

**COUNCIL MINUTES
OCTOBER 4, 1999**

The regular City Council Meeting was held on Monday, October 4, 1999 at 7 PM in the Euclid City Hall Council Chamber. President Cervenik presided.

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

Excused: Farrell

Councilwoman Holzheimer Gail moved to excuse Councilman Farrell. Councilman Gallagher seconded. Roll Call: Yeas: Unanimous.

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

Communications

Councilwoman Holzheimer Gail moved to receive and approve without objection a new C1, C2 liquor permit to Econo Inc., dba Dairy Mart 5901, 355 E. 200 Street. Councilman Korosec seconded. Roll Call: Yeas: Unanimous.

Council has received the following communications:

In regards to the transfer of a liquor permit to Dairy Mart to be located at Babbitt & Lakeland, the Department of Liquor Control granted a 30 day extension until 10/19/99. From the Criminal Justice Consultant, a replacement page for the Technical Assistance Report on the Euclid City Jail.

An invitation to Council from the Parks & Recreation Director to attend the SkatePark Dedication.

A press release from Cablevision announcing that is has decided to pursue strategic alternatives to operating the company's cable television systems in Massachusetts, Ohio and Michigan.

From Cuyahoga County Board of Elections a Voter Information Hotline number for assisting voters for the November 2nd election.

An announcement from East Ohio Gas that the City of Euclid has been selected as one of the 1999 winners of the East Ohio Gas and Inside Business magazines Community Impact Award.

A thank you from the Euclid Historical Society for Council's participation in the event celebrating the life of Florence Humphrey.

From Law Director Murphy, a summary of legislation on tonight's agenda.

A memo from Mayor Oyaski regarding comparison of local tax rates.

Councilman Dallos – I would just like to address the letter that we received from the Credit Union. I think we all received. I know that many of us sitting at the table here who have their own offices. I don't think anyone of us would like to be in a situation. From what I understand, we extended their lease until the end of December. We are not really going to do anything with this until we have an Executive Committee Meeting. I think at this time, we should extend the time for another 6 months until we have an Executive Committee Meeting, at which we will discuss what we are going to do with the Old City Hall.

President Cervenik – Director Murphy, can we do that legislatively or can it be done administratively?

Director Murphy – I believe we can do that administratively, extending the lease beyond what the Mayor has already agreed to do through the end of the year. If that's what Council would like the Administration to do?

President Cervenik – Then when we get the information that a number of Council people requested at our last Council Meeting, we can move forward.

Council Minutes

Councilwoman Miller moved to receive and approve the Council Minutes of September 20, 1999. Councilwoman McGarry seconded. Yeas: Unanimous.

Administration Reports & Communications

Mayor Oyaski – We'll be happy to discuss that issue with the Credit Union, but the letter indicated that they wanted a definitive answer, so we can't guaranty at the moment that they'll be here 6 months from now to continue negotiating with, but we will bring that up with them tomorrow.

President Cervenik – Mayor I did have a discussion with Ms. Straight this afternoon and she appreciates the situation that Council is in and she understands that Council needs to make the correct decision with all the information and she would be happy to stay until this is resolved.

Mayor Oyaski –I wasn't aware of that, all I have is their letter. Mr. DiNero has a comment on leaf pick-up.

Director DiNero – We will start our fall leaf pick-up on the week of the 18th. Leaves should be raked to the curb on the day of your solid waste garbage pick-up. We do have a couple of trucks out right now, going into areas where we see a lot of leaves.
Director DiNero - We are doing that. The official leaf pick-up will start on the 18th, which is a Monday and they should be raked to the curb on the day of your garbage pick-up.

Mayor Oyaski – Halloween will be celebrated on Sunday, October 31 from 6:00-8:00 PM.

Mayor Oyaski and Platoon Chief Saywell provided the Oath of Office for new firefighter Brian Mann.

Reports & Committee Minutes

Councilwoman Miller moved to receive and approve the Police Report of August, 1999; Service Committee Minutes of 9/15/99 & Planning & Zoning Minutes of 8/25/99. Councilman Vadnal seconded. Yeas: Unanimous.

Committee of the Whole

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

Mrs. Dorothy Fike – 20271 Delaware Road. #8 to regulate the temperature. I'm glad to see that. I keep my house a little warmer and I think that this day in age 65 was kind of cold. I hope you all support that ordinance raising the temperature that it must be kept at.

I have a question, I already talked to the Service Director, on #11. I'm curious on some of the things that are being sold. Not objecting, just curious. What's #48, with 32 ft. boom? On a car? That must not be a car. #60, the pavement grinder. The salt spreader, are we getting a new one, #101? The dump truck. I'm assuming a lot of these are going to be replaced or already have been replaced. Another salt spreader. In and aside to this, I don't know if it was that new piece of equipment, was it broken down this past week? That big thing they purchased last spring, a few months ago?

Director DiNero – It broke down, we have some problems with it.

Council Minutes

October 4, 1999

Page 3

Mrs. Fike – That's big when you pass by it in a car. Why are they selling white traffic paint? Just curious. Thank you.

Mrs. Madeline Scarmiench – 1511 E. 221 St. On #5, I wasn't able to make P&Z meeting. I'd like to know is the size of this proposed gas station/mini mart small enough that they can't put a restaurant in? I know that's been mentioned a few places and our concern is that we really don't want a restaurant of any type in this mini mart, and I wondered if the size warrants that.

#6, I hope that all of Council unanimously approves endorsing the levy. The schools have done a great job of letting people know what's going on. They have cut back and done a lot of things and it is important to this community that we do get this passed this time. Thank you.

Mr. Dennis Berzinskas – 20890 South Lake Shore. Mr. DiNero, when you are raking the leaves, do you mean to the treelawn? Because last year I know there was an idea of putting them on the treelawn, not in the street. Is that what you meant?

President Cervenik – Leave them on the treelawn.

Mr. Berzinskas – Treelawn? Because he said street. Because they pile up there and they get hardened by the cars running over them. #6, I don't like taxes any more than anybody else does. But this is our city. For the future of our children and for our city, I'm urging all senior citizens to vote for this but with provision. That the schools work on administration. Schools are there for the children and the teachers. I think we are administration happy. I think we can cut some wages there. They've done it in industry, I think we can do it in the schools. The schools are there for the teacher and the children. Let's support our schools. Thank you.

Ms. Sandra Gilreath – 19571 Meredith. I just have a comment in regards to #6, for the school levy. I just have a great interest in this. I have a little girl that is 8 years old and she has received excellent education at the schools, starting from the Tots program. She's now in 2nd grade and doing an awesome job and I know I have this to owe it to the schools, to myself too. I do think this is a privilege for these kids to be able to go to these schools. I'm very concerned if this levy doesn't pass, the only ones missing out will be the children. I don't think they should have to take the fall for some of the mistakes that maybe the residents have made in the past. I think its time that we look towards the kids rather than the money in the pockets. Thank you.

Ms. Janet Lynn – 20403 Shawnee Ave. I would also like to make a comment about #6. I have a son who just started Euclid High School. He's been going to the Euclid Schools since first grade and I think he's getting an excellent education. My concern is that I just received a letter today saying that I have until Thanksgiving to move from my condominium. I'd like to know how anybody here feels that they could move their family in 6 weeks. We have families that live in these condominiums. These aren't just blighted buildings that they've been called in the newspaper. These are structures where people and families, widows and children that have grown up together. There's a group of boys here that have grown up together, they live in the neighborhood. It is a nice neighborhood. We have all kinds of people that live there, they get along real well. We like our neighborhood and we are happy there. This is our first notice, that this is happening. I'm not going to have a very nice Thanksgiving or Christmas. There's a lot of families, I'm not the only one. I've brought a few people here that we just found out that there was this meeting tonight. I'm sure we could have brought a lot more families if we had known about it.

President Cervenik – For the meeting tonight, all we are doing tonight is a first reading on the two zoning issues. The public hearing will be on November 1, 1999.

Ms. Lynn – By that time I'll have 4 weeks to move. I just would like people to know that this is a neighborhood, it's not just an area. I never heard anything in the paper said anything about the people that are involved here. All you hear about is building.

President Cervenik – Hopefully you and many of your neighbors will find other homes and other locations in the City of Euclid where you can continue to be productive and friendly good neighbors.

Ms. Lynn – I hope so, but my concern is that we haven't had any councilman, I haven't heard a word from him that he's going to help us at all, or has made any effort to do anything to help people.

President Cervenik – We are having the public hearing on November 1st. But, you do need to understand that all the purchases of the condos in that area was done by private individuals. There's no city money involved. They made a concerted effort to purchase 150-160 units there. If you don't own your unit, then obviously they have a commitment from your landlord and he sold it.

Ms. Lynn – The people that have put this deal together decided that they've rather have a big parking lot and a home depot there rather than people and families living there. I would just like you to know that there's a lot of upset people.

Ms. Donna Boshier – I also reside at the Gateway complex, 817 E. 203 Place. I echo what Janet just said, I'm one of her neighbors. This is short notice. We've been here a long time. I've lived in this City for 30 years, I've worked in the city for 14 years and Mr. Mayor, no offense, but when you came knocking on my door when you were running for office and you smiled at me and shook my hand, I would have never voted for you if I knew you were going to sell us out. Thank you.

President Cervenik – Again, that's really not the city selling out. The public hearing is November 1st.

Mr. John Lennon – 22450 Seabrooke. I want to comment on the same issue. I've been asked to move my truck, it is a commercial truck and it is parked in a lot on 200 Street at Jack's Transmission. I've been parked there for 20 years. Not at that particular spot, but at Jack's Transmission

President Cervenik – This has nothing to do with this legislation.

Mr. Lennon – Yes it does, in a way.

President Cervenik – No it doesn't. I've got to cut it here. We have to speak specifically on items that are being acted upon on the agenda this evening. We can't start intermixing other complaints along with that. There's plenty of time at the end of the meeting, there's another Committee of the Whole, where you can speak about anything at all. That follows the legislation.

Mr. Lennon – In regards to #6, I would ask that the city take over the Board of Education and declare an emergency. It is time that our kids are provided the same thing that other municipalities have. One way or another, we need to get the money to the schools. If 2.85 of my gross goes out to the city, half of that, I would be happy to pay to the Board of Education. Let's do something. This is an emergency. The kids paying for their own sports. That's all I have to say for now.

Mrs. Del Tekieli – 5 E. 221 St. I'm a 33 year resident of Euclid and I work for the Board of Education. I'm Director of Community Education. I'm here to ask for Council's endorsement and also ask the public to vote for the school levy. We are, as the gentleman said, in a crisis situation. We are in an emergency situation. We will receive \$1 million less this year than we did in 1999. And, that is \$1 million less than we received in 1998. Part of it is due to the devaluation of Euclid Square Mall. That was a significant amount of money from \$44 million to \$18 million. We've also lost PMX and we've lost Kaufmanns and many other companies. The money goes to educate children but it also pays for \$9 million in buildings. It also pays for school buses, it pays for textbooks. Right now we are about to have a shortage of teachers. We've started to experience it this year, there's also a shortage of administrators.

Mrs. Tekeili - The audit that came out recently showed that the Euclid Schools have not wasted one dime, that's a direct quote from the audit. We are understaffed as far as administrators are concerned. We are facing a serious teacher shortage. Teachers do not want to come to a school district that's in trouble.

We are in trouble. We are in serious trouble. But, we are more in trouble as a community. We see mass, churches cutting the number of masses because there aren't enough people. We see the business community starting to rally around the schools. The priests and ministers are also rallying around the schools. We are fortunate to have a Mayor and a Council President who have shown leadership in supporting the school district. I ask that the rest of the Council support the schools tonight and I ask you to do like the rest of us are doing, get nine people to get nine more votes. Hopefully we will pass the levy this time. Thank you very much.

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

LEGISLATION

Ord. 209-1999 (499-99) Rezoning/E. 264 St. & Tungsten

An ordinance rezoning P.P. # 648-25-064, located at E. 264 St. & Tungsten Rd., from U-2 to U-1 use district and further amending Ord. No. 2812. (Sponsored by Councilman Korosec by request of CS&ED Director)

Councilman Korosec moved for passage. Councilman Vadnal seconded.

Public Hearing.

Mr. Apanasewicz – Don Higey who owns two parcels of land on E. 264th. They submitted a proposal to build a single family home on two parcels of land. If you guys combine the parcels into one single parcel of land. Because each parcel is zoned, one is U-2 and one is U-1 as a matter of a clean up of the property to have a clean zoning district and not have any split right down the middle of the property, the administration proposes that this be passed. It is basically making the zoning district a complete U-1. It would make things clean in the future should Council amend set back apartments or use requirements in a U-2 district. It virtually does nothing to the property owner's right to build his home. I support this and ask Council to pass this tonight.

Clerk Cahill – We did receive one objection from an abutting property owner. He said he would like it to remain as two-family use district. Council has received that letter.

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

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

Ord. (602-99) Rezoning/Home Depot/E. 200 St.

An ordinance rezoning P.P. # 641-32-005, the consolidated area on E. 200 St., Home Depot Site, from U-3 to U-4 use district and further amending Ord. No. 2812. (Sponsored by Councilman Korosec)

First Reading.

Public Hearing 11/01/99.

Ord. (603-99) Rezoning/Home Depot/Shawnee

An ordinance rezoning P.P. #641-32-005, southerly side of Shawnee Ave., from U-3 to U-4 use district and further amending Ord. No. 2812. (Sponsored by Councilman Korosec)

First Reading.

Public Hearing 11/01/99.

Res. (587-99) UDE/21877 Euclid Ave./Daycare

A resolution granting a Use District Exception pursuant to Chapter 1375 of the Euclid Codified Ordinances to Annette Allen to allow a UR-1 (daycare) use in a U-4 (retail/wholesale) use district at 21877 Euclid Ave., P.P. #646-32-031. (Sponsored by Planning & Zoning Commission)

First Reading.

Public Hearing 11/01/99.

Res. 210-1999 (588-99) Gas Station/E. 222 & Euclid Ave.

A resolution granting a variance permitting the opening of a proposed gas station/mini-mart at 22251 Euclid Ave., P.P. #643-36-063, in a U-4 (retail/wholesale) use district.(Sponsor Planning & Zoning Commission)

Councilman Korosec moved for passage. Councilwoman McGarry seconded.

Councilman Dallos – There was a question about the size of the parcel and the restaurant possibility.

Mr. Apanasewicz – The building is fairly small. Preliminary review of the plan shows seating for 10. I believe there is enough parking on the parcel to accommodate a small side restaurant. The building is primarily a retail in nature from what I understand, the developer proposing, there is going to be a side restaurant. Whether it be carry out or some limited seating.

Councilman Dallos – There is a restaurant for seating of 10?

Mr. Apanasewicz – Yes, I believe there is seating proposed in their plans for 10 people.

Councilman Dallos – What is their attitude towards obtaining a liquor license?

Mr. Apanasewicz – Well, they have already been informed that it is a dry precinct.

Councilman Dallos – It is dry to a certain point. We had the same problem with Convenient Food Mart which is adjacent to it. If you put in seating you can then get a liquor license, not a carry out. So, that's what I think everyone is concerned with. The two precincts are dry for only carry outs.

Mr. Apanasewicz – I guess I can't answer your question as far as a liquor license goes. I don't believe they are proposing to serve liquor there.

Councilman Dallos – We can't, I guess I am just making Council aware of this, I can't really stop this, because I know it is zoned properly and they can get the permit. But, we should just watch it. Council in the future, next year should watch it.

Councilman Korosec – Have we been notified what gas station and what type of restaurant?

Mr. Apanasewicz – It's going to be a Pennzoil Station. Also, my recollection of the variance procedure is that retail sales of liquor are specifically prohibited. I think John Hayes might be able to shed more light on that.

Mr. Hayes – If they should decide to propose a sale of liquor at some future point, they would have to come back to Planning & Zoning and request that as a special permit for that structure. That would also have to be confirmed by Council prior to that being able to be issued. At this point in time they are not asking for that.

Councilman Korosec – Do we know what the restaurant is that they are proposing?

Mr. Apanasewicz – The developer had mentioned a Subway or a similar type restaurant. There was no specific company named, it was the suggestion it would be a small sandwich place.

Councilman Korosec – I would think that the problem that I guess we have with the Convenient that is next to there, they have just a table maybe just big enough for one person to sit. That's what they consider to be their eat in area. I don't think that you are going to have at least a Subway selling beer. I don't think that they have that anywhere at least in the Subway locations that I have seen, I hope that they don't do that. It would probably have to be left up to the Pennzoil Station. I think that we can discuss directly with those two franchises and franchisees, those owners to do something like that or to not be able to have those owners do that. For that reason, I am going to vote yes on this. I think that it's a positive for that corner. I think that it's something that a lot of residents have asked about. What's the status, what's the status, every time they drive down 222nd and Euclid Avenue. I see it as a plus. I think though that we do have to watch it and monitor it in the future. We need to make sure all of their T's are crossed when coming to Council for future actions.

President Cervenik – If Subway sells beer they could call it subs and suds.

Councilman Dallos – It won't be a Subway, because there is one adjacent already to McDonalds.

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

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

Res. 211-1999 (589-99) Support Euclid School Levy

A resolution in support of Issue No. 5, a 6.9 mill levy for Euclid Schools to be used toward providing Euclid's students a first rate education. (Sponsored by Mayor Oyaski and the entire Council)

Councilwoman Holzheimer Gail moved for passage. Councilman Korosec seconded.

Mayor Oyaski – Issue No. 5 is on the ballot once again. It's an operating levy for the Euclid Public School System. I have been proud to support this on past occasions and I think it's time now for us to all get behind and support this levy and support the children and support our community's future. I would strongly ask the Council to join with me and support Issue No.5 so that we can continue to maintain excellence in education in the City of Euclid. Thank you.

Councilwoman Holzheimer Gail – I too echo the comments of the Mayor and will support Issue No.5. Of course it is important for the schools and of course it's important for the children. I would like to speak about its importance to our community. A community is only as strong as its schools. We need to support the children that are living in our community. They are our future. If we do not have strong schools, we will be losing families. We will be losing the interest and the strong pride and promotion that we have here in our community. I would urge residents to vote for Issue No. 5 and I would urge Council to support this issue as well. Thank you.

President Cervenik – I too have been a strong supporter of this levy as well as the past one. I think the Euclid School Board and their administration. They have done wonders with what they have to work with making cuts as well as coming up with innovative programs to save money. In my job as Council President I meet a lot of elected officials from other communities and inherently they have asked what is wrong with your schools? Why can't you get a levy passed? I explain to them, there's nothing wrong with our schools. Our kids are getting a good education in the City of Euclid. It's getting extremely tough. As one speaker mentioned this evening, there will be \$1 million less coming in on personal property taxes and real estate taxes over the previous year. That's going to make it even tougher.

President Cervenik - Our real estate taxes have not increased for an operating levy since 1992. Issue 13 was .48 going towards the school system was passed in 1994, but that does not affect senior citizens, it affected those that work in the community themselves as well as the residents who will pay the .85. Our real estate taxes have not been increased by an operating levy since 1992. Not too many communities are able to say that and still provide the education we are providing. It can't continue.

They have made some deep cuts this year. They are going to have to make some deep educational cuts next year. That's when we are really going to start to feel it. That's when young families that are moving into the City of Euclid are going to say maybe I shouldn't move there because I am very concerned about the level and quality of education my children are going to get. We do have a lot of starter homes in the City of Euclid. Starter homes bring young families in with young children that are going to go to school. Home values have been rising year end and year out. We need that to continue. It went without a good strong school system. I urge everyone to pass Issue No.5. We've turned them down 5 times I believe, they have done what they've been told to do. They have made cuts, they have cut administration to the point where it's a problem. They've done it now its our turn to do what we should do and pass Issue No. 5.

President Cervenik moved to close debate. Councilman Gallagher seconded.

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

Res. 212-1999 (590-99) Endorse Issue 16

A resolution endorsing Issue No. 16, a Health and Human Services levy for essential human service programs and services that benefit children, at risk families, and the elderly. (Sponsored by Mayor Oyaski and entire Council)

Councilwoman Miller moved for passage. Councilman Vadnal seconded.

Mayor Oyaski – Issue 16 is a renewal levy for County Health and Human Services. It is extremely important to assist needy families not only in Euclid but throughout Cuyahoga County. The passage of Issue 16 will not raise taxes as it is a renewal. The resolution mentions some of the important services that are provided to at risk children in terms of drug and alcohol abuse, counseling and mental health services, severe burn treatment. One out of every four county residents does receive the benefit from the services funded by Issue 16, including children and families in the City of Euclid. I do believe that it is important that as Euclid is a key part of Cuyahoga County that we support Issue 16 so that these programs for our neediest families can be maintained. Thank you.

Councilman Korosec moved to close debate. Councilwoman Holzheimer Gail seconded.

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

Ord. 213-1999 (593-99) Amend Code/Chapter 1755/

An emergency ordinance amending Chapter 1755 of the Building & Housing Code of the Codified Ordinances of the City of Euclid by amending Section 1755.12(b) to regulate the temperature of dwelling units, and Section 1755.13(a) to regulate the supply of heat. (Sponsored by Councilman Farrell by request of the Housing Manager)

Councilman Dallos moved for passage. Councilwoman Miller seconded.

Mr. Tollerup – This is a measure the Housing Department is taking. Last year it was our first year under the ordinance, that's the ordinance we are looking to change. We felt that 65 and 60 was adequate, it was part of the national code that we adopted. It did not work well. We would like to up that to 70 degrees at all times during the year to protect our seniors to make sure they have the heat they need. I do recommend that we do this to protect the seniors. I guess this winter is supposed to be fairly cold so we want to make sure they have some place.

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

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

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

Res. 214-1999 (591-99) Euclid Ave. Resurfacing

A resolution authorizing the Director of Public Services of the City of Euclid to proceed with the repair and resurfacing of Euclid Ave. from the west corporation line to the east corporation line, lying within the City of Euclid, initial authority being granted in Ord. No. 34-1993. (Sponsored by Mayor Oyaski and Councilmen Dallos & Korosec)

Councilman Dallos moved for passage. Councilman Korosec seconded.

Director DiNero – Passing this resolution tonight will give us the authority to go ahead with the plans with the Ohio State Department of Transportation to resurface and repair Euclid Avenue from the Wickliffe line to the Cleveland line. We started this project with plans in 1994 and it is finally going to come to reality this coming spring. If this is passed tonight we will send this resolution to the state ODOT District 12 which would forward it down to Columbus and our financial approval will be done as far as the financial part of this project. The City of Euclid will only pay for engineering, none of the cost of the construction project, which is approximately \$6.5 million. That would also include some curbs on both sides, aprons, sidewalks where they need to be repaired and also at the bus stops, they will be put in concrete instead of asphalt to stop the rutting that most of the people see when they travel along that area in the curb lane. We have been working on this project since 1994 and we are glad to finally see it coming to an end. Actually the only cost to the city is the engineering and we did appropriate \$250,000 in 1994. There will probably be some extra engineering fees that we will have to pay due to the size of the construction cost. This is a good project and it is a good thing for the City of Euclid.

Councilman Dallos – Who said the government moves slow? 1993, the year 2000 we will get it finally done.

Director DiNero – Well, look at 200th Street, that was started in 1983.

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

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

Res. 215-1999 (571a-99) Level 3/railroad/cables

A resolution in support for Level 3 Communications, LLC, and approving an agreement to install fiber optic cables along the Norfolk Southern Railroad right-of-way, crossing the City's right-of-way at the bridges at E. 222 St., Babbitt Rd., and E. 260th St., and to be trenched across roadways at Chardon Rd. and Dille Rd. (Sponsor Councilman Dallos) (From Service Committee)

Councilman Gallagher moved for passage. Councilman Vadnal seconded.

Director Murphy – The Service Committee held a hearing on this matter several weeks ago and has referred the matter back to Council. I don't believe there was a recommendation one way or the other on the legislation from the committee back to council. However, you have before you tonight an amended resolution that both supports the plan of Level 3 to install fiber optics and authorizes an agreement with Level 3 that was presented to the Service Committee and contains several modifications to address some of the concerns that were raised at the committee hearing. This legislation then as amended will express both support for the concept of installing fiber optics and will authorize entering into the agreement to allow Level 3 to proceed with the installation.

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

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

Ord. 216-1999 (592-99) Sell scrap/public auction

An emergency ordinance authorizing the Director of Public Service of the City of Euclid to sell at a public auction all scrap items, including vehicles, no longer needed by the City of Euclid as shown on the attachment. (Sponsored by Councilman Dallos by request of the Service Director)

Councilman Dallos moved for passage. Councilman Korosec seconded.

Director DiNero – Basically this is a list of equipment that is no longer needed by the City. Most of this equipment has been replaced. By having a public auction we see that the City receives more money for the equipment than our normal procedures of having sealed bids on this equipment. It has been a good thing for the city because we raise about six times the amount of money by doing a public auction rather than having a sealed bid on each vehicle or piece of equipment.

To answer Dorothy's questions, that she had about a paver-grinder, that's what we use to take off markings on the streets. It is really obsolete, it's a little too small for what we need at this time. We have had it for a number of years. As far as the salt spreaders, they have been, as you notice they are 1984's with salt spreaders, they start to corrode and they need to be replaced. This is a good time to get rid of them at a public auction.

Director DiNero - There are some smaller cities that would like to have them and buy them or landscapers or whatever. These have all been replaced and we need to get rid of them.

President Cervenik – She's curious as to why you are selling paint.

Director DiNero – As far as the marking paint, if you noticed that all of our main streets were done by a contractor this year, which normally takes us probably a month or more to do ourselves. I guess they did it in approximately 2 weeks. There was no inconvenience to anybody. They did it at night and everything has worked out perfect.

Chief Baumgart – Also, that paint is not biodegradable. They have changed over to a new paint and that's the main reason why.

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

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

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

Res. 217-99 (594a-99) Erosion Control/25621 Edgecliff

A resolution approving the use of submerged lands for property located at 25751 Edgecliff Drive in the City of Euclid so that the owner can undertake lake shore protection measures. (Sponsored by Councilwoman McGarry by request of the Law Director)

Councilwoman McGarry moved for passage. Councilwoman Miller seconded.

Director Murphy – I guess there is a new address on this property. The new address is 25621 Edgecliff. This is one of the typical shoreline leases that the city has authorized many in the past to allow the owner of the property to undertake protection measures against lakeshore erosion.

Councilwoman McGarry moved to amend to 25621 Edgecliff. Councilman Korosec seconded.

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

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

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

CEREMONIAL RESOLUTION

Res. 218-99 (604-99) Sports Hall of Fame

A resolution of congratulations to the ten new inductees to the Euclid High School Sports Hall of Fame in 1999. (Sponsored by Mayor Oyaski and the entire Council)

Councilman Dallos moved for passage. Councilwoman Miller seconded.

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

COMMITTEE OF THE WHOLE

Frank Pensa – 813 E. 207. I just received my new voting place and from what I see here I no longer live in Ward 3, I live in Ward 1. I talked to the election board and all they were saying is that they rearranged the precincts. That I can understand.

President Cervenik – What's your name and address?

Mr. Pensa – 813 E. 207, we are between Miller and the freeway.

President Cervenik – That is Ward 3.

Mr. Pensa – We have been Ward 3 for 45 years.

President Cervenik – And that said Ward 1?

Mr. Pensa – Now we are Ward 1, Precinct K. I wonder if anybody knows what's happening.

President Cervenik – There is a hotline and there should be a phone number right on that card. Call that in the morning.

Mr. Pensa – But, I've called that one. They told me the precincts and I understand that for rearranging for numbers. When I said with the ward change, they kind of just fluffed it off.

President Cervenik – We will check into it and I will get your phone number.

Mr. Pensa – We are a lost little nation in there. Thanks.

Madeline Scarniench – 1511 E. 221. I guess I was real good in September but I can't be now. The idea of this gas station mini mart really upsets me. As you know Precinct A in Ward 4 many years ago, dried their precinct up and just recently they redried up a portion of the law that allows them not to sell any alcohol in that precinct. When we put 4E on the ballot it was to keep alcohol out of gas stations. We did not attempt, we did not want to stop the Convenient. They found a way around that and we didn't object to it. Planning & Zoning and this Council don't really watch what the ramifications of what they agree to do. If this station is allowed to put in seats they can go after a license to sell carry out. I will tell you now, especially since this gentleman just brought it up, because the Board of elections saw fit, they precinct 4A and precinct 4E together. We are now all Precinct 4E. I guarantee you we will put on the ballot and we will dry up the entire area. We will put the bar out business. We will put Convenient out of the alcohol business if in any way this station attempts to sell alcohol. Thank you.

Dorothy Fike – 20271 Delaware Rd. I would like to know if the 200th Street railroad underpass is open yet?

Director DiNero – No. It wont be open until the end of November.

Mrs. Fike – This is nothing to do with the agenda, which I don't have to be. I hope all of you candidates received the League of Women Voters letter today, if not please check it. It talks about the candidates night on Wednesday, October 20th and it gives a schedule. I hope all of you find it on your calendar that you can attend. I also would like the public to attend. This is an important election. Although, they always are. But, in case you don't know, there are 30 people running for various offices in Euclid. There will be a lot of people if they all come, which we hope they do, you will get a chance to hear them. Please, if you haven't received it, please call me because it is an important piece. Thank you.

President Cervenik – Are you going to have it right here?

Mrs. Fike – Oh, yes, I'm sorry right here. Right here, down here. Wednesday, October 20th starting at 7:00. If you can't come it will be televised. We hope that you do get here because then you have a chance to ask questions. We will have questions from the audience. If you have a burning question, please come. Please come anyway because this is your chance to see your candidates in action when they are not here in council.

Sandra Gilreath – 19571 Meredith. I have a question regarding the apartments. There are a lot of them in Euclid. I mean a couple that come to mind are the Watergate and the Americana. Do we know how many kids reside in there? Or how many kids are going to the Euclid School System?

Mr. Tollerup – The Housing Department does not keep those kinds of records. However, when we go through the apartment buildings, we do of course make sure they are not overcrowded. We make sure there are the proper number of people in those apartments. However, there is no rule or law that requires us or allows us to pull that information from those owners.

Mayor Oyaski – Since the 1991 civil rights act passed apartment houses have to accept children unless they are exclusively senior citizens. The City does not keep track of who lives where. But, the school district would know. I am sure that there is more than a few dozen children that are attending the school system at both sites. We don't have any way to keep exact numbers of that.

Ms. Gilreath – Well, I have no problem with it. My only question is you know these children are using the schools tax free. Have there been any proposals for some kind of a renters tax for people who rent? This would generate some money.

President Cervenik – They do, the owners of the apartment buildings do pay a sizeable amount of real estate tax based upon the appraisers or values given. Obviously they recoup that through the rents that they must charge to people there. So, they do pay tax. In renter's form it's rent, in owners form is just like we do, it's real estate tax. But, I'm not sure and I don't know if we would be prepared to answer that this evening.

Ms. Gilreath – Are we allowed to do something like that?

President Cervenik – My gut instinct would be no, but maybe the Law Director wants to...

Director Murphy – It would be my gut instinct also, but I will be happy to look at the question.

Ms. Gilreath – Has anything, I did hear through the grapevine, and I don't know who, well I do know who, but I can't say, has there anything been done about changing any of these apartments to owner occupied condos, which would generate more money?

President Cervenik – No. Again, we don't own the apartments. Therefore there is only so much a city can do. We can't walk in there and say, no apartments, we want condos that's all there is to it, we are going to tear you down. It's much more complex than that.

Ms. Gilreath – Alright, it's just you know I think that would bring in some money too for the schools. Just some ideas. Also, I just have one more note about the people who don't vote for this levy. You know your property values are at risk and this is something we need to do.

Also, I have another question about the 200th Street construction. I live on Meredith and Meredith is a big time cut through to Lake Shore. We see a lot of high speed traffic down there.

Ms. Gilreath - Are there any measures going to be taken to try to help to cut down this, the traffic that goes through there? There are a lot of kids that live on that street.

Chief Baumgart – All I can tell you is that periodically we are going to radar on Meredith. We get complaints from residents on Meredith and we put the trailer out there on occasion and traffic officers like Steve in the back, are often out there.

June Daugherty – I just wanted to tell you the stats. Back in '97 when Mr. Koran was working with the Nature Works Grant with the Friends of the Henn, I did those stats. They are available. At that time of the 6000 students that were in the Euclid Schools, 2200 lived in apartments. That was one of the reasons we thought the Henn would be so valuable, so people could have the opportunity to see the house. But, it's roughly 1/3.

President Cervenik – I want to make a point clear so people understand that there are a tremendous amount of good people living in apartments. It's just a different type of lifestyle that they have chosen. If they live there and they truly pay their rent and they are constructive residents of the community they have every right to use our school system just like everyone else.

Dennis Berzinskas – 20890 S. Lake Shore. Starter homes, Home Depot, you know you people are a contradiction in terms. It's mind boggling at times to listen to how you talk up here. Why don't you try steering, why doesn't the city get involved into steering, Mr. Cervenik? Steer Home Depot. We've got them all up there years ago, we passed legislation so we would have a clear spot up there. Be innovative. Get Home Depot up there. It will help the stores in the area. It will help anchor that mall. Let's put Home Depot up there. I saw what they did at the Home Depot at Severance. It looked like a bombed out area, it takes too long to get up to it.

Mr. Berzinskas - But, up there in that area would be a perfect place for a Home Depot and it won't hurt some of the small businesses around E. 200th Street. You are going to hurt them enough when you tear up that road.

The other thing on the schools, I noticed last week and I'm glad to see so many faces here finally in Council. It gladdens me. We have to take an active part in our city. We can't point a finger and say look what they did because you know three fingers are pointing back at you, what did you do. We have to be involved. We have to let you know our feelings as to how we feel on things. The schools need help. The kids ask what can they do? They can go around to their neighborhoods and ask the older people to vote for the school bond, the school taxes. We need it. It will help our city. We need to improve our schools, our kids, plus it will bring industry here. I know it will. And, you know it. Please, everyone, back the school issue. We need it for our city to survive. Thank you.

Jerry Corbran - 24250 Maplewood Dr. I received about 81 mailed in responses to the 800 flyers this little thing, delivered in Ward 2 last week. The flyer dealt with a marina and a lakefront development. I will leave it to you to judge if the 10% is a good response. Mrs. McGarry I will have these, as this response was directed to you, I will have those in your hands tomorrow.

Mr. Corbran - I also possess about 500 signatures favoring the marina concept and petitions gathered at the Euclid Festival by a group headed by Mr. David Dorsch. The pickup of petitions at merchant locations are under way. Mr. Dorsch has asked that I coordinate his effort with ours. When completed, I will submit the total package.

I would like to mention a new newspaper in town that is free. It is called the Euclid Observer. It will be home delivered soon. Some merchants will carry it. The reason I mention it, there is a neat article in it about marinas in the premiere issue. Enjoy.

I would also like to announce a town meeting on Friday, October 22nd at St. Robert Hall. The subject, you guessed it, marinas and lakefront development. If any on Council care to come and debate the issue, I can arrange time and an opponent. We will invite Councilwoman McGarry to answer questions if she is available on that date.

I want to comment on the hiring of an architect to provide preliminary design for the Americana Condo conversion and the adjacent townhouse development. There appears to be some attempt to get the owners to pay some of the \$26,000 fee. I note that the drawings are needed to convince Americana owners to proceed with condo conversion. Owner-developer Gudenas and his neighbors are already committed to proceed if and only if the Americana converts. In my opinion, asking Americana owners to pay to convince them and then also asking Gudenas who is already committed to pay the fee is ridiculous. I asked Mr. Gudenas what kind of architectural fees he is accustomed to paying. He indicated he has paid \$100,000 for working drawings for a \$4 million project. That's about 2 1/2 %. If he intends to build a \$16 million complex townhouse complex next to the Americana I estimate he'll cough up about \$400,000 in architectural fees. He then pays all of the cost of construction and then he must sell the units. He takes all of the risks. If he fails, he loses his shirt. If he succeeds, the city and schools get taxes generated and jobs are created. Those who think he should pay for this preliminary work without knowing if the Americana will convert are short sighted.

The Economic Development Department was created to offer advice and incentive to people like Gudenas and the Americana owners who will risk their necks if they proceed. Why all of this petty quibbling about people who can offer so much. I want this Council to think about what they did when they bought the Village of Euclid for \$3.75 million. That's quite an incentive for an investor who has yet to be identified. Thank you very much.

John Lennon - 22450 Seabrooke. I'm a little confused about some of the ordinances in Euclid. One in particular I have a truck, a commercial truck. I operate a small moving company. I have operated this company in Euclid for the last 20 years come January 1st, 2000. I've been asked recently to move the truck off of a private lot on E. 200th Street at Jack's Transmission. I object to this. I don't know what I can do to change this. I'm not a Mike Occhinearo or a Home Depot. I'm one person, I have two employees. I pay my taxes. I would like an answer.

Mr. Hayes – Sir, I don't know what to tell you as far as changing the law, other than you can approach Council and request a change in that ordinance. The ordinance you are referring to though does not permit trucks to be parked on a retail property unless they are directly related to that property's use. In other words if Jack's Transmission had a tow truck that he directly used to tow his cars, then he could park it there.

Mr. Hayes - But, he can't rent space or allow other people to park on that property unless they are directly related to that particular business.

Mr. Lennon – Okay, it seems to me if the city has the right to have an ordinance that states something like that, if it's alright with the owner of the property that I be there then maybe the city might entertain some type of a permit. Unless, it's an effort to sanitize the city for some reason and make everything... The truck is not a shabby truck. I keep it in good shape. I'm in compliance with federal, state but not local ordinances and laws. I need to find out. It's almost as if go away is the statement. If that is it, I have no problems. I have moved hundreds, hundreds and hundreds of people in and out of Euclid, young and old. I hear comments, I hear statements, I have a unique insight to their personal life. I just need to get an answer on what I can do. I would like to stay there. I would like to buy my gas in Euclid, I would like to pay my taxes here. If I move to a township somewhere, I don't have to pay taxes out there, city taxes. But, I live in Euclid and I have lived here. I need to get an answer because this has been an issue with Mr. Hayes with you and I for a long time. You have been patient with me. My time is running out.

President Cervenik – The process would be for you to get a councilperson to sponsor legislation. Have the legislation go in front of Planning & Zoning, since it is in the zoning section of the code. You can have a full hearing in front of Planning & Zoning as to not just your specific case. We don't talk specific cases we would talk about that legislation itself. That would be the way to do it and it can't be done this evening.

Mr. Lennon – Isn't there something called grandfathering that I've heard about. If you have an ordinance in the codified code your just out of luck unless you bring legislation to change?

Mr. Hayes – That ordinance has been on the books for quite a few years. You have to understand too, we are talking about specific property right now. You are not talking about parking in general throughout the city. You are talking about a specific property. That property has also been in the process of trying to get that property cleaned up for a long period of time. There are other areas in the City that you could rent space to park your vehicles.

Mr. Lennon – Did you say rent?

Mr. Hayes – Rent space to park vehicles.

Mr. Lennon – I don't rent at Jack's Transmission.

Mr. Hayes – I understand that, but I am just saying that there are other options available.

Mr. Lennon – The other options, the trucks that park up here have there windshields smashed out, if you are referring to 222nd Street.

President Cervenik – Mr. Lennon your time is about up, that's what you need to do.

Sandra Bowes – 21520 Miller Ave. Two weeks ago when I came and asked what was going on in Miller Avenue and you were kind enough to tell me that mid-November. The next day Fay Miller came out and looked over the area and she agreed and I gave her a call that night. Now, Wednesday night, my husband and I are sitting down eating dinner, we get a knock at the door and it's an East Ohio Gas Supervisor. He says, ma'am I wanted to tell you that the crews broke your gas line. I said, oh I was able to brew a cup of tea. He said, no, I fixed it with duct tape. I said okay. He said, in a few hours there will be a crew out here to come and fix your gas line. I said, let me ask you this, this whole Miller Avenue that this has been done to.

Mrs. Bowes - I said, how many other people have there gas lines broken? Oh you are the first one. He said, but oh don't worry, you won't have to pay for it. I thought, oh would that be insulting, they break my gas line and I'd have to pay for it. I do have to admit within a few hours they did have a crew out and they fixed our gas line. They had to come in and re-light the pilots. I thought it quite kind of the timing was perfect. I came Monday just to say what was going on in Miller Avenue and then my gas line gets broken, nobody else. This is the first one.

President Cervenik – Tony, what did you do?

Mrs. Bowes – It was kind of, it was amusing I thought. I can't believe this, the timing and no one else. That was my first question, how many other people had this happen on Miller Avenue. And, he said oh you are the first.

Again, the people on Miller Avenue are still concerned because it did seem like it really did bring a lot of movement to Miller Avenue within the past two weeks. But, everybody is getting concerned about that deadline in mid-November. I never even gave it a thought when we mentioned Halloween and trick-or-treaters. But, that is going to really put a damper. That street is so muddy. I would like to tell Fay Miller that they really do, and I don't know why, because I have a lot of respect for my mechanical, my vehicles, people come zooming down that street. If we just said like if we could put a speed even on Miller Avenue in the evening. That road is so chewed up, how could you possibly speed down there? But they do. I can't believe it.

I had another comment too. I too received this card. I used to vote at the high school. We are now voting at Ludwigs. I thought when you voted it had to be some type of public building or such as the schools. But, this is Ludwigs hall. We've been changed from the high school to Ludwig's. If Madeline wants to mention about something about selling alcohol we can probably go and vote and have a beer and just sit around for the results. I was just amazed at this.

President Cervenik – They cut the precincts from 80 to I believe 56. They have consolidated the number of voting places. They have done it throughout the whole county, not just Euclid. It has caused some confusion, but they did get the cards out early, which is good.

Mrs. Bowes – I did have a comment, I do like the idea that the school levy is a 6.9, which is a workable figure. I would like to at this time ask the City Council to look into and I said this myself that when we see the taxes being reduced because of buildings being torn down or no occupancy. Aside from when Del said about Kaufmanns and PMX, we could go back years. Carol's Restaurant here, that was torn down, taxes. The K-Mart store up on across on Brush Road, I did also too the Sheraton Hotel that hasn't been there for so long. I mean, we are not talking recent places that are not here, we are talking a long time ago. I think City Council has to work just as hard as the school levy, the people for the school levy are working. We have to work to get this industry back into the city to get money back to the schools. When I get a tax, when I am fortunate enough to get a raise at work and maybe it's a 3%, but then all of a sudden I have to pay an additional 2.85% for the City of Euclid. I mean I feel that I am already being taxed, but if the citizens can work together with the city to bring industry in and 6.9 is a workable amount as compared to what other school levies were. Thank you.

Del Tekieli – 5 E. 221 St. I want to thank Council and urge the citizens to join City Council, the Mayor and Council President Cervenik, the Chamber of Commerce, area ministers and priests and the Euclid Women's Caucus and support the school levy. Our community is worth every dime we spend on it.

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

Councilmen's Comments

Councilwoman Miller – One of my little trips through the city, this question came up again, and it seems like it comes up every two years. I mentioned to this person that I would bring it up under councilmen's comments. They are inquiring again about having different sewer rates, summer and winter. That the amounts, they are concerned that they are paying for water going into the yard and it's not going into the sewers. I said I would bring it up and I would like the administration to look into it and then get back to me. Then, I can contact that person. I said I would bring it up on the Council floor and I have done that. Thank you.

Adjournment

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

Attest:

Clerk of Council

Council President