

**COUNCIL MINUTES
DECEMBER 21, 1998**

The regular City Council Meeting was held on Monday, December 21, 1998 at 7 PM in the Euclid City Hall Council Chambers. President Cervenik presided.

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

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

Council Minutes

Councilwoman Miller moved to approve the Council Minutes of December 7, 1998. Councilman Vadnal seconded. Yeas: Unanimous.

Administration Reports & Communications

Law Director Murphy - I'd like Council to be aware that demolition started at Parklawn Gardens today on that portion of the property purchased by the City earlier this year. I believe the first 7 buildings are vacant and currently as of today under demolition. I'd also like to announce that the gas station at E. 222nd and Euclid Ave. has also been demolished. It has been an eyesore for some time and that was taken down last week, I believe. Thank you.

Mayor Oyaski - Thank you Mr. Murphy. We tried something new this year to encourage residents to decorate their properties for Christmas with lighting displays and we've included a number of those homes on Channel 51 for everyone to see. We had a contest in connection with this, run by the Parks and Recreation Department and we had 45 homes nominated and 20 were selected as finalists. I do want to publically thank the judges because it is not an easy task to judge something like Christmas lighting at our homes. I will say I saw plenty of homes decorated in all the neighborhoods of the City. The judges tried to pick the 4 best of such displays deserve our thanks and appreciation. They are: Beverly Valencic, Joe Mayer, Councilwoman Miller, Council President Cervenik, Councilman Gallagher, School Board Member Howard Drake, Madeline Scarniench, and Lisa Mayernik. Mr. DeMinico and I want to thank those judges.

Mayor Oyaski and Director DeMinico presented the Zavorek Family, the Kastelak Family, the Duxbury Family, and the Fleck Family with awards for the holiday lighting contest.

Mayor Oyaski and Director DeMinico presented Res. 285-1998 to Greg Brochak and Frank Parsons.

Reports and Committee Minutes

Councilwoman Miller moved to receive the Board of Control Minutes: 11/30/98 & 12/07/98; Fire Report, November, 1998; and Planning and Zoning Minutes, November 17, 1998. Councilman Gallagher seconded. Yeas: Unanimous.

Lot Split

Councilwoman Miller moved to affirm a lot split & consolidation at 265 E. 206 St., P.P.#642-18-145. Councilwoman Holzheimer Gail seconded.

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

Affirmed.

Committee of the Whole

Jerry Corbran - 24250 Maplewood Dr. The limited version of the harbor envision and earlier concepts should be supported. The designers must however consider future expansion. I predict this first step designed to attract initial investors will succeed and before the first boulder is placed on the break wall, other investors will jump in. The western end of the lakefront has three large parcels that would be easier to develop than these under consideration. My interest has always been for a full harbor with a recreation pier at Sims Park, for general public enjoyment. However, this first step if done correctly can lead to the whole bag. The bottom line here is we are going to spend some city funds here to get under way. That's no big deal when we consider the colossal blunder of preceding Councils in allowing outrageous zoning of valuable lakefront property. This may be the only chance we have to correct the sins of our fathers who destroyed our neighborhood. This is not a study, this is for real, let's go for it. Thank you.

Dorothy Fike - 20271 Delaware Rd. #3, what is the difference between a landmark and historical designation? You can answer it when it comes up on the agenda. I especially want to speak to item #4, the contracts for the marina study. Several months ago I was talking to the Mayor and he envisioned a public park on that small area of land next to the Americana. I thought it was a great idea to have a little mini park for the entire City of Euclid, that they could get down to the lake. I did know that he applied for a grant from the State and just got a small \$50,000 and they applied for \$1,000,000. Now, I don't know what a park would cost, you know counting the property and everything, but I still think that would be a wonderful idea for the entire City of Euclid. Now, this proposal for the marina, for the contracts, I was at the meeting Wednesday night, the Executive Committee Meeting, when this was fully. I explained, I thought it was a wonderful meeting. The first time it was explained to the public and to the Council Members and to whoever else, some of the in and outs of the financing of different things in the City of Euclid. It was very interesting to me to find out all of this indebtedness that we have in Euclid has never been taken to the vote of the public and does not have the full force of the City behind it because that's one of the ways that the City can borrow money. I especially object to the fact of \$26,000 for a conceptual design for the converting of the Americana Apartments into condominiums. Now, one of the owners, the three, were here last Wednesday night and said that they were just here to listen. They have not expressed any interest into selling their property to be turned into condominiums, so they have no idea what it would be. The new restaurant that the developer is talking about on the small parcel next to it, is again conceptual. The developer talked about access to the lake. As I understand it, and I might be wrong, it would just be a walkway. He envisions a restaurant that the people in the restaurant can see the beautiful sunsets. Now, if this Council and the administration thinks that a walkway from Lakeshore Boulevard to the lake is public access, that is not my idea of public access to the lake. To me public access means where the people can go and enjoy it, not just that.

Again, the borrowing of, I mean using money for private development really goes against the grain of the citizens of Euclid. I know the last time it was on the agenda, last month, they say it came out of the marina account. The marina account, according to Wednesday night, in which I understand, was 1998, the City sold \$100,000 again of the citizens money, of Euclid, not a developer, not anybody else, except the citizens. Of that they have used \$80,000 for different plans. Again, it is not a marina account, it might be that on the books. But, it is the public's money, the citizens of Euclid's money and I think that before they go further with this they should go to the citizens to see if the citizens actually want this kind of development. I hadn't heard of this meeting that was requested for a public meeting, I support it whole heartedly because the public was not allowed to speak last Wednesday's Meeting and I do think that the public should have more input before more City money is spent on this project. Thank you.

Mike McPhillips - 20531 Crystal Ave. #20 on the agenda, when you get to it, Mr. Balazs could you explain how much CCA is currently being paid, if you know that off hand and then what they are going to do for the \$33,000 that they are getting, whatever the income tax consultants are.

Mr. McPhillips - Also, I'd like to talk about the marina issue. I was also at the meeting on Wednesday night and it explained a lot. In my opinion, it clarified things for me, and made me even more in favor of it. I think that there was a study done in the last 6 months or so by the City. There were some questions about a marina, which Dorothy Fike had mentioned, and I believe there was quite a bit of support. In particular, if there is not a tax increase, the support is overwhelming. I would encourage the City Council to pass the legislation tonight. Thank you.

Dan Pfeifer - 60 Lake Edge Dr. I've lived in Euclid since 1992 and I wanted to talk about the marina project. I have a background in cartography and geographic information systems and industrial location. I currently teach engineering at Lakeland Community College, most significantly though, I think, I'm a boat owner. I haven't heard from anybody who is a boat owner on this subject. I live on Lake Edge Dr., which is just east of Sims Park. If a larger scale break wall were built, my street would be behind it, I'm therefore admittedly biased on the subject. I fully support the concept, however there are several considerations, I think, that should be made. I agree with Dorothy Fike, public access is key to a successful marina project. But, I do support the use of public funds for a study. I think a publically funded study could attract private investment. I think that's very important, I don't see this going on without some sort of private investment. On to the marina, there are a couple considerations I just wanted to put out.

First of all, I think any facility that is built should include municipal dockage. Municipal dockage would be 15 to 30 dock spaces for transient boats, boats coming to visit. These transient docks, municipal docks should be as close to downtown as possible. The proposed facility that we saw last Wednesday is too far away. Now, that doesn't mean we couldn't stage it, but I think it needs to be close enough where boaters, and I'm a boater, could come out to Euclid, tie up their boat, walk to downtown, have dinner, see a movie, go back to their boats and off on their merry way. It could also be a revenue generating facility dockages on the order of \$1.00 a foot, it's not a lot of money, but it could probably pay for itself in terms of the basic maintenance. Second, a small boat launch area should not be included. These facilities exist at Wildwood and I don't think we want to deal with the kind of trailer traffic that would be resultant from that. Third, very important, a facility with 350 boats much less 700 boats would require police, fire department, or Ohio Department of Natural Resources emergency response capacity. This is something that has to be considered.

Fourth, I think any facility built should ultimately have the capacity to receive larger visiting vessels like the Niagara. Imagine having a Euclid summer festival with the Niagara. The Niagara is the rebuilt flagship of Comdr. Oliver Perry from the War of 1812. It's about 150 feet long. I think any facility we are serious about building should be something that could receive that kind of visitor. Also, I think a space for excursion boats, something like the Goodtime, those sorts of things. Public access, again that's so important. A large break wall walkway would be wonderful if it started from Sims Park, that would be excellent public access. People would come out there and watch the sunset. The nice thing, I think would be a lighthouse. These are a lot of little details, but imagine going out there, you'd have people coming here to sit and watch the sunset and paint pictures of our lighthouse. That would be very nice I think.

Lastly, consideration of winter storage has to be made. The average 30 foot boat takes up about 400 square feet of space when it's out of the water. These boats have to be out of the water half of the year. 350 boats will take up about 140,000 square feet. That's a conservative estimate. I think that the parcel of property that we are talking about next to the Americana is on the order of maybe 200,000 square feet. I don't know, a little more maybe. At any rate, that's about 700 parking spaces. So, it is a considerable chunk of space. I don't think that's a deal killer, if I had my boat in Euclid, I would probably winter it at Fairport or Downtown. I'd like to see a formation of a citizen advisory committee. I'd be happy to participate in that. Again, I want to say public access is really, really key to this. Thank you.

Jack Fraier - 235 Greenbriar. Let me speak very briefly about item #4 on the agenda, the marina condo study. I attended last Wednesday's meeting also. If I remember correctly, the proposed name for the marina and the condo was Summer Wind. It did not escape my attention that a synonym for summer wind is hot air.

Mr. Fraier - I have watched this program now and every time it is discussed it's something different, something different. Who can oppose it, but who can support it. I also call it to Council's attention another interesting little fact. This City was born September 30, 1796 under the sign of Libra. The symbol for Libra is the scale. This City has demonstrated, as far as I'm concerned magnificently that it will verbally and financially support any developer as far as it can go. I would like to see the scales balance now and for the dreamers to come up with some cash, some contracts, some concrete and a real plan for a condo and above all a big parking lot if there is going to be a big public marina. I would suggest Council either vote no on #4 or send it to a committee where it may lay dormant until we see those scales balanced. Thank you.

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

LEGISLATION

Rezoning (283-98) Second Reading

An ordinance rezoning a parcel at 604 E. 200th 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) (Recommended for passage by the Planning & Zoning Commission)

Second Reading. Public Hearing January 4, 1999.

Res. 286-1998 (341-98) UDE Mullin Property -

A resolution granting a use district exception, pursuant to Chapter 1375 of the Codified Ordinances of the City of Euclid to Mullin Property Management Ltd. to allow a U-5 mini storage use district in a U-6 industrial use district, at 1300 E. 260th Street (P.P.#648-20-005) (Sponsored by Planning & Zoning Commission)

Councilman Korosec moved for passage, Councilwoman McGarry seconded.

Councilman Korosec moved to waive the three reading rule. Councilwoman McGarry seconded.
Roll Call: Yeas: Dallos, Farrell, Holzheimer Gail, Gallagher, Korosec, McGarry, Miller, Vadnal, Cervenik.

Rule Suspended.

Commissioner Hayes - Mullin Brothers Painting Company bought this property very recently. They are moving their company into there from another spot that they are at down the street on 260. They've got a very large parking lot, approximately 12,000 sq.ft. to the rear of the building. They are proposing storage for recreational vehicles, mainly boats. They proposed having approximately 20 boats in the parking area. Possibly having 20 more on the inside of the building. What we've asked for tonight is a U-5 which is storage/warehouse type use in a U-6 district.

President Cervenik - It was passed by Planning & Zoning?

Commissioner Hayes - This was passed unanimously by Planning & Zoning.

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

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

Passed.

Ord. (342-98) Euclid Landmark Commission

An ordinance creating Chapter 1303 in the Planning & Zoning Code of the Codified Ordinances of the City of Euclid in order to establish the Euclid Landmark Commission. (Sponsored by Councilwoman McGarry)

Councilwoman McGarry moved for passage, Councilwoman Miller seconded.

Councilwoman McGarry - This ordinance was created in order to ensure the recognition of many structures which add to the total value of our city. To answer Dorothy Fike's question, unless I would defer to the Law Director if he wants to get into it more technically, the purpose listed here is to designate landmarks in the city pursuant to the procedures hereinafter described, in order to preserve, protect and perpetuate places buildings, structures, works of art and other objects having a special historical community or aesthetic interest or value. All for the reasons described in the remainder of this section and then it goes on.

President Cervenik - This is an amendment to the Planning & Zoning Code. It needs to go to Planning and Zoning.

Councilwoman McGarry moved Ord. (342-98) to Planning & Zoning Commission.
Councilwoman Miller seconded.

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

To Planning & Zoning Commission.

Ord. 287-1998 (336a-98) Marina Contracts

An ordinance authorizing the Mayor of the City of Euclid to enter into three (3) contracts for the purpose of a marina study with the following consultants for the services designated. (Sponsored by Councilwoman McGarry) (Recommended for passage by the Executive Committee)

Councilwoman McGarry moved for passage, Councilwoman Holzheimer Gail seconded.

Councilwoman McGarry - As was noted already previously, this ordinance was heard last week and was recommended for passage by the Executive Committee. I would move for passage of this ordinance this evening.

Councilman Dallos - I would like to delete or omit Section 1 at this present time. That is the architectural study. The ownership of one of the major apartments is in a state of flux at this time. Until we know who the new owners are going to be, which I understand will be in the next 3-6 months possibly. I think it is not very feasible to spend the \$26,000. The balance of the money, I wholeheartedly agree with. The survey should be done on the four lots, because that's very important to have that completed and whatever work has to be done on the marina.

President Cervenik - Before we make that a formal motion, is there any other comments on that suggested path?

Councilman Gallagher - I have comments, only in general that I expressed my concerns at our Committee Meeting that there's the lack of financial participation from the private sector, makes me very, very uncomfortable. Especially with the amount of investment that we are talking about in private property. I would like to offer for consideration yet another option. Rather than spend this money, the \$48,000 in the marina account along with the \$50,000 that's been committed to the city by the state. I would rather see us go forward and contribute that money towards the purchase of lakefront property. If a marina is in the city's future, we will have the property upon which to develop. If a marina is not in the city's future, we'll have a publicly accessible park on the lakefront.

Councilman Farrell - I support Councilman Dallos's amendment. I thought about this all weekend. If the Americana is not behind this project, this particular marina project is dead, dead in the water. The Americana's response or non-response is a no way encouraging to me at all. Until the Americana until at arms length embraces this particular marina project, I don't think it makes any sense to move forward with this study.

Councilman Dallos - To address Mr. Gallagher's comments. In Section 3, no matter what we do, it would still be important because there is a survey of all 4 lots there. You would need that if you were going to build in his direction in purchasing, \$96,000 I don't think you could purchase any one of those properties, but you would still need Section 3.

President Cervenik - We can do Section 2, because we are looking at a somewhat smaller marina. We had report done for \$14,000 for 731 slip marina. This will reduce that. The gentleman escapes me from Danter, but he had offered to revise some of their assumptions and some of their work at their cost, once the Matrix engineering study is done. We will be moving forward on the marina project itself. That was very encouraging that they had offered to do that.

Councilman Dallos moved to amend by striking out Section 1. Councilman Gallagher seconded.
Roll Call: Yeas: Dallos, Farrell, Holzheimer Gail, Gallagher, Korosec, McGarry, Miller, Vadnal, Cervenik.

Amended.

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

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

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

Passed.

Ord. 288-1998 (160b-98) Non-Union Ranges

An emergency ordinance amending Ord. No. 227-1996, known as the 1996 Consolidated Compensation ordinance, by the adoption of the results of the National Position Evaluation Plan study of all City of Euclid non-union, described positions, to be effective January 1, 1999.

Councilman Korosec moved for passage, Councilwoman Miller seconded.

President Cervenik - Before I turn this over to the Mayor, an ordinance somewhat similar to (160b-98) has been in Executive Committee. Take a good look at the ordinance that came to Executive Committee and what we have now, it has greatly changed. The Mayor asked permission if he could put this on the agenda tonight and discuss it a little bit with us and hopefully get it passed before the end of the year, so come January he can make some of the appropriate changes to some of our non-union employees. Mayor.

Mayor Oyaski - The subject of pay equity was brought to my attention early on in 1996 by the clerical employees working at City Hall and clerical positions outside of City Hall. I met with all of them in these chambers and I indicated that we would do a study to try to determine pay equity and develop a plan in order to resolve any problems that were found to exist.

I say this to you as a matter of prolog because the Council's had this before its committee since June. Now in June the Council asked that the job descriptions be reviewed with each and every employee. That was done and modifications were made and Ord. (160-98) became Ord. (160a-98). At the last Committee Meeting the Council asked if the Directors have reviewed and approved the plan. Since that meeting the Directors have reviewed and approved the plan to my knowledge:

Mayor Oyaski - It is a starting point, it is an attempt to address identified issues of pay inequity in the clerical positions at City Hall. These are non-union positions. It is a starting point. We want to fine-tune it as perfect it as the year goes on. It allows us to resolve some problems that we've identified. I'd ask for your support and I'd ask the Directors tonight because they had questioned the last form, to add their comments so that the Council can be fully aware of the Department Heads position on this important piece of legislation.

Director DiNero - At the last meeting on this ordinance, I criticized it. I didn't think it was the right thing to do as it was written then. I can fully support the changes that were made here. I talked it over with the Mayor, went over it and am in full support of this ordinance right now.

Director Balazs - You mentioned there were several changes that were made since the last time Council saw this from the Finance Committee. I agree with some of those changes, but the Finance Department is a technical area, I have CPA working for me, I have people with a tremendous amount of experience. I'm going to make a review in 1999 to see if their salary's are commensurate with what this study has to say. The Mayor indicated that it is a starting point. There's flexibility with it and based on that, I agree with it.

Director Koran - There are over 53 employees in the non-union positions in my department, that's over one-third of the positions that are in Community Development. As Director of the department, I fully support this ordinance as the Mayor has revised it.

Director Murphy - As most of you probably know, I was in the Cuyahoga County Prosecutor's Office before I was afforded the opportunity to come here and work in the City of Euclid. About the last two years before I left the County, the County Prosecutor's office underwent a very similar process for classifying its employees. There are no union employees in the Cuyahoga County Prosecutor's Office. There are some 300 employees, all of whose jobs were reviewed, classified. I had a great amount of input at least with respect to the employees who worked under me as a supervisor in that department. The study here in the city had already been undertaken by the time I got here, but I believe the results that I have seen and reviewed indicated that the study has been very professionally done. A great amount of thought has gone into reclassifying these positions and I also am in full support of the study and the recommendation put before you by the Mayor.

Director DeMinico - Parks & Recreation has about 16 non-union employees. We deal with the public everyday. We deal with thousands and thousands of people that walk through the gates of our pools, to volleyball leagues. They don't always agree with the officials' calls. We have a philosophy that we try to keep 7-8 out of 10 people in our programs happy. We'd love to make everybody happy. It is not going to happen and we realize that. This is fair in addressing some key issues that have been lacking in particular in the recreation field for many, many years. If you remember, back in 1984 when it was operated under Recreation Commission, we were not even a city department. We were in maintenance driving around with holes in the bottom of our truck. We got laid off in September and we didn't know what was going to happen. It is a great opportunity for a lot of our employees in the Recreation Division and I know that we're excited about it.

President Cervenik - It should be noted that as situations change with individual positions, we always can make amendments as Director Balazs has made comment tonight that he is going to continue to reviewing it. I think Council would be very receptive to appropriate amendments to this ordinance.

Councilwoman Miller - I have a concern with this but I'm willing to go along with this as a start. I would like us to review this after a certain period of time. Instead of having a Director come to us and say we'd like to change such and such, I would like us to look at this after six months, or September. I would like this to come back to us and if there are changes to be made, it will all be done at the same time.

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

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

Councilwoman Miller - Do I have to put that into a motion to come back to us in September?

President Cervenik - Whatever our fall Finance Committee Meeting would be, that will be on the Agenda. I'll write it on the Clerk's calendar. She won't forget, I will, but she won't.

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

Passed.

Ord. 289-1998 (357-98) Lake Shore Tavern

An ordinance amending Section 3 of Ord. No. 208-1997, passed by Council on October 20, 1997, to change the account from which the funds will be derived for the purchase of property located at 21935 Lake Shore Blvd. (Sponsored by Councilwoman Holzheimer Gail)

Councilwoman Holzheimer Gail moved for passage, Councilman Gallagher seconded.

Councilwoman Holzheimer Gail - This ordinance amends the previous ordinance just changing the funds from which the city will purchase the Lake Shore Tavern Building. You may remember several meetings ago we approved a Resolution supporting VBP Properties' plan to redevelop rehabilitate that property. In that Resolution they were to get title directly from bankruptcy court. That was not able to happen so the city will now be getting title themselves directly. Because of the time involved, that expedited the matter so that the city will purchase it. Originally the funds were to come from the block grant and I'll let either the Finance Department or Director Koran explain exactly why. Basically both are eligible expenses under either the HIP program or block grant, but because the intent is still to sell the property to VBP, it is easier accounting-wise to handle it under the Housing Improvement Program.

Director Murphy - I apologize, I probably should have reprinted the entire ordinance 208-1997 for you. However, the only portion of the original ordinance we are amending is Section 3. The earlier sections of that ordinance, Section 1 & 2, referred to the purchase of the Lake Shore Tavern Building at a cost of \$40,000. The ordinance allows a total expenditure of \$100,000 to purchase, demolish and then build a parking lot. So that everyone is clear here, we are not purchasing the Lake Shore Tavern for \$100,000, as you might be lead, someone could misinterpret through this ordinance as we've amended it. We are purchasing the Lake Shore Tavern at a cost of \$40,000.

Councilman Farrell - We are going to purchase this property for \$40,000. We are going to sell it to VBP Properties for \$40,000? Right?

Director Murphy - That's correct if you authorize us to do that.

Councilman Farrell - If they do not buy the property then we revert back to our original plan, which is buy it and tear it down. Would we then have to change this legislation again?

Director Murphy - No.

Councilman Dallos - We do have enough funds in the HIP program to purchase this?

Director Balazs - Yes we do Councilman Dallos.

Councilman Dallos moved to close debate, Councilwoman Holzheimer Gail 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.

Res. 290-1998 (358-98) VBP-Lake Shore Tavern

A resolution amending Res. No. 256-1998 to extend the date by which VBP Properties, Inc. must acquire clear title of the property located at 21935 Lake Shore Blvd., (P.P.#642-08-083) for the purposes of rehabilitation and redevelopment. (Sponsored by Councilwoman Holzheimer Gail)

Councilman Gallagher moved for passage, Councilman Vadnal seconded.

Councilwoman Holzheimer Gail - This is a companion piece to the previous. As you remember our previous resolution gave VBP Properties until December 31st to get title. Because they will not be getting it from bankruptcy court we will not be able to sell them title before December 31st. This grants them an extension in order to gain title.

Councilman Dallos - I will be voting no on this. Since we passed this the last time, there are two more stores that are vacant across the street at the present time since then.

Councilman Gallagher - I also will continue with my no vote. But I also want to make clear that I have heard nothing but excellent things about VBP Properties. My concern is with this project itself. It is a zoning nightmare because of the parking issues. Again, we need to constrict some of our storefronts. Again, I wish we could just redirect this company to a different project within Euclid. Thank you.

President Cervenik - I had a conversation today with the Councilwoman and I told her I would support this ordinance through March then that's it. I think we do have a chance to really looking at doing this. I congratulate you on your efforts on not giving up on this goal.

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

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

Nays: Dallos, Gallagher

Passed.

Ord. 291-1998 (359-98) Appropriation 1999

An emergency ordinance which makes the annual appropriation for all expenditures for the City of Euclid for the period ending December 31, 1999. (Sponsored by Mayor Oyaski and Councilmen Cervenik, Dallos, Farrell, Miller and Vadnal by request of the Finance Director)

Councilman Dallos moved for passage, Councilman Farrell seconded.

Director Balazs - By law we need appropriations to operate in 1999. If you look at the date, these are the appropriations for 1999. But we consider these temporary appropriations. We do not finalize our 1999, next year's appropriations, until our budget hearings. These appropriations will only last for the first three months of the year and by law by April 1st, we have to finalize our appropriation. These are only temporary figures here until after the budget hearings conclude and we can pass our final appropriation.

Councilman Gallagher moved to close debate, Councilwoman Miller seconded. Yeas: 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. 292-1998 (360-98) Final Appropriation

An emergency ordinance amending Ord. No. 242-1998 which makes the annual appropriation for all expenditures for the City of Euclid for the period ending December 31, 1998. (Sponsored by Mayor Oyaski and Councilmen Dallos, Farrell, Miller, Vadnal by request Finance Director)

Councilman Gallagher moved for passage, Councilman Korosec seconded.

Director Balazs - These are the proposed amendments to our current budget for 1998. If you notice, for our general fund which runs \$35 million, the anticipated changes are only \$11,000. That is basically why we didn't have a Finance Committee Meeting to discuss this small amount here. The other large amounts are ordinance driven, like the Water Line Improvement Fund of \$1 million. Most of these are amounts that we borrowed to do these projects. Under Fund 310, General Permanent Improvement, \$2,040,000 represented our down payment and first phase on Parklawn. We had a bond sale of \$3.5 million first quarter of the year. Financing of city notes, Peterson Trunk Line 515. These bonds borrowing amounts we wait until the last amendment to make sure our appropriation cover the final cost for those large projects. Those large projects are basically borrowed funds. This evening I have with us, Fred Wendel. He is the one who runs my budget for me and you'll see him again during the budget hearings. If you have any questions to these budget amendments, either Fred or I can answer it. Fred did send a letter to you explaining the amendments in detail.

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

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

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

Passed.

Ord. 293-1998 (348-98) NPDES Permit

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

Councilman Gallagher moved for passage, Councilman Dallos seconded.

Director DiNero - This is an annual fee that we have to pay to the EPA for discharging into the lake from our Waste Water Treatment Plant. This is a fee of \$13,500. It was the same fee that we spent last year. This is necessary for us to have a permit. It is an annual thing.

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

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

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

Passed.

Ord. 294-1998 (354-98) Payment to Board of Ed.

An emergency ordinance authorizing the Finance Director of the City of Euclid to make a payment in an amount not to exceed Sixty Eight Thousand Dollars (\$68,000.00) to the Euclid Board of Education as required under Ohio Revised Code Section 5709.82. (Sponsored by Mayor Oyaski)

Councilwoman Holzheimer Gail moved for passage, Councilman Gallagher seconded.

Director Koran - One of the last tax abatement applications City Council approved was for the Lincoln Electric Corporation when they moved their cored-wire division from the City of Mentor to the City of Euclid. To entice that move the city council approved a tax abatement to application. It was as I mentioned one of the last ones we approved and it was approved after the State of Ohio passed Senate Bill 19, which mandated that the city share income tax with the schools if the payroll exceeded \$1 million. As you recall, every year since this approval we have to cut a check for this School District sharing the income tax that are specifically isolated and associated with the cored-wire division project of Lincoln Electric. This year our estimate, these are numbers right from Lincoln Electric is that the current payroll for 1998 is a little bit over \$5.6 million dollars. That generates an income tax of approximately \$135,000 those employees have paid to the City of Euclid. We must share that 50/50 with the School Board. Therefore the exact amount will be \$67,552.00 we will share with the Schools. We are rounding that up to \$68,000 in case there are any adjustments after the fact. Lincoln Electric has submitted a very detailed summary of the employees that are working at the cored-wire division. This is a good thing. They have exceeded the employee projections that were in the tax abatement application. Things are good.

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

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

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

Passed.

Ord. 295-1998 (349-98) Heritage Dr.

An emergency ordinance accepting a permanent right of way and easement on the property of Argo-Tech Corporation, (H.B.P.) (A Delaware Corp.), P.P. #647-24-001, 647-30-001 and 647-30-002, for the installation and maintenance of a water main for the purpose of supplying water service. (Sponsored by Councilman Korosec by request of the Service Director)

Councilman Korosec moved for passage, Councilman Dallos seconded.

Director DiNero - This is a requirement that is necessary by the Cleveland Water Department. It is necessary to have a 40 ft. working relationship there with the installation of water line. That is a 70 ft. right of way and they need a 40 ft. easement to do their repairs for the City of Euclid. This will be requiring an extra 5 feet. Argo-Tech has signed off on it and the next ordinance is the same thing which is involving the Manor, Rich Eberhard. In that case we need a 10 ft. easement and they have signed off on it. This is just a process that we need to go through in order to install this water line and the new project that is coming up there in the near future.

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

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

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

Passed.

Ord. 296-1998 (350-98) Heritage Dr. Easement

An emergency ordinance accepting a permanent right of way and easement on the property of Richard Eberhard, P.P. #647-14-004, for the installation and maintenance of a water main for the purpose of supplying water service. (Sponsored by Councilman Korosec by request of the Service Director)

Councilman Korosec moved for passage, Councilman Gallagher seconded.

Director DiNero - Same comment.

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

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

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

Passed.

Ord. 297-1998 (355-98) Extend Union Agreement

An emergency ordinance expressing the City's agreement to extend all collective bargaining agreements currently in effect beyond the December 31, 1998 expiration date, in the case of any agreement for which a new agreement is not negotiated prior to that expiration date. (Sponsored by Mayor Oyaski by request of the Law Director)

Councilwoman Miller moved for passage, Councilwoman Holzheimer Gail seconded.

Director Murphy - As you are aware all 10 of the city's collective bargaining agreements expire on December 31, 1998. We are currently in a negotiating process with all of the unions. I believe negotiations are going very well, although some may disagree with me. However, none of the agreements will be renewed prior to December 31st. Therefore we are asking for this expression by Council of your intent and desire to continue all of the existing agreements beyond their expiration date until such time as new agreements are negotiated.

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

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

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

Passed.

Ord. 298-1998 (351-98) Youth & Family Counsel

An emergency ordinance authorizing the CS&ED Director of the City of Euclid, Ohio to enter into a contract with The Center for Families and Children in the amount of \$25,000.00 for professional services in the continued development and staffing of a Youth and Family Counseling Program, from 1/1/99 through 12/31/99. (Sponsored by Councilwoman Holzheimer Gail by request of the CS&ED Director)

Councilwoman Holzheimer Gail moved for passage, Councilwoman Miller seconded.

Director Koran - This Council approved our Block Grant Program several meetings ago. One of the line items in that Block Grant budget was funding the Youth and Family Counseling Program which we have funded for several years. It moved from the Pena Building to the Whitney Building. We are providing a \$25,000 grant from the Block Grant Program if this is approved by Council tonight. The services that are provided include counseling to families, assessment or referral, community outreach and they specialize in counseling the frail and mentally impaired elderly. Specifically they are in our southeast quadrant, our Weed & Seed area. They like being located there. They were encouraged to move to other locations but they are staying in the Whitney Building on Euclid Ave.

Councilman Korosec - Are there any minimum requirements for them to be open "x" number of hours, "x" number of days?

Director Koran - This organization is funded by the United Way in addition to our Block Grant funding. There are no requirements that we put on them. We do require that they share with low and moderate income residents a certain percentage. Currently they are at about 87%. We monitor that every year. We appreciate if they serve Euclid residents. Almost three-fourths of the residents they serve are from the City of Euclid. As far as hours of operation, we have never had a problem with that. If there is a problem that you know of, we'd be happy to talk about it after the meeting.

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

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

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

Passed.

Ord. 299-1998 (352-98) Home Health Services

An emergency ordinance authorizing the CS&ED Director of the City of Euclid, Ohio to enter into a contract with Breckenridge Village for the provision of Home Health Services in the amount not to exceed \$24,479.00 for the period of 1/1/99 through 12/31/99. (Sponsored by Councilwoman Holzheimer Gail by request of the CS&ED Director)

Councilwoman Holzheimer Gail moved for passage, Councilwoman Miller seconded.

Director Koran - This is another contract for services provided and paid for out of the Block Grant program. This is for our senior programs. This budget has gone up slightly. Last year it was \$22,000. This year we are asking for \$24,479.00 for the contract. It will be provided by Breckenridge Village. Specifically the demand has increased. What this pays for is weekly bathing services to the frail homebound seniors.

Councilman Vadnal 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. 300-1998 (353-98) Senior Nursing

An emergency ordinance authorizing the CS&ED Director of the City of Euclid, Ohio to enter into a contract with the Cuyahoga County Board of Health for the provision of Senior Nursing and Nutritional Assessment Services in the amount not to exceed \$14,000.00 for the period of 1/1/99 through 12/31/99. (Sponsored by Councilwoman Holzheimer Gail by request of the CS&ED Director)

Councilwoman Miller moved for passage, Councilwoman Holzheimer Gail seconded.

Director Koran - This is the third contract that we are asking for approval tonight out of the Block Grant program. This is also for senior citizens providing nursing assessment, health education, nursing supervision, nutritional risk intervention program in combination with the County Board of Health and also blood pressure screening at our two senior centers, Emeritus and Knuth. It is the same dollar amount as last year and virtually the same units being provided.

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

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

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

Passed.

Ord. 301-1998 (356-98) Fire Hydrant

An ordinance authorizing the Director of Public Service of the City of Euclid to enter into a contract(s) after advertising for bids for the installation and/or repair of fire hydrants for the year 1999. (Sponsored by Councilman Dallos by request of the Service Director)

Councilman Korosec moved for passage, Councilman Dallos seconded.

Director DiNero - This is normal procedure. Every year we go out for bids for fire hydrants for the installation and repair. The City of Euclid only repairs hydrants that are knocked down by accidents or by a vehicle. Any leaking hydrants the City of Cleveland takes care of. In most cases, whenever we do get a police report of a hydrant being struck, and they do have insurance, we get reimbursed for it.

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.

Ord. 3002-1998 (340-98) Dog in Park/Geese Abate

An ordinance amending Section 505.16 of the General Offenses Code of the Codified Ordinances of the City of Euclid by the amendment of subsection (b) and subsequent re-lettering of the remainder of the section. (Sponsored by Councilwoman Miller by request of the Police Chief)

Councilwoman McGarry moved for passage, Councilman Dallos seconded.

Chief Baumgart - This is merely an amendment to an ordinance to allow for a dog chosen by the Recreation Department to enter upon public grounds so that we can be within our own ordinances. The Animal Warden tells me that it is very unlikely that any of these dogs will ever catch one of these geese. It is just merely to keep them from coming onto the property.

Councilman Vadnal - How does it work? Are we doing this now?

Chief Baumgart - They have been doing this, yes. We have been in violation of our ordinances, so we decided to create an ordinance which would allow the Director of Recreation...

Councilman Vadnal - I understand that part.

Director DeMinico - Everyday in the height of the season, spring and fall, when the migration period falls, right at sunset or right at sunrise, a Euclid resident was bringing his dog over and run the course. It basically chases them from Briardale Greens unfortunately to Memorial park. We do have a problem there. However, they have done damage to the golf course, in particular some of the greens area. They like where the short grass is and stroll across. The Chief was correct, we have been doing that for several years, prior to this. We did stop this because the individual was in violation and did have to go before the Judge. It is getting to a point where we had to address now and the Chief wanted to bring it to Council.

Councilman Vadnal - I have had complaints about the park. Is there anything we can do about the park?

President Cervenik - Director DeMinico, why don't you take my dog and put him at Memorial Park.

Director DeMinico - It is a problem. I've had parents call with their 4-5 year old soccer players that come home full of goose droppings. At this point we don't have a plan for that. I suppose we can incorporate this. I don't know if that individual would be interested in going over into Memorial Park, but we did want to take a look at that.

Chief Baumgart - The ordinance does cover any public area that the Recreation Director would permit.

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

Councilman Farrell 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. 303-1998 (343-98) OH Municipal Income Tax Service

An emergency ordinance authorizing the Director of Finance of the City of Euclid to enter into an agreement with Ohio Municipal Income Tax Service, Inc. to continue providing distribution of the municipal income tax from the City of Euclid to the Board of Education, provide auditing and monitoring of distributions of the tax from Central Collection Agency (CCA) to the City of Euclid, provide a delinquency program and taxpayer assistance for Euclid taxpayers and to provide revenue projections based on the anticipated income tax collections at a cost not to exceed \$33,000.00 for the year 1999. (Sponsored by Councilman Cervenik by request of the Finance Director)

Councilman Korosec moved for passage, Councilman Gallagher seconded.

Director Balazs - To respond to Mike McPhillips, he did have some questions at the beginning of the meeting on this item on the agenda concerning the collection of City income tax pertaining to the delinquency program. He did question what the cost is to collect the total income tax through the year, and the City's cost to collect that is totaled to \$230,000 and included in that figure is the portion that we pay to Oscar Knicely who conducts our delinquency program in the City of Euclid. Mr. McPhillips also asked some of the duties that Oscar does and I did hand that out specifically attached to the ordinance what his duties are and I will give Mr. McPhillips a copy of that. In addition to what he does normally for us he also offers tax payers assistance. He's also utilized the Euclid Municipal Court on delinquencies and they have been very helpful to our delinquency program. We've had 58 cases that we have court and have 50 more to go just on income tax delinquency. The collection of delinquent taxes for the last 3 years, I've also submitted to City Council. The figure in 1996 was \$375,000 and we have our last report going through 1998 that we went over \$1,000,000 in delinquencies just in 1998. Our projection for the collection of city income tax for this year alone was \$21.6 million and we went over that projection almost by \$1 million. You can see how important the program is on delinquencies. Oscar Knicely is here this evening to answer any questions that you may have of him. He is the former director of the Central Collection Agency. Also, he brings us expertise on the computer where we are now online with the collection agency where he bumps the state tapes against the record of the Central Collection Agency. He has done an outstanding job for us to date. He started with the City of Euclid in 1993. I thought he was only going to work for us for 2 or 3 years, but he has done an outstanding job to this point and I still would like to recommend to City Council that we retain the services of Oscar Knicely. I would be glad to answer any questions you might have on the delinquency program and Oscar is present himself tonight.

President Cervenik - I would like to lend my support to Mr. Knicely's services. Although Central Collection Agency is paid by us to collect taxes, they are not quite vigorous, might be one word to use, and at the same time Oscar is vigorous and yet he's passionate. He helps people fill out forms, tries to work with them, tries to set up a payment plan so that someone could afford to pay us. It only helps us as we do get the money. As I said for 3 or 4 years now he's been doing this and I've been very impressed with the work he does. As Dick explained to us tonight, he is really quite a good fellow and collects what we may not have collected otherwise with Central Collection Agency.

Director Balazs - Mr. Chairman thanks to your help as well. You've been in contact with Oscar, Councilman Gallagher. So, we've had Council's support on this as well. We appreciate that.

Councilman Dallos moved to close debate. Councilman Vadnal 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.

Res. 304-1998 (344-98) Submerged Land Lease

A resolution approving the use of submerged lands for property located at Sublot No. 9 Edgecliff Subdivision in the City of Euclid so that the owner can undertake lake shore protection measures. (Sponsored by Councilwoman McGarry by request of the Law Director)

Councilwoman McGarry moved for passage. Councilwoman Holzheimer Gail seconded.

President Cervenik - This item, (344-98) and the other three to follow are the submerged land lease for our residents that have erosion control problems.

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

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

Passed.

Res. 305-1998 (345-98) Submerged Land Lease

A resolution approving the use of submerged lands for property located at Sublot No. 10 Edgecliff Subdivision in the City of Euclid so that the owner can undertake lake shore protection measures. (Sponsored by Councilwoman McGarry by request of the Law Director)

Councilwoman McGarry moved for passage. Councilman Vadnal seconded.

Councilman Dallos - Just a point of information these are the 3 lakefront lots of the O'Donnell subdivision next to Bonneville. So all of the lots there are applying for erosion control.

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

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

Passed.

Res. 306-1998 (346-98) Submerged Land Lease

A resolution approving the use of submerged lands for property located at Sublot No. 11 Edgecliff Subdivision in the City of Euclid so that the owner can undertake lake shore protection measures. (Sponsored by Councilwoman McGarry by request of the Law Director)

Councilwoman McGarry moved for passage. Councilman Korosec seconded.

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

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

Passed.

Res. 307-1998 (347-98) Submerged Land Lease

A resolution approving the use of submerged lands for property located at 25571 Edgecliff Drive in the City of Euclid so that the owner can undertake lake shore protection measures. (Sponsored by Councilwoman McGarry by request of the Law Director)

Councilwoman Holzheimer Gail moved for passage. Councilwoman McGarry seconded.

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

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

Passed.

CEREMONIAL RESOLUTION

A resolution of congratulations to Greg Brochak and Frank Parsons as they are honored with the 1998 "Best Code Reduction" award for their efforts to reduce the cost of operations for the City of Euclid Briardale Greens Golf Course. (Sponsored by Mayor Oyaski and 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

Mike McPhillips - 20531 Crystal Ave. I was going to ask Mr. Balazs too, have you ever explored the possibility of ever using the Regional Income Tax Agency as opposed to CCA and the reasons why you decided to use CCA.

Director Balazs - The last time we explored the RITA organization did have a higher charge than the CCA comparatively. I thought our best recourse would be to stick with CCA and have the delinquency program that we do now. We also did a study on collecting our own tax in-house, where my own staff would be doing the collecting process and that is a good transition and I'd have to have probably about 5 or 6 more people if I had to collect it myself. So, we did take a look at it. We think that if you look at the other cost of what the cities are paying RITA and the CCA, our costs are very good at this point.

Mr. McPhillips - I would also recommend that you would urge them to send out their fourth quarter estimate before year end.

Director Balazs - For CCA, you're talking about?

Mr. McPhillips - Right. You could urge RITA too, but urge them to send it out early so people can pay and get the deduction.

Director Balazs - Thank you for that point and I will pass that along.

Penny Riha - 1515 E. 195 St. First of all, I'd like to say that I think that Mr. DeMinico is doing an outstanding job with the recreation in this town. It's the best it's been in 30 years and I'm really happy about that. My other comment is about the gentleman that is working at the Inland Plant. I came across this in transcript of April 20th Bishop Hill's symposium on the church in the city and urban sprawl. What it says here is that Mr. Roberts is a project manager, an administrator of the Canal Place in downtown Akron, which is the former BF Goodrich Plant. His redevelopment of that facility has won the Arthur D. Little Award for Excellence in Economic Development in North America. The things that he is doing at that plant, I think are pretty good, and I think we ought to give him a lot of support. He has already proven himself to be a really good developer. When it comes up for consideration, I think that we should take another look and see just what this man is capable of doing. Thank you.

Dorothy Fike - 20271 Delaware Rd. On Mr. Gallagher's suggestion about starting a fund using the \$40,000 plus the \$50,000 and then Councilman Dallos saying that is just doesn't mean anything. Well, I disagree because I think it is a start. As someone else said about the marina, as a start, this is a start for many public park. As I said previously, I think you should go to the public and I think the public would support a public park there with a use of public money.

I do have a question on #2. Since it was passed, right from the floor without a third reading, but it was not an emergency, will you tell me now the time frame, since it was not passed as an emergency, I don't think.

President Cervenik - It was a resolution. A resolution, when the Mayor signs it, it is in effect.

Mrs. Fike - It is effective immediately. Thank you. And Merry Christmas to you all. Have a nice New Year and a safe one.

Harvey Mlachak - 23831 Lakeshore Blvd. From the Housing and Improvement Committee Meeting, dated September 22nd, 1997, I quote Mr. Tollerup. "Our warrants are being served in a timely manner. I serve a warrant on Monday and usually within 2 weeks, I've got that person in jail and the appointment set up for a court appearance." Congratulations Mr. Tollerup, you are a man of your word. You all know how tenaciously and zealously I will fight for what I believe are my rights, privacy and freedom and to keep you bureaucrats off my property and out of my house. I fought what I still believe are unreasonable housing code violations. I went through the whole process of being arrested, booked, finger printed, photographed, personal items taken away from me. But, this was my choice. I wanted to get a ruling partly based on ordinances that cities will pass that are illegal, unenforceable and unconstitutional. Case in point, the sign ordinance that the City wanted to pass prohibiting real estate signs on private property. If it wasn't for CABOR being angry enough and having enough money, the citizens of Euclid would be saddled with an ordinance that's totally unconstitutional. It cost the tax payers \$400,000 to find out that the Council passed a resolution that was unconstitutional. After I left the court, I went home and complied with all of the violations that they claim. When I built that house none of those violations were or building code, or zoning ordinances were in effect when I built that house. After I left the court, I went home and I complied with the ordinances by order of the judge. A few days later, I called and got the house reinspected and passed the inspection. Several days later I get this beautiful document from the City of Euclid and it says Certificate of Occupancy for rental property, with the description and all of the other things that I have to obey. It is all given above the signature of William M. Carney, Commissioner of Buildings. Mr. Carney has been gone 2 years. When I got this, I called Bill and I says, Bill do you know that you just issued me an occupancy for my property. He says no, when did this happen? I asked Bill, I says Bill, the City is using your name, did you give the City or did they ask for permission to use your name in regards to any official City document? To which he replied, no I did not. How can you use a man's good name, without his authorization and without his permission, oral or written? Don't tell me it's because you failed to update your paperwork. That's inexcusable and it shows sloppy and slip shod work. I just wonder if this document was challenged, what is the legality of this document? I would like to have at least one of these questions answered. How can you use a man's name that no longer works for the City to send me a legal document that's to be enforced, how can you use this man's name without his permission?

Director Murphy - Mr. Mlachak I think that document exhibits the cost consciousness of the City and exhausting existing supplies of documents and I can assure you that when that supply is exhausted, the City will print new documents with the new housing commissioner's name on it.

Mr. Mlachak - With all due respect Mr. Murphy, that is about the exact answer that I expected. Thank you sir.

Madeline Scarniench - 1511 E. 221. I wanted to end on a nice note. I've been really busy this weekend and I just wanted to share some holiday cheer with everybody. Mrs. Riha mentioned Mr. Roberts, I want to tell you a little bit about what's going on with Handle It. About 10 days ago I was notified that they had approximately \$5000 worth of merchandise that needed to be given out. They got hooked up with me they said that I could do this. So, for the last 3 days, we have been working, Heritage Park has been working very hard to distribute these items throughout the community to non-profit organizations and also to needy families. Chief doesn't even know, but the mini station has been a recipient of our generosity, they've been given 16 brand new Huffy bikes to put together and Officer Doyle has them at his house, he's working on them. The intent is to get these all out before Christmas. It is just a ton of stuff. It's just amazing the good will that's going on the City and the people out there. I just wanted to say Merry Christmas and have a good and safe holiday and I'm going to keep going on and hand out some more bikes and other stuff. Thank you.

Dennis Berzinskas - 20890 S. Lakeshore Blvd. Last Wednesday I want to really commend the Mayor for having Mr. Banko and Mr. Mellon. They gave a very good explanation of the TIF. It really helped a lot of citizens. A lot of the citizens after the meeting though, expected to say a few things and they didn't get a chance. One of the problems that I had with last Wednesday's meeting is when Mr. Gudenas stated something like this. The decline in living next door to the apartments. Now, lakefront property, waterfront property is a big issue in this country, it's at a premium. It commands high fees for property, then if it's a decline in living, that effects me as a homeowner and everybody else as a homeowner. Is he trying to say that we are not doing our job enforcing certain laws? When we had problems on Euclid Avenue, the law department and everybody got mad, are we pampering these people that are the owners? What's the answer? I want an answer tonight, if there is one. Why can he say a statement like that, pass pictures around, saying it's a decline in living next door to him. What's the problem there? Does anybody have an answer?

Manager Tollerup - Well in the past, looking at the inspection history of the past 10 years of the Americana, at this point and over the next 2 weeks the Americana will have virtually no housing code violations. That's the lowest point in the past 10 years that I've looked over the records. So as far as the building deteriorating, in actuality the housing code enforcement has brought it up to code. They will be reinspecting the building next week and at that time if we're unhappy or not satisfied with the correction of the violations, the owners Associated Estates have been notified that they will come in front of the prosecutor. I've been informed by Associated Estates that we will be pleasantly surprised. I know that they have been in there remodeling the interior, painting suites and especially down in the garage areas doing the required work. So, they have inspections being enforced. As far as it deteriorating, I don't see it.

Mr. Berzinskas - Thank you very much. The other thing is that 10 years ago when we, or not even 10 years ago now, when we talked about the lakefront development at the clubhouse, Mr. Gudenas held a meeting there. And, at that time, we'd be in debt for 20 years. This last meeting, we'd only be in debt for 7 years. I like that math, I want to pay my taxes that way. Mr. Gudenas is a pitch man and a salesman. So, I think we should take anything he says with a grain of salt. And, Mr. Gallagher, thank you for your point on buying the lakefront property, I do appreciate that. Have a Merry Christmas and safe new year for everybody.

Vince Riha - 1515 E. 195 St. Mr. Tollerup just said there would be virtually no violations at the Americana. Clarification, is that A and B violations, I think they are referred to now totally?

Manager Tollerup - The Americana complied with all A class violations within 90 days of the inspections, that's expected of them. Next week we will go back and finish up on the B class violations.

Mr. Riha - So, it's expected 100% then, both A and B's.

Manager Tollerup - We expect 100%.

Mr. Riha - Very good, thank you.

President Cervenik - Things are changing. We've made some changes here at this Council, the administration made changes by the way we do our inspections and the way we follow them up. And I think we will all see good results in the future.

Councilman Dallos moved to rise and report. Councilman Gallagher seconded.

Council Minutes
December 21, 1998
Page 21

Councilmen's Comments

Councilman Dallos - Happy holidays, happy new year, see you in '99.

President Cervenik - I do want to wish everybody a Merry Christmas, happy new year, a safe and healthy new year.

Councilwoman McGarry moved to adjourn. Councilman Korosec seconded.

Attest:

Clerk of Council

President of Council