

**THE CITY OF SOUTH EUCLID
SCHEDULE OF MEETING**

**February 27, 2017
8:00 PM**

1. PLEDGE OF ALLEGIANCE

2. ROLL CALL

3. APPROVAL OF MINUTES: January 9, 2017 & January 23, 2017

4. REPORT OF MAYOR

5. REPORT OF LAW DIRECTOR & DEPARTMENTAL HEADS

6. PUBLIC HEARINGS (OPEN MEETING) RELATED TO AGENDA ITEMS

7. REPORT OF COMMITTEES

FINANCE COMMITTEE:

1. ORDINANCE 21-16 FIXING THE SALARY RANGE, COMPENSATION AND RATES OF PAY FOR VARIOUS OFFICES, BOARDS, COMMISSIONS AND DEPARTMENTS OF THE MUNICIPAL GOVERNMENT EFFECTIVE DECEMBER 1, 2016 REPEALING ORDINANCE NO. 20-09 ADOPTED APRIL 27, 2009 AND ALL OTHER ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT HEREWITH; AND DECLARING AN EMERGENCY. **THIRD READING.**

COMMITTEE-OF-THE-WHOLE:

1. ORDINANCE 03-17 TO MAKE APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF SOUTH EUCLID, STATE OF OHIO, DURING THE FISCAL YEAR ENDING DECEMBER 31, 2017; AND DECLARING AN EMERGENCY. **SECOND READING.**

8. LEGISLATION REQUESTED BY CITY COUNCIL

1. RESOLUTION 09-17 EXTENDING THE MORATORIUM ON THE GRANTING OF BUILDING PERMITS OR CERTIFICATES OF OCCUPANCY FOR ANY BUILDING, STRUCTURE, USE OR CHANGE OF USE THAT WOULD ENABLE THE CULTIVATION, PROCESSING, OR RETAIL SALE OF MEDICAL MARIJUANA FOR A PERIOD NOT TO EXCEED SIX MONTHS FROM THE EFFECTIVE DATE OF THIS RESOLUTION, IN ORDER TO ALLOW CITY COUNCIL AND THE SOUTH EUCLID PLANNING COMMISSION TO REVIEW APPLICABLE OHIO STATUTES, CRIMINAL CODES AND THE SOUTH EUCLID ZONING CODE RELATIVE TO SUCH USE; AND DECLARING AN EMERGENCY. **FIRST READING.**
2. ORDINANCE 04-17 CREATING NEW TITLE NINE "MEDICAL MARIJUANA CONTROL PROGRAM" OF PART SEVEN "PLANNING AND ZONING CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO. **TO BE PLACED ON FIRST READING FOR REFERRAL TO THE PLANNING COMMISSION.**

9. LEGISLATION REQUESTED BY THE MAYOR AND ADMINISTRATION

1. RESOLUTION 06-17 AUTHORIZING THE MAYOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE CUYAHOGA SOIL AND WATER CONSERVATION DISTRICT AS A MEMBER OF THE EUCLID CREEK WATERSHED COUNCIL. FIRST READING.

2. RESOLUTION 07-17 AUTHORIZING THE MAYOR TO ENTER INTO A MEMORANDUM OF UNDERSTADNING WITH THE CUYAHOGA SOIL AND WATER CONSERVATION DISTRICT AND THE NORTHEAST OHIO REGIONAL SEWER DISTRICT TO PROVIDE TECHNICAL ASSISTANCE REGARDING PUBLIC INFORMATION AND PUBLIC EDUCATION. FIRST READING.

3. RESOLUTION 08-17 AUTHORIZING THE MAYOR TO CONVEY CERTAIN REAL PROPERTY OF THE CITY OF SOUTH EUCLID, OHIO TO ONE SOUTH EUCLID. FIRST READING.

4. ORDINANCE 05-17 TO PROVIDE FOR THE ISSUANCE AND SALE OF NOTES IN ANTICIPATION OF THE ISSUANCE OF BONDS IN A PRINCIPAL AMOUNT NOT TO EXCEED \$1,600,000 FOR THE PURPOSE OF PAYING THE COSTS OF THE ACQUISITION, AND ANY NECESSARY CLEARANCE AND PREPARATION, OF REAL PROPERTY FOR URBAN REDEVELOPMENT, PAYING COSTS OF ISSUANCE; AND DECLARING AN EMERGENCY. FIRST READING.

10. COMMUNICATIONS OF CITY COUNCIL

11. PUBLIC HEARINGS (OPEN MEETING) RELATED TO OPEN BUSINESS

12. ADJOURN

CITY OF SOUTH EUCLID, OHIO

ORDINANCE NO.: 21-16
 INTRODUCED BY: Goodman
 REQUESTED BY: Mayor

First Reading: November 14, 2016
 Second Reading: November 28, 2016
**Proposed Revisions from 2-13-17
 Finance Committee for approval at
 2-27-17 Committee Meeting.**

AN ORDINANCE

FIXING THE SALARY RANGE, COMPENSATION AND RATES OF PAY FOR VARIOUS OFFICES, BOARDS, COMMISSIONS AND DEPARTMENTS OF THE MUNICIPAL GOVERNMENT EFFECTIVE JANUARY 1, 2017 REPEALING ORDINANCE NO. 20-09 ADOPTED APRIL 27, 2009 AND ALL OTHER ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT HEREWITH; AND DECLARING AN EMERGENCY.

BE IT ORDAINED by the Council of the City of South Euclid, Ohio:

Section 1: That title, salary, and compensation for the following listed offices are hereby established not to exceed the following amounts (not including longevity):

ADMINISTRATION

RANGE

	<u>FROM</u>	<u>TO</u>	
Mayor	Reference ordinance number 12-07		
Council	Reference ordinance number 34-10		
Finance Director	\$78,000	\$105,000	Per annum
Building Commissioner/ Zoning Administrator	\$73,333	\$100,000	Per annum
Service Director	\$73,333	\$100,000	Per annum
Economic Development Director	\$54,666	\$ 82,000	Per annum
Community Services Director/COC	\$54,666	\$ 82,000	Per annum
Housing Director	\$50,000	\$ 82,000	Per annum
Community Center Director	\$50,000	\$ 65,000 82,000	Per annum
Community Development Coordinator	\$47,476	\$ 85,000 65,000	Per annum
Assistant Service Director	\$47,476	\$ 85,000 65,000	Per annum
Assistant Finance Director	\$47,476	\$ 85,000	Per annum
Law Director	\$51,048	\$ 66,000	Per annum and \$137.50 per hour for his or his designee's preparation, representation & appearance in all County, State and Federal Courts including preparation, representation and appearance before State and Federal Boards and Commissions and to representation in all City labor matters

Section 3: That title, salary and rates of pay for the judge and employees of the Municipal Court are hereby established not to exceed the following amounts:

MUNICIPAL COURT

	<u>Annual City Rate</u>
Judge (City Portion)	\$37,950.00
Clerk of Court (City Portion)	\$33,000 – \$46,800
Acting Judge (City Portion)	\$148.20/day
Magistrate (Small Claims) (permanent part time) (City Portion)	\$12,000 - \$24,000

	<u>RANGE</u>	
	<u>FROM</u>	<u>TO</u>
Chief Deputy Clerk	\$20.00/hr.	\$34.00/hr.
Deputy Clerk	\$10.00/hr	\$22.00/hr.
Deputy Clerk/IT Specialist	\$15.00/hr.	\$25.00/hr.
Bookkeeper	\$10.00/hr	\$33.00/hr.
Chief Bailiff (City Portion)	\$15.00/hr.	\$22.00/hr.
Assistant Security Bailiff (City Portion)	\$12.00/hr	\$18.00/hr.
Admin. Bailiff	\$10.00/hr	\$22.00/hr.
Probation Officer	\$15.00/hr.	\$25.00/hr.
Magistrate (Small Claims) (part time) (City Portion)	\$20.00/hr.	\$30.00/hr.

Section 4: That title, salary and rates of pay for the following departments of the city are hereby established not to exceed the following amounts:

FINANCE DEPARTMENT

	<u>RANGE</u>	
	<u>FROM</u>	<u>TO</u>
Payroll Administrator	\$15.00/hr.	\$25.00/hr.
Part Time Office Assistant	Minimum Wage/hr.	\$15.00/hr.
Finance Department Assistant	\$13.00/hr.	\$22.00/hr.

BUILDING AND HOUSNG DEPARTMENT

Technical

Chief Building Inspector	\$27.00/hr.	\$36.00/hr.
Building Inspector I	\$18.00/hr.	\$26.00/hr.
Building Inspector II	\$25.00/hr.	\$31.00/hr.
Lead Housing Inspector	\$18.00/hr.	\$25.00/hr.
Housing Inspector	\$16.00/hr.	\$22.00/hr.
Permit Specialist	\$15.50/hr.	\$22.50/hr.

Administrative

Building or Housing Department Assistant I	\$9.00/hr	\$16.25/hr.
Building or Housing Department Assistant II	\$14.75/hr.	\$19.50/hr.
Housing Programs Coordinator	\$15.50/hr.	\$22.50/hr.
Office Assistant – Part Time	Minimum Wage/hr.	\$15.00/hr
Administrative Support Specialist	\$15.50/hr.	\$25.00/hr.

In addition to the amounts set forth above for Building and Housing Department personnel, an employee holding any of the following certifications set forth under the Ohio Building Code Section 103.2(2) for required personnel shall be entitled to annual compensation in the amount of \$250.00 per license. Interim certifications are excluded. Certifications must be current with the Board of Building Standards. Failure to maintain certifications will result in forfeiture of compensation. Payable with the first pay of December and prorated for the number of months worked in that calendar year.

The eligible certifications are: Building Official, Master Plans Examiner, Building Inspector, Plumbing Inspector, and Electrical Safety Inspector.

SERVICE DEPARTMENT

	<u>FROM</u>	<u>TO</u>	<u>RANGE</u>
Part Time		Minimum Wage/hr.	\$20.00/hr.
Administrative Support Specialist		\$15.00/hr.	\$25.00/hr.

MISCELLANEOUS

Clerk of Council	\$10,000	\$20,000	Per annum
Receptionist – Clerk	Minimum Wage/hr	\$16.00/hr	
Law Clerk – Part Time	\$9.00/hr	\$16.00/hr	
Office Assistant – Part Time	Minimum Wage/hr	\$ 15.00/hr	
Pool Director	\$6,500.00	\$9,500.00	Per season
Part Time Seasonal Coordinator	Not to exceed \$750.00/week		
Part Time Seasonal Help	Minimum wage/hr.	\$10.00/hr.	

COMMUNITY CENTER

Administrative Support Specialist	9.00/hr	\$15.00/hr.	
Building Assistant	Minimum Wage/hr	\$15.00/hr.	
Support Staff/Maintenance	Minimum Wage/hr	\$14.00/hr	

Section 5: EXECUTIVE/ADMINISTRATIVE ASSISTANTS

	<u>FROM</u>	<u>TO</u>	<u>RANGE</u>
Executive Assistant to the Mayor	\$47,476	\$65,000	per annum

The offices described in Section 5 are administrative and supervisory positions in the city government and therefore no overtime compensation or accrual of any accumulated compensatory time shall be authorized or permitted.

If an employee is regularly designated and agrees to oversee day-to-day department operations in the absence of the Administrator, that person will receive an amount not to exceed five (5) per cent adjustment above the regular hourly rate for all hours worked. Recommendation for being designated or removed from this assigned rate will require the concurrence of the Department Administrator and the Mayor. This adjustment is specifically excluded when calculating payment within the pay range.

Section 6: That title, salary and compensation of appointees and employees of the various Boards and Commissions of the City are hereby established not to exceed the following amounts and number of meetings listed below:

BOARDS AND COMMISSIONS (Pay is for Meetings Held and Attended)

Board of Zoning Appeals:	Chairman	\$75.00 Per meeting (24 meetings per annum)
	Members	\$50.00 Per meeting (24 meetings per annum)
City Planning Commission:	Chairman	\$87.50 Per meeting (24 meetings per annum)
	Members	\$62.50 Per meeting (24 meetings per annum)
Civil Service Commission:	Chairman	\$175.00 Per meeting (12 meetings per annum)
	Members	\$125.00 Per meeting (12 meetings per annum)
Jury Commission: (Not to exceed One (1))	Chairman	\$4,000 Per annum
	Members	\$1,600 Per annum
Architectural Review Board	Chairman	\$150.00 Per meeting (12 meetings per annum)
	Members	\$100.00 Per meeting (12 meetings per annum)

BOARDS AND COMMISSIONS (continued)

Records Commission	Chairman	\$300 Per meeting (4 meetings per annum)
	Member	\$200 Per meeting (4 meetings per annum)

Secretaries:

Civil Service Commission	50.00 Per meeting
Zoning & Bldg. Stand. Bd. of Appeals	50.00 Per meeting
Planning & Zoning Commission	55.00 Per meeting
Other Boards & Commissions	35.00 Per meeting
Architectural Review Board	50.00 Per meeting

Section 7: LONGEVITY

All officials elected to a full time office who purchase additional service credits as permitted by Section 145.201 of the Revised Code of Ohio shall be reimbursed in amount of the costs thereof.

That in addition to their regular compensation, all full time employees with the exception of regular full time members of the members of the Police, Fire, Service and Dispatch who are covered by a collective bargaining agreement shall be paid additional **annual** compensation for length of continuous service as follows:

1st through 5th year of continuous service	-	No Entitlement
6th through 10th year of continuous service	-	\$ 900.00
11th through 15th year of continuous service	-	\$1,200.00
16th through 20th year of continuous service	-	\$1,500.00
21st year of continuous service & thereafter	-	\$1,800.00

This amount shall be paid as a lump sum in, and only for the year represented, and not a cumulative amount including prior years. For the purpose of applying this section, the anniversary date of appointment or employment unless it be on the first of any month, shall be considered as being on the first of the month next following the actual date of appointment or employment for which entitlement for service is allowed.

Section 8: UNIFORM ALLOWANCES

Uniform allowances for specified employees within the Department of Public Safety are hereby established as follows:

Uniform allowance for regular school guard personnel, \$350.00 per year payable with the second pay of the month in March.

Uniform allowance for Police civilian personnel to be \$650.00 per year, to be paid in equal installments with the second pay of the month in March and second pay of the month in September of each year. Uniform allowance for part-time Police civilian personnel (working minimum of 20 hrs/week) to be \$440.00 and to be paid in equal installments with the second pay of the month in March and second pay of the month in September.

Uniform allowance for Special Police Officers and Auxiliaries to be \$350.00 per year, to be paid in equal installments with the second pay of the month in March and second pay of the month in September.

In the event an employee's employment is terminated either by the employee or by the city, the uniform allowance paid shall be recovered by the City on a prorated basis computed on full calendar months worked in the current year of employment and the balance due the City shall be deducted from the final salary payment.

Section 9: VACATIONS

The following vacation allowances, schedule and conditions are hereby established for employees of the City:

(A) All full time employees shall be granted the following vacation with pay each year based upon their cumulative length of continuous service as follows:

Hourly paid permanent part-time employees shall accrue vacation time in the same manner as full time employees, except that the per day hours of vacation pay shall be those part-time hours normally worked by said part-time employees. Seasonal employees are defined as those who are employed to work for a specific limited period of time, regardless of number of hours worked in one week, shall not be entitled to vacation pay. Permanent part-time employees are defined as one who is scheduled to work fifty-two (52) weeks per calendar year at regular scheduled hours per week which must be in excess of twenty (20) hours.

Length of Service

During 1st year of employment

After 1 year

After 5 years

After 12 years

After 17 years

After 25 years

Length of Vacation

One-sixth (1/6) week per month to December 31, from date of hire.

Two (2) weeks

Three (3) weeks

Four (4) weeks

Five (5) weeks

Six (6) weeks

Vacation pay for employees shall be at the employee's weekly rate of pay.

(B) For the purposes of computing vacation to which an employee may be entitled, all employees shall have a common anniversary date of December 31. In order that no employees be penalized by reason of the common anniversary date, the following accrual periods shall be observed:

1. During the first year of employment, vacation will be earned at a rate of 1/6th of a week's vacation for each full month worked from the employee's date of hire to the common anniversary date.
2. During the fifth year of employment vacation will be earned at the rate of 1/4th of a week's vacation for each full month worked from the employee's fourth (4th) anniversary date to the common anniversary date.
3. During the twelfth year of employment, vacation will be earned at the rate of 1/3rd of a week's vacation for each full month worked from the employee's eleventh (11th) anniversary date to the common anniversary date.
4. During the seventeenth year of employment, vacation will be earned at the rate of 5/12th of a week's vacation for each full month worked from the employee's seventeenth (17th) anniversary date to the common anniversary date.
5. During the twenty-fifth year of employment, vacation will be earned at the rate of 1/2th of a week's vacation for each full month worked from the employee's twenty-fourth (24th) anniversary date to the common anniversary date.

For those employees hired prior to the sixteenth (16th) of the month, computation will be made as of the first day of the month hired.

For those employees hired from the sixteenth (16th) to the end of the month, computation will be made effective the next month.

(C) The right to schedule an employee's vacation period is reserved by the City. Employees shall notify the City by February 1, of each year of their choice of vacation dates. The City will post the vacation schedule by March 1, of each year. Wherever possible the City will seek to accommodate employees as to vacation dates. Any conflict in choice shall be resolved on the basis of departmental seniority. Request for vacation period changes must be made at least two weeks prior to the beginning of the previously approved vacation period. The City may reschedule an employee's vacation period for operational reasons provided it notifies the employee's previously approved vacation. Employees shall be required to take their vacation time off from work and may not receive vacation pay in lieu thereof.

(D) **Vacation time may only be transferred from one year to another year with the expressed written consent of the Mayor.** ~~Vacations may not be voluntarily accumulated from year to year, nor may a vacation be voluntarily postponed from one vacation year to another. No employee may receive an advance vacation.~~

(E) If a holiday as provided for in Section 10, of this ordinance falls within a full time or permanent part-time employee's scheduled vacation, it will be considered a designated holiday and not a vacation day.

(F) An eligible employee may elect to receive his vacation check on the pay date prior to the employee's vacation provided two (2) weeks notice has been given of the employee's desire to receive a vacation check.

(G) An employee who is discharged or who terminates his employment after qualifying for a vacation shall be paid one-twelfth (1/12) the vacation pay due him based upon his completed length of service, for each full month of employment or major fraction thereof for which he has received no vacation pay, provided the employee has given the City two (2) weeks advance notice of his termination of employment. In the event an employee terminates his employment or is discharged and later rehired, he shall be considered a newly-hired employee. In the event of the death of an employee, his accrued vacation pay shall be paid to his surviving spouse or to his estate.

(H) Any employee who sustains a work related injury covered by Ohio Workers' Compensation will

continue to accrue vacation during the period of disability provided the employee returns to his normal duties within one hundred and eighty (180) days of the date of injury.

- (I) Any employee who is receiving compensation for authorized sick leave will continue to earn vacation credits during the period of such compensation from the City.
- (J) "Length of Service" as used in this Section pertaining to vacation schedules means years of employment with South Euclid only. However, any employee of the Municipality who has been previously employed in a full-time capacity by the State of Ohio or any of its political subdivisions, providing a letter of verification from the prior public employer is submitted within the 1st year of employment with the City, is entitled to have such prior service counted as years of employment for the purpose of computing vacation time herein and shall be credited as such on January 1st after initial employment with the City.

Section 10: HOLIDAYS

The following holidays are hereby established for all full time and permanent part time employees:

All full-time employees of the municipality shall be entitled to time off and to be paid at their hourly rate on the basis of a normally scheduled work day for the following designated holidays:

New Year's Day	Labor Day
Martin Luther King, Jr. Day	Thanksgiving Day
Memorial Day	Christmas Day
Fourth of July	

In addition, each full-time employee is entitled six (6) days each calendar year which are undesignated holidays. Employees earn one (1) undesignated holiday for each two (2) calendar months of employment. (See Section 12 for Waiting Period.) Undesignated holidays for the current calendar year only may be used prior to being earned but can only be taken when time permits as decided by the department head. If an employee terminates his/her employment, any holiday taken by the employee but not earned will be repaid to the city by reducing the employees last pay check.

Permanent part-time employees who are scheduled to work fifty-two weeks per calendar year at regular scheduled hours per week which must be in excess of twenty hours shall be entitled to the designated holidays and undesignated holidays mentioned above. (Payment for permanent part-time employees will be one-fifth (1/5) of their average weekly wage) for each holiday. Employees earn one (1) undesignated holiday for each two (2) calendar months of employment. Undesignated holidays begin to accrue after an employee has completed their waiting period. (See Section 12 for Waiting Period.) Undesignated holidays for the current calendar year only may be used prior to being earned but can only be taken when time permits as decided by the department head. If an employee terminates his/her employment, any holiday taken by the employee but not earned will be repaid to the city by reducing the employees last pay check.

Eligibility. In order to qualify for holiday pay, any employee who has completed their waiting period, (see Section 12 for Waiting Period) must meet the following requirements:

- A. He/she must be a full-time employee or a permanent part-time employee regularly scheduled to work a minimum of twenty (20) hours per week and have seniority as of the date of such holiday;
- B. He/she must be on the active payroll during the week in which the holiday falls (or the prior week if a Sunday holiday is involved);
- C. He/she must work the last full scheduled shift prior to such holiday and the first full scheduled shift immediately following such holiday unless the employee's absence was involuntary and for a reasonable cause.
- D. Employees who desire to take undesignated holidays must meet the above conditions and give two (2) days' prior notification, if possible, as to when they are taking the time off so that the time off can be approved.

Designated Holiday Observance. Sunday holidays shall be observed on Mondays. If any of the above Holidays falls on a Saturday, the preceding Friday shall be observed as the holiday.

Vacation Exception. Employees who are on vacation during the week in which a holiday is observed and who otherwise qualify for holiday pay and who work their full scheduled shift immediately following such vacation will be paid for that holiday.

Section 11: HOSPITALIZATION INSURANCE

The City will provide a healthcare plan for full-time employees and those recognized by the current healthcare provider and for the Judge of the South Euclid Municipal Court once they have completed the mandatory waiting period. (See section 12 for waiting period).

Employees who are eligible for health insurance coverage, their dependents and spouses, may voluntarily elect, in writing, not to be covered under the City offered health insurance plan. In the event family coverage is discontinued, the employee may elect to be compensated a minimum of \$400.00 for each month the insurance is discontinued and the employee is not covered by a City health insurance plan. If single coverage is discontinued, the employee may elect to be compensated a minimum of \$144.00 per month for each month the insurance is discontinued and the employee is not covered by a City health insurance plan. Payroll payments under this section will be made the last pay in June and the last pay in December.

Employees who wish to re-enroll in family or single hospitalization insurance coverage with the City may do so during the various insurance plans' normal enrollment period provided the employee, spouse and dependents meet the eligibility requirements for enrollment. As part of the election not to be covered under the City hospitalization insurance plans, the employee, spouse and dependents must acknowledge that if they should seek re-enrollment in the insurance plans offered by the City, they may not be covered by such carriers for any pre-existing conditions. In addition, the City may require periodic proof of coverage elsewhere. (City to draft waiver.)

Effective January 1, 1999, for all eligible full time employees who have completed two (2) months of service calculated from the employee's date of hire the City will pay the premiums for a minimum \$20,000.00 term life and accidental death and dismemberment insurance.

Section 12: PROBATION PERIOD – WAITING PERIOD

- 12(a) Probation Period – The Probationary Period is considered the first 90 days of employment.

All employees shall be considered to be probationary employees until they have completed their probationary period.

- 12(b) Waiting Period – The waiting period is the first 2 months of employment, to be calculated as follows: If your hire date falls on the 1st through the 15th of the month, that month will help satisfy your waiting period. If your hire date falls on the 16th through the 31st of the month, that month will not help satisfy your waiting period.

Benefits including holidays, sick time and hospitalization shall start to accrue beginning with the third (3rd) month for eligible employees who have completed their waiting period pursuant to Section 9, 10 and 11.

Section 13: That officers and employees of the Municipal Government shall be paid bi-weekly, except as otherwise determined by the head of the various departments. All salaries and wages accrued on and after January 1, 2016 shall be paid at the rate provided in this Ordinance.

Section 14: EXPENSE

Any full time, part-time or special employee who is required to use a personal vehicle in the performance of said employee's municipal duties other than transportation to and from his place of work, shall be reimbursed therefore, at the rate per mile that is currently in effect per IRS Regulations, upon submission to the Finance Director the record indicating the date, time and purpose of such use, and the number of miles driven.

Any employee who, with prior approval of his department head, is required to be beyond the limits of this municipality in the performance of his municipal duties, or to receive training therefore, shall be reimbursed for the cost of his overnight accommodation and necessary meals consistent with reasonable rates prevailing, as approved by the responsible department head and Mayor.

Section 14A: REIMBURSEMENT FOR APPROVED EDUCATIONAL COURSE COSTS.

For all job related subjects required to attain a Bachelor's Degree taken by full time city personnel during an employee's employment and for such other subjects as are approved by the Mayor for department members, the City will reimburse a department member for the costs of said course(s), including applicable tuition, fees, cost of books and related materials necessary in the completion of such course(s), less any amount paid by a federal or public agency toward the cost of said course(s).

The following enumerated conditions and requirements are hereby established as conditions precedent to the reimbursement provided above for approved educational courses:

- A. Full time department members must have completed two continuous years of service in the City before they will be entitled to reimbursement for approved educational courses under this Article.
- B. For reimbursement, a minimum of grade "C" or its equivalent is required to qualify for such reimbursement.
- C. Reimbursement will be paid only at the end of the school quarter or semester upon submission to the satisfaction of the Mayor of the School transcript or other competent evidence that the courses were successfully completed in that particular calendar year.

Section 15: That original Ordinance No. 20-09, the Ordinance fixing the salary, compensation and rates of pay for various offices, boards, commissions and departments of the Municipal Government and all other ordinances and resolutions or parts thereof which are in conflict or inconsistent with any provisions of this Ordinance be and the same are hereby repealed.

Section 16: That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees on or after November 25, 1975, 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 17: That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety for the reason that the functions of the various departments of the municipal government are immediately affected hereby. Wherefore, this Ordinance shall take effect upon passage and approval and the signature of the Mayor.

Passed this _____ day of _____, 2017.

Jane Goodman, President of Council

Approved:

Georgine Welo, Mayor

Attest:

Keith A. Benjamin, Clerk of Council

Approved as to form:

Michael P. Lograsso, Director of Law

CITY OF SOUTH EUCLID, OHIO

ORDINANCE NO.: 03-17
 INTRODUCED BY: Goodman
 REQUESTED BY: Mayor

February 13, 2017

Council Budget Meeting: October 19, 2016
 Council Budget Meeting: November 3, 2016
 Council Budget Meeting: November 9, 2016
 Council Budget Meeting: November 30, 2016
 Council Budget Meeting: December 5, 2016
 Council Budget Meeting: January 18, 2017

Council Financial Meeting: October 10, 2016
 Council Financial Meeting: November 14, 2016
 Council Financial Meeting: December 12, 2016
 Council Financial Meeting: January 9, 2017

Second Reading February 27, 2017

AN ORDINANCE

TO MAKE APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF SOUTH EUCLID, STATE OF OHIO, DURING THE FISCAL YEAR ENDING DECEMBER 31, 2017; AND DECLARING AN EMERGENCY.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of South Euclid, Ohio:

Section 1: That to provide for the current expenses and other expenditures of the City of South Euclid during the fiscal year ending December 31, 2017, the sums as herein set forth be and the same are hereby made. Said sums to be used to implement this 2017 Revenue and Expense.

Section 2: That there be appropriated from the General Fund:

PROGRAM I - Security of Persons and Property

POLICE DEPARTMENT - 1110

Personal Services	\$4,217,848	
Other Charges	<u>269,700</u>	
Total Police Department		\$4,478,548

POLICE - ADMINISTRATIVE - 1111

Personal Services	\$115,817	
Other Charges	<u>1,000</u>	
Total Police Department-Administrative		\$116,817

POLICE - SCHOOL GUARDS - 1112

Personal Services	\$59,365	
Other Charges	<u>1,000</u>	
Total Police Department-School Guards		\$60,365

POLICE - CORRECTIONS - 1113

Personal Services	\$162,137	
Other Charges	<u>1,000</u>	
Total Police Department-Corrections		\$163,137

FIRE DEPARTMENT - 1120

Personal Services	\$3,453,092	
Other Charges	<u>256,730</u>	
Total Fire Department		\$3,709,822

FIRE HYDRANTS - 1122

Other Charges	<u>29,500</u>	
Total Fire Hydrants		\$29,500

DISPATCHERS - 1130

Personal Services	\$452,924	
Other Charges	<u>98,400</u>	
Total Dispatchers		\$551,324

TOTAL PROGRAM I \$9,109,514

PROGRAM II - Public Health & Welfare Services

SUPPORT OF PRISONERS - 2210

Other Charges	<u>\$148,000</u>	
Total Public Health & Welfare		\$148,000
TOTAL PROGRAM II		\$148,000

PROGRAM III - Leisure Time Activities

RECREATION - 3310

Personal Services	\$78,512	
Other Charges	<u>30,900</u>	
Total Recreation		\$109,412

COMMUNITY CENTER - 3350

Personal Services	\$135,747	
Other Charges	<u>53,424</u>	
Total Community Center		\$189,171
TOTAL PROGRAM III		\$298,583

PROGRAM IV - Community Environment

BUILDING DEPARTMENT - 4410

Personal Services	\$784,988	
Other Charges	<u>96,800</u>	
Total Building Department		\$881,788

ECONOMIC DEVELOPMENT - 4430

Personal Services	\$78,382	
Other Charges	<u>35,150</u>	
Total Economic Development		\$113,532

COMMUNITY RELATIONS - 4440

Personal Services	\$78,516	
Other Charges	<u>50,100</u>	
Total Community Relations		\$128,616

CITY BOARDS & COMMISSIONS - 4450

Personal Services	\$35,357	
Other Charges	<u>4,450</u>	
Total Boards & Commissions		\$39,807

YOUTH INITIATIVE - 4460

Personal Services	\$16,513	
Other Charges	<u>15,500</u>	
Total Youth Initiative		\$32,013

TOTAL PROGRAM IV

\$1,195,756

PROGRAM V - Basic Utility Service

REFUSE COLLECTION & DISPOSAL - 5510

Other Charges	<u>\$1,300,000</u>	
Total Refuse Collection & Disposal		\$1,300,000

CURBSIDE RECYCLING - 5520

Personal Services	\$84,837	
Other Charges	<u>9,700</u>	
Total Curbside Recycling		\$94,537

TOTAL PROGRAM V

\$1,394,537

PROGRAM VI - Transportation

SERVICE DEPARTMENT - 6510

Personal Services	\$544,861	
Other Charges	<u>166,150</u>	
Total Service Department		\$711,011

GARAGE - 6620

Personal Services	\$195,304	
Other Charges	<u>208,750</u>	
Total Garage		\$404,054

TOTAL PROGRAM VI

\$1,115,065

PROGRAM VII - General Government

MAYOR'S OFFICE - 7710

Personal Services	\$189,628	
Other Charges	<u>15,834</u>	
Total Mayor's Office		\$205,462

LEGISLATIVE ACTIVITIES (CITY COUNCIL) - 7720

Personal Services	\$97,084	
Other Charges	<u>22,000</u>	
Total Legislative Activities (City Council)		\$119,084

FINANCE ADMINISTRATION - 7730

Personal Services	\$275,244	
Other Charges	<u>38,500</u>	
Total Finance Administration		\$313,744

INCOME TAX ADMINISTRATION (RTA) - 7731

Personal Services	\$0	
Other Charges	<u>463,000</u>	
Total Income Tax Administration		\$463,000

LEGAL ADMINISTRATION - 7740

Personal Services	\$186,262	
Other Charges	<u>249,000</u>	
Total Legal Administration		\$435,262

JUDICIAL ACTIVITIES (MUNICIPAL COURT) - 7750

Personal Services	\$621,230	
Other Charges	<u>67,000</u>	
Total Judicial Activities (Municipal Court)		\$688,230

CIVIL SERVICE COMMISSION - 7760

Personal Services	\$7,753	
Other Charges	<u>28,150</u>	
Total Civil Service Commission		\$35,903

ENGINEERING - 7770

Personal Services	\$19,241	
Other Charges	<u>4,200</u>	
Total Engineering		\$23,441

MUNICIPAL COMPLEX - 7780

Personal Services	\$33,459	
Other Charges	<u>423,800</u>	
Total Municipal Complex		\$457,259

GENERAL SERVICES - 7790

Personal Services	\$27,000	
Other Charges	<u>411,176</u>	
Total General Services		\$438,176

INSURANCE - 7791

Personal Services	\$0	
Other Charges	<u>233,500</u>	
Total Insurance		\$233,500

TRANSFERS/ADVANCES OUT - 9910/9920

Other Charges	<u>\$1,447,731</u>	
		<u>\$1,447,731</u>

TOTAL PROGRAM VII

\$4,860,792

TOTAL GENERAL FUND

\$18,122,247

Section 3: That there be appropriated from the Special Revenue Funds:

OPERATION HOME IMPROVEMENT (FUND 103/104)

Other Charges	<u>\$0</u>	
Total		\$0

COFS GRANT (FUND 100)

Personal Services	\$0	
Other Charges	<u>0</u>	
Total		\$0

COMMUNITY DIVERSION PROGRAM (FUND 107)

Personal Services	\$11,610	
Other Charges	<u>4,745</u>	
Total		\$16,355
		16,355

STREET CONSTRUCTION & MAINTENANCE (FUND 202)

Personal Services	\$593,787	
Other Charges	<u>247,750</u>	
Total		\$841,537
		841,537

STATE HIGHWAY IMPROVEMENT (FUND 203)

Personal Services	\$0	
Other Charges	<u>60,000</u>	
Total		\$60,000
		60,000

PARKING LOTS & PARKING METERS (FUND 205)

Personal Services	\$0		
Other Charges	<u>0</u>		
Total		\$0	-

SWIMMING POOLS (FUND 206)

Personal Services	\$162,239		
Other Charges	<u>82,750</u>		
Total		\$244,989	244,989

PERMISSIVE MOTOR VEHICLE TAX (FUND 207)

Other Charges	<u>\$130,000</u>		
Total		\$130,000	130,000

HUD GRANT - NSP 3 (FUND 215)

Other Charges	<u>\$0</u>		
Total		\$0	

POLICE RANGE (FUND 220)

Other Charges	<u>\$27,200</u>		
Total		\$27,200	

LAW ENFORCEMENT TRUST (FUND 221)

Other Charges	<u>\$110,000</u>		
Total		\$110,000	137,200

FEMA FIREFIGHTERS GRANT (FUND 222)

Other Charges	<u>\$220</u>		
Total		\$220	

SAFETY FORCES LEVY (FUND 410)

Personal Services	\$1,850,000		
Other Charges	<u>20000</u>		
Total		\$1,870,000	

STREET LIGHTING (FUND 511)

Other Charges	<u>\$485,000</u>		
Total		\$485,000	2,355,220

SEWER MAINTENANCE (516)

Personal Services	\$430,644		
Other Charges	<u>28,045</u>		
Total		\$458,689	458,689

SEWER REHABILITATION (517)

Other Charges	<u>\$400</u>		
Total		\$400	

POLICE PENSION (FUND 614)

Other Charges	<u>\$105,000</u>		
Total		\$105,000	

FIRE PENSION (FUND 615)

Other Charges	<u>\$104,000</u>		
Total		\$104,000	

SICK LEAVE BENEFIT (FUND 926)

Other Charges	<u>\$60,119</u>		
Total		\$60,119	\$269,519

TOTAL SPECIAL REVENUE FUNDS: \$4,513,508

Section 4: That there be appropriated from the Bond Retirement Funds:

GENERAL BOND RETIREMENT (FUND 327)

Other Charges	<u>\$75,660</u>		
Total		\$75,660	\$75,660

RECREATION BOND RETIREMENT (FUND 328)

Other Charges	<u>\$0</u>		
Total		\$0	\$0

SPECIAL ASSESSMENT BOND RETIREMENT (FUND 510)

Other Charges _____ \$0
Total \$0 50

TOTAL BOND RETIREMENT FUNDS: \$75,660

Section 5: That there be appropriated from the Capital Project Funds:

CAPITAL PROJECT FUNDS

GENERAL IMPROVEMENT & REPAIR (FUND 408)

Other Charges _____ \$539,733
Total \$539,733 539,733

SAFETY FORCES VEHICLES (FUND 409)

Other Charges _____ \$591,773
Total \$591,773 \$591,773

POLICE VEHICLES & EQUIPMENT (FUND 411)

Other Charges _____ \$51
Total \$51

RECREATION CONTINGENCY (FUND 418)

Other Charges _____ \$0
Total \$0 51

WATER DISTRIBUTION INFRASTRUCTURE (FUND 424)

Other Charges _____ \$715,900
Total \$715,900 715,900

ROAD RESURFACING (FUND 425)

Other Charges _____ \$929,304
Total \$929,304 929,304

FLOOD CONTROL (FUND 426)

Other Charges _____ \$1,989,777
Total \$1,989,777 1,989,777

SIDEWALK IMPROVEMENT PROGRAM (FUND 427)

Other Charges _____ \$7
Total \$7 7

STAN HOPE PARKING LOT (FUND 430)

Other Charges _____ \$2,853
Total \$2,853

ISSUE II PROJECTS (FUND 431)

Other Charges _____ \$0
Total \$0

LAND ACQUISITION (FUND 440)

Other Charges _____ \$1,283,396
Total \$1,283,396 1,286,249

TOTAL CAPITAL PROJECT FUNDS: \$6,052,794

TRUST & AGENCY (FUND 917)

Other Charges _____ \$2,930,965
Total \$2,930,965

TOTAL TRUST & AGENCY FUND: \$2,930,965

GRAND TOTAL \$31,695,175

Section 6: That the City Finance Director is hereby authorized to draw warrants for payments from any of the foregoing appropriations upon receiving proper certificates and vouchers therefor, approved by the Board of Officers authorized by law to approve same, or an ordinance or resolution of Council to make the expenditures; provided that no warrants shall be drawn or paid for salaries or wages except to persons employed by authority of and in accordance with law or ordinance. Provided further, that the appropriation for contingencies can be expended upon approval of a two-thirds vote of Council for items constituting a legal obligation against the City for purposes other than those covered by other specific appropriations, herein made.

Section 7: That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees on or after November 25, 1975, 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 8: That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City and for further reason that funds cannot be properly disbursed in 2017 unless this Ordinance goes into immediate effect. Wherefore, this Ordinance shall take effect upon passage and approval.

Passed this _____ day of _____, 2017.

Jane Goodman, President of Council

Approved:

Attest:

Keith A. Benjamin, Clerk of Council

Approved as to form:

Georgine Welo, Mayor

Michael Loggaso, Director of Law

CITY OF SOUTH EUCLID, OHIO

RESOLUTION NO.: 09-17
INTRODUCED BY: Goodman
REQUESTED BY: Russell

February 27, 2017

A RESOLUTION

EXTENDING THE MORATORIUM ON THE GRANTING OF BUILDING PERMITS OR CERTIFICATES OF OCCUPANCY FOR ANY BUILDING, STRUCTURE, USE OR CHANGE OF USE THAT WOULD ENABLE THE CULTIVATION, PROCESSING, OR RETAIL SALE OF MEDICAL MARIJUANA FOR A PERIOD NOT TO EXCEED SIX MONTHS FROM THE EFFECTIVE DATE OF THIS RESOLUTION, IN ORDER TO ALLOW CITY COUNCIL AND THE SOUTH EUCLID PLANNING COMMISSION TO REVIEW APPLICABLE OHIO STATUTES, CRIMINAL CODES AND THE SOUTH EUCLID ZONING CODE RELATIVE TO SUCH USE; AND DECLARING AN EMERGENCY.

WHEREAS, On June 8, 2016, the Ohio General Assembly has adopted and the Governor has signed into law 131 Sub. H.B. 523, which became effective on September 8, 2016; and

WHEREAS, On September 26, 2016 South Euclid City Council adopted Resolution 45-16 placing a six-month moratorium on the granting of medical marijuana related building permits and certificates of occupancy; and

WHEREAS, the current moratorium expires in March 2017; and

WHEREAS, 131 Sub. H.B. 523, among other things, permits patients in Ohio to use medical marijuana on the recommendation of physicians; creates state regulatory oversight of the cultivation, processing, retail sale, use and physician recommendation of medical marijuana; authorizes the legislative authority of a city to adopt regulations to prohibit or limit the number of retail medical marijuana dispensaries; and prohibits a cultivator, processor, retail dispensary or laboratory from being located or relocating within 500 feet of a school, church, public library, public playground or public park.

WHEREAS, as such, Council and the Planning Commission require additional time to undertake a review of all applicable codes statewide and within the city in order to formulate a local response to 131 Sub. H.B. 523; and

WHEREAS, pursuant to the Constitution of the State of Ohio and the Ohio Revised Code, municipalities have the power to enact planning and zoning laws that are for the health, safety, welfare, comfort and peace of the citizens of the municipality including restricting areas used for businesses and trades; and

WHEREAS, this Council by a vote of at least five members thereof determines that this resolution is an emergency measure, that this resolution shall take effect at the earliest date possible as set forth in Article II, Sections 5 and 6 of the Charter of the City of South Euclid and that it is necessary for the immediate preservation of the public property health and safety and to provide for the usual daily operation of municipal departments in that the affected businesses are able to apply for a permit immediately notwithstanding the potential application of criminal and zoning codes.

NOW THEREFORE BE IT RESOLVED by the Council of the City of South Euclid, Ohio:

Section 1: That Council hereby imposes an additional moratorium on the granting of building permits or certificates of occupancy for any building, structure, use or change of use that would enable the cultivation, processing, or retail sale of medical marijuana for a period not to exceed six months from the effective date of this Resolution, in order to allow Council and the South Euclid Planning Commission to review applicable Ohio statutes, criminal codes and the South Euclid Zoning Code relative to such use.

Section 2: That for the purpose of this Resolution, "medical marijuana" shall have the same meaning as that term is defined in Section 3796.01(A)(2) of the Ohio Revised Code, effective September 8, 2016.

Section 3: That no building permits, certificates of occupancy or any other permits shall be granted to a business owner who intends to open, use any land or devote any floor area of the business for the purposes of the cultivation, processing, or retail sale of medical marijuana for the period of this moratorium. No valid existing business in the City may expand in any way that would establish cultivation, processing, or retail sale of medical marijuana for the duration of the moratorium.

Section 4: That the moratorium shall be in effect for a period of six months from the effective date of this resolution or until changes are enacted to amend the Codified Ordinances of the City of South Euclid to address these issues or until Council approves legislation explicitly revoking this moratorium, whichever occurs first.

Section 5: That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees on or after November 25, 1975, 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 Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare in the City and for the usual daily operation of the City for the reasons set forth and defined in the preamble to this resolution, and provided it receives the affirmative vote of at least five members of Council this resolution shall take effect and be in force immediately upon its adoption by the Council and approval by the Mayor, or otherwise shall take effect and be in force after the earliest period allowed by law.

Passed this _____ day of _____, 2017.

Jane Goodman, President of Council

Attest:

Approved:

Keith A. Benjamin, Clerk of Council

Georgine Welo, Mayor

Approved as to form:

Michael P. Lograsso, Director of Law

CITY OF SOUTH EUCLID, OHIO

ORDINANCE NO.: 04-17
INTRODUCED BY: Goodman
REQUESTED BY: Russell

February 27, 2017

AN ORDINANCE

CREATING NEW TITLE NINE "MEDICAL MARIJUANA CONTROL PROGRAM" OF PART SEVEN "PLANNING AND ZONING CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO.

WHEREAS, On June 8, 2016, the Ohio General Assembly has adopted and the Governor has signed into law 131 Sub. H.B. 523, which became effective on September 8, 2016; and

WHEREAS, 131 Sub. H.B. 523, among other things, permits patients in Ohio to use medical marijuana on the recommendation of physicians; creates state regulatory oversight of the cultivation, processing, retail sale, use and physician recommendation of medical marijuana; authorizes the legislative authority of a city to adopt regulations to prohibit or limit the number of retail medical marijuana dispensaries; and prohibits a cultivator, processor, retail dispensary or laboratory from being located or relocating within 500 feet of a school, church, public library, public playground or public park.

WHEREAS, pursuant to the Constitution of the State of Ohio and the Ohio Revised Code, municipalities have the power to enact planning and zoning laws that are for the health, safety, welfare, comfort and peace of the citizens of the municipality including restricting areas used for businesses and trades.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of South Euclid, Ohio:

Section 1: That Title Nine "Medical Marijuana Control" of Part Seven "Planning and Zoning Code" of the Codified Ordinances of the City of South Euclid, Ohio be hereby created to read as follows:

TITLE NINE "MEDICAL MARIJUANA CONTROL"

SECTION ONE INTENT

- (a) It is the intent of this section to provide appropriate locations and reasonable restrictions for the cultivation and transfer of marijuana allowed by the Ohio Medical Marijuana Control Program. This is a unique land use with ramifications not addressed by more traditional zoning district and home occupation regulations. Although some specific uses of marijuana are allowed by the Ohio Medical Marijuana Control Program, marijuana continues to be classified as a Schedule 1 controlled substance under federal law making it unlawful under federal law to use, manufacture, distribute, or dispense, or possess with intent to manufacture, distribute, or dispense marijuana.
- (b) It is the intent of this section to protect the health, safety, and general welfare of persons and property by limiting land uses related to marijuana to districts that are compatible with such uses. Additional regulations in this section are intended to provide reasonable restrictions within districts so that these uses do not compromise the health, safety, and general welfare of persons in the district, or other uses allowed in each district.

SECTION TWO DEFINITIONS

The following words and phrases shall have the following definitions when used in this section.

- (a) *Words and phrases contained in the Ohio Medical Marijuana Control Program ("OMMCP"), HB523.* This subsection contains some words and phrases that are defined in the OMMCP. As used in this section, they have the same meaning as provided in the OMMCP, except that if at any time the definition of a word or phrase set forth below conflicts with the definition in the OMMCP, then the definition in the OMMCP shall apply. These words and phrases are as follows:
 - i. *Department* means the State Department of Commerce.
 - ii. *Marihuana* means that term as defined in Section 3719 of the Ohio Revised Code.

- iii. *Medical Marijuana* means that term as defined in Section 3796.01 of the Ohio Revised Code.
 - iv. *Primary caregiver* means a person who is at least 21 years old and who has agreed to assist with a patient's medical use of marijuana and who has never been convicted of a felony involving illegal drugs.
 - v. *Qualifying patient* means a person who has been diagnosed by a physician as having a qualifying medical condition.
- (b) *Other words and phrases.* The words and phrases in this subsection, as used in this section, shall have the following meanings:
- i. *Marijuana* means "marihuana" as used in the OMMCP.
 - ii. *Medical marijuana cultivation facility* means a building or part of a building where marijuana plants are being grown or processed in compliance with the OMMCP, other than a medical marijuana home occupation or a dwelling unit in which marijuana is being cultivated for a qualifying patient who resides in the dwelling unit as permitted under subsection (7).
 - iii. *Medical marijuana dispensary* means a building or part of a building where 1 or more primary caregivers operate with the intent to transfer marijuana between primary caregivers and/or qualifying patients, other than a medical marijuana home occupation or a dwelling unit in which the transfer of marijuana occurs between a primary caregiver and qualifying patient who resides in the dwelling unit as permitted under subsection (7).
 - iv. *Medical marijuana home occupation* means an accessory use of a nonresidential nature that is conducted by a registered primary caregiver who resides in the dwelling and (A) is performed within a single-family dwelling or within an accessory building to that single-family dwelling; (B) is for the purpose of assisting 1 or more registered qualifying patients with the medical use of marijuana who do not reside in the dwelling and (C) complies with the OMMCP.
 - v. *Medical marijuana research and testing facility* means a building or part of a building where a qualified agency conducts research and testing as permitted by OMMCP.
 - vi. Ohio Medical Marijuana Control Program and *OMMCP* mean HB523 of the 131st Ohio General Assembly

SECTION THREE LOCATIONS OF MEDICAL MARIJUANA DISPENSARIES AND MEDICAL MARIJUANA CULTIVATION FACILITIES

A medical marijuana dispensary or medical marijuana cultivation facility may be located in the city only in accordance with the following restrictions:

- (a) Medical marijuana dispensaries shall only be located in a district classified pursuant to Part Seven Planning and Zoning Code as C2 districts.
- (b) Medical marijuana cultivation facilities shall only be located in a district classified pursuant to Part Seven Planning and Zoning Code as M1 and M2.
- (c) In C2 districts, buildings used for medical marijuana dispensaries shall require a conditional use.
- (d) No medical marijuana dispensary or medical marijuana cultivation facility shall be located within 1,000 feet of a parcel on which a school, church, public library, public playground, or public park is located.

SECTION FOUR MEDICAL MARIJUANA DISPENSARY AND MEDICAL MARIJUANA CULTIVATION FACILITY REGULATIONS.

- (a) No one under the age of 18 shall be allowed to enter a medical marijuana dispensary or medical marijuana cultivation facility unless accompanied by a parent or guardian.
- (b) No smoking, inhalation, or consumption of marijuana shall take place on the premises.
- (c) In M1 and M2 districts, retail sales of products customarily incidental to the principal use shall be allowed provided that the total amount of internal floor area of the structure devoted to sales and display of such products does not exceed 10% of the floor area of the total establishment.

- (d) Drive-in and drive through medical marijuana dispensaries shall be prohibited.
- (e) All activities of a medical marijuana dispensary or medical marijuana cultivation facility shall be conducted indoors.
- (f) No equipment or process shall be used in any medical marijuana dispensary or medical marijuana cultivation facility which creates noise, dust, vibration, glare, fumes, odors or electrical interference detectable to the normal senses beyond the property boundary.
- (g) Medical marijuana dispensaries and medical marijuana cultivation facilities shall comply with all other regulations of the zoning district in which the medical marijuana dispensary or medical marijuana cultivation facility is located, except when they are in conflict, in which case this section shall prevail.
- (h) Medical marijuana dispensaries and medical marijuana cultivation facilities are required to obtain an annual license from the Building Commissioner.
- (i) Medical marijuana dispensaries and medical marijuana cultivation facilities shall be operated in compliance with the OMMCP.

SECTION FIVE CULTIVATION OR OTHER MEDICAL USE OF MARIJUANA AS A MEDICAL MARIJUANA HOME OCCUPATION IN SINGLE-FAMILY DWELLINGS.

- (a) In a single-family dwelling in any zoning district, marijuana cultivation and dispensary shall not be permitted as a home based business.

SECTION SIX MEDICAL MARIJUANA HOME OCCUPATIONS

- (a) Medical marijuana home occupations are not permitted in multiple-family dwellings and other non-single-family dwellings.

SECTION SEVEN LOCATION AND REGULATION OF MEDICAL MARIJUANA RESEARCH AND TESTING FACILITIES

- (a) Medical marijuana research and testing facilities shall only be located in a district classified pursuant to Part Seven Planning and Zoning Code as M1, M2, and R-O districts.
- (b) Retail sales are not permitted.
- (c) Medical marijuana research and testing facilities shall comply with all other regulations of the zoning district in which the medical marijuana research and testing facility is located, except when they are in conflict, in which case this section shall prevail.

SECTION EIGHT FEES

- (a) Medical marijuana cultivation facilities license fee shall be \$5,000.
- (b) Medical marijuana dispensary license fee shall be \$2,500.

Section 3: That is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees on or after November 25, 1975, 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 declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare and for the further reason that the same affects the daily operation of a municipal department and that it is necessary to approve at the earliest possible time. This Ordinance shall take effect and be in force from and after the earliest period allowed by law and upon signature of the Mayor.

Passed this _____ day of _____, 2017.

Jane Goodman, President of Council

Approve:

Georgine Welo, Mayor

Attest:

Keith A. Benjamin, Clerk of Council

Approved as to form:

Michael P. Lograsso, Director of Law

CITY OF SOUTH EUCLID, OHIO

RESOLUTION NO.: 06-17
INTRODUCED BY: Goodman
REQUESTED BY: Mayor

February 27, 2017

A RESOLUTION

AUTHORIZING THE MAYOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE CUYAHOGA SOIL AND WATER CONSERVATION DISTRICT AS A MEMBER OF THE EUCLID CREEK WATERSHED COUNCIL.

WHEREAS, the City of South Euclid is a member of the Euclid Creek Watershed Council; and

WHEREAS, the Euclid Creek Watershed Council desires to implement the Euclid Creek Watershed Plan, fully endorsed by the State of Ohio; and

WHEREAS, by entering into a memorandum of understanding with the Cuyahoga Soil and Water Conservation District, said watershed plan can be successfully implemented; and

WHEREAS, the member communities of the Euclid Creek Watershed Council have reviewed the memorandum and recommend passage by each respective City Council; and

WHEREAS, the Council of the City of South Euclid must authorize the Mayor to sign said memorandum of understanding.

NOW THEREFORE BE IT RESOLVED, by the Council of the City of South Euclid, Ohio:

Section 1: That the Council of the City of South Euclid hereby authorizes the Mayor to enter into a memorandum of understanding with the Cuyahoga Soil and Water Conservation District as a member of the Euclid Creek Watershed Council for a period of January 1, 2017-December 31, 2020.

Section 2: That the services described in the attached memorandum of understanding shall be provided to each community of the Euclid Creek Watershed Council at a cost not to exceed three thousand dollars (\$3,000.00) annually.

Section 3: That it is recognized that some or all of said cost may be reimbursed to the City by the Northeast Ohio Regional Sewer District pursuant to the Community Cost Share Program.

Section 4: That the memorandum of understanding shall be in substantially the same form as that attached to this legislation.

Section 5: That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees on or after November 25, 1975, 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 Resolution is deemed to be an emergency measure necessary for the immediate preservation of the public peace, health and safety and for the further reason that the City must notify the other communities of the Euclid Creek Watershed Council of its approval of the memorandum. Wherefore, this Resolution shall take effect upon passage and approval.

Passed this _____ day of _____, 2017.

Jane Goodman, President of Council

Attest:

Approved:

Keith A. Benjamin, Clerk of Council

Georgine Welo, Mayor

Approved as to form:

Michael P. Lograsso, Director of Law

CITY OF SOUTH EUCLID, OHIO

RESOLUTION NO.: 07-17
INTRODUCED BY: Goodman
REQUESTED BY: Mayor

February 27, 2017

A RESOLUTION

AUTHORIZING THE MAYOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE CUYAHOGA SOIL AND WATER CONSERVATION DISTRICT AND THE NORTHEAST OHIO REGIONAL SEWER DISTRICT TO PROVIDE TECHNICAL ASSISTANCE REGARDING PUBLIC INFORMATION AND PUBLIC EDUCATION.

WHEREAS, the City is required to annually provide for Public Involvement and Public Education (PIPE) pursuant to its Ohio EPA Municipal Separate Storm Sewer Systems (MS4) Discharge Permit; and

WHEREAS, the Cuyahoga Soil and Water Conservation District and the Northeast Ohio Regional Sewer District can provide such a public information program; and

WHEREAS, the cost of such a public information program for 2017 & 2018 is estimated to be Five Thousand Five Hundred Dollars (\$5,500.00) each year.

NOW THEREFORE BE IT RESOLVED by the Council of the City of South Euclid, Ohio:

Section 1: That the Mayor is hereby authorized and directed to enter into a Memorandum of Understanding with the Cuyahoga Soil and Water Conservation District and the Northeast Ohio Regional Sewer District to provide technical assistance regarding public information and public education for the calendar years 2017 and 2018, a copy of said Memorandum of Understanding being attached hereto, as Exhibit A, and incorporated herein as if fully rewritten.

Section 2: That the cost of the said public information program shall not exceed Five Thousand Five Hundred Dollars (\$5,500.00) annually without further action by this Council.

Section 3: That it is recognized that some or all of said cost may be reimbursed to the City by the Sewer District pursuant to the Stormwater Management Program.

Section 4: That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees on or after November 25, 1975, 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 wherefore, this Resolution shall take effect and be in force from and after the earliest period allowed by law and upon signature of the Mayor.

Passed this _____ day of _____, 2017.

Jane Goodman, President of Council

Attest:

Approved:

Keith A. Benjamin, Clerk of Council

Georgine Welo, Mayor

Approved as to form:

Michael P. Lograsso, Director of Law

CITY OF SOUTH EUCLID, OHIO

RESOLUTION NO.: 08-17
INTRODUCED BY: Goodman
REQUESTED BY: Mayor

February 27, 2017

A RESOLUTION

AUTHORIZING THE MAYOR TO CONVEY CERTAIN REAL PROPERTY OF THE CITY OF SOUTH EUCLID, OHIO TO ONE SOUTH EUCLID.

WHEREAS, the City of South Euclid is the owner of certain parcels of vacant land, as defined in Exhibit A attached hereto; and

WHEREAS, the subject parcels were deeded to the City of South Euclid through the Cuyahoga Land Bank and through donation; and

WHEREAS, the Council of the City of South Euclid has, upon study and consideration, determined that said parcels do not serve and are not needed for any municipal purposes; and

WHEREAS, in accordance with the agreement for professional services, the City's Community Development Corporation, One South Euclid, has the ability to dispose of the subject parcels and return the land to productive use.

NOW THEREFORE BE IT RESOLVED by the Council of the City of South Euclid, Ohio:

Section 1: That the Council has determined the subject parcels do not serve any municipal purpose.

Section 2: That the Mayor be and she is hereby authorized to convey said parcels of real property (as shown in Exhibit A, attached hereto) to the City's Community Development Corporation, One South Euclid, in order to dispose of the property and return the land to productive use.

Section 3: That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees on or after November 25, 1975, 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: Wherefore, this Resolution shall take effect and be in force from and after the earliest period allowed by law and upon signature of the Mayor.

Passed this _____ day of _____, 2017.

Jane Goodman, President of Council

Attest:

Approved:

Keith A. Benjamin, Clerk of Council

Georgine Welo, Mayor

Approved as to form:

Michael P. Lograsso, Director of Law

EXHIBIT A:

Vacant Lots to be conveyed to One South Euclid:

PP#	Address	Street Name
704-26-078	3777	Grosvenor Road
703-01-033	1392	Francis Court
701-14-049	184	Greenvale Drive

FISCAL OFFICER'S CERTIFICATE

City of South Euclid, Ohio
March 13, 2017

TO THE COUNCIL OF THE CITY OF SOUTH EUCLID, OHIO

The undersigned, as fiscal officer of the City of South Euclid, Ohio, as defined by Revised Code Section 133.01, hereby certifies as follows in connection with your proposed issue of not more than \$1,600,000 of bonds and notes in anticipation thereof for the purpose of paying the costs of the acquisition, and any necessary clearance and preparation, of real property for urban redevelopment, including public infrastructure improvements to be located thereon, and paying costs of issuance:

1. That the estimated life of the improvements to be acquired from the proceeds of said issue is hereby certified to be at least five (5) years.
2. That the maximum maturity of such bonds calculated in accordance with the provisions of Section 133.20 of the Revised Code of Ohio is at least thirty (30) years, provided that if notes in anticipation of such bonds are outstanding later than the last day of December of the fifth year following the year of issuance of the original notes (2007), the period thereof in excess of five (5) years shall be deducted from the latest permitted maturity of said bonds; therefore, the maximum maturity is January 30, 2032.

Brenda D. Wendt, Finance Director
City of South Euclid, Ohio

CITY OF SOUTH EUCLID, OHIO

ORDINANCE NO.: 05-17
INTRODUCED BY: Goodman
REQUESTED BY: Mayor

February 27, 2017

AN ORDINANCE

TO PROVIDE FOR THE ISSUANCE AND SALE OF NOTES IN ANTICIPATION OF THE ISSUANCE OF BONDS IN A PRINCIPAL AMOUNT NOT TO EXCEED \$1,600,000 FOR THE PURPOSE OF PAYING THE COSTS OF THE ACQUISITION, AND ANY NECESSARY CLEARANCE AND PREPARATION, OF REAL PROPERTY FOR URBAN REDEVELOPMENT, PAYING COSTS OF ISSUANCE; AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to Ordinance No. 86-06, passed January 9, 2007, the Council of the City of South Euclid, Ohio (the "Council") authorized the issuance of notes (the "2007 Notes") in anticipation of the issuance of bonds in the principal amount of \$17,000,000 for the purpose of paying the costs of the acquisition, and any necessary clearance and preparation, of real property for urban redevelopment, and paying costs of issuance therefor, which 2007 Notes were dated January 30, 2007 and matured on January 29, 2008, and which 2007 Notes were retired with proceeds of notes in the amount of \$18,010,000 (the "2008 Notes") which 2008 Notes were dated January 28, 2008 and matured January 27, 2009, and which 2008 Notes were retired with proceeds of notes in the amount of \$18,550,000 (the "2009 Notes") which 2009 Notes were dated January 26, 2009 and matured January 25, 2010, and which 2009 Notes were retired with proceeds of notes in the amount of \$19,225,000 (the "2010-1 Notes") which 2010-1 Notes were dated January 21, 2010 and matured September 30, 2010, and which 2010-1 Notes were retired, in part, with proceeds of notes in the amount of \$17,270,000 (the "2010-2 Notes"), together with other funds of the City, which 2010-2 Notes were dated September 29, 2010 and matured September 28, 2011, and which 2010-2 Notes were retired, in part, with proceeds of taxable notes in the amount of \$9,595,000 (the "2011 Notes"), together with other funds of the City, which 2011 Notes were dated September 27, 2011 and matured September 26, 2012, and which 2011 Notes were retired, in part, with proceeds of notes in the amount of \$2,100,000 (the "2012 Notes A"), together with other funds of the City, which 2012 Notes A were part of a consolidated issue of Taxable Various Purpose General Obligation (Limited Tax) Bond Anticipation Notes, Series 2012, which issue was dated September 25, 2012 and matured September 24, 2013, and which 2012 Notes were retired with proceeds of notes in the amount of \$2,100,000 (the "2013 Notes") which 2013 Notes were part of a consolidated issue of Taxable Various Purpose General Obligation (Limited Tax) Bond Anticipation Notes, Series 2013 which were dated September 23, 2013 and matured on September 18, 2014, and which 2013 Notes were retired with proceeds of notes in the amount of \$2,000,000 (the "2014 Notes"), which 2014 Notes were dated September 17, 2014 and matured on March 30, 2016; and

WHEREAS, pursuant to Ordinance No. 03-16, passed March 14, 2016, the Council authorized the issuance of Taxable Real Estate Acquisition and Urban Redevelopment General Obligation (Limited Tax) Bond Anticipation Notes, Series 2016 (the "2016 Notes") to retire the 2014 Notes, for the purpose described in Section 1 hereof, which notes are stated to mature on March 28, 2017; and

WHEREAS, the Council finds and determines that the City (defined below) should retire the 2016 Notes by the issuance of new notes in the principal amount now estimated not to exceed \$1,600,000 in anticipation of the issuance of bonds for the purposes hereinafter stated, together with other moneys of the City; and

WHEREAS, the Finance Director, as fiscal officer of the City (the "Fiscal Officer"), has certified to the estimated life of the improvements to be acquired with the proceeds of the bonds anticipated, the maximum maturity of the bonds anticipated and the notes herein authorized is greater than five (5) years;

NOW, THEREFORE, BE IT ORDAINED by the Council:

Section 1: That it is hereby declared necessary to issue bonds of the City of South Euclid, Ohio (the "City") in a principal sum not to exceed \$1,600,000 for the purpose of paying the costs of the acquisition, and any necessary clearance and preparation, of real property for urban redevelopment; and paying costs of issuance.

Section 2: That said bonds shall be dated March 1, 2018, shall bear interest at the estimated rate of six and fifty-one hundredths percent (6.5%) per annum, payable semi-annually until the principal sum is paid, and shall mature as certified by the Fiscal Officer.

Section 3: That it is hereby determined that notes (the "Notes") in a principal amount not to exceed \$1,600,000 shall be issued in anticipation of the issuance of bonds for the above-described purpose. The services of Calfee, Halter & Griswold LLP, Bond Attorneys, Cleveland, Ohio, as Bond Counsel for the Notes are hereby retained. The Notes shall be sold at private sale to the Original Purchaser (as defined in Section 5 hereof) at a purchase price and shall bear interest at the rates fixed by the Fiscal Officer or the Mayor in the certificate setting forth the final terms of the Notes (the "Final Terms Certificate"), provided that such rates shall not exceed five per centum (5.0%) per annum. Interest on the Notes shall be payable at maturity, with provision, if requested by the purchaser, that, in the event of default, the Notes shall bear interest, at a rate which shall not exceed ten per centum (10%) per annum, until the principal sum is paid or provided for. The Notes shall be dated their date of issuance, shall mature on a date that is between three months and twelve months, inclusive, from their date of issuance all as determined by the Fiscal Officer or the Mayor to be in the best interest of the City and set forth in the Final Terms Certificate, provided that if such maturity date is not a business day, the Notes shall mature on the first business day immediately preceding such date. The Notes shall not be subject to redemption by the City at any time prior to maturity, unless the Original Purchaser of the Notes requests that the Notes provide for such redemption, in which case provision shall be made for calling the Notes for redemption upon ten (10) days written notice to the Paying Agent (as defined below) for the Notes, or to the Original Purchaser if the Fiscal Officer is the Paying Agent. In addition, the Notes shall be issued in the numbers and denominations requested by the Original Purchaser (subject to the provisions of Section 4), and shall be payable as to both principal and interest at the office of the Fiscal Officer of the City, or at a bank or trust company designated by the Fiscal Officer (herein individually or collectively the "Paying Agent"), without deduction for exchange, collection or service charge. To the extent that at the maturity of the Notes funds of the City, whether from the levy of taxes or otherwise, are not available in an amount sufficient to retire the Notes, the Council of the City shall pass legislation authorizing the issuance of notes or bonds, the proceeds of which shall be used to retire said Notes.

Section 4: The Notes shall be designated "Taxable Real Estate Acquisition and Urban Redevelopment General Obligation Bond Anticipation Notes, Series 2017." Pursuant to Section 133.30(B), Ohio Revised Code, the Fiscal Officer may combine the Notes with other bond anticipation notes into a single consolidated issue of bond anticipation notes for purposes of their sale as a single issue. Such Notes shall contain a summary statement of purposes for which they are issued; shall state that they are issued pursuant to this Ordinance, shall be issued in the numbers and denominations requested by the Original Purchaser, provided that the Notes shall be in minimum denominations of \$100,000, and shall be executed by the Mayor and the Fiscal Officer of the City, provided that one of such signatures may be a facsimile signature.

The Notes, pursuant to the terms set forth below, may also be issued to a Depository (as hereinafter defined) for use in a book-entry system (as hereinafter defined). The Fiscal Officer is hereby authorized and directed, to the extent necessary or required, to enter into any agreements determined necessary in connection with the authentication, immobilization, and transfer of the Notes, including arrangements for the payment of principal and interest by wire transfer, after determining that the execution thereof will not endanger the funds or securities of the City, which determination shall be conclusively evidenced by the signing of any such agreement.

If and as long as a book-entry system is utilized, (i) the Notes shall be issued in the form of one Note in the name of the Depository or its nominee, as owner, and immobilized in the custody of the Depository; (ii) the beneficial owners in book-entry form shall have no right to receive Notes in the form of physical securities or certificates; (iii) ownership of beneficial interests in book-entry form shall be shown by a book entry on the system maintained and operated by the Depository and its Participants (as hereinafter defined), and transfers of the ownership of beneficial interests shall be made only by book entry by the Depository and its Participants; and (iv) the Notes as such shall not be transferable or exchangeable, except for

transfer to another Depository or to another nominee of a Depository, without further action by the Council of the City.

If any Depository determines not to continue to act as a Depository for the Notes for use in a book-entry system, the Fiscal Officer may attempt to have established a securities depository/book-entry relationship with another qualified Depository. If the Fiscal Officer does not or is unable to do so, the Fiscal Officer, after making provision for notification of the beneficial owners by the then Depository and any other arrangements he deems necessary, shall permit withdrawal of the Notes from the Depository, and authenticate and deliver note certificates in bearer or registered form, as he determines, to the assigns of the Depository or its nominee, all at the cost and expense (including any costs of printing), if the event is not the result of Council action or inaction, of those persons requesting such issuance.

As used in this Section and this Ordinance:

“Book-entry form” or “book-entry system” means a form or system under which (i) the beneficial right to principal and interest may be transferred only through a book entry and (ii) physical notes are issued only to a Depository or its nominee as owner, with the notes “immobilized” to the custody of the Depository, and the book entry is the record that identifies the owners of beneficial interests in that principal and interest.

“Depository” means any securities depository that is a clearing agency under federal law operating and maintaining a book-entry system to record beneficial ownership of the right to principal and interest, and to effect transfers of notes, in book-entry form, and includes and means initially The Depository Trust Company (a limited purpose trust company), New York, New York.

“Participant” means any participant contracting with a Depository under a book-entry system and includes security brokers and dealers, banks and trust companies, and clearing corporations.

Section 5: That the Notes shall be sold by the Fiscal Officer or the Mayor at private sale in a manner and upon terms determined by the Fiscal Officer or the Mayor to be in the best interest of the City at not less than par plus accrued interest to KeyBanc Capital Markets Inc. (the “Original Purchaser”), in accordance with law and the provisions of this Ordinance. The Fiscal Officer shall, in accordance with her determination of the best interests of and financial advantages to the City and its taxpayers and conditions then existing in the financial market, consistently with the provisions hereof, establish the terms of the Notes to be specified in a Final Terms Certificate and sign the Final Terms Certificate referred to in Section 3 evidencing the sale of the Notes. The Fiscal Officer is hereby authorized and directed to deliver the Notes, when executed, to the Original Purchaser thereof upon payment of the purchase price. The proceeds of such sale shall be paid into the proper fund and used for the purpose for which the Notes are being issued and to pay those costs of issuance set forth in Section 133.15(B), Ohio Revised Code. Any premium received by the City and accrued interest shall be transferred to the City’s Bond Retirement Fund to be applied to the payment of the principal of and interest on the Notes in the manner provided by law. In addition, the Mayor and the Fiscal Officer, as appropriate, are each authorized and directed to sign any other transcript certificates, financial statements and other documents, agreements, representations and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance.

Section 6: That, if required by the Original Purchaser, the Fiscal Officer is authorized and directed to execute a continuing disclosure certificate (the “Disclosure Certificate”) dated the date of delivery of the Notes and delivered to the Original Purchaser of the Notes for the benefit of the holders of the Notes (the “Noteholders”) and to assist the Original Purchaser in complying with S.E.C. Rule 15c2-12(b)(5). The City hereby covenants and agrees that, if such a Disclosure Certificate is provided, it will comply with and carry out all of the provisions of the Disclosure Certificate. Failure of the City to comply with the Disclosure Certificate shall not be considered an event of default; however, any Noteholder may take such actions as may be necessary and appropriate to cause the City to comply with its obligations under this Section.

Section 7: That the Notes shall be full general obligations of the City and that the full faith and credit of the City are hereby pledged for the prompt payment of the same. The par

value to be received from the sale of the bonds anticipated by the Notes and any excess funds resulting from the issuance of the Notes shall, to the extent necessary, be used only for the retirement of the Notes at maturity together with the interest thereon, and is hereby pledged for such purpose.

Section 8: That during the years while the Notes are outstanding, there shall be levied on all the taxable property in the City, in addition to all other taxes, a direct tax annually not less than that which would have been levied if bonds had been issued without the prior issuance of the Notes. Said tax shall be and is hereby ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner and at the same time that taxes for general purposes for each of said years are certified, extended and collected. Said tax shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from said tax levies hereby required shall be placed in a separate and distinct fund which, together with the interest collected on the same, shall be irrevocably pledged for the payment of the principal of and interest on the Notes or the bonds in anticipation of which they are issued, when and as the same falls due; provided, however, that in each year to the extent that revenues are available from other sources for the payment of the Notes and bonds and are appropriated for such purpose, the amount of such direct tax upon all of the taxable property in the City shall be reduced by the amount of such revenues so available and appropriated.

Section 9: That while the Notes are outstanding, the City hereby covenants to appropriate annually, to the extent required, sufficient amounts from municipal income tax revenues to pay principal and interest on the Notes when the same fall due, and to continue to levy and collect the municipal income tax in an amount necessary to meet debt charges on the Notes. The City covenants to deposit into the Bond Retirement Fund, from available funds appropriated for the purpose, an amount necessary to meet any shortfall that may exist between the amount then available in the Bond Retirement Fund and the amount of principal and interest due at maturity of the Notes.

Section 10: That it is hereby determined and recited that all acts, conditions and things necessary to be done precedent to and in the issuing of the Notes in order to make them legal, valid and binding obligations of the City, will have been done and performed in regular and due form as required by law; and that no limitation of indebtedness or taxation, either statutory or constitutional, will have been exceeded in the issuance of the Notes.

Section 11: That the Fiscal Officer of the City is hereby directed to forward or cause to be forwarded a certified copy of this Ordinance to the County Fiscal Officer of Cuyahoga County and to secure a receipt therefor.

Section 12: That the Mayor and Fiscal Officer, or either of them, are hereby authorized to prepare, execute and deliver to the Original Purchaser of the Notes a preliminary and final official statement or any other appropriate disclosure document of the City in connection with the sale and delivery of the Notes, if so requested by the Original Purchaser.

Section 13: That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees on or after November 25, 1975, 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 14: That this Ordinance is deemed to be an emergency measure necessary for the immediate preservation for the public peace, health, and safety and for further reason that this Ordinance is required to be immediately effective to provide funds to retire the 2016 Notes which are about to mature and thereby protect the credit of the City. Wherefore, this Ordinance shall take effect and be in force from and after the earliest period allowed by law and upon signature of the Mayor.

Passed this _____ day of March 13, 2017.

Jane Goodman, President of Council

Attest:

Approved:

Keith A. Benjamin, Clerk of Council

Georgine Welo, Mayor

Approved as to form:

Michael P. Lograsso, Director of Law

I, Keith A. Benjamin, do hereby certify that this Ordinance No. _____ is an exact copy of the Ordinance No. _____ passed by South Euclid City Council on March 13, 2017.

Keith A. Benjamin, Clerk of Council