

**AGENDA  
EUCLID CITY COUNCIL MEETING  
MONDAY, NOVEMBER 5, 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 Permits: New D5 Shots Bar  
Transfer 7 Eleven

**COUNCIL MINUTES:** October 15, 2012

**ADMINISTRATION REPORTS & COMMUNICATIONS:**

**REPORTS & COMMITTEE MINUTES:** Fire Report – August 2012  
Community Programs Committee: 10/17/12  
Executive & Finance Committee: 10/22/12  
Community Assets Committee: 10/24/12  
Board of Control Min.: 10/9/12; 10/15/12; 10/22/12

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

**LEGISLATION**

1. A Resolution authorizing the Administration to accept the donation of a Andrew Karoly-Louis Szanto mural, with an appraised value of One Hundred Twenty Five Thousand Dollars (\$125,000.00) from HBP EUCLID CORP., owners and developers of the Heritage Business Park at 23555 Euclid Avenue, and former headquarters of TRW, Inc., and authorizing the Mayor to execute all documents necessary for the acceptance of the mural for future installation at Shore Cultural Centre. (Sponsored by Mayor Cervenik) Res. (133-12)
2. An ordinance authorizing the Mayor of the City of Euclid, or his designee, to enter into a contract with Infinity Paving Company, Inc. in the amount of \$134,230.00 for the construction of basketball courts in Memorial Park and further to authorize the Mayor or his designee to enter into supplemental agreements with various companies for necessary phases of construction of the basketball courts, not to exceed \$36,000.00. (Sponsored by Councilperson Lynch by request of Service Director) Ord. (183-12)
3. An ordinance authorizing the Mayor or his designee to prepare and file a loan application and enter into a cooperative loan agreement between the City of Euclid and the Ohio Water Development Authority (OWDA) necessary for planning/design of a new MBR Waste Water Treatment process for installation within the existing WWTP Tankage and declaring an emergency. (Sponsored by Councilman McLaughlin) Ord. (191-12)
4. An emergency ordinance amending Ordinance No. 28-2012 which makes the annual appropriation for all expenditures for the City of Euclid for the period ending December 31, 2012. (Sponsored by Mayor Cervenik by request of the Finance Director) Ord. (189-12)
5. An emergency ordinance providing for the schedule of inter-transfer of funds between all funds. (Sponsored by Mayor Cervenik by request of the Finance Director) Ord. (190-12)

6. A resolution to provide matching funds to be used toward continued restoration of the Henn Mansion in the amount of Twenty Thousand Dollars (\$20,000.00) (Sponsored by Mayor Cervenik) Res. (188-12)
7. 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 Planning & Zoning Commission) (Moved to Council with recommendation for passage as amended by Planning & Zoning Commission) Ord. (169a-12)
8. A resolution granting a Use District Exception, pursuant to Chapter 1375.01(a)(3) of the Codified Ordinances of the City of Euclid, to New Day Academy, 8566 Barbara Drive, Mentor, Ohio 44060, for Permanent Parcel No. 647-19-001, to allow a charter school, K through 12, use permitted in a U-1, U-2 & U-3 (Single-Family House District, Two-Family House District, & Apartment House District) in a U6 (Industrial and Manufacturing District). (Sponsored by Planning & Zoning Commissioner ) (Approved to Council with recommendation for passage by Planning & Zoning Commission) Res. (184-12)
9. A resolution granting a Special Permit Approval pursuant to Chapter 1387.03 of the Codified Ordinances of the City of Euclid to Makhoul Julien, 3496 Hetzel Drive, Parma, Ohio 44134, to install five (5) rolling shutters for his business located in a U4 Use District, 25911 North Lakeland Boulevard, Euclid, Ohio, Permanent Parcel Nos. 643-25-003, 007. (Sponsored by Planning & Zoning Commission) (Approved to Council with recommendation for passage by Planning & Zoning Commission) Res. (185-12)
10. An ordinance enacting Section 1351.04 “Agricultural Uses in Residential Districts” and Section 1351.05 “Restrictions on the Keeping of Farm Animals” of Chapter 1351 “U1 Single-Family House Districts” of the Planning and Zoning Code of the Codified Ordinances of the City of Euclid to permit and establish regulations of agricultural uses and the keeping of farm animals in U-1 residential districts. (Sponsored by Councilpersons Langman, McLaughlin, O’Hare) TO BE REFERRED TO HOUSING & BUILDING COMMITTEE Ord. (186-12)
11. An ordinance amending Section 1377.05 “Structure for Animals” of Chapter 1377 “Accessory Uses in Residential Districts” of the Planning and Zoning Code of the Codified Ordinances of the City of Euclid to allow sheds, coops and similar structures as accessory structures in a U1, U2 or U3 Use District. (Sponsored by Councilpersons Langman McLaughlin, O’Hare) TO BE REFERRED TO HOUSING & BUILDING COMMITTEE Ord. (187-12)
12. An emergency ordinance authorizing the Director of Finance to allocate and encumber funds for the payment of the Strand Associates contract for study and planning services for the Green Infrastructure Evaluation and Enhancement Project, in an amount not to exceed \$90,000. (Sponsored by Councilperson McLaughlin by request of Service Director) Ord. (192-12)
13. A resolution of support for the “World Café” neighborhood meeting in Ward 4, on Nov. 29, 2012, to discuss “What does it mean to be a good neighbor?” and to foster positivity and engagement for residents and neighborhood associations within the Ward. (Sponsored by Councilperson Lynch) (Moved to Council with recommendation for passage as amended by Community Programs Committee) Res. (181a-12)

14. A resolution authorizing the Mayor of the City of Euclid to execute an Agreement by and between the City of Euclid and the International Association of Machinists and Aerospace Workers, Local 1363, as exclusive bargaining agent for Mechanic and Mechanic Helpers in the Department of Motor Maintenance, to be effective January 1, 2012 through December 31, 2014. (Sponsored by Mayor Cervenik) Res. (193-12)

**COMMITTEE OF THE WHOLE – PUBLIC PORTION**

**COUNCIL MEMBERS' COMMENTS**

**ADJOURNMENT**

Resolution No.

By – Mayor Cervenik

A Resolution authorizing the Administration to accept the donation of a Andrew Karoly-Louis Szanto mural, with an appraised value of One Hundred Twenty Five Thousand Dollars (\$125,000.00) from HBP EUCLID CORP., owners and developers of the Heritage Business Park at 23555 Euclid Avenue, and former headquarters of TRW, Inc., and authorizing the Mayor to execute all documents necessary for the acceptance of the mural for future installation at Shore Cultural Centre.

WHEREAS, the Artists Andrew Karoly and Louis Szanto, both Hungarian immigrants to the United States during the Great Depression, individually and as a team, participated in the Federal Art Project of the Works Progress Administration (WPA), and came to dominate mural painting in the Cleveland area by creating over thirty murals for public and private entities; and

WHEREAS, TRW, Inc. commissioned in the 1940s Messrs. Karoly and Szanto to execute an oil-on-canvas mural for installation in the employee cafeteria, said mural depicting wholesome scenes of Americana; and

WHEREAS, HBP EUCLID CORP. is committed to preserving the mural as a significant piece of history of both TRW, Inc. and the City of Euclid and therefore has agreed to donate the mural to the City for re-installation in a public setting.

WHEREAS, this Council and Administration express their gratitude and appreciation to HBP EUCLID CORP. for their donation and their efforts to partner with the City in preserving this piece of Euclid history.

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

Section 1: That the Council of the City of Euclid does hereby authorize the Administration to accept the donation of a Andrew Karoly-Louis Szanto mural, with an appraised value of One Hundred and Seventy Five Thousand Dollars (\$175,000.00) from HBP EUCLID CORP., owners and developers of the Heritage Business Park at 23555 Euclid Avenue, and former headquarters of TRW, Inc., and authorize the Mayor to execute all documents necessary for the acceptance of the mural for future installation at Shore Cultural Centre.

Section 2: That the Mayor or his designee, is authorized to take all steps necessary for the acceptance of the mural for future installation at the Shore Cultural Centre.

Section 3: That all such documents necessary to these actions shall be as approved by the Director of Law.

Section 4: 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 5: That this resolution shall take immediate effect.

Attest:

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

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

Passed:

\_\_\_\_\_  
Mayor

Ordinance No.

By – Councilperson Lynch (by request)

An ordinance authorizing the Mayor of the City of Euclid, or his designee, to enter into a contract with Infinity Paving Company, Inc. in the amount of \$134,230.00 for the construction of basketball courts in Memorial Park and further to authorize the Mayor or his designee to enter into supplemental agreements with various companies for necessary phases of construction of the basketball courts, not to exceed \$36,000.00.

WHEREAS, Euclid City Council authorized the Director of Public Service of the City of Euclid to advertise for bids for the construction of basketball courts in Memorial Park in an amount not to exceed \$150,000, inclusive of design, labor, materials, and project management through Ordinance No. 143-2012; and

WHEREAS, the Director of Public Service has determined that the bid offered by Infinity Paving Company, Inc. to be the best and lowest bid in the amount of \$134,00.00 for the construction of the basketball courts; and,

WHEREAS, pursuant to Ordinance No. 143,2012, City Council further authorizes the Mayor or his designee to enter into supplemental agreements with various companies for necessary phases of the construction of the basketball courts, in an amount not to exceed \$36,600.00; and,

WHEREAS, funds to pay for this expenditure are to be derived from the General Permanent Improvement Fund; and

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 agreement with Infinity Paving Company, Inc. as the best and lowest bid in the amount of \$134,230.00 for the construction of two full size basketball courts in Memorial Park. The contract shall be in a form approved by the Director of Law.

Section 2: That the Mayor or his designee be, and is hereby authorized, empowered and directed to enter into supplemental agreements with various companies for necessary phases of construction of the Memorial Park basketball courts. The contracts shall be in a form approved by the Director of Law.

Section 3: Funds to pay for this expenditure are to be derived from the General Permanent Improvement Fund.

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.

Attest:

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

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

Passed:

Approved:

Effective:

\_\_\_\_\_  
Mayor

**ORDINANCE NO.**

**By – Councilperson McLaughlin**

**AN ORDINANCE AUTHORIZING THE MAYOR OR HIS DESIGNEE TO PREPARE AND FILE A LOAN APPLICATION AND ENTER INTO A COOPERATIVE LOAN AGREEMENT BETWEEN THE CITY OF EUCLID AND THE OHIO WATER DEVELOPMENT AUTHORITY (OWDA) NECESSARY FOR PLANNING/DESIGN OF A NEW MBR WASTEWATER TREATMENT PROCESS FOR INSTALLATION WITHIN THE EXISTING WWTP TANKAGE AND DECLARING AN EMERGENCY**

**WHEREAS**, the City of Euclid (hereinafter referred to as the “LGA”) seeks to upgrade the existing WWTP facilities; and

**WHEREAS**, the LGA has agreed on a time schedule with the U.S. Environmental Protection Agency, U.S. Department of Justice and the Ohio EPA for design and construction of various wastewater facilities improvements; and

**WHEREAS**, the LGA desires to obtain an Ohio Water Development Authority (hereinafter referred to as the “OWDA”) loan to finance costs of planning and/or design of the wastewater facilities on the terms set forth in the Cooperative Agreement (defined below); and

**WHEREAS**, the OWDA has indicated its willingness to make a loan for that purpose and on those terms; and

**WHEREAS**, the OWDA requires the government authority to pass legislation for application for a loan and the execution of an agreement, as well as designation of a dedicated repayment source(s); and

**WHEREAS**, the subject project is necessary for the preservation of the public peace, health, safety and welfare of the inhabitants of the City of Euclid;

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF EUCLID, THE COUNTY OF CUYAHOGA, STATE OF OHIO:**

**SECTION 1.** That the LGA hereby approves the planning/design of the aforesaid new MBR wastewater treatment process for installation within the existing WWTP tankage in cooperation with the OWDA under the provisions, terms and conditions set forth in the “Cooperative Agreement for State Planning Project” as set forth in Exhibit A (the “Cooperative Agreement”) and the Mayor and/or his designee is authorized to prepare and file a loan application with the OWDA for the purpose of funding the aforementioned planning/design project.

**SECTION 2.** That, if approved, the Mayor is hereby authorized to execute any and all documentation that may be required by the OWDA to secure and administer a Cooperative Agreement for a loan for the purpose stated therein.

**SECTION 3.** That it is found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were passed in an open meeting of this Council, and that all deliberations 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 4.** That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, and welfare of the inhabitants of the community; and for the further reason to comply with the Ohio Water Development Authority time constraints which must be met in order to receive such a loan; and provided that it receives the affirmative vote of two-thirds of the members elected to Council, it shall be in full force and take effect immediately upon its adoption by Council and approval by the Mayor; otherwise, it shall be in full force and take effect from and after the earliest period allowed by law.

Attest: \_\_\_\_\_  
Clerk of Council

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

Passed:

Approved:

\_\_\_\_\_  
Mayor

BY: Mayor Cervenik (per request of the Finance Director)

AN EMERGENCY ORDINANCE AMENDING ORDINANCE #28-2012 WHICH MAKES THE ANNUAL APPROPRIATION FOR ALL EXPENDITURES FOR THE CITY OF EUCLID FOR THE PERIOD ENDING DECEMBER 31, 2012.

WHEREAS, IN ORDER TO PROVIDE FOR THE CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF EUCLID, IT IS NECESSARY THAT THE FOLLOWING SUMS OF MONEY, OR AS MUCH THEREOF AS MAY BE AUTHORIZED BY LAW, AS MAY BE NEEDED OR DEEMED NECESSARY TO DEFRAID ALL EXPENSES AND LIABILITIES OF THE CITY, BE APPROPRIATED FOR THE CORPORATE PURPOSES AND OBJECTS OF SAID CITY AS HEREINAFTER SPECIFIED.

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, THE STATE OF OHIO.

**SECTION 1 :** THAT TO PROVIDE FOR THE CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF EUCLID, OVER A PERIOD ENDING DECEMBER 31, 2012. THE FOLLOWING SUMS BE AND THEY ARE HEREBY SET ASIDE AND APPROPRIATED AS HEREINAFTER SET FORTH.

**SECTION 2 :** THAT THE EXPENDITURES OF EACH FUND FOR THE CITY OF EUCLID CAN NOT EXCEED THE APPROPRIATION AS AMENDED, FOR THAT FUND.

**SECTION 3 :** THAT THERE BE AND THERE IS HEREBY APPROPRIATED FROM THE FOLLOWING FUNDS, THE DETAIL OF WHICH IS SHOWN BELOW:

<b>101 GENERAL FUND</b>		<b>PERSONAL SERVICES</b>	<b>OTHER EXPENDITURES</b>	<b>TOTAL</b>
101-411	LEGISLATIVE DEPARTMENT	147,803	3,227	151,030
101-412	JUDICIAL DEPARTMENT	775,400	90,310	865,710
101-413	EXECUTIVE DEPARTMENT	266,825	3,640	270,465
101-415	FINANCE DEPARTMENT	813,875	186,755	1,000,630
101-416	LAW DEPARTMENT	467,705	102,900	570,605
101-417	GENERAL GOVT BLDGS & PLANT DEPARTMENT	1,236,910	698,570	1,935,480
101-418	ADMINISTRATION DEPARTMENT	294,318	190,961	485,279
101-419	OTHER DEPARTMENTS	4,636,789	2,392,696	7,029,485
101-421	POLICE DEPARTMENT	10,957,254	258,725	11,215,979
101-422	FIRE DEPARTMENT	8,043,767	64,193	8,107,960
101-423	CORRECTIONS DEPARTMENT	1,332,950	337,565	1,670,515
101-424	PROTECTIVE INSPECTION DEPARTMENT	776,710	64,600	841,310
101-432	SANITATION DEPARTMENT	100,370	2,179,150	2,279,520
101-441	HEALTH DEPARTMENT	43,455	238,953	282,408
101-452	PARKS DEPARTMENT	506,510	28,868	535,378
101-465	CS & ED DEPARTMENT	233,973	4,000	237,973
101-466	ECONOMIC OPPORTUNITY DEPARTMENT	200,450	94,500	294,950
101-471	DEBT PRINCIPAL	0	1,055,000	1,055,000
101-472	DEBT INTEREST	0	74,310	74,310
101-491	OPERATING TRANSFERS OUT			
	TO INDIGENT DRIVER - FUND 211		0	
	TO ANIMAL SHELTER - FUND 214		73,000	
	TO STREETS - FUND 220		0	
	TO COMMUNITY TV - FUND 230		65,000	
	TO RECREATION OPERATING - FUND 240		118,500	
	TO SHORE CORP. - FUND 290		0	
	TO PERMANENT IMPROVEMENT - FUND 310		0	
	TO PUBLIC BLDG CONST - FUND 350		0	
	TO EUCLID ENDOWMENT - FUND 370		0	
	TO BOND RETIREMENT - FUND 410		500,000	
	TO WORKERS COMP RESERVE - FUND 610		0	
	TO SELF-INSUR. LIABILITY - FUND 630		225,000	
	TO RETIREES' LIFE INSURANCE - FUND 730		8,000	
	<b>TOTAL TRANSFERS OUT</b>			<b>989,500</b>
<b>TOTAL GENERAL FUND</b>				<b>39,893,487</b>



FUND #	FUND NAME	PERSONAL SERVICES	OTHER EXPENDITURES	TOTAL
210	STATE HIGHWAY IMPROVEMENT	0	111,278	111,278
211	INDIGENT DRIVER	0	30,391	30,391
212	COURT COMPUTERIZATION	26,938	77,064	104,002
213	SPECIAL PROJECTS	106,800	18,967	125,767
214	ANIMAL SHELTER	87,589	15,500	103,089
216	NUISANCE ABATEMENT TRANSFER TO GENERAL FUND	0	70,000 100,000	
	TOTAL NUISANCE ABATEMENT FUND			170,000
217	IND DRIVERS INTERLOCK & ALCOHOL MONITORING	0	6,000	6,000
220	STREET CONSTRUCTION, MAINT. & REPAIR	1,362,075	576,195	1,938,270
230	COMMUNITY TELEVISION	65,599	1,300	66,899
240	RECREATION OPERATING	477,924	442,500	920,424
250	COMMUNITY DEVELOPMENT BLOCK GRANT	682,308	614,723	1,297,031
252	NEIGHBORHOOD STABILIZATION PROGRAM	454,734	2,838,403	3,293,137
255	OTHER GRANTS	584,983	2,363,406	2,948,389
260	LITTER / RECYCLING GRANT	0	0	0
280	LAW ENFORCEMENT TRUST	41,752	194,732	236,484
290	SHORE CORPORATION	0	189,685	189,685
291	UNCLAIMED MONIES TRANSFER TO GENERAL FUND	0	5,000 5,000	
	TOTAL UNCLAIMED MONIES			10,000
310	GENERAL PERMANENT IMPROVEMENT	0	4,466,439	4,466,439
320	RECREATION CAPITAL	87,484	112,840	200,324
330	SIDEWALK REPAIR & REPLACEMENT	0	29,084	29,084
350	PUBLIC BUILDING CONSTRUCTION	0	3,482	3,482
370	EUCLID ENDOWMENT TRANSFER TO SHORE CORP FUND	0	135,000 55,000	
	TOTAL EUCLID ENDOWMENT FUND			190,000
380	SIMS PARK	0	79,907	79,907
391	BENNINGTON HAMLET T.I.F.	0	71,479	71,479
393	CMP PROPERTIES T.I.F.	0	136,970	136,970
394	HARBOR TOWN T.I.F.	0	140,000	140,000
395	DOWNTOWN DISTRICT-A T.I.F.	0	110,580	110,580
410	BOND RETIREMENT	73,441	7,264,079	7,337,520
510	WASTE WATER TREATMENT OPERATIONS TRANSFER TO CREEKS & SEWERS TRANSFER TO EQUIP. REPLACEMENT	3,673,233	5,075,160 695,000 500,000	
	TOTAL WASTE WATER TREATMENT FUND			9,943,393
511	W.W.T. EQUIPMENT REPLACEMENT	0	725,000	725,000
512	CREEKS & SEWERS	597,329	131,700	729,029
513	TWO MILL SEWER LEVY ADMINISTRATION TRANSFER TO CREEKS & SEWERS	0	0 12,033	
	TOTAL TWO MILL SEWER LEVY			12,033

FUND #	FUND NAME	PERSONAL SERVICES	OTHER EXPENDITURES	TOTAL
515	PETERSON TRUNK LINE TRANSFER TO GENERAL FUND	0	10,282,040 570,000	
	TOTAL PETERSON TRUNK LINE FUND			10,852,040
516	WATER LINE IMPROVEMENT TRANSFER TO PETERSON TRUNK LINE FUND	0	4,574,327 0	
	TOTAL WATER LINE IMPROVEMENT FUND			4,574,327
560	BRIARDALE GOLF COURSE	0	2,808	2,808
610	WORKERS COMP RESERVE	0	0	0
630	SELF INSURANCE	0	252,000	252,000
730	RETIREEES INSURANCE PAYMENTS	20,200	500	20,700
740	BUILDING DEPOSITS TRANSFER TO GENERAL FUND	0	90,000 5,000	
	TOTAL WATER LINE IMPROVEMENT FUND			95,000
750	STREET OPENING	0	40,000	40,000

**SECTION 4 :** THAT THE DIRECTOR OF FINANCE IS HEREBY AUTHORIZED TO DRAW HIS WARRANTS FROM ANY OF THE FOREGOING APPROPRIATIONS UPON RECEIVING PROPER CERTIFICATES AND VOUCHERS THEREFORE APPROVED BY THE BOARD OF OFFICERS AUTHORIZED BY LAW TO APPROVE THE SAME, OR AN ORDINANCE OR RESOLUTION OF COUNCIL TO MAKE THE EXPENDITURES PROVIDED THAT THE CONTINGENCIES CAN ONLY BE EXTENDED UPON APPROVAL OF TWO-THIRDS VOTE OF COUNCIL FOR ITEMS OF EXPENSE CONSTITUTING A LEGAL OBLIGATION AGAINST THE CITY OF EUCLID AND FOR OTHER THAN THOSE COVERED BY THE OTHER SPECIFIC APPROPRIATIONS MADE HEREIN.

**SECTION 5 :** THAT ALL APPROPRIATIONS EQUAL TO OUTSTANDING ENCUMBRANCES SHALL AT YEAR END CARRY FORWARD TO THE NEXT SUCCEEDING YEAR, SHALL NOT LAPSE AND THEREFORE, ENCUMBRANCES NEED NOT BE REAPPROPRIATED.

**SECTION 6 :** 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 OF ANY OF ITS COMMITTEES THAT RESULTED IN SUCH FORMAL ACTIONS, WERE IN MEETINGS OPEN TO THE PUBLIC, IN COMPLIANCE WITH ALL LEGAL REQUIREMENTS INCLUDING SECTION 121.22 OF THE OHIO REVISED CODE.

**SECTION 7 :** THAT LINE ITEM NUMBER 510, ENTITLED "TRANSFER TO W.W.T. EQUIPMENT REPLACEMENT" SHALL REMAIN AS AMENDED IN SECTION 2 OF ORDINANCE NO. 154-1997, SO THAT IN THIS AND EVERY SUBSEQUENT YEAR AN AMOUNT NOT LESS THAN FIVE HUNDRED THOUSAND DOLLARS (\$500,000.00) SHALL BE TRANSFERRED.

**SECTION 8 :** THAT THE FOLLOWING FUND IS HEREBY AUTHORIZED TO BE CREATED, (NONE FOR 2012) AND THE FOLLOWING FUND IS NO LONGER NEEDED AND IS HEREBY ABOLISHED, 215-OLD WATERLINE

**SECTION 9 :** THAT THIS ORDINANCE IS HEREBY DECLARED TO BE AN EMERGENCY MEASURE NECESSARY FOR THE IMMEDIATE PRESERVATION OF THE PUBLIC PEACE, HEALTH, SAFETY AND WELFARE OF THE INHABITANTS 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:

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CLERK OF COUNCIL

\_\_\_\_\_  
PRESIDENT OF COUNCIL

PASSED :

APPROVED :

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## Budget Amendment Explanation - November 5th, 2012

<u>Department</u>	<u>Account Number</u>	<u>Description</u>	<u>Amount</u>
Motor Maintenance	101-417-173-61-04	Vehicle/Equipment Parts	\$8,500
Police	101-424-212-11-03	Wages	(\$46,100)
Corrections	101-423-231-13-00	Overtime	\$30,000
Adult Corrections	101-423-232-33-05	Other Professional Services	\$16,100
Building	101-424-242-33-05	Other Professional Services	\$5,000
	101-424-242-34-04	Plan Review	\$10,000
	101-424-242-34-05	Building Inspection	\$5,000
Transfer Out	101-491-80-74	To Animal Shelter	\$18,000
	101-491-80-93	To Recreation Operating	\$18,500
<b>General Fund</b>			<b>\$65,000</b>
Recreation Maint.	240-451-5121-61-05	Other Supplies	\$2,700
	240-451-5121-62-02	Electricity	\$2,500
	240-451-5122-33-05	Johnson Controls-chiller Maintenance	\$12,000
	240-451-5122-61-03	Freon Refrigerant	\$1,300
<b>Recreation Operating Fund</b>			<b>\$18,500</b>
Water Mains	516-431-317-45-00	Water Main Replacement Project-Construction	\$1,451,000
<b>Waterline Impr. Fund</b>			<b>\$1,451,000</b>
Building Deposits	740-493-80-06	Refunds/Reimbursements	\$50,000
<b>Building Deposits Fund</b>			<b>\$50,000</b>

Ordinance No.

By – Mayor Cervenik by request of the Finance Director

An emergency ordinance providing for the schedule of inter-transfer of funds between all funds.

WHEREAS, the Council of the City of Euclid determines that it is in the best interest of the City that fund balance transfers be presented in a separate schedule of inter-fund transfers.; and

WHEREAS, the adoption of separate legislation approving inter-fund transfers is required by the Office of Auditor of State of Ohio. The Council of the City of Euclid determines that 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 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 make the transfer of funds as listed in the following schedule of inter-fund transfers.

<b>2012 Schedule of Interfund Transfers</b>		
<b><u>Transfer from Fund</u></b>	<b><u>Transfer Amount</u></b>	<b><u>Transfer to Fund</u></b>
<b>General Fund</b>	<b>\$18,500</b>	<b>Recreation Operating</b>
	<b>\$18,000</b>	<b>Animal Shelter</b>

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 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 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 after it 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 No.

By – Mayor Cervenik

A resolution to provide matching funds to be used toward continued restoration of the Henn Mansion in the amount of Twenty Thousand Dollars (\$20,000.00)

WHEREAS, the Henn Mansion is a City-owned building available for use by the general public; and;

WHEREAS, the City desires to continue its contribution to the restoration of this building by providing funds matching all funds raised by the Friends of the Henn Mansion; and

WHEREAS, the Friends of the Henn Mansion provided 2011 financial records complying with the requirements for the City match to the capital program for the Henn Mansion in the amount of Twenty Thousand Dollars (\$20,000.00)

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

Section 1: That the Director of Finance be, and he is hereby authorized to make payment to the Friends of the Henn Mansion in the amount of Twenty Thousand Dollars (\$20,000.00) as the City match for capital improvements of the Henn Mansion based upon the financial reports provided by the Friends of the Henn Mansion.

Section 2: That the funds for this expenditure shall be derived from the General Fund.

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 –Councilperson 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, Outdoor auto sales lots are currently permitted in U-5 and U-6 Districts with significant regulations related to the lot size and outdoor display areas.

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

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, and allowing sales within this limited overnight storage is consistent with the character of the U-5 and U-6 District.

WHEREAS, At its meeting of October 16, 2012 the Planning & Zoning commission recommended approval of this ordinance subject to an amendment included herein.

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) Accessory Uses and Structures that are provided for the use of employees and/or incidental to the operation of the principal use.			
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. Said vehicles stored at service or repair facilities, shall not display sales and pricing information signs.

(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 ~~are~~ 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 are 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



Resolution No.

By – Planning & 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 New Day Academy, 8566 Barbara Drive, Mentor, Ohio 44060, for Permanent Parcel No.647-19-001, to allow a charter school, K through 12, use permitted in a U-1, U-2 & U-3 (Single-Family House District, Two-Family House District, & Apartment House District) in a U6 (Industrial and Manufacturing District).

WHEREAS, at its meeting on October 16, 2012, the Planning and Zoning Commission approved a Use District Exception to allow a U-1, U-2 & U-3 (Single-Family, Two-Family House District, & Apartment House Districts) use in a U6 (Industrial and Manufacturing District) at 23555 Euclid Avenue, Euclid, Ohio, Permanent Parcel No. 647-19-001;

WHEREAS, the Planning and Zoning Commission recommended approval of said Use District Exception is subject to three conditions as included below; and

WHEREAS, Chapter 1375 of the Euclid 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; and

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

Section 1: That a Use District Exception is hereby granted, pursuant to Chapter 1375.01(a)(3) of the Codified Ordinances of the City of Euclid, to New Day Academy, 8566 Barbara Drive, Mentor, Ohio 44060, for Permanent Parcel No.647-19-001, to allow a charter school, K through 12, use permitted in a U-1, U-2 & U-3 (Single-Family House District, Two-Family House District, & Apartment House District) in a U6 (Industrial and Manufacturing District).

Section 2: That the Use District Exception is hereby granted on conditions that 1) an existing deteriorated fence along the East 228 Street right of way is removed along with barb wire strands topping the existing fence which separates the school parking lot from the industrial parking lot; 2) A new fence, a minimum of six feet in height, shall be extended from the existing driveway access point into the industrial area, extending along the existing entrance drive which connects to "Entrance #3" on Euclid Avenue, shown on the applicant's site plan; 3) A pedestrian sidewalk connecting the school building to Euclid Avenue shall be installed, subject to a revised site plan showing the walk in a location to be approved by staff.

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

Resolution No.

By – Planning and Zoning

A resolution granting a Special Permit Approval pursuant to Chapter 1387.03 of the Codified Ordinances of the City of Euclid to Makhoul Julien, 3496 Hetzel Drive, Parma, Ohio 44134, to install five (5) rolling shutters for his business located in a U4 Use District, 25911 North Lakeland Boulevard, Euclid, Ohio, Permanent Parcel Nos. 643-25-003, 007.

WHEREAS, at its meeting on October 16, 2012, the Planning and Zoning Commission approved the conditional use subject to the condition that the rolling shutters be installed inside of the glass and the storage mechanism be hidden from the exterior of the building and not impacting the building facade; and

WHEREAS, pursuant to Chapter 1387.03 of the Codified Ordinances of the City of Euclid, the Council of the City of Euclid must confirm the permission of this conditional use; and

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

Section 1: That a Conditional Use Approval is hereby granted, pursuant to Chapter 1368.01 of the Codified Ordinances of the City of Euclid to Makhoul Julien, 3496 Hetzel Drive, Parma, Ohio 44134, to install five (5) rolling shutters for his business located in a U4 Use District, 25911 North Lakeland Boulevard, Euclid, Ohio, Permanent Parcel Nos. 643-25-003, 007.

Section 2: That the Conditional Use Approval is hereby granted on the condition that the rolling shutters are to be installed inside of the window and door glass and the storage mechanism is to be hidden from the exterior of the building and not impacting the building façade.

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:

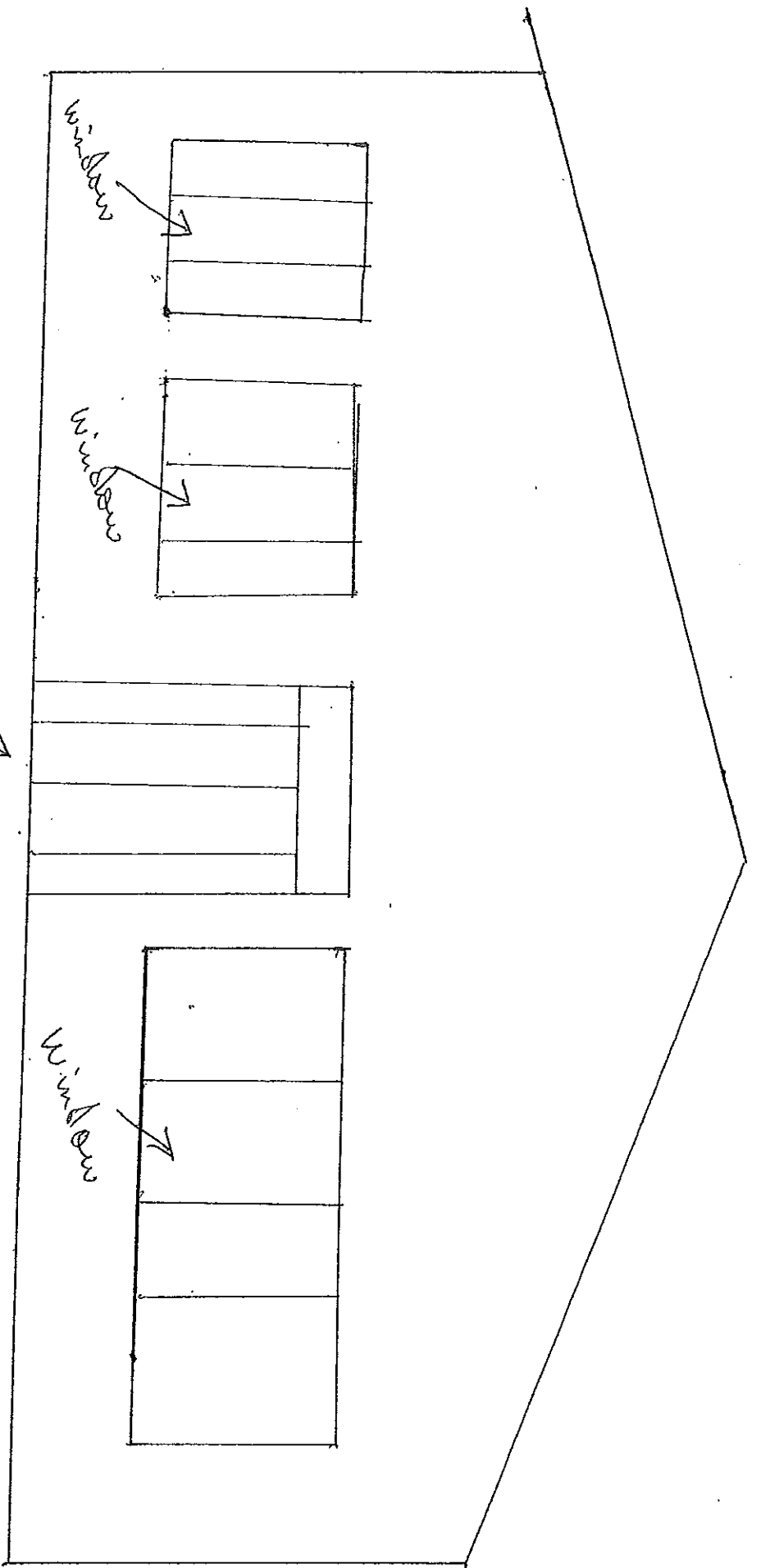
\_\_\_\_\_  
Clerk of Council

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

Passed:

Approved:

\_\_\_\_\_  
Mayor



Shell Gas Station  
25911 North Lakeland Blvd.  
Res. (185-12)  
Proposed Location of Rolling Shutters

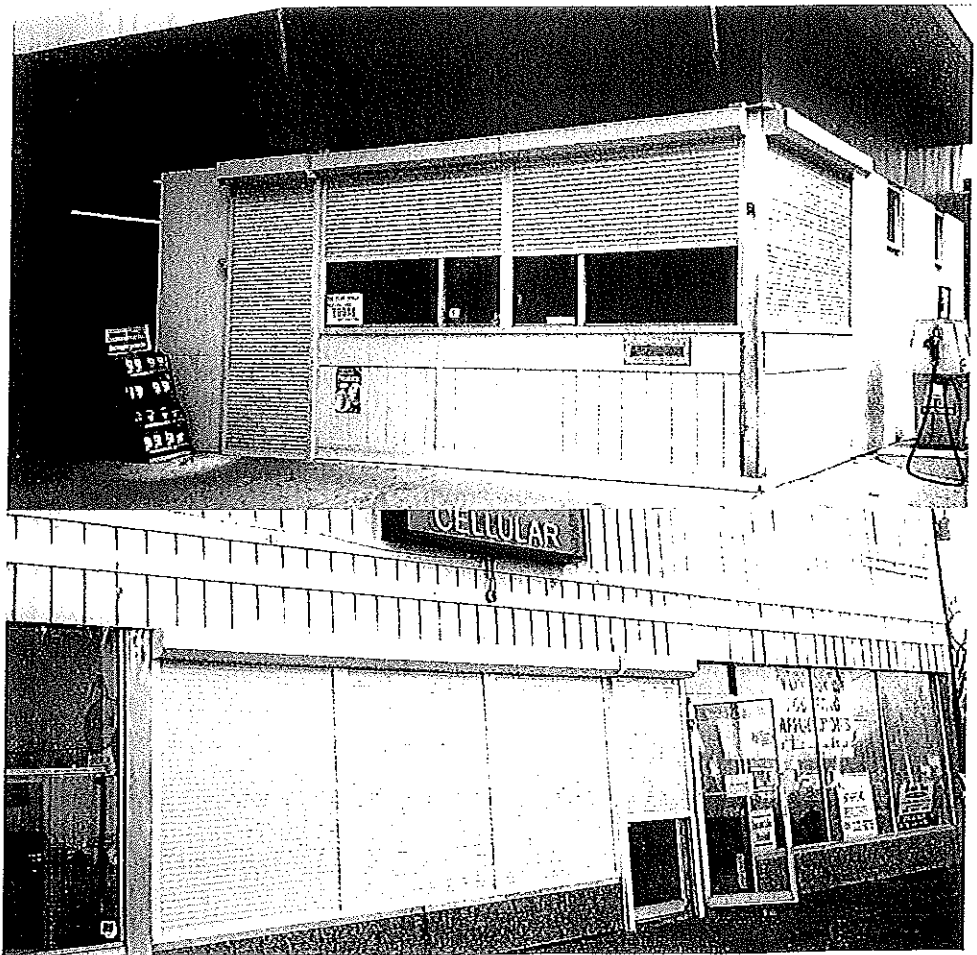
## StoreSafe®

- Commercial Buildings ■
- Retail Establishments ■
- Kiosks ■ Medical Centers ■
- Clinics ■ Schools ■

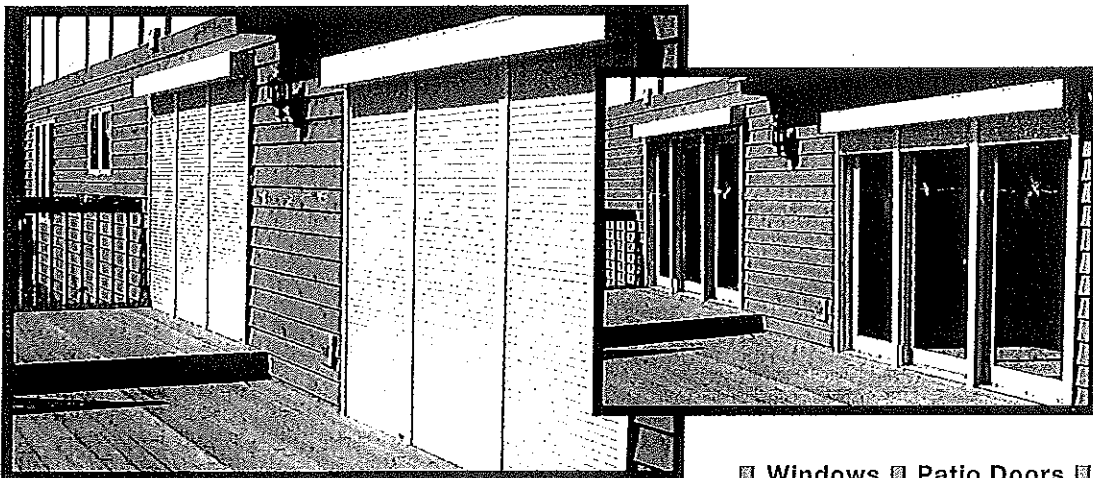
### StoreSafe Shutters And Grilles

StoreSafe Rolling Shutters and Grilles are designed to give the utmost in security and unmatched aesthetics. They are today's answer to the big industrial rolling steel doors of yesterday. Neat, clean rolling shutters are manufactured to withstand abuse and daily use. Optional painted steel curtains are available for optimum security.

StoreSafe Rolling Shutters can be operated from the inside if there is a secondary access available. They can also be electrically operated with an exterior mounted key switch. A manual override is available in case of power outages or emergencies. An optional keyed dead bolt is available to securely lock the base slat.



## HomeSafe Rolling Shutters ■ The Answer in Home Security



- SECURITY ■ PRIVACY
- SUN AND LIGHT CONTROL
- NOISE CONTROL
- STORM PROTECTION
- ENERGY SAVINGS

■ Windows ■ Patio Doors ■ Porches ■ Storm Protection ■  
HomeSafe Rolling Shutters are the answer for home security, storm protection and weather protection-with good looks. A visual barrier provides protection against break-ins, but often is unsightly. We have invested time and resources to design a rolling shutter that looks great and is a security barrier.

HomeSafe Rolling Shutters can be integrated into the walls or soffits in new construction, or can be easily retro-fit later to windows and doors.

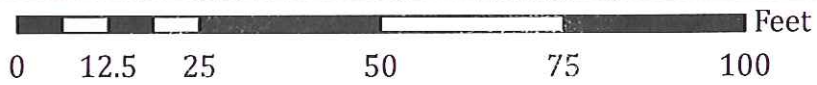
HomeSafe Rolling Shutters offer perfect protection to large window walls, porches and patio doors.



# Resolution (185-12) 25911 North Lakeland Boulevard Shell Gas Station



- 25911 North Lakeland Boulevard
- Highways
- Parcel Boundaries



Ordinance No.

By – Councilpersons Langman, McLaughlin, O'Hare

An ordinance enacting Section 1351.04 "Agricultural Uses in Residential Districts" and Section 1351.05 "Restrictions on the Keeping of Farm Animals" of Chapter 1351 "U1 Single-Family House Districts" of the Planning and Zoning Code of the Codified Ordinances of the City of Euclid to permit and establish regulations of agricultural uses and the keeping of farm animals in U-1 residential districts.

WHEREAS, Urban farming is a growing trend and a number of larger cities across the country have passed legislation relating to agricultural uses and the keeping of animals; and,

WHEREAS, There has been increased interest by Euclid residents in growing their own produce and raising their own farm animals to save money on food; and,

WHEREAS, Regulations are necessary to limit the species and number of animals, provide for fencing and cooping requirements, and to prevent nuisances to neighbors; and,

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

Section 1: That Section 1351.04 "Agricultural Uses in Residential Districts" of Chapter 1351 "U1 Single-Family House Districts" of the Planning and Zoning Code of the Codified Ordinances of the City of Euclid is hereby enacted to read as follows:

#### **SECTION 1351.04 AGRICULTURAL USES IN RESIDENTIAL DISTRICTS**

Agricultural uses in Residential Districts shall be subject to the following regulations regarding the keeping of farm animals.

(a) *Permitted Accessory Structures.* In addition to fences, as provided in division (b) of this section, a permitted agricultural use may be served by the following accessory structures: sheds, greenhouses, coops, cages, hoophouses, cold frames, barns, rain barrels, and composting, as regulated in division (d) of this section, and similar structures not exceeding ten (10) feet in height.

(b) *Fences.* Fences for agricultural uses shall be permitted in accordance with the regulations applicable to fences in Residential Districts.

(c) *Setbacks for Structures.* No permitted accessory structures to an agricultural use, other than approved fences, shall be located in a required front yard or side street yard area line or within eighteen (18) inches of an interior side or rear lot line.

(d) *Composting.* Refer to Euclid Codified Ordinance Chapter 1117 for regulations pertaining to composting.

(e) *Maintenance.* Any land devoted to agricultural use shall be well-maintained and shall be free of excessively tall weeds or grass. All accessory structures to an agricultural use shall also be well maintained and violation-free.

(f) *Building Permits.* No Building Permit or Certificate of Occupancy shall be required for establishment of an agricultural use. A Building Permit shall be required for installation of a fence or for construction of a barn or other accessory structure routinely requiring such permit, except that no Building Permit shall be required for cages, coops, or similar structures that are not permanently attached to the ground or to another structure and do not exceed thirty-two (32) square feet in area nor ten (10) feet in height.

Section 2: That Section 1351.05 "Restrictions on the Keeping of Farm Animals" of Chapter 1351 "U1 Single-Family House Districts" of the Planning and Zoning Code of the Codified Ordinances of the City of Euclid is hereby enacted to read as follows:

## SECTION 1351.05 RESTRICTIONS ON THE KEEPING OF FARM ANIMALS

(a) *Purpose.* The regulations of this section are established to permit the keeping of farm animals in a manner that prevents nuisances to occupants of nearby properties and prevents conditions that are unsanitary or unsafe.

(b) *Chickens, Ducks, Rabbits and Similar Animals.* The keeping of chickens, ducks, rabbits and similar farm animals, and cages, coops and enclosures for the keeping of such animals, shall be governed by the following regulations:

1. *Number.* No more than one (1) such animal shall be kept on a parcel of land for each eight hundred (800) square feet of parcel or lot area with the maximum number being no more than a total of six (6) such animals.

2. *Setbacks.* The coops or cages housing such animals may not be located in front yard or side street yard areas and shall not be located within five (5) feet of a side yard line nor within eighteen (18) inches of a rear yard line, except where the rear lot line forms the side lot line or front lot line of an abutting property, in which case the setback from such rear lot line shall be five (5) feet. No animals shall be kept in required front yard or side street yard areas.

3. *Coops and Cages.* All animals shall be provided with a covered, predator-proof coop or cage or other shelter that is thoroughly ventilated, designed to be easily accessed and cleaned, and of sufficient size to permit free movement of the animals exclusive of areas used for storage of materials or vehicles. The total area of all coops or cages on a lot shall not be greater than thirty-two (32) square feet for up to six (6) animals. Coops and cages, singly or in combination, shall not exceed ten (10) feet in height.

4. *Enclosures and Fences.* Chickens and other birds shall have access to an outdoor enclosure adequately fenced or otherwise bounded to contain the birds on the property and to prevent access by dogs and other predators and providing at least ten (10) square feet of area for each bird.

(c) *Sanitation and Nuisances.* Farm animals shall be kept only in conditions that limit odors and noise and the attraction of insects and rodents so as not to cause a nuisance to occupants of nearby buildings or properties and not to cause health hazards. Furthermore, farm animals shall not be kept in a manner that is injurious or unhealthful to the animals being kept on the property.

(d) *Animal or Bird Noise.* It shall be unlawful for any person or other party operating or occupying any building or premises to keep or allow to be kept any animal or bird that makes noise so as to habitually disturb the peace and quiet of any person in the vicinity of the premises.

(e) *Building Permits.* A Building Permit shall be required for installation of a fence or for construction of a stable or other structure routinely requiring such permit, except that no Building Permit shall be required for cages, or coops that are not permanently attached to the ground or to another structure and do not exceed thirty-two (32) square feet in area nor ten (10) feet in height. No Building Permit shall be required for the barrier constituting a required enclosure if such barrier is not permanently attached to the ground and does not exceed three (3) feet in height; and no permit shall be required for a "flyway" barrier not exceeding six (6) feet in height and six (6) feet in length.

(f) *Permit Application to Building Department.* Anyone proposing to keep farm animals on a property in the City of Euclid shall apply for a permit from the City of Euclid through its Building Department on a form provided by that office and according to the fee schedule of the department.

(1) *Permit Application.* The permit application shall include the following information:

A. The name, phone, phone number and address of the applicant;

B. The location of the subject property;

C. The size of the property;

D. The number of animals to be kept on the property;

E. A description of any proposed cages, coops, fences or enclosures;

F. A scaled drawing showing the precise location of cages, coops, enclosures, beehives, stables and fences in relation to property lines and to houses on adjacent properties;

G. A description of the manner by which feces and other waste materials will be removed from the property or will be treated so as not to result in unsanitary conditions or in the attraction of insects or rodents;

H. A signed statement from the property owner, if the applicant is not the property owner, granting the applicant permission to engage in the keeping of farm animals as described in the registration; and

(g) *Building Conditions.* The keeping of farm animals shall not be permitted on a property occupied by a building that has been condemned by the Department of Building and Housing.

(h) *Enforcement.* The Building Commissioner, Zoning Commissioner or his designee shall have the authority to inspect any property to determine compliance with the regulations of this section regarding the construction and permitted placement of enclosures, fences, cages, coops, stables and other structures used in the keeping of farm animals and shall have the authority to enforce the regulations of this section as they apply to such matters.

(i) *Complaint Petitions.* Complaint petitions signed by 50% of property owners and/or tenants within 200 feet of a parcel containing a farm animal permitted under this ordinance must be heard by the Planning and Zoning Commission to determine if the use has created nuisance conditions affecting nearby property owners and/or tenants.

(j) *Definitions.* Terms used in this section shall have the meanings assigned to them in the following definitions:

(1) *Farm Animal.* "Farm animal" means any domestic species of animal that is kept and raised for use as food or in the production of food or in the operation of a farm and is not a house pet such as a dog, cat or similar animal.

(2) *Coop and Cage.* "Coop" and "cage" mean a structure, not necessarily attached to the ground, with a top and sides and designed to provide shelter and protection for small animals or birds.

(3) *Enclosure.* "Enclosure" means a set of walls or fences designed to confine animals or birds to a space that is large enough to permit the animals and birds to roam relatively freely in an open yard area.

(4) *Similar Animal.* Any farm animal that is similar to other animals listed in a particular category of permitted animals with respect to impacts on nearby properties, including noise, odors, safety hazards or other nuisances.

(k) *Prohibited Animals.* No roosters, geese, ducks, turkeys, horses, cows, alpacas, llamas, mules, sheep, goats or swine may be kept in a Residential District.

Section 3: That Section 1351.04 "Agricultural Uses in Residential Districts" and Section 1351.05 "Restrictions on the Keeping of Farm Animals" of Chapter 1351 "U1 Single-Family House Districts" of the Planning and Zoning Code of the Codified Ordinances of the City of Euclid to permit and establish regulations of agricultural uses and the keeping of farm animals in U-1 residential districts are hereby enacted.

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.



Attest:

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

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

Passed:

Approved:

\_\_\_\_\_  
Mayor

Ordinance No.

By – Councilpersons Langman, McLaughlin, O'Hare

An ordinance amending Section 1377.05 "Structure for Animals" of Chapter 1377 "Accessory Uses in Residential Districts" of the Planning and Zoning Code of the Codified Ordinances of the City of Euclid to allow sheds, coops and similar structures as accessory structures in a U1, U2 or U3 Use District.

WHEREAS, Euclid City Council is contemplating changes to Euclid Codified Ordinances regarding agricultural uses in residential districts and the keeping of smaller farm animals; and,

WHEREAS, In such legislative changes, the ordinances would permit the keeping of chickens, ducks, rabbits and similar animals; and,

WHEREAS, In order to effectuate such legislative changes, sheds, coops and similar structures should be permitted as accessory structures in residential districts; and,

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

Section 1: That Section 1377.05 "Structure for Animals" of Chapter 1377 "Accessory Uses in Residential Districts" of the Planning and Zoning Code of the Codified Ordinances of the City of Euclid is hereby amended to read as follows:

1377.05 STRUCTURE FOR ANIMALS

~~No loft, shed or other structure shall be permitted as an accessory use in a U1, U2 or U3 Use District which is intended or used for the raising, training or keeping of more than four animals.~~

Sheds, greenhouses, coops, cages, hoopouses, cold frames, barns, rain barrels, farm stands, and similar structures not exceeding ten (10) feet in height, as regulated in Sections 1351.04 and 1351.05, are permitted as accessory structures in a U1, U2 or U3 Use District.

Section 2: That Section 1377.05 "Structure for Animals" of Chapter 1377 "Accessory Uses in Residential Districts" of the Planning and Zoning Code of the Codified Ordinances of 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:

\_\_\_\_\_  
Mayor

Ordinance No.

By – Councilperson McLaughlin (by request)

An emergency ordinance authorizing the Director of Finance to allocate and encumber funds for the payment of the Strand Associates contract for study and planning services for the Green Infrastructure Evaluation and Enhancement Project, in an amount not to exceed \$90,000.

WHEREAS, the Council of the City of Euclid on March 26, by Resolution No. 35-2012, supported the development of green solutions to the control of stormwater and infiltration into the sanitary sewer collection system as an integral part of the overall wastewater improvement project and authorized the Administration to develop requests for proposals for qualified firms to partner with the project engineers in the development of a comprehensive plan; and

WHEREAS, through subsequent requests for qualifications, Administration has selected Strand Associates as the qualified consulting engineer for the development of a comprehensive green infrastructure plan, that will become part of the overall storm and wastewater upgrade to the collection and treatment system; and

WHEREAS, the Administration will engage Strand Associates to perform community inventory and analysis of green infrastructure opportunities, an opportunities evaluation, project prioritization, a review of existing green infrastructure features in the City of Euclid, and additional, necessary tasks in providing green infrastructure study and planning services; and

WHEREAS, the funds to be paid to Strand Associates for their services are to be derived from the Wastewater Peterson Fund, in an amount not to exceed \$90,000; and

WHEREAS, 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.

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 appropriate and encumber the sum of \$90,000 for the payment of the Strand Associates contract for study and planning services for the Green Infrastructure Evaluation and Enhancement Project.

Section 2: Funds to pay for this expenditure are to be derived from the Wastewater Peterson 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 after its passage and approval; otherwise to be in full force and effect from and after the earliest period allowed by law.

Attest:

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Clerk of Council

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President of Council

Passed:

Approved:

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Mayor

Resolution No.

By: Councilperson Lynch

A resolution of support for the "World Café" neighborhood meeting in Ward 4, on Nov. 29, 2012, to discuss "What does it mean to be a good neighbor?" and to foster positivity and engagement for residents and neighborhood associations within the Ward.

WHEREAS, the "World Café" program is a powerful social tool for engaging people in conversations that matter, offering an effective antidote to the fast-paced fragmentation and lack of connection in today's world; and,

WHEREAS, based on the understanding that conversation is the core process that drives personal, business, and organizational life, the World Café is a way of thinking and being together sourced in a philosophy of conversational leadership; and

WHEREAS, The following seven World Café design principles are an integrated set of ideas and practices that form the basis of the pattern embodied in the World Café process: 1) Set the Context; 2) Create Hospitable Space; 3) Explore Questions that Matter; 4) Encourage Everyone's Contribution; 5) Connect Diverse Perspectives; 6) Listen together for Patterns and Insights; 7) Share Collective Discoveries; and,

WHEREAS, the "World Café" method involves organizing and facilitating a group dialogue, beginning with small group rounds of conversation, with each round prefaced by with a question designed for the specific context and desired purpose of the session. After the small groups, individuals are invited to share insights or other results from their conversations with the rest of the large group. These results are reflected visually in a variety of ways, most often using graphic recorders in the front of the room; and,

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

Section 1: This Council and Administration do hereby support the "World Café" meeting in Ward 4 to discuss "What does it mean to be a good neighbor?" and to foster positivity and engagement for residents and neighborhood associations within the Ward.

Section 2: The Euclid Community Policing Unit Program Manager, having been already trained in the World Café model, shall report back to council regarding the merits of the event and its effect within the Ward.

Section 3: The City Council does hereby authorize the promotion of the meeting by ordinary means.

Section 4: That this resolution shall take immediate effect.

Attest:

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Clerk of Council

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President of Council

Passed:

Approved:

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Mayor

Resolution No.

By – Mayor Cervenik

A resolution authorizing the Mayor of the City of Euclid to execute an Agreement by and between the City of Euclid and the International Association of Machinists and Aerospace Workers, Local 1363, as exclusive bargaining agent for Mechanic and Mechanic Helpers in the Department of Motor Maintenance, to be effective January 1, 2012 through December 31, 2014.

WHEREAS, pursuant to Ohio Revised Code Chapter 4117, negotiations were held between the City of Euclid and the International Association of Machinists and Aerospace Workers, Local 1363 to determine equitable compensation, benefits, working hours, and other employment matters for Mechanics and Mechanic Helpers in the Department of Motor Maintenance; and

WHEREAS, the terms of the new contract include a two percent (2%) hourly rate increase for the period of July 1, 2012, through December 31, 2012; a two percent (2%) increase effective January 1, 2013; and a one percent (1%) increase effective January 1, 2014; and

WHEREAS, the prior reduction of \$200 in tool allowances will be restored for 2013 and 2014; and

WHEREAS, employee monthly contribution for health care costs will increase by \$25 beginning with January, 2013; and

WHEREAS, newly hired employees will be limited to no more than 4 weeks of vacation leave and a reduction of 2 days of paid personal leave on an annual basis; and

WHEREAS, a rate has been established for the position of Acting Foreman; and

WHEREAS, the terms and conditions of the Agreement have been ratified by the members of the collective bargaining unit.

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 be, and he is hereby authorized, empowered and directed to execute an Agreement by and between the City of Euclid and the International Association of Machinists and Aerospace Workers, Local 1363, as exclusive bargaining agent for Mechanics and Mechanic Helpers in the Department of Motor Maintenance, effective January 1, 2012 through December 31, 2014.

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:

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Clerk of Council

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President of Council

Passed:

Approved:

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Mayor