

THE CITY OF SOUTH EUCLID
SCHEDULE OF MEETING
September 22, 2014
8:00 PM

1. PLEDGE OF ALLEGIANCE

2. ROLL CALL

3. SWEARING-IN CEREMONY: South Euclid Fire Department

4. OPEN MEETING

5. LEGISLATION FOR REMOVAL FROM COUNCIL DOCKET

1. RESOLUTION 42-14 AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH TELECO CLEVELAND TO COMPLETE THE 2014 TELECOMMUNICATION PROJECT BY INSTALLING A NEW TELEPHONE AND VOICE MAIL SYSTEM IN MUNICIPALLY OWNED BUILDINGS. **FOR REMOVAL.**

6. REPORT OF COMMITTEES

SERVICE COMMITTEE

1. RESOLUTION 51-14 AUTHORIZING AN INCREASE OF APPROPRIATIONS IN THE FOLLOWING FUND: "GENERAL FUND-SERVICE DEPARTMENT #101-6610" IN ORDER TO HIRE PART-TIME EMPLOYEES IN THE SERVICE DEPARTMENT. **PLACE ON SECOND READING FOR REFERRAL BACK TO THE SERVICE COMMITTEE.**

7. LEGISLATION REQUESTED BY CITY COUNCIL

1. ORDINANCE 11-14 CREATING NEW SECTION 137.14 "SEASONAL POSITIONS" OF CHAPTER 137 "EMPLOYMENT PROVISIONS" OF TITLE FIVE "ADMINISTRATIVE" OF PART ONE "ADMINISTRATIVE CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO. FIRST READING.

8. MAYOR'S REPORT

9. LEGISLATION REQUESTED BY THE MAYOR AND ADMINISTRATION

1. RESOLUTION 52-14 PROVIDING A DATE AND TIME LIMITS FOR THE HALLOWEEN OBSERVANCE UPON THE STREETS AND OUT OF DOORS FOR THE YEAR 2014. FIRST READING.

2. ORDINANCE 10-14 CREATING NEW CHAPTER 1333 "DONATION BOXES" OF TITLE FIVE "OTHER BUILDING PROVISIONS" OF PART THIRTEEN "BUILDING CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO. FIRST READING.

10. LAW DIRECTOR'S REPORT

11. LETTERS AND COMMUNICATIONS

12. ADJOURN

CITY OF SOUTH EUCLID, OHIO

RESOLUTION NO.: 51-14
INTRODUCED BY: Miller
REQUESTED BY: Mayor

September 8, 2014
Second Reading: September 22, 2014

A RESOLUTION

AUTHORIZING AN INCREASE OF APPROPRIATIONS IN THE FOLLOWING FUND:
"GENERAL FUND-SERVICE DEPARTMENT #101-6610" IN ORDER TO HIRE PART-
TIME EMPLOYEES IN THE SERVICE DEPARTMENT.

WHEREAS, the Mayor and Service Director have determined a need exists to hire part-time employees in the Service Department to assist with leaf pick-up; and

WHEREAS, funds must be appropriated in order to hire the part-time employees.

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 increase the appropriation of funds in the "General Fund-Service Department #101-6610" in the amount of \$10,190.88 to hire part-time employees in the Service Department.

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 _____, 2014.

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.: 11-14
INTRODUCED BY: Miller
REQUESTED BY: Gray

September 22, 2014

AN ORDINANCE

CREATING NEW SECTION 137.14 "SEASONAL POSITIONS" OF CHAPTER 137 "EMPLOYMENT PROVISIONS" OF TITLE FIVE "ADMINISTRATIVE" OF PART ONE "ADMINISTRATIVE CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO.

WHEREAS, the Council of the City of South Euclid, when possible, wishes to provide employment opportunities to South Euclid residents.

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

Section 1: That Section 137.14 "Seasonal Positions" of Chapter 137 "Employment Provisions" of Title Five "Administrative" of Part One "Administrative Code" of the Codified Ordinances of the City of South Euclid, Ohio be hereby created to read as follows:

137.14 SEASONAL AND TEMPORARY PART-TIME POSITIONS.

(a) South Euclid residents, when qualifications are met, shall have preference over non-residents in hiring for seasonal or temporary part-time City positions.

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 and for further reason that disturbances of the peace must be prevented. 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 _____, 2014.

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.: 52-14
INTRODUCED BY: Miller
REQUESTED BY: Mayor

September 22, 2014

A RESOLUTION

PROVIDING A DATE AND TIME LIMITS FOR THE HALLOWEEN OBSERVANCE UPON THE STREETS AND OUT OF DOORS FOR THE YEAR 2014.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SOUTH EUCLID, OHIO:

Section 1: That Halloween activities and observance in the City of South Euclid, Ohio, in the Year 2014, shall take place on Friday, October 31, 2014.

Section 2: That the custom generally known as "Trick or Treating" shall be permitted only between the hours of 6:00 p.m. and 8:00 p.m. on the above date and the provisions regarding peace disturbances as provided for in Chapter 509 of the Codified Ordinances of the City of South Euclid, Ohio are prohibited.

Section 3: That most communities around South Euclid will observe Halloween on October 31st from 6:00 p.m. to 8:00 p.m. and the Council of South Euclid desires to do the same to eliminate the misunderstandings among children who may go from one community to another.

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 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 _____, 2014.

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.: 10-14
INTRODUCED BY: Miller
REQUESTED BY: Mayor

September 22, 2014

AN ORDINANCE

CREATING NEW CHAPTER 1333 "DONATION BOXES" OF TITLE FIVE "OTHER BUILDING PROVISIONS" 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 recognizes the need to maintain certain standards of beautification; and

WHEREAS, City Council understands certain recognized non-profit organizations use clothing and household item donation boxes to serve the less fortunate population; and

WHEREAS, certain for-profit organizations also use donation boxes in a manner which does not ensure the less fortunate population benefits from the contents collected; and

WHEREAS, City Council wishes to regulate donation boxes in a manner which maintains beautification standards and also allows recognized non-profit organizations to place donation boxes in the community so they may carry out their mission effectively.

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

Section 1: That Chapter 1333 "Donation Boxes" of Title Five "Other Building Provisions" of Part Thirteen "Building Code" of the Codified Ordinances of the City of South Euclid, Ohio be hereby created to read as follows:

CHAPTER 1333 – DONATION BOXES

1333.01 Definitions

As used in this chapter:

(a) "Donation box" means a receptacle designed with a door, slot, or other opening that is intended to accept and store donated items, such as, but not limited to, clothing or household items. The definition of a donation box shall not include trailers where personnel are present to accept donations at all times that the trailer is present and accepting donated items.

(b) "Owner" means a person or an agent or officer of a person in whom is vested ownership, dominion, control or title of a donation box.

1333.02 General Prohibition on Placement

No owner of a donation box shall place or maintain a donation box on any property in the City of South Euclid unless such owner shall register with and obtain a permit for such donation box from the Building Department in accordance with the requirements of this chapter. A donation box located inside of a building shall not require a permit.

1333.03 Registration and Permit Application, Renewal and Fee

(a) *Eligibility.* The Building Commissioner shall not issue a permit to any donation box owner who:

- (1) is not a tax-exempt organization under 26 U.S.C. § 501(c)(3);
- (2) does not maintain a donation box in accordance with the physical standards established under Section 1333.04;
- (3) would otherwise as a result of such approval be in violation of a prohibited location or maximum under Section 1333.05; or
- (4) is subject to any correction or removal order under Section 1333.06.

(b) Before placing a donation box on any property in the City of South Euclid, the owner of the donation box shall file a permit application with the Building Commissioner containing the following:

- (1) The name, address, phone, fax and e-mail of the owner;

(2) The name, address, phone, fax and e-mail of a person or persons primarily responsible for placing, emptying, servicing, maintaining, and removing the donation box;

(3) A one hundred dollar (\$100.00) fee, per donation box, which shall not be prorated based upon the time of the year the permit application is filed;

(4) The name and address of the party in control of the private property upon which the donation box will be placed, and written authorization from the party in control of the private property, including the terms of its placement by lease or otherwise;

(5) Such other information or material as the Commissioner may require.

(c) The Building Commissioner shall review and approve all applications. The Building Commissioner shall not approve the application unless he or she finds that no provisions of the City's Building Code or Planning and Zoning Code will be violated by issuance of the permit, including without limitation the following:

(1) Set back requirements;

(2) Use restrictions;

(3) Those portions of the Planning and Zoning Code that require that a specified number of parking spaces be available for the use of a particular business.

(d) *Permit Term.* Permits shall be valid from the date of issuance until December 31st of each year. Prior to expiration of a permit, any owner who intends to place, display or maintain a donation box shall obtain a new permit for the next calendar year.

1333.04 Standards

Every donation box shall be maintained in a neat and clean condition and in good repair at all times. Specifically, but without limiting the forgoing, each donation box shall be serviced and maintained so that it is free of dirt and grease, free of chipped, faded, peeling, and cracked paint, free of rust and corrosion, and free of cracks, dents, blemishes, and discoloration. Donation boxes shall be emptied regularly and within forty-eight (48) hours of the primary contact person being notified by any City official that the box is full. Each donation box shall clearly state the name, address, and phone number of the charity to which the donated items will benefit.

1333.05 Location and Maximum Number of Boxes Per Property

(a) No person shall place or maintain and no property owner or tenant shall permit or maintain any donation box in any location that obstructs the sight lines of vehicular traffic.

(b) No more than one (1) outdoor donation box shall be permitted on any parcel of property.

1333.06 Correction Orders and Removal

(a) Upon determination of the Building Commissioner that a donation box has been placed or is being maintained in violation of this chapter, an order to correct the offending condition shall be served on the donation box owner or primary contact person designated by the permit holder by certified mail. If no permit application for the donation box has been filed with the City, as required by Section 1333.03, the order shall be served on the party in control of the property in person or by certified mail. The order shall describe the offending condition and actions necessary to correct the condition. The order shall provide that the permit holder shall correct the offending condition within five (5) business days after receipt of the order, or to file an appeal from the order with the Board of Zoning Appeals. If a violation is neither remedied nor appealed within the time period set forth in the Order, the Commissioner shall transmit notification to the Service Director who thereafter may impound the donation box that has been determined to be in violation of this Chapter.

(b) Appeals of a person adversely affected by any order, requirement, decision or determination by the Building Commissioner under this chapter, including a denial of a permit, shall be heard and decided by the Board of Zoning Appeals. The Board may affirm, disaffirm, or grant exception from the order, requirement, decision or determination from which the appeal has been taken. If the Board affirms an order of the Commissioner issued pursuant to division (a) of this section, the owner shall have three (3) working days to correct the violation or remove the donation box in question; if the owner fails to correct the violation within that time, the Commissioner shall transmit notification to the Service Director who thereafter may impound the donation box. Within two (2) days of the date of an impoundment made pursuant to this division, notice of the impoundment, including the reasons therefore shall be served by certified mail to the donation box owner or primary contact person designated by the permit holder. If no permit application for the donation box has been filed with the City, as required by Section 1333.03, the notice of impoundment shall be served on the party in control of the property in person or by certified mail.

1333.07 Disposition of Impounded Donation Box

Unless the donation box and its contents are being held as evidence in a criminal prosecution, the owner of a donation box may, at any time after impoundment, recover the donation box and its contents upon payment of an impound fee of twenty-five dollars (\$25.00) plus the reasonable additional costs, if any, of impounding the donation box, including a storage charge of one dollar (\$1.00) per box per day for each day in excess of five (5) working days after notification is given to the owner that the donation box is in the possession of the City.

1333.99 Penalty

Whoever violates any provision of this Chapter shall be guilty of a fourth degree misdemeanor on the first offense, a misdemeanor of the third degree on the second offense, and a misdemeanor of the first degree on the third and any subsequent offense. Each day during which noncompliance or a violation continues shall constitute a separate offense.

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 in order for the City to maintain standards of community beautification and only allow recognized non-profit organizations the privilege of having donation boxes in the City. 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 _____, 2014.

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