

## SPECIAL COUNCIL MEETING

August 16, 1999

At the call of Councilwoman Holzheimer Gail, Councilman Gallagher and Councilman Korosec, a Special Council Meeting was held on Monday, August 16, 1999 at 6:00 PM in the Euclid city Hall Council Chambers for the purpose of considering the following subjects; to wit:

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

Councilwoman Miller moved to excuse Councilmen Cervenik & Vadnal. Councilman Farrell seconded. Yeas: Unanimous.

Councilman Korosec moved to elect Councilwoman Miller President Pro-Tem. Councilwoman McGarry seconded. Yeas: Unanimous.

Others Present: Mayor Oyaski, Law Director Murphy, Administrative Director Johnson, Clerk of Council Cahill.

### Communications

Council has received the following communications:

A letter to the Shore Up Committee from the Friends of the Henn Mansion stating their support for Shore Up.

A letter from Senator Eric Fingerhut acknowledging receipt of Resolution No. 101-1999.

A letter to Mayor Oyaski from County Auditor Frank Russo regarding the Homestead Exemption Reform Legislation.

A list of HIP Program recipients from Chuck Comiskey.

A memo from Law Director Murphy regarding tonight's legislation.

### Council Minutes

Councilman Dallos moved to approve the Council Minutes of June 21, 1999. Councilwoman Holzheimer Gail seconded. Yeas: Unanimous.

### Administration Reports & Communications

Mayor Oyaski – I would like to thank Councilwoman Holzheimer Gail, Councilman Gallagher and Councilman Korosec for calling this meeting on short notice so that the wishes of the Charter Review Commission can be acted upon by the people of Euclid. Thank you.

### Reports & Committee Minutes

Councilwoman McGarry moved to receive the Fire Report – June & July, 1999; Humane Officer's Report – June & July, 1999; Police Report – May & June, 1999; Charter Review Commission Minutes – 6/10/99 & 7/8/99; Planning & Zoning Minutes – 5/18/99 & 6/15/99; City Services & Improvement Committee Minutes – 6/16/99; City Growth Committee Minutes – 6/16/99; Building Standards & Committee Minutes – 6/14/99; Executive Committee Minutes – 6/16/99; Board of Control – 6/14/99; 6/21/99; 6/28/99; 7/6/99; 7/12/99; 7/19/99; 7/26/99; 8/2/99. Councilman Farrell seconded. Yeas: Unanimous.

### Committee of the Whole for Legislative Matters Only

Councilwoman Holzheimer Gail moved to go into Committee of the Whole. Councilman Farrell seconded.

Dorothy Fike – 20271 Delaware Rd. I am a member of the Charter Review Commission but I also have feelings on the Charter, since I have been a resident of Euclid since 1950/51. I do hope you pass the issue 1, but I really want to speak to #2. I hope you have all looked at your Charter. This was rather my idea because when I was looking over the Charter in previous times, I felt it was very confusing to have the recreation levy in two different places. Article 2, it talks about finance and it does talk about the Charter, I mean it talks about taxation. Section 8 is the taxation for current expenses. Then, when this voters changed the Charter a few years ago and levied, permitted the additional of the 1 mill levy for recreation, partly for operating and partly for capital they put it under the department of Recreation.

Mrs. Fike - So, what this number 2 is doing is only we are only asking you to have the vote of the people to put the part that is on the finance from the Recreation Commission, which is Article 5, Section 11. Is putting it under Article 2, Section 8 so it would be all of the finance on levies will be in one place. I always thought it was very confusing to have it under the Recreation Commission when it is really talking about levies and finances. Thank you. I hope you will support it.

Dennis Berzinskas – 20890 South Lake Shore Blvd. The notification, Mr. Johnson for this meeting is on the screen for barely 4 seconds. It is very hard to catch that it was a 6:00 meeting, since we are used to a 7:00 meeting. I wish the time could be extended so that those of us that aren't familiar with what is going on can see what is going on and also this first piece of legislation is on for barely 12 seconds, it's not enough time to read it. Something with this much printing either break it up into more places, make the printing bigger or hold it on longer please. Thank you.

On this first piece of legislation, the voters voted in this a few years back. Like anything, these times were work its way through and run and see how it is going to work out. Term limits, they are now in place because nobody is guaranteed a job. If anybody in this City is good enough to run and support this city, they need the time off to recharge their batteries and they can run again. If you are not good enough, well we don't need you in the first place. Term limits are there because people are tired of the same old thing. This way, if you are going to be in business to do business in this city, get what you need to do and get it done and do the best for the citizens. Thank you.

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

President Pro-Tem Miller – May I have a point of clarification, Mr. Murphy, I am under the understanding that when something comes before us by the Charter Review Committee to be put on the ballot, we don't necessarily discuss this or vote this down. This is to be automatically put on the ballot, is that true?

Director Murphy – That is correct, Madame Chair. Your responsibility here is rather perfunctory, as you are the legislative body, you are the only body with authority to tell the Board of Elections to place something on the ballot. That is why when the Charter Review Commission recommends a change in the Charter, it must be forwarded to you as the legislative body. Then you have what amounts, in my opinion, to a mandatory responsibility to tell the Board of Elections to place it on the ballot.

President Pro-Tem Miller – And then it is up to the individual citizens to decide this. This just got me that we are in favor of this, or nothing of anything that is come before us like this.

Director Murphy – Anything previously, anything that may come in the future, you are not voting today on whether the charter should be changed or not. You are not expressing opinion on any of the issues. You are simply performing your duty as the legislative body to put an issue on the ballot and get the electorate the opportunity to speak on it.

President Pro-Tem Miller – Okay. I wanted that clear. I think that the citizens as well as this Council should hear that.

Councilman Dallos – Law Director, if we all voted against this would it still go on the ballot?

Director Murphy – Councilman Dallos, it would not, since I would not have the authority to notify the Board of Elections, that the legislative authority has voted to place something on the ballot. I am not exactly sure what the procedure would be if you didn't carry out your duty. I suspect Council would be subject to a mandamus action probably brought by the Charter Commission to require you to perform your responsibility.

Councilman Dallos – Unfortunately, Madame Chairperson, the public is not going to really be aware of our true feelings on this legislation. The meeting will not go through the extent of publishing what the Law Director just reported to you. It is really not fair to the public, this issue was voted on 6 or 7 years ago and the public passed it by a 67-33% majority. It is ridiculous that it is being placed on the ballot again.

Councilman Dallos - If I had my druthers I would have it be two terms instead of three. I will be voting against it. I think the public has spoken. I don't believe the Charter Review Commission really has the public in mind and instead is putting personal feelings into this legislation. I am going to vote against this so the public understands that I am really not for this even though we have to put it on the ballot.

Legislation

**Ord. 177-1999 (556-99) Delete Mayor Term limit/ballot issue**

An emergency ordinance providing for the submission to the electorate of the City of Euclid the question of whether Article IV, Section 1 of the Euclid Charter shall be amended so as to delete the language which limits the service of the Mayor to a total of three (3) consecutive terms or twelve (12) consecutive years, whichever is less, provided that such person must wait for one (1) term or four (4) years before again serving as Mayor. (Sponsored by the Charter Review Commission)

Councilwoman Holzheimer Gail moved for passage. Councilman Korosec seconded.

Councilman Farrell moved to close debate. Councilwoman McGarry seconded.

Councilman Farrell moved to suspend the rules. Councilman Gallagher seconded.

Roll Call: Yeas: Farrell, Holzheimer Gail, Gallagher, Korosec, Miller.

Nays: Dallos, McGarry.

Director Murphy – I believe on the first issue you took a vote on the motion to suspend the rules, it passed. I don't think there was a call for a vote on suspending the rules.

President Pro-Tem Miller – Okay, so we go back. Sorry. Do we go back to suspending the rules?

Director Murphy – Was there a vote on suspending the rules?

President Pro-Tem Miller – I don't believe so.

Director Murphy – Regina is saying yes?

President Pro-Tem Miller – She is saying no.

Director Murphy – There is not, okay. Then you did take a roll call vote to suspend the rules, you do need now a vote on the motion. Apparently, there were two people that voted no to suspend the rules.

President Pro-Tem Miller – I am sorry.

Clerk Cahill – This effects the suspension, it will only be a vote of five. We need six for the suspension two-thirds.

President Pro-Tem Miller – It is confusing because it is my fault.

Director Murphy – No, you had five votes, you have two-thirds of the present members, which is seven. Two-thirds of the seven is five.

President Pro-Tem – Okay, so now we need the roll call for Ordinance (556-99).

Roll Call: Yeas: Farrell, Holzheimer Gail, Gallagher, Korosec, Miller.

Nays: Dallos, McGarry.

Passed.

**Ord. 178-1999 (557-99) Charter language/Ballot**

An emergency ordinance providing for the submission to the electorate of the City of Euclid the question of whether Article V., Section 11, Paragraph 1, of the Euclid Charter shall be amended by removing the last sentence of that paragraph and inserting it into Article II, Section 8. (Sponsored by the Charter Review Commission)

Councilman Dallos moved for passage. Councilman Gallagher seconded.

Councilman Gallagher moved to close debate. Councilman Farrell seconded.

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

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

Adjournment

Councilman Farrell moved to adjourn. Councilwoman McGarry seconded.

Attest:

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Clerk of Council

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President Pro-Tem