

COUNCIL MINUTES

April 19, 1999

The regular City Council Meeting was held on Monday, April 19, 1999 at 7 PM in the Euclid City Hall Council Chamber. President Cervenik presided.

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

Councilwoman Holzheimer Gail moved to excuse Councilman Korosec. Councilman Dallos seconded.

Councilman Korosec arrived late.

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

Liquor Permit

Councilwoman McGarry moved to receive without objection a transfer of a D5, D6 liquor permit from XAM Inc., Dba S&S Beverage to D&G Beverage Dba S&S Lounge at 22810 Lake Shore Blvd. Councilwoman Miller seconded.

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

Passed.

Communications

Council has received the following communications:

A memo from the Interim Director of the Department of Transportation regarding urban initiative.

A request for a resolution encouraging the passage of House Bill 17 to modify the Great Seal of the State of Ohio from Mr. William Burnett.

Thoughts on slot elections and term limits from Charter Review Commission members Dorothy Fike and Paul Hribar.

An invitation to attend the National Day of Prayer on Thursday, May 6, in Council Chambers.

A review of Euclid Jail from the Bureau of Adult Detention.

From Building Commissioner Apanasewicz, a request for a boundary change.

A Resolution from the City of Brook Park urging the Regional Transit Authority to provide public transportation to the I-X Center.

A letter from Mayor Oyaski to the Ohio Coastal Management Program supporting the Ohio Dept. of Natural Resources proposal to amend the rules for leasing Lake Erie submerged lands.

A memo from Mayor Oyaski regarding Representative Ed Jerse's efforts which are related to Res. No. (471-99) on tonight's agenda.

A memo from Mayor Oyaski to Council regarding information on the jail escape.

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

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Councilwoman Miller moved to approve the Council Minutes of April 5, 1999. Councilman Vadnal seconded. Yeas: Unanimous.

Administration Reports & Communications

Mayor Oyaski – We have a series of announcements and presentations. I'd ask first for the Service Director and then the Recreation Director to make brief reports to the Council.

Director DiNero – I'd like to announce at this time that we are going to have our annual spring clean up starting the week of May 10th. More information will be put over Channel 51.

Basically what it will amount to is the cleaning up of leaves and bushes. As long as they are bundled and put out at the day of the rubbish collection either Waste Management will pick them up or the City. There will be more information on Channel 51. Thank you.

Director DeMinico – The Parks & Recreation Department has a couple of special events coming up in the next few weeks. Our annual ice show will be in conjunction with the Blade and Edge Club and the learn to skate program that is run through the department. Friday night, April 30th and Saturday May 1st, the show's theme will be Euclid Swings. All are invited to attend at C. E. Orr Ice Arena. Also, on Friday, April 30th the City of Euclid will again be celebrating Arbor Day at 10:00 AM in Sims Park north of the circular parking lot. Mayor Oyaski will be dedicating the new Mayor's Grove. It will be honoring the first six Mayors of the City of Euclid. If anyone in attendance, besides Mayor Oyaski, knows those first six Mayors, please see me after the meeting. There will be a prize. On Saturday, May 1st, Briardale Greens will be hosting Euclid Day. Beginning at noon and running till 4:00 PM the citizens of Euclid, with a tee time reservation, may golf 9 holes of golf at Briardale Greens for free. The number for tee times is 289-8574. We do look forward to seeing the Judge in attendance that day. Thank you.

Mayor Oyaski – I'd ask Mr. Wade Stein who is the representative of the Ohio Governmental Finance Officers Association to step to the podium.

Mr. Stein – I'm the state representative for the State of Ohio to the Government Finance Officers Association and I'm here this evening to recognize the City of Euclid and specifically your Finance Director Richard Balazs. The Certificate of Achievement is the highest form of recognition that a government can win in governmental financial reporting. It is ironic and quite astounding that I'm here this evening because this is the 16th consecutive year that the City of Euclid has been awarded this Certificate of Achievement for Excellence in Financial Reporting.

To win the award, a government must effectively and efficiently communicate all information about the government's financial status. The most important goal of our program is to continually improve the quality of financial reporting so that those receiving the information can make the most informed decisions possible. In talking to Finance Director Balazs before this, he did inform me that he does provide excellent information and the Council always makes very wise and educated decisions because of that.

The criteria to win the award are as follows: the city's CAFRA must include all activities of the city; be independently audited in accordance with general accepted auditing standards; demonstrate an effort to clearly communicate the financial story of the city; provide full financial disclosure at the individual fund level; report in certain standardized terminology and formatting; be written with a minimum of ambiguities and be published in a timely fashion.

To give you some measure of how your city ranks compared to other governments in the country and State of Ohio, there are 82,000 governmental units in the country. Last year just under 2,800 were awarded this Certificate of Achievement, about 2 ½%. Your city is in the very elite 2 ½%. In 1997, 225 governments in the State of Ohio earned this award. There are over 4,800 units of government in the State of Ohio. Which puts you in the elite 4% in the State of Ohio. I would now like to recognize your Finance Director, Richard Balazs. Please join me in recognizing him and congratulating him on this award for the 16th consecutive time.

Director Balazs – That award this evening makes it a little more special that Wade Stein is present to do it. He is a heavyweight in helping the municipalities in the State of Ohio. He works with the Ohio Municipal League and the Government Finance Officers on the United States basis. As you know Wade, it is just not one person that does the financial reporting and budgeting. I'd like to recognize my staff: Nancy Fisher, who has been with me 25 years, she knows every aspect of my department, #2 Paul Beckwith, the certified public accountant that I hired a year ago and has made some good inroads in the accounting department, as City Council knows, Fred Wendel who does my budgeting for me, he did a presentation last February.

In the City of Euclid we take budgeting and financial reporting very seriously. When we held our meeting in February, the meetings that we did hold, there is only five council people on that committee. Just about every meeting, I had 100% attendance of City Council at that meeting. I want to thank Bill Cervenik, President of Council because he is also chairman of the Finance Committee. Also, special recognition to our Mayor of the City of Euclid. Of the five Mayors that I have worked for in the City, he is the most dedicated one that pays attention to the budget. A week doesn't go by when he has a dozen questions for me. Is this the right account? Do we have enough money? So, that shows teamwork that provides an award like this. Thank you very much.

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Mayor Oyaski and Fire Chief Dworning swore in four new Firemen: Eric M. Patterson, Timothy B. O'Neill, Michael F. Gulya and David Engeman.

Mayor Oyaski and Chief Baumgart presented Pauline Golinar with a Proclamation upon her retirement as Clerk in the Records Management Division of the Euclid Police Department.

Mayor Oyaski and Chief Baumgart presented Cathy David with a Resolution and Plaque for her retirement as a Dispatcher for the Euclid Police Department.

Mayor Oyaski and Chief Baumgart presented Det. Bob Carney with a plaque upon his retirement from the Narcotics Division of the Euclid Police Department.

Capt. Doles announced the recipients of the Civilian Award: Chad Vikes; Tony Soukup; Milan Samardzija. They will be presented with plaques for aiding in the arrest of an aggravated robbery and arrest at 84 Lumber.

Mayor Oyaski, Chief Baumgart and Capt. Doles presented the following awards and metals to deserving individuals of the Euclid Police Department:

Diana Knaus, Dispatcher for the Euclid Police Department, with the Civilian Award.

James Horton & Thomas Yanacek for the Educational Achievement Award.

Exceptional Service Award to the Community Policing Unit: P.O. Andrew Veres, P.O.

Kevin Kelly; P.O. Susan Schmid; P.O. Timothy Verh; P.O. Paul Doyle; P.O. Daniel

Sawyer; Community Policing Specialist Charles Eduardos.

Det. Sgt. James Baird, P.O. Gary Cowper, P.O. James Thompson received the Combat

Cross. P.O. James Thompson will also receive the Injury on Duty award.

Dispatcher Maureen Richardt received the Employee of the Year Award.

Officer of the Year Award to P.O. Fred Stoldt.

Mayor Oyaski presented Emmanuel Smith and Coach Doc Daugherty with a Resolution of Congratulations for being named Associated Press' Player of the Year in the State of Ohio.

Mayor Oyaski – We are celebrating Civic Day on May 3rd. Teacher Pat Vuyancih from the High School is working with students from VASJ and Euclid High to give them a taste of local government. Many of them have met the Council, Directors and Department Heads. They've had elections. They will be having a mock meeting to simulate a Council Meeting and a Board Meeting. Thank you.

Reports & Committee Minutes

Councilwoman Miller moved to receive the Fire Report of March, 1999; Humane Officer's Report of January, February & March, 1999; Charter Review Commission Minutes of March, 1999; Shade Tree Commission Minutes of 2/16/99; Board of Control Minutes of 3/29/99 & 4/5/99. Councilman Vadnal seconded. Yeas: Unanimous.

Councilwoman Miller moved to sustain Planning & Zoning Commission's approval of a Lot Split of the Euclid School Board property located on Chardon Road, P.P. #646-30-007.

Councilwoman McGarry seconded.

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

Committee of the Whole

Councilman Dallos moved to go into the Committee of the Whole for Legislative Matters Only.

Councilman Vadnal seconded. Yeas: Unanimous.

Mr. Harvey Mlachak – 23831 Lake Shore Blvd. I would like to speak on Res. #11, (464-99). As I've said here before, we have two Chiefs who chose not to live in our town. I would rather they live in my town. However, I would defend with any means available to me their right to chose where they would like to live. I would also like to echo the sentiments of Jack Fraier in his Letter to the Editor of the Euclid Sun Journal, March 11, 1999. The Euclid residency requirement for its municipal employees is another version of the Berlin Wall. Forcing the employees to live in the city where they work automatically denies them their basic right to live where they choose.

Mr. Mlachak - I don't agree with the statements that if the city employee doesn't live in the City of Euclid his duty will be substandard. If you hire a man with good ethics, you'll have a good employee. If you hire a bum, you'll have a bum no matter where he lives. The other thing that I find out with some of these forces and some city employees and so forth, once you get a bum, it is hard to fire him.

The other thing that struck me tonight, with all the accolades and praise that was heaped upon our safety forces, let me ask you one question. If all these things are true and sincere, do you think that if any of these gentlemen chose to move from Euclid to Wickliffe, Willoughby, Mentor, wherever, do you think their work ethics and their dedication to their job and duty would then become substandard? I think not. Because I think those honors that were heaped upon the men today were really sincere.

Let me repeat, I really think that if a man moves out of town, his work ethics are not going to fail. I would beg that you vote this resolution down. Please don't rubber stamp it through. Back your safety forces. Let them live where their rights are entitled to live. In my 74 years, there was only one guy that ever told me where to live, when to live, how to live, when to move, when to come back, and that was Uncle Sam. I think these men earned a right. They don't even have to earn it, they've got it coming to them. Let them live where they want. Thank you very much.

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

Ord. (453-99) Rezoning/Roseland

An ordinance rezoning P.P.#646-23-079, 19230 Roseland Ave., from U-4 to U-5 use district and further amending Ord. No. 2812. (Sponsored by Planning & Zoning Commission)

Second Reading.

Public Hearing 5/3/99.

Ord. 92-1999 (409-99) Fire Station/Rezoning

An ordinance rezoning P.P.#646-30-007, from U-R-1 to U-R-3 use district and further amending Ord. No. 2812. (Sponsored by Mayor Oyaski) (New Fire Station Parcel)

Councilman Farrell moved for passage, Councilman Vadnal seconded. Yeas: Unanimous.

President Cervenik – This is a public hearing this evening. Is there anyone in the audience that wishes to address Ord. (409-99)?

Mrs. Dorothy Fike – 20271 Delaware Road. I wasn't sure whether you were going to have it or not because it got a little noisy back there. I do have a question. I do thank whoever, I did ask at one of the previous meetings about the map and I did get it. I have a question to the Service Department or Law Department. On the map it has 7, 8 and 9. There is only one little section of 7, I suppose that's a subplot number, is being changed to U-R-1. What is now on lots 8 & 9, are they included in this zoning change?

Director Murphy – I do not believe the zoning on 8 & 9 are affected by this ordinance. I am not certain myself what is on those lots at the moment.

Councilman Dallos – It is part of the car agency lot.

Mrs. Fike – I was trying to add the different dimensions and it looks like it actually starts when you go 360 ft. from the middle of Euclid Ave. If that's where it starts, it would be on lot 9. Talks about 370 ft. from the intersection of Chardon Road and Euclid Ave. If you add 178 and 178 and half of 40, that gives you 370 ft., which does not include 8 & 9. It only goes up to the southern edge of lot 9.

President Cervenik – Mr. Gulich, can you shed any light from the engineering standpoint?

Mr. Gulich – Can't help you Bill.

Commissioner Hayes – The 179, 42 and 178 that Dorothy refers to are two different measurements of the same part of the parcel. One is a outside measurement into the right-of-way. So, you don't use both those numbers.

Mrs. Fike – Okay. So then 8 & 9 are already zoned for businesses. It is only part of the School Board property. I'm asking then also does not go all the way to where 14 intersects with 7? I'm assuming 7 is also school board property?

Commissioner Hayes – Yes.

Mrs. Fike – But it doesn't go all the way back to that then?

Commissioner Hayes – The property in question only goes back approximately 297 ft.

Mrs. Fike – How far is that on the hill? Does it go down into the hill at all?

Commissioner Hayes – No. If you know where the treeline is back towards the back just before you go down the hill? It is approximately there.

Mrs. Fike – Will there be some kind of a barrier there? I'm asking that of the Fire Department?

Chief Dworning – Our intentions right now, and we'll be at the Architectural Review Board meeting this coming Thursday night, we will present to them what we plan to use as a barrier. Preliminarily we are looking at a concrete wall to protect that back-end of the property.

Mrs. Fike – What time is that meeting?

Chief Dworning – 7:00, Thursday, April 22, 1999.

Mrs. Fike – Thank you for your information.

President Cervenik – Any questions or comments from Council or the Administration?

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

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

Ord. 93-1999 (468-99) Storefront Renovation.

An emergency ordinance authorizing, empowering and directing the Mayor of the City of Euclid and Director of Community Services and Economic Development to enter into a Special Storefront Renovation Agreement with Jomon, Inc. tenant of the property located at 22780 Shore Center Drive, and Jameson Properties L.L.C. owner of the property located at 22760 through 22780 (even) Shore Center Drive for the provision of a grant in an amount not to exceed \$22,000 as reimbursement to each entity of 30% of eligible expenses, and reimbursement to Jameson Properties L.L.C. for \$1,000 of needed architectural design services. (Sponsored by Councilwoman McGarry)

Councilwoman McGarry moved for passage, Councilman Dallos seconded.

Councilman Dallos – I have a little problem with this ordinance. A couple of months ago we passed an ordinance to give the tavern or whatever you want to call it at 220th and Lake Shore Blvd., an excessive amount of money. We threw in everything and the kitchen sink. Here we have a business that's been in the city for 38 years. What we are saying to this business is that you have to do everything strictly by the guidelines. I find a problem with that.

The only thing I'd like to amend on this is Mr. Foster has spent \$4,500 for architectural fees and I would like to amend this legislation to see that he gets \$1,500 back for architectural fees in addition to what is in the legislation.

Councilman Dallos moved to amend. Councilwoman McGarry seconded.

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

Councilwoman McGarry – This project is an enhancement as Councilman Dallos pointed out of an already comfortable restaurant and compliments a sizable investment by the owner to the interior with new tables, decorating and other amenities. The continual upgrading of the downtown is an ongoing process. We are going to enjoy a number of innovations from committed owners and tenants. I want to thank them and our Community Services Department in their ongoing effort. You had to see the slide presentation that Gary DeWine made at the Henn Mansion to remember that this is a process. We all tend to forget what areas looked like in the past. It does you a lot of good to realize the work, to see it, to see what was there. I do this work a lot and I know myself, we haven't taken enough pictures. Thank you. Please continue.

Councilman Gallagher – How far down does this go? Is this the entire block of buildings there that will be renovated?

Director Koran – Mr. Foster and Mr. Spies have worked for several months on this project. They will be spending jointly approximately \$75,000 in the exterior of the property which includes the three storefronts in addition to the restaurant itself. Over \$75,000 will be spent on just the exterior of the property. Mr. Foster and Mr. Spies are both spending additional dollars on the interior renovation of the restaurant. This includes renovation of the entire exterior of the strip. The City, if this is approved, will reimburse both owners \$22,000 plus architectural fees which Councilman Dallos has amended tonight.

Councilwoman McGarry 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.
Passed.

Res. 94-1999 (425-99) Opt-Out

A resolution supporting community choice provisions that include opt-out language in the electric restructuring legislation being considered by the Ohio General Assembly. (Sponsored by Mayor Oyaski) (Recommended for Passage by Senior Service & Utility Committee)

Councilwoman Holzheimer Gail moved for passage, Councilman Farrell seconded.

Councilwoman Holzheimer Gail – We had a very informative Committee Meeting including presentations by Representative Ed Jerse, Representative Shirley Smith was in attendance as well. In addition to two representatives from CEI, Darlene Johnson and David Whitehead. While deregulation is a complex issue, the Committee did feel that the opt-out community choice provision should be a part of the state legislation. Opt-out provisions and community choice would enable the City to serve as an aggregator to purchase power on behalf of the residents for the group as a whole. This is under the intention that if we can purchase it for a larger number of people we could do so in a cheaper cost to the residents and small businesses. Hopefully, with that purchasing power there are other issues we could provide a lower cost. Citizens and businesses who do not want to be part of that could opt-out. That would be their choice to seek their own provider. There are many issues, but as I said, the committee did feel that the opt-out language should be added to the legislation at the State. Any interested residents, I would urge them to watch Channel 51 to learn more about the issue. We look forward to continued discussion with our state legislators and CEI. I also want to thank the Mayor for his lead in this issue and his very informed comments at that meeting. I would urge Council to pass this resolution this evening.

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

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

Councilwoman Holzheimer Gail moved for passage. Councilman Korosec seconded.

Director Koran – Last Monday there was a committee meeting to discuss the approval of the Euclid Community Concerns contract. The committee recommended that it be passed tonight. As you recall at the last council meeting I went through some numbers regarding Euclid Community Concerns. I will do that again. Last year we had a contract with them for \$25,000. We only reimbursed \$7941.15 due to a lack of manpower at Euclid Community Concerns. That lack of manpower has been corrected since this time. We have a new executive director who made the presentation at the meeting Monday. The administration is recommending now that we approve this contract for ECC for \$25,000, which would be paid for out of the block grant program. Some of you may recall many years ago, we used to use the Cuyahoga Plan to handle our fair housing services. Many councilmen at the time were disappointed with the service that was provided by the Cuyahoga Plan being located downtown. They had a lot of problems just with neighborhood organizations and other things that ECC does very well. I'm happy with ECC's service up to this point. We are recommending that you approve this contract tonight.

Councilwoman Holzheimer Gail – As Director Koran said, we did have a committee meeting. I think the committee felt comfortable that the organization was stable and felt comfortable that the current staff would be able to fulfill the contract. The committee did ask ECC to emphasize neighborhood organizing, helping to develop new neighborhood and tenant groups. So, we look forward to some success in that area. The committee did send this to Council with approval, so let's vote for passage. Thank you.

Councilwoman Holzheimer Gail 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.

Res. 96-1999 (469-99) Dispatcher's Contract

A resolution accepting the Fact-finder's April 9, 1999 report in the labor negotiations between the City of Euclid and Civilian Uniform Police Personnel Organization (CUPPO). (Sponsored by Mayor Oyaski)

Councilman Vadnal moved for passage, Councilman Gallagher seconded.

Director Murphy – I've provided you with a written explanation of this item that is before you tonight to briefly expound on that. What is before you this evening is the fact-finder's award issued by Attorney Marvin Feldman in the negotiations between the City and CUPPO representing the police civilian dispatchers and record room personnel.

It is important and significant that this appear before you tonight because tonight is the expiration of the seven day period by which time under Ohio Collective Bargaining Law the legislative authority must either accept or reject the fact-finder's award. The Administration is recommending the acceptance of this award. We believe it is a fair and equitable resolution of outstanding issues with this particular union.

I would note to you the contract itself is not before you for approval tonight. This is simply the fact-finder's award. Which, as I indicated, must be accepted or rejected by today under the guidelines of the Ohio Collective Bargaining Law. A third option available to you as the legislative authority is to take no action. Should you take no action whatsoever on the fact-finder's award, the award again under Ohio Law, becomes automatically effective and the provisions of the award must be written into the contract.

As of the close of business today, I have not heard any response from the Union as to their acceptance or rejection of the award. I am assuming that they, the union members have not voted to reject and they will accept the award as it is written.

The award does provide for, what the fact-finder refers to as an equity adjustment for the members of this union. The fact-finder found that the base salary paid to the members of this unit are less than the base salary paid to members of similar organizations performing similar job functions in comparable municipalities in this area.

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Director Murphy - He therefore did award a fifty-cent an hour wage adjustment to dispatchers members and awarded a 3% annual increase in each of 3 years of the contract, consistent with what has been negotiated with other unions in this city.

As with the Fire Department which contract you have already accepted and agreed to and with the other unions with whom we are negotiating, members of this unit have been authorized to move their residence out of the city after 8 years of actual bona fide residence in the city.

The fact-finder also awarded this union two personal days. It is significant to note that of the 10 collective bargaining units in this city, I believe only this unit and the correction officers unit which contract appears later on the Agenda, are the only 2 of the 10 collective bargaining units that do not enjoy any personnel days in their contract currently. In addition to the unions, all non-union members of the city have a benefit of 5 personnel days a year. The award of 2 personal days to this unit is consistent with, in my opinion, benefits awarded not only to other unions in this city but also to the non-union employees of this city.

Should also note that in the course of negotiations there was a discussion relating to the incorrect calculation of overtime payments to the members of this unit over the, I think forever. I shouldn't say over the past three year period. I don't believe the overtime payments to the members of this unit has ever been calculated correctly by the city. In that regard, the fair labor standards act, a federal act requires an employee to include in an overtime calculation all of the additional pays that an employee is entitled to such as proficiency pays, longevity, shift premiums and so on. In the course of negotiations with the dispatchers and record room personnel, it came to light that all of the overtime that these individuals worked is calculated strictly on their base hourly rate of pay without those premium pays included.

The recourse here is that these employees could file a complaint with the United States Department of Labor and receive an order directing the City to go back for a maximum three year period and recalculate the correct wage that should have been paid to these employees. They could receive an award of all of that correct pay that they should have received over a three year period. As part of the negotiated agreement and as the fact-finder awarded, the Union has agreed not to pursue such a claim, assuming the rest of the fact-finder's award is accepted.

Those are the highlights of the award and the rest of the negotiations which we've conducted. If you have any questions, I'll be happy to try and respond to them.

Councilman Dallos – How many employees?

Director Murphy – There are 16 dispatchers and 6 record room personnel. A total of 22 employees, I believe.

Councilman Dallos – The 8 year residency requirement, is that going to be grand-fathered meaning that if they have worked for the city 8 years, as of the time this is passed, then they can move out of the city?

Director Murphy – I believe that's how the provision was incorporated some six years ago when it was written in the police department. I think it would be extremely unfair to the other unions to interpret it differently. So I believe the answer is yes.

Councilman Dallos – How does hospitalization compare with other contracts right now?

Director Murphy – Obviously the easiest thing to do and what the City wants to do is offer the same plan to everybody. This is the same hospitalization plan that will be available to all employees. It is the same negotiation we had with all 10 collective bargaining units in the city.

Councilman Dallos – Personal days, do we have any idea what that's going to cost us?

Director Murphy – I don't have an exact figure. I think the rough calculation of one day's compensation to a dispatcher is approximately \$102. Perhaps the Chief has a comment on that.

Chief Baumgart – We also attempt to schedule so when they do take those personal days, no one is working overtime. We have people, part-timers, that fill in those hours if at all possible.

Councilman Dallos – But it does cost more than \$102 because you do have to have someone cover for them, even if they are part-time.

Chief Baumgart – Right.

Councilman Dallos – At the present time they have no personal days?

Director Murphy – That's correct.

Councilman Dallos – How many holidays to they get?

Director Murphy – Seventeen.

Councilman Farrell – Is seventeen holidays across the entire city? Does everybody have 17 holidays?

Director Murphy – I think just about all the unions have 17. I don't think the non-union have 17, they have 13 and 5, 18.

Councilman Farrell – You explained to us in writing why this went to fact-finding. Could you explain that to the general public as to why this went to fact-finding and the other two contracts we are looking at did not.

Director Murphy – This negotiation went to fact-finding primarily for two reasons. This unit being what the statute recognizes as a safety force unit does not have a right to strike. The next step in the process would be to binding arbitration. Fact-finding is the percipitory step to binding arbitration with safety force units. The second reason it went to fact-finding was the inability to negotiate the equity adjustment which was requested by this unit in recognition of their lower pay.

Councilman Farrell – If this were to be rejected it would go to binding arbitration?

Director Murphy – Yes it would.

Council President Cervenik – Mr. Murphy, I'm not happy with this situation at all. I don't like to receive something and have to have one night to act on it. We have taken a course, I felt, in having an eight year residency period in exchange for the 3, 3, and 3. This union here not only gets their 3, 3 and 3, but they've got equity adjustment another probably close to 4%. That .50 an hour comes very close to 4% of their average wage. You are talking about a 7% increase each year for three years plus the personal days. In the very recent past, we had some discussion that we have so many holidays and vacation days, that our employees are complaining that they can't take them all.

I'm in a position tonight to say let's give two more personal days out. I find that very hard to do this evening. I also wished we would have received re-cap on all three of these, showing exactly what this is going to cost the City of Euclid over three years and beyond. We really don't have that.

Regardless of what the next legal step is, this Council person is going to vote against it.

Director Murphy – Let me point out as far as the short time to act, that time is established by the State Legislature. I suggest you take that up perhaps with the Legislature. We received the fact-finder's report last Monday. In fact I requested the fact-finder to hold up mailing it out so that I would not have to ask this Council to meet separately at a special meeting to consider the fact-finder's report. Which had we gotten it any earlier than last Monday, it would have required the calling of a special meeting to act on it. That's something set by the statute and we can't control.

I also got a memo out to all Council people on Wednesday of last week. So I think you've had more than one day to consider and act on this. The last point I'll make, quite simply is, I think it is far better for you to have control. My experience in collective bargaining dictates that it is a lot better if you have control of the negotiation than leaving it in the hands of an outside third party, who has no interest whatsoever in the operation and management of the city.

President Cervenik – My control right now is yes or no. I have no control over this matter.

Chief Baumgart – I was proponent last time of an equity change in their contract because I believe that they were one of the lower paid dispatchers in the area and they are busier, it is a difficult job. That's why the time off is also important because the stress factor involved in their job. We have lost good dispatchers to other departments.

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Chief Baumgart - I was very glad that the fact-finder ruled this way and they are receiving a decent contract this time. They have worked a long time for this. They went three years of a lot of morale problems over the last few years until this contract came up. I believe now the morale has changed and I would hate to see it end tonight with a no vote, especially from you.

Councilman Vadnal - If this gets voted down, it goes to binding arbitration?

Director Murphy - That's correct. That would be the next step in the process, is binding arbitration.

Councilman Vadnal - How soon does that happen?

Director Murphy - We would have to notify SERB in Columbus of the legislative authority's rejection of the fact-finder's report. They would appoint the arbitrator and the hearing would be scheduled at the convenience of the arbitrator and the parties.

Councilman Vadnal - That's the final decision then, whatever the arbitrator renders?

Director Murphy - That's correct, with respect to this unit being recognized as a safety force unit. Units which are not safety force units and which have a strike right, do not go to binding arbitration.

Councilman Gallagher - What type of review is it? Is the fact-finder's report given weight, or do they start all over?

Director Murphy - Basically you start over. The fact-finder's report can be considered by the arbitrator but there is no restriction on issues that can be presented. For example, basically when you go to arbitration all bets are off. Anything that the parties had already negotiated at the table can be withdrawn. At the binding arbitration each side, the first step is to define the open issues. Each side defines its position on an open issue and its like the baseball arbitration if you are familiar with those. The arbitrator picks one side or the other, there is no compromise. Essentially we have an agreement on the 3% annual increase aside from the equity adjustment. If the city went to a binding arbitration with a proposal for a 3% increase and the union went to a binding arbitration with a proposal for a 5 or 6% increase. The arbitrator picks one or the other.

Councilman Gallagher - What type of evidence was presented on the wage discrepancies, the inequity?

Director Murphy - The primary evidence was from the union. It was charts and figures of dispatcher wages from many of the surrounding communities, both Cuyahoga and Lake County.

Councilman Gallagher - Those are all a matter of contract and public record, irrefutable?

Director Murphy - Yes.

Councilman Gallagher - What would your expectation be if we rejected this and went to binding arbitration?

Director Murphy - As I think we've indicated to Council in prior discussions, our belief is that 3 year contracts in the public sector are currently being settled wage-wise between 10-12%. I think you could reasonably anticipate a 4%-5% award.

Councilman Gallagher - On top of the measures to correct the wage inequity?

Director Murphy - Possibly. It would depend upon how much credence an arbitrator would put on the fact-finder's finding of inequity. Whether the fact-finder would award an equity adjustment, then an increase on top of that.

Councilman Farrell - This is another question you may not be able to answer, but I guess in your learned opinion, would an arbitrator look at such things as pay equity among communities for dispatchers?

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Director Murphy – Absolutely.

Councilman Farrell – Would they also look at equities among unions within the city?

Director Murphy – Absolutely.

Councilman Farrell – So then they would look at personal days, which is included in this fact-finder report and then they would also look at equity adjustment which is included in this agreement.

Director Murphy – Correct.

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

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

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

Passed.

Res. 97-1999 (457-99) Correction Officers Contract

A resolution authorizing the Mayor as Ex-Officio Director of Public Safety of the City of Euclid, to execute an agreement between the City of Euclid and the Fraternal Order of Police/Ohio Labor Council, Inc. (F.O.P./O.L.C.), as exclusive bargaining agent for all Euclid Correction Officers. (Sponsored by Mayor Oyaski)

Councilman Vadnal moved for passage, Councilwoman Miller seconded.

Director Murphy – Once again I have provided you with a summary, out-line, of this settlement. I would point out to you that this before you this evening is the actual contract, not a fact-finder or conciliator award. Again, the correction officers is a recognized safety force. Does not have a right to strike under Ohio Collective Bargaining Laws. If this contract were not accepted by the legislative authority, the next step in this process would be binding arbitration.

As I've indicated to you the significant points of this negotiated settlement include a 3% per year wage increase for a three year contract. The residency option whereby an individual can move out of the city after eight years of actual bona fide residence. This is eight years of residence in the city, not eight years of employment with the city. I believe the original residency provision in the police contract allows the police force employee to move out of the city after eight years of employment. So we have expanded on that both with the fire department, which you've already approved and with the other unions with whom we are negotiating. The residency provision requires eight years of actual and bona fide residence in the city; not eight years of employment with the city.

There is the enhanced hospitalization coverage which would be available in the second two years of the contract. This union accepted a \$30 increase in its shoe allowance to \$200 per year. Also accepted a ten cents per hour per year increase in its proficiency pay based on the fact that the employees in this unit have been required over the years to obtain additional training and proficiency in different systems.

Finally this union agreed to accept two personal days. This is the second union in the city that has no personal days in its contract. If there are any other questions, I'll try to respond.

Councilman Farrell – Can you just further describe what exactly proficiency pay is?

Director Murphy – Proficiency pay, perhaps the Chief can address that better than I can.

Chief Baumgart – It depends on the certifications that they hold, LEADS, NCIC. The jail does use that in the in-take. There are other certifications that are held back there but off the top of my head I can't tell you what they are, but similar to those.

Director Murphy – They have to have the certifications to be eligible to receive the proficiency pay.

Councilman Farrell – Do they all have the proficiency pay? Do they all have the certifications?

Chief Baumgart – I would assume that everyone has a certification of something in the jail, that they all hold that except when they are brand new.

President Cervenik – In essence this is another ten cents an hour raise on top of the 3%. Any other comments from Council? My comments for this are the same. We are putting in the eight year residency period and we are also giving personal days and additional increases and allowances. We already have a \$300 a year clothing allowance and we are increasing the shoe allowance to \$200, so that's \$500. I just feel that in exchange for the residency change, that would be unnecessary, so I cannot support this one either.

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

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

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

Res. 98-1999 (466-99) Motor Maintenance Contract

A resolution authorizing the Mayor of the City of Euclid to execute an agreement by and between the City of Euclid and the International Association of Machinists and Aerospace Workers, Local 1363, as exclusive bargaining agent for all Motor Maintenance employees. (Sponsored by Mayor Oyaski)

Councilman Dallos moved for passage, Councilman Farrell seconded.

Director Murphy – This contract is very similar to the one previously described. This contract is with 12 employees in the Motor Maintenance Department, represented by the International Association of Machinists and Aerospace Workers. This is not a safety force unit obviously. This is not a contract which would go to any kind of binding arbitration were it not accepted by city Council. However, we see no reason not to accept this contract. It is in line with the other contracts which have been negotiated and we are recommending it for your approval.

I again have provided you with a memo which outlines the terms and provisions agreed to between the parties. This unit did differ a little bit. They did abide by the 9% over the three years set wage increase. However, they elected to receive 3.5% in each of the first two years and only a 2% increase in the third year. Again they have the right to remove their residence from the city after 8 years of actual residence in the city. The same hospitalization coverage would apply in the final two years. Their combined boot and tool allowance was increased from \$700-\$800 a year. From \$250 to \$350 for mechanic helpers. It should be noted that these employees obviously need comfortable and safety shoes or boots in the performance of their job in the Motor Maintenance area and they also are required to purchase on their own a significant amount of the tools that they use on their job. Obviously the tools are theirs, they can use them in the performance of their own work. Some of them do work on the outside and can use their own tools on the outside. But many of their tools have to be purchased even to perform their duties here at the City.

Finally, their premium for night shift was increased ten cents an hour from .35 to .45. It was agreed that if they are called into work on four specific designated holidays, those being Christmas, New Year's Day, July 4th and Thanksgiving, they would be compensated at double time. As opposed to time and a half they are presently compensated if they are called in on those days. We were advised in the course of negotiations that rarely if ever are these individuals called into work on those four holidays. We don't think this would be a very common occurrence. Absent perhaps a severe snow storm on Christmas or Thanksgiving Day, these individuals typically are not called in to work on those holidays.

Any other questions, I'll be happy to respond.

Councilman Korosec – With all of the differences that we gave them, what did they give us?

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Director Murphy – They gave us an extended period of time for probation. Employees will now serve a 120 day probationary period rather than the 90 day probationary period. In addition, disciplinary actions taken against employees of this union currently remain in their file for 12 months. Under the new contract, disciplinary actions will remain in the file for 18 months. The health care is a minor concession since deductibles will go up in the last two years. However, there won't be any co-pay as is now required, so that's pretty much a wash. Those were the two big factors.

Councilman Gallagher – This is probably for Director Balazs, is there any significant affect, if any, on the compounding of the raises at 3.5%, 3.5% and 2% as opposed to straight 3's?

Director Balazs – The Mayor did ask me earlier if we had money budgeted for these type of increases. If you recall during the budget hearings that we basically put into the budget at 3% across the board increases for most of the union budgets. I've estimated that what we are talking about here, the Record Room, Corrections and Motor Maintenance, is probably going to cost the city for all three of those unions about \$70,000. The increase in the base salary is going to be about \$60,000. There's going to be about \$10,000 extra in there.

To answer your question specifically, there will be some additional cost in the first year of 3.5% since we only budgeted 3%. There will be an additional cost there. I think they are going 3.5%, 3.5% and the last year 2%. That will be over a three year period additional percent that the city will have to come up with. There's the compounding nature to the increases, which will affect the budget mostly when the second and third year of the contracts are up. We perceive that and there will be an increase because of that.

Councilman Gallagher – Do you know approximately if it is a material increase as opposed to the straight three?

Director Balazs – It is going to be minimal in the fact that they three budgets here together is going to cost the city \$70,000. We are talking only about 69 people in the three unions here. There will be an increase, its minimal, I don't have the figure this evening.

Mayor Oyaski – According to the Finance Director, Councilman Gallagher, Motor Maintenance 3% would cost \$13,500, for the first year 3% for those 12 employees would cost \$13,500. If it was 3.5%, it would be one-sixth more than that, which is about \$2,200 on top of the \$13,500.

Councilman Farrell – After we take action on these three bargaining units, how many more bargaining units do we have to deal with?

Director Murphy – There are 10 units in the City. If these three are approved and fire has been approved, that's four of the ten out of the way. There are 6 units remaining. We have reached tentative agreement with AFSCME, representing the Streets & Sewers, Public Buildings and Traffic Maintenance units. That would be the fifth one. We have reached tentative agreement with the Waste Water Treatment workers represented by the Teamsters union. We are scheduled to go to fact-finding with the F.O.P. and the police union, Wednesday of this week. That leaves 3 units which are the Rec Department and Animal Control people. The Building & Housing Inspectors and the Custodians at Shore Center. There are three that we are still in negotiation with. The fourth being the police department that are scheduled to proceed to fact-finding with.

Councilman Farrell – The reason I asked, and I am not going to let this stop me from approving this, the 3.5%, 3.5%, 2% is a little bit different than everyone else we negotiated the 3%, 3%, and 3%. The reason I was in favor of the others, our goal in the beginning of the year was to get everybody as equitable as we can. This is just a little bit different. I just see that if this is a little bit different then the others might be a little bit different and that would make me feel uncomfortable.

Director Murphy – The other unions are aware that this particular union selected that option. It was left available. The instruction I had was to keep wage increases at 9% over three years. That no union was to get more than 4% in any year. If a union wanted to get 4% in a particular year, it had to be the last year. That was the direction I have given all of the unions with which we have negotiated. This particular unit with 12 employees is the only one that has deviated from 3%, 3% and 3%.

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Councilwoman Miller – I have about three concerns I'd like to bring up. First of all I would still like you to give us the comparison has asked on the wages and such compared and also in the future for the next one so then we can have it in advance. Second, I noticed in the contract it said the residency is one hour from the workplace, I would like you to map out or tell where the distances are. On this one it says one hour from the workplace. Residency, on page 27 of the...

Director Murphy – One hour is in Article 28.1 which refers to employees hired before August of '77, which is the grandfathering in. The new provision is Article 28.2, which allows residency to be located anywhere within a three county area. Which is what the fire department requested and what was agreed to.

Councilwoman Miller – What are the three counties?

Director Murphy – Lake, Geauga, Cuyahoga.

Councilwoman Miller – The next thing is if any of our employees decide to move, some of them do have pagers. I hope there is something that the directors have in their job description for their employees that their pagers are on. Because, we had a couple of situations where the pager was off and not acknowledged. So, if they are going to be living that is someplace out of the community, that when we call them and we need them, that they will answer their page and they will come in. I guess that should be spelled and specified. If we are going to give them this, they have to in turn, like some people have said in the audience, they will be dedicated employees, well, I hope that will continue too. When we need them, they will come to work.

Director DiNero – In this particular department, and I think it's a good department, as far as showing up for overtime, we have never had a problem.

Councilwoman Miller – I am not talking about this particular department. I'm talking about the future with all of the departments involved. That is what I mean.

Director DiNero – But, I'd like to say this particular contract, I think it's a good contract. The men that work in that department, as far as tool allowance, they do buy all of their small tools, which are very expensive, they are not cheap. Their big tools that they use basically for chucks and some of the equipment, the city furnishes them. Mostly the tools that they work on the automobiles of the city, they purchase themselves. I think this particular area in this contract is a good contract for the city. Thank you.

Councilwoman Holzheimer Gail – Just a point of clarification, the boot and tool allowance, do they have to provide any type of proof of what they are buying, or is that an automatic payment?

Director DiNero – They are required to buy steel toe shoes, which if anyone went out to buy them, to buy a good steel toed shoe, is quite a bit of money. It's at least \$150.

Councilwoman Holzheimer Gail – Is this provided on a reimbursement basis or is it an automatic payment?

Director DiNero – It's an automatic payment.

Councilwoman Holzheimer Gail – And that's consistent with other unions? I guess that's something I would like to see in the future is maybe on a reimbursement basis.

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

Councilman Farrell 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. 99-1999 (463-99) Ambulance/bids/purchase

An ordinance authorizing the Mayor as Ex-Officio Director of Public Safety of the City of Euclid to enter into a contract after advertising for bids for the purchase of one (1) Type 1 medium duty ambulance for the Fire Department. (Sponsored by Councilwoman Miller by request of the Fire Chief)

Councilwoman Miller moved for passage. Councilman Korosec seconded.

Chief Dworning – This legislation will permit the Fire Department to purchase a medium duty ambulance to replace a 1987 ambulance we presently have in reserve. That vehicle had approximately 75,000 miles on it. It has far exceeded its life expectancy. We plan on taking that vehicle and either moving it into the Police Department for emergency response team or letting Jack Johnson have one of the vehicles we are getting rid of well for his communication video efforts. The total projected cost for this vehicle will be approximately \$130,000. \$50,000 of that money this Council approved at the Finance Committee Meeting for the Fire Department's capital budget for 1999. This vehicle that we want to buy will be very similar to the style and size of ambulances that we've been purchasing since 1991. If there are any questions, I'd be glad to answer them.

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

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

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

Ord. 100-1999 (467-99) CS&ED Vehicles

An emergency ordinance authorizing the Director of Public Service of the City of Euclid to purchase various vehicles for the Community Services and Economic Development Department through the State of Ohio Cooperative Purchasing Program. (Sponsored by Councilwoman Holzheimer Gail by request of the Service Director)

Councilwoman Holzheimer Gail moved for passage. Councilman Farrell seconded.

Director DiNero – The senior van was in our capital budget and it was priced at \$35,000 and the 2 quarter ton pick-up truck for the weatherization and housing rehabilitation that was part of the \$200,000 discretion up to the director. Both vehicles will be bought from the state coop. I'd like to tell you at this time including the pick-up truck, as far as the \$200,000 that was up to my discretion, the Director, we've spent \$158,000 as of this time. We yet have to buy an air compressor for the motor maintenance and a few other safety equipment in that area.

Director Koran – I want to thank the Service Director for including the weatherization pick-up truck and just notify City Council that this is replacing a truck that is 17 years old. The odometer has been broken for many years. Obviously, this truck has served its useful life.

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

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

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

Ord. 101-1999 (464-99) Senate Bill 46/residency

A resolution opposing Senate Bill 46, which would prohibit any municipality from requiring that its employees satisfy a residency requirement as a condition of employment. (Sponsored by Mayor Oyaski)

Councilwoman McGarry moved for passage. Councilman Gallagher seconded.

Mayor Oyaski – We did a community survey about a year and a half ago, if you recall. The question of residency requirements for our employees was part of that survey which was scientific. It contacted several hundred residents. There is clearly a difference in opinion about residency requirements for employees within the voting public. It was something like 44% to 43% or 43% to 44%. We are not necessarily debating residency requirements. What we are doing is debating whether or not residency requirements will be made by the City Council, which pays these employees, or by the General Assembly, which is lobbied 150 miles away behind your back. I think under home rule and the Ohio constitution that decision should be kept here locally, either by the City Council or by the people of Euclid voting on a Charter amendment.

Senate Bill 46 merely protects your prerogatives as the elected City Council to make this kind of a decision. On a personal note, I strongly believe in residency requirements. I think the City is better off by having employees live here. I think employers all across America set rules for their employees. Every employee hired by the City of Euclid as a condition of initial employment, knows there is a residency requirement. So, this is a work rule that I think can be justified on a number of grounds. I know that people have differences of opinion about it. But, we are not talking about residency requirements per say, we are talking about who should make that decision, the people of Euclid, through its Council, which pays the employees and votes on union contracts, or the General Assembly in Columbus, which wants to take this authority away from the City Council. Authority, which it has had since the 1912 Ohio Constitution was passed. I ask you to support Item #11.

Councilman Farrell – When is the General Assembly expected to take action on this?

Mayor Oyaski – I just gave you a newsletter. It is scheduled for hearings. Senate Bill 46 in that newsletter I send you all of the time. It has been defeated by the General Assembly previously. It keeps coming up because of how they are being lobbied down there. I do believe hearings are coming up this spring.

Councilman Vadnal – Just on the record, I am opposed to a residency rule but based on home rule, I will support this. I think Council representatives of the City should make that decision instead of the State legislature. Thank you.

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

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

Passed.

Res. 102-1999 (471-99) Enterprise Zone

A resolution of support for State Representative Ed Jerse's efforts to ensure that the Ohio Enterprise Zone Program is thoroughly reviewed prior to any extension of the Program in its current form. (Sponsored by Mayor Oyaski)

Councilman Gallagher moved for passage. Councilman Korosec seconded.

Mayor Oyaski – I don't want to go into any great speech on urban sprawl. Mr. Koran and I will be going to Columbus tomorrow at 7 AM as part of advocacy day. I sent you a memo, which I know this can be a dry topic, but you have a memo that the Council Clerk mentioned about the urban initiative by the Ohio Department of Transportation. If you read that memo, that is highly significant language where ODOT is admitting that its highway building policies may have been wrong. This is a significant step by the Taft Administration. However, the Governor wants to renew the Enterprise Zone Program as is for the next 5 years. I think that program has been flawed since 1987. You may have a different opinion. But, what State Representative Jerse wants to do is to review a study thoroughly which has been commissioned by Cleveland State University before the tax abatement program is renewed as is for five years. I think it's a reasonable request rather than debating tax abatement policy for a lengthy period of time, I would ask your support for #12, which supports Ed Jerse's efforts to thoroughly analyze the current tax abatement policy. It has been in effect since 1987 and deeply flawed in my opinion.

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

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

Passed.

CEREMONIAL RESOLUTIONS

Res. 90-1999 (465-99) Arbor Day

A resolution celebrating Arbor Day on Friday, April 30, 1999, at Sims Park in the City of Euclid, and honoring the first six Mayors of the City by planting a tree in recognition and remembrance of each one, and requesting the citizens of Euclid to observe Arbor Day to appreciate the beauty, value, benefit, and significance of trees to our City.

Res. 91-1999 (470-99) Emmanuel Smith

A resolution of congratulations to Emmanuel Smith, a first-rate basketball player, and the Associate Press Division I High School Player of the Year in the State of Ohio.

Councilwoman Holzheimer Gail moved for passage. Councilman Gallagher seconded.

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

COMMITTEE OF THE WHOLE

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

Mr. Jack Fraier – 235 Greenbriar Court. Two items. The first one involves this Res. (464-99). It is a technical question. If you dig it out, Section 2 of the Resolution says, the Clerk of this Council is hereby authorized and directed to send a certified copy to State Senator Judy Sheerer, and State Representative Ed Jerse. My state senator is C.J. Prentiss and my State Representative is Shirley Smith. Is this an oversight? Or, were those other two representatives omitted for some reason?

President Cervenik – They will be added to the list.

Mr. Fraier – I think some of us who live in that section of Euclid have noted, Euclid is blessed with two senators and two representatives and let's get all the blessings we can.

President Cervenik – It is not just your end of the City because they represent a big portion of Ward 1 also.

Mr. Fraier – Yes, that's right. A little slice by the lake. Number two, is for Arbor Day. I hope someday it will become the 18th holiday. Bob DeMinico did mention at the beginning of the Council Meeting that there will be a ceremony over at Sims Park where Euclid's first six Mayor's will be acknowledge. Some of those Mayor's were very colorful and it would be great if we had some movies of their career and how Euclid at one time was the Las Vegas of Cuyahoga County. It is not quite the same any more, but at any rate it should be quite an interesting ceremony.

I encourage everyone to go to the Library between now and May 3rd and look at the display cases. In the renovated library these display cases are sometimes difficult to locate. Just before you go through the security barrier, look to your right, there are two cases. We have both of them. In the first case is a map of the City of Euclid, color coded with push-pins. It was done by Dean Grida. It shows the trees that have been planted in Euclid since 1981, by street. If you live on a street that has had trees planted since that time, you'll be able to find out what kind of tree was planted so you can impress your relatives when they come and visit you. The map shows that a great deal has been done, but a great deal still has to be done to build a great urban forest in this city.

In the second case there are plaques, certificates and trophies that this city has won from the National Arbor Day Foundation. They are very impressive. There is a strange one in there. It is just a block of plastic with a "V" in it. That means that we have won the Tree City Growth Award 5 years in a row. Not many cities have done that.

Also you will notice in the case some photographs, two of them. These are the trees that are Moses Cleveland trees that are located up on Buena Vista Drive and Grand Blvd. I'm intrigued by these two trees. At one time we have three Moses Cleveland Trees in Euclid. One was at the foot of E. 194th St. I was told that gave up the ghost about 15 years ago. How on earth these two trees managed to survive for over 200 years, escaping the axes of the early settlers and the bulldozers and steam shovels of residential developers, I don't know. This one tree on Buena Vista Drive, the Evans playground, I learned was hit by lightning and it is still going on. Unfortunately we don't have medicare for trees, yet, but Tom Springer has assured me, Tom the City Arborist, that the tree will be given a good physical and way of any medication necessary will be applied to it so it can go on for another 100-200 years.

I just received this evening something that I would hope the State of Ohio can do. This is from the State of Connecticut. It is called a Certificate of Accommodation. That's given to a city that has a historic tree of some sort. We sometimes put little plaques on trees, but they disappear in time. But, this could be framed and put in our archives or historical society or perhaps in Bob DeMinico's file cabinet. But we should have something.

I would like to acknowledge at this time the Euclid Public Library for the help they've given us in setting up this display in the display cases. Happy Arbor Day to all.

Mrs. Dorothy Fike – 20271 Delaware Road. Hard act to follow, he has a lot of information. This is for Director DiNero. Please, would you put the notice about the clean-up in the papers. We don't all have cable 51 and those that do have it sometimes don't watch because they don't know when something is going to be on. Please can you also put notices in the papers on your clean-up?

Director DiNero – Yes we will Dorothy, next week.

Doc Daugherty – 81 E. 225 Street. I'm here to speak for the school levy. I like for everyone to know that our Mayor did graduate from Euclid High School. Our two chiefs graduated from Euclid High School. I remember having them in school. But since I've been here since Grover Cleveland, I don't remember having the Mayor in school, but I'm sure he was there and a good student also. Bobby DeMinico was also a good student at Euclid High School and Bobby also had the advantage or disadvantage of playing for myself in the basketball world. He also, this year officiated in the finals of the state tournament. Euclid is being represented throughout.

I've also had the privilege of being employed by the Euclid Board of Education for 42 years. I also have had the privilege of being at the High School for 41 years. In those 41 years, I've seen a lot of change. It has not been change for bad. This year we have a new principal, Mr. Seymour. He has brought new energy to the High School. I would beg anyone, anyone, to come to our school system, go into the building, walk through the building, see the teaching that is going on in the classroom. Watch behavior in the hallway. We are always getting criticized because we have security guards and we have security cameras which was paid for by state aid, not by Euclid Board of Education. Those cameras, they work. If there's a problem, we have it and we take care of it. I have been blessed to be able to work at Euclid High School.

I have 5 sons that I feel are very successful. One has his business here in the City of Euclid and pays city taxes. Coming out the noise, he thinks and this sort of thing. But gladly does it because he is proud to be in the City of Euclid. I have a son that is a lawyer down in Florida at this particular time. The third son is a lawyer in the Marine Corp. Just prosecuted a pilot that killed those people and is now trying to get him for hiding of evidence and this sort of thing. My fourth son had the privilege of not only going to Euclid High School, but going to the University of Harvard. We have had many students at Euclid High School go to Harvard. People say, you are Euclid High School. We have a young lady right now at Harvard that is representing us beautifully at Harvard and represents our city well.

I would urge everyone to vote for the levy. My fifth son is maybe the most noted one right now because he is working for Al Lerner and he just brought football back to Cleveland, because of his hard work and making all the money for Al Lerner.

People say, why should I vote for the levy. You should vote for the levy because Euclid is a great place to live. Those of you who've had me at school know everyday I start my classroom by saying, it is a beautiful day in Euclid. I've said that and I've said that and I still say it. I'm proud to be a resident of Euclid. I've always lived in Euclid. I'm not moving out after 8 years or 8 more years, or whatever it happens to be. I'm going to stay until the good Lord takes me away. I cannot express enough what a fine high school we have.

I get around the state. When I was down in Portsmouth with the Kentucky All-Stars, I visited two high schools down there. Both paid for 85-90% by the taxpayers of Ohio, not by that area, by the taxpayers of Ohio. We have a tax base difference so it doesn't work that way here. I thank you very much for the time. Mayor, keep on the good work because you are a good example of Euclid High School. Thank you.

Mrs. Janelle Daugherty – That's a hard act to follow. That's my wonderful in-laws there and you know why I'm here in Euclid. I live at 121 E. 200 Street. This was a wonderful meeting reinforcing the wonderful things that are happening in Euclid and the exceptional people that make a difference in our community. I urge residents to help make a difference by supporting the school levy.

One issue I'd like to address is the Euclid City Schools per student cost. Not all schools within even the same similar district are alike. The per student cost is deceiving because it includes many costs that residents may not be aware of. It includes special education costs which for some students cost up to \$30,000 a year. In Euclid, 16% of the students are special education students. This percentage definitely increases our per-student cost. Also included in our per-student cost are funding for community education department, funding for the children's development center, state funding for the adult literacy classes, state funding for the handicap students, state funding for preschool handicap children. Because all of these services are also calculated in the per student cost, Euclid's per student cost is higher than average and justifiably so. Euclid offers all these quality services which some other districts don't offer.

Please remember when we compare Euclid schools to other districts, we must research all the facts which result in the figures being quoted. Then and only then can we accurately compare Euclid to other schools. Euclid has a very diverse population with a high percentage of rental properties which brings with it transient students which affect our performance results.

Ms. Daugherty - However, it has been proven that students that start in Kindergarten and go through 12th Grade, perform very well academically. Remember that apartment owners do pay property taxes and they pass along those costs to the tenants via their rent.

The State Auditor's report on the schools financial management was exceptional. There were no recommendations or findings. Euclid teachers are the fifth lowest paid in Cuyahoga County so they are definitely not being overpaid.

I am speaking about this again at City Council because this is our 5th levy attempt. Quality schools is a community issue. Time is of the essence. The state of the schools ultimately reflects the state of our community. Let's ensure the appreciation of our most valuable investment, our homes by supporting our schools. We need you to vote yes on May 4th. Thank you.

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

COUNCILMEN'S COMMENTS

Council President Cervenik - I've got scheduled, Wednesday, April 21, 1999 an Executive Committee Meeting where we will be discussing the jail break. Chief, I need to get together with you before that evening to set up an agenda. On April 26th, we will have an Executive Committee Meeting, the unveiling of the Shore Cultural Centre new facility plans. We are leaving April 28th, open if we need more time to review those. All three of those meetings will start at 7:00.

This is the last time we meet before, actually we have a meeting the night before the election, but I just wanted to encourage everyone to go out and vote for the school levy. There is a lot of investment taking place in our community, downtown Euclid. We passed some tonight. We have investment on Euclid Ave. We have investment all throughout the community. We have people investing in their homes, roofs, new windows, the landscapers are out now. It is time for us to invest a little bit of money into our school system. Real estate taxes in this community have not gone up significantly. They have not gone up for school operations since 1992. I think that is a pretty good deal especially for senior citizens. That's 7 years without any major real estate increase for operations of the schools. We need to invest in our students. We need to invest in their education. If we can get this levy passed at this time, it will make for a much stronger community and one we will continue to be proud of. I urge you all to please go out May 4th and vote for the levy, it is a necessity.

Adjournment

Councilman Vadnal moved to adjourn. Councilman Farrell seconded. Yeas: Unanimous.

Attest:

Clerk of Council

President of Council