

**AGENDA
EUCLID CITY COUNCIL MEETING
MONDAY, DECEMBER 3, 2018 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:

- JALARAMI INC dba QUIK STOP, 26165 EUCLID AVE, 1ST FLOOR, EUCLID, OHIO 44132
- ZAMIRA INC dba EUCLID BEVERAGE, 25657 EUCLID AVENUE 1ST FLOOR, EUCLID, OHIO 44132

COUNCIL MINUTES:

- NONE AT THIS TIME

ADMINISTRATION REPORTS & COMMUNICATIONS:

COMMITTEE DOCUMENTATION:

- BOARD OF CONTROL HELD: NOVEMBER 19 & NOVEMBER 26, 2018
- PUBLIC SAFETY COMMITTEE HELD: NOVEMBER 26, 2018
- EXECUTIVE AND FINANCE COMMITTEE HELD: NOVEMBER 28, 2018

COMMITTEE OF THE WHOLE FOR LEGISLATIVE MATTERS ONLY

ACTION	LEGISLATION	PROPOSED
	<p>1. An emergency ordinance authorizing the sale of Permanent Parcel Number 641-10-077, vacant land at 18801 Pasnow Avenue, from the Euclid Land Bank, to Ronald Ivy, for the amount of One Thousand Dollars (\$1,000.00) as authorized by Ordinance Nos. 98-2010 and 101-2011. (Sponsored by Planning and Zoning) (Referred to Council by Planning and Zoning with recommendation for passage)</p> <p>Comment: This would authorize the sale of land bank property.</p>	<p>Ord, (170-18)</p>
	<p>2. A resolution authorizing the Mayor of the City of Euclid or her designee to execute and submit an application to the Ohio Department of Natural Resources - Coastal Management Assistance Grant (CMAG) Program for construction of Phase II of the Euclid Waterfront Improvements Plan. (Sponsored by Mayor Holzheimer Gail)</p> <p>Comment: This would authorize a grant application for ODNR for additional waterfront improvement projects.</p>	<p>Res. (172-18)</p>
<p>First Reading Public Hearing 1/7/2019</p>	<p>3. An ordinance to amend Section 1 of Ordinance No. 2812, as amended, and the map and map designations, which map and map designations, as amended, form a part of Ordinance No. 2812, as it relates to and designates U6 –Industrial and Warehouse and U5-Commercial use districts relative to said property. (Sponsored by Planning and Zoning) (Referred to Council by Planning and Zoning with recommendation for passage)</p> <p>Comment: This would rezone a parcel from industrial to commercial use district.</p>	<p>Ord. (171-18)</p>

4. An ordinance amending Section 513.03 “Drug Abuse” of Chapter 513 Drugs of the General Offenses Code of the Codified Ordinances for the City of Euclid to amend the penalty for possession of marijuana from a misdemeanor of the first degree to a minor misdemeanor. (Sponsored by Councilpersons Caviness, Gorshe, Hill and Langman) (Referred to Council by the Safety Committee with recommendation for passage) Ord. (169-18)

Comment: This would reduce the penalty for marijuana possession.

5. An ordinance authorizing the Director of Law to settle the threatened litigation made by Umicore and against the City of Euclid in an amount not to exceed \$235,320.00. (Sponsored by Mayor Holzheimer Gail) Ord. (173-18)

Comment: This would authorize the settlement of threatened litigation.

6. An emergency ordinance amending Ordinance #147-2017 which makes the annual appropriation for all expenditures for the City of Euclid for the period ending December 31, 2018. (Sponsored by Council President Mancuso by request of the Finance Director) Ord. (174-18)

Comment: This would authorize a budget amendment.

7. An emergency ordinance providing for the schedule of inter-advance of funds between funds. (Sponsored by Council President Mancuso by request of the Finance Director) Ord. (175-18)

Comment: This would authorize the transfer of funds to the Animal Shelter.

- Third Reading** 8. An ordinance amending Section 947.04 “Animals and Dogs” of the Chapter 947 Parks of the Streets, Utilities and Public Services Code of the Codified Ordinances for the City of Euclid to allow for leashed dogs in public parks. (Sponsored by Councilpersons Wojtila and Hill) Ord. (164-18)

Comment: This would permit leashed dogs in city parks.

- Third Reading** 9. An ordinance amending Section 505.16 “Animals in Public Places Prohibited; Exemptions” of Chapter 505 Animals of the General Offenses Code of the Codified Ordinances for the City of Euclid to allow for leashed dogs in public parks. (Sponsored by Councilpersons Wojtila and Hill) Ord. (165-18)

Comment: This would permit leashed dogs in city parks.

COMMITTEE OF THE WHOLE – PUBLIC PORTION

COUNCIL MEMBERS’ COMMENTS

ADJOURNMENT

Ordinance No.

By – Planning and Zoning Commission

An emergency ordinance authorizing the sale of Permanent Parcel Number 641-10-077, vacant land at 18801 Pasnow Avenue, from the Euclid Land Bank, to Ronald Ivy, 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 13, 2018 the Planning and Zoning Commission recommended approval of the sale of Permanent Parcel Number 641-10-077, vacant land, from the Euclid Land Bank, to Ronald Ivy for the amount of One Thousand Dollars (\$1,000.00); and

WHEREAS, Ronald Ivy owns the adjacent property, Permanent Parcel Number 641-10-078 and desires to purchase the 641-10-077 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 641-10-077, vacant land at 18801 Pasnow Avenue, from the Euclid Land Bank, to Ronald Ivy, for the amount of One Thousand Dollars (\$1,000.00) as authorized by Ordinance Nos. 98-2010 and 101-2011.

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

Resolution No.

By: Mayor Holzheimer Gail

A resolution authorizing the Mayor of the City of Euclid or her designee to execute and submit an application to the Ohio Department of Natural Resources - Coastal Management Assistance Grant (CMAG) Program for construction of Phase II of the Euclid Waterfront Improvements Plan.

WHEREAS, the State of Ohio through the Department of Natural Resources, administers financial assistance to political subdivisions; and

WHEREAS, the City of Euclid is encouraged by the Office of Coastal Management to submit an application to this Grant Program which has an application deadline of December 7th, 2018; and

WHEREAS, this Grant is reimbursable up to Two Hundred Thousand and 00/100 Dollars (\$200,000).

WHEREAS, a fifty percent non-federal match is required; and

WHEREAS, this Grant request is for the eastern portion of Phase II including new construction of an accessible plaza to connect and serve as the eastern gateway to the ¾-mile lakefront multi-modal trail, the new paddle-craft beach, as well as future upland trails connecting to the city sidewalks at Lakeshore Blvd; and

WHEREAS, the City of Euclid has successfully applied for and received funding from previous rounds of this Grant for the Euclid Waterfront Improvements Plan including \$200,000 for the western portion of Phase II (specifically, the pier gateway plaza) currently under construction; and

WHEREAS, in December of 2009 Euclid City Council adopted the Euclid Waterfront Improvements Plan as an official addendum to the City's Master Plan; and

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 execute and submit an application to the Ohio Department of Natural Resources - Coastal Management Assistance Grant (CMAG) Program for construction of Phase II of the Euclid Waterfront Improvements Plan for a total reimbursable amount up to Two Hundred Thousand and 00/100 Dollars (\$200,000).

Section 2: That funds to pay for the match will be derived from the Cuyahoga County Casino Revenue Fund and the Harbor Town Tax Increment Finance (TIF) 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:

Clerk of Council

President of Council

Passed:

Approved:

Mayor

Ordinance No.

By - Planning and Zoning Commission

An ordinance to amend Section 1 of Ordinance No. 2812, as amended, and the map and map designations, which map and map designations, as amended, form a part of Ordinance No. 2812, as it relates to and designates U6 –Industrial and Warehouse and U5-Commercial use districts relative to said property.

WHEREAS, public notice and hearings have been given in connection with the changing of U6 and U5 use district relative to the hereinafter described property as is established by Ordinance No. 2812, as passed by the Council of the Village of Euclid on the 13th day of December, 1922, which ordinance has from time to time been amended; and

WHEREAS, the amendment of said Ordinance No. 2812, which pertains to the hereinafter described property, by transferring said property, Permanent Parcel 647-06-003 from U6-Industrial and Warehouse District to a U5-Commercial District, has been referred to the City Planning and Zoning Commission; and

WHEREAS, the City Planning and Zoning Commission has considered such amendment and proposed change at its regularly scheduled meeting on November 13, 2018, which will add to the present U5 use district by inclusion of the property hereinafter described, and has recommended approval to Council; and

WHEREAS, in the interest of the general welfare of the City of Euclid and in order to promote the general advantage of public peace, safety, morals, convenience and prosperity of the inhabitants of the City of Euclid, this Council is of the opinion that the U5 use district should be extended to include the property hereinafter described.

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

Section 1: That the property, which is shown in Exhibit "A" attached hereto and made a part of this ordinance, Permanent Parcel Number 647-06-003 commonly known as 1250 Babbitt Road

Section 2: That so much of Section 1 of Ordinance No. 2812, as amended, as relates to the U5 use district shall be extended to include the territory described in Section 1 hereinabove.

Section 3: That the map as adopted December 13, 1922 and as thereafter amended, is hereby amended to conform with the change of property described in Section 1 of the ordinance from U6 to the U5 use district.

Section 4: That so much of Ordinance No. 2812, as amended, and the map and map designations as placed the above described property in U6 use district, are hereby repealed.

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

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

Attest:

Clerk of Council

President of Council

Passed:

Approved:

Effective:

Mayor

EXHIBIT "A"

LEGAL DESCRIPTION FOR: Parcel 'A1', a 5.8649 ACRE PARCEL

Situated in the City of Euclid, County of Cuyahoga and State of Ohio and known as being a part of Parcel A on the Boundary Survey and Lot Split of part of Original Euclid Township Lot No's. 38 and 39, in Tract No.18, and Lot No.2, in Tract 9, maps shown by the Recorded Plat in volume 343 of maps, page 22 of Cuyahoga County Records, and bounded and described as follows:

Beginning at a point in the centerline of St. Clair Avenue (80 feet wide) at its intersection with the centerline of Babbitt Road (width varies); THENCE, N.34°40'33"W, along the centerline of said Babbitt Road, (passing through an iron pin found, 9.13 feet from said intersection of said centerlines) 418.50 feet to a point therein; THENCE, S.55°19'27"W, a distance of 40.00 feet to a 5/8" capped iron pin set on the southwesterly line of said Babbitt Road, and the northeasterly corner of PPN: 647-06-001 as conveyed to Euclid Commerce One, LLC., and recorded in AFN: 200511280987 of Cuyahoga County Records and the Principal Place of Beginning of the premises herein intended to be described;

THENCE, along the westerly line of said Babbitt Road, S.34°40'33"E, a distance of 19.36 feet to a 5/8" iron pin found at an angle point therein;

THENCE, S.30°51'42"E, continuing along said westerly line, a distance of 180.41 feet to a 5/8" iron pin found at an angle point therein;

THENCE, S.34°40'33"E, along said westerly line, a distance of 117.71 feet to a 5/8" iron pin set in the northwesterly turnout between the southwesterly line of said Babbitt Road and the northwesterly line of said St. Clair Avenue;

THENCE, along a curve deflecting to the right having a bearing of S.19°36'59"E, a chord distance of 44.70 feet, said curve having a radius of 86.00 feet, a central angle of 30°07'31" and an arc distance of 45.22 feet to a point of compound curvature;

THENCE, continuing along said northwesterly turnout, along a curve deflecting to the right having a bearing of S.16°05'48"W, a chord distance of 21.16 feet, said curve having a radius of 30.00 feet, a central angle of 41°18'04" and an arc length of 21.63 feet, to a 5/8" iron pin found;

THENCE, continuing along said northwesterly turnout, along a curve deflecting to the right having a bearing of S.43°35'57"W, a chord distance of 23.85 feet, said curve having a radius of 291.00 feet, a central angle of 4°41'50" and an arc length of 233.86 feet, to a 5/8" iron pin found;

THENCE, southwesterly, along the northwesterly line of said St. Clair Avenue, along a curve deflecting to the left having a bearing of S.39°39'36"W, a chord distance of 313.64 feet, said curve having a radius of 613.69 feet, a central angle of 29°36'39" and an arc length of 317.16 feet to a point of tangency and a 5/8" iron pin found;

THENCE, S.24°51'16"W, along the northwesterly line of St. Clair Avenue, a distance of 3.98 feet to a point of tangency, and a 5/8" iron pin found;

THENCE, continuing along said northwesterly line, along a curve deflecting to the right having a bearing of S.37°20'08"W, a chord distance of 230.68, said curve having a radius of 533.69 feet, a central angle of 24°57'44" and an arc length of 232.51 feet to a 5/8" iron pin found at a point of tangency;

THENCE, creating a new line, N.34°18'01"W, a distance of 536.56 feet to a point on the southeasterly line of PPN: 647-06-001, as conveyed to Euclid Commerce One, LLC., and recorded in AFN: 200511280897 of C.C.R., and a 5/8" capped iron pin set therein;

THENCE, N.55°20'16"E, along said southeasterly line, a distance of 584.67 feet, the Principal Place of Beginning and containing 5.8649 acres of land, based on a survey conducted in June of 2018 by John R. Alban, Ohio Professional Surveyor 7651.

Bearings are based upon an assumed meridian and are to be used for reference only.

All pins set are 5/8" X 30" rebar with yellow cap marked "J. Alban 7651."

The intent of this survey is to create a 5.8649 acre parcel of land (Parcel 'A1') from PPN: 647-06-003.

Ordinance No.

By – Councilpersons Caviness, Gorshe, Hill, and Langman

An ordinance amending Section 513.03 "Drug Abuse" of Chapter 513 Drugs of the General Offenses Code of the Codified Ordinances for the City of Euclid to amend the penalty for possession of marijuana from a misdemeanor of the first degree to a minor misdemeanor.

WHEREAS, The Council of the City of Euclid, by this ordinance, wishes to align The City of Euclid code regarding the possession of marijuana with the current State of Ohio Revised Code; and

WHEREAS, Out of the 59 municipalities in Cuyahoga County, the City of Euclid has one of the most stringent code in regard to marijuana possession; and

WHEREAS, the Ohio Revised Code has decriminalized possession of small amounts of marijuana <100 grams resulting in a small fine but no jail time or criminal record. The current Euclid Codified Ordinance can have a severe negative impact on a person's life if arrested and prosecuted for possession of marijuana; and

WHEREAS, The cultivation, extraction, manufacture and dispensing of medical marijuana is now legal in the State of Ohio, and the legalization of recreational marijuana may become legal in The State of Ohio within the next decade, as it is now legal in several states across our nation.

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

Section 1: That Section 513.03 "Drug Abuse" of Chapter 513 Drugs of the General Offenses Code of the Codified Ordinances for the City of Euclid is hereby amended to read as follows:

513.03 DRUG ABUSE.

(a) No person shall knowingly obtain, possess or use a controlled substance.

(b) Subsection (a) hereof does not apply to any of the following:

(1) Manufacturers, licensed health professionals authorized to prescribe drugs, pharmacists, owners of pharmacies and other persons whose conduct was in accordance with Ohio R.C. Chapters 3719, 4715, 4729, 4731 and 4741 or Ohio R.C. 4723.56;

(2) If the offense involves an anabolic steroid, any person who is conducting or participating in a research project involving the use of an anabolic steroid if the project has been approved by the United States Food and Drug Administration;

(3) Any person who sells, offers for sale, prescribes, dispenses or administers for livestock or other nonhuman species an anabolic steroid that is expressly intended for administration through implants to livestock or other nonhuman species and approved for that purpose under the "Federal Food, Drug and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, and is sold, offered for sale, prescribed, dispensed or administered for that purpose in accordance with that Act; and

(4) Any person who obtained the controlled substance pursuant to a prescription issued by a licensed health professional authorized to prescribe drugs, where the drug is in the original container in which it was dispensed to such person.

(c) Whoever violates subsection (a) hereof is guilty of one of the following, provided the drug involved is not cocaine or a compound, mixture, preparation or substance containing cocaine and provided the drug involved is not L.S.D. or heroin:

(1) If the drug involved in the violation is a compound, mixture, preparation or substance included in Schedule III, IV or V, whoever violates subsection (a) hereof is guilty of possession of drugs, a misdemeanor of the third degree, provided the amount of the drug involved does not exceed the bulk amount and provided the offender previously has not been convicted of a drug abuse offense. If the offender previously has been convicted of a drug abuse offense, possession of drugs is a misdemeanor of the second degree. The penalty shall be as provided in Section 599.02. If the drug involved in the violation is an anabolic steroid included in Schedule III and if the offense is a misdemeanor of the third degree under this subsection, the court may, in lieu of sentencing the offender to a term of imprisonment in a detention facility, place the offender on conditional probation pursuant to Ohio R.C. 2925.11(F) or 2951.02(F).

(Adopting Ordinance)

~~(2) If the drug involved in the violation is marihuana, whoever violates subsection (a) hereof is guilty of possession of marihuana, a misdemeanor of the first degree. The penalty shall be as provided in Section 599.02.~~

(2) If the drug involved in the violation is marihuana or a compound, mixture, preparation, or substance containing marihuana other than hashish, whoever violates division (a) of this section is guilty of possession of marihuana. The penalty for the offense shall be determined as follows:

(A) Except as otherwise provided in section (c)(2)(B), or (C) of this section, possession of marihuana is a minor misdemeanor.

(B) If the amount of the drug involved equals or exceeds one hundred grams but is less than two hundred grams, possession of marihuana is a misdemeanor of the fourth degree.

(C) If the amount of the drug involved equals or exceeds two hundred grams but is less than one thousand grams, possession of marihuana is a felony of the fifth degree.

(3) If the drug involved in the violation is hashish, whoever violates subsection (a) hereof is guilty of possession of hashish, a minor misdemeanor, provided the amount of the drug involved is less than five grams in a solid form or less than two grams in a liquid concentrate, liquid extract or liquid distillate form. If the amount of the drug involved equals or exceeds five grams, but does not exceed ten grams, of hashish in a solid form, or equals or exceeds one gram, but does not exceed two grams, of hashish in a liquid concentrate, liquid extract or liquid distillate form, possession of hashish is a misdemeanor of the fourth degree. The penalty shall be as provided in Section 599.02.

(d) Arrest or conviction for a minor misdemeanor violation of this section does not constitute a criminal record and need not be reported by the person so arrested or convicted in response to any inquiries about the person's criminal record, including any inquiries contained in any application for employment, license or other right or privilege, or made in connection with the person's appearance as a witness.

(e) In addition to the penalties provided in this section, the court shall proceed as provided in Ohio R.C. 2925.11(E)(2) and (3).

Section 2: That Section 513.03 "Drug Abuse" of Chapter 513 Drugs of the General Offenses Code of the Codified Ordinances for the City of Euclid 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:

Mayor

Effective:

Ordinance No.

By – Mayor Holzheimer Gail

An ordinance authorizing the Director of Law to settle the threatened litigation made by Umicore and against the City of Euclid in an amount not to exceed \$235,320.00.

WHEREAS, litigation has been threatened by Umicore against the City of Euclid for alleged improper fees assessed against Umicore by the City of Euclid for discharge of industrial waste; and

WHEREAS, per E.C.O. 107.04(d), in the case of all claims by or against the City, whether pending in any court, State or Federal, or asserted prior to the commencement of actual litigation, the Law Director must have prior approval of Council where the amount to be disbursed or received by the City exceeds one hundred thousand dollars (\$100,000.00); and

WHEREAS, in investigating the matter, reviewing records and conducting sufficient testing, the City of Euclid Law Director and Service Director are recommending settlement of this matter for the amount specified herein which is a negotiated settlement amount, pending Council approval, from the originally demanded amount.

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

Section 1: That the Director of Law is hereby authorized, empowered and directed to settle the threatened litigation made by Umicore and against the City of Euclid in an amount not to exceed \$235,320.00.

Section 2: Funds to pay for this expenditure are to be derived from the Waste Water Treatment Fund 510.

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

BY: Council President Charlene Mancuso (per request of the Finance Director)

AN EMERGENCY ORDINANCE AMENDING ORDINANCE # 147-2017 WHICH MAKES THE ANNUAL APPROPRIATION FOR ALL EXPENDITURES FOR THE CITY OF EUCLID FOR THE PERIOD ENDING DECEMBER 31, 2018.

WHEREAS, IN ORDER TO PROVIDE FOR THE CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF EUCLID, IT IS NECESSARY THAT THE FOLLOWING SUMS OF MONEY, OR AS MUCH THEREOF AS MAY BE AUTHORIZED BY LAW, AS MAY BE NEEDED OR DEEMED NECESSARY TO DEFRAY ALL EXPENSES AND LIABILITIES OF THE CITY, BE APPROPRIATED FOR THE CORPORATE PURPOSES AND OBJECTS OF SAID CITY AS HEREINAFTER SPECIFIED.

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, THE STATE OF OHIO.

SECTION 1 : THAT TO PROVIDE FOR THE CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF EUCLID, OVER A PERIOD ENDING DECEMBER 31, 2018. THE FOLLOWING SUMS BE AND THEY ARE HEREBY SET ASIDE AND APPROPRIATED AS HEREINAFTER SET FORTH.

SECTION 2 : THAT THE EXPENDITURES OF EACH FUND FOR THE CITY OF EUCLID CAN NOT EXCEED THE APPROPRIATION AS AMENDED, FOR THAT FUND.

SECTION 3 : THAT THERE BE AND THERE IS HEREBY APPROPRIATED FROM THE FOLLOWING FUNDS, THE DETAIL OF WHICH IS SHOWN BELOW:

101 GENERAL FUND		PERSONAL SERVICES	OTHER EXPENDITURES	TOTAL
<u>Legislative Departments</u>				
101-111	COUNCIL	181,106	3,125	184,231
<u>Judicial Departments</u>				
101-121	COURT	1,284,023	181,050	1,465,073
<u>Executive Departments</u>				
101-131	MAYOR	352,114	4,935	357,049
101-132	HUMAN RESOURCES	132,871	2,450	135,321
101-133	CIVIL SERVICE	19,030	40,350	59,380
101-134	BOARDS & COMMISSIONS			
<u>Law Department</u>				
101-141	LAW DEPARTMENT	690,299	288,750	979,049
<u>Finance Department</u>				
101-151	FINANCE	527,267	111,675	638,942
101-152	TAX	308,856	123,750	432,606
101-153	VITALS	28,326	281,850	310,176
101-154	INFORMATION TECH	63,968	141,200	205,168
<u>Police Department</u>				
101-211	POLICE	11,443,034	1,130,000	12,573,034
101-212	POLICE ADMIN	660,246	178,400	838,646
101-213	CORRECTIONS	-	404,000	404,000
<u>Fire Department</u>				
101-221	FIRE (FIGHTING, PREVENTION, INSPECTIONS)	10,113,665	121,113	10,234,778
101-222	FIRE ADMIN	59,872	19,655	79,527
<u>Protective Inspection Department</u>				
101-311	BUILDING / HOUSING	1,149,527	462,800	1,612,327
101-331	PLANNING AND ZONING	221,571	7,960	229,531
<u>CS & ED Department</u>				
101-411	PLANNING AND DEVELOPMENT	233,179	92,550	325,729
<u>Service Department</u>				
101-511	PUBLIC WORKS	126,715	5,055	131,770
101-521	PUBLIC BUILDINGS	558,833	138,285	697,118
101-531	HIGHWAYS AND STREETS	-	-	-
101-541	MOTOR MAINTENANCE	704,138	519,600	1,223,738
101-551	PARKS	898,166	35,425	933,591
101-561	ENGINEERING	-	74,450	74,450
101-571	SANITATION	-	2,450,750	2,450,750
<u>Recreation</u>				
101-611	RECREATION	-	-	-
101-621	SENIOR CENTER	272,774	49,520	322,294
<u>General Services</u>				
101-711	GENERAL SERVICES	620,300	2,450,600	3,070,900
<u>TRANSFERS</u>				
101-912	TO INDIGENT DRIVER -	FUND 211	-	-
	TO ANIMAL SHELTER -	FUND 214	57,000	57,000
	TO COMMUNITY TV -	FUND 230	75,000	75,000
	TO RECREATION OPERATING -	FUND 240	208,000	208,000
	TO SHORE CORP. -	FUND 290	217,235	217,235
	TO PERMANENT IMPROVEMENT -	FUND 310	282,500	282,500

	TO BOND RETIREMENT	FUND 410	745,000	
	TO SELF-INSUR. LIABILITY -	FUND 630	240,000	
	TOTAL TRANSFERS OUT		1,824,735	1,824,735
101-913	ADVANCES			
	TO GOLF COURSE	FUND 560	130,000	130,000
	TOTAL GENERAL FUND			41,923,915

<u>SPECIAL REVENUE FUNDS</u>		<u>PERSONAL SERVICES</u>	<u>OTHER EXPENDITURES</u>	<u>TOTAL</u>
210	STATE HIGHWAY	-	124,000	124,000
211	INDIGENT DRIVER ALCOHOL PROGRAM	-	150,000	150,000
212	COURT COMPUTERIZATION	-	206,500	206,500
213	COURT SPECIAL PROJECTS	-	100,000	100,000
214	ANIMAL SHELTER	84,851	16,300	101,151
216	NUISANCE ABATEMENT	-	187,000	187,000
217	INDIGENT DRIVER INTERLOCK & ALCOHOL	-	9,000	9,000
220	STREET MAINTENANCE & CONSTRUCTION	1,169,475	1,014,380	2,183,855
230	COMMUNITY TV	87,084	3,200	90,284
240	RECREATION OPERATING	414,358	413,100	827,458
250	COMMUNITY DEVELOPMENT BLOCK GRANT	467,554	584,600	1,052,154
252	NEIGHBORHOOD STABILIZATION GRANT	12,500	400,600	413,100
255	OTHER GRANTS	244,490	1,500,000	1,744,490
280	LAW ENFORCEMENT TRUST	21,400	212,000	233,400
290	SHORE CORPORATION	-	230,000	230,000
291	UNCLAIMED MONIES	-	500	500
	TOTAL SPECIAL REVENUE FUNDS			7,652,892

<u>CAPITAL PROJECTS FUNDS</u>		<u>PERSONAL SERVICES</u>	<u>OTHER EXPENDITURES</u>	<u>TOTAL</u>
310	GENERAL PERMANENT IMPROVEMENT	-	839,187	839,187
320	RECREATION CAPITAL	-	651,925	651,925
330	SIDEWALK REPAIR AND REPLACEMENT	-	-	-
340	STREET IMPROVEMENT PROGRAM	-	-	-
350	PUBLIC BUILDINGS CONSTRUCTION	-	-	-
370	EUCLID ENDOWMENT	-	15,000	15,000
380	SIMS PARK	-	4,000	4,000
390	EUCLID MARINA	-	-	-
391	BENNINGTON HAMLET TIF	-	75,000	75,000
393	CMP PROPERTIES TIF	-	165,000	165,000
394	HARBOR TOWN TIF	-	427,000	427,000
395	DOWNTOWN DISTRICT TIF	-	145,000	145,000
	TOTAL CAPITAL PROJECTS FUNDS			2,322,112

<u>DEBT SERVICE FUNDS</u>		<u>PERSONAL SERVICES</u>	<u>OTHER EXPENDITURES</u>	<u>TOTAL</u>
410	BOND RETIREMENT	67,217	5,093,546	5,160,763
420	MOSS POINT BOND FUND	-	-	-
	TOTAL DEBT SERVICE FUNDS			5,160,763

<u>ENTERPRISE FUNDS</u>		<u>PERSONAL SERVICES</u>	<u>OTHER EXPENDITURES</u>	<u>TOTAL</u>
510	WASTE WATER TREATMENT	4,425,536	33,058,856	37,484,392
511	EQUIPMENT REPLACEMENT	-	658,000	658,000
512	CREEKS AND SEWERS	991,217	185,800	1,177,017
513	TWO MILL SEWER LEVY	-	-	-
514	SEWER SYSTEM IMPROVEMENT	-	-	-
515	PETERSON TRUNK LINE	-	5,857,000	5,857,000
516	WATERLINE IMPROVEMENT	-	2,893,000	2,893,000
560	BRIARDALE GOLF COURSE	-	812,000	812,000
630	SELF INSURANCE	-	264,000	264,000
	TOTAL ENTERPRISE FUNDS			49,145,409

<u>TRUST AND AGENCY FUNDS</u>		<u>PERSONAL SERVICES</u>	<u>OTHER EXPENDITURES</u>	<u>TOTAL</u>
730	RETIREES - INSURANCE	-	500	500
740	BUILDING DEPOSITS	-	145,000	145,000
750	STREET OPENING	-	77,000	77,000
	TOTAL TRUST AND AGENCY FUNDS			222,500

TOTAL ALL FUNDS **\$ 106,427,592**

SECTION 4: THAT THE DIRECTOR OF FINANCE IS HEREBY AUTHORIZED TO DRAW HIS WARRANTS FROM ANY OF THE FOREGOING APPROPRIATIONS UPON RECEIVING PROPER CERTIFICATES AND VOUCHERS THEREFORE APPROVED BY THE BOARD OF OFFICERS AUTHORIZED BY LAW TO APPROVE THE SAME, OR AN ORDINANCE OR RESOLUTION OF COUNCIL

TO MAKE THE EXPENDITURES PROVIDED THAT THE CONTINGENCIES CAN ONLY BE EXTENDED UPON APPROVAL OF TWO-THIRDS VOTE OF COUNCIL FOR ITEMS OF EXPENSE CONSTITUTING A LEGAL OBLIGATION AGAINST THE CITY OF EUCLID AND FOR OTHER THAN THOSE COVERED BY THE OTHER SPECIFIC APPROPRIATIONS MADE HEREIN.

SECTION 5: THAT ALL APPROPRIATIONS EQUAL TO OUTSTANDING ENCUMBRANCES SHALL AT YEAR END CARRY FORWARD TO THE NEXT SUCCEEDING YEAR, SHALL NOT LAPSE AND THEREFORE, ENCUMBRANCES NEED NOT BE REAPPROPRIATED.

SECTION 6: 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 OF ANY OF ITS COMMITTEES THAT RESULTED IN SUCH FORMAL ACTIONS, WERE IN MEETINGS OPEN TO THE PUBLIC, IN COMPLIANCE WITH ALL LEGAL REQUIREMENTS INCLUDING SECTION 121.22 OF THE OHIO REVISED CODE.

SECTION 7: THAT THIS ORDINANCE IS HEREBY DECLARED TO BE AN EMERGENCY MEASURE NECESSARY FOR THE IMMEDIATE PRESERVATION OF THE PUBLIC PEACE, HEALTH, SAFETY AND WELFARE OF THE INHABITANTS 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 –Council President Mancuso (by request)

An emergency ordinance providing for the schedule of inter-advance of funds between funds.

WHEREAS, the Council of the City of Euclid determines that it is in the best interest of the City that fund balance advances be presented in a separate schedule of inter-fund advances; and

WHEREAS, the adoption of separate legislation approving inter-fund advances is required by the Office of Auditor of State of Ohio. The Council of the City of Euclid determines that 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 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 directed and authorized to make the advance of funds as listed in the following schedule of inter-fund advances.

	Interfund Advance	
<u>Advance from Fund</u>	<u>Advance Amount</u>	<u>Advance to Fund</u>
101-General Fund	\$27,000	214-Animal Shelter

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 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 3: 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 it 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 Wojtila and Hill

An ordinance amending Section 947.04 "Animals and Dogs" of the Chapter 947 Parks of the Streets, Utilities and Public Services Code of the Codified Ordinances for the City of Euclid to allow for leashed dogs in public parks.

WHEREAS, Euclid Codified Ordinances were amended in 1988 to not allow dogs within public parks; and

WHEREAS, since that time, there has been a shift in dog owners properly picking-up after their dogs. With proper signs and bags, surrounding communities have shown there are no issues; and

WHEREAS, dog ownership has increased 29% in the last decade; and

WHEREAS, accommodating dogs and being dog-friendly is a trend in stores, pools, restaurants, etc. and it helps attract residents to communities.

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

Section 1: That Section 947.04 "Animals and Dogs" of the Chapter 947 Parks of the Streets, Utilities and Public Services Code of the Codified Ordinances for the City of Euclid is hereby amended to read as follows:

947.04 ANIMALS AND DOGS

(a) Dogs, ~~whether~~ when leashed and accompanied by their owners or other persons in charge of such dogs, shall ~~not~~ be permitted onto public parks, playgrounds and the golf course. ~~Dogs trained to assist the blind or deaf are exempt from this provision.~~ Dog owners or other persons in charge of such dogs shall be required to pick up any waste left by their dogs. Dogs shall not be permitted within amenities of the public parks including playgrounds, playing fields, bleacher areas, ball courts, gardens and pavilions or other buildings.

(b) Domestic ~~A~~ animals ~~other than dogs~~ will not be allowed to run at large, and if found within the park limits may be impounded. Domestic animals shall be deemed running at large when such animal is not on a leash and held by a person capable of controlling such animal.

(c) No domestic animals of any kind will be allowed to enter any of the lakes, pools, ponds, fountains or streams within the public parks.

(d) Owners of dogs or other animals damaging or destroying park property will be held liable for the full value of the property damaged or destroyed in addition to the penalty imposed for a violation of this chapter.

Section 2: That Section 947.04 "Animals and Dogs" of the Chapter 947 Parks of the Streets, Utilities and Public Services Code of the Codified Ordinances for the City of Euclid 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.

By – Councilpersons Wojtila and Hill

An ordinance amending Section 505.16 "Animals in Public Places Prohibited; Exemptions" of Chapter 505 Animals of the General Offenses Code of the Codified Ordinances for the City of Euclid to allow for leashed dogs in public parks.

WHEREAS, Euclid Codified Ordinances were amended in 1988 to not allow dogs within public parks; and

WHEREAS, since that time, there has been a shift in dog owners properly picking-up after their dogs. With proper signs and bags, surrounding communities have shown there are no issues; and

WHEREAS, dog ownership has increased 29% in the last decade; and

WHEREAS, accommodating dogs and being dog-friendly is a trend in stores, pools, restaurants, etc. and it helps attract residents to communities.

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

Section 1: That Section 505.16 "Animals in Public Places Prohibited; Exemptions" of Chapter 505 Animals of the General Offenses Code of the Codified Ordinances for the City of Euclid is hereby amended to read as follows:

505.16 ANIMALS IN PUBLIC PLACES PROHIBITED; EXEMPTIONS.

(a) No person being the owner, keeper, or harbinger of any animal shall allow such animal to enter upon any private property, other than that of the owner, keeper or harbinger of such animal, without the approval of the owner of such property. In addition, the owner, keeper, or harbinger of any dogs or other animals shall be prohibited from taking dogs or other animals into public buildings, public parks, school grounds, the golf course and other City-owned property.

Section 2: That Section 505.16 "Animals in Public Places Prohibited; Exemptions" of Chapter 505 Animals of the General Offenses Code of the Codified Ordinances for the City of Euclid 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