

THE CITY OF SOUTH EUCLID
SCHEDULE OF MEETING
January 26, 2015
8:00 PM

1. PLEDGE OF ALLEGIANCE

2. ROLL CALL

3. APPROVAL OF MINUTES: December 8, 2014

4. RECOGNITION CEREMONY: Presenting Lt. Bill Schaefer with the Knights of Columbus Blue Coat Award

5. SPECIAL PRESENTATION:

A PROCLAMATION: CONGRATULATING THE NOTRE DAME COLLEGE FALCONS WOMEN'S RUGBY TEAM ON WINNING THE FALL 2014 ACRA DIVISION II NATIONAL CHAMPIONSHIP.

6. OPEN MEETING

7. LEGISLATION FOR REMOVAL FROM COUNCIL DOCKET:

1. ORDINANCE 20-14 AMENDING SECTION 2 OF ORDINANCE 20-09; FIXING THE SALARY RANGE, COMPENSATION AND RATES OF PAY FOR VARIOUS OFFICES, BOARDS, COMMISSIONS AND DEPARTMENTS OF THE MUNICIPAL GOVERNMENT EFFECTIVE JANUARY 1, 2009; TO CREATE THE POSITION OF CUSTODIAN; AND DECLARING AN EMERGENCY. **FOR REMOVAL.**

8. REPORT OF COMMITTEES

COMMITTEE-OF-THE-WHOLE

1. ORDINANCE 18-14 CREATING NEW SECTION 521.18 "ABANDONED SHOPPING CARTS PROHIBITED" OF CHAPTER 521 "HEALTH, SAFETY AND SANITATION" OF PART FIVE "GENERAL OFFENSES CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO. **SECOND READING.**

9. LEGISLATION REQUESTED BY CITY COUNCIL

1. ORDINANCE 01-15 CREATING NEW SECTION 1405.29 "CARBON MONOXIDE ALARMS" OF CHAPTER 1405 "BASIC STANDARDS FOR RESIDENTIAL OCCUPANCY" OF PART FOURTEEN "HOUSING CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO.

10. LEGISLATION REFERRED FROM THE PLANNING COMMISSION

1. ORDINANCE 17-12 AMENDING SECTION 710.08 "DEFINITIONS" OF CHAPTER 710 "INTERPRETATION, RULES OF CONSTRUCTION AND DEFINITIONS" OF TITLE ONE OF PART SEVEN "PLANNING AND ZONING CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO. **THIRD READING.**

2. ORDINANCE 18-12 AMENDING SECTION 721.03 "ACCESSORY USES" OF CHAPTER 721 "PERMITTED USES IN RESIDENTIAL DISTRICTS" OF TITLE TWO OF PART SEVEN "PLANNING AND ZONING CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO. **THIRD READING.**

11. MAYOR'S REPORT

12. LAW DIRECTOR'S REPORT

13. LETTERS AND COMMUNICATIONS

14. ADJOURN

REGULAR MEETING OF SOUTH EUCLID CITY COUNCIL

Council President Miller called the meeting to order and the Pledge of Allegiance was recited.

Roll Call.

Present: Councilman Dennis Fiorelli, Councilman Marty Gelfand, Council President Pro Tem Jane Goodman, Councilwoman Ruth Gray, Councilman Moe Romeo, Council President David Miller.

Absent: Councilman Edward Icove.

Approval of Minutes: July 14, 2014; July 21, 2014 Special Meeting of City Council; July 28, 2014 Meeting of Council
Action: Motion to Approve Legislation, **Moved by** Councilman Moe Romeo, **Seconded by** Council President Pro Tem Jane Goodman.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 6).

Yes: Councilman Dennis Fiorelli, Councilman Marty Gelfand, Council President Pro Tem Jane Goodman, Councilwoman Ruth Gray, Councilman Moe Romeo, Council President David Miller.

The Minutes have been approved.

Special Presentation

The 2014 graduates of the Citizens Police Academy were honored and presented certificates.

Opening Meeting of Council:

President Miller called the Open Meeting of Council to order and invited the audience to address Council:

- Laurel Tree, 4233 Lambert Road and a veterinarian at Belvoir Pet Hospital spoke in favor of allowing chickens to be kept in South Euclid.
- Molly Monaco, 4542 East Berwald, spoke in favor of supporting chickens in South Euclid.
- George Huang, 4644 Liberty Road stated that he supported an ordinance allowing chickens in backyards and that it will increase property taxes.
- Charles Turner, 4549 Lilac Road spoke regarding the Law Director's reconfirmation and stated that he is fearful of being sued by Mr. Lograsso for frivolous reasons and asked council to reconsider his confirmation and stated that Mr. Lograsso and Police Chief Nietert have been lying and withholding public records for two years.
- Charlene Quinn, 4040 Bayard, thanked Council for the opportunity to raise chickens and stated that she grew up on a 40 foot lot with chickens in Cleveland.
- Carol Johnson, 1573 Maplegrove Road, thanked the police officers who volunteered their time for the Police Academy and said that they were great.
- Stephanie Rhine, 5044 Mayfield Road, reported that she is a member of the South Euclid Lyndhurst Board of Education and reported on initiatives including community charitable fundraising events held by students at Greenview, Sunview, Adrian and Rowland schools. Ms. Rhine reported on student accomplishments including those of South Euclid resident Tyler Wynne. Ms. Rhine reported on the importance of the state keeping the Common Core standards and not changing standards midway through the core implementation and urged residents to contact their elected representatives.

Report of Council Committees:

Councilwoman Goodman reported that the Zoning & Planning Committee met to discuss legislation related to urban agriculture and regulation of allowing chickens to be kept in protected shelters at residences. The legislation is on the agenda to be referred to the Planning Commission for their review and recommendation.

President Miller reported that the Committee of the Whole held their monthly meeting to review City finances and as of November 28th the City has collected 98.85% of projected income and are approximately \$1 million under budget for disbursements. The General Fund balance is currently at \$4.3 million.

Zoning & Planning Committee

Introduced by Miller

Ordinance 13-14

ORDINANCE

CREATING NEW SECTION 722.05 "AGRICULTURE" OF CHAPTER 722 "CONDITIONAL USES IN RESIDENTIAL DISTRICTS" OF TITLE TWO "RESIDENTIAL DISTRICT REGULATIONS" OF PART SEVEN "PLANNING AND ZONING CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO. TO BE PLACED ON SECOND READING FOR REFERRAL TO THE PLANNING COMMISSION.

The legislation was placed on second reading and referred to the Planning Commission for discussion and review.

Introduced by Miller

Ordinance 14-14

ORDINANCE

AMENDING SECTION 505.17 "PROXIMITY TO DWELLINGS" OF CHAPTER 505 "ANIMALS AND FOWL" OF PART FIVE "GENERAL OFFENSES CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO. TO BE PLACED ON SECOND READING FOR REFERRAL TO THE PLANNING COMMISSION.

The legislation was placed on second reading and referred to the Planning Commission for discussion and review.

Legislation Requested by City Council

Introduced by Miller

Resolution 58-14

RESOLUTION

IN ACCORDANCE WITH ARTICLE V "ADMINISTRATIVE DEPARTMENTS AND COMMISSIONS" OF SECTION 1 "GENERAL PROVISIONS" OF THE CHARTER OF THE CITY OF SOUTH EUCLID, OHIO, THE COUNCIL OF THE CITY OF SOUTH EUCLID HEREBY CONFIRMS MICHAEL P. LOGRASSO AS DIRECTOR OF LAW. **SECOND READING.**

The legislation was placed on second reading for further discussion and review.

Introduced by Miller

Resolution 65-14

RESOLUTION

ESTABLISHING AN AD HOC CITIZENS COMMITTEE FOR THE PURPOSE OF ASSISTING THE RECREATION COMMITTEE IN MAKING THEIR RECOMMENDATION TO CITY COUNCIL, REGARDING RECREATIONAL LAND USE AND MAINTENANCE WITHIN THE CITY OF SOUTH EUCLID. **FIRST READING.**

Following discussion, the legislation was referred to the Recreation Committee for discussion and review.

Introduced by Miller

Resolution 19-14

ORDINANCE

CREATING NEW SECTION 509.081 "TEMPORARY SPECIAL CURFEW AREAS" OF CHAPTER 509 "DISORDERLY CONDUCT AND PEACE DISTURBANCES" OF PART FIVE "GENERAL OFFENSES CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO. **FIRST READING.**

Following discussion, the legislation was placed on First Reading and referred to the Safety Committee for discussion and review.

Mayor's Report:

- Mayor Welo reported that she and Chief Nietert will once again be meeting with an international being brought to the United States by the Council of World Affairs. The discussion will be with a group from Afghanistan who will hear about issues related to domestic violence. The Mayor reported on the fundraiser held for Lt. Schaefer and his family and the annual Euclid Creek holiday party. The Mayor congratulated One South Euclid and the Humane Society for their holiday lighting ceremony and events and also reported on an event held to reduce gun violence at the South Euclid United Church of Christ that was planned by Reverend Chris Eggert. Mayor Welo reported on the bids for 2015 road repair and water main replacement and also proposed legislation regarding abandoned shopping carts and legislation regarding the City Hall's custodian.
- Housing Manager Martin requested Council Consideration regarding the Bexley Park Community Garden legislation.
- Economic Development Director Love requested consideration of a resolution transferring a foreclosed property to One South Euclid and reported that the bakery "A Cookie and a Cupcake" will be opening next spring at Cedar Center.
- Mayor Welo thanked all of the residents and businesses that participated in the City's annual holiday food drive.

Legislation Requested by the Administration

Introduced by Miller

Resolution 59-14

RESOLUTION

AUTHORIZING THE MAYOR TO ADVERTISE FOR BIDS FOR THE BEXLEY PARK COMMUNITY GARDEN TO BE CONSTRUCTED AS PART OF THE CITY OF SOUTH EUCLID GREEN NEIGHBORHOODS INITIATIVE. **FIRST READING.**

Following discussion, **Action:** Motion to Approve Legislation, **Moved by** Council President David Miller, **Seconded by** Council President Pro Tem Jane Goodman.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 6).

Yes: Councilman Dennis Fiorelli, Councilman Marty Gelfand, Council President Pro Tem Jane Goodman, Councilwoman Ruth Gray, Councilman Moe Romeo, Council President David Miller.

The legislation has been approved.

Introduced by Miller

Resolution 60-14

RESOLUTION

AUTHORIZING THE CITY ENGINEER TO PREPARE THE NECESSARY PLANS, SPECIFICATIONS, AND ADVERTISE FOR BIDS FOR THE ELMWOOD ROAD INFRASTRUCTURE IMPROVEMENT PROJECT IN THE CITY OF SOUTH EUCLID, OHIO. **FIRST READING.**

Action: Motion to Approve Legislation, **Moved by** Council President David Miller, **Seconded by** Councilman Moe Romeo.

Following discussion, **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 6).

Yes: Councilman Dennis Fiorelli, Councilman Marty Gelfand, Council President Pro Tem Jane Goodman, Councilwoman Ruth Gray, Councilman Moe Romeo, Council President David Miller.

The legislation has been approved.

Introduced by Miller

Resolution 61-14

RESOLUTION

AUTHORIZING THE CITY ENGINEER TO PREPARE THE NECESSARY PLANS, SPECIFICATIONS, AND ADVERTISE FOR BIDS FOR THE 2015 COMBINED RESURFACING AND WATERMAIN RENEWAL PROGRAM IN THE CITY OF SOUTH EUCLID, OHIO. FIRST READING.

Action: Motion to Approve Legislation, **Moved by** Councilwoman Ruth Gray, **Seconded by** Council President Pro Tem Jane Goodman.

Following discussion, **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 6).

Yes: Councilman Dennis Fiorelli, Councilman Marty Gelfand, Council President Pro Tem Jane Goodman, Councilwoman Ruth Gray, Councilman Moe Romeo, Council President David Miller.

The legislation has been approved.

Introduced by Miller

Resolution 62-14

RESOLUTION

AUTHORIZING THE MAYOR TO CONVEY CERTAIN REAL PROPERTY OF THE CITY OF SOUTH EUCLID, OHIO

Action: Motion to Approve Legislation, **Moved by** Council President David Miller, **Seconded by** Councilman Moe Romeo.

Following discussion, **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 6).

Yes: Councilman Dennis Fiorelli, Councilman Marty Gelfand, Council President Pro Tem Jane Goodman, Councilwoman Ruth Gray, Councilman Moe Romeo, Council President David Miller.

The legislation has been approved.

Introduced by Miller

Resolution 63-14

RESOLUTION

REQUESTING FROM THE COUNTY AUDITOR A TAX ADVANCE FROM THE PROCEEDS OF THE 2014 TAX YEAR COLLECTION; AND DECLARING AN EMERGENCY. FIRST READING.

Action: Motion to Approve Legislation, **Moved by** Councilman Moe Romeo, **Seconded by** Council President Pro Tem Jane Goodman.

Yes: Councilman Dennis Fiorelli, Councilman Marty Gelfand, Council President Pro Tem Jane Goodman, Councilwoman Ruth Gray, Councilman Moe Romeo, Council President David Miller.

The legislation has been approved.

Introduced by Miller

Resolution 64-14

RESOLUTION

AUTHORIZING AN INCREASE OF APPROPRIATIONS IN THE FOLLOWING FUND: "LAND ACQUISITION FUND #440." FIRST READING.

Action: Motion to Approve Legislation, **Moved by** Councilman Moe Romeo, **Seconded by** Councilman Dennis Fiorelli.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 6).

Yes: Councilman Dennis Fiorelli, Councilman Marty Gelfand, Council President Pro Tem Jane Goodman, Councilwoman Ruth Gray, Councilman Moe Romeo, Council President David Miller.

The legislation has been approved.

Introduced by Miller

Ordinance 16-14

ORDINANCE

AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT EXTENDING THE ENGINEERING SERVICES FOR STEPHEN HOVANCSEK & ASSOCIATES FOR A PERIOD OF JANUARY 1, 2015 THROUGH DECEMBER 31, 2015. FIRST READING.

Action: Motion to Approve Legislation, **Moved by** Councilman Moe Romeo, **Seconded by** Council President David Miller.

Following discussion, **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 6).

Yes: Councilman Dennis Fiorelli, Councilman Marty Gelfand, Council President Pro Tem Jane Goodman, Councilwoman Ruth Gray, Councilman Moe Romeo, Council President David Miller.

The legislation has been approved.

Introduced by Miller

Ordinance 17-14

ORDINANCE

TO MAKE TEMPORARY APPROPRIATIONS FOR CURRENT AND OTHER EXPENSES OF THE CITY OF SOUTH EUCLID, STATE OF OHIO, DURING THE FISCAL YEAR ENDING DECEMBER 31, 2015; AND DECLARING AN EMERGENCY. FIRST READING.

Action: Motion to Approve Legislation, **Moved by** Councilman Moe Romeo, **Seconded by** Council President David Miller.

Following discussion, **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 6).

Yes: Councilman Dennis Fiorelli, Councilman Marty Gelfand, Council President Pro Tem Jane Goodman, Councilwoman Ruth Gray, Councilman Moe Romeo, Council President David Miller.

The legislation has been approved.

Introduced by Miller

Ordinance 18-14

ORDINANCE

CREATING NEW SECTION 521.18 "ABANDONED SHOPPING CARTS PROHIBITED" OF CHAPTER 521 "HEALTH, SAFETY, AND SANITATION" OF PART FIVE "GENERAL OFFENSES CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO. FIRST READING.

The legislation was placed on First Reading and referred to the Committee of the Whole.

Introduced by Miller

Ordinance 20-14

ORDINANCE

AMENDING SECTION 2 OF ORDINANCE 20-09; FIXING THE SALARY RANGE, COMPENSATION AND RATES OF PAY FOR VARIOUS OFFICES, BOARDS, COMMISSIONS, AND DEPARTMENTS OF THE MUNICIPAL GOVERNMENT EFFECTIVE JANUARY 1, 2009; TO CREATE THE POSITION OF CUSTODIAN; AND DECLARING AN EMERGENCY. FIRST READING.

The legislation was placed on First Reading and referred to the Finance Committee.

Law Director's Report

Law Director Lograsso reported on a lawsuit regarding building department violations at the shopping plaza on between East Antisdale and Grosvenor Roads on Warrensville Center Road.

Letters & Communications

- Council President Miller scheduled the following Committee Meetings: COW on January 12 at 6:30 pm regarding abandoned shopping carts; Committee Meeting regarding the City's custodian on January 12 at 7:15 pm; and Recreation Committee on January 26 at 7 pm.
- Council President Pro Tem Goodman reported on a project with Notre Dame College biology students at the Langerdale retention basin and their presentation regarding potential invasive issues affecting plants and wildlife.
- Councilwoman Gray congratulated the Mayor on the international woman's group that is meeting with her and the Police Chief to discuss issues of domestic violence and cautioned that Mayor on how to handle the discussion. Councilwoman Gray reported that the annual Kwanzaa celebration will be December 30th. Ms. Gray stated to resident Chuck Turner that she did receive his letter and will help and support him to get a remedy and assistance and his comments are not falling on deaf ears. Councilwoman Gray stated that she congratulates the Mayor's son on his new job with a law firm that has done business with the city, and that it speaks volumes to his ability, but that she believes it was not appropriate to discuss in executive session at the last meeting. Ms. Gray stated that the Executive Session was regarding pending litigation and the sale of real property and without going into details of the discussion feels an obligation to discuss and reveal the issue and that the issue had nothing to do with pending litigation or sale of real property and that the Ohio Sunshine Laws, Ohio Revised Code and Secretary of State very clearly spell out the purpose of executive sessions and that she is wrong, she apologizes, but she wants to feel that council is doing is in accordance with the law. Law Director Lograsso responded that he had reviewed the issue and that there is a similar case that was from the 8th District courts and that the discussion in Executive Session regarding the City's Legal Counsel hiring the Mayor's son was completely appropriate and 100% legal.
- Councilman Gelfand stated that when he was sworn in as a councilman he took an oath to follow the law and that what happens in Executive Session, stays in Executive Session. Mr. Gelfand state that what was discussed was certainly on point with the purpose of discussing litigation. Councilman Gelfand reported on a meeting he attended for the Cuyahoga Fair Housing Alliance and a speech by University Circle President Chris Ronayne. Mr. Gelfand discussed upcoming holiday events and stated that South Euclid is a great diverse community and wished everyone happy holidays.
- Councilman Romeo reported on the annual Ward Two holiday decorations contest and reported that the Mayor will be recognized by the national organization Building One America as a visionary leader and stated that the Mayor deserves it not only for the South Euclid, but for her work Countywide.
- Councilman Fiorelli reported that recycling through November is down 18 tons from last year and that solid waste is up, but the recycling effort is still saving approximately \$250,000 less than pre automated recycling conversion in 2011. Mr. Fiorelli reported on the Recycling Committee's community potluck.
- President Miller reported that Brush boys' basketball opens the season tomorrow night.

Adjourn

Action: Motion to adjourn, **Moved by** Councilman Marty Gelfand, **Seconded by** Council President David Miller.

Vote: Motion carried by unanimous roll call vote (summary: Yes = 6).

Yes: Councilman Dennis Fiorelli, Councilman Marty Gelfand, Council President Pro Tem Jane Goodman, Councilwoman Ruth Gray, Councilman Moe Romeo, Council President David Miller.

The Meeting Adjourned to Executive Session at 9:17 pm.

Attest:

Council President

Clerk of Council

CITY OF SOUTH EUCLID, OHIO

ORDINANCE NO.: 18-14
INTRODUCED BY: Miller
REQUESTED BY: Mayor

December 8, 2014
As Amended in Committee: January 12, 2015
Second Reading: January 26, 2015

AN ORDINANCE

CREATING NEW SECTION 521.18 "ABANDONED SHOPPING CARTS PROHIBITED" OF CHAPTER 521 "HEALTH, SAFETY AND SANITATION" OF PART FIVE "GENERAL OFFENSES CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO.

WHEREAS, there has been an increase of abandoned shopping carts throughout the city; and

WHEREAS, said shopping carts are both a public nuisance and an eyesore to the city landscape; and

WHEREAS, the Council of the City of South Euclid desires to regulate and abate the nuisances caused by abandoned shopping carts.

NOW THEREFORE BE IT ORDAINED by the Council of the City of South Euclid, Ohio:

Section 1: That New Section 521.18 "Abandoned Shopping Carts Prohibited" of Chapter 521 "Health, Safety and Sanitation" of Part Five "General Offenses Code" of the Codified Ordinances of the City of South Euclid, Ohio be hereby created to read as follows:

"SECTION 521.18 – ABANDONED SHOPPING CARTS PROHIBITED.

- (a) No person, owner, occupant, business or agent shall permit shopping carts to be abandoned off of their place of business and to remain on public or private property.
- (b) The Director of Public Service is hereby directed to collect said abandoned shopping carts and store them for no longer than ~~forty-eight (48) hours~~ **three (3) business days**. The Director of Service or his designee shall attempt to identify the owner of the abandoned shopping cart and notify them to pick them up from the Service Department. If said abandoned shopping carts are not picked up by the owner within ~~the forty-eight (48) hour time period~~ **three (3) business days**, the Director of Service is directed to dispose of the cart by any manner allowed by law.
- (c) If the owner of the abandoned shopping cart is identified and they fail to retrieve the cart within ~~the forty-eight (48) hour time period~~ **three (3) business days**, the owner shall be charged a civil penalty of fifty (\$50) dollars per abandoned cart."

Section 2: That is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its Committees on or after November 25, 1975, 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 deemed to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety within the City and therefore should be adopted at the earliest possible time. Wherefore this Ordinance shall take effect and be in force from and after the earliest period allowed by law and upon signature of the Mayor.

Passed this _____ day of _____, 2014 2015.

David B. Miller, President of Council

Attest:

Approved:

Keith A. Benjamin, Clerk of Council

Georgine Welo, Mayor

Approved as to form:

Michael P. Lograsso, Director of Law

CITY OF SOUTH EUCLID, OHIO

ORDINANCE NO.: 01-15
INTRODUCED BY: Fiorelli
REQUESTED BY: Fiorelli

January 26, 2015

AN ORDINANCE

CREATING NEW SECTION 1405.29 "CARBON MONOXIDE ALARMS" OF CHAPTER 1405 "BASIC STANDARDS FOR RESIDENTIAL OCCUPANCY" OF PART FOURTEEN "HOUSING CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO.

WHEREAS, the Council of the City of South Euclid recognizes the dangers posed by carbon monoxide; and

WHEREAS, City Council, to help prevent exposure to carbon monoxide gases, feels it is in the best interest of the citizens of South Euclid for their health, safety and welfare to require carbon monoxide alarms in all new and existing rental units within the city; and

WHEREAS, it is the desire of City Council to have all current rental units come into compliance with this Section within six months from the date of passage of this Ordinance.

NOW THEREFORE BE IT ORDAINED by the Council of the City of South Euclid, Ohio:

Section 1: That new Section 1405.29 "Carbon Monoxide Alarms" of Chapter 1405 "Basic Standards for Residential Occupancy" of Part Fourteen "Housing Code" of the Codified Ordinances of the City of South Euclid, Ohio be hereby created to read as follows:

"Section 1405.29 – Carbon Monoxide Alarms

1405.29 Carbon Monoxide Alarms.

It shall be the responsibility of the owner of each new and existing unit intended for rental purposes, within which fuel-fire appliances exist or having attached garages, to install a carbon monoxide alarm in each residential dwelling unit. Carbon monoxide alarms shall be installed in accordance with the Residential Code of Ohio."

Section 2: That is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees on or after November 25, 1975, 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 deemed to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety within the City and therefore should be adopted at the earliest possible time in order to reduce the inherent danger posed by carbon monoxide in the City. Wherefore this Ordinance shall take effect and be in force from and after the earliest period allowed by law and upon signature of the Mayor.

Passed this _____ day of _____, 2015.

David B. Miller, President of Council

Attest:

Approved:

Keith A. Benjamin, Clerk of Council

Georgine Welo, Mayor

Approved as to form:

Michael P. Lograsso, Director of Law

CITY OF SOUTH EUCLID, OHIO

ORDINANCE NO.: 17-12
INTRODUCED BY: Goodman
REQUESTED BY: Goodman and Icove

July 23, 2012
For Referral to the Planning
Commission: November 10, 2014
As Approved by the Planning
Commission: January 8, 2015
Third Reading: January 26, 2015

AN ORDINANCE

AMENDING SECTION 710.08 "DEFINITIONS" OF CHAPTER 710 "INTERPRETATION, RULES OF CONSTRUCTION AND DEFINITIONS" OF TITLE ONE OF PART SEVEN "PLANNING AND ZONING CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO

WHEREAS, the Council has requested that Section 710.08 of Chapter 710 "Interpretation, Rules of Construction and Definitions" of Title One of Part Seven of the Codified Ordinances of the City of South Euclid, Ohio relating to "Definitions" within the City be amended; and

WHEREAS, the Council deems that the aforesaid zoning amendment should be made and that the same is conducive to the public health, safety, convenience, and general welfare of the City.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of South Euclid, Ohio:

Section 1: That Section 710.08 "Definitions" of Chapter 710 "Interpretation, Rules of Construction and Definitions" of Title One of Part Seven "Planning and Zoning Code" of the Codified Ordinances of the City of South Euclid, Ohio be hereby amended to read as follows:

710.08 DEFINITIONS.

Words and terms used in this Planning and Zoning Code shall be defined in accordance with the provisions set forth in this section.

(h) Words and Terms of letter "H"

Home Based Business: The use of a single family residential dwelling, appurtenant structure, accessory building, and/or property, or a multiple family residential dwelling unit to ~~provide a service, produce a product, sell merchandise, or otherwise~~ engage in an activity for the pursuit of remuneration; excluding the sale of the property and its improvements, garage sales, and infrequent sale of personal property, solely as a residence.

Section 2: That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees on or after November 25, 1975, that resulted in such formal action were in meeting open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 3: Wherefore, this Ordinance shall take effect and be in force from and after the earliest period allowed by law and upon signature of the Mayor.

Passed this _____ day of _____, 2012 2015.

David B. Miller, President of Council

Attest:

Keith A. Benjamin, Clerk of Council

Approved as to form:

Michael P. Lograsso, Director of Law

Approved:

Georgine Welo, Mayor

CITY OF SOUTH EUCLID, OHIO

ORDINANCE NO.: 18-12
INTRODUCED BY: Goodman
REQUESTED BY: Goodman and Icove

July 23, 2012
As Amended by the Zoning &
Planning Committee:
October 27, 2014
For Referral Back to the Planning
Commission: November 10, 2014
As Amended by the Planning
Commission: January 8, 2015
Third Reading: January 26, 2015

AN ORDINANCE

AMENDING SECTION 721.03 "ACCESSORY USES" OF CHAPTER 721 "PERMITTED USES IN RESIDENTIAL DISTRICTS" OF TITLE TWO OF PART SEVEN "PLANNING AND ZONING CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO.

WHEREAS, the Council of the City of South Euclid has requested that Section 721.03 of Chapter 721 "Permitted Uses in Residential Districts" of Title Two of Part Seven of the Codified Ordinances of the City of South Euclid, Ohio relating to "Accessory Uses" within the City be amended; and

WHEREAS, the Council recognizes the need for some citizens to use their place of residence for limited business activities; and

WHEREAS, the Council desires to ensure that home based business are accessory and clearly incidental to the residential use of the dwelling; and

WHEREAS, the Council desires to protect and maintain the character of residential neighborhoods; and

WHEREAS, the Council desires to ensure that home based business do not create excess traffic, activity, noise, or other nuisances; and

WHEREAS, the Council desires to have clarity, consistency, and uniformity in the application of the regulations pertaining to "Accessory Uses"; and

WHEREAS, the Council deems that the aforesaid zoning amendment should be made and that the same is conducive to the public health, safety, convenience, and general welfare of the City.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of South Euclid, Ohio:

Section 1: That Section 721.03 "Accessory Uses" of Chapter 721 "Permitted Uses in Residential Districts" of Title Two of Part Seven "Planning and Zoning Code" of the Codified Ordinances of the City of South Euclid, Ohio be hereby amended to read as follows:

721.03 ACCESSORY USES.

(a) The following accessory uses, and home-based business operations, are permitted in the various Residential Districts, provided that, in the case of home-based businesses, the dwelling is in continuous use as the established place of residence and primary dwelling of the business owner, and provided that the activities do not include any of the following:

1. Dwelling and Structures
 - a. any display or signage the might indicate from the exterior that the dwelling is being used for anything other than residential purposes;
 - b. any alteration of the exterior of the dwelling or appurtenant structures that would change the residential character of the premises;

- c. use of a garage or appurtenant structure to the extent that it would no longer accommodate the parking of one automobile or truck completely within the structure with the door closed;
- d. the presence of radio antennae that do not meet the following specific regulations:
 - (1) The maximum height is fifty feet from ground elevation;
 - (2) All antennae must be attached to the rear of the dwelling where practical; and
 - (3) The material and construction of all amateur radio antennae shall be approved by the Commissioner of Building for strength, construction, safety, and durability.

2. Operations

- a. use of the dwelling by more than three non-residents of the dwelling as employees at any one time;
- b. the parking of more vehicles than can be accommodated in the dwelling's driveway or within a reasonable number of on-street parking spaces proximate to the dwelling;
- c. generation of commercial truck traffic other than normal parcel delivery services;
- d. use of the dwelling to produce or sell products that may in themselves, or whose ingredients may, pose a danger to the health of employees or neighbors, or to the integrity of the building itself.
- e. **Generation of pedestrian or automobile traffic and/or parking of clients and associates that is not normal to a Residential District.**
- f. **Use of the property as a Commercial establishment other than a residence.**
- g. **Use of the dwelling as a hair salon.**

3. External Effects

- a. creation of noise, dust, heat, fumes, odors, smoke, vibration, or other nuisances, including electrical or radio frequency interference;
- b. generation of excessive amounts of trash, materials, or yard waste placed on the curb for pickup by the city's garbage collection contractor.

(b) All residents wishing to operate a home-based business in the City shall register their business with the ~~Economic Development Department~~ **City of South Euclid**, using forms provided for this purpose by the ~~Department~~ **City**.

(c) Business operations shall cease when such use is deemed to be detrimental to the public health, safety, and welfare, or constitutes a nuisance, or when the use is in violation of any statute, ordinance, law or regulation.

Section 2: That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees on or after November 25, 1975, 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: Wherefore, this Ordinance shall take effect and be in force from and after the earliest period allowed by law and upon signature of the Mayor.

Passed this _____ day of _____, 2012 2015.

David B. Miller, President of Council

Attest:

Approved:

Keith A. Benjamin, Clerk of Council

Georgine Welo, Mayor

Approved as to form:

Michael P. Lograsso, Director of Law