

COUNCIL MINUTES
JANUARY 21, 1997

The regular City Council Meeting was held on Tuesday, January 21, 1997 at 7 PM in the Euclid City Hall Council Chamber. President Farrell presided.

Members Present: Cervenik, Dallos, K. Farrell, Flowers, Korosec, McGarry, Miller, Vadnal, J. Farrell

Others Present: Mayor Oyaski, Law Director LeBarron, Service Director DiNero, Asst. Service Director Gulich, Recreation Director DeMinico, CS&ED Director Koran, Finance Director Balazs, Administration Director Johnson, Commissioner Apanasewicz, Mr. Hayes, Police Chief Baumgart, Asst. Fire Chief O'Connell, Superintendent Gall, Sgt.-at-Arms Stankus, Clerk of Council Cahill.

Council Minutes

Councilwoman Miller moved to receive and approve the Council Minutes of January 6, 1997. Councilman Vadnal seconded.

Communications

Council has received the following communications:

From the Department of Liquor Control a Notice of a Hearing for the Pyramid Lounge & Restaurant.

A memo from Mayor Oyaski concerning an Update on Urban Sprawl Responses.

From Director Koran, the Euclid Community Concerns December Report.

From Director DiNero, the Revised 1996 DMG Financial Audit Report.

The District One Public Works Integrating Committee announcement that the Newton Ave. Project will be awarded Issue 2 funding.

An invitation from Mayor Oyaski to attend The Celebrity Basketball Game to benefit the DARE Program on Thursday, February 13th.

From Police Chief Baumgart, the Estimate of Cost per Cage at Animal Control.

From Director LeBarron, a summary of legislation on tonight's agenda.

Administration Reports and Communications

Mayor Oyaski - I want to direct the Council's attention to the notice sent out by the Chair. President Farrell and I discussed the schedule for the upcoming budget hearings which you have before you, and relative to that point, I'd ask the Finance Director to make a few brief remarks.

Director Balazs - It's time again for our budget hearings to finalize our 1997 appropriations and we'd like to set up the budget hearings to begin next Monday evening, January 27th. We will be scheduling the Fire Department, Community Services & Development Departments, and the Administrative Departments for the first evening. The second evening, Wednesday, January 29th, we will start with the Police budgets and continue on with the Recreation and Parks Department, and finish up that evening with the Public Service Department. We have a third evening scheduled to be free in case we need it, and the capital budgets will be discussed on February 5th. The pertinent information will be sent to City Council, hopefully this Thursday, and after you have received that and received it, if there are any questions, please contact me for any further clarification. Hopefully we'll have a good start next Monday evening and begin our budget hearings and finalize our budget which has to be finalized by April 1st of this year.

Mayor Oyaski presented Diane Wish of the Center For Dialysis Care, with Resolution 16-1997, for the grand opening of its newest center.

Mayor Oyaski and Councilman Cervenik presented Resolution of congratulations to the Villa Angela/St. Joseph Lady Vikings Basketball Team for their first place finish at the Jim Clark Hornet Holiday Classic Tournament.

Reports & Committee Minutes

Councilwoman Miller moved to receive and approve the Fire Report of December, 1996; Police Report of November, 1996; Euclid Community Concerns Report of December, 1996; Community Services & Senior Programs Minutes of 1/13/97; and Board of Control Minutes: 12/16/96, 12/30/96 and 1/6/97. Councilman Korosec seconded. Yeas: Unanimous.

Committee of the Whole

Councilman Dallos moved to go into Committee of the Whole for Legislative Matters Only. Councilman Flowers seconded. Yeas: Unanimous.

Rosemarie Woods, 20671 Trebec Avenue - First of all, I want to request that legislation (228a-96) be put on hold pending further investigation into a clearer picture of exactly what the euthanasia costs are, the cost of keeping an animal at the Euclid Pound, and a detailed breakdown of how current animal control dollars are being spent.

Ms. Woods - Secondly, I want to commend Mayor Oyaski for suggesting at last week's Safety Council meeting that the liaison meetings be revised to discuss ongoing improvements at the Euclid kennel. Some suggestions to be considered are: 1) a pilot program, perhaps 6 months, of putting two compatible dogs in one kennel as a way of keeping more dogs and contributing to their mental and physical well-being. People kennel their dogs when they're going on vacation or for other reasons. These periods can be from one week to several weeks with no permanent behavioral problems occurring. Homeless dogs are also able to be kennel with no adverse effect to them. A trial program of two compatible dogs in one kennel will give us needed and valuable information regarding this issue. And, as a footnote, I'd like to say that Dorothy Spelko, who is present here tonight, and used to run the Euclid kennel, would put two or more small compatible dogs together with no adverse effects. So, she's done it for many years and she is a good source; 2) renting any available space to those humane workers who routinely rescue animals in Euclid; 3) a committee of several people, including a veterinarian to determine which animals will be euthanized. We must be sure that animals brought in from other suburbs will not increase animals being killed sooner than absolutely necessary.

Madeline Scarniench, 1511 East 221st - Item No. 7 on the Agenda. Have the streets been slated yet for whose sidewalks are going to be done this year?

Director DiNero - As for the sidewalk program, not yet. We won't do that until sometime in the Spring; we'll make the survey.

Ms. Scarniench - Please keep in mind E. 193rd off Euclid Avenue is begging to be in the sidewalk program this year, and I said I would tell you again. Thank you.

Helen McCarthy, 22350 Lakemont Ave. - As CPRC indicated in the past to Euclid City Council, and as recently as last week to the Safety Committee, members are opposed to passage of Ordinance (228-96). Through discussions among CPRC members and with individual Council members, the most serious problem with (228-96) turns out to be its potential for killing many more animals each at the pound. It is true that euthanasia of Euclid's homeless animals is a sad necessity at the pound, but the pound need not be responsible for killing the homeless animals of "neighboring municipalities," and if the pound starts to charge money per animal taken in from these other cities, CPRC has no problem with a charge per se. A potential for abuse exists if it were seen as an attractive source of revenue. That is, animals brought in would be all the more quickly killed to bring in still more animals for more money. CPRC would like to see a program worked out with the Mayor, the Dog Warden, and a representative of CPRC to evolve policies at the pound to hold healthy Euclid animals for adoption as long as possible before euthanizing. Such efforts could make the pound a showcase humane animal shelter. I have attached a copy of the statement read to the Safety Committee on January 15th. In that statement, I tried to set forth in more detail CPRC's concerns with opening the doors of the pound to that broad category of "neighboring municipalities." I appreciate Council's consideration of my statements and those of other CPRC members. In closing, I want to call attention to the ongoing attitude of disrespect, even contempt, continuously demonstrated by the dog warden to CPRC. In spite of years of requests, the changes in policies at the pound be discussed and CPRC representatives. After all CPRC has a proven track record of concern for homeless animals. There is still no communication. CPRC receives no information, even about pending legislation, until it appears on Council's agenda for a vote 2 or 3 days later. Then when, as now, CPRC finally has some input, comments and questions are met with anger and hostility. Can something be done about this?

Councilman Cervenik moved to rise and report. Councilman K. Farrell seconded. Yeas: Unanimous.

LEGISLATION

Res. 18-1997 (102a-96) Domestic Violence Council

A resolution supporting the creation of a Mayor's Advisory Council on Domestic Violence/Victims Assistance Program. (Sponsored by Mayor Oyaski) (Recommended for passage by the Safety Committee)

Councilman Cervenik moved for passage, Councilwoman Miller seconded.

Mayor Oyaski - I would respectfully urge the Council to approve this Resolution. It was unanimously recommended by the Safety Committee last evening. We are attempting to broaden the approach of persons served by the victim's advocate to focus on domestic violence but in no way limit it to victims of domestic violence. This Advisory Council has been requested by staff, approved by ISAC and will assist in promoting the service that's available and work toward preventing repeated victimization of the same individuals.

Councilman Korosec moved to close debate, Councilman Vadnal seconded. Yeas: Unanimous.

Roll Call: Yeas: Cervenik, Dallos, K. Farrell, Flowers, Korosec, McGarry, Miller, Vadnal, J. Farrell
Passed.

Ord. 19-1997 (228a-96) Animal Pound Space Other Cities

An ordinance authorizing the Chief of Police to enter into agreements with neighboring municipalities to allow the use of available space in the Euclid Animal Pound, based on the discretion of the Animal Control Officer, to house and care for dogs and cats that have been confiscated by the municipality and to reimburse and indemnify the City of Euclid for the time such space is used. (Sponsored by Councilwoman Miller by request of the Police Chief) (Recommended for passage by the Safety Committee)

Councilman Cervenik moved for passage, Councilman Flowers seconded.

Chief Baumgart - Most everything was discussed at our Safety Committee Meeting regarding this. There were some questions I would like to clear up. I gave you a memo that was sent to Cpt. Kordet from Ms. Lehmann regarding the amount of animals at the pound in 1996. There was 488 dogs; 8 of which came from Richmond Heights, 5 from Lyndhurst. There were 210 adoptions. There were 102 euthanizations of dogs. The rest of the animals were brought in and taken back to their owners. The same statistics are here for the cats as well. It is only a little over 2% of dogs brought in from other cities. If we have 488 dogs from all cities in our kennel and giving two weeks as an average time of how long a dog spends there, when you consider some are out right away when their owner comes to get them. Or, some come in sick and have to be euthanized, some are there for adoption. If you take that and you multiply that time, you discover after you divide it by the 365 days, we have an average amount of dogs 18.7 dogs in the kennel at any given day. Since we have 34 cages, it may look like it is empty. They are just doing their job and I think they are doing it very well. These figures are evidence of that. We are getting dogs out there to be adopted. We are getting dogs back to their owners.

Councilman Korosec - Where are the dogs from Richmond Heights and Lyndhurst being kept now? Are they overcrowded in their own facility?

Chief Baumgart - We have been doing this for the last 4 years as, in friendship to the city as a mutual aid to those two cities. They are the only cities that have requested it. We felt that we should do it formally since we have been doing it for 4 years informally. That's why we came to Council with it. Councilman Dallos may have an amendment that he would like to place on this item and I have no quarrel with that amendment.

Councilman Korosec - Are they overcrowded in their own facility? Do they have a facility?

Chief Baumgart - Richmond Heights has no facility. Lyndhurst has their own, but sometimes they get extra dogs they can't keep, because they only have a few cages and they will send them down to us. That's why there is only 5 from Lyndhurst and 8 from Richmond Heights. There are no cats from Richmond Heights and 25 cats from Lyndhurst. They do hold the dogs at Lyndhurst and sometimes we get the dog after they've held them, so we give them a better chance for adoption as well.

Councilman Dallos - I would like to offer an amendment in Section 1, where it says neighboring municipalities ...

President Farrell - Hold up on that for the moment. Any other comments?

Councilman Flowers - It was mentioned from the audience that we don't notify CPRC until the date it comes before Council.

Chief Baumgart - We also have Safety Committee meetings. They have a chance to come forward at the Safety Committee Meeting, which they did.

Councilman Flowers - They found out at Council? What happens if we just automatically go and pass it? Just out of courtesy that we notify them.

Chief Baumgart - The last few additions that we've come forward with were more housekeeping than anything else. I was surprised at the furor that these things have brought forth. It just amazed me. They are a great group and they have given us a kennel and we are certainly happy about that.

President Farrell - CPRC get every agenda.

Councilman Flowers - When do they get it?

President Farrell - When we get ours.

Councilman Flowers - During the Committee meeting we discussed, and I think it is important to point out that we make sure all of our costs are picked up and we are not just killing animals to free up the spaces, just because it is a policy decision. A lot of this discussion was discussed at the committee meeting and I just wanted to point that out.

Councilman K. Farrell - If we didn't take these dogs from Richmond Heights and Lyndhurst, what would Richmond Heights and Lyndhurst do with them?

Chief Baumgart - They would go right down to the animal protective league, the county.

Councilman K. Farrell - Would they have a higher chance of being euthanized there?

Chief Baumgart - Yes.

Councilman K. Farrell - By us taking these dogs, they have a better chance of surviving by being adopted. I think it makes sense.

Councilwoman Miller - It was also stated at the Committee Meeting, CPRC and the Administration used to have meetings every other month where they would discuss situations at the kennel and any type of new legislation. This, I believe, will start up again. The Mayor has stated that. It was also stated that if at any time it was discovered or information or anything would happen where they would be putting more animals down to make room for other animals coming from other cities, then we would bring it before Council again and acted on it.

Councilman Dallos - Section 1, says neighboring municipalities. I would like to limit it to the 2 cities, Richmond Heights and Lyndhurst.

Councilman Dallos moved to amend. Councilwoman McGarry seconded.

Councilman Cervenik moved to close debate on the amendment. Councilman Dallos seconded. Yeas: Unanimous.

Roll Call: Yeas: Cervenik, Dallos, K. Farrell, Flowers, Korosec, McGarry, Miller, Vadnal, J. Farrell

Amended.

Councilman Cervenik moved to close debate. Councilman K. Farrell seconded. Yeas: Unanimous.

Councilman Cervenik moved to suspend the rules, Councilman K. Farrell seconded. Yeas: Unanimous.

Roll Call: Yeas: Cervenik, Dallos, K. Farrell, Flowers, Korosec, McGarry, Miller, Vadnal, J. Farrell

Passed.

Ord. (283a-96) Wireless Communication Towers - To P&Z

An ordinance amending the Planning & Zoning Code of the City of Euclid by the addition of new Chapter 1399 entitled, "Wireless Communication Towers and Antennas" (Sponsored by Councilman Cervenik) (Recommended for passage by the Community Services Committee)

Councilman Cervenik moved for passage, Councilman Vadnal seconded.

Councilman Cervenik moved Ord. (283a-96) to the Planning & Zoning Commission. Councilman Vadnal seconded.

Roll Call: Yeas: Cervenik, Dallos, K. Farrell, Flowers, Korosec, McGarry, Miller, Vadnal, J. Farrell

To P&Z.

Ord. 20-1997 (320-97) DMG Audit - WWT

An emergency ordinance authorizing the Director of Public Service of the City of Euclid to execute a professional service contract with David M. Griffith & Associates, Ltd. relating to the performance of audit and cost analysis studies of the City's Waste Water Treatment Plant as well as other agreed upon services specified in the proposals. (Sponsored by Councilman Korosec by request of the Service Director)

Councilman Korosec moved for passage, Councilman K. Farrell seconded.

Director DiNero - This is an audit that is required by the Consent Decree and the EPA. It is done by David M. Griffith. They have done our audit in past years. They do a good job for us. Their contract is not to exceed \$45,000. Last year the cost was \$37,750. They do keep within their means.

Councilman Flowers - Is this to set the rates?

Director DiNero - No.

Mayor Oyaski - It is to review the adequacy of the current rates to ensure that they will meet the expected operating costs as well as our debt service. That's why the EPA wanted to make sure that we had sufficient funds to do the work that we promised them we would do. It is a rate review but it is directed towards making sure that we can pay to operate it, pay off our mortgages and keep current with our loans.

Councilman Flowers - We cannot change the rates? I remember when the rates were determined from the other communities they didn't put into the cost factor that our opportunity cost we lose because it is lakefront property. I thought that should be taken into consideration. When that was done, it was told to me at that point in time it was too late to put it into the study to include that but to ask the next time we go out again for rate reviews. Is this the time for me to bring up that issue?

Mayor Oyaski - I discussed with the President of Council the upcoming meeting, Monday, February 10th, to discuss the 1996 audit that the Council received in the middle of last year. I will ask Mr. DiNero and the Law Director to discuss adding in the 1997 audit, the suggestion you are making right now and he can bring it up with we sit down with the auditors on February 10th.

Councilman Dallos - Since I have a copy of the December 11, 1996 audit, and in this audit it states that the rates are good for three more years until 1999, operating. What are we looking at in this?

Director LeBarron - One of the reasons this is needed this year is because we are going to be negotiating new rates with the outside user communities. We need to have this audit done when we meet with the outside user communities. Under our WPCLF loan which are financing a lot of the work. They require that we have an approved proportionate user charge system with this type of an audit done in order to make sure that we still receive our loans.

Councilman Dallos - Are we going to take into consideration increasing the rates to raise capital to go into a separate account to fix sanitary sewers in the city?

Mayor Oyaski - Yes.

Councilman Dallos moved to close debate, Councilman Flowers seconded. Yeas: Unanimous.

Councilman Cervenik moved to suspend the rules, Councilman Dallos seconded. Yeas: Unanimous.

Roll Call: Yeas: Cervenik, Dallos, K. Farrell, Flowers, Korosec, McGarry, Miller, Vadnal, J. Farrell

Passed.

Ord. 21-1997 (322-97) NPDES Fee Ohio EPA

An emergency ordinance authorizing the Director of Finance of the City of Euclid to expend Thirteen Thousand Five Hundred Dollars (\$13,500.00) as payment for the annual NPDES discharge fee as required by the Ohio EPA. (Sponsored by Councilman Korosec by request of the Service Director)

Councilman Dallos moved for passage, Councilman Flowers seconded.

Director DiNero - This is the fee that we have to pay to Ohio EPA to discharge into Lake Erie from our Waste Water Treatment plant.

Councilman Cervenik moved to close debate, Councilwoman Miller seconded. Yeas: Unanimous.

Councilman K. Farrell moved to suspend the rules, Councilman Vadnal seconded. Yeas: Unanimous.

Roll Call: Yeas: Cervenik, Dallos, K. Farrell, Flowers, Korosec, McGarry, Miller, Vadnal, J. Farrell

Passed.

Res. 22-1997 (323-97) Holy Cross - UDE

A resolution granting a Use District Exception pursuant to Chapter 1375 of the Euclid Codified Ordinances to the Cleveland Catholic Diocese to allow the extension of a non-conforming use at Holy Cross Church located at 175 East 200th Street, P.P. #641-06-009. (Sponsored by the Planning & Zoning Commission)

Council President Farrell moved for passage, Councilman Cervenik seconded.

Director Koran - I would like to request from City Council that they waive the three reading rule for the Use District Exception. This property is Holy Cross Church that is currently zoned U-R-2, which permits a church. However, according to the Building Commissioner's interpretation there are also other uses on the property that are non-conforming, such as a school, public gathering and perhaps others. In that interpretation it requires a Use District Exception to permit Holy Cross to build their over \$2 million expansion. The community is in favor of that. The request that we waive the three readings and approve this tonight.

Council President Farrell moved to waive the three reading requirement. Councilman Cervenik seconded.

Roll Call: Yeas: Cervenik, Dallos, K. Farrell, Flowers, Korosec, McGarry, Miller,
Vadnal, J. Farrell

Three reading requirement waived.

Councilman Korosec - I know a lot of the people that I've talked to that go to that parish have a difficult time parking during mass. Is this going to take away any parking spaces? What are they going to try to do to alleviate the problem?

Commissioner Apanasewicz - They are going to tear down the rectory and rebuild a parish hall between the school and the church. There won't be any parking spaces affected. The Planning & Zoning Code requires an increase in parking. At the last Planning & Zoning meeting they granted a variance for that.

Councilman Korosec - There will be a net zero parking spaces?

Commissioner Apanasewicz - There won't be a decrease in parking spaces because of this addition and no increase.

Councilman Korosec moved to close debate, Councilwoman McGarry seconded.

Roll Call: Yeas: Cervenik, Dallos, K. Farrell, Flowers, Korosec, McGarry, Miller,
Vadnal, J. Farrell

Passed.

Ord. 23-1997 (325-97) 1997 Curb, Resurfacing & Sidewalk Programs

An ordinance authorizing the Director of Public Service of the City of Euclid to enter into contracts after advertising for bids for labor and materials for the 1997 Curb Program, the 1997 Resurfacing Program, and the 1997 Sidewalk Program. (Sponsored by Councilman Dallos by request of the Service Director)

Councilman Dallos moved for passage, Councilwoman Miller seconded.

Director DiNero - This is our annual curb, resurfacing and sidewalk program that we would like to do in 1997. I would like to go out for bids as soon as possible to get good prices on our resurfacing and curb program. Chances are the sidewalk bids won't go out until April or May.

Councilman Korosec - What was last year's expenditure for these three?

Director DiNero - Around \$500,000.

Councilman Flowers moved to close debate, Councilwoman McGarry seconded. Yeas: Unanimous.

Councilman Cervenik moved to suspend the rules, Councilman K. Farrell seconded. Yeas: Unanimous.

Roll Call: Yeas: Cervenik, Dallos, K. Farrell, Flowers, Korosec, McGarry, Miller,
Vadnal, J. Farrell

Passed.

Res. 24-1997 (324-97) Contract Correction Officers

A resolution authorizing the Mayor as Ex-Officio Director of Public Safety of the City of Euclid, to execute an agreement by and between the City of Euclid and the Euclid Fraternal Order of Police/OLCI, as exclusive bargaining agent for all Euclid Correction Officers. (Sponsored by Mayor Oyaski)

Council President Farrell moved for passage, Councilwoman Miller seconded.

Director LeBarron - This is yet another labor agreement that has been completed. This is with the Correction Officers that work in the City jail. This is a 3 year agreement. It is a result of binding conciliation. The same three percent across the board that was given to the other labor unions, the same health care changes, it is all the same as in the previous agreements that this Council has passed previously. Joe Melnik sent you a confidential memo on the specifics. If you have questions, I'll be happy to answer them.

Councilman Cervenik - Roll call briefing on the first page of the memo from Mr. Melnik. Employees will be credited with 26 1/2 hours of compensatory time for a year to cover all the roll call and briefings held after or before an employee's shift. What is the situation now? What is the change in that? They get no time at all now?

Director LeBarron - Currently they have been, I believe and the Chief would be better able to answer this, my understanding was that in the past they would hold people over for various roll calls because they have to have the actual jail staffed so they were paying for the time there. Or they were giving compensatory time. This set a pattern of how it was always going to be handled, rather than paying someone overtime for coming in early for roll call or allowing them to have compensatory time. It was agreed that they would receive the compensatory time for these briefings.

Councilman Cervenik - Whether or not they actually spend 26 1/2 hours in roll calls and briefings?

Director LeBarron - I can't answer that for sure, but yes, I believe that's correct.

Councilman Flowers - Has this been ratified?

Director LeBarron - This is binding conciliation. There is no ratification needed. Late in the fall we had brought this agreement and then pulled it because they did not ratify it. The next step required under State law was binding conciliation. That is what this step was. There is no appeal from this.

Councilman Flowers - This is in place of ratification?

Director LeBarron - That's correct.

Councilman Flowers - We really don't have any choice on this matter?

Director LeBarron - That's correct.

Councilman Cervenik - What if we did vote it down?

Director LeBarron - Then a law suit would be filed to require you to pass it since under State law this is binding.

Councilman Flowers - How will this affect our appropriations? This affects 1996 rates.

Director LeBarron - This agreement is for 1996, 1997 and 1998.

Councilman Flowers - Did we have anything in the appropriations to cover this?

Director Balazs - My department is currently estimating what the cost is and those figures will be included in the packet that will be sent to you this Thursday and we will discuss it in the budget hearings as it affects the appropriations. It will be included in the figures you will receive.

Councilman Flowers - If we saw this coming, we are kind of expecting this, were we not?

Director LeBarron - The decision came down on January 10th.

Councilman Flowers - If that was the case, you couldn't have planned for it.

Councilman Flowers moved to close debate, Councilman Cervenik seconded. Yeas: Unanimous.

Roll Call: Yeas: Cervenik, Dallos, K. Farrell, Flowers, Korosec, McGarry, Miller, Vadnal, J. Farrell

Passed.

Res. 25-1997 (326-97) Contract Bldg. & Hsg. Inspectors for 1995

A resolution authorizing the Mayor of the City of Euclid to execute an agreement by and between the City of Euclid and the Teamsters, Local 244, as exclusive bargaining agent for all Building and Housing Inspectors for the period of January 1, 1995 to December 31, 1995. (Sponsored by Mayor Oyaski)

Councilman Cervenik moved for passage, Councilwoman McGarry seconded.

Director LeBarron - This is another labor agreement with the Building and Housing Inspectors. This is a brand new union. At the last Council Meeting we had two separate resolutions, one for 1995 and one for the three year contract, 1996 through 1998. You have the same thing before you tonight. The first one is for 1995 only. This was a brand new union which was first recognized by the State Employment Relations Board in 1995. These individuals did not receive the ordinance which authorized 4% increase in 1995 because they had just unionized and negotiations had taken place. We have since completed negotiations. Since state law does not allow a labor contract to exceed 3 years, this first resolution is for 1995 only. It recognizes the bargaining unit as all Building and Housing Inspectors and authorizes a 4% increase that was done by ordinance in 1995.

The next resolution is to authorize a three year agreement with the same new union for 1996, 1997 and 1998. I would refer you to Joe Melnik's memo. These are the same increases that the other unions have received the 3% across the board. The same health care changes that have been incorporated in the other agreements and the non-unions.

Council President Farrell - Any questions or discussions on (326-97) or (327-97)?

Councilman Korosec - What time period in 1995 was this negotiated? Normally would they always go retroactive to the year that they are being negotiated? Or, would they normally go to the following year?

Director LeBarron - The reason this is retroactive is that they were not recognized by the State Employment Relations Board until 1995 as a bona fide union. The date of that recognition was late October. By the time we were negotiating an agreement, it was time to come up with a three year agreement, trying to keep them in line with all the other unions to have three year agreements that expired on December 31, 1998. That's the reason this 1995 is done retroactive.

Councilman Korosec - As soon as they are recognized, that is the year that the contract has to become effective?

Director LeBarron - No sir. The reason the 4% is going on for 1995 is because back in 1995 the Council authorized a 4% increase for all non-union employees. These employees at the time that raise was authorized by Council were in limbo. They had not been recognized by the State that they were an active bona fide union, but they were no longer just non-union employees, because they had filed their petitions with the state. They were not entitled to receive the 4% raise that was given to the non-union. Since they were then recognized, they did not get it because that ordinance was aimed solely at non-union employees. This has been ratified by the union.

Councilman Flowers - They weren't recognized by the State, we consider them non-union?

Director LeBarron - In 1995 they were in limbo. They had filed their papers with the State but it takes time for the State Employment Relations Board to go through an election to check out the positions to see whether or not they comply with the strictures of 4117 of the Ohio Revised Code. Only the State Employment Relations Board makes a decision as to whether or not it is a bona fide union.

Councilman Flowers - Where any of these increase appropriated for 1995 or 1996? Or, do we take the hit in 1997?

Director Balazs - We are going to take that hit when we found out the information in 1997. Those figures will be included in the packet that you will receive and we will go over those next Wednesday night.

Councilman Flowers - I'm concerned in a sense that you would have thought that we would expect to have some kind of pay increase and we would have appropriated since then. I don't like the idea of having to take a hit for three years all in one year, 1995, 1996 and 1997, all in the year 1997. Seeing that we had given raises of 4% to non-union and if they didn't get recognized we would have still given them the increase. You would have thought that we would have prepared for that in the budget. I'm concerned why wouldn't we have done that?

Director Balazs - That is one way of looking at it. In retrospect the unions, or most of them have been negotiated for three year periods so we won't have to face that problem.

Councilman Flowers - It would have been nice to know this during last year's budget hearings that we could expect to get a hit of a three year hit in 1997. Or a two year hit if it would have been resolved in 1996. From a budgetary standpoint, we should have been aware of it.

Councilman Flowers moved to close debate, Councilwoman McGarry seconded. Yeas: Unanimous.

Roll Call: Yeas: Cervenik, Dallos, K. Farrell, Flowers, Korosec, McGarry, Miller, Vadnal, J. Farrell
Passed.

Res. 26-1997 (327-97) Contract Bldg. & Hsg. Inspectors for 96-98.

A resolution authorizing the Mayor of the City of Euclid to execute an agreement by and between the City of Euclid and the Teamsters, Local 244, as exclusive bargaining agent for all Building and Housing Inspectors for the period of January 1, 1996 to December 31, 1998. (Sponsored by Mayor Oyaski)

Council President Farrell moved for passage, Councilwoman Miller seconded.

Council President Farrell moved to close debate, Councilwoman Miller seconded. Yeas: Unanimous.

Roll Call: Yeas: Cervenik, Dallos, K. Farrell, Flowers, Korosec, McGarry, Miller, Vadnal, J. Farrell
Passed.

Ord. 27-1997 (328-97) Euclid Community Concerns

An emergency ordinance authorizing the CS&ED Director to enter into a contract with Euclid Community Concerns, in an amount not to exceed Twenty-Five Thousand Dollars (\$25,000.00), for a period of twelve months beginning February 1, 1997 through January 31, 1998. (Sponsored by Mayor Oyaski by request of the CS&ED Director)

Councilman K. Farrell moved for passage, Councilwoman Miller seconded.

Director Koran - Every year our citizens advisory committee for the block grant entertains proposals from various non-profits to provide a variety of services to Euclid residents. For the past several years Euclid Community Concerns has been our fair housing provider through the Block Grant Program. This year the citizens advisory committee recommended \$25,000 funding amount for Euclid Community Concerns. If this ordinance is passed tonight, we will be able to fund them for the year 1997. All this money is derived from the Community Development Block Grant program.

I believe all of you are familiar with the services Euclid Community Concerns provides. They are doing an excellent job. Council in the past had criticized our previous fair housing provider, Cuyahoga Plan for a variety of reasons, one being accountability. ECC is doing an excellent job responding every month with monthly reports to City Council. I'd be happy to go through their program or any questions Council may have.

Councilman Cervenik moved to close debate, Councilman Korosec seconded. Yeas: Unanimous.

Councilwoman Miller moved to suspend the rules, Councilman Vadnal seconded. Yeas: Unanimous.

Roll Call: Yeas: Cervenik, Dallos, K. Farrell, Flowers, Korosec, McGarry, Miller, Vadnal, J. Farrell
Passed.

Ord. 28-1997 (331-97) Duplexes Hall Court & Babbitt Rd. Renovated

An emergency ordinance authorizing the CS&ED Director of the City of Euclid to execute a change order with the F.P. Allega Concrete Construction Company to authorize the exterior renovation of additional duplex dwelling units. The location of these seventeen duplex dwelling units is on Hall Court and on Babbitt Road between Tungsten and East 256 Street. The Director is authorized to enter into agreements with the owners of the preceding seventeen dwelling units to comprehensively improve the exterior physical appearance of each dwelling and to amend the agreement with F.P. Allega Concrete Construction Company to provide the labor and materials to make comprehensive improvements to each dwelling and to implement a separate landscaping plan. (Sponsored by Councilman Korosec by request of the CS&ED Director)

Councilman Dallos moved for passage, Councilman Korosec seconded.

Director Koran - This portion of Euclid Avenue has received the benefit of much private investment lately. The Mayor announced at the beginning of the Council Meeting that we were at a ground breaking for the Cleveland Dialysis Clinic last Sunday. With the recent expansions of Park-Ohio, University Mednet, the duplexes that I'm going to be talking about in a minute, Beverly Hills Tavern, on and on. This area in the City of Euclid on Euclid Avenue has really turned around over the past several years. The Council has noticed. The policemen have noticed that.

Director Koran - Part of the project in this area has been the renovation of the duplexes at 250 and Euclid Avenue. Mr. Gary DeWine has worked very, very hard on renovating almost every one of the duplexes in that block across from the Imperial House. It has been so successful we would like to expand the program to Babbitt Road and Hall Court, north of Euclid Avenue. What we are proposing tonight is to expand the program to include approximately 34 additional duplexes on Babbitt and Hall Court. The funds to pay for this rehabilitation will be derived from the storefront program that was set aside from the Stokes money. We are proposing an additional \$184,000 to be spent in this area, derived exclusively from the Stokes account. What we are anticipating is the same 30% match from the private sector and 70% from the City of Euclid, specifically the Stokes account. What Mr. DeWine will have to do after this ordinance is, hopefully, passed is go door-to-door, talk to the owners of each one of these duplexes and negotiate an agreement. Each unit is owned by a separate owner, therefore requires a separate to renovate the buildings. It is very time consuming, however, we feel the impact to the neighborhood is substantial. It will be 100% out of the Stokes grant. That leaves us a balance of about \$65,000 in the Stokes Grant. If there are any questions, I'll be happy to answer them.

Councilman Dallos - I had a couple of questions regarding how much money we were going to spend. I thought it should be in the ordinance as to the amount of money. This sort of makes it an open account, it doesn't specify the dollar amount. I would like to see the \$184,000 in here. I would like to know what the balance was on the Stokes account, because here it says, Special Purpose Grant. I think it would have been nice to have Stokes in parenthesis so we would have known where the money was coming from.

Director Koran - It does say Special Purpose Grant, that's the financial term for the Stokes account. However, if the Council would like to amend any part of this ordinance to put a cap of \$185,000, that would be fine.

Councilman K. Farrell - When I was Ward 3 Councilman I met with Mr. DeWine for this program for the houses on Euclid Avenue. At that time he had mentioned that they were not going to stop at Euclid Avenue. Obviously that is not the case and we are going to move forward to other areas where those duplexes are. I think the Administration should be commended for staying on the plan.

Councilman Flowers - You indicate here that the owner has to pay 30%. How are you going to do that? Is it an assessment or do you get the money up front?

Director Koran - Gary DeWine negotiates that or makes that very clear to the property owner. It is part of the agreement that they sign. Each agreement is a separate agreement prepared by the Law Department on the Community Development Department together. The owner signs this agreement. They reimburse the city. We pay 100% of the funds to the contractor and then the owner reimburses us 30%. It is inspected by the Building Inspectors as well as the Community Development Office. It does provide additional dollars to further expand the program. Council approved this two year ago, the first project. Now we are starting to get reimbursements that were received this year. That is why there is a little additional dollars to spend north of Euclid Avenue.

Councilman Flowers - We prosecute them if they don't pay us 30%?

Director Koran - We have never had that but obviously we could, yes.

Councilman Korosec - I would like to commend Mr. DeWine. I've had several meetings with him. He showed me pictures of all of the duplexes. We had taken rides around to see the different phases. I think it is an excellent thing for Euclid Avenue. I know we have plans to move it around to different parts of the city as well. Would we be able to assess them if they do not pay?

Director Koran - When we designed the program, we tried to model it after a community development block grant program. When you are using block grant dollars you cannot assess individuals if they are of low and moderate income status. That is one regulation from the block grant. The Stokes dollars we could do that, however we did not want to assess people that perhaps by definition could not afford it. Not everyone participates. It is a voluntary measure. The individuals that do not participate, if their units are not up to code, we can cite them and we have. Mr. DeWine was successful in getting about two-thirds of the owners in that block phase to go along with the program. The ones that do not, that are not up to code, we have cited them. There is a garage, right next door to the former ESI, Cleveland Dialysis Clinic, they are going to the Prosecutor's to get that garage torn down. We can be the good guys and the bad guys at the same time.

Mayor Oyaski - I am very pleased with the demonstration project on the north side of Euclid Avenue. This particular ordinance refers to the duplexes on the east side of Babbitt. There are no duplexes on the west side of Babbitt. This neighborhood, as I'm sure you all know, the duplexes on the east side of Babbitt are basically very similar in design to the

duplexes that we are currently working on the north side of Euclid Avenue. This does not pertain to the houses, which are single family houses, on the west side of Babbitt, north of Euclid Avenue.

Director LeBarron - The amendment should be in Section 2, following Special Purpose Grant, which shall not exceed \$185,000.

Councilman Dallos moved to amend to an \$185,000 cap in the ordinance. Councilwoman McGarry seconded.

Roll Call: Yeas: Cervenik, Dallos, K. Farrell, Flowers, Korosec, McGarry, Miller, Vadnal, J. Farrell

Amended.

Council President Farrell moved to close debate, Councilman K. Farrell seconded. Yeas: Unanimous.

Councilman Cervenik moved to suspend the rules, Councilman Korosec seconded. Yeas: Unanimous.

Roll Call: Yeas: Cervenik, Dallos, K. Farrell, Flowers, Korosec, McGarry, Miller, Vadnal, J. Farrell

Passed.

Ord. 29-1997 (330-97) Instant Bingo Regulations

An ordinance amending Chapter 517 of the General Offenses Code of the Codified Ordinances of the City of Euclid by the addition of new Subsection 517.12 prohibiting the operation of an Instant Bingo Parlor. (Sponsored by Councilwoman Miller by request of Police Chief)

Councilwoman Miller moved for passage, Councilman Dallos seconded.

Chief Baumgart - We have a chance to be on the cutting edge of ordinances with this one. Our Narcotics and Vice unit has been in close contact with Betty Montgomery and also Rick Wiegand working on this particular item. In Ohio law, they talk about instant bingo, but they only regulate bingo. They aren't really regulating the instant bingo. The problem then happens that some people are taking advantage of the fact that they've discovered that there really isn't any real regulation to instant bingo. We have already experienced an instant bingo machine being placed in a merchants shop in the City of Euclid. This machine, we've discovered, is owned by a company whose 501(c)(3) is questionable at the very best, according to Betty Montgomery and we have closed that machine down. There probably will be State law coming eventually, which may supersede ours or cancel ours out. That's fine, we don't mind that and we can deal with that when the time comes.

This will also help some of the churches that are doing bingo. After the bingo session is over with, if you've ever attended these, I don't know if you have or not. We have police officers that work the bingo. There are people just gathering these boxes of instant bingo for an hour after they are supposed to be closed. This now limits it to the time when the license states that you should have bingo and no further. This is not going after any Ohio lottery bingo. This is only going after bingo problems we are seeing, especially involving the instant bingo. I would love to see passage of this tonight, because we need to do this and attack it immediately.

Council President Farrell - This doesn't mean the Church has to close down right after bingo, does it? They can sell instants for an hour or so after.

Chief Baumgart - No, they should be closing the instants as well.

Council President Farrell - How is that going to help the Church?

Chief Baumgart - Because those people love to get out of there.

Council President Farrell - That is a good way to make \$325 a box, for the Church. What do you have against Catholics?

Chief Baumgart - Nothing. If they really want to have the time, they can do it in their license, extend the hours of the bingo.

Council President Farrell - Churches are regulated left and right. It is people who just buy a box of instant bingo and open up their own game.

Chief Baumgart - This is mainly to attack that. It will affect the churches and we will be notifying them and talking to them about this if it passes.

Councilman Flowers - What are the trouble spots you mentioned?

Chief Baumgart - One was a car wash on Lakeland Blvd. That was the machine one that was very questionable. We had them close it down. I had inquiries from two other merchants that want to remain nameless because they asked me, is this legal? When they first asked me, I didn't know if it was legal and I called narcotics and vice and they talked to Betty Montgomery and said this is not a good idea at all. It is difficult to regulate what is happening. The machine that we found had no markings on it whatsoever to indicate who was taking this money.

Councilman Flowers - You are saying that it could be a possible problem, my concern is how many places is this going on right now? I don't want to pass something and then find out it is affecting 20-30 groups. Maybe we are moving to quickly on it.

Chief Baumgart - I only know of one so far that is affecting our city and I've had two phone calls that came in. We are assured by Betty Montgomery that this is not a good use of this machine. We cannot regulate who is putting that machine there. We are feeling that it is organized crime that is doing this. That's why we want to put a stop to it immediately.

Councilman Flowers - If I get all of these phone calls, I'm going to refer them to you.

Chief Baumgart - Go ahead. I'll be glad to take the heat for you.

Councilman K. Farrell - What kind of hoops do churches have to go through to get their license changed? Is that a big deal?

Chief Baumgart - I doubt that it is a big deal at all for them. There are regulations by State law.

President Farrell - It shouldn't really affect their license. They never know when the game is going to end anyway.

Councilman K. Farrell - I don't want to put any burden on churches and I don't want to pass this ordinance.

Chief Baumgart - The burden is to stay within the hours that are on the license. That the only burden they are going to have. They can regulate those hours.

Councilwoman Miller - That's what I wanted to ask, about the license for the hours. For example, if they say 1:00-5:00. Will they have to stop playing bingo at 4:00 so they can have the hour for the instant?

Chief Baumgart - If they wanted to do instant bingo alone for an hour, they should have the license for an hour longer than they want to do the game.

Councilwoman Miller - So it would be 1:00-6:00.

President Farrell - As a catholic school teacher I did this for many years. Bingo opens up at 7:00. The game goes from 7:00 to usually around 10:00. Customers start showing up at 3:30 with their lucky charms and seats. They start buying instants at 4:00.

Councilwoman Miller - So the instants come first?

President Farrell - Oh no. Before, during, after.

Councilwoman Miller - What he wants to put into affect is that instant bingo will only be sold during those hours.

Chief Baumgart - The hours of the license.

Councilman Cervenik moved to close debate, Councilwoman Miller seconded. Yeas: Unanimous.

Councilman Flowers moved to suspend the rules, Councilwoman Miller seconded. Yeas: Unanimous.

Roll Call: Yeas: Cervenik, Dallos, K. Farrell, Flowers, Korosec, McGarry, Miller, Vadnal, J. Farrell

Passed.

Res. 30-1997 (332-97) Transportation Review Council - Urban Sprawl

A resolution supporting the creation of a Transportation Review Advisory Council (TRAC) as a permanent oversight body in the State of Ohio to review, approve and prioritize major new transportation related construction and encouraging the Ohio Legislature to include an emphasis on curbing urban sprawl as a primary component of the TRAC's mission and responsibilities. (Sponsored by Mayor Oyaski)

Councilman Cervenik moved for passage, Councilwoman McGarry seconded.

Mayor Oyaski - I asked Council last summer to vote on the issue of urban sprawl in connection with a specific project and some of the Councilmen did question that and I respect that. This legislation refers in general to the subject of urban sprawl. The City was contacted by ODOT in October. At that time, the Department of Transportation was creating by administrative rule, the Transportation Review Advisory Council. Its purpose is to review and approve all major new construction projects and the major new construction program. It includes but is not limited to the annual approval of the ODOT major new construction program. ODOT spends millions of dollars on new highways. I'm not questioning their maintenance program and I'm not questioning their hazard elimination program. They expect to spend on new interchanges and significant interchange modifications, bypasses, additional lanes and so forth. Considering a major criteria of that to be economic development. It is my position that any policy which does not include the detrimental harm caused to existing neighborhoods by new highways in the outerbelt is inadequate and incomplete. When they consider economic development, I believe new interchange in the outerbelt can be justified because the property owners situated next to the new interchange will greatly benefit. But, I also believe that it is equally true that there is a equivalent, or almost equivalent damage and harm done to existing areas. That is my belief and Mr. Koran and I are working with a consortium of inner-ring suburbs on that point and other points. This Resolution is before you because the State of Ohio, the administration adopted policy on what this Council will do which will remain in affect until the Ohio legislature enacts law. They expect to enact a law on this subject within six months of October 7th. I'm asking Council to approve this Resolution to ask the legislature to take into account the detrimental affects of new highways in new outerbelt on existing neighborhoods in older areas whenever this Council acts on major new highways. It is not particularly a radical proposal. We were asked to comment on the interim policy and I believe this Resolution is a fair comment and consistent with the Administration's belief that ODOT must be cognizant of urban sprawl when they are spending taxpayers dollars in the outerbelt. Thank you.

Councilman Cervenik - In Section 3 we state to forward this to State Senator Judy Sheerer and Representative Ed Jerse. My ward is also represented by C.J. Prentiss as well as parts of Euclid, Jeffrey Johnson. If we could include those two also, it would be good.

Councilman Cervenik moved to close debate, Councilman Flower seconded. Yeas: Unanimous.

Roll Call: Yeas: Cervenik, Dallos, K. Farrell, Flowers, Korosec, McGarry, Miller, Vadnal, J. Farrell

Passed.

CEREMONIAL RESOLUTIONS

Res. 16-1997 (319-97) CDC Grand Opening

A resolution of congratulations to the Center for Dialysis Care (CDC) for the grand opening of its newest center, at 25301 Euclid Avenue on January 12, 1997. (Sponsored by Mayor Oyaski and the entire Council)

Res. 17-1997 (329-97) Lady VASJ Basketball Team

A resolution of congratulations to the Villa Angela/St. Joseph Lady Vikings Basketball Team for their first place finish at the Jim Clark Hornet Holiday Classic Tournament at Bishop Moore High School in Orlando, Florida. (Sponsored by Mayor Oyaski and the entire Council)

Councilman Cervenik moved for passage, Councilman K. Farrell seconded.

Roll Call: Yeas: Cervenik, Dallos, K. Farrell, Flowers, Korosec, McGarry, Miller, Vadnal, J. Farrell

Passed.

Committee of the Whole

Councilman Flowers moved to go into the Committee of the Whole. Councilwoman McGarry seconded. Yeas: Unanimous.

Mrs. Madeline Scarniench - 1511 East 221 Street. The instant bingo. Does this now mean that the Community Festival has no instant bingo? Non-profit organizations do not have to have a license to do instant bingo. You have to have one for bingo. From what I remember you don't have to have one for instant. Does this mean we can't do it? There is no license for instant bingo.

Chief Baumgart - Ohio only regulates bingo. You have to get a license for bingo to do the instant bingo.

Mrs. Scarniench - We won't be doing instant bingo at the community festival.

Chief Baumgart - No, we are just adding the caveat to the law that you have to have a license in order to have any kind of bingo. The law was intended to have instant bingo included, but it doesn't specifically say that. That is how they got around it. Instant bingo is going up everywhere. We are saying, ahead of time in Euclid, you have to have a bingo license in order to have instant bingo or bingo. That doesn't preclude the entity from getting the license.

Mrs. Scarniench - It takes a lot of time and it costs a lot of money to do a bingo license. For a non-profit group like a homeowner's association, or ECC, someone who is non-profit, try and get a bingo license just to do instant bingo, that's kind of sad. I wish you would have thought about this before you passed it.

Chief Baumgart - If this is a problem, we can certainly pass our own license if we need to do that for instant bingo.

President Farrell - Does your group have a 501(c)(3)?

Mrs. Scarniench - Yes.

President Farrell - It shouldn't be any problem getting a license.

Mrs. Scarniench - I was involved when they were doing it for Boosters. It took a lot of time. Not that we want to do a bingo. All we wanted to do was be able to participate in the Festival.

President Farrell - The spirit of this ordinance is not to interfere with any church organization or what you are talking about. If we need to amend it we will. I'm sure I'm talking for the entire Council. If there are some churches that are having problems with it, we will do the same.

Mrs. Scarniench - The litter grant. Is it possible, this was brought up at our Association meeting, to get more trash receptacles on Euclid Avenue? They were talking Euclid Avenue because there really isn't a whole lot of them and they would like to know if some of that money could be used for trash cans.

Director Koran - There is about \$2,000 in that grant for litter containers. Unfortunately those are getting very expensive. They may only pay for one or two. I'll talk to Mr. Nordman and see if we can't get some. Do you have specific locations in mind?

Mrs. Scarniench - No. Especially near the retail stores. Any of the retail places because that is where you find people and see the trash lying around. Or, by the bus stops.

Director Koran - We'll take a look at the area and let you know.

Mrs. Scarniench - When the budget hearings start, Fire Department is first. We still haven't heard the Fire Department's report. Are we going to hear that? The Chief's report on location and the ideas for the new fire station? I know that was said we would hear that before budget hearings. We haven't heard that yet, so will we hear that then?

Mayor Oyaski - I have discussed with Chief Dworning the plan for Fire Station #2. We intend to discuss public buildings in general on the meeting on the capital budget which I believe is slated for February 5th. We have not yet decided exactly how we are going to proceed on the new fire station, but we will be discussing it in general on February 5th as part of the capital budget.

Mr. Jack Fraier - 235 Greenbriar. Comment about item 7, Ord. (325-97), the sidewalk and curb program. I hope some attention will be paid to Georgetown Road, which is the sole public road which is access to 452 residences in that part of Euclid. There is a challenge here. Half of Georgetown Road is in Euclid and half unfortunately is in Richmond Heights. The street does have a lot of pedestrian traffic. Old Georgetown Road was old Highland road. Curbs and sidewalks would be greatly appreciated up there. Now that Euclid is taking stray dogs from Richmond Heights, perhaps we could persuade Richmond Heights to join in with Euclid to get sidewalks in that area. Quite a few dog owners do walk down Georgetown Rd. rather than the sidewalk. There is another reason for sidewalks in the area.

President Farrell - With Albert Belle gone too, it is probably easier on the curbs.

Mr. Fraier - It is an area that could certainly stand sidewalks and curbs. That is precinct J. of Ward 4. One of 80 precincts in Euclid. I reminded our Board of Education of this. It is one of the few precincts that always votes for every tax levy, for the schools, library, every bond issue. We own our own sewers yet we vote for the sewer bond issues. We even voted very overwhelmingly for the shared income tax. I don't know why we are that generous but a few curbs and sidewalks would not hurt.

Mr. Fraier - I would like to compliment Mr. DeWine on the work he has done for the work he has done on Euclid Avenue with the duplexes. I was with him last summer looking at them before much work had been done. It is a remarkable improvement. Euclid Avenue is slowly but surely getting better and better. I hope someone will pass that word on to Gary.

Councilman Cervenik moved to rise and report. Councilman Dallos seconded. Yeas: Unanimous.

Councilmen's Comments

Councilwoman Miller - I would like to talk about our seating arrangements. First of all, when we are Council members come here, we are doing business with the Administration. I can only see three people of the Administration. There has been talk about putting a monitor so that we can see around the corner. I have a problem with that because I believe when we are discussing important issues that involve our city, we should be doing it eye-to-eye and face-to-face with the people involved. I feel that I don't mind sitting here. I think it is a great idea. I would like it better if this would be pushed out there and that pushed out there. I understand there are plans for that. I would like to see it get started.

President Farrell - Then you won't see me.

Councilwoman Miller - Until then, I would like to see us go back to where we were so we can continue carrying on discussion until these tables are fixed the way they should be. I am not in favor of splitting it 4 to 4 because we work together. I don't care what other communities do, this has been a practice for all of us to be together on one side instead of 4 over here and 4 over there.

Councilman Korosec - To the Police Chief, there were a couple of calls regarding the Garden Drive parking situation that there were some cars that were parked there for 4 days, overnight, without being ticketed. What is the Police Department is going to be doing about that specific situation? Regarding a private street becoming public, the northern most portion of East 192 Street. What the residents have to do to do that?

Chief Baumgart - Do you want to discuss this at an open meeting?

Councilman Korosec - We can meet at a later date.

Councilman Flowers - I got a couple of calls. We are looking to do 272, put in sewer lines? With the brick situation. When was the last time work was done on 272? Are you familiar with the area I'm talking about?

Director DiNero - The sewer was installed in the 1920's. There wasn't any type of repairs done to that sewer at all. The main thing is that particular job was in our law suit with the EPA. We have to eliminate that overflow. Also, after "tv-ing" the street and everything the sewer is in very poor condition. That is in our 1997 permit that we will construct a new sewer on that portion from Lake Shore to Fullerwood. We send out questionnaires that have to be back the 31st of January. Asking 3-4 different questions on there regarding, would the people like to pay for part of the brick, or would they accept the concrete. Once we get them all we are going to look at them.

Councilman Flowers - One of the questions was, the person who called me is in construction, and he wasn't quite sure what the costs were.

Director DiNero - When we get all the surveys back on the 31st, we will have a meeting and talk to the people. We want to get a general feeling of what their attitude was about replacing the brick or having the concrete street. A lot of the calls that I received were, is the street going to be done just like East 270th? Yes it would be if it went back as a concrete street it would be done exactly with new curbs, sidewalks, aprons, sewer and water from Lake Shore to Fullerwood. After we get the survey at the end of the month, we will have a meeting with the residents to go over that.

Councilman Flowers - These are questions asked of me and I would like to be able to respond to them. The sewer was put in 1920 and hasn't had any basic work done to it since?

Director DiNero - No.

Councilman Flowers - The question was brought up that because its brick, it has been able to hold up better. I don't know if that is true or not. The other question is, how often, if the street has been repaved with asphalt, how often do we repave a street usually?

Director DiNero - Usually you don't repave a brick street because everybody fights you.

Councilman Flowers - I'm talking about, what has been done in the past like 270th was asphalt. How often do you redo a street that has already been done in asphalt.

Director DiNero - The average street you can get 7-12 years on a resurfaced street.

Councilman Flowers - This individual brought up to me that for all these years, the city hasn't been doing any maintenance work on the brick street so therefore, they should be compensated for that as far as addressing the additional costs for the bricks.

Director DiNero - I wouldn't want to be quoted on it, but as far as to replace that street back with brick, and this is just an estimate, it would cost \$430,000 extra beside the concrete paving.

President Farrell - This will all be discussed at the meeting with the residents.

Councilman K. Farrell - What is the update on Carroll and Milan?

Director DiNero - The plans for the water line are at the EPA. We got a tentative okay from them and within the next two weeks we'll be going out for bid.

Councilman K. Farrell - Which means how long before we start breaking ground?

Director DiNero - If we go out for bid in the first part of February, we are talking about April or May.

Councilman Dallos - I also attended the Grand Opening last Sunday of the CDC. I was very impressed and the City of Euclid is very fortunate to have that facility in the city. I didn't realize until the guide was telling me, there are 20 chairs at the facility. People have to go 3 times a week, sit in the chair for 3 hours at a time. They are hoping to operate 12 hours a day, which means they can have 4 patients and a chair. I also didn't realize the demand for this type of facility. This is their fifth facility in the greater Cleveland area. The demand is growing at 9% a year which in a way is unfortunate but people are living longer so there is a demand for it. It is a big plus for the City of Euclid and I really appreciate them buying the building and coming into the city.

Councilwoman McGarry - Several residents have called about the meeting with you Director DiNero. Are you aiming for mid-February or later?

Director DiNero - The first part of February.

Councilwoman Miller - A decision was made and I didn't hear any comments from over there, are we going to move this up or what?

Councilman Vadnal - What's the update on the city's marketing plan.

Mayor Oyaski - We intend to update the Council in full as part of the budget hearings. Right now the vendor, Burges and Burges is working on implementing the first three parts of the work program. I'll have Mrs. Maynerik call you tomorrow and brief you. We intend to brief the entire Finance Committee on Monday or Wednesday at the latest.

Councilman Cervenik - I believe the Service Director has some suggestions as to what we can do to alleviate the sight-line problem that we have.

Director DiNero - I had talked with Jack Johnson and also Denny Valencic about removing the outer chairs altogether and move all you these forward. The back of this would be even with the front of where Joe is sitting. Then, in the back, take those chairs and desks and split them in half and elevate the back up about six inches for the Police Chief and Assistants, Building Commissioner, Planning and Zoning. They could sit on either side. This way everybody will be able to see everybody and we'd all be facing the audience.

Councilwoman Miller - When do you plan to start this?

Mayor Oyaski - The Administration is waiting for the clear will of the Council before we start spending any public funds remodeling this particular chamber. The Council adopted this on a trial basis, 5 to 4. If the Council wishes to have money spent on remodeling the Council chambers, we'd be anxious to know if that is the will of the majority of the Council.

Councilwoman Miller - Budget hearings will be next week and I want to be over there so I can see all of you.

President Farrell - I suggest we go back there for next month and at the budget hearings we will discuss some kind of an income for renovation, possibilities. Until then, I suggest we go back.

Councilman Cervenik - I don't want this delayed for another term on Council. I really think it is important that we somehow not necessarily face the audience, but make sure our back is not to them. It wasn't the idea of facing the audience per se, it was not having our backs directly on them. We really aren't facing the audience right now. We are facing the Administration except for a couple of chairs down there, which they are going to take care of. The only other thing I bring up is a suggestion about putting more chairs and more people behind it. There are a number of gentlemen here and they are all good people, but I don't know if they really need to have a chair up here for a Council Meeting. That is some of the problem. We are trying to fit everybody in to see. A number of these gentlemen can sit in the first row and if we do need to speak to them they can come up to the podium to the right of the Council President to answer any questions we may have. That will give us a little more flexibility, so that everybody at this end will be able to see everybody over there. If we need a Resolution to get you moving, fine. I really think it is important that we get it done and get it done very quickly. I can't believe it would take a two week span to move a few pieces of furniture around. It is not that difficult of a project, I would think.

Councilman K. Farrell - To answer Councilman Vadnal's question, I have a City Growth and Development Committee Meeting for February 24th to discuss the details of the "PR Marketing plan" as well as the action plan.

Councilman Flowers - I'm concerned about, you say you want the okay to go ahead and do this. I just concerned about the cost on it. We approved \$100,000 to do whatever. I don't want to see us spend \$100,000 to move around furniture. If it is a reasonable amount, I'm fine.

President Farrell - The next meeting will be in your old seats.

Mayor Oyaski - As a 20 year veteran of City Council meetings, where City Council sits is a decision by the Chair and the majority of the Council. The Administration will respect the wishes of the City Council. I'm asking the Service Director to obtain a cost estimate so we can make a decision. I don't think \$100,000 is what he is talking about. Thank you Mr. President, as always.

Adjournment

Council President Farrell moved to adjourn, Councilman Cervenik seconded. Yeas: Unanimous.

Attest:

Clerk of Council

President of Council