

COUNCIL MINUTES

April 4, 2011

The regular Council Meeting was held on Monday, April 4, 2011 at 7:00 PM in the Euclid Municipal Center Council Chamber. Council President Holzheimer Gail presided.

Members Present: Scarniench, Jones, Minarik, O'Neill, Langman, Van Ho, Holzheimer Gail.

Excused: Gilliam, Wojtila

Councilwoman Jones moved to excuse Councilman Gilliam and Councilman Wojtila. Councilman Langman seconded. Yeas: Unanimous.

Others Present: Mayor Cervenik. Law Director Frey, CS&ED Director Pietravoia, Finance Director Brett, Service Director Smith, Fire Chief Cosgriff, Police Capt. Brook, Mr. Castelletti Asst. Director Sweeney, Clerk of Council Cahill.

COMMUNICATIONS

Councilwoman Scarniench moved to oppose a new C1, C2, liquor permit to Speedway LLC., DBA Speedway 4043, 22251 Euclid Ave. Councilwoman Minarik seconded.

Director Frey – It is our discussion with the Cuyahoga County Board of Elections that this is a dry precinct and we would suggest then that Council oppose the application on that basis. Motion to oppose and vote yes if you would like to oppose it.

Roll Call: Yeas: Unanimous. Permit opposed.

COUNCIL MINUTES

Councilwoman Scarniench moved to receive the Council Minutes of March 21, 2011. Councilwoman Minarik seconded. Yeas: Unanimous.

ADMINISTRATION REPORTS & COMMUNICATIONS

Mayor Cervenik – I had the privilege and quite an experience of testifying in front of the Ohio Senate Sub Committee the Ways and Means and Economic Development Committee basically on the effect that eliminating the Ohio Estate Tax would have upon cities such as municipality of Euclid; however I did touch on a number of other items that I was allowed to concerned what I feel is a lack of proper school funding. The detriment that would happen if local government funds were to be eliminated at the rate that they're talking about in Columbus and I do want to say they are just talking about it, no decisions have been made. As well as the rate acceleration of the elimination of the CAT tax. The Commercial Activity Tax took the place of the tangible property tax which really was a detriment to business, it was a tax on inventory and equipment. They promised the cities that for five years they would keep us whole and after five years they would give us a plan on how we would continue to share. As it appears now that plan is to not share at all in two years, that we would totally lose any CAT tax commercial activity tax coming this way. We do have a lot of work to do. When my testimony was over, one of the Republican Senators, Senator Mannen who had given a number of other mayors a little bit tough questions, actually commented and commended not only myself but city council for taking the steps we have in the last few years in raising revenues conservatively, in reducing our expenditures and spending \$700,000 less in 2011's budget over what we actually spent in 2008. Of course she did make the comment that I wish the State would have followed your lead and done the same and maybe it wouldn't be in this position. So all in all it went well. I don't want to say my comments have fallen on deaf ears because I do think I and the other mayors that testified made a difference. I expect to be down there at least three more times testifying in front of various committees if not the full Senate on the problems that they're proposed actions and cuts will cause communities like the City of Euclid.

Another good piece of good news, we had our Moody rating, I believe it was on Thursday. We had a phone conference, we received notice today that our bond rating will stay a AA2. No change in outlook, no negative outlook, it is just a AA2 as we have had. They were again, as I mentioned about my testimony in Columbus, they were very comfortable with the changes that we have made and the management of our funds and our long range outlook on what needs to be done to keep this community financially stable. The full rating will be listed either tomorrow or possibly Wednesday. But they did want to let us know today that our rating has maintained and in this day in age, that's pretty good, there's a number of cities that are going to have downgrades.

We started another, we're always trying to find more ways to communicate. We put out just a little blurb called the Community News. It is an effort to keep residents informed, twice a month we send them to Euclid churches, just a few items that are going on that they can participate in such as our computer recycling and it goes into church bulletins, organizational bulletins, club bulletins, whatever they have, wherever we can get people to repeat and let them know what is going on in the City of Euclid.

Natural gas aggregation, our new fixed rate is \$5.25 per mcf. That will run from May to October. As you know we had a \$6.43 rate which was a very good fixed rate for the wintertime. We will sometime probably in September strike a price for next winter. We've been very competitive and our goal is very simple this. We try and strike a very low fixed rate for our residents. If in fact the market dictates that variable rates our lower

than we allow our residents to do the variable rates and we have no penalty for them leaving our fixed rate program, our aggregation program. The only catch is that we can't guaranty that if the choice to go to the monthly rate changes that it is no longer cost effective, we can't guaranty they can get back into our program until the next sign in period. We can try but we can't guaranty that. If you have any questions about it and you want to sign up, call IGS Energy at 1-800-280-4474.

The Community Garden, one of our newer things, spring registration is this Saturday, April 9th and May 7th from 10:00 AM to 2:00 PM right at the Garden site. The cost is \$10 to reserve a bed. Again it is located on Milton Ave. right off of E. 222 St.

April in Computer Round Up month. Take you computer parts and supplies, monitors, printers, computers, whatever, no don't sneak in television sets, that's not going to work, up to the John Piscitello Service Center at 25200 Lakeland Blvd. There will be containers so that you can drop them off at any time. These computer and parts are salvaged and refurbished by a non-profit organization that not only employees those of need but also then distributes those computers to people of need as well. It is a very worthwhile program and it is much better than throwing them in the trash.

I had the pleasure Sunday of attending an again outstanding, in fact the 60th outstanding Duquesne University Tamboritzta concert at Euclid High School. It was very refreshing to hear Goldie Malone who is the main person that brings the Duquesne University Tamboritzta's here. They feel Euclid is and will continue to be their home. The young students from Duquesne University do a great job in entertaining, singing, Eastern European songs, polkas and entertaining all of us to dances and the outfits are phenomenal. I sent back with them a plaque of friendship and good will from the City of Euclid asking them to have that somewhere in Duquesne University at a very prestigious place.

I also wanted to say that we received on Friday notification for those that just left the Shade Tree Commission. We have received the Tree City USA Award for last year 2010. This is the 20th year in a row that we've been designated a Tree City USA and that designation comes by the Arbor Day foundation.

Unofficially totals from our income tax for the month of March are approximately \$39,000 over projections for a total of approximately \$1,634,000.

Last but not least, the gentleman to my right here, Capt. Brooks. This is probably the last Council meeting he is going to be at. Capt. Brooks is retiring at the end of this month and I must tell you that he has been a tremendous police officer in the twenty plus years I have served this community. He lately has been serving as the Executive Officer and has done a commendable job. He responds to problems in our neighborhoods, he's always made sure that when we have problems of a specific nature that proper action is taken. He is also generally a pretty good guy. To be honest with you I'm going to miss him very much. I think the residents are going to miss him very much. I know your fellow police officers are going to miss you and City Council will as well. Congratulations to you, you've served your community well.

REPORTS AND COMMITTEE MINUTES

Councilwoman Scarniench moved to receive the 2010 Board of Health Annual Report; Monthly Finance Report through February 28, 2011; Fire Report of February 2011; Police Report of February 2011; Executive & Finance Com. Min. of March 23, 2011; Recreation Commission Min. of Nov. 30, 2010; Board of Control Min. of 3-14-11 and 3-21-11. Councilwoman Jones seconded. Yeas: Unanimous.

COMMITTEE OF THE WHOLE FOR LEGISLATIVE MATTERS ONLY

President Holzheimer Gail – This is where you may speak to anything that is on the Agenda this evening. Seeing none, we will move forward with legislation.

LEGISLATION

Ord. 36-2011 (264-11) HOME Consortium Agreement

An ordinance amending Ordinance No. 78-2008 passed by Euclid City Council on April 21, 2008 to authorize the automatic renewal of the existing HOME Consortium Agreement (hereinafter referred to as "Agreement"), which ends September 30, 2011, with other member jurisdictions of the Cuyahoga Housing Consortium regarding the cooperative implementation and carrying out the goals and purposes of the Federal Home Investment Partnership Program (herein the "HOME Program"). (Sponsored by Mayor Cervenik by request of CS&ED Director)

Councilman Van Ho moved for passage, Councilman seconded.

Director Pietravoia – As most members of Council will recall, every three years we come before you with the ordinance to renew our agreement with the Cuyahoga County Housing Consortium. We're one of several communities that are members of the consortium. In 2008 when we brought before you the ordinance and the contract to renew at that time to bring us through to 2011 we had included in the draft language at the request of the Consortium an automatic renewal provision, it was Section 6 in the draft of the contract that we sent to you. While our intent was to agree to that along with all the other communities, when we drafted the legislation we had inadvertently only included the current three year period.

What is before you tonight is a simple house cleaning measure to amend that ordinance from 2008 to reflect the fact that we are agreeing with the other members communities to do the automatic renewal.

I did have a couple of questions and I just wanted to clarify that the renewal is related to the membership in the consortium and the fact that the consortium determines for all the member cities the amount of HOME allocation that will each receive on a percentage basis. There's a formula that calculates that. If that formula were to change in the future, or if there were any special projects that we wanted to use our HOME funds for, those matters would all come back before Council in a separate piece of legislation.

Again, it is a simple house keeping measure. Marty Castelletti is here tonight, he's been managing the HOME program for the City of Euclid and in fact has also been chairing the Consortium for the past year, just finished his year stint as the leader of that Consortium. That will switch to another community in the coming months. If there are any questions, both Marty and I will be happy to answer them.

Councilman O'Neill – Just more of a point of possible correction, on page 3 top of the page, it mentions Cuyahoga County Commissioner or Commissioners designee. Should that be changed to County Executive?

Director Pietravoia – The County is still using all the agreements that have been entered into. There is a blanket agreement that anytime a Commissioner was referenced that would automatically change to a new designee from the County. We're not entering into a new agreement. We're just seeking the provision of the automatic renewal that was in the agreement that was already signed which is the copy that you're reading from.

Councilman O'Neill – Maybe I didn't make my point clear enough. Instead of Commissioner, should it say, County Executive? We don't have Commissioners any more.

Director Pietravoia – I did understand your question Councilman, what I was explaining was we're not actually changing the contract. We're amending the original ordinance to recognize the language in that original contract to allow an automatic renewal. Any contracts that were already in place with the County, anytime it said Commissioner, it would automatically be replaced with a designee from the new County administration.

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

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

Roll Call: Yeas: Scarniench, Jones, Minarik, O'Neill, Langman, Van Ho, Holzheimer Gail
Passed.

Ord. 37 -2011 (120b-10) Mobile Food Vendors

An ordinance amending Section 757.18(a)(6) of the Business Regulation and Taxation Code, and Chapter 1161 of the Health and Sanitation Code of the Codified Ordinances for the City of Euclid allowing for the regulation of mobile food vendors and the issuance by the City of permits authorizing the sale of food from mobile vending devices at designated locations. (Sponsored by Councilman O'Neill) (Recommended for passage as amended by the Executive & Finance Committee)

Councilman O'Neill moved for passage, Councilwoman Scarniench seconded.

Councilman O'Neill – Point of Order, I'm looking at the Agenda and it is Ord. (120b-11), but the ordinance itself is showing (120b-10). This is from last year.

Clerk of Council Cahill – The Agenda is incorrect, it should read (120b-10), just a typo.

Councilman O'Neill – Just a typo on the Agenda, thank you. This came together last year, was brought to my attention and Asst. Law Director Sweeney really took the bull by the horns on this one and I appreciate her efforts. We really had nothing in place to address, which is becoming a popular business in the city. We started off with one and within a year we added three more hot dog vendors, it is more than that but for a lack of better terms, I'll call it hot dog vendor. I like them and I think they're good for the city. It brings atmosphere, it brings foot traffic to certain areas of the city.

But I felt that we needed some ground rules as to protect not only the residents of the city but also to protect the vendors themselves. I feel probably the vendors didn't get everything they wanted, but I think it is a pretty fair ordinance that has been put in place and the efforts on Council at the Finance Committee meeting which I couldn't attend, I appreciate you hammering this out and bringing it to full Council for a vote. I will throw it over to Asst. Law Director Sweeney for a comment.

Asst. Director Sweeney – Most all of Council was at the meeting last Wednesday, but for the couple of you that were not there, after I met with the Ortman's and Mr. Emser, I don't see Mr. Emser today, we made some changes to the initial piece of legislation we brought forth. At Wednesday we discussed the changes and then

Council Meeting

April 4, 2011

Page 4

we made some more changes on Wednesday. I believe I fully incorporated all of those changes we discussed on Wednesday. I sent Council a memo on Friday afternoon with those changes as suggested. I have no more to talk about unless any council members have any questions on the changes we made.

Councilman Langman – Asst. Law Director Sweeney, what I'm curious about is the terminology, it seems like in certain sections, it talks about merchandise and in others about food vendors. Does the ordinance if adopted only apply to food vendors or to any vendor that wants to sell on public sidewalk?

Asst. Director Sweeney – It is only for food. I think there is a section that just says for food.

Councilman Langman – In Section 1161.03 Application for Permits, the change of location, #5 is types of merchandise to be sold. That's what caught my eye.

Asst. Director Sweeney – It is just food and if you want to give me one second, I can find where it says just food, but I'm positive of that, we made it just food.

Councilman Langman – Are you 100% positive?

Asst. Director Sweeney – Yes.

Councilman Langman – So, are you telling me then that language does not create any kind of wiggle room if somebody else wanted to sell something else besides food?

Asst. Director Sweeney – I don't think we have wiggle room. Give me one sec, I will find the food part, if somebody else can help me.

Councilman O'Neill – I believe it is section 1161.01(e), states vending device shall mean a container for sale, display or transport of food products by a vendor which has wheels and is capable of being moved by muscular power.

Asst. Director Sweeney – Thank you.

Councilman Langman- Asst. Law Director Sweeney, does that then override the broader term that is used in the other section?

Asst. Director Sweeney – I think it does but if Councilman Langman is uncomfortable with the term, merchandise, we certainly can change that to food.

Councilman Langman – So your intention is strictly for food?

Asst. Director Sweeney – Yes.

Councilman Langman – I would make a motion then to modify that term from changing from merchandise to food sold, a more elegant term than that.

Councilwoman Scarniench seconded.

Councilwoman Minarik – Then you're going to have to change it wherever the word "merchandise" is used? For example, E over on the next page, no merchandise shall be displayed. I remember it did say specifically that food was the only thing. Do you want to change merchandise wherever it is located?

Councilman Langman – Yes, I think it is more consistent.

President Holzheimer Gail – Do we need to identify every place it says merchandise?

Asst. Law Director Sweeney – If we want to be consistent, I don't see why we wouldn't change it everywhere.

President Holzheimer Gail – Can we make a blanket motion to change?

Director Frey – I'm concerned that we not by our desire to make sure we're regulating with this piece of legislation the food carts, that we don't open up our sidewalks to other merchandise types. So I want to be careful that we reach an intended result. If there are other questions, maybe we can address those, I'd like to take a quick look at that to see if we by making that additional change don't open up something that we don't want to open.

President Holzheimer Gail – Can we take a temporary withdrawal of the motion and the second then, so we can continue the discussion?

Councilman Langman – Sure, that would be fine.

Councilwoman Jones – I just have a comment related to that. I know in the one section it did say food as far as the cart goes but if it says merchandise as far as being on the cart instead of food, then that would also mean that the food cart could not also sell other products, that's what my concern is. If it is a food cart vendor that also has other products, merchandise, I think would cover everything that they wouldn't be able to have unless it needs to be food and other merchandise. I have seen in other cities where there are carts that sell other merchandise in addition to food and I don't think we want to get into that.

President Holzheimer Gail – I think the intent was that this be food. You see from time to time around holidays in Cleveland, you'll see people will pull up with a truck or have a cart with other items and I think that's the clarification of this would prohibit that.

Councilwoman Scarniench – If we clarify this, it is still in our code itself, we don't allow merchandise being sold. So wouldn't that just cover it? If we take the merchandise out of this, I don't see where that would change anything because our code, without having it in front of me, our code says we don't allow that. What we're doing is changing this code concerning food vendors.

Asst. Director Sweeney – The Law Director is looking the definition up right now in another section that defines outdoor food sales. He is tentatively telling me right now we can change the word merchandise to food.

Councilman Van Ho – I think we want to leave the word merchandise in, 1161.08 9 A where it says, no merchandise shall be displayed or sold to occupants of a vehicle stopped in the traffic. No merchandise shall be displayed or sold, there are places where I think we need to leave it in. Most of them I agree make it food. But that would seem to clear up that you can't sell anything else on those carts except food.

Councilman Langman – If I would have known this would have kicked up such a fuss, I would have changed my schedule around last week. I'm only concerned that if you're selling hot dogs for example and hey I've got ball caps too, or I have flowers or whatever. I'm not sure if in the course of the conversation that we want that to happen. I think that's why you want the stricter definition throughout so you're clear. When I read merchandise, that can be anything else that I can do.

Asst. Director Sweeney – That was the intention of this piece of legislation is just be for food. If we have to tighten up a definition, the Law Director is going to say I think we can do that.

Director Frey – Chapter 757 in the Business Code deals with peddling. It defines that as sale anywhere within the city, not at a fixed place of business. We may need to look at that chapter of the code and make sure it properly addresses it. Chapter 1161 is just outdoor food sales. To address all of that we ought to confine 1161 to outdoor food sales and if we need to address 757 we should do so in a separate piece of legislation.

Councilman O'Neill – Is this area caught in the permit process? When the vendor applies for the permit, they know exactly what they are applying for? The permit is issued for food, processed food, does that not kind of like falls under that category where it is caught at the permit level? Am I correct to understand that?

Asst. Director Sweeney – Yes, there is going to be a permit. I have not made the application yet because I am waiting to find out what we do today. That application will be with the Service Dept. and it will say their location, what they're going to sell, their name and address, all those items under 1161.03.

Councilman O'Neill – The permit itself will define exactly what can be vended?

Asst. Director Sweeney – Correct.

Councilman Langman – Some of us have been doing this long time and it pays to remember that the more precise we are, the less trouble that we have next year, five years, ten years from now. I don't want to belabor the point, but in changing the language from merchandise because merchandise, I'm sure in the legal world is defined a certain way versus food sales. Again, I was not there but it just seems like there is that inconsistency. Somebody may decide to sell hot dogs, why not ball caps too. If we're okay with that, then you don't make the change. If you're not, then you change the wording, you just replace it. Law Director Frey, what's your opinion on that?

Council Meeting

April 4, 2011

Page 6

Director Frey – I think Chapter 1161 out to be limited to a single purpose and it out to be outdoor food sales. We should limit it to that and we should address any other merchandise sales in chapter 757 of the code.

Councilman Langman – So what you're saying then is we should amend?

Director Frey – We should amend this so that merchandise is replaced with food items or whatever the other term we've used earlier in the definitional section; food products. So we should change merchandise to food products. Then again we need to follow that quickly with review of 757 and any changes there so that for instance merchandise sales under 757 cannot be combined at the same location with food products.

Councilman Langman – Understood.

Councilman Langman moved to amend Ord. (120b-10) to remove merchandise wording and replace with food products. Councilwoman Scarniench seconded.

Roll Call: Yeas: Scarniench, Jones, Minarik, O'Neill, Langman, Van Ho, Holzheimer Gail

Amendment passed.

President Holzheimer Gail – Any additional comments or questions on the legislation? I do want to thank the Ortman's for their participation in the committee meeting. They were very helpful and did provide a lot of input both at that meeting and prior meeting. Thank you to Asst. Law Director Sweeney and thank you for Councilman O'Neill for bringing it forward.

Councilman O'Neill moved to close debate, Councilwoman Scarniench seconded. Yeas: Unanimous.

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

Roll Call: Yeas: Scarniench, Jones, Minarik, O'Neill, Langman, Van Ho, Holzheimer Gail.

Passed.

Ord. 38-2011 (263-11) Contractors Yard Clean Up Services

An emergency ordinance authorizing the Director of Law of the City of Euclid to enter into a contract with AC Lawn Care, 3734 N. Sanford Avenue, Stow, OH 44224 and Northcoast Lawscapes, 8974 Lake Overlook Drive, Mentor, OH 44060, as primary co-vendors to perform grass cutting services, and Robinson Family Lawn Care & Snow Removal, 875 East 236th Street, Euclid, Ohio 44123, as the primary vendor to perform yard clean-up services pursuant to Codified Ordinance 1755.28(e) and 529.03, for the year 2011 with an option for a one year extension to December 31, 2012, in an aggregate amount not to exceed Sixty-Five Thousand Dollars (\$65,000.00) per year. (Sponsored by Councilman Van Ho by request of Law Director)

Councilman Van Ho moved for passage, Councilman Langman seconded.

Asst. Director Sweeney – Back in February the city posted for bids for contractors for our grass cutting yard clean up program for 2011/2012. We posted online from our website and in the News Herald on two Fridays. Seventeen contractors picked up copies of our bid specs. Ten contractors attended the mandatory pre-bid meeting. Nine contractors submitted bids for the program. Two of the low bidders did not attend the mandatory pre-bid meeting, so I advised them by certified mail that I would not consider their bids because they did not follow important directive that was in the specifications.

The next lowest bid was from Lake Erie Lawn Service who was our contractor last year and Council may recall we did have some issues with them, with poor performance this past year. I did not feel, based on discussions with Charlie Drazetic, we did not feel that would be considered the best and lowest bid from what we expect from the City of Euclid for a contractor in our grass program.

The next two lowest bids, which were only fifty-cents higher than the lowest bidder, came with AC Lawn Care and Northcoast Lawscapes. They were both exactly the same on single cut, \$16.50 for a single cut. They were \$2.50 off from each other on double cut and triple cut. I talked to Northcoast Lawscapes, he agreed to come down to the price of AC Lawn Care so that both companies would be consistent with single, double, triple cut. Based on that and also I contacted about six references between the two different companies. The cities of Hudson, Akron, Water Dept., Laketrans, Mentor on the Lake, Akron Water Supply and both companies from their respective references gave them very good remarks, said they were very professional and very attentive to the needs of the different municipalities or public entities.

Based on that I felt AC Lawn Care and Northcoast Lawscapes were the two best and lowest bids. With regard to nuisance abatement, Terry Robinson from Robinson Family lawn care, he was our nuisance abatement contractor the past two years, I thought he did a fabulous job for the city. He was again the low bid this year and I recommended that we grant the nuisance abatement contract to him again this year. Any other questions, I'm happy to answer.

Council Meeting

April 4, 2011

Page 7

Councilman Van Ho – This is one of those things that we pass every year pretty much routinely but it is actually one of the things that really helps this community look better. If the lawns are all mowed when you drive down a street, it makes the street look much better. I just want to make sure that we pass this piece as quickly as possible so we can get out front of any lawns that are forgotten by their owners in the early spring.

Councilwoman Jones – Asst. Director Sweeney, what was the total amount that was spent in 2010 for the grass cutting and yard clean ups?

Asst. Director Sweeney – We spent approximately \$45,000-\$46,000 this past year. We assessed almost \$250,000 but we spent about \$45,000.

President Holzheimer Gail – I was just going to make that point that we do assess the property owners for the this service. The city is not paying for it on their own. We do assess them at a higher rate.

Councilwoman Jones – So I'm assuming that these contractors will be all set once they are given approval to get started since we are entering that season?

Asst. Director Sweeney – I'm confident they will be ready.

Mayor Cervenik –The reason the higher rate is charged to the resident is because we have to take in the overhead of the department, the work of the different inspectors. That all gets added into it. It is not simply, we're allowed to charge more than just a cost of the grass cutting itself. There's a tremendous amount of work, tremendous amount of capital and technology items that go into this and at \$150 we balance out pretty close.

Councilwoman Scarniench – Asst. Director Sweeney, I know last year I had an issue at the end of the year because the snow came. Is that the way this works, once the snow comes we stop cutting grass?

Asst. Director Sweeney – Yes, I would think we would stop cutting grass. We can still take care of some nuisance abatement issues, should they arise, but yes, we would stop cutting grass if it is snowing.

Councilman O'Neill – I know I have said this a couple of times in the past every time this bid process comes up. We are actually lower charging for cutting the lawns than I think Cleveland Hts. is over \$200. It may seem expensive to the property owner, but the City of Euclid doesn't want to be in the landscaping business. It is very simple, cut your grass if you own rental property or vacant property, maintain your property and you won't have this bill coming up on your lap. Frankly it is probably a lot cheaper to contract a landscape company to cut your grass and maintain it then if you get hit a couple of times with our nuisance abatement or our grass cutting fees. Again, the City of Euclid does not want to be in the lawn cutting business, just maintain your property, it is very simple. Thank you.

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

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

Roll Call: Yeas: Scarniench, Jones, Minarik, O'Neill, Langman, Van Ho, Holzheimer Gail.
Passed.

Res. 39-2011 (262-11) Capital Improvement Budget

A resolution adopting and approving the attached Administration's recommendation for the 2011 Capital Improvement Budget. (Sponsored by Mayor Cervenik)

Councilwoman Scarniench moved for passage, Councilwoman Jones seconded.

Mayor Cervenik – We discussed this budget, Director Brett and myself presented this to City Council, I think it was last week. The only change in it is we took the \$30,000 that originally was shown to pay for a reverse 9-1-1 system and we took that \$30,000 and put it in curbs and resurfacing. We felt the reverse 9-1-1 system as was explained at the meeting is not a capital expense, we will find room for that in our general fund budget because we do believe that is an important communication device we can use for our community. Other than that, all the items on here were presented to you at the meeting and I'll be happy to answer any questions that you have.

Councilwoman Minarik – Director Brett, based on last week's meeting, where we were told if we keep borrowing \$2 million a year, we'll need to somewhere get \$300,000-\$500,000 additional monies, \$300,000-\$500,000 from additional sources, because as the loss of property values and investment income. If we were to lower the capital budget by \$500,000 down to \$1.5 million, would that have any impact on how much we would save and what we are paying?

Director Brett – There's two answers to that. The first answer is if you deduct dollar amounts from any expenditure item it is going to lessen the immediate impact of expenditures, there's no question as to that. However, what you also have is the stingy man who pays the most in the long run if you forego a capital equipment item that you need and you end up as you often are in a situation where you're paying more in maintenance and repair on an item that would have been replaced; then in the long run you end up paying more. Not trying to be facetious I'm just saying you've got to weigh that when you look at these capital improvement items. Some of them, let's say the switches for the IT system, that's a pretty hefty amount \$100,000, you could save \$100,000 immediately by cutting that out but if you start to then add up every time we call up Scoda to address the server issues and you start replacing them one at a time, when they're totally fried then you'll end up spending more in the long run.

Councilwoman Minarik – I understand all of that, but I'm concerned that we're passing the funding problems that we may have in 2015, that we're passing them onto the next administration and councils that come along. That's why I'm concerned.

Mayor Cervenik – If we were to take a half million dollars out of this capital budget, this capital budget, what we do is borrow \$2 million and we roll the notes for 4-5 years and then we bond them out for another 15. So let's say it's a 20 year financing system. Forget interest or anything else right now. If we were to cut \$500,000 out of this budget, divide it by 20 years, that would reduce what we have to put from the general fund by \$25,000 a year. It wouldn't have the immediate affect of having a half million dollars more cash, in general fund.

Councilwoman Minarik – That was my question, is it a negligible?

Mayor Cervenik – Right, what we need to do and I will do it as I said we will come up with a process we'll probably start off at \$200,000 then \$250,000 then \$300,000 and \$350,000 over the next four years. I expect to get that from increased tax revenues and other cost savings amounts. That's an immediate dollar amount that's in the bond retirement fund. Our low years has always been 2015, 2016. Because of the drop in real estate taxes and the drop in interest income, however some of that is offset by the drop in interest expense. It will have a direct effect on, we have no choice now, we can't put it off, we have to do it. We will be looking and making presentation probably before budget hearings next year as soon as we know what the State is doing for sure and all of that as to what dollar amounts we feel are going to be necessary to keep us in a positive cash balance. We may want to, I don't think this is the year to do it because our budget already has a half million for Lake Shore Blvd. as a match, \$250,000 Lloyd Road for a match, we've already done the police cars, St. Roberts, things like that. We really didn't have the room to cut back other than in curbs and resurfacing which I think just about everyone of you have got 3-4 streets, at least 2-3 streets that you'd really like to see done. This was not the year to cut back borrowing. Next year it maybe a combination of a contribution, transfer to the bond retirement fund, as well as a \$1.8-\$1.7 borrowing amount for the next 3-4 years. Again, as Director Brett said, there are certain things that we do need to take care of. The last thing I want to do is spend \$100,000 on all of our switches. But if they start going, we're going to have a tremendous

Councilwoman Minarik – I understand, I just want to make sure, it could be a minimal impact, savings if we cut the budget and that's what I wanted to know. The second question I have, with Lloyd Road, Lake Shore Blvd. for example was originally scheduled to be repaved about 2009 or something and they kept putting it off and putting it off and now we're coming up to the 50%. When was Lloyd Road originally proposed by the County?

Mayor Cervenik – Lake Shore was scheduled, from the best of my knowledge to be done last year. They sent us a letter postponing it one more year into this fiscal year which starts in July. The normal procedure is 80%, because the City of Euclid has, as we always do, maintained our roads as best we can with the crack sealing and patching we've done, Director Smith has told us our share will probably be 10%, however we are responsible for the ADA intersection ramps. We're going to be about a half million.

Lloyd Rd. came up maybe three years ago. We basically need to do it now or we may not have the ability to do Lloyd Road in the near future, at least with that match. We may get put back 3-4 years, and Lloyd Rd. it is pretty bad shape. To give up \$250,000 of County money, we don't want to do that, it really wouldn't make sense to do that. The State is a little more generous in their match than the County, but Lloyd Rd. really does need to be done.

Councilman Van Ho moved to close debate. Councilman O'Neill seconded. Yeas: Unanimous.

Roll Call: Yeas: Scarniench, Jones, Minarik, O'Neill, Langman, Van Ho, Holzheimer Gail.
Passed.

Ord. 40-2011 (261-11) RFP Square Ft. Price Concrete

An emergency ordinance authorizing the Director of Public Service of the City of Euclid or his designee to request proposals in order to establish a per square foot price for concrete for the replacement of sidewalks, drive aprons and apron walks for the 2011 construction season. (Sponsored by Councilperson Wojtila by request of Service Director)

Councilwoman Minarik moved for passage, Councilman O'Neill seconded.

Director Smith – This is a yearly function in which we seek proposals from interested contractors for concrete work pertaining to sidewalk and/or driveway apron replacements. Any resident can opt to utilize any one of these contractors at the submitted price. The quotes will be posted upon the city website. The agreement does remain between the homeowner and the contractor and our goal with this program is simply to assist the homeowner in obtaining competitive price quotes. I know this is a very common yearly function, I'll be more than happy to try to address any questions you may have.

President Holzheimer Gail – When we first started doing this was to provide the cost of scale to residents. If you have one or two sidewalks whereas to replace on your own, you don't always get as good a price as we would get when we contract and ask for a service available for the whole city. Hopefully we'll save our residents some money who have to do sidewalk and apron repairs.

Councilwoman Scarniench – Just another comment about that. We've actually checked these people out before we put them on the list. Where us novice homeowners don't necessarily know how to do all that. This is a really great service just like it is when we do the snowplowing because the people know what they're doing, using people we've checked out and are safe. This is a great program.

Councilwoman Scarniench moved to close debate, Councilman O'Neill seconded. Yeas: Unanimous.

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

Roll Call: Yeas: Scarniench, Jones, Minarik, O'Neill, Langman, Van Ho, Holzheimer Gail.
Passed.

Res. (265-11) Oppose Water Rate Increase - TABLED

A resolution opposing Cleveland Water Department's proposed increase in water rates, which includes a decrease in the discount given to homeowners who are sixty-five (65) and older, disabled, or whose income falls under a certain threshold. (Sponsored by Councilpersons Van Ho and Scarniench)

Councilwoman Scarniench moved for passage, Councilman Van Ho seconded.

Councilwoman Scarniench – This came about for me because of some concerns from some of our residents. At this point in time I would like to have this tabled. We are meeting on Wednesday to talk about our water rates and our sewer rates and this is going to be a very extensive thing, the Maximus report. So it is probably better that we wait and see exactly what it is that is going to happen and what we might have to do.

Councilwoman Scarniench moved to table Res. (265-11), Councilman Van Ho seconded.

Roll Call: Yeas: Scarniench, Jones, Minarik, O'Neill, Langman, Van Ho, Holzheimer Gail.
Tabled.

Ord. 41-2011 (266-11) Bonds Heritage Dr.

An emergency ordinance to provide for the issuance of not to exceed \$1,050,000 of Bonds for the purpose of refunding the city's outstanding Heritage Drive general obligation bonds, Series 1999, dated October 1, 1999. (Sponsored by Mayor Cervenik and Entire Council)

Councilwoman Jones moved for passage, Councilman Van Ho seconded.

Direct Brett – This is a refunding of the Heritage Dr. Special Assessments borrowings that the city made in conjunction with commercial drive that is essentially where Argo-Tech is. We were able to refund this issuance or we'll be able to refund this issuance and save \$120,000 present value. In nominal terms, it will be \$145,000. What we'll essentially be doing is knocking off the last year of the payment on this particular debt. This is a savings to the city of between \$120,000 to \$145,000 depending on how you do your accounting.

President Holzheimer Gail – Mr. Bauccho who was here at our Executive Finance Committee Meeting did mention most of these refinancing and refunding and all of these were done in conjunction with our bond counsel at their advice. Any questions?

Council Meeting

April 4, 2011

Page 10

Councilwoman Scarniench moved to close debate, Councilman O'Neill seconded. Yeas: Unanimous.

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

Roll Call: Yeas: Scarniench, Jones, Minarik, O'Neill, Langman, Van Ho, Holzheimer Gail.
Passed.

Ord. 42-2011 (267-11) Bonds

An emergency ordinance to provide for the issuance of Bonds in a principal amount not to exceed \$6,220,000 for the purpose of advance refunding a portion of the city's various purpose general obligation bonds, Series 2001, dated May 1, 2001. (Sponsored by Mayor Cervenik and Entire Council)

Councilman Langman moved for passage, Councilman Van Ho seconded.

Director Brett – I forgot to mention on the previous Heritage bond that the savings was about 12%. On this particular refunding we're going to have a savings of approximately 7% whereas Heritage Dr. was back loaded on the savings, this particular refunding will be front loaded so we will secure \$55,000 of savings this year, \$194,000 of savings the following year and in 2013, savings of \$198,000 for a total of \$445,000 net present value, \$460,00 nominal. Again able to secure some significant savings of this about 7%.

Mayor Cervenik – These savings will also play into what we're going to need to put into the bond retirement fund. We're one of the only cities, if not the only city in Cuyahoga County that doesn't do that now. We've been very fortunate.

Councilman Langman – Director Brett, a general question. Given the condition of many municipalities across the country, do you foresee that having an affect on us in the future even though we're doing everything pretty well?

Director Brett – Actually or ironically we actually enjoyed an upgrade in our rating recently and quite a few other cities did as well. In a lot of ways Moody's was being harsher on cities and holding them to a higher standard than they were private firms and that's starting to evaporate. I'm not going to say they're not being, exercising very due diligence in getting the rating that we did we spent quite a bit of time on the phone with the people from Moody's and giving them quite a bit of information as well. The question arises is whether or not you can sell it on the market and municipal bonds are still a very attractive investment in the market especially for the most part they're tax free investments. The answer to your question will be probably seen when we start to get back interest rates, the cities get back interest rates in general which are still holding out well.

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

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

Roll Call: Yeas: Scarniench, Jones, Minarik, O'Neill, Langman, Van Ho, Holzheimer Gail.
Passed.

Ord. 43-2011 (268-11)

An emergency ordinance to provide for the issuance of Bonds in a principal amount not to exceed \$2,070,000 to retire at maturity certain Notes issued in anticipation of Bonds for various purposes. (Sponsored by Mayor Cervenik and Entire Council)

Councilwoman Scarniench moved for passage, Councilman O'Neill seconded.

Director Brett – This was an opportune time to consolidate some of the notes that we had outstanding at this time and lock in lower rates that the market is offering at this time. Among the purposes of this particular bond is \$885,000 which was originally issued in note form for motorized equipment in 2009. \$65,000 which was also issued in 2009 for playground equipment. \$305,000 originally issued in 2009 for equipment and \$815,000 which was issued last year for motorized equipment as well. These are taking these bonds and consolidating them into one, or taking these notes and consolidating them into one long term bond.

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

Councilwoman Minarik moved to suspend the rules, Councilman O'Neill seconded. Yeas: Unanimous.

Roll Call: Yeas: Scarniench, Jones, Minarik, O'Neill, Langman, Van Ho, Holzheimer Gail.
Passed.

Ord. 44-2011 (269-11)

An emergency ordinance to provide for the issuance of Bonds in a principal amount not to exceed \$9,695,000 to retire at maturity certain notes issued in anticipation of Bonds for various purposes. (Sponsored by Mayor Cervenik and Entire Council)

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

Director Brett – These bonds are to consolidate notes at this time for various purposes. The major one of which is \$6,520,000 for waterline, everything else is less than a million. I can outline those if Council wishes but for the most part we're taking five other notes and consolidating them into the bond at this time.

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

Councilman O'Neill moved to suspend the rules, Councilwoman Minarik seconded. Yeas: Unanimous.

Roll Call: Yeas: Scarniench, Jones, Minarik, O'Neill, Langman, Van Ho, Holzheimer Gail.
Passed.

Ord. 45-2011 (270-11)

An emergency ordinance to provide for the issuance and sale of Bond Anticipation Notes of the City of Euclid, Ohio in a principal amount not to exceed \$670,000 in anticipation of the issuance of Bonds for the purpose of acquiring motorized vehicular equipment and appurtenances thereto for the Engineering, Fire and Police Departments. (Sponsored by Mayor Cervenik and Entire Council)

Councilwoman Minarik moved for passage, Councilman O'Neill seconded.

Director Brett – I would like to address this particular ordinance and the next two at the same time. These three essentially represent the capital improvement budget that Council approved last week. The first one (270-11) is for the \$670,000 in motor vehicles. (271-11) is for the \$1,070,000 in street improvements and the final (272-11) is \$260,000 for city technology program and together they make up the capital budget. I'm open for other questions.

President Holzheimer Gail – Director Brett, the bonds have to be divided out by function, is that why there are three separate ordinances?

Director Brett – These are notes. Yes, pretty much. When they go to bonds what we'll do is consolidate and you'll see that it will have five or six fiscal officer certificates but here they want to keep the notes separate for tracking purposes.

Mayor Cervenik – In the first four bond legislation, it sounds like we borrowed or issued debt for \$19 million. In fact we did, however it was all outstanding debt already in the form of notes or bonds that carried a much higher interest rate than we have now. These last three items that total \$2 million is the only new borrowing that this Council and this administration is recommending at this time, that is to cover this year's capital needs. We've always stuck to around \$2 million because we pay off the principle of about \$2 million each and every year as well through the bond retirement fund. That keeps us at a level that we can be comfortable with. These next three items are the new monies, the new notes being issued. All the other notes were either refunding notes that saved us money or bonds that saved us money, or they were actually notes that were combined and turned into long term financing, which we're required to do after 5 years.

Director Brett – Looking at the notes, the other thing that distinguishes them at this point is not only the purposes but the fact that one of them has a useful maturity of five years, the motor vehicles, the IT equipment has maturity of ten years and the street improvements have a useful life of 20 years, so they'll separate out those because they'll fall under different regulations as far as when you can refund them and if you can refund them.

Councilwoman Minarik – I would like to thank Regina Cahill for getting the minutes done so I could re-read them before tonight's meeting, thank you so much. Based on the last week's meeting, my understanding is, if I'm right, we're doing this because of Wall Street, that's why we do this to issue that out. But every item within the capital budget over \$25,000 still comes back to us for approval. Anything say that is not approved because we've already issued this, that's why it would go into 2012 capital, is that how it works?

Mayor Cervenik – Yes, just as in 2011 what we presented to you there were a number of items that you concurred, voted on last year, did not actually take place until 2011, this year. That's perfectly fine as long as we use those funds for what we're supposed to. If we had \$500,000 balance carried forward from last year's

Council Meeting

April 4, 2011

Page 12

capital for streets, we really couldn't use that to purchase equipment, we would have to retire those notes and then reissue notes. That's why we have these three items tonight for the investors who will buy these notes to understand what we're investing in.

Councilwoman Minarik – Because they've purchased them already, that's why anything that we don't do in the capital budget, that's why it gets moved forward to the following year because we've committed.

Mayor Cervenik – Exactly.

Councilwoman Minarik – Thanks, again thank you Mrs. Cahill.

President Holzheimer Gail – It could be committed to a different project within that same category. Streets if Council for some reason decides not to approve a street project that was in this year's capital, that money could go over to next year.

Mayor Cervenik – The reason for that is we have, as Director Brett mentioned a minute ago, depending on the use we have requirements for the length that a note or bond can be. We certainly don't want to get into the habit of paying for our equipment for 20 years when they're only going to last 5-6. At the same time we don't want to be in a position of paying off buildings in three years when they're going to have a 30 year life span, let alone street improvements that I think we're allowed to go up to 20 years on street improvements. We want to take the useful life and spread the money out over the useful life of the improvements we do. That's why this is done.

Councilwoman Minarik moved to close debate, Councilman O'Neill seconded. Yeas: Unanimous.

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

Roll Call: Yeas: Scarniench, Jones, Minarik, O'Neill, Langman, Van Ho, Holzheimer Gail.
Passed.

Ord. 46-2011 (271-11)

An emergency ordinance to provide for the issuance and sale of Bond Anticipation Notes of the City of Euclid, Ohio in a principal amount not to exceed \$1,070,000 in anticipation of the issuance of Bonds for the purpose of reconstructing, resurfacing and otherwise improving City streets, making certain repairs to sewer facilities in connection with street improvements and installing curbs as necessary, together with the necessary appurtenances thereto. (Sponsored by Mayor Cervenik and Entire Council)

Councilwoman Scarniench moved for passage, Councilman O'Neill seconded.

President Holzheimer Gail – Director Brett addressed all three, are there any questions on this particular item #12? No further comments.

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

Councilwoman Minarik moved to suspend the rules, Councilman O'Neill seconded. Yeas: Unanimous.

Roll Call: Yeas: Scarniench, Jones, Minarik, O'Neill, Langman, Van Ho, Holzheimer Gail.
Passed.

Ord. 47-2011 (272-11)

An emergency ordinance to provide for the issuance and sale of not to exceed \$260,000 in principal amount of Bond Anticipation Notes of the City of Euclid, Ohio in anticipation of the issuance of Bonds for the purpose of acquiring various equipment for the City's Technology, Police and Recreation Departments. (Sponsored by Mayor Cervenik and Entire Council)

Councilman Langman moved for passage, Councilman Van Ho seconded.

President Holzheimer Gail – This was addressed already by Director Brett's comments. Any additional questions?

Councilman Langman – The Mayor talked about a sort of mixture of items that we purchase on shorter term and longer term. Is there any way to determine the ratio of interest to principle that the bond retirement fund is applied towards in any particular year? Or does the ratio, given the types of borrowings we do over the many years, does that stay about the same?

Director Brett – It is going to be different. For example, this year January 1st we paid off an OWDA loan that was 11% and we had a party because it stretched back so far that it came from an era when interest rates were extremely high. When we made off that final payment, we really cleared the books of some substantial debt retirement. When we look at bonds that were issued in the last 4-5 years, that ratio of interest to principle is much less. It depends on how old the debt is, what it was used for, who issued it, things like that. OPWC is always zero so that is nice and consistent. When you start to go to the market or even go to the Ohio Water Development Authority, the rates will vary with the market.

Councilman Langman – That’s good to know, thank you Director Brett.

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

Councilman O’Neill moved to suspend the rules, Councilwoman Minarik seconded. Yeas: Unanimous.

Roll Call: Yeas: Scarniench, Jones, Minarik, O’Neill, Langman, Van Ho, Holzheimer Gail.
Passed.

COMMITTEE OF THE WHOLE

President Holzheimer Gail – This is the Committee of the Whole, the Public Portion. This is where you might speak to anything for the good of the city. Political advocacy for candidates is not allowed.

Mr. Christopher Michael Litwinowicz – 21970 Morris Ave. Never knew we had as much debt. Honestly we never knew this. Wonder why. Thank you for coming onto the City of Euclid Mr. Brett. The taxpayers of Euclid love you, thank you.

\$19 million is what the police force gets. That’s the debt, that’s on paper right now. Twenty years for streets, can we look into managing of the taxpayers’ money at \$2 million you’re going to spend for streets, \$1 million for streets, why can’t we get all the streets done in one year? By the way, everybody knows today what our President just said.

Looking at Euclid, what is our future? Until, I wish somebody was taking notes. I see the Mayor is, thank you. But I really need the Council to do it. You need to apply for a government grant for erosion control of Lake Erie. The voters have been promised lakefront development. Either that or we take a bond. We have to make a decision. The voters have been waiting on it for years.

The best way if we’re going to spend a million or two million a year, I had proposed a plan for ten years, two million a year, bond issue, to do all the streets. There’s money out there, but it takes the initiative which I learned in 1998 in the Marine Corps, one of the trademarks it is called JJ tie buckle. That’s what this city lacks. Sat there and argued about what programs are getting cut, but the programs that need to be, won’t, meaning a budget instead of somebody getting so much from the city for being a \$29 an hour job. At the same time I come to this podium to thank the City of Euclid Police, Fire, Teacher’s Union, to stay unified and where is that petition at, I want to sign it. Sorry but I made a movement and I think it went strong. Didn’t mean to walk out when there’s two hundred some thousand people, I just emailed somebody that’s all. Just Chris doing hard work.

The jail, that’s \$400,000 I’d like to see something come up here about that, where they can vote on it. It just takes one of you all to spend \$400,000 on the jail this year. You have to allocate the funds. Memorial Park, my opinion is the committee is a waste of time because it was sent into committee to what we was asking for was a basketball hoop in the City of Euclid which would be considered outdoor facility. That’s just my personal opinion. It is lovely for the city but it just missed the purpose. At the same time, I like to thank the City of Euclid for its programs for the housing department. One other question is, I like to see the Council repeal the garbage tax for the City of Euclid and put it in the budget, \$38 million and it is not our issue but the petition for the 2.0 is on my desk, so I’m marching streets.

President Holzheimer Gail – Thank you. Director Smith, have you applied and have we received grants for repaving?

Director Smith – Some of our grants, yes. The short answer is yes. Some of our grants as the Mayor just eluded to, ODOT funding on Lake Shore, the traffic signals over the last two years or three years, that funding would equate to close to \$6 million. The County Engineer funds that was eluded to on Lloyd Rd. resurfacing, \$250,000. OPWC funding over the last two years alone, whether it be in the form of a grant or a loan, I want to say close to \$12 million. We’ve applied for the 319 grants through the Ohio EPA and will continue to do so. The DEFA monies which were recently applied for to help offset some of the costs, several million dollars over the last year. The ARA funds, the American Recovery and Reinvestment Act funds that we had received about \$650,000 on Dille Rd. The Dille Rd. project last year, right on down to the smaller grants of \$3500 from the Solid Waste District to assist with the recycling. I’ve heard even at the last Council meeting that there were a

lot of grant monies out there by I believe a resident had eluded to that. I immediately went to the Solid Waste District and talked to the Director and said I was informed that we're missing out on an opportunity. She told me, find out where because I'd like to know. If there's an opportunity out there to apply for a grant, we certainly take every approach to do that and we follow through with that. If anybody has any other avenues, certainly bring it to our attention and we'll follow through as well.

Mayor Cervenik – If I could just add a few others. E. 222 St. Industrial Corridor, we received \$1.3 million, a little over that in grants to do that project. We received \$196,000 energy grant. The Fire Dept. was instrumental in getting \$600,000 grant so we could have a new ladder truck which we couldn't have afforded otherwise. Let's not forget the NSP program at \$3.5 million, the HOME program. We could go on and on with others than just streets. The City of Euclid and my administration along with the support from City Council have brought tens of millions of dollars of grants into this community and that's why you see so much work and so much improvement going on at this time.

President Holzheimer Gail – I thought it was important that we remind ourselves and remind the public that we do many of our staff have been very active in seeking grants and we have been successful.

Mayor Cervenik – I didn't mention NOACA grants, \$700,000 engineering. The Planning Commission grant for downtown. We have the same grant for Euclid. I can go on and on, I'm not going to because I would like to see the ball game if possible, go Butler. We're not done, we're applying for grants all the time.

President Holzheimer Gail – The Memorial Park Committee and plan was mentioned. I do want to remind folks that plan, there will be a public hearing of the Parks & Recreation Committee as well as the Planning and Zoning, a joint meeting, on Tuesday, April 19th at 7 PM. We will announce it at the next council meeting, but that will be the opportunity for both this council's Park & Recreation Committee and the Planning & Zoning, as well as the public to offer input on that plan. Seeing no further resident's comments, we'll move forward.

COUNCIL MEMBERS' COMMENTS

Councilwoman Scarniench – Sometimes it is fun to go first. Capt. Brooks, you will be sorely missed. I have enjoyed our years together on Weed & Seed. You've always put the kids first and you've been very professional in everything you've done. We will definitely miss you.

My little blurb for the week. Don't forget Our Lady of Lourdes Shrine Fish Fry again this Friday, 4:30 until 6:45 at 21281 Chardon Rd.

I do have a couple of questions for Director Smith. I couldn't do these ahead of time because I got them as I was walking out the door. Another resident complaining about the lights on Euclid Ave. When are we going to get those lights fixed, especially the ones around Sherwood; he said he counted 11 of them. This has been going on for months and months and I don't understand why CEI isn't coming out and fixing them.

This would be a question for Director Pietravoia. When we demo a house, the question is coming up, why aren't we taking the tree out, the tree roots too? I have somebody who is interested in a piece of property but won't buy it because we're not cleaning the land. Is that included, are they supposed to take that out when they are doing a demo?

Director Pietravoia – I didn't know if you wanted me to answer right away. Councilwoman Scarniench I will look into that. It is my understanding that if it is not part of the foundation of the house or anything disturbed in the foundation area, it would go beyond that and removing anything underground beyond the foundation. Then we put clean fill in and we'll seed where we've removed the house structure itself.

Councilwoman Scarniench – Maybe we could look to see what it would cost extra to do that. If that means selling a piece of property that somebody is going to build a house on, because they don't want to spend the money that it would take to take those roots out or the trees out.

Director Pietravoia – I will look into that and I would also offer if you could give me a specific address, we could look at the one in question.

Councilwoman Scarniench – Back to Director Smith, complaints about the wall on how bad it looks, how come Mentor's look so well and ours look so shoddy? Are they correcting the problems with that? The sound barriers, sound wall.

Director Smith – On issue #1, which was the lights on Euclid Ave., I'm not sure if you were copied in one of the email chains but we have had some communications with our CEI representative and we voiced those concerns about trying to obtain more timely repairs. We're working on improving our notification to CEI to be sure it gets into the proper format to the correct person and we'll continue those conversations so hopefully we do see some improvement in the turn around time. We're definitely aware of that concern and we're trying to have very open and frank communications with CEI to let them know our concern there.

Again with the wall, we recognize that there's different issues with the wall. There has been since day number one. I was out there with the Mayor. We had communications with ODOT and we have a commitment from ODOT that the appropriate place and time we will be part of a walk through inspection and at that point in time, what is commonly referred to as a punch list will be developed. Is there damaged panels? Yes. Are there panels out of alignment? Yes, and the list goes on and on. ODOT is aware of our concerns, we'll be part of the walk through inspection and at that time these matters hopefully will be addressed. We'll point them out and participate and then it is a matter of ODOT following through.

Mayor Cervenik – There are many parts from the highway side that look very well. It is on the Lakeland side where you see the wedges.

Councilwoman Scarniench – I explained that, that wasn't the issue.

Mayor Cervenik – Those are all going to be glued and you won't see the wedges sticking out any more.

Councilwoman Scarniench – The resident was concerned with where you're seeing all the breaks, there's all these breaks that are going on and they're just putting it up and they're not done with it. That's what I said, when they're finished with the whole thing and go back and look at it but I wanted to publicly ask you that.

Last question to Chief Cosgriff, in your report, it says prior year totals. Is that for the month or for the whole year as you go across the line?

Chief Cosgriff – That would be the prior year total at that point in time. February total would be January and February.

Councilwoman Scarniench – Then just one other question, why so many injuries last month in February?

Chief Cosgriff – Firefighter injuries?

Councilwoman Scarniench – Yes, it says there were eight of them. If I'm reading it correctly. That seems like an awful lot, is that normal?

Chief Cosgriff – That would be above normal. They're busier and with that comes more injuries.

Councilwoman Scarniench – It just seemed like a high number.

Councilwoman Jones – April 4th is a very significant date in our history. In March 1968 Dr. Martin Luther King went to Memphis, Tennessee to address a group of African-American sanitation workers who were striking. On April 3, 1968 Dr. King returned to Memphis to address a gathering at Mason Temple. At this address Dr. King delivered his last speech of his life, which the speech was called, I've Been on the Mountain Top. At 6:01 PM on Thursday, April 4, 1968 while he was standing on the motel second floor balcony, King was struck by one bullet. At 7:05 PM on April 4, 1968 at the age of 39 he was pronounced dead.

This is a very significant date in our history for someone who has definitely put us on a path for civil rights. It is ironic that we're going through some of the changes that we're going through now with the Senate Bill that everybody is up in arms about and it brings to mind, at least in my mind that where would we be, or would there be any difference if Dr. King were alive today. So just keep that in mind.

A couple of other things I want to announce is, or say thank you to, on March 26th I went with a group of residents who were part of the Passport to Euclid walkers and we had breakfast and Sidewalk Café. I want to say thank you to Sidewalk Café, Nick the owner, and the waitresses there for their hospitality and their speedy service to the group that was there. There was about 14 groups of people that were there. Thank you to them.

I also had the opportunity to have lunch at Abston's Restaurant just a couple of days ago. I noticed that they're promoting the restaurant to be a rent restaurant. So if you have an occasion that you want to have a wedding ceremony, a group meeting of any kind, you can always have it at Abston's with a buffet meal. I'm sure they'll be willing to accommodate you. They're located at 317 E. 200 on the corner of Fuller and 200. You can contact them at 216-481-3100.

I also want to announce that Living Waters Church will again have their annual Easter Egg hunt on Saturday, April 23 at 11:30 for ages 1-11. If you haven't been to this Easter Egg Hunt before in the past, they have thousands and thousands and thousands of Easter Eggs all over the property. They're located at 24951 N. Lakeland Blvd., on the corner of E. 250 and N. Lakeland. For more questions, contact them at 289-6673.

As Council President Holzheimer Gail mentioned, on April 19th at 7 PM will be the Memorial Park Concept Plan presentation. It will be a combination of the Planning & Zoning and the Parks & Recreation Committee Meeting. I hope you can attend that meeting.

April 27 at 6:30 PM, there will be a Parks & Recreation Committee meeting to address an ordinance that was brought up by Councilman Van Ho on allowing dogs in the parks. That will be a committee meeting just of the Parks & Recreation Committee.

I would like to say thank you to Capt. Brooks for all your years of service. You will be greatly missed and keep in touch with us all. Thank you.

Councilwoman Minarik – The rain barrel display is up at the library. We only have one of the two barrels on display this year because the library didn't have room for both of them. There are flyers there in the lobby. The sale is April 30th, Saturday from 10:00-12:30. The workshop is from 10:00-11:30 where you assemble your own barrels. You can pick up a flyer at the library as I said, you can call me at 216-486-9513. If you have email, I will email you a flyer and you will then be able to see the larger barrel. That's it, good night.

Councilman O'Neill – I just would like to add my congratulations to Capt. Brooks for a long career at the Euclid Police Dept. I've known Dave for 31-32 years, something like that when Donley was his partner and he was a young handsome patrolman with a full head of hair. Well he's still got a full head of hair, still a good looking guy. I've got a full head of hair when I first met him. Good luck to you Dave, you deserve a long and healthy retirement.

Just a brief plug for Erie Waters, is reopened under new management. They opened a couple of weeks ago, a soft quiet opening. There has been some definite improvements at Erie Waters on Shore Center Dr., 22671 Shore Center Dr. The new name is Erie Waters Sports Bar and Eatery. I counted 11 flat screen TV's in there, they tell me there's 12, there's probably one somewhere hidden. They offer a full menu and hours are from 11:00 AM to 11:00 PM, for the kitchen to be open. They're open til midnight on the bar and that's seven days a week. They may extend those hours as things progress. I encourage everyone to patronize our local restaurants and merchants, keep the money local. We can use the tax base in our city. With that I'll say goodnight.

Councilman Langman – Capt. Brooks, I'm going to miss you, you've always been very professional and courteous to all of my requests. Best of luck on your retirement, I'm sure you'll find something to keep yourself busy.

Chief Cosgriff, I received a phone call from an elderly resident that has been watching the news out of Japan and the problems that they're having at the nuclear plant. Obviously we're flanked, some distance away by two nuclear facilities. They're wondering what we would do here in the City of Euclid. So I know we have an emergency plan, I know it is in your office. But can we have parts of that plan put on the website so residents have a sense of what they should if an emergency arises?

Chief Cosgriff – Yes we can put parts of the plan on the website. Let it be known that the plans are ever changing as things change at the County level, the plan gets changed. If residents at home are listening, we start with our initial response, we move to a mutual aid response. From that point we invoke the County EMA for assistance. If we're not able to handle it at the County level, there is the State plan that we refer to and God forbid we get to the point where we have to go to the federal plan. The plan is in place and it is based on escalating the incident as the incident goes along. We can certainly put that plan, I'm not that computer savvy, but

Councilman Langman – Not necessarily the full plan, but just a summary. There are some people that are curious about things like that and obviously the more knowledge they have, if they call us with something like that, we don't know who to turn to. I think it would help tremendously. Again I don't think anything is going to happen at our nuclear facilities but to get a phone call like that, there's usually that means dozens more have some concern as what to do if something should happen. I would appreciate that.

To Director Pietravoia, I'll go to you next. Is there a grant out there for erosion control that can protect Euclid's shoreline?

Director Pietravoia – As members of Council know and I believe most of the public that has been following the lakefront, we have secured a little over a million dollars from the State of Ohio to advance our lakefront plan. There are grants that would assist us in re-establishing the historic beaches that existed along the lakefront and those would in fact help with erosion along the shoreline. I wouldn't say it is a direct grant necessarily for the erosion, but it would help with erosion. We are working with JJR to identify and go after any grants that would qualify in that area.

Councilman Langman – State of Ohio grants for obtaining property, not to build a break wall per se for erosion control, correct? The State of Ohio money, the grant money we got from the State of Ohio, that was not to build a break wall, is that correct?

Director Pietravoia – The initial million dollars plus was for land acquisition for extension of the pier and for the enhancement of the trails at Sims Park.

Councilman Langman – The question from the resident was seeking money to build a break wall is not that easy is it?

Director Pietravoia – We wouldn't be having this discussion tonight if it were. We will continue to look at every possible avenue for funding.

Councilman Langman – Another question for perhaps you and Director Smith, can we get an update on what is happening at the Lake Shore Plaza and Shore Center?

Director Pietravoia – I would have to defer to Director Smith. I know they had a meeting again with the property representatives and the architect last week.

Director Smith – Specifically on the Lake Shore Plaza, there was an order issued by the Building Official approximately 45 days ago. As a result of that order there were some additional plans submitted. Those plans in the opinion of the building official were deficit so a second order was sent out. As a result of that second order and in an attempt to bring some conclusion and work with the property owner, the architect and the contractor, we did have a meeting in order to try to short track it. Right now I believe we have an understanding of what is needed and what is expected. The contractor approximately one week ago indicated that he would like to get underway within the next 30 days so in about 3 weeks we should start to see some activity there. An order was sent out a little more recent on the Shore Center Plaza just to address a few issues that were similar in nature and that response is still pending.

Councilman Langman – I will not be at the next Council Meeting, it is Passover. I would like to wish the entire Euclid community Happy Passover and a Happy Easter time and we'll see you around. Thank you.

Mayor Cervenik – If I can address one item that the Councilman brought up. My office and my secretary and Executive Assistant Lisa and Colleen and I, have accumulated number of communications, some taken off websites from the Office of Homeland Security, First Energy, East Ohio Gas, the United States Meteorology, the weather people, let's put it at that. What we plan on doing and I hope to have it on the website in July is to address different issues such as what do you do when the power is off. What do you do when a wire is down? What should you do if you smell gas? Things like that, some of the more normal occurrences that we think. We'll be able to have phone numbers on there and who to call locally, who to call by one of those organizations.

We've been on other city's websites and they're doing the same thing and it is a just a very interesting thing. It gives people a little idea of what can happen or what they need to do if some of these smaller tragedies happen that could become larger tragedies. I hope to have that on the website sometime in July and will update it accordingly. It is certainly not going to be nothing as detailed as the Chief and the Police Dept. and the County and the State have and I'm not going to address terrorism or nuclear disasters. A lot of the normal day things that we go through that can really disrupt somebody's life.

Councilman Van Ho – First of all, have a good retirement Capt. Brooks, I recommend the whole concept very highly. Second of all, I'm wondering if we could have a Safety Committee Meeting where the Chief could outline, the Perry Nuclear plans and possibly even go into the Mayor's stuff about the smaller emergencies because Daryl mentioned, Councilman Langman, I'm sorry, mentioned that it was an elderly resident. A lot of elderly residents don't have computers so saying we'll put it on our web page is great but we miss a significant portion of our population. I just think if we had a meeting not so much for us to ask questions as for the Chief to put on a power point or presentation of some type saying this is what you do if we have problems with Perry; this is what you do if we have a significant outage of power or whatever.

On the second thing, I'm still collecting money Nahara Needs in Japan. Due to radiation in the Nahara area, because they're 11 miles from the reactors, they have not even sent government people in to look for the bodies. These people are presently being housed in another city. Once again I'll go back to, these are not the people from Tokyo that you see are the great urban people; these are farmers and craftsmen that need help. I know things are tough here but I hope that our citizens can reach into their pockets and put forth a little bit of money. They can either drop it off at 5/3 or they can send a check to me at 21960 Bruce Ave., but make the check out to Nahara Needs. We just need to help these people.

Director Smith, I have a resident on 250th who has tried to get you to look at her backyard, for I know she's been trying for at least a month because I've called and there's been no action. I guess I really have two questions, actually three. What does a resident need to do to get service on a problem like this? If the residents don't get service do I have to take an aggressive public approach; which I don't really want to do but it seems to be one way to get things done around here. Third of all, can we look at our phone system in the Service Dept. because I've tried to call and get through to you on the phone service and its mumbo-jumbo. We need to look at the logic or we just need to have one that says press 1 for the Director because many people want to talk to you, they don't want to talk to the Streets Dept. or the Sewer Dept. I would like to see some improvements made both in our response time and our phone system that will allow a resident to get through to you relatively easy.

Council Meeting

April 4, 2011

Page 18

Director Smith – With regards to your issue on 250th Street, I'm well aware of that. That problem is probably much larger than one particular household and for your awareness we have a meeting scheduled for this Friday with the Mayor, the Engineer, the Street Supt. and the Asst. Director. If there's a thought of issues out there, we've had snow events recently, we've had rain events recently with people that have had impacts to their basements, and things of that nature and we're addressing those. When this particular matter came up, to the best of my knowledge it had to do with some rear yard flooding that wasn't even on that particular property but we do take them seriously and that meeting has been scheduled.

Councilman Van Ho – The thing would be, just call back and say hey, we're looking at it. That is what was frustrating this resident. She didn't get a hi, goodbye or not interested even. We need to be turning around response because that's what they want to hear and they don't want to hear it from down in the trenches, they want to hear it from you.

Mayor Cervenik – I received that same email. I also had a visit from another woman on the street, she brought me in pictures. We do intend to go out. We can't there when it is flooded, it is not going to help. We have to wait for the ground to dry. I did talk to the person who sent the email and told them today we're looking at probably 1:00 on Friday. If we have more rain like we did today, it is not going to do us any good, we're going to wait. What I told the woman who visited me today is very simply, first thing we're going to do is assess what the problem is. It is possible that a good part of the problem is all on private property. If there's any problems with the relief storm sewers that the city has in the area, we will fix those. We have done work on private property before when the property hasn't been that drastic, so I haven't ruled that out. The first thing we have to do is figure out what is causing this problem even more so now than it has been in the past. Mr. Gulich at one time thought he had the problem fixed. There was a resident on that street that paid a sizable amount of money to have his own system put in and the fact of the matter is it works sometimes and it doesn't work sometimes. We're going to get our boots on Friday and we're going to initially find out what is going on and we will come to some resolution of that. It was probably myself, as much so as Director Smith that should have responded to that email. I will hold the blame as well. That does not happen that often, but we have every intention of at least coming up with a solution to the problem and then we have to determine who is going to share in the cost and who is going to deal with it. We will keep you informed. This has been going on for a long time.

Councilman Van Ho – Yes, I'm aware that it wasn't just her particular lot. There seems to be a problem all along there.

President Holzheimer Gail – Thank you Capt. Brooks for your years of good service to the city, we will miss you. Good luck with your retirement. I was able to attend the First Suburbs Consortium meeting that was held at the Euclid Public Library last Friday. Ed Jerse, our own Euclid resident, former Councilman, former State Rep, who is now the County's Director of Regional Collaboration spoke about the work that he is doing with the County. The Mayor was re-elected as the Chair of that Committee, so we appreciate your ongoing effort to represent us at the First Suburbs Consortium.

I would suggest Council try to take the time to attend it when possible. I know it conflicts many times with work schedules. If you're not getting the emails to announce those, I can forward them, or if you go to the First Suburbs website, you can be added to the mailing list. It was a mix of council members, mayors, economic development directors, so it was an interesting meeting and proves fruitful as we move forward towards collaboration and figuring out how we can all work together.

I also want to thank the Chamber of Commerce, I was able to attend their annual dinner as well as some of the other council members. I don't have the whole list in front of me, but congratulations to the businesses and community members that were recognized. Our own Fire Dept., Chief Cosgriff, was recognized, I believe it was Organization of the Year, for the fine work they do working both to protect residents and businesses so we appreciate that. Donna Perzdock from the Euclid Library was awarded the Lifetime Achievement Award. It is a nice event and good recognition both for businesses and community members who continue to stay involved and promote Euclid in a positive way.

This Wednesday, April 6th, we will have an Executive Finance Committee Meeting starting at 6:00. We will convene in Executive Session to discuss the pending legal issues with the EPA and Consent Decree. That will be followed at 7:00 by a Service Committee Meeting to get a report from Maximus, continue the discussion of the EPA Consent Decree, Long Term Control Plan and sewer rates. That will be this Wednesday, starting at 6:00, the Service Committee will start at 7:00.

Just a reminder for those who like theater, Euclid High School will be holding their Big Show, this weekend, 7, 8, 9 and 10th. They're doing the Wizard of Oz. The following weekend, 15, 16, 17, UpStage Players will be doing Seussical and that's a youth production put on by many Euclid residents. That's over at the Slovenian Workman's Home on Waterloo. With that, I will take a motion to adjourn, so folks can go home to watch the basketball game.

ADJOURNMENT

Council Langman moved to adjourn. Councilwoman Minarik seconded. Yeas: Unanimous.

Attest:

Clerk of Council

President of Council