

COUNCIL MINUTES
MAY 3, 1999

The regular City Council Meeting was held on Monday, May 3, 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

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

Communications

Council has received the following communications:

The 1997 Sewer & Water Rate Survey.

A Review of Jail Facility, Polices & Escape Situation from Chief Baumgart

Letters from residents opposing the conversion of tennis courts at Memorial Park to skateboard facilities

A letter from State Representative Ed Jerse acknowledging receipt of our Res. 88-1999.

A letter from Mayor Oyaski to The Illuminating Co. objecting to the planned closing of their Babbitt Road facility.

A letter from Mayor Oyaski to State Legislatures requesting assistance in reversing the decision of the Illuminating Co. to close its Babbitt Road Facility.

A memo from Mayor Oyaski to The National Institution of Corrections/Jail Division requesting technical assistance to determine capital improvements and/or operating procedures for the Euclid Jail. A letter from the National Institute of Corrections acknowledging receipt of the request.

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

Council Minutes

Councilwoman Miller moved to receive and approve the Council Minutes of April 19, 1999. Councilman Korosec seconded. Yeas: Unanimous.

Administration Reports & Communications

Law Director Murphy – Would like to remind you that the Charter Review Commission will hold its May meeting a week from Thursday, May 13. On the Agenda is still a discussion of term limits as they apply to the elected offices in the City of Euclid. I believe the at-large council people appeared at the last Commission meeting. The Commission is interested in hearing from any of ward council people who might have any comment on the issue of term limits. Thank you.

Mayor Oyaski presented Megan Heuer, 1999 Miss Poppy from the American Legion Auxiliary Unit #343 with a Proclamation declaring the month of May as Poppy Month .

Administration Reports & Committee Minutes

Councilwoman Miller moved to receive and approve the Police Report of March, 1999; Planning & Zoning Minutes of 3/16/99; Community Service & Utilities Committee Minutes of 4/12/99; Executive Committee Minutes of 4/21/99; Board of Control Minutes of 4/12/99 and 4/19/99. Councilman Vadnal seconded. Yeas: Unanimous.

COMMITTEE OF THE WHOLE

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

Mrs. Madeline Scarniench – 1511 E. 221 St. I have a concern about item #3 on the Agenda. I'm all for expanding the Housing Improvement Program. I think it is a wonderful program and we've seen a lot of things done in this city. My problem has to do with the retroactive. I don't think that is fair. If you were to take this back and take it back to two and one quarter years before the program originally started, that would seem fair to me. I know a lot of people, including myself, who did work within that amount of time. My neighbor did a deck just months before and was not able to be reimbursed for work done. I hope this is going to go into Committee and you are going to think about it. Because I don't think its right that other people shouldn't have the same chance that you are going to give to these people. Thank you.

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Mrs. Dorothy Fike – 20271 Delaware Rd. I also have comments on #3. When the program was first established, I felt it was very fair because it was open to everyone in the City of Euclid. I feel that this expansion of it for erosion control is just targeting certain areas of the city. If you are going to have a program like this, it should be something that would help every citizen in Euclid, not just certain areas.

I have a question on #5. What portion of Lake Shore Blvd. needs emergency repairs?

President Cervenik – Right by 202. The street is caving in.

Mrs. Fike – North or south, middle?

President Cervenik – West-bound lanes. It is quite obvious. You can't miss it if you go down there.

Mrs. Fike – I'll make sure I'll stay away from it.

#7 on the agreement with the Irish American Family Festival. I noticed again it says beer and liquor permit. Will there actually be liquor or just beer? What is the permit for? It says beer and liquor.

President Cervenik – If it is the same as last year, the liquor is used only for Irish Coffee and then beer. That will be the same thing this year in 1999.

Mrs. Fike – Do they sell wine?

President Cervenik – I don't believe they even have wine coolers.

Mrs. Fike – No wine coolers but they have liquor for Irish coffee.

President Cervenik – It is tough to make Irish coffee without it.

Mrs. Fike – Is that limited on the recipe, how much you can put in each one?

President Cervenik – I think each bartender has their own little touch on how to do it.

Mrs. Fike – Thank you.

Mr. Jack Fraier – 235 Greenbriar. Item #3. I thank Madeline Scarniench and Dorothy Fike for bringing this up. Here again, could we add the condominiums to this program? I believe they were finally added to Phase 1, but not yet to Phase 2, as far as I know. We pay our taxes and it would be a real benefit to us if we could share in that program. Thank you.

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

LEGISLATION

Ord. 103-1999 (453-99) Roseland Rezoning

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)

Councilman Korosec moved for passage. Councilman Gallagher seconded.

President Cervenik – This is a public hearing. This is the third reading on this item this evening.

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

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

Passed.

Ord. 104-1999 (473a-99) Animal Care/Amend Code

An ordinance amending Sections 505.08, 505.29 and 505.34 of the General Offenses Code of the Codified Ordinances of the City of Euclid as they apply to animal care requirements. (Sponsored by Councilwoman Miller)

Councilwoman Miller moved for passage. Councilwoman McGarry seconded.

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Capt. Maine – This ordinance basically asks for a change in the definition of the cruelty statute and provides for more explicit language. It also tightens up the licensing ordinance. The last one, 505.34 provides for a penalty section under the procedures and fees for the animals. I would like to make a request for an amendment to that last section, if possible, to provide for a small fee, a fine for anybody found guilty of that section.

President Cervenik – Law Director Murphy should we assign a specific misdemeanor, or just a fine, do you have a suggestion there?

Director Murphy – I think we could just add a nominal amount fine if that's what Capt. Maine would like to do.

President Cervenik – A nominal fine of \$100?

Capt. Maine – That's fine.

Councilwoman Miller moved to add a \$100 fine to the ordinance. Councilman Vadnal seconded.

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

Amended.

President Cervenik – As I talked to many of you today, I did have a rather long discussion with the warden last week. There are some items in here that all of us seem picky she needs an ordinance like this in order to enforce someone to take care of their animals. This will be an ordinance for it. I commend Capt. Maine and Officer Lehman for doing this.

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

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

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

Passed.

Res. 105-1999 (476-99) HIP/Erosion Control Money

A resolution accepting and approving the proposed expansion of the Housing Improvement Program (HIP) as presented by the Housing Advisory Board and authorizing the Department of Community Services and Economic Development to expend up to Fifty Thousand Dollars (\$50,000.00) from the General Fund for the implementation of this expansion of the HIP. (Sponsored by Councilmen Cervenik & Dallos)

Councilman Dallos moved for passage. Councilwoman Miller seconded.

Councilman Dallos – Number one, the entire HIP Committee was in favor of this legislation. We've had a very thorough discussion. As most people are aware, the HIP program started June 17, 1996. We have received numerous letters from people who have put in break walls, which is a very expensive proposition. We had asked for a ruling from the Law Department, and we received it at our last meeting. Basically, they said it was not part of the program, because it was not a real estate taxable addition. These people are spending a lot of money for protecting their property. The last several years the lake has done extensive damage to the shoreline. The Committee felt instead of going back to 1996, we agreed on a date of January 1, 1997. Everybody was in favor of it. I'm in favor of it. We have about 10 or 11 letters on hand right now, people who have done work. The average cost, I believe it was about \$22,000 per break wall. This is another thing which is important to the City. We are trying to protect property and these people are doing it. They are stopping erosion.

President Cervenik – Councilwoman Miller you are also on that HIP program Committee?

Councilwoman Miller – Yes, and I would like to have my name added to it.

President Cervenik – Yes. I talked with many of these homeowners too and what was amazing was we didn't realize how much money that's been spent on the battle of Lake Erie and property. I appreciate the Law Director's writing this ordinance for everybody so we can help these people. Also, voting on this tonight will require no increase in our budget. Money is already in the HIP program, it's just a legal verification that this is a qualified expenditure.

Councilwoman Miller – I have a question. If this is for the lakeshore too, but if you are living on the hill and the erosion on the hillside, would you be reimbursed for this also at that time? If you were doing steps to protect that?

Director Murphy – I believe the way the ordinance is written, yes. Any project that qualifies as a controlling erosion would be eligible to apply for the program.

Councilman Korosec – Do we know how many, I don't know who this would be going to, maybe Mr. Koran, how many households took part in this as far as the erosion control from June 17, 1996 to January 1, 1997?

Director Koran – The only piece of information I have to answer that question we have officially received 12 requests from homeowners that have made improvements since that date. As the Council President stated, they seem to average about \$20,000. There was one that was \$121,000. The smallest number is \$11,250, but there were 12 projects approved since that time.

Councilman Gallagher – You stated that the Law Director gave us an opinion that technically this is not covered under the HIP program. Was there debate before under the language of the HIP program that it should have been covered, but for the taxable nature of the improvement?

Director Murphy – I wouldn't say there was debate. I believe some individuals who did perform erosion control projects did apply to the HIP program for the reimbursement the existing program provides. The Law Department was requested by the Housing Advisory Board to give an opinion as to whether erosion control projects were eligible projects under the program as it currently exists. Our opinion was that they were not and that's when Councilman Dallos at the last Housing Advisory Board Meeting asked that we draft this legislation.

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

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

Passed.

Ord. 106-1999 (474-99) Fire Station/labor/materials

An ordinance authorizing the Mayor as Officio Director of Public Safety of the City of Euclid to enter into a contract after advertising for bids for the labor and materials necessary to construct new Fire Station No. 2 to be located on Chardon Road. (Sponsored by Mayor Oyaski and Councilwoman Miller)

Councilwoman Miller moved for passage. Councilman Korosec seconded.

Asst. Chief O'Connell – With the recent approval by the Architectural Review Board for the exterior design of the building, which you should have copies of in front of you in that folder. The Fire Department's completion of the building data sheets, which describe materials used on the interior of the building. The architect is now preparing the construction documents that are used to go out for bid for the actual construction of the building. Tonight we are asking for permission to enter into an agreement with the contractor, once the bidding process is completed.

Councilman Dallos – I just think everybody's names should be added to this.

President Cervenik – I agree.

Mayor Oyaski – I do want to thank Chief Dwoming and his entire department which has been involved in a lengthy process to not only select the architect but also to plan the most efficient layout for the building. This location will improve service on the southwest side of town. In keeping with Councilwoman Miller's request it can be paid for out of the joint income tax and it will be a major improvement into the original downtown Euclid.

Mayor Oyaski - It will enhance fire service as well as ambulance service. I want to thank and commend the Fire Department for all of the work they've done at this point. I think it is a very attractive design and the Architectural Review Board, I think felt likewise. I want to thank the Council also for their continuing support on what can be a major improvement. I think it's the first new fire station in more than 30 years. It's a special occasion.

President Cervenik – You're welcome Mayor. Law Director Murphy, please make sure to add anyone's name that is not on.

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

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

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

Passed.

Ord. 107-1999 (478-99) Sidley Precast/Lake Shore repairs

An emergency ordinance authorizing the Director of Public Service of the City of Euclid to enter into a contract with Sidley Precast Division of R.W. Sidley, Inc. for part of the labor and materials necessary to make emergency repairs to a portion of Lake Shore Boulevard, for an amount not to exceed Thirty One Thousand Dollars (\$31,000.00). (Sponsored by Councilman Dallos by request of the Service Director)

Councilman Dallos moved for passage. Councilwoman Holzheimer Gail seconded.

Director DiNero – As everybody know you can't miss the big hole that we have down there. We finally had the top taken off that wasn't caved in already. We are going to make a complete investigation of the rest of the culvert. Right now what we are asking you to approve tonight is to buy the concrete pre-stressed slabs that will go across top. In fact, we tied and contacted six or seven other manufacturers and basically Sidley was the only one that could produce these for us within probably 2 to 3 weeks at the most. The rest of them are all talking a year from now. That's very, in the street, that is very busy at this time. The only thing that I would like to bring to your attention tonight is that there will be added costs to this \$31,000. Basically this is just for the slabs and setting up. It will not cover the tearing it apart and also the repairing of the street. I think that we do have a couple of other problems there that while this is open we will have to fix. Right now we need to order these slabs and we need this approval tonight.

Councilman Gallagher – When you say culvert, which way is this culvert running?

Director DiNero – It runs north and south. That comes out, it goes all the way into Lake Erie at the Arcadia Beach Club.

Councilman Farrell – When do we anticipate this project to be completed?

Director DiNero – I hope within the next 2 to 3 weeks.

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

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

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

Passed.

Ord. 108-1999 (475-99) Walnut/Birch/waterline/pavement

An ordinance authorizing the Director of Public Service of the City of Euclid to enter into a contract after advertising for bids-for the labor and materials necessary for waterline and pavement replacement on Walnut Drive and Birch Drive. (Sponsored by Councilman Korosec by request of the Service Director)

Councilman Korosec moved for passage. Councilman Dallos seconded.

Director DiNero – These two streets were a part of the Michael Benza and Associate report on our waterlines. In this area they have had a lot of breaks. If anybody has been in that area, you can see that there are patches every 50 feet or so. The other factor is that we have tested the existing pavement that there is now and it would be senseless just to patch it and resurface it. We would be back there in a year or two trying to fix it again. We are going to replace the complete pavement there too. In this ordinance it just talks about Walnut and Birch, but there also will be work done on Maple and Sycamore. These are in the intersections where the waterlines have to be connected to recirculate the lines. Basically once the plans are at the Water Department right now, once we get the approval of the Water Department and the EPA then we will go out for bids.

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

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

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

Passed.

Ord. 109-1999 (472-99) Irish American Family Festival

An ordinance authorizing the Director of Parks and Recreation of the City of Euclid to enter into an agreement on behalf of the City with Our Heritage, Our Home, Inc. to furnish and present the Irish American Family Festival on August 27, 28 and 29, 1999, at Memorial Park and to amend Section 503.10(b) of the General Offenses Code of the Codified Ordinances of the City of Euclid to allow the Ex-Officio Director of Public Safety to issue a beer and liquor permit for the same purpose over the same period of time during said Festival. (Sponsored by Councilwoman McGarry by request of the Parks & Recreation Director)

Councilwoman McGarry moved for passage. Councilman Vadnal seconded.

Director DeMinico – I believe this is the fourth year of the Irish Family Festival at Memorial Park. It averages between 8 to 10 thousand people over the three day period. The entire is snow fenced off, there are only two entrances and exits. We have had great with the Streets and Sewer Department in assisting us. Denny Valencic who works for Mr. DiNero, assists as well as Police. It's a total team effort. It's a great three days and I urge your support.

Councilwoman McGarry – When we were first told about this, and I know it is a very successful event not only for the Irish community but for the entire city, a certain percentage of the profit went for scholarships. I was hoping that at the end of this even we could get an accounting of that scholarships that were awarded from the individuals.

Director DeMinico – Councilwoman McGarry, I can certainly speak with their board. They do receive bills from us, they average about \$2500 for our labor and materials and electricity. That is all monitored. To date, I haven't really requested anything on their scholarships, but I'm sure they will be very happy to give us that information.

Mayor Oyaski – I would ask to allow us to expedite Councilwoman McGarry's request that the Council authorize an amendment to the agreement that's attached. Then we can impress upon the organization, the importance of responding.

Councilwoman McGarry moved to add a clause regarding the Scholarship information. Councilman Korosec seconded.

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

Amended.

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

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

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

Passed.

CEREMONIAL RESOLUTIONS

Res. 110-1999 (477-99) Motorcycle Awareness Month

A resolution declaring the Month of May, 1999 as Motorcycle Awareness Month.

Councilwoman Holzheimer Gail moved for passage. Councilman Dallos seconded.

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

Committee of the Whole

No one spoke.

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

Councilmen's Comments

Councilman Dallos – This is for the Service Director. I have received numerous calls about Beverly Hills Drive. I know that we have turned in for Issue 2, but that is a long ways off. People would like to know, I'm sure the Mayor would like to go home without bouncing all over the place. They would like to know what is going to happen with Beverly Hills Drive.

Director DiNero – We did apply to Issue 2 this past year and it did not receive enough points. I think we are going to have to review that application again and submit it to Issue 2, which I think we have a good chance at this next round. Of course, being the Mayor, our policy was that anybody that lives on that street, we don't do **anything** with it. But, no, we will submit it back to Issue 2 again. If we don't receive it then we have to think about really doing something with that street.

Mayor Oyaski – We may liberally construe Ordinance number 6 in the event we don't get Issue 2 funding.

President Cervenik – Councilman Korosec we have a Committee Meeting scheduled?

Councilman Korosec – We have a Committee Meeting on Growth Meeting for the City which will be looking at a number of different issues. We will be taking care of the resolution requesting the administration to go into a contract for the constructional slum and blight study of downtown. We will also look into the program of assisting the retail and personal services for the shopping district for improvements on the interior of buildings. Also, we are looking at the abatement of real estate taxes from 8 to 15 years. That will take place Monday, May 10" at 7 PM right here in the Council Chambers.

Councilwoman McGarry – Is there an update on the Lake Shore Tavern where we are in the process?

Director Murphy – The City still owns it. It has not yet transferred to VLP. Although, I talked with the Escrow agent today. They are still waiting for the County taxes to clear to be paid out of the bankruptcy. However, the Escrow agent is attempting to get a legal opinion from their Counsel as to whether they can go ahead and file because of the **bankruptcy** order that directs those taxes to be paid. We are hopeful that the deed will file this week sometime.

Mayor Oyaski – In case the Council is not aware, the RTA turnaround behind McDonalds is nearly completed. Council had earlier approved this and I think it is going to be a much neater, more well organized improvement that has been paid for by RTA. They should be done in the very near future.

President Cervenik – On behalf of Council I would like to wish all of the mothers a Happy Mother's Day, especially my Mom and my Mother-in-Law. You all have a good evening, enjoy Mother's Day. Don't forget to vote tomorrow, in favor of the school levy.

Adjournment

Councilwoman Miller moved to adjourn. Councilwoman McGarry seconded.

Attest:

Clerk of Council

Council President