

THE CITY OF SOUTH EUCLID SCHEDULE OF MEETING

June 24, 2019

1. PLEDGE OF ALLEGIANCE
2. ROLL CALL
3. REPORT OF MAYOR
4. REPORT OF LAW DIRECTOR & DEPARTMENTAL HEADS
5. REPORT OF SCHOOL DISTRICT (1st Meeting of Month Only)
6. PUBLIC HEARINGS (OPEN MEETING) RELATED TO AGENDA ITEMS
7. REPORT OF COMMITTEES
8. LEGISLATION REQUESTED BY PLANNING COMMISSION

1. RESOLUTION 27-19 GRANTING A CONDITIONAL USE PERMIT FOR A DRIVE-THRU AND OUTDOOR DINING FOR "POPEYE'S RESTAURANT" LOCATED AT 1878 WARRENSVILLE CENTER ROAD IN THE CITY OF SOUTH EUCLID, OHIO. FIRST READING.

9. LEGISLATION REQUESTED BY THE MAYOR AND ADMINISTRATION

1. RESOLUTION 28-19 AUTHORIZING THE APPROPRIATION AND TRANSFER OF FUNDS FROM THE "CAPITAL PROJECTS FUND #408" TO THE "GENERAL FUND #101" DUE TO A RECLASSIFICATION NECESSARY TO BE IN COMPLIANCE WITH RESOLUTION 05-19. FIRST READING.
2. RESOLUTION 29-19 DECLARING THE NECESSITY TO CONTINUE TO LEVY A REPLACEMENT TAX OUTSIDE OF THE TEN MILL LIMITATION FOR THE PURPOSE OF PROVIDING FUNDS FOR THE GENERAL PROVISION OF POLICE, FIRE, AND OTHER SAFETY SERVICES IN THE CITY; AND REQUESTING TAX VALUATION CERTIFICATION FROM THE COUNTY FISCAL OFFICER; AND DECLARING AN EMERGENCY. FIRST READING.
(replacing 24-19 passed 6/10/19 at the request of County Fiscal Officer).
3. RESOLUTION 30-19 REQUESTING A HEARING BY THE OHIO DEPARTMENT OF COMMERCE DIVISION OF LIQUOR CONTROL REGARDING THE APPLICATION FOR PARTIAL TRANSFER OF LIQUOR PERMIT FOR "CMG AND TAM INC; DBA TINO'S LOUNGE", IN THE CITY OF SOUTH EUCLID, OHIO. FIRST READING.

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

11. COMMUNICATIONS OF CITY COUNCIL

12. ADJOURN

CITY OF SOUTH EUCLID, OHIO

RESOLUTION NO.: 27-19
INTRODUCED BY: Fiorelli
REQUESTED BY: Planning Commission

June 24, 2019

A RESOLUTION

GRANTING A CONDITIONAL USE PERMIT FOR A DRIVE-THRU AND OUTDOOR DINING FOR "POPEYE'S" RESTAURANT LOCATED AT 1878 WARRENSVILLE CENTER ROAD IN THE CITY OF SOUTH EUCLID, OHIO.

WHEREAS, the Council of the City of South Euclid recognizes the need for certain restaurants to have a drive-thru and outdoor dining as part of the Oakwood Commons Development Project; and

WHEREAS, one such restaurant, a proposed "Popeye's," is to be located at 1878 Warrensville Center Road and has requested a conditional use permit for both a drive-thru and outdoor dining; and

WHEREAS, the Planning Commission, after careful study, has recommended to Council in a vote of 5-0-0 that a Conditional Use Permit be granted to permit a drive-thru at 1878 Warrensville Center Road to serve the proposed "Popeye's"; and

WHEREAS, the Planning Commission, after careful study, has recommended to Council in a vote of 5-0-0 that a Conditional Use Permit be granted to permit outdoor dining at 1878 Warrensville Center Road to serve the proposed "Popeye's"; 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 a hardship exists in the land and that the standards set forth in Chapter 738 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 permit a drive-thru and outdoor dining at 1878 Warrensville Center Road, to serve the proposed "Popeye's" restaurant per the following conditions:

Condition 1: That shrubbery shall remain along the drive-thru to screen car headlights from houses on Warrensville Center Road.

Condition 2: That the patio hours must be limited to: Sunday-Thursday 7am-10pm, Friday-Saturday 7am-11pm. This is to prevent noise which could disturb the surrounding residents.

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 declared to be an emergency measure necessary for the preservation of the public peace, health and safety and for the further reason that a vital function of the municipal government is affected thereby. Wherefore, 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

Approved:

Georgine Welo, Mayor

Attest:

Keith A. Benjamin, Clerk of Council

Approved as to form:

Michael P. Lograsso, Director of Law

CITY OF SOUTH EUCLID, OHIO

RESOLUTION NO.: 28-19
INTRODUCED BY: Fiorelli
REQUESTED BY: Mayor

June 24, 2019

A RESOLUTION

AUTHORIZING THE APPROPRIATION AND TRANSFER OF FUNDS FROM THE "CAPITAL PROJECTS FUND #408" TO THE "GENERAL FUND #101" DUE TO A RECLASSIFICATION NECESSARY TO BE IN COMPLIANCE WITH RESOLUTION 05-19.

WHEREAS, City Council passed Resolution 05-19 on March 25, 2019 authorizing and directing the Finance Director to transfer at the last Council meeting in November 2019 7.5% of all personal income tax collected to date (after fees have been deducted) which shall include all prior transfers to the "General Improvement and Repair Fund #408; and

WHEREAS, the funds that have been transferred to the "General Improvement and Repair Fund #408 in 2019 exceeds 7.5% of the anticipated amount of all personal income tax expected to be collected to date in the year 2019 (after fees have been deducted) which shall include all prior transfers of personal income tax at the last Council meeting in November; and

WHEREAS, the Ohio Revised Code requires legislation to transfer money between funds due to reclassification.

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

Section 1: That the Council of the City of South Euclid hereby authorizes the Finance Director to reduce appropriations and transfer funds from the "General Improvement and Repair Fund #408" to the "General Fund #101" due to a reclassification to be in compliance with Resolution 05-19 in the amount of \$600,000.00.

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

Section 3: 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

(replacing Resolution 24-19)
CITY OF SOUTH EUCLID, OHIO

RESOLUTION NO.: 29-19
INTRODUCED BY: Fiorelli
REQUESTED BY: Fiorelli

June 24, 2019

A RESOLUTION

DECLARING THE NECESSITY TO CONTINUE TO LEVY A REPLACEMENT TAX OUTSIDE OF THE TEN MILL LIMITATION FOR THE PURPOSE OF PROVIDING FUNDS FOR THE GENERAL PROVISION OF POLICE, FIRE, AND OTHER SAFETY SERVICES IN THE CITY; AND REQUESTING TAX VALUATION CERTIFICATION FROM THE COUNTY FISCAL OFFICER; AND DECLARING AN EMERGENCY.

BE IT RESOLVED, by the Council of the City of South Euclid, Cuyahoga County, Ohio, two-thirds of the members elected thereto concurring:

Section 1: That it is hereby found, determined and declared that the amount of taxes which may be raised by the City of South Euclid within the ten-mill limitation by levies on the current tax duplicate will be insufficient to provide for the necessary requirements of the City, and that it is necessary to levy a tax in excess of such limitation for the purpose of providing funds for the general provision of police, fire, and other safety forces in the city, together with all necessary incidentals and appurtenances thereto, pursuant to Ohio Revised Code Section 5705.19. Said levy will replace a five and three-quarter (5.75) mill levy which expires on December 31, 2019 with a five and three-quarters (5.75) mill levy to be in effect for three (3) years appearing on the 2019 tax duplicate first due in calendar year 2020.

Section 2: That the County Fiscal Officer is hereby requested to certify to the City of South Euclid the total current tax valuation of the City and the dollar amount of revenue that would be generated by a five and three-quarters (5.75) mill levy for each of the three (3) years in accordance with Section 5705.03 of the Ohio Revised Code, **and to be placed on the November 5, 2019 ballot.**

Section 3: That the Clerk of Council is hereby authorized and directed to give or cause to be given a Certified Copy of this Resolution to the County Fiscal Officer of Cuyahoga County, Ohio.

Section 4: 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 5: That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety; wherefore this Resolution shall take effect and be in force from and immediately after adoption and approval by 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

RESOLUTION NO.: 30-19
INTRODUCED BY: Fiorelli
REQUESTED BY: Mayor

June 24, 2019

A RESOLUTION

REQUESTING A HEARING BY THE OHIO DEPARTMENT OF COMMERCE DIVISION OF LIQUOR CONTROL REGARDING THE APPLICATION FOR PARTIAL TRANSFER OF LIQUOR PERMIT FOR “CMG AND TAM INC; DBA TINO’S LOUNGE”, IN THE CITY OF SOUTH EUCLID, OHIO.

WHEREAS, the City received a notice from the Ohio Department of Commerce Division of Liquor Control that Tino’s Lounge, located at 4004 Mayfield Road, has submitted an application revising their current permit for alcoholic beverages within the municipal boundaries; and

WHEREAS, this notice states that Ohio Revised Code Section 4303.271(B) provides City Council the right request a hearing; and

WHEREAS, the Police Chief has presented evidence to City Council expressing concerns regarding ongoing criminal nuisance issues at Tino’s Lounge, with the most recent incident occurring on June 17, 2019 and resulting in the finding of 23 spent 9mm shell casings at the property.

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

Section 1: That based upon the grounds set forth in Ohio Revised Code 4303.292(A), City Council requests that the Ohio Department of Commerce Division of Liquor Control hold a hearing regarding the Liquor Permit for “CMG and TAM, Inc. DBA Tino’s Lounge” located at 4004 Mayfield Road in the City of South Euclid for the purposes of ensuring the health, safety and welfare of the South Euclid community.

Section 2: That the Council of the City of South Euclid respectfully requests the hearing concerning this matter be held in the City of Cleveland, Ohio as the County Seat of Cuyahoga County.

Section 3: That the Clerk of Council has transmitted a request for hearing to the Ohio Department of Commerce Division of Liquor Control.

Section 4: 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 5: That this Resolution is deemed to be an emergency measure necessary for the immediate preservation of the peace, health, safety and welfare of the residents. 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