

**AGENDA
EUCLID CITY COUNCIL MEETING
MONDAY, APRIL 15, 2013 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:

COUNCIL MINUTES: April 1, 2013

ADMINISTRATION REPORTS & COMMUNICATIONS:

REPORTS & COMMITTEE MINUTES: Monthly Finance Report thru March 31, 2013
Executive & Finance Min. 3/27/13
Housing & Building Com. Min.: 3/20/13
Board of Control: 3/25/13; 4/1/13

COMMITTEE OF THE WHOLE FOR LEGISLATIVE MATTERS ONLY

LEGISLATION

- | | | |
|---------------------------|--|------------------|
| Public
Hearing | 1. An ordinance rezoning 19901 Ormiston, P.P. #641-15-113, from U2 to U4 use district and further amending Ord. No. (2812. (Sponsored by Planning & Zoning Commission) | Ord.
(245-13) |
| Second
Reading | 2. A resolution granting a Use District Exception, pursuant to Chapter 1375.01(a)(3) of the Codified Ordinances of the City of Euclid, to Ljubomir Rozic Ace Auto Repair owner , 2011 E. 233 Street, Euclid, Ohio, 44117, and to applicant and prospective tenant Leamon Eddie, 3238 Cedarbrook Road, Cleveland Heights, Ohio 44118 for Permanent Parcel No. 641-02-027 and 641-02-044, to allow a U-5 (Auto Service Shop) use in a U-2 (Two Family) Use District. (Sponsored by Planning & Zoning Commission) | Res.
(262-13) |
| | 3. An emergency ordinance authorizing the sale of Permanent Parcel Number 642-15-006, 22051 Priday Avenue, from the Euclid Land Bank, to Jessica Fisher for the amount of One Dollar (\$1.00) as authorized by Ordinance Nos. 98-2010 and 101-2011. (Sponsored by Planning & Zoning Commission) | Ord.
(268-13) |
| | 4. A resolution adopting and approving the attached Administration's recommendation for the 2013 Capital Budget. (Sponsored by Mayor Cervenik) | Res.
(265-13) |
| | 5. An ordinance amending Sections 763.03, 763.05, and 763.06 of the Business Regulation and Taxation Code of the Codified Ordinances of the City of Euclid to prohibit discrimination based on military status, sexual orientation or gender identity in housing and real estate practices. (Sponsored by Mayor Cervenik) | Ord.
(267-13) |
| | 6. A resolution authorizing the Euclid Zoning Department to initiate a Hen Pilot Program that will continue for one (1) year upon various conditions. (Sponsored by Councilpersons Langman, McLaughlin, O'Hare) | Res.
(269-13) |

CEREMONIAL RESOLUTION

7. A resolution celebrating National Telecommunications Week and the Res. dispatchers of the City of Euclid. (Sponsored by Mayor Cervenik and Entire Council) (266-13)

COMMITTEE OF THE WHOLE – PUBLIC PORTION

COUNCIL MEMBERS' COMMENTS

ADJOURNMENT

19901 Ormiston Avenue
PP# 641-15-113
U-2 to U-4

Ordinance No.

By – Planning and Zoning Commission

An ordinance to amend Section 1 of Ordinance No. 2812, as amended, and the map and map designations, which map and map designations, as amended, form a part of Ordinance No. 2812, as it relates to and designates U-2 and U-4 use districts relative to said property.

WHEREAS, public notice and hearings have been given in connection with the changing of U-2 and U-4 use districts relative to the hereinafter described property as is established by Ordinance No. 2812, as passed by the Council of the Village of Euclid on the 13th day of December, 1922, which ordinance has from time to time been amended; and

WHEREAS, the amendment of said Ordinance No. 2812, which pertains to the hereinafter described property, by transferring said property from U-2 to U-4 use district, has been referred to the City Planning and Zoning Commission; and

WHEREAS, the City Planning and Zoning Commission has considered such amendment and proposed change at its regularly scheduled meeting on February 12, 2013 which will add to the present U-4 use district by inclusion of the property hereinafter described, and has recommended approval to Council; and

WHEREAS, in the interest of the general welfare of the City of Euclid and in order to promote the general advantage of public peace, safety, morals, convenience and prosperity of the inhabitants of the City of Euclid, this Council is of the opinion that the U-4 use district should be extended to include the property hereinafter described.

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

Section 1: That the following property:

PP# 641-15-113

Situated in the City of Euclid, County of Cuyahoga and State of Ohio and known as being Sublot No, 122 in the Monterey Heights re-subdivision of part of original Euclid Township Lot Nos. 14 and 17, Tract No. 17 as shown by the recorded Plat in Volume 66 of Maps, Page 34 of Cuyahoga County Records and being a parcel of land 40 feet on the Northerly side of Ormiston Road and extending back of equal width 115.91 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 2: That so much of Section 1 of Ordinance No. 2812, as amended, as relates to the U-4 use district shall be extended to include the territory described in Section 1 hereinabove.

Section 3: That the map as adopted December 13, 1922 and as thereafter amended, is hereby amended to conform with the change of property described in Section 1 of the ordinance from U-2 to U-4 use district.

Section 4: That so much of Ordinance No. 2812, as amended, and the map and map designations as placed the above described property in U-2 use district, is hereby repealed.

Section 5: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 6: That this ordinance shall be in full force and effect from and after the earliest period allowed by law.

Attest:

Clerk of Council

President of Council

Passed:

Approved:

Effective:

Mayor

Resolution No.

By – Planning & Zoning Commission

A resolution granting a Use District Exception, pursuant to Chapter 1375.01(a)(3) of the Codified Ordinances of the City of Euclid, to Ljubomir Rozic Ace Auto Repair owner , 2011 E. 233 Street, Euclid, Ohio, 44117, and to applicant and prospective tenant Leamon Eddie, 3238 Cedarbrook Road, Cleveland Heights, Ohio 44118 for Permanent Parcel No. 641-02-027 and 641-02-044, to allow a U-5 (Auto Service Shop) use in a U-2 (Two Family) Use District.

WHEREAS, at its meeting on March 12, 2013, the Planning and Zoning Commission approved a Use District Exception to continue a non-conforming U5 (Auto Service Shop) use in a U-2 (Two Family) Use District at 19099 Lake Shore Boulevard, Euclid, Ohio, Permanent Parcel No. 641-02-027; and

WHEREAS, the Planning and Zoning Commission approved a Use District Exception to permit storage of automobiles, an accessory U-4 use, on Permanent Parcel No. 641-02-044 on the condition that a board-on-board fence is constructed that must be at least six feet high, not to exceed the setback building line of the two-family house to the west; and

WHEREAS, the Planning and Zoning Commission approved a variance reducing side and rear yard setbacks for a fence surrounding an auto storage area from 10 feet to zero feet, and eliminating required landscaping for Permanent Parcel No. 641-02-044 subject to four (4) conditions:

1. Vehicle repairs should be limited to passenger vehicles and "pick-up" type trucks.
2. Vehicle repairs should include service work only, not, body work, frame repair, or painting.
3. Outdoor storage of vehicles must be limited to the fenced in storage area.
4. There shall be no auto repairs or customer service on Sundays.

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 Ljubomir Rozic Ace Auto Repair owner, 2011 E. 233 Street, Euclid, Ohio, 44117, and to applicant and prospective tenant Leamon Eddie, 3238 Cedarbrook Road, Cleveland Heights, Ohio 44118 for Permanent Parcel No. 641-02-027 to continue a U-5 (Auto Service Shop) use in a U-2 (Two Family) Use District; and

Section 2: That a Use District Exception is hereby granted to permit storage of automobiles, an accessory U-4 use, on Permanent Parcel No. 641-02-044 on the condition that a board-on-board fence is constructed that must be at least six feet high, not to exceed the setback building line of the two-family house to the west ; and

Section 3: The above use district exemptions for a nonconforming auto service shop on Permanent Parcel No. 641-02-027 and for outdoor automobile storage on Permanent Parcel No. 641-02-044 shall be subject to the following conditions:

1. Vehicle repairs should be limited to passenger vehicles and "pick-up" type trucks.
2. Vehicle repairs should include service work only, not body work, frame repair, or painting.
3. Outdoor storage of vehicles must be limited to the fenced-in storage area
4. There shall be no auto repairs or customer service on Sundays.
5. Evening business hours are limited to no later than 7:00 p.m. local time.
6. Failure to comply with the above conditions shall result in revocation of the business's Certificate of Occupancy.

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.

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Section 5: That this resolution shall take immediate effect.

Attest:

Clerk of Council

President of Council

Passed:

Approved:

Mayor

Ordinance No.

By – Planning and Zoning Commission

An emergency ordinance authorizing the sale of Permanent Parcel Number 642-15-006, 22051 Priday Avenue, from the Euclid Land Bank, to Jessica Fisher for the amount of One Dollar (\$1.00) as authorized by Ordinance Nos. 98-2010 and 101-2011.

WHEREAS, Ordinance 98-2010, passed by Council on June 21, 2010 and amended by Ordinance 101-2011 on June 20, 2011, authorizes the sale of properties in the Euclid Land Bank for private use; and

WHEREAS, Jessica Fisher owns the adjacent property, Permanent Parcel Number 642-15-007 and desires to purchase the 642-15-006 parcel for property expansion; and

WHEREAS, the purchased parcel is to be consolidated within six (6) months of transfer into the purchaser's parcel with final approval subject to review and approval of the City Engineer; and

WHEREAS, at its meeting on April 9, 2013 the Planning and Zoning Commission recommended approval of the sale of Permanent Parcel Number 642-15-006, 22051 Priday Avenue to Jessica Fisher for an amount of One and 00/100 Dollar (\$1.00); and

WHEREAS, in accordance with the Euclid Land Bank Disposition Policies, in approving the sales price the Planning and Zoning Commission concurred with the pricing policies adopted in Ordinance 101-2011, which warrant a price below the Cuyahoga County Auditor's market value; 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 to allow the sale to be finalized in a timely manner.

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

Section 1: That the sale of Permanent Parcel Number 642-15-006, 22051 Priday Avenue, for an amount of One Dollar (\$1.00) as authorized by Ordinance No. 98-2010 and amended by Ordinance 101-2011 is hereby approved with condition.

Section 2: That City Council approves the consolidation of Parcel No. 642-15-006 with the Purchaser's Permanent Parcel Number 642-15-007 with the condition that said consolidation of lots be completed within six (6) months of transfer with final approval, subject to review and approval of the City Engineer.

Section 3: That City Council approves the sales price adjustment below the Cuyahoga County Auditor's market value due to area market conditions and based on pricing policies adopted in Ordinance 98-2010 and amended by Ordinance 101-2011.

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

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

Attest:

Clerk of Council

Passed:

President of Council

Approved:

Mayor

Resolution No.

By – Mayor Cervenik

A resolution adopting and approving the attached Administration's recommendation for the 2013 Capital Budget.

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

Section 1: That this Council does hereby adopt and approve the terms of the attached Administration's recommendations for the 2013 Capital I Budget and Recreation Capital Budget.

Section 2: That the attached 2013 Capital Budget and Recreation Capital Budget shall remain attached to this resolution and is incorporated hereby reference.

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

**City of Euclid
2013 Capital Fund**

<u>Type of Capital</u>	<u>Department</u>	<u>Description</u>	<u>Account Number</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>
Land/Property Acquisition Total						
Street Improvements	Streets/Sewers	Cracksealing	310-431-3121-45-00	30,000	30,000	30,000
Street Improvements	Streets/Sewers	Curbs & Resurfacing	310-431-3128-45-00	0	0	0
Street Improvements	Streets/Sewers	Emergency sewer repairs	310-432-3252-45-00	80,000	50,000	50,000
Street Improvements	Streets/Sewers	Pavement rejuvenation	310-431-3121-45-00	0	30,000	30,000
Street Improvements Total				110,000	110,000	110,000
Motorized Vehicles	Bldg Maintenance	.75 ton pickup w/plow	310-431-3121-74-02	0	30,000	0
Motorized Vehicles	CS&ED	Weatherization Van	310-465-651-74-02	0	0	30,000
Motorized Vehicles	Fire	Ambulance	310-422-222-74-02	158,000	158,000	158,000
Motorized Vehicles	Motor Maint.	Forklift	310-417-173-74-02	0	30,000	0
Motorized Vehicles	Police	Patrol cars (4)	310-421-212-74-02	140,000	140,000	140,000
Motorized Vehicles	Parks	1 ton pickup w/plow	310-465-651-45-00	0	28,000	30,000
Motorized Vehicles	Recycling	20 Yard refuse rear load packer	310-432-323-74-02	130,000	0	0
Motorized Vehicles	Engineering	Vehicle - Explorer	310-431-3121-74-02	0	30,000	0
Motorized Vehicles	Streets/Sewers	.75 ton pickup w/plow	310-431-3121-74-02	0	30,000	30,000
Motorized Vehicles	Streets/Sewers	2.5 Ton Spreaders w/plow	310-431-3121-74-02	0	150,000	150,000
Motorized Vehicles Total				428,000	596,000	538,000
Equipment	Fire	Commercial Range Hood	310-422-222-74-04	15,000	0	0
Equipment	Fire	FEMA 10% Grant (\$60,337)	310-422-2241-74-04	1,765	0	0
Equipment	Fire	Mattresses (Station 1 8 sets)	310-422-222-74-04	2,800	0	0
Equipment	Fire	Opticom Controls	310-422-222-74-04	2,500	0	0
Equipment	Fire	SCBA Bottles and Test Machine	310-422-222-74-04	0	0	308,000
Equipment	Fire	Turnout gear	310-422-222-74-04	57,000	0	0
Equipment	Info Tech	Castnet Server in ECTV	310-418-183-74-04	7,223	0	0

**City of Euclid
2013 Capital Fund**

<u>Type of Capital</u>	<u>Department</u>	<u>Description</u>	<u>Account Number</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>
Equipment	Info Tech	Misc equipment replacement	310-418-183-74-04	20,000	20,000	20,000
Equipment	Info Tech	Replace Cymphonix Box used for Web filtering	310-418-183-74-04	10,000	0	0
Equipment	Info Tech	Upgrade payroll system to Next Gen	310-418-183-74-04	30,000	0	0
Equipment	Info Tech	Upgrade to Windows 7 and Office 2010	310-418-183-74-04	40,000	120,000	120,000
Equipment	Motor Maint.	Bandsaw - Equipment	310-417-173-74-04	0	4,000	0
Equipment	Motor Maint.	Scan Tool / Software Updates	310-417-173-74-04	6,700	2,000	2,000
Equipment	Police	Range bullet trap lead removal	310-421-212-33-05	4,000	0	0
Equipment	Recreation	Arena Chiller compressor unit	310-451-511-74-04	12,000	0	0
Equipment Total				208,988	146,000	450,000
Services	Auditors Fees	Auditors Fees	310-419-1931-31-XX	11,000	11,000	11,000
Services	Parks	City beautification	310-419-1931-33-05	25,000	30,000	30,000
Services	Parks	New Trees	310-452-524-61-05	3,500	5,000	5,000
Services	Parks	Tree planting	310-452-524-45-00	3,500	5,000	5,000
Services	Parks	Tree removal	310-452-5241-45-00	10,000	15,000	15,000
Services	Parks	Memorial Park Waterline	310-419-1931-33-05	0	50,000	50,000
Public Service Grant Match	Streets/Sewers	To be determined	310-431-3128-45-00	0	40,000	40,000
Services	Police/Jail	Jail Architect. & Engineering Services	310-423-231-33-03	18,500	0	0
Services	Streets/Sewers	4th year lease on Sweeper	310-47X-33-05	44,500	44,500	0
Services Total				116,000	200,500	156,000
Building Improvements	Bldg Maintenance	Roof - Animal Shelter	310-431-3121-74-04	0	80,000	0
Building Improvements	City Hall	Furniture and Improvements	310-417-170-45-00	25,000	25,000	25,000
Building Improvements	Henn Mansion	Capital improvement match	310-419-1931-80-06	20,000	20,000	20,000
Building Improvements	Recreation	Dog Park drainage/improvements	310-451-511-45-00	7,500	3,000	2,000
Building Improvements	Recreation	Light tower rehabilitation/paint	310-451-511-45-00	15,000	15,000	0
Building Improvements	Recreation	Arena Dasher Boards	310-451-511-74-04	0	130,000	0

**City of Euclid
2013 Capital Fund**

<u>Type of Capital</u>	<u>Department</u>	<u>Description</u>	<u>Account Number</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>
Building Improvements Total				67,500	273,000	47,000
Contingency	CONTINGENCY	not included in borrowing	310-415-153-74-04	30,000	50,000	50,000
Contingency Total				30,000	50,000	50,000
Grand Total				960,488	1,375,500	1,351,000

Recreation Capital Budget 2013		Project class/ department	
		Description	2013
	2014		
Pools			
		Tennis Courts	10,000
		Willow Pump/ADA install	19000
		Grates	3,000
Arena			
		Furniture	15000
		Memorial Park Signs	4000
		Dasher Board reconditioning	1000
		Dasher Board replacement	120000
Totals			
			52,000
			120,000

Ordinance No.

By – Mayor Cervenik

An ordinance amending Sections 763.03, 763.05, and 763.06 of the Business Regulation and Taxation Code of the Codified Ordinances of the City of Euclid to prohibit discrimination based on military status, sexual orientation or gender identity in housing and real estate practices.

WHEREAS, military status has been recognized as a protected class in state and federal law for years; and

WHEREAS, sexual orientation and gender identity are recognized as protected classes in federal rules, regulations and law; and

WHEREAS, protecting military status, sexual orientation and gender identity from discrimination in housing and real estate practices will promote Euclid's goal of an open and equal housing market and will help fulfill Euclid's goal of furthering fair housing in housing choice; and

WHEREAS, for the purpose of bringing the City of Euclid's Fair Housing laws in compliance with State and Federal Fair Housing laws it is necessary to amend certain sections of Chapter 763 of the Business Regulation and Taxation Code of the Codified Ordinances of the City of Euclid by the inclusion of military status, sexual orientation and gender identity as protected classes.

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

Section 1: That Section 763.03 of the Business Regulation and Taxation Code of the Codified Ordinances of the City of Euclid, be and the same is hereby amended to read as follows:

763.03 UNLAWFUL DISCRIMINATORY HOUSING PRACTICES.

It shall be an unlawful discriminatory practice for any person to:

- (a) Refuse to sell, transfer, assign, rent, lease, sublease or finance housing accommodations, refuse to negotiate for the sale or rental of housing accommodations or otherwise deny or make unavailable housing accommodations, because of the race, color, religion, sex, ancestry, handicap, national origin, ~~or~~ familial status, military status, sexual orientation or gender identity of any prospective owner, occupant or user of the housing.
- (b) Represent to any person that housing is not available for inspection, sale or rental, when in fact it is available, because of the race, color, religion, sex, ancestry, handicap, national origin, ~~or~~ familial status, military status, sexual orientation or gender identity of any prospective owner, occupant or user of the housing.
- (c) Refuse to lend money, whether or not secured by mortgage or otherwise, for the acquisition, construction, rehabilitation, repair or maintenance of housing or otherwise withhold financing of housing from any person because of the race, color, religion, sex, ancestry, handicap, national origin, ~~or~~ familial status, military status, sexual orientation or gender identity of any present or prospective owner, occupant or user of the housing or because of the racial composition of the neighborhood in which the housing is located, provided that the person, whether an individual, corporation or association of any type, lends money as one of the principal aspects or incident to his or her principal business and not only as a part of the purchase price of an owner-occupied residence he or she is selling nor merely casually or occasionally to a relative or friend.
- (d) Discriminate against any person in the terms or conditions of selling, transferring, assigning, renting, leasing or subleasing any housing, or in furnishing facilities, services or privileges in connection with the ownership, occupancy or use of any housing, including the sale of fire, extended coverage or homeowner's insurance, because of the race, color, religion, sex, ancestry, handicap, national origin, ~~or~~ familial status, military status, sexual orientation or gender identity of any present or prospective owner, occupant or user of the housing or because of the racial composition of the neighborhood in which the housing is located.

(e) Discriminate against any person in the terms or conditions of any loan of money, whether or not secured by mortgage or otherwise, for the acquisition, construction, rehabilitation, repair or maintenance of housing because of the race, color, religion, sex, ancestry, handicap, national origin, ~~or~~ familial status, military status, sexual orientation or gender identity of any present or prospective owner, occupant or user of the housing or because of the racial composition of the neighborhood in which the housing is located.

...

(g) Print, publish or circulate any statement or advertisement relating to the sale, transfer, assignment, rental, lease, sublease or acquisition of any housing or the loan of money, whether or not secured by mortgage or otherwise, for the acquisition, construction, rehabilitation, repair or maintenance of housing, which statement or advertisement indicates any preference, limitation, specification or discrimination based upon race, color, religion, sex, ancestry, handicap, national origin, ~~or~~ familial status, military status, sexual orientation or gender identity or an intention to make any such preference, limitation, specification or discrimination.

(h) Except as otherwise provided in this section, make any inquiry, elicit any information, make or keep any record or use any form of application containing questions or entries, concerning race, color, religion, sex, ancestry, handicap, national origin, ~~or~~ familial status, military status, sexual orientation or gender identity in connection with the sale or lease of any housing or the loan of any money, whether or not secured by mortgage or otherwise, for the acquisition, construction, rehabilitation, repair or maintenance of housing. Any person may make inquiries and make and keep records concerning race, color, religion, sex, ancestry, handicap, national origin, ~~or~~ familial status, military status, sexual orientation or gender identity for the purpose of monitoring compliance with this chapter.

(i) Include in any transfer, rental or lease of housing any restrictive covenant or honor or exercise or attempt to honor or exercise, any restrictive covenant, concerning race, color, religion, sex, ancestry, handicap, national origin, ~~or~~ familial status, military status, sexual orientation or gender identity, provided that the prior inclusion of a restrictive covenant in the chain of title shall not be deemed a violation of this provision.

(j) Induce or solicit or attempt to induce or solicit a housing listing, sale or transaction by representing that a change has occurred or may occur with respect to the racial, religious, sexual, ethnic, ~~or~~ familial status, military status, sexual orientation or gender identity composition of the block, neighborhood or area in which the property is located or induce or solicit or attempt to induce or solicit such sale or listing by representing that the presence or anticipated presence of persons of any race, color, religion, sex, ancestry, handicap, national origin, ~~or~~ familial status, military status, sexual orientation or gender identity in the area will or may have results such as the following:

(1) The lowering of property values;

(2) A change in the racial, religious, sexual, ethnic, ~~or~~ familial status, military status, sexual orientation or gender identity composition of the block, neighborhood or area in which the property is located;

(3) An increase in criminal or antisocial behavior in the area;

(4) A decline in the quality of the schools serving the area.

(k) Deny any person access to or membership or participation in any multiple-listing service, real estate brokers' organization or other service, organization or facility relating to the business of selling or renting housing accommodations, or discriminate against any person in the terms or conditions of such access, membership or participation, on account of race, color, religion, sex, national origin, handicap, ancestry, ~~or~~ familial status, military status, sexual orientation or gender identity.

...

(m) Discourage or attempt to discourage the purchase by a prospective purchaser of a housing unit, by representing that any block, neighborhood or area has undergone or might undergo a change with respect to the religious, racial, sexual, ethnic, ~~or~~ familial status, military status, sexual orientation or gender identity composition of the block, neighborhood or area.

...

(p) Discriminate against any person in appraising the value of any housing in connection with its sale or rental because of the race, color, religion, sex, ancestry, handicap, national origin, ~~or~~ familial status, military status, sexual orientation or gender identity of the person or because of the racial composition of the neighborhood in which the housing is located.

Section 2: That Section 763.03 of the Business Regulation and Taxation Code is hereby amended.

Section 3: That Section 763.05 of the Business Regulation and Taxation Code of the Codified Ordinances of the City of Euclid, be and the same is hereby amended as follows:

763.05 PROHIBITION AGAINST REAL ESTATE STEERING.

No person who receives or expects to receive pecuniary gain from the sale or rental of housing accommodations shall:

(a) Influence or attempt to influence any other person who purports or represents himself or herself to be a prospective purchaser, occupant or tenant of housing accommodations by referring to race, color, sex, religion, national origin, handicap, ancestry, ~~or~~ familial status, military status, sexual orientation or gender identity of occupants or prospective occupants of other housing accommodations in the neighborhood.

...

(c) Discriminate against any person who purports or represents himself or herself to be a prospective seller, purchaser, occupant, landlord or tenant of housing accommodations by any influence, suggestion, act or failure to act or accord any differential treatment among such persons, in connection with the sale or rental of housing accommodations or in the furnishing of information, services or facilities relative thereto, because of the race, color, religion, sex, ancestry, handicap, national origin, ~~or~~ familial status, military status, sexual orientation or gender identity of any person.

Section 4: That Section 763.05 of the Business Regulation and Taxation Code is hereby amended.

Section 5: That Section 763.06 of the Business Regulation and Taxation Code of the Codified Ordinances of the City of Euclid, be and the same is hereby amended as follows:

763.06 INTIMIDATION OR INTERFERENCE IN HOUSING.

(a) No person, whether or not acting under color of law, shall by force or threat of force, willfully intimidate or interfere with or attempt to intimidate or interfere with:

(1) Any person because of race, color, religion, sex, national origin, handicap, ancestry, ~~or~~ familial status, military status, sexual orientation or gender identity and because that person is or has been selling, purchasing, renting, financing, occupying, contracting or negotiating for the sale, purchase, rental, financing or occupation of any dwelling or applying for or participating in any service, organization or facility relating to the business of selling or renting housing accommodations;

(2) Any person because that person is or has been or in order to intimidate that person or any other person or any class of persons from:

A. Participating without discrimination on account of race, color, religion, sex, national origin, handicap, ancestry, ~~or~~ familial status, military status, sexual orientation or gender identity in any of the activities, services, organizations or facilities described in paragraph (a)(1) hereof;

B. Affording another person or class of persons opportunity or protection so to participate.

(3) Any person because that person is or has been or in order to discourage that person or any other person from, lawfully aiding or encouraging other persons to participate, without discrimination on account of race, color, religion, sex, national origin, handicap, ancestry, ~~or~~ familial status, military status, sexual orientation or gender identity, in any of the activities, services, organizations or facilities described in paragraph (a)(1) hereof, or participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to so participate.

...

Section 6: That Section 763.06 of the Business Regulation and Taxation Code is hereby amended.

Section 7: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance, 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 8: 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 – Councilpersons Langman, McLaughlin, O'Hare

A resolution authorizing the Euclid Zoning Department to initiate a Hen Pilot Program that will continue for one (1) year upon various conditions.

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, In order to determine whether the keeping of hens is suitable in the City of Euclid, a Hen Pilot Program should be initiated to determine its feasibility; 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 resolved by the Council of the City of Euclid, State of Ohio:

Section 1: That the Euclid Zoning Department is hereby authorized to initiate a Hen Pilot Program that will exist for one (1) year upon various conditions.

Section 2: Owner-occupants of residential property in the City of Euclid who are interested in participating in the Hen Pilot Program shall make application to the Euclid Zoning Department on the form provided by the department.

Section 3: Application information shall include: Applicant information; the number of hens that will be kept on the property [up to four (4)]; a basic site plan that includes signed consent from neighboring (side and back) property owners and tenants, if applicable.

Section 4: The Hen Pilot Program will allow up to five (5) City of Euclid households to participate in the pilot program.

Section 5: Roosters, geese, turkey or other fowl are not permitted in the program. Slaughtering of the hens is prohibited.

Section 6: The premises and facility must be kept in good repair, maintained in a clean and sanitary condition, remain free of vermin, waste, obnoxious smells and substances. The premises and facility may not create a nuisance to disturb the neighboring residents due to noise, odor, damage or threats to public health.

Section 7: 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 8: That this resolution take immediate effect.

Attest:

Clerk of Council

President of Council

Passed:

Approved:

Mayor

RESOLUTION OF CELEBRATION

By – Mayor Cervenik

A resolution celebrating National Telecommunications Week and the dispatchers of the City of Euclid.

WHEREAS, the Euclid Police Department will be celebrating National Telecommunications Week from April 14th through April 20th, 2013; and

WHEREAS, this week is designated as a time when citizens can recognize the contributions of dispatchers who answer all police and fire department calls in the City; and

WHEREAS, dispatchers play a vital role in ensuring the scene is safe until help arrives in the form of police and/or fire personnel and dispatching appropriate response units; and

WHEREAS, these dispatchers help save lives by answering emergency phone calls under the utmost stress; and

WHEREAS, dispatchers endure an ever changing workday in which no two emergency calls are the same and are expected to question frantic emergency calls while communicating to emergency response personnel; and

WHEREAS, during the 2012 year, the Euclid Police Department dispatchers processed over 54,000 calls that required Fire/EMS and/or Police response and received over 20,000 9-1-1 calls which is estimated into over 1,000 phone calls received on any given day.

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

Section 1: That this Council and Administration do hereby celebrate National Telecommunications Week and recognize the important and life-saving work performed to the highest standards of professionalism by the dispatchers of the City of Euclid.

Section 2: That the Clerk of this Council is hereby authorized and directed to certify a copy of this resolution to Euclid Police Chief Tom Brickman.

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.

Resolution No.

By - Mayor Cervenik, Councilpersons
Holzheimer Gail, Caviness Jones,
Langman, Lynch, McLaughlin,
O'Hare, Scarniench, Van Ho

Attest:

Clerk of Council

President of Council

Passed:

Approved:

Mayor