication that this was going to end, it just ended. I believe that's a detriment to our housing stock and to our tenants. What should happen is that they should be passed tonight and then we should take up with every interested party how we might do inspections better. What we inspect and how we inspect, and I'm glad to see one of the owners and representatives here. I haven't seen them in the past. And I certainly would never refuse any communication from interested property owner that had concerns. I think that never happened. So I think to protect our residents that happen to be tenants this should be passed and then we can extend the hand to any interested party that wants to work with us to make the process better.

Councilman Delaney: I too agree with Councilman Langman when we discuss this we had always assumed that the interior inspections were going forward. It came to a surprise to me when I learned that inspectors were told that they could use their judgment or not to them at all. I looked at this, we have done inspections interior before, I believe that it is a great part of the service that we offer a residents, that we are here to serve. I'm going to bring out again and again the Mayor's three points that she made, we want to make sure that we try to push for value, we want to raise our value. We want to reduce the number of rentals that we've seen bloom. We want to make sure there are well-maintained. And that's what these inspections do I had met with the landlord over the weekend and he saw for it. He believes that by marketing this to his potential tenants they appreciate the fact that the city is looking after their interests with interior inspections. He also agreed with the fees. He agreed with the whole philosophy behind it so we have heard from some landlords that are in disagreement with it but there are several more that actually think that we are on the right track and we are doing right by their tenants as well. Because many of them almost all of them, I could be wrong, I have accumulated many many properties 10,15, 25, 50, I don't know of any that I've talked to that have full-time property management companies like high-rises do. That comparison came up what about the high-rises. What the high-rises we do have someone to contact with some of the LLC's that have accumulated all the houses you're talking to the agent of the LLC that is the absentee landlord that owns the house how can they cover 20 properties, 15 properties and not have a full-time staff. This is a service that is needed and something that we've always assumed would be there so I don't intend on this going into maybe because my Councilman Langman said I believe we had to put this in because it was something that we felt was there. Again I appreciate the remarks of the attorney that came and gave us the caveat of law that needs or maybe coming but just to make a correction you did bring up the Hillandale zoning which is not what we went through rigor of federal court for. You were wrong or that we were in court over our charter based on the way that we elect City Councilman which had nothing to do with the reasons of the zoning. The zoning actually passed with the Council first, the Council passed it in a referendum overturned it and at the vote the church that was to be built passed by the public, they agreed with the church. There are a lot of variances for very small housing and very small lots that the public didn't agree with and then the Mayor had sign that and reversed it in the settlement so that really never went very far. What it was was Department of Justice came into Euclid and when after the way we elect City Councilman so I think you're confused on that part of warning us but again we can't proceed with hypotheticals and what may or may not

happen. This is really a solid safety measure. The other thing that concerns me in the remarks is the Council does not want to meet. Now I've asked the Law Dir. and you can agree with this several times to be involved with the meetings. And you've actually told me you thought that maybe would go better if we weren't there. Actually it was in the very beginning with his client and I don't want to get into that debate but you would ask me to not come to the meeting. When it was with the prosecutor

Pres. Monroe: okay I don't want to play ping-pong for the rest of the night...

Councilman Delaney: again the other thing is that there was several emails that went back and forth because landlords had been brought into City Hall to meet and we on Council felt that the legislation we put on should have everyone around the table and going through the procedures if there's a group of people invested in the city that want to talk about it then it's only an everyone best interest to have everyone around the table. After all that email I gone back and forth there was more follow-up meetings and I again, had to hear that from the landlords. But to a point I have three phone numbers to emails I'm a public person if you want to talk to me about anything you can call it call the Council office call City Hall's ask anybody, send up a flare, I am happy to discuss all this legislation and usually to a point where people to want to talk to me about it but. It's something that I'm surprised by the Council does not want to talk we do we always do were always open. And that's why we're here. Again this is why these problems happen, I can see them developing as they go on and that's why we expressed our concerns so again another lesson that when we have this legislation invite everybody to the table. You're the ones in the building every day we are not so bring us into the discussion as well. But I don't see this going to committee I'm ready to vote for now because it was something I was always comfortable with was already there in the first place thank you.

Councilman Gorshe: after my two colleagues is not really not much left to say however I do believe that this is also a housekeeping issue and it does have to do with health and safety of the tenant inside the home. I have had several individual call me about wanting approved conditions but are afraid of retaliation if they bubble that up. Even if, I think there was one most recently for electrical both inside and outside light. I don't believe that this is haste, we put a lot of time into housing were very concerned about that, were concerned about the residents who have to live next to something. Again this is an urban myth that we do not want to talk. One land owner did call me we had a discussion the last meeting where we prove that other legislation, I said and I'll say it again I don't think anybody has my colleagues to the right would not want to talk to anybody who would want to have the conversation. I have several ways of communication as well. My colleagues are not wanting this to committee so I will stand by the suggestion I am in support of this legislation being voted on this evening and that's pretty much improving the quality of life for the tenant. Thank you

Councilwoman Caviness: I am in definite agreement with my colleagues when it comes to this health and safety of our tenants. But I would love to have an opportunity for more persons to voice their opinions and have a go to housing but as the chair stated she would rather have it pass tonight I would like to see more of an opportunity for people to attend our meetings and to voice their opinions about it because I do receive calls often from tenants who feel very threatened if they even contact the owner of but anything that's going on and a lot of times I take it upon myself to make the call as opposed to the tenant. I will be in agreement with you if you don't want to go to committee to vote in this tonight because this is for the well-being of our citizens in Euclid thank you.

Councilman Scarniench: I agree with the sponsors of the legislation, we've heard about this long enough and the fact that it was changed and we were told about it is appalling. The fact is any landlord any attorney could of come here to any meeting and the end and given their five minutes speech about why we shouldn't go forward with this. Waiting until the last second when it's time for us to vote on something to me is not acceptable so I will support moving this forward tonight.

Councilman Jarosz: we've sent far more trivial issues to committee and this is something that seems a bit substantial. I'm definitely in the end it is the administration that'll be charged with carrying out these ordinances, I would want as we move through the process be very interested in learning about the vacant property registration how they think they can solve some of these issues. In light of this ordinance I'd like to I'm very interested in prioritizing manager O'Donnell who suggested that a move from just exterior to both to be 45 minutes were exteriors about 15. There's only so many hours in the day I assume that if we take on with the interior and exterior that will limit some other activities within the housing department and interesting were those are the hierarchy of things. So that's just my perspective I'm interested in kinda hearing from the administration of how they see this fitting that's why I would be in favor of going to committee and in light of some of these lawsuits I think we

should do what's in the best interest of our residents and if lawsuits happen that's fine. Personally I don't think there's an appetite for going to committee. I would like to make motion will have it and then go from there. Motion to send this to committee I guess.

Pres. Monroe: there's a motion pending on the floor is their second to Councilman Jarosz' motion to send this to building and housing standards committee? So moved by Councilman Jarosz, Councilman Caviness seconded. Can you please call the roll as to whether to send this to committee?

Roll call: yeas: Jarosz, Caviness, Monroe
nays: Hill, Mancuso, Delaney, Langman, Gore she

Motion fails.

Pres. Monroe: I'll entertain a motion to suspend the rules, so moved by Councilman Langman, Councilwoman Gorshe seconded. Can you please call the roll as to the motion to suspend the rules?

Roll call: yeas: Hill, Mancuso, Delaney, Langman, Gorshe, Scarniench
nays: Jarosz, Caviness, Monroe

Motion passes.

Pres. Monroe: is there a most a motion to pass the proposed ordinance, so moved by Councilman Delaney Councilman Langman seconded. Please call the roll as to the proposed third reading of this ordinance.

Roll call: yeas: Mancuso, Delaney, Langman, Gorshe, Scarniench, Hill
nays: Jarosz, Caviness, Monroe

Motion passes.

COMMITTEE OF THE WHOLE – PUBLIC PORTION

Jeffrey back: 25540 chat worth. Want to speak both that as a resident and first of all is Pres. of Ed core. I was surprised to hear the comments made by Councilman Delaney about us selling a home to an alleged sex offender. Let me tell you the program works. Down payment assistance program if you meet the federal income guidelines. And you can get a mortgage, we will sign off on the down payment assistance. We don't look at criminal, it doesn't go through the loan committee we don't look at sex offenders or anything like that. In fact I don't think we legally can. I think that would be a fair housing issue and I spoke with Brian Iorio out in the hallway and he is gonna check into that with the fair housing lawyers but I have a feeling that it's gonna come back to we can't discriminate as to who we sell the homes to his long as they meet the federal guidelines. I would like to know the name of the person because he bomb next orders school that the police matter. There is rules against that so we really can't stop that and will check into it will get an answer back as to whether we can whether we can't. Secondly as a citizen, I would like to commend chief haddock and the fire department for the professionalism, the speed and the well-oiled machine they brought to my neighbors house late Saturday afternoon. My neighbor is 91 years old, World War II vet, his home caught fire. I got a banging on my door from neighbor on the other side telling me that the house is on fire and he didn't know my neighbor I did. But over there and talk to them and he did want to come out of the house. He didn't believe that the house was on fire at first but it was. When the fire department showed up they had amount the house and they got him to sit in the squad with they took care of it but just to stand there and watch this well oiled machine jump in action was something to see and I just wanted to commend the fire department for doing it so thank you very very much. The last thing I want to mention is just a citizen two and I'm not an attorney, but whether you like it or not you've got the follow the laws set by the court in the state of Ohio. I read the Portsmouth lawsuit and it basically said that into a rental inspections are a violation of the fourth amendment. So if you could pass it but I don't think the administration should go about enforcing it into you get a ruling as to whether or not it's legal. I'm all for it I wish we could do it, wish you could do not point to sales inspections and rental inspections, I'm all for it. But if it violates the law and openness up up to a lawsuit that is just not worth doing. The Bedford Heights case in my understanding that when look into that to, is that not rental that is point-of-sale inspections and they're going after the same thing at the veil violation of the fourth amendment. So I don't think that's been settled yet. Portsmouth case was. That's my opinion thank you

Paris Rice Sanders: 24799 Lakeshore Blvd. I just want to thank Council for voting for the age. I think you also should consider putting some money into the youth. I was listening to your block grant I grew up in Euclid I mean I came here in 1977. We used to have things that the playground in the summer they would give free lunch they would have activities there was an activity Dir. There was so much going to work to Euclid take care the cities to support them through block grant. Heard of all the things you have on the agenda and on the budget for 2017 but there's nothing ever about a planning committee for the youth. We better start looking at the youth and we need to committee for that and so I asked you all to think about what's going on in the city and how we need to come together for the youth and put some of that money for the youth because I'm awfully said I've been here 35 years and I've watch the city and were in trouble with the youth so really hope your start going to committee for the young people thank you.

Charlie Smialek: 16824 Holbrook Rd., Shaker Heights. I believe I know this will disappoint all of you on the only one here to speak about issue 111. I do want to thank the community and also members of Council for your support were very excited that we passed issue 111, were very excited to begin the projects that we promised as a part of issue 111 we also want to acknowledge that there was opposition. There was opposition even amongst Council, there was opposition amongst residents. We hurt you and we know that to be the school district he wants to be we have to continue to be as transparent as possible and try to involve you as often as possible. We want to be an asset, we want to work with you to attract young families that will stay in Euclid and be stable homeowners and resident of our community our goal is similar to your goal we said that all along. We want a prosperous Euclid. And to that end I invite Council and I invite any residents watching this evening we are getting a strategic planning phase we always said that we would pass or fail issue 111 and at that time take inventory of our district and work with our community to form a strategic plan for school district the first meeting will actually be on for December 12 Council members you will receive personal invitations hardcopies in the mail but I want to make sure I came to the Council meeting to also invite you in person, the mayor your information the same piece. We will meet on Mondays and I'm not sure if that will conflict with your schedules it'll be Monday board meetings so that our board can be involved. We will address five specific topics and their very important topics to improve our district from a global standpoint. Early learning, culture of achievement, including a culture of achievement and how her school's feel, when you walk in and how her students behave in the community. We will try to work with the library as well to make sure that we can share a common expectations with our students in common terminology. We know it's important for students to represent themselves not only in our classrooms in our hallways but in our community as well. That's what the culture of achievement will look at. College and career preparation, schools of choice/pathways to readiness we do want to have schools where families opt into schools not because of where they live because of they believe in the theme the school of the arts. The stem school for instance a school of Allied health. These are just possibilities what you hear from the community want to hear from Council as to what you think is the best fanatic basis from art what our schools can be. From an elementary school basis we would evolve into a pathway way to readiness from the secondary level. In the final piece in the potentially most important communities committee campuses. Part of our campaign issue 111 we talked about making sure that our facilities are fields our 18 hour access to the community. We want to make sure that we work with you to get your input into how that will look we anticipate that this will evolve into memorandums of understanding shared use agreements, etc. We are extremely excited to be in construction and planning processes behind that but we also very cautious or very mindful of holding to our promise of being credible in the community, increasing our partnership with the city and making sure that we are creating community assets not just great schools for city. Thank you.

COUNCIL MEMBERS' COMMENTS

Councilman Scarniench: short and sweet on November 28 that's a week from today at 630 we will have our assets meeting on discussing Shore and how things are going with the strategic plan and their budget for next year and with that good night.

Councilwoman Hill: just a couple announcements here, first and foremost I want to wish everyone a happy Thanksgiving to let you know that Imani churches doing their annual Thanksgiving meal for the community this Thursday between 12 and three. And that's open to anyone whether you're in need of a meal or you need of company because sometimes I can buy a turkey but I don't have a family and so if you don't have to be alone this season definitely stop by money church which is

located at 1505 E. 2 60th St. Past Michelle Humphrey has a heart for the community and she's constantly pouring out and so this is an opportunity for you not only to come and share with your community but share with the church and experience the love that the members have for the community there any money church. Also we want to piggyback on the Mayor's thanks and congratulate and thank the law firm of Nager Omega and should Nager, they actually purchased additional turkeys so we were able to bless 110 families and these were people that some of them had no idea if they could get a turkey this year and so I thought that was awesome and amazing and they stepped it up a notch and told me that they wanted to adopt to families for Christmas so there's two families that have been chosen both families have four children believe it is and they will be helping them out and given them Christmas blessing. So very excited to be a part of that and have someone like that in the city and especially my ward that cares about the community. And lastly, save the date, time and place to be determined but December 13 we will have another Ward meeting I promise to keep you engaged and informed so have another Ward meeting and this one is actually going to be specific for ordinances in our youth. One of the comments came up and regards to the persistent disorderly conduct was the teeth of the ordinance and if you know where to go to this. A lot of people don't know what the ordinances are and you definitely have to think about it when you're in the middle of a situation so want to make sure that the art youth are educated and no and how their actions and not just our youth but our people but specifically our youth to be educated and know that how your actions can really affect you down the road. So this will be a meeting where you talk about the ordinance and talk about the impact that they can have on you and making parents aware of what the ordinances and so that we are starting at home training our children in the way they should go. Making sure that they are responsible citizens so they can become responsible adults here in Euclid. With that I'll say good night thank you

Councilman Jarosz: happy Thanksgiving everyone.

Councilwoman Mancuso: two things one is I was delighted to hear that Euclid is part of the larger cities that is now forming a group to go down to the Statehouse and have our voices heard I would highly recommend you have someone from Council join you at that so it can be a total efforts I think we can get a lot done down there even though we haven't in the past so far. I think this is a good group. Secondly, on heavier note the income tax did pass in Cleveland, when we start discussing how are going to address that?

Mayor Gail: I actually had that on my list to announce earlier I was in the Mayor's alliance, the Ohio mayor alliance and reported to Council earlier that we were going to be a part of it. It's a group of the 30 largest cities in Ohio have had two meetings the second one this past Friday there was a press conference to announce Association and I can forward you some of the articles that came from that. The purpose is to get the mayors and it's actually specifically mayors around the table and some of broader chiefs of staff for legislative people and they do not sit at the table they said of the separate table so I can certainly ask whether Council can be involved but I think the idea is in the initial meeting with the state policy and state leadership is that the value is in the mayors and those people having the conversations together. Certainly we need Council support which is why it's disappointing not to have conversations about important pieces of legislation meeting the housing piece this evening. I think we definitely need to get get more done when we work together. It's disappointing that we can't have those conversations. Were the ones that implement the work were the ones that have to figure that out. It's unfortunate that we can't have conversations about legal issues. I can certainly ask whether Council can participate I know there are associations a Council members can join as well as that would be another avenue but the purpose of this 30 largest mayors is to come together with one voice to advocate and to work for issues that impact cities.

Councilwoman Mancuso: I read it but I do know that there were legislative people from the cities that were going with them but in a different group because the purpose is to passing laws. So that's what I was pertaining to. My other question is about the income tax.

Mayor Gail: the income tax we've had a couple of internal meetings Dir. Smith is working on a guess a beginning framework of the budget and will have a better sense of where we are starting. We aim to have a temporary budget to Council at the next meeting to have passed to start the year. There are two pieces of legislation and councils executive committee that a previous been introduced so we can looking at gathering information about all the different options and will come to Council with our recommendation and certainly look forward to discussing all the different options..

Pres. Monroe: if I could address that because were going to go to executive and finance committee I would like to's dart looking at it though sometime mid December because right now if we do nothing

there still credit up to 3% so any people such as myself who work in the city of Cleveland and live in the city of Euclid will now pay an effective tax rate of 3.35%. That's the new tax bill as of January 1. That's truly the highest in the state and we need to address that sooner rather than later so you have to look at that.

Mayor Gail: I don't know that that's accurate Council President Euclid gives 100% credit so you will pay your 2.5 to Cleveland we give you 100% credit for what you paid in Cleveland so you would still pay Euclid the additional 35.

Pres. Monroe: thank you for clarifying that if we don't do anything the cities out \$946,000. We've gotten that. If we do take any of the suggestions that have been put to executive and finance those will have to go to...

Mayor Gail: yes there's a number of issues that we've talked about it we've debated and some have they all have different merits, the two that are in committee would be capping the credit to percent in that case if the credit were capped at two somebody who currently worked in Cleveland would pay Cleveland the 2.5 if we The credit to they would have to pay us the .85+.5. I believe. But we'll figure that out were looking at gathering data on all the different options the two that are in committee would be the The credit to reduce the credit to 75%. Were looking at the impact of House Bill 920 I believe were the only city that the city municipal Park has a house Bill 920 that caps the amount of property tax that you pay. That I think initial calculation would adjust and bring an additional 3.3 million? But we been looking at it in the discussion to have us all of that is going to cost our residents something. So what would like to do were planning to do is starting by looking at the budget we want to then look at where we are so this year we propose to go into our reserves and we hopefully we won't go into the reserves as much as we had budgeted based on what were seeing so far. But a lot of what we were project with the budget and then what we would have to decide as a group to do will have to talk about together.

Pres. Monroe: just a follow-up on why we have every and everybody else's attention when we tentatively schedule executive and finance committee meeting for December 14 I think if we go to much later you get to the holidays and at least to give everybody a target to start getting information and getting that together.

Councilwoman Mancuso: does the new tax start January or June?

Mayor Gail: January I believe. Almost anything we would do would require a charter change. In a vote vote of the people. Except cutting the budget correct.

Councilwoman Mancuso: happy Thanksgiving everybody.

Councilman Delaney: first thing I had a chance to go through the survey results we were copied from our committee meeting and a couple of questions. In the project team which is the Mayor and members of your administration I assume we were following guidelines that other cities did? But who made the decisions and what is the charge of the project team. The project team is separate from the steering committee and it is the Mayor, Commissioner Beno, Director Knecht, Director Holody, Director Stephens.

Mayor Gail: it's the internal project team.

Councilman Delaney: what's the charge of the internal project team?

Mayor Gail: to meet with the consultants and make sure we provide information and direction from an administrative standpoint.

Councilman Delaney: who wrote the questions that one out?

Mayor Gail: for the survey?

Councilman Delaney: yeah.

Mayor Gail: the consultant provided direction we talked about that with them made some suggestions and corrections was based on they've done surveys with other communities so it was started with what they had done with other communities and based on our input of what we would like to see.

Councilman Delaney: even before we realize this would be a potential planning is always been home our concern. It's always advocated more planning so everyone of these things in my opinion is very important. Every question, that you put out. The group that reaches. I'm gonna start with one of the things just tonight and as we go through this other Council meetings I might feel the bring it up more and more committee meetings. To go with community amenities. That kinda jumped out and in the meeting as well as when I read the survey. The two questions were rate the quality of the amenity which I think is a good question. And then the other one was the importance of it. I think that's a dangerous way to go because you're pitting the hospital, against the historical society. The public schools against against the (inaudible). These amenities that I guess because they were part of the recreation section these were our amenities. I think they all have some sort of merit on their own. Those of us that work on a daily basis with them know them more intimately. But it's really is misleading and open-ended questions to say what you think the level of support is. The number one was the library. We had a great deal of senior citizens. School-age children, that use the library great deal. My kids grew up in that library we were there all the time and we love it. But we can't put aside the fact that it operates on over 5 million a year. It was renovated in 94 extended a 97 and for three years at electrical upgrades with solar panels it has 68 on staff. That really gives it a farm one advantage when we got into a a question about shore cultural center which operates on 600,000. 65% of that is brought back within the building. Those revenues are brought back to pay down our contribution is about 200,000 they have six on staff. We really have to make sure that we are come pairing apples to apples as we go through a planning process and I were not doing it there. We didn't achieve it with the question. The other thing is that I was glad the doctors my liquids here and he's going through a planning process were to have a committee meeting with an update on shore and that's another concern I have. And that's another concern I have the when we unveil the master plan the schools one in there. Some of the big shareholders were not at the meeting. I think we need to make the conscious effort to bring a lot of this together and I'm hoping that that is going to be more of a priority in the future. It should be a priority in the beginning but I'm sure that we are at the beginning and we can tweak it. So that's my first on one section opinion about the master plan is. I'd also like to wish everyone a family Thanksgiving and as I do every year happy birthday to my daughter Grace and Grace's first trip out of the house when she was six days old was in these chambers so she's got City Hall in her fabric and her person. Happy Thanksgiving

Councilman Langman: regarding the interior and exterior inspection regime, Law Dir.'s Sweeney asked me to hold off because I did work to push this through because I thought, I sent an email back in July question how did this happen and we really never got a response. Now my colleagues know this because I forwarded that email. So finally it was like okay let's move on this the Law Dir. asked me to hold off placing on the agenda because we had other elements the fees that we were dealing with on that particular piece of legislation. So I think that I'd been open of what I think I tended to do the agenda comes out in plenty of time to comment. My colleagues know that I sent out a very long email some read it I'm sure all you've read it or maybe you didn't so it's the opportunity to comment, send us an email heck we don't agree with the should go to committee. That didn't happen. I've got no emails from the administration about interior or exterior inspections. This piece of legislation. I got the law sheet which to me was like you didn't call me to discuss that so I guess communication is a two-way street it would all get better at it but I think that at least for myself I have worked with the particular representative administration to craft the legislation and to accommodate their wishes. I'll move on to that to talk about something fun or interesting. We watch the run game yesterday and it was pretty bad. But I figured out as to why they played so bad because because our Euclid middle schoolers visited Brown's training camp a while back and took all the fight out of them. That's only thing I can figure so my congratulation to the kids like a great time over bronze facility. I would like to extend my condolences to the family of John Belize Mayra Chomsky, Ray petro, they all passed away in the past few days and it's a big loss to the community. Each in their own way contributed to the fabric of the city of Euclid. And with that I wish everyone a very safe and happy Thanksgiving.

Councilman Gorshe: we talked a lot about tonight about her housing and for the past couple of meetings we passed some legislation regarding of utmost concern to everyone including a resident so were looking out for residents. Mrs. Grida said were going to have to stretch just a little bit more and that's a serious have to happen. Last December most of this Council passed a foreclosure bond where we can help take some stress out of the general fund to keep banks accountable for maintaining foreclosed property. Were working on getting that going forward and like to have an update on that this evening but I have some fingering statistics that just came out on November 10. So nationwide foreclosures has spiked 27% nationwide.. This is from October the spike in October stands out for as much on those is the early phases of housing bust in 06 and 07. If I look at Ohio specifically the average foreclosure rate was one foreclosure filing for every thousand 258 housing units but in some

states the foreclosure state was much worse. Here are the top 10. Ohio's number 81 in every 900 and 3000 housing units are being foreclosed on. Here are the top 10 highest foreclosure rates among the 216 metro areas with a population of over 200,000. Dayton Ohio one in every 573 housing units. Ohio foreclosure jumped 25% nationwide Ohio was increased 34%. As I look at Euclid Center right now we have 337 active foreclosures we also have 6.1% unemployment in Euclid. The home affordable mortgage program or Hamp and the home equity lines of credit now or resetting. The disappointment in the Hamp program is that the treasury data says that 70% of homeowners who applied for the Hamp program were turned down for various reasons that's very disappointing as that's a government program. So I know that were working on it I know that Law Dir. Sweeney had pulled banks that have foreclosures in our city as well as a preliminary letter to talk to these banks about changes to the notice of filing foreclosures. In addition I did give a gentleman who be willing to talk about the process and to see where we can go with the finance department to make sure that we can get this program going I think we've waited long enough it's November this legislation is about a year older almost-year-old so I'd like to know what were doing going forward were looking to pick up any pennies Nichols dimes are dollars and this is certainly going to help. I know that most of us agree on that so whatever would like to take this I'd certainly like to hear because the public is also been asking me what's going on with this. Physically I think it was brought up at Councilman Mancuso's neighborhood meeting about the foreclosure and really no one said that we even had a bond. So I wasn't there but I heard tell of it. I would look forward to hearing that and wish everybody a wonderful happy Thanksgiving.

Councilwoman Caviness: I like to wish everyone my son Chip and his wife Denise gave birth, she gave birth, to their son on November 14 he was 8 lbs. 15 oz. and 21 inches and I've been sitting here because were also in baby watch tonight because my other son and his wife are at Hillcrest as we speak and she is in labor so they are expecting Angelo Braden and I am looking forward to spending time with my two grandsons and looking at life getting an opportunity to look at life through innocent eyes because I've noticed that I've become a little bit cynical in the last few years and I don't how much that is helped along the way. I think that having the grandchildren will help to see the innocence and the beauty of life and the simple things in life that I think that I have need to get back to so wish everyone a happy Thanksgiving and have a good evening.

Pres. Monroe: I usually don't address things with there's a few things I wanted to address tonight the first thing is I apologize for the misstatement of the taxes but I would like to I think setting a meeting on the 14th we can get that conversation started better sooner than later. I would say that revenue projection we've seen have been within spitting distance of the projected revenue. Congratulate whoever put those numbers together because there almost within .18% of actual. So going forward I think we can make some decisions with some pretty good data in front of us. Obviously we won't know what the revenue is for 2017 but hopefully it will be more. We are to shoot for 1214 at 630 here in this chamber. I just want to briefly address the rental license fee because I didn't get to. Because the motion was made and I didn't want to interrupt the motion that was on the floor. A couple things I haven't heard about this issue before last Friday so that's the first time I saw the agenda. I would've liked a little bit more time to look at it. I was not given a Portsmouth decision I haven't heard about it I don't know anything about it so I would like to have taken a look at it before tonight. A couple other things as far as protecting tenants the tenants do have rights and it's called the rent deposit action I'm sure Judge LeBaron would help anyone who has a problem with the can physical condition of their house. There are statutes in the state of Ohio that protect tenants. I'm not saying that's the only answer but it's another answer and I'm sure the clerks office would assist people and I'm sure they even have the form. Finally on that same issue I think sometimes these legislation have unintended consequences just to give you an example this morning I was representing a property owner in the city of Cleveland who was cited by the fire department for not having a certificate of occupancy. The property has been used in the same way since 1924. She had to spend thousands of dollars to get a certificate of occupancy for building that's been used the same way for nearly 100 years. And so my point is I think sometimes you tweak something and think this'll be just a small little change and it has a way of mushrooming into other things. I didn't get the opportunity to say my piece on these ordinances so I'll speak up next time before the motion is made. With that the items on the agenda the 1214 executive finance committee and we have a regular schedule Council meeting on December 5.

Councilman Gorshe: Mr. Chair I did ask a question of the administration about the foreclosure bond and I would like an answer for the record please.

Dir. Sweeney: I don't have a complete answer I did draft a letter to the banks and I do have a good list of the banks that do the most business here in the city but as far as like next steps I don't have a response but I'm happy to talk to you tomorrow.

Pres. Monroe: can you have that ready for the 12 five Council meeting.

Dir. Sweeney: the pieces already passed but I can certainly talk to the Councilwoman briefly, shortly about what's going on with that piece.

Pres. Monroe: with that I'll entertain a motion to adjourn so moved. All in favor? Yeas, unanimous.

ADJOURNMENT

Attest:

Catherine C. Petersen
Clerk of Council

John W. Monroe
President of Council