

**THE CITY OF SOUTH EUCLID**  
**SCHEDULE OF MEETING**  
September 9, 2013  
8:00 PM

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**1. PLEDGE OF ALLEGIANCE**

**2. ROLL CALL**

**3. APPROVAL OF MINUTES:** April 8, 2013; April 22, 2013; May 13, 2013; May 28, 2013; and June 3, 2013 Special Meeting

**4. OPEN MEETING**

**5. LEGISLATION REQUESTED BY CITY COUNCIL**

1. RESOLUTION 43-13                    OPPOSING THAT PORTION OF OHIO HOUSE BILL 203, WHICH IS OHIO'S VERSION OF THE "STAND YOUR GROUND" HOUSE BILL LAW; AND DECLARING AN EMERGENCY. FIRST READING.
2. RESOLUTION 46-13                    GRANTING A REVOCABLE LICENSE TO TENISHA R. WILSON OF 1004 NEWBURY ROAD, SOUTH EUCLID, OHIO, ALLOWING HER TO INSTALL A FENCE ACROSS CITY PROPERTY ON LAURENS ROAD AND AUTHORIZING THE MAYOR TO SIGN THE LICENSE AGREEMENT. FIRST READING.

**6. REPORT OF COMMITTEES**

1. RESOLUTION 24-13                    AUTHORIZING THE MAYOR TO PAY A MORAL CLAIM. **SECOND READING.**
2. ORDINANCE 42-12                    AMENDING SECTION 770.07 "SIGN DESIGN AND CONSTRUCTION CRITERIA" AND SECTION 770.10 "ADMINISTRATION PROCEDURES" OF CHAPTER 770 "SIGNS" OF TITLE SEVEN OF PART SEVEN "PLANNING AND ZONING CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO. **SECOND READING.**

**7. MAYOR'S REPORT**

**8. LEGISLATION REQUESTED BY THE MAYOR AND ADMINISTRATION**

1. RESOLUTION 41-13                    SUPPORTING THE PRESERVATION OF CUSTOMER CHOICE THROUGH GOVERNMENTAL OPT-OUT ELECTRIC AGGREGATION. FIRST READING.
2. RESOLUTION 42-13                    AUTHORIZING THE MAYOR TO ENTER INTO A GRANT AGREEMENT WITH THE CUYAHOGA COUNTY DEPARTMENT OF DEVELOPMENT TO RECEIVE FUNDS FROM THE NEIGHBORHOOD STABILIZATION PROGRAM (NSP3) COMPETITIVE MUNICIPAL GRANT PROGRAM. FIRST READING.
3. RESOLUTION 44-13                    RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY FISCAL OFFICER. FIRST READING.

4. RESOLUTION 45-13                    AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH GPD GROUP FOR THE PERFORMANCE OF TRAFFIC ENGINEERING SERVICES RELATED TO THE SOUTH GREEN TRAFFIC SIGNAL UPGRADE PROJECT. FIRST READING.
5. ORDINANCE 14-13                    REPEALING ORDINANCE 549.16 "DISPLAY OF FIREARMS FOR SALE" OF CHAPTER 549 "WEAPONS AND EXPLOSIVES" OF PART FIVE "GENERAL OFFENSES CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO. FIRST READING.
6. ORDINANCE 15-13                    TO PROVIDE FOR THE ISSUANCE AND SALE OF NOTES IN ANTICIPATION OF THE ISSUANCE OF BONDS IN A PRINCIPAL AMOUNT NOT TO EXCEED \$2,100,000 FOR VARIOUS PURPOSES INCLUDING PAYING COSTS OF ISSUANCE; AND DECLARING AN EMERGENCY. FIRST READING.

**9. LAW DIRECTOR'S REPORT**

**10. LETTERS AND COMMUNICATIONS**

**11. ADJOURN**

CITY OF SOUTH EUCLID, OHIO

RESOLUTION NO.: 43-13  
INTRODUCED BY: Miller  
REQUESTED BY: Miller

September 9, 2013

A RESOLUTION

OPPOSING THAT PORTION OF HOUSE BILL 203, WHICH IS OHIO’S VERSION OF THE “STAND YOUR GROUND” HOUSE BILL LAW; AND DECLARING AN EMERGENCY.

WHEREAS, House Bill 203, introduced in the House of Representatives on June 11, 2013, proposes changes to Ohio’s carrying concealed weapon law and expands the circumstances under which a person has no duty to retreat before using lethal force in self-defense; and

WHEREAS, Ohio law currently contains the “Castle Doctrine,” which states that an individual does not have a duty to retreat from his or her home or vehicle; and

WHEREAS, HB 203 would make it legal to fight back using deadly force in any location where an individual is lawfully permitted to be; and

WHEREAS, “Stand Your Ground” laws may permit the use of deadly force rather than encouraging citizens to retreat from potentially confrontational situations.

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

Section 1: That Council opposes that portion of H.B. 203, which is Ohio’s version of the “Stand Your Ground” law.

Section 2: That the Clerk of Council is hereby directed to mail a copy of this Resolution to the State Representatives and Senators representing portions of Cuyahoga County and the Governor.

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 public peace, health, safety and welfare for the reason that it is immediately necessary to convey Council’s opposition to that portion of H.B. 203 which is harmful to the peace and security of Ohio citizens, and provided this Resolution receives the affirmative vote of two-thirds of the members elected or appointed to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force at the earliest time allowed by law.

Passed this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
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.: 46-13  
INTRODUCED BY: Gray  
REQUESTED BY: Gray

September 9, 2013

A RESOLUTION

GRANTING A REVOCABLE LICENSE TO TENISHA R. WILSON OF 1004 NEWBURY ROAD, SOUTH EUCLID, OHIO, ALLOWING HER TO INSTALL A FENCE ACROSS CITY PROPERTY ON LAURENS ROAD AND AUTHORIZING THE MAYOR TO SIGN THE LICENSE AGREEMENT.

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, Ohio hereby grants a Revocable License to Tenisha R. Wilson, of 1004 Newbury Road, City of South Euclid, for the sole purpose of erecting a fence across city owned property on Laurens Road and authorizing the Mayor to sign the licensing agreement.

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: This Resolution shall take effect and be in force from and after the earliest period permitted by law and upon signature of the Mayor.

Passed this \_\_\_\_\_ day of \_\_\_\_\_, 2013

\_\_\_\_\_  
David B. Miller, Council President

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.: 24-13  
INTRODUCED BY: Miller  
REQUESTED BY: Goodman

April 22, 2013  
Second Reading: September 9, 2013

A RESOLUTION

AUTHORIZING THE MAYOR TO PAY A MORAL CLAIM.

WHEREAS, Susan Klein presented a moral claim to the City of South Euclid, Ohio, pursuant to Section 117.17 of the Codified Ordinances; and

WHEREAS, after due deliberations, the Finance Committee recommends payment of said moral claim to Susan Klein in the amount of \$500.00. (A copy of said recommendation is attached hereto and made a part hereof.)

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 pay Susan Klein the sum of \$500.00 for the said moral claim upon the execution of an appropriate release.

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 immediate preservation of the public peace, health, and safety, and for further reason that a vital function of municipal government is effected hereby. 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 \_\_\_\_\_, 2013.

\_\_\_\_\_  
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.: 42-12  
INTRODUCED BY: Icove  
REQUESTED BY: Mayor

December 26, 2012  
Second Reading: September 9, 2013

AN ORDINANCE

AMENDING SECTION 770.07 "SIGN DESIGN AND CONSTRUCTION CRITERIA" AND SECTION 770.10 "ADMINISTRATION PROCEDURES" OF CHAPTER 770 "SIGNS" OF TITLE SEVEN OF PART SEVEN "PLANNING AND ZONING CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO.

WHEREAS, in order to create consistency in the city's signage approval process, City Council wishes to amend Section 770.07 and 770.10 of the Codified Ordinances.

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

Section 1: That Section 770.07 "Sign Design and Construction Criteria" and Section 770.10 "Administration Procedures" of Chapter 770 "Signs" of Title Seven of Part Seven "Planning and Zoning Code" of the Codified Ordinances of the City of South Euclid, Ohio be hereby amended to read as follows:

**770.07 SIGN DESIGN AND CONSTRUCTION CRITERIA.**

In addition to ensuring compliance with the numerical standards of these regulations, the Council, ~~Planning Commission,~~ Architectural Review Board and Zoning Administrator, as the case may be, shall consider the proposed general design arrangement and placement of the sign according to the following criteria:

(a) Design Criteria.

- (1) The lettering shall be large enough to be easily read but not overly large or out of scale with the building or site.
- (2) The sign should be consolidated into a minimum number of elements.
- (3) The ratio between the message and the background shall permit easy recognition of the message.
- (4) The size, style and location of the sign shall be appropriate to the activity of the site.
- (5) The sign shall complement the building and adjacent buildings by being designed and placed to enhance the architecture of the building.
- (6) Signs shall be designed with a limited number of, and harmonious use of, colors.
- (7) Signs, if seen in series, shall have a continuity of design with the style of sign generally consistent throughout the building or block.
- (8) Instructional signs shall contain the minimum information and the minimum area necessary to convey the message and instruct the viewer in the safe and efficient use of the facility.

(b) Illumination. Signs permitted to be illuminated shall comply with South Euclid Codified Ordinances, Chapter 1328, "Outdoor Lighting," and the following:

- (1) Signs shall not include flashing, moving or intermittent lighting where any part of the message changes at a rate of more than once every ten seconds.
- (2) The illumination of signs shall not obstruct traffic control or any other public informational signs. Signs visible from sight lines along streets shall not contain symbols or words, or red and green lights that resemble highway traffic signs or devices.

(c) Construction Standards.

(1) All signs shall be constructed in a professional manner in conformance with the appropriate building code and other applicable requirements of the City and shall be structurally sound and located so as to pose no threat to pedestrian or vehicular traffic.

(2) Permanent signs shall be fabricated on and of materials that are of good quality and good durability.

(3) All signs shall be rigidly secured and no sign shall swing. No part of any sign shall be revolving, oscillating or otherwise designed to move to attract attention.

(4) No sign shall be erected to project over or obstruct any window, door, fire escape, balcony, platform, stairway, ladder, vent or other means of ingress of any building.

(5) No sign shall be located on the roof of any building.

(6) Temporary signs shall be of durable and weather-resistant material suitable for its intended use, non-illuminated and fastened or anchored sufficiently, whether attached to the building, structure, or positioned in the ground.

(7) No sign shall be located in the public right-of-way or attached to a utility pole, tree, trash receptacle, bench or other structure not intended or approved as a sign support.

(8) The external walls, fascia, parapet or chimney of a building shall be restored to its original condition before the mounting of any signs.

(d) Electronic message displays may be permitted subject to Section 770.10 Administration Procedures and subject to the following requirements:

(1) Operational limitations. Such displays shall be limited to static displays, messages that appear or disappear from the display through dissolve, fade, travel or scroll modes, or similar transitions and frame effects that have text, animated graphics or images that appear to move or change in size, or be revealed sequentially rather than all at once.

(2) Minimum display time. Each message on the sign must be displayed for a minimum of ten seconds.

A. No message transition may be displayed for less than one-half second.

B. No message may be repeated at intervals of less than two seconds.

(3) Illumination. No electronic message display may be illuminated to a degree of brightness that is greater than necessary for adequate visibility.

(4) An electronic message display sign that is nonconforming as outlined by the requirements of this chapter shall, within thirty days from the date of the enactment of this chapter, be altered to comply with the provisions of this chapter or be removed.

**770.10 ADMINISTRATION PROCEDURES.**

(a) Architectural Review Board. In addition to all the requirements within the Planning and Zoning Code for the City of South Euclid, the Architectural Review Board shall review all sign applications as identified within this chapter.

(b) Signs Requiring a Permit. Except as otherwise regulated by Section 770.03 and Section 770.04, permits are required prior to the erection or alteration of all permanent signs, including wall signs, awning or canopy signs, window signs, monument signs, temporary special event signs, projecting signs, freestanding long-term signs (commercial district only), and public purpose/safety signs.

(c) Signs not Requiring Permit. The erection of freestanding signs in residential districts, building markers and window signs shall not require a permit.

(d) Signs in the C-C District. Signs proposed in the C-C District that require a permit, according to division (a) of this section, shall be subject to the review and approval of the ~~Planning Commission~~ and Architectural Review Board, in accordance with Chapter 738.

(e) Sign Concept Plan. For all buildings, development projects and institutional buildings within all zoning districts that now exists or are herein after enacted, the Architectural Review Board shall approve basic sign parameters that set forth the location, size and style of each sign under this chapter. Such sign parameters shall be established when the Architectural Review Board reviews development plans for new buildings or at the time, a specific sign application is made for an identification sign for an existing building. Whenever the Architectural Review Board has approved such sign parameters, the Zoning Administrator shall be authorized to review and approve any subsequent sign application submitted for a tenant of the development or building that complies with such sign parameters.

(f) Application Requirements. An application for a sign permit shall be made to the Zoning Administrator on the form provided. The application shall include two copies; one copy depicting the actual colors of the building and sign, either drawing or photo, with the second copy at eight and one-half by eleven size and suitable for reproduction. The application shall present the sign in a manner which best illustrates how the sign shall be experienced by the public after it is erected on the site. Specifically, the application shall include:

(1) A complete site plan or photograph showing the location of the sign and its relationship to the building, the building setbacks and lot width, the locations and square footage areas of all existing signs on site, the adjacent parcels and parking lots, drives and sidewalks;

(2) Detailed drawings showing the design of the sign, including size, content, style of lettering, logo and other graphic features, colors of the applied lettering and background, materials of the sign and the frame or structure, and approximate weight of the sign;

(3) Construction, erection or fastening details, including wattage of electric lamps or illuminating tubes, if applicable;

(4) A detailed landscape plan of the sign site location; and

(5) A permit fee for each sign application, as established by City Council.

When an person other than the owner of the property submits a sign application, the owner of the property or a designated agent for the owner shall also sign such application.

(g) Issuance of Permits.

(1) The applicant shall submit the sign application to the Zoning Administrator for review. The Zoning Administrator shall determine if the proposed sign is in full compliance with the requirements of this Zoning Ordinance.

(2) Upon acceptance of the application, the Zoning Administrator shall submit the application to the Architectural Review Board for its review and recommendation pursuant to the procedures and requirements set forth by Section 770.07 of this chapter. ~~and when applicable, the Planning Commission for site plan and/or conditional use review.~~

(3) The Zoning Administrator shall not issue a permit for a proposed sign unless the application complies with all requirements of this chapter and all other applicable ordinances of the City, and has received the approval of the Zoning Administrator, Architectural Review Board, and when applicable, ~~the Planning Commissioner and/or City Council.~~

(h) Validity of Permit. If the work authorized under a sign permit has not been initiated within one year after the date of issuance, the permit shall become null and void.

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 consistency in the City's Codified Ordinances is desired. 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 \_\_\_\_\_, 2013.

\_\_\_\_\_  
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.: 41-13  
INTRODUCED BY: Miller  
REQUESTED BY: Mayor

September 9, 2013

A RESOLUTION

SUPPORTING THE PRESERVATION OF CUSTOMER CHOICE THROUGH  
GOVERNMENTAL OPT-OUT ELECTRIC AGGREGATION.

WHEREAS, under Section 4929.26 of the Ohio Revised Code, the City of South Euclid has established a governmental opt-out electric aggregation program with the Northeast Ohio Public Energy Council ("NOPEC") for the benefit of eligible electric consumers located within the City; and

WHEREAS, governmental opt-out electric aggregation has provided an opportunity for electric consumers collectively to participate in the benefits of electric deregulation through lower electric rates which they would not have individually; and

WHEREAS, governmental opt-out electric aggregation has been widely recognized, both in Ohio and nationally, as being successful in bringing substantial savings benefits to residential and small business customers; and

WHEREAS, governmental opt-out aggregation has been recognized as the "jewel" of Ohio electric deregulation; and

WHEREAS, electric aggregations like NOPEC has accounted for over 80 percent of customer switches in the State of Ohio; and

WHEREAS, NOPEC has saved its customers over \$175 million since 2001; and

WHEREAS, NOPEC has saved its residents a 7 percent price break and its small business customers a 5 percent price break on the electric prices to compare for electric generation; and

WHEREAS, NOPEC has awarded over 300 energy efficiency grants totaling \$15,864,800, providing at least \$50,000 per member community, through the "Powering our Communities" Grant Program that has saved NOPEC member communities millions of dollars in annual electricity costs; and

WHEREAS the Council of the City of South Euclid strongly supports the preservation of customer choice for the benefit of the residents of the City through the continuation and improvement of governmental opt-out electric aggregation.

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 strongly supports NOPEC's efforts to preserve customer choice through governmental opt-out electric aggregation.

Section 2: That the Council of the City of South Euclid strongly urges the Ohio General Assembly, the Public Utility Council of Ohio and Ohio's Leaders to support, preserve and enhance governmental opt-out electric aggregation.

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.

Passed this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
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.: 42-13  
INTRODUCED BY: Miller  
REQUESTED BY: Mayor

September 9, 2013

A RESOLUTION

AUTHORIZING THE MAYOR TO ENTER INTO A GRANT AGREEMENT WITH THE CUYAHOGA COUNTY DEPARTMENT OF DEVELOPMENT TO RECEIVE FUNDS FROM THE NEIGHBORHOOD STABILIZATION PROGRAM III (NSP3) COMPETITIVE MUNICIPAL GRANT PROGRAM.

WHEREAS, the City of South Euclid submitted an application to the Cuyahoga County Department of Development for funding from the Neighborhood Stabilization Program III (NSP3) Competitive Municipal Grant Program; and

WHEREAS, the City intends to utilize the funding to acquire, demolish, and reconstruct a vacant residential property through new construction of a single-family residential structure to be sold to an income eligible household; and

WHEREAS, from this application the City was awarded \$200,000 in NSP3 Funding to build the above project; and

WHEREAS, Cuyahoga County has awarded the City of South Euclid an additional \$40,000 in NSP3 Funding to enhance and improve the above project; and

WHEREAS, the City is required to enter into a grant agreement with the Cuyahoga County Department of Development in order to accept this additional funding.

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

Section 1: That the Mayor and the Director of Finance are hereby authorized and directed to enter into a grant agreement with the Cuyahoga County Department of Development in order to receive funding from the Neighborhood Stabilization Program III (NSP3) Competitive Municipal Grant Program awarded to the City of South Euclid.

Section 2: Said agreement shall be in substantially the same form as herein contained and made part of this Resolution and approved by the Director of Law.

Section 3: That the Clerk be and is hereby authorized and directed to transmit a certified copy of this Resolution to the Cuyahoga County Department of Development.

Section 4: That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees on or after November 25, 1975, that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 5: That this Resolution is hereby declared to be an emergency measure necessary to be in force immediately upon its passage in order for the City to receive funding through the NSP3 Program. 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 \_\_\_\_\_, 2013.

\_\_\_\_\_  
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



Resolution 44-13

RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY FISCAL OFFICER

(CITY COUNCIL)
Revised Code, Secs. 5705.34-5705.35

The Council of the City of South Euclid, Cuyahoga County, Ohio, met in session on the day of (Regular Or Special) 2013, at the office of with the following members

present:

[Three blank lines for listing members present]

Mr./Mrs. moved the adoption of the following Resolution:

WHEREAS, This Council in accordance with the provisions of law has previously adopted a Tax Budget for the next succeeding fiscal year commencing January 1st,

2014; and

WHEREAS, The Budget Commission of Cuyahoga County, Ohio, has certified its action thereon to this Council together with an estimate by the County Fiscal Officer of the rate of each tax necessary to be levied by this Council, and what part thereof is without, and what part within the ten mill tax limitation; therefore, be it

RESOLVED, By the Council of the City of South Euclid,

Cuyahoga County, Ohio, that the amounts and rates, as determined by the Budget Commission in its certification, be and the same are hereby accepted; and be it further

RESOLVED, That there be and is hereby levied on the tax duplicate of said City the rate of each tax necessary to be levied within and without the ten mill limitation as follows:



**SCHEDULE B**

**LEVIES OUTSIDE 10 MILL LIMITATION, EXCLUSIVE OF DEBT LEVIES**

FUND	Maximum Rate Authorized to Be Levied	Co. Fiscal Officer's Est. of Yield of Levy (Carry to Schedule A, Column II)
<b>GENERAL FUND:</b>		
Current Expense Levy authorized by voters on for not to exceed _____ years.	,20	
Current Expense Levy authorized by voters on for not to exceed _____ years.	,20	
<b>Total General Fund outside 10m. Limitation.</b>		
Park Fund: Levy authorized by voters on for not to exceed _____ years.	,20	
Recreation Fund: Levy authorized by voters on for not to exceed _____ years.	,20	
Fund: Levy authorized by voters on for not to exceed _____ years.		
Fund: Levy authorized by voters on for not to exceed _____ years.	,20	
Fund: Levy authorized by voters on for not to exceed _____ years.	,20	
Fund: Levy authorized by voters on for not to exceed _____ years.	,20	

and be it further  
**RESOLVED**, That the Clerk of this Council be and he is hereby directed to certify a copy of this  
 Resolution to the Fiscal Officer of said County.

Mr./Mrs. \_\_\_\_\_ seconded the Resolution and the roll being called  
 upon its adoption the vote resulted as follows:

Mr./Mrs. \_\_\_\_\_

Mr./Mrs. \_\_\_\_\_

Mr./Mrs. \_\_\_\_\_

Adopted the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

Attest:

\_\_\_\_\_  
 President of Council

\_\_\_\_\_  
 Clerk of Council

**CERTIFICATE OF COPY  
ORIGINAL ON FILE**

The State of Ohio, \_\_\_\_\_ County, ss.

I, \_\_\_\_\_, Clerk of the Council of the City

of \_\_\_\_\_ within and for said County, and in whose custody the Files and Records of said Council are required by the Laws of the State of Ohio to be kept, do hereby certify that the foregoing is taken and copied from the original \_\_\_\_\_

now on file, that the foregoing has been compared by me with said original document, and that the same is a true and correct copy thereof.

WITNESS my signature, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
Clerk of Council

No. \_\_\_\_\_

\_\_\_\_\_  
COUNCIL OF THE CITY OF

\_\_\_\_\_  
County, Ohio.

RESOLUTION  
ACCEPTING THE AMOUNTS AND RATES  
AS DETERMINED BY THE BUDGET  
COMMISSION AND AUTHORIZING THE  
NECESSARY TAX LEVIES AND CERTIFYING  
THEM TO THE COUNTY FISCAL OFFICER

(City Council)

\_\_\_\_\_  
Adopted \_\_\_\_\_, 20 \_\_\_\_

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Filed \_\_\_\_\_, 20 \_\_\_\_

\_\_\_\_\_  
County Fiscal Officer

By \_\_\_\_\_  
Deputy

CITY OF SOUTH EUCLID, OHIO

RESOLUTION NO.: 45-13  
INTRODUCED BY: Miller  
REQUESTED BY: Mayor

September 9, 2013

A RESOLUTION

AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH GPD GROUP FOR THE PERFORMANCE OF TRAFFIC ENGINEERING SERVICES RELATED TO THE SOUTH GREEN TRAFFIC SIGNAL UPGRADE PROJECT.

WHEREAS, the City of South Euclid has received funding from District One Ohio Public Works Commission State Capital Improvement Program for the South Green Traffic Signal Upgrade; and

WHEREAS, this funding is to be used by the City to complete the traffic engineering services portion of the South Green Traffic Signal Upgrade; and

WHEREAS, upon issuing a "Request for Proposals" for said traffic engineering services, the City Engineer evaluated the three proposals received and recommended the Mayor enter into an agreement with GPD Group.

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

Section 1: That the Mayor be and she is hereby authorized to enter into an agreement with GPD Group for the performance of traffic engineering services related to the South Green Traffic Signal Upgrade Project.

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 all owed by law and upon signature of the Mayor.

Passed this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
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.: 14-13  
INTRODUCED BY: Miller  
REQUESTED BY: Mayor

September 9, 2013

AN ORDINANCE

REPEALING ORDINANCE 549.16 "DISPLAY OF FIREARMS FOR SALE" OF CHAPTER 549 "WEAPONS AND EXPLOSIVES" OF PART FIVE "GENERAL OFFENSES CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO.

NOW THEREFORE, the Council of the City of South Euclid declares as follows:

Section 1: That Ordinance 549.16 which reads as follows:

**549.16 Display of Firearms for Sale.**

- (a) No person shall exhibit for sale in showcases or show windows any pistol, revolver, derringer or other firearms of like character, or display any sign, poster, cartoon or display card suggesting the sale of any such firearm.
- (b) Whoever violates this section is guilty of a minor misdemeanor.

is hereby repealed.

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 deemed to be an emergency measure necessary to comply with the general laws of the State of Ohio and for the immediate preservation of the public peace, health, and safety within the City and therefore should be adopted at the earliest possible time. Wherefore this Ordinance shall take effect and be in force from and after the earliest period allowed by law and upon signature of the Mayor.

Passed this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
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.: 15-13  
REQUESTED BY: Miller  
INTRODUCED BY: Mayor

September 9, 2013

AN ORDINANCE

TO PROVIDE FOR THE ISSUANCE AND SALE OF NOTES IN ANTICIPATION OF THE ISSUANCE OF BONDS IN A PRINCIPAL AMOUNT NOT TO EXCEED \$2,100,000 FOR VARIOUS PURPOSES INCLUDING PAYING COSTS OF ISSUANCE; AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to Ordinance No. 86-06, passed January 9, 2007, the Council of the City authorized the issuance of notes (the "2007 Notes") in anticipation of the issuance of bonds in the principal amount of \$17,000,000 for the purpose of paying the costs of the acquisition, and any necessary clearance and preparation, of real property for urban redevelopment, and paying costs of issuance therefor, which 2007 Notes were dated January 30, 2007 and matured on January 29, 2008, and which 2007 Notes were retired with proceeds of notes in the amount of \$18,010,000 (the "2008 Notes") which 2008 Notes were dated January 28, 2008 and matured January 27, 2009, and which 2008 Notes were retired with proceeds of notes in the amount of \$18,550,000 (the "2009 Notes") which 2009 Notes were dated January 26, 2009 and matured January 25, 2010, and which 2009 Notes were retired with proceeds of notes in the amount of \$19,225,000 (the "2010-1 Notes") which 2010-1 Notes were dated January 21, 2010 and matured September 30, 2010, which 2010-1 Notes were retired, in part, with proceeds of notes in the amount of \$17,270,000 (the "2010-2 Notes"), together with other funds of the City, which 2010-2 Notes were dated September 29, 2010 and matured September 28, 2011, and which 2010-2 Notes were retired, in part, with proceeds of taxable notes in the amount of \$9,595,000 (the "2011 Notes"), together with other funds of the City, which 2011 Notes were dated September 27, 2011 and matured September 26, 2012, and which 2011 Notes were retired, in part, with proceeds of notes in the amount of \$2,000,000 (the "2012 Notes A"), together with other funds of the City, which 2012 Notes A were part of a consolidated issue of Taxable Various Purpose General Obligation (Limited Tax) Bond Anticipation Notes, Series 2012, which issue was dated September 25, 2012 and will mature September 24, 2013 (the "2012 Issue");

WHEREAS, the Council of the City previously authorized the issuance of, and the City did issue bonds (the "1994 Bonds"), for the purpose of paying costs of improving Stanhope Parking Lot, together with all necessary appurtenances thereto, and paying costs of issuance, in the amount of \$630,000, which 1994 Bonds were refunded by the issuance of notes in the amount of \$100,000 (the "2012 Notes B") in anticipation of the issuance of bonds for the purpose hereinabove stated, which 2012 Notes B were part of the 2012 Issue; and

WHEREAS, the Council of the City has determined that payment of the outstanding principal of the 2012 Issue shall be funded at maturity by the issuance of new notes in a principal amount not to exceed \$2,100,000 in anticipation of the issuance of bonds for the purposes hereinabove stated; and

WHEREAS, the fiscal officer has certified to the estimated life of the improvements to be acquired with the proceeds of the bonds anticipated, the maximum maturity of the bonds anticipated and the notes herein authorized;

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

Section 1: That it is hereby declared necessary to issue bonds of the City of South Euclid in a principal sum not to exceed \$2,100,000 for the purpose of paying the costs of the following projects: (i) the acquisition, and any necessary clearance and preparation, of real property for urban redevelopment; and paying costs of issuance (\$2,000,000) and (ii) refunding certain notes issued for the purpose of paying costs of improving Stanhope Parking Lot, together with all necessary appurtenances thereto, and paying costs of issuance (\$100,000).

Section 2: That said bonds shall be dated September 1, 2014, shall bear interest at the estimated rate of six and fifty one-hundredths percent (6.50%) per annum, payable semi-annually until the principal sum is paid, and shall mature as certified by the Finance Director.

Section 3: That it is hereby determined that notes (hereinafter referred to as the "Notes") in a principal amount not to exceed 2,100,000 shall be issued in anticipation of the issuance of bonds for the above-described purposes. The services of Calfee, Halter & Griswold LLP, Bond Attorneys, Cleveland, Ohio, as Bond Counsel for the Notes are hereby retained. The Notes shall be sold at private sale and shall bear interest at the rates fixed by the Finance Director or the Mayor in the certificate awarding the Notes (the "Certificate of Award"), provided that such rates shall not exceed five per centum (5.0%) per annum. Interest on the Notes shall be payable at maturity, with provision, if requested by the purchaser, that, in the event of default, the Notes shall bear interest, at a rate which shall not exceed ten per centum (10%) per annum, until the principal sum is paid or provided for. The Notes shall be dated their date of issuance, shall mature on a date that is between three months and twelve months, inclusive, from their date of issuance, all as determined by the Finance Director or the Mayor to be in the best interest of the City and set forth in the Certificate of Award, provided that if such maturity date is not a business day, the Notes shall mature on the first business day immediately preceding such date. The Notes shall not be subject to redemption by the City at any time prior to maturity, unless the Original Purchaser (as defined herein) of the Notes requests that the Notes provide for such redemption, in which case provision shall be made for calling the Notes for redemption upon ten (10) days written notice to the Paying Agent (as defined below) for the Notes, or to the Original Purchaser if the Finance Director is the Paying Agent. In addition, the Notes shall be issued in the numbers and denominations requested by the Original Purchaser (subject to the provisions of Section 4), and shall be payable as to both principal and interest at the office of the Finance Director of the City, or at a bank or trust company designated by the Finance Director (herein individually or collectively the "Paying Agent"), without deduction for exchange, collection or service charge. To the extent that at the maturity of the Notes funds of the City, whether from the levy of taxes or otherwise, are not available in an amount sufficient to retire the Notes, the Council of the City shall pass legislation authorizing the issuance of notes or bonds, the proceeds of which shall be used to retire said Notes.

Section 4: The Notes shall be designated "Taxable Various Purpose General Obligation (Limited Tax) Bond Anticipation Notes, Series 2013." Such Notes shall contain a summary statement of purposes for which they are issued; shall state that they are issued pursuant to this Ordinance, shall be issued in the numbers and denominations requested by the Original Purchaser, provided that the Notes shall be in minimum denominations of \$100,000, and shall be executed by the Mayor and the Finance Director of the City, provided that one of such signatures may be a facsimile signature.

The Notes, pursuant to the terms set forth below, may also be issued to a Depository (as hereinafter defined) for use in a book-entry system (as hereinafter defined). The Finance Director is hereby authorized and directed, to the extent necessary or required, to enter into any agreements determined necessary in connection with the authentication, immobilization, and transfer of notes, including arrangements for the payment of principal and interest by wire transfer, after determining that the execution thereof will not endanger the funds or securities of the City, which determination shall be conclusively evidenced by the signing of any such agreement.

If and as long as a book-entry system is utilized, (i) the Notes shall be issued in the form of one Note in the name of the Depository or its nominee, as owner, and immobilized in the custody of the Depository; (ii) the beneficial owners in book-entry form shall have no right to receive Notes in the form of physical securities or certificates; (iii) ownership of beneficial interests in book-entry form shall be shown by a book entry on the system maintained and operated by the Depository and its Participants (as hereinafter defined), and transfers of the ownership of beneficial interests shall be made only by book entry by the Depository and its Participants; and (iv) the Notes as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the Council of the City.

If any Depository determines not to continue to act as a Depository for the notes for use in a book-entry system, the Finance Director may attempt to have established a securities depository/book-entry relationship with another qualified Depository. If the Finance Director

does not or is unable to do so, the Finance Director, after making provision for notification of the beneficial owners by the then Depository and any other arrangements he deems necessary, shall permit withdrawal of the notes from the Depository, and authenticate and deliver note certificates in bearer or registered form, as he determines, to the assigns of the Depository or its nominee, all at the cost and expense (including any costs of printing), if the event is not the result of Council action or inaction, of those persons requesting such issuance.

As used in this Section and this Ordinance:

“Book-entry form” or “book-entry system” means a form or system under which (i) the beneficial right to principal and interest may be transferred only through a book entry and (ii) physical notes are issued only to a Depository or its nominee as owner, with the notes “immobilized” to the custody of the Depository, and the book entry is the record that identifies the owners of beneficial interests in that principal and interest.

“Depository” means any securities depository that is a clearing agency under federal law operating and maintaining a book-entry system to record beneficial ownership of the right to principal and interest, and to effect transfers of notes, in book-entry form, and includes and means initially The Depository Trust Company (a limited purpose trust company), New York, New York.

“Participant” means any participant contracting with a Depository under a book-entry system and includes security brokers and dealers, banks and trust companies, and clearing corporations.

Section 5: That the Notes shall be sold by the Finance Director or the Mayor at private sale in a manner and upon terms determined by the Finance Director or the Mayor to be in the best interest of the City at not less than par plus accrued interest to KeyBanc Capital Markets Inc. (the “Original Purchaser”), in accordance with law and the provisions of this Ordinance. The Finance Director shall, in accordance with his determination of the best interests of and financial advantages to the City and its taxpayers and conditions then existing in the financial market, consistently with the provisions hereof, establish the terms of the Notes to be specified in a Certificate of Award and sign the Certificate of Award referred to in Section 3 evidencing the sale of the Notes. The Finance Director is hereby authorized and directed to deliver the Notes, when executed, to the Original Purchaser thereof upon payment of the purchase price. The proceeds of such sale shall be paid into the proper fund and used for the purpose for which the Notes are being issued and to pay those costs of issuance set forth in Section 133.15(B), Ohio Revised Code. Any premium received by the City and accrued interest shall be transferred to the City’s Bond Retirement Fund to be applied to the payment of the principal of and interest on the Notes in the manner provided by law. In addition, the Mayor and the Finance Director, as appropriate, are each authorized and directed to sign any other transcript certificates, financial statements and other documents, agreements, representations and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance.

Section 6: That the Finance Director is authorized and directed to execute a continuing disclosure certificate (the “Disclosure Certificate”) dated the date of delivery of the Notes and delivered to the Original Purchaser of the Notes for the benefit of the holders of the Notes (the “Noteholders”) and to assist the Original Purchaser in complying with S.E.C. Rule 15c2-12(b)(5), which Disclosure Certificate shall set forth the City’s undertaking to provide annual reports and notices of certain events. The City hereby covenants and agrees that it will comply with and carry out all of the provisions of the Disclosure Certificate. Failure of the City to comply with the Disclosure Certificate shall not be considered an event of default; however, any Noteholder may take such actions as may be necessary and appropriate to cause the City to comply with its obligations under this Section.

Section 7: That the Notes shall be full general obligations of the City and that the full faith and credit of the City are hereby pledged for the prompt payment of the same. The par value to be received from the sale of the bonds anticipated by the Notes and any excess funds resulting from the issuance of the Notes shall, to the extent necessary, be used only for the retirement of the Notes at maturity together with the interest thereon, and is hereby pledged for such purpose.

Section 8: That during the years while the Notes are outstanding, there shall be levied on all the taxable property in the City, in addition to all other taxes, a direct tax annually not less than that which would have been levied if bonds had been issued without the prior issuance of the Notes. Said tax shall be and is hereby ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner and at the same time that taxes for general purposes for each of said years are certified, extended and collected. Said tax shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from said tax levies hereby required shall be placed in a separate and distinct fund which, together with the interest collected on the same, shall be irrevocably pledged for the payment of the principal of and interest on the Notes or the bonds in anticipation of which they are issued, when and as the same falls due; provided, however, that in each year to the extent that revenues are available from other sources for the payment of the Notes and bonds and are appropriated for such purpose, the amount of such direct tax upon all of the taxable property in the City shall be reduced by the amount of such revenues so available and appropriated.

Section 9: That while the Notes are outstanding, the City hereby covenants to appropriate annually, to the extent required, sufficient amounts from municipal income tax revenues to pay principal and interest on the Notes when the same fall due, and to continue to levy and collect the municipal income tax in an amount necessary to meet debt charges on the Notes. The City covenants to deposit into the Bond Retirement Fund, from available funds appropriated for the purpose, an amount necessary to meet any shortfall that may exist between the amount then available in the Bond Retirement Fund and the amount of principal and interest due at maturity of the Notes.

Section 10: That it is hereby determined and recited that all acts, conditions and things necessary to be done precedent to and in the issuing of the Notes in order to make them legal, valid and binding obligations of the City, will have been done and performed in regular and due form as required by law; and that no limitation of indebtedness or taxation, either statutory or constitutional, will have been exceeded in the issuance of the Notes.

Section 11: That the Finance Director of the City is hereby directed to forward or cause to be forwarded a certified copy of this Ordinance to the County Fiscal Officer of Cuyahoga County and to secure a receipt therefor.

Section 12: That the Mayor and Finance Director, or either of them, are hereby authorized to prepare, execute and deliver to the Original Purchaser of the Notes a preliminary and final Official Statement or any other appropriate disclosure document of the City in connection with the sale and delivery of the Notes.

Section 13: 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 14: 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 this Ordinance is required to be immediately effective to provide funds to retire the 2012 Issue which is about to mature and thereby protect the credit of 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 \_\_\_\_\_, 2013.

\_\_\_\_\_  
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

I, Keith A. Benjamin, do hereby certify that this Ordinance No. \_\_\_\_\_ is an exact copy of the Ordinance No. \_\_\_\_\_ passed by South Euclid City Council on \_\_\_\_\_, 2013.

\_\_\_\_\_  
Keith A. Benjamin, Clerk of Council

**FISCAL OFFICER'S CERTIFICATE**

City of South Euclid, Ohio  
September 9, 2013

TO THE COUNCIL OF THE CITY OF SOUTH EUCLID, OHIO

The undersigned, as fiscal officer of the City of South Euclid, Ohio, as defined by Revised Code Section 133.01, hereby certifies as follows in connection with your proposed issue of not more than \$100,000 of bonds and notes in anticipation thereof for the purpose of refunding bonds (the "1994 Bonds") issued to pay the costs of improving Stanhope parking lot, together with all necessary appurtenances thereto, and paying costs of issuance:

1. That the estimated life of the improvements financed with the proceeds of the 1994 Bonds at the time of issuance was certified to be at least five (5) years.
2. That the maximum maturity of such bonds calculated in accordance with the provisions of Section 133.20 of the Revised Code of Ohio was originally twenty years, and such 1994 Bonds mature on December 1, 2014; therefore, the maximum maturity of notes issued in anticipation of such bonds is December 1, 2014, which is twenty years from the date of the 1994 Bonds.

  
Finance Director  
City of South Euclid