

**THE CITY OF SOUTH EUCLID**  
**SCHEDULE OF MEETING**  
**Wednesday April 12, 2017**  
**8:00 PM**

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**1. PLEDGE OF ALLEGIANCE**

**2. ROLL CALL**

**3. APPROVAL OF MINUTES:** February 27, 2017 & March 6, 2017 (Special Mtg.)

**4. REPORT OF MAYOR**

**5. REPORT OF LAW DIRECTOR & DEPARTMENTAL HEADS**

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

**7. REPORT OF COMMITTEES**

**ZONING & PLANNING COMMITTEE:**

1. ORDINANCE 02-17      **CREATING** AMENDING SECTION **752.01** ~~751.02~~  
"CHANGES" "PERMITTED USE" OF CHAPTER **752** ~~751~~  
"REGULATIONS FOR **NONCOMPLYING BUILDINGS**  
**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. **THIRD READING.**

**8. LEGISLATION REQUESTED BY CITY COUNCIL**

1. ORDINANCE 08-17      AN ORDINANCE AMENDING SECTION 531.09  
"ABATEMENT OF CRIMINAL ACTIVITY NUISANCES" OF  
CHAPTER 531 "NUISANCES" OF PART FIVE "GENERAL  
OFFENSES CODE" OF THE CODIFIED ORDINANCES OF THE  
CITY OF SOUTH EUCLID, OHIO. FIRST READING.

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

1. RESOLUTION 10-17      AUTHORIZING AN INCREASE OF APPROPRIATIONS IN  
THE FOLLOWING FUND: "GENERAL FUND-POLICE  
DEPARTMENT-VEHICLES #101-1110-52507" IN ORDER TO  
COMPLETE THE PURCHASE OF A NEW POLICE VEHICLE.  
FIRST READING.
2. RESOLUTION 11-17      AUTHORIZING THE TRANSFER OF APPROPRIATED  
FUNDS IN THE GENERAL FUND TO THE LAND ACQUISITION  
FUND. FIRST READING.
3. RESOLUTION 12-17      AUTHORIZING AN INCREASE OF APPROPRIATIONS IN THE  
FOLLOWING FUND: "LAND ACQUISITION FUND" FOR  
EXPENSES RELATED TO THE PASSAGE OF ORDINANCE 05-  
17. FIRST READING.

**10. COMMUNICATIONS OF CITY COUNCIL**

**11. PUBLIC HEARINGS (OPEN MEETING) RELATED TO OPEN BUSINESS**

**12. ADJOURN**

CITY OF SOUTH EUCLID, OHIO

ORDINANCE NO.: 02-17  
INTRODUCED BY: Goodman  
REQUESTED BY: Russell

February 13, 2017  
Second Reading as Amended: March 13, 2017  
As Recommended by the Planning Commission:  
March 23, 2017  
Third Reading: April 12, 2017

AN ORDINANCE

**CREATING AMENDING SECTION 752.01 751.02 "CHANGES" "PERMITTED USE" OF CHAPTER 752 751 "REGULATIONS FOR NONCOMPLYING BUILDINGS 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.**

WHEREAS, the Council of the City of South Euclid desires to modify portions of the Planning and Zoning Code to allow for more effective governance.

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

Section 1: That Section ~~752.01 751.02~~ "Changes" "Permitted Use" of Chapter ~~752 751~~ "Regulations for Noncomplying Buildings 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 be hereby amended to read as follows:

**752.01 PERMITTED USE ~~751.02 CHANGES.~~**

~~Any change in a nonconforming use shall comply with the applicable regulations of this Planning and Zoning Code. A change in ownership or occupancy shall not in itself constitute a change of use. When a previously nonconforming use has been changed to a conforming use, such nonconforming use shall not thereafter be changed to a nonconforming use. A nonconforming use may not be changed, except in accordance with the following provisions:~~

- ~~—(a) A nonconforming use that is subject to termination in accordance with the requirements of this Code shall not be substituted for another nonconforming use.~~
- ~~—(b) A nonconforming use of land involving a building or structure, where the assessed value of the buildings or structures is more than twenty thousand dollars (\$20,000), shall not be changed to another nonconforming use.~~
- ~~—(c) A nonconforming retail use located within a Residential District may be changed to a residential use, except a multiple family use, unless such use is located within a district permitting multiple family uses.~~
- ~~—(d) A nonconforming manufacturing use located within a Residential District may be changed to a residential use, except a multiple family use, unless such use is located within a district permitting multiple family uses.~~
- ~~—(e) A nonconforming retail or manufacturing use located within a Commercial District may be changed to any use permitted in that particular zoning district or in the next most restrictive Commercial District from that in which the nonconforming use is located.~~
- ~~—(f) The change of nonconforming uses as provided in this section shall not extend the time for the termination of nonconforming uses.~~

The use of a noncomplying building or other structure may be continued, except as otherwise provided herein:

- (a) If a noncomplying building or other structure is damaged or destroyed by any means, such building or other structure shall be reconstructed only in accordance with the bulk regulations specified for the district in which it is located, if the value of such building or other structure after such damage or destruction is less than twenty-five percent of its value prior thereto. In establishing value, the Zoning Administrator shall consider only the ratio of the assessed value of such building or other structure, as determined within one month after such damage or destruction, to the current assessed value prior

thereto, provided that on appeal the Zoning and Building Standards Board of Appeals may consider any other substantiating evidence of value.

(b) A noncomplying building or other structure may be enlarged, provided that no enlargement is permitted which would either create a new noncompliance or increase the degree of noncompliance of any portion of the building or other structure.

(c) Normal maintenance, repairs or structural alterations are permitted in a noncomplying building or other structure, except that alterations creating enlargements shall be subject to the provisions of subsection (b) hereof.

**(d) (g) Notwithstanding the provisions of Part Seven Title Two of the Planning and Zoning Code, a nonconforming two-family building located in an "A Single-Family" zoning district may be rebuilt to the previously-existing size and footprint and used for two-family purposes, and the Building Commissioner may issue applicable building permits accordingly, even if the building is destroyed to an extent exceeding sixty percent (60%) of its market value, provided the following conditions are met:**

**(1) No later than thirty (30) days after the event causing damage or destruction of the building, the owner, mortgagee or other person having a legal interest in the property provides written proof to the City of the existence of insurance or financing adequate to reconstruct/repair the building and written notice of its intent to so reconstruct/repair the building; and**

**(2) The owner, mortgagee or other person having a legal interest in the property applies for all necessary building permits for the reconstruction/repair of the property no later than ninety (90) days after the event causing damage or destruction of the property; and**

**(3) The reconstruction or repair of the property is substantially completed within one (1) year of the event causing damage or destruction of the property.**

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

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.: 08-17  
INTRODUCED BY: Goodman  
REQUESTED BY: Fiorelli

April 12, 2017

AN ORDINANCE

AN ORDINANCE AMENDING SECTION 531.09 "ABATEMENT OF CRIMINAL ACTIVITY NUISANCES" OF CHAPTER 531 "NUISANCES" OF PART FIVE "GENERAL OFFENSES CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO.

WHEREAS, the Council of the City of South Euclid and the Mayor recognize the value and purpose that criminal activity nuisance laws afford our residents as a deterrent to crime and as an effective law enforcement tool; and

WHEREAS, the Council of the City of South Euclid and the Mayor wish to support efforts to address gun violence and help protect the health, safety and welfare of the City and its residents.

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

Section 1: That Section 531.09 "Abatement of Criminal Activity Nuisances" of Chapter 531 "Nuisances" of Part Five "General Offenses Code" of the Codified Ordinances of the City of South Euclid, Ohio be hereby amended to read as follows:

531.09 ABATEMENT OF CRIMINAL ACTIVITY NUISANCES.

(a) The following activities occurring on either residential or commercial properties, or within 1,000 feet of the property line of said residential or commercial property, and engaged in by an owner, occupant or invitee of the owner or occupant of such residential or commercial properties, are hereby declared to be public nuisances.

- (1) Any animal violations under Sections 505.01, Dogs and Other Animals Running at Large; Dangerous and Vicious Dogs; 505.09, Barking or Howling Dogs; 505.06, Poisoning Animals; 505.07, Cruelty to Animals; 505.071, Neglect of Animals; 505.08, Noxious Odors; Unsanitary Conditions;
- (2) Any disorderly conduct, disturbance of the peace or other violation of Chapter 509 of the Codified Ordinances;
- (3) Any drug abuse violation under Chapter 513 of the Codified Ordinances;
- (4) Any gambling violation under Chapter 517 of the Codified Ordinances;
- (5) Any health, safety or sanitation violation under Chapter 521 of the Codified Ordinances;
- (6) Any obstruction of official business violation under Section 525.07 of the Codified Ordinances;
- (7) Any alcohol violations under Chapter 529 of the Codified Ordinances;
- (8) Any sex offenses under Sections 533.07, Public Indecency; 533.08, Procuring; 533.09, Soliciting; or 533.10, Prostitution, of the Codified Ordinances;
- (9) Any offense against another person under Chapter 537 of the Codified Ordinances;
- (10) Any offense against property under Sections 541.03, Criminal Damaging or Endangering; 541.04, Criminal Mischief, of the Codified Ordinances;
- (11) Any littering or deposition of waste under Chapter 527 of the Codified Ordinances;
- (12) Any theft violation under Sections 545.05, Petty Theft; 545.08, Unauthorized Use of Property, of the Codified Ordinances;
- (13) Any weapons, explosives, firearm or handgun violation under Chapter 549 of the Codified Ordinances;
- (14) Any fireworks violation under Chapter 1540 of the Codified Ordinances;
- (15) Any waste container violation under Section 1411.081 of the Codified Ordinances; and
- (16) Any offense that is a felony under the Ohio Revised Code.

(b) The Chief of Police or his designee, upon finding that two or more nuisance activities declared in this section have occurred within any 12-month period, may cause a written notice and order to be served on the owner of the property declaring that such property is a nuisance property. The notice and order shall set forth the nature of the nuisances, the estimated costs to

abate any future nuisances, and state that the owner may avoid being charged the costs of abatement by taking steps to prevent any further nuisance activity as set forth in this section. The notice shall further state that if a third or subsequent nuisance activity as declared in this section occurs within 12 months of the written notice, the City may abate the nuisance by responding to the activities using administrative and law enforcement actions, and the costs of such abatement shall be assessed on the nuisance property. Notice shall be served as set forth in Sections 531.02 and 531.03 of the Codified Ordinances.

(c) If within 12 months after the written notice referred to in division (b) of this section has occurred, a third nuisance activity as declared in this section occurs, the City may abate the nuisance by responding to the activity using administrative and law enforcement actions, and the costs of such abatement shall be assessed on the nuisance property in the same manner as in Section 531.04 of the Codified Ordinances, and the costs shall be calculated as set forth in division (e) of this section. The City shall provide notice to the owner of the nuisance property of the City's intent to assess the costs of abatement against the owner's property at least 30 days before such costs are certified to the County for assessment against the property, and such notice shall contain a description of the nuisance activity that is the basis for the notice of intent to assess the property, and the cost to abate. Notice shall be served as set forth in Section 531.03 of the Codified Ordinances.

(d) The owner of a nuisance property who receives a notice from the Chief of Police or his designee pursuant to this section may appeal such notice by submitting a written request for reconsideration to the Chief of Police within 30 days of the date of the notice. If the Chief of Police finds that the facts presented do not support the declaration of a nuisance, the Chief shall rescind the notice. Otherwise, the Chief shall deny the request and refer the appeal for hearing by the Board of Zoning Appeals. Any such appeal shall not stay any actions by the City to abate the first or any subsequent nuisance activity. In any such appeal, the City must show by a preponderance of the evidence that each violation stated in the notice being appealed has occurred, and that the declaration of the property as a nuisance property or of the intent of the City to assess the property for abatement costs, whichever is applicable, is justified. The City shall be deemed to have failed to have met this standard if the owner demonstrates by a preponderance of evidence that:

(1) He or she was not the owner at the time of any of the nuisance activity that is the basis of the notice; or

(2) He or she had knowledge of the nuisance activity, but has promptly and vigorously taken all actions necessary to abate each nuisance including, without limitation, compliance with the requirements of Ohio R.C. 5321.17(C) and 5321.04(A)(9); or

(3) He or she had knowledge of the nuisance activity and could not, with reasonable care and diligence, have known of the nuisance activity; and upon receipt of the notice of the declaration of the property as a nuisance property, he or she promptly took all actions necessary to abate the nuisance including, without limitation, compliance with the requirements of Ohio R.C. 5321.17(C) and 5321.04(A)(9).

(e) Costs of abatement shall be assessed based upon an escalating defined cost. The escalating defined costs are: two hundred and fifty dollars (\$250.00) upon the first declaration of nuisance under this chapter; five hundred dollars (\$500.00) on the second nuisance declaration; seven hundred fifty dollars (\$750.00) on the third nuisance declaration; and one thousand dollars (\$1,000.00) on each subsequent nuisance declaration. **If, any violation of nuisance activities described in paragraph (a) 1 through 16 above involves the possession and/or discharge of a firearm in violation of any Federal, State or Local Law, there shall be an additional cost assessed of \$2,000.00 to each enumerated cost listed in this section.**

(f) The declaration of a nuisance property, an order to abate a nuisance, or the assessment of costs by the City on a property, do not affect or limit the City's right or authority to bring criminal prosecution or other legal action against any person for violation of the City's ordinances.

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: Wherefore this Ordinance shall take effect and be in force from and after the earliest period allowed by law and upon signature of the Mayor.

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

RESOLUTION NO.: 10-17  
INTRODUCED BY: Goodman  
REQUESTED BY: Mayor

April 12, 2017

A RESOLUTION

AUTHORIZING AN INCREASE OF APPROPRIATIONS IN THE FOLLOWING FUND: "GENERAL FUND-POLICE DEPARTMENT-VEHICLES #101-1110-52507" IN ORDER TO COMPLETE THE PURCHASE OF A NEW POLICE VEHICLE.

WHEREAS, on November 28, 2016, City Council passed Resolution 60-16, appropriating funds in the amount of \$33,517.00 in order to purchase a new police vehicle; and

WHEREAS, the vehicle was purchased for \$26,816.00; and

WHEREAS, the vehicle must now be outfitted with the proper equipment at a cost of \$6,701.00; and

WHEREAS, for accounting purposes, legislation is required to reappropriate \$6,701.00 to the General Fund-Police Department-Vehicles Account.

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-Police Department-Vehicles #101-1110-52507 Account" in the amount of \$6,701.00 to purchase and install proper equipment for the new police vehicle.

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 \_\_\_\_\_, 2017.

\_\_\_\_\_  
Jane Goodman, President of Council

Attest:

Approved:

\_\_\_\_\_  
Michael Love, Acting Clerk of Council

\_\_\_\_\_  
Georgine Welo, Mayor

Approved as to form:

\_\_\_\_\_  
Michael P. Lograsso, Director of Law

CITY OF SOUTH EUCLID, OHIO

RESOLUTION NO.: 11-17  
INTRODUCED BY: Goodman  
REQUESTED BY: Mayor

April 12, 2017

A RESOLUTION

AUTHORIZING THE TRANSFER OF APPROPRIATED FUNDS IN THE GENERAL FUND TO THE LAND ACQUISITION FUND.

WHEREAS, appropriated funds must be transferred from the General Fund to cover expenses within the Land Acquisition Fund #440 incurred through the passage of Ordinance 05-17 on February 27, 2017; and

WHEREAS, the Council of the City of South Euclid, Ohio acknowledges that the Ohio Revised Code requires a resolution authorizing the transfer of funds.

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 transfer appropriated funds from the General Fund #101 to the following fund in the amount below:

1. Land Acquisition Fund #440 \$19,000.00

Section 2: That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees on or after November 25, 1975, that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 3: That this Resolution is deemed to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, and welfare of the residents and for the further reason that a vital function of government is affected thereby. Wherefore, this Resolution shall take effect and be in force from and after the earliest period allowed by law and upon signature of the Mayor.

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

RESOLUTION NO.: 12-17  
INTRODUCED BY: Goodman  
REQUESTED BY: Mayor

April 12, 2017

A RESOLUTION

AUTHORIZING AN INCREASE OF APPROPRIATIONS IN THE FOLLOWING FUND:  
"LAND ACQUISITION FUND" FOR EXPENSES RELATED TO THE PASSAGE OF  
ORDINANCE 05-17.

WHEREAS, City Council approved Ordinance 05-17 on February 27, 2017 authorizing the retirement of 2016 Bond Anticipation Notes and issuance of new Bond Anticipation Notes related to the redevelopment of Cedar Center prior to the 2016 Note retirement date on March 28, 2017; and

WHEREAS, pursuant to Ordinance 05-17 Taxable Real Estate Acquisition and Urban Redevelopment General Obligation Bond Anticipation Notes, Series 2017 were issued on March 27, 2017; and

WHEREAS, funds must be appropriated in order to pay these costs.

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 "Land Acquisition Fund #440" in the amount of \$1,627,923.00 in order to pay costs associated with the passage of Ordinance 05-17 on February 27, 2017.

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 \_\_\_\_\_, 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