

AGENDA
EUCLID CITY COUNCIL MEETING
MONDAY, NOVEMBER 16, 2015 AT 7:00 PM
EUCLID MUNICIPAL CENTER COUNCIL CHAMBER

PERMISSIBLE PRELIMINARIES:
FIRST GAVEL

PLEDGE OF ALLEGIANCE

EUCLID CITY COUNCIL MEETING BUSINESS:
SECOND GAVEL

ROLL CALL OF MEMBERS

COMMUNICATIONS:

COUNCIL MINUTES: October 19, 2015 and November 2, 2015

ADMINISTRATION REPORTS & COMMUNICATIONS:

REPORTS & COMMITTEE MINUTES: Board of Control: 10/26/15; 11/02/15
Recreation Commission Minutes: 09/22/2015
Finance Report: October 2015
Police Report: October 2015
Fire Report: October 2015

COMMITTEE OF THE WHOLE FOR LEGISLATIVE MATTERS ONLY

LEGISLATION

ACTION

**Moved to Council
by Executive and
Finance
Committee with
Recommendation
for Passage**

1. An emergency ordinance authorizing the Mayor of the City of Euclid, or his designee, to fund the proposed public right-of-way, roadway and utility improvements for the St. Clair Avenue Industrial Roadway/Corridor Enhancements Project in support of area business expansion and attraction through the issuance of notes in a principal amount not to exceed Seven Hundred Fifty Thousand Dollars (\$750,000), to enter into agreements with the State and County for additional funding for such corridor improvements and to enter into agreements with First Energy and AT&T for the engineering and construction of related utility improvements. (Sponsored by Mayor Cervenik, Councilpersons Holzheimer Gail, Scarniench and Jarosz) Ord. (163-15)

Comment: Project includes relocation of electric and telephone lines and streetscape enhancements on portions of St. Clair and signal improvements and roadway access for business expansion and attraction.

2. An emergency ordinance authorizing the Director of Finance of the City of Euclid to enter into a contract with Mariner Tek IT Solutions for the purchase and installation of network switches and related hardware and software to improve internal network access and reliability and internet access for city buildings at a cost not to exceed \$95,000.00. (Sponsored by Mayor Cervenik) Ord. (166-15)

Comment: Funding for network switch replacement was included in the 2015 capital budget.

3. An ordinance authorizing the Mayor, as Ex-Officio Director of Public Safety of the City of Euclid, to enter into contracts for the towing of junk, abandoned and impounded vehicles or vehicles that must otherwise be removed at the direction of the Euclid Police Department for the period through December 31, 2017. (Sponsored by Councilperson Jones by request of the Police Chief) Ord. (164-15)

Comment: Maintains two tow vendors. No change in rates for tows unless vendors are required to make releases available 24 hours per day, 7 days per week.

- Third Reading** 4. An ordinance providing for the submission to the electorate of the City of Euclid, the question of whether Article II, Section 3, entitled The Council shall be amended so as to require Euclid City Council to hold at least one regular meeting during the month of July as well as at least one regular meeting during the month of August of every calendar year. (Sponsored by Charter Review Commission) Ord. (153-15)

Comment: The proposed Charter issue would be placed on the 2016 primary election ballot.

5. An emergency ordinance authorizing the Mayor of the City of Euclid or his designee to execute a Clean Ohio Trails Fund (COTF) State-Local Project Agreement to accept and expend a Thirty Six Thousand Two Hundred Sixty Three Dollars (\$36,263) COTF Grant and to provide the required twenty-five percent (25%) match from the Harbor Town TIF Fund. (Sponsored by Mayor Cervenik) Ord. (165-15)

Comment: Grant will be used as part of the funding for property acquisition approved by Council in Ordinance 142-2015.

COMMITTEE OF THE WHOLE – PUBLIC PORTION

COUNCIL MEMBERS' COMMENTS

ADJOURNMENT

Ordinance No.

By – Mayor Cervenik and All Members of Council

An emergency ordinance authorizing the Mayor of the City of Euclid, or his designee, to fund the proposed public right-of-way, roadway and utility improvements for the St. Clair Avenue Industrial Roadway/Corridor Enhancements Project in support of area business expansion and attraction through the issuance of notes in a principal amount not to exceed Seven Hundred Fifty Thousand Dollars (\$750,000), to enter into agreements with the State and County for additional funding for such corridor improvements and to enter into agreements with First Energy and AT&T for the engineering and construction of related utility improvements.

WHEREAS, the City desires to commence with roadway and public right-of-way improvements in support of area business expansion and attraction in the St. Clair Industrial Corridor, between East 222 Street and Babbitt Road, including portions of East 222 Street south of St. Clair Avenue; and

WHEREAS, subject to final engineering, such improvements are estimated to cost One Million Seven Hundred Twelve Thousand Dollars (\$1.712M); and

WHEREAS, the City's portion of the capital cost of the improvements is to be funded through the issuance of notes in a principal amount not to exceed Seven Hundred Fifty Thousand Dollars (\$750,000); and

WHEREAS, the City has partnered with the State of Ohio and Cuyahoga County in securing funding offers, subject to approval of each governmental entity, for Three Hundred Twenty Thousand Dollars (\$320,000) and Five Hundred Thousand Dollars (\$500,000) respectively toward the remaining capital cost of the construction of the planned roadway, right-of-way and utility improvements; and

WHEREAS, the subject matter of this ordinance constitutes an emergency in that the same provides for the preservation of the public peace, safety and welfare of the citizens of the City of Euclid, and for the daily operation of a municipal department and to allow the financing and related agreements to proceed expeditiously so that the necessary improvements can be constructed beginning in the 2016 season, allowing the implementation and completion of the improvements in a timely manner in relation to the requirements of the State and County funding sources for the project.

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

Section 1: That the Mayor, or his designee, be, and is hereby authorized, empowered and directed to fund the proposed public right-of-way, roadway and utility improvements for the St. Clair Avenue Industrial Roadway/Corridor Enhancements Project in support of area business expansion and attraction through the issuance of notes in a principal amount not to exceed Seven Hundred Fifty Thousand Dollars (\$750,000) and to enter into agreements with the State and County for additional funding for such corridor improvements.

Section 2: That the Mayor, or his designee, is authorized to apply for, accept and expend the State of Ohio Roadwork Development (629) Grant and such others grants as may be available for the St. Clair roadway improvements.

Section 3: That Council authorizes the City issued notes to be repaid utilizing the annual loan payments by Lincoln Electric to the City under the Loan Agreement between the City of Euclid and the Lincoln Electric Company dated February 25, 1994, beginning in 2017 and such payments continuing through 2023, totaling approximately \$765,000.

Section 4: That the Director of Public Service is authorized to enter into agreements with First Energy and AT&T for the engineering and construction of related utility improvements.

Section 5: That all agreement(s) shall be in a form approved by the Director of Law.

Section 6: That funds to pay for this expenditure are to be derived from the State of Ohio Roadwork Development (629) Grant in the amount of Three Hundred Twenty Thousand Dollars (\$320,000), a Cuyahoga County Casino Revenue Fund Forgivable Loan in the amount of Five Hundred Thousand Dollars (\$500,000) and through notes authorized in a principal amount not to exceed Seven Hundred Fifty Thousand Dollars (\$750,000).

Section 7: 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 8: 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 and after its passage and approval; otherwise to be in full force and effect from and after the earliest period allowed by law.

Attest:

Clerk of Council

President of Council

Passed:

Approved:

Mayor

Ordinance No.

By – Mayor Cervenik

An emergency ordinance authorizing the Director of Finance of the City of Euclid to enter into a contract with Mariner Tek IT Solutions for the purchase and installation of network switches and related hardware and software to improve internal network access and reliability and internet access for city buildings at a cost not to exceed \$95,000.00.

WHEREAS, the current switch hardware has been determined by several technical support vendors to be unreliable and at the end of their useful lives; and

WHEREAS, proposals were sought to provide technical services and hardware and software to upgrade network connectivity and reliability within and between city buildings and internet access and the proposal submitted by Mariner Tek was deemed the most responsive and lowest price proposal: and

WHEREAS, Mariner Tek will replace 19 switches at 16 locations and will provide redundant capabilities to reduce impact of switch failure; and

WHEREAS, the support services are necessary for the daily function of all city departments and the Council therefore finds this ordinance constitutes an emergency measure.

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

Section 1: That the Director of Finance is hereby authorized, empowered and directed to enter into a contract with Mariner Tek IT Solutions for the purchase and installation of network switches and related hardware and software to improve internet access and reliability for city buildings at a cost not to exceed \$95,000.00.

Section 2: Funds to pay for this expenditure are to be derived from the General Permanent Improvement Fund.

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 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:

Clerk of Council

President of Council

Passed:

Approved:

Mayor

Ordinance No.

By – Councilperson Jones (by request)

An ordinance authorizing the Mayor, as Ex-Officio Director of Public Safety of the City of Euclid, to enter into contracts for the towing of junk, abandoned and impounded vehicles or vehicles that must otherwise be removed at the direction of the Euclid Police Department for the period through December 31, 2017.

WHEREAS, the Chief of Police has determined the services provided during the past year by United Towing and O'Connor Towing have met the City's expectations for reliability and have been consistent with pricing schedules provided; and

WHEREAS, the Chief has requested the two vendors provide price schedules for a two year period, which may be amended upon approval of the Chief and shall apply to the covered service for each tow vendor; and

WHEREAS, the towing services are provided at no cost to the City.

Now, therefore, be it resolved by the Council of the City of Euclid, State of Ohio:

Section 1: That the Mayor, as Ex-Officio Director of Public Safety of the City of Euclid, is authorized to enter into contracts with O'Connor Towing and United Towing further, with each vendor assigned an equal numbers of assignments for the towing of junk, abandoned and impounded vehicles or vehicles that must otherwise be removed at the direction of the Euclid Police Department. Said contracts to be for the period ending December 31, 2017.

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 ordinance shall be in full force and effect from and after the earliest period allowed by law.

Attest:

Clerk of Council

President of Council

Passed:

Approved:

Effective:

Mayor

Ordinance No.

By – Charter Review Commission

An ordinance providing for the submission to the electorate of the City of Euclid, the question of whether Article II, Section 3, entitled The Council shall be amended so as to require Euclid City Council to hold at least one regular meeting during the month of July as well as at least one regular meeting during the month of August of every calendar year.

WHEREAS, the Charter Review Commission has considered the concerns presented some members of City Council regarding the effect the summer recess has on the legislative process; and

WHEREAS, it is the desire to reduce the legislative burden often seen in City Council’s last meeting in June and City Council’s first meeting in September; and

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

Section 1: That pursuant to the requirements of Article X, Section 1 of the Charter of the City of Euclid, the Council hereby authorizes the submission to the electors of the City of Euclid at an election to be held on March 15, 2016, at the usual place of voting of a proposed amendment to the Charter of the City of Euclid amending Article II, Section 3 to read as follows:

ARTICLE II
THE COUNCIL

SECTION 3. COUNCIL MEETINGS

In each calendar month, except July and August, the Council shall hold at least two regular meetings, the time and place of which shall be prescribed by ordinance. During each of the months of July and August, the Council shall hold at least one regular meeting, the time and place of which shall be prescribed by ordinance. A majority of all the members elected shall constitute a quorum to do business, but a lesser number may adjourn from day to day and compel the attendance of absent members in such manner and under such penalties as are prescribed by ordinance. The mayor or any three members of Council may call special meetings upon at least twelve hours’ written notice to each member, served personally or left at his usual place of residence. Such notice shall state the subject or subjects to be considered at the meeting and no other subject shall there be considered. Council meetings shall be open to the public at all times and no ordinance, resolution or other business shall be transacted by Council except at a public meeting. Provided further, however, that Council may meet in executive sessions, closed to the public, to review and consider personnel matters, collective bargaining issues, sale or purchase of real estate, pending or imminent litigation or Court actions, and such other matters required or permitted to be kept confidential by Federal or State law, which executive sessions shall be held only pursuant to regulations adopted by ordinance.

Section 2: That the ballot for said election shall at the top thereof, be entitled:

CHARTER AMENDMENT
OF
THE CITY OF EUCLID

And the question shall be submitted on said ballot in the words as follows:

“Shall Article II, Section 3 of the Charter of the City of Euclid be amended so that the Euclid City Council shall be required to hold at least one regularly scheduled meeting in July and at least one regularly scheduled meeting in August in every calendar year;” and to read as follows:

In each calendar month, except July and August, the Council shall hold at least two regular meetings, the time and place of which shall be prescribed by ordinance. During each of the months of July and August, the Council shall hold at least one regular meeting, the time and place of which shall be prescribed by ordinance. A majority of all the members elected shall constitute a quorum to do business, but a lesser number may adjourn from day to day and compel the attendance of absent members in such manner and under such penalties as are prescribed by ordinance. The mayor or any three members of Council may call special meetings upon at least twelve hours' written notice to each member, served personally or left at his usual place of residence. Such notice shall state the subject or subjects to be considered at the meeting and no other subject shall there be considered. Council meetings shall be open to the public at all times and no ordinance, resolution or other business shall be transacted by Council except at a public meeting. Provided further, however, that Council may meet in executive sessions, closed to the public, to review and consider personnel matters, collective bargaining issues, sale or purchase of real estate, pending or imminent litigation or Court actions, and such other matters required or permitted to be kept confidential by Federal or State law, which executive sessions shall be held only pursuant to regulations adopted by ordinance.

Section 3: That the Director of Law for the City of Euclid is hereby authorized to review the wording of the proposed Charter amendment as well as ballot language with appropriate election officials and to revise the language as necessary to comply with any applicable legal requirements so long as the intent of the amendment is not changed.

Section 4: That the Clerk of Council shall cause the full text of the Charter amendment to be published once a week for not less than two consecutive weeks in a newspaper published in the municipal corporation, with the first publication being at least fifteen days prior to the election at which the amendment is to be submitted to the electors. If no newspaper is published in the municipal corporation, then such publication shall be made in a newspaper of general circulation within the municipal corporation.

Section 5: 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 6: That the Clerk of Council be, and she is hereby authorized and directed to certify to the election authorities described by general law a duly authorized copy of this ordinance forthwith upon its passage.

Attest:

Clerk of Council

President of Council

Passed:

Approved:

Effective:

Mayor

Ordinance No.

By – Mayor Cervenik

An emergency ordinance authorizing the Mayor of the City of Euclid or his designee to execute a Clean Ohio Trails Fund (COTF) State-Local Project Agreement to accept and expend a Thirty Six Thousand Two Hundred Sixty Three Dollars (\$36,263) COTF Grant and to provide the required twenty-five percent (25%) match from the Harbor Town TIF Fund.

WHEREAS, pursuant to Resolution No. 23-2015, adopted March 16, 2015, the City applied for and has been awarded a COTF Grant for the purpose of acquisition of property for public outdoor recreation purposes in conformance with the adopted Euclid Waterfront Improvements Plan; and

WHEREAS, the subject of this ordinance constitutes an emergency in that the same provides for the preservation of the public peace, safety and welfare of the citizens of the City of Euclid and to allow for the timely execution of the grant agreement to meet the deadlines for closing and transfer of the property per the terms of the related Purchase Agreement.

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

Section 1: That the Mayor of the City of Euclid or his designee be, and is hereby authorized, empowered and directed to execute a Clean Ohio Trails Fund (COTF) State-Local Project Agreement to accept and expend a Thirty Six Thousand Two Hundred Sixty Three Dollars (\$36,263) COTF Grant.

Section 2: That funds to pay for the required twenty-five percent (25%) match are to be derived from the Harbor Town TIF Fund.

Section 3: That this Council does hereby authorize the Mayor, or his designee, to execute any and all other documents necessary to accept and implement the grant.

Section 4: That all documents related to the grant shall be subject to and in the form as approved by the Director of Law.

Section 5: 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 6: 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 and after its passage and approval; otherwise to be in full force and effect from and after the earliest period allowed by law.

Attest:

Clerk of Council

President of Council

Passed:

Approved:

Mayor