

AGENDA
EUCLID CITY COUNCIL MEETING
MONDAY, NOVEMBER 20, 2017 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:

None at this time.

COUNCIL MINUTES:

September 18, 2017

ADMINISTRATION REPORTS & COMMUNICATIONS:

REPORTS & COMMITTEE MINUTES:

Board of Control: October 30th, November 6th and November 13, 2017

COMMITTEE OF THE WHOLE FOR LEGISLATIVE MATTERS ONLY

LEGISLATION

ACTION

PROPOSED

1. A resolution approving the Annual Action Plan for the fiscal year 2018 Entitlement Year under the Community Development Block Grant Program of the United States Department of Housing and Urban Development as recommended by the Citizens' Advisory Committee of the City of Euclid and authorizing the Mayor to submit said Annual Action Plan to the United States Department of Housing and Urban Development. (Sponsored by Mayor Holzheimer Gail and Councilperson Scarniench) Res. (144-17)

Comment: This would approve the Annual Action Plan for future CDBG expenditures and programs.

2. An emergency ordinance authorizing the sale of Permanent Parcel Number 648-25-070, vacant land at 1412 East 264th Street from the Euclid Land Bank, to Edward E. Howard, Jr., for the amount of One Thousand Dollars (\$1,000.00) as authorized by Ordinance Nos. 98-2010 and 101-2011. (Sponsored by the Planning and Zoning Commission) Ord, (145-17)

Comment: This would allow the sale of a land bank lot.

Second Reading

3. An ordinance amending Section 1377.12 "Temporary Portable Storage Units and Dumpsters" of the Planning and Zoning Code to amend the definition of "Dumpster" to include "Bagster" or comparable bagged dumpster and to treat these bagged dumpsters similar to traditional dumpsters. (Sponsored by Councilpersons Langman and Delaney) (Referred to Council by the Planning and Zoning Commission with recommendation for passage) Ord. (014-17)

Comment: This would allow the City to treat bagged dumpsters similar to regular dumpsters for enforcement purposes.

**Second
Reading**

4. An ordinance amending Section 1385.03 “Porches; Handicap Ramps; Obstructions of Driver’s View as Corner Lots” of the Front Yards; Building Lines Chapter of the Streets, Planning and Zoning Code of the Codified Ordinances for the City of Euclid. (Sponsored by Councilperson Scarniench) (Referred to Council by the Planning and Zoning Commission with recommendation for passage) Ord. (134-17)

Comment: This would give more flexibility for a property owner to install a front porch or deck.

5. A resolution in support of the Federal Historic Preservation Tax Incentives program and New Markets Tax Credit program. (Sponsored by Mayor Holzheimer Gail and Councilperson Langman) Res. (143-17)

Comment: This resolution supports federal tax incentives for historic preservation and revitalization.

COMMITTEE OF THE WHOLE – PUBLIC PORTION

COUNCIL MEMBERS’ COMMENTS

ADJOURNMENT

Resolution No.

By: Mayor Holzheimer Gail and Councilperson Scarniench

A resolution approving the Annual Action Plan for the fiscal year 2018 Entitlement Year under the Community Development Block Grant Program of the United States Department of Housing and Urban Development as recommended by the Citizens' Advisory Committee of the City of Euclid and authorizing the Mayor to submit said Annual Action Plan to the United States Department of Housing and Urban Development.

WHEREAS, the City of Euclid is expected to receive an allocation of Nine Hundred Thousand and 00/100 Dollars (\$900,000.00) from the Community Development Block Grant Program of the United States Department of Housing and Urban Development in fiscal year 2018; and

WHEREAS, the Citizens' Advisory Committee of the City of Euclid, appointed by the Mayor to determine the needs of the community that can be addressed through the Community Development Block Grant Program, has designated programs which relate to those needs and allocated funds to accomplish these programs; and

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

WHEREAS, the recommendations of the Citizens' Advisory Committee provide improved planning which coordinates housing assistance and Community Development programs and encourages a comprehensive approach to dealing with urban problems; and

WHEREAS, the Annual Action Plan for the fiscal year 2018 Entitlement Year is consistent with the goals and objectives of the five-year Consolidated Plan developed by the City; and

WHEREAS, the Annual Action Plan for the fiscal year 2018 Entitlement Year reflects a sincere and dedicated effort on the part of the City of Euclid to wisely use available federal funds.

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

Section 1: That this Council does hereby approve the Annual Action Plan for the fiscal year 2018 Entitlement Year under the Community Development Block Grant Program of the United States Department of Housing and Urban Development and authorizes the Mayor to submit said Annual Action Plan to the United States Department of Housing and Urban Development.

Section 2: That the Mayor is hereby authorized to act in connection with the submission of the Annual Action Plan for the fiscal year 2018 Entitlement Year, to provide such additional information as may be required and to enter into any and all agreements necessary to accept and expend funds for the programs contained in the Annual Action Plan for the fiscal year 2018 Entitlement Year, including contracts with the Housing Research and Advocacy Center and the Euclid Development Corporation with such contracts to be approved in amount and Vendor/Sub-recipient by the City of Euclid Board of Control.

Section 3: A copy of the Annual Action Plan for the fiscal year 2018 Entitlement Year is on file in the office of the City of Euclid Department of Planning and 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

Ordinance No.

By – Planning and Zoning Commission

An emergency ordinance authorizing the sale of Permanent Parcel Number 648-25-070, vacant land at 1412 East 264th Street from the Euclid Land Bank, to Edward E. Howard, Jr., for the amount of One Thousand Dollars (\$1,000.00) as authorized by Ordinance Nos. 98-2010 and 101-2011.

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

WHEREAS, at its meeting on November 14, 2017 the Planning and Zoning Commission recommended approval of the sale of Permanent Parcel Number 648-25-070, vacant land, from the Euclid Land Bank, to Edward E. Howard, Jr., for the amount of One Thousand Dollars (\$1,000.00); and

WHEREAS, Edward E. Howard, Jr. owns the adjacent consolidated properties, Permanent Parcel Numbers 648-25-068 and 648-25-069 and desires to purchase the 648-25-070 parcel for property expansion; and

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

WHEREAS, the subject matter of this ordinance constitutes an emergency in that the same provides for the preservation of the public peace, safety and welfare of the citizens of the City of Euclid, and to allow the sale to be finalized in a timely manner.

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

Section 1: That the sale of Permanent Parcel Number 648-25-070, vacant land at 1412 East 264th Street from the Euclid Land Bank, to Edward E. Howard, Jr. for the amount of One Thousand Dollars (\$1,000.00) as authorized by Ordinance No. 98-2010 and amended by Ordinance 101-2011 is hereby approved.

Section 2: That City Council approves the sales price adjustment below the Cuyahoga County Auditor's market value due to area market conditions and based on pricing policies adopted in Ordinance 98-2010 and amended by Ordinance 101-2011.

Section 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

President of Council

Passed:

Approved:

Mayor

Ordinance No.

By – Councilpersons Langman and Delaney

An ordinance amending Section 1377.12 "Temporary Portable Storage Units and Dumpsters" of the Planning and Zoning Code to amend the definition of "Dumpster" to include "Bagster" or comparable bagged dumpster and to treat these bagged dumpsters similar to traditional dumpsters.

WHEREAS, the City of Euclid recognizes that the use of temporary portable storage units and dumpsters and dumpsters in a bag are becoming increasingly common throughout the City; and

WHEREAS, the City of Euclid understands that temporary portable storage units and dumpsters left on residential properties throughout the City for extended periods of time have a direct effect on the aesthetic appeal of the City; and

WHEREAS, the City of Euclid recognizes temporary portable storage units and dumpsters need to be regulated by the City of Euclid's Planning and Zoning Code; and

WHEREAS, the "Bagster" or similar dumpster in a bag need to be treated similar to traditional dumpsters.

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

Section 1: That Section 1377.12 "Temporary Portable Storage Units and Dumpsters" of the Planning and Zoning Code of the City of Euclid be and the same is hereby amended to read as follows:

1377.12 TEMPORARY PORTABLE STORAGE UNITS AND DUMPSTERS

(a) **Definitions;** As used in this Section:

"Temporary Portable Storage Unit(s)" shall mean any container, storage unit, shed-like container or other portable structure that can or is used for the storage of personal property of any kind and which is located for such purposes outside an enclosed building for a temporary period of time until the portable storage unit is moved to an off-site location.

"Dumpster" shall mean any temporary bulk container, or "Bagster," or comparable bagged dumpster, placed for use as a depository for refuse, trash, garbage, construction materials or debris. Long-term dumpsters used for multi-family residences shall comply with all applicable screening requirements of the Codified Ordinances of the City of Euclid.

(b) **Usage, Frequency and Duration;**

(1) **Usage of Portable Storage Unit;** A portable storage unit may be used for holding property when work in a structure may require for property to be placed elsewhere; or for loading or unloading property when moving to or from a structure.

(2) **Usage of Dumpsters/Bagged Dumpsters;** A dumpster/bagged dumpster may be used for holding refuse, garbage, construction materials or debris when work in a structure may require a place to throw away large amounts of waste; or for holding waste when moving to or from a structure.

(3) **Frequency and Duration;** An "event" shall consist of the delivery and pick-up of the portable storage unit, dumpster/bagged dumpster or multiple deliveries and pick-ups within thirty (30) days. The user shall complete and submit an application to the Building and Housing Department and obtain a permit indicating date that the portable storage unit or dumpster/bagged dumpster will be delivered and the "event" shall commence on delivery date. Temporary portable storage units and dumpsters/bagged dumpsters may not exceed the following durations of stay:

(A) In any of the Residential Zoning Use Districts, events shall be at a maximum of thirty (30) calendar days per event with a maximum of four (4) events per structure per 12 month period. There shall be at least one (1) month in between each event.

(B) Exception. In residential zoning use districts, the Building and Housing Department may approve an event lasting more than the maximum of thirty (30) calendar days described above provided a permit for construction or rehabilitation exists on the subject property. Any party aggrieved by this discretionary extension or refusal to extend may appeal to the Planning and Zoning Commission to reverse or modify the decision.

(c) **Placement;** Portable storage units and dumpsters/bagged dumpsters are prohibited from being placed in streets. Portable storage units and dumpsters/bagged dumpsters must be kept in the driveway, rear or side yard a minimum of 10 feet away from any adjacent house where practical.

(d) **Responsibilities of vendors and users;** The vendor of the temporary portable storage unit and/or dumpsters/bagged dumpsters shall be responsible to ensure that the portable storage unit is in good condition, free from evidence of

deterioration, weathering, discoloration, rust, ripping, tearing or other holes or breaks. When not in use the portable storage unit shall be kept locked. Dumpster lids and doors shall be kept tightly and completely closed when not in use. "Bagsters" or comparable bagged dumpster must be covered with a tarp. The user is responsible to ensure no hazardous substances are stored or kept within a portable storage unit and/or dumpster. The area surrounding the dumpster shall be kept clean and free of loose debris. The City of Euclid shall require the user to provide adequate screening or tarp to be placed on the dumpster to contain dust and debris in the event of a complaint. The vendor shall indicate their name and contact telephone number on the temporary portable storage unit and/or dumpster.

(e) **Relationship to Other Laws;** Nothing in this chapter shall be deemed to limit the City in any way to use any or all other means available to remove the nuisance, or summarily eliminate immediate hazards to the public health, safety or welfare as granted in any ordinances of the City of Euclid or the laws or Constitution of the State of Ohio.

Section 2: Section 1377.12 "Temporary Portable Storage Units and Dumpsters" of the Planning and Zoning Code of the City of Euclid be and the same is hereby amended.

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:

Effective:

Approved:

Mayor

Ordinance No.

By – Councilperson Scarniench

An ordinance amending Section 1385.03 "Porches; Handicap Ramps; Obstructions of Driver's View as Corner Lots" of the Front Yards; Building Lines Chapter of the Streets, Planning and Zoning Code of the Codified Ordinances for the City of Euclid.

WHEREAS, the City of Euclid recognizes a desire on the part of homeowners to install unenclosed porches and decks which encroach into required front yard areas; and

WHEREAS, current front yard encroachments are limited to small stair landings or stoops which do not readily accommodate seating areas; and

WHEREAS, changing home owner tastes appear to value front yard porches and decks over open lawn and other landscape areas.

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

Section 1: That Section 1385.03 "Porches; Handicap Ramps; Obstructions of Driver's View as Corner Lots" of the Front Yards; Building Lines Chapter of the Streets, Planning and Zoning Code of the Codified Ordinances for the City of Euclid is hereby amended to read as follows:

1385.03 PORCHES; HANDICAP RAMPS; OBSTRUCTION OF DRIVER'S VIEW AT CORNER LOTS

(a) In Class U-1 and U-2 Districts a one-story unenclosed porch, stoop, landing and steps not exceeding 20% of the width of the building facade, may be constructed between the building line and the street line, but not to exceed six (6) feet of projection into in to the setback.

(b) In Class U-1 and U-2 Districts a one story porch or deck, not exceeding the width of the building façade, may be constructed between the building line and the street line but not to exceed ten (10) feet of projection into the setback, provided that a minimum of twenty (20) feet of unencumbered front yard space is provided on the property. Encroaching structures permitted by this section shall be reviewed and approved by the Architectural Review Board for compliance with chapter 1327 and any applicable design overlay district.

(b-c) In Class U-1 and U-2 and ASF Districts, an unenclosed, uncovered handicap access ramp may be constructed between the building line and the street line. Ramps constructed under this exemption are to be permitted on condition that they shall be removed, at the owner's expense, within six months after the ramp is no longer needed by any household resident.

(e-d) In all Districts, on a corner lot, between the building line and the street line and within the triangular space included between the street lines, for a distance of 25 feet from their point of intersection, no fence, hedge, plants, screening or other structure shall hereafter be erected, and no shrubs or foliage shall be maintained, that, in the judgment of the Commissioner of Buildings, will materially obstruct the view of a driver of a vehicle approaching the intersection within 75 feet of the center of such intersection.

Section 2: Section 1385.03 "Porches; Handicap Ramps; Obstructions of Driver's View as Corner Lots" of the Front Yards; Building Lines Chapter of the Streets, Planning and Zoning Code of the Codified Ordinances for the City of Euclid be and the same is hereby amended.

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

Ordinance No.

Sponsored by Mayor Holzheimer Gail and Councilperson Langman

A resolution in support of the Federal Historic Preservation Tax Incentives program and New Markets Tax Credit program.

WHEREAS, the Federal Historic Preservation Tax Incentives program as we know it today was put in place by Congress and the Reagan Administration to attract capital to historic rehabilitation projects that help stimulate local economies; and

WHEREAS, the New Markets Tax Credit program was established as part of the Community Renewal Tax Relief Act of 2000 with the goal of the program being to spur revitalization efforts of low-income and impoverished communities; and

WHEREAS, since the inception of Federal Historic Preservation Tax Incentives program, it has leveraged over \$84 billion in private investment to preserve 42,293 historic properties since 1976; and

WHEREAS, since the inception of the New Markets Tax Credit program, over \$50 billion has been awarded; and

WHEREAS, the City of Euclid recognizes the importance of these successful federal economic development incentives, and more than 30 states, including Ohio, have enacted complementary state historic tax credit programs to help revitalize the commercial downtowns of their cities; and

WHEREAS, Federal Historic Preservation Tax Incentives program and New Markets Tax Credit program have made many projects affordable within the City of Cleveland and potentially are powerful tools for redevelopment in Euclid.

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

Section 1: That the Euclid City Council supports the Federal Historic Preservation Tax Incentives program and New Markets Tax Credit program and urges the President of the United States and the United States Congress to continue these programs.

Section 2: That the Clerk of this Council is hereby authorized and directed to certify a copy of this resolution to President Donald Trump, Senator Sherrod Brown, Senator Robert "Rob" Portman, and Representative Marcia Fudge.

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