

COUNCIL MINUTES
January 19, 2010

The regular Council Meeting was held on Tuesday, January 19, 2010 at 7:00 PM in the Euclid Municipal Center Council Chamber. Council President Holzheimer Gail presided.

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

Excused: Wojtila

Councilman Gilliham moved to excuse Councilman Wojtila. Councilwoman Scarniench seconded.
Yeas: Unanimous.

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

COUNCIL MINUTES

Councilwoman Scarniench moved to receive and approve the Council Minutes of January 4, 2010.
Councilman O'Neill seconded. Yeas: Unanimous.

ADMINISTRATION REPORTS & COMMUNICATIONS

Mayor Cervenik – I have one announcement that's very exciting that we've been talking about for some time and it is finally here. On Friday, January 22 through Sunday, January 31, the Home & Garden Show will be held at what was our former SuperK at 1200 Babbitt, the Euclid Exposition Center. Admission is \$12. Advance tickets \$9 at Discount Drug Mart. Best thing is parking is free and kids 12 and under are free as well. The theme this year, every year the Home & Garden Show has a theme and this year is it Wonderful Germany. Many people don't understand there's beautiful flowers and natural grasses and ornamental grasses that are grown in Germany. Not to mention there's some pretty good German beer and entertainment as well. There will be a number of Polka Bands and entertainment all geared towards Wonderful Germany. We strongly and very wholeheartedly invite our residents, non-residents, neighbors, everyone to come to that center over the next 10 days and certainly enjoy. It is going to be very entertaining and knowledgeable show. There will be a lot of different ideas on what you can do with your home. I've asked my wife not to go there because I know it is going to cost me money because she wants to re-do some rooms.

It is a lot of fun and all of us should be very proud of our efforts that were given. I want to especially thank Director Pietravoia's Dept., Building Dept., Randy Smith, all the Directors and their Departments, the Chiefs as well. The real teamwork that went into getting the building ready. When they rented the building there were some items that were lacking, unbeknown to the operators and there was some cooperation and a whole lot of help and work. It is ready to go and it is going to be very exciting. There will be over 200 exhibitors and I know I will be there. The City of Euclid has a kiosk, promotional and informational kiosk. Certainly hope that you will all sign up to spend some time there. It is just going to be a great kick off to a facility that's going to bring more and more events into the City of Euclid. Looking forward to it.

Recreation Director Will – I would like to send a special thanks out to Mac Stephens and the parents that participated in the Martin Luther King Skills Challenge yesterday at the Sports Plant. Extra special thanks to the council that came in at the last minute to help us out since there was lacking in some helpers for Mr. Stephens. Thank you again for coming in and to the 60 children that came out and participated, not only in the Skills Challenge, but also in the motivational speech and contest that Mr. Stephens had. All the children tonight are at the arena because they all went to the Cavs game. We had about 600 people that are attending the game tonight. I appreciate your help for that, thank you.

The High School Girl's pool is open. We have family swims, we have adult swims, we have swimming lessons. If you want any information on that, call Annemarie, 289-8114. We also are utilizing the Euclid High School Track Room. It is open Monday through Thursday from 6:30-8:30 PM. You can attend and walk the track. It is \$5 a visit, or you can purchase one of our daily passes for \$10 and utilize the track from now until June. The track at the high school is open Monday-Thursday, 6:30-8:30 PM.

I would like to remind and invite everybody to the C. E. Orr Ice Arena this weekend. Our Euclid Blade and Edge Club will be hosting their annual Celebrate Skating Competition. It will start at 8:30 on Saturday morning and finish up about 5:00. On Sunday will start at 9:00 and be done about 1:00 PM. They have 68 events and 350 children that will be coming and showing off their basic skills. There will be people coming from Strongsville, Kent, Gilmore, Mentor, Wooster. There's a whole array of different cities that these people will be coming from so stop by and see what Euclid Blade and Edge is all about and see the children's skills.

Council Minutes

January 19, 2009

Page 2

If you have any questions about the Rec Dept. call 289-8114 and you can check out the website with all of our programs, www.cityofeuclid.com. Thank you.

Mayor Cervenik – That concludes our reports this evening.

REPORTS & COMMITTEE MINUTES

Councilwoman Scarniench moved to receive the Fire Report of December, 2009; Monthly Finance Report thru Dec. 31, 2009; Executive & Finance Committee Min. 1/6/2010; Board of Control Minutes of 12/21/09; 1/04/10. Councilwoman Jones seconded. Yeas: Unanimous.

COMMITTEE OF THE WHOLE FOR LEGISLATIVE MATTERS ONLY

President Holzheimer Gail – This is where you may speak to anything that's on the Agenda. Just a little ahead warning, #1, the contract with the Lakefront Center will be going to Committee and I believe #8, the sponsor would like that to go to the Housing Committee.

Ms. Rose M. Allen – 26241 Lake Shore Blvd. I'm here to urge Council to pass #2, which is the ordinance regarding hiring the management company, Billy Casper Golf. The representatives from Billy Casper Golf met with the Executive & Finance Committee, the Assets Committee, and made their presentation and I think the Finance Committee was pretty impressed with the presentation. In order for the golf course to move forward and become what it can become, it has been clearly established that there's some need of management. I'm here to offer encouragement to pass #2.

On #9, a Resolution for support of the rain barrel workshop. I would like to encourage support for this item but also to encourage any additional types of rain barrels and other projects that can preserve water because that is one of our most precious resources. Anything that can be done to encourage people to be mindful of the usage of water would be good and this item would encourage people to pay attention to it. There was an exhibit, and it is still an ongoing exhibit at the Great Lakes Science Center that tells a lot more of a story about water and how it is important to us all. On that I would say please, #2 and #9 please put your support behind these two items.

President Holzheimer Gail – Seeing no other comments, we will move forward with legislation.

LEGISLATION

Res. (034-10) Lakefront Caterer-to Committee

A resolution authorizing the Mayor of the City of Euclid, or his designee, to enter into an agreement with Mangia Bene, Inc. d/b/a Events by the Lake, 1361 East 260th Street, Euclid, Ohio 44132, for the purpose of acting as rental agent for the Euclid Lakefront Community Center. (Sponsored by Mayor Cervenik and Councilwoman Scarniench)

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

Mayor Cervenik – If you could please, if council so desires, have this moved to whatever committee feels appropriate. We've got some things to work out between the time it went on the Agenda until this morning, some situations have changed.

President Holzheimer Gail – There was some interest from Council to make sure we had the opportunity to meet.

Mayor Cervenik – Mangia Bene is actually good food, in Italian.

President Holzheimer Gail – We are tentatively having an Executive & Finance Meeting on January 27th, which I know Ms. Mayernik mentioned that might be a good time to meet. So if there's no objection we could just use that committee to do this, unless you want to have an Assets?

Councilwoman Scarniench – Whichever one he can make. If he can make the 27th, that's great, otherwise we'll do it at the Assets meeting, which we're going to have on the third.

Councilwoman Scarniench moved Res. (034-10) to Executive and Finance Committee. Councilman Langman seconded.

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

Into Executive & Finance Committee.

Ord. (025-10) 3-2010 Billy Casper Golf Management

An emergency ordinance authorizing the Mayor of the City of Euclid to enter into a contract with Billy Casper Golf to operate and manage the Briardale Greens Golf Course for a period of five years, commencing February 1, 2010. (Sponsored by Mayor Cervenik)

Councilwoman Scarniench moved for passage, Councilman Van Ho seconded.

Mayor Cervenik – You have before you tonight the legislation that would allow Billy Casper to operate our Golf Course. I believe you were all supplied with a Management Agreement, the contract itself. As I first proposed to you in October and it has been awhile to come to this point, it was well worth investigating and studying the workings of having a private company come in and manage your golf course. We feel very, very confident that Billy Casper Golf has the ability to not only bring our golf course back to profitability, but bring it to a condition where people will want to be there and will want to continue to come back. I think they gave a pretty good presentation to the committee a few weeks ago. The contract is before you. We had a few items that were added in and one was the question at the last meeting about the incentive portion of the contract. In here we have an incentive portion that will be 10% of the net, not to exceed \$30,000. The reason it would not exceed \$30,000 is by advice of our bond counsel there's a formula we have to go through each and every year to make sure we're not exceeding certain criteria that would make our bonds taxable. I believe the calculation they gave us was approximately \$38,000, so we capped this at \$30,000. Keep in mind that would mean they would have to make a profit in any of the first three years of over \$300,000. I don't believe that's ever happened. This past year we actually lost about \$92,000. That would be a great turnaround, if in fact they exceed that \$300,000.

A couple of questions sent later in the day by Kandace Jones. The first was the schedule of insurance. It was based upon the agreement, how much are we insured for. We are self-insured as far as liability and those items go, but at the golf course right now we do have the liquor license insurance and the building and our heavy equipment are insured as well. The building is insured for replacement value. In addition, Billy Casper has to have liability insurance for the actions and any problems they could have with their personnel.

The question was, what is the balance of the current golf course fund. At the end of this year, the balance was \$96,855.99. That will be more than enough to cover the initial funding. We also have an additional \$86,000 plus in the capital portion from the borrowings which will be needed to fix a few items, but most of that money will go towards getting the driving range repaired and up to snuff.

There's a question about the compensation and fees; number 6, page 8. This is my hope as well, it says, I hope this is not true but what if revenues do not increase by 3%? What we have here is a five year contract with after the first three years the ability for either party to exit or to end the contract without cause. So at that point, if they were not performing according to the contract, not meeting our expectations, we probably would not have to worry about the 3% increase because more than likely we would not continue that contract. That would be my response to that. If there is a negative operating income, especially in the first year with the balance we have here, I think in other year's we've proved that we will get through that second year. If you've looked at the pro-forma which we will really tighten up once Casper is in here, they don't expect to lose money. As the chart showed, except for one course that they took over, when they had a flood and the course was closed, they have made money, exceeded net revenues and gross revenues in the first year. But the \$96,856 should more than cover that, even if they lose \$5,000 or \$10,000 or \$15,000 or \$25,000 we will still be okay going into that second year. I hope that covers all the questions that you had. If anybody else has questions, either myself or the Law Director will do our best to answer them.

President Holzheimer Gail – We do appreciate the representatives from Billy Casper coming here. I think we did have a very productive committee meeting and they were able to address a lot of the questions.

Councilman Gilliam – Page 16, #10, defining the use of the club. I apologize Mayor for not getting this e-mail out to you sooner, but it says that during the term of this agreement, the club shall be a private or semi-private facility unless otherwise provided and agreed to in the annual budget and program. That's a little ambiguous to me and I'm just wondering what is that implication? I just want some clarity on that.

Director Frey – I was looking through this and as Councilman Wojtila pointed out in our phone conversation earlier today, this is an agreement that started its life with some other Billy Casper operation and that's one of the points in there that I did not catch. This is a public course. I had marked this already on my copy to change that. Before we sign the final agreement, the Club is a public golf course and it will so state there.

Councilman Gilliham – Billy Casper is aware of that?

Director Frey – Yes. We started this agreement off with an existing agreement and that's a term in there that I did not catch when we went through those various revisions. We were dealing with a number of the terms. It is a public course and will state there that it is a public course.

Councilman Gilliham – Just another question, I'm sorry I just realized I wrote two questions down. Page 21, it basically talks about assignment of management, a subsidiary of Billy Casper. I know that's in there but it is my hopes that one of the reasons we chose Billy Casper was also because of the name recognition it brings from being a municipal golf management organization. Have you had any discussion with Billy Casper about the possibility of them doing any assignments with other recreational courses in other cities?

Director Frey – It is my understanding that they will do some, they do some joint purchasing and I think they do joint promotional activities. I fully expect the Casper name to be widely used as this being a course managed by Billy Casper golf. I think that's the whole point of their signature. They're creating a legal entity to operate the course here. I would expect, other than in this agreement that will not be publicly used much but Billy Casper Golf will be.

Councilman Gilliham – Thank you, that is my hope as well.

Councilman O'Neill – To Mayor Cervenik, I thought I read in the contract that there was something in regards to music at that venue and 9:00 anything outside was going to be limited to prior to 9:00. If they're going to hire a band, generally they play outside, there's obviously some concern with some of the neighbors with the noise, can you expound on that?

Director Frey – Thank you Councilman, that was one of the conditions that after the Executive Finance meeting where Casper made the presentation that was one of the questions your council colleague, Mr. Langman asked, that we address, so we did in the agreement. So that any of outside event, non-golf related event, that would be after 9:00 PM, would need the approval of the administration. They could not book concert until 11:00 without permission from the city.

Councilman O'Neill – So you're not denying that happening, they just have to run it through the city.

Director Frey – We'd want to make sure we had appropriate control so we don't interfere with the neighbors' quiet enjoyment.

Councilman O'Neill – I had the same concerns for the Lakefront Center. Thank you.

Councilwoman Jones – On page 1, term of agreement. At the bottom it says, automatic renewal of two consecutive periods for three years provided mutual written agreement by the City and BCG is provided in writing six months prior to the renewal. Does automatic mean at the end of the contract period, we automatically renew the same contract? Or would it be a different contract with different numbers depending on the outcome?

Director Frey – It is our contemplation while we would agree to continue to work with Casper Golf, if that was the decision and obviously city council would have to approve that. But I would think the compensation section would be modified at that point. In part because we will have a more time on our bond payments so we would have less exposure on the tax exempt bonds. Secondly, we did not put any escalator or other change to the base management fee past the first five years. We would have to discuss those terms and we would come back to you for authorization to enter into that renewal agreement. That's why we wanted the six months so we had plenty of time to get that flushed out and then here to city council. So you would get it again at the end of the five year period before we could do anything, but it would be our expectation that if the process is working well, that we would want to exercise those renewal provisions.

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

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

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

Passed.

Res. 4-2010 (028-10) ODNR Trails Grant

A resolution authorizing the Mayor of the City of Euclid or his designee to execute and submit a Clean Ohio Trails grant application with the Ohio Department of Natural Resources for a reimbursable grant in an amount up to Three Hundred Fifty Thousand and 00/100 Dollars (\$350,000.00) and to provide the required twenty-five percent (25%) local matching funds for public improvements that increase public access to the lakefront. (Sponsored by Mayor Cervenik, Council President Holzheimer Gail, Councilpersons Langman and O'Neill)

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

Director Pietravoia – This evening with council's agreement we would like to discuss items 3, 4, 5, & 6 together. Obviously we'll have to take a vote from Council individually but we'd like to discuss them because they are all related together.

I just wanted to start out briefly, I asked Deputy Director Gliha to join us this evening. He's been doing the bulk of the work directly with JJR to assist them in filling out these applications. What you have before you this evening, we have an opportunity through the Ohio Department of Natural Resources to meet their first round of grant applications, which are due February 1st. With that said, I'd like Deputy Director Gliha to explain the four grants that are before you this evening and then both of us will respond to questions.

Asst. Director Gliha – The focus of these grants is some recreational activities will benefit and increase public access and public participation along the lakefront. The four grant applications represent immediate opportunities that fall within the approved Waterfront Improvement Plan. By immediate opportunities, these are the grants that are due come February 1st.

These initial applications should be seen as a beginning to a comprehensive funding and implementation strategy. The Department of course will continue to work with JJR to apply for or pursue additional funding from the various programs as they become available.

In total, the combined value or amount of the funding being requested as part of the current grant applications is \$670,000. Including the required city matching funds of \$250,500, the total funding would be \$927,500 if we were to receive every dollar that we applied for.

The grant applications are due by February 1st. Award dates range from late summer to early fall. The grants must be completed within 18 months of the execution of the funding contracts. I think it is important to emphasize the execution of the funding contracts because that usually takes a couple of months after award time, so it will allow us for some additional breathing room for the planning and engineering of these grants.

The required match for each grant will be derived from the 2010 Capital and/or Endowment Fund. But at the time of the award, additional legislation will be presented authorizing the execution of the contracts and actually finalizing the matching funds and what accounts they may come from. It is important in the Resolution to have a source of matching funds in order for ODNR to accept the applications.

I will now give just a brief explanation of the four grants and as the Director said, we can entertain questions afterwards.

Resolution (28-10) applies to the Clean Ohio Trails fund. The amount being requested is the max \$350,000. It is a 75/25 percent match. The match then would equate to \$166,667; bringing the total to \$466,667. Once again we're applying for the max that's available for all these grants and going to pursue hard to get the max.

In relation to that, JJR has been consulting with ODNR and it was suggested that the city seek funding for property acquisition as a tie into the Recreational Trails Program grant for the proposed trails in Sims Park. The purchase of the land would allow for the extension of future trails and development of additional recreational amenities. The key to this grant is the eventual tie into a regional trail. So by securing the land on the far east along with the land that we presently own at Sims Park, it would be the beginning of a long trail that could be tied into a regional trail.

Resolution (29-10) the Recreation Trails program which I was just referring to will go hand in hand with the first grant application. The max that we can apply for is \$150,000. It is an 80/20 match. The match would be \$37,500, bringing the total project to \$180,500. The overall plan for the Sims Park Trails would entail 5,000 feet of multi-use trails. As I said previously, this grant will piggyback with the Clean Ohio Trails fund grant application. But it is important to note that neither grant is dependent upon receiving either or grant, although the combination of the two was looked upon favorably by ODNR.

Resolution (30-10) the Land and Water Conservation Fund. The amount being requested is \$70,000 it is 50/50 match. The match would be \$70,000 and the total would be \$140,000. This along with the next and final grant application, the Nature Works Program, would be going towards the

extension of the existing public fishing pier by 100 to 150 feet. That would bring the existing pier out to approximately 250 feet into the water. Depending upon the engineering, we are also hoping to expand the pier from its current, approximately 15 feet width, to 20-25 feet in width.

The final grant Resolution (31-10) which is the Nature Works program, the amount requested \$100,000. It is 75/25 percent match grant. The match being \$33,333, bringing the total to \$133,333. Once again that would go towards the extension of the existing public fishing pier.

It is also important to note as I mentioned earlier that JJR who of course has had experience working with ODNR, especially in the project out in Perry. Through that experience and knowledge of each other we were able to have ODNR review the grant applications and we received positive feedback on the grant applications and most importantly positive feedback on the overall Waterfront Improvement Plan and its comprehensive approach to the project.

The positive feedback on the Waterfront Improvement Plan and the proposed expansion of public access to the lake is important to note. Our past attempts in obtaining funding from ODNR were turned down because the original plan was viewed as mostly a private sector investment with limited public access. That's why ODNR has embraced the Waterfront Improvement Plan wholeheartedly.

In conclusion, these grant applications should be viewed only as the first step, or the beginning to a comprehensive funding and implementation strategy for the Waterfront Improvement Plan as a whole. There will be more grant opportunities coming up from the State in the fall. Of course it is that time of year again for our Congressional requests and we will be working with Kenny Yuko for more funding from the State. If there are any questions, we would certainly be glad to try to answer them.

Councilman O'Neill – Thank you Director Pietravoia and Deputy Director Gliha for your continued hard work and everybody that you're working with, JJR and certainly my colleagues on the Steering Committee, Mayor. This is not the beginning, we've already started. This is a step in the process. We only need about \$28 more million and we'll have it done.

My question is, currently with Ohio's economy, do you Mr. Gliha sense some urgency that we get this application in and secure those funds? Or, are we in jeopardy potentially if we don't get this filed right away to possibly losing these funds? Can you comment on that?

Asst. Director Gliha – I don't think it's a matter of necessarily losing a chance for these funds because the various grants are funded by set procedures. But the key thing is the overall part of the implementation of the program. There are other grants and there are capital requests that we can put in. If we receive these grants, it goes a long way into opening up the doors to those other sources of funding, which may be affected by the economy.

Councilman O'Neill – Thank you and it shows that we are committed to this project by purchasing the one parcel of property on 248 for the sewer project and the lakefront development, roughly \$400,000 we spent on that combined with this grant money, hopefully we can get all the money that we're asking for. Certainly whatever we get, it is going to be used by JJR to the best benefit of the City. Again, thank you for your time and efforts.

Councilwoman Scarniench – Besides the piece of property at 248, is there any other property that we would have to buy? Is it vacant land or is there houses on the property now?

Director Pietravoia – Ultimately if you revisit the plan that we adopted last December, you'll see that we will need to either own or have agreements along the entire lakefront between the Normandy and going west to Sims Park. We would either need to buy additional property or enter into agreements with those owners in order to have access through or near their property. That's where one of the grants is specifically for, potentially for land acquisition.

I did want to comment on Councilman O'Neill's question as well. I think the important point is that once we secure the funds, there's an 18 month period to expend the funds. That's after you negotiate or finalize a contract and sign it. As Mr. Gliha mentioned, there will be a few months involved, once the grant is awarded to get to that point. Really we're looking at two plus years because they won't actually announce the awards for several months and when we enter into the contract, that's when the clock would start. We have heard recently, not so much from ODNR, but other State grants, that are potentially in jeopardy if they're not expended in the time period because of the tight finances the State is facing.

Councilman Langman – Mr. Gliha, you've been around a long time like myself and Kirsten. Very enthusiastic, years ago when we applied for these grants. So for the folks that are watching at home, can you give a little insight into the help and expertise that JJR has brought to the process to enhance our ability to apply and hopefully successfully apply for these grants?

Asst. Director Gliha – Once again a little background. The original plan basically covered the property owned by K&D from the Harbor Town and Harbor Crest apartments. The four bowling alley lots on the east end of the project were going to be totally public access and/or condominium housing. When we applied using that limited concept at that point in time, ODNR and NOACA both felt that the majority of the project encompassed really privately owned land, the majority of the project was privately owned land. They saw, even though we included a boardwalk, they saw a very limited a boardwalk.

By bringing JJR on board, we brought a firm that had the expertise and proven track record of developing marina projects, waterfront projects, public projects throughout the United States. They were able to sit down, with the help of the Steering Committee and the various public meeting we had, and to take a look at what assets could be involved in the overall project, starting with Sims Park, which is at the beginning of our Downtown Euclid Area, which they considered a public asset, going all the way to the far east, to the project that we originally in its infant stages had talked about. With their knowledge and especially the knowledge of how the shoreline works and how things can be developed along the shoreline and what ODNR and the Army Corps would be looking for, with the help of the public input, they were able to help us develop a comprehensive plan that has now opened the eyes of the public agencies to see a plan that indeed will benefit the whole public plus be an economic development project in itself also.

It was through their guidance and expertise and past experience that we were able to open our eyes and broaden the project with the feeling that we had the expertise in the engineering, test and so on to be able to take on such a project.

Councilman Langman – To follow up either to yourself or Director Pietravoia, these grants won't be awarded until late summer, early fall. So what is JJR going to be doing in the interim timeframe and will we see a contract to retain them for whatever services come next?

Director Pietravoia – At the same time that we've been working on the grant applications, JJR has outlined Phase III work program. We'll be bringing that to Council we hope in February. We focused primarily on getting these accomplished because of the February 1st deadline but once this is behind us we'll pay closer attention to their recommendation for Phase III and bring that forward to Council. This will be more detailed design and engineering and specifically they would work on those items that can potentially be funded by the grants.

Councilman Langman – Would that be exclusive to what's in the grants, or would it be some elements overall that are important to the project?

Director Pietravoia – They would definitely work on the overall elements and move forward with a more detailed designed and engineering for the entire lakefront plan, but will specifically focus some energy on making sure they have the elements that are needed for these grant applications.

Jason Stangland who has been our continuing primary contact has been e-mailing again recently on additional grants that they've identified that they'd like to work on applications in the Phase III part of their work.

Councilman Langman – Very good. My only other comments is that it might help if all of our names were on these resolutions.

Councilman Van Ho – Director you mentioned that there was quite a bit of land to be bought. Do we have eminent domain right to take that if we have to, so that no one person or neighborhood association or something like this could stop this thing dead in the water?

Director Pietravoia – I see the Law Director wants to respond so maybe I should defer to him. I will just start off by saying we feel fairly confident with the input that we've received from the public so far through the planning process that there is an inclination to cooperate because the private owners see the benefit of securing and stabilizing the embankment there that would be part of this project. We also know there's a willing seller for significant part of the land that would be needed. I don't see that as a necessary tool, but I'll let the Law Director comment further.

Director Frey – I don't have the same contact with the property owners that Director Pietravoia and Deputy Director Gliha have and I know that concept of eminent domain in Ohio has taken on a somewhat of a negative connotation. Really the question that you want to ask is, is this a public purpose. I don't think there's any question about that, that this is in fact a public purpose. So if necessary, if we were unable to reach agreements with any of the land owners for access rights,

Council Minutes

January 19, 2009

Page 8

whether that was a purchase or some type of an easement, I do believe that we would have the authority to go to the Probate Court in the eminent domain process. But that clearly would be the last resort, we would want to exhaust all opportunities to reach a negotiated resolution.

Councilman Van Ho – I understand that the basis of my question was I just wanted to make sure we weren't investing a few million dollars and then get it stopped dead in the water by one.

Director Frey – I don't think that would happen.

Councilman Gilliam – Just a couple of questions or possibly comments. I definitely appreciate the city going after these four grants that are due on the 14th of February because as grant writers know or people who apply for federal, state or even local grants, the key is to get your name out there and possibly accrue as much money as you possibly can due to being competitive in your grant application. I hope that we are able to get them. I did look up the history of the 2009 awards and there were very few cities in Cuyahoga County that actually received. In writing this grant, is JJR going to be assisting in that capacity with the city? Or is the City going to be the lead and JJR assisting? Or is JJR going to be the lead and the city assisting? How will this grant application be originated from a city point of view?

Director Pietravoia – As it stands and the work that's been completed to date, JJR is actually taking the lead, they've had the primary contact with the State agencies, are actually writing and then we're reviewing and adding to the applications that they're preparing. They've taken the lead. That also is a difference from the past where we've attempted on our own, they've had more experience with the State agencies and have developed working relationships with the staff there, so it has really worked to our advantage to have some insight from them on where they think we should be making a request for this project.

Councilman Gilliam – I appreciate your comment and I just have one joke. When they do review the grants, let's just hope its not an English Professor because they'll cite you for English more than content. But I'm definitely in support of this and I'm glad that we're taking an aggressive approach to this, so thank you kindly.

Director Pietravoia – If you ask any members of my staff, they're fearful when I get the red pen out. We'll hopefully catch most of those before they get to the State.

Councilman Gilliam – They pay independent reviewers to look at that and sometimes you'll get a person that's just interested in the content and sometimes you'll get an English Professor that just wants to tell you every word you spell wrong.

Director Pietravoia – We want to make sure that's not a distraction and I agree with you.

Councilwoman Minarik – I have a question on the funds that we're pulling from. First of all, the Clean Ohio Trails should we get that Mr. Gliha, that's going to be used to acquire property, correct?

Asst. Director Gliha – That's correct.

Councilwoman Minarik – Because if there are those two remaining parcels over by the K&D land, that we eventually want to purchase, that money would be used to go towards that?

Asst. Director Gliha – That's correct Councilwoman. Along with acquiring a certain portion of the lakefront along the apartment complexes so that we would own like and "L" portion. So from 242 Street to the far eastern border, the City of Euclid then would have control of the lakefront. Which I think JJR referred to the two parcels, Sims Park at the far east end, as the living room entrances to our waterfront.

Councilwoman Minarik – Okay because then my next question was tied into that. With it coming out of capital and/or endowment fund, we are approximately four hundred some thousand in the Endowment fund?

Director Johnson – As of 12/31/2009 the Endowment Fund balance is \$557,133.58.

Council Minutes

January 19, 2009

Page 9

Councilwoman Minarik – We could take the 133 out of there. If it were to come out of capital, are we sure that we can take it out of capital? I remember a number of years ago, a previous council approved crack sealing I think it was and pavement and it turned out you couldn't use capital for that. We know that we could use the capital fund for this? Are we sure of that?

Director Frey – The issue is whether an asset has a useful life of more than five years and clearly this would.

Councilman O'Neill – Just a comment earlier on the term, eminent domain. I can assure you because it probably had some people's hair on the back of their neck stood up when they heard that. But that term never came up in any, any talks of the Steering Committee or with JJR. We are entering into a very social agreement if you will with these property owners. We have a very willing partner with K&D. As a matter of fact, some of the properties to the east of Harbor Town heading toward 248, again, Deputy Director Gliha mentioned, lease the area or own the property. Certainly we will look at both aspects on what's best for not only the city but for the property owners and there will be a mutual agreement. I don't believe and I am not in favor of any eminent domain. If it takes longer to negotiate, come up with an agreement that both parties can live with, then that's what we're going to do. I don't even want to hear that word mentioned again to be honest with. I respect the Councilman.

This project is also going to encourage some private investment, not only on the west end, but certainly on the east end. There will be property available, hopefully we'll see a couple of decent restaurants which will be private cash that's infused into developing some of that property. So as a project is developing, I think people are going to be pleasantly surprised, I'm sure they are already. But as this project develops, more ideas and more concepts, more finalized concepts will start coming out of it. Right now we have the overlay, we know the concept, we know the direction we're moving. This is another step. We've taken a few steps on this project already. This is just another step heading down that road. I don't know who coined the phrase, but a journey of 1,000 miles starts with the first step. We've taken a few steps already. I want to be very clear with those property owners, eminent domain, that word didn't come across our lips, it is not even thought about. Thank you.

Councilwoman Jones – My question about the amount in the Endowment Fund was already answered. My other question is, it says that it will come from the 2010 Capital and Endowment Fund. If the grants are approved, let's say September of this year, would the expenses start to come out in 2010 or would that be 2011?

Director Pietravoia – I think there's a real good possibility some expenses could come out toward the end of this year, but the majority would be in 2011, if the grants are awarded that late in the year.

Mayor Cervenik – Depending upon the situation, the timing, those amounts could be encumbered from the 2010 capital budget and then actually expended in 2011 and we could make that decision once we know if we've received all four of these, two of these, three of these, or any combination in between. It gives us a lot of options here.

President Holzheimer Gail – As Deputy Director Gliha said, if we do receive the grants, we will have to have additional legislation accepting them and at that point we can clarify and specify exactly where that comes out of and have the discussions of whether it is better from Endowment or Capital or another source that might be available.

Councilwoman Jones – My final question is, for grants of this nature, when the reimbursement happens, is it the total project has to be completed for those funds that are used before the reimbursement takes place or how does that happen?

Asst. Director Gliha – The State usually will allow you to do a draw down process. You submit monthly or bi-weekly reports showing with proof of expenditures and then they will reimburse the city usually through wire, so it is a couple day process.

President Holzheimer Gail – I just have two quick questions. One, Deputy Director Gliha, I'm sorry I didn't catch this earlier. When you were talking about the match amount, the fourth item, the Nature Works program calls for a 75/25, but the dollar amount you listed at were \$33,000. I just want to make sure that it is a 25% match that's listed in the ordinance, or do we need to change that to a 33%.

Asst. Director Gliha – You're correct, I somehow picked up the wrong figures. The match should be \$25,000.

Council Minutes

January 19, 2009

Page 10

President Holzheimer Gail – The resolution is correct listing 25%. I just wanted to make sure. My only other suggestion is typically with grant applications we ask for a copy to be sent to our State legislator, so I would like to have a copy of this sent State Representative Kenny Yuko, State Senator Nina Turner and also if you think it is appropriate the Governor and Lt. Governor as they've been part of some of the discussions towards the lakefront. I don't know Director Frey if we need to formally amend it to include that or if that can be just added?

Director Frey – We can certainly send them a certified copy of the Resolutions without making the amendment; or Council can amend to have that as a specific provision, it is up to you.

Councilwoman Minarik – The total of these with the city and if we were to get the grants is \$800,000. But the projects these are going to address are the much? Do we have a total of what the total cost of these projects would be, an estimate? Would they be more than the \$800,000 to implement them?

Asst. Director Gliha – Yes, the overall projects would be significantly more. The estimate to complete the pier to its fullest which would include the piles being driven, the design, engineering and permitting, JJR has estimated to be approximately \$1.1 million. The 5,000 linear feet of recreational trails, which would also include such things as bike racks, benches, trash, picnic tables, kiosk, parking bridges and so on; they have estimated that cost as high as \$1 million.

As we said earlier in the presentation, we do recognize these grants are the first step towards the implementation of the comprehensive strategy. We along with JJR intend to fully pursue all additional funding. You have to start with a down payment. By receiving even two of these grants, it will show that the State itself, ODNR is committed towards the project and will make pursuing other funds and going forward that much easier. So, no, if we get these grants we're not going to immediately going to be able to complete the projects, but it is going to go a long way in getting us there.

Councilwoman Minarik – Because we have to spend the money within a certain timeframe you said. So what we'll do is if we get any or all of it, we'll at least start building the trails, extending the pier and keep pursuing other; doesn't mean they'll be completed, but we'll get them started.

Asst. Director Gliha – We'll get them started definitely.

Councilman O'Neill – Just to expound on Mr. Gliha's statement, I believe Ed Freer from JJR did make the statement that we will do what the money comes in. The projects that the money is funded for, the grant money comes in for trails, we do trails. The grant money comes in for the pier, we will do what our money is allotted for. So, we're not going to, we have the ability to shift gears if we have to, but we are committed to the project and whatever phase comes in with grant money, that's what we're going to do. If Director Pietravoia wants to comment on that any further?

Director Pietravoia – Just to concur. You have to be flexible because there are probably two dozen different projects out of that entire plan that you could try to fund. So during this whole period we'll be looking for a grant funding sources for all two dozen. As they become available, it is important that we go after what's actually out there and fundable. Flexibility is going to be a big part of this. I know Councilwoman Minarik e-mailed me asking about the Great Lakes Restoration Initiative. The first round that's due at the end of this month as well, there wasn't really a good match there for anything that we're ready to implement. But, JJR has assured us there will be additional rounds and they'll be tracking that to see if we can go after funds through the Great Lakes Restoration Initiative. There's just another example of how you have to monitor what the funds are for and how they match what you're trying to do in your plan and we'll continue to do that as we move forward.

President Holzheimer Gail – Director Pietravoia, do you have a preference whether this specifically states that we send copies to our State delegation or we can do that on our own. Is it important that it is part of the Resolution?

Director Pietravoia – I think we can do it on our own. What we're hearing from some of the comments back, in fact sometimes they restrict who you send this material to because they don't want to be inundated with all the applications. We'll take some guidance from ODNR on that and if it is appropriate we'll send them also to all those officials.

Councilman Langman – Just want to make sure everyone is comfortable adding their name to the Resolutions.

Council Minutes

January 19, 2009

Page 11

President Holzheimer Gail – I think that sends a good message, I agree.

Councilman Langman – Let's go get the money.

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

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

Passed.

Res. 5-2010 (029-10) ODNR Trails Grant

A resolution authorizing the Mayor of the City of Euclid or his designee to execute and submit a Recreational Trails Program grant application with the Ohio Department of Natural Resources for a reimbursable grant in an amount up to One Hundred Fifty Thousand and 00/100 Dollars (\$150,000.00) and to provide the required twenty percent (20%) local matching funds for recreational trails/public improvements that increase public access to the lakefront. (Sponsored by Mayor Cervenik, Council President Holzheimer Gail, Councilpersons Langman and O'Neill)

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

President Holzheimer Gail – We heard all of the comments. We will add all of Council's names as sponsors. Any additional questions? Seeing none.

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

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

Passed.

Res. 6-2010 (030-10) ODNR Land & Water Grant

A resolution authorizing the Mayor of the City of Euclid or his designee to execute and submit a Land and Water Conservation Fund grant application with the Ohio Department of Natural Resources for a reimbursable grant in an amount up to Seventy Thousand and 00/100 Dollars (\$70,000.00) and to provide the required fifty percent (50%) local matching funds for land and water conservation activities and public improvements that increase public access to the lakefront. (Sponsored by Mayor Cervenik, Council President Holzheimer Gail, Councilpersons Langman and O'Neill)

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

President Holzheimer Gail – We heard the comments from Director Pietravoia and Deputy Director Gliha. We will add all of Council as sponsors. Any additional questions? Seeing none.

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

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

Passed.

Res. 7-2010 (031-10) ODNR Nature Works Grant

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

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

President Holzheimer Gail – Again, we heard the comments, we will add all of Council as sponsors. Any additional questions? Seeing none.

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

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

Passed.

Ord. (032-10) Rezoning 24690-24720 Euclid Ave.

An ordinance rezoning 24690-24720 Euclid Ave., P.P. # 650-36-001, 650-36-002, 650-36-003, from U-3 (apartment house) to U-4 (local retail) use district and further amending Ord. No. 2812. (Sponsored by Planning & Zoning Commission)

Councilwoman Jones moved for passage, Councilwoman Scarniench seconded.

First Reading. Public Hearing to be held March 1, 2010.

Ord. (033-10) Amend Code Waiver of Escrow

An ordinance amending Section 1759.04 of the Building and Housing Code of the Codified Ordinances of the City of Euclid to allow for the waiver of escrow when the amount to be escrowed is \$500 or less. (Sponsored by Councilman Van Ho)

Councilman Van Ho moved for passage, Councilman Langman seconded.

Councilman Van Ho – I would like to have this referred to the Housing Committee so we can discuss it and various other aspects of our housing inspections.

Councilman Van Ho moved Ord. (033-10) to Housing & Building Standards Committee. Councilman Langman seconded.

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

To Committee.

Res. 8-2010 (027-10) Rain Barrel Workshop

A resolution supporting the joint efforts of the City of Euclid, Friends of the Euclid Creek and the Cuyahoga Soil & Water Conservation District in hosting a Rain Barrel Workshop and Sale on Saturday, April 10, 2010, and authorizing the use of the Euclid Historical Society grounds for the workshop and rain barrel sale. (Sponsored by Councilwoman Minarik)

Councilwoman Minarik moved for passage, Councilwoman Scarniench seconded.

Councilwoman Minarik – It is that time of year again, this is so exciting. I would respectfully ask my colleagues to go along with this and even add their names to it if they'd like to. Last year the first rain barrel sale, between Soil and Water, they sold about 40-50 barrels and the big 60 gallons, we sold about 30. We have reserved 50 of the 60 gallon barrels already and soil and water has an announcement in the upcoming Euclid City Newsletter that's going out. We all know how important rain water is. I'm not going to go on that. The Friends of Euclid Creek have agreed once again, well they're supposedly meeting this week or last week, but they're pretty much on board with this. The Museum has agreed to sponsor the location. The Library instead of display in the City Hall Lobby, which doesn't get a lot of people except at tax time, we're doing the Library Lobby instead, so that will be good. This year we have more exciting things happening. We are having See and Say Environmental Technology located on E. 185th, which is the old TRW, it is a worm factory basically; they are going to have worm farm demonstrations. We are hoping to have other things that people can do in their backyards for sustaining our environment, maybe a butterfly garden. More details to come, thank you very much.

President Holzheimer Gail – The date will definitely be April 10th.

Councilman Van Ho – I would like to have my name attached to this because I'm getting to a point where I haven't met a rain barrel I don't like.

President Holzheimer Gail – Add all of Council it looks like and the Mayor would like to share in the sponsorship. Thank you for bringing this forward Councilwoman Minarik.

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

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

Passed.

Ord. 9-2010 (026-10) Code Supplement

An emergency ordinance to approve the editing and inclusion of certain ordinances and resolutions as parts of the various component codes of the Codified Ordinances; to provide for the adoption and publication of new matter in the updated and revised Codified Ordinances; and to repeal ordinances and resolutions in conflict therewith. (Sponsored by Mayor Cervenik)

Councilman Gilliam moved for passage, Councilwoman Scarniench seconded.

Director Frey – This piece is one that you may not have seen for awhile and if you look at it you see there's ordinances that Council passed as far back as September 2006 which is just becoming part of the updates to the Codified Ordinances. It doesn't mean those ordinances weren't effective, they were, but they were not part of the print version, nor were they part of the online version. This legislation approves in essence the update to the Codified Ordinances, both print and online. The Council Clerk and I have discussed this and we're going to work with American Legal Publishing to make that updating process a little more timely. I think it is absolutely inadequate to have our print and online versions out of date for such a long period of time. This is all of those changes that we made to the Codified Ordinances along the way from 2006 to I guess the most recent one was probably this summer, June 15, 2009. I don't want to wait another three years before we bring this back to you. I would ask your approval so we can get those print updates done. The online update is already available on the city's website. Glad to answer questions.

Councilman O'Neill – Director Frey, if you could just start with the first one and go through them and kind of explain to me?

Director Frey – I thought there'd be some smart guy who asked a question like that and it happened to be you. No, I can't, I'll give you the book to read later.

Councilwoman Scarniench – We're adding, but are we taking any out?

Director Frey – Only if any of these pieces of legislation would specifically repealed. We don't have anything else that went in and just repealed legislation. As these pieces were acted on individually, if they repealed a section of the code or modified it, then that would have come out in the print update and online update. We did not have anything that just made a sweep of our codified ordinances to delete archaic pieces.

Councilwoman Scarniench – Have we ever thought of doing that?

Director Frey – It would make sense to do that but quite honestly that's quite a job to go through and each section of the code and say we don't need this any longer and bring that to you.

Councilwoman Scarniench – Every once in awhile you'll hear the jokes about you're not allowed to take a bath on Sunday, that are in different places ordinances. I don't think we've got any of those, but it would be nice if sometime just to start to look at some of them and see what's obsolete to get rid of.

Director Frey – We have some things that are similar as Director Pietravoia points out, we still have some references to chicken coops and farming. If we wait long enough, those will all be back in vogue.

Councilwoman Scarniench – Give me a book, I love to read books.

Mayor Cervenik – In the City of Euclid, it is illegal to take a bath on Tuesday.

Councilwoman Minarik – What fund is this coming out of and how much?

Director Frey – It is coming out of the capital fund and we have done that the last several updates. I have the invoice but I don't recall, I believe it was about \$6,000.

Councilwoman Minarik – You want to do this on a more regular basis?

Director Frey – It is not going to reduce our overall cost, it will parse it out a little better. But, one of the things that happens with this is almost instantly our online and our print books are out of date. It doesn't make sense to me to be trying to insert into the book for such a long period of time to keep track.

Councilman O'Neill – I'm not sure if this would apply to this or not, but are there colleagues, perhaps law schools, that are looking for projects for their law students that could kind of break this down and take sections of it. Each individual takes a section of it and goes through it at basically no cost to the city, but they would work towards getting their degree. It is just a thought, I'm not sure.

Director Frey – From time to time we get expressions of interest on paralegal students working for the city on projects. Typically we have paid, we don't pay overwhelmingly for our law students, I think we get a tremendous value there, but we do have law students as the budget permits and space permits in places to work. It is a good idea from the Councilwoman to go through those and identify areas that we ought to consider for deletion. I'll make a point to get after that.

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

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

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

Passed.

COMMITTEE OF THE WHOLE

President Holzheimer Gail – That completes legislation and brings us to the Committee of the Whole, the Public Portion. This is where anyone may speak to the good of the city; please state your name and address for the record.

Ms. Rose M. Allen – 26241 Lake Shore Blvd. One suggestion that either the mic can stay down or there should be a little foot stool or something here for those of us that aren't quite tall.

Secondly, another suggestion, that maybe there would be some way that people watching at home would be able to see material that's been approved so that people watching at home would be able to see it.

I regret that I wasn't at the meeting when Lincoln Electric came and discussed their, well came an appeal for their project. I'm really very excited and happy that they were able to get the variance that they needed to move forward with getting a wind turbine erected in Euclid. I do know that that turbine will be there pretty much, it will be a functioning turbine and it will be an example, a demo, so that people can see what renewable energy can do in terms of wind turbine.

I'm also really, really pleased that Director Pietravoia is leaning more so towards having a green energy park in Euclid. I know he was a little reluctant at first when we talked about it, it might not be a great idea, but I think everybody who listened to the meeting and those who were actually there are pretty ready to believe that a green energy industrial park can be a reality.

Some of the things that I brought in support of that, is a map and I think I'll be able to share this with the rest of Council and anybody interested, is a map of renewable power plants that currently exists. All these places that have wind turbines are going to be in need of buying parts at some point. There is also a map of those that are in the planning stages. I am really, really hoping that Euclid will understand the urgency of now.

I am a member of the Great Lakes Energy Development Task Force and we had our meeting last week and our current Director, our leader, expressed the urgency of now because there's a lot of stimulus funding that's available for a first project of some sort. Definitely we want to be the first to have wind turbines on a Great Lake and a freshwater environment. The task force is moving very very quickly to make sure that we are able to be the first because there are some funds that will be lost if we

are not the first. Again, not able get up and running before somebody else gets on project because there is competition but not as quite as ready as we are. I'm hoping that we take that attitude again with going forward with soliciting companies to become part of a green energy industrial park because there are so many other things beyond wind turbine, blades and towers and engines and wiring that goes into a green energy park. Some of the things that I'm mentioning are items such as floating turbines. That's a new thing that's pretty much out there like more in the ocean-type but again parts are going to be needed. There are also turbine parts in all the green energy and alternative energy parts that can be made for private homes for recreation cabins, for boats, for rv's. There are enough companies, if we are willing to go after them, go seek them, get a bit on the assertive side and go after them and say, hey we've got a great place for you to relocate, or to locate and move forward with that.

There's a company in downtown Cleveland that's listed in the magazine, this is Power, I subscribe to it and try to stay abreast of it. It is downtown Cleveland in Terminal Tower. I'd love for us to say look, you can come and be part of the place that's going to be the place to be, how about considering coming out to our green energy park. These are some of the things that I hope we do to make sure that Euclid becomes the place worldwide for green energy. Thank you.

President Holzheimer Gail – Director Pietravoia, Ms. Allen had mentioned the recent Planning & Zoning Meeting, would you like to talk about the results?

Director Pietravoia – For those who were not able to watch the meeting or participate directly, there was a need for a variance, it was the only local approval needed for the turbine, all the other approvals are already in place through FAA and otherwise and that was granted at the last Planning & Zoning meeting.

Lincoln now as a company is concentrating on finalizing all their private financing and there will also be a contract between them and Kenersys, the company that will build the turbine. So those are their next steps and we are monitoring that closely and being supportive in any way we can. Their hope is to have the turbine up and operating by this Fall.

President Holzheimer Gail – It is very exciting, thank you.

Mayor Cervenik – So that everybody at home will hear this and also to remind City Council, as far as going to Cleveland companies and other companies in the area. We have an agreement with the City of Cleveland about non-poaching and it really is good practice for us to find up and coming businesses not in the area and bring them into the region rather than to go after companies there. I know she didn't mean it that way, but people often say, there's companies in Cleveland, just bring them out to Euclid, but that's not what we're here to do. We're here to grow the whole regional economy. That's why with our 82 acres we feel that we are going to make a great impact on this region and increase jobs throughout this region in the alternative energy sources.

Mr. Jeffrey Beck – 25540 Chatworth. I think the mic needs to be raised, I'm always hunched over when I'm talking, just kidding.

I would like to set the record straight as to some comments made at the January 4th Council Meeting. It was stated by a council person that the Charter Review Commission was not responsive to the citizens and that they did not have to answer questions. It was further implied that the Charter Review Commission had an attitude against the public. Nothing is further from the truth.

The facts are this. At the April 24, 2007 Charter Review Commission meeting, this council person, then a citizen, approached the podium and proceeded to call out a Commission member by name and accusing this person of a conflict of interest, serving on the Charter Review Commission, while announcing a run for council seat. This council person, again, a citizen at the time, then proceeded to attempt to engage in dialogue with the Charter Review member in question. This type of behavior is not permitted at Council meetings and it wasn't permitted at Charter Review Commission meetings. The Chairman of the Charter Review Commission used the poor choice of words when he stated, excuse me, our roles are to listen, not respond. I recall this citizen's tone as being accusatory and this person should have been ruled out of order and had their microphone turned off. Further, another Commission member asked this person to leave their contact information with the Commission and we would respond in kind. As far as I can tell, this never happened.

Charter Review Commission was responsive to every resident who spoke at the podium, as long as it was done in a courteous, professional manner. Clearly this did not happen here and the comments made by the Council person at the last meeting were taken out of context and just plain wrong. I would expect during council comments the person will apologize for their actions then and now. If any council person would like a copy of the verbatim minutes from this meeting, please let me know and I'll get them to you. Thank you.

Council Minutes

January 19, 2009

Page 16

Mr. George Riggan – 18901 Renwood Ave. President of Renwood, Naumann, Monterey Street Association. I have four items. One is the Block Watch signs. We had our new Block Watch signs put up. I had to get out of my car to walk up to read them to find out what they said. They are the stupidest signs. What happened to the old black, white and red signs with the slice through them? It's got more information on it about Euclid than it does about a Block Watch, it's about that big, an inch high.

Has anybody ever given any change to change the name of Briardale Greens, to something like Euclid Greens, or Euclid Briardale Greens? Half the people I know, don't even know, I'm not a golfer, but the people I know don't even know where Briardale Greens are. If you put Euclid in there some place, all well and good.

The AT&T boxes, who is responsible for the graffiti on them. The one on 185th and Renwood Ave., looks pretty, it has been graffiti up. Across the street, there's a business their snow plow, plows the snow, blocks the sidewalk, I called your office about it, but I never heard anything back about it. They plow their snow, they block the sidewalk and there's a lot of people that walk up and down that street and they're walking in the streets. If it is slushy, they've got to walk through the slush and the snow to get to it. Somebody ought to talk to these people, it's behind Top TV if you want to know, but that's where it is at. I thank you.

President Holzheimer Gail – We'll have to check about the Block Watch signs.

Director Frey – Those signs were designed and I don't know about the size of the print on them and that may very well be a fair question. I think we ordered 50 of them if I recall, but we wanted to include on those signs the city's current logo that's being used so we would better brand those as our community watches and also avoid some of what I think are the negative visuals from the existing block watch signs that are commonly used. The size of the sign, the size of the print is something we need to look at to make sure that they are in fact visible, that was the point of them after all.

President Holzheimer Gail – Your suggestion about making sure the name Euclid is part of Briardale Greens logo and marketing as we move forward is a good suggestion that we can pass onto Billy Casper Golf. I know part of their presentation was making sure that they work on increasing marketing and publicity so that would be a good suggestion to pass along to make sure the name Euclid is included in some way. I don't believe they have, we didn't give the authority to change the name of the golf course, did we?

Mayor Cervenik – No we didn't, nor do they have permission to change. We're hoping that they'll do such a good job of marketing Briardale Greens as it is named now that they'll all know it is in Euclid. It is a good suggestion.

President Holzheimer Gail – The graffiti on the AT&T boxes?

Director Frey – I'll contact AT&T. I was unaware of that being on our list. We've been getting a seemingly daily report from Director Will. We'll call Tom Fogarty from AT&T.

President Holzheimer Gail – It would be AT&T's responsibility because it's their box. I know the city Parks does do it on our public property, but that would require AT&T's removal.

Mayor Cervenik – We had a situation today, if however anyone sees a very offensive or otherwise, although all graffiti is inappropriate, if ever there's a situation where it's very offensive to those, you need to call us right away and we'll find some way to remove it, whether it is on private or public property. We've had a tremendous amount of graffiti lately and we're working on some ways to combat that. Or, you can notify us on egov.

President Holzheimer Gail – Do you have a comment on the snow plowing, Director Smith?

Director Smith – It is my understanding that matter has already been addressed.

Mr. Warren Wallace – 24430 Mavec. Good evening. Carrying on with the graffiti, let's be real, gang graffiti, that's what it is. Let the people know what it is; don't sugar coat it.

Second I want to talk about an incident that happened with my son and the high school. One of the gangs who's presently not in Euclid yet, on the border line, I won't say their name, threatened to come up to the school system and shoot the high school up. He was scared to death as well as a lot of other students. I want to say thank you to the Police Chief. He said the police was out there in force. They were out there for several days in force and showing that our children was safe.

Thank you Chief Repicky and your officers for caring and putting their life on the line, especially when someone is talking about coming and killing someone.

Second, the school district sent out a robo call several days later informing the parents that they had investigated, did everything they could to find out where the rumor came from and so far it was just a rumor. If I offend any of the Black council people, you know, stop me here. The problem is coming from these young ignorant Black students.

President Holzheimer Gail – Mr. Wallace, it is unfair to characterize, I would ask that your comments be

Mr. Wallace – That's politically correct or incorrect, but the fact remains coming from a Black man that the problem of these gangs are coming from Black youth and we need to address the issue. By sugar coating it and saying that you can't say race or whatever, we're just not dealing with the issue. That's one of the problems I have with the White power that be. You guys are so politically correct that you do not want to deal with the issue. The issue is that some of these ignorant Black youths are creating problems. They're creating safety problems in the City and they are committing criminal activity. They are writing gang slogans on the walls and you guys need to stop looking at it as a Black and White issue and look at it as a community issue. We need to address this as a community, not Black and White.

Unfortunately, coming from a Black man, it is the Black youth that are doing it and not all Black youths are doing it, it is just very few. You count five Black people in here, every last one of us are decent people. So you cannot say which White people have a tendency to say, not all White people and I'm not going to stereotype but I've heard it, if one Black commits a crime, then all Blacks are in cahoots with them. That is not true. Black people are decent people in whole. So we cannot stand by and allow Black people because of the color of their skin terrorize us, interfere with our quality of life.

We have to address these issues, not as black and white, but as a community. I swear today, I will stand by any one of you leaders who will address this issue. I will stand by it until the end, because this is a serious issue. Again, it is not a racial issue, but unfortunately from a Black man, it is coming from Black people, ignorant Black people. You have a tremendous amount of decent Black folks in this city who do not condone, who do not like, and who do not want that type of activity in this city and you have to address these issues and I am willing to help you no matter what it takes to address these issues. We have to back the Police Dept. They have kept it out so far, but we have to fight the root problem.

One of the root problems is some of these Black parents aren't handling their responsibilities to raise their children to be leaders or to be decent citizens. That is in total contrast to what Dr. Martin Luther King and others fought for, suffered for and died for and we need to address this issue that's happening with these Black youths and this gang activity. My name is Warren Wallace and I stand behind every word and believe every word I have just said.

President Holzheimer Gail – Thank you Mr. Wallace.

Mayor Cervenik – I don't totally disagree with Mr. Wallace. I will disagree that it is strictly a Black problem. I commend our Police force on a daily basis for keeping everyone in the community safe. But there have been many instances in other communities as well as the City of Euclid where students of whatever race, color, religion or creed, thinks it is cute to write threats on a bathroom wall or to call in a bomb threat. I think just this last week, Willoughby South, received its second threat in Lake County, they were going to be shooting the place up on January 15th. It is a social problem, I don't think it is just a racial problem. God help the students in any school system that get caught doing that. I will tell you that our High School and others are very safe, I'm not saying that they don't have some problems, like any other school system. But, the City of Euclid and its Schools are a very, very safe place to have an education. I will agree with Mr. Wallace that parents better get a move on and get their kids to do things correctly and that will make all of us a whole lot better. It is happening all over the country and all over the state and that's a state of affairs for society as a whole.

President Holzheimer Gail – We'll get to Councilmen's Comments, if you don't mind waiting. I do want to make sure residents are allowed to come and speak their opinion. We are certainly serious about addressing our problem whether they come from, no matter what race, no matter what background, it is important that we all continue to work together, live together and work together to discuss and address our issues. I know the Police Dept. is always happy to have assistance in that. We have programs available through our Community Policing Dept. Many of the council people have neighborhood meetings, community meetings on a regular basis to address the issues. We are doing what we can and certainly we can step up that effort with residents help as well. We do appreciate bringing issues to our attention and want to make sure that people know we do not feel that it is racially based. We will start Councilmen's Comments.

COUNCILMEN'S COMMENTS

Councilwoman Minarik – Director Smith I wanted to compliment you on the meltdown of the last snow, the streets were much better. I think I did notice that the plows did go deeper into the street. So they were plowing close and that might have had something to do with it.

Cuyahoga Soil and Water is calling for artists to paint, what else, rain barrels. Typically their rain barrels are white or blue. They're copying this from the Geauga Soil and Water Conservation program. Artists will have two months to paint a rain barrel in any way they choose and rain barrels will be displayed across Cuyahoga County in various locations and then sold in October. Anyone interested in painting a rain barrel, please call Amy Roskily, she's the Conservation Education Coordinator, 216-524-6580 Ext. 22. That's by February 15th.

The next thing I'd like to mention is that JJ Bike Shop on E. 185, motorcycle shop, has no re-opened as Resurrection Cycle after the untimely death of its former owner last fall, so that's a good thing.

The other one is I want to congratulate Abston's Restaurant on the gorgeous sign that they've put up at their restaurant on the corner of Fuller & E. 200th Street. Abston's probably has the best grits that I have had since I worked with the Marines in North Carolina 30 years ago, they're excellent. It is also the only breakfast buffet around.

Finally I wanted to refer to the resident who told me I was out of line at that Charter Review Commission meeting. I'm not going to apologize. At the time I was very concerned because the issue at hand that that Charter Commission was discussing was city council. I felt it inappropriate that Commission members that were going to run for office should actually be recommending changes to the Charter referring to City Council. I was not out of line, however I do believe that person at one of these particular council meetings was out of line when they personally attacked one of my colleagues based on their religion. They were not called out of order and they should have been.

So I'm not going to apologize for questioning as a citizen, which was my right and I wasn't upset, I get passionate, all right. But I was not upset or angry at the time.

Finally, Chief Cosgriff, I have a question for you regarding the comp time. If I can understand this better, that Sunday when the shifts went down to 13, the explanation I was given was that one firefighter called in sick, the others were comp time. Is there a way that when a shift is going to drop below safety levels that comp time can be refused to a firefighter? That's all I have, thank you.

Chief Cosgriff – No they put in their comp time requests up to 12 days in advance and it is approved in a timely manner. There's really no way to revoke that comp time that's already been granted. A person could be on vacation, out of town, and there's no way to get them back into service. We were not at 13. We did drop below 16 and went to 15. We were not at 13 on that Sunday.

Councilman O'Neill – Just to respond to what that one resident was talking about on the problem with some of the youth in this city. I just want to be very clear that the vast majority of the youth in the city are good kids. Some maybe in need of some proper direction, maybe a little bit more parental guidance, but the problems we've experienced in Euclid as an inner-ring city, trust me is not any different than many, many cities that surround the City of Cleveland. I dare say even beyond that, even the outer-ring suburbs. We are not unique to some of the things we are experiencing although it seems like people have a tendency to put Euclid in the limelight. Unfortunately the Police Dept. doesn't get the kudos that they should have in the paper when the negative press is reported, they never seem to follow up with how many of these knuckle heads get arrested and incarcerated. I say time and time again, and I will say it tonight that thanks to Chief Repicky and the Police Dept. for an excellent job they do. They're out there and I'm not going to comment any more on that being a police officer myself.

To Director Will, I had a resident speak to me about the arena and they had gone there for an event or something, I'm not quite sure what it was, but they said there was no concession there. Can you comment? Do we have a concession there at the arena now?

Director Will – We currently have a contract with a concessionaire. They are going to be open for the remainder of the year for our public sessions and our learn to skate on Tuesday and Saturday and then special events unless they made other arrangements with a group to do it themselves.

Councilman O'Neill – So they can expect that anybody that goes in there on the open skates and things of that nature, there will be a concessionaire there?

Director Will – Correct.

Council Minutes

January 19, 2009

Page 19

Councilman O'Neill – Director Smith, I sent you an e-mail kind of late today, I don't know if you saw it or not about 214. I had a resident make a complaint, actually I knew things were going to be getting better with the snow falling and the plowing because it was going to fill in the holes, but obviously we've had a thaw now and it is kind of mudding up. There were two concerns. One, can we get the contractor to do some temporary fill on the pot holes to get us through the balance of the winter. Two, are they, Trax Construction still responsible for that road? We do the snow plowing but as far as the pot holes and the driving conditions, as best as they can, I think the best they can do right now is put some gravel in the low spots, can we get that done?

Director Smith – There were several inquiries today in regards to the 214 project and we had some discussions with CT & KNM Consultants and essentially there's going to be some activity out there from the contractor. The entire road is going to be filled with asphalt millings for the length and it will be tapered into the driveways. We certainly appreciate the patience by the residents out there but there will be activity out there in the next two days that we think will improve the surface.

Councilman O'Neill – Obviously it is not going to be a paving job, we're not going to be able to get that done until the weather breaks. I have not driven down it, but I'm responding to a resident's complaint on just some of the pot holes. Thank you.

To the residents, there has been some break ins, in Ward 5. The knuckleheads were caught. Some of the problems is really going to have to come down to residents looking out for each other. The police cannot be everywhere. I tell people it is their gut feeling. If your gut tells you something doesn't seem to be right, make the phone call to the police department and have them send a car out there and let them decide where these people belong or they don't. In one case it was a couple of individuals that were walking around with snow shovels and knocking on doors wanting to snow shovel their driveway and people weren't home, low and behold, you've got a break in because nobody was home, unfortunately.

As far as the commercial property with the snowplowing. Last year I did talk about this I remember. You have these commercial properties that have a vendor that snow plows their lot for them, it is a sub-contractor, and it happens on Lake Shore specifically where they plow in the sidewalks and the residents can't walk down the sidewalk. This is a problem, it is a safety concern because if they're not walking in the street, they're walking in the parking lot, it is not designed to be walking up and down the parking lot. They shouldn't have to walk inside a parking lot or the streets, the sidewalks are there. It is the responsibility of the property owner, whether it be private property, a house or commercial property, of that property owner to maintain the sidewalk and access for the public.

As far as robo calls from the, if that's the proper term, from the School when there's an issue at the schools. Director Frey, can we as council, certainly myself, can we be added onto that list of people they call? There are times when something steps off at the school, I know it is a school responsibility but Council does get called on it and I certainly would like to be updated on what's happening so I can respond to the residents concerns.

Director Frey – I know those come both from the school and the administration from time to time, but from the local schools as well. I think we could work with Dr. Jones to see that Council members were added to each individual's phone list.

Councilman O'Neill – I don't want to speak to all council, but for myself, I would like to be added, no matter where it is at in the city, whatever school. The last thing I just want to comment on our green energy efforts. I know we're focusing right now on wind turbines, I'm out of time, I'm sorry, but I don't want to limit us just to wind turbines and solar because we happen to sit in a region that has a lot of shale that has a lot of natural gas. There's ways they are working on to blast through the shale and extract huge pockets of natural gas. If those companies are out there to develop that type of technology, I think that's something else we should be tapping into. I say, we go after everything, not just wind turbines.

Councilman Langman – First I'd like to thank Mr. Bock and Director Smith for addressing the rather large excavation on E. 250th where the Water Dept. is working on those lines. Any estimate gentlemen when they will complete their repairs?

Asst. Director Bock – They were hoping by Friday, maybe sooner. They're ordering the parts, waiting on the parts and are looking at a timetable that should complete it by the end of the week.

Council Minutes

January 19, 2009

Page 20

Councilman Langman – Can we check to make sure where they have the concrete barrier that it is appropriately marked? I know we have a flashing arrow so that people are in the center lane. But you come up on that concrete barrier very quickly and I'm afraid someone is not going to pay attention and smash into that and that's all going to be into that hole there. I'm looking forward to that to be completed.

Director Smith I'll ask you because right now the winter seems to have moderated a little bit. Is Great Lakes going to demolish the house next to the Normandy so they can begin the construction of that sewer line? Or are they going to wait until spring time? I see Law Director Frey wants to answer.

Director Smith – I know Director Frey may have some comments. Great Lakes stands ready to complete the operation. I receive an e-mail at least weekly from their project manager on that project, but it boils down to some other paperwork that I'm going to defer to the Director.

Director Frey – We don't have the signed easement back from Coastline Investment yet. I sent an e-mail today again to the attorney for Coastline asking for that document so that Director Smith can give the green light to Great Lakes to continue on the sewer project. As you are aware, they are going to be the contractor for Coastline on the demolition and to the best of my knowledge, they have not gotten the green light from Coastline to do the demo yet. I sent the attorney an e-mail today asking for an update and if I don't get an answer tomorrow I will e-mail or call again.

Councilman Langman – Thank you I appreciate it. Director Pietravoia, a lot of lakefront stuff, that's obviously good, but we have several technical issues we have to work through and maybe not now, but can you give me an update in your thinking when we might address for example the TIF district? Obviously we're going to have to change or perhaps terminate the current one and establish a new one. Can you give us an update on where we are on that and when we might begin that process?

Director Pietravoia – I do expect in the drafts that I have reviewed so far that JJR would like to work with us on that as well so I was expecting that would be part of the Phase III work that will be starting this year with JJR.

Councilman Langman – Very good. We have a lot of things that we have to juggle and I think I mentioned this before, it is imperative that we keep up the momentum because other communities are looking to do lakefront projects and we want to be right there, before those other projects kick-off.

Finally I'd like to wish the very best to John Malise who is in the hospital after a rather significant procedure, hope he comes home soon. A very Happy 90th Birthday to Robert Zivko and best wishes to my folks on their 59th Wedding Anniversary, which is tomorrow. I will see all of you at the Home & Garden Show. Thank you and good night.

Councilman Van Ho – First of all I would like to agree with Councilman O'Neill that we do have for the most part good kids. There are a few knuckle heads and they are the exception not the rule. The citizen may not have expressed it right, there are a few and I think our police are doing the best that they can given the circumstances at this point. I want to say that I also support the police on their approach.

I have question for anyone and that is, someone had asked if there is a place where low income people can go to get all of their taxes done? I know we've got booths out here for city income tax, but what about federal and state, does anyone know?

Director Johnson – That's a very good question, I'm glad you brought that up. The reason why we have PC's set up in the lobby is we are working with Cuyahoga County to provide income tax form processing for individuals that are eligible for the earned income tax credit. One of the discussion that we're having is we want to ensure that while they're here getting their federal and state tax returns processed that they will also, we'll make sure that they also get into our office so we get their City of Euclid tax return filed also. Anyone that is eligible for the earned income tax credit, will be eligible to come here and get their federal, state and city tax returns all processed free. They will be electronically filed for them for free.

President Holzheimer Gail – Do residents need to make an appointment, or who do they call to schedule that?

Director Johnson – I would suggest you call our income tax office. There's a poster outside of the door and there are other numbers. That will start the second week in February and it will run through the entire tax season. There will be some Saturday hours that will be available also and some evening hours and I don't know what that schedule is but I'm glad you brought that up.

Mayor Cervenik – We will also be running that on our Channel 20 bulletin board, the County number because this is a county service with our cooperation that they can call and make appointments. You can't just walk in and have it done like H&R Block.

Councilman Van Ho – I wanted to remind everyone that starting January 22nd, we are going to have the Home and Garden show. On January 23rd, Petpals has a fundraiser at Tizzano's. It's \$50 a ticket and it is very worthwhile, they stretch money unbelievably. I'd ask that everyone play for Haiti. They've lost the equivalent of the City of Euclid in people so far.

I would like to address something that came up earlier. I don't want to come off sounding like Attila the Hun of seizing people's property on the lakefront project. I wanted to make sure that there was no way that anyone could stop the project, number one. And in now way, number two, that anyone was going to hold us up for an unreasonable amount of money. That was my total concern. I agree with the councilman who said that we negotiate, negotiate, negotiate, but I want to make sure that if we have to we can do what we have to to put this project together because it sounds great. That's all I have to say except goodnight.

President Holzheimer Gail – I'm hearing that the Petpals event has been cancelled. Did I hear that Mayor?

Mayor Cervenik – Yes, I was told it was cancelled, so it will not be on the 23rd.

President Holzheimer Gail – I'm sure they will have another event and we'll make sure that everyone knows about it.

I just have a couple of announcements. Next Wednesday, January 27th, we will have an Executive Finance Committee Meeting and the agenda will be the two Charter pieces that were sent to Committee for discussion. One of which is from Councilwoman Scarniench regarding the start date of both council and the Mayor and the second piece was recommended by the Charter Review Commission regarding the Recall provisions. The other item, assuming that all parties are available will be the Lakefront Community Center contract. We will do that starting on 7:00 on Wednesday January 27th.

Council will meet February 1st and City Hall is closed President's Day, so the second meeting will be the Tuesday, February 16th. The budget hearing has been changed. I believe we're set for the 8th & 10th. We'll get the details to all of council and the public of course, but it looks like at this point, due to some changes we will have Executive Finance meeting on the budget on Monday the 8th, Wednesday the 10th and we could hold the 11th if needed and continue the discussion further as needed. I did want to make sure everyone had those dates on their calendars and we will be in touch with details about that.

I do want to thank Mac Stephens and the Rec Dept. I was able to go to Martin Luther King Program at the Sports Plant yesterday and there were a lot of kids and they were enthusiastic about it. I think the best part of the program was when he spoke to the kids and asked them their reflections on Martin Luther King and why we celebrate and how they celebrate and it really was, I want to thank Mac for putting that together. The other council people who helped, Councilman Gilliam, Councilwoman Scarniench, Councilwoman Jones, we actually ended up tallying scores and marking scores and it was a good opportunity to meet the kids and see what they could do and it was a lot of fun. That's all I have tonight.

Councilman Gilliam – Just a few questions then I have some announcements. Director Will, I believe it was in August, 2009 the Recreation Commission had agreed to allow Euclid Blade & Edge to have a reduced rate contingent upon them initiating a meeting with you and the Mayor regarding future agreements arrangements and also the need for us or the city to possibly increase charges for usage of the rink. I wanted to know whether EB&E has made any contact to reach out to the Mayor or you?

Director Will – Yes they have. They did contact me as soon as I returned, the first week of January, came in and spoke to me. We are putting together an information sheet for the Mayor. They did ask to wait until after their competition this weekend because they are having quite a few people coming in and will present something to myself and the Mayor and they are on the Agenda for the Rec Commission Agenda in February.

Councilman Gilliam – Thank you very kindly. Director Frey, to piggyback on Councilman O'Neill's issue with certain private businesses and enterprises and plowing their driveways or their parking lots. There are some impediments that they cause by plowing that snow onto city sidewalks. I do know that I've received a couple of calls regarding that. Euclid Ave. is a difficult area to walk and at night,

Council Minutes

January 19, 2009

Page 22

there's a possibility of a fatality that I want to avoid. My question to you is, are there any ordinances or any type of letter of notice that we can send out to our businesses saying that we appreciate you being here but there's a responsibility in owning your business as far as getting those sidewalks plowed?

Director Frey – Yes, it is the responsibility of the adjoining property owners to clear the sidewalk. We do have ordinances that prohibit the obstruction of the sidewalk. How we get that information to those property owners, when that occurs, I think is going to have to happen through a complaint and/or inspection process that we're going to have to stop and notify those property owners that they must clear that obstruction and they've got some period of time, very short to get their contractor back out there to do that. I'll have to check to see if the contractors are all registered on an annual basis with the city. If they are, that's the point in time to make them aware that they may not obstruct the sidewalk. We'll have to follow up and do a little follow up on that. I think that's a very good point. I noticed some spots along Babbitt Road and it is a concern particularly given the fact that in the last two years we've made a conscience effort to clear sidewalks around the school area so that our kids are not walking out in the street and can walk safely on the sidewalk. To then go through that effort, which we have done, we bought equipment, we use it, and then to have somebody plow onto that sidewalk, those plows will not, those small sidewalk plows will not eat through those. More likely is they're getting plowed over, what we've just plowed on clearing the sidewalk. I think it is a good point we need to address.

Councilman Gilliam – We have a big pedestrian population in the City with bus routes and children going to school. We just don't want to come into a situation where we have to address a fatality.

Chief Repicky, I received an e-mail that you and the Mayor have received about some break ins in the Indian Hills Neighborhood. I noted the Mayor responded about looking at shifting or shift or staffing patterns to increase a presence in that particular area and even across the city. I was just wondering is there any information you can offer as far as potentially when this may happen? Or is this something that you as a police officer would not want to discuss publicly, I'm willing to hear you privately. I just want to know what your comments are just for the residents out there.

Chief Repicky – We have increased patrols, not only in Indian Hills but throughout the city. I really don't want to discuss how we're doing it.

Councilman Gilliam – Fair enough.

Chief Repicky – I believe we are making an impact in the city as far as break ins go. I do want to comment on the snow plowing incident. Not only is it the businesses, but we have private ones that are plowing driveways and I caught one two weeks ago, plowed right into 222 and left it there. Unfortunate for him I caught him and sent him back to clean it. That's the other issue is we clean the streets and then they plow right into there. My officers have been advised to keep an eye out for people who are plowing into the street and leaving it there, that impedes the city workers that have just cleaned the street.

Councilman Gilliam – Just to piggyback on what you said, if there are contractors that are operating in private homes, those contractors have to be registered with the city, correct?

Chief Repicky – Yes they do.

Councilman Gilliam – Because I had an incident on Glenridge with the exact same issue and I asked the gentleman, consider the city plowing the tree lawn and I even had an argument with the owner of the home and I appreciate you bringing it up because a resident did bring to my attention and I forgot to offer that as well, so thank you.,

Chief Repicky – They are registered with the Service Dept. and we get a copy at dispatch so we know if they're registered with the City.

Councilman Gilliam – Director Smith, I know that the snow has melted and some of the problems of ice and snow have mitigated, but I did receive a few calls and it kind of goes back to what Councilwoman Minarik had said about the salting of the streets and not being able to have a plow come back through to remove that slush. I don't like to come with complaints, I like to come with solutions and I'm naïve to know your job, so help me understand. Is it possible for any of your particular staff, when they are salting to notify or to call in that there maybe a need for an extra plow, someone to come in on another shift to possibly address that? Or, is it possible that we can use, with

Council Minutes

January 19, 2009

Page 23

the cost of rock salt being extremely high, is it possible to look at other alternatives, such as just in some cases for a minor compromise, all purpose cinders. We talked about cinders and what that does to people's homes, but is there any solution that you can think of or possibly a recommendation that you can provide at this time?

Director Smith – I would say with regards to the issue that it occurred a week or two ago that we had discussed at our previous meeting, that was more so an issue of just the use of the salt and the timing. If material was going to be applied, that we were receiving a benefit that we would realize after it was applied. That it simply would freeze up again, and we didn't see that benefit. As far as the manpower and the work force, currently we're working 24/7 through shifts. I know there's been some questions with that but as the Superintendent sees fit, additional manpower is called in. It is a fine line between what is on the ground, what is anticipated and the type of materials that are being used whether it be salt or the liquid calcium. To say that we're always going to get it right, not necessarily, but we'll do our best.

Councilman Gilliam – I appreciate that, thank you. For time's sake I will end.

Councilwoman Scarniench- Bunch of announcements, but first of all I want to congratulate the students last night at the basketball skills challenge. It was wonderful to watch these kids get out there and not be afraid to jump rope. They were making me tired. Tossing that ball around and doing things a little different than they did last year. They were excited, they were enthusiastic about everything they did so I congratulate each and every one of them on a job well done. It was to bad because Mac Stephens wouldn't let us answer the questions. The kids were able to win tickets to go to the Cavs game by answering these questions right. It was kind of cool, he wouldn't take us.

Thanks to the Streets Dept. that water leak on Euclid Ave., they kept the street absolutely clean as can be, so there was no ice build up or anything because I was really afraid about that. Thanks to the guys for a job well done.

Now just a bunch of homeowner association meetings. Tomorrow night, Heritage Park Community Association. It meets at the Museum on North Street at 7:00, for the folks in that area. Also the Sherwood Forest Friends meets tomorrow night at 7:00 at Glenbrook School in the Library. On Thursday, the 21st, the Chardon Hill Association meeting meets at St. Ann's Dining Hall at Our Lady of Lourdes Shrine and Judge LeBarron will be the guest speaker there and she's awesome if you haven't heard her.

Also on the 21st, at the southwest mini-station, we've got the Family Needs to Know series and it starts this Thursday at 7:00 and then next Thursday, January 28th another meeting. The one this Thursday is entitled, Teen Drug Slang, a dictionary for parents. The one for next week is Sexting, a Disturbing New Teen Trend. So if you've got kids at home and you're interested, please be there. The one this week is hosted by the Euclid Police Dept. The one next week is hosted by the Family Behavioral Health Services. More information, call Audrey – 289-2933.

Everybody has talked about the Home & Garden Show so I will too because it is Ward 2. Just remember this is the original, the 67th Annual Home & Garden Show. Don't let anybody tell you that theirs is the one. This is the one, here in Euclid, happy to have them. Ribbon Cutting is 10:45 on Friday, I will be there, hope to see you guys there too.

On Tuesday, 26th, we're attempting to start a new homeowner's group in the Goller Area. It is Goller, Arbor, Trebec, E. 208. If you're a resident in one of those streets, I hope you'll try to attend. The meeting starts at 7:00 and it is at the American Legion Hall on Arbor.

On the 28th, is the Lakeland Homeowner's Association and that takes place at Gateway Manor, that's also at 7:00. I will be at all of them at one point or another, so I hope to see you there.

The last thing is because we've changed schedules around, I would like to call for an Assets Committee Meeting on February 3rd. We'll start at 6:30 and hopefully we will hear from the Museum to find out their plans for fundraising, followed by Coral talking about what's going on at Shore and their plans because we definitely need to look at this before budget hearings to know where we're going.

Last but not least, unfortunately I would like to send out my condolences and sympathies to the family and friends of Gil Paschali. Gil lived next door to St. Paul's for the last 77 years. He lived and breathed St. Paul's. He passed away last week, so my sympathies go to his family and friends. With that, goodnight.

Councilwoman Jones – I also went to the Sports Plant last night for the Martin Luther King Sports Challenge and it was a great experience to see all the kids and the challenges that they were doing. They had five events and they showed good sportsmanship in turning in their scores, they were honest about the number of tries that they had for each event, so I commend Mac for putting that together and the coaches that he worked with, thank you for that.

I also want to congratulate the Olive Twist at 26159, they're celebrating their one year anniversary. They had a celebration on Saturday and they had a jazz band called the White House Band, which was a very good band. It is a make up of different people throughout the States and they all themselves Senator, whoever. It was a very nice event and thank you for Mr. Howell for inviting me to that.

There are a couple of other events I want to announce. On January 31st there's an event going on called the 3D Event. The 3D stand for, you don't need your 3D glasses for this. 3D stands for Diversity of Food, Diversity of People, Diversity of Art. It is January 31st, Sunday, 2:30-4:30 at the Master's Church, 771 E. 260. You can RSVP to BRIDGES at 216-481-3272 by Friday, the 29th. If you'd like to bring a food dish, you can. It is just an event that will help to build bridges of different nationalities, races and such. That's the diversity, food, art and people. Hope to see you there.

Another event coming up on February 20th is a company called the Second Chance Foundation Outreach program for ex-offenders. This woman I spoke to, she said she put this program together because she had family members, they don't live in Euclid, but she had family members who had been in jail or prison and coming out, not knowing what to do as far as job employment, places to live and things like that. She helped them through that process are realized there is a need for others who need that help as well. On Saturday, February 20th, from 2-4:00 at the Euclid Library, there will be a seminar for ex-offenders and you can come in and get information. It is free. For information call 216-269-8542.

I'll skip over the events that Councilwoman Scarniench has already mentioned. I have a few questions that I would like to ask. Director Smith, can you give me an update on the hill leaking on Brush Ave., what the status of that is? We're into the season now where the snow that we did have is all thawed away, so now there are larger chuckholes that were there before. If you can give a status, it's still leaking.

Director Smith – As you know through some of our e-mails we've had a lot of discussion with the Cleveland Water Dept. We basically started at the bottom of the ladder and worked our way up to the top. My last conversation was with the Supt. of Water Mr. Patton Hall. At this point the Water Dept. is in the opinion that it is not their problem. At some point this week, the Streets Dept. will be out there to dig some test holes to see if we can locate the problem ourselves and we'll proceed from there.

Councilwoman Jones – In the meantime, is there some way we can patch up some of those additional holes that have surfaced after the snow thawed?

Director Smith – We will certainly do that.

Councilwoman Jones – Director Will, is the Family Game Night still on for January 27th? If you mentioned it earlier, I'm sorry I didn't hear that.

Director Will – I did not mention that. As of 5:00 this evening, we only had one person register for that. I believe a decision would be made at this point that we will not have it on the January 27th, but we'll look to try it again in February.

Councilwoman Jones – A couple of other people had comments about snow plowing. This is our first full winter that we're going through without the Circulator, so it is very important for people to make sure that you get the sidewalks shoveled. One question, is it possible that the Chamber of Commerce could send out a letter to the businesses who are part of the Chamber and make sure those businesses plow their sidewalks in front of their business. It is not going to get everybody, but it will at least get a large percentage of those and help to cut down on the amount of people walking the sidewalk. I have seen from people with wheelchairs to the carts, walking down Euclid Ave. because the sidewalks were not plowed. It is definitely a safety hazard.

Mayor Cervenik – We can certainly forward that onto them and ask them to do that, yes.

ADJOURNMENT

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

Attest:

