

# THE CITY OF SOUTH EUCLID SCHEDULE OF MEETING

January 22, 2018  
8:00 PM

---

1. PLEDGE OF ALLEGIANCE

2. ROLL CALL

3. APPROVAL OF MINUTES: December 11, 2017; December 27, 2017; & January 4, 2018 (Organizational Meeting)

4. SWEARING-IN CEREMONY: New Firefighter Nicholas Stafinsky

5. REPORT OF MAYOR

6. REPORT OF LAW DIRECTOR & DEPARTMENTAL HEADS

7. REPORT OF SCHOOL DISTRICT

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

9. REPORT OF COMMITTEES

RECREATION COMMITTEE

1. ORDINANCE 27-17 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 LYNTHURST FOR THE USE OF THE MUNICIPAL SWIMMING POOLS AND SPLASH PARK BY RESIDENTS OF THE CITY. **SECOND READING.**

COMMITTEE-OF-THE-WHOLE:

1. RESOLUTION 54-17 AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH OHIOBIZ, LLC TO FURTHER DEVELOP AND MAINTAIN THE WORLD WIDE WEBSITE FOR THE CITY OF SOUTH EUCLID, OHIO. **SECOND READING.**

ZONING & PLANNING COMMITTEE:

1. RESOLUTION 41-17 GRANTING A CONDITIONAL USE PERMIT TO THE SOUTH EUCLID LYNTHURST CITY SCHOOL DISTRICT TO CONSTRUCT AND OPERATE A TRANSPORTATION FACILITY ON DISTRICT OWNED PROPERTY AT 4759 MAYFIELD ROAD IN THE CITY OF SOUTH EUCLID, OHIO. **SECOND READING.**

10. LEGISLATION REQUESTED BY THE PLANNING COMMISSION

1. RESOLUTION 06-18 GRANTING A CONDITIONAL USE PERMIT TO "THE HOLISTIC CENTER OF OHIO" MEDICAL MARIJUANA DISPENSARY, LOCATED AT 4110 MAYFIELD ROAD IN THE CITY OF SOUTH EUCLID, OHIO. **TO BE PLACED ON FIRST READING AND REFERRED TO THE ZONING & PLANNING COMMITTEE.**

**11. MOTION TO NOMINATE A MEMBER OF THE PLANNING COMMISSION**

**12. LEGISLATION REQUESTED BY CITY COUNCIL**

1. RESOLUTION 07-18 APPOINTING \_\_\_\_\_ TO THE PLANNING COMMISSION OF THE CITY OF SOUTH EUCLID, OHIO AS ESTABLISHED BY ARTICLE V "ADMINISTRATIVE DEPARTMENTS AND COMMISSIONS" OF SECTION NINE "CITY PLANNING COMMISSION" OF THE CHARTER OF THE CITY OF SOUTH EUCLID, OHIO. FIRST READING.
2. ORDINANCE 03-18 AN ORDINANCE AMENDING CHAPTER 943 "TREE COMMISSION/TREES" OF PART NINE "STREETS AND PUBLIC SERVICES" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO. FIRST READING.

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

1. RESOLUTION 08-18 AUTHORIZING THE FINANCE DIRECTOR TO AMEND THE REVENUE SOURCE FOR THE FUND ENTITLED "POLICE VEHICLES & EQUIPMENT FUND #411" WITHIN THE CITY OF SOUTH EUCLID, OHIO. FIRST READING.
2. ORDINANCE 01-18 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, 2018; AND DECLARING AN EMERGENCY. FIRST READING.
3. ORDINANCE 02-18 AMENDING SUBSECTION (a) OF SECTION 1401.09, "CERTIFICATE OF OCCUPANCY REQUIRED" OF CHAPTER 1409 "CERTIFICATE OF OCCUPANCY" OF PART FOURTEEN "HOUSING CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO. FIRST READING.

**14. COMMUNICATIONS OF CITY COUNCIL**

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

**16. 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 she attended a meeting at the request of the Akron Board of Realtors and heard good news that there is not enough inventory in South Euclid and that it is becoming a sellers' market. Ms. Welo discussed many community events including the Holiday Lighting Ceremony, Pets Light Up Our Lives and also reported on the impact of new legislation from the State that will negatively impact our inner-ring suburban schools and suburbs.
- Building Commissioner Macalla reported that 17 large commercial projects and certificate of occupancies were issued in 2017 and that there are already nine project in the pipeline for 2018. Mr. Macalla discussed the ongoing construction of the Season's Kosher Grocery at Oakwood Commons.
- Police Chief Nietert discussed legislation on the agenda including Resolution 60-17 and Resolution 61-17 which are both expense neutral.
- Economic Development Director Love requested Council consideration of Resolution 55-17 regarding the transfer of foreclosed property to One South Euclid.
- Engineer Blackley reported that the watermain work by the City of Cleveland on South Belvoir Blvd is projected to be completed by the end of the year and that additional work on the project may close the foreclosure of Neville Road. Mr. Blackley reported on additional projects being proposed for 2018, in addition to legislation presented renewing Hovancek and Associates contract for 2018.
- Mayor Welo reported that she will not be able to be at the next City Council meeting, which will be Councilman Icove's last meeting as a member of City Council. Ms. Welo thanked Mr. Icove for his over 28 years of service to the community and all of his work to promote the community, its redevelopment and his work during the recession and housing crisis to save people from their homes. Mayor Welo presented Councilman Icove with a Key to the City in honor and appreciation of his work on behalf of the residents of South Euclid.

**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:

- There were no comments.

**Report of Council Committees:**

Council President Goodman stated that two Committee of the Whole Meetings were held earlier in the evening. The first meeting was regarding the legislation that would prohibit the use of pesticide on city property. The second meeting was held regarding the proposed non-discrimination ordinance.

**Legislation Requested by the Mayor and Administration**

Introduced by Goodman

**RESOLUTION**

Resolution 54-17

**AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH OHIOBIZ, LLC TO FURTHER DEVELOP AND MAINTAIN THE WORLD WIDE WEBSITE FOR THE CITY OF SOUTH EUCLID, OHIO. FIRST READING.**

The legislation was placed on first reading for discussion and review.

Introduced by Goodman

**RESOLUTION**

Resolution 55-17

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

**Action:** Motion to Approve Legislation, **Moved** by Councilman Jason Russell, **Seconded** by Council President Jane Goodman.

**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

**RESOLUTION**

Resolution 56-17

**AUTHORIZING THE CITY ENGINEER TO PREPARE THE NECESSARY PLANS, SPECIFICATIONS, AND ADVERTISE FOR BIDS FOR THE 2018 MANHOLE SEPARATION PROJECT IN THE CITY OF SOUTH EUCLID, OHIO; AND DECLARING AN EMERGENCY. FIRST READING**

**Action:** Motion to Approve Legislation, **Moved** by Council President Jane Goodman, **Seconded** by Council President Pro Tem Dennis Fiorelli.

**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

Resolution 57-17

RESOLUTION

AUTHORIZING THE CITY ENGINEER TO PREPARE THE NECESSARY PLANS, SPECIFICATIONS, AND ADVERTISE FOR BIDS FOR THE WHITEHALL-HILLROCK INFRASTRUCTURE IMPROVEMENT PROJECT, PHASE 1 IN THE CITY OF SOUTH EUCLID, OHIO; AND DECLARING AN EMERGENCY. FIRST READING.

**Action:** Motion to Approve Legislation, Moved by Council President Jane Goodman, **Seconded** by Council President Pro Tem Dennis Fiorelli.

**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

Resolution 58-17

RESOLUTION

AUTHORIZING THE CITY ENGINEER TO PREPARE THE NECESSARY PLANS, SPECIFICATIONS, AND ADVERTISE FOR BIDS FOR THE 2018 WATER MAIN RENEWAL PROGRAM IN THE CITY OF SOUTH EUCLID, OHIO; AND DECLARING AN EMERGENCY. FIRST READING.

**Action:** Motion to Approve 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 approved.

Introduced by Goodman

Resolution 59-17

RESOLUTION

AUTHORIZING THE CITY ENGINEER TO PREPARE THE NECESSARY PLANS, SPECIFICATIONS, AND ADVERTISE FOR BIDS FOR THE 2018 STREET RESURFACING PROGRAM IN THE CITY OF SOUTH EUCLID, OHIO; AND DECLARING AN EMERGENCY. FIRST READING.

**Action:** Motion to Approve 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 approved.

Introduced by Goodman

Resolution 60-17

RESOLUTION

AMENDING RESOLUTION 37-17, AUTHORIZING THE TRANSFER OF APPROPRIATED FUNDS FROM THE "GENERAL FUND-POLICE DEPARTMENT-DISPATCHERS-PERSONAL SERVICES #101-1130" TO THE "GENERAL FUND-POLICE DEPARTMENT-DISPATCHERS-CONTRACTUAL SERVICES-REGIONAL DISPATCH #101-1130-52369." FIRST READING.

**Action:** Motion to Approve Legislation, Moved by Council President Pro Tem Dennis Fiorelli, **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 approved.

Introduced by Goodman

Resolution 61-17

RESOLUTION

AUTHORIZING THE TRANSFER OF APPROPRIATED FUNDS FROM THE "GENERAL FUND-POLICE DEPARTMENT- PERSONAL SERVICES #101-1110" TO THE "GENERAL FUND-POLICE DEPARTMENT-DISPATCHERS-CONTRACTUAL SERVICES-REGIONAL DISPATCH #101-1130-52369." FIRST READING.

**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 Icove, Councilman Jason Russell, Council President Jane Goodman.

The legislation has been approved.

Introduced by Goodman

Ordinance 26-17

ORDINANCE

AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT EXTENDING THE ENGINEERING SERVICES FOR STEPHEN HOVANCSEK & ASSOCIATES, INC. FOR A PERIOD OF JANUARY 1, 2018 THROUGH DECEMBER 31, 2018. FIRST READING.

**Action:** Motion to Approve Legislation, Moved by Council President Jane Goodman, **Seconded** by Council President Pro Tem Dennis Fiorelli.

**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 27-17

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 LYNTHURST FOR THE USE OF THE MUNICIPAL SWIMMING POOLS AND SPLASH PARK BY RESIDENTS OF THE CITY.

The legislation was placed on First Reading and referred to the Recreation Committee for review.

Communications of City Council

- Councilwoman Gray discussed the efforts of the ad-hoc citizen's recreation committee and invited residents to attend several upcoming events including the swearing-in of Judge Gayle Williams Byers, the retirement celebration for Councilman Ed Icove on December 28 and her swearing-in resident appreciation ceremony on January 2 at Inner Healing Ministries Church.
- Councilman Gelfand wished everyone a happy Hanukah and merry Christmas.
- Councilman Russell scheduled a Zoning and Planning Committee Meeting for January 8, 2018 at 6 pm to discuss the implementation strategy for the comprehensive plan.
- Councilman Icove stated that we need to remember that life is short and reported on that friend and longtime RTA Board Member Jesse Anderson had passed away and asked for a moment of silence in his memory.
- Councilman Fiorelli wished everyone a happy holiday season and stated that as the Mayor has stated we need to reach out to one another and see the good in our neighbors.
- Councilman Frank wished everyone happy holidays and stated that he loved seeing the room filled with neighbors expressing their views.
- Council President Goodman wished everyone happy holidays and reported on events including the Hillcrest Council of Councils and swearing-in ceremonies for the new Mayor of University Heights and Judge for the Lyndhurst courts.

Open Meeting

- Luke Macik, 1545 South Green Road, stated that he is the Headmaster of Lyceum School and that he is against the non-discrimination ordinance as the US Constitution protects the freedom of religion and that a letter from the United States Department of Justice from 2016 brings to light matters of gender and gender identity and that the non-discrimination ordinances supporting rights of LGBT individuals is dangerous ground.
- Dee Shedlow, 4553 Golfway Road, spoke in favor of the non-discrimination ordinance, thanked City Council for considering this legislation and stated that it is appalling to her that in the State of Ohio an individual could be denied service because of assumptions someone makes about appearance. Ms. Shedlow stated that she was born Catholic and was taught to do unto others as they would do unto you.
- Rev. Kris Eggert, 1876 Langerdale Road, spoke in favor of the non-discrimination ordinance, commended City Council for taking on this issue and stated that the city is doing the right thing. Rev. Eggert stated that she speaks as a follower of Jesus and she recognizes that not all people find God through the same means as she does and spoke of South Euclid's diversity as something positive. Ms. Eggert stated that she does not have the right for her faith to deny anyone fair housing, fair employment or accommodations and that everyone should have the same privileges that she has.
- Ross McDonald, 3090 Corydon Road, in Cleveland Heights, spoke against the non-discrimination ordinance, and stated that the new law would discriminate against the church in preventing them to operate the way they need to be presented and asked council to talk to god and you'll know what to do.
- Rico Dancy, 17500 Euclid, stated that he is the President of the National Deaf Advocate and stated that he has been involved in cases of discrimination against deaf people and that police are not trained to deal with deaf people and he has called city hall several times and people hang up and the ADA states that the city must provide access for people who are deaf. Mr. Dancy stated that it happened several times today. Mr. Dancy spoke about the need to provide interpreters for city council meetings and stated that he just bought a house in South Euclid and wants great service and access for the people in South Euclid.
- Hank Drake and Daniel Ferrer – 1272 South Belvoir, expressed their condolences to the city on the recent loss of police dog K9 Ocktane. Mr. Drake spoke in favor of the non-discrimination ordinance stated that at the beginning of the meeting we all pledged allegiance and stated that the word "under God" has not always been part of the pledge and was added in the 1950s and that the most important part of the pledge is the phrase "with liberty and justice for all". Mr. Drake stated that he is a hardworking, tax paying citizen of South Euclid and he and his partner support the non-discrimination ordinance. Mr. Drake stated that he was taken aback by emails and posts from a Cleveland area Right to Life coalition that is an example of bullying. Mr. Drake asked if /there is an epidemic of gay people beating up Christians and Catholics and asked who's being the real bully?
- Rob Rivera, 2329 Grandview Road in Cleveland Heights, spoke in favor of the non-discrimination ordinance and stated that as a gay man, he was the first to have a marriage license issued when it was legalized in

- Ohio and that on that day, he and his partner, could have lost their jobs because protections for members of the LGBT community are not protected. Mr. Rivera stated that he loves South Euclid and he spends his money where his money is welcome and supports the legislation. Mr. Rivera stated that City Council has an opportunity to fill the void and do the right thing and stated that Councilwoman Gray's words spoke to we have to make sure that history does not repeat itself and asked for Council to do the right thing.
- Peter Gilbert, 2032 Campus Road and teacher at Lyceum School spoke against the non-discrimination ordinance and stated that the Catholic Church believes that gay marriage is not fine, as do Orthodox Jews and that there has been bullying of people because of their religious beliefs and discussed an issue in Michigan where a farmer was unable to sell his produce because he expressed his opinion and that this ordinance amounts to something like that issue. Mr. Gilbert stated that this ordinance is zeroing in on the Catholic Church.
  - Eileen Mersek, 1342 Victory Drive, spoke against the non-discrimination ordinance and stated that she and her husband have lived in South Euclid for almost 24 years and she believes that LGBTQ people have rights, but should not take over the safety of the children and is against the legislation. Ms. Mersek stated that she read about the issue and City Council needs to protect the rights of the children who could be harmed by the legislation and asked that City Council not take away the rights of freedom of speech and please protect our children.
  - Kevin Burke, 3299 Waterford Way, Avon, Ohio, stated that he is legal counsel representing the Catholic Diocese and Sacred Heart of Jesus Church in South Euclid. Mr. Burke stated that he has expressed his concerns about the proposed ordinance and that it does little to protect religious liberty and much can be done to improve the legislation. Mr. Burke stated that City Council has a duty to protect people of unjust discrimination including for people of faith. Mr. Burke stated that he is not here to threaten anyone, but is here to dialogue and continue working for better legislation.
  - Richard Cherney, 9943 Woodruff Lane in Newberry Ohio, spoke against the non-discrimination ordinance, and stated that no one in the room wants discrimination and that no legislation is every going to protect every single group. Mr. Cherney stated that the non-discrimination legislation caters to a specific group of people and is controversial and should be put to a vote of the people.
  - Alana Jochum, stated that she is the Executive Director of Equality Ohio and stated that what City Council is doing is courageous. Ms. Jochum thanked Kevin Burke from the Catholic Diocese and stated that some of his suggestions are acceptable and that religious freedom and protection are already a protected class. Ms. Jochum stated that one of the key issues with the Catholic Diocese proposal is that it legally sanctions each person to become a law unto itself and that these exceptions could discriminate also against race or gender. Ms. Jochum provided her written statement for the record of the meeting minutes and stated that she looks forward to working with council members on this issue.
  - Susan Shener, 2518 Belvoir Blvd, in Cleveland, spoke in favor of the non-discrimination ordinance and stated that she is shocked to hear from religious people who have hitched their horse to Donald Trump because he will protect them and their religious beliefs. Ms. Shener stated that there are pro-choice Catholics and pro-gay Catholics and that it is unbelievable in this day and age that religion is being used to discriminate against people.
  - Alan Mercek, 1342 Victory Drive, spoke against the non-discrimination ordinance and stated that there has been a lot of commentary about this issue and requested that the latest redline draft provided by the diocese be provided for comment and response and that he agrees with what Councilman Ilove said in the earlier meeting that City Council should wait until the Supreme Court rules on this issue and that he hopes City Council makes the right decision.
  - Linda Pagan, 684 Parkside Road, commended City Council for taking on a very difficult issue and commented that the issue of bathrooms could be resolved if businesses adopted unisex bathrooms. Ms. Pagan stated that she sees lots of opportunities.
  - Michael Rodriguez, 6900 Bridge Creek Drive in Concord Township, spoke against the non-discrimination ordinance and stated that he has eight children and ninth on the way and has two daughters that attend the Lyceum School. Mr. Rodriguez stated that the proposed non-discrimination ordinances has a clear number of points that are inconsistent with the Constitution and stated that as a parent he gets to choose how to educate his kids and he doesn't need a City Council to tell his school who is with his kids.
  - Christy Raynor, 5168 Edenhurst in Lyndhurst Ohio, spoke against the non-discrimination ordinance and stated that as a mother of six children she wears many hats including those of Lyndhurst resident in a sister community. Ms. Rainer stated that the legislation makes a special class of people and that we are all sensitive and need unity and the legislation is divisive and not needed. Ms. Rainer stated that we need to be more loving and maybe need to have a game night to bring people together.
  - Alexandra Martinez, 1379 Victory Drive, spoke in favor of the non-discrimination ordinance and stated that as a straight woman, she is an ally of the LGBTQ community and believes that everyone should be treated fairly and justly. Ms. Martinez stated that everyone should be treated by the content of their character and job performance and stated that as a person with a disability, she knows what it feels like to be discriminated against.
  - Kahlil Seren, 2352 Demington Drive stated that he is a City Councilman in Cleveland Heights and that his city has already passed similar legislation protecting the rights of LGBTQ individuals. Mr. Seren spoke of his family history, growing up in East Cleveland and being raised by two lesbian moms. Mr. Seren stated that he supports the legislation being proposed and that it has been his experience in Cleveland Heights that it is the right thing to do.
  - Marcy Ronen, 4182 Wyncotte Road, spoke in favor of the non-discrimination ordinance, wrote a letter to submit for the record and spoke in support of the non-discrimination ordinance. Ms. Ronan stated that we

need to love thy neighbor and come together. Ms. Ronan stated that she is not Catholic, but accepts their right to practice.

- Paula Wilson, 2669 Wrenford Road in Shaker Heights, spoke against the non-discrimination ordinance and wanted to confirm what she heard in the earlier Committee of the Whole meeting on the issue. Ms. Wilson asked Director Benjamin if the ordinance now exempts schools, educational and religious institutions. Mr. Benjamin affirmed that it does. Ms. Wilson stated that if she heard those things correctly, then progress has been made. Ms. Wilson thanked Council for listening and considering all options.
- Chuck Turner, 4549 Lilac Road, wished everyone happy holidays and new year. Mr. Turner stated that some members of City Council will return next year. Mr. Turner stated that it is illegal for the Mayor to own a business in South Euclid by putting up as security a \$500,000 loan on her house.
- Council President Goodman stated that there were several letters that Council and the City have received regarding the non-discrimination legislation and asked that those letters be made part of the record of the meeting minutes.

---

**Adjourn**

**Action:** Motion to Adjourn, **Moved by** Councilman Marty Gelfand, **Seconded by** Councilman Joe Frank.

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

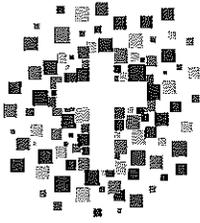
**Yes:** Council President Pro Tem Dennis Fiorelli, Councilman Joe Frank, Councilman Marty Gelfand, Councilwoman Ruth Gray, Councilman Ed Icove, Councilman Jason Russell, Council President Jane Goodman.

The Meeting Adjourned at 9:47 pm

Attest:

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

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



# South Euclid

UNITED CHURCH OF CHRIST

Rev. Courtney Clayton Jenkins, Senior Pastor and Teacher

4217 Bluestone Road  
South Euclid, OH 44121  
216.791.5200

[www.SouthEuclidUCC.org](http://www.SouthEuclidUCC.org)

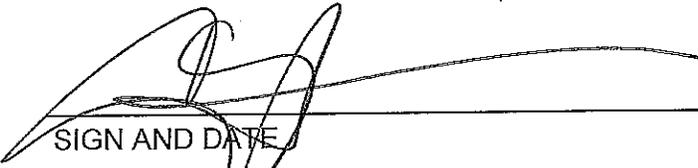
To the South Euclid City Council and Mayor:

On behalf of South Euclid United Church of Christ, I urge you to vote in favor of the LGBT-inclusive nondiscrimination ordinance which would prohibit discrimination in housing, employment, or public accommodations based on protected classes including race, creed, color, religious belief, religion, sex, national origin, age, ancestry, handicap, disability, familial status, marital status, sexual orientation, gender identity or expression, recipient of public assistance, ethnic group, military status, or physical characteristic.

As people of faith, we affirm the sacred dignity and worth of all human beings. Our faith calls us to adhere to the moral obligation to treat others with the respect we desire for ourselves. Offering protections to people with a minority identity allows our community to act out the essential tenets of our faith. The fact remains that in Ohio an employee can be fired, or a prospective tenant denied housing, or a potential customer turned away from a business simply because of who they are or whom they love. These local protections must exist to make our beliefs tangible and defensible.

We believe that all South Euclid residents should have the right to live and prosper in this community without fear of prejudice or discrimination. Currently, there are 19 cities in Ohio that offer these essential protections. We would love to celebrate South Euclid as #20!

We are proud to support full nondiscrimination protections in the city of South Euclid. Please pass the nondiscrimination ordinance to protect those most vulnerable in our community and declare South Euclid the welcoming community of which we are proud to be a part.

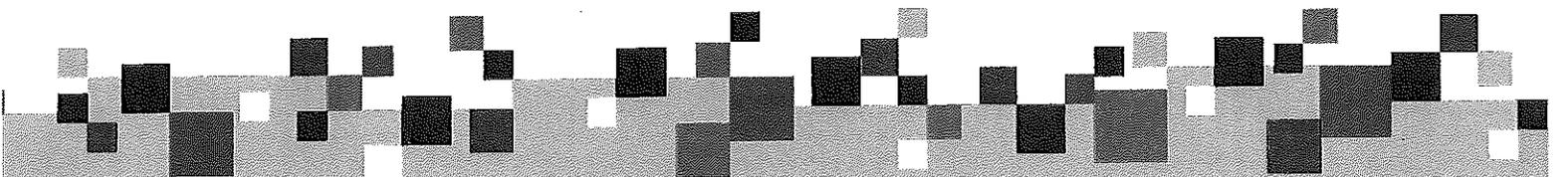
  
SIGN AND DATE

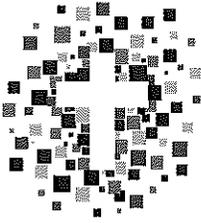
12-6-17

Rev. Courtney Clayton Jenkins  
Senior Pastor & Teacher  
South Euclid United Church of Christ  
4217 Bluestone Road  
South Euclid, Ohio 44121



I speak on behalf of my faith community listed above.





# South Euclid

UNITED CHURCH OF CHRIST

Rev. Courtney Clayton Jenkins, Senior Pastor and Teacher

4217 Bluestone Road  
South Euclid, OH 44121  
216.791.5200

[www.SouthEuclidUCC.org](http://www.SouthEuclidUCC.org)

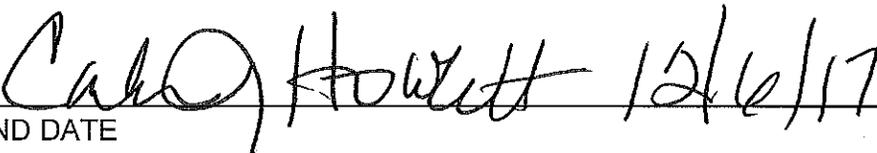
To the South Euclid City Council and Mayor:

As an ordained and credentialed faith leader, I urge you to vote in favor of the LGBT-inclusive nondiscrimination ordinance which would prohibit discrimination in housing, employment, or public accommodations based on protected classes including race, creed, color, religious belief, religion, sex, national origin, age, ancestry, handicap, disability, familial status, marital status, sexual orientation, gender identity or expression, recipient of public assistance, ethnic group, military status, or physical characteristic.

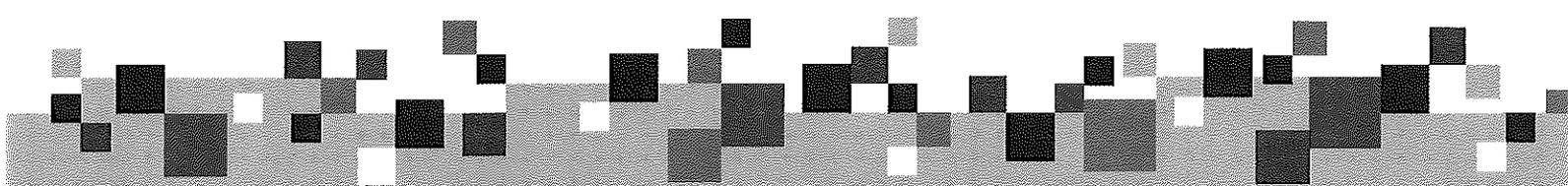
I affirm the sacred dignity and worth of all human beings. My faith calls me to adhere to the moral obligation to treat others with the respect I desire for myself. Offering protections to people with a minority identity allows me and members of my community to act out the essential tenets of my faith. The fact remains that in Ohio an employee can be fired, or a prospective tenant denied housing, or a potential customer turned away from a business simply because of who they are or whom they love. These local protections must exist to make our beliefs tangible and defensible.

I believe that all South Euclid residents should have the right to live and prosper in this community without fear of prejudice or discrimination. Currently, there are 19 cities in Ohio that offer these essential protections. I would love to celebrate South Euclid as #20!

I am proud to support full nondiscrimination protections in the city of South Euclid. Please pass the nondiscrimination ordinance to protect those most vulnerable in our community and declare South Euclid the welcoming community of which we are proud to be a part.

 12/6/17  
SIGN AND DATE

Rev. Carla Jo Howlett  
Associate Pastor of Administration  
South Euclid United Church of Christ  
4217 Bluestone Road  
South Euclid, Ohio 44121





## City of Akron, Ohio

DANIEL HORRIGAN, MAYOR

December 14, 2017

Mayor Welo and South Euclid City Council  
1349 South Green Road  
South Euclid, OH 44121

Mayor Welo and South Euclid City Council members,

It is still generally legal in Ohio to fire someone, deny them access to housing and basic goods and services simply because of their sexual orientation or gender identity or expression. Because our state legislature has failed to act and protect LGBTQ people from discrimination, the City of Akron chose to take it upon ourselves to do so. I am writing to urge you to pass Ordinance 12-17 with these protections in employment, housing, and public accommodations and to become the twentieth city in Ohio to protect all residents, visitors, employees, investors, students, and families from discrimination, regardless of sexual orientation or gender identity or expression.

In March 2017, my colleagues and I proudly enacted a similar non-discrimination ordinance in our city. We are pleased to join the 18 other municipalities in our state with such a law, some of which implemented their laws several years prior to *Obergefell v. Hodges*. Marriage equality was a crucial step. Unfortunately, someone can be married Saturday and fired from their job on Monday—just for having a same-sex spouse. LGBTQ Ohioans need equal protections in the basic areas of their daily lives, including employment, housing, and access to public goods and services.

There have been no increases in threats to public safety, nor any other problem, resulting from our nondiscrimination ordinance and the civil rights commission we created as a part of that ordinance. Instead, our community is benefitting from being viewed as a welcoming city that is open for business because we are open to all talent.

After North Carolina passed a law singling out LGBTQ people for discrimination, the state faced a massive economic backlash and national criticism in addition to a loss of \$3.7 billion in potential business. Here in Ohio, we have an opportunity to do the opposite. We should demonstrate that in our state, people of all genders and sexual orientations are welcome, and that businesses, faith communities, municipalities, and families will thrive as a result. For these reasons, I urge you to pass the nondiscrimination ordinance before you. Please feel free to reach out if Akron can be of any assistance to you in this process.

Sincerely,

Dan Horrigan, Mayor

Cynthia Christman

Eufancia G. Lash

GinaKaye Madox

John Alvarez Turner

Sharon L. Connor

Brant T. Lee

Reverend Nanette Pitt

Akron Civil Rights Commission

**South Euclid City Council Meeting**  
Testimony of Alana Jochum, Equality Ohio  
December 11, 2017

Council President, Mayor, Members of the Council, and Community Members:

My name is Alana Jochum, and I am executive director of Equality Ohio. I am also an attorney familiar with nondiscrimination codes throughout the state. I want to thank everyone here for your sincere and thoughtful engagement on passing a nondiscrimination code to make South Euclid a community that welcomes all, including those who identify as lesbian, gay, bisexual, and transgender (LGBT people). In the absence of statewide nondiscrimination protections, it falls to communities like South Euclid to modernize their local nondiscrimination codes to include LGBT people as well as other classes not yet protected at the state level. These codes provide real, concrete remedies for individuals who experience harm when such remedies are simply not available elsewhere. Thank you for your leadership in doing this.

I am aware that the Committee is contemplating utilizing its existing Fair Housing Board that was created approximately one year ago to process all complaints contemplated by this ordinance, including those in public accommodations and employment. We support this effort. We care deeply that individuals are provided due process as part of any hearing or mediation effort, and it appears from looking at South Euclid's code that the Fair Housing Board provides a straightforward structure for hearing claims. It is my understanding that the Council and Law Director are presently working to unify the draft ordinance, which proposed the creation of a Human Rights Commission, with the existing Fair Housing Board. I welcome the opportunity to meet with Council or the Law Director to support this effort in any way that I can.

I am also aware that certain proposed amendments have or will be offered by the Catholic Diocese. I have reviewed these, and I confess that I find them extremely disappointing, as they generally seek to undermine rather than advance this code, which is intended to *protect* people against discrimination.

Certain edits provided by the Diocese are helpful. For example, we agree that removing the term "handicap" in light of using the defined term "disability" is helpful. We agree that removing references to "education" throughout is appropriate due to the Council removing the section applying to educational institutions. We are not opposed to certain other edits to the code, such as a modified definition for "age." I look forward to working with the Law Director to incorporate these changes into a future draft.

Unfortunately, that is essentially where our support of the proposed edits ends. Let me be clear: Religious freedom is deeply important. It is so important that it is captured in the First Amendment of the U.S. Constitution and in Article I of Ohio's Constitution, both of which will apply to this code. I remind the Council that the current draft contains a religious freedom provision that parallels state and federal laws, which provides that nothing would prohibit a "religious or denominational institution from preferring to employ an individual of a particular

religion to perform work connected with the performance of religious activities.” I also remind the Council that this code, in fact, lists “religion” as a protected class equally among the other protected classifications. What the Diocese has proposed in its suggested edits, unfortunately, would swallow the entire intent of this nondiscrimination code—which is to protect individuals against discrimination—and instead legally *sanction* discrimination by allowing each person to become a “law unto themselves.” We reject this concept and urge the Council to reject these proposed amendments.

As proposed by the Diocese, the entire nondiscrimination code would simply not apply to “religious institutions” which are broadly defined to include any incorporated or unincorporated entity that states that it is a “religious” organization. This could include a single person. Indeed, as drafted, any landlord, business person, or employer could cite not just religious convictions, but also their personal morality, convictions and/or conscience to justify discriminating against LGBT persons. Although the Diocese seems to directly aim the exceptions solely at LGBT persons, the fact is that these exceptions could legalize—rather than prohibit—discrimination against persons based on race (for example, allowing discrimination against an interracial couple desiring to marry based on the belief that God intended the races remain separated), gender (such as refusing to hire or promote a woman based on belief that women should stay at home and care for children), marital status (discriminating against a divorced individual), and other protected classes. In other words, these exceptions would allow for each person to determine for themselves whether they want to abide by the nondiscrimination code at all simply by citing their personal beliefs.

This eliminates the purpose of the nondiscrimination code, which this Council has declared includes that “no person should live in fear of discrimination” based on protected characteristics. If the proposed religious exemptions were to be accepted, individuals would continue to live in fear of discrimination because a person could simply justify that their sincerely held beliefs required that they discriminate against another because of who they are.

To be clear, no one is advocating that a person of faith must change his or her *beliefs or opinions* related to any protected classifications—sexual orientation, gender identity, or others. Speech, too, remains unaffected by this ordinance. This ordinance does not require that any church or house of worship change its theology, does not require ordained leaders to marry anybody falling outside the tenants of their faith, and does not change the fact that their religious freedom is protected by the U.S. Constitution's First Amendment and Article I of Ohio's Constitution. What this code *would* ensure is that the treatment of individuals remains equal and that everybody who lives in South Euclid has the same opportunity to work, provide for their family, and not be turned away for basic goods and services.

Thank you for your leadership in taking up this important issue. Please pass this ordinance with its existing religious freedom provisions, which balance religious liberty with the purpose of this nondiscrimination ordinance. I look forward to a continued conversation as South Euclid seeks to enhance its reputation as a city that is open and welcoming to all.

**Subject:** Anti-Discrimination Ordinance

**Date:** Monday, December 11, 2017 at 1:21:11 PM Eastern Standard Time

**From:** Janet Williams

**To:** jg@janegoodman.com

Dear Jane,

I am a constituent of ward 2C on Piermont Rd. I tried to reach my City Council representative, but my e-mail was bounced back to me.

I oppose the passage of the Anti-discrimination Ordinance up for vote tonight at South Euclid's City Council meeting.

I have to work tonight, or I would be there in person this evening to voice my opinion.

I believe I have a unique perspective in the matter at hand. I have lived here in South Euclid for about 15 years. I lived here with my ex-husband and our 4 children. We moved to South Euclid because of the racial diversity that we found here. Our family was a bi-racial family and we wanted to be certain our children would be treated with respect as they grew in the community and school district. With the exception of one minor incident between our youngest daughter and a classmate, we never regretted our choice to move here. It was a well thought out choice and to be honest, we lived in a way that was not "in your face". Our family never would have insisted that anyone accept our lifestyle. We lived peaceably and had no intention of forcing our family or our chosen lifestyle on anyone. We were fully aware that there were going to be some people who felt negative concerning our biracial family. But we had a belief that respect begets respect. It should not be demanded. Our neighbors welcomed us and we never had an issue. Our children have all gone through the school system, I volunteered in schools on various committees, including the South Euclid CERT program. Never an issue.

I believe this ordinance is unnecessary as we already have anti-discrimination ordinances on the books that protect individuals rights. I feel that the organization that is pursuing this ordinance for passage is stirring a pot in our community that will only cost the city money to enforce. To state these types of protections for a "certain group" is discriminatory toward the rest of those who do not agree with this type of lifestyle, and I believe it is a lifestyle, just as the one I chose to live with my black husband was. this ordinance that states specifically in favor of gender identity and gender expression would impinge on the rights of those who disagree and would deny us the right to disagree. It is not my desire to tell someone how to live, any more than I wish someone to do the same for me. Mutual respect is the issue and I believe South Euclid is a city that already espouses this mindset. There is enough protection here and I believe that Equality Ohio is intent on bullying everyone to accept and respect something that we may not.

I respectfully request that you vote "no" tonight on the issue of the Non-discrimination ordinance.

Sincerely,

Janet Williams

1192 Piermont Rd

South Euclid, Oh, 44121

216-280-0147

**Subject:** Nondiscrimination Ordinance (#12-17)

**Date:** Friday, December 8, 2017 at 5:07:54 PM Eastern Standard Time

**From:** Laura Stewart

**To:** [jg@janegoodman.com](mailto:jg@janegoodman.com), [dennisfiorelli@gmail.com](mailto:dennisfiorelli@gmail.com), [ruthigray50@gmail.com](mailto:ruthigray50@gmail.com), [jfrank@seuclid.com](mailto:jfrank@seuclid.com),  
[ed@icovelegal.com](mailto:ed@icovelegal.com), [mgelfand@seuclid.com](mailto:mgelfand@seuclid.com), [jason@jasonforsoutheuclid.com](mailto:jason@jasonforsoutheuclid.com)

I disagree totally with The City of South Euclid's Nondiscrimination Ordinance (#12-17). I reject the practice of same -sex marriage. Please vote NO on this ordinance .

Laura Stewart

**Subject:** Fwd: Nondiscrimination Ordinance

**Date:** Friday, December 8, 2017 at 6:55:48 PM Eastern Standard Time

**From:** Georgette R.

**To:** undisclosed-recipients;;

**BCC:** jg@janegoodman.com

Dear Council Members:

The City of South Euclid will be voting on a Nondiscrimination Ordinance (#12-17) at their December 11th meeting that will force acceptance of the LGBTQ lifestyle. In fact, the proposed ordinance will give these persons special status in the community. It is another bully tactic by the dangerous and aggressive left wing organization Equality Ohio to force residents to accept and normalize LGBTQ behavior. It is imperative to resist this move. This ordinance is a threat to all residents but especially to Christians and Muslims and must be defeated. The ordinance intrudes into every aspect of the lives of the residents, and puts them at the mercy of an unelected three person human rights commission that will have sweeping power to bring legal action against any resident who the commission members deem offensive to the LGBTQ lifestyle.

It is expected that the city council meeting will be packed with supporters of Equality Ohio in an attempt to bully the council members into approving this inflammatory ordinance that asserts that their "gender identity" or sexual orientation lifestyles take precedent over 1st Amendment Rights. According to the ordinance, anyone who does not accept the premise of the ordinance is guilty of discrimination. This is false, inflammatory and quite honestly insulting. It also sets the stage for punitive actions against Christians and Muslims whose 1st Amendment rights will be violated when they act according to their consciences. The ordinance is outrageous and an affront to our civil liberties. The City of South Euclid already has adequate and effective anti-discrimination laws in place and has no need for this dangerous ordinance that will force many citizens to violate their consciences.

If this ordinance passes, the residents of South Euclid will lose their civil rights. They will no longer be allowed the freedom to choose who, where, when and what they will accept in their individual lives. It cannot be stressed enough - this is a direct threat to our individual rights that are protected under the American Constitution and will cost the residents of the City millions of dollars in legal fees when this ordinance meets legal challenges that are bound to ensue.

Georgette Romito

**Subject:** RE: PLEASE Preserve the First Amendment!

**Date:** Monday, December 11, 2017 at 9:51:53 AM Eastern Standard Time

**From:** Sharon

**To:** sharonrmay@aol.com, jg@janegoodman.com, dennisfiorelli@gmail.com, ruthigray@sbcglobal.net, jfrank@seuclid.com, ed@icovelegal.com, mgelfand@seuclid.com, mayor@seuclid.com, jason@jasonforsoutheuclid.com

We have been South Euclid residents for 22 years.

My husband and I raised our 4 daughters in South Euclid.

I'm very concerned about the aggressive attack on the First Amendment throughout our country. The case of the Christian baker just went to the Supreme court last week.

Make no mistake, Ordinance 12-17 is a local example of the strategic, intentional targeting of people of faith.

sharonrmay@aol.com

sharonrmay@aol.com

On Monday, December 11, 2017 Sharon <sharonrmay@aol.com> wrote:

**DO NOT BE BULLIED INTO VOTING YES!**

If this ordinance passes, the residents of South Euclid will lose their civil rights. They will no longer be allowed the freedom to choose who, where, when and what they will accept in their individual lives. It cannot be stressed enough - this is a direct threat to our individual rights that are protected under the American Constitution

Lifestyles will take precedent over 1st Amendment Rights. According to the ordinance, anyone who does not accept the premise of the ordinance is guilty of "discrimination". This is false, inflammatory and quite honestly insulting. It also sets the stage for punitive actions against Christians, Muslims AND Conservative Jews whose 1st Amendment rights will be violated when they act according to their consciences.

The ordinance is outrageous and an affront to our civil liberties. The City of South Euclid already has adequate and effective anti-discrimination laws in place and has no need for this dangerous ordinance that will force many citizens to violate their consciences.

As a voting citizen of South Euclid, I am begging you to vote NO for the ordinance

And vote yes for the FIRST AMENDMENT.

Sincerely,

Sharon May

[sharonrmay@aol.com](mailto:sharonrmay@aol.com)

**Subject:** Protecting LGBTQ residents from discrimination

**Date:** Thursday, November 17, 2016 at 1:42:14 PM Eastern Standard Time

**From:** Shannon Trenton

**To:** jg@janegoodman.com, dennisfiorelli@gmail.com, ruthigray@sbcglobal.net, jfrank@seuclid.com, ed@icovelegal.com, mgelfand@seuclid.com, jason@jasonforsoutheuclid.com

Dear City Council members,

I am writing to reflect on South Euclid's lack of sufficient laws protecting lesbian, gay, bisexual, transgender and queer (LGBTQ) people from discrimination at work and in public accommodations. While I am glad to know that LGBTQ residents are protected from housing discrimination, these further steps are absolutely essential to helping every person who lives and works in our community to thrive.

According to Equality Ohio, fifteen cities in Ohio have already passed laws providing full protections in these areas, including our neighbors in Cleveland, Cleveland Heights, and East Cleveland. I believe it is time for South Euclid to do the same.

According to the **Small Business Majority**, 70% of small businesses support a law like this throughout Ohio.

I believe that to fully welcome people into our community, we should offer fair opportunities to have a job and enjoy full access to the businesses and amenities in our city without worrying about being discriminated against. It has been a pleasure to raise our family in Ward 2 for the last four years, and the years to come will be even better if we know all of our neighbors have the same protections that we do.

Thank you for your time and for your contributions to South Euclid. .

Blessings,

**Shannon V. Trenton**  
Pastor, Church of the Redeemer UMC  
MTSO M.Div. Class of 2019  
440.477.7847  
[@mombiedev](mailto:@mombiedev)

**The Mombie Devotional**

**Subject:** Anti-discrimination ordinance

**Date:** Wednesday, November 15, 2017 at 5:26:48 PM Eastern Standard Time

**From:** Marcy Ronen

**To:** jane@janegoodman.com

**CC:** ruthigray50@gmail.com, Dennis Fiorelli, jfrank@seuclid.com, ed@icovelegal.com, mgelfand@seuclid.com, jason@jasonforsoutheuclid.com

Hello,

As a resident of South Euclid, I am strongly in favor of the proposed update to the non-discrimination ordinance which will protect the LGBT community from discrimination not only in housing (which has been done already,) but also to make sure that businesses and employers can't discriminate against someone because of their sexual preference, or gender identity or expression.

Ours is a diverse community of decent people who all deserve equal protection from discrimination, no matter who we are.

According to Equality Ohio, 18 cities in Ohio have already taken this step. They are: Athens, Akron, Bexley, Bowling Green, Cincinnati, Cleveland, Cleveland Heights, Columbus, Coshocton, Dayton, East Cleveland, Lakewood, Newark, Olmsted Falls, Oxford, Toledo, Yellow Springs, and Youngstown.

I believe it is time for South Euclid to do the same.

According to the Small Business Majority, 70% of small businesses support a law like this throughout Ohio.

I believe that everybody should have a fair shot at having a job, having a home, and being able to provide security for their family without worrying about being discriminated against.

Thank you for your time and for your contributions to South Euclid. I look forward to meeting all of you at the city council meeting on December 11.

Please let me know how you stand on this issue.

Sincerely,

Marcy

Marcy Ronen  
Casting Director  
216.410.3475  
www.marcyronencasting.com

December 15, 2017

Dear South Euclid City Council Members,

My name is Kellie Rubesne and I live at 3610 Harvey Road, Cleveland Heights, Ohio 44118. I attended the City Council meeting on Monday, December 11<sup>th</sup> to show support for the non-discrimination ordinance currently under consideration by the Council. Here's why it matters to me.

First, some context about me. I'm openly gay. I was born and raised in Northeast Ohio, in a rural community in Lorain County. I come from a blue-collar, Christian family. I went to law school at Cleveland-Marshall College of Law, and I've been practicing law for 20+ years. At my company, I've been a leader in our diversity and inclusion program, so I'm well-versed in LGBT issues in the workplace. Finally, I'm a Board member for Equality Ohio, so I'm also well-versed on the impact of the type of ordinance that's before Council. My history gives me an interesting perspective on this issue.

Community members have shared their perspectives about the ordinance with Council. People associated with the Lyceum School and the Catholic diocese are asking Council not to go forward with the ordinance. They believe the ordinance would interfere with the religious freedom. Legally, that's not accurate because the religious exemptions in the draft ordinance match those at the state and federal level.

Others, including myself, support the ordinance because it would create protections in employment, housing, and public accommodations for everyone, regardless of sexual orientation, gender identity or gender express. Legally, these protections are necessary for LGBT people to protect us from discrimination.

Balancing the interest of diverse constituents is a challenge. On the one hand, you have devoutly religious people who feel that, based on their religious beliefs, it should be legal for them to discriminate based on sexual orientation, gender identity, or gender expression. On the other hand, you have members of the LGBT community who's lived experience of discrimination tells a different story. A story of being fired from you job for coming out as transgender. A story of being refused service in a restaurant because you look gay. A story of being evicted from an apartment because you're gay.

While we've made strides as a society, discrimination against LGBT people is still shockingly and unacceptably common. The opponents to this ordinance are, in essence, asking Council to affirm their right to discriminate against LGBT people based on the cloak of religious freedom. Discrimination, however cloaked, has no place in our community. I'm asking Council to vote in favor of the ordinance, to say that in South Euclid, all people are welcome and can live their lives free from the fear of discrimination.

Sincerely,

Kellie Rubesne

**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.

**Motion to Amend Agenda to Include Revised Ordinance 22-17, Resolution 66-17 & Revised Ordinance 28-17**

**Action:** Motion to Amend Agenda, **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 agenda has been amended.

**Report of the Mayor**

Council President Goodman reported that Mayor Welo was not able to be at the Council Meeting. Directors represented included Finance Director Wendt, Economic Development Director Love, Captain Tepley representing the South Euclid Fire Department, Building Commission Macalla and Acting Law Director Mike Cicero. Economic Development Director Love requested City Council consideration of Resolution 64-17 regarding the transfer of foreclosed property to One South Euclid. Mr. Love reported on the abrupt closing of the Steak n' Shake at Oakwood Commons, which was closed by the franchise and there is possibility that it will be reopened by the corporation.

**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:

- Yakov Lieber, 4142 Hindsdale, spoke regarding Resolution 67-17 honoring Ward 3 Councilman Ed Icove for his years of service to the community. Mr. Lieber stated that there is an old kibbutz unspoken rule that a "comrade should do much and say little," and that is the style of civic leadership that Councilman Icove has followed during his tenure. Mr. Lieber stated that Councilman Icove is a rare officeholder who respects views different from his own, practices civility and understands that political differences are not personal differences. Mr. Lieber stated that public office comes and goes, but friendship always remains.
- Sara Continenza, 4222 Bexley, spoke in support of Ordinance 22-17 banning the use of pesticides on public property and stated that it is good for the environment, people and pets. Ms. Continenza also addressed Resolution 64-17 regarding the transfer of property to One South Euclid and stated that she has been a board member of the CDC for the last two years and that the funds from the sale of these projects are going back to the community through the One South Euclid Neighborhood Grant Funds. Ms. Continenza also thanked Councilman Icove for his service and stated that he has been an amazing councilman and that she can only hope to live up to what he has done, in her new role as the next Ward Three Councilwoman.

**Report of Council Committees:**

Council President Goodman reported that the Committee of the Whole held their monthly finance and budget meeting to discuss city finances. The Committee met with Director Benjamin to discuss Community Services, City Council and Youth Programs budget. Ms. Goodman stated that Council will be meeting to discuss Boards and Commissions compensation issues and reported that Finance Director Wendt's budget projections have been accurate.

**Committee of the Whole**

Introduced by Goodman

Ordinance 22-17

**RESOLUTION**

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

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

**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 the Mayor and Administration**

Introduced by Goodman

Resolution 62-17

**RESOLUTION**

EXCUSING COUNCIL MEMBERS' ABSENCE FROM COUNCIL MEETINGS DURING THE YEAR 2017. FIRST READING.

**Action:** Motion to Approve Legislation, **Moved by** Council President Jane Goodman, **Seconded by** Council President Pro Tem Dennis Fiorelli.

**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

Resolution 63-17

RESOLUTION

SETTING THE DATE FOR THE FIRST REGULARLY SCHEDULED MEETING OF THE CITY COUNCIL OF THE CITY OF SOUTH EUCLID, OHIO IN 2018. FIRST READING.

**Action:** Motion to Approve Legislation, **Moved by** Council President Jane Goodman, **Seconded by** Council President Pro Tem Dennis Fiorelli.

**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

Resolution 64-17

RESOLUTION

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

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

**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

Resolution 65-17

RESOLUTION

AUTHORIZING THE TRANSFER OF APPROPRIATED FUNDS FROM THE "GENERAL FUND-POLICE DEPARTMENT-PERSONAL SERVICES #101-1110" TO THE "GENERAL FUND-POLICE DEPARTMENT-AUXILIARIES/GUARDS-PERSONAL SERVICES #101-1112." FIRST READING.

**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 Icove, Councilman Jason Russell, Council President Jane Goodman.

The legislation has been approved.

Introduced by Goodman

Resolution 66-17

RESOLUTION

AUTHORIZING THE TRANSFER OF APPROPRIATED FUNDS FROM THE "GENERAL FUND-POLICE DEPARTMENT-PERSONAL SERVICES #101-1110" TO THE "GENERAL FUND-POLICE DEPARTMENT-DISPATCHERS-PERSONAL SERVICES #101-1130-52150." FIRST READING.

**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 Icove, Councilman Jason Russell, Council President Jane Goodman.

The legislation has been approved.

Introduced by Goodman

Ordinance 28-17

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.

**Action:** Motion to Approve Legislation, **Moved by** Council President Pro Tem Dennis Fiorelli, **Seconded by** Council President Jane Goodman.

**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.

**Communications of City Council**

- Councilwoman Gray reported that a reception honoring the service of Councilman Ed Icove will be held tomorrow at the Community Center from 5:30 pm – 7:30 pm and that she will be having a Ward One reception to thank residents for their support in her reelection to City Council on January 2<sup>nd</sup> at 6 pm at Inner Healing Ministries Church and all are welcome to attend.
- Councilman Gelfand wished all residents a Happy New Year.
- Councilman Russell stated that he hopes everyone had a happy holiday season and asked that residents please be helpful and respectful by clearing sidewalks and driveways of snow for pedestrians.

- Council President Goodman commented on helping residents that are waiting for transportation in the bitter cold weather.
- Councilman Frank reported on the inclement weather and also shared information regarding suicide awareness and prevention and how to help people who may be hurting. Mr. Frank wished everyone a happy new year.
- Councilman Fiorelli thanked the Service Department for all of their hard work dealing with the inclement winter weather and wished everyone a happy new year.
- Councilman Icové thanked residents Yakov Lieber and Sara Confinenza for their kind words and thanked his colleagues for sponsoring the resolution in his honor. Mr. Icové requested that Clerk Benjamin provide an update on the live streaming issue. Mr. Benjamin stated that he has been in contact with the Court and they have now implemented a new system for live streaming and will be making the service and their equipment available for City Council use.

#### Open Meeting

- Don Lisy, 1352 Francis Court, stated that the city is always looking for extra revenue and maybe the police should sit at the corner of Mayfield and Green and ticket all of the people who consistently turn right on red. Council President Goodman stated that the city doesn't receive revenue from those tickets. Mr. Lisy made remarks on the retirement of Councilman Ed Icové and stated that he has known Mr. Icové for a long time and he has never known a nicer guy. Mr. Lisy stated that if you call him, he is always there for residents and he works for the people and is sad that we are losing him and thanked him for his service.
- Chuck Turner, 4549 Lilac Road, stated that you could not ask for a more honorable person than Councilman Icové. Mr. Turner spoke about his contention that the Mayor does not work full time for her full time salary and he has requested information from the Law Director regarding how many days the Mayor has taken off. Mr. Turner stated that today is the 5<sup>th</sup> anniversary of reporting an alleged rape which resulted in him being retaliated against by the police and chased at 60 mph. Mr. Turner stated that Law Director Lograsso has gotten caught up in a number of lies in the attack that was set up by Police Chief Nietert and asked that his public records request be fulfilled.

#### **SPECIAL PRESENTATION:**

Retirement of Councilman Ed Icové

Introduced by Goodman

Resolution 67-17

#### RESOLUTION

IN APPRECIATION TO EDWARD (ED) ICOVÉ FOR HIS YEARS OF DILIGENT SERVICE ON SOUTH EUCLID'S CITY COUNCIL AND TO THE CITY OF SOUTH EUCLID, OHIO. FIRST READING.

Councilman Icové stated that it has been an honor to serve the residents and thanked them for their support. Mr. Icové commented on the importance of civility and diversity in the community and in our elected positions.

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

- Councilwoman Gray stated that she will leave most of her comments for tomorrow's celebration of Councilman Icové, but stated that Mr. Icové has been a mentor to her for the past 12 years and they have become dear friends. Ms. Gray stated that Councilman Icové taught her to always carry two things with her to council meetings: Roberts Rules of Order and the Constitution and that she lives by his saying that in politics there are no permanent friends, just interests and that we should love many, trust few, and paddle your own canoe. Councilwoman Gray stated that sometimes you have to be willing to stand by yourself and not wait for people to do things for you and that she thanks Mr. Icové, will miss him and loves him dearly.
- Councilman Fiorelli thanked Councilman Icové for his 34 years of service to the City, 28 years as a member of city council and for serving the community and those that live in South Euclid.
- Councilman Russell stated that 34 years of public service is older than he is and remarked that Councilman Icové was the first person outside of former Councilman David Miller that reached out to him when he won his elections and stated that in this game of politics, there are really no friends, but Ed has always been one.
- Councilman Frank thanked Councilman Icové for his years of service and all he has done for the community and reminded him that, as a citizen, don't be afraid to call if he has any questions.
- Councilman Gelfand stated that unlike most elected on council, he did not come up through Boards and Commissions, but through his involvement with the Democratic Party, and Councilman Icové was welcoming and he learned a lot from Mr. Icové over the years. Councilman Gelfand stated that he is very happy to have become a colleague of Councilman Icové and appreciates the six years that they have spent as colleagues on South Euclid City Council.
- Council President Goodman thanked Ed for his service and stated that she is an elected official because Councilman Icové got her into public service and thanked him for his work in support of those in need. Ms. Goodman read and presented the Resolution to Councilman Icové.
- Director Benjamin thanked Ed Icové for reaching out to him when he first came to South Euclid in 2004 and learned a lot from him and commended him for his passion and commitment to issues of civility and diversity.

**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 legislation has been approved.

**Adjourn**

**Action:** Motion to Adjourn, Moved by Councilman Ed Icove, 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 Meeting Adjourned at 8:55 pm.

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

Attest:

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

**ORGANIZATIONAL MEETING OF SOUTH EUCLID CITY COUNCIL**

The Pledge of Allegiance was recited and Mayor Georgine Welo called the Organizational Meeting of City Council to Order.

**Invocation**

Pastor Scott Pugh from Velocity Church gave the Invocation.

Mayor Welo discussed the format, agenda and purpose of the Organizational Meeting and gave an overview of the history, including reciting some of the minutes from the first Organizational Meeting of City Council held 100 years ago.

**Swearing-In Ceremony for South Euclid Municipal Court**

- Judge Gayle Williams Byers was sworn-in by Judge Anita Laster Mays.

**Swearing-In Ceremony/Oath-of-Office for Ward Councilmembers.**

- Ward One Councilwoman Ruth Gray was sworn-in by South Euclid Judge Gayle Williams Byers.
- Ward Two Councilman Joe Frank was sworn-in by Mayor Georgine Welo.
- Ward Three Councilwoman Sara Continenza was sworn-in by Mayor Georgine Welo.
- Ward Four Councilwoman Jane Goodman was sworn-in by County Councilwoman Sunny Simon.

**Roll Call**

**Present:** Councilwoman Sara Continenza, Councilman Dennis Fiorelli, Councilman Joe Frank, Councilman Marty Gelfand, Councilwoman Jane Goodman, Councilwoman Ruth Gray, Councilman Jason Russell.

**Motion to Elect Council President**

Mayor Welo asked for nominations for South Euclid Council President from members of City Council.

Councilwoman Jane Goodman nominated Councilman Dennis Fiorelli to serve the next two year term as Council President.

There being no other nominations, Mayor Welo asked the Clerk to call the vote.

**Vote:** Motion passed (**summary:** Yes = 6, No = 1, Abstain = 0).

**Yes:** Councilwoman Sara Continenza, Councilman Dennis Fiorelli, Councilman Joe Frank, Councilman Marty Gelfand, Councilwoman Jane Goodman, Councilman Jason Russell.

**No:** Councilwoman Ruth Gray.

Councilman Fiorelli was elected City Council President

Mayor Welo congratulated Mr. Fiorelli and Council President Fiorelli assumed the role for the Organizational Meeting.

**Motion to Elect Council President Pro Tem**

Council President Pro Tem asked for nominations for South Euclid President Pro Tem from members of City Council.

Councilwoman Ruth Gray nominated Councilman Jason Russell to serve the next two year term as Council President Pro Tem.

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

**Yes:** Councilwoman Sara Continenza, Councilman Joe Frank, Councilman Marty Gelfand, Councilwoman Jane Goodman, Councilwoman Ruth Gray, Councilman Jason Russell, Council President Dennis Fiorelli.

Councilman Russell was elected City Council President Pro Tem

**Benediction**

Pastor Bruce McLaurin from First Baptist Church gave the Benediction.

**Adjourn**

**Action:** Motion to Adjourn, **Moved by** Councilman Marty Gelfand, **Seconded by** Councilwoman Sara Continenza.

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

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

The Meeting Adjourned at 6:43 pm.

Attest:

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

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

CITY OF SOUTH EUCLID, OHIO

ORDINANCE NO.: 27-17  
INTRODUCED BY: Goodman  
REQUESTED BY: Mayor

December 11, 2017  
Second Reading: January 22, 2018

AN 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 LYNDBURST FOR THE USE OF THE MUNICIPAL SWIMMING POOLS AND SPLASH PARK BY RESIDENTS OF THE CITY.

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

Section 1: That Section 933.07, Fees for Use, as contained in Chapter 933, Municipal Swimming Pools of Part Nine-Streets and Public Services Code of the Codified Ordinances of South Euclid be and the same is hereby amended to read as follows:

“933.07 ADMISSION FEES; SEASON PASSES; AND SPECIAL PROGRAMS.  
The charge for use of the municipal swimming pools and splash park by residents of the City of South Euclid shall be as follows:

- (a) Season passes for residents of the City of South Euclid for each season commencing with the swimming season ~~2017~~ **2018** shall be Fifty Five (\$55.00) each, with a maximum cost of One Hundred and Fifty Dollars (\$150.00) per family. Each Family pass shall allow for up to a maximum of 4 family member entrances, with any additional family members added for \$5.00 per person. There will be no charge for senior citizens 60 years and over. A free swimming pass shall be issued to an individual who is disabled and who verifies this disability on an annual basis. “Disabled” shall be defined in accordance with the Federal Americans with Disabilities Act of 1990 (42 U.S.C. 12131 et seq.). A complimentary entry will be issued to the caregiver accompanying a disabled passholder. The caregiver must be 18 years of age or older.

Residents applying for passes or admission must present proper identification showing residence in the City of South Euclid, a valid Driver’s License or State-issued ID may be used to prove identity but does not prove residency. A lease agreement, or current financial document (bank statement), utility bill (gas, water, sewer, electric, landline phone bill) will be accepted as a form of proving residency in the City of South Euclid. All employees of the City of South Euclid, regardless of their residency, may purchase a single or family swim pass.

Season passes shall not be sold to any child under the age of five (5) years old. All children four (4) and under will be admitted free, but must be accompanied by an adult who has a season pass or pays admission or by a young adult, fourteen (14) years or over, with a note of request signed by the parent or guardian.

“Family,” as used in this section, means the members of a household living as a single housekeeping unit in a dwelling who are related to the nominal head of the household or to the spouse/partner of the nominal head of the household. This includes children under the age of 18, and a legal guardian of a family member as described above.

A family may consist of one individual.

Upon presenting proper identification showing residence, such as a lease agreement or current financial document, summer guests of South Euclid residents may purchase South Euclid individual non-resident season passes for Seventy-five Dollars (\$75.00) each. There will be no family rates for non-resident passes.

Continued...

- (b) Single admission fee for South Euclid residents shall be Five Dollars (\$5.00) per person; single admission tickets for non-residents of the City shall be Six Dollars (\$6.00) per person. Such non-residents shall be a guest of a resident and shall be accompanied at all times during the use of the swimming facilities by the resident host. Guests and resident hosts shall sign their names into a registration log sheet provided for guests. Not more than six (6) guests may accompany one South Euclid family per day. The resident host shall vouch for the good behavior and conduct of his or her guests while using the City pool facilities.

Upon presenting proper identification showing residence, such as a valid Driver's License, State-Issued ID, lease agreement or current financial document, summer guests of South Euclid residents or residents of Richmond Heights who attend the South Euclid-Lyndhurst School District may purchase South Euclid individual non-resident season passes for Seventy-five Dollars (\$75.00) each. There will be no family rates for non-resident passes.

Conditioned on reciprocity rights being granted by the City of Lyndhurst to South Euclid residents who are season swimming pass holders, Lyndhurst residents who are season swimming pass holders of that City will be permitted the use of South Euclid swimming pools.

Children who do not have season swim passes and who are enrolled in a duly licensed charitable South Euclid based summer camp program must pay for a Twenty dollar (\$20.00) camper pass for admission to the South Euclid Pools. The Director shall have the authority to determine capacity limits.

- (c) A one week pass may be purchased at the rate of Twenty-Five Dollars (\$25.00) per season by non-resident house guests of South Euclid residents. Said pass shall be issued in the name of the guest, dated and be non-transferable.
- (d) Regular season pass holders, including non-resident pass holders, may participate in the Learn-To-Swim program by purchasing a Learn-To-Swim pass for Twenty Dollars (\$20.00) per individual Learn-To-Swim course based on three (3) three-week sessions. First preference for Learn-To-Swim courses must be offered to South Euclid residents, and then to non-residents and those otherwise eligible to purchase season passes may participate in the Learn-To-Swim program by purchasing a Learn-To-Swim pass for Twenty Dollars (\$20.00). The Learn-To-Swim program shall include special courses of instruction as met with the approval of the Pool Supervisor. The competitive program shall be open only to South Euclid residents who are season pass holders.

Diving lessons shall be Twenty Dollars (\$20.00) per three-week session.

American Red Cross Basic Water Rescue, Lifeguarding, and Water Safety Instructor Courses shall be offered at the rate of the providing organization.

Non-pass holders who are residents of the City of South Euclid may participate in the above mentioned courses, upon payment of the daily admission charge AND any applicable tuition fee for each lesson. Pool employees may participate in Basic Water Rescue and Life-guarding at no admission cost.

- (e) There shall be no refunds for season passes or Learn-To-Swim from and after the date that the swimming pools have opened.
- (f) There shall be a charge of Five Dollars (\$5.00) for replacement of a lost pass. Pictures on photo IDs may not be replaced until at least three pool seasons have passed.
- (g) In addition thereto, the Director of Public Service shall establish such miscellaneous charges as may be necessary to compensate the City for costs due to loss, destruction or misuse or retention of equipment.

Continued...

- (h) Private parties hosted by a South Euclid resident at Bexley Pool will be authorized during the hours of 6:30 p.m. to 8:30 p.m. on Sundays only. A fee of One Hundred Seventy Dollars (\$170.00) for the rental will be charged. If the pool is closed due to rain or cold weather on the scheduled pool party date, another date may be selected (upon availability) or a refund given.

In the event of damage, the party concerned will be responsible for any and all damage done. A non-refundable deposit of Seventy-five Dollars (\$75.00) shall be required at the time of setting and securing the date of rental for each private party. No more than two hundred (200) people shall be permitted at a private party.

All regulations currently in effect and as required by Ordinance for the use of the pools are applicable to private parties. A person twenty-one (21) years of age or older shall be present at the private party and responsible for the conduct of persons present and any damages to property.

- (i) **Splash Park:** A valid South Euclid pool pass or Splash Park Pass is required for admission by anyone age 13 and under, including children under the age of 6 and those adults not accompanied by children. Splash Park passes are available only to South Euclid residents, residents of Lyndhurst, and residents of Richmond Heights, upon presenting proper identification, per Section 1 (a & b). All employees of the City of South Euclid, regardless of their residency, may purchase a single or family Splash Park pass.

Season passes for use of the Splash Park at Quarry Park only shall be \$35 for an individual or family of up to four people. \$5 for each additional pass. Residents of South Euclid and Lyndhurst may purchase daily passes for \$1 per day, per child.

All children under the age of 12 must be accompanied by an adult or by a young adult, fourteen (14) years or over, with a note of request signed by the parent or guardian. Adults, defined as a person fourteen (14) years or over, accompanied by children, will not have to pay an admission fee to enter the Splash Park. Those adults who are not accompanied by children will be required to purchase a daily pass for \$3 per day, per person, to enter the Splash Park.

Individuals who do not reside in South Euclid, Lyndhurst or Richmond Heights, will be admitted to the Splash Park upon paying a \$2 daily admission fee. Non-residents are not eligible to purchase a season pass. Non-resident adults accompanied by children will not be charged an admission fee. Non-resident unaccompanied adults will be required to pay a \$5 admission fee to enter the Splash Park.

Parties may be hosted by a South Euclid resident (21 or older) at the Splash Park. A fee of Fifty Dollars (\$50.00) for the rental will be charged. If the Splash Park is closed due to rain or cold weather on the scheduled Splash Park party date, another date may be selected (upon availability) or a refund given.

- (j) All Pool and Splash Park passes are nontransferable.

Section 2: That existing Section 933.07, Fees for Use, as contained in Chapter 933, Municipal Swimming Pools of Part Nine-Streets and Public Services Code of the Codified Ordinances of South Euclid and all other ordinances or parts of ordinances inconsistent herewith, be and the same are hereby expressly repealed.

Section 3: That except as herein amended and supplemented all the provisions of Chapter 933, Municipal Swimming Pools of Part Nine-Streets and Public Services Code of the Codified Ordinances of South Euclid shall remain in full force and effect.

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 Section 121.22 of the Ohio Revised Code.

Section 5: That this Ordinance is hereby determined to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety and for the further reason that the same effects the day to day business of various departments of the municipality. Wherefore, this ordinance shall take effect upon passage and approval.

Passed this \_\_\_\_\_ day of \_\_\_\_\_, 2017 2018.

\_\_\_\_\_  
Dennis Fiorelli, 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.: 54-17  
INTRODUCED BY: Goodman  
REQUESTED BY: Mayor

December 11, 2017  
Second Reading: January 22, 2018

A RESOLUTION

AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH OHIOBIZ, LLC TO FURTHER DEVELOP AND MAINTAIN THE WORLD WIDE WEBSITE FOR THE CITY OF SOUTH EUCLID, OHIO.

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

Section 1: That the Mayor be and she is hereby authorized to enter into an agreement with Ohio Biz, LLC, to further develop and maintain the City's World Wide Website, for the year 2018, under the terms and provisions as contained in the agreement, a copy of which is attached hereto and made a part hereof as Exhibit A.

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 hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety. Such necessity exists by reason of the fact that in order to provide professional computer services to properly develop and maintain the City's Website, the foregoing must be adopted at the earliest possible time. 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~~ 2018.

\_\_\_\_\_  
Dennis Fiorelli, 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.: 41-17  
INTRODUCED BY: Goodman  
REQUESTED BY: Planning Commission

October 23, 2017  
To be Amended on Council Floor:  
January 22, 2018

A RESOLUTION

GRANTING A CONDITIONAL USE PERMIT TO THE SOUTH EUCLID LYNDHURST CITY SCHOOL DISTRICT TO CONSTRUCT AND OPERATE A TRANSPORTATION FACILITY ON DISTRICT OWNED PROPERTY AT 4759 MAYFIELD ROAD IN THE CITY OF SOUTH EUCLID, OHIO.

WHEREAS, the South Euclid Lyndhurst School District submitted an application to the City of South Euclid to construct a transportation facility on district owned property located at 4759 Mayfield Road; and

WHEREAS, the zoning designation of this property is such that a conditional use permit is required in order for the South Euclid Lyndhurst School District to construct such a facility; and

WHEREAS, the City of South Euclid recognizes that various public and private institutions and facilities are essential to the community in accordance with Chapter 722 of the codified ordinances, as such the application was referred to the Planning Commission; and

WHEREAS, notice of a public hearing on the aforesaid requested Conditional Use Permit has been duly given, and a full public hearing has been held thereon by the Planning Commission pursuant to such notice and as prescribed by law; and

WHEREAS, the Planning Commission made a motion to recommend to City Council that such a conditional use permit be issued; and

WHEREAS, in a vote of 0-3-0 (two members absent), the motion failed; and

WHEREAS, after careful consideration and study, a supermajority of the Council of the City of South Euclid deems that the aforesaid Conditional Use Permit should be given in that the standards set forth in Chapter 722 of the South Euclid Zoning Code have been achieved provided the South Euclid Lyndhurst School District follow conditions as defined below.

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

**Section 1:** That a Conditional Use Permit is hereby granted to the South Euclid Lyndhurst School District to construct a transportation facility on district owned property located at 4759 Mayfield Road in the City of South Euclid, Ohio, per the following conditions:

- Condition 1:** All requirements for school facility conditional use, as defined in Chapter 722 of the South Euclid Zoning Code, shall be followed at all times.
- Condition 2:** Setback from Dorsh Road should be no less than 105 feet.
- Condition 3:** Setback from Mayfield Road should be no less than 75 feet.
- Condition 4:** No fencing shall be permitted within setbacks.
- Condition 5:** Fencing shall be provided along Mayfield, Dorsh, and portions of the property immediately adjacent to a parcel containing a residential structure.
- Condition 6:** Fencing shall be made of a durable material in a color that is harmonious with the residential character of the area.

- Condition 7: Natural screening shall be provided along Mayfield and Dorsh frontages utilizing existing grades and vegetation. Additional trees and shrubs should be provided to soften the visual impact of required fencing.**
- Condition 8: Existing trees and shrubs should be maintained to the greatest extent possible.**
- Condition 9: Any structure built should be designed in a manner to be compatible with the residential character of the community, by including or mimicking traditional residential architectural features and materials.**
- Condition 10: Any structure built should not have any walls that are devoid of windows or other openings to simulate windows.**
- Condition 11: No pedestrian or vehicular traffic shall be permitted from the site onto Dorsh Road.**
- Condition 12: Services bay(s) for the proposed transportation facility must face east.**
- Condition 13: Lighting on the proposed building and parking areas should be properly shielded to prevent light bleed onto adjacent parcels containing a residential structure.**

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

Section 3: This Resolution shall take effect and be in full force from and after the earliest period allowed by law and upon signature of the Mayor.

Passed this \_\_\_\_\_ day of \_\_\_\_\_, 2017 2018.

\_\_\_\_\_  
Dennis Fiorelli, 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



## PLANNING COMMISSION

January 11, 2018

Dennis Fiorelli, President of Council  
City of South Euclid  
1349 South Green Road  
South Euclid, Ohio 44121

Dear Dennis:

The Planning Commission on January 11, 2018, voted 3-0-1 (Randy Bowling abstained) to **recommend approval** of the conditional use application, with no conditions for 4110 Mayfield Rd, The Holistic Center of Ohio, for dispensary of medical marijuana.

If you have any questions, please feel free to contact me.

Respectfully,

Ramon Adams  
Acting Chair of the Planning Commission

cc: Georgine Welo, Mayor  
Michael Lograsso, Law Director  
City Council Members  
Eric Tuck-Macalla, Building Commissioner  
Planning Commissioners

ecc: Keith Benjamin

CITY OF SOUTH EUCLID, OHIO

RESOLUTION NO.: 06-18  
INTRODUCED BY: Fiorelli  
REQUESTED BY: Planning Commission

January 22, 2018

A RESOLUTION

GRANTING A CONDITIONAL USE PERMIT TO "THE HOLISTIC CENTER OF OHIO" MEDICAL MARIJUANA DISPENSARY, LOCATED AT 4110 MAYFIELD ROAD IN THE CITY OF SOUTH EUCLID, OHIO.

WHEREAS, in accordance with Chapter 790 "Medical Marijuana Control" of the City of South Euclid Codified Ordinances, medical marijuana dispensaries are permitted in the City of South Euclid as a conditional use; and

WHEREAS, the Planning Commission, after careful study, has recommended to Council in a vote of 3-0-1 that a Conditional Use Permit be granted to "The Holistic Center of Ohio" Medical Marijuana Dispensary located at 4110 Mayfield Road; and

WHEREAS, notice of a public hearing on the aforesaid requested Conditional Use Permit has been duly given, and a full public hearing has been held thereon by the Planning Commission pursuant to such notice and as prescribed by law; and

WHEREAS, the Council of the City of South Euclid deems that the aforesaid Conditional Use Permit should be given in that the standards set forth in Chapter 790 of the South Euclid Codified Ordinances have been achieved.

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

Section 1: That a Conditional Use Permit is hereby granted to "The Holistic Center of Ohio" Medical Marijuana Dispensary, located at 4110 Mayfield Road in the City of South Euclid, Ohio, per the following condition:

**Condition 1:** All requirements for medical marijuana dispensaries, as defined in Chapter 790 "Medical Marijuana Control" of the South Euclid Codified Ordinances, shall be followed at all times.

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

Section 3: This Resolution shall take effect and be in full force from and after the earliest period allowed by law and upon signature of the Mayor.

Passed this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Dennis Fiorelli, 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.: 07-18  
INTRODUCED BY: Fiorelli  
REQUESTED BY: City Council

January 22, 2018

A RESOLUTION

APPOINTING \_\_\_\_\_ TO THE  
PLANNING COMMISSION OF THE CITY OF SOUTH EUCLID, OHIO AS ESTABLISHED  
BY ARTICLE V "ADMINISTRATIVE DEPARTMENTS AND COMMISSIONS" OF  
SECTION NINE "CITY PLANNING COMMISSION" OF THE CHARTER OF THE CITY OF  
SOUTH EUCLID, OHIO.

WHEREAS, Article V "Administrative Department and Commissions" Section Nine "City  
Planning Commission" of the Charter of the City of South Euclid, Ohio provides the Council the  
opportunity to appoint one member to the Planning Commission for a six year term; and

WHEREAS, when the term of the individual appointed by City Council expires, Article V,  
Section Nine of the Charter of the City of South Euclid provides City Council the opportunity to  
reappoint the same individual or appoint a replacement to the Planning Commission for a new six  
year term within thirty (30) days of the term expiring.

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

Section 1: That City Council appoints the following as Planning Commissioner for the City  
of South Euclid in accordance with Article V, Section Nine of the Charter of the City of South  
Euclid, Ohio:

\_\_\_\_\_  
Section 2: The above individual shall serve a six year term which commences on the date  
of passage of this legislation and expires December 31, 2023.

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 peace, health, and welfare of the residents and for the further reason  
that a function of government is effected in that this legislation must be passed within (30) days of a  
term expiring on the Planning Commission. 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 \_\_\_\_\_, 2018.

\_\_\_\_\_  
Dennis Fiorelli, 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.: 03-18  
INTRODUCED BY: Fiorelli  
REQUESTED BY: Goodman

January 22, 2018

AN ORDINANCE

AN ORDINANCE AMENDING CHAPTER 943 "TREE COMMISSION/TREES" OF PART NINE "STREETS AND PUBLIC SERVICES" 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 Chapter 943 "Tree Commission/Trees" of Part Nine "Streets and Public Services" of the Codified Ordinances of the City of South Euclid, Ohio be hereby amended to read as follows:

- 943.01 Short title.
- 943.02 Definitions.
- 943.03 Tree Commission; creation and establishment.
- 943.04 Director. (Repealed)
- 943.05 Compensation.
- 943.06 Operation.
- 943.07 Duties and responsibilities.
- 943.08 Master Tree Plan.
- 943.09 Tree species to be planted.
- 943.10 Spacing.
- 943.11 Distance from curb and sidewalk.
- 943.12 Distance from street corners and fire hydrants.
- 943.13 Utilities.
- 943.14 Public tree care.
- 943.15 Removal, replanting and replacement of public trees.
- 943.16 Mitigation of forest canopy loss and maintenance of canopy cover/topping of public trees.
- 943.17 Obstruction; trees pruned. (Repealed)
- 943.18 Dead or diseased tree removal on private property. (Repealed)
- 943.19 Abuse and/or mutilation of public trees.
- 943.20 Placing materials on public property.
- 943.21 Protection of public trees.
- 943.22 Public utility companies.
- 943.23 Emergencies.
- 943.24 Interference with Tree Commission.
- 943.25 Registration of tree experts. (Repealed)
- 943.26 Commission as trustee.
- 943.27 Establishment of fund.
- 943.28 Review by Council.
- 943.29 Appeal procedure.
- 943.30 Conflict.
- 943.99 Penalty.

***CROSS REFERENCES***

Destruction of trees - see GEN. OFF. 541.06

Trees generally - see S. & P.S. Ch. 907

**943.01 SHORT TITLE.**

This chapter shall be known and may be cited as the Tree Ordinance of the City of South Euclid, Ohio.

(Ord. 16-92. Passed 7-27-92.)

**943.02 DEFINITIONS.**

As used within this chapter, the following terms shall have the meanings set forth in this section:

(a) "Tree" means:

(1) Any living woody plant with needles or scale-type leaves that has a well-defined stem or stems with a diameter of at least six inches at four and one-half feet from the surface of the ground.

(2) Any living, self-supporting woody broad leaf plant that has a well-defined stem or stems with a diameter of at least two inches at four and one-half feet from the surface of the ground.

(3) Any living self-supporting woody plant that has a well-defined stem or stems which has been intentionally cultivated and established.

(b) "Public trees" includes all trees now or hereafter growing on any street, park or any other public site.

(c) "Streets, alleys, highways or ways" means the entire width of every public way or right of way when any part thereof is open to the use of the public, as a matter of right, for purposes of vehicular and pedestrian traffic.

(d) "Property line" means the legal boundary line between private and City-owned land.

(e) "Tree lawn" means that part of a street not covered by a sidewalk or other paving, lying between the property line and that portion of the street usually used for vehicular traffic.

(f) "Property owner" means the person owning such property as shown by the County Auditor's Plat of Cuyahoga County, State of Ohio.

(g) "Large trees" means those trees expected to attain a height of forty-five feet or more.

(h) "Medium trees" means those trees expected to attain a height of thirty to forty-five feet.

(i) "Small tree" means those trees expected to attain a height under thirty feet.

(j) "Remove" or "removal" means the removal of all above and below ground parts, including the stump and roots.

(k) "Diameter at Breast Height" (D.B.H.) means a tree's diameter in inches measured by a diameter tape at four and one-half feet from the surface of the ground. On trees having multiple stems, the largest diameter stem shall be measured.

(l) "Parks" includes any City public spaces designated for recreation and/or conservation.

(m) "Public site" includes any other ground owned by the City.

(n) "Dripline" means the approximately circular vertical extension to the ground of the outermost branches and/or leaves of the tree as an indication of the spread of the root system.

(o) "Critical Root Zone" is an area equivalent to one foot per inch of Diameter at Breast Height from the tree.

### 943.03 TREE COMMISSION; CREATION AND ESTABLISHMENT.

There is hereby created and established a Tree Commission for the City, to consist of nine voting members, as follows:

(a.) Members are to be appointed in the following manner:

Two voting Public Members appointed by the Mayor; Four voting Public Members appointed by Council in a manner to be determined by that body. One voting seat shall be occupied by the City Arborist or a Certified Arborist serving in that position under contract. One voting seat shall be occupied by a representative of the Building and Housing Department. The remaining voting seat shall be occupied by a member of Council appointed by the President of Council. The Director of Public Service shall occupy a non-voting seat on the Commission. Up to two additional ex-officio (non-voting) members may be appointed upon agreement between Council and the Mayor so as to insure that expertise in urban forestry is well represented.

(b.) Terms – Public Members shall serve four-year terms. Terms shall begin on either January 1 or July 1 of the year in which a member is appointed. Public Members may be reappointed to no more than three consecutive terms. A vacancy occurring during the term of any member of the Commission shall be filled for the unexpired term in the manner authorized for an original appointment.

(c.) Eligibility – Public Members shall be residents of the City of South Euclid.

(d.) Qualifications – Public Members shall, within three years of their appointment, have completed either Tree Commission Academy presented by the Ohio Department of Natural Resources Division of Forestry or receive other training in urban forestry, tree care, and public tree management. Those who do not fulfill this obligation are not eligible for reappointment to a new term.

#### **943.04 DIRECTOR. (REPEALED)**

(EDITOR'S NOTE: Section 943.04 was repealed by Ordinance 20-15, passed December 28, 2015.)

#### **943.05 COMPENSATION.**

Members of the Tree Commission shall serve without compensation, but shall be entitled to reimbursement for any and all necessary expenditures in carrying out the duties of such Commission and may retain the services of qualified professionals when necessary to facilitate the function of such Commission.

#### **943.06 OPERATION.**

The Tree Commission shall meet at least ~~six~~ three times each year or as needed and shall hold its first meeting within three months of enactment of this chapter, at which time it shall elect a chairman and vice-chairman and thereafter shall elect officers at its first meeting each year **or as soon as possible after a vacancy in said position occurs**. A majority of voting members shall constitute a quorum and any actions of the Commission may be taken by a majority of the voting members present at the meeting at which the action is taken. A special meeting may be called by the chairperson, or in his/her absence, the vice-chairperson, or by any two Tree Commissioners. Members may participate in up to two meetings per year via conference call or video conference/interaction. Meetings of the Tree Commission shall be open to the public and announced in advance via the city website or other appropriate means. The Commission shall keep minutes of its meetings and file them with the Clerk of Council.

#### **943.07 DUTIES AND RESPONSIBILITIES.**

It shall be the responsibility of the Tree Commission to develop, administer and maintain a written plan to be known as the Master Tree Plan.

The Commission, when requested by Council, **or when an issue occurs involving trees on city properties, easements, or tree lawns**, shall consider, investigate, make findings, report and recommend upon any special matter of question coming within the scope of its work. The Commission shall study the problems and determine the needs of the City in connection with its tree planting and maintenance program.

The Commission shall recommend to the Director of Public Service, the type and kind of trees to be planted upon such City streets or parts of City streets or in parks as designated.

The Commission shall assist the Director of Public Service, as well as Council and residents of the Municipality in the dissemination of news and information regarding the selection, planting and maintenance of trees within the corporate limits, whether the same are on private or public property and shall make such recommendations from time to time to Council as to desirable legislation concerning the tree program and activities for the Municipality. The Commission shall work in conjunction with civic and public interest groups devoted to tree care and preservation. The Commission shall plan and sponsor the city's annual Arbor Day celebration on the last Friday in April.

#### **943.08 MASTER TREE PLAN.**

The Tree Commission shall have the authority to formulate a Master Tree Plan. The Master Tree Plan shall include the inventory of existing public trees and shall specify the requirements for the care, preservation, pruning, planting, replanting and removal or disposition of trees in parks, along streets and on other public sites and shall specify the species of trees to be planted in these areas. The Master Tree Plan shall be updated and presented to Council every three years and upon their acceptance and approval shall constitute the official comprehensive Master Tree Plan for the City. From and after the effective date of the Master Tree Plan, or any amendment thereof, all planting, removal and maintenance shall conform thereto.

(a) The Commission shall have the responsibility of inventory (and classifying as to location, species, size, condition and evaluation) ~~for~~ of the existing public trees, as an integral part of the Master Tree Plan. This inventory shall be updated bi-annually.

(b) The Commission shall consider all existing and proposed buildings, utilities and environmental factors including climate change and pests when recommending the planting of a specific species or other work for all streets and public sites within the City.

(c) The Commission shall have the authority to amend or add to the Master Tree Plan at any time that circumstances make it advisable.

**943.09 TREE SPECIES TO BE PLANTED.**

The Tree Commission shall develop and maintain a list of desirable large, medium and small trees for planting in parks, along streets and on other public sites based on mature height, soil condition, surrounding conditions, and species suitability. The largest tree that is suitable for each site shall be the default choice. Lists of trees not suitable for planting in these areas shall also be created by the Commission.

**943.10 SPACING.**

The spacing of trees planted along streets shall be in accordance with the criteria listed in Section 943.09. No trees may be planted closer together than the following: large trees, forty feet; medium trees, thirty feet; and small trees, twenty feet; except in special plantings designed or approved by the Tree Commission.

**943.11 DISTANCE FROM CURB AND SIDEWALK.**

The distance trees may be planted from curbs or curblines and sidewalks shall be in accordance with the three species size classes listed in Section 943.09. No trees may be planted closer to any curb, curpline or sidewalk than a distance that will allow a healthy root system without posing risk of damage to curb or sidewalk.

**943.12 DISTANCE FROM STREET CORNERS AND FIRE HYDRANTS.**

No tree shall be planted closer than twenty-five feet from any street corner, measured from the point of nearest intersecting curbs or curblines. No tree shall be planted closer than ten feet from any fire hydrant.

**943.13 UTILITIES.**

No public tree other than those species referred to as small trees in Section 943.09 may be planted under or within ten lateral feet of any overhead utility wire, or over or within five lateral feet of any underground water line, sewer line or other utility.

**943.14 PUBLIC TREE CARE.**

The City shall have the right to plant, prune, maintain and remove all public trees as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of public sites. The Tree Commission may remove or cause to be removed, any public tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines or other public improvements, or is affected with any injurious disease, insect or fungus.

This section does not prohibit the planting of a tree along streets by property owners providing that the selection of such tree is in accordance with Sections 943.09 through 943.13. No property owner shall plant a tree within the right of way without first obtaining the written approval of the Commission or the city arborist.

**943.15 REMOVAL, REPLANTING AND REPLACEMENT OF PUBLIC TREES.**

Whenever it is necessary to remove a public tree in connection with the paving of a sidewalk or the widening of a portion of a street or highway, the City shall replant the tree, cause it to be replanted, or replace it with a species described in Section 943.08 and 943.09. This requirement shall be satisfied if an equivalent number of trees of the largest possible mature size is planted at the nearest appropriate location as determined by the Tree Commission or the city arborist.

No person shall remove a public tree for the purpose of construction or any other reason, without the written permission of the Commission. The Commission may require replacement of a removed tree as a condition to the Commission's approval. Such replacement shall be in accordance with the criteria listed in Section 943.08 and 943.09. The person or property owner shall bear the cost of removal and replacement of all public trees removed.

**943.16 MITIGATION OF FOREST CANOPY LOSS AND MAINTENANCE OF CANOPY COVER/TOPPING OF PUBLIC TREES.**

In the event that a person or entity removes a tree for any reason other than the tree having posed a hazard or having fallen, that person or entity shall compensate for the loss of canopy in one of the following ways:

(a.) by planting a tree with a mature DBH equivalent to the DBH of the removed tree, or trees equivalent to that number, on private property in the city; or

(b.) by depositing into the Tree Canopy Fund an amount that represents the city's cost to obtain and plant trees to replace the removed tree on the same site or elsewhere in the city at the 3x mature DBH rate.

It shall be unlawful as a normal practice for any person, firm or City department to top any public tree. "Topping" means the severe cutting back of limbs to stubs larger than three inches in diameter so as to remove the normal canopy and disfigure the tree. Public trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this section at the determination of the Tree Commission.

**943.17 OBSTRUCTION; TREES PRUNED. (REPEALED)**

(EDITOR'S NOTE: Section 943.17 was repealed by Ordinance 42-99, passed June 28, 1999.)

**943.18 DEAD OR DISEASED TREE REMOVAL ON PRIVATE PROPERTY. (REPEALED)**

(EDITOR'S NOTE: Section 943.18 was repealed by Ordinance 42-99, passed June 28, 1999.)

**943.19 ABUSE AND/OR MUTILATION OF PUBLIC TREES.**

No person shall intentionally damage, cut, carve, transplant or remove any public tree. Unless specifically authorized by the Tree Commission, no person shall attach any rope, wire, nails, advertising posters or other contrivance to any public tree, allow any gaseous liquid or solid substance which is harmful to such trees to come in contact with them; or set fire or permit any fire to burn when such fire or heat therefrom will injure any portion of any public tree. No person shall pour salt water or a chemical or chemicals upon any street in such a way as to injure any tree planted or growing thereon. No person shall pile mulch or soil, or allow mulch or soil to be piled, around a public tree in a way that allows the mulch or soil to contact the base or trunk of the tree. Mulch or additional soil must be kept at least three inches away from the base of the tree. The City shall not be restricted in the use of anti-icing materials.

**943.20 PLACING MATERIALS ON PUBLIC PROPERTY.**

No person shall deposit, place, store or maintain upon any public place or the City, any stone, brick, sand, concrete or other materials which may impede the free passage of water, air and fertilizer to the roots of any public tree growing therein, except by written approval of the Tree Commission.

**943.21 PROTECTION OF PUBLIC TREES.**

All public trees located near any excavation or construction of any building, structure or street work, shall be guarded with a good substantial fence, frame or box not less than four feet high placed at the edge of the Critical Root Zone, measured as a distance of one foot per inch of DBH of the tree or beyond the dripline, whichever is larger. All laborers, building material, dirt or other debris shall be kept outside this barrier. The Tree Commission may permit a variance in cases where the barrier would impede the flow of traffic on a street, private street or driveway and where the prescribed distance interferes with a building or permanent structure.

No person shall excavate any ditches or trenches within the Critical Root Zone of a public tree or lay any impervious pavement within fifteen feet of a public tree without first obtaining the written approval of the Tree Commission.

**943.22 PUBLIC UTILITY COMPANIES.**

Public utility companies shall notify the Tree Commission prior to pruning any public tree for the purpose of maintaining safe line clearance and shall carry out all such work in accordance with accepted arboricultural standards. If accepted arboricultural standards are not followed, the Commission shall immediately file a formal complaint with the Public Utilities Commission.

**943.23 EMERGENCIES.**

In the case of officially declared emergencies, such as windstorms, ice storms or other disasters, the requirements shall be waived so that the requirements of this chapter would in no way hinder public and/or private work to restore order in the City. This work shall follow maintenance standards as outlined by the Tree Commission.

**943.24 INTERFERENCE WITH TREE COMMISSION.**

No person shall hinder, prevent, delay or interfere with the Tree Commission, or any of its agents, while engaged in carrying out the execution or enforcement of this chapter on public or private property; provided, however, that nothing herein shall be construed as an attempt to prohibit the pursuit of any remedy, legal or equitable, in any court of competent jurisdiction for the protection of property rights by the owner of any property within the Municipality.

**943.25 REGISTRATION OF TREE EXPERTS. (REPEALED)**

(EDITOR'S NOTE: Section 943.25 was repealed by Ordinance 42-99, passed June 28, 1999.)

**943.26 COMMISSION AS TRUSTEE.**

The Tree Commission may act as trustee for any property, assets or funds donated to the Municipality for the care and maintenance of public trees, provided the donor designates or provides for the designation of the Commission as such trustee. In such an event, the Commission shall have all those powers and duties necessary to carry out the purpose of the trust.

**943.27 ESTABLISHMENT OF FUND.**

There shall be established a Tree Canopy Fund for the purpose of receiving any property, assets or funds designated for the planting, care and maintenance of trees, as mitigation fees related to the removal of trees, or that shall be collected as tree assessments. Funds are to be used to support the Service Department's tree work and the services of the City Forester and/or City Arborist; and for assisting private property owners with costs associated with leveling or replacing sidewalk blocks impacted by the roots of public trees. The Tree Commission shall review and approve or deny requests for assistance, and shall approve any transfers to the city's general fund. Requests for sidewalk repair assistance in amounts over \$2,000 shall also require approval by City Council. Expenditures from the Tree Canopy Fund may only be made to the extent that there are funds available.

**943.28 REVIEW BY COUNCIL.**

Council shall have the right to review the conduct, acts and decisions of the Tree Commission.

**943.29 APPEAL PROCEDURE.**

Any adjustment of the standards required by this chapter or an appeal of a decision of the City Arborist shall be presented to the Tree Commission which shall approve or deny such appeal based upon the requirements of this Ordinance, the Master Tree Plan, or potentially unresolvable hardships. ~~be taken to Council. Council upon receipt of a written request, shall have the authority and duty to consider and act upon the request. This application shall clearly and in detail state what adjustments or requirements are being sought, reasons such adjustments or requirements are being sought, reasons such adjustments are warranted and shall be accompanied with such supplementary data as is deemed necessary to substantiate the adjustment. The decision of the Tree Commission is final. Council may approve, modify or deny the requested adjustment, based upon the possible unreasonable hardships involved in the ease.~~

The Tree Commission Council shall act on the application as expeditiously as possible and shall notify the applicant in writing within five business days of the action taken.

**943.30 CONFLICT.**

In the event of a conflict between any provisions of this chapter, including any rules and regulations adopted pursuant to its provisions and any provisions of any other ordinances of the City including any rules and regulations adopted pursuant to such ordinances, the more restrictive provision or provisions shall prevail.

**943.99 PENALTY.**

Any person or firm violating any provision of this chapter or who fails to comply with any notice issued pursuant to the provisions of this chapter shall be subject to a fine not to exceed five hundred dollars (\$500.00) for each separate offense; each day during which any violation of the provisions of this chapter occurs or continues shall be a separate offense. If, as the result of the violation of any provision of this chapter, the injury, mutilation or death of a tree is caused, the cost of repair or replacement of such tree shall be borne by the party in violation. The replacement value of trees shall be determined in accordance with the latest revision of

"Valuation of Landscape Trees, Shrubs and Other Plants", as published by the International Society of Arboriculture.

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 is deemed to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety within the City and therefore should be adopted at the earliest possible time. 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 \_\_\_\_\_, 2018.

\_\_\_\_\_  
Dennis Fiorelli, President of Council

Attest:

Approve:

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

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

Approved as to form:

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

# Memorandum

**Date:** 1/17/2018

**To:** South Euclid City Council

**From:** Chief Kevin Nietert (KTO)

**RE:** 411 Fund

---

**Nature of Resolution Proposed:** The Capital Projects 411 Fund was established by ordinance #36-09 to account for accumulation of funds for the subsequent purchase of safety vehicles and safety equipment. In order to modify the 411 fund to include monies received from traffic control provided by the South Euclid Police Department on construction projects, the State Auditor requires the City to establish approval for this fund change.

**Reason Resolution Proposed:** The intent of the resolution is to obtain Council's approval to change the revenue source of the existing 411 fund to include revenue received for traffic control provided by the South Euclid Police Department on construction projects.

CITY OF SOUTH EUCLID, OHIO

RESOLUTION NO.: 08-18  
INTRODUCED BY: Fiorelli  
REQUESTED BY: Mayor

January 22, 2018

A RESOLUTION

AUTHORIZING THE FINANCE DIRECTOR TO AMEND THE REVENUE SOURCE FOR THE FUND ENTITLED "POLICE VEHICLES & EQUIPMENT FUND #411" WITHIN THE CITY OF SOUTH EUCLID, OHIO.

WHEREAS, Fund #411 was established by Ord. 36-09 for the purpose of the purchase of police vehicles and equipment; and

WHEREAS, the Finance Director wishes to amend the revenue source for this fund; and

WHEREAS, the revenue source for this fund will now be the proceeds received by the City of South Euclid from police personnel providing security and traffic control for Dominion Energy construction projects.

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

Section 1: That the Finance Director be and she is hereby authorized and directed to amend the revenue source for the fund entitled "Police Vehicles & Equipment Fund #411" within the City of South Euclid, Ohio.

Section 2: That the revenue source for Fund #411 shall now consist of the proceeds generated by City of South Euclid Police Personnel providing security and traffic control for Dominion Energy construction projects throughout the community.

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 for the public peace, health, and safety and for further reason that a vital function of the municipal government is effected hereby. 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 \_\_\_\_\_, 2018.

\_\_\_\_\_  
Dennis Fiorelli, 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.: 01-18  
 INTRODUCED BY: Piorelli  
 REQUESTED BY: Mavor

January 23, 2018

AN 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, 2018; AND DECLARING AN EMERGENCY.

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

Section 1: That to provide for the current expenses and other expenditures of the City of South Euclid during the fiscal year ending December 31, 2018, the sums as herein set forth be and the same are hereby made. Said sums to be used to implement this 2018 Revenue and Expense.

Section 2: That there be appropriated from the General Fund:

<u>PROGRAM I - Security of Persons and Property</u>		
<u>POLICE DEPARTMENT - 1110</u>		
Personal Services	\$4,430,495	
Other Charges	<u>305,700</u>	
Total Police Department		\$4,736,195
<u>POLICE - ADMINISTRATIVE - 1111</u>		
Personal Services	\$130,176	
Other Charges	<u>1,000</u>	
Total Police Department-Administrative		\$131,176
<u>POLICE - SCHOOL GUARDS - 1112</u>		
Personal Services	\$70,930	
Other Charges	<u>1,000</u>	
Total Police Department-School Guards		\$71,930
<u>POLICE - CORRECTIONS - 1113</u>		
Personal Services	\$0	
Other Charges	<u>0</u>	
Total Police Department-Corrections		\$0
<u>FIRE DEPARTMENT- 1120</u>		
Personal Services	\$3,647,689	
Other Charges	<u>285,710</u>	
Total Fire Department		\$3,933,399
<u>FIRE HYDRANTS - 1122</u>		
Other Charges	<u>29,500</u>	
Total Fire Hydrants		\$29,500
<u>DISPATCHERS - 1130</u>		
Personal Services	\$0	
Other Charges	<u>493,164</u>	
Total Dispatchers		\$493,164
TOTAL PROGRAM I		\$9,395,365
<u>PROGRAM II - Public Health &amp; Welfare Services</u>		
<u>SUPPORT OF PRISONERS - 2210</u>		
Other Charges	<u>\$160,950</u>	
Total Public Health & Welfare		\$160,950
TOTAL PROGRAM II		\$160,950
<u>PROGRAM III - Leisure Time Activities</u>		
<u>RECREATION - 3310</u>		
Personal Services	\$83,500	
Other Charges	<u>38,900</u>	
Total Recreation		\$122,400
<u>COMMUNITY CENTER - 3350</u>		
Personal Services	\$175,820	
Other Charges	<u>63,550</u>	
Total Community Center		\$239,370
TOTAL PROGRAM III		\$361,770

PROGRAM IV - Community Environment

BUILDING DEPARTMENT - 4410

Personal Services	\$815,051	
Other Charges	<u>137,550</u>	
Total Building Department		\$952,601

ECONOMIC DEVELOPMENT - 4430

Personal Services	\$80,403	
Other Charges	<u>30,650</u>	
Total Economic Development		\$111,053

COMMUNITY RELATIONS - 4440

Personal Services	\$80,534	
Other Charges	<u>80,900</u>	
Total Community Relations		\$161,434

CITY BOARDS & COMMISSIONS - 4450

Personal Services	\$39,022	
Other Charges	<u>4,450</u>	
Total Boards & Commissions		\$43,472

YOUTH INITIATIVE - 4460

Personal Services	\$16,513	
Other Charges	<u>15,500</u>	
Total Youth Initiative		\$32,013

**TOTAL PROGRAM IV**

\$1,300,573

PROGRAM V - Basic Utility Service

REFUSE COLLECTION & DISPOSAL - 5510

Other Charges	<u>\$1,300,000</u>	
Total Refuse Collection & Disposal		\$1,300,000

CURBSIDE RECYCLING - 5520

Personal Services	\$92,301	
Other Charges	<u>9,700</u>	
Total Curbside Recycling		\$102,001

**TOTAL PROGRAM V**

\$1,402,001

PROGRAM VI - Transportation

SERVICE DEPARTMENT - 6610

Personal Services	\$534,349	
Other Charges	<u>171,000</u>	
Total Service Department		\$705,349

GARAGE - 6620

Personal Services	\$199,048	
Other Charges	<u>223,750</u>	
Total Garage		\$422,798

**TOTAL PROGRAM VI**

\$1,128,147

PROGRAM VII - General Government

MAYOR'S OFFICE - 7710

Personal Services	\$194,701	
Other Charges	<u>15,374</u>	
Total Mayor's Office		\$211,075

LEGISLATIVE ACTIVITIES (CITY COUNCIL) - 7720

Personal Services	\$97,210	
Other Charges	<u>24,000</u>	
Total Legislative Activities (City Council)		\$121,210

FINANCE ADMINISTRATION - 7730

Personal Services	\$303,258	
Other Charges	<u>54,200</u>	
Total Finance Administration		\$357,458

INCOME TAX ADMINISTRATION (RITA) - 7731

Personal Services	\$0	
Other Charges	<u>483,000</u>	
Total Income Tax Administration		\$483,000

LEGAL ADMINISTRATION - 7740

Personal Services	\$206,410	
Other Charges	<u>249,100</u>	
Total Legal Administration		\$455,510

JUDICIAL ACTIVITIES (MUNICIPAL COURT) - 7750

Personal Services	\$638,609	
Other Charges	<u>64,000</u>	
Total Judicial Activities (Municipal Court)		\$702,609

CIVIL SERVICE COMMISSION - 7760

Personal Services	\$7,753	
Other Charges	<u>28,150</u>	
Total Civil Service Commission		\$35,903

ENGINEERING - 7770

Personal Services	\$19,241	
Other Charges	<u>4,200</u>	
Total Engineering		\$23,441

MUNICIPAL COMPLEX - 7780

Personal Services	\$36,411	
Other Charges	<u>451,900</u>	
Total Municipal Complex		\$488,311

GENERAL SERVICES - 7790

Personal Services	\$37,000	
Other Charges	<u>418,976</u>	
Total General Services		\$455,976

INSURANCE - 7791

Personal Services	\$0	
Other Charges	<u>250,275</u>	
Total Insurance		\$250,275

TRANSFERS/ADVANCES OUT - 9910/9920

Other Charges	<u>\$1,567,000</u>	
		<u>\$1,567,000</u>

TOTAL PROGRAM VII

\$5,151,767

TOTAL GENERAL FUND

\$18,900,572

Section 3: That there be appropriated from the Special Revenue Funds:

OPERATION HOME IMPROVEMENT (FUND 103/104)

Other Charges	<u>\$0</u>	
Total		\$0

COPS GRANT (FUND 106)

Personal Services	\$0	
Other Charges	<u>0</u>	
Total		\$0

COMMUNITY DIVERSION PROGRAM (FUND 107)

Personal Services	\$11,802	
Other Charges	<u>4,745</u>	
Total		\$16,547
		16,547

STREET CONSTRUCTION & MAINTENANCE (FUND 202)

Personal Services	\$658,323	
Other Charges	<u>247,750</u>	
Total		\$906,073
		906,073

STATE HIGHWAY IMPROVEMENT (FUND 203)

Personal Services	\$0	
Other Charges	<u>50,000</u>	
Total		\$50,000
		50,000

PARKING LOTS & PARKING METERS (FUND 205)

Personal Services	\$0		
Other Charges	<u>0</u>		
Total		\$0	-

SWIMMING POOLS (FUND 206)

Personal Services	\$168,112		
Other Charges	<u>82,725</u>		
Total		\$250,837	250,837

PERMISSIVE MOTOR VEHICLE TAX (FUND 207)

Other Charges	<u>\$130,000</u>		
Total		\$130,000	130,000

HUD GRANT - NSP 3 (FUND 215)

Other Charges	<u>\$0</u>		
Total		\$0	

POLICE RANGE (FUND 220)

Other Charges	<u>\$27,400</u>		
Total		\$27,400	

LAW ENFORCEMENT TRUST (FUND 221)

Other Charges	<u>\$110,000</u>		
Total		\$110,000	137,400

FEMA FIREFIGHTERS GRANT (FUND 222)

Other Charges	<u>\$2,529</u>		
Total		\$2,529	

SAFETY FORCES LEVY (FUND 410)

Personal Services	\$1,850,000		
Other Charges	<u>24000</u>		
Total		\$1,874,000	

STREET LIGHTING (FUND 511)

Other Charges	<u>\$459,803</u>		
Total		\$459,803	2,336,332

SEWER MAINTENANCE (516)

Personal Services	\$417,479		
Other Charges	<u>28,480</u>		
Total		\$445,959	445,959

SEWER REHABILITATION (517)

Other Charges	<u>\$400</u>		
Total		\$400	

POLICE PENSION (FUND 614)

Other Charges	<u>\$106,200</u>		
Total		\$106,200	

FIRE PENSION (FUND 615)

Other Charges	<u>\$106,000</u>		
Total		\$106,000	

SICK LEAVE BENEFIT (FUND 926)

Other Charges	<u>\$60,119</u>		
Total		\$60,119	

SALARY RESERVE (FUND 927)

Other Charges	<u>\$0</u>		
Total		\$0	\$272,719

TOTAL SPECIAL REVENUE FUNDS: \$4,545,867

Section 4: That there be appropriated from the Bond Retirement Funds:

GENERAL BOND RETIREMENT (FUND 327)

Other Charges	<u>\$75,635</u>		
Total		\$75,635	\$75,635

RECREATION BOND RETIREMENT (FUND 328)

Other Charges	<u>\$0</u>		
Total		\$0	\$0

SPECIAL ASSESSMENT BOND RETIREMENT (FUND 510)

Other Charges	<u>\$0</u>		
Total		\$0	\$0

TOTAL BOND RETIREMENT FUNDS: \$75,635

Section 5: That there be appropriated from the Capital Project Funds:

CAPITAL PROJECT FUNDS

GENERAL IMPROVEMENT & REPAIR (FUND 408)

Other Charges	<u>\$464,500</u>		
Total		\$464,500	464,500

SAFETY FORCES VEHICLES (FUND 409)

Other Charges	<u>\$281,161</u>		
Total		\$281,161	\$281,161

POLICE VEHICLES & EQUIPMENT (FUND 411)

Other Charges	<u>\$0</u>		
Total		\$0	

RECREATION CONTINGENCY (FUND 418)

Other Charges	<u>\$0</u>		
Total		\$0	0

WATER DISTRIBUTION INFRASTRUCTURE (FUND 424)

Other Charges	<u>\$577,510</u>		
Total		\$577,510	577,510

ROAD RESURFACING (FUND 425)

Other Charges	<u>\$864,011</u>		
Total		\$864,011	864,011

FLOOD CONTROL (FUND 426)

Other Charges	<u>\$2,720,836</u>		
Total		\$2,720,836	2,720,836

SIDEWALK IMPROVEMENT PROGRAM (FUND 427)

Other Charges	<u>\$7</u>		
Total		\$7	7

STAN HOPE PARKING LOT (FUND 430)

Other Charges	<u>\$2,853</u>		
Total		\$2,853	

ISSUE II PROJECTS (FUND 431)

Other Charges	<u>\$0</u>		
Total		\$0	

LAND ACQUISITION (FUND 440)

Other Charges	<u>\$1,250,469</u>		
Total		\$1,250,469	1,253,322

TOTAL CAPITAL PROJECT FUNDS: \$6,161,346

TRUST & AGENCY (FUND 917)

Other Charges	<u>\$2,033,965</u>		
Total		\$2,033,965	

TOTAL TRUST & AGENCY FUND: \$2,033,965

GRAND TOTAL \$31,717,386

Section 6: That the City Finance Director is hereby authorized to draw warrants for payments from any of the foregoing appropriations upon receiving proper certificates and vouchers therefore, approved by the Board of Officers authorized by law to approve same, or an ordinance or resolution of Council to make the expenditures; provided that no warrants shall be drawn or paid for salaries or wages except to persons employed by authority of and in accordance with law or ordinance. Provided further, that the appropriation for contingencies can be expended upon approval of a two-thirds vote of Council for items constituting a legal obligation against the City for purposes other than those covered by other specific appropriations, herein made.

Section 7: 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 8: That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City and for further reason that funds cannot be properly disbursed in 2018 unless this Ordinance goes into immediate effect. Wherefore, this Ordinance shall take effect upon passage and approval.

Passed this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Dennis Fiorelli, President of Council

Attest:

Approved:

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

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

Approved as to form:

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

First Reading:

\_\_\_\_\_ 01/22/18

Second Reading:

Third Reading:

Requested Deadline for Council Passage:

CITY OF SOUTH EUCLID, OHIO

ORDINANCE NO.: 02-18  
INTRODUCED BY: Fiorelli  
REQUESTED BY: Mayor

January 22, 2018

AN ORDINANCE

AMENDING SUBSECTION (a) OF SECTION 1401.09, "CERTIFICATE OF OCCUPANCY REQUIRED" OF CHAPTER 1409 "CERTIFICATE OF OCCUPANCY" OF PART FOURTEEN "HOUSING 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, State of Ohio:

Section 1: That original Subsection (a) of Section 1409.01 of Chapter 1409 of Part Fourteen of the Codified Ordinances of the City of South Euclid, Ohio, be and the same is hereby amended to read as follows:

"(a) Prior to obtaining a certificate of occupancy for a rental property not currently registered in the City of South Euclid, the owner of the property is required to submit a completed application on forms provided by the Building Commissioner and the required fee as indicated in Section 1409.02 and 1409.05, and all requirements of Section 1411.03. Upon receipt of the application and fee by the Building Commissioner, a rental inspection shall be scheduled and occur within 30 days of the date of acceptance of the application. **If the owner or agent refuses to consent to an inspection of the subject property, or if consent is otherwise unobtainable, the Building Commissioner or his designated representative shall not make such inspection without first obtaining a search warrant as provided in Chapter 1411.** Upon completion of the rental inspection, any noted violations regarding life safety or sanitary conditions will be given a compliance date and must be corrected and approved prior to the issuance of the certificate of occupancy. If no violations or minor violations are noted from the inspection, a certificate of occupancy will be issued. If there are minor violations, a violation notice will be issued with the compliance dates for the correction of violations."

Section 2: That original Subsection (a) of Section 1409.01 of Chapter 1409 of Part Fourteen of the Codified Ordinances of the City of South Euclid, be and the same is hereby repealed.

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 and for further reason that it is important to reduce the risk of injury to persons within the City, this Ordinance should be enacted at the earliest possible time. Wherefore, this Ordinance shall take effect and be in force from and after the earliest allowed by law and upon signature of the Mayor.

Passed this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Dennis Fiorelli, President of Council

Attest:

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

Approved as to form:

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

Approved:

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