

# Amend to Add Res. 41-17 to the Agenda following Executive Session of City Council

## THE CITY OF SOUTH EUCLID SCHEDULE OF MEETING

February 26, 2018  
8:00 PM

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**1. PLEDGE OF ALLEGIANCE**

**2. ROLL CALL**

**3. REPORT OF MAYOR**

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

**5. REPORT OF SCHOOL DISTRICT**

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

**7. REPORT OF COMMITTEES**

COMMITTEE OF THE WHOLE:

1. 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. **SECOND READING.**

ZONING & PLANNING COMMITTEE:

1. ORDINANCE 15-16 AN ORDINANCE CREATING NEW CHAPTER 1333 "DEMOLITION OR REMOVAL OF PRINCIPAL STRUCTURES ON COMMERCIAL OR INDUSTRIAL PROPERTIES" OF PART THIRTEEN "BUILDING CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO. **THIRD READING.**
2. ORDINANCE 16-16 AN ORDINANCE CREATING NEW CHAPTER 1334 "DEMOLITION OR REMOVAL OF RESIDENTIAL STRUCTURES" OF PART THIRTEEN "BUILDING CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO. **THIRD READING.**

SERVICE COMMITTEE:

1. 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. **SECOND READING.**
2. RESOLUTION 12-18 APPOINTING MEMBERS TO THE TREE COMMISSION OF THE CITY OF SOUTH EUCLID, OHIO AS ESTABLISHED BY 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.**

**8. LEGISLATION REQUESTED BY CITY COUNCIL**

1. RESOLUTION 11-18 AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH ONE SOUTH EUCLID FOR THE

PROVISION OF COMMUNITY DEVELOPMENT SERVICES FOR THE CITY OF SOUTH EUCLID, OHIO. FIRST READING.

2. RESOLUTION 13-18 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOUTH EUCLID, COUNTY OF CUYAHOGA, CALLING ON THE OHIO GENERAL ASSEMBLY TO ENACT A BAN ON THE SALE OF ASSAULT WEAPONS BAN AND AMMUNITION MAGAZINES IN EXCESS OF TEN ROUNDS. FIRST READING.

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

1. ORDINANCE 04-18 TO PROVIDE FOR THE ISSUANCE AND SALE OF NOTES IN ANTICIPATION OF THE ISSUANCE OF BONDS IN A PRINCIPAL AMOUNT NOT TO EXCEED \$700,000 FOR THE PURPOSE OF PAYING THE COSTS OF THE ACQUISITION, AND ANY NECESSARY CLEARANCE AND PREPARATION, OF REAL PROPERTY FOR URBAN REDEVELOPMENT, PAYING COSTS OF ISSUANCE; AND DECLARING AN EMERGENCY. FIRST READING.

**10. COMMUNICATIONS OF CITY COUNCIL**

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

- 12. ADJOURN TO EXECUTIVE SESSION:** For the purpose of discussing imminent litigation.

**13. ADJOURN TO REGULAR MEETING OF COUNCIL**

- 1. RESOLUTION 41-17 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. THIRD READING.**

**14. ADJOURN**

CITY OF SOUTH EUCLID, OHIO

ORDINANCE NO.: 01-18  
 INTRODUCED BY: Fiorelli  
 REQUESTED BY: Mayor

January 22, 2018  
 As Amended

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:

PROGRAM I - Security of Persons and Property

POLICE DEPARTMENT - 1110

Personal Services	\$4,430,495	
Other Charges	<u>305,700</u>	
Total Police Department		\$4,736,195

POLICE - ADMINISTRATIVE - 1111

Personal Services	\$130,176	
Other Charges	<u>1,000</u>	
Total Police Department-Administrative		\$131,176

POLICE - SCHOOL GUARDS - 1112

Personal Services	\$70,930	
Other Charges	<u>1,000</u>	
Total Police Department-School Guards		\$71,930

POLICE - CORRECTIONS - 1113

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

FIRE DEPARTMENT - 1120

Personal Services	\$3,647,689	
Other Charges	<u>285,710</u>	
Total Fire Department		\$3,933,399

FIRE HYDRANTS - 1122

Other Charges	<u>29,500</u>	
Total Fire Hydrants		\$29,500

DISPATCHERS - 1130

Personal Services	\$0	
Other Charges	<u>493,164</u>	
Total Dispatchers		\$493,164

**TOTAL PROGRAM I**

\$9,395,365

PROGRAM II - Public Health & Welfare Services

SUPPORT OF PRISONERS - 2210

Other Charges	<u>\$160,950</u>	
Total Public Health & Welfare		\$160,950

**TOTAL PROGRAM II**

\$160,950

PROGRAM III - Leisure Time Activities

RECREATION - 3310

Personal Services	\$83,500	
Other Charges	<u>38,900</u>	
Total Recreation		\$122,400

COMMUNITY CENTER - 3330

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		<u>\$32,013</u>

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		<u>\$102,001</u>

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		<u>\$422,798</u>

TOTAL PROGRAM VI

\$1,128,147

PROGRAM VII - General Government

MAYOR'S OFFICE - 7710

Personal Services	\$194,701	
Other Charges	<u>16,374</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	\$644,459	
Other Charges	<u>64,000</u>	
Total Judicial Activities (Municipal Court)		\$708,459

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>\$1,575,000</u>	
		<u>\$1,575,000</u>

TOTAL PROGRAM VII

\$5,165,617

TOTAL GENERAL FUND

\$18,914,422

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

STREET CONSTRUCTION & MAINTENANCE (FUND 202)

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

STATE HIGHWAY IMPROVEMENT (FUND 203)

Personal Services	\$0	
Other Charges	<u>50,000</u>	
Total		\$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>\$472,500</u>		
Total		\$472,500	472,500

SAFETY FORCES VEHICLES (FUND 409)

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

POLICE VEHICLES & EQUIPMENT (FUND 411)

Other Charges	<u>\$40,051</u>		
Total		\$40,051	

RECREATION CONTINGENCY (FUND 418)

Other Charges	<u>\$0</u>		
Total		\$0	40051

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: \$6,209,397

TRUST & AGENCY (FUND 917)

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

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

GRAND TOTAL \$31,779,287

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 therefor, 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 2016 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 Welz, Mayor

Approved as to form:

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

First Reading:

01/22/16

Second Reading:

2/26/2018

Third Reading:

Requested Deadline for Council Passage:

\_\_\_\_\_

CITY OF SOUTH EUCLID, OHIO

ORDINANCE NO.: 15-16  
INTRODUCED BY: Goodman  
REQUESTED BY: Russell

September 26, 2016  
Second Reading: March 13, 2017  
As Recommended by the Planning Commission:  
March 23, 2017  
As Amended in Committee: February 19, 2018  
Third Reading: February 26, 2018

AN ORDINANCE

AN ORDINANCE CREATING NEW CHAPTER 1333 "DEMOLITION OR REMOVAL OF PRINCIPAL STRUCTURES ON COMMERCIAL OR INDUSTRIAL PROPERTIES" OF PART THIRTEEN "BUILDING CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO.

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

Section 1: That Chapter 1333 "Demolition or Removal of Principal Structures on Commercial or Industrial Properties" of Part Thirteen "Building Code" of the Codified Ordinances of the City of South Euclid, Ohio be hereby created to read as follows:

**CHAPTER 1333 - DEMOLITION OR REMOVAL OF PRINCIPAL STRUCTURES ON COMMERCIAL OR INDUSTRIAL PROPERTIES.**

**(a) Requirements Before Demolition or Removal of Principal Structures on Commercial or Industrial Properties.**

No demolition or removal of a principal structure in a C1 Limited Commercial, C2 General Commercial, C3 Special Commercial, C-C Cedar District, M-G Mayfield-Green District, M-1 Limited Manufacturing and M-2 General Manufacturing shall be permitted unless and until one (1) of the following conditions is satisfied:

(1) The Safety Director of the City authorizes the Building Commissioner to grant a demolition or removal permit, based on causes such as fire or other source of property damage or loss, in order to remedy conditions immediately dangerous to life, health or property, or to remedy a nuisance, as jointly determined and recommended by the Building Commissioner, the Fire Chief, and the City Engineer; or

~~(2) The passage of 180 days following application to the Commissioner for a demolition permit or permit to move a principal structure, during which time the applicant has further made good-faith application to all required boards and commissions of the City for approval of new development plans at the location of such property; or~~ **The passage of 180 days following application to the Commissioner for a demolition permit or permit to move a principal structure, during which time the applicant has made application to and appeared before all required boards and commissions of the City for approval of new development plans at the location of such property and said boards and commissions have failed to act; or**

(3) The proposed new building(s) and/or structure(s) at the location of such property conforms to the design requirements set forth in Title Three and Title Four of the Planning and Zoning Code and has been approved by the Architectural Board of Review, and by any other required boards and commissions of the City, in order to proceed with new development plans. In addition, notwithstanding any other requirements, all approvals for such new development plans shall be based on the following factors:

- A. The new development plans are consistent with the code, and
- B. The new development plans are consistent with any historic or aesthetic features of the commercial or industrial property being replaced and/or the nature and appearance of the surrounding neighborhood.
- C. The Secretary of all such required boards and commissions of the City shall immediately notify the Building Commissioner of compliance with the provisions of this sub-section by any applicant that would allow and provide for the issuance of a demolition permit or a removal permit by the Building Commissioner.

**(b) Demolition or Removal Delay Period.**

The time period before a demolition or removal permit can be issued in a C1, C2, C3, C-C, M-G, M-1 and M-2 is provided in order to permit the City, public agencies, civic groups and other interested parties a reasonable opportunity to study, comment and propose potential alternatives or modifications to the proposed new development plans. During such time period, if the City and other interested parties deem preservation appropriate, the applicant shall undertake meaningful and continuing discussions with the City and other interested parties for the purpose of preserving such principal structure.

(c) A demolition or removal permit shall comply with the regulations set forth within this Chapter and those in Section 1301.09.

(d) Fees. A fee, established pursuant to Chapter 1305, shall be included with the application.

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

Section 3: That this Ordinance shall take effect and be in force from and after the earliest period allowed by law and upon signature of the Mayor.

Passed this \_\_\_\_\_ day of \_\_\_\_\_, ~~2016-2017~~ 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

CITY OF SOUTH EUCLID, OHIO

ORDINANCE NO.: 16-16  
INTRODUCED BY: Goodman  
REQUESTED BY: Russell

September 26, 2016  
Second Reading: March 13, 2017  
As Recommended by the Planning Commission:  
March 23, 2017  
As Amended in Committee: February 19, 2018  
Third Reading: February 26, 2018

AN ORDINANCE

AN ORDINANCE CREATING NEW CHAPTER 1334 "DEMOLITION OR REMOVAL OF RESIDENTIAL STRUCTURES" OF PART THIRTEEN "BUILDING CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO.

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

Section 1: That Chapter 1334 "Demolition or Removal of Residential Structures" of Part Thirteen "Building Code" of the Codified Ordinances of the City of South Euclid, Ohio be hereby created to read as follows:

**CHAPTER 1334 - DEMOLITION OR REMOVAL OF RESIDENTIAL STRUCTURES.**

(a) South Euclid consists of very distinctive neighborhoods that were settled at different times during its development each with its own distinctive housing patterns, which are reflective of the time period during which these neighborhoods were nurtured during the growth of the City. Many of these residential neighborhoods are easily recognizable by their consistency of characteristics such as height, setbacks and side yards as well as their distinctive exterior façade design elements which over the years created a neighborhood environment and streetscape that brought neighbors together.

As a result, the City encourages conservation, preservation, redevelopment, and revitalization of residential neighborhoods to preserve their unique environments and for the public welfare of the City. The City acknowledges as a matter of public policy that the preservation and protection of residential neighborhoods is required for the health, safety and welfare of the people.

(b) **Requirements Before Demolition or Removal of Principal Structures on Residential Properties.**

No demolition or removal of a principal structure in an R-75, R-60, R-50, R-40 Single Family Districts, R-O Residential Office District and M-F Multi-Family District shall be permitted unless and until one (1) of the following conditions is satisfied:

(1) The Safety Director of the City authorizes the Building Commissioner to grant a demolition or removal permit, based on causes such as fire or other source of property damage or loss, in order to remedy conditions immediately dangerous to life, health or property, or to remedy a nuisance, as jointly determined and recommended by the Commissioner, the Fire Chief, and the City Engineer; or

(2) ~~The passage of 180 days following application to the Commissioner for a demolition permit or permit to move a principal structure, during which time the applicant has further made good faith application to all required boards and commissions of the City for approval of new development plans at the location of such property; or~~

**The passage of 180 days following application to the Commissioner for a demolition permit or permit to move a principal structure, during which time the applicant has made application to and appeared before all required boards and commissions of the City for approval of new development plans at the location of such property and said boards and commissions have failed to act; or**

(3) The proposed new building(s) and/or structure(s) at the location of such property conforms to the design requirements set forth in Title Two of the Planning and Zoning Code and has been approved by the Architectural Board of Review, and by any other required boards and commissions of the City, in order to proceed with new development plans. In addition, notwithstanding any other requirements, all approvals for such new development plans shall be based on the following factors:

A. The new development plans are consistent with the code, and

B. ~~The new development plans are consistent with any historic or aesthetic features of the commercial or industrial property being replaced and/or the nature and appearance of the surrounding neighborhood.~~ **The new development plans are consistent with any historic or aesthetic features of the residential property being replaced and/or the nature and appearance of the surrounding neighborhood.**

C. The Secretary of all such required boards and commissions of the City shall immediately notify the Building Commissioner of compliance with the provisions of this sub-section by any applicant that would allow and provide for the issuance of a demolition permit or a removal permit by the Building Commissioner.

(c) Demolition or Removal Delay Period.

The time period before a demolition or removal permit can be issued in an R-75, R-60, R-50, R-40, R-O and M-F district is provided in order to permit the City, public agencies, civic groups and other interested parties a reasonable opportunity to study, comment and propose potential alternatives or modifications to the proposed new principal structure. During such time period, if the City and other interested parties deem preservation appropriate, the applicant shall undertake ~~meaningful and~~ continuing discussions with the City and other interested parties for the purpose of preserving such principal structure.

(d) A demolition or removal permit shall comply with the regulations set forth within this Chapter and those in Section 1301.09.

(e) Fees. A fee, established pursuant to Chapter 1305, shall be included with the application

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

Section 3: That this Ordinance shall take effect and be in force from and after the earliest period allowed by law and upon signature of the Mayor.

Passed this \_\_\_\_\_ day of \_\_\_\_\_, ~~2016-2017~~ **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

CITY OF SOUTH EUCLID, OHIO

ORDINANCE NO.: 03-18  
INTRODUCED BY: Fiorelli  
REQUESTED BY: Goodman

January 22, 2018  
As Amended in Committee:  
February 12, 2018  
Second Reading: February 26, 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, curbline 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

CITY OF SOUTH EUCLID, OHIO

RESOLUTION NO.: 12-18  
INTRODUCED BY: Fiorelli  
REQUESTED BY: Goodman

February 26, 2018

A RESOLUTION

APPOINTING MEMBERS TO THE TREE COMMISSION OF THE CITY OF SOUTH EUCLID, OHIO AS ESTABLISHED BY CHAPTER 943 "TREE COMMISSION/TREES" OF PART NINE "STREETS AND PUBLIC SERVICES" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO.

WHEREAS, Chapter 943 "Tree Commission/Trees" of Part Nine Streets and Public Services" of the Codified Ordinances of the City of South Euclid, Ohio provides the Council the opportunity to appoint four members to the Tree Commission for four year terms as defined in Chapter 943.03;

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

Section 1: That City Council appoints the following as a Tree Commission Member for the City of South Euclid in accordance with Chapter 943.03 of the Codified Ordinances of the City of South Euclid, Ohio:

**Tammy Lease**

Section 2: The above individual shall fulfill an existing four-year term expiring June 30, 2020.

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 vacancy occurring 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

RESOLUTION NO.: 11-18  
INTRODUCED BY: Fiorelli  
REQUESTED BY: Fiorelli

February 26, 2018

A RESOLUTION

AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH ONE SOUTH EUCLID FOR THE PROVISION OF COMMUNITY DEVELOPMENT SERVICES FOR THE CITY OF SOUTH EUCLID, OHIO.

WHEREAS, a community development corporation, One South Euclid, was created to revitalize the city's commercial districts and residential neighborhoods; and

WHEREAS, One South Euclid is led by a board of volunteer business and community leaders; and

WHEREAS, as a 501 (c)(3) designated organization, One South Euclid can provide services to the City of South Euclid in an efficient and effective manner; and

WHEREAS, City Council passed Resolution 22-12 on April 23, 2012 authorizing the Mayor to enter into a three-year agreement with One South Euclid for certain services; and

WHEREAS, City Council passed Resolution 02-15 on April 27, 2015 authorizing the Mayor to renew the agreement with One South Euclid for an additional three years; and

WHEREAS, One South Euclid has experienced much success and growth over the past six years and has played a role in strengthening the South Euclid community; and

WHEREAS, the Council desires to renew the agreement between the City of South Euclid and One South Euclid for an additional three years to ensure the organization continues to grow and positively impact the community.

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 One South Euclid for a period of May 1, 2018-April 30, 2021, to perform professional and community development services 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: 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:

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

Approved as to form:

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

Approved:

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

CITY OF SOUTH EUCLID, OHIO

RESOLUTION NO.: 13-18  
INTRODUCED BY: Fiorelli  
REQUESTED BY: Gelfand

February 26, 2018

A RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOUTH EUCLID, COUNTY OF CUYAHOGA, CALLING ON THE OHIO GENERAL ASSEMBLY TO ENACT A BAN ON THE SALE OF ASSAULT WEAPONS AND AMMUNITION MAGAZINES IN EXCESS OF TEN ROUNDS.

WHEREAS, in 1994, Congress passed and President Clinton signed the Public Safety and Recreational Firearms Use Protection Act, which banned the manufacture for civilian use of certain semi-automatic firearms defined as assault weapons and certain ammunition magazines defined as large capacity in order to reduce crime and violence in the United States; and

WHEREAS, in 2004, the Act expired by operation of law and has not been renewed by Congress; and

WHEREAS, due to the expiration of the Act, assault weapons may be legally sold and purchased within the state of Ohio; and

WHEREAS, The City of Cleveland and other municipalities in the State of Ohio pursuant to their police powers as municipal corporations had withstood the efforts of the Ohio Legislature and advocates from the National Rifle Association to legalize such weapons persisted in enacting municipal ordinances banning assault weapons allowing those cities to protect their citizens from the dangers of Assault Weapons until 2010; and

WHEREAS, in 2006 the General Assembly and Governor of the State of Ohio began a concerted effort to undermine the authority of local governments to ban assault weapons; and

WHEREAS, in 2010 the State of Ohio and its Attorney General persuaded the Ohio Supreme Court in *Cleveland v. State of Ohio*, 128 Ohio St.3d 135 to rule that the less restrictive gun regulations passed by the legislature of the State of Ohio should preempt and invalidate Assault Weapons Bans such as those enacted by local governments; and

WHEREAS, also in 2010 the United States Supreme Court in *McDonald v. Chicago* 130 S. Ct. 3020, 561 US 742 agreed with amicus arguments submitted by the National Rifle Association, The Buckeye Firearms Association and certain State Attorneys General, including Ohio's Attorney General and ruled that the ability of municipal governments to regulate the use of dangerous weapons should be further limited; and

WHEREAS, since 1999, the number of mass shootings in schools, churches, and other public places has increased as the overall national crime rate has steadily declined; and

WHEREAS, in the last several years, mass shooting incidents involving assault style weapons and high-volume magazines once banned by the Act have occurred in locations across the United States including Tucson, Arizona; Aurora, Colorado; Newtown, Connecticut; Clackamas, Oregon; Virginia Tech University, Las Vegas, Nevada, Orlando, Florida, and Parkland Florida; and

WHEREAS, hundreds of innocent children and adults have been killed or injured in these incidents; and

WHEREAS, the use of semi-automatic, assault-style weapons equipped with large capacity magazines enables persons intent on committing mass murder to cause far more deaths and injuries than would be possible if such weapons and ammunition magazines were not available; and

WHEREAS, the people of the City of South Euclid mourn the loss of the 17 innocent people murdered on February 14, 2018 at Marjory Stoneman Douglas High School in Parkland, Florida, the deadliest school shooting since 2012; and

WHEREAS, the firearm used to murder and injure the victims at Marjory Stoneman Douglas High School was an AR-15 semi-automatic assault style weapon equipped with high capacity magazines; and

WHEREAS, assault-style weapons and large capacity ammunition magazines are not suitable for civilian use of any type and constitute a demonstrated threat to the general public and law enforcement personnel; and

WHEREAS, this City Council finds that enactment of a ban on assault-style weapons and high-capacity magazines based upon the provisions of the Assault Weapons Ban of 2013 as introduced in the United States Senate would serve the best interests of the residents of this community.

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

Section 1: Urges the Ohio General Assembly to immediately enact a law mirroring the provisions of the Assault Weapons Ban of 2013 as introduced in the United States Senate; and

Section 2: That the Clerk of City Council is directed to send a certified copy of this resolution to the members of the Ohio General Assembly who represent the City, to the Speaker of the Ohio House of Representatives, to the President of the Ohio Senate and to the Governor of the State of Ohio.

Section 3: That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees on or after November 25, 1975, that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 4: That this Resolution 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

## FISCAL OFFICER'S CERTIFICATE

City of South Euclid, Ohio  
February 26, 2018

TO THE COUNCIL OF THE CITY OF SOUTH EUCLID, OHIO

The undersigned, as fiscal officer of the City of South Euclid, Ohio, as defined by Revised Code Section 133.01, hereby certifies as follows in connection with your proposed issue of not more than \$700,000 of bonds and notes in anticipation thereof for the purpose of paying the costs of the acquisition, and any necessary clearance and preparation, of real property for urban redevelopment, including public infrastructure improvements to be located thereon, and paying costs of issuance:

1. That the estimated life of the improvements to be acquired from the proceeds of said issue is hereby certified to be at least five (5) years.
2. That the maximum maturity of such bonds calculated in accordance with the provisions of Section 133.20 of the Revised Code of Ohio is at least thirty (30) years, provided that if notes in anticipation of such bonds are outstanding later than the last day of December of the fifth year following the year of issuance of the original notes (2007), the period thereof in excess of five (5) years shall be deducted from the latest permitted maturity of said bonds; therefore, the maximum maturity is January 30, 2032.

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Brenda D. Wendt, Finance Director  
City of South Euclid, Ohio

CITY OF SOUTH EUCLID, OHIO

ORDINANCE NO.: 04-18  
INTRODUCED BY: Fiorelli  
REQUESTED BY: Mayor

February 26, 2018

AN ORDINANCE

TO PROVIDE FOR THE ISSUANCE AND SALE OF NOTES IN ANTICIPATION OF THE ISSUANCE OF BONDS IN A PRINCIPAL AMOUNT NOT TO EXCEED \$700,000 FOR THE PURPOSE OF PAYING THE COSTS OF THE ACQUISITION, AND ANY NECESSARY CLEARANCE AND PREPARATION, OF REAL PROPERTY FOR URBAN REDEVELOPMENT, PAYING COSTS OF ISSUANCE; AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to Ordinance No. 86-06, passed January 9, 2007, the Council of the City of South Euclid, Ohio (the "Council") authorized the issuance of notes (the "2007 Notes") in anticipation of the issuance of bonds in the principal amount of \$17,000,000 for the purpose of paying the costs of the acquisition, and any necessary clearance and preparation, of real property for urban redevelopment, and paying costs of issuance therefor, which 2007 Notes were dated January 30, 2007 and matured on January 29, 2008, and which 2007 Notes were retired with proceeds of notes in the amount of \$18,010,000 (the "2008 Notes") which 2008 Notes were dated January 28, 2008 and matured January 27, 2009, and which 2008 Notes were retired with proceeds of notes in the amount of \$18,550,000 (the "2009 Notes") which 2009 Notes were dated January 26, 2009 and matured January 25, 2010, and which 2009 Notes were retired with proceeds of notes in the amount of \$19,225,000 (the "2010-1 Notes") which 2010-1 Notes were dated January 21, 2010 and matured September 30, 2010, and which 2010-1 Notes were retired, in part, with proceeds of notes in the amount of \$17,270,000 (the "2010-2 Notes"), together with other funds of the City, which 2010-2 Notes were dated September 29, 2010 and matured September 28, 2011, and which 2010-2 Notes were retired, in part, with proceeds of taxable notes in the amount of \$9,595,000 (the "2011 Notes"), together with other funds of the City, which 2011 Notes were dated September 27, 2011 and matured September 26, 2012, and which 2011 Notes were retired, in part, with proceeds of notes in the amount of \$2,100,000 (the "2012 Notes A"), together with other funds of the City, which 2012 Notes A were part of a consolidated issue of Taxable Various Purpose General Obligation (Limited Tax) Bond Anticipation Notes, Series 2012, which issue was dated September 25, 2012 and matured September 24, 2013, and which 2012 Notes were retired with proceeds of notes in the amount of \$2,100,000 (the "2013 Notes"), which 2013 Notes were part of a consolidated issue of Taxable Various Purpose General Obligation (Limited Tax) Bond Anticipation Notes, Series 2013 dated September 23, 2013 and matured on September 18, 2014, and which 2013 Notes were retired with proceeds of notes in the amount of \$2,000,000 (the "2014 Notes") together with other funds of the City, which 2014 Notes were dated September 17, 2014 and matured on March 30, 2016, and which 2014 Notes were retired, in part, with proceeds of notes in the amount of \$1,600,000 (the "2016 Notes"), together with other funds of the City, which 2016 Notes were dated March 29, 2016 and matured on March 28, 2017; and

WHEREAS, pursuant to Ordinance No. 05-17, passed February 27, 2017, the Council authorized the issuance of Taxable Real Estate Acquisition and Urban Redevelopment General Obligation Bond Anticipation Notes, Series 2017 in the amount of \$1,600,000 (the "2017 Notes") to retire the 2016 Notes, for the purpose described in Section 1 hereof, which notes are stated to mature on March 22, 2018; and

WHEREAS, the Council finds and determines that the City (defined below) should retire the 2017 Notes by the issuance of new notes in the principal amount now estimated not to exceed \$700,000 in anticipation of the issuance of bonds for the purposes hereinafter stated, together with other moneys of the City; and

WHEREAS, the Finance Director, as fiscal officer of the City (the "Fiscal Officer"), has certified that the estimated life of the improvements acquired with the proceeds of the bonds anticipated, is greater than five (5) years;

NOW, THEREFORE, BE IT ORDAINED by the Council:

Section 1: That it is hereby declared necessary to issue bonds of the City of South Euclid, Ohio (the "City") in a principal sum not to exceed \$700,000 to refund notes previously issued for the purpose of paying the costs of the acquisition, and any necessary clearance and preparation, of real property for urban redevelopment; and paying costs of issuance.

Section 2: That said bonds shall be dated March 1, 2019, shall bear interest at the estimated rate of five per centum (5.0%) per annum, payable semi-annually until the principal sum is paid, and shall mature as certified by the Fiscal Officer.

Section 3: That it is hereby determined that notes (the "Notes") in a principal amount not to exceed \$700,000 shall be issued in anticipation of the issuance of bonds for the above-described purpose. The services of Calfee, Halter & Griswold LLP, Bond Attorneys, Cleveland, Ohio, as Bond Counsel for the Notes are hereby retained. The Notes shall be sold at private sale to the Original Purchaser (as defined in Section 5 hereof) at a purchase price and shall bear interest at the rates fixed by the Fiscal Officer or the Mayor in the certificate setting forth the final terms of the Notes (the "Final Terms Certificate"), provided that such rates shall not exceed five per centum (5.0%) per annum. Interest on the Notes shall be payable at maturity, with provision, if requested by the purchaser, that, in the event of default, the Notes shall bear interest, at a rate which shall not exceed ten per centum (10%) per annum, until the principal sum is paid or provided for. The Notes shall be dated their date of issuance, shall mature on a date that is between three months and twelve months, inclusive, from their date of issuance all as determined by the Fiscal Officer or the Mayor to be in the best interest of the City and set forth in the Final Terms Certificate, provided that if such maturity date is not a business day, the Notes shall mature on the first business day immediately preceding such date. The Notes shall not be subject to redemption by the City at any time prior to maturity, unless the Original Purchaser of the Notes requests that the Notes provide for such redemption, in which case provision shall be made for calling the Notes for redemption upon ten (10) days written notice to the Paying Agent (as defined below) for the Notes, or to the Original Purchaser if the Fiscal Officer is the Paying Agent. In addition, the Notes shall be issued in the numbers and denominations requested by the Original Purchaser (subject to the provisions of Section 4), and shall be payable as to both principal and interest at the office of the Fiscal Officer of the City, or at a bank or trust company designated by the Fiscal Officer (herein individually or collectively the "Paying Agent"), without deduction for exchange, collection or service charge. To the extent that at the maturity of the Notes funds of the City, whether from the levy of taxes or otherwise, are not available in an amount sufficient to retire the Notes, the Council of the City shall pass legislation authorizing the issuance of notes or bonds, the proceeds of which shall be used to retire said Notes.

Section 4: Pursuant to Section 133.30(B) of the Ohio Revised Code, the Notes shall be issued in one or more separate issues of taxable or tax-exempt notes, and shall be designated "Real Estate Acquisition and Urban Redevelopment General Obligation Bond Anticipation Notes, Series 2018." In accordance with Section 133.30(B), the Fiscal Officer may combine the Notes with other bond anticipation notes into a single consolidated issue of bond anticipation notes for purposes of their sale as a single issue. Such Notes shall contain a summary statement of purposes for which they are issued; shall state that they are issued pursuant to this Ordinance, shall be issued in the numbers and denominations requested by the Original Purchaser, provided that the Notes shall be in minimum denominations of \$100,000, and shall be executed by the Mayor and the Fiscal Officer of the City, provided that one or both such signatures may be a facsimile signature.

The Notes, pursuant to the terms set forth below, may also be issued to a Depository (as hereinafter defined) for use in a book-entry system (as hereinafter defined). The Fiscal Officer is hereby authorized and directed, to the extent necessary or required, to enter into any agreements determined necessary in connection with the authentication, immobilization, and transfer of the Notes, including arrangements for the payment of principal and interest by wire transfer, after determining that the execution thereof will not endanger the funds or securities of the City, which determination shall be conclusively evidenced by the signing of any such agreement.

If and as long as a book-entry system is utilized, (i) the Notes shall be issued in the form of one Note in the name of the Depository or its nominee, as owner, and immobilized in the custody of the Depository; (ii) the beneficial owners in book-entry form shall have no right to receive Notes in the form of physical securities or certificates; (iii) ownership of beneficial

interests in book-entry form shall be shown by a book entry on the system maintained and operated by the Depository and its Participants (as hereinafter defined), and transfers of the ownership of beneficial interests shall be made only by book entry by the Depository and its Participants; and (iv) the Notes as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the Council of the City.

If any Depository determines not to continue to act as a Depository for the Notes for use in a book-entry system, the Fiscal Officer may attempt to have established a securities depository/book-entry relationship with another qualified Depository. If the Fiscal Officer does not or is unable to do so, the Fiscal Officer, after making provision for notification of the beneficial owners by the then Depository and any other arrangements she deems necessary, shall permit withdrawal of the Notes from the Depository, and authenticate and deliver note certificates in bearer or registered form, as she determines, to the assigns of the Depository or its nominee, all at the cost and expense (including any costs of printing), if the event is not the result of Council action or inaction, of those persons requesting such issuance.

As used in this Section and this Ordinance:

“Book-entry form” or “book-entry system” means a form or system under which (i) the beneficial right to principal and interest may be transferred only through a book entry and (ii) physical notes are issued only to a Depository or its nominee as owner, with the notes “immobilized” to the custody of the Depository, and the book entry is the record that identifies the owners of beneficial interests in that principal and interest.

“Depository” means any securities depository that is a clearing agency under federal law operating and maintaining a book-entry system to record beneficial ownership of the right to principal and interest, and to effect transfers of notes, in book-entry form, and includes and means initially The Depository Trust Company (a limited purpose trust company), New York, New York.

“Participant” means any participant contracting with a Depository under a book-entry system and includes security brokers and dealers, banks and trust companies, and clearing corporations.

Section 5: That the Notes shall be sold by the Fiscal Officer or the Mayor at private sale, in a manner and upon terms determined by the Fiscal Officer or the Mayor to be in the best interest of the City, at not less than par plus accrued interest, to Fifth Third Securities, Inc. (the “Original Purchaser”), in accordance with law and the provisions of this Ordinance. The Fiscal Officer shall, in accordance with her determination of the best interests of and financial advantages to the City and its taxpayers and conditions then existing in the financial market, consistently with the provisions hereof, establish the terms of the Notes, including the designation of the Notes as taxable or tax-exempt notes, to be specified in a Final Terms Certificate and sign the Final Terms Certificate referred to in Section 3 evidencing the sale of the Notes. The Fiscal Officer is hereby authorized and directed to deliver the Notes, when executed, to the Original Purchaser thereof upon payment of the purchase price. The proceeds of such sale shall be paid into the proper fund and used for the purpose for which the Notes are being issued and to pay those costs of issuance set forth in Section 133.15(B), Ohio Revised Code. Any premium received by the City and accrued interest shall be transferred to the City’s Bond Retirement Fund to be applied to the payment of the principal of and interest on the Notes in the manner provided by law. In addition, the Mayor and the Fiscal Officer, as appropriate, are each authorized and directed to sign any other transcript certificates, financial statements and other documents, agreements, representations and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance.

Section 6: The City covenants that, if the Notes are issued as tax-exempt notes, it will restrict the use of the proceeds of the Notes in such manner and to such extent, if any, as may be necessary so that the Notes will not constitute arbitrage bonds under Section 148 of the Internal Revenue Code of 1986, as amended (the “Code”). The Fiscal Officer or any other officer of the City, including the Clerk, having responsibility for the issuance of the Notes shall give an appropriate certificate of the City, for inclusion in the transcript of proceedings for the Notes, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Notes, the facts, circumstances, and estimates on which they are based, and other

facts and circumstances relevant to the tax treatment of interest on the Notes.

The City further covenants that, if the Notes are issued as tax-exempt notes, (a) it will take or cause to be taken such actions which may be required of it for the interest on the Notes to be and remain excluded from gross income for federal income tax purposes, and (b) it will not take or permit to be taken any actions which would adversely affect that exclusion, and that it, or persons acting for it, will, among other acts of compliance, (i) apply the proceeds of the Notes to the governmental purpose of the borrowing, (ii) restrict the yield on investment property acquired with those proceeds, (iii) make timely rebate payments to the federal government, (iv) maintain books and records and make calculations and reports, and (v) refrain from certain uses of proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Code. The Fiscal Officer and other appropriate officers of the City are hereby authorized and directed to take any and all actions, make calculations and rebate payments, and take or give reports and certifications as may be appropriate to assure such exclusion of that interest if the Notes are issued as tax-exempt notes.

Section 7: In the Final Terms Certificate, if the Notes are issued as tax-exempt notes, the Fiscal Officer may designate the Notes as "qualified tax-exempt obligations" for purposes of Section 265(b)(3) of the Code if the Fiscal Officer determines that such designation is in the best interest of the City. In that connection, the City hereby covenants that the City, having no "subordinate entities" with authority to issue obligations within the meaning of that Section of the Code, in or during the calendar year in which the Notes are issued, (i) will not designate as "qualified tax-exempt obligations" for the purposes of Section 265(b)(3) of the Code tax-exempt obligations, including the Notes, in an aggregate principal amount in excess of \$10,000,000; and (ii) will not issue tax-exempt obligations within the meaning of Section 265(b)(4) of the Code, including the Notes and any other qualified 501(c)(3) bonds as defined in Section 145 of the Code (but excluding obligations, other than qualified 501(c)(3) bonds, that are private activity bonds as defined in Section 141 of the Code), in an aggregate principal amount in excess of \$10,000,000, unless the City receives an opinion of nationally recognized bond counsel that such designation or issuance, as applicable, will not cause the Notes to cease to be "qualified tax-exempt obligations."

Section 8: That the Notes shall be full general obligations of the City and that the full faith and credit of the City are hereby pledged for the prompt payment of the same. The par value to be received from the sale of the bonds anticipated by the Notes and any excess funds resulting from the issuance of the Notes shall, to the extent necessary, be used only for the retirement of the Notes at maturity together with the interest thereon, and is hereby pledged for such purpose.

Section 9: That during the years while the Notes are outstanding, there shall be levied on all the taxable property in the City, in addition to all other taxes, a direct tax annually not less than that which would have been levied if bonds had been issued without the prior issuance of the Notes. Said tax shall be and is hereby ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner and at the same time that taxes for general purposes for each of said years are certified, extended and collected. Said tax shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from said tax levies hereby required shall be placed in a separate and distinct fund which, together with the interest collected on the same, shall be irrevocably pledged for the payment of the principal of and interest on the Notes or the bonds in anticipation of which they are issued, when and as the same falls due; provided, however, that in each year to the extent that revenues are available from other sources for the payment of the Notes and bonds and are appropriated for such purpose, the amount of such direct tax upon all of the taxable property in the City shall be reduced by the amount of such revenues so available and appropriated.

Section 10: That while the Notes are outstanding, the City hereby covenants to appropriate annually, to the extent required, sufficient amounts from municipal income tax revenues to pay principal and interest on the Notes when the same fall due, and to continue to levy and collect the municipal income tax in an amount necessary to meet debt charges on the Notes. The City covenants to deposit into the Bond Retirement Fund, from available funds appropriated for the purpose, an amount necessary to meet any shortfall that may exist between the amount then available in the Bond Retirement Fund and the amount of principal and interest due at maturity of the Notes.

Section 11: That it is hereby determined and recited that all acts, conditions and things necessary to be done precedent to and in the issuing of the Notes in order to make them legal, valid and binding obligations of the City, will have been done and performed in regular and due form as required by law; and that no limitation of indebtedness or taxation, either statutory or constitutional, will have been exceeded in the issuance of the Notes.

Section 12: That the Fiscal Officer of the City is hereby directed to forward or cause to be forwarded a certified copy of this Ordinance to the County Fiscal Officer of Cuyahoga County and to secure a receipt therefor.

Section 13: That the Mayor and Fiscal Officer, or either of them, are hereby authorized to prepare, execute and deliver to the Original Purchaser of the Notes a preliminary and final official statement or any other appropriate disclosure document of the City in connection with the sale and delivery of the Notes, if so requested by the Original Purchaser.

Section 14: 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 15: That this Ordinance is deemed to be an emergency measure necessary for the immediate preservation for the public peace, health, and safety and for further reason that this Ordinance is required to be immediately effective to provide funds to retire the 2017 Notes which are about to mature and thereby protect the credit of the City. 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 12<sup>th</sup> day of March, 2018.

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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

I, Keith A. Benjamin, do hereby certify that this Ordinance No. 04-18 is an exact copy of the Ordinance No. 04-18 passed by South Euclid City Council on March 12, 2018.

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Keith A. Benjamin, Clerk of Council

CITY OF SOUTH EUCLID, OHIO

RESOLUTION NO.:	<u>41-17</u>	October 23, 2017
INTRODUCED BY:	<u>Goodman</u>	As Amended on Council Floor:
REQUESTED BY:	<u>Planning Commission</u>	January 22, 2018
		As Amended in Committee:
		January 29, 2018
		As Amended in Committee:
		February 19, 2018
		Second Reading:
		February 26, 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 majority 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. No structure or improvement shall be located west of the rear property line of Parcel Number: 703-07-017 as it continues proceeds south to Mayfield Road.~~**

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~~ **parallel to** 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. **A Type F buffer per section 771.550, Schedule 3 shall be provided. Interior parking lot landscaping shall comply with 771.30(b).**
- 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. **Building materials shall comply with 739.12(c).**
- 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.

**Condition 14: Proposed detention/retention pond shall conform to 771.21**

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