

**COUNCIL MINUTES
FEBRUARY 1, 1999**

The regular City Council Meeting was held on Monday, February 1, 1999 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, Administrative Director Johnson, Finance Director Balazs, Fire Chief Dworning, Police Chief Baumgart, Law Director Murphy, CS&ED Director Koran, Building Commissioner Apanasewicz, Housing Manager Tollerup, Asst. Service Director Gulich, Sgt.-at-Arms Stankus, Clerk of Council Cahill.

Communications

Council has received the following communications:

A memo from Director Koran regarding Argo-Tech Corporation.

A letter from District One Public Works Integrating Committee announcing two projects to be funded.

A memo from Mayor Oyaski regarding pay-outs for accumulated vacations.

A summary of legislation on tonight's agenda from Director Murphy.

Council Minutes

Councilwoman Miller moved to approve the Council Minutes of January 19, 1999.

Councilwoman McGarry seconded. Yeas: Unanimous.

Administration Reports & Communications

Mayor Oyaski – The Charter Review Commission will meet next Thursday, February 11th at 7:00. The subject of that meeting will be a presentation by the Director of Finance, Mr. Balazs. The public is welcome to attend that Charter Review Commission Meeting. Mr. Balazs will be thoroughly explaining public finance and local practices for the information on the Charter Review Commission. I do want to thank the streets department, Mr. Gulich, Mr. Smith and Mr. Markel for bringing over that vehicle that we saw in the back. That is an expensive vehicle that will benefit the sewer maintenance. I do thank you for bringing that over and I hope everyone enjoyed seeing it. That was paid for out of the capital budget and it is something that we needed very much and will benefit the City for years to come. Thank you for arranging that Mr. Gulich.

Mayor Oyaski and Chief Baumgart swore in Sgt. Craig Stenger.

Chief Baumgart – I wanted to invite the Council members and also any of the directors and assistant directors to take part in that training that we've had in the past, the Shoot, Don't Shoot Training is coming back. It's February 22nd through the 28th. We all had fun with that last time. I was reminding the law director that his second in command outgunned him during that session, so we'll see if that happens again.

Chief Baumgart and Chief Dworning presented Director Murphy with a birthday cake.

Reports & Committee Minutes

Councilwoman Miller moved to receive the Police Report of November, 1998; Board of Control Minutes of 1/11/99 & 1/19/99; 1998 Annual Court Report; Recreation Commission Minutes of 11/24/98; 1998 Self-Insurance Report. Councilman Vadnal seconded. Yeas: Unanimous.

Committee of the Whole

No comments.

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

LEGISLATION

Ord. 22-1999 (387-99) Electric Code

An ordinance amending Section 1737 of the Building and Housing Code of the Codified Ordinances of the City of Euclid to adopt by reference the most current edition of the National Electric Code which has already been established in the Ohio Basic Building Code, the addition of a definition section and the subsequent renumbering of the remainder of the section. (Sponsored by Councilman Vadnal by the request of the CS&ED Director)

Councilman Vadnal moved for passage. Councilman Korosec seconded.

Commissioner Apanasewicz – The City previously adopted the National Electrical Code, the 1996 version. This code is updated on a three year cycle. This legislation simply brings us up to date to the 1999 version and also will keep us up to date for any subsequent versions.

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

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

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

Passed.

Ord. 23-1999 (388-99) Plumbing Code

An ordinance creating new Chapter 1738 in the Building & Housing Code of the Codified Ordinances of the City of Euclid in order to adopt by reference the new plumbing code of the Ohio Basic Building Code. (Sponsored by Councilman Vadnal by request of the CS&ED Director)

Councilman Vadnal moved for passage. Councilwoman Miller seconded.

Commissioner Apanasewicz – This is the companion legislation to the National Electrical Code. The plumbing code is also updated on a 3 year cycle. Previously, the plumbing code was part of the building code. That's why the new section is being created so this will keep us up to date and also be uniform with the Ohio Basic Building Code.

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

Councilman Gallagher 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. 24-1999 (389-99) Self-Insurance Program

An emergency ordinance amending Section 107.04(b) and (c) of the Administration Code of the Codified Ordinances of the City of Euclid by authorizing the Mayor to settle claims covered by the self-insurance program which do not exceed \$3,500.00 without approval of the Self-Insurance Controlling Board. (Sponsored by Mayor Oyaski by request of the Law Director)

Councilman Gallagher moved for passage. Councilman Korosec seconded.

Director Murphy – Ten years ago, in 1989 when the City established its self insurance program it established as \$2000 the amount by which a claim could be settled without submission to the self insurance controlling board. Since 1989, that amount has not been increased at all due to inflationary matters and just the cost of doing business now-a-days. We are asking for your authority to amend that ordinance to allow the Mayor and the law director to settle claims to a maximum of \$3500 without convening the self insurance control board. If you have any questions, I'll try to respond to them.

Councilman Dallos – I was reading the minutes from the self insurance board that we received in our packets and I noticed that there is really no need for this legislation even though you speak about inflation. I believe there was only one claim for \$2000. I was curious as to why?

Director Murphy – I think we have convened the self insurance board twice in the 8 months that I have been here. One claim was for \$3500, the other was for \$10,000. Those are the only 2 instances where we've had to call the board into session in the last 8 months. To answer your question, we just think with a little more latitude it would be easier to resolve claims without convening this board. \$3500 is still a reasonable amount to settle claims these days.

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

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

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

Passed.

Ord. 25-1999 (394-99) Law Clerks Residency

An emergency ordinance amending Section 155.11 of the Codified Ordinances of Euclid to provide an exemption from the residency requirement for law clerks employed by the City. (Sponsored by Mayor Oyaski by request of the Law Director)

Councilman Gallagher moved for passage. Councilwoman Holzheimer Gail seconded.

Director Murphy – Realizing this is a matter near and dear to many people's hearts, we are asking for this relief with respect to the 2 law clerks who have been historically hired to work in the City's law department. The primary responsibility of these law clerks has been to draft the many pieces of legislation and resolutions that you see before you each two weeks when you come to a meeting.

There are approximately 1500 law students in the 2 law schools in the City of Cleveland, Case Western and Cleveland Marshall. Approximately ½ of those students attend night classes. The principal reason students attend night classes is because they are supporting families and working during the day time.

Director Murphy - At least half of the students are not available for us to hire as law clerks in any event, they are already working. Of the remaining 700 or so students, many of them are already employed and many students, in fact, choose not to work while they are engaged in the difficult task of attending law school.

Director Murphy - When I arrived at the City, one of the law clerks who was working here was just about ready to leave. He was here about a month when I started and it took us from May through September before we even had an applicant who lived in the City of Euclid come in and tell us that she was interested in working as a law clerk. She came into me last week and told me she was leaving for two reasons. One is she is moving out of the City to be closer to law school and secondly she has gotten a job in a downtown law firm which is going to pay her a little more money than the City pays its law clerks. We pay our law clerks \$7.50 an hour, we give them no other benefits. They accrue no vacation or sick leave, they are not eligible for hospitalization or health care. Given the limited number of people who are available from the pool to start with to work as law clerks and then the even more limited number that are available based on their qualifications, one of which qualifications is residency in the City, I think you can understand it becomes very difficult to find an individual who meets all of the requirements that we look for in a law clerk.

I'm aware that several years ago, Council passed an ordinance that exempted one individual law clerk. That ordinance had a sunset provision in it so that expired two years after it was enacted. I'm not asking you to do that, I'm asking you to make a permanent exemption from residency because the same reasons that existed back then, when that ordinance was passed in order to afford an opportunity for that individual to work as a law clerk in the City exists now and are going to exist in the future.

Law students tend to live where it is convenient for them to get to school and to get to their jobs but their primary job is going to school and they live primarily where it is easy for them to get to school. The two schools are in the downtown area and in the University Circle area. Law students tend to live in those areas, Murray Hill, Cleveland Heights areas where they have easy access to the law schools. If you have any other questions, I'd be happy to respond. Thank you.

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

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

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

Passed.

Ord. (393-99) Liquefied Gas – P&Z and SAFETY

An ordinance amending Chapter 1373 of the Codified Ordinances of the City of Euclid, Prohibited Uses, by adding the storage of liquefied gas (LPG) in proximity to residences and in excess of limited capacity. (Sponsored by Councilman Korosec)

Councilman Korosec moved for passage. Councilwoman McGarry seconded.

Councilman Korosec – I received notification from the Euclid residents in a homeowner's association which had merged some time last year regarding propane tanks being stored along the railroad tracks behind their residence. After speaking to the fire chief and the law director and the building department, we discussed the ability to try and cause this not to happen any more. The problem was they were trying to heat the switches with propane, we didn't want that to happen. We tried to get them to use other uses. We finally were able to get them to use electricity to heat the switches.

Councilman Korosec - The railroad has agreed to this and in order for this not to be an issue next year, when the thaw hits and the railroads deem it necessary to go back to propane, we have put this resolution together to cause them, at least the inability to store them closely to the lines of property in the City. I would like this to go into the Safety Committee for further discussion on this.

Chairman Cervenik - We do need to send this to P&Z because this does refer to code. If you'd like a discussion, you can concurrently send it to both.

Councilman Korosec - I'd like that then.

Councilman Korosec moved to send to Planning & Zoning and Safety Committee concurrently. Councilman Gallagher seconded. Yeas: Unanimous.

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

To Committees.

Ord. 26-1999 (390-99) Issue 2/E. 197 St.

An ordinance authorizing the Director of Public Service of the City of Euclid to enter into a contract after advertising for bids for the labor and materials necessary for the repair and/or replacement of storm/sanitary sewers, water main and pavement on E. 197 St. (Sponsored by Councilwoman Holzheimer Gail by request of the Service Director)

Councilwoman Holzheimer Gail moved for passage. Councilman Gallagher seconded.

Asst. Director Gulich - I don't think I need to tell you how fortunate we've been over the years with Issue 2 funding. We just got \$20 million worth of work and as the Mayor told you there are going to be some more projects for 1999. This particular project will allow us to replace the sewer lines, the waterlines and the pavement on E. 197 from Newton to S. Lake Shore. As you know we did Newton last year. We expect this project to be about \$1.7 million. That is our estimate. This legislation will authorize the Service Director to go out for bids and enter into a contract.

Asst. Director Gulich - I'd also like to add as you get our final EPA waterline approval that we will have meetings with the public when we have the final approvals in place, I'll let the Council People know and we will get the word out and have meetings right here in this chambers.

Councilman Gallagher - Mr. Gulich, do you know what the anticipated date that the work will begin?

Asst. Director Gulich - Right now, I can't tell you when we are going to go out for bids, we have to get the final EPA and waterline approval. We will be getting those in the next couple of days. If that is the case, we will probably be underway in April.

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

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

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

Passed.

Ord. 27-1999 (391-99) Issue 2/Miller Ave.

An ordinance authorizing the Director of Public Service of the City of Euclid to enter into a contract after advertising for bids for the labor and materials necessary for the repair and/or replacement of water main and pavement on Miller Ave. (Sponsored by Councilman Korosec by request of the Service Director)

Councilman Korosec moved for passage. Councilman Dallos seconded.

Asst. Director Gulich – The same comments apply, as far as Issue 2. I do want you to note that these are 0% loans, all three of these projects. Issue 2 will pay the total cost up front and after the projects are complete, construction-wise, we will be billed over a 20 year period at a 0% interest rate. Also, I'd like to correct myself at this time, I gave the \$1.7 million for E. 197, I should have used that figure for the Miller Avenue waterline project. For E. 197 it is about \$1 million.

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

Councilman Farrell 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. 28-1999 (392-99) Issue 2/East 214 St.

An ordinance authorizing the Director of Public Service of the City of Euclid to enter into a contract after advertising for bids for the labor and materials necessary for the replacement of water main and repair of pavement on E. 214 St. (Sponsored by Councilman Korosec by request of the Service Director)

Councilman Vadnal moved for passage. Councilman Korosec seconded.

Asst. Director Gulich – Same comments. We expect this project to cost about \$300,000. Again this is a 0%, Issue 2 loan it's part of the 1998 funding. We will have a meeting, as with the other 2 with the residents and let them know what they are in for. We are trying to keep the communications open.

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

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

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

Passed.

Res. 29-1999 (395-99) NOACA/E. 200 St.

A resolution in support of the Northeast Ohio Areawide Coordinating Agency's (NOACA) expected approval of funds for a project that will rebuild and widen East 200th Street from St. Clair Avenue to Lake Shore Boulevard. (Sponsored by Mayor Oyaski)

Councilwoman Holzheimer Gail moved for passage. Councilman Korosec seconded.

Asst. Director Gulich – I know this has gotten a lot of press lately. First of all, I'd like to set the record straight. You've read that this is a widening project, as the resolution says widening project, East 200th Street is not going to be widened as part of this project. Back in the '80's when this project first came on to the drawing, that was considered. It was strongly considered. It was even referred to as a widening job for its first few years. The county decided that it was not necessary to do the widening.

Asst. Director Gulich - If we decided to do the widening it could be another 20 years. As you know this project was originally pushed back to the year 2000 and we expressed our dismay with both the county and NOACA. Our understanding is now, this project is being moved up to a 1999 construction season.

Councilman Gallagher – What's the cost of this?

Asst. Director Gulich – The estimate on this project is \$3.1 million. Of course we will also do the part of 200th Street in Cleveland, it will be from Lake Shore Boulevard to St. Clair.

Chairman Cervenik – I think what we are going to need to do here is, you said on the first few Issue 2 projects we will have meetings with the residents. I think we should have a meeting when it is finally appointed whose going to do the job, some type of pre-conference or pre-construction meeting with not only those companies that are working there, but also the stores and businesses on 200th Street. This project, I think the time limit is going to exceed a year's time. That could put some of those businesses in a very fragile position. Maybe there are some steps we can take with contractors to alleviate some traffic problems.

Asst. Director Gulich – I've been in contact with the county. They will keep us abreast and apprized of their schedule when they do sell this project. They will have their own pre-construction meetings which we will be able to attend, and we will be able to make our contact with both the county and the contractors at that time.

Chairman Cervenik – I feel we need to take whatever steps are necessary to help these small businesses and the larger ones on E. 200 St.

Director Murphy – You need to consider a motion to amend this resolution to delete any reference to the widening of the road. It will strictly be a building project.

Councilwoman Miller moved to amend. Councilwoman McGarry seconded.

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

Amended.

Councilwoman Holzheimer Gail moved to close debate. Councilwoman McGarry seconded.

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

Passed.

Chairman Cervenik – For a short agenda, we just spent about \$6 million on infrastructure improvement projects.

Committee of the Whole

Jack Fraier – 235 Greenbriar Ct. Item #9 intrigues me. We will be building East 200th Street. I'm concerned about that railroad bridge that crosses East 200th Street there. Is there any way to make that look half-way civilized? It looks like the gateway to hell and I think if the children have to go to St. Paul's School have to go under that bridge. Is there some way we can make it more glamorous? Or destroy it entirely? Thank you.

Asst. Director Gulich – Jack, we have the plans back in the Engineering Department you are welcome to come and see them any time. It's going to be a considerable amount of work. But, keep in mind, the structure does belong to the railroad and they are not going to allow the county to work on their structure. As you know the walkways under there and the rail, and some general ugly conditions, those will all be attended to as part of this project. But, keep in mind, the bridge itself, will not be part of the project.

Mr. Fraier – I understand. Thank you.

Sandra Bowes – 21520 Miller Ave. When Council President said that, that whole 200th Street construction is going to take about a year, and is this going to tie in with the Miller Avenue and 214? How long do you think Miller Avenue will be torn up?

Asst. Director Gulich – We expect Miller Avenue to be started and completed in full this construction season. As far as the county goes, they haven't even gone out on a limb to give us a construction schedule as of yet, since they haven't "sold the job". They haven't even taken it to bid. As I said, we expect it to get underway by April and finish up before the end of the summer. I couldn't even tell you if the county will be started by then. Like I said we will have meetings with the residents and will put out letters from time to time during the construction process.

Mrs. Bowes – We'd appreciate that. Thank you.

Mike McPhillips – 20531 Crystal Ave. I wanted to just mention a suggestion I had about the marina. Sometimes marina projects, which has been talked about, it's always been focused on the front of the Americana. I was just going to suggest to the City that you if you can't convince the owners of the Americana to go along with the marina and the condo conversion, that there are a lot of other high rises along Lake Shore Boulevard and we may not want to limit ourselves to just the Americana, the Watergate, the Riviera, the Horizon House, any of those are other possibilities. I would just suggest that in the future. I know it's Councilman Cervenik's favorite subject to talk about. Thank you.

Jenny Walton – 27591 Mills. I have a question on #5. This is in regards to the railroad. The verbiage is by adding the storage of liquefied gas. I have a question. I'm a bit confused. Does this include prohibition of active use of propane gas, I mean of liquid gas? Could someone explain that to me?

Commissioner Apanasewicz – The ordinance will not be applied retroactively. Any installations that are operating can continue to operate legally.

Ms. Walton – I'm trying to digest what you said. I'm not sure I understand what you mean by that.

Commissioner Apanasewicz – I'm sure the law director can concur with me. I say that an ordinance can not be applied retroactively.

Ms. Walton – Right, I understand that.

Commissioner Apanasewicz – It's a matter if the propane operation is existing than you can not legislate it out of business.

Ms. Walton – As to my knowledge, right now behind my residence of Colonial Park, there is no usage of propane for gas. We've tried to stop that. I guess what I'm trying to understand here is the verbiage here says storage. So, that means that you cannot store tanks. Just to be on the safe side for times in the future, my question then is will this also include, or can it also include in the verbiage of this legislation that, that means no active use of liquid gas and not just storage? Hopefully, I'm not being redundant.

Commissioner Apanasewicz – That certainly would be, since Council has not passed the legislation and it is in committee, it certainly would be a very good recommendation.

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

Councilmen's Comments

Councilwoman Holzheimer Gail – There will be a meeting tomorrow evening at Shore Cultural Centre for anyone who is interested. Actually it will not be a meeting, it will be tour of the Centre. Anyone is welcome, Council members, residents who want to see and get a better look at what's going on at Shore Cultural Centre and the shape of the building. It will be a 7:00 meeting at the Community Room. Thank you.

Chairman Cervenik- Before we adjourn, I'd just like to let everybody know that we are going to take a five minute break from adjournment and then we will all have the pleasure of listening to Mayor Paul Oyaski's State of the City Address for 1999. So, stick around.

Adjournment

Councilman Vadnal moved for adjournment. Councilwoman McGarry seconded. Yeas: Unanimous.

Attest:

Clerk of Council

President of Council