

AGENDA
EUCLID CITY COUNCIL MEETING
TUESDAY, SEPTEMBER 7, 2010 AT 7:00 PM
EUCLID MUNICIPAL CENTER COUNCIL CHAMBER

PERMISSIBLE PRELIMINARIES:

FIRST GAVEL

INVOCATION*: Pastor Larry James from Abundant Life Christian Center

PLEDGE OF ALLEGIANCE

EUCLID CITY COUNCIL MEETING BUSINESS:

SECOND GAVEL

ROLL CALL OF MEMBERS

COMMUNICATIONS: Liquor Permit

COUNCIL MINUTES: June 21, 2010

ADMINISTRATION REPORTS & COMMUNICATIONS:

REPORTS & COMMITTEE MINUTES: 2009 Annual Report Department of CS&ED
2009 Comprehensive Annual Financial Report
Police Report – May, June, July 2010
Monthly Finance Report through June 30, 2010
Monthly Finance Report through July 31, 2010
Executive & Finance Com. Min: 6/14/10; 6/16/10
City Growth Com. Min.: 06/16/10
Community Assets/Programs Com. Min.: 08/09/10
Recreation Commission Min.: 8/25/10
Board of Control Min. – 06/14/10; 06/21/10; 06/28/10;
07/06/10; 07/12/10; 07/19/10; 07/26/10; 08/02/10; 08/09/10;
08/16/10

COMMITTEE OF THE WHOLE FOR LEGISLATIVE MATTERS ONLY

LEGISLATION

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| First Reading | <p>1. A resolution granting a Use District Exception, pursuant to Chapter 1375.01(a)(3) of the Codified Ordinances of the City of Euclid, to Robert B. Watkins, Executive Director of Altar House, Inc. to allow an assembly use for up to 120 people in a U-6 (Industrial Manufacturing) Use District at 19571 Roseland Avenue, Permanent Parcel No 646-23-013. (Sponsored by Planning & Zoning Commission)</p> <p>2. An emergency ordinance authorizing the Director of Parks and Recreation of the City of Euclid to purchase 2400 yards of top fill for the Briardale Greens Golf Course Driving Range from DeMilta Sand and Gravel, at a cost of Fifteen Dollars (\$15.00) a yard for a total cost of Thirty Six Thousand Dollars (\$36,000.00). (Sponsored by Councilperson Jones by request of Parks & Recreation Director)</p> <p>3. An emergency ordinance authorizing the Director of Parks and Recreation of the City of Euclid to enter into a five (5) year lease with American Financial Network, Inc., 21403 Chagrin Boulevard, Suite 230, Cleveland, Ohio 44122, for a Century Equipment Multi Pro 1250 Sprayer Rig for Briardale Greens Golf Course at a cost of Five Thousand One Hundred Forty Two Dollars (\$5,142.00) a year. (Sponsored by Councilperson Jones by request of Parks & Recreation Director)</p> | <p>Res. (137-10)</p> <p>Ord. (156-10)</p> <p>Ord. (143-10)</p> |
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4. An emergency ordinance authorizing the Director of Public Service of the City of Euclid to enter into contract/s after soliciting bids and proposals for the labor and materials necessary for the construction and installation of streetscape/public improvements at the intersection of Lake Shore Boulevard, Babbitt Road and Bliss Lane including bus shelters, an electronic community message sign, relocation of the traffic signal control box, and construction management/inspection services, in a total amount not to exceed Two Hundred Thousand Dollars (\$200,000) and further authorizing the Mayor to accept and expend Greater Cleveland Regional Transit Authority (GCRTA) grants and credits totaling Fifty Thousand Dollars (\$50,000) toward the cost of the bus shelters. (Sponsored by Councilperson Wojtila by request of Service Director) Ord. (157-10)
5. An emergency ordinance authorizing the Mayor of the City of Euclid or his designee to enter into an extension of a lease-management agreement with the Coral Management Company (Coral); such agreement outlining the terms for Coral to lease the Shore Cultural Centre from the City and to manage the property through December 31, 2010 with a twelve (12) month renewal period. (Sponsored by Mayor Cervenik) Ord. (145-10)
6. An emergency ordinance authorizing the Mayor of the City of Euclid or his designee to use no more than \$70,000 of the 2011 Capital Budget for the purchase and installation of a new boiler to replace the current boiler in Shore Cultural Centre. (Sponsored by Councilpersons Minarik and Langman) Ord. (150-10)
7. An emergency ordinance to certify as a lien on the Cuyahoga County tax duplicate the assessments for the cutting of grass, weeds, trees and abating other nuisances such as garbage and debris as provided in Sections 529.03 and 1755.28 of the Codified Ordinances of the City of Euclid. (Sponsored by Councilperson Van Ho by request of Law Director) Ord. (144-10)
8. An emergency ordinance to certify as a lien on the Cuyahoga County tax duplicate the assessments for nuisance abatement as provided in Chapter 529 of the Codified Ordinances of the City of Euclid. (Sponsored by Councilperson Van Ho by request of Law Director) Ord. (147-10)
9. An ordinance amending sub-section (b) of Section 1705.01 of the Building and Housing Code of the Codified Ordinances of the City of Euclid to increase the amount of the compliance bond required by registered contractors, effective January 1, 2011. (Sponsored by Councilperson Wojtila by request of Service Director) Ord. (138-10)
10. Special Purpose Ordinance: Flood Damage Reduction. (Sponsored by Councilperson Van Ho by request of Service Director) Ord. (146-10)
11. An ordinance rezoning parcels at 26620-26670 Lakeland Blvd., P.P. #s 648-12-002; 648-12-005; 648-12-006 and 648-12-008, from U-5 to U-6) (Sponsored by Planning & Zoning Commission) Ord. (155-10)
12. An ordinance authorizing the Director of Public Service of the City of Euclid to enter into a contract(s), after advertising for bids, for the City's requirements of Asphalt (Hot Mix Cold Mix) for the year 2011. (Sponsored by Councilman Wojtila by request of Service Director) Ord. (140-10)
13. An ordinance authorizing the Director of Public Service of the City of Euclid to enter into a contract, after advertising for bids, for uniforms for the years 2011 and 2012. (Sponsored by Mayor Cervenik and Councilperson Wojtila by request of Service Director) Ord. (141-10)
14. An ordinance authorizing the Director of Public Service of the City of Euclid to extend the existing contract with Cargill Salt, 24950 Country Club Boulevard, Suite 450, North Olmsted, Ohio 44070, for one year from November 1, 2010 thru October 31, 2011. (Sponsored by Councilman Wojtila by request of Service Director) Ord. (142-10)

First Reading

First Reading Public Hearing 10-8-10

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| 15. | An ordinance amending Section 941.04 of the Streets, Utilities and Public Services Code of the Codified Ordinances for the City of Euclid increasing the maximum size of waste containers from twenty gallon capacity to thirty-two gallon capacity. (Sponsored by Councilperson Van Ho) | Ord.
(136-10) |
| 16. | A resolution placing a temporary moratorium on the issuance of Occupancy Permits for a main or accessory use for the operation of Internet Sweepstake Cafes' or any business devoting floor area to internet-based sweepstakes marketing or retailing in all Zoning Use Districts as detailed in Part Thirteen of the Planning and Zoning Code of the Codified Ordinances of the City of Euclid, in order that the Planning and Zoning Commission and the Council of the City of Euclid undertake a study of the zoning code with respect to Internet or Sweepstake Cafes' while preserving the status quo. (Sponsored by Mayor Cervenik and Councilpersons Gilliham and Jones) | Res.
(154-10) |
| 17. | An ordinance enacting Chapter 705, Entitled "Sweepstakes Terminal Cafés" of the Business Regulation and Taxation Chapter of the Codified Ordinances of the City of Euclid. (Sponsored by Mayor Cervenik) | Ord.
(148-10) |
| 18. | An emergency ordinance authorizing the Director of Finance of the City of Euclid to make payment to Americon Disaster Recovery Specialists, for the emergency board up, demolition and removal of the fire damaged press box structure and bleachers at the Paul Serra Field in Municipal Park in the amount of \$49,984.76, which is being offset by insurance proceeds in the amount of \$39,987.52. (Sponsored by Mayor Cervenik) | Ord.
(151-10) |
| 19. | An emergency ordinance providing for the transfer of funds from the Peterson Fund (515) to the Waste Water Fund (510) in the amount of Seven Hundred Forty Nine Thousand Six Hundred Forty Dollars (\$749,640.00). (Sponsored by Mayor Cervenik) | Ord.
(158-10) |

CEREMONIAL RESOLUTIONS

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| 20. | A resolution of recognition for Driftwood Gallery's fifty years of service to the Euclid community. (Sponsored by Mayor Cervenik and Entire Council) | Res.
(139-10) |
| 21. | A resolution of congratulations to the Euclid Panther Swim Team for its outstanding performance in the 2010 Suburban Summer League Championships . (Sponsored by Mayor Cervenik and Entire Council) | Res.
(152-10) |
| 22. | A resolution of congratulations to Samantha Lisy for her outstanding performance in the 2010 USA Central Zone Championship Swim Meet in Lincoln, Nebraska . (Sponsored by Mayor Cervenik and Entire Council) | Res.
(153-10) |

COMMITTEE OF THE WHOLE – PUBLIC PORTION

COUNCILMEN'S COMMENTS

ADJOURNMENT

*Any invocation that may be offered before the start of the official business of the Council shall be the voluntary offering of a private citizen, to and for the benefit of the Administration and Council. The views or beliefs expressed by the invocation speaker have not been reviewed or approved by any City official. The City of Euclid does not endorse the religious beliefs or views of this or any other speaker.

Resolution No.

By – Planning and Zoning Commission

A resolution granting a Use District Exception, pursuant to Chapter 1375.01(a)(3) of the Codified Ordinances of the City of Euclid, to Robert B. Watkins, Executive Director of Altar House, Inc. to allow an assembly use for up to 120 people in a U-6 (Industrial Manufacturing) Use District at 19571 Roseland Avenue, Permanent Parcel No 646-23-013.

WHEREAS, at its meeting on July 13, 2010, the Planning and Zoning Commission approved a Use District Exception to allow an assembly use for up to 120 people in a U-6 (Industrial Manufacturing) Use District at 19571 Roseland Avenue, Permanent Parcel No. 646-23-013; and

WHEREAS, Robert B. Watkins, Executive Director of Altar House, Inc. is a prospective purchaser of the building, which will be used as an office for job and life skills training; and

WHEREAS, periodic assemblies will be held, for up to 120 people, for meetings, presentations and social purposes. The assemblies will conclude no later than 9:00 p.m. on weekdays and 11:00 p.m. on weekends; and

WHEREAS, Chapter 1375 of the Codified Ordinances provides that whenever the Planning and Zoning Commission approves a Use District Exception, that decision must be confirmed by a Council Resolution before it becomes effective.

NOW, THEREFORE, be it ordained by the Council of the City of Euclid, State of Ohio:

Section 1: That a Use District Exception to allow an assembly use for up to 120 people in a U-6 (Industrial Manufacturing) Use District at 19571 Roseland Avenue, Permanent Parcel No. 646-23-013, is hereby granted.

Section 2: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees 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 shall take immediate effect.

Attest:

Clerk of Council

President of Council

Passed:

Approved:

Mayor

Ordinance No.

By – Councilperson Jones (by request)

An emergency ordinance authorizing the Director of Parks and Recreation of the City of Euclid to purchase 2400 yards of top fill for the Briardale Greens Golf Course Driving Range from DeMilta Sand and Gravel, at a cost of Fifteen Dollars (\$15.00) a yard for a total cost of Thirty Six Thousand Dollars (\$36,000.00).

WHEREAS, it is necessary to purchase top fill for the golf course driving range. Billy Casper Golf, the management company for Briardale Greens, received three proposals for this purchase, the lowest and best proposal was received from DeMilta Sand and Gravel; and

WHEREAS, the subject matter of this ordinance constitutes an emergency in that the same provides for the preservation of the public peace, safety and welfare of the citizens of the City of Euclid, and for the daily operation of the Briardale Greens Golf Course.

NOW, THEREFORE, be it ordained by the Council of the City of Euclid, State of Ohio:

Section 1: That the Director of Parks and Recreation is hereby authorized to purchase 2400 yards of top fill for the Briardale Greens Golf Course Driving Range from DeMilta Sand and Gravel, at a cost of Fifteen Dollars (\$15.00) a yard for a total cost of Thirty Six Thousand Dollars (\$36,000.00).

Section 2: Funds to pay for this expenditure are to be derived from the Public Building Construction Fund.

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

Section 4: That this ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, safety and welfare of the citizens of the City of Euclid, and provided it receives the two-thirds vote of all members of Council elected thereto, shall be in full force and effect from and after its passage and approval; otherwise to be in full force and effect from and after the earliest period allowed by law.

Attest:

Clerk of Council

President of Council

Passed:

Approved:

Mayor

Ordinance No.

By – Councilperson Jones (by request)

An emergency ordinance authorizing the Director of Parks and Recreation of the City of Euclid to enter into a five (5) year lease with American Financial Network, Inc., 21403 Chagrin Boulevard, Suite 230, Cleveland, Ohio 44122, for a Century Equipment Multi Pro 1250 Sprayer Rig for Briardale Greens Golf Course at a cost of Five Thousand One Hundred Forty Two Dollars (\$5,142.00) a year.

WHEREAS, the subject matter of this ordinance constitutes an emergency in that the same provides for the preservation of the public peace, safety and welfare of the citizens of the City of Euclid, and for the daily operation of a municipal department.

NOW, THEREFORE, be it ordained by the Council of the City of Euclid, State of Ohio:

Section 1: That the Director of Parks and Recreation is hereby authorized to enter into a five (5) year lease with American Financial Network, Inc., 21403 Chagrin Boulevard, Suite 230, Cleveland, Ohio 44122, for a Century Equipment Multi Pro 1250 Sprayer Rig for Briardale Greens Golf Course at a cost of Five Thousand One Hundred Forty Two Dollars (\$5,142.00) a year.

Section 2: Funds to pay for this expenditure are to be derived from Briardale Golf Course Funds.

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

Section 4: That this ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, safety and welfare of the citizens of the City of Euclid, and provided it receives the two-thirds vote of all members of Council elected thereto, shall be in full force and effect from and after its passage and approval; otherwise to be in full force and effect from and after the earliest period allowed by law.

Attest:

Clerk of Council

President of Council

Passed:

Approved:

Mayor

Ordinance No.

Councilperson Van Ho (by request)

An emergency ordinance to certify as a lien on the Cuyahoga County tax duplicate the assessments for nuisance abatement as provided in Chapter 529 of the Codified Ordinances of the City of Euclid.

WHEREAS, Section 529.07 of the Codified Ordinances of the City of Euclid provides that certain activities occurring in the City of Euclid on any residential or commercial property, and engaged in by an owner, occupant, or invitee of the owner, occupant or person in charge of any commercial or residential property, are public nuisances.

WHEREAS, The Housing Manager or certified Building Official, upon finding that two or more nuisance activities, or one felony drug activity have occurred within any twelve month period, caused written notice to be served on the owner of the property declaring that such property is a nuisance property.

WHEREAS, The City did give notice to the property owner that if additional nuisance activity occurs, the City may abate the nuisance by responding to the activity using administrative and law enforcement actions, and the costs of such abatement shall be assessed on the nuisance property.

WHEREAS, the subject matter of this ordinance constitutes an emergency in that the same provides for the preservation of the public peace, safety and welfare of the citizens of the City of Euclid, and for the daily operation of a municipal department, and to meet the deadline of Cuyahoga Council.

NOW, THEREFORE, be it ordained by the Council of the City of Euclid, State of Ohio:

Section 1: That the assessment of the cost and expense of nuisance abatement under Chapter 529 of the Codified Ordinances of the City of Euclid, be as follows:

<u>Address</u>	<u>Permanent Parcel No.</u>	<u>Amount</u>
22270 Lakemont	643-02-005	\$100.00

As found by this Council, notice of the intended filing of assessments has been given as required by Chapter 529, be and the same is hereby adopted and confirmed, and that there be and there is hereby levied and assessed upon the lots and lands attached hereto the several amounts reported as aforesaid, which assessments together with the descriptions of said lots and lands are now on file in the office of the Clerk of Council, and which assessments are in proportion to the special benefits to said property and are not in excess of any statutory limitations.

Section 2: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees 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 the Clerk of Council is hereby authorized and directed to cause a copy of this Ordinance to be served upon the Auditor of Cuyahoga County, Ohio, who shall place the same upon the tax duplicate of said County, to be collected in the same manner as other taxes and assessments, together with all lawful interest and penalties, pursuant to the Ohio Revised Code.

Section 4: That this ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, safety and welfare of the citizens of the City of Euclid, and provided it receives the two-thirds vote of all members of Council elected thereto, shall be in full force and effect from and after its passage and approval; otherwise to be in full force and effect from and after the earliest period allowed by law.

Attest:

Clerk of Council

President of Council

Passed:

Approved:

Mayor

Ordinance No.

By – Councilperson Wojtila (by request)

An emergency ordinance authorizing the Director of Public Service of the City of Euclid to enter into contract/s after soliciting bids and proposals for the labor and materials necessary for the construction and installation of streetscape/public improvements at the intersection of Lake Shore Boulevard, Babbitt Road and Bliss Lane including bus shelters, an electronic community message sign, relocation of the traffic signal control box, and construction management/inspection services, in a total amount not to exceed Two Hundred Thousand Dollars (\$200,000) and further authorizing the Mayor to accept and expend Greater Cleveland Regional Transit Authority (GCRTA) grants and credits totaling Fifty Thousand Dollars (\$50,000) toward the cost of the bus shelters.

WHEREAS, on April 5, 2010, by Resolution 44-2010, City Council approved capital funding for the Lake Shore Boulevard, Babbitt Road and Bliss Lane intersection project and related improvements in the amount of Six Hundred Eleven Thousand One Hundred and Forty Dollars (\$611,140); and

WHEREAS, the City also received a private donation toward the electronic community message sign in the amount of Ten Thousand Dollars (\$10,000); and

WHEREAS, GCRTA has committed an additional Twenty Five Thousand Dollars (\$25,000) as a credit toward the cost of the bus shelters to supplement the 2008 Transit Waiting Environment Grant to the City of Euclid in the amount of Twenty Five Thousand Dollar (\$25,000) per Resolution 150-2008, approved by City Council on June 16, 2008, for a total of Fifty Thousand Dollars (\$50,000) toward the cost of shelters for this intersection project to be provided through Central Denver Ironworks, Inc., GCRTA's preferred vendor for the purchase, fabrication, delivery and installation of such shelters; and

WHEREAS, on June 1, 2009, by Ordinance 120-2009, the Director of Public Service was authorized to solicit bids and enter into an agreement to construct streetscape/public improvements at the intersection of Lake Shore Boulevard, Babbitt Road and Bliss Lane, to include improvements to the Greater Cleveland Regional Transit Authority (GCRTA) Transit Waiting Environment at the northeast corner of the intersection; and

WHEREAS, on June 21, 2010, by Ordinance 95-2010, the Director of Public Service was authorized to enter into an agreement with the Barbicas Construction Company, 124 Darrow Road, Akron, Ohio 44305, for the construction of such improvements at the Lake Shore Boulevard, Babbitt Road and Bliss Lane Intersection, at a cost of Three Hundred Fifty Seven Thousand Three Hundred Forty Five Dollars (\$357,345.00); and

WHEREAS, it is the City's intent to utilize a portion of the remaining capital funds budgeted, privately donated funds and GCRTA grants and credits to engage contractors to install the related improvements necessary to complete the intersection project in coordination with the basic construction work authorized in the Barbicas Construction Company agreement; and

WHEREAS, the subject matter of this ordinance constitutes an emergency in that the same provides for the preservation of the public peace, safety and welfare of the citizens of the City of Euclid, and for the daily operation of municipal government and further to allow the related improvements to be installed in a timely manner in coordination with the work under contract with Barbicas Construction Company this construction season.

NOW, THEREFORE, be it ordained by the Council of the City of Euclid, State of Ohio:

Section 1: That the Director of Public Service be, and he is hereby authorized, empowered and directed to solicit bids and proposals and to enter into contract/s for the labor and materials necessary for construction and installation of streetscape/public improvements at the intersection of Lake Shore Boulevard, Babbitt Road and Bliss Lane including bus shelters, an electronic community message sign, relocation of the traffic signal control box, and construction management/inspection services, in a total amount not to exceed Two Hundred Thousand Dollars (\$200,000). Said contract/s shall be entered into after being awarded by the Board of Control to the lowest and best bidder. The contract/s shall be in form approved by the Director of Law and shall be executed by the Director of Public Service.

Section 2: Funds to pay for this expenditure are to be derived from the General Permanent Improvement Fund (\$140,000), Other Grant Funds – GCRTA TWE (\$25,000) and GCRTA Credit (\$25,000), and privately donated funds (\$10,000).

Section 3: That this Council does hereby authorize the Mayor to accept and expend the 2008 TWE Grant and additional credits from GCRTA, together totaling Fifty Thousand Dollars (\$50,000), to be obligated toward the cost of the bus shelters for this project and to be awarded through Board of Control to Central Denver Ironworks, Inc., GCRTA's preferred vendor for the purchase, fabrication, delivery and installation of such shelters.

Section 4: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 5: That this ordinance shall be in full force and effect from and after the earliest period allowed by law. Is hereby declared to be an emergency measure necessary for the preservation of the public peace, safety and welfare of the citizens of the City of Euclid, and provided it receives the two-thirds vote of all members of Council elected thereto, shall be in full force and effect from and after its passage and approval; otherwise to be in full force and effect from and after the earliest period allowed by law.

Attest:

Clerk of Council

President of Council

Passed:

Approved:

Effective:

Mayor

Ordinance No.

By – Mayor Cervenik

An emergency ordinance authorizing the Mayor of the City of Euclid or his designee to enter into an extension of a lease-management agreement with the Coral Management Company (Coral); such agreement outlining the terms for Coral to lease the Shore Cultural Centre from the City and to manage the property through December 31, 2010 with a twelve (12) month renewal period.

WHEREAS, City Council authorized an agreement with Coral Management Company by Ordinance 98-2009 and approved the current lease extension through September 15, 2010, in ordinance 166-2009; and

WHEREAS, Council has determined that the lease and management of the building through Coral Management Company should continue through December 31, 2010 with a twelve (12) month renewal period; and

WHEREAS, the subject matter of this ordinance constitutes an emergency in that the same provides for the preservation of the public peace, safety and welfare of the citizens of the City of Euclid, and for the daily operation of a municipal department and to allow the extension of the lease-management agreement for the Shore Cultural Centre to go forward in an expeditious manner, without interruption.

NOW, THEREFORE, be it ordained by the Council of the City of Euclid, State of Ohio:

Section 1: That the Mayor of the City of Euclid or his designee be, and is hereby authorized, empowered and directed to enter into an extension of the current lease-management agreement with the Coral Management Company (Coral) through December 31, 2010, with the city having the option to renew for a twelve (12) month period, at the monthly rate of Three Thousand and 00/100 Dollars (\$3,000.00).

Section 2: Funds to pay for this expenditure are to be derived from the Shore Operating Fund.

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

Section 4: That this ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, safety and welfare of the citizens of the City of Euclid, and provided it receives the two-thirds vote of all members of Council elected thereto, shall be in full force and effect from and after its passage and approval; otherwise to be in full force and effect from and after the earliest period allowed by law.

Attest:

Clerk of Council

President of Council

Passed:

Mayor

Ordinance No.

By – Councilpersons Minarik and Langman

An emergency ordinance authorizing the Mayor of the City of Euclid or his designee to use no more than \$70,000 of the 2011 Capital Budget for the purchase and installation of a new boiler to replace the current boiler in Shore Cultural Centre.

WHEREAS, Shore Culture Centre's current boiler is inefficient and costs the City of Euclid as much as \$20,000 per year in annual repairs and maintenance; and

WHEREAS, Shore Cultural Centre's current boiler requires a licensed boiler operator which also increases costs to the City; and

WHEREAS, using no more than \$70,000 of the 2011 Capital Budget to purchase and install a new boiler is an economically sound decision for the City, as it would save the City the long-term repair and maintenance expenses related to the current boiler; and

WHEREAS, the subject matter of this ordinance constitutes an emergency in that the same provides for the preservation of the public peace, safety and welfare of the citizens of the City of Euclid, and for the daily operation of a City owned property.

NOW, THEREFORE, be it ordained by the Council of the City of Euclid, State of Ohio:

Section 1: That the Mayor of the City of Euclid or his designee be, and is hereby authorized, empowered and directed to purchase and install a new boiler to replace the current boiler in Shore Cultural Centre.

Section 2: Funds to pay for this expenditure are to be derived from the 2011 Capital Budget and should not exceed \$70,000.

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

Section 4: That this ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, safety and welfare of the citizens of the City of Euclid, and provided it receives the two-thirds vote of all members of Council elected thereto, shall be in full force and effect from and after its passage and approval; otherwise to be in full force and effect from and after the earliest period allowed by law.

Attest:

Clerk of Council

President of Council

Passed:

Mayor

Ordinance No.

By - Councilperson Van Ho (by request)

An emergency ordinance to certify as a lien on the Cuyahoga County tax duplicate the assessments for the cutting of grass, weeds, trees and abating other nuisances such as garbage and debris as provided in Sections 529.03 and 1755.28 of the Codified Ordinances of the City of Euclid.

WHEREAS, Section 529.03 of the Codified Ordinances of the City of Euclid authorizes the Housing Manager or certified Building Official, to abate nuisances involving sidewalks, weeds, tall grass, landscaping, unsecured vacant property, or abandoned unusable property or other debris where the property owner fails to do so upon notification, and levy an assessment against the property for the cost to the City if the property owner fails to pay the City; and

WHEREAS, Section 1755.28 of the Codified Ordinances of the City of Euclid authorizes the Director of Community Services and Economic Development to cut grass and weeds that extend or stand more than six inches above grade where the property owner fails to do so, and upon notification, levy an assessment against the property for the cost to the City if the property owner fails to pay the City; and

WHEREAS, under all of the above ordinance sections, the City did give notice to various property owners setting forth the nature of the nuisance, the estimate of the cost of abating the nuisance if done by the City, a reasonable time determined by the Housing Manager or certified Building Official within which the owner shall abate the nuisance or pay the estimated cost to the City, and the statement that unless the nuisance is abated within the stated time it may be abated by the City and the cost of abatement assessed on the real estate involved; and

WHEREAS, said property owners failed to abate the nuisances on their respective property and failed to compensate City for its nuisance abatement, and as such, the properties shall be assessed on the tax duplicate for the city's cost of abatement of the nuisance; and

WHEREAS, the subject matter of this ordinance constitutes an emergency in that the same provides for the preservation of the public peace, safety and welfare of the citizens of the City of Euclid, and for the daily operation of a municipal department, and to meet the deadline of Cuyahoga County.

NOW, THEREFORE, be it ordained by the Council of the City of Euclid, State of Ohio:

Section 1: That the assessment of the cost and expense of cutting grass, weeds, trees and abating other nuisances such as garbage and debris under Sections 529.03 and 1755.28 of the Codified Ordinances of the City of Euclid, be as follows:

See list of 560 parcels for a total of \$242,146.00 on file with Clerk of Council

As found by this Council, notice of the intended filing of assessments has been given as required by Sections 529.03 and 1755.28, be and the same is hereby adopted and confirmed, and that there be and there is hereby levied and assessed upon the lots and lands attached hereto the several amounts reported as aforesaid, which assessments together with the descriptions of said lots and lands are now on file in the office of the Clerk of Council, and which assessments are in proportion to the special benefits to said property and are not in excess of any statutory limitations.

Section 2: That the Clerk of Council is hereby authorized and directed to cause a copy of this Ordinance to be served upon the Auditor of Cuyahoga County, Ohio, who shall place the same upon the tax duplicate of said County, to be collected in the same manner as other taxes and assessments, together with all lawful interest and penalties, pursuant to the Ohio Revised Code.

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

Section 4: That this ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, safety and welfare of the citizens of the City of Euclid, and provided it receives the two-thirds vote of all members of Council elected thereto, shall be in full force and effect from and after its passage and approval; otherwise to be in full force and effect from and after the earliest period allowed by law.

Attest:

Clerk of Council

President of Council

Passed:

Mayor

SPECIAL ASSESSMENT
CERTIFICATION LIST

TO THE AUDITOR OF CUYAHOGA COUNTY: FRANK RUSSO

THE FOLLOWING LIST OF SPECIAL ASSESSMENT CHARGES HAS BEEN CONFIRMED BY THE COUNCIL OF THE CITY OF EUCLID, OHIO AND IS HEREBY CERTIFIED FOR COLLECTION IN ONE (1) ANNUAL INSTALLMENT TO BE COLLECTED IN THE TAX YEAR 2010 to 2010.

DATE: _____

(Signature of Fiscal Officer)

Title

Permanent Parcel Number	Address House No.	Address Street Name	Assessment Amount (in dollars)	One (1) Annual Installment
641-02-023	160	E 190	\$450.00	
641-03-073	114	E 192	\$206.00	
641-04-082	19171	LAKE SHORE	\$206.00	
641-07-087	19321	S LAKE SHORE	\$410.00	
641-07-092	19375	S LAKE SHORE	\$150.00	
641-08-073	19600	S LAKE SHORE	\$160.00	
641-09-020	362	E 200	\$150.00	
641-09-021	364	E 200	\$150.00	
641-10-017	19031	LOCHERIE	\$206.00	
641-10-057	18700	MEREDITH	\$150.00	
641-10-060	18790	MEREDITH	\$150.00	
641-10-062	18900	MEREDITH	\$150.00	
641-10-097	18930	PASNOW	\$430.00	
641-10-105	18901	NAUMANN	\$300.00	
641-10-120	549	E 185	\$986.00	
641-10-121	543	E 185	\$448.00	
641-11-086	19500	MEREDITH	\$1,196.00	
641-11-092	19481	PASNOW	\$150.00	
641-11-098	19351	PASNOW	\$206.00	
641-11-104	2099	APPLE	\$916.00	
641-11-114	19150	PASNOW	\$300.00	
641-11-117	19200	PASNOW	\$206.00	

641-11-142	19311	NAUMANN	\$326.00	
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Permanent Parcel Number	Address House No.	Address Street Name	Assessment Amount (in dollars)	One (1) Annual Installment
641-11-143	19301	NAUMANN	\$150.00	
641-12-013	19700	NEWTON	\$520.00	
641-12-015	19870	NEWTON	\$150.00	
641-12-016	19900	NEWTON	\$216.00	
641-12-061	19580	PASNOW	\$150.00	
641-12-075	19801	PASNOW	\$300.00	
641-12-082	19561	PASNOW	\$506.00	
641-12-090	19730	MEREDITH	\$150.00	
641-13-076	18701	MONTEREY	\$356.00	
641-13-086	18730	RENWOOD	\$710.00	
641-13-096	18948	RENWOOD	\$74.00	
641-13-113	18631	RENWOOD	\$150.00	
641-13-117	18650	NAUMANN	\$806.00	
641-13-118	18670	NAUMANN	\$506.00	
641-13-127	18930	NAUMANN	\$506.00	
641-14-030	19275	RENWOOD	\$788.00	
641-14-053	19310	RENWOOD	\$410.00	
641-14-097	19300	MONTEREY	\$150.00	
641-14-107	19501	ORMISTON	\$356.00	
641-14-122	19400	ORMISTON	\$150.00	
641-14-148	19500	TYRONNE	\$150.00	
641-14-152	672	E 193	\$206.00	
641-15-005	19650	NAUMANN	\$300.00	

Permanent Parcel Number	Address House No.	Address Street Name	Assessment Amount (in dollars)	One (1) Annual Installment
641-15-009	19750	NAUMANN	\$506.00	
641-15-034	618	E 200	\$616.00	
641-15-038	614	E 200	\$616.00	
641-15-042	19862	TYRONNE	\$150.00	
641-15-061	19601	TYRONNE	\$766.00	
641-15-062	19631	TYRONNE	\$206.00	
641-15-063	19651	TYRONNE	\$206.00	
641-15-072	19823	TYRONNE	\$150.00	
641-15-086	19720	ORMISTON	\$356.00	
641-15-100	19621	ORMISTON	\$150.00	
641-15-162	19630	RENWOOD	\$300.00	
641-16-034	20431	NAUMANN	\$206.00	
641-16-100	20271	TRACY	\$670.00	
641-17-038	20571	MORRIS	\$206.00	
641-17-072	20671	TRACY	\$206.00	
641-18-032	21151	MORRIS	\$766.00	
641-18-075	21031	TRACY	\$206.00	
641-18-092	21450	TRACY	\$206.00	
641-18-116	21360	NICHOLAS	\$476.00	
641-18-125	21431	NAUMANN	\$150.00	
641-18-126	21401	NAUMANN	\$150.00	
641-19-024	720	E 222	\$260.00	

Permanent Parcel Number	Address House No.	Address Street Name	Assessment Amount (in dollars)	One (1) Annual Installment
641-19-049	21751	IVAN	\$260.00	
641-19-073	21751	NICHOLAS	\$680.00	
641-19-160	21551	MORRIS	\$206.00	
641-20-014	20229	GOLLER	\$782.00	
641-20-016	20271	GOLLER	\$280.00	
641-21-057	20583	GOLLER	\$150.00	
641-22-007	21150	NAUMANN	\$410.00	
641-22-028	20970	ARBOR	\$616.00	
641-22-034	21130	ARBOR	\$726.00	
641-22-060	21071	GOLLER	\$616.00	
641-22-125	21201	MILAN	\$206.00	
641-23-024	20400	LINDBERG	\$926.00	
641-23-033	20371	LINDBERG	\$626.00	
641-24-015	20840	GOLLER	\$370.00	
641-24-044	20780	MILLER	\$300.00	
641-24-045	20800	MILLER	\$150.00	
641-24-057	20771	N VINE	\$410.00	
641-25-012	21260	GOLLER	\$356.00	
641-26-040	21700	IVAN	\$206.00	
641-27-029	934	E 220	\$260.00	
641-27-062	21571	MILLER	\$150.00	
641-27-070	21901	MILLER	\$1,080.00	

Permanent Parcel Number	Address House No.	Address Street Name	Assessment Amount (in dollars)	One (1) Annual Installment
641-27-092	21750	MILLER	\$548.00	
641-28-066	931	E 216	\$436.00	
641-29-062	926	E 214	\$150.00	
641-30-005	866	E 210	\$466.00	
641-30-006	872	E 210	\$150.00	
641-30-033	891	E 207	\$710.00	
641-30-048	832	E 207	\$560.00	
BOOK 641 TOTAL 97 PARCELS			\$36,072.00	
642-02-029	20303	LAKE SHORE	\$260.00	
642-02-061	171	E 203	\$150.00	
642-02-102	154	E 205	\$410.00	
642-02-138	160	E 206	\$1,436.00	
642-03-059	81	E 211	\$356.00	
642-04-001	94	E 212	\$150.00	
642-04-038	20711	LAKE SHORE	\$206.00	
642-04-092	140	E 209	\$206.00	
642-04-126	160	E 211	\$150.00	
642-06-027	21431	LAKE SHORE	\$566.00	
642-06-054	114	E 213	\$150.00	

Permanent Parcel Number	Address House No.	Address Street Name	Assessment Amount (in dollars)	One (1) Annual Installment
642-06-123	170	E 216	\$1,336.00	
642-07-025	80	E 221	\$206.00	
642-07-026	74	E 221	\$150.00	
642-07-038	10	E 221	\$150.00	
642-08-007	135	E 220	\$660.00	
642-08-035	131	E 219	\$150.00	
642-09-050	70	E 224	\$428.00	
642-11-007	21920	LAKE SHORE	\$108.00	
642-11-027	241	E 218	\$632.00	
642-12-008	340	E 222	\$206.00	
642-13-027	21731	MAYDALE	\$340.00	
642-13-085	22000	KENISON	\$410.00	
642-13-104	314	E 216	\$150.00	
642-14-029	394	E 215	\$150.00	
642-14-039	21491	S LAKE SHORE	\$560.00	
642-14-040	21471	S LAKE SHORE	\$150.00	
642-14-060	21571	S LAKE SHORE	\$150.00	
642-14-079	21951	S LAKE SHORE	\$150.00	
642-14-096	22000	BRUCE	\$356.00	
642-15-006	22051	PRIDAY	\$616.00	
642-15-011	21901	PRIDAY	\$356.00	
642-15-018	21701	PRIDAY	\$206.00	
642-15-046	21570	S LAKE SHORE	\$156.00	
642-15-077	564	E 222	\$150.00	

642-15-100	21711	CRYSTAL	\$150.00	
Permanent Parcel Number	Address House No.	Address Street Name	Assessment Amount (in dollars)	One (1) Annual Installment
642-15-104	21631	CRYSTAL	\$260.00	
642-17-097	20620	LAKE SHORE	\$150.00	
642-18-049	346	E 211	\$246.00	
642-18-050	350	E 211	\$206.00	
642-18-056	374	E 211	\$150.00	
642-18-076	295	E 210	\$562.00	
642-18-126	282	E 208	\$150.00	
642-19-005	21201	S LAKE SHORE	\$560.00	
642-19-042	21050	S LAKE SHORE	\$806.00	
642-19-055	21251	CRYSTAL	\$410.00	
642-19-082	21030	CRYSTAL	\$150.00	
642-19-090	21300	CRYSTAL	\$356.00	
642-19-091	21350	CRYSTAL	\$956.00	
642-19-108	20901	PRIDAY	\$206.00	
642-19-137	20900	CRYSTAL	\$716.00	
642-20-001	20550	LAKE SHORE	\$206.00	
642-20-063	255	E 204	\$206.00	
642-21-038	20301	PRIDAY	\$356.00	
642-21-059	20230	CRYSTAL	\$506.00	
642-21-095	20226	S LAKE SHORE	\$150.00	
642-21-100	20101	S LAKE SHORE	\$970.00	
642-21-118	20570	CRYSTAL	\$48.00	
642-22-020	20171	WILMORE	\$150.00	
642-22-025	20301	WILMORE	\$356.00	

Permanent Parcel Number	Address House No.	Address Street Name	Assessment Amount (in dollars)	One (1) Annual Installment
642-22-032	20471	WILMORE	\$356.00	
642-22-101	20520	FULLER	\$260.00	
642-22-117	20161	FULLER	\$150.00	
642-23-001	20570	PRIDAY	\$206.00	
642-23-049	20900	FULLER	\$970.00	
642-23-142	20571	WILMORE	\$206.00	
642-24-006	21200	PRIDAY	\$206.00	
642-24-007	21250	PRIDAY	\$206.00	
642-24-056	21361	BALL	\$260.00	
642-24-070	21214	BALL	\$150.00	
642-24-106	21370	WESTPORT	\$300.00	
642-24-107	21390	WESTPORT	\$150.00	
642-24-129	21031	WILMORE	\$260.00	
642-24-132	21151	FULLER	\$150.00	
642-24-140	21320	WESTPORT	\$876.00	
642-25-010	21800	PRIDAY	\$150.00	
642-25-030	650	E 222	\$150.00	
642-25-047	21871	WILMORE	\$150.00	
642-25-060	21570	WESTPORT	\$150.00	
642-25-070	21930	WESTPORT	\$410.00	
642-25-167	21871	FULLER	\$150.00	
642-25-170	21771	FULLER	\$206.00	
BOOK 642 TOTAL 82 PARCELS			\$27,020.00	

Permanent Parcel Number	Address House No.	Address Street Name	Assessment Amount (in dollars)	One (1) Annual Installment
643-01-012	374	BABBITT	\$206.00	
643-01-045	355	E 222	\$150.00	
643-07-016	760	E 232	\$300.00	
643-08-001	665	E 222	\$150.00	
643-09-023	832	E 232	\$410.00	
643-10-020	22321	ARMS	\$150.00	
643-10-023	22401	ARMS	\$150.00	
643-10-028	22501	ARMS	\$710.00	
643-10-051	22451	IVAN	\$506.00	
643-10-053	22521	IVAN	\$616.00	
643-10-080	22501	NICHOLAS	\$876.00	
643-11-003	22700	TRACY	\$150.00	
643-11-007	22850	TRACY	\$1,582.00	
643-11-053	22810	IVAN	\$150.00	
643-11-056	22890	IVAN	\$450.00	
643-11-100	22801	NICHOLAS	\$600.00	
643-13-015	22274	ARMS	\$150.00	
643-13-068	911	E 223	\$746.00	
643-13-098	930	E 225	\$356.00	
643-13-115	900	E 223	\$150.00	
643-13-179	924	E 224	\$656.00	
643-14-083	845	E 230	\$206.00	
643-15-032	950	E 237	\$150.00	
643-16-020	854	E 236	\$616.00	

Permanent Parcel Number	Address House No.	Address Street Name	Assessment Amount (in dollars)	One (1) Annual Installment
643-16-027	884	E 236	\$150.00	
643-16-043	861	E 236	\$1,420.00	
643-16-044	857	E 236	\$410.00	
643-16-047	841	E 236	\$206.00	
643-16-057	900	E 237	\$206.00	
643-16-060	924	E 237	\$1,176.00	
643-16-088	940	E 239	\$506.00	
643-17-032	825	E 236	\$656.00	
643-17-074	811	E 237	\$150.00	
643-18-019	720	BABBITT	\$300.00	
643-18-033	735	E 236	\$206.00	
643-18-037	730	E 236	\$260.00	
643-18-052	719	E 232	\$206.00	
643-20-005	25270	BRIARDALE	\$150.00	
643-20-014	25500	BRIARDALE	\$206.00	
643-20-028	25101	RICHARDS	\$506.00	
643-20-034	25280	RICHARDS	\$150.00	
643-20-035	25290	RICHARDS	\$150.00	
643-20-058	25150	MARSDON	\$150.00	
643-20-097	595	E 250	\$206.00	
643-21-005	690	E 260	\$150.00	
643-21-011	720	E 260	\$656.00	

Permanent Parcel Number	Address House No.	Address Street Name	Assessment Amount (in dollars)	One (1) Annual Installment
643-21-045	25651	RICHARDS	\$150.00	
643-21-063	740	E 258	\$150.00	
643-21-091	25650	BRIARDALE	\$1,358.00	
643-21-102	676	E 260	\$600.00	
643-21-103	686	E 260	\$826.00	
643-22-025	824	E 254	\$260.00	
643-22-026	820	E 254	\$206.00	
643-22-030	800	E 254	\$150.00	
643-22-054	781	E 254	\$206.00	
643-22-057	805	E 254	\$150.00	
643-23-008	810	E 256	\$466.00	
643-23-091	23225	BENNINGTON	\$150.00	
643-23-096	890	E 260	\$726.00	
643-26-007	24830	STEPHEN	\$410.00	
643-26-066	920	E 248	\$150.00	
643-26-068	934	E 248	\$150.00	
643-29-042	24421	MAVEC	\$150.00	
643-30-059	24401	ALBERTON	\$150.00	
643-30-080	23701	HARTLAND	\$150.00	
643-30-088	735	BABBITT	\$150.00	
643-31-003	23751	HARTLAND	\$1,398.00	
643-31-004	23781	HARTLAND	\$1,010.00	
643-31-007	23821	HARTLAND	\$766.00	

Permanent Parcel Number	Address House No.	Address Street Name	Assessment Amount (in dollars)	One (1) Annual Installment
643-31-013	23921	HARTLAND	\$656.00	
643-31-022	23760	HARTLAND	\$860.00	
643-31-024	23730	HARTLAND	\$584.00	
643-31-025	23720	HARTLAND	\$230.00	
643-32-010	704	E 240	\$2,488.00	
643-32-025	804	E 240	\$150.00	
643-32-038	24431	STEPHEN	\$150.00	
643-33-016	900	E 250	\$150.00	
643-33-032	24501	STEPHEN	\$410.00	
643-34-014	629	E 240	\$860.00	
643-34-052	24001	PURITAN	\$206.00	
643-35-009	754	E 250	\$410.00	
643-35-012	780	E 250	\$150.00	
643-35-017	24401	HARTLAND	\$466.00	
643-35-061	776	E 249	\$260.00	
643-35-062	770	E 249	\$560.00	
643-35-073	24781	PURITAN	\$150.00	
643-35-080	24780	PURITAN	\$260.00	
BOOK 643				
TOTAL 87 PARCELS			\$37,244.00	

Permanent Parcel Number	Address House No.	Address Street Name	Assessment Amount (in dollars)	One (1) Annual Installment
644-05-035	121	E 238	\$356.00	
644-05-036	111	E 238	\$206.00	
644-09-077	25650	EDGECLIFF	\$206.00	
644-10-042	255	E 250	\$560.00	
644-10-043	257	E 250	\$410.00	
644-10-071	356	E 255	\$376.00	
644-11-011	246	E 260	\$466.00	
644-11-019	308	E 260	\$260.00	
644-11-028	258	E 257	\$150.00	
644-12-001	291	E 250	\$602.00	
644-12-027	25251	SHOREVIEW	\$216.00	
644-13-036	320	E 257	\$206.00	
644-13-042	25671	FORESTVIEW	\$876.00	
644-14-019	460	E 260	\$150.00	
644-14-039	430	E 257	\$150.00	
644-15-042	25201	DRAKEFIELD	\$1,160.00	
644-15-074	25201	ZEMAN	\$356.00	
644-15-076	25251	ZEMAN	\$206.00	
644-16-017	530	E 260	\$150.00	
644-16-026	580	E 260	\$820.00	
644-16-032	610	E 260	\$206.00	
644-16-036	640	E 260	\$806.00	
644-16-041	25801	BRIARDALE	\$206.00	
644-16-063	25730	DRAKEFIELD	\$206.00	

644-16-068	25870	DRAKEFIELD	\$560.00	
Permanent Parcel Number	Address House No.	Address Street Name	Assessment Amount (in dollars)	One (1) Annual Installment
644-16-095	25770	FARRINGDON	\$356.00	
644-16-096	25800	FARRINGDON	\$300.00	
644-16-099	25871	FARRINGDON	\$206.00	
644-16-122	25700	ZEMAN	\$150.00	
644-16-133	25751	ZEMAN	\$206.00	
644-17-023	430	E 250	\$206.00	
644-17-051	24830	FARRINGDON	\$410.00	
644-17-061	24801	FARRINGDON	\$150.00	
644-17-067	24750	ZEMAN	\$150.00	
644-17-097	421	E 245	\$224.00	
644-18-014	317	E 246	\$236.00	
644-18-017	303	E 246	\$150.00	
644-18-025	275	E 246	\$586.00	
644-18-051	367	E 248	\$26.00	
644-18-073	324	E 250	\$970.00	
644-18-074	326	E 250	\$150.00	
644-18-079	346	E 250	\$506.00	
644-18-106	320	E 246	\$150.00	
644-19-017	240	E 250	\$150.00	
644-19-022	264	E 250	\$356.00	
644-19-029	304	E 250	\$150.00	
644-19-038	241	E 248	\$206.00	
644-19-046	246	E 248	\$356.00	
644-20-053	251	E 238	\$206.00	

644-20-054	255	E 238	\$820.00	
Permanent Parcel Number	Address House No.	Address Street Name	Assessment Amount (in dollars)	One (1) Annual Installment
644-20-055	261	E 238	\$206.00	
644-20-060	316	E 243	\$410.00	
644-21-052	24331	MAPLEWOOD	\$206.00	
644-21-070	24300	WILDWOOD	\$1,026.00	
644-23-004	294	E 238	\$206.00	
644-23-005	302	E 238	\$206.00	
644-23-031	347	E 232	\$410.00	
644-27-025	394	E 232	\$410.00	
644-28-007	378	E 232	\$206.00	
644-28-010	372	E 232	\$550.00	
644-28-012	368	E 232	\$300.00	
644-28-036	379	E 232	\$206.00	
644-28-058	23208	GAY	\$150.00	
644-29-014	23342	ROGER	\$506.00	
644-29-025	23320	ROGER	\$206.00	
644-29-043	23329	WILLIAMS	\$1,136.00	
644-29-067	23314	WILLIAMS	\$930.00	
BOOK 644 TOTAL 66 PARCELS			\$24,512.00	

Permanent Parcel Number	Address House No.	Address Street Name	Assessment Amount (in dollars)	One (1) Annual Installment
645-07-057	155	WESTBROOK	\$410.00	
645-12-052	391	E 272	\$206.00	
645-13-056	361	E 270	\$206.00	
645-13-059	347	E 270	\$670.00	
645-14-011	446	E 272	\$356.00	
645-14-035	447	E 272	\$206.00	
645-14-104	27125	CAMERON	\$480.00	
645-15-012	605	LLOYD	\$636.00	
645-16-002	27699	FULLERWOOD	\$206.00	
645-16-024	371	LLOYD	\$536.00	
645-17-018	351	E 264	\$356.00	
645-17-032	477	E 266	\$206.00	
645-17-048	388	E 270	\$260.00	
645-17-071	421	E 270	\$206.00	
645-17-073	411	E 270	\$206.00	
645-17-083	26901	FORESTVIEW	\$206.00	
645-17-090	460	E 266	\$206.00	
645-17-095	474	E 266	\$392.00	
645-18-021	290	E 266	\$206.00	
645-18-032	360	E 266	\$1,930.00	
645-18-049	293	E 266	\$300.00	
645-20-014	264	E 264	\$206.00	
645-20-015	270	E 264	\$356.00	
645-20-024	320	E 264	\$260.00	

Permanent Parcel Number	Address House No.	Address Street Name	Assessment Amount (in dollars)	One (1) Annual Installment
645-20-044	270	E 262	\$206.00	
645-20-056	26330	LAKE SHORE	\$206.00	
645-20-077	26190	LAKE SHORE	\$766.00	
645-20-109	294	E 264	\$726.00	
645-21-022	374	E 264	\$1,080.00	
645-22-002	27220	FORESTVIEW	\$150.00	
645-23-067	27344	OAK	\$466.00	
645-24-059	610	HEMLOCK	\$736.00	
645-25-024	559	BIRCH	\$1,176.00	
645-26-065	26350	MALLARD	\$150.00	
645-26-079	26281	MALLARD	\$2,366.00	
645-26-092	26230	ORIOLE	\$1,366.00	
645-26-134	26450	FORESTVIEW	\$260.00	
645-27-017	26581	ORIOLE	\$150.00	
645-27-030	26830	ORIOLE	\$206.00	
645-27-043	26471	MALLARD	\$1,554.00	
645-27-115	564	E 266	\$260.00	
645-27-117	574	E 266	\$410.00	
645-27-123	614	E 266	\$506.00	
645-28-019	27191	ORIOLE	\$560.00	
645-28-042	27080	ORIOLE	\$1,176.00	
645-28-057	27133	MALLARD	\$206.00	
645-28-085	27190	MALLARD	\$560.00	
645-29-092	604	E 261	\$150.00	
645-30-064	716	E 266	\$2,200.00	

Permanent Parcel Number	Address House No.	Address Street Name	Assessment Amount (in dollars)	One (1) Annual Installment
645-30-065	712	E 266	\$150.00	
645-30-074	625	E 266	\$206.00	
645-30-076	641	E 266	\$1,270.00	
645-30-113	26871	FARRINGTON	\$206.00	
645-31-070	27191	SHIRLEY	\$150.00	
645-31-073	27150	SHIRLEY	\$820.00	
645-31-086	26901	DRAKEFIELD	\$150.00	
645-31-101	27150	DRAKEFIELD	\$206.00	
645-32-015	27191	ZEMAN	\$410.00	
645-32-043	26301	BRIARDALE	\$260.00	
645-32-067	26201	PARKLANE	\$562.00	
645-34-012	745	E 266	\$710.00	
645-34-038	27030	GARY	\$670.00	
645-35-027	26600	AARON	\$1,352.00	
645-35-030	26528	AARON	\$206.00	
645-36-002	795	E 260	\$1,348.00	
645-36-004	809	E 260	\$1,202.00	
645-36-051	865	E 261	\$356.00	
645-38-006	620	WILLOW	\$356.00	
645-39-017	750	HEMLOCK	\$820.00	
645-40-043	680	WALNUT	\$410.00	
645-42-012	693	WALNUT	\$308.00	
645-43-015	442	E 275	\$206.00	
645-43-032	435	E 275	\$150.00	
BOOK 645				

TOTAL 72 PARCELS			\$39,284.00	
Permanent Parcel Number	Address House No.	Address Street Name	Assessment Amount (in dollars)	One (1) Annual Installment
646-00-053	1534	E 196	\$1,176.00	
646-03-001	20100	ST. CLAIR	\$676.00	
646-19-002	1400	CHARDON	\$240.00	
646-22-003	1523	E 193	\$1,186.00	
646-22-013	1563	E 193	\$1,120.00	
646-22-044	1521	E 196	\$466.00	
646-22-054	1540	E 196	\$616.00	
646-22-086	1536	E 195	\$206.00	
646-23-022	1465	E 196	\$260.00	
646-23-034	1496	E 196	\$1,132.00	
646-23-039	1474	E 196	\$356.00	
646-23-041	1464	E 196	\$910.00	
646-23-046	1446	E 196	\$1,326.00	
646-23-061	1501	E 195	\$150.00	
646-23-065	1496	E 195	\$396.00	
646-28-003	1456	E 204	\$206.00	
646-28-017	1536	E 204	\$206.00	
646-28-035	1521	E 204	\$616.00	
646-28-044	1465	E 204	\$206.00	
646-28-045	1461	E 204	\$260.00	
646-28-052	1474	DILLE	\$260.00	
646-28-053	1480	DILLE	\$466.00	
Permanent Parcel	Address	Address	Assessment	One (1)

Number	House No.	Street Name	Amount (in dollars)	Annual Installment
646-31-016	21377	EUCLID	\$466.00	
646-32-028	1520	E 219	\$670.00	
646-32-029	1514	E 219	\$670.00	
646-33-007	1491	E 219	\$466.00	
646-33-015	1545	E 219	\$206.00	
646-33-027	1560	E 222	\$520.00	
646-33-028	1550	E 222	\$150.00	
646-33-029	1540	E 222	\$560.00	
646-33-044	1553	E 221	\$206.00	
646-33-065	1480	E 221	\$150.00	
646-34-004	1383	E 219	\$260.00	
646-34-005	1393	E 219	\$820.00	
646-34-015	1445	E 219	\$1,578.00	
646-34-016	1451	E 219	\$260.00	
646-34-018	1464	E 221	\$776.00	
646-34-031	1404	E 221	\$150.00	
646-34-032	1390	E 221	\$670.00	
646-34-038	1423	E 221	\$670.00	
BOOK 646				
TOTAL 40 PARCELS			\$21,684.00	

Permanent Parcel Number	Address House No.	Address Street Name	Assessment Amount (in dollars)	One (1) Annual Installment
647-32-011	1528	E 248	\$356.00	
647-32-028	1570	E 248	\$616.00	
647-32-037	1530	E 248	\$670.00	
647-32-046	1505	E 248	\$916.00	
647-32-052	1510	E 250	\$206.00	
647-32-053	1512	E 250	\$206.00	
647-32-109	25161	EUCLID	\$820.00	
647-32-110	25151	EUCLID	\$466.00	
647-32-116	25071	EUCLID	\$206.00	
647-32-117	25061	EUCLID	\$260.00	
647-32-119	25041	EUCLID	\$206.00	
647-33-014	25011	FISHER	\$150.00	
647-33-042	1470	E 248	\$206.00	
647-33-047	1482	E 248	\$820.00	
647-33-105	1449	E 250	\$930.00	
647-33-109	1440	E 252	\$206.00	
647-33-110	1442	E 252	\$206.00	
647-33-112	1446	E 252	\$916.00	
647-33-113	1448	E 252	\$616.00	
647-33-114	1450	E 252	\$410.00	
647-33-122	1470	E 252	\$410.00	
647-33-123	1474	E 252	\$206.00	
647-33-124	1476	E 252	\$206.00	
647-33-140	1481	E 252	\$410.00	

Permanent Parcel Number	Address House No.	Address Street Name	Assessment Amount (in dollars)	One (1) Annual Installment
647-33-147	1467	E 252	\$206.00	
647-33-150	1461	E 252	\$206.00	
647-33-151	1459	E 252	\$300.00	
647-33-155	1451	E 252	\$1,296.00	
647-33-156	1449	E 252	\$1,296.00	
647-34-006	1480	BABBITT	\$206.00	
647-34-032	1572	E 254	\$560.00	
647-34-043	1531	E 254	\$150.00	
647-34-051	1571	E 254	\$150.00	
BOOK 647 TOTAL 33 PARCELS			\$14,990.00	

Permanent Parcel Number	Address House No.	Address Street Name	Assessment Amount (in dollars)	One (1) Annual Installment
648-19-011	1445	BABBITT	\$150.00	
648-19-012	1447	BABBITT	\$150.00	
648-19-018	1444	SULZER	\$1,586.00	
648-19-023	1434	SULZER	\$150.00	
648-19-060	25564	TUNGSTEN	\$466.00	
648-19-084	25511	TUNGSTEN	\$1,230.00	
648-19-102	25601	TUNGSTEN	\$206.00	
648-19-103	25605	TUNGSTEN	\$930.00	
648-19-108	1463	E 256	\$206.00	
648-21-001	1455	BABBITT	\$1,140.00	
648-21-002	1457	BABBITT	\$670.00	
648-21-009	1495	BABBITT	\$410.00	
648-21-013	1511	BABBITT	\$206.00	
648-21-045	1549	E 256	\$970.00	
648-21-048	1543	E 256	\$206.00	
648-21-079	1554	E 256	\$206.00	
648-21-081	1560	E 256	\$410.00	
648-21-098	1450	SULZER	\$206.00	
648-24-078	1461	E 262	\$876.00	
648-25-027	26800	BRUSH	\$410.00	
648-25-036	26500	BRUSH	\$206.00	
648-25-064	1391	E 264	\$616.00	
648-25-065	1397	E 264	\$820.00	

Permanent Parcel Number	Address House No.	Address Street Name	Assessment Amount (in dollars)	One (1) Annual Installment
648-25-066	1403	E 264	\$260.00	
648-25-070	1412	E 264	\$520.00	
648-25-074	1390	E 264	\$260.00	
648-25-083	1437	E 263	\$1,190.00	
648-32-006	27462	TUNGSTEN	\$616.00	
648-32-021	27060	TUNGSTEN	\$1,396.00	
648-32-049	27420	SIDNEY	\$440.00	
648-32-087	27355	EUCLID	\$356.00	
648-33-008	1251	E 286	\$500.00	
648-55-067	1770	KAPEL	\$410.00	
648-57-027	25575	CHATWORTH	\$206.00	
648-57-028	25571	CHATWORTH	\$150.00	
648-57-060	1908	BRAEBURN	\$876.00	
BOOK 648				
TOTAL 36 PARCELS			\$19,606.00	

Permanent Parcel Number	Address House No.	Address Street Name	Assessment Amount (in dollars)	One (1) Annual Installment
649-01-015	19155	GENESSEE	\$150.00	
649-01-023	19001	GENESSE	\$206.00	
649-01-032	19200	SHAWNEE	\$150.00	
649-01-054	19171	UPPER VALLEY	\$150.00	
649-01-056	19151	UPPER VALLEY	\$150.00	
649-01-064	19700	DELAWARE	\$150.00	
649-01-083	19256	UPPER VALLEY	\$206.00	
649-03-022	1920	SAGAMORE	\$40.00	
649-03-052	1924	WYANDOTTE	\$206.00	
649-04-026	19980	GRAND	\$916.00	
649-05-019	20121	CONCORDIA	\$616.00	
649-05-024	20051	CONCORDIA	\$356.00	
649-06-004	1784	BUENA VISTA	\$1,066.00	
649-06-067	1875	GRAND	\$636.00	
649-06-091	20021	CHAMP	\$840.00	
649-07-012	20150	HILLCREST	\$206.00	
649-07-035	1900	GLENRIDGE	\$560.00	
649-07-070	20150	GREEN OAK	\$410.00	
649-07-091	20000	BEACHVIEW	\$956.00	
649-07-092	20020	BEACHVIEW	\$710.00	
649-07-103	20160	BEACHVIEW	\$1,156.00	
649-07-117	20041	BEACHVIEW	\$820.00	
649-09-021	1745	PONTIAC	\$206.00	
649-11-035	1778	PONTIAC	\$970.00	

649-13-041	20280	MAJOR	\$410.00	
Permanent Parcel Number	Address House No.	Address Street Name	Assessment Amount (in dollars)	One (1) Annual Installment
649-13-046	20230	MAJOR	\$150.00	
649-14-027	20280	BLACKFOOT	\$466.00	
649-15-008	2026	SAGAMORE	\$150.00	
649-15-027	2052	MIAMI	\$1,170.00	
649-24-013	2470	GLENRIDGE	\$726.00	
BOOK 649 TOTAL 30 PARCELS			\$14,904.00	

Permanent Parcel Number	Address House No.	Address Street Name	Assessment Amount (in dollars)	One (1) Annual Installment
650-06-037	23840	GREENWOOD	\$356.00	
650-07-015	23751	EFFINGHAM	\$206.00	
650-09-017	1705	SHERWOOD	\$466.00	
650-10-023	1784	E 238	\$260.00	
650-10-024	1780	E 238	\$206.00	
650-14-015	22654	CHARDON	\$260.00	
650-14-023	1976	E 226	\$626.00	
650-18-006	2102	APPLE	\$206.00	
650-19-026	2129	APPLE	\$1,540.00	
650-25-005	23891	HARMS	\$240.00	
650-25-037	2110	ABERDEEN	\$300.00	
650-32-046	24550	ELSMERE	\$206.00	
650-36-014	24621	HAWTHORNE	\$260.00	
650-36-029	24670	HAWTHORNE	\$466.00	
650-37-011	25401	CHATWORTH	\$560.00	
650-37-029	25370	CHATWORTH	\$466.00	
650-37-081	25451	GLENBROOK	\$206.00	
BOOK 650 TOTAL 17 PARCELS			\$6,830.00	
GRAND TOTAL 560 PARCELS			\$242,146.00	

Ordinance No.

By – Councilperson Wojtila (by request)

An ordinance amending sub-section (b) of Section 1705.01 of the Building and Housing Code of the Codified Ordinances of the City of Euclid to increase the amount of the compliance bond required by registered contractors, effective January 1, 2011.

WHEREAS, the City of Euclid recognizes the right of the City to regulate the operation of registered contractors for the public safety and welfare; and

WHEREAS, the ordinance requiring a ten thousand dollar (\$10,000.00) bond was passed in 1993 and there have been significant increases in the costs of labor and materials in the building trades; and

WHEREAS, the current compliance bond amount will not adequately protect the interests of the City and the public with respect to possible building code violations; and

WHEREAS, many local communities have determined a twenty-five thousand dollar (\$25,000.00) compliance bond amount is adequate to protect their interests; and

WHEREAS, increasing the compliance bond amount from ten thousand dollars to twenty-five thousand dollars will adequately protect the interests of the City and the public due to increases in the building trades.

NOW, THEREFORE, be it ordained by the Council of the City of Euclid, State of Ohio:

Section 1: that Section 1705.01(b) of the Building and Housing Code of the Codified Ordinances is hereby amended, effective January 1, 2011, to read as follows:

1705.01 REGISTRATION REQUIRED; CONTRACTOR DEFINED; COMPLIANCE BOND.

(b) Each registrant, as required under the provisions of this chapter, shall submit a ~~ten thousand dollar (\$10,000)~~ twenty-five thousand (\$25,000) compliance bond before a building permit is issued by the Building Commissioner. Such compliance bond shall be in form and style as follows:

CONTRACTORS' BOND
CITY OF EUCLID

KNOW ALL MEN BY THESE PRESENTS, THAT _____ As principal and _____ as surety are held and firmly bound unto the City of Euclid, or to any of its officers, for the use of any person, persons, firm or corporation with whom such principal shall contract to construct, alter, repair, add to, subtract from, reconstruct or remodel any building, structure or appurtenance thereto or any part thereof, in accordance with the provisions and the requirements of the Building Code of the City of Euclid, in the penal sum of ~~Ten Thousand Dollars (\$10,000.00)~~ Twenty-Five Thousand Dollars (\$25,000.00) lawful money of the United States, for the payment of which sum well and truly to be made, we bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

Sealed with our seals and dates this ____ day of _____ A.D. 19__.

THE CONDITIONS OF THE ABOVE OBLIGATION ARE SUCH, that whereas the above bounden _____ has made application to the Commissioner of Building for a Certificate of Registration as a contractor to engage in the business to construct, alter, repair, add to, subtract from, reconstruct, or remodel any building, structure or appurtenance thereto or any part thereof as required by the Building Code of Euclid during the year beginning _____ and ending _____.

NOW, THEREFORE, if the said _____ shall well and truly indemnify, keep and save harmless the City of Euclid, or any of its agents or officials for the use of any person, persons, firm, or corporation with whom such contractor shall contract to do work, and shall indemnify and pay any such person, firms or corporations for damage sustained on account of the failure of such contractor to perform the work so contracted for in accordance with the provisions of the Building Code of Euclid, and any and all lawful rules and

regulations promulgated under the authority thereof, and from or by reason or on account of anything done under and by virtue of any permits issued under such registration for the doing of any work required to be done in the construction, alteration, repair, addition to, subtraction from, reconstruction or remodeling of any building, structure or appurtenance thereto or any part thereof, then this obligation shall be null and void, otherwise, to remain in full force and effect.

THE LEGAL FORM AND CORRECTNESS
OF THE WITHIN INSTRUMENT IS HEREBY
APPROVED

DIRECTOR OF LAW

By _____
ASSISTANT

Date _____

Principal _____(Seal)

Address _____

Surety _____(Seal)

Address _____

Section 2: That Section 1705.01(b) of the Building and Housing Code is hereby approved.

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

Section 4: That this ordinance shall be in full force and effect from and after the earliest period allowed by law.

Attest:

Clerk of Council

President of Council

Passed:

Approved:

Effective:

Mayor

**SPECIAL PURPOSE
FLOOD DAMAGE REDUCTION
ORDINANCE – _____
CITY OF EUCLID, OHIO
By – Councilperson Van Ho (by request)**

SECTION 1.0: GENERAL PROVISIONS

1.1 Statutory Authorization

ARTICLE XVIII, Section 3, of the Ohio Constitution grants municipalities the legal authority to adopt land use and control measures for promoting the health, safety, and general welfare of its citizens. Therefore, the City Council of Euclid, State of Ohio, does ordain as follows:

1.2 Findings of Fact

The City of Euclid has special flood hazard areas that are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base. Additionally, structures that are inadequately elevated, floodproofed, or otherwise protected from flood damage also contribute to the flood loss. In order to minimize the threat of such damages and to achieve the purposes hereinafter set forth, these regulations are adopted.

1.3 Statement of Purpose

It is the purpose of these regulations to promote the public health, safety and general welfare, and to:

- A. Protect human life and health;
- B. Minimize expenditure of public money for costly flood control projects;
- C. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. Minimize prolonged business interruptions;
- E. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
- F. Help maintain a stable tax base by providing for the proper use and development of areas of special flood hazard so as to protect property and minimize future flood blight areas;
- G. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions;
- H. Minimize the impact of development on adjacent properties within and near flood prone areas;
- I. Ensure that the flood storage and conveyance functions of the floodplain are maintained;
- J. Minimize the impact of development on the natural, beneficial values of the floodplain;
- K. Prevent floodplain uses that are either hazardous or environmentally incompatible; and
- L. Meet community participation requirements of the National Flood Insurance Program.

1.4 Methods of Reducing Flood Loss

In order to accomplish its purposes, these regulations include methods and provisions for:

- A. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water hazards, or which result in damaging increases in flood heights or velocities;
- B. Requiring that uses vulnerable to floods, including facilities, which serve such uses, be protected against flood damage at the time of initial construction;
- C. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- D. Controlling filling, grading, dredging, excavating, and other development which may increase flood damage; and,
- E. Preventing or regulating the construction of flood barriers, which will unnaturally divert flood, waters or which may increase flood hazards in other areas.

1.5 Lands to Which These Regulations Apply

These regulations shall apply to all areas of special flood hazard within the jurisdiction of the City of Euclid as identified in Section 1.6, including any additional areas of special flood hazard annexed by City of Euclid.

1.6 Basis for Establishing the Areas of Special Flood Hazard

For the purposes of these regulations, the following studies and / or maps are adopted:

- A. *Flood Insurance Study Cuyahoga County, Ohio and Incorporated Areas and Flood Insurance Rate Map Cuyahoga County, Ohio and Incorporated Areas* both effective December 3, 2010.
- B. Other studies and / or maps, which may be relied upon for establishment of the flood protection elevation, delineation of the 100-year floodplain, floodways or delineation of other areas of special flood hazard.
- C. Any hydrologic and hydraulic engineering analysis authored by a registered Professional Engineer in the State of Ohio which has been approved by the City of Euclid as required by Section 4.3 Subdivisions and Large Scale Developments.

Any revisions to the aforementioned maps and / or studies are hereby adopted by reference and declared to be a part of these regulations. Such maps and/or studies are on file at the City Hall at 585 East 222nd Street, Euclid, Ohio.

1.7 Abrogation and Greater Restrictions

These regulations are not intended to repeal any existing ordinances including subdivision regulations, zoning or building codes. In the event of a conflict between these regulations and any other ordinance, the more restrictive shall be followed. These regulations shall not impair any deed restriction covenant or easement but the land subject to such interests shall also be governed by the regulations.

1.8 Interpretation

In the interpretation and application of these regulations, all provisions shall be:

- A. Considered as minimum requirements;
- B. Liberally construed in favor of the governing body; and,
- C. Deemed neither to limit nor repeal any other powers granted under state statutes. Where a provision of these regulations may be in conflict with a state or Federal law, such state or Federal law shall take precedence over these regulations.

1.9 Warning and Disclaimer of Liability

The degree of flood protection required by these regulations is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. These regulations do not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damage. These regulations shall not create liability on the part of the City of Euclid, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damage that results from reliance on these regulations or any administrative decision lawfully made thereunder.

1.10 Severability

Should any section or provision of these regulations be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the regulations as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 2.0: DEFINITIONS

Unless specifically defined below, words or phrases used in these regulations shall be interpreted so as to give them the meaning they have in common usage and to give these regulations the most reasonable application.

Accessory Structure

A structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal structure.

Appeal

A request for review of the floodplain administrator's interpretation of any provision of these regulations or a request for a variance.

Base Flood

The flood having a one percent chance of being equaled or exceeded in any given year. The base flood may also be referred to as the 1% chance annual flood or one-hundred (100) year flood.

Base (100-Year) Flood Elevation (BFE)

The water surface elevation of the base flood in relation to a specified datum, usually the National Geodetic Vertical Datum of 1929 or the North American Vertical Datum of 1988, and usually expressed in Feet Mean Sea Level (MSL). In Zone AO areas, the base flood elevation is the natural grade elevation plus the depth number (from 1 to 3 feet).

Basement

Any area of the building having its floor subgrade (below ground level) on all sides.

Development

Any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

Enclosure Below the Lowest Floor

See "Lowest Floor."

Executive Order 11988 (Floodplain Management)

Issued by President Carter in 1977, this order requires that no federally assisted activities be conducted in or have the potential to affect identified special flood hazard areas, unless there is no practicable alternative.

Federal Emergency Management Agency (FEMA)

The agency with the overall responsibility for administering the National Flood Insurance Program.

Fill

A deposit of earth material placed by artificial means.

Flood or Flooding

A general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters, and/or
2. The unusual and rapid accumulation or runoff of surface waters from any source.

Flood Hazard Boundary Map (FHBM)

Usually the initial map, produced by the Federal Emergency Management Agency, or U.S. Department of Housing and Urban Development, for a community depicting approximate special flood hazard areas.

Flood Insurance Rate Map (FIRM)

An official map on which the Federal Emergency Management Agency or the U.S. Department of Housing and Urban Development has delineated the areas of special flood hazard.

Flood Insurance Risk Zones

Zone designations on FHBMs and FIRMs that indicate the magnitude of the flood hazard in specific areas of a community. Following are the zone definitions:

Zone A:

Special flood hazard areas inundated by the 100-year flood; base flood elevations are not determined.

Zones A1-30 and Zone AE:

Special flood hazard areas inundated by the 100-year flood; base flood elevations are determined.

Zone AO:

Special flood hazard areas inundated by the 100-year flood; with flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths are determined.

Zone AH:

Special flood hazard areas inundated by the 100-year flood; flood depths of 1 to 3 feet (usually areas of ponding); base flood elevations are determined.

Zone A99:

Special flood hazard areas inundated by the 100-year flood to be protected from the 100-year flood by a Federal flood protection system under construction; no base flood elevations are determined.

Zone B and Zone X (shaded):

Areas of 500-year flood; areas subject to the 100-year flood with average depths of less than 1 foot or with contributing drainage area less than 1 square mile; and areas protected by levees from the base flood.

Zone C and Zone X (unshaded):

Areas determined to be outside the 500-year floodplain.

Flood Insurance Study (FIS)

The official report in which the Federal Emergency Management Agency or the U.S. Department of Housing and Urban Development has provided flood profiles, floodway boundaries (sometimes shown on Flood Boundary and Floodway Maps), and the water surface elevations of the base flood.

Flood Protection Elevation

The Flood Protection Elevation, or FPE, is the base flood elevation. In areas where no base flood elevations exist from any authoritative source, the flood protection elevation can be historical flood elevations, or base flood elevations determined and/or approved by the floodplain administrator.

Floodway

A floodway is the channel of a river or other watercourse and the adjacent land areas that have been reserved in order to pass the base flood discharge. A floodway is typically determined through a hydraulic and hydrologic engineering analysis such that the cumulative increase in the water surface elevation of the base flood discharge is no more than a designated height. In no case shall the designated height be more than one foot at any point within the community.

The floodway is an extremely hazardous area, and is usually characterized by any of the following: Moderate to high velocity flood waters, high potential for debris and projectile impacts, and moderate to high erosion forces.

Freeboard

A factor of safety usually expressed in feet above a flood level for the purposes of floodplain management. Freeboard tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, obstructed bridge openings, debris and ice jams, and the hydrologic effect of urbanization in a watershed.

Historic structure

Any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listings on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; or
3. Individually listed on the State of Ohio's inventory of historic places maintained by the Ohio Historic Preservation Office.

Hydrologic and hydraulic engineering analysis

An analysis performed by a professional engineer, registered in the State of Ohio, in accordance with standard engineering practices as accepted by FEMA, used to determine flood elevations and/or floodway boundaries.

Letter of Map Change (LOMC)

A Letter of Map Change is an official FEMA determination, by letter, to amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, and Flood Insurance Studies. LOMCs are broken down into the following categories:

Letter of Map Amendment (LOMA)

A revision based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property is not located in a special flood hazard area.

Letter of Map Revision (LOMR)

A revision based on technical data that, usually due to manmade changes, shows changes to flood zones, flood elevations, floodplain and floodway delineations, and planimetric features. One common type of LOMR, a LOMR-F, is a determination concerning whether a structure or parcel has been elevated by fill above the base flood elevation and is, therefore, excluded from the special flood hazard area.

Conditional Letter of Map Revision (CLOMR)

A formal review and comment by FEMA as to whether a proposed project complies with the minimum National Flood Insurance Program floodplain management criteria. A CLOMR does not amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, or Flood Insurance Studies.

Lowest floor

The lowest floor of the lowest enclosed area (including basement) of a structure. This definition excludes an "enclosure below the lowest floor" which is an unfinished or flood resistant enclosure usable solely for parking of vehicles, building access or storage, in an area other than a basement area, provided that such enclosure is built in accordance with the applicable design requirements specified in these regulations for enclosures below the lowest floor.

Manufactured home

A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle". For the purposes of these regulations, a manufactured home includes manufactured homes and mobile homes as defined in Chapter 3733 of the Ohio Revised Code.

Manufactured home park

As specified in the Ohio Administrative Code 3701-27-01, a manufactured home park means any tract of land upon which three or more manufactured homes, used for habitation are parked, either free of charge or for revenue purposes, and includes any roadway, building, structure, vehicle, or enclosure used or intended for use as part of the facilities of the park. A tract of land that is subdivided and the individual lots are not for rent or rented, but are for sale or sold for the purpose of installation of manufactured homes on the lots, is not a manufactured home park, even though three or more manufactured homes are parked thereon, if the roadways are dedicated to the local government authority.

National Flood Insurance Program (NFIP)

The NFIP is a Federal program enabling property owners in participating communities to purchase insurance protection against losses from flooding. This insurance is designed to provide an insurance alternative to disaster assistance to meet the escalating costs of repairing damage to buildings and their contents caused by floods. Participation in the NFIP is based on an agreement between local communities and the Federal government that states if a community will adopt and enforce floodplain management regulations to reduce future flood risks to all development in special flood hazard areas, the Federal government will make flood insurance available within the community as a financial protection against flood loss.

New construction

Structures for which the "start of construction" commenced on or after the initial effective date of the City of Euclid Flood Insurance Rate Map, August 17, 1981, and includes any subsequent improvements to such structures.

Person

Includes any individual or group of individuals, corporation, partnership, association, or any other entity, including state and local governments and agencies. An agency is further defined in the Ohio Revised Code Section 111.15 as any governmental entity of the state and includes, but is not limited to, any board, department, division, commission, bureau, society, council, institution, state college or university, community college district, technical college district, or state community college. "Agency" does not include the general assembly, the controlling board, the adjutant general's department, or any court.

Recreational vehicle

A vehicle which is (1) built on a single chassis, (2) 400 square feet or less when measured at the largest horizontal projection, (3) designed to be self-propelled or permanently towable by a light duty truck, and (4) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Registered Professional Architect

A person registered to engage in the practice of architecture under the provisions of sections 4703.01 to 4703.19 of the Revised Code.

Registered Professional Engineer

A person registered as a professional engineer under Chapter 4733 of the Revised Code.

Registered Professional Surveyor

A person registered as a professional surveyor under Chapter 4733 of the Revised Code.

Special Flood Hazard Area

Also known as "Areas of Special Flood Hazard", it is the land in the floodplain subject to a one percent or greater chance of flooding in any given year. Special flood hazard areas are designated by the Federal Emergency Management Agency on Flood Insurance Rate Maps, Flood Insurance Studies, Flood Boundary and Floodway Maps and Flood Hazard Boundary Maps as Zones A, AE, AH, AO, A1-30, and A99. Special flood hazard areas may also refer to areas that are flood prone and designated from other federal state or local sources of data including but not limited to historical flood information reflecting high water marks, previous flood inundation areas, and flood prone soils associated with a watercourse.

Start of Construction

The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of a building.

Structure

A walled and roofed building, manufactured home, or gas or liquid storage tank that is principally above ground.

Substantial Damage

Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial Improvement

Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures, which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include:

1. Any improvement to a structure that is considered "new construction,"
2. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified prior to the application for a development permit by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
3. Any alteration of a "historic structure," provided that the alteration would not preclude the structure's continued designation as a "historic structure".

Variance

A grant of relief from the standards of these regulations consistent with the variance conditions herein.

Violation

The failure of a structure or other development to be fully compliant with these regulations.

SECTION 3.0: ADMINISTRATION

3.1 Designation of the Floodplain Administrator

The Assistant Service Director is hereby appointed to administer and implement these regulations and is referred to herein as the Floodplain Administrator.

3.2 Duties and Responsibilities of the Floodplain Administrator

The duties and responsibilities of the Floodplain Administrator shall include but are not limited to:

- A. Evaluate applications for permits to develop in special flood hazard areas.
- B. Interpret floodplain boundaries and provide flood hazard and flood protection elevation information.
- C. Issue permits to develop in special flood hazard areas when the provisions of these regulations have been met, or refuse to issue the same in the event of noncompliance.
- D. Inspect buildings and lands to determine whether any violations of these regulations have been committed.
- E. Make and permanently keep all records for public inspection necessary for the administration of these regulations including Flood Insurance Rate Maps, Letters of Map Amendment and Revision, records of issuance and denial of permits to develop in special flood hazard areas, determinations of whether development is in or out of special flood hazard areas for the purpose of issuing floodplain development permits, elevation certificates, variances, and records of enforcement actions taken for violations of these regulations.
- F. Enforce the provisions of these regulations.
- G. Provide information, testimony, or other evidence as needed during variance hearings.
- H. Coordinate map maintenance activities and FEMA follow-up.
- I. Conduct substantial damage determinations to determine whether existing structures, damaged from any source and in special flood hazard areas identified by FEMA, must meet the development standards of these regulations.

3.3 Floodplain Development Permits

It shall be unlawful for any person to begin construction or other development activity including but not limited to filling; grading; construction; alteration, remodeling, or expanding any structure; or alteration of any watercourse wholly within, partially within or in contact with any identified special flood hazard area, as established in Section 1.6, until a floodplain development permit is obtained from the Floodplain Administrator. Such floodplain development permit shall show that the proposed development activity is in conformity with the provisions of these regulations. No such permit shall be issued by the Floodplain Administrator until the requirements of these regulations have been met.

3.4 Application Required

An application for a floodplain development permit shall be required for all development activities located wholly within, partially within, or in contact with an identified special flood hazard area. Such application shall be made by the owner of the property or his/her authorized agent, herein referred to as the applicant, prior to the actual commencement of such construction on a form furnished for that purpose. Where it is unclear whether a development site is in a special flood hazard area, the Floodplain Administrator may require an application for a floodplain development permit to determine the development's location. Such applications shall include, but not be limited to:

- A. Site plans drawn to scale showing the nature, location, dimensions, and topography of the area in question; the location of existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing.
- B. Elevation of the existing, natural ground where structures are proposed.
- C. Elevation of the lowest floor, including basement, of all proposed structures.

- D. Such other material and information as may be requested by the Floodplain Administrator to determine conformance with, and provide enforcement of these regulations.
- E. Technical analyses conducted by the appropriate design professional registered in the State of Ohio and submitted with an application for a floodplain development permit when applicable:
 1. Floodproofing certification for non-residential floodproofed structure as required in Section 4.5.
 2. Certification that fully enclosed areas below the lowest floor of a structure not meeting the design requirements of Section 4.4(E) are designed to automatically equalize hydrostatic flood forces.
 3. Description of any watercourse alteration or relocation that the flood carrying capacity of the watercourse will not be diminished, and maintenance assurances as required in Section 4.9(C).
 4. A hydrologic and hydraulic analysis demonstrating that the cumulative effect of proposed development, when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood by more than one foot in special flood hazard areas where the Federal Emergency Management Agency has provided base flood elevations but no floodway as required by Section 4.9(B).
 5. A hydrologic and hydraulic engineering analysis showing impact of any development on flood heights in an identified floodway as required by Section 4.9(A).
 6. Generation of base flood elevation(s) for subdivision and large-scale developments as required by Section 4.3.

3.5 Review and Approval of a Floodplain Development Permit Application

A. Review

1. After receipt of a complete application, the Floodplain Administrator shall review the application to ensure that the standards of these regulations have been met. No floodplain development permit application shall be reviewed until all information required in Section 3.4 has been received by the Floodplain Administrator.
2. The Floodplain Administrator shall review all floodplain development permit applications to assure that all necessary permits have been received from those federal, state or local governmental agencies from which prior approval is required. The applicant shall be responsible for obtaining such permits as required including permits issued by the U.S. Army Corps of Engineers under Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act, and the Ohio Environmental Protection Agency under Section 401 of the Clean Water Act.

B. Approval

Within thirty (30) days after the receipt of a complete application, the Floodplain Administrator shall either approve or disapprove the application. If an application is approved, a floodplain development permit shall be issued. All floodplain development permits shall be conditional upon the commencement of work within one (1) year. A floodplain development permit shall expire one (1) year after issuance unless the permitted activity has been substantially begun and is thereafter pursued to completion.

3.6 Inspections

The Floodplain Administrator shall make periodic inspections at appropriate times throughout the period of construction in order to monitor compliance with permit conditions.

3.7 Post-Construction Certifications Required

The following as-built certifications are required after a floodplain development permit has been issued:

- A. For new or substantially improved residential structures, or nonresidential structures that have been elevated, the applicant shall have a *Federal Emergency Management Agency Elevation Certificate* completed by a registered surveyor to record as-built elevation data. For elevated structures in Zone A and Zone AO areas without a base flood elevation, the elevation certificate may be completed by the property owner or owner's representative.

- B. For all development activities subject to the standards of Section 3.10(A), a Letter of Map Revision.

3.8 Revoking a Floodplain Development Permit

A floodplain development permit shall be revocable, if among other things, the actual development activity does not conform to the terms of the application and permit granted thereon. In the event of the revocation of a permit, an appeal may be taken to the Appeals Board in accordance with Section 5 of these regulations.

3.9 Exemption from Filing a Development Permit

An application for a floodplain development permit shall not be required for:

- A. Maintenance work such as roofing, painting, and basement sealing, or for small nonstructural development activities (except for filling and grading) valued at less than \$5,000.
- B. Development activities in an existing or proposed manufactured home park that are under the authority of the Ohio Department of Health and subject to the flood damage reduction provisions of the Ohio Administrative Code Section 3701.
- C. Major utility facilities permitted by the Ohio Power Siting Board under Section 4906 of the Ohio Revised Code.
- D. Hazardous waste disposal facilities permitted by the Hazardous Waste Siting Board under Section 3734 of the Ohio Revised Code.
- E. Development activities undertaken by a federal agency and which are subject to Federal Executive Order 11988 – Floodplain Management.

Any proposed action exempt from filing for a floodplain development permit is also exempt from the standards of these regulations.

3.10 Map Maintenance Activities

To meet National Flood Insurance Program minimum requirements to have flood data reviewed and approved by FEMA, and to ensure that City of Euclid flood maps, studies and other data identified in Section 1.6 accurately represent flooding conditions so appropriate floodplain management criteria are based on current data, the following map maintenance activities are identified:

A. Requirement to Submit New Technical Data

1. For all development proposals that impact floodway delineations or base flood elevations, the community shall ensure that technical data reflecting such changes be submitted to FEMA within six months of the date such information becomes available. These development proposals include:
 - a. Floodway encroachments that increase or decrease base flood elevations or alter floodway boundaries;
 - b. Fill sites to be used for the placement of proposed structures where the applicant desires to remove the site from the special flood hazard area;
 - c. Alteration of watercourses that result in a relocation or elimination of the special flood hazard area, including the placement of culverts; and
 - d. Subdivision or large scale development proposals requiring the establishment of base flood elevations in accordance with Section 4.3.
2. It is the responsibility of the applicant to have technical data, required in accordance with Section 3.10(A), prepared in a format required for a Conditional Letter of Map Revision or Letter of Map Revision, and submitted to FEMA. Submittal and processing fees for these map revisions shall be the responsibility of the applicant.
3. The Floodplain Administrator shall require a Conditional Letter of Map Revision prior to the issuance of a floodplain development permit for:
 - a. Proposed floodway encroachments that increase the base flood elevation; and
 - b. Proposed development which increases the base flood elevation by more than one foot in areas where FEMA has provided base flood elevations but no floodway.

4. Floodplain development permits issued by the Floodplain Administrator shall be conditioned upon the applicant obtaining a Letter of Map Revision from FEMA for any development proposal subject to Section 3.10(A)(1).

B. Right to Submit New Technical Data

The Floodplain Administrator may request changes to any of the information shown on an effective map that does not impact floodplain or floodway delineations or base flood elevations, such as labeling or planimetric details. Such a submission shall include appropriate supporting documentation made in writing by the Mayor of City of Euclid, and may be submitted at any time.

C. Annexation / Detachment

Upon occurrence, the Floodplain Administrator shall notify FEMA in writing whenever the boundaries of the City of Euclid have been modified by annexation or the community has assumed authority over an area, or no longer has authority to adopt and enforce floodplain management regulations for a particular area. In order that the City of Euclid Flood Insurance Rate Map accurately represent the City of Euclid boundaries, include within such notification a copy of a map of the City of Euclid suitable for reproduction, clearly showing the new corporate limits or the new area for which the City of Euclid has assumed or relinquished floodplain management regulatory authority.

3.11 Data Use and Flood Map Interpretation

The following guidelines shall apply to the use and interpretation of maps and other data showing areas of special flood hazard:

- A. In areas where FEMA has not identified special flood hazard areas, or in FEMA identified special flood hazard areas where base flood elevation and floodway data have not been identified, the Floodplain Administrator shall review and reasonably utilize any other flood hazard data available from a federal, state, or other source.
- B. Base flood elevations and floodway boundaries produced on FEMA flood maps and studies shall take precedence over base flood elevations and floodway boundaries by any other source that reflect a reduced floodway width and/or lower base flood elevations. Other sources of data, showing increased base flood elevations and/or larger floodway areas than are shown on FEMA flood maps and studies, shall be reasonably used by the Floodplain Administrator.
- C. When Preliminary Flood Insurance Rate Maps and / or Flood Insurance Study have been provided by FEMA:
 1. Upon the issuance of a Letter of Final Determination by the FEMA, the preliminary flood hazard data shall be used and replace all previously existing flood hazard data provided from FEMA for the purposes of administering these regulations.
 2. Prior to the issuance of a Letter of Final Determination by FEMA, the use of preliminary flood hazard data shall only be required where no base flood elevations and /or floodway areas exist or where the preliminary base flood elevations or floodway area exceed the base flood elevations and/or floodway widths in existing flood hazard data provided from FEMA. Such preliminary data may be subject to change and / or appeal to FEMA.
- D. The Floodplain Administrator shall make interpretations, where needed, as to the exact location of the flood boundaries and areas of special flood hazard. A person contesting the determination of the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 5.0, Appeals and Variances.
- E. Where a map boundary showing an area of special flood hazard and field elevations disagree, the base flood elevations or flood protection elevations (as found on an elevation profile, floodway data table, established high water marks, *etc.*) shall prevail.

3.12 Substantial Damage Determinations

Damages to structures may result from a variety of causes including flood, tornado, wind, heavy snow, fire, *etc.* After such a damage event, the Floodplain Administrator shall:

- A. Determine whether damaged structures are located in special flood hazard areas;
- B. Conduct substantial damage determinations for damaged structures located in special flood hazard areas; and

- C. Make reasonable attempt to notify owners of substantially damaged structures of the need to obtain a floodplain development permit prior to repair, rehabilitation, or reconstruction.

Additionally, the Floodplain Administrator may implement other measures to assist with the substantial damage determination and subsequent repair process. These measures include issuing press releases, public service announcements, and other public information materials related to the floodplain development permits and repair of damaged structures; coordinating with other federal, state, and local agencies to assist with substantial damage determinations; providing owners of damaged structures materials and other information related to the proper repair of damaged structures in special flood hazard areas; and assist owners of substantially damaged structures with Increased Cost of Compliance insurance claims.

SECTION 4.0: USE AND DEVELOPMENT STANDARDS FOR FLOOD HAZARD REDUCTION

The following use and development standards apply to development wholly within, partially within, or in contact with any special flood hazard area as established in Section 1.6 or 3.11(A):

4.1 Use Regulations

A. Permitted Uses

All uses not otherwise prohibited in this section or any other applicable land use regulation adopted by City of Euclid are allowed provided they meet the provisions of these regulations.

B. Prohibited Uses

1. Private water supply systems in all special flood hazard areas identified by FEMA, permitted under Section 3701 of the Ohio Revised Code.
2. Infectious waste treatment facilities in all special flood hazard areas, permitted under Section 3734 of the Ohio Revised Code.

4.2 Water and Wastewater Systems

The following standards apply to all water supply, sanitary sewerage and waste disposal systems not otherwise regulated by the Ohio Revised Code:

- A. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems;
- B. New and replacement sanitary sewerage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and,
- C. On-site waste disposal systems shall be located to avoid impairment to or contamination from them during flooding.

4.3 Subdivisions and Large Developments

- A. All subdivision proposals shall be consistent with the need to minimize flood damage and are subject to all applicable standards in these regulations;
- B. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
- C. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and
- D. In all areas of special flood hazard where base flood elevation data are not available, the applicant shall provide a hydrologic and hydraulic engineering analysis that generates base flood elevations for all subdivision proposals and other proposed developments containing at least 50 lots or 5 acres, whichever is less.
- E. The applicant shall meet the requirement to submit technical data to FEMA in Section 3.10(A)(1)(d) when a hydrologic and hydraulic analysis is completed that generates base flood elevations as required by Section 4.3(D).

4.4 Residential Structures

- A. New construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Where a structure, including its foundation

members, is elevated on fill to or above the base flood elevation, the requirements for anchoring (4.4(A)) and construction materials resistant to flood damage (4.4(B)) are satisfied.

- B. New construction and substantial improvements shall be constructed with methods and materials resistant to flood damage.
- C. New construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or elevated so as to prevent water from entering or accumulating within the components during conditions of flooding.
- D. New construction and substantial improvement of any residential structure, including manufactured homes, shall have the lowest floor, including basement, elevated to or above the flood protection elevation. In Zone AO areas with no elevations specified, the structure shall have the lowest floor, including basement, elevated at least two feet above the highest adjacent natural grade.
- E. New construction and substantial improvements, including manufactured homes, that do not have basements and that are elevated to the flood protection elevation using pilings, columns, posts, or solid foundation perimeter walls with openings sufficient to allow unimpeded movement of flood waters may have an enclosure below the lowest floor provided the enclosure meets the following standards:
 - 1. Be used only for the parking of vehicles, building access, or storage; and
 - 2. be designed and certified by a registered professional engineer or architect to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters; or
 - 3. have a minimum of two openings on different walls having a total net area not less than one square inch for every square foot of enclosed area, and the bottom of all such openings being no higher than one foot above grade. The openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- F. Manufactured homes shall be affixed to a permanent foundation and anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.
- G. Repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and is the minimum necessary to preserve the historic character and design of the structure, shall be exempt from the development standards of Section 4.4.
- H. In AO Zones, new construction and substantial improvement shall have adequate drainage paths around structures on slopes to guide floodwaters around and away from the structure.

4.5 Nonresidential Structures

- A. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall meet the requirements of Section 4.4 (A) – (C) and (E) –(H).
- B. New construction and substantial improvement of any commercial, industrial or other non-residential structure shall either have the lowest floor, including basement, elevated to or above the level of the flood protection elevation; or, together with attendant utility and sanitary facilities, shall meet all of the following standards:
 - 1. Be dry floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water to the level of the flood protection elevation;
 - 2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and,
 - 3. Be certified by a registered professional engineer or architect, through the use of a *Federal Emergency Management Agency Floodproofing Certificate*, that the design and methods of construction are in accordance with Section 4.5(B)(1) and (2).
- C. In Zone AO areas with no elevations specified, the structure shall have the lowest floor, including basement, elevated at least two feet above the highest adjacent natural grade.

4.6 Accessory Structures

Relief to the elevation or dry floodproofing standards may be granted for accessory structures containing no more than 600 square feet. Such structures must meet the following standards:

- A. They shall not be used for human habitation;
- B. They shall be constructed of flood resistant materials;
- C. They shall be constructed and placed on the lot to offer the minimum resistance to the flow of floodwaters;
- D. They shall be firmly anchored to prevent flotation;
- E. Service facilities such as electrical and heating equipment shall be elevated or floodproofed to or above the level of the flood protection elevation; and
- F. They shall meet the opening requirements of Section 4.4(E)(3);

4.7 Recreational Vehicles

Recreational vehicles must meet at least one of the following standards:

- A. They shall not be located on sites in special flood hazard areas for more than 180 days, or
- B. They must be fully licensed and ready for highway use, or
- C. They must meet all standards of Section 4.4.

4.8 Above Ground Gas or Liquid Storage Tanks

All above ground gas or liquid storage tanks shall be anchored to prevent flotation or lateral movement resulting from hydrodynamic and hydrostatic loads.

4.9 Assurance of Flood Carrying Capacity

Pursuant to the purpose and methods of reducing flood damage stated in these regulations, the following additional standards are adopted to assure that the reduction of the flood carrying capacity of watercourses is minimized:

A. Development in Floodways

1. In floodway areas, development shall cause no increase in flood levels during the occurrence of the base flood discharge. Prior to issuance of a floodplain development permit, the applicant must submit a hydrologic and hydraulic analysis, conducted by a registered professional engineer, demonstrating that the proposed development would not result in any increase in the base flood elevation; or
2. Development in floodway areas causing increases in the base flood elevation may be permitted provided all of the following are completed by the applicant:
 - a. Meet the requirements to submit technical data in Section 3.10(A);
 - b. An evaluation of alternatives, which would not result in increased base flood elevations and an explanation why these alternatives are not feasible;
 - c. Certification that no structures are located in areas that would be impacted by the increased base flood elevation;
 - d. Documentation of individual legal notices to all impacted property owners within and outside the community, explaining the impact of the proposed action on their property; and
 - e. Concurrence of the Mayor of the City of Euclid and the Chief Executive Officer of any other communities impacted by the proposed actions.

B. Development in Riverine Areas with Base Flood Elevations but No Floodways

1. In riverine special flood hazard areas identified by FEMA where base flood elevation data are provided but no floodways have been designated, the cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the base flood elevation more than 1.0 (one) foot at any point. Prior to issuance of a floodplain development permit, the applicant must submit a hydrologic and hydraulic analysis, conducted by a registered professional engineer, demonstrating that this standard has been met; or,
2. Development in riverine special flood hazard areas identified by FEMA where base flood elevation data are provided but no floodways have been designated causing more than one foot increase in the base flood elevation may be permitted provided all of the following are completed by the applicant:
 - a. An evaluation of alternatives which would result in an increase of one foot or less of the base flood elevation and an explanation why these alternatives are not feasible;
 - b. Section 4.9(A)(2), items (a) and (c)-(e).

C. Alterations of a Watercourse

For the purpose of these regulations, a watercourse is altered when any change occurs within its banks. The extent of the banks shall be established by a field determination of the “bankfull stage.” The field determination of “bankfull stage” shall be based on methods presented in Chapter 7 of the *USDA Forest Service General Technical Report RM-245, Stream Channel Reference Sites: An Illustrated Guide to Field Technique* or other applicable publication available from a Federal, State, or other authoritative source. For all proposed developments that alter a watercourse, the following standards apply:

1. The bankfull flood carrying capacity of the altered or relocated portion of the watercourse shall not be diminished. Prior to the issuance of a floodplain development permit, the applicant must submit a description of the extent to which any watercourse will be altered or relocated as a result of the proposed development, and certification by a registered professional engineer that the bankfull flood carrying capacity of the watercourse will not be diminished.
2. Adjacent communities, the U.S. Army Corps of Engineers, and the Ohio Department of Natural Resources, Division of Water, must be notified prior to any alteration or relocation of a watercourse. Evidence of such notification must be submitted to the Federal Emergency Management Agency.
3. The applicant shall be responsible for providing the necessary maintenance for the altered or relocated portion of said watercourse so that the flood carrying capacity will not be diminished. The Floodplain Administrator may require the permit holder to enter into an agreement with City of Euclid specifying the maintenance responsibilities. If an agreement is required, it shall be made a condition of the floodplain development permit.
4. The applicant shall meet the requirements to submit technical data in Section 3.10(A)(1)(c) when an alteration of a watercourse results in the relocation or elimination of the special flood hazard area, including the placement of culverts.

SECTION 5.0: APPEALS AND VARIANCES

5.1 Appeals Board Established

- A. The City Council hereby designates and appoints the Planning and Zoning Commission of the City of Euclid as the Appeals Board for purposes of this ordinance.
- B. All meetings of the Appeals Board shall be open to the public except that the Board may deliberate in executive sessions as part of quasi-judicial hearings in accordance with law. The Appeals Board shall keep minutes of its proceedings showing the vote of each member upon each question and shall keep records of all official actions. Records of the Appeals Board shall be kept and filed in City Hall at 585 East 222nd Street, Euclid, Ohio.

5.2 Powers and Duties

- A. The Appeals Board shall hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Floodplain Administrator in the administration or enforcement of these regulations.
- B. Authorize variances in accordance with Section 5.4 of these regulations.

5.3 Appeals

Any person affected by any notice and order, or other official action of the Floodplain Administrator may request and shall be granted a hearing on the matter before the Appeals Board provided that such person shall file, within 30 days of the date of such notice and order, or other official action, a brief statement of the grounds for such hearing or for the mitigation of any item appearing on any order of the Floodplain Administrator’s decision. Such appeal shall be in writing, signed by the applicant, and be filed with the Floodplain Administrator. Upon receipt of the appeal, the Floodplain Administrator shall transmit said notice and all pertinent information on which the Floodplain Administrator’s decision was made to the Appeals Board.

Upon receipt of the notice of appeal, the Appeals Board shall fix a reasonable time for the appeal, give notice in writing to parties in interest, and decide the appeal within a reasonable time after it is submitted.

5.4 Variances

Any person believing that the use and development standards of these regulations would result in unnecessary hardship may file an application for a variance. The Appeals Board shall have the power to authorize, in specific cases, such variances from the standards of these regulations, not inconsistent with Federal regulations, as will not be contrary to the public interest where, owing to special conditions of the lot or parcel, a literal enforcement of the provisions of these regulations would result in unnecessary hardship.

A. Application for a Variance

1. Any owner, or agent thereof, of property for which a variance is sought shall make an application for a variance by filing it with the Floodplain Administrator, who upon receipt of the variance shall transmit it to the Appeals Board.
2. Such application at a minimum shall contain the following information: Name, address, and telephone number of the applicant; legal description of the property; parcel map; description of the existing use; description of the proposed use; location of the floodplain; description of the variance sought; and reason for the variance request.

B. Notice for Public Hearing

The Appeals Board shall schedule and hold a public hearing within thirty (30) days after the receipt of an application for a variance from the Floodplain Administrator. Prior to the hearing, a notice of such hearing shall be given in one (1) or more newspapers of general circulation in the community at least ten (10) days before the date of the hearing.

C. Public Hearing

At such hearing the applicant shall present such statements and evidence as the Appeals Board requires. In considering such variance applications, the Appeals Board shall consider and make findings of fact on all evaluations, all relevant factors, standards specified in other sections of these regulations and the following factors:

1. The danger that materials may be swept onto other lands to the injury of others.
2. The danger to life and property due to flooding or erosion damage.
3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
4. The importance of the services provided by the proposed facility to the community.
5. The availability of alternative locations for the proposed use that are not subject to flooding or erosion damage.
6. The necessity to the facility of a waterfront location, where applicable.
7. The compatibility of the proposed use with existing and anticipated development.
8. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area.
9. The safety of access to the property in times of flood for ordinary and emergency vehicles.
10. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site.
11. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

D. Variances shall only be issued upon:

1. A showing of good and sufficient cause.
2. A determination that failure to grant the variance would result in exceptional hardship due to the physical characteristics of the property. Increased cost or inconvenience of meeting the requirements of these regulations does not constitute an exceptional hardship to the applicant.
3. A determination that the granting of a variance will not result in increased flood heights beyond that which is allowed in these regulations; additional threats to public safety; extraordinary public expense, nuisances, fraud on or victimization of the public, or conflict with existing local laws.
4. A determination that the structure or other development is protected by methods to minimize flood damages.
5. A determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

Upon consideration of the above factors and the purposes of these regulations, the Appeals Board may attach such conditions to the granting of variances, as it deems necessary to further the purposes of these regulations.

E. Other Conditions for Variances

1. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
2. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items in Section 5.4(C)(1) to (11) have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.
3. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

5.5 Procedure at Hearings

1. All testimony shall be given under oath.
2. A complete record of the proceedings shall be kept, except confidential deliberations of the Board, but including all documents presented and a verbatim record of the testimony of all witnesses.
3. The applicant shall proceed first to present evidence and testimony in support of the appeal or variance.
4. The administrator may present evidence or testimony in opposition to the appeal or variance.
5. All witnesses shall be subject to cross-examination by the adverse party or their counsel.
6. Evidence that is not admitted may be proffered and shall become part of the record for appeal.
7. The Board shall issue subpoenas upon written request for the attendance of witnesses. A reasonable deposit to cover the cost of issuance and service shall be collected in advance.
8. The Board shall prepare conclusions of fact supporting its decision. The decision may be announced at the conclusion of the hearing and thereafter issued in writing or the decision may be issued in writing within a reasonable time after the hearing.

5.6 Appeal to the Court

Those aggrieved by the decision of the Appeals Board may appeal such decision to the Cuyahoga County Court of Common Pleas, as provided in Chapter 2506 of the Ohio Revised Code.

SECTION 6.0: ENFORCEMENT

6.1 Compliance Required

- A. No structure or land shall hereafter be located, erected, constructed, reconstructed, repaired, extended, converted, enlarged or altered without full compliance with the terms of these regulations and all other applicable regulations which apply to uses within the jurisdiction of these regulations, unless specifically exempted from filing for a development permit as stated in Section 3.9.
- B. Failure to obtain a floodplain development permit shall be a violation of these regulations and shall be punishable in accordance with Section 6.3.
- C. Floodplain development permits issued on the basis of plans and applications approved by the Floodplain Administrator authorize only the use, and arrangement, set forth in such approved plans and applications or amendments thereto. Use, arrangement, or construction contrary to that authorized shall be deemed a violation of these regulations and punishable in accordance with Section 6.3.

6.2 Notice of Violation

Whenever the Floodplain Administrator determines that there has been a violation of any provision of these regulations, he shall give notice of such violation to the person responsible therefore and order compliance with these regulations as hereinafter provided. Such notice and order shall:

- A. Be put in writing on an appropriate form;
- B. Include a list of violations, referring to the section or sections of these regulations that have been violated, and order remedial action, which, if taken, will effect compliance with the provisions of these regulations;
- C. Specify a reasonable time for performance;
- D. Advise the owner, operator, or occupant of the right to appeal;
- E. Be served on the owner, occupant, or agent in person. However, this notice and order shall be deemed to be properly served upon the owner, occupant, or agent if a copy thereof is sent by registered or certified mail to the person's last known mailing address, residence, or place of business, and/or a copy is posted in a conspicuous place in or on the dwelling affected.

6.3 Violations and Penalties

Violation of the provisions of these regulations or failure to comply with any of its requirements shall be deemed to be a strict liability offense, and shall constitute a fourth degree misdemeanor. Any person who violates these regulations or fails to comply with any of its requirements shall upon conviction thereof be fined or imprisoned as provided by the laws of the City of Euclid. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Euclid from taking such other lawful action as is necessary to prevent or remedy any violation. The City of Euclid shall prosecute any violation of these regulations in accordance with the penalties stated herein.

SECTION 7.0: ADOPTION

This Ordinance shall take effect from and after the earliest period allowed by law and replaces Ordinance Number 182-1981, which is hereby repealed.

PASSED:

1st Reading: _____

2nd Reading: _____

3rd Reading: _____

Clerk

President of Council

Certification

PP#s 648-12-002, 648-12-005, 648-12-006 and 648-12-008
U-5 to U-6

Ordinance No.

By - Planning and Zoning Commission

An ordinance to amend Section 1 of Ordinance No. 2812, as amended, and the map and map designations, which map and map designations, as amended, form a part of Ordinance No. 2812, as relates to and designates U-5 and U-6 use districts relative to said property.

WHEREAS, public notice and hearings have been given in connection with the changing of U-5 and U-6 use districts relative to the hereinafter described property as is established by Ordinance No. 2812, as passed by the Council of the Village of Euclid on the 13th day of December, 1922, which ordinance has from time to time been amended; and

WHEREAS, the amendment of said Ordinance No. 2812, which pertains to the hereinafter described property, by transferring said property from U-5 to U-6 use district, has been referred to the City Planning and Zoning Commission; and

WHEREAS, the City Planning and Zoning Commission has considered such amendment and proposed change at its regularly scheduled meeting on August 10, 2010, which will add to the present U-6 use district by inclusion of the property hereinafter described, and has recommended approval to Council; and

WHEREAS, in the interest of the general welfare of the City of Euclid and in order to promote the general advantage of public peace, safety, morals, convenience and prosperity of the inhabitants of the City of Euclid, this Council is of the opinion that the U-6 use district should be extended to include the property hereinafter described.

NOW, THEREFORE, be it ordained by the Council of the City of Euclid, State of Ohio:

Section 1: That the following property:

PP#s 648-12-002, 648-12-005, 648-12-006 and 648-12-008

A multiple parcel area being part of the original Euclid township tract No. 20 further bounded and described as follows: Beginning on the southeasterly curved sideline of relocated Lakeland Boulevard (80 feet wide) at the intersection of the westerly line of land conveyed to the Stamco Industries, Inc. by deed recorded in Volume 235 Page 291 of Cuyahoga County deed records; Thence along the southeasterly curved sideline of said relocated Lakeland Boulevard a curved course of approximately 569 feet; Thence South 22° 03' 05" West, a distance of 20.00 feet to an iron pin found; Thence South 67° 56' 55" East, a distance of 10.00 feet to an iron pin found; Thence North 22° 03' 05" East, a distance of 20.00 feet to an iron pin found on the southerly right-of-way line of relocated Lakeland Boulevard, as aforesaid; Thence along the southeasterly curved sideline of said relocated Lakeland Boulevard a curved course of approximately 532 feet; Thence continuing southeast 107.56 feet along the East property line further described as parcel B in the lot split of permanent parcel number 648-12-005 for Richard Willkomm recorded in Volume 266, Page 79 of Cuyahoga County Records; Thence 1,005 feet along the northerly line of land owned by the New York Central Railroad Company; Thence northeasterly 253.77 feet and northerly 506 feet following the westerly line of land conveyed to the Stamco Industries by deed recorded in Volume 235 Page 291 of Cuyahoga County deed records; to the point of beginning.

now designated by said Ordinance No. 2812, as amended, and by the map and map designations as now being partially included in the U-5 use district, hereby is extended and added to, and is marked in its entirety U-6 so that said properties shall be included in their entirety in the U-6 use district and shall be so marked upon the proper map and map designations of said Ordinance No. 2812, as amended.

Section 2: That so much of Section 1 of Ordinance No. 2812, as amended, as relates to the U-6 use district shall be extended to include the territory described in Section 1 hereinabove.

Section 3: That the map as adopted December 13, 1922 and as thereafter amended, is hereby amended to conform with the change of property described in Section 1 of the ordinance from U-5 to U-6 use district.

Section 4: That so much of Ordinance No. 2812, as amended, and the map and map designations as placed the above described property in U-5 use district, is hereby repealed.

Section 5: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council and of any of its committees 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 6: That this ordinance shall be in full force and effect from and after the earliest period allowed by law.

Attest:

Clerk of Council

President of Council

Passed:

Approved:

Effective:

Mayor

Ordinance No.

By – Councilperson Wojtila (by request)

An ordinance authorizing the Director of Public Service of the City of Euclid to enter into a contract(s), after advertising for bids, for the City’s requirements of Asphalt (Hot Mix Cold Mix) for the year 2011.

NOW, THEREFORE, be it ordained by the Council of the City of Euclid, State of Ohio:

Section 1: That the Director of Public Service be, and he is hereby authorized, empowered and directed to advertise for bids and enter into a contract(s) for the City’s requirements of Asphalt (Hot Mix Cold Mix) for the year 2011 to be in accordance with specifications on file in the office of the Director of Public Service. Said contract shall be entered into after advertising for not less than two consecutive weeks in a newspaper of general circulation in the City of Euclid and awarded by the Board of Control to the lowest and best bidder. The specifications on file in the office of the Director of Public Service are hereby approved. The contract shall be in form approved by the Director of Law and shall be in conformance with such specifications. It shall be executed by the Director of Public Service. The Board of Control is hereby authorized to waive any minor or technical irregularities that may occur during the bid process.

Section 2: Funds to pay for this expenditure are to be derived from the State Highways Street Construction – Maintenance and Repair.

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

Section 4: That this ordinance shall be in full force and effect from and after the earliest period allowed by law.

Attest:

Clerk of Council

President of Council

Passed:

Approved:

Effective

Mayor

Ordinance No.

By – Mayor Cervenik and Councilperson Wojtila (by request)

An ordinance authorizing the Director of Public Service of the City of Euclid to enter into a contract, after advertising for bids, for uniforms for the years 2011 and 2012.

NOW, THEREFORE, be it ordained by the Council of the City of Euclid, State of Ohio:

Section 1: That the Director of Public Service be, and he is hereby authorized, empowered and directed to advertise for bids and enter into a contract for uniforms for the years 2011 and 2012, to be in accordance with specifications on file in the office of the Director of Public Service. Said contract shall be entered into after advertising for not less than two consecutive weeks in a newspaper of general circulation in the City of Euclid and awarded by the Board of Control to the lowest and best bidder. The specifications on file in the office of the Director of Public Service are hereby approved. The contract shall be in form approved by the Director of Law and shall be in conformance with such specifications. It shall be executed by the Director of Public Service. The Board of Control is hereby authorized to waive any minor or technical irregularities that may occur during the bid process.

Section 2: Funds to pay for this expenditure are to be derived from the General Fund – various, Community Block Grants, Highways & Streets – Maintenance, Creeks & Sewers – Storm Damage.

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

Section 4: That this ordinance shall be in full force and effect from and after the earliest period allowed by law.

Attest:

Clerk of Council

President of Council

Passed:

Approved:

Effective:

Mayor

Ordinance No.

By – Councilperson Wojtila (by request)

An ordinance authorizing the Director of Public Service of the City of Euclid to extend the existing contract with Cargill Salt, 24950 Country Club Boulevard, Suite 450, North Olmsted, Ohio 44070, for one year from November 1, 2010 thru October 31, 2011.

WHEREAS, this renewal will include a three percent (3%) increase in the per ton price.

NOW, THEREFORE, be it ordained by the Council of the City of Euclid, State of Ohio:

Section 1: That the Director of Public Service be, and is hereby authorized to extend the existing Contract with Cargill Salt, 24950 Country Club Boulevard, Suite 450, North Olmsted, Ohio 44070, for one year from November 1, 2010 thru October 31, 2011. This renewal will include a three percent (3%) increase in the per ton price. The contract extension shall be in a form approved by the Director of Law and will be executed by the Director of Public Service.

Section 2: Funds to pay for this expenditure are to be derived from the Street Repair/Snow Removal and State Highways' Snow Removal Funds.

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

Section 4: That this ordinance shall be in full force and effect from and after the earliest period allowed by law.

Attest:

Clerk of Council

President of Council

Passed:

Approved:

Effective:

Mayor

Ordinance No.

By – Councilperson Van Ho

An ordinance amending Section 941.04 of the Streets, Utilities and Public Services Code of the Codified Ordinances for the City of Euclid increasing the maximum size of waste containers from twenty gallon capacity to thirty-two gallon capacity.

WHEREAS, the current specification of a twenty gallon capacity limitation is outdated; and,

WHEREAS, the Council of the City of Euclid has determined that increasing the maximum size of waste containers to thirty-two gallons is the best economic and practical choice for waste container size in the City of Euclid; and,

WHEREAS, the Council of the City of Euclid has concluded that it is in the best interest of the citizens of Euclid to amend the Waste Container Ordinance as herein set forth.

NOW, THEREFORE, be it ordained by the Council of the City of Euclid, State of Ohio:

Section 1: That Section 941.04 of the Streets, Utilities and Public Services Code of the Codified Ordinances for the City of Euclid is hereby amended in part to read as follows:

941.04 WASTE CONTAINERS.

(a) Waste containers may be of metal or plastic and shall not exceed ~~twenty~~ thirty-two gallons capacity nor sixty-five pounds filled. They must be equipped with two lifetime handles on the side and shall have a tightly fitting lid. Tightly secured, airtight, leakproof approved thirty-gallon solid waste plastic bags constructed of plastic not less than two mills in thickness, not exceeding sixty-five pounds filled, may also be used. Other approved solid waste design paper or plastic bags may be used only with the specific permission of the Service Director. All containers shall be maintained in a sound and sanitary condition.

(Ord. 123-1991. Passed 3-18-91.)

(b) The following types of waste containers are nonacceptable:

- (1) Cardboard boxes or drums;
- (2) Unapproved paper, canvas or burlap bags;
- (3) Any container with a capacity of over ~~twenty~~ thirty-two gallons or weighing more than sixty-five pounds when full or not equipped with two lifting handles on the side;
- (4) Any container which has rough or sharp edges or other defects which render it dangerous to handle.

(c) The Service Director, or his or her designees, are given specific authority to remove nonacceptable waste containers with the rubbish. By their acceptance of the garbage and rubbish services herein described, the owners of waste containers relieve the City of responsibility for damage or breakage of any waste container. The Service Director shall exercise this authority after affixing to the noncomplying container a notice that it will be removed in the next collection of waste material following the attaching of the written or printed notice, which notice shall be affixed at least one week prior to the removal of the noncomplying waste container by the Service Director's designee.

Section 2: That Section 941.04 of the Streets, Utilities and Public Services Code of the Codified Ordinances for the City of Euclid is hereby amended.

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

Section 4: That this ordinance shall be in full force and effect from and after the earliest period allowed by law.

Attest:

Clerk of Council

President of Council

Passed:

Approved:

Effective:

Mayor

Resolution No.

By – Mayor Cervenik and Councilpersons Gilliham and Jones

A resolution placing a temporary moratorium on the issuance of Occupancy Permits for a main or accessory use for the operation of Internet Sweepstake Cafes' or any business devoting floor area to internet-based sweepstakes marketing or retailing in all Zoning Use Districts as detailed in Part Thirteen of the Planning and Zoning Code of the Codified Ordinances of the City of Euclid, in order that the Planning and Zoning Commission and the Council of the City of Euclid undertake a study of the zoning code with respect to Internet or Sweepstake Cafes' while preserving the status quo.

WHEREAS, pursuant to the Constitution of the State of Ohio and the Ohio Revised Code, municipalities have the power to enact planning and zoning laws that are for the health, safety, welfare, comfort and peace of the citizens of the municipality, including restricting areas used for businesses and trades. Euclid is a municipality in Ohio which regulates zoning of businesses for the health, safety, welfare, peace and comfort of its citizens through its planning and zoning ordinances; and

WHEREAS, Council desires to withhold the issuance of Use Permits for the operation of Internet or Sweepstake Cafes' for a temporary period of time while it undertakes a review or study of the Euclid Zoning Code. Council wishes to consider if such business models should be permitted and, if so, which areas of the City in which they should be permitted to operate, and will study alternative planning scenarios in Euclid. Council will be able to enact planning and zoning laws for the health, safety, welfare, peace and comfort for the citizens of Euclid more effectively if a moratorium is in place, making an informed decision which will better benefit its citizens.

NOW, THEREFORE, be it ordained by the Council of the City of Euclid, State of Ohio:

Section 1: That this Council hereby approves a moratorium of the issuance of Occupancy Permits for a main or accessory use for the operation of Internet Sweepstake Cafes' or any business devoting floor area to internet-based sweepstakes marketing or retailing in all Zoning Use Districts as detailed in Part Thirteen of the Planning and Zoning Code in order that the Planning and Zoning Commission and the Council undertake a study of the zoning code with respect to Internet or Sweepstake Cafes' while preserving the status quo. No Use Permits shall be issued and no Internet or Sweepstake Cafes' shall be permitted for the duration of the moratorium.

Section 2: That this moratorium shall be in effect for a period of one year, or until Council enacts changes to the current ordinances or until Council enacts an ordinance or resolution revoking this moratorium.

Section 3: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees 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 shall take immediate effect.

Attest:

Clerk of Council

President of Council

Passed:

Approved:

Mayor

Ordinance No.

By – Mayor Cervenik

An ordinance enacting Chapter 705, Entitled “Sweepstakes Terminal Cafés” of the Business Regulation and Taxation Chapter of the Codified Ordinances of the City of Euclid.

WHEREAS, computerized sweepstakes and sweepstakes terminal cafés, and the premises upon which they are located and operated, are by their nature a unique business; and

WHEREAS, the City of Euclid seeks to regulate this business to insure that they are in compliance with pertinent rules and regulations of the Federal Trade Commission; and

WHEREAS, the City of Euclid further seeks to regulate this business to prevent safety and fire hazards, disturbances, disruption of pedestrian traffic, disorderly assemblies, theft of personal property, gambling and truancy within the City; and

WHEREAS, the City of Euclid shall use various city personnel to monitor the operation of this business to ensure compliance with all pertinent federal, state and local rules and regulations.

NOW, THEREFORE, be it ordained by the Council of the City of Euclid, State of Ohio:

Section 1: That Chapter 705 of the Euclid Codified Ordinances, entitled “Sweepstakes Terminal Cafe” is hereby enacted to read as follows:

CHAPTER 705
SWEEPSTAKES TERMINAL CAFÉS

705.01 TITLE, PURPOSE, AND OBJECTIVE.

- (a) Title. This chapter shall be known and may be cited as Sweepstakes Terminal Cafés.
- (b) Purpose and Objectives. It is the purpose of this chapter and the policy of the City to establish standards for licensing, regulation and control of computerized sweepstakes devices and sweepstakes terminal cafés and premises upon which they are located and operated for purpose of entertainment of the public. The objectives of this chapter are to prevent safety and fire hazards, disturbances, disruption of pedestrian traffic, disorderly assemblies, theft of personal property, gambling and truancy within the City.

705.02 CONSTRUCTION, SEPARABILITY, AND APPLICABILITY OF CHAPTER.

- (a) Construction. This chapter shall be liberally construed and applied to promote its purpose and objectives.
- (b) Separability. If any provision of this chapter or the application thereof to any person circumstance, is held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed separate, distinct and independent provision, and neither the remainder of this chapter nor the application of such provision to other persons or circumstances shall be affected thereby.

705.03 DEFINITIONS.

As used in this chapter:

- (a) “Computerized sweepstakes device” means any computer, machine, game or apparatus which, upon the insertion of a coin, token or similar object, or upon payment of anything of value, wherein a product or service is provided, and may be operated by the public generally for use as a contest of skill, entertainment or amusement, whether or not registering a score, and which in no way tends to encourage gambling.
- (b) “Safety Director” means the Ex-officio Director of Public Safety.
- (c) “Board” means the City Planning and Zoning Board.

- (d) "Operator" means the person or persons having authority to control the premises of an arcade amusement center or an accessory amusement area.
- (d) "Licensee" means the person or persons who sign an application for a license hereunder and to whom such license is issued.
- (f) "Owner" means any person who possesses a pecuniary interest, either directly or indirectly, of twenty-five percent or more in an amusement device business.
- (g) "Person" means any natural person, firm, partnership, association, corporation or any other form of business organization.
- (h) "Premises" means the building or portion thereof used for conducting the operation of an amusement device business.
- (i) "School" means any educational institution, public, private, secular or parochial, which offers instruction of kindergarten through high school grades.
- (j) "'Sweepstakes Terminal Café" means any individual premises upon which any computerized sweepstakes device is located for the use or entertainment of the public, whether or not such premises have other business purposes of any nature whatsoever.

705.04 COMPUTERIZED SWEEPSTAKES DEVICE LICENSE REQUIRED

No person shall for purpose of use any computerized sweepstakes device in the City without having first obtained a license therefore as provided in this chapter, which license shall be designated as a computerized sweepstakes license. A separate license is required for each such computerized sweepstakes device.

705.05 SWEEPSTAKES TERMINAL CAFÉ LICENSE REQUIRED

No person shall conduct or operate a sweepstakes terminal café are in the City without having first obtained a license therefore as provided in this chapter, which license shall be designated as a sweepstakes terminal café license.

705.06 AUTHORITY OF SAFETY DIRECTOR

Authority is hereby established and vested in the Safety Director to consider applications for licenses under this chapter, conduct investigations thereon and issue or deny issuance of such licenses based upon the criteria set forth in this chapter.

705.07 NATURE OF LICENSES.

- (a) All Licenses. All licenses issued under this chapter shall have the following characteristics:
- (1) Each such license shall be an annual license which covers a period from January 1, through December 31 unless suspended or revoked.
 - (2) Each such license shall vest a personal privilege but not any property rights in the licensee.
 - (3) Each such license shall be required to be displayed permanently in a conspicuous place upon the premises for which it is issued.
 - (4) Each such license shall be in the name of the applicant
 - (5) Each such license shall be neither assignable nor transferable, either as to person or location.
 - (6) Each such license, if lost, destroyed or mutilated, upon application within thirty days thereof may be replaced by a replacement license issued by the Safety Director bearing the word "Replacement" across its face and bearing the same license number as the license which it replaces.
- (b) Computerized Sweepstakes Device Licenses. All computerized sweepstakes device licenses issued under this chapter shall have the following characteristics:
- (1) Each such license shall be issued for an individual computerized sweepstakes device only.

- (2) Each such license shall specify the name and address of each licensee, and the manufacturer, model number and serial number of the computerized sweepstakes device for which it was used.
- (3) Each such license, if changed, mutilated, erased or in any manner defaced, shall be void, and any amusement device which the same shall purport to license shall be deemed an unlicensed amusement device.

(c) Sweepstakes Terminal Café Licenses. All sweepstakes terminal café licenses issued under this chapter shall have the following characteristics:

- (1) Each such license shall be issued only for an individual business at an individual premises.
- (2) Each such license shall specify the name and address of each licensee, and the manufacturer, model number and serial number of each computerized sweepstakes device located upon the premises for which it was issued.

705.08 PROCEDURE FOR OBTAINING LICENSES.

(a) Applications for Licenses. All applications for licenses under this chapter shall be in writing on a form approved by and filed with the Safety Director. The application shall be signed by the owner or owners and shall contain information required by this section supplied in detail as to each such person, including general and limited partners, or partnerships, shareholders of corporations and principals of any other type of business entity. In the event that no person owns twenty-five percent or more of the sweepstakes terminal café, such application shall be signed by an authorized representative of the sweepstakes terminal café. All applications shall contain a statement that the information contained therein is complete, accurate and truthful to the best knowledge of all applicants. Every owner and operator of the sweepstakes terminal café shall be fingerprinted by the Euclid Police Department and said persons shall pay for the costs associated with obtaining said fingerprints.

(b) Contents of Applications. The application shall contain the following information as to all owners;

- (1) True name and all names used in the past five years;
- (2) Date of birth;
- (3) Permanent home address and all home addresses used in the past five years;
- (4) Business and home telephone numbers;
- (5) Employment history for the past five years;
- (6) A statement as to whether or not the owner has been convicted of any crime other than traffic offenses, and, if so, the date and place of conviction, the nature of the offense and the penalty imposed;
- (7) A statement as to whether or not the owner has ever conducted a sweepstakes terminal café and, if so, when, where and for how long;
- (8) A description of the nature and operation of the main type of business activity to be conducted on the premises;
- (9) A description of the nature and operation of any business to be conducted in conjunction with the sweepstakes terminal café, and the anticipated percentage of gross revenue to be derived from each respective business;
- (10) The address and telephone number of the premises and of the business, if different from that of the premises;
- (11) The name under which the business and premises will be operated;
- (12) A statement as to whether or not the owner will directly operate the sweepstakes terminal café, or whether or not an operator who is not an owner will operate it, and if the latter, the application shall contain information required by this section supplied in detail as to each such operator.
- (13) A floor plan of the premises and the immediate vicinity drawn to scale, showing the square footage and placement of the computerized sweepstakes devices, exits, windows, storage spaces, bicycle storage racks and off-street parking.
- (14) A map showing all schools, playgrounds, parks or other arcade amusement centers within a radius 1,000 feet of the premises and all churches within a radius of 500 feet of the premises;
- (15) The name, and address and telephone number of the agent of the business upon whom service of process can effectively validly be made;
- (16) The number, type, name, model and manufacturer's serial number of each computerized sweepstakes device requested to be licensed;
- (17) The name and address of the owner, distributor and manufacturer of each computerized sweepstakes device requested to be licensed;

- (18) Specification of terms of agreement governing the acquisition and installation of each amusement device requested to be licensed;
- (19) A description as to the nature and type of property or services which will be sold or supplied upon the premises;
- (20) A copy of the title or lease to the premises;
- (21) A copy of the Articles of Incorporation, if the owner is a corporation;
- (22) A copy of the Operating Agreement, if the owner is a limited liability corporation;
- (23) A copy of the Partnership Agreement, if the owner is a partnership;
- (24) Specification of the days of the week and the hours of the day during which the licensed activity will be conducted; and
- (25) Any other information which the Safety Director may deem reasonably necessary for the full interest of the public in the application.

(c) Reports of City Officials. Upon receipt of an application for a license under this chapter, the Safety Director shall request the following reports, which shall be rendered to him within thirty days of the date of filing of the application.

- (1) A written report from the Fire Chief shall be submitted to the Safety Director as to whether the premises and computerized sweepstakes devices thereon will create a fire hazard; and
- (2) A written report from the Police Chief shall be submitted to the Safety Director specifying, with regard to all owners and operators, any convictions for any felony or for any misdemeanor involving physical violence, gambling activity, controlled substances, alcoholic beverages, minors or any crime involving moral turpitude.
- (3) A written report from the Building Commissioner shall be submitted to the Safety Director as to whether all building laws have been satisfied.

A written report from the Zoning Commissioner shall be submitted to the Safety Director as to whether all zoning laws have been satisfied.

(d) Determination Process.

- (1) Safety Director. All applications for licenses under this chapter shall be considered by the Safety Director, who shall, within ten days after receiving the written reports, either issue such licenses or deny issuance of such licenses.
- (2) Appeal to Board. In the event of the denial of issuance of such a license, the applicant shall be notified of such denial and the specific reasons therefore in writing. Such notice shall be mailed or delivered to the applicant at the address specified in the application. The applicant shall have ten days after receipt of such notice within which to appeal such denial, by filing a written notice of appeal with the Planning and Zoning Board. Thereupon, the applicant shall have not less than ten days notice of the date and place of the hearing. The appeal shall be heard by the Board, which Board shall have the power after such hearing to confirm the denial, order the license to be issued, or, at its discretion, to issue a conditional or probationary license.
- (3) Appeal to Court. The decision of the Board may, within thirty days thereof, be appealed to a court of competent jurisdiction under Ohio R.C. Chapter 2506.

(e) License Renewal. Each computerized sweepstakes device license and sweepstakes terminal café license must be renewed annually. At the time of renewal, a statement shall be filed with the Safety Director that the information listed on the original application for the license is still complete, accurate and truthful to the best knowledge of all applicants, or a statement shall be filed with the Safety Director listing each and every item of information which has changed since the original application. Such statement shall be signed by the same persons who signed the original application. The Safety Director may determine to accept such statement and issue the license requested, or he may determine to enforce the procedure required for the original license.

705.09 DENIAL OF SWEEPSTAKES TERMINAL CAFÉ.

No arcade amusement center license shall be issued or renewed for any business or premise:

- (a) Where any of the owners or the operators has been convicted within the last five years of any felony or of any misdemeanor involving the operation of a sweepstakes terminal café business, or involving physical

violence, gambling activities, controlled substances, alcoholic beverages, minors or any crime involving moral turpitude;

(b) Where the premises do not specifically designate at least 30 gross square feet of floor area for each amusement device to be located upon the premises, excluding areas used for other principal uses;

(c) Where the premises do not provide a minimum of 35 off-street parking places, or 1 such space for every 2 computerized sweepstakes devices, whichever is greater;

(d) Where the premises are located within 1,000 feet of any school, playground, public park or other sweepstakes terminal café or within 500 feet of any church;

(e) Where it is determined that the premises or operation thereof would be in violation of any provision of the Building Code, the Zoning Code or the Fire Code of the City or any other pertinent provisions of local, state or federal law;

(f) Where the applicant made a false statement as to a material matter upon the application or in a hearing concerning the license;

(g) Where the application failed to provide all of the required information; or

(h) Where not all terms and conditions under this chapter and all other applicable ordinances and statutes are complied with.

705.10 CONDITIONS AND REGULATIONS.

(a) In addition to any other condition or regulation contained in his chapter or in state statutes, the following conditions and regulations shall be applicable to and shall govern and control all licenses of sweepstakes terminal cafes:

- (1) Each such licensee shall at all times open each and every portion of the premises for inspection by the Police Department and other City departments for the purposes of enforcing any provisions of this chapter.
- (2) Each such licensee shall have present on the premises at all times when the premises are open to the public at least one adult operator who has not been convicted of any felony or of any misdemeanor involving the operation of a sweepstakes terminal café or involving physical violence, gambling activities, controlled substances, alcoholic beverages, minors or any crime involving moral turpitude.
- (3) No such licensee shall open the premises for business except between the following hours (local time) on the following days:
 - A. Sunday through Thursday, 9:00 a.m. to 9:00 p.m.; and
 - B. Friday and Saturday, 9:00 a.m. to 11:00 p.m.
- (4) No such licensee shall allow living quarters to exist with direct entry to the premises.
- (5) No such licensee shall operate the sweepstakes terminal café business other than on street level or on a level within three feet thereof.
- (6) No such licensee shall allow any person, other than an owner or operator over the age of twenty-one years, who shall be readily identifiable, to be in control of the premises, nor allow such operator to be regularly situated in a place upon the premises other than a place from which he has an unobstructed view of the entire portion of the premises devoted to the operation of computerized sweepstakes devices.
- (7) No person under the age of twenty-one years shall be permitted in a sweepstakes terminal café.
- (8) Any and all sweepstakes rules and odds of winning shall be posted in a conspicuous place at the premises and displayed on the computerized sweepstakes device at the start of each game and/or activity.
- (9) Each such licensee shall operate the sweepstakes terminal café business in compliance with any and all pertinent Federal Trade Commission rules and regulations, the Ohio Revised Code and regulation and ordinances of the City of Euclid.

(b) All computerized sweepstakes devices upon the premises of a sweepstakes terminal café shall be located thereon in conformity with the floor plan filed with the application for the license and in such a manner:

- (1) So as not to impair ingress or egress to the premises;
- (2) So as not to interfere with free and unfettered passage through the premises;
- (3) So that at least 30 gross square feet of floor area is specifically designated for each amusement device, excluding areas used for other principal uses;
- (4) So that there shall be a minimum unobstructed area of five feet on either side of each amusement device where persons may use, watch or wait to use such amusement device;
- (5) So as to permit a clear and complete view of the interior of the premises immediately upon entry; and
- (6) So that the back of any amusement device is not exposed to a window.

705.11 PROHIBITED CONDUCT AND CONDITIONS IN SWEEPSTAKES TERMINAL CAFES.

No licensee of a sweepstakes terminal café by himself, directly or indirectly, or by any servant, agent or employee, shall permit or fail to take active steps to eliminate the activities specified in this section from occurring upon the premises. All such licensees shall have a duty to diligently pursue enforcement of this section. The actions of the operator and the failure to take action by the operator shall be imputed to the licensees. No such licensee shall:

- (a) Permit any indecent, immoral or profane language, or indecent, immoral or disorderly conduct, upon the premises;
- (b) Permit the premises to become a gathering place for disorderly persons of any type;
- (c) Permit the gambling in any form or the possession or use of gambling paraphernalia upon the premises;
- (d) Permit intoxication or the possession or use of alcoholic beverages upon the premises;
- (e) Permit the possession or use of any unlawful drug, narcotic or controlled substance;
- (f) Permit the public streets, sidewalks, alleys or walkways in the immediate vicinity of any entrance or exit to the premises to become littered;
- (g) Permit the premises or the activity conducted thereon to become a public nuisance to the surrounding environs;
- (h) Permit the walkways to become obstructed in any manner so that pedestrian traffic is hindered;
- (i) Permit any computerized sweepstakes device thereon to be operated at any time the premises is not open for business, or permit the entrance to be locked at any time that the premises are open for business;
- (j) Permit the premises to become overcrowded so as to constitute a hazard to the health or safety of persons therein or to be in violation of any of the City's fire, health or sanitation codes;
- (k) Permit any computerized sweepstakes device to be offered to the public for operation unless fully operable and in safe operation condition;
- (l) Permit the premises to be open for business without displaying the licenses therefore in a conspicuous place thereon;
- (m) Permit the operation of any unlicensed computerized sweepstakes device upon the premises;
- (n) Permit any violation of any ordinance of the City or statute of the State to take place upon the premises.

705.12 LICENSE EXPIRATION, SUSPENSION OR REVOCATION.

- (a) Expiration. Any sweepstakes terminal café license issued under this chapter shall expire upon the transfer or sale of a majority interest in the business, or the discontinuation of the business for a continued period of thirty days. Any computerized sweepstakes device license issued under this chapter shall expire upon the transfer or sale of such computerized sweepstakes device.

(b) Suspension and Revocation. All licenses issued under this chapter shall be suspended or revoked by the Safety Director upon a finding of the occurrence of any of the following events;

- (1) A false statement by any licensee as to a material matter made in an application for license or in a hearing concerning the license;
- (2) Conviction of any licensee of any felony or of any misdemeanor involving physical violence, gambling activities, controlled substances, alcoholic beverages, minors or any crime involving moral turpitude;
- (3) Conviction twice within a one-year period of any license or operator for a violation of this chapter.

(c) Hearing. The suspension or revocation of any license under this chapter shall not be made without a hearing. The licensee shall be given at least ten days prior written notice of intent to suspend or revoke, which shall set forth the time and place of the hearing and the specific reasons for such suspension or revocation. The licensee shall have the right at the hearing to present testimony and other relevant evidence and to orally examine any person offering evidence as to the reasons for suspension or revocation.

(d) Appeal. The decision of the Safety Director may be appealed to the Planning and Zoning Commission as provided by the rules contained in the Euclid Codified Ordinances.

705.13 LICENSE FEES

(a) Computerized Sweepstakes Devices. The fee for each computerized sweepstakes device license shall be thirty dollars (\$30.00) per device, per month.

(b) Sweepstakes Terminal Café. The fee for a sweepstakes terminal café shall be five thousand dollars (\$5,000.00) per year.

(c) Replacement License. The fee for a replacement license shall be fifteen dollars (\$15.00).

(d) Filed with Application. License fees under this chapter shall be filed with the application for license.

(e) Return of Fee. In the event the application is denied under this chapter, one-half of the license fee therefore shall be returned to the applicant. In the event any license is suspended or revoked under this chapter, no portion of the license fee shall be returned to the owner.

705.14 ZONING COMPLIANCE

Sweepstakes terminal cafés as set forth in this chapter shall be permitted in U4 and U5 zoning districts as a special use pursuant to Section 1359.06 of the Euclid Codified Ordinances and shall not be permitted in any other zone within the City. A special use permit pursuant to 1359.06 shall be obtained before operating a sweepstakes terminal café within the City.

705.15 EQUAL OPPORTUNITY.

No person shall be denied any license or the right to use a licensed amusement device under this chapter in the City because of race, color, creed, sex, religious belief or national origin.

705.16 PENALTY.

Whoever violates any of the provisions of this chapter is guilty of a misdemeanor of the first degree. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

Section 2: That Chapter 705 of the Business Regulation and Taxation Code of the Codified Ordinances for the City of Euclid is hereby enacted.

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

Section 4: That this ordinance shall be in full force and effect from and after the earliest period allowed by law.

Attest:

Clerk of Council

President of Council

Passed:

Approved:

Effective:

Mayor

Ordinance No.

By – Mayor Cervenik

An emergency ordinance authorizing the Director of Finance of the City of Euclid to make payment to Americon Disaster Recovery Specialists, for the emergency board up, demolition and removal of the fire damaged press box structure and bleachers at the Paul Serra Field in Municipal Park in the amount of \$49,984.76, which is being offset by insurance proceeds in the amount of \$39,987.52.

WHEREAS, on July 27, 2010, an arson fire destroyed the press box, equipment, bleacher seating and related items at the Paul Serra Field in Memorial Park; and

WHEREAS, due to the remaining structure being in danger of collapse, a demolition contractor was retained to board and shore up the facility prior to its eventual demolition; and

WHEREAS, the City’s property insurance covered the expense other than the deductible amount of \$10,000.00; and

WHEREAS, the insurance proceeds have been deposited into the General Permanent Improvement Fund; and

WHEREAS, the subject matter of this ordinance constitutes an emergency in that the same provides for the preservation of the public peace, safety and welfare of the citizens of the City of Euclid and for the prompt payment for the board up, demolition and removal of the fire damaged press box structure and bleachers.

NOW, THEREFORE, be it ordained by the Council of the City of Euclid, State of Ohio:

Section 1: That the Director of Finance is hereby authorized to process payment to Americon Disaster Recovery Specialists in the amount of \$49,984.76 for the emergency board up, demolition and removal of the fire damaged press box structure and bleachers at the Paul Serra Field in Municipal Park.

Section 2: Funds to pay for this expenditure shall come from the General Permanent Improvement Fund.

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

Section 4: That this ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, safety and welfare of the citizens of the City of Euclid, and provided it receives the two-thirds vote of all members of Council elected thereto, shall be in full force and effect from and after its passage and approval; otherwise to be in full force and effect from and after the earliest period allowed by law.

Attest:

Clerk of Council

President of Council

Passed:

Approved:

Mayor

Ordinance No.

By – Mayor Cervenik

An emergency ordinance providing for the transfer of funds from the Peterson Fund (515) to the Waste Water Fund (510) in the amount of Seven Hundred Forty Nine Thousand Six Hundred Forty Dollars (\$749,640.00).

WHEREAS, during the years 2005 to 2008, the debt service for several sanitary sewer projects was charged to the Waste Water Fund (510) that should have been charged to the Peterson Fund (515) in the amount of Three Hundred Eighty Four Thousand Six Hundred Ninety Six Dollars (\$384,696.00); and

WHEREAS, the Euclid Avenue Sewer Project local share should have been charged to the Peterson Fund (515) in the amount Three Hundred Sixty Four Nine Hundred Forty Four Dollars (\$364,944.00); and

WHEREAS, it is necessary that the respective funds be adjusted as customers outside of the City of Euclid as well as other user communities pay into the Waste Water Fund, whereas Euclid residents and businesses pay into the Peterson Fund and Waste Water Fund; and

WHEREAS, the subject matter of this ordinance constitutes an emergency in that the same provides for the preservation of the public peace, safety and welfare of the citizens of the City of Euclid, and for the daily operation of a municipal department.

NOW, THEREFORE, be it ordained by the Council of the City of Euclid, State of Ohio:

Section 1: That the Director of Finance is hereby directed and authorized to transfer the sum of Seven Hundred Forty Nine Thousand Six Hundred Forty Dollars (\$749,640.00) from the Peterson Fund (515) to the Waste Water Fund (510).

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

Section 3: That this ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, safety and welfare of the citizens of the City of Euclid, and provided it receives the two-thirds vote of all members of Council elected thereto, shall be in full force and effect from and after its passage and approval; otherwise to be in full force and effect from and after the earliest period allowed by law.

Attest:

Clerk of Council

President of Council

Passed:

Approved:

Mayor

RESOLUTION OF RECOGNITION

A resolution of recognition for **Driftwood Gallery's** fifty years of service to the Euclid community.

WHEREAS, Dessie and John Boyton, residents of Euclid since 1945, opened the **Driftwood Gallery** in Euclid in 1961 as a gathering place for local artists, and **the Gallery** gradually grew into an art supply and framing business; and

WHEREAS, Dessie and John retired in 1979, and passed the business on to their son, Jon Boyton, who led the company to grow three times its size; and

WHEREAS, **Driftwood Gallery** now supplies both retail and wholesale ends of the framing industry to the greater Cleveland area with honesty and integrity; and

WHEREAS, **the Gallery** has grown into an extremely successful and well-known frame supplier, and **the Gallery's** frames are hanging on walls in homes and offices in every major country in the world; and

WHEREAS, **the Gallery** has generously donated a finished frame piece or gift certificate to every community organization in the City of Euclid; and

WHEREAS, **the Gallery** will continue to give back to the Euclid community by providing prizes, discounts and gift certificates, and a grand prize to a lucky winner, in celebration of their 50th year in business.

NOW, THEREFORE, be it resolved by the Council of the City of Euclid, State of Ohio:

Section 1: That this Council and Administration do hereby recognize the **Driftwood Gallery** for its outstanding fifty years of service to the City of Euclid.

Section 2: That the Clerk of this Council is hereby authorized and directed to certify a copy of this resolution to Jon Boyton, owner of **Driftwood Gallery**.

Section 3: That this resolution shall take immediate effect.

Resolution No.

By – Mayor Cervenik, Councilpersons
Holzheimer-Gail, Gilliam, Jones
Langman, Minarik, O'Neill, Scarniench,
Van Ho, Wojtila

Attest:

Clerk of Council

President of Council

Passed:

Approved:

Mayor

RESOLUTION OF CONGRATULATIONS

A resolution of congratulations to the **Euclid Panther Swim Team** for its **outstanding performance** in the **2010 Suburban Summer League Championships**.

WHEREAS, the **Euclid Panthers** broke four Suburban Summer League relay records and five individual records at the 2010 Championships; and

WHEREAS, Derek Hren, a member of the **Euclid Panthers**, broke three individual pool, team, and Suburban Summer League records at the Championships and qualified for the Junior Nationals; and

WHEREAS, due to the **Euclid Panthers'** dedication and hard work, the team finished in fourth place at the Championships, only two points shy of third place; and

WHEREAS, the **Euclid Panthers** were awarded the "Team Spirit" Award by the Suburban Swim League for the third year in a row, and will be displaying their trophy at Memorial Pool; and

WHEREAS, The **Euclid Panthers** swim team continues to set an example of hard work and sportsmanship in the City of Euclid, and the City is proud of their accomplishments.

NOW, THEREFORE, be it resolved by the Council of the City of Euclid, State of Ohio:

Section 1: That this Council and Administration do hereby congratulate the **Euclid Panther Swim Team** for its **outstanding performance** in the **2010 Suburban Summer League Championships**.

Section 2: That the Clerk of this Council is hereby authorized and directed to certify a copy of this resolution to the **Euclid Panther Swim Team**.

Section 3: That this resolution shall take immediate effect.

Resolution No.

By – Mayor Cervenik, Councilpersons
Holzheimer Gail, Gilliam, Jones
Langman, Minarik, O'Neill, Scarniench,
Van Ho, Wojtila

Attest:

Clerk of Council

President of Council

Passed:

Approved:

RESOLUTION OF CONGRATULATIONS

A resolution of congratulations to **Samantha Lisy** for her outstanding performance in the **2010 USA Central Zone Championship Swim Meet in Lincoln, Nebraska**.

WHEREAS, **Samantha Lisy**, a Euclid resident, was selected to be a member of the Lake Erie Zone Team that competed in the 2010 USA Central Zone Championship Meet in Lincoln, Nebraska, which showcases top swimmers from across the country; and

WHEREAS, **Samantha** participated in a total of ten events at the USA Central Zone Meet and excelled at each event; and

WHEREAS, **Samantha** posted four top-ten performances and received a top fifty National Ranking in the USA Central Zone Swim Meet; and

WHEREAS, **Samantha** was a member of the 400 Medley Relay Team, swimming backstroke, which placed first overall with a winning time of 4:38.96 to take home the gold medal; and

WHEREAS, **Samantha's** times posted at the USA Central Zone Meet have qualified her for participation in the 2011 Long Course Sectional Meet to be held in Indianapolis, Indiana; and

WHEREAS, this experience has poised **Samantha** for a successful high school swim career at Euclid High School, where she will be a freshman in the 2010-2011 academic school year.

NOW, THEREFORE, be it resolved by the Council of the City of Euclid, State of Ohio:

Section 1: That this Council and Administration do hereby congratulate **Samantha Lisy** on her outstanding performance in the **2010 USA Central Zone Championship Swim Meet in Lincoln, Nebraska**.

Section 2: That the Clerk of this Council is hereby authorized and directed to certify a copy of this resolution to **Samantha Lisy**.

Section 3: That this resolution shall take immediate effect.

Resolution No.

By – Mayor Cervenik, Councilpersons
Holzheimer Gail, Gilliam, Jones,
Langman, Minarik, O'Neill, Scarniench,
Van Ho, Wojtila

Attest:

Clerk of Council

President of Council

Passed:

Approved:
