

COUNCIL MINUTES
November 16, 2009

The regular Council Meeting was held on Monday, November 16, 2009 at 7:00 PM in the Euclid Municipal Center Council Chamber. Council President Holzheimer Gail presided.

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

Others Present: Mayor Cervenik, Law Director Frey, Finance Director Johnson, CS&ED Director Pietravoia, Service Director Smith, Asst. Recreation Director Stephens, Chief Repicky, Fire Chief Cosgriff, Asst. Director Bock, Sgt.-at-Arms Novosel, Clerk of Council Cahill.

COMMUNICATIONS

Council has received a request for a new C1, C2, liquor permit for Walgreen's at 20485 Euclid Ave.

President Holzheimer Gail – At the request of the Law Director we're going to ask for a 30 day extension for that liquor permit pending a decision from the Board of Elections because there is some question of whether that is in a dry precinct or not. Law Director Frey will request a 30 day extension so that we can get that information before we act. No formal vote is needed.

COUNCIL MINUTES

Councilman Gruber moved to receive and approve the Council Minutes of November 2, 2009.
Councilwoman Scarniench seconded. Yeas: Unanimous.

ADMINISTRATION REPORTS & COMMUNICATIONS

Mayor Cervenik - First and foremost I do want to congratulate Councilman Gruber on his ten years of service to this community. This is his last council meeting, for those of you that do not know, he served the Ward 4 for many years, now known as Ward 1. Again we will miss you here and we will talk a little bit about you later on, depending on how you vote tonight, just kidding.

Mayor Cervenik and Asst. Director Mac Stephens honored the young Euclid residents who participated in our the Euclid Youth Football Program: Panthers B team, Vikings B team, Panthers A team, Vikings B team. They not only had a very successful season on the football field, but also out of the 100 players, roughly 80 players had Merit Roll or Honor Roll status. Mr. Stephens thanked the Volunteer Coaches and the Parent Booster Club.

Director Smith – Community Shred Day will be Sat. Nov. 21, 9:00-Noon in the parking lot behind City Hall. Euclid residents can bring up the five boxes of material and it will be shredded at that time. There will be some workers from Iron Mountain that will assist with the unloading.

Mayor Cervenik – Whether you're low on food or you're just alone for Thanksgiving, Imani Church is inviting residents to a free hot and delicious meal. It is free delivery to Euclid residents who are elderly or disabled. Some transportation to Imani is available and Imani Church is located at 1505 E. 260 St. Their telephone number 216-732-8204. There will be a delicious meal served and also free delivery for those who cannot leave their home.

Our Christmas Lighting Ceremony is, it's hard to believe it is getting to that season already, but it is here, Monday, December 7th at 6:00 before our next Council Meeting, we will have a special visit from Santa and Friends of Santa and we will turn on the Christmas Lights for the Holiday Season.

Through the Recreation Dept. have a Toy Drive as we did last year, it was very successful with the trying times with the economy. There's a tremendous need for the generosity of those that are able to be generous. New and gently used toys will be collected and dropped off at the Shore Cultural Centre during the week from 9:00-5:00 through December 18th. You can take them to the Shore Cultural Centre office and they will store them and have safekeeping.

Also along with the Toy Drive, we are working with Rick Case. Normally Rick Case comes in and talks about the all the bikes for kids. Their former partner is no longer able to provide the number of bicycles that they were able to do. So they are looking to collect new and gently used bikes for kids of all ages. The bikes will be distributed along with the toys collected to Euclid residents in need. The bikes can be dropped off at Rick Case Honda, 915 E. 200 St. That's just a sign of the times, there are a lot of people in need.

It is my intention to begin budget hearings, and we'll have exact dates the 2nd week in December. It appears, as it stands right now and Director Johnson and I will be spending a lot of time together over the next two weeks verifying our numbers. We expect to present to you a budget that shows virtually no and possibly even a decrease in expenditures for 2010. Unfortunately with the drastic drop in revenues that continue to happen, we probably at this moment have reasonably a \$2-\$2.5 million shortfall between

revenues and expenses. I would like you all to pay attention to some of the articles in the newspaper and news. For instance this evening, the Elyria Fire Dept., I saw has decreased their numbers from 75 firefighters to 52 firefighters because they have no additional revenue. I believe the voters just turned down an income tax increase. They're pretty much the size of our community and 2000 Census they had 55,000 residents. I certainly don't want to see us get into a position where we have to totally gut the services that we're providing. Although it is not the most popular or pleasant thing to do along with our budget presentations, we are going to be providing various alternatives to revenue generation, enhancements.

The other thing I would like you to do is on the City of Cleveland's web page, front page, there's a 300 page report, the City of Cleveland's Management and Efficiency Study. I read all 300 pages and I've got to go back and read a few sections a second time. They also suggest many revenue enhancements for the City of Cleveland to survive. I believe they're looking at a \$50 million deficit for 2010, or at least estimates. A lot of their problem, as most cities are, it's a reduction in revenues, revenues are just not coming in. Income tax will be down dramatically next year, close to \$1 million. Our local government fund, from the State, although the Governor has kept his word that the Formula will not change, the base income amount that the percentage the City of Euclid would get, that base income has dropped tremendously due to a drop in sales tax and income tax. I serve on the Board of RTA and RTA's budget is about 70% of their revenues based upon sales tax. Their sales tax is going to be about \$18.5 million short for the year. It is not so much a matter of expenses this time around and what we're spending is a matter of the revenue coming in.

I would just like you in preparation of our budget hearings to look at things like this and to pay attention to what other communities are experiencing. There are a few communities that are doing well, as always is the case, but when you're in a community like ours, it relies very heavily upon income taxes and other State and Federal monies coming in. It really put a strain on our budget. We will set some dates, but I really feel the month of December is going to be an extremely busy and important month for us to determine how 2010 and 2011 pans out for the services we provide our residents.

I also want to remind everybody, Restoring Euclid's Beaches, we have two public hearings, tomorrow, November 17th at 7 PM at Euclid Central Middle School's Cafeteria. That's at 20701 Euclid Ave. On Wednesday, November 18th, at 7 PM at 27000 Elinore Ave. Elinore Ave. is off of E. 260th St., Forest Park Middle School cafeteria, all the way down at the end of the street. We will be showing and reviewing our waterfront improvement plan that we unveiled here a few weeks ago. We are really looking for public comment and opinion and I strongly encourage council people to give their home owner's association presidents a personal call, inviting them and those residents to come and listen to this. This is really a very important segment of the future of the City of Euclid. It is a long term plan, just as the Downtown Euclid plan is through NOACA. We have finally found a way to really connect the two of those plans together that can make Euclid a very vibrant and exciting community. With that comes tax revenues and with that comes private investment and with that comes no more speeches like I gave you a minute ago about the problems we're having with our budget. With that, that ends our Reports & Communications this evening.

REPORTS & COMMITTEE MINUTES

Councilman Gruber moved to accept the Fire Report of August, September 2009; Executive & Finance Committee Minutes of 10/26/09 & 10/28/09; Board of Control Min. of 10/26/09 & 11/02/09.

Councilwoman Jones seconded. Yeas: Unanimous.

Councilwoman Scarniench moved to waive the 24 hour notice and place on the Agenda Res. (424-09).

Councilwoman Jones seconded. Roll Call: Yeas: Unanimous.

COMMITTEE OF THE WHOLE FOR LEGISLATIVE MATTERS ONLY

Mr. Jack Haganbaugh – 20200 Hillcrest. My comments concern items 3 & 4 on the Agenda. But first of all I would like to congratulate the youth football players for the accomplishments on the field but more importantly in the classroom. Also thank Councilman Gruber for his service to us and our Ward over the years, thank you.

My comments concern Items 3 & 4 on the agenda. First of all I want to make clear that I have a great deal of respect for Director Will and the dedicated understaffed and overworked Rec Dept. I commend the Mayor and the Council President for sponsoring this resolution. From watching the Nov. 4th Recreation Commission Meeting, it is clear that you have well placed concern regarding the planning and implementation of plans concerning maintenance and upgrades to the facilities in Memorial Park.

Part of the discussion at the Nov. 4th Rec Commission Meeting concerns what plans have been made and how they've been carried out of the years. I was one of the members of the Rec Capital sub committee for several years. During these years I witnessed and became frustrated at the changes priorities and the lack of funding that rendered much of our work ineffective. The Recreation Director

and Department serves at the pleasure of the administration and at the mercy of each new Council, so there are multiple entities and reasons for long term plans not being made or followed through on, including facility and equipment failures that often necessitate the emergency expenditure of funds originally intended for other purposes.

This is not to say that the Rec Dept. has not accomplished much as they have with very limited resources. A discussion and tentative plan is to put basketball courts and a Dog Park in Memorial Park by the tennis courts is an example of what can happen in the absence of a plan or master plan and why one is needed. As Council President correctly noted there were high priority plans from the Rec Capital Sub Committee that remained undone but plans being made to build basketball courts and dog park that weren't even listed on the Rec Capital list of priorities.

The Rec Capital Plan was not intended and should not be viewed as a be all end all of the Rec Capital priorities, but was an assessment during that timeframe based on the facilities that had the greatest need. I don't want to speak for the other members of the sub committee at the risk of my memory not serving me correctly, but my recollection is that we determined the area of greatest need were the fine but aging facilities at Memorial Park, primarily the pool, the ice arena and the tennis courts. We did discuss and note the need to maintain the fine baseball facilities and add additional amenities such as walking paths and a pavilion.

It would be ironic in my opinion to build brand new basketball courts and a dog park within a stone's throw of the tennis courts that are in such poor and disgraceful condition that there was concern at one time as I recall regarding the potential liability of allowing people to play on them. The extraordinarily poor condition of the courts is a result of over a dozen years of financial neglect. The mention of tennis courts upgrades at the Rec Commission meeting, I think was in reference to hiring a contractor annually to fill the cracks that appear to widen each year as the result of the previous winter. Filling the cracks only makes them playable in my opinion from the perspective of safety. A term known as the Memorial bounce is familiar to anyone who attempts to play on these courts to describe the irregular bounces a tennis ball will take as a result of hitting one of the many cracks or areas of the court that the surface is completely worn away. Had the courts been resurfaced on a periodic basis they would not be in the condition they are now and would not require the entire replacement to the court which is now the only way to restore them to playability.

As an aside these courts were so well regarded years ago that the High School sectional tennis tournament was annually held on them bringing players, coaches, parents and spectators here to our facility to compete and spend their dollars in our city. To make matters worse, these are the only city-owned public tennis courts in the city.

Again I want to make it clear that it is not my intention to lay the blame at the feet of the Recreation Director or staff. They have been dealing with very limited resources in competing priorities from various entities and interest groups and doing the very best they can to provide facilities and programs to meet the needs of this city and residents.

I don't think the Council President is attempting to find fault or assign blame and that's not my intention. I believe this resolution is about putting into a place a plan for the long term health and prosperity of Memorial Park to serve the residents of the city. I have no opposition to the construction of new basketball courts and dog park and don't dispute the stated need for them, though I would recommend further discussion concerning the locations. This situation is an example of the problem of spending funds on emerging initiatives and changing priorities

President Holzheimer Gail – Your time is up, sorry. Thank you for your comments. Seeing no others, let's move onto Legislation.

LEGISLATION

Ord. (418-09) CT Agreement - Withdrawn

An ordinance authorizing the Director of Public Service of the City of Euclid to enter into an agreement with CT Consultants, Inc., 35000 Kaiser Court, Willoughby, Ohio 44094, for the purpose of performing routine engineering services for the year 2010. (Sponsored by Councilman Wojtila by request of Service Director)

Councilman Wojtila moved for passage, Councilman Van Ho seconded.

Director Smith – Passage of this resolution would provide the necessary authorization to contract with CT Consultants for 2010. Under this agreement engineering fees are established for various services that would typically be encountered throughout the year. A monthly retainer fee for general weekly consulting services is also included as part of this proposal. I'll be glad to answer any questions should you have them.

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Councilman Van Ho – I would like to know what the total expenditures have been with CT this year and the year before? I e-mailed that to you earlier today.

Director Smith – In 2008 we had spent \$699,804.42. In 2009 to date we spent \$803,205.88. If you would like, I have that broken down into the key categories if it would be useful.

Councilman Van Ho – My second question, maybe I missed it, was as I read through the contract that you sent us, it mentioned hourly rates but I could never find the hourly rates. Is it possible to get those?

Director Smith – I apologize for not having the rates forwarded, but we can obtain the rates, they were not included as part of the contract. I would point out the rates were held based on last year's rates.

Councilman Van Ho – If you could forward a copy, I'd appreciate it.

Director Smith – Sure.

Councilman Van Ho – Based on what I'm looking at, I think next year we should look at least putting a proposal out to see if we can get competitive proposals because the rates are okay that I'm looking at, 0-\$100,000, but they're not great. Take a look at it, realizing that there would be a learning curve for anybody else coming in. I think we should take a look at putting it out next year.

Director Smith – The one thing I would like to point out, just for everyone's information and if you would bear with me I would run down through the numbers. In 2008 the general retainer, it was \$42,000. For residential reviews, \$2,550. Commercial reviews, \$8,070. For the E. 222 St. improvements an OPWC project \$28,453.56. Under the Waste Water Treatment, this is the key item, the Long Term Control Plan, along with some miscellaneous road improvements, but essentially the long term control plan, \$587,430.27. The E. 214 & Lake Shore project, \$5,015.59. Building Dept. assistance, \$26,285.

In 2009 to date the general retainer was \$31,500. That's going to end up being \$42,000. Residential reviews, \$371.28. Commercial reviews \$458.90. The E. 222 St. Improvement, \$30,067.20. Under the Waste Water Treatment, the Long Term Control Plan along with a few miscellaneous road improvements, \$423,234.06. Some additional long term control plan is required by the EPA, \$9,138.31. The E. 264 St. improvements, \$13,262.18. Additional EPA studies, \$18,940.96. Miscellaneous road improvements, \$30,944.75. Various road projects including the E. 214, E. 248, E. 222, E. 264 and some others, \$228,924.49. Building Dept. assistance \$16,363.75. Just so there's an understanding as to the type of project they're working on.

Councilman Van Ho – Don't have a problem with all that has been spent, I just think we ought to go out and see if there's any better deal next year.

President Holzheimer Gail – Director Johnson or Director Smith, the funding for this particular ordinance only comes from public buildings; we have separate ordinance for Waste Water treatment services with CT?

Director Johnson – The funding for the general retainer comes out of the general fund.

President Holzheimer Gail – And that's all this ordinance covers, and the work for the engineering?

Director Johnson – I believe it covers the other work but not dollar value of it. I believe it allows CT to be retained to do the other work, but the ordinance is talking about the basic retainer. This particular ordinance is addressing the basic retainer and it authorizes CT to be used for the additional projects.

President Holzheimer Gail – Which are not funded through the General Fund.

Director Johnson – Correct.

Councilman Wojtla – If we're authorizing or we're entering into an agreement with CT for a specific project, would there be specific legislation for that project with the dollar amount?

Director Johnson – Yes there would. There would be separate legislation for each project that's presented to City Council for approval.

Councilman Wojtla – Why would we have this specifically authorized included as part of this? Why wouldn't that just be something separate?

Director Smith – Is that question in regards to page 8, or I'm sorry?

Councilman Wojtila – It is really not in response to anything specific on the agreement other than I was surprised when I was reading the agreement that the basic retainer for the annual amount of \$42,000 plus the specifically authorized work items. If the specifically authorized work items constitutes a separate ordinance, why would this just be for the retainer, wouldn't it be simpler and clearer if this was for the retainer amount of \$42,000 and then if there are specifically authorized items, then that would come before us in a separate ordinance.

Director Smith – I'm not 100% certain I understand the question, but if we could take a moment and look at the contract, maybe that would be beneficial because I did spend some time with CT on the phone today and I had a couple of issues that I needed to resolve as well on the agreement they had sent over. I termed it a preliminary proposal because of some of those questions. But essentially if we're looking at page 2, items 1-4, that amount is actually addressed by the retainer. Some specific concerns under item 1. It talks about the engineer being in City Hall but that needs to be or on assignment because at times we're out in the field. It is approximately 8-10 hours per week. It needed to be corrected because it was not gender correct down at the bottom of that line. A couple of modifications on #3 and 4, just that the engineer will provide that service. When we get down into page 2, the lower portion, items B1-B5, are actually an hourly rate. However items B6-B7, they become fee based. Then items 10-17 we're back into the hourly rate. It states that under 3A, but it can be misleading because when I first looked at it, it appeared to B1-B17, but those sections were actually missing. Under A, it is actually by a multiplier of 2.8%. On page 5 there was some typos. First and foremost it needs to include B6, B7, B8, B9 was inadvertently left out. Should be project construction cost rather than projection. Then it basically describes the fees, the 90% that is being retained and the 10% is a follow up for construction services. The authorization under D involves both some design assistance in addition to some inspection assistance from other consultants, K&M, namely. Those could both be hourly or fee based. I'm not sure if I addressed your question in my response or not. I apologize I know it is somewhat confusing.

Councilman Wojtila – My question was, let's use a specific project as an example. What would be a good one that we recently authorized them, maybe E. 214 or E. 248 I think we authorized them recently. That was a specific ordinance with a dollar amount attached to it. It looks like this agreement would cover that, even the fee amount. If that comes before us as a separate ordinance, and a separate agreement, why wouldn't we just not make it confusing and have that as a separate ordinance and make this just the routine services which covers the basic retainer?

Director Smith – In response to that, that is a possibility because you're correct, that has been the format that has recently been followed. The projects have come before Council or at least those particular construction items. So possibly there is some duplication in the contract.

President Holzheimer Gail – Are there other items that are considered specifically authorized services other than the road projects, the Waste Water Treatment projects that we're talking about that would create a burden to have to come back to Council?

Director Smith – Some perspectives I would say yes if we were going to start to divide the contract up. Like some of the assistance to the building department for those inspections that are also covered. Things like the long term control plan that are an ongoing process and have been ongoing for a number of years. There's a tremendous amount of different services that has been provided, the residential review, the commercial reviews, so I could see that causing some difficulty on an individual project basis.

Councilman Wojtila – I guess also to follow up on that, maybe it would best if this agreement were to cover the routine services and the specifically authorized services but not the big projects that are in excess of a couple hundred thousand, not from an engineering fee standpoint but from a construction cost standpoint. So if the construction cost of a project are in excess of a threshold amount of perhaps \$100,000-\$200,000 then that becomes a separate agreement with a separate ordinance authorizing that. But this would then cover the routine services and the building department reviews, the other more routine but are billed a little bit differently. I don't know what my colleagues think but perhaps coming back with a revised agreement in that fashion. Also addressing some of the great pick ups that you had in your conversation today, I'd like to see that.

Mayor Cervenik – In some ways I agree with the Councilman and due that this is the last council meeting for this council, I would withdraw this legislation and we will come back with legislation that will one, authorize just the standard monthly fee that's put on here and also to apply towards the building

department services. Then vote separately on the fees and that when a project comes up. Tonight I would like to withdraw this now.

Ord. (418-09) has been withdrawn.

Ord. 197-2009 (420-09) New Chapter 797 Admission Tax

An ordinance to establish Chapter 797 of Title Seven, Business Regulation and Taxation, of the Codified Ordinances of the City of Euclid, to levy an admissions tax on admissions to exhibition halls; fixing the amount and providing for the collection thereof and prescribing penalties. (Sponsored by Mayor Cervenik)

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

Director Pietravoia – I know that either you or Councilman O'Neill may want to comment as well given our committee meeting that we had last week on this subject. We did come back with a brand new ordinance rather than revising the earlier one that was discussed at the committee. To give a brief background, when the Great Lakes Expo Center proposed their location in the City of Euclid, the owner and operator, Expositions, Inc., Mr. Fassnacht is here with us, indicated that many communities that have facilities like this have an admission tax which is paid on the tickets for admission to the exhibits that are held at the center.

We did research on Ohio and area communities in particular and found that there were several dozen communities that do in fact and for many years have had admission taxes and they range from 3% upwards to 8% which is the City of Cleveland. With about a dozen of those having the range at 5%. The original model that we brought to the committee was based on what we found in the other communities and it did include any type of a venue that would sell a ticket and charge a fee for admission. It was much broader than this revised version.

After discussion council, the Committee encouraged the administration to go back and revise the legislation as a starting point just to include the exhibition hall. That's what the ordinance is that is before you. Also, Dave Carlson, head of the Chamber was here and commented at the Committee meeting. As a follow up, at their Board meeting last week, the Board did vote on the revised version and basically voted to encourage City Council to adopt the revised version that deals with the Exhibition Hall.

With your copy of the ordinance itself, I just wanted to point out the couple of areas where the changes were made. The primary one being 797.01, which is the definition section, part C, you will see now it is just limited to a place as defined as just exhibition halls.

Then in 797.02, which basically determines the rate of the admission tax, we now have two section A & B, formerly there were three, and that was to cover the other venues that I described earlier. So we're down to two now and they're both at 5%. Basically what it says is whether you sell a ticket at the Expo Center or another location the ticket will still have the admission tax charge. If there's an extra fee for service to buy an advanced ticket for example, the tax would also apply to that fee.

Finally in Section 797.06, where it talks about obtaining a certificate for temporary exhibitions, the wording was changed throughout the paragraph only to reflect to exhibitions whereas the previous version had included all the other venues that I've described earlier.

Other than that the legislation has stayed the same as what was discussed at Committee. I would strongly encourage Council to consider passage of this so that the law will be in place and effective by the time the Expo Center opens in January 2010.

Councilman O'Neill – This was in the Business & Commercial Committee and it was discussed at length. The Law Director and Director Pietravoia came up with an amended version of the original ordinance. It came out of Committee as Director Pietravoia said that it is going to be limited to the Exposition Center. Personally I try to keep the taxes as minimal as possible. In this case, Mr. Fassnacht from Expo Center, it was his idea to bring this to the City as a way of revenue enhancer for the City. Being a new business, with his approval, I went along with it, through a lot of discussion, and this amendment, it is a good ordinance, it will be good for the City of Euclid. I think it needs to be said also that by the Exposition Center coming to the City of Euclid the patron will see a savings in their pocket because of not charging for parking and the accessibility. I would encourage my colleagues on Council to pass this legislation and I do support it.

Councilman Langman – Law Director Frey in reading over the ordinance, I noticed at the top it mentions what fund the proceeds will be deposited, general fund, but in the Chapter itself it does not specify. Do we need to amend that in any way to designate what fund the proceeds would go into?

Director Frey – The monies will be deposited into the General Fund by default. There is nothing that needs to authorize that to happen.

Councilman Langman – If we wanted to put it into Endowment Fund.

Director Frey- Then you would need to specify it, correct.

President Holzheimer Gail – We did have discussion in the meeting about additional promotional and marketing activities that will go along with the Great Lakes Expo Center being there. We did discuss the possibility of earmarking some of those funds to go towards that. I know that given the budget discussions that are upcoming, I don't want to restrict the administration in any way but I would like to at least add in the fourth whereas, which talks about the money received as a result will help offset police and fire and city road improvements, that we at least mention promotional marketing activities. If we decide at a later date to specify that we can do that, but until we go through the budget, I guess I'd rather wait to do that.

Mayor Cervenik – I have no objections to that. I will tell you that the budget does include, I don't want to say sufficient funding for promotional, but there is virtually the same amount of promotional money in 2010's budget at least at the moment that we'll present as it was for 2009 because regardless of what our financial position is, we do need to promote ourselves and we do need to do activities to get people to understand how great our city is. If that's what Council wants to do, that's fine.

President Holzheimer Gail moved to amend Ord. (420-09), the fourth whereas to include at the end, and promotional and marketing activities. Councilman Gruber seconded.

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

Amendment passed.

Councilwoman Minarik – I appreciate you changing it to exclude all the other venues, but I would like to ask Director Pietravoia, I did not write it down, how much is this city anticipating spending on the improvements for that particular area, you had talked about signage and things like that?

Director Pietravoia – We haven't actually estimated a total cost yet. The primary cost would be signage, the rest of the discussion was about clean up of the right of way, we would probably use court service workers and our own crews to do that on a routine basis. There's also the anticipation that we'll do more routine drive bys by police once there are events being held there, things of that nature. We haven't really estimated a cost associated with those.

We did estimate on the revenue side, approximately \$40,000 as a conservative estimate for the two main shows that are already planned and definitely booked for next year.

Councilwoman Minarik – This is the reason I ask, I know the Expo Center is anticipating probably dumping \$100,000-\$125,000 into the facility on the interior. So my question to my colleagues is, for the first year, to help them offset their costs, when we give rebates to businesses, so I'm thinking for the first year, could we lower the admission tax to 3%, the charge would still be \$12 a ticket, but that should of the \$40,000, the City would still come out with about \$24,000 anticipated. At least that's \$16,000 back into the Expo Center to help, give back to something that he's putting, what do you think of that?

Director Pietravoia – If the fee isn't collected, the dollars wouldn't actually be there. In essence the price structure for the ticketing already incorporates. The way the Chapter is written, similar to all the other models that we looked at, the fee is actually charged to the person who is buying the ticket, but the operator of the show and the operator of the center is the one responsible to collect it and pay it to the city.

Councilwoman Minarik – Based on the \$12 per ticket, instead of that \$12 ticket including 5% admission tax, it would include 3% which means there's a couple extra dollars out of that ticket, or a couple cents, whatever, going back in. I was just thinking for the first year to help offset the cost of getting that building up and running.

The other advantage to that would be it is a lot easier to bring shows into the Expo Center from out of town if the show people know it is 3% so they can keep their ticket prices lower. We may actually make more money in the long run that first year by having a lower admission tax. It is just a thought, another bug, sorry. I appreciate your consideration.

Director Pietravoia – I would like to comment, there's really no magic to the number. We tried to look at the other cities and what they've done and they do range from 2-8% with a dozen that are at 5%. We did discuss that rate with the owner and he is comfortable with it and he knows that was our intention.

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

Mr. Christopher Fassnacht – 22337 Marlene Dr., Fairview Park, Ohio. My apology if I should have spoken earlier. My word was 5% to Director Pietravoia. I'm not going back on that. I appreciate your help if that help was there, but I'm a man of my word and 5% is what all these original calculations were based on, just so folks know that.

But there were a couple of other little items in there that I wanted to address. Director you said about the charges over and above the ticket price. For example if we have a credit card system that has a surcharge so that if the ticket is \$10 and the ticket surcharge for the credit card processing fee is 2%, another \$1.40, I don't want to be taxed on the gross, I want to be taxed on the net. I'm not sure if what you were referring to is Ticket Master fees or things like that, but we're not going to have any kind of Ticket Master fees at all. It would only be related to credit card transaction fees which is optional at the box office.

Director Pietravoia – As the ordinance is currently written, what Mr. Fassnacht has described would be included and it would be taxed. More typically when we were considering when we wrote the language was a Ticket Master where they charge you a \$3 fee to sell you an advanced ticket. That was really the intent. I would ask the Law Director if there needs to be some fine tuning to that language if Council wants to make that exception.

Councilwoman Scarniench – Absolutely because he is already being a charged a fee because we are allowing people to use credit cards. That should absolutely not be in there. It should only be on the ticket prices.

Councilman Van Ho – I would second Councilwoman Scarniench's motion.

President Holzheimer Gail – We'll let the Law Director figure out where to put that. Did you have another issue?

Mr. Fassnacht – 797.04 second paragraph, it is when you pay the tax, it is the 30th day of the month succeeding. We're in February it is by the end of March. I have no problem on paying that on time for tickets sold at the facility. My own problem is that in previous years trying to reconcile with organizations like AAA offices that are all over the State of Ohio. There are some times that we haven't been paid for the tickets for almost 90 days if you can believe that. If there's a modification we can make for advance tickets sold through outlets such as AAA offices, that is all I would ask for is some kind of variance with that. Just so you know what that equates to, it is roughly 20% of the tickets we normally sell are sold in advance. So if I could have an extra 15 days meaning instead of 30 days, I'd get 45 days, to be specific.

President Holzheimer Gail – Is this something that could be addressed in the administration of the ordinance?

Director Frey – In Section 7 we have the Finance Director to authorize to adopt rules and regulations and I would think that would be a case where a rule making process would take care of that matter.

Councilman O'Neill – I'm just reading this briefly, would it help that if it was 30 days upon receipt of ticket payment, rather than 15 day extension. Because if he doesn't get paid for 90 days.

President Holzheimer Gail – I think rather than amending the ordinance we're better leaving that up to the administrative rules, with the exception of the credit card payment.

Mayor Cervenik – If were to put in language of payment within 30 days, he'd be sending us a return or payments everyday. I think the best as the Law Director stated, we will make those administrative rules and the bottom line is that we get paid our 5% that's due us upon the collection with those exceptions.

Director Frey – If I could just go back to this issue and I'm not quite sure I completely understand the credit card surcharge business. What 797.02 B says is the tax would apply for tickets or admissions sold at places other than the ticket office at a price that exceeds the face value of the established price at the

ticket office. I'm not sure if your credit card surcharge applies to, if there's a Ticket Master fee, if we can use that as an example, plus a credit charge surcharge for a ticket purchased through Ticket Master. Or if the credit card surcharge applies only at those tickets purchased at the box office. Maybe you could clarify because this would not apply to that surcharge at the box office.

Mr. Fassnacht – So the right term is used, it is a convenience fee. At the box office, when you come up to pay for your ticket, there will be a separate line for credit card transactions only and it is a convenience fee. If the ticket is \$10 and our surcharge or convenience fee is a set amount, you'll know that upfront you're paying more than the regular ticket price.

Director Frey – This would not apply to that because the excess amount at places other than at the box office. I want to make sure I'm understanding the mechanics of this.

Mr. Fassnacht – We have no ticketmaster system and don't intend to.

Director Frey – Based on what I'm hearing I don't think Section B would cause any increase tax for that convenience fee charged at the box office. It would however apply to some third party ticket agent that adds a ticketing fee.

Mr. Fassnacht – I just don't want to have a problem with the Finance Director next March where someone is playing games because I don't want to do that.

President Holzheimer Gail – Nor do we.

Councilman O'Neill – Just to clarify, box office is an onsite ticket exchange. Anything sold off premise which you don't have set up for that, is what would be affected by the increase. So basically what Mr. Fassnacht is saying that one line you're coming in, you've got free tickets, you've got tickets sold, you're buying them; there's another line for using your credit card, but it is all on premise, there's nothing off premise.

Mr. Fassnacht – The only thing off premise is if you went to AAA office and bought an advance ticket.

Councilman O'Neill – Is there a charge attached to that?

Mr. Fassnacht – No.

Councilman Gruber – How about complimentary tickets, would there be any taxes or charges?

Mr. Fassnacht – Since we're not charging for the ticket, it doesn't apply.

Councilman Gruber – If you had a free show there, complimentary tickets, we wouldn't see anything.

Mr. Fassnacht – Trade Shows are like that unless you consider a registration fee to attend a conference. Those are the things that I can certainly help you with down the road, but we don't want to turn business away either.

Councilman Van Ho – Could someone explain, if the AAA in beautiful downtown Tiffin sells one of these tickets and if I bought it at the box office and it is going to be \$10, how much are they going to pay and what would be taxed against?

Mr. Fassnacht – The tax is on the net, so if I sell a ticket to AAA in Tiffin for \$9, the tax is on the \$9, not on the \$12 ticket. I'll have a complete breakdown of that as I always do.

I have one more question, 797.05 Certificate of Registration. I don't know if I've seen that yet, I don't know if it exists yet.

Director Frey – That is a document we have not created yet, no.

President Holzheimer Gail – We did say in the Committee meeting there would be no fee attached to that. It is just making sure we have contact numbers and information, registration on hand.

Councilman O'Neill – Clarification, there will be no changes to this legislation?

Director Frey – Other than the amendment that council has approved for the whereas, that would be my recommendation.

President Holzheimer Gail – To include the promotional and marketing activities at least mentioned in the ordinance. That's been passed.

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

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

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

Passed.

Res. 198-2009 (406-09) Master Plan Memorial Park

A resolution directing the Director of Parks and Recreation and the Recreation Commission of the City of Euclid to develop a master plan for Memorial Park and further, to report the plan to the Council of the City of Euclid for review and approval. (Sponsored by Mayor Cervenik and Council President Holzheimer Gail) (Recommended for passage by the Parks & Recreation Committee)

Councilman Langman moved for passage, Councilman Wojtila seconded.

President Holzheimer Gail – I introduced this resolution and we did have a full committee meeting on it. The intent is certainly not to disparage the work of the Recreation Dept. whatsoever. The intent was that we have wonderful assets throughout our community, our parks and wanting to make sure any improvements and additions to the park are made in a planful and thoughtful way that include a lot of public participation. It came about not just because of one particular activity or any one person, but I think we've had some great results in doing some plans for some of other programs, namely the Downtown Plan, the Lakefront, and Shore Cultural Centre. I think we saw that we really received some great ideas, we received a lot of public input and continue to do so. I think it is very important that our parks stay part of our long term assets and anything that happens to them has a process that it has to go through. It really is meant as a positive way to make sure that our parks are serving the community in the best way that they can be.

Mayor Cervenik – We fully support this and we really appreciate the benefits that can come from not only this piece of legislation by the next one where we form a committee to do this.

President Holzheimer Gail – The piece after this, we can discuss next, but that came from the Committee Meeting as a suggestion for how to move this plan forward. We thought it was important to create a steering committee that was made up of and included participants from many of the users groups, general public, students and seniors. We'll discuss that one next.

Councilman Van Ho – Point of clarification, it was September of next year that this was due so the Dog Park and the basketball courts were mentioned would be on hold until that whole plan comes together, is that correct?

President Holzheimer Gail – Part of this ordinance says that if there are going to be any permanent improvements to the park it would require a recommendation from the recreation commission and approval from Council, in Section 3.

Councilman Van Ho – I assume nothing will be done until September 2010.

President Holzheimer Gail – Unless specifically approved by us with a recommendation from Recreation Commission.

Councilwoman Jones – Even though it says by September 10, 2010, if we really get aggressive and get on board with things, we can come up with a plan before September 2010 we could start moving then.

President Holzheimer Gail – Absolutely. All of Council would like to be added.

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

Roll Call: Yeas: Gruber, Scarniench, Jones, Minarik, O'Neill, Wojtila, Langman,

Holzheimer Gail

Passed.

Res. 199-2009 (423-09) Memorial Park Committee

A resolution creating a committee to assist in the development of a conceptual plan for Memorial Park and further, to report the plan to the Council of the City of Euclid for review and approval. (Sponsored by Mayor Cervenik and Entire Council)

Councilwoman Jones moved for passage, Councilman Wojtila seconded.

President Holzheimer Gail – This Resolution came from the Recreation Committee as a suggestion as to how to move forward on the Master Plan. We also felt it was important to have a Steering Committee that was well represented of the community to steer the process forward. This is not meant to be a very strict guideline, it does call for a minimum of representatives from park user groups and it lists a number of those. It does not mean that it limited to those. We do want a very well represented and very open process.

Councilman Langman – My only suggestion is that one of the first tasks is we're going to have to obtain a professional firm to help facilitate this process. As a resident pointed out, you have many, many different users of the park, many different interests. A facilitator and someone with the experience of public park planning can help mitigate and bring those ideas to the floor and put it in some coherent context. Then you can plan out what capital investments you want to make. Given the rather tight timeline, that has to be almost one of the first tasks or simultaneously as the committee is being developed. We've got to bring on a firm that can help fortify the process.

Councilman Wojtila – One of the things we talked about at the committee meeting and subsequent discussions that I was part of with the Rec Dept. was keeping the cost down and not going with an outside consultant. I say that with difficulty because having been involved with other groups like this committee would be where we had no budget, it is difficult. This task in my opinion is smaller, it is manageable and while we do need some expertise, I would hope that we would obtain that expertise without any money. I would hope to be the assigned member of Council on this committee and I would hope to also be able to do that. I don't know that now is the right time to do more analysis, do more consulting, but rather to put together a good concept plan with the input of our Rec Dept. that lives this stuff daily and all the user groups that use it and want to use it and hope to use it in the future. While I appreciate Councilman Langman's comments, and having been in a committee where we had no budget, I think this a smaller task that we can use, even one of the ideas I had was using the High School group, the CAD drafting Dept. of the Euclid High School, to have them assist in putting together the presentation material. Even the Marketing Class within the High School. It is going to make it difficult and a little longer in timing, but we also have a deadline that we have to work towards. Those are my comments.

Mayor Cervenik – I tend to agree with both Council people even though they sound like they're totally different. To begin with I like Councilman Wojtila's approach but as this committee moves forward, I think the point may come where they feel that way and at that point I think the Administration would be all agreeable to hiring a consultant on a limited basis or whatever the committee thinks is important. The worst thing we can do is put together a citizens committee and then not support them with the proper funding that they think needs to be done. We can leave both options open. We can begin with the group and we probably will transgress somewhere into what Councilman Langman is talking about.

Councilwoman Scarniench – I kind of agree with Councilman Wojtila. We've got lots of studies already done, the master plan, the master plan sub committee for recreation, the plan that Mr. Haganbaugh is talking about. We need a group of people to sit down and put them all together and decide what the priorities and I think it is as simple as that. That's it, we keep having these committees and we keep saying what we want to do and we never go forward with them. That would be the easiest way to get started and see where we are with that.

President Holzheimer Gail – We don't have to limit our options tonight. This is meant to get the process started and there are a lot the citizens committee can do. There may come a point where we need professional help in putting the plan on paper or looking at specific physical parts of the park. If that's the case, we will discuss it and if it requires funding, the committee will know that's available if need be. All of Council is sponsors of this. Any additional questions?

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

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

Passed.

Res. 200-2009 (419-09) Advances on Taxes

A resolution authorizing the Director of Finance of the City of Euclid to take advances on the collection of Real Estate Taxes and Personal Property Taxes. (Sponsored by Entire Council)

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

Director Johnson – This is a rather routine piece of legislation that I present. It allows me to take advances on the collection of real estate and to a lesser degree personal property taxes since personal property taxes are being phased out. However, I did leave it in the legislation in the event that there are some amount of delinquency that we might be able to collect for next year.

Normally what happens is when property tax settlements are closed twice a year in January and June, the County Treasurer remits those amounts at the close of each collection period. With this legislation we would get an advance every month on our estimated collections for first and second half. Then at the conclusion of the settlement if the advances are more or less, then we would get the difference or they would withhold the difference. It is more of a cash flow, it allows us to get a monthly proportion of our property tax settlements and it helps with budgeting because we know we can count on a certain amount of cash that will be coming in every month. If there are any questions, I'd be glad to answer them.

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

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

Passed.

Ord. 201-2009 (421-09) Amend Code Charge for Public Records

An ordinance amending Chapter 121 of the Administration Code of the Codified Ordinances of the City of Euclid by amending Section 121.28 to standardize fees charged for copies of public records. (Sponsored by Mayor Cervenik)

Councilman Van Ho moved for passage, Councilman Langman seconded.

Director Johnson – This is more of a housekeeping measure. I was looking at what we charge for public records and I realized that in 1999 our codified ordinances had been change to make a charge of ten cents per copy for public records. Some time after 1999 the State law on public records and the procedures for responding to public records requests was changed and the cost was limited to five cents, or what it actually cost you to make a copy. You're not allowed to charge any additional amounts, for instance for staff time to make those copies. So were charging five cents to make a copy and the codified ordinance section said ten cents. What this does is to bring the codified ordinance section more in line with the reality of what we're actually charging.

One paragraph we change to allow at the discretion of department heads, to waive any charges in total that would be less than a dollar. The reason for that is that we discovered, particularly for accident reports, insurance companies would send us a check for a nickel for one copy of an accident report, but the bank charges us eleven cents to process that check. We felt that it really didn't make a lot of sense to take five cent checks when it takes eleven cents to process each of those items. It is not a big money saver, but it is more of a housekeeping measure.

Councilman 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: Gruber, Scarniench, Jones, Minarik, O'Neill, Wojtila, Langman,
Van Ho, Holzheimer Gail

Passed.

Ord. 202-2009 (417-09) Amend Code – Lights with Wipers

An ordinance amending Section 337.02 "Lighted Lights; Measurement of Distances and Heights" of the Traffic Code of the Codified Ordinances of the City of Euclid to conform with the recent changes made

by the Ohio General Assembly to Ohio Revised Code 4513.03. (Sponsored by Councilman Gruber by request of Police Chief)

Councilman Gruber moved for passage, Councilwoman Minarik seconded.

Chief Repicky – This is similar to our ordinance that we past two weeks ago, another State law that was passed in July 1, 2009. This would go into affect January 1, 2010, which requires that when your windshield wipers are in use, that your headlights must be on. It is a safety issue and I know for sure New York has had it for years and other States have it throughout the United States and I think it is a good law. Hopefully you will support passage of it tonight.

Councilman O’Neill moved to close debate, Councilman Wojtila seconded.

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

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

Passed.

Ord. 203-2009 (422-09) DVD of Meetings to Library

An ordinance amending Ordinance 187-2004, passed by Council on November 1, 2004, to authorize the City of Euclid to provide one (1) DVD of each Council meeting, as requested, to the Euclid Public Library without charge. (Sponsored by Councilwoman Scarniench)

Councilwoman Scarniench moved for passage, Councilman Gruber seconded.

Councilwoman Scarniench – This too is a housekeeping issue. Dennis Urban brought it to my attention before he left City employment and said that we don’t have cassettes any more, we don’t do that anymore. The only thing the Library takes is DVD’s and they will only take it for Council meetings, they don’t take it for any committee meetings. I talked with the Library and they said, that’s the way it is, so I figured it was just a housekeeping matter to fix this ordinance to the way it is.

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

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

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

Passed.

Res. 196-2009 (424-09) Councilman Gruber

A resolution of recognition to Christopher Gruber for his years of faithful service of the residents of the City of Euclid as the Councilperson representing Ward One, previously Ward Four. (Sponsored by Mayor Cervenik and entire Council).

President Holzheimer Gail moved for passage, Councilwoman Scarniench seconded.
Mayor Cervenik and President Holzheimer Gail presented Res. 196-2009 to Councilman Gruber.

Roll Call: Passed by Acclamation.

COMMITTEE OF THE WHOLE

Mr. Jeffrey Beck – 25540 Chatworth. I guess this is going to celebrate the great youth of our city. I’m here to speak about a Scouting service project that occurred over this past weekend, Yard Charge. Yard Charge was started by the Greater Cleveland Council about six years ago. It was Scouting’s way of giving back to the community. It is a November service project that rakes the leaves for the senior citizens and the disabled. In the past few years it has spread to the surrounding communities that make up the Greater Cleveland Council. Many of the Troops and Packs felt they needed to help their own community too. This year, Euclid alone, there were over 120 participants: cub scouts, boy scouts, junior girl scouts, daisy scouts, venturing crew and parents. Over 120 yards in Euclid and some in Cleveland were raked by these participants.

I would like to thank the following Troops and Packs. From St. William's: Cub Scout Pack 54, Jr. Girl Scout Troop 987, Daisy Troop 1570. From Holy Cross: Cub Scout Pack 143 and Boy Scout Troop 143. From East Shore Methodist: Cub Scout Pack 312 and Boy Scout Troop and Venturing Crew 161. From St. Felicitas: Cub Scout Pack 161 and Boy Scout Troop 367.

The only payment the Scouts received or expected besides the cookies, was the grateful thanks to the senior citizens or disabled homeowners who were able to have this daunting task completed for them. The Scouts were thrilled to be part of such a wonderful give back to the community. Everyone involved was very grateful for the beautiful weather we had on Saturday. I hope you join me in appreciating the fine efforts put forth by these young men and women.

Away from the youth of the community and onto some of the older people in the community. I would like to take this opportunity to thank Chris Gruber for his ten years of service. Whether it was Ward 4 or Ward 1 I was still in his ward, he's a great guy and did a great job. Thanks Chris, you will be missed.

Ms. Rose M. Allen – 26241 Lake Shore Blvd. Congratulations Chris also on successful retirement from City Council position but I'm sure we'll be hearing a lot from you, at least I hope so. I'm back on my favorite topic and I brought with me something from Friday's Plain Dealer. It talks about the Pearl Road Wind Project. This is a project that was started by John Kaplan. I was at the ground breaking in May, when they broke ground to put up a wind turbine. He actually owns a salvage yard for automobiles. The most important thing is that he has constructed his own wind turbine and it will be powering his operation and part of the article discusses that he will be selling energy to CEI, the Illuminating Company, which means he will be making money. It is going to take him about 8 years to recoup everything that he's put into it. The picture for the long run is that he will be generating energy that he will be able to sell. It is something I have brought up before and I'd still like the City to consider encouraging, especially with the Bluestone project, at what used to be Chase Brass and then PMX is to recruit a company that would be willing to put up a wind turbine as a symbol for green energy in Euclid. I know there are a couple of projects that the city is involved in with the solar panels. I hope that we would not miss an opportunity to go forward with something that is the future.

The other part of it, this evening's news on NBC affiliate during the 6:00 news, they talked about, at least Cleveland State has a program that is a wind turbine degree. I do know if the last Council Meeting I gave you copies of the magazine from Lorain County and they have a degree program and Lorain Community College, wind turbine degree, building and maintaining them. I'm hoping that we do not get left in the dust when it comes to putting efforts into wind turbines. I mentioned before and I'm still very much in favor of seeing the city begin to manufacture the parts. At some point John is going to have to buy parts to build the wind turbines because he will also be selling them. I would hope that we keep moving forward and encourage Fogg to recruit companies that are green energy focused because that's where the money is right now, there's a lot of stimulus money still to be had if we were to do these.

That's all I'll say on the turbines. The next items are a couple of questions regarding the Expo Center. It relates to how many additional shows have we managed to acquire so far and of those have we recruited any of the RV shows; have we recruited the Auto-Rama which is the not so big auto show. Is there a possibility of us recruiting a sail and power boat show? I know the main one is already set for the IX Center as it has in the past; and perhaps a Golf show. I'm just curious as to how much effort is being put into recruiting additional shows. I'm very pleased that we have three on board already, but I'm still curious about the longer haul for the Great Lakes Expo Center and on that I'll stop.

Mayor Cervenik – To the last question on the Expo Center. I'm sure the owners are working very diligently to bring in all sorts of shows here. They obviously are not going to survive on 2-3 shows a year. The administration has given them their support as had City Council. We expect to see that facility hopping just about every weekend over the next couple of years.

As to the wind turbines and wind technology, although I can't say something again specifically, we have been working for quite some time with numerous companies and numerous entities to have wind turbines, not only built in the City of Euclid, but also wind turbines manufactured and parts made here. I certainly believe that within the next six months we're going to have some very good news about that. I maybe a little optimistic because of the economy, but we are doing things. We are working very hard to bring wind turbine technology to the City of Euclid.

Mr. Christopher Fassnacht – 2237 Marlene Dr., Fairview Park. I just wanted to comment on the progress of soliciting shows for the Expo Center. That's my primary goal is to solicit business for the Expo Center. Everyone of those shows you've mentioned I have actually personally toured the facility with. Right now as you can imagine there's a degree of skepticism if the facility is going to fly. Being an entrepreneur myself it takes a huge leap sometimes of faith, not just money, to go from a known quantity for the last 22 years which is the IX Center, and people have tunnel vision, well all the shows are at the

IX Center. We obviously aim to change that, so where it is the Golf Show, Motorcycle Show, you name it, I'm soliciting all of them.

The other thing I wanted to speak about was sustainability. I believe in a big way and in fact I try to convince the IX Center about three years ago the wisdom of collecting rain water off the roof of the IX Center and when you think about a 900,000 square foot roof, two inches of rain, 500,000 gallons of water from a two inch rain. We've got at 200,000 square foot, so you can do the math pretty easy. Basically I've had calculations to take 5,000 gallon tanker trucks, capture the water and create a community garden that would have been out by some of the airport property. I had approached the Cleveland City Council, but that didn't go through. That's one of the things that I'd like to come later on to the City about creating community gardens on property using rain water off the roof of the building. Just wanted to let you know about that.

Mayor Cervenik – One more thing on wind turbines, Tri-C is in the planning stages if they haven't begun already in offering classes here in Euclid on not only building wind turbines and wind turbine components, but also the maintenance of those components as well. Euclid is going to be a very big part of wind technology.

Ms. Becky Yakovac – 51 E. 238 St. I wanted to talk to you about something that I don't think it is a new issue, I think it is an old issue, but it has not been addressed satisfactorily and it is a serious issue. It is the issue of pedestrian and motorist safety between 238 & 250 on Lake Shore Blvd.

I don't think I need to restate the fact that there is a lot of pedestrian crossing between those two streets. I don't need to tell you that's one of our primary concerns as public officials, yours is to keep the safety of pedestrians and motorists utmost in what you do.

There's one light at E. 250 and Lake Shore Blvd. There's a traffic light at E. 238 and Lake Shore Blvd. and there's no other light between there. There's a myriad of people, there's just hundreds if not thousands of people that live in the apartments at Harbor Crest and whatever it is, it used to be the Americana. The people cross the street. There's an RTA stop at 238. There's an RTA stop at 250. There's no RTA stop on the south side of Lake Shore Blvd., between those places.

If someone is getting the bus and coming home from work from downtown and they stop at one of those sites, no one crosses down, walks down the Boulevard, goes to 250 and crosses down. No one walks the other way and crosses down Lake Shore Blvd., goes down 238 and goes over. People jaywalk, it is not set up properly.

At Ohio State there's a central green area called the Oval. If anyone has gone to Ohio State, you are familiar with this, it is just a big grassy area in the middle of the main campus. Years ago when the University was built, they literally let people walk on the Oval and would see where the traffic patterns were and built the sidewalks around where the traffic patterns were. You build it to meet the people's needs, not the other way around. This set up is not meeting the people's needs.

I'm sure you've thought about this and I'm sure you have great ideas on how to remedy this situation so that no one in the future gets hurt any more or killed crossing the street or driving their car down this section of the Boulevard. One suggestion that I would have is to put in a crosswalk and a light and the RTA stop at 242 which is in the middle of where the apartments are located which would cover the bulk of the pedestrian traffic that is going across. It would be a relatively simple matter to call RTA and have them come out and do an onsite observation of the area and see what the need is. How it is set up now is based on 50-60-70 years ago when the pedestrian and motorist traffic was at different sites. Now most of the traffic is not at 250 and 238. We have a different community now than we had four years ago, people are taking the bus and are walking and the set up is not meeting the needs of the people.

I'm sure you have great ideas, but I think it would be relatively simple to install a traffic light at 242, to put a crosswalk there and to have the RTA stop either moved or added to meet the needs of most of the people that are using these things.

In addition, at 238 and Lake Shore Blvd., in the winter months, the sun sets and it is difficult to see because of the blindness. It used to be that there was more than two lights there, so you were able to see what was green and red. There's not now. Perhaps ODOT or whoever analyzes these things would say, put a traffic light at a different height so that it is more visible.

The other thing is, I know I'm running out of time, but there's a garbage can, one of those blue city garbage cans, there's a traffic and a utility pole at the corner of 238 and Lake Shore and one of those big metal boxes, all at the corner. We need to do something about moving those things so that it is a little bit more safe. Thank you.

Mayor Cervenik – Doctor, I don't know if you were aware of this and it is ironic that you brought this up tonight. Friday afternoon an eight year old girl was hit by a car as she was crossing the street in the crosswalk at 238 St.; unfortunately a few days later she passed away from the injuries.

So crosswalks and traffic signals are not always the answer. The driver was blinded by sun glare from initial reports. Obviously everything has been turned into the Prosecutor's Office and we will see what the results are.

The important thing to remember, a light or crosswalks or anything else is not the ultimate answer. The ultimate answer is we all need to be very careful and very noteworthy of the fact that even if you're crossing where it is very guarded and open, that people in cars may not see you or may not be paying attention. We must always watch out for other people and watch out for ourselves as we're crossing a street such as Lake Shore Blvd.

All of our sympathies goes out to the family of the deceased girl and we do on a daily basis try to make our community as safe as possible for both pedestrians and motorists. Hearing that conversation, I thought I should make sure everybody was aware of that.

President Holzheimer Gail – We do hear your concern and I know Councilman Langman when he was Ward 2 had worked on that and perhaps between Councilman Langman and Councilman O'Neill who each of you have part of that can work on addressing that.

Councilman Langman – Just on brief comment. Some of the problems of trying to make that street safer, I think if Law Director Frey if you could comment on that, is that it is a State Route 283. Over the years we have done various traffic surveys to justify installing a traffic signal at 242. About a decade ago ODOT basically came in and said you have to remove signals at 255, 246, etc. So that was the old way of doing it where a council person in the city could install a traffic signal anywhere that seemed reasonable. Now unfortunately ODOT makes you justify putting the signal there or else they're very clear about saying well if you put this up you are liable for it if anything happens there or you won't get monies for the roads, etc.

I'll let the Law Director comment because it is something that I would like to see at 242, a signal there, but for a variety of reasons that has not been able to happen.

Director Frey – The light signalization project as we've gone through the city are designed to improve traffic efficiency. There obviously are some issues like the light at 238 versus 242. There maybe some solutions that allow us to achieve a greater degree of linking the bus stops and the existing traffic signals and that perhaps is part of what needs to be looked at in this particular area.

Pedestrians can cross the street other than at a crosswalk but must use safe measures to do so. In other words, if the pedestrian is crossing at other than a crosswalk, they must do so in a safe manner. I'm certain in many of the examples our speaker has observed in front of the apartment buildings, that's not been the case. It has been a case of dashing between cars and oncoming traffic. It makes it all the more difficult with the five lane roadway such as Lake Shore Blvd. I think there's lots to look at, I'm not sure there are a lot of answers, but there is a lot to look at but perhaps we need to look at where those bus stops are located as part of that solution. I would agree with the councilman, we have limited recourse in where those lights are going to be placed versus if it is a case of moving one light to down four blocks, but that's a very expensive proposition and we would have to get the approval to do so as part of that State route.

COUNCILMEN'S COMMENTS

Councilwoman Scarniench – Before I start I have question. Over by the bridges, besides the traffic light that goes over, we have these pole lights, because it is hard to see the lights. Is there any way to do that in this area because I know what she is talking about and that would probably help the drivers be able to see that light better, can we do that?

Mayor Cervenik – We will certainly look into that.

Councilwoman Scarniench- I'd be happy to start. Thanks to Mr. Beck, he took half of my speech away, that was good because I have a bunch of other things. First of all I would like to thank the Veterans, Wednesday was a wonderful day, I enjoyed being there, my Dad watched on TV from home. I appreciate the service that they have all given our country to those that are here and to those that are gone.

I received some phone calls because of the people who were watching, they admired the flowers that were being shown. We need to send out a thank you to Rick Evans for Marie's Florist because Rick brings fresh flowers to City Hall every week. Sometimes they sit out in the vestibule, most of the time they sit on the Mayor's secretary's desk so that people who are waiting to see the Mayor have something pleasant to look at. Thank you Rick.

Before I get into the mushy stuff, thank you Randy our Director. Thank you my Dominion problem is fixed, they've already done it, that's wonderful. I have a question for you that you can answer after I get through everything else. I had a call today about the leaves. The folks are wondering why

there are so many particles in the streets and I never noticed that before, as much as I've noticed it the last week or so. Could you please answer that when I'm done?

Now I'm going to probably cry. First I want to thank the Wojtila's, yesterday was the last day that I will be attending my church. It is the first one in Euclid that will be closed. They have sang at our church for many years, their mother was our organist, from the moment they started yesterday I couldn't stop crying until the very end and even after that. I look forward to going to my new church, St. John of the Cross, but I will deeply regret having to lose our church. Thank you for making a memorable day.

To my friend over here, I've known Chris for 15 years. Our first battle we fought together. After that we fought against each other, he always won, but we've always remained friends. He has been a dear friend to me and a supreme role model. He has always given me insight on the way to do things and I think I am doing the same thing that he has done all these years for the residents of Ward 2. I answer the phone, I do what I need to do and take care of business and he has always done that.

I will miss you sitting here. I won't miss you stealing my candy. But I know you're not going to be gone but we will see you and you will be around City Hall for many more years to come. Thank you very much sweetie. Okay, I'm done.

Director Smith – With regards to the leaf, I never thought we'd be cursed with such dry weather. Simply because of that weather it has created some issues with the small particles. I've had one or two calls regarding this subject matter and please bear with us, leaf season has gone relatively well. In addition at the conclusion of the season, we will be out to sweep the streets, probably within the next week and a half to two weeks to address that. It is solely based in the dry weather. We have not changed the equipment, we don't have a hole in the tarp, it has nothing to do with that, strictly the dry weather.

Councilwoman Jones – First of all I want to say thank you to Christopher Gruber, Councilman Gruber, your dedication to the City has definitely been greatly appreciated. The residents at Euclid Hill Villa still talk about you and always say hello to you. I just want to say thank you for your mentorship during the process and don't go away because you will definitely be needed in other venues. Thank you again.

This is our last meeting before the Thanksgiving Holiday and I want to wish everyone to have a nice Thanksgiving Holiday and take a few minutes during your festivities throughout that day or weekend to give thanks for anything that you have going on in your life. Give thanks for the Troops that we have overseas that are protecting our country. Thanks for your family members for the get togethers that you may have. Thanks for just getting up for the day that you have. Be thankful for something in your life, whether it is small or large or anything, we all have something to be thankful for. Take a few minutes just to say thanks and just voice those things you are thankful for to family members. Our family takes a few minutes out and we all go around the dinner table and say something that we're thankful for. Sometimes it brings tears to our eyes, but sometimes it is funny things as well. You'll be surprised what thankful things children have to come up with and say. Take a few minutes for those thankful wishes.

I want to thank Director Smith and Asst. Director Bock for their assistance on the water main break on Sidney last week. I just wanted to find out what the status is of getting the barrels out of the street and getting the rest of the street paved over?

Asst. Director Bock – As soon as the crews are able to break away from the leaves, we'll be over there to make that street repair and we'll be able to remove the barrels.

Councilwoman Jones – My last thing I want to say is Go Browns and we should be home in time to see the kick-off. Thank you.

Councilwoman Minarik – Following up on Councilwoman Jones on Thanksgiving, I have found, she's absolutely right, when you say thank you for something, especially in these stressful times, when you get thankful, the stress goes away and the peace follows. There's always something to be thankful for.

Shore Cultural Centre, the Board had a great Harvest Fest last Friday night. About 175 people showed up. The baskets from the merchants that they donated for the Chinese Auction were breathtaking. The basket I won was for my two dogs. It had instructions by Love-N-Care Daycare kids on how to train your dog; which interestingly enough is when you want your dog to roll over you tell him roll over and then you roll over to show him what you mean. It was just great instructions by kids.

Finally I wanted to thank Councilman Gruber. The first time I met you was when you got elected in 1999. John Fox, Maxx Doogan's and we were there and I didn't know who you were but you were so excited at winning. I remember you ran across the street with a sign. You've been a wonderful inspiration in terms of taking care of your residents. I always think of that. You call them back, you follow up, that's the example that you have set as a precedent for City Council people. We've gone at it, I'll see you around and I'll see you soon. Goodnight.

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Councilman O'Neill – I would like to apologize to the Veterans, I wasn't able to make the service on the 11th due to my work commitments. It is a very worthwhile event to attend and my apologies to the Veterans.

I just want to wish all the residents Happy Thanksgiving. To Director Smith, approximately how much do we have left on leaf pick up?

Director Smith – Approximately a week to two weeks.

Councilman O'Neill – I want to thank Councilman Gruber for his service to the city. I knew Chris briefly before I got on Council and got to know him much, much better since I've been on Council. My hope is that he's not going to go away he's just changing roles in the city. I'm certainly proud to call him my friend. Good Luck to you Chris. Goodnight.

Councilman Wojtila – I, too, would like to thank the Yard Charge and also thank you to Karen Tomsic for opening it up to Council to provide addresses that was very helpful to us and we appreciate that and look forward to that again next year.

In honor of Councilman Gruber, I'll keep my comments very brief and just to say best wishes to you and good luck.

Councilman Langman – I would like to wish all the residents a very Happy Thanksgiving. To my colleague, Councilman Chris Gruber, I remember when I was out in the audience, he was always very courteous, always made it a point to come up and shake my hand. I think that's the hallmark of the way he treated his constituents, always had time for them and always worked very hard on their behalf; you need a fighter like that to represent you up here. I also remember Chris daring me that you should try running and being up here. I did take him up on that. Councilman Gruber, I think the testament to your services is that you've been elected five times and you can't get a higher compliment than that. The residents really appreciate your dedication to the city and I know you'll be sticking around so I'll give the rest of my time to you sir.

Councilman Van Ho – I would like to also thank Councilman Gruber for just lending common sense to some of these meetings when we all got a little insane. I would also like to say thanks to Mac and to the coaches and to the kids that were up here tonight because you show the good part of the youth of Euclid. To many times we read in the paper about, as Kristal likes to call them, the knuckleheads, but there are a whole lot more good kids like the ones that Mac had up here today.

My next question is for the Fire Chief. Could we get another column in your report that would compare this year's statistics to the same time last year? In other words, if I were looking at the August 2009, to have August 2008 comparative statistics. I don't keep these things for a year so it would be helpful to me to see if we've got problems coming up or not.

Chief Cosgriff – We could probably look into revising that form to make it more informative. I can tell you that year to year, it goes up, not a whole lot but in almost all of the categories it does go up by a few.

Councilman Van Ho – Last month when I looked at the Police, we had stuff going down, so I'd like to see that sometimes, so we could give that out to the residents too. They deserve the good news as well as the bad news.

Chief Cosgriff – I will look into that.

Councilman Van Ho – To Service Director, would it be possible to put on the website, you've now got where leaf collection is today. Would it be possible to get an anticipated, where your best educated guess is that they'll be tomorrow and the following day type of thing?

Director Smith – That is on there at this time, as far as the direction. Maybe it could be clarified, there's an area generally highlighted, I want to say in blue, and then an area in red with some arrows that are pointing the direction they are going in with some verbage about an approximate timeframe. We can look at enhancing that.

Councilman Van Ho – Would you please because I've looked at that and didn't catch that. One other thing, tell them there is a street called Bruce, there's one called Maydale that they could try driving down. With that I'll say goodnight.

President Holzheimer Gail – A couple of announcements. The new Council will take their Oath of Office on Monday, November 30th at 7 PM here in Council Chambers and all are invited to attend. I'm still

working on the orientation dates and as typical and might be expected, there was not a date that everyone could attend, so we may have to go ahead and catch those up who can't make it. I think it is important to do that before we start the budget process so that we're all on the same page and have a good sense of where we are in terms of initiatives and changes that have taken place. I will e-mail you in the next day or two to let you know about those dates and times.

Councilman Gruber, it really has been an honor to serve with you for just about all of your ten years. I was term limited for a short time, so I will say in one regard, term limits are a good thing because it does give you a chance to rest, but I know the commitment that you have in you will not keep you away for long and you will find a way to give back to the community in some way.

Looking back over your involvement I think it is just important for us to recognize some of the things that you really felt were important and you showed that through your work and through your actions. I'm thinking about the Historical Society and the history of Euclid, that you really played a large role in that. Certainly and this is mentioned in the Proclamation, the Veterans and your respect and recognition for all of our veterans, not only on Veterans day, but everyday and in the Memorial Parade and that certainly was well known to many.

Euclid Avenue Revitalization and really bringing the attention of Council and the City to the southside. You were very vocal and very insistent that we don't forget about Euclid Ave., and that's a true testament to your ward position as well.

The Animal Shelter, beginning the Animal Shelter and the continued support of Petpals and the work that they do. Your support and participation in Weed and Seed, through the beginning of that and Community Policing efforts. Then your continued role to promote the safety of the city through your chairmanship of the Safety Committee.

Most importantly to your constituents. Many people have said this but you served your constituents very well and they rewarded you for it by returning you to office five times. It shows and as we shifted to eight wards, all council people realized this that it is critically important to communicate, to answer your phone calls, to provide your constituents with the service that they need and they demand. You really the hallmark for that and we appreciate that and the service of other council people have benefited by that example.

As a colleague, you've always been very supportive. You've always been there with assistance when needed and as importantly you've always been there with some laughs and some good times. We appreciate all that you've done, your ten years has left a great impact on the city, your ward and the city as a whole. I appreciate working with you and it really has been an honor. We all wish you the best in whatever the future holds for you. With that, I will yield to Councilman Gruber for his five minutes, there was plenty of time yielded from everybody else.

Councilman Gruber – In the last ten years I didn't use all my five minutes so I saved them up until now. Actually I'll try to get through this in about five minutes. Because tonight is a bittersweet moment in my life. After serving the people of Euclid for ten years, this Council meeting will be my last. It has been a long and adventuresome road, with plenty of obstacles thrown in. It has never been easy but it has always been rewarding.

My first month on Council, my friends on Chardon Hill were told that several streets had to replace their sidewalks at their own expense. For some it was quite expensive and tempers ran high. With the help of then Director Gulich, Dan Driscoll and Director DeMinico, we came to an understanding with most of the folks. In the long run it worked out for the best of everyone involved and I learned several valuable lessons at that time.

I've been with you through Y2K, fires, floods, snowstorms, recalls, lawsuits, and several tragic events. Probably some of the most difficult times Euclid City Council has ever seen during the last ten years and not all of them were my fault. However, with the help of my colleagues, the administration and the people of this great city, we survived and we're all a little bit better for it. In this job you learn quickly how to work with lots of different people with lots of different styles.

In my ten years I have worked with at least 11 different Directors, 24 council members, four Council Presidents, three Police Chiefs, three Fire Chiefs, three Sgt.-at-Arms, and two Mayors including my current favorite Mayor Bill Cervenik. However in all that time, we only had one Council Clerk, Regina Cahill, and believe me, she is the glue that holds all of this together. Regina, thank you for your help over the years.

We've seen many improvements over the last ten years in the City, much of it on the southside, the repaving of Euclid Ave. and dozen of side streets to name a few. Now for the first time in over twenty years that a Councilman will not be living on Waynoka Road maybe we could look at paving that.

Economic development on Euclid Ave. has been substantial; a new McDonald's, Speedway, the reuse of old fire station #2, the new fire station #2, the mini-station, Walgreen's, Hero Park, the adaptive reuse of Sims Property, JD Buyrider, the rejuvenation of Sherwood Plaza, and a the millions of dollars spent on infrastructure improvements made in our southside neighborhoods.

Some numbers over the last ten years. I've attended over 520 Council meetings, returned about 7,360 phone calls, untold e-mails and was acting Council President three times. Countless neighborhood meetings were attended and home visits and I enjoyed each and everyone of them. In my time here I've met many wonderful people and some not so wonderful, but I'm happy to say that at the end of the day I think most of our differences were resolved respectfully and efficiently.

So what's next? I plan to stay active in our city government and will be watching to see what opportunities may arise from the reorganization of our County government. I want to continue to work on the project that started about two years ago, a cookbook with the proceeds benefiting the Euclid Animal Shelter. I will also stay active in my Indian Hills Neighborhood Association.

On a personal note, as some of you know, this weekend I will reach a half a century mark in my life. As I close out my council life, I will be opening a new Chapter. The love of my life, Polly and I are expecting our first child early in May, believe me this is the greatest challenge of my life. Polly along with her daughter Beret and I will look forward to spending time together as a family.

It is important that the people of Ward 1 know that I have been meeting with Councilman-elect Gilliam and assure a smooth transition and have offered him any help needed to make it happen and I wish him the best of luck.

In closing I would like to thank some people who have been very helpful in my time on Council: first my Mom, who would work on Election Day no matter what the weather; John Fox; Laura Gorshe; Mike Perme may he rest in peace; Kim, Walter and Barbara; Bill Tomko may he also rest in peace; Marilyn; the Law's; the Dolson's; Chris on Hadden Road; Dennis, Jennifer. And all the people who came to support me over the years, I thank you all very much, especially Kristal Skovira, because when I didn't know who to call, I would call Kristal Skovira.

To my political mentors Paul Oyaski and Fay Miller, your honesty, insight and knowledge were priceless. The last ten years have been the best of times and the worst of times, however, I would not trade them for anything. Thank you for this opportunity to serve the people of the City of Euclid and may God Bless each and everyone of you and the City of Euclid. Thank you and goodnight.

ADJOURNMENT

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

Attest:

Clerk of Council

President of Council