

THE CITY OF SOUTH EUCLID
SCHEDULE OF MEETING
July 11, 2016
8:00 PM

1. PLEDGE OF ALLEGIANCE

2. ROLL CALL

3. APPROVAL OF MINUTES: May 23, 2016 & June 13, 2016

4. SPECIAL RECOGNITION

1. RESOLUTION 35-16 CONGRATULATING THE CLEVELAND CAVALIERS ON WINNING THE NBA CHAMPIONSHIP AND FOR AN EXCELLENT 2015-2016 SEASON. FIRST READING.

5. OPEN MEETING

6. REPORT OF COMMITTEES

COMMITTEE OF THE WHOLE

1. RESOLUTION 21-16 SUBMITTING THE QUESTION OF REPLACING AN EXISTING TAX LEVY FOR THE PURPOSE OF PROVIDING FUNDS FOR THE GENERAL PROVISION OF POLICE, FIRE, AND OTHER SAFETY SERVICES IN THE CITY, TOGETHER WITH ALL NECESSARY INCIDENTALS AND APPURTENANCES THERETO, PURSUANT TO OHIO REVISED CODE SECTION 5705.19, TO THE ELECTORS OF THE CITY OF SOUTH EUCLID, OHIO; AND DECLARING AN EMERGENCY. **SECOND READING.**

PLANNING & ZONING COMMITTEE

1. RESOLUTION 30-16 GRANTING A CONDITIONAL USE PERMIT TO "BRENDA'S BABIES" DAYCARE, LOCATED AT 533 SOUTH GREEN ROAD IN THE CITY OF SOUTH EUCLID, OHIO. **SECOND READING.**

7. LEGISLATION REQUESTED BY THE PLANNING COMMISSION

1. RESOLUTION 36-16 GRANTING A CONDITIONAL USE PERMIT FOR A DRIVE-THRU AND OUTDOOR DINING FOR "STEAK 'N SHAKE" RESTAURANT LOCATED AT 1878 WARRENSVILLE CENTER ROAD IN THE CITY OF SOUTH EUCLID, OHIO. FIRST READING.

8. LEGISLATION REQUESTED BY CITY COUNCIL

1. RESOLUTION 37-16 A RESOLUTION OF THE COUNCIL OF THE CITY OF SOUTH EUCLID DECLARING THE PUBLIC EMPLOYMENT OF COUNCILMAN-AT-LARGE JASON RUSSELL COMPATIBLE WITH ARTICLE II, SECTION 2 OF THE CHARTER OF THE CITY OF SOUTH EUCLID. FIRST READING.

9. MAYOR'S REPORT

10. LEGISLATION REQUESTED BY THE MAYOR AND ADMINISTRATION

1. RESOLUTION 33-16 AUTHORIZING AN INCREASE OF APPROPRIATIONS IN THE FOLLOWING FUND: "GENERAL FUND-BUILDING DEPARTMENT #101-4410" IN ORDER TO EXPEND FUNDS FOR THE PURPOSE OF NUISANCE ABATEMENT. FIRST READING.

2. RESOLUTION 34-16 AUTHORIZING THE MAYOR TO CONVEY CERTAIN REAL PROPERTY OF THE CITY OF SOUTH EUCLID, OHIO TO ONE SOUTH EUCLID. FIRST READING.

11. LAW DIRECTOR'S REPORT

12. LETTERS AND COMMUNICATIONS

13. ADJOURN

CITY OF SOUTH EUCLID, OHIO

RESOLUTION NO.: 35-16
INTRODUCED BY: Goodman
REQUESTED BY: Gray

July 11, 2016

A RESOLUTION

CONGRATULATING THE CLEVELAND CAVALIERS ON WINNING THE NBA CHAMPIONSHIP AND FOR AN EXCELLENT 2015-2016 SEASON.

WHEREAS, on June 19, 2016 the Cleveland Cavaliers won the NBA Finals, claiming the NBA Championship for the first time in franchise history, dating back to 1970; and

WHEREAS, the NBA Championship is the first major sports championship for the Greater Cleveland area since the Cleveland Browns won the NFL Championship in 1964; and

WHEREAS, Majority Owner Dan Gilbert, General Manager David Griffin, Head Coach Tyrone Lue and players LeBron James, Kyrie Irving, Kevin Love, Tristan Thompson, J.R. Smith, Matthew Dellavedova, Iman Shumpert, Richard Jefferson, Channing Frye, Timofey Mozgov, James Jones, Dantay Jones, Mo Williams, Sasha Kaun, and Jordan McRae should be commended for their extraordinary efforts and exemplary representation of the Northeast Ohio region in accomplishing a feat that was years in the making; and

WHEREAS, the Mayor, Council, and the people of the City of South Euclid are already looking forward to what is sure to be another exciting year of Cleveland Cavaliers basketball.

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

Section 1: That the Mayor and Members of Council, for themselves, and on behalf of the people of the City of South Euclid, express their appreciation, gratitude, and congratulations to the entire Cleveland Cavaliers organization for an excellent 2015-2016 Season, for winning the NBA Championship, and for being exemplary representatives of the Northeast Ohio Region.

Section 2: That the Clerk be and is hereby directed to furnish an executed copy of this Resolution to the Cleveland Cavaliers.

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 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 _____, 2016.

Jane Goodman, 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.: 21-16
INTRODUCED BY: Goodman
REQUESTED BY: Fiorelli

May 23, 2016
Second Reading: July 11, 2016

A RESOLUTION

SUBMITTING THE QUESTION OF REPLACING AN EXISTING TAX LEVY FOR THE PURPOSE OF PROVIDING FUNDS FOR THE GENERAL PROVISION OF POLICE, FIRE, AND OTHER SAFETY SERVICES IN THE CITY, TOGETHER WITH ALL NECESSARY INCIDENTALS AND APPURTENANCES THERETO, PURSUANT TO OHIO REVISED CODE SECTION 5705.19, TO THE ELECTORS OF THE CITY OF SOUTH EUCLID, OHIO; AND DECLARING AN EMERGENCY.

BE IT RESOLVED, by the Council of the City of South Euclid, Cuyahoga County, Ohio, two-thirds of the members elected thereto concurring:

Section 1: That it is hereby found, determined and declared that the amount of taxes which may be raised by the City of South Euclid within the ten-mill limitation by levies on the current tax duplicate will be insufficient to provide for the necessary requirements of the City, and that it is necessary to levy a tax in excess of such limitation for the purpose of providing funds for the general provision of police, fire, and other safety services in the City, together with all necessary incidentals and appurtenances thereto, in the amount of five and three-quarter (5.75) mills for three (3) years.

Section 2: That the question of replacing and increasing the existing levy of three and one-quarter (3.25) mills (the last collection of which is occurring in calendar year 2016) with a five and three quarter (5.75) mills levy for the purpose of providing funds for the general provision of police, fire, and other safety services in the City, together with all necessary incidentals and appurtenances thereto, for three (3) years beginning with the tax list and duplicate for the year 2016, the proceeds of which levy first would be available to the City in the calendar year 2017, be submitted under the provisions of Section 5705.19, Ohio Revised Code, to the electors of the City of South Euclid at the election to be held therein on the November 8, 2016, as authorized by law, and said election shall be held at the regular places of voting in said City as established by the Board of Elections of Cuyahoga County, or otherwise, within the times provided by law and shall be conducted, canvassed and certified in the manner provided by law.

Section 3: That the form of ballot to be cast at the election on the question of this tax levy shall be substantially as follows:

PROPOSED TAX LEVY (REPLACEMENT AND INCREASE)
CITY OF SOUTH EUCLID, OHIO

A MAJORITY AFFIRMATIVE VOTE IS NECESSARY FOR PASSAGE

A REPLACEMENT AND INCREASE OF AN EXISTING TAX FOR THE BENEFIT OF THE CITY OF SOUTH EUCLID FOR THE PURPOSE OF PROVIDING FUNDS FOR THE GENERAL PROVISION OF POLICE, FIRE, AND OTHER SAFETY SERVICES IN THE CITY, TOGETHER WITH ALL NECESSARY INCIDENTALS AND APPURTENANCES THERETO, AT A RATE NOT EXCEEDING FIVE AND THREE QUARTER (5.75) MILLS FOR EACH ONE DOLLAR OF VALUATION WHICH AMOUNTS TO 57.5 CENTS FOR EACH ONE HUNDRED DOLLARS OF VALUATION FOR THREE (3) YEARS COMMENCING IN 2016 FIRST DUE IN CALENDAR YEAR 2017.

FOR THE TAX LEVY

AGAINST THE TAX LEVY

Section 4: That the Clerk of Council is hereby authorized and directed to give or cause to be given notice of said election as provided by law.

Section 5: That the Clerk of Council is hereby authorized and directed to certify a copy of this Resolution immediately after adoption, and on or before August 10, 2016, to the Board of Elections of Cuyahoga County, Ohio.

Section 6: 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 7: 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 the further reason that this Resolution must be adopted and certified to the Board of Elections on or before August 10, 2016 for consideration at the November 8, 2016 Election; wherefore this Resolution shall take effect and be in force from and immediately after adoption and approval by the Mayor.

Passed this _____ day of _____, 2016.

Jane Goodman, 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.: 30-16
INTRODUCED BY: Goodman
REQUESTED BY: Planning Commission

June 27, 2015
Second Reading: July 11, 2016

A RESOLUTION

GRANTING A CONDITIONAL USE PERMIT TO "BRENDA'S BABIES" DAYCARE, LOCATED AT 533 SOUTH GREEN ROAD IN THE CITY OF SOUTH EUCLID, OHIO.

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 "Brenda's Babies" Daycare located at 533 South Green 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 732 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 "Brenda's Babies" Daycare, located at 533 South Green Road in the City of South Euclid, Ohio, per the following condition:

Condition 1: All requirements for daycare establishments, as defined in Chapter 732 of the South Euclid Zoning Code shall be followed at all times.

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 _____, 2016.

Jane Goodman, 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.: 36-16
INTRODUCED BY: Goodman
REQUESTED BY: Planning Commission

July 11, 2016

A RESOLUTION

GRANTING A CONDITIONAL USE PERMIT FOR A DRIVE-THRU AND OUTDOOR DINING FOR "STEAK 'N SHAKE" RESTAURANT LOCATED AT 1878 WARRENSVILLE CENTER ROAD IN THE CITY OF SOUTH EUCLID, OHIO.

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 Oakwood Commons Development Project; and

WHEREAS, one such restaurant, a proposed "Steak 'n Shake," is to be located at 1878 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 1878 Warrensville Center Road to serve the proposed "Steak 'n Shake"; 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 1878 Warrensville Center Road to serve the proposed "Steak 'n Shake"; 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 1878 Warrensville Center Road, to serve the proposed "Steak 'n Shake" restaurant per the following conditions:

Condition 1: That shrubbery shall be placed along the drive-thru to screen car headlights from houses on Warrensville Center Road.

Condition 2: That the patio hours must consist of: Sunday-Thursday 7am-10pm, Friday-Saturday 7am-11pm. This is to prevent noise which could disturb the surrounding residents.

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 _____, 2016.

Jane Goodman, 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.: 37-16
INTRODUCED BY: Goodman
REQUESTED BY: Goodman

July 11, 2016

A RESOLUTION

A RESOLUTION OF THE COUNCIL OF THE CITY OF SOUTH EUCLID DECLARING THE PUBLIC EMPLOYMENT OF COUNCILMAN-AT-LARGE JASON RUSSELL COMPATIBLE WITH ARTICLE II, SECTION 2 OF THE CHARTER OF THE CITY OF SOUTH EUCLID.

WHEREAS, Article II, Section 2 of the Charter of the City of South Euclid designates City Council as the sole governmental body with the power to declare whether a council member may hold any other public employment while serving as a council member for the City of South Euclid; and

WHEREAS, Councilman Russell holds current public employment in the position of City Planner for the City of Lakewood, Ohio; and

WHEREAS, the Council of the City of South Euclid has been fully informed by Councilman Russell of his duties and responsibilities in his position with the City of Lakewood, Ohio.

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

Section 1: That the members of the Council of the City of South Euclid resolve and declare that, the position of City Planner with the City of Lakewood, Ohio is not incompatible with the duties of Councilman for the City of South Euclid.

Section 2: That the members of the Council of the City of South Euclid having reviewed Article II, Section 2 of the Charter of the City of South Euclid find that Councilman Russell's employment with the City of Lakewood, Ohio is not incompatible with said Charter provision and this decision shall be final.

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 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 4: That 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 _____, 2016

Jane Goodman, 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.: 33-16
INTRODUCED BY: Goodman
REQUESTED BY: Mayor

July 11, 2016

A RESOLUTION

AUTHORIZING AN INCREASE OF APPROPRIATIONS IN THE FOLLOWING FUND: "GENERAL FUND-BUILDING DEPARTMENT #101-4410" IN ORDER TO EXPEND FUNDS FOR THE PURPOSE OF NUISANCE ABATEMENT.

WHEREAS, the City of South Euclid performs nuisance abatement services and seeks reimbursement from homeowners for the services performed; and

WHEREAS, the nuisance abatement monies must now be appropriated to allow for the funds to be expended and used to perform nuisance abatement services.

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-Building Department #101-4410-52738 Account" in the amount of \$35,000.00 for nuisance abatement services.

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 _____, 2016.

Jane Goodman, 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.: 34-16
INTRODUCED BY: Goodman
REQUESTED BY: Mayor

July 11, 2016

A RESOLUTION

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

WHEREAS, the City of South Euclid is the owner of certain parcels of vacant land, as defined in Exhibit A attached hereto; and

WHEREAS, the subject parcels were deeded to the City of South Euclid through the Cuyahoga County tax foreclosure process; and

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

WHEREAS, in accordance with the agreement for professional services, the City's Community Development Corporation, One South Euclid, has the ability to dispose of the subject parcels and return the land to productive use.

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

Section 1: That the Council has determined the subject parcels do not serve any municipal purpose.

Section 2: That the Mayor be and she is hereby authorized to convey said parcels of real property (as shown in Exhibit A, attached hereto) to the City's Community Development Corporation, One South Euclid, in order to dispose of the properties and return the land to productive use.

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 _____, 2016.

Jane Goodman, President of Council

Attest:

Approved:

Keith A. Benjamin, Clerk of Council

Georgine Welo, Mayor

Approved as to form:

Michael P. Lograsso, Director of Law

EXHIBIT A:

Vacant Lot to be conveyed to One South Euclid:

PP#	Address	Street Name
704-10-072	4036	Harwood Road
702-11-090	1200	Belvoir Blvd.