

COUNCIL MINUTES

June 16, 1997

The regular City Council Meeting was held on Monday, June 16, 1997 at 7 PM in the Euclid City Hall Council Chamber. President Cervenik presided.

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

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

Councilwoman Miller moved to excuse Councilman K. Farrell and Councilman Flowers. Councilman Dallos seconded. Yeas: Unanimous.

Minutes

Councilwoman Miller moved to receive and approve the Council Minutes of June 2, 1997. Councilman Vadnal seconded. Yeas: Unanimous.

Communications

Councilman Korosec moved to receive and approve without objection a request for a new D5 liquor permit to Harborview Restaurant, Inc., Dba Ryans Downunder, 27801 Euclid Avenue. Councilman Vadnal seconded. Yeas: Unanimous.

Council has received the following Communications:

- A Public Hearing announcement from RTA to be held on Wednesday, June 25, 1997 in Euclid City Hall Council Chamber.
- From Director Koran, the Euclid Community Concerns April/May Report.
- From Director LeBarron, a summary of legislation on tonight's agenda.

Administration Reports and Communications

Mayor Oyaski - I want to inform the Council and the public that RTA will have a formal public hearing on their proposed service modifications in these Council Chambers on June 25, at 7 PM. The public is invited to attend and speak out at that meeting.

Director Johnson - We do have hearing devices for people that are hearing impaired. They are simple to use and if you would like to use one, the Sgt.-at-Arms has them.

Mayor Oyaski - I am pleased tonight to inform the Council and the public of the successful completion of the litigation with the United States and Ohio EPA. On June 12, 1997, the local district court entered an order terminating the Consent Decree. This is significant because that law suit went on 14 years. It involved the last 4 Mayoral Administrations. It was settled by a Consent Decree in 1991 and we continued to operate the Waste Water Treatment system under the jurisdiction of the local federal court until June 12th. Between 1991 and 1997, we made approximately \$17 million worth of improvements to the Waste Water Treatment system. This is significant because now the City of Euclid is solely responsible without the oversight of the local district court for the operation of the regional waste water treatment plant.

Director DeMinico - I would to invite everyone to our community festival that begins on Wednesday evening. We will have an opening ceremony on Friday at 7 PM. It is our hope that all of the council members will be in attendance that evening.

Director DeMinico - The Parks & Recreation Department has worked pretty hard over the last year and a half to really change the theme of our community festival. We are trying to get the community back involved in that flavor of what Euclid is all about. There's a community tent of over 30 various organizations, ranging from homeowner's associations, Boy Scout groups, that are going to be operating Friday through Sunday to raise funds for their various groups. There is going to be two entertainment tents this year. The last couple of years we've only had one. Saturday is going to be all Irish Day. Sunday is all Polka day. We are going to have a Children's Entertainment Tent that should be exciting with games and activities taking place the 3-5 days. A couple of guest appearances, Bat Man and the Batmobile and on Thursday night there will be Slider and he will be there for an hour. We've really made some big steps. There are some people in the audience who put a group to volunteer to work and change this community event. We are really looking forward to it and let's pray that tonight, this weather goes through and Wednesday through Sunday the sun shines on Euclid.

Mayor Oyaski - I also want to invite the Council to attend the July 4th celebration, which will begin in the stadium at 7:30 on July 4th. There will be a patriotic program at 9:30 PM and the fireworks should start approximately 9:50 PM. The rain date is the very next night. Getting back to the announcement I made before about the EPA settlement, I do think it is important to recognize not only the contributions of Directors Piscitello and DiNero, who oversaw the \$17 million worth of work; but also former Mayors Giunta and Lynch that got the ball rolling in the right direction. I want to thank them and also the one constant throughout was special counsel, Henry Fischer, who was the city's lead lawyer for the entire 14 year duration of that law suit. For the last 12 years, Bob Gall, has been front and center down at the Waste Water Treatment Plant, the scene of the alleged problem.

Mayor Oyaski, Chief Baumgart and Jail Warden Clinton promoted three Correction Officers to the status of Corporal.

Capt. Repicky and Chief Baumgart presented Citizen Awards to Michael Carney and Robert Molinski.

Capt. Repicky and Chief Baumgart presented Capt. Ralph Doles with an Education Award for graduating from Cleveland State University in June of 1973 with a Bachelor of Business Administration and has also completed over 2200 hours of police training.

Capt. Repicky and Chief Baumgart presented Officer Fred Stoldt with the Meritorious Service Award.

Capt. Repicky and Chief Baumgart presented Officer Dan Sawyer with the Exceptional Service Award.

Capt. Repicky and Chief Baumgart presented Officer Tom Yanacek with the Injury on Duty Award.

Mayor Oyaski presented Euclid High School's 1997 Salutatorian Kathleen Walker, with Res. 140-1997.

Mayor Oyaski presented Euclid High School's 1997 Valedictorian Todd Lapp, with Res. 139-1997.

Mayor Oyaski and Director DeMinico presented the VASJ Lady Vikings Slow-Pitch Softball Team with Res. 138-1997 for wining the World Series of Slow-Pitch Softball.

#### Reports & Committee Minutes

Councilwoman Miller moved to receive and approve the Fire Report of May, 1997; Executive Committee Minutes: May 21, 1997; Euclid Community Concerns April/May Report; Board of Control Minutes: 5/27/97 & 6/2/97. Councilwoman Holzheimer Gail seconded. Yeas: Unanimous.

#### Lot Split - Motch Corp. 1250 E. 222 St.

Council should approve or overrule Planning & Zoning Commission's approval (5-0) of a lot split at 1250 East 222 Street.

Councilman Dallos moved to sustain Planning & Zoning Commission's approval of a lot split at 1250 East 222 Street. Councilwoman Miller seconded.

Roll Call: Yeas: Dallos, Holzheimer Gail, Korosec, McGarry, Miller, Vadnal, Cervenik. Sustained.

Motion to Reconsider

Council President Cervenik - I would like to move to reconsider my vote on the Communications Tower on Chardon Road. Two weeks ago we had a 4-4 tie which caused the tower not to be approved. Since that time I've received some information from the company putting it up as well as going out to the site myself. I would like to move to reconsider by vote. Do I have a second?

Councilman Dallos - Second.

Council President Cervenik - Before we vote on this, I would like to have this put before item #5. We have a couple of public hearings that we should discuss first and vote on #5 for the tower. Call the roll on the reconsideration.

Roll Call: Yeas: Dallos, Korosec, McGarry, Miller, Vadnal, Cervenik  
Abstain: Holzheimer Gail  
Reconsideration approved.

Committee of the Whole

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

Mr. Jim Callahan - 21321 Westport Ave. I'm here on behalf of Item #1 on the legislation concerning the ordinance for John Schooling of Storage Buildings Unlimited. I manage the lot locally for him and he asked me to represent him here this evening. He wasn't able to make it. We were recently forced to move our lot and we applied for a zoning change and variance to continue in business at the new location. Planning & Zoning approved the Resolution with a restriction of only 8 items to be displayed. I've been managing the sales lot for the past 4 years and never once did I get the impression that restrictions like this could be imposed. The Resolution that was passed in June, 1992, when the company opened had no restrictions. The only thing that has changed is our location. The number of items displayed is the same as all previous years. I have submitted to Council a drawing which shows the number of items and the lay out. The drawing also shows our location as being 88 ft. wide. That is the total area we are leasing and should be the extent of our responsibility. I'm asking Council to consider either removing the item limit entirely, or at least raising it to 25 items so we can stay in business at that location. I'd be happy to field any questions you might have.

President Cervenik - This item is a second reading. If Council waives the three reading rule, and they have questions at that time, we may call you back up to the podium.

Mr. Patrick Newkirk - I'm employed by the City of Euclid School Board. I'm here on behalf of the proposed legislation #11, the addition or change to the Falsification ordinance. I wish to offer our support for the proposed change or addition. It will provide us with the specific language that we need to address those individuals who commit fraud in the enrollment process. It will provide us with an effective tool, one that we don't presently have in either statute or ordinance, to deal with these issues. The change would assist us in ensuring compliance with the State Law and Board of Education policy concerning illegal enrollment. I wish to thank the City Prosecutor's Office and Law Director's Office for drafting this proposal. Thank you.

Mr. Kevin Flynt - Vice President of the Euclid School Board, 21230 Milan Ave. In reference to #11 and the amending of section 505.10 on Falsification. On behalf of the School Board and Dr. Stanic, we would ask that you support this particular legislation. Mrs. Carol DeWine, President of the Euclid School Board, would have been here tonight except she had a prior commitment. This will go a long way in assisting us in taking care of the subject matter that is listed in this ordinance. Thank you.

Mrs. Dorothy Fike - 20271 Delaware Road. Item #3, I would ask Council and the City to have a lot division on that. I really think that you should not make that whole 644-04-018 into philanthropic use, U-R-6. That will take the park part of it out and it goes all the way from the Lake to Lake Shore Blvd. That is putting a little precariousness on the rest of the lot. #5, the lease agreement, I noticed it said lease except for the storage shed on the west. Is that the restroom facility that is a brick building? You mean a storage shed, where I think the brick building is a building. I don't understand what Lease 3 Number 2 means, rather than go into it tonight, I will go up to Mrs. LeBarron and have her straighten me out on it. On the Lease it talks about maintenance, does that include custodial? What is covered under maintenance? Custodial means cleaning and maintenance means something else. I wish that would be clarified tonight. #7 and #8, for the pet hospital. There is a Resolution for 222 Street and then there is the sale of the property on the Marginal. Is that the same veterinarian that is asking for two different things, one on 222 and one on the Marginal? The one on the Marginal, where about is that located? It doesn't really give any exact description of where it is. Will there be any tax abatement included in that when it comes up?

Mrs. Fike - #13, Roosevelt Pool. If you get the grant, that will be a complete re-doing of the pool and what would be the time frame? I know you are just applying for the grant. #16, the widening of St. Clair. I'm not very good on judging distances so I would like to have it spelled out. It talks about so many feet from Babbitt Road and so many more feet from Babbitt Road. If you would clarify that to me, from where to where, I would appreciate it. #17, materials for sanitary man holes. Does that mean you are only going to separate the manholes? Please explain that there is more to it than just the manholes. #21 and #22, one is for the sanitary sewers and #22 is for the water lines. I would like to know if there is a plan of where you are going to start on both of them? Will you have a list of the projects? #21 is the bonds for the sewers and improving the streets. #22 is the water lines. Thank you.

Mrs. Joan Sharf - 245 East 262 Street. I would like to address everything on here and I won't do it individually. As one lump thing. While we are talking about giving our ordinances, monies, assessments, etc., improving the City of Euclid with sewer lines and things that I am sure are necessary. Two weeks ago I personally walked from 260 to 266 and picked up two bags of trash that are all over Lake Shore Blvd. I would like to propose that monies be spent, or Committees be formed, which I would be a part of and clean up the City of Euclid and get the garbage off our streets. I can't stand to walk my dog any more down these streets when I see litter all over the place. You want to put money into Roosevelt Pool, all of these other things. When people drive down Lake Shore Blvd., Euclid Ave., 260, 222, if they are potential buyers and we, who maybe want to sell our houses, they are not going to come when they see trash, litter all over. Thank you.

Mr. Harvey Mlachak - 23831 Lake Shore Blvd. From the Council Meeting of June 2, 1997, first let me answer the Rev. Burger's imploring statement taken from the movie Jerry Maguire. He implored to you, Help Us Help You. In that same movie it also says, Show Me the Money. Sound familiar?

On items 3 & 4, I don't know what I can say or anybody can say this evening about the Henn House that has not been said before, over and over again. From the beginning #1, the city says tear it down. The Friends of the Henn House say, we'll save it. The City says bring us a plan and show us the money. The Friends say, give us some time. The City says okay we give you until we come back from vacation to come up with a plan and the money, about 3-4 months. Council does nothing. Friends of the Henn House do nothing. Council tell the Friends to go to the Planning & Zoning Commission. The Friends go to P&Z two times. P&Z tells the Friends to go back to Council, rejecting their request for rezoning to U-R-6, 5-0. Council sends it to Committee again. The Committee sends it back to Council. Here were are, no plan, no money by the Friends, nothing done by the Council. I hope tonight that our Council will make a decision tonight and uphold the decision of the Planning & Zoning Commission. If you will choose not to, the Park & Recreation zoning, single family zoning ordinances. If this happens, you don't approve it, you destroy the Park and Recreation zoning on that parcel. Is that correct Law Director? The present zoning is changed.

Director LeBarron - That's correct.

Mr. Mlachak - Okay, if it is changed. Out goes the playground. Out goes the bandstand because they are park and recreation zoning. Now we have a different zoning. Somewhere in this mish-mosh the City got a \$50,000 grant from the State. I understand it must be spent by the Administration and administered by the City. This is also with a 25% matching funds grant. Also the request for a grant by the ODNR was denied. I believe that this grant was for about \$285,000. In closing, remember the Mayor said more than once, we have more buildings than we need. Don't give us another subsidized building that we don't need at taxpayers expense. You as an administration asked the Friends of the Henn House, where is the money. How was the Henn House going to be funded? How was it going to maintain itself? Have you heard any good, concrete, reliable answers? In your wisdom and good common sense, I hope you vote the Use District Exception and the Lease down. Thank you.

Mr. Jack Fraier - 235 Greenbriar. I also oppose Ord. (440-97), item #4 on the Agenda. Mr. Mlachak has summarized many of my feelings about it. I emphasize again the Henn House is not historic, has no artistic value, no architectural value. I don't intend to spend 5 minutes going over all the details. I've read all the reports, especially the one that was sent to the Ohio Historic Preservation Committee. That statement is misleading. I realize this is a very hot issue, perhaps the way to get around is to table action on this and bring it up next fall. I think the Henn House is going to be with us for many years and there is certainly no need to get this Resolution approved tonight. Thank you.

Mrs. Bonnie Visage - 951 East 248 Street. Mine is a complaint. We've got the wall, and of course, after 33 years, we shut the door today, the first time because we couldn't stand the noise.

President Cervenik - You are talking about the wall on the freeway. Those items are not on the agenda.

Mrs. Visage - But what I wanted to ask, the Marginal the grass is all cut so beautiful, but we have a triangle at the end of the street that is left like a memorial. They don't cut it. I called the Mayor's office the other day, they did take a weed eater and cut a little bit of it.

President Cervenik - We'll take care of it. At this time, you should only speak to items that are on the Agenda. Thank you.

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

#### LEGISLATION

##### Res. 141-1997 (437-97) UDE Storage Buildings Unlimited

A resolution granting a Use District Exception pursuant to Chapter 1375 of the Euclid Codified Ordinances to John Schooling of Storage Buildings Unlimited to allow a U-4 (retail/wholesale) use in a U-6 (industrial/manufacturing) use district at 25080 Lakeland Blvd., P.P. #648-05-001. (Sponsored by Planning & Zoning Commission)

Councilman Korosec moved to waive the three reading rule to make this a public hearing. Councilman Vadnal seconded.

Roll Call: Yeas: Dallos, Holzheimer Gail, Korosec, McGarry, Miller, Vadnal, Cervenik. Motion approved. Public Hearing.

Mr. Hayes - Planning & Zoning approved this Use District Exception for Storage Buildings Unlimited. At that time they felt it necessary to put a limit on the number of items that he was allowed to store and/or display on the property. Their limit was 8 items on that property. In the past at the other location, there were more items out, there was a limit at that location. It was difficult to enforce that limit. We believe with the smaller number of items being displayed at the property, it shouldn't look as cluttered and it should help in the sale of their items.

President Cervenik - Mr. Callahan is here this evening if there are any questions.

Councilman Korosec - It was just stated that with the 8 structures it would make it easier for you to sell your structures. Can you tell me if that is true or false and reiterate on that?

Mr. Callahan - No it is absolutely false. It takes 9 buildings to show the full compliment of items, just in buildings alone. Then you have other seasonal items like gazebos, swings, arbors and patio furniture. With a limit of 8 items, I can't even stay in business with barns because I can't get an attraction, I can't get a draw. I have presented to Council a drawing which shows the layout of everything and it is all done to scale. There is plenty of move around room there. I do take exception with the original resolution, 147-1992, there was absolutely no restrictions on or limitations on items to be shown. I have a copy of it here. It did not say anything about showing only so many items. There was a young fella in charge of the lot before I joined the company the following year. He made the mistake of putting together a whole bunch of A-frame cedar swing sets and showing them on display. I guess it was cluttered, I don't recall seeing it. It was brought to Mr. Schooling's attention and the following day everything was dismantled and sent away. All we kept out from that point on, after I started, was just the items that I am showing on the drawing that you have in front of you. Eight items won't even allow me to stay in business with buildings alone, let alone anything else.

Councilman Korosec - During the winter months, would you have 25 items?

Mr. Callahan - Absolutely not. Everything is put away except the real large items that I can't put away, for example, the gazebo. Everything else is stored in the buildings and are locked up. I live close by and keep an eye on it continuously during the winter. There's never ever been a problem of vandalism or theft since I've been over there.

Councilman Korosec - This is in front of the Gene Weiss property. Does Gene Weiss have a problem with 25 items?

Mr. Callahan - I talked to Gene a couple of weeks ago and he told me for the record he had no problem whatsoever with our plans and what we planned on showing there. Secondly that drawing shows a total footage of 88 feet. The whole lot there, the frontage is about 180 feet across. We are only leasing the part we are using. The balance, to the eastern end, is not ours to be responsible for. That is Mr. Weiss' property. I don't know what he plans for, I haven't seen him in weeks to be able to ask him. We are only leasing the area that we have buildings on and no more. The grass across the entire front, I've been maintaining to keep it all looking respectable.

Councilwoman Miller - In front of Racquettime, is that where the golf course is, the putt-putt?

Mr. Callahan - That's where the former putt-putt was, yes.

Councilwoman Miller - The putt-putt won't be there and this will be there?

Mr. Callahan - I don't think so but I don't know. I can't speak for Mr. Weiss. There are still some installations to our east that he hasn't addressed. We did clean up the area that we started to lease. We are not going to clean up the other area that is not our responsibility. I don't know what his intentions are. I don't know one way or the other what he plans on doing with the balance of the frontage.

President Cervenik - What Mr. Callahan is trying to say is don't hold the appearance of the putt-putt against his company because they are not leasing that property.

Councilwoman Miller - I'm just trying to visualize a putt-putt, his business and Racquettime. I'm assuming he was going to go over the putt-putt area, but you are not.

Mr. Callahan - Just half of it.

Councilman Korosec - There is not enough room to have a putt-putt course and his area that he is leasing. That is what we are going to be looking at as far as speaking with Mr. Weiss to clean that area up and looking at the shed that is up there. As well as, everyone knows the nice cow that everyone passes every day. I will be specifically talking with him about that.

Mr. Callahan - The cow and the shed are beyond our control.

Councilwoman Miller - I have a problem with 25 items being there. I can understand him saying that 8 would not be enough. When I look at the diagram he has several barns and several swings and duplicates of everything even though they are different sizes. Perhaps there would be another number that would be a compromise. How about 12?

Mr. Callahan - Twelve just barely covers what I have out there right now which I can't even put away.

Councilwoman Miller - Then I would not be voting for this. I cannot see 25 items out there. I'm sure that Planning & Zoning checked this and thought it through and decided that 8 would be sufficient. I'm willing to amend it to make it a reasonable amount, but I can't go along with 25, particularly this size.

Mr. Callahan - Would 20 items suit you?

Councilwoman Miller - No. Half, twelve.

Councilman Vadnal - How did this come to our attention, was there a complaint from somebody? What's the requirement. I'm not sure why this is in front of us.

Mr. Hayes - Right now the requirement is to get a Use District Exception to allow the storage and sale of the buildings at that property. The reason in debate at this moment is to either allow 8 items or 25 items.

Councilman Vadnal - Normally you are not allowed any?

Mr. Hayes - Normally you would not be allowed any without coming to Planning & Zoning and then it would be affirmed by Council.

Councilman Vadnal - How long has this business been operating here at this location?

Mr. Callahan - We had to be off the old location by April 15th. We got everything off the old location by April 15th. Then we ran into this. We've been there since April 15th, it's hardly a business when I can't show anything out there to draw attention.

Councilman Vadnal - Where is the old business in relationship to the new business?

Mr. Callahan - We moved three doors east from where our old location was. We were in the parking lot next to what was Mickey's Rustproofing.

Councilman Vadnal - For how long were you there?

Mr. Callahan - I was there for 4 years and the company was there one year prior to that. We had that location for 5 years.

Councilman Vadnal - What did you show at that location?

Mr. Callahan - Exactly what I'm showing on the diagram.

Councilman Vadnal - Is that a different zoning, the old location?

Mr. Hayes - At that location they had gotten a variance that was required at that time. Now they are moving to a new address which requires a new variance.

Councilman Vadnal - What was the variance that they received last time, how many items?

Mr. Hayes - At that time, they were required, they were supposed to keep 15 items out there.

Councilman Dallos - To the Building Commissioner or John Hayes, what is the largest size shed that you can erect in the City of Euclid per our ordinances?

Mr. Hayes - By code, 10 x 10 or 100 sq. feet.

Councilman Dallos - My question to Mr. Callahan is that you are showing some 12 x 16 barns and some 10 x 14. If you market here in the City of Euclid, 10 x 10, where are these other ones being sold?

Mr. Callahan - Yes, I'm aware of the size limitation and I point that out to Euclid residents. But I sell to people all the way almost to the Pennsylvania line, all the way down to Solon. I get people coming from all over. Usually it is by reference. Even if you just go to Mentor or Willoughby, Willoughby Hills, they have no limitations, so 12 x 16 up to 16 x 24. I sold one last year to a guy in Geneva 24 x 44. That's the reason why we do need a full range of sizes. Anything less than 9 buildings doesn't show the product. It is tough to ask a person to visualize a building either 2 foot shorter or 2 foot longer, or a foot lower on the sidewall or a foot higher on the wall. It is tough enough even with nine but we can do it with nine.

Councilman Dallos - Mr. Hayes, did we have any complaints about the previous location?

Mr. Hayes - At the beginning we had a few complaints. Throughout the last 4 years or so, we did not, no.

President Cervenik - We have seven members here this evening. We have two choices. We can vote on it as P&Z has presented to us. We would need 4 votes of the 7 members here to pass it with 8 items. If a Council person would like to amend the number of items allowed, we can do that with a majority vote. However to pass the ordinance and affirm the Use District Exception we would need 6 out of the 8 members here to vote for that amendment. Any willingness from a member of Council to increase the number of items?

Councilman Vadnal - What is the lot size now and what was it before?

Mr. Callahan - The lot size now is 88 ft. frontage by 118 ft. deep. The former lot was a lot wider but not as deep. I don't know the footage. We also had to accommodate parking on that lot also. Here parking is accommodated behind the buildings in the area that would be common to the Racquettime parking.

Councilwoman Miller moved to amend to 12 items. Councilman Vadnal seconded.

Roll Call: Yeas: Dallos, Holzheimer Gail, McGarry, Miller, Vadnal

Nays: Korosec, Cervenik

Amendment passes.

Director LeBarron - Amendment passes. Now we have to vote on the whole ordinance as amended. If you want it to pass, it must pass by 6 votes.

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

Roll Call: Yeas: Dallos, Holzheimer Gail, McGarry, Miller, Vadnal, Cervenik

Nays: Korosec

Passed as amended.

Res. 142-1997 (438-97) UDE PEP Program

A resolution granting a Use District Exception pursuant to Chapter 1375 of the Euclid Codified Ordinances to Dr. T. Johnston of the Positive Education Program (PEP) to allow a U-R-1 (school) use in a U-R-2 (church) use district at 24600 Lake Shore Blvd., P.P. #644-19-004,005,006,007,043. (Sponsored by Planning & Zoning Commission)

Councilwoman McGarry moved to waive the three reading rule. Councilwoman Miller seconded.  
Roll Call: Yeas: Dallos, Holzheimer Gail, Korosec, McGarry, Miller, Vadnal, Cervenik

Mr. Hayes - This went to Planning & Zoning for a request of a Use District Exception for the property that is presently zoned for Church use. The PEP Program would want to use approximately 2300 sq. ft. of this as a school. They do already have a location in Indian Hills which they will retain as well as using this parcel as well.

Councilwoman Miller - I have a question. This is zoned for a church. If we zone this now for a school, or is this going to be a church and a school? How does this work? If you are going to zone it for a school can the church be there?

Mr. Hayes - This will still remain a church, the zoning will remain a church but a portion of it will be able to be used as a school.

Councilwoman Miller - If they move out, if they do, then it goes back to a Church?

Mr. Hayes - That's correct.

Director LeBarron - A use district runs with the land. If the school leaves, another school can take their place. If no school takes their place than either the church should come back to the city to get rid of that use district exception or under State law since we don't have an ordinance that limits it, if it is abandoned for 2 years it reverts back.

President Cervenik - Law Director, could you write up an ordinance that reverts it back in six months. It is as simple as that, correct, if we have an ordinance that says six months, we don't have to go to state law of two years?

Director LeBarron - That's correct. Six months is the minimum amount of time that it can be abandoned and then revert back. Since we have not ordinance on it, State law applies and State law indicates in the absence of an ordinance, it is two years of abandonment.

President Cervenik - Two years is a long time to leave a building in limbo. Is there anyone in the audience who wishes to speak on this public hearing?

Mrs. Madeline Scarniench - 1511 East 221. Do you know how many students they are going to house in this ordinance?

Mr. Hayes - I believe the number was 40-42.

Mrs. Scarniench - All these students are going to be transported here, I assume, just like they are in Indian Hills by different school buses. How is that going to affect the neighborhood? Is there a place where these buses are going to be able to turn around safely and not bother the neighborhood?

Mr. Hayes - I believe they are. Dr. Johnson is here.

Dr. Johnston - I work for the Positive Education Program and I am the Program Coordinator for the facility. The actual number of students will be 26-30, no more than that. With the total of staff and students it will come out to more like 40. We have approximately a 2:1 student to staff ratio. As far as the question regarding the transportation, the students come from all sorts of different school districts throughout this county and others. The transportation is either private vehicle, cab and in Euclid's case a school bus. We have a variety of that. We planned entering the parking lot from 248 going out 246 in order to hit the light at 246 and Lake Shore Blvd. The only other vehicles that are on the property would be the school vans plus the private cars of the staff.

Councilwoman Miller - Do you need any recreational facilities for that school like a playground?

Dr. Johnston - We are community based functional program for students who are multiply handicapped, suffer from challenges of autism and other cognitive difficulties. Our teaching approach is to take them into the community for all different types of learning so they don't need to generalize. You can teach something in four walls of a classroom but you can't get it generalized where it needs to be. Therefore, all of our recreational activities are in city parks, or YMCA. Most of the instruction, we really use it as a base to meet, then disperse, do volunteer work sites throughout the different areas of the county and come back. So very little instruction itself would be happening there.

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

Roll Call: Yeas: Dallos, Holzheimer Gail, Korosec, McGarry, Miller, Vadnal, Cervenik  
Passed.

Res. 143-1997 (241-96) UDE Henn Mansion

A resolution granting a Use District Exception pursuant to Chapter 1375 of the Euclid Codified Ordinance to the Friends of the Henn Mansion to allow a U-R-6 (philanthropic) use in a U-1 (single family) use district at 23131 Lake Shore Blvd., P.P. #644-04-018. (Sponsored by Councilwoman McGarry) (Disapproved for passage by the Planning & Zoning Commission (5-0)) (From Executive Committee with no recommendation for passage)

Councilwoman McGarry moved to waive the three reading rule. Councilwoman Miller seconded. Roll Call: Yeas: Dallos, Holzheimer Gail, Korosec, McGarry, Miller, Vadnal, Cervenik Passed.

Councilwoman McGarry - There has been an awful lot of conversation said about this so far. As the Friends do not wish to disturb the park in anyway but add to its peacefulness and stature by rehabing the Henn House. I would urge my colleagues to support this Use District Exception.

Councilman Vadnal - What is philanthropic mean?

Director LeBarron - It is not defined in our code, Councilman. Philanthropic means what the dictionary means it means, which is charitable.

Councilman Vadnal - What happens if the Henn group does not succeed in their wishes. Are we under the two year State rule now?

Director LeBarron - No. You are only under the two year state rule if the property is abandoned and then the property owner fails to come back to have it rezoned. If the Friends of the Henn House were to fail, then this Council on its own, could make a motion to go back to Planning & Zoning to revert it back.

Just to remind the Council, since the Planning & Zoning Commission has turned this down, this Council wishes to override it and grant the Use District Exception, six votes are needed.

Councilman Dallos - Can we have a clarification as to what is included in the Permanent Parcel No. 644-04-018?

Director LeBarron - The permanent parcel number includes not only the Henn Mansion, it includes the out building which includes the rest room and all the park land up to Lake Shore Blvd., I believe it is 8 acres.

President Cervenik - Mrs. Fike had a question concerning being able to continue to use the playground equipment if we change the zoning. Would that be effected in anyway by this?

Director LeBarron - It would be my opinion that the same uses that have gone on, which is the playground, could continue.

Councilman Dallos - If this was passed this evening, the reason why this permanent parcel number is apparently the parcel that went with the Henn House. Can we in the next 3-4 months subdivide this?

Director LeBarron - A lot split could be done, I had made that suggestion in the past. No one was interested in following through with that. The City could do a lot split to split the portion of where the house sits and separate it from the remaining acreage.

Councilman Dallos - Can we do that after the fact?

Director LeBarron - The Building Commissioner makes a very valid point, if you do the Use District Exception today and then you split the property, you still have the Use District Exception on the split portion. It would be more logical to do the lot split then do the Use District Exception.

Councilman Dallos - Couldn't this Council change the Use District Exception on the part that we are splitting?

Director LeBarron - Absolutely. That would be another step in the procedure. You could pass the Use District Exception tonight, then do a lot split before Planning and Zoning. If that's approved, Council could confirm that and turn around and go back to P&Z to revert the zoning back.

President Cervenik - Since we waived the three reading rule, this is a public hearing if anyone would like to step up to the microphone.

Mrs. Dorothy Fike - 20271 Delaware Road. I would like to question the Law Director because and also a comment to Mr. Vadnal. I looked at the zoning ordinances and when you have U-R-6, in the little handwritten it will say institutions, charitable. Charitable institutions is U-R-6. I want to question Mrs. LeBarron when she said if you change that whole 8 acres from the lake all the way to Lake Shore Blvd. to charitable institution, how then can you still say, you can still have the park, the concerts in the park, and also have the swing sets because that is recreation. When you have a Use District Exception you are accepting the whole parcel, 8 acres. I didn't bring the map today I went to the Engineering Department and I have it. It is the whole 8 acres that you are talking about the Use District Exception. I don't see how you can say that you can still have the swing sets and everything else when there is going to be change to the whole parcel, 8 acres, to institutional use, not recreation. Thank you.

Director LeBarron - What we are doing if this Use District Exception is passed is permitting this particular use within that area. Since the equipment is still there, there is no requirement that it needs to be taken down or anything else.

President Cervenik - With all due respect, I can't find anything much more charitable than having concerts in the park as well as kids on swings. Anyone else in the audience who would like to speak? Council?

Mrs. June Daugherty - 81 East 225. Henn people are only interested in less than 1/64 of the park. That's figuring 32 acres there. The house is less than a half acre. We really just want to save the house.

Councilman Dallos - So then you would have no problem if in September or October, we would lot split and show the house with an easement on the driveway and then revert back the 7-8 acres to recreational use. You would have no problem with that?

Mrs. Daugherty - I personally wouldn't no. That would be fine.

President Cervenik - It has ever been their intent to control any more than that.

Councilman Dallos - This may go on for 5-6 years their use and I think we should really spell it out so then its protecting at least the correct use.

Mayor Lynch - I would have never supported this Resolution if I felt in any way it inhibited the city's use or the public enjoyment of the rest of the park. I've been here a long time and I can tell you that U-R zoning categories were created for particular purpose 12 years ago. At that time, Councilwoman Miller might recall, every school building in the city had a U-3 use. U-3 is commonly referred to as an apartment use. In 1984 or 1985, the Council went through each and every school building to try to create more appropriate zoning. It was not intended to apply to this kind of condition in a way which would inhibit the city as the owner, the use that this Council deems to be best. I have heard this debated for the last 15 months. This is not a final, ultimate or perfect solution. I think the 300 or so members of the Friends of the Henn House deserve every fighting opportunity, every chance to try to preserve this home. They believe it is going to be an asset. I think they deserve an opportunity to raise the money, relieve the burden of the taxpayers as much as possible in doing so. I support (241-96).

Councilwoman McGarry moved to close debate, Councilwoman Holzheimer Gail seconded. Yeas: Unanimous.

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

Roll Call: Yeas: Dallos, Holzheimer Gail, Korosec, McGarry, Miller, Vadnal, Cervenik Passed.

Councilman Dallos - I would like to ask for legislation for September for the lot split and Use District Exception on the 7 1/2 acres for recreational use.

Res. 144-1997 (440-97) Lease Friends of Henn

A resolution approving the terms of and authorizing the Mayor of the City of Euclid to enter into a Lease Agreement with the Friends of the Henn Mansion, Inc., for the use of the Henn Mansion located at Sims Park at 23131 Lake Shore Blvd. in Euclid for a period of one (1) year with an option to renew. (Sponsored by Mayor Oyaski)

Councilwoman McGarry moved for passage, Councilman Korosec seconded.

Mayor Oyaski - As sponsor of this, I have the support of Councilwoman McGarry. For many, many years, before this building was vacated in 1989 it was used for two primary purposes, office use and an occasional event where public assembly was permitted, for about 35 years.

Mayor Oyaski - What this lease would permit is this non-profit to do basically the same thing that the Euclid Recreation Commission did until March, 1989. I have met with the Friends on a number of occasions. I think they are acting on good faith with very high ideals. They are trying to arrange a volunteer effort to save the building that they believe very strongly in. Not everyone believes that this building is an asset that should be preserved. However, once it is torn down, it is down forever. This lease is a short-term lease. I think these people are fighters and I would like to see what they can accomplish under the terms of this lease. I recommend its approval.

Director LeBarron - To answer Mrs. Fike's question that was raised earlier. The storage shed that is contemplated in this lease is that portion of the restroom facility that contains the city's equipment, that is exempted from this lease.

Councilman Dallos - I believe in our budget we carried \$60,000 forward from 1996 into this year, that we had earmarked for demolition of the Henn. What is going to happen to that \$60,000?

Mayor Oyaski - We did have a specific appropriation in the 1996 budget for demolition. If Council at that time had decided to approve demolition. In the 1997 budget, that money was set into the Contingency Fund. I would ask the Finance Director to look into how that fund has been utilized. There have been some charges made against it. There was no specific appropriation for demolition included in the 1997 Capital Budget.

Councilman Dallos - I understand that the one grant of \$50,000, we have to have a matching fund of 25%. Where is that money going to come from?

Director Koran - That is incorrect. There was no match requirement for the \$50,000 grant.

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

Roll Call: Yeas: Dallos, Holzheimer Gail, Korosec, McGarry, Miller, Vadnal, Cervenik  
Passed.

President Cervenik - Good Luck to the Friends of the Henn.

MOTION TO RECONSIDER COMMUNICATION TOWER AT 1365 CHARDON ROAD

President Cervenik - Since my vote of two weeks ago, I went up to that property to determine why the variances were granted. The first variance had to do with landscaping. The problem with this area is that in order to install landscaping that our ordinance would require, they would actually have to jack-hammer away the black top to put landscaping in there which isn't very practical considering it is in a commercial area to begin with. Also, the other variance was that it was less than one-half mile away from an existing tower. The existing tower was put up by the City of Cleveland Water Department. Ideally that is a location where we should hope that towers would be located. If AT&T wants to put a tower on Chardon Road away from residential areas, they requested that the City of Cleveland allow them to locate on their existing tower, which is considerably taller than the tower they are talking about putting in, and they were told no. The City of Cleveland has no desire to allow any other provider of communication services to use their tower. Due to that fact and due to the fact that it is a commercial area and quite far removed from residential areas, I will reconsider my vote this evening and ask you to vote in favor of the ordinance as passed 3-2 by Planning & Zoning. There is a representative here tonight, Mr. Harper, if anyone else on Council has any questions.

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

Director LeBarron - To make your record clear, you are moving to affirm Planning & Zoning Commission's decision approving the communications tower on Chardon Road.

Roll Call: Yeas: Dallos, Korosec, McGarry, Vadnal, Cervenik  
Abstain: Holzheimer Gail  
Nays: Miller

Passed.

Ord. 145-1997 (235-96) Hillside Regulations

An ordinance amending the Planning & Zoning Code of the City of Euclid Codified Ordinances by the addition of a new Chapter 1397 adopting hillside regulations. (Sponsored by Councilman Dallos) (From Building Standards Committee with no recommendation for passage)

Councilman Dallos moved for passage, Councilwoman Holzheimer Gail seconded.

Councilman Dallos - I would like to move to amend Ord. (235-96) to (235a-96). Councilman Korosec seconded.

Roll Call: Yeas: Dallos, Holzheimer Gail, Korosec, McGarry, Miller, Vadnal, Cervenik Amended.

Councilman Dallos - (235a-96) highlights the changes that were made by the Building Commissioner. When this ordinance was in Committee, it was sent out of Committee with the understanding that it would be given to the Building Commissioner and he would mark it off. I also gave you another one that is highlighted in pink, showing you the same thing is changed. I really don't have anything else to say at this time. I would appreciate passage of this. It would protect us not only on the south side of Euclid but it may protect us in the future with some of the parcels on the lake.

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

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

Roll Call: Yeas: Dallos, Holzheimer Gail, Korosec, McGarry, Miller, Vadnal, Cervenik Passed.

Ord. 146-1997 (446-97) Hillside Area Permit

An ordinance amending Chapter 1703 of the Building and Housing Code of the Codified Ordinances of the City of Euclid by the addition of new subsection (w) to Section 1703.65, setting the cost of obtaining a Protected Hillside Area permit. (Sponsored by Councilman Dallos)

Councilman Dallos moved for passage, Councilwoman Holzheimer Gail seconded.

Councilman Dallos - This just sets the filing fee and the amount due for the permits regarding the previous ordinance.

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

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

Roll Call: Yeas: Dallos, Holzheimer Gail, Korosec, McGarry, Miller, Vadnal, Cervenik Passed.

Res. 147-1997 (450-97) Animal Clinic-Special Permit

A resolution approving the Planning & Zoning Commission's allowance of a special permit to open an animal clinic at 885 East 222 Street, P.P. #643-13-007. (Sponsored by the Planning & Zoning Commission)

Councilman Korosec moved for passage, Councilman Vadnal seconded.

Commissioner Hayes - The Planning & Zoning Commission voted unanimously to approve the request for a special permit for an animal clinic at this location for Dr. Bedi. The condition was that there be no outside kennels and there were several recommendations by the Building Commissioner which required certain maintenance and areas to be repaired on the building that were included in the condition of this being approved by P&Z.

Councilman Korosec - This is only going to be a temporary site for this gentleman. The legislation, #8, which is going to be right next to Orthotic Specialities, will be his permanent site. I urge for passage.

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

Roll Call: Yeas: Dallos, Holzheimer Gail, Korosec, McGarry, Miller, Vadnal, Cervenik Passed.

Ord. 148-1997 (452-97) Sale of Property - Dr. Bedi - South Marginal

An emergency ordinance approving the sale of a parcel of property located on South Marginal Road and further described in Exhibit A, to Dr. Kanverjit Sing Bedi for Ninety Thousand Dollars (\$90,000.00). (Sponsored by Mayor Oyaski and Councilman Korosec)

Councilman Korosec moved for passage, Councilman Dallos seconded.

Director Koran - The City of Euclid has been offering this site for sale for many years. I think back to when John Piscitello was the Service Director he was the first one deemed this property no longer needed by the City of Euclid and that is when we first started marketing the site. In the 6-7 years many offers have been presented to City Council. The most recent one was the Orthotics offer. Originally the site was 2.64 acres. It was appraised at that time for \$175,000 for 2.64 acres.

Director Koran - About 3 years ago we hired Ostendorf-Morris to market the site. Soon after that, one of the first offers was Orthotics. They were only interested in 1 acre of the 2.64 acres. This City Council approved that sale to Orthotics. You drive on the freeway now and you will see that building is up and it is a very attractive building. Concurrently Ostendorf-Morris has still been marketing the land, the 1.6 acre out parcel which is just west of the Orthotics building between Aquasonic and the Orthotics building. Dr. Bedi came forward a couple of months ago and presented a purchase offer of \$80,000 to purchase the 1.6 acre site. We countered offer with a higher price. Where we have it today, what we are recommending approval to this City Council, Dr. Bedi is offering \$90,000 for this 1.6 acre site. In addition to the \$90,000, he will be paying the City \$23,000 for a waterline bill that had to be run to provide water for this site. Dr. Bedi's broker Mary Sams is at the podium right now. Councilman Korosec was correct. The Doctor is planning on opening the clinic up the street here on 222 for approximately 1 year until his new building is built. When the new building is built, he will be moving his facility from East 222 Street and he has a facility in Painseville that he is going to be consolidating all of those into one large complex next to Orthotics.

President Cervenik - There is no tax abatement.

Director Koran - To answer Dorothy Fike's question, there is no tax abatement asked for or agreed to for this purchase. The broker is here so we can open it up for debate right now.

Councilwoman Miller - This is city property. Would the amount of this money go into the Endowment Fund?

Director Koran - In the Euclid Endowment Fund.

Councilman Dallos - I have a question about the entire site. We sold the one parcel to Orthotics for \$105,000. During the Board of Control Meeting, I noticed that we reimbursed them \$51,935.00. I'm wondering what happened.

Director Koran - We sold the site for \$105,000. Once the site was sold, you specifically asked for the assurance that the water line that would be provided for the Orthotics site be taken all the way to the out parcel. What Orthotics proposed was to provide a 2" waterline which the Service Director felt would be inappropriate. In addition that waterline would have been to the rear of the property. You know the site very well, the easement was to the south of the existing bar next door. A 2" waterline servicing this building and any future use, in this example Dr. Bedi's building, would have been unacceptable. It was the Service Director's correct opinion that if we are going to do this, we should do it right. Orthotics did install an 8" waterline and adequate storm and sanitary sewers for their site. The Mayor agreed to pay two-thirds of that expense with one-third of the expense being paid for the future buyer. This future buyer, Dr. Bedi, has agreed to pay the \$23,000 for that water and sewer line.

Councilman Dallos - There was also no plan or no elevation of this proposed building.

Director Koran - In the packet that was sent out is a site plan that shows the building. The broker has some explanation about the building, the size, number of jobs, etc.

Councilwoman Holzheimer Gail moved to suspend the rules, Councilman Korosec seconded. Yeas: Unanimous.

Mrs. Mary Sams - On the building, we are not quite sure how and what difficulties we are going to run into with the building because of the EPA report that we got that was sent to Mr. Dietrich of the City of Euclid. There are some questions on the site itself as far as part of it being a landfill and there is also some contamination there. How far we'll have to go down to actually have a solid base and footers and that, we would like to make it a one level building. It would be approximately 3,500 sq. ft. The kennels would be in the back of the building so it would not be seen by people passing by or be any kind of noise or distraction. I have letters from the neighbors. Explained to both of them Orthotics and Aquasonic, Mr. Attwood I talked to when he was in Florida. Neither of them have a problem. They would like to see something there that's another building, another thriving business, besides another car lot or office building.

Councilman Dallos - What's the City's position on EPA? How are we selling the property?

Director Koran - We are selling the property as is. We did have a Phase I Environmental Analysis that came back clean. What Mary Sams is referring to is that most of that is fill from the freeway. There are no environmental problems. There's no asbestos, pcb's, or anything like that. We did the Environmental Analysis and the site is cleared. She is referring to the same problem Orthotics ran into, and you are very familiar with it, you can't build a building on that fill, it has to be scraped away. There is some cost to that and the private sector will be paying for all site costs.

Councilman Dallos - On the Ramada Inn site, according to our conversation you had 60 inquiries. None of those inquiries can use this site?

Director Koran - We put our phone number on the Ramada Inn site and when those calls came in, we questioned each person that came in. If they were looking for a site of this size, 1.6 acres, with a very narrow depth, we referred them to that site and to the broker who has been marketing that site. Most of the individuals who were interested in the Ramada site were looking for a 6 acre site. For example we had car dealerships, nursing homes, developers, hotels, etc. A very narrow, shallow 1.6 acre site is not conducive for many of them. Mr. Cannata has been offering this site for 3 years and this is the only current offer on the table.

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

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

Roll Call: Yeas: Dallos, Holzheimer Gail, Korosec, McGarry, Miller, Vadnal, Cervenik Passed.

Res. 149-1997 (447-97) CUPPO Union Agreement

A resolution authorizing the Mayor as Ex-Officio Director of Public Safety of the City of Euclid, to execute an agreement by and between the City of Euclid and the Civilian Uniform Police Personnel Organization, as exclusive bargaining agent for all Euclid Dispatchers and Police Records Room Personnel. (Sponsored by Mayor Oyaski)

Councilwoman Miller moved for passage, Councilwoman Holzheimer Gail seconded.

Director LeBarron - This is another labor contract with the dispatchers and record room personnel of the Police Department. If you refer to my summary, we went to conciliation, which is binding upon both parties on this particular contract. Prior to going to conciliation we had worked out many of the issues but we went to conciliation on salaries, on residency, on longevity, all the core issues that we have done with the other labor contracts. The Conciliator found in the City's favor. It is a three year agreement, 1996, 1997 and 1998. It has the 3% across the board as all the previous contracts approved by this Council. The health care is the same as the other bargaining agreements. The longevity is ceasing for new hires. This particular agreement and the residency conforms with the current ordinance. The dispatchers and record room personnel, since it was conciliation do not have to ratify this. It is binding on all parties. They have agreed to the other items in the contractual negotiations that were not part of the conciliation.

Councilman Korosec - This goes retroactive to 1996, 3%. I've seen every contract that we've had has always been retroactive to the previous year. Is that something we are always going to be putting in there? Is that some precedent that has been placed and we cannot get out of?

Director LeBarron - No. These particular agreements expired in 1995 and it has taken that long to go through not only the negotiation proceeding, but also to go through SERB, which is the State Employee Relations Board, which is the organization you must go through to go to arbitration and/or conciliation. What the collective bargaining statute in the State of Ohio requires, is that if you go into the next year, you must go retroactive to the year that the contract had expired. Given the change in the mayoral position, most of the unions waited to the last minute to get into negotiations. That is part of the reason why in 1997 we are approving contracts for 1996 as well.

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

Roll Call: Yeas: Dallos, Holzheimer Gail, Korosec, McGarry, Miller, Vadnal, Cervenik Passed.

Res. 150-1997 (448-97) Custodians Shore Union Contract

A resolution authorizing the Mayor of the City of Euclid to execute an agreement by and between the City of Euclid and the International Association of Machinists & Aerospace Workers (I.A.M. & A. W.), Local 1363, as exclusive bargaining agent for all Custodial employees at the Shore Cultural Centre. (Sponsored by Mayor Oyaski)

Councilwoman Holzheimer Gail moved for passage, Councilman Dallos seconded.

Director LeBarron - This union is a brand new union for the City. The State Employee Relations Board first certified it as a valid union on April 25, 1996. It is a 3 person union, made up of the custodial staff at Shore Cultural Centre. The contract is for 3 years, 1996-1998, the same 3% that other unions have received. I am happy to announce that this is the last contract that goes back to 1996. The only other contract that we have left is with the Waste Water employees and their contract just expired at the end of 1996. This has been ratified by the three person union.

Mayor Oyaski - I do want to thank the Law Director as well as her staff for accomplishing that. There are 10 units now with this approval that have been fully settled. The only other one is the one she mentioned which is the Waste Water Treatment which only recently expired. There has been a lot of work because the unions are under no compulsion to agree to whatever the city offers and there is a process involved. I want to thank the 10 unions that we've settled with for the progress we've made together. I especially wanted to thank Director LeBarron.

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

Roll Call: Yeas: Dallos, Holzheimer Gail, Korosec, McGarry, Miller, Vadnal, Cervenik Passed.

Ord. 151-1997 (436-97) Falsification Residency Enrollment Schools

An ordinance amending Section 501.10 of the General Offenses Code of the Euclid Codified Ordinances to make the falsification of statements made by a parent or guardian to procure enrollment of a child whose legal residence is outside the Euclid Public School District as a misdemeanor of the first degree and require full restitution to the Euclid Board of Education for services illegally obtained. (Sponsored by Mayor Oyaski)

Council President Cervenik moved for passage, Councilwoman Miller seconded.

Mayor Oyaski - I was asked to sponsor this legislation by former Capt. Newkirk and our Prosecutor. I discussed this proposed ordinance with the Law Director, she believes it is lawful and constitutional. It makes it specifically a crime to lie for the purpose of procuring the registration or enrollment of a person or a person's child or ward, in the Euclid Public Schools, regarding the issue of residency. If someone lies about residency in order to obtain an education, paid for by the Euclid taxpayers, when that person is not a bona fide Euclid resident, this enacts criminal penalties for that lie, fraud or falsification. I ask your support of this ordinance.

Councilwoman Miller - Absolutely. This is an important ordinance.

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

Councilwoman Miller moved to suspend the rules, Councilwoman Holzheimer Gail seconded. Yeas: Unanimous.

Roll Call: Yeas: Dallos, Holzheimer Gail, Korosec, McGarry, Miller, Vadnal, Cervenik Passed.

Ord. 152-1997 (451-97) Storefront Renovation Whitney Bldg.

An emergency ordinance authorizing, empowering and directing the Mayor of the City of Euclid and CS&ED Director to enter into a Special Storefront Renovation Agreement with Priority National Management, Inc., owner of the property located at 27691 Euclid Ave., known as the Whitney Building, for the provision of a grant in the amount of \$20,000 as reimbursement of 40% of the cost of eligible improvements plus reimbursement of up to \$1,500 for architectural design services. (Sponsored by Councilman Korosec. (Sponsored by Councilman Korosec)

Councilman Korosec moved for passage, Councilman Dallos seconded.

Director Koran - The Whitney Building had been for sale for a couple of years. My Department has met with many potential buyers of this building. I'm happy to say that the property was purchased by Mr. Herb Neides, who is at the podium. He is the President of Priority Metals, which is just outside of the City of Euclid on East 289 Street. He has purchased the building and is planning on spending over \$70,000 in renovation of the Whitney Building on Euclid Avenue. We are proposing to assist him in the renovation through the Block Grant Program and the Stokes Grant that we received. Specifically we are going to assist in the facade renovation, parking lot resurfacing, lighting, tuck pointing, signage, landscaping, sidewalk removal and replacement, and assist in the architectural fees. Mr. DeWine in my office has been steering this project. The total project cost is \$21,500. \$10,000 of the subsidy will come from the Stokes Grant. \$11,500 will come from the 1998 CDBG block grant program. If there are any questions of myself or Mr. Neides, he is in the audience.

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

Councilman Vadnal - What are your plans for the building?

Mr. Neides - We intend to get it occupied which is the primary concern. Presently there is about 10 people working in the building. At its capacity, it could have 17 tenants and about 70-75 people working there. The repairs and renovations that are mentioned are to the exterior of the building. We also look to put some improvements into the interior. The building hasn't been touched in 20 years. I think it is a great project. Gary DeWine seems to share my enthusiasm for it. It is right on the main drag. Any questions you have, let me know.

Councilman Dallos - The Stokes grant was meant for Euclid Avenue and this is a good way to spend the money.

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

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

Roll Call: Yeas: Dallos, Holzheimer Gail, Korosec, McGarry, Miller, Vadnal, Cervenik  
Passed.

Res. 153-1997 (453-97) ODNR Grant Roosevelt Pool

A resolution authorizing the Mayor and/or the Director of Parks and Recreation to apply for a grant from the Ohio Department of Natural Resources' Natural Works Grant Program for the rehabilitation of Roosevelt Pool located at 20750 Arbor Ave. for recreational purposes. (Sponsored by Councilman Cervenik by request of the Parks & Recreation Director)

Councilman Korosec moved for passage, Councilwoman Holzheimer Gail seconded.

Director DeMinico - This is the fourth round of ODNR Nature Works Grants. The City of Euclid has applied three consecutive years, 4-5 different projects, and to date none have been funded. This proposal is the renovation of Roosevelt Pool. It will include a complete demolition of the inside of the pool building itself, the ducts, the motors, pumps, chlorinators, etc. We will be adjusting the pool bottom. We had an engineer there today. We are not sure if it is going to be a total rip-out. We do want to make is a zero depth entry, identical to what we are doing at Willow. The proposal is to put a couple of play apparatus in there, a rain drop and a tumble buckets. These are colorful things that water shoots out from. Not to the extent of Memorial Pool, the new inter-active pool, but none the less and adjustment and improvement that would entice young families to come over there and utilize Roosevelt Pool.

Council President Cervenik - If you could please add Councilwoman Holzheimer Gail's and Councilman Korosec's name to this. In my haste, I failed to tell you that this project greatly benefits the residents in both ward one and ward three. I know they both support this ordinance wholeheartedly.

Director DeMinico - There was a question from the audience. The Nature Works Grant would be awarded in May, 1998. We believe that we would be able to have construction documents drawn over the course of the summer of 1998 and perhaps begin construction as early as the close of the swimming season for 1998 so we would be able to operate in 1989. This is up to a 75% reimbursable grant. Our early estimations are costs not to exceed \$250,000. We are sharpening the pencil on those numbers with the engineer today. It is an exciting project to realize in the City of Euclid.

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

Roll Call: Yeas: Dallos, Holzheimer Gail, Korosec, McGarry, Miller, Vadnal, Cervenik  
Passed.

Ord. 154-1997 (445-97) NPDES Permit WWT Satellite Sewer Discharge

An ordinance amending Section 8 of Ord. No. 181-1992 of the Codified Ordinances of the City of Euclid, passed June 29, 1992, by authorizing the Mayor of the City of Euclid to contract with outside user communities to implement the Satellite Sewer Discharge program mandated by the NPDES Permit for the Waste Water Treatment Plant and to adopt a new replacement fund schedule. (Sponsored by Councilman Korosec by request of the Service Director)

Councilman Korosec moved for passage, Councilman Dallos seconded.

Director DiNero - This ordinance means that we have a bunch of communities that come into our sewer system. According to our permit with the Ohio EPA, we have to form this Satellite Sewer Discharge program. This means that with each one of the communities that we need to have qualified people, licensed people, to look after maintenance of the sewers of these different communities. It would be Wickliffe, Willowick, Willoughby Hills, some parts of Richmond Heights and even some parts of South Euclid. This would be under our supervision and this is a mandate according to our permit. Mr. Gall could elaborate more.

Supt. Gall - Because Euclid operates a regional sewer system that is the main reason that EPA wants us to pass this Satellite Sewer Discharge Control Program. They want us to have the ability to go into our user communities and take care of their sewer problems and thus reduce infiltration into the Euclid system as well.

Councilman Dallos - Could you repeat that?

Supt. Gall - If there are problems in the user communities, such as over flows, the EPA wants us to have the ability to go in there and make sure those sewer systems are properly functioning. As presently set up, those cities don't have an NPDES permit. We hold the NPDES permit. Therefore the EPA has the power over the City of Euclid. They want us to be able to go into the user communities and control their problems as well with their sewer systems.

Councilman Dallos - This \$500,000 is going to go into a reserve fund for a year?

Supt. Gall - There maybe some confusion there. That's a separate item. We had to implement part of our Consent Decree, a replacement fund, for equipment at the Waste Water Treatment Plant itself. It is a separate item. Our auditors, David M. Griffith & Associates, and Michael Benza came up with a schedule for how much money should go into this fund for replacing equipment. It was part of the EPA settlement. The EPA never wanted to hear from the City of Euclid that we didn't have sufficient funds to repair equipment that went bad at the Waste Water Treatment Plant. This ordinance will allow us to continue to set aside money for that fund every year.

Mayor Oyaski - We are downstream from Willoughby Hills, Wickliffe and Willowick. We're the ones for the permit to discharge into Lake Erie. We have a responsibility to see what is happening upstream. The residents of those communities will pay the cost in full of any services that are performed in their community. That's in this ordinance and Mr. Gall, that is absolutely fact? Yes. I think that should be clarified. We are not performing a charitable service.

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

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

Roll Call: Yeas: Dallos, Holzheimer Gail, Korosec, McGarry, Miller, Vadnal, Cervenik Passed.

Ord. 155-1997 (464-97) Special Legal Counsel

An emergency ordinance authorizing the Law Director of the City of Euclid to retain special legal counsel for specialized legal matters. (Sponsored by Councilman Korosec by request of the Law Director)

Council President Cervenik moved for passage, Councilwoman Holzheimer Gail seconded.

Director LeBarron - This ordinance would authorize me to retain the services of Henry Fischer, L.P.A. As the Mayor indicated, Mr. Fischer was the one portion of continuity that the city had during the EPA law suit which ended up with the Consent Decree which was finally terminated as of last week. Mr. Fischer has very specialized knowledge when it comes to environmental matters, as well as a history of having worked on various projects in this city with the Service Director and the Law Department. At this point in time, he is still currently providing service to the City in the waste management negotiations over the transfer station and has assisted the Service Director and Mr. Gall on many of the permitting requirements with the EPA. Even though the Consent Decree is terminated we still have obligations with the EPA that will continue after the Consent Decree. This ordinance will allow us to continue to use Mr. Fischer's services for those issues.

Councilman Dallos - I'm not questioning his expertise, I'm curious as to the \$135 an hour. How does that compare with his previous bill?

Director LeBarron - It is right in line with it. There is a slight increase. It was at \$110 and then it went up this year.

President Cervenik - What were we paying our cable consultant in Washington?

Director LeBarron - \$250 an hour, I believe.

Councilman Dallos moved to close debate, Councilwoman Holzheimer Gail seconded. Yeas: Unanimous.

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

Roll Call: Yeas: Dallos, Holzheimer Gail, Korosec, McGarry, Miller, Vadnal, Cervenik Passed.

Ord. 156-1997 (462-97) Widening Babbitt Road

An emergency 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 for the widening of St. Clair Ave. from a point approximately 250 feet west of Babbitt Road to a point approximately 1700 feet west of Babbitt Road. (Sponsored by Councilman Korosec by request of the Service Director)

Councilwoman Miller moved for passage, Councilman Vadnal seconded.

Director DiNero - This widening of St. Clair Ave. was requested by Lincoln Electric. They do have a problem in rush hour and early morning hours when there is quite a bit of traffic. They have heavy truck traffic in that area. When they line up in that curb lane the way it is now, it is hard for the traffic to get around. To answer Dorothy's question of where this location is, it is only in feet and approximate areas. This is from the middle driveway at KMart to the railroad tracks on the north side of St. Clair. That will be widened about 9 feet, which will give them 2 lanes going to the west.

Mayor Oyaski - The Council should also be informed that the funds for this improvement will be derived from a grant from the State of Ohio Department of Development that Director Koran worked on that this Council work on sometime ago and began with Mayor Lynch in office. It will be paid for by that outside grant.

Councilman Dallos - Is this grant going to cover the total cost? Are we still going to do something at 222 and St. Clair?

Director DiNero - We are going to get started with the widening this year. On 222 we have to secure an easement from Lincoln Electric which we are going to work on. On 222 there has to be some duct worked from Ameritech to be moved. Also, some of the poles on 222 have to be moved.

Councilman Dallos - What is the cost projected on this phase?

Director DiNero - We don't have a firm estimate, but I think it is somewhere in the neighborhood of a couple hundred thousand dollars.

Councilman Dallos - This is a \$500,000 grant?

Director Koran - It was originally \$600,000. We do need to spend this money. We have asked for extensions over the last 2-3 years. We are going to need to spend this money.

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

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

Roll Call: Yeas: Dallos, Holzheimer Gail, Korosec, McGarry, Miller, Vadnal, Cervenik Passed.

Ord. 157-1997 (449-97) Sewers East 246

An emergency 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 for sanitary/storm manhole separation on East 246 Street from Lake Shore Blvd. to Zeman Ave. (Sponsored by Councilman Dallos by request of the Service Director)

Councilwoman Miller moved for passage, Councilman Korosec seconded.

Director DiNero - On East 246, this is south of Lake Shore Blvd. In that particular area, some of the people have been flooded every time it rains. On that street, it is a combination manhole for sanitary and storm. Past experience where we have separated these manholes, in other areas, we stopped the flooding. That is the intent to do this.

Councilman Dallos - Is this around Fay Miller's house?

Councilwoman Miller - No.

President Cervenik - I will say on my street a few years back, they did separate the manholes and to the best of my knowledge there has been no flooding since that time.

Councilwoman Miller - I had phone calls from the last rain from the residents of that street.

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

Councilwoman Holzheimer Gail moved to suspend the rules, Councilwoman McGarry seconded. Yeas: Unanimous.

Roll Call: Yeas: Dallos, Holzheimer Gail, Korosec, McGarry, Miller, Vadnal, Cervenik Passed.

Res. 158-1997 (456-97) Objecting Renewal Sands III Liquor Permit

A resolution objecting to the renewal of a class D-1-2-3-3A-6 liquor permit to Sands III, Inc. d.b.a. Sand 3, Permit No. 7721791, 321 Babbitt Road, Euclid, Ohio 44123, pursuant to Section 4303.271 of the Ohio Revised Code. (Sponsored by Mayor Oyaski and Cervenik)

Council President Cervenik moved for passage, Councilwoman McGarry seconded.

Mayor Oyaski - I'm pleased to join you in co-sponsoring this resolution. In a way of background, there is a salon on the east side of Babbitt Road, just south of the Value City store. This Council has previously objected to the transfer to a new permit holder. The City objection was upheld locally and it has been appealed to Columbus by the transferee. Meanwhile, the underlying permit, the subject of the transfer, which is owned by Sands III is now up for renewal. In my opinion, as the former Law Director and current Mayor, a very effective way to police liquor establishments that are operated poorly, is to object with cause to the renewal of the permit. This piece goes hand-in-hand with the current objection to the transfer that we object to the underlying permit which is up for renewal for the reasons that it substantially interferes with the public decency, sobriety, peace and good order of the neighborhood. I'd ask for your support for this Resolution.

Councilwoman Miller - I would like to have my name added to this and I think it would be good if all our names were added.

President Cervenik - The owners of Sand III, Inc. that have the permit no longer reside in the State of Ohio and I think they have been very lax in who they have turned the operation of their business over to, or who they've been trying to transfer this permit to. We've had problems in this area, not just with the present operators, but the previous operators. I think it would do the neighborhood good to have this establishment closed out and no longer able to deliver liquor in the City.

Councilman Dallos - I think the sad part is even though in this particular case the City won their case, they appealed and now it won't come up for a long period of time. It goes back to the problems that we had on Euclid Avenue with the gas stations, it is a nightmare dealing with the Liquor Board of Control. I think this is the best way to go about it.

President Cervenik - I testified at that hearing because this building is right next door to my office building. I was happy we won the case and they turn around and appeal it and it is the end of November before they are even going to consider it further. This hopefully will do some action.

Director LeBarron - I just wanted to inform Council that the Appeal of the transfer will be heard in September. We have received notice from the Attorney General's Office.

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

Roll Call: Yeas: Dallos, Holzheimer Gail, Korosec, McGarry, Miller, Vadnal, Cervenik Passed.

Res. 159-1997 (457-97) Violence Against Women Subgrant

A resolution accepting a grant of Twenty Three Thousand Nine Hundred Thirteen Dollars (\$23,913.00) from the Ohio Office of Criminal Justice Services (OCJS) through the Violence Against Women (VAWA) Block Subgrant for use by the City of Euclid Police Department and the Department of Community Services and Economic Development to be used for training City personnel on domestic violence and victims assistance, community education and the purchase of equipment. (Sponsored by Mayor Oyaski and the entire Council)

Councilwoman Holzheimer Gail moved for passage, Councilman Vadnal seconded.

Chief Baumgart - Commissioner Jane Campbell was here to congratulate us because we went for this grant. We did receive the grant. This is to allow us to accept the grant. There are matching funds but we are matching that by having a Domestic Violence Advocate already employed. This is a joint venture between the Police Department and Community Development, working with the Social Services Department. The training aspect is for our officers.

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

Roll Call: Yeas: Dallos, Holzheimer Gail, Korosec, McGarry, Miller, Vadnal, Cervenik Passed.

Ord. 160-1997 (457-97) Levy Assessments Sidewalks

An emergency ordinance to levy assessments for the cost and expense of construction and repairing of sidewalks, pursuant to Chapter 903 of the Codified Ordinances of the City of Euclid. (Sponsored by Councilman Cervenik by request of the Finance Director)

Council President Cervenik moved for passage, Councilwoman McGarry seconded.

Director Balazs - This is the sidewalk replacement program under the direction of the Service Director. This is self-explanatory. These are the residents that choose to put the cost of their replacement on the tax duplicate for the next three years.

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

Councilwoman Holzheimer Gail moved to suspend the rules, Councilman Korosec seconded. Yeas: Unanimous.

Roll Call: Yeas: Dallos, Holzheimer Gail, Korosec, McGarry, Miller, Vadnal, Cervenik Passed.

Ord. 161-1997 (460-97) Bonds Streets & Sewers

An ordinance to provide for the issuance of \$2,090,000 bond anticipation notes of the City of Euclid, Ohio in anticipation of the issuance of bonds for the purpose of improving streets by replacing sanitary sewers together with all necessary appurtenances thereto. (Sponsored by Councilman Cervenik by request of the Finance Director)

Councilwoman McGarry moved for passage, Councilman Dallos seconded.

Director Balazs - This is the ordinance necessary to borrow the funds for the sewer construction projects on East 272 Street, which was estimated to be \$1.9 million; East 246 Street at \$150,000; East 225 and Edgecliff at \$40,000 for a total of \$2,090,000. This will be the source of funds for those projects.

Councilwoman Miller moved to close debate, Councilwoman Holzheimer Gail seconded. Yeas: Unanimous.

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

Roll Call: Yeas: Dallos, Holzheimer Gail, Korosec, McGarry, Miller, Vadnal, Cervenik Passed.

Ord. 162-1997 (461-97) Bonds Water Line & Hydrants

An ordinance to provide for the issuance of \$1,000,000 bond anticipation notes of the City of Euclid, Ohio in anticipation of the issuance of bonds for the purpose of improving streets by replacing water lines and hydrants together with all necessary appurtenances thereto. (Sponsored by Councilman Cervenik by request of the Finance Director)

Councilwoman Miller moved for passage, Councilman Korosec seconded.

Director Balazs - This is the authority to borrow \$1,000,000 for the water line replacement projects and this is for the hydrant replacements. The Service Director had indicated to me that we will begin these replacement projects in July so it is necessary to pass this at this time to provide the source of money for the contractor doing the jobs this summer.

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

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

Roll Call: Yeas: Dallos, Holzheimer Gail, Korosec, McGarry, Miller, Vadnal, Cervenik Passed.

Ord. 163-1997 (463-97) Annual Appropriation Amendment

An emergency ordinance amending Ord. 42-1997 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 Councilmen Cervenik, Dallos, Farrell, Flowers and Miller by request by the Finance Director)

Council President Cervenik moved for passage, Councilman Dallos seconded.

Director Balazs - We started the amendment process to our current budget on May 12, 1997, when the Finance Chairman Cervenik conducted that meeting. The asterisk items are the ones that went over that we concluded were necessary to do that evening to amend our budget. The other items included on the list of amendments is most of them have been triggered by ordinances previously passed by City Council. Just to go over some of the highlights here of the larger funds, is the water line improvement, we need the appropriation for that. That is fund 215 and we just went over the borrowing of that \$1,000,000. Fund 515 is the Peterson trunk line replacement at \$2 million that we will be borrowing for as well. The Street Improvement Program at \$340,532,000, you have to amend the budget to incorporate that as an appropriation and we previously did that in an ordinance previously this evening for the roadwork development at East 222 and St. Clair. I did discuss the items with the Finance Chairman, Councilman Cervenik, concerning the line items here and I'm recommending at this time that these figures be amended to the general fund and the other budgets as noted. To give us the authority to expend funds out of these, expenditures out of these funds, through the summer months and then again at the end of September, beginning of October, the Finance Committee will meet again to discuss any further amendments that maybe need to our budget. If there are any questions concerning these proposals, I'd be happy to answer them.

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

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

Roll Call: Yeas: Dallos, Holzheimer Gail, Korosec, McGarry, Miller, Vadnal, Cervenik Passed.

Ord. 164-1997 (458-97) 1998 Proposed Budget

Proposed 1998 Budget Request.

Councilwoman Holzheimer Gail moved for passage, Councilwoman McGarry seconded.

Director Balazs - Per ORC 5705.28, it is necessary that the City of Euclid requests fund for the ensuing year, 1998. This is as I explained in my cover letter to this budget to ensure that the City is entitled to all the funds that are due to them, and consequently to assure that request is slightly over the maximum amount that we are entitled to, at least that is my opinion. For the General Fund, we are requesting for next year at least \$32,756,630. That shows a need for the appraisals that might come about on the real estate taxes, local government fund. This request for funds for 1998 will safeguard the City of Euclid to entitle them to all the funds that they are deserving for 1998. If there are any questions concerning the budget request for 1998, I'd be glad to answer them.

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

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

Roll Call: Yeas: Dallos, Holzheimer Gail, Korosec, McGarry, Miller, Vadnal, Cervenik Passed.

**CEREMONIAL RESOLUTION**

Res. 139-1997 Euclid Valedictorian

A resolution of congratulations to Todd Lapp, the 1997 Valedictorian of Euclid High School. (Sponsored by Mayor Oyaski and the entire Council)

Res. 140-1997 Euclid Salutatorian

A resolution of congratulations to Kathleen Walker, Euclid High School's 1997 Salutatorian. (Sponsored by Mayor Oyaski and the entire Council)

Res. 138-1997 VASJ Lady Vikings Slow-Pitch Softball Team

A resolution of congratulations to the Villa Angela-St. Joseph Lady Vikings Slow-Pitch Softball Team on an historic season and on winning the first ever World Series of Slow-Pitch Softball. (Sponsored by Mayor Oyaski and the entire Council)

Councilwoman Miller moved for passage, Councilman Vadnal seconded.

Roll Call: Yeas: Dallos, Holzheimer Gail, Korosec, McGarry, Miller, Vadnal, Cervenik Passed.

Committee of the Whole

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

Maryanne Hiti - 114 East 200 Street. On behalf of the Friends of the Henn Mansion, I would like to sincerely thank Council for giving us the opportunity to preserve the Henn Mansion and to make it an asset for our community. I would also like to thank Mayor Oyaski and those members of your administration who have given us their support and assistance throughout these past 15 months. As President of the Friends of the Henn Mansion, I can assure you, we have a strong board, we have a strong membership and we will continue to work with the city to make this project a success. One final note, due to the overwhelming success of last year's house tour, the Friends of the Henn Mansion are sponsoring a second annual tour of Euclid homes. It will be Sunday, July 27 from 1-6 pm. Seven Euclid homes throughout the City will be showcased. We hope you can make it.

Mrs. Dorothy Fike - 20271 Delaware Road. I'm glad that Councilman Dallos is finally asking for legislation for something that I have been asking for months and months, a lot split. I want to say to you, Mr. Cervenik, that an institution is an institution. If any citizen or company in Euclid would have something on their property that was not by what the use is supposed to be, they would be cited. I'm sorry, it is nice to have a park and I believe in that park wholeheartedly. But, in no way can you consider a concert and playground equipment institution. If you look that up, it is a nice thing but it is not for the purpose for which U-R-6 is meant. A couple more questions that I didn't get answered. \$1,000,000 it says for water lines and then you talk about hydrants. Which is it?

Director DiNero - We are going to change the hydrants on Lake Shore Blvd. from East 222 Street all the way to 280. They are 4" hydrants and we are going to change them to 6" hydrants to improve the fire protection of the high rises along that area. Also on 200 Street, we are going to line and clean the water line on East 200 Street. Also those hydrants are 4" hydrants and we will change to 6" hydrants. By the Hospital, we have to re-loop the water line, it is a dead-end water line and we have to loop it back from 185 to 189 and include more pressure to the Hospital. That is included in the \$1,000,000.

Mrs. Fike - Thank you. One question that was not answered on the lease of the Henn House, was maintenance, will that include custodial?

Director LeBarron - No. Custodial maintenance is not included in the lease agreement.

Mrs. Fike - Custodial is not included. Maintenance is? What do you mean by maintenance?

Council President Cervenik - We are not going to go in there and dust and empty the garbage cans. They are responsible for that.

Mrs. Fike - Maintenance, as I read it, is like you would keep up your house, anything that would come up.

Director LeBarron - No, that is being done by the Friends.

Mrs. Fike - And also the custodial?

Director LeBarron - That's being done by the Friends.

Mrs. Fike - Thank you.

Mrs. Madeline Scarniench - 1511 East 221 Street. Thank you for letting us know in advance about the RTA meeting. I remember them saying that it was going to be held in July and they've changed that. I appreciate that. I'm still out there talking to people. I hope there is a lot of people here next week. I do hope this Council will support the recommendation that Councilman Dallos has made. RTA has already said no to it, but it is important that the route, even if it is only done in the morning and evening when school lets out. I've talked to the Board of Education. They are going to have somebody here. Hopefully they will talk to Mr. Kelly before next week because there are students that this affects greatly as far as the elimination of the #73 bus. My question would be, is it possible to have the notice of the meeting put on the reader board, in particular the one on Euclid Avenue? The others would be nice but in particular the one by us.

I keep getting calls and I see people who keep talking about skunks. I know the law says that we are not allowed to trap skunks. Is it possible, has anyone ever looked into the idea of having one of our Parks & Recreation people or one of our Dog Warden's become a legal trapper, what that exactly means. It would be a service that would be greatly appreciated. Even if the residents had to pay to have this done. I know it is quite expensive to have a trapper come into the city. Is there a way that we could look into maybe having an on-site trapper?

Chief Baumgart - We don't have the manpower for that. We'd be doing trapping all the time. That's one of the key things that is called for. We contract that out. The City couldn't afford to have somebody doing that on a full time basis. We don't have enough people at the pound.

Mrs. Scarniench - If we hired someone, even on a part-time basis and the residents would pay for it. If they had a problem, they would have to pay. It wouldn't be the amount that we are being charged by an outside trapper, which is a lot of money, even half that price.

Chief Baumgart - We could look into that but we'd have to pay someone a salary and benefits.

Mrs. Scarniench - Is it possible to look to just see what it would come up too and be something feasible? There are a lot of those little critters out there.

I don't remember where I heard it but I believe today was the second auction for Ramada. Did the first one take place and what happened with that?

Director LeBarron - The first sale was May 5th and there were no bidders. May 19th was the second sale and there was a bidder. That bidder has 30 days, until June 19th to pay the entire cost which was about \$749,000.

Mrs. Scarniench - Has that money come in yet?

Director LeBarron - I have no idea. It is handled by the County. They have until the 19th.

President Cervenik - That meeting for RTA for those that want to know is Wednesday, June 25 at 7 PM in City Hall Municipal Chamber.

Mr. Jack Fraier - 235 Greenbriar. A few questions involving items #9 & #10. These were the agreements for the bargaining agent. In item #10 the custodial employees will be represented by the International Association of Machinists & Aerospace Workers. Is that an AFL-CIO union?

Director LeBarron - Yes it is.

Mr. Fraier - It represents three employees, correct?

Director LeBarron - That's correct.

Mr. Fraier - In #9, the other union referred to is the Civilian Uniform Police Personnel Organization. Is this an independent union strictly for this city? Or is it a national or state union?

Director LeBarron - I believe it has a state affiliation. It is an off-shoot of the F.O.P., Fraternal Order of Police.

Mr. Fraier - They represent how many people?

Director LeBarron - 22 employees currently.

Mr. Fraier - Earlier in this meeting a resident from the Lake Shore Blvd. area complained about litter. An echo of that, last month I had to renew my driver's license and I went to the driver's license bureau at Shore Center, my first experience. I went there once at May at lunch time and the line was long. I thought I'd be smart, I'm retired, I went 2:00 in the afternoon, the line was still long. Forty-five minutes in that arm-pit was maddening. It gives a bad reputation to the whole Shore Center area. I looked at the one in South Euclid. While it is also a spartan office, it is clean, they had 6 seats for people to sit down in. Also when personal questions are asked, those questions are asked in South Euclid way at the end where no one could over hear. In Euclid, when the agent asks if you are an epileptic, felon or something, people in line can hear your answer. I would hope that some pressure could be put on who, the Governor? Our State Representatives? To do something about that particular office. I know how people felt when we were standing in line, never again will anybody go back to that Shore Center Office. It is hurting the business in that area. Also concerning litter, up in the Georgetown Road area, people will occasionally throw trash on Georgetown Road in that area. There are at least 3 people who I'm aware, who on their own, go along Georgetown Road and periodically pick up the debris. I don't have all their names but someday I will get them all and those people should be given a commendation of some sort. There are people in Euclid who take pride in this city and in Georgetown Road they are also taking pride in Richmond Heights. I wish everyone a happy summer and good luck to all.

Mayor Oyaski - Mr. Fraier, the Law Director tells me that the State of Ohio contracts the management of those local license bureaus out. I will attempt to find out what company is responsible for this particular location and pass on your concerns.

Mr. Harvey Mlachak - 23831 Lake Shore Blvd. About 15 months ago, Mrs. Daugherty and I had a little conversation, right back about where she sits. Mrs. Daugherty said to me, Harvey, what are you going to do when we win this? What wonderful foresight.

Mr. Mlachak - I said to Mrs. Daugherty, I'll tell you what I'm going to do, I'm going to come up to you, shake your hand, I'm going to congratulate you and wish you the best. This is what I hope to do at this time. Mrs. Daugherty, congratulations to you and your Committee.

I like a little bit of levity. I don't know how many people were at the last Fourth of July fireworks, when Don Wotijla played. He done a bang-up job. A really great job. I'll tell you how great his job was. Yesterday my wife and I were out to the Concert in the Park. As usual, Mr. DeMinico, you and your crew and the Casuals, done a hell of a job. There were all kinds of people there, ethnic people, one woman who was of Indian descent and she had her sari or whatever they call them. She was bouncing to the polka music, you'd thought she was from Ljubljana. Now they also passed out the programs for the Festival. On Sunday, June 22 from 10:30-11:30 am, the Polka Mass with Don Wotijla and Bishop Pevec. Did you ever hear a polka band getting top billing over the Bishop? I think that Euclid ought to become the polka capital instead of Cleveland.

Council President Cervenik - Harvey, thank you very much and you show that you truly are a gentleman.

Chief Baumgart - Next Monday night in this facility at 7:00 pm, we are having an informational meeting about East 250 Street, regarding the relining of that street.

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

#### Councilmen's Comments

Councilman Dallos - We heard the lady from 266 and Lake Shore Blvd. complaining about litter. Chief, I think it is about time that we start arresting some people for littering. This is going to be a nightmare throughout the whole city. We need to set some examples to help control it. Down even at Shore Center, we have 4 kids that work all day long and we can set them back at 5:00 to midnight and do it all over again. It looks like they didn't do anything.

Euclid Avenue and the bridge it is a nightmare, absolute nightmare. Whoever set up the traffic control, I can't say it in public, but the guys an idiot. Those barrels should be set up almost to 212 Street. Everybody goes down, the majority of people that are honest and ethical, they go to the curb lane. Then the idiots come down the second lane and jam into the intersection in front of the Chrysler agency. I've stopped going that way. I told you Tony, I don't go that way any more. I go down St. Clair to 185 and up 185. It is a nightmare at 5:00-5:30. Then you have the people on Chardon Road making a right hand turn. You can't get through the intersection. Something has to be done. Those barrels have to be extended. That arrow should be up closer to the end of Sherwood Plaza. Those cars that are coming down, there is a little hill and you can't see that arrow until you're down from that hill. Something has to be done.

Director DiNero - We spoke with the State and they are the ones that lay it out. The way they originally laid it out, it would be a real catastrophe. I know the Chief has had his people up there and we've had our people up there. Right now I don't know what we can do with that any more than what is there. It is just going to be a mess and we will have to live with it for 60 days. As far as talking to the State, when you talk to them, it is on deaf ears. They have their mind made up to one way and it is a State Route.

Chief Baumgart - We can extend the barrels. We can put our own barrels, but it is going to cause the same problem down the street. The Law Department will attest that we had a complaint on a police officer a couple years ago, when he was coming back on 271. He attempted to block somebody from flying down that area and it wasn't his jurisdiction to do so. It doesn't matter, truckers do it all the time, they'll block people and they'll get complaints about it. They complained about our police officer.

Councilman Dallos - You have cars coming through Sherwood Plaza, cutting around the deli on the corner and then making a left hand turn to go out to Chardon Road and then make a right hand turn. You have people cutting through the school. We have people making left hand turns, going up Chardon Road, making a right hand turn and going down Chardon Road. It is a disaster. The first 3-4 days, I've sat through almost 5 light changes.

Chief Baumgart - All I can tell you is that with progress there is inconvenience. That's what we are having right now.

Councilman Dallos - It can be better controlled. If you extend the barrels up to 212, at least you are blocking in the traffic and it will start going into that lane up by Sims Buick. They are all funnelling into that intersection. It is a nightmare.

Councilman Korosec - I have three things to request. Mama Catena's has contacted me, they are in the plaza on Babbitt Road with Convenient Food Mart, almost across from Memorial Park. They have requested to get some type of police assistance as they have in the past.

Councilman Korosec - They had some problems in getting assistance with their parking problem during last year's Festival. Whether it is a police officer or one of the reserve officers that we have, they would appreciate any assistance you can give them.

Chief Baumgart - That is private property. They can tow those vehicles off the private property at the owner's expense. They can post signs and say so. There are a lot of things they can do to get around that problem. We can't post a police officer there, paid by the city, because it is private property.

Councilman Korosec - We have in the past.

Chief Baumgart - That is news to me.

Councilman Korosec - This is what she is saying. This is going back 6 years ago, we did have police officers there. We had police officers at Revco entrance, when it was over by Shore. We had police officers stopping the cars, asking where they are going, are they going to the stores or not. That is private property.

Chief Baumgart - Those were traffic officers on duty, yes.

Councilman Korosec - That is what I'm requesting, as well as, the Herak brothers and Mama Catena's is requesting at this time. The second thing is the noise behind the bike shop at Seeley Oxygen on 222 Street. The residents on 220 Street, behind that property, they have bombarded me with phone calls for the last 2 days. The noise has become unbearable for the residents. All hours of the day. This is the second year that it has been a major problem. I've spoken with the owner of the bike shop, owner of Seeley Oxygen and both seem not to care. Whether they have any type of liability insurance for the children that are going up ramps and back down on their skate boards, which is causing all of the noise. All of my frustration, all of my time has heeded zero results from Mr. Seeley and the owner of the bike shop. I would hope that maybe Mrs. LeBarron, would be able to speak with them regarding some type of calming affect about those kids playing in the back area.

Third, Mr. DeMinico, the residents behind Russell Park, as well as on Russell Avenue, the trash container is still not there. They asked for it 2 weeks ago. There are weeds growing out of the mulch which are at least 6-8 inches high and there is garbage everywhere. I would appreciate it if you could send a crew there to take a look at the problem. I hope everyone has a happy and safe summer. See you in September.

Councilwoman McGarry - Just to say thank you to all the hardworking residents that I've worked with this past year, in addition to my colleagues and the administration. I want to apologize if there are any calls that I've missed. We have been having some phone problems. I ask you to try me again at 261-3552. Work during the day, 451-2340.

President Cervenik - I have an announcement before we break for the summer. The Administration is planning a commemorative dedication of our fishing pier in Sims Park to our long-loved Council President Joe Farrell, who past away earlier this year. The Memorial Service will be Sunday, August 10, 1997. That date coincides near Joe's birthday. I strongly encourage all of us to attend because we all know what good Joe has done for all of us during the years. That is August 10, 1997.

#### Adjournment

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

#### Recess for Summer

Councilman Dallos moved to recess for the summer. Councilwoman Holzheimer Gail seconded. Yeas: Unanimous.

Attest:

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Clerk of Council

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President of Council