

COUNCIL MINUTES
TUESDAY, SEPTEMBER 8, 1998

The regular City Council Meeting was held on Tuesday, September 8, 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 Murphy, Administrative Director Johnson, CS&ED Director Koran, Service Director DiNero, Finance Director Balazs, Parks & Recreation Director DeMinico, Housing Manager Tollerup, Building Commissioner Apanasewicz, Fire Chief Dworning, Police Chief Baumgart, Asst. Service Director Gulich, Sgt.-at-Arms Stankus, Clerk of Council Cahill.

Council moved to receive and approve a request for a transfer of a D1, D2, D3, D3A, D6 liquor permit from Sands III, Inc. to Rock Hard Cafe Corp., Dba Rock Hard Cafe, 321 Babbitt Road.

President Cervenik - Question to the Law Director, since we received this application for transfer, they have changed the name of establishment. Does that have any affect upon this action this evening?

Director Murphy - I don't believe so. I think we can amend and simply substitute the name of the new entity.

President Cervenik - The name of the new entity is Blind Willy's. We will be substituting that name for Rock Hard Cafe.

President Cervenik moved to receive and approve the transfer without objection. Councilman Gallagher seconded.

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

Approved.

Council has received the following communications:

A letter from Mayor Oyaski regarding a request to waive the residency requirement for a part-time employee.

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

A status report on the Housing Improvement Program.

Council Minutes

Councilwoman Miller moved to receive and approve the Council Minutes of Special Council Meeting July 27, 1998. Councilwoman Holzheimer Gail seconded. Yeas: Unanimous.

Administration Reports & Communications

Mayor Oyaski and Chief Dworning administered Oaths of Office to Capt. David Skrajner and Lt. Kenneth Crosby.

Mayor Oyaski presented Resolutions of Appreciation to members of the Shore Cultural Centre Ad Hoc Committee.

Mayor Oyaski presented Kurt & Ronni Stanic with a Resolution of Congratulations in celebration of their 25th Wedding Anniversary.

Mayor Oyaski - The Council did have a couple of meetings over the summer and there will be some reports. The Law Director will be reporting to you on the progress of the Parklawn Gardens redevelopment. He will address that matter when it comes up on the agenda, which is item #10. In the meantime, I'd ask Director Koran to brief you on the Innvoy Inn redevelopment.

Mayor Oyaski - Then, Director DiNero will bring you up-to-date on a series of public improvements which are underway or nearing completion in the City of Euclid.

Director Koran - As you know, we are now the proud owners of the Innvoy Inn. Immediately upon taking ownership and title of the property, the Service Department boarded up the property. If you've driven by, you've seen that the property was immediately boarded up and secured. The Police Department is watching it as we speak. A consultant has been hired to prepare the Phase I Environmental Analysis prior to demolition. Our plan is to demolish the building as soon as possible. Meanwhile the County called Pat Murphy and myself downtown, we had a meeting with representatives from Cuyahoga County. We hope to very soon present to City Council a program where we are going to take advantage of a 35% grant from Cuyahoga County to help us pay for the acquisition and demolition of the Innvoy Inn. Not only will they pay perhaps 45% of the total project cost, but they will also finance the balance for 15 years at 6.5% interest. As you recall from the ordinance that was passed when we purchased the Innvoy Inn, we were talking about using cash to pay for the property. Hopefully we will be able to be reimbursed by the County, we won't have to use our scarce resources to acquire this property. I've already met with some brokers at the site. We are starting to market the property. We will seriously market the property once the building is gone. That is an update on where we are on the Innvoy Inn.

Director DiNero - This summer we've been quite busy with our projects. We did finish our curb and resurfacing project. If you have a chance to travel over to E. 261, Benton & Leslie, we did curbs and sidewalk program and new aprons. We also put street lighting in there. That whole area looks like a completely different neighborhood now.

East 272, probably next week we'll be putting the sod down. Sometime in the month of October, we'll be planting the trees. That project is just about wound-up.

Newton, they are putting in the connections for water. Chances are somewhere in the neighborhood of the first part of October, I hope to see concrete paving go down. That project should be completed before the bad weather sets in.

Tungsten Road project off of 260th, both lanes have been poured. They are working on the intersections now. Shortly, within the next 2-3 weeks, that project will be completed too.

We have the project going on in the lake, down at our Waste Water Treatment Plant. There's at least 80 more feet of pipe to be laid into the lake, which will conclude that project.

We are in good shape with all our projects before bad weather. The upcoming projects that we have coming, that will be started this year, I hope. As you travel down 222, you have seen the Illuminating Company working there by Lincoln. That is going to be the right turning lane that we are going to install as soon as they get done with their work, the contractor will be started there.

Then we have E. 197 St. Hopefully that project will be starting sometime in November. That will be a complete replacement of sewer, water, pavement, sidewalk, and new street lighting be put in there.

Miller Ave., new water line will be put in there. That will be complete pavement replacement, sidewalks. On that street we cannot do the street lighting.

E. 214 off of Miller is another waterline project. Hopefully that won't start until spring. We hope to go out for bids for Heritage Drive, that's the old East Drive by Argo-Tech. We plan on going out for bids sometime in the month of October. That just takes us up through the year for this year and into 1999. We do have some projects that we will be coming forward to Council for your approval that we're going to submit to Issue II in the month of October. That will be on the next Council meeting. That's our report on the construction for the summer.

Mayor Oyaski - Thank you Mr. DiNero and I do appreciate the hard work that Director DiNero, the Asst. Director Mr. Gulich, and their staffs put in to oversee all this work that we have going on in the city.

Two final remarks, on your behalf, I accepted this plaque from Governor Voinovich two weeks ago in Columbus. Euclid was one of five cities that received recognition from the Governor for our positive promotion of the housing market, in conjunction with the Interface Suburban Action Coalition and Euclid Community Concerns.

Mayor Oyaski - Euclid was recognized for its innovative program to help foster positive race relations throughout the State of Ohio. We received this from Governor Voinovich.

We have roster and we are looking forward to playing softball for the benefit of the Hunger Center, Saturday, September 19th at 5:00 on Diamond #3. We will be playing WMJI and we will be asking for donations or non-perishable goods to help Mr. Tanner and the Hunger Center help needy families in the City of Euclid. Thank you for your attention and patience. We are completed.

Reports & Committee Minutes

Councilwoman Miller moved to receive and approve the Fire Report of July, 1998; Police Report of June, 1998 & July, 1998; Humane Officer's Report July, 1998; Board of Health Semi-Annual Report; Board of Control: 7/20/98; 7/27/98; 8/3/98; 8/10/98; 8/17/98; 8/24/98 and Planning & Zoning Minutes of July 21, 1998. Councilman Vadnal seconded. Yeas: Unanimous.

Lot Split

Councilwoman Miller moved to approve the lot split at 22350 Chardon Road to Mrs. Ochoa, owner of the property. The lot split would allow her to reconfigure two parcels of property and build a new single family home at E. 224 St. Councilman Dallos seconded.

Councilman Dallos - I don't have a problem with this lot split. Just to the Building and Engineering departments, some of the neighbors have called me because apparently this lot is a little bit lower than some of the adjacent land and I just want to make sure there is no drainage problems when the house it built.

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

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

Approved.

Councilwoman McGarry moved to waive the 24 hour notice and place on the Agenda Res. (242-98). Councilwoman Holzheimer Gail seconded. Roll Call: Yeas: Unanimous.

Committee of the Whole

Mr. Dale Vernon - 1497 E. 196 Street. I would like to comment on items 7, 8, 9. First let me clarify a point. There have been several speakers at this microphone at recent Council Meetings extolling praises to the new tenant-manager at the old Fisher Body Plant, 20001 Euclid Ave. I would like to point out that they don't speak for me or to my knowledge, my neighbors, who are jarred at the explosion of semi-tractor couplings, with one of hundreds of trailers at 7:00 am or the crash of a trailer hitting a driveway speed bump at 5:00 am. Or, inhale the foul smelling diesel fumes flowing out over our back fence. Regarding the matter of the management's new tenants, the jury is still out. My wife and I have recently paid a visit to Miles Avenue Sportsplex and were pleasantly surprised at the orderly and relatively noiseless soccer game going on. Except for a couple of beer bottles in the parking lot, it looked like it was kept up. It remains to be seen whether the management's new tenants will be good neighbors or not.

On a personal note, I sometimes get the feeling that City Council is a little indifferent to the interests of our neighborhood. Council doesn't want to take our corner of Euclid for granted. My neighbors work hard, they take pride in their properties and work hard to keep their property up. They'd be quite angry if their property values dropped because they got the wrong corporate neighbors.

Mrs. Abby Vernon - 1497 E. 196 Street. I just have one additional comment or question. I would like to know, if when the recreational facilities open at 20001 Euclid Avenue, if there is going to be adult supervision on the property at all times at these facilities? Because when we visited the Miles facility, there were a couple of young teenagers running the facility, not adults, no security, nothing. Thank you.

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

LEGISLATION

Ord. 176-1998 (184-98) Towers Lighted

An ordinance amending Section 1399.03 of the Planning and Zoning Code of the Codified Ordinances of the City of Euclid by amending Subsection (h) to require all wireless telecommunication towers above 100 feet in height to be lighted. (Sponsored by Councilman Dallos) (Recommended for passage by the Planning & Zoning Commission)

Councilman Dallos moved for passage, Councilman Gallagher seconded.

Councilman Dallos - I asked for this legislation that was passed by the Planning & Zoning Commission. This is nothing more than lowering the lights to 100 ft. There have been a lot of problems because of low flying helicopters and so many of these towers, they are having difficulty spotting them. This is really an important safety factor.

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

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

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

Passed.

Ord. (196-98) Rezoning

An ordinance rezoning a parcel on the south side of Euclid Ave. between Hillandale Dr. & E. 276 St., P.P.#648-38-003 from U-3 (apartment) use district to U-8 (office) use district and further amending Ord. No. 2812.(Sponsored by Councilman Korosec by request of CS&ED Director) (From P&Z Commission with a recommendation for passage)

Second Reading. Public Hearing 9/21/98

Ord. (197-988) Rezoning

An ordinance rezoning a parcel on the south side of Euclid Ave. between Hillandale Dr. & E. 276 St., P.P.#648-38-004 from U-3 (apartment) use district to U-8 (office) use district and further amending Ord. No. 2812.(Sponsored by Councilman Korosec by request of CS&ED Director) (From P&Z Commission with a recommendation for passage)

Second Reading. Public Hearing 9/21/98

Ord. (198-98) Rezoning

An ordinance rezoning a parcel on the south side of Euclid Ave. between Hillandale Dr. & E. 276 St., P.P.#648-38-005 from U-3 (apartment) use district to U-8 (office) use district and further amending Ord. No. 2812. (Sponsored by Councilman Korosec by request of the CS&ED Director)(From P&Z Commission with a recommendation for passage)

Second Reading. Public Hearing 9/21/98

Ord. (199-98) Rezoning

An ordinance rezoning a parcel on the south side of Euclid Ave. between Hillandale Dr. & E. 276 St., P.P.#648-38-006 from U-3 (apartment) use district to U-8 (office) use district and further amending Ord. No. 2812(Sponsored by Councilman Korosec by request of the CS&ED Director) (From P&Z Commission with a recommendation for passage)

Second Reading. Public Hearing 9/21/98

Ord. (200-98) Rezoning

An ordinance rezoning a parcel on the south side of Euclid Ave. between Hillandale Dr. & E. 276 St., P.P.#648-38-007 from U-3 (apartment) use district to U-8 (office) use district and further amending Ord. No. 2812.(Sponsored by Councilman Korosec by request of CS&ED Director) (From P&Z Commission with a recommendation for passage)

Second Reading. Public Hearing 9/21/98

Res. 177-1998 (228-98) Handl-It

A resolution confirming the Planning and Zoning Commission's approval of a special permit allowing Handl-It Company, a current tenant of 20001 Euclid Ave., (P.P. Nos. 646-25-001, 646-26-001 and 646-26-002), to move into a larger space on the same property for warehousing purposes. (Sponsored by Planning & Zoning Commission)

Councilman Gallagher moved for passage, Councilman Korosec seconded.

President Cervenik - Note, the company's actual name is Handl-It, we'll have to change that typo, rather than Hand-It.

Commissioner Apansewicz - This item and the next two items are all confirmations of special permits that were approved by the Planning & Zoning Commission. The Handl-It company, sometime ago, I believe in the winter, Council approved the Handl-It company to occupy a portion of space. This is simply an expansion of that business.

If I may address the next item for warehousing called Dawson Trucking, a similar operation for storage. The last item deals with the expansion of the recreational use. Sometime ago the Council approved a special permit for a soccer facility. This is going to be a skating facility. Mr. Ken Roberts is here this evening if Council has any questions on these specific uses, I'm sure he'll be more than happy to answer any questions.

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

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

Passed.

Res. (229-98) Dawson Trucking - Tabled

A resolution confirming the Planning & Zoning Commission's approval of a special permit allowing approximately 96,000 square feet of space at 20001 Euclid Ave. (P.P. Nos. 646-25-001, 646-26-001 and 646-26-002), which is located in a U-6 (industrial/manufacturing) district, to be used for warehousing purposes by new tenant, Dawson Trucking. (Sponsored by Planning & Zoning Commission)

Councilman Korosec moved for passage, Councilman Dallos seconded.

Councilwoman Miller - Are these trucks going to be coming in off Euclid Ave.?

Commissioner Apansewicz - That's the only entrance to the facility is through Euclid Ave.

Councilwoman Miller - This is only part of the building that is already in existence there?

Commissioner Apansewicz - It is not an addition, they are taking up another portion of the northeast corner of the building.

Councilwoman Miller - Will they be near a neighborhood because some expressed a concern with the fumes and such?

Commissioner Apansewicz - Council can impose a restriction if you'd like to keep trucks from parking from a residential area, or require some buffering.

Councilwoman Miller - I would like to see that done, simply because I know that there's a problem in another area that trucks are allowed to be pulled in there all hours of the night. The vehicles are running, but they are there to make deliveries. This is just to go into the building for storage and such.

Commissioner Apansewicz - The special permit is for storage within the facility itself.

Councilwoman Miller - I'd like to see a buffer be put in there.

President Cervenik - Being familiar with the size of the property, what type of buffer do you think would be adequate to take care of the Councilman's concerns?

Commissioner Apansewicz - If its buffering that you would prefer to see rather than restricting the parking of trucks near Roseland, we can require landscaping and perhaps some trees.

Councilwoman Miller - We can't do both? We can't put the landscaping in and then also ask them to please stay away from the residential area?

Commissioner Apansewicz - It's Council's pleasure. Since I did not attend Planning & Zoning, I don't know if residents were complaining to Planning & Zoning in that regard. But, certainly Council could add on a reasonable condition.

Councilwoman Miller - I think it is something we should be thinking about and I'm in favor of doing this. I would like

President Cervenik - Motion to table until 21st?

Councilwoman Miller - Is that alright? There is no rush for this, is there?

Commissioner Apansewicz - The fact that it is on Council's agenda before the Planning & Zoning Minutes have been approved, indicates that there is some concern to get it going. I don't know if Mr. Roberts would like to have it tabled.

President Cervenik - We do have a responsibility to the neighbors.

Mayor Oyaski - I'd ask the Council to table this at this time so we can more closely look at the site. The landscaping is fine but the proximity is more important, talking about the complaint that the resident made. Trees are only worth so much. Let us look at the site a little more closely and come back to you in two weeks and make more specific recommendation on the buffering of it that Councilwoman Miller is asking about.

Councilwoman Miller moved to table. Councilwoman McGarry seconded.

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

Tabled.

Councilwoman Miller - What does this do to the first one that we just passed?

President Cervenik - Nothing. That's a little different use.

Res. (230a-98) 178-1998 All Skate, Inc.

A resolution confirming the Planning & Zoning Commission's approval of a special permit allowing approximately 18,000 square feet of space at 20001 Euclid Ave. (P.P. Nos. 646-25-001, 646-26-001 and 646-26-002), which is located in a U-6 (industrial/manufacturing) district, to be used for recreational purposes by new tenant, All Skate, Inc. (Sponsored by Planning & Zoning Commission)

Councilman Dallos moved for passage, Councilman Farrell seconded.

Councilwoman Miller - There was a question on this about who is going to supervise?

Commissioner Apanasewicz - I would refer that question to Mr. Roberts.

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

President Cervenik - Mr. Roberts there was a question concerning the type of supervision that will be at both this and the previously approved recreational center.

Mr. Roberts - The indoor skating is professionally run and it is my understanding that they will have responsible individuals there to control their own investment.

President Cervenik - As far as the facility in Warrensville Heights where they did have younger children working at the soccer games. I would imagine there is still responsible individuals there allowing some of the youngsters to run these things. I wish the Vernons were still here because, I think there was more than 15 year old people there at the facility at that time. Our Euclid Soccer Organization has younger youth coaches, especially coaching the younger children, but there is usually an adult nearby.

Mr. Roberts - There is a manager, professional manager, that is assigned to the complex. It is that person's responsibility to oversee the operations. I would imagine that they are going to have teenagers to help out, but because it is professionally run, there will be adults there.

Councilwoman Miller - I would think that if they had any problems that we could probably ask for a certain type of supervision? If problems arrive in the future.

Councilman Dallos - There is also one thing that I would also like to make a point on. Any complaints that I have received in regards to this General Motors Plant, and I have called Ken Roberts. I can tell you that they call back like that. They have answered every single phone call. I really don't have a problem with them.

President Cervenik - That's good to know.

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

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

Passed.

Ord. 179-1998 (236-98) Village of Euclid

An emergency ordinance authorizing the Mayor of the City of Euclid to execute a Purchase Agreement with the Albert Ratner Trust, and to pay a down-payment, for the acquisition of a portion of the property located at 27300 Euclid Ave., Euclid, Ohio, known as The Village of Euclid (Parklawn Gardens), in an amount not to exceed Three Million Seven Hundred Fifty Thousand Dollars (\$3,750,000.00). (Sponsored by Mayor Oyaski and the entire Council)

Councilman Korosec moved for passage. Councilman Dallos seconded.

Director Murphy - We are pleased to present to you this evening the final fruits of what have been months of negotiations regarding the purchase of the Parklawn Garden Apartment Complex. At a special meeting during the summer, you were presented with the basic concepts and ideas that had been negotiated up to that point. It did authorize the Mayor to enter into an agreement with the owner to purchase a part of the property. However, all of the details had not been completed for the purchase at that time. We are happy to tell you tonight that we do have here in front of us a purchase agreement that has been fully negotiated and has been signed by the owner. It will be signed by the Mayor tomorrow morning, assuming you act on this ordinance this evening.

To provide you the additional and final details that have been negotiated, you did receive in your packet a map of the property that is being purchased. We have a slightly enlarged and colored one here to go along with this presentation. If any members of the public would like to view it, it will be available for you to review later following the meeting. The purchase price for the property the City will purchase remains at \$3,750,000 as you were advised at the special meeting this summer. For that price, the City will be purchasing 293 of the existing 495 units at Parklawn Gardens. Or a total of 31 of the existing buildings. The owner will operate 202 apartment units. Those are the units on the eastern most portion of the property. The purchase by the City, as I indicated, will be for \$3,750,000. The City will make a \$750,000 down-payment immediately upon signing the purchase agreement. The balance of the purchase price will be paid in phases. The phases are in accordance with the map that has been provided to you. It will be conveyed to the City as the buildings are vacated and as the buildings are demolished and the site is clear and graded. The City will receive clean, graded and developable property.

The most significant development of the continued negotiations has been to step up the time period over which the City will obtain the property. Phase I which consists of 7 buildings, will be conveyed to the City within 6 to 12 months after the agreement is signed. Again, assuming we sign the agreement tomorrow, within 6 to 12 months from September 9th, the first portion, it's colored red on the originals it will be attached to the agreement. It is the black portion because the red didn't xerox and it came out very dark in the copy machine, but the portion that is black on this map is the first part that will be conveyed to the City. That must be conveyed under the agreement within 6 to 12 months. The City will pay \$940,000 of the remaining purchase price at the time that portion is conveyed.

Phase II of the conveyance must be conveyed to the City within 12 months of the date of the purchase agreement. So, within 1 year, of tomorrow the City will own the first 2 portions the black and the blue portion on the map. Again, the City will pay \$940,000 to the owner when Phase II is conveyed.

Phase III which is colored yellow on the exhibit must be conveyed to the City within 18 to 24 months of the date of the agreement. Again, \$940,000 will be due from the City to the owner upon the conveyance of that portion. That again contains 8 buildings and finally Phase IV, which also contains 8 buildings must be conveyed to the City within 24 months of the date of the purchase agreement. With Phase IV, the City will owe the developer payment of \$180,000.

Within 2 years from tomorrow, the City will own, will have received the full title to that portion of the property which we have agreed to purchase. It will be demolished, cleared and graded and ready to present, hopefully, to a potential developer. Those are the significant details, I think everything else in the agreement is consistent with what was explained to you during the special meeting this summer. Including, the fact that the City will be responsible for the cost of the demolition. Although, the owner will control that process. In addition, the owner will be responsible for the relocation of any tenants who remain within the complex and the units that the owner will retain. The owner has also agreed to perform renovations, upgrades on the remaining 202 units in an amount not less than \$10,000 per unit. That obligation kicks in within one year of the date that the owner retains financing to do those upgrades and renovations. If you have any questions regarding the agreement we will be happy to respond to them.

Councilman Dallos - My understanding is that 3 or 4 developers have been in to see Kory Koran regarding this location. My concern is they are interested today, will they be interested 2 years from now?

Director Koran - Councilman Dallos, that's a difficult question to answer. We are very excited that there is the amount of interest right now. As you know, in the development business timing is everything. We need to move quickly in eliminating the slum and blight that currently exist there. It obviously will spur other investment in the area. I certainly cannot state that in two years the same developers will be or even are interested right now. The meetings that we had, they were interested in the plan. They requested a copy of the redevelopment plan and they wanted to see what the City had in mind to the rear, the 65 acres to the rear. They requested a copy of the redevelopment plan. We do not want to hold on to this property any longer than we have to. The Mayor's orders to me is to try and dispose of this property in a reasonable fashion, as soon as possible. We do not want to sit on this property any longer than we have to.

Councilman Dallos - Do we have an option to speed up the process if we find someone who is really interested in the location. Or are we really tied to the 2 years?

Director Murphy - Councilman Dallos, we are tied to it under the agreement. Obviously, 2 parties to an agreement can amend that agreement by their mutual consent. If that became a matter of import at some point along the 2 year time line, we can certainly discuss some modification with the owner.

Councilman Farrell - Just out of curiosity, is there any common theme as to what the developers are interested in that area for?

Director Koran - Councilman Farrell, both developers were interested in all 100 acres of this existing development area. Their development portfolio is almost exclusively commercial and office development.

Councilwoman Miller - I'm going to go back to the \$10,000 for the renovation. You said they would complete that within 1 year from when they would receive the money. You mean the money we give them for this property or money they are going to apply toward some place else?

Director Murphy - Councilwoman Miller, it is most likely going to be money they apply for somewhere else.

Councilwoman Miller - They could put this off, the way it's written, wait for the contract, one year from after they obtain the money, they may not after they've applied and taken the money.

Director Murphy - They will begin immediately to seek sources of funding to do that upgrade and renovation. It may take them a period of time to obtain approval for the financing sources that they elect to pursue.

President Cervenik - Part of the reason of the 2 year time period is to facilitate not only the renovation, but after the renovation is completed, they have to move tenants into the remaining units. They will take advantage of natural attrition and things like that. When I talked to the property managers they don't want wait a year to do this, they want to get going right away. In fact, they are putting together plans to show us improvements they want to make, so we all feel comfortable with them. They want to move as fast as we do.

Councilwoman Miller - Are we still inspecting the property? And citing them with what was completed in that area?

Director Murphy - There is a reinspection of the housing code violations is scheduled later this month.

Councilwoman Miller - On the 202 apartments?

Director Murphy - On all of the apartments.

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

Councilman Dallos moved to suspend the rules. Councilman Dallos seconded. Ayes: Unanimous.

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

Passed.

Ord. 180-1998 (221-98) Amend code 503

An ordinance amending Section 503.13 of the General Offenses Code of the Codified Ordinances of the City of Euclid by the addition of new subsection (e) and the redistribution of the existing paragraphs that follow. (Sponsor Councilwoman Miller by request of Law Director)

Councilwoman Miller moved for passage. Councilman Vadnal seconded.

Director Murphy - This ordinance is necessitated in the view of the office of the City Prosecutor. Our current ordinance does not prohibit the introduction of what is commonly referred to as contraband or unauthorized items into our municipal jail. The ordinance does prohibit specific contraband material such as liquor and cash. There are other items such as drugs and other items that fall within the general definition of contraband and are routinely prohibited from being introduced into correctional facilities around the area. We are requesting you would pass this ordinance so the criminal code is modified to include the introduction of contraband and other unauthorized items as are defined by Euclid City Jail rules from being brought into the City Jail.

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

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

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

Passed.

Ord. 181-1998 (227-98) Amend Code 545

An emergency ordinance amending Section 545.04(e) of the General Offenses Code of the Codified Ordinances of the City of Euclid to clarify the penalty for the criminal offense of disorderly conduct. (Sponsored by Councilwoman Miller by request of the Law Director)

Councilwoman Miller moved for passage. Councilman Vadnal seconded.

Director Murphy - This ordinance, together with the following one, (238-98), were discovered again in the City Prosecutor's Office during a review of the codified ordinances. It appears that during the last revision by the City's contractor of the codified ordinances, that 2 of our offenses, one being disorderly conduct and the other being drug violations involving the drug marihuana, were changed by the codifier and were classified as minor misdemeanors which is what the state law classifies those offenses rather than third degree or fourth degree misdemeanor which our code describes disorderly conduct to be. Or a first degree misdemeanor which our code defines drug offense involving marihuana to be. This ordinance and the following one are merely ministerial matters required to place our code back in the same class that these misdemeanor offenses were as enacted by prior ordinances of the Council and will correct the clerical mistake made by our codifier when the code was reviewed.

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

Councilwoman Holzheimer Gail 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. 182-1998 (238-98) Amend Code 513

An emergency ordinance amending Section 513.03(c)(2) of the General Offenses Code of the Codified Ordinances of the City of Euclid to clarify the penalty for drug abuse of marihuana. (Sponsored by Councilwoman Miller by request of the Law Director)

Councilwoman Miller moved for passage. Councilman Gallagher seconded.

President Cervenik moved to close debate. Councilman Dallos seconded. Ayes: Unanimous.

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

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

Passed.

Ord. 183-1998 (226-98) Submerged Land Lease

A resolution approving the use of submerged lands for property located at 22727 Edgecliff Drive in the City of Euclid so that the owner can undertake lake shore protection measures. (Sponsored by Councilwoman Holzheimer Gail by request of the Law Director)

Councilwoman Holzheimer Gail moved for passage, Councilman Gallagher seconded.

President Cervenik - Law Director Murphy, as in previous times, they have done the work out in the lake for erosion control?

Director Murphy - That's correct, Mr. President.

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

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

Passed.

Ord. 184-1998 (235-98) Assess Hazardous Trees

An emergency ordinance to levy assessments for the removal of dangerous/hazardous trees as provided in Section 909.02 of the Codified Ordinances of the City of Euclid. (Sponsored by Councilwoman McGarry by request of the Parks & Recreation Director)

Councilwoman Miller moved for passage, Councilman Korosec seconded.

Director DeMinico - A few years ago with the establishment of the Shade Tree Commission, City Council also put into account the dangerous tree ordinance. Yearly we receive anywhere from 2-3 dozen calls from concerned residents about dangerous trees on private property. We have established this program, some of the residents are unable to afford the removal of such trees in excess of \$2,000; some of them are that expensive. This is a housekeeping issue.

Director DeMinico - These are two residents that want to have these fees levied on their taxes. They understand the 5% and 7% administrative costs and interest expense. By approving this ordinance tonight, they'll be able to put it on their tax bill.

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

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

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

Passed.

Ord. 185-1998 (222-98) Police-Shooting Range

An emergency ordinance authorizing the Mayor as Ex-Officio Director of Public Safety of the City of Euclid to enter into a contract after soliciting proposals for the replacement of the bullet trap system of the Police Department shooting range. (Sponsored by Councilwoman Miller by request of the Police Chief)

Councilwoman Miller moved for passage, Councilwoman Holzheimer Gail seconded.

Chief Baumgart - This year we haven't had a range since the beginning of the year. We have had some work done to the range to see how safe the range is, this includes the beams above, etc. Our biggest problem was getting some ricochet back from our stopping point at the end of the range. We looked into the possibility of having a new bullet trap placement put in. This afternoon, pending your okay on this, we've already gone out for bid and we've already seen the proposals and brought to Board of Control our suggestion for renovating this range. If you okay this, we'll be starting on that immediately. Hopefully we will have a new range and be using it before the end of the year.

Councilman Vadnal - What do you expect this to cost?

Chief Baumgart - \$35,000 approximately. \$35,150.

Councilman Gallagher - Is this all included in your budget?

Chief Baumgart - Yes, it was included in our capital improvement budget for the year.

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

Councilman Dallos 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.

Ord. 186-1998 (223-98) Uniforms

An ordinance authorizing the Director of Public Service of the City of Euclid to enter into a contract after advertising for bids for uniforms for the years 1999 and 2000. (Sponsored by Councilman Dallos by request of the Service Director)

Councilwoman Miller moved for passage, Councilwoman McGarry seconded.

Director DiNero - This is our normal procedure. Our contract ends at the end of December 31st, and we'll go out for bids for the next two years, 1999 and 2000, for uniforms for various departments that are listed on the ordinance.

Councilman Vadnal - What have we paid in the last couple of years for uniforms?

Director DiNero - I don't have that in front of me to tell you, but I'll make sure that you have it.

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

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

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

Passed.

Ord. 187-1998 (224-98) Salt

An ordinance authorizing the Director of Public Service of the City of Euclid to enter into a contract after advertising for bids for the City's requirements of salt for the 1998/1999 winter season for the period of November 1, 1998 to October 31, 1999. (Sponsored by Councilman Dallos by request of the Service Director)

Councilman Dallos moved for passage, Councilman Farrell seconded.

Director DiNero - This is our normal yearly thing that we do, our contract expires October 31, 1998 and we go into contract with whoever is the lowest bidder. For your information, last year we spent \$168,244 for salt. The previous year we spent, \$345,000. You can see there's a pretty good saving when we have a mild winter. We saved money with our overtime. In the year 1996-1997 winter, it cost us \$51,700 for overtime. In 1997-1998, it only cost us \$28,828. There was quite a bit of savings when we have a mild winter.

Mayor Oyaski - We will have a Resolution of Appreciation for El Nino at the next meeting.

President Cervenik - But his little brother is going to cause us trouble.

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

Councilman Korosec 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.

Ord. 188-1998 (225-98) Snow Plow & Spreader

An ordinance authorizing the Director of Public Service of the City of Euclid to enter into a contract after advertising for bids for the purchase of a snow plow and spreader for the 1999 International 4 x 2 Cab and Chassis that was purchased through the State Co-op Program. (Sponsored by Councilman Dallos by request of the Service Director)

Councilman Dallos moved for passage, Councilman Gallagher seconded.

Director DiNero - This year we tried something different, trying to save some money. We bought the chassis alone from the State Co-Op. Now we are going to go out for bids for the plow and the salt spreader and computer that's all part of a unit. Usually when we buy the complete unit there's always a profit added to the dealer from the snow plow and spreader. In this case we are trying something different. We already had the truck in our hands and now we are going out for the spreader and the snow plow. The truck cost \$44,848. That was a savings right there by buying it through the State Co-op and not buying the other equipment with it at the same time.

Councilman Dallos moved to close debate, Councilman Gallagher 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. 189-1998 (232-98) Purchase Sewer Jet-Streets

An ordinance authorizing the Director of Public Service of the City of Euclid to enter into a contract after advertising for bids for the purchase of a combination Vac-All/Sewer Jet for Streets and Sewers Department. (Sponsor Councilman Dallos by request of the Service Director)

Councilman Dallos moved for passage, Councilwoman Holzheimer Gail seconded.

Director DiNero - This is a piece of equipment that is needed by our Street Dept. It is a combination vac-all and sewer jet. It is a lot cheaper to buy this piece of equipment than going out and buying two separate pieces a vac-all and sewer jet. This will come out of the 1999 capital. We have assurance from different dealers or one dealer that if we order this truck after Council passes this ordinance, if we would order this piece of equipment, that we wouldn't have to pay it until sometime in February or March, 1999.

Mayor Oyaski - I have spoken to the Department Heads indicating that our capital budget in 1999 maybe somewhat reduced obviously because of the major economic development projects we've entered into. I've asked them to be conservative in their requests for 1999. This particular piece of equipment is like some that the Fire Chief orders that takes a great deal of time after order for it to be delivered. I've spoken to the Service Director several times about this item and I do believe it is a priority for the 1999 capital budget and should be ordered at this time so we can receive it as early as possible in 1999. It will have an impact on our 1999 budget, but it is one I think we should endure. It is a piece of equipment that will be very handy to the Streets Department in the years ahead.

Councilman Vadnal - What are we using now for this piece of equipment?

Director DiNero - We do have a vac-all and we do have a sewer jet, but as you know, we have a lot of work for it. If we had another one, we could put it out and clean more linear feet of sanitary sewer. This particular machine does have more power than the one we have now. Especially we run into some areas right now that sooner or later I'll be coming back to the Council to ask you about doing some work in these areas. I think this piece of equipment will help us clean some of the roots out.

Councilman Vadnal - What is the expected cost for this type of equipment?

Director DiNero - I think it is approximately \$230,000. If we bought two separate pieces, like the sewer jet and a vac-all, I'm sure it would be more money than the \$230,000.

Councilman Vadnal - The equipment that we have now servicing this, how long do you expect that to last?

Director DiNero - The equipment that we have now, with some repairs that we need to do, we expect it to last another 5-6 years.

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

Councilman Korosec 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. 190-1998 (233-98) Emergency Generators

An ordinance authorizing the Director of Public Service of the City of Euclid to enter into a contract after advertising for bids for the purchase of emergency generators for Fire Station No. 1, No. 3 and No. 4. (Sponsored by Councilman Dallos by request of the Service Director)

Councilwoman Holzheimer Gail moved for passage, Councilman Korosec seconded.

Director DiNero - We are going to replace the emergency generators at Fire Station #1, #3, #4. This is part of the capital budget, we had \$60,000 set aside to replace these generators. If I'm not mistaken, these are the original generators that are in the fire stations that need replacing. Chief, do you want to add anything?

Fire Chief Dworning - I can only echo the Service Director's remarks. The generators were installed when the stations were constructed in 1961, 1957 and 1969 respectively. They are very limited capacity. This replacement is long overdue. Back in July, 1993, those generators were really put to the test and we had numerous service calls made to have them back up and running when we needed them in the event of an emergency. I'd like to thank Service Director for including this in the 1998 capital budget.

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

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

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

Passed.

Res. (240-98) VAWA Grant - Pulled

A resolution accepting a grant of Twenty Three Thousand Four Hundred Ninety-seven Dollars (\$23,497.00) from the Ohio Office of Criminal Justice Services (OCJS) through the Violence Against Women Act (VAWA) Block Subgrant for use by the City of Euclid Police Department and the Department of Community Services and Economic Development to be used for training City personnel on domestic violence and victims assistance, community education and the purchase of equipment. (Sponsored by Mayor Oyaski and the entire Council)

Res. (240-98) was pulled by Mayor Oyaski.

Ord. 191-1998 (241-98) Shore Exempt Euclid Schools

An ordinance amending Ord. No. 8-1998, and authorizing the Director of Parks & Recreation of the City of Euclid to exempt the Euclid Public Schools from paying the per day room rental rate for the three classrooms that the Euclid Public Schools will utilize for their English as a Second Language Program at the Shore Cultural Centre. (Sponsored by Councilwoman McGarry by request of the Parks & Recreation Director)

Councilwoman Holzheimer Gail moved for passage, Councilwoman McGarry seconded.

Director DeMinico - We don't need a history lesson on the room rental rates and some of the waived fees and reduced fees at the Shore Cultural Centre. This is an ordinance that needs Council approval. The Mayor does have some authority to waive the room rates for Shore Corporation activities or City of Euclid activities, but this does not fall within that realm. It must be brought to the attention of the Council that the Board of Education does rent some rooms.

Director DeMinico - They do pay approximately \$5,000 yearly for room rents. Northeast Able also pays approximately \$13,000 for room rent. They do have rental of the community room and some additional classrooms that brings in a couple of thousand dollars in revenue. This would waive for English as a Second Language. It is funded by a grant but only an exclusive amount goes towards room rental rate. I'd be happy to answer any questions.

President Cervenik - We do this quite often?

Director DeMinico - This has been done in the past and it is now being brought to Council for your knowledge and edification.

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

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

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

Passed.

CEREMONIAL RESOLUTIONS

Res. 172-1998 (231-98) Rich Jost

A resolution of appreciation to Richard A. Jost for his volunteer efforts with the Junior Achievement of Greater Cleveland program. (Sponsored by Mayor Oyaski and entire Council)

Res. 173-1998 (237-98) Joey Tomsick

A resolution of congratulations to Joey Tomsick on the occasion of his being named Slovenian Home of Collinwood's "1998 Musician of the Year". (Sponsored by Mayor Oyaski and the entire Council)

Res. 174-1998 (239-1998) Shore Ad Hoc Com.

A resolution of appreciation to the members of the Shore Cultural Centre Ad Hoc Committee for their dedicated service to the City of Euclid during the summer of 1998. (Sponsored by Mayor Oyaski and Council)

Res. 175-1998 (242-98) Stanic's 25th Anniv.

A resolution of congratulations in celebration of Kurt & Ronni Stanic's 25th Wedding Anniversary. (Sponsored by Mayor Oyaski and the entire Council)

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

Mrs. Madeline Scarniench - 1511 E. 221 St. I think I'm going to go backwards, I do that a lot. Mr. DiNero, is there anything that can be done about the Union Station at 222 and Euclid Ave.? The trucks are still parking there. They are hitting the canopy, its breaking. Kids are breaking the glass, there is glass all over. People are using it as a used car lot. There has to be a way to put up some barriers to keep people out. You can see the ground, where they took the tanks out, that was not filled in with concrete, it is starting to sink. It looks terrible. I would hope that you could get them to do something with that.

Director DiNero - I've been in contact with the owners of the property. They were the same owners that owned the 76 station at 276, which they did tear down. They kept on telling me that they had a buyer or another person to come in and open the station.

Director DiNero - I had conversations with them last week and I told them if they do not have a signed contract for sale of that property, or another station in there by September 30th, the station will be torn down.

Mrs. Scarniench - Great thank you. Chief Baumgart. Since the traffic light has been taken down at 222 and Euclid Ave., I have personally witnessed two demolishing car accidents that have taken place there. The people that come to our homeowners association meeting are complaining about that corner. They would like to have that sign put back, it is really dangerous. Both accidents that I saw, one was a truck, they were demolished. I don't know if it is because of that, but that has just been over the last two months. The people come to the meeting and they are very concerned that the light is not there. Is there something that can be done about that?

Chief Baumgart - Which light are you talking about?

Mrs. Scarniench - The no turn on red.

Chief Baumgart - The no turn on red sign. We'll talk. We'll look into it and see if that is one of the reasons why it happened. We do investigate those accidents and we do come up with some reasons why they do occur.

Mrs. Scarniench - It seems funny that we've had two of them in a matter of two months, as soon as the signs come down.

Chief Baumgart - That's why they call them accidents.

Mrs. Scarniench - This is a question for Agnes, she says that she is going to be watching. I would like to know, do we have any rules, on where garbage cans are supposed to be placed? Do they have to be behind the house? Are they allowed to be kept in the front yard? Empty or full.

Mayor Oyaski - There is an entire Section, 941.26, I'll be happy to give a copy to you, which indicates everything you'd want to know about the storage and removal of garbage cans.

Mrs. Scarniench - Thank you Mayor. Lastly, and I wasn't going to speak about this but I guess I have to. Items 7 & 8. I attend all meetings. I don't know why, I don't have a life. But I do attend all meetings, in particular, Planning & Zoning meetings. At the last Planning & Zoning meeting when these resolutions were discussed, the people who spoke earlier were there. No question was asked. It was asked, one of the P&Z members is sitting here, that was thoroughly discussed about the buffer zone. There were people there that had a problem and they made phone calls to me. I assumed they called Councilman Dallos and they also called Mr. Roberts and it was taken care of immediately. At that meeting there was a whole group of people here and they got to speak to Mr. Roberts and he told them the reason that the trucks were there. Probably in a month they won't be there anymore. When Handl-It got the new contract, they had to move everything. That's why they are asking for more space. They are not allowed to park close to the homes anymore. They've got big plans for that property and it needs to be addressed on an individual basis and this Council just screwed up. You approved Handl-It, that was the problem. You didn't approve Dawson. That's not the problem. The Vernon's live on 196. Handl-It is the one with the trucks. Dawson is very small. I don't want anybody to answer me, but I just wonder how many of you have received phone calls from the people over there. When that factory was built, I would expect that most of the people who live there did not live there at that time. Which means that most of the people moved into their property knowing that this factory was there and it was working at the time.

I saw an item on the news yesterday that kind of hit and I had this speech, I had all kinds of papers that I was going to say something about. It is in Philadelphia. Times up? That's it. Sorry. Thank you.

Mayor Oyaski - Thank you Madeline very much and we are very pleased to see the increased activity at GM. I think your point is well taken that it has been an industrial use for about 55 years. In fairness to the Council, the Council has not had the opportunity to review those minutes yet. I'm confident that we can resolve the matter about the issue that was delayed tonight. Thank you.

Dorothy Fike - 20271 Delaware Rd. I'll take a note from Madeline and start backwards. Don't the Council members get the minutes of the Planning & Zoning before tonight's meeting so they really could have reviewed them? They don't get them tonight to approve them do they? Haven't they had them in their hands?

Mayor Oyaski - The Planning & Zoning Commission approves the Planning & Zoning Commission Minutes. After they are approved by the Planning & Zoning Commission, they are forwarded to the Council. The Council can wait for those minutes, if it chooses, or the Council can act on its own. If you recall, I think Councilman Farrell, when he was the Ward Councilman, asked that the Minutes be delivered to Council as soon as possible. The Commission still reserves the right to approve their minutes, which makes them official minutes. It is entirely a matter of Council discretion to act with or without the minutes.

Dorothy Fike - Thank you and I see the one they did approve was July. I also want to talk about that light at 222. I'm the one that objected to it first about the no right turn on red. The people on Euclid Ave. still get the green light to pull in to 222, even though the people on 222 don't have a light to say turn right on red with the arrow. If you wait for the cars coming west on Euclid Ave. and you see they are all stopping, then you turn the corner. The people going east on Euclid Ave. and turning the corner, they have the green light. The ones going west have to stop. What you really took down there was the arrow pointing that you could make that turn. I don't know if that is what is causing the accidents. I also would like to know what you are doing about it. I'm sure the Police Department keeps records, how many accidents there might have been before and in the same type of time period, as there are now.

The demolition cost of Village of Euclid. Is there any approximate cost of what each phase might be? That is going to be an additional cost to the city and where is that money going to come from?

Director Murphy - We do not presently have estimates for the demolition. The demolition costs, once they are estimated, because that's all they will be until the demolition is actually done, will be included in the borrowing that the city will do for the purchase.

President Cervenik - I believe in initial negotiations when we were talking about purchasing more, I believe there was a number of about \$930,000. If we are only going to purchase 60%, hopefully that's the gauge, but we won't know right away.

Mrs. Fike - I should have asked the question, it says you'll borrow the whole amount. But would you just go out to borrow the whole amount and draw down? Or, will you borrow it in increments? Or, how will the borrowing take place?

Director Balazs - Within the next Council Meeting we'll come back to City Council for the ordinance on the borrowing legislation which will give us the authority to borrow the \$3.7 million. We'll draw down and only borrow the money when needed and after the phases are done, we'll draw down to pay the phase money of \$940,000 through the fourth phase.

Mrs. Fike - So you'll just pay interest as you draw down?

Director Balazs - Correct.

Mrs. Fike - But you actually have the authority for the whole amount?

Director Balazs - Correct.

Mrs. Fike - I have one minute left. To the Service Director. When the water is turned off due to a water main break or whatever, why sometimes and I had a phone call on this one, the water to someone was off for 3-4 days. Is this usual?

Director DiNero - No, that's not usual. There is something drastic that happened there and I don't remember anybody being out of water for 3 days. There's always some temporary way of hooking up water.

Mrs. Fike - This was off of Euclid Ave., Mr. Dallos. Thank you. I told her I would ask, it is very unusual.

Chief Baumgart - One comment about the light at 222. The reason why the arrow was removed because we discovered that we were giving right away to two different opposing problems. First we had the traffic that we gave the right of way to turn right. We also were giving the right of way for an individual to walk across the street at the same time. That was the problem with that light and that is why the arrow was removed.

Councilman Dallos - Just in regard to one of the comments that Mrs. Fike made. We did not receive the minutes from the August meeting, but we did receive a memo from John Hayes telling us what the vote was at the P&Z meeting regarding 7, 8 & 9. Even though we don't have the minutes, we do have a general idea of what Planning & Zoning's decision was.

President Cervenik - That doesn't get into the details or discussing the setbacks or landscaping or anything like that.

Mr. Jack Fraier - 235 Greenbriar. Two items, both on trees. Certainly everybody saw in last Thursday's Sun Journal on page B3, the article Tree Talk by Tom Berardinelli a member of the Tree Commission. He is sitting back there now and would be happy to autograph this article for you. It is an interesting article. Trees have a tough time growing in the urban environment. People want beautiful trees in their backyard and the first thing they think of is the crab apple. Why put in a crab apple when you could put in a Acer Griseum, Amerlanchier/Grandiflora, or a Chionanthus Retusus. Those names kind of scare people, but they are just as good or perhaps better than crab apple tree. I'm going to ask Tom, the next time he puts in an article to put the phonetic spelling along side the name of the tree.

Item #2, shortly within a few days, I imagine, there will be a news release informing the citizens of the Trees for Tomorrow Program will be available again for the citizens of Euclid, where you can purchase a tree through the city and make arrangements to have it planted at a considerable savings. Mr. DeMinico's office will be handling that and if I'm correct, Mr. DeMinico, your number is 289-8114. Call that office and you will receive in the mail the information about the Trees for Tomorrow. Thank you.

Mr. John Gendrich - 19195 Abby Ave. My issue is probably relatively small compared to everybody else's around here. I'm just kind of confused about something. My question is actually to the Police Chief, Office of the Mayor and everybody up here. When did it become illegal to park a car in your own backyard? On the morning of August 28th, 11:47 am, I received a parking ticket in my backyard. Yes I do understand after doing some investigation that it is illegal to park your car on the grass. This car was parked 50% on a brick walkway. The other issue I have with this is that, in order for an Officer to see this vehicle, he'd have to literally get out of his vehicle, walk 125 ft. down my driveway, see the vehicle, issue the parking ticket. Less than 100 feet away from where he would have to park his car is two stop signs at 193rd and Abby Avenue. On any given day I can sit in my front yard and count anywhere between 25-175 cars that do not stop at this stop sign. I'm just looking for some answers.

Council President Cervenik - That's been an ordinance for quite some time. Maybe the Chief can answer about the stop sign.

Mr. Gendrich - The one answer I'm looking for is why. I've lived in the City of Euclid for 12 years. I've lived in this particular neighborhood now for four and a half years. I've had a car parked over there for the better part of four and a half years. The previous owner lived at the same property for 35 years and for the better part of 30 years had a trailer parked on that portion of the property. As far as I know, nobody has ever received a parking violation in their backyard.

Chief Baumgart - The ordinance does state that you have to be on an improved portion. You can't be on the grass. This is something that our Council has asked us to look into for anyone parking on grass in the city. In your case it was probably some neighbor that did complain and sent us over there. Secondly, if you are having a problem with that particular stop sign and it is causing difficulty, we'll look into it and give it special attention.

Mr. Gendrich - Within four years I saw a patrol car out there once looking at that stop sign after I made numerous phone calls. As for the neighbors complaining, I've talked to everyone and made numerous phone calls to several people, the Housing Commission, what not, and there has been no complaints against me on this issue. The only issue I have is why wasn't I at least given a warning, 24 hour notice, like the Housing Committee would say. Dave told me that they usually give a warning, remove the vehicle in 24 hours. I can understand if the car was a junker and I had the tires taken off of it and daisies growing out of the trunk and an eyesore, I could understand. But, the car does have up-to-date tags.

Chief Baumgart - We do warn if we are going to tow a vehicle. If a vehicle is improperly licensed or just abandoned or looks like it can't run, we will put a warning ticket on before we tow it. In that case we not only ticket it, we do tow it. If it is only a violation, we only ticket.

Mr. Gendrich - I was issued no warnings, no nothing. I just came home one day and all of a sudden, boom, there is this ticket. I'm just curious. Thank you.

Mr. Harvey Mlachak - 23831 Lake Shore Blvd. Euclid, Ohio. From the experience I had before, I'll address my comments to Mr. Cervenik and then he'll delegate to who wants to answer it. What time does Sims Park close?

President Cervenik - Director DeMinico.

Director DeMinico - The park itself closes at dark.

Mr. Mlachak - Fine. For who?

Director DeMinico - For park goers, people that are on the beach, people that maybe at the playground. I know there's activities at the Henn Mansion that are after dark. The park closes rules are to facilitate people getting out of the park. We don't want any mischievous juveniles hanging around on the beach. If there was an activity at the Henn Mansion, we certainly encourage them to finish up their activities, to get into their vehicles and drive safely home.

Mr. Mlachak - There was an article in the Euclid News Herald, poor homeless guy was caught sleeping in his car and it cost him \$100 bucks. He could have gotten three days at the Days Inn for that kind of money. My question was, for who does the park close, everyone or just a select group? There was a wedding at the Henn House, I believe it was the 29th of August. When I left there at 11:00 PM, there were still guests of the wedding in the park. I got tired of waiting and I said maybe they'll be here until midnight, 1:00-2:00 am, until someone comes and enforces our ordinances. If the Henn House is encouraged to have functions in there after dark, somebody is violating one of our ordinances and who gives them this permission?

Mr. Mlachak - Am I mistaken when I say that the Council has to amend the present ordinance to extend the hours in that park? Or, are these laws applied selectively and arbitrarily. Who is watching the people there that violate our ordinances?

Director DeMinico - I guess I would have to read our city ordinances to see if in deed it is in the ordinance that says the park closes at dark or they are listed.

Mr. Mlachak - My question, excuse me for interrupting, I questioned the Police Department and former Law Director. The same thing with the fella that got arrested in his car, the trespass ordinance is enforced. This is what the paper said, that he was arrested under the trespass ordinance. I don't believe, in speaking with the former Law Director and Police Department, there is a specific ordinance that says the park closes at that time, but they'll get you for trespassing.

The only thing I would like to do, I would like to find out is why can we not enforce the laws straight across the board instead of arbitrarily and selectively. Mr. DeMinico, that particular night, that disturbs me. Maybe there's collusion here, maybe there isn't. One of your park employees, on several occasions when I was in the park at dark, he informed me that the park closes at dark and invited me to leave before I was violating the law. This particular night when the wedding party was there, he came in there at 8:30 PM, locked up the sanitary facilities and left. There were people enjoying themselves in the park. I think that he didn't want to hear a bunch of static from anybody that says, how come their in there and I can't be in there. Finally he made his final trip at 10:15 PM. He made one trip around, turned around and went out. Still a lot of people in the park. I don't know if we have an ordinance or don't we have an ordinance. Are we going to enforce it or we ain't going to enforce it.

President Cervenik - Mr. Murphy would you look into that a little bit as far as the effect the lease of the Henn Mansion has upon what you can do inside the Henn Mansion versus the park. If an amendment is needed to make sure we are not breaking our laws, I'd be happy to sponsor it.

Director Murphy - I'll be happy to do that Mr. Chairman.

Mr. Mlachak - Absolutely, I think I'd like to address that spirit of cooperation at a later date because if you are going to do that, I say that you must enforce that law straight across the board and there's somebody that's going to be fishing on that pier. I think it is going to be me.

President Cervenik - I hope you catch some.

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

COUNCILMEN'S COMMENTS

Councilwoman Miller - I'd like to go back to the gas station, Mr. DiNero, the one on Euclid Ave. I think you informed Madeline that if they don't do anything or they don't sell the property that you are going to have the gas station torn down. That doesn't address the issue of the trucks being parked there and cars being parked there. I've seen it. I've called and complained. The police say it is private property and they can't go on it. I talked to Mr. Hayes. He claims that he is trying to get a hold of the owner to get the permission to allow the police to go onto that property to ticket those trucks and cars. The same problem is what used to be a BP station on 260th and the Marginal. Cars are parked there all the time. The wires are down, that used to keep the cars out of there. I think people who live on the street are parking their cars in there. It is not an extra parking lot. It is property that belongs to the people that own that. More and more of these empty lots are being used by more and more trucks and cars with "for sale" signs on them and things like that. The people don't want to see this. We have to be able to address that issue in some manner.

Director DiNero - The only thing I can say, if we do tear the station down, we should put up some cable around through pipes and stuff like that so they cannot park there.

Councilwoman Miller - That's what they did with the one on 260th Street and they are down. You put them up and they take them down. They pull the truck in, they pull the cars in. The problem is that we have to get the permission to be able to go onto that property and ticket. They should not be parked there. If there is anyway to get around that, make stronger cables or something.

Director DiNero - I'll talk to the owners and I'm hoping that he does come with a purchase order or a different business to come in there. I'd rather see somebody in there rather than an empty lot which will probably be there for awhile.

Councilwoman Miller - I've had many phone calls dealing with both areas.

ADJOURNMENT

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

Attest:

Clerk of Council

President of Council