

AGENDA
EUCLID CITY COUNCIL MEETING
TUESDAY, JANUARY 20, 2015 AT 7:00 PM
EUCLID MUNICIPAL CENTER COUNCIL CHAMBER

PERMISSIBLE PRELIMINARIES:
FIRST GAVEL

PLEDGE OF ALLEGIANCE

EUCLID CITY COUNCIL MEETING BUSINESS:
SECOND GAVEL

ROLL CALL OF MEMBERS

COMMUNICATIONS:

COUNCIL MINUTES: January 5, 2015

ADMINISTRATION REPORTS & COMMUNICATIONS:

REPORTS & COMMITTEE MINUTES: Police Report – September 2014
Board of Control: 12/29/14; 1/5/15

COMMITTEE OF THE WHOLE FOR LEGISLATIVE MATTERS ONLY

LEGISLATION

1. A Resolution re-appointing two members and appointing one new member to the Audit Committee established by Ordinance 236-2007 and amended by Resolution 33-2011. (Sponsored by Mayor Cervenik and Entire Council) Res. (006-15)

Comment: Audit Committee members will meet with the City's outside state auditor in January for planning purposes for the 2014 financial audit. Members also meet with auditors when annual audit is completed and at other times as requested. Members serve two year terms.
2. A Resolution to appoint Rebecca McFarland and John Paul Kilroy to the Euclid Landmark Commission. (Sponsored by Mayor Cervenik and Entire Council) Res. (007-15)

Comment: Landmark Commission members serve to designate buildings and objects of significant historic value and interest for the education of the general public. Members appointed serve a three year term.
3. An emergency ordinance to approve the editing and inclusion of certain ordinances and resolutions as parts of the various component codes of the Codified Ordinances; to provide for the adoption and publication of new matter in the updated and revised Codified Ordinances; and to repeal ordinances and resolution in conflict therewith. (Sponsored by Council President Holzheimer Gail) Ord. (008-15)

Comment: Codified ordinance updates are published annually and include print and on-line versions. The update includes changes made through June 30, 2014.
4. A resolution appointing J. Scott Muscatello, Planning & Zoning Coordinator, as the Enterprise Zone Manager and Housing Officer in accordance with the requirements of the Ohio Department of Development Enterprise Zone (EZ) and Community Reinvestment Area (CRA) Programs, and to serve as staff to the Tax Incentive Review Council pursuant to O.R.C. 5709.85 and O.R.C. 3735.66. (Sponsored by Mayor Cervenik) Res. (009-15)

Comment: City is required to designate a member of its staff to gather data regarding Enterprise Agreements and CRA and TIF matters and annually report the findings to Cuyahoga County.

**First
Reading
Public
Hearing
March
2nd**

5. A resolution granting a Use District Exception, pursuant to Chapter 1375.01(a)(3) of the Codified Ordinances of the City of Euclid, to Sheila Lewis, prospective tenant, to operate a daycare in a U8 Office Building District, at 25701 North Lakeland Boulevard, Permanent Parcel Number 643-25-010. (Sponsored by Planning & Zoning Commission) Res. (010-15)

Comment: Sheila Lewis requested a use district exception to establish a child care center inside the Lakeland Medical Building at 25701 North Lakeland Boulevard. Planning and Zoning recommends approval.

COMMITTEE OF THE WHOLE – PUBLIC PORTION

COUNCIL MEMBERS' COMMENTS

ADJOURNMENT

(006-15)

Resolution No.

By: Mayor Cervenik and Entire Council

A Resolution re-appointing two members and appointing one new member to the Audit Committee established by Ordinance 236-2007 and amended by Resolution 33-2011.

WHEREAS, under Section 137.08 of the Codified Ordinances of the City of Euclid there exists an Audit Committee consisting of four members, three of whom are nominated by the Mayor and subject to confirmation by the Council; and

WHEREAS, the Mayor has nominated three well qualified members of the Euclid community to provide periodic oversight and review of the annual Audit Report.

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

Section 1: That Gwen Davis and David Carlson be confirmed for reappointment to a term ending December 31, 2015.

Section 2: That the nomination of Anthony Basalla be confirmed for initial terms ending December 31, 2016.

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 take immediate effect.

Attest:

Clerk of Council

President of Council

Passed:

Approved:

Mayor

(007-15)

Resolution No.

By – Mayor Cervenik and Entire Council

A Resolution to appoint Rebecca McFarland and John Paul Kilroy to the Euclid Landmark Commission.

WHEREAS, the Euclid Landmark Commission, pursuant to Chapter 1303.02 of the Euclid Codified Ordinances, shall be comprised of five members appointed by the Mayor and approved by a majority of Council; and

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

Section 1: That this Council does hereby approve the appointment of Rebecca McFarland and John Paul Kilroy to the Euclid Landmark Commission to serve until December 31, 2016.

Section 2: That the Clerk of this Council is hereby authorized and directed to certify a copy of this resolution to the Euclid Landmark Commission.

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

Section 4: That this resolution shall take immediate effect.

Attest:

Clerk of Council

President of Council

Passed:

Approved:

Mayor

Ordinance No.

Sponsored by Council President Holzheimer Gail

AN EMERGENCY ORDINANCE TO APPROVE THE EDITING AND INCLUSION OF CERTAIN ORDINANCES AND RESOLUTIONS AS PARTS OF THE VARIOUS COMPONENT CODES OF THE CODIFIED ORDINANCES; TO PROVIDE FOR THE ADOPTION AND PUBLICATION OF NEW MATTER IN THE UPDATED AND REVISED CODIFIED ORDINANCES; AND TO REPEAL ORDINANCES AND RESOLUTIONS IN CONFLICT THEREWITH.

WHEREAS, American Legal Publishing has completed its 2014 updating and revision of the Codified Ordinances of the City; and

WHEREAS, various ordinances of a general and permanent nature that have been passed by Council since the date of the last updating and revision of the Codified Ordinances (December 31, 2012) have been included in the Codified Ordinances of the City; and

WHEREAS, certain changes were made in the Codified Ordinances to bring City law into conformity with State law; and

WHEREAS, an emergency exists in that it is immediately necessary to have an up-to-date Code of Ordinances that is consistent with current State law, as required by the Ohio Constitution, in order to administer the affairs of the City and to ensure law and order;

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

Section 1: That the editing, arrangement and numbering or renumbering of the following ordinances and parts of ordinances are hereby approved as parts of the various component codes of the Codified Ordinances of the City, so as to conform to the classification and numbering system of the Codified Ordinances:

<u>Ord. No.</u>	<u>Date</u>	<u>C.O. Section</u>
15-2013	2-19-13	147.01, 147.02
26-2013	3-18-13	1703.57
41-2013	4-15-13	763.03, 763.05, 763.06
60-2013	6-3-13	121.34
110-2013	10-21-13	1359.05 Repeals 1387.03
117-2013	11-18-13	1761.05
32-2014	4-7-14	1705.03
33-2014	4-7-14	529.04
60-2014	5-19-14	921.25 Repeals 559.09
62-2014	6-2-14	731.07, 1358.07, 1359.04, 1359.06, 1362.06, 1362.07, 1363.09, 1365.05, 1389.01 to 1389.15 Repeals 1357.05(b) Repeals Ch. 1389

Section 2: That the following sections are or contain new matter in the Codified Ordinances and are hereby approved, adopted and enacted:

[Intentionally left blank]

Section 3: That all ordinances and resolutions and parts thereof that are in conflict with any of the provisions of the new matter approved, adopted and enacted by Section 2

hereof are hereby repealed, except as follows:

- (a) The enactment of such new matter shall not be construed to affect a right or liability accrued or incurred under any legislative provision prior to the effective date of such enactment, or an action or proceeding for the enforcement of such right or liability. Such enactment shall not be construed to relieve any person from punishment for an act committed in violation of any such legislative provision, nor to affect an indictment or prosecution therefor. For such purposes, any such legislative provision shall continue in full force notwithstanding its repeal for the purposes of revision and recodification.
- (b) The repeal provided above shall not affect any legislation enacted subsequent to June 30, 2014.

Section 4: That pursuant to Section 121.13 of the Codified Ordinances, the Clerk of Council is directed and authorized to post for a period of fifteen days a copy of this ordinance in the five public places as specified in Section 121.13. Pursuant to Article II, Section 5, of the City Charter, no further publication of this ordinance, or of the 2014-A Replacement Pages hereby approved, adopted and enacted, shall be necessary.

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 that all meetings of any of the committees of Council that resulted in such formal action were open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 6: 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, it shall be in full force and effect from and after its passage and approval; otherwise it shall be in full force and effect from and after the earliest period allowed by law.

Attest:

Clerk of Council

President of Council

Passed:

Approved:

Mayor

Resolution No.

Sponsored by Mayor Cervenik

A resolution appointing J. Scott Muscatello, Planning & Zoning Coordinator, as the Enterprise Zone Manager and Housing Officer in accordance with the requirements of the Ohio Department of Development Enterprise Zone (EZ) and Community Reinvestment Area (CRA) Programs, and to serve as staff to the Tax Incentive Review Council pursuant to O.R.C. 5709.85 and O.R.C. 3735.66.

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

Section 1: That this Council does make it a matter of public record and appoints J. Scott Muscatello, Planning & Zoning Coordinator, as the Enterprise Zone Manager and Housing Officer in accordance with the requirements of the Ohio Department of Development Enterprise Zone (EZ) and Community Reinvestment Area (CRA) Programs, and to serve as staff to the Tax Incentive Review Council.

Section 2: That said appointee shall hereby have such authority and fulfill such responsibilities and duties pursuant to O.R.C. 5709.85 and O.R.C. 3735.66.

Section 3: That the Clerk of Council shall send a certified copy of this resolution to the Ohio Department of Development.

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

Section 5: That this resolution shall take immediate effect.

Attest:

Clerk of Council

President of Council

Passed:

Approved:

Mayor

(010-15)

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 Sheila Lewis, prospective tenant, to operate a daycare in a U8 Office Building District, at 25701 North Lakeland Boulevard, Permanent Parcel Number 643-25-010.

WHEREAS, at its meeting on January 13, 2015, the Planning and Zoning Commission approved a Use District Exception, with conditions, to Sheila Lewis, prospective tenant, to operate a daycare in a U8 Office Building District, at 25701 North Lakeland Boulevard; and

WHEREAS, the use district exception was approved with the conditions that two (2) pull in type parking spaces adjacent to the building are assigned for daycare drop off and pick up and a six (6) foot fence is completed for enclosure of any outdoor play area; and

WHEREAS, Chapter 1375 of the Euclid Codified Ordinances provides that whenever the Planning and Zoning Commission approves a Use District Exception that decision must be confirmed by a Council resolution before it becomes effective; and

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

Section 1: That a Use District Exception is hereby granted, pursuant to Chapter 1375.01(a)(3) of the Codified Ordinances of the City of Euclid, to Sheila Lewis, prospective tenant, to operate a daycare in a U8 Office Building District, at 25701 North Lakeland Boulevard, Permanent Parcel Number 643-25-010.

Section 2: That two (2) pull in type parking spaces will be assigned for daycare drop off and pick up and a six (6) foot fence will be completed for enclosure of any outdoor play area.

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