

COUNCIL MINUTES
Monday, December 20, 1999

The regular City Council Meeting was held on Monday, December 20, 1999 at 7 PM in the Euclid City Hall Council Chambers. President Cervenik presided.

Members Present: Flowers, Gallagher, Gruber, Holzheimer Gail, Korosec, McGarry, Miller, Valencic, Cervenik.

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

Communications

Council has received the following communications:

A letter from the Ohio Historical Society regarding Shore High School.
A letter from Parks & Recreation Director DeMinico regarding the Tree Planting Program.
From Director Johnson, audits performed on the current health care system.
From Housing Manager Tollerup, a memo regarding Lake Shore Tavern Rental Conversions/Occupancy.
A letter from Burges & Burges.
Four e-mail messages.
From Law Director Murphy, a summary of legislation on tonight's agenda.

Council Minutes

Councilwoman Miller moved to approve the Council Minutes of December 6, 1999.
Councilwoman Valencic seconded. Yeas: Unanimous.

Administration Reports and Communications

Mayor Oyaski presented Bill Tomko with Resolution No. 275-1999.

Mayor Oyaski swore in Councilman Gruber into the Shade Tree Commission.

Mayor Oyaski and Chief Baumgart presented Thomas and Leslie Cooke with Resolution No. 274-1999.

Asst. Parks & Recreation Director Will presented the Holiday Lights Contest Winners.

Mayor Oyaski – As you all know in about 11 days either we are going to have a nice New Years Eve party or the world is going to end. We believe that everyone is going to have a nice New Years Eve party and wake up on January 1st and watch plenty of football. But, we have been meeting as an administration with the hospital, various utilities and other interested parties to develop a contingency plan for January 1st at midnight just in case there are computer failures. We don't anticipate any significant problems whatsoever. The service department, the police department and the fire department have all worked very closely together to be well prepared for that evening. I have appointed a spokesperson for the City's response and I would like to ask him to make a few remarks now, that's our distinguished police chief, Wayne Baumgart.

Chief Baumgart – We've responded to many situations over the years. We've had storms that came up, we were really not prepared and we've always managed to do good things for the City and repair the city quickly and get back to normal even when outages have occurred and what have you. Well, now we've had an opportunity when they said this is the date when something may happen. So, we would be foolish not to prepare for that. Once again I echo the Mayor's sentiments I don't think anything's going to happen. We've been assured by all of the electrical companies and everyone else that life is going to go on as normal. But, nonetheless, we have prepared well for this. I told the Mayor it's a good excuse for us to have a party at the police station and that's exactly what's going to happen on New Years Eve.

Chief Baumgart - We have a non-alcoholic party occurring and a number of civilian people are coming in to help us as well as our auxiliary police officers and throughout the city other departments will have extra manpower on including the fire department. What we will be ready and able to respond to anything that could happen or should or wont happen at midnight. We expect that things will go normal but if something does go wrong we are ready and prepared to go forward with that.

There's a flyer going out in the mail I believe either today or tomorrow that will outline what we are planning to do in the city. If all communication goes down, which we don't expect it to do, but if all communication goes down I repeat, only if all communication goes down there will be 19 spots throughout the city where we will have people ready and willing to take information from citizens should they need our help. Also in this packet is a yellow card to put in your window if you need help, say your furnace isn't working and you are cold that evening, you have no other way of communicating with us, put that card in the window and we will be coming around, patrolling and finding those people and giving them the shelter they need if that's the case. We don't expect any problems. We believe the phone company is going to work well for us, electricity is going to work well for us. We are prepared and I want you to rest assured and be secure in your homes that we are ready for this.

Also, there will be a little segment on Channel 51 about this situation. I'm told it is going to be airing next week not this week starting on Wednesday. That explains a little bit about how we will respond to this. We do have ample people on duty at the time, we also have a plan in force should things go wrong where we will go on special duty assignments and have special shifts, but that's only if that happens. We even have people that are on vacations and time off that are going to be reporting in to see if help is needed. Once again, we expect to have a good party, thank you city for putting a party on. Unfortunately, we are spending some overtime money on this. Once again we have to be prepared for an contingency.

Having said that about overtime money, I want to also mention that that we hosted the vice-president here last week. That is also going to be reflected in our overtime budget unfortunately. So, all of you democrats will be voting to be putting that money in our budget I'm sure. Thank you very much.

Mayor Oyaski - We have met with the water department, the phone company, the electric company, both electric companies and the gas company. They have all assured us their equipment is fully Y2K compliant. But, the police department, the fire department and the streets department will be on alert and stand-by on that evening. We look forward to a Merry Christmas and Happy New Year for all even with that small cloud on the horizon. Thank you.

President Cervenik - Before we go to Committee of the Whole, I'll need a motion to add item (47-99) which you have before you on the agenda this evening.

Councilman Korosec moved to waive the 24-hour rule on item (47-99). Councilwoman Holzheimer Gail seconded.

Roll Call: Yeas: Flowers, Gallagher, Gruber, Holzheimer Gail, Korosec, McGarry, Miller, Valencic, Cervenik.

Waived.

Reports & Committee Minutes

Councilwoman Miller moved to receive the Fire Report, November 1999; Police Report, October 1999; Humane Officer's Report, November 1999; Shade Tree Commission Minutes, 10/4/99; Organizational Meeting of Council, 12/2/99; Board of Control, 11/29/99 and 12/6/99. Councilwoman Valencic seconded. Yeas: Unanimous.

Councilman Gallagher moved to go into Committee of the Whole. Councilman Gruber seconded. Yeas: Unanimous.

Committee of the Whole

Dorothy Fike - 20271 Delaware Rd. I have I think three questions on the appropriations, am I assuming you are going to be setting up some finance committee meetings before you really approve the appropriations for next year?

President Cervenik - yes.

Mrs. Fike – It will probably be put in committee.

President Cervenik – This is a formality. We need to pass this, this evening so that the administration has authority to spend dollars in the year 2000. We will have budget hearings sometime in February.

Mrs. Fike – Item #13, I guess I don't understand what it means by health care cost reductions. Maybe when you get to that item you can explain health care cost reduction. #18 on the resurfacing of Richmond Road how long will it take? Will traffic be maintained? I know it needs it but it sure is a busy intersection so I would like to know some more about those plans. Thank you.

Jack Fraier – 235 Greenbriar Ct. Item #5 on the agenda concerning the Euclid Landmark Commission, in the proposed ordinance I think a definition may be in order. For example in section 1303.08 it says the Landmark Commission may designate a place, building, structure or work of art. Does place mean an entire street or an entire neighborhood or an entire shopping center? It doesn't seem to indicate in the ordinance what the word place means.

President Cervenik – Mr. Fraier, it is the sponsors intention to move this into committee.

Mr. Fraier – Okay thank you.

Tom Springer – Superintendent of Parks & Recreation Maintenance. I am here in support of Ord. (13-99). I am here to answer any questions that Council may have on this. Thank you.

Councilman Gallagher moved to rise and report. Councilman Gruber seconded.

Legislation

Res. 276-1999 (25-99) UDE/VLP/3 apartment units

A resolution granting an expansion of a use district exception, pursuant to Chapter 1375 of the Codified Ordinances of the City of Euclid, to VLP Restoration, Inc. to allow the conversion of two existing apartments into three units at 21935 Lake Shore Boulevard. (Sponsored by Councilwoman Holzheimer Gail)

Councilwoman Holzheimer Gail – We've been working on this since August of '98. VLP is ready to begin. Rick Semersky is here to answer any questions. The public has been involved in town forums on this and has also had the opportunity through two Planning & Zoning Meetings to discuss this. Council has all of the information and has approved this project back in January of '99. I would ask Council to waive the rules for three readings this evening.

Councilwoman Holzheimer Gail moved to waive the three reading rule. Councilman Korosec seconded.

Roll Call: Yeas: Flowers, Gallagher, Gruber, Holzheimer Gail, Korosec, McGarry, Miller, Valencic, Cervenik.

Waived.

Councilwoman Holzheimer Gail – Just again, Rick Semersky is here if people have any questions. He is one of the partners with VLP Restoration. Again, this goes back almost 18 months now. Council has heard it and discussed it several times. To me one of the biggest pluses for this project is that we will have substantial renovation and redevelopment project in downtown Euclid. The alternative was to demolish the building and build a parking lot at city expense. VLP properties has come in and made a presentation. They will be spending substantial dollars in downtown Euclid. I really feel that it will bring a domino effect and help bring life and energy into downtown Euclid. Yes, it's tough to add an apartment building. It's an apartment unit, not a building. I don't think that we can hold one company responsible for poor management of other properties. Again, it sends a different message to the community and I would ask to Council to support it. If there are any questions, Mr. Semersky is here.

Councilwoman Miller – I have a question to ask, I believe when we did approve this we weren't sure about the parking lot and the spaces that would be available, etc., so I wondered if he could answer the question as to how many parking spaces will be available? What would be for tenants? What would be for the business and such?

Councilwoman Miller moved to suspend the rules. Councilwoman Valencic seconded.

Mr. Semersky – There is actually the parking lot that we purchased from Mike's Marathon is actually going to hold, I believe it is now 12 parking spaces, originally it was 13, but the code has us switch some stuff around and the handicap spot will actually require two spaces instead of one. We will have 12 cars available in the parking lot behind the building plus there is room for maybe one or two cars exactly behind the building. It's not where we will have it designated actually. A tenant for the commercial and residential will probably when it comes down to it, like we did with our last building, reserve at least one spot for residential unit. The rest of it will be open as we stated in the very beginning, it will basically be a private public parking lot that can be used during the day by the commercial tenants and a very small portion of it obviously will be used at night for our residential tenants.

Councilwoman Miller – What if your tenants have more than one car? What if there are two to three cars for apartment?

Mr. Semersky – The most I can see if a person, in our other building we have two bedroom apartments and there's only one car. Over there we only have an 8 person parking lot, we've never had a problem and there are businesses that are run during the day. This parking lot is going to be a lot larger. Even if the people, even if the two, two bedrooms had two cars and the one bedroom had one car, that would still be 5 spots in a twelve person parking lot. I would anticipate the only time they would all be parked there would be at night. During the day, I can't imagine they would actually be parked there, which means the whole parking lot would pretty much be open for the commercial tenants.

Councilwoman Miller – Do you have any idea what type of businesses?

Mr. Semersky – No, in fact in this plan you would actually be approving tonight is actually the first phase of the building is the apartments and the small office space underneath the actual two commercial spaces we haven't started yet, we haven't begun to market those spaces yet. We are not sure exactly who is going to be in those spaces yet.

Councilwoman Miller – Are these apartments going to be subsidized?

Mr. Semersky – No, they will not be.

Councilman Gruber – Earlier today I spent some time at the proposed development. He's also a resident of the neighborhood and lives a couple blocks down the street. I was very impressed. I know some of the other buildings he had done down Lake Shore Boulevard a little farther. They seem to have all of their ducks in a row. The man is willing to put up a lot of money in our downtown. It looks like a good proposal and I hope the Council goes along with it. Thank you.

Councilwoman Valencic – I wanted to commend Mr. Semersky for his renovation in Cleveland as Councilman Gruber mentioned. We will benefit from that here in Euclid. I highly recommend passage also.

Councilman Flowers- The original plans, from my understanding, I wasn't on Council at the time, was for two apartments and now you are asking for three. Why do you see a need for it to be three?

Mr. Semersky – The original proposal that you are speaking of was actually dated I believe it was August of '98, which was the first time we came to the city. We were given 60 days to come up with a proposal because the building was slated to be demolished. We ran budget numbers originally walked through the building quickly with our engineers and our architects just to get an idea. At that point we did propose that there be 2 apartments on the upstairs there was a small office space that was a separate unit that we weren't sure what we would do with it at that point.

Mr. Semersky - After the building was appraised and we walked through it some more and we had the parking lot, etc. on to the proposal, we resubmitted it in January and since January 1, actually in December more or less when we started talking again before Council had approved it, we discussed two, two bedroom apartments and one, one bedroom instead of the existing which is two large, two bedrooms and a small pretty much unrentable office space that looked like it was used as an efficiency before we bought the building.

Councilman Flowers – So, when did you go to three?

Mr. Semersky – In December of '98.

Councilman Flowers – In '98. I understand you received money from the city, a block grant?

Mr. Semersky – We will through the storefront renovation program after the work has been completed.

Councilman Flowers – And, what did Council decide to go along with that? I mean, was it before or after it was decided to go to three apartments?

President Cervenik – It was still two apartments at that time.

Mr. Semersky – Actually, I believe when all of the legislation was passed in January there were two items on the agenda that night. One was for the proposal and one was for the approval of the block grant funds I believe.

Councilwoman Holzheimer Gail – The proposal that I had sent out to all of council that's dated January 2nd is revising the original proposal 8/18/98, does state in it two, two bedrooms and one, one bedroom. That was the proposal that Council approved in January at the same time we approved the block grant.

Councilman Flowers – Now, I've got different messages or different impression at the last Council meeting when our, what's his position?

Councilwoman Holzheimer Gail – The building commissioner.

Councilman Flowers – I'm not trying to say his name, but he seemed to be...

Councilwoman Holzheimer Gail – I think that maybe we also had gotten in our packet the minutes from Planning & Zoning meeting and another proposal from VLP.

Councilman Flowers – Well that's Planning & Zoning, I'm talking strictly City Council.

Councilwoman Holzheimer Gail – I think they had submitted the old proposal to Planning & Zoning and used that for discussion. I'm not positive, but I think that's what the case was. The proposal that Council approved in January of '99 was stated two, two bedroom, one, one bedroom. That's the copy that you should have in front of you.

Councilman Flowers – Well I mean, you know...

President Cervenik – We will be voting on it again tonight.

Councilman Flowers – Oh, right. I am opposed, you know, using any kind of government money to increase. You know, we did our master plan and I already said we had too many apartment rental properties in Euclid and we are you know, turning around and ignoring that plan once again. You know, strictly on that I won't be supporting this. I think we already have enough rental properties in our city so I will be opposing it.

Councilwoman McGarry – Who are the owners of VLP Restoration?

Mr. Semersky – That's VLP Properties. Vince and Laurie Piscittello.

Councilwoman McGarry – On that note then, I need to ask for clarification of Mr. Murphy, it's been brought to my attention that a relative of mine has represented VLP in a professional manner. Therefore, I request a ruling from you as to whether my voting on this represents a conflict of interest or not, Mr. Murphy.

Director Murphy – I do not believe it does. However, if you are more comfortable abstaining, you are free to do so. However, I don't think you are legally bound to not vote.

Councilwoman Valencic – Mr. Semersky, can you clarify the VBP and VLP because as I was reading them I didn't know if that was a typo.

Mr. Semersky – No, actually VBP Properties is a company that did the building down on 156th and Lake Shore, it's the exact same people. What we did was when we came to the city we just came to the City under VBP Properties because that is the company that redeveloped the building at the time. When we purchased the building and the lot, as advice from our lawyer and our accountants they said to be a separate entity just to hold this building and this parking lot. That was the name change, it's the same people.

Councilwoman Valencic – As a point of clarification Councilman Flowers, it was passed by Planning & Zoning a month ago as a three bedroom and that was recommended.

Councilman Flowers – Yea, but you see that's Planning & Zoning versus Council is the one who granted them a \$40,000 out of the block grant fund. Especially, I have problems with it in the sense that you wonder some times, I don't mean to, it's just that it happens right when we come on to council, our first meeting on council. I question why it wasn't done with the previous council who sat down and approved some of the funds.

President Cervenik – I would say the sponsor of this legislation as well as the developer is asking the same question. It's been here for a long time.

Mr. Semersky – When this was approved back in January, at no fault of ours or the city it took over 9 months for the building to transfer into the city's name. Everyone that was involved with it from the beginning can tell you the frustrations we have been going through. Trust me, we would rather be done by now. I have a sign hanging on the building that I put in February that said I was going to have leasable space by now. It's been no fault of anyone here dragging their feet. We wish it would be done by now.

Councilwoman Holzheimer Gail – Just one final point of clarification, the block grant dollars that are allocated for the storefront renovation and for exterior renovations. It is for the whole building, which will include apartments. But, directly it is not supporting the addition of another apartment.

President Cervenik – I know that Mr. DeWine under supervision of Bob Gliha will make sure that money is spent correctly.

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

Roll Call: Yeas: Gruber, Holzheimer Gail, Korosec, Valencic, Cervenik.

Nays: Flowers, Gallagher, Miller.

Abstained: McGarry.

Passed.

Ord. 277-1999 (44-99) 1999 Annual Appropriation amendments

An emergency ordinance amending Ordinance #148-1999 which makes the annual appropriation for all expenditures for the City of Euclid for the period ending December 31, 1999. (Sponsored by Mayor Oyaski, Councilpersons Cervenik, Holzheimer Gail, Korosec, McGarry and Miller by request of the Finance Director)

Councilwoman Miller moved for passage. Councilwoman McGarry seconded.

Director Balazs – The next two ordinances are finance related ordinances. They deal with the appropriations for the City of Euclid. The first ordinance is the final appropriations that we are recommending for the year of 1999. We just have 10 more days to go to reach that figure. The second one is our temporary appropriation.

Dorothy Fike did question when we are going to have our budget hearings this year. They are scheduled for some time in February. The budget hearings are the building block of our appropriations whereby each and every department has their opportunity to come before the Finance committee and City Council to justify their budget for the year.

The general fund is the operating fund of the city. Our operating budget is \$34 million approximately and with the transfers, \$38 million. Our last amendment was in June whereby we added \$165,000 to the general fund. This amendment here we are transferring within the departments and the bottom line for the general fund is zero.

The June amendment is the only amount that we added to the general fund this year. The balance remains the same. Our final appropriations we are recommending at \$37,988,639.00. The City is required by law not to expend over the appropriation level. Consequently, in some cases we may have a few extra dollars in the appropriations to protect on its expenditure level. The budget this year has been a very successful budget. Last year we ended up with a cash balance of \$7 million. This year we are projecting \$5.8 to \$6 million. It's been a very successful year. A lot of that is attributable to all of the directors, the chiefs and working with the budgets, working with my department to fine tune and to make sure they are within the appropriations. Of course the Chief on occasion will use overtime unexpected, Gore comes into town, but that does happen and the unexpected do happen like a Vac-all will burn up. We try to protect ourselves so that the appropriations can accommodate that type of happening.

We presented to you some changes within the general fund, they are minor, less than 1% of the budget. There are some changes in the other budgets.

Mr. Chairman, I am presenting to you this budget for final approval and this represents our year end appropriation. We are estimating a successful year and of course the expenditures will be within these figures at year end. The final expenditures when they are confirmed and audited we will have them available for the budget hearings in February whereby all final figures will be reported to city council and our estimates and probably I will be giving you my financial forecast for the year 2000. I am also looking forward to a successful year in 2000 as well.

Councilman Cervenik did question of the encumbrances and so forth and we will probably take a look at that. If we think that any of that dollar amount needs to be changed we will so be doing that in the year 2000. Mr. Chairman the figures before you I recommend for adoption as the final appropriations of 1999.

Councilman Flowers – I noticed the sanitation department, the cost of last month of city-wide waste collection, you mean it's \$100,000 each month or just?

Director Balazs – We did have to make a projection of the final cost of the garbage collection, the sanitation area because we did switch vendors, which became effective November 1st and our strategy at that point was to be somewhat under appropriated to go through the negotiations so that when you did finalize the contract we were short the appropriation and that's one of the changes that we had to make sometimes that does occur. That amount I believe is \$165,000. That should cover the appropriation for that category.

Councilman Flowers – Okay, then as far as what was the total amount for a year? Is it about, I mean is it much of a portion of \$150,000?

Director Balazs – It's a little over \$1 million in my presentation I forgot to.

Councilman Flowers – I am just trying to figure out how much it is that's all, I mean this is not significant. As far as all of these, do we have like a total amount of differences, actually did it decrease? It looks as though, I did a quick, you know just run through it.

Director Balazs – The general fund did not increase it did not decrease, the pluses and minuses balance at zero. In the funds 215 and on we did make some minor changes of pluses and minuses that were required to keep us within the appropriations. They are probably considered minor at this time. We did present the figures for review at this point.

Councilman Gallagher – Could you go over that sanitation department amendment again, it's my recollection that the contract expired in November and then went back at virtually the same cost.

Director Balazs – Actually the contract expired November 15th and during the negotiation process with Director DiNero with Nations Waste he made an improvement whereby they instead of having the problems of starting in the middle of the month, he had Nations Waste start November 1st. What had happened was instead of projecting \$1.2 million cost for the year, because we weren't sure at what Nations Waste would come in at in November, we projected around \$1 million and at year end we are short on appropriations for negotiation purposes basically. In negotiations with Nations Waste with the recommendation of the Service Director so we short appropriation which we added at year end.

Director DiNero – I think what we discussed about appropriating that money we had all kinds of rumors out there from different cities who was getting like \$10, \$11 or \$12 per unit per homes. At that time we figured it would be better not to appropriate the money at that time to wait and see what the bids came in. Because, if we had appropriated maybe for the 2 months \$225,000, according to what we were getting from other cities, prices that they were getting, then we would come back and say that we over appropriated too much money. With making this amendment I think it was a good move at the time to do it that way.

Mayor Oyaski – In answer to Councilman Flowers' question, on page 2, 101-432- Waste Disposal, \$1.4 million, that's the total cost paid by the city to both contracts during the year 1999 for collection. That amount is what we paid the old vendor, Waste Management and the new vendor, Nation's Waste.

President Cervenik – I feel I have to make an amendment to this budget. It is a small one, but I feel and important one. In the Executive Department there is an increase on wages of \$12,100. That seemed odd to me knowing the few employees that are in the Executive Department. I asked for some information from the Finance Department. I received it just before this meeting and \$6,500 has been added to the Mayor's salary, it is being called a transition salary, representing one month's accrual plus fringes. The reasoning from the Law Department is the term was changed from January 1st to December 1st. I feel that you get paid for 365 days a year if you work 365 days a year. I think the reasoning is wrong here. Our compensation ordinance clearly states that the Mayor's salary is \$68,000 effective 1/1/96. Effective 12/1/99 his salary is \$71,000 annually. To put an additional \$6,500 including fringes into this budget, I don't feel serves the intent of what Council intended when they changed the Mayor's compensation.

Law Director Murphy – This issue came up early in the year. The Mayor did come to me because he had concern about what his salary should be for the last year of his term. Since due to the charter amendment passed by the citizens of this city, not by city council or the administration, but by the citizens of this city, the last year of his term was an 11 month term, rather than a 12 month term. I reviewed the compensation ordinance, the city charter, there is no question in my mind that the Mayor's compensation as established on an annual basis for the length of his term, whether the term be 6 months, 11 months or 12 months. The word annually in the compensation ordinance means for that year of the term. Therefore it was my opinion that the Mayor was entitled to be compensated \$68,000 as established by the compensation ordinance in the last year of his term, which the electorate of this city decided would be 11 months not 12 months.

President Cervenik – I disagree with that opinion strongly. Depending on what this body does here this evening, I will seek further clarification from an outside legal authority to determine if that's the correct way to interpret this or not. To me, annually means that you work for 12 months and you get 12 months pay.

Councilwoman Miller – How does Council's work since ours goes from December to December? We're supposed to be paid \$9,000. The first of December to the end of November. Now are we paid \$9,000 or do we go from January to December?

Director Balazs – You are now paid \$9,000 but your fiscal year, so to speak is from December 1st to November 30th. If you adhere to that fiscal period, which is your term, you are paid \$9,000 if you take those months.

Councilman Flowers – Good to hear.

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

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

Roll Call: Yeas: Flowers, Gallagher, Gruber, Holzheimer Gail, Korosec, McGarry, Miller, Valencic, Cervenik

Passed.

Ord. (37-99) Landmark Commission

An ordinance creating Chapter 1303 in the Planning and Zoning Code of the Codified Ordinances of the City of Euclid in order to establish the Euclid Landmark Commission. (Sponsored by Councilwoman McGarry)

Councilwoman McGarry moved for passage, Councilwoman Miller seconded.

Councilwoman McGarry – I believe this legislation will be very valuable and a key in preserving the beauty and economic values, Mr. President, as well as the history of our city. I also welcome input from the full Council as we now stand.

Councilwoman Miller – Since we do need input from the Council as well as from the citizens of this community, I would like to move this to Executive Committee so everyone could be involved in this.

Councilwoman Miller moved Ord. (37-99) to Executive Committee. Councilman Gruber seconded.

Roll Call: Yeas: Flowers, Gallagher, Gruber, Holzheimer Gail, Korosec, McGarry, Miller, Valencic, Cervenik

Into Executive Committee.

Ord. (38-99) Adult Entertainment Businesses

An emergency ordinance amending Chapter 1395 of the Planning and Zoning Code of the Codified Ordinances of the City of Euclid with regard to adult entertainment businesses. (Sponsored by Councilwoman McGarry)

Councilwoman McGarry moved for passage, Councilman Korosec seconded.

Councilwoman McGarry – This is very valuable in light of today's, the world in which we live. At this time I would like to move this to Safety Committee for full discussion.

Councilwoman McGarry moved Ord. (38-99) to Safety Committee. Councilwoman Valencic seconded.

Roll Call: Yeas: Flowers, Gallagher, Gruber, Holzheimer Gail, Korosec, McGarry, Miller, Valencic, Cervenik

Into Safety Committee.

Director Koran – Point of order. That's a Chapter 13 item that has never been before the Planning & Zoning Commission. You may want to concurrently send that to Planning & Zoning Commission.

Councilwoman Valencic moved Ord. (38-99) concurrently to the Planning & Zoning Commission. Councilwoman Holzheimer Gail seconded.

Roll Call: Yeas: Flowers, Gallagher, Gruber, Holzheimer Gail, Korosec, McGarry, Miller, Valencic, Cervenik

To Planning & Zoning Commission.

Ord. 280-1999 (23-99) Bill Brokaw Advertising

An ordinance authorizing the Mayor of the City of Euclid, or his designee, to execute a professional service contract with Bill Brokaw Advertising, 425 West Lakeside Avenue, 2nd Floor, Cleveland, Ohio 44113-1025, to research and develop a comprehensive advertising campaign on behalf of the City of Euclid, for an amount not to exceed Fifteen Thousand Dollars (\$15,000.00). (Sponsored by Councilman Gallagher) (Recommended for passage by City Growth)

Councilwoman Miller moved for passage, Councilwoman Valencic seconded.

Councilman Gallagher – As everyone knows, this is a proposal to hire Bill Brokaw Advertising to do research and other activities necessary to come up with a comprehensive integrative plan to advertise and promote our city for the exclusive purpose of attracting business and industry to the city. We had an exhaustive and very well done presentation this past Wednesday, at which time Mr. Brokaw assured us that he would be able to complete this contract for \$5,025. In light of that, I would like to amend this ordinance to lower the amount to \$5,025.

Councilman Gallagher moved to amend Ord. (23-99) to \$5,025. Councilman Gruber seconded.
Roll Call: Yeas: Flowers, Gallagher, Gruber, Holzheimer Gail, Korosec, McGarry, Miller, Valencic, Cervenik

Amended.

Councilman Korosec – I would like to get your take on the Burges memo that was passed out today and whether or not we should contact Mr. Burges concurrently to see if they're willing to supply us with one as well as no charge to the City as his memo stated. Have you read this?

President Cervenik – Yes I have. My take is this evening we are voting on this proposal as discussed. I have no problem talking with Mr. Burges. I've talked to him on a number of occasions since this was brought up.

Councilman Gallagher moved to close debate, Councilman Flowers seconded. Yeas: Unanimous.

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

Roll Call: Yeas: Flowers, Gallagher, Gruber, Holzheimer Gail, Korosec, McGarry, Miller, Valencic, Cervenik

Passed.

Ord. 281-1999 (33-99) Charter Amendment

An emergency ordinance providing for the submission to the electorate of the City of Euclid the question of whether Article II, Section 1 of the Charter of the City of Euclid be amended so as to allow for a separate term limitation of five (5) terms or ten (10) consecutive years for an individual elected to the position of Council President. (Sponsored by the Charter Review Commission)

Councilwoman McGarry moved for passage, Councilman Korosec seconded.

Director Murphy – This item and the next three following are proposed amendments to the City Charter recommended by the currently sitting Charter Review Commission. I would suggest to you under the terms of the Euclid City Charter, your responsibility here as the legislative authority is ministerial. It is simply to acknowledge that the Charter Review Commission has performed its duty and you are to refer these matters to the County Board of Elections for placement on the ballot at the next primary or general election. In order to meet the filing deadline to get on the March 7th primary election held in Cuyahoga County, these matters must be at the Board of Elections no later than January 7th. That is why we are asking you to consider these matters as emergency legislation so that we can get them to the Board of Elections timely to appear on the March 7th primary election.

The first item is a proposed change. While it addresses the issue of term limits which did appear on the ballot back in November, this proposal is slightly different in that it addresses specifically and solely the position of Council President.

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Director Murphy - This proposal would not eliminate term limits as was proposed in November and rejected by the voters. Rather this proposal if it were enacted would allow an individual to serve a separate and distinct term of ten years or five terms in just the position of Council president. Currently, a city council person is limited to ten years or five terms on council. So, if you serve for example three terms as a ward councilperson and decided to run for council president and were elected, you could only serve two terms as Council president because you would then have reached the ten year term limit and would have to step down from Council. This proposal as it would appear on the ballot and if enacted would provide a separate and distinct term limitation for the position of Council president.

Councilwoman Miller – How would it work if the person is already president of council?

Director Murphy – This would become effective on the date it's enacted and a person would then be eligible if this were enacted to serve five terms as council president.

President Cervenik – From the next election.

Director Murphy – Correct.

Councilwoman Valencic – What is the expense to the residents for the election?

Director Murphy – There is no added expense for putting these items on the ballot because the primary election is being held in the city anyway.

Councilwoman Valencic – Thank you I wanted clarification on that.

Councilman Flowers – You said we are strictly administrative with the charter review. What would happen if we voted on this, what would happen?

Director Murphy – It would be subject if council did not perform it's ministerial duty in my opinion, would be subject to a writ of mandamus to require you to place this on the ballot.

Councilman Flowers – Okay, that, I wanted to clear that up because I think it's crazy after we just...why don't the Charter Review just put this all on at one time. I mean, I'm going to hear people say well didn't we just vote on something of that nature. I mean, because I guess the other question is, what happens if someone serves three terms as council at large and they decided they want to run, I mean not council at large but three years as a ward councilman and they decided they want to run on a citywide level? Isn't it almost the same basis as saying someone is a councilman and now they are running for council president?

Director Murphy – As I indicated, this proposal makes the council president a separate and distinct term of the other council positions. The ward and at large positions, this applies strictly to the council president.

Councilman Flowers – So, once again if we were to vote no on it, we would be forced to put it on anyhow, is basically what you are saying.

Director Murphy – My opinion, eventually yes.

Councilman Flowers – You said it in legalize terms, I just want to make sure the residents are clear on that. Thank you.

President Cervenik – Do you want to review together all of the other three.

Director Murphy – Item #9, I thought might be the more confusing one, but by your questions there maybe item #8 was. Item #9 is a proposed amendment to delete Section 12 of Article 2 of the current city charter. Back in November of 1988, there was a proposal submitted to the citizens relating to the municipal income tax. I am not certain exactly what that proposal was, but whatever it was, it was rejected by the voters and for some reason in all subsequent printings of the charter, we have printed Section 12, Municipal Income Tax and then indicated that, that proposal was rejected by the voters on November 8th, 1988. So, why the City continues to print a proposal that was not enacted, I don't have an explanation for.

Director Murphy - The Charter Commission has recommended that the charter be amended to delete that reference to a Section 12 which was rejected and then there are two following sections, 13 and 14 within Article 2 that the commission has recommended be renumbered to be Sections 12 and 13. Again, that's kind of a clean up and ministerial change to the charter. It is not anything of any substantive change.

Councilman Korosec – Do we really have to have all of our residents vote on whether to delete this portion, it's in print only form, correct. There is really nothing there to delete in the first place?

Director Murphy – Yes, any change to the charter as it's printed must be submitted to the electorate for its approval. If you will recall at the last election we had a similar issue where one sentence of the section was relocated to another section within the charter. Again, there was no substantive change to the wording, verbiage or intent of the charter but it is a charter change that the voters must pass on.

Item #10, the third proposed charter amendment relates to Article 5, Section 8 dealing with the city Board of Control. Currently, the language in the city charter states that no contract involving an expenditure in excess of \$2000 may be entered into without the approval of the Board of Control. As it is authorized to do, city council has exercised its discretion and has not exceeded the limits of the city charter but has established an amount lower than that allowed by the charter and has by ordinance established that all contracts involving an expenditure in excess of \$1000 must be approved by the Board of Control.

Again, the city Charter Commission has suggested a change that the reference to a specific dollar amount in Section 8 be deleted and that language be amended to state that no contract involving an expenditure in an amount established by City Council shall be entered into without approval of the Board of Control. The Charter Commission has recommended that the specific dollar amount be deleted from the Charter and that the discretion of the amount of a contract to be submitted and approved by the Board of Control be left in the hands of City Council, which it has done already.

Councilman Flowers – Do they really want to say, eliminate the word in excess or do they want to keep excess in there?

Director Murphy – The new language, Councilman Flowers would state no contracts involving an expenditure in an amount established by city council.

Councilman Flowers – Now, what does that say? The old one said you have a set amount of \$2000 that you couldn't go over. Now you are saying that is not going over in excess, do you follow what I'm saying?

Director Murphy – That means City Council would establish an amount, which it has established as \$1000 right now. If this passed and council took no other action then the current brackets would remain the same.

Councilman Flowers – Don't you think it should say in excess of an amount versus...am I making sense here, did anybody else follow what I'm saying? I think it should say in excess of an amount and don't eliminate in excess.

Director Murphy – Okay, I see that's a good point and I would ask Council to amend this ordinance to read that language in so it would read in excess of an amount established by City Council.

Councilman Gallagher – Do we have authority to change an objective of the Charter Review commission?

Director Murphy – Yes you do. The vote is to put the issue on the ballot. The changing the language does not change in any manner the issue that would be on the ballot.

President Cervenik – We will have to hold off on the amendment until we get to that actual ordinance. When we get to that ordinance we will amend it.

Councilwoman Miller – When would council set this amount? Would it be during the budget hearings as to what it would be or?

Director Murphy – In my opinion Council has already set this amount at \$1000 as an existing ordinance that says all contracts.

Councilwoman Miller – So, if we wanted to change that it would be another ordinance that would change the amounts otherwise it will stay the same.

Director Murphy – That's correct.

Director Murphy – The fourth and final item which the Charter Commission has recommended for change within the city charter appears at Article 5, Section 11 and it pertains to the Recreation Department and specifically the Recreation Commission. The Charter Review Commission has recommended that language be deleted from the charter which establishes the Director of Recreation as a member of the Recreation Commission, that he/she be replaced by a third member of the public.

President Cervenik – There are our explanations on the four. Let's go back to (33-99), any other questions on (33-99)?

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

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

Roll Call: Yeas: Flowers, Gallagher, Gruber, Holzheimer Gail, Korosec, McGarry, Miller, Valencic, Cervenik.

Passed.

Ord. 282-1999 (34-99) CRC/Ballot/Municipal Income Tax

An emergency ordinance providing for the submission to the electorate of the City of Euclid the question of whether Article II, Sections 12, 13 and 14 of the Charter of the City of Euclid be amended by deleting current Section 12, entitle Municipal Income Tax, which proposed Section was rejected by the voters on November 8, 1977; and by renumbering Sections 13 and 14 to Sections 12 and 13, respectively. (Sponsored by the Charter Review Commission)

Councilman Gallagher moved for passage. Councilwoman Holzheimer Gail seconded.

Councilwoman Miller moved to close debate. Councilwoman McGarry seconded. Yeas: Unanimous.

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

Roll Call: Yeas: Flowers, Gallagher, Gruber, Holzheimer Gail, Korosec, McGarry, Miller, Valencic, Cervenik.

Passed.

Ord. 283-1999 (35-99) CRC/Ballot/Board of Control

An emergency ordinance providing for the submission to the electorate of the City of Euclid the question of whether Article V, Section 8 of the Charter of the City of Euclid be amended by deleting the reference to a specific dollar amount for a contract requiring Board of Control approval, and directing that City Council would establish that amount by ordinance. (Sponsored by the Charter Review Commission)

Councilman Flowers moved for passage. Councilman Gruber seconded.

Councilman Flowers moved to amend to add in excess of an amount established by Council. Councilwoman McGarry seconded.

Director Johnson - After a year we realized that Mr. Zano's periodic reporting to us was far superior and he agreed to renew the contract for \$18,700. He agreed to renew this contract again for another year for the same amount. That's all I can really tell you.

I know Mr. Korosec you had also asked for in addition to the results of the audit, budget projections. I thought that more appropriately when we get into the budget hearings that we could talk about what the cost projections are for next year. If there are any other questions, I'd be glad to answer them.

Councilman Flowers – Is there any reason why I don't have in the ordinance the contract amount, I was surprised that we didn't have it in. In the future I would like to see things of that nature put in so we can see how much it is.

Director Johnson – We didn't put an amount in because sometimes we are waiting for the contracts or the sample contracts from the vendors and because it does not have an amount in the ordinance, it will still have to go to Board of Control. We assume that it will be made public at Board of Control.

Councilman Flowers – Yea, but if we don't have that in there, it could go to the Board of Control and they can say \$23,000 is fine, isn't that right? I mean there is only one individual on Board of Control. I would hate to take any authority away from Council in terms of expenditures.

Director Johnson – If that's your prerogative and if you choose to amend this piece of legislation by even specifying the vendor, that's fine with me, the vendor and/or the amount.

Councilman Flowers – Can you put the wording in for that Mr. Law Director?

Director Murphy – Yes, we can insert the wording into this ordinance.

Director Johnson – The vendor is Group Health Care Consultants and the amount would be for \$18,700.00.

Councilman Flowers moved to amend to include the vendor's information and price.
Councilman Gallagher seconded.

Roll Call: Yeas: Flowers, Gallagher, Gruber, Holzheimer Gail, Korosec, McGarry, Miller,
 Valencic, Cervenik.

Amended.

Councilwoman Holzheimer Gail – When was the last time we went out for bids on medical providers for the insurance?

Director Johnson – I believe it was in 1996. I would have to review my records. The discounts that we have received from Medical Mutual of Ohio have been far superior to anything. This is another thing that he advises us on, he has as clients, a number of school districts and cities in northern Ohio. He has a constant feel for what the prices are out there. He tells us the discounts we continue to get are far superior. If at the point we feel we are not getting the discounts we will probably do bids again.

Councilwoman McGarry – How do we establish those discounts? In the general market you are saying that he tells us. How do we actually establish that?

Director Johnson – If you recall at the last Council meeting, council authorized me to resign all of the contracts. The contracts were exactly the same with the exception that there was one slight increase in the prescription contract. When those vendors provide the contracts for renewal, they give us detailed reports showing what there discounts are going to be, particularly Medical Mutual, they give us projections of what their discounts will be.

Councilwoman Valencic – Have all of the union contracts been negotiated?

Director Johnson – I believe we have...

Director Murphy – There is one contract left to be negotiated with the Shore custodians.

Councilwoman Valencic – And they have a three year period?

Director Murphy – All current contracts have been negotiated for three years, '99, 2000 and 2001.

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

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

Roll Call: Yeas: Flowers, Gallagher, Gruber, Holzheimer Gail, Korosec, McGarry, Miller, Valencic, Cervenik.

Passed.

Res. 287-1999 (46-99) Marathon Electric/Enterprise Zone Agreement

A resolution approving the transfer to and recognition of Marathon Electric as the party responsible for maintaining the Enterprise Zone Agreement approved by City Council Ord. 28-1993. (Sponsored by Councilman Korosec by request of CS&ED Director)

Councilman Korosec moved for passage. Councilwoman Miller seconded.

Director Koran – Back in February of 1993 the City of Euclid Council approved what is now referred to as the Lincoln Motor Works project. Many of you may recall the governor visited the City of Euclid, this council chambers and congratulated the Mayor and the administration on attracting the Lincoln Motor Works project to the City of Euclid. Time has passed since then. Lincoln Electric has found that they could not make money selling motors. As you know Lincoln Electric is the world's largest manufacturer of arc welders. They could not turn a profit making electrical motors at the Euclid facility. It began marketing the plant about a year ago. A company has purchased the assets of the motor works project. We have a new company in the City of Euclid, it's headquartered and the name of the company is Regal Beloit Corporation. The name on the subsidiary is Lincoln Motors. It is headquartered I believe in Milwaukee. Mr. Gary Schuster is here to give City Council a brief presentation on the plans for the Regal Beloit Corporation history in the City of Euclid.

The ordinance tonight would transfer the responsibility and the incentives that were approved by City Council back in 1993. Basically Beloit is now the owner of the personal property that is currently in the Euclid Motor Plant. It's currently appraised at approximately \$140 million of personal property. This abatement was passed back in 1993. It will expire in the year 2002. I certainly cannot give city council any assurance the company will stay here throughout the life of the tax abatement agreement. However, Mr. Schuster may be able to shed more light on that. We obviously are very hopeful that Marathon Electric and Regal Beloit will become a long term member of the City of Euclid and perhaps the transfer of this incentive may actually help that. I now would like to introduce Mr. Schuster who apparently was raised in the City of Euclid. He is the vice president of operation of the electrical group and is in charge of five similar plants. He is going to give a very brief presentation if that's all right with City Council President.

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

Mr. Schuster – As Kory said I'm Gary Schuster, I am the vice-president of operations for the Regal Beloit group. Prior to that I was vice-president with Lincoln Electric and General Manager of Lincoln Motors. So, back in '92 and '93 I worked extensively with Mr. Koran in setting up the arrangement that we are currently asking for transfer.

As Kory had mentioned that you know Lincoln Electric has divested the motor business back in June of this year. It was purchased by Regal Beloit, just to give you a little background, Regal Beloit is headquartered in Beloit, Wisconsin. As far as size of company, as measured in revenue, it's about \$600 million in size. It's focused in the area of power transmission, equally divided in two different groups, one being a mechanical group, one being electrical group, each being \$300 million in size.

Mr. Schuster - The electrical group which is focused in the production of motors and generators comprises of Marathon Electric and Lincoln Motors. The primary reason why Regal Beloit purchased the business was to expand the motor generator business on behalf of the Industrial Group to continue to sell, market and manufacture the Lincoln Motors as they currently exist today. Lincoln Motors has already been hiring to replace some of the employees that have been transferred back to Lincoln Electric in Euclid as part of a very complicated sales agreement between Regal Beloit and Lincoln Electric to keep the jobs in Euclid.

I don't know if everybody's aware of the complicated sales agreement, but when Regal Beloit looked at purchasing Lincoln Motors, there is a lot of HR policies associated with Lincoln Electric employees. A provision was provided where they employees can transfer back from Lincoln Motors to Lincoln Electric and then therefore we would be replacing those employees, which we are currently starting to do now. You can help keep Lincoln Motors successful and have this ability to stay in Euclid by transferring the enterprise zone agreement to Marathon Electric.

Councilwoman Holzheimer Gail – You had mentioned that we will help Lincoln Motors stay in Euclid. Can you give us any kind of guarantee through the agreement or?

Mr. Schuster – I cannot provide such a guarantee. I was personally involved in the business. My goal was to keep the business in Euclid and quite frankly, we are implementing cost reduction measures to make the business profitable. As Kory had stated, Lincoln Electric divested the business for two reasons. One was it was not profitable for them, secondly it was poor business for them because they were in the welding business. The good news is it was purchased by a company who is focused on the production of motors and we have implemented a lot of cost reduction already that has made movements to make the business more profitable to stay in Euclid.

Councilman Gallagher – Mr. Koran, is there any recapture provision if they were to move before the end of the term?

Director Koran – There are no claw-back provisions in this agreement that we negotiated back in 1993. Back then it was not permissible under state law to have such. Obviously, now it is in fact many of the agreements that this council has passed recently do have claw-back provisions. In fact, PMX we did implement those. This agreement was dated back in 1993 for council's edification it is 100% tax abatement, which again, according to state law right now, is not permissible either. There are a variety of elements to this agreement that we could renegotiate. We could reduce the abatement, we could put in claw-back provisions. However, all of those could convince the company not to stay here. It is the administration's recommendation, this is not an increase in tax abatement, it's merely a transfer. It's our view of this situation to let the 4 ½ years go by this agreement as negotiated back in '93 and hope that the company stays here and continues to. Gary you didn't mention the last couple of weeks they were actually hiring people. There was an ad in the Plain Dealer where they were actually hiring the people at the Euclid facility. I think that's a good indication that they will stay. There are no claw-back provisions in this agreement.

Councilman Flowers – You indicated we could negotiate it. I mean did you touch base with the company as far as doing that or you just?

Director Koran – We have not brought that up with the company. We just recently, in fact about a week ago, we received a letter from them requesting this transfer. As I said, it is our recommendation not to go down that road if city council wants us to do that we certainly can do that. Again, the down side is that with any further stipulations you put into the agreement could convince the officials out of state that Euclid is not a good place to operate a motor division.

Councilman Flowers – Well, I will vote for it this time, but it would seem to me to make sense to at least investigate it in the future to see if we can't get some kind of claw-back or whatever.

Director Koran – Duly noted Councilman, this is the first time that we have ever had to transfer the incentives from one company to another.

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

Roll Call: Yeas: Flowers, Gallagher, Gruber, Holzheimer Gail, Korosec, McGarry, Miller, Valencic, Cervenik.

Passed.

Ord. 290-1999 (30-99) Amend code/Bldg. & Housing/Fees

An emergency ordinance amending Sections 1759.03 and 1761.05 of the Building and Housing Code of the Codified Ordinances of the City of Euclid by amending Sections 1759.03(a) and 1761.05(a) to increase the per unit fee for the Certificate of Occupancy and Certificate of Inspection, and by the addition of a new subsection to Section 1761.05. (Sponsored by Councilpersons Cervenik, Miller and Valencic)

Councilwoman Miller moved for passage. Councilwoman Valencic seconded.

Director Koran – Erik Tollerup our housing manager is recommending a fairly significant increase in our inspection fees for our apartment units. The ordinance is asking for a \$25 increase per unit. The administration agrees with this recommendation. I believe he has been working with Council President Cervenik on this particular issue. I would like to turn it over to Mr. Tollerup to explain how he has determined the \$25 increase.

Mr. Tollerup – As you well know over the past 2 ½ years since I've been with the city, the housing department has made it a point to upgrade our apartment complexes. It's a popular topic throughout the city and one I think we've made great strides on in improving our apartment base. What we are looking at is currently we have two housing inspectors dedicated solely to the apartment complexes. With the demolition of the former Village of Euclid and now Gateway, now we are down to a little over 9000 apartments for two inspectors to handle. With their duties taking every minute of every day we are basically overwhelmed now and tend to choose other issues that have mandated us to address. It is my personal belief in doing some of these inspections along with people, we need more time inside the suites. 9000 units in 365 days is very tough. You have to move.

What we are proposing now is that the next budget, next year we would like to hire additional help, specifically for multi-family housing. Myself I will also be dedicating a majority of my time in 2000 for multi-family housing. I will be working with the inspectors, backing them up, working with the managers of the buildings and informing them of their responsibilities. Additional legislation regarding exterior appearances and other issues on apartment complexes, security, will be coming your way. So, this year, I would expect to see many changes in our apartments. Again, many of our responsibilities go above and beyond. A lot of the work at Summerwood, Indian Hills has been making drastic improvements, we are very pleased to see that. However, there are buildings out there that we feel need attention and we need to spend a lot of time on working with them and making sure that they are fully compliant. I may add though through the last 2 ½ years inspectors Lunder and Fife, every building except one in the city has the safety certificate of occupancy. That has never happened in the 30 years of the housing department. For the first time also we are prosecuting and we have the warrant out for the arrest of an apartment owner, which hasn't been seen in quite a while.

The personnel costs for the year 2000 are projected at \$45.62 an hour for both inspectors. The secretarial help is about \$17.00 an hour, factor in my hourly cost it's well over \$50 we are asking for the apartment unit. Even outside of our inspections that we conduct on an annual basis, a lot of time we have come to complaints, tenant issues, junk vehicles that really soaks up a lot of time. So, we are really overwhelmed in this area and we are asking for assistance in personnel.

The fees were last raised in 1993-94 from \$10 to \$25. This move will generate an additional \$225,000 in fees to the general fund. It will not go to the housing department. If you have any questions, again I can answer them for you. This is my recommendation and I am pleased to answer any of your questions that you may have.

Councilman Gallagher – Do you have any knowledge of the amount of fees charged by other communities?

Mr. Tollerup – The amount of fees charged by other communities? No, I have not researched fees charged by other communities. What I have looked at are our costs and our time that we spend in our units and not really at what other communities are doing. Frankly, other communities contact us to find out what we are doing and pattern themselves off of us.

Councilman Flowers – You also indicate here I see you refer to condos, do you plan on increasing the fees for condominiums also for this department?

Mr. Tollerup – Any structure containing more than one unit. If a whole condominium complex was to go to say a full rental complex then that would be a multi family use. Currently our condominium stock, I don't believe that would apply to anybody. Many of our condominiums are privately owned and they would be under the point of sale. This is not a change, I might as well add this too, to relieve any fears, this is not an increase of \$190 fee for single family homes, this is strictly for apartments.

Councilman Flowers – Were you here the last time we increased the fees?

Mr. Tollerup – No, I've only been here 2 ½ years, the last time we changed was in '93-94.

Councilman Flowers – Kory, do you remember if we had a big uproar as far as increasing changes? Do you remember off hand? I don't remember.

Director Koran – Yes, to be honest with you there was not as big as an uproar as I had thought there would be. There were several companies that own significant property in the city that were alarmed at the increase, but it died down very quickly. To be honest with you, I think we have more of an uprising about the presale inspection certainly than the apartment unit increase.

Councilwoman Holzheimer Gail – This is applied equally from a duplex up to the big multi-unit building, correct?

Mr. Tollerup – This is solely for buildings containing three or more. The one and two families we are going to leave at \$50 for now, they are already at \$50.

Councilwoman Holzheimer Gail – But, the big apartments, the Americana, the Watergate they will pay that \$50 per unit. They won't get a one fee based on having more units, it's per unit strictly?

Mr. Tollerup – Yes, we add on to this ordinance regarding the fees we are also asking again many times we do our inspections in some of are more troubled buildings, we are running into instances where the management can't even get us into the apartments. That causes us to return frequently. We are hoping this instance with Willow Arms has a specific provision in their lease that if you fail to allow us in that they will charge you \$100. So what we are asking that these buildings get their act together, get us inside the apartments so that we are not coming back 3, 4, 5, 6 times just to try and get into the one apartment. That's what the other part of this is about.

Councilwoman Miller – I am 100% behind this. I feel this is very important. Euclid has more apartments than any other community for the space available in our town. The citizens have asked why aren't we after them to improve the apartments and such and keep them up to date? I think this will be a plus in making the owners and the managers take care of their apartment.

President Cervenik – In the long run all of the owners and managers as well as the tenants and the citizens will benefit.

Councilwoman Valencic – Councilwoman Miller did you ever get a response about the garage updates from Mr. Tollerup on the Americana?

Councilwoman Miller – No, I didn't.

Mr. Tollerup – That report will be coming in the middle of January per the request. I believe they have 90 days from November to get that to us. Once we get that myself and the building commissioner, John Hayes and the architects and owners will all sit down and determine what needs to be done immediately on this garage.

Councilwoman Miller – Thank you. My request was also an update on all of the apartments.

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

Roll Call: Yeas: Flowers, Gallagher, Gruber, Holzheimer Gail, Korosec, McGarry, Miller,
Valencic, Cervenik.

Passed.

Ord. 292-1999 (27-99) NPDES/Discharge Fee

An emergency ordinance authorizing the Director of Finance of the City of Euclid to expend Thirteen Thousand Five Hundred Dollars (\$13,500.00) as payment for the annual NPDES discharge fee as required by the Ohio Environmental Protection Agency. (Sponsored by Councilman Gruber by request of the Service Director)

Councilwoman McGarry moved for passage. Councilman Gruber seconded.

Director DiNero – This is our annual fee that we have to pay to the EPA for discharging our waste water treatment plant into Lake Erie. The price is the same every year, \$13,500. There is not too much more you can say but we have to pay it.

Councilman Gruber moved to close debate. Councilman Flowers seconded. Yeas: Unanimous.

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

Roll Call: Yeas: Flowers, Gallagher, Gruber, Holzheimer Gail, Korosec, McGarry, Miller,
Valencic, Cervenik.

Passed.

Ord. 293-1999 (13-99) Tree Removal

An ordinance authorizing the Director of Parks & Recreation of the City of Euclid to enter into one or more contracts after advertising for bids for the removal of up to one hundred fifty (150) trees designated in the Street Tree Inventory. (Sponsored by Councilwoman McGarry by request of the Parks & Recreation Director) (Recommended for Passage by the Finance Committee)

Councilman Gruber moved for passage. Councilwoman McGarry seconded.

Asst. Director Will – In the piece of legislation that you have before you, it states that we are going to remove up to 150 trees designated by the street tree inventory. I am going to request now that you amend this piece of legislation to provide for the removal and pruning of up to 248 trees, rather than just for the removal of 150 trees. This amendment does not raise our projected estimated cost. When we first wrote the request for legislation we did not have a final report and just estimated 150 trees.

President Cervenik – So that's the number you are giving us, as presented to us Wednesday by Davie Trees.

Councilwoman Holzheimer Gail moved to amend to removal and pruning of 248 trees.
Councilwoman McGarry seconded.

Roll Call: Yeas: Flowers, Gallagher, Gruber, Holzheimer Gail, Korosec, McGarry, Miller,
Valencic, Cervenik.

Amended.

Councilman Flowers – As far as the cost estimate, do we have a figure on that?

Asst. Director Will – Yes, the estimated cost is \$85,000.

Councilman Flowers – Okay and actually what we will do, it will be determined and put through the budget anyhow, correct?

President Cervenik – We will have it appropriated.

Councilwoman Valencic – Mr. President, we will be given an update on your follow-up to the Mayor's salary?

President Cervenik – I'm not sure what I'm doing with that at this moment.

Councilwoman Valencic – But you said that you would investigate that.

President Cervenik – I have to find out what I need to do.

Councilwoman Valencic – So that may not necessarily come back to council.

President Cervenik – I couldn't tell you right now because right now we are voting on trees.

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

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

Roll Call: Yeas: Flowers, Gallagher, Gruber, Holzheimer Gail, Korosec, McGarry, Miller, Valencic, Cervenik.

Passed.

Ord. 294-1999 (47-99) Old City Hall/Boiler

An emergency ordinance authorizing the Director of Public Service of the City of Euclid to enter into a contract with the P.M. Equipment Company, 6123 Highland Road, Highland Heights, Ohio 44163, for the purchase and installation of a Boiler to be installed at "Old" City Hall at a cost of Twelve Thousand One Hundred Ninety Four Dollars (\$12,194.00). (Sponsored by Councilman Gallagher by request of the Service Director)

Councilman Gallagher moved for passage. Councilman Flowers seconded.

Director DiNero – Back in November over at the old city hall, the boiler sprung a leak. Our building maintenance department tried to patch it, which we did, hoping that we would get past the winter with it. I was informed last Friday that the boiler was leaking and we need to replace it. If you look at the ordinance here we are not awarding it to the low bid, we are going for the second bid. The reason for that is in the low bid of \$11,900 the supplier did not include the rigging. The rigging is approximately \$1500. When I explain rigging to you is on the boiler when it comes to our old city hall here that needs to be put down into the basement onto the existing pad and that what they call rigging and that's approximately \$1500 which would make the low bidder the higher bidder of the two. Also, the second bidder could get the boiler to us in about 3 weeks where the other two bids that we received are at 9 weeks. Also I would have to commend our building maintenance department because they are going to install it once it is down there, which is saving the city approximately \$10-12,000 then if we had a contractor do it. I think that at this time it could lead to a dangerous point if we don't replace it now and the fire chief would back me up on that. This would be paid out of the building maintenance general fund.

Chief Dworning – Just to add to Director DiNero's comments, a malfunctioning boiler is a real hazardous situation not only to the building that it's installed in, but the personnel working there. These units have been known to explode causing death and injury and extensive property damage. I would support Director DiNero's decision to have this boiler replaced.

Councilwoman Holzheimer Gail – This is coming from the general fund public buildings account, is that from this year? From money that is available currently and it wont effect next year?

Director DiNero – yes it is.

Councilwoman Holzheimer Gail – Thank you. There has been some questioning, we had talked about the elevator earlier, but you know I don't think anyone is proposing that this building is not going to be there, so I am going to support this because it is something that's necessary. I think we can have that discussion next year on the future plans for the building. I do support this proposal.

Councilman Gruber – I was on a tour of the old city hall with the Service Director the day I believe that the boiler had sprung the leak and we were down there. It definitely needs to be repaired and I invite everyone to go down and look at it, if you are looking for a landmark maybe. It needs some work though, and I support it.

Councilman Flowers – I know you said this was the second highest bid. I guess I will direct this to our law director as far as the reason stated for safety is that, are we covered use as excuses not to go with the lowest and best bid?

Director Murphy – I think Mr. DiNero's explanation that the low bidder does not include an extra cost of \$1500.

Councilman Flowers – I followed that one.

Director Murphy – So, it is not the low bidder. So, I don't think we are...

Councilman Flowers – Well, Mr. DiNero said he is the second highest bidder.

Director Murphy – There were three bids, so the middle one is either the second lowest or the second highest.

Councilman Flowers – Okay.

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

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

Roll Call: Yeas: Flowers, Gallagher, Gruber, Holzheimer Gail, Korosec, McGarry, Miller, Valencic, Cervenik.

Passed.

CEREMONIAL RESOLUTIONS

Res. 274-1999 (41-99) Thomas Cooke

A Resolution of Appreciation to Thomas Cooke, for his generous donation of fitness equipment to the Euclid Police Department.

Res. 275-1999 (43-99) William Bill Tomko

A Resolution of Congratulations to William "Bill" Tomko on the celebration of his 80th birthday.

Councilwoman Miller moved for passage. Councilman Flowers seconded.

Roll Call: Yeas: Flowers, Gallagher, Gruber, Holzheimer Gail, Korosec, McGarry, Miller, Valencic, Cervenik.

Committee of the Whole

Dorothy Fike – 20271 Delaware Rd. I never know if I should start off complementing or complaining, so I'm going to complain first so I don't forget it. This room is so terribly cold tonight. I hop you are going to turn up the heat in the new year. It is freezing out in the audience.

Now I'll get to the compliments. I was here for the Cuyahoga County Commissioner's meeting it was very interesting where the city, although it's rather confusing because someone called me from the League of Women Voters of Cuyahoga County said it's a \$1.2 million and I said it's not really that.

Mrs. Fike - So, that's what's written in their resolution but it's really, but anyway it's, they've had many, many complimentary things to say about Cleveland, I mean Euclid about the people that they worked with including the police chief that works with them downtown and how Euclid has been in the forefront of the First Suburbs Consortium and how good it's been doing. I agree with and then the Brownfields where they were in the forefront of that and we are the first city to get that grant. Then added to it, Mr. Cervenik, Council President has been appointed to the Brownfield's Reinvestment Committee which will be overseeing all of the grants that, all of the applications that will be coming in for the funds. The county has, what \$15 million of funds for other suburbs to apply for. I'm not sure if Cleveland, I don't think Cleveland's included in it, but I might be wrong on that. So, it was good to hear that Euclid is finally getting some of that money to use for that we have spent out, now we can use it that's almost \$350,000 to do other things with. I want to congratulate the city because again, we are having administration and the council that are the leaders in the field. Thank you.

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

Councilmen's Comments

Councilman Gruber - I have two items this evening. First of all, earlier this evening Council paid tribute to Bill Tomko. I would like to take a minute to add my own thoughts of this special night. Like so many people in the City of Euclid, Bill Tomko has touched my life in many ways and on many different occasions. My father and Bill Tomko were boyhood friends growing up together on Cleveland's east side. After serving their country in World War II, both came home determined to build a better life for themselves and families. That quest led them to the Indian Hills area of Euclid. Growing up in Indian Hills just a short distance from the Tomko's gave a unique perspective of which to see this man and the effect he had on those around him. Simply stated, whenever he was needed, Bill Tomko was there. Whether it was country, his fellow veterans, his beloved City of Euclid or just the kids from the neighborhood, Bill Tomko was always ready to help in any way and whatever way he could. Perhaps more than most people in this room, I know how fitting it is that we honor Bill Tomko on his 80th birthday. It is more fitting that tonight we join all Euclidians in saying thank you Bill Tomko, thank you for a job well done.

Second item on the agenda is Mr. DiNero I requested a fence be installed on the end of 193rd Street at the Conrail tracks, has there been any movement on that?

Director DiNero - Yes, I personally took a ride over there again today and looked at it. I forgot that we do have a pumping station there, which we need to get at. I talked with Mr. Gall at the Waste Water Treatment Plant and told him that we are going to put up probably a 6 foot fence with barbed wire on the top of it so they can't jump over it. But, we are going to have to put a gate in there because sometimes you do have to get in there with a truck to replace one of the motors and the pumping stations. Probably within the next month or so we will have it up, hopefully depending on the weather.

Councilwoman Holzheimer Gail - I just want to take a minute to thank the Police Chief, Fire Chief, Service Director and everyone else who has done the planning for the new year and what might come. I too am confident that we won't have any problems. But, a special thank you to those people who will be working then and I'm sure would rather be home with their families both on Christmas and New Years. We certainly do appreciate that. Also, I just want to take a moment to wish my colleagues, the administration, the employees and all of the residents a happy, healthy and safe holiday.

Chief Baumgart - Since nothing is going to happen in New Years Eve the extra officers we do have will be on the road. I want to tell everyone that they should not drink and drive. Get that message out to everyone. Try to find some other form of transportation if you do not, we will find you another form of transportation to jail.

President Cervenik - I do want to wish everyone a Merry Christmas a happy and healthy and holy new year.

Adjournment

Councilwoman McGarry moved to adjourn. Councilwoman Miller seconded. Yeas:
Unanimous.

Attest:

Clerk of Council

Council President