

AGENDA
EUCLID CITY COUNCIL MEETING
MONDAY, NOVEMBER 19, 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: Blue Print

COUNCIL MINUTES: Nov. 5, 2012

ADMINISTRATION REPORTS & COMMUNICATIONS:

REPORTS & COMMITTEE MINUTES: Monthly Finance Report through October 31, 2012
Board of Control Min.: 10/29/12; 11/05/12

COMMITTEE OF THE WHOLE FOR LEGISLATIVE MATTERS ONLY

LEGISLATION

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| Second Reading | <ol style="list-style-type: none">1. A resolution granting a Use District Exception, pursuant to Chapter 1375.01(a)(3) of the Codified Ordinances of the City of Euclid, to 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)2. A resolution authorizing the Mayor to accept the Cuyahoga Arts and Culture (CAC) Project Support 1 Grant to support arts and culture programming at the Shore Cultural Centre, and to expend the grant funds to support those activities approved through the CAC grant. (Sponsored by Mayor Cervenik by request of CS&ED Director)3. A resolution authorizing the Mayor of the City of Euclid to execute Agreements by and between the City of Euclid and the Civilian Uniform Police Personnel Organization, as exclusive bargaining agent for Police Dispatchers and Records Clerks in the Department of Police, to be effective January 1, 2012 through December 31, 2014. (Sponsored by Mayor Cervenik)4. A resolution authorizing the Mayor of the City of Euclid to execute an Agreement by and between the City of Euclid and the Fraternal Order of Police, Lodge 18, as exclusive bargaining agent for full time sworn Patrol Officers and all full time sworn Supervisory Officers, exclusive of the Chief of Police and the Executive Captain, to be effective January 1, 2012 through December 31, 2014. (Sponsored by Mayor Cervenik)5. 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 as amended) (From Safety Committee) | <p>Res.
(184-12)</p> <p>Res.
(198-12)</p> <p>Res.
(195-12)</p> <p>Res.
(200-12)</p> <p>Res.
(185a-12)</p> |
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6. An emergency ordinance authorizing the Director of Public Service to designate CT Consultants, Inc., as project design engineer and construction manager for the MBR Wastewater Treatment Project for installation within the existing WWTP Tankage. (Sponsored by Councilperson McLaughlin) Ord. (194-12)
7. A resolution approving the Annual Action Plan for the FY 2013 Entitlement Year under the Community Development Block Grant Program of the United States Department of Housing and Urban Development as recommended by the Citizens' Advisory Committee appointed by the Mayor of the City of Euclid and authorizing the Mayor to submit said Annual Action Plan to the United States Department of Housing and Urban Development. (Sponsored by Councilperson Holzheimer Gail and Scarniench) Res. (197-12)
8. An ordinance amending Section 921.07 of the Utilities and Public Services Code of the Euclid Codified Ordinances adopting illicit discharge and illegal connection control regulations. (Sponsored by Councilman McLaughlin by request of Service Director) Ord. (201-12)
9. An emergency ordinance amending Section 923.02 of the Streets, Utilities, and Public Services Code of the Codified Ordinances of the City of Euclid relative to pretreatment regulations governing the sewerage system and sewage pumping treatment and disposal works of the City, to adopt the 2012 "Industrial Pretreatment Enforcement Response Plan and Penalty Policy 2012" and the updated Pretreatment Regulations, Appendix A-1 of Section 923.02. (Sponsored by Councilman McLaughlin by request of Service Director) Ord. (202-12)
10. An ordinance authorizing the Mayor of the City of Euclid to enter into a contract with the County of Cuyahoga, District Board of Health, for various health services for the City of Euclid for the year 2013. (Sponsored by Mayor Cervenik) Ord. (196-12)
11. A resolution placing a temporary six month moratorium on the installation of any type of steel windows or door guards, folding gates, grating or steel bars placed across doors or windows in a Class U4, U5, U6 or U8 Use District, as regulated under Section 1387.03 of the Codified Ordinances of the City of Euclid, in order that the Administration and Council of the City of Euclid evaluate and decide factors for consideration in determining whether to issue a permit for such security devices. (Sponsored by Councilman Langman) Res. (203-12)
12. An ordinance authorizing the Mayor of the City of Euclid to enter into agreements with AT&T Mobility ("AT&T") that provides for a lump sum payment of \$210,000 in exchange for a thirty-five (35) year access easement to Md7, a cell site lease management company that has partnered with AT&T, and all future rent payments of the AT&T site on the communications facility located at 545 East 222nd Street, Euclid, OH 44123. (Sponsored by Mayor Cervenik) Ord. (199-12)

COMMITTEE OF THE WHOLE – PUBLIC PORTION

COUNCIL MEMBERS' COMMENTS

ADJOURNMENT

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 – Mayor Cervenik (by request)

A resolution authorizing the Mayor to accept the Cuyahoga Arts and Culture (CAC) Project Support 1 Grant to support arts and culture programming at the Shore Cultural Centre, and to expend the grant funds to support those activities approved through the CAC grant.

WHEREAS, the primary purpose of the Cuyahoga Arts and Culture funding is to make grants to qualified arts and cultural organizations based in Cuyahoga County; and

WHEREAS, and the CAC Project Support 1 Grant Program provides annual support for arts or cultural programs that promote public access and encourage the breadth of arts and/or cultural programming in the community; and

WHEREAS, the City of Euclid successfully completed the required Ohio Cultural Data Project (OCDP) Survey, and was therefore eligible to apply for a Thirty-two Thousand Eight Hundred Dollar (\$32,800.00) CAC Project Support 1 grant for FY2013; and

WHEREAS, Cuyahoga Arts and Culture, through its Panel Review process, awarded the score of 82.7 to the City's Shore Cultural Centre application, one of the highest scoring municipal applicants, and deemed it eligible for Project Support 1 funding.

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

Section 1: That the Mayor, be and is hereby authorized to accept and expend the FY2013 Cuyahoga Arts and Culture (CAC) Project Support 1 Grant to support arts and culture programming at the Shore Cultural Centre and to take the necessary steps to execute the documents required under the grant program, such documents as approved by the Director of Law.

Section 2: The required 1:1 match will be paid out of the City of Euclid-Shore Cultural Centre FY2013 Operating Budget, and the FY2013 Cleveland Foundation grant for youth programming.

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 5: That this resolution 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

Resolution No.

By – Mayor Cervenik

A resolution authorizing the Mayor of the City of Euclid to execute Agreements by and between the City of Euclid and the Civilian Uniform Police Personnel Organization, as exclusive bargaining agent for Police Dispatchers and Records Clerks in the Department of Police, 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 Civilian Uniform Police Personnel Organization to determine equitable compensation, benefits, working hours, and other employment matters for Police Dispatchers and Records Clerks in the Department of Police; 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, an increase of license proficiency of \$.15 per hour will be effective on and after January 1, 2013; 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 3 holidays on an annual basis; and

WHEREAS, other non-economic language changes will be made to clarify current contract provisions; and

WHEREAS, the terms and conditions of the Agreements 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 Agreements by and between the City of Euclid and the Civilian Uniform Police Personnel Organization, as exclusive bargaining agent for Police Dispatchers and Records Clerks in the Department of Police, 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:

Clerk of Council

President of Council

Passed:

Approved:

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 Fraternal Order of Police, Lodge 18, as exclusive bargaining agent for full time sworn Patrol Officers and all full time sworn Supervisory Officers, exclusive of the Chief of Police and the Executive Captain, 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 Fraternal Order of Police, Lodge 18, to determine equitable compensation, benefits, working hours, and other employment matters for full time sworn Patrol Officers and all full time sworn Supervisory Officers, exclusive of the Chief of Police and the Executive Captain; and

WHEREAS, the terms of the new contract include a two percent (2%) hourly rate increase for the period of January 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, with increases applying to firearm proficiency payments; and

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

WHEREAS, the Friday before Easter will be removed from the premium holiday list and replaced by Easter.

WHEREAS, the limits on compensatory time that can be paid will be reduced from 480 hours to 240 hours effective for 2013 and 2014; and

WHEREAS, officers hired on or after October 1, 2012, will have the number of holidays reduced by three (3) days on an annual basis; and

WHEREAS, officers with a binding retirement date will be permitted to use up to ten (10) weeks of paid leave immediately preceding the separation date during which time no sick, holiday or vacation time will accrue; and

WHEREAS, other non-economic language changes will be made to clarify current contract provisions; and

WHEREAS, the terms and conditions of the Agreements 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 Fraternal Order of Police, Lodge 18, 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:

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 and shall be exposed in whole or part only between the hours of 12:00 am and 5:30 am.

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 McLaughlin

AN EMERGENCY ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO DESIGNATE CT CONSULTANTS, INC, AS PROJECT DESIGN ENGINEER AND CONSTRUCTION MANAGER FOR THE MBR WASTEWATER TREATMENT PROJECT FOR INSTALLATION WITHIN THE EXISTING WWTP TANKAGE.

WHEREAS, the Council of City of Euclid authorized the Mayor to make a loan application to the Ohio Water Development Authority for the design and installation of MBR treatment in the existing WWTP facilities in Ordinance 163-2012; and

WHEREAS, the application must include the designation of a project engineer and construction manager; and

WHEREAS, the Director of Public Service has determined that CT Consultants, Inc., of Mentor, Ohio, is best qualified to serve as Project Design Engineer and Construction Manager as part of the MBR project, estimated at a total cost of \$46,141,400.00; and

WHEREAS, the subject of this ordinance constitutes an emergency as 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 Council of the City of Euclid does hereby ratify the designation of CT Consultants, Inc., of Mentor, Ohio, as Project Design Engineer and Construction Manager for the MBR Wastewater Treatment project for installation within the existing WWTP tankage.

SECTION 2. 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 3. 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

Resolution No.

By: Council President Holzheimer Gail and Councilperson Scarniench

A resolution approving the Annual Action Plan for the FY 2013 Entitlement Year under the Community Development Block Grant Program of the United States Department of Housing and Urban Development as recommended by the Citizens' Advisory Committee appointed by the Mayor of the City of Euclid and authorizing the Mayor to submit said Annual Action Plan to the United States Department of Housing and Urban Development.

WHEREAS, the City of Euclid is eligible for additional entitlement in FY 2013 of an estimated amount of Eight Hundred Seventy-Five Thousand and Five Hundred Dollars (\$875,500.00); and

WHEREAS, the citywide Citizens' Advisory Committee, appointed by the Mayor to determine the needs of the community which can be addressed by this Block Grant, has designated programs which relate to those needs, and allocated funds to accomplish these programs, and has completed its task and submitted its recommendations to the Council and the Mayor's office for final approval; and

WHEREAS, the recommendations of the citywide Citizens' Advisory Committee represent a sincere effort to meet the primary objectives of the Grant; namely, the provision of decent housing, a suitable living environment and expanded economic opportunities, principally for the persons of low-and-moderate income; and

WHEREAS, the Program provides improved planning which coordinates housing assistance and Community Development programs and encourages a comprehensive approach to dealing with urban problems; and

WHEREAS, a five-year plan was developed by the City to support the Annual Action Plan; and

WHEREAS, this Program reflects a sincere and dedicated effort on the part of the citizens of Euclid to wisely use federal funds available.

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

Section 1: That this Council does make a matter of public record its approval of the Annual Action Plan for the FY 2013 Entitlement Funds under the Community Development Block Grant Program of the United States Department of Housing and Urban Development and hereby authorizes the Mayor to submit said Annual Action Plan to the Department of Housing and Urban Development.

Section 2: That the Mayor is hereby authorized and directed to act in connection with submission of the FY 2013 Annual Action Plan of the Consolidated Plan, to provide such additional information as may be required and to enter into any and all agreements necessary to accept and expend funds for the programs contained in the 2013 Annual Action Plan including, but not limited to a Programmatic Agreement with the Ohio Historic Preservation Office and contracts with the Housing Research and Advocacy Center, the Euclid Development Corporation and Senior Independence with such contracts to be approved in amount and Vendor/Subrecipient by the Board of Control.

Section 3: A copy of the 2013 Annual Action Plan is on file in the office of the Community Services and Economic Development Department.

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

Passed:

President of Council

Approved:

Mayor

Ordinance No.

By – Councilperson McLaughlin (by request)

An ordinance amending Section 921.07 of the Utilities and Public Services Code of the Euclid Codified Ordinances adopting illicit discharge and illegal connection control regulations.

WHEREAS, illicit discharges to the City of Euclid storm sewer system create water quality risks to public health, safety, and general welfare; and,

WHEREAS, illicit discharges may necessitate repair of storm sewers and ditches, damage to public and private property, and may damage water resources by reducing water quality; and,

WHEREAS, there are watershed-wide efforts to reduce illicit discharges to Lake Erie and the Euclid Creek Watershed and to protect and enhance the unique water resources of the area; and,

WHEREAS, the City of Euclid is a member of the Euclid Creek Watershed District and recognizes its obligation as a part of this Watershed to control illicit discharges and to protect water quality within its borders; and,

WHEREAS, 40 C.F.R. Parts 9, 122, 123, and 124, and Ohio Administrative Code 3745-39 require designated communities, including the City of Euclid, to develop a Storm Water Management Program that, among other components, requires the City of Euclid to prohibit illicit discharges to their storm water system and to implement appropriate enforcement procedures and actions to detect and eliminate such illicit discharges; and,

WHEREAS, Article XVIII, Section 3 of the Ohio Constitution grants municipalities the legal authority to exercise all powers of local self-government and to adopt and enforce within their limits such local police, sanitary, and other similar regulations, as are not in conflict with general laws.

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

Section 1: Section 921.07 of the Euclid Utilities and Public Services Code is hereby amended to read as follows:

(a) Sanitary Sewer Connections. No person, firm, or corporation shall use connect or extend any sewer directly or indirectly to the sanitary sewer system of the City without first applying for and securing a permit to do so in compliance with the provisions of Chapters 921, 922, and 923 of the Codified Ordinances of the City. The application shall be made upon forms approved by the Service Director. The fee and charges for such application shall be as established by Section 922.08(c) of the Codified Ordinances of the City plus the cost of any necessary engineering services required and incurred by the Service Director to make the determinations required by Chapter 921 including sanitary sewage retention requirements, all pursuant to the regulations adopted by the Service Director which shall have the force and effect of an ordinance.

(b) Storm Sewer Connections. No person, firm, or corporation shall use, direct new or additional flow from any property, connect or extend any sewer on or from such property directly or indirectly to any City water way or storm sewer system within the City without first applying for and securing a permit to do so in compliance with the provisions of Chapters 921, 922, and 923 of the Codified Ordinances of the City. The application shall be made upon forms approved by the Service Director. Any such application shall be accompanied by the following non-refundable fees and deposits:

(1) A non-refundable fee of one hundred dollars (\$100.00) for residentially zoned and used subdivisions or lots including less than five acres of land area and not subject to storm water retention requirements; and

(2) A non-refundable fee of three hundred dollars (\$300.00) for all property, except residentially zoned and used subdivisions or lots including less than five acres of land, to make the determinations required by Chapter 921 including storm sewage retention requirements, all pursuant to the regulations adopted by the Service Director which shall have the force and effect of an ordinance. A deposit for such engineering services of two thousand dollars (\$2,000) shall be made with the application.

(c) Illicit Discharge and Illegal Connection Control

Purpose and Scope: The purpose of this regulation is to provide for the health, safety, and general welfare of the citizens of the City of Euclid through the regulation of illicit discharges to the municipal separate storm sewer system (MS4). This regulation establishes methods for controlling the introduction of pollutants into the MS4 in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process as required by the Ohio Environmental Protection Agency(Ohio EPA). The objectives of this regulation are:

- (1) To prohibit illicit discharges and illegal connections to the MS4.
- (2) To establish legal authority to carry out all inspections, monitoring procedures, and enforcement actions necessary to ensure compliance with this regulation.

Applicability: This regulation shall apply to all residential, commercial, industrial, or institutional facilities responsible for discharges to the MS4 and on any lands in the City of Euclid except for those discharges generated by the activities detailed in Section 921.07 (A)(1) to (A)(3) of this regulation.

Definitions: The words and terms used in this regulation, unless otherwise expressly stated, shall have the following meaning:

(1) Best Management Practices (BMPs): means schedules of activities, prohibitions of practices, General good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants to storm water. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

(2) Community: means the City of Euclid, its designated representatives, boards, or commissions.

(3) Environmental Protection Agency or United States Environmental Protection Agency (USEPA): means the United States Environmental Protection Agency, including but not limited to the Ohio Environmental Protection Agency (Ohio EPA), or any duly authorized official of said agency.

(4) Floatable Material: in general this term means any foreign matter that may float or remain suspended in the water column, and includes but is not limited to, plastic, aluminum cans, wood products, bottles, and paper products.

(5) Hazardous Material: means any material including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

(6) Illicit Discharge: as defined at 40 C.F.R. 122.26 (b)(2) means any discharge to an MS4 that is not composed entirely of storm water, except for those discharges to an MS4 pursuant to a NPDES permit or noted in Section 921.07 of this regulation.

(7) Illegal Connection: means any drain or conveyance, whether on the surface or subsurface, that allows an illicit discharge to enter the MS4.

(8) Municipal Separate Storm Sewer System (MS4): as defined at 40 C.F.R. 122.26 (b)(8), municipal separate storm sewer system means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains):

A. Owned or operated by a State, city, town, borough, county, parish, district, municipality, township, county, district, association, or other public body (created by or pursuant to State law) having jurisdiction over sewage, industrial wastes, including special districts under State law such as a sewer district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the Clean Water Act that discharges to waters of the United States;

B. Designed or used for collecting or conveying storm water;

C. Which is not a combined sewer; and

D. Which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 C.F.R.

122.2.

(9) National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permit: means a permit issued by EPA (or by a State under authority delegated pursuant to 33 USC § 1342(b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area wide basis.

(10) Off-Lot Discharging Household Sewage Treatment System: means a system designed to treat household sewage on-site and discharges treated wastewater effluent off the property into a storm water or surface water conveyance or system.

(11) Owner/Operator: means any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or on the owner's behalf.

(12) Pollutant: means anything that causes or contributes to pollution. Pollutants may include, but are not limited to, paints, varnishes, solvents, oil and other automotive fluids, non-hazardous liquid and solid wastes, yard wastes, refuse, rubbish, garbage, litter or other discarded or abandoned objects, floatable materials, pesticides, herbicides, fertilizers, hazardous materials, wastes, sewage, dissolved and particulate metals, animal wastes, residues that result from constructing a structure, and noxious or offensive matter of any kind.

(13) Storm Water: any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

(14) Wastewater: The spent water of a community. From the standpoint of a source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions.

Disclaimer of Liability: Compliance with the provisions of this regulation shall not relieve any person from responsibility for damage to any person otherwise imposed by law. The provisions of this regulation are promulgated to promote the health, safety, and welfare of the public and are not designed for the benefit of any individual or for the benefit of any particular parcel of property.

Conflicts, Severability, Nuisances, & Responsibility

(1) Where this regulation is in conflict with other provisions of law or ordinance, the most restrictive provisions, as determined by the City of Euclid, shall prevail.

(2) If any clause, section, or provision of this regulation is declared invalid or unconstitutional by a court of competent jurisdiction, the validity of the remainder shall not be affected thereby.

(3) This regulation shall not be construed as authorizing any person to maintain a nuisance on their property, and compliance with the provisions of this regulation shall not be a defense in any action to abate such a nuisance.

(4) Failure of the City of Euclid to observe or recognize hazardous or unsightly conditions or to recommend corrective measures shall not relieve the site owner from the responsibility for the condition or damage resulting there from, and shall not result in the City of Euclid, its officers, employees, or agents being responsible for any condition or damage resulting there from.

Responsibility for Administration: The City of Euclid shall administer, implement, and enforce the provisions of this regulation. The City of Euclid may contract with the Cuyahoga County Board of Health to conduct inspections and monitoring and to assist with enforcement actions.

Discharge and Prohibitions

(1) Prohibition of Illicit Discharges. No person shall discharge, or cause to be discharged, an illicit discharge into the MS4. The commencement, conduct, or continuance of any illicit discharge to the MS4 is prohibited except as described below:

A. Water line flushing; landscape irrigation; diverted stream flows; rising ground waters; uncontaminated ground water infiltration; uncontaminated pumped ground water; discharges from potable water sources; foundation drains; air conditioning condensate; irrigation water; springs; water from crawl space pumps; footing drains; lawn watering; individual residential car washing; flows from riparian habitats and wetlands; dechlorinated swimming pool discharges; street wash water; and discharges or flows from fire

fighting activities. These discharges are exempt until such time as they are determined by the City of Euclid to be significant contributors of pollutants to the MS4.

B. Discharges specified in writing by the City of Euclid as being necessary to protect public health and safety.

C. Discharges from off-lot discharging household sewage treatment systems existing prior to January 1, 2007 and permitted by the Cuyahoga County Board of Health for the purpose of discharging treated sewage effluent in accordance with Ohio Administrative Code 3701-29, or other applicable Cuyahoga County Board of Health regulations, until such time as the Ohio Environmental Protection Agency issues an NPDES permitting mechanism for household sewage treatment systems existing prior to January 1, 2007. These discharges are exempt unless such discharges are deemed to be creating a public health nuisance by the Cuyahoga County Board of Health. Discharges from new or replacement off-lot household sewage treatment systems installed after January 1, 2007 are not exempt from the requirements of this regulation.

D. In compliance with the City of Euclid Storm Water Management Program, discharges from all off-lot discharging household sewage treatment systems must either be eliminated or have coverage under an appropriate NPDES permit issued and approved by the Ohio Environmental Protection Agency. When such permit coverage is available for systems existing prior to January 1, 2007, discharges from off-lot discharging household sewage treatment systems existing prior to January 1, 2007 will no longer be exempt from the requirements of this regulation.

(2) Prohibition of Illegal Connections. The construction, use, maintenance, or continued existence of illegal connections to the MS4 is prohibited.

A. This prohibition expressly includes, without limitation, illegal connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

B. A person is considered to be in violation of this regulation if the person connects a line conveying illicit discharges to the MS4, or allows such a connection to continue.

Monitoring of Illicit Discharges and Illegal Connections

(1) Establishment of an Illicit Discharge and Illegal Connection Monitoring Program: The City of Euclid shall establish a program to detect and eliminate illicit discharges and illegal connections to the MS4. This program shall include the mapping of the MS4, including MS4 outfalls and household sewage treatment systems; the routine inspection of storm water outfalls to the MS4, and the systematic investigation of potential residential, commercial, industrial, and institutional facilities for the sources of any dry weather flows found as the result of these inspections.

(2) Inspection of Residential, Commercial, Industrial, or Institutional Facilities: The City of Euclid shall be permitted to enter and inspect facilities subject to this regulation as often as may be necessary to determine compliance with this regulation.

A. The City of Euclid shall have the right to set up at facilities subject to this regulation such devices as are necessary to conduct monitoring and/or sampling of the facility's storm water discharge, as determined by the City of Euclid.

B. The City of Euclid shall have the right to require the facility owner/operator to install monitoring equipment as necessary. This sampling and monitoring equipment shall be maintained at all times in safe and proper operating condition by the facility owner/operator at the owner/operator's expense. All devices used to measure storm water flow and quality shall be calibrated by the City of Euclid to ensure their accuracy.

C. Any temporary or permanent obstruction to safe and reasonable access to the facility to be inspected and/or sampled shall be promptly removed by the facility's owner/operator at the written or oral request of the City of Euclid and shall not be replaced. The costs of clearing such access shall be borne by the facility owner/operator.

D. Unreasonable delays in allowing the City of Euclid access to a facility subject to this regulation for the purposes of illicit discharge inspection is a violation of this regulation.

E. If the City of Euclid is refused access to any part of the facility from which storm water is

discharged, and the City of Euclid demonstrates probable cause to believe that there may be a violation of this regulation, or that there is a need to inspect and/or sample as part of an inspection and sampling program designed to verify compliance with this regulation or any order issued hereunder, or to protect the public health, safety, and welfare, the City of Euclid may seek issuance of a search warrant, civil remedies including but not limited to injunctive relief, and/or criminal remedies from any court of appropriate jurisdiction.

F. Any costs associated with these inspections shall be assessed to the facility owner/operator.

Enforcement

(1) Notice of Violation. When the City of Euclid finds that a person has violated a prohibition or failed to meet a requirement of this regulation, the City of Euclid may order compliance by written Notice of Violation. Such notice must specify the violation and shall be hand delivered, and/or sent by registered mail, to the owner/operator of the facility. Such notice may require the following actions:

A. The performance of monitoring, analyses, and reporting;

B. The elimination of illicit discharges or illegal connections;

C. That violating discharges, practices, or operations cease and desist;

D. The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property; or

E. The implementation of source control or treatment BMPs.

(2) If abatement of a violation and/or restoration of affected property are required, the Notice of Violation shall set forth a deadline within which such remediation or restoration must be completed. Said Notice shall further advise that, should the facility owner/operator fail to remediate or restore within the established deadline, a legal action for enforcement may be initiated.

(3) Any person receiving a Notice of Violation must meet compliance standards within the time established in the Notice of Violation.

(4) Administrative Hearing: If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, the City of Euclid shall schedule a hearing with the Euclid Planning and Zoning Commission to determine reasons for non-compliance and to determine the next enforcement activity. Notice of the administrative hearing shall be hand delivered and/or sent registered mail.

(5) Injunctive Relief: It shall be unlawful for any owner/operator to violate any provision or fail to comply with any of the requirements of this regulation pursuant to O.R.C. 3709.211. If an owner/operator has violated or continues to violate the provisions of this regulation, the City of Euclid may petition for a preliminary or permanent injunction restraining the owner/operator from activities that would create further violations or compelling the owner/operator to perform abatement or remediation of the violation.

Remedies Not Exclusive

(1) The remedies listed in this regulation are not exclusive of any other remedies available under any applicable federal, state or local law and it is in the discretion of the City of Euclid to seek cumulative remedies.

Section 2: That Section 921.07 of the Euclid Utilities and Public Services Code is hereby amended to add subsection (c) "Illicit Discharge and Illegal Connection Control".

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

Attest:

Clerk of Council

Passed:

Effective:

President of Council

Approved:

Mayor

Ordinance No.

By – Councilperson McLaughlin (by request)

An emergency ordinance amending Section 923.02 of the Streets, Utilities, and Public Services Code of the Codified Ordinances of the City of Euclid relative to pretreatment regulations governing the sewerage system and sewage pumping treatment and disposal works of the City, to adopt the 2012 “Industrial Pretreatment Enforcement Response Plan and Penalty Policy 2012” and the updated Pretreatment Regulations, Appendix A-1 of Section 923.02.

WHEREAS, in accordance with 40 CFR 403.8(f)(5) and pursuant to Euclid City Code Section 923.02, the City of Euclid Wastewater Treatment Pretreatment Program has developed an Enforcement Response Plan; and

WHEREAS, Euclid City Code 923.02 authorizes the Service Director to regulate and enforce Publicly Owned Treatment Works user compliance; and

WHEREAS, the “Industrial Pretreatment Enforcement Response Plan and Penalty Procedure 2012” establishes the procedures for the City of Euclid’s response to instances of industrial user noncompliance; and

WHEREAS, Pretreatment Regulations, Appendix A-1, of section 923.02, have not been updated since 1992 and shall be designated as Pretreatment Regulation (2012); 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 resolved by the Council of the City of Euclid, State of Ohio:

Section 1: That Section 923.02 of the Streets, Utilities and Public Services Code of the Codified Ordinances of the City of Euclid, as heretofore in effect, and the same is hereby amended to read as follows:

923.02 MANAGEMENT, PRETREATMENT REGULATIONS.

The Service Director shall manage, conduct and control the sewerage system and the sewage pumping treatment and disposal works of the City. He or she may make bylaws for the management and protection of the sewerage system and for the construction and use of connections to the sewerage system. Such bylaws and regulations shall have the same force and effect as ordinances, except that in cases of conflict the ordinances of the City as adopted by Council shall control, including, without limitation, the amended Pretreatment Regulations on file with the Clerk of Council and entitled “Appendix A-1, Pretreatment Regulation (2012), as well as the “Industrial Pretreatment Enforcement Response Plan and Penalty Policy 2012”, which regulations are adopted and incorporated herein by reference.

Section 2: That the Industrial Pretreatment Enforcement Response Plan and Penalty Policy 2012 is hereby adopted pursuant to Section 923.02 of the Codified Ordinances of the City of Euclid.

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 of any of its committees that resulted in such formal action, 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 the earliest period allowed by law.

Attest:

Clerk of Council

President of Council

Passed:

Approved:

Mayor

Ordinance No.

By – Mayor Cervenik

An ordinance authorizing the Mayor of the City of Euclid to enter into a contract with the County of Cuyahoga, District Board of Health, for various health services for the City of Euclid for the year 2013.

WHEREAS, the services provided by the County of Cuyahoga, District Board of Health, to the City of Euclid are beneficial and necessary and cannot be currently provided by the City.

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

Section 1: That the Mayor be, and he is hereby authorized, empowered and directed to enter into a contract with the County of Cuyahoga, District Board of Health, for various health services for the City of Euclid for the year 2013 in the amount of One Hundred Eighty-seven Thousand Eight Hundred Fifty-three Dollars (\$187,853.00). The contract shall be in a form approved by the Director of Law and as on file in the office of Clerk of Council. The terms are hereby approved.

Section 2: That funds to pay for this expenditure are to 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 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 – Councilperson Langman

A resolution placing a temporary six month moratorium on the installation of any type of steel windows or door guards, folding gates, grating or steel bars placed across doors or windows in a Class U4, U5, U6 or U8 Use District, as regulated under Section 1387.03 of the Codified Ordinances of the City of Euclid, in order that the Administration and Council of the City of Euclid evaluate and decide factors for consideration in determining whether to issue a permit for such security devices.

WHEREAS, pursuant to the Constitution of the State of Ohio and the Ohio Revised Code, municipalities have the power to enact laws that are for the health, safety, welfare, comfort and peace of the citizens of the municipality; and

WHEREAS, the use of security devices detracts from the appearance and character of commercial properties and should serve as a last alternative to building security; and

WHEREAS, Council desires to review factors associated with the Planning and Zoning Commission's review of applications for the installation or use of any type of steel windows or door guards, folding gates, grating or steel bars placed across doors or windows in a Class U4, U5, U6 or U8 Use District for a temporary period of six months time and to enact laws for the health safety, welfare, peace and comfort for the citizens of Euclid.

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

Section 1: That this Council hereby approves a temporary six month moratorium on the installation of any type of steel windows or door guards, folding gates, grating or steel bars placed across doors or windows in a Class U4, U5, U6 or U8 Use District, as regulated under Section 1387.03 of the Codified Ordinances of the City of Euclid, in order that the Administration and the Council of the City of Euclid evaluate and decide factors for the Euclid Planning and Zoning Commission's review of applications for installation of such security devices.

Section 2: That this moratorium shall be in effect for a period of six (6) months, or until Council enacts changes to the current ordinances or until Council enacts an ordinance or resolution revoking the moratorium.

Section 3: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.11 of the Ohio Revised Code.

Section 5: That this resolution shall take immediate effect.

Attest:

Clerk of Council

President of Council

Passed:

Approved:

Mayor

Ordinance No.

By- Mayor Cervenik

An ordinance authorizing the Mayor of the City of Euclid to enter into agreements with AT&T Mobility ("AT&T") that provides for a lump sum payment of \$210,000 in exchange for a thirty-five (35) year access easement to Md7, a cell site lease management company that has partnered with AT&T, and all future rent payments of the AT&T site on the communications facility located at 545 East 222nd Street, Euclid, OH 44123.

WHEREAS, AT&T has partnered with Md7 and desires to enter into an agreement with the City of Euclid whereby a prepayment of rent is made for the AT&T cell site lease located at 545 East 222nd Street, Euclid, OH 44123; and

WHEREAS, by taking a prepayment, the City will eliminate all monetary risk associated with network consolidation, while allowing AT&T to meet current business requirements and enhance the Euclid site's value to the network; and

WHEREAS, Md7, at the behest of AT&T, structures its prepayments through the acquisition of a thirty five year easement over the AT&T leased premises, without a transfer of deed, title, or a land purchase; and

WHEREAS, City Council hereby finds the price of prepayment to be fair and just.

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 is hereby authorized and directed to enter into a lease agreement with AT&T Mobility ("AT&T") that provides for a lump sum payment of \$210,000 in exchange for a thirty-five (35) year access easement to Md7, a cell site lease management company that has partnered with AT&T, and all future rent payments of the AT&T site on the communications facility located at 545 East 222nd Street, Euclid, OH 44123.

Section 2: That said lease agreement shall be substantially in the form on file with the Clerk of Council and together with such other documents necessary to acquire the property shall be as approved by the Director of Law.

Section 3: That Council has determined the lease terms to be fair and just.

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 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 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