

**AGENDA  
EUCLID CITY COUNCIL MEETING  
MONDAY, JANUARY 7, 2013 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:** December 17, 2012

**ADMINISTRATION REPORTS & COMMUNICATIONS:**

**REPORTS & COMMITTEE MINUTES:** Executive & Finance Min.: 12/5/12; 12/10/12;  
12/12/12  
Board of Control Min.: 12/10/12; 12/17/12

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

**LEGISLATION**

1. An ordinance authorizing the Director of Public Service of the City of Euclid to enter into a contract with CT Consultants, Inc., 8150 Sterling Court, Mentor, Ohio 44060, for 2013 Hourly Engineering Services for the Euclid Sewer Study Implementation. (Sponsored by Councilperson McLaughlin by request of Service Director) Ord. (227-13)
2. An emergency ordinance placing a temporary moratorium on the enforcement of section 1705.03 of the Codified Ordinances of the City of Euclid, commonly referred to as the Home Owners Exception, wherein certain work on residential properties is required to be performed by registered contractors under permit issued by the Building Department, until such time as the Director of Public Service can conduct a comprehensive review and the coordination of the provisions of the local code with the Ohio Residential Building Code. (Sponsored by Councilperson McLaughlin by request of Service Director) Ord. (225-13)
3. A resolution authorizing the Mayor of the City of Euclid to execute an Agreement by and between the City of Euclid and Teamsters Local No. 244, as exclusive bargaining agent for all Euclid Waste Water Treatment Department Employees, to be effective January 1, 2012 through December 31, 2014. (Sponsored by Mayor Cervenik) Res. (224-13)

**CEREMONIAL RESOLUTION**

4. A resolution of congratulation for **Representative Kenny Yuko**, State Representative for District 7 upon the occasion of his end of term and in recognition of his distinguished career of service to the communities of Euclid and South Euclid, Richmond Heights and Collinwood. (Sponsored by Mayor Cervenik and Entire Council) Res. (226-13)

**COMMITTEE OF THE WHOLE – PUBLIC PORTION**

**COUNCIL MEMBERS' COMMENTS**

**ADJOURNMENT**

Ordinance No.

By – Councilperson McLaughlin (by request)

An ordinance authorizing the Director of Public Service of the City of Euclid to enter into a contract with CT Consultants, Inc., 8150 Sterling Court, Mentor, Ohio 44060, for 2013 Hourly Engineering Services for the Euclid Sewer Study Implementation.

WHEREAS, The March 2010 U.S. Environmental Protection Agency and Department of Justice Consent Decree and the Euclid Sewer Study requires the completion of various tasks, consisting of Operations and Maintenance, manual updates, program management, post construction field monitoring, computer modeling and document updates; and,

WHEREAS, CT Consultants has identified a scope of engineering services to comply with the Consent Decree and Euclid Sewer Study; and,

WHEREAS, With this scope of services to comply with recommended improvements and the Consent Decree requirements, CT Consultants will perform various engineering services for the City of Euclid such as Geographic Information System (GIS) development, document preparation, post-construction field monitoring, computer modeling, financial assistance and program management; and,

WHEREAS, The 2013 component for CT Consultants' engineering services is \$454,000.00.

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

Section 1: That the Director of Public Service be, and he is hereby authorized to enter into a contract with CT Consultants, Inc., 8150 Sterling Court, Mentor, Ohio 44060, for 2013 Hourly Engineering Services for the Euclid Sewer Study Implementation in an amount not to exceed \$454,000.

Section 2: Funds to pay for this expenditure are to be derived from Wastewater Treatment Funds and the Peterson Funds.

Section 3: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance 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 ordinance shall be in full force and effect from and after the earliest period allowed by law.

Attest:

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Clerk of Council

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President of Council

Passed:

Approved:

Effective:

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Mayor

Ordinance No.

By – Councilperson McLaughlin (by request)

An emergency ordinance placing a temporary moratorium on the enforcement of section 1705.03 of the Codified Ordinances of the City of Euclid, commonly referred to as the Home Owners Exception, wherein certain work on residential properties is required to be performed by registered contractors under permit issued by the Building Department, until such time as the Director of Public Service can conduct a comprehensive review and the coordination of the provisions of the local code with the Ohio Residential Building Code.

WHEREAS, several modifications have been made to the Home Owner Exception ordinance contained in section 1705.03 of the Codified Ordinances of the City of Euclid, most recently by Ordinance 156-2012; and

WHEREAS, numerous questions and complaints have been made to the restrictive nature and application of the code with further concern that it conflicts with the Ohio Residential Building Code and places unnecessary burden on property owners to utilize registered contractors for repair work that is within the competence of common property owners; and

WHEREAS, after discussion with the City of Euclid Building Official, it has been recommended that the enforcement of section 1705.03 be suspended pending a comprehensive review and coordination with the Ohio Residential Building Code;

WHEREAS, this ordinance be declared to be an emergency measure necessary for the preservation of the public peace, safety and welfare of the citizens of the City of Euclid.

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

Section 1: That this Council hereby approves a moratorium on the enforcement of section 1705.03 of the Codified Ordinances of the City of Euclid and specifically that permits for repair work be issued to property owners without the need for registration and that such other work be conducted as provided in the Building Code of the City of Euclid

Section 2: This moratorium shall be in effect until the Director of Public Service recommends final change to the Code after consultation with the Building Official and representative from the Ohio Department of Commerce, but in no event longer than 12 months from the effective date of this ordinance.

Section 3: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council and of 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 ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, safety and welfare of the citizens of the City of Euclid, and provided it receives the two-thirds vote of all members of Council elected thereto, shall be in full force and effect from after its passage and approval; otherwise to be in full force and effect from and after the earliest period allowed by law.

Attest:

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Clerk of Council

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President of Council

Passed:

Approved:

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Mayor

Resolution No.

By – Mayor Cervenik

A resolution authorizing the Mayor of the City of Euclid to execute an Agreement by and between the City of Euclid and Teamsters Local No. 244, as exclusive bargaining agent for all Euclid Waste Water Treatment Department Employees, to be effective January 1, 2012 through December 31, 2014.

WHEREAS, pursuant to Ohio Revised Code Chapter 4117, negotiations were held between the City of Euclid and Teamsters Local No. 244 to determine equitable compensation, benefits, working hours and other employment matters for all Euclid Waste Water Treatment Department Employees; and

WHEREAS, the terms of the new contract include a two percent (2%) hourly rate increase for the period of July 1, 2012, through December 31, 2012; a two percent (2%) increase effective January 1, 2013; and a one percent (1%) increase effective January 1, 2014; and

WHEREAS, the duties of Laboratory Manager and Pretreatment Coordinator will be combined and the rate set will be equal to the rate for Plant Manager; and

WHEREAS, employee monthly contribution for individual and family health care costs will increase by twenty-five dollars (\$25) beginning with January 2013; and

WHEREAS, the uniform allowance will increase \$250.00 for the years 2013 and 2014, making the annual premium amount \$1250.00; and

WHEREAS, employees hired on or after January 1, 2013, will be limited to three (3) days of personal time; where in the first year of service, prorated days will be given depending on the date the member is hired; and

WHEREAS, employees hired on or after January 1, 2013 will not be eligible for the Employee's Birthday Holiday listed in Section 12.1 of the contract; and

WHEREAS, employees hired on or after January 1, 2013, who work ten (10) or more years will be limited to four (4) weeks of vacation time; there will be no change in the rate of earned vacation from years one through ten; and

WHEREAS, other non-economic language changes will be made to clarify current contract provisions; and

WHEREAS, available with the Director of Law is the proposal of the agreement to be in effect January 1, 2012 through December 31, 2014 unless negotiations are reopened prior to that date pursuant to the terms of the Agreement ; and

WHEREAS, the terms and conditions of the Agreement has been ratified by a majority of the members of the collective bargaining unit.

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

Section 1: That the Mayor of the City of Euclid be, and he is hereby authorized, empowered and directed to execute an agreement by and between the City of Euclid and Teamsters Local No. 144, as exclusive bargaining agent for all Euclid Waste Water Treatment Department Employees. Proposal of said agreement is available with the Director of Law. The terms of said Agreement are hereby approved.

Section 2: 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 3: That this resolution shall take immediate effect.

Attest:

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Clerk of Council

Passed:

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President of Council

Approved:

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Mayor

RESOLUTION OF CONGRATULATIONS

A resolution of congratulation for **Representative Kenny Yuko**, State Representative for District 7 upon the occasion of his end of term and in recognition of his distinguished career of service to the communities of Euclid and South Euclid, Richmond Heights and Collinwood.

WHEREAS, Representative Kenny Yuko has proudly served the City of Euclid and the adjoining communities he represents for eight years, the maximum allowed under the Ohio law; and

WHEREAS, Representative Yuko, is a native son of the City of Euclid and a graduate from Brush High School after which he attended Cuyahoga Community College and Kent State University; and

WHEREAS, Representative Yuko, while working as a clothing buyer for Polsky's Department Store, realized his true passion as a union organizer and serve with the Laborers' Local #860 for 30 years, most as an organizer receiving numerous awards for his efforts including the "2000 Organizing Award" from his international union before retiring from his service in 2004; and

WHEREAS, Representative Yuko was elected to serve as a State Representative in 2004 and has committed himself to improving the quality of life for Ohio families by advocating for increased healthcare access and raising awareness for multiple sclerosis; and

WHEREAS, Representative Yuko introduced and achieved unanimous passage of House Bill 379, designating March as MS Awareness Month in the State of Ohio and in recognition of this and other efforts was named "Legislature of the Year" by the Ohio Health Advocacy Network in 2006; and

WHEREAS, Representative Yuko served as the ranking member of the House Commerce, Labor and Technology Committee, and as a member of the Health and Aging and Veterans Affairs Committees and the Bureau of Workers Compensation Oversight Committee, Unemployment Advisory Committee, and the Ohio Historical Society board (ex-officio) and is an active member of the Cancer, Fire, Housing and Mental Health caucuses.

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

Section 1: That this Council, Administration and Community hereby pay tribute to Representative Kenny Yuko and congratulate him on his accomplishments as State Representative leading to the betterment of the City of Euclid and all communities he represented in the State Legislature for the State of Ohio.

Section 2: That this Council and Administration sincerely thank Representative Yuko for his vision and leadership advocating for increased healthcare access and multiple sclerosis awareness.

Section 3: That this Council and Administration wish Representative Yuko much deserved success in his future endeavors.

Section 4: That the Clerk of this Council is hereby authorized and directed to certify a copy of this resolution to Representative Kenny Yuko.

Section 5: That this resolution shall take immediate effect.

Resolution No.

By - Mayor Cervenik, Council President Holzheimer Gail, Councilpersons Caviness, Scarniench, Jones, Lynch, McLaughlin, O'Hare, Langman and Van Ho.

Attest:

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Clerk of Council

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President of Council

Passed:

Approved:

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Mayor