

THE CITY OF SOUTH EUCLID SCHEDULE OF MEETING

June 25, 2012

8:00 PM

1. PLEDGE OF ALLEGIANCE

2. ROLL CALL

3. APPROVAL OF MINUTES: June 11, 2012

4. OPEN MEETING

5. MAYOR'S REPORT

6. LEGISLATION REQUESTED BY THE MAYOR AND ADMINISTRATION

- | | |
|---------------------|---|
| 1. RESOLUTION 41-12 | AUTHORIZING THE MAYOR TO ACCEPT AN OHIO LOCAL GOVERNMENT INNOVATION FUND GRANT AND PROVIDE A LOCAL MATCH. FIRST READING. |
| 2. RESOLUTION 42-12 | GRANTING AN EASEMENT TO DOMINION EAST OHIO FOR INSTALLATION AND MAINTENANCE OF A GAS LINE AT CEDAR CENTER WITHIN THE CITY OF SOUTH EUCLID, OHIO. FIRST READING. |
| 3. ORDINANCE 12-12 | AMENDING CHAPTER 1315 "NATIONAL ELECTRICAL CODE," CHAPTER 1317 "OHIO BUILDING CODE," CHAPTER 1318 "OHIO MECHANICAL CODE," AND CHAPTER 1319 "OHIO PLUMBING CODE" OF PART THIRTEEN "BUILDING CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO. FIRST READING. |

7. LAW DIRECTOR'S REPORT

8. LETTERS AND COMMUNICATIONS

9. ADJOURN

Memorandum

Date: 6/12/2012

To: Mike Love

From: Chief Kevin Nietert 

RE: Legislation for LGIF Grant

Would you please prepare legislation for council accepting the LGIF grant for the Regional Consolidated Public Safety Dispatch Feasibility Study and authorizing the 10% cash match? The total project cost is \$57,096, with a 10% cash match of \$5,710. Each municipality involved has agreed to split the 10% match equally therefore South Euclid will be responsible for \$1,142.

CITY OF SOUTH EUCLID, OHIO

RESOLUTION NO.: 41-12
INTRODUCED BY: Miller
REQUESTED BY: Mayor

June 25, 2012

A RESOLUTION

AUTHORIZING THE MAYOR TO ACCEPT AN OHIO LOCAL GOVERNMENT INNOVATION FUND GRANT AND PROVIDE A LOCAL MATCH.

WHEREAS, the Cities of South Euclid, Beachwood, Euclid, Shaker Heights, and University Heights submitted a grant application to the Ohio Local Government Innovation Fund for the purpose of conducting a Regional Consolidated Public Safety Dispatch Feasibility Study; and

WHEREAS, the above communities were awarded a grant in the amount of \$51,386.00 from the Local Government Innovation Fund to perform the feasibility study; and

WHEREAS, the grant requires a 10% local match of \$5,710.00 split equally amongst the five communities so that South Euclid's share of the local match is \$1,142.00.

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

Section 1: That the Mayor is hereby authorized to accept a grant from the Ohio Local Government Innovation Fund for the Regional Consolidated Public Safety Dispatch Feasibility Study and is authorized to provide an equal share of the 10% local match in the amount of \$1,142.00.

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 hereby declared to be an emergency measure necessary for the preservation of the public peace, health, welfare and safety of the inhabitants of prescribed deadlines. 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 _____, 2012.

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.: 42-12
INTRODUCED BY: Miller
REQUESTED BY: Mayor

June 25, 2012

A RESOLUTION

GRANTING AN EASEMENT TO DOMINION EAST OHIO FOR
INSTALLATION AND MAINTENANCE OF A GAS LINE AT CEDAR
CENTER WITHIN THE CITY OF SOUTH EUCLID, OHIO.

WHEREAS, the City of South Euclid grants an easement to Dominion East Ohio, an Ohio Corporation, for the installation and maintenance of a gas line for the purpose of supplying natural gas service to the Cedar Center North development, with the right of unimpaired access to said gas line and incident to the operation and maintenance and from time to time, to repair the same.

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

Section 1: That the easement granted by the City of South Euclid to Dominion East Ohio for installation and maintenance of a natural gas line at Cedar Center, a copy of which is attached hereto and made a part hereof, shall hereby be accepted by Dominion East Ohio.

Section 2: That said easement is described in the legal descriptions attached hereto.

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. Such a necessity exists by reason of the fact that in order for Dominion East Ohio to have unimpaired access to the Cedar Center property, this easement must be granted at the earliest possible time. 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 _____, 2012.

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

R/W # _____

GAS PIPELINE EASEMENT GRANT

THIS GRANT, made and entered into this _____ day of _____, 20_____, and for the consideration of One Dollar (\$1.00) in hand paid, the receipt of which is hereby acknowledged, and other valuable considerations, we, City of South Euclid, whose tax mailing address is 1349 South Green Road, Cleveland, OH 44121, the Landowners of the SUBJECT PROPERTY, hereinafter called "Grantor", hereby grants, conveys and warrants unto The East Ohio Gas Company (EOG), d/b/a, Dominion East Ohio, an Ohio Corporation located at 1201 East 55th. Street, Cleveland, Ohio, 44103, hereinafter called "Grantee", the following nonexclusive easement with appurtenant rights whenever to conduct necessary tests, install, maintain, operate, inspect, replace, service, change the size of, connect to, relocate, and remove one or more underground pipeline(s), including above and below ground appurtenances such as but not limited to, drips, tanks, valves, pipes, fittings, cathodic protection, metering equipment, measuring equipment, regulating equipment, separators, cleaners, vaults, line mark identification posts, etc. necessary thereto the pipeline(s), for the distribution, production, storage, transmission, transportation and containment of natural gas and other gaseous products, with rights of ingress and egress to said facilities and appurtenances at all times, on the following described land, being the SUBJECT PROPERTY.

SUBJECT PROPERTY

SITUATED in the City of South Euclid, County of Cuyahoga, and State of Ohio, bounded and described as follows:

Parcel Number: 704-24-006 Acres: 0.786 Instrument: 200704270545

EASEMENT specifically described as: See Exhibit "A" attached hereto and made a part hereof.

PAYMENT FOR DAMAGE. The Grantee shall repair, replace, or compensate the Grantor for any harm or damages that the Grantee inflicts upon the Grantor's existing property and/or improvements [*such as but not limited to drain tile, fences, driveways, walks, buildings*] in the process of the Grantee exercising any of its herein declared rights upon the SUBJECT PROPERTY. Excepted from Grantee's liability to repair, replace or compensate the Grantor for damages is harm that the Grantee might inflict upon the land by maintenance, or harm to the Grantor's improvements classified herein as easement violation(s). The Grantee shall compensate the Grantor for any damages it inflicts upon crops, regardless of whether the crops were damaged by the Grantee in or outside of Dominion East Ohio's easement area.

ARBITRATION OF DAMAGE. In case of unresolvable dispute or claim between Grantor and Grantee, regarding the PAYMENT OF DAMAGE clause above, EXCEPTING issues pursuant to violations of Local, State, or Federal codes, regulations, and/or laws, the Grantor and Grantee agree to use the method of BINDING ARBITRATION to settle the dispute or claim, in accordance with and pursuant to the latest Commercial Arbitration Rules of the American Arbitration Association. There shall be three disinterested arbitrators one chosen by the Grantor, one chosen by the Grantee, and one mutually appointed by the two first chosen

arbitrators, to ascertain and determine a settlement of the dispute or claim. The arbitrators' award shall be final. Whatever the conclusion, both the Grantor and Grantee will be responsible to pay one half of the total arbitration costs. With respect to any controversy, claim, or dispute that is subject to arbitration under the terms herein, no suit at law or in equity based in an arbitrable dispute or controversy will be instituted by either party, except to enforce the award of the arbitrators. Should any party herein institute any suit of contravention of the terms herein, that party shall bear the cost of any reasonable attorney fee and court costs incurred by the other party.

The Grantor may use and enjoy the SUBJECT PROPERTY, subject to the conditions, restrictions, and provisions of this *GAS PIPELINE EASEMENT GRANT*, expressed and implied, and provided always that such use and enjoyment shall not interfere or be inconsistent in any way with rights, privileges and uses herein granted to the Grantee.

SUCCESSORS. This *GAS PIPELINE EASEMENT GRANT* is perpetual and shall extend to and be binding upon the Grantor and Grantee, their respective heirs, successors and assigns, whether assigned in whole or in part, and cannot be changed in any way except in writing signed by the Grantor and Grantee.

IN WITNESS WHEREOF, Grantor(s) hereby acknowledge that he/she/they understand and agree to all the content, terms, conditions, restrictions, and effects of this instrument and grant this *GAS PIPELINE EASEMENT*, by executing this document in _____, _____, on the ____ day of _____, 2012.

LANDOWNER(S)

City of South Euclid

By: _____

CORPORATE ACKNOWLEDGMENT

STATE OF _____)
)SS
COUNTY OF _____)

Before me, a Notary Public in and for said County and State, personally appeared the above named _____, of City of South Euclid, who acknowledged that _____ did sign the foregoing instrument, and that it was a free act and deed of said Company and that of themselves/himself/herself as an officer(s).

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in _____, _____, on the ____ day of _____, 2012.

Notary Public

My Commission expires: _____

Ohio Law requires all parties to contact the OHIO UTILITIES PROTECTION SERVICE at 1-800-362-2764 at least 48 hours before digging or excavating. ORC - 3781.28 A&B

This Instrument Was Prepared By:
Dominion East Ohio, Revised May 1, 2003

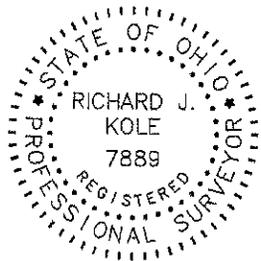
EXHIBIT "A"

TO AN EASEMENT DATED
FROM
CITY OF SOUTH EUCLID
TO
DOMINION EAST OHIO
Prepared by:



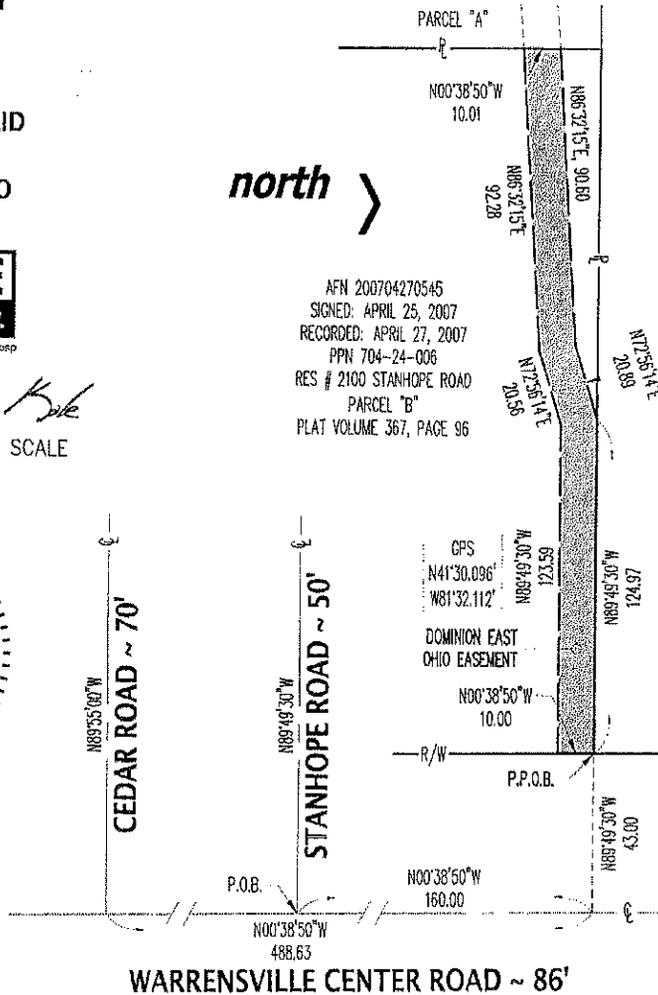
Richard J. Kole

MAY 7, 2012 NO SCALE
REVISED: MAY 9, 2012
REVISED: JUNE 11, 2012



north

AFN 200704270545
SIGNED: APRIL 25, 2007
RECORDED: APRIL 27, 2007
PPN 704-24-006
RES # 2100 STANHOPE ROAD
PARCEL "B"
PLAT VOLUME 367, PAGE 96



Situated in the City of South Euclid, County of Cuyahoga and State of Ohio and known as being part of Parcel "B" in the Lot Split of P.P. No. 704-23-003 for The City of South Euclid, Ohio, of part of Original Euclid Township Lot No. 24, Tract No. 2, as shown by the Plat recorded in Volume 367, Page 96 of Cuyahoga County Map Records.

Starting at the intersection of the centerlines of Warrensville Center Road, 86.00 feet wide, and Stanhope Road, 50.00 feet wide, as appears by said Plat; thence North 0° 38' 50" West along the said centerline of Warrensville Center Road, 160.00 feet; thence North 89° 49' 30" West, 43.00 feet to a point in the westerly line of Warrensville Center Road, at the northeast corner of said Parcel "B", said point also being the Principal Place of Beginning of the easement herein intended to be described; thence South 0° 38' 50" East along the said westerly line of Warrensville Center Road, 10.00 feet; thence North 89° 49' 30" West, 123.59 feet; thence South 72° 56' 14" West, 20.56 feet; thence South 86° 32' 15" West, 92.28 feet to a point in the westerly line of said Parcel "B"; thence North 0° 38' 50" West along the said westerly line of Parcel "B", 10.01 feet; thence North 86° 32' 15" East, 90.60 feet; thence North 72° 56' 14" East, 20.89 feet to a point in the northerly line of said Parcel "B"; thence South 89° 49' 30" East along the said northerly line of Parcel "B", 124.97 feet to the Principal Place of Beginning and containing 2,364.44 square feet (0.0549 acres) of land as described on June 12, 2012 by R.M. Kole & Assoc., Corp., Professional Land Surveyors.

File No. 12083-1

RECEIVED

MAY 31 2012

CITY OF S. EUCLID
MAYOR'S OFFICE

To: Michael Lograsso, Law Director
From: Paul Kowalczyk, Building Commissioner
Date: June 1, 2012
Re: Preparing Legislation (for June 25th Council Meeting)

1. Nature of legislation:

Prepare an ordinance to revise language in Chapter 1315, 1317, 1318 and 1319 relating to the new editions of the building code.

2. Why is this being proposed:

This is a housekeeping matter; the Ohio Board of Building Standards adopted the new code cycle which went into affect in November 2011. This revised language will recognize that the City of South Euclid is using the "current" edition of the building codes. As a certified building department, we are required to enforce the codes adopted by the State of Ohio. This new language will eliminate the need to change these sections each time a new code cycle is adopted.

Authorized by:

Georgine Welb

Date: 6/22/12

CITY OF SOUTH EUCLID, OHIO

ORDINANCE NO.: 12-12
INTRODUCED BY: Miller
REQUESTED BY: Mayor

June 25, 2012

AN ORDINANCE

AMENDING CHAPTER 1315 "NATIONAL ELECTRICAL CODE," CHAPTER 1317 "OHIO BUILDING CODE," CHAPTER 1318 "OHIO MECHANICAL CODE," AND CHAPTER 1319 "OHIO PLUMBING CODE" OF PART THIRTEEN "BUILDING CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO.

WHEREAS, the Council of the City of South Euclid wishes to amend the City's building code to ensure it is consistent with the Ohio Board of Building Standards Code adopted in November 2011.

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

Section 1: That Chapter 1315 "National Electrical Code," Chapter 1317 "Ohio Building Code," Chapter 1318 "Ohio Mechanical Code," and Chapter 1319 "Ohio Plumbing Code" of Part Thirteen "Building Code" of the Codified Ordinances of the City of South Euclid, Ohio be hereby amended to read as follows:

CHAPTER 1315 NATIONAL ELECTRICAL CODE

1315.01 Adoption of National Electrical Code, 2008- **current** edition.

CROSS REFERENCES

Adoption by reference - see Ohio R.C. 731.231

Electrical fees - see BLDG. ~~1305.07~~-1305.12

1315.01 ADOPTION OF NATIONAL ELECTRICAL CODE, 2008- CURRENT EDITION.

There is hereby adopted by and for the City, the National Electrical Code, 2008 current edition, and any subsequent amendments thereto, as recommended by the National Fire Protection Association, save and except such portions thereof as may be hereinafter amended or deleted, and from the date on which this chapter shall take effect, the provisions thereof shall be controlling in the installation and maintenance of all electrical materials in the Ohio Building Code and one, two or three family units contained within the corporate limits of the City.

CHAPTER 1317 OHIO BUILDING CODE

1317.01 Adoption of Ohio Building Code, 2007 **current** edition.

1317.02 File and distribution copies.

1317.03 Application. (Repealed)

1317.04 Compliance; violations. (Repealed)

1317.05 New work. (Repealed)

1317.06 Enforcement. (Repealed)

1317.07 File and distribution copies. (Repealed)

1317.08 Conflict of laws. (Repealed)

1317.99 Penalty; equitable remedies.

CROSS REFERENCES

See section histories for similar State law

Removal of unsafe structures - see Ohio R.C. 715.26(B), 715.261

Power to enact further and additional regulations - see Ohio R.C. 3781.01

Enforcement - see Ohio R.C. 3781.03, 3781.031, 3781.10(E), 3781.102, 3781.19

Final jurisdiction - see Ohio R.C. 3781.04

Application - see Ohio R.C. 3781.06, 3781.061, 3781.10(A), 3781.11(A)

Dead bolt locks in apartment buildings - see Ohio R.C. 3781.103

Smoke detection system for apartments and condominiums - see Ohio R.C. 3781.104

Use of public buildings by handicapped persons - see Ohio R.C. 3781.111

Energy conservation - see Ohio R.C. 3781.181

Submission of plans - see Ohio R.C. 3791.04

Abandoned service stations - see Ohio R.C. 3791.11 et seq.

Safety standards for refuse containers - see Ohio R.C. 3791.21

1317.01 ADOPTION OF OHIO BUILDING CODE, 2007 CURRENT EDITION.

Pursuant to Ohio R.C. 731.231, there is hereby adopted by and for the City the current Ohio Building Code (OBC), ~~being particularly the 2007 edition thereof and any subsequent amendments thereto~~, as adopted by the Ohio Board of Building Standards, Department of Industrial Relations, and as published in the Ohio Administrative Code (OAC), save and except such portions thereof as may be hereinafter amended or deleted.

1317.02 FILE AND DISTRIBUTION COPIES.

At least one copy of the OBC, as adopted in Section 1317.01, is on file with the Clerk of Council for inspection by the public. At least one copy of such Code is also on file in the County Law Library. In addition, the Clerk of Council shall keep copies of such Code available for distribution to the public, at cost.

1317.03 APPLICATION. (REPEALED)

(EDITOR'S NOTE: Section 1317.03 was repealed by Ordinance 92-03, passed November 24, 2003.)

1317.04 COMPLIANCE; VIOLATIONS. (REPEALED)

(EDITOR'S NOTE: Section 1317.04 was repealed by Ordinance 92-03, passed November 24, 2003.)

1317.05 NEW WORK. (REPEALED)

(EDITOR'S NOTE: Section 1317.05 was repealed by Ordinance 92-03, passed November 24, 2003.)

1317.06 ENFORCEMENT. (REPEALED)

(EDITOR'S NOTE: Section 1317.06 was repealed by Ordinance 92-03, passed November 24, 2003.)

1317.07 FILE AND DISTRIBUTION COPIES. (REPEALED)

(EDITOR'S NOTE: Section 1317.07 was repealed by Ordinance 92-03, passed November 24, 2003, and recodified as Section 1317.02.)

1317.08 CONFLICT OF LAWS. (REPEALED)

(EDITOR'S NOTE: Section 1317.08 was repealed by Ordinance 92-03, passed November 24, 2003.)

1317.99 PENALTY; EQUITABLE REMEDIES.

(a) Whoever violates or fails to comply with any of the provisions of this chapter, including any provision of the OBC adopted per Section 1317.01, is guilty of a misdemeanor of the first degree and shall be fined not more than one thousand dollars (\$1,000.00) or imprisoned not more than six months, or both, for each

offense. Unless otherwise provided, a separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.

(b) The application of the penalty provided in subsection (a) hereof shall not be deemed to prevent the enforced removal of prohibited conditions, or the application of any other equitable remedy, including, but not limited to, the abatement of any public nuisance referred to in the OBC whether brought under South Euclid Codified Ordinance Chapters 531 or 1301, or pursuant to State law.

CHAPTER 1318 OHIO MECHANICAL CODE

1318.01 Adoption of Ohio Mechanical Code, ~~2007~~ **current** edition.

CROSS REFERENCES

Adoption by reference - see Ohio R.C. 731.231

Ohio Building Code - see BLDG. 1317

Mechanical Fees- see BLDG. **1305.11** and **1305.13**

1318.01 ADOPTION OF OHIO MECHANICAL CODE, ~~2007~~ CURRENT EDITION.

Pursuant to Ohio R.C. 731.231, there is hereby adopted by and for the City the current Ohio Mechanical Code (OMC), ~~being particularly the 2007 edition thereof and any subsequent amendments thereto~~, as adopted by the Ohio Board of Building Standards, Department of Industrial Relations, and as published in the Ohio Administrative Code (OAC), save and except such portions thereof as may be hereinafter amended or deleted, and from the date on which this chapter shall take effect, the provisions thereof shall be controlling in the installation and maintenance of all mechanical materials in the Ohio Building Code.

CHAPTER 1319 OHIO PLUMBING CODE

1319.01 Adoption of Ohio Plumbing Code, ~~2007~~ **current** edition.

CROSS REFERENCES

Adoption by reference - see Ohio R.C. 731.231

Plumbing permits - see BLDG. Ch. 1303

Plumbing fees - see BLDG. ~~1305.07~~ **1305.11**

1319.01 ADOPTION OF OHIO PLUMBING CODE, ~~2007~~ CURRENT EDITION.

Pursuant to Ohio R.C. 731.231, there is hereby adopted by and for the City the current Ohio Plumbing Code (OPC), ~~being particularly the 2007 edition thereof and any amendments thereto~~, as adopted by the Ohio Board of Building Standards, Department of Industrial Relations, and as published in Chapter 4101:3 of the Ohio Administrative Code (OAC), save and except such portions thereof as may be hereinafter amended or deleted, and from the date on which this chapter shall take effect, the provisions thereof shall be controlling in the installation and maintenance of all plumbing materials in the Ohio Building Code and one, two or three family units contained within the corporate limits of the City.

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

Section 3: That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety. Wherefore, this Ordinance shall take effect and be in force from and after the earliest period allowed by law and upon signature of the Mayor.

Passed this _____ day of _____, 2012.

David B. Miller, President of Council

Approved:

Georgine Welo, Mayor

Attest:

Keith A. Benjamin, Clerk of Council

Approved as to form:

Michael P. Lograsso, Director of Law