

**AGENDA  
EUCLID CITY COUNCIL MEETING  
MONDAY, OCTOBER 7, 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:** September 16, 2013

**ADMINISTRATION REPORTS & COMMUNICATIONS:**

**REPORTS & COMMITTEE MINUTES:** Police Report – August, 2013  
Executive & Finance Min.: 9/11/13  
Work Session Min.: 9/18/13  
Recreation Commission Min.: 11/27/12  
Board of Control: 9/9/13; 9/16/13; 9/23/13

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

**LEGISLATION**

1. An emergency ordinance authorizing the Mayor or his designee to enter into a professional services agreement with SmithGroupJJR for Phase IV(A) of the design, engineering and permitting in support of the implementation of future capital improvements recommended as part of the Euclid Waterfront Improvements Plan, not to exceed Two Hundred Forty One Thousand Four Hundred and 00/100 Dollars (\$241,400.00). (Sponsored by Mayor Cervenik, Council President Holzheimer Gail, Councilpersons Langman and McLaughlin) Ord.  
(336-13)
  
2. A resolution authorizing the Mayor of the City of Euclid, or his designee to seek and review proposals to conduct a planning and marketing study to facilitate the redevelopment of the Lake Shore Boulevard and East 264<sup>th</sup> to East 266<sup>th</sup> Street area in the City of Euclid. (Sponsored by Mayor Cervenik and Councilperson O'Hare) Res.  
(342-13)
  
3. A resolution authorizing the Mayor as ex-Officio Director of Public Safety of the City of Euclid to accept a 2013 – 2014 High Visibility Enforcement Overtime Grant in the amount of \$50,658.17 through the Ohio Department of Public Safety which will allow the Euclid Police Department to engage in enforcement activities to combat impaired driving and address other causes of motor vehicle accidents in areas of high traffic concentrations in the city. (Sponsored by Mayor Cervenik) Res.  
(338-13)
  
- Second Reading (May be Acted Upon)** 4. An emergency ordinance authorizing the Mayor of the City of Euclid or his designee to enter into an agreement to extend the current contract with J&J Refuse, now known as Kimble Recycling and Waste Disposal, Inc., for the collection and disposal of solid waste materials and to provide the additional service of weekly recycling pick-up for the City of Euclid through December 31, 2019, with a mutual option to extend the agreement for an additional 5 year period. (Sponsored by Mayor Cervenik) Ord.  
(320-13)

5. An ordinance replacing Resolution 54-2012 and directing that the proceeds from the annual bicycle auction be directed to the Citizen Police Academy Alumni Association each year that such auction takes place. (Sponsored by Councilperson Scarniench) Ord. (340-13)
6. A resolution acknowledging and accepting the minutes and recommendations of the City of Euclid's Tax Incentive Review Council (TIRC) as they pertain to its review of the fiscal year 2012 Enterprise Zone (EZ) Agreements and Tax Increment Financing (TIF) Districts at the meeting of the Tax Incentive Review Council (TIRC) held on August 16, 2013. (Sponsored by Council President Holzheimer Gail) Res. (339-13)
7. A resolution authorizing the Director of Finance of the City of Euclid to take advances on the collection of Real Estate Taxes, Personal Property Taxes, and Special Assessments. (Sponsored by Entire Council by request of Finance Director) Res. (337-13)
8. An ordinance repealing Section 1387.03 of the Planning and Zoning Code and creating Section 1359.05(g) of the Planning and Zoning Code of the Codified Ordinances of the City of Euclid to provide for enhanced requirements when installing security door or window guards, gates or bars on retail, commercial and industrial uses. (Sponsored by Councilperson O'Hare by request of the Planning & Development Director) TO BE REFERRED TO PLANNING & ZONING COMMISSION Ord. (334a-13)

#### CEREMONIAL RESOLUTION

9. A resolution congratulating **Stevenson's Bar & Grille** and owner **Bruce Cerne** on its years of success at 23749 Lakeshore Boulevard. (Sponsored by Mayor Cervenik) Res. (341-13)

#### COMMITTEE OF THE WHOLE – PUBLIC PORTION

#### COUNCIL MEMBERS' COMMENTS

#### ADJOURNMENT

Ordinance No.

By - Mayor Cervenik, President Holzheimer Gail,  
Councilpersons Langman and McLaughlin

An emergency ordinance authorizing the Mayor or his designee to enter into a professional services agreement with SmithGroupJJR for Phase IV(A) of the design, engineering and permitting in support of the implementation of future capital improvements recommended as part of the Euclid Waterfront Improvements Plan, not to exceed Two Hundred Forty One Thousand Four Hundred and 00/100 Dollars (\$241,400.00).

WHEREAS, per Resolution 209-2009 passed December 21, 2009, Euclid City Council formally accepted the Euclid Waterfront Improvements Plan as an addendum to the City's Master Plan; and

WHEREAS, SmithGroupJJR has successfully completed three phases of consulting services related to the preparation, adoption and implementation of the Euclid Waterfront Improvements Plan; and

WHEREAS, SmithGroupJJR has provided the City with a proposal for professional services for a Phase IV contract detailing the next steps necessary for the design, engineering and permitting in support of the implementation of future capital improvements recommended as part of the Euclid Waterfront Improvements Plan; and

WHEREAS, the Waterfront Steering Committee established to advise and guide the Administration and City Council in the Plan implementation process has reviewed and recommended approval and authorization of an agreement with SmithGroupJJR for the Phase IV(A) portion of the proposal; and

WHEREAS, the Committee further agreed that based upon the completion and findings of the Phase IV(A) component, the Committee will reconvene and recommend to the Administration and City Council a course of action for the options presented in the proposal for Phase IV(B); and

WHEREAS, the City has received a State Capital Grant and established the Harbor Town Tax Increment Finance (TIF) District to help fund the implementation of the Plan; and

WHEREAS, the City intends to seek additional grant funding for this phase of professional services should they become available to supplement the Capital Grant and TIF funds; 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 uninterrupted professional services for the implementation of the Euclid Waterfront Improvements Plan.

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

Section 1: That the Mayor or his designee be and is hereby authorized, empowered, and directed to enter into an Agreement with SmithGroupJJR for Phase IV(A) of the design, engineering and permitting in support of the implementation of future capital improvements recommended as part of the Euclid Waterfront Improvements Plan, not to exceed Two Hundred Forty One Thousand Four Hundred and 00/100 Dollars (\$241,000.00). The Agreement shall be substantially in the form as approved by the Director of Law and as on file with the Clerk of Council.

Section 2: That funds to pay for this expenditure are to be derived from the State of Ohio Capital Grant, the Harbor Town, Clay Mathews and Bennington Hamlet TIF Funds, and such other grants as may be applied for and received for this purpose.

Section 3: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action,

were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 4: That this ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, safety and welfare of the citizens of the City of Euclid, and provided it receives the two-thirds vote of all members of Council elected thereto, shall be in full force and effect from and after its passage and approval; otherwise to be in full force and effect from and after the earliest period allowed by law.

Attest:

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Clerk of Council

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President of Council

Passed:

Approved:

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Mayor

Resolution No.

By - Mayor Cervenik and Councilperson O'Hare

A resolution authorizing the Mayor of the City of Euclid, or his designee to seek and review proposals to conduct a planning and marketing study to facilitate the redevelopment of the Lake Shore Boulevard and East 264<sup>th</sup> to East 266<sup>th</sup> Street area in the City of Euclid.

WHEREAS, the area immediately south of Lake Shore Boulevard from East 264<sup>th</sup> to East 266<sup>th</sup> (Study Area) includes commercial properties that are currently being offered for-sale, and are hindered by high levels of vacancy, varying degrees of building disrepair, building and site deficiencies and fragmented ownership; and

WHEREAS, a planning and marketing study will promote and facilitate the redevelopment of the Study Area in a manner that contributes to the vitality of the City; and

WHEREAS, services to be provided as part of the marketing and planning study include a survey of the existing market conditions, meeting with various community stakeholders, development of conceptual site redevelopment alternatives and creation of photorealistic renderings of the potential redevelopment; and

WHEREAS, the facilitation of the redevelopment of commercial properties through the development of marketing and planning studies is an eligible use of Community Development Block Grant funds; and

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

Section 1: That the Mayor of the City of Euclid, or his designee, is hereby authorized, empowered, and directed to seek and review proposals for a planning and marketing study of the area immediately south of Lake Shore Boulevard from East 264<sup>th</sup> to East 266<sup>th</sup> and to enter into all necessary contracts for professional services, subject to approval by the City of Euclid Board of Control, in a total amount not exceed Seven Thousand Five Hundred and 00/100 Dollars (\$7,500.00).

Section 2: That funds to pay for said planning activities are to be derived from the Community Development Block Grant 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 resolution shall take immediate effect.

Attest:

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Clerk of Council

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President of Council

Passed:

Approved:

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Mayor

Resolution No.

By – Mayor Cervenik

A resolution authorizing the Mayor as ex-Officio Director of Public Safety of the City of Euclid to accept a 2013 – 2014 High Visibility Enforcement Overtime Grant in the amount of \$50,658.17 through the Ohio Department of Public Safety which will allow the Euclid Police Department to engage in enforcement activities to combat impaired driving and address other causes of motor vehicle accidents in areas of high traffic concentrations in the city.

WHEREAS, the City of Euclid applied for the High Visibility Enforcement Overtime Grant through Ohio Department of Public Safety; and

WHEREAS, the purpose of the program is to increase the public perception about traffic laws by conducting highly visible enforcement activities in areas as determined by traffic crash data; and

WHEREAS, a law enforcement agency must conduct occupant restraint and alcohol-related enforcement activities to impact the level of fatal crashes. Agencies may address other high-risk traffic safety enforcement of traffic infractions such as speeding, aggressive driving, motorcycle crash reduction, failure to yield; and

WHEREAS, the grant will provide for reimbursement of up to 700 hours of overtime, and

WHEREAS, the term of the grant is from October 1, 2013 through September 30, 2014.

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

Section 1: That the Mayor as ex-Officio Director of Public Safety is hereby authorized to accept a 2013 - 2014 High Visibility Enforcement Overtime Grant in the amount of \$50,658.17 through the Ohio Department of Public Safety which will allow the Euclid Police Department to engage in enforcement activities to combat impaired driving and address other causes of motor vehicle accidents in areas of high traffic concentrations in the city.

Section 2: That expenditures for the Grant come from the HVEO Grant fund.

Section 3: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 4: That this resolution shall take immediate effect.

Attest:

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Clerk of Council

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President of Council

Passed:

Approved:

\_\_\_\_\_  
Mayor

Ordinance No.

By – Mayor Cervenik

An emergency ordinance authorizing the Mayor of the City of Euclid or his designee to enter into an agreement to extend the current contract with J&J Refuse, now known as Kimble Recycling and Waste Disposal, Inc., for the collection and disposal of solid waste materials and to provide the additional service of weekly recycling pick-up for the City of Euclid through December 31, 2019, with a mutual option to extend the agreement for an additional 5 year period.

WHEREAS, Kimble Recycling and Waste Disposal, Inc. has provided solid waste collection and disposal for the City of Euclid since March 1, 2010; and

WHEREAS, the Director of Public Service has negotiated with Kimble Recycling and Waste Disposal, Inc. to provide service through the use of 96 gallon rolling containers and to improve the level of community recycling through the use of 64 gallon rolling containers; and

WHEREAS, Kimble Recycling and Waste Disposal, Inc. has proposed a new agreement commencing January 1, 2014, and running through December 31, 2019, during which period Kimble would provide weekly unlimited solid waste and recycling collection at each eligible residence and certain municipal facilities; and

WHEREAS, the Director of Public Service has determined that based upon current and expected collection costs for solid waste and recycling, the City would realize savings in excess of \$500,000 over a four year period; and

WHEREAS, the contract would carry a variable fuel surcharge provision throughout the life of the agreement and the final two years of the contract period would adjust based upon the consumer price index applicable for the time period involved; and

WHEREAS; the final contract would include a mutual option period for five additional years; and

WHEREAS; the period to retro fit Kimble trucks and to order and deliver the rolling containers will be between three and four months; and

WHEREAS, the Council hereby waives competitive bidding based upon the cost saving to the City through the contract extension; and

WHEREAS, the subject matter of this ordinance constitutes an emergency in that the same provides for the preservation of the public peace, safety and welfare of the citizens of the City of Euclid, and for the daily operation of a municipal department.

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

Section 1: That the Mayor of the City of Euclid or his designee is hereby authorized to enter into an agreement to extend the current contract with J&J Refuse, now known as Kimble Recycling and Waste Disposal, Inc., for the collection and disposal of solid waste materials and to provide the additional service of weekly recycling pick-up for the City of Euclid through December 31, 2019, with a mutual option to extend the agreement for an additional 5 year period.

Section 2: That Kimble Recycling and Waste Disposal, Inc., provide 96 gallon trash rolling solid waste containers and 64 gallon rolling recycling containers at no additional cost to all eligible residents in the City on or before January 1, 2014,

Section 3: That the contract, consistent with the rates provisions and services provided in the attached rate schedule, be approved by the Director of Law.

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

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

Attest:

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Clerk of Council

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President of Council

Passed:

Approved:

\_\_\_\_\_  
Mayor





Ordinance No.

By – Councilperson Scarniench

An ordinance replacing Resolution 54-2012 and directing that the proceeds from the annual bicycle auction be directed to the Citizen Police Academy Alumni Association each year that such auction takes place.

WHEREAS, the Citizen Police Academy Alumni Association has been active in assisting the City of Euclid Police Department in the annual bicycle auction; and

WHEREAS, this Council has determined that the funds recovered from the bicycle auction would provide a substantial resource for the Citizen Police Academy Alumni Association to utilize for their worthwhile programs and would not cause significant impact on the General Fund revenues of the City; and

WHEREAS, expenditures by the Citizen police Academy Alumni Association for Euclid Police Department programs and equipment be subject to the approval of the Chief of Police and regulations and ordinances of the City of Euclid.

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

Section 1: That Resolution 54-2012 is hereby replaced to require the Director of Finance to pay over to the Citizen Police Academy Alumni Association funds received from the annual Police Bicycle Auction each year that such auction takes place.

Section 2: That expenditures by the Citizen police Academy Alumni Association for Euclid Police Department programs and equipment be subject to the approval of the Chief of Police and regulations and 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 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:

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Clerk of Council

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President of Council

Passed:

Approved:

Effective:

\_\_\_\_\_  
Mayor

Resolution No.

By – Sponsored by Council President Holzheimer Gail

A resolution acknowledging and accepting the minutes and recommendations of the City of Euclid's Tax Incentive Review Council (TIRC) as they pertain to its review of the fiscal year 2012 Enterprise Zone (EZ) Agreements and Tax Increment Financing (TIF) Districts at the meeting of the Tax Incentive Review Council (TIRC) held on August 16, 2013.

WHEREAS, the Tax Incentive Review Council reviewed the reports compiled by the City's Enterprise Zone Manager at the meetings of the Council held August 16, 2013; and

WHEREAS, The Tax Incentive Review Council found that all Agreements reviewed were in compliance with the terms contained in their Enterprise Zone Agreements; and

WHEREAS, the Tax Incentive Review Council found that all Tax Increment Financing (TIF) Districts reviewed were in compliance; and

WHEREAS, the Tax Incentive Review Council recommended the continuation of each Agreement reviewed apart from BIC Manufacturing (dba A-D Machine) which was allowed to expire in accordance with the terms of the agreement; and

WHEREAS, Ohio Revised Code Chapter 5709 requires that a local legislative body that receives recommendations from a tax incentive review council must vote to accept, reject, or modify all or any portion of the recommendations; and

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

Section 1: That this Council acknowledges receipt of the minutes and recommendations of the City of Euclid's Tax Incentive Review Council as they pertain to its review of the fiscal year 2012 Enterprise Zone Agreements and Tax Increment Financing Districts at the meeting of the TIRC that was held on August 16 2013. Minutes of the TIRC shall be in the form on file with the Clerk of Council.

Section 2: That this Council finds all owners of exempted property to be in compliance with their respective Agreements for fiscal year 2012, and accepts the recommendations of the TIRC that the Agreements be continued apart for BIC Manufacturing (dba A-D Machine), which shall be allowed to expire in accordance with the terms of the agreement.

Section 3: That this Council specifically approves the findings of the Tax Incentive Review Council that the TIFs are in compliance.

Section 4: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this resolution, 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 resolution shall take immediate effect.

Attest:

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Clerk of Council

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President of Council

Passed:

Approved:

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Mayor

## Minutes- 2013 Tax Incentive Review Council- Tuesday July 23, 2013

Micciulla- Welcome to the 2013 Tax Incentive Review Council today for the beautiful City of Euclid. We are reviewing those items which have received incentives. My name is Joe Micciulla, if we can go around the table for the roster please:

All: (introduce selves): Maggie Keenan, County Office of Budget Management; Chris Frey, City of Euclid Director of Law; Jonathan Holody, City of Euclid Director of Planning and Development; Nicole Musgrave, City of Euclid Enterprise Zone Manager/ Housing Coordinator; Morning -Jim Sonnhalter, City of Euclid Planning and Development; Steve Vasek, Treasurer Euclid City Schools; Donna Sudar Vice President of Euclid City School Board; Jan Bayne Cuyahoga County Department of Development.

Micciulla- Thank you all for coming. Today voting members will be you Mr. Frey, James, and which of you two will be the Voter?

Sudar- Mr. Vasek.

Micciulla- OK, there has been a sign in sheet has everyone signed it? If you could please sign it so we can then pass those names along to Miss Musgrave who will then create minutes for next year. Speaking of minutes, are there minutes from last year's meeting for approval? Yes they are, very nice package. I will give everyone a minute to read those over to see if there are any corrections, comments, concerns. Jonathan I told Nicole to ask you if you don't get the paper do you still pay the paperboy? Ah, Mr. (Mark) Parks (Cuyahoga County Treasurer's Office) is here in attendance for the record. Miss Musgrave was kind enough to give us a packet; we are now reviewing the minutes. Miss Musgrave, I take it I will be directing my questions to you?

Musgrave- Yes.

Micciulla- With the full support of all your esteemed colleagues. You are well supported by the way. So, last year when we made these recommendations to your City Council did they vote in sync with what we suggested?

Musgrave- Yes.

Micciulla- And was there any dissention or questions?

Musgrave- I am not sure about questions as I was not present but there was no dissention.

Micciulla- Thank you. Excuse me. Looking for any corrections or amendments to the minutes if not can I have a motion to approve?

Sonnhalter- I will make a motion to approve the minutes as presented.

Micciulla- Any seconds?

Vasek- Second.

Micciulla- All in favor?

All- Aye.

Micciulla- Before I throw it right to you Miss Musgrave, are you able to make a blanket statement that all properties receiving an incentive in the beautiful City of Euclid deploy non-discriminatory hiring practices?

Musgrave- The City of Euclid has not been made aware of any violations nor have any complaints or evidence of discriminatory hiring practices been brought to the attention of City officials. To that extent, the City of Euclid considers all recipients to be in compliance with established non-discriminatory hiring practices.

Micciulla- Thank you very much. Alright, if you'd like to pick out which one you would like to go over first.

Musgrave- I did put them in order. As of December 31<sup>st</sup> 2012 there were 4 active agreements within the City of Euclid. Ohio Revised Code allows for taking into consideration any fluctuations in the business cycle unique to the owner's business. Starting with Lincoln Electric (1) Cored Wire 063-03-01 per City of Euclid Ordinance No. 37-2003 amended per Euclid Ordinance No. 166-12. The City of Euclid entered into an Enterprise Zone agreement for tangible personal property with the Lincoln Electric Company. Lincoln has decided to keep the agreement active even though the State of Ohio no longer collects personal property tax.

Micciulla- Miss Musgrave, let me make it a little easier for you for the benefit of the committee. We are recognizing Lincoln Electric's investment in the community at the time the state was offering personal property abatement and they signed up for a couple of abatements although the original tax has been replaced by the CAT tax. These fine businessmen that they decided that they would like to keep the agreement in place should there be any change. There is no collection of personal property tax therefore there is not benefit in the collection of personal property tax. In recognition of the contributions that Lincoln Electric makes in the City of Euclid, they have asked that we continue in case that it should happen to change. Based on that, I would like to ask for a motion of compliance and continuance.

Frey- So moved for continuance and compliance.

Vasek- Second.

Micciulla- All in favor.

All-Aye.

Micciulla- A little easier there Nicole.

Musgrave- Lincoln Electric Robotics Division 063-06-01. Agreement was entered into...

Micciulla- (Interrupting) Ah, that was for both of them. Is everyone fine with that?

All- Yes.

Musgrave- Moving onto H.C. Stark, 063-05-03. The agreement was entered into in 2005; expires in 2015. Personal property investment totals \$37,680,708.

Micciulla- Nicole, could you give us a second to find our place?

Musgrave- Sure.

Micciulla- I am not finding H.C. Stark in my packet. Ah, there it is! Anyone else not finding? We can share.

Musgrave- The agreement was entered into in 2005; expires in 2015. Personal property investment totals \$37,680,708. Real property investment totals \$2,004,239. This level is consistent with that of 2012 and 2011. Per the agreement they agreed to retain 6 jobs and create 11. They have retained the 6 original jobs with an associated payroll of \$240,000. They proposed 13 new jobs but created 99 new jobs with an associated payroll of \$6,218,961. New jobs initially totaled 140 in 2008 as they moved the positions from another facility in New Jersey and Pennsylvania. The employee drawdown is contributed to a planned workforce reduction as the firm consolidates equipment into a single facility. The City of Euclid is monitoring the situation closely. Total payroll of \$6,458,961.

Micciulla- I want you to relax Nicole because you are more prepared than 90 percent of the professionals that come in here all the time. It is quite apparent that you have done your homework. Now the planned workforce development is not until down the road but presently they are still in compliance with the original terms of the agreement.

Musgrave- It is expected that they will be.

Micciulla- Anyone else have any questions, comments or concerns?

Sonnhalter- May I just add that in my conversation with their Controller, the number that they are currently at is the number they expect to stabilize at. During the process of consolidation they have spent a million dollars; they are spending another half a million dollars on a new addition and moving their machine shop to that new addition.

Micciulla- Looking for a motion as to whether they are in compliance with the original terms of the agreement?

Vasek- I will make the motion that they are in compliance.

Micciulla- Second?

Sonnhalter- Second.

Micciulla- All in favor?

All- Aye.

Micciulla- Can I have a motion to continue or terminate the agreement?

Sonnhalter- So moved to continue.

Vasek- Second.

Micciulla- Any nays? Ok. Miss Musgrave.

Musgrave- BIC Manufacturing. BIC was the first company to buy in Century Corners moving from their smaller Euclid location. Agreement was entered into in 2000; expires in 2012. Amended by City Council per ordinance 166-12. To honor the full commitment of 10 years the agreement was extended two years beyond the original expiration date from 2010 to 2012 to account for construction and exemption timelines. Personal property investment equals \$2,525,000. Real property investment remains constant at \$2,000,000. BIC committed to 30 new jobs. In 2012, BIC reported 33 new jobs with a total payroll of approximately \$1, 161, 431. BIC retained 18 jobs with a total payroll of approximately \$700,000.

Micciulla- Any questions? Last year, BIC was marked non-compliance which was assigned based on the discovery that the City followed a strict timeline of 10 years instead of years receiving incentive so that is what the previous non-compliance ruling referred to. Looking for a motion that they are in compliance with the original terms of the agreement?

Vasek- So moved.

Micciulla- Second.

Frey- Second.

Micciulla- Now, this is the last year so I would like to make a motion to allow the agreement to expire.

Sonnhalter- Motion to allow agreement to expire.

Frey- Second.

Micciulla- All in favor.

All- Aye.

Micciulla- Any nays? Miss Musgrave.

Musgrave- Moving onto the summary of the community reinvestment areas. The City of Euclid has 5 pre-1994 CRAs that cover both housing and commercial and industrial. Pre-1994 CRAs do not require agreements and are set in percentage of abatement. The abatement is automatic. There is 1 post- 1994 CRA ('The Shores of Edgecliff') which does not allow for any commercial/industrial; therefore, no agreements are required to be reviewed by law. Of note, Wade Steen requested copies of the pre-1994 Community Reinvestment Area district agreements which were furnished on April 10, 2013.

Micciulla- Thank you. This meeting is an opportunity to review the stewardship of public coffer with the goal of public transparency and that is why this office has made the request of you to go over where the TIF money is going. Last year you were kind enough to provide a spreadsheet and that is what you have here in this packet here. So, we still have to vote on these. So as far as TIFs go, compliance is tied to reporting. She has provided us with status reports but we would still like to go over them. Pre-1994 TIFs you can pretty much do whatever you want and it is a funding resource that the City has used to do development projects. So if you could please go over these one by one.

Musgrave- As the new Enterprise Zone manager, I undertook a comprehensive review of all agreements. As part of the review, I am confident that the aforementioned revenues and expenditures are accurate and follow all applicable program requirements. However, as part of my review, potential staff oversight was discovered predating current City of Euclid staff including possible oversight on payments to schools and/or the identification of additional eligible TIF parcels.

Micciulla- Hold on a second. Schools are you okay with all your TIF funds?

Vasek- I thought we were. I am interested in hearing more information.

Musgrave- We are working proactively with Calfee Halter & Griswold to resolve the discrepancies and move forward with the investigation. Counsel has advised us on preliminary steps including a full audit of all TIF agreements and filing a DTE-24 going forward. We will keep you advised of progress as the investigation proceeds. The issue has come to our attention during the past couple weeks and we expect a response from Calfee well before the next TIRC date although no timeline has been identified at this time. There were six (6) tax increment financing districts for which reports were submitted: Bennington Hamlet, C.M.P. Properties, Harbor Town, Downtown Euclid District 'A', Lakefront Municipal, and Senior Citizens Center. Bennington Hamlet this is a very early residential TIF, bringing over \$100,109.35 in revenue. The existing balance was \$73,916.32. The TIF paid \$73,089.03 to the Board of Education and the Library. Total outstanding obligations were \$20,805.27 to Calfee Halter & Griswold for legal counsel and fees to City Architecture in support of the ongoing streetscape initiative. The ending balance was \$77,131.37. CMP Properties...

Micciulla- (Interrupting) Wait, Wait. We are going to vote on these as we go along. The money collected for the TIF is for City Architecture and Calfee.

Holody- There were no expenses but we have open purchase orders.

Micciulla- The payment to Calfee wasn't necessarily to conduct the forensic auditing of the TIFs; is that a fair statement?

Holody- This year we have asked Calfee to look at the TIFs, but we are looking at the TIF funds to pay that work so it will be reflected in next year's statement as an expense for the work that Calfee is doing.

Micciulla- And you have taken the great stance of sharing the funds with the schools and the library?



Musgrave- Yes.

Micciulla- So that vote I have is whether they are in compliant with the reporting procedure?

Frey- Yes.

Sonnhalter- Second.

Sonnhalter- Motion to continue.

Vasek- Second.

Micciulla- Is anyone else going to ask any questions? Alright.

Musgrave- As this TIF is pre-1994, 100% of the monies go to the City of Euclid. Funds are used primarily for economic development. The existing balance was \$136,521.73. Gross TIF was \$56,742.94. Total debt service in support of economic development activities was \$23,568.52 to support the development of GO BAN recreational facilities. The ending balance was \$169,696.15.

Micciulla- No school disbursements on this fund?

Musgrave- No.

Vasek- Can I just have a quick clarification, I am sorry Jonathan and I missed the point about Calfee and Halter, I guess I am trying to get clear in my mind what legal expenses are incurred between the different kinds of TIFs.

Frey- Because Bennington Hamlet is an unrestricted TIF, we can use Calfee for economic development purposes.

Vasek- Ok, so it is not for administering the TIF?

Frey- The expenses all fall under general economic development provision and are therefore eligible. Also paying Calfee a handsome amount to do bond work for the City.

Micciulla- Is there is motion for the City in compliance with reporting?

Frey- So moved on CMP properties.

Sonnhalter- Second.

Micciulla- All in favor. Whether to continue, amend or terminate the agreement?

Sonnhalter- Continue.

Vasek- Second.

Micciulla- All in favor?

All- Aye.

Micciulla- You are stockpiling over there.

Musgrave- Downtown Euclid District 'A'- the beginning case balance was \$197,418.35. Gross TIF was \$45,576.20.94. No new expenses were added during the year. The ending balance was \$142,994.55.

Micciulla- You know, what are your plans for the TIF?

Sonnhalter- We are currently engaged with Hatchmott-McDonald for the second phase of the TLCI planning for downtown. We were successful in getting a \$700,000 grant from NOACA to development more refined plans for our streetscape, traffic modeling to phase in new capital improvements, road diet, and roadway improvements as a part of our economic development strategy.

Micciulla- Has this been completely built out?

Sonnhalter- It is not built out. We are in the planning and design stage of the project. We were just awarded a month ago 1.5 million dollars from the Ohio Department of Transportation for safety improvements. Construction year 2018. It is about a 4.5 million dollar project.

Micciulla- Any additional comments, questions complaints? Looking for a motion for a compliance in reporting?

Vasek- So moved.

Sonnhalter- Second.

Micciulla- All in favor?

All- Aye.

Micciulla- Motion to continue, amend or terminate.

Sonnhalter- Motion of continuance.

Frey- Second.

Micciulla- All in favor?

All- Aye.

Micciulla- Alright. Miss Musgrave.

Musgrave- Established in support of the waterfront improvement plan. Beginning cash balance of \$172,328.16. Net revenue \$178,482.67 for total revenue reported for 2012 of \$350,810.83. No new expenses added during the year. However, an outstanding obligation to Smith Group/JJR for Waterfront Phase III of \$32,101.42 resulted in a net balance of \$318,709.41.

Micciulla- No school board conversation?

Holody- This is one of the TIFs that Calfee will be taking a look at so when we hear back from Calfee we will get in touch with the school board and we can get in touch with you Joe.

Micciulla- Can I ask if Calfee will be looking at this TIF only?

Holody- We will look at all of them but they will probably look at this one the most closely.

Micciulla- I see debt service from 2010 is there some reason that has not yet been paid?

Holody- This is part of our waterfront planning process and that is a long term project and we are still engaged with them. There is no reason other than the work~~ing~~ is ongoing.

Micciulla- It has not yet been completed.

Holody- Correct.

Micciulla- Any other questions comments, concerns? You know I really wanted to inquire as to the scope of the Harbortown Project. What are you hoping to achieve with this TIF fund? This is the Americana?

Musgrave- Yes.

Micciulla- Any other developers come forward to discuss the future of the district?

Holody- K & D did come forward to discuss the future of their property and we are in discussion with JJR to continue the design work for our waterfront improvement project which would be a fairly sizeable contract. Over 300,000 to plan for the Central Shoreline ~~or and~~ Marina Shoreline to create public access to Lake Erie for ¾ of a mile from Sims Park to a group of properties that the City owns to the eastern edge of this area. With the completion of the pier this summer, we are excited to move forward with the next steps in this project.

Micciulla- Any movement of the Sikura properties?

Frey- There are a number of those properties and parcels which are in tax foreclosure. They are looking at that. There is also substantial outstanding balance with the City for water lines and water use. So we are in the discussion not to acquire the properties but for mortgage and tax foreclosure.

Micciulla- And you have a land bank, right?

Frey- Yes, we have a land bank. We own one of the parcels in that development area in our land bank.

Micciulla- Any motion as to whether they are in compliance for reporting?

Keenan- Motion for compliance.

Micciulla- Can I have a second?

Bayne- Second.

Micciulla- All in favor?

All- Aye.

Micciulla- Any nays? Any motion to continue, amend or terminate the Harbor Town TIF?

Bayne- Motion to continue.

Micciulla- Can I have a second?

Vasek- Second.

Micciulla- All in favor?

All- Aye.

Micciulla- Is there any other business to come before the Tax Incentive Review Council pertaining to the City of Euclid, Ohio?

Musgrave- We have yet to review the Lakefront Municipal TIF and the Senior Citizens Center TIF.

Micciulla- Have those been approved by the Ohio Department of Taxation?

Musgrave- The DTE- 24 was never filed for either of the districts.

Micciulla- So you do not have a TIF you have a legislative action.

Musgrave- For the Lakefront Municipal, I wanted to mention that it repealed in its entirety as part of the Harbor Town TIF and I wanted to mention that the Senior Citizen Center TIF, after speaking with our counsel, we plan to retroactively file for the exemption.

Micciulla- Ok, do you know what she is talking about? The last hoop to jump through is to apply, through the state Department of Taxation, for the exemption of taxes. TIFs have an exemption on the back end before the disbursement. It must be filed before the disbursement can be done. So there is really nothing for us to review, it is in the planning stages, but until the state Department of Taxation tells the fiscal officer to allocate funds there is no TIF. She has mentioned that one was for the Senior Center, when was the legislation passed for that?

Musgrave- 1994.

Micciulla- Ok, are you going to pass new legislation?

Musgrave- I do not think we were going to.

Micciulla- Ok, there are benefits and cons to both of those approaches. So was that originally planned as a 30 year TIF?

Musgrave- Yes.

Micciulla- So that would receive the balance of the term from 1994 if the application is successful to the Ohio Department of Taxation.

Vasek- So that would essentially be 30 years?

Micciulla- Correct. But then again, talk about the elephant, they play under the rules as of 1994 so school board compensation is something they don't have to jump to. Let's get that out of the way. The Senior Citizen's Center TIF was passed?

Musgrave- 1994.

Micciulla- Oh, so they were both passed in 1994.

Frey- One was expressly repealed under the Harbor Town TIF.

Micciulla- So there is potentially one that could be coming down the line?

Musgrave- Yes. That was the legislation that I emailed to you and Matthew Sutherland.

Micciulla- You will have to forgive me I receive quite a few. You know, have any of the parcel numbers changed? Will you be applying on active parcel numbers or parcel numbers as they existed when the legislation was enacted? You may want to look at that. You don't have any control of the consolidation or splitting of private property.

Frey- The zone is next to the center.

Micciulla- Oh, you created a zone? Oh boy. No wonder you hired Calfee. Do you deal with Gigi?

Frey- Yes.

Micciulla- Do not tell her you know me.

Frey- I am sure she wants to tell people she knows us.

Micciulla- Well, we can take this into consideration down the line but for the purpose of this meeting if there is no other business to come before this group I will ask for motion of adjournment.

Vasek- Can I just ask one more question?

Micciulla- No, of course.

Vasek- The Senior Citizen TIF, I guess I do not understand it being taxable in the first place.

Frey- The property involved is garden style apartments, a big parcel on the lake front.

Vasek- Ok, so it is not the Senior Center, it is just the name of the TIF.

Frey- (Motioning) It is the blue area.

Micciulla- Well, I would like to make an additional comment before we adjourn. Nicole, you did a fantastic job and your diligence made things go very smoothly. So, thank you. Looking for that motion of adjournment?

Frey- So moved.

Micciulla- Do we have a second?

Sonnhalter- Second.

Micciulla- Any nays? Are we done for the day? Thank you.

All- Thank you.

Resolution No.

By – All Members of Council (by request)

A resolution authorizing the Director of Finance of the City of Euclid to take advances on the collection of Real Estate Taxes, Personal Property Taxes, and Special Assessments.

WHEREAS, it is necessary in the anticipation of the collection of current revenue in and for the fiscal year 2014 for the Director of Finance to take advances on the collection of real estate taxes, personal property taxes and special assessments to pay the current operating expenses of the various departments of the City of Euclid.

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

Section 1: That the Director of Finance be, and he is hereby authorized, empowered and directed to take advances on the collection of real estate taxes, personal property taxes and special assessments in amounts authorized by law. Proceeds therefrom shall be used only for the purposes for which taxes were levied, collected, and appropriated.

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

Ordinance No.

By Councilperson O'Hare (by request)

An ordinance repealing Section 1387.03 of the Planning and Zoning Code and creating Section 1359.05(g) of the Planning and Zoning Code of the Codified Ordinances of the City of Euclid to provide for enhanced requirements when installing security door or window guards, gates or bars on retail, commercial and industrial uses.

WHEREAS, as the Council and Administration has determined that the installation of security gates and bars can create a negative image for the commercial buildings using these devices and a detrimental impact on the surrounding properties, the City of Euclid wishes to enact more comprehensive regulations on security gates and bars placed on local businesses; and

WHEREAS, the existing ordinance allows for the installation of a wide variety of security gates throughout the City of Euclid; and

WHEREAS, the City wishes the installation of security gates and bars to be aesthetically appealing to the community and surrounding businesses.

WHEREAS, the City wishes to minimize negative public perceptions which might follow the installation of overly intrusive barrier type security systems which might tend to have a blighting influence on surrounding properties.

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

Section 1: That Section 1387.03 of the Planning and Zoning Code of the Codified Ordinances of the City of Euclid is hereby repealed in its entirety.

**~~1387.03 SECURITY DOOR GUARDS AND GATES.~~**

~~—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, shall be conditioned upon the issuance of a special permit by the Planning and Zoning Commission, which permission shall be confirmed by Council before becoming effective.~~

Section 2: That Section 1359.05(g) of the Planning and Zoning Code of the Codified Ordinances of the City of Euclid is hereby amended to read as follows:

**1359.05(g) Metallic Door and Window Guards, Grates, Bars Shutters and Rolling Shutters**

The installation or use of any type of metallic window guards or door guards, folding gates, grating or bars shutters or rolling shutters placed across doors or windows in a retail or commercial or industrial use or accessory building shall be conditioned upon the issuance of a special permit by the Planning and Zoning Commission. In reviewing the request for a special permit the business operator must demonstrate the following:

(a) That the business has reviewed the proposed use of any of the items listed in this section with a Crime Prevention Specialist from the Euclid Police Department and determined from that review that other options to provide the desired security are not practical due to physical limitations or cost.

(b) That unprotected windows and doors would be at risk to damage through crime or vandalism, to a degree which would constitute a hardship to the operation of the business. Evidence of hardship shall include but is not limited to the following:

(1) Incidents of criminal activity or vandalism on site or in proximity to the subject property.

(2) Incidents of criminal activity or vandalism at similar business local establishments locally or regionally.



(3) Evidence of particular risk factors for crime or vandalism related to the specific location or physical features of the property, hours of operation and hours of non-operation.

(4) Evidence of risks which may be specific to the trade or business involving the application.

(c) Upon finding a need for a special permit, in order to promote high standards of design and operation, the Planning and Zoning Commission shall: refer the special permit application to the Architectural Board of Review which shall review elevation drawings, and installation specifications materials construction documents and color samples based on compatibility with the following factors:

(1) The system and installation of window or door guards, folding gates, grating or steel bars placed across doors or windows shall minimize visibility from public streets and where practical shall be entirely installed on the interior of the window and door frames.

(2) The security system design and installation shall, as much as is practical, minimize the visibility of track and storage systems as they would be seen from the exterior of the building.

(3) Any system to be installed within a multi tenant structure shall consider the context and impact on other tenants of the larger premises.

(4) The design shall, to such degree as is practical, minimize the visual impact of the system in both the open and closed positions.

(5) The design shall be visually compatible with the surrounding area and the general expectations of the specific use district and adjacent districts applicable to the subject property and it's neighborhood context.

(6) The owner or tenant shall participate in the City of Euclid "Knox Box" emergency entry program administered through the Fire Department.

(Section 1387.03 of the Planning and Zoning Code of the Codified Ordinances of the City of Euclid be and the same is hereby repealed.

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 – Mayor Cervenik

A resolution congratulating **Stevenson’s Bar & Grille** and owner **Bruce Cerne** on its years of success at 23749 Lakeshore Boulevard.

**WHEREAS,** Stevenson’s has been operating in the City of Euclid since 1920; and

**WHEREAS,** Bruce has cooked over 500,000 burgers in his 25 years at Stevenson’s owner; and

**WHEREAS,** Stevenson’s is known throughout the City of Euclid as having a family friendly atmosphere and some of the best food in town; and

**WHEREAS,** Stevenson’s won 1<sup>st</sup> place in the 2007 News-Herald Best Burger in the area competition; and

**WHEREAS,** the City of Euclid is proud to have **Stevenson’s Bar & Grille** as part of the growing local food and entertainment offerings for Euclid and area residents and wishes owner **Bruce Cerne** many, many more years of success in town at his new location.

**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 congratulate Stevenson’s Bar & Grille and owner Bruce Cerne on its years of success and warmest wishes for success at his East 200<sup>th</sup> Street location.

**Section 2:** That the Clerk of this Council is hereby authorized and directed to certify a copy of this resolution to **Bruce Cerne**, owner of **Stevenson’s Bar & Grille**.

**Section 3:** That this resolution shall take immediate effect.

Resolution No.

By - Mayor Cervenik, Council President Holzheimer Gail, Councilpersons Caviness, Scarniench, Jones, Lynch, McLaughlin, O’Hare, Langman, and Van Ho.

Attest:

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

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

Passed:

Approved:

\_\_\_\_\_  
Mayor