

THE CITY OF SOUTH EUCLID SCHEDULE OF MEETING

November 23, 2015

8:00 PM

1. PLEDGE OF ALLEGIANCE

2. ROLL CALL

3. APPROVAL OF MINUTES: October 26, 2015 (Special Meeting); October 26, 2015; and November 9, 2015

4. SPECIAL PRESENTATION: Recognizing the Graduates of the Fall 2015 Citizens Police Academy

5. OPEN MEETING

6. REPORT OF COMMITTEES

UTILITIES COMMITTEE:

1. RESOLUTION 57-14 REQUESTING THE PUBLIC UTILITIES COMMISSION OF OHIO (PUCO) LIMIT THE ABILITY OF A UTILITY PROVIDER TO CONDUCT HOME SOLICITATION. **SECOND READING.**

7. LEGISLATION REQUESTED BY CITY COUNCIL

1. RESOLUTION 45-15 REQUESTING THE OHIO STATE LEGISLATURE INTRODUCE AND PASS LEGISLATION TO MERGE THE SOUTH EUCLID MUNICIPAL COURT WITH A NEIGHBORING MUNICIPAL COURT AND REQUESTING THE OHIO SUPREME COURT TO ASSIST WITH SAID MERGER. **FIRST READING.**

8. MAYOR'S REPORT

9. LEGISLATION REQUESTED BY THE MAYOR AND ADMINISTRATION

1. ORDINANCE 27-15 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 M-F "MULTIPLE FAMILY DISTRICT." **TO BE PLACED ON FIRST READING AND REFERRED TO THE PLANNING COMMISSION.**

10. LAW DIRECTOR'S REPORT

11. LETTERS AND COMMUNICATIONS

12. ADJOURN

CITY OF SOUTH EUCLID, OHIO

RESOLUTION NO.: 57-14
INTRODUCED BY: Miller
REQUESTED BY: Mayor

November 10, 2014
As Amended by the Utilities Committee:
October 12, 2015
Second Reading: November 23, 2015

A RESOLUTION
REQUESTING THE PUBLIC UTILITIES COMMISSION OF OHIO (PUCO) LIMIT THE
ABILITY OF A UTILITY PROVIDER TO CONDUCT HOME SOLICITATION.

WHEREAS, Ohioans have freedom to choose their electric and natural gas suppliers which has led to increased competition in the marketplace; and

WHEREAS, many of these suppliers provide written communication with their supply offerings, while several suppliers have resorted to hiring marketers and contractors to engage in home solicitation by going door-to-door; and

WHEREAS, these marketers frequently engage in deceptive and aggressive tactics such as; demanding to see a customer's utility bill, not allowing customers to close the door, misrepresenting what company they work for, and misrepresenting the effects of a transaction; and

WHEREAS, the aggressive tactics used by utility companies and their marketers negatively impact members of the community, especially seniors, by deceptively enticing individuals to change their natural gas or electric service provider; and

WHEREAS, utility companies have other channels of solicitation available to them such as direct mail and advertising.

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

Section 1: That the Council and Mayor of the City of South Euclid do hereby request that the Public Utilities Commission of Ohio (PUCO) ban home door-to-door solicitation by utility providers or their marketers and that the PUCO formally respond to this request.

Section 2: That the Clerk of Council is hereby authorized and directed to transmit copies of this Resolution to the Public Utilities Commission of Ohio and the Ohio Consumers' Council.

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: 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 _____, 2014 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

RESOLUTION NO.: 45-15
INTRODUCED BY: Miller
REQUESTED BY: Miller & Romeo

November 23, 2015

A RESOLUTION

REQUESTING THE OHIO STATE LEGISLATURE INTRODUCE AND PASS LEGISLATION TO MERGE THE SOUTH EUCLID MUNICIPAL COURT WITH A NEIGHBORING MUNICIPAL COURT AND REQUESTING THE OHIO SUPREME COURT TO ASSIST WITH SAID MERGER.

WHEREAS, the Council of the City of South Euclid is responsible for managing the financial resources of the City in the manner that best serves the residents of South Euclid while providing a fair and efficient system to adjudicate the enforcement of local laws and legal disputes; and

WHEREAS, between 1970 and 2010, the population of the City of South Euclid has decreased by over 7,000 residents, and was estimated to fall below 22,000 residents in 2014; and

WHEREAS, the financial records of the City and the South Euclid Municipal Court indicate that, since 2012, the City has expended an average of approximately \$57,000 per annum from the General Fund in order to supplement the operating expenses of the Court; and

WHEREAS, the financial records of the City of South Euclid are also impacted by the expenses related to the almost \$37,000 expended since 2012 to the Unemployment Bureau to pay for former South Euclid Municipal Court employees; and

WHEREAS, the City's average annual expenditures for the South Euclid Municipal Court operations over the past three years reflect an increase of 21% over the previous 5 year average although the number of the cases filed in criminal, traffic or civil matters in the South Euclid Municipal Court has not increased over the years; and

WHEREAS, the financial records of the City and the South Euclid Municipal Court indicate that average amount of fines collected on an annual basis by the South Euclid Municipal Court have decreased approximately 3% per annum since 2011; and

WHEREAS, one of the constitutional rights afforded to citizens is the right to a speedy trial, and with it comes the expectation of an expeditious resolution; and

WHEREAS, the Ohio Supreme Court's 2014 Annual Report indicates that the South Euclid Municipal Court's Overall Caseload Clearance Rate of 88%, its Eviction Clearance Rate of 73%, its OVI Clearance Rate of 78%, and General Traffic Clearance Rate of 92% are all ranked the second-lowest in the State, and its Criminal Misdemeanor Clearance Rate of 82% is the lowest in the State of Ohio; and

WHEREAS, from 2009 through the projected end of 2015, the City of South Euclid has aggregated losses of approximately \$5,441,961 in real and personal property tax revenue; and

WHEREAS, based upon revenues derived from 2009 through the projected end of 2015, the City of South Euclid will lose approximately \$146,000 per annum in commercial activity tax revenue, which has been abolished by the Ohio Legislature; and

WHEREAS, based upon revenues derived from 2009 through the end of 2014, the City of South Euclid will lose approximately \$350,000 per annum in inheritance taxes, which has been abolished by the Ohio Legislature; and

WHEREAS, based upon revenues derived from 2009 through the projected end of 2015, the City of South Euclid has lost approximately \$650,000 per annum in Local Government Revenue Assistance from County and State sources due to enactment of budget reforms by the Ohio Legislature; and

WHEREAS, the City of South Euclid has long been a proponent of and participant in regionalization of services, including South Euclid-Lyndhurst Recreation (SELREC,) Northeast Ohio Risk Management Association (NORMA,) Eastside Departments Group Enforcement SWAT team (EDGE,) Northeast Ohio Public energy Council (NOPEC) and many other partnerships; and

WHEREAS, in 2012 the City of South Euclid authored a successful grant application to look at the regional consolidation of our emergency dispatch center with neighboring communities. In 2016 the City expects the regionalization of the emergency dispatch center to commence operations; and

WHEREAS, these collaborations have proven to be both financially and operationally advantageous to the City and its residents and stakeholders; and

WHEREAS, the Council of the City of South Euclid recognizes the benefits of regionalization and the sharing of limited public resources; and

WHEREAS, due to continued and ongoing budgetary concerns, and out of concern for fair and efficient adjudication of cases, it would be fiscally and operationally prudent to eliminate the South Euclid Municipal Court and merge it with a neighboring municipal court, in order to maximize fiscal and personnel resources and benefit the citizens of South Euclid who have cases to be heard in civil, traffic, and criminal matters.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of South Euclid requests that the Ohio State Legislature introduce legislation to merge the South Euclid Municipal court with a neighboring municipal court and requesting the Supreme Court of the State of Ohio assist in this process and that the merging of the South Euclid Municipal Court with a neighboring municipal court commence at the end of the South Euclid Municipal Court Judge's current term in office.

Section 1: That the City of South Euclid will appropriate the necessary funds for the study of the feasibility of such a merger, and for the process of carrying out such procedures as are necessary to complete said merger.

Section 2: That the Council of the City of South Euclid hereby requests that the Clerk of Council forward a certified copy of this Resolution to the Speaker of the Ohio House of Representatives, the Ohio Senate President, State Senator Kenny Yuko, State Representative Kent Smith and Ohio Supreme Court Chief Justice Maureen O'Connor.

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

CITY OF SOUTH EUCLID, OHIO

ORDINANCE NO.: 27-15
INTRODUCED BY: Miller
REQUESTED BY: Mayor

November 23, 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 M-F "MULTIPLE FAMILY DISTRICT."

WHEREAS, The South Euclid Lyndhurst City Schools has initiated a request through their agent NRP Properties, LLC to rezone the former "Lowden School" property, located at 4106 Lowden Road and described in detail below, from its existing Class R-50 "One and Two Family District" to a M-F "Multiple-Family District"; and

WHEREAS, the owner of the property, the South Euclid Lyndhurst City Schools, has submitted a form authorizing NRP Properties, LLC to act on its behalf; and

WHEREAS, NRP Properties, LLC is requesting the property be rezoned so that the company may purchase the property and develop independent senior housing; and

WHEREAS, this legislation shall be referred to the Planning Commission for discussion and consideration.

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

Section 1: That the piece of property owned by the South Euclid Lyndhurst City Schools located at 4106 Lowden Road and known as permanent parcel nos. 701-12-043, 701-13-080, 701-13-081, and 701-13-082 is currently zoned R-50 "One and Two Family District", and shall be rezoned to M-F "Multiple Family District."

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: 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