

AGENDA
EUCLID CITY COUNCIL MEETING
MONDAY, MAY 20, 2019 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: May 6, 2019

ADMINISTRATION REPORTS & COMMUNICATIONS:

COMMITTEE DOCUMENTATION: Board of Control dated: May 6 and May 13, 2019

COMMITTEE OF THE WHOLE FOR LEGISLATIVE MATTERS ONLY

LEGISLATION

ACTION

PROPOSED

Third
Reading

1. A resolution granting a Use District Exception and variances with conditions, pursuant to Chapter 1375.01(a)(3) of the Codified Ordinances of the City of Euclid, to David Pessar, Managing Partner, Lakeland Realty Management, LLC, applicant, to create and operate 28 residential units in the westerly half of an existing 40,000 square foot, four story office building in a U8-Office Building District, Permanent Parcel Number 643-25-010, 25701 Lakeland Boulevard, Euclid, Ohio 44132. (Sponsored by Planning and Zoning) (Referred to Council by Planning and Zoning with recommendation for passage)

Res.
(040-19)

Comment: This would allow for the construction and operation of residential units in the Lakeland Medical Building.

2. An ordinance authorizing the Mayor of the City of Euclid to renew its contract with Billy Casper Golf to operate and manage the Briardale Greens Golf Course for a period of five years, commencing February 1, 2020 and ending January 31, 2025. (Sponsored by Mayor Holzheimer Gail)

Ord.
(050-19)

Comment: This would extend the contract with Billy Casper Golf for five (5) years.

3. An ordinance providing for the submission to the electorate of the City of Euclid, the question of whether Ordinance No. 13-2019 authorizing the Mayor of the City of Euclid to enter into an agreement with a Regional Council of Governments with Regional Income Tax Agency for the administration of the income tax laws of the City of Euclid and for the collections of said taxes be approved. (Sponsored by All Members of Council)

Ord.
(053-19)

Comment: This would present the question to the electorate of the City of Euclid the question of whether the Mayor is permitted to enter into an agreement with RITA for administration and collection of city taxes.

4. A resolution authorizing the Mayor of the City of Euclid to issue the 2019 Neighborhood Association Grant. (Sponsored by All Members of Council) Res. (049-19)

Comment: This would authorize the issuance of the annual Neighborhood Association Grant to qualifying neighborhood associations.

5. An 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. (Sponsored by Council President Mancuso) Ord. (051-19)

Comment: This approves all of the code amendments made by Council over the past two years.

First Reading

6. An ordinance repealing Euclid Codified Ordinance Section 1749.01 "Minimum Dwelling Unit Size" of Chapter 1749 Miscellaneous Regulations of the Building and Housing Code of the Codified Ordinances of the City of Euclid and enacting Euclid Codified Ordinance Section 1381.11 "Minimum Floor Area of a Single Family Dwelling" of Chapter 1381 Area Regulations of the Planning and Zoning Code of the Codified Ordinances of the City of Euclid to reduce the minimum square footage of single family homes being built in the City of Euclid considering lot size. (Sponsored by Councilpersons Gorshe and Jarosz by request of the Director of Planning and Zoning) (To be referred to Planning and Zoning and the Housing/Building Standards Committee) Ord. (052-19)

Comment: This would repeal the 2,000 square foot minimum for new home construction and allow a smaller square footage based on lot size.

COMMITTEE OF THE WHOLE – PUBLIC PORTION

COUNCIL MEMBERS' COMMENTS

ADJOURNMENT

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 David Pessar, Managing Partner, Lakeland Realty Management, LLC, applicant, to create and operate 28 residential units in the westerly half of an existing 40,000 square foot, four story office building in a U8-Office Building District, Permanent Parcel Number 643-25-010, 25701 Lakeland Boulevard, Euclid, Ohio 44132.

WHEREAS, at its meeting on April 9, 2019 the Planning and Zoning Commission approved a Use District Exception to David Pessar, Managing Partner, Lakeland Realty Management, LLC, applicant, to create and operate 28 residential units in the westerly half of an existing 40,000 square foot, four story office building in a U8-Office Building District, Permanent Parcel Number 643-25-010, 25701 Lakeland Boulevard, Euclid, Ohio 44132; 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.

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 David Pessar, Managing Partner, Lakeland Realty Management, LLC, applicant, to create and operate 28 residential units in the westerly half of an existing 40,000 square foot, four story office building in a U8-Office Building District, Permanent Parcel Number 643-25-010, 25701 Lakeland Boulevard, Euclid, Ohio 44132.

Section 2: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 3: That this resolution shall take immediate effect.

Attest:

Clerk of Council

President of Council

Passed:

Approved:

Mayor

Ordinance No.

By – Mayor Holzheimer Gail

An ordinance authorizing the Mayor of the City of Euclid to renew its contract with Billy Casper Golf to operate and manage the Briardale Greens Golf Course for a period of five years, commencing February 1, 2020 and ending January 31, 2025.

WHEREAS, the City of Euclid selected Bill Casper Golf, LLC, (“BCG”), to manage the Briardale Greens Golf Course in 2010 and renewed its contract for another five year term in Ordinance 119-2104 which is set to expire January 31, 2020; and

BCG has meet the performance goals for the course and provided a quality experience for golf course patrons; and

WHEREAS, the base fee shall increase 3% annually during the term of the agreement with the incentive management fee being unchanged; and

WHEREAS, the Council further finds that a contract based upon the terms and conditions as authorized by Ordinance 3-2010 and 119-2014, shall be approved and executed by the Mayor on behalf of the City.

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

Section 1: That the Billy Casper Golf to operate and manage the Briardale Greens Golf Course for a period of five years, commencing February 1, 2020 and ending January 31, 2025.

Section 2: That the Director of Finance is authorized to make payment to Billy Casper Golf from the Briardale Greens 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, ant 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 – All Members of Council

An ordinance providing for the submission to the electorate of the City of Euclid, the question of whether Ordinance No. 13-2019 authorizing the Mayor of the City of Euclid to enter into an agreement with a Regional Council of Governments with Regional Income Tax Agency for the administration of the income tax laws of the City of Euclid and for the collections of said taxes be approved.

WHEREAS, on February 11, 2019, Euclid City Council passed Ordinance No. 13-2019 which authorized the Mayor of the City of Euclid to enter into an agreement with a Regional Council of Governments with Regional Income Tax Agency for the administration of the income tax laws of the City of Euclid and for the collections of said taxes; and

WHEREAS, on March 12, 2019, Referendum part-petitions concerning and objecting to Ordinance No. 13-2019 were received by the Director of Finance and the Director of Law and they were submitted to the Cuyahoga County Board of Elections on that date; and

WHEREAS, on March 19, 2019, the Cuyahoga County Board of Elections advised the City of Euclid that there were sufficient signatures received on the Referendum part-petitions; and

WHEREAS, pursuant to Article III, Section 1 of the Charter of the City of Euclid, Euclid City Council has the authority to submit this proposed question to the electorate and once approved by Council, the Board of Elections shall submit the ordinance or measure to such electors, for their approval or rejection, at the next succeeding general election on November 5, 2019.

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

Section 1: That pursuant to the requirements of Article III, Section 1 of the Charter of the City of Euclid, the Council hereby authorizes the submission to the electorate of the City of Euclid at an election to be held on November 5, 2019, at the usual place of voting this question to read as follows:

Shall Ordinance No. 13-2019 authorizing the Mayor of the City of Euclid to enter into an agreement with a Regional Council of Governments with Regional Income Tax Agency for the administration of the income tax laws of the City of Euclid and for the collections of said taxes be approved?

Section 2: That the ballot submitting the question concerning Ordinance No. 13-2019 shall read as follows:

Shall Ordinance No. 13-2019 authorizing the Mayor of the City of Euclid to enter into an agreement with a Regional Council of Governments with Regional Income Tax Agency for the administration of the income tax laws of the City of Euclid and for the collections of said taxes be approved?

To the left of said words, in boxes, with the appropriate places for the marking, shall appear the words "Yes" and "No" and each voter shall indicate his or her vote by placing an "X" in the place so provided.

Section 3: The Director of Law for the City of Euclid is hereby authorized to review the wording of the proposed question as well as the ballot language with appropriate election officials and to revise the language as necessary to comply with any applicable legal requirements so long as the intent of the amendment is not changed.

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.

Attest:

Clerk of Council

Passed:

Effective:

President of Council

Approved:

Mayor

Ordinance No.

By –All Members of Council

A resolution authorizing the Mayor of the City of Euclid to issue the 2019 Neighborhood Association Grants.

WHEREAS, the amount of the grant allocated to each association for the year 2019 will be Two Hundred Dollars (\$200.00); and

WHEREAS, participation in the grant program, allows for increased association activity and outreach efforts to members; and

WHEREAS, to be eligible for the grant, associations must: (1) have had at least two neighborhood meetings (not board meetings); (2) one activity in 2018; (3) submit a 2018 bank statement with their completed grant application; and (4) have a bank account in their name that requires two signatures for withdrawal.

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 is hereby authorized to issue the 2019 Neighborhood Association Grant. Allocation is in the amount of Two Hundred Dollars (\$200.00) each, and to be eligible for the grant, associations must: (1) have had at least two neighborhood meetings (not board meetings); (2) one activity in 2018; (3) submit a 2018 bank statement with their completed grant application; and (4) have a bank account in their name that requires two signatures for withdrawal.

Section 2: Funds to pay for this expenditure are to be derived from the General 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 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

Ordinance No.

By – All Members of Council

AN 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 2018 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 (June 30, 2016) 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.

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>
85-2016	7-18-16	757.12
95-2016	9-6-16	1389.12
103-2016	9-6-16	571.06
104-2016	9-6-16	731.10
109-2016	9-19-16	1377.12
111-2016	10-3-16	309.01 - 309.09, 309.99
118-2016	10-17-16	337.32
126-16	11-7-16	1761.05
131-2016	11-21-16	1371.01 - 1371.07, 1375.01 - 1375.03
132-2016	11-21-16	1703.043
133-2016	11-21-16	1703.042
134-2016	11-21-16	537.20, 537.205
135-2016	11-21-16	545.04
136-2016	11-21-16	1755.99
137-2016	11-21-16	1761.05
143-2016	12-19-16	1390.09
145-2016	12-19-16	529.07
147-16	12-19-16	571.15
14-2017	2-6-17	945.05
15-2017	2-21-17	1399.01 - 1399.15
18-2017	2-21-17	335.15
22-2017	3-6-17	731.10
40-2017	4-3-17	Repeals 719.04
41-2017	4-3-17	731.10
42-2017	4-17-17	1359.03, 1359.04, 1359.06, 1362.03, 1362.05
58-2017	5-15-17	1590.16
91-2017	8-21-17	1359.03
99-2017	9-5-17	351.12
118-2017	10-16-17	728.01 - 728.03, 728.99, 1359.03, 1359.06
129-2017	11-20-17	1377.12

<u>Ord. No.</u>	<u>Date</u>	<u>C.O. Section</u>
130-2017	11-20-17	1385.03
143-2017	12-18-17	505.37
6-2018	1-16-18	792.014, 792.02, 792.03, 792.041, 792.051, 792.07, 792.091, 792.10
18-2018	2-5-18	1301.01
23-2018	2-20-18	1385.01
24-2018	2-20-18	1389.09
25-2018	2-20-18	1389.14
31-2018	2-20-18	529.07
34-2018	3-5-18	792.22 - 792.2215
40-2018	3-5-18	121.15
46-2018	4-2-18	1590.06
51-2018	4-16-18	1377.05
52-2018	4-16-18	1377.13
55-2018	5-7-18	1301.01 - 1301.13
60-2018	5-7-18	109.02
65-2018	5-21-18	541.37
66-2018	5-21-18	331.44
69-2018	5-21-18	529.07
82-2018	6-4-18	731.10
83-2018	6-4-18	505.08
90-2018	6-18-18	1359.03, 1396.01 - 1396.07, 1703.65, Repeals Chapter 716
109-2018	8-20-18	1179.01 - 1179.08
158-2018	12-3-18	513.03
162-2018	12-3-18	947.04
163-2018	12-3-18	505.16
3-2019	1-7-19	1179.01 - 1179.08

Section 2: 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 December 31, 2018.

Section 3: 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 2016 Replacement Pages hereby approved, adopted and enacted, shall be necessary.

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 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.

Attest:

Clerk of Council

President of Council

Passed:
Effective:

Approved:

Mayor

Ordinance No.

By – Councilpersons Gorshe and Jarosz (by request)

An ordinance repealing Euclid Codified Ordinance Section 1749.01 "Minimum Dwelling Unit Size" of Chapter 1749 Miscellaneous Regulations of the Building and Housing Code of the Codified Ordinances of the City of Euclid and enacting Euclid Codified Ordinance Section 1381.11 "Minimum Floor Area of a Single Family Dwelling" of Chapter 1381 Area Regulations of the Planning and Zoning Code of the Codified Ordinances of the City of Euclid to reduce the minimum square footage of single family homes being built in the City of Euclid considering lot size.

WHEREAS, after significant review, research and fact-finding it has been found that the current 2,000 square foot minimum floor area requirement for new dwellings is overly restrictive, tending to discourage investment in new housing construction within Euclid's existing subdivisions; and

WHEREAS, there is concern that without a minimum floor area requirement that very small houses may tend to become absentee owned rental housing, and may thereby have a negative impact on neighborhood stability; and

WHEREAS, considering various lot sizes within the City of Euclid, Euclid City Council suggests smaller floor area for new construction of single family homes would be better suited for our neighborhoods.

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

Section 1: That Section 1749.01 "Minimum Dwelling Unit Size" of Chapter 1749 Miscellaneous Regulations of the Building and Housing Code of the Codified Ordinances of the City of Euclid is hereby repealed:

~~1749.01 MINIMUM DWELLING UNIT SIZE.~~

~~For purposes of this Building and Housing Code, a one, two or three family dwelling is intended to be occupied exclusively and continuously for residential use, and shall include a basement of not less than 400 square feet of floor area or a utility room of not less than 80 square feet of floor area, and that has a total finished livable floor area (exclusive of basement and utility room) of not less than 2,000 square feet per dwelling unit. (Ord. 122-1990. Passed 4-16-90; Ord. 216-2003. Passed 11-3-03.)~~

Section 2: That Section 1381.11 "Minimum Floor Area of a Single Family Dwelling" of Chapter 1381 Area Regulations of the Planning and Zoning Code of the Codified Ordinances of the City of Euclid is hereby enacted to read as follows:

1381.11 MINIMUM FLOOR AREA OF A SINGLE FAMILY DWELLING

All single family dwelling units shall be constructed to have a minimum floor area based on their respective lot size as stated in the table below:

Lot Size	Floor area
Lots up to 10,000 square feet	1,250 square feet
Lots over 10,001 square feet	1,500 square feet

The above floor area requirement shall not apply in Attached Single Family Districts or to single family dwelling units approved under the terms of a Residential Planned Development per Section 1365.06 of the Euclid Zoning Code.

Section 3: That Section 1749.01 "Minimum Dwelling Unit Size" of Chapter 1749 Miscellaneous Regulations of the Building and Housing Code of the Codified Ordinances of the City of Euclid is hereby repealed and Section 1381.11 "Minimum Floor Area of a Single Family Dwelling" of Chapter 1381 Area Regulations of the Planning and Zoning Code of the Codified Ordinances of the City of Euclid is hereby enacted.

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 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