

COUNCIL MINUTES
SEPTEMBER 2, 1997

A Council Meeting was held on Tuesday, September 2, 1997 at 7 PM in the Euclid City Hall Council Chamber. President Cervenik presided.

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

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

Council Minutes

Councilwoman Miller moved to receive and approve the Special Council Minutes of July 28, 1997. Councilman Vadnal seconded. Yeas: Unanimous.

Communications

Council has received the following communications:

An invitation from the Northeast Ohio National Guard to attend its 2nd Annual Open House.

A letter from Mike Campbell, President of ISAC, urging Council to participate in ISAC's Regional Sprawl Committee.

From Director Koran, the Housing Manager's update of Euclid Rolling Hills Project

From Housing Manager Tollerup, a summary of Section 8 subsidized Housing in Euclid.

A news release from RTA regarding the Community Circulator buses.

From Director Koran, the Euclid Community Concerns July report.

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

Administration Reports and Communications

Mayor Oyaski - I want to welcome the Council back to session after recess and remind you of two things. On September 5th, this Friday, we will have the charity golf outing at Briardale Greens at 10:00. A few tickets are still available. The charities participating are the Open Door Maternity Home, Rose-Mary Home on Euclid Avenue and the Y on Babbitt Road. On September 19th, we will preview with Councilman Farrell, the new promotional video and the entire Council is invited to attend at 12:00 here. We have no other reports, Mr. Chairman.

Reports & Committee Minutes

Councilwoman Miller moved to receive and approve the Fire Report of July, 1997; Humane Officer's Report of July, 1997; Board of Health Report of January-June, 1997; Euclid Community Concerns July report; Board of Control Minutes of 7/21/97; 7/28/97; 8/4/97; 8/11/97 & 8/18/97; Planning & Zoning Minutes of July 15, 1997. Councilwoman McGarry seconded. Yeas: Unanimous.

Committee of the Whole

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

Mrs. Dorothy Fike - 20271 Delaware Road. I have a question on #5, snow removal program. When I read the ordinance itself, it talks about those who with their application they have to pay half of the cost. Is that correct? What would it amount to? It seems like an awful burden on the people who are getting it because they don't have much money themselves and then they have to pay half? It says, with the application they have to pay half of what it will be. Second last paragraph, submission of the application, the applicant shall pay one-half of the proportionate cost of snow removal.

Director DiNero - That's correct. The last two years we had the senior program plowing and whoever is eligible would pay half of the total cost for the year. Last year it was \$69 and they were obligated to pay half of the \$69 or \$34.50.

Mrs. Fike - When are the dates to apply?

Director DiNero - After we go out for bids, we'll set a deadline after the time we award the job. It is usually November 15th, the deadline.

Mrs. Fike - I'm sure that will be in the paper.

Director DiNero - Yes it will.

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

LEGISLATION

FIRST READING Ord. (478-97)

An ordinance rezoning a parcel at 25531 Euclid Ave. (P.P.# 647-34-014 & 647-34-015) from U-2 (Two family) use to U-4 (Commercial) use district and further amending Ordinance No. 2812. (Sponsored by the Planning and Zoning Commission)

First Reading. Public Hearing October 6, 1997.

Ord. (477-97) Rezoning Church of God

An ordinance rezoning a parcel at 946 East 250 St., (P.P #643-26-022) from U-2 (Two family) use to U-R-2 (church) use district and further amending Ordinance No. 2812. (Sponsored by Councilman Cervenik)

Council President Cervenik moved for passage, Councilman Dallos seconded.

Council President Cervenik moved Ord. (477-97) to the Planning & Zoning Commission. Councilman Dallos seconded.

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

To P&Z.

Ord. 170-1997 (482-97) Water Break Lake Shore

An emergency ordinance ratifying and approving the agreement entered into by the Service Director and The Osterland Company for pavement repair resulting from a watermain break on Lake Shore Blvd. east of E. 250 Street on August 22, 1997 and August 23, 1997. (Sponsored by Councilwoman McGarry by request of the Service Director)

Councilwoman McGarry moved for passage, Councilman Vadnal seconded.

Director DiNero - We did have a watermain break at this location. It damaged approximately 75 feet of the road, the full width. We had to get this road opened, Lake Shore is a main thoroughfare. We went out and took bids. We received two bids. We had one bid for the amount that is on the ordinance. The other bid was from Schloss Paving that was \$21,000. I explained to the Mayor that I will try to recoup some of this from the Water Department, but usually we have a hard time. If we get anything back from them, it will be something. We did have to do this and we polled the Council and got 8 yeas and 1 no answer.

Councilman Flowers - What actually caused it? Was it from the water pressure? I get those questions and would like to respond.

Director DiNero - They had to put approximately 15 ft. of replaced pipe.

Councilman Flowers - Was it a waterline pipe?

Director DiNero - Yes. This happened between 3:00-4:00 am, that is when pressure builds up. Evidently there was a weak spot in the pipe that caused it to break. The pressure is so great that it lifts the pavement. Once it gets between the concrete and asphalt, then everything is gone. One of the things I'm checking on is what time this was called in, what time the Water Department came out there to try to shut the water down to stop this leak. If they took their time about coming like sometimes they do, maybe we have a cause that we can recoup some of the \$17,000, but I can't promise you that.

Councilman Flowers - I think we should go after them.

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

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

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

Passed.

Ord. 171-1997 (479-97) Bids Salt

An ordinance authorizing the Director of Public Service of the City of Euclid to enter into a contract after advertising for bids for the City's requirements of salt for the 1997/1998 winter season for the period of November 1, 1997 to October 31, 1998. (Sponsored by Councilman Dallos by request of the Service Director)

Councilman Dallos moved for passage, Councilwoman Miller seconded.

Director DiNero - This is our annual bid. Everybody knows we need the salt. We go out for bid ahead of November 1st to see what type of a price we get. If the price is lower, then we will stock up on the salt under the old contract. This is something that we have to do and winter is just around the corner whether we know it or not.

Councilman Flowers - What is the usual dollar amount? Any ballpark figure? How much did we spend last year on this?

Director DiNero - We spent approximately \$230,000 for salt last year. We used approximately 6,000 tons of salt.

Councilman Flowers - Last year was pretty mild. Do you usually spend \$230,000 or more, or less?

Director DiNero - The year before we spent approximately \$350,000.

Councilman Flowers - That's what we appropriated in the appropriation?

Director DiNero - Yes, this is all paid out of the street fund.

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

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

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

Passed.

Ord. 172-1997 (466-97) Snow Removal Program

An emergency ordinance authorizing, empowering and directing the Director of Public Service of the City of Euclid to institute a snow removal program for no more than 600 residents who are 65 or older or disabled for the winter season 1997-1998. (Sponsored by Councilman Dallos by request of the Service Director)

Councilman Dallos moved for passage, Councilman Flowers seconded.

Director DiNero - Last year, 1996-97, we had approximately 387 people we plowed snow for. Some of these were not the full year. It seems like some of them drag their feet and as soon as the first snow, then everybody wants to get in. It costs the city, approximately \$13,351.50. That was half of the total cost of the snow plowing for 1996-97. That rate was \$69 for the year.

Councilman Farrell - Have we ever hit the 600 number?

Director DiNero - No.

Councilman Farrell - How close have we ever come?

Director DiNero - 387 is the most that we've ever had.

Councilman Farrell - Have we ever thought of putting that number down and making the dollars a little different?

Director DiNero - It would be up to Council to do that. It was \$69 for the whole year. They paid \$34.50 and we paid \$34.50. That was the total bid per home for each house.

Councilman Flowers - That's pretty reasonable.

Director DiNero - The year before in 1995-96 it was \$80. When we go out for bids, we don't know what it will end up costing. We advertised for bids already and we have six contractors that are going to submit a bid to us.

Councilman Farrell - When this ordinance was first introduced, wasn't it free?

President Cervenik - I don't think it was ever free. I would suggest an amendment reducing the age from 65 to 60, getting more people.

Councilman Farrell - I was thinking this could be "tweaked", but I don't want to "tweak" it on the floor without giving it some thought. Maybe we will think about it and if there's a better answer, bring it back to Council at the next meeting.

President Cervenik - If we see we are only getting 300 participants, maybe we can drop it down in age. The dollar amount is very reasonable. We pay for my in-laws, \$160 a season, whether it snows or not. \$34.50 is not a bad deal. Maybe we can expand the age group.

Councilman Farrell - We have time.

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

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

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

Passed.

Ord. 173-1997 (476-97) Bids Routine Items

An ordinance authorizing the Director of Public Service of the City of Euclid to enter into a series of contracts after advertising for bids for the City's requirements of asphalt, tires & tubes, washing City owned cars/vans, glass beads & street marking paint for the year 1998, and liquid calcium chloride for the year 1998 and 1999. (Sponsored by Councilman Dallos by request of the Service Director)

Councilman Dallos moved for passage, Councilman Vadnal seconded.

Director DiNero - This is normal procedure for 1998 for materials that we are going to need. We'd like to go out for bid ahead of time so we can have all our contracts in tact by the month of January.

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

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

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

Passed.

Ord. 174-1997 (469-97) Private Police Permit

An emergency ordinance amending Chapter 759 of the Business Regulations and Taxation Code of the Codified Ordinances of the City of Euclid by the deletion of language from subsection 759.02. (Sponsored by Councilwoman Miller by request of the Police Chief)

Councilwoman Miller moved for passage, Councilwoman McGarry seconded.

Director LeBarron - This particular ordinance is a housekeeping measure. The Ohio Supreme Court decided in a case that involved the City of North Olmsted that when you are regulating private police officers, like we do locally, you cannot charge an annual fee for registration. Our ordinance required a \$30 annual fee for registration for all private police officers or security guards. That particular provision was similar to what the City of North Olmsted had in their ordinance which was challenged and the Ohio Supreme Court ruled that such a fee is invalid, you cannot charge that fee. What this particular ordinance does is take the fee requirement out of our ordinance. We will still continue to require registration for private police officers.

Councilman Flowers - How much did this generate for us? Is it going to be much of a hit on our budget?

Director LeBarron - I'm sure if Chief Baumgart was here, but he is at the Civil Service Meeting, which is also tonight, could answer that. I don't believe that it is any great amount of money that we receive from that.

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

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

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

Passed.

Ord. 175-1997 (480-97) Assess Sidewalks E. 191 & E. 193

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 Holzheimer Gail seconded.

Director Balazs - This pertains to our sidewalk improvement programs, specifically to the improvement at the Indian Hills Complex. The Service Director arranged with the owners there to do a sidewalk improvement amounting to the assessment that is enclosed. This is an assessing ordinance whereby they have agreed to pay the City of Euclid this amount in a three year period according to our assessing terms. It improved the area aesthetically and it was a nice job negotiated by the Service Director. If we approve this, it is the paperwork that I send down to the County Auditor, so that he can enforce the assessment. We would have a return of this money, plus interest, in a three year period.

Councilman Flowers - Is this just strictly Indian Hills because I noticed two streets?

Director DiNero - This is the complete Indian Hills complex.

Councilman Flowers - We had done sidewalk replacement on other streets.

Director DiNero - This is just Indian Hills.

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

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

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

Passed.

Ord. 176-1997 (481-97) Depositing of Funds

An ordinance setting forth the procedure to be followed in depositing interim, inactive, and active funds of the City of Euclid for the period of January 1, 1998 through December 31, 1999. (Sponsored by Councilman Cervenik by request of the Finance Director)

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

Director Balazs - Per Chapter 135 of the Ohio Revised Code, no municipalities in the State of Ohio have to negotiate bank depositories with the institutions that they have savings and do money with. This is coming up to the two year period. We do it every two years. The contracts will be mailed to the banks. Once they sign them, they agree to the demands of the Ohio Revised Code, whereby we have to adhere to those as well as the banking institution to provide for the safety of funds for the city and our residents.

Council President Cervenik - Do we have any requirements of these banks to have branches in our city, for lending institutions for local businesses and homeowners?

Director Balazs - Chapter 135 made it exclusively, years ago, to do banking within your community. Within the last several years, they've opened it up. We are still partial to the banks in our community. We mail them the contracts and that is our first duty of business is to the banks within the City of Euclid. Investments, we may go outside the city depending on the investment return that we get. We do favor the institutions and take into consideration the number of branches they have in our community.

Council President Cervenik - Do we ever check on their lending pattern in the City? I know the City of Cleveland pays attention to that.

Director Balazs - Only if we get into sizable investments within the community IDB's and such, then lending practices would be checked by legal counsel, concerning their status.

Councilman Flowers - You said that you are partial to the banks that do business or lending in our city. How can you do that if we are going out for bids?

Director Balazs - It is not particularly on investments. On investments, greater return, we do honor those that give the city the highest rate of return with the highest degree of safety, of course. But we do have a payroll account, accounts payable account, and those accounts we do stay within Euclid with the banks that do business in Euclid. Those we do retain in Euclid.

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

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

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

Passed.

Res. 177-1997 (468-97) Oppose Senate Bill 72

A resolution opposing Ohio Senate Bill 72 which prohibits local governments from adopting building regulations contrary to those adopted by the Ohio Board of Building Standards. (Sponsored by Mayor Oyaski)

Councilwoman Holzheimer Gail moved for passage, Councilwoman Miller seconded.

Mayor Oyaski - This debate has been ongoing for sometime since the City of Middleburg Heights found itself in a law suit over their local building code. It was challenged because Middleburg Heights wanted to have specific local rules for apartment construction. It was challenged. To make a long story short, the Ohio Supreme Court decided that Middleburg Heights could pass specific, unique local building codes. Now the Ohio Senate has introduced bill 72 which would take local control over building codes away from cities like Euclid or like Middleburg Heights. I've asked the Building Commissioner to continue to follow this to date. I think it is in our interest to have local control over building regulations in the city and to oppose this effort to diminish our local control. I'd ask Mr. Apanasewicz to add his comments at this time.

Mr. Apanasewicz - I'd have to agree. Senate Bill 72 attempts to do a lot in one swoop. The most important provision is that not only are they trying to make commercial building codes uniform, they are trying to make residential building codes uniform by giving control of that to the State. I think I have a problem with a homeowner who wants to put a small addition on his house and needing a variance of some kind, having to go to the State level to get it. It also imposes some requirements on building departments, which is something that this city is going to have to fund. We already have a building code that is uniform and the question is not one of uniformity, but enforcement and who is empowered to write the building code. I urge that this Council pass this Resolution in opposition to Senate Bill 72. I think it does this city a disservice.

Councilman Dallos - Speaking from the construction industry, I'm going to vote no on this. One of the toughest things in our industry is to build something in Willoughby Hills, who has their own codes and then come to Euclid to build the same thing and you are prohibited because of different codes. The construction industry has lobbied for a long time to have a standard building code in the entire State of Ohio, so that we can go from one community to another and build the same identical thing instead of finding out when you go through the building department that there's been some changes in each community. I'm going to vote no.

Councilman Farrell - What are some practical applications where we would want to have a stronger local code than the State code?

Mr. Apanasewicz - You've seen that in the tower debate. There was a discussion on the wind speed and the minimum design wind speed should it be. The State Building Code requires 80 mph. The debate was settled and did agree on 80 mph is a standard that the city would use. I've always found that it is not the building code itself that provides the problems, it is the enforcement of those building codes. You can go to Willoughby Hills and go to the same building code commercially as you can in Euclid. The problem is that it is more of an enforcement in Willoughby Hills. You have to go to Lake County in order to obtain a building permit for a commercial building. In Euclid we have one-stop shopping for that. In Willoughby Hills, you have to get a zoning permit for their zoning department and then go to Lake County for a building permit. That causes some problems because you have to go to two governments. Whereas here in Euclid, we only have one government agency to deal with. There are a couple of applications that would show what the differences would be. In Middleburg Heights debate, it was more over a restricted use of firewalls. We don't have that condition here in Euclid. With a little more attention to inspection and planning review, we can solve some of the problems as far as fire walls are concerned in apartment buildings if an issue like that comes up. That is really the issue. Some builders, some architects, are not as familiar with products that they use or specify and the products are misapplied and the building code allows that. I think what Middleburg Heights is trying to do is make something more restrictive where it can inspect it and enforce it uniformly and simply without having specialized training.

Councilman Farrell - When we evaluate our code, do we evaluate it against state criteria?

Mr. Apanasewicz - Yes. We use the Ohio Basic Building Code. I don't believe there are any major exceptions to that code. The residential building code, we currently use the Council of Merit and Building Officials Building Code, which is the building code that the State of Ohio is recommending building departments support. We do have some local ordinances that go above and beyond that code and I am currently examining the codes that we have, some out-dated codes and we'll be submitting some revisions of the code to our building codes to get rid of some of the older provisions that no longer apply.

Councilman Flowers - Right now you follow strictly what State Code does, don't we, City of Euclid?

Mr. Apanasewicz - Yes, we are in compliance with the State Building Code.

Councilman Flowers - Most do. I remember this coming up that Middleburg Heights wanted to have the apartment building walls a little bit thicker, for safety reasons. I don't think a whole lot of cities going around changing the code. Pretty much most cities go by state regulations and every now and then the situation where Middleburg Heights wanted to make theirs stronger. If they want to do that, I think we should keep it that way.

Mr. Apanasewicz - I must also point out that although the major thrust of this bill is uniformity, there are other provisions in it.

Councilman Flowers - You indicated that if they pass this Senate Bill, they would have to get a building permit at the State, versus the City of Euclid?

Mr. Apanasewicz - The City of Euclid would have to be a certified department to enforce residential building codes. In the event that there is a problem with complying with the building code, where we normally apply to the local planning and zoning commission for a variance, they'd have to go to the state level in Columbus to get a variance for that. I think that is a problem for our residents here.

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

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

Nay: Dallos

Passed.

Ord. 178-1997 (483-97) Retaining Wall Edgecliff/E. 224

An emergency ordinance authorizing the Director of Public Service to enter into a contract with Shoreline Contractors, Inc. for the labor and materials necessary to replace the retaining wall along Edgecliff Drive at the end of East 224 Street. (Sponsored by Councilwoman McGarry by request of the Service Director)

Councilwoman McGarry moved for passage, Councilwoman Miller seconded.

Director DiNero - We received bids for this retaining wall at Edgecliff Drive and E. 224. We had a pre-bid meeting which 5 contractors attended and when we received bids on August 25, only two bids were submitted. Shoreline Contractors was the lowest of the two bids at \$421,100. Our engineer had an estimate of \$348,100. You see much more than 10% over the estimate. Under the conditions that we have right now, that we are into a time of the year that this job should be done immediately because we are going to run out of time. We did have some delays. We thought we didn't have to go out and get a submerged land lease. We had to do that. This is one of the delays. This project needs to be done this year. What we are asking you tonight is to approve awarding this job to Shoreline Contractors for the amount that they did. We did have a meeting with our engineer, Mr. Matricardi, who is in the audience, if you have any questions, you may ask him. He felt that if we did go out for bids again, we would not get any better bids, it might even be higher, due to all the construction that is going on at the lake. Most of these contractors are busy. The contractor that is doing our outfall didn't even bid the project. If you have any questions, Mr. Matricardi would be happy to answer them.

Council President Cervenik - I'm going to refer to the Law Director first to explain why we can still act on this even though the bids were over 10% of the engineer's estimate.

Director LeBarron - As Mr. DiNero indicated, Council had already given authority in June for the Service Director to go out for bids and enter into a contract. State law provides that no public improvement contract can be entered into if the bid is more than 10% of the engineer's estimate. When he went out for bids, as he explained, the two bids received came in for more than 10% of the engineer's estimate. Given the nature of this project and the real and present danger of the road getting undermined from this retaining wall that has failed, Council can do a direct award of this contract to the low bidder. Then there is no problem with entering into the contract. That's why this particular piece of legislation was drafted. I would add that we did draft this late Friday afternoon and I noticed I forgot to put in Section 1, there's an amendment that needs to be made. The end of the first sentence in Section 1, should add the words, "with Shoreline Contractors, Inc.". The heading indicates that it is a direct award of the contract. Section 1 of the ordinance should say that as well. If Council chooses to pass this ordinance tonight, I would ask that it first be amended to add that language.

Councilman Vadnal moved to amend as stated by the Law Director. Councilwoman Holzheimer Gail seconded.

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

Amended.

Councilwoman McGarry - To Mr. DiNero or the Law Director, why did we not know that we needed this submerged land lease? Is this new in this incidence? Did we not need it before?

Director DiNero - We are not really going out into the water like we are doing with the outfall. The outfall sewer is going out 1500 ft. and we felt that we didn't need it. Actually, what's happening all along the lake, ODNR is requesting the submerged land lease even if you are putting stones in front of your own property. Now, anytime we do any work along the lake shore, we are going to have to get that particular lease.

Councilwoman McGarry - How is the design different this time from last time?

Director DiNero - Mr. Matricardi, could you come up here to answer the question?

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

Mr. Matricardi - I'm with Matrix Engineering. The previous design was just a steel wall. We are replacing that wall in the area that it fell down with a new wall and putting some large armor stone, limestone, in front of the steel wall. In front of the new wall and the existing wall, so the existing wall that is still standing doesn't fall down also. That's the basic difference.

Councilwoman McGarry - Are there measures being taken then to prevent what they call, working around the tolled structure? To keep the water out, to the best of our ability, from working its way around the structure and under the structure.

Mr. Matricardi - The steel wall will close off the structure and the stone in front of it will prevent any water from either coming through or over the structure. The present structure is vertical so when the waves hit it, you get a lot of wave splash over it. With a stone in front of it, that will dissipate that wave energy and you won't get that splashing like you get now.

Councilman Farrell - We are getting reimbursed a portion of this money from the State. Can you elaborate on that.

Director DiNero - The Issue II will give us approximately \$214,000. That is for engineering and construction. It is approximately 50% of what we estimated the project for. Between engineering and construction costs, it will be 50%, which amounts to \$214,000.

Councilman Farrell - Which would be our out-of-pocket expense, where are we getting that money from?

Director Balazs - We'll be taking that out of the Contingency Fund, out of our Capital Budget, Permanent Improvement Fund. Primarily the balances that we have existing at this time will be dedicated to that emergency project.

Councilman Flowers - What was the original estimate? This is \$424,000, the original was \$380,000?

Mr. Matricardi - The contractor's low bid is \$424,000. The engineer's estimate was \$348,000.

Councilman Flowers - Why such a significant difference there? Is it because of timing?

Mr. Matricardi - Like Mr. DiNero said, all of these contractors are booked up for the rest of the year, as far as shoreline work. There are a very limited number of contractors that can do this work. I'm having trouble getting bids on any job right now. A lot of contractors won't bid, period, because they are totally booked up until next year.

Councilman Flowers - Because they are so booked up and it is your professional opinion that we wouldn't be able to get a lower bid even if we went out for bids?

Mr. Matricardi - No, because the longer we wait, less time the contractor has to complete it before the ice sets in. I would speculate, you would get even higher bids or the contractor with the low bidder may not even bid it now.

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

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

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

Passed.

COMMITTEE OF THE WHOLE

Councilman Dallos moved to go into the Committee of the Whole. Councilwoman Holzheimer Gail seconded. Yeas: Unanimous.

Mr. Jack Fraier - 235 Greenbriar Court. I think it is appropriate at this time to acknowledge the citizens of this city who during the dry-spell this summer watered their newly planted trees. Mother nature thanks them, the Shade Tree Commission thanks them and so should every tax payer in the City of Euclid should thank them because they saved us the cost of replacing a dead tree.

During the summer a letter appeared in the Sun Journal concerning the proposed marina. In the letter a sentence hit me right in the eye, it says conversion of high rise rental apartments to larger owner occupied condominiums. I think it is well known that when apartments convert to condominiums, very often investors will buy up several units, sometimes whole floors, sometimes whole buildings, and the condominium goes from rental to a rental property. Some condominiums have amended their documents which now require a purchaser of a unit to live in that unit for at least one year before he or she rented. A question that comes to mind is, can the City possibly require a developer to require a purchaser to live in that unit for a year before he/she may rent it? I don't know if the Law Director has an answer at her fingertips.

Director LeBarron - From the top of my head, Mr. Fraier, I would say no, the City cannot. It is private property. Private property owners do have rights that the City cannot infringe upon such as telling them that if something is built there, that the person has to live there for one year.

Mr. Fraier - But it could be done afterwards by the owners of the condominiums?

Director LeBarron - When its a private association, yes, they can come up with their own rules and regulations such as that. But, the City can't mandate something like that.

Councilman Farrell moved to rise and report, Councilwoman Holzheimer Gail seconded. Yeas: Unanimous.

COUNCILMEN'S COMMENTS

Councilman Dallos - Do we know when Chardon Road is going to be fixed?

Director DiNero - That's the \$64,000 question. Every time we ask the State they say they are going to come in and finish Euclid's part. In all reality, I think they are waiting until they have Richmond Heights, they are working on the east side of the street right now putting the curb in, so that the paving contractor can come in and do it all at one time. It is something that has been dragged out and we've been after the State and they keep on telling us they are going to do part. It doesn't happen. We call all the time and I don't know what we can do about it. We just have to go along and wait until it gets done.

Councilman Farrell - I got a call from people on East 250 Street and they were concerned about the potential/possibility of re-laning 250 Street. Particularly the calls came from people on the north end who have parking privileges now but are afraid that those are going to go away. Have we addressed what we are going to do with 250th yet?

Chief Baumgart - We did receive a petition from some people who live on E. 250. We are reviewing the re-lining of E. 250. The plan now is to have two lanes north bound and allow the parking. That was the main concern from some of the people that are concerned about property value going down because of the lack of parking. One lane going southbound and two lanes going northbound, would relieve the problem that we are looking at on E. 250 and Lakeland. As well as slow traffic up on E. 250 itself because that's a major concern with the residents there. This is the new plan, I will be authoring a letter once again to be sent out to all of the residents. As you know, we had a meeting before this happened and not enough residents came. Once I sent out a letter explaining exactly what we are going to be doing, then they responded and those are the main concerns. We also have two people concerned about trees. The trees are a safety problem. They are up against the curb on E. 250. We have to have those removed. As a rule of thumb, we should have about 18" away. CEI was told to move theirs in Lakewood because of the very same problem. We will be replacing those trees, I'm told, once they are removed. Only two complaints that I've received about removing trees.

Councilman Farrell - When is this all going to happen?

Chief Baumgart - We hope before the change in weather.

Councilman Farrell - I've notice the Community Circulator buses cruising the streets. Have we've had any positive or negative comments?

President Cervenik - On my way here tonight I saw a gentleman get off the bus at the end of my street and I asked him how he liked it and he said it was wonderful, it takes him everywhere he wants to go.

Mayor Oyaski - I went on the maiden voyage, the people on that voyage were very pleased with the .50 cent fee and with the convenience. The circulator can stop anywhere along the route where the driver deems it safe. RTA is supposed to put up signs at the bus stops in order to additionally promote the new service to let the people know the Community Circulator is available. So far there has been some feedback and it has been fairly positive.

Councilman Flowers - A follow up on E. 250. How did you notify the residents? I, too, got a call and somebody said they had a meeting and he was surprised he wasn't notified. How did that go?

Chief Baumgart - How to notify about the meeting?

Councilman Flowers - Yes, did you put flyers on the street?

Chief Baumgart - No, we had it on our tv channel and we notified the two papers, the News Herald and Sun Journal. Unfortunately the Sun Journal printed it a week late. Some people didn't receive the news. That's why I authored the letter and that letter was put in everyone's front door.

Councilman Flowers - The next time around everybody got a letter?

Chief Baumgart - Correct.

Councilman Flowers - Why are you looking to change this? Has there been many accidents there? I've gotten a couple of complaints.

Chief Baumgart - There are three problems. One is the speeding on E. 250, we hope to curtail that. Secondly, when an accident occurs on E. 250, if it is a sideswipe accident, there's no way to determine who is negligent in the accident because we cannot stripe it for four lanes, it is not wide enough. Third and most important, E. 250 and Lakeland is a major accident problem, probably second to one other area in our city.

Councilman Flowers - Is that coming off the freeway trying to turn down 250th?

Chief Baumgart - There is too many things happening at once. We have people entering traffic from 250 and we have two lanes there. One lane is blocking the other's view. They are trying to cross two lanes of traffic in order to get on the freeway. There are a multitude of situations that occur. If we only allow one car at a time to enter that area, we believe that our traffic accident problems will go down in that area.

Councilman Flowers - East 238 Street, we put in new sidewalks and curbs. Are the residents paying for that or the City? I've gotten two different stories. One lady was complaining and one was happy we were doing it.

Director DiNero - The residents will pay for their aprons and sidewalks. The city pays for the curbs and resurfacing and also the new street lighting we are putting up.

Councilman Flowers - Somebody wasn't able to get their cars out. They went like a month, what they told me, that no work was done. If they are paying for something of that nature, I think they have every right to make sure everything is done properly and on time. I'm thinking if I'm having somebody put in a driveway, I'm going to expect that individual to get it done on a timely basis.

Director DiNero - All the residents were notified, that their cars would be able to, they should make arrangements. We made arrangements with St. Roberts that they could park their cars in their parking lot. Also, some of the hold up was that we had to wait for CEI to put their wire in a trench. That's why we couldn't lay sidewalk on each side of the street. It was because we had to wait until they were ready to come in and lay their underground cables for the lighting.

Councilman Flowers - We had it taken out all at one time.

Director DiNero - We did one side at a time. On the east-side we had to take all the sidewalk out of the aprons, because the trenching goes right under the sidewalk for the CEI cables.

Councilman Flowers - How long did it take CEI to postpone this? How could they do something like that? Does it take them that long to do it?

Director DiNero - As fast as they trench it, they put it in.

Councilman Flowers - It is just a matter of getting the trenching done.

Director DiNero - Right. It is coordinating CEI and the trenching at the same time.

Councilwoman McGarry - Back to the Circulator bus, I did receive two calls from residents about feeling cut-off at the other end of Lake Shore Blvd. There is no service between 222 on out in the 260th area. Would there ever be a possibility of them taking a look at that as far as picking up some of those residents there? Anybody else receive calls on that?

Councilwoman Miller - I did. On 266 Street, a lot of the residents there, they have to walk all the way down to Lake Shore Blvd. or all the way over to 260 St. Some of the seniors, in the wintertime, it is quite a trek for them to do and they are accustomed to having a bus going down 266 Street. In fact, we even had to take someone home. He had gotten off at the wrong stop, a 90 year old gentleman, and we had to take him home. This was a couple of weeks ago.

Mayor Oyaski - We did have a public hearing with RTA on several occasions. Lake Shore Blvd. is served by regular RTA buses which connect into the circulator route. I will pass on your concerns to the General Manager.

ADJOURNMENT

Councilman Vadnal moved to adjourn. Councilman Korosec seconded. Yeas: Unanimous.

Attest:

Clerk of Council

President of Council