

**COUNCIL MINUTES**  
**MAY 18, 1998**

The regular City Council Meeting was held on Monday, May 18, 1998, at 7 PM in the Euclid City Hall Council Chambers. President Cervenik presided.

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

Excused: Vadnal, came in late.

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

Councilwoman Miller moved to excuse Councilman Vadnal. Councilman Korosec seconded. Yeas: Unanimous.

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Councilwoman Miller moved to receive and approve the Council Minutes of May 4, 1998. Councilwoman Holzheimer Gail seconded. Yeas: Unanimous.

Communications

Council has received the following communications:

From the Ohio Department of Liquor Control, a notice on a hearing on a permit renewal for Sands 3, 321 Babbitt Road.

From Director Koran, an outline of the Housing Improvement Program Rental Conversion Program.

A letter from Commissioner McCormack thanking Council for declaring April 28<sup>th</sup> as Health and Human Services Day.

A letter from U.S. Healthworks of Ohio thanking the Euclid Fire Department, Administration and Council for supporting and conducting the American Heart Association's Cardiopulmonary Resuscitation Class for Healthcare Providers.

Letters from residents regarding Shore Cultural Centre.

A summary of tonight's legislation from Law Director Murphy.

Reports & Committee Minutes

Councilwoman Miller moved to receive the Fire Report of April 1998; Housing Improvement Committee, May 6, 1998; and Board of Control Minutes of April 27, 1998 and May 4, 1998. Councilman Korosec seconded. Yeas: Unanimous.

Administration Reports & Communications

Mayor Oyaski - I would like to formally welcome our new Law Director Patrick Murphy. He began with the City last Monday. The Administration has a few brief reports, starting with our Asst. Fire Chief Pat O'Connell.

Asst. Fire Chief O'Connell - The Fire Department would just like to remind everybody that we start our hydrant flushing program. It will run for approximately 6 weeks. If anyone experiences discoloration in their water, just simply run the cold water until it clears up. If you have any questions or concerns, call the Fire Prevention Bureau.

Director DeMinico - In cooperation with the Youth Soccer Organization, the 4<sup>th</sup> Annual Memorial Holiday Soccer Tournament will take place on Saturday and Sunday. There will be over 102 soccer teams, about 1500 participants playing on 11 soccer fields throughout the city. If you get a chance, come on in because Memorial Park has turned into a giant soccer complex. It will be a lot of fun.

Mayor Oyaski - I also want to thank Mr. DeMinico, his staff, all the volunteers and merchants that cooperated last Saturday to make the volunteer construction at the playground of Brush Road and 276<sup>th</sup> a success. I drove by on the way to the Council Meeting this evening, its nearly complete. It is a very colorful play-orientated activity at the site of the former pool. I do want to thank Mr. DeMinico and everyone else who made that a reality.

Director Balazs - This evening I handed out to you the income statement which shows our revenue to-date through April, as well as our expenditures. One-third of the year, we are at 26% of our general fund, that's a favorable report to-date. Also, the city income tax that we hand out to you monthly, we are showing you what the taxes are collected through May of this year. The final report that I handed out to city council is the report that we receive from Moody's investor services. If you recall, you passed ordinances to go to bond sale to take our short term debts to a bond sale. That was consummated last week. We had an average rate of 4.8% on our bonds, which is a very favorable rate. The variable rates went down as low as 3.8% on some of the issues. The Moody's bond report fortified again the city's rating at AA. It is a very high rate and one that we should be pleased about. They also indicated our resilient and diverse economic base has strengthened and noticed that and gave us credit for that. They are indicating that we have satisfactory financial position regarding our reserves. As you are aware, our balances have increased within the last 3 years. They indicated that we have a manageable debt burden which we have strived to obtain over the years. It is a very good report, we are AA and we should be very proud of that.

Mayor Oyaski - I do want to thank Director Balazs for his hard work on maintaining the city's AA credit rating, which we've had since 1968 continuously. The public is invited to graveside services, next Monday, Memorial Day at the Euclid Cemetery at 7:45 am. At 8:15 am, there will be a service at St. Paul's Cemetery on Chardon Road. At 8:45 am, there will be a ceremony at Slovenian Home, Recher Hall at the monument there. We will all meet for the parade at 9:55 am at E. 228<sup>th</sup> St. & Lake Shore Blvd. The ceremony will immediately follow the parade at the monument south of City Hall. Finally, there will be a ceremony at the Euclid Vets Club, at the monument off of E. 260 behind Fire State #4 at approximately 12 noon.

Mr. Chairman, I'm sure you'll join with me in wishing Councilwoman Miller's mother happy 90<sup>th</sup> birthday on Thursday.

Mayor Oyaski presented Mrs. Elsie Asseff with a proclamation congratulating her on being nominated for the World's Greatest Grandmother sponsored by the State of Washington's Apple Commission.

Councilman Korosec moved to waive the 24 hour notice and place on the Agenda Res. (159-98). Councilwoman McGarry seconded. Roll Call: Yeas: Unanimous.

#### **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. June Daugherty - 81 E. 225. In regard to #13, the Henn Mansion. I have a couple of notes here. We've been working through the Recreation Department, they have been wonderful, helping us at the Henn. We have had 26 classes from the adult education class this spring. Yoga, knitting, sewing, umpiring and quilting. We've had civic groups, Chamber of Commerce had a group there a couple of weeks ago. We had a wonderful shower there yesterday. It was a Euclid shower where children were involved and everyone went home with a care package. It was a nice event. Incidentally, the Dommer's, were the third generation to have a party at the Henn.

We've had two very successful fundraising events. The living room and dining room have been rehabbed and plaster/painted. We've had a lot of people helping out. Tonight, what we really need is Council's support so that we can go after corporate funding and grants. We have a capital campaign going. We have money that we can pay these folks. We've interviewed some grant writers. We've had rfp's sent out for architects for their analysis.

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Mrs. Daugherty - We would appreciate some endorsement, it would have more meaning for corporate funding and grants. I also want to thank the city, it looks like we are going to get some paint through the paint program, that was recommended. As you know, we believe in the importance of historic designation and like these folks that were here yesterday at the Henn, people will stay in a historic section, because there is something there for them. There is meaning, there is purpose. It is not just a new building that they don't care about, but they do care about. If nothing else, it is a benchmark of progress. You can see what a 1923 house looks like. I would urge Council to support legislation #13.

Mrs. Madeline Scarniench - 1511 E. 221. I would like to speak in support of #10 & 11 particularly #11. This project has been talked about, studied forward and backward for the last 8-9 years. It is wonderful to see this finally come to what I hope will be the beginning. I hope you will all support this. It is important to get this project underway, especially getting this phase of it done before School Board goes on recess for the summer. Hopefully we will be able to see this new fire station coming within the next few years. Thank you.

Mr. Jack Fraier - 235 Greenbriar. #2, (100a-98). When this first appeared on the Agenda the first meeting in April, I referred to it as a great leap forward. However, I see it has been altered somewhat with condominiums omitted. I would now call it a great limp forward. For those of us that own and live in condominiums in Euclid and pay first class property taxes, metaphorical we are beginning to feel we are somehow being treated as second class citizens and asked to ride in the back of the bus or stand on the sidelines. I cannot benefit from this ordinance, nor can my neighbors at the Heatherhill Condominiums benefit from it. Nor the sister condominiums that lay adjacent to us in Greenbriar Commons or Highland Park. There is a principle involved here. That is, all condominiums should be allowed to benefit from this one rebate program. Some condominiums in Euclid have large numbers of renters that have caused much stress and anxiety. This program would greatly benefit them.

I know that we've been told at different times, when you bought a condominium you knew what you were getting into. Yes, we knew what we were getting into. We would be fighting city hall regularly. There's been one loser in this battle. That's the City of Euclid itself. In the past 10 years at the Heatherhill Condominium in Euclid, there have been 30 sales. Thirty unit owners sold, moved away. Where did they go? Ten bought older single family homes in Cleveland Heights, University Heights, Lyndhurst, South Euclid and Richmond Heights. Nobody moved to an older home in Euclid, yet the homes they moved to are very much like the ones we see along Lake Shore Blvd. in wards 1 & 2. This city has lost a very valuable resource. The people living up in Precinct J had the unique distinction of having supported nearly every tax levy, every bond issue, even the increase in the city income tax.

I do not oppose the ordinance at this point. I hope the city Council will pass it, but I feel now that it is an ordinance that could be great that has been somehow smudged, stained and soiled. Thank you.

Mr. Bob Butler - 26151 Lake Shore Blvd. I rise in support of the Friends of Henn Mansion. A little history of mansions. I was raised on 38<sup>th</sup> & Central. To go over to Euclid, the street car would come down Euclid to 40<sup>th</sup>, go to 40<sup>th</sup> to Prospect. Go to Prospect to 30<sup>th</sup>, back to Euclid downtown. The reason they did that was so they didn't rattle those homes on Euclid Ave., those mansions. Right now there is only one left between 30<sup>th</sup> & 40<sup>th</sup>. I rise in support of this mansion.

Mr. Vince Riha - 1515 E. 195<sup>th</sup> St. I've come here in support of the issues #10 & #11, concerning the fire station. It certainly has been said a needed element for those firefighters to work in what I understand are pretty deplorable conditions. I wish you would give them accommodation for having worked in those conditions to keep that fire station open, to keep us safe. I know there have been some time, they talked about closing that station. I'm certainly glad that the city officials have seen differently and urge you support it.

I question on #8, will this leave us undermanned for a fire truck at this point in time and how long the truck would be down? Seriously consider that it is well covered because it is a long distance that 4 has to cover. Thank you.

Mr. Harvey Mlachak -23831 Lake Shore Blvd. I would like to talk on Ord. (147-98). Do you know who you are going to hurt if you pass this ordinance? You are going to hurt the steady-eddy law abiding citizen, with a clean record, who all of a sudden he screws up, and he puts his trash out before 6:00 the day before rubbish collection; goes before the Judge and gets a \$500 fine, 60 days in the can. He's the same guy, perhaps, that didn't cut his grass in time, didn't rake the leaves in his yard, didn't pick up the twigs in his yard, parked his car on his lawn, left his car with a flat in his drive for several days, stacked his cord wood more than 4 feet high and closer than 3 feet to anything, fed the birds with a feeder less than 4 feet high, didn't pick up the bird feed from the ground, and otherwise didn't comply with your many non-sensical dictatorial laws. This guy has nothing other than his house, maybe paid for, struggling to make ends meet on his meager social security and perhaps a small pension. When the guy got out of the can, he didn't pay you. You file a lien on his house. This can and will happen.

Now comes a bum, he's got a DUI or two, he's in possession of whatever, involved in an accident, no driver's license, license under suspension and no insurance. He's indigent. What do you do with this creep? Nothing. You kiss him off. Does this sound fair? Hell no, but it is true. This can and will happen to decent law abiding citizens. Therefore I urge you to vote no on this ordinance. Thank you very much.

Mr. Patrick Vihtelic - 231 Greenbriar Ct. I, too, want to speak on issue #2 about the rebating for potential home buyers. Unfortunately I'm probably going to disagree with Mr. Fraier at this time. I actually don't support this ordinance and there are some of the details that I'm not aware of, but the way I look at it is it almost hurts present homeowners that might be moving in a couple of years. I know we are not dedicated citizens and you may not care as much about us, but if my home for sale is \$85,000 and your's is for sale for \$85,000, but you happen to rent yours out now and I own mine, you are at an advantage, or you have a \$3,000 price advantage. So, instead of selling my home for \$85,000, I'm forced to sell it for \$82,000, just to match your price. I think we are getting penalized in that way. I'm also curious is there a cap on how many homes a year we might provide these rebates too. Do we know if this rebate was in effect, how much money we might have spent last year? I believe the Plain Dealer said the purpose of it was a dual purpose. One was to make sure we get people who presently aren't signed up in the rental property program to sign up so we can do inspections. I'm thinking aren't there better ways to see whose renting their property. Even if you drive along Lake Shore Blvd. you'll see some signs on duplexes, house for rent. Maybe we check with them to make sure they're signed up for it. I know the article touched on the fact that in Euclid we have a lower percent of owner-occupied homes. It gave a number of around 50% and said our goal was around 70%. I was wondering of the 50%, does that include all of the apartments? As many apartments that we have in Euclid, of course we are going to have a lower percent of owner-occupied houses, because you have everything along the lake and Euclid Ave. If the percent of owner-occupied homes is falling, shouldn't we concentrate more on talking to people who own their owns and live in there like myself and others, as to why we might be moving out of the city, as opposed to try to take something that is presently a rental property and bring it back to ownership. If home ownership is leaking and moving, let's plug up that leak and not try to covert ones that were already lost back over into ownership. I don't think it is a good issue and I'm not quite sure what the purpose is. Thanks.

Mr. Dale Vernon - E. 196 Street. Mr. President, I came here tonight to watch my city council adopt Ord. (100a-98). I think I've been preceded by folks who pretty well defined that ordinance as pretty much of a give away. I see it as a redistribution of wealth, to me that is socialism folks.

Mrs. Abby Vernon - 1497 E. 196 Street. I also object to the HIP rebate program. I can see no benefit to existing Euclid taxpayers. If you would like to give each and every homeowner who's been in the City of Euclid for 15 years or more an incentive to stay in Euclid, perhaps you could re-work the program and do that. Thank you.

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

**LEGISLATION**

**Res. (151-98) Use District Exception, FIRST READING**

A resolution granting a Use District Exception pursuant to Chapter 1375 of the Euclid Codified Ordinances to Father Wally Hyclak of the St. Joseph Christian Life Center to permit a bingo operation in a U-4 (wholesale/retail) use district at 203 E. 228 St., P.P. #644-24-005. (Sponsored by Councilwoman McGarry)

First Reading. Public Hearing June 15, 1998.

**Ord. 109-1998 (100a-98) Rebate Program**

An ordinance creating a new rebate program to encourage potential home buyers to purchase renter-occupied single family dwellings to use as owner-occupied dwellings. (Sponsored by Mayor Oyaski & Councilman Gallagher) (Recommended for passage by the Housing Improvement Committee)

Councilman Gallagher moved for passage, Councilman Korosec seconded.

Councilman Gallagher - I sponsored this ordinance and the purpose to address some of the issues that have been brought up. The purpose of this ordinance is three-fold. The first is to reduce the percentage of renter occupied properties. As stated, Euclid has an owner occupied property base of 54%. It is recommended that the owner occupied property base be around 75%. This is just one step in an effort to increase the number of owner occupied properties.

The second purpose is the belief that a home that is occupied by its owner is hopefully better maintained. We hope that once an owner occupies a home, he will make the improvements to the home and thereby benefit the entire community.

The third purpose is to attract landlords to register their homes so they can be inspected and maintained in the appropriate ways.

President Cervenik - One of the other questions that was asked, was how many homes would we do. We have \$45,000 in the budget which by the way it is set up now, we could do as many as 45 homes for 1998. If we did 45 homes and we are not sure the number would be that high, we would be committed to those same dollar figures for at least the consecutive years because we would have an agreement to reimburse \$1,000 at the end of the second year and \$1,000 at the end of the third year of occupying the home. This will be discussed again. We will evaluate how this program works before we make any monies available for the 1999 budget.

Councilman Korosec - One thing we did discuss was for the condo owners, it would be revisited next year after we review the program for possibly adding condominiums to the program.

Councilman Vadnal - Do we have any statistics as to how many home purchases are made annually in Euclid and what percentage of those end up being owner occupied as opposed to rental occupied?

Mr. Tollerup - Currently we don't keep statistics on owner occupied or what happens to the home after it has gone through the sale procedure. The only statistics I can tell you on weekly review of the homes that are going up for sale, on average, we might get 5 rentals, 1 & 2 family rentals going up for sale each month that are registered with the department.

Councilman Vadnal - My concern is, are we selling, or are people buying homes regardless and are they owner occupied and take this first \$45,000 anyway because it is not really acting as an incentive? Is there any way to answer that?

Mr. Tollerup - I can't really say. Based on my experience over the last year, most of the homes, rental properties that are going up for sale are being sold off and being maintained still as rental property. I would have a feeling talking with many renters that are on the level about being able to afford where they are living, this maybe the last hurdle for them to go ahead and purchase that half-duplex or whole duplex for themselves.

Councilman Dallos - One of the other amazing numbers that we heard at the Housing Improvement Committee was that we had a 1600 plus single family and two-family rentals in the city. This is only going to address 45 of those properties. In the Housing Improvement Committee, one of the real estate companies mentioned that last year at this time, one company had 30 plus half-duplexes for sale. Councilman Gallagher was looking for some of these funds would be earmarked to that area. Mr. Fraier, I guess I'm the bad guy. I'm the one who eliminated or at least asked Council to eliminate the condos this year. I'm also well aware that most of the condos have by laws that they have to be owner occupied. I was very concerned about one large condo in particular in my ward, because I'm aware that some people have bought numerous units and they own quite a few and they are rented. I just don't want to see all this money going to a particular condominium unit.

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

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

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

Passed.

**Ord. 110-1998 (145-98) Replace board members**

An ordinance enacting new Section 131.05 of the Administration Code of the Codified Ordinances of the City of Euclid to permit the Mayor to temporarily appoint a replacement member to any Board or Commission listed in Title 7 of the Administration Code when the regularly appointed member becomes afflicted by disease or other health condition. (Sponsored by Mayor Oyaski)

Councilman Vadnal moved for passage, Councilman Korosec seconded.

Mayor Oyaski - The Building Commissioner brought to my attention that we had a person on the Architectural Review Board that is currently temporarily disabled. There are a number of things on the Agenda where they need a full compliment of members in order to act. The code currently permits me to appoint someone in the event of a conflict of interest by the members of a board and the action that they are voting on. But, the law does not currently permit me to appoint a temporary member in the event one of our members has a temporary disability. I'm asking you tonight to have this ability so that we can have a full compliment of board members on the Architectural Review Board, Civil Service Commission, Planning & Zoning Commission, in the event a member becomes temporarily disabled.

President Cervenik - Mayor, are you talking about appointing one person as an alternate that will fill in all the time if this happened? So that they would know the way the meeting runs. There are some procedures that you have to follow at these meetings.

Mayor Oyaski - I hadn't contemplated it being a continuing role because I hoped the gentleman with the temporary disability comes back in fine health, but I would have no objection to using the same individual in the event these temporary vacancies occur. It would provide for some continuity. I don't think it happens very often, but it is happening right now. I would have no objection to appointing the same person to fill any temporary vacancies.

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

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

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

Passed.

**Ord. 111-1998 (147-98) Recovery of Jail costs**

An ordinance amending Chapter 599 of the General Offenses Code by the addition of new Section 599.07 for the recovery of confinement costs from offenders housed in the Euclid City Jail. (Sponsored by Mayor Oyaski and Councilman Gallagher)

Councilman Gallagher moved for passage, Councilman Farrell seconded.

Director Murphy - Several years ago a state statute was enacted which allows a municipality to recover costs from prisoners who are maintained in a municipal jail. The first step in the process requires the legislative body of the municipality to enact an ordinance allowing for the recovery of those costs. Absent the enactment of this ordinance, the City of Euclid would have no authority to proceed under the statute to collect costs from individuals who are able to pay them.

In response to the questions and comments made from the public, I would suggest that the Court records are public records and if anybody could produce some record or evidence that people in the City of Euclid have historically been confined in jail for putting garbage out too early or not cutting their grass, then perhaps this ordinance wouldn't be appropriate, but I don't believe that's been the case in this city. This ordinance allows the recovery of costs only when an individual is actually confined in the Euclid jail. The costs which can be recovered are the costs for feeding the inmate. The costs for clothing that inmate. The cost for providing shelter to that inmate. Medical and dental costs if that inmate requires those kinds of treatments while in the custody of the City of Euclid.

Let me also suggest one scenario to you that is not out of the realm of possibility. An individual is robbing a bank on Lake Shore Blvd. Our fine police force shows up, interrupts the robbery, shoots the robber. Arrests him, takes him to the hospital for treatment. Until such time as that thief is indicted and turned over to the custody of the County, the City of Euclid is the arresting agency and is responsible for that individual's medical costs. If that individual happens to spend a week in Meridia Hospital or some other facility, our money has to pay for that cost. Granted in many cases an individual robbing a bank is not going to have resources that we are going to be able to recover anyway. But I don't want the City to be in a position to have to presume that. I think it is wise to have this statute on the books. It gives us the opportunity for us to recover these costs when they are available. The statute requires the Judge to conduct a hearing to determine the viability and the availability of resources of that individual from which the city can recover the costs. If the Court finds the individual to be indigent, then there is no possibility of recovering the costs regardless. The important factor is that without this ordinance being enacted, the city and the law department and the prosecutor do not even have the ability to proceed under the statute to try to recover these costs.

Councilwoman Miller - You mentioned that if the robber is shot and arrested and taken to the hospital. What if the robber is shot, the police escort him to the hospital, but do not officially arrest him until he's been discharged from the hospital. Who's in charge of paying for that medical treatment?

Director Murphy - In my opinion, it would still be the City of Euclid's responsibility since they took him into custody, even if not formally charged or arrested, he is still in their custody.

Chief Baumgart - There have been times in the case of a misdemeanor, we have deliberately not arrested the person who was injured so that they may be treated before we bring them to our jail in order to save the tax payers the burden of taking care of this clinical bill. In the case of a felon however, not only do we have to maintain taking care of that individual, we have to have a guard, night and day, while they were in an insecure area because it is a felony.

Councilman Korosec - Do we have a dollar amount per inmate per day, 24 hours of the cost to the City?

Chief Baumgart - Yes we have a per diem, but I've been told at our Director's meeting, we have to come up with a new way of making out these bills, kind of ala carte, for how much a meal would be, how much treatment they receive would be. A blanket cost per day is \$100. We can't charge that way. We'd have to come up with a whole new way of charging. There are going to be some little kinks we will have to iron out before we start using this ordinance. At the time we are recommending putting in Committee, regardless of whether you pass it tonight or not, we'll have to work on some particulars in order to make this work properly. I don't know if you need to know the particulars other than we are going to working with the Finance Department and the Jail in order to come up with proper line items or service charges for individuals at the jail. This would mostly happen when our Court where to put someone in our jail for a period of time. Perhaps a second DUI arrest, third arrest DUI, where an individual spends some time in jail and they can afford to pay for that time. That would be the time we would retrieve the money back from this individual.

Councilman Dallos - Chief, we now collect from the County and Federal Government when they house them here. Do we also collect medical?

Chief Baumgart - Yes sir.

Councilman Dallos - How many prisoners or people in jail would this apply to roughly in a year's time, excluding county and feds?

Chief Baumgart - It would be a small amount of prisoners. Probably 20% or less of the prisoners we deal with on a daily basis would we be able to retrieve any money from. We don't know for sure at this point because we haven't done a study, it is a guesstimate.

Councilman Dallos - What are the costs going to be involved to enforce this and are you going to have to hire additional people in the Law Department or whatever department is going to try to collect this money?

Chief Baumgart - We were talking about that today at the Director's Meeting. That's why instead of a per diem charge it is ala carte. That way the Judge, our Court, can use it as a Contempt of Court, when they aren't paid. If it is a per diem charge, we would have to go through the County. Is that not correct?

Director Murphy - First of all, no, I don't believe any additional counsel would be required in the Law Department to enforce these actions. Secondly the statute permits the city to recover the actual cost of incarceration or \$40, whichever is less. \$40 is going to be the maximum per day that we would be able to recover.

Councilman Dallos - Does anybody have a number on what total cost we are looking at?

Chief Baumgart - On any given day we probably have 9-12 prisoners who are sentenced by the Court out of 50-60 prisoners that are in jail. If each of those could pay, for instance if there was 10 of them times \$40 a day, we would be recouping \$400 a day, possibly.

Councilman Gallagher - In researching this ordinance I spoke with the Lakewood Municipal Court and their Magistrate and Prosecutors. The way Lakewood has it set up is that upon the release of the prisoner from jail, he is issued an order to reappear for a reimbursement hearing. He appears before the Court's magistrate who makes a determination on the ability to pay, as well as the actual cost and an order to pay is issued. Payments are made either on the spot, or through payment arrangements with the Finance Department. If payment is not made, it is referred back to the Prosecutor for a Contempt proceeding. Based on what I've been informed by the City of Lakewood, it is a very efficient, self-administering process. According to them it is very successful.

President Cervenik - Have you discussed this at all with our new Judge?

Director Murphy - At this point we have not. But, again as I stated previously without the ordinance being enacted, there is no authority for this city to even attempt. That is why I strongly urge Council to pass the ordinance to give us the authority to proceed to try to collect these costs in cases where they are available.

Chief Baumgart - When the Police Department initially spoke to the Judge just before she took office, we did discuss this possibility with her. At the time she was supportive of it, but of course she wanted to take the reins first before she made a decision on it. As the Law Director stated, we can't do anything until this is passed. It could sit there and maybe we wouldn't use it if the Judge weren't in favor of it.

President Cervenik - This is binding depending upon the Judge's decision to actually implement the ordinance that is here.

Director Murphy - That's correct.

Councilwoman McGarry - A law is a law. So, I'm confused here. You are saying that the Judge could choose not to follow through?

Director Murphy - The Judge obviously runs her own court room. She could choose to not conduct a hearing if that's what she chose to do. There has to be a hearing held to determine the inmates ability to pay. So, conceivably a Judge could decide not to schedule any hearings. I would hope that our Judge would not do that, but in all worlds all things are not perfect. It is conceivable she could determine not to hold any of these hearings at all.

Councilman Gallagher - A member of the public had referenced a number of offenses which he believed could be punishable by imprisonment. Based on that list he gave you, I don't see any that are actually punishable by imprisonment. Is that accurate?

Director Murphy - I believe that's correct. I don't believe any of the offenses cited by the one member of the public are imprisonable offenses.

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

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

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

Passed.

**Ord. 112-1998 (148-98) C.E. Orr Arena Maintenance**

An ordinance authorizing the Director of Parks and Recreation of the City of Euclid to extend the current Certified Preventive Maintenance and Total Service Agreement on equipment located at the C.E. Orr Ice Arena for a period of one (1) year for the same cost, terms and conditions as the previous contract, with the additional term of an inspection of the new dehumidifier, with York International.(Sponsored by Councilwoman McGarry by request of Parks & Rec. Director)

Councilwoman McGarry moved for passage, Councilwoman Miller seconded.

Director DeMinico - By passing this ordinance tonight, it will give the Parks & Recreation Department the ability to enter into a contract with York International at the same rates that we have experienced for the last 2 years now. Four years ago we had a 3 year contract, we did have an extension. Last year if you recall we came in front of this body for the same terms of the third year. This would be an extension with the same terms and the same payment again.

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Director DeMinico - It was a competitively bid process four and a half years ago. York International was the lowest and best bidder. Of the first three years of this contract the dollar amounts increased an average of 5%. By staying back for the last two years, I feel very comfortable.

Some of the pieces of equipment that they service are the two new compressors, two compressor motors, two Bryan pumps, condenser pumps, dehumidifier pump, cooling tower, air handler and the new dehumidification system that was installed two years ago. Any questions, I'd be glad to answer them.

Councilman Vadnal - I presume you are satisfied with the service they provide?

Director DeMinico - Extremely satisfied. It is a 24 hour emergency notice. We did have a compressor go down. We had an oil pump that broke. It was towards the end of the year. It was on our slave unit so we transformed it over to master. They came out first thing in the morning. It saved the city money.

Councilman Korosec - How many visits did we utilize from that company last year?

Director DeMinico - They come out once a month and on an as needed basis. There were 5 additional call outs for minor problems that took place. They came out 17 times last year. You do recall last year we ran a full system, we had ice down for 19 months. We experienced some problems with some things and they came out and took a look at our pad. We had some spider cracking in the concrete pad. Our ice arena was not built with the new systems to be run year round. All the new systems have heating pipes underneath the floor. We have a concrete base, we don't have a sand base so that floor was heaving. In their opinion, we didn't do any extensive damage, but they were cautiously optimistic about running it for another 19 months without having the opportunity underneath the ground to thaw out.

Councilman Gallagher - Is there an annual cost or per visit charge?

Director DeMinico - The funds do come out of Recreation Operating. It is \$12,403 which breaks out to \$1,033.58 per month.

Councilman Gallagher - Do they charge additional charges every time they come out?

Director DeMinico - In the course of this 5 year extension, we have not had to pay an additional bill to York International.

Councilwoman McGarry - What was the next bid closest to them?

Director DeMinico - Four and a half years ago, it was Honeywell. They were the second lowest bidder. They had some contingencies on it with late callings and emergency callings. There was a per diem, if you will. It was in the vicinity of \$11,000. They were very close. The first year's contract was worth \$11,250. I do know that they were very close and competitive, however, the fact that there was no hidden costs with York International, above and beyond what was quoted. We were very comfortable making the award to York.

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

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

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

Passed.

**Ord. 113-1998 (149-98) Mobile One Agreement**

An ordinance authorizing the Ex-Officio Director of Public Safety of the City of Euclid to extend the current CEMAC Mobile One Host Agreement with the Cuyahoga County Board of Commissioners for a two (2) year period. (Sponsored by Councilwoman Miller by request of the Fire Chief)

Councilwoman Miller moved for passage, Councilwoman Holzheimer Gail seconded.

Asst. Chief O'Connell - This is a renewal of the present agreement we now have with the County to house the mobile command communication center. It is housed at the city garage. We have housed it for the past 6 years. We have discussed the matter with Director DiNero and he is okay with it. All costs to house the vehicle including insurance, fuel, and our costs to deliver to any community that would need it, are all reimbursed by the County.

Chief Baumgart - I also support housing this particular vehicle here in the City of Euclid. We have received a lot of use out of this vehicle. It is very convenient for us. We use it as a headquarters for a SWAT call up or any other situation like that. We also use it in training exercises as well as the Fire Department. It has been very useful and very convenient for us.

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

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

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

Passed.

**Ord. 114-1998 (150-98) Ambulance purchase**

An emergency 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 one (1) fully equipped ambulance. (Sponsored by Councilwoman Miller by request of the Service Director)

Councilwoman Miller moved for passage, Councilman Vadnal seconded.

Asst. Chief O'Connell - The Fire Department is requesting the purchase of a new ambulance. The ambulance would replace a 1987 we now have in reserve status. This would allow us to move one of our front line pieces of equipment into reserve, thus improving the reliability of both our front line equipment and our reserve equipment. The last ambulance we purchased was in 1993 at a cost of approximately \$110,000. This ambulance will be paid out of capital improvement fund. We have appropriated \$50,000 this year for the first of three lease payments.

Councilman Gallagher - This isn't a lease though is it? It is a purchase, correct?

Asst. Chief O'Connell - Purchase.

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

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

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

Passed.

**Ord. 115-1998 (152-98) Fire truck repair**

An emergency ordinance authorizing the Director of Public Service of the City of Euclid to enter into a contract with Churney's Bodyworks, Inc. 20660 Aurora Road, Warrensville Heights, OH 44146, for the repair of Fire Truck E4, 1990 Pierce Arrow Pumper in the amount of sixteen thousand dollars (\$16,000.00). (Sponsored by Councilman Dallos by request of the Service Director)

Councilman Dallos moved for passage, Councilwoman Miller seconded.

Asst. Director Gulich - This particular pumper truck, even though it is only a 1990 model, is definitely in need of these repairs. Our Superintendent of Motor Vehicles, Jerry Akos, has obtained 4 estimates. He is quite familiar with this piece of equipment and the work that needs to be with it. We were concerned due to the relatively younger age of this piece of equipment that this amount of money was necessary. Pierce Arrow has agreed to pay have of the \$16,000. This money would come from the general fund. We are asking for an emergency ordinance so we can go about these repairs immediately.

Asst. Fire Chief O'Connell - To answer the gentleman's question earlier, we have reserved apparatus that would be put into service. It is basically the same type of unit, while that vehicle is being repaired.

President Cervenik - Is the reserve apparatus going to be replaced?

Asst Fire Chief O'Connell - With the fire truck we are buying, but not with the ambulance.

Councilman Vadnal - What is wrong with the truck? What caused the problem?

Asst. Fire Chief O'Connell - It is a problem with corrosion on the body. They attribute it to dissimilar metals, the bodies are aluminum. They bolt all kinds of stainless steel on there and that is what they claim the problem is. But the manufacturer stated, although the vehicle was out of warranty, with the help of the Law Department, Mr. Manley, in particular, he was able to get \$8,000 which we've already collected for the repair of this vehicle.

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

Councilwoman McGarry 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.

**Amended Ord. 116-1998 (153-98) Dog training classes**

An ordinance authorizing the Director of Public Service of the City of Euclid to enter into a one-year agreement with Cathy Crawford for the use of the outdoor training facility at the Euclid Animal Pound to conduct dog obedience training classes. (Sponsored by Councilwoman Miller by request of the Police Chief)

Councilwoman Miller moved for passage, Councilman Korosec seconded.

Chief Baumgart - This is becoming a housekeeping issue. We've done this every year and it has worked out real well for our citizens where they receive obedience training right at our facility.

Councilman Vadnal - I understand in this ordinance that she will execute a hold harmless, making sure that if something happened with somebody as far as a dog biting someone, that she will reimburse the city, if in fact a law suit or something like that is filed. Is she required to have insurance or proof of insurance if in fact something happens and the city is sued?

Chief Baumgart - I don't know if she is required on that or not. I don't know what her contract states on that.

Councilman Vadnal - I would like to amend this to require her to have something that the Law Department feels is sufficient, just to cover us just in case.

Councilman Vadnal moved to amend to make insurance required. Councilman Korosec seconded.

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

Amended.

Chief Baumgart - Keep in mind though that deep pockets will still have us involved.

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

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

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

Passed.

**Ord. (154-98) New fire station - SAFETY COMMITTEE**

An ordinance authorizing the Ex-Officio Director of Public Safety of the City of Euclid to enter into a contact with an architect, after soliciting proposals, for the purpose of designing a new fire station. (Sponsored by Councilwoman Miller by request of the Fire Chief)

Councilwoman Miller moved for passage, Councilman Korosec seconded.

Mayor Oyaski - I'm very pleased that the administration is submitting items 10 & 11 to you this evening. We briefly touched upon this in the 1998 capital discussions. We are in a position right now to be able to acquire the land and build a fire station out of our reserves from the joint income tax. I did discuss it at length with Chief Dworning who has been hard at work with his staff. He did ask that items 10 & 11 be placed in the Safety Committee so that we can have a discussion before we get moving fully.

Councilwoman Miller - I do plan to discuss this with Chief Dworning. I did talk to him about it on Saturday. As soon as he returns, I will schedule a meeting, when it is convenient with him, it will be before June 15<sup>th</sup>, so we can vote on it and the first possible date it will be held.

Councilwoman Miller moved Ord. (154-98) to the Safety Committee. Councilman Vadnal seconded.

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

Into Safety Committee.

**Ord. (155-98) New fire station, property - SAFETY COMMITTEE**

An ordinance authorizing the Mayor, as Ex-Officio Director of Public Safety of the City of Euclid to purchase property from the Euclid Board of Education for the purpose of building a new fire station. (Sponsored by Councilwoman Miller by request of the Fire Chief)

Councilwoman Miller moved for passage, Councilman Korosec seconded.

Councilwoman Miller moved Ord. (155-98) to the Safety Committee. Councilwoman Holzheimer Gail seconded.

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

Into Safety Committee.

**Ord. 117-1998 (156-98) Pick-up truck**

An emergency ordinance authorizing the Director of Public Service of the City of Euclid to purchase a 1998 Ford F-250 3/4-Ton Pick-up Truck for an amount not to exceed seventeen thousand dollars (\$17,000.00). (Sponsored by Councilman Dallos by request of the Service Director)

Councilman Vadnal moved for passage, Councilwoman Holzheimer Gail seconded.

Asst. Director Gulich - This vehicle will replace a 1979 similar vehicle which has pretty much had it. The funds for this vehicle will come from the 1998 Waste Water Treatment Plant. We will get these through the State Co-op. This is for the Waste Water Treatment Plant.

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

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

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

Passed.

**Ord. 118-1998 (158-98) Henn Mansion**

A resolution supporting the Friends of the Henn Mansion's plan for future use of, and long term goal for, the Henn Mansion. (Sponsored by Mayor Oyaski)

Councilwoman McGarry moved for passage, Councilwoman Holzheimer Gail seconded.

Mayor Oyaski - I think June Daugherty did a good job of explaining the purpose of this Resolution. Last fall the Friends of the Henn submitted to us a Future Use Proposal. In a nutshell the Future Use Proposal indicated they had a comprehensive plan for the reuse of the Henn Mansion. A key element of this plan is the notion of "flex space." A facility with flexible space allows for educational, cultural and historic exhibits as well as recreational uses to exist simultaneously with meeting space for the public and corporate community. This is the general concept they are pursuing. Ms. Hiti asked me to ask the Council for a "statement of general support" for their Future Use Plan because it is their ambitious objective to raise \$400,000 through private means in order to implement the renovation of project. It is my understanding that this Resolution does not etch the details of the Future Use in concrete. But I do think it is a reasonable request from the Friends to know if the Council is approving of their general plan for reuse. I do support their efforts to privately finance the renovation and that is why I have submitted this Resolution to you.

Councilman Farrell - I, too, can support the spirit of this Resolution. But I just want to echo what the Mayor has already stated. From the beginning the Administration and Council were in harmony that financing of the renovation and operation of this mansion was to come primarily from the Friends of the Henn House. For the record, my view on this has not waived. The financing must come from the Friends of the Henn House. With that in mind, I will support this Resolution.

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

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

Passed.

**Ord. (146-98) Residency requirements - Correction Officers**

An ordinance amending Section 155.08 of the Administration Code of the Codified Ordinances of the City of Euclid to exempt part-time Correction Officers from the residency requirements of Chapter 155. (Sponsored by Mayor Oyaski by request of the Police Chief)

Councilwoman Holzheimer Gail moved for passage, Councilman Farrell seconded.

Chief Baumgart - I would request this be placed into Committee so that it can be discussed. Whatever Committee you prefer to put it in.

Councilwoman Miller moved Ord. (146-98) into the Safety Committee. Councilwoman McGarry seconded.

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

Into Safety Committee.

**Res. 119-1998 (159-98) Children on Wheels**

A resolution in support of the Children on Wheels safety education program in conjunction with the Police Department, Fire Department and Euclid City Schools. (Sponsored by Councilman Korosec)

Councilman Korosec moved for passage, Councilman Vadnal seconded.

Councilman Korosec - This Resolution came about through discussions with Chief Baumgart over the last week and a half. He is 100% behind this in Resolution form. We have some corporate and civic support for this specific program as far as purchase of bike helmets and bike apparatus safety pads and such. I feel this is an important step in the city in taking a pro-active approach to safety. I think we see too many children and adults out on the streets without safety helmets and safety apparatus as they ride and use skateboards throughout the city. It is now becoming very clear that many cities in Cuyahoga County including Parma right now is taking a look at this type of resolution to ordinance form. We proposed that we do an educational program for the year of 1998 and the winter of 1999. Revisit this in the spring with the Fire Department as well as Police Department for a possible ordinance fashion in the spring of 1999. - For those reasons, I move for passage of this Resolution.

Councilwoman Miller - I'm totally 100% behind this. I hope that this program goes into affect in the fall and we will certainly be in contact to see what your plans are to get into the Schools and educate the children on this.

Councilman Farrell - As a member of the Kiwanis Club, I'm proud to announce that they have already looked at taking this on as a project to help fund bike helmets for children in our community.

Chief Baumgart - I want to thank Councilman Dallos for first bringing this to my attention and Councilman Korosec for pursuing it and being vehement about pursuing this. We plan to start a program even before the fall. We'll be supporting the use of helmets throughout the summertime and working with the children to see that its done. Thank you.

Councilman Vadnal - What do we have on the books as far as the use of skateboards in the city? I had a constituent call me, actually in response to an ordinance like this requiring helmets for not only bicycle riders but skateboarders. But, the other concern was near her house on Lake Shore and 246 there seems to be an area where the skateboarders like to go to every night for several hours and it is awfully loud. Is there anything that can be done about that?

Chief Baumgart - There are ordinances that cover disturbing the peace, which we would have to use in that case. Or, if they become a safety factor. We've had some complaints that they were riding on sidewalks near doors of establishments that could cause a problem. We have attacked that problem in the past and we would do so again if we receive complaints. Police have been called and it does occur.

President Cervenik - Just a few years ago we had some problems on Westport behind the bank building. The police officers went out there and just talked to the kids. They did a real good job, not confronting wise, to break up the annoyances.

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

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

Passed.

#### **CEREMONIAL RESOLUTION**

##### **Res. 108-1998 (157-98) Res. Congrats Helen Pelat**

A resolution of congratulations and best wishes to Helen Pelat, celebrated mother of Councilwoman Fay Miller, on the occasion of her 90<sup>th</sup> birthday. (Sponsored by Mayor Oyaski and the entire Council)

Councilwoman McGarry moved for passage, Councilman Dallos seconded.

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

#### **COMMITTEE OF THE WHOLE**

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

Mr. Harvey Mlachak - 23831 Lake Shore Blvd. Just recently I received my notice to register my income property. I have a one bedroom suite on the second floor and I have a tenant who has been with me for 2 ½ years. I have no lease. I have no security deposit. I'm happy with him as a tenant otherwise he'd be gone. He must be happy with me as a landlord or likewise he'd be gone. We don't need you or any other bureaucratic entity interfering with our harmonious relationship as landlord and tenant. I don't know why you people want to come into my house. I resent it. All he wants me to give you is his name and address on the occupancy application. I will do my best to honor his request to his personal privacy. If you want to get in touch with him, do it by mail.

In your application for a Certificate of Occupancy, you demand my social security number. I talked to two attorneys today who say this is unconstitutional. You also demand that inspection fees be paid by check only. Cash is not accepted. This is also illegal. The attorney says to me that the reason it's illegal, it says right here on my \$10 bill, oops my wife wasn't supposed to know I had that much money. At any rate, it says right on this \$10 bill, this note is legal tender for all debts public and private. Yet you want the fee paid in check, cash is not acceptable. Therefore I refuse to sign any document that is illegal or violates my constitutional rights.

On another note, I don't know if I can be constantly nasty, but we had a pretty big problem on 238, 241 on Lake Shore Blvd. with the contractors that were paving the street. When they left Friday afternoon, they left their boiler plates loose. The noise was absolutely nerve racking and intolerable. After many phone calls, many of which produced nothing, maybe sympathy but nothing was done. Until I called Mr. Gulich. I got a hold of Mr. Gulich at about 10:00 Saturday night. Who wants to be bothered at 10:00 Saturday night?

Asst. Director Gulich - Friday night.

Mr. Mlachak - I'm sorry Friday night. He returned a call to me and in the meantime I called a gentlemen up on the hill who was a dispatcher, his name was Bill. There was another gentleman that was interested. He said, Harvey call me back, let me know what happened, I care. He says I'll be here until midnight. Absolutely nothing was done and it was a totally sleepless night. The noise was absolutely horrendous. Saturday morning I got a hold of Mr. Gulich and he says I'm going to do my best. I don't know how many people were out there but they did absolutely nothing. They got out of the truck, shoved a couple of wedges in there and that was all. Finally in the afternoon, a gentleman came out there after many phone calls, and we got a hold of Mr. Gulich again, he called me back at home. This is how interested this gentleman is. I hope that you can hear this. This was left on my answering machine:

"Harvey, Hank over here, we keep missing. The guy that was over there that didn't do anything was just over here telling me that he needs more help with that. So I told him to get his Superintendent, find him wherever he's at, get him over there and do what you got to do. So, that's what it is going to take and sorry about all the headaches, Harvey. I'll talk to you whenever."

There's a gentleman that's done a hell of a job for you guys. Not only for you guys but for the people that were kept awake all night Friday night. Saturday and Sunday we got some sleep. Mr. Gulich, thank you very much, you are a credit to the City, the Administration and yourself. I don't know whether thanks is sufficient. Mr. Mayor, I think you ought to put it in his paycheck. Thank you very much.

Asst. Director Gulich - Is he allowed to tape record my voice like that?

President Cervenik - Harvey unless you notify him in advance, that's unconstitutional. Just kidding. Thank you Harvey and Hank is an exemplary employee in the City of Euclid and we are very lucky to have him.

Mr. Pat Delaney - 330 E. 270 St. I am here representing a group of citizens that have recently come together over the Shore Cultural Centre issue. Our mission is to preserve, promote and perpetuate the Shore Cultural Centre, the community center, Surveyor's Triangle Park and the integrity of the surrounding neighborhood. We are organized, we are soon to incorporate. We want to cooperate with the city to resolve this issue for the satisfaction of the community as a whole. Thank you for listening and now you know we are there.

Mrs. Dorothy Fike - 20271 Delaware. I have two questions of the Housing Manager. Mr. Mlachak was talking about one of them but I would like a little different information. How do you find out about the rental properties in Euclid? I talked about one I was questioning. How do you find out if a single family residence is now being rented rather than home-owned?

Mr. Tollerup - The basic technique, or the one that is utilized most often are complaints from neighbors, that knew the previous owner and know that it has been converted into rental property. We can also utilize water records on computer disc that will show us the service address and the name of the owner and where the water bill is going. In most cases rental property owners pay a water bill while tenants live at the address, which shows us that the owner is not living on the property, which will give us a clue that it is not owner-occupied. In most cases, duplexes in the city are not owner occupied so we send out notices to ask them to respond.

Mrs. Fike - How often would you do single family residences? If a neighbor doesn't say anything.

Mr. Tollerup - Single family residences are a little more difficult to find out. We rely on complaints and again we go down through the water records when we have time and go back and forth and see where the billing of the water is going and cross-reference that with the address of the property. If the bill is going to Chardon and it is a single family residential property on E. 200, it is a pretty good bet that is rental property.

Mrs. Fike - In essence, unless a neighbor says something, there isn't too much you do about it?

Mr. Tollerup - Quite possibly, yes.

Mrs. Fike - The other question I have since our, whatever section I'm in, the southwest part of the city. The inspection that you are walking by. What are you looking for in this quadrant, when you have the inspectors walk by?

Mr. Tollerup - Walk by inspections we are looking for peeling paint, garbage debris, driveway, junk vehicles, high grass, dilapidated driveways, access walks, any condition that would debase the neighborhood or upset a neighbor or devalue a property.

Mrs. Fike - Thank you.

Mrs. Madeline Scarniench - 1511 E. 221 St. At our recent homeowner's association, the topic of parking came up. I have a bunch of parking questions. First of all, to the Chief, the people on North Street near the Historical Society have been complaining that there has been a lot of cars parked on the wrong side of the street, on the fire hydrant side. Is there anyway we could get a couple of more signs over there? Particularly the homes where the driveways come right out across from Linderme, they have a hard time getting in and out of their driveway.

Chief Baumgart - I'll be glad to look into that for you Madeline.

Mrs. Scarniench - At night we are not allowed to park in the street between 2:00-6:00. How many police vehicles are in the southwestern portion of the city at that time at night?

Chief Baumgart - Depends. There is usually two assigned, then there's probably two more that roam in and out of there occasionally.

Mrs. Scarniench - They are supposed to be going up and down all the streets?

Chief Baumgart - They attempt to, yes.

Mrs. Scarniench - I've noticed my street for one, 3-4 cars at a time parked all night long and they never get tickets. My husband keeps saying, should I call? I say don't bother, leave them alone, somebody will come by. I know he got a ticket once because he forgot to put the car in. It is somebody else's turn.

Braeview Manor, the other day a neighbor almost got hit by a truck pulling in there, again coming the wrong direction. Is there any way, if you look at the sign, if I didn't know that the sign was meant that you couldn't pull into Braeview, I would think it meant the school. Is there anyway it can be specifically said that you cannot turn into their parking lot? I don't think people realize that. Maybe if they saw that, it might deter them from doing that. Rush hour is terrible. This lady was absolutely terrified.

This one's for Mr. Tollerup. People say the Housing Department is always after the residents, but they don't go after anybody else. There's a truck parked at the Indian Hills maintenance building next to Heritage Playground that has no plates and it has been there for some time. The residents on 193 said if you could please do something about it.

Mr. DiNero is not here so I'll ask Hank. Is there any news yet as to when Euclid Ave. is going to be done?

Asst. Director Gulich - Right now there is no scheduled bid date. We don't expect any work to be done this year. From what the State informs us, we are expecting that project to proceed next year in 1999.

Mrs. Scarniench - The question came up is, as you drive through Wickliffe, Wickliffe has done some really nice renovations. Added some flower pots and fixed their curbs and stuff and the people want to know why can't this be done all along Euclid Ave. instead of just in pieces-parts. When you come from one side of the city, you are coming from Cleveland. When you are coming from the other side which now looks really nice, we need something to spruce up Euclid Ave. a little more. If those things could be done, that would be great.

Asst. Director Gulich - I understand Kory Koran's department is presently working on some of those things you mentioned.

Mrs. Scarniench - I spent most of Saturday and half of Sunday at the playground. I couldn't physically do the work, but I was the go-for, the registration person and helped with the food. It was great. Mr. DeMinico's staff, all the people who were out there were absolutely fantastic. It was great to see the Mayor and Councilman Gallagher come out. The people were incredible. Unfortunately there was some problems with the ground, otherwise it would probably be done by now. There is just so little left to do, I just commend him. The guys were fabulous, they just worked, and worked and worked. Yesterday the police department FOP guys were fabulous. They were great, they just kept working away. The kids are going to have a lot of fun there so I commend his staff and all the volunteers and people who came out. The management from the apartments, it was really great. People stopped by to see what was going on. We had kids stopping by offering to help. It was really fun. It was a good community effort and I commend him and his staff. Thank you.

Pat Suhadolsky - I'm the Director of Community Affairs for Willo Arms apartments. I'm here this evening to give lots of thanks. First I'd like to thank the Mayor, City Council, Council President Cervenik, Mr. DeMinico, Chief Baumgart, without all of you, we would not have a new playground as I stand here this evening. Today easily and without exaggeration I had 42 children walk up to my desk and say when can I start playing there. It moves me so much to know that the City believes in the southeast quadrant of Euclid and still believes in Willo Arms. Unlike some of the other apartment communities in our area who have not done as much as Royal American has done, we are trying to prove that we believe in it as much as you do. I really want to extend my sincerest thanks from all of Royal American and let you know that our Chief Financial Officer and Mr. Mavec both showed up on Saturday to see and show their appreciation for everything that has been done. Chief Baumgart yesterday when I got there, it was probably 1:30'ish, there was at least 10 police officers there. It really makes me happy that they came to support us as well. Thank you.

Mr. Joe Podner - 165 E. 225. I have question again, where do we stand on a sanitary sewer pipe repair near the shore at the sewer plant? It wasn't finished last year I understand.

Asst. Director Gulich - Today the Board of Control awarded a bid for the completion of the project. There are a number of problems we encountered last fall. We needed to revamp the specifications to alter the contract parameters and we expect to start that work as soon as we have a contract.

Mr. Podner - Will that be this summer I hope?

Asst. Director Gulich - Yes sir.

President Cervenik - That contract is in the neighborhood of \$900,000.

Mr. Jack Fraier - 235 Greenbriar Court. Concerning rental units, condominiums. I noticed in the minutes of the Housing Improvement Committee, a statement was made which says, there are some like Heatherhill and some other condominiums that have to be owner-occupied. This is not so for Heatherhill. We don't have any restriction like that.

Mr. Fraier - It just so happens that out of a 38 units, 36 are owner occupied. One of the rental units I understand is to go up for sale this summer. The other is an unusual situation where the owner is out of the country or state for long periods of time and when he returns, he re-occupies the unit. I don't know about Katey Rose Lane. I understand Greenbriar Commons, our sister condominium, has amended their declaration so that anybody purchasing a unit must live in the unit for a period of one year before he/she may rent it out. If something unusual happens, that person can appeal to the Board of Managers of the condominium to get an exception to that rule.

I did back in 1990 visit all 13 condominiums in Euclid. I haven't been around since then. I'm just curious. We have around 1200 condominium units. Does anybody know how many of those are rental units?

Mr. Tollerup - I have to get that exact number to you. Off the top of my head I don't know.

Mr. Fraier - I'm curious myself because some seem to be very heavily owner occupied. One I'm aware of is heavily renter occupied, but is becoming more and more owner occupied. I think it would benefit not only the condominiums themselves but the entire city if we could have more owner occupied condominiums. I'm thinking ahead and when I see all this publicity of turning the high rises along Lake Shore Blvd. into condominiums that we should have legislation or practices and programs that will encourage people to buy and live in their units and stay in the City of Euclid. Thank you.

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

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

Councilman Dallos - At our last Council Meeting this Council approved \$16,000 to advertise in our local newspaper about the benefits of living in the City of Euclid. One of my constituents attacked me nicely I'll say, questioned the fact why if they already live here why would we want to advertise to live here. I would like to see, now we passed this ordinance regarding buying rental property, I would like to see part of that money go to advertise that program, at least half. I don't want to move to reconsider. I'll leave it up to the Administration. There's a program that we should start to market.

Councilman Korosec - I had one question for Mr. Gulich. I've heard around the County that there was plans for the E. 200<sup>th</sup> Street to be canceled. Can you give us a status on that?

Asst. Director Gulich - On Wednesday the Mayor and I are going to attend a meeting with the County. The job is in conjunction with the City of Cleveland. We'll meet with the County and the City of Cleveland. That's in preparation of a NOACA meeting on Thursday morning we will be attending. Probably after Thursday, I could tell you if that is indeed the case.

Councilwoman McGarry - Mayor, I would like to ask that an Ad Hoc Committee be formed to look at the Lake Shore Blvd./Shore Center/Downtown Euclid neighborhood, including Shore, to determine the highest and best use of this land at the point. As well as many other issues in the downtown, such as theme, vacancies, trends, etc. The finished product to be done by our own community of Euclid with representation from Council, our Community Development Department and individuals with appropriate determination and skills. There are many large issues I feel that we need to be addressing.

Councilman Gallagher - I'd ask that the rental conversion program, the actual distribution of that program, to all the landlords on our list, as well as many Realtors as we can get it to, maximize its publicity.

President Cervenik - I'm going to hold a Finance Committee Meeting on Wednesday June 10<sup>th</sup> at 7:00 to get an update on the progress we are making from Dick Balazs through the end of May, an overview of where we stand, trouble spots in the budget. There will probably be a few amendments that Mr. Balazs will want us to go over before we vote on the 15<sup>th</sup>.

Mr. Koran, the study for the condo conversion was mentioned. Where is that?

Director Koran - You are referring to the Danter study, it commenced three weeks ago. We had to wait until we received the \$1,000 contributions from the two private sector individuals that were participating in the study. We finally did get that check from Associated Estates about 3-4 weeks ago. The contract has been signed and it has commenced about 3 weeks ago. When I talked to the consultant, Mr. Tim Williams who made the presentation to this body sometime ago, he stated it would be 30-60 days before the study is complete.

Mayor Oyaski - One thing I'd like to bring to Council's attention. Last Friday early in the morning we had a mudslide at the Euclid Park bluff, very similar to what we had at the E. 225 & Edgecliff hillside last March. Mr. DeMinico brought this to my attention. I went down to the Euclid Park beach and I asked a fence be installed at the top of the bluff to keep the people off the side of the hill until we could determine the stability of the hillside. Mr. DiNero and Mr. DeMinico went out there with an engineer today. I do believe that we can remove the fencing, but it should be well known that the people should not go up and down that hillside until such time as it can be further stabilized. The estimated cost, preliminary figure is about \$125,000, in order to stabilize that hillside and protect it from further erosion. There was a fence installed at the top of Euclid Park last Friday at my directive. We hope to remove it and limit it to signage. You should be aware that we do have a problem there that we are working on in trying to develop a budget to correct it in the near future, but it is something that the public should be advised that the hillside is unstable. Do not go on the beach underneath the hillside. Obviously the beach is public property. People go to and fro on the beach at night. The hillside is unstable. We are advising the public to stay away from the underside of Euclid Park until further notice.

President Cervenik - I'd like to welcome Law Director Murphy. You got your first meeting under your belt. We all look forward to meeting with you and wish you best of luck because a lot of our success depends on your success as law director. Best of luck and whatever I can do to help you out, let me know, and I'm sure it is the same for the rest of Council.

#### **ADJOURNMENT**

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

Attest:

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Clerk of Council

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President of Council