

**THE CITY OF SOUTH EUCLID
SCHEDULE OF MEETING**

June 10, 2013

8:00 PM

1. PLEDGE OF ALLEGIANCE

2. ROLL CALL

3. OPEN MEETING

4. REPORT OF COMMITTEES

UTILITIES COMMITTEE

1. RESOLUTION 27-13

AUTHORIZING THE MAYOR TO ENTER INTO A JOINT ECONOMIC DEVELOPMENT ZONE AGREEMENT WITH THE CITY OF CLEVELAND TO PROVIDE WATER AND WATER RELATED SERVICES AS SET FORTH IN THE AMENDMENT TO THE WATER SERVICE AGREEMENT. **SECOND READING.**

ZONING & PLANNING COMMITTEE

1. RESOLUTION 30-13

GRANTING A CONDITIONAL USE PERMIT TO NOTRE DAME COLLEGE, LOCATED AT 4545 COLLEGE ROAD IN THE CITY OF SOUTH EUCLID, OHIO, FOR A MULTI-PURPOSE ATHLETIC FIELD PHASE I; AND DECLARING AN EMERGENCY. **SECOND READING.**

5. MAYOR'S REPORT

6. LEGISLATION REQUESTED BY THE MAYOR AND ADMINISTRATION

1. RESOLUTION 32-13

A RESOLUTION OF THE COUNCIL OF THE CITY OF SOUTH EUCLID REAFFIRMING, AMENDING, AND RESTATING ALL PRIOR LEGISLATION IN ORDER TO CONTINUE THE EXISTING PICK-UP PLAN FOR EMPLOYEES WHO ARE MEMBERS OF THE OHIO POLICE AND FIRE PENSION FUND. **FIRST READING.**

2. RESOLUTION 33-13

A RESOLUTION OF THE COUNCIL OF THE CITY OF SOUTH EUCLID REAFFIRMING, AMENDING, AND RESTATING ALL PRIOR LEGISLATION IN ORDER TO CONTINUE THE EXISTING PICK-UP PLAN FOR EMPLOYEES WHO ARE MEMBERS OF THE OHIO POLICE AND FIRE PENSION FUND. **FIRST READING.**

7. LAW DIRECTOR'S REPORT

8. LETTERS AND COMMUNICATIONS

9. ADJOURN

CITY OF SOUTH EUCLID, OHIO

RESOLUTION NO.: 27-13
INTRODUCED BY: Miller
REQUESTED BY: Mayor

May 13, 2013
As Approved by Utilities Committee: June 3, 2013
Second Reading: June 10, 2013

A RESOLUTION

AUTHORIZING THE MAYOR TO ENTER INTO A JOINT ECONOMIC DEVELOPMENT ZONE AGREEMENT WITH THE CITY OF CLEVELAND TO PROVIDE WATER AND WATER RELATED SERVICES AS SET FORTH IN THE AMENDMENT TO THE WATER SERVICE AGREEMENT.

WHEREAS, City Council passed Resolution 12-09 on February 23, 2009 authorizing the Mayor to sign a Water Service Agreement with the City of Cleveland to provide Water and Water Related Services; and

WHEREAS, City Council passed Resolution 17-09 on April 13, 2009 authorizing the Mayor to enter into a joint economic development zone agreement as an amendment to the water services agreement; and

WHEREAS, said joint economic development zone agreement requires the City of Cleveland to maintain all water assets within the City of South Euclid and requires the City of South Euclid to practice a "no-poaching" economic development strategy; and

WHEREAS, said agreement has expired and requires action from City Council in order for the provisions to continue.

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 the Joint Economic Development Zone Agreement, attached hereto as Exhibit A, with the City of Cleveland to provide water and water related services as set forth in Resolution 12-09 passed on February 23, 2009.

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 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.

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.: 30-13
INTRODUCED BY: Miller
REQUESTED BY: Planning Commission

May 28, 2013
As Amended by the Zoning
& Planning Committee:
June 3, 2013
Second Reading: June 10, 2013

A RESOLUTION

GRANTING A CONDITIONAL USE PERMIT TO NOTRE DAME COLLEGE, LOCATED AT 4545 COLLEGE ROAD IN THE CITY OF SOUTH EUCLID, OHIO, FOR A MULTI-PURPOSE ATHLETIC FIELD PHASE I; 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 3-1-0 that a Conditional Use Permit be granted to Notre Dame College, 4545 College Road, for a Multi-purpose Athletic Field Phase I; 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 Notre Dame College, located at 4545 College Road in the City of South Euclid, Ohio, for a Multi-purpose Athletic Field Phase I, per the following conditions:

- Condition 1:** The storm water run-off is a Health, Safety and Welfare issue and per Section 762.05 (1)(2), therefore the final design of the storm water management system and location shall be approved by the City of South Euclid Engineer.
- Condition 2:** Notre Dame shall revise the driveway ingress/egress access on South Green Road to:
- a. The ingress/egress access on South Green Road shall align with the proposed public library ingress/egress access on South Green Road.
 - b. The ingress/egress shall be reconfigured to decrease the total apron width on South Green Road.
 - c. The ingress/egress access on South Green Road shall be implemented per the recommendations and approval of the City of South Euclid Traffic Commissioner.
- Condition 3:** As part of the Phase I development of the multi-purpose athletic field, Notre Dame College will submit design and construction plans to the City of South Euclid Planning Commission, Architectural Review Board, and other appropriate City officials for review and approval for:
- a. The decorative fence located along South Green Road.
 - b. The permanent grandstands.
 - c. Any additional construction of any structures and/or appurtenances associated with the usage of the multi-purpose field.
- Condition 4:** Notre Dame College will comply with the October 24, 2003 Conditional Use Item #1 Signage Requirement.

Condition 5: Notre Dame College will apply for a conditional use application for the Phase II review by the South Euclid Planning Commission upon availability of funding for the development of the baseball field.

Condition 6: *Notre Dame College will sponsor and convene neighborhood meetings (who will act in an advisory capacity) to discuss concerns regarding this and future conditional use permits.*

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. 32-13
INTRODUCED BY: Icove
REQUESTED BY: Mayor

June 10, 2013

A RESOLUTION

A RESOLUTION OF THE COUNCIL OF THE CITY OF SOUTH EUCLID REAFFIRMING, AMENDING, AND RESTATING ALL PRIOR LEGISLATION IN ORDER TO CONTINUE THE EXISTING PICK-UP PLAN FOR EMPLOYEES WHO ARE MEMBERS OF THE OHIO POLICE AND FIRE PENSION FUND.

WHEREAS, the Council of the City of South Euclid, Cuyahoga County, Ohio met at a duly called and authorized meeting of the Council on the date set forth below, such meeting being duly called pursuant to a notice stating the time, place and purpose of the meeting received by all Council members, and the following resolutions were made, seconded, and adopted by those present at the meeting; and

WHEREAS, the eligible employees of the South Euclid Police Department participate in the Ohio Police and Fire Pension Fund ("OP&F"); and

WHEREAS, the Council of the City of South Euclid desires to pick up all of the mandatory contributions required to be paid under Section 742.31 of the Ohio Revised Code for participating employees of the South Euclid Police Department who are members of the OP&F; and

WHEREAS, OP&F has adopted new procedures for reporting picked up contributions in order to properly prepare 1099-R forms for its members; and

WHEREAS, the Council of the City of South Euclid wishes to reaffirm and amend and restate its prior resolution in order to continue the pick up under the new procedures;

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

Section 1: That effective as of July 7, 2013, July 6, 2014, and July 5, 2015, the Council has determined to pick-up all of the mandatory contributions by the employees of the Police Department who are members of the Ohio Police & Fire Pension Fund by paying the contributions through a payroll reduction.

Section 2: That said picked up contributions paid through payroll reduction even though designated as employee contributions for state law purposes, are being paid by the City in lieu of said contributions by the employee.

Section 3: That said picked up contributions will not be included in the gross income of the employees for tax reporting purposes, that is, for federal or state income tax withholding taxes, until distributed from the Ohio Police and Fire Pension Fund.

Section 4: That said picked up contributions will be included in the gross income of the employees, for employment tax purposes, as the contributions are made to the Ohio Police and Fire Pension Fund.

Section 5: That said employees shall not be entitled to any option of choosing to receive the contributed amounts directly instead of having them paid by the City of South Euclid to the Ohio Police and Fire Pension Fund.

Section 6: That 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 7: That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, peace, safety and welfare for the reason stated in the Preamble hereof, and shall take effect and be in force from and after the earliest period allowed by law.

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 Lograsso, Director of Law

CITY OF SOUTH EUCLID, OHIO

RESOLUTION NO. 33-13
INTRODUCED BY: Icove
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WHEREAS, the eligible employees of the South Euclid Fire Department participate in the Ohio Police and Fire Pension Fund ("OP&F"); and

WHEREAS, the Council of the City of South Euclid desires to pick up all of the mandatory contributions required to be paid under Section 742.31 of the Ohio Revised Code for participating employees of the South Euclid Fire Department who are members of the OP&F; and

WHEREAS, OP&F has adopted new procedures for reporting picked up contributions in order to properly prepare 1099-R forms for its members; and

WHEREAS, the Council of the City of South Euclid wishes to reaffirm and amend and restate its prior resolution in order to continue the pick up under the new procedures;

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

Section 1: That effective as of July 7, 2013, July 6, 2014, and July 5, 2015, the Council has determined to pick-up all of the mandatory contributions by the employees of the Fire Department who are members of the Ohio Police & Fire Pension Fund by paying the contributions through a payroll reduction.

Section 2: That said picked up contributions paid through payroll reduction even though designated as employee contributions for state law purposes, are being paid by the City in lieu of said contributions by the employee.

Section 3: That said picked up contributions will not be included in the gross income of the employees for tax reporting purposes, that is, for federal or state income tax withholding taxes, until distributed from the Ohio Police and Fire Pension Fund.

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Section 5: That said employees shall not be entitled to any option of choosing to receive the contributed amounts directly instead of having them paid by the City of South Euclid to the Ohio Police and Fire Pension Fund.

Section 6: That 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.

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Passed this _____ day of _____, 2013.

Edward A. Icove, President Pro-Tem

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Approved:

Keith A. Benjamin, Clerk of Council

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Michael Lograsso, Director of Law