

THE CITY OF SOUTH EUCLID SCHEDULE OF MEETING

April 13, 2015
8:00 PM

1. PLEDGE OF ALLEGIANCE

2. ROLL CALL

3. OPEN MEETING

4. LEGISLATION REQUESTED BY CITY COUNCIL

1. RESOLUTION 08-15 DESIGNATING APRIL 2015 AS "NATIONAL AUTISM AWARENESS MONTH" IN THE CITY OF SOUTH EUCLID, TO INCREASE PUBLIC AWARENESS OF THE NEED TO SUPPORT INDIVIDUALS WITH AUTISM AND THE FAMILY MEMBERS AND MEDICAL PROFESSIONALS WHO CARE FOR INDIVIDUALS WITH AUTISM; AND DECLARING AN EMERGENCY. FIRST READING.

5. REPORT OF COMMITTEES

COMMITTEE-OF-THE-WHOLE

1. RESOLUTION 05-15 AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH CFT NV DEVELOPMENTS, LLC FOR THE PURCHASE AND SALE OF REAL PROPERTY IN THE CITY OF SOUTH EUCLID, OHIO. **SECOND READING.**

RECREATION COMMITTEE

1. ORDINANCE 21-14 AMENDING SECTION 933.07, FEES FOR USE, AS CONTAINED IN CHAPTER 933, MUNICIPAL SWIMMING POOLS OF PART NINE STREETS AND PUBLIC SERVICES CODE OF THE CITY OF SOUTH EUCLID; SETTING ADMISSION FEES, SEASON PASSES, SPECIAL PROGRAMS, RECIPROCITY WITH THE CITY OF LYNDHURST FOR THE USE OF THE MUNICIPAL SWIMMING POOLS AND SPLASH PARK BY RESIDENTS OF THE CITY, AND ALLOWING RESIDENTS OF THE CITY OF RICHMOND HEIGHTS USE OF THE MUNICIPAL SWIMMING POOLS AND SPLASH PARK ACCORDING TO THE FEE SCHEDULE CONTAINED WITHIN. **THIRD READING.**

6. MAYOR'S REPORT

7. LEGISLATION REQUESTED BY THE MAYOR AND ADMINISTRATION

1. RESOLUTION 07-15 DECLARING THE NECESSITY TO LEVY A RENEWAL TAX OUTSIDE OF THE TEN MILL LIMITATION FOR THE PURPOSE OF PROVIDING FUNDS FOR CONSTRUCTION, RECONSTRUCTION, RESURFACING AND REPAIR OF ROADS AND STREETS IN THE CITY; AND DECLARING AN EMERGENCY. FIRST READING.

2. RESOLUTION 09-15 PROCLAIMING APRIL AS FAIR HOUSING MONTH IN THE CITY OF SOUTH EUCLID, AND CELEBRATING THE 47TH YEAR SINCE THE PASSAGE OF THE FEDERAL FAIR HOUSING ACT. FIRST READING.
3. RESOLUTION 10-15 AUTHORIZING THE TRANSFER OF APPROPRIATED FUNDS IN THE GENERAL FUND TO THE BOND RETIREMENT FUND, THE BOND RETIREMENT FUND (RECREATION), THE CAPITAL PROJECTS FUND, THE LAND ACQUISITION FUND, THE SEWER MAINTENANCE FUND, THE SICK LEAVE FUND, AND THE SWIMMING POOLS FUND. FIRST READING.
4. ORDINANCE 07-15 AMENDING SECTIONS 1408.01 "PURPOSE"; 1408.02 "DEFINITIONS"; 1408.03 "EXEMPTIONS", 1408.04 "PROHIBITED ACTS"; 1408.05 "POSTING OF NOTICES"; 1408.13 "HEARINGS"; 1408.16 "REMEDIAL ACTIONS"; OF CHAPTER 1408 "FAIR HOUSING" OF PART FOURTEEN "HOUSING CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO; AND DECLARING AN EMERGENCY. FIRST READING.

8. LAW DIRECTOR'S REPORT

9. LETTERS AND COMMUNICATIONS

10. ADJOURN

CITY OF SOUTH EUCLID, OHIO

RESOLUTION NO.: 08 -15
INTRODUCED BY: Miller
REQUESTED BY: Romeo

April 13, 2015

A RESOLUTION

DESIGNATING APRIL 2015 AS "NATIONAL AUTISM AWARENESS MONTH" IN THE CITY OF SOUTH EUCLID, TO INCREASE PUBLIC AWARENESS OF THE NEED TO SUPPORT INDIVIDUALS WITH AUTISM AND THE FAMILY MEMBERS AND MEDICAL PROFESSIONALS WHO CARE FOR INDIVIDUALS WITH AUTISM; AND DECLARING AN EMERGENCY.

WHEREAS, autism is a developmental disorder that is typically diagnosed during the first 3 years of life, robbing individuals of their ability to communicate and interact with others; and

WHEREAS, a March, 2014 report concluded that the prevalence of autism had risen to 1 in every 68 births in the United States – nearly twice as great as the 2004 rate of 1 in 125 – and almost 1 in 54 boys; and

WHEREAS, the spotlight shining on autism as a result has opened opportunities for the nation to consider how to serve families facing a lifetime of supports for their children; and

WHEREAS, autism can affect anyone, regardless of race, ethnicity, or other factors; and

WHEREAS, the cost nationally of caring for persons affected by autism is estimated at upwards of \$90,000,000,000 per year and in June 2014, researchers estimated the lifetime cost of caring for a child with autism is as great as \$2.4 million; and

WHEREAS, despite the fact that autism is one of the most common developmental disorders, many professionals in the medical and educational fields are still unaware of the best methods to diagnose and treat the disorder; and

WHEREAS, autism is treatable and while children do not "outgrow" autism, studies show that early diagnosis and intervention lead to significantly improved outcomes.

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

Section 1: That the Council and Mayor of the City of South Euclid designate April, 2015 as "National Autism Awareness Month" to increase public awareness of the need to support individuals with autism and the family members and medical professionals who care for individuals with autism.

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 _____, 2015.

David B. Miller, President of Council

Approved:

Attest:

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.: 05-15
INTRODUCED BY: Miller
REQUESTED BY: Mayor

March 23, 2015
Second Reading: April 13, 2015

A RESOLUTION

AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH CFT NV DEVELOPMENTS, LLC FOR THE PURCHASE AND SALE OF REAL PROPERTY IN THE CITY OF SOUTH EUCLID, OHIO.

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

Section 1: That the Mayor be and she is hereby authorized to enter into an agreement with CFT NV Developments, LLC for the purchase and sale of real property located at Cedar Center in the City of South Euclid, Ohio, under the terms and provisions as contained in the agreement, a copy of which is attached hereto, and subject to changes approved by the City Law Director, and made a part hereof as Exhibit A.

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 deemed to be an emergency measure necessary for the immediate preservation for the public health and safety, and for further reason that this Resolution is required to be immediately effective to encourage development of the real property which is urgently needed to provide for the welfare of the citizens of the City and to eliminate previously blighted conditions thereon. 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 _____, 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.: 21-14
INTRODUCED BY: Miller
REQUESTED BY: Mayor

December 22, 2014
Second Reading: February 9, 2015
Third Reading: April 13, 2015

AN ORDINANCE

AMENDING SECTION 933.07, FEES FOR USE, AS CONTAINED IN CHAPTER 933, MUNICIPAL SWIMMING POOLS OF PART NINE STREETS AND PUBLIC SERVICES CODE OF THE CITY OF SOUTH EUCLID; SETTING ADMISSION FEES, SEASON PASSES, SPECIAL PROGRAMS, RECIPROCITY WITH THE CITY OF LYNDHURST FOR THE USE OF THE MUNICIPAL SWIMMING POOLS AND SPLASH PARK BY RESIDENTS OF THE CITY, AND ALLOWING RESIDENTS OF THE CITY OF RICHMOND HEIGHTS USE OF THE MUNICIPAL SWIMMING POOLS AND SPLASH PARK ACCORDING TO THE FEE SCHEDULE CONTAINED WITHIN.

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

Section 1: That Section 933.07, Fees for Use, as contained in Chapter 933, Municipal Swimming Pools of Part Nine-Streets and Public Services Code of the Codified Ordinances of South Euclid be and the same is hereby amended to read as follows:

“933.07 ADMISSION FEES; SEASON PASSES; AND SPECIAL PROGRAMS.
The charge for use of the municipal swimming pools and splash park by residents of the City of South Euclid shall be as follows:

- (a) Season passes for residents of the City of South Euclid for each season commencing with the swimming season ~~2014~~ 2015 shall be Fifty Five (\$55.00) each, with a maximum cost of One Hundred and Fifty Dollars (\$150.00) per family. Each Family pass shall allow for up to a maximum of 4 family member entrances, with any additional family members added for \$5.00 per person. There will be no charge for senior citizens 60 years and over. A free swimming pass shall be issued to an individual who is disabled. “Disabled” shall be defined in accordance with the Federal Americans with Disabilities Act of 1990 (42 U.S.C. 12131 et seq.). A complimentary entry will be issued to the caregiver accompanying a disabled passholder. The caregiver must be 18 years of age or older.

Residents applying for passes or admission must present proper identification showing residence in the City of South Euclid, such as a valid Driver’s License, State-issued ID, lease agreement or current financial document. All employees of the City of South Euclid, regardless of their residency, may purchase a single or family swim pass.

Season passes shall not be sold to any child under the age of five (5) years old. All children four (4) and under will be admitted free, but must be accompanied by an adult who has a season pass or pays admission or by a young adult, fourteen (14) years or over, with a note of request signed by the parent or guardian.

“Family,” as used in this section, means the members of a household living as a single housekeeping unit in a dwelling unit who are related to the nominal head of the household or to the spouse of the nominal head of the household, and includes:

- (1) Husband or wife of the nominal head of the household;
and
- (2) Unmarried children of the nominal head of the household, provided, however, that such unmarried children have no children residing with them.

A family may consist of one individual.

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Upon presenting proper identification showing residence, such as a valid Driver's License, State-Issued ID, lease agreement or current financial document, summer guests of South Euclid residents may purchase South Euclid individual non-resident season passes for Seventy-five Dollars (\$75.00) each. There will be no family rates for non-resident passes.

Season passes for residents of Richmond Heights for the ~~2014~~ 2015 swimming season shall be \$ 75.00 each, with a maximum cost of \$ 200.00 per family. Each Family pass shall allow for up to a maximum of 4 family member entrances, with any additional family members added for \$15.00 per person.

- (b) Single admission fee for South Euclid residents shall be Five Dollars (\$5.00) per person; single admission tickets for non-residents of the City shall be Six Dollars (\$6.00) per person. Such non-residents shall be a guest of a resident and shall be accompanied at all times during the use of the swimming facilities by the resident host. Guests and resident hosts shall sign their names into a registration log sheet provided for guests. Not more than six (6) guests may accompany one South Euclid family per day. The resident host shall vouch for the good behavior and conduct of his or her guests while using the City pool facilities. Single admission fee for Richmond Heights residents for the ~~2014~~ 2015 Swimming Season shall be \$ 6.00 per person and all policies of this section regarding number of guests, behavior and conduct shall apply to all Richmond Heights residents and their guests.

All privileges afforded in this section (933.07) to Richmond Heights residents are conditioned upon the Richmond Heights City Pool NOT being open for the season, except residents of Richmond Heights who attend South Euclid Lyndhurst City Schools may purchase South Euclid non-resident season passes for seventy-five dollars (\$75.00) each. There will be no family rates for non-resident passes.

Conditioned on reciprocity rights being granted by the City of Lyndhurst to South Euclid residents who are season swimming pass holders, Lyndhurst residents who are season swimming pass holders of that City will be permitted the use of South Euclid swimming pools.

Lyndhurst residents who are swimming pass holders of that City and participants in the SELREC Day Camp Program will be permitted the use of the South Euclid swimming pools without payment of an admission charge so long as and during such periods as reciprocity is granted by the City of Lyndhurst to South Euclid residents who are season swimming pass holders.

Children who do not have season swim passes and who are enrolled in the SELREC Camp Program or a duly licensed charitable South Euclid based summer camp program must pay for a Twenty dollar (\$20.00) camper pass for admission to the South Euclid Pools. The South Euclid-Lyndhurst Recreation Commission will collect the camper fee and remit the same to the City of South Euclid.

- (c) A one week pass may be purchased at the rate of Twenty-Five Dollars (\$25.00) per season by non-resident house guests of South Euclid residents. Said pass shall be issued in the name of the guest, dated and be non-transferable.
- (d) Regular season pass holders, including non-resident pass holders, may participate in the Learn-To-Swim program by purchasing a Learn-To-Swim pass for Twenty Dollars (\$20.00) per individual Learn-To-Swim course based on three (3) three-week sessions. First preference for Learn-To-Swim courses must be offered to South Euclid residents, and then to non-residents and those otherwise eligible to purchase season passes may participate in the Learn-To-Swim program by purchasing a Learn-To-Swim pass for Twenty Dollars (\$20.00). The Learn-To-Swim program shall include special courses of instruction as met with the approval of the Pool Supervisor. The competitive program shall be open only to South Euclid residents who are season pass holders.

Diving lessons shall be Twenty Dollars (\$20.00) per three-week session.

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American Red Cross Basic Water Rescue, Lifeguarding, and Water Safety Instructor Courses shall be offered at the rate of the providing organization.

Non-pass holders who are residents of the City of South Euclid may participate in the above mentioned courses, upon payment of the daily admission charge AND any applicable tuition fee for each lesson. Pool employees may participate in Basic Water Rescue and Life-guarding at no admission cost.

- (e) There shall be no refunds for season passes or Learn-To-Swim from and after the date that the swimming pools have opened.
- (f) There shall be a charge of Five Dollars (\$5.00) for replacement of a lost pass. Pictures on photo IDs may not be replaced until at least three pool seasons have passed.
- (g) In addition thereto, the Director of Public Service shall establish such miscellaneous charges as may be necessary to compensate the City for costs due to loss, destruction or misuse or retention of equipment.
- (h) Private parties hosted by a South Euclid resident at Bexley Pool will be authorized during the hours of 6:30 p.m. to 8:30 p.m. on Sundays only. A fee of One Hundred Seventy Dollars (\$170.00) for the rental will be charged. If the pool is closed due to rain or cold weather on the scheduled pool party date, another date may be selected (upon availability) or a refund given.

In the event of damage, the party concerned will be responsible for any and all damage done. A non-refundable deposit of Seventy-five Dollars (\$75.00) shall be required at the time of setting and securing the date of rental for each private party. No more than two hundred (200) people shall be permitted at a private party.

All regulations currently in effect and as required by Ordinance for the use of the pools are applicable to private parties. A person twenty-one (21) years of age or older shall be present at the private party and responsible for the conduct of persons present and any damages to property.

- (i) Splash Park: A valid South Euclid pool pass or Splash Park Pass is required for admission by anyone age 13 and under, including children under the age of 6 and those adults not accompanied by children. Splash Park passes are available only to South Euclid residents, residents of Lyndhurst, and residents of Richmond Heights, upon presenting proper identification, per Section 1 (a). All employees of the City of South Euclid, regardless of their residency, may purchase a single or family Splash Park pass.

Season passes for use of the Splash Park at Quarry Park only shall be \$35 for an individual or family of up to four people. \$5 for each additional pass. Residents of South Euclid, Lyndhurst, and residents of Richmond Heights may purchase daily passes for \$1 per day, per child.

All children under the age of 12 must be accompanied by an adult or by a young adult, fourteen (14) years or over, with a note of request signed by the parent or guardian. Adults, defined as a person fourteen (14) years or over, accompanied by children, will not have to pay an admission fee to enter the Splash Park. Those adults who are not accompanied by children will be required to purchase a daily pass for \$3 per day, per person, to enter the Splash Park.

Individuals who do not reside in South Euclid, Lyndhurst or Richmond Heights, will be admitted to the Splash Park upon paying a \$2 daily admission fee. Non-residents are not eligible to purchase a season pass. Non-resident adults accompanied by children will not be charged an admission fee. Non-resident unaccompanied adults will be required to pay a \$5 admission fee to enter the Splash Park.

- (j) All Pool and Splash Park passes are nontransferable.

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Section 2: That existing Section 933.07, Fees for Use, as contained in Chapter 933, Municipal Swimming Pools of Part Nine-Streets and Public Services Code of the Codified Ordinances of South Euclid and all other ordinances or parts of ordinances inconsistent herewith, be and the same are hereby expressly repealed.

Section 3: That except as herein amended and supplemented all the provisions of Chapter 933, Municipal Swimming Pools of Part Nine-Streets and Public Services Code of the Codified Ordinances of South Euclid shall remain in full force and effect.

Section 4: 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 5: That this Ordinance is hereby determined to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety and for the further reason that the same effects the day to day business of various departments of the municipality. Wherefore, this ordinance shall take effect upon passage and approval

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

RESOLUTION NO.: 07-15
INTRODUCED BY: Miller
REQUESTED BY: Mayor

April 13, 2015

A RESOLUTION

DECLARING THE NECESSITY TO LEVY A RENEWAL TAX OUTSIDE OF THE TEN MILL LIMITATION FOR THE PURPOSE OF PROVIDING FUNDS FOR CONSTRUCTION, RECONSTRUCTION, RESURFACING AND REPAIR OF ROADS AND STREETS IN THE CITY; AND DECLARING AN EMERGENCY.

BE IT RESOLVED, by the Council of the City of South Euclid, Cuyahoga County, Ohio, two-thirds of the members elected thereto concurring:

Section 1: That it is hereby found, determined and declared that the amount of taxes which may be raised by the City of South Euclid within the ten-mill limitation by levies on the current tax duplicate will be insufficient to provide for the necessary requirements of the City, and that it is necessary to levy a tax in excess of such limitation for the purpose of providing funds for the general construction, reconstruction, resurfacing and repair of roads and streets in the City, together with all necessary incidentals and appurtenances thereto, pursuant to Ohio Revised Code Section 5705.19. Said levy will renew a two and one-half (2.5) mill levy which expired December 31, 2014 to be in effect for five (5) years first due in calendar year 2016.

Section 2: That the County Auditor is hereby Requested to certify to the City of South Euclid the total current tax valuation of the City and the dollar amount of revenue that would be generated by a two and one-half mill levy for each of the five (5) years in accordance with Section 5705.03 of the Ohio Revised Code.

Section 3: That the Clerk of Council is hereby authorized and directed to give or cause to be given a Certified Copy of this Resolution to the County Auditor of Cuyahoga County, Ohio.

Section 4: 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 5: That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety; wherefore this Resolution shall take effect and be in force from and immediately after adoption and approval by 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

RESOLUTION NO.: 09-15
INTRODUCED BY: Miller
REQUESTED BY: Mayor

April 13, 2015

A RESOLUTION

PROCLAIMING APRIL AS FAIR HOUSING MONTH IN THE CITY OF SOUTH EUCLID, AND CELEBRATING THE 47TH YEAR SINCE THE PASSAGE OF THE FEDERAL FAIR HOUSING ACT.

WHEREAS, Fair Housing Month is celebrated each April across the United States in commemoration of the enactment of the 1968 Fair Housing Act, which became law one week after the April 4 assassination of Dr. Martin Luther King Jr., and prohibited discrimination based on race, color, national origin and religion; and

WHEREAS, in 1974 the Act was expanded to include discrimination based on gender and in 1988, the Act was expanded to cover persons with disabilities and discrimination based on family status; and

WHEREAS, the City has participated in Fair Housing educational and outreach activities including Housing Department and Landlord training activities in conjunction with the Housing Research & Advocacy Center and Cleveland Tenants Organization to further promote and increase fair housing awareness in the community; and

WHEREAS, this Mayor and Council wish to reaffirm and support the right of all citizens, regardless of race, color, religion, sex, ancestry, national origin, ethnic group, disability, marital status, familial status, sexual orientation, gender identity, military status, or association with someone of a protected class or source of income, to enjoy equal access to housing and to reside in communities that provide integrated and balanced living patterns as envisioned by Congress with the passage of the Fair Housing Act.

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

Section 1: That April 2015 shall be declared Fair Housing Month in the City of South Euclid and reaffirms its commitment to the principles guaranteed under the City's Fair Housing Ordinance.

Section 2: That the Mayor and Council hereby join the rest of the nation in rededicating itself to combating unlawful housing discrimination and encouraging the development of balanced residential living patterns, both in Northeast Ohio and throughout the Country.

Section 3: The Clerk of Council is hereby directed to forward a copy of this resolution to the U.S. Department of Housing and Urban Development, Cuyahoga County, Housing Research & Advocacy Center and Cleveland Tenants Organization.

Section 4: 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.

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

RESOLUTION NO.: 10-15
INTRODUCED BY: Miller
REQUESTED BY: Mayor

April 13, 2015

A RESOLUTION

AUTHORIZING THE TRANSFER OF APPROPRIATED FUNDS IN THE GENERAL FUND TO THE BOND RETIREMENT FUND, THE BOND RETIREMENT FUND (RECREATION), THE CAPITAL PROJECTS FUND, THE LAND ACQUISITION FUND, THE SEWER MAINTENANCE FUND, THE SICK LEAVE FUND, AND THE SWIMMING POOLS FUND.

WHEREAS, appropriated funds must be transferred from the General Fund to cover expenses within the Bond Retirement Fund #327, the Bond Retirement Fund (Recreation) #328, the Capital Projects Fund #408, the Land Acquisition Fund #440, the Sewer Maintenance Fund #516, the Sick Leave Fund #926, and the Swimming Pools Fund #206; and

WHEREAS, the Council of the City of South Euclid, Ohio acknowledges that the Ohio Revised Code requires a resolution authorizing the transfer of funds.

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

Section 1: That the Council of the City of South Euclid hereby authorizes the Finance Director to transfer appropriated funds from the General Fund #101 to the following funds in the amounts below:

1. Bond Retirement Fund #327	\$68,000.00
2. Bond Retirement Fund (Recreation) #328	\$ 0.29
3. Capital Projects Fund #408	\$598,000.00
4. Land Acquisition Fund #440	\$40,000.00
5. Sewer Maintenance Fund #516	\$25,000.00
6. Sick Leave Fund #926	\$2,000.00
7. Swimming Pools Fund #206	\$200,000.00

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 deemed to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, and welfare of the residents and for the further reason that a vital function of government is affected 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 _____, 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.: 07-15
INTRODUCED BY: Miller
REQUESTED BY: Mayor

April 13, 2015

AN ORDINANCE

AMENDING SECTIONS 1408.01 "PURPOSE"; 1408.02 "DEFINITIONS"; 1408.03 "EXEMPTIONS", 1408.04 "PROHIBITED ACTS"; 1408.05 "POSTING OF NOTICES"; 1408.13 "HEARINGS"; 1408.16 "REMEDIAL ACTIONS"; OF CHAPTER 1408 "FAIR HOUSING" OF PART FOURTEEN "HOUSING CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO; AND DECLARING AN EMERGENCY.

WHEREAS, the City of South Euclid is committed to affirmatively furthering fair housing for all South Euclid residents; and

WHEREAS, the Housing Research & Advocacy Center has reviewed City of South Euclid Codified Ordinance Chapter 1408 and has recommended updates thereto.

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

Section 1: That original Sections 1408.01, 1408.02, 1408.03, 1408.04, 1408.05, 1408.13, and 1408.16 of Chapter 1408 of Part Fourteen of the Codified Ordinances of the City of South Euclid, Ohio be amended to read as follows:

"1408.01 PURPOSE

It is hereby declared to be the purpose of this chapter to provide, within constitutional limitations, for fair housing throughout the City, to assure that all persons have full and equal opportunity to consider all available housing for themselves and their families within the City without being discriminated against on the basis of race, color, religion, sex, **sexual orientation, gender identity, age, ancestry, handicap, disability, including people associated with or residing with a person meeting the definition of a disability, ethnic group, marital status, familial status, national origin, military status, association with someone of a protected class or source of income,** and to promote a stable, racially integrated community.

1408.02 DEFINITIONS

As used in this chapter:

- (a) "Board" means the Fair Housing Review Board.
- (b) "Covered multi-family dwellings" means buildings consisting of four or more units if such buildings have one or more elevators, and ground floor units in other buildings consisting of four or more units.
- (c) "Discriminate" or "discrimination" means to separate or segregate persons in a particular manner solely or in part because of race, color, religion, sex, **sexual orientation, gender identity, age, ancestry, handicap, disability, including people associated with or residing with a person meeting the definition of a disability, ethnic group, marital status, familial status, national origin; military status, association with someone of a protected class or source of income;** provided that "discriminate" or "discrimination" shall not include special outreach efforts conducted by or under the authority of units of local government (including agencies, departments and commissions thereof) or non-profit fair housing corporations or agencies to ensure that persons of minority groups are fully informed of, and have access to, available dwelling opportunities in areas of present or prospective majority group concentration, or to ensure that persons of the majority group are fully informed of and have access to available dwelling opportunities in areas of present or prospective minority group concentration.

(d) "Dwelling" means any building, structure, or portion thereof, which is occupied as, or designed or intended for occupancy as, a residence by one or more families, and any vacant land, which is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof.

(e) "Familial status" means one or more individuals (who have not attained the age of eighteen years) being domiciled with: (1) a parent or another person having legal custody of such individual or individuals; or (2) the designee of such parent or other person having such custody, with the written permission of such parent or other person; and shall apply to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of eighteen years.

(f) "**Disability**" ~~"Handicap"~~ means, with respect to a person: (1) a physical or mental impairment which substantially limits one or more of such person's major life activities; (2) a record of having such an impairment; or (3) being regarded as having such an impairment. However, such term does not include current, illegal use of or addiction to a controlled substance as defined in 21 U.S.C. Section 802.

(g) "Housing for older persons" means housing: (1) provided under any State or Federal program that the Secretary of HUD determines is specifically designed and operated to assist elderly persons (as defined in the State or Federal program); (2) intended for, and solely occupied by, persons sixty-two years of age or older; or (3) intended and operated for occupancy by at least one person fifty-five years or older per unit. The determination as to whether housing qualifies as housing for older persons under this subsection shall be consistent with regulations promulgated by the Secretary of HUD, providing at least the following factors: (1) the existence of significant facilities and services specifically designed to meet the physical or social needs of older persons, or, if the provision of such facilities and services is not practicable, that such housing is necessary to provide important housing opportunities for older persons; (2) that at least eighty percent of the units are occupied by at least one person fifty-five years of age or older per unit; and (3) that publication of, and adherence to, policies and procedures which demonstrate an intent by the owner or manager to provide housing for persons fifty-five years of age or older. Housing shall not fail to meet the requirements for housing for older persons by reason of: (1) persons residing in such housing as of the date of enactment of the Fair Housing Act of 1988, who do not meet the age requirements of this subsection, provided that the new occupants of such housing meet such age requirements; or (2) unoccupied units, provided that such units are reserved for occupancy by persons who meet the age requirements of this subsection.

(h) "Lending institution" means any bank, savings and loan association, insurance company, or other organization or person regularly engaged in the business of lending money, guaranteeing loans for profit, or otherwise providing financial assistance or insurance in connection with the purchase, sale or rental of dwellings.

(i) "Person" includes one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers or fiduciaries.

(j) "Purchase" means to obtain a dwelling through a sale.

(k) "Real estate agent" means a real estate broker or salesman, or a limited real estate broker or salesman, as defined in Ohio R.C. 4735.01.

(l) "Rent" or "rental" means to lease, sublease, assign or otherwise grant or obtain the right to occupy a dwelling not owned by the occupant in return for consideration, or a contract or option to do any of the foregoing.

(m) "Sale" or "sell" means to convey, exchange, transfer or assign legal or equitable title to, or beneficial interest in, a dwelling in return for consideration, or a contract or option to do any of the foregoing.

(n) "Solicit" or "solicitation" means any conduct by a real estate agent, or an employee or agent thereof, intended to induce the owner of a dwelling within the City to sell, rent, or list the same for sale or rental.

(o) "Unlawful discriminatory practice" means any act prohibited by Section 1408.04 of this chapter.

(p) "**Association with a protected class**" means people associated with or residing with a person in a protected class.

1408.03 EXEMPTIONS

The provisions of this chapter shall not:

(a) Prohibit a religious organization, association, or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color, or national origin. Nor shall anything in this chapter prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members, provided such club does not discriminate in its membership policies on the basis of race, color, religion, sex, **sexual orientation, gender identity, age, ancestry, disability, including people associated with or residing with a person meeting the definition of a disability, handicap, ethnic group, marital status, familial status, national origin, military status, association with someone of a protected class or source of income.**

(b) Require any person selling or renting property to modify such property in any way at his or her expense, provided that such person does not refuse to permit reasonable modifications by a **disabled handicapped** person, necessary for that person to fully enjoy the premises in which he or she resides, when such modifications are made at the expense of the **disabled handicapped** person, which permission may be conditioned on that person's promise to restore the premises to the condition in which it previously existed before granting permission for such modification, nor shall this chapter be construed to relieve any **disabled handicapped** person of any obligation generally imposed on all persons regardless of **disability handicap** in a written lease, rental agreement, or contract of purchase or sale, or to forbid distinctions based on the inability to fulfill the terms and conditions, including financial obligations, of the lease, agreement, or contract, so long as such distinctions are not based on the **disability handicap** itself, or on the landlord's refusal to make reasonable modification in the lease, agreement or contract conditions for the purpose of denying a **disabled handicapped** person equal opportunity to the use and enjoyment of the premises.

(c) Prohibit restricting the sale or rental of a dwelling on the basis of **disability handicap** when such a dwelling is authorized, approved, financed, or subsidized in whole or in part for the benefit of persons of a **disability handicap** by a unit of local, State or Federal government, so long as such restrictions do not discriminate against otherwise qualified **disabled handicapped** persons.

(d) Require that a dwelling be made available to a person **with a disability** whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others.

(e) Prohibit the applicability of any reasonable local, State or Federal restrictions regarding the maximum number of occupants permitted to occupy a dwelling.

(f) With regard to familial status, apply to dwellings provided under any State or Federal program specifically designed and operated to assist elderly persons, as defined in the State or Federal program, or to housing for older persons, provided that HUD has determined that such program or housing is exempt, which determination shall be conclusive.

(g) Prohibit a person engaged in the business of furnishing appraisals of real property to take into consideration factors other than race, color, religion, national origin, sex, **sexual orientation, gender identity, age, disability, including people associated with or residing with a person meeting the definition of a disability, handicap, ethnic group, marital status, familial status, military status, association with someone of a protected class or source of income.**

(h) Apply to any single-family house sold or rented by an owner under the terms and conditions set forth in 42 U.S.C. Section 3603(b), or to rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his or her residence. However, the exclusions provided for in this subsection (h) shall only apply to the provisions of Sections 1408.04(a), (b), (d), (i) and (l) of this chapter.

(i) Prohibit conduct against a person because such person has been convicted by any court of competent jurisdiction of the illegal manufacture or distribution of a controlled substance as defined in 21 U.S.C. Section 802.

1408.04 PROHIBITED ACTS

It is hereby declared to be a discriminatory housing practice and unlawful for any person to:

(a) Refuse to sell, transfer, assign, rent, lease, sublease, finance, negotiate or otherwise deny or make unavailable a dwelling to any person because of the race, color, religion, sex, **sexual orientation, gender identity, age, ancestry, disability, including people associated with or residing with a person meeting the definition of a disability, handicap, ethnic group, marital status, familial status, national origin, military status, association with someone of a protected class or source of income** of any present or prospective owner, occupant, or user of such dwelling, or an associate thereof;

(b) Represent to any person, because of race, color, religion, sex, **sexual orientation, gender identity, age, ancestry, disability, including people associated with or residing with a person meeting the definition of a disability, handicap, ethnic group, marital status, familial status, national origin, military status, association with someone of a protected class or source of income**, that a dwelling is not available for sale, rental, or inspection when in fact it is available;

(c) Refuse to lend money, or to purchase a loan, or to provide other financial assistance, whether or not secured by mortgage or otherwise, for the acquisition, construction, rehabilitation, repair, or maintenance of a dwelling, or to make a loan of any type that is to be secured by real estate or otherwise withhold financing of a dwelling from any person, because of the race, color, religion, sex, **sexual orientation, gender identity, age, ancestry, disability, including people associated with or residing with a person meeting the definition of a disability, handicap, ethnic group, marital status, familial status, national origin, military status, association with someone of a protected class or source of income** of any present or prospective owner, occupant or user of such dwelling, provided such person lends money as one of the principal aspects of or incident to his or principal business and not only as a part of the purchase price of an owner-occupied residence he or she is selling, nor merely casually or occasionally to a relative or friend;

(d) Discriminate against any person in the terms or conditions of selling, transferring, assigning, brokering, renting, leasing, or subleasing any dwelling or in furnishing facilities, services, or privileges in connection with the ownership, occupancy, or use of any dwelling, including the sale of fire, extended coverage or **renters or homeowners insurance**, because of the race, color, religion, sex, **sexual orientation, gender identity, age, ancestry, disability, including people associated with or residing with a person meeting the definition of a disability, handicap, ethnic group, marital status, familial status, national origin, military status, association with someone of a protected class or source of income** of any present or prospective owner, occupant, or user of such dwelling, or an associate thereof, or because of the racial composition of the neighborhood in which the dwelling is located;

(e) Discriminate against any person in the terms or conditions of any loan of money of any type that is to be secured by real estate, purchase of loans, or in providing other financial assistance, whether or not secured by mortgage or otherwise, for the acquisition, construction, rehabilitation, repair or maintenance of a dwelling, because of the race, color, religion, sex, **sexual orientation, gender identity, age, ancestry, disability, including people associated with or residing with a person meeting the definition of a disability, handicap, ethnic group, marital status, familial status, national origin, military status, association with someone of a protected class or source of income**, of any present or prospective owner, occupant, or user of such dwelling, or because of the racial composition of the neighborhood in which the dwelling is located.

(f) Refuse to consider without prejudice the purpose of extending mortgage credit to a married couple or either member thereof;

(g) Print, publish, or circulate any statement or advertisement, or make any verbal statement, relating to the sale, transfer, assignment, rental, lease, sublease, or acquisition of any dwelling or the loan of money, whether or not secured by mortgage or otherwise, for the acquisition, construction, rehabilitation, repair, or maintenance of a dwelling, which indicates any preference, limitation, specification, or discrimination based upon

race, color, religion, sex, **sexual orientation, gender identity, age, ancestry, disability, including people associated with or residing with a person meeting the definition of a disability, ~~handicap~~, familial status, ethnic group, marital status, national origin, military status, association with someone of a protected class or source of income,** or an intention to make any such preference, limitation, specification, or discrimination.

(h) Include in any transfer, rental, or lease of a dwelling any restrictive covenant, based on race, color, religion, sex, **sexual orientation, gender identity, age, ancestry, disability, including people associated with or residing with a person meeting the definition of a disability, ~~handicap~~, familial status, ethnic group, marital status,** national origin, **military status, association with someone of a protected class or source of income,** or honor or exercise, or attempt to honor or exercise, any such restrictive covenant, provided that the prior inclusion of such a restrictive covenant in the chain of title shall not be deemed a violation of this subsection;

(i) Induce or solicit, or attempt to induce or solicit, a dwelling listing, sale, or transaction by representing that a change has occurred or may occur with respect to the racial, religious, sexual, or ethnic composition of the block, neighborhood, or area in which the dwelling is located, or induce or solicit, or attempt to induce or solicit, such sale or listing by representing that the presence or anticipated presence of persons of any race, color, religion, sex, **sexual orientation, gender identity, age, ancestry, disability, including people associated with or residing with a person meeting the definition of a disability, ~~handicap~~, familial status, ethnic group, marital status,** national origin, **military status, association with someone of a protected class or source of income,** in the area will or may have results such as the following:

- (1) The lowering of property values;
- (2) A change in the racial, religious, sexual, or ethnic composition of the block, neighborhood, or area in which the dwelling is located;
- (3) An increase in criminal or antisocial behavior in the area; or
- (4) A decline in the quality of the schools serving the area.

(j) Deny any person access to or membership or participation in any multiple-listing service, real estate agents' association, or other service, association, or facility relating to the business of selling or renting housing accommodations, or to discriminate against any person in the terms or conditions of such access, membership, or participation, on account of race, color, religion, sex, **sexual orientation, gender identity, age, national origin, disability, including people associated with or residing with a person meeting the definition of a disability, ~~handicap~~, familial status, ethnic group, marital status,** ancestry, **military status, association with a protected class or source of income;**

(k) Coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of that person's having exercised or enjoyed or having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by this section;

(l) Discourage or attempt to discourage the purchase by a prospective purchaser of a dwelling by representing that any block, neighborhood, or area has undergone or might undergo a change with respect to the religious, racial, sexual, familial status or ethnic composition of the block, neighborhood, or area;

(m) Discriminate against any person, because of race, color, religion, sex, **sexual orientation, gender identity, age, national origin, disability, including people associated with or residing with a person meeting the definition of a disability, ~~handicap~~, ethnic group, marital status,** familial status, ancestry, **military status, association with a protected class or source of income,** in appraising the value of any dwelling in connection with the sale, brokering, or rental of such dwelling.

(n) Refuse to permit, at the expense of a **disabled handicapped** person, reasonable modifications of existing premises occupied or to be occupied by such person if such modifications may be necessary to afford such person full enjoyment of the premise, except that, in the case of a rental, no modification need be permitted unless the renter first agrees, where it is reasonable to do so, to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted, unless previously negotiated with the landlord.

(o) Refuse to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford a **disabled handicapped** person equal opportunity to use and enjoy a dwelling.

(p) Construct covered multi-family dwellings that do not provide for accessibility and usability for physically, ~~disabled handicapped~~ persons in compliance with applicable State or Federal law, whichever is controlling.

(q) Discriminate in any manner against any other person because that person has opposed any unlawful practice defined in this chapter, or because that person has made a charge, testified, assisted, or participated in any manner in any investigation, proceeding, or hearing as provided pursuant to this chapter.

(r) Aid, abet, incite, compel, or coerce the doing of any act declared by this chapter to be an unlawful discriminatory practice, obstruct or prevent any person from complying with the provisions of this chapter, or any order issued pursuant thereto, or attempt directly or indirectly to commit any act declared by this chapter to be an unlawful discriminatory practice.

1408.05 POSTING OF NOTICES

All real estate agents and all persons who operate or manage a dwelling with more than four dwelling units shall post in a conspicuous location in those areas of their places of business located within the City where prospective purchasers, sellers or renters normally make inquiries, and where the terms of a sale or rental are normally negotiated, a notice which contains the following language, printed on a light-colored background, in not less than fourteen-point type:

"It is a violation of the South Euclid Fair Housing Law, in connection with any housing activity, to discriminate against any person because of race, color, religion, sex, **sexual orientation, gender identity, age, ancestry, disability, including people associated with or residing with a person meeting the definition of a disability, handicap, ethnic group, marital status, familial status, national origin, military status, association with a protected class or source of income.** For more information, contact: 216.381.0400."

1408.06 FAIR HOUSING REVIEW BOARD

(a) There is hereby created a Fair Housing Review Board, which shall consist of five members, including the Mayor or his or her designee, a member of City Council, and three citizen members appointed by the Mayor and confirmed by City Council. Of the citizen members first appointed, one shall be appointed for a term of one year, one for a term of two years, and one for a term of three years, and thereafter appointments shall be for three years.

(b) The Fair Housing Review Board shall have the responsibility to administer the provisions of this chapter and to adjudicate complaints alleging violations of Section 1408.04. All administrative proceedings prescribed in this chapter shall be conducted at the Board's expense. The Board shall have and fully exercise the following powers to implement the purposes of this chapter:

(1) To hold adjudicative hearings, make findings of fact, issue orders, enforce such orders, and seek judicial and/or administrative relief with respect to any such complaints in accordance with the provisions of this chapter;

(2) To subpoena witnesses, compel their attendance, administer oaths, take sworn testimony, and, in connection therewith, to require the production for examination of any documents relating to any matter under investigation or in question before the Board, and enforce such powers by proper petition to any court of competent jurisdiction;

(3) To adopt such rules and regulations as the Board may deem necessary or desirable for the conduct of its business and to carry out the purposes of this chapter; and

(4) To do such other acts as are necessary and proper to perform those duties with which the Board is charged under this chapter.

1408.07 ADMINISTRATOR.

The Mayor, upon the recommendation of the Fair Housing Review Board, shall appoint an Administrator who may be a City employee. The Administrator shall have such duties, responsibilities and powers as may be provided by the Board, including, but not limited to, receipt and processing of complaints on behalf of the Board.

1408.08 COMPLAINTS.

Any person may allege that a violation of Section 1408.04 has occurred, or that a violation will occur and cause injury, by filing with the Fair Housing Review Board, within one year of the alleged violation, a written complaint setting forth his or her grievance. The complaint shall state, on a printed form made available by the Board, the name and address of the complainant, the name and address of the person(s) alleged to have committed a violation of Section 1408.04 and the particular facts thereof, and such other information as may be required by the Board. A complaint may be amended at any time. Upon the filing of a complaint, the Administrator shall acknowledge the receipt of the complaint, serving notice thereof to the complainant, which notice shall also contain information as to the time limits and choice of forum provided in this chapter.

1408.09 NOTICE.

Within fifteen calendar days after a complaint has been received by the Board, the Administrator shall serve, or cause to be served, in person, or by certified mail, a copy of the complaint on the person (hereinafter referred to as the "respondent") alleged to have violated Section 1408.04. Along with the service of the complaint, the Administrator shall advise the respondent in writing of his or her procedural rights and obligations pursuant to this chapter. The respondent may file with the Board an answer to the complaint.

1408.10 INVESTIGATION.

(a) Within thirty calendar days after a complaint has been received by the Board, the Administrator shall conduct an investigation of the complaint and shall determine either that:

(1) There are reasonable grounds to believe that a violation of Section 1408.04 has occurred, in which case the Administrator shall then initiate the conciliation process of Section 1408.11; or

(2) There are reasonable grounds to believe that a violation of Section 1408.04 has not occurred, in which case the Administrator shall then dismiss the complaint by preparing a written notice of dismissal, including the reasons therefore, and notify the parties of the dismissal, within five days, by serving a copy of the notice of dismissal by certified mail on the parties. A copy of the notice shall also be filed with the Board. The notice of dismissal shall advise the complainant of his or her right of appeal under this section. Within fourteen days of receipt of the notice of dismissal, the complainant may appeal by filing a written request with the Board for a review of the complaint. By a majority vote, the Board may overrule the dismissal and refer the complaint to the Administrator for conciliation pursuant to Section 1408.11.

(b) The Administrator shall complete the investigation within 100 days after receipt of the complaint, unless impracticable, in which case the Administrator shall inform, in writing, the complainant and the respondent of the reasons why the investigation cannot be completed within the time prescribed.

1408.11 CONCILIATION.

If the Administrator has made a determination pursuant to Section 1408.10 that there are reasonable grounds to believe that a violation of Section 1408.04 has occurred, or at such other time after a complaint has been filed, as appropriate, the Administrator shall:

(a) Notify the complainant and respondent of the time, place and date of the conciliation conference at least ten days prior thereto, and both parties shall appear at the conciliation conference in person or by attorney; and

(b) Attempt to resolve the complaint by methods of conference, conciliation and persuasion with all interested parties and such representatives as the parties may choose to assist them. Conciliation conferences shall be informal and nothing said or done during such conferences shall be made public unless the parties agree thereto in writing. The terms of conciliation agreed to by the parties shall be reduced to writing and incorporated into a consent agreement to be signed by the parties, subject to approval by the Fair Housing Review Board. The terms of the conciliation agreement shall be made public

unless the complainant and the respondent agree otherwise, and the Board determines that disclosure is not required to further the purposes of this chapter.

If the complaint has not been resolved by conciliation within sixty calendar days after it has been received, the Administrator shall refer the complaint to the Fair Housing Review Board for an adjudicative hearing.

1408.12 INJUNCTIVE RELIEF.

At any time after the filing of a complaint, the Administrator may request the Director of Law to petition the appropriate court for temporary or preliminary relief pending final determination of the proceedings under this chapter, or as otherwise necessary to carry out the purposes of this chapter, including an order or decree restraining the respondent from doing or causing any act which would render ineffectual any order or action by the Fair Housing Review Board.

1408.13 HEARINGS.

Within thirty calendar days after the complaint is referred to the Fair Housing Review Board, the Board shall, upon due and reasonable notice to all parties, conduct a hearing on the complaint. Parties to the hearing shall be the complainant and respondent, and such other persons as the Board may deem appropriate. The hearing shall be open to the public. At least seven days before the hearing, the Board shall serve upon the respondent a statement of charges and a summons requiring the attendance of named persons and the production of relevant documents and records. The parties may apply to the Board to have subpoenas issued in the Board's name. Failure to comply with a summons or subpoena shall constitute a violation of this chapter. The parties may file such statements with the Board as they deem necessary. No fewer than three of the same members of the Board must be present at all times during a hearing. The parties may appear before the Board in person or by duly authorized representative, and may be represented by legal counsel. The parties shall have the right to present witnesses and cross-examine witnesses, and all testimony and evidence shall be given under oath or by affirmation, **administered by the Fair Housing Review Board and all proceedings to be written or audio recorded to be considered its formal record of proceedings.**

1408.14 HEARING DECISIONS.

Where hearings have been held before the Board, only those members of the Board who have attended all hearings on the complaint shall participate in the determination of the complaint. Within fifteen days of the close of the hearing, the decision shall be rendered, in the form of a written order which shall include findings of fact, a statement of whether the respondent has violated Section 1408.04, and such remedial actions as the Board may order pursuant to Section 1408.16. The order shall be served upon the parties by certified mail within fifteen days of the date of the decision. The order shall be available for public inspection, and a copy shall be provided to any person upon request and payment of reproduction costs.

1408.15 HEARING OFFICER.

The Fair Housing Review Board, in lieu of conducting a hearing upon complaint, may appoint a hearing officer for the purpose of conducting hearings and reporting the findings thereof to the Board. In conducting such hearings, the hearing officer shall be delegated all powers conferred upon the Board pursuant to this chapter as to subpoenaing witnesses, compelling their attendance, administering oaths, taking sworn testimony, and requiring the production for examination of any documents relating to any matter under investigation or question before the Board. Notice of hearing and the procedures therefore shall be in accordance with Section 1408.13 of this chapter. After the conclusion of any hearing, the hearing officer shall report his or her findings to the Board within seven days. Within fifteen days after receipt of the findings of the hearing officer, the Board shall render its decision in accordance with Section 1408.14 of this chapter.

1408.16 REMEDIAL ACTIONS

(a) If the Board finds that the respondent has not violated Section 1408.04, its order under Section 1408.14 shall dismiss the complaint. **If the Commission finds the complaint to be frivolous or vindictive, then the costs of these proceedings may be assessed against the complainant.**

(b) If the Board finds that the respondent has violated Section 1408.04, its order under Section 1408.14 shall provide for the taking of such remedial action(s) as it deems appropriate, which may include, but need not be limited to:

(1) Directing the respondent to cease and desist from violations of Section 1408.04 and to take such affirmative steps as necessary to effectuate the purposes of this chapter;

(2) **Recommending to the City's Law Director** ~~Initiating, at the Board's expense,~~ an appropriate court action for the enforcement of Section 1408.04, and for such other or further relief as the court may deem appropriate, including, but not limited to, injunctive relief, compensatory damages, punitive damages, and/or attorneys' fees and costs for award to the complainant; such court action shall be required in the event the respondent does not voluntarily comply with the remedial actions ordered by the Board.

(3) **Recommending to the Law Director** ~~the~~ ~~Initiating~~ proceedings for a violation of Federal or State law and/or regulations;

(4) **Recommending to the Law Director** ~~Initiating~~ proceedings with any contracting agency, in the case of any violation of Section 1408.04 by a respondent in the course of performing under a contract or sub-contract with the State or any political subdivision or agency thereof, or with the United States of America or any agency or instrumentality thereof, for the purpose of causing a termination of such contract or any portion thereof, or obtaining other relief;

(5) **Recommending to the Law Director** ~~Initiating~~ proceedings with the State of Ohio where applicable, to revoke, suspend or refuse to renew the license of any person found to have violated any provision of Section 1408.04;

(6) Directing the respondent to reimburse the complainant for his or her actual and reasonable expenses incurred and to be incurred as a result of each violation found, including, but not limited to, expenses for moving and temporary storage of household furnishings, additional expenses in connection with the purchase or rental of a dwelling for alternative accommodations, and reasonable attorneys' fees and costs.

(7) Assessing compensatory damages, as appropriate, or arrange to have adjudicated in court at the Board's expense the award of compensatory damages against the respondent.

(8) Assessing civil penalties, as appropriate, or arrange to have adjudicated in court at the Board's expense the award of a civil penalty against the respondent.

(9) Directing the respondent to comply with such other further relief as the Board may deem appropriate for the enforcement of Section 1408.04.

(10) The Fair Housing Review Board shall make a final administrative disposition of a complaint within one year after the complaint has been filed, unless it is impracticable to do so, in which case the complainant and the respondent shall be notified in writing of the reasons why disposition of the complaint cannot be made within the time prescribed.

(c) Nothing herein shall be construed to prevent the **City, upon recommendation from the Board, at its own expense,** from initiating appropriate court action on behalf of the complainant in order to enforce the provisions of this chapter. In addition, upon a finding by the Administrator that there are reasonable grounds to believe that a violation of Section 1408.04 has occurred, as provided in Section 1408.10, either the complainant or the respondent, in lieu of participating in the administrative hearing process before the Fair Housing Review Board, or at any time during said administrative process, may elect to have the case heard in a civil action. Upon notification thereof, the **City, at the request of the Board, at its expense,** shall initiate a civil action in a court of law on behalf of the complainant.

(d) The complainant and the respondent shall have the right to appeal an adverse final determination by the Board to the Cuyahoga County Common Pleas Court pursuant to Ohio R.C. Chapter 2506, or in such other forum or court of competent jurisdiction as provided by law.

1408.17 JUDICIAL RELIEF.

The City, or the complainant, or any person aggrieved by a violation of any provision of this chapter may, at any time within one year from the date of the alleged violation, and in lieu of proceeding with the administrative process set forth in this chapter, apply to any court of competent jurisdiction for appropriate relief, including, but not limited to:

- (a) Injunctive relief or an order otherwise compelling compliance with this chapter;
- (b) Compensatory damages, and/or punitive damages;
- (c) Reasonable attorneys' fees and costs, provided that said complainant, in the opinion of the court, is not financially able to assume said attorneys' fees; and/or
- (d) Such other or further relief as is appropriate for the enforcement of this chapter and the elimination of violations hereof.

1408.18 ADDITIONAL REMEDIES

This chapter shall not prevent the City or any person from exercising any right or seeking any remedy to which that person might otherwise be entitled, or from filing any complaint with any other agency or court of law or equity."

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 _____, 2015

David B. Miller, President of Council

Approve:

Georgine Welo, Mayor

Attest:

Keith A. Benjamin, Clerk of Council

Approved as to form:

Michael P. Lograsso, Director of Law