

**AGENDA
EUCLID CITY COUNCIL MEETING
MONDAY, DECEMBER 3, 2012 AT 7:00 PM
EUCLID MUNICIPAL CENTER COUNCIL CHAMBER**

PERMISSIBLE PRELIMINARIES:

FIRST GAVEL

INVOCATION*:

PLEDGE OF ALLEGIANCE

EUCLID CITY COUNCIL MEETING BUSINESS:

SECOND GAVEL

ROLL CALL OF MEMBERS

COMMUNICATIONS:

COUNCIL MINUTES: November 19, 2012

ADMINISTRATION REPORTS & COMMUNICATIONS:

REPORTS & COMMITTEE MINUTES: Safety Com. Min. 11/14/12
Executive & Finance Min. 11/19/12
Recreation Commission Min. 11/29/11; 10/2/12
Board of Control Min.: 11/12/12; 11/19/12

**COMMITTEE OF THE WHOLE FOR LEGISLATIVE MATTERS ONLY
LEGISLATION**

1. A resolution encouraging cooperation from the State of Ohio and the Ohio Department of Transportation (ODOT) to take advantage of a unique and rare opportunity to aid in the construction of breakwaters and shoreline protection in the City of Euclid as part of the planned marina and beach restoration projects proposed in the Euclid Waterfront Improvements Plan, and to lower the carbon footprint of the demolition of the old central viaduct I-90 innerbelt bridge in Cleveland. (Sponsored by Councilman McLaughlin) Res. (204-12)
2. A resolution reaffirming the City of Euclid's employer pick-up, and payment, of all of the mandatory employee contributions to the Ohio Police and Fire Pension Fund for City of Euclid Police Department employees. (Sponsored by Council President Holzheimer Gail by request of Finance Director) Res. (205-12)
3. A resolution reaffirming the City of Euclid's employer pick-up, and payment, of all of the mandatory employee contributions to the Ohio Police and Fire Pension Fund for City of Euclid Fire Department employees. (Sponsored by Council President Holzheimer Gail by request of Finance Director) Res. (206-12)
4. A resolution to re-appoint John Williams to the Euclid Landmark Commission. (Sponsored by Mayor Cervenik) Res. (209-12)

CEREMONIAL RESOLUTIONS

5. A resolution recognizing and celebrating the **Heritage Park Association** on the occasion of its 20th year Anniversary. (Sponsored by Mayor Cervenik and Entire Council) Res. (207-12)
6. A resolution commemorating the 70th Anniversary of the **Indian Hills Homeowners' Association**. (Sponsored by Mayor Cervenik and Entire Council) Res. (208-12)
7. A resolution of congratulations to the **Euclid Public Library**, the recipient of the **2012 Ohio Historical Records Achievement Award**. (Sponsored by Mayor Cervenik and Entire Council) Res. (210-12)

**COMMITTEE OF THE WHOLE – PUBLIC PORTION
COUNCIL MEMBERS' COMMENTS
ADJOURNMENT**

Resolution No.

By – Councilman McLaughlin

A resolution encouraging cooperation from the State of Ohio and the Ohio Department of Transportation (ODOT) to take advantage of a unique and rare opportunity to aid in the construction of breakwaters and shoreline protection in the City of Euclid as part of the planned marina and beach restoration projects proposed in the Euclid Waterfront Improvements Plan, and to lower the carbon footprint of the demolition of the old central viaduct I-90 innerbelt bridge in Cleveland.

WHEREAS, the City of Euclid adopted the Euclid Waterfront Improvements Plan as an official addendum to the City's Master Plan in 2009; and

WHEREAS, the City is taking the steps necessary to implement the proposed capital projects in the Plan including the installation of breakwaters, restoration of the historic beaches and addition of a public marina; and

WHEREAS, these waterfront improvements will allow access to an additional three-quarters mile of Lake Erie shoreline to the public, increase recreational opportunities, and curtail shoreline erosion, all of which are consistent with the goals of the Ohio Department of Natural Resources; and

WHEREAS, the breakwaters, shore protection and marina construction are the core components of the Waterfront Improvements Plan and are critical to the success of this catalytic economic redevelopment project for the City of Euclid; and

WHEREAS, the area of the Euclid Waterfront Improvements Plan lies in a TIF district and enhancement to the waterfront is expected to spur private investment and,

WHEREAS, the State of Ohio has an interest in helping older communities revitalize themselves; and

WHEREAS, the Innerbelt Construction Contract Group 2 (CCG2) project of building a new eastbound viaduct I-90 bridge in downtown Cleveland includes the demolition of the existing central viaduct I-90 bridge; and

WHEREAS, the road surface of the existing bridge can be cut into large sections, lowered by crane into awaiting barges on the Cuyahoga river, shipped to Euclid, and placed by crane from the barge into the lake for use as part of the planned breakwaters and/or shoreline protection; and

WHEREAS, under Part B of section 2.4 – "Project Understanding and Approach" in ODOT's Request for Qualifications (project no.133000) considers *areas of opportunity for innovation*; and

WHEREAS, this efficient waste stream solution of using slabs of reinforced concrete simplifies the construction of the breakwaters and reduces the carbon footprint of the demolition project as compared to traditional methods; and

WHEREAS, this is a timely issue and upfront approval/cooperation by all parties involved is necessary in order for the city of Euclid to commence final design, engineering and submissions of applicable permits associated with proposed waterfront improvements; and

NOW, THEREFORE, be it ordained by the Council of the City of Euclid, State of Ohio:

Section 1: That the City of Euclid respectfully requests the Ohio Department of Transportation (ODOT) to encourage all submitters interested in the I-90 eastbound viaduct bridge project, to include as an option in the plans for demolition that the old central viaduct bridge roadway be removed and reused as described above to aid in the construction of the planned breakwaters and/or shoreline protection in Euclid as part of the Euclid Waterfront Improvements Plan.

Section 2: That Euclid City Council authorizes the Mayor or his designee to negotiate with ODOT and to take the steps necessary to accept the donated materials should the City and regulatory officials from applicable authorities having jurisdiction determine it is suitable and approve it for use in the waterfront project.

Section 3: That the Clerk of this Council is hereby authorized and directed to certify a copy of this resolution to the following:

Governor John Kasich, Governor's Office, Riffe Center, 30th Floor, 77 South High Street, Columbus, Ohio 43215

Director Jerry Wray, State of Ohio Department of Transportation, 1980 West Broad Street, Columbus, Ohio 43223

Director James Zehringer, Ohio Department of Natural Resources, 2045 Morse Road, Building D, Columbus OH 43229-6693

Director Christiane Schmenk, Ohio Development Services Agency, 77 South High Street, P.O. Box 1001, Columbus, Ohio 43216-1001

Brigadier General Margaret W. Burcham, Commander Great Lakes and Ohio River Division, US Army Corps of Engineers, 550 Main Street, Room 10524, Cincinnati, Ohio 45202-3222

Director, Scott J. Nally, Ohio Environmental Protection Agency, P.O. Box 1049, Columbus, OH 43216-1049

Chief, Scudder Mackey, Ph.D., Office of Coastal Management, Ohio Department of Natural Resources, 105 W Shoreline Dr., Sandusky OH 44870

President and CEO William Friedman, Cleveland-Cuyahoga County Port Authority, One Cleveland Center, 1375 East Ninth Street #2300, Cleveland, OH 44114

Mayor Frank Jackson, City of Cleveland, 601 Lakeside Ave., Cleveland, Ohio 44114

Councilman Joe Cimperman, City of Cleveland, Ward 3, 601 Lakeside Avenue, Room 220, Cleveland, OH 44114

Senator Sherrod Brown, 1301 East Ninth St., Suite 1710, Cleveland, OH 44114

Senator Rob Portman, 1240 East 9th Street, Room 3061, Cleveland, OH 44199

Congresswoman Marcia Fudge, 4834 Richmond Road, Suite 150, Warrensville Heights, OH 44128

State Rep. Kenny Yuko, 77 South High Street, 11th Floor, Columbus, OH 43215

State Rep. Armond Budish, 77 South High Street, 11th Floor, Columbus, OH 43215

State Rep. Bill Patmon, 77 South High Street, 11th Floor, Columbus, OH 43215

State Sen. Nina Turner, 1 Capitol Square, 1st Floor, Columbus, OH 43215

Cuyahoga County Executive Ed Fitzgerald, 1219 Ontario Avenue, Cleveland, OH 44113

Cuyahoga County Councilwoman Sunny Simon, 1219 Ontario Street, Room 424, Cleveland, OH 44113

Director of Regional Collaboration Ed Jerse, 1219 Ontario Avenue, Cleveland, OH 44113

Section 4: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 5: That this resolution shall take immediate effect.

Attest:

Clerk of Council

President of Council

Passed:

Approved:

Mayor

Resolution No.

By – Council President Holzheimer Gail (by request)

A resolution reaffirming the City of Euclid's employer pick-up, and payment, of all of the mandatory employee contributions to the Ohio Police and Fire Pension Fund for City of Euclid Police Department employees.

WHEREAS, the eligible employees of the Police Department of the City of Euclid participate in the Ohio Police and Fire Pension Fund ("OP&F"); and

WHEREAS, the City of Euclid's Council has previously adopted a pick-up all of the ten percent (10%) mandatory contributions required under by Section 742.31 of the Ohio Revised Code for participating employees of Police Department who are members of the OP&F; and

WHEREAS, OP&F has adopted new procedures for reporting picked-up contributions in order to properly prepare 1099-R forms for its members; and

WHEREAS, the City of Euclid wishes to reaffirm its prior resolution in order to continue the pick-up under new procedures.

NOW, THEREFORE, be it resolved by the Council of the City of Euclid, State of Ohio:

Section 1: That the City of Euclid has determined to continue to pick-up and pay all of the ten percent (10%) mandatory contributions by the employees who are members of the Ohio Police and Fire Pension Fund by paying 5% of the contributions on behalf of the Police Department employee and 5% through payroll reduction.

Section 2: That said picked-up contributions paid by the employer even though designated as employee contributions for state law purposes, are being paid by the City of Euclid in lieu of said contributions by the employee.

Section 3: That said picked-up contributions will not be included in the gross income of the Police Department employees for tax reporting purposes, that is, for federal or state income tax withholding taxes until distributed from the Ohio Police and Fire Pension Fund.

Section 4: That said picked up contributions will be included in the gross income of the Police Department employees, for employment tax purposes, as the contributions are made to the Ohio Police and Fire Pension Fund.

Section 5: That said Police Department employees shall not be entitled to any option of choosing to receive the contributed amounts directly instead of having them paid by the City of Euclid to the Ohio Police and Fire Pension Fund.

Section 6: That the Clerk of this Council is hereby authorized and directed to certify a copy of this resolution to Ohio Police & Fire Pension Fund, 140 East Town Street, Columbus, Ohio 43215-5164

Section 7: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 8: That this resolution shall take immediate effect.

Attest:

Clerk of Council

Passed:

President of Council

Approved:

Mayor

Resolution No.

By – Council President Holzheimer Gail (by request)

A resolution reaffirming the City of Euclid's employer pick-up, and payment, of all of the mandatory employee contributions to the Ohio Police and Fire Pension Fund for City of Euclid Fire Department employees.

WHEREAS, the eligible employees of the Fire Department of the City of Euclid participate in the Ohio Police and Fire Pension Fund ("OP&F"); and

WHEREAS, the City of Euclid's Council has previously adopted a pick-up all of the ten percent (10%) mandatory contributions required under by Section 742.31 of the Ohio Revised Code for a the participating employees of the Fire Department who are members of the OP&F; and

WHEREAS, OP&F has adopted new procedures for reporting picked-up contributions in order to properly prepare 1099-R forms for its members; and

WHEREAS, the City of Euclid wishes to reaffirm and restate its current policy and procedure as reflected in the Collective Bargaining Agreement effective January 1, 2012 through December 31, 2014.

NOW, THEREFORE, be it resolved by the Council of the City of Euclid, State of Ohio:

Section 1: That the City of Euclid has determined to continue to pick-up and pay all of the ten percent (10%) mandatory contributions by the employees who are members of the Ohio Police and Fire Pension Fund by paying 5% of the contributions on behalf of the Fire Department employee and 5% through payroll reduction. For employees hired on or after March 1, 2009, the City of Euclid will pick-up and pay of the ten percent (10%) mandatory contributions by the employees who are members of the Ohio Police and Fire Pension Fund by paying two and one-half percent (2½%) of the contributions on behalf of the Fire Department employees and seven and one-half percent (7½%) through payroll reduction.

Section 2: That said picked-up contributions paid by the employer even though designated as employee contributions for state law purposes, are being paid by the City of Euclid in lieu of said contributions by the employee.

Section 3: That said picked-up contributions will not be included in the gross income of the Fire Department employees for tax reporting purposes, that is, for federal or state income tax withholding taxes until distributed from the Ohio Police and Fire Pension Fund.

Section 4: That said picked up contributions will be included in the gross income of the Fire Department employees, for employment tax purposes, as the contributions are made to the Ohio Police and Fire Pension Fund.

Section 5: That said Fire Department employees shall not be entitled to any option of choosing to receive the contributed amounts directly instead of having them paid by the City of Euclid to the Ohio Police and Fire Pension Fund.

Section 6: That the Clerk of this Council is hereby authorized and directed to certify a copy of this resolution to Ohio Police & Fire Pension Fund, 140 East Town Street, Columbus, Ohio 43215-5164

Section 7: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 8: That this resolution shall take immediate effect.

Attest:

Clerk of Council

Passed:

President of Council

Approved:

Mayor

Resolution No.

By – Mayor Cervenik

A resolution to re-appoint John Williams to the Euclid Landmark Commission.

WHEREAS, the Euclid Landmark Commission, pursuant to Chapter 1303.02 of the Euclid Codified Ordinances, shall be comprised of five members appointed by the Mayor and approved by a majority of Council; and

NOW, THEREFORE, be it ordained by the Council of the City of Euclid, State of Ohio:

Section 1: That this Council does hereby approve the re-appointment of John Williams to the Euclid Landmark Commission to serve until December 31, 2015.

Section 2: That the Clerk of this Council is hereby authorized and directed to certify a copy of this resolution to the Euclid Landmark Commission.

Section 3: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 4: That this resolution shall take immediate effect.

Attest:

Clerk of Council

President of Council

Passed:

Approved:

Mayor

RESOLUTION OF CONGRATULATIONS

A resolution recognizing and celebrating the **Heritage Park Association** on the occasion of its 20th year Anniversary.

WHEREAS, on September 21, 1987, a group of interested residents met at the home of Ed and Fran Bozak on East 204th Street to form an association with the objective of perpetuating the pride the residents took in their neighborhood from which the Dille Road-East 204 Association was born; and

WHEREAS, the members of the Dille Road-East 204 Association determined through their collective efforts to help protect property value, promote civic betterment, neighborliness, and community spirit;

WHEREAS, on October 14, 1992, a meeting was held at the Emeritus House at the Indian Hills Senior apartment for all interested residents of the area in the City of Euclid north of Euclid Avenue and south of the railroad tracks to discuss a single area association; and

WHEREAS, on October 14, 1992 an expansion and renaming of the Dille Road-East 204 Association with other interested residents to create the **Heritage Park Association**; and

WHEREAS, the association has had four Presidents since its inception: Fran Bozak, Cornelius Showers, Madeline Scarniench, and the current president Pearletha Taylor (2002-present); and

WHEREAS, the **Heritage Park Association** has made the neighborhood brighter with the installation of new light poles in 2004; and

WHEREAS, the **Heritage Park Association** as held neighborhood beautification projects such as: flower donations, and clean-up days; and

WHEREAS, the **Heritage Park Association** has held civic activities which have included: Street Festivals, Easter Egg Hunts, School Supply donations drives, and cold weather donations such as Hats and Mittens; and

WHEREAS, in 1998, a grant was written by Mrs. Penny Riha, and with fundraisers in collaboration between the **Heritage Park Association** and the Euclid Fire Department to raise funds to erect a statue in dedication to the untiring service of the Euclid Firefighters culminating with the 2001 installation of a bronze statue at the No. 2 Fire Station.

NOW, THEREFORE, be it resolved by the Council of the City of Euclid, State of Ohio:

Section 1: This Council and Administration do hereby congratulate the **Heritage Park Association** for the support and betterment of the City of Euclid for the past 20 years and encourage their continued commitment to the vibrant civic spirit evidenced by the residents in the Association neighborhood.

Section 2: That this resolution shall take immediate effect.

Resolution No.

By – Mayor Cervenik, Councilpersons Holzheimer Gail, Caviness, Jones, Langman, Lynch, McLaughlin, O'Hare, Scarniench, Van Ho

Attest:

Clerk of Council

President of Council

Passed:

Approved:

Mayor

RESOLUTION OF CONGRATULATIONS

A resolution commemorating the 70th Anniversary of the **Indian Hills Homeowners' Association**.

WHEREAS, the Indian Hills section of Euclid took its name from its days as a hunting ground for Native Americans and features bluestone quarries of the early 20th century in what is now the Euclid Creek Metro Park and the former Euclid Railroad; and

WHEREAS, the **Indian Hills Homeowners' Association** was first established in 1942 by a group of residents dedicated to the preservation of home values and maintaining the aesthetic beauty of the Indian Hills neighborhood; and

WHEREAS, the organization was incorporated in 1947 and is served by a board made up of 9 members and has standing committees for social activities, membership, welcoming and building environment and has an active block watch program with streets represented by captains who are genuinely concerned about the neighbors and properties; and

WHEREAS, Indian Hills area was featured in the Euclid Sun Journal as "the most durable of its kind" and in 2002, **Indian Hills Homeowners' Association**, on the occasion of its 60th Anniversary proclaimed by the newspaper as a "haven for close-knit neighbors".

NOW, THEREFORE, be it resolved by the Council of the City of Euclid, State of Ohio:

Section 1: This Council and Administration do hereby congratulate and thank the **Indian Hills Homeowners' Association** on the occasion of its 70th Anniversary and commend its leaders and members for their active role in maintaining a vibrant and attractive neighborhood and for their many contributions to the success of the entire City.

Section 2: That this resolution shall take immediate effect.

Resolution No.

By – Mayor Cervenik, Councilpersons Holzheimer Gail, Caviness, Jones, Langman, Lynch, McLaughlin, O'Hare, Scarniench, Van Ho

Attest:

Clerk of Council

President of Council

Passed:

Approved:

Mayor

RESOLUTION OF CONGRATULATIONS

A resolution of congratulations to the **Euclid Public Library**, the recipient of the **2012 Ohio Historical Records Achievement Award**.

WHEREAS, The Ohio Historical Records Advisory Board recognizes significant accomplishments in preserving and improving access to historical records in any format by an Ohio archival institution; and,

WHEREAS, Ohio institutions responsible for archival records that provide public access to a portion of their collections are eligible to win the annual Ohio Historical Records Advisory Board's Achievement Award; and,

WHEREAS, this year, the **Euclid Public Library** has been granted this award for 2012; and,

WHEREAS, the **Euclid Public Library** is using the web to document and increase access to its city's history from many sources. The **Library** has digitized residents' family photos, the entire range of the Euclid High School yearbooks and the Sun Journal newspaper editions; and,

WHEREAS, the web-accessible collection also includes recordings of City Council meetings, as well as oral histories, in audio and video format that reveal multiple perspectives on the history of Euclid; and,

WHEREAS, this impressive range of formats and documents has expanded the public's ability to connect with its history. Beginning as a celebration of the Euclid township Bicentennial, the **Library** is committed to continuing this project by creating an ongoing program; and,

WHEREAS, the Ohio Historical Records Advisory Board congratulates the **Euclid Public Library** for its efforts to improve access to its City's history; and

NOW, THEREFORE, be it resolved by the Council of the City of Euclid, State of Ohio:

Section 1: That the **Euclid Public Library** be congratulated for receiving the **2012 Ohio Historical Records Achievement Award** in recognition of its contribution to preservation and access to Ohio and Euclid history.

Section 2: That the Clerk of this Council is hereby authorized and directed to certify a copy of this resolution to the **Euclid Public Library**.

Section 3: That this resolution shall take immediate effect.

Resolution No.

By – Mayor Cervenik, Councilpersons Holzheimer Gail, Caviness, Jones, Langman, Lynch, McLaughlin, O'Hare, Scarniench, Van Ho

Attest:

Clerk of Council

President of Council

Passed:

Approved:

Mayor