

THE CITY OF SOUTH EUCLID SCHEDULE OF MEETING

February 25, 2019

8:00 PM

1. PLEDGE OF ALLEGIANCE

2. ROLL CALL

3. MINUTES OF MEETINGS: FEBRUARY 11, 2019

4. SWEARING-IN CEREMONY: JAMES JONES, AUXILIARY POLICE OFFICER

5. REPORT OF MAYOR

6. REPORT OF LAW DIRECTOR & DEPARTMENTAL HEADS

7. REPORT OF SCHOOL DISTRICT (1st Meeting of Month Only)

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

9. REPORT OF COMMITTEES

ZONING & PLANNING COMMITTEE

1. ORDINANCE 07-18 AMENDING SECTION 521.18 "ABANDONED SHOPPING CARTS PROHIBITED" OF CHAPTER 521 "HEALTH, SAFETY AND SANITATION" OF PART FIVE "GENERAL OFFENSES CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO. **THIRD READING.**

10. LEGISLATION REQUESTED BY CITY COUNCIL

1. RESOLUTION 05-19 AUTHORIZING AND DIRECTING THE FINANCE DIRECTOR TO TRANSFER AT THE LAST COUNCIL MEETING IN NOVEMBER 7.5% OF ALL PERSONAL INCOME TAX COLLECTED TO DATE (AFTER FEES HAVE BEEN DEDUCTED) WHICH SHALL INCLUDE ALL PRIOR TRANSFERS BUT NOT TO INCLUDE NET PROFIT TAX ON BUSINESSES TO THE "GENERAL IMPROVEMENT AND REPAIR FUND #408." FIRST READING.

11. LEGISLATION REQUESTED BY THE MAYOR AND ADMINISTRATION

1. ORDINANCE 04-19 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, 2019; AND DECLARING AN EMERGENCY. FIRST READING.

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

13. COMMUNICATIONS OF CITY COUNCIL

14. ADJOURN TO EXECUTIVE SESSION FOR THE PURPOSE OF DISCUSSING PENDING/ONGOING LITIGATION.

15. ADJOURN

REGULAR MEETING OF SOUTH EUCLID CITY COUNCIL

Council President Dennis Fiorelli called the meeting to order and the Pledge of Allegiance was recited.

Roll Call

Present: Councilwoman Sara Continenza, Council President Dennis Fiorelli, Councilman Joe Frank, Councilman Marty Gelfand, Councilwoman Jane Goodman, Councilwoman Ruth Gray, Council President Pro Tem Jason Russell.

Minutes of Meetings January 28, 2019

Action: Approve Minutes, **Moved by** Councilman Marty Gelfand, **Seconded by** Councilwoman Sara Continenza.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 6).

Yes: Councilwoman Sara Continenza, Council President Dennis Fiorelli, Councilman Joe Frank, Councilman Marty Gelfand, Councilwoman Jane Goodman, Council President Pro Tem Jason Russell.

Absent: Councilwoman Ruth Gray (*Clerk note: Ms. Gray was out of the room at the time of vote.*)
The minutes have been approved.

Report of Mayor & Department Heads

- Mayor Welo congratulated Councilman Russell on his engagement.
- Housing Director Martin reported that the yearly door-to-door exterior housing inspection letters have been mailed and the list of streets are in council packets.
- Fire Chief Stefko recommended council consideration of Ordinances 30-18 and 01-19 regarding the city's Fire Code.
- Mayor Welo reported that the County has notified the City that we have been approved for a 50/50 match for the Monticello Road resurfacing program from South Belvoir to the east corporation line.
- City Engineer Blackley discussed the 2019 Road Repair Program and that Trax Construction was the lowest and best bid for the Shirley Road project and Ronyak Construction received the bid for the 2019 Road Program. The bids must still be accepted by the Board of Control. The Mayor reported that work on the resurfacing of Cedar Road is scheduled to begin on April 1st. Mr. Blackley discussed water main replacement projects this year on Mayfield Road to be performed by Cleveland Water. Councilwoman Goodman discussed the difference between lowest and best bids and Councilwoman Gray stated that the lowest bid is not always the best bid. Mr. Blackley discussed that the county is considering replacing the bridge at Green and Anderson Roads in 2020 and the City will be asked to participate in the cost.

Report of Law Director no report

Report of School District

Cassandra Jones, a member of the South Euclid Lyndhurst Board of Education discussed many of the student achievements and activities over the past several months including a collaboration with the National Endowment of the Arts and the Maltz Museum of Jewish Heritage with Brush High School, open-mic poetry nights, and other events including the Brown & Gold Casino Night fundraiser. Ms. Jones reported that the school district is in the middle of a financial audit to help determine how much longer the district can continue without going to voters for another levy, which will probably be in 2020, but they will try to hold off as long as possible. Ms. Jones stated that the district would not extend the placement time of a levy on the ballot if it means cutting people and programming.

Public Hearings (Open Meeting) Related to Agenda Items There were no speakers.

Report of Committees

Zoning & Planning: Councilman Russell reported that the committee met to discuss legislation regarding abandoned shopping carts and the implementation of new requirements to abate nuisances associated with abandoned shopping carts.

Committee of the Whole

Council President Fiorelli reported that the committee met to discuss Ordinance 31-18 regarding the reduction in the tax credit and that discussions will continue.

Safety Committee

Introduced by Fiorelli

Ordinance 30-18

ORDINANCE

AMENDING SECTION 1510.01, "~~ADOPTION OF OHIO FIRE CODE~~" OF CHAPTER 1510 "~~CITY OF SOUTH EUCLID FIRE PREVENTION CODE~~"; **1530.04 "OPEN BURNING REGULATIONS IN RESIDENTIAL SETTINGS"; 1530.05 "PROHIBITED OPEN BURNING" AND 1530.06 "PERMISSION TO INDIVIDUALS AND NOTIFICATION TO THE FIRE DEPARTMENT AND OHIO EPA"** OF CHAPTER 1530 "OPEN BURNING" OF PART FIFTEEN "FIRE PREVENTION CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO. **SECOND READING.**

Action: Approve, **Moved by** Councilman Marty Gelfand, **Seconded by** Council President Pro Tem Jason Russell.

Following discussion, **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 7).

Yes: Councilwoman Sara Continenza, Council President Dennis Fiorelli, Councilman Joe Frank, Councilman Marty Gelfand, Councilwoman Jane Goodman, Councilwoman Ruth Gray, Council President Pro Tem Jason Russell.
The legislation has been approved.

Introduced by Fiorelli

Ordinance 01-19

ORDINANCE

AMENDING SECTION 1510.01, "ADOPTION OF OHIO FIRE CODE" OF CHAPTER 1510 "CITY OF SOUTH EUCLID FIRE PREVENTION CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO. **FIRST READING.**

Action: Approve, **Moved by** Councilman Marty Gelfand, **Seconded by** Councilwoman Jane Goodman.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 7).

Yes: Councilwoman Sara Continenza, Council President Dennis Fiorelli, Councilman Joe Frank, Councilman Marty Gelfand, Councilwoman Jane Goodman, Councilwoman Ruth Gray, Council President Pro Tem Jason Russell.
The legislation has been approved.

Legislation Requested of City Council

Introduced by Fiorelli

Resolution 02-19

RESOLUTION

URGING THE PRESIDENT AND THE CONGRESS OF THE UNITED STATES TO IMMEDIATELY RESTORE THE SERVICES AND FUNDING FOR THE FEDERAL GOVERNMENT **TO CEASE AND DESIST FROM USING GOVERNMENT SHUTDOWNS AS A POLICY NEGOTIATING TOOL IN THE FUTURE** AND SIMULTANEOUSLY WORK TOGETHER TO FIND ADEQUATE AND APPROPRIATE METHODS AND POLICIES TO CONTROL THE BORDERS OF THE UNITED STATES. **SECOND READING.**

Action: Approve, **Moved by** Councilman Marty Gelfand, **Seconded by** Councilwoman Ruth Gray.

Councilwoman Goodman requested that the legislation be amended to remove the paragraph quoting Deuteronomy because it is religious in nature and should not be included in a government resolution. Mr. Gelfand stated that the quote has to do with paying workers fair pay for their work and goes back at least 250 years and is a reference that many people highly regard. Ms. Goodman stated that she does not think it belongs in the resolution.

Action: Motion to Amend the legislation to remove the referenced Whereas, **Moved by** Councilwoman Jane Goodman, **Seconded by** Councilman Joe Frank.

Vote: Motion passed (**summary:** Yes = 5, No = 2, Abstain = 0).

Yes: Council President Dennis Fiorelli, Councilman Joe Frank, Councilwoman Jane Goodman, Councilwoman Ruth Gray, Council President Pro Tem Jason Russell.

No: Councilwoman Sara Continenza, Councilman Marty Gelfand.

Vote to Approve Resolution as Amended: Motion carried by unanimous roll call vote (summary: Yes = 7).

Yes: Councilwoman Sara Continenza, Council President Dennis Fiorelli, Councilman Joe Frank, Councilman Marty Gelfand, Councilwoman Jane Goodman, Councilwoman Ruth Gray, Council President Pro Tem Jason Russell.
The legislation has been approved as amended.

Legislation Requested by the Mayor & Administration

Introduced by Fiorelli

Resolution 03-19

RESOLUTION

AUTHORIZING THE CITY ENGINEER TO PREPARE THE NECESSARY PLANS, SPECIFICATIONS, AND ADVERTISE FOR BIDS FOR THE 2019 CONCRETE STREET REPAIR PROGRAM IN THE CITY OF SOUTH EUCLID, OHIO; AND DECLARING AN EMERGENCY. FIRST READING.

Action: Approve, **Moved By** Councilwoman Jane Goodman, **Seconded By** Councilman Joe Frank.

Vote: Motion Carried By Unanimous Roll Call Vote (Summary: Yes = 7).

Yes: Councilwoman Sara Continenza, Council President Dennis Fiorelli, Councilman Joe Frank, Councilman Marty Gelfand, Councilwoman Jane Goodman, Councilwoman Ruth Gray, Council President Pro Tem Jason Russell.
The legislation has been approved.

Introduced by Fiorelli

Resolution 04-19

RESOLUTION

A RESOLUTION TO ADOPT THE SOLID WASTE MANAGEMENT PLAN FOR THE CUYAHOGA COUNTY SOLID WASTE MANAGEMENT DISTRICT. FIRST READING.

The legislation was placed on first reading.

Introduced by Fiorelli

Ordinance 02-19

ORDINANCE

AN ORDINANCE AMENDING SECTION 537.16 "ILLEGAL DISTRIBUTION OF CIGARETTES OR OTHER TOBACCO PRODUCTS TO MINORS" OF CHAPTER 537 "OFFENSES AGAINST PERSONS" OF PART FIVE "GENERAL OFFENSES CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO. FIRST READING.

The legislation was placed on First Reading and referred to the Safety Committee.

Introduced by Fiorelli

Ordinance 03-19

ORDINANCE

AN ORDINANCE AMENDING SECTION 537.161 "ILLEGAL DISTRIBUTION OF CIGARETTES" OF CHAPTER 537 "OFFENSES AGAINST PERSON" OF PART FIVE "GENERAL OFFENSE CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO. FIRST READING.

The legislation was placed on First Reading and referred to the Safety Committee.

Public Hearings (Open Meeting) Related to Open Business

- Dennis Silsby, 4428 Greenway Road, read a statement regarding the income tax and revenue issue and said that he has attended almost every meeting for years and stated that City Council needs to have a sense of urgency and that they have been talking about the city's financial issues for over two years without making a decision and that in his opinion, the tax credit should be at zero and then see how the city is doing and maybe adjust it to give credit back. Mr. Silsby said that the sooner city council makes a decision, the sooner funds will be coming in and said that the longer the city waits to make a decision, the longer buildings and cars deteriorate and there needs to be a decision soon. Mr. Silsby stated that the era for residents not paying for garbage is also over and that most cities now require that residents pay for garbage. Mr. Silsby said that there is no longer funding from the state and federal government and that it's reality check time.
- Steve Silber, 4186 Stonehaven Road spoke regarding the finance and tax credit issue and said that he is concerned that residents recently shot down the request for an income tax increase and that eliminating the tax credit will be a huge step increase for people and stated that it was a 60% increase in taxes. Mr. Silber asked if the city had looked at issuing municipal bonds as an option to raise funds and that it should not be off the table.

- Charles Turner, 4549 Lilac Road, stated that most everyone knows that he pokes fun of the corrupt government and that over the years he has left some people out like County Councilwoman Sunny Simon who is having a fundraiser soon. Mr. Turner stated that Ms. Simon did nothing when he was assaulted by a police car at the direction of Police Chief Kevin Nietert and he asked the County Councilwoman to intervene and she did nothing. Mr. Turner asked the members of Council when they are going to start doing their jobs and referenced that he asked Law Director Lograsso last week for direction on where he can stand to protest and did not hear back from him.
- Linda Pagon, 684 Parkside Road, stated that she supports council setting the income tax credit to zero because the City needs the money now for critical repairs and services, and that there will be collateral damage and safety issues if the city delays repairs any longer. Ms. Pagon spoke regarding the abandoned shopping cart legislation and stated that many people who use the carts take RTA and need to get the carts to the nearest bus stop and they should be permitted to take the carts to the street and that many older people and people with disabilities use the carts to help with mobility.

Communications of City Council

- Council President Fiorelli scheduled a Committee of the Whole Meeting for February 18th at 6 pm to discuss the income tax credit, which will replace the scheduled budget hearings.
- Councilman Gelfand scheduled a Safety Committee Meeting for March 11 at 7 pm to discuss Ordinances 02-19 & 03-19 regarding alternative cigarette products like vaping. Mr. Gelfand reported on his attendance at a meeting held by County Administrative Judge Russo regarding the state of the Justice Center and that the facility is in bad shape and is reminiscent of the situation South Euclid is facing with its facilities. Mr. Gelfand discussed several other events including a series of luncheon speakers which included Leon Bib and upcoming events including the Heights Hillcrest Chamber of Commerce Night at the Races Fundraiser and the Cleveland Heights University Heights State of the Schools event scheduled for February 26.
- Councilwoman Continenza reported that the Bexley Bash Event Committee will be meeting this Thursday at 6 pm and all residents are welcome to come to the planning meetings.
- Councilman Frank reported that Brush High School once again has won the Academic Challenge, which is the third year in a row for the award.
- Councilwoman Goodman reported that she will be attending the National League of Cities Meeting in Washington the week of March 11th, so will be absent at the council meeting on the 11th. Ms. Goodman stated that she is going to DC for the "Great Lakes Days" and meeting with members of congress and to let her know if there are any communications to our representatives.
- Council President Fiorelli thanked council for their efforts to reduce the legislative items on Council's docket, which is now down to one-page front and back.

Adjourn

Action: Adjourn Meeting of Council, **Moved by** Councilwoman Sara Continenza, **Seconded by** Councilman Marty Gelfand.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 7).

Yes: Councilwoman Sara Continenza, Council President Dennis Fiorelli, Councilman Joe Frank, Councilman Marty Gelfand, Councilwoman Jane Goodman, Councilwoman Ruth Gray, Council President Pro Tem Jason Russell.

The Meeting Adjourned at 9:05 pm.

Council President

Attest:

Clerk of Council

CITY OF SOUTH EUCLID, OHIO

ORDINANCE NO.: 07-18
INTRODUCED BY: Fiorelli
REQUESTED BY: Russell

March 26, 2018
Second Reading: October 8, 2018
As Amended by the Zoning & Planning Committee:
February 11, 2018
Third Reading: February 25, 2018

AN ORDINANCE

AMENDING SECTION 521.18 "ABANDONED SHOPPING CARTS PROHIBITED" OF CHAPTER 521 "HEALTH, SAFETY AND SANITATION" OF PART FIVE "GENERAL OFFENSES CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO.

WHEREAS, there has been an increase of abandoned shopping carts throughout the city; and

WHEREAS, said shopping carts are both a public nuisance and an eyesore to the city landscape; and

WHEREAS, the Council of the City of South Euclid desires to regulate and abate the nuisances caused by abandoned shopping carts.

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

Section 1: That Section 521.18 "Abandoned Shopping Carts Prohibited" of Chapter 521 "Health, Safety and Sanitation" of Part Five "General Offenses Code" of the Codified Ordinances of the City of South Euclid, Ohio be hereby amended to read as follows:

SECTION 521.18 – ABANDONED SHOPPING CARTS PROHIBITED.

- ~~(a) No person, owner, occupant, business or agent shall permit shopping carts to be abandoned off of their place of business and to remain on public or private property.~~
- ~~(b) The Director of Public Service is hereby directed to collect said abandoned shopping carts and store them for no longer than forty eight (48) hours three (3) business days. The Director of Service or his designee shall attempt to identify the owner of the abandoned shopping cart and notify them to pick them up from the Service Department. If said abandoned shopping carts are not picked up by the owner within the forty eight (48) hour time period three (3) business days, the Director of Service is directed to dispose of the cart by any manner allowed by law.~~
- ~~(c) If the owner of the abandoned shopping cart is identified and they fail to retrieve the cart within the forty eight (48) hour time period three (3) business days, the owner shall be charged a civil penalty of fifty (\$50) dollars per abandoned cart."~~

(a) PURPOSE:

It is the primary purpose of this Section to provide for the prompt retrieval of lost, stolen or abandoned shopping carts in order to promote public safety and improve the image and appearance of the City. It is a purpose of this Section to have the owners and operators of businesses providing shopping carts use the means available to them to deter, prevent or mitigate the removal of shopping carts from their business premises, and to retrieve any carts that may be removed despite these efforts. It is a further purpose of this Section to prevent the accumulation of illegally removed carts on public or private properties.

(b) DECLARATION OF NUISANCE:

Retail establishments provide shopping carts for the convenience of customers shopping on the premises of the businesses. A shopping cart that has been removed from the premises of the business and left abandoned on public or private property throughout the City constitutes a public nuisance and a potential hazard to the health and safety of the public; each lost, stolen or abandoned cart shall constitute a separate violation. Shopping carts abandoned on public and private property can create conditions of blight in the community, obstruct free access to sidewalks, streets and other rights-of-way, interfere

with pedestrian and vehicular traffic on pathways, driveways, public and private streets, and impede emergency services. It is for these reasons that such lost, stolen, or abandoned shopping carts are hereby declared to be a public nuisance which shall be subject to abatement in the manner set forth in this Section, or in any other manner provided by law.

For purposes of this Section, any shopping cart located on any public or private property other than the premises of the retail establishment from which such shopping cart was removed shall be presumed lost, stolen, or abandoned, even if in the possession of any person, unless such person in possession thereof is:

1. An authorized agent; or
2. Retail Establishment personnel; or
3. Enforcement personnel

(c) DEFINITIONS:

Except as otherwise expressly set forth herein, the following words and terms as used in this Section shall have the following meanings:

1. **Administrator:** The Director of Public Safety of the City of South Euclid; *or his/her designee.*
2. **Authorized Agent:** The owner, or an employee or authorized agent of the owner, entitled to possession of the shopping cart.
3. **Cart Patrol and Retrieval Company:** A contracted agent who recovers shopping carts on behalf of retail establishments within a one half (1/2) mile radius of the contracting retail establishment(s) no fewer than two (2) times per week.
4. **Enforcement Personnel:** Any police officer, code enforcement inspector, or designated staff employed by the City of South Euclid.
5. **'Identification Sign' or 'Cart Sign':** A clearly visible sign fastened to each cart that provides ownership information required by this Section.
6. **Impounded Cart:** Any shopping cart collected by authorized City personnel, regardless of whether or not the shopping cart is being transported to or is stored within City facilities.
7. **Lost, Stolen, or Abandoned Shopping Cart:** A shopping cart that is either:
 - a. Removed from the premises of a retail establishment by any person without the written permission or consent of the owner of the shopping cart or the retailer otherwise entitled to possession of such cart; or
 - b. Left unattended, discarded or abandoned upon any public or private property other than the premises of the retail establishment from which the shopping cart was removed, regardless of whether such shopping cart was removed from the premises with permission of the owner;
 - c. For purposes of this Section, any shopping cart located on any public or private property other than the premises of the retail establishment from which such shopping cart was removed shall be presumed lost, stolen, or abandoned, even if in the possession of any person, unless such person in possession thereof is either:
 - i. The owner, or an employee or authorized agent of the owner, entitled to possession of said shopping cart; or
 - ii. An officer, employee or agent of a cart retrieval service hired by the owner to retrieve such carts; or
 - iii. City enforcement personnel retrieving, storing or disposing of said cart pursuant to the provisions of this code;
8. **Owner:** Any person or entity that owns, leases, possesses, or makes more than ten (10) shopping carts available to customers or the public in connection with the conduct of a business.
9. **Parking Area:** A parking lot or other property provided by a retail establishment for the use of customers of said retail establishment for the parking of customer vehicles. The

parking area of a retail establishment located in a multi-store complex or a shopping center shall include the entire parking area used by the multi-store complex or shopping center.

10. **Premises:** Any building, property, or other area upon which any retail establishment business is conducted or operated in the City of South Euclid, including the parking area provided for customers in such retail establishment.

11. **Retail Establishment:** Any business located in the City of South Euclid which offers or provides shopping carts for the use of the customers of such business regardless of whether such business is advertised or operated as a retail or wholesale business, and regardless of whether such business is open to the general public, is a private club or business, or is a membership store.

12. **Security Measures:** Physical impediments or methods to prevent removal of shopping carts from the premises of the retail establishment including, but not limited to:

- a. Electronically-activated self-braking wheels;
- b. Poles mounted to shopping carts, which prevent their removal from the interior of the retail establishment
- c. ~~Utilization~~ Use of a cart patrol and retrieval company;
- d. Dedicated security personnel; and
- e. Other measures deemed appropriate and effective by the Administrator.

13. **'Shopping Cart' or 'Cart':** A basket which is mounted on wheels or a similar device generally used in a retail establishment by a customer for the purpose of transporting goods of any kind.

(d) **SHOPPING CART SIGNAGE IDENTIFICATION:**

1. **Identification Signs on Carts Required:** Each shopping cart made available for use by customers shall have an Identification Sign permanently affixed to it that includes the following information:

- a. Identifies the owner of the shopping cart or the name of the business establishment, or both;
- b. Notifies the public that the unauthorized removal of the cart from the premises of the business or parking area of the retail establishment, or the unauthorized possession of the cart, is unlawful; and
- c. Lists a current telephone number or address for returning carts removed from the premises or parking area to the owner or retailer.

2. **Notice to customers:** Owners shall provide written notice to customers that the removal of shopping carts from the premises is prohibited. Such notice may be provided in the form of flyers distributed on the premises, notice printed on shopping bags, direct mail, notices on business websites, or any other means demonstrated to be effective. Additionally, all owners shall display and maintain conspicuous signs on the premises near all customer entrances and exits and throughout the premises, including the parking area, warning customers that removal of shopping carts from the premises is prohibited by City law.

(e) **NOTIFICATION TO BUSINESS ESTABLISHMENTS**

1. The Administrator or his/her designee shall notify the business establishment which owns any cart presumed to be lost, stolen, or abandoned using the identification information on the cart.

2. The business establishment shall have four (4) hours from the time of such notification to retrieve the cart before the City may impound it.

3. If the required identification information is not on the cart, the City shall be relieved of this notification responsibility and may impound the cart immediately.

(ef) **IMPOUNDMENT AND FINES:**

1. **Impoundment of Shopping Carts:** The City may immediately impound any lost, stolen or abandoned shopping cart within the City, or any cart within the City to which the required Identification Sign is not affixed.

2. **Impounded Carts:** Owners identified on Carts Signs will be informed that they have fourteen (14) days in which to retrieve the cart(s) from the City.

3. **Notification of Impounded Cart:** The City shall utilize use the required Cart Sign identification to notify the owner of each impounded cart; absence of the required Cart Sign identification shall relieve the City from this responsibility.

4. **Fines:** The City shall issue a five hundred dollar (\$500) fine to the owner of each lost, stolen, or abandoned cart impounded by the City, unless the fine is eligible for deferral. Each cart impounded by the City shall constitute a separate violation. After ten (10) violations in any calendar month, the fine shall increase one thousand (\$1,000) for each violation for the remainder of the calendar month.

5. **Fine Deferrals Waivers:** Within any calendar month the Administrator shall defer waive fines for the first three (3) impounded carts owned by any business that, prior to the impoundment, has implemented the following criteria: ~~If four (4) or more shopping carts under common ownership are impounded within a calendar month no fines shall be deferred by the Administrator.~~

- a. Affixed the required identification sign to each impounded cart; and
- b. Implemented security measures, as defined in this Section, to prevent removal of shopping carts from the business' property.

(fg) **DISPOSITION OF CARTS:**

1. **Disposition of Carts:** Carts impounded by the City which are either held for more than fourteen (14) days following the date of notification, or carts without an Identification Sign, may be disposed of or sold by the City.

2. **Appeals:**

a. **Filing of Appeal:** Any owner aggrieved by any adverse decision of the Administrator pursuant to this Section may appeal such decision within fourteen (14) calendar days following the date of such decision by filing with the Board of Appeals a written notice of appeal briefly stating the grounds for such appeal. The notice of decision shall be deemed filed on the date the appeal application fee has been paid. No appeal shall be accepted for filing and processing by the Administrator unless accompanied by the appeal application fee.

b. **Notice of Hearing:** If the appeal is timely filed, the Board of Appeals shall cause the matter to be set for hearing. Notices of the time and place of such hearing shall be mailed by the Zoning Administrator to the appellant or applicant, to all Councilmen, to owners of all property within 200 feet of the site, lot or parcel in question and to owners of any other property deemed by the Zoning Administrator to be affected.

Section 2: That this Ordinance shall be enforced by the Administrator or his/her designee beginning 90 days after passage by City Council and signature of the Mayor.

Section 23: 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 34: That this Ordinance is deemed to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety within the City and therefore should be adopted at the earliest possible time. 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 _____, 2018~~9~~.

Dennis Fiorelli, 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.: 05-19
INTRODUCED BY: Fiorelli
REQUESTED BY: Russell

February 25, 2019

A RESOLUTION

AUTHORIZING AND DIRECTING THE FINANCE DIRECTOR TO TRANSFER AT THE LAST COUNCIL MEETING IN NOVEMBER 7.5% OF ALL PERSONAL INCOME TAX COLLECTED TO DATE (AFTER FEES HAVE BEEN DEDUCTED) WHICH SHALL INCLUDE ALL PRIOR TRANSFERS BUT NOT TO INCLUDE NET PROFIT TAX ON BUSINESSES TO THE "GENERAL IMPROVEMENT AND REPAIR FUND #408."

WHEREAS, the Council of the City of South Euclid, Ohio recognizes the need to maintain, improve and/or replace the fixed assets of the Municipality; and

WHEREAS, it is the desire of the Council of the City of South Euclid, Ohio to plan for sufficient funding to pay for the maintenance, improvements and/or replacement of the fixed assets of the Municipality.

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 and directs the Finance Director to transfer at the last meeting in November 7.5% of all personal income tax collected to date (after fees have been deducted) which shall include all prior transfers but not to include net profit tax on businesses to the "General Improvement and Repair Fund #408."

Section 2: 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 3: That this Resolution is deemed to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, and welfare of the residents and for the further reason that a vital function of government is affected thereby. 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 _____, 2019.

Dennis Fiorelli, 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.: 04-19
INTRODUCED BY: Fiorelli
REQUESTED BY: Mayor

February 25, 2019

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, 2019; 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, 2019, the sums as herein set forth be and the same are hereby made. Said sums to be used to implement this 2019 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 | \$4,490,995 | |
| Other Charges | <u>327,705</u> | |
| Total Police Department | | \$4,818,700 |

POLICE - ADMINISTRATIVE - 1111

| | | |
|---------------------------------------|--------------|-----------|
| Personal Services | \$127,479 | |
| Other Charges | <u>1,000</u> | |
| Total Police Department-Administrativ | | \$128,479 |

POLICE - SCHOOL GUARDS - 1112

| | | |
|--------------------------------------|--------------|----------|
| Personal Services | \$78,948 | |
| Other Charges | <u>1,600</u> | |
| Total Police Department-School Guard | | \$80,548 |

POLICE - CORRECTIONS - 1113

| | | |
|-------------------------------------|----------|-----|
| Personal Services | \$0 | |
| Other Charges | <u>0</u> | |
| Total Police Department-Corrections | | \$0 |

FIRE DEPARTMENT- 1120

| | | |
|-----------------------|----------------|-------------|
| Personal Services | \$3,722,068 | |
| Other Charges | <u>327,000</u> | |
| Total Fire Department | | \$4,049,068 |

FIRE HYDRANTS - 1122

| | | |
|---------------------|---------------|----------|
| Other Charges | <u>31,572</u> | |
| Total Fire Hydrants | | \$31,572 |

DISPATCHERS - 1130

| | |
|-------------------|----------------|
| Personal Services | \$0 |
| Other Charges | <u>572,562</u> |

Total Dispatchers \$572,562

TOTAL PROGRAM I \$9,680,928

PROGRAM II - Public Health & Welfare Services

SUPPORT OF PRISONERS - 2210

| | |
|---------------|-----------------|
| Other Charges | <u>\$76,950</u> |
|---------------|-----------------|

Total Public Health & Welfare \$76,950

TOTAL PROGRAM II \$76,950

PROGRAM III - Leisure Time Activities

RECREATION - 3310

| | |
|-------------------|---------------|
| Personal Services | \$73,923 |
| Other Charges | <u>40,150</u> |

Total Recreation \$114,073

COMMUNITY CENTER - 3350

| | |
|-------------------|---------------|
| Personal Services | \$185,819 |
| Other Charges | <u>66,300</u> |

Total Community Center \$252,119

TOTAL PROGRAM III \$366,192

PROGRAM IV - Community Environment

BUILDING DEPARTMENT - 4410

| | |
|-------------------|----------------|
| Personal Services | \$761,151 |
| Other Charges | <u>197,400</u> |

Total Building Department \$958,551

ECONOMIC DEVELOPMENT - 4430

| | |
|-------------------|---------------|
| Personal Services | \$148,133 |
| Other Charges | <u>48,200</u> |

Total Economic Development \$196,333

COMMUNITY RELATIONS - 4440

| | |
|-------------------|---------------|
| Personal Services | \$81,944 |
| Other Charges | <u>81,665</u> |

Total Community Relations \$163,609

CITY BOARDS & COMMISSIONS - 4450

| | | |
|----------------------------|--------------|-----------------|
| Personal Services | \$38,917 | |
| Other Charges | <u>4,450</u> | |
| Total Boards & Commissions | | <u>\$43,367</u> |

YOUTH INITIATIVE -4460

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

TOTAL PROGRAM IV \$1,393,873

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 | \$95,523 | |
| Other Charges | <u>9,700</u> | |
| Total Curbside Recycling | | <u>\$105,223</u> |

TOTAL PROGRAM V \$1,405,223

PROGRAM VI - Transportation

SERVICE DEPARTMENT - 6610

| | | |
|--------------------------|----------------|-----------|
| Personal Services | \$546,646 | |
| Other Charges | <u>171,000</u> | |
| Total Service Department | | \$717,646 |

GARAGE - 6620

| | | |
|-------------------|----------------|------------------|
| Personal Services | \$204,859 | |
| Other Charges | <u>224,250</u> | |
| Total Garage | | <u>\$429,109</u> |

TOTAL PROGRAM VI \$1,146,755

PROGRAM VII - General Government

MAYOR'S OFFICE - 7710

| | | |
|----------------------|---------------|-----------|
| Personal Services | \$196,351 | |
| Other Charges | <u>29,474</u> | |
| Total Mayor's Office | | \$225,825 |

LEGISLATIVE ACTIVITIES (CITY COUNCIL) - 7720

| | | |
|---|---------------|-----------|
| Personal Services | \$97,307 | |
| Other Charges | <u>24,000</u> | |
| Total Legislative Activities (City Cour | | \$121,307 |

FINANCE ADMINISTRATION - 7730

| | | |
|------------------------------|---------------|-----------|
| Personal Services | \$310,595 | |
| Other Charges | <u>56,500</u> | |
| Total Finance Administration | | \$367,095 |

INCOME TAX ADMINISTRATION (RITA) - 7731

| | | |
|---------------------------------|----------------|-----------|
| Personal Services | \$0 | |
| Other Charges | <u>500,000</u> | |
| Total Income Tax Administration | | \$500,000 |

LEGAL ADMINISTRATION - 7740

| | | |
|----------------------------|----------------|-----------|
| Personal Services | \$210,234 | |
| Other Charges | <u>322,100</u> | |
| Total Legal Administration | | \$532,334 |

JUDICIAL ACTIVITIES (MUNICIPAL COURT) - 7750

| | | |
|---|---------------|-----------|
| Personal Services | \$856,385 | |
| Other Charges | <u>64,000</u> | |
| Total Judicial Activities (Municipal Co | | \$920,385 |

CIVIL SERVICE COMMISSION - 7760

| | | |
|--------------------------------|---------------|----------|
| Personal Services | \$7,732 | |
| Other Charges | <u>10,150</u> | |
| Total Civil Service Commission | | \$17,882 |

ENGINEERING - 7770

| | | |
|-------------------|--------------|----------|
| Personal Services | \$19,189 | |
| Other Charges | <u>4,200</u> | |
| Total Engineering | | \$23,389 |

MUNICIPAL COMPLEX - 7780

| | | |
|------------------------|----------------|-----------|
| Personal Services | \$39,748 | |
| Other Charges | <u>475,200</u> | |
| Total Municipal Comp . | | \$514,948 |

GENERAL SERVICES - 7790

| | | |
|------------------------|----------------|-----------|
| Personal Services | \$37,000 | |
| Other Charges | <u>578,724</u> | |
| Total General Services | | \$615,724 |

INSURANCE - 7791

| | | |
|-------------------|----------------|-----------|
| Personal Services | \$0 | |
| Other Charges | <u>250,275</u> | |
| Total Insurance | | \$250,275 |

TRANSFERS/ADVANCES OUT -9910/9920

| | | |
|---------------|--------------------|--------------------|
| Other Charges | <u>\$2,305,000</u> | |
| | | <u>\$2,305,000</u> |

TOTAL PROGRAM VII \$6,394,164

TOTAL GENERAL FUND \$20,464,084

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

OPERATION HOME IMPROVEMENT (FUND 103/104)

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

COPS GRANT (FUND 106)

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

COMMUNITY DIVERSION PROGRAM (FUND 107)

| | | |
|-------------------|--------------|-----------------|
| Personal Services | \$11,802 | |
| Other Charges | <u>4,745</u> | |
| Total | | \$16,547 16,547 |

STREET CONSTRUCTION & MAINTENANCE (FUND 202)

| | | |
|-------------------|----------------|-------------------|
| Personal Services | \$678,503 | |
| Other Charges | <u>259,200</u> | |
| Total | | \$937,703 937,703 |

STATE HIGHWAY IMPROVEMENT (FUND 203)

| | | |
|-------------------|---------------|-----------------|
| Personal Services | \$0 | |
| Other Charges | <u>50,000</u> | |
| Total | | \$50,000 50,000 |

PARKING LOTS & PARKING METERS (FUND 205)

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

SWIMMING POOLS (FUND 206)

| | | | |
|-------------------|---------------|-----------|---------|
| Personal Services | \$171,014 | | |
| Other Charges | <u>88,975</u> | | |
| Total | | \$259,989 | 259,989 |

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>\$32,400</u> | | |
| Total | | \$32,400 | |

LAW ENFORCEMENT TRUST (FUND 221)

| | | | |
|---------------|------------------|-----------|---------|
| Other Charges | <u>\$110,000</u> | | |
| Total | | \$110,000 | 142,400 |

FEMA FIREFIGHTERS GRANT (FUND 222)

| | | | |
|---------------|----------------|---------|--|
| Other Charges | <u>\$1,504</u> | | |
| Total | | \$1,504 | |

SAFETY FORCES LEVY (FUND 410)

| | | | |
|-------------------|--------------|-------------|--|
| Personal Services | \$1,920,000 | | |
| Other Charges | <u>30000</u> | | |
| Total | | \$1,950,000 | |

STREET LIGHTING (FUND 511)

| | | | |
|---------------|------------------|-----------|-----------|
| Other Charges | <u>\$471,500</u> | | |
| Total | | \$471,500 | 2,423,004 |

SEWER MAINTENANCE (516)

| | | | |
|-------------------|---------------|-----------|---------|
| Personal Services | \$446,216 | | |
| Other Charges | <u>28,480</u> | | |
| Total | | \$474,696 | 474,696 |

SEWER REHABILITATION (517)

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

POLICE PENSION (FUND 614)

| | | | |
|---------------|------------------|-----------|--|
| Other Charges | <u>\$107,500</u> | | |
| Total | | \$107,500 | |

FIRE PENSION (FUND 615)

| | | | |
|---------------|------------------|-----------|--|
| Other Charges | <u>\$107,500</u> | | |
| Total | | \$107,500 | |

SICK LEAVE BENEFIT (FUND 616)

| | | | |
|-------|-----------------|----------|--|
| | <u>\$60,119</u> | | |
| Total | | \$60,119 | |

SALARY RESERVE (FUND 617)

| | | | |
|-------|------------|-----|-----------|
| | <u>\$0</u> | | |
| Total | | \$0 | \$275,519 |

TOTAL SPECIAL REVENUE FUNDS: \$4,709,858

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

GENERAL BOND RETIREMENT (FUND 327)

| | | | |
|---------------|-----------------|----------|----------|
| Other Charges | <u>\$75,621</u> | | |
| Total | | \$75,621 | \$75,621 |

RECREATION BOND RETIREMENT (FUND 328)

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

SPECIAL ASSESSMENT BOND RETIREMENT (FUND 510)

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

TOTAL BOND RETIREMENT FUNDS: \$75,621

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

CAPITAL PROJECT FUNDS

GENERAL IMPROVEMENT & REPAIR (FUND 408)

| | | | |
|---------------|------------------|-----------|---------|
| Other Charges | <u>\$722,127</u> | | |
| Total | | \$722,127 | 722,127 |

SAFETY FORCES VEHICLES (FUND 409)

| | | | |
|---------------|------------------|-----------|-----------|
| Other Charges | <u>\$347,500</u> | | |
| Total | | \$347,500 | \$347,500 |

POLICE VEHICLES & EQUIPMENT (FUND 411)

| | | | |
|---------------|-----------------|----------|--|
| Other Charges | <u>\$14,000</u> | | |
| Total | | \$14,000 | |

RECREATION CONTINGENCY (FUND 418)

| | | | |
|---------------|------------|-----|-------|
| Other Charges | <u>\$0</u> | | |
| Total | | \$0 | 14000 |

WATER DISTRIBUTION INFRASTRUCTURE (FUND 424)

| | | | |
|---------------|------------------|-----------|---------|
| Other Charges | <u>\$324,115</u> | | |
| Total | | \$324,115 | 324,115 |

ROAD RESURFACING (FUND 425)

| | | | |
|---------------|------------------|-----------|---------|
| Other Charges | <u>\$829,270</u> | | |
| Total | | \$829,270 | 829,270 |

FLOOD CONTROL (FUND 426)

| | | | |
|---------------|--------------------|-------------|-----------|
| Other Charges | <u>\$2,368,058</u> | | |
| Total | | \$2,368,058 | 2,368,058 |

SIDEWALK IMPROVEMENT PROGRAM (FUND 427)

| | | | |
|---------------|------------|-----|---|
| Other Charges | <u>\$7</u> | | |
| Total | | \$7 | 7 |

STAN HOPE PARKING LOT (FUND 430)

| | | | |
|---------------|----------------|---------|--|
| Other Charges | <u>\$2,850</u> | | |
| Total | | \$2,850 | |

ISSUE II PROJECTS (FUND 431)

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

LAND ACQUISITION (FUND 440)

| | | | |
|---------------|--------------------|-------------|-----------|
| Other Charges | <u>\$1,992,042</u> | | |
| Total | | \$1,992,042 | 1,994,892 |

TOTAL CAPITAL PROJECT FUNDS: \$6,599,969

TRUST & AGENCY (FUND 917)

| | | | |
|---------------|--------------------|--|--|
| Other Charges | <u>\$1,982,965</u> | | |
|---------------|--------------------|--|--|

Total \$1,982,965

TOTAL TRUST & AGENCY FUND: \$1,982,965

GRAND TOTAL \$33,832,497

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 therefore, 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

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 2019 unless this Ordinance goes into immediate effect. Wherefore, this Ordinance shall take effect upon passage and approval.

Passed this _____ day of _____, 2019.

Dennis Fiorelli, President of Council

Attest:

Approved:

Keith A. Benjamin, Clerk of Council

Georgine Welo, Mayor

Approved as to form:

Michael Lograsso, Director of Law