

**COUNCIL MINUTES**  
**DECEMBER 15, 1997**

The regular City Council Meeting was held on Monday, December 15, 1997, at 7 PM in the Euclid City Hall Council Chamber. President Cervenik presided.

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

Others Present: Mayor Oyaski, Law Director LeBarron, Finance Director Balazs, Service Director DiNero, Parks & Recreation Director DeMinico, CS&ED Director Koran, Administrative Director Johnson, Building Commissioner Apansewicz, Fire Chief Dworning, Housing Manager Tollerup, Asst. Service Director Gulich, Police Capt. Maine, Sgt.-at-Arms Stankus, Clerk of Council Cahill.

Council Minutes

Councilwoman Miller moved to receive and approve the Council minutes of December 1, 1997. Councilman Vadnal seconded. Yeas: Unanimous.

Communications

President Cervenik - Before we begin this evening, the gentleman to my right, Benjamin Duer, Benjamin is an intern from Ohio University, he's been at City Hall working for us. I'm going to ask Ben to give us the history of who he is and what he's doing for us.

Mr. Duer - Well, I've been a resident all of my life here. I'm from Ohio University, majoring in politics. I wanted this Christmas break, this six weeks I have, to learn about the council government, and there's no better place than home.

President Cervenik - Thank you Ben. He will be reading the legislation this evening for us and Regina will be taking roll call.

Councilwoman McGarry moved to receive and approve a request for a transfer of a C1, C2 liquor permit from Jaishakti Inc., DBA 7 Eleven Food Store at 26610 Lake Shore Blvd, to I H S Enterprise Inc., at the same location. Councilwoman Miller seconded. Roll Call: Yeas: Unanimous.

Council has received the following communications:

A memo from Lisa Mayernik, Assistant to the Mayor, regarding the William Silverman study.

A memo from Finance Director, Richard Balazs and Fred Wendel, regarding additional budget amendments.

A copy of Resolution 197-236, from the City of Strongsville.

A memo from Housing Manager, Erik Tollerup, regarding multiple family living.

A copy of a letter from Ms. Geraldine White to Housing Manager Erik Tollerup, regarding Euclid Villa.

A copy of a letter from State Senator Judy Shearer, to Mayor Paul Oyaski, regarding Euclid Waterfront Development Project.

A summary of legislation on tonight's agenda from Law Director LeBarron.

Reports & Committee Minutes

Councilwoman Miller moved to receive the Humane Officer Report of November 1997; Euclid Community Concerns November Report; Finance Committee Minutes, December 3, 1997; Board of Control Minutes, November 24, 1997 and December 1, 1997. Councilman Korosec seconded. Yeas: Unanimous.

Administration Reports & Communications

Mayor Oyaski - Good Evening. I'd like to ask Councilman Korosec and his family to come forward for his formal swearing in. Raise your right hand and repeat after me. I, John Korosec, do solemnly swear, that I will protect and defend, the Constitution of the United States, the Constitution and Laws of the State of Ohio, the Ordinance and Charter of the City of Euclid, the regulations and provisions of the Euclid City Council. I will faithfully discharge the duties of Ward 3 Councilman to the City of Euclid, so help me God. Congratulations Councilman Korosec.

Councilman Korosec - I'd like to introduce members of my family. My father, in the brown jacket, John Korosec Sr., my father-in-law, Jack O'Neill, his wife Kathy O'Neill, my wife Maureen, my daughter Caroline, and my little son John Jr., I'm John Jr., John the III. I just want to thank everyone who helped me out in the past campaign, all of the people who have been responsive to some of the new things that council has brought forward as far as trying to be having the citizens become more aware and involved. I look forward to keeping all of you more aware and involved in the coming years and months.

Mayor Oyaski - Mr. Chairman, I'd like to ask the Sgt.-at-Arms, to come forward at this time for a special presentation. In the next week our Chief of Police will be celebrating a very special birthday, and we wanted to salute this half century of existence, I won't tell you how old he is. Mr. Chairman if you would care to lead us in an appropriate tune.

President Cervenik - Ah yes, I think Chief Dworning would be appropriate with your help.

Mayor Oyaski - At the conclusion of the meeting, Mr. Chairman, we'd like to have everyone present to have a piece of cake in Wayne's honor and finally Mr. Chairman, I'd like to ask Coach Tom Banc of Euclid High Football Panthers and Mr. Ohio Football, Mr. Tony Fisher to come forward please. We also would like to welcome school Superintendent Dr. Kurt Stanic, and school board member Kevin Flynt, who are here to witness this occasion.

Mayor Oyaski presented Res. 237-1997 to Coach Banc and the Panther Football Team for their spectacular season.

Mayor Oyaski presented Res. 238-1997 to Tony Fisher for his outstanding season with the 1997 Greater Cleveland Conference Champions, the Euclid Senior High School Varsity Football Panthers.

Mayor Oyaski - Mr. Chairman, I have one final report. I did have the chief scheduled here, and I neglected to mention it. I asked Chief Dworning for a brief presentation, please.

Chief Dworning - Thank you Mayor, Mr. Chairman, and members of Council, a few weeks ago, I approached the President of the Fire Fighters, Pat Boyce. I asked Pat for his assistance in putting together a food drive to assist the Hunger Center of the City of Euclid. We kicked around a lot of different ideas how we are going to achieve our goals and we decided after some discussion that the effort should come from within, that the fire fighters should lead the cause. So, this past Friday in exchange for receiving the paychecks, we asked the fire fighters to donate 5 items of non-perishable food. We really quickly took to term hold up for hunger as our motto and I'm pleased to report this evening the response was not only overwhelming, it was heart warming. The Euclid Fire Fighters donated over 1000 items of non-perishable food items. We'd like to see this campaign continue and the fire fighters have asked that I come forward this evening and challenge everybody that works, lives and plays in the City of Euclid to meet the efforts of the Euclid Fire Fighters. Therefore, from now through the end of the year, the fire fighters will be accepting donations of non-perishable foods, at each of the four fire stations. The Euclid Hunger Center is in need of the following items: cereal, peanut butter, Jell-O, macaroni and cheese, any canned goods, and any boxed goods. However, any non-perishable food items will be accepted by the Food Center. What we are hoping for is that we can make this a bigger success than it's already been and we can continue this in the future.

Mayor Oyaski - I want to thank Chief Dworning and Mr. Boyce and the Fire Fighters of Local #337 for this community good will gesture. It's greatly appreciated. Thank you Mr. Chairman.

#### Committee of the Whole

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

Mrs. Fike - 20271 Delaware Road. I have four questions tonight. #1 is the first one. When you talk about private development of the Shore Cultural Centre, are you also talking about the park which a lot of the citizens in Euclid and organizations donated towards? Will that be included in this proposal for private development? #6, I'm on the committee and I don't remember the provision for the senior nursing assessment, I'd like to have Mr. Kory Koran to refresh my memory because I don't remember. #8 for the cleaning of City Hall, what do you mean by City Hall? Do you mean the Municipal Center and the old City Hall or just the Municipal Center or just old City Hall? And I would like to know what the contract is for, and what it is now costing us now. Because I think it's done during the day. #9 on the Tungsten Road, I'm curious because it talks about payment replacement out of the waste treatment funds. I just question it, so I'd like that explained when it's on the agenda.

Mrs. Scarniench - 1511 E. 211. On item #7, is that a new owner at the Love Investment Building or is that the still original owner? And, then on item #13 I have a couple of questions. At the meeting last week the budget amendments, item #21 and #22, the fire station, the fire fighting and the training, and now that's not on the agenda for tonight. Have you dropped that or is the money staying where it was or was that just accidentally left off?

Mrs. Scarniench - Another question is under the creeks and sewers, the increase at the meeting was \$12 thousand and now it's only \$5 thousand, does that mean we don't have as many repairs as we had expected? The last one is, the donation to the Hunger Center, looking at that it looks like we're giving them \$52 thousand is that written the way it's supposed to or should that be corrected?

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

#### LEGISLATION

##### **Res. 252-1997 (14-97) Shore Cultural Centre**

A resolution directing and authorizing the City Administration to solicit proposals from developers from private development of the property on which Shore Cultural Centre is now located. (Sponsored by Councilman Gallagher) (Recommended for passage by the Executive Committee)

Councilman Gallagher moved for passage, Councilman Farrell seconded.

Councilman Gallagher - This is legislation we had discussed previously with the repairs that we discussed at the Executive Committee of \$1 million for the boiler system and other repairs that were discussed. I think now more than ever we need to be presented with all possible options for that property. To answer Dorothy's question, I anticipated that it would not include the park in the front of Shore Cultural Centre. The property that we would be advertising for development would include the parking lot in the front as well as the parking lot in the back. Again with all the very expensive proposals we have discussed using the public funds, I think we should give the private developers a chance to offer some ideas.

Councilman Dallos - I think there should be some sort of time limit. I don't know what Mr. Koran is thinking about but we should have some sort of time limit, either 6 months, 9 months, or 12 months.

Director Koran - I think in the committee meeting we talked about 90 days. I think if we do, we should give the developers at least 90 days to respond, with perhaps 30 days for the community to analyze the responses that we get. With all of the other issues regarding Shore, I don't want to stretch this out too long. If that schedule is fine with the council, then that's the one we will follow.

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

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

Passed.

##### **Res. 253-1997 (24-97) Submerged lands**

A resolution approving the use of submerged lands for property located at 21611 Edgecliff Drive in the City of Euclid so that the owner can undertake lake shore protection measures. (Sponsored by Councilwoman Holzheimer Gail by request of the Law Director)

Councilwoman Holzheimer Gail moved for passage, Councilman Korosec seconded. Yeas: Unanimous.

Director LeBarron - This particular resolution and the next resolution are similar resolutions to those previously passed by this council for submerged land leases. These are lakeshore property owners who have undertaken erosion control devices on their property and this resolution is required by the Ohio Department of Natural Resources.

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

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

Passed.

##### **Ord. 254-1997 (29-97) Submerged Lands**

A resolution approving the use of submerged lands for property located at 21631 Edgecliff Drive in the City of Euclid so that the owner can undertake lake shore protection measures. (Sponsored by Councilwoman Holzheimer Gail by request of the Law Director)

Councilwoman Holzheimer Gail moved for passage, Councilman Dallos seconded. Yeas: Unanimous.

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

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

Passed.

**Ord. 255 - 1997 (15-97) Health Care - Extension**

An emergency ordinance authorizing the Director of Administration of the City of Euclid to extend the agreements for the following providers for health care insurance for eligible employees for a one year period, commencing January 1, 1998 and expiring on December 31, 1998. (Sponsored by Councilman Cervenik by request of the Administration Director)

Councilwoman McGarry moved for passage, Councilman Korosec seconded. Yeas: Unanimous.

Director Johnson - As the ordinance states, this is for the authorization of an existing contract for health care providers. As I had mentioned in the previous council meeting, we are recommending that we renew these contracts, in light of the situation where we instituted co-payment deductibles. We feel that to change health care providers would add confusion to employees and workmen.

President Cervenik - Mr. Johnson, what is the increase over the previous year?

Director Johnson - All four providers combined, the total increase is about \$8 thousand a year out of about \$2.3 million. \$7 thousand of it is to Medical Mutual, which is our major medical provider, \$1 thousand is to United Dental, which is the Dental HMO that is an option to the Medical Mutual.

President Cervenik - Section 2 states the terms and conditions of the attached amended agreements are hereby nullified, I don't think I have anything attached.

Director Johnson - I can provide the information that should have been attached. The level of service is to be maintained and there are no other price increases. The other two providers are offering at the same price.

Councilwoman Miller - Is this agreement with all of the units?

Director Johnson - Yes.

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

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

Passed.

**Ord. 256-1997 (27-97) Homemaker Services Provision**

An emergency ordinance authorizing the CS&ED Director of the City of Euclid, Ohio to enter into a contract with the Center for Families and Children for the provision of Homemaker Services in the amount not to exceed Twenty Two Thousand Dollars (\$22,000.00) for the period of January 1, 1998 through December 31, 1998. (Sponsored by Councilwoman Holzheimer Gail by request of the CS&ED Director)

Councilwoman Holzheimer Gail moved for passage, Councilman Farrell seconded. Yeas: Unanimous.

Director Koran - The next two items are block grant funded activities. To answer Dorothy's question, both of these items were approved by the Citizens Advisory Committee and have been funded at least, over the last ten years.

The first item is a health aid contract for the Center for Families and Children. This is a contract with the county to provide health aid services to frail, home bound seniors. Currently, the hourly rate is \$40 an hour we charge for the service. The predominant service is to aid the home bound seniors. It is a program that is used quite a bit. It's very popular with our seniors. If you have any questions, I'll be happy to answer.

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

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

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

Passed.

**Ord. 257-1997 (28-97) Senior Nursing Assessment Services**

An emergency ordinance authorizing the CS&ED Director of the City of Euclid, Ohio to enter into a contract with the Cuyahoga County Board of Health for the provision of Senior Nursing Assessment Services in the amount not to exceed Fourteen Thousand Four Hundred Dollars (\$14,400.00) for the period of January 1, 1998 through December 31, 1998. (Sponsored by Councilwoman Holzheimer Gail by request of the CS&E Director)

Councilwoman Holzheimer Gail moved for passage, Councilman Gallagher seconded. Yeas: Unanimous.

Director Koran - This program is also popular with the seniors. There is a slight increase in this year's budget, last year it was \$12 thousand, this year it is \$14,400. We are increasing the service to the seniors, they provide 5 different activities, most of them are nursing assessment at the Senior Centers, Knuth and Emeritus. This includes flu shots and a variety of nursing issues seniors have. It is very well used.

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

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

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

Passed.

**Ord. 258-1997 (30-97) Storefront Renovation**

An emergency ordinance authorizing, empowering and directing the Mayor of the City of Euclid and the CS&ED Director to enter into a Special Storefront Renovation Agreement with Love Investment Company, owner of the property located at 27900 Euclid Ave., known as the Love Insurance Building, for the provision of a grant in the amount of \$12,000 as reimbursement of 30% of the cost of eligible improvements plus reimbursement of up to \$1,500 for architectural design services. (Sponsored by Councilman Dallos)

Councilman Dallos moved for passage, Councilman Korosec seconded. Yeas: Unanimous.

Director Koran - This is a storefront renovation program that will be funded out of our Stoke's Account. The balance of the Stoke's Account is actually a very interesting story. To answer Madeline's question, this is the original owner of the building, Bob Love. He will be moving his company, Love Investment Company to the Euclid Medical Arts building on Brush Road. And, he will be leaving this building for the Ohio Rehabilitation Commission, which will be moving into this building. When they applied for permits and had to deal with the building commissioner, Bob recommended that they build ADA accessible bathrooms. Mr. Love was a little apprehensive about that.

The first tenant to come and look at this space was the Ohio Rehabilitation Service Commission, which mandated accessible bathrooms. After that, Mr. Love realized he would be spending over \$150 thousand renovating this office building. Mr. DeWine stepped in, and we are providing to the owner, not to exceed \$12 thousand reimbursement to the owner for significant renovations to the building. As I mentioned, the owner will be spending over \$150 thousand on this project, we are reimbursing \$12 thousand plus \$1500 in architectural fees.

Councilman Vadnal - Do you know who the Ohio Rehab. Commission is?

Director Koran - It is a State of Ohio agency that deals with the handicapped, people who have been injured and are in the process of being rehabilitated. Hence the need for the ADA accessible bathrooms.

Councilman Korosec - The cost of the improvements is \$40 thousand.

Director Koran - \$40 thousand eligible improvements, the owner is spending...

Councilman Korosec - My question is what else is he going to be doing?

Director Koran - There's a whole list of items. Masonry, excavation, lumber costs, new gutters, down spouts, aluminum, shutters, interior work, dry wall, demolition. Other items that were not eligible for reimbursement, interior doors, interior painting, mini blinds, electrical, pretty much the whole gammed, he's fixing up the whole building.

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

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

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

Passed.

**259-1997 (25-97) Cleaning City Hall Bids**

An ordinance authorizing the Director of Public Service of the City of Euclid to enter into a contract after advertising for bids for the cleaning of City Hall for the year 1998. (Sponsored by Mayor Oyaski by request of the Service Director)

Director DiNero - In answer to Dorothy's question, it pertains just to this City Hall, right here. It doesn't pertain to the old City Hall, that will still be taken care of by our own employees. We want to try having City Hall cleaned at night. During the day, there are too many interruptions. I know I get here early in the morning sometimes, and need to do some work and they are vacuuming or dusting, and it's too many interruptions. We'd like to try this. There will be no loss of jobs and we will see how it works this year.

Councilman Farrell - Why wont there be any loss of jobs? We have cleaning people now.

Director DiNero - We have a retirement of one employee and a possible part-time employee. I think that it wont be , everybody else on the cleaning force will still have a job.

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

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

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

Passed.

**Ord. 260-1997 (33-97) Sewer, Watermain, Pavement Bids**

An ordinance authorizing the Director of Public Service of the City of Euclid to enter into a contract after advertising for bids for the Sanitary Sewer Replacement, Watermain Replacement and Full Width Pavement Replacement on Tungsten Rd. from E. 260 St. to E. 264 St. (Sponsored by Councilman Dallos by request of Service Director)

Councilman Dallos moved for passage, Councilman Korosec seconded. Yeas: Unanimous.

Director DiNero - This job has been long waiting. This is over a year. We finally got the plans completed, approved by the water department and also by the EPA. This particular job is a relief sore. And, getting back to the question that Dorothy asked about why is it charged to the Waste Water, actually this is a relief of the trunk line. Any trunk lines or anything that is involved with the trunk line are charged to the Waste Water fund.

And, the people in this area need this project because of their flooding basements. In fact, we did add some property owners in that area that we found, that were discharging into the sanitary with their storms. They already have corrected that and this particular job is important to that neighborhood.

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

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

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

Passed.

**261-1997 (34-97) NPDES Discharge Fee**

An ordinance authorizing the Director of Finance of the City of Euclid to expend Thirteen Thousand Five Hundred Dollars (\$13,500.00) as payment for the annual NPDES discharge fee as required by the Ohio EPA. (Sponsored Councilman Gallagher by request of Service Director)

Councilman Gallagher moved for passage, Councilman Dallos seconded. Yeas: Unanimous.

Director DiNero - This is our normal fee that we have to pay to the EPA so we have the permit to discharge our Waste Water Treatment Plant into Lake Erie. This is a routine thing that we have to do every year.

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

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

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

Passed.

**Ord. 262-1997 (32-97) Euclid Board of Education Payment**

An emergency ordinance authorizing the Finance Director of the City of Euclid to make a payment in an amount not to exceed Eighty Nine Thousand Five Hundred Dollars (\$89,500.00) to the Euclid Board of Education as required under Ohio Revised Code Section 5709.82. (Sponsored by Mayor Oyaski)

Councilwoman Miller moved for passage, Councilman Gallagher seconded. Yeas: Unanimous.

Director Koran - As I believe you know, when the State of Ohio passed Senate Bill 19 it changed the way we administer tax abatement projects in the City of Euclid and throughout the State of Ohio. Projects that have been approved over the past two years that have estimated an actual pay roll that exceeds \$1 million due to the tax abatement project itself, the added income tax for employees must be shared with the school district in that community on a basis of fifty-fifty. We have to share the income tax 50% with the schools. Last year, this ordinance was passed by this City Council. Basically what this administration has to do is estimate the income tax that should be reimbursed to the schools. The figure is then reconciled in January or February when the actual figures come in. The estimated amount this year is for the amount in the ordinance \$89,500, this represents two significant projects that this community approved. The first we all know is the Lincoln Electric Project, which obviously has been very successful. The second is PMX, which has startled some people with the success it has seen. It wasn't too long ago that the Chase Brass Plant was going to be closed. We worked with the owners very closely, they have made a decision to stay there. I'm happy to report that today, 179 people work at the PMX Plant. Because of the additional employees that's why this number is as big as it is. Again, it is an estimate and will be reconciled in January and the check goes to the Euclid Board of Education.

Mayor Oyaski - This legislation and this payment is indicative of the great success that these two projects have been able to enjoy in terms of creation. What this means is that approximately \$5.4 million worth of new payroll in this City of Euclid has been generated by the PMX and the Lincoln Electric expansion. So, it does make up for the property taxes that are abated. But, the mere fact that the payment is required under law is indicative of the prosperity that those two companies are enjoying and the success that those two projects have accomplished.

Chairman Cervenik - I have a question, on the split of the income tax, are we splitting the full 2.85 or just 2%, I see Director LeBarron can answer that.

Director LeBarron - You may recall, the payment made last year which was the first time the City did make that payment, we had been in negotiations with the School Board as to how the split was to be made. The City's position was that we split 2%, the School's position was that we split 2.85%. Since there was no, the statute had been passed by the State Legislature, there was no case law interpreting it, so what we did was we went to the Ohio Attorney General and asked for a legal opinion as to how we would do this, given the fact we are the only community in the State of Ohio that has a shared income tax. We split the 2.85% with the Schools, as a result of the Attorney General's opinion.

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

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

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

Passed.

**263-1997 (31-97) Annual Appropriations for 1998**

An emergency ordinance which makes the annual appropriation for all expenditures for the City of Euclid for the period ending December 31, 1998. (Sponsored by Mayor Oyaski, Councilpersons Cervenik, Dallos, Farrell, Miller, Vadnal by request of the Finance Director)

Councilman Farrell moved for passage, Councilwoman Miller seconded. Yeas: Unanimous.

Director Balazs - For us to legally operate in 1998, I have to have appropriations approved by City Council. These appropriations are in front of you this evening. We consider this a temporary appropriation, these figures could go either up or down depending on the outcome of the budget hearings that will be conducted by the Finance Committee and City Council around February 1<sup>st</sup>, within the next couple of months.

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

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

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

Passed.

**Amended Ord. 264-1997 (35-97) 1997 Annual Appropriations**

An emergency ordinance amending Ord. #163-1997 which makes the annual appropriation for all expenditures for the City of Euclid for the period ending December 31, 1997. (Sponsored by Mayor Oyaski, Councilpersons Cervenik, Dallos, Farrell, Miller, Vadnal by request of the Finance Director)

Councilwoman Miller moved for passage, Councilman Vadnal seconded. Yeas: Unanimous.

Director Balazs - As you recall, the Finance Committee met December 3<sup>rd</sup>, to consider our recommendations to amend our current budget for 1997. We sent a memo to City Council and a few others that we have made, and there is one amendment that we do have to amend our ordinance in front of you, and that pertains to the retaining wall, the emergency job on Edgecliff Drive. It's my understanding, that it will be completed by year end, and we will have to amend our appropriation in front of you in the permanent improvement slot, plus \$58,712. So, that will be an amendment that I would recommend a change in this evening.

Other than that, the detail was given to City Council. It was discussed thoroughly. Also, this is one of a few years that the City Council finalized the appropriations for the General Fund in May this year, and that fund has not increased, it remained at \$31.9 million. So, that was a great job for the Directors and Department Heads to maintain spending at the budget. Most of the amendments were just line items, adjustments within budgets, but as I stated the General Fund did stay at \$31.9 million. If there are any questions, I'd be glad to answer them for you and I also have Fred Wendel sitting over there to help me prepare the amendments for the budget.

Chairman Cervenik - Mr. Balazs, there is two questions concerning a change in the allocation of the Fire Department and also the Creeks and Sewers of \$12 thousand to \$5 thousand. Can those be addressed?

Mr. Wendel - To answer Madeline's questions, on the General Fund, a list of items on this amendment, I tried to condense them to fit them all on the page, and fire fighting was kind of a wash, a part that she doesn't see at this time, that was on when we had the Finance Committee meeting. The Creeks and Sewers part of the question, we did not have as big as a need, we did lower it to \$5 thousand as we mentioned during the Finance Committee meeting. The Euclid Endowment Fund I see I changed the reason, but the number is from the previous amendment from June of \$51,935. The current amendment is for \$1500 for the donation, which is the total which is shown, \$53,435 is the total for the Euclid Endowment Fund.

Councilman Farrell - Just a note, the fire department is not listed in here, but we did in fact transfer \$12, 600 from fire fighting to training. That is shown on the other page in the back, it's just not on your front page.

Chairman Cervenik - We need an amendment, what was that amount? \$58,000?

Director Balazs - It was \$58,712 for the amended to the permanent improvement fund.

Chairman Cervenik moved to amend, Councilwoman McGarry seconded. Yeas: Unanimous.

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

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

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

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

**265-1997 (26-97) Senate Concurrent Resolution No. 14**

A resolution in support of Senate Concurrent Resolution Number 14. (Sponsored by Mayor Oyaski)

Councilman Farrell moved for passage, Councilman Gallagher seconded. Yeas: Unanimous.

Director Koran - The mayor has asked me to study this issue it has been going on for actually over a year now. We are asking this council to support Resolution 14, and I can give you a brief background. As you know the City of Euclid has two rail lines running through town. Currently they are Conrail and Norfolk Southern.

Conrail is to be purchased by CSX and Norfolk Southern, there will no longer be a Conrail. When the sale was first discussed, what we were most concerned with was that Norfolk Southern would now be the ultimate owner of both lines through the City of Euclid, because there would not be competition for the local industries. Luckily, that decision was not to be. The assets of Conrail will be divided up between Norfolk Southern and CSX and we will still have two competing rail line through the City of Euclid. However, you have probably read in the papers, the City of Cleveland and many of the west side suburbs are opposing this consolidation because the immense increase in rail traffic.

The City of Euclid is very fortunate that not only do we have two rail lines running through the middle of town, we have underpasses, which will make it if the rail traffic does increase two fold or even three fold as they are perhaps estimating, it certainly wont be a problem for police and fire access in the City of Euclid. However, the City of Cleveland, Lakewood, Rocky River, and other points west, they cannot brag about underpasses as we can, and they are having some serious issues. The only thing that concurrent Resolution No. 14 is stating is that they study the merger more carefully, and that they move cautiously. They are just asking them to study this a little bit more. I am already seeing that they are recommending different alternatives to bypass the traffic south of the City of Cleveland to Berea and Olmstead Township. It probably wont have much of an impact for the City of Euclid. Actually, things are probably going to be pretty good here if this goes as planned.

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

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

**COMMITTEE OF THE WHOLE**

Councilman Farrell moved to go into the Committee of the Whole. Councilman Gallagher seconded. Yeas: Unanimous.

Mrs. Dorothy Fike - 20271 Delaware Road. Mr. DiNero, you did not answer my question on what the cost of the contract will be to clean the Municipal Center.

Director DiNero - We are taking bids at this time. I have no idea. I think I have an approximate idea, but I hate to talk about it right now, until we take the bids.

Mrs. Fike - Am I correct in reading it does not have to come back to council, that you have the authority to sign the contract, whatever it is.

Director DiNero - No. Once we take the bids and analyze the bids then I take it to Board of Control and we award the job.

Mrs. Fike - Okay, it still does not come to the full council, it will just go to the Board of Control.

Mayor Oyaski - There is a council member seated on the...

Mrs. Fike - One member out of 9.

Mayor Oyaski - Yes.

Mrs. Fike - As long as I have you here, the leaf pick-up, I called last week, they still haven't gotten back to Ward 4, our leaves are still piled up. Are you still collecting and when are you going to be back to Ward 4?

Director DiNero - I think probably some time on Wednesday, maybe tomorrow. But Wednesday for sure.

Mrs. Fike - I have a question for the Police Chief and I don't know if you can do anything about it. Can anything be done about the driveway leading out of the Post Office on Lakeland. Somebody is going to get killed over there, maybe it will be me. I mean they come in, you know, and it's supposed to be only an out driveway from the Post Office. They come barreling in there. Okay, and then going out is only supposed to be one lane going out, because it really is the driveway for the two houses there. And the woman there the other day was very annoyed with me because I was in the correct lane to make a left turn onto East 250<sup>th</sup>, and she didn't like it. If I hadn't waved my hand out the window, besides my directional being on, she was very annoyed with me, because she felt she was in the right lane and I knew she wasn't. And, I was going to say, can you do anything? I know it's, I think it's private property, isn't it?

Chief Baumgart - We are monitoring that because of the change that we made on East 250<sup>th</sup>. So we will continue to do that. The court officer now recognizes who are traffic officers so I'm sure he'll be paying attention to it.

Mrs. Fike - And I know, I was going to comment once before on coming out of Grand Boulevard, and I know that you try over there, but they still ignore the sign, they still ignore the arrows, they'll still make the left turn from the right lane, anything to get out. It's a hazard I feel over there.

I have a question to Mr. Johnson, about the camera, is it under warranty the one that's being repaired? Since they are fairly new, in my opinion.

Director Johnson - Yes, Mrs. Fike, all of this equipment is under warranty. It's been probably 8 weeks now that it's been out for repair. Hopefully we will have it before the next council meeting. It's really hard to determine how long it's going to take to repair.

Chairman Cervenik - Dorothy, you say you were waiving your hand out the window?

Mrs. Fike - No, I was trying to remember what the correct signal is when you don't have your directions. I had my hand out going like this. No, I was trying to tell her I was going to make a left turn in front of her because I knew she was going to turn with me. It's sure shooting, and she did, you know. And she was annoyed that I was in that right turn lane but your really making a left turn which is the correct way to go. I'm very afraid of road anger, to tell you the truth because people are always beeping at me, because if you obey the laws, watch out. I'm sorry, but that's my opinion anymore.

Mrs. Madeline Scarniench - 1511 East 221. I'd like to speak about Shore just for a minute. It was very obvious at the committee meeting last week, that there were a lot of opinions about what's going to happen, the people that work in the building, the people who use the building. Councilman Farrell mentioned that we needed to come up with a time line, we needed to decide if this was going on the ballot in May or in November. Well, obviously May is not going to be any good, it's too soon. I called the Board of Elections and to be on the ballot for the November 3<sup>rd</sup> election, the issue has to be placed before them before August 20<sup>th</sup>, which would mean that this council, if we go with the 90 days that Mr. Koran says, about Councilman Gallagher's proposal, then that would bring us to the end of March.

Mrs. Scarniench - Which, would give us enough time between the end of March and when Council recesses in June, to come with a decision and then go out and sell whatever we are going to do, to the City. I do not want to see this get put on the back burner. I know it's one of the things the Mayor wants. The proposals are good, the plan is good, and the longer we wait, the more money it's going to cost for this plan to go into effect. The one thing that you don't want to do, is have the public say, well we didn't know about this. That's happened in the past with other things. So, I hope you continue, as you promised, to have more meetings, actually as soon as possible, as close to the first of the year and get people out so they really know what's going on and what the plans are... that we can do this and do this right.

Chairman Cervenik - Madeline, I talked with Mr. DeMinico this morning, and he has plans on having at least one public forum around the middle to the end of January. They will put the details together for us.

Ms. Rebecca Krismore - 24401 Alberton. I have a question, what do you guys think about the proposed marina on the lakefront? Is anything going on with that and why was it proposed to begin with?

Director Koran - The study on the marina, as most of the councilman know, has been completed. The most recent engineering analysis, which has three different marinas, plans are laid out. We do have extra copies available. They range in price from \$12 to \$17 million. Currently we are talking to a consultant to do a market analysis of the facility, of constructing such a marina and also the feasibility of turning apartments on the Lake to condominiums. Hopefully next year, this council will hear a presentation by this consultant on the feasibility of the marina.

Ms. Krismore - Will taxpayers pay more money?

Director Koran - We certainly hope not. I think most people have stated that a development of that type would have to come from something other than city dollars, private investment, state monies, the Ohio Department of Natural Resources, some other outside sources of money for this million dollar project. But, at the same time being located on the lake could be a great asset and council and I agree we have to at least explore these efforts and see if maybe we can find some outside developers. We won't be raising taxes but they do have to vote for it.

Mr. Harvey Mlachak - 23831 Lake Shore Boulevard. I've been reading a very thought provoking and controversial book. I thought it was pretty interesting and maybe I'd share it with you. The name of the book is Ain't Nobody's Business if You Do. I'd like to make it my business. One part of it in here says "nothing is less productive than to make more efficient what should not be done at all." Which brings to my mind Mayor Oyaski you said we had more buildings in this town that we know what to do with. At a previous meeting, Tony you said that our buildings, in this time, need \$5 billion in repairs to bring them up to code. Part of this says the Friends of the Henn House had a tour, this is what brought this part to my mind.

The Friends of the Henn House had a tour Sunday, and just a few questions in regards to this for Mr. Apansewicz or Mr. Tollerup. Since they are leasing the house from the City, does this not make it a rental property? And subject to all of the laws, codes, and ordinances as regards to the laws of this City, in regard to rental property.

If it does, how did they get an occupancy permit, when the City needs, when the house needs so much work to come up to code? Are they in compliance with the American Disabilities Act, which applies to public buildings? How about the asbestos and lead paint as applied to public buildings? This is a puzzler. I believe it has an approved capacity of 140 people. There is still only one working wash room in there. Aren't they a little short? Then I'd like to close with one more item. I think it's common knowledge that the American people, that the American Public, have lost a great deal of faith and confidence in their government. And, I believe it starts right here. Not necessarily in this City Hall, but it starts at the bottom. And, I think this is worth thinking about a great deal. It says here, "Do you pray for the senators, Dr. Hail, someone asked the chaplain. No, I look at the senators and pray for the country. I'm going to need some help, because I'm going to get down on my knees."

Mr. Apansewicz - I think your first concern was whether it was a single family rental, whether the Henn Mansion was a single family rental, whether it falls under the housing code. Yes it is a rental building but it's not a single family rental building.

Mr. Mlachak - But is this rental building, does it not have to comply with the building code before the Friends can move their offices in there and hold these various functions.

Mr. Apansewicz - Yes it does, and I've certified a part of the building as complying with the code.

Mr. Mlachak - As I understand, the basement is not certified.

Mr. Apansewicz - That's correct.

Mr. Mlachak - Parts of the second floor and third floor are not certified.

Mr. Apansewicz - That's correct.

Mr. Mlachak - I'd like to make one other statement. Who monitors what goes on there when the building is open to the public?

Mr. Apansewicz - I believe the question, the occupant load as 140 people, that's incorrect. Because the fact that the issue that you pointed out the one toilet room. The current occupant load is listed at 40 people. When they do have a larger function, they provide a temporary toilet facility, and that issue has been addressed. As far as the lead paint, it's not a building code issue, it is a health and safety issue but I would agree, but it's not a building code issue. The asbestos is also a health and safety issue. They do have to comply with the ADA, that is part of the future plan and future requirements that they do provide interior alterations, will comply with the American Disabilities Act. We are trying to give them an opportunity to do so, it also takes some time to do so. They are not really getting anything more than I think anybody else would get under the same circumstance.

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

#### **COUNCILMEN'S COMMENTS**

Councilman Farrell - There was an initiative on the Board of Control today, I believe was on the agenda for the Williams Silverman Company. Can you explain a little more to the Council and Public what that is all about.

Mayor Oyaski - I don't have that memo in front of me, the law director is familiar with it.

Director LeBarron - The particular contract requisition that was approved by Board of Control at today's meeting was to hire the Williams Silverman Company to undertake a survey of the residents. The hope is that we will have a survey to go out to the people, a scientific survey with validated responses, helping to shape the public policy issues facing the City in 1998. What we are hoping to accomplish through this survey, with Council's input, obviously, is to develop questions to go out to the people to have a survey done, by telephone questioning on various projects. The marina, mentioned this evening, Shore Cultural Centre, the new fire station, any other major projects that may be taken by the City to get a feel from the majority of the residents as to their thoughts and maybe prioritizing these projects, and their thoughts on any tax increases that may be necessary to fund some of these projects.

Councilman Farrell - And when do we anticipate this being approved?

Director LeBarron - It is my understanding from this proposal and you were given a copy of the memo in your packets, is that the initial background information and the interviewing the various council members should be completed by, I believe, the end of January. The survey should be taking place by February, to early March at the latest.

Chairman Cervenik - I'd like to wish everyone a happy holiday season. We will not be back till after the first of the year. Have a Safe and Happy Holiday.

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

Attest:

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Clerk of Council

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President of Council