

**THE CITY OF SOUTH EUCLID
SCHEDULE OF MEETING**

May 11, 2020

8:00 PM

Meeting Conducted Via WebEx Meeting Platform

PUBLIC ACCESS FOR RESIDENTS:

Please go to the City's Homepage at www.cityofsoutheuclid.com and click the "Join City Council Meeting Link" at the top of the webpage.

The Password to Join the Meeting is:

8y56fN99HJZ (89563699 from phones and video systems)

1. PLEDGE OF ALLEGIANCE

2. ROLL CALL

3. APPROVAL OF MINUTES: April 20, 2020 Special Meeting of City Council

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 CITY COUNCIL

1. Resolution 28-20 A Resolution proclaiming May 2020 to be Bike Month in the City of South Euclid. First Reading.

10. LEGISLATION REQUESTED BY THE MAYOR & ADMINISTRATION

1. Ordinance 06-20 An Ordinance enacted by the City of South Euclid, Cuyahoga County, Ohio hereinafter referred to as the Municipality that requests the cooperation of the County of Cuyahoga, Ohio, hereinafter referred to as the County, in the matter of the hereinafter described improvement related to the proposed Green Road Bridge Replacement and Resurfacing Project. First Reading.

2. Resolution 29-20 Authorizing the Director of Community Services to apply for a grant from the AARP Community Challenge Fund 2020 for the Victory Park Improvement Project. First Reading.

3. Resolution 30-20 Providing for the appropriation of unappropriated funds in the General Fund to the "Outside Legal Fees" in the amount of \$53,611.54. First Reading.

4. Resolution 31-20 Authorizing the Mayor to enter into a Memorandum of Understanding with the Cuyahoga Soil and Water Conservation District as a Member of the Euclid Creek Watershed Council. 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.: 28-20
INTRODUCED BY: Frank
REQUESTED BY: Gelfand

May 11, 2020

A RESOLUTION

A RESOLUTION PROCLAIMING MAY 2020 TO BE *BIKE MONTH*
IN THE CITY OF SOUTH EUCLID.

WHEREAS, bicycling is a sociable, healthy, green, and economical mode of travel; and

WHEREAS, since 2010, the United States Department of Transportation has adopted a policy stating that “walking and bicycling are considered as equals with other transportation modes” and “not an afterthought in roadway design”; and

WHEREAS, the State of Ohio recognizes bicycles as valid vehicles for use on all South Euclid roads; and

WHEREAS, the City of South Euclid is a member of the Heights Bicycle Coalition (HBC), a 501(c)3 nonprofit organization that was formed in the spring of 2010 with the goal of making the Heights area of Cleveland, Ohio, more bicycle friendly; and

WHEREAS, since its inception, the Coalition has worked with the cities of South Euclid, Cleveland Heights, University Heights, Shaker Heights, Cleveland and East Cleveland to lay the foundation for improved area bicycle routes; and

WHEREAS, South Euclid streets and buildings are ideally arranged in a compact, well-connected pattern making it easy to walk and bike to businesses, schools, and recreational and cultural facilities; and

WHEREAS, South Euclid continues to assess its transportation network and connections to other cities and seek grants for projects that improve the safety and comfort of bicyclists within South Euclid and connecting with our neighboring communities.

WHEREAS, educating cyclists on the proper and safe operation of bicycles and motorists on how to properly share roads with bicyclists (including our school children) is important to ensure the safety and well-being of all; and

WHEREAS, given the COVID-19 pandemic and its impact on everyday life, the League of American Bicyclists has postponed its promotion of *Bike to Work Week* until September 21-27, 2020 and *Bike to Work Day* until September 22, 2020; and

WHEREAS, the annual *Ride of Silence* will take place in Greater Cleveland on Wednesday, May 20, 2020 as a virtual group ride in which participants are encouraged to engage in solo rides or rides with their household members, at the scheduled time, to honor those killed or injured while riding on public streets; and

WHEREAS, South Euclid Police have found having bicycle units is an outstanding and effective way to police parks, business districts and neighborhoods and to form positive relations with residents, especially children.

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

Section 1: This Council does hereby proclaim May 2020 to be *Bike Month* in the City of South Euclid. This Council and Mayor encourage all residents to review the laws and regulations governing bicycle safety and to use a bicycle for transportation to work and school, especially for trips within the City of South Euclid.

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

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

Passed this _____ day of _____, 2020.

Joseph Frank, Council President

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.: 06-20
INTRODUCED BY: Frank
REQUESTED BY: Mayor

May 11, 2020

AN ORDINANCE

AN ORDINANCE ENACTED BY THE CITY OF SOUTH EUCLID, CUYAHOGA COUNTY, OHIO HEREINAFTER REFERRED TO AS THE MUNICIPALITY THAT REQUESTS THE COOPERATION OF THE COUNTY OF CUYAHOGA, OHIO, HEREINAFTER REFERRED TO AS THE COUNTY, IN THE MATTER OF THE HEREINAFTER DESCRIBED IMPROVEMENT RELATED TO THE PROPOSED GREEN ROAD BRIDGE REPLACEMENT AND RESURFACING PROJECT.

WHEREAS, the MUNICIPALITY has recognized the need for and proposes the improvement of a portion of public highway which is described as follows:

The replacement of Green Road Bridge 07.47 and the resurfacing of surrounding area adjacent to Euclid Creek in the City of South Euclid.

NOW THEREFORE, be it ordained by the Council of the City of South Euclid, County of Cuyahoga and State of Ohio;

Section 1:

A. CONSENT

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 construct the above improvement in accordance with plans, specifications and estimates approved by the COUNTY.

B. COOPERATION

1. That the MUNICIPALITY will cooperate with the COUNTY in the replacement of Green Road Bridge 07.47 and the resurfacing of surrounding area adjacent to Euclid Creek in the City of South Euclid.
2. That the COUNTY will arrange for the preparation of construction plans and specifications, including necessary engineering reports for improvement, under current Cuyahoga County standards for construction of County roads and bridges.
3. That the COUNTY will arrange for the supervision and administration of the construction contract.

C. FUNDING

1. 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.
2. The COUNTY portion includes 100% design engineering, construction and construction supervision of the bridge portion and 80% of the resurfacing portion.
3. That if funds administered by the Ohio Public Works Commission are used for this project, the amount of such funds will be deducted from designated project costs prior to the application of the participatory percentages specified in this Agreement.
4. That the MUNICIPALITY agrees to deposit with the Treasurer of Cuyahoga County the MUNICIPALITY'S share of the estimated cost of the project or agrees to enter into an escrow agreement with the COUNTY prior to an award of a contract for the improvements.

D. MAINTENANCE

That upon completion of said improvement, said MUNICIPALITY will thereafter keep said highway open to traffic at all times; and

1. Maintain the improvement in accordance with the provisions of the statutes relating thereto and make ample financial provisions for such maintenance (including financial provisions for electricity costs); and
2. 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
3. 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.
4. 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.).

E. TRAFFIC

That upon completion of said improvement said MUNICIPALITY will thereafter keep said highway open to traffic at all times; and

1. 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
2. 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
3. That 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
4. 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
5. 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.

F. RIGHT-OF-WAY

1. That all existing street and public right-of-way within the MUNICIPALITY which is necessary for the aforesaid improvement shall be made available therefore.
2. That in the event any additional right-of-way is required, the COUNTY will arrange for the acquisition.

G. UTILITIES

1. The COUNTY 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.
2. That the COUNTY will pay 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.
3. The MUNICIPALITY shall cooperate with the COUNTY to, make all arrangements 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.
4. 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.

H. MISCELLANEOUS

1. That if the COUNTY is formally requested by a MUNICIPAL RESOLUTION to include the construction of sanitary sewers, waterlines, area sewers (drainage of area surrounding the improvement), sidewalks, alternate bid items, or other items in the improvement that are in addition to those now existing and not provided for elsewhere in this Agreement, the COUNTY will do so, provided that this construction meets with the approval of the COUNTY and the MUNICIPALITY involved in this improvement; and that 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.
2. That the MUNICIPALITY shall be solely responsible for the certifications or obligations made or agreed to in Sections F-1, G-1, G-3, and G-4, 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 certifications or obligations made or agreed to in said Sections F-1, G-1, G-3, and G-4 hereinabove.
3. For the purpose of this Ordinance, 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.
4. By entering into this Ordinance I agree on behalf of the City of South Euclid to conduct this transaction by electronic means by agreeing 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. I also agree 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 the COUNTY.

I. AUTHORITY TO SIGN

1. 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.
2. That Mayor of said MUNICIPALITY is hereby empowered and directed on behalf of the MUNICIPALITY to make application to the COUNTY for approval to use County Motor Vehicle License Tax Funds for the improvement.

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 is hereby declared to be an emergency measure by reason of the need for expediting highway improvements to promote highway safety, and provided it receives the affirmative vote of two-thirds of the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor, otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

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:

CERTIFICATE OF COPY

State of Ohio) County of Cuyahoga) SS. City of South Euclid)

I, Keith Ari Benjamin, as Clerk of the City of South Euclid, Ohio, do hereby certify that the foregoing is a true and correct copy of the Ordinance adopted by the legislative Authority of the said municipality on the ___ day of _____, 20___, that the publication of such Ordinance has been made and certified of record according to law; that no proceedings looking to a referendum upon such Ordinance have been taken; and that such Ordinance and certificate of publication thereof are of record in Ordinance Record No. _____, Page _____.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, this _____ day of _____, 20___.

**_____
Keith Ari Benjamin, Clerk, City of South Euclid**

CITY OF SOUTH EUCLID, OHIO

RESOLUTION NO.: 29-20
INTRODUCED BY: Frank
REQUESTED BY: Mayor

May 11, 2020

A RESOLUTION

AUTHORIZING THE DIRECTOR OF COMMUNITY SERVICES TO APPLY FOR A GRANT FROM THE AARP COMMUNITY CHALLENGE FUND 2020 FOR THE VICTORY PARK IMPROVEMENT PROJECT.

WHEREAS, South Euclid City Council established the resident-based Recreation Advisory Committee to plan for future improvements at South Euclid's parks and public spaces; and

WHEREAS, the Committee first recommendation is for the creation of a new park for adults and senior citizens at Victory Park adjacent to the South Euclid Community Center and Community Partnership on Aging; and

WHEREAS, the City of South Euclid, Ohio wishes to apply for an AARP Community Challenge Fund 2020 Grant for the Victory Park Improvement Project which will primarily serve senior citizens and older adults in collaboration with the Community Partnership on Aging and the South Euclid Commission on Aging.

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

Section 1: That the Mayor be and she and the Director of Community Services are hereby authorized to submit an application for funds for an AARP Challenge Fund 2020 grant.

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; wherefore this Resolution shall take effect and be in force from and immediately after adoption approval by 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

RESOLUTION NO.: 30-20
INTRODUCED BY: Frank
REQUESTED BY: Mayor

May 11, 2020

A RESOLUTON

PROVIDING FOR THE APPROPRIATION OF UNAPPROPRIATED FUNDS IN THE GENERAL FUND TO THE "OUTSIDE LEGAL FEES" IN THE AMOUNT OF \$53,611.54.

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 \$53,611.54 to cover the payment of 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 and Judge Gayle Williams-Byers, et al. v. City of South Euclid, Cuyahoga County Court of Common Pleas Case No. CV 19-919662.

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

Section 1: That a sum not to exceed \$53,611.54 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 _____, 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

RESOLUTION NO.: 31-20
INTRODUCED BY: Frank
REQUESTED BY: Mayor

May 11, 2020

A RESOLUTION

AUTHORIZING THE MAYOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE CUYAHOGA SOIL AND WATER CONSERVATION DISTRICT AS A MEMBER OF THE EUCLID CREEK WATERSHED COUNCIL.

WHEREAS, the City of South Euclid is a member of the Euclid Creek Watershed Council; and

WHEREAS, the Euclid Creek Watershed Council desires to implement the Euclid Creek Watershed Plan, fully endorsed by the State of Ohio; and

WHEREAS, by entering into a memorandum of understanding with the Cuyahoga Soil and Water Conservation District, said watershed plan can be successfully implemented; and

WHEREAS, the member communities of the Euclid Creek Watershed Council have reviewed the memorandum and recommend passage by each respective City Council; and

WHEREAS, the Council of the City of South Euclid must authorize the Mayor to sign said memorandum of understanding.

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 Mayor to enter into a memorandum of understanding with the Cuyahoga Soil and Water Conservation District as a member of the Euclid Creek Watershed Council.

Section 2: That the memorandum of understanding shall be in substantially the same form as that attached to this legislation.

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

Section 4: That this Resolution is deemed to be an emergency measure necessary for the immediate preservation of the public peace, health and safety and for the further reason that the City must notify the other communities of the Euclid Creek Watershed Council of its approval of the memorandum. Wherefore, this Resolution shall take effect upon passage and approval.

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