

COUNCIL MINUTES
February 16, 1999

The regular City Council Meeting was held on Tuesday, February 16, 1999 at 7 PM in the Euclid City Hall Council Chamber. President Cervenik presided.

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

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

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

Council Minutes

Councilman Dallos moved to receive and approve the Council Minutes of February 1, 1999. Councilwoman Holzheimer Gail seconded. Yeas: Unanimous.

Communications

Council has received the following communications:

A memo from Mayor Oyaski to Director Koran regarding contacts for the marina study.
A summary of legislation on tonight's agenda by Law Director Murphy.

Administration Reports & Communications

Mayor Oyaski -- We have a series of brief reports starting first with the Director of Parks and Recreation, Mr. DeMinico, then the Chief of Police, Wayne Baumgart, and our Acting Service Director, Mr. Gulich.

Director DeMinico -- I'm sure everyone's familiar with our facility tour that we took about 6 weeks ago, maybe longer, to three of the newer community centers in northeast Ohio. Councilwoman Miller has been aggressively pushing us to arrange for another facility tour of some buildings that are similar to the Cultural Centre. I'm happy to tell you that on Saturday, March 13, we will be touring three facilities that are somewhat similar to our Cultural Centre. We will be to Wickliffe Community Center located on Warren Road, a single story old school building that is turned into their community center. We will take a ride to Cleveland Heights and visit the Civic, which is a very art and cultural rich facility that is operated through non-profit funding exclusively. We will wind up our trip in the City of Parma at the Shaft Community Center, a 75 year old school building turned into a community center. So, I believe that will be a very informative tour and should answer a lot of questions. There will be the invitations going out to the same group that had the opportunity the first time, our Ad-hoc committee, Shore Committee, etc. People who would like more information, they can call my office at 289-8114. Thank you.

Chief Baumgart -- Just a reminder that next weekend the Gallia Systems will be here to bring in the firearms training system. You are welcome to come and try some of the scenarios that the police officers are put through to determine judgement and shoot, don't shoot situations. You can call me or you can call the training officer, Lt. Poyle, at 8450 and I'm 8464.

Asst. Director Gulich -- One of our Issue 2 projects that will be getting underway this spring will be the East 197 Street project. We will be having an informational meeting, Thursday, here in Council Chambers. We sent letters out to the residents, Council is welcome to attend. We will be able to expect construction men. We also have a meeting on Tuesday, that will be the 23rd, for two of our other Issue 2 projects, that will be Miller Avenue and E. 214 St., south of Miller. Again, you are welcome to attend, hopefully we will get the residents the information they need. As the projects go on, I will send out additional letters and update.

Asst. Director Gulich - Any residents that can't come to the meeting, don't worry because there will be further letters going out and also these improvements will start at \$3million of Issue 2 funding.

Mayor Oyaski -- I want to thank Mr. Gulich for setting up those meetings and I hope the Ward Council members for those two areas, can attend those meetings. I understand that the Service Department has worked hard to minimize any problem with the existing trees and that these improvements are long awaited and are much needed in those particular areas.

Mayor Oyaski presented Raymond Rossman's family with Resolution No.30-1999.

Mayor Oyaski presented Andrew C. Vidra's family with Resolution No. 33-1999.

Everyone observed a moment of silence for Mr. Rossman and Mr. Vidra.

Reports & Committee Minutes

Councilwoman McGarry moved to receive the 1998 Building & Housing Report; Fire Report for December, 1998; Board of Control Minutes 1/25/99 & 2/1/99; Finance Committee Minutes 1/27/99 & 2/3/99. Councilman Korosec seconded. Yeas: Unanimous.

Committee of the Whole

Dorothy Fike -- 20271 Delaware Rd. I have a couple on #1, #2, and #5. On the first one, on the appropriations for the City of Euclid, this is more of a comment to the Police Chief. The first night of the Finance Committee Meeting, you were talking about grants that came in to your department and you mentioned specifically FRED's club. I want to correct a statement that you made that I feel that you made. The FRED's club itself has been 4 years in existence and we meet, I am a tutor, at the Master's United Methodist Church on 260th Street. We do not receive any funds. The students are 5th and 6th graders that walk over from Forest Park Elementary School. So, we serve children from all over the City, it is not targeted for that neighborhood. The Junior FRED's club, which started 2 years ago, by the way the FRED's club has been existing for 4 years, and we have about 32 tutors and 43 students because we tutor 2 days a week on Mondays and Thursdays from 4:00 until 5:30. Junior FRED's club was started, I think, just last year and their tutors are all volunteers also. But, they service grades 1 to 3. They have to be from the weed and seed area which is in the 260th, Willow Arms and they do meet in the Willow Arms community center and their coordinator is paid out of the weed and seed grant. Most of the tutors do not receive anything in FRED's club because we serve the whole city, we don't target that area.

Number 2, on the capital budget, I have a couple of questions. The first is to the Police Chief, I thought there were some changes in what you were asking for and yet, I see in the resolution, it's the same that was presented the first night. Are you going to bring some changes tonight or else?

Chief Baumgart -- They updated the resolution.

Mrs. Fike -- They did?

Chief Baumgart -- Yes.

President Cervenik -- It has been updated and there will be 2 more changes this evening.

Mrs. Fike -- Then the second one on the capital is also on the Service Department. There were a couple of changes which are not corrected in the ordinance because I checked it carefully. There was two changes. Public Service, there was one for crack sealing. It went up from \$75,000 to \$100,000. Also, in State of Ohio Marginal Road match. Went from \$150,000 to \$156,000 and yet the amount in the Resolution is the total that was given in the original budget book.

President Cervenik -- The Finance Director assures me he will address that in the legislation.

Mrs. Fike - #5, the tax abatement with Argo-Tech. I see it is on personal property which is the tangible. I want to know if there is going to be anything to help out the schools because of the tangible that they might lose. I would appreciate an answer when that comes up on the Agenda.

Mrs. Madeline Scarniench – 1511 E. 221. First of all I would like to commend the Finance Department. They did a great job on the budget, it was easy to follow this year. I only have one question on the budget. On page 42, where it talks about street cleaning. It was mentioned that EPA had new rules. I would like to know how many street cleaners, equipment, do we actually have? How old are they and what kind of shape are they in? Will they be able to do the job under the new guidelines? The Police Department and I say it every year, Animal Control needs more help and more hours. When someone calls up and they are not on duty, the Police Department does not respond. They tell you, you have to talk to Animal Control. This has happened quite a few times and I think it is time that we extend the hours to meet the needs of the city. On the capital, Jack Johnson requested \$137,000 and is only receiving \$25,000. I would like to know if he was to receive the whole amount, I know he is not here, but would that be able to set up at least one of the other channels? Would it also be able to set up the studio over at the high school? That has come up over and over again, where are we going to put a studio when the best place is at the high school? It needs to be done, we need more local programming on. People do watch it and I think it's important. The fact is that last year we received \$330,000 in franchise fees. I know Solon gives all of their franchise fees to their community TV channel, could we not just this one time to get these other programs up and running, do that same thing?

My last comment, and I said this before it's item #3, the fire fighters agreement. I know it's always been a controversial subject about residency. I don't believe that you have to live in a city to do a good job. My husband works for Cleveland Heights and if he had to live in Cleveland Heights, I probably would have divorced him because I'm not leaving Euclid. I like where I live. So, I don't think you do less of a job because you don't live in a city. So, I hope everyone supports this. Thank you.

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

LEGISLATION

Ord. 34-1999 (405-99) Annual Appropriation

An emergency ordinance amending ordinance #291-1998 which makes the annual appropriation for all expenditures for the City of Euclid for the period ending December 31, 1999. (Sponsored by Mayor Oyaski, Councilpersons Cervenik, Dallos, Farrell, Miller and Vadnal by request of the Finance Director)

Councilman Dallos moved for passage. Councilman Farrell seconded.

Director Balazs – Thank you. We finished up our budget hearings last week on February 8th, we had three meetings starting in January. The first meeting we took on the budgets of the safety forces, the Public Service department and the Municipal Judge. The second evening we covered the Administrative departments, Community Development departments, and the other non-departmental and departments in the general fund. The last meeting we had the presentation from the Recreation Director and concluded with our capital program. Our largest fund in the City is the general fund. That is right at \$37.8 million. Even though we need an amendment to our budget this evening, on the general fund, the bottom line has not changed. The amendments are necessary to take care of some capital projects of this year. We have a capital fund close to \$3 million. Dorothy Fike did mention some of those amendments that we are going to have to make on the next resolution to that fund. But, in the general fund we are amending the transfer to the endowment fund that we originally projected at \$1 million and we are cutting that back to \$480,000 and the balance we are putting into the transfer to the permanent improvement fund to take care of our 1999 capital projects and that transfer to the capital fund is going from \$785,000 to \$1,305,000. Those are the two amendments that we need for our general fund and for our budgets this evening.

Also, we talked about the sidewalk program and that's going to remain as is because it is adequate to take care of the \$80,000 program as Director Gulich had indicated. The transfer to the capital program of course, the Council's questions were about the resurfacing and curbing program and that's why we are putting \$600,000 in that. When we get to that resolution, I'll go through the details on that. I don't have any further comments concerning the budgets being adopted here for 1999, unless you do, President Cervenik.

President Cervenik – Some of the questions brought up by the public concerning the public TV and increasing that, should probably be addressed by Director Jack Johnson, and that should be at some other time because Jack Johnson is not here. It should be known that as new projects show up during the year and become important during the year we can amend the budget provided the funds are available. I did talk with all of you regarding the amendment to reduce the transfer to the endowment fund and increase it to the permanent improvement fund. If someone would like to make that motion now to amend the appropriations...

Councilwoman McGarry moved to amend. Councilwoman Holzheimer Gail seconded.

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

Councilman Dallos – This is my theory on budget, so I'll refer to it as budget 101. I'm going to vote against it for several reasons. On January 1, 1999, the senior citizens received a social security increase of 1.3. I'd like to know how this Council is going to explain to a lot of seniors that we are given an increase 2.4 times that. I think that is excessive. I remember back in the late '70's when I was on Council, I thought we gave excessive wage increases. I warned at that time that there was a recession around the corner. It didn't happen in 3 years, it happened in maybe 4 or 5. This Council should be aware that there were several years in the 80's that there were no raise increases. The City had a difficult time hiring people. I'm just mentioning it to you younger people on this table because they probably don't remember those times. We are faced basically today with the same kind of crisis. Japan has been in a recession for 9 years, Asia has been in a recession for 18 months, Brazil is in a recession today, Russia wants help bailing out their loans, they are going to probably go into another recession, China is really a big question mark. Now, how does this all effect us? There's a recession around the corner. I think this Council should start to prepare. It's something we have never done.

We don't have a rainy day fund. We should start putting money aside for a rainy day fund so we don't have a problem like we did in the 80's. I think we should really create a rainy day fund, where you build and should at least have \$5 million because you are going to need it. With the wage increases you are giving, just like the Mayor mentioned, in 3 years the wage increase is going to cost the City \$6 million.

I remember in 1995, the Citizen's Tax Force Committee that did, complete outsiders, that did a study on this City. One of the things they mentioned at that time was that this City has lost ground in labor negotiations, especially among the safety forces where paying benefits has exceeded the rate of inflation and paid time off is excessive. I don't think we have reperussed any of those things. My personal feeling is that 3% is too high today. I look at this budget, I see that we are budgeting 10% more than our actual expenses for 1997. Actual expenses were \$30,200,000 we are requesting \$33,2000. I think it's really the reason why I'm going to vote against it. I just felt that I should warn this young Council that times are booming today but they might not be tomorrow.

President Cervenik – I would just like to again publicly thank Director Balazs and his staff for the presentation they gave us. We received the information in plenty of time to do our homework and when we asked questions, we received the answers promptly. The changes were made by the next meeting and we appreciate it. You made the process a lot easier.

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

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

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

Passed.

Res. 35-1999 (381-99) Capital Improvement Budget

A resolution of intent adopting and approving the attached 1999 Capital Improvement Program.
(Sponsored by Mayor Oyaski)

Councilman Gallagher moved for passage. Councilwoman Holzheimer Gail seconded.

Director Balazs – I'd like to go through the 1999 capital budget, it's probably going to answer the question that Dorothy Fike has.

We will need an amendment to our budget of \$2.3 million because now it is up to \$2.9 million. The first amendment is \$5000 to be added to the Police division. That's going to pick up their subsonic firearms cleaning system and radar traffic enforcement equipment and that's going to total \$5000 which we can add to that budget.

We are going to add and amend to curbs and resurfacing sidewalk and street lighting budget, \$600,000. We had originally scheduled 0 for that so it's up to \$600,000 now. The crack sealing program originally at \$75,000 we are going to add \$25,000 to the crack sealing program for 1999 at the \$100,000 level. We got the final bill on the State of Ohio marginal road job repair, our share is now \$156,000 on that job so we had to add \$6000 there. So, the amendment is going to add \$631,000 to the last figure you saw on the capital budget. Our total capital budget for 1999 is \$2,955,343 with those amendments so added.

I'd like to thank you Councilman Cervenik for your efficiency throughout the capital hearings and one thing that I noticed, you almost had 100% from your own Council people here, so that was very impressive. I have nothing further other than to recommend that we pass this budget.

Councilwoman Holzheimer Gail moved to amend. Councilman Korosec seconded.

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

Councilman Gallagher – I echo some of the comments of Councilman Dallos. However, my level of pessimism doesn't reach that of Councilman Dallos. However, I think his point is well taken that with the grand act we are taking, the purchase of Parklawn, the purchase of InnVoy Inn, there are going to be cuts that will be needed to be made in the years to come. The economy is going to take a downturn and we will have to prepare for that and anticipate it.

President Cervenik – Councilman I agree too. We should look at a rainy day fund independent of what the endowment fund has reached. The endowment fund really is used for special projects like the Innvoy, like Parklawn and other redevelopment projects in the future. So, that's probably a very good suggestion and we should probably look into that very seriously.

Chief Baumgart – Looking at the capital improvement budget, I did hand out a sheet that indicated that there were different purchases being made. There were 9 cars, community care monitor was included in a number of other issues called computer needs, which amounted to \$42,000. Then we talked about the other issues that were added. The total did come to \$255,000. The total is correct but the actual items are not. If you go by the items that were issued to you at the Finance Committee Meeting, that is the true item list.

President Cervenik – We read in the paper that we have a \$7.1 million surplus, cash value in the general fund. That is true that we did on December 31, 1998. We remember from our budget hearings last year, we were going to have some transfers to the Streets and Permanent Improvement fund. We also knew we were going to transfer for the Fire station and Self-insurance. We've been trying to plan these things on a two-year basis. After the transfers we are making this evening, the available cash in the general fund, will be only approximately \$4.3 million. That's approximately 1/8 of our total budget in the general fund for 1999. To relay that into terms of a household. If a household has earnings of \$40,000, we are looking at somebody having maybe \$6,000 in the bank account to handle emergencies. \$7.1 seems high, but when we pass this legislation this evening, it comes down to what we really have available for use after 1999 expenditures. Any other comments.

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

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

Res. 36-1999 (404-99) Fire Fighters Agreement

A resolution authorizing the Mayor as Ex-Officio Director of Public Safety of the City of Euclid, to execute an agreement by and between the City of Euclid and the Euclid Professional Fire Fighters Association, Local No. 337 of the International Association of Fire Fighters, as exclusive bargaining agent for all Euclid professional Fire Fighters. (Sponsored by Mayor Oyaski)

Councilman Dallos moved for passage, Councilman Gallagher seconded:

Mayor Oyaski – I met with the Law Director at 6:55 today and unfortunately he had a serious physical problem with one of his friends and he had to rush to the hospital. He worked closely with Mr. Boyce and Local 337 on this matter. I'm pleased to tell you that the Administration fully supports passage of #3, believing that it is a fair deal for all parties concerned. A good compromise on the issues involved and a better bargain considering what the arbitrators and fact finders have been giving in Greater Cleveland. This particular unit responded to more than 6,000 emergency calls in 1998. We need and expect and support a very strong and qualified fire department. They serve with bravery, professionalism and promptness at all times. For the last 11 years the City has given 3% pay raises to its unions and I believe this particular agreement is in keeping with that tradition. In fact, it is slightly better than other cities have been able to achieve. So, the administration supports item #3, Mr. Chairman.

Councilman Dallos – I know the Law department is not here, but I guess my question is it was a point brought up in a letter that they sent to us regarding residency. I'm aware that the Ohio Legislature discussed last week that they are going to bring back the residency requirement of the State Legislature where it was defeated last time in 1914. My question is, if it is passed this time, how would it effect this residency requirement? If it is passed, and there is no stipulation in there about 8 years of severance, how will it effect this residency requirement?

Mayor Oyaski – If the State Legislature passed a law, I don't think it could effect a contract that was currently in effect at that time. It could effect future contracts but it could not effect an already existing contract. That's off the top of my head.

Councilman Dallos – Today I had a builder's magazine that had a very interesting comment in this town called Everettville, Washington. They are trying to encourage people to live in that town. They stated that studies show that people who live and work in a town spent 4 times more than those that just work there. I think that's an interesting comment. That's another reason why I'm really against this, plus the 3% increase.

Councilman Farrell moved to close debate. Councilman Korosec seconded.

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

Passed.

Ord. 37-1999 (403-99) Purchase Vehicles

An ordinance authorizing the Mayor as Ex-Officio Director of Public Safety of the City of Euclid to purchase seven (7) Ford Crown Victoria, two (2) Dodge Intrepid and one (1) Jeep Cherokee for the Police Department and one (1) Ford Crown Victoria for the Fire Department. (Sponsored by Councilwoman Miller by request of the Police Chief)

Councilwoman McGarry moved for passage. Councilman Farrell seconded.

Chief Baumgart – This is an opportunity to purchase through the Co-op bid through Ohio purchasing. So, all of the prices remain the same. We are purchasing 8 Crown Victorias, 1 for the Fire department, 7 for the Police department. We are trying a Jeep Cherokee. One of the reasons why we are trying this Jeep Cherokee, two-fold, one is, it is going to be doing our accident work, so there will be times when they need to get in areas or have snow conditions where they will use that Jeep Cherokee in the matter it is accustomed to, and two, it costs less than the Crown Victoria. We are also trying to find options to use and hopefully the Ford will no longer be the sole provider of Police cars, at least large Police cars.

Chief Baumgart - That's why we are also using the Dodge Intrepids not in patrol division, but in other manners like detective bureau and for myself, for my executive officers, we are all trying to use smaller cars in order to save the City money and try some alternatives to the Police packages.

Councilwoman McGarry moved to close debate. Councilman Korosec 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, Cervenik. Passed.

Ord. 38-1999 (396-99) Argo-Tech Tax Abatement

An emergency ordinance authorizing the Mayor of the City of Euclid, Ohio to enter into an agreement with Argo-Tech Corporation for the granting of special tax incentives (50% - ten years personal property) for a project which will enable Argo-Tech Corporation to expand and modernize its operations within the City of Euclid at 23555 Euclid Avenue and to create and preserve employment opportunities within an Enterprise Zone located in the City of Euclid. (Sponsored by Mayor Oyaski by request of the CS&ED Director)

Councilman Dallos moved for passage. Councilman Korosec seconded.

Director Koran -- Tonight I bring forth this ordinance to approve a 50% tax abatement application presented to us some months ago by Argo-Tech Corporation. It's interesting to note that this City Council has not approved a tax abatement application since August of 1996. It's been almost 2 1/2 years since a company has requested tax abatement from us. That was only a 25% tax abatement. The last significant one was from Lincoln Electric back in 1995. So, it has been several years since this Council has reviewed a tax abatement application of this size. Argo-Tech is in the process of expanding. They have applied for tax abatement and working with Argo-Tech Corporation we have defined the tax abatement application to effect personal property only. They are anticipating spending approximately \$12 million on equipment. As you know they produce high performance fuel flow filters and pumps and items related to the aircraft industry. They are purchasing equipment and they are proposing to hire an additional 40 employees that will be working at the Euclid Avenue facility. In addition to what is mentioned in this summary that I sent out 2 weeks ago, they are also going to be modernizing their plant and spending over \$3 million on the facility. That is not part of this tax abatement application or project, as I mention only the personal property tax is eligible for tax abatement under this application.

It's estimated the new tax revenue over the 10-year period of this project will be approximately \$1.29 million, which will be divided up to the various taxing entities. The schools obviously receive the line share of that, City through the income tax and the county and the other taxing entities. I should note that this application, if approved by City Council because of the passage of Senate Bill 19, several years ago, the income tax that the City receives specifically isolated to this project will have to be shared 50% with the schools. The Mayor gave his State of the City speech today at the Chamber, I sat with the School Superintendent and some of the board members and they fully support this application. Not only is Argo-Tech making this investment, they have also as this Council is fully aware of, they are spending significant dollars on the Heritage Drive Industrial Park, which hopefully will open up 50 to 60 acres of industrial land. That can be further contribute to the economic development plan for this area, if there are any specific questions on this tax abatement application, there are several gentlemen from Argo-Tech here to answer any questions. Mr. Bob Eichorn and Rod Keen are here to answer any specific questions you may have on the tax abatement application.

Councilman Farrell -- I just have one question, in the ordinance it says the investment could be \$12 million. I guess my question is, is that \$12 million actually part of the 3-year business plan for Argo-Tech?

Director Koran -- The way the tax abatement works, the company provides us an application for tax abatement where they estimate the investment that they plan on being occurred in the next 3 years.

Director Koran - If you look at the application, you'll see they are specifically identifying in '99 \$4.2 million, in 2000 \$3.6 million and 2001 \$3.9 million in personal property expenditures. For a total project of approximately \$11.8 million in those three years. That is what the tax abatement will be filed with the County for. If the company does not meet those expenditures there will be no tax abatement. Whatever they spend on personal property, the County will deem eligible for tax abatement if Council approves this. If they exceed the \$11.8 million they will not be eligible for anything over that. But, anything under, they will be eligible if they do not meet that number no one is hurt, there just won't be as much abatement that will be offered. But, since this is a 50% abatement, all of the taxing entities will receive 50% of the increase.

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

President Cervenik - There was a question from the audience concerning some participation or special considerations for the school system. If you could maybe give us a little overview of your involvement with the school system here in Euclid.

Argo-Tech - Well, Argo-Tech has basically supported the school system. I think we have had a couple of school events. These will be the addition to the school system. I think we would say that this is only a 50% tax abatement. To answer your question sir, the amounts that we would propose to spend are consistent with our fiscal plan. We do anticipate making those expenditures. There is a 50% of the taxes would go to the school system. Our payroll would be increased. We anticipate adding 40 new employees and part of that payroll tax for those people would go to the school system. Also, I would point out that when the tax abatement expires the taxes on those additional investments would be paid in full. The other thing is that we have gotten along very well with the City of Euclid in attracting new businesses to come into the City with jobs for the City and obviously the taxes those people pay added to the school base and that money would be forthcoming to the school system.

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

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

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

Ord. 39-1999 (400-99) Supplies/Golf Course

An ordinance authorizing the Director of Parks and Recreation of the City of Euclid to purchase various supplies from U.S. Garden Sales, LESCO and North Coast Distributing for the maintenance of Briardale Greens Golf Course. (Sponsored by Councilwoman McGarry by request of the Parks & Recreation Director)

Councilwoman McGarry moved for passage. Councilwoman Holzheimer Gail seconded.

Director DeMinico - This is a house cleaning item. Last year was the first year that we have requested from City Council to spend above the \$10,000 limit without competitive bidding. We weren't even sure if we were going to go above that \$10,000 limit with these three companies last year. We did exceed it, we had \$10,300 for LESCO, we spent \$13,000 with Northcoast Distributing and US Garden Sales was \$10,600. The materials that are purchased are somewhat specialized. All of these three companies plus an additional 2 companies we purchase fertilizers and chemicals from. Mr. Holmes shops around and compares the prices amongst these 5 and whoever has the best price for the materials that we specifically need for Briardale he will purchase through that vendor. We also purchase specialized parts for our irrigation system which is a Toro-Lear engagement system. Only Northcoast Distributing is that local distributor for the northeast Ohio area. As well as some of the vehicles that we have, the front end mowers, some of the newer pieces of equipment that we purchased. This request for legislation is to waive our competitive bidding. Again, we are not sure that we are going to go over the \$10,000 threshold but this will just cover it, just in case.

Councilwoman McGarry moved to close debate. Councilman Korosec 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, Cervenik.
Passed.

Ord. 40-1999 (401-99) CS&ED Supplies

An ordinance authorizing the Director of Community Services and Economic Development to purchase housing rehabilitation materials and supplies from a qualified business enterprise after soliciting for proposals, as part of the Community Development Block Grant program at a cost not to exceed \$45,000.00. (Sponsored by Councilwoman Holzheimer Gail by request of the CS&ED Director)

Councilwoman Holzheimer Gail moved for passage. Councilman Gallagher seconded.

Director Koran – This is a similar ordinance that was passed last year at this time. As this Council knows, we have a significant housing rehab program that is administered by our department. Last year alone, we sided 18 homes and weatherized an additional 63 homes using the block grant dollars to pay for those improvements. This year we would like to increase that program slightly, approximately 10%. Last year we spent \$40,000 on siding and weatherization materials. We would like to request from Council the ability to up that to \$45,000. This has already been built into our CDBG budget. We are using the Federal small purchase procedures to purchase these materials. We hope to purchase them from MBE providers which is encouraged by the Community Development Block Grant program. We did this last year as I mentioned, it was very successful. We send out about 10 packages to all of the people who provide this material, specifically aluminum siding and supplies and they respond to us with the unit pricing and we purchase from the lowest bidder.

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

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

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

Ord. 41-1999 (402-99) Assessments Vacant Lots

An ordinance to levy assessments for the cutting of weeds and cleaning of vacant lots as provided in Chapter 1113 of the Codified Ordinances of the City of Euclid. (Sponsored by Councilman Dallos by request of the Service Director)

Councilman Dallos moved for passage. Councilman Farrell seconded.

Asst. Director Gulich – On various occasions it is necessary that we go to private property and cut the grass on vacant lots. First we send notices out, no response, our crews go out and cut some 114 parcels this year. We still have 42 outstanding, other words 42 people that didn't pay. This legislation will authorize us to certify this down to the County as an assessment and it will go on these people's taxes.

Councilman Farrell – Some of these people obviously use this for a lawn cutting service...

Asst. Director Gulich – We try to discourage these people by prices we charge. We don't want to be in the grass cutting business. One of our encouragement's to get these people is to charge them \$75 an hour.

Councilman Farrell – I guess I have one comment on this also. I know I'm familiar with one of these properties and we cut the grass and it's obvious that they just have the City do the grass cutting. But, also as time goes by, the trimming on the grass almost covers half of the sidewalk. So, my suggestion would be that if we are charging them, we should continue to charge them handsomely and also maybe twice a year trim that grass on the sidewalk. It really looks unsightly.

Asst. Director Gulich – Of course, keep in mind Councilman Farrell, our fellows are out there cutting grass, that means they are not cleaning streets or cleaning sewers, like I said that's why we do...

Councilman Farrell – And that's why I said make sure the charge is excessive. It does look terrible. A lot of these properties are in the middle of residential areas.

President Cervenik – Mr. Gulich, do you feel that the \$75 fee should be raised?

Asst. Director Gulich – I believe it would be within our Council's authority to up that. I don't know if that would encourage any better payment. Obviously they are not paying \$75 an hour. They are not hiring someone and we are charging \$75 an hour, I don't think if we charge \$100 an hour that would discourage these people.

President Cervenik – I was considering more like \$150, maybe that would discourage...

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

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

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

CEREMONIAL RESOLUTIONS

Res. 30-1999 (397-99) Raymond Rossman

A resolution of condolence to the family of Euclid businessman Raymond E. Rossman on his untimely passing.

Res 31-1999 (398-99) Timothy J. Montana

A resolution of appreciation for Sergeant Timothy J. Montana upon his retirement from 33 years of dedicated service with the Euclid Police Department.

Res. 32-1999 (399-99) Timothy A. Coy

A resolution of appreciation upon the retirement of Timothy A. Coy, a dedicated Detective in the Warrant Unit of the Euclid Police Department.

Res. 33-1999 (406-99) Andrew C. Vidra

A resolution in Memoriam for Andrew C. Vidra, Jr. a U.S. Army Corps Veteran of World War II and the Korean Conflict.

Councilwoman Holzheimer Gail moved for passage. Councilman Gallagher seconded. Yeas: Unanimous.

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

Committee of the Whole

Harvey Mlachak – 23831 Lake Shore Blvd. At the February 1st, 1999 meeting, which was the last Council Meeting, Mr. Apanasewicz answered a question and his answer was, "the ordinance will not be applied retroactively. Any installations that are operating can continue to operate legally." Also, I'm sure that the Law Director can concur with me when I say that an ordinance cannot be applied retroactively. Since the Law Director is not here, Mr. Apanasewicz, do you stand by unequivocally by what you said?

Commissioner Apanasewicz – I don't know if I'd stand unequivocally by it. I think we need to maybe specify that it is land use law. This is a land use ordinance. I don't know if you are saying that other building codes would not apply because, that may not apply when it comes to building and housing. I know when it comes to land use, the Law Director has told me, and consistently, you cannot apply the law retroactively.

Mr. Mlachak – The reason I ask you that question as you made no exception to it. However, what confuses me and thoroughly upsets me on this is, on December 2, 1958 I took out a building permit for 23831 and 23835 Lake Shore Blvd. This permit as received from the city files states at the bottom 100% complete, 12/31/59. Which means that I complied with all zoning ordinances, building codes and all laws in effect at the time. The city came into my house, into my rental unit which is on the second floor of my home. I occupy the first floor. They came in 40 years later and tell me that I am not in compliance with 4 sections of ordinance 1755.16, which was passed 6/15/70, about 10-11 years after the house was complete. If an ordinance cannot be retroactive according to you, and also supported by the OBBC, the Ohio Basic Building Codes section 3781.2 and also subsection 355 states your codes may be enforced, quote “so long as the substantive provisions do not conflict with the State building code.”

How can you come onto my property, in my house 40 years later and tell me I'm in violation? Arrest me, take me to jail, send me to court, fine me, when an ordinance cannot be applied retroactively. It is also supported by the OBBC. To use a catchall phrase for the health, welfare and safety of the citizens. One of the violations in Ordinance 1755.16 has to do with GFI's. Cuyahoga County in 1990 had a population of 1,412,140, according to the census bureau. And today has an estimated population as of July, 1997 of 1,386,000. These figures are from Mr. Wilkens at the County Board of Elections. I bring this up because in the last 10 years, there were 7 people killed by electrical accidents in the home, including two bite down wires, in 1944. These figures were from the County Morgue. So 7 people in 10 years out of a population of close to a million and a half. So please tell me about health, safety and welfare and about applying ordinances retroactively and I say illegally. Thank you very much. Is anybody interested in doing anything about this?

President Cervenik – Mr. Mlachak, the Law Director is not here this evening. I will ask him to respond to your specific personal situation, specifically in writing.

Mr. Mlachak – Thank you sir.

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

Adjournment

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

Attest:

Clerk of Council

President of Council