

**COUNCIL MINUTES**  
**OCTOBER 19, 1998**

The regular City Council Meeting was held on Monday, October 19, 1998 at 7 PM in the Euclid City Hall Council Chambers. President Cervenik presided.

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

Councilman Vadnal moved to excuse Councilman Farrell and Councilwoman Miller.  
Councilwoman McGarry seconded. Yeas: Unanimous.

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

Everyone observed a moment of silence in memory of Frank Yankovic.

Council received the following communications:

Letters from Representative Jerse and Senator Sheerer, thanking Council for supporting the adoption of a Smart Growth Agenda.

A memo from Mayor Oyaski regarding an update on Lake Shore Tavern.

A summary of legislation from Law Director Murphy.

Liquor Permit

Councilwoman Holzheimer Gail moved to receive without objection a transfer of a D5 liquor permit from Brian & Mary Jo Schulz, Dba Brians Drawbridge Restaurant & Pub to Terlac, Inc., Dba M JS Drawbridge, 830 Babbitt Road. Councilman Gallagher seconded. Yeas: Unanimous.

Council Minutes

Councilman Vadnal moved to receive and accept Council Minutes from October 5, 1998.

Councilman Dallos seconded. Yeas: Unanimous.

Administration Reports and Communications

Mayor Oyaski - We have a series of presentations but, first I'd like to remind the Council and the public that we will celebrate Halloween in the City of Euclid on Saturday, October 31<sup>st</sup>, from 6 PM to 8 PM that evening.

Secondly, I passed out to the members of Council a copy of the current Euclid City Charter. I'm alerting the Council to the fact that under the terms of Article 10 of the charter, I must appoint a Charter Review Commission on or about December 3<sup>rd</sup> of 1998. The recent Charter Review Commissions have suggested term limits which were approved by Euclid voters as well as the line of succession should the office of Mayor become vacant. I would ask the Council to begin thinking about any proposed amendments that they would like the commission to review and I'm also interested in hearing from interested members of the public. They must be qualified electors, that means registered voters in the City of Euclid if they would like to serve, so that I may review the interest from anyone who does have an interest and appoint 9 individuals by December 3<sup>rd</sup> of this year.

Mayor Oyaski presented Resolution 230-1998 to Edward & Mary Eckart in honor of their 50<sup>th</sup> Wedding Anniversary.

Mayor Oyaski presented Resolution 229-1998 to Kevin P. Flynt upon his retirement from the Euclid Board of Education.

Mayor Oyaski presented Mr. Dale Mansperger with Res. 232-1998 declaring October 26 through 31, 1998 as Iodine Deficiency Disorder Week.

Mayor Oyaski and Parks & Recreation Director DeMinico presented Robert Holmes with a Res. 212-1998 for the renewal of his designation as a Certified Golf Course Superintendent by the Golf Course Superintendents Association of America.

Mayor Oyaski and Parks & Recreation Director DeMinico presented Pete Tancredi with Res. 231-1998 upon his retirement from the Briardale Greens Golf Course.

Director DeMinico - The Parks & Recreation Department has the responsibility to entertain our residents, both young and old. We have some special events coming up that I think everybody would like to take notes. On Saturday, October 24<sup>th</sup>, from 10:00-2:00 PM, we are going to have our first annual pumpkin carving contest at the Clifford E. Orr arena. It should be a lot of fun. There's different categories. There's prizes: skating passes, swimming passes for the upcoming season. We want to get the word out and hopefully you'll be able to participate. It is free. We do suggest, BYOP, Bring Your Own Pumpkin. We will have some to be able to purchase.

This Sunday, October 25<sup>th</sup>, the Euclid Orchestra will be holding their concert at 3:00 at the Cultural Centre. We will also be announcing the Community Enrichment Award at 3:30 during the concert.

Friday, October 30<sup>th</sup>, if you come in costume to Clifford E. Orr arena, we have an open free skate from 7:00-8:30 PM. It's a lot of fun, we anticipate over 150 people coming around skating. It's really an enjoyable evening and there are some very creative costumes skating around the ice.

I ask everybody to stay tuned to Channel 51 and your local Euclid Sun Journal. We will be re-instituting a Christmas lighting contest for the residents in the City of Euclid. The staff and I are putting together the where with all and some of the guidelines. I know Council President Cervenik has offered his assistance in this, so we should be having the information out very soon. It should be a lot of fun. We are looking forward to it.

#### Reports & Committee Minutes

Councilman Dallos moved to receive and approve the Police Report, August, 1998; Board of Control, 9/28/98, 10/5/98; Humane Officer's Report, September, 1998; Fire Report Corrections April - August, 1998. Councilwoman Holzheimer Gail seconded. Yeas: Unanimous.

#### Committee of the Whole

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

Craig Tang - Asst. Director of Justice Affairs. 1370 Ontario. This is an umbrella organization for Cuyahoga County, the Board of County Commissioner. I'm here tonight to speak on Issue 11, a bond issue that's coming up. I appreciate being given the opportunity.

Before I start, I was thinking, being out in Euclid worries me a little bit. About 30 years ago, I went to a school called St. Edward on the west side. We stayed up all night because we had a game against St. Joe's the night after. We were guarding the field and the school from what we were convinced was going to be an onslaught of St. Joe's students. It didn't happen, but they did prevail the next day at the football game. Each year I watch Euclid get in the playoffs and St. Edwards not get into the playoffs. What we do at St. Ed's is pray that Euclid beats Ignatius every year, since that's our #1 enemy on the west side.

Euclid's no stranger to the fight against crime. While I was sitting here listening to you, impressed with the attendance tonight, I thought about different projects that we were working on with Euclid. Whether it was Chief Baumgart or the Violence Against Women Act, Captain Repicky who comes to the domestic violence death review at the coroner's office every month and helps us try to figure whether these deaths were preventable, whether it's the children who witness violence project, which we are working with your police department. Euclid is certainly in the forefront. I'm not sure whether I have to do a lot of convincing tonight as to the importance of Issue 11.

Mr. Tang-Whether you live in the suburbs, or you live in the City of Cleveland, crime is no stranger to any of us. Statistics show that 1 out of 4 households in Cuyahoga County has been effected by crime in one way or another. Whether it's yourself, a loved one, a relative or a friend. Keeping violent offenders off the streets makes it all safer for us and safer for our neighborhoods. Prevention and detention are the keys to winning the fight against crime. Issue 11 will help that.

\$15,000,000 of Issue 11 will go to neighborhood based crime facilities for children and youth. We will actually have organizations in the communities that we can work youths to stop them before they enter the system formally. We will also fund the renovation and the expansion of our juvenile justice complex so we can keep young violent offenders off the streets.

When I was legal director of children services, before I took on my current position, and more often then not, a lot of kids were on the streets that shouldn't have been. It became almost a common place, that unless somebody seriously knifed someone, seriously hurt them, they wouldn't go into detention. There simply wasn't the space.

Also, financed by this Issue will be a 500 adult jail. This will insure that convicted criminals are kept behind bars. Juvenile crime is skyrocketing. Violent offenses committed by juveniles in the last 20 years, is up 268%. Drug crimes by juveniles is up a startling 1,738%. Homicides are up 116%. My friend, Ken Lucenear, who is a county prosecutor has 4 pending homicides going on at the juvenile court as we speak. Assaults are up 67%, robberies up 56%, violent juvenile crime will jump, it is anticipated, another 22% in the next decade.

These are all startling statistics and yet I think that we as a community, are addressing them. Our streets do in fact feel safer in many respects. Downtown Cleveland feels safer. Our communities feel safer. It's because we are doing things.

Our juvenile justice complex was built in 1932. It was designed to house 86 children. As of last week, we had 180 kids in the juvenile detention center on Thursday night. One of my departments is the youth development center in Hudson, which is a county facility. We have 110 kids out there and we are trying to expand and take more in.

For the last 10 years, the juvenile detention center has been operating at a 58% over capacity. We need more space for adult criminals. Tough mandatory sentences for adults have given us both safer streets and over crowded jails. Senate Bill 2 was passed a couple of years ago. It was a truth in sentencing legislation, which made it tougher for when people were sentenced, they did their sentence. No more good time, you did what you got sentenced. The adult inmate population is increased by 400% but jail capacity has increased by only 135%. As we speak, 16,000 convicted adult offenders are walking on our streets because there are no cells to hold them. Criminals who know they can be sent to jail are less likely to commit more crimes even when they are serving alternative sentences.

It's a \$234,000,000 levy. It costs \$2 per month for the average homeowner in Cuyahoga County. This comprehensive will reduce construction costs every year inflation will cause it to go higher. We brought literature for any specific questions that you might have, I'd be glad to answer them. I appreciate you giving me an opportunity to speak tonight and I'm impressed by your attendance. Thank you very much.

Dorothy Fike - 20271 Delaware Rd. I could give you the League's position on Issue 2, is to vote no. Because, the juvenile detention home they are proposing is too small, they are going to put it in the parking lot. And, that's just one part of the whole thing. They don't even have a place for an adult jail yet. So, you know, it sounds good but I think they need more plans. We think they need more plans.

I really came up here to talk on #5, & #6. #5, continue to staff the City of Euclid juvenile division program. I'd like to know more about that whole program please. What is the staffing of it, who is paying for it, and where is it?

#6, on the cleaning of the City Hall. I'm assuming it's this building or is it this Municipal Center and the Old City Hall? I'd like to know the cost of it compared to last year and how it's working out. I think last year was the first year of the contract of having an outside agency do it. So, I'd like to know how that's working out.

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

**LEGISLATION**

**Ord. 233-1998 (281-98) Resurface Babbitt Rd.**

An emergency ordinance enacted by the City of Euclid, Cuyahoga County, Ohio, in the matter of the hereinafter described improvement and requests the cooperation of the County of Cuyahoga, State of Ohio. (Babbitt Road repair and resurface) (Sponsored by Councilman Dallos by request of the Service Director)

Councilman Dallos moved for passage. Councilman Korosec seconded.

Director DiNero - By passing this ordinance would allow the City to enter into a contract to repair and resurface Babbitt Road, which everybody knows it does need. It would be from St. Clair all the way to Lake Shore Blvd. The anticipated cost to the city would be 20% of the construction cost and 40% of the engineering. This would be an estimated cost to the city of approximately \$63,000. This would come out of the 1999 Capital Budget.

Mayor Oyaski - We are continuing to work on Euclid Ave. and 200<sup>th</sup> Street, that I'm very pleased that the County has authorized this substantial funding for Babbitt Road. As the Service Director indicated, Babbitt Road does need to be substantially repaired. Most of the cost, as the Service Director indicated, over \$240,000 will be paid for by the County and we do want to express our appreciation to the County Engineer's Office. I'd ask Council's support for number one.

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

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

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

**Res. 234-1998 (288-98) Supporting Issue 11**

A resolution supporting Issue 11 at the upcoming November 3, 1998 election and urging Euclid voters to support and pass this much needed bond issue which will provide funds to prevent youth crime and punish violent offenders. (Sponsored by Mayor Oyaski and the entire Council)

Council President Cervenik moved for passage, Councilwoman McGarry seconded.

Mayor Oyaski - You heard a thorough presentation here by a gentleman on Issue 11. While the City's juvenile crime statistics have substantially improved in 1997, I gave you that report about a month ago. It is a fact that recent changes in State law have increased the pressure to sentence violent offenders, particularly juvenile offenders to incarceration. Issue 11, which the County Commissioners have unanimously approved, will as the resolution states, generate the capital needed to renovate and expand the county's juvenile justice complex. It will fund neighborhood-based youth crime prevention facilities and increase the adult jail capacity by 500 new beds. Because Euclid is in Cuyahoga County, and our residents are also concerned about juvenile crime and violent offenders, I think we should join the County Commissioners in supporting Issue 11, which is designed to help prevent youth crime and punish violent offenders.

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

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

**Ord. (283-98) Rezone 604 E. 200 - To P&Z**

An ordinance rezoning a parcel at 604 E. 200<sup>th</sup> Street, P.P. #641-15-33, 34, 35, 36, from U-5 to U-4 (Commercial) use district and further amending Ord. No. 2812. (Sponsored by Councilwoman Holzheimer Gail by request of the CS&ED Director)

Councilwoman Holzheimer Gail moved for passage, Councilman Gallagher seconded,

Councilwoman Holzheimer Gail moved Ord. (283-98) to the Planning & Zoning Commission. Councilman Dallos seconded.

Roll Call: Yeas: Dallos, Holzheimer Gail, Gallagher, Korosec, McGarry, Vadnal, Cervenik. To Planning & Zoning Commission.

**Ord. 235-1998 (285-98) County Board of Health**

An ordinance authorizing the Mayor of the City of Euclid to enter into a contract with the County of Cuyahoga, District Board of Health, for various health services for the City of Euclid for the year 1999. (Sponsored by Mayor Oyaski)

Councilman Vadnal moved for passage, Councilwoman McGarry seconded.

Director Balazs - This is a contract for the public health services by the District Board of Health of Cuyahoga County for the City of Euclid. There is an Exhibit A that shows the contract for the year of 1999. This provides for the necessary medical, nursing, sanitary, laboratory and such other health services that are required by the statute of the State of Ohio. The payment for this service is deducted from the advances of our real estate taxes and the service charge for the year of 1999 is \$150,906 to take advantage of the services provided by the county. We are recommending passage of this ordinance for the Cuyahoga County Health Services.

Councilman Dallos - Cost for 1998?

Director Balazs - The cost for 1998 was \$141,578. There is an increase of about \$9300. The last increase was in 1996 and for '97 and '98 we were at \$141, 578 figure and for 1999 the increase will be about \$9300 for the health services.

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, Holzheimer Gail, Gallagher, Korosec, McGarry, Vadnal, Cervenik. Passed.

**Ord. 236-1998 (286-98) Juvenile Diversion Staff**

An emergency ordinance authorizing the Director of Law of the City of Euclid to continue to staff the City of Euclid's Juvenile Diversion Program. (Sponsored by Mayor Oyaski)

Councilwoman Holzheimer Gail moved for passage. Councilman Dallos seconded.

Director Murphy - Funding has already been obtained by the City to continue this program for another year. Funding is provided through what is known as a Weed and Seed grant which the City has obtained from the United States Department of Justice. As far as the involvement of the law department we have two people on staff. One is the hearing officer, who conducts hearings of the incidents involving juveniles, the purpose of which is to accommodate the juvenile and the parents to keep them from having to make a trip downtown to juvenile court. The matters which are relatively minor in nature are handled here locally as opposed to being referred downtown to the juvenile court. The other employee is a community service supervisor. The juveniles are routinely and customarily, as part of the program, referred to perform some community service, which is performed on Saturday mornings. So, as generally not to conflict with school and other activities they might be involved with. Your passage of this ordinance will allow us in the law department, to contract with the 2 individuals who have been providing those services for the past year. Again, the funding is provided by a federal grant.

Director Murphy - To update you a little bit in approximately the 1 year that the program has been in effect here in Euclid, there have been 39 juveniles, as of the end of August. Which was, about the 1 year mark of the program. They were referred to and actually completed the program. Completing the program means they appeared for their hearing, were referred for either community service, some were referred for counseling, and 39 of the juveniles who were into the program completed all of the steps. There are right now approximately 15 individuals who are in the program. The program was a little slower during the summer months, but it has picked up again since the school year began. There are now about 15 in the program.

Some of the community service that the juveniles have provided has involved assisting neighborhood associations, cleaning up targeted areas in the neighborhood associations. The children, when they report on Saturday mornings for their service, report to the police mini-station and from there they are transported to the area where service will be performed on that particular day. Some of the juveniles who were in the program also assisted in the Tungsten Neighborhood Playground construction earlier this summer. If you have any other questions, I think I addressed all of Dorothy's questions.

President Cervenik - What is the cost? We know it is paid for by a grant, but what is the cost?

Director Murphy - The two individuals with whom the Law Department contracts, the hearing officer and the community service supervisor are paid on an hourly basis. The hearing officer receives \$15 for each hearing that he conducts. A hearing lasts about 15-20 minutes. He usually has 3-4 hearings on a Wednesday afternoon, here in the small court room. The community service supervisor is also paid on an hourly basis. I'm not sure exactly what his hourly rate is, but again, the funding all comes out of the Weed & Seed grant, no city general fund or other revenues are dedicated.

Mayor Oyaski - The approximate cost for the first year was about \$5,000. It depends on the case load. As the program becomes more implemented and thoroughly involved in the community with the police department, the cost could rise slightly. The cost for the first year was approximately \$5,000.

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

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

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

**Ord. 237-1998 (287-98) Cleaning City Hall**

An ordinance authorizing the Director of Public Service of the City of Euclid to enter into a contract after advertising for bids for the cleaning of City Hall for the year 1999. (Sponsored by Mayor Oyaski by request of the Service Director)

Councilman Dallos moved for passage, Councilman Gallagher seconded.

Director DiNero - We would like to amend this ordinance tonight. We would like to contract for two years. We would probably get a cheaper price if we did that. Also, we would like to include the police station.

President Cervenik moved to amend to extend the contract for two years and to include the police station. Councilman Vadnal seconded.

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

Director DiNero - As far as the cost for cleaning the city hall and that is this particular building including the Finance Department, lobby and the Executive-wing, it cost the city \$21,600 for this year, 1998.

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

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

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

**Ord. 238-1998 (282-98) Demolition 161 E. 220**

An ordinance authorizing the Building Commissioner of the City of Euclid to enter into a contract after advertising for bids, for the demolition of the condemned structure located at 161 E. 220 St., Euclid, Ohio, Permanent Parcel No. 642-08-012, to be in accordance with specifications on file in the office of the Building Commissioner and pursuant to the provisions of Sections 1703.50-56 of the Euclid Codified Ordinances and Section 715.26(B) and 715.261 O.R.C. (Sponsored by Councilwoman Holzheimer Gail by request of the CS&ED Director)

Councilwoman Holzheimer Gail moved for passage, Councilman Vadnal seconded.

Commissioner Apanasewicz - This authorizes the city to demolish this structure. It has severe structural problems that are not easily or economically abated. \$5,000 estimate for the cost of demolition and we'll access the property owner.

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

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

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

**Ord. 239-1998 (277-98) Lease Golf Carts**

An ordinance authorizing the Director of Parks & Recreation of the City of Euclid to enter into a contract after advertising for bids for the leasing of forty (40) golf carts for the Briardale Golf Course for a period of three (3) years, from April 1, 1999 through November 1, 2001. (Sponsored by Councilwoman McGarry by request of Parks & Recreation Director)

Councilwoman McGarry moved for passage, Councilman Korosec seconded.

Director DeMinico - This is a housekeeping issue. Every 3 years we go out and advertise for bids to lease a new fleet of golf carts for Briardale Greens. The past lease agreement was a 6 year term, it was a renewable three year term after the initial first three year term. We are anticipating a cost of approximately \$40,000. We did this bid 6 years ago and paid \$33,000 for the last contract. We've been snooping around and finding out the going rate, that is a dollar amount that we are anticipating, approximately \$40,000. Currently, as of September 30<sup>th</sup>, the cart rental fee has brought in \$120,000. It is a profitable venture to rent golf carts, people that don't want to walk.

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

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

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

### **CEREMONIAL RESOLUTIONS**

#### **Res. 229-1998 (284-98) Kevin Flynt**

A resolution of appreciation upon the retirement of Kevin P. Flynt, dedicated and supportive member of the Euclid Board of Education since January 1, 1996. (Sponsored by Mayor Oyaski & entire Council)

#### **Res. 230-1998 (289-98) Mr. & Mrs. Eckart**

A resolution of congratulations to Edward and Mary Eckart who are celebrating their Golden Wedding Anniversary on October 23, 1998. (Sponsored by Mayor Oyaski & the entire Council)

#### **Res. 231-1998 (290-98) Pete Tancredi**

A resolution of appreciation upon the retirement of Pete Tancredi from his dedicated work at Briardale Greens Golf Course. (Sponsored by Mayor Oyaski and the entire Council)

#### **Res. 232-1998 (291-98) Iodine Deficiency**

A resolution declaring October 26 through 31, 1998 Iodine Deficiency Disorder Week in the City of Euclid, Ohio. (Sponsored by Mayor Oyaski and the entire Council)

Councilman Dallos moved for passage, Councilman Gallagher seconded.

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

### **COMMITTEE OF THE WHOLE**

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

Mr. Harvey Mlachak - 23831 Lake Shore Blvd. At the last two Council Meetings, I asked two questions: How long are you going to let the Friends of the Henn House violate the zoning laws and the park closing hours at Sims Park? Question 2: Who in the Administration is responsible for seeing that the City and/or the Friends of the Henn House obey these laws? Perhaps I didn't get an answer, maybe I didn't wait long enough.

We know the Park and the House, against the recommendations of the Planning and Zoning Commission, was rezoned or given a Use District Exception by this Council to a U-R-6, which is philanthropic or eleemosynary in nature. I can give you the definition of both of them if you choose.

I hope first I can get an answer to my first two questions. Then, I have three pictures here, taken over at Sims Park. One of them is of Valeria's Bridal Shower. The other one, is a huge tent set up for a wedding, both at Sims Park. Which I'm sure that you agree with me that they violate the zoning laws because certainly they are not philanthropic or eleemosynary in nature. If you are interested in them, these are the two pictures.

Picture #3 are the signs on entering Sims Park. Mr. President, I hope you'll do me the honor of reading them and tell me what they mean and to whom do they apply.

President Cervenik - Harvey, this is the time for the audience to participate, not me.

Mr. Mlachak - I've got to get some answers some place.

President Cervenik - Harvey, I'll read it for you because I like you. It says, Speed Limit 15, that's the first one. No Dogs, Alcoholic Beverages or Golf. The last one is Park Closes at Dark.

Mr. Mlachak - To whom do they apply, sir?

President Cervenik - It applies to people using the park.

Mr. Mlachak - Everybody straight across the board?

President Cervenik - When we determine, Harvey I don't want to get into a debate with you because it is really not proper at this time, but it seems to go on every week. When we allowed the property to be leased, it was understood that there would be times when that property would be used for various purposes, including philanthropic, past darkness. It may not be that clear in the lease. I've asked for the Law Director and we will have it, maybe even next meeting, to clarify a lot of these items you are bringing up and to bring it into the lease, or into code, and if we need legislation to pass it, we will to make sure that we are not breaking the laws. I really feel, at least when I voted to let the Friends of the Henn have that lease, they will use it and rent it out to people, there would be times when they would be using the home itself after dark. But because of your questions, I believe you are right, we do need to clarify that in writing, legislatively, and we shall do that.

Mr. Mlachak - Thank you kindly sir. Now the other two questions is that I had asked as far as the zoning laws and who is responsible for seeing that the City planned or the Friends obey these laws?

Mayor Oyaski - Harvey, you've asked these questions a few different times. I think it is clear from the Charter which I past out tonight, that the Mayor is legally required to see that the laws of the City of Euclid are faithfully obeyed and enforced. That includes the laws pertaining to zoning and the laws pertaining to park closing hours. In my opinion, as the Mayor, as the former Law Director, as someone who has sat here for the Council meetings, the Friends of the Henn House are not violating either the zoning ordinances or the park closing hours based on their current use of the Henn House.

I am the one responsible under law, by Charter for enforcing it. If you read your code, and there is not reason for you to know all these details, the Council has never set a specific closing time for Sims Park. The Council authorized the Parks & Recreation Director to set a rule determining when the park would close. The park closes at dark, which is different in June than it is in December. However, going to and from the Henn House is clearly authorized by the lease which this Council unanimously approved. No one is going to be cited for going in and out of the Henn House, or using that parking lot adjacent to the Henn House. I think there is a clear distinction between the beach and the park property and the Henn House. I'd like to note that for 35 years, the City of Euclid used the Henn Mansion basically in an identical way to the Friends of the Henn House currently are. In answer to your question, I, as the Mayor, am responsible for seeing that the law is faithfully obeyed and enforced based on the current ordinance and based on the lease. I do not believe the Friends of the Henn House, or their guests are violating either zoning laws or park closing hours by coming to and from the Henn House after dark; or, by having a baby shower or a similar event inside the Henn House. If the Council wants to change those rules, I'll enforce whatever Council decides to pass.

This has come up a number of times since we've had these debates with the Friends of the Henn House. As someone who's been here a long time, I don't think the Friends of the Henn House and their guests are doing anything substantially different than what the City did for 35 years when the city managed that property. I hope that answers your question. You may not agree with it, but that's why the city is performing as it currently is.

President Cervenik - Harvey, you allowed us to use up your 5 minutes.

Mr. Mlachak - Yes, that's why I cut mine short. Thank you very kindly.

Mrs. Mary Hagenbaugh - 20200 Hillcrest Drive. I'm here tonight mainly for comments and questions from the Parks & Recreation Director, most probably just from him. My daughter plays on the tennis team at Euclid High School, which season ended two weeks ago.

Mrs. Hagenbaugh - The only reason I mention this is because in the course of attending several of the matches, there was a rumor that half of the tennis courts are going to be removed and replaced with a skateboard, in-line roller skate, type of track. If this rumor is true, I don't understand why they are going to take out half of the tennis courts. There's only 10 tennis courts for the whole City of Euclid. The city has approximately 40,000-50,000 residents. There are some tennis courts at Central, however, it belongs to the School and is under the Board of Education's jurisdiction; therefore, they are always locked if the children from the school are not using them. There are a couple of tennis courts at Indian Hills, however, again, that is on School Board property, that's not run by Parks & Recreation from what I understand. The tennis courts that we have currently are a terrific facility. Going to several matches, you hear this from other teams, other coaches, other parents from other districts besides our own.

As I said, I don't see a purpose if this is true to tear up this very good facility that the City of Euclid does have. Instead, they ought to pick out a different location, if in fact they are going to put in some type of skate-board track. Which, it will serve the residents and the children of the city, so I'm not against that, I would just prefer that you look for a different location such as possibly the large parking lot, right outside the ice skating rink, next door to the tennis courts. The parking lot is huge, I'm sure there would be plenty of space in there to use up this potential track, if in fact this is true.

Director DeMinico - It is correct, currently we are studying the possibility of adding a skate board park, perhaps an in-line skating rink to the 4 tennis courts that are next to the sand volleyball courts. It is not a done deal. Since we have initiated this research there has surfaced a private enterprise that has gone into the recreational facility on Euclid Avenue. We've had conversations with that individual. We don't know if we are ready to get into a skate board park business to compete with the private sector. The reason we were looking into it is because the kids are asking for it. They are going into the business areas, they are going behind stores. Stores don't want them. It is our responsibility to service all of the youths of the community and we understand that there maybe some other areas. But, we have a great facility right there that could service a skate board park.

We have for the last 2 years surveyed our tennis courts. Between the hours of 7:00-10:00 during the months of June, July and August, when we have a park attendant and we turn our lights on. The average that is used during those high times are about 4 ½ courts. I will grant you that there are times when all 10 courts are going. There's also times when there is one or two courts going. That is why we charted it over two years because we knew that taking away 4 tennis courts may cause some problems. In particular, with the High School team because of a situation with the amount of courts that they need for the JV and Varsity match. You are right, Central has 5-6 wonderful tennis courts, as well as Forest Park, Glenbrook. We control, there's 4 courts up there, Indian Hills has three, Willow has one. You are correct. Rumors are flying around right now, but it is not a done deal. One thing is for certain, one way or another those courts will be repaired. We repaired courts 1-6 last year about \$14,000. We are requesting additional funds out of our recreation capital budget. There are several cracked areas. They will either be resurfaced or tennis courts, or the possibility of an in-line rink and a skateboard park. Again, it is not a final decision being made.

Mrs. Hagenbaugh - Is that a decision you would make, or would you ask for public input?

Director DeMinico - We discuss our recreation capital budget during our regular monthly Recreation Commission meetings. We discuss the 1999 capital budget in Finance Committee meetings that are open to the public. Certainly, Mrs. Hagenbaugh, I would be glad to sit down with you and discuss it further.

Mrs. Hagenbaugh - Actually I'm here on behalf of my husband. He's out of town on travel. Since I'm presenting it from him actually. He's the person that I'll give the information to then.

Councilman Dallos - Just to address that issue, I think we should wait until the facility is open at the General Motors plant before we really give this any thought.

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

President Cervenik recognized the students from Euclid High School and John Carroll University.

**COUNCILMEN'S COMMENTS**

Councilman Dallos - There will be two Service Committee Meetings next Monday and Wednesday. First meeting on Monday will be to discuss the Euclid public buildings, the buildings that the City of Euclid owns, the status of them. Wednesday will be the Incinerator and Shore School.

Councilwoman McGarry - There will be a meeting this Saturday at the Henn from 9:30-11:00, downtown Euclid revitalization, a follow up to the summer meeting, featuring these downtown Euclid property owners: Miles Carter, Robert Spies and Jim Weisman from the Levin group. Also there will be discussion and representatives from our Administration on the establishment of a special improvement district.

President Cervenik - Finance Committee Meeting this Wednesday at 7:00. We will have an overview of the General Fund. We will be reviewing some of the budget amendments that will have to be made. We will also get a run down on our capital budget through September 30<sup>th</sup>.

**ADJOURNMENT**

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

Attest:

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
President of Council