

THE CITY OF SOUTH EUCLID SCHEDULE OF MEETING

October 28, 2013

8:00 PM

1. **PLEDGE OF ALLEGIANCE**

2. **ROLL CALL**

3. **APPROVAL OF MINUTES:** September 9, 2013; September 23, 2013;
and October 14, 2013

4. **OPEN MEETING**

5. **REPORT OF COMMITTEES**

ZONING & PLANNING COMMITTEE:

1. RESOLUTION 49-13 GRANTING A CONDITIONAL USE PERMIT TO THE CUYAHOGA COUNTY PUBLIC LIBRARY ("CCPL"), LOCATED AT 1876 SOUTH GREEN ROAD IN THE CITY OF SOUTH EUCLID, OHIO; AND DECLARING AN EMERGENCY. **THIRD READING.**

6. **LEGISLATION REQUESTED BY THE PLANNING COMMISSION**

1. RESOLUTION 57-13 GRANTING A CONDITIONAL USE PERMIT TO THE EUCLID AVENUE CONGREGATIONAL CHURCH ("EACC"), LOCATED AT 4217 BLUESTONE ROAD IN THE CITY OF SOUTH EUCLID, OHIO; AND DECLARING AN EMERGENCY. FIRST READING.

7. **MAYOR'S REPORT**

8. **LEGISLATION REQUESTED BY THE MAYOR AND ADMINISTRATION**

1. RESOLUTION 54-13 AUTHORIZING THE MAYOR TO CONVEY CERTAIN REAL PROPERTY OF THE CITY OF SOUTH EUCLID, OHIO TO ONE SOUTH EUCLID. FIRST READING.
2. RESOLUTION 55-13 REQUESTING FROM THE COUNTY AUDITOR A TAX ADVANCE FROM THE PROCEEDS OF THE 2013 TAX YEAR COLLECTION; AND DECLARING AN EMERGENCY. FIRST READING.
3. RESOLUTION 56-13 AUTHORIZING THE FINANCE DIRECTOR AND SERVICE DIRECTOR TO ENTER INTO A LEASE AGREEMENT WITH MURPHY TRACTOR & EQ. CO. INC FOR EQUIPMENT FOR THE SERVICE DEPARTMENT IN THE CITY OF SOUTH EUCLID, OHIO; AND DECLARING AN EMERGENCY. FIRST READING.

9. **LAW DIRECTOR'S REPORT**

10. **LETTERS AND COMMUNICATIONS**

11. **ADJOURN**

CITY OF SOUTH EUCLID, OHIO

RESOLUTION NO.: 49-13
INTRODUCED BY: Miller
REQUESTED BY: Planning Commission

September 23, 2013
Second Reading: October 14, 2013
As Amended in Zoning & Planning
Committee: October 21, 2013
Third Reading: October 28, 2013

A RESOLUTION

GRANTING A CONDITIONAL USE PERMIT TO THE CUYAHOGA COUNTY PUBLIC LIBRARY ("CCPL"), LOCATED AT 1876 SOUTH GREEN ROAD IN THE CITY OF SOUTH EUCLID, OHIO, ~~AND DECLARING AN EMERGENCY.~~

WHEREAS, the City of South Euclid recognizes that various public and private institutions and facilities are essential to the community; and

WHEREAS, the Planning Commission, after careful study, has recommended to Council in a vote of 5-0-0 that a Conditional Use Permit be granted to the Cuyahoga County Public Library ("CCPL") for construction of a new branch located at 1876 South Green Road; and

WHEREAS, notice of a public hearing on the aforesaid requested Conditional Use Permit has been duly given, and a full public hearing has been held thereon by the Planning Commission pursuant to such notice and as prescribed by law; and

WHEREAS, the Council of the City of South Euclid deems that the aforesaid Conditional Use Permit should be given in that a hardship exists in the land and that the standards set forth in Chapter 722 of the South Euclid Zoning Code have been achieved.

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

Section 1: That a Conditional Use Permit is hereby granted to the ~~Cuyahoga County Public Library~~ (CCPL), located at 1876 South Green Road in the City of South Euclid, Ohio, per the following conditions:

- Condition 1:** The Traffic Commissioner's comments in his report dated June 5, 2013 shall be addressed to the satisfaction of the Traffic Commissioner.
- a. The ingress/egress driveway on South Green Road for the CCPL is to align with the ingress/egress of Notre Dame College.
 - b. **The CCPL shall participate in the cost of traffic calming device(s).**
- Condition 2:** The adequate buffering as defined between the specifically identified residential properties and the Cuyahoga County Public Library site located at 1876 South Green Road.
- a. The buffer for the properties numbers: 703-25-053, 703-25-054, 703-25-055, **703-25-057, 703-25-058, and 703-25-040** shall consist of fencing as approved by the Architectural Review Board ~~that and~~ attaches to the Cuyahoga County Public Library, traverses north to the property 703-25-054 and then the fence shall traverse westerly to the approximate westerly property line of 703-25-055. **CCPL at the northeast corner.**
 - b. The buffer for the Summit Drive ingress/egress onto Greenway Road shall be connected to the fencing employed in item "a."
 - c. ~~The buffer for the property 703-25-040 shall consist of a fence as approved by the Architectural Review Board that will attach to the Cuyahoga County Public Library and traverse north to the northerly boundary line of property 703-25-040.~~

c. Access for property maintenance shall be provided to the rear portion of the property of the proposed Library Building that abuts the following residential properties: 703-25-040, 703-25-058, 703-25-057, and 703-25-054, and 703-25-053.

d. The buffer for the property south of Rosemary Drive, 703-24-030 shall consist of a six foot high black vinyl fence and landscaping buffer as approved by the Architectural Review Board and the city landscape architect.

Condition 3: ~~Any future development or addition to the Cuyahoga County Public Library and/or its site located at 1876 South Green Road that requires a request for a variance from any requirement or condition imposed by the regulations of the South Euclid Codified Ordinances shall not be reviewed by the South Euclid Board of Appeals unless the Planning Commission grants permission for the applicant to submit the variance request. CCPL shall provide 144 parking spaces. CCPL shall retain the elm tree and shall make all reasonable efforts to preserve the Dawn Redwood and any other trees.~~

Section 2: That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution 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 Resolution is declared to be an emergency measure necessary for the preservation of the public peace, health and safety and for the further reason that a vital function of the municipal government is affected thereby. Wherefore, this Resolution shall take effect and be in full force from and after the earliest period allowed by law and upon signature of the Mayor.~~

Passed this _____ day of _____, 2013.

Edward A. Icove, President Pro Tem

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

RESOLUTION NO.: 57-13
INTRODUCED BY: Icove
REQUESTED BY: Planning Commission

October 28, 2013

A RESOLUTION

GRANTING A CONDITIONAL USE PERMIT TO THE EUCLID AVENUE CONGREGATIONAL CHURCH ("EACC"), LOCATED AT 4217 BLUESTONE ROAD IN THE CITY OF SOUTH EUCLID, OHIO; AND DECLARING AN EMERGENCY.

WHEREAS, the City of South Euclid recognizes that various public and private institutions and facilities are essential to the community; and

WHEREAS, the Planning Commission, after careful study, has recommended to Council in a vote of that a Conditional Use Permit be granted to the Euclid Avenue Congregational Church ("EACC") for construction and alterations of the former St. Margaret Mary Church at 4217 Bluestone Road; and

WHEREAS, notice of a public hearing on the aforesaid requested Conditional Use Permit has been duly given, and a full public hearing has been held thereon by the Planning Commission pursuant to such notice and as prescribed by law; and

WHEREAS, the Council of the City of South Euclid deems that the aforesaid Conditional Use Permit should be given in that a hardship exists in the land and that the standards set forth in Chapter 722 of the South Euclid Zoning Code have been achieved.

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

Section 1: That a Conditional Use Permit is hereby granted to the Euclid Avenue Congregational Church ("EACC") located at 4217 Bluestone Road in the City of South Euclid, Ohio, per the following conditions:

NOTE: Conditions will be added to the legislation upon receipt of a letter from the Planning Commission stating the conditions necessary for a conditional use permit to be issued.

Section 2: That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution 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 Resolution is declared to be an emergency measure necessary for the preservation of the public peace, health and safety and for the further reason that a vital function of the municipal government is affected thereby. Wherefore, this Resolution shall take effect and be in full force from and after the earliest period allowed by law and signature of the Mayor.

Passed this _____ day of _____, 2013.

Edward A. Icove, President Pro Tem

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

RESOLUTION NO.: 54-13
INTRODUCED BY: Icove
REQUESTED BY: Mayor

October 28, 2013

A RESOLUTION

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

WHEREAS, the City of South Euclid is the owner of certain parcels of vacant and improved land, as defined in Exhibit A attached hereto; and

WHEREAS, the subject parcels were deeded to the City of South Euclid through the Cuyahoga County tax foreclosure process, from the Cuyahoga Land Bank, and/or as donations from the National Community Stabilization Trust; and

WHEREAS, the Council of the City of South Euclid has, upon study and consideration, determined that said parcels do not serve and are not needed for any municipal purpose; and

WHEREAS, in accordance with the agreement for professional services, the City's Community Development Corporation, One South Euclid, has the ability to dispose of the subject parcels and return the land to productive use.

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

Section 1: That the Council has determined the subject parcels do not serve any municipal purpose.

Section 2: That the Mayor be and she is hereby authorized to convey said parcels of real property (as shown in Exhibit A, attached hereto) to the City's Community Development Corporation, One South Euclid, in order to dispose of the property and return the land to productive use.

Section 3: That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution 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 4: That this Resolution is deemed to be an emergency measure necessary for the immediate preservation of the peace, health, safety and welfare of the residents and for the further reason that the subject property does not serve any municipal purpose and should be disposed of through conveyance to One South Euclid to return the property to productive use. This Resolution shall take effect upon passage and approval.

Passed this _____ day of _____, 2013.

Edward A. Icove, President Pro Tem

Attest:

Approved:

Keith A. Benjamin, Clerk of Council

Georgine Welo, Mayor

Approved as to form:

Michael P. Lograsso, Director of Law

EXHIBIT A:

Parcels (Vacant Lots) to be conveyed to One South Euclid:

PP#	Address	Street Name
704-10-105	4014	Wandsworth Drive

Improved properties (contain an existing structure) to be conveyed to One South Euclid:

PP#	Address	Street Name
701-01-036	3818	Merrymound Road

CITY OF SOUTH EUCLID, OHIO

RESOLUTION NO: 55-13
INTRODUCED BY: Icove
REQUESTED BY: Mayor

October 28, 2013

A RESOLUTION

REQUESTING FROM THE COUNTY AUDITOR A TAX ADVANCE FROM THE PROCEEDS OF THE 2013 TAX YEAR COLLECTION; AND DECLARING AN EMERGENCY.

WHEREAS, the municipality is in need of funds with which to carry on municipal activities.

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

Section 1: That the County Auditor be, and he is hereby, authorized and directed to pay to the Director of Finance of the City of South Euclid, Ohio, all monies now in the hands, and that may hereafter come into the hands, of the County Treasurer which are payable to the City of South Euclid from the proceeds of the 2013 tax year collection, including, without limitation, revenues from personal property taxes, real property taxes and the following special assessments collected: m108289, "Sewer Maintenance;" and m208200, "Street Lights."

Section 2: That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution 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 Resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety, and for the reason that the general fund balance is being depleted. Wherefore, this Resolution 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 _____, 2013.

Edward A. Icove, President Pro Tem

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

RESOLUTION NO.: 56-13
INTRODUCED BY: Icove
REQUESTED BY: Mayor

October 28, 2013

A RESOLUTION

AUTHORIZING THE FINANCE DIRECTOR AND SERVICE DIRECTOR TO ENTER INTO A LEASE AGREEMENT WITH MURPHY TRACTOR & EQ. CO. INC. FOR EQUIPMENT FOR THE SERVICE DEPARTMENT IN THE CITY OF SOUTH EUCLID, OHIO, AND DECLARING AN EMERGENCY.

BE IT RESOLVED by the Council of the City of South Euclid, Ohio:

WHEREAS, the Service Director has determined that a true and real need exists for the acquisition of the following equipment for the Service Department of the City of South Euclid, Ohio:

- 1) John Deere 544K Front End Loader.

NOW THEREFORE BE IT RESOLVED that:

Section 1: That the Council of the City of South Euclid has determined that the leasing of said equipment is in the best interest of the City of South Euclid, and

Section 2: That the Finance Director and the Service Director are authorized to enter into the necessary lease agreement for said equipment which shall consist of five (5) annual payments of \$29,958.92 beginning September 2014 for a total of \$149,794.60.

Section 3: That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution 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 4: That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety and for the further reason that a vital function of the Municipal government is effected thereby. Wherefore, this Resolution 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 _____, 2013.

Edward A. Icove, President Pro Tem

Attest:

Approved:

Keith A. Benjamin, Clerk of Council

Georgine Welo, Mayor

Approved as to form:

Michael P. Lograsso, Director of Law