

**AGENDA
EUCLID CITY COUNCIL MEETING
MONDAY, OCTOBER 1, 2012 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 – China Dragon 25649 Euclid Ave.

COUNCIL MINUTES: September 17, 2012

ADMINISTRATION REPORTS & COMMUNICATIONS:

REPORTS & COMMITTEE MINUTES: Service Committee Min.: 9/24/12
Board of Control Min.: 9/10/12; 9/17/12;

COMMITTEE OF THE WHOLE FOR LEGISLATIVE MATTERS ONLY

LEGISLATION

- | | | | |
|----------------------|----|---|------------------|
| | 1. | An emergency ordinance authorizing the Director of Finance of the City of Euclid to enter into contracts with Affiliated FM Insurance Company and Zurich Insurance written through the firm of Love Insurance Agency, 34920 Ridge Road, Willoughby, Ohio 44054, insuring City-owned property, contents, boiler and machinery, inland marine, and against crime for the period October 1, 2012 through September 30, 2013. (Sponsored by Mayor Cervenik) | Ord.
(168-12) |
| | 2. | An ordinance amending the Planning and Zoning Code of the Codified Ordinances of the City of Euclid to amend Chapter 1359 “U4, U5 and U6 Business and Industrial Districts” to allow indoor vehicle sales in industrial buildings by amending sections 1359.03(i) “Permitted Uses”, Section 1359.06(g)(1) “Major Repair Facility and Heavy Duty Truck and/or Boat, Sales, Service and Repair”; Section 1359.06 (p) “Sales or Lease of New Automobiles and Small Trucks”; and Section 1359.06(q) “Sales or Lease of Used Automobiles and the Sale or Rental of Trucks, Trailers and Boat Sales and Rental”. (Sponsored by Councilperson Scarniench) TO BE REFERRED TO PLANNING & ZONING COMMISSION | Ord.
(169-12) |
| First Reading | 3. | An emergency ordinance amending Ordinance No. 32-2012, that established sewer rental and other related charges and authorized sewer service agreements, to reflect new sewer usage rates. (Sponsored by All Members of Council) | Ord.
(171-12) |
| First Reading | 4. | An emergency ordinance amending Ordinance No. 33-2012 establishing the incremental rates to be added to the sewer service charge to provide sufficient revenue to fund new sewer construction and control inflow and infiltration in the sewer system within the City of Euclid. (Sponsored by All Members of Council) | Ord.
(172-12) |
| | 5. | An ordinance authorizing the Director of Public Service of the City of Euclid to advertise for bids and enter into a contract for Emergency Repairs to Streets, Sewers & Sludge Lines for the year 2013, with an option for a one-year extension for 2014. (Sponsored by Councilperson McLaughlin by request of Service Director) | Ord.
(173-12) |

CEREMONIAL RESOLUTION

6. A resolution in memoriam for Willoughby Police Officer **Jason Gresko**, who gave his life on September 21, 2012, while in the line of duty. (Sponsored by Mayor Cervenik and All Members of Council) Res. (174-12)

COMMITTEE OF THE WHOLE – PUBLIC PORTION

COUNCIL MEMBERS' COMMENTS

ADJOURNMENT

Ordinance No.

By – Mayor Cervenik

An emergency ordinance authorizing the Director of Finance of the City of Euclid to enter into contracts with Affiliated FM Insurance Company and Zurich Insurance written through the firm of Love Insurance Agency, 34920 Ridge Road, Willoughby, Ohio 44054, insuring City-owned property, contents, boiler and machinery, inland marine, and against crime for the period October 1, 2012 through September 30, 2013.

WHEREAS, the City of Euclid sought quotes from several companies through the Love Insurance Agency; and

WHEREAS, after review of the quotes, the City has determined the quotes furnished by Affiliated FM Insurance Company and Zurich Insurance are in the best interest of the City; and

WHEREAS, the City of Euclid wishes to obtain coverage through September 30, 2013 with Love Insurance Agency through Affiliated FM Insurance Company and Zurich Insurance, in an amount not to exceed Sixty Three Thousand Five Hundred Dollars (\$63,500.00); 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 authorized to enter into contracts with Affiliated FM Insurance Company and Zurich Insurance written through the firm of Love Insurance Agency for insurance of City-owned property, contents, boiler and machinery, inland marine, and against crime for the period of October 1, 2012 through September 30, 2013, in an amount not to exceed Sixty Three Thousand Five Hundred Dollars (\$63,500.00), with the option to renew for a rate guarantee, based on claims experience for an additional two (2) years should the premium be equal to the current rate. The summary of coverage and cost is on file with the Clerk of Council.

Section 2: Funds to pay for this expenditure are to be derived from the General Fund, Wastewater Treatment Fund, Recreation Operating Fund, and Golf Course Enterprise 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 – Madeline Scarniench

An ordinance amending the Planning and Zoning Code of the Codified Ordinances of the City of Euclid to amend Chapter 1359 "U4, U5 and U6 Business and Industrial Districts" to allow indoor vehicle sales in industrial buildings by amending sections 1359.03(i) "Permitted Uses", Section 1359.06(g)(1) "Major Repair Facility and Heavy Duty Truck and/or Boat, Sales, Service and Repair"; Section 1359.06 (p) "Sales or Lease of New Automobiles and Small Trucks"; and Section 1359.06(q) "Sales or Lease of Used Automobiles and the Sale or Rental of Trucks, Trailers and Boat Sales and Rental".

WHEREAS, Digital communication and advertisement has enabled automobile sales businesses to operate without traditional outdoor display yards.

WHEREAS, Outdoor auto sales lots are currently permitted in U05 and U-6 Districts with significant regulations related to the lot size and outdoor display areas.

WHEREAS, Significant reserves of older industrial space exist within the city.

WHEREAS, Existing auto repair facilities are permitted a limited amount of outdoor storage of vehicles, up to six vehicles. Allowing sales within this limited overnight storage is consistent with the character of the U-5 and U-6 District. This ordinance requires that nonconforming service and repair properties must be brought up to current screening standards in order to legally establish sales at existing auto repair and service facilities.

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

Section 1: That Section 1359.03(i) "Permitted Uses" of Chapter 1359 ""U4, U5 and U6 Business and Industrial Districts" of the Planning and Zoning Code of the Codified Ordinances of the City of Euclid is hereby amended to read as follows:

1359.03(i) "Accessory Uses and Structures that are provided for the use of employees and/or incidental to the operation of the principal use."

1359.03 PERMITTED USES (i) <u>Accessory Uses and Structures that are provided for the use of employees and/or incidental to the operation of the principal use.</u>			
LAND USE CATEGORY	Class U4 Retail and Services	Class U5 General Commercial District	1361 Class U6 General Industrial District
(1) Fencing and screening	A	A	A
(2) Off-street parking and loading areas	A	A	A
(3) Signs	A	A	A
(4) Retail and service facilities located internally on-site including but not limited to: cafeterias; recreational facilities, clinics, employee credit unions			A
(5) Central heating and power plants for furnishing heat and energy to structures on the site			A
(6) Data processing facilities			A
(7) Garages for storage and maintenance of company motor vehicles and for storage of gasoline and lubricating oils needed for operation of these vehicles and for the maintenance of the company's plant and machinery located therein			A
(8) Vehicle sales accessory to vehicle service and repair facilities in compliance with restrictions on outdoor storage of Section 1359.06(g)(1)		A	A

Section 2: That Section 1359.06 "Regulations for Specific Uses" of Chapter 1359 "U4, U5 and U6 Business and Industrial Districts" of the Planning and Zoning Code of the Codified Ordinances of the City of Euclid is hereby amended to read as follows:

(g) Major Repair Facility and Heavy Duty Truck and/or Boat Sales, Service and Repair.

(1) Outdoor storage of ~~more than six customer~~ any combination of customer vehicles awaiting pick up and/or repair or vehicles offered for sale pick-up shall be limited to no more than six (6) vehicles stored outdoors overnight—~~only be permitted when.~~ Unless such storage is located in an area ~~that is~~ which is completely surrounded by a solid screen fence having a minimum height of ~~four~~ six (6) feet, located behind the setback line in a ~~or~~ buffer strip ~~not no~~ less than ten feet in width depth and which is landscaped with trees and shrubs as approved by the Planning and Zoning Commission ~~through the conditional use review.~~

(p) Sales or Lease of New Automobiles and Small Trucks. Sales facilities operated exclusively within enclosed permanent buildings and located in U-5 or U-6 Use Districts are exempt from items 1, 5, 6 and 7 below.

(1) Such facility shall have a minimum lot area of two acres and a minimum lot width of 200 feet.

(2) Sale of new automobiles means a building and land used by a franchised automobile dealer principally for the sale of new automobiles. The sale of used automobiles may be permitted as an accessory use provided the inventory of used automobiles does not exceed 50% of the overall inventory at any one time.

(3) Service garage, leasing department and other activities customarily incidental to a full service franchised automobile dealer shall be permitted as accessory to the sale of autos provided these activities are conducted in completely enclosed buildings.

(4) Only repair of automobiles customarily associated with automobile sales shall be permitted, and shall be conducted inside a completely enclosed building.

(5) The display of vehicles for sale shall be located on a paved surface and shall be setback a minimum of ten feet from any public right-of-way. The outdoor display area for vehicles shall comply with the side and rear building setback requirements set for the district in which the lot is located or shall be setback at least ten feet from side and rear lot lines, whichever is greater.

(6) No motor vehicle shall be displayed on the site within the required setback from the public street right-of-way and the setback area shall remain properly landscaped with grass at all times. A barrier system as approved by the Architectural Review Board shall be installed between auto display areas and required landscape buffer areas.

(7) Lighting for all areas used for the outdoor display of automobiles shall be reviewed by the Planning and Zoning Commission to ensure that surrounding uses are not negatively impacted by the proposed site lighting.

(q) Sales or Lease of Used Automobiles, and the Sale of Rental of Trucks, Trailers and Boat Sales and Rental. Sales facilities operated exclusively within enclosed permanent buildings and located in U-5 or U-6 Use Districts are exempt from items 1, 2, 4, 5, 6 and 7 below.

(1) Such facility shall have a minimum lot area of two acres and a minimum lot width of 200 feet.

(2) Trucks shall not exceed three-quarter ton rated capacity.

(3) All work on vehicles, including but not limited to cleaning, servicing and repair, shall be done only inside a completely enclosed service building.

(4) The display of vehicles for sale shall be located on a paved surface and shall be setback a minimum of ten feet from any public right-of-way. The outdoor display area for vehicles shall comply with the side and rear building setback requirements set for the district in which the lot is located or shall be setback at least ten feet from side and rear lot lines, whichever is greater.

- (5) No motor vehicle shall be displayed on the site within the required setback from the public street right-of-way and the setback area shall remain properly landscaped with grass at all times. A barrier system as approved by the Architectural Review Board shall be installed between auto display areas and required landscape buffer areas.
- (6) Lighting for all areas used for the outdoor display of automobiles shall be reviewed by the Planning and Zoning Commission to ensure that surrounding uses are not negatively impacted by the proposed site lighting.
- (7) Office space having a minimum floor area of 400 square feet shall be provided on the premises.
- (8) All access drives (entrances and exits) shall be designed and located to not interfere with traffic flow on the adjacent streets.

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- All of Council

An emergency ordinance amending Ordinance No. 32-2012, that established sewer rental and other related charges and authorized sewer service agreements, to reflect new sewer usage rates.

WHEREAS, Ordinance 112-2000 established sewer rental rates and other related charges from and after April 1, 2000 and authorized sewer service agreements; and

WHEREAS, supplemental rates were established by Ordinance 32-2012 to supply funds to begin engineering and design for the construction of improvements and operation of the Wastewater Treatment facility and collection system as required by the Long Term Control Plan and other plans contained in the consent decree with the United States and State of Ohio; and

WHEREAS, the rate analysis prepared by Maximus, Inc. has established a rate structure to service the cost of implementing the improvements to the treatment plant and collection system based on the current estimated project costs and related costs; and

WHEREAS, the rate change will become effective with consumption on and after January 1, 2013, and 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.

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

Section 1: That Section 2 "Euclid Users, Household Waste Sewer Service Charges" of Ordinance No. 32-2012, which established sewer rental and other related charges from and after April 1, 2012 and authorized sewer service agreements, is hereby amended and replaced to read as follows:

That there are hereby established rates and charges of rental from and after January 1, 2013, to be paid to the City of Euclid for the use of the system of sewerage or sewage treatment or disposal works by every person, firm or corporation whose premises in the City of Euclid are served by a connection with the system of sewerage of the City of Euclid, which charge of rent shall be in addition to the revenue received from general taxes for sewer maintenance.

Every person, firm, or corporation having premises in the City of Euclid served by a connection with the present system of sewerage in the City of Euclid, whereby the sewage or industrial wastes are disposed of by the City of Euclid, either through the facilities of the sewage treatment and sewage disposal works of the City of Euclid, or as otherwise arranged by the City of Euclid, hereinafter referred to as "Euclid Customers" shall pay a sewer rental charge for the collection and treatment of ordinary household waste ("OW"), based upon the quantity of meter water used in or upon such premises for each 1,000 cubic feet of water or less measured through any one water meter as provided in **Table A**, attached and incorporated herein, whether such water is derived from a source other than the City water supply or all or any part of such water is furnished to said premises without charge. Billings shall be at least quarterly and shall include an additional administrative charge for the cost of meter reading and billing.

The sewer rental charge established herein from and after January 1, 2013, shall be payable quarterly with the regular water bill received by such person, firm, or corporation at the office of the Division of Water and Heat, in the Department of Public Utilities of the City of Cleveland and shall be **not less than one (1) thousand cubic feet per quarter**, plus the pro rata administration cost for paying meter reading and billing charges as determined by the Mayor, and shall be payable at the same time as water bills are payable in the district in which the property is located and the sewer rental charge may be shown as a separate item on the same paper which shows the water bill as the City of Cleveland Director of Public Utilities may elect; and out of the proceeds collected the City of Cleveland shall be authorized to withhold an amount as justified to the City of Euclid for collection expenses.

In addition to the rates contained herein, and by separate legislation adopted by the Council of the City of Euclid, the rate billed shall include incremental amounts for the repair and replacement of the local sewer collection system within the City of Euclid, known as the Peterson Fund, and for incremental

amounts necessary for street resurfacing and repair of streets and appurtenances in connection with waterline replacement and repair within the City of Euclid, known as the Waterline Fund.

Section 2: That "Outside Users, Ordinary Household Waste Sewer Service Charges and Contracts" of Ordinance No. 32-2012, which established sewer rental and other related charges from and after April 1, 2012 and authorized sewer service agreements, is hereby amended and replaced to read as follows:

(a) That the Mayor is hereby authorized to contract for or otherwise charge and collect the following rates hereby established as sewer rental charges from and after January 1, 2013, to be paid to the City of Euclid for the use of the system of sewerage or sewage treatment or disposal works by every person, firm, or corporation whose premises lies outside the limits of the City of Euclid which are served by a connection with the system of sewerage in the City of Euclid, hereinafter referred to as "Outside Users," which charge shall be as provided in **Tables B, C and D** for the identified Outside User Communities.

(b) In addition, the Mayor is hereby authorized and directed to contract for or otherwise charge and collect from said Outside Users for disposal of sewage, all administration charges as determined by the Mayor, specifically attributable for meter reading, billing, maintenance, and transportation to any particular outside user or the maintenance of the account therefore. All monies received pursuant to this section shall be deposited, applied, and utilized the same as specified in Section 1 of this ordinance.

(c) Provided further, however, that from and after January 1, 2013, the terms of contracts heretofore specifically authorized by Council shall be given full force and effect except to the extent that the rates charged therein were inadequate and modified by ordinance to meet the rise of costs for necessary operation, maintenance, replacement, capital improvements, and operating capital respecting the sewage treatment or disposal works. The Mayor is hereby empowered to establish charges reflecting credits for lump sum account payments made pursuant to rate dispute settlements, if any, under such contracts and charges equivalent to incremental charges stated on a basis of water consumption in terms of sewage metered on the basis of 1000 gallon units or otherwise in accordance with past billing procedures or where otherwise determined necessary.

(d) Such contracts with Outside Users shall limit the quality and quantity of the sewage flow to be accepted to that of ordinary household waste in such daily volumes as shall not exceed in the aggregate, including sewage flow from Euclid users, the capacity of the waste water treatment facilities or the capacity of sewer lines within the City of Euclid as determined by the Director. The Director shall give deference and preference to the communities having long standing and continuing arrangements and contracts with the City of Euclid and the volumes historically received therefrom.

(e) No industrial waste shall be accepted from any outside community except pursuant to individual industrial user permits to be applied for by the actual industrial user and issued directly by the City of Euclid pursuant to Chapter 923 of the Codified Ordinances.

(f) SATELLITE SEWER DISCHARGE CONTROL PROGRAM ("SSDCP"). The Mayor is hereby authorized to contract and amend contracts with Outside User Communities as necessary to implement the SSDCP mandated by the City's NPDES Permit issued effective April 1, 1996, requiring monitoring, reporting, and operation under the supervision of a State Certified Operator's License for each Outside User Community collection system and authority to require that the maintenance crews of each outside user community will either include supervision by a properly licensed staff person to implement the community discharge permit regulations or will submit to supervision for these purposes to properly licensed staff personnel of the City of Euclid and pay the cost therefore as determined by the Mayor.

Section 3: That Section 1 and Section 2 of Ordinance No. 32-2012, which established sewer rental and other related chargers from and after April 1, 2000 and authorized sewer service agreements, is hereby amended.

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 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 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

**TABLE A
SANITARY STORM SEWER RATES**

EUCLID USERS

	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025
	New Rates	New Rates	New Rates	New Rates	New Rates	New Rates	New Rates	New Rates	New Rates	New Rates	New Rates	New Rates	New Rates	New Rates
OM&R	24.60	24.60	25.60	25.60	26.60	26.60	27.60	27.60	28.60	28.60	29.60	29.60	30.60	30.60
Capital	8.08	9.41	9.95	9.95	11.18	13.97	17.06	20.62	20.62	20.62	20.62	20.62	20.62	20.62
Cleve fee	1.61	2.31	2.31	2.31	2.31	2.31	2.31	2.31	2.31	2.31	2.31	2.31	2.31	2.31
Total	34.29	36.32	37.86	37.86	40.09	42.88	46.97	50.53	51.53	51.53	52.53	52.53	53.53	53.53

**TABLE B
OTHER CUYAHOGA CO COMMUNITIES FOR 2013 AND OUT to 2025 FOR CONSENT DECREE RATE REQUIREMENT**

	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025
	New Rates	New Rates	New Rates	New Rates	New Rates	New Rates	New Rates	New Rates	New Rates	New Rates	New Rates	New Rates	New Rates	New Rates
Euclid Fee	1.50	1.50	1.50	1.50	1.50	1.50	1.50	1.50	1.50	1.50	1.50	1.50	1.50	1.50
CW Billing	1.61	2.31	2.31	2.31	2.31	2.31	2.31	2.31	2.31	2.31	2.31	2.31	2.31	2.31
Capital	5.78	5.78	5.78	5.78	5.78	8.85	12.34	16.21	20.67	20.67	20.67	20.67	20.67	20.67
OM&R	24.60	24.60	25.60	25.60	26.60	26.60	27.60	27.60	28.60	28.60	29.60	29.60	30.60	30.60
Total	33.49	34.19	35.19	35.19	36.19	39.26	43.75	47.62	53.08	53.08	54.08	54.08	55.08	55.08

TABLE C
RATE STRUCTURES AFTER APPROVED RATE INCREASES

WILLOUGHBY HILLS USERS

	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025
	New Rates	New Rates	New Rates	New Rates	New Rates	New Rates	New Rates	New Rates	New Rates	New Rates	New Rates	New Rates	New Rates	New Rates
Capital Total	5.78	5.78	5.78	5.78	5.78	8.85	12.34	16.21	20.67	20.67	20.67	20.67	20.67	20.67
OMR Total	24.60	24.60	25.60	25.60	26.60	26.60	27.60	27.60	28.60	28.60	29.60	29.60	30.60	30.60
Total	30.38	30.38	31.38	31.38	32.38	35.45	39.94	43.81	49.27	49.27	50.27	50.27	51.27	51.27

TABLE D
 RATE STRUCTURES AFTER APPROVED RATE INCREASES

WICKLIFFE & WILLOWICK USERS

	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025
	New Rates	New Rates	New Rates	New Rates	New Rates	New Rates	New Rates	New Rates	New Rates	New Rates	New Rates	New Rates	New Rates	New Rates
Capital Total	0.39	0.39	0.39	0.39	0.39	0.53	0.73	0.96	1.22	1.22	1.22	1.22	1.22	1.22
OMR Total	1.70	1.70	1.71	1.71	1.72	1.72	1.73	1.73	1.74	1.74	1.74	1.75	1.76	1.76
Total	2.09	2.09	2.10	2.10	2.11	2.25	2.46	2.69	2.96	2.96	2.96	2.97	2.98	2.98

Ordinance No

By- All Members of Council

An emergency ordinance amending Ordinance No. 33-2012 establishing the incremental rates to be added to the sewer service charge to provide sufficient revenue to fund new sewer construction and control inflow and infiltration in the sewer system within the City of Euclid.

WHEREAS, Ordinances 231-2008 and 33-2012 amended the Peterson rates, established to provide funding for new sewer construction and to control inflow and infiltration in the sewer system within the City of Euclid; and

WHEREAS, the rate study prepared by Maximus, Inc. has concluded that the current rate structure will be inadequate to fund improvements required with the collection system as part of the Long Term Control Plan pending before the United States Environmental Protection Agency as a part of the City's consent decree; and

WHEREAS, the rate change will become effective with consumption on and after January 1, 2013, and 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.

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

Section 1: That Section 1 of Ordinance 33-2012, known as the Peterson Fund, establishing a sewer service incremental charge for customers of the Euclid Sanitary Sewer System located within the City of Euclid, be amended to the following rates on the 1st day of January of each year as set forth herein:

2013 - \$15.88	2020 - \$21.04
2014 - \$18.37	2021 - \$21.04
2015 - \$18.37	2022 - \$21.04
2016 - \$18.67	2023 - \$21.04
2017 - \$19.37	2024 - \$21.04
2018 - \$20.15	2025 - \$21.04
2019 - \$21.04	

Section 2: That Ordinance 33-2012 is hereby repealed to the extent it is inconsistent with this ordinance.

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 if 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 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 McLaughlin (by request)

An ordinance authorizing the Director of Public Service of the City of Euclid to advertise for bids and enter into a contract for Emergency Repairs to Streets, Sewers & Sludge Lines for the year 2013, with an option for a one-year extension for 2014.

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 the Emergency Repairs to Streets, Sewers & Sludge Lines for the year 2013, with an option for a one-year extension for 2014 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 2013 Capital Budget

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 IN MEMORIAM

By – Mayor Cervenik and All Members of Council

A resolution in memoriam for Willoughby Police Officer **Jason Gresko**, who gave his life on September 21, 2012, while in the line of duty.

WHEREAS, **Officer Jason Gresko** passed away while on his way to help another officer on Friday September 21, 2012, at the age of 32, after nine years as an Officer with Willoughby and six years as a Cleveland Clinic Officer; and,

WHEREAS, **Jason Gresko** was a proud graduate of North High School in Eastlake, and graduated from the Cuyahoga Community College Police Academy in 2002; and,

WHEREAS, **Officer Gresko** was a member of the Willoughby and Cleveland Clinic honor guards, the crisis intervention response team and the Western Lake County Fraternal Order of Police Lodge 116; and,

WHEREAS, **Officer Gresko** is survived by his wife, Sandra Mae; daughter, Olivia Mae; mother, Pamela J. Gresko; father, Nicholas J. Gresko; siblings, Nicholas M. Alicia, Carol L. Gross, George S., and Brett A.; grandmother, Carmella R. Gresko; and extended family, countless colleagues and friends; and,

WHEREAS, the Administration, Council and Euclid Community stand in unity with the Gresko Family and City of Willoughby in commemorating the life and contributions of **Officer Jason Gresko**, and share in their tragic loss of this fine Officer.

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

Section 1: That this Council and Administration hereby pay tribute to the memory of **Officer Jason Gresko**, and recognize his selfless and ultimate contribution to his city.

Section 2: That the Clerk of this Council is hereby authorized and directed to certify a copy of this resolution to the family of **Officer Jason Gresko**, Willoughby Mayor David Anderson and Police Chief Jack Beckwith, and Cleveland Clinic Chief of Police David Easton.

Section 3: That this resolution shall take immediate effect.

Attest:

Clerk of Council

President of Council

Passed:

Approved:

Mayor