

COUNCIL MINUTES
MARCH 6, 2017

The regular Council Meeting was held on Monday, March 6, 2017 at 7:00 PM in the Euclid Municipal Center Council Chamber. President Monroe presided.

Members Present: Caviness, Scarniench, Mancuso, Langman, Gorshe, Monroe.

Excused: Hill, Jarosz, and Delaney.

Council moved to excuse

Others Present: Mayor Cervenik, Law Director Frey, Planning & Development Director Holody, Service Director Bock, Administrative Director Linker, Fire Chief Haddock, Police Chief Brickman, Recreation Director Stephens, Clerk of Council Cahill.

ADMINISTRATION REPORTS & COMMUNICATIONS

Mayor Cervenik – Euclid Chamber of Commerce is having their Annual Award Dinner next Thursday at the Irish American Club, March 26th. I would just like to congratulate this year’s winners: Chesterfield Steel has been recognized as the large business of the year; Dr. Andrew Brobbey has been the small business of the year; East Side Irish American Club is the organization of the year; Greg Jurcisin is person of the year; Kathy Will is our lifetime achievement award winner. Bluestone Award Winners are: Euclid Community Policing; Kollander World Travel; Dave’s Supermarket; City of Euclid Finance Dept. for receiving the Award for Excellence in Financial Reporting. I’m proud of the accomplishments of all the winners and all they have contributed in making Euclid a great community to live and work in. Congratulations.

We have a blood drive, Tuesday March 24 in the lobby of Euclid Municipal Center from 10 AM until 3 PM. We encourage people to participate. This winter has been especially hard on blood donors and collections and they are very close to emergency status. All are welcome. If you would like to know of other locations, if you cannot make it this Tuesday, call 1-800-Red-Cross and they will help you get in there.

We received an award, a little different than normal awards, but the American Society of Landscape Architects gave the City of Euclid the award of Excellence for the Unbuilt Project category. That is for our Lakefront Project and Improvements Plan. It was given to us by the Wisconsin State Chapter where JJR is very active and Jonathon Holody was up there recently and we presented our program and what we’re trying to do with the lakefront. They gave us the Award of Excellence. We’re going to try to get some awards down here in Euclid as well and I’m sure we will. I think what it points out is the lakefront program, the improvements plan we have in front of us is being recognized all over the northeastern United States as a project that has very good potential and can be used as a building block and example for other communities as well. Director, thank you for your efforts in getting this as well as JJR’s.

I would also like to announce that our current firefighter Mitch Miklus has been offered and has received a job with Willoughby Fire Dept., so Marshaun Khan-Assain, will be brought back, he was one of the three furloughed firefighters. He will be back on the Euclid staffing on Wednesday morning. That concludes our announcements.

REPORTS & COMMITTEE MINUTES

Councilwoman Scarniench moved to receive the Executive & Finance Minutes of 2/23/15 and Board of Control Minutes of 2/23/15 and 3/2/15. Councilman Jarosz seconded. Yeas: Unanimous.

Ms. Mary Jo Minarik – 18870 Abby Ave. I would like to talk about items #1 and #2 on the Agenda. The first one being the contract. I have a question for Director Frey. I questioned and I’m still questioning the third whereas in the legislation where it says bringing the total city contribution to 5% and then 5 ½% in 2016 and 6% in 2017. You said that the officers pay 19% into their pension. I went online and the Ohio Revised Code specifically states that employers pay 19% pension of an officer’s salary. I wanted to find out whose right, you or the Ohio Revised Code. 24% goes into the firefighters.

But I’m still concerned. If it’s true the City of Euclid is paying 19% pension pay in and then picking up 5%, 5 ½% of the officers’ and up to 6% in the next couple of years, that would literally bring that third paragraph should actually read, whatever that percentage is plus the 19% required by Ohio law. I’m concerned about the language of the 3rd whereas.

When it comes to #2, the budget, I have been doing some research on demolition programs and rehab, every one of these programs talks about a targeted plan for demolition throughout a city. But in conjunction with a targeted plan for demolition, strict housing code enforcement is necessary. You can’t have one without the other. I’m concerned that we still have part-time double dippers making much more than our housing inspectors do and yet we are not filling an inspector’s position which pays for itself. I would encourage council to take a serious look at the budget and rather than continue to pay for double dippers that are part time making more money than a full time inspector, actually think about not just filling the position but actually hiring more inspectors. In this time, our foreclosures are still an abominable rate. Our distressed properties according to a Cleveland State University study in 2011, our distressed properties are still seriously affecting the property

values in the City of Euclid. We don't need less inspectors, we need more housing inspectors. We need a strict housing code enforcement combined with a targeted specific plan, long term plan for housing demolition. I would encourage council before you vote up or down on this that you think about bringing back the housing inspectors and maybe laying off maybe we should think about the double dippers, not making more than a full time inspector. Thank you so much.

President Holzheimer Gail – Seeing no other comments, we'll proceed with Legislation.

LEGISLATION

Res. 16-2015 (018-15) Police Contract

A resolution authorizing the Mayor of the City of Euclid to execute an Agreement by and between the City of Euclid and the Fraternal Order of Police, Lodge 18, as exclusive bargaining agent for full time sworn Patrol Officers and all full time sworn Supervisory Officers, exclusive of the Chief of Police and the Executive Captain, to be effective January 1, 2015 through December 31, 2017. (Sponsored by Mayor Cervenik)

Comment: FOP membership ratified the collective bargaining agreement that provides for modest annual increases, an increase in the pension pick-up and inclusion in the redesigned health care and wellness program.

Councilwoman Jones moved for passage, Councilwoman Scarniench seconded.

Director Frey – We've had discussions both here and in the Council Chamber and in Executive Session regarding the particulars of the bargaining process and this specific agreement. To address the question, the city's pension obligation under the Police & Fire Pension system is either 19 or 19 ½%, I'm not sure which that number is. In addition the city picks up today and will continue to pick up in 2015 5% of the pension contribution of the employee. The individual police officers' contribute 11 ½% towards their pension, the city picks up 5 of those percentage points and that will increase to 5 1/2 percentage points in 2016 and 6% in 2017.

The salary increases that have been negotiated, ratified by the FOP are 1 ½% for 2015; 1 ¾% in 2016 and 2% in 2017. There is also full engagement with the healthcare both in the employees' monthly contributions and the plan design including the wellness program that are in effect and we are enrolling those individuals for an April 1, 2015 start date on the new health care policy. Again we have a provision in the agreement that should the IAFF, the firefighters union receive more favorable contract terms then we will have an obligation to negotiate with the FOP over those changes. With that I'd be happy to answer questions that perhaps didn't get answered in our prior discussions on this.

Councilman Langman – Not a question, but I would like to thank Law Director Frey for getting us the spreadsheet on the contract in a timely fashion. That was helpful and therefore I will be supporting the contract.

Councilwoman Gorshe – This is to Chief Brickman. I know we've been talking a lot about the mandatory vest policy and I want to thank you for getting back to me today regarding all of the questions I asked. But, from what I understand previous to your return from vacation that we had 40 vests budgeted in 2015 budget, is that correct? But the need is 57?

Chief Brickman – I am unaware of the number of vests that are in the budget but we would have to adjust for actual costs. I did reach out to one of the vendors who provided the price today per vest based on State contract purchasing so I think we can pretty much accurately determine at this point what it would cost us through 2015-2016. Later on this afternoon I received an updated information so I know we will be purchasing less than 10 vests in 2017, 2018 and 2019 and I'll forward that information to you as well.

Councilwoman Gorshe – So in 2015 is the number 40 or 47 that we're budgeting for? Maybe Director Frey, I believe that came from you.

Chief Brickman – 57.

Councilwoman Gorshe – 57 so we're short 17 in the budget.

Chief Brickman – Correct but I don't know the amount per vest. I would have to take a look at the number associated with it and make a determination on what we'll actually need.

Mayor Cervenik – Once we do have that number, it may be recommended by the administration to have that expenditure come out of the permanent improvement fund, just as we do with the turn out gear for the new firefighters and the replacement. These items last more than 2 years and they certainly qualify for that. We need to see how that fund goes as well. We haven't put a finger on because the contract really hasn't been passed yet as to what that final vest contract will be.

Councilwoman Gorshe – That was going to be my next question because Chief did indicate we would ask the vest be a separate line item in the budget as well. Am I to assume that would be an increase in the permanent

improvement fund then? Is it there now?

Mayor Cervenik – We have not put any line items in the permanent improvement fund. We have a very limited capital. Over the last two years as you're aware we entered into lease agreements for an ambulance both years, a number of police cars and last year also 1 ½ ton salt spreader. We do not have the ability to enter into another lease like that. There is money available in that fund and we will bring in front of Council as we do consistently when we know what that figure is the cost of the vest and determining where that will come from.

Councilwoman Jones – Chief Brickman, so the 57 vests, did you say that's for 2015 and 2016, the purchase would spread across two years?

Chief Brickman – That's for 2015. Those are vests that are already or about to reach their five year warranty expiration date.

Councilwoman Jones – That's 57 officers that would be ordering the vests for. How many either are not ordering for or how many additional would that be, either not wearing vests or we're not ordering for?

Chief Brickman – Understand that a mandatory vest wear policy will result from this contract passing. In my opinion that's extremely important. I have in front of me right now an article that just came today that said bullet proof vest partnership program working to save officer lives. It talks about the critical difference these vests have made in the past few years. In my opinion this is an officer safety issue, it was something that was brought up in the OACP report a few years back and we were working in that point in time to get the vests as a mandatory wear. Once it becomes a mandatory wear and this is where the negotiations had to come in, the obligation becomes that of the city to furnish these for the officers. It was through negotiation that we got to this point. We have 90 officers, so 57 officers need it now over the next five years, with a five year expiration, we'll have to purchase 33 additional vests.

Councilwoman Jones – That was the question I had asked earlier but I didn't really get the answer whether this was going to be mandatory vests wear or not.

Chief Brickman – Absolutely.

Councilwoman Jones – Out of the 57 that we're ordering then there would still be the additional vests that need to be purchased?

Chief Brickman – The 33 additional vests would have to be purchased over the next 4 years.

Councilwoman Jones – Is that because those officers currently have vests that are have not expired?

Chief Brickman – That is correct.

Councilwoman Jones – You mentioned the cost is going to differ. Will that cost differ from the email that you sent earlier today price per vest?

Chief Brickman – I anticipate the cost we receive today that was a fresh quote that I had received just today on the item. I believe that is going to stay pretty consistent. I know it will be this year, I believe it is going to be the same price for next year, I don't know if there's going to be any adjustments over the next 5 years on that.

President Holzheimer Gail – Chief Brickman, if I remember right, there are grants available and you will be seeking that pays for part, not all?

Chief Brickman – That is correct. In fact we had received this grant in the past but a condition of the grant became mandatory wear. At that point in time we were no longer eligible to receive the funds. If we do receive the funds we will be able to be reimbursed for half the cost of each of the vests.

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

Roll Call: Yeas: Caviness, Scarniench, Jones, Jarosz, McLaughlin, Delaney, Langman, Gorshe,
Holzheimer-Gail.

Passed.

Res. 17-2015 (032-15) SAFER Grant Support

A resolution supporting the application for the Staffing for Adequate Fire and Emergency Response (SAFER) grant, a federally funded program offered through FEMA, that if awarded could provide funding directly to the fire department to help increase or maintain the number of trained, "front line" firefighters. (Sponsored by Mayor Cervenik and Councilperson Delaney)

ADD ENTIRE COUNCIL

Comment: SAFER grant, if obtained, will allow for returned of furloughed firefighters and addition to the department of 3 firefighters.

Councilman Delaney moved for passage, Councilwoman Jones seconded.

Chief Haddock – The Fire Dept. applied for the SAFER grant as it is stated in the legislation tonight. The SAFER grant is a FEMA grant that I'll read a couple of the tidbits that wasn't in the legislation. The purpose of the SAFER grant is to provide funding directly to fire departments to assist them in increasing the number of firefighters to help communities meet industry minimum standards and obtain 24 hour staffing to provide adequate protection from fire and fire related hazards and to fulfill traditional missions of the fire department. They achieve that purpose by one of four methods by the hiring of new firefighters, by the rehiring of firefighters that would have been laid off, or facing imminent layoffs and also by refilling the positions that happen through natural attrition

When you write for these grants and submit them, it used to be if a Fire Dept. had laid off in the past, you write for it and you're pretty much get it. The game has changed now because so many other cities like ours are struggling financially and facing other issues. So it has become a very competitive process. I can tell you there's several hundred hours were involved in this, it is a collaborative effort. We had to have support from the Mayor to do this and he provided that for us. Several fire department members were involved with this but Asst. Chief Will Anderson definitely led the charge with this.

The grant is very well written and we had submitted it. We will wait to hear back. What they told us, we talked with a representative and they said we could hear something as early as June. This grant goes to a board of our peers that will review them and take a look at them and they get rated. They look at different things like your call volume, your population, demographics, fire calls, they'll look at your financial what different things have hurt your city recently and they compare that to other cities, compare how well your grant is written. We're hoping by submitting this we would hear something sometime as early as May.

Councilman Delaney – Chief I'm glad you brought up the loss in revenues all cities have suffered and maybe Euclid more than a lot. There's so many different things that were out of our control that took money out of our tax collections. The more we can put our best foot forward with legislation like this, the more helpful it becomes and I would just like to open it up to all the council members to sponsor this with the Mayor and I thank you.

President Holzheimer Gail – We will add all of Council unless anyone objects?

Councilman Langman – I asked this at the last meeting but it is a question that's worth repeating. Chief Haddock, based on our grant application, is it possible that instead of all six which we would all like to have, we would only get 2 or 3? Can you give us some sense of how that might work?

Chief Haddock – If your application is going to be considered and was rated to be looked at, they will call us and they will ask us what is our situation has anything changed. For example we just brought one laid off firefighter and lost one to another city. So what we did write for, we asked to bring back the three firefighters that were laid off and to hire three additional that were, one resigned and there were two that weren't replaced through attrition. So in that case, they would ask us what has happened. We brought one back, but we have lost one to another city so we would look to bring back two and hire four at that point.

Councilman Langman – Do you have a sense since there are more communities that are struggling like ours, will they view our application more favorably since it is well written or will they do the peanut butter effect and try to accommodate all the communities with at least a couple?

Chief Haddock – My impression is that not only was it very well written but we've talked to several other people to try make sure we were doing everything right and give it the best possibility. We didn't want to just go through the motions with this certainly. It is a very solid effort, it is a tremendous effort actually.

Councilman Langman – Bottom line is you feel confident that if the grant goes through, we're accepted, we'll get all six?

Chief Haddock – Yes.

Councilman McLaughlin – What then would be the staffing if we're currently at 23 per shift, what would be the staffing per shift if we were awarded the SAFER grant?

Chief Haddock – A successful grant application would put us at 25 per shift for a total of 80 on the fire department with 25 staffing for the three shifts.

Councilman McLaughlin – That allows you to have more flexibility and less overtime and maintaining Kelly days

and all the other things?

Chief Haddock – Certainly, and it would definitely slow down any overtime. We're trying to maintain 16 and we've been successful in doing that but it could come at a cost with overtime.

Councilman McLaughlin – How much overtime have they been putting in since we've lost the three firemen?

Chief Haddock – I haven't run a report, I ran it for the first two months and it was right on par where we were last year. So there wasn't anything that was, but anything can play into that, a long term injury, a back injury, shoulder. We had one last year at this time and we had one that I wouldn't consider it long term but occurred over the last 3 week deal. But that's certainly, a 3 week deal coming up in the summertime could affect that.

Councilman McLaughlin – If you could give me an update on how much overtime we've had since the three months prior to the layoffs and three months afterwards, I'd appreciate that, no rush.

Councilwoman Gorshe – Chief, so you're talking about the industry minimum standards that the grant would take care of. Is that the 25 per shift that you're looking for, for 24 hour staffing?

Chief Haddock – Yes it is.

Councilwoman Gorshe – The third whereas indicates that FEMA would pay in a perfect world 100% for the salaries and for the benefits for a two year period. With the new benefits health care, etc., do you have any idea what the bottom line ask would be in a perfect world if this were to go through with all six?

Chief Haddock – Yes, it was somewhere I believe we wrote for \$977,000 for the two years.

Councilwoman Gorshe – How often can we apply for this grant is it bi-annually?

Chief Haddock – If you're successfully awarded the grant, it is good for two years and at the end of two years you would have to reapply if your situation dictated that.

Councilwoman Gorshe – So within that \$977,000 the salaries and benefits, does that go with any other items, perhaps maybe in like the pension pick up that one of the speakers were talking about, or is it just pure salary and benefits as far as health care for the grant? What's the total picture of the salary and benefits?

Chief Haddock – To my knowledge it is all the benefits but it is not the health care component.

Councilwoman Gorshe – It is not the health care?

Chief Haddock – Right.

Mayor Cervenik – If we are successful in getting the grant to its full extent we will need a budget amendment to cover the health care for six firefighters.

Councilwoman Gorshe – Do you have any idea what that dollar cost might be Mayor?

Mayor Cervenik – If they're all single, it is about \$7,000 per person. If it is family, it is \$16,000. It all depends on the mix of the firefighters that would be on the force. If we can get this grant to the tune of \$960,000 it would be very beneficial to pick up the cost of health care.

Councilwoman Gorshe – How would the news of tonight impact this SAFER grant in addition to asking for the six and telling them the story of one came back and one left, what other things would you think about telling them to make sure we have the best benefit to get the six we're looking for?

Chief Haddock- It wouldn't affect it in that we'd be asking for a new hire instead of bringing the one back. The one advantage that we have over a lot of other cities, there are timelines as far as, they'll ask you, are you ready to hire within 180 days of receiving this? We do have an active civil service list and we'd be able to move on that right quick if we were fortunate to get it.

Councilwoman Gorshe – It would be a quick turnaround in hiring somebody off the civil service list that you already have kind of waiting in the wings?

Chief Haddock – Not only quick but again they'll ask another city, how can you do this, are you ready to do this and they would have to say, we have to give a test and those timelines they would have a hard time meeting where we're ready to go.

Mayor Cervenik – It is important to realize that the grant in simple terms is requested that we be funded to 25 per shift. Right now I have made the determine that this city can only afford 23 per shift. If we make any adjustments to that, it could affect the amount of the grant we get over the next two years. For instance if we had 24 per shift then the grant would probably only supply us with 3 firefighters and we would lose the opportunity have \$480,000 here to help us fund our fire department as we feel fit.

Councilwoman Jones – Chief Haddock, I heard you say the \$977,000 is for the two years, but that figure is based on the six firefighters that was originally applied for, correct?

Chief Haddock – That is correct.

Councilwoman Jones – Either way we're still going to try for the six whether it is bringing the two back and four new ones. One of the other questions I was going to ask is, was there a timeline, you kind of answered that question that we will be ready to hire. Are you looking at hiring, bringing back the two and then hiring the others this year or that go into 2016? How many, you said there was a list to pick from, how many are on that list to choose from?

Chief Haddock – That is correct, we would look to get the six, so we'd be hiring four. We'd bring back two, hire four. Those timelines are it is 180 days from when you would be successful in awarding the grant. We do have a current civil service eligibility list that runs, I think it expires in November. It would be a matter of asking for the next batch of names.

President Holzheimer Gail – Do you know how many are on that list roughly?

Chief Haddock – We went up to #20 so far and there's another 100 and some.

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

Roll Call: Yeas: Caviness, Scarniench, Jones, Jarosz, McLaughlin, Delaney, Langman, Gorshe,
Holzheimer-Gail.

Passed.

Ord. 18-2015 (021-15) 2015 Budget

An emergency ordinance amending Ordinance No. 139-2014 which makes the annual appropriation for all expenditures for the City of Euclid for the period ending December 31, 2015. (Sponsored by Mayor Cervenik by request of Finance Director)

Councilwoman Jones moved for passage, Councilman Jarosz seconded,

Mayor Cervenik – You should have received the version A and I would appreciate a motion to accept those amendments, so we can talk about that. The version A, the changes are as explained in an email, I reduced the revenue projections in the Special Assessments and also the transfer to the General Fund by \$75,000. It was suggested the income tax should stay flat. There's a \$400,000 reduction to bring the income tax projections down to \$24,500,000 instead of \$24,900,000. Also the concern about the newsletter and other items, there's a reduction of \$38,000 in City Promotions. Those are the only three changes on there. That brings the proposed budget in the original version from \$217,890 surplus to a projected \$219,110 deficit. I believe you all received that email on Friday.

Councilman McLaughlin moved to accept the amendments as stated in Ord. (021a-15) version. Councilman Langman seconded.

Roll Call: Yeas: Caviness, Scarniench, Jones, Jarosz, McLaughlin, Delaney, Langman, Gorshe,
Holzheimer-Gail.

Amendment Passed.

President Holzheimer Gail – We are working from Ord. (021a-15) that is on the table in front of you.

Mayor Cervenik – My only comment is that it is very important this budget be passed this evening. We're starting to have a lot of concern between departments, just myself in trying to manage the city that we're going to have to make some steps, take some serious steps and moves if in fact this budget is delayed much longer. We do need an operating budget in place and appropriated and approved by city council no later than April 1st. I can't wait that long. If I'm under the impression that this budget may not be passed by that timeframe. Nobody likes everything that's in a budget all the time. I certainly have presented 11, this is my 12th budget to City Council. There are always items in budget that I don't especially care for either. In the big scheme of things the budget we presented to city council will help us run the city very effectively, it will keep people safe. At the same time, it will recognize the limitations that we are all facing economically. The City of Euclid is not on the verge or the

edge of bankruptcy. If we continue to spend money without a plan and recognizing that we do have some limitations now I would not be able to say that. Right now the City of Euclid's financial position is still very healthy, certainly isn't where I want it to be. I certainly would like a lot more items put in this budget that are in here now but from where I sit it preserves the integrity and financial future of the City of Euclid. I'll answer any questions.

President Holzheimer Gail – We are here today after a lengthy albeit not perfect process. We started in December with an Executive & Finance Committee meeting where the Mayor outlined a projected budget that at that point was I believe \$1.2 million in the negative. We then received the actual recommended budget in February. We had Executive & Finance meetings February 9th, February 11th, February 23rd. We had another one scheduled that Council did not want to keep at that point, the budget was introduced March 2, but we had a first reading at that point. At that point I asked if there were any critical issues and I believe the critical issue that Council had raised at that point was replacing the firefighters.

Knowing that we need to keep the city operating, I would propose we make amendments but that we pass this budget this evening. We owe our residents, we owe the employees, we owe everyone the opportunity we need to continue to work. Was the budget process perfect? No but we need to remember that we can continue to amend it, we can continue to look at it on a very regular basis. We've had Executive & Finance Committee meetings fairly regularly but I would like to from this point forward have a regularly scheduled, probably the second Monday of the month, Executive & Finance. We'll review where we were the month before, we'll continue to talk about any cost savings ideas. We'll continue to look at planning for the departments and planning for next year. A good budget process should not just be a 2-3 month process, we should continue to be looking at it.

With a couple of amendments and I personally don't agree with taking out the events and the newsletters and the Windfest, we can address that one specifically if we like or we can do that at a future committee meeting. I do believe it is important we act on something tonight.

Councilwoman Scarniench – I guess I'm going to read. The last time I actually wrote what I wanted to say has been a few years but today I think it is important to do so. Being put in a position like we have is not acceptable. Over the past few years my trust in administration has changed dramatically. We've watched high school and college students lose their part time summer jobs because they are related to someone that works here. But then there are good paying jobs that have been given to others because someone works here. There's something wrong with that picture.

Because we do nothing to train employees to be able to better themselves, they never get the chance to advance. Instead we hire back employees that have retired and are receiving their pensions. I see very little savings in any of this. To use the excuse that we have to pay them the same thing they were making when they retired is not acceptable to me. The issue in the Police Dept. show we have not done our job in correcting the situation that continues to plague us. I could go on but I think you get the point.

To me what needs to happen and what Council has begged for is communication. Our opinions are asked for but they really fall on deaf ears. Staff members are not allowed to speak to us. When we do find things out it is from the news or from the newspaper. In 9 months there will be a new administration, I truly hope everyone would have learned something by then.

I have repeatedly stated I would not pass this budget unless the 3 firefighters are brought back by April 1st. I have been told that we have bills that are not being paid because our temporary budget was not enough or an appropriation has not been made. We have in my mind been bullied about what happens if we don't pass this by the 31st. In reality what does happen is our employees will not get paid, and bills will continue to pile up. This is wrong by law and can't and should not be done. I do not believe this is the legacy the Mayor wants to leave. According to the Mayor's figures, those three firemen would cost us \$239,994 which now that is changed because we brought one back. Today's figures now say \$130,000.

Our cash balance in the general funds says we have just a little over \$2 million. If we amend this budget at every meeting, so be it. At this time I would like to make an amendment to the 2015 budget by adding \$130,000 back to the Fire Department so that the remaining two firemen can resume their duties by April 1st.

President Holzheimer Gail – Thank you, I will second that motion. Mayor can you confirm that figure, \$130,000 that would bring back the two remaining firefighters for the rest of this year.

Mayor Cervenik – The numbers I gave you are correct. I didn't change those numbers. The numbers I gave you originally were for the full year. We are now three months into the year and they reduced, plus as I mentioned tonight one of those firefighters will be coming back on Wednesday. The staffing regardless of any amendments, staffing will remain at 23 per shift, but you are certainly free to make that amendment.

President Holzheimer Gail – There's a motion on the floor and it has been seconded to amend the budget to add \$130,000 to the Fire Dept. line item.

Councilman Langman – Law Director Frey we had discussed last week that for example if we wanted to make the amendment that's on the floor now. Let's say we wanted to bring back 2-3 housing inspectors. I know this is tricky among the levels of government, but let's say we appropriate the money. Is the administration then

obligated to spend that money?

Director Frey – The administration cannot spend what is not appropriated. In other words there has to be an appropriation to authorize the administration to expend funds. The appropriation does not require the administration to expend funds.

Councilman Langman – So it is really up to the Mayor's discretion whether in fact we make this amendment to actually expend the funds?

Director Frey – That's correct, yes.

Mayor Cervenik – I don't think discretion is necessarily the correct word. It is out of necessity. We have little over about \$2.2 million in the general fund at the beginning of this year. At the beginning of last year we had \$4 million. I will not allow that to happen again. If you really listen to the conversation, the item before this about the SAFER grant and how it works and the questions they're going to ask us about where the staffing should be, please have a little patience with me. But you are certainly free to make this amendment this evening.

Councilman Langman – I still have the floor, thank you. I'm just trying to get at if in fact we go through the process of making amendments to bring back this position or that position, it is absolutely out of the Mayor's right not to spend the money. That's the grey area between the legislator and the administration and it doesn't just happen here in Euclid or municipalities, it happens at the State legislative level and obviously it happens in Congress. So if in fact we want to make amendments that we know aren't going to get passed, I'm not sure the benefit of the exercise. The budget is here, I think this should be a second reading because in fact if we do want to craft a document that says this is the hopes and aspirations of the Council, I don't think it should be done on a piece-meal basis. Yes, I understand it is not going to be executed, but if we wait until Wednesday or Monday to pass everything, at least this Council will have the opportunity to craft a document of initiatives and wishes that we want to see whether they're executed by this administration or not. This way we're going to spend a lot of time making amendments that are piece meal, it doesn't reflect well on the process itself. We talk a lot about process. I really think that a second reading is appropriate. We see emails flying around Friday and today. Now at work, like a day like today, I don't have time to analyze all that and here we have new information. I'm prepared to vote on it tonight but I think for this body, as Councilwoman Scarniench says, it feels like it has been bullied by not only the administration but Judge LeBarron. We received a letter from her saying hey if you don't vote on this tonight, she's going to retain legal counsel to force us to adopt a budget. Nobody wants to deny the budget and have us go with unpaid bills after April 1st. But at this point, this Council should stand up for the prerogatives of the Council, to sit down amongst ourselves, after all we only had the one work session and determine what we would like to see in the budget. Thank you.

President Holzheimer Gail – Point of Order, we have a motion and a second on the floor. If there's any questions about that motion, otherwise we need to vote on the motion to amend.

Councilman Delaney – We made a motion to put \$130,000 in but do we not have to cut \$130,000 from other places in order to fund this? We have to pass a budget, we have to send a budget down.

President Holzheimer Gail – We do have money in reserves.

Councilman Delaney – That's what I wanted to know specifically. Is that the intention to take that money from reserves to fund this amendment?

Councilwoman Scarniench – Yes.

Councilwoman Caviness – How does this again affect the SAFER grant if we do that tonight? I just want to hear it one more time.

Chief Haddock – What will happen and I keep using May and June. It could be as early as May and June that we would get contacted by the Federal Government. All the applications are graded. If they don't meet a certain criteria and are thrown out, they'll take the top ones based on need and how it is written, it gets graded and they'll go with those top ones and start calling those people in those cities in May, June to ask them. If we were fortunate to be one of those at that time, they would ask us where do you stand right now, what has taken place, has anybody else left your fire department, have you had any more layoffs, have you brought people back. They'll ask all of those questions and factor into it.

At that point, if the two firefighters that are laid off are brought back, I would tell them that we lost one to another city, we had one resign, we didn't replace two through attrition and we called two back. We would be eligible to at that point write for four, replace four firefighters.

Councilman Jarosz – But to be clear if they did call you and ask what you did, the Mayor said we're not hiring those two, so we would still be at the six.

Mayor Cervenik – That is correct. It doesn't give me great pleasure to have to make a decision that the Fire Dept. will be staffed at 23 per day, okay, but it needed to be done. If you really look at last year's situation and then look at a lot of rectification we've done this year with the new health care program that will save us \$700,000. After a lot of work and cooperation from city council, that we will be saving \$300,000 or more with the dispatch at Chagrin Valley. Now we are fully behind obtaining the SAFER grant. Which will for two years make us find other ways to make up the funding differences. I talked to you about new revenues. Nobody wants to do that. This problem is not going to go away. But if we get the SAFER grant for the full six firefighters, it certainly takes a little pressure off of us for 24 months to come up with other ways to do things.

You're right, you can make this amendment tonight and it will have absolutely no affect I believe and I think the Chief believes on our ability to get the SAFER. What will have an effect, if I act on that and irresponsibly increase the manning of the fire department at this time. I'm not saying I told everybody that at the end of June, after the first half of the year, we will examine the revenues that have come in and if our cost cutting measures are as efficient as we think they will be and at that time we probably will be able to do some increases in budgeting, whether it be the Fire Dept., Police Dept., Housing Dept. It just can't be done right now.

Councilwoman Gorshe – This communication during this budget is under the spirit of we all care and I've said that before, I've said that in Executive Session. Going through this budget asking the questions, knowing that the emails have been read and not answered for a week or almost two, to me is unacceptable. I talk about teamwork and collaboration and nausea and I'm still hoping, wishing and praying that it happens and it doesn't.

I still have not received the information that was promised to me and this council two weeks ago about the ambulance charges. There's a \$1.7 million 2015 budget on their which I believe is quite aggressive since there was some hiccups in the system of transferring data. I'm concerned.

I'm also concerned that we get a letter hand delivered which by the way was in my US Postal mailbox, threatening to sue us. That's not the way to have teamwork and collaboration. When we're asked for help and we give suggestions, it is weighted upon, it is sometimes accepted but not appreciated. I would like to be at the table along with my colleagues to have appropriations that we see so that we can work together of which Mayor you asked for. You asked, I need your help, I can't do this alone. So do you really want our help? I'm not sure. That's all I have to say.

Mayor Cervenik – I responded to your email when I first got it. I told you I was taking some time off through Monday. I responded to you, I responded to every question. You may not like all of my responses but they're there.

The Judge has a very big concern when she hears the conversations that at least three members have publicly said or in emails have said, they're not passing the budget because we're not bringing the firefighters back. I'm not passing the budget because you're not hiring this company that I want hired. She has a responsibility to do her duties. If this budget isn't passed tonight and this isn't a threat, I will be holding emergency meetings with my Directors and my Chiefs tomorrow to identify what essential programs we can continue on probably until sometimes close to the end of April, based upon the appropriations for the temporary budget that you gave.

We are paying all of our bills that are due. What we aren't doing is we are unable to enter into certain contracts that exceed the four month budget. The City of Euclid is not defaulting on any of their bills. We will be notifying people of layoffs. I can't wait until the 30th of March to do this. We have to have a contingent plan because nothing that has been said tonight gives me the confidence that this council will vote for a budget on the 30th. The Judge feels the same way. I'm not sending a letter that I'm suing or anything else, I'm telling you right now that these are the steps we're going to have to take starting tomorrow morning if we don't have a budget. I'm not going to allow this city to not have police and safety forces and at least some semblance of police and fire if this budget isn't passed for the month of April. I have confidence that eventually this will be passed.

Councilwoman Gorshe – Madame Chair I still have the floor. I have confidence that eventually this will be passed as well. So my next question is directed at Director Frey. The law has a provision that we do have until March 31st to pass this budget. So, the veiled threat if you will that we will shut the city down, I'd like you to speak to that and what we do in next steps and will police and fire still go on and I want the real story please sir.

Director Frey – I'm offended by the suggestion that you would get anything but the real story. We have contract obligations to our employees. Those are folks, many of whom live paycheck to paycheck. If we are not going to have a budget in place April 1st and I don't know whether we will or not, but for the sake of this discussion from a planning perspective as the Mayor indicated, we would need to start notifying employees that we are going to furlough them and it will happen soon so we can conserve whatever temporary appropriations are available to be able to staff at some level essential functions like police and fire. We have to operate a Waste Water Treatment Plant. We can't bypass untreated sewage without being in violation of the Clean Water Act. We will have to have someone here to address and collect tax obligations. We will have to have somebody here in the Finance Dept. to process the payroll for those people that remain on staff. There will be some functions that have to go forward. Other functions we need to notify people so they can make arrangements. It is the humane thing to do and contractually we have an obligation in certain areas.

For those programs that would be deemed not to be a life safety issue or a serious health issue, we would have to make those notifications as quickly as possible and hope that, one, we don't have to put them into play

first of all, but secondly that if we do have to make those changes that we are conserving adequate resources to be able to fund the safety and health related issues. The obligation under the revised code is to have a permanent budget in place April 1st. That is what the Code says. If we did not have a budget in place at the very least we would have a finding from the Audit that we were not in compliance with State code. We cannot, the law is pretty clear, we cannot expend, as I indicated in the discussion just a couple of minutes ago, we cannot expend what is not appropriated. Again, the Mayor is going to have to make those adjustments to get us through on a temporary basis and what those look like would be determined on the conversations with the Chiefs and Directors. I'm hoping that answers the question.

Councilwoman Gorshe – So what you're saying, the city in the spirit of a shut down that they'll turn the lights off, lock the doors up, is not the case from what you just told me.

Director Frey – I'm saying that there are certain functions that would have to continue to the extent that we have the ability to put those funds together to cover those essential functions, that's what would happen. So, let's give you a for example. I would imagine most members of the law department would be furloughed. If we don't prosecute cases, those cases will end up getting dismissed. So individuals who are in violation whether it is our code or State code, get a pass on those if I don't have prosecutors. Senior programs, would likely be shuttered for the period of time. You wouldn't have building maintenance people. You wouldn't have program officials because there's no appropriation for salaries and staff. Streets, the 200 truck, the Streets Dept. would probably be furloughed. Public Buildings as I indicated both maintenance and custodial services. You would probably have somebody in the Tax Dept. I'm speculating on that. You would probably have somebody in the Tax Dept. You would probably have somebody in the Finance Dept. to process payroll for those folks that were on staff. Recreation Programs would not be essential, those would be shuttered during this period. Housing would be shuttered. Building departments, we wouldn't be taking in new building permit applications because you wouldn't have the folks to be able to do that.

You can label it however you want. The point being is I think at least in my mind you would want to try to maintain some level, certainly not full level, but some level in the Police Dept., some level in the Fire EMS services, some level in Waste Water, so that you could keep those essential safety and health functions moving. Whatever was ancillary to keeping those going is what else you would do.

Councilwoman Gorshe – Thank you for clarifying that. You indicated on two different occasions during your commentary about Waste Water. Do they not have their own money to work out of?

Director Frey – But it is not appropriated. They do have a fund, it is a separate fund. But it is not appropriated.

Councilwoman Scarniench – Director Frey, correct me if I'm wrong, if we don't pass the budget according to the Revised Code, if I read it correctly, we can't pay any bills and we can't take any money in. So how could we keep this skeleton staff if that's true or am I not interpreting it correctly?

Director Frey – We would be able to operate with whatever money has already been appropriated. So, what I was trying to explain is you would conserve that money, you would conserve that money and use it for those limited purposes. Everything else would get shuttered.

Councilwoman Scarniench – Then I would ask my colleagues, to please approve this amendment. Whatever the Mayor does is the Mayor's legacy. I think by us approving this, it shows where our loyalties lie and that's with the citizens of Euclid. As I stated when I was talking, if we have to talk about this budget at every single meeting, so be it. We can look at what we want to do and amend accordingly but it is still up to him if he's going to do it and that's all I can ask.

President Holzheimer Gail – Our responsibilities are with the appropriations. As much as we'd like to make some of those other decisions, our responsibility is to have a budget in place that keeps the city operating.

Councilman McLaughlin – I know we still have an amendment on the floor. So let's vote on that and I'll make a comment.

President Holzheimer Gail – Vote on the amendment to add \$130,000 to fund the two laid off firefighters.

Roll Call: Yeas: Caviness, Scarniench, Jones, Jarosz, McLaughlin, Delaney, Langman, Gorshe,
Holzheimer-Gail.

Amendment Passed.

Councilman McLaughlin – Mayor you mention the reserve of \$2 million odd dollars and we were at \$4 million last year, is that correct? What is the reserve minimum that you would not want to get below for your own feelings?

Mayor Cervenik - \$4 million.

Councilman McLaughlin – But it is not a law is that correct?

Mayor Cervenik – It is not a law, but where we are right now, if we had another year and if we didn't show fiscal restraint, and we had another year like last year, then we'd be in serious problems. You would not get through 2016 without significant revenue raising. This Council as of this point has no inclination to do so.

Councilman McLaughlin – Thank you. So, I'm prepared to vote on this tonight and with the thought of something that I had discussed with you a couple of weeks ago which was can we go through the budget line by line and if we don't appropriate it, they don't have the money for it. There's going to be a point where if we take it line by line by line that the Mayor will have to eat into his reserves to a point where he is not comfortable and maybe force him to start making some moves. If nothing else, it will show week after week what Council really feels. The Mayor mentioned about the firefighters it was something he had to do. We we've all had discussions about what we think should be done and it is the Mayor's right to do as he sees fit. If nothing else, I will bring up in each Council meeting as Councilwoman Scarniench said, what amendment I would like to see to the budget. At least at that point the Mayor knows clearly our position and he can choose to do what he wants to do with it. There's going to be some point where interchanging of funds, transfer between departments and funds is going to cause some serious pain where I think maybe our message will be clearer. That's all I have to say. Thank you.

President Holzheimer Gail – Along those lines, as I've stated, if we set regularly scheduled Executive Finance we can make those discussions part of that. I know the Housing Inspector position has been brought up and there's a Housing Committee being planned, that's a great time to look at that, look at the staffing levels and weigh the pros and cons of that and an amendment may come from that.

We will continue. The budget is a working document. It is something we can work on all year long. We will watch the revenues, we will watch the expenditures and as you said, we can amend it every single meeting if we want. Tonight our decision and our responsibility is to keep this city running. We don't have to like every single bit that is in here. We've had two months to work on this. I understand there were questions that were not answered in a timely manner. If I weigh that versus weighing keeping the city operating, that's an easy decision for me.

Councilman Langman – About four weeks ago I had a conversation with the Law Director on various issues including potential revenues and it didn't go anywhere because there's no real give and take, there's no real dialogue back and forth. So everybody has some blame in it. The administration, they want this budget passed, should reach out or you should. When I read the Judge's letter saying that she thinks a budget is going to fail, I'd prefer to hear that from the leaders of the city which is yourself and the Mayor. Pick up the phone and call. I certainly didn't know whether the budget is going to pass or not. I had reservations about the budget. Yes, I did state that until that CH2M Hill contract is signed I will not support the budget. While they are two different things, many of us on this city council feel that considering the scope of the project and the cost which exceeds \$150 million, their work is critical. We've waited two and a half months and I understand now that it might be signed tomorrow, if it hasn't been already, wonderful. So there is responsibility to the administration, they know the ramifications of not passing a budget on this date to reach out. It shouldn't have to be the part-timers that always have to do that. I'm willing to talk to anybody at any time and I have in the past. To say that now it is incumbent upon us no matter what the process is, is totally different from what we talked about with some of the sewer stuff where process was king. That's why I suggested this be the second reading so the City Council can decide how many amendments you want to do and when. As Councilman McLaughlin said, we can have an amendment every time and it is not going anywhere. At least at a Work Session and then a specific meeting, we can present our amendments, pass the budget and the amendments and be done with it. As for having regular Executive & Finance meetings, we've talked about doing that in the past when we passed the trash and lighting fees. It makes very little difference. The Mayor is ultimately in control of the process, that's how the system is set up. I don't have a kick with that. But to just go ahead and try to do this willy-nilly tonight, I don't think is good.

I will make the motion to have this as a second reading and we'll see if that goes anywhere.

President Holzheimer Gail – There's a motion to make this a second reading and second by Councilwoman Gorshe. Any discussion? I would just remind folks there's a timeliness to working on this budget and would hope we're able to vote on this this evening.

Roll Call on Second Reading motion:

Yeas: Langman, Gorshe,

Nays: Caviness, Scarniench, Jones, Jarosz, McLaughlin, Delaney, Holzheimer Gail

Motion Failed.

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

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

Roll Call: Yeas: Caviness, Scarniench, Jones, Jarosz, Delaney, Holzheimer-Gail

Nays: McLaughlin, Langman, Gorshe

Passed as amended.

Ord. 19-2015 (022-15) Transfer of Funds

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

Councilman McLaughlin moved for passage, Councilman Delaney seconded.

Director Frey – This one also needs to make the amended (022a-15) so it matches the transfers that were just detailed in the amended budget.

President Holzheimer Gail – The only difference is in the 216 Nuisance Abatement Fund reduction and the amended amount should read \$65,000.

Mayor Cervenik – As well as the reduction of the transfer into the General Fund. That’s a reduction of income as well as the reduction of a transfer.

President Holzheimer Gail – But this is just the transfer piece. That’s the only change in this particular piece.

Director Frey – Yes.

Councilwoman Scarniench moved to accept the amendments as stated in Ord. (022a-15). Councilwoman Caviness seconded.

Roll Call: Yeas: Caviness, Scarniench, Jones, Jarosz, McLaughlin, Delaney, Langman, Gorshe,
Holzheimer-Gail.

Amendment passed.

Councilman Jarosz – Just the language here. We have it sponsored by Mayor Cervenik by request of Finance Director. We have an Assistant Finance Director. Is it prudent for the Assistant Finance Director to be here at these meetings?

Mayor Cervenik – We have an Acting Finance Director and she was here.

Councilman Jarosz – Not up here though. When Director Malone was here to answer questions.

Mayor Cervenik – If you would like to Acting Finance Director to be here, I can arrange to have that done.

Councilman Jarosz – It just seems that we wouldn’t want to give the appearance of a defacto Finance Director.

President Holzheimer Gail – Does it need to read Acting Finance Director?

Director Frey – No, Ms. Fisher acts as the Finance Director.

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

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

Roll Call: Yeas: Caviness, Scarniench, Jones, Jarosz, McLaughlin, Delaney, Langman, Gorshe,
Holzheimer-Gail.

Passed as amended.

Ord. 20-2015 (003-15) OWDA Loan

An ordinance authorizing the Mayor to apply for, accept and enter into Water Pollution Control Loan Fund Agreements on behalf of the City Of Euclid with the Ohio Environmental Protection Agency, Division Of Environmental And Financial Assistance, and the Ohio Water Development Authority, through the Water Pollution Control Loan Fund, for construction of the WWTP MBR Procurement and Construction Sewer Projects; designating a dedicated repayment source for the loan; and declaring an emergency. (Sponsored by Councilperson McLaughlin by request of the Public Service Director) (From Public Service Committee with recommendation for passage)

Comment: Ordinance authorizes the City to apply for low interest loans for membranes and construction of membrane improvements at Wastewater Treatment. Estimated interest savings to ratepayers exceed \$7 million if no-

interest loan is obtained.

Councilman McLaughlin moved for passage, Councilman Jarosz seconded.

Director Bock – This ordinance allows us to enter into the agreement for the loans. The loans we are seeking are 0% loans, part of the EPA extended funding due to the issues in Lake Erie near Toledo last year they added \$100 million. We have been told we are eligible for up to \$23 million of that funding, however it is first come, first serve, that's why we've advanced this forward in order to get in there are get our share of the money. At last glance of \$100 million, \$20 million has been doled out to date. That should be updated next week. We certainly want to get in before the money is gone.

President Holzheimer Gail – Councilman McLaughlin had a meeting on it, last week.

Councilman McLaughlin – Yes we did. It was voted on in Committee to be with a recommendation for passage tonight. Director Bock, can you tell me of the \$23 million that we are trying to get, how much would that be for procurement and how much would be for construction?

Director Bock – The entire \$23 million would be for procurement.

Councilman McLaughlin – Director Frey, I sent you an email, thank you for answering quickly, you must have been sitting at your desk. When I look at this ordinance, I wanted to make sure that we are going out for the loan and once we secure the loan in Section 3 it says the Mayor is authorized to execute any and all documentation to secure and administer the agreements for the loans for the purpose stated therein. One clarification I wanted to understand is, the object stated therein, is that within the cooperative agreements of the WPCLF loan? Not there in this document that we're looking at, is that correct?

Director Frey – It is for the loan documents.

Councilman McLaughlin – That's what I understood. Your answer to me when I asked whether administer meant you could administer the loan or make a withdrawal of the loan, was that this document is only to secure the loan and the funding must be approved by Council to distribute the loan money.

Director Frey – This is just for the loan application and acceptance if it is forthcoming. The membrane project is part of the scope of work that council has already approved. The procurement and installation is part of Kokosing's contract that Council had earlier approved.

Councilman McLaughlin – I thought Kokosing was only that they are the management at risk? That was only for \$2 million though.

Director Frey – There are various phases of the Waste Water Plant project. This is obviously a critical part of that. That's part of Kokosing. I will have to go back and look at the Kokosing legislation and the Kokosing agreement Council approved. I believe that the actual construction, procurement and construction process is part of that Kokosing legislation, I'll have to look at that.

Councilman McLaughlin – I think you should look at that because I don't think that's right.

Director Frey – I'll look at it.

Councilman McLaughlin – What I want to make sure is if we pass this tonight, Council sees the money before it goes out. That we understand where it is going to go. If that's the case that there's legislation out there already that we can get this loan and you can spend it without council knowing about it then I'm not so comfortable about it right now.

Director Frey – I don't think any of the expenditures have been done without Council's knowledge of that. The regular update of the project schedule, we have the guaranteed maximum prices that come before that are set or established at Board of Control. There is a process for which Council is apprised of any of the steps along the way. Before we get too far down the road, I will look at the Kokosing legislation and agreement.

Councilman McLaughlin – Can we do that during Council right now? I really want to pass this tonight. I want you guys to be able to go out for the 0% loan. Let me back up. So, if we do find that Kokosing in that agreement can do the construction that if this money is allocated it will go through Board of Control before it goes to Kokosing?

Director Frey – Absolutely, yes. The requirement is to set a guaranteed maximum price on each phase of the

project through Board of Control.

Councilman McLaughlin – The only thing about Board of Control is then full Council doesn't have it and we're a minority at the Board of Control and sometimes things slip in there that we really can't fight. Does anybody else have questions? I have to think about this for a second.

Councilman Langman – I seem to recall I ask either the Law Director or Director Bock about Kokosing's overall contract and I believe they can go ahead and draw money once the loan is secured to begin whatever the construction project is. I want to say that was the umbrella authority we gave them when we approved Kokosing on these various contracts. It would be a little problematic I think just because there is some debate on the membrane technology, the size of tanks, etc. I would like to see Council be absolutely certain that the money comes in and we're given not just the knowledge of an appraisal but whether in fact we can have a formal vote that approves the disbursement of the money.

Director Frey – I can't answer that without looking at the legislation for Kokosing and the provisions that we already approved. This piece of legislation is a funding source. If we've given already through legislation and the contract with Kokosing the authority to follow that process, the construction manager at risk process, that could go on whether or not these funds are available. What this fund does is offers us the potential to save somewhere in excess of \$7 million in interest costs for that. If we don't have this and if the Kokosing legislation that Council approved authorizes them to go forward, we could do that, the problem is going to be the funding source and whether our rate payers pay that \$7 million or avoid that \$7 million. I don't see this piece of legislation changes that equation in any way. It is purely a funding mechanism. It is in the rate payers' best interest that it be approved before the \$100 million 0% money is gone.

Director Bock – As the Law Director said, this is strictly an application to obtain the loans at the 0%. As I look at the construction schedule for this membrane procurement isn't scheduled to go until the end of August. That begins a process which takes a couple months to accomplish so we're talking September October would be the soonest that we would even consider the actual purchase of membranes in procurement phase. Under the Hill agreement, they are to have the answers on the EQ and I believe on the number of membranes as was requested in their agreement is supposed to be in before the first of May. This is strictly for us to apply for the 0% loans and have that application in and getting those funds allotted and that's all this does.

Councilman McLaughlin – I'm reading the legislation now and can I read it out loud now. So it says, including the headworks and equalization, sewer and plant MBR procurement and construction to be a fixed amount for preconstruction services in reimbursable expenses in an amount not to exceed \$980,000 and 9.5% of the guaranteed maximum price on each phase of the project. On each phase of the project the City of Euclid shall approve a guaranteed maximum price through the Board of Control. The contract shall be in the form approved by the Director of Law and shall be in conformance of

So, what that means to me that yes Kokosing can draw off the money once that phase has been allocated through Board of Control. Is that correct? So say it is the MBR procurement and say okay you're going to go out for procurement, this legislation says they can take a percentage of that amount because they are the CMAR. That's correct, that's how I understand it?

Director Frey – Yes, there's both pre-construction services as you just pointed out at an amount not to exceed. Then there's a percentage of each phase of the projects, yes.

Councilman McLaughlin – But those phases, the distribution of the money for those phases, can't just go through Board of Control?

Director Frey – I'm pretty certain Councilman that that's exactly what you approved with that legislation.

Councilman McLaughlin – With this legislation.

Director Frey – The piece you just read from.

Councilman McLaughlin – We'll have to look into that deeper. That's fine. I'm okay with going out for the zero percent loan, this is something we could work out. I think you're absolutely right, what we do tonight with this doesn't have any bearing on how we're going to allocate the money towards the funds. We want to take advantage of the 0%, we'll get it but I would like to look in more detail of what I approve.

Councilman Langman – I don't think I got an answer on the budget piece of CH2M Hill contract. Law Director Frey, where are we with that?

Director Frey – I drafted the professional service contract. I sent that draft for review to Director Bock. He pointed out an area I needed to correct the language, I did that. I sent it on to Council for CH2M Hill. I asked him in my email to expedite his review since there was a timeliness in our desire to get Hill started on the review.

I did not get a response back today. I know Director Bock has been in conversation with Tim Coleman from CH2M Hill. They are aware the draft agreement is there. I'm hoping that if we didn't get it today and at the time this Council meeting started, I did not have a response from the attorney that we hopefully will hear something tomorrow morning from them.

Councilman Langman – Did we use one of our standard contracts? Or did we use the standard contract that CH provided to us? Or was it some amalgamation?

Director Frey – It was a professional service contract that I drafted on Saturday. It was incorporated, the scope of work and the fee schedule from CH2M Hill. It is an engineering professional service contract incorporating their scope of work and fee structure.

Councilman Langman – In other words, you did not use the standard contract that CH provided?

Director Frey – As I think I indicated to you several months ago, that contract was for engineering services for construction. This is not a construction project on Hill's part. It is a service contract. I drafted it to that effect and then incorporated their scope of work and fee schedule to it. It was not a complex contract in that sense. I wasn't trying to rewrite their scope of work. I merely incorporated their scope of work document and fee schedule to it.

Councilman Langman – So expect a couple days?

Director Frey – I would imagine with the size of that firm they ought to be able to get us their comments, if any tomorrow.

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

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

Roll Call: Yeas: Caviness, Scarniench, Jones, Jarosz, McLaughlin, Delaney, Langman, Gorshe, Holzheimer-Gail.

Passed.

Ord. 21-2015 (031-15) Praxair Contract

An emergency ordinance authorizing the Director of Public Service of the City of Euclid to extend the current 10-year Praxair Contract (Contract #4230), extended in 2010 for an additional 5 years per Ordinance No. 74-2010, with the Wastewater Treatment Department for the generation of pure oxygen for an additional two (2) years, commencing May 1, 2015 and ending April 30, 2017. (Sponsored by Councilperson McLaughlin by request of the Public Service Director)

Comment: 2 year extension of the agreement with Praxair will allow for continued treatment plant operation while conversion to membrane facility takes place.

Councilman McLaughlin moved for passage, Councilwoman Caviness seconded.

Director Bock – I've asked Supt. Knecht to come to tonight's meeting to speak to this, he is much more versed on this portion of it and I'd like to have him speak on this.

Supt. Knecht – This extension between the City of Euclid and Praxair will end on April 30, 2017. This is the third amendment to the initial contract dated February 22, 1999. This extension will allow us to run the current system until removal in 2017. At that time Praxair will be removing the system and all related components. This will require Praxair to remove and replace a section of the roof of the building that is contained in currently.

The continued operation of this current system is needed to provide the pure oxygen for our biological process that is necessary to meet our EPA permit limits. Praxair has continued to provide us with excellent service during the previous contract and their willingness to work with the City to schedule this decommissioning as well as provide the short extension has made this process much easier. I ask that you consider passage of this legislation tonight.

Councilman McLaughlin – Mr. Knecht when I look at the ordinance it says through April 2017, what happens if the MBR is running behind schedule?

Supt. Knecht – Praxair at this point is willing to work with us, if it goes one way or the other, if we are ahead of schedule or behind schedule currently they are willing to work with us because we have kept them all through the process aware of what's going on.

Councilman McLaughlin – I’m sure they’re going to miss this account greatly. When I look at the no feasible alternative project implementation schedule, it says that the MBR has to be up and running by June of 2017. Should we make this extension an addition two months to coordinate with the implementation schedule?

Supt. Knecht – Currently there’s going to be a decommissioning period that will need to happen before we can start the membranes if we stay on the current schedule. Praxair would need time to remove that system before we turned the other one on and that’s why we asked for the end of April at this point.

Councilman McLaughlin – Did Praxair try and give you a counter offer?

Supt. Knecht – Praxair was very willing to work with us. Their design engineers looked at trying to incorporate this into the MBR system and they came back and said at this time their technology was just not compatible at this point.

Councilman McLaughlin – I bet they’re kicking themselves. Thank you.

Councilwoman Gorshe – Supt. Knecht, on the third amendment on the part of the legislation that talks about the fifth area, the last paragraph, seller will remove such supply system that buyer continues to pay the monthly service charge each and every month. Is that because there’s a sunset to it and for them to protect themselves they will say for greater certainty in no event will the buyer be relieved of its obligation to pay the monthly service charge each and every month until April 2017. So whether it leaves early or stays later they want to make sure they’re made whole, is that what that is?

Supt. Knecht – Yes, they would like at this point to be able to continue to be paid through April. By all indications we’ve had from Kokosing that is the timeframe we are looking at and yes they would want to be paid through April.

Councilwoman Gorshe – I did not have a chance to read the entire contract but what is the monthly service charge?

Supt. Knecht – Currently that’s just shy of \$23,000.

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

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

Roll Call: Yeas: Caviness, Scarniench, Jones, Jarosz, McLaughlin, Delaney, Langman, Gorshe, Holzheimer-Gail.

Passed.

Ord. (017-15) Hazen & Sawyer - Tabled

An emergency ordinance authorizing the Director of Public Service of the City of Euclid to execute a professional service contract with Hazen and Sawyer, Akron, Ohio, to perform cost analysis studies of the City’s Waste Water Treatment Plant for the year 2015 at a cost not to exceed \$60,525.00. (Sponsored by Councilperson McLaughlin by request of the Public Service Director)

Comment: Contract would provide for analysis of sanitary sewer rates to ensure adequate funds for operation of the wastewater treatment plant, maintenance of the collection system and capital funds for US EPA consent decree. Analysis also ensure outside user communities contribute proportionate share for plant operations and capital projects.

Councilman McLaughlin moved for passage, Councilwoman Jones seconded.

Director Bock – This is the third reading for this item. Hazen and Sawyer was selected on a request for proposals as the best available firm to perform these issues. It was a five year proposal that was put there. We have already completed year one of it, this is the funding for year two. \$60,525.00 also includes the six month update. The six month update obviously didn’t occur last year due to the length of time it took us to convert the Cleveland Water Information into their system. I would like to see this passed so we can get started on this year’s audit and this is a requirement of our outside user groups that we provide an audit of our operations on a yearly basis.

Councilwoman Jones – Director Bock, you may have answered this but I haven’t read my email lately. What is the duration of how long we’ll get the analysis back? Will we get a review or presentation of that analysis once it is done?

Director Bock – I did respond to your email earlier. This analysis I would anticipate 3-4 months’ time. I would hope to have it before the June break obviously and then be able to do the update later in the year. I’ve provided a copy last year of the initial one, you would receive a copy of this year’s analysis as well as when we do the

update you'll get that add on piece also to go with it. We can provide a meeting with Hazen & Sawyer for them to go through the entire update and we can include the original one also.

Councilman McLaughlin – I had spoken with the Mayor about pulling this legislation for a while until we hear back from Tucker and Ellis. I want to make sure that if there's anything else we can incorporate into this analysis that isn't there already. I do think the analysis that Hazen and Sawyer did as well as the one Maximus did satisfies the agreement with our outside users. But I think it is premature to have them do the study now if there's an additional scope we want them to provide. After we receive word from Tucker Ellis because I specifically asked him to look at this portion of our decree which is the affordability.

Director Frey, are there any other agreements that you are aware of with our outside users besides this financial report we have to do for a rate analysis?

Director Frey – There were older agreements I think with Wickliffe and Willowick, I don't know about the other outside user communities. I don't know that, I think they revolve more around the rate that was to be charged for the flow in those cases the master meter flow coming into the city. I didn't find any more current updates to that. I don't know what the NPDES permit has in it. Those communities would have permits that we would have in a sense enforcement requirements for, maybe Director Bock has an update for that.

Director Bock – One of the other agreements that I'm aware of is the outside user communities must have licensed operators on their staff under their NPDES or we can use our operators and bill them for those services. That's the only other requirement that I'm aware of under the NPDES.

Councilman McLaughlin – We charge the outside communities more than what we're charging them now, would they have any recourse? If Hazen & Sawyer said we're going to divvy this up a little differently and these outside communities are going to pay more than Euclid is currently, would there be repercussions of that, as long as we're paying operating expenses at the Waste Water Treatment Plant and improvements?

Director Frey – To answer that question you could look at things like how Regional Sewer came into play where communities sued the City of Cleveland and through the court process that became an independent entity. There were similar discussions, I don't know that ever happened with the water system of trying to take that outside of the control of the City of Euclid and make it a regional government. Similar action, I'm not going to predict it. If Hazen and Sawyer said that the rate structure between the Euclid users and those satellite users was somehow out of balance and needed to be adjusted, I would imagine that so long as we could establish the legitimacy of that information those communities would for all practical purposes not have much choice but to do that. However, if the sense was that we were gouging them, they would be in Common Pleas Court in a minute.

Councilman McLaughlin – Tucker Ellis should be done with their work in about two weeks. I would really, I want to wait until that report comes out and we do it before we hire Hazen & Sawyer or even Maximus who is about \$20,000 cheaper. For what they provided it seemed nobody had any problem, the outside communities. I thought we were going to get more out Hazen and Sawyer when I read the report. It doesn't go much more detail than the Maximus report. At this point I would want to save money over hiring Hazen and Sawyer right now. So, I'm not going to support this tonight. If they want to pull it, they can pull it. If not, I would suggest that we wait on this and I don't want to put it in committee because I asked for them to pull it, just wait to more weeks. Last year we didn't get the report out until September. The year before Maximus they were a year late on it and there were no real repercussions, the Mayor said that one of the communities called and said hey where is the report. But other than that, I don't see why we can't wait another month or two before hire this. Besides which, Hazen and Sawyer owes us a six month report, I'm sorry that it took them 9 months to get stuff from the Water Dept., but they could have provided us a six month report which was due in February. I don't know why they didn't and that may have satisfied this year. Can you comment on that, what a six month report update on that?

Mayor Cervenik – Is there not something in Committee concerning Hazen and Sawyer now?

Councilman McLaughlin – I don't think so.

Mayor Cervenik – I would suggest that Council simply table it. It is nothing fancy here, just table it.

Councilman McLaughlin – Then we'll table it until we get the report. Every week we'll table it. I don't know why you didn't just pull the legislation and re-introduce it. But if that's what you want to do, I'd like to table it or we can just vote no on it right now.

Councilman McLaughlin moved to table Ord. (017-15). Councilman Langman seconded.

Councilman Langman – It probably makes sense to table until we receive the report from Tucker Ellis and then we can make a decision on what value we're getting from Hazen and Sawyer and maybe we have to go out for another firm. I think tabling it is probably the best course of action for now.

Roll Call on Motion to Table:

Yeas: Caviness, Scarniench, Jones, Jarosz, McLaughlin, Delaney, Langman, Gorshe, Holzheimer Gail.
Tabled.

Res. 22-2015 (025-15) ODNR Grant Recreation Trails Sims Park

A resolution authorizing the Mayor of the City of Euclid or his designee to execute and submit a Recreational Trails Program grant application with the Ohio Department of Natural Resources for a reimbursable grant in an amount up to One Hundred Thousand and 00/100 Dollars (\$100,000.00) and to provide the required twenty percent (20%) local matching funds for public improvements that increase public access to the lakefront. (Sponsored by Mayor Cervenik and Councilpersons Holzheimer Gail, Langman and McLaughlin) ADD ENTIRE COUNCIL

Comment: Grant proceeds would be used for central shoreline work as part of the comprehensive Waterfront District project.

Councilman Langman moved for passage, Councilman McLaughlin seconded.

Director Holody – This is the first of four pieces of legislation before you tonight related to the Euclid Waterfront Project. As you all know the Waterfront Plan was adopted in 2009 and includes three phases. The construction of a new fishing pier, which was completed in 2013. The stabilization of the lakefront shoreline and creation of a public path and ultimately the development of a 200 boat marina. Recently with the help of the city's waterfront consultants Smith Group JJR, we've been working to further refine the design and engineering plans for the next phases of waterfront improvements. As the Mayor indicated, those plans have been received national recognition and we've been getting great responses from our residents as well.

This has also involved working cooperatively with all of our lakefront property owners in the project area. At this time I'm pleased to report that nearly every property owner has signed or indicated their intent to sign the necessary Memorandum of Understanding for this project to proceed. If awarded these grant funds a total of almost \$2.4 million will have been awarded for our waterfront project.

The first two pieces of legislation before you tonight, the Ohio Recreation Trails grant and the Clean Ohio Trails grant will be reviewed simultaneously by Ohio Department of Natural Resources. We've been advised that the amount that we will be awarded between these two grants will total no more than \$100,000. Land acquisition has been identified as the purpose use of funds for these two grants and if we are awarded the funding, specific legislation detailing the property information and other details will be presented to Council at that time. Matching funds for the first two grants will be derived from the State Capital grant and from the Harbor Town TIF. At this time I would respectfully request that you approve the authorization to apply for the Ohio Recreation Trails and the Clean Ohio Trails Grant and I'll be happy to answer any questions you may have. Thank you.

Councilman Jarosz – Director Holody, you mentioned regarding the Memorandum of Understanding that nearly everyone has signed it. Do we need everyone to sign it before we move forward or is nearly everyone enough?

Director Holody – We will need everyone to either sign the Memorandum of Understanding or to participate with us in a land acquisition which is what we are applying for these first two grants for, the later that is.

Councilman Jarosz – For those who have not signed it, have they given reasons why they won't sign it? Do we feel we could persuade them otherwise?

Director Holody – The land owners that we're not talking about land acquisition with have all either signed the Memorandum of Understanding or indicated they are fully supportive and at this point it is just a procedural matter of getting the documents back.

Councilman Langman – Director Holody you can address this to all four of the grants which are worthwhile and I hope all of our colleagues support it too. What are we doing besides the grants that will actually secure funding for the trail and ultimately for the marina?

Director Holody – We're pursuing a number of funding opportunities. Grants are a key piece of that, but we're also engaging in a lot of work right now to consider the HUD 108 program. I think there was some discussion at the CDBG hearings on this. The HUD 108 program we use our TIF revenue as a repayment stream and it would be a funding mechanism. I believe that we're currently anticipating between \$2-\$4 million worth of financing available through that program. We are also going to be working with Cuyahoga County and discussing what level of participation they'll be able to be at with this project. As I mentioned, the grant funding is really the third key piece of this.

Councilman Langman – So you said we will be working with the County? I would hope that we engage with them because while this is an important link and a necessary one, it is the marina that's really lakefront development in Euclid because that has the potential to leverage the private investment this community desperately needs. I hope once this is passed you and Assistant Pietravoia are really hammering our federal, state and county officials to secure the funding for the breakwaters which if we can do this and the breakwaters at the same time, that would be the best of both worlds. Clearly I would like everybody to support these four pieces,

they are critical.

Councilwoman Jones – Director Holody, thank you for your questions you answered I had earlier. This legislation and the others that are coming are reimbursable grants. Where does the unmatched, we do the 20% for this one and then there's a percentage for the others. Where is the other funding coming from until we get reimbursed?

Director Holody – Perhaps the Law Director could respond better but in past cases whenever we receive a reimbursable grant we have worked with our Finance Dept. and they have made funding available to us in the interim. It is just incumbent upon our department to be sure we are in fact reimbursed the funds that have been expended from the grant agency prior to the close of the fiscal year. Mechanically how that happens, if the Law Director can't respond to that then we can certainly get the Finance Dept. to respond after the meeting.

Director Frey – They probably would come out of either the general permanent improvement fund on a temporary basis or out of the bond retirement fund, there would probably be a loan that would be booked and then repaid. We have to make sure that whatever that internal source is that it is reimbursed by year end.

Councilwoman Jones – Director Holody you mentioned the match for this one and the others are going to come from the State Capital Grant and the Harbor Town TIF. Is it half from each or how is that split up?

Director Holody – We haven't yet determined exactly which funds will go towards which activities. That's something we will be doing over the coming months as we further refine the plans for these grants. What I can tell you is that there is sufficient funding in the Harbor Town TIF and with the anticipated State Capital Funding to provide for the match funding that we have to commit to through these grant applications.

Councilwoman Jones – The figure you gave me in the email for the Harbor Town TIF was \$336,000 a little more than that but that was as of the end of 2014. Have other funds been appropriated from that fund since then and it is not actually that amount that we will actually have to work with?

Director Holody – No additional funds have been obligated that I'm aware of. We may have received funds. Twice a year the TIF funds come into the city. I'm not exactly sure the timing of that. If anything, the amount of funds that are available at this point would be greater than the number I gave you.

Councilman McLaughlin – I will support all of these applications. I want to address a little bit about the timing of the whole project. Council approved in October 2013 JJR's Phase 4a. In May 2014 Frank Pietravoia had mentioned to me there were a couple of months behind. What should have taken only a couple of months is now taking a year and a half. Do you have any idea on what's been going on the last year and a half? We haven't had a Steering Committee in about a year now. Is it just been to get these, because as of the last Steering Committee that we had there were only a few people that weren't agreeable to the MOU's. In a year's time it seems like we are in exactly the same spot. Aside from the grants, these three to four grants, what else has been going on with the lakefront?

Director Holody – I know Asst. Director Pietravoia provided a fairly detailed report to all of Council in December 2014 outlining the progress. Most recently the main focus has been on getting the MOU's executed by the property owners. That has been a lengthy process, it has involved a lot of negotiation. We have over 12 properties but as members of the Steering Committee know, a number of those properties are actually beach club associations which have dozens of members each. There's been a lot of work that's had to go into the discussions with the property owners and getting them comfortable with the Memorandum of Understanding. In some cases making adjustments to the Memorandum of Understandings. But we have been making significant progress towards that. JJR's work has been finalized under the last contract that was awarded by Council and we've been discussing with JJR the approach to the next round of contracting. We will be re-organizing or reconvening the Waterfront Steering Committee to discuss the next phase of work proposed by JJR>

Councilman McLaughlin – This Steering Committee that we're supposed to have according to our last legislation that we put out when we hired JJR for 4a said the Steering Committee would give the direction on what 4b would be. I hope there's some alternatives within that. Not just what we saw on the internet on our website because that implies the direction has already been set and according to our legislation it has not. With that, I will be supporting all these pieces.

Councilman Langman – Just to clarify, Director Holody, JJR's next phase has to come before city council for approval before they begin?

Director Holody – That is correct, yes.

President Holzheimer Gail – If all of Council would like to have their names added as a sponsor, any objections? All names will be added to all four pieces.

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

Roll Call: Yeas: Caviness, Scarniench, Jones, Jarosz, McLaughlin, Delaney, Langman, Gorshe, Holzheimer-Gail.

Passed.

Res. 23-2015 (026-15) ODNR Clean Ohio Trails

A resolution authorizing the Mayor of the City of Euclid or his designee to execute and submit a Clean Ohio Trails grant application with the Ohio Department of Natural Resources for a reimbursable grant in an amount up to One Hundred Thousand and 00/100 Dollars (\$100,000.00) and to provide the required twenty-five percent (25%) local matching funds for public improvements that increase public access to the lakefront. (Sponsored by Mayor Cervenik and Councilpersons Holzheimer Gail, Langman and McLaughlin) ADD ENTIRE COUNCIL

Comment: Grant proceeds would be used for central shoreline work as part of the comprehensive Waterfront District project.

Councilman Langman moved for passage, Councilman McLaughlin seconded.

President Holzheimer Gail – Same comments. Any additional questions from Council?

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

Roll Call: Yeas: Caviness, Scarniench, Jones, Jarosz, McLaughlin, Delaney, Langman, Gorshe, Holzheimer-Gail.

Passed.

Res. 24-2015 (027-15) Coastal Management Assistance Grant

A resolution directing the Mayor of the City of Euclid or his designee to submit a Coastal Management Assistance Grant application for the FY2016 funding cycle, and, should such grant be awarded, to execute a Grant Agreement with the Ohio Department of Natural Resources to accept and expend a reimbursable grant in an amount up to One Hundred Two Thousand Dollars (\$102,000.00) for planning and other activities in support of public shoreline improvements that increase public access to the lakefront. (Sponsored by Mayor Cervenik and Councilpersons Holzheimer Gail, Langman and McLaughlin) ADD ENTIRE COUNCIL

Comment: Grant proceeds would be used for central shoreline work as part of the comprehensive Waterfront District project.

Councilman McLaughlin moved for passage, Councilman Langman seconded.

Director Holody – This year between \$300,000-\$500,000 is expected to be awarded statewide through this grant opportunity. This particular grant has identified coastal planning as one of its priority areas so as a result we think our grant will be very well received. The focus of our application for this particular grant is on coastal planning. The engineering design of the next phase of work by JJR, as I previously indicated that contract will need to be reviewed and authorized by Council separately. Despite the fact that this piece of legislation does authorize us to accept and expend the grant funds. Like the previous grants, the balance of the cost for the work that's associated with this grant will come from the Harbor Town TIF or the State Capital grant.

Councilwoman Jones – Director Holody, in the write up and maybe it says it in the legislation too, that Mr. Pietravoia sent, he said requests for funds to cover a portion of the cost. So if we were awarded the full \$100,000 what percentage of the total is that?

Director Holody – We have not yet determined the amount of the next phase of work for JJR. There will have to be some coordination and review by the Waterfront Steering Committee before that specific scope of work is finalized and we can determine an amount. But we anticipate that our portion of that contract will exceed 50% so it will make our application for this grant very attractive to the State.

Councilwoman Jones – But in the application you don't have to say what the total of the project is going to be? When you're requesting the funds, do they ask what the total of the project is? This says for planning and engineering of the next phase. I was just wondering what the total was if we were awarded \$100,000 what portion does that cover?

Director Holody – The application may have included or may include an estimate as to the total amount. I don't have that figure with me right now but I do know that we anticipate that the next phase of work through JJR will be at least \$250,000-\$400,000.

President Holzheimer Gail – As Councilman McLaughlin suggested earlier, the Steering Committee will be meeting too, there's two different options that are potentially more that the Steering Committee will have to decide which direction to go in. That's why there's a range basically whether to do the shoreline or do the shoreline and the marina. That will be decided before any final expenditure. We will have to approve the next phase of JJR as a Council.

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

Roll Call: Yeas: Caviness, Scarniench, Jones, Jarosz, McLaughlin, Delaney, Langman, Gorshe, Holzheimer-Gail.

Passed.

Res. 25-2015 (028-15) ODNR Community Recreation Grant

A resolution authorizing the Mayor of the City of Euclid to execute a Community Recreation Project – Pass Through Grant Agreement with the State of Ohio, Department of Natural Resources (ODNR) in the amount of Nine Hundred Eighty-Five Thousand and 00/100 Dollars (\$985,000.00) for the Capital Improvement Legislative Grant as appropriated by the State of Ohio 130th General Assembly through House Bill No. 497 and 483 and to expend such grant for costs associated with implementation of Phase II of the Euclid Waterfront Improvements Plan. (Sponsored by Mayor Cervenik and Councilpersons Holzheimer Gail, Langman and McLaughlin) ADD ENTIRE COUNCIL

Comment: Grant proceeds would be used for central shoreline work as part of the comprehensive Waterfront District project.

Councilman McLaughlin moved for passage, Councilman Langman seconded.

Director Holody – This is the State Capital Grant that was awarded last summer as a result of a lot of work by Mayor Cervenik and Assistant to the Mayor Frank Pietravoia. This is the same grant agreement that we entered into for the last capital grant of \$500,000 from the State. Similar provisions, no real surprises here. This grant is somewhat unique in that there's no match required and we can use the funds from this grant as matching funds for other state dollars. At this time we would suggest approval of this piece of legislation and as previously indicated any of the contracts or use of the funds through this grant will have to come back to the Waterfront Steering Committee and to Council for authorization. Thank you.

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

Roll Call: Yeas: Caviness, Scarniench, Jones, Jarosz, McLaughlin, Delaney, Langman, Gorshe, Holzheimer-Gail.

Passed.

Ord. 26-2015 (030-15) Bids Lane Lining

An ordinance authorizing the Director of Public Service of the City of Euclid to advertise for bids and enter into a contract for the labor and materials necessary for lane lining of various streets within the City of Euclid for the year 2015. (Sponsored by Councilperson McLaughlin by request of the Public Service Director)

Comment: Part of the annual budget appropriation allows for contractor to provide lane markings on major roadways. City crews will continue to provide markings for crosswalks and stop bars.

Councilman McLaughlin moved for passage, Councilwoman Scarniench seconded.

Director Bock – This is for our annual lane lining that is included in our Traffic Division budget. Generally begin the lane lining process when it is summer.

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

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

Roll Call: Yeas: Caviness, Scarniench, Jones, Jarosz, McLaughlin, Delaney, Langman, Gorshe, Holzheimer-Gail.

Passed.

Res. (029-15) OWDA - Pulled

A resolution authorizing a cooperative agreement between the City of Euclid and the Ohio Water Development Authority to provide a loan for the purchase of real property necessary for the construction of improvements for the Wastewater Treatment Plant. (Sponsored by Mayor Cervenik)

Comment: Funds necessary for closing on the previously approved purchase of the former BP gas station site would come from a low interest loan.

Resolution No. (029-15) pulled at the request of the sponsor Mayor Cervenik.

COMMITTEE OF THE WHOLE – PUBLIC PORTION

Mr. Marcus Epps – 1435 E. 252 St. Legislation piece #1. I'm trying to find out, I thought our officers received an allowance for purchasing vests and ammo and things like, am I wrong about that?

President Holzheimer Gail – Do you want to use your time, or do you want us to answer at the end?

Mr. Epps – Is there an allowance, yes or no?

President Holzheimer Gail – There was not a change from the last contract. They do receive an allowance.

Mr. Epps – That allowance does not cover purchasing for vests?

Mayor Cervenik – If officers so desired to purchase a vest with that allowance he could do so. It has long been a goal of this administration to have some type of mandatory requirement. We were successful this time, that's why it is there.

Mr. Epps – I know at one point about \$600,000 that goes for that particular allowance. It would be nice if they aren't spending that allowance to purchase these vests that in some capacity I know that we, I think we change every three years, are we at the third year that we're changing the vests for officers now and I know other cities and communities go at five. It would be nice if we at least got the vests from our officers at the end of that third year and we sold those vests off as opposed to the officers actually getting that money from selling them at the end of the third year that would be something to look into. That's why I asked about that, small stuff like that and where regular folk's look at it like waste. Especially when our officers they get paid a decent salary anyway.

Councilman Langman, you already addressed that as far as that contract for CH2M Hill, so I don't have to ask that. Then Councilman McLaughlin you wanted to discuss with the Mayor about the third reading for legislation piece #6 about taking it off and it was tabled, so that's fine. I'm trying to find out, has anyone heard from Mr. Koncelik about the status of where they are? I think I might have heard you say something about two weeks? Trying to find out where we are with that \$20,000 if we're getting close to that or not.

Councilman McLaughlin – That is correct in about two weeks we should be prepared to come to council.

Mr. Epps – Will that be at a city council meeting or will that be in a Committee meeting?

Councilman McLaughlin – They may meet with a few members and then probably in executive session.

Mr. Epps – I had another question. I know the answer came out but I'm just trying to find out really what's going on. A year and a half, Councilman McLaughlin, you said it should have only taken a couple of months for the first phase that was approved by Council in October 2013 by JJR. If we're at a year and a half, I know Director Holody you said that we're making great progress with that and you're in talks with different property owners along the way. Just after I'm done with my comments if you could respond a little bit about what you look at great progress. If you're working with those particular property owners maybe you can go down the line and say where you are with each individual one so we can find out what it takes to get that moving forward a lot faster than what it has been.

I also would like to know if the funds have already been, has JJR already received the funds from the city for that first phase? Or is it going to happen after the first phase is done, trying to find out if they're already spending our money and haven't gotten anything done yet?

I'd like you to answer that as well.

That is my last question. I would just wish everybody a very safe and Happy St. Paddy's Day tomorrow. As you're moving around through our own city and other cities, know that government will be watching. I attended Coffee with a Cop event a couple of weeks ago and it was stated that individuals from the State and it might have even been the feds, who are going to be watching to see if folks are leaving the bars drunk or if bar owners or bartenders are actually serving folks who are already past the limit and all that good stuff. They didn't mention anything about a road check or anything like that but I just want to tell you all, while you're out drinking, I'll be honest, I will be too, have fun, be safe, enjoy the holiday and don't eat too much corned beef. Thank you.

Director Holody – In terms of the progress on the waterfront, the last phase of work that JJR was contracted to do included a number of different tasks. There was geotechnical work, there was coordination with the permitting agencies, further refinement of the engineering and designing work. As I indicated previously there was the coordination with the private property owners, roughly a dozen private property owners and I don't have time to give the status of each and every one of those but what I can tell you like I mentioned earlier is that every property owner that we're not in discussions on about land acquisition with have either signed the Memorandum of Understanding or indicated they intend to sign the Memorandum of Understanding. The process that we identified was that we would enter into a Memorandum of Understanding with the property owners that laid out their agree with the direction of the property and ultimately while it is non-binding it does indicate their intent to eventually enter into an easement with the City of Euclid for us to make available three-quarters of a mile of our lakefront to public access. That's really unprecedented in Northeast Ohio.

In terms of our contract with JJR, I believe there have been four contracts now with JJR over the years dated back all the way to when they conducted the initial plan. As I mentioned they finalized the most recent contract that we had with them and we will be presenting information to the Waterfront Steering Committee and eventually council on the next contract that will help us continue to advance the waterfront plan. Thank you.

Mayor Cervenik – There were some comments that were erroneously mentioned about the vest as well. Our program is also for five years. I don't think we're selling those or have our officers sell them after five years. When we get around that fifth year that there's deterioration that naturally take effect because the material. At that point I would certainly want our officers to have new vests. I don't think we want to see other officers wearing 6-7 year old vests from other communities.

Chief Brickman – To add to what the Mayor said too, the manufacture only warrants the vest for five year time period. The vests are also custom made to the officer. They're not an item that can just be sold. Sometimes people try to extend their use but truly it is unsafe to do so.

President Holzheimer Gail – There was another part of the question about the funds for JJR and they are not paid until the work is completed, correct on a reimbursable basis?

Mayor Cervenik – You are absolutely right.

Mr. Christopher Michael Litwinowicz – 21970 Morris Ave. Good evening Council, Mayor, all viewers watching. My name is Chris. Sorry, ordinance, a referendum petition, Ord. 22-15 is going to be filed as of Tuesday March 16th 2015. Happy St. Paddy's Day tomorrow.

Let's talk about what the people really want. There's \$600,000 of public money that's on this budget. No it's not. It is all to the general fund. You always say that you're here for the people. You always cry like it is the Mayor. No it is not the Mayor, it is Council. By the way, when Council does vote and they do get six members, 2/3, that is a law. So if the Mayor and administration fail to follow that law, you can go to the courts. Look the other way.

Let's talk. Let's talk lakefront development. Let's talk an 8 mile beach along the coast of Euclid. 185th to Lake Shore Blvd., 280th. A mile out. That's called erosion control, that's government grant. I bet you I'd quadruple probably put \$10 million of government money in this city's hands.

Let's talk. Industry manufacturing jobs, sales, retail, shopping, Euclid Square Mall. There ain't going to be a tax hike in the city or everybody that's on Council I feel should step down. There's going to be some change going on and it is called politics on my block. It is called I'm going crazy because I can't get one petition to a particular place. Mr. Law Director, Mr. Mayor, now it is time to see how many people want to play politics. We're going to go ahead and start recalling people. 50, 100 signatures filed to the Finance Director along with this referendum petition ordinance 22-15 that I would like a copy tonight signed and dated. So while the President signs this legislation I'll be waiting for a copy so I can go 30 days from day one and get 10% which is twelve hundred and some signatures. The same amount of signatures that I need to put something on the ballot.

My name has been liable and slandered again, again, and again. When we change authority with the Finance Director, by the way Law Director, correct me if I'm wrong, the new Finance Director as Acting Finance Director is still legal bounded by law.

Let's talk water rates. You're spending multi-million dollars to bring us to flush a toilet to be charged \$400 extra dollars. There's going to be a petition on that. But, I'm asking this Council to really look at, I just

do a stupid math, \$20 a month times 25,000 homes, is \$450,000 a month. So why does it cost more than \$12 million to run a waste water treatment.

Let's talk about the Peterson fund. I'm going to be a busy summer dude because I'm going get 20,000 signatures inside of Cleveland on initiative petition to go ahead to transfer \$100 million plus over 20 years of the Peterson fund. Stand up Council start sponsoring this. I don't need to be mayor, I don't need to be on a campaign trail. But, again, let's play. I've waited three years and you can say the Judge, I'm shutting the city down Judge. I'm shutting the city down, go ahead, I'm going to file a referendum petition and that's what the big hype was about council. Well I'm one person and I'll be up at 8:30 in the morning like I was this morning with the whole Secretary of State and they don't want to do nothing. They don't want to do nothing. All they want to do is have a Black man come out here and look for Chris.

President Holzheimer Gail – Excuse me Mr. Litwinowicz, you're out of order. Do you have comments or questions for Council?

Mr. Litwinowicz – By the way, the courts in the northern district just threw us out and the case is closed but now I'm to Cincinnati. This ain't done. The next is the recall the Mayor, Council President and every council member that's not up for election this year.

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

COUNCIL MEMBERS' COMMENTS

Councilwoman Caviness – There will be a Ward 1 meeting on April 7th at Moore Counselling Center, 22639 Euclid Ave. That's basically all I have tonight, I just want to wish everyone a Happy St. Patrick's Day, be careful and be safe.

Councilwoman Scarniench – First to Director Bock, I got stopped at Gale's and was told please tell the Service Director how wonderful the streets were kept clean this winter, so I'm passing that along to you. Also it was nice to see the guys out there fixing Coulter today even though I was told it wasn't going to happen until spring. Today was a good spring day so thank you for that because I know that's been a problem for a couple of months now, so it was good to see that hole fixed.

I would like to have an Assets Meeting on April 29th. At that meeting I would like to have an update on everything about the museum project, what is going on there, where we are, what we still have to do. From Director Stephens, want to talk about the ice arena, same thing, see what is going on, what needs to be done and that kind of thing because we haven't talked about the arena for awhile. Also at that time we should start talking about the agreement for the Senior Center for the rental that is going to be ending pretty soon and we haven't talked about it for awhile so we really need to do that. That would be on the 29th and that's it.

Councilwoman Jones – We're getting to the time of the year in the season where the snow is melting and all of those little surprises are left after the snow melts which is all the trash that seems to populate after the snow melts. I would encourage those residents and business owners to please pick up the trash that's in front of your storefronts, in front of your houses or treelawns or around your property so everybody does their share in cleaning up then hopefully we can get a lot of the trash cleaned up. Thank you to the diversion group that goes out and cleans up as well but there's a lot out there now that the snow is melting.

I want to wish everybody a Happy St. Patrick's Day tomorrow. For those of you that maybe going Downtown for the parade and festivities down there, please be careful. If you take public transportation, that's probably the best route to go because from what I understand parking is going to be a nightmare.

I want to extend an invitation to my colleagues and the administration from Euclid Hill Villa, they have a St. Patrick's day event tomorrow at their community room. All Council and Administration are welcome to come by starting at 4:00. They are having a St. Patrick's Day party. Some of you purchased the raffle tickets so they will be doing the drawing for the raffle prizes as well during that time. You don't have to be present to win, if you have one of the winning tickets, they will call you if you do win.

I just want to make an announcement on a couple of events coming up. Over the past couple of months there have been a few events that have taken place and the whole objective is to be pro-active as far as making the awareness for if someone gets stopped by the police, what they should do, what they shouldn't do, how they should handle themselves to hopefully eliminate any conflicts. There is another event coming up Saturday March 21st at 24900 Euclid Ave. It is from 10 AM until 3 PM. The event is not intended to be a teen thing, it is for all ages to come. All ages need to be aware. You may have a young person in your household that can't come but everybody needs to be aware of how to handle themselves, whether they're stopped in a car, whether they stopped in the street, whether police come to their house. How to handle themselves in communications with the police officers. There will be law enforcement there to give advice as far as how to handle yourself so I do appreciate that as well. It is not intended to be a complaint session. The whole thing is the awareness. There have been a couple events over the past two months and the whole objective and I stepped in to help out with these, not necessarily sponsoring them but help out with communication is because I believe that we need to be more proactive for our young people. The nice weather is coming around and you know the first thing that is going to happen is they want to get out and do whatever. Being cooped up over the winter in the cold

weather, sometimes behaviors are a little more wilder than warranted. There are times when the police get into altercations with our young adults. Our young adults need to know what their rights are and how they should handle themselves so there's not an altercation. This is the whole objective behind the events.

Another event is April 7th at 6:30 at the Euclid Library. It is the awareness again on internet crimes against children. A lot of our young people or young adults have the cell phones and they put pictures, postings on social media whether it be Facebook, Twitter and some of the others, I'm not familiar with all the ones out there. But they put pictures and things and you never know who is watching. The whole awareness for the Internet Crimes Against Children is to bring that awareness. There's going to be a young lady from the Cuyahoga County Prosecutor's office talking about the crimes against children and what you can do to help your young people or young adults, neighbor or somebody who is not aware to bring that awareness.

These events are based to bring awareness out, not to draw any conflicts or anything like that so when things do happen, at least we are aware of what is going on. Thank you.

Councilman Jarosz – I opened up my personal email today and saw Groupon and I saw that C.E. Orr Arena is offering half priced ice skating lessons on Groupon. I hope we get some good feedback and increases those who are attempting to learn to skate and that is the use of social media and these other avenues. Definitely interested to see how that goes.

Also Euclid Baseball, Euclidbaseball.com, sign ups are going on. This past Saturday was the last Saturday they were doing something at the Library but if you have a little one that is interested, definitely check out Euclidbaseball.com.

Last but not least this weekend March 20, 21, 22 UpStage Players, I have a vested interest in this as my daughter is part of the cast this year, but UpStage Players will be presenting Once on this Island, at the old VA, which is now a Cleveland Public Library, 17109 Lake Shore. March 20th at 7:30, March 21st at 7:30; March 22nd at 2:30. You can't get tickets online but they are available at the door. With that, Happy St. Patrick's Day.

Councilman McLaughlin – Director Bock when I was coming over here I was going across 215 and South Lake Shore and I noticed they poured new curbs. I believe they're new, can you check the height on those for me? I just wanted to look at it, they look really low compared to what I thought they would look like. Just a side note.

Director Linker, nobody has talked to you tonight. When I was reading the legislation for the Police FOP, in there it says with wellness discounts, co-insurance, mandatory and generic mail order prescriptions and a tobacco use surcharge. One of the meetings we had discussed, I wanted to know whether a municipality had ever said there was a surcharge or penalty for smoking. Whether we're the first or not doesn't matter, but what I would like to see with language like this would be that we have a base and that base is what you pay. There are incentives for other things such as if you quit tobacco you can save this much money. It is a sychic kind of thing because then if we want to implement other wellness steps, say if you walk 10,000 steps a day, I don't want people to say if you don't walk 10,000 steps it is a surcharge, just a comment. I think it should be more positively directed.

Last Sunday was the Euclid Orchestra and it was a wonderful performance. It was a nice day. I hated to go inside to Shore but it was beautiful in there and the music was just wonderful as usual. Before the last song, the conductor JD Goddard was about to start the orchestra and he stopped, turned around and he praised Euclid for having an orchestra. He said we are one of only two other cities in Ohio that actually have a city orchestra. He was very proud to be a part of it and he wanted to share with everybody how proud they should be that we actually have an orchestra, a symphony in the City of Euclid, it is very rare these days.

Lastly, my son Jack had a Science Fair at Ss. Robert & William where I believe Councilwoman Gail's son was one of the judges. He made it into the Northeast Ohio Regional Science Fair where there were over 500 participants. He's a 7th grader, there were 77th in 8th graders in the Physical Science Division, which Jack did very well and as you all know Jack is a pretty good talker and he must have done a really good sales job because Jack came home with a Blue Ribbon. Congratulations to Jack. With that we will celebrate tomorrow, sounds like a good day to celebrate.

Councilman Delaney – I know everybody on Council probably had the litter that's been waiting underneath all the inches of snow and now that it is melted. With all the discussions that we do about our Consent Decree and our Lakefront, all of that every time I see it, all that trash eventually winds up into the Lake. I would like to see us do a really good effort in these next couple of weeks about keeping Euclid clean. My suggestion would be to do a robo call in addition to our website to remind people to go out front and pick up the litter. Especially some of our store owners that have a great deal of frontage and some of the corner properties that really have quite a bit on our main drag. If we could take care of this sooner than later in the next couple of weeks, I think we'll be able to head off a lot of that. It seems to be glaringly obvious now that all the snow is gone how much is on the ground because it had been buried for so long.

I, too, would like to congratulate one of my constituents on her Second Place in the Northeast Ohio Science Fair, Grace Delaney. It was in the same Physical Science, she got second place behind Jack McLaughlin. She received the Naval Science Award. Thank you. Although she's not old enough to vote, she's no stranger to this room. I just want to tell her how proud I am of her winning the award.

Last, everybody Happy St. Patrick's Day. It has been said so many times before, stay safe. What I like to say is one of the most accurate accounts in history is centuries ago St. Patrick was concerned that after all of

his work on his death bed he might have been forgotten. His dying wish was everybody would raise their customary glass of wine over dinner in his memory on the anniversary of death. After his death, many centuries later, in every media market across the country we celebrate that in wonderful fashion. It is a great day, a really good day and I just want everyone to be safe and I'm really looking forward to see how the Irish American Club with all of its exterior upgrades looks on that day. It should be very festive and fun occasion. Thank you.

Councilman Langman – Director Bock, I'll start with you tonight. Do you have an update as to when the reconstruction of 250th will begin?

Director Bock – That project is out to bid now by the county. I look for construction to begin early June.

Councilman Langman – To Chief Brickman and Director Frey, can you give us an update on both the internal affairs investigation and the BCI investigation into the recent thefts at the Police Dept.?

Chief Brickman – The Internal Affairs report with the exception of the monetary piece is essentially completed. However, it is not to be released until the criminal investigation is completed because it may compromise that. I did speak with the BCI investigator just prior to going on vacation and he indicated that he is working on it. He was trying to make some contacts internally and he just said when he is done he is done. I told him that I'd for him to try to expedite this as much as he can, but he's working on it.

Councilman Langman – Okay so no specific timeframe as to when it would be done?

Chief Brickman – He did not give completion date on that.

Councilman Langman – As far as amendments go since we did discuss them quite a bit, obviously I think everyone would like to see funding for the Wind Fest and the Communications restored. There might be other amendments so for the next meeting we can consider that. Also to Chairwoman Scarniench of Assets Committee, did have a very good meeting on Shore and the Strategic Plan Update so hopefully we can get that on to approve for City Council.

Finally we should pass an amendment saying that there are no diets tomorrow, eat all the corned beef and cabbage and enjoy and drink all the green beer you wish to. With that I'll say good night.

Councilwoman Gorshe – I too want to comment on the budget. This is the beginning of the process. I do look forward to those meetings so I hope to see those soon. Hopefully the communication will continue to improve so we have some timely information.

Director Bock, it is spring, it feels like that out there today and we have our new flower, the orange barrel. I noticed a lot of them have gone up on the Marginal. If you can speak to the Marginal and also do you plan on updating the website so that residents are able to click on information to find out what is going on.

Director Bock – The Marginal is going to have several major projects going on at the same time. Currently we have our sludge force main running from our Lakeland Waste Water Treatment Plant up Babbitt Rd. Dominion East Ohio Gas is relocating gas mains in two locations, one for our project, one for ODOT. There's also a Dominion Gas line project that's going to be going on St. Clair running west from 200th Street for a gas line that's leaking and needs to be replaced. That's going to be going rather quickly. The sludge force main is nearing 260th Street. As soon as they clear out, it seems that ODOT is ready to begin removal of the bridge or the bridge elimination project just east of 260th, so that will be going on. Hopefully we'll get down Lakeland to Babbitt without any incidences going forward.

Also I'm sure some residents were affected, I know they were on E. 222, the pit that was dug at Kennison which is for a bore of a sewer line through there, they did snag some AT&T fiber optic cables there. No fault of the contractor they were mismarked by AT&T. So those repairs should be complete as I speak but they've been without phone and television for the majority of today.

As far as the project updates, those were updated today. They will be updated every two weeks. You'll notice a new format from what was done previously that's much easier to access. It will be easier for the residents to actually get in there and there will be a full description of all the projects, what's taking place and that will be updated every two weeks.

Councilwoman Gorshe – There will be a Housing & Building Standards Committee Meeting at 6:30 in the evening on April 1st here in this Council Chamber. The Committee will address several different things, but mainly point of sale, vacant and foreclosed properties. Some of the standards that are going on and reporting mechanisms and I trust that Housing Mgr. Jerry Blakey is working very diligently on that as we're looking for that before the meeting and an agenda will be forthcoming.

With that I too will ask for everyone to be safe and have a Happy St. Patrick's Day.

President Holzheimer Gail – As I said earlier, I would like to set a regularly scheduled Executive & Finance. If we look for the second Monday of the month should be a good time, that will be enough time hopefully in most cases to have revenue projections. At this point we'll tentatively plan on April 13th but will confirm and make

sure that the Mayor and Finance Director can be here and any other Directors. We will continue those conversations.

Another reminder for tomorrow, Ss. Robert & William hosts the St. Patrick's Day Mass to begin the day the Irish American Club puts on at 10 AM at Ss. Robert & William. A great way to start the day.

Other events coming up, if you are looking for something to do and a way to support the community, Euclid High School PTA Scholarship event will be on March 28th at the Irish American Club. There is a Victorian Tea at Shore Cultural Centre on Sunday, March 29th from 12:30 to 2:30. Two good opportunities to support great organizations.

ADJOURNMENT

Councilwoman Scarniench moved to adjourn. Councilwoman Jones seconded. Yeas: Unanimous.

Attest:

Clerk of Council

President of Council