

SPECIAL COUNCIL MINUTES

JULY 28, 1997

A Special Council Meeting was held on Monday, July 28, 1997 at 7 PM in the Euclid City Hall Council Chamber. President Cervenik presided.

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

Councilwoman McGarry moved to excuse Councilmen Dallos & Korosec. Councilman Flowers seconded. Yeas: Unanimous.

Others Present: Mayor Oyaski, Law Director LeBarron, Service Director DiNero, Capt. Repicky, Fire Chief Dworning, Asst. Service Director Gulich, Commissioner Hayes, Housing Manager Tollerup, Ms. Robinson, Mrs. Will, Sgt.-at-Arms Stankus, Clerk of Council Cahill.

Council Minutes

Councilwoman Miller moved to receive and approve the Council Minutes of June 16, 1997. Councilwoman McGarry seconded.

Council President Cervenik moved to receive and approve without objection a request for a transfer of a D1, D2, D3, D3A liquor permit from Way John, Inc., dba Dive Inn to Stingers, 21702 St. Clair Ave. Councilman Vadnal seconded. Yeas: Unanimous.

Communications

Council has received the following communications:

From Zoning Commissioner Hayes memos on a rezoning at 25531 Euclid Ave. and the parking lot expansion for the Euclid Church of God, 24951 N. Lakeland Blvd.

From Director Koran, the Euclid Community Concerns June Report.

A resolution from the City of North Olmsted which calls upon CEI to conclude bargaining with Utility Workers Local 270.

A resolution from the City of Bedford Heights requesting the State legislature to review Ohio Revised Code Section 4303.29 for the purpose of clarifying the responsibilities and rights of the district under this act.

A letter from State Senator Johnson thanking Council for sending our Res. 44-1997.

A notice from the Ohio Department of Commerce notifying the City of Euclid that all liquor permits will expire on 10/01/97 and an objection to their renewal may be made at this time.

A letter from the Earth Day Coalition urging Council to pass a resolution that will make consumer and environmental protection the top priority in any legislation or policy that introduces competition to electric utilities in Ohio.

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

Council President Cervenik - If anyone has an objection or a protest to a liquor permit in their ward or area, please get in touch with the Law Director. I believe the deadline is August 31st to file the protest.

Administration Reports and Communications

Mayor Oyaski - I want to thank Council for coming in for tonight's Special Council Meeting. Because the video taping is now done by remote control, in order to assist the person in the control room, it would be helpful if the Council ask the Chair to be recognized after pushing your button and then wait to be recognized by name. In that way you will assist the person that is focusing the camera, in doing so as efficiently as possible.

The Irish Festival will be at Memorial Park on August 8, 9, 10. Ms. Will has sent you some background information about the agenda for those days.

August 10, at 8 PM, there will be a ceremony saluting Council President Farrell's birthday at the boardwalk at Sims Park. The Council and the public is invited to attend that ceremony with Council President Cervenik.

August 25, RTA will be having a ceremony at the transit center on St. Clair, to kick-off their new service plan. That is scheduled to begin at noon on August 25, a Monday. You will receive additional information.

The East 185 Street Parade is at 1:00 on Sunday for any Council members who would like to march in it. There are opening ceremonies, this Wednesday night at 7:00 pm behind Oliver H. Perry School.

Reports & Committee Minutes

Councilwoman Miller moved to receive and approve the Police Report - May & June, 1997; Fire Report - June, 1997; Humane Officer's Report - May & June, 1997; Board of Control Minutes: 6/16/97/, 6/23/97, 6/30/97, 7/7/97, 7/14/97; Planning & Zoning Minutes: May 20, 1997; June 17, 1997. Councilman Vadnal seconded. Yeas: Unanimous.

Committee of the Whole

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

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

LEGISLATION

Res. 156-1997 (474-97) Land Lease Retaining Wall Edgecliff/E. 224

A resolution approving and authorizing the Mayor and/or Director of Public Service to enter into a submerged land lease from the State of Ohio which is needed in order for the City of Euclid to replace the damaged retaining wall along Edgecliff Drive at the end of East 224th Street in the City of Euclid. (Sponsored by Mayor Oyaski)

Councilwoman McGarry moved for passage, Councilwoman Miller seconded.

Director LeBarron - This Resolution is the main reason why this meeting was called tonight. At the meeting in June, Council passed an ordinance authorizing the Service Director to go out for bids and enter into a contract to repair the retaining wall that has failed at Edgecliff Drive. When the contractor started to get the documents all together, it was discovered that the State of Ohio requires a submerged land lease to be entered into between the City and the State, since they will be working in the water. As a result of that, this particular ordinance is required by ODNR for this Council to pass before the land lease can be issued and the work can begin on that retaining wall.

Council President Cervenik - This is the reason for the Special Council Meeting tonight.

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

Roll Call: Yeas: Farrell, Flowers, Holzheimer Gail, McGarry, Miller, Vadnal, Cervenik Passed.

Res. 166-1997 (473-97) \$50,000 State for Henn Mansion

A resolution approving the State of Ohio Department of Administrative Services Agreement for Capital Appropriation, attached as "Exhibit A", which entitles the City of Euclid to use Fifty Thousand Dollars (\$50,000.00) in State appropriated funds for capital improvements on the Henn Mansion. (Sponsored by Councilwoman McGarry by request of the CS&ED Director)

Councilwoman McGarry moved for passage, Councilwoman Holzheimer Gail seconded.

Mayor Oyaski - Thanks to the efforts of State Representative Ed Jerse, \$50,000 was set aside in the State Capital Improvement Budget to be used for permanent improvements at the Henn Mansion on the Lake, at 23131 Lake Shore Blvd. The funds are about to be released by the State Controlling Board. There is the agreement that was attached to the Resolution that needs your approval. I'm asking the Council to approve this legislation tonight so that the City is in a position to expend the \$50,000 on permanent improvement at the Henn Mansion at the earliest possible time. This \$50,000 will be spent on additional improvements to those, to be made by the Friends of the Henn House under the terms of their lease.

Councilman Flowers - So what you are saying is now we are making a commitment to actually restore the Henn Mansion. Is that what you are saying now? Actually expending \$50,000? I could understand wanting to go out and get the grant and get the approval of it, but now if we start spending money to fix that, then it turns out that we are not going to be able to raise the money to fix it to the full extent.

Mayor Oyaski - It is up to the Council to determine whether or not we want to accept this grant.

Councilman Flowers - I have no problems accepting the grant. I'm just talking about actually spending it right now.

Director LeBarron - My understanding, Councilman Flowers is this is the money that State Representative Jerse secured from the State Controlling Board. I believe that the only purpose for this money to come to the City is to be used at the Henn Mansion. If you chose not to put this money into the Henn Mansion, then you should not accept this money from the State.

Councilman Flowers - We can accept it, but we don't necessarily have to spend it. If we don't spend it, it goes back to the State, correct?

Director LeBarron - I guess you could look at it that way. The only purpose for the money is to be used at the Henn Mansion. If the City accepts the money, that's the only place that money can be spent.

Councilman Farrell - I have the same concern Councilman Flowers has. We accept \$50,000. It comes to us. Is there any time limit as to when that money has to be spent?

Director LeBarron - My understanding is there's no time limit in which it must be spent. But it can only be spent on that particular purpose.

Councilman Farrell - Once the City Council accepts that money, does any expenditure of that \$50,000 or all of that expenditure have to come back to City Council for approval? I have the same concern as Councilman Flowers. I don't want to give \$50,000 to the Friends of the Henn Mansion until we have a better feel for the fact that they are going to live up to their end of the bargain.

Director LeBarron - You would not be giving any money to the Friends of the Henn Mansion. The terms of this money from the State are such that the money is received by the City of Euclid, it can only be expended by the City of Euclid, for certain capital improvements at the Henn Mansion. It is not money the City can turn around and give control to the Friends of the Henn Mansion. The City controls the money. The City controls the expenditures.

Councilman Farrell - Does the City control it or the Council control it? If we approve this \$50,000 today, can they put bathrooms in two weeks from now when they get this money? Or, do they have to come back to Council and ask if they can put bathrooms in?

Director LeBarron - Any expenditure over \$10,000 needs to be approved by Council. Depending on the amount of the expenditure, we'd have to come to Council.

Councilman Farrell - If we approve this \$50,000 right now, \$9,999 could be spent without it coming back to Council?

President Cervenik - Any expenditure over \$2,000 must be approved by the Board of Control which we all take a turn sitting on also.

Councilman Farrell - I have a concern.

Mayor Oyaski - I understand how you and Councilman Flowers feel. The estimates that we are working on right now are that the ADA improvements to the buildings would cost \$22,000. The additional fire alarm system improvements would cost approximately \$13,000. The mechanical improvements to the HVAC system are estimated to cost \$14,000. All those numbers exceed \$10,000, therefore all of them would come to Council. Even if the Council passes this Resolution tonight, the State Controlling Board in Columbus has not yet released the money. If Council desires, we can present each and every expenditure of this \$50,000 once it is appropriated by the State to the Council, with the Council vote on it.

President Cervenik - Councilman Farrell, why don't you amend the resolution that no money will be spent until it is presented to Council regardless of the dollar value. I don't think we should turn down a grant from the State of Ohio.

Councilman Farrell - I agree. I don't think we should turn down. My concern is that there is still a possibility out there, and I don't even want to think about it, but as a Council we have to think about one of the possibilities is demolition of that building. How can we as a Council say, put \$50,000 into the building and then let's demolish it. We never found a use for it. We never raised enough money for the building and we never found a use for it, but there's \$50,000 right now, so we better not tear it down because we are fools because we spent \$50,000. I don't want to get into that jackpot.

Director LeBarron - This Resolution merely approves the City signing the agreement that we have received from the State. Which is my understanding from Mr. Koran, the first step in even getting this on the Agenda for the State Controlling Board. This does not say we are getting the \$50,000. It is just saying that if we do receive this \$50,000, we agree to the terms under which it was given the City from the State. This Resolution isn't authorizing the expenditure of any money. It is merely authorizing the acceptance of this agreement which tells the State, put it on the agenda for the Controlling Board; we are willing to take this money under the conditions that you have set forth.

President Cervenik - If I'm not mistaken, there are some strings attached, some qualifications before the State will actually release this money. I believe it includes a plan of renovation. They want to know what's really going to be done and where this money is actually going to be spent. They are not just writing a blank check to the city.

Councilman Farrell - I'd love to spend this \$50,000 on the Henn Mansion. But, I don't want to spend \$50,000 on the Henn Mansion unless we have a commitment of a lot more money from the Friends of the Henn, and a commitment on the use. Those are the two things we asked for a long time ago and I hope we get them.

Councilman Flowers - Is there a problem with the amendment? How would that affect the grant? I wouldn't expect that to affect the grant.

Director LeBarron - That amendment won't affect the grant. My point is that this Resolution is just approving that agreement. You can amend it if you would like to.

Councilman Flowers - The point is that you can spend up to \$10,000 without coming to Council, the Administration can. I realize that there is a person on the Board of Control for anything over \$2,000. The problem is that there is only one member on Council. I'm in the same position as Mr. Farrell. I'd be in support of it and I would like to see it go that route, but it is up to us to make sure it does go that route because it wouldn't be responsible for us just because it is State money, it is still taxpayer money. For us to put \$50,000 into something and all of a sudden we have to tear it down, it doesn't make any sense. I'll second his motion.

Director LeBarron - You want to amend this Resolution with a new subsection indicating that no funds will be spent without Council approval.

President Cervenik - Regardless of the dollar amount.

Councilman Farrell moved to amend Res. (473-97). Councilman Flowers seconded.

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

Roll Call: Yeas: Farrell, Flowers, Holzheimer Gail, McGarry, Miller, Vadnal, Cervenik
Amendment passes.

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

Roll Call: Yeas: Farrell, Flowers, Holzheimer Gail, McGarry, Miller, Vadnal, Cervenik
Passed.

Ord. (470-97) Amend P&Z Code UDE Abandoned

An ordinance amending Chapter 1375 of the Planning and Zoning Code of the Codified Ordinances of the City of Euclid by the addition of new subsection 1375.03. (Sponsored by Councilman Cervenik)

President Cervenik moved for passage, Councilwoman Holzheimer Gail seconded.

President Cervenik - This will go to Planning & Zoning. This is under State law, if they abandon a Use District Exception, it will hold that Use District Exception for 2 years. This will shorten the period down to six months.

President Cervenik moved Ord. (470-97) to the Planning & Zoning Commission. Councilman Flowers seconded.

Roll Call: Yeas: Farrell, Flowers, Holzheimer Gail, McGarry, Miller, Vadnal, Cervenik
To Planning & Zoning Commission.

Res. 167-1997 (467-97) Permit Church of God

A resolution granting a special permit for a parking lot expansion for thirty-five (35) cars to Reverend Hank D. Williams, Pastor of the Euclid Church of God located at 24951 North Lakeland Blvd., P.P. # 643-26-022, 023, 024. (Sponsored by the Planning & Zoning Commission)

Councilman Vadnal moved for passage, Councilwoman Miller seconded.

Commissioner Hayes - At the June meeting of the Planning & Zoning Commission approved a parking lot expansion that was presented by Rev. Hank Williams for the Euclid Church of God on North Lakeland Blvd. This expansion included tearing down the condemned property, a single family house in front of this; expanding the parking lot, repaving the old parking lot and adding in some screening and shrubbery along the north property line. This special permit then has to come to Council for confirmation and approval.

President Cervenik - We received a memo from you dated June 23rd concerning the landscaping. Has that been approved?

Commissioner Hayes - The landscaping has been approved, in theory it still has to go to Architectural Review Board and they will also require that.

President Cervenik - You also mentioned that P&Z would like to see the property zoned to U-R-2 church use?

Commissioner Hayes - That's correct.

President Cervenik - Law Director, could you write that up for us for the next Council Meeting?

Director LeBarron - Sure.

Councilwoman Miller - On this parking lot, the house that is going to be torn down has the ribbon around it. Isn't there another house then next to it? How is that going to work? That's the driveway going in and then the back.

Commissioner Hayes - The house that has the ribbon around it is the one that is going to be torn down. The house immediately south of that, between this house and the Church, is the Pastor's house and that will remain there. The new driveway, as it is proposed, will be where the house that is being torn down is currently.

Councilwoman Miller - Where are the 35 cars going to be?

Commissioner Hayes - They will be west of there, towards the rear of that property. To the north of the existing parking lot.

Councilwoman Miller - Will the Pastor's backyard also be taken for this parking lot?

Commissioner Hayes - Right now the Pastor's backyard is the existing parking lot.

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

Roll Call: Yeas: Farrell, Flowers, Holzheimer Gail, McGarry, Miller, Vadnal, Cervenik
Passed.

Ord. 168-1997 (472-97) RTA Sportman's Park - Soccer Field

An emergency ordinance authorizing the Mayor of the City of Euclid to enter into an agreement with the Greater Cleveland Regional Transit Authority (RTA) for the use of 4.08 acres of land to be used for a soccer field and practice area and authorizing the Director of Parks & Recreation to improve said lot for soccer use in September, 1997. (Sponsored by Mayor Oyaski)

Councilwoman McGarry moved for passage, Councilwoman Miller seconded.

Mayor Oyaski - This subject was first broached with the Council in 1996. We have continued negotiations with RTA for a lease for the parcel formerly known as Sportman's Park, on the south side of St. Clair. The Euclid Youth Soccer Organization is here tonight. They'd like an opportunity to use the field to expand their soccer fields in the city. This would also allow us to improve the appearance substantially of a piece of property that used to be used quite a bit by the former Addressograph/Multi-Graph employees. There is no cost to the city for rent. The estimated cost for maintenance is less than what was originally anticipated in your budget. I support this Resolution. I think the Master Plan, which the Council approved, called for an increase in recreational acreage in the City. This will allow us to do so in the short term and two years from now we will sit down with RTA. RTA did acquire this. Council stipulated improvements by RTA to clean up the parcel. The parcel could look a lot better than it does now. By having it as a soccer field, a number of parties will benefit.

Councilman Vadnal - What is the estimated cost for maintenance?

Mayor Oyaski - The cost to improve the field to playable condition is \$6,000. Maintenance is cutting the grass.

Councilman Vadnal - With Lawn Rangers?

Mayor Oyaski - No Lawn Rangers. Gang Mowers.

Councilman Flowers - Did RTA ever clean up that property?

Mayor Oyaski - If you recall, the Council did delay the subdivision approval last summer until they made the improvements that Mr. Hayes had specified. Those were done sometime last fall.

Councilman Flowers - I'm kind of surprised. They said it was because the weather was bad in the spring and it didn't get done until the fall. That's one of the reasons I voted against it.

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

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

Roll Call: Yeas: Farrell, Flowers, Holzheimer Gail, McGarry, Miller, Vadnal, Cervenik Passed.

Ord. 169-1997 (475-97) Sewer Project Edgecliff & 225

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 Storm Relief Sewer Project at Edgecliff Drive and East 225 Street. (Sponsored by Councilwoman McGarry by request of the Service Director)

Councilwoman McGarry moved for passage, Councilman Flowers seconded.

Director DiNero - This is part of our capital budget that we appropriated approximately \$40,000 to put in this unique storm sewer. There are approximately 5-6 houses at the end of Edgecliff and 225 that under heavy rains that they receive back-ups from the storm sewer. This will relieve the problem and I hope Council will approve the ordinance so we can go out for bids to help these people.

Councilwoman McGarry - I would like to urge passage of this ordinance. These people definitely deserve this relief, they've been suffering for quite awhile.

Councilman Flowers - Do we have any idea on the cost of this?

Director DiNero - We are looking into investigating a new system of mold pushing instead of digging. They do everything underground, it is by water pressure and hydraulics. Hopefully we can get this project done for half the cost if we go this route. After going out for bids, this project will come under budget.

Mayor Oyaski - The Service Director's is going to take bids on two different ways of implementing this. The maximum exposure will be what Mr. DiNero?

Director DiNero - Approximately the Capital Budget has approved \$40,000. Hopefully it will come under budget.

Councilman Flowers - It has already been appropriated?

Mayor Oyaski - Yes, it was included in the Peterson Rate discussion when we discussed that awhile ago. We expect, according to Mr. DiNero, to be able to do it for less than the estimate.

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

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

Roll Call: Yeas: Farrell, Flowers, Holzheimer Gail, McGarry, Miller, Vadnal, Cervenik Passed.

Council President Cervenik - That brings us to the end of our Agenda, but before we adjourn, I would like to thank Harlita Robinson here representing the Finance Department and Kathy Will here representing the Recreation Department. Thank you for coming and I hope you had a good time.

Adjournment

Councilwoman Holzheimer Gail moved to adjourn, Councilman Flowers seconded. Yeas: Unanimous.

Attest:

Clerk of Council

President of Council