

THE CITY OF SOUTH EUCLID
SCHEDULE OF MEETING
October 26, 2020
8:00 PM

Meeting Conducted Via WebEx Meeting Platform

PUBLIC ACCESS FOR RESIDENTS:

**Please go to the City's Homepage at www.cityofsoutheuclid.com
and click the "Join City Council Meeting Link"
at the top of the webpage.**

The Password to Join the Meeting is:

JAs5WfK9i9q (52759359 from phones and video systems)

1. PLEDGE OF ALLEGIANCE

2. ROLL CALL

3. APPROVAL OF MINUTES September 29, 2020

4. REPORT OF MAYOR

5. REPORT OF LAW DIRECTOR & DEPARTMENTAL HEADS

6. REPORT OF SCHOOL DISTRICT

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

8. REPORT OF COUNCIL COMMITTEES

9. LEGISLATION FROM THE PLANNING COMMISSION

- 1..Resolution 58-20 Granting a Conditional Use Permit to "Bright Buddies, LLC" located at 533 South Green Road in the City of South Euclid, Ohio. First Reading.
2. Resolution 59-20 Granting a Conditional Use Permit to "Infinite Learning Enrichment Center" located at 4298 Mayfield Rd in the City of South Euclid, Ohio. First Reading.

10. LEGISLATION REQUESTED BY CITY COUNCIL

1. Ordinance 20-20 An Ordinance amending Section 1307.04 "Requirements For Registration" of Chapter 1307 "Registration of Contractors" of Title One "General Provisions" of Part Thirteen "Building Code" of the Codified Ordinances of the City of South Euclid, Ohio, for the purpose of establishing guidelines for wage enforcement; and declaring an emergency. First Reading.

11. LEGISLATION REQUESTED BY THE MAYOR & ADMINISTRATION

1. Resolution 60-20 Authorizing the Mayor to enter into an Amendment to the Option to Lease and Lease Agreement between the City of South Euclid and ATC Sequoia LLC, a Delaware Limited Liability Company ("American Tower"). First Reading.

2. Resolution 61-20 Authorizing the Mayor to enter into a Memorandum of Understanding with Cuyahoga County for the purpose of establishing and regulating an electronic scooter and bike sharing program in the City of South Euclid, Ohio. First Reading.

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

13. COMMUNICATIONS OF CITY COUNCIL

14. ADJOURN

CITY OF SOUTH EUCLID, OHIO

RESOLUTION NO.: 58-20
INTRODUCED BY: Frank
REQUESTED BY: Planning Commission

October 26, 2020

A RESOLUTION

GRANTING A CONDITIONAL USE PERMIT TO "BRIGHT BUDDIES, LLC" LOCATED AT 533 SOUTH GREEN ROAD IN THE CITY OF SOUTH EUCLID, OHIO.

WHEREAS, the City of South Euclid recognizes that various public and private institutions and facilities are essential to the community; and

WHEREAS, the Planning Commission, after careful study, has recommended to Council in a vote of 5-0-0 that a Conditional Use Permit be granted to "Bright Buddies, LLC" to operate an adult daycare at 533 South Green Road; and

WHEREAS, notice of a public hearing on the aforesaid requested Conditional Use Permit has been duly given, and a full public hearing has been held thereon by the Planning Commission pursuant to such notice and as prescribed by law; and

WHEREAS, the Council of the City of South Euclid deems that the aforesaid Conditional Use Permit should be given in that the standards set forth in Chapter 732 of the South Euclid Zoning Code have been achieved.

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

Section 1: That a Conditional Use Permit is hereby granted to "Bright Buddies, LLC" to operate an adult daycare to be located at 533 South Green Road in the City of South Euclid, Ohio, per the following condition:

Condition 1: All requirements for daycare establishments, as defined in Chapter 732 "Conditional Uses in Commercial Districts" of the South Euclid Zoning Code, shall be followed at all times.

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: This Resolution shall take effect and be in full force from and after the earliest period allowed by law and upon signature of the Mayor.

Passed this _____ day of _____, 2020.

Joseph Frank, 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.: 59-20
INTRODUCED BY: Frank
REQUESTED BY: Planning Commission

October 26, 2020

A RESOLUTION

GRANTING A CONDITIONAL USE PERMIT TO "INFINITE LEARNING ENRICHMENT CENTER" LOCATED AT 4298 MAYFIELD RD IN THE CITY OF SOUTH EUCLID, OHIO.

WHEREAS, the City of South Euclid recognizes that various public and private institutions and facilities are essential to the community; and

WHEREAS, the Planning Commission, after careful study, has recommended to Council in a vote of 3-1-0 that a Conditional Use Permit be granted to "Infinite Learning Enrichment Center" located at 4298 Mayfield Road; and

WHEREAS, notice of a public hearing on the aforesaid requested Conditional Use Permit has been duly given, and a full public hearing has been held thereon by the Planning Commission pursuant to such notice and as prescribed by law; and

WHEREAS, the Council of the City of South Euclid deems that the aforesaid Conditional Use Permit should be given in that the standards set forth in Chapter 732 of the South Euclid Zoning Code have been achieved.

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

Section 1: That a Conditional Use Permit is hereby granted to "Infinite Learning Enrichment Center" located at 4298 Mayfield Road in the City of South Euclid, Ohio, per the following conditions:

Condition 1: The business and property owner are required to meet all requirements of the City of South Euclid and State of Ohio Building and Fire Codes in order to obtain and retain an occupancy permit.

Condition 2: All requirements for daycare establishments, as defined in Chapter 732 "Conditional Uses in Commercial Districts" of the South Euclid Zoning Code, shall be followed at all times.

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: This Resolution shall be in full force after the earliest period allowed by law.

Passed this _____ day of _____, 2020.

Joseph Frank, 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.: 20-20
INTRODUCED BY: Frank
REQUESTED BY: Hardy

October 22, 2020

AN ORDINANCE

AN ORDINANCE AMENDING SECTION 1307.04 "REQUIREMENTS FOR REGISTRATION" OF CHAPTER 1307 "REGISTRATION OF CONTRACTORS" OF TITLE ONE "GENERAL PROVISIONS" OF PART THIRTEEN "BUILDING CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO, FOR THE PURPOSE OF ESTABLISHING GUIDELINES FOR WAGE ENFORCEMENT; AND DECLARING AN EMERGENCY.

WHEREAS, the City has an interest in ensuring that workers within its corporation limits, particularly individuals working on City-supported projects, are paid in compliance with all federal, state, and local laws; and

WHEREAS, a study by the National Employment Law Project found that some amount of pay is illegally withheld routinely, from paychecks of over sixty percent of low-wage workers in major cities across the United States; and

WHEREAS, the Ohio Attorney General's Office has estimated that more than 90,000 Ohio workers were illegally misclassified as independent contractors rather than their real legal status as full employees, resulting in a cost to the State of Ohio and local governments of hundreds of millions of dollars in lost unemployment compensation, workers' compensation premiums, and state and local income taxes, and

WHEREAS, when employers in the City of South Euclid commit this type of wage theft or payroll fraud, their illegal activity costs the City income tax revenue, negatively impacting the City's ability to pay for basic services; and

WHEREAS, it is necessary to clarify the City's interest in protecting workers from wage theft and payroll fraud in contracts from wage theft and payroll fraud in which the City enters; and

WHEREAS, payroll fraud refers to when a business conceals its true tax or other financial liability to a government agency, most commonly by misclassifying employees or paying for business transactions in cash or its equivalent without keeping appropriate records; and

WHEREAS, wage theft means not properly paying workers for all work performed, most commonly by paying less than minimum wage, not paying for all hours worked, failing to pay prevailing wage, or failing to pay overtime, in violation of local, state, or federal law; and

WHEREAS, Council also desires that the City take all possible actions to recover any incentives that were offered to parties doing business with the City as a market participant if those parties, or their contractors or subcontractors, are found to have committed wage theft or payroll fraud; and administrative hearing any government body, or industry-specific regulatory or investigative body.

NOW THEREFORE BE IT RESOLVED by the Council of the City of South Euclid, Ohio that Section 1307.04 be amended as follows:

Section 1: 1307.04 REQUIREMENTS FOR REGISTRATION.

(a) An application for a Certificate of Contractor Registration shall be filed prior to the commencement of any work within the City.

(b) The application shall be upon the form issued by the Building Commissioner and shall be accompanied by the following:

(1) Evidence of a current license issued by the Ohio Construction Industry Examining Board for those applying for registration as plumbing, electrical, HVAC, refrigeration or hydronics contractors.

(2) Evidence of a current license issued by the Ohio State Department of Health for those applying for registration as asbestos, lead or radon abatement and/or testing contractors.

(3) For all other applicants, evidence that the applicant is qualified to perform the work for which the registration is sought. A copy of a Certificate of Registration from another political subdivision shall be sufficient evidence of qualification except for those indicated in divisions (b)(1) and (2) of this section.

(4) The name, address, business and home telephone numbers of the applicant. If the applicant is a business entity other than a sole proprietorship (i.e. partnership, corporation, limited liability company), the authorized agent completing the application on behalf of the applicant shall also set forth his or her home address for legal notification purposes. All individuals filing applications shall provide a copy of a valid driver's license or other identification approved by the Building Commissioner.

(5) Evidence of insurance for bodily injury in the amount of one million dollars/two million dollars (\$1,000,000/\$2,000,000) and for property damages in the amount of at least five hundred thousand dollars (\$500,000) or general liability coverage in the amount of one million dollars (\$1,000,000) for each occurrence and two million dollars (\$2,000,000) general aggregate and proof of current State of Ohio automobile coverage for the contractor's vehicle(s) for the period the contractor is registered to work in the City of South Euclid.

(6) A bond to insure full and faithful compliance with all ordinances, rules and regulations of the City of South Euclid in the amount of twenty thousand dollars (\$20,000) on a bond form provided by the Building Commissioner and approved by the Director of Law. (Ord. 67-01. Passed 12-11-01; Ord. 67-05. Passed 11-28-04.)

(7) Before any contractor or subcontractor may begin work under an agreement or on a development site, each person entering into an agreement after the effective date of this ordinance shall submit to the Building Commissioner for approval a subcontractor utilization report, on a form prescribed by the Building Commissioner, identifying each contractor or subcontractor the person intends to utilize to perform work under the agreement or on the development site.

(8) No registration shall be issued by the Building Commissioner authorizing any contractor or subcontractor to engage in the activities listed in this chapter until evidence is provided to the Building Commissioner that the contractor or subcontractor is registered with the Regional Income Tax Administrator of the City.

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 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 _____, 2020

Joseph Frank, 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.: 60-20
INTRODUCED BY: Frank
REQUESTED BY: Mayor

October 26, 2020

A RESOLUTION

AUTHORIZING THE MAYOR TO ENTER INTO AN AMENDMENT TO THE OPTION TO LEASE AND LEASE AGREEMENT BETWEEN THE CITY OF SOUTH EUCLID AND ATC SEQUOIA LLC, A DELAWARE LIMITED LIABILITY COMPANY ("AMERICAN TOWER").

WHEREAS, the City of South Euclid entered into an Option to Lease and Lease Agreement on October 5, 1995 and currently leases a portion of the parent parcel and is the beneficiary of certain easements for access and public utilities for the purposes of cellular communications services (Cell Tower) on city-owned property at 1349 South Green Road; and

WHEREAS, the current tenant, Verizon Communications, Inc., has entered into a Management Agreement and a Master Prepaid Lease with American Tower which subleases, manages, operates and maintains, as applicable, the leased premises from the City of South Euclid; and

WHEREAS, the City of South Euclid and American Tower desire to amend the lease to extend the term thereof and to otherwise modify the lease as described in the First Amendment to Option to Lease and Lease Agreement attached hereof as Exhibit A.; and

WHEREAS, American Tower shall monetarily compensate the City of South Euclid for modification of the lease according to the terms and conditions contained in the agreement authorized by passage of this Resolution.

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

Section 1: That the Mayor be and she is hereby authorized to enter into a First Amendment to Option to Lease and Lease Agreement with ATC Sequoia LLC (American Tower) for the purposes of continuing the lease of city-owned property (communications tower) at 1349 South Green Road. A copy of said Option and Ground Lease Agreement is attached hereto and made a part hereof as Exhibit A.

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 shall take effect and be in full force from and after the earliest period allowed by law and upon signature of the Mayor.

Passed this _____ day of _____, 2020.

Joseph Frank, 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.: 61-20
INTRODUCED BY: Frank
REQUESTED BY: Mayor

October 26, 2020

A RESOLUTION

AUTHORIZING THE MAYOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH CUYAHOGA COUNTY FOR THE PURPOSE OF ESTABLISHING AND REGULATING AN ELECTRONIC SCOOTER AND BIKE SHARING PROGRAM IN THE CITY OF SOUTH EUCLID, OHIO.

WHEREAS, Cuyahoga County has contracted with multiple vendors that will provide electronic scooter and bike sharing services throughout the County; and

WHEREAS, City Council has passed Ord. 17-20 to allow for electronic bicycles and scooters to operate in the City of South Euclid; and

WHEREAS, City Council desires to enter into this MOU with Cuyahoga County so that the County can establish and regulate an electronic scooter and bike sharing program in the City of South Euclid.

NOW, THEREFORE, BE IT RESOLVED by the Council 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 Cuyahoga County to establish and regulate an electronic scooter and bike sharing program in the City of South Euclid.

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 peace, health, safety and welfare of the residents and shall take effect upon passage and approval.

Passed this _____ day of _____, 2020.

Joseph Frank, President of Council

Attest:

Approved:

Keith A. Benjamin, Clerk of Council

Georgine Welo, Mayor

Approved as to form:

Michael P. Lograsso, Director of Law