

**AGENDA  
EUCLID CITY COUNCIL MEETING  
MONDAY, OCTOBER 21, 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:**

**ADMINISTRATION REPORTS & COMMUNICATIONS:**

**REPORTS & COMMITTEE MINUTES:** Board of Control: 10/7/13

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

**LEGISLATION**

- |                      |   |                           |
|----------------------|---|---------------------------|
| <b>Third Reading</b> | <p>1. 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&amp;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)</p> <p>Comment: As proposed by the Administration, the city would extend the current solid waste collection contract with Kimble and include weekly curbside recycling pick-up. Residents would receive 96 gallon rolling trash bins and 64 gallon rolling recycling bins for automated collection. Administration will introduce amended legislation reflecting that an additional renewal option will be at the city's discretion and that some properties will be collected outside of the automated system depending on special circumstances.</p> | <p>Ord.<br/>(320-13)</p>  |
|                      | <p>2. 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 Planning and Development Director) (From Planning &amp; Zoning Commission with recommendation for passage)</p> <p>Comment: As amended and approved by Council committee, the installation of security grates would require a three step administrative process before being allowed.</p>   | <p>Ord.<br/>(334a-13)</p> |

3. An emergency ordinance authorizing the Director of Finance of the City of Euclid to enter into contracts with Affiliated FM Insurance Company and Zurich Insurance written through the firm of Love Insurance Agency, 34920 Ridge Road, Willoughby, Ohio 44054, insuring City-owned property, contents, boiler and machinery, inland marine, and against crime for the period October 1, 2013 through September 30, 2014. (Sponsored by Mayor Cervenik) Ord. (343-13)

Comment: The city's property insurance renewal is effective October 1<sup>st</sup> for a period of one year. Insurance covers buildings, heavy equipment and crime related losses. Liability coverage is not provided by insurance but through the Self Insurance Fund.

4. A resolution authorizing the Mayor of the City of Euclid or his designee to apply for, accept services and expend sub-grant funds through the Ohio Environmental Protection Agency Targeted Brownfield Assessment Program and the Cuyahoga County Department of Development Community Assessment Initiative for the environmental assessment of parcels of land located at 20100 St. Clair Avenue, generally known as the former Cleveland Trencher property. (Sponsored by Mayor Cervenik and Councilperson Scarniench) Res. (345-13)

Comment: The City has been working with the County Department of Development and Ohio EPA to find a solution for this property that will allow removal of the remaining structures and re-use as an industrial site. A more detailed memorandum will be provided by Planning and Development.

#### CEREMONIAL RESOLUTION

5. A resolution announcing **November 1, 2013** as “**Extra Mile Day**” in the **City of Euclid** and recognizing **The Hunger Center, Pet Pals, Kevon Smith, Beth Elersich, Dana Heil, and Mac Stephens** as individuals and organizations who go the **Extra Mile**. (Sponsored by Councilperson Jones) Res. (344-13)

#### COMMITTEE OF THE WHOLE – PUBLIC PORTION

#### COUNCIL MEMBERS' COMMENTS

#### ADJOURNMENT

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:

\_\_\_\_\_  
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:

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Clerk of Council

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President of Council

Passed:

Approved:

Effective:

\_\_\_\_\_  
Mayor

Ordinance No.

By – Mayor Cervenik

An emergency ordinance authorizing the Director of Finance of the City of Euclid to enter into contracts with Affiliated FM Insurance Company and Zurich Insurance written through the firm of Love Insurance Agency, 34920 Ridge Road, Willoughby, Ohio 44054, insuring City-owned property, contents, boiler and machinery, inland marine, and against crime for the period October 1, 2013 through September 30, 2014.

WHEREAS, in Ordinance 151-2012, the City authorized renewal of coverage through existing carriers; and

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

WHEREAS, the City of Euclid wishes to retain coverage through September 30, 2014 with Love Insurance Agency through Affiliated FM Insurance Company and Zurich Insurance, in an amount not to exceed Sixty Five Thousand Dollars (\$65,000.00); and

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

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

Section 1: That the Director of Finance is hereby authorized to enter into contracts with Affiliated FM Insurance Company and Zurich Insurance written through the firm of Love Insurance Agency for insurance of City-owned property, contents, boiler and machinery, inland marine, and against crime for the period of October 1, 2013 through September 30, 2014, in an amount not to exceed Sixty Five Thousand Dollars (\$65,000.00). The summary of coverage and cost is on file with the Clerk of Council.

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

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

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

Attest:

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

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President of Council

Passed:

Approved:

\_\_\_\_\_  
Mayor

Resolution No.

By - Mayor Cervenik and Councilperson Scarniench

A resolution authorizing the Mayor of the City of Euclid or his designee to apply for, accept services and expend sub-grant funds through the Ohio Environmental Protection Agency Targeted Brownfield Assessment Program and the Cuyahoga County Department of Development Community Assessment Initiative for the environmental assessment of parcels of land located at 20100 St. Clair Avenue, generally known as the former Cleveland Trencher property.

WHEREAS, the former site of the Cleveland Trencher Company, located at 20100 St. Clair Avenue and comprised of parcels 646-03-001, 646-04-001 and 646-04-002, represents a significant opportunity for redevelopment of industrial real property in the City of Euclid; and

WHEREAS, environmental assessment services provided by the Cuyahoga County Department of Development Community Assessment Initiative at the request of the City of Euclid in accordance with Resolution No. 119-2011 demonstrated the need for additional assessment activities at the site prior to redevelopment; and

WHEREAS, the Ohio Environmental Protection Agency administers the Targeted Brownfield Assessment program and the Cuyahoga County Department of Development administers the Community Assessment Initiative to provide environmental assessment services to municipalities to facilitate the redevelopment of brownfield properties; and

WHEREAS, the City of Euclid intends to apply for such assistance from the Ohio Environmental Protection Agency and the County Department of Development to facilitate the future redevelopment of this site in a manner that returns the property to tax producing status and generates economic activity within the City of Euclid.

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

Section 1: That this Council authorizes the Mayor or his designee to apply for, accept services and or expend sub-grant funds through the Ohio Environmental Protection Agency Targeted Brownfield Assessment Program and the Cuyahoga County Department of Development Community Assessment Initiative for the environmental assessment of parcels of land located at 20100 St. Clair Avenue, generally known as the former Cleveland Trencher property

Section 2: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were, in meeting 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

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President of Council

Passed:

Approved:

\_\_\_\_\_  
Mayor

Resolution No.

By – Councilperson Jones

A resolution announcing **November 1, 2013** as “**Extra Mile Day**” in the **City of Euclid** and recognizing **The Hunger Center, Pet Pals, Kevon Smith, Beth Elersich, Dana Heil, and Mac Stephens** as individuals and organizations who go the **Extra Mile**.

**WHEREAS**, the City of Euclid is a community which acknowledges that a special vibrancy exists within the entire community when its individual citizens collectively “go the extra mile” in personal effort, volunteerism, and service; and

**WHEREAS**, the City of Euclid is a community which encourages its citizens to maximize their personal contribution to the community by giving of themselves wholeheartedly and with total effort, commitment, and conviction to their individual ambitions, family, friends, and community; and

**WHEREAS**, the City of Euclid is a community which chooses to shine a light on and celebrate individuals and organizations within its community who “go the extra mile” in order to make a difference and lift up fellow members of their community; and

**WHEREAS**, the City of Euclid acknowledges the mission of Extra Mile America to create 400 Extra Mile cities in America and is proud to support “**Extra Mile Day**” on **November 1, 2013** by acknowledging the following individuals and organizations:

**The Hunger Center** for its work in food distribution to help many individuals and families in the community; and

**Pet Pals** for the unconditional devotion to the care and up keep of the Animal Shelter and all orphaned animals that call the shelter their temporary home; and

**Kevon Smith** for his positive influence on the City’s youth through his program “**Stand Up**” which is still going strong in our schools; and

**Beth Elersich** from the Chardon Hill Neighborhood Association for holding a Facebook Training class for any neighborhood association that wanted to start a Facebook page; and

**Dana Heil** from Our Lady of the Lake for organizing the churches across the Lake Shore into a collaborative group that is multi-denominational; and

**Mac Stephens** for his recreational opportunities for Euclid Youth where he augments their recreation time with homework help and mentoring; he instills these focuses in the coaches and volunteers who work to create well-rounded individuals; and

**WHEREAS**, the City of Euclid is proud to have **The Hunger Center, Pet Pals, Kevon Smith, Beth Elersich, Dana Heil, and Mac Stephens** as part of its community.

**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 announce **November 1, 2013** as “**Extra Mile Day**”

**Section 2:** That the Clerk of this Council is hereby authorized and directed to certify a copy of this resolution to **Extra Mile America Foundation, Hunger Center, Pet Pals, Kevon Smith, Beth Elersich, Dana Heil, and Mac Stephens**.

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

Attest:

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

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President of Council

Passed:

Approved:

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Mayor