

THE CITY OF SOUTH EUCLID SCHEDULE OF MEETING

March 25, 2019
8:00 PM

1. PLEDGE OF ALLEGIANCE
2. ROLL CALL
3. MINUTES OF MEETINGS: March 11, 2019
4. REPORT OF MAYOR
5. REPORT OF LAW DIRECTOR & DEPARTMENTAL HEADS
6. REPORT OF SCHOOL DISTRICT (1st Meeting of Month Only)
7. PUBLIC HEARINGS (OPEN MEETING) RELATED TO AGENDA ITEMS
8. REPORT OF COMMITTEES

Committee of the Whole

1. RESOLUTION 05-19 AUTHORIZING AND DIRECTING THE FINANCE DIRECTOR TO TRANSFER AT THE LAST COUNCIL MEETING IN NOVEMBER 7.5% OF ALL PERSONAL INCOME TAX COLLECTED TO DATE (AFTER FEES HAVE BEEN DEDUCTED) WHICH SHALL INCLUDE ALL PRIOR TRANSFERS BUT NOT TO INCLUDE NET PROFIT TAX ON BUSINESSES TO THE "GENERAL IMPROVEMENT AND REPAIR FUND #408."
THIRD READING.
2. ORDINANCE 31-18 AMENDING SECTION 172.06 "SOUTH EUCLID RESIDENT SUBJECT TO INCOME TAX IN OTHER MUNICIPALITY" OF SECTION 172, "MUNICIPAL INCOME TAX EFFECTIVE JANUARY 1, 2016" OF PART ONE "ADMINISTRATIVE CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO; AND DECLARING AN EMERGENCY. **THIRD READING.**
3. ORDINANCE 04-19 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, 2019; AND DECLARING AN EMERGENCY. **THIRD READING.**

Safety Committee

1. ORDINANCE 02-19 AN ORDINANCE AMENDING SECTION 537.16 "ILLEGAL DISTRIBUTION OF CIGARETTES OR OTHER TOBACCO PRODUCTS TO MINORS" OF CHAPTER 537 "OFFENSES AGAINST PERSONS" OF PART FIVE "GENERAL OFFENSES CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO. **SECOND READING.**
2. ORDINANCE 03-19 AN ORDINANCE AMENDING SECTION 537.161 "ILLEGAL DISTRIBUTION OF CIGARETTES" OF CHAPTER 537 "OFFENSES AGAINST PERSON" OF PART FIVE "GENERAL OFFENSE CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO. **SECOND READING.**

9. LEGISLATION REQUESTED BY THE PLANNING COMMISSION

- 1. RESOLUTION 09-19 GRANTING A CONDITIONAL USE PERMIT TO "TEAM COUTURE YOUTH CENTER" LOCATED AT 4145 MAYFIELD ROAD IN THE CITY OF SOUTH EUCLID, OHIO. FIRST READING.

10. LEGISLATION REQUESTED BY CITY COUNCIL

- 1. ORDINANCE 06-19 AN ORDINANCE AMENDING SECTION 772.09 "PARKING OR STORAGE OF RECREATIONAL VEHICLES" OF TITLE SEVEN "SIGN REGULATIONS, LANDSCAPING AND PARKING" OF PART SEVEN "PLANNING AND ZONING CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID; AND DECLARING AN EMERGENCY. FIRST READING.

11. LEGISLATION REQUESTED BY THE MAYOR AND ADMINISTRATION

- 1. ORDINANCE 07-19 CREATING NEW SECTION 1303.16 "BOARD OF RESIDENTIAL BUILDING APPEALS" OF CHAPTER 1303 "PERMITS AND APPEALS" OF PART THIRTEEN "BUILDING CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID; AND DECLARING AN EMERGENCY. FIRST READING.

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

13. COMMUNICATIONS OF CITY COUNCIL

14. ADJOURN TO EXECUTIVE SESSION TO DISCUSS IMMINENT LITIGATION.

15. ADJOURN

CITY OF SOUTH EUCLID, OHIO

RESOLUTION NO.: 05-19
INTRODUCED BY: Fiorelli
REQUESTED BY: Russell

February 25, 2019
Second Reading: March 4, 2019

A RESOLUTION

AUTHORIZING AND DIRECTING THE FINANCE DIRECTOR TO TRANSFER AT THE LAST COUNCIL MEETING IN NOVEMBER 7.5% OF ALL PERSONAL INCOME TAX COLLECTED TO DATE (AFTER FEES HAVE BEEN DEDUCTED) WHICH SHALL INCLUDE ALL PRIOR TRANSFERS ~~BUT NOT TO INCLUDE NET PROFIT TAX ON BUSINESSES~~ TO THE "GENERAL IMPROVEMENT AND REPAIR FUND #408."

WHEREAS, the Council of the City of South Euclid, Ohio recognizes the need to maintain, improve and/or replace the fixed assets of the Municipality; and

WHEREAS, it is the desire of the Council of the City of South Euclid, Ohio to plan for sufficient funding to pay for the maintenance, improvements and/or replacement of the fixed assets of the Municipality.

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

Section 1: That the Council of the City of South Euclid hereby authorizes and directs the Finance Director to transfer at the last meeting in November 7.5% of all personal income tax collected to date (after fees have been deducted) which shall include all prior transfers ~~but not to include net profit tax on businesses~~ to the "General Improvement and Repair Fund #408."

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

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

Passed this _____ day of _____, 2019.

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.: 31-18
INTRODUCED BY: Fiorelli
REQUESTED BY: Frank

November 12, 2018
Second Reading: November 26, 2018
As amended in committee 1/28/19 & 02/18/19

AN ORDINANCE

AMENDING SECTION 172.06 "SOUTH EUCLID RESIDENT SUBJECT TO INCOME TAX IN OTHER MUNICIPALITY" OF SECTION 172, "MUNICIPAL INCOME TAX EFFECTIVE JANUARY 1, 2016" OF PART ONE "ADMINISTRATIVE CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO; AND DECLARING AN EMERGENCY.

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

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

WHEREAS, the Council of the City of South Euclid has met monthly for over two years to discuss and consider revenue enhancement and cost-cutting options and held three Community Meetings on June 19, 2017; June 27, 2017 and June 28, 2017 to discuss options and seek input from city residents, Tele-Town Hall Meetings on October 9, 2018 and October 30, 2018; and four Ward Meetings regarding finances and income tax levy in October 2018 **and three finance-related Town Hall meetings in January 2019**; and

WHEREAS, City Council has held regular Committee Meetings, nearly every month for over two years to discuss cost reductions, explore and implement regional initiatives, discuss the costs of long-term capital needs of the community, and the continuing impact of the recession and cuts in funding of local governments from the State of Ohio; and

WHEREAS, the City has made every reasonable effort to reduce costs and raise additional revenue to replace State actions that have removed the City's inheritance tax revenue, commercial activity tax and 50% of the City's yearly allocation of Local Government Funds; and

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

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

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

Section 1: That Ordinance 172.06, "South Euclid Resident Subject to Income Tax in Other Municipality" is hereby amended effective **March 11, 2019** at which time the provisions hereunder shall ~~once again~~ become effective.

Section 2: That Ordinance 172.06 "Credit for Tax Paid To Other Municipalities" shall read as follows:

"CREDIT FOR TAX PAID TO OTHER MUNICIPALITIES.

(a) Every individual taxpayer domiciled in City of South Euclid who is required to and does pay, or has acknowledged liability for, a municipal tax to another municipality on or measured by the same income, qualifying wages, commissions, net profits or other compensation taxable under this chapter, may claim a non-refundable credit against the tax imposed by this chapter upon satisfactory evidence that tax has been paid to another municipality. Subject to division (c) of this section, **and until such time as it is amended as described in division (e) of this section** the credit shall **be reduced to 0%** ~~exceed 75%~~ of the amount obtained by multiplying the income, qualifying wages, commissions, net profits or other compensation subject to tax in the other municipality by the lower of the tax rate in such other municipality or the rate of 1%.

(b) City of South Euclid shall grant a credit against its tax on income to a resident of City of South Euclid who works in a joint economic development zone created under Ohio R.C. 715.691 or a joint economic development district created under Ohio R.C. 715.70, 715.71, or 715.72 to the same extent that it grants a credit against its tax on income to its residents who are employed in another municipal corporation.

(c) If the amount of tax withheld or paid to the other municipality is less than the amount of tax required to be withheld or paid to the other municipality, then for purposes of division (a) of this section, "the income, qualifying wages, commissions, net profits or other compensation" subject to tax in the other municipality shall be limited to the amount computed by dividing the tax withheld or paid to the other municipality by the tax rate for that municipality."

(d) Any provision amending Section 172.06 that reduces the income tax credit described herein shall not be passed unless it receives at least five affirmative votes. Any proposed amendment to Section 172.06 shall be posted on the City Website and e-mailed to all people on the City's E-Mail Newsletter Distribution List. Furthermore, City Council shall not change any provision of Section 172.06 without first hosting a series of five three public meetings, ~~one shall be held for each Ward of the City and one shall be held in the City at large~~ as determined by City Council.

(e) The tax credit set forth in Section 2(a) above shall be increased upon passage by the electors of any new income tax levy generating the same or more revenue as would be provided by an income tax credit of .75 of 1%. Should the electors not pass such a levy, the tax credit reduction in Section 2(a) shall continue. Additionally, the amount of such income tax credit shall be reviewed by Council each November, and may be adjusted should revenues allow. ~~The amendment to the tax credit set forth in Section (A) above shall cease upon passage by the electors of any new tax levy generating the same or more revenue as the tax credit reduction. Should the electors not vote in the affirmative for such levy, the tax reduction in Section (A) shall continue.~~

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

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

Passed this _____ day of _____, 2019.

Dennis Fiorelli, Council President

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.: 04-19
INTRODUCED BY: Fiorelli
REQUESTED BY: Mayor

February 25, 2019
Second Reading: March 4, 2019

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, 2019; 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, 2019, the sums as herein set forth be and the same are hereby made. Said sums to be used to implement this 2019 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 | \$4,198,814 | |
| Other Charges | <u>327,705</u> | |
| Total Police Department | | \$4,526,519 |

POLICE - ADMINISTRATIVE - 1111

| | | |
|--|--------------|-----------|
| Personal Services | \$127,479 | |
| Other Charges | <u>1,000</u> | |
| Total Police Department-Administrative | | \$128,479 |

POLICE - SCHOOL GUARDS - 1112

| | | |
|---------------------------------------|--------------|----------|
| Personal Services | \$78,948 | |
| Other Charges | <u>1,600</u> | |
| Total Police Department-School Guards | | \$80,548 |

POLICE - CORRECTIONS - 1113

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

FIRE DEPARTMENT- 1120

| | | |
|-----------------------|----------------|-------------|
| Personal Services | \$3,722,068 | |
| Other Charges | <u>327,000</u> | |
| Total Fire Department | | \$4,049,068 |

FIRE HYDRANTS - 1122

| | | |
|---------------------|---------------|----------|
| Other Charges | <u>31,572</u> | |
| Total Fire Hydrants | | \$31,572 |

DISPATCHERS - 1130

| | | |
|-------------------|----------------|------------------|
| Personal Services | \$0 | |
| Other Charges | <u>572,562</u> | |
| Total Dispatchers | | <u>\$572,562</u> |

TOTAL PROGRAM I \$9,388,747

PROGRAM II - Public Health & Welfare Services

SUPPORT OF PRISONERS - 2210

| | | |
|-------------------------------|-----------------|-----------------|
| Other Charges | <u>\$76,950</u> | |
| Total Public Health & Welfare | | <u>\$76,950</u> |

TOTAL PROGRAM II \$76,950

PROGRAM III - Leisure Time Activities

RECREATION - 3310

| | | |
|-------------------|---------------|-----------|
| Personal Services | \$73,923 | |
| Other Charges | <u>40,150</u> | |
| Total Recreation | | \$114,073 |

COMMUNITY CENTER - 3350

| | | |
|------------------------|---------------|------------------|
| Personal Services | \$185,819 | |
| Other Charges | <u>66,300</u> | |
| Total Community Center | | <u>\$252,119</u> |

TOTAL PROGRAM III \$366,192

PROGRAM IV - Community Environment

BUILDING DEPARTMENT - 4410

| | | |
|---------------------------|----------------|-----------|
| Personal Services | \$767,999 | |
| Other Charges | <u>172,400</u> | |
| Total Building Department | | \$940,399 |

ECONOMIC DEVELOPMENT - 4430

| | | |
|----------------------------|----------------|-----------|
| Personal Services | \$148,133 | |
| Other Charges | <u>108,200</u> | |
| Total Economic Development | | \$256,333 |

COMMUNITY RELATIONS - 4440

| | | |
|---------------------------|---------------|-----------|
| Personal Services | \$81,944 | |
| Other Charges | <u>81,665</u> | |
| Total Community Relations | | \$163,609 |

CITY BOARDS & COMMISSIONS - 4450

| | | |
|----------------------------|--------------|-----------------|
| Personal Services | \$38,917 | |
| Other Charges | <u>4,450</u> | |
| Total Boards & Commissions | | <u>\$43,367</u> |

YOUTH INITIATIVE -4460

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

TOTAL PROGRAM IV \$1,435,721

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 | \$95,523 | |
| Other Charges | <u>9,700</u> | |
| Total Curbside Recycling | | <u>\$105,223</u> |

TOTAL PROGRAM V \$1,405,223

PROGRAM VI - Transportation

SERVICE DEPARTMENT - 6610

| | | |
|--------------------------|----------------|-----------|
| Personal Services | \$546,646 | |
| Other Charges | <u>171,000</u> | |
| Total Service Department | | \$717,646 |

GARAGE - 6620

| | | |
|-------------------|----------------|------------------|
| Personal Services | \$204,859 | |
| Other Charges | <u>224,250</u> | |
| Total Garage | | <u>\$429,109</u> |

TOTAL PROGRAM VI \$1,146,755

PROGRAM VII - General Government

MAYOR'S OFFICE - 7710

| | | |
|----------------------|---------------|-----------|
| Personal Services | \$196,351 | |
| Other Charges | <u>29,474</u> | |
| Total Mayor's Office | | \$225,825 |

LEGISLATIVE ACTIVITIES (CITY COUNCIL) - 7720

| | | |
|---|---------------|-----------|
| Personal Services | \$97,307 | |
| Other Charges | <u>24,000</u> | |
| Total Legislative Activities (City Council) | | \$121,307 |

FINANCE ADMINISTRATION - 7730

| | | |
|------------------------------|---------------|-----------|
| Personal Services | \$310,595 | |
| Other Charges | <u>56,500</u> | |
| Total Finance Administration | | \$367,095 |

INCOME TAX ADMINISTRATION (RITA) - 7731

| | | |
|---------------------------------|----------------|-----------|
| Personal Services | \$0 | |
| Other Charges | <u>500,000</u> | |
| Total Income Tax Administration | | \$500,000 |

LEGAL ADMINISTRATION - 7740

| | | |
|----------------------------|----------------|-----------|
| Personal Services | \$210,234 | |
| Other Charges | <u>322,100</u> | |
| Total Legal Administration | | \$532,334 |

JUDICIAL ACTIVITIES (MUNICIPAL COURT) - 7750

| | | |
|---|---------------|-----------|
| Personal Services | \$573,134 | |
| Other Charges | <u>64,000</u> | |
| Total Judicial Activities (Municipal Court) | | \$637,134 |

CIVIL SERVICE COMMISSION - 7760

| | | |
|--------------------------------|---------------|----------|
| Personal Services | \$7,732 | |
| Other Charges | <u>25,150</u> | |
| Total Civil Service Commission | | \$32,882 |

ENGINEERING - 7770

| | | |
|-------------------|--------------|----------|
| Personal Services | \$19,189 | |
| Other Charges | <u>4,200</u> | |
| Total Engineering | | \$23,389 |

MUNICIPAL COMPLEX - 7780

| | | |
|-------------------|----------------|--|
| Personal Services | \$32,413 | |
| Other Charges | <u>475,200</u> | |

Total Municipal Complex . \$507,613

GENERAL SERVICES - 7790

Personal Services \$37,000
Other Charges 578,724

Total General Services \$615,724

INSURANCE - 7791

Personal Services \$0
Other Charges 250,275

Total Insurance \$250,275

TRANSFERS/ADVANCES OUT -9910/9920

Other Charges \$2,930,000
\$2,930,000

TOTAL PROGRAM VII \$6,743,578

TOTAL GENERAL FUND \$20,563,166

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

OPERATION HOME IMPROVEMENT (FUND 103/104)

Other Charges \$0

Total \$0 -

COPS GRANT (FUND 106)

Personal Services \$0
Other Charges 0

Total \$0

COMMUNITY DIVERSION PROGRAM (FUND 107)

Personal Services \$11,802
Other Charges 4,745

Total \$16,547 16,547

STREET CONSTRUCTION & MAINTENANCE (FUND 202)

Personal Services \$678,503
Other Charges 259,200

Total \$937,703 937,703

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 | \$171,014 | | |
| Other Charges | <u>88,975</u> | | |
| Total | | \$259,989 | 259,989 |

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>\$32,400</u> | | |
| Total | | \$32,400 | |

LAW ENFORCEMENT TRUST (FUND 221)

| | | | |
|---------------|------------------|-----------|---------|
| Other Charges | <u>\$110,000</u> | | |
| Total | | \$110,000 | 142,400 |

FEMA FIREFIGHTERS GRANT (FUND 222)

| | | | |
|---------------|----------------|---------|--|
| Other Charges | <u>\$1,504</u> | | |
| Total | | \$1,504 | |

SAFETY FORCES LEVY (FUND 410)

| | | | |
|-------------------|--------------|-------------|--|
| Personal Services | \$1,920,000 | | |
| Other Charges | <u>30000</u> | | |
| Total | | \$1,950,000 | |

STREET LIGHTING (FUND 511)

| | | | |
|---------------|------------------|--|--|
| Other Charges | <u>\$471,500</u> | | |
|---------------|------------------|--|--|

| | | | |
|--|------------------|-----------|--------------------|
| Total | | \$471,500 | 2,423,004 |
| <u>SEWER MAINTENANCE (516)</u> | | | |
| Personal Services | \$446,216 | | |
| Other Charges | <u>28,480</u> | | |
| Total | | \$474,696 | 474,696 |
| <u>SEWER REHABILITATION (517)</u> | | | |
| Other Charges | <u>\$400</u> | | |
| Total | | \$400 | |
| <u>POLICE PENSION (FUND 614)</u> | | | |
| Other Charges | <u>\$107,500</u> | | |
| Total | | \$107,500 | |
| <u>FIRE PENSION (FUND 615)</u> | | | |
| Other Charges | <u>\$107,500</u> | | |
| Total | | \$107,500 | |
| <u>SICK LEAVE BENEFIT (FUND 9)</u> | | | |
| | <u>\$60,119</u> | | |
| Total | | \$60,119 | |
| <u>SALARY RESERVE (FUND 927)</u> | | | |
| | <u>\$0</u> | | |
| Total | | \$0 | \$275,519 |
| TOTAL SPECIAL REVENUE FUNDS: | | | \$4,709,858 |
| <u>Section 4: That there be appropriated from the Bond Retirement Funds:</u> | | | |
| <u>GENERAL BOND RETIREMENT (FUND 327)</u> | | | |
| Other Charges | <u>\$75,621</u> | | |
| Total | | \$75,621 | \$75,621 |
| <u>RECREATION BOND RETIREMENT (FUND 328)</u> | | | |
| Other Charges | <u>\$0</u> | | |
| Total | | \$0 | \$0 |
| <u>SPECIAL ASSESSMENT BOND RETIREMENT (FUND 510)</u> | | | |
| Other Charges | <u>\$0</u> | | |

Total \$0 \$0

TOTAL BOND RETIREMENT FUNDS: \$75,621

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

CAPITAL PROJECT FUNDS

GENERAL IMPROVEMENT & REPAIR (FUND 408)

| | | | |
|---------------|--------------------|-------------|-----------|
| Other Charges | <u>\$1,356,127</u> | | |
| Total | | \$1,356,127 | 1,356,127 |

SAFETY FORCES VEHICLES (FUND 409)

| | | | |
|---------------|------------------|-----------|-----------|
| Other Charges | <u>\$347,500</u> | | |
| Total | | \$347,500 | \$347,500 |

POLICE VEHICLES & EQUIPMENT (FUND 411)

| | | | |
|---------------|-----------------|----------|--|
| Other Charges | <u>\$14,000</u> | | |
| Total | | \$14,000 | |

RECREATION CONTINGENCY (FUND 418)

| | | | |
|---------------|------------|-----|-------|
| Other Charges | <u>\$0</u> | | |
| Total | | \$0 | 14000 |

WATER DISTRIBUTION INFRASTRUCTURE (FUND 424)

| | | | |
|---------------|------------------|-----------|---------|
| Other Charges | <u>\$324,115</u> | | |
| Total | | \$324,115 | 324,115 |

ROAD RESURFACING (FUND 425)

| | | | |
|---------------|------------------|-----------|---------|
| Other Charges | <u>\$829,270</u> | | |
| Total | | \$829,270 | 829,270 |

FLOOD CONTROL (FUND 426)

| | | | |
|---------------|--------------------|-------------|-----------|
| Other Charges | <u>\$2,368,058</u> | | |
| Total | | \$2,368,058 | 2,368,058 |

SIDEWALK IMPROVEMENT PROGRAM (FUND 427)

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

STAN HOPE PARKING LOT (FUND 430)

| | | |
|---------------|----------------|---------|
| Other Charges | <u>\$2,850</u> | |
| Total | | \$2,850 |

ISSUE II PROJECTS (FUND 431)

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

LAND ACQUISITION (FUND 440)

| | | |
|---------------|--------------------|-----------|
| Other Charges | <u>\$1,992,042</u> | |
| Total | \$1,992,042 | 1,994,892 |

TOTAL CAPITAL PROJECT FUNDS: \$7,233,969

TRUST & AGENCY (FUND 917)

| | | |
|---------------|--------------------|--|
| Other Charges | <u>\$1,982,965</u> | |
| Total | \$1,982,965 | |

TOTAL TRUST & AGENCY FUND: \$1,982,965

GRAND TOTAL \$34,565,579

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 2019 unless this Ordinance goes into immediate effect. Wherefore, this Ordinance shall take effect upon passage and approval.

Passed this _____ day of _____, 2019.

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

THE CITY OF SOUTH EUCLID

ORDINANCE NO.: 02-19
INTRODUCED BY: Fiorelli
REQUESTED BY: Mayor

February 11, 2019
Recommended from Committee: 03/11/19

AN ORDINANCE

AN ORDINANCE AMENDING SECTION 537.16 "ILLEGAL DISTRIBUTION OF CIGARETTES OR OTHER TOBACCO PRODUCTS TO MINORS" OF CHAPTER 537 "OFFENSES AGAINST PERSONS" OF PART FIVE "GENERAL OFFENSES CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO

WHEREAS, The Council of the City of South Euclid, Ohio desires to protect minors from the dangers of Alternative nicotine products and electronic cigarettes;

NOW THEREFORE, BE IT ORDAINED by the Council of the City of South Euclid, Ohio:
Section 1: That Section 537.16 "Illegal Distribution of Cigarettes or other Tobacco Products to Minors" of Chapter 537 "Offenses Against Persons" of Part Five "General Offenses Code" of the Codified Ordinances of the City of South Euclid, Ohio be amended as follows:

"537.16 ILLEGAL DISTRIBUTION OF CIGARETTES, ALTERNATIVE NICOTINE PRODUCTS, OR OTHER TOBACCO PRODUCTS TO MINORS.

(a) Definitions. As used in this section:

(1) "Cigarette" means any roll for smoking made wholly or in part of tobacco, irrespective of size or shape, and whether or not such tobacco is flavored, adulterated or mixed with any other ingredient.

(2) "Possess" or "possession" means having control over a thing or substance, but may not be inferred solely from mere access to the thing or substance through ownership or occupation of the premises upon which the thing or substance is found.

(3) "Sale" means delivery, barter, exchange, transfer or gift, or an offer thereof, and each transaction made by any person, whether as principal, proprietor, agent, servant or employee.

(4) "Smoke" means to burn any substance containing tobacco, including a lighted cigarette, cigar, pipe or other device used to burn tobacco.

(5) "Tobacco product" means the proceeds, yield or final form of anything made up wholly or in part of the genus of the plant known as nicotiana. Such products include, but are not limited to, cigars, pipe tobacco, chewing tobacco and snuff.

(6) "Use tobacco" means to chew or maintain any substance containing tobacco, including smokeless tobacco, in the mouth, to derive the effects of tobacco.

(7) "Vending machine" means any mechanical or electronic device designed to do both of the following:

A. Receive a coin, bill or token made for that purpose;

B. In return for the insertion or deposit of a coin, bill or token, automatically dispense property, provide a service or grant a license.

(8) **"Alternative Nicotine Product" means an electronic cigarette or any other product or device that consists of or contains nicotine that can be ingested into the body by any means, including, but not limited to, chewing, smoking, absorbing, dissolving, or inhaling.**

(9) **"Electronic Cigarette" means any electronic product or device that produces a vapor that delivers nicotine or any other substance to the person inhaling from the device to simulate smoking and that is likely to be offered to or purchased by consumers as an electronic cigarette, electronic cigar, electronic cigarillo, or electronic pipe.**

(b) Sale of Cigarettes, Alternative Nicotine Products and Tobacco Products to Minors.

(1) No manufacturer, producer, distributor, wholesaler or retailer of cigarettes, **alternative nicotine products** or other tobacco products, or any agent, employee or representative of a manufacturer, producer, distributor, wholesaler or retailer of cigarettes, **alternative nicotine products** or other tobacco products, shall do any of the following:

A. Give, sell or otherwise distribute cigarettes, **alternative nicotine products** or other tobacco products to any person under eighteen years of age.

B. Give away, sell or distribute cigarettes, **alternative nicotine products** or other tobacco products in any place that does not and have a sign posted in a conspicuous place a sign stating that giving, selling or otherwise distributing cigarettes, **alternative nicotine products** or other tobacco products to a person under eighteen years of age is prohibited by law.

(2) No person shall sell or offer to sell cigarettes, **alternative nicotine products** or other tobacco products by or from a vending machine except in the following locations.

A. In an area either:

1. Within a factory, business, office or other place not open to the general public; or

2. To which persons under the age of eighteen years are not generally permitted access.

B. In any other place not identified in paragraph (a)(1) hereof, upon all of the following conditions:

1. The vending machine is located within the immediate vicinity, plain view and control of the person who owns or operates the place, or an employee of such person, so that all cigarettes, **alternative nicotine products** and other tobacco products purchased from the vending machine will be readily observed by the person who owns or operates the place or by an employee of such person. For the purpose of this section, a vending machine located in any unmonitored area, including an unmonitored coatroom, restroom, hallway or outer waiting area, shall not be considered located within the immediate vicinity, plain view and control of the person who owns or operates the place, or an employee of such person.

2. The vending machine is inaccessible to the public when the place is closed.

(c) Possession and Use of Cigarettes, **alternative nicotine products** and Tobacco Products by Minors.

(1) No person shall give, sell, transfer or otherwise distribute cigarettes, **alternative nicotine products** or other tobacco products to any person under eighteen years of age.

(2) No person under eighteen years of age shall smoke, use cigarettes, **alternative nicotine products** or other tobacco products, or possess any substance containing tobacco.

(3) No person under eighteen years of age shall order, pay for, purchase, share the cost of, or attempt to purchase, share the cost of, or attempt to purchase, cigarettes, **alternative nicotine products** or other tobacco products.

(4) No person under eighteen years of age shall knowingly show or give false information concerning his or her name, age or other identification for the purpose of purchasing or otherwise obtaining cigarettes, **alternative nicotine products** or other tobacco products in any place in the City where cigarettes, **alternative nicotine products** or other tobacco products are sold.

(5) No person shall knowingly furnish any other identification of any person under eighteen years of age for the purpose of obtaining, or with the intent to obtain, cigarettes, **alternative nicotine products** or other tobacco products for a person under eighteen years of age, by purchase or as a gift.

(d) Immunity. No person may be found guilty of a violation of the provisions of this section, where age is an element of the offense, if any court determines that the individual buying, at the time of so doing, exhibited to the aforesaid person or his or her agent or employee, a driver's license or commercial driver's license or a State-issued identification card showing that such individual was then of legal age to buy cigarettes, **alternative nicotine products** or other tobacco products; if the aforesaid person, or his or her agent or employee, attempted to ascertain the true age of the individual buying by checking the identification presented at the time of purchase, to ascertain that the description of the identification presented compared with the visual description of the buyer and that the identification presented had not been altered in any way; and if the aforesaid person had reason to believe that the individual buying was of legal age.

(e) Penalty.

(1) Whoever violates any of the provisions of subsection (b) hereof is guilty of illegal distribution of cigarettes, **alternative nicotine products** or other tobacco products, a misdemeanor of the fourth degree. If the offender has previously been convicted of a violation of this section, then illegal distribution of cigarettes, **alternative nicotine products** or other tobacco products is a misdemeanor of the third degree.

(2) Whoever violates any of the provisions of subsection (c) hereof is guilty of possession and use of cigarettes, **alternative nicotine products** or other tobacco products by a minor, a misdemeanor of the fourth degree.

(Ord. 33-98. Passed 6-8-98.)

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

Section 3: This ordinance shall take effect and be enforced from and after the earliest period allowed by law and upon signature of the mayor.

Passed this _____ day of _____, 2019.

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

THE CITY OF SOUTH EUCLID

ORDINANCE NO.: 03-19
INTRODUCED BY: Fiorelli
REQUESTED BY: Mayor

February 11, 2019
Recommended from Committee: 03/11/19

AN ORDINANCE
AN ORDINANCE AMENDING SECTION 537.161 "ILLEGAL DISTRIBUTION OF CIGARETTES"
OF CHAPTER 537 "OFFENSES AGAINST PERSON" OF PART FIVE "GENERAL OFFENSE
CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO.

WHEREAS, The Council of the City of South Euclid, Ohio desires to protect minors from the dangers of Alternative nicotine products and electronic cigarettes;

NOW THEREFORE, BE IT ORDAINED by the Council of the City of South Euclid, Ohio:
Section 1: That Section 537.161 "Illegal Distribution of Cigarettes" of Chapter 537 "Offenses Against Persons" of Part Five "General Offenses Code" of the Codified Ordinances of the City of South Euclid, Ohio be amended as follows:

"537.161 ILLEGAL DISTRIBUTION OF CIGARETTES.

(a) No person shall knowingly sell or distribute cigarettes, **alternative nicotine products** and other tobacco products in a smaller quantity than that placed in the pack or other container by the manufacturer of such cigarettes, **alternative nicotine products** or other tobacco products.

(b) Whoever violates any provisions of this section is guilty of illegal distribution of cigarettes, **alternative nicotine products** or other tobacco products, a misdemeanor of the fourth degree. If the offender has previously been convicted of a violation of this section, then illegal distribution of cigarettes, **alternative nicotine products** or other tobacco products is a misdemeanor of the third degree."
(Ord. 61-10. Passed 12-20-10.)

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

Section 3: This ordinance shall take effect and be enforced from and after the earliest period allowed by law and upon signature of the mayor.

Passed this _____ day of _____, 2019.

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



COME TOGETHER & THRIVE

Planning Commission

March 20, 2019

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

Dear Dennis,

The Planning Commission on March 14, 2019 voted 3-0-0 to recommend approval of the conditional use application, with no conditions for Team Couture Youth Center, 4145 Mayfield Rd.

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

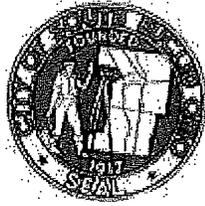
Respectfully,

A handwritten signature in cursive script that reads "Ashley King".

Ashley King
Planning Commission Chairwoman

cc: Georgine Welo, Mayor
Michael Lograsso, Law Director
City Council Members
Laura Heilman, Building Commissioner
Planning Commissioners

Ecc: Keith Benjamin



**City of South Euclid
 Building Department
 1349 South Green Road
 South Euclid, Ohio 44121
 216-381-0400 / Fax: 216-291-4959**

Date 2/15/19



Application for Conditional Use

We, (I), the undersigned, do hereby respectfully make application for Conditional Use in the City of South Euclid and in support of this application, the following facts are shown:

- The property sought for Conditional Use is located at 4145 Mayfield Rd South Euclid, OH 44121
 and known as lot(s) number ____ It has a frontage of _____ feet and depth of _____ feet.
- The property sought for Conditional Use is owned by Eli Daher PO Box 43501 Richmond Hts OH 44143
 Name Address City State Zip
 recorded in Volume _____ Page _____ Cuyahoga County Map Records.
- The following are all streets and occupancy classifications adjacent to or in close proximity of the sides, front and rear of the property which will be effected by the Conditional Use: _____

- It is proposed that the property will be put to the following specific use, describe in detail: Youth Center; After care program for schoolagers; Summer camp; Teen Resource center
- It is proposed that the following buildings, occupancy or construction modification will be made: Washer & dryer hookup & small kitchen

Action by City Council:

Approved _____
 Disapproved _____

 President of Council

 Date

Monica Akers
 Signature of Applicant
4093 Bexley Blvd
 Address of Applicant
South Euclid OH 44121
 City State Zip
216-404-1100-8279
 Phone Fax

CITY OF SOUTH EUCLID, OHIO

RESOLUTION NO.: 09-19
INTRODUCED BY: Fiorelli
REQUESTED BY: Planning Commission

March 25, 2019

A RESOLUTION

GRANTING A CONDITIONAL USE PERMIT TO "TEAM COUTURE YOUTH CENTER" LOCATED AT 4145 MAYFIELD ROAD IN THE CITY OF SOUTH EUCLID, OHIO.

WHEREAS, the City of South Euclid recognizes that various public and private institutions and facilities are essential to the community; and

WHEREAS, the Planning Commission, after careful study, has recommended to Council in a vote of 3-0-0 that a Conditional Use Permit be granted to "Team Couture Youth Center" located at 4145 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 732 of the South Euclid Zoning Code 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 "Team Couture Youth Center" located at 4145 Mayfield Road in the City of South Euclid, Ohio, per the following condition:

Condition 1: All requirements for daycare establishments, as defined in Chapter 732 "Conditional Uses in Commercial Districts" of the South Euclid Zoning Code, 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 _____, 2019.

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.: 06-19
INTRODUCED BY: Fiorelli
REQUESTED BY: Russell

March 25, 2019

AN ORDINANCE

AN ORDINANCE AMENDING SECTION 772.09 "PARKING OR STORAGE OF RECREATIONAL VEHICLES" OF TITLE SEVEN "SIGN REGULATIONS, LANDSCAPING AND PARKING" OF PART SEVEN "PLANNING AND ZONING CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID; AND DECLARING AN EMERGENCY.

WHEREAS, The Council of the City of South Euclid wishes to allow short term parking of recreational vehicles for the purposes of loading, unloading and the maintenance of recreational vehicles within the City of South Euclid.

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

Section 1: That section 772.09 "Parking or Storage of Recreational Vehicles" of Title Seven "Sign Regulations, Landscaping and Parking" of Part Seven "Planning and Zoning Code" of the codified ordinances of the City of South Euclid be amended to read as follows:

772.09 PARKING OR STORAGE OF RECREATIONAL VEHICLES.

(a) Conditions of Permitted Parking. In order to minimize any deteriorating or adverse impact on adjacent properties, no recreational vehicle shall be parked or stored on any street or highway, or on any public or private property within the City, except as hereinafter provided. Any owner of a recreational vehicle that is not in excess of 28 feet in overall length, eight feet in width and 11 feet in height, may park or store such vehicle on property owned by him or her in accordance with the following conditions:

- (1) The recreational vehicle parked or stored shall not have fixed connections to electricity, water, gas or sanitary sewer facilities, and at no time shall such vehicle be used for living or housekeeping purposes.
- (2) If the camping and recreational vehicle is parked or stored outside of a garage, it must be parked or stored upon a hard-surface driveway or turn-around approved by the Building Department.
- (3) All recreational vehicles must be kept in good repair and carry a current year's license and/or registration.
- (4) No person shall make or cause to be made major repairs, alterations or conversions of recreational vehicles unless such repair, alteration or conversion is done in a completely enclosed garage. "Repairs of a major type" are herein defined to include, but are not limited to, spray painting, body, plumbing, heating, spring and frame repairs, radiator repair, major overhauling of engines requiring the removal of the engine cylinder head or crankcase pan or the removal of the motor and conversion of any other type of motor. The conversion of any vehicle is expressly prohibited.
- (5) No materials of any nature may be stored beneath a recreational vehicle.
- (6) When such a vehicle is parked or stored outside of a garage in an approved or permitted location, the wheels shall be left on such vehicle or vehicle conveyance so that it may be moved in case of an emergency.
- (7) No recreational vehicle shall be parked or stored unless it is titled to or leased or used exclusively by one of the permanent occupants of the residence where the recreational vehicle is located.
- (8) No recreational vehicle shall be stored outside of a garage until the adequacy of screening has been determined by the Zoning Administrator based upon a screening plan submitted to the Zoning Administrator and upon the following factors:

- A. Location of screened area to adjacent residences.
- B. Size and condition of vehicle.
- C. View of screened area from the street.
- D. Size, quantity and quality of screening.

Adequate screening shall consist of building walls, fencing or evergreen planting. At least five days before the Zoning Administrator makes any determination as to the adequacy of screening, notices shall be sent to the owners of contiguous properties. After such determination has been made, notice thereof shall be promptly given to the applicant and to the owners of contiguous properties. Such determination shall not become effective for ten days thereafter and, if an appeal is filed with the Zoning and Building Standards Board of Appeals, such determination shall not become effective until such appeal has been decided by said Board, as set forth in Section 762.04.

(9) In Multiple-Family Residential Districts, the outside storage and parking of recreational vehicles shall be permitted only in the area described as the off-street parking facility for the main residential structure. Such recreational vehicles must be owned or leased by an occupant of the main residential structure. All other provisions of this section shall be applicable to Multiple-Family Districts.

(10) A recreational vehicle may be parked on any premises for loading or unloading and maintenance purposes for a period of not more than forty-eight (48) hours so long as such parking does not obstruct pedestrian or vehicular traffic of adjoining or abutting properties. The homeowner shall notify the South Euclid Police Department when the recreational vehicle is parked on the property for the purposes of loading, unloading or maintenance purposes.

(b) Recreational Vehicle Defined. As used in this section, "recreational vehicle" means and includes the following:

- (1) A "travel trailer", which means a vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational and vacation uses, and permanently identified as a "travel trailer" by the manufacturer;
- (2) A "pick-up camper", which means a structure designed primarily to be mounted on a pick-up or truck chassis and with sufficient equipment to render it suitable for use as a temporary dwelling for travel, recreational and vacation uses;
- (3) A "motor home", which means a self-propelled recreational vehicle constructed with permanently installed facilities for cold storage, cooking and consumption of food, for sleeping;
- (4) A "folding tent trailer", which means a canvas folding structure, mounted on wheels and designed for travel and vacation uses;
- (5) A "boat" or "boat trailer" which, means and includes a boat, float, snowmobile and
- (6) A "trailer", which means a cart or wagon designed to be pulled by an automobile, van, truck or tractor for hauling boats, floats, rafts, canoes, snowmobiles, motorcycles and other recreational equipment and devices, as well as those carts or wagons used for utility purposes, i.e. hauling landscaping materials, furniture and household goods, plus the normal equipment to transport the same on the highway.

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 _____, 2019.

Dennis Fiorelli, Council President

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.: 07-19
INTRODUCED BY: Fiorelli
REQUESTED BY: Mayor

March 25, 2019

AN ORDINANCE

CREATING NEW SECTION 1303.16 "BOARD OF RESIDENTIAL BUILDING APPEALS" OF CHAPTER 1303 "PERMITS AND APPEALS" OF PART THIRTEEN "BUILDING CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID; AND DECLARING AN EMERGENCY.

WHEREAS, it has been determined by the Building Commissioner of the City of South Euclid that there exists a requirement under Section 110 "Appeals" in the "Residential Code of Ohio" for a "Board of Residential Building Appeals" within the City of South Euclid; and

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

Section 1: That new section 1303.16 "Board of Residential Building Appeals" of Chapter 1303 "Permits and Appeals" of Part Thirteen "Building Code" of the Codified Ordinances of the City of South Euclid, Ohio is hereby adopted and shall read as follows:

"1303.16 "Board of Residential Building Appeals"

- (A) The Board of Residential Building Appeals shall consist of three (3) qualified electors of the City of South Euclid not holding other office in the Municipality. Each member shall have a background in the building trades or the construction industry. Said members shall be appointed by and serve at the direction of the Mayor for a term of six (6) years. A vacancy occurring during the term of any member shall be filled for the respective unexpired term in the manner authorized for an original appointment. A chairperson of the Board shall be elected annually by the Board and the Board shall appoint its own secretary.
- (B) The Board shall hear and decide appeals of orders, decisions, or determinations made by the residential building official of the city relative to the application of the Residential Code of Ohio. All adjudication hearings shall be in accordance with Sections 119.09 to 119.13 of the Ohio Revised Code."

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 _____, 2019

Dennis Fiorelli, Council President

Keith A. Benjamin, Clerk of Council

Georgine Welo, Mayor

Approved as to form:

Michael Lograsso, Director of Law