

COUNCIL MINUTES
MARCH 2, 1998

The regular City Council Meeting was held on Monday, March 2, 1998, 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, CS&ED Director Koran, Service Director DiNero, Asst. Service Director Gulich, Administrative Director Johnson, Finance Director Balazs, Fire Chief Dworning, Police Chief Baumgart, Parks & Recreation Administrative Asst. Will, Building Commissioner Apanasewicz, Zoning Commissioner Hayes, Sgt.-at-Arms Stankus, Clerk of Council Cahill.

Council Minutes

Councilwoman Miller moved to receive and approve the Council Minutes of February 17, 1998. Councilman Vadnal seconded. Yeas: Unanimous.

Communications

Council has received the following communications:

A letter from State Senator Sheerer thanking Council for our Resolution regarding the sale of Consolidated Rail Corporation to CSX and Norfolk Southern Corporation.

From the City of Parma, House Bill 386 which would prohibit public authorities from imposing certain labor requirements as a condition of performing public works.

From Maryanne Hiti, a Friends of the Henn Mansion Update.

A memo from Building Commissioner Apanasewicz regarding Americana Condominium Conversion.

A complaint from Jerome Corbran regarding the William Silverman Associates City of Euclid survey of February 1998 and companion data.

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

Reports & Committee Minutes

Councilwoman Miller moved to receive the Fire Report, January 1998; County Board of Health Report 1997; 1997 Municipal Court Report; Finance Committee Minutes of February 4, 1998; Executive Committee Minutes, February 9th and 18th, 1998; Euclid Shade Tree Commission Minutes, January 20, 1998; Board of Control Minutes, February 9th, 17th, and 23rd, 1998; Planning and Zoning Commission Minutes, January 21, 1998. Councilman Korosec seconded. Yeas: Unanimous.

Administration Reports & Communications

Mayor Oyaski - Over the weekend we saw the end of an era in the City of Euclid, the Honorable Judge Robert Niccum retired after 29 years on the bench. The resolution that is before you tonight, I think only partly indicates the gratitude that all of us in Euclid have to the Honorable Judge. Judge Niccum I've known for more than 20 years. I can tell you he has run his court with a great deal of fairness, efficiency, frugality, and honesty. The Judge has distinguished himself and the people of Euclid through his service. He leaves very big shoes to fill. I just wanted to comment at this time on his departure from the scene in Euclid. He has always been a known quantity. He has always been someone that we in Euclid could appreciate for what he was on the bench and I've considered him a friend for the past 20 years. I am going to miss him. I am glad we have this resolution of appreciation for him, Mr. Chairman and I wanted to add my personal comments as well, and a brief comment from our Police Chief at this time.

Chief Baumgart - I wanted to mention that I am very happy that our three ladies on our Council tonight came over to the police station and did some shootin' up in the FAT system, our fire arms training system. Fay, I've got to tell you, there's something about men she doesn't like, I'll leave it at that. After Council tonight, the Council members are welcome to come over and try their luck and skill at the fire arms training system.

Chairman Cervenik - I'd like to make a statement on Judge Niccum. He's had a reputation of being a tough judge, he's was called stick 'em Niccum. But, there was another side to Robert Niccum too. There was a caring side of the City, he loved his community and deep down inside he really did try and take care of those people who came in front of him in his courtroom with problems. There was a passionate side to the man also. Not many of us saw that, but he will be missed and hopefully we will have a good, strong judge to take over his place.

Councilman Gallagher moved to add Resolution of Appreciation No. (91-98) to the agenda. Councilwoman Miller seconded. Yeas: Unanimous.

Committee of the Whole

Dorothy Fike - 20271 Delaware Rd. #15, to the Police Chief, what is the radar trailer and where will it be used? The other one I don't know the number of, but you can tell me, it is a question to the Building Commissioner on the change in the ordinances on the fences. I read it, it says you have to be 5 feet between houses, right? My question is, the way my house and the house next door is built, there is a difference in a lot of them. Our houses are next to each other and our driveways are on the opposite sides. We each probably do have 3 feet off of our property line, but between the 2 houses, there is probably only 6 feet. Now the ordinance says you have to be 5 feet off in order to have a fence. What would happen in a case like mine? Not that I want one, but I'm curious because there is 5 feet between those houses, but they aren't 5 feet off of the line.

Mr. Apanasewicz - To answer your question, you would be permitted a fence of any kind between the two houses.

Mrs. Fike - Even though there is 5 feet between the 2 houses.

Mr. Apanasewicz - It's a 5 foot side yard Ma'am. If you add more than 5 feet you could have a fence. If you have a fence it can be no more than 5 feet high. Since your side yard is 3 feet, you would not be permitted to have a fence at all.

Mrs. Fike - Than I am reading it incorrectly. It talks about 5 feet between houses.

Mr. Apanasewicz - It has been amended. The intent was to have a side yard minimum of 5 feet, not the distance between houses of 5 feet. The idea was putting it between houses was applied to dwellings only, not commercial property.

Mrs. Fike - I guess I am still not following you because it says, and it happens to be (13-97), when the side yard is less than 5 feet.

Mr. Apanasewicz - The side yard is defined as the distance between your property line and your house.

Mrs. Fike - I understand that, and the house next to me is also 3 feet from their property line. Between our 2 houses, we have 6 feet. So, we each could put a fence up, although you can't put up, you have to have so much between the two. Do you see what I'm saying?

Mr. Apanasewicz - Yes, I do. I think there is a misunderstanding in that the neighbor's property doesn't have anything to do with your ability to put up a fence. It's only your property.

Mrs. Fike - Okay. Thank you.

Maryanne Hiti - 114 E. 200th St. I'd like to address Ordinance (87-98), item #12. It is regarding the waterproofing and fire protection of the Henn Mansion. The funds to pay for this work come from a grant from the State of Ohio. Thanks should be given to Jane Campbell and State Representative Edward Jerse for helping to secure this grant. These funds which are to be used for the renovation of the Henn Mansion have been released to the City of Euclid. Representatives from the Friends Organization have met with the Mayor, the Building Commissioner, as well as Representative Jerse, to determine what is the most appropriate and responsible way to spend this grant money. We are all in agreement that the funds should be used to waterproof the building and install a fire protection system.

Maryanne Hiti - Waterproofing will help prevent further deterioration of the foundation, which will save us money in the future. A fire system, while helping to protect the investment that has already been made to the building, will also increase public safety. The Friends of the Henn Mansion sent out detailed requests for proposals for this work, which were reviewed by Building Commissioner, Bob Apanasewicz. Although the City is also required to send out requests for bids, it should be noted that the estimates we did receive for this work are well within the available grant funds. It is crucial that we don't sit on this grant money. To successfully raise the money that is needed to restore the building, we need to show foundations, corporations and potential investors that the City believes in this project and that work is being done on the building. I therefore urge you to vote yes on this issue. Thank you.

Jerry Corbran - 24250 Maplewood Dr. All of these comments and questions are related to item #7. I've asked an opinion from the Law Director regarding use of the Clay Matthew's Pontiac tax increment fund. This is to pay for the Danter Market Analysis. Director LeBarron, I hope I've given you enough time to research this and you may have an answer tonight.

Mr. Corbran - Number 2, I have a filed a written complaint to the Council Clerk's Office regarding certain questions relating to the marina harbor development in the Silverman Survey. I want to clearly state that I have no reason to suspect any deception, I see only some oversights here in the situation. I have asked and received information on my request to the Finance Director seeking verification of funding costs per a harbor marina using, at my estimate \$15,000,000 at 5% for 24 years. My numbers are 24 annual payments of about \$1.1 million and I thank you Mr. Balazs.

Regarding possible public access to the four parcel property owned by Ed Gudenas and his neighbors, I've asked Director Koran if it would be more advisable to use the open land east of the Normandy Towers, that's the Sikora Property, I think it's called. Or the sparsely occupied Berger-Lerrick properties west of 238th Street, or the large open property at the end of 233rd, next to Sims Park. This could free up developer Gudenas to build his 100 unit, \$15 million harbor complex. Now I don't know if the \$15 million he has in mind, but it seems logical that's what it would be. Tax increment fund contribution from this inner harbor project would be about \$265,000 a year. May I have a comment from Mr. Koran on this.

In the Cleveland area, marina annual membership and dock rental, not including winter storage cost a minimum of about \$3100. If the 736 docks in the Matrix proposal can generate a clear income of about \$1000 a piece, there would be an annual income of \$736,000. Added to the inner harbor TIF contribution, we would have over \$1 million toward the annual harbor debt payment of \$1.1 million as stated earlier. This is without the condo conversion considered. However, the Americana condo conversion is necessary to jumpstart the inner harbor proposal and the marina harbor.

I have a long and personal interest in this harbor proposal, you might wonder why, or what I'm going to get out of it. Does it mean that I'm going to get a job from Ed Gudenas? I personally couldn't stand working for him, he's too young and cranky. I don't need a job. I have enough trouble finding ways to spend my social security. I am leery of both since Uncle Sam lured me into an all expense cruise to pay our respects to old Adolph and his friends. Seriously, my interest goes back to the '60's when your Council predecessors allowed an excess of high debt to the lower income housing on Lakeshore Boulevard. Many homeowners associations sprung up all over the City. It finally stopped on March 9, 1973 when petitions bearing 1283 signatures stopped yet another high rise on East 233rd Street next to Sims Park. In 1975 still another attempt to large density housing on the Briardale land was thwarted by 3203 signatures.

However, the residue of past mistakes remain. Here we get to the heart of it. Including the zoning crime of the century where residents of 242nd Street between the high rises lost their sunrises and sunsets. A Convenient Store within a 10 minute walk from 1300 apartment units has been closed for over a year after a succession of prior owners just gave up. I wonder why. Is the Lakeshore, East 238th Street area a high crime area? Is congestion a problem? Would the homeowners in the area be excited about apartment to upscale owner occupied condominiums, you bet they would. We want our neighborhood back. Thank you very much.

Harvey Mlachak - 23831 Lakeshore Blvd. On item #12, Ordinance (87-98), I am against the passage of this legislation. I have been in contact with Columbus. We know that these funds must be spent by the City. Regardless of what Maryanne Hiti said, they must be spent by the City. In addition of that, I talked to Mr. Jonathon McGhee, who is Director of the Williamton However Office Division of the Ohio Bureau of Employment Services. He says in addition to that we must pay prevailing wages on this money.

Mr. Mlachak - Number three, under the terms for use of the appropriation, under the State of Ohio Department of Administrative Services agreement for the capital appropriation, Article 3 says applicable law Section 3.3 states, this agreement constitutes the entire agreement between the parties, and any change and modification of this agreement shall be made in writing. Mr. Koran's proposal when he had the funds released stated nothing about waterproofing. The waterproofing of this project, is this not a violation of your agreement with the State of Ohio? Therefore making the passage of this ordinance, I don't know what it is, illegal, unlawful, unenforceable, whatever it is. Mr. Koran, at this time do you have approval from Columbus to deviate from your proposal?

Director LeBarron - There was a request in writing made to the State of Ohio to change the terms and how the money would be used so that waterproofing and the fire protection would be included. That was received by Columbus and approved by Columbus.

Mr. Mlachak - Alright. Now with that, I talked with Mr. Apanasewicz this afternoon. With these improvements, do you have any detail does any department have any detailed plan specifications, engineering drawings on how this is going to be done? What I mean by that, if I'm interested in bidding this contract and I can get bonded and licensed, can I come in and get a set of working drawings, engineering drawings for the waterproofing and electrical work?

Director LeBarron - There will be specifications. The Service Director, if this ordinance is passed tonight has already started on the specifications. He will be the one going out for bids. Board of Control will accept all bids on this project and it will be the decision of the Service Director on who the contract will be awarded to.

Mr. Mlachak - At the present time, there are no detailed engineering drawings for these two phases?

Director DiNero - Yes, we already did prepare specifications to complete the waterproofing at the Henn House.

Mr. Mlachak - You do have detailed drawings on this work.

Director DiNero - Actually, as far as a detailed drawing, I don't think we need a detail. It all spells out the nature of the work and waterproofing job. As far as actual plans, there probably will be some sketches made and details of the air wells that need to be repaired or replaced and also the stairs need to be repaired. Those details will be part of the specification to any plans and I don't think that's necessary. The details, as far as when it comes to the air wells and the stairs, there will be details on that in the specification.

Mr. Mlachak - There will be?

Director DiNero - Yes there will.

Mr. Mlachak - Then on this may I ask, Mrs. LeBarron. May I pick up a copy of the communication from Columbus concerning the permission to deviate from the agreement?

Director LeBarron - Yes.

Mr. Mlachak - Alright fine. On the fire protection end of it, Chief Dworning do you have to approve these drawings before they are let out for bid.

Chief Dworning - Mr. Mlachak, that's absolutely correct. Plans and prints have to be submitted to the building department, which the fire department will review and approve. These plans have to be submitted by state certified contractors for the design of this alarm system as well as the installation of it.

Ed Jerse - 54 E. 212 St. I just wanted to come tonight because I want to support the ordinance authorizing the work at the Henn House. I've met with Mayor Oyaski and with several members of the administration and Maryanne Hiti about the plans for the house and the \$50,000 from the State. I fully appreciate the last speaker's concerns and concerns that have been raised by some of the Council people. You have a lot of public buildings in the City of Euclid, and there has been some concern about overextending ourselves. The reason I support the effort, there is actually a number of reasons. The first of which is just the very admirable efforts that have been undertaken by the Friends of the Henn Mansion. I don't know and can't recall during my time on Council or before that any time that there has been such a high quality group of people advocating a project for the City. I think it's good for the community to have an organization like this trying to improve the City and preserve a piece of our history. I recognize that some people may see that there is no immediate plan for the Henn House or they question as to whether this is going to be an up and going concern for the next year or two. I often look back at the history along Euclid Avenue, some of the mansions that were torn down that glittered Euclid Avenue during the twenties and the few that have been preserved are tremendous assets to the City of Cleveland. Now the Henn House may not be on the same par as those mansions on Euclid Avenue but it is a unique building in the City of Euclid.

Also, we have a problem with urban sprawl that the Mayor has been a leader on. What we are concerned about is attracting people to a city like Euclid. Our greatest asset in the City is, I believe, the lakefront. Now we've had efforts by this City Council and administration to examine what we can do to improve the lakefront and add to the attractiveness of this community. I think that Sims Park is the jewel and the crown of the lakefront and I think in the future it may be a centerpiece for efforts to attract people to this city. The Henn Mansion sits in the midst of that park and it can be used in the future as an attraction for people to go to have events at and to see the park and enjoy it. I appreciate the concern people have about the City spending too much money on the Henn Mansion. But I have spoken with the Mayor and again repeat to this Council, that I think what we ought to do is to establish an endowment fund where there would be set aside, a certain amount of money that could generate and on-go as an endowment that could generate an on-going fund so that the building would be preserved at no additional cost to the City other than the interest on that endowment fund. So then as time goes by the Friends of the Henn House develop the project and can look for greater uses of the building. Once you get rid of that building it's gone. This way we can preserve it at I think a reasonable cost to the City and I think it will be a great asset in the future. I support the ordinance. Thank you very much.

Joan Kleinfeld - S. Lakeshore Blvd. With regards to two things, the rezoning of all of these parcels on Lakeshore Boulevard at 214. This is a vacant property there.

Chairman Cervenik - Yes and it is right now zoned for a two-family.

Ms. Kleinfeld - Is there any vital reason for rezoning it for single family?

Chairman Cervenik - I think the majority of the people prefer to have single family homes built on a vacant parcel.

Ms. Kleinfeld - That's nice for people that have lots of money but not for people who have only \$50,000 to spend on a house.

With regard to #11, an ordinance to levy assessments for the cutting of weeds and cleaning of vacant lots. Last summer there was a property for sale on 222 and the weeds were 6 inches or more high and I called and I was informed that they had already been informed about that law. They had mentioned that to the people and they had to wait until the individual had a chance to take care of it. If they didn't then the City would cut the yard and then assess them. I don't understand #11. If you already are assessing people, and the City does cut the grass on vacant lots and things.

Director DiNero - On those assessments, actually what we do is we go in and cut these vacant lots and we send bills to the owners of the property. If they don't pay, we give them a certain amount of time to pay and if they don't pay their bills then we have to go to the assessment. We do give them a chance to pay and most of the times they elect to go to the assessment. The list that's on this ordinance now is a lot smaller than it used to be. A lot of the people that are owners of vacant lots, most of them are starting to comply with the cutting. Usually our list is probably three times the list. This year is a lot less than normally.

Ms. Kleinfeld - Well I don't understand, in here it does not say that the ordinance has specific properties listed. It's my opinion that an ordinance is an ordinance and it will cover 600,000 if they came up that year. Or if it's a continuing ordinance it would apply all of the time.

Chairman Cervenik - Ma'am we do have the, I don't know if it was made available, but we do have the list of all of the properties that are being assessed, and the amount being assessed on the ordinance this evening.

Ms. Kleinfeld - My thought was I see no reason since there is an ordinance to levy the assessments that would be in the hands of Mr. DiNero's people and that it wouldn't be necessary to have a new levy each year for the different properties, it would be just a continuing thing.

Director LeBarron - To answer the question Ma'am, since they are given time, there are 10 different individuals listed on this ordinance, they are given time to pay. Since they did not pay then this separate ordinance is needed in order for the assessment to be levied specifically on these properties.

Ms. Kleinfeld - I see but I used to work for the Air Force and they were very economical with recurring situations. As far as paperwork on that is concerned, I think that is a lot of busy business that could be just that if the ordinance is that, then they comply. It wouldn't matter, you wouldn't have to pass this separate ordinance for each whack of people.

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

Legislation

Ord. 44-1998 (538a-97) Rezoning 19251 Lake Shore

An ordinance rezoning a parcel at 19251 Lake Shore Blvd., (P.P.#641-04-070) from U-2 (two-family) use to U-1 (single-family) use district and further amending Ord. No. 2812. (Sponsored by Councilman Cervenik & Councilwoman Holzheimer Gail)

Councilwoman Holzheimer Gail moved for passage. Councilman Dallos seconded.

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

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

Passed.

Ord. 45-1998 (539-97) Rezoning 19271 Lake Shore

An ordinance rezoning a parcel at 19271 Lake Shore Blvd., (P.P. #641-04-071) from U-2 (two-family) use to U-1 (single-family) use district and further amending Ord. No. 2812. (Sponsored by Councilman Cervenik & Councilwoman Holzheimer Gail)

Councilman Gallagher moved for passage. Councilwoman Holzheimer Gail seconded.

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

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

Passed.

Ord. 46-1998 (543-97) Rezoning 21700 Lake Shore

An ordinance rezoning a parcel at 21700 Lake Shore Blvd., (P.P. #642-11-012) from U-2 (two-family) use to U-1 (single-family) use district and further amending Ord. No. 2812. (Sponsored by Councilman Cervenik and Councilwoman Holzheimer Gail)

Councilwoman Holzheimer Gail moved for passage. Councilman Dallos seconded.

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

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

Passed.

Ord. 47-1998 (544-97) Rezoning E. 214 & Lake Shore

An ordinance rezoning a parcel at the corner of E. 214 St. & Lake Shore Blvd., (P.P.#642-16-009) from U-2 (two-family) use to U-1 (single-family) use district and further amending Ord. No. 2812. (Sponsored by Councilmen Cervenik & Holzheimer Gail)

Councilman Korosec moved for passage. Councilwoman McGarry seconded.

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

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

Passed.

Ord. 48-1998 (545-97) Rezoning E. 214 & Lake Shore

An ordinance rezoning a parcel at the corner of E. 214 St. & Lake Shore Blvd., (P.P.#642-16-010 & 642-16-011) from U-2 (two-family) use to U-1 (single-family) use district and further amending Ord. No. 2812. (Sponsored by Councilmen Cervenik & Holzheimer Gail)

Councilman Farrell moved for passage. Councilman Dallos seconded.

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

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

Passed.

Ord. 49-1998 (546-97) Rezoning E. 214 & Lake Shore

An ordinance rezoning a parcel at the corner of E. 214 St. & Lake Shore Blvd., (P.P.#642-16-012) from U-2 (two-family) use to U-1 (single-family) use district and further amending Ord. No. 2812. (Sponsored by Councilmen Cervenik & Holzheimer Gail)

Councilwoman Holzheimer Gail moved for passage. Councilman Korosec seconded.

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

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

Passed.

Ord. 50-1998 (53-98) Danter Co. Proposal

An ordinance authorizing the CS&ED Director of the City of Euclid to execute a professional service contract with the Danter Company, Inc. of Columbus, Ohio relating to a proposal for converting existing Euclid apartment communities to condominiums and for the development of an adjacent marina complex for an amount not to exceed fourteen thousand dollars. (Sponsored by Councilwoman McGarry) (Recommended for passage by the Golf Course, Parks & Recreation Committee) (Tabled last meeting)

Councilwoman McGarry moved for passage. Councilwoman Holzheimer Gail seconded.

Director Koran - As you know this item was thoroughly discussed in Committee a couple of weeks ago, it was tabled 2 weeks ago appending a couple of issues. First of all the survey has been submitted to Council, that addresses one of the concerns. The second concern from Councilman Farrell was inspection by our Building Commissioner. I believe he has sent you a memo detailing his findings. The Committee Meeting has been aired on Channel 51, a lot of good questions were brought up. If there are any other questions, I'd be happy to answer those.

Councilman Farrell - I guess I probably urged more than anybody else to have this item tabled, I am comfortable with the results we are waiting for. The letter we got from Mr. Apanasewicz and also, we did receive the survey and I believe over 60% of the people that responded to the lakefront survey said they were in favor of lakefront development. Another note of interest is that 60% of the residents said that they were not in favor of public money for a marina complex, so I think it is imperative that we use this study to seek out the private sector to develop the marina.

Councilman Gallagher - My concern with this ordinance were that in the ten years that we've been discussing this project we haven't found a viable developer that is interested in this project. In my conversation with the administration, however, I've been assured that the owner of the Americana is genuinely interested in the outcome of this conversion study of these apartments. I'm still not convinced there is going to be private interest, I am very interested in converting those apartments into condominiums.

Councilman Gallagher moved to close debate. Councilman Farrell seconded. Yeas: Unanimous.

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

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

Passed.

Ord. 51-1998 (13-97) Amend Code, Planning & Zoning

An ordinance amending Chapter 1387 of the Planning & Zoning Code of the Codified Ordinances of the City of Euclid as outlined below. (Sponsored by Mayor Oyaski by request of the CS&ED Director) (Recommended for passage by the Planning & Zoning Commission)

Councilman Gallagher moved for passage. Councilman Korosec seconded.

Mr. Apanasewicz - This has been proposed, there is a little change in our fence ordinance. We had a little problem with fences being built in the side yard. There is a tendency on some neighbors, when they are not getting along, to spite their neighbor and they are using a fence to do that. What this does, and Mrs. Fike we will get to it, when you have a side yard that is less than 5 feet in width the owner will be prohibited in putting fences of any kind in the side yard. Where a side yard is greater, such as in the driveway side, they will be permitted to put a fence up but that fence is limited to 4 feet in height. This will allow you if you have children or a dog, something that you have to pen in, it will allow you to put up a fence without impeding on your neighbor, allowing a violation on your side and their adjoining side yard.

Item C, under 1387.05 is meant to address corner lots. The current ordinance is that the side line, which is simply the building line or the set back requirement on the side or corner lots, that you be 15% of the width of the lot. That will vary from lot to lot depending on what you have. This sets the specific distance you have to be, the minimum that you have to be from the right of way. This is meant to make it more uniform and also to provide some flexibility to those that have a smaller yard. Parallel fence section deals with, control spike fences, where you have for instance, a chain link fence and then the neighbor wants to put up a stockade fence.

Mr. Apansewicz - There is a tendency to weeds grow between the two fences and it's left on the neighbor with the chain link fence to maintain the property in between. This would require a 3 foot setback between the two parallel fences or that the neighbors can cooperate one way, so that those fences can be maintained so it doesn't create a property maintenance problem. If there is any questions from Council, I'd be glad to answer them.

Councilman Dallos - It seems like for years, we permitted 4 foot fences and then we had 2 floor variances at every Planning and Zoning Meeting. Finally this Council changed it from 4 foot to 6 foot. Now it seems like we are going backwards. I remember back from the days all of the variances that we had were on fences, 6 foot fences. Now we are going back to 4 feet, I really have a tough time on that.

Mr. Apanasewicz - Councilman Dallos, I did discuss that with Director Koran. This was supported by Planning and Zoning. I do believe that we have a problem with the use of fences in the City. It certainly is a product of Council to decide on this decision.

Councilman Gallagher - How do you define the side yard? Is it just the area between the two dwellings? Or does it extend all the way back to the property line?

Mr. Apanasewicz - Yes, that's it exactly. As Dorothy Fike had questioned, it is not the distance between your dwelling and the neighbor's dwelling, it is the distance between her dwelling and the side property line between the front and rear of the home. Once you reach the rear projection of the home, you can go back up to 6 feet.

Councilman Dallos - Up in the Braeburn, Kapel area, particularly, the houses were built 7 foot off one side, 3 foot off the other side. So does this mean you can put the fence on the 7 foot side and not the 3 foot side?

Mr. Apanasewicz - That's correct.

Councilman Dallos - I think we should go to Committee with this. So what does the person have now, a fence on two sides of his property and then to the very corner of his house on the other side that is 3 foot.

Mr. Apanasewicz - This is meant to encourage that the fence is built in the rear yard only, not to come up closer to the front building lot. In the event that you have it on the driveway side, which is what you are pointing out you can have a 4 foot fence. The question has come up as to whether you should be able to put up a 6 foot fence and you have a 3 foot side yard, the adjoining neighbor gets to look at the panel side of that fence.

Chairman Cervenik - From the house back, front forward, once you get to that back yard you can continue to have your six foot privacy fence, that doesn't change, correct?

Mr. Apanasewicz - That's correct. It is just between the two houses.

Councilwoman Miller - If someone would sell their home and they already have this fence, that wouldn't interfere with that would it? They wouldn't have to change.

Mr. Apanasewicz - No, as long as the fence was legally put up.

Councilman Korosec moved to close debate. Councilman Gallagher seconded. Yeas: Unanimous.

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

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

Ord. 52-1998 (84-98) Amend code, Ohio Fire Code

An ordinance amending Section 1731.01 of the Building & Housing Code and Section 1525.01 of the Fire Prevention Code of the City of Euclid Codified Ordinances to adopt by reference the most current edition of the Ohio Basic Building Code (OBBC) and the Ohio Fire Code as adopted by the Ohio Board of Building Standards and State Fire Marshal's Office, respectively. (Sponsored by Mayor Oyaski by request of the Building Commission)

Councilman Dallos moved for passage, Councilman Farrell seconded.

Commissioner Apanasewicz - This is a housekeeping measure. The Ohio Basic Building Code is the State minimum code. We as a certified Building Department must enforce the minimum code. Because of the new changes in the code, we are going to a new addition of the BOCA building code. The Board of Building Standards has passed this. This ordinance is intended to upgrade our ordinance and also to keep it in line, consistently, with the Board of Building Standards changes the building standards itself. Also there is a provision in here to upgrade several of the Fire Code which is enforced by the Fire Department.

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

Councilman Gallagher 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. (85-98) CAD System

An ordinance amending Ord. No. 143-1996 which authorizes the Administrative Director of the City of Euclid to enter into a contract after advertising for bids for the purchase/lease of a Computer Aided Dispatch System (C.A.D.) for the Police and Fire Departments. (Sponsored by Councilwoman Miller by request of the Police Chief)

Councilwoman Miller moved for passage, Councilwoman Holzheimer Gail seconded.

Chief Baumgart - There is a need to amend this ordinance. In the third whereas, it is determined for the funding sources. We have to add the Capital Improvement Fund as well. There are some portions of this particular C.A.D. system and information management system that will be used by the Fire Department and they made need to purchase some hardware. The source of the hardware purchase has to come from Capital Improvement.

Director LeBarron - If I may just correct the Police Chief, it is not the Whereas clause that needs to be amended so much as it is Section 1 of the ordinance needs to be amended per the Chief's request. So that it will read that the funds to pay for this expenditure are to be derived from the Law Enforcement Trust Fund, insert, Capital Improvement Account, and the COPS More Grant.

President Cervenik - We just had our capital hearings and this didn't come up.

Chief Baumgart - There is capital monies set aside for purchase of computer equipment.

President Cervenik - But it did not come up in your presentation.

Chief Baumgart - You mean this particular purchase of the C.A.D. system? Or the need for ...

President Cervenik - The need for more money a month after we had your presentation.

Chief Baumgart - There is money already in the Capital Improvement budget for a purchase of computer equipment, under account ...

President Cervenik - Under Administration.

Chief Baumgart - Yes.

President Cervenik - I don't know if I should ask you or if I should ask the Law Director. Council originally passed this and gave authority to the Administrative Director to go out on June 17, 1996. Why are we still here?

Director Johnson - The ordinance that is before you tonight, this amendment is mainly to change the funding sources. The reason for this project not having gone forward is there are a number of issues that we are trying to resolve. I have contended since the beginning of this project several years ago that we have to identify the system that satisfies the needs of the Fire and EMS department, as well as, the Police Department. That's been the major stumbling block to this point.

President Cervenik - Chief Dworning, do we now have an agreement with these amendments?

Chief Dworning - I certainly support a computer aided dispatch system for the safety forces. It is long overdue. It has been 6 years or thereabouts that we have been looking at this project and trying to come to some admirable solution to suit both police and fire needs. I will support this legislation. We could very well use it on behalf of both the fire and police department.

President Cervenik - You are satisfied with this system?

Chief Dworning - We have not yet decided on a system. This would merely allow us to go out for bid. Once again this would be our third time preparing specifications, going out for bid, reviewing those under the direction of the Administrative Director.

President Cervenik - Why do we need equipment now, when we did not need equipment in June, 1996?

Chief Dworning - I don't think that is a correct statement, in that we did need equipment in June, 1996. The Fire Department doesn't have the hardware to support this, nor do we have the funding in the Capital budget to support this. Both departments would need hardware in the form of pc's and networking and satisfying some type of communication link between our 4 outlying fire stations and dispatch. These are the needs that existed back then and they remain today.

Councilman Farrell - From a practical standpoint, how is this going to help our dispatch system?

Chief Dworning - Dispatch will be much more efficient with a computer aided dispatch. More importantly, aside from dispatch, in our ability to effectively dispatch emergency vehicles, this would provide a record management system for both police and fire department. Right now we have tons and tons of paperwork. We have much more information than we can actually dig into and come up with any kind of reasonable means of taking this information and making our decisions and putting it in the form of some type of report for City Council. I think the records management portion of it is just as important, if not more so, than the C.A.D.

Councilman Gallagher - What exactly will this C.A.D. system do, other than its name, computer aided dispatch?

Chief Baumgart - When a call comes in, either 9-1-1 call or a telephone call, especially 9-1-1, it can be transferred right into the C.A.D. system. There's no extra typing or work done by the dispatchers themselves. These calls are automatically logged, timing of the calls automatically logged. No need to do any more punching of cards. We are a paper full department right now. We are antiquated in our use of paper in our dispatch room. This will eliminate most of that. They would be able to dispatch these calls from a screen, rather than writing everything down on paper. It would also keep track of those calls and warn the dispatch when a car has been out of service for a length of time, or on a call for a length of time, to check to see what is happening with them. It would automatically update our information management system and start a report. The officer could complete the report. This is the first step toward a system whereby the officer can complete a report on a MDT, in a car and transfer it, wireless, to the station, where a boss can review it and put his okay on it and send it into the system. Someday we won't have to worry about writing paper reports.

Councilman Gallagher - Do you have any estimate of cost?

Chief Baumgart - We've had several different costs sent to us over the years that we've gone out for bids. Currently the grant that we have is for about \$80,000, that's for software. When we went out for bids in the past, we were looking at software and hardware. The Police Department is on a network right now. We have our own network system and we do use that network to get to the CRIS, Cuyahoga Regional Information System. That's how we get our statistics together. We can ask for reports. But, that system is difficult, cumbersome to work with. If we had our own in-house system, our own reports could be made a lot quicker, easier, by our people.

Councilman Korosec - Have you spoken to any of the other fire and police units throughout Cuyahoga County that both fire and police on a specific system, what their experience has been?

Chief Dworning - We have spoke to many local departments, both police and fire. As well as we've entertained bids from C.A.D. vendors from outside of the State of Ohio. There are systems out there that will satisfy the needs of both departments.

President Cervenik - I'm going to make a motion that this goes to Finance Committee Meeting. We've had since June 17, 1996, already. None of this was brought up during capital hearings. I know money is set aside, but it was not set aside specifically for this system. I would like a written report from Administrative Director Johnson detail as to why this has been in the administration's hand since June, 1996. I would like an estimate of what the hardware capital expenditures are going to be. We have plans for other departments also and if you can do that in the next couple of weeks, we can vote on this.

Chief Baumgart - Before you do that, couldn't you just take out the purchase part of this and allow us to go out for advertising for bids, but not the purchase of the system? Help the time-table on this to go a little faster.

Director LeBarron - From a legal standpoint, they can go out for bids at this point without any Council authority. They just cannot enter into a contract without Council authority. No legislation is necessary if they just want to go out for bids. They just need the legislation in order to authorize a contract.

President Cervenik - It will come back to Council. In the meantime, I still want that report from the Administrative Director. I'll withhold my motion.

Councilman Dallos - Shouldn't we amend this to take out the funding part in Section 1?

Director LeBarron - You can put this particular piece of legislation in Committee right now. That does not stop the ability of the department to go ahead and advertise for bids. They just cannot enter into a contract until action is taken on this particular piece.

President Cervenik - I can put it in Finance Committee and you can still go out and do your advertising for bids.

Director LeBarron - Absolutely.

President Cervenik - Fine, the Chair is moving it to the Finance Committee. Councilman Dallos seconded.

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

Finance Committee.

Ord. 53-1998 (86-98) Vacant Lot Assessments

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

Councilman Dallos moved for passage. Councilman Korosec seconded.

Director DiNero - This is our normal procedure every year. We do go out and cut these lots every year. What we do is after we get the list, we do send them bills periodically and they haven't been paid. If this ordinance is passed tonight, we will give them 30 days after this ordinance is passed to pay, if not then we will turn these over to the County to assess the properties according to their parcel numbers.

This list, like I said before earlier in the meeting, it used to be a lot more than this, this is cut down quite a bit. We seem to get more and more of them to cut their own properties. The City is not in the grass cutting business, we'd like to see them cut their own vacant lots. In fact, sometime I think that we should raise the amount from \$75.00 and maybe make it \$150.00 so maybe they will get out and have somebody else cut their lots. We have a lot more important things in our service garage to do, than cut grass for property owners.

Chairman Cervenik - If you have legislation to raise the rates, bring it to us, if you don't, I would suggest you do that.

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

Councilwoman McGarry 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. 54-1998 (87-98) Henn Mansion waterproofing

An ordinance authorizing the Director of Public Service of the City of Euclid to enter into contracts for waterproofing and a fire protection system for the Henn Mansion after advertising for bids. (Sponsored by Mayor Oyaski)

Councilwoman McGarry moved for passage. Councilwoman Holzheimer Gail seconded.

Mayor Oyaski - I want to thank State Representative Jerse for coming here tonight to discuss this. The Representative was instrumental in getting us this \$50,000 grant from the State of Ohio to make the initial repairs to the Henn Mansion. I want to say that I think the Friends of the Henn House are doing something very special for the community and they are organized and are acting in a very coherent, rational, thorough manner. There are more than 300 members in that organization trying to preserve this asset. We had indicated to Council and we got this grant that we would ask your specific authority before we would spend the money.

We have had a series of discussions led by Mr. Apanasewicz and Mr. DiNero and I think the proposed improvements are those that are of potential at this time. They will do the most good to protect the building, secure the building for future use and future improvement. I do fully support Ordinance No. 12 and I do thank State Representative Jerse and I hope he can keep at this in Columbus and perhaps we can obtain future grant funding as well.

Waterproofing will be done first and fire protection will be done second under the direction of the Service Director. We are aware of the legal requirements for spending this money, both the State requirements and the local requirements. I would ask the Council to support this at this time.

Councilwoman McGarry - Several years ago when I asked our State legislators to work with us to secure funding for the Henn I really thought it would take a good deal longer. It is spoken volumes to me that they have responded so quickly and positively in investing in this charming building. It would behoove us to move forward promptly with these dollars to leverage additional funding and pro bono work to complete the job.

Councilman Gallagher - Do we know how much each waterproofing is going to cost and then the fire protection?

Director DiNero - Actually right now at this time we do estimate I guess the Henn Mansion committee, they did have an estimate cost of \$33,000 for the waterproofing, but that is not under prevailing wages. I imagine that and this is an estimate, that some of the work that has to be done there, we are going to probably get into the area of \$40,000 to \$45,000, I would think.

Councilman Gallagher - And what about the fire protection.

Director DiNero - I would think around \$7,000. Actually we won't know until we go out for bids for the waterproofing. I think we have a lot of contractors in the City that do work for private people, but this will be a first time that we advertise for waterproofing, which they have to pay prevailing wages. They do have to certify that they are paying prevailing wages.

Councilman Vadnal - How urgent is this work needed and if we wait for another year, will it cause considerable damage?

Mr. Apanasewicz - Councilman Vadnal, I am not sure if it is a matter of urgency, it's more of a matter of progress. The Friends of the Henn want to open up more areas of the building. Right now they are limited by their restraints of their occupancy certificate but they also want to make some meaningful improvements to the building. This is the best way to address some nagging problems in the building. I don't know whether it is pertinent that we do this thing this year. However, if we do have the grant money, we do have to spend it on something, and these are the two things that I think have the most priority.

Councilman Vadnal - Does the grant money have to be spent this year?

Mr. Apanasewicz - I think it was some concern on the part of the State that the money hasn't been spent yet. I don't know if we are in jeopardy of losing the money.

Councilman Gallagher - What is going to happen if the waterproofing bid comes back at \$45,000? There is only \$50,000 in the fund. Are you still going to proceed with the fire protection or come back to Council?

Mayor Oyaski - We will not spend more than \$50,000 without your approval. That is why, Mr. Chairman, we are going to do the waterproofing first. We hope that there is sufficient funds left to do the fire protection system. We won't know that until we get the bids on the prevailing wages. We will not exceed \$50,000 without asking for your subsequent review and approval.

Councilman Vadnal - What happens if a year or two years from now, the Friends of the Henn are not as successful as everyone hopes they are and their program fizzles out? We are back to square one thinking of tearing down the building that we put \$50,000 into, what happens then?

Mr. Apanasewicz - The fire protection system, the \$7,000 is for a lease, so we won't own the equipment. The waterproofing, however, you are right, there is some loss there. That's a commitment Council is going to have to make.

Councilman Vadnal - I would like to wait another year on this. For this reason tonight, I will vote no.

Councilman Korosec - I think we need to remember that it is not city money that we are spending here. We are spending State money that was given to us through a grant, brought to us by Representative Jerse. It is imperative to show progress on the specific proposal to bring in more business and to bring in subsequent funding from any sources and all sources available. For that reason, I am voting yes.

Councilwoman McGarry - There's been several references made to the possibility that the Friends of the Henn might fizzle. I can assure you and I can assure my colleagues that is not going to happen. I have never in my 58 years seen a group of people work as hard as this group of people. Most cities anywhere would be extremely proud to have citizens investing in their community. I think we ought to ante-up to what they have done. I will vote yes.

Councilman Vadnal - Just so the record is clear, I am for the Friends of the Henn and I wish them all the success in the world. But I think it is common sense to wait another year, the money is not go away. Let's wait and see where we are at a year from now. Just because it is money provided to us by the State, I still think we have a duty to spend it wisely. It is still spent by the taxpayer regardless. For those reasons, I'm going to vote no.

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

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

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

Passed.

Ord. 55-1998 (88-98) CDBG Housing materials

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

Councilwoman Holzheimer Gail moved for passage, Councilman Farrell seconded.

Director Koran - One of the divisions within the Community Development Department does nothing but weatherize homes. That department does vinyl siding, handicap ramps, dead bolt locks. The vinyl siding has really taken off over the past 10 years and we are starting to see that we are doing that much more than we are painting homes, but they still do paint homes. Last year 15 homes were sided under this program and 40 homes were painted under this program. This is income eligibility based which means that people who receive this benefit cannot make more than a certain amount of dollars. These are all dollars derived from the community development block grant program.

What I'm asking for tonight is authority to submit proposals from contractors and suppliers to provide for the vinyl siding to do this work for this fiscal year. We are going to receive at least 4 quotes from supplies, from everything from window channels, glass, insulation, locks, 4" vinyl siding, outside corner posts, etc. The various items that are required to side any home. When we receive those prices we will award to the lowest bidder and that will be the source for our vinyl siding supplies for this year. Last year we spent \$39,000. This year we hope to spend \$40,000.

Councilman Korosec - Does your department set aside "x" number of houses to be done per year? Or, is it whoever comes up that is within the budget? Is there a cut-off point?

Director Koran - There is a waiting list because this is basically a free service, it is a very popular program. There is a waiting list, people on the list to get their homes sided. We only do as many as we can based on dollars that we have, but more importantly the staff that we have. There are currently 5-6 guys in this full time department to do this work. We try to get as many homes done as we can. There is constantly a 2 year waiting list. Last year we sided 15 homes and painted 40, which is exemplary work considering we only 3-4 months window to do this work.

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

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

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

Amended Ord. 56-1998 (89-98) Police Car Purchase

An emergency ordinance authorizing the Public Service Director of the City of Euclid to purchase one (1) 1999 International Truck, Model 2554, 4 X 2 Cab and Chassis; one (1) 3/4 Ton Pick-up; six (6) Ford Crown Victorias for use as Police cars; one (1) 1998 Chevy Lumina for use as a Detective car. (Sponsored by Councilman Dallos by request of the Service Director)

Councilman Gallagher moved for passage, Councilwoman Holzheimer Gail seconded.

Mayor Oyaski - #14 is part of the capital budget where we wanted to buy some equipment through the State Cooperative Purchasing Program. The Chief today indicated a desire to amend the selection of items for his department. I ask the Chief to explain his proposed amendment to #14.

Chief Baumgart - In speaking with Jerry Akos and our department and make a few changes and how we handle some of our vehicles. We wanted to go with 5 Crown Victorias and 5 patrol vehicles this year. We will be getting the Lumina which will become a traffic car, not a detective car. We are purchasing a van, Chevy Venture van, to be used as a detective car for transportation in the warrant unit. So we can transport more than 2 people at one time. There are times when we need to transfer 4-5 prisoners down to the county. The warrant unit does this and they do them two at a time. It is a waste of manpower. We would like to purchase this van as that vehicle instead of the normal Chevy or Ford vehicle.

President Cervenik - At the capital hearings, you made a statement, you almost warned the Council, that because we weren't giving you 10 cars, you are going to have to come back one of these years for more than 10 cars. How does this accomplish what you warned us about if you are going down to 5 cars now?

Chief Baumgart - Same thing applies here. One of these cars will be a traffic car. That was the intent. The other car would be a detective car and we'd have 5 patrol cars. That's the same thing we've been doing anyway, but instead of having it a car, we are making it a van. That's the only difference.

President Cervenik - We are not going to be asked to give an extra car next year to make up for the van?

Chief Baumgart - This is going to be "the car," it is just a van instead.

President Cervenik moved to amend. Councilwoman Holzheimer Gail seconded.

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

Amended.

Director DiNero - I would like to explain a couple things in this ordinance too. You see we have 1999 International truck, cab and chassis. Chances are of a back order of 5 months. Chances are we won't get this truck until 1999 year comes out. Actually we are buying the cab and chassis, we are not buying the plow or the spreader. We are going to buy them separate. What they offer at the State is not what we have. We'd like to keep the equipment the same so we can interchange. If we want to change plows, we can change plows from one truck to another. The spreader, if we need to switch the spreader, we'd be able to do the same thing. We'd like to keep this same equipment.

Director DiNero - Same thing with the pick up truck. We are buying the pick up truck, but not the plow. We'll buy the plow later so that it will be the same equipment that we have and we can interchange on any truck whenever it breaks down.

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

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

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

Passed.

Ord. 57-1998 (90-98) Radar Trailer

An ordinance authorizing the Ex-Officio Director of Public Safety of the City of Euclid to enter into a contract after advertising for bids for the purchase of a self-contained Radar Trailer for use in the Police Department. (Sponsor Councilwoman Miller by request of Police Chief)

Councilwoman Miller moved for passage, Councilman Gallagher seconded.

Chief Baumgart - In answer to Dorothy Fike's question, a couple of years ago we had a trailer out front. It was a display that told you what the speed limit was and how fast you were going. That's the same kind of thing we are getting here. This is on a Law Enforcement Block Grant. There's matching funds of about \$1,400. What this trailer will do for us is if we have complaints in any neighborhood, you can tell us where to put it Dorothy. If you have a complaint in your neighborhood, we might put that trailer up there instead of a police officer. An officer's time is expensive. The trailer can do the job for awhile and it is good "PR" because people can see the trailer and know that they are traveling above the speed limit or not. We also give them a warning that someday we maybe up there and they can't complain if we give them a ticket because we had the trailer up there for some time. It is a nice "PR" tool. It can also tell us how many cars have been through there, what the average speed of those cars, top speed. It tells us a survey of that particular neighborhood. There is a number of things this can do for us.

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

Councilman Gallagher 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.

Ceremonial Resolution

Res. 43-1998 (91-98) Judge Niccum

A resolution of appreciation upon his retirement to His Honor, Judge Robert F. Niccum, for his generation of dedicated service to the citizens of the City of Euclid as Judge, Prosecutor and Assistant Law Director. (Sponsor Mayor Oyaski & the entire Council) ADDED TO AGENDA

Councilwoman Holzheimer Gail moved for passage, Councilman Gallagher seconded.

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

Passed.

Committee of the Whole

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

Mr. Jerry Corbran - 24250 Maplewood Dr. Thank you for passing #7, the Danter legislation. However, I did ask two questions during that and I don't think they were answered. One was from Director LeBarron regarding the use of CMP money, tax increment money for paying for the Danter legislation. The other comment from me to Kory regarding the use of other properties for public access, rather than the Gudenas property. May I have an answer please?

Director LeBarron - In answer to your question the ordinance that authorized the TIF account would allow for the expenditure of the study such as the Danter study to be paid from there. The ordinance had already authorized a funding source.

Director Koran - To answer your question about public access, the Matrix study is still conceptual in nature. It does propose public access at Sims Park and just east of Sims Park at Cultural Gardens. But as we have discussed, there are other opportunities for public access, specifically the 4 parcel site. There is an opportunity for public access there. As you mentioned the Sikora block, there's an opportunity for public access. The reality of the situation is there is almost a mile and a half of coast line, any of that land could be used for public access if the city were to acquire and open it up to the public. There are hundreds of opportunities for public access within that stretch.

Mrs. Dorothy Fike - 20271 Delaware Road. Thank you Chief for explaining it and I have lots of places where you can put it, mainly school zones. I went by 222 the High School. I go 20 mph and they pass me like I'm standing still. I think you can start in almost any school zone. Thank you, it is a good idea, I think its great.

Mr. Jack Fraier - 235 Greenbriar Court. Certainly no evening would be complete without some further comments on the Henn House. I do respectfully disagree with State Representative Jerse. I admire his zeal and enthusiasm. However, I cannot agree with it. At the end of the last City Council Meeting, a statement was made which might be, some people might infer that somehow the Henn House or the Henn Mansion and the Governor's Mansion in Bexley have something in common. No way. Here is a picture of the Governor's Mansion. I contacted the place. Comparing the Henn House to the Governor's Mansion is very much like comparing a Yugo with a Lincoln Continental. Both are automobiles, both have headlights, both have windshield wipers. But the difference is quite great between the two.

Without going very detailed comparison, just a couple of items. One, the Henn House cost \$125,000 to build in the early 1920's. When I spoke with the Asst. Manager of the Governor's Mansion, I asked how much did that building cost. They did some research and they still cannot figure out how much it actually cost. It must have been a bundle because within that building in Bexley, there are structural items, beams, paneling, perhaps some carvings from 17th century manor houses in England. Nothing like that in the Henn House.

Also, in the February issue of the Cleveland Magazine, there is quite an article about the Governor's Mansion. Most of the article deals with the way Mrs. Voinovich has worked to fix up the interior, putting the furniture of these different rooms. In the article in the Cleveland Magazine, it mentions that the State of Ohio is responsible for the basic upkeep of that house in Bexley. One thing that has been done is they put a new roof on that house. When I spoke with the Asst. Manager in Columbus, I brought up the question of the roof. He said, it still leaks. We are fixing up the roof over at the Henn House in Euclid, the roof at the Old City Hall, the roof at Shore. I'm looking down the pike a little bit, a few years, one of these days Old Fire Station #2, will be vacant. I suppose we will be fixing up leaky roofs over there. Enough tax dollars on leaky roofs.

I bring up another point. In the past few years I've heard the term, let's get rid of welfare and work-fare for people who are getting money for being unable to get a job. Let's start applying that principle to old buildings. If an old building cannot produce enough income for its maintenance, management and upkeep, get rid of it. No more subsidies for sentiment.

Also, I looked at these pictures of the Governor's Mansion, both in the pamphlet I received from Columbus and Cleveland Magazine, I do not see a deck anywhere. In that proposal to put a deck at the rear of the Henn House, is something that concerns me because it is the beginning of sprawl. We had a conference here last fall on urban sprawl and this city had the nerve, the gall, the hutzpa, to tell surrounding communities, hey, save your forests, save your trees, save your farms, save your green space. Here is a chance for us to prove to those communities that we are concerned about green space, get rid of the Henn House. Expand Sims Park. We've got to control that park, not make a bigger parking lot.

Finally we have 4 miles of lakefront in Euclid. I've heard this so much, the lakefront city. But, go down any street in Euclid, you don't see the lake you see a sign, stay out private beach. The only windows to the lake are Sims Park and Clubhouse Park. Let's be certain that we put no obstacles on those windows to the lake. Mr. Mlachak made a suggestion a few meetings ago, let's get this Henn House thing solved. Let's have a bond issue. Get all the money they need to repair it. Let the voters of Euclid decide what the future of that will be. I'll accept the decision and I'm sure Mr. Mlachak will too. Thank you very much.

Ms. Kleinfeld - Mr. Fraier has been speaking on both sides of his mouth. It seems like when we are talking about City Hall ...

President Cervenik - At this portion of the meeting, we are not critical of other speakers, please. You can make your comments, but we try to avoid personal attacks.

Ms. Kleinfeld - It is not an attack, it is a statement. When we were talking about fixing up City Hall for the Slo-Pitch Hall of Fame, he represented it, he spoke up that it is on the National Historic Register and that things have to be replaced. Precisely, which is going to be much more expensive now. Here we have something unique and he's saying putting a deck that would be facing the lake would be urban sprawl. That's enlarging access to the lake and making it more enjoyable for people to use it.

Jean Reilly - 24024 Euclid Ave. I would just like to thank Council and everyone for passing the #12 item for the funding of the Henn Mansion. I'd just like to reiterate Jack Fraier's comment with no tax dollars have been used to fix the roof for the Henn Mansion. It was all from donations and fund raising and that type of thing. I would also like to invite Jack Fraier, Harvey Mlachak and Mr. Vadnal to come to one of our events and actually come to the house and see what it is really like. Thank you.

Mr. Harvey Mlachak - 23831 Lake Shore Blvd. First I'd like to thank Mr. Vadnal for his wisdom. Something that I've been hollering about for a long time. I talked to Councilmen here and they said it is not our money. Hell no it ain't your money, its the taxpayers' money. And you are right, you've got to be responsible for their money. I talked to another Councilman, he said to me its free money. Hell there ain't even no such thing as free lunch. I see a \$115,000 nightmare on the horizon. The Friends of the Henn House just got a \$50,000 home improvement loan at the taxpayers' cost. The grant was asked for the Henn House for a historical landmark. It has been declared and agreed at this Council Meeting that the building is not historical, it was Mr. Henn's house.

The next thing that is going to come, they asked what are we going to do if we are short on the waterproofing. I'll tell you what's coming next. They are going to ask for \$65,000 for the money that it was going to cost to tear down the building. At a Committee Meeting, and I think it was a good idea, I really don't have any objection, if they can make out of that house what they are supposed to make out, that's fine. But, you are going to destroy the park. It was suggested at the meeting that they give them the \$65,000 at the end, not up front like this over here. That gives them incentive. You've had speakers to go ahead and fulfill what they want. You've had speakers that come up here and say, we've worked so hard. We did this. God bless them, I agree with them. But when they reach the end of that \$115,000 and they said they could make that building self-sufficient, where are you going to get the money? At \$115,000 that leaves a whole bunch of dough short. Where are they going to get it? They are going to come here and they are going to ask you for it because they'll tell you, if you don't give them more money you are wasting \$115,000. How can you do that to us. If I was a Councilman, I'd say easy.

From the beginning they said that the House could be self-sufficient. Unless it is the report that they just gave to Council, they haven't even come up with an answer for that. In the contract they said they could make the House the first year, whatever it was, self-sufficient and they can do this. On page 2, of their contract, they got \$7,000 from the city for their utility bills. Keep getting into the taxpayers' pockets.

I maintain that the Friends of the Henn House are still in violation of the zoning code. I have a bunch of other things that I would like to assess, however, I would like to close with this and ask the Mayor. Mayor you said on several meetings and I've been at several places where you said that we have more buildings than we know what to do with. When this is all done, pray tell, what are you going to do with the building? The Friends of the Henn House have already captured one class in there from the Cultural Centre. Going to have a battle between them? You gonna go into business competing with office people, business people that have stores and office space for rent and put these people out of business with their own tax dollars? Mayor I wish you could tell me what you are going to do with the house. Thank you very much.

Mr. Joe Podner - 165 East 225. I just have one question regarding money. We've been talking about this \$50,000. I guess that it came to Euclid in July. Has it been put anywhere to earn interest up to this time? If we wait another year is it going to earn any interest? That's the way you are supposed to finance things. I'd like an answer to that.

Director Balazs - On most of our grants and federal funds that we receive, we are not allowed to earn interest on it. We have time limits to spend that money and that money is not given to the city to earn interest but to do what the project states. That is basically what we do but it does help us to invest our money and put money into the general fund.

Mr. Podner - Thank you. The longer it sets, we are really losing money. It is not working for us. That's the thing that should be considered. Thank you.

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

Councilmen's Comments

Mayor Oyaski - I think we received the \$50,000 in the middle of December. It may have been authorized in July, but we did not receive it until the middle of December. There is no answer that I have for Mr. Mlachak tonight. I said at one time that if this Council would approve the historical designation, that's no guaranty that someday the future Council will not demolish the property. Obviously if we waterproof the building because we want to do our best today to save the building, that's no guaranty that a future Council may not want to demolish that property. We have made a decision. After looking at the demolition option there was no support for the demolition option. There was a group of 300 people that were devoted to try to save the building. I have great respect and some affection for Mr. Mlachak and Mr. Fraier. However, we have 300 people, all Euclid citizens, probably all of the taxpayers, that are trying to save the building. I don't agree that this is urban sprawl over at Sims Park. I did get a tickle out of that one. But we have an effort going on here. We have a house that once it is gone, it is not going to be there. We asked Ed Jerse for \$500,000. We were fortunate to receive \$50,000. No one is saying that we are any where near the home stretch. We have a group of 300 people that are trying very hard, turning over every rock, running up every flagpole, doing what they can to save the property. I think they desire the chance. I have great respect for what Councilman Vadnal says, as well as some of the residents. But, I think the effort should be supported and let's see what kind of fruit it yields. But there are no guarantees. The next Mayor, the next Council, may decide it is no longer worth the effort and it is not longer worth working with the Friends of the Henn. We should make a commitment to do what we can to make the venture successful for the Friends of the Henn House.

Councilman Dallos - I've been taking a lot of ribbing from friends and enemies about the city sign that we erected on the treelawn by Alexander's. If a private business erected that sign, John Hayes would be out there and make them take it down. Since we own the property where the gazebo is, I think we should just move that sign into that property.

Mayor Oyaski - We always put up construction project signs. I have no objection if its moved on one side of the sidewalk or the other.

Councilwoman Miller - I would like to announce that there's going to be a Safety Committee Meeting for Wednesday, March 11th at 7:00 PM. The topic will be the second hand shop, called Best Pawn.

President Cervenik - There's also a Service Committee Meeting scheduled for Monday, March 9th at 7:00 PM. That will discuss the bus right-of-way with RTA.

Adjournment

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

Attest:

Clerk of Council

President of Council