

THE CITY OF SOUTH EUCLID SCHEDULE OF MEETING

July 13, 2015
8:00 PM

1. PLEDGE OF ALLEGIANCE
2. ROLL CALL
3. APPROVAL OF MINUTES: June 8, 2015
4. OPEN MEETING
5. REPORT OF COMMITTEES

ZONING & PLANNING COMMITTEE

1. RESOLUTION 15-15 GRANTING A CONDITIONAL USE PERMIT TO THE MUSEUM OF AMERICAN PORCELAIN ART AND THE SOUTH EUCLID/LYNDHURST HISTORICAL SOCIETY, LOCATED AT 4629 AND 4645 MAYFIELD ROAD IN THE CITY OF SOUTH EUCLID. **SECOND READING.**

SAFETY COMMITTEE

1. ORDINANCE 09-15 AMENDING SECTION 131.08 "FIRE DEPARTMENT DUTIES" OF CHAPTER 131 "DEPARTMENT OF PUBLIC SAFETY" OF PART ONE "ADMINISTRATIVE CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO. **THIRD READING.**

6. LEGISLATION REQUESTED BY THE CHARTER REVIEW COMMISSION

1. ORDINANCE 12-15 AN ORDINANCE PROVIDING FOR SUBMISSION TO THE ELECTORS OF THE CITY OF SOUTH EUCLID OF CERTAIN CHARTER AMENDMENTS AS PROPOSED BY THE CHARTER REVIEW COMMISSION PURSUANT TO ARTICLE XI-A OF THE CHARTER FOR THE CITY OF SOUTH EUCLID, OHIO; AND DECLARING AN EMERGENCY. **SECOND READING.**

7. LEGISLATION REQUESTED BY THE PLANNING COMMISSION

1. RESOLUTION 20-15 GRANTING A CONDITIONAL USE PERMIT FOR A DRIVE THROUGH AND OUTDOOR DINING AT 2100 WARRENSVILLE CENTER ROAD IN THE CITY OF SOUTH EUCLID, OHIO; AND DECLARING AN EMERGENCY. **FIRST READING.**
2. ORDINANCE 10-15 AMENDING THE ZONING MAP OF THE CITY OF SOUTH EUCLID, OHIO, SO AS TO CHANGE THE HEREINAFTER DESCRIBED PERMANENT PARCEL NUMBERS FROM ITS EXISTING CLASS R-50 "ONE AND TWO FAMILY DISTRICT" TO C-1 "LIMITED COMMERCIAL DISTRICT" **R-O "RESIDENTIAL-OFFICE DISTRICT." SECOND READING.**

8. MAYOR'S REPORT

9. LEGISLATION REQUESTED BY THE MAYOR AND ADMINISTRATION

1. RESOLUTION 21-15 AUTHORIZING THE APPROPRIATION OF UNAPPROPRIATED FUNDS IN THE FOLLOWING FUND: "FIRE PREVENTION FUND #101-1120-52712" IN AN AMOUNT OF \$1,500.00 FOR FIRE PREVENTION ACTIVITIES AND SUPPLIES. FIRST READING.

2. RESOLUTION 22-15 AUTHORIZING THE MAYOR TO DONATE CERTAIN PROPERTY OF THE CITY OF SOUTH EUCLID, OHIO TO NOTRE DAME COLLEGE AND CUYAHOGA COMMUNITY COLLEGE (TRI-C). FIRST READING.

3. RESOLUTION 23-15 AUTHORIZING THE MAYOR, OR HER DESIGNEE, TO ACCEPT DONATION OF THE PROPERTY LOCATED AT 4246 ELLISON ROAD IN THE CITY OF SOUTH EUCLID, OHIO. FIRST READING.

10. LAW DIRECTOR'S REPORT

11. LETTERS AND COMMUNICATIONS

12. ADJOURN

REGULAR MEETING OF SOUTH EUCLID CITY COUNCIL

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

Roll Call

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

Opening Meeting of Council:

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

- George Martin, 1832 South Green Road, stated that he is an advocate for senior citizens and discussed how many seniors in society today are abused and that he knows from personal experience in prison and also serving as a minister. Mr. Martin stated that seniors have become the largest segment of the hungry in our country with over 385,000 at risk of hunger in 2013 and suggested that residents contact State Senator Yuko and others to get block grants increased for seniors as funding has been cut. Mr. Martin stated that Stacey O'Brien at the Community Partnership on Aging has done wonderful things for our communities but can only do so much and that seniors are being short shifted. Mr. Martin distributed an information sheet on how to contact state legislators.
- Charles Turner, 4549 Lilac Road, stated that the Police Chief is an unconvicted criminal and sent a police car out to attack a private citizen and then destroyed evidence and that the Mayor and Law Director knew about it. Mr. Turner stated that he doesn't understand how City Council can hold their heads up high and work with a Chief and staff who would do something like this. Mr. Turner, addressing Council President David Miller, stated that he had checked and found out that Mr. Miller is black and that his son is black and asked what if your son goes to college and gets pulled over and is harassed by the police. Council President Miller asked Mr. Turner to not bring his son into the conversation. Mr. Turner stated that Harriet Beecher Stowe wrote a book called Uncle Tom's Cabin and look at Ferguson and Baltimore. President Miller read an email from Mr. Turner to the city advising the Mayor, Chief and Law Director that he had passed a criminal record check and purchased a new rifle with a scope and Mr. Miller stated that the email is a threat and a red flag. Councilman Icove objected to President Miller reading the email.

Report of Council Committees:Safety Committee

Councilman Gelfand reported that the Safety Committee met regarding two items. The first one was Ordinance 09-15 to increase the collection in the Safety Vehicle Fund from \$200,000 to \$225,000 to keep up with the replacement schedules for safety vehicles over the next several years. The legislation was approved in committee for council consideration. The committee also met with representatives from the Cleveland Heights University Heights School District to discuss and begin preparations for the planned use of the former Wiley Middle School in University Heights at the Cedar Road border as a temporary Cleveland Heights High School for two years beginning this September. The committee discussed the impact of having approximately 1,600 students at the school and how there will be increased traffic and concerns for student safety on the busy roadways, as well as the issue that both Brush and Cleveland Heights will be ending their school day at the same time and discussed the need for possible staggered scheduling.

Committee of the Whole

Councilman Miller reported that the Committee held two meetings, the first one to discuss the regional deer study that was done last winter. Animal Warden Brian Miller reported that in South Euclid, the city has approximately 72 deer, which equates to 15 to 17 deer per square mile. There was discussion regarding ODNR restrictions and ways to prevent deer from being nuisances on individual property including the use of repellants, higher fences, etc. ODNR will be invited to attend a meeting to discuss these issues.

Mr. Miller stated that the committee met to discuss monthly finances and that the Finance Director reported that the general fund balance was around \$3 million, which is slightly more than last year at this time. Mr. Miller reported on income tax collection at Cedar Center North and that the TIF at Cedar Center last year generated \$767,224. There will be additional follow-up with RITA concerning outstanding collections from some of the businesses, as well as the subpoena program moving forward.

Finance Committee

Introduced by Miller

Resolution 11-15

Resolution

SUBMITTING THE QUESTION OF RENEWING AN EXISTING TAX LEVY FOR THE PURPOSE OF PROVIDING FUNDS FOR THE GENERAL CONSTRUCTION, RECONSTRUCTION, RESURFACING AND REPAIR OF THE ROADS AND STREETS IN THE CITY. TOGETHER WITH ALL NECESSARY INCIDENTALS AND APPURTENANCES, THERETO, PURSUANT TO OHIO REVISED CODE SECTION 57-5.19, TO THE ELECTORS OF THE CITY OF SOUTH EUCLID. **SECOND READING.**

The legislation was placed on second reading.

Mayor's Report:

Economic Development Director Love requested council consideration of Res. 17-15 regarding the conveyance of properties to One South Euclid.

Director Benjamin discussed the Summer Youth Initiative, which will begin on June 15th, and the registration coming up this Saturday. The program provides free lunch, snack and recreation and academic activities for youth grades 5-8 in the summer months and food for youth age 18 and under that participate in the free and reduced lunch program during the school year.

Mayor Welo discussed a meeting that was held by the South Euclid Lyndhurst Historical Society Meeting with Richard Barrone, the owner of the Telling Mansion. At the meeting, Mr. Barrone discussed his plans for renovations and opening of his American Porcelain Museum. Mayor Welo discussed the Salisbury Road Ice cream social that she attended and also a meeting with Notre Dame College on Saturday. The Mayor discussed the upcoming Rock the Block event on Mayfield Road and other summer events. The Mayor announced the creation of a Youth Police Academy, a new program from the police department.

Legislation Requested by the Mayor and Administration

Introduced by Miller

Resolution 17-15

Resolution

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

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

Vote: Motion carried by unanimous roll call vote (summary: Yes = 7).

Yes: Councilman Dennis Fiorelli, Councilman Marty Gelfand, Council President Pro Tem Jane Goodman, Councilwoman Ruth Gray, Councilman Ed Icove, Councilman Moe Romeo, Council President David Miller. The legislation has been approved.

Law Director's Report

President Miller reported that Mr. Lograsso was away on family business.

Letters & Communications

Council President Miller discussed the upcoming Rock the Block festival and also discussed School District awards and the graduation.

Councilwoman Goodman scheduled a zoning and planning meeting for July 13 at 7 pm to discuss the donation box legislation that is currently in committee.

Councilwoman Gray reported that last Friday the PACA neighborhood had their yearly meet and greet and reported on upcoming meetings including the Ward One meeting on June 23rd at 6:30 pm at the Community Center and a public forum on the heroin issue in collaboration with the South Euclid Municipal Court on June 24 in Council Chambers. Ms. Gray reported on the August 8th annual Princeton garage sale.

Councilman Gelfand scheduled a Safety Committee Meeting for July 27 at 7 pm and reported on the Hillcrest Council of Council Meeting and Hillcrest Chamber of Commerce Business Expo.

Councilman Romeo reported on the need for the meeting regarding the Porcelain Museum conditional use permit.

Councilman Fiorelli reported on an issue on Westdale that the Service Department took care of and that as he is walking he hears that police issues are being followed up with and high standards are being maintained.

Adjourn

Action: Motion to Adjourn, **Moved by Council President Pro Tem Jane Goodman, Seconded by Councilman Marty Gelfand.**

Vote: Motion carried by unanimous roll call vote (summary: Yes = 7).

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

The Meeting Adjourned at 8:36 pm

Council President

Attest:

Clerk of Council

CITY OF SOUTH EUCLID, OHIO

RESOLUTION NO.: 15-15
INTRODUCED BY: Miller
REQUESTED BY: Planning Commission

May 26, 2015
Second Reading: July 13, 2015

A RESOLUTION

GRANTING A CONDITIONAL USE PERMIT TO THE MUSEUM OF AMERICAN PORCELAIN ART AND THE SOUTH EUCLID/LYNDDHURST HISTORICAL SOCIETY, LOCATED AT 4629 AND 4645 MAYFIELD ROAD IN THE CITY OF SOUTH EUCLID.

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 4-0-0 that a Conditional Use Permit be granted to the Museum of American Porcelain Art and the South Euclid/Lyndhurst Historical Society located at 4629 and 4645 Mayfield Road; and

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

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

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

Section 1: That a Conditional Use Permit is hereby granted to the Museum of American Porcelain Art and the South Euclid/Lyndhurst Historical Society, located at 4629 and 4645 Mayfield Road in the City of South Euclid, Ohio, per the following conditions:

- Condition 1:** That both pole signs located on the property shall be removed at the time the South Euclid/Lyndhurst Library vacates the premises.
- Condition 2:** That all requirements as dictated by the Codified Ordinances are observed.

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: 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

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.: 09-15
INTRODUCED BY: Miller
REQUESTED BY: Mayor

April 27, 2015
Second Reading: June 22, 2015
Third Reading: July 13, 2015

AN ORDINANCE

AMENDING SECTION 131.08 "FIRE DEPARTMENT: DUTIES" OF CHAPTER 131 "DEPARTMENT OF PUBLIC SAFETY" OF PART ONE "ADMINISTRATIVE CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO.

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

Section 1: That Section 131.08 "Fire Department: Duties" of Chapter 131 "Department of Public Safety" of Part One "Administrative Code" of the Codified Ordinances of the City of South Euclid, Ohio be hereby amended to read as follows:

"131.08 FIRE DEPARTMENT: DUTIES.

(a) (1) The Fire Department shall provide the highest level of life and property safety through the extension of Fire Prevention, Fire Control, Emergency Medical and Public Education Services.

(2) In addition to the foregoing duties, the Fire Department shall furnish emergency ambulance service in all cases of illness, injury and other bodily harm. Such emergency medical service will be provided at the Advanced Life Support level and each ambulance shall be staffed with a minimum of one Basic EMT-A and one Paramedic.

(b) Each person receiving emergency medical service from the City shall be charged a fee for each response as follows:

- (1) BLS emergency transport one way \$400.00
- (2) ALS emergency transport one way \$550.00
- (3) ALS/BLS per mile transport one way \$10.00

(c) Billing and collection of said fees shall be conducted by a professional service selected by the Administration. Said professional billing agency shall have the power to accept insurance assignments. Council shall determine by a policy attached to Ordinance No. 47-07, passed November 26, 2007 and made a part hereof those accounts uncollectible by law or hardship and such accounts shall be reviewed by the Finance Director and forwarded to the designated collection agency within thirty days.

(d) The Finance Director shall establish a fund, to be entitled the Safety Forces Vehicle Fund, into which the first ~~two hundred thousand dollars (\$200,000)~~ **two hundred twenty five thousand dollars (\$225,000)** annually collected pursuant to this section will be deposited."

Section 3: 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 4: That this Ordinance is declared to be an emergency measure necessary for the preservation of the public peace, health, safety and welfare and for the further reason that it affects the daily operation of the Fire Department and the billing and collection for EMS services, so that it is necessary to amend the policy 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

Approved:

Georgine Welo, Mayor

Attest:

Keith A. Benjamin, Clerk of Council

Approved as to form:

Michael P. Lograsso, Director of Law

CITY OF SOUTH EUCLID, OHIO

ORDINANCE NO.: 12-15
INTRODUCED BY: Goodman
REQUESTED BY: Charter Review Commission

June 22, 2015
Second Reading: July 13, 2015

AN ORDINANCE

AN ORDINANCE PROVIDING FOR SUBMISSION TO THE ELECTORS OF THE CITY OF SOUTH EUCLID OF CERTAIN CHARTER AMENDMENTS AS PROPOSED BY THE CHARTER REVIEW COMMISSION PURSUANT TO ARTICLE XI-A OF THE CHARTER FOR THE CITY OF SOUTH EUCLID, OHIO; AND DECLARING AN EMERGENCY.

WHEREAS, a Charter Review Commission was elected at the General Election held November 4, 2014 for the purpose of reviewing the present City Charter and the proposing of any revisions thereof; and

WHEREAS, the said Charter Review Commission has determined that certain proposed amendments to the Charter be submitted to the electors for their approval or rejection at the next General Election to be held on November 3, 2015; and

WHEREAS, it is necessary that this Council submit and transmit such proposed amendments to the Board of Elections of Cuyahoga County, Ohio for the placing of said proposed amendments on the ballot.

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

Section 1: That the following separate proposals to the Charter of the City of South Euclid, Ohio be submitted to the electors of said City at the General Election to be held on November 3, 2015:

PROPOSAL #1

1. Regarding proposed amendment to Article XI:

ARTICLE XI - AMENDMENTS TO CHARTER

The Council may, by affirmative vote of at least two-thirds of its members, submit any proposed amendment to the Charter to the electors; or, upon the receipt of a petition, signed by not less than ten percent of the **total vote cast by the electors at the last preceding regular municipal election** ~~registered electors of the City~~, setting forth any proposed amendment to the Charter, it shall submit such proposed amendment to the electors. The Council shall determine the manner of the submission of any proposed amendment to the electors to the extent that such submission is not governed by the Constitution and the laws of the State of Ohio. If any such proposed amendment shall be approved by a majority of the electors voting thereon, it shall become a part of this Charter, except that if two or more inconsistent proposed amendments on the same subject shall be submitted at the same election, the one of such amendments receiving the largest affirmative vote, not less than a majority, shall become a part of the Charter.

PROPOSED BALLOT LANGUAGE

“Shall the Charter of the City of South Euclid be amended to require the signatures of a minimum of 10% of the number of electors who cast a vote in the last regular municipal election in order to submit a charter amendment petition to electors of the city?”

PROPOSAL #2

- 2. Amending gender based language throughout the entire charter.

PROPOSED BALLOT LANGUAGE

“Shall the Charter of the City of South Euclid be amended throughout the entire Charter to replace gender based language with gender neutral language where appropriate?”

PROPOSAL #3

- 3. Regarding proposed Amendment to Article V Section 1, General Provisions:

ARTICLE V - ADMINISTRATIVE DEPARTMENTS AND COMMISSIONS

SECTION 1. GENERAL PROVISIONS.

A Department of Law, a Department of Finance, a Department of Public Safety and a Department of Service are hereby established by this Charter and the Council shall provide by ordinance for the organization thereof. The head of each department shall be a director appointed by the Mayor who shall serve at the pleasure of the Mayor. However, ~~Council shall confirm, or reject, the Mayor's the~~ appointment of the Director of Law shall be for a term concurrent with that for which the Mayor is elected for the full term beginning January 1, 2016. The newly elected (or re-elected) Mayor shall nominate a Law Director by January 1 of the full term commencing and Council shall confirm or reject the Mayor's appointment no later than January 31st of the year of the appointment. ~~within 30 days of the Council meeting following the notification of appointment. In addition, Council shall confirm or reject the incumbent Director of Law within the January 2, 2013 thru January 31, 2013 time period and every two years thereafter. Council's failure to act in either of these situations~~ Failure of Council to confirm or reject the appointee by January 31st of the appointment year shall result in automatic confirmation of the Mayor's appointee.

PROPOSED BALLOT LANGUAGE

“Shall the Charter of the City of South Euclid be amended to make the appointment and term of the Law Director run concurrent with that for which the Mayor is elected for the full term beginning January 1, 2016 subject to the confirmation of City Council by January 31st of the appointment year?”

PROPOSAL #4

- 4. Regarding proposed Amendment to Article XIII Section 4:

ARTICLE XIII - ETHICS AND STANDARDS

SECTION 4. DISCLOSURE OF PRIVATE INTEREST IN LEGISLATION.

A member of Council shall publicly disclose on the official records of Council any direct or financial interest or other personal or private right he may have in any legislation pending before Council prior to its passage, provided, however that said disclosure shall not deprive the member of Council of his right to vote on said legislation nor shall the failure of any member of Council to make said disclosure affect the validity of the legislation.

Beginning January 2016, all public officials and employees of the City of South Euclid must complete and sign a Conflict of Interest statement by the 2nd council meeting of February. This process will occur each year following implementation. Any and all conflicts that may affect the official's decisions or conduct must be disclosed in writing and presented to City Council. All signed Conflict of Interest documents will be part of the records.

PROPOSED BALLOT LANGUAGE

“Shall the Charter of the City of South Euclid be amended to require all public officials and employees of the City of South Euclid to complete and sign a Conflict of Interest statement by the second council meeting of February 2016?”

PROPOSAL #5

5. Regarding proposed Amendment to Article XI A – Charter Review Commission:

ARTICLE XI-A - CHARTER REVIEW COMMISSION

At the general election in November of 1974, and at the general election in November of each tenth year thereafter, a Charter Review Commission of nine members shall be elected. **No Commission Member can be a Public Official, except that the Mayor and President of Council (or his/her designee) shall be Ex Officio Commission Members.**

Candidates for members of the Charter Review Commission shall be nominated and elected in accordance with the provisions of Section 1 of Article VII of the Charter of the City of South Euclid. ~~The fact that a candidate holds an elective or appointive position in the City of South Euclid shall not disqualify him from seeking election to the Commission.~~

Members of the Commission shall meet within thirty days after their election, at the call of the Mayor, and select one of their members as Chairman. A vacancy on the Commission shall be filled by appointment by a majority vote of **City Council** ~~all the remaining members of the Commission~~. A member so appointed shall serve as though originally elected to such position.

Any proposed amendment of this Charter, agreed upon by a majority of any Charter Review Commission in pursuance of this article, shall be submitted to the electors, for their approval or rejection, on a separate ballot at the next general election. If a majority of the electors voting on the same shall adopt such amendment, the same shall become a part of this Charter. When more than one amendment shall be submitted at the same time, they shall be so submitted as to enable the electors to vote on each amendment, separately. Not less than thirty days prior to the date of such election the Clerk of Council shall mail a copy of each proposed amendment to each elector whose name appears upon the poll or registration books of the last regular or general election held in this City.

Each Charter Review Commission shall cease to function on the day of the next regular November election following election of members to such Commission. Members shall serve without compensation unless otherwise provided by ordinance.

PROPOSED BALLOT LANGUAGE: (ARTICLE XI-A)

“Shall the Charter of the City of South Euclid be amended to exclude public officials from being a Commission member, with the exception of the Mayor and President of Council (or his/her designee), who will not be voting members?”

PROPOSED BALLOT LANGUAGE: (ARTICLE XI-A)

“Shall the Charter of the City of South Euclid be amended to have any vacancy on the Charter Review Commission filled by a majority vote of City Council to appoint a member to any vacancy that arises on the Charter Review Commission?”

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 28, 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 for the public peace, health, and safety and for further reason that a vital function of the municipal government is effected hereby. Wherefore, this Ordinance shall take effect and be in force from and after the earliest period allowed by law and upon signature of the Mayor.

Passed this _____ day of _____, 2015.

David B. Miller, President of Council

Attest:

Approved:

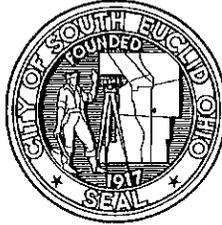
Keith A. Benjamin, Clerk of Council

Georgine Welo, Mayor

Approved as to form:

Michael P. Lograsso, Director of Law

CITY OF SOUTH EUCLID



PLANNING COMMISSION

June 30, 2015

David Miller, President of Council
City of South Euclid
1349 South Green Road
South Euclid, Ohio 44121

Dear Council President Miller,

The Planning Commission on June 25, 2015 voted (5-0) to **recommend approval** of the application to for a conditional use to have an outdoor dining facility at the property located at 2100 Warrensville Center Road, also known as Panda Express.

The recommended approval was conditioned on receiving Architectural Board of Review approval as well as installing a 36" black aluminum fence along the drive-thru side of the outdoor patio.

If you have any questions, please let me know.

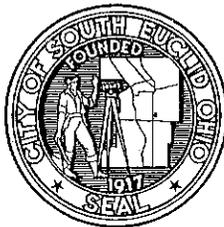
Respectfully,

A handwritten signature in black ink, appearing to read "J. M. Russell".

Jason M. Russell
Chair, South Euclid Planning Commission

Cc: Georgine Welo, Mayor
Michael Lograsso, Law Director
Paul Kowalczyk, Building Commissioner
South Euclid City Council Members
Planning Commission Members

CITY OF SOUTH EUCLID



PLANNING COMMISSION

June 30, 2015

David Miller, President of Council
City of South Euclid
1349 South Green Road
South Euclid, Ohio 44121

Dear Council President Miller,

The Planning Commission on June 25, 2015 voted (5-0) to **recommend approval** of the application to for a conditional use to have a drive-thru at the property located at 2100 Warrensville Center Road, also known as Panda Express.

The recommended approval was conditioned on receiving Architectural Board of Review approval as well as installing removable bollards in the parking lot to prevent unintended movements into the drive-thru lane.

If you have any questions, please let me know.

Respectfully,

A handwritten signature in black ink, appearing to read 'J M Russell'.

Jason M. Russell
Chair, South Euclid Planning Commission

Cc: Georgine Welo, Mayor
Michael Lograsso, Law Director
Paul Kowalczyk, Building Commissioner
South Euclid City Council Members
Planning Commission Members

CITY OF SOUTH EUCLID, OHIO

RESOLUTION NO.: 20-15
INTRODUCED BY: Miller
REQUESTED BY: Planning Commission

July 13, 2015

A RESOLUTION

GRANTING A CONDITIONAL USE PERMIT FOR A DRIVE-THRU AND OUTDOOR DINING AT 2100 WARRENSVILLE CENTER ROAD IN THE CITY OF SOUTH EUCLID, OHIO; AND DECLARING AN EMERGENCY.

WHEREAS, the Council of the City of South Euclid recognizes the need for certain restaurants to have a drive-thru and outdoor dining as part of the Cedar Center North Development Project; and

WHEREAS, one such restaurant, a proposed "Panda Express," is to be located at 2100 Warrensville Center Road and has requested a conditional use permit for both a drive-thru and outdoor dining; and

WHEREAS, the Planning Commission, after careful study, has recommended to Council in a vote of 5-0-0 that a Conditional Use Permit be granted to permit a drive-thru at 2100 Warrensville Center Road to serve the proposed "Panda Express"; and

WHEREAS, the Planning Commission, after careful study, has recommended to Council in a vote of 5-0-0 that a Conditional Use Permit be granted to permit outdoor dining at 2100 Warrensville Center Road to serve the proposed "Panda Express"; 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 738 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 permit a drive-thru and outdoor dining at 2100 Warrensville Center Road, to serve the proposed "Panda Express" restaurant per the following conditions:

- Condition 1:** That the drive-thru receives approval from the Architectural Review Board.
- Condition 2:** That property owner install removable bollards in the parking lot to prevent unintended movements into the drive-thru lane.
- Condition 3:** That the design of the outdoor dining area receive approval from the Architectural Review Board.
- Condition 4:** That the property owner install a 36" black aluminum fence along the drive-thru side of the outdoor patio.

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

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.: 10-15
INTRODUCED BY: Miller
REQUESTED BY: Mayor

May 11, 2015
As Amended by the Planning Commission: June 25, 2015
Second Reading: July 13, 2015

AN ORDINANCE

AMENDING THE ZONING MAP OF THE CITY OF SOUTH EUCLID, OHIO, SO AS TO CHANGE THE HEREINAFTER DESCRIBED PERMANENT PARCEL NUMBERS FROM ITS EXISTING CLASS R-50 "ONE AND TWO FAMILY DISTRICT" TO ~~C-1 "LIMITED COMMERCIAL DISTRICT"~~ R-O "RESIDENTIAL-OFFICE DISTRICT."

WHEREAS, M-R Management, LLC, owners of the former "Young Israel Temple" property located at 14141 Cedar Road, has initiated a request to rezone the hereinafter described property from its existing Class R-50 "One and Two Family District" to a C-1 "Limited Commercial District"; and

WHEREAS, the Planning Commission discussed and considered the request from M-R Management, LLC and held a public hearing on the above matter on June 25, 2015; and

WHEREAS, after the public hearing and further discussion, the Planning Commission, in a 5-0-0 vote, recommended denial to rezone the property C-1 "Limited Commercial District"; and

WHEREAS, the Planning Commission instead recommends City Council consider a less intense zoning classification and recommends the property be rezoned from its existing Class R-50 "One and Two Family District" to R-O "Residential-Office District", so that all future uses of the property would best fit the existing neighborhood and maintain its residential character; and

WHEREAS, the Council of the City of South Euclid, after conducting its due diligence, intends to accept the recommendation of the Planning Commission to rezone the hereinafter described property from its existing Class R-50 "One and Two Family District" to R-O "Residential-Office District."

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

Section 1: That the following pieces of property known as permanent parcel nos. 704-20-045; 704-20-046; 704-20-047; 704-20-048; 704-20-049; 704-20-050; and 704-20-051 which are currently zoned R-50 "One and Two Family District", be rezoned to a ~~C-1 "Limited Commercial District"~~ R-O "Residential-Office District," as recommended by the Planning Commission and confirmed by City Council.

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

Section 3: That this Ordinance is deemed to be an emergency measure necessary for the immediate preservation of the public peace, health and safety and for the further reason that a vital function of the municipal government is affected hereby. 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

DIVISION OF FIRE

Douglas A. Stefko
Chief



1349 South Green Road
South Euclid, Ohio 44121
Phone: (216) 691-4270
Fax: (216) 381-2016
dastefko@seuclidfire.com

DATE: 6-16-15

TO: Mayor Georgine Welo

From: Chief Stefko
Division of Fire

RE: Legislation Request

Request: A monetary transfer from the General Fund to Fire Department Account 101.1120.52712 "Fire Prevention", in the amount of \$1500.00.

Purpose: To use funds received from The Wal-Mart Community Grant Program, for Fire Prevention activities and supplies. These funds were received from Wal-Mart Facility #2362, located here in South Euclid.

Attached is a copy of the check from Wal-Mart for your convenience.

Thanks for your consideration,

cc: File

DAS/das

CITY OF SOUTH EUCLID, OHIO

RESOLUTION NO.: 21-15
INTRODUCED BY: Miller
REQUESTED BY: Mayor

July 13, 2015

A RESOLUTION

AUTHORIZING THE APPROPRIATION OF UNAPPROPRIATED FUNDS IN THE FOLLOWING FUND: "FIRE PREVENTION FUND #101-1120-52712" IN AN AMOUNT OF \$1,500.00 FOR FIRE PREVENTION ACTIVITIES AND SUPPLIES.

WHEREAS, the South Euclid Fire Department received a grant in the amount of \$1,500.00 from the Wal-Mart Community Grant Program; and

WHEREAS, the Fire Department will utilize this grant funding for fire prevention activities and supplies.

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 appropriate unappropriated funds in the General Fund in an amount of \$1,500.00 to the "Fire Prevention Fund #101-1120-52712" for the purposes of fire prevention activities and supplies.

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: 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

MLograsso

From: lwilliams [lwilliams@seuclid.com]
Sent: Monday, June 08, 2015 9:45 AM
To: 'Michael Lograsso'
Cc: 'Keith Benjamin'; 'Michael Love'
Subject: FW: Ladder donation to tri-c.

Lee

-----Original Message-----

From: Douglas Stefko [mailto:dastefko@seuclidfire.com]
Sent: Monday, June 08, 2015 6:57 AM
To: Lee Williams
Subject: Ladder donation to tri-c.

Lee, the following ladders are what we would like to donate to tri-c. 16 foot roof ladder, 20 foot roof ladder, 20 foot extension ladder, (2) 28 foot extension ladders, 35 foot extension ladder. That is all.

Sent from my Verizon Wireless 4G LTE Smartphone

MLograsso

From: Williams [lwilliams@seuclid.com]
Sent: Wednesday, June 10, 2015 2:51 PM
To: 'Michael Lograsso'
Subject: FW: ITEMS TO BE DONATED

Follow Up Flag: Follow up
Flag Status: Flagged

Lee

From: Kevin Nietert [mailto:knietert@sepolice.com]
Sent: Wednesday, June 10, 2015 2:35 PM
To: 'lwilliams'
Subject: RE: ITEMS TO BE DONATED

I am asking that a Haro Police Mountain Bike serial number A000510442 be donated to Notre Dame College PD.

Kevin Nietert
Chief of Police
South Euclid Police Department



From: lwilliams [mailto:lwilliams@seuclid.com]
Sent: Thursday, June 4, 2015 3:29 PM
To: Kevin Nietert; 'Chief Doug Stefko'
Subject: ITEMS TO BE DONATED



Dear Chiefs – please forward me a list of items you are asking to be donated. Thank you and let me know if I can be further assistance.

Lee

Ms. Lee Williams
Executive Assistant and
Purchasing Agent
City of South Euclid
1349 South Green Road
South Euclid, OH 44121
216-381-0400 x221
216-381-0364 fax
www.cityofsoutheuclid.com

CITY OF SOUTH EUCLID, OHIO

RESOLUTION NO.: 22-15
INTRODUCED BY: Miller
REQUESTED BY: Mayor

July 13, 2015

A RESOLUTION

AUTHORIZING THE MAYOR TO DONATE CERTAIN PROPERTY OF THE CITY OF SOUTH EUCLID, OHIO TO NOTRE DAME COLLEGE AND CUYAHOGA COMMUNITY COLLEGE (TRI-C).

WHEREAS, the City of South Euclid is the owner of certain property; and

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

WHEREAS, said property, currently belonging to the Police and Fire Departments as described below, can be donated to Notre Dame College and Cuyahoga Community College (Tri-C) to serve a useful purpose.

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

Section 1: That the Mayor is authorized to donate the following property to Notre Dame College:
1. One (1) Haro Police Mountain Bike Serial Number A000510442

Section 2: That the Mayor is authorized to donate the following property to Cuyahoga Community College (Tri-C):
1. One (1) 16-foot roof ladder
2. One (1) 20-foot roof ladder
3. One (1) 20-foot extension ladder
4. Two (2) 28-foot extension ladders
5. One (1) 35-foot extension ladder

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: 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

Memorandum

To: South Euclid City Council

From: Sally Martin

Date: July 8, 2015

Re: 4246 Ellison Road PP# 704-12-019

We have received an offer of donation for the property located at 4246 Ellison Road. This is a vacant and blighted home that has an Order of Nuisance Abatement for demolition. The property's owner, National Default Real Estate Services, LLC, appealed the demolition order to the Board of Zoning appeals. The appeal was denied and the City plans to proceed with the demolition.

I recommend that we take the donation so that we have site control of the property which has been approved for funding under the County's Demolition Bond Fund. We have received numerous complaints over the years from neighbors about this property.

CITY OF SOUTH EUCLID, OHIO

RESOLUTION NO.: 23-15
INTRODUCED BY: Miller
REQUESTED BY: Mayor

July 13, 2015

A RESOLUTION

AUTHORIZING THE MAYOR, OR HER DESIGNEE, TO ACCEPT DONATION OF THE PROPERTY LOCATED AT 4246 ELLISON ROAD IN THE CITY OF SOUTH EUCLID, OHIO.

WHEREAS, the Council of the City of South Euclid recognizes the problems associated with foreclosed and abandoned properties within the city; and

WHEREAS, the home located at 4246 Ellison Road has been declared a vacant and abandoned nuisance property; and

WHEREAS, the City of South Euclid has received funding from the Cuyahoga County Demolition Bond Fund to demolish the structure; and

WHEREAS, the owners of the property, National Default Real Estate Services, LLC appealed the order of demolition to the South Euclid Board of Zoning Appeals and lost the appeal; and

WHEREAS, upon losing the appeal, the property owner has chosen to donate the property to the City of South Euclid; and

WHEREAS, the City of South Euclid wishes to accept the donation to expedite the demolition of the nuisance structure and eventually return the property to productive re-use.

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

Section 1: That the Mayor, or her designee, be hereby authorized to sign for and accept on behalf of the City of South Euclid donation of the following property from National Default Real Estate Services, LLC:

- 1. 4246 Ellison Road PP#704-12-019

Section 2: 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 3: 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