

**THE CITY OF SOUTH EUCLID**  
**SCHEDULE OF MEETING**  
**September 11, 2017**  
**8:00 PM**

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**1. PLEDGE OF ALLEGIANCE**

**2. ROLL CALL**

**3. APPROVAL OF MINUTES: July 24, 2017**

**4. REPORT OF MAYOR**

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

**6. REPORT OF SCHOOL DISTRICT**

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

**8. REPORT OF COMMITTEES**

**9. LEGISLATION REQUESTED BY CITY COUNCIL**

1. ORDINANCE 21-17      AMENDING SECTION 726.05 "WALLS AND FENCES" OF CHAPTER 762 "PROCEDURES" OF PART SEVEN "PLANNING AND ZONING CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO. FIRST READING.
2. ORDINANCE 22-17      PROHIBITING THE USE OF PESTICIDES IN SOUTH EUCLID PARKS, OPEN SPACE PARCELS AND PUBLIC RIGHTS OF WAY. FIRST READING.

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

1. RESOLUTION 33-17      RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY FISCAL OFFICER. FIRST READING.
2. RESOLUTION 34-17      AUTHORIZING THE APPROPRIATION OF UNAPPROPRIATED FUNDS IN THE FOLLOWING FUND: "SAFETY LEVY FUND" IN ORDER TO FUND EXPENSES ASSOCIATED WITH THE APPORTIONMENT OF TAXES MADE FOR CUYAHOGA COUNTY'S SECOND HALF CITY REAL ESTATE SETTLEMENT FOR FISCAL YEAR 2016. FIRST READING.
3. ORDINANCE 19-17      AMENDING SECTION 171.0501, OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, TITLE NINE "MUNICIPAL INCOME TAX," BY INCREASING THE RATE OF MUNICIPAL INCOME TAX TO \_\_\_\_\_ (%) PROVIDING FOR SUBMISSION OF THE AMENDMENT TO THE ELECTORS OF THE CITY OF SOUTH EUCLID; AND DECLARING AN EMERGENCY. FIRST READING.

4. ORDINANCE 20-17 AMENDING ORDINANCE 171.1901 "SOUTH EUCLID RESIDENT SUBJECT TO INCOME TAX IN OTHER MUNICIPALITY" OF SECTION 171, "MUNICIPAL INCOME TAX" OF PART ONE "ADMINISTRATIVE CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO; AND DECLARING AN EMERGENCY. FIRST READING.

**11. COMMUNICATIONS OF CITY COUNCIL**

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

- 13. ADJOURN TO EXECUTIVE SESSION** for the purpose of discussion of collective bargaining agreements.

**14. ADJOURN**

CITY OF SOUTH EUCLID, OHIO

ORDINANCE NO.: 21-17  
INTRODUCED BY: Goodman  
REQUESTED BY: Gelfand

September 11, 2017

AN ORDINANCE

AMENDING SECTION 726.05 "WALLS AND FENCES" OF CHAPTER 762 "PROCEDURES" OF PART SEVEN "PLANNING AND ZONING CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO.

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

Section 1: That Section 762.05 "Walls and Fences" of Chapter 762 "Procedures" 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:

**"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.)

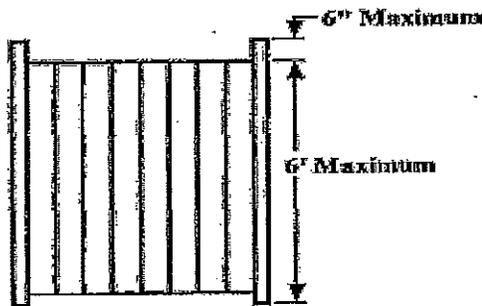


Figure 1

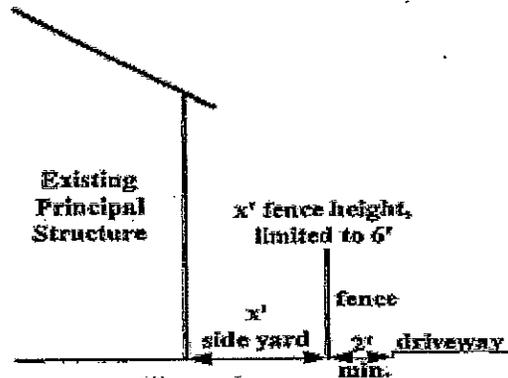


Figure 2

(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.

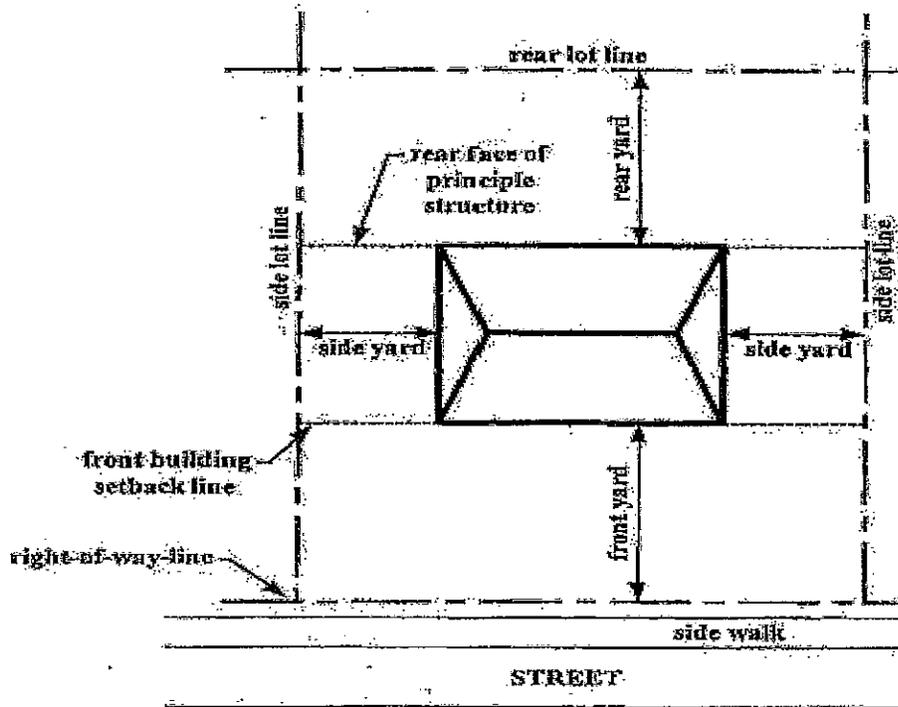


Figure 3.

(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.

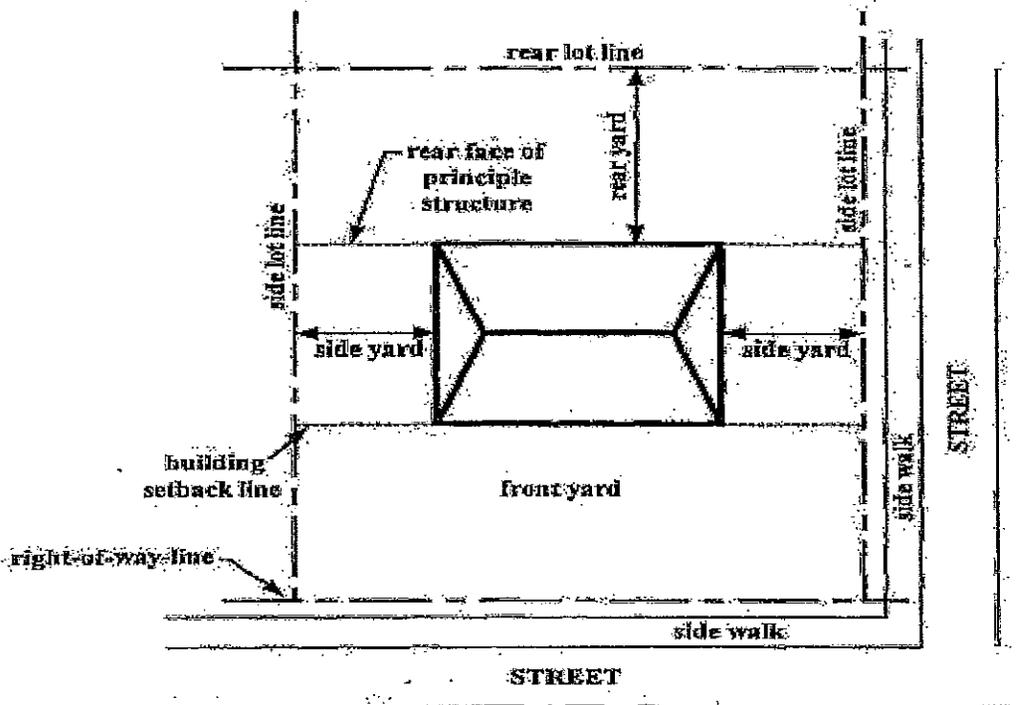


Figure 4

(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 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).

**D. Upon issuance of a permit, applicant shall wait thirty (30) days prior to commencing construction, and adjacent residences shall be notified via United States Postal Service Mail of the intent to construct a wall or fence.**

**E. The issuance of a permit shall be required for the removal of a wall or fence and applicant shall wait thirty (30) days prior to commencing construction, and adjacent residences shall be notified via United States Postal Service Mail of the intent to construct a wall or fence.**

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

ORDINANCE NO.: 22-17  
INTRODUCED BY: Goodman  
REQUESTED BY: Gelfand

September 11, 2017

AN ORDINANCE

PROHIBITING THE USE OF PESTICIDES IN SOUTH EUCLID PARKS, OPEN SPACE PARCELS AND PUBLIC RIGHTS OF WAY.

WHEREAS, the Council of the City of South Euclid recognizes that there is an ongoing need protect public health, safety, welfare, and the environment; and

WHEREAS, Council also acknowledges that there is an ongoing need to manage pests to protect public health, safety, and welfare; and

WHEREAS, Council further acknowledges that the current state of pest control technology still requires limited use of chemical pesticides under certain known circumstances to control the spread of disease; and

WHEREAS, Council recognizes that many chemical pesticides are toxic and that the use of pesticides containing known carcinogens is a threat to the health, safety, and welfare of South Euclid residents, neighbors, and others who use South Euclid parks, recreational assets, opens spaces, schools and schoolyards, libraries, and other public spaces; and

WHEREAS, as a practical matter, South Euclid does not currently use toxic chemical pesticides on public property within the its municipal jurisdiction; and

WHEREAS, the Council of the City of South Euclid desires to formalize South Euclid's unofficial policy of not using pesticides on City property by prohibiting the use of pesticides on City parks, open space parcels and public rights of way including both aerial spraying and ground applications; and,

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SOUTH EUCLID, OHIO

Section 1: Definitions.

As used in this chapter certain terms are defined as follows:

(a) "Pesticide" means any substance produced or distributed for preventing, destroying or repelling any insects, weeds, rodents, fungi, nematodes, mites, spiders or other forms of plant or animal life or viruses (such as any herbicide, insecticide, acaricide, nematocide, rodenticide or fungicide), except viruses on or in living humans or other animals. This includes any fertilizer mixture which contains pesticides within it.

(b) "Application of a pesticide" means the placement for effect of any pesticide at or on the exterior site where pest control or other response is desired.

(c) "Pest" means any organism targeted for elimination or control by a pesticide.

(d) "School" means any preschool, nursery school, kindergarten, elementary school, or high school.

(e) "Child day-care" means administering to the needs of infants, toddlers, pre-school children and school children outside of school hours for consideration by persons other than their parents or guardians, custodians, or relatives by blood, marriage or adoption for any part of the twenty-four hour day in a place or residence other than a child's own home.

(f) "Child day-care center" means any place in which child day-care is provided, excluding child day-care provided in the permanent residence of the provider if provided to no more than six children at one time, including any children of the provider who are under six years of age and

on the premises, and no more than three of the children on the premises at any one time are under two years of age.

(g) "Public property" means any land owned by the City or by any other governmental entity, including, without limitation, school districts, libraries, public parks and public playgrounds.

Section 2: Prohibition On Pesticide Use.

Except as provided in Section \_\_\_\_\_, no person shall apply any pesticide on the gardens, lawns, lands, grounds or other exterior premises of any of the following facilities: schools, child day-care centers, public properties or libraries.

Section 3: Exceptions

- (a) An Environmental Review Board is hereby created to hear and determine requests for permission to apply pesticides in specific cases. The Board shall consist of the Service Director, Director of Community Services, Council Safety Committee Chairperson & Council Recreation Committee Chairperson. The Board may grant permission for the application of pesticides under controlled and limited conditions when the Board determines that such application is necessary for the public health and safety or the preservation of property and will not pose a danger to City residents.
- (b) The application of larvicides and rodenticides is permitted as a public health measure necessary to reduce the spread of disease vectors pursuant to recommendations and guidance provided by the Centers for Disease Control and Prevention, the U.S. Environmental Protection Agency, and the Ohio Department of Agriculture. Any rodenticides used shall be placed in tamper-proof products, unless designed and registered for specific environments inaccessible to humans and pets.
- (c) The use of larvicides or rodenticides, if administered by Cuyahoga County, shall be approved by the County under provisions of County Ordinance No. O2011-0047. Emergency notice shall be provided to the Environmental Review Board within 72 hours of application.

Section 4: Organic Pest Management and Integrated Pest Management

The Environmental Review Board, prior to the approval of any request for the application of pesticides, shall conduct a review of applicant's consideration and use of Organic Pest Management (OPM) to prevent pest problems through application of natural, organic horticulture and maintenance practices. OPM shall incorporate the principles of Integrated Pest Management (IPM) in its program.

IPM is an ecologically-sound approach to suppressing and eliminating pest populations to keep them from causing health, economic, or aesthetic injury. IPM utilizes site-specific information about pest biology and behavior, environmental conditions, and the dynamics of human characteristics and activities in dealing with the prevention and control of pests that interfere with the purpose and use of a particular site.

The following steps outline the basic approach used in an IPM program:

- (1) Monitoring and scouting the turf of landscape in question;
- (2) Accurate record-keeping documenting any potential pest problems;
- (3) Evaluation of the site with regard to any injury caused by a pest in question and a determination made on which course of treatment to follow;
- (4) Chosen treatment to be the least damaging to the general environment and one that best preserves the natural ecosystem;
- (5) Chosen treatment to be most likely to produce long-term reductions in pest control requirements. The effective implementation must be operationally feasible, and must be cost-effective in the short and long term;
- (6) Chosen treatment must minimize negative impact to non-target organisms;
- (7) Chosen treatment must be the least disruptive of natural controls available;
- (8) Chosen treatment must be the least hazardous to human health;
- (9) All non-chemical and organic treatments available for the targeted pest shall be exhausted prior to the use of synthetic chemical treatments.

Section 5: Penalty.

A violation of this chapter shall be a minor misdemeanor on the first offense, and a fourth degree misdemeanor on a second or subsequent offense.

Section 6: 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 7: That this Ordinance is deemed to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety. 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, OH  
Resolution 33-17

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

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

The Council of the City of South Euclid, Cuyahoga  
County, Ohio, met in Regular session on the 11th day of September  
(Regular Or Special)  
2017, at the office of City Hall with the following members  
present:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

WHEREAS, This Council in accordance with the provisions of law has previously  
adopted a Tax Budget for the next succeeding fiscal year commencing January 1st,  
2018; and

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

RESOLVED, By the Council of the City of South Euclid,  
Cuyahoga County, Ohio, that the amounts and rates, as determined  
by the Budget Commission in its certification, be and the same are hereby accepted; and be it further  
RESOLVED, That there be and is hereby levied on the tax duplicate of said City the rate  
of each tax necessary to be levied within and without the ten mill limitation as follows:

SCHEDULE A  
SUMMARY OF AMOUNTS REQUIRED FROM GENERAL PROPERTY TAX APPROVED BY BUDGET  
COMMISSION AND COUNTY FISCAL OFFICER'S ESTIMATED TAX RATES

FUND	Amount to Be Derived from Levies Outside 10 M. Limitation	Amount Approved by Budget Com- mission Inside 10 M. Limitation	County Fiscal Officer Estimate of Tax Rate to be Levied	
			Inside 10 M. Limit	Outside 10 M. Limit
	Column II	Column IV	V	VI
General Fund			3.05	6.95
General Bond Retirement Fund				0.00
Police Pension			0.30	
Park Fund				0.00
Recreation Fund				
Fire Pension Fund			0.30	
Street Construction Fund				2.50
Police Fire Safety Fund				5.75
<b>TOTAL</b>	<b>\$0</b>	<b>\$0</b>	<b>3.65</b>	<b>15.20</b>

**SCHEDULE B**

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

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

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

Mr./Mrs. \_\_\_\_\_ seconded the Resolution and the roll being called

upon its adoption the vote resulted as follows:

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

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

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

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

Attest:

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

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

CERTIFICATE OF COPY  
ORIGINAL ON FILE

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

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

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

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

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

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

\_\_\_\_\_  
COUNCIL OF THE CITY OF  
\_\_\_\_\_  
\_\_\_\_\_ County, Ohio.

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

(City Council)

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

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

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

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

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

CITY OF SOUTH EUCLID, OHIO

RESOLUTION NO.: 34-17  
INTRODUCED BY: Goodman  
REQUESTED BY: Mayor

September 11, 2017

A RESOLUTION

AUTHORIZING THE APPROPRIATION OF UNAPPROPRIATED FUNDS IN THE FOLLOWING FUND: "SAFETY LEVY FUND" IN ORDER TO FUND EXPENSES ASSOCIATED WITH THE APPORTIONMENT OF TAXES MADE FOR CUYAHOGA COUNTY'S SECOND HALF CITY REAL ESTATE SETTLEMENT FOR FISCAL YEAR 2016.

WHEREAS, the Safety Levy Fund has received the annual second half real estate settlement for Fiscal Year 2016 from Cuyahoga County; and

WHEREAS, the City must make a fee payment to Cuyahoga County for the apportionment of taxes related to the Safety Levy Fund.

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 appropriate unappropriated funds in the "Safety Forces Levy Fund #2410" in an amount not to exceed \$2,000 for expenses related to the apportionment of real estate taxes.

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

ORDINANCE NO.: 19-17  
INTRODUCED BY: Goodman  
REQUESTED BY: Mayor

September 11, 2017

AN ORDINANCE

AMENDING SECTION 171.0501, OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, TITLE NINE "MUNICIPAL INCOME TAX," BY INCREASING THE RATE OF MUNICIPAL INCOME TAX TO \_\_\_\_\_ ( \_\_\_\_\_ %) PROVIDING FOR SUBMISSION OF THE AMENDMENT TO THE ELECTORS OF THE CITY OF SOUTH EUCLID; AND DECLARING AN EMERGENCY.

WHEREAS, the Council of the City of South Euclid recognizes that the City continues to experience budgetary shortfalls effecting the financial stability of the City as a result of cuts in funding by the State of Ohio; as well as declines in property tax and income tax as a result of the housing and foreclosure crisis and national recession; and

WHEREAS, the Council of the City of South Euclid has met monthly for over a year to discuss and consider revenue enhancement and cost-cutting options and held three Community Meetings on June 19, 2017; June 27, 2017 and June 28, 2017 to discuss options and seek input from city residents; and

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

Section 1: That it has been determined by the Council of the City of South Euclid that it is necessary that the municipal income tax be increased to \_\_\_\_\_ ( \_\_\_\_\_ %) and by reason thereof, in accordance with Section 718.01 of the Ohio Revised Code that said issue be placed on the ballot at the general election of \_\_\_\_\_.

Section 2: That Section 171.0501, of the Codified Ordinances of the City of South Euclid, Title Nine, "Municipal Income Tax," be amended by changing the first sentence to read as follows:

"Annual tax for the purposes specified in Section 171.0101 hereof shall be imposed on and after \_\_\_\_\_, at the rate of \_\_\_\_\_ ( \_\_\_\_\_ %) per annum upon the following:"

"the balance of Section 171.0501 shall remain in full force without modification at this time."

Section 3: That as required by Section 718.01 of the Ohio Revised Code, the amendment specified in Section 2, of this Ordinance shall take effect only if approved by the affirmative vote of the electors of the City of South Euclid who vote on the question at the general election to be held on \_\_\_\_\_.

Section 4: That the form of ballot to be given at election on the question of this municipal income tax levy shall be substantially as follows:

PROPOSED INCOME TAX LEVY  
CITY OF SOUTH EUCLID, OHIO

A MAJORITY AFFIRMATIVE VOTE IS NECESSARY FOR PASSAGE

SHALL THE ORDINANCE NO. 00-17 PROVIDING FOR A \_\_\_\_\_ ( \_\_\_\_\_ %) LEVY ON INCOME FOR GENERAL OPERATING EXPENSES AND FOR SUCH OTHER PURPOSES AS ARE AUTHORIZED BY ORDINANCE BE PASSED?

\_\_\_\_\_  
**FOR THE INCOME TAX LEVY**  
\_\_\_\_\_

\_\_\_\_\_  
**AGAINST THE INCOME TAX LEVY**  
\_\_\_\_\_

Section 5: That the Clerk of Council be and he is hereby directed and authorized to give notice and advertise the proposed ballot issue and election in a newspaper of general circulation as required by law.

Section 6: That the Clerk of Council is authorized and directed to certify a copy of this Ordinance immediately after its adoption on or before \_\_\_\_\_, to the Board of Elections of Cuyahoga County, Ohio for the purpose of having the question set forth in Section 4, placed on the ballot in order to submit the income tax levy to the electors of the City of South Euclid, Ohio, at the election to be held on \_\_\_\_\_.

Section 7: That the Amendment to Section 171.0501 shall be effective only upon passage by electors as set forth in this Ordinance on and after \_\_\_\_\_.

Section 8: That no portion of this Ordinance upon passage and approval hereof shall be deemed to impair in any way or affect or release any obligation or liability to pay, declare or withhold taxes or file returns by virtue of Code provisions enacted or in effect, prior to \_\_\_\_\_.

Section 9: 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 10: That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety and for the further reason this Ordinance must be adopted and certified to the Board of Elections on or before \_\_\_\_\_ for consideration at the \_\_\_\_\_ Election. Wherefore, this Ordinance shall take effect and be in full force from and immediately upon its adoption and approval by 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.: 20-17  
INTRODUCED BY: Goodman  
REQUESTED BY: Mayor

September 11, 2017

AN ORDINANCE

AMENDING ORDINANCE 171.1901 "SOUTH EUCLID RESIDENT SUBJECT TO INCOME TAX IN OTHER MUNICIPALITY" OF SECTION 171, "MUNICIPAL INCOME TAX" OF PART ONE "ADMINISTRATIVE CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO; AND DECLARING AN EMERGENCY.

WHEREAS, the Council of the City of South Euclid, Ohio recognizes that the income tax credit is an incentive the city is able to offer residents during times of economic stability, however, during periods of severe economic instability, such incentives may not be feasible; and

WHEREAS, the Council of the City of South Euclid recognizes that the City continues to experience budgetary shortfalls effecting the financial stability of the City as a result of cuts in funding by the State of Ohio; as well as declines in property tax and income tax as a result of the housing and foreclosure crisis and national recession; and

WHEREAS, the Council of the City of South Euclid has met monthly for over a year to discuss and consider revenue enhancement and cost-cutting options and held three Community Meetings on June 19, 2017; June 27, 2017 and June 28, 2017 to discuss options and seek input from city residents; and

WHEREAS, the City of South Euclid has an obligation to take temporary measures to protect the health, safety, welfare and future economic stability of the City; and

WHEREAS, the Council of the City of South Euclid can address any such shortfalls by reducing the income tax credit on taxable income earned in another municipality.

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

Section 1: That Ordinance 171.1901, "South Euclid Resident Subject to Income Tax in Other Municipality" is hereby amended effective \_\_\_\_\_ at which time the provisions hereunder shall once again become effective.

Section 2: That Ordinance 171.1901 "South Euclid Resident Subject to Income Tax in Other Municipality" shall read as follows:

171.1901 SOUTH EUCLID RESIDENT SUBJECT TO  
INCOME TAX IN OTHER MUNICIPALITY.

(a) When the taxable income of a resident of the City is subject to a municipal income tax in another municipality on the same income taxable under this chapter, such resident shall be allowed a credit of the amount of income tax paid on such taxable income to such other municipality, equal to ~~seventy-five percent (75%)~~ \_\_\_\_\_ of the amount obtained by multiplying the lower of the tax rate of such other municipality or of the City of South Euclid by the taxable income earned in or attributable to the municipality of employment or business activity, but in any event, such credit shall not be applied to a rate in excess of one percent (1%) of the taxable income earned or attributable to the municipality of employment or business activity. For the purposes of this section, "taxable income", includes the distributive share of net profits of a resident partner or owner of an unincorporated business entity.

(b) A claim for credit or refund under this section shall be made in such manner as the Administrator may by regulation provide. In the event such City resident fails, neglects or refuses to file an annual return or declaration on a form prescribed by the Administrator, he shall not be entitled to such credit or refund and shall be considered in violation of this chapter for failure to file a return.

Section 3: 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 4: That this Ordinance is deemed to be an emergency measure necessary for the immediate preservation of the public peace, health and safety. Wherefore, this Ordinance shall take effect and be in force upon passage by City Council and signature of the Mayor.

Passed this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

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

Attest:

Approved:

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

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

Approved as to form:

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