

COUNCIL MINUTES
FEBRUARY 18, 1997

The regular City Council Meeting was held on Tuesday, February 18, 1997 at 7 PM in the Euclid City Hall Council Chamber. President Farrell presided.

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

Councilwoman Miller moved to excuse Councilman K. Farrell. Councilwoman McGarry seconded.
Yeas: Unanimous.

Others Present: Mayor Oyaski, Law Director LeBarron, Finance Director Balazs,
Service Director DiNero, Parks & Recreation Director DeMinico, CS&ED
Director Koran, Administrative Director Johnson, Chief Baumgart,
Chief Dworning, Asst. Service Director Gulich, Supt. Gall,
Commissioner Hayes, Bldg. Commissioner Apanasewicz, Mr. Wendel,
Sgt.-at-Arms Stankus, Clerk of Council Cahill.

Council Minutes

Councilwoman McGarry moved to receive and approve the Council Minutes of February 3, 1997.
Councilman Flowers seconded. Yeas: Unanimous.

Administration Reports and Communications

Mayor Oyaski presented Res. 36-1997 to Boy Scout Troop 161 on the 75th Anniversary in Euclid.

Mayor Oyaski presented Res. 37-1997 to Robert Holloway for being named "CitiSun of the Year".

Mayor Oyaski and Director Koran presented Res. 38-1997 to the Cleveland Euclid Elks Lodge No. 18 for their outstanding community service.

Communications

COUNCIL HAS RECEIVED THE FOLLOWING COMMUNICATIONS:

- The Shore Cultural Feasibility Study Update.
- A letter from State Senator Judy Sheerer, regarding receipt of our Res. on a Transportation Review Advisory Council.
- A memo from Director Johnson regarding the Status of the Cable Television Studio and an Agenda for the Euclid Community Television Commission.
- A letter from National Arbor Day Foundation on Euclid being named 1996 Tree City USA.
- From Dever Construction, Henn Mansion Safety Repairs estimate.
- From Director LeBarron, a summary of legislation on tonight's agenda.

Reports & Committee Minutes

Councilwoman Miller moved to receive and approve the Fire Report of January, 1997; County Board of Health 1996 Statistical Report; Finance Committee Minutes: January 27, 1997; Recreation Commission Minutes: Nov. 25, 1997; Board of Control: 1/27/97 & 2/3/97.

Committee of the Whole

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

Mr. Scott Reese - 305 East 195 Street. I am employee of the City of Euclid. I work along with 54 employees of the Streets Department, Signs & Signals Department, Building Maintenance Department and Communications Department. I'm addressing this Council tonight concerning a very important issue of residency. On tonight's agenda is a proposed Ordinance which will be put before the citizens whether an employee of the City should reside in the city limits. We think this ordinance is not just about residency but shows a total lack of compassion from the City towards the employees and their families. It has been said by this Council and Administration that forced residency can be excused to keep quality workers in the city. Some part-time police dispatchers and lifeguards were hired without regard to residency because of this reason. Then we asked why our workers, with up to 9 years of dedicated service, are being denied a right that was given to them by the same City and Council. Are our jobs less important? We are the employees that are seen the most by the citizens and secure votes for the Administration and Council that boasts the City of Superior Services.

If this Council is supposed to be the voice of the people, why is it I have not seen or heard of Euclid residents complaining about residency. I think you are taking the easy way out and putting it to the voters rather than tackling this tough issue yourselves. We often wonder if this is the voice of the people you are listening to or the voice of a political agenda.

We suggest tonight this Council act responsibly to get all sides of the story correct and vote this ordinance down, or at least put it in Committee to assess the legality of it as compared to State Bill 15. And not waste taxpayers' money on another ordinance that may be challenged in Court, similar to a sign ordinance that costs taxpayers thousands of dollars.

Mr. Reese - We employees of the City are also taxpayers and residents. We ask that you listen to our voices that are strongly opposed to forced residency. Of not just us, but our families to whom we would want to give the best possible schooling and environment to live in. The issue of residency has been a volatile subject since the Council ran for office in the last election. The past administration which included our current Mayor, has made promises to us concerning residency and that all current employees can move out of the city after eight years of dedicated service. At no time did the question of residency come into play until 1996 when we were informed that the Administration no longer recognizes our rights and will force 15 employees that were hired with the understanding that by past and present Service Directors, Superintendents, Law Department employees and expense of outside lawyers, that they can move out after eight years of service.

These employees have structured their finances and lives with this option in mind. The passage of this ordinance by you, the Council, will also show the lack of concern that the Administration has already shown for the employees that make you look good and help the people at a drop of a hat. Because we, too, are proud of the slogan, "City of Superior Services."

In closing, I would ask that you address this question during your discussion of this proposed ordinance. Why was this exact same Council vote on July 26, 1996, to approve a contract between the City and the Fraternal Order of Police, that grant their employees to move out of the city after eight years of service. At the same time, make a move to take this right away from 15 long term employees, which is really what this ordinance is all about.

We were informed by this Administration that this is what the Council wants to do and this is why they are not recognizing 50 employees rights that were promised to them. We think that all current employees should be allowed to live where they like. This Administration and Council should learn by their mistakes they have made and not make our families suffer because of broken promises and lack of compassion. For you, too, are employees of the City of Superior Services. Thank you.

Mrs. Madeline Scarniench - 1511 East 221. Item #2. You heard me the other day talk about water bills. I would just hope that you would consider, I'm not saying that we don't need this raise, but at least consider doing it over a two year period. I've had a lot of phone calls from people telling me how they are going to pay this. You've been since 1979, we haven't done anything, so if we could do it over two years, it wouldn't hurt our pockets so much.

On the budget, a few questions that didn't get answered. On page 14, account 418, I would like to know why the car allowance doubled from \$3,000 to \$6,000? Did we give someone else a car?

Director Balazs - That's for a full year.

Mrs. Scarniench - In the amendment, under 419, the Non-departmental expenses are down \$38,000. I can't figure out why. Did something get changed since the hearings?

Director Balazs - We did make some changes after the meeting. I can get the detail for you and go over that with you. \$38,000 is a small item, but I'd be glad to get you that.

Mrs. Scarniench - That was the only one that was off. In other years, past, there has been different ones, but that was the only one. In 419, the Promotional program. If it was originally done for \$100,000 and they've spent \$4,700 of it, you are giving them another \$100,000 and the program has even been evaluated yet. Is there a reason why you didn't deduct the amount that they already spent?

Director Balazs - We are going to have a meeting on the promotional program on February 24th. That evening we will address the budget and the plans in the future for the promotional program and the detail will be available.

Mrs. Scarniench - The 441 account, the Dog Pound. We've heard over the last couple of months a lot of things about what goes on at the Dog Pound. You've heard me speak about it. I would hope that you would consider before this comes to add at least a part-time secretary. They've got a pile of paperwork that you can only do so many things in a day. Everybody talks that there are dogs running around. If they had a part-time secretary, that might alleviate some of the problem. I would like to see you add even a part-time, weekend and night officer. It is very discouraging when you have to call and you have to call the Police Department and they can't be bothered with dogs in those off hours. It would be wise if we could add another person, part-time in there, to help with that problem so when people do call they actually get a person who is going to pay attention to what they have to say.

Is the revenue in yet? Is there a tally for Shore Cultural Centre on the revenue for 1996?

Director Balazs - I do have that figure in the department and I'll get that for you.

Mrs. Dorothy Fike - 20271 Delaware Rd. #3, this is more of a comment because I did attend the Executive Committee Meeting last week. I want to compliment the Fire Chief because I knew what my rates were, my house insurance, but I never knew that it was also based on our water. You explained that very well that our rates for our insurance is also based on the water that is available. I thought that was interesting. I didn't get a chance to say it.

I have questions on #6, the appropriations. The Council Administration. How come the figures are below the 1996 figures? Was there a reduction, page 5?

Director Balazs - There was a change in the clerical portion of the Council. With that switch in the full-time to part-time person, actually reduced the wages in the Council Administration area.

Councilman Cervenik - Dorothy is talking about our account for wages doesn't add up. That's because the last check in December was actually higher than it should have been. Therefore, we are making it up in January. I believe that's the explanation we received during the budget hearings.

Director Balazs - Council term starts December 1 and goes through November 30th. There was an error made in one of the last checks in November.

Mrs. Fike - Cars for the Law Department, it doubled. Why is it from \$3,000 to \$6,000?

Director LeBarron - Under the ordinance, the car allowance for one year is \$6,000. There was only a half year of it given in 1996.

Mrs. Fike - The person is entitled for the whole year?

Director LeBarron - That's correct.

Mrs. Fike - Why did they only get it for a half a year?

Director LeBarron - Because it was only authorized for half a year.

Mrs. Fike - But now it is authorized for a whole year?

Director LeBarron - That's correct. It has always been authorized for a full year. The Mayor deemed it necessary to only grant it beginning in July.

Mrs. Fike - Human Resources, pg. 15. Under Professional Services, was \$36 in 1996 and now it is up to \$2,500.

Director Johnson - The \$2,500 is to provide for training for employees. Computer training, management training and the like.

Mrs. Fike - Pg. 17, Non-Department Expenditures. Why is D.A.R.E. under non-department expenditures, and not under Police Department?

Chief Baumgart - That money is donated money. It is not from Council or from the Police Department. It is not in our budget. We have to account for it somewhere.

Mrs. Fike - I'm off the budget. #8, Resolution for the First Ring Suburbs. I hope you do pass it because I think it is very important for inner ring suburbs to have protection. #12, I have a question because I didn't have time to research it. On the contract for Nerone & Sons, for emergency repairs. What will that do? Wasn't there an ordinance passed about having a list of engineers? Or, that is not for emergency?

Director LeBarron - The particular ordinance you are speaking about was placed into the Service Committee. That ordinance does not apply to the emergency repairs.

Mrs. Fike - That applies to engineering services for when you are doing a project?

Director LeBarron - That's correct.

Mr. Patrick Boyce - 435 East 275. President of Euclid Firefighters. Here for #7, Residency. It has always been a hot topic. There's going to be a lot of rhetoric about your Constitutional right to live where you want. Opposed to if you get paid by the City you should live in the city. That's all going to be addressed. The things I like to address are the fundamental rights of Council and Administration. Over the years they have granted residency to different unions. They've got signed contracts. Obviously, when this goes on the ballot and passes, it is going to affect a small part of the Fire Department, a few people in Streets & Sewers, and a few secretaries. They have been a lot of exceptions granted over the years for whatever reason, sometimes for marriage or whatever. The fundamental right to have somebody live where they want, that's fine.

Mr. Boyce - To spend this kind of money when there is a Bill pending in the Senate and to take away the right of Council to deal with people on a yearly basis, wage concessions have been granted for residency. Now you are going to put this on the ballot and try to take it back. I'm not quite sure, I think signed contracts would supersede anything that you are trying to do here today. Thank you.

Mr. Scott Znidarsic - 19830 Monterey. I've been a resident for 30 years and employee for 9 years. I have a question on the residency topic here. According to the new wording here, it says, any position that is promoted, Chief, Director, Department Head, Superintendent, would have to move back into the city. Is this in the City's best interest that they would pass up somebody that is an employee that may can't or doesn't want to move back into the city. Is that in the City's best interest to go and hire somebody on the outside for that? I would like to ask Council why this residency requirement was actually started? Was there a problem with employees that they weren't doing their job? Or, they seem to think that we'll do a better job if you live here. Forcing someone to live here, I don't think that is that great of a deal. I would like to ask Council why it was even started or what benefits it has given the City?

President Farrell - Anybody care to answer Scott? Nobody has their light on.

Councilman Flowers - Are we going to look to put this in Committee? If we are going to put it in Committee, we might as well discuss it at that point in time. Otherwise, if we are looking to pass it tonight, maybe we should give him his answers then.

President Farrell - Do whatever you want with it.

Councilman Flowers - I personally think it should go into Committee to be discussed. I don't know if there is support from the rest of Council. Otherwise, we should answer his questions. We can take a quick straw poll to figure out if it is going into Committee. That would answer his question now. Then we can discuss it at a more opportune time.

Councilman Cervenik - The proper place would be to discuss this when it comes up on the Agenda. Then it will be discussed.

President Farrell - There you have it, Scott. You'll get answers later.

Mr. Znidarsic - I just resent the fact that if I don't live in the City, you are saying that I will not do a good job for the city. Every department has rules and regulations, if I do not do my job, they have many avenues to discipline me or dismiss me. I feel that is the way you deal with somebody, not because of where they live.

Mr. Kevin Sufka - I've been living in this city for 32 years. I've been a city employee for eight years. When I was hired, in both of my interviews, I was told that after eight years of service, I can move out of the city. They said it was as simple as writing a letter to the Service Director granting permission to move out of the city. It would be a done deal. You could go through every department in the city and find a quarter of the people in that department not living in the City of Euclid already. I've had a house on Ball Avenue for 10 years. It is not saying that I'm going to get up and move, that I have my time in. I just feel it should be the right of every individual to live where they want to live. It shouldn't be up to Council or the City to tell you where you have to reside. This City is a City of Superior Services without a doubt. I believe you should vote this down or at least put it into Committee and discuss it further. Thanks.

Mr. Harvey Mlachak - 23831 Lake Shore Blvd. #7, Ord. (338-97). We have before us tonight two Chiefs who choose not to live in our town. I would think that as a matter of civic pride, they would choose to live in the City in which they hold such lofty and responsible positions. However, as their rights of freedom, I respect their wishes to live where they choose. Mr. Cervenik said tonight that he wishes the State would butt-out. Several years ago the City butted into our federal government and our Constitutional rights under the First Amendment, regulating the rights of our citizens to post signs on our property declaring it for sale. Also, our rights to our opinions of who we should or should not vote for. This folly is going to cost our citizens a half a million dollars. I hope this Administration will thoroughly research this proposed ordinance, in much more detail, so we don't get stuck with another outrageous bill. Thank you.

Mr. Joe Bensi - E. 216 Street. I'm the Vice-President of the Fraternal Order of Police Lodge #18, reference the residency issue. First of all, we with the Police Department, would like to voice our opposition to the proposed charter amendment. We have some very serious concerns with the proposed charter amendment. We feel that the City or Council and those members that are supporting it, may be moving a little to quickly in their haste and wish to by-pass Mr. Suhadolnik, try to beat him to the punch on his State legislation. We ask that they stop and think and look at the whole picture.

Mr. Bensi - That they look beyond the emotional issue of residency, which has been with us for some many years and look at the whole picture, what is really best for the city. The question we need to ask ourselves, is are we concerned with the best and the most qualified people for the positions, or simply someone who is willing to move into the city and reside here to hold down a job. Thank you.

Mr. Jerry Corbran - 24250 Maplewood Drive. Regarding the residency issue, I see nothing wrong with those that want the freedom to move, if it is in their best interest. I also see nothing wrong with those that stay and support rules protecting their interest. I look at the issue like an investment in the stock market. If the business looks good, looks like it is failing, and things don't look good for the long term, I get out by selling my interest for whatever I can get. If the stock is showing signs of a dramatic turnaround, due to new management directives, I hold on with the hope of recovering the value of my investment and more. Those signs are in the air. The City managers have learned from the blunders of the sixties and can now take preventive measures to prevent reoccurrence. Our Mayor is in the forefront battling government handouts to outlying cities, who then provide lures attracting our long time residents. The plight of long time residents was revealed in our new master plan. Three thousand families in our city can afford \$150,000 home but only 142 such homes exist. We must provide incentives to keep those valuable residents. There are many new ideas under consideration by our city managers that will provide those incentives. In the meantime, it is the duty of our managers to suggest rules that will stop the bleeding. It is our choice as citizens to determine if we have enough faith in our managers to wait and protect our investment. I ask for support of the residency requirement.

President Farrell moved to rise and report. Councilman Flowers seconded. Yeas: Unanimous.

LEGISLATION

Res. 39-1997 (334-97) Capital Budget

A resolution of intent adopting and approving the attached 1997 Capital Improvement Program. (Sponsored by Mayor Oyaski) (Recommended for passage by the Finance Committee)

Councilman Dallos moved for passage, Council President Farrell seconded.

Councilman Dallos - I would like to amend, under the Shore Cultural Fund, the \$90,000. I would like to have that removed until we receive the final report from the architectural firm that is doing the study right now, which I believe will be in about 10-12 weeks. I rather not allocate any money to the Shore Cultural Centre until we know exactly what we are doing with the building. I think they can come back at a later date and ask for the funds they need. I would like to strike the \$90,000.

Councilman Dallos moved to amend Res.(334-97) to strike the \$90,000 for Shore Cultural Fund. Councilman Flowers seconded.

Councilman Flowers moved to close debate on the amendment. President Farrell seconded. Yeas: Unanimous.

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

Amendment passes.

Councilman Flowers - I would like to make another amendment. We have an account here, the Contingency on the Henn House Demolition. Last year we had \$65,000, this year it is \$150,000. I asked a question during the budget hearings, I thought it should have only been the \$65,000 amount. I'm going to make a motion to amend the budget to show \$65,000 for the contingency on the Henn House demolition.

Mayor Oyaski - As I explained to the Committee, last year the City Council set aside \$65,000 for the Henn House, which was never approved, and \$100,000 for other contingencies, or \$165,000. This is a reduction in the total contingency amount to \$150,000, subject to further appropriation by the Council should the Council decide to approve the demolition of the Henn House or some other unforeseen circumstance.

Councilman Flowers - You have \$150,000 for contingency on the Henn House and also \$100,000 emergency building improvements. Is that not the same area, Mayor?

Mayor Oyaski - That was explained at the Committee Meeting. The Service Department believe emergency repairs are needed at the Service Garage. It is not a contingency account. Those are emergency repairs to the walls and the floor at the Piscitello Service Garage.

Councilman Flowers - You have this contingency Henn House demolition, etc. I don't understand. What you are saying is that you got \$85,000 for etc. I think it should be broken down a little more. \$85,000 isn't small change. It is a very significant amount in this account. It should be detailed a little more. I brought objections to this during the budget hearings.

Mayor Oyaski - It is a contingency account based on unforeseen circumstances which may or may not occur. If the Council would like to remove the funding and add it back in, if and when the need arises, that's fine. There is no need today specifically identified, that's why it is called a contingency account.

Councilman Vadnal - Given the Mayor's comments I would second the amendment by Councilman Flowers.

Councilman Flowers moved to amend the Contingency account to \$65,000. Councilman Vadnal seconded.

Councilman Flowers moved to close debate on the amendment. Councilman Vadnal seconded. Yeas: Unanimous.

Roll Call: Yeas: Dallos, Flowers, Miller, Vadnal
Nays: Cervenik, Korosec, McGarry, J. Farrell
Motion fails to amend.

Councilman Flowers - I was concerned with the \$500,000 for the State Development Department Grant for the Lincoln/St. Clair Grant. I called last Friday to ask for specifics of our agreement we had with Lincoln on the abatement. I still have yet to receive that. I was under the impression, you indicated this was part of their original Lincoln deal, or is this something totally new?

Director Koran - We received two grants from the State of Ohio regarding Lincoln Electric. One for \$500,000 and one for \$100,000. The money has not been spent. It is sitting in an account waiting for the City and Lincoln Electric to figure out where we should spend the money. The regulations are very strict. We can only spend it within the public right of way, specifically on St. Clair or Babbitt and East 222 Street. We've been holding that money, using it as a match for application for Issue 2 dollars for the last two years. Unfortunately we've been unsuccessful in receiving the Issue 2, bigger project three and a half million dollars. The Mayor, myself and Lincoln officials are trying to come up with a fall back position on how to spend those dollars. Those are State grant dollars.

Councilman Flowers - But we can use them on any right of way. Doesn't mean we have to do them by the Lincoln Project.

Director Koran - It has to be by Lincoln Electric. I had Bob Gliha call you back today.

Councilman Flowers - Bob Gliha wasn't at work today.

Director Koran - That explains it. We'll send you the grant agreement. That's fine.

Councilman Flowers - I just have problems with it because I asked for this Friday. I had concerns about this when it first came to Council, when we discussed it at the last Committee Meeting. Because of that and because of the situation we have that we are not amending the amount on the Contingency and the other comments I had during the budget hearings, I'm going to oppose this piece of legislation.

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

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

Passed.

Ord. (318-97) Sewer & Water Rates - First Reading
An ordinance amending ord. No. 149-1979, passed June 4, 1979, directing the increment amounts to be added to the sewer service charge to raise sufficient revenue to finance new sewer construction and control inflow and infiltration into the sewers within the City of Euclid. (Sponsored by Councilman Korosec by request of the Service Director)(Recommended for passage by the Executive Committee)

Council President Farrell moved for passage, Councilman Cervenik seconded.

President Farrell - Something of this importance, we might want to hear three times. This will be the first hearing on this. Any objections?

Councilman Dallos - I don't have an objection. When would be the proper time to make an amendment? Now or at the third reading?

Director LeBarron - Either.

Councilman Dallos - I would like to make an amendment regarding Section 2. We are increasing it to \$2 per mcf. I would like to change that to: 1997-.50; 1998-\$1; 1999-\$1.50; 2000-\$2.00; then a 5% increase from 2001, 2002, 2003, 2004, 2005. 2005 would be \$2.56. I'm concerned about what I would call sticker shock. To listen to some of the people who have called me and complain about their water and sewer bills. To take it to \$2 immediately, we will have a lot of citizens that will be complaining. When I looked at the \$6 million waterline repairs, I don't think by the time the engineering work is completed, the watermains will probably not start until end of 1998 or beginning of 1999. With this in the ordinance, it will provide us with sufficient money.

Councilman Dallos moved to amend as stated above. Council President Farrell seconded.

Councilman Cervenik - I would like a comment from either the Service Director or Finance Director, to ensure that there is enough money being brought in up front by this amendment to allow us to do the things that need to be done, especially the waterlines for the fire hydrants. If that information is not available, I ask that this not be amended until the next reading.

Director DiNero - I would like to discuss that with Mr. Benza who did the report. Just offhand, raising this in increments would be okay. The first year should be more than fifty-cents. That's my opinion. I will discuss that with Mr. Benza. To start generating some of the money. From what I understand, and Mr. Balazs could maybe answer that better, on \$154,000 that you take in, I don't think we'd be able to borrow more than one million dollars. The way prices are and we go out for bids in certain areas, you might not have enough money to do one project.

Councilman Dallos - I will waive this amendment at this first reading until you get more answers. I can propose it on the second or third reading.

President Farrell - I'll withdraw the second. We can discuss it next meeting.

Councilman Dallos - The 1997, we are only talking three-quarters. We are not talking a whole year.

Councilman Flowers - I was concerned that you said we wouldn't have enough money the first year, but I thought this was to take care of, we discussed it at the meeting. A lot of this will take care of work that we've already done.

Director DiNero - No. This is not Peterson. What Councilman Dallos was talking about is just for the water, the increase in the water. Not the sewers. That's the bottom half of that ordinance.

First Reading.

Res. (343-97) Water Distribution Analysis Report - First Reading

A resolution approving and adopting the 1996 Water Distribution Analysis Report prepared for the City of Euclid by Michael A. Benza and Associates, Inc. and authorizing the Service Director to proceed with implementing the projects and other recommendations of the report. (Sponsored by Mayor Oyaski) (Recommended for passage by the Executive Committee)

First Reading.

Res. 40-1997 (340-97) OWDA Grant

A resolution authorizing the Mayor to make such applications as are necessary to the Ohio Director of Environmental Protection and/or Ohio Water Development Authority to secure funds necessary to undertake and complete sewer construction projects mandated by the City's 1996 NPDES Permit and urgently needed. (Sponsored by Councilman Dallos by request of the Service Director) (Recommended for passage by the Executive Committee)

Council President Farrell moved for passage, Councilwoman McGarry seconded.

Director DiNero - On this ordinance we should vote on this tonight because we have a March 1st deadline to apply for grants.

Director LeBarron - (340-97), this Resolution authorizes the Mayor to go out and try to secure funding from the State of Ohio and EPA.

Councilman Flowers - What's the difference? We are talking about the previous project. How much money are we going to ask?

Director LeBarron - These are for the sewer construction projects. The Mayor needs the authority to be able to make application to the EPA for any of their either, no interest loans or their grants that are available to do this type of sewer work. All you are doing is authorizing the Mayor to make application.

Councilman Cervenik - Under those circumstances, it is relating to the sewer projects that are going to be done. I move to close debate.

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

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

Passed.

Ord. 41-1997 (283a-96) Communication Towers

An ordinance amending the Planning and 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 with conditions by the Planning and Zoning Commission)

Councilman Cervenik moved for passage, Councilman Flowers seconded.

Councilman Cervenik - This has been the result of about four months of work from the Utilities Committee as well as input from Planning & Zoning. On January 24th, Council received a memo from John Hayes, Zoning Commissioner, stating eight amendments that Planning & Zoning approved. They approved this ordinance condition that these eight amendments be added to (283a-96). I read them. I have no problem with them and I was just curious if anybody else on Council had any comments on the memo received Jan. 24th.

I have one question. One amendment says that all application for wireless communication towers must be approved by Planning & Zoning and that approval should be confirmed by Council. I would like that to read confirmed by Council's majority vote.

Director LeBarron - You are free to make that amendment.

Councilman Cervenik - If that amendment is made, does that mean we need 7 here tonight to pass what Planning & Zoning conditionally

Director LeBarron - That's correct.

Councilman Cervenik - Okay, I will not make that amendment at this time. I will make it in the future. It is very important that we have a working ordinance on the books. We have reached the end of our moratorium. The FCC doesn't look to kindly upon extending our moratorium.

Councilman Dallos - I have questions of the Law Department. On page 3, (q), where it says, "shall not be located within 1,000 feet from any residential zoning district." Is it necessary to spell out the zoning classifications in parenthesis? U-1, U-2, U-3, U-3E1, is that all residential districts? Or just U-1, U-2?

Director LeBarron - If you want to spell out the specific zoning classifications, you can. Any kind of residential district, any kind of zoning that would permit a residence of any type would fall within the language.

Councilman Dallos - Down further where it says, "facility location only in a non-residential district..."

Director LeBarron - Councilman, I don't know where you are reading.

Councilman Dallos - 1399.05, pg. 3, first line. Is it necessary to spell out U-5, U-6, U-7, U-8 after non-residential districts?

Director LeBarron - That's the choice of this Council. At the Committee Meetings and Planning and Zoning didn't feel it was necessary. If you feel that is necessary, you can make that amendment.

Councilman Dallos - Clarification. U-1 is single family. U-2 is two-family. U-3 is apartments. U-3E1 is high rise. Is that classified as residential districts?

Director LeBarron - Yes.

Councilman Cervenik - We need to amend. Do we do each of these separately or can I amend as noted in the memo of January 24, 1997.

Director LeBarron - You can amend it per the memo that was given to you from the Planning & Zoning Commission as to their conditional approval. Your amendment would be that you are going to accept the conditions that the Planning & Zoning Commission sent to you.

Councilman Cervenik moved to amend as stated by the Law Director. Councilman Dallos seconded.

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

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

Amendment Passed.

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

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

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

Passed.

Ord. 42-1997 (357-97) Annual Appropriation

An emergency ordinance amending Ord. 232-1996 which makes the annual appropriation for all expenditures for the City of Euclid for the period ending December 31, 1997. (Sponsored by Mayor Oyaski and Councilpersons J. Farrell, Cervenik, Dallos, Miller, Flowers by request of the Finance Director)

Councilwoman McGarry moved for passage, Councilwoman Miller seconded.

Councilman Flowers - We never finished discussing this in Committee did we? I noticed that we don't have any recommendation.

Director Balazs - We had three budget hearings on the current operating budget and the third evening we did finish it. At that meeting, Councilman Cervenik chaired that in place of Joe Farrell for that evening. I think we concluded that. Plus we had two other meetings on the Capital, on February 10th and February 12th. At the conclusion of each of those operating budgets and capital, City Council indicated that they would move it to this evening for approval.

Councilman Flowers - I don't remember that. That's in the Minutes? You are sure that we voted for recommendation? Why wasn't it on here? There was items in the Waste Water Department that we decided not to discuss because it had to be improvement.

Director LeBarron - The budget was presented to this Council in a Committee Meeting. There was no legislation presented in that Committee. You discussed the entire budget in your Committee Meetings, there was no legislation placed before you. That's why you don't see a reference on your agenda as to whether this is recommended or not recommended.

Councilman Flowers - I remember one point and there was areas that we decided not to discuss in the Waste Water because there were additional changes that we would be making to the budget. Wasn't that the case? We didn't even discuss the whole area. Mr. Gall.

Director Balazs - We did have some changes and we indicated that to the Finance Committee in writing in my memo to you on February 7th.

Councilman Flowers - I'm talking about Waste Water.

Director Balazs - We had a typo in the Waste Water which we corrected. Mr. Gall has some answers to some other budgets within the Waste Water treatment area. I thought that we resolved at that time.

Councilman Flowers - I was never under the impression that we finished. One of the items, we had over a \$3 million surplus at the end of last year before we made some changes. You question whether or not we needed that full amount of the .85 income tax that we passed. We only used 25% of that. It brought in \$4 million and we had over a \$3 million carry over. One of the questions I would have been interested in, what would happen if we decided to repeal back some of that income tax on our own versus waiting for a community group which they tried a year ago. I think it is something we should look at.

Councilman Flowers - There's enough interest to start pulling back the income tax, I thought we should look to cut our budget. It would have been one of the recommendations I would have made to change. Until we actually look at this in the budget, I'm going to vote against it. I think we should try to look at scaling some of our income tax back.

Councilman Cervenik - I want to congratulate and commend the Finance Department for the presentation this year. They were under some duress to a certain point with two new employees. Every year we are getting a little bit more information. At least when we don't get the information we think we should have, we are getting answers in writing. I do commend you for that. Answering, what would happen if we didn't have Issue 13, I guess we wouldn't have to worry about residency because we'd have to cut about 20% of our employees and our services. It makes up close to 20% of our budget. Two years ago we ended December 31st with about \$285,000 in our carry forward General Fund. This year alone, by giving 3% raises to each and every person in the city, it will cost us nearly \$1 million. You forget that we didn't give them just for this year. We gave them for next year and the year after. We've got \$3 million that we didn't have in 1996 to spend in 1997 and 1998. The case has been made that we do need this money. However, we have what some would consider a large surplus in 1996, believe me, it is not. Financial experts will tell you that you should have anywhere from two-three months minimum of current carry over in your General Fund to take care of problems. Problems do arise. The case has been made by the Finance Department and the Administration, not only that we need the .38 that we receive. They are spending it wisely and this Council has taken much greater interest in the budget because we owe it to the people to watch where the money is being spent.

Councilman Flowers - Let the budget figures speak for themselves. There was over a \$3 million. Over the year, we had increased some of our additional spending in our capital improvement, more so than we've done in past years. I'm going to stick to my guns about that. We should look to trailing that back. You are talking about cutting our budget, we wouldn't have had to lay anybody off last year, if we would have only cut back half of that, our portion of it.

President Farrell - So you are going to vote against it, so close debate.

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

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

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

Ord. 338-97) Residency-Charter Amendment To Executive Com.

An ordinance providing for the submission to the electorate of the City of Euclid the question of whether Article V of the Euclid Charter shall be amended by the addition of Section 13 to require all officers and employees of the City of Euclid appointed to any position or promoted to a position of Chief, Director, Department Head or Superintendent after the effective date of this amendment to be bona fide residents of the City of Euclid at the time of their appointment or within one year thereafter. (Sponsored by Mayor Oyaski and Councilman Cervenik)

Councilman Cervenik moved for passage, Councilman Dallos seconded.

Councilman Cervenik - I have no problem putting this into Executive Committee. However, there is no hidden agenda as to why this appears this evening. I'm not exactly sure from statements made this evening and a few days, as well as today, about why it appears right now. It is timing. It is time. The Mayor mentioned in his State of the City Address, I have talked about this before. We have three or four, maybe even five, different classifications of residency. It is my opinion from talking with people over the past seven years as a Councilman, that they do appreciate that our employees work and play and spend their money and live in the neighborhoods that they service. One of the basic tenants of community policing is that residents get to know their policemen as something other than policemen. As long as our policemen aren't living in our neighborhoods, it makes it tough. Those are some of the arguments. It may not be that simple. I agree with that. I'm willing to put it in Committee. But I think to be afraid that the people of the community are going to speak out and say we want you to live here, that's a problem. They are saying they want you to live here, who am I not to let them vote on it? It is a great community to live in and we have wonderful neighborhoods, wonderful places to be. I think it would serve the public better if they lived and work with the people that work here. Our benefits are fantastic. We mentioned our training, our qualifications. We will lose somebody who is qualified. We may lose somebody that is qualified, but there are six other people out there that are just as qualified.

Councilman Cervenik - The employees in this community, all departments, do a tremendous job. I've mentioned it time and time again. I've sent notices to various department heads about employees that are constantly doing above and beyond their duty. I get told by residents and I make sure that it is passed on, we have great employees. But, don't forget, they have great benefits, they have pretty good pay, and you know what, they get the training from us. We give them the best training, we do everything in our power and if the budget allows to provide them with the best equipment possible. If you look at other communities, our employees, all employees, all departments, work under some of the best conditions and with the best equipment. As I've said, I have no problem discussing this in committee. There's no rush. This does not go on the May ballot. It will not go on until November. That was the intention. I have no problem at all and I will, if no one else is willing to speak about it this evening, to move it into Executive Committee.

President Farrell - Let me tell you too, I already let this get out of hand a little bit. The discussion is basically and should be limited to whether this belongs on the ballot or not. The whole issue of residency, we've been discussing in my opinion, and my experience, and Paul you were around in 1973. There's nothing new to discuss as far as residency. The only issue relevant, that's why I believe this belongs in Committee, is whether it belongs on the ballot. That's what we are going to discuss. If you have anything else to discuss, go home and discuss it with your wife.

President Farrell moved Ord. (338-97) to the Executive Committee. Councilman Cervenik seconded.

Roll Call: Yeas: Cervenik, Dallos, Flowers, Korosec, McGarry, Miller, Vadnal, J. Farrell
Into Executive Committee.

Res. 43-1997 (345-97) Farmland Preservation

A resolution in support of the First Ring Suburbs Consortium's Resolution to the Ohio Farmland Preservation Task Force. (Sponsored by Mayor Oyaski)

Councilman Korosec moved for passage, Council President Farrell seconded.

Director Koran - The Mayor has asked me to speak on this Resolution. Many of you have read in the Plain Dealer, Crain's Cleveland, and many other publications about the fight against urban sprawl. There is a consortium of communities called First Ring Suburbs which Euclid is a member. It was started by Cleveland Heights, Shaker Heights and Lakewood and a bunch of other communities have joined arms in combating urban sprawl. You may ask, what is preserving farmland have to do with the benefitting of the City of Euclid. Governor Voinovich has established this task force to study the preservation of farms in Ohio. Mayor Oyaski will be speaking tomorrow in Akron to this task force. All the communities in this first ring suburb consortium have passed this Resolution. It basically favors redevelopment and maintenance of built communities. What we are focusing on is existing federal and state incentives that actually encourage development in outlying areas. They are looking at the other side, destruction of farmland. We ask for unanimous support in this Resolution.

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

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

Res. 44-1997 (348-97) Income Tax Credit-Property 40 years of Age

A resolution proposing that the Ohio General Assembly introduce, consider and adopt legislation that would create a State Income Tax Credit for residential property owners who invest in the renovation or improvement of their residential dwelling units that are over 40 years of age. (Sponsored by Mayor Oyaski)

Councilman Korosec moved for passage, Councilman Dallos seconded.

Director Koran - This is in keeping with the urban sprawl agenda that the Mayor has. Three years ago the State of Ohio created the Job Creation Tax Credit program which was an economic development tool. The Mayor came up with this novel way to encourage owners in established communities, owners of single family homes to take advantage of a tax credit if they rehabilitate their dwelling. It is just a resolution asking the General Assembly of the State of Ohio to give this idea some thought and we are asking for your support.

Councilman Vadnal moved to close debate, Councilman Cervenik seconded. Yeas: Unanimous.
Roll Call: Yeas: Cervenik, Dallos, Flowers, Korosec, McGarry, Miller, Vadnal, J. Farrell

Passed.

Ord. 45-1997 (349-97) Auxiliary Police Dinner

An ordinance authorizing the Mayor of the City of Euclid to expend an amount not to exceed \$2,000.00 to pay for the annual appreciation dinner for Euclid Auxiliary Police Officers to be held the first Saturday in May at the Manor Party Center. (Sponsored by Councilwoman Miller by request of the Police Chief)

Councilman Korosec moved for passage, Councilman Flowers seconded.

Chief Baumgart - There is a little history behind this. As you know, we have a group of people, approximately 33 of them, who volunteer their service to the City of Euclid as auxiliary police officers. They provide a service that allows us to do many functions, programs and festivities safely because of their help. They aren't given any enumeration for this whatsoever. In the past, however, they were allowed to work certain jobs. One of which was the Credit Union on Saturdays. They were paid for this but they couldn't take the compensation. They put this money aside and paid for their own appreciation dinner with that money. However, this job no longer exists and number of other small jobs where they used to get paid for and put aside, no longer exists. I'm asking Council and the Mayor agrees with me, that Council help subsidize this party. It is a once a year party that is held at the Manor to show our appreciation for their efforts to the Euclid Police Department and the City of Euclid, to the job that they do yearly and provide a great service for us. Any questions, I'll answer them.

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

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

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

Passed.

Ord. 46-1997 (350-97) Amend Classification - Humane Officer & K-9

An emergency ordinance amending Ord. 227-1996, also known as the Consolidated Compensation Ordinance to allow the City to pay a uniform allowance of \$350.00 and maintenance allowance of \$600.00 annually to the City's Humane Officer and to pay the K-9 officer for the monthly cost of dog food. (Sponsored by Councilwoman Miller by request of the Police Chief)

President Farrell moved for passage, Councilwoman Miller seconded.

Chief Baumgart - This also has some history to it. I know Jack Johnson, our Administrative Director, one of his jobs that he is doing very well is go through all of our ordinances, he was an auditor at one time, and discovering that there are certain things that we've been doing and certain payments that we've been making which we do not have a right to make by ordinance. He's trying to correct all of these. We have had a consolidated ordinance change since then. Unfortunately with the change that was made regarding the Humane Officer Supervisor, was made in such a way that she could only obtain the same benefits as the union which she supervises. That particular union receives clothing, they turn in a shirt, they get a shirt back. I would like to see her receive this type of compensation. The reason why is, the date of hire in 1989, she was told that this would be the compensation. Since her hire, all these years, she has been receiving this type of compensation, both in December and January, \$600 in December, \$350 in January. The previous Humane Officer, Mr. Kirschling, also received the same stipend for his clothing allowance. Therefore, I'm asking you to uphold my word to my employee when we hired her, that she maintain this as well and make it retroactive to last year. She has not been paid this stipend as of this time.

The second portion of this is on the K-9 officer. He's been receiving a \$50 payment monthly in order to provide for the dog. There has been no ordinance or justification in our ordinances to allow this to occur. That is why we would like to put it into ordinance at this time.

Councilman Cervenik - I'm going to vote in favor of this due to the small amount of money. There is one thing that keeps coming up when we are asking for exceptions to people's pay and compensation. It is always that they were told. She was told something and AFSCME people were told they could move out in eight years. Some other gentlemen and ladies came to this Council and said so and so told them at this date they could do this. That's a very scary precedent to set. Then to come here and ask us to, well somebody told them that so now you guys have to vote for it, even though that's really not the way it is supposed to be. I hope some of the work that Mr. Johnson is doing is going through these ordinances, clears that up, so that people are only told what they are actually allowed to get in their contract and in their hiring, rather than what somebody thinks they may get. You can hear it tonight, it has caused problems and will cause problems again.

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

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

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

Passed.

Ord. 47-1997 (353-97) Nerone & Sons

An emergency ordinance increasing the amount of the contract with Nerone and Sons, Inc. by \$10,000.00 for emergency repairs to City of Euclid sewers, sludge lines and streets. (Sponsored by Councilman Dallos by request of the Service Director)

Councilwoman McGarry moved for passage, Councilman Flowers seconded.

Director DiNero - When we started the 1996 contract for Nerone & Sons, \$40,000 for his emergency work. We just completed a job on Breckenridge that was an emergency that cost us \$30,000. The sewer was 45 ft. deep and we had a log stuck in the storm sewer and was backing water up in the ravine 8-9 feet. The residents that lived up there were worried that it would cause erosion. There are two houses that are close to the ravine. We are asking for another \$10,000. His contract doesn't end until May 1st.

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

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

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

Passed.

Ord. (354-97) Instant Bingo - Safety Committee

An ordinance amending Ord. No. 29-1997, passed on the 21st day of January, 1997 by the Council of the City of Euclid to clarify Section 517.12 which prohibits the operation of an Instant Bingo Parlor. (Sponsored by Councilwoman Miller by request of the Police Chief)

Councilwoman Miller moved for passage, Councilman Vadnal seconded.

Chief Baumgart - I'm asking that this go into Committee. I'd like to discuss the cost of the permit and any other questions that any of the Churches or 501(c)(3)'s. We might as well put it in Committee and get it all hashed out so we don't need to come to Council for another amendment.

Councilwoman Miller moved Ord. (354-97) into Safety Committee. Councilwoman McGarry seconded.

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

Into Safety Committee.

Ord. 48-1997 (355-97) Cracksealing & Surface Rejuvenation Program

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 Cracksealing Program and the 1997 Surface Rejuvenation Program. (Sponsored by Councilman Dallos by request of the Service Director)

Council President Farrell moved for passage, Councilman Flowers seconded.

Director DiNero - This is our normal maintenance for streets for 1997. This is for cracksealing and rejuvenating. What we've been doing with the rejuvenating, going back a couple years of the streets that we resurfaced and we add this liquid to the pavement. We're finding that we can get 2-4 more years out of the pavement than we normally would.

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

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

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

Passed.

Ord. 49-1997 (356-97) Truckster-Parks

An ordinance authorizing the Parks & Recreation Director of the City of Euclid to enter into a contract with Century Equipment, Inc. for the purchase and delivery of a Toro Workman 3200 Truckster and accessories at a price not to exceed Seventeen Thousand Six Hundred Ninety Three Dollars (\$17,693.00). (Sponsored by Councilwoman McGarry by request of the Parks & Recreation Director)

President Farrell moved for passage, Councilman Vadnal seconded.

Director DeMinico - This Toro Truckster was an item on the 1997 Capital Improvement list. This unit will be used in Memorial Park. It will allow us to use our Cushman that we have right now and add a third ball diamond crew for the summertime. It is a direct purchase. It is on the State's Co-op. We have researched this with Mr. Akos, the Superintendent of Motor Vehicles. The best purchase is through the State Co-op.

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

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

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

Passed.

CEREMONIAL RESOLUTIONS

Res. 36-1997 (333-97) Boy Scout Troop 161

A resolution of congratulations to Boy Scout Troop 161 on their 75th Anniversary in Euclid. (Sponsored by Mayor Oyaski and the entire Council)

Res. 37-1997 (347-97) Robert Holloway

A resolution of congratulations honoring Robert Holloway, a remarkable Euclid resident and educator, who was the recipient of the Euclid Sun Journal's "CitiSun of the Year" award on January 29, 1997. (Sponsored by Mayor Oyaski and the entire Council)

Res. 38-1997 (351-97) Elks Lodge No. 18

A resolution of appreciation to the Cleveland Euclid Elks Lodge No. 18 for their outstanding community service efforts for Euclid's senior residents. (Sponsored by Mayor Oyaski and the entire Council)

Councilman Korosec moved for passage, Councilman Flowers seconded.

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

Passed.

COMMITTEE OF THE WHOLE

Councilman Vadnal moved to go into the Committee of the Whole. Councilwoman Miller seconded. Yeas: Unanimous.

Mrs. Madeline Scarniench - 1511 East 221 Street. Thank you for making that a first reading on the water bill. I know you'll come up with something fair and just that I won't have to gripe about any more. I'm still fighting them about \$500.

A comment on #7. I didn't say it before because I have really mixed feelings about it. Most of the people in the Heritage Park Association love the idea that this would be put on the ballot to make the workers live in the city. From my point of view, if that were to happen for me, my husband a 28 1/2 year employee of Cleveland Heights. If I was told that he had to move to Cleveland Heights, I would have been really made because he would have gone without me, because I love where I live. That's why I didn't say anything on it before. The people have the right to make a decision if that's what they want, so be it. I know how I'd feel about having to move. That's my opinion.

A question to the Chief. Do the other officers that work for Toni get an allowance for their clothes or is it just Toni?

Chief Baumgart - By their contract they don't get an allowance, per se, with money, they get clothing. They get uniforms.

Mr. Jack Fraier - 235 Greenbriar Court. On the front page of the Euclid Sun Journal last Thursday, there was a story about a comfortable condo conversion. I bring this up because within the past year or so there has been talk about marinas and condos on Lake Shore Blvd. The story belongs on the front page, because apparently it was a successful conversion. Many of those conversions were not successful, actually great catastrophes. I met owners of condominiums throughout northeastern Ohio and I've heard some horror stories. In reading the article, way down at the end, there is a small item. Over at Benton Village, as many condominiums are now doing, they are amending their documents.

Mr. Fraier - One of the amendments being made is that anyone purchasing a condominium unit must live in the unit for one full year before he/she may rent it out. Amending condominium documents has become so wide spread, one of the attorney's who represents two hundred condominiums has a complete seminar on this process. The point I bring up is this, in the future some of those large apartments along Lake Shore Blvd. should be considered for conversion to condominiums, I would urge this City to use whatever power it has to require this leasing agreement be part of the declaration. That is a person purchasing a unit must live in the unit for a year before renting it out. In the past, many conversions, apartments simply became apartments because investors from all over the country came over and bought large blocks of units and they simply went from renter to renter.

One other small item which involves Res. (348-97), #9. Mr. Koran spoke briefly about it. You give income tax credit to residential dwelling units that are 40 years of age. I would hope that also condominium units be included in that. Ours aren't over 40 years of age yet, but time flies and when that date comes, it would be nice to get some state income tax credit on that. Thank you.

Mr. Harvey Mlachak - 23831 Lake Shore Blvd. My primary reason for being here tonight, first I don't know how many people attended last Thursday's basketball game, put on by Oyaski's Avengers and Stanic's All-Stars. It was great entertainment all for two bucks, to raise funds for our D.A.R.E. program. I think I'd be remiss if I fail to compliment Councilwoman Fay Miller for her participation and support on behalf of this program. Councilman Miler, I think you were extremely conspicuous in your support and civic pride and your sportsmanship in contributing to this program. Councilwoman Miller was called on to make three foul shots, of which, with much aplomb and grace, Councilwoman Miller made two out of the three free throws. Councilwoman Miller, two out of three shots in anybody's ballpark ain't bad.

The second reason why I'm here, I think I have to kick a sleeping dog. I walked away from the Council Meeting two weeks ago, kind of confused. After endless discussion and bantering, on the repair of the K-9 vehicle, you ladies and gentlemen approved \$11,000 to repair the vehicle, except for Councilman Cervenik and Dallos. Councilman Cervenik I think you advocate trying to scarf up and spend \$400,000 of the taxpayers money to restore to quote Mr. Fraier, "a broken down bourgeois bungalow on the shores of Lake Erie", to give us what? A destroyed park that was promised to us to be a passive park. What do we get? Another subsidized building at the taxpayers expense, a la the Shore Cultural Centre? Which is losing to the tune of a quarter of a million dollars annually. We going to get another subsidized building? We also got bills, not to mention, that cost us \$300,000 for the roof, \$200,000-\$300,000 for the Surveyor's Triangle, a parking lot in front that costs \$100,000 and how many other hidden expenses. I'm not sure what United States Senator or Representatives said \$50 billion here, \$50 billion there, pretty soon you are talking big money. That's what we are doing. Please ladies and gentlemen, I implore you, have some respect for the taxpayers dollars. Don't destroy a park and give us another subsidized building that the Friends of the Henn House advocate commercializing. Renting it out to private enterprise. Don't we have enough vacant storefronts and office space in this town? You want some more? Thank you.

Councilmen's Comments

Chief Baumgart - I want to take the opportunity to thank Councilman Korosec, Councilman Vadnal and Law Director LeBarron and the Mayor, for stopping in at the Police Station and trying the firearms training system that we rented for the week. We still have it through Thursday of this week. I think they found it to be very interesting. I want to also thank some of the people, I won't mention any names who shot innocent bystanders. They understand how difficult it is to be a police officer and perform the correct judgement. I also commend them on their civic forum of putting themselves in that position. I'm sure they felt their blood going pretty fast and heart speed up with you get into those situations. Thanks a lot.

Councilman Dallos - There is a Service Committee Meeting Wednesday, February 26 to discuss the contract with Envirosience regarding the Incinerator. There was an interesting article last night in the News Journal about the Great Lakes, the water level going down. Just recently we received that new study from Ohio Natural Resources about the lake going to erode "x" amount of feet over the next 20 years. This article says that the water level is going to go down 25% in the next 40 years. A lot of people that live on the lake, that have lake property are affected by, they can't build homes on certain parcels, they can't put additions on certain parcels. I think someone should take this article and write to whoever wrote that report and let's get it straightened out.

Commissioner Apanacewicz - I'm aware of what you are talking about. You are talking about coastal erosion areas. I have researched this pretty thoroughly. There doesn't appear to be a big outcry in the City of Euclid by the citizens. There are many areas that are not in the zones. It does only affect additions greater than 500 sq. ft. Most of the permitting are new homes that are planned to be built, to be built before these regulations take affect. Though I understand your concern, there doesn't appear to be much impact out here in Euclid.

Adjournment

Councilman Dallos moved to adjourn, Councilman Cervenik seconded. Yeas: Unanimous.

Attest:

Clerk of Council

President of Council