

**AGENDA**  
**EUCLID CITY COUNCIL MEETING**  
**MONDAY, OCTOBER 18, 2010 AT 7:00 PM**  
**EUCLID MUNICIPAL CENTER COUNCIL CHAMBER**

**PERMISSIBLE PRELIMINARIES:**

**FIRST GAVEL**

**INVOCATION\*:**

**PLEDGE OF ALLEGIANCE**

**EUCLID CITY COUNCIL MEETING BUSINESS:**

**SECOND GAVEL**

**ROLL CALL OF MEMBERS**

**COMMUNICATIONS:** Liquor Permit-24200 Lake Shore Blvd.

**COUNCIL MINUTES:**

**ADMINISTRATION REPORTS & COMMUNICATIONS:**

**REPORTS & COMMITTEE MINUTES:** Executive & Finance Min.: 8/30/10  
Monthly Finance Report through 9/30/10  
Board of Control Min. – 9/27/10; 10/4/10

**COMMITTEE OF THE WHOLE FOR LEGISLATIVE MATTERS ONLY**

**LEGISLATION**

- |                       |    |   |                   |
|-----------------------|----|---|-------------------|
| <b>Public Hearing</b> | 1. | An ordinance rezoning parcels at 26650-26670 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.<br>(155-10)  |
| <b>Third Reading</b>  | 2. | A resolution granting a Use District Exception, pursuant to Chapter 1359.03(c)(6) of the Codified Ordinances of the City of Euclid to Phillip Lane, a tenant at 26110 Euclid Avenue, Permanent Parcel #648-51-002, to allow a major repair facility in a U-4 (Local Retail) Use District. (Sponsored by Planning & Zoning Commission)   | Res.<br>(167a-10) |
|                       | 3. | An emergency ordinance adopting the revised City of Euclid Cuyahoga Housing Consortium HOME Program Funding Plan (Attachment A) as approved by the Cuyahoga Housing Consortium. (Sponsored by Mayor Cervenik)   | Ord.<br>(191-10)  |
|                       | 4. | An ordinance authorizing the sale of Permanent Parcel 646-28-048, 20500 Roseland Avenue, from the Euclid Land Bank to Michael Patrick for an amount of Three Hundred Dollars (\$300.00), as authorized by Ordinance 98-2010, and approval to consolidate with Parcel 646-28-046 provided the plat meets with all engineering standards. (Sponsored by Planning & Zoning Commission) | Ord.<br>(190-10)  |
|                       | 5. | An emergency ordinance authorizing the Mayor as Ex-Officio Director of Public Safety of the City of Euclid, or his designee, to provide regulations for the payment of medical care for prisoners in custody at the Euclid City Jail. (Sponsored by Mayor Cervenik by request of Police Chief)  | Ord.<br>(188-10)  |
|                       | 6. | An ordinance authorizing the Mayor of the City of Euclid, or his designee, to grant a permanent easement to AT&T Ohio for the purpose of placing a fiber-optic node on a parcel of property owned by the City of Euclid, as described in the legal description and permanent easement attached hereto as Exhibit A. (Sponsored by Mayor Cervenik by request of Service Director)    | Ord.<br>(189-10)  |

**COMMITTEE OF THE WHOLE – PUBLIC PORTION**

**COUNCIL MEMBERS' 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.



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

Resolution No.

By – Planning & Zoning Commission

A resolution granting a Use District Exception, pursuant to Chapter 1359.03(c)(6) of the Codified Ordinances of the City of Euclid to Phillip Lane, a tenant at 26110 Euclid Avenue, Permanent Parcel #648-51-002, to allow a major repair facility in a U-4 (Local Retail) Use District.

WHEREAS, at its meeting on September 14, 2010, the Planning and Zoning Commission approved a Use District Exception to allow a major repair facility in a U-4 (Local Retail) Use District at 26110 Euclid Avenue, Permanent Parcel #648-51-002; and

WHEREAS, the Use District Exception was approved with the following conditions:

- There is to be no outdoor storage of vehicles other than in the semi-enclosed area under the roof of the main structure and to the east of the main structure.
- No outdoor storage of auto parts.
- No spray painting or installation of spray painting booths.
- Repairs are restricted to work on rare and vintage vehicles, vintage being over 25 years old; and

WHEREAS, Chapter 1359 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 a major repair facility in a U-4 (Local Retail) Use District at 26110 Euclid Avenue, Permanent Parcel #648-51-002, is hereby granted.

Section 2: The following conditions will apply to the Use District Exception: There is to be no outdoor storage of vehicles other than in the semi-enclosed area under the roof of the main structure and to the east of the main structure; no outdoor storage of auto parts; no spray painting or installation of spray painting booths; repairs are restricted to work on rare and vintage vehicles, vintage being over 25 years old.

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:

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Clerk of Council

\_\_\_\_\_  
President of Council

Passed:

Approved:

\_\_\_\_\_  
Mayor

Ordinance No.

By – Mayor Cervenik

An emergency ordinance adopting the revised City of Euclid Cuyahoga Housing Consortium HOME Program Funding Plan (Attachment A) as approved by the Cuyahoga Housing Consortium.

WHEREAS, the City of Euclid is a member of the Cuyahoga Housing Consortium and has entered into a Consortium Agreement authorized by Ordinance Number 78-2008; and

WHEREAS, the Consortium Agreement allows the City to create programs for the use of HOME Funds for eligible projects; and

WHEREAS, the revised HOME Program Funding Plan is necessary in order to obligate remaining HOME Fund balances and to reallocate funds set aside for the Kenwood Village LLC project which has been rescinded due to non-performance; and

WHEREAS, the revised HOME Program Funding Plan has been approved by the Cuyahoga Housing Consortium as a comprehensive approach to addressing Euclid’s housing needs; and

WHEREAS, the City will submit this ordinance to the Board of County Commissioners of Cuyahoga County to demonstrate City approval for the HOME Program Funding Plan and to seek authorization from the Board for the related agreements necessary with Cuyahoga County to implement the Plan; and

WHEREAS, the subject matter of this ordinance constitutes an emergency measure necessary for the immediate preservation of public peace, property, health, safety and the welfare of the City of Euclid and in order to allocate the available HOME funds to allow timely expenditure in accordance with HUD HOME Program guidelines.

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

Section 1: That the Council of the City of Euclid hereby adopts the revised City of Euclid Cuyahoga Housing Consortium HOME Program Funding Plan (Attachment A) as approved by the Cuyahoga Housing Consortium.

Section 2: That the Mayor or his designee shall be authorized to take all actions and enter into all agreements necessary for the obligation and expenditure of the HOME funds in accordance with the HOME Program Funding Plan (Attachment A), and such agreements shall be substantially in the form as approved by the Director of Law.

Section 3: That the Clerk of Council is hereby authorized and directed to cause a copy of this resolution to be served upon the Board of County Commissioners, Cuyahoga County c/o Peter Lawson Jones, 1219 Ontario Street, Cleveland, OH 44113.

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-third 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:  
  
\_\_\_\_\_

**Attachment A**

**City of Euclid  
Cuyahoga Housing Consortium**

**HOME Program Funding Plan**

- 1. **EDCOR DOWN PAYMENT ASSISTANCE PROGRAM:** \$437,370.00
  - A. Expiration date of contract between EDCOR and County Commissioners extended from December 31, 2010 to December 31, 2012
  - B. Budget from existing contract remains the same.
  
- 2. **EDCOR HOUSING REHABILITATION LOW INTEREST LOAN PROGRAM:** \$325,555.00
  - A. Expiration date of contract between EDCOR and County Commissioners extended from February 28, 2011 to December 31, 2011
  - B. Add an additional \$191,855.00 from the FY 2010 HOME Fund allocation to the \$133,700.00 budgeted for the existing contract

- 3. **CITY OF EUCLID NSP HOUSING REHABILITATION PROGRAM:** \$340,966.00
  - A. City of Euclid to contract with County Commissioners to utilize HOME Program funds to rehabilitate 5 City-owned NSP houses

Contract period from October 2010 to December 31, 2012

B. Funding Sources:

1.	Terminated Kenwood Village Loan Contract	\$105,966.00
2.	Remaining 2009 HOME Fund allocation	\$201,000.00
3.	2010 HOME Fund allocation	<u>\$ 34,000.00</u>
	Total	<b><u>\$340,966.00</u></b>

Mayor

Ordinance No.

By – Planning and Zoning Commission

An ordinance authorizing the sale of Permanent Parcel 646-28-048, 20500 Roseland Avenue, from the Euclid Land Bank to Michael Patrick for an amount of Three Hundred Dollars (\$300.00), as authorized by Ordinance 98-2010, and approval to consolidate with Parcel 646-28-046 provided the plat meets with all engineering standards.

WHEREAS, Ordinance 98-2010, passed by Council on June 21, 2010, authorizes the sale of properties in the Euclid Land Bank to be sold for private use; and

WHEREAS, Michael Patrick owns the adjacent property, 1455 East 204<sup>th</sup> Street, and desires to purchase the Roseland Avenue parcel for yard expansion; and

WHEREAS, at its meeting on October 12, 2010, the Planning and Zoning Commission unanimously approved the sale of the 20500 Roseland Avenue parcel (Permanent Parcel 646-28-048) to Michael Patrick for an amount of Three Hundred Dollars (\$300.00)

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

Section 1: That the sale of Permanent Parcel 646-28-048, 20500 Roseland Avenue, from the Euclid Land Bank to Michael Patrick in the amount of Three Hundred Dollars (\$300.00), as authorized by Ordinance 98-2010, and a consolidation with Parcel 646-28-046 provided parcel meets all engineering standards, is hereby approved.

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 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 (by request)

An emergency ordinance authorizing the Mayor as Ex-Officio Director of Public Safety of the City of Euclid, or his designee, to provide regulations for the payment of medical care for prisoners in custody at the Euclid City Jail.

WHEREAS, the City of Euclid recognizes the responsibility of the City to provide adequate medically necessary care for prisoners in City custody, and that it is the City's responsibility to do so in a fiscally responsible way; and

WHEREAS, the State of Ohio has enacted §341.192 which applies to State and County prisoners and provides that jails will pay no more than the authorized reimbursement rate for the same service established by the Department of Job and Family Services under the Medical Assistance program; and

WHEREAS, the City of Euclid recognizes that Ohio Revised code §341.192 does not expressly apply to municipal prisoners, and other cities have passed their own enabling ordinances to ensure that they are not paying more than the above Medicaid rate; and

WHEREAS, it is the recommendation of the Chief of Police and the Director of Law to clearly set forth in the City's ordinances the City's rate to be paid for necessary medical care for municipal prisoners; 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 this Council hereby authorizes the Mayor as Ex-Officio Director of Public Safety, or his designee, to make payment for medically necessary prisoners medical care, limited to an amount not exceeding the authorized reimbursement rate for the same service established by the Ohio Department of Job and Family Services under the Medical Assistance program. The City is not liable for medical care that is not medically necessary.

Section 2: As used in this ordinance:

1. "Medical Provider" means a physician, hospital, laboratory, pharmacy, or other health care provider that is not employed by or under contract to or with the City and provides medical services to a person who is imprisoned in an institution and that person is under the control of, or was imprisoned at the direction of, or in the custody of, the City and/or a law enforcement officer of the City.

2. "Medically Necessary Care" means medical care from a medical provider that is of a non-elective nature and that cannot be postponed until after the person who is imprisoned, as set forth in Paragraph 1 above, is released, without endangering the life or health of the person.

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 (by request)

An ordinance authorizing the Mayor of the City of Euclid, or his designee, to grant a permanent easement to AT&T Ohio for the purpose of placing a fiber-optic node on a parcel of property owned by the City of Euclid, as described in the legal description and permanent easement attached hereto as Exhibit A.

WHEREAS, the fiber-optic node will enhance the City's internet and telephone service; and

WHEREAS, the placement will result in the removal of an AT&T utility cabinet from a highly visible location on the tree lawn at East 217<sup>th</sup> Street and Lake Shore Boulevard, and relocating the cabinet within the screened easement area; and

WHEREAS, the City of Euclid will be fairly compensated through in-kind services provided by AT&T in the Downtown Transportation Project area.

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

Section 1: That the Mayor, or his designee, is hereby authorized to grant a permanent easement to AT&T Ohio for the purpose of placing a fiber-optic node on a parcel of property owned by the City of Euclid, as described in the legal description attached hereto as Exhibit A, and as later approved.

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 shall be in full force and effect from and after the earliest period allowed by law.

Attest:

\_\_\_\_\_  
Clerk of Council

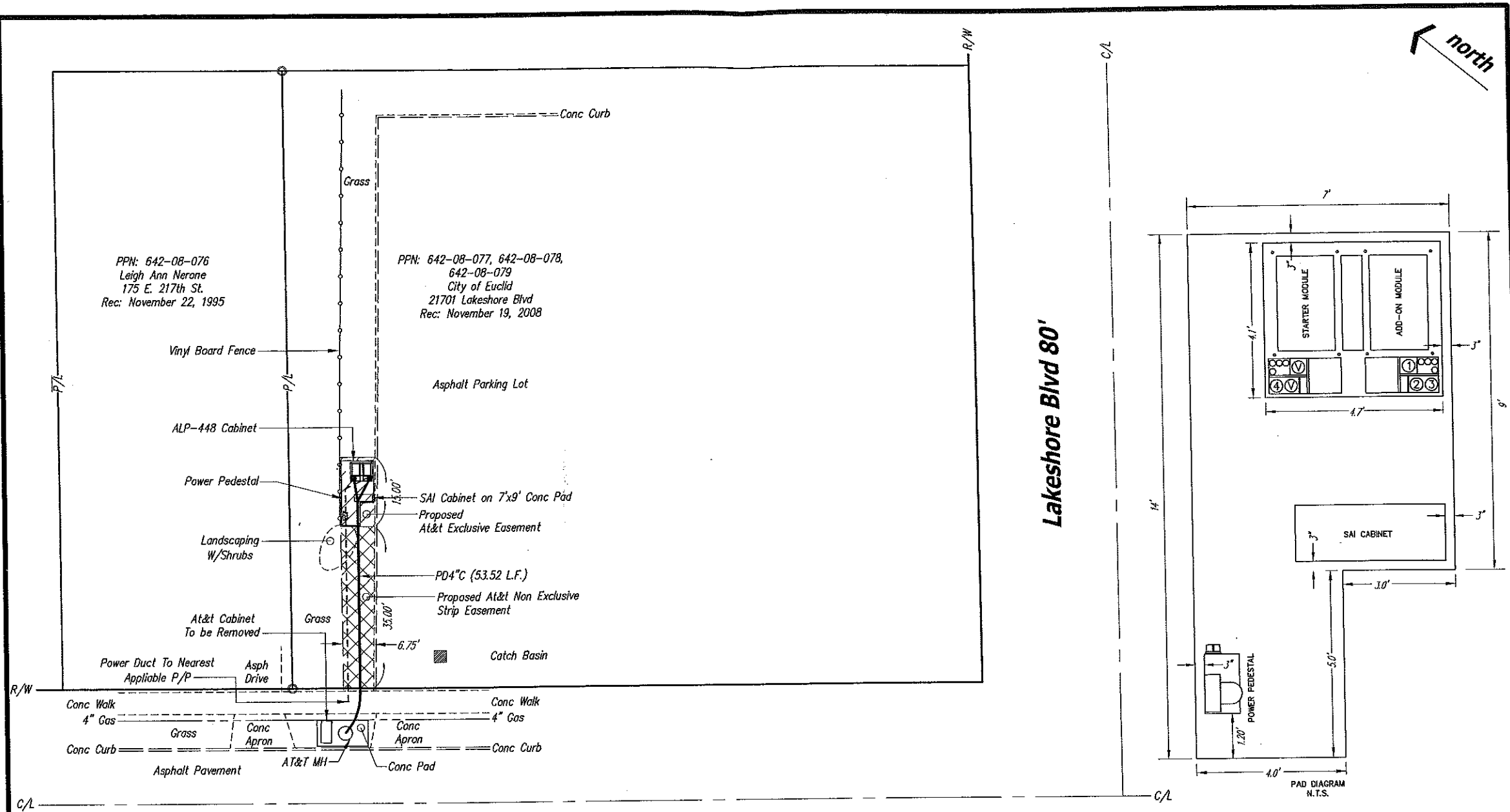
\_\_\_\_\_  
President of Council

Passed:

Approved:

Effective:

\_\_\_\_\_  
Mayor



**East 217th Street 50'**

**Lakeshore Blvd 80'**



5316 Ridge Road, Cleveland, Ohio 44129  
 Phone 440.885.7137 - Fax 440.885.7139  
 www.kolesurvey.com

SCALE: 1" = 20'		UT 6034234			
Date	Geo Loc	WC			
3-8-2010	L27103	ECLDQH73 DA 4711A			
Municipality	County	Township	1/4 Sec	Tax Dist	
EUCLID	CUYAHOGA				
Location & Description			4C REG NO		
SIDE 181 E. 217th STREET			FILE NO. 10006E		