

THE CITY OF SOUTH EUCLID
SCHEDULE OF MEETING
NOVEMBER 11, 2019
8:00 PM

1. PLEDGE OF ALLEGIANCE *In commemoration of Veterans Day and in appreciation of the service of South Euclid Veterans, past and present, the South Euclid Fire Department Honor Guard will be presenting colors during the Pledge of Allegiance.*

2. ROLL CALL

3. APPROVAL OF MINUTES October 15, 2019 & October 28, 2019

4. REPORT OF MAYOR

5. REPORT OF LAW DIRECTOR & DEPARTMENTAL HEADS

6. REPORT OF SCHOOL DISTRICT

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

8. REPORT OF COMMITTEES

9. LEGISLATION REQUESTED BY THE PLANNING COMMISSION

1. RESOLUTION 57-19 GRANTING A CONDITIONAL USE PERMIT FOR A DRIVE-THRU FOR WALGREEN'S LOCATED AT 4546 MAYFIELD ROAD IN THE CITY OF SOUTH EUCLID, OHIO. FIRST READING.

10. LEGISLATION REQUESTED BY THE MAYOR & ADMINISTRATION

1. ORDINANCE 21-19 AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT OF COOPERATION BETWEEN THE CITY OF SOUTH EUCLID AND CUYAHOGA COUNTY FOR THE RESURFACING OF MONTICELLO BOULEVARD FROM BELVOIR BOULEVARD TO CORPORATION LINE. FIRST READING.

2. RESOLUTION 58-19 PROVIDING FOR THE APPROPRIATION OF UNAPPROPRIATED FUNDS IN THE GENERAL FUND TO THE "OUTSIDE LEGAL FEES" IN THE AMOUNT OF \$34,343.23. FIRST READING.

3. RESOLUTION 59-19 ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY FISCAL OFFICER. FIRST READING.

4. RESOLUTION 60-19 AUTHORIZING THE APPROPRIATION OF UNAPPROPRIATED FUNDS IN THE AMOUNT OF \$10,000 IN THE FOLLOWING FUND: "YOUTH PROGRAMS #101-4460-52799" FOR A GRANT RECEIVED FROM THE NEIGHBORHOOD LEADERSHIP INSTITUTE. FIRST READING.

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

12. COMMUNICATIONS OF CITY COUNCIL

13. ADJOURN

CITY OF SOUTH EUCLID, OHIO

RESOLUTION NO.: 57-19
INTRODUCED BY: Fiorelli
REQUESTED BY: Planning Commission

November 11, 2019

A RESOLUTION

GRANTING A CONDITIONAL USE PERMIT FOR A DRIVE-THRU FOR "WALGREEN'S" LOCATED AT 4546 MAYFIELD ROAD IN THE CITY OF SOUTH EUCLID, OHIO.

WHEREAS, "Walgreen's" proposes to renovate the building at 4546 Mayfield Road for a new drug store and desires to include a pharmacy with a drive-thru window; and

WHEREAS, in the Mayfield-Green (M-G) District in which this property is located, a conditional use permit is required in order for a business to have a drive-thru; and

WHEREAS, the proposed location already has a drive-thru window which "Walgreen's" plans to utilize, the drive-thru will not include an external speaker; and

WHEREAS, in accordance with Chapter 739 "Mayfield-Green District (M-G)" of the codified ordinances, the application was referred to the Planning Commission; which provided notice of a public hearing on the aforesaid requested Conditional Use Permit 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, after careful study, has recommended to Council in a vote of 4-0-0 that a Conditional Use Permit be granted to allow "Walgreen's" to have a drive-thru pharmacy window as part of their operations at 4546 Mayfield Road; and

WHEREAS, the Council of the City of South Euclid deems that the aforesaid Conditional Use Permit should be given as the standards set forth in Chapter 739 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 "Walgreen's" to have a drive-thru pharmacy window as part of their operations at 4546 Mayfield Road, with no specific conditions.

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 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

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.: 21-19
INTRODUCED BY: Fiorelli
REQUESTED BY: Mayor

November 11, 2019

AN ORDINANCE

AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT OF COOPERATION BETWEEN THE CITY OF SOUTH EUCLID AND CUYAHOGA COUNTY FOR THE RESURFACING OF MONTICELLO BOULEVARD FROM BELVOIR BOULEVARD TO CORPORATION LINE.

WHEREAS, the City of South Euclid, Cuyahoga County, Ohio, hereinafter referred to as the MUNICIPALITY in the matter of the hereinafter described improvement, requests the cooperation of the County of Cuyahoga, Ohio, hereinafter referred to as the COUNTY; and

WHEREAS, the MUNICIPALITY has recognized the need for and proposes the improvement of a portion of public highway which is described as follows: The Resurfacing of Monticello Boulevard from Belvoir Boulevard to Corporation Line in the City of South Euclid.

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

Section 1: That it is declared to be in the public interest that the consent of said MUNICIPALITY be and such consent is hereby given to the COUNTY to participate in the cost of construction of the above described improvement.

Section 2: That the COUNTY and the MUNICIPALITY will cooperate in the Resurfacing of Monticello Boulevard from Belvoir Boulevard to Corporation Line in the City of South Euclid.

Section 3: That the MUNICIPALITY will arrange for the supervision and administration of the construction contract.

Section 4: That the COUNTY will review the construction plans for conformance with Section 2 of this Ordinance. County approval of plans and specifications is required prior to the advertisement of the construction contract. The COUNTY will make an inspection of the completed project.

Section 5: That the MUNICIPALITY shall agree to provide the COUNTY with a complete set of as-built plans upon the completion of the project.

Section 6: That the MUNICIPALITY hereby agrees to participate with the COUNTY in the cost of the improvement by an allocation from the County Motor Vehicle License Tax Fund to pay the COUNTY portion of the project.

Section 7: That the COUNTY shall contribute fifty percent (50%) of the cost of construction which is determined to be eligible by the Cuyahoga County Engineer's policies up to a maximum of \$102,000. The anticipated construction cost for this project is \$204,000. To determine funding eligibility, the COUNTY shall be notified immediately of any significant changes to the scope of work and/or construction cost.

Section 8: That upon completion of said improvement, said MUNICIPALITY will thereafter keep said highway open to traffic at all times; and maintain the improvement in accordance with the provisions of the statutes relating thereto and make ample financial provisions for such maintenance; and maintain the right-of-way and keep it free of obstructions in a manner satisfactory to the COUNTY and hold said right-of-way inviolate for public highway purposes and permit no signs, posters, billboards, roadside stands or other private installations within the right-of-way limits; and that the COUNTY shall continue to maintain the structural elements of any bridge (defined as a structure with a span of twenty feet or greater) located within the limits of the improvement in accordance with the applicable sections of the Ohio

Revised Code.; and after construction of the project is complete, the MUNICIPALITY agrees to follow and maintain post-construction Best Management Practices as outlined in the Municipal Storm Water Permit that is filed with the Ohio Environmental Protection Agency (O.E.P.A.).

Section 9: That upon completion of said improvement said MUNICIPALITY will thereafter keep said highway open to traffic at all times; and place and maintain all traffic control devices conforming to the Ohio Manual of Uniform Traffic Control Devices on the improvement in compliance with the provisions of Section 4511.11 and related sections of the Ohio Revised Code; and that the street or highway shall be and hereby is designated a through highway as provided in Section 4511.07(A)(6) Ohio Revised Code; and stop signs affecting the movement of traffic on said street or highway within the roadway being improved shall be removed, and no stop signs shall be erected on same except at its intersection with another through highway where traffic does not warrant the installation of a traffic control signal but where the warrants for a "Four-way Stop" as provided in the aforesaid Manual are met; and that no rule or regulation shall be enacted restricting the use of the improved road and/or structure by any class of vehicle or vehicle load permitted by the Ohio Revised Code to use a public highway. Any existing rule or regulation so restricting road usage shall be rescinded; and the MUNICIPALITY shall regulate parking in the following manner: Prohibit parking in accordance with Section 4511.66 of the Ohio Revised Code unless otherwise controlled by local ordinance or resolution.

Section 10: That all existing street and public right-of-way within the MUNICIPALITY which is necessary for the aforesaid improvement shall be made available therefore; and that the MUNICIPALITY will arrange for the acquisition of any additional right-of-way which may be required for the construction of the improvement.

Section 11: That the MUNICIPALITY will make arrangements with and obtain agreements from privately owned public utility companies whose lines or structures will be affected by the said improvement, and said companies have agreed to make any and all necessary arrangements in such a manner as to be clear of any construction called for by the plans of said improvement, and said companies have agreed to make such necessary arrangements immediately after notification by said MUNICIPALITY; and that the COUNTY will participate in the cost of alterations of governmentally-owned utility facilities which come within the provisions of Section 8301 (Utility Reimbursement Eligibility) of the Ohio Department of Transportation's Real Estate Policies and Procedures Manual to the same extent that it participates in the other costs of the project, provided, however, that such participation will not extend to any additions or betterments of existing facilities; and that it is hereby agreed that the MUNICIPALITY shall, at its own expense, make all rearrangements of governmentally-owned utilities and/or appurtenances thereto which do not comply with the Provisions of Section 8301 (Utility Reimbursement Eligibility) of the Ohio Department of Transportation's Real Estate Policies and Procedures Manual, whether inside or outside the corporate limits, as may be necessary to conform to the said improvement; and that the construction, reconstruction, and/or arrangement of all utilities shall be done in such a manner as not to interfere unduly with the operation of the contractor constructing the improvement, and all backfilling of trenches made necessary by such utility rearrangements shall be performed in accordance with the provision of the Ohio Department of Transportation Construction and Material Specifications.

Section 12: That if the MUNICIPALITY includes the construction of sanitary sewers, waterlines, area sewers (drainage of area surrounding the improvement), alternate bid items, or other items in the improvement that are in addition to those now existing and not provided for elsewhere in this Ordinance, the MUNICIPALITY agrees to pay, or make arrangements for the payment of, the cost of said additional construction, the cost of preliminary and design engineering and construction supervision.

Section 13: That the MUNICIPALITY shall be solely responsible for the certifications or obligations made or agreed to in Sections 10 and 11, and hereby agrees that the COUNTY shall be and is hereby released from any and all damages or claims of the MUNICIPALITY arising from or growing out of the certification or obligations made or agreed to in said Sections 10 and 11 hereinabove.

Section 14: That for matters relating to this improvement, the agent for the COUNTY and liaison officer on the matter contained herein shall be the County Engineer of Cuyahoga County, Ohio, and/or such members of his staff as he may designate.

Section 15: That by enacting this Ordinance, the MUNICIPALITY agrees to conduct this transaction by electronic means and agrees that all documents requiring County signatures may be executed by electronic means, and that the electronic signatures affixed by the County to said documents shall have the same legal effect as if that signature was manually affixed to a paper version of the document. The MUNICIPALITY also agrees on behalf of the aforementioned entities and persons to be bound by the provisions of Chapters 304 and 1306 of the Ohio Revised Code as they pertain to electronic transactions, and to comply with the electronic signature policy of Cuyahoga County.

Section 16: That the Mayor of said MUNICIPALITY is hereby empowered and directed on behalf of the MUNICIPALITY to enter into agreements with the COUNTY necessary to complete the planning and construction of this improvement; and that the Mayor of said MUNICIPALITY is hereby empowered and directed on behalf of the MUNICIPALITY to make application to the County of Cuyahoga, Ohio, for approval to use County Motor Vehicle License Tax Funds for the improvement.

Section 17: 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 18: That 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, in order to allow this critical project to be completed.

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

RESOLUTION NO.: 58-19
INTRODUCED BY: Fiorelli
REQUESTED BY: Mayor

November 11, 2019

A RESOLUTION

PROVIDING FOR THE APPROPRIATION OF UNAPPROPRIATED FUNDS IN THE GENERAL FUND TO THE "OUTSIDE LEGAL FEES" IN THE AMOUNT OF \$34,343.23.

WHEREAS, there are balances in the unappropriated funds in the General Fund of the City of South Euclid, Ohio; and

WHEREAS, it is the desire of the Council to appropriate funds from the General Fund in the amount of \$34,343.23 to cover the payment of past legal expenses incurred by the City of South Euclid payable to the law firm of Walter-Haverfield regarding The State of Ohio, ex rel. Judge Gayle Williams-Byers on behalf of the South Euclid Municipal Court, et al vs. The City of South Euclid, et al.

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

Section 1: That a sum not to exceed \$34,343.23 be and is hereby appropriated to account no. 101.7740.52324 entitled, "Outside Legal Fees."

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

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

Passed this _____ day of _____, 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 59-19

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

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

The Council of the City of South Euclid, Cuyahoga
County, Ohio, met in Regular session on the 11 day of November
(Regular Or Special)
2019, at the office of _____ with the following members

present:

Mr./Mrs. _____ moved the adoption of the following Resolution:

WHEREAS, This Council in accordance with the provisions of law has previously
adopted a Tax Budget for the next succeeding fiscal year commencing January 1st,
2020; and

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

RESOLVED, By the Council of the City of South Euclid,
Cuyahoga County, Ohio, that the amounts and rates, as determined

by the Budget Commission in its certification, be and the same are hereby accepted; and be it further

RESOLVED, That there be and is hereby levied on the tax duplicate of said City the rate
of each tax necessary to be levied within and without the ten mill limitation as follows:

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

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

SCHEDULE B

LEVIES OUTSIDE 10 MILL LIMITATION, EXCLUSIVE OF DEBT LEVIES

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

and be it further

RESOLVED, That the Clerk of this Council be and he is hereby directed to certify a copy of this

Resolution to the Fiscal Officer of said County.

Mr./Mrs. _____ seconded the Resolution and the roll being called

upon its adoption the vote resulted as follows:

Mr./Mrs. _____

Mr./Mrs. _____

Mr./Mrs. _____

Adopted the _____ day of _____, 20____.

Attest:

President of Council

Clerk of Council

CERTIFICATE OF COPY
ORIGINAL ON FILE

The State of Ohio, Cuyahoga County, ss.

I, Keith Ari Benjamin, Clerk of the Council of the City

of South Euclid within and for said County, and in whose custody the Files and Records of said Council are required by the Laws of the State of Ohio to be kept, do hereby certify that the foregoing is taken and copied from the original Resolution 59-19

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

WITNESS my signature, this _____ day of _____, 20____

Clerk of Council

No. 59-19

COUNCIL OF THE CITY OF

South Euclid

Cuyahoga County, Ohio.

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

(City Council)

Adopted _____, 20 ____

Clerk of Council

Filed _____, 20 ____

County Fiscal Officer

By _____
Deputy

CITY OF SOUTH EUCLID, OHIO

RESOLUTION NO.: 60-19
INTRODUCED BY: Fiorelli
REQUESTED BY: Mayor

November 11, 2019

A RESOLUTION

AUTHORIZING THE APPROPRIATION OF UNAPPROPRIATED FUNDS IN THE AMOUNT OF \$10,000 IN THE FOLLOWING FUND: "YOUTH PROGRAMS #101-4460-52799" FOR A GRANT RECEIVED FROM THE NEIGHBORHOOD LEADERSHIP INSTITUTE.

WHEREAS, the City of South Euclid has received a grant from the Mount Pleasant NOW Community Development Corporation as fiscal agent for MyCom in the amount of \$10,000 to fund youth, student and workforce development programs as part of the MyCom Regional Network.

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

Section 1: That the Council of the City of South Euclid hereby authorizes the Finance Director to appropriate unappropriated funds from the General Fund to the "Youth Programs #101-4460-52799" in the amount of \$10,000.

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