

COUNCIL MINUTES

November 1, 1999

The regular City Council Meeting for the City of Euclid was held on November 1, 1999 at 7 PM in the Euclid City Hall Council Chamber. President Cervenik presided.

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

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

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

COMMUNICATIONS

Council has received the following communications:

An Urban Renewal Plan and a Blight Study of the Two Hundred Place area.

From KM Quality Management, a set of renderings showing the intended appearance of the existing office building and the proposed new development west of and adjacent to the office building.

A letter from Lt. Governor Maureen O'Connor congratulating the City of Euclid for receiving the Weed and Seed Grant.

A letter from RTA modifying the Euclid Community Circulator route.

A memo from Parks and Recreation Director DeMinico on the Euclid Home Days.

A press release from Ameritech announcing completion of Ohio Upgrade to 100% digital switches.

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

COUNCIL MINUTES

Councilman Farrell moved to approve the Council Minutes of October 18, 1999. Councilwoman Holzheimer Gail seconded. Yeas: Unanimous.

ADMINISTRATION REPORTS & COMMUNICATIONS

Mayor Oyaski – Good evening. I have a few brief announcements. I am pleased to inform the Council that on October 12th of this year we received an update of our credit rating. It was maintained at AA thanks to the efforts of Mr. Balazs, the Council and a strong economy. The report, which is our credit rating, which is very important for our ability to borrow money sites the resilient and diverse economic base of the city, the satisfactory financial public position evidence by favorable reserves and a manageable debt burden. I think we should never underestimate the importance of maintaining an excellent credit rating.

I want to congratulate the Villa Angela- St. Joe and Euclid High football teams for successful seasons and wish both of them good luck in the playoffs this week.

I want to thank RTA for approving my request to expand the community circulator route to include the Shore Center downtown business area and the grocery store there. I want to thank Madeline also for mentioning that.

I want to say good luck to all of the candidates on the ballot tomorrow. I urge everyone to vote, particularly remember Issue 5. I hope everyone can join us tomorrow evening at Tizzano's to celebrate the last local election of the century.

One other thing, Fay Miller suffered her accident on Champ Drive and tells me that even though she knew her ankle was broken, she continued to knock on 9 more doors. So, she's a soldier.

President Cervenik – Yes she is.

REPORTS & COMMITTEE MINUTES

Councilman Dallos moved to accept the Golf Course, Parks & Rec. Committee Minutes of 10/13/99; Recreation Commission Minutes of 9/28/9; Board of Control 10/12/99; Planning & Zoning Minutes 9/21/99. Councilman Farrell seconded. Yeas: Unanimous.

COMMITTEE OF THE WHOLE

None.

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

LEGISLATION

Ord. 222-1999 (602-99) Home Depot

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)

Councilman Korosec moved for passage. Councilman Dallos seconded.

Commissioner Hayes – This ordinance and the ordinance immediately following this both rezoning ordinances, for the corner of 200th Street and Lakeland. The first ordinance that we have before us this evening is for the site that will actually be the Home Depot site. The second ordinance is for the triangular site south of that, that actually involves the Lakeland Avenue property.

Both of these have gone through Planning & Zoning and both were thoroughly discussed. At the time there was no objections to these ordinances. Both of them would rezone the existing property from its present U-3 to a U-4, retail wholesale type of use. Several of the members of the Home Depot Company or the Depot Land Company Ltd. Corp. are all here this evening if you have any questions or if there is something I can answer for you I would be happy to try.

President Cervenik – Anyone in the audience that would like to speak on item 2 and for that matter item 3, so either item 2 or 3. We will vote separately on each, but you can talk on each of them now.

Joseph Udovic – 21371 Naumann. I also have a small business on 200th Street. One of the reasons I am against this 200th Street development is because people have the right to choose where they want to live, be it a renter or leasee. You on council have been voted by the people to work for the people that you represent and should assist the people at the 200th Street Gateway development by voting against this of the removal of the condos and relocating of Home Depot.

The current zoning for this area is mostly residential. I walk through the area, I've seen houses on Lindbergh, Recher, 207th and N. Vine. What is to stop in the future another developer saying how about we put businesses on Lindbergh too. We do need economic revitalization in the City of Euclid. On 200th Street it is mostly small businesses like myself, mom and pop operators. In my case, it is a brother sister operation. Me and my sister we both run a landscape design firm there. We have plenty of vacant parcels on Euclid Avenue, Parklawn Gardens, Richmond Road, by the old Kmart, Ramada Inn, Innvoy. Euclid Square Mall needs revitalization, Kaufmanns needs some type of work. The land adjacent to the mall, like Red Lobster is vacant, plus this area is in need of consumers and this will help attract businesses to the mall if we were to relocate Home Depot there.

During the past six months I have not heard anyone here at City council complain that this development was classified as a slum or the living conditions there were a slum or in need of great costs and repairs. I have not heard any public outcries for the tearing down or redevelopment of this parcel. The City for years has always wanted the removal of these World War II homes and will find any excuse to remove them.

Point four, this past summer I have been employed across the street at the laundromat as a part time job. I have heard several people come in, use the equipment there and complain that we are being bought out and nobody wants to help us. I said you voted Council in, they should be in to assist you now. Help them out, please.

Point five, I don't see why Mr. Kory Koran and Mr. Korosec knows we have all of this vacant land, why don't they develop some type of vision and steer the developers to the areas that it is more currently zoned for commercial sites. One point would be, why don't we not have some type of concrete vision or development plan for these vacant parcels of land? This city lacks such vision and business on what to do with the parcels. We have no comprehensive plans.

Mr. Udovich - We need to set one down and stick to it. I am against zoning because it shows we have no control over the land and any developer or landlord can walk in here offer some big dollars, promise jobs and we give into them. We do not think or plan for the future.

It's my opinion or from what I understood, zonings main purpose from my understanding is to assure property owners and nearby residents that the characteristics of this area remain stable. What's to say like I mentioned before, a developer would like to further extend commercial areas around the side streets that are once now houses?

In conclusion, we need businesses and redevelopment in the City of Euclid but not at the expenses of our residents. This cost is too high. Tim McGarry recently claimed at a recent political candidates meeting, choices. We need to choose where we smartly want our businesses to relocated not foolishly. At a recent democrat club meeting that I attended, we talked about the differences between democrats and republicans. From what I have understood, democrats stand up for the people, the hard working people while the republicans are only for the business and dollar signs. Thank you.

Christopher Gruber – 2161 Waynoka Rd. Let's remember that Twin Value lesson, what that did to Euclid retail base. Thank you.

Angela Gurgle – Gateway Manor. I live right across the street practically from the area that we are discussing. I have been there long enough, ten years, to see plenty of what is going on over there. To hear about all of the problems that they have when they call in and say they have mice running all over, they have got floors that are soaking wet. I understand that years ago before this was all built there was a creek going through that area. Well, the land lays that way and these buildings suffer from a lot of water damage. They are just in very bad repair and they need a lot of work. That was not a prepared speech.

Barbara Holmes – 20415 Shawnee. My husband is handicapped. He needs a ramp to go upstairs. We have a ramp at our place now but the new place condominium that he is getting is a curved stairway and we can't use the old one. He is on waiver. The waiver refuses to put a new ramp up. I am asking is there some way that the City of Euclid can pay for a ramp to be put up there so that he can move into his new residency?

President Cervenik – There is a good possibility if you talk with the community development department, if you could give them a call. We do have a program where we do build ramps for residences.

Mrs. Holmes – He needs a chairlift to the second floor.

President Cervenik – I am not sure we can do that. Mr. Koran will get with you.

Kent Smith – 34 Charleston Square. I am the Executive Director of Euclid Community Concerns. I am speaking tonight in favor of this rezoning. Euclid as a land locked, first ring suburb will deal with the issues of redevelopment for the next 50 years. Euclid is going to Tom Buyer, who is kind of the urban sprawl guru of Cleveland State University says real estate has a life cycle of about 100 years. In the same way that if you take care of a car, it can last long, if you don't take care of a car it will probably not last an entire lifetime. I think that is the case with this property. I am concerned the, my organization and myself are concerned enough about the resident relocation issues that as soon as the first article hit in the Plain Dealer, we called Euclid City Hall. I spoke to some folks in Cleveland City Hall. I offered our assistance. The same day the V group called my organization and asked if we could assist the residents in their relocation efforts. The V group has been helpful in providing addresses of the residents that they knew of and we sent resident relocation information to all of them.

Councilman Korosec and I also walked the area and we passed out my card and basically told the residents that while we didn't have any money to help them move and combine any information that we can. I have received a number of calls and we've tried to be helpful. I am not going to lay down in front of a bulldozer on this issue, but I am concerned that we need to as we consider being a first ring suburb and the land locked issues that we have and the need to redevelop that this is not going to be the only issue that we are going to deal with. The Home Depot Gateway project is not going to be the only time we are going to be dealing with this issue.

Mr. Smith - The human side of redevelopment is dealing with the residents that are being displaced. I would like to encourage this body, and I have spoken with members of City Council and I've spoken to some members of the administration and I spoke to some individuals at the V group about possibly trying to adopt a healthier way of dealing with the residents relocation program. Perhaps say making sure that the residents have a 90 day notification so that they can stay in Euclid if they want to stay in Euclid. Often times as John and I walked around, and as I spoke to people on the phone they said we are grabbing the first property we can find and some people that means they are pulling their children out of the school system in the middle of the year. I think that this body and this city needs to consider how we are going to deal with resident relocation issues as we continue to redevelop ourselves. Once again I think that we need to redevelop this property. This zoning will be a good one for the city's economic base. I would like to remind all of us that we are going to be dealing with this issue over and over again in the years to come. Thank you.

Ed Noles - 20371 Ball Ave. I think this ordinance should go through because Euclid has lost a lot of major businesses and a lot of tax dollars to cities like Cleveland Heights, Eastlake by spending money purchasing home products such as at Home Depot and DIY and Builders Square, etc. I feel that there is a lot of other land parcels where you can have this, but 200th is a focal point for the city plus it is near Cleveland and people who travel down the shoreway will be able to see the signage of seeing a Home Depot just like they do at Clay Matthews Pontiac, which should draw people from other cities to purchase products at this store. I think it will be a good building block for the City of Euclid. Also, it might help attract people to go to downtown Euclid and Shore Centre Drive to purchase products at those locations too.

Derek Banks - 20550 Crystal. I'm also in favor and I'm hear to speak in favor of the rezoning. My main purpose to come here was to imply on the situation that I was put forward to with the people who are going to purchase the property. They did give me a fair price for the property. They did give me a fair amount of time where I could let my tenants know that the property might be sold. When it was time to, when I felt like the deal was going to go through I had enough time to let my tenants know that the deal was going to happen. Thank you.

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

Councilman Farrell - I have heard, I listened to the candidates night and I heard candidates talking about why can't this Home Depot be located some place else in the city, there's Euclid Square Mall and a bunch of other locations. We have just heard it today, so if I could just get some clarification from Home Depot as to why this is there location of choice. I think that would be clarification for all of the residents of Euclid.

Michael Occhinearo - I'm one of the partners of Depot Land Company. We were originally brought into this project after having been contacted by Home Depot Company, which is as we know a large publicly traded corporation now a part of the Dow Industrials. Why does a retailer want to be in a specific location? If I could answer that question, I would be developing a lot more property than I am. I can tell you that some of the elements that went into it, involved some of the other locations that they have. For example, other sites were considered for this particular store. One of the prime sites that were considered was the Collinwood Railroad yards. Why, because they wanted to be on the freeway, they wanted to have freeway access. Euclid Square Mall is a little bit closer to the Wilson Mills Store, it's a little bit further east and it doesn't have the visibility on the shoreway that this particular site has. I think that might be one of the principal reasons. This is a good site. It's visible off the freeway and I felt that it was a good coup if you will to get this site as opposed to the Collinwood Railroad site, especially if the city is interested in redevelopment. We were also originally, as the Depot Land Company, my partners are here, Mr. Negrelli and Beth Murnick, the Murnick name is a well-known name in the city of Euclid. When we were first discussing developing this land, because Mrs. Murnick is very much involved with the nursing home and the other sites around it, it's important to note that we didn't come in because we wanted to relocate tenants, but we were aware of the fact that these particular units were having declining values in terms of actual sales prices. It's a matter of public record and there was a better than 40% vacancy factor in those particular units before we even started discussing this project. I hope I answered your question about Home Depot. I'm glad they wanted this site. I think freeway visibility and because of the location of there other stores.

Director Koran – One comment I would like to make regarding the residents complaint that we do not have a master plan. As this council knows, this council approved the master plan update in March of 1996. We hired the same firm, Pfluhm, Krossmeir and Garon that prepared our master plan update to do a slum and blight analysis of this property and also to do an urban renewal plan.

I would just like to quote 5 points regarding the relationship of this development with the City of Euclid's current master plan. The key issues in the master plan that was again approved in 1996, showed a potential or actual deterioration of the city stock of multi family housing. It showed that there was an excess supply of large block, smaller size, rental units in Euclid. There was a perceived decline in the quality of retail activity in various locations throughout the city. It showed that there were problems associated with the juxtaposition of different uses at key interchange locations throughout the community. It also showed that there were general concerns about the image of the community with residents and visitors. They concluded that this redevelopment plan was consistent with the City of Euclid's master plan.

I can also talk about the slum and blight analysis if city council desires. I passed out in your package today the text from the slum and blight analysis. I will just go over the conclusions very briefly. First and foremost, they as Mike Occhinearo noted, over 41% of the dwelling units that are being under consideration for this development are currently vacant at the time of the slum and blight analysis. PKG looked at the housing department's files. They confirmed the overall deterioration of the site, especially regarding exterior building conditions. They noted the sites were obsolete and they are at loss of economic viability using the retail sales over the past 5 years. They also summarized police and fire incident reports over the last 4 years and showed that there were 411 police reports in this area. They concluded that this, as I mentioned is consistent with the City of Euclid's master plan and recommended that this urban renewal plan be adopted by Euclid City Council.

Councilman Gallagher – I know the answer to this, but I think it is very important to state. There is no public money being invested into this project whatsoever, correct?

Mayor Oyaski – That is correct.

Councilman Gallagher – This is all private investment. That goes towards Councilman Farrell's comment about steering the project. This is all private money, private developers determining where they want to put their business. The other question I had was at the time of the presentation at Planning & Zoning, there was a great deal of discussion about a potential restaurant joining this development project. Are there any new developments on that issue?

Mr. Occhinero – We continue to market the property very heavily for a restaurant use, especially on the triangle piece. We have another out-lot which will be in front of the Home Depot lot and to the north of the project site. We have not signed any leases with a restaurant use. I frankly got in trouble after the last meeting because one of the potential restaurants I mentioned was not happy that I had mentioned their name as a potential. It is our honest opinion as developers that all of our potential users are waiting for formal action on this. They don't want to be there if a Home Depot is not going to be there. That's the drawing card. We expect a flurry of leasing activity especially after the units are demolished and the Home Depot construction starts.

President Cervenik – Correct me if I'm wrong Law Director Murphy, in order for a restaurant to come in, they must go back and present that to Planning & Zoning because it is restaurant special use?

Director Murphy – Yes, that is correct.

President Cervenik – So, there will be some control by Planning & Zoning and this body as to the type of restaurant that may one day be located there.

Councilman Dallos – Back in 1977, I did a study for Council on Briardale and Euclid Homes. The important thing to remember is that this was temporary housing for the workers of World War II. Temporary housing. Which means that it was sub-standard housing. It is not like we are tearing down first class homes. Right now they are covered up with siding, when they were sold in the late '70's. As a result of that study, within two years of that, the City tore down the Briardale Housing and put in a golf course. A short time later, Euclid Homes was sold to the Voinovich group at the time. I think our master plan is very clear.

Councilman Dallos - It states exactly what we should be doing on our interchange sites. If anybody has traveled on I-90 going west, once you pass Westlake, and even Westlake, every interchange site is a very heavy retail commercial location. That's what we have to do here. As far as I'm concerned, this is a major development in an urban renewal area.

President Cervenik – If there are no more comments from Council, I'll entertain a motion to close debate.

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

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

Ord. 223-1999 (603-99) Rezoning Home Depot

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)

Councilman Farrell moved for passage, Councilwoman Holzheimer Gail seconded.

President Cervenik – Any other discussion on this item? Seeing none

Director Murphy – This also is a public hearing. I know you referenced earlier on that any member could comment on either of the two issues since they pertain to the same project. But, it is two different parcels. Two different ordinances so you should allow the opportunity for the public hearing.

President Cervenik – Is there anyone in the public that wishes to speak on this ordinance? Seeing none.

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

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

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

Res. 224-1999 (587-99) UDE Day Care 21877 Euclid.

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)

Councilman Korosec moved for passage, Councilwoman McGarry seconded.

Commissioner Hayes – Mrs. Allen purchased this property last year and in July came to Planning and Zoning to ask that she be able to use approximately 4,000 sq. ft. of the lower level fronting on Euclid Ave., in order to put a day care center in. At that time she made a very nice presentation on what she plans to do with that property. She also showed renovation plans. I have been there. I have seen that Mrs. Allen has begun renovation for the inside of the property. Planning & Zoning Commission did vote unanimously, 5-0 to approve this with no opposition from any residents. Mrs. Allen is here this evening if there are any questions, and I'll be happy to try to answer them as well.

Councilman Dallos – This is in Ward 4. It is the old office building opposite Brickman Funeral Home. I really don't have a problem with this. That building has served a useful life and should also be redeveloped. Hopefully they'll have a very successful business there.

President Cervenik – Anyone in the audience since this is a public hearing. Anyone in the audience wish to comment? Seeing none.

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

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

Ord. (578-99) Rezoning Babbitt Rd.

An ordinance rezoning P.P. #644-32-002, 541 Babbitt Road, from U-2 to U-R-3 use district and further amending Ord. No. 2812. (Sponsored by Councilwoman McGarry by request of the Building Commissioner)

First Reading. Public Hearing December 6, 1999.

Ord. (595-99) Rezoning Village of Euclid

An ordinance rezoning Lot 1 Euclid Ave., Village of Euclid, from U-3 to U-7 use district and further amending Ord. No. 2812. (Sponsored by Councilman Korosec)

President Cervenik – This item, plus the next six items, all need to be sent to Planning & Zoning. It concerns the rezoning of the property formerly called Parklawn Gardens.

Councilman Korosec moved to send Ord. (595-99) to Planning & Zoning. Councilwoman McGarry seconded.

Roll Call: Yeas: Dallos, Farrell, Holzheimer Gail, Gallagher, Korosec, McGarry, Cervenik. To Planning & Zoning.

Ord. (596-99) Rezoning Village of Euclid

An ordinance rezoning Lot 2 Magnolia Dr., Village of Euclid, from U-3 to U-7 use district and further amending Ord. No. 2812. (Sponsored by Councilman Korosec)

Councilman Korosec moved to Planning & Zoning. Councilman Gallagher seconded.

Roll Call: Yeas: Dallos, Farrell, Holzheimer Gail, Gallagher, Korosec, McGarry, Cervenik. To Planning & Zoning.

Ord. (597-99) Rezoning Village of Euclid

An ordinance rezoning Lot 3 Euclid Ave., Village of Euclid, from U-3 to U-7 use district and further amending Ord. No. 2812. (Sponsored by Councilman Korosec)

Councilwoman McGarry moved to Planning & Zoning. Councilman Dallos seconded.

Roll Call: Yeas: Dallos, Farrell, Holzheimer Gail, Gallagher, Korosec, McGarry, Cervenik. To Planning & Zoning.

Ord. (598-99) Rezoning Village of Euclid

An ordinance rezoning Lot 4 Magnolia Dr., Village of Euclid, from U-3 to U-7 use district and further amending Ord. No. 2812. (Sponsored by Councilman Korosec)

Councilwoman Holzheimer Gail moved to Planning & Zoning, Councilman Farrell seconded.

Roll Call: Yeas: Dallos, Farrell, Holzheimer Gail, Gallagher, Korosec, McGarry, Cervenik. To Planning & Zoning.

Ord. (599-99) Rezoning Village of Euclid

An ordinance rezoning Lot 5 Euclid Ave., Village of Euclid, from U-3 to U-7 use district and further amending Ord. No. 2812. (Sponsored by Councilman Korosec)

Councilman Gallagher moved to Planning & Zoning. Councilwoman Holzheimer Gail seconded.

Roll Call: Yeas: Dallos, Farrell, Holzheimer Gail, Gallagher, Korosec, McGarry, Cervenik. To Planning & Zoning.

Ord. (600-99) Rezoning Village of Euclid

An ordinance rezoning Lot 6 Magnolia Dr., Village of Euclid, from U-3 to U-7 use district and further amending Ord. No. 2812. (Sponsored by Councilman Korosec)

Councilman Korosec moved to Planning & Zoning. Councilwoman McGarry seconded.

Roll Call: Yeas: Dallos, Farrell, Holzheimer Gail, Gallagher, Korosec, McGarry, Cervenik.
To Planning & Zoning.

Ord. (601-99) Rezoning Village of Euclid

An ordinance rezoning Lot 7 Euclid Ave., Village of Euclid, from U-3 to U-7 use district and further amending Ord. No. 2812. (Sponsored by Councilman Korosec)

Councilwoman Holzheimer Gail moved for passage, Councilman Dallos seconded.

Roll Call: Yeas: Dallos, Farrell, Holzheimer Gail, Gallagher, Korosec, McGarry, Cervenik.
To Planning & Zoning.

Res. 225-1999 (621-99) Bldg. & Housing Contract

A resolution authorizing the Mayor of the City of Euclid to execute an agreement by and between the City of Euclid and Teamsters Local No. 244, as exclusive bargaining agent for all Building and Housing Inspectors. (Sponsored by Mayor Oyaski)

Councilman Dallos moved for passage, Councilwoman Holzheimer Gail seconded.

Director Murphy – You have in front of you a proposed tentative agreement with Teamsters Local No. 244, the exclusive bargaining agent for the employees of the city who are building and housing inspectors. This agreement is very consistent with the previous six collective bargaining agreements that you have approved on behalf of other unions representing various employees of the city. You also have a cost summary prepared by the administration department detailing the cost of this contract over a three-year period. This unit consists of 11 employees, 9 who are housing inspectors, 2 who are building inspectors. If you have any questions about the terms of the agreement, which is a three-year agreement covering 1999, 2000, 2001 I will be happy to answer them.

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

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

Ord. 226-1999 (612-99) Non-union 3% pay increase

An emergency ordinance approving a three percent (3%) general pay increase retroactive to Jan. 1, 1999 for all full-time and permanent part-time, non-union employees on the payroll as of 1/1/99, and a three percent (3%) pay increase for any other full-time or permanent part-time, non-union employees hired during 1999 who have successfully completed their probationary period retroactive to their hiring date. (Sponsored by Mayor Oyaski and the entire Council)

Councilman Dallos moved for passage. Councilman Farrell seconded.

Mayor Oyaski – The administration would ask that council support at this time a 3% pay raise for all of our non-union employees including the directors and department heads. This is consistent with our strategy employed with the various bargaining units and is consistent with our past practice over the last several years, which has been made possible by a strong local economy. We would like to provide a 3% pay raise to our non-union employees. The cost is already included in the appropriation ordinance.

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

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

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

Ord. 227-1999 (613-99) Health Service/Cuy. Co. Bd. Of Health

An ordinance authorizing the Mayor of the City of Euclid to enter into a contract with the County of Cuyahoga, District Board of Health, for various health services for the City of Euclid for the year 2000. (Sponsored by Mayor Oyaski)

Councilman Korosec moved for passage. Councilwoman Holzheimer Gail seconded.

Director Balazs – Annually we pass this ordinance for the county to provide the health services for the City of Euclid. The annual cost again, will be the same as last year, \$150,906. This is under the requirement of Chapter 3709 of the Ohio Revised Code. We pass this annually and the good news is, it's the same level of cost as last year.

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

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

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

Res. 228-1999 (626-99) CDBG

A resolution approving the Annual Action Plan for the Twenty-Sixth Entitlement Year under the Community Development Block Grant Program of the United States Department of Housing and Urban Development as recommended by the Citizens' Advisory Committee appointed by the Mayor of the City of Euclid. (Sponsored by Mayor Oyaski and Councilwoman Holzheimer Gail)

Councilwoman Holzheimer Gail moved for passage. Councilwoman McGarry seconded.

Councilwoman Holzheimer Gail – This resolution approves our annual Community Development Block Grant plan. Each individual contract will come back before Council for approval. This is the overall plan that has been worked on over the last several months by the Community Development Department and a group of citizens that make up the citizens' advisory committee. I want to thank Paul Dietrich of the community development department for all of his work to put together this plan and the members of the community advisory council. They are Dorothy Fike, Chris Frey, Ellen Ivory, Trope Johnson, Candy Jones, and myself. We did hold two public hearings, the program directors came and presented their plan, reviewed their past performance and the plan was brought before the public for their comment. The overall budget for this year is an estimated budget is \$1.294 million. That includes program income from EDCOR. The estimated total from the block grant department is \$1.129 million. It is a slight decrease from last year, the budget level it may change. The programs are pretty much the same as last year. The senior programs are funded in part through this program, services to the handicap as we mentioned earlier, municipal beautification, home safety weatherization programs, the administration of low interest loan program, the one-away loan repayment which helped Lincoln Electric build their motor division. Programs like Euclid Community Concerns for neighborhood stabilization, storefront renovation which helps redevelop a lot of the storefronts throughout the community. This is federal dollars through the Housing and Urban Development Department. I don't know if Director Koran has anything to add at this point?

Director Koran – I would like to thank Councilwoman Gail for assisting the department in this process. She didn't leave much else to say other than it is a lengthy process. It began back in August when we sent out letters to agencies that we fund. We had a public hearing on September 2, 8, 15, October 21 and today if this is approved this will count as one of the public input sessions for this approval. The budget, as Kirsten mentioned, is estimated to be approximately \$1.1 million. Last year we received about \$1.2 million.

Director Koran - We are hopeful, Congress just passed the budget appropriations for the CDBG program. We may not be cut this year as we are projecting in this budget. We may actually receive about the same as we received last year, which I mentioned was about \$1.2 million. We will not receive that notification until the end of this month or early in December. Regardless of the amount, if it is more than the \$1.12 million that's mentioned in this budget, that money will go directly into contingency. But, as the Councilwoman stated any expenditure of dollars from the CDBG program has to come back before City Council. This is I believe, the 26th year that we've approved an action plan with money from the federal government. If there are any specific questions, either Kirsten or myself would be happy to answer them.

Mayor Oyaski – Just to add my comments to Councilwoman Holzheimer Gail and Director Koran, I think the community development department does a great job with this program. But, it is important to know that back in 1981, we received an entitlement of \$961,000. So, I don't know what the amount now is \$1.13 million, that's 18 years later. Clearly the trend is not to increase this grant with inflation. In fact, it's probably more than doubled since 1981, the value of a dollar. So, the programming here has become very, I think, attractive and very successful, but what happens is as HUD kind of freezes its support to the city, in order to keep the programs at the existing levels there is growing pressure to augment or supplement the funding. Each year they are adding more cities of 50,000 or more and Congress had been reluctant to increase the overall budget. Mr. Koran mentioned that there may in fact be a small decrease next year, the point is, is that things are a lot more expensive than they were in 1981, but the amount of total grant funding made available to the city has not kept the pace with inflation. It's a good program, but it doesn't go quite as far as it used to go. Thank you.

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

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

Ord. 229-1999 (622-99) Schools/income tax

An emergency ordinance authorizing the Director of Finance of the City of Euclid to enter into an agreement with Ohio Municipal Income Tax Service, Inc., to continue providing distribution of the municipal income tax from the City of Euclid to the Board of Education. (Sponsored by Councilman Cervenik by request of the Finance Director)

Councilman Dallos moved for passage. Councilman Gallagher seconded.

Director Balazs – This pertains to the City of Euclid's delinquency program on behalf of the collection of our city income tax. We collected approximately \$28 million a year on city income tax, which \$5 million plus go to the Board of Education. We are very fortunate to hire an expert in this field, his name is Oscar Knicely. He is averaging the past 2 or 3 years, \$500,000 plus in collection of city delinquent taxes. Recently we have used the municipal court, Judge Debbie LeBarron's area, this year alone we have 140 cases which we have presented to her for the assistance of the court. The class of workers we found delinquent will bring in \$79,000. We have another case that will bring in \$28,000. We are projecting that the delinquencies this year will top \$500,000. I know everybody here in this room is current on their city income tax collection. I would like to have you and introduce you to Oscar Knicely, who handles the program for the City of Euclid. He deserves a lot of recognition and does an excellent job for the city. If there are any questions concerning our delinquency program or this ordinance, I would be glad to answer them. Thank you.

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

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

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

Ord. 230-1999 (625-99) Employee Vacation Time

An emergency ordinance amending Section 13.5 of Ord. No. 227-1996, known as the "Consolidated Compensation Ordinance." (Sponsored by Mayor Oyaski and Councilman Cervenik)

Councilwoman McGarry moved for passage. Councilwoman Holzheimer Gail seconded.

Mayor Oyaski – The Council passed an ordinance back in December of 1998 to authorize the administration to pay off excess vacation balances by the end of this year. We included in the budget for that purpose, \$140,000 which was our estimate. We have reduced that with the cooperation of the employees to slightly under \$90,000. I've asked for this legislation to clarify 2 points. The administration is prepared to make these payouts by the end of December but would like to do so at the rate existing at the time that the Council directed the payments be made rather than increase it. I believe increasing it this time would be an unjust enrichment. I think the rate paid for the accumulated vacation should be the rate paid at the time the ordinance was originally passed. Secondly, some employees on this list have for tax and other reasons asked to avoid receiving the payment as long as they take the vacation off before they retire. I've included that amendment that would permit us to save any payments due them while limiting our exposure at the time of their retirement. I'm asking the council to approve this so that they we can finally implement the payoff of vacation with the expectation that from this point on, no accumulated vacation will be excessively maintained. Thank you.

President Cervenik – Part of the reason that I pushed for these changes originally was because people were accumulating large amounts of vacation and then being paid out at a much higher rate of pay, provided they were near 15 to 20 years. I agree with the first part, which talks about we should pay them at the rate when the ordinance was passed. But, allowing those to accumulate vacation again, then having them take that say, the last 6 or 8 weeks of their retirement still brings the practice to the forefront that they will be getting paid those last 6 weeks of vacation whatever the did carry at a considerably higher rate than when they earned them. I think we also have a problem, what happens if the person is deceased on the job, do you tell his family, well they are not entitled to that vacation. What if someone is ill, and you really aren't to take vacation when you are actually sick, we give you sick time. I just think that allowing people to extend that vacation gives them an undue enrichment by sometime later in their career here they get paid at a considerably higher rate than what they would have vacation at. I think the original compensation ordinance that stated that you cannot accumulate more than 2 years of vacation time was put into place so that this doesn't happen.

Mayor Oyaski – I agree with your sentiments in general. But, the thing you complain of is exactly how we treat sick time right now. Sick time is accumulated over a great lengthy career and is paid at the final rate that's existing at retirement. All I was proposing is that we avoid making any payments that we could possibly avoid making now and limit the amount that would be paid upon retirement. I did indicate to the employees that were questioning it, that I would bring it to Council. I would be happy to concede your amendment to the ordinance. The other point is that during the last three years, the council permits all employees to get paid for their vacation in the last three years. Some of the employees on this list are approaching retirement. So, they would like to take advantage of the right to incorporate their pay during their last three years while still holding on to some of their vacation. That may be too much to ask. That's why I could agree to your limiting amendment.

President Cervenik – I would like to strike and amend this ordinance, where it says provided furthermore, the Mayor is hereby authorized to make payment upon request, and if we consider this maybe in our next Finance Committee Meeting, but I do feel it is important, the first part of this ordinance is important that they are paid based on their salary at 12/7/98.

President Cervenik moved to amend to strike out payment portion of ordinance. Councilman Gallagher seconded.

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

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

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

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

Ord. 231-1999 (615-99) EYSO/Shore Lease

An ordinance amending Ord. No. 8-1998 and authorizing the Director of Parks & Recreation of the City of Euclid to enter into a lease agreement, at a continued reduced rental rate, with the Euclid Youth Soccer Organization for space located at the Shore Cultural Centre. (Sponsored by Councilwoman McGarry by request of the Parks & Recreation Director)

Councilwoman McGarry moved for passage. Councilwoman Holzheimer Gail seconded.

Councilwoman McGarry – At this time and in light of the intensive process we are undertaking with Shore, I would like to amend the time period of this lease to six months, instead of one year so that we may continue to look at these specific leases as we move forward on Shore's future.

Councilwoman McGarry moved to amend to six months. Councilman Korosec seconded.

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

Mayor Oyaski – We are pleased to see Council's interest in expediting review of the general issue. We have no objection to the shortening of these leases with the anticipation we will be talking turkey about this topic in the very near future. Thank you.

President Cervenik – We won't have it done by Thanksgiving though.

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

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

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

Ord. 232-1999 (616-99) Polka Hall of Fame/Shore lease

An ordinance amending Ord. No. 8-1998 and authorizing the Director of Parks & Recreation of the City of Euclid to enter into lease agreements, at continued reduced rental rates, with the American-Slovenian Polka Hall of Fame (Hall of Fame) for space located at the Shore Cultural Centre. (Sponsor Councilwoman McGarry by request of the Parks & Rec. Director)

Councilwoman Holzheimer Gail moved for passage. Councilman Korosec seconded.

Councilwoman McGarry moved to amend to 6 months. Councilwoman Holzheimer Gail seconded.

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

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

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

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

Ord. 233-1999 (617-99) Hunger Center/Shore lease

An ordinance amending Ord. No. 8-1998 and authorizing the Director of Parks & Recreation of the City of Euclid to enter into a lease agreement to waive the rental fee, for the year 2000, for the Euclid Hunger Task Force for space located at the Shore Cultural Centre. (Sponsored by Councilwoman McGarry by request of the Parks & Rec. Director)

Councilwoman McGarry moved for passage. Councilman Gallagher seconded.

Councilwoman McGarry moved to amend to 6 months. Councilman Dallos seconded.

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

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

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

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

Ord. 234-1999 (618-99) Adoption Network/Shore lease

An ordinance amending Ord. No. 8-1998 and authorizing the Director of Parks & Recreation of the City of Euclid to enter into a lease agreement, at a continue reduced rental rate, with the Adoption Network of Cleveland for space located at the Shore Cultural Centre. (Sponsored by Councilwoman McGarry by request of the Parks & Rec. Director)

Councilman Farrell moved for passage. Councilman Dallos seconded.

Councilwoman McGarry moved to amend to 6 months. Councilman Gallagher seconded.

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

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

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

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

Ord. 235-1999 (619-99) Euclid Teachers/Shore lease

An ordinance amending Ord. No. 8-1998 and authorizing the Director of Parks & Recreation of the City of Euclid to enter into a lease agreement, at a continued reduced rental rate, with the Euclid Teachers Association for space located at the Shore Cultural Centre. (Sponsored by Councilwoman McGarry by request of the Parks & Rec. Director)

Councilwoman Holzheimer Gail moved for passage. Councilwoman McGarry seconded.

Councilwoman McGarry moved to amend to 6 months. Councilman Korosec seconded.

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

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

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

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

Ord. 236-1999 (620-99) ECC/Shore lease

An ordinance amending Ord. No. 8-1998 and authorizing the Director of Parks & Recreation of the City of Euclid to enter into a lease agreement, at a continued reduced rental rate, with Euclid Community Concerns for space located at the Shore Cultural Centre. (Sponsored by Councilwoman McGarry by request of the Parks & Rec. Director)

Councilwoman Holzheimer Gail moved for passage. Councilman Gallagher seconded.

Councilwoman McGarry moved to amend to 6 months. Councilman Gallagher seconded.

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

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

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

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

Ord. 237-1999 (611-99) Amend Code/Sewer Connection Charges

An ordinance amending Section 922.08(c) of Streets, Utilities, and Public Service Code of the Cod. Ord. of the City of Euclid to clarify charges for new sewer connections to commercial, industrial, and other non-residential facilities. (Sponsor Councilman Gallagher by request of Service Director)

Councilman Gallagher moved for passage. Councilman Dallos seconded.

Director DiNero – This is the amendment to the section of ordinance 922.09 that's involving tap in fees. In the present ordinance the way it is written, it does not mention anything about commercial and industrial buildings, new buildings and also non-residents. That means that the residents that are coming into our sewer system, like Richmond Heights, Willoughby Hills, Willowick and Wickliffe, those suburbs. This is a one-time fee that we charge, \$300. This is normal procedure for most sewer districts. It also gives us a base of rate of 400 gallons per day, that's the daily flow that they take as a normal flow for an average home. Actually when we are dealing with commercial and industrial buildings or factories it is up to our engineer to see whatever their usage is per day and then it will be charged accordingly. Just say if they are using 1200 gallons a day coming into our sewer system, that would be 3 times \$300, their tap in fee would be \$900. That would be a one-time fee and it's not refundable. I think this ordinance, our present ordinance describes it and gives the city more power as far as charging these tap in fees that are necessary.

Councilman Farrell – Do we charge tap in fees now or is this something that?

Director DiNero – We are charging the tap in fees now and we are doing basically with this amended ordinance is saying. But, every once in a while we get somebody that comes in and says to us, well, let's see the ordinance where it says certain things. This ordinance, which would be amended tonight would make sure that we have the right to do this.

Councilman Farrell – So, it's business as usual.

Director DiNero – Yes.

Mayor Oyaski – It was handled as a regulation before. This is giving it the force of law. It's primarily directed toward non-Euclid businesses that are tapping in. We want to make sure they are signed up as customers to the system and are paying their accurate rates.

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

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

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

Ord. 238-1999 (628-99) Purchase Polymer

An ordinance authorizing the Director of Public Service of the City of Euclid to extend the existing contract for the purchase of polymer from Polydyne, Inc. for an additional two years. (Sponsored by Councilman Gallagher by request of Service Director)

Councilman Gallagher moved for passage. Councilman Dallos seconded.

Director DiNero – October 18th we took sealed bids on chemicals for the Waste Water Treatment Plant. On that particular morning, this particular company, Polydyne, Inc. called us and said there was an oversight about submitting the bid, if they could fax their bid into us on Monday morning. I actually told them it was not acceptable because all bids have to be sealed. After we opened bids at the Board of Control on the 18th we received no bids for polymer. So, after that, we called this company, Polydyne and asked them if they would recognize their price that they had for the 1998-1999. They said that they would. I received a letter from the company saying that they would keep the same price for the next two years for 2000-2001. This polymer is used over at the sludge plant. This is part of our odor control. This is a necessary chemical and since they are not raising their prices, 54 cents a gallon, then I think that the Council should go ahead and pass this since we did not receive any bids for polymer from any one of the other companies.

President Cervenik – How many gallons of this polymer do we use?

Director DiNero – At this time I can't answer that to be honest with you. I know its quite a big number. It's a necessary thing and Mr. Korosec knows it's in his ward and he knows about odor control and he's had many calls on 260th there. Since we have been using this polymer, I don't think he's been getting many calls.

President Cervenik – I suppose it depends on how much sludge we generate. If we were to haul sludge away, would we still need this regardless of whether we haul we still need this?

Director DiNero – Yes.

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

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

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

Ord. 239-1999 (627-99) CCTV/Jail

An emergency ordinance authorizing the Mayor as Ex-Officio Director of Public Safety of the City of Euclid to enter into a contract, after advertising for bids, for Closed Circuit Television (CCTV) upgrades in the intake area, men's central control, and women's control areas of the Euclid City Jail. (Sponsored by Councilwoman Miller by request of the Police Chief)

Councilwoman McGarry moved for passage. Councilman Korosec seconded.

Mayor Oyaski – As you know we had an unfortunate escape from the jail and we had a couple of experts review the operation of the jail. One of the recommendations they made were to improve the closed circuit television network. There is money in the 1999 capital improvement budget. I believe the warden is here, Jan Clinton who can answer any of your questions, and I would ask you for your support of this legislation.

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

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

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

Res. 240-1999 (629-99) VLP/Parking Lot

A resolution confirming and approving the Planning & Zoning Commission's approval of a parking lot permit to VLP Restoration, Inc., located at 21935 Lake Shore Blvd., pursuant to Section 1389.07 of the Planning & Zoning Code of the Codified Ordinances of the City of Euclid. (Sponsored by Councilwoman Holzheimer Gail)

Councilwoman Holzheimer Gail moved for passage. Councilwoman McGarry seconded.

Mr. Apanasewicz – This resolution confirms the approval of Planning & Zoning concerning the construction of a parking lot for the old Lakeshore Tavern project. It was unanimous. Plans for the project have been submitted to the building department. They have been reviewed and the developer is responding.

Councilwoman Holzheimer Gail – I would just like to add to Mr. Apanasewicz comments that they are planning on providing twelve spaces. They will be providing buffering, landscaping and fencing to answer the concerns that were raised at Planning & Zoning from the abutting resident. Planning & Zoning did approve this and I think this really helps solidify the redevelopment project at the Lakeshore Tavern property.

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

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

Ord. 241-1999 (630-99) Amend Code/Euclid Home Days/Alcohol permit

An ordinance amending Section 503.10(b) of the General Offenses Code of the Codified Ordinances of the City of Euclid to allow the Director of Public Safety to issue beer and/or wine permits for a period not to exceed six (6) days, on City property, during the time that the Euclid Home Days are held. (Sponsored by Councilwoman McGarry by request of the Parks & Recreation Director)

Councilwoman McGarry moved for passage. Councilman Farrell seconded.

Director DeMinico – This is a housekeeping issue. As you know we are bringing back to City Council every year for our Home Days event or Community festival to allow the sale of beer over that 4 day period we are proposing for the year 200 Home Days. I would be happy to answer any questions if Council so desires.

Councilman Farrell – I just noticed on this legislation we are changing the name from community festival to home days. Is there going to be a change in emphasis on the weekend's events at all?

Director DeMinico – Yes.

Councilman Farrell – Are you able to expound on them?

Director DeMinico – The next ordinance will. We do have some ideas that we are going to present for council, that will be further discussion on our next ordinance.

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

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

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

Ord. 242-1999 (631-99) Home Days/Ride Company

An ordinance authorizing the Director of Parks & Recreation of the City of Euclid to enter into a contract after soliciting proposals to secure the services of a company to provide rides, games, and food for the 2000 Euclid Home Days. (Sponsored by Councilwoman McGarry by request of Parks & Recreation Director)

Councilwoman McGarry moved for passage. Councilman Korosec seconded.

Director DeMinico – Over the past 3 years the Parks & Recreation Department has been overseeing the community festival. As you know we wear a lot of hats, there are a lot of special events. When we were asked to take over these reigns, we took a lot of baby steps, crawled first. Now after three years I believe that we are ready to make some positive changes for the Euclid Home Days. We do want to emphasize more of the community events. We want to decrease the number of spectacular rides and the number of games that are along the midway, somewhat deviate from the carnival atmosphere. It has been quite apparent over the last handful of years. By passing this ordinance, Council will allow our department to send out requests or proposals to at least 4 or 5 ride companies. We feel that by having the ability to pick a ride company, enter into an agreement that we have written, the draft is attached to the ordinance, it gives a much more financial stability and responsibility to the City of Euclid. In the past, few community festivals have been a direct result of the Bates Brothers running it from soup to nuts. Taking care of incoming expenses, we have summarized that in a letter in full detail to Council. As I said before, we have learned quite a bit over the first three years. We really feel that we can make a positive impact and turn perhaps, the revenue around to a positive flow into the City of Euclid. We really emphasize again, some of the community organizations, bringing them inside into our grounds.

Councilman Korosec – The list that you showed us that was attached to the ordinance as far as the number of rides that you are going to go out for, how does that differ from the past few years that we have had these festivals?

Director DeMinico – We have had as many as 22 rides on the grounds at the festival. An upwards of 8 large rides, we are reducing that down to 5. Currently in the draft proposal it has 15 kiddy rides. We feel that will be more of an emphasis to bring in the family with the younger children instead of the teenagers. We have eliminated the fun houses, if you will, we have eliminated the area that the kids have the video games and arcade. We feel that is not what the Euclid Home Days should be emphasizing. We should be emphasizing more of the smaller kids rides and some of the community activities that take place.

President Cervenik – You said something and you didn't mean it to come out about eliminating the teenagers. We need to provide something for our teenagers in that festival because we have a lot of teenagers. It doesn't necessarily have to be a fun house and the games. But, I think when the committee is working on it we could get something to draw our teenagers to be a part of the festival too, and that will be beneficial.

Director DeMinico – Yes, Mr. Chairman, if I said that I didn't mean it.

President Cervenik – I know you didn't. But, somebody is going to say you did.

Director DeMinico – The Admirals Club and the skate park is a strong statement that we do look out for our teenagers in the City of Euclid.

President Cervenik – I agree with you completely.

Councilwoman Holzheimer Gail – Director DeMinico I certainly commend the recreation department for the many projects that you've done over the last several years. I think you've really shown some innovative ideas this year. Do you think that this will overburden your staff in any way, do you anticipate any additional staff?

Director DeMinico – As far as needing additional staff to run the community festival, no I don't think so. I would really love to put a dynamic committee together. There are areas that we need volunteers to step forward in the form of entertainment, in the form of tents, tables and chairs. Kathy Will has done a magnificent job for the past 3 years. Now it is going to become a little bit more cumbersome on our end, however I do feel that we can still handle it with the employees that we have in house. Anybody that would like to volunteer our office number is 289-8114.

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

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

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

CEREMONIAL RESOLUTION

Res. 243-1999 (624-99) St. Felicitas 50th Anniversary

A resolution of congratulations to St. Felicitas Church on the occasion of their Parish's 50th Anniversary. (Sponsored by Mayor Oyaski and the entire Council)

Councilman Dallos moved for passage. Councilman Farrell seconded.

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

Committee of the Whole

Christopher Gruber – 2161 Waynoka Rd. I am here this evening on behalf of the Indian Hills Association as there building environmental trustee. First of all I would like to thank the housing department of the City of Euclid for the good response we've had working with them. They do an excellent job in the Indian Hills area and throughout the city. This evening I'm here to speak on yesterday's paper. There was a little in the auction section here, Euclid-Cleveland, 10 acres undeveloped land, build up to 18 single family homes. Some lots sold at absolute public auction November 12, 11 AM located next to 2375 Green Rd. This is the Rosin Auction Company. This property is located behind Waynoka and abuts Glenridge Rd. all the way down to the South Euclid line. The property that is for sale, I've asked the city to look into purchasing this for green space as a buffer against urban sprawl. It is important to note the city has spent millions for property along Euclid Avenue. It's time to invest in a little green space for the future.

Here's some history on the land. In 1967, at my father's home, the Sylvia Corporation unveiled a proposal for a subdivision of land adjacent to the backyards of the Waynoka property and Glenridge. Shortly thereafter, Sylvia Corporation loses land at a sheriff's sale for back taxes. 1980, Euclid Cleveland Corporation acquires property and wants the land spot zoned for condos. The City of Euclid takes them to court and wins. The court upholds the zoning of land as U-1, detached single family homes. June 1987, land pulled from sheriff's sale for back taxes at the day of the sale. December 1987, once again Euclid Cleveland Corporation petitions Euclid Planning & Zoning Commission to rezone the land. The proposal was to build 48 condos on 5 acres. Zoning Commission held 12-15-87, the proposal again was turned down. February 1991, Nelson Barman proposes 22 homes for the property, just large enough to meet a minimum zoning requirement. Part of the proposed development is in Cleveland. Two weeks after the proposal, Roosevelt Coats, Cleveland Ward 10 Councilman, states this about the proposal. The Roosevelt Coats subdivision, that was going to be the name of it. I think now the entire plan is on hold. There are too many problems due to intense public pressure to stop the proposal. August 1998, permanent parcel # 649-21-001 was sold at a sheriff's sale to Mohammed Abilah for \$3600. The City of Euclid was notified the land was up for sale. March 1999, Abilah sells the land to Tony Whitmore for \$5000. Whitmore sends Amish loggers to clear cut the land for his development without permits. The Indian Hills Association and city inspectors stop him.

Mr. Gruber - This brings us to today. This property has been through enough hands trying to make a fast buck, without regards to the surroundings or repercussions. The Indian Hills Association and myself urge the city to look into buying this land and put its future in the hands of the City of Euclid and leave it to future generations to enjoy. It is truly a touch of the country in our neighborhood.

Folks, I've lived there a long time. We've been fighting about this land for a long time. It went for \$3600, nearly 10 acres, I think that's a bargain in anybody's book. Mr. Mayor, you were out, you looked at the property. You spoke to my neighbor who has since moved. The land does about Glenridge and just doesn't appeal to that cul-de-sac at the end of Waynoka. It's a large green space, a buffer zone against crime, and it's truly a touch of country in the city. I will hope to speak further to the city about purchasing this property. Thank you.

Madeline Scarniench - 1511 E. 221. For Director DeMinico, on item (630-99). It says that this is going to go back to Shore Civic Centre? Is that your intention to move the festival back to Shore?

Director DeMinico - No, it is to stay on the grounds of Memorial Park.

Mrs. Scarniench - So, this is incorrect.

Director DeMinico - It is Shore's permit as well and then if you read on it says and more.

Mrs. Scarniench - Okay, so that doesn't mean it's going to go there. Okay, thank you.

Mr. Gruber and I have talked extensively about the issue that he just brought up and I wanted to give full support to what he said. I think it is very important that the City keep this buffer zone in our hands for whatever purpose especially for the trees. We want to keep Jack happy. We need the trees to stay there. Even though it's in his backyard, I think it's in our best interest to carefully consider purchasing this property up on Waynoka. Thank you.

Joseph Udovic - 21371 Naumann. This past weekend I was passing out campaign on Beckford. I talked to some residents there, that's ward 3. There are several neighbors that complained about a property at 22351 Beckford. The driveway asphalt needs major repairs. The treelawn is in access of 5 inches in height. The backyard also has high grass that needs to be mowed. What does the city need to do to make these residents meet the codes of the city? I want to see Ward 3 be a gem in our city. I have lived in this ward now 25 years and I am committed to any resident who has a complaint to call me and I will make sure the city council is passed forward to their complaints. Thank you.

President Cervenik - Mr. Tollerup, I am sure you have that address.

Dennis Berzinskas - 20890 S. Lake Shore Blvd. Tomorrow is a voting day people. I want to thank our ladies on council, Meg McGarry, Fay Miller who is not here and Kirsten Holzheimer Gail. Through their efforts in the past few years, they brought the community together more since I've moved here in 1956 with my family. They have really moved the city and brought us together as citizens. To know what it is to work for a city, work for a counting cause, I really want to thank them and appreciate their hard work.

On the next thing, we have term limits. You know there are no cradle to grave jobs anymore in industry. I think it's time politicians learn that. Be versatile like everyone else has to be in this day and age. Term limits were there, were brought in 1992, they took effect in 1993. They haven't had the chance to run their full course. We are told I'm sure on the gem on the lake, the Henn House that we had to move on it fast. Even the paper got in on Shore as we have got to make a decision fast. Well, how about getting your act together when you come on Council or anything that effects term limits. Get your act together, do your job. Because, when this constitution of our country was put together, it was put together by citizens. Let's keep that going. There are enough citizens in this city to make this an interesting political race now and in the future. Thank you.

Ed Noles - 20371 Ball Ave. I am a product of the Euclid school system and I've been a resident of Euclid all of my life, except 13 years when I lived in Richmond Heights. I moved back to Euclid because of the great city services. Well, lately I feel the services seem to be falling down hill a little bit. I pay 2.85% in taxes off my payroll check to keep these services going. We as the citizens of the city are getting lost between the bushes I believe.

Mr. Noles - The City of Euclid is the highest tax in the state of Ohio. I see other cities like Mayfield, Lyndhurst, Wickliffe, Willoughby, Willowick, Eastlake, Mentor, Richmond Heights and South Euclid all have the same type of city structure of services. Their cities have contracted garbage companies, police and fire employees, service employees, administrative, mayoral and council representatives respectively. My question to you as representative of this one great lucrative city, how can they do the same of the running of their cities at 1%, 1.5%, 2%, maybe even 2.5% and we seem like we cannot? The people of this city are asked to vote for school levies and other city ballots, and why? To increase the city revenue. My main concern is if we have such great city services, why do we not, as citizens, have the ability to get the full service out of what we pay taxes for?

Examples, have all streets look like 197th off of Newton, 271st, 272nd, and 210th with the nice black lamp posts instead of the old wooden street lamp posts. Make all cable and electricity lines underground like Richmond Heights does. Why can't the city get rid of the skunk major problems? Every street I travel down, I either smell skunks or see dead ones lying in the streets. Also, I have a question either to Mr. DiNero or Mr. DeMinico. I have a neighbor who lives next door to me and he is a senior citizen and he doesn't speak English very well. I called, I think it was the parks department and I talked to a Mr. Tom Springer, I don't know who his?

Director DeMinico – Mr. Noles he is the superintendent of the parks & recreation maintenance. He is our certified arborist, was it a question about trees?

Mr. Noles – Yes, he answered my question and also came out to talk to Mr. Udovic, who is my neighbor and wrote up a work order to remove the tree late May, early June and it still hasn't been taken down. It is on the tree lawn. It is in hindrance of the power lines and it is almost dead, well basically is dead tree.

Director DeMinico – Mr. Noles, I will get your address after the meeting and I can look into it and give you a personal phone call tomorrow.

Mr. Noles – Okay, thank you. In conclusion, the city has always been great under head mayors like Sustarsic and Guinta and from former mayors before Sustarsic. I wish we could learn from these great men as the year 2000 comes upon us we should strive for greater goals as attracting major retail stores, reach major restaurants or fine dining establishments. Thank you.

Sandra Bowes – 21520 Miller Ave. Over the weekend I had occasion to go to the dentist and the dentist wanted to commend Mr. DeMinico, his son plays baseball here and he says you do a great job of keeping those fields updated. I said to the dentist at the time, well you can thank our mayor too because he is very active in baseball and he did an umpire, coaching class at sometime. So, we are a great baseball city and thank you.

I wanted to thank Dorothy Fike for bringing us the know the candidates night. I couldn't be here that night, but boy I sure reaped a lot of information just watching it on Channel 51. Again, we go back to the problem on Miller Avenue. We want to know where are we to put our leaves that we have no tree lawns. I mean, my husband and I spent the entire weekend bundling up all of these leaves in bags and we don't even know where to put them. So, what provisions will be made to help us with these leaves?

Director DiNero – As far as your leaves, if you bag them and you put them on the tree lawn our rubbish collection contractor will pick them up. If you do bag them you are doing the city a big favor because as you know that's one of the one lane areas now and it would be hard to send a leaf picker down there to pick up leaves off the tree lawn if there is excavation still there. Hopefully, from what I understand, the second lane is supposed to be poured on Thursday. Hopefully by the weekend the complete street will be done as far as paving goes and it will make everything a lot easier.

Mrs. Bowes – Thank you. I had one more comment to make and I see Kurt Stanic is here. I want to say that the Euclid Schools are in trouble. They have lost \$1 million but I wanted to make a point here. I had occasion to go through my tax bills. I went back, I didn't go through my entire archives, just went back to the first half of 1996. Here's my tax bill and as I go to '96 second half, first half of '97, my tax bills went up and up and up. I wanted to tell Mr. Stanic that he is not losing that \$1 million from me, the homeowner. If he is losing \$1 million we have to really look into where are the schools losing the money? It is not from me, the homeowner. Thank you.

President Cervenik – Mrs. Bowes I would explain this to you, if I could. The taxes that are going up, those are not for the schools. Those are for other issues in the county. There is this monster called house bill 920 that when we passed the levy back in 1992, an operating levy your tax, the tax from that levy is based upon the value of your home in 1992. As your home goes up, other county organizations and that will receive the increase in taxes based upon the evaluation. The schools do not. There dollar amount stays steady from 1992 forward. It's the county, it's the libraries and other health and welfare county levies, but that money, that increase in your tax bill is not going to the Euclid public schools. There money is frozen.

Mrs. Bowes – Thank you for enlightening all of us. Thank you.

Dawn Dolson – 2410 Glenridge Rd. I would like to reiterate what Mr. Gruber so aptly put about the property that butts up to his property and our property on Glenridge. We have 2 acres and I feel it is a very desirable area of Euclid. We have been there 17 years. The woods behind us and 13 neighbors up towards South Euclid all have similar areas of property and these woods are a wonderful buffer. We like the wooded area and the wildlife. It butts up to Green Rd., which isn't as desirable in that area. I really feel if council or whoever the powers that be could purchase this area, it would take a big problem away from us worrying about what's going to happen to these woods and what's going to happen in that area. Thank you very much.

Jack Fraier – 235 Greenbriar Ct. I'm the chairman of the Shade Tree Commission. I certainly endorse Mr. Gruber's desire to acquire that tract of land, that undeveloped tract. How important it is to keep these little slivers of land under the control of the city. I'm acquainted with one of the developers who did come up with a plan, or better yet a scheme to mutilate that property. I am glad that scheme was derailed. Please acquire it, take every effort to do it. I think the ordinance that set up the Shade Tree Commission might be amended in the future to allow the members of the Shade Tree Commission to be armed with rifles to shoot anyone who goes to cut down a tree. What was described there about the farmer coming and cutting the trees down without any permission is inexcusable. Also, there is a bit of significant history in that area of the city. We are talking so much about downtown Euclid, let's think a little bit about uptown Euclid. I've been around long enough to remember the old quarries, some were still functioning in my childhood and the little steam engine that used to pump that railroad to carry the stone down to the nickel plate tracks. I was in western Virginia a few years ago and I saw how an old railroad line had been converted into a trail. There is a national program called Rails to Trails. It was a beautiful sliver of land, part of it was on asphalt, part was an area where people could jog, bicyclists could go down it. We have potential for something like that in Euclid right now. That is a landmark area. This city is loaded with landmarks and that could be made a very important landmark.

Another item, somewhat different from trees. In the past few weeks, I received in the mail and on my doorknob and in my porch railings campaign literature. I read every piece, every word and I graded each one. I did teach Jr. High English for about 10 years. I know what is taught, no matter what district the teaching is done. I was both angered and saddened to see the widespread misuse of the rules of punctuation, capitalization, spelling, usage, run-together sentences. Misuse of the homonym its. Its has two spellings, its for the possessive adjective, it's for the abbreviation of it is. That apostrophe has nothing to do with possession. That rule is taught in grade 4, reviewed in grades 5, 6, 7, 8, 9, 10, 11 and 12. I wonder if we required every candidate for public office to take the writing proficiency test, what score would they receive? I fully intend to write to my state legislator and ask her to introduce a bill in the Ohio Legislature to require every candidate for public office to take the writing proficiency test and then to have the grade printed beside his or her name on the ballot. I know people say I am not going to vote for that levy because the proficiency tests were low. Remember the child is in the classroom less than an hour a day. Then he goes out and sees the language abused and misused. People at home ought to teach morals at home, churches teach morals. If an adult bookstore opens up or an X-rated movie appears on TV or if there is pornography on the internet, there is a scream and a shout of anger. This is the same thing that should be done with the abuse of our language. That is our national treasure. I am going to be voting for the levy and I will certainly hope that all of the members of council the next time any candidate in the future who runs to read your writing. No more mistakes in punctuation, capitalization, spelling or usage. Thank you.

Dorothy Fike – 20271 Delaware Rd. I want to thank the citizen for her kind words for me and the league for the candidates night. I want to thank the city, the Mayor, the Service Director and the Administrative Director for the use of the facilities and that we were allowed to put it on television. We are getting a lot of complimentary calls on it. I do want to say publicly thank you for the use of your hall. But, now I can, I wasn't going to bring this up, but I am. Magnolia Drive, that I talked about a month ago, maybe six weeks and the vacation of it, where you were putting back into public, taking it out as a street. I spoke that night and I was told that it was not the part, the one that goes up to the office building is a private drive and the part that goes into Euclid Avenue is a public road and is not being vacated, right? Mr. DiNero you said that night that the Magnolia Drive sign would be down the next day. It is still there. I talked to Hank afterwards and he said that, that part there is not Magnolia Drive that when the name was changed that was never included. It is still has the sign there that is Magnolia Drive from Euclid Avenue up to the medical building. Is it Magnolia Drive or isn't it? Has it been vacated or is it still a public road, they're still using it? Now they do have a barricade where it comes into the, whatever the name of the road is, it says road closed. You know, if you go up and you go where the apartments were before. There is now a barricade there that says road closed. But, as you go from Euclid Avenue up, that is still open. I am assuming that's still open, but I would like to know what the name of that road is. Is it Magnolia? Or is it Parklawn Dr.? It says in this formerly known as Parklawn Drive, you know, that part that's vacated.

Director DiNero – As far as I know it's always been Magnolia Drive, but that is not being vacated. I will make sure the sign is down tomorrow. That, as long as I have been here, it has always been Magnolia Drive, that little portion there.

Mrs. Fike – No, I'm sorry it does say right in here in the description of the ordinance it says formerly Parklawn Drive, the part that is being rezoned tonight or whatever was taken what wasn't done right. It says right in it that it's Park Magnolia Drive, formerly Parklawn Drive. So, that was in my time where it was changed from Parklawn to Magnolia not too many years ago, Mr. DiNero.

Director DiNero – As far as I know that street has always been and that side of Magnolia Drive as far as changing the name, I could let...

Mrs. Fike – Well we are going to have to research it because it was Parklawn Drive and it wasn't changed too many years ago to Magnolia Drive. I think Mr. Dallos is shaking his head, he agrees with me that it was changed not too many years ago from Parklawn to Magnolia.

Director DiNero – If that's the case then we would have to change it back then.

President Cervenik – We will take care of it in two weeks.

Janelle Daugherty – 121 E. 200 St. I will try and be brief because I know that everyone wants to go home. I wanted to respond to one comment that the gentleman made before about the 2.85% income tax. I hope that maybe he will have the chance to look into the 100% reciprocity that Euclid offers that almost every other city does not. Because of that, there are at least 13 other cities that are higher in income tax than we are. Also, we are an older city and a lot of people want us to do a lot of things. How are we going to do these things without money? I mean, we need to revitalize Euclid and we need money to do that. That is partly what that 2.85% does. I just want to say please remember to vote tomorrow for Issue 5. A community is known by the schools that it keeps. If the school levy fails, ultimately so will Euclid. Private and parochial schools will enhance the community, but it will not save the community. This issue will not go away. There are no alternative funding means for the schools to date. Almost every city goes before its taxpayers for school levies every 3 to 5 years. We are not unique. Anywhere you move, you will be asked to vote for a school levy. We are currently 44 out of 57 in property taxes. Our home values here are very reasonable. We need to keep our property values up. We need to start bringing back pride in Euclid. We need to keep our city strong. United we stand, divided we fall. Please help us secure a bright and wonderful future for Euclid. Vote tomorrow for Issue 5. Thank you.

Dominique Drake – 20221 Delaware Rd. I am a student at the Euclid High School and I have done many hours of service in support of the school levy. I am here to encourage everyone to go out and vote for Issue 5 tomorrow. It's the school and the city's future and we need it.

President Cervenik recognized Kurt Stanic, Carol Bechtel, Howard Drake and Katie Robinson from the Euclid Schools.

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

Councilmen's Comments

Councilman Dallos – I understand in our last HIP meeting that Chuck Comiskey had indicated that the City was going to receive some sort of funds from the East Ohio Gas Company I guess December 7th or sometime in December. I won't be here but I hope that money, I hope the Council sees fit to put that money back into the HIP program.

Councilman Farrell – I just want to make a mention to Jack Fraier and looking at a piece of my literature from 2 years ago and I have commitment spelled wrong. I want to let Jack know I will see him after class.

Mayor Oyaski – A couple of things. I do want to wish Dr. Stanic and the school board the best of luck tomorrow. I do want to ask the Council if they do have any opinion on participating in this auction because it will occur before the next council meeting. Councilman Dallos and I did have a discussion. We were concerned about adding property, tax exempt property that we would have to maintain. But, if a majority of Council has no objection, I can ask Mr. Koran to attend that auction and submit a bid. The local newspaper is also asking the same question. The only reason I am asking you now is because the auction is on November 12th. Understand, you may be setting a precedent for other controversial properties in the city.

President Cervenik – By giving the okay to attend the auction, doesn't give you the authority to purchase.

Director Koran – I brought this up to the directors at the directors meeting 2 weeks ago. If council desires we could have a city employee attend the auction and bid. If he is the successful bidder, hopefully there would be a 30 day period before the winning bidder would have to come up with cash. That is typically the process for bidding. Hopefully we could bring it back to City Council with the actual bid price. City council can vote on it. Unfortunately, if the Council rejects the winning bid, there may be a penalty typically of 10% of the amount bid. That's what it is for a sheriff's sale. If Council desires, we can talk to Rosen Company and see what the details are for the bidding. I would be happy to go down on the City's behalf and see how the bidding goes.

President Cervenik – If the purchase price of the property does not exceed \$10,000 that would mean the board of control has the authority?

Mayor Oyaski – You are correct, but it may involve an amendment to the appropriation. As long as the council understands that possibility.

President Cervenik – If no one here has any objection, with consultation with the law director I think it's okay to go ahead, we've got to make sure we are following correct procedures.

Director Murphy – My only word of caution would be, although the board of control may be able to make an expenditure of less than \$10,000 if the city wanted to take title Council is the legislative authority and is the only body with authority to take title to property. I would be very reluctant to advise the administration to proceed without knowing what the legislative body's intent with respect to taking title would be.

President Cervenik – The taking of the title wouldn't happen until that 30 day period, correct?

Director Murphy – That's correct. As Mr. Koran pointed out you would most likely be liable of a penalty of some sort if you were the winning bidder and did not proceed through with the purchase.

Councilman Gallagher – I am unfamiliar with this property. Does it benefit only those property owners who are contiguous to it? Or is there some access to it? Is it basically landlocked?

Director Koran – It's basically landlocked. If a developer were to develop it I believe he would have to get access from Green Road and the City of Cleveland. We have other buffer areas in the City of Euclid. For example, on Euclid Avenue there is a buffer area that is going to be undeveloped forever, it's not used for public park purposes, it just sits there undeveloped as a buffer land. There is a precedent where the city has purchased property or received an option on property. Easements secure the future development would not occur. I don't think it would be in the residents interest to have a public park there if that is what you are referring. Although, City Council could always do that once we own the property.

There is another risk involved as we are talking through this. Title searches, environmental issues, Jack Fraier mentioned there used to be a railroad track through there. You never know what could be on the property as far as the contaminated soil, etc.

Councilman Gallagher – My question was also as it benefits only those contiguous property owners, if something was needed to be done with regular maintenance and the remediation of environmental problems, is that an assessment type situation? Assess the adjoining property owners if it benefits only those property owners.

Director Murphy – My understanding at least with respect to the environmental aspect is that property owner only is in line for the cost for any of our cleanup, that has nothing to do with benefited adjacent properties.

Councilman Dallos – If we are talking a matter of \$10,000 it would be one thing. But, from what I understand the talk on the street is the house that is also behind it is going to be auctioned off simultaneously. Now we are talking the starting price somewhere between \$150-\$300,000. The question is do we want to buy, do we want to bid on something that is going to be over \$100,000 or \$200,000 for a buffer. That's the question. If someone could go there any buy it for \$10,000 the auction people would be happy that's one thing. If they are auctioning the house and the acreage you are talking big dollars.

President Cervenik – Director Murphy you are our legal counsel and it seems to me that there is enough uncertainty to this matter that I'm not sure if Council should react and proceed in this fashion unless you can tell me otherwise.

Director Murphy – Perhaps one way to proceed here would be for the administration, Mr. Koran whoever else might be involved to get whatever information we can perhaps there has been a phase 1 environmental study of the area done that we could get our hands on. Perhaps we can confirm whether Councilman Dallos' point is indeed how the auction or sale is going to proceed. Are the properties going to be sold separately as one whatever. We could then report back to you and the members of council and perhaps take a poll and get the administration instructions.

President Cervenik – What's the auction date?

Director Murphy – The 12th. It's a week from Friday.

President Cervenik – If need by if this body would like they could also have a special council meeting. I would just feel more comfortable doing it that way then doing a straw poll without knowing what we are getting into. Why don't we do that. Why don't you get some information gathered in the next day or two. Get a packet out to us, let us review it and if I see there are five or more council people who want to proceed we will hold a special council meeting so all of this can be dealt with in public. I think that's the safe way.

Mayor Oyaski – One other thing I just want the Council to know that Mr. Udovich here of all of the houses in the City has singled out the house of my mother. So, I am proud of Mr. Udovich I think that is very clever and bold of you sir. My mother's house is every bit as good as many other houses in the city. I have asked the housing inspector to go out to my mother's house. But, I do want to commend Mr. Udovich for his boldness and his decency.

President Cervenik – Mr. Udovich I will join the Mayor. I didn't know that was his mother's house. That's abusing that you did. That's abusing the privilege of committee of the whole. I hope that doesn't continue in the future. Committee of the whole is not to embarrass people, it's not to cause problems.

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President Cervenik - It is to ask questions and to get answers and to bring us aware to real legitimate problems. I hope for all of our sakes sir that you really did not understand what you did. Thank you.

Councilwoman McGarry – I would like to thank our Parks & Recreation department in particular Kathy Will, our asst. director and her staff for an absolutely superb evening last Saturday night at the Shore auditorium. The quality of the entire night, the number of people who came were a credit to their efforts and the city as a whole. I would also like to say that I know Councilwoman Miller is with us in spirit and I'm confident the citizens she serves so well will reward her tomorrow with their continued trust. Finally, I urge all of our citizens to vote yes on Issue 5 for our children for themselves and for our future as a strong and vibrant city. Thank you.

President Cervenik – One last time I also have to lend my support to Issue 5. I have spoken on it on a number of occasions. It's the most single important issue facing our community. Please tomorrow go to the polls and vote for Issue 5.

Adjournment

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

Meeting adjourned.

Attest:

Clerk of Council

Council President