

**AGENDA
EUCLID CITY COUNCIL MEETING
MONDAY, MAY 1, 2023 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:

- Kappa Alpha PSI Fraternity – Cleveland Alumni Chapter Inc. dba Venue on the Vine Entertainment Complex – 20713 N. Vine, Euclid, Oh. 44119 – Ward 2

COUNCIL MINUTES:

- March 20, 2023
- April 3, 2023

ADMINISTRATION REPORTS & COMMUNICATIONS:

COMMITTEE DOCUMENTATION:

- Board of Control - April 10, 2023 & April 17, 2023
- Euclid Avenue Revitalization Committee – April 4, 2023
- Executive and Finance Committee meeting – April 17, 2023 and April 24, 2023
- Community Programming and Recreation Committee – April 19, 2023

COMMITTEE OF THE WHOLE FOR LEGISLATIVE MATTERS ONLY

ACTION	LEGISLATION	PROPOSED
	<p>1. An emergency ordinance authorizing the Director of Law to settle the lawsuit <i>Mary Stewart, Adm. of the Estate of Luke O. Stewart Sr. v. Matthew Rhodes</i>, Cuyahoga County Court of Common Pleas, CV-21-948028, under terms and conditions discussed in Executive Session of the Euclid City Council. (Sponsored by Mayor Holzheimer Gail)</p> <p>Comment: This would authorize the settlement of the above-referenced lawsuit.</p>	<p>Ord. (038-23)</p>
	<p>2. An emergency ordinance amending Ordinance 14-2023 which makes the annual appropriation for all expenditures for the City of Euclid for the period ending December 31, 2023. (Sponsored by Council President Mancuso by request of the Director of Finance)</p> <p>Comment: This would authorize a budget amendment.</p>	<p>Ord. (040-23)</p>
	<p>3. An emergency ordinance providing for the schedule of inter-transfer between funds. (Sponsored by Mayor Holzheimer Gail by request of the Director of Finance)</p> <p>Comment: This would transfer funds to self insurance fund from the general fund to pay the <i>Stewart</i> settlement.</p>	<p>Ord, (041-23)</p>
	<p>4. An ordinance authorizing the Director of Public Service of the City of Euclid to enter into a contract with Quality Control Inspection Inc., 9500 Midwest Avenue, Garfield Heights, Ohio 44125, for construction</p>	<p>Ord. (039-23)</p>

administration and inspection services for the East 193rd, 195th, and 196th Streets Waterline Replacement Project, for an amount not to exceed \$116,520.00. (Sponsored by Councilpersons Tanner and Wojtila by request of the Director of Public Service)

Comment: This would authorize a contract for the for construction administration and inspection services for the East 193rd, 195th, and 196th Streets Waterline Replacement Project.

5. A resolution to accept and expend a grant from the Ohio Department of Public Safety, Ohio Traffic Safety Office, 1970 West Broad Street, 5th Floor, Columbus, Ohio 43223, for use by the Euclid Police Department to establish teen driver training scholarship programs. (Sponsored by Mayor Holzheimer Gail) Res. (042-23)

Comment: This would authorize the acceptance and expense of a grant for teen driver training scholarship programs.

6. A resolution authorizing the Mayor of the City of Euclid or her designee to execute and submit a grant application to the Ohio Department of Natural Resources NatureWorks (NatureWorks) grant program for improvements to Hero Park. (Sponsored by Mayor Holzheimer Gail and Councilperson Tolton) Res. (043-23)

Comment: This would authorize a grant application to ODNR for improvements to Hero Park.

7. A resolution authorizing the Mayor of the City of Euclid or her designee to execute and submit a grant application to the Ohio Department of Natural Resources Storybook Trail through the Recreational Trails Program for improvements to Hero Park. (Sponsored by Mayor Holzheimer Gail and Councilperson Tolton) Res. (044-23)

Comment: This would authorize a grant application to ODNR for improvements to Hero Park.

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

Ordinance No.

By – Mayor Holzheimer Gail

An emergency ordinance authorizing the Director of Law to settle the lawsuit *Mary Stewart, Adm. of the Estate of Luke O. Stewart Sr. v. Matthew Rhodes*, Cuyahoga County Court of Common Pleas, CV-21-948028, under terms and conditions discussed in Executive Session of the Euclid City Council.

WHEREAS, this matter was originally filed in the United States District Court. The City was successful in obtaining summary judgment and the matter was dismissed in the City's favor; and

WHEREAS, on appeal, the Sixth Circuit Court of Appeals affirmed the federal claims against the City, but reversed and remanded the state law claims. The District Court remanded the case to the Cuyahoga County Court of Common Pleas to handle the state law claims against Ptl. Matthew Rhodes, and the instant matter was filed in the Cuyahoga County Court of Common Pleas on May 26, 2021 under case number CV-21-948028; and

WHEREAS, the matter proceeded to a jury trial on October 24, 2022 and the jury returned a verdict against Defendant Rhodes on November 1, 2022. The City appealed said verdict; and

WHEREAS, the parties engaged in mediation on February 22, 2023 where settlement was negotiated subject to approval by Euclid City Council; and

WHEREAS, this proposed settlement was discussed in Executive Session of the Euclid City Council on March 6, March 15, 2023 and April 17, 2023; and

WHEREAS, outside counsel relayed the terms and conditions of the settlement discussed by Euclid City Council to Plaintiff's counsel and the parties agreed to settlement over a term of three (3) years. The mediator, outside counsel and the Law Director are recommending settlement of this matter; and

WHEREAS, this matter is hereby declared to be an emergency measure in order commence the payment plan contemplated between the parties.

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

Section 1: That the Director of Law is hereby authorized, empowered and directed to settle the lawsuit *Mary Stewart, Adm. of the Estate of Luke O. Stewart Sr. v. Matthew Rhodes*, Cuyahoga County Court of Common Pleas, CV-21-948028, under terms and conditions discussed in Executive Session of the Euclid City Council and as will be formalized by counsel for the parties.

Section 2: Funds to pay for this expenditure are to be derived from the Self Insurance 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 it 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

BY: Council President Charlene Mancuso (per request of the Finance Director)

AN EMERGENCY ORDINANCE AMENDING ORDINANCE # 14-2023 WHICH MAKES THE ANNUAL APPROPRIATION FOR ALL EXPENDITURES FOR THE CITY OF EUCLID FOR THE PERIOD ENDING DECEMBER 31, 2023.

WHEREAS, IN ORDER TO PROVIDE FOR THE CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF EUCLID, IT IS NECESSARY THAT THE FOLLOWING SUMS OF MONEY, OR AS MUCH THEREOF AS MAY BE AUTHORIZED BY LAW, AS MAY BE NEEDED OR DEEMED NECESSARY TO DEFRAY ALL EXPENSES AND LIABILITIES OF THE CITY, BE APPROPRIATED FOR THE CORPORATE PURPOSES AND OBJECTS OF SAID CITY AS HEREINAFTER SPECIFIED.

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.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF EUCLID, THE STATE OF OHIO.

SECTION 1: THAT TO PROVIDE FOR THE CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF EUCLID, OVER A PERIOD ENDING DECEMBER 31, 2023. THE FOLLOWING SUMS BE AND THEY ARE HEREBY SET ASIDE AND APPROPRIATED AS HEREINAFTER SET FORTH.

SECTION 2: THAT THE EXPENDITURES OF EACH FUND FOR THE CITY OF EUCLID CAN NOT EXCEED THE APPROPRIATION AS AMENDED, FOR THAT FUND.

SECTION 3: THAT THERE BE AND THERE IS HEREBY APPROPRIATED FROM THE FOLLOWING FUNDS, THE DETAIL OF WHICH IS SHOWN BELOW.

101 GENERAL FUND		PERSONAL SERVICES	OTHER EXPENDITURES	TOTAL
<u>Legislative Departments</u>				
101-111	COUNCIL	186,032	6,300	192,332
<u>Judicial Departments</u>				
101-121	COURT	1,612,832	496,600	2,109,432
<u>Executive Departments</u>				
101-131	MAYOR	468,877	19,900	488,777
101-132	HUMAN RESOURCES	142,038	20,500	162,538
101-133	CIVIL SERVICE	19,480	40,100	59,580
<u>Law Department</u>				
101-141	LAW DEPARTMENT	836,977	334,850	1,171,827
<u>Finance Department</u>				
101-151	FINANCE	444,445	106,800	551,245
101-152	TAX	189,059	1,156,450	1,345,509
101-153	VITALS	-	327,967	327,967
101-154	INFORMATION TECH	257,539	235,952	493,491
<u>Police Department</u>				
101-211	POLICE	14,435,275	1,773,724	16,208,999
101-212	POLICE ADMIN	864,511	280,149	1,144,660
101-213	CORRECTIONS	-	500,000	500,000
<u>Fire Department</u>				
101-221	FIRE (FIGHTING, PREVENTION, INSPECTIONS)	12,055,439	256,550	12,311,989
101-222	FIRE ADMIN	101,856	21,000	122,856
<u>Protective Inspection Department</u>				
101-311	BUILDING / HOUSING	875,827	214,750	1,090,577
101-331	PLANNING AND ZONING	195,970	11,950	207,920
<u>CS & ED Department</u>				
101-411	PLANNING AND DEVELOPMENT	375,967	509,600	885,567
<u>Service Department</u>				
101-511	PUBLIC WORKS	231,239	1,002,800	1,234,039
101-521	PUBLIC BUILDINGS	705,380	274,550	979,930
101-541	MOTOR MAINTENANCE	791,179	3,364,650	4,155,829
101-551	PARKS	1,145,884	113,800	1,259,684
101-561	ENGINEERING	-	71,350	71,350
101-571	SANITATION	-	3,000,700	3,000,700
<u>Recreation</u>				
101-611	RECREATION	-	-	-
101-621	SENIOR CENTER	313,181	57,500	370,681
<u>General Services</u>				
101-711	GENERAL SERVICES	12,000	2,619,500	2,631,500
101-912	<u>TRANSFERS</u>			
	TO ANIMAL SHELTER -	FUND 214	-	150,000
	TO NUISANCE ABATEMENT -	FUND 216	-	155,000
	TO RECREATION OPERATION -	FUND 240	-	50,000
	TO SHORE CORP -	FUND 290	-	200,000
	TO SELF-INSUR. LIABILITY -	FUND 630	-	1,180,000
	TOTAL TRANSFERS OUT			1,735,000
101-913	ADVANCES			

TO GOLF COURSE
TOTAL GENERAL FUND

FUND 560

54,813,979

SPECIAL REVENUE FUNDS		PERSONAL SERVICES	OTHER EXPENDITURES	TOTAL
210	STATE HIGHWAY	-	149,000	149,000
211	INDIGENT DRIVER ALCOHOL PROGRAM	-	100,000	100,000
212	COURT COMPUTERIZATION	-	120,000	120,000
213	COURT SPECIAL PROJECTS	-	250,000	250,000
214	ANIMAL SHELTER	156,577	10,036	166,613
216	NUISANCE ABATEMENT	214,835	146,900	361,735
217	INDIGENT DRIVER INTERLOCK & ALCOHOL	-	12,000	12,000
220	STREET MAINTENANCE & CONSTRUCTION	1,149,768	1,504,650	2,654,418
230	COMMUNITY TV	-	1,809	1,809
240	RECREATION OPERATING	510,430	427,800	938,230
250	COMMUNITY DEVELOPMENT BLOCK GRANT	390,402	941,280	1,331,682
253	HOME PROGRAM	-	200,000	200,000
255	OTHER GRANTS	-	4,000,000	4,000,000
258	CARES ACT	-	33	33
259	ARP ACT	-	21,038,791	21,038,791
261	COP GRANT	242,694	-	242,694
262	SAFER GRANT	694,654	-	694,654
280	LAW ENFORCEMENT TRUST	-	185,000	185,000
290	SHORE CORPORATION	330,117	141,300	471,417
291	UNCLAIMED MONIES	-	60,926	60,926
TOTAL SPECIAL REVENUE FUNDS				32,979,002
CAPITAL PROJECTS FUNDS		PERSONAL SERVICES	OTHER EXPENDITURES	TOTAL
310	GENERAL PERMANENT IMPROVEMENT	-	586,835	586,835
320	RECREATION CAPITAL	-	1,000,000	1,000,000
330	SIDEWALK REPAIR & REPLACE	-	63	63
380	SMS PARK	-	4,307	4,307
391	BENNINGTON HAMLET TIF	-	100,000	100,000
393	CMP PROPERTIES TIF	-	157,000	157,000
394	HARBOR TOWN TIF	-	700,000	700,000
395	DOWNTOWN DISTRICT TIF	-	41,000	41,000
396	O'REILLY PUBLIC IMPROVEMENT TIF	-	80,000	80,000
397	SID WATERFRONT DISTRICT	-	500	500
398	DOLLAR GENERAL TIF	-	120,000	120,000
TOTAL CAPITAL PROJECTS FUNDS				2,789,705
DEBT SERVICE FUNDS		PERSONAL SERVICES	OTHER EXPENDITURES	TOTAL
410	BOND RETIREMENT	-	3,774,518	3,774,518
TOTAL DEBT SERVICE FUNDS				3,774,518
ENTERPRISE FUNDS		PERSONAL SERVICES	OTHER EXPENDITURES	TOTAL
510	WASTE WATER TREATMENT	4,419,440	26,811,050	31,230,490
511	EQUIPMENT REPLACEMENT	-	621,000	621,000
512	CREEKS AND SEWERS	1,169,475	190,000	1,359,475
515	PETERSON TRUNK LINE	-	1,885,250	1,885,250
516	WATERLINE IMPROVEMENT	-	2,911,500	2,911,500
560	BRIARDALE GOLF COURSE	-	-	-
TOTAL ENTERPRISE FUNDS				38,007,715
INTERNAL SERVICE FUNDS		PERSONAL SERVICES	OTHER EXPENDITURES	TOTAL
630	SELF INSURANCE	-	1,346,000	1,346,000
TOTAL INTERNAL SERVICE FUND				1,346,000
TRUST & AGENCY FUNDS		PERSONAL SERVICES	OTHER EXPENDITURES	TOTAL
730	RETIRES-INSURANCE PYMTS	-	500	500
740	BUILDING DEPOSITS	-	100,000	100,000
750	STREET OPENINGS	-	75,000	75,000
760	REVOLVING	-	100,000	100,000
TOTAL TRUST & AGENCY FUND				275,500
TOTAL ALL FUNDS				\$ 133,986,419

SECTION 4: THAT THE DIRECTOR OF FINANCE IS HEREBY AUTHORIZED TO DRAW HIS WARRANTS FROM ANY OF THE FOREGOING APPROPRIATIONS UPON RECEIVING PROPER CERTIFICATES AND VOUCHERS THEREFORE APPROVED BY THE BOARD OF OFFICERS AUTHORIZED BY LAW TO APPROVE THE SAME, OR AN ORDINANCE OR RESOLUTION OF COUNCIL TO MAKE THE EXPENDITURES PROVIDED THAT THE CONTINGENCIES CAN ONLY BE EXTENDED UPON APPROVAL OF TWO-THIRDS VOTE OF COUNCIL FOR ITEMS OF EXPENSE CONSTITUTING A LEGAL OBLIGATION AGAINST THE CITY OF EUCLID AND FOR OTHER THAN THOSE COVERED BY THE OTHER SPECIFIC APPROPRIATIONS MADE HEREIN.

SECTION 5 : THAT ALL APPROPRIATIONS EQUAL TO OUTSTANDING ENCUMBRANCES SHALL AT YEAR END CARRY FORWARD TO THE NEXT SUCCEEDING YEAR, SHALL NOT LAPSE AND THEREFORE, ENCUMBRANCES NEED NOT BE REAPPROPRIATED

SECTION 6 : 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 OF ANY OF ITS COMMITTEES THAT RESULTED IN SUCH FORMAL ACTIONS, WERE IN MEETINGS OPEN TO THE PUBLIC, IN COMPLIANCE WITH ALL LEGAL REQUIREMENTS INCLUDING SECTION 121.22 OF THE OHIO REVISED CODE.

SECTION 7 : THAT THIS ORDINANCE IS HEREBY DECLARED TO BE AN EMERGENCY MEASURE NECESSARY FOR THE IMMEDIATE PRESERVATION OF THE PUBLIC PEACE, HEALTH, SAFETY AND WELFARE OF THE INHABITANTS 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. ____-2023

By – Mayor Holzheimer Gail by request of the Finance Director

An emergency ordinance providing for the schedule of inter-transfer of funds between all funds.

WHEREAS, the Council of the City of Euclid determines that it is in the best interest of the City that fund balance transfers be presented in a separate schedule of inter-fund transfers.; and

WHEREAS, the adoption of separate legislation approving inter-fund transfers is required by the Office of Auditor of State of Ohio. The Council of the City of Euclid determines that 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 and for the daily operation of a municipal department.

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 directed and authorized to make the transfer of funds as listed in the following schedule of inter-fund transfers.

2023 Schedule of Interfund Transfers		
<u>Transfer from Fund</u>	<u>Transfer Amount</u>	<u>Transfer to Fund</u>
101 General Fund	\$ 1,050,000	630 Self Insurance

Section 2: 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 3: 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 it 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 – Councilpersons Tanner and Wojtila (by request)

An ordinance authorizing the Director of Public Service of the City of Euclid to enter into a contract with Quality Control Inspection Inc., 9500 Midwest Avenue, Garfield Heights, Ohio 44125, for construction administration and inspection services for the East 193rd, 195th, and 196th Streets Waterline Replacement Project, for an amount not to exceed \$116,520.00.

WHEREAS, this project will replace the waterlines per Cleveland Water Department's specifications on E. 193rd, 195th and 196th Streets; and

WHEREAS, Quality Control Inspection Inc.'s personnel will provide contract administration and construction inspection services starting with preconstruction meeting, through the construction phase of the work, and ending with close-out services at final completion; and

WHEREAS, funding for this work will come from the 516 Water Line Fund.

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

Section 1: That the Director of Public Service is hereby authorized to enter into a contract with Quality Control Inspection Inc., 9500 Midwest Avenue, Garfield Heights, Ohio 44125, for construction administration and inspection services for the East 193rd, 195th, and 196th Streets Waterline Replacement Project, for an amount not to exceed \$116,520.00.

Section 2: Funding for this project will come from the 516 Water Line 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 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