

THE CITY OF SOUTH EUCLID SCHEDULE OF MEETING

March 27, 2017

8:00 PM

1. PLEDGE OF ALLEGIANCE

2. ROLL CALL

3. APPROVAL OF MINUTES: February 13, 2017

4. REPORT OF MAYOR

5. REPORT OF LAW DIRECTOR & DEPARTMENTAL HEADS

6. PUBLIC HEARINGS (OPEN MEETING) RELATED TO AGENDA ITEMS

7. REPORT OF COMMITTEES

RECREATION COMMITTEE:

1. RESOLUTION 56-16 AUTHORIZING THE MAYOR AND DIRECTOR OF COMMUNITY SERVICES TO PREPARE THE NECESSARY SPECIFICATIONS AND ADVERTISE FOR BIDS FOR A COMMUNITY USE FACILITY NEEDS STUDY. **THIRD READING.**
2. ORDINANCE 01-17 AMENDING SECTIONS 726.05 "WALLS AND FENCES"; 761.02 "CITY ARCHITECT"; 761.04 "ZONING AND BUILDING STANDARDS BOARD OF APPEALS; APPEALS; VARIANCES"; 761.06 "ARCHITECTURAL REVIEW BOARD; POWERS AND DUTIES; APPOINTMENT; TERMS; MEMBERSHIP"; 762.03 "APPROVAL BY CITY ARCHITECT REQUIRED"; AND 762.12 "REVIEW OF BUILDING PERMIT APPLICATIONS BY ARCHITECTURAL REVIEW BOARD" OF PART SEVEN "PLANNING & ZONING CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO. **SECOND READING.**

8. LEGISLATION REQUESTED BY THE MAYOR AND ADMINISTRATION

1. ORDINANCE 06-17 APPROVING THE EDITING AND INCLUSION OF CERTAIN ORDINANCES AS PARTS OF THE VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES; PROVIDING FOR THE ADOPTION AND PUBLICATION OF NEW MATTER IN THE UPDATED AND REVISED CODIFIED ORDINANCES; REPEALING ORDINANCES AND RESOLUTIONS IN CONFLICT THEREWITH; AND DECLARING AN EMERGENCY. FIRST READING.
2. ORDINANCE 07-17 AUTHORIZING THE MAYOR TO ENTER INTO A MEMBER COMMUNITY INFRASTRUCTURE GRANT PROGRAM AGREEMENT WITH THE NORTHEAST OHIO REGIONAL SEWER DISTRICT FOR THE GROSVENOR INFRASTRUCTURE IMPROVEMENT PROJECT, PHASE 2. FIRST READING.

9. COMMUNICATIONS OF CITY COUNCIL

10. PUBLIC HEARINGS (OPEN MEETING) RELATED TO OPEN BUSINESS

11. ADJOURN

REGULAR MEETING OF SOUTH EUCLID CITY COUNCIL

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

Roll Call

Present: Council President Pro Tem Dennis Fiorelli, Councilman Joe Frank, Councilman Marty Gelfand, Councilwoman Ruth Gray, Councilman Ed Icove, Councilman Jason Russell, Council President Jane Goodman.

Report of the Mayor

- Mayor Welo reported that all directors were in attendance with the exception of Police Chief Kevin Nietert and Housing Manager Sally Martin.
- Mayor Welo reported on several recent events, including the opportunity to speak on a "Church in the City" panel at John Carroll University about issues facing our communities. The Mayor has also attended meetings related to the RTA Public Square issue and reported that agreements with Euclid Creek Watershed and the Northeast Ohio Regional Sewer District were on the agenda for consideration.
- Councilman Ed Icove asked City Engineer for an update on the Dominion East Ohio Gas project on South Green Road. Engineer Blackley reported that temporary base repairs were made and during spring, permanent pavement repairs to the street and sidewalks will be completed by Dominion in April/May and the sidewalks on Bayard Road will also be restored.
- Councilman Icove requested an update from the Building Commissioner regarding the May-Green Construction Project. Building Commissioner McCalla reported that the site work on the new Marc's Plaza is mostly completed, as well as underground plumbing and construction will continue. Mr. McCalla reported that the former Burger King is being used as a construction office and will be demolished when the redevelopment is completed.
- Mayor Welo welcomed Beachwood City Council President Martin Horwitz who is in attendance at the Council Meeting and asked South Euclid Lyndhurst Board of Education Member Cassandra Jones to give an update on the school district.
- Board of Education Member Jones reported on the 37th annual scholastic art competition and 18 works were selected as regional leaders. Ms. Jones reported that the School District's preschool program has received a five-star rating, the highest quality rating. Board Member Jones reported on the district's concern regarding the upcoming state budget cuts and that could negatively impact the district. Some of the cuts are the result of declining enrollment, which is down 18%. Ms. Jones reported on the opening of the ARCFitness Center that opened as a result of the community benefit agreement with Legacy Village.

Opening Meeting of Council Related to Agenda Specific Items

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

- Nancy Reynolds, 874 Haywood Drive, spoke regarding the "welcoming city" legislation that is on the agenda for council consideration. Ms. Reynolds stated that South Euclid has a long history of welcoming refugees from many different countries and they are part of our cultural heritage, including most recently Nepalese refugees.
- Rev. Kristine Eggert – 1876 Langerdale Road, stated that she is in favor of the "welcoming city" legislation and stated that her father was an immigrant and that in her experience as a Senior Pastor, she worked with her church to help resettle refugees and prepare them to pass the test to become citizens. Ms. Eggert stated that what President Trump has proposed is unlawful and un-American.
- Gayle Horwitz, 4526 Birchwald, stated that for the past year her family has been working with a local refugee resettlement agency, US Together, to help Ugandan refugees in Cleveland Heights and that her volunteer experience has been heartwarming. Ms. Horwitz stated that these immigrants are eager to work and make a better life for their children in the United States and that they contribute to the economic wellness of the community. Ms. Horwitz stated that President Trump's executive order is morally wrong and that she stands firmly against discrimination and that we want South Euclid to continue being a welcoming community that is diverse, tolerant and inclusive.
- Oriana Brenzo, 15515 Van Aken Blvd, reported that she is a representative of the organization US Together that opened a Cleveland Heights office in 2008 to provide social, economic and civic integration services. Ms. Brenzo stated that she supports the welcoming city legislation and that refugees are some of the most dedicated and hardest working people in Cleveland.
- Sloane King Owen, 3805 East Antisdale, stated that a refugee family lives across the street and is at the council meeting to support the welcoming city legislation.
- Keith Wilson, 3100 Woodbury Road, Shaker Heights, reported that he represents a group of residents from Shaker Heights that are working to get a resolution passed in his community and stated that this is something that should be passed throughout the country. Mr. Wilson stated that Ohio Treasurer Josh Mandel has proposed retaliation for cities that do this and that this is a battle about our values and that solidarity takes on new meaning during these times.

Amend Agenda to Remove Resolution 56-16

Councilwoman Gray made a motion to remove Resolution 56-16 regarding the Recreation Committee Planning Bid until after the budget is approved.

Action: Motion to Remove Legislation, **Moved by** Councilwoman Ruth Gray, **Seconded by** Councilman Marty Gelfand.

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

Yes: Council President Pro Tem Dennis Fiorelli, Councilman Joe Frank, Councilman Marty Gelfand, Councilwoman Ruth Gray, Councilman Ed Icove, Councilman Jason Russell, Council President Jane Goodman.
The legislation has been removed from the Agenda.

Amend Agenda to include Ordinance 03-17 2017 Budget

Action: Motion to Amend Agenda to add Ordinance 03-17, **Moved by** Council President Jane Goodman, **Seconded by** Councilman Marty Gelfand.

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

Yes: Council President Pro Tem Dennis Fiorelli, Councilman Joe Frank, Councilman Marty Gelfand, Councilwoman Ruth Gray, Councilman Ed Icove, Councilman Jason Russell, Council President Jane Goodman.
The legislation has been added to the Agenda.

Legislation for Removal from Council Docket

Introduced by Goodman

Resolution 38-16

RESOLUTION

AUTHORIZING AN APPROPRIATION OF UNAPPROPRIATED FUNDS IN THE FOLLOWING FUND: "CITY COUNCIL/MISCELLANEOUS FUND #101-7720-52799" FOR PUBLIC EDUCATION EFFORTS RELATED TO SAFETY AND CITY SERVICES. **FOR REMOVAL.**

Action: Motion to Remove Legislation, **Moved by** Council President Jane Goodman, **Seconded by** Councilman Marty Gelfand.

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

Yes: Council President Pro Tem Dennis Fiorelli, Councilman Joe Frank, Councilman Marty Gelfand, Councilwoman Ruth Gray, Councilman Ed Icove, Councilman Jason Russell, Council President Jane Goodman.
The legislation has been removed.

Introduced by Goodman

Resolution 39-16

RESOLUTION

AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH MELAMED COMMUNICATIONS FOR SERVICES RELATED TO PUBLIC EDUCATION EFFORTS REGARDING THE CITY'S FINANCIAL SITUATION AND REVENUE PLANNING EFFORTS REGARDING SAFETY AND CITY SERVICES. **FOR REMOVAL.**

Action: Motion to Remove Legislation, **Moved by** Council President Jane Goodman, **Seconded by** Councilman Joe Frank.

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

Yes: Council President Pro Tem Dennis Fiorelli, Councilman Joe Frank, Councilman Marty Gelfand, Councilwoman Ruth Gray, Councilman Ed Icove, Councilman Jason Russell, Council President Jane Goodman.
The legislation has been removed.

Report of Council Committees:

Safety Committee

Councilman Gelfand reported that the Safety Committee met to discuss the smoke damper resolution that has been in committee since 2015 and that another meeting will be held to discuss changes to the legislation.

Finance Committee

Councilman Fiorelli reported that the Finance Committee met again regarding the proposed salary ordinance and that progress was made and another committee meeting will be scheduled.

Recreation Committee

Introduced by Goodman

Resolution 56-16

RESOLUTION

AUTHORIZING THE MAYOR AND DIRECTOR OF COMMUNITY SERVICES TO PREPARE THE NECESSARY SPECIFICATIONS AND ADVERTISE FOR BIDS FOR A COMMUNITY USE FACILITY NEEDS STUDY. **THIRD READING.**

The item was removed from agenda until the budget has been approved.

Introduced by Goodman

Ordinance 22-16

ORDINANCE

AMENDING SECTION 933.07, FEES FOR USE, AS CONTAINED IN CHAPTER 933, MUNICIPAL SWIMMING POOLS OF PART NINE STREETS AND PUBLIC SERVICES CODE OF THE CITY OF SOUTH EUCLID; SETTING ADMISSION FEES, SEASON PASSES, SPECIAL PROGRAMS, AND RECIPROCITY WITH THE CITY OF LYNDHURST FOR THE USE OF THE MUNICIPAL SWIMMING POOLS AND SPLASH PARK BY RESIDENTS OF THE CITY. **THIRD READING.**

Action: Motion to Approve Legislation, **Moved by** Council President Pro Tem Dennis Fiorelli, **Seconded by** Councilwoman Ruth Gray.

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

Yes: Council President Pro Tem Dennis Fiorelli, Councilman Joe Frank, Councilman Marty Gelfand, Councilwoman Ruth Gray, Councilman Ed Icove, Councilman Jason Russell, Council President Jane Goodman.
The legislation has been approved.

Introduced by Goodman

Ordinance 23-16

ORDINANCE

AN ORDINANCE AMENDING SECTION 937.01 "REGULATIONS; FEE SCHEDULE" OF CHAPTER 937 "COMMUNITY CENTER" OF PART NINE "STREETS AND PUBLIC SERVICES CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO. **THIRD READING.**

Action: Motion to Approve Legislation, **Moved by** Councilwoman Ruth Gray, **Seconded by** Council President Pro Tem Dennis Fiorelli.

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

Yes: Council President Pro Tem Dennis Fiorelli, Councilman Joe Frank, Councilman Marty Gelfand, Councilwoman Ruth Gray, Councilman Ed Icove, Councilman Jason Russell, Council President Jane Goodman.

The legislation has been approved.

Legislation Requested by City Council

Introduced by Goodman

Resolution 05-17

RESOLUTION

A RESOLUTION STRONGLY OBJECTING TO THE RECENT PRESIDENTIAL EXECUTIVE ORDER TEMPORARILY BANNING ENTRY INTO THE UNITED STATES FOR MIGRANTS FROM SEVEN MUSLIM-MAJORITY COUNTRIES AND REFUGEES FROM AROUND THE WORLD AND JOINING WITH ALL AMERICANS WHO BELIEVE THAT THE EXECUTIVE ORDER IS UNLAWFUL AND UN-AMERICAN; DECLARING THE CITY OF SOUTH EUCLID TO BE A "WELCOMING CITY" AND CALLING UPON THE PEOPLE OF SOUTH EUCLID TO JOIN TOGETHER TO BUILDING A STRONGER, UNITED COMMUNITY; AND DECLARING AN EMERGENCY. **FIRST READING.**

Action: Motion to Approve Legislation, **Moved by** Councilman Marty Gelfand, **Seconded by** Councilwoman Ruth Gray.

- Councilman Gelfand requested passage of the legislation on first reading because things in Washington are moving quickly regarding the immigration ban. Mr. Gelfand stated that part of our job is to speak up for the 22,000 South Euclid residents when things are going wrong nationally and that this country does not need a blanket ban on entire nations and religions and we've seen in history what happens when there is injustice. Mr. Gelfand stated that this resolution is not a "sanctuary city" resolution, but is a resolution simply stating our values that all people are welcome in South Euclid. Mr. Gelfand said that the resolution is also not just about being nice, but that immigrants in South Euclid make our community better and contribute to the economic impact of the community with our economic and medical corridor and universities.
- Councilwoman Gray stated that she whole heartedly supports the resolution and that Martin Luther King, Jr. stated that injustice anywhere is injustice everywhere and that there would not be anyone on the City Council dais if immigrants were not allowed in this country and that American Indians are the only indigenous people. Ms. Gray stated that this is the right thing to do and that her personal family is impacted by the President's executive ban and we need to do what is morally and ethically right.
- Councilman Russell stated that he agrees with what his colleagues have stated and that the President's executive order changes that we all believe are American and that he is very fortunate to represent the residents of South Euclid. Mr. Russell stated that even most Americans would not be able to easily pass the citizen tests that immigrants must do to become citizens.
- Councilman Icove stated that he supports the resolution and is a great reminder that we have three individual branches of government. Mr. Icove recited the poem that is inscribed on the Statue of Liberty that serves as a reminder that our country is a country of immigrants.
- Councilman Fiorelli echoed the words of his colleagues and stated that his grandfather came to the United States from Italy and that he is humbled to hear the words of the residents that spoke tonight on this issue.
- Councilman Frank stated that South Euclid was built by many immigrants that came to Northeast Ohio and worked as stonecutters and bricklayers to build our city and it is important that we remain a welcoming community.
- Council President Goodman stated that she supports the welcoming city legislation and if there was more time, she would like to add another Whereas Statement in the Resolution that also speaks to being welcoming not just to people from different nations, but also welcoming of people of all religious backgrounds. Ms. Goodman discussed the blight of her Jewish relatives and the Holocaust.
- Mayor Welo thanked City Council for their support of the welcoming city legislation and discussed her Serbian background and relatives that did not survive religious persecution. Ms. Welo discussed what South Euclid has done to be welcoming to refugee communities and how the children of refugees have assimilated well into the community.

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

Yes: Council President Pro Tem Dennis Fiorelli, Councilman Joe Frank, Councilman Marty Gelfand, Councilwoman Ruth Gray, Councilman Ed Icove, Councilman Jason Russell, Council President Jane Goodman.

The Legislation has been approved.

Introduced by Goodman

Ordinance 01-17

ORDINANCE

AMENDING SECTIONS 726.05 "WALLS AND FENCES"; 761.02 "CITY ARCHITECT"; 761.04 "ZONING AND BUILDING STANDARDS BOARD OF APPEALS; APPEALS; VARIANCES"; 761.06 "ARCHITECTURAL REVIEW BOARD; POWERS AND DUTIES; APPOINTMENT; TERMS; MEMBERSHIP"; 762.03 "APPROVAL BY CITY ARCHITECT REQUIRED"; AND 762.12 "REVIEW OF BUILDING PERMIT APPLICATIONS BY ARCHITECTURAL

REVIEW BOARD" OF PART SEVEN "PLANNING & ZONING CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO. FIRST READING.

The legislation was placed on First Reading and referred to the Zoning and Planning Committee for discussion.

Introduced by Goodman

Ordinance 02-17

ORDINANCE

AMENDING SECTION 751.02 "CHANGES" OF CHAPTER 751 "REGULATIONS FOR NONCONFORMING USES" OF TITLE FIVE "REGULATIONS COVERING NONCONFORMING USES AND NONCONFORMING BUILDINGS" OF PART SEVEN "PLANNING AND ZONING CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO. FIRST READING.

The legislation was placed on First Reading and referred to the Zoning and Planning Committee for discussion.

Introduced by Goodman

Ordinance 03-17

ORDINANCE

TO MAKE APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF SOUTH EUCLID, STATE OF OHIO, DURING THE FISCAL YEAR ENDING DECEMBER 31, 2017; AND DECLARING AN EMERGENCY. FIRST READING.

The ordinance was placed on First Reading and an additional budget hearing was scheduled for February 18, 2017.

Communications of City Council

- Councilman Fiorelli reported that resident Gentrías Farmer was being honored by his church for Black History Month. A Finance Committee meeting was scheduled for February 27 at 6 pm to continue discussion on the salary ordinance.
- Councilman Frank thanked school board member Jones for the update on the schools and reported that Garfield Memorial Church has begun a series of multi-ethnic conversations every Tuesday. Mr. Frank reported on baseball and softball registration.
- Councilwoman Gray scheduled a Recreation Committee meeting for March 13 at 7 pm to discuss the Recreation Ad-Hoc Committee for strategic planning. Ms. Gray reported on a meeting she attended in Columbus of the Ohio Association of Foodbanks and discussed the importance of the Summer Food Service Program and how it provides nutritious meals in the summer months for our those most in need. Ms. Gray reported on an issue in East Cleveland at Euclid and Noble Roads regarding a hazardous waste dump that the EPA has sanctioned and the potential for toxic particulates reaching South Euclid, especially in Ward One because of proximity and that this is a regional issue. Ms. Gray stated that she will attend or hold a public hearing about the issue and how it impacts South Euclid residents.
- Councilman Gelfand scheduled a Safety Committee meeting for March 13 at 7 pm to discuss the Fire Department Smoke Damper issue and thanked all the residents that showed up to support the Welcoming City legislation and stated that Beachwood Council President Horwitz spearheaded a similar resolution in Beachwood. Mr. Gelfand discussed an upcoming Heights Hillcrest Chamber of Commerce breakfast that will feature Matt Fish from MELT restaurant and discusses the upcoming Opioid and Heroin Community Meeting of the Safety Committee scheduled for March 20 at City Hall.
- Councilman Russell scheduled a Zoning and Planning Meeting for March 13 at 6 pm to discuss Ordinance 02-17 and the medical marijuana regulations.
- Council President Goodman reported on the grand opening of the Steak n Shake at Oakwood Commons that has been extremely successful. A Zoning and Planning Meeting was scheduled for April 12 to discuss Ordinance 01-17 regarding the demolition of residential and commercial structures.

Open Meeting

- Charles Turner, 4549 Lilac, gave an update on what he called "Mayor Putin's assault on the constitution of the country" and his court appearance in South Euclid where Judge Byers gave him two attorneys to represent him in his fight against the City and what they see as a constitutional violation of enormous proportions and intimidation of his rights of free speech. Mr. Turner stated that all this is because Police Chief Nietert has hidden the facts that he let a Police Officer attack the rear of his car going 60 MPH. Mr. Turner stated that the city offered to dismiss his case if he put his protest sign down and that his attorney conveyed the message to the city prosecutor and told him to "go to hell".

Adjourn

Action: Motion to Approve Legislation, **Moved** by Council President Pro Tem Dennis Fiorelli, **Seconded** by Councilman Marty Gelfand.

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

Yes: Council President Pro Tem Dennis Fiorelli, Councilman Joe Frank, Councilman Marty Gelfand, Councilwoman Ruth Gray, Councilman Ed Icové, Councilman Jason Russell, Council President Jane Goodman.

The Meeting Adjourned at 9:31 pm.

Council President

Attest:

Clerk of Council

CITY OF SOUTH EUCLID, OHIO

RESOLUTION NO.: 56-16
INTRODUCED BY: Goodman
REQUESTED BY: Gray

November 14, 2016
Second Reading: December 12, 2016
As Amended in the Recreation Committee
Third Reading: March 27, 2017

A RESOLUTION

AUTHORIZING THE MAYOR AND DIRECTOR OF COMMUNITY SERVICES TO PREPARE THE NECESSARY SPECIFICATIONS AND ADVERTISE FOR BIDS FOR A COMMUNITY USE FACILITY NEEDS STUDY.

WHEREAS, South Euclid City Council wishes to conduct a Community Use Facility Needs Study to provide an assessment of the recreation and leisure facilities which are currently available in South Euclid; and

WHEREAS, the study will offer short-term and long-term planning objectives through the development of facility-specific action plans; and

WHEREAS, the scope of the study will encompass all park and recreation facilities in South Euclid.

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

Section 1: That the Mayor is hereby authorized to prepare the specifications and advertise for bids for a Community Use Facility Needs Study to provide an assessment of the recreation and leisure facilities in the City of South Euclid **in an amount not to exceed \$18,000.**

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 28, 1975, that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 3: 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~~ 2017.

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

ORDINANCE NO.: 01-17
INTRODUCED BY: Goodman
REQUESTED BY: Russell

February 23, 2017

AN ORDINANCE

AMENDING SECTIONS 726.05 "WALLS AND FENCES"; 761.02 "CITY ARCHITECT"; 761.04 "ZONING AND BUILDING STANDARDS BOARD OF APPEALS; APPEALS; VARIANCES"; 761.06 "ARCHITECTURAL REVIEW BOARD; POWERS AND DUTIES; APPOINTMENT; TERMS; MEMBERSHIP"; 762.03 "APPROVAL BY CITY ARCHITECT REQUIRED"; AND 762.12 "REVIEW OF BUILDING PERMIT APPLICATIONS BY ARCHITECTURAL REVIEW BOARD" OF PART SEVEN "PLANNING & ZONING CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO.

WHEREAS, the Council of the City of South Euclid desires to modify portions of the Planning & Zoning Code to allow for increased effectiveness in governance.

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

Section 1: That Sections 726.05 "Walls and Fences"; 761.02 "City Architect"; 761.04 "Zoning and Building Standards Board of Appeals; Appeals; Variances"; 761.06 "Architectural Review Board; Powers and Duties; Appointment; Terms; Membership"; 762.03 "Approval by City Architect Required"; and 762.12 "Review of building permit applications by Architectural Review Board" of Part Seven "Planning & Zoning Code" of the Codified Ordinances of the City of South Euclid, Ohio be hereby amended to read as follows:

726.05 WALLS AND FENCES.

(a) Definitions. For the purpose of this section the following definitions shall apply:

(1) "Decorative walls and fences". Any various permanent upright construction of permitted materials, that is not designed as a barrier to enclose an area, yard, etc., attached to a principal structure, used to prevent entrance, intended to create the impression of privacy, or to confine or mark a boundary, and is designed to withstand long-term exposure to the surrounding environmental conditions.

(2) "Walls and fences". Any various permanent upright constructions used as a barrier to enclose or border an area, yard, etc., which is used to prevent entrance, to confine or mark a boundary, and is designed to withstand long-term exposure to the surrounding environmental conditions.

(b) Restrictions.

(1) Height.

A. Rear yard maximum height. Six feet to the rear face of the principal structure. (See Figure 1.)

B. Side yard maximum height. No higher than the distance from the existing principal structure on property or the adjacent property, with a six foot limitation. (See Figure 2.)

C. Post height. Six feet six inches to accommodate decorative top. (See Figure 1.)

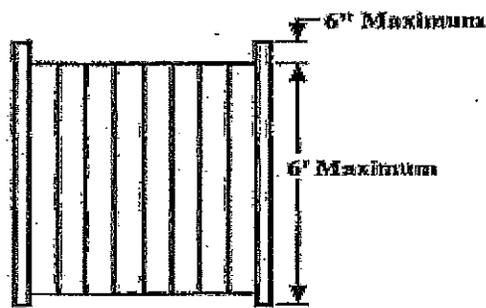


Figure 1

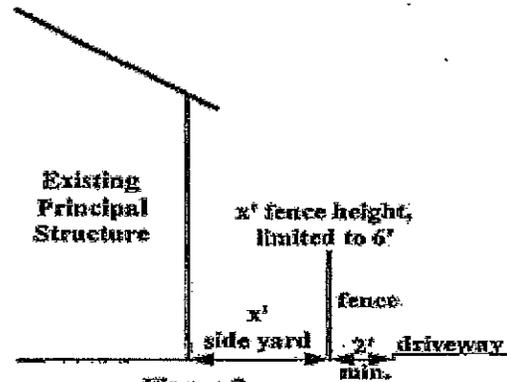


Figure 2

(2) Location.

A. No wall or fence shall be located in a front yard or from the front building setback line to the right-of-way line. (See Figure 3.)

B. No wall or fence shall be located in any side yard within two feet of an adjacent neighbor's driveway. (See Figure 2.)

C. An extension of the fence to provide closure to the building shall be permitted.

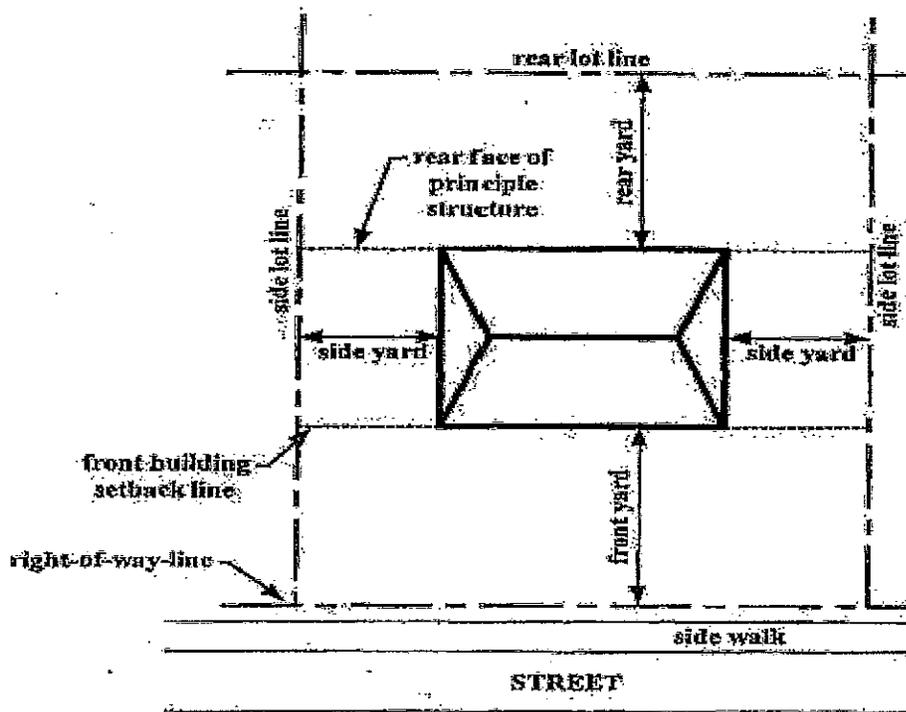


Figure 3

(3) Exemption.

A. Corner lots, walls and fences are permitted in rear and side yards and may extend from the rear lot line to the front building setback line, but not beyond the street side yard setback. (See Figure 4.)

B. In this section, principal structure shall not include patio, deck, open or seasonal porch or similar addition.

C. A decorative wall or fence is permitted in a front yard or from the front building setback line to the right-of-way line and shall not enclose an area, yard, etc., be attached to a principal structure, used to prevent entrance, or intended to create the impression of privacy, such as but not limited to the full width of the property's right-of-way line. The following restrictions shall apply to decorative walls or fences.

1. The height of the decorative wall or fence shall not exceed 36 inches.
2. The decorative wall or fence shall be a minimum of three feet from the sidewalk, or if no sidewalk exists then the right-of-way line or side lot line.
3. The decorative wall or fence shall be parallel to or follow the contour of the sidewalk, right-of-way line or side lot line.
4. The decorative wall or fence's maximum permitted linear footage shall not be greater than 60% of the right-of-way line. (See Figure 4.)
5. No gates shall be installed in the decorative wall or fence.

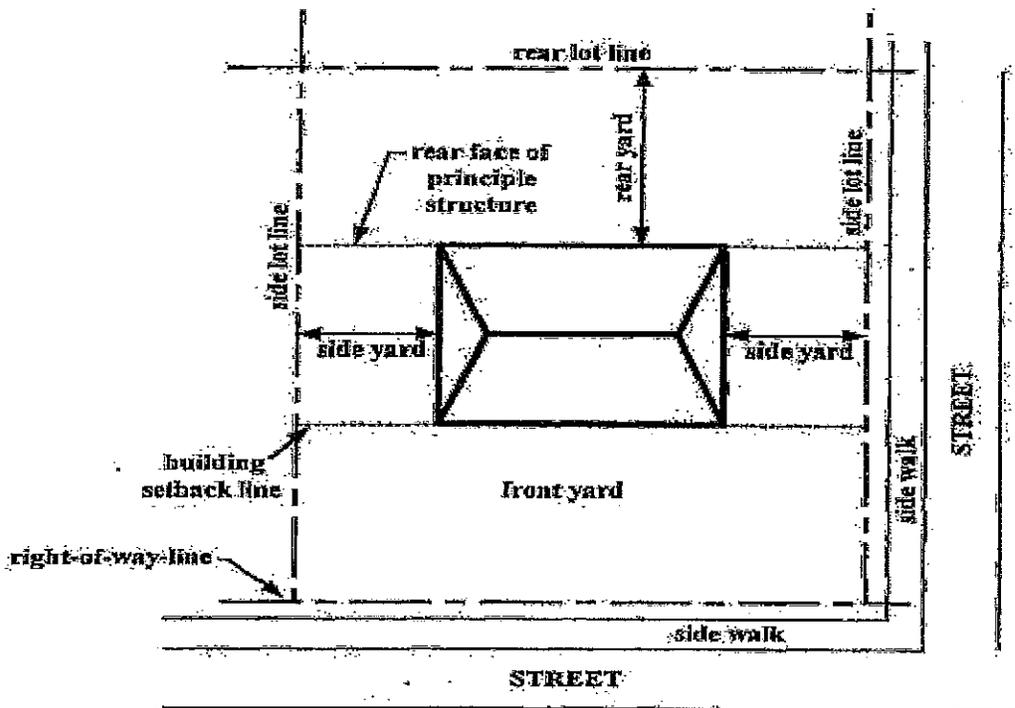


Figure 4

(4) Quality. The finished side of the fence shall face the neighboring property and be of uniform type.

(5) Construction.

A. Walls and fences. Masonry material such as but not limited to brick, concrete, stone, stucco, or grill block, or of either wood, metal or vinyl, including open diamond mesh fabric, chain link, picket, board on board, ornamental wood, ornamental vinyl or ornamental metal, split rail or stockade type. The

wall or fence shall be constructed of aesthetically pleasing material that is consistent with the surrounding construction/environment.

B. Decorative walls and fences. Materials limited to split rail, ornamental metal, ornamental wood, or ornamental vinyl shall be permitted. The decorative wall or fence shall be constructed of aesthetically pleasing material that is consistent with the surrounding construction/environment.

(6) Maintenance. The property owner or occupant shall maintain all walls and fences in good condition at all times.

(7) Prohibited.

A. Snow fencing, burlap, vinyl fabric or chicken wire or similar type material are not permitted as permanent fence materials.

B. Snow fence posts shall not be permitted as a permanent fence material.

C. No fence or wall shall be electrically charged or made of any sharp-edged materials, barbed wire, razor wire, chicken wire or fiberglass.

(8) Permit.

A. All walls or fences in accordance with this section shall require a permit.

B. If requested by the Zoning Administrator, the application shall receive approval from the City Architect **Architectural Review Board** prior to issuance of the permit.

C. The Zoning Administrator may require the applicant to provide appropriate documentation verifying the location of property line(s).

~~761.02 CITY ARCHITECT.~~

~~—(a) In keeping with its general policy of encouraging the best possible development of the City of South Euclid, the City Council feels that it is essential to the economic soundness and welfare of the City that the attractiveness of all areas be enhanced and protected. The economic and social welfare of the City requires reasonable controls over the character, design, placement and relationship of buildings and structures, and over the orderly and harmonious development of all areas. Therefore, it is declared to be the policy of the City of South Euclid that reasonable control over the character and design of buildings and structures is essential for the protection of the public health, safety, morals, comfort, prosperity and general welfare.~~

~~—(b) The City Architect shall have the following specific powers and duties:~~

~~—(1) Examine site and building plans for all one-family, and two-family detached residences, and improvements pertinent thereto, within the City and approve, disapprove, or approve with modifications, such plans in accordance with the standards set forth in Section 762.03 of this Planning and Zoning Code. Incidental to such examination an authorized representative of the City may enter into and upon any structure or land and cause the same to be inspected or examined. No building permit or certificate of occupancy shall be issued until plans for such building, structure, use or occupancy have been approved by the City Architect, and only in accordance with the terms of such approval.~~

~~—(2) The City Architect shall provide for a detailed report on all his or her proceedings and shall submit a copy of his or her recommendations to the Zoning Administrator.~~

~~—(c) The City Architect shall be an architect registered in the State and shall be appointed by the Mayor for a term of two years, or until the City Architect's successor shall be appointed and shall qualify. The Mayor shall also appoint alternate architects, not to exceed three in number, each of whom shall likewise be a registered architect, who shall, during the term of the City Architect, and when and as requested by the Zoning Administrator, carry out the duties of such office with respect to any matter in which the City Architect is personally interested, or whenever the City Architect is absent or unavailable. Such appointments shall be subject to confirmation by Council within forty-five days, provided, however, that if Council fails to act within such time, such appointments shall thereupon become effective.~~

~~—(d) The Zoning Administrator shall determine the schedule of public meetings (so that applications can be processed expeditiously) at which the City Architect shall participate.~~

~~(e) No person appointed to the position of City Architect shall participate in the review of, or give advice upon, any work in which he or she or his or her partner or professional associate has any direct or indirect interest.~~

~~(f) If the City Architect shall fail to act within the time limit provided in Section 762.03(f), the Zoning Administrator shall then consider the application as having been recommended for approval by the City Architect.~~

761.04 ZONING AND BUILDING STANDARDS BOARD OF APPEALS; APPEALS; VARIANCES.

The Zoning and Building Standards Board of Appeals is established by the City Charter to hear and decide appeals for exceptions to and variances from the application of ordinances, orders or regulations of officials or agencies governing building and zoning in the Municipality in conformity with the intent and purposes thereof, and in conformance with the procedures established in this Title. With reference to this Planning and Zoning Code, the Board of Appeals is a body of limited jurisdiction with the following specific powers and duties:

(a) Upon appeal by the owner of record title from an adverse decision, the Board of Appeals shall decide any question involving an interpretation of any provision of this Code, provided that the following standards are not exceeded:

(1) Upon appeal by the property owner from the provisions of this Code relating to the number of off-street parking spaces, a variance may be granted on the minimum number of off-street parking spaces required, but such variance shall not exceed more than twenty-five percent of such requirement.

(2) Upon appeal by the property owner from the provisions of Section 772.06 relating to the height of a garage door, a variance may be granted on the height of the door, but such variance shall not exceed eighteen inches of such requirement.

(3) Upon appeal by the property owner from the provisions of Chapter 770 relating to any dimensional limitation (i.e. linear, square footage, percent of an area, etc.), a variance may be granted but shall not exceed fifteen percent of such dimensional limitation. Furthermore, in variance appeals from the provisions of Chapter 770 that present conflicts, whichever restriction(s) are more restrictive or impose higher standards shall govern.

(b) Upon appeal from a decision of the Zoning Administrator denying an application for a building permit or certificate of occupancy, the Board of Appeals may vary or adapt the strict application of any of the requirements of this Code in the case of exceptionally irregular, narrow, shallow or steep lots, riparian and/or wetland area function, or other exceptional physical conditions, when strict application would result in practical difficulty or unnecessary hardship that would deprive the owner of the reasonable use of the land or building involved, but in no other cases. Loss of profit and financial difficulties are not hardships. No variance shall be granted by the Board of Appeals unless it finds:

(1) That there are special circumstances or conditions, fully described in the findings of the Board of Appeals, applying to such land or building and not applying generally to land or buildings in the neighborhood, and that said circumstances or conditions are such that strict application of the provisions of this Code would deprive the applicant of the reasonable use of such land or building.

(2) That, for reasons fully set forth in the findings of the Board of Appeals, the granting of the variance is necessary for the reasonable use of the land or building and that the variance as granted by the Board of Appeals is the minimum variance that will accomplish this purpose.

(3) That the granting of the variance will be in harmony with the general purpose and intent of this Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

In granting any variance, the Board of Appeals shall prescribe any conditions that it deems to be necessary or desirable.

(c) Upon appeal from a decision of the Zoning Administrator denying an application for a building permit or certificate of occupancy, the Board of Appeals may vary or adapt the strict application of Chapter 780 when strict application would result in practical difficulty or unnecessary hardship that would deprive the owner of the reasonable use of the land or building involved, but in no other cases. Loss of profit and financial difficulties are not hardships.

(1) In making a variance determination, the Board of Appeals shall consider the following:

A. Varying the front, rear and side yard setback before the riparian and wetland setbacks are varied. The structure's overall footprint shall not exceed what would be permitted on the property if the riparian and wetlands setback were not in effect.

B. Variances should not be granted for asphalt or concrete paving in the riparian and wetland setbacks in any situation where gravel or porous pavement (i.e., porous pavers, and similar products) in accordance with Building Code.

(2) In making a variance determination, the City of South Euclid may consider the following:

A. The soil type natural vegetation of the parcel, as well as the percentage of the parcel that is in the 100-year floodplain. The criteria of the City of South Euclid's flood damage prevention regulations may be used as guidance when granting variances in the 100-year floodplain.

B. The extent to which the requested variance impairs the flood control, soil erosion control, sediment control, water quality protection, or other functions of the riparian and/or wetland area. This determination shall be based on sufficient technical and scientific data and written approval of such determination from the City Engineer or designee.

C. The degree of hardship this regulation places on the landowner, and the availability of alternatives to the proposed activity.

D. Soil disturbing activities permitted in a riparian and/or wetland setback through variances should be implemented in order to minimize clearing to the extent possible, and to include Best Management Practices necessary to minimize soil erosion and maximize sediment control.

E. The presence of significant impervious cover, or smooth vegetation such as maintained lawns, in riparian setback areas compromises their benefits to the City of South Euclid.

F. A reduction in storm water infiltration into the soil in wetland areas will occur.

G. A requested above ground fence does not increase the existing area of mowed grass or lawn.

H. Modifying parking requirements before varying the riparian setback.

I. Modifying building shape, size or design to avoid or minimize intrusion into the riparian setback.

J. In the case of a lot made unbuildable by Chapter 780, consider the minimum variance needed to make it buildable for an appropriately sized and compatibly designed structure, while following the guidance provided in this section.

K. Whether the variance will increase the likelihood for flood or erosion damage to either the applicant's property or to other properties.

L. Culvert of watercourses should be avoided.

M. Whether the variance will result in the need for artificial slope or bank stabilization measures that could interfere with the function of the riparian zone.

(3) When a variance is granted that results in a loss of riparian or wetland function, that loss must be mitigated according to the following:

A. If the loss will result in increased flooding, stream bank erosion, or in-stream sedimentation, the loss shall be mitigated at the site or upstream of the site in the same watershed.

B. If biological functions are the only loss, mitigation will occur upstream whenever feasible; if not, a downstream site will be sought. If no suitable mitigation sites can be found on the affected stream, a site located anywhere in the Community shall be selected.

C. All wetland losses must be mitigated upstream of the disturbed location.

D. Mitigation of riparian and wetland setback losses shall consist of a minimum of 150% of the area disturbed by the variance granted.

E. Mitigation of actual wetland losses shall be at the rate of 150% of the area lost by the variance granted.

F. Mitigation of wetland setback losses can occur at any previously impacted site in the community or in an upstream tributary area outside of the community.

G. Prior to granting any variance that results in a loss of riparian or wetland function or wetland area, the applicant must submit a statement that identifies all requested losses, an evaluation of mitigation needs, and documentation of the planned mitigation to offset the losses; this statement will be submitted to Ohio EPA as part of the Community's Annual Storm Water Program Report.

H. Prior to granting any variance that results in a loss of riparian or wetland function or wetland area, the applicant must submit a statement that legally binds the applicant to complete, at his or her personal expense, any future mitigation, and to pay any penalties or fines that may be assessed or assigned to the community by any regulatory authority relative to the granting of any of the applicant's requested variances under this section.

I. Completion of all mitigation projects resulting from the granting of variances under this section shall be completed before any construction or maintenance guarantee for the project can be released.

(d) The Board of Appeals shall not have jurisdiction to hear an appeal or grant a variance in the following cases:

(1) From the uses specifically permitted in each zoning district except as may be provided in this Title;

(2) From the decision of the Planning Commission or Council regarding any conditional use;

(3) From the decision regarding a subdivision or application for a subdivision unless the Planning Commission grants permission for the applicant to submit a request for a variance to the Board of Appeals after the Planning Commission makes its recommendation;

(4) From the decision regarding a conditional use or application for a conditional use unless the Planning Commission grants permission for the applicant to submit a request for a variance to the Board of Appeals after the Planning Commission makes a recommendation and before Council takes action; or

~~(5) From any decision of the City Architect, as provided for in this Code; or~~

(5) From any decision of the Architectural Review Board, as provided for in this Code.

(e) The Board of Appeals shall not take any action which would effect a change in any district boundary.

(f) The Board of Appeals shall hold public hearings in accordance with the provisions of this Title.

(g) (1) A quorum shall consist of three members, and the concurring vote of three members of the Board of Appeals shall be necessary to decide any appeal or grant any variance. If the Board of Appeals shall fail to take action within 45 days after completion of the hearing, the determination of the Zoning Administrator shall be final and the appeal or variance denied.

(2) A member of the Board of Appeals shall not be qualified to vote if he or she has a direct or indirect interest in the issue appealed or the variance being considered.

(h) The Board of Appeals shall subpoena and require the attendance of witnesses at meetings or hearings, administer oaths, compel testimony and produce reports, findings and other evidence pertinent to any issue before the Board of Appeals.

761.06 ARCHITECTURAL REVIEW BOARD; POWERS AND DUTIES; APPOINTMENT; TERMS; MEMBERSHIP.

(a) In keeping with its general policy of encouraging the best possible development of the City, the Council feels that it is essential to the economic soundness and welfare of the City that the attractiveness of all areas be enhanced and protected. The economic and social welfare of the City requires reasonable controls over the character, design, placement and relationship of buildings and structures, and over the orderly and harmonious development of all areas. Therefore, it is declared to be the policy of the City that reasonable control over the character and design of buildings and structures is essential for the protection of the public health, safety, comfort, prosperity and general welfare.

(b) The Architectural Review Board shall have the following specific powers and duties:

(1) Review, report and make findings for ~~planned unit development, multi-family uses, uses in Commercial Districts and uses in Manufacturing Districts~~ **any building permit application which** proposed to be constructed, developed, **cause to be occupied, moved, or altered any structure** within the City and approve, disapprove or approve with modifications, such plans in accordance with the standards set forth in Section 762.12.

(2) Provide a detailed report on all proceedings and submit a copy of its findings to the Zoning Administrator.

(c) The Mayor shall appoint Architectural Review Board members for staggered terms of six years. One member shall be the City Architect pursuant to Section 761.02; the second member shall be a landscape architect, architect or registered engineer; the third shall be a person skilled in the general field of aesthetics and design; and the fourth shall be a duly qualified elector of the City. There shall be a Chairman of the Board appointed by the Mayor from the four Board members.

(d) The Zoning Administrator shall determine the schedule of public meetings (so that applications can be processed expeditiously) at which the Architectural Review Board shall participate.

(e) No person appointed to the Architectural Review Board shall participate in the review of, or give advice upon, any work in which he or she, or his or her, partners or professional associate(s), have any direct or indirect interest.

(f) ~~If the Architectural Review Board shall fail to act within the time limit provided in Section 762.12(c), the Zoning Administrator shall then consider the application as having been recommended for approval by the Architectural Review Board. No application for a building permit or certificate of occupancy which proposes to construct, develop, cause to be occupied, move, or alter any structure within the City shall be approved and issued by the Zoning Administrator unless it is first approved by the Architectural Review Board in accordance with the procedures set forth in 762.01 and 762.02.~~

~~762.03 APPROVAL BY CITY ARCHITECT REQUIRED.~~

~~—(a) No application for a building permit or certificate of occupancy for all one-family and two-family detached residences, and improvements pertinent thereto, shall be approved and issued by the Zoning Administrator unless it is first approved by the City Architect in accordance with the procedures set forth in Sections 762.01 and 762.02.~~

~~—(b) Within five days of the acceptance of an application for a building permit for all one-family and two-family detached residences, and improvements pertinent thereto, the Zoning Administrator shall submit to the City Architect one copy of all documents and drawings submitted with the application as required by Section 762.01.~~

~~—(c) In making his or her decision, the City Architect shall consider the following:~~

~~—(1) The overall exterior appearance of any proposed building or structure.~~

~~—(2) The height, bulk and scale of any proposed building or structure with respect to buildings or structures in the immediate area.~~

~~—(3) The exterior materials, colors and textures of any proposed building or structure with respect to the compatibility of such materials, colors and textures with, and the relationship of such materials, colors and textures to, other buildings and structures within the immediate area.~~

~~—(4) The arrangement and location of any proposed buildings, structures or uses on the site, as well as their relationship to other buildings and structures within the immediate area.~~

~~—(5) The character, appearance and scale of any proposed landscaping or plantings for decorative or screening purposes~~

~~—(6) All other factors that affect the appearance of the site and the area.~~

~~—(d) The City Architect shall endeavor to insure that the exterior appearance of all buildings, structures or uses will:~~

~~—(1) Enhance the attractiveness and desirability of the area in keeping with its purpose and intent;~~

~~—(2) Encourage the orderly and harmonious development of the area in keeping with its character;~~

~~— (3) Improve residential amenities; and~~

~~— (4) Enhance and protect the public and private investment and the value of all land and improvements within the area.~~

~~— (e) The City Architect shall not attempt to proscribe the style of architecture as long as the architectural style and design under consideration meet the standards set forth above.~~

~~— (f) The City Architect shall submit his or her findings to the Zoning Administrator, in writing, within seven days for work of a minor nature, such as residential alterations, additions or accessory structures, and within fifteen days of the date of acceptance of the application by the Zoning Administrator for all other work, and such findings shall be recorded by the Zoning Administrator.~~

~~— (g) The City Architect shall receive one copy of any application for a certificate of occupancy and shall review such application and inspect the site and any buildings or structures for which the certificate of occupancy is sought for architectural conformance to the approved building permit and the provisions of this Title.~~

762.12 REVIEW OF BUILDING PERMIT APPLICATIONS BY ARCHITECTURAL REVIEW BOARD.

(a) Within five days of acceptance of an application for a building permit for planned use developments, multi-family uses, uses in Commercial Districts and uses in Manufacturing Districts, **which calls for new construction or construction that alters elevation wheresoever situated in the City**, the Zoning Administrator shall submit to the Architectural Review Board one copy of all documents and drawings submitted with the application as required by Section 762.01.

(b) In making its decision, the Architectural Review Board shall consider the following:

(1) The overall exterior appearance of any proposed building or structure and all appurtenances (including signs);

(2) The height, bulk and scale of any proposed building or structure and all appurtenances (including signs) with respect to buildings or structures and all appurtenances (including signs) in the immediate area;

(3) The exterior materials, colors and textures of any proposed building or structure and all appurtenances (including signs) with respect to the compatibility of such materials, colors and textures to other buildings and structures and all appurtenances (including signs) within the immediate area;

(4) The arrangement and location of any proposed building, structure or use and all appurtenances (including signs) on the site, as well as their relationship to other buildings and structures and all appurtenances (including signs) within the immediate area;

(5) The character, appearance and scale of any proposed landscaping or plantings for decorative or screening purposes; and

(6) All other factors that affect the appearance of the site and the area.

(7) The Architectural Review Board may also propose and enforce design guidelines or standards that have been approved by resolution of Council.

(c) The Architectural Review Board shall endeavor to insure that the exterior appearance of all buildings, structures and all appurtenances (including signs) or uses will:

(1) Enhance the attractiveness and desirability of the area in keeping with its purpose and intent;

(2) Encourage the orderly and harmonious development of the area in keeping with its character;
and

(3) Improve residential amenities; and

(3) (4) Enhance and protect the public and private investment and the value of all land and improvements within the area.

(d) The Architectural Review Board shall not attempt to prescribe the style of architecture as long as the architectural style and design under consideration meet the standard set forth above.

(e) The Architectural Review Board shall submit its findings to the Zoning Administrator, in writing, within thirty days of receipt of the application by the Zoning Administrator. **No building permit shall be issued by the Building Commissioner on applications referred to the Architectural Review Board unless plans and specifications therefore have been approved by the Architectural Review Board.** The Zoning Administrator shall record such findings.

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 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 _____, 2017.

Jane Goodman, President of Council

Approved:

Georgine Welo, Mayor

Attest:

Keith A. Benjamin, Clerk of Council

Approved as to form:

Michael P. Lograsso, Director of Law

CITY OF SOUTH EUCLID, OHIO

ORDINANCE NO.: 06-17
INTRODUCED BY: Goodman
REQUESTED BY: Mayor

March 27, 2017

AN ORDINANCE

APPROVING THE EDITING AND INCLUSION OF CERTAIN ORDINANCES AS PARTS OF THE VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES; PROVIDING FOR THE ADOPTION AND PUBLICATION OF NEW MATTER IN THE UPDATED AND REVISED CODIFIED ORDINANCES; REPEALING ORDINANCES AND RESOLUTIONS IN CONFLICT THEREWITH; AND DECLARING AN EMERGENCY.

WHEREAS, American Legal Publishing Corporation has completed its annual updating and revision of the Codified Ordinances of the City, and

WHEREAS, various ordinances of a general and permanent nature have been passed by Council since the date of the previous updating and revision of the Codified Ordinances and have been included in the Codified Ordinances of the City, and

WHEREAS, certain changes were made in the Codified Ordinances to bring City law into conformity with State law, now therefore:

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

Section 1. That the editing, arrangement and numbering or renumbering of the following ordinances and parts of ordinances are hereby approved as parts of the various component codes of the Codified Ordinances of the City so as to conform to the classification and numbering system of the Codified Ordinances:

<u>Ord. No.</u>	<u>Date</u>	<u>C.O. Section</u>
20-15	12-28-15	943.01 to 943.16, 943.19 - 943.24, 943.26 - 943.30, 943.99
30-15	3-14-16	933.07
05-16	11-28-16	111.08
12-16	7-25-16	114.01, 114.02
13-16	10-24-16	1414.01 - 1414.10, 1414.99
14-16	11-28-16	111.08
17-16	11-28-16	1326.01 - 1326.15, 1326.99
18-16	11-28-16	1324.01 - 1324.18, 1324.99
24-16	11-14-16	131.08

Section 2. That the following sections of the Codified Ordinances are or contain new matter in the Codified Ordinances and are hereby approved, adopted and enacted:

301.19, 331.21, 335.01, 335.09, 335.12, 335.13, 335.20, 373.02, 501.06, 501.99, 513.01, 513.02, 513.025, 513.03, 513.04, 513.05, 513.07, 513.076, 513.08, 513.14, 529.01, 529.07, 529.08, 533.09, 537.051, 537.077, 537.10, 537.17, 541.03, 541.04, 541.09

Section 3. That pursuant to Article II, Section 5(d), of the City Charter, Ohio R.C. 731.23 and Section 113.05 of the Codified Ordinances, the Clerk of Council shall publish the number, title and date of passage of this ordinance, twice on the same day of two successive weeks in a newspaper of general circulation within the City, and, further, shall post a certified copy of this ordinance, together with such summary, for at least fifteen days in a public place in the City Hall.

Section 4. 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 Ohio R.C. Section 121.22.

Section 5. That this Ordinance is deemed to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety and for the further reason that it will update the codification of the legislation of the City, consistent with the City Charter and with State law, where and as required by Article XVIII, Section 3, of the Ohio Constitution, with which to administer the affairs of the City, enforce law and order and avoid practical and legal entanglements. Wherefore, this Ordinance and the 2016 Replacement Pages for the Codified Ordinances hereby approved, adopted and enacted, 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 _____, 2017.

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
SUMMARY OF NEW MATTER
CONTAINED IN THE 2016 REPLACEMENT PAGES
FOR THE
CODIFIED ORDINANCES OF SOUTH EUCLID, OHIO

New matter in the 2016 Replacement Pages for the Codified Ordinances of South Euclid, Ohio, includes legislation regarding:

<u>Section</u>	<u>New or amended matter regarding:</u>
301.19	Motorcycle.
331.21	Right-of-way of public safety or coroner's vehicle.
335.01	Driver's license or commercial driver's license required.
335.09	Display of license plates; registration.
335.12	Failure to stop after accident.
335.13	Stopping after accident on other than public roads or highways.
335.20	Removal of vehicles after accidents.
373.02	Riding upon seats; handle bars; helmets and glasses; persons under fourteen years of age.
501.06	Limitation on criminal prosecutions.
501.99	Penalties for misdemeanors; suspension of driver's license.
513.01	Definitions.
513.02	Trafficking in controlled substances; gift of marihuana
513.025	Cultivation of marihuana.
513.03	Drug possession offenses.
513.04	Possession of drug abuse instruments.
513.05	Permitting drug abuse.
513.07	Abusing harmful intoxicants.
513.076	Possessing nitrous oxide in motor vehicles.
513.08	Illegal dispensing of drug samples.
513.14	Use or possession of paraphernalia.
529.01	Definitions.
529.07	Open container prohibited.
529.08	Hours of sale or consumption.
533.09	Soliciting.
537.051	Menacing by stalking.
537.077	Interference with custody.
537.10	Telecommunications harassment.
537.17	Criminal child enticement.
541.03	Criminal damaging or endangering; vehicular vandalism.
541.04	Criminal mischief.
541.09	Assaulting police dog or horse or assistance dog.



Michael Love <mlove@seuclid.com>

FW: MCIP Agreement between NEORSD and South Euclid

Andrew K. Blackley, P.E. <ablackley@hovancsek.com>

Mon, Mar 20, 2017 at 4:12 PM

To: Georgine Welo <gwelo@seuclid.com>, Lee Williams <lwilliams@seuclid.com>, Keith Benjamin

<kbenjamin@seuclid.com>, Mike Love <mlove@seuclid.com>

Cc: James Anderson <janderson@seuclid.com>, patti schnell <pjschnell@seuclid.com>, Brenda Wendt <bwendt@seuclid.com>, stonschock@seuclid.com

Dear All:

Attached is the MCIP Agreement whereby the NEORSD will provide reimbursement for the Grosvenor project.

I suggest we add it to the staff meeting agenda.

Andy

Andrew K. Blackley, P.E.

South Euclid City Engineer

President

Stephen Hovancsek and Associates, Inc.

2 Merit Drive

Richmond Heights, Ohio 44143

216-731-6255 office

216-731-4483 fax

216-780-6964 cell

From: Katarina Waag [mailto:WaagK@neorsd.org]**Sent:** Monday, March 20, 2017 3:01 PM**To:** ablackley@hovancsek.com**Cc:** mlograsso@seuclid.com; Crystal Davis <DavisC@neorsd.org>; Linda Mayer <mayerl@neorsd.org>**Subject:** MCIP Agreement between NEORSD and South Euclid

Mr. Blackley,

Attached is a draft agreement for the City's Grosvenor Infrastructure Improvement, Phase 2, Project under the Northeast Ohio Regional Sewer District's Member Community Infrastructure Program.

If acceptable, please return a signed copy of the agreement to me via email, or by hard copy at the address below if preferred. Please also provide a copy of the City's authorizing ordinance to be attached as Exhibit "B" and a copy of the City's Certification of Funds to be attached as Exhibit "E."

Upon receipt of the signed agreement, I will obtain signature by the District and return a fully-executed copy to you for your records.

Please do not hesitate to contact me with any questions.

Sincerely,

Katie Waag

Assistant General Counsel

Northeast Ohio Regional Sewer District

3900 Euclid Avenue

Cleveland, OH 44116

(216) 881-6600 ext. 6828

waagk@neorsd.org

2 attachments



South Euclid MCIP Grant Agreement (031317).docx

46K



South Euclid MCIP Exhibits.pdf

6697K

CITY OF SOUTH EUCLID, OHIO

ORDINANCE NO.: 07-17
INTRODUCED BY: Goodman
REQUESTED BY: Mayor

March 27, 2017

AN ORDINANCE

AUTHORIZING THE MAYOR TO ENTER INTO A MEMBER COMMUNITY INFRASTRUCTURE GRANT PROGRAM AGREEMENT WITH THE NORTHEAST OHIO REGIONAL SEWER DISTRICT FOR THE GROSVENOR INFRASTRUCTURE IMPROVEMENT PROJECT, PHASE 2.

WHEREAS, the City of South Euclid will be completing the Grosvenor Road Infrastructure Improvement Project, Phase 2 in 2017; and

WHEREAS, the city applied for partial funding for this project through the Northeast Ohio Regional Sewer District Member Community Infrastructure Grant Program which provides funding for water resource projects; and

WHEREAS, the project was selected to receive \$300,000.00 in funding from the Northeast Ohio Regional Sewer District Member Community Infrastructure Grant Program; and

WHEREAS, in order to be eligible to receive these funds the city must enter into an agreement with the Northeast Ohio Regional Sewer District.

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

Section 1: That the Mayor is hereby authorized and directed to enter into a Member Community Infrastructure Grant Program Agreement with the Northeast Ohio Regional Sewer District in order to receive funding for the Grosvenor Road Infrastructure Improvement Project, Phase 2, and the agreement shall be in substantially the same form as attached hereto.

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 5: That 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, in order to allow this critical project to be completed.

Passed this _____ day of _____, 2017.

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

MEMBER COMMUNITY INFRASTRUCTURE GRANT PROGRAM AGREEMENT

BY AND BETWEEN

NORTHEAST OHIO REGIONAL SEWER DISTRICT

AND

CITY OF SOUTH EUCLID

FOR

GROSVENOR INFRASTRUCTURE IMPROVEMENT PROJECT, PHASE 2

THIS AGREEMENT ("Agreement") is entered into as of the _____ day of _____, 2017 ("Effective Date"), by and between the Northeast Ohio Regional Sewer District ("District"), a regional sewer district organized and existing as a political subdivision under Chapter 6119 of the Ohio Revised Code, pursuant to the authority of Resolution No. 10-17, adopted by the District's Board of Trustees on January 5, 2017 (Exhibit "A"), and the City of South Euclid ("City" or "Member Community"), a charter municipality of the State of Ohio, acting pursuant to Ordinance No. _____, passed on _____, 201__ (Exhibit "B"). The District and the City may be collectively referred to herein as "Parties."

RECITALS:

WHEREAS, the District is interested in assisting member communities with water quality and quantity issues associated with sewer infrastructure that adversely impact human health and the environment; and

WHEREAS, Ohio law authorizes regional water and sewer districts to enter into grant agreements with political subdivisions for water resource projects; and

WHEREAS, pursuant to Ohio Revised Code Chapter 6119, generally, and Ohio Revised Code Section 6119.06(F), the District established the Member Community Infrastructure Program ("MCIP") to provide water resource project funding opportunities to member communities for sewer infrastructure projects in the District's service area; and

WHEREAS, the District issued a Request for MCIP Proposals (Exhibit "C"); and

WHEREAS, in response to the District's Request for MCIP Proposals, the City, a District member community, submitted an application for the Grosvenor Infrastructure

Improvement Project, Phase 2 (the "Project" or "MCIP Project"), attached hereto as Exhibit "D;"

WHEREAS, the District has determined that the MCIP Project will address water quality and quantity issues associated with sewer infrastructure that adversely impacts human health and the environment.

NOW THEREFORE, in consideration of the foregoing, the grant to be made by the District and the mutual promises contained in this Agreement, the parties agree as follows:

Article 1. The MCIP Project

- 1.1 The MCIP Project. The City will manage, design, procure and construct the MCIP Project, which generally consists of addressing an aged and failing sewer system by removing over/under sewer with plate removal, as set forth in Exhibit "D."
- 1.2 Performance Goal and Verification. The performance goal for the MCIP Project is set forth in Exhibit D and the City agrees to provide the District with post-construction verification of the performance goal. Failure to do so may impact future grant awards.
- 1.3 Compliance with District's Code of Regulations. The MCIP Project shall be designed and constructed to ensure compliance with the District's Code of Regulations. The goal of the MCIP is to reduce water quality and quantity issues that impact human health and the environment associated with combined or separate sanitary and/or storm infrastructure problems.
- 1.4 Permits and Approvals. The City shall obtain and pay the cost of all required federal, state and local approvals, including permits, necessary to initiate and complete the MCIP Project.
- 1.5 Affected Property Owners. The City shall obtain all easements, rights of entry, and other necessary legal agreements with affected property owners to perform construction and to bind any successor in title to maintain compliance as required in this Agreement. The costs of obtaining such legal agreements are eligible for MCIP fund reimbursement, if they are part of the proposal and approved by the Sewer District.
- 1.6 MCIP Project Modifications. The City shall submit requests to modify the budget, deadlines, deliverables, or other components of the Project to the District Representative for approval at least fifteen (15) business days prior to

the execution of the modification. Any modification to the MCIP Project must be approved by the District Representative in writing.

- 1.7 Photographs of MCIP Project. The District shall have the right to observe, monitor, inspect, and photograph the MCIP Project at any and all stages of design and construction, as well as post-construction.

Article 2. Design and Construction of the MCIP Project

- 2.1 District Review of Design Work. The Parties agree that the District shall have the right to review and comment on the final MCIP Project design plans prior to construction. The City shall submit the final MCIP Project design plans to the District Representative in a timely manner that provides the District with at least fifteen (15) business days to review. Any modification to the MCIP Project must be approved by the District Representative in writing.
- 2.2 MCIP Project Meetings. The District shall have the right to attend all MCIP Project progress meeting and shall receive at least five (5) business days advance notice of all such meetings. The District Representative shall receive meeting minutes from the City within five (5) business days of the meeting for review and comment, as may be necessary.
- 2.3 City to Bid and Construct MCIP Project. After the District's approval of the MCIP Project design in accordance with Article 2.1 above, the City shall bid and complete the construction work pursuant to the approved MCIP Project plans and specifications and in accordance with all applicable laws and regulations. The City shall be responsible for construction procurement, supervision, and inspection in accordance with the terms of this Agreement. The City shall notify the District Representative of the awarded bid amount within seven (7) calendar days of the award.
- 2.4 Construction Schedule. The District shall have the right to review and provide written comments to the proposed MCIP Project construction schedule, prior to the selected contractor beginning field activities.
- 2.5 Pre-Construction and Construction Meetings. The District shall have the right to attend all pre-construction and construction meetings with the MCIP Project contractor. The City shall notify the District Representative, in writing or via e-mail, of such meetings at least five (5) business days prior to the meeting date.

- 2.6 Daily Construction Supervision. The District is not required to and will not provide any daily construction supervision, or inspection and testing services for the MCIP Project.
- 2.7 As-Built Drawings. At the District's request, the City shall provide the District Representative with "as-built" drawings for the MCIP Project prior to creation of the final punch-list.
- 2.8 Record Drawings. The City shall provide to the District Representative record drawings, approved by the City's Engineer, at the closure of the MCIP Project.
- 2.9 District Request for Construction Progress Meetings. The City agrees to meet with the District to review the MCIP construction project status and progress, as may be requested by the District.
- 2.10 Payment of Prevailing Wage. The City shall be responsible for determining whether the payment of prevailing wages, as set forth in Chapter 4115 of the Ohio Revised Code, are required for labor used in constructing the MCIP Project, and shall ensure compliance with any prevailing wage requirements in such Chapter.

Article 3. Ownership, Operation, and Maintenance

- 3.1 City Operation and Maintenance Responsibilities. During construction and after construction, the City shall own, operate, and maintain the MCIP Project. The City shall reimburse the District in an amount equal to one hundred percent (100%) of the District Funds provided by the District under this Agreement if this provision is violated. In the event that the District determines a violation of this section has occurred, the District shall notify the City in writing. The Parties agree to resolve any dispute relating to such alleged violation in accordance with the procedure set forth in Article 9 of this Agreement.
- 3.2 Post-Construction Operation and Maintenance Plan. The City shall provide the District with a post-construction operation and maintenance plan for the MCIP Project within thirty (30) days of substantial completion of the MCIP Project. Such plan shall include funding sources to provide for operation and maintenance and shall be updated by the City, as may be necessary, and as may be requested by the District.

- 3.3 Maintenance Inspection Records. The City shall maintain a record of the City's maintenance inspections and overall performance of the MCIP Project for at least three (3) years and shall submit a copy to the District upon reasonable request.

Article 4. Project Costs and Funding

- 4.1 District Funds. The District agrees to pay the City an amount not to exceed Three Hundred Thousand Dollars (\$300,000.00) (the "District Funds") on a reimbursement basis, in accordance with the terms of this Article and Article 6. The anticipated reimbursement amount may only be altered in writing at the discretion of the District's Director of Watersheds. The District shall withhold \$15,000.00 of the District Funds until the District receives final record drawings for the MCIP Project.
- 4.2 City Funds. The City agrees to pay all MCIP Project costs that exceed the amount of the District Funds ("City Funds"). Under no circumstance, shall the District be responsible for payment of any costs that, in aggregate, exceed the amount of the District Funds, including, but not limited to, Differing Site Conditions or other unforeseen situations. Prior to the City issuing a notice-to-proceed for any MCIP Project related work or service, the City shall provide the District a copy of the certification by the City's Finance Director that the City Funds have been lawfully appropriated by the City for the Project. This certification is attached hereto as Exhibit "E."
- 4.3 Use of District Funds and Quarterly Reimbursement Requests and Progress Reports. The District Funds must be used for activities and expenses approved by the District that are related to the MCIP Project accrued on or after January 1, 2017 and in accordance with the project schedule requirements set forth in Article 6. In accordance with the provisions of this Agreement, the District shall reimburse the City for eligible MCIP Project expenses based upon paid invoices, prepared and submitted by the City to the District, in the form prescribed by the District, and including all supporting documentation as required by this Agreement and the MCIP Policy, Process, and Procedures, attached hereto as Exhibit "F."

Quarterly reimbursement requests and progress reports shall be submitted to the District in accordance with the following:

- First Request: Due April 28, 2017 for work completed January 1, 2017 – March 31, 2017;

- Second Request: Due July 31, 2017 for work completed April 1, 2017- June 30, 2017;
- Third Request: Due October 31, 2017 for work completed July 1, 2017 – September 30, 2017;
- Fourth Request: Due January 31, 2018 for work completed October 1, 2017 – December 31, 2017.

Failure to submit the quarterly reimbursement request and progress report in accordance with these deadlines may result in the revocation of the Agreement by the District.

The District will accept submission of the final reimbursement request and progress report prior to the defined quarterly reimbursement schedule.

The City agrees to meet with District staff, as requested, to review MCIP Project progress and to use the quarterly reimbursement request and progress report form provided by the District and available at: <http://www.neorsd.org/mcip.php>.

- 4.4 Third Party Payments. The City shall bear the risk and remain solely responsible for any payments made by the City to third parties for work not approved by the District.
- 4.5 Records Retention. The City shall keep all records and documents relevant to the MCIP Project, including but not limited to, an accurate, current, and complete accounting of all financial transactions for the MCIP Project. Such records and documents shall be available at reasonable times and places for inspection and copying by the District or any authorized representative thereof and shall be submitted to the District upon request along with any other compliance information which may be reasonably required.
- 4.6 District Funds Not Used. Any District Funds that are not used to complete the MCIP Project shall be retained by the District.

Article 5. Public Participation and Outreach

- 5.1 Educational Signage and Public Outreach. The City shall coordinate any educational signage and any public outreach with the District. The City shall acknowledge the District on MCIP Project related outreach communications and in public meetings that discuss the MCIP Project.
- 5.2 District Right To Reject. The District reserves the right to reject any signage, related to the MCIP Project.

Article 6. Project Schedule and Warranty Period.

- 6.1. Project Schedule. The MCIP Project schedule shall be as set forth in the Project Schedule and Budget Section of Exhibit "D." Any change to the Project schedule must be approved in writing by the District Representative.
- 6.2. MCIP Project Warranty. The City's construction agreement shall require the contractor to provide a minimum of a one (1) year warranty period that commences upon final completion of the MCIP Project construction ("Warranty Period"). Prior to the conclusion of the Warranty Period the City shall perform a CCTV inspection of the installed Project and provide a report to the District.

Article 7. Term.

- 7.1 Term. This Agreement shall begin on the date first above written and expire upon successful completion of the obligations contained herein.

Article 8. Insurance.

- 8.1 Insurance. The City shall require MCIP Project consultants and contractors to name the Northeast Ohio Regional Sewer District as an Additional Insured for general liability, automobile liability, and property liability insurance coverages.

Article 9. Dispute Resolution.

- 9.1 Continuation of Obligations. The Parties shall continue the performance of their obligations under this Agreement notwithstanding the existence of a dispute. The District reserves the right to deposit District Funds in an escrow account until the dispute is resolved.
- 9.2 Designated Representatives. The Parties shall first try to resolve the dispute at the level of the designated representatives as follows:

District Representatives	City Representatives
Director of Watershed Programs	City Engineer

If the Parties are unable to resolve the dispute at that level within ten (10) working days, the Parties shall escalate the dispute to the following level to resolve the dispute:

District Representatives	City Representatives
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District Chief Legal Officer or CLO's designee	Law Director
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9.3 Mediation. If the Parties remain unable to resolve the dispute within an additional ten (10) working days, the Parties shall proceed to mediation upon request by either party. The Parties shall mutually select a mediator who is experienced in public utility infrastructure engagements. The mediator shall review all documents and written statements, in order to accurately and effectively resolve the dispute. The mediator shall call a meeting between the Parties within ten (10) working days after the mediator appointment, which meeting shall be attended by at least the respective representatives in Article 9.2 above. The Parties shall attempt in good faith to resolve the dispute. The Parties agree to follow the Uniform Mediation Act, Chapter 2710 of the Ohio Revised Code. The Parties shall share the cost of the mediator equally.

9.4 Mediation Resolution. Such mediation shall be non-binding between the Parties and, to the extent permitted by law, shall be kept confidential. If the dispute is resolved and settled through the mediation process, the decision will be implemented by a written agreement signed by both Parties. If the dispute is unable to be resolved through mediation, the Parties agree to submit the dispute to the appropriate jurisdiction as per Article 10, Remedies, below.

Article 10. Remedies.

10.1 Remedies and Ohio Law. The Parties agree that, after exhausting the dispute resolution process outlined above, all claims, counterclaims, disputes and other matters in question between the Parties arising out of or relating to this Agreement, or the breach thereof, will be decided at law. This Agreement shall be governed by and interpreted according to the law of the State of Ohio. A party may file a lawsuit in a court of competent jurisdiction in Cuyahoga County, Ohio.

Article 11. Notifications.

11.1 Points of Contact. The Parties hereby designate the following individuals to serve as the primary points of contact under this Agreement:

District Representative Linda Mayer Watershed Funding Administrator (440) 253-2147 mayerl@neorsd.org	City Representative Andrew Blackley City Engineer (216) 731-6255 ablackley@hovancsek.com
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Article 12. Release of Liability.

12.1 Release of All Liability. The Parties understand and agree that the District has no responsibilities or interest in the MCIP Project with respect to ownership, operation and maintenance and is acting solely as a funding source. The City hereby releases the District from all liability related to the grant funding provided by the District hereunder. The City further releases the District from all liability for: (i) the design, construction, implementation, operation, maintenance, and inspection of the City's MCIP Project; (ii) any damages to third parties caused by the design, construction, implementation, operation, maintenance, inspection and every other aspect of the City's MCIP Project; (iii) any defective performance of the City's MCIP Project by the City and/or its agents; and (iv) any damages caused by malfeasance or misfeasance of the grant funds by the City.

Article 13. Miscellaneous.

13.1 Limit of Commitment. This grant is made with the understanding that the District has no obligation to provide other or additional support, including maintenance of the City's MCIP Project. This grant does not represent any commitment to, or expectation of, future support, including maintenance of the City's MCIP project from the District.

13.2 Disclaimer of Joint Venture. This Agreement is not intended to create a joint venture, partnership or agency relationship between the Parties, and such joint venture, partnership, or agency relationship is specifically hereby disclaimed.

13.3 Authority to Execute. Each person executing this Agreement represents and warrants that it is duly authorized to execute this Agreement by the party on whose behalf it is so executing.

13.4 Counterpart Signatures. This Agreement may be executed in counterparts, each of which shall be deemed to be an original, but which counterparts when taken together shall constitute one Agreement.

13.5 Modification of Agreement. This Agreement may only be modified by written instrument executed by each party.

- 13.6 Merger Clause. This Agreement, along with any exhibits attached hereto, encompasses the entire agreement of the parties, and supersedes all previous understandings and agreements between the parties, whether oral or written.
- 13.7 Binding on Successors. This Agreement is binding upon, and inures to the benefit of, the parties and their respective permitted successors and assigns.
- 13.8 Prohibition on Assignment and Subcontracting. The City may not assign or subcontract its rights or duties under this Agreement, in whole in part, whether by operation of law or otherwise, without the prior consent of the District. Consent may be withheld for any reason or no reason. Any assignment or subcontract made in contravention of the foregoing shall be void and of no effect.
- 13.9 Severability. If any term or provision of this Agreement is determined to be illegal, unenforceable, or invalid, in whole or in part for any reason, such provision shall be stricken from this Agreement and such provision shall not affect the validity of the remainder of this Agreement.
- 13.10 Headings. The headings in this Agreement are included for convenience only and shall neither affect the construction nor the interpretation of any provision in this Agreement.
- 13.11 Relationship of Agreement to Exhibits. The exhibits to this Agreement are attached for reference purposes only. Nothing in this Agreement shall be construed to modify, alter, clarify, or give effect to the terms and conditions of the various exhibits attached to this Agreement.

Article 14. Exhibits.

It is mutually understood and agreed that all Exhibits attached hereto are made a part hereof as if fully written herein. In the case of any conflict or variance between the terms of this Agreement and the terms of referenced documents, the terms of this Agreement shall govern.

The following Exhibits attached hereto are hereby incorporated with and made a part of this Agreement:

- Exhibit "A" – District Resolution
- Exhibit "B" – City Ordinance
- Exhibit "C" – Request for MCIP Proposals
- Exhibit "D" – City's MCIP Application
- Exhibit "E" – City's Certification of Funds
- Exhibit "F" – MCIP Policy, Process and Procedures

The parties hereto have executed and delivered this Agreement as of the date first above written.

NORTHEAST OHIO REGIONAL SEWER DISTRICT

By: _____
Kyle Dreyfuss-Wells
Chief Executive Officer

and: _____
Darnell Brown, President
Board of Trustees

CITY OF SOUTH EUCLID

By: _____
Georgine Welo
Mayor

The legal form and correctness of this instrument is approved.

By: _____
Michael Lograsso
City's Law Director

Date: _____, 2017

This Instrument Prepared By:
Katarina K. Waag
Assistant General Counsel
Northeast Ohio Regional Sewer District

Each party agrees that this Agreement may be executed and distributed for signatures via email, and that the emailed signatures affixed by both parties to this Agreement shall have the same legal effect as if such signatures were in their originally written format.