

**THE CITY OF SOUTH EUCLID
SCHEDULE OF MEETING
FEBRUARY 24, 2020
8:00 PM**

1. PLEDGE OF ALLEGIANCE

2. ROLL CALL

3. APPROVAL OF MINUTES: January 27, 2020 & February 10, 2020

4. REPORT OF MAYOR

5. REPORT OF LAW DIRECTOR & DEPARTMENTAL HEADS

6. SPECIAL PRESENTATION

1. Resolution 15-20 Accepting the Donation Of An Automated External Defibrillator (AED) From The 4ALEC Foundation for use in the event of a Sudden Cardiac Arrest by the South Euclid Lyndhurst Youth Softball & Baseball Association (SELYSBA) during league games in the City of South Euclid. **First Reading.**

7. REPORT OF SCHOOL DISTRICT

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

9. REPORT OF COMMITTEES

1. Ordinance 01-20 To make appropriations for current expenses and other expenditures of the City of South Euclid, State of Ohio, during fiscal year ending December 31, 2020; and declaring an emergency. **Second Reading.**

10. LEGISLATION REQUESTED BY THE MAYOR & ADMINISTRATION

1. Resolution 14-20 Authorizing the Mayor to convey certain real property of the City of South Euclid, Ohio to One South Euclid. **First Reading.**

2. Ordinance 03-20 Enacting New Section 732.03 "Tattoo and Body Piercing Businesses" of Chapter 732 "Conditional Uses in Commercial Districts" of Title Three "Commercial District Regulations" of Part Seven "Planning and Zoning code" of the codified ordinances of the City of South Euclid, Ohio. **First Reading and Referral to Planning Commission.**

3. Ordinance 04-20 Enacting New Section 761.07 "Landmark Commission" of Chapter 761 "Administration" of Title Six "Administrative Provisions" of Part Seven "Planning and Zoning Code" of the codified ordinances of the City of South Euclid, Ohio. **First Reading and Referral to Planning Commission.**

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

12. COMMUNICATIONS OF CITY COUNCIL

13. ADJOURN

CITY OF SOUTH EUCLID, OHIO

RESOLUTION NO.: 15-20
INTRODUCED BY: Frank
REQUESTED BY: Mayor

February 24, 2020

A RESOLUTION

ACCEPTING THE DONATION OF AN AUTOMATED EXTERNAL DEFIBRILLATOR (AED) FROM THE 4ALEC FOUNDATION FOR USE IN THE EVENT OF SUDDEN CARDIAC ARREST BY THE SOUTH EUCLID LYNDHURST YOUTH SOFTBALL & BASEBALL ASSOCIATION (SELYSBA) DURING LEAGUE GAMES IN THE CITY OF SOUTH EUCLID.

WHEREAS, February is the American Heart Association's American Heart Month, a federally designated event in the United States of America aimed at increasing knowledge about cardiovascular disease; and

WHEREAS, the 4Alec Foundation is a non-profit organization, based in South Euclid, Ohio and was founded in August of 2017 and named for Alec Kornet, who passed away suddenly from an undiagnosed heart condition in 2017 at the age of 17; and

WHEREAS, the 4Alec Foundation was founded by Alec's parents Scott and Stephanie Kornet to educate, spread awareness, and work to prevent undetected heart conditions/diseases which could lead to Sudden Cardiac Arrest in our youth; and

WHEREAS, the 4Alec Foundation believes that the education and prevention of undetected heart conditions/diseases is an important issue that needs to be addressed and brought to light to help save lives of our youth; and

WHEREAS, in an effort to bring continued awareness to youth heart disease and help prevent the tragic loss of loved ones from a sudden cardiac event, the 4Alec Foundation has made the generous donation of an Automated External Defibrillator (AED) for use in the case of a sudden cardiac arrest during South Euclid Lyndhurst Youth Softball & Baseball Association (SELYSBA) league games in South Euclid; and

WHEREAS, An AED is a lightweight, portable device that delivers an electric shock through the chest to the heart. The shock can potentially stop an irregular heartbeat (arrhythmia) and allow a normal rhythm to resume following sudden cardiac arrest (SCA); and

WHEREAS, AEDs make it possible for more people to respond to a medical emergency where defibrillation is required. Because AEDs are portable, they can be used by nonmedical people (lay-rescuers). They can be made part of emergency response programs that also include rapid use of 9-1-1 and prompt delivery of cardiopulmonary resuscitation (CPR). All three of these activities are vital to improving survival from SCA.

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

Section 1: That the Council and Mayor of the City of South Euclid hereby accept the generous donation of an Automated External Defibrillator from the 4Alec Foundation on behalf of the South Euclid Lyndhurst Youth Softball & Baseball League (SELYSBA).

Section 2: That the Council and Mayor of the City of South Euclid thank the 4Alec Foundation and the Kornet Family for their ongoing mission to save young lives and honor the life and legacy of South Euclid resident Alec Kornet.

Section 3: 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: 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 _____, 2020.

Joseph Frank, President of Council

Attest:

Approved:

Keith A. Benjamin, Clerk of Council

Georgine Welo, Mayor

Approved as to form:

Michael P. Lograsso, Director of Law

CITY OF SOUTH EUCLID, OHIO

ORDINANCE NO.: 01-20
REQUESTED BY: Mayor
INTRODUCED BY: Frank

February 10, 2020
First Reading: 02/10/2020

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, 2020; AND DECLARING AN EMERGENCY.

NOW, THEREFORE, BET 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, 2020, the sums as herein set forth be and the same are hereby made. Said sums to be used to implement this 2020 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	\$4,692,095	
Other Charges	342,806	
	<hr/>	
Total Police Department		\$5,034,901

POLICE - ADMINISTRATIVE - 1111

Personal Services	\$132,048	
Other Charges	1,000	
	<hr/>	
Total Police Department- Administrative		\$133,048

POLICE - SCHOOL GUARDS - 1112

Personal Services	\$117,433	
Other Charges	2,000	
	<hr/>	
Total Police Department-School Guards		\$119,433

POLICE - CORRECTIONS - 1113

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

FIRE DEPARTMENT- 1120

Personal Services	\$3,882,805	
Other Charges	312,679	
	<hr/>	
Total Fire Department		\$4,195,484

FIRE HYDRANTS - 1122

Other Charges	33,485	
Total Fire Hydrants		\$33,485

DISPATCHERS - 1130

Personal Services	\$0	
Other Charges	585,059	
Total Dispatchers		<u>\$585,059</u>

TOTAL PROGRAM I \$10,101,410

PROGRAM II - Public Health & Welfare Services

SUPPORT OF PRISONERS - 2210

Other Charges	\$81,300	
Total Public Health & Welfare		<u>\$81,300</u>

TOTAL PROGRAM II \$81,300

PROGRAM III - Leisure Time Activities

RECREATION - 3310

Personal Services	\$75,191	
Other Charges	43,650	
Total Recreation		\$118,841

COMMUNITY CENTER - 3350

Personal Services	\$194,559	
Other Charges	74,450	
Total Community Center		<u>\$269,009</u>

TOTAL PROGRAM III \$387,850

PROGRAM IV - Community Environment

BUILDING DEPARTMENT - 4410

Personal Services	\$905,081	
Other Charges	203,550	
Total Building Department		\$1,108,631

ECONOMIC DEVELOPMENT - 4430

Personal Services	\$165,795	
Other Charges	114,200	

Total Economic Development \$279,995

COMMUNITY RELATIONS - 4440

Personal Services	\$83,559	
Other Charges	100,300	
	<hr/>	
Total Community Relations		\$183,859

CITY BOARDS & COMMISSIONS - 4450

Personal Services	\$39,050	
Other Charges	4,450	
	<hr/>	
Total Boards & Commissions		\$43,500

YOUTH INITIATIVE -4460

Personal Services	\$29,004	
Other Charges	43,500	
	<hr/>	
Total Youth Initiative		\$72,504

TOTAL PROGRAM IV \$1,688,489

PROGRAM V - Basic Utility Service

REFUSE COLLECTION & DISPOSAL - 5510

Other Charges	\$1,400,000	
	<hr/>	
Total Refuse Collection & Disposal		\$1,400,000

CURBSIDE RECYCLING - 5520

Personal Services	\$97,188	
Other Charges	9,700	
	<hr/>	
Total Curbside Recycling		\$106,888

TOTAL PROGRAM V \$1,506,888

PROGRAM VI - Transportation

SERVICE DEPARTMENT - 6610

Personal Services	\$280,300	
Other Charges	288,330	
	<hr/>	
Total Service Department		\$568,630

GARAGE - 6620

Personal Services	\$207,690	
Other Charges	230,000	
	<hr/>	
Total Garage		\$437,690

TOTAL PROGRAM VI

\$1,006,320

PROGRAM VII - General Government

MAYOR'S OFFICE - 7710

Personal Services	\$200,242	
Other Charges	29,474	
	<hr/>	
Total Mayor's Office		\$229,716

LEGISLATIVE ACTIVITIES (CITY COUNCIL) - 7720

Personal Services	\$98,006	
Other Charges	44,000	
	<hr/>	
Total Legislative Activities (City Council)		\$142,006

FINANCE ADMINISTRATION - 7730

Personal Services	\$335,883	
Other Charges	66,000	
	<hr/>	
Total Finance Administration		\$401,883

INCOME TAX ADMINISTRATION (RITA) - 7731

Personal Services	\$0	
Other Charges	560,000	
	<hr/>	
Total Income Tax Administration		\$560,000

LEGAL ADMINISTRATION - 7740

Personal Services	\$215,375	
Other Charges	395,432	
	<hr/>	
Total Legal Administration		\$610,807

JUDICIAL ACTIVITIES (MUNICIPAL COURT) - 7750

Personal Services	\$728,249	
Other Charges	52,705	
	<hr/>	
Total Judicial Activities (Municipal Court)		\$780,954

CIVIL SERVICE COMMISSION - 7760

Personal Services	\$7,758	
Other Charges	25,150	
	<hr/>	
Total Civil Service Commission		\$32,908

ENGINEERING - 7770

Personal Services	\$22,335	
Other Charges	4,200	
	<hr/>	
Total Engineering		\$26,535

MUNICIPAL COMPLEX - 7780

Personal Services	\$39,808	
Other Charges	538,450	
	<hr/>	
Total Municipal Complex		\$578,258

GENERAL SERVICES - 7790

Personal Services	\$37,000	
Other Charges	602,735	
	<hr/>	
Total General Services		\$639,735

INSURANCE - 7791

Personal Services	\$0	
Other Charges	256,000	
	<hr/>	
Total Insurance		\$256,000

TRANSFERS/ADVANCES OUT -9910/9920

Other Charges	\$2,399,000	
		\$2,399,000

TOTAL PROGRAM VII \$6,657,802

TOTAL GENERAL FUND \$21,430,059

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

OPERATION HOME IMPROVEMENT
(FUND 103/104)

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

COPS GRANT (FUND 106)

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

COMMUNITY DIVERSION PROGRAM
(FUND 107)

Personal Services	\$11,810	
Other Charges	4,745	
	<hr/>	
Total	\$16,555	16,555
 <u>STREET CONSTRUCTION & MAINTENANCE (FUND 202)</u>		
Personal Services	\$988,275	
Other Charges	329,200	
	<hr/>	
Total	\$1,317,475	1,317,475
 <u>STATE HIGHWAY IMPROVEMENT (FUND 203)</u>		
Personal Services	\$0	
Other Charges	50,000	
	<hr/>	
Total	\$50,000	50,000
 <u>PARKING LOTS & PARKING METERS (FUND 205)</u>		
Personal Services	\$0	
Other Charges	0	
	<hr/>	
Total	\$0	-
 <u>SWIMMING POOLS (FUND 206)</u>		
Personal Services	\$175,030	
Other Charges	97,975	
	<hr/>	
Total	\$273,005	273,005
 <u>PERMISSIVE MOTOR VEHICLE TAX (FUND 207)</u>		
Other Charges	\$160,000	
	<hr/>	
Total	\$160,000	160,000
 <u>HUD GRANT - NSP 3 (FUND 215)</u>		
Other Charges	\$0	
	<hr/>	
Total	\$0	
 <u>POLICE RANGE (FUND 220)</u>		
Other Charges	\$32,400	
	<hr/>	
Total	\$32,400	
 <u>LAW ENFORCEMENT TRUST (FUND 221)</u>		

Other Charges	\$110,000	
Total	\$110,000	142,400
 <u>FEMA FIREFIGHTERS GRANT (FUND 222)</u>		
Other Charges	\$1,504	
Total	\$1,504	
 <u>SAFETY FORCES LEVY (FUND 410)</u>		
Personal Services	\$1,920,000	
Other Charges	30,000	
Total	\$1,950,000	
 <u>STREET LIGHTING (FUND 511)</u>		
Other Charges	\$471,500	
Total	\$471,500	2,423,004
 <u>SEWER MAINTENANCE (516)</u>		
Personal Services	\$461,569	
Other Charges	28,480	
Total	\$490,049	490,049
 <u>SEWER REHABILITATION (517)</u>		
Other Charges	\$400	
Total	\$400	
 <u>POLICE PENSION (FUND 614)</u>		
Other Charges	\$121,000	
Total	\$121,000	
 <u>FIRE PENSION (FUND 615)</u>		
Other Charges	\$121,000	
Total	\$121,000	
 <u>SICK LEAVE BENEFIT (FUND 926)</u>		
	\$60,000	
Total	\$60,000	
 <u>SALARY RESERVE (FUND 927)</u>		
	\$500,000	

Total	\$500,000	\$802,400
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TOTAL SPECIAL REVENUE FUNDS: \$5,674,888

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

GENERAL BOND RETIREMENT (FUND 327)

Other Charges	\$75,460	
Total	\$75,460	\$75,460

RECREATION BOND RETIREMENT (FUND 328)

Other Charges	\$0	
Total	\$0	\$0

SPECIAL ASSESSMENT BOND RETIREMENT (FUND 510)

Other Charges	\$0	
Total	\$0	\$0

TOTAL BOND RETIREMENT FUNDS: \$75,460

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

CAPITAL PROJECT FUNDS

GENERAL IMPROVEMENT & REPAIR (FUND 408)

Other Charges	\$1,019,850	
Total	\$1,019,850	1,019,850

SAFETY FORCES VEHICLES (FUND 409)

Other Charges	\$165,000	
Total	\$165,000	\$165,000

POLICE VEHICLES & EQUIPMENT (FUND 411)

Other Charges	\$4,000	
Total	\$4,000	

RECREATION CONTINGENCY (FUND 418)

Other Charges	\$0	
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Total \$0 4000

WATER DISTRIBUTION
INFRASTRUCTURE (FUND 424)

Other Charges \$532,500
Total \$532,500 532,500

ROAD RESURFACING (FUND 425)

Other Charges \$805,270
Total \$805,270 805,270

FLOOD CONTROL (FUND 426)

Other Charges \$1,996,058
Total \$1,996,058 1,996,058

SIDEWALK IMPROVEMENT PROGRAM
(FUND 427)

Other Charges \$7
Total \$7 7

STAN HOPE PARKING LOT (FUND 430)

Other Charges \$2,850
Total \$2,850

ISSUE II PROJECTS (FUND 431)

Other Charges \$0
Total \$0

LAND ACQUISITION (FUND 440)

Other Charges \$2,002,388
Total \$2,002,388 2,005,238

TOTAL CAPITAL PROJECT FUNDS: \$6,527,923

TRUST & AGENCY (FUND 917)

Other Charges \$1,982,965
Total \$1,982,965

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

GRAND TOTAL

\$35,691,294

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 2020 unless this Ordinance goes into immediate effect. Wherefore, this Ordinance shall take effect upon passage and approval.

Passed this _____ day of _____, 2020

By: _____
Joseph Frank, 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.: 14-20
INTRODUCED BY: Frank
REQUESTED BY: Mayor

February 24, 2020

A RESOLUTION

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

WHEREAS, the City of South Euclid is the owner of a certain parcel of improved land, as defined in Exhibit A attached hereto; and

WHEREAS, the subject parcel was deeded to the City of South Euclid through the tax forfeiture process; and

WHEREAS, the Council of the City of South Euclid has, upon study and consideration, determined that said parcel does not serve and is not needed for any municipal purpose; and

WHEREAS, in accordance with the agreement for professional services, the City's Community Development Corporation, One South Euclid, has the ability to dispose of the subject parcel and return the land to productive use.

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

Section 1: That the Council has determined the subject parcel does not serve any municipal purpose.

Section 2: That the Mayor be and she is hereby authorized to convey said parcel of real property (as shown in Exhibit A, attached hereto) to the City's Community Development Corporation, One South Euclid, in order to dispose of the property and return the land to productive use.

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: 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 _____, 2020.

Joseph Frank, President of Council

Approved:

Georgine Welo, Mayor

Attest:

Keith A. Benjamin, Clerk of Council

Approved as to form:

Michael P. Lograsso, Director of Law

EXHIBIT A:

Parcel of improved land to be conveyed to One South Euclid:

PP#	Address	Street Name
702-27-014	4669	Liberty Road

THE CITY OF SOUTH EUCLID, OHIO

ORDINANCE NO.: 03-20
INTRODUCED BY: Frank
REQUESTED BY: Mayor

February 24, 2020

AN ORDINANCE

ENACTING NEW SECTION 732.03 "TATTOO AND BODY PIERCING BUSINESSES" OF CHAPTER 732 "CONDITIONAL USES IN COMMERCIAL DISTRICTS" OF TITLE THREE "COMMERCIAL DISTRICT REGULATIONS" OF PART SEVEN "PLANNING AND ZONING CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO.

WHEREAS, as tattoo and body piercing businesses become more common throughout the State of Ohio, the reasonable regulation of such businesses is necessary to promote the health, welfare, and safety of the residents of South Euclid; and

WHEREAS, an improperly operated or unclean tattoo parlor or body piercing business location may have serious and detrimental effects upon the citizens of South Euclid; and

WHEREAS, the City of South Euclid can best inspect and oversee the operation of tattoo parlors and body piercing businesses in the City; and

WHEREAS, the State of Ohio and Cuyahoga County have adopted reasonable rules to regulate the sanitary operation of tattoo parlors and body piercing facilities; and

WHEREAS, this Council desires to adopt an Ordinance to enforce the regulations of the operation of tattoo parlors and body piercing facilities in the City by making such businesses a conditional use; and

WHEREAS, this legislation amending the zoning code was referred to the Planning Commission for review; and

WHEREAS, notice of a meeting on the aforesaid requested zoning amendment has been duly given, and a full meeting has been held thereon by the Planning Commission, pursuant to such notice and as prescribed by law; and

WHEREAS, upon holding a public hearing, Council deems that the aforesaid zoning amendment should be made and the same is conducive to the public health, safety, convenience and general welfare of the City.

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

Section 1: That New Section 732.03 "Tattoo and Body Piercing Businesses" of Chapter 732 "Conditional Uses in Commercial Districts" of Title Three "Commercial District Regulations" of Part Seven "Planning and Zoning Code" of the Codified Ordinances of the City of South Euclid, Ohio, be and the same is hereby enacted to read as follows:

"732.03 TATTOO AND BODY PIERCING BUSINESSES"

(a) Definitions

1. "Board of Health" means the Cuyahoga County Board of Health.
2. "Body pierce," "body pierced," or "body piercing" refer to any method of invasive penetration of the skin for decorative purposes, including ear piercing except when the ear piercing procedure is performed with an ear piercing gun.
3. "Building Commissioner" shall mean the administrative official charged with the duty of administering the regulations of this Section, which promote the health, safety, and welfare of the citizens of the City of South Euclid.
4. "Business" means any entity that provides tattoo and/or body piercing services.

5. "Certificate of Occupancy" shall mean written approval from the Building Commissioner, or his/her authorized representative, that said tattooing and/or body piercing establishment has been inspected and meets all terms of this Section.

6. "Conditional Use Permit" shall mean a Permit approved by Council pursuant to Chapter 762 of these Codified Ordinances.

7. "Ear piercing gun" means a mechanical device that pierces the ear by forcing a disposable single-use stud or solid needle through the ear.

8. "Health Officer" shall mean a duly authorized employee of the Division of Environmental Health for the Cuyahoga County Board of Health.

9. "Operator" shall mean any individual, firm, company, corporation or association that owns or operates an establishment where tattooing and/or body piercing is performed, and/or any individual who performs or practices the art of tattooing and/or body piercing on the person of another.

10. "Tattoo," "tattooed," or "tattooing" refer to any method of placing designs, letters, scrolls, figures, symbols or any other marks upon or under the skin with ink or any other substance resulting in the coloration of the skin by the aid of needles and/or any other instruments designed to touch or puncture the skin.

11. "Tattoo parlor and/or body piercing establishment" means the location wherein tattooing and/or body piercing is performed.

(b) Location Requirements

The location for a tattoo parlor or body piercing establishment shall be governed by the following provisions:

1. Separation. No such use shall be established within one thousand feet (1,000) of a daycare center, preschool, elementary or secondary school, public library, church, outdoor or indoor playground, and public or nonprofit recreation center or community center.

2. Spacing. No such use shall be established within five hundred feet (500) of another such use.

3. Appeals. The Board of Zoning Appeals may recommend approval of an application which does not meet the regulations of this Section if, after public notice and hearing, the Board determines that the proposed use, by virtue of its nature and location, will not adversely affect nearby residential areas or other protected uses listed in paragraph (1). Should the Board approve such an application, the applicant will still be subject to the conditional use process defined in Chapter 762 of the Codified Ordinances.

(c) Tattoo and Body Piercing Business as Conditional Use; Permit Required

A tattoo and/or body piercing business is hereby classified as a conditional use which may be permitted in the following city zoning districts; C-2 (General Commercial), C-3 (Special Commercial), M-1 (Limited Manufacturing), and M-2 (General Manufacturing), in accordance with the corresponding standards and requirements of the Planning and Zoning Code. A Conditional Use Permit issued pursuant to Chapter 762 of these Codified Ordinances shall be required in order to operate a tattoo parlor and/or body piercing business; said permit shall be effective for as long as the holder of the permit remains in operation and in compliance with the conditions listed in the permit. Said permit shall be automatically voided shall there be a change in ownership of the tattoo parlor or body piercing business. The new owners will be required to go reapply through the conditional use process in order to operate. When applying or reapplying for Conditional Use, the applicant shall provide a floor plan illustrating the proposed operation, a site plan indicating all on-site improvements, if any, a plan to comply with the requirements of Section 772 "Parking" and any additional information as requested by the Building Commissioner, Planning Commission, or City Council. A tattoo parlor or body piercing business shall be classified as a nonretail service for the purposes of calculating the parking space requirements. Notification of a public hearing held by the Planning Commission shall be given by the Secretary to all real properties within 500 feet of the property line of the parcel upon which the conditional use is requested. Said notice shall be by first class mail, postage prepaid.

(d) Permit Requirements

1. It shall be unlawful for any person to engage in the business of operating a tattoo parlor and/or body piercing establishment without first obtaining a Conditional Use Permit to engage in such business in accordance with the provisions hereof.

2. In addition to obtaining a Conditional Use Permit, an annual Certificate of Occupancy shall be required in accordance with Chapter 1607 of the Codified Ordinances

3. A tattoo parlor and/or body piercing establishment shall not be operated as a Home Occupation.

4. A copy of valid Cuyahoga County Board of Health tattoo and/or body piercing license is required prior to issuance of a Conditional Use Permit, Occupancy Permit, and Renewed Occupancy Permit.

5. The provisions of Chapters 3730 and 3734 of the Ohio Revised Code regulating tattooing and body piercing in the State of Ohio shall be applicable along with the provisions of this Chapter.

(e) Establishment Requirements

Each person, firm, or corporation who operates a tattooing or body piercing establishment within the City of South Euclid shall comply with the following requirements:

1. Tattooing and Body Piercing Room

A. The room in which tattooing and body piercing is done shall have an area of not less than one hundred (100) square feet. Each room in which tattooing or body piercing is performed shall accommodate only one customer at a time. The walls and floors shall have impervious, smooth, and washable surfaces, and shall not be subject to public view.

B. Toilet facilities shall be located within the tattoo parlor or body piercing establishment and shall be accessible at all times during operating hours. The lavatory(ies) shall have hot and cold running water, soap, and single use towels available at all times.

C. All tables and other equipment shall be constructed of impervious materials, with smooth, washable surfaces, and shall be separated from waiting customers or observers. No procedure may be performed in public view.

D. The entire premises and all equipment shall be maintained in a clean, sanitary condition and in good repair. Sufficient spotlight illumination shall be used to highlight the area to be tattooed or pierced.

E. A minimum of forty (40) foot candles of light must be provided at the level where tattooing is being performed.

2. Preparation and Procedure for Tattooing or Body Piercing

A. Written inquiry shall be made of the customer for a history of the following conditions: jaundice or hepatitis, swelling of the lymph nodes, AIDS or positive HIV test, skin disease or skin cancer at the site, hemophilia, allergies or anaphylactic reaction to dyes. Any individual indicating a history of any of the above shall not be tattooed nor have their body pierced.

B. Any individual who is inebriated or obviously under the effect of alcohol and/or drugs shall not be tattooed or have their body pierced.

C. The operator shall engage in proper hand washing and wear a clean, new pair of disposable gloves for each new customer.

D. Tattooing shall not be performed on the hands below the waist line, on the feet below the ankle line, on genitalia, scrotum or in the anal area. Tattooing shall not be undertaken over the site of a recent hypodermic injection.

E. Single service razors, safety razors, and straight edge razors are to be used in preparation for the procedure and must be properly discarded after use.

F. The area of the body to be tattooed or pierced shall first be thoroughly washed with warm water to which an antiseptic liquid soap has been added.

G. Petroleum jelly in a collapsible metal or plastic tube shall be used on the area to be tattooed and it shall be applied with a sterile gauze, tissue, or paper towel.

H. The use of styptic pencils, alum blocks, other solid styptic to check the flow of blood is prohibited.

I. Single service containers, pigments, inks, dyes, needles and other paraphernalia shall be properly discarded immediately after each procedure. Excessive pigment, dye, ink, liquids, or solutions shall be removed with individual sterile sponge or gauze and shall be immediately discarded in an approved manner. After completing the tattoo or body piercing procedure on any person, the tattooed area shall be washed with sterile gauze, cotton balls, tissue or paper towels saturated with an antiseptic soap solution or a seventy percent alcohol solution. The tattooed area shall be allowed to dry and a topical cream or antiseptic from a collapsible tube shall be applied using sterile gauze, tissue, or paper towel. A sterile gauze dressing or saran covering shall then be fastened to the tattooed area.

J. Operators performing tattooing or body piercing shall be immunized against the Hepatitis B virus in accordance with OSHA regulations for health care workers.

K. Written instructions on the care of the tattoo or body piercing, approved by the Cuyahoga County Board of Health, shall be given to each person who receives a tattoo or has been the subject of a body piercing.

L. Needles and other instruments used for body piercing shall be of the same gauge as the ornaments, jewelry or similar items that are or can be inserted through the opening created by the body piercing.

M. Tattooing and body piercing shall only be performed between the hours of 8:00 a.m. and 10:00 p.m.

3. Sterilization of Equipment and Storage

A. A steam sterilizer (autoclave) shall be provided for sterilizing multi-use instruments such as needle bars, grips and tubes, and other tattoo and body piercing equipment needing sterilization. Sterilization of equipment shall be accomplished by exposure to live steam for at least thirty (30) minutes at a minimum pressure of fifteen pounds per square inch (15 psi) with a temperature of two hundred fifty degrees Fahrenheit (250F). Autoclave indicator temperature strips or other similar devices shall be used to monitor autoclave performance with each use. Alternative sterilizing equipment and procedures may be used if specifically approved by the Board of Health.

B. Preparation of instruments for sterilization. After each tattoo procedure, the tattoo machine shall be placed in an ultrasonic type machine to remove the excess dye from the tubes and the needle bars. When this process is completed, the tubes and needle bars shall be removed from the tattoo machines. The tubes, grips, and needle bars shall then be placed into sterilizer bags or wrappers for sterilization by autoclaving.

C. All ready to use needles, needle bars, grips and tubes, and instruments shall be left in wrappers or sterilizer bags used during the autoclaving process. These wrapped items shall be stored in a closed cabinet or container when not in use. Such storage equipment shall be maintained in a safe and sanitary condition at all times.

D. The needles and instruments required to be sterilized shall be handled and used in such a way as to prevent contamination during the tattooing procedure.

(f) Keeping of Records

Permanent records of each patron or customer shall be maintained by the operator of the establishment. Before the tattooing and/or body piercing operation begins, the patron or customer shall be required to enter, on a record form provided for each establishment, the date, his or her name, address, age, and his or her signature. This data will be verified by requiring the patron to produce a valid state driver's license or other form of picture identification. The operator of the tattoo and/or body piercing establishment must affix his/her name to the record form and sign a statement verifying the performance of the duties required under this Chapter. Such records shall be maintained in the tattoo and/or body piercing establishment and shall be available for examination upon request by the Building Commissioner. Records shall be retained by the operator for a period of not less than five (5) years. In the event of a change in ownership or closing of the business, all such records shall be retained by the operator and made available to the Building Commissioner upon request.

(g) Disposal

1. All pigments, dyes, inks, or colors used in tattooing shall be sterile and free from bacteria, virus particles and noxious agents and substances. The pigments, dyes, and colors used from stock solutions for each customer or patron shall be obtained from an approved source, and shall be placed in a single-serve receptacle. Such receptacle and the remaining solution shall be discarded after use on each customer or patron.

2. All bandages and surgical dressings used in connection with the tattooing and/or body piercing of a person shall be sterile and disposed of in a manner which complies with Chapter 3734 of the Ohio Revised Code pertaining to infectious waste.

(h) Certificate of Inspection, Renewal, Annual Inspection

1. An applicant for a license to operate a tattooing and/or body piercing establishment shall first obtain a Conditional Use Permit, as approved by City Council.

2. The Building Commissioner shall issue a Certificate of Occupancy upon approval of the Conditional Use Permit, and approval from the Cuyahoga County Board of Health, the Fire

Department, and the Building Department that the establishment has been inspected and is in compliance with all provisions of this Section.

3. The Building Commissioner shall engage the Cuyahoga County Board of Health for the purpose of conducting annual and other periodic inspections, as may be necessary, and any tattooing and/or body piercing establishment for the purpose of determining whether or not said establishment, and the persons performing the art of tattooing and/or body piercing therein, are in compliance with all applicable provisions contained within this regulation and other pertinent regulations of the Board of Health. It shall be unlawful for any person or operator of a tattooing and/or body piercing establishment to willfully prevent or restrain an employee of the Cuyahoga County Board of Health, or his/her designee, from entering any licensed establishment where tattooing and/or body piercing is being performed for the purpose of inspecting said premises, after proper identification is presented to the operator.

4. The Building Commissioner shall renew the Certificate of Occupancy on an annual basis, provided the establishment is in compliance with the Conditional Use Permit, the Cuyahoga County Board of Health, all City of South Euclid laws and regulations, and the Ohio Revised Code. Said Certificate of Occupancy shall be posted within the tattoo and/or body piercing establishment to serve as public notice that said establishment has been inspected and is in compliance with the provisions of this Section.

(i) Limitations of Persons

1. It shall be unlawful to tattoo and/or body pierce any person who is known to have, or who shows signs of having, any communicable disease or any disease of the skin. This includes but is not limited to rashes, pimples, boils, infections or any manifestation or evidence of other unhealthy conditions.

2. It shall be unlawful for any tattoo and/or body piercing operator to be under the influence of alcohol and/or narcotic drug or drug of abuse when tattooing and/or body piercing.

3. It shall be unlawful to tattoo and/or body pierce any individual who is under eighteen (18) years of age, regardless of whether the operator knows this person to be less than eighteen (18) years of age, without the prior express written consent of such person's parent or guardian. The operator shall be considered strictly liable for any violation of this Section.

(j) Penalty

1. The City of South Euclid may suspend or revoke a Tattoo and/or Body Piercing Establishment Conditional Use Permit and/or Certificate of Occupancy for violation of any provision of this Section.

2. The provisions of this Section shall apply to all tattoo and/or body piercing establishments and/or tattoo and/or body piercing operators which are currently in existence, or which may come into existence after the effective date of this Section. The provisions of this Section shall not apply to a Physician licensed to practice medicine in the State of Ohio who is tattooing for a medical purpose.

3. In the event of conflict between any provisions of this Section and the Ohio Revised Code, including any rules and regulations adopted pursuant to this Section or the Ohio Revised Code, and any provisions of City Ordinances, including any rules and regulations adopted pursuant to such Ordinance, that provision which establishes the higher standard for the promotion or protection of the health or safety of the people shall govern.

4. Whoever violates any provisions of this Section shall be guilty of a misdemeanor of the first degree. Such person and/or business shall be deemed guilty of a separate offense for each and every day or portions thereof during which any violation of any of the provisions of this Section is committed, permitted or continued. This Section shall be enforced by the Director of Public Safety or designee, the Division of Police, and/or any public health official.

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 _____, 2020.

Joseph Frank, 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, OHIO

ORDINANCE NO.: 04-20
INTRODUCED BY: Frank
REQUESTED BY: Mayor

February 24, 2020

AN ORDINANCE

ENACTING NEW SECTION 761.07 "LANDMARK COMMISSION" OF CHAPTER 761 "ADMINISTRATION" OF TITLE SIX "ADMINISTRATIVE PROVISIONS" OF PART SEVEN "PLANNING AND ZONING CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO.

WHEREAS, various public and private commercial and residential buildings throughout the city are seen as being significant to this community's past, present, and future; and

WHEREAS, certain neighborhoods in the city have homes with distinctive architectural features and could be designated as local historic districts; and

WHEREAS, creating a local Landmark Commission would allow for the city to designate and regulate the future of buildings and neighborhoods seen as exhibiting some sort of significance to South Euclid; and

WHEREAS, designating buildings as local landmarks can make such buildings eligible for a variety of economic incentives, encouraging preservation and rehabilitation of the city's commercial and residential districts; and

WHEREAS, this Council desires to adopt an Ordinance to create a City of South Euclid Landmark Commission; and

WHEREAS, this legislation amending the zoning code was referred to the Planning Commission for review; and

WHEREAS, notice of a meeting on the aforesaid requested zoning amendment has been duly given, and a full meeting has been held thereon by the Planning Commission, pursuant to such notice and as prescribed by law; and

WHEREAS, upon holding a public hearing, Council deems that the aforesaid zoning amendment should be made and the same is conducive to the public health, safety, convenience and general welfare of the City.

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

Section 1: That New Section 761.07 "Landmark Commission" of Chapter 761 "Administration" of Title Six "Administrative Provisions" of Part Seven "Planning and Zoning Code" of the Codified Ordinances of the City of South Euclid, Ohio, be and the same is hereby enacted to read as follows:

"761.07 LANDMARK COMMISSION"

(a) Definitions

1. "Alteration" means any design, material, or color change to the external architecture features of any landmark structure or any structure located within a landmark district.
2. "Building change" means any alteration, demolition, removal, or construction to a landmark structure including such structures located within a landmark district.
3. "Construction" means the erection of new structures in landmark districts or on the sites of landmark structures and of additions to existing landmark structures.
4. "Demolition" means the substantial deterioration or complete or substantial removal or destruction of any landmark structure or any structure which is located within a landmark district.
5. "Environmental change" means any change to the site surrounding a landmark structure or within a landmark district, including, but not limited to, fences, signage, and major landscaping.

6. "Landmark District" means any area that contains structures which:
- A. Have historic significance;
 - B. Represent one or more periods or styles of architecture typical of one or more eras in the City's history, or represent an assemblage of structures important to the City's history;
 - C. Cause such area, by reason of such factors, to constitute an identifiable area; and
 - D. Have been designated as a "Landmark District" pursuant to this section's provisions.
7. "Rehabilitation" means the process of returning a property to a state of utility, through repair or alteration, which makes possible an efficient contemporary use while preserving those portions and features of the property which are significant to its historic, architectural, and cultural values.
8. "Removal" means the deletion of any exterior architectural feature from a landmark structure or from any structure which is located within a Landmark District.

(b) Establishment; Composition; Term; and Vacancy

There is hereby established the City of South Euclid Landmark Commission which shall consist of seven (7) members. Five (5) members shall be appointed by the Mayor, shall be residents of the City not holding other public office or employment with the City, and have demonstrated an interest, experience, or knowledge in history, architecture, preservation, or related disciplines. Commencing January 1, 2021, two (2) members shall be appointed to a term of two (2) years, two (2) members shall be appointed to a term of four (4) years, and one (1) member shall be appointed to a term of six (6) years. Thereafter, each member appointed shall have a term of six (6) years. The sixth member of the Commission shall be a member of Council appointed by his/her fellow Councilmembers at the organizational meeting of Council for a two (2) year term. The seventh member of the Commission shall be a member of the Planning Commission appointed by his/her fellow Planning Commission Members at the organizational meeting of the Planning Commission for a one (1) year term. Vacancies shall be filled for the remainder of the unexpired terms in the same manner as regular appointments and confirmations. A vacancy shall be filled within sixty (60) days from the date the vacancy occurs, unless a greater period of time is reasonably necessary, as determined by the appointing authority. The Mayor or his/her designee shall serve as an ex officio member of this Landmark Commission.

(c) Compensation of Members

No compensation shall be paid to any member of the Landmark Commission unless City Council adds such compensation to the City of South Euclid Salary Ordinance for services performed while a member of the Landmark Commission.

(d) Purpose

The purpose of the Landmark Commission is to designate landmarks in the City pursuant to the procedures hereinafter described, in order to preserve, protect, and perpetuate places, buildings, structures, works of art, and other objects having a special historical, community, or aesthetic interest or value, all for the reasons described in the remainder of this section.

1. To safeguard the heritage of the City by preserving sites and structures which reflect elements of the City's cultural, social, economic, political, or architectural history;
2. To stabilize and improve property values;
3. To protect and enhance the City's attraction to residents, tourists, and visitors, and serve as a support and stimulus to business;
4. To enhance the visual and aesthetic character, diversity, and interest of the City;
5. To foster civic pride in the beauty and notable accomplishments of the past;
6. To promote the use and preservation of historic sites and structures for the education and general welfare of the people of the City;
7. To strengthen the economy of the City;
8. To take whatever steps as may be necessary to safeguard the property rights of the owners whose property is declared to be a landmark or is located in an area designated as a Landmark District.

(e) Financial Interest of Members

No member of the Landmark Commission shall participate in the review of any item for discussion before such Commission if such member has any direct financial interest in the property involved in such discussion.

(f) Meetings

The Landmark Commission shall hold meetings on a monthly basis or as otherwise needed; provided, however, that the Commission shall meet not less than four (4) times per year.

(g) Organization and Officers

1. The first meeting of the year for the Landmark Commission shall be the organizational meeting. At this meeting, the Commission will elect one of its members to serve as Chair of the Commission for that upcoming year.
2. The Mayor shall appoint a City employee to serve as Secretary of the Commission. The Secretary shall keep, or cause to be kept, a complete record of all meetings of the Commission and a detailed record of transactions dealt with by the Commission. In addition, the Secretary shall perform such other functions as the Commission may direct. Said individual shall be paid the same compensation as the Secretary for the City Planning Commission, as defined in the City of South Euclid Salary Ordinance.

(h) Designation of Landmarks and Landmark Districts

1. The Landmark Commission may designate a place, building, structure, work of art, or similar object in the City as a landmark or Landmark District. The Commission, on its own initiative, or any owner of property, may apply to the Commission, on forms provided by the City, for designation of property owned by him or her as a landmark. In determining whether to designate such place, building, work of art, or object as a landmark, the Commission shall consider the following criteria with respect to such property:
 - A. Its character, interest or value as part of the development, heritage, or cultural characteristics of the City of South Euclid, State of Ohio, or the United States.
 - B. Its location as a site of a significant historic event.
 - C. Its identification with a person or persons who significantly contributed to the culture and development of the City.
 - D. Its exemplification of the cultural, economic, social, or historic heritage of the City.
 - E. Its portrayal of the environment of a group of people in an era of history characterized by a distinctive architectural style.
 - F. Its embodiment of a distinguishing characteristic of an architectural type or specimen.
 - G. Its identification as the work of an architect or master builder whose individual work has influenced the development of the City.
 - H. Its embodiment of elements of architectural design, detail, materials, or craftsmanship which represent a significant architectural innovation.
 - I. Its relationship to other distinctive areas which are eligible for preservation according to a plan based on an historic, cultural, or architectural motif.
 - J. Its unique location or singular physical characteristic representing an established and familiar visual feature of a neighborhood, community, or the City.
 - K. Such other individual characteristics as shall be relevant to its designation as a landmark.
2. The Commission shall propose designations of any area, place, building, structure, work of art, or similar object in the City as a landmark or Landmark District, and thereupon take the following actions:
 - A. The Commission shall notify the owner of such property of the proposed designation. Whenever possible, the Commission shall secure the owner's written consent for submittal of the proposed designation, together with its findings of fact to be shared with the City Planning Commission.
 - A. The Commission shall advise the City Planning Commission of the proposed designation and request from the City Planning Commission its recommendation with respect to the proposed designations, its opinion as to the effect of the proposed designation upon the surrounding neighborhood, and its opinion and recommendations as to any other planning consideration which may be relevant to the proposed designation, together with its recommendation of approval, rejection, or modification of the proposed designation. Such recommendation shall become part of the official record concerning the proposed designation. The Commission may make such modifications, changes, and alterations concerning the proposed designation as it deems necessary in consideration of the recommendation of the Planning Commission.
 - B. Following review by the City Planning Commission, the Landmarks Commission shall schedule a public hearing on the question of the proposed designation, setting forth a date, time, and place, and causing written notice to be given to the property owner or any person having a legal or equitable interest in such property being proposed for designation. The Commission

shall cause a legal notice to be published in a newspaper of general circulation in the City setting forth the nature of the hearing, the property involved, and the date, time, and place of the scheduled public hearing. The Secretary shall cause notice to be sent via US Mail to all property owners within 250 feet of the subject property, setting forth the nature of the hearing, the property involved, and the date, time, and place of the scheduled public hearing. The Secretary shall also notify all members of City Council, the Planning Commission, the Architectural Review Board, and the Board of Zoning Appeals of said hearing through the preferred form of communication of reaching those individuals.

C. The Commission shall conduct the public hearing as provided by subsection 2(B) hereof and shall provide a reasonable opportunity for all interested parties to express their opinions under such rules as the Commission may adopt for the purpose of governing the proceedings of the hearings. Each speaker shall be fully identified as to name, address, and the interests which he/she represents. The Commission shall make a determination with respect to the proposed designation in writing within fifteen (15) days of the hearing date and shall notify any owner or any person having a legal or equitable interest in such property, as well as such other interested parties as may request a copy thereof. The Commission shall set forth its findings of fact which constitute the basis for its decision.

D. Should the property owner or any person having a legal or equitable interest in such property refuse to accept the designation, as issued by the Commission, he/she must file an appeal with the Board of Zoning Appeals (BZA) within sixty (60) days of the designation being issued. The appeal shall be heard in accordance with Section 761.04 of the City of South Euclid, Ohio Codified Ordinances.

E. As soon as is reasonably possible, the Commission shall notify the City Building Department of the official designation. The Commission shall also file with the Cuyahoga County Recorder and the Cuyahoga County Fiscal Officer a certified copy of the designation order together with a notice briefly stating the fact of such designation and a summary of the effects the designation shall have. The Commission, further, shall send by registered mail a certified copy of such order and a copy of the notice hereinabove described to the owner and any person having a legal or equitable interest in such property.

3. Removal. The Commission shall reserve the right to use the process described above to remove a landmark or Landmark District from such designated status. This removal process can be undertaken by the Commission, on its own initiative. The process for removal of a landmark designation shall follow the same process as designating a landmark, as described above. Should a landmark be removed of such status, the Commission shall notify the City Building Department. The Commission shall also file with the Cuyahoga County Recorder and the Cuyahoga County Fiscal Officer a certified copy of the order removing such landmark designation. The Commission, further, shall send by registered mail a certified copy of such order and a copy of the notice hereinabove described to the owner and any person having a legal or equitable interest in such property.

(i) Record of Landmarks

1. The Landmark Commission shall maintain complete records of all properties designated as landmarks in a book kept for records in the office of the Building Department.
2. The Commission may place or cause to be placed on such landmark properties a designation that such property or part thereof has been designated a landmark in the City.

(j) Regulation of Building or Environmental Change or Rehabilitation

No person owning, renting, or occupying property which has been designated a landmark or which is situated in a designated Landmark District shall make any environmental or building change or rehabilitation in such property without consent of the Landmark Commission with respect to such building or environmental change or rehabilitation. The following procedures shall apply to all alterations, demolitions, removals, or constructions of such property in the City:

1. Any application to the Building Department for a building permit for an environmental or building change or rehabilitation shall be forwarded to the Commission, together with copies of all detailed plans, designs, elevations, specifications and documents relating thereto, within seven (7) days after receipt thereof. An application may be filed by the applicant directly with the Commission at the same time an application for a building permit is filed or in lieu of filing for a building permit, if no building permit is required for the proposed building or environmental change or rehabilitation.
2. If the Commission finds that the building or environmental change or rehabilitation proposed by the applicant:

A. Shall not adversely affect any significant historical or aesthetic feature of the property and is appropriate and consistent with the spirit and purposes of this section and the "Standards for Rehabilitation" adopted by the U.S. Secretary of the Interior, as found in Title 36 of the Code of Federal Regulations, Part 1208; or

B. Shall remedy conditions imminently dangerous to life, health, or property, as determined in writing by the Building Commissioner, or the Fire Inspector, then the Commission shall grant permission.

3. If the Commission finds that the building or environmental change or rehabilitation proposed by the applicant shall adversely affect any significant historical or aesthetic feature of the property or is inappropriate or inconsistent with the spirit and purposes of this section, the Commission shall disapprove the application and so advise the applicant and the Building Department in writing within sixty (60) days after receiving the application.

4. If it disapproves the application, the Commission shall have the power to impose and enforce a waiting period of six (6) months from the date of its notice of disapproval, during which period the Commission shall conduct negotiations with the applicant and any other party in an effort to find a means of preserving the property as follows:

A. With respect to an application involving an alteration, the Commission and the applicant shall work together during such period to find a mutually agreeable method of completing the proposed building or environmental change or rehabilitation.

B. With respect to an application involving a demolition, removal, or construction, the Commission may in its discretion extend the original waiting period of six (6) months to one (1) year. During such period and any extension thereof, the Commission and the applicant shall undertake meaningful and continuing discussions for the purpose of finding a method of saving such landmark. The Commission shall also investigate the feasibility of all available ways and means of preserving the landmark, including without limitation, inducing by contract or other consideration the creation of covenants restricting the use of the property, leasing and subleasing the property for the purposes of preservation, and acquiring by eminent domain or contract or conveyance all or any part of or interest in the property. If the Commission and the applicant do not agree on a means of preserving the landmark within the waiting period or any extensions thereof, the Commission upon expiration of such period or extension thereof shall grant permission with respect to the proposed environmental or building change or rehabilitation.

5. Upon granting permission, the Commission shall give written notice to the applicant and the Building Department.

6. If no action has been taken by the Commission on an application within sixty (60) days after such application has been received by the Commission, application shall be deemed granted.

7. Nothing herein contained shall obviate compliance by the owner of such property with all other applicable ordinances, rules, and regulations of the City, particularly Chapter 1333 and 1334 pertaining to the demolition or removal of residential and commercial structures.

(k) Additional Powers and Duties of Commission

The Landmark Commission shall have the following powers and duties in addition to those otherwise specified in this section:

1. The Commission shall conduct a continuing survey of all areas, places, buildings, structures, works of art, or similar objects in the City which the Commission, on the information available or presented to it, has reason to believe are or will be eligible for designation as landmarks.

2. The Commission shall work for the continuing education of the residents of the City with respect to the historical and architectural heritage of the City and the landmarks designated under the provisions of this section. It shall keep current and public a register of landmarks.

3. The Commission shall have authority to establish rules and regulations consistent with the provisions of this section and the spirit of its purpose to assist the Commission in evaluating applications for landmark designations submitted to it, the manner in which such applications are processed, and the proper and orderly conduct of its business.

4. The Commission shall act as a liaison on behalf of the City to individuals and organizations concerned with historic preservation.

5. The Commission may accept the services on a permanent or part-time basis of technical experts and such other persons as may be required to perform its duties; provided that no General Fund moneys are used for such services, except as may be appropriated by Council.

(l) Changes Not Prohibited

Nothing in this section shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature of any property which has been designated a landmark or which is situated in a designated Landmark District that does not involve a change in design, material,

color or outer appearance thereof, nor to prevent any environmental or building change that the Building or Fire Department shall certify in writing is required by the public safety because of an unsafe or dangerous condition.

(m) Architectural Review Board

Notwithstanding any other provisions of this section, only architectural design compatible with other historical buildings in approved Landmark Districts in the City shall be approved for any new construction by the Architectural Review Board in the Landmark Districts.

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 _____, 2020.

Joseph Frank, President of Council

Attest:

Approved:

Keith A. Benjamin, Clerk of Council

Georgine Welo, Mayor

Approved as to form:

Michael P. Lograsso, Director of Law