

COUNCIL MINUTES  
MARCH 3, 1997

The regular City Council Meeting was held on Monday, March 3, 1997 at 7 PM in the Euclid City Hall Council Chamber. President Farrell presided.

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

Excused: Miller

President Farrell moved to excuse Councilwoman Miller. Councilman Korosec seconded. Yeas: Unanimous.

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

Council Minutes

Councilwoman McGarry moved to receive and approve the Council Minutes of February 18, 1997. Councilman Dallos seconded. Yeas: Unanimous.

Communications

Council has received the following communications:

A letter from DARE Officer Bonchak thanking the participants of the 2nd Annual DARE Basketball game.

A Resolution from the City of Berea opposing Ohio Senate Bill 15.

An invitation from Mayor Oyaski to participate in the 1st Annual Euclid Corporate Challenge.

A memo from Mayor Oyaski regarding the Safety Committee Meeting of March 5, 1997.

A memo from Mayor Oyaski regarding Senate Bill 15.

From Director Koran, the Euclid Community Concerns Final Report.

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

Administration Reports and Communications

Mayor Oyaski and Chief Baumgart presented a plaque to the Gorman Family in recognition of the many years of dedicated service that Charles Gorman gave to the City of Euclid.

Mayor Oyaski and Chief Baumgart administered the Oath of Office to Michael Janson and Paul Wittreich as the newest members of the Euclid Police Department.

Cpt. Doles presented Civilian Awards to: Freddie Thompson, George Ward, Sandy Coy and Tom Kander.

Cpt. Doles and Chief Baumgart presented Detective Patrick Lynch with a "Meritorious Service Award."

Chief Baumgart presented Patricia Meyer the "Employee of the Year" award.

Chief Baumgart presented the "Officer of the Year" award to Detective Kevin Blakely.

Mayor Oyaski presented Finance Director Balazs with the Certificate of Achievement for Excellence in Financial Reporting.

Mayor Oyaski announced a benefit for Ryan Gorman for Friday evening at Tizzano's Party Center.

Reports & Committee Minutes

President Farrell moved to receive and approve the Euclid Community Concerns Fiscal Year Report; Humane Officer's Report - January, 1997; Finance Committee Minutes: 1/29/97, 2/5/97 & 2/10/97; Board of Control Minutes: 2/10/97 & 2/18/97; Planning & Zoning Minutes: 1/22/97. Councilman Vadnal seconded. Yeas: Unanimous.

Committee of the Whole

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

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

LEGISLATION

Ord. (318-97) Second 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)

Second Reading.

Ord. (343-97) Second 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)

Second Reading.

Ord. 50-1997 (337-97) STC Envirosience - Incinerator Study

An ordinance authorizing the Director of Public Services for the City of Euclid to enter into a contract with STC Envirosience to evaluate the City's existing solid waste incinerator and prepare a report and cost estimate for demolition and modification of the incinerator building at a cost not to exceed Twenty Seven Thousand Dollars (\$27,000.00). (Sponsored by Councilman Dallos by request of the Service Director)(Recommended for passage by the Service Committee)

President Farrell moved for passage, Councilwoman McGarry seconded.

Director DiNero - We discussed this at the Service Committee last Wednesday and everyone was unanimous in going forward with this project to investigate the solid waste incinerator to make sure whatever hazardous wastes, if any, are there so we can go forward with the demolition of the back half of the incinerator. We would also like to find out if any of that equipment has salvage value to it. It is important to go ahead with this report.

Councilman Dallos moved to close debate, Councilman Vadnal 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, Vadnal, J. Farrell

Passed.

Ord. 51-1997 (358-97) Assessments Cutting Weeds

An ordinance to levy assessments for the cutting of weeds and cleaning of vacant lots as provided in Chapter 1113 of the Codified Ordinances of the City of Euclid. (Sponsored by Councilman Dallos by request of the Service Director)

Councilman Dallos moved for passage, Councilman Cervenik seconded.

Director DiNero - These are the vacant lots that we go and cut to maintain and keep the weeds down. This ordinance gives us the right to assess the property owners for the time we spent cutting the grass and weeds.

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

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

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

Passed.

Ord. 52-1997 (359-97) Emergency Repair Contractor

An ordinance authorizing the Director of Public Service of the City of Euclid to enter into a contract after advertising for bids for the hiring of a contractor to be used to make emergency repairs when needed due to unexpected and unanticipated damage to City of Euclid sewers, sludge lines and streets for a one-year period commencing upon execution of the contract. (Sponsored by Councilman Dallos by request of the Service Director)

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

Director DiNero - This is to hire our emergency contractor we do every year. The contract expires in May and sometime before the end of this month we will go out for bids again so that we will have a new emergency contractor on board by May 1st. The money is allocated in the capital budget for this.

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

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

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

Ord. 53-1997 (360-97) Bids Dump Trucks & Leaf Picker & Senior Van

An emergency ordinance authorizing the Director of Public Service of the City of Euclid to enter into a series of contracts after advertising for bids for the purchase of two (2) dump trucks with plows and salt spreaders and leaf picker(s) for use in the Public Service Department, and one (1) Senior Program van for use in the Community Services and Economic Development Department. (Sponsored by Councilman Dallos by request of Service Department)

Councilman Flowers moved for passage, Councilman Cervenik seconded.

Councilman Flowers - Were all these items in the capital budget, I don't remember leaf pickers?

Director DiNero - They are all part of the capital budget.

Councilman Flowers - The leaf pickers were part of the discussion? Did we discuss leaf pickers?

Director DiNero - That was part of the capital budget, yes.

Councilman Flowers - Do we have a dollar figure? Is there any reason why it is not included as part of the legislation?

Director DiNero - We haven't gone out for bids yet. This gives the authority to go out for bids for these, but we do have a set amount.

Councilman Flowers - We will stick to what we discussed at the capital?

Director DiNero - So far we've been almost to the penny as far as the capital budget, yes.

Councilman Flowers - I'm making this specific because I discussed this during the appropriations. If these amounts go over what we originally discussed, you can still purchase them? Or, you cannot purchase them?

Director DiNero - If the price would go over the, for the two dump trucks and the spreaders and plows, we have approximately \$160,000 for the two vehicles. If those vehicle prices come in at \$170,000 or something, we would have to come back to Council for approval of the extra \$10,000. Or, we might have to cut something off the truck.

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

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

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

Ord. 54-1997 (362-97) Gasoline Pump Inspection

An ordinance amending Section 731.16(a) of the Business Regulation Code of the Codified Ordinances of the City of Euclid relative to fees for inspection business permits. (Sponsored by Councilwoman Miller by request of the Fire Chief)

Councilman Cervenik moved for passage, Councilman Flowers seconded.

Chief Dworning - This was requested to clarify an ordinance that has existed since 1977. Since that time the Fire Department has been inspecting self-service gas station. It differentiates between a pump and a nozzle. For the past 20 years we have been issuing permits based on \$10 per nozzle. This is consistent to what we've done for the past 20 years and it is to clarify an existing ordinance.

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

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

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

Passed.

Ord. (363-97) First Reading - Rezoning

An ordinance rezoning a parcel at 1537 Chardon Road (P.P. #646-31-004) from U-3 (Apartment) use to U-5 (Commercial) use district and further amending Ordinance No. 2812. (Sponsored by Councilman Dallos)

First Reading. Public Hearing first meeting in April, 1997.

Ord. 55-1997 (364-97) Contract Equipment Ice Arena

An ordinance extending the contract between the City of Euclid and York International for certified preventative maintenance and total service agreement on equipment at the C.E. Orr Ice Arena for a one (1) year period at the same price and terms as the current contract. (Sponsored by Councilwoman McGarry by request of the Parks & Recreation Director)

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

Director DeMinico - Ordinance 157-1994 gave us the authority to enter into a three year contract for maintenance on the compressors, chillers, Bryan pumps, condenser pumps, dehumidifier cooling tower and the area in the ice arena. We have reached an agreement with the contractor right now. We would like to extend that contract by one year at the rate that we were given for the 1996-97 season.

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

Councilman Dallos - I was in conversation yesterday with an engineer who mentioned to me that frost at the Shaker Ice Skating Club is now 30 feet deep. They are going to have to do some major renovation in that ice arena to correct that frost line. Do we have any problems like that at our ice arena?

Director DeMinico - That is correct, Shaker is closing down for this summer skating season. We don't know if we are going to have frost or not. It is our hope that our sub-surface is the concrete surface. We have about 6-8 inches of concrete with the 1" galvanized pipe lining back and forth through there. That surface and the sub-surface has given us no problem, however we haven't been open for complete year-round skating season. That has been mentioned through capital hearings. It is a concern of ours. York has studied it. They have the plans and prints of the original drawings of the building. They believe we are going to be in good shape, but when you are dealing with something underneath the ground, we really don't know.

Councilman Dallos - In a couple of years we should do test borings at an angle to find out if there is a frost. It is something to consider.

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

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

Passed.

Ord. 56-1997 (365-97) Contract for Materials with MBE

An ordinance authorizing the Director of Community Services & Economic Development to enter into a contract for housing rehabilitation materials and supplies from a qualified minority business enterprise (MBE) after soliciting for proposals, as part of the Community Development Block Grant program at a cost not to exceed \$40,000.00. (Sponsored by Councilman Cervenik by request of the CS&ED Director)

Councilman Cervenik moved for passage, Council President Farrell seconded.

Director Koran - We receive about \$1.2 million every year from the federal government through the community development block grant program. As part of that program every year we fund the Weatherization Department. One of their responsibilities is siding residents homes that are income eligible. Over the years we have gradually increased the number of homes that have been sided versus the homes that we've painted. In 1995 we sided 20 homes. The cost of the materials, it has always been difficult for us to purchase the materials through the competitive bid process.

Director Koran - What we are hoping for tonight is once this is approved, is to solicit bids from certified minority business enterprises that can provide these materials. The federal government watches us fairly closely through our block grant expenditures to ensure we use MBE's. Our plan is to solicit bids from certified MBE's to provide the vinyl siding, all the ancillary items that the Weatherization Department needs. We are setting an amount of \$40,000 as a maximum. That's if we were to side 20 homes. This is a very popular program. There is a long waiting list. Sometimes we can side as many 10 houses per year. The most we've done is 20. It depends on the weather and the size of the homes.

Councilman Flowers - Because these are federal monies we have to go through minority businesses?

Director Koran - We don't have to. We have found that this is a comfortable way to satisfy the MBE requirements by using the supplies for the vinyl siding.

Councilman Flowers - This is to meet some requirements?

Director Koran - This would meet some of our MBE requirements. We could hire contractors to pave streets and something like that. This is a fairly easy way to get through that requirement.

Councilman Flowers - When you solicit proposals do we make sure that they are competitive at least? We don't want to be paying 20-30% more just because.

Director Koran - For the past 5-6 years we have used MBE providers but we know how much vinyl siding is because of the various home improvement companies around town. We still get a very good price from the MBE providers. We make sure that they are certified MBE's. The City of Cleveland gives us a list.

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

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

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

Passed.

Ord. 57-1997 (366-97) Purchase 5 Police Vehicles

An ordinance authorizing the Ex-Officio Director of Public Safety of the City of Euclid to purchase five (5) new police vehicles from Clay Matthews Pontiac at a price not to exceed One Hundred Two Thousand Seventy Five Dollars and 00/100 (\$102,075.00). (Sponsored by Councilwoman Miller by request of the Service Director)

Council President Farrell moved for passage, Councilman Flowers seconded.

Councilman Dallos - I know we have Chevy's and Ford's, does this mean we are going to have Pontiac's?

Chief Baumgart - These are Ford's that Clay Matthews had purchased last year. They are all police packages. If you drive by Clay Matthews you'll see them. Some are black and white and some are in pastel colors.

President Farrell - They sold them to a city that went bankrupt?

Chief Baumgart - Right. They sold about half their fleet that they've purchased thus far but they still have cars left. They offered the lowest bid. The next ordinance too, I can address both at the same time. Chevy stopped making a police package. The only police package they have is in the Lumina, which is hard to find. Jackshaw couldn't buy any for us, we tried to get some Luminas. The only thing left was the Ford's have a full police package. Chrysler is toting their Intrepid and Concord as their answer to the police package. Though it is not a true police package, a number of police departments are going with the Intrepids and Concords. We purchased two Concords last year. One is being used in traffic and one I'm using. The second ordinance has two more Dodge Intrepids. One we will put in Traffic and the other will be put into patrol as a supervisor's car to see if it is a viable police car or not. We have to find something that will be in competition with Ford. Ford has the monopoly on police cars right now. I'm told the GM is coming out with another package in the future and Chrysler is supposed to change their package to a police package as well. The vehicles cost a little over \$20,000 for the Ford's. We are buying these Intripeds for \$16,800. We are saving some money trying another car out that will compete with the Ford's.

Councilman Flowers - The Intrepids are for the supervisors so they don't have to be high-powered? I don't understand. If it is cheaper, you wouldn't get all seven Intrepids. Is this experimental?

Chief Baumgart - This is experimental. I personally prefer to see our people in the Ford only because the Ford is a full frame vehicle. There is a full frame around the whole car. The Intrepid and other cars that are smaller, are the unitized body. We find that if we do have an accident, our officers have a better chance of survival in a fully framed vehicle. I prefer to stay in the big car but we do have to find something to compete.

Councilman Cervenik - What was the price of the cars last year?

Chief Baumgart - About \$21,000. We are getting these a little less.

President Farrell - Any questions on (366-97) or (370-97)?

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

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

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

Passed.

Ord. 58-1997 (370-97) Purchase 2 Intrepids

An ordinance authorizing the Director of Public Service of the City of Euclid to enter into a contract with Nelson Auto Group for the purchase and delivery of two (2) Dodge Intrepids for a total cost not to exceed Thirty Three Thousand Six Hundred Fourteen Dollars and 00/100, (\$33,614.00). (Sponsored by Councilwoman Miller by request of the Service Director)

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

Councilman Vadnal moved to close debate, Councilman Cervenik 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, Vadnal, J. Farrell

Passed.

Chief Baumgart - A question to the Law Director, this is not an emergency ordinance, do we have to wait 30 days to purchase the vehicles?

Director LeBarron - That's correct.

Chief Baumgart - Can you amend it now?

Director LeBarron - You can reconsider the ordinance and make the amendment to make it an emergency.

Councilman Cervenik moved to reconsider. Councilman Dallos seconded. Yeas: Unanimous.

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

Roll Call on the reconsideration of Ord. (366-97).

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

Reconsidered.

Council President Farrell moved to amend Ord. (366-97) to make it an emergency piece of legislation. Councilman Cervenik seconded.

Councilman Cervenik moved to close debate on the motion to amend. Council President Farrell seconded. Yeas: Unanimous.

Roll Call on the amendment.

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

Amended.

Councilman Cervenik moved to close debate, Councilman K. Farrell 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, Vadnal, J. Farrell  
Passed as amended.

Ord. 59-1997 (369-97) Purchase Toro Reelmaster

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 Reelmaster 5100-D at a price not to exceed Twenty Four Thousand Nine Hundred Thirty Five Dollars and 69/100 (\$24,935.69). (Sponsored by Councilwoman McGarry by request of the Parks & Recreation Director)

Councilwoman McGarry moved for passage, Councilman Korosec seconded.

Director DeMinico - This piece of equipment will allow efficiency at the Golf Course. We will be able to have two units to cut the fairways. The unit goes out three times a week. Currently, with only one unit we get half and half. This money was budgeted in the 1997 Capital budget and it is a State Co-Op purchase.

Councilman Flowers moved to close debate, Councilman Korosec 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, Vadnal, J. Farrell  
Passed.

President Farrell - While we are talking about the Golf Course, often we have introduced as one of the Charter members of the Golf Course Commission Mr. Jerry Corbran. We have with us tonight another member that has never been in this Hall before. I want you all to meet Mr. Joseph Gornick, who is my father-in-law. I remember telling a lot of people that around election time, that Joe Gornick is my father-in-law, especially in Slovenian neighborhoods.

Ord. 60-1997 (371-97) Bids Repair WWT Plant Outfall Line

An ordinance authorizing the Director of Public Service of the City of Euclid to enter into a contract after advertising for bids for the labor and materials necessary to repair the Waste Water Treatment Plant Outfall Line. (Sponsored by Councilman Korosec by request of the Service Director)

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

Director DiNero - Down at the Waste Water Treatment Plant we've had a lot of complaints out on the lake where people complain about seeing bubbles coming out about 50-60 ft. in the water. During the last year we had divers go down and we found that the effluent line going into the lake, a 48 inch pipe, is in disrepair and there is approximately 200 ft. that needs to be replaced. Due to the short window of construction season in the lake, this ordinance is very important that it passes tonight. We only have three months to do this work, June, July and August. It takes time to mobilize their job, 6-8 weeks to get material and mobilize the job. It is on a time schedule due to being under water.

Councilman Flowers - Do we have a ballpark figure on how much this is going to cost?

Director DiNero - Approximately \$550,000.

Councilman Flowers - I noticed this is different from other legislation that we've passed. It says Board of Control is hereby authorized to waive any minor, technical, irregularities that may occur during the bid process. Why would we do this different?

Director LeBarron - That is really not different than other legislation that we have. The Board of Control has always been authorized to waive any irregularities in the bid process.

Councilman Flowers - Why was it stated? That's what brought it to my attention?

Director LeBarron - It is in almost every piece of legislation like that. I don't have any other explanation for you.

Councilman Flowers - Not the ones tonight. We didn't have any other ones today. We didn't have it for the police cars.

Director LeBarron - For the police cars, they were direct purchases. When we are going out for bids, Board of Control always has the authority to waive minor irregularities. The police car purchases that you mentioned, one was from State Co-op, we don't go out for bids when we are purchasing from the State Cooperative. The other police car was a result of soliciting three proposals.

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

Council President Farrell moved to suspend the rules, Councilman Flowers seconded. Yeas: Unanimous.

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

Passed.

Ord. 61-1997 (372-97) Purchase Computer System

An emergency ordinance authorizing the Director of Administration of the City of Euclid to execute an agreement by and between the City of Euclid and LDA Products Corporation for the purchase of computer equipment, maintenance, and operating system software at a cost not to exceed Sixty Five Thousand Dollars and 00/100 (\$65,000.00). (Sponsored by Mayor Oyaski)

Council President Farrell moved for passage, Councilman Cervenik seconded.

Director Johnson - This piece of legislation if approved by Council will allow us to replace the AS400 which is our main computer system, the financial system, the personnel payroll system, are being maintained on this particular machine. We purchased the machine in December, 1989. We've had three hard disk failures in the last year and a half and we would like to be able to replace it.

Councilman K. Farrell - Is this AS400 brand new?

Director Johnson - Yes. It is a Risk 6000.

Councilman Flowers - Section 2. What is that financing? Are we making payments on this over a number of years?

Director Johnson - This is \$21,000 a year. This would be paid back in 3 years.

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

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

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

Passed.

Ord. 62-1997 (373-97) Bids Copier System

An ordinance authorizing the Director of Administration of the City of Euclid to enter into a contract after advertising for bids for a city-wide copier/duplicator system for a thirty six (36) month lease. (Sponsored by Councilman J. Farrell by request of the Administrative Director)

Councilman Flowers moved for passage, Councilman Dallos seconded.

Director Johnson - This piece of legislation if approved by Council will allow us to advertise for bids for replacement of the copy machines that we have now, which have been leased for the last 5 years. We presently, and for the last 5 years, have paid about two-cents per copy. Our average annual volume is about 2.1 million copies. We do expect a slight price increase and I'll be glad to answer any questions that you have.

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

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

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

Passed.

Res. 63-1997 (367-97) Oppose S.B. 15 - Residency

A resolution opposing Senate Bill 15, which would prohibit municipalities from requiring that certain municipal employees satisfy a residency requirement as a condition of employment. (Sponsored by Mayor Oyaski and Councilman Cervenik)

Councilman Vadnal moved for passage, Councilwoman McGarry seconded.

Mayor Oyaski - This Resolution is self-explanatory. We were contacted by the Mayor of Berea who told us that there are hearings later this week in Columbus on Mr. Suhadolnik's Senate Bill 15, which would strip the people of Euclid in this Council for the opportunity to make rules on residency. I'm happy to see co-sponsor Councilman Cervenik has agreed to co-sponsor this legislation. I can't attend the meeting in Columbus on Wednesday, but if the Council agrees, I'd like to submit this Resolution to our State Representatives so they know how we feel about Senate Bill 15.

Councilman Cervenik - Even if you are against residency, I would urge your support of this Resolution. Allowing the Senate to override our Charter and Home-Rule authority is a bad precedent for us to allow a State Senate to take.

Councilman Vadnal - I'm against the residency but in view of Mr. Cervenik's comments, I'll be voting for support of this.

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

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

Passed.

Res. 64-1997 (368-97) Donate File Cabinet Community Policing

A resolution authorizing the donation of a lateral file storage cabinet currently in the possession of the Euclid Police Department to Royal American Management Company to be used at the neighborhood outreach library. (Sponsored by Councilwoman Miller by request of the Police Chief)

Councilwoman McGarry moved for passage, Councilman Dallos seconded.

Chief Baumgart - I was approached by our Community Policing Officers that are working in Willo Arms, in that area. We have some lateral files that we are no longer using and they felt this would be a nice addition to a library in the Willo Arms area and asked if we could donate it. I asked for legislation for this purpose. It is also part of our Weed & Seed program.

Mayor Oyaski - I want to echo the Chief's comments and I want to thank Willo Arms, Royal American and Pat Suhadolski for working with this at our mini-station. This will be a nice service to have for the residents in that area and I want to thank Willo Arms management for their cooperation.

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

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

Passed.

Committee of the Whole

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

Mrs. Madeline Scarniench - 1511 East 221. Item #8 on the Agenda. Can you please tell me the status of that property? It was very obvious after the Planning & Zoning Meeting that there is something fishy going on. There was another group of people sitting in the back of the room who said that they were up to purchase this property the very day before. They were here to find out what was going on. I would like to know, has this property transferred? Does anybody know?

Commissioner Apanasewicz - The property is being sold to someone who wants to tear down the house and build a building for his own business.

Mrs. Scarniench - But you don't know if it has already taken place yet or not?

Commissioner Apanasewicz - They are going through the transfer, it should have occurred last week. There are some sticky points yet.

Mrs. Scarniench - The Housing Department has been working on this home for quite a long time. It seems like we are getting the shaft on it. Now we are going to have building, I think I'm going to get with the Henn House people and discuss how we can make our area designated because it is really sad that we keep tearing down things and putting up new buildings especially in the oldest part of the city.

Are there any rules concerning trash containers at apartment buildings? Like how many they are supposed to have for how many people live there?

Commissioner Hayes - There are some rules about the size and location of trash dumpsters on apartments. I don't have it at my fingertips, but there are some rules regarding them.

Mrs. Scarniench - Can you please check? This is one of my perennial questions. Greenridge by the middle of the week, the trash is all over and anybody driving down Euclid Avenue, all they see is garbage. If you go there right now, it hasn't been picked up, it should have been picked up today and it is still laying there as we speak. It is all over and that's for half the week. Can't they put another container there.

We have another gas station closed. What are the rules as far as closed gas stations in this city? Is there anything that can be done about these things?

Director Koran - Under the auspicious of the Service Department, they have six months after the station closes to order the demolition of the building and removal of the tanks.

Mrs. Scarniench - If that's the case, why is 276 still standing? Now we have another one. Now we are going to have two empty gas stations on Euclid Avenue vacant looking like more trash. How come nothing has been done about 276 if that's the case? That's been brought up many times to Council.

Director DiNero - Sometime when you get into the demolition of those gas stations, the city will wind up picking up the tab for the complete clean up of the environmental hazards that are in the ground. You can get into quite a bit of money. We went through the same thing on Babbitt and Lakeland Blvd., with the BP station that was closed. They sunk monitors into the wells and they were monitoring those wells for 5-6 years. They had to be checked all the time. If the city goes in and starts tearing down, once you start tearing down, then you have to clean up. That's quite a big expense.

Mrs. Scarniench - That amount to our laws are totally useless.

President Farrell - They've got to find out who is going to pay for it before they do it.

Mrs. Scarniench - Going back to 276, that's been empty for I don't know how many years now. It looks like hell and now we are going to have another one. It would be interesting to see something happen to get this problem rectified. Thank you.

Ann Ryan - 197, between South Lake Shore & Newton. We've had water in our basement three times since the first of the year. The last time, was last Thursday, we had over \$3,000 worth of damage done to the structure of our home, plus loss of personal property. We had the City come out, 12 hours later they came out to snake out our sewers and said that there was no problem. We have put a video camera down inside the sewers and we have video taped a problem. We let them know that this video tape was done and they still, nothing is being done. We called Mr. Cervenik, let him know about the problem. We'd like to know when this problem is going to be rectified.

Director DiNero - In 1996 we put in for Issue 2 funds for 197, 195 and Newton. For some reason they picked to award us Newton. We made a plea for East 197. We know there is a problem there that needs to be addressed. We will be submitting our application to Issue 2 come July to see if we can't get that funding. 197 was scored pretty close to being one of their contingency projects. We didn't get the proper support from some of the suburbs in other areas that vote on these projects. Our intention is to re-submit it, and hopefully in 1998's schedule that this project might go forward as an Issue 2 project.

Ann Ryan - What do we do in the meantime? Just flood our basements out or what? We have a video showing that we have about this much of a line.

Director DiNero - We looked at those sewers and they are full of roots. We try to do the best we can as far as clean them out. Whenever we can send our men there, we do it. It is just one of those things, we have to wait until we get the money. We understand your problem and we will address it as soon as we get funding to do the project. It is not that we don't want to do it, we need the money to do it.

Councilman Cervenik - I would also like Mr. DiNero to forward me a list of the names of all the members on the Issue 2 board. I would like to lobby them personally as well as other members on 197 Street. We had one Mayor from Westlake that really shot our project down. Rather than giving us a mediocre grade, he gave us grades of 2 or 3, both on 197 and 195. That really hurt us in the grading process.

Councilman Cervenik - As Tony said, we are going to go out again in July and try and get it again. Maybe if we all notified this Board member that we have a serious problem, maybe this time we'll get the granting we need to go ahead with the project. Not just 197th, we could use the Homeowners' Association, to have the people on your street lobby. I will be talking to you about this. We are trying. The total project is \$900,000.

President Farrell - That sounds like a lot of money to you people, but it is not a lot of money to Issue 2. There is really no reason why they can't take a longer look at it.

Councilman Cervenik - They do over \$20 million a year. Some of the Mayors gave new water lines in Gates Mills higher priority than your sewer flooding. That's what we have to deal with. We will work together.

Julie Cirino - Why were told that we might assess a tax on 197 to fix that?

Councilman Cervenik - No you weren't told that. What I said is what other communities do, Lakewood and other communities ...

Julie Cirino - I'm not concerned with other communities.

Councilman Cervenik - I'm saying that's what they will do. We don't do that. We could do that and get it fixed tomorrow, but I don't think that's what you want to do. We are trying to avoid that. Take \$900,000 and divide it by the number of houses on your street, that's a tremendous assessment. That's why we are going out for this other funding.

Julie Cirino - Explain to me why that Mayor is involved in our decisions?

Councilman Cervenik - A certain number of Mayors are put on the Issue 2 Board. It is a state-wide board, they vote. A few years back Mayor Lynch from Euclid was on the Board and the lobbying he did helped this community get many projects on Issue 2. Every so often they change and a new Mayor in Cuyahoga County is put on there. Right now the Mayor of Westlake was one of the Mayors and I don't mind telling you I was a little upset with the gentleman when they were through.

Julie Cirino - How will you follow through with us to get lobbying?

Councilman Cervenik - May I have your number?

Julie Cirino - I left you a message on your home machine. Last week the same day Al called you. We are four houses down. We had the same problem within two weeks we backed up twice. I'm pregnant with our first baby and the fumes were really bad for three days.

Councilman Cervenik - Did we come out and snaked out?

Julie Cirino - Snaked out. I'll tell you one thing, I don't know who you have working in the evenings at the City, but they are very poor customer service, very rude. I would recommend whoever is in charge of that to work on that service because we have to live with it, they don't. I know you deal with this a lot, every day you probably get calls, but we pay high taxes in Euclid and I want to be sure we are provided services in Euclid as well.

Mr. Joe Podner - 165 East 225. I have a question for the Waste Water Treatment Plant effluent repair. Is that going to be a 24 hour repair job? Or will we have some quiet during the sleeping hours?

Director DiNero - Our understanding from the engineers, it depends on the weather. We are going to have to consider a 24 hour working job.

Mr. Podner - It was quite annoying when the Sims Park project was done, as far as the people living in that area, sleeping.

Director DiNero - Part of the problem is that we have only 3 months that they figure we can do this project. If they feel that don't have to work 24 hours a day and they can do it in an 18 hour day, that could be possible. As of right now, to be honest with you, I think it will be a 24 hour a day project.

Mr. Podner - It should be considered because it will be a long time.

Director DiNero - We will take that into consideration, we already discussed that.

Jane Evans - I'm a volunteer at the senior citizens building. I want to know for sure if that is supposed to be a done deal, that they already have people to tear down the School and chase us out of there. That's what I heard the other day, that it's already fixed.

President Farrell - What School are we tearing down?

Jane Evans - Shore. They said that they were going to tear it down.

President Farrell - Who told you that?

Jane Evans - I'm not saying who told, it doesn't make any difference.

President Farrell - You tell them that they are liar, liar, pants on fire.

Jane Evans - They've been trying for years to chase us out of there. I've been going there for a long time. I want to know for sure.

President Farrell - You can quote me, liar, liar.

Jane Evans - No, for years, the golfers want that place. Naturally it is going to be a lot of money for Euclid if they get more members and build.

President Farrell - Not going to happen.

Jane Evans - I hope not but that's what's been going around. You say that's not true?

President Farrell - I'm telling you its not true. Am I the only one telling her its not true?

Mr. Chuck Boom - I'm here to update you on the comedy club situation that I am attempting to put in, what is definitely a troubled location in the city. I told the Police Chief outside and it is definitely a gold mine to put this in there. I would like to make it a show place for the city, to bring in top talent, to make the building look good so that people can forget that was the Rustler's Steak House, 24 years ago. I felt the necessity to come up and tell you that since the article in the paper that Jeff wrote, he always writes good stuff, I was contacted by another city that's very near here that has a hotel with a built-in club facility that they now want me to put the comedy club in the hotel. Just from a pure business standpoint for me, it would be much better to be in a hotel. Of course, being a life-long Euclid resident, except for the 8 years that I lived in LA, I would much prefer to do it in Euclid. I would much prefer to do it at that spot. It has caused not only the police but residents a lot of headaches. I do want to thank Kory and Gary have been very helpful. Everybody should know, in particular on Council, they've been very helpful to me in trying to move this forward. I will continue to try and work with them to try and put this in Euclid. I hope that we can put that together.

To the lady that had the sewer problem with the Mayor from Westlake. Lynch is the Law Director over there, why don't we have him dig up dirt on the Mayor. Then we can have Paul sit on that seat and boom we get the sewers fixed. I'm just an answer man, that's all I'm here for.

I was approached about a position for the cable commission which I was quite interested in. Then I was out of town shooting my television show, which is on tonight, 10:00 comedy central, but we don't get that with Cablevision. Can you help me? It's my show and it's not on. I have to go to Willoughby to a bar to watch my own show. This is terribly embarrassing.

President Farrell - It must break your heart to have to go to a bar.

Mr. Boom - If that position or any of that stuff is still going on, I would be interested in helping out anyway possible. Babbitt Road. I have a Bronco that I drove here from California, it has huge tires, but I have to tell you fellas, 222 is beautiful but Babbitt, if you are going to leave it in that condition, then I move that we rename it "Hocheman Trail". There are manhole covers towards Value City that are about 6 inches deep that you can crack an axle on. I don't know what we can do about speeding up the repave of Babbitt, it has really gotten bad. It is terribly bumpy. That I won't personally help on but I thought I would bring to your attention.

The last time I was here, these curtains were darker. Now it looks as if they've been tie-dyed. I don't know what look you are going for, but it is not happening.

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

#### Councilmen's Comments

Councilman Cervenik - There is a Safety Committee Meeting for Wednesday. Fay is ill this evening and wanted me to remind everyone.

Councilman Dallos - A clarification from the Building Commissioner, the house at Chardon Road and North Street. It was my understanding that house was condemned a couple of years ago. So it is not a matter of fixing it up, it is a matter of tearing it down. I understand that it has a lot of structural problems?

Councilman Dallos - The gas station on 222 and Euclid Avenue. It closed a week to ten days ago. I would like March 1st to be the official date of closing. For the owners to be notified. The people who own that gas station, also own the one at 276 and Euclid Avenue. It is the same company. If we could notify them that if the station is still standing in 6 months, it is their obligation to tear it down, take the tanks out, etc. It is a matter of just notifying them right now so they are aware that we have legislation.

Councilman K. Farrell - When do we expect the Golf Course to open?

Director DeMinico - It is our hope with weather cooperating that we can get the greens rolled within the next two weeks. The official date depends upon Mother Nature. We did have a lot of calls over the weekend. Mr. Holmes believes in the best interest of the condition of the course that we should not open it. It is a little to wet. If it keeps up like this, maybe before St. Patrick's Day.

Councilman Flowers - The Issue 2 that Councilman Cervenik referred to about Committee Members. I would like to have a list of that as well as Council. If they know the representatives, we can make phone calls. Another issue is on Forestview today, I noticed was there a water line break by 266.

Director DiNero - It has been called in.

Councilman Flowers - What's the process on it? Have you heard anything?

Director DiNero - We just called it in and the Cleveland Water Department ranks them on priorities. Chances are a week or sometimes two weeks before they come and fix it.

Councilman Flowers - I think what Jane Evans was asking about was the senior citizens center at Briardale. She had heard that they were planning to move Briardale, the senior lunches, is that in the works right now?

Mayor Oyaski - The Council approved a study on the options and alternatives for Shore. One of those possibilities is remodeling Shore extensively to permit a brand new senior center to be incorporated into Shore. She was there when I went to speak to the seniors about a week and a half ago. One gentleman there, as I told you in the State of the City, wants us to spend \$300,000 enlarging Knuth. Mr. DeMinico is working with the study on Shore. You'll be presented with a number of options on Shore. What I told the seniors that day was, I would never ask them to move, unless there was a better place available, which could be, may be, some time. Nothing definite has been decided at all.

Councilman Flowers - I just wanted to put her at ease.

Mayor Oyaski - You have to make that decision and you are still waiting for the Shore study and then we will have to decide what to do with the results of the Shore study. It did come up at a luncheon about a week and a half ago.

Councilman Korosec - The bank on East 260 that was supposedly sold, the old National City.

Director Koran - We have no information on a new buyer for that bank.

Councilman Korosec - At the Palisades bowling alley, someone said that there is some drilling into the building and there is some 55 gallon drum tanks sitting outside the area, as well as, 18 ft. rigs next to the homeowners' property that are kept running overnight. Do you know anything about that Mr. DiNero?

Director DiNero - I'm not aware of it. It's the first I've heard of it.

Mayor Oyaski - I'll ask the Commercial Building inspector to take a look at that for you Councilman.

Councilwoman McGarry - To Directors LeBarron and Koran, on House Bill 422, the Brownfield legislation passed last November. Will that give us any help at all with the gas station issues?

Director LeBarron - I don't know because I don't know that particular piece of legislation off the top of my head. The Brownfield legislation is more, as I understand it, aimed at redeveloping property that was commercial and may have some kind of environmental problems buried underneath the ground. We can look into it to see if it is possible.

Councilman Koran - I think what Councilman Dallos is asking from us is that we insist that the owners clean up the property themselves. They demolish the gas station, they remove the tanks, not the city.

Councilwoman McGarry - But if they don't have the money, we are back to square one.

Councilman Korosec - Who'd be ultimately responsible? Would it be the owner of the individual gas station or the entity in which they are leasing the name from? The one at Babbitt and Lakeland, the owner said it was Sohio who was ultimately responsible for the clean up. Does the responsibility fall on the proprietor, or does it fall on the gas company?

Director LeBarron - The City's position would be the property owner. But not knowing what their agreement would have been with the company in which they were doing business with on behalf of, we wouldn't know that until we actually got into it. The city's position would be, the property owner's responsibility. What agreements they may have with some gas company, we would not know about at this time. We would be citing the property owner.

Director Koran - Councilwoman Miller at the meeting two weeks ago asked for an update on the Imperial House. I did receive the response in writing from SASI. January 9th they hired a general contractor to begin the process of rehabing the structure. Building permits were applied for in January. They closed on the property January 17th. The property did transfer. The building permits have been issued. The construction team has been assembled and they will begin the rehabilitation very soon.

President Farrell - I have a problem with the next meeting. It happens to fall on March 17th. That is the Feast of St. Patrick. Will we have a quorum if we have a meeting? Or would you like to move the meeting until Tuesday?

Director Koran - We have a P&Z meeting on Tuesday.

President Farrell - Everybody but McGarry, me and Flowers should be here.

Adjournment

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

Attest:

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Clerk of Council

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President of Council