

COUNCIL MINUTES
TUESDAY, SEPTEMBER 8, 2009

The regular Council Meeting was held on Tuesday, September 8, 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, Service Director Smith, CS&ED Director Pietravoia, Recreation Director Will, Chief Repicky, Fire Chief Cosgriff, Asst. Director Sweeney, Asst. Director Bock, Sgt.-at-Arms Novosel, Clerk of Council Cahill.

President Holzheimer Gail – I would like to welcome Boy Scout Troop 161 under the direction of Scout Master Rich Schultz. There are agendas up here at the podium.

COMMUNICATIONS

Council received the following communications:

A notice from the Division of Liquor Control of a hearing for 260 Street, Inc., DBA Euclid C Store, 25451 Euclid Ave. The Hearing is set for September 14 at 11:00 and the Frank J. Lausche Building.

A response letter from Postmaster General John E. Potter acknowledging receipt of Resolution 151-2009.

COUNCIL MINUTES

Councilman Gruber moved to receive and approve the Council Minutes of July 22, 2009.

Councilwoman Scarniench seconded. Yeas: Unanimous.

ADMINISTRATION REPORTS & COMMUNICATIONS

Mayor Cervenik – Welcome back, it has been a very productive and actually for the most part a fun summer. It would have been more fun, I almost said funner, if the weather was a little nicer, but all in all I think the City of Euclid put their best foot forward and had lots of things for our residents to do this summer and we've got other events coming up in the Fall and wintertime.

Mayor Cervenik and Councilman O'Neill presented Trevor Slaby from Troop 161 with Res. 155-2009, for his recent accomplishment of attaining the rank of Eagle Scout.

President Holzheimer Gail – I would like to extend all of council's welcome to our new Service Director Randy Smith. We're happy to have you here and look forward to working with you.

Mayor Cervenik – That was my next announcement to welcome our new Director of Public Service, Randy Smith. Randy served in the Trumbull County Engineer's office since 1993 and in the past ten years as Deputy Engineer. He also has served as a trustee of Hartford Township since 1994, which should help give him the perspective of what the nine of you see on that side of the table and I think that will be very helpful. I'm very confident in his abilities and we will keep things moving forward in Euclid.

Also as part of the re-organization of the Service Dept., Lee Bock, who you all know very well. Lee has been with the City for over 30 years. He has been promoted to the position of Assistant Service Director. Lee currently served as the Engineering Department as the Chief Inspector and Manager. He will now continue to manage that department as well as supervise the Building Dept., which after quite awhile of discussion we have finally been able to move the Building Dept. into the Service Dept. where it really does belong. Between the efforts of Mr. Smith and Mr. Bock, I think not only Council but our residents will see a very good well functioning Service Dept. and we'll be able to really streamline the permitting process and inspection processes that go along with all the great economic development that's going on in this city.

Secondly the newly designed City of Euclid website, I know I know you've heard this before, but it is really coming. Monday, September 14, we're going live. I've had a chance to get on it and check it out. I will tell you that the new enhancements to our website will put our website second to none. There are more online forms, permits, guidelines and frequently asked questions. The home page has news, announcements and a calendar. Each page has our Citizens Response Link which we call e-gov, so they can directly question the appropriate city employee to have problems solved or just to give suggestions or every once in awhile we've noticed we've gotten an,atta boy, good work, so keep up. We hope to add additional features to the website during the year. It will be equipped to do such things as, what do you call that Director Johnson, what the Library does with our council meetings? Streaming, video streaming, you guys know I'm finally getting this technology stuff. I would like to thank Director Johnson, my assistant Lisa Mayernik and also Matt from the government TV station, they've really had a lot to do with this.

Last but not least, all of the AT&T U-verse viewers, starting this Thursday they will be able to go to Channel 99 and select the Euclid Community Television station. We don't know as of now how many customers AT&T U-verse does have, but I will tell you in the last year the quarterly franchise fees have gone from about \$6,000 to this past quarter of \$14,000. That indicates quite a good growth and they continue to move forward. It is my wish that sometime in the near future they'll be able to start on the western end of the city, right now most of it is on the eastern end of the city and we will work and keep pushing them to allow this to come to all parts of the city. In the meantime our Time Warner franchise fees are not declining significantly, so it appears that a lot of the U-verse customers are either new customers to cable, or they are customers in apartment buildings that did not have the ability to receive Time Warner at that time. So that's good for all of us, especially without the Sun Journal which you know closed and we no longer have our weekly newspaper. So whatever we as a government, administration and Council can do to communicate to our residents is very, very important and we will continue to do so.

At this time, our Director of Recreation Kathy Will has a number of announcements.

Director Will – I can't believe summer is over, I can't believe the pools are closed. It went by way to quick. However, I would like to take this opportunity to thank everyone that helped us out this summer. We had over 250 volunteers that participated in our programs for 3 months and without all of those volunteers we would have never been able to offer those programs, so thank you very much.

I'd also like to thank all of our part-time and full-time employees for keeping everything up and running. I know it was a wet season. Although we were able to get all of our baseball games in and I was amazed that from June 1st until Labor Day, we prepped our baseball fields 1,000 times. Sometimes we were doing it 2-3 times a day, but for three months, they were out there doing that, thank you very much.

I would also like to thank everyone that attended and volunteered during the Ohio Chautauqua event which is held in July. If you missed it, you missed out on a great event. Watch for it to return. I'm hoping that we can apply for it again in 2011 and it will be the Civil War theme. Keep that in mind for anybody that didn't get to see it, there's pictures and information still on our the TV program about that.

We do have a very exciting line up of programs for our Fall and Winter. After a month of preparation the C. E. Orr Ice arena opened its doors today at 4:00. We are showcasing our new Zamboni. For everybody who asked, it did come in and it made its first ice cut at about 4:00 today.

We are offering public sessions. We have ice skating lessons on Tuesday or Saturdays beginning on Sept. 12th. Please stop by and see all the improvements that we did at the rink over the summer and if you need any further information about any of the programming that you have, you can always call our Rink Manager, Jennifer, 289-8649.

Although the outdoor poles are now closed, we are able to utilize the Euclid High School Pool. The pool is open Monday through Saturday. It is open for adult swim, adult water exercise, many family swims, a ready set swim and swimming lessons which are also held on Tuesday or Saturday beginning September 15th.

Some new programming at the pools this year are Tweens & Teen Water Exercise Class that will be held on Monday and Wednesday. We'll also be offering an adaptive aquatics class on Friday nights. If you need more information regarding the pools, you can call Annemarie our Aquatics Director at 289-8114.

Our Tackle and Flag football and underway. We currently have four tackle teams which have 100 children on it and 9 flag teams which have 100 children on that. All home games are held at Forest Park. The next home game for our flag teams will be held on Saturday September 12 and 9:00 AM and 10:00 AM. Our next home game for our four tackle teams will be on Sunday September 20th. They'll play at 10, Noon, 2 & 4. These kids are amazing, come on out and watch them and support them, they do a heck of a job.

I also have to send out a special thank you to the PAL League for their generous donation to our tackle and flag football teams. They allowed us to buy new uniforms and equipment. Thank you very much for that support.

Our winter basketball, even though I don't want to talk about winter or snow plowing yet, we are starting registration for our basketball leagues for ages 5-14 tomorrow. You can register at City Hall and if you need more information about our youth sports programs, you can always call Mac Stephens. Our normal business hours that you can come and register for a class are 9:00-4:00 Monday through Friday. On Tuesday nights we do extend it and we are here until 7:00 PM.

We will have a Dog Park public meeting on September 17th at 6:30. Our next Recreation Commission Meeting is scheduled for Tuesday September 22 at 7 PM.

The City of Euclid along with a grant from Kaboom and Kool Aid and Sherrie Zagorc of Kiddie City and other local friends, we will be able to do Phase 1 of our infant and toddler playground at Memorial Park behind City Hall. We will be doing a community building on Saturday October 17th beginning at 7:30 AM. If you're interested, please call our office at 289-8656. If you don't want to get up that early, you can always come at 8:00, 9:00, 10:00, we'll make arrangements for you because we'll be out there until dark. Saturday, October 17th, and please watch the website so you can keep updated on all of the events that the City of Euclid offers. If you would like to be included on our e-mail list, you can call me at 289-8656 and I will add you to the e-mail list to keep you updated. Thank you for a wonderful summer and look forward to a great Fall.

Chief Repicky – Just a few points on behalf of the Police Dept. The last two weekends we conducted two DUI check points. On Friday, August 28th, we arrested 6 DUI's, two felony drug arrests and 4 open containers. Also this past Friday, Labor Day weekend another 6 DUI arrests, 9 misdemeanor arrests and one felony arrest. All of this was done via grant money, no cost to the city.

Second point on that same remark, today I attended a luncheon on behalf of the Police Dept. It was a recognition meeting sponsored by Rainbow Babies and Children hospital. The Euclid Police Dept. in competition with fifty plus cities in the County won the outstanding effort in support of the Over the Limit Under the Arrest in 2009. You should be very proud of the Police Dept. on that behalf.

As far as activities in the City, we have our details going, our drug interdiction, our sweeps and our new detail this fall has been the after school detail. Any issue with the High School and elementary or middle junior high school, we'll have officers working the area to make sure there's no problems with the school kids such as walking in the street and any bus issues. All those activities are paid also by grant funds.

Last but not least, on July 28th, I was rudely interrupted on my vacation in Canada by a phone call from the Mayor who advised me that we were awarded our CHRP grant. It was one phone call I really enjoyed, especially after the phone call. But anyways, just to go over the review of what this grant means to the city. There were 47 departments in Ohio awarded, 336 officers, \$79.3 million. Euclid was awarded \$1.4 million, 5 officers, three retained and two new hires. Hopefully by November of this year we'll hire those two officers and it will bring us to 100 officers. Approximately \$469,000 per year for three year. This is the largest grant award ever, as far as I know in the history of the Euclid Police Dept. at one time. This would not have been possible without the Mayor and all the Directors and their staff. We completed this grant in two weeks, two weeks ahead of time. Also, I would be remiss not to mention our Grant Committee at the Police Dept., Capt. Ralph Doles, Kristal Skovira from Community Policing, Michelle Kelley the Dispatch Supervisor, last but not least, Capt. Brickman who is the Chair of the Committee. Without all of these people and our Directors and Staff and the team effort, I don't think this could have been accomplished. With that I will close with our announcements.

Mayor Cervenik – That is good news to all of us. It really takes the pressure, as you know 2010 is going to be a pretty tough year as 2009 has been up until now. We've been able to provide services to our residents that they're used to having and it is our intention to do that also in 2010 and this grant will definitely help us in that matter as far as the safety forces go. That's the end of Reports & Communications by the administration.

REPORTS & COMMITTEE MINUTES

Councilman Gruber moved to accept the Police Report of June & July, 2009; Monthly Finance Report through July 31, 2009; Board of Control Minutes of 7/20/09; 7/27/09; 8/3/09; 8/10/09; 8/17/09 and 8/24/09. Councilwoman Jones seconded. Yeas: Unanimous.

COMMITTEE OF THE WHOLE FOR LEGISLATIVE MATTERS ONLY

President Holzheimer Gail – This is the time that anyone here can speak to anything on the Agenda.

Mr. Tod Guntner – 21290 Edgecliff. Good evening and welcome back. First of all congratulations Trevor on earning your Eagle Scout. I would like to lend my support to #6. I'm happy to see this and hope everyone will support this. This is an inclusion of an exception so that service dogs can go into public buildings. Service dogs are a vital part of the community. A vital part of a person's ability to lead a normal fulfilling life. They not only see for humans, they hear for humans, they can pull humans around in their wheelchairs. They can turn on lights, turn off lights, open refrigerator, get things for them. I actually have an acquaintance who has a service dog that can alert the people that he is with in the eminent affect that this person is going to have an epileptic fit. This dog can actually sense that and tell the other people in his group that this is about to happen. This is vital to

our community and to the nation. Please support this and vote positively.

Of course #10, I fully support that, not just because I'm on it, but there's a fine group of people on this Commission who are also Board Members of Euclid PetPals. I just want to talk about one second about dedication. These 5 people on this list, you can come very close if not going over in the last 5-6 years of 10,000 hours of volunteerism. Thank you for your support.

President Holzheimer Gail – Seeing no other questions of comments, we will move onto Legislation.

Ord. 156-2009 (275-09) Demolition Liens

An emergency ordinance to certify as a lien on the Cuyahoga County tax duplicate the assessments for demolition of properties as provided in Chapter 1753 of the Codified Ordinances of the City of Euclid. (Sponsored by Councilman Van Ho by request of Law Director)

Councilman Van Ho moved for passage, Councilman Langman seconded.

Asst. Director Sweeney – This year we only have five parcels at \$27,138 in assessments. We put a hold on the demolitions earlier in the year because we knew the NSP grant money was coming. So now for the demolitions that are going to happen by the end of the year, we're not using any city money. Next year you aren't going to see any demolition assessments, hopefully we can use all NSP money.

Also, just to apprise Council of what has gone on this summer while they've been gone, first of all I want to thank you for allowing us to go out to bid in blocks of 10. What we thought was going to happen, did happen and we got a fabulous price for the demos that we're going to undertake. We did go out to bid in a block of 10 and the successful bidder was about \$57,000, so that averages \$5,700 a property, very good price for the demolitions. That was awarded in August. We still have an asbestos assessment to do. After that's done, we should see the next batch of NSP properties coming down hopefully within a month or two. I really have nothing else to talk about on demolitions, unless you have any questions?

President Holzheimer Gail – Any questions from Council?

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

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

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

Passed.

Ord. 157-2009 (376-09) Nuisance Liens

An emergency ordinance to certify as a lien on the Cuyahoga County tax duplicate the assessments for nuisance abatement as provided in Chapter 529 of the Codified Ordinances of the City of Euclid. (Sponsored by Councilman Van Ho by request of Law Director)

Councilman Van Ho moved for passage, Councilwoman Jones seconded.

Asst. Director Sweeney – There have only been two parcels this past year that have continued in the nuisance activity subsequent to my warning letter. That's a good thing. In the past three years that I have been with the City and the nuisance ordinance was enacted I've sent 116 nuisance letters and the majority, 99.9% of those situations, landlords have been very cooperative in getting the tenants to cease the nuisance activities or they've had to evict the tenants.

Additionally in the CMHA voucher properties, CMHA has been very cooperative in sending warning letters to those tenants when there's nuisance activities. Also when there's been situations where drugs have been found, they have removed those people from the voucher program. There's also been situations that we found that there are illegal people living in the house, not on the voucher program and CMHA has been very good about getting those people out of the voucher program and again landlords have been very cooperative. So I think it is good that we only have two properties here where I've had to continue to go after. I would just encourage the homeowners in the area of tenants, just keep continuing to call police. Let me know if there's a nuisance property, I'm happy to take a look at it and verify nuisance activity and go from there.

Councilman Wojtila – I know in Ward 6 there's a house that is not on this list, does that mean they paid their fine?

Asst. Director Sweeney – He evicted those tenants. He's working on the eviction. Part of our code says if they take the steps to abate the nuisance, now I can't tell them they have to evict that tenant, but if they take the steps to abate that nuisance and in some cases it is eviction, I will waive the charges. In that particular case that I believe you are referring to on 264th, he did evict those tenants, they are on their way out.

Councilman Wojtila - \$600 does seem on the low side. I guess the one side of it is the nuisance activity, you can look at it and say our nuisance activity is lower. The other side is well maybe the system isn't working as we had hoped. I think we need to constantly monitor it. I know there's been a little frustration on some residents in Ward 6's behalf, when we tried to look for a history of more than two or three incidence on record and there's not. That troubled the residents because they would think they would be out there. Now I tried to clarify that not every incident and every time you call the police doesn't necessarily mean it can be classified as a nuisance call or one of the reasons that we can declare the property a nuisance. But I do think we need to constantly monitor this program. We know there are nuisance properties and we need the residents help to call the police when there are activities going on that shouldn't be; so the program can work. I would think that we would have more than \$600 worth is I guess what I'm trying to say.

President Holzheimer Gail – Ms. Sweeney, is there a trigger other than a resident calling or a council member calling you to say, is there more than two calls?

Asst. Director Sweeney – Unfortunately the Police Dept. computer does not, we cannot get flags. Unfortunately it is going to be complaint driven. Dispatch isn't going to automatically know we've been here 3-4-5-6 times. That's not the way their computer system works. It is complaint driven and as soon as I get a complaint from a council person, a neighbor, a staff member, administration, I take a look at that.

The other good thing, we just got involved with the OLEG program, Ohio Law Enforcement Gateway and that's through the Attorney General's office. We just had training the past few weeks and our police officers are going to be inputting on the computer every single report. It is going to be a heck of a lot easier for me to find out reports and continue to on a weekly basis, monthly basis, punch in a property to see if there's any additional nuisance activity, but unfortunately the police department's computer doesn't automatically send any warning signs or flags to me.

President Holzheimer Gail – That's an important piece of information as we as council members are out meeting with community groups that we pass that along. If you know you've called the police a number of times, or if there is a nuisance property on your street to make sure that you let people know that you've called several times and that could be the trigger as well.

Asst. Director Sweeney – The residents should let their council person know or let me know and I'd be happy to look into it.

Councilman Van Ho – I agree that there are properties that probably need to be looked at closer, but I'd like to say thanks to Kelly and her people for what they've done all along. I know when I go to neighborhood meetings, I'm getting compliments from them, especially on the grass. Because it is making the neighborhoods look better and I just overall would like to thank them for what they do day in and day out.

Councilman O'Neill – For the record, the ordinance, how does that read that triggers the fine? Is it that there's so many in a certain timeframe and what exactly is that for the people watching at home?

Asst. Director Sweeney – If there are two nuisance activities or one felony drug activity within a year, we can declare that property a nuisance. Every additional time the police respond to that property for a nuisance complaint, we can bill that homeowner \$100. Once I declare the property a nuisance, again, unfortunately, it is going to be complaint driven where somebody has to let me know, hey the police were there again. That is why again this does seem low, but again I also do want to stress the fact that as soon as the landlord gets my warning letter, they're on the phone with me immediately, how do I evict my tenant. I do supply a ton of police reports for lawyers that are going through the eviction for the landlords they represent. While we do have some kinks to work out, I do believe it is working for the most part.

Councilman O'Neill – I would also encourage the resident on the street that called in the complaint or is aware of complaints, to maybe just keep a log, date, time, when this incidence happened. It might be easier to reference, for yourself, to reference any incidence that happened that we can go after these property owners. It is not necessarily a property owner, but it is definitely the resident and not always is it the owner of the property that is living in that structure.

It is zero tolerance basically and the police can't be everywhere so the neighbors have to watch out for themselves. We're turning the corner here and people are getting involved and that's what we need to do to make things better in Euclid. Thank you for your efforts and the Police Dept.

Councilman Van Ho – One of the things too that I keep telling the people at the neighborhood associations and I'd like to say it out on camera, they are always worried that somebody is going to find out that they called. Our 731-1234 which is the non-emergency number, does not have caller ID on it. So you can call and leave a complaint and there's no way that anyone can track that. I would, as Councilman O'Neill said, encourage everybody to get involved.

Councilwoman Jones – If residents do feel there is something suspicious going on, there have been some residents in the past who have said that they didn't call because they felt that they didn't want to get the resident or the homeowner or whoever in trouble, but if it is becoming a nuisance to their quality of life in their household, their residence, then they should call, they definitely should call.

I want to thank Kelly because I have been involved in some of the houses that you have been working on and I do appreciate the effort that you have been putting into to get some of these cleaned up.

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

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

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

Passed.

Ord. 158-2009 (377-09) Liens Grass, Etc.

An emergency ordinance to certify as a lien on the Cuyahoga County tax duplicate the assessments for the cutting of grass, weeds, trees and abating other nuisances such as garbage and debris as provided in Sections 529.03 and 1755.28 of the Codified Ordinances of the City of Euclid. (Sponsored by Councilman Van Ho by request of Law Director)

Councilman Van Ho moved for passage, Councilman Langman seconded.

Asst. Director Sweeney – You now have before you an amended version of the ordinance. A couple of people have paid their grass tickets since I first generated that list, I wanted to cross those folks off the tax assessment. We are now down to 569 parcels at \$236,825 in assessments.

To compare the past two years, in 2008 we had 474 parcels at \$129,916. This year we're about 95 more parcels and about \$110,000 more in assessments. In 2007, we had 339 parcels at \$90,922 in assessments.

This year although we're assessing 569 parcels, our inspectors issued over 1200 tickets. We did have many people comply since we are only down to 569 parcels. I'm very pleased on how the grass and nuisance program worked this year. We made some staffing changes and one person was in charge of the grass and nuisance list and she was put in the back away from distractions. I think Lorraine did a great job, she's a great liaison with the homeowners, inspectors and contractors.

The other thing that changed this year, we had the inspectors just cite the ticket initially and then the grass contractors went back and checked the grass. If it needed to be cut, they'd cut it right then and there. We cut down on 2-3-4 days of lag time by the time the inspector got there and the contractor eventually got back to cut. We had a really quick turnaround, about a 2-3 days turnaround in getting the grass cut.

The three contractors we had this year, two for grass and one for nuisance were all new. I thought they did a great job, very few complaints this year. I did talk to the Law Director and the Mayor about renewing their contracts for next year, that was part of their contract for this year is the option to renew for next year and I thought they did a great job, so I would like to renew that for next year. But all in all I thought the grass program this year made major improvements and thought we did a really good job with quick turnaround time.

President Holzheimer Gail – I agree, I think there was a visible difference and I appreciate all your hard work and the staff that were involved. For those watching, if you're wondering, we are talking about the grass cutting program. When a resident does not cut their grass, we do have an ordinance that requires after it is six inches, the city can cite them and within 48 hours we will cut it for them and bill them for it. This is those who did not pay their bill.

Councilman Wojtila – I agree with your comments. One question though, what approximately was our cost then?

Asst. Director Sweeney – We were allotted \$60,000 in the budget for this year, we have not hit \$60,000. People are given a stiff penalty for us having to undertake it, but that's our administrative costs as well, is rolled into that. While it looks like we have spent \$237,000, we have not, we have spent almost \$60,000.

Councilman O'Neill – To Asst. Director Sweeney, I thank you for your hard work and to the inspectors in your department that they are very pro-active, they do a great job, they have a lot of work they are doing. They are trying to turn houses that are up for sale and do pro-active inspections and they are very responsive to my requests and I appreciate that. I just want to comment that the City of Euclid does not want to be in the grass cutting business, that's why it is \$150 a cut. You can go out and hire a landscaper for probably \$35 a week to cut your grass. This is our way of saying take care of your property; your neighbors appreciate it and we appreciate it. I just want to say thank you for your efforts on that.

Councilwoman Jones – This is just for residential properties. How are commercial properties handled as far as grass cutting?

Asst. Director Sweeney – I believe the Service Dept. handles the cutting of some commercial lots. I don't know if Randy knows that yet. Pretty much on the same basis. I know the Service Dept. has a list of vacant lots that they cut on commercial properties. Pretty much the same type of system.

Councilwoman Jones – There's a separate list for commercial properties?

Asst. Director Sweeney – Yes.

President Holzheimer Gail – It has already been sent to the Auditors.

Councilman Van Ho – Once again I'd like to say thanks and I've really learned to appreciate this service since my next door neighbor became the slum tenement of the street. That they get over there and they force it to either be cut or cut it. That makes, once again, the whole street look better.

President Holzheimer Gail – We do need to amend the ordinance. (377a-09) was on our desks, so Councilman Van Ho will make a motion to amend to (377a-09) which is only the deletion of the two people that paid and also the number to go with it.

Councilman Van Ho moved to amend to reflect (377a-09). Councilman Langman seconded.

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

Amendment passes.

Councilwoman Scarniench moved to close debate, Councilman Gruber 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 as amended.

Ord. 159-2009 (369-09) Bids Service Items

An ordinance authorizing the Director of Public Service of the City of Euclid to enter into a series of contracts after advertising for bids for the City's requirements of asphalt, tires and tubes, washing of City-owned cars/vans, and liquid calcium chloride for the calendar years 2010 and 2011. (Sponsored by Councilman Wojtila by request of Service Director)

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

Director Smith – I am requesting Council's permission to solicit bids and enter into contracts for the procurement of the following materials and services. Hot mix asphalt which will be predominantly used for waterline break repairs. Tires and tubes for use on city vehicles and equipment. Washing of City owned cars and vans including police and inspector vehicles and senior program vans. For liquid calcium chloride for the snow and ice control season. Thank you.

Councilman Wojtila – Do we typically do two years?

Director Smith – That is my understanding that it is typically for two years, that is correct.

Councilman Van Ho – On the city owned cars and vans, would that allow for the purchase on the State DAS contract, or are we truly going to advertise for these like local dealers?

Director Smith – I'm going to have to defer that question.

Director Frey – This is just for the washing service and we'll get prices on it. The tires and tubes, I know that we have checked the pricing on those from the Northeast Regional, NEOSO, Service Organization. We have found that we were able to get better prices going out to bid ourselves than we've been able to get. But we will bid them, obviously if there is somebody on the State contract that can supply and those prices would be better than our bids, we would go to the State contract but we'll check all those sources on trying to get those prices.

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

Councilman O'Neill 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. 160-2009 (370-09) Peterson Funds Used

An ordinance to amend Section 2 of Ordinance 227-2008 and 132-2009, to include the Peterson Fund as a source of funding for the East 248th Street and Shoreview Road Improvements project. (Sponsored by Councilman Wojtila by request of Service Director)

Councilman Wojtila moved for passage, Councilman Langman seconded.

Director Smith – With this I am requesting an amendment to the referenced ordinances in order to utilize the Peterson Fund as a source of funding for this project. A portion of this project includes sewer construction which allows for the use of this fund.

Councilman Langman – Director Smith and Director Pietravoia, can you outline the timeline for this project as obviously the residents are interested on when this construction will begin.

Director Smith – With regards to this project with some of the information I've been able to gather and ascertain, is the construction contract should be in place within approximately two weeks. The pre-construction meeting will be scheduled shortly thereafter. Great Lakes Contracting has expressed an interest in starting this project as soon as possible. According to the bid documents, the contractor has 365 days to complete this particular project. Winter work is anticipated at this time. It appears from some of my discussions with different individuals that the storm sewer outlet will be constructed first. Next will be water in conjunction with the remaining storm and sanitary sewer. Of course all of the construction activity will be weather dependent. There's still one matter pending with property acquisition. I expect on having some quotes tomorrow in order to complete the appraisal process on that matter. That's one additional component to the project that we need to complete.

Mayor Cervenik – The one “if” here is still and we don’t want to discuss too much in public the purchase of property by a municipality. But we have had a way to balance the purchasing of this one piece of property versus purchasing more than one piece of property to keep our lakefront development momentum going as well. As Director Smith told you, we should have those sometime tomorrow. We have opted to have, at least for the moment that one parcel appraised by itself so we can move forward. When I had talked with former Director Gulich awhile back, he was not aware that the project was going to start with the outfall sewer and moving backwards. As I told you, it was my goal that within the next 30 days that your residents will see some work beginning, at best 45 days. I will tell you that because of the length of the project and the depth of the project, they’re going to have some inconvenience this winter whether we start tomorrow or whether we start 60 days from now. As we are doing on 214 and other streets, we will do everything we can to minimize their inconvenience. The project is moving forward. There is no danger of it stopping. Soon your neighbors will not have flooded basements and flooded streets any longer. So keep on us, and we’ll keep you informed, but it is coming.

Councilman Langman – I know they can’t wait for that.

Mayor Cervenik – I can only tell you that back in 1989 when I was a Ward 1 Council person we were asking the State for money to do 214th. You’re people on 248th are doing much better than as long as it took for 214.

Councilman Langman – We look forward to that progress, thank you.

Councilwoman Jones – Director Smith or Mayor, maybe you can answer my question. How much of the Peterson Fund will this use, what’s the amount?

Mayor Cervenik – That has yet to be determined. With the increase in the charges on the Peterson Fund, this allows any part of this job that could be charged there, to be charged there. It is with a CSO. We will know that probably within the next two weeks. We will work out the formula with CT Consultants. Peterson can only be used for certain specific items that relates solely to Euclid sewers and trunk lines. Some of this does relate to a trunk line and therefore we’d be remiss not to take it that part of it out of the Peterson Fund.

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

Councilman Van Ho 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.

Ord. 161-2009 (371-09) Animals in Public Places

An ordinance amending Section 505.16 “Animals in Public Places Prohibited; Exemptions” of the Codified Ordinances of the City of Euclid, to include an exception for service animals. (Sponsored by Councilwoman Jones by request of Parks & Recreation Director)

Councilwoman Jones moved for passage, Councilman Gruber seconded.

Director Frey – A couple of months ago and I don’t recall the source of the query but someone raised the question about service animals in public places and it caused us to look at this ordinance. We saw that it did not have an exception in it to allow service animals in public buildings. So we went to amend this so we are in compliance with current federal and state law in allowing that type of activity. Our ordinance then would conform but state and federally. We have added just the one Section B where it indicates:

Animals designated as service animals shall not be prohibited under this section, and a person who is accompanied by a service animal shall be able to enter all places into which the public is invited. A service animal is defined as being any animal that has been specifically trained to provide assistance to an individual who is disabled.

I think we pulled that definition from the Ohio Revised Code, so that we have a good match and I’d be glad to answer questions.

Councilman Gruber – As you mentioned these animals are covered under federal law and it would probably be a good idea for us to spread the word to our employees throughout the city so we don't have an incidence like this.

Director Frey – My guess is we have not enforced Section A in the case of service animals, but best to just modify our ordinance.

Councilman Gruber – You maybe surprised at what service animals are. Some of them are Chihuahuas, we have a Boxer that's a service animal. They are usually issued an identification card so you'll be able to tell.

Councilman O'Neill – I too support this legislation it does mirror the federal legislation. One question to Director Frey is, off-duty police dogs. It talks about service dogs and certainly a police dog when you're on duty you can go just about anywhere, but what happens when the officer has his dog off-duty and he maybe going into a park or a building. It doesn't specify that in this ordinance.

Director Frey – In that case, the police service dog would need to be confined in the vehicle unless there was a legitimate reason for it to be in the park. Our parks are not, we do not permit dogs in our parks. This service animal would be an exception to that.

Councilman O'Neill – I just think it is a good idea if it is an off-duty police officer has his dog with him, it is probably not a bad idea to have him with him in the park. But somebody might view that as somebody bringing an animal. I think it is something we should probably look into. Appreciate your efforts, thank you.

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

Councilwoman Minarik 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.

Ord. 162-2009 (372-09) Bids-E. 264 St.

An ordinance authorizing the Director of Public Service of the City of Euclid to enter into a contract, after advertising for bids, for the East 264th Street Improvements – Lake Shore Boulevard to Edgecliff Drive – Project (OPWC Project No. CA 06M/CA 07M). (Sponsored by Councilman Wojtila by request of Service Director)

Councilman Wojtila moved for passage, Councilman Langman seconded.

Director Smith – I'm requesting Council's permission to solicit bids and enter into a contract for the E. 264 Street improvement project. This project lies between Lake Shore Blvd. and Edgecliff Dr. Funding has been secured through the Ohio Public Works Commission. The components of this project include the replacement of waterlines, storm and sanity sewers and a finished concrete pavement. The completion of this project will result in the elimination of an SSO. The plans have been completed by CT Consultants with EPA review pending. EPA approval is expected in October. Thank you.

President Holzheimer Gail – I noticed that the Peterson Fund is not included in this. Would it make sense to utilize funds from that as well?

Director Johnson – I don't believe so at this point.

Councilman Langman – Director Smith, same question as we had on 248th, what's the timeframe to begin this project.

Director Smith – Everything on this project as I'm aware of is pending on the EPA plan approval. Thereafter then the project would move forward. If you needed something more specific than that, I would have to defer to Asst. Director Bock.

Asst. Director Bock – That project, we probably wouldn't even be looking at bids until November. By the time we open an award, you're probably talking January, actual start up probably sometime in spring.

Councilman Wojtila – I have a similar question that you had in Section 2, do we need to include the Ohio Public Works with Issue 1 or 2?

Director Johnson – I don't believe so at this point Councilman Wojtila. I'm not familiar with the details of the project.

President Holzheimer Gail – We could look at that and if we needed to amend it we could do that.

Director Johnson – Absolutely. I believe that the borrowings that we did earlier this year, put in place all the financing based on my knowledge of the projects at that point. I'm not aware of any changes, but I believe that by virtue of the financing and what we did earlier this spring that there shouldn't be any need to change any of the funding sources for these projects.

President Holzheimer Gail – There should be adequate funding through the waterline improvement fund alone?

Director Johnson – I believe so.

Councilman O'Neill – To Asst. Director Bock, this improvement on 264, is that sewer or is that water?

Asst. Director Bock – That will be sewer, waterline, pavement, sidewalks, aprons, just like we're doing on the other streets.

Councilman O'Neill – That alleviates the combination and storms?

Asst. Director Bock – We have an actual SSO located there, so it is going to eliminate that.

Councilman O'Neill – Cleaner water being put back into the lake, okay thank you.

President Holzheimer Gail – These all come from our EPA mandate to eliminate combined sewer overflows and sanitary sewer overflows.

Asst. Director Bock – Right, that could only help in getting this ahead of time.

Mayor Cervenik – Once we review this project with CT and if it does in fact include an SSO, we may want to come back at that time and amend for Peterson. As Asst. Director said, that won't be until sometime early next year. We just want to get the bids, know what the prices are and go from there.

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

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

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

Passed.

Ord. 163-2009 (373-09) KNM Consultant to OPWC Projects

An ordinance authorizing an agreement with KNM Consultants, Inc. to provide Construction Related Services for the following O.P.W.C. State Issue I Projects: East 264th Street Improvements – Lake Shore Boulevard to Edgecliff Drive (CA 06M/CA 7M); Roadway and Utility Improvements – Various Streets (CA 08M/CA 09M). (Sponsored by Councilman Wojtila by request of Service Director)

Councilman Wojtila moved for passage, Councilman Van Ho seconded.

Director Smith – I am requesting Council's permission to enter into an agreement with KNM Consultants, Inc for construction related service on the E. 264th Street improvements project and also for the E. 190 through E. 195 Roadway and Utility improvements project. The components of these projects include a complete reconstruction of all water, storm and sanitary sewer lines and the placement of a concrete pavement. These projects have been funded through the Ohio Public Works Commission. Under this agreement KNM Consultants will be compensated on the E. 264th project based upon an hourly rate with a total fee not to exceed \$95,400 unless otherwise approved. The fee on the E. 190 through E. 195 project is also based on an hourly rate with a not to exceed fee of \$256,500 unless otherwise approved.

Approximately two years ago prices were sought for various engineering services and I'm aware that KNM was very competitive at that time and has remained on time and within budget on other projects, hence the recommendation.

Councilman Van Ho – If we're going to do all of this rebuild, are we also going to bury the utilities and put in, I'll call it the imitation gas lights like we have on some streets, like 264 and 248?

Director Johnson – The fancy street lights and the burying of the utilities were never built into either of the rates. They weren't built into the waterline rate or the Peterson rate.

Councilman Van Ho – I think we should take a look at making that our standard because it is time to get the telephone pole or electric poles and light poles out in front of these houses and put in that type so we're once again making it a better looking place. If we're tearing everything up, why not do it right now. I think we should look at amending the bid documents, whatever we have to do to do that. Yes I know it will be slightly more expensive.

Director Johnson – When we amended the waterline legislation particularly to expand it to allow for the replacement of the street, roadway, curbs and sidewalks, the contemplation of including burying utilities and the decorative street lighting would have added an additional cost to it, that could have made the rate structure slightly prohibited, which is why those two items were not included and can be considered an additional option if Council so chooses to do that by finding additional funds to pay for those things. That was the discussion at the time when the rate was adjusted.

Councilman Van Ho – I'm saying that I think we should look for those funds.

President Holzheimer Gail – Would it be possible to provide to Council what that additional cost would be? Is that an easily obtained figure?

Asst. Director Bock – We can get a rough estimate of it based on what we've done on other streets.

Councilwoman Jones – When are these projects estimated to start?

Asst. Director Bock – Basically the same as E. 264. I wouldn't look for it until the Spring of the year.

Councilman Wojtila – I did have a couple questions and Director Smith did respond in e-mail. I agree with your e-mail, the rates are favorable, meaning they don't seem to be high. I'll hold to the 8 ½ % is high. I know it is just an estimate but again it puts the onus and responsibility on the administration when they're reviewing the invoices to make sure the hours spent, were spent and they are spending their time judiciously because it is a difficult thing to monitor. I would propose for future projects of this type that we lower the percentage and that way we're forcing to monitor that closely. I think 8 ½% is high for this type of project. Thank you.

President Holzheimer Gail – These construction services were bid you said two years ago. In the history do we every couple years, do you suggest rebidding that to make sure we are getting the best? I know there's some value to having somebody who knows our system and knows how our process works.

Mayor Cervenik – There's a lot of value to that. If Council would like us to look into that sometime in 2010 we could. I will tell you that KNM has saved us, if they've made on occasion what someone feels is a little higher percentage than someone else might pay, I've seen them where we've saved that money in the inspection services that we do get. We had at times some pretty lively conversations with some contractors on behest of KNM finding things. We can do that, it is always a good healthy practice to do.

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

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

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

Ord. 164-2009 (374-09) Fuel Purchases 7 Vendors

An ordinance authorizing the Director of Public Service of the City of Euclid to forego competitive bidding procedures for diesel and unleaded fuel purchases for vehicles and equipment for the City of Euclid, and make such purchases from any of seven (7) specified vendors based on the lowest available price for the calendar years 2010 and 2011. (Sponsored by Councilman Wojtila by request of Service Director)

Councilman Wojtila moved for passage, Councilman Gruber seconded.

Director Smith – I am requesting Council's permission to forego competitive bidding procedures and to purchase diesel and unleaded fuel for city vehicles and equipment from a seven vendor list. At the present time the current list includes five different vendors, two additional vendors have requested to be placed upon this list. Historically diesel and unleaded fuel is purchased once per month. All vendors are contacted and the lowest price is utilized. To date in 2009, diesel has ranged from \$1.56 to \$2.32 and unleaded fuel cost range from \$1.58 to \$2.45.

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

Res. 165-2009 (379-09) Animal Shelter

A resolution to reappoint Pat Barnes, Tod Guntner, Bill Kermavner, and Patti Burlingham for three-year terms to the Animal Shelter Commission. (Sponsored by Mayor Cervenik and entire Council)

Councilman Gruber moved for passage, Councilwoman Scarniench seconded.

Mayor Cervenik – It would be my recommendation that Council give me the authority to re-appoint Pat Barnes, Tod Guntner, Bill Kermavner and Patti Burlingham. You did pretty good Regina, but I've had a long time. It is a tough name but all four of these individuals work very hard at the Shelter and on the Commission. They certainly deserve re-appointment and if you pass this tonight, I intend to be there at their meeting tomorrow at 6:30 to administer the Oath of Office to each one of them.

President Holzheimer Gail – On behalf of Council we would like to thank them for their work. They are working hard and putting in a lot of hours and we certainly appreciate your efforts at the Shelter.

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

CEREMONIAL RESOLUTION

Res. 155-2009 (378-09) Eagle Scout Slaby

A resolution congratulating **Trevor A. Slaby** for his recent accomplishment of attaining the rank of **Eagle Scout** from the Boy Scouts of America, Boy Scout Troop 161, Euclid's Pioneer Troop. (Sponsored by Mayor Cervenik and entire Council)

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

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

Passed.

COMMITTEE OF THE WHOLE – PUBLIC PORTION

Ms. Rose M. Allen – 26241 Lake Shore Blvd. Earlier this summer there were a number of meetings that were focused on the lakefront development and I think it is finally the vision that I've had for thirty some years may become a reality. I'm hoping that all of the citizens of Euclid will get behind the project and support it. I know there are some persons who have had questions as to whether or not it would benefit them because they don't use the lake and the lake doesn't affect them. This is something that I think will benefit the entire City of Euclid by bringing positive attention to the city but also bringing in business. For those persons who have some concerns about what's it is going to do for the people who live let's say south of Euclid Ave. or south of the Boulevard, it will do a lot for everybody. It is an opportunity, it is well past time and due that we go forward with it and I would hope that the city, that all of the citizens will get behind it and support the project because it is really going to do a lot for the City of Euclid.

Now I do have a question regarding the project. I see that there's a lot of activity going on at what used to be the PMX, the Fogg trucks are there and a lot of things are happening. But have we done anything toward finding tenants to come into the Euclid Industrial Park? If so have we put any emphasis on getting tenants who are focusing on building wind turbine parts? I know you've heard it before but there's stimulus money for companies to come in and start manufacturing parts for wind turbines. The reason that is coming up again is because the Wind Energy Task Force that is chaired by Prosecutor Bill Mason is moving forward with having wind turbines out on Lake Erie, possibly by 2011 maybe sooner. I'm hoping that there will be an opportunity for local companies, particularly Euclid because we're a prime location to be able to ship the towers and blades if they were to be made here, directly to the Port of Cleveland for shipping elsewhere. I'm just curious as to whether anything is being done to encourage companies to come in and work on manufacturing wind turbine parts?

Mayor Cervenik – Yes there has been. Recently Director Pietravoia, myself and Deputy Director Gliha entertained a company that is very interested in partnering with at least one local company. We also were able to arrange a meeting with Mike Merle from what is no longer called PMX, it is now called Blue Stone Business Park. Mr. Merle had a very professional presentation to this company. I cannot name these companies right now. But we are doing that. We are very active in doing that and we'll continue to do so. From the presentation that Mr. Merle from Fogg Business Systems gave, I am quite sure that they will be ahead of their time schedule to fill that park up in five years. I was just totally impressed by their presentation and I believe the company both locally and from outside the local area were very impressed. I think you're going to see some good things happen there. We're on top of it.

Ms. Allen – Great, I'm glad to hear that. Last question is, what's happening with what used to be Euclid Square Mall in terms of moving forward with it?

Mayor Cervenik – Euclid Square Mall is what we hope will be a beneficiary of the activity that is happening across the street. We have had a number of meetings about different things that could happen at Euclid Square Mall. My hope over the past few months has been raised about that property.

Mr. Ray Petrea – 353 E. 232 St. Welcome back everyone. I look forward to seeing you all frequently. I have before me, Ten Commandments for Human Relations. It is from Redemptions Pastoral Care 2000. I know absolutely nothing about this organization and I'm not affiliated with it in any way. However, I do like Ten Commandments for Human Relations and I think it can do a lot for this community if everyone strives to follow these ten commandments for human relations.

Speak to people. There is nothing so nice as a cheerful word or greeting.

Smile at people. It takes 72 muscles to frown, only 14 to smile.

Call people by name. The sweetest music to anyone's ears is the sound of their own name.

Be friendly and helpful. If you want friends you must be one.

Be cordial. Speak and act as if everything you do is a joy to you.

Be genuinely interested in people. You can like most everybody if you really try.

Be generous with praise and caution with criticism.

Be considerate of feelings of others. There are usually three sides to a controversy: yours, the other person's, and the right side.

Be eager to lend a helping hand. Often it is appreciated more than you know.

What counts most in life is what we do for others. Add to this a good sense of humor, a huge dose of patience and a dash of humility. This combination will often open many doors and the rewards will be enormous.

I walk the streets of Euclid. I see people passing each other without speaking. I even see people crossing the street so they won't see the other person eye-to-eye. We can do better than that. In following these Ten Commandments for Human Relations, will improve this community tremendously. Does it take much to say hello? How you doing? What's new with you? Do you play sports? Are you good at it? You'd be surprised at the answers you get. Don't be afraid of taking the initiative to greet people as you pass them. One of the sayings I like very much to people who mean special to me, even if I just met them a moment ago, or if I've known them years: On this journey through life, I'm so glad that our paths crossed.

Now I would like to say congratulations to Randy Smith, you have big shoes to fill. I'm grateful to the police and fire department for the excellent work. Thank you Kathy for the summer program, particularly Ohio Chautauqua, boy that was a mouthful. I look forward to being with you often this coming season. I thank you for your time.

Mr. Tod Guntner – 21290 Edgecliff. First of all I wanted to thank you for passing #6 and #10, that is greatly appreciated. Second of all, I was so glad to see Troop 161 staying here throughout the meeting. You don't see that to often, that was great and I'm glad to see Trevor is still here. Trevor, I have a message I'd like you to take back to your fellow scouts.

President Holzheimer Gail – Unfortunately he just left.

Mr. Guntner – It has to do with obtaining goals. A lot of people feel that they can't obtain goals, so I just want to tell you a little story. As some of you know I have a brother who is dyslexic which means he has a learning disability and he kind of reads backwards and inside out and numbers where letters should be. He was not diagnosed until he was an adult, 19 years old. But at the later age 15, early age 16, he obtained Eagle Scout through his hardwork and dedication. He was actually given that award by none other than Neil Armstrong. So you never know what can happen in life and kids, stick with it. I've seen people drop out of this program and it is the worst thing you can do. I had to drop out because I had school, a full time job and a part time job at 15. So don't quit, keep going. Thank you.

Next, guess what I'm going to talk about, recycling. We have Abitibi paper bins all over the City of Euclid. Seven alone just at the Euclid Animal Shelter. We got an e-mail from them early after the spring break, so I couldn't come to tell you about it until now. But Abitibi now takes phone books. Abitibi also takes cardboard. The exception of the cardboard would be pizza boxes, because of the health issue of salmonella and all these diseases and frozen food cardboard boxes. But your Kleenex boxes, your cereal boxes, your potato buds boxes, they can all go in the Abitibi bins and this will help all of the non-profits and the churches and the schools that have these bins. Please separate these. Don't take them to VA St. Joe. Bring them to the Animal Shelter, to City Hall, to the Hunger Center, to the High School, wherever you can, I'd greatly appreciate that.

Next, we have a Clambake coming up. This is like our 47th or 94th Annual Clambake. It is going to be held on October 23 at the Manor on Rockwell Ave. I'm not sure if tickets are available because I have not been told yet, but if not, they will be available very soon. You can call 216-289-2057 from 12-4:00 Tuesday through Saturday and get more information or if you want to get tickets, I'm sure there will be somebody here sometime with tickets for you ladies and gentlemen. It is nice to be back, I do have a few health issues that I am still working through so you won't see me very often, but I wanted to come tonight and thank you for everything that you're doing.

Especially wanted to thank Kathy Will, Valerie Vento and Annemarie Finch for the doggy swims. I was at one of them, I could not make it to the first one, but it was a very successful evening in my eyes and I appreciate all the hard work that you do on your own time, to help out Euclid Petpals and the homeless animals in Euclid. Thank you and have a great evening.

Mr. Jeffrey Beck – 25540 Chatworth. Welcome back everyone. I came up here because I wanted to thank Council person Scarniench for the efforts she put forth to get my street repaved. I live on Chatworth off of Chardon Rd., that section of Chatworth and the street has been deteriorating for a number of years now, but in May we had a water main break. It took what was left of the street, pretty much destroyed it. I called Council person Scarniench, she came right out, we walked the street, she agreed that the street was in very bad shape and was able to pull some strings and we were able to get the street repaved. I don't know if I'm getting her in trouble or not. They finished the job last week and it almost looks to good to drive on, it is beautiful, so thank you very much.

President Holzheimer Gail – Seeing no other public comments, we will move onto Councilmen’s comments. I believe Councilman Van Ho was last, so I will start tonight.

COUNCILMEN’S COMMENTS

President Holzheimer Gail – Just want to extend a thank you to all of the neighborhood groups and community associations that had events and invited us over the summer. We really had some wonderful parades and picnics and block clubs. Also to the Rec Dept., I know we spent some time at the pools, not as much as we would have liked, and on the baseball fields and softball fields and we appreciate all the hard work of your staff and we really enjoyed the wonderful services that were here, as well as Ohio Chautauqua. That was a wonderful event and I know probably all of Council was able to come for at least part of it and it was a very nice event. I hope something that we will continue and we will grow through the years. I look forward to that.

The Mayor mentioned earlier and I’m sure everyone knows that the Sun Journal is no longer providing a Euclid edition, so I just wanted to make sure everyone does know about the Euclid Wellness website. Thanks to our wonderful resident Barb Fulgham, she puts out a weekly e-mail of many of the community activities and has some wonderful sources available if you go to the Euclidwellness.org website. You can get e-mailed the bulletin once a week and you can go to info@euclidwellness.org to be included in that e-mail blast or just look at Euclid Wellness.org for the website. You can click on many links to community associations and lots of different activities and organizations and businesses. Thanks to Barb, that’s been ongoing but we do have that service available. While it won’t replace the Sun Journal, it does provide excellent information.

We have two committee meetings coming up. Coral will be before Council to present their findings from their Strategic Planning process and management review at Shore Cultural Centre. That will take place on Monday, September 14 at 6:00 in Council Chamber. That is Executive Committee so everyone is welcome. We will have a Budget Update on Monday, September 28th, we haven’t picked the time, 6:30 or 7, we’ll let everybody know about that, we have some time, but wanted to get those on your calendar so we can review where we’re at and begin discussing 2010.

The only other, there’s lots of other activities and fundraisers coming up but I know those will be mentioned. I do want to let people know that the Council Agendas and Legislation are now available on the website thanks to Regina Cahill. They can be found on the city’s website either under Council Agenda portion or on the Calendar, if you click on the date and the time of the meeting it has the agenda. You can click on either of those, the Agenda comes up first and all of the legislation is behind it. Today’s was 1-47, forty-seven pages of information for any resident at their fingertips on the web. So thank you to Regina for making that available and Matt, for making that happen, that’s a great service to the residents as well. The new website, we hope to look for it, even easier with its own City Council meeting icon or something. Welcome back everyone, I hope everyone is ready to get busy because we will have several important meetings coming up, look forward to continuing our progress.

Councilman Gruber – Thank you, always looking forward to getting busy. It is great to be back. Missed most of you over the summer, got plenty of phone calls and kept busy. I would like to thank the administration for their support over the summer, especially for the Police & Fire Dept. for the fine services they gave us. I have a question for Director Pietravoia, Lake Shore Plaza, how is that coming along, they’re doing a stellar job down there.

Director Pietravoia – Thank you Councilman Gruber for the compliment. I’ve been in touch with Councilman O’Neill whose ward the shopping center is in. We did receive correspondence in fact again today. The hold up has been the lender that holds the first mortgage on the property. Everything has been signed and is going before their loan committee next week, so we hope to have final confirmation next week that the project can go forward. To put a little pressure on, in the interim, we have started the Prosecution process for all the building violations and have been pretty serious and diligent about that process. If progress isn’t made soon, we will be in Court over the matter.

Councilman Gruber – I know that they’ve fired some local vendors and are refusing to pay them, so I’ll discuss that with you at another time. Also, Mr. Smith, welcome, your number is on my speed dial, so expect some calls. You do have the same number as Director Gulich did, correct?

Director Smith – I do.

Councilman Gruber – He told me, he said he handed you the phone, so I said good, then you’re in it. That’s really about it except I wish the Typen family the best of luck in their current situation. I would say goodnight John Fox wherever you are.

Councilwoman Scarniench – Welcome back everybody. I know my summer has been very busy, haven't had vacation yet. But it has been fun, a lot of homeowner's meetings, different events, as Council President said. I'm out everyday somewhere. I would really like to thank all of our staff. I can't individually thank everybody but our new Asst. Service Director Lee Bock, both him and Al have been very good about taking care of things that I needed done, whether it was trash or the streets. Everybody loves me because you make me look good, that's what I always tell everybody.

Kathy Will, with the trees and everything. The Housing Dept., Paul Beno, everybody has been really super this summer because it has been busy in Ward 2 and it looks pretty good and I'm very pleased and I'm glad the constituents are pleased. It will be very interesting. I congratulate all of my colleagues that don't have to run a campaign so I expect you guys to be working really hard while three of us are running campaigns. But I look forward to seeing everybody over the next couple of months, have a great night.

Councilwoman Jones – I also want to welcome everybody back. I want to welcome Director Smith to his new position and I'm sure I'll be talking with you or seeing you or e-mailing you quite a bit based on the status and information that I've been working on Director Gulich with the Tungsten street, I'm sure you've heard a lot about that.

I'd also like to say hi to Mr. D this evening. There have been a lot of events going on this summer, I just want to make mention to thank you for the invitations to the events that I went to, especially the Resource Fair. Even though it rained most of that day, it was a pretty good turn out and everyone there had a nice time at the southwest mini-station.

I also want to ask Director Will, one of the events that went on this summer also was the Passport to Euclid, which was a very good event. For those who didn't get a chance to participate in it, it was an opportunity for residents to walk through wards that they may not normally have gone through. The whole idea was on Wednesday evenings and Saturday mornings, you would walk through a different ward each time, going through all 1 through 8. I want to commend Annemarie Finch for putting the event together and her time that she took for each one of these events on each evening to participate and walk with the groups as well. It was a very eye-opening event because some residents said they would not have normally gone through the streets of those neighborhoods and they were surprised to see how pleasant the areas were. I look forward to that event happening again this fall. Some of the residents did express interest to start a fall program as well. Once it does start, I look forward to more residents participating in that as well. One of the walks through Ward 3, it rained that morning, so we didn't get the full walk in Ward 3, but I look forward to participating in that again.

I want to express the urgency for residents to vote, to register to vote. If you're not registered at your current address, please do so. There has been a lot of moving around, some residents who are transient, moving around during the summer and you've now settled into your new residency, you need to register to vote so you can vote on November 3rd. There are a lot of important issues on the ballot in November in addition to candidates that will be running, so it is required that you register at your new address by October 3 in order to vote in the November election.

I also want to ask a question to Asst. Director Bock, and you can answer my question when I'm finished. On the Omni building leak in the front of that tree lawn, it is still streaming that water down Euclid Ave. So if the Water Dept. said they fixed it, it is not fixed. If you can give me a status on that as well.

I also want to express that because of the holiday, trash pick up will be delayed one day. Please remember not to put your trash out on your normal day that it will be delayed. For those on my street, normal trash pick up is on Thursday so it will be picked up on Friday instead. Your trash pick up is delayed, this week only, for one day.

My last comment I want to announce is save the date for Saturday, October 24th, will be the Euclid Police Athletic League, Night at the Races at Tizzano's Party Center, 1361 E. 260. The doors will open at 6 PM and the post-time is after the dinner buffet. If you haven't had the opportunity to attend this event, it is a lot of fun for a worthwhile cause. All the proceeds will go to the Euclid Police Athletic League. If you need tickets, the tickets are \$30 and that includes your dinner and a lot of fun at the event. There will be a silent auction so if you'd like to donate to the silent auction you can do so. You can sponsor a horse, or you can have an advertisement in the program. If you'd like tickets, you can see me or Kristal Skovira once she comes back from vacation this week, and call her at 289-8449. I look forward to seeing you all that night and it is right after the Petpals event, so you can have a nice weekend on Friday at an event and on Saturday at an event. That is the last of my comments, so Director Bock if you could comment on the Omni Building and Director Will any updates on the Passport to Euclid.

Asst. Director Bock – The water leak in front of the Omni Building was repaired once. Which often happens on a repair on some of these old lines, another break occurred almost immediately after, so it is still leaking. It is on the schedule to be redone. They should be out there within the next couple of days to do a second repair.

Councilwoman Jones – Thank you. I'll be looking forward to that.

Director Will – Thank you very much for attending and I know we had various other council persons that did take the walk with us. I was only able to make one, it was great hooking up with the people that were there. We are planning on doing it again. We do have information out about it. We're trying to get some more sponsors, so if anybody would like to sponsor the event, you can always call our department. We'd like to start at the later part of September and we'll only be doing it one day a week during the Fall. I'll get all the information out to everybody.

Councilwoman Minarik – Welcome back, welcome back, great summer. It was very quiet compared to last summer. Chief, thank you very much for starting the sweeps that you did. I don't know what is going on, but it was a much quieter summer. Mr. Petrea had made a comment about the Ten Commandments and about talking to people and I thought, maybe that's part of it, maybe we're getting more civilized. When I walk my dogs, I run into kids and I say hi; 98% of them say hi back. I think what has happened in our community is we have adopted the self-bigotry of low expectations from our children and I don't think that they deserve that. I would say that 75% of our kids are good kids and take a chance on them, just say hi. You don't have to get buddy-buddy with them, but just be decent and I think you'd be amazed at how decent they are back. I wanted to thank you for that.

I took my own advice when it came to the fireworks that were cancelled and we had a party in my backyard this year and we brought out an old record player and I played old political music. At the end of the party, as dusk was settling in, my brother read the Declaration of Independence. I had turned the music down and when he finished, and for this we mutually pledge our lives, our fortunes and our sacred honor, I turn the music up and lo and behold it was God Bless American playing. So we all cheered and we saluted America and we had a wonderful time. It is very possible to have a great Fourth of July without \$100,000 worth of fireworks. The street was great that night as well.

I brought that up because next week, September 17th is a Thursday and that will be the 225 Anniversary of the Approving of the United States Constitution. So I have two minutes left and I would like to read the Preamble. According to the Constitution and our founders, there were only six purposes to the federal government. We the People of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, not guaranty it, and secure the blessings of liberty to ourselves and our posterity do ordain and establish this Constitution.

Recommended reading for anyone that is interested in the Constitution is a great book by Catherine Drinker Bowen, it is called Miracle at Philadelphia and it gets into the whole history and what those guys did and what they went through for those 3-4 months. It reads like a novel, it is electrifying. The other thing is the Federalist Papers. In number 10, James Madison talks about why we are a Republic and not a Democracy and I thought that was very interesting. He basically writes, when a majority is included in a faction the form of popular government enables it, the majority to sacrifice to its ruling passion or interest, both the public good and the rights of other citizens. To secure the public good and private rights against the danger of such a faction and at the same time to preserve the spirit and the form of popular government is then the great object to which our inquiries are directed. They knew that they needed a popular government, but they knew they didn't want a democracy. So we now have a Republic which we pledge allegiance to, not a democracy.

With that in mind, I have one minute left and I thought that could well lead into the issue on the ballot this November which is to extend our Council terms to four years. In Federalist Paper #52, James Madison also wrote that frequent elections keep the elected people in close sympathy to the people. That is a good reason, we want to keep government close to the people. It is not a Democracy, it is a Republic. Unless we are close to the people, elected officials can have a tendency to distance themselves from what the people want. With that, really, Miracle at Philadelphia is a tremendous book, I think I've read it five times. Goodnight, have a great night.

Councilman O'Neill – I just want to take a moment to remind everybody that this Friday is 9/11 and it is the 8th Anniversary on the attack of our country where well over 3,000 people lost their lives. Take a moment and reflect what it means to you; say a prayer for those people that were lost and how it impacted our country.

On the 19th of September, E. 216 North of the Boulevard, we'll be having a Street Meet at Patrick Henry home, at 111 E. 216 at 9:30 AM. Unfortunately I will be working and will be unable to attend that meeting, but there will be a special guest in my place that will adequately inform the residents as to what's happening in the city.

Thank you to the residents on E. 214 for their patience on the sewer and water line replacement; it has been going on awhile, but it does show progress. I have not had any complaints. I appreciate that. I think the people on 214 also appreciate it. When this is done, it is really going to be a nice looking project that we can be proud of.

That's to Scott Reese in the Streets for his always quick response to my inquiries and my request for some patching and some sewer cleaning. He's always been really good about that and I just want to publicly thank him for that.

I also want to thank the Housing Dept., their inspectors for their diligence, they are a really busy department, maybe even understaffed for the amount of work that they have in front of them. They do a great job. They do very good pro-active. Some of the people they cite for violations aren't happy about it, but I can tell you that I do get thank you's from the neighbors on the extreme houses that are in bad shape.

Thank you to Kathy Will, this summer and the Mayor. There was an incident on my street where a couple of large old trees were being removed and some of the neighbors were a little upset about it. Kathy sent out the Arborist, Chris, he came out and myself and the Mayor and the Mayor through a phone call and Chris by his presence was able to explain why these trees had to come down. It was actually a safety issue for one of the residents on the street, they couldn't access the shut offs for the gas and the water.

We had talked about possibly in the future, when we can, notify the neighbors when we're taking out some of this big old trees. It is not going to be every tree they are going to take down, but some of the old trees, some people are very passionate about them and I understand that. If we could possibly reach out to some of the neighbors around these trees, they could spread the word.

Also another successful year for CABA. Kathy, thank you for that, the Continental Amateur Baseball Association. Also the Pond Tour, very successful this year. Just thank you to all of the residents in Ward 5 that actually take care of their properties. They are the unsung heroes of the Ward and I appreciate, I do drive around and I see what happens and people do take pride in their properties and I appreciate it and your neighbors appreciate it.

Thanks to the Euclid Police and Fire Departments, a few incidences this summer and there was a quick response on both those apartments. One in particular with the Police Dept. that had a very successful ending in about 10 minutes they got a couple of knuckleheads off the street, I appreciate that.

Lastly but certainly not least, I want to welcome Director Smith to Euclid and thank you for choosing our city to come and work. I said that to you privately but I want to say it to you publicly. I look forward to working with you. Hank was a great guy, very knowledgeable guy, thirty years with the City, he moved onto greener pastures and it is time to pass the baton. You've got a great assistant in Lee Bock, extremely knowledgeable of the City. I'm sure he'll be there to help shore you up. With that I'll say goodnight.

Councilman Wojtila – I would like to announce that this Thursday, September 10th at St. Stephen's Church on Lloyd Road, the Fullerwood Neighborhood Association is having a meeting and they've also welcome all other residents of Ward 6 to attend as well. Anybody interested in Ward 6 to attend, this Thursday, September 10th at 7:30 at St. Stephen's on Lloyd Road. The Police Dept. will be there as well as Mayor Cervenik and I will be there as well to address concerns and questions from the citizens.

I have a question for Asst. Director Bock. When the street resurfacing will be finished for example on Forestview that had the base course applied quite awhile ago. When do you think the finished course will be applied?

Asst. Director Bock – It would have been tomorrow, but with the rain, we're probably looking at Friday, all streets should be done.

Councilman Wojtila – The name of the system that Asst. Director Sweeney mentioned when we were talking about the nuisance properties, I didn't catch the name of that, does anybody know the name of that system?

Chief Repicky – OHLEG, not OHIO, but OHLEG. I wanted to comment earlier on that system is, we will be entering all reports probably in January at the latest, so everything will be able to be pulled up, by not only us but by the city.

Councilman Wojtila – Very good, I think that's a welcome addition and I'm sure it will help. Director Pietravoia, I know Fogg is out there busy marketing their property. Have they made any announcements or anything that you could pass along to us?

Director Pietravoia – No specific announcements about businesses that they've landed but they have stayed on schedule with the project. The roadway work and the utility work is underway and they expect to be done with the road by the end of October. I hope to have everyone out there for a ribbon cutting.

Councilman Wojtila – For those that don't know, the Service Department did receive bids on refuse collection and disposal. We're looking perhaps for a Public Service Committee Meeting, perhaps not, but I'll talk to the different committee members in the next few days and I'll coordinate with Director Smith on that. The bidding process did include many variables I'm told; one of which included curbside recycling, so that will be an item that will be discussed, either at a committee meeting or at a council meeting as a whole. I know that's an item of concern to a lot of the residents.

Asst. Director Bock, I know you said the hydrant repairs, you were going to handle that one e-mail that I sent you. Do we actually do hydrant repairs or is that the City of Cleveland?

Asst. Director Bock – We phone them into the City of Cleveland and they handle all repairs.

Councilman Wojtila – I would just like to publicly recognize I am a proud graduate of St. Joe's High School and I would like to recognize our Mayor Cervenik as being inducted into the VASJ Hall of Fame this Friday. So congratulations to Mayor Cervenik.

Councilman Langman – First of all I would like to thank the Police Dept. and especially Kristal Skovira. We've had a couple of very touchy situations in the 7th Ward and she along with her supervisors have handled them very professionally and really have prevented the situation from spiraling out of control. I know that she's out of town, but I can't thank her enough along with the rest of the police department. Of course I do appreciate the administration's assistance during the summer. I know we've talked about 248th, but we've started a new homeowner's group there. We had the Service Director out and we had the Mayor come out and Dr. Jones came out to get that organization up and off the ground.

Mayor, speaking of former Director Gulich, I think he left me a present before he left, a sketch of some sewers. Perhaps that would address the issue on Pam Court. I know Director Smith is probably not up to speed on that, so if you are, if you could relay what is going to happen and when over there, the residents on Pam Court would appreciate it.

Mayor Cervenik – I believe within the next 2-3 weeks it should be taken care of. They will be hooking, I don't know what the technical term is, they're getting put into a main sewer.

Councilman Langman – Right, they're going to tie into one of the lines.

Mayor Cervenik – Yes, that exists already which will save us lots of money and I believe it is pretty much being done in-house. CT did some of the engineering and looking, but we'll be doing it in-house.

Councilman Langman – Very good. The residents over there appreciate it as do I. With the remaining time, Director Pietravoia, I will turn it over to you because we did have some very positive and encouraging meetings on the lakefront with our consultants, JJR. So I know there was an article in the Plain Dealer, it is nice to see some positive press out of that paper. If you would for the residents, just give a summary of the meetings over the three days and what happened.

Director Pietravoia – As you pointed out we did have some very positives meetings. The consultant JJR was in town for about a week. They brought in all the permitting agencies that are involved in permitting any improvements in the lake; reviewed the plans with them, had some great feedback from them on ways we can change our approach to make the project more palatable from their perspective. We also met with all the nearby property owners that have a direct stake in anything that might happen on the lakefront. I had a lot of positive feedback from them as well.

Then met with our Planning & Zoning Commission and the Project Steering Committee which includes Councilman Langman, O'Neill, Council President Holzheimer Gail, the President of Council, and the Mayor, myself and Bob Gliha from our Department and K&D as property owners. As a Steering Committee we were able to see all the work they've done to date. There's a new

concept that involves, the simplest way to describe it is reclaiming the beach that used to exist here in the past, all the way from Sims Park heading east to Harbor Town and creating a natural beach habitat that will be accessible by our residents. Future phases that would include potential extension of the pier at Sims Park and break wall and marina in front of the Harbor Town area as was originally planned. All of those concepts are being finalized and prepared in a report. We should have that in September and then we plan to have some larger community meetings through City Council and Planning & Zoning Commission so the rest of Council and the public can see the concepts and provide their feedback. We've made some really good progress during the summer months with the work that JJR has done and look forward to getting a newly revised concept adopted by the city this fall.

Councilman Langman – You did well, I still have time to ask you a question. Will JJR be back for a September presentation of their report?

Director Pietravoia – We do plan to have them back. We haven't finalized a date yet. We'll receive the report first, have an opportunity to review it with members of the Steering Committee and then set a date for the public meetings. We're looking at late September, early October for the community meetings. We'll get an announcement on date as soon as possible.

Councilman Langman – I would request that we have the Finance Committee Meeting on another date. I would like to attend, but there is a potential conflict on the 28th; hopefully we can accommodate that. With that, I'll wish everybody a good evening.

Councilman Van Ho – I have a couple of questions that I'd like answered at the end of what I have to say. First I'd like to express the displeasure that our sound barriers still look like they do. While I appreciate the humor of somebody with their neon paint, painting ouch and oops on there, can we get them painted and looking respectable?

Also with the loss of the Sun Newspapers, people are being disconnected from what's happening. The Mayor and I had talked at one time about getting some LED boards where announcements could be put up in various areas of the city. I think that becomes very important that we do and I'd like to see if we could investigate possibly even having advertising on them so that we don't have to pay for them out of the general fund.

I would like to welcome Randy Smith, you have big shoes to fill, but in talking with you, I think you're going to do just fine.

I would like to give Rec a pat on the back for all the things that they do. I've watched them persevere through the great dog park problem and that's just one of the things that they do. Chautauqua, the ice skating rink and everything else, they are a bunch of really amazing people.

I would like to urge the voters of Euclid to pass the four year extension because I think it will give council people time enough to start programs and get them finished. Anytime you think you can get distant from the electorate in this town, just pick up your phone. Thank you and answers to the questions please.

Mayor Cervenik – The update on the sound walls is not good. I tried to prevent them from doing what they're doing now due to the extreme deterioration that we experienced this winter, the comment back to me was, this is a funded project, which made no sense to me because why spend bad money on a bad project. I don't want to say we'll have new walls next year, I'm certainly going to try. It is not in their budget. We were the first community to have those walls and they are 15-16 years old and that's why they look the way they do. It is my understanding that the graphics that say Euclid, are going to be painted a different color and the walls are going to be painted to give it some contrast. We're not satisfied. I will say the oops and the ouch, that's pretty much standard construction process, they do that all over the place. They are going to remove those and replace the bottom ones. That's part of the problem with the design of these walls is the concrete lays on concrete and it starts to move and break. So they're going to have to take the 3-4 pieces out in order to fix the bottom one. We haven't given up, we're going to keep trying and I'll keep you informed. I always through my six years here is not to make promises I can't keep and I cannot guaranty you that next year we're going to make an announcement that those walls are going to be replaced. I'm doing everything I can to get the metal painted. The contract they have right now didn't even call for painting the metal and the metal is very rusted. Hopefully if we can get that much this year, but it is \$2.5-\$3 million, it is an extremely expensive amount to do the whole thing, but we're going to keep trying.

President Holzheimer Gail – We will once again welcome Director Smith and hope all of our meetings run this smoothly and congratulate Asst. Director Bock, welcome.

ADJOURNMENT

Councilwoman Minarik moved to adjourn. Councilman O'Neill seconded. Yeas: Unanimous.

Attest:

Clerk of Council

President of Council