

**THE CITY OF SOUTH EUCLID
SCHEDULE OF MEETING
JANUARY 25, 2021
8:00 PM
Meeting Conducted Via WebEx Meeting Platform**

PUBLIC ACCESS FOR RESIDENTS:

Please go to the City's Homepage at www.cityofsoutheuclid.com
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The Password to Join the Meeting is:
z8vMcxZ8mq8 (98862998 from phones and video systems)

1. **PLEDGE OF ALLEGIANCE**
2. **ROLL CALL**
3. **SWEARING-IN CEREMONY** Police Officer David Duffy
4. **APPROVAL OF MINUTES:** November 23, 2020; December 14, 2020 &
January 11, 2021.
5. **REPORT OF MAYOR**
6. **REPORT OF LAW DIRECTOR & DEPARTMENTAL HEADS**
7. **REPORT OF SCHOOL DISTRICT**
8. **PUBLIC HEARINGS (OPEN MEETING) RELATED TO AGENDA ITEMS**
9. **REPORT OF COUNCIL COMMITTEES**
 1. Ordinance 13-19 Creating New Chapter 1336 "Registration and Maintenance of Vacant Nonresidential Properties and Establishments" of Title Five "Other Building Provisions" of Part Thirteen "Building Code" of The Codified Ordinances of The City of South Euclid, Ohio. **Second Reading.**
 2. Ordinance 04-20 Enacting New Section 761.07 "Landmark Commission" of Chapter 761 "Administration" of Title Six "Administrative Provisions" of Part Seven "Planning and Zoning Code" of The Codified Ordinances of The City Of South Euclid, Ohio. **Third Reading.**
10. **LEGISLATION TO BE REMOVED FROM COUNCIL'S DOCKET**
 1. Ordinance 11-19 An Ordinance enacting New Sections 172.27 through 172.42 entitled "Wage Enforcement", as contained in Chapter 172 "Municipal Income Tax" of Title Nine "Taxation", of Part One "Administrative 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. **For Removal.**
11. **LEGISLATION REQUESTED BY CITY COUNCIL**
 1. Resolution 03-21 Implementing strategies for innovative economic redevelopment and reuse of vacant buildings. First Reading.

12. LEGISLATION REQUESTED BY THE MAYOR & ADMINISTRATION

1. Ordinance 01-21 Creating New Chapter 1415 "Approving the right of city renters to pay-to-stay" of Part Fourteen "Housing Code" of the Codified Ordinances of the City of South Euclid, Ohio. First Reading.

2. Resolution 04-21 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 for the provision of technical assistance in implementing soil and water conservation measures for the years 2021 through 2025. First Reading.

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

14. COMMUNICATIONS OF CITY COUNCIL

- 15. ADJOURN TO EXECUTIVE SESSION** for the purpose of discussion pending litigation.

16. ADJOURN

CITY OF SOUTH EUCLID, OHIO

ORDINANCE NO.: 13-19
INTRODUCED BY: Fiorelli
REQUESTED BY: Planning Commission

July 8, 2019
As Amended by the Zoning &
Planning Comm: November 9, 2020
As Amended by the Zoning &
Planning Comm: January 11, 2021
Second Reading: January 25, 2021

AN ORDINANCE

CREATING NEW CHAPTER 1336 "REGISTRATION AND MAINTENANCE OF VACANT NONRESIDENTIAL PROPERTIES AND ESTABLISHMENTS" OF TITLE FIVE "OTHER BUILDING PROVISIONS" OF PART THIRTEEN "BUILDING CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO.

WHEREAS, in order to encourage vibrant commercial districts and reduce vacancy rates, the Planning Commission and City Council desire to implement a vacant nonresidential building registration and maintenance program; and

WHEREAS, in light of the harm to neighborhood safety, security and welfare caused by prolonged neglect and abandonment of vacant nonresidential buildings, there is a need for a program to identify and make swift contact with all persons with a legal interest in a vacant property to ensure that vacant buildings are maintained free of nuisance conditions; and

WHEREAS, it is critical to use all available tools to ensure nonresidential property owners are diligently working to ensure their properties are reoccupied or repurposed; and

WHEREAS, the Planning Commission, by a vote of 5-0-0 on June 27, 2019, has recommended to City Council this Ordinance be adopted and Council deems that this Ordinance is necessary for the public health, safety, and welfare of the City.

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

Section 1: That new Chapter 1336 "Registration and Maintenance of Vacant Nonresidential Properties and Establishments" of Title Five "Other Building Provisions" of Part Thirteen "Building Code" of the Codified Ordinances of the City of South Euclid, Ohio be hereby created and read as follows:

CHAPTER 1336 REGISTRATION AND MAINTENANCE OF VACANT NONRESIDENTIAL PROPERTIES AND ESTABLISHMENTS.

1336.01 PURPOSE

(a) This chapter shall apply to any nonresidential property, as defined below, or unit of nonresidential property in the city which meets the definition of vacant and unoccupied.

1336.02 DEFINITIONS

(a) "Nonresidential Property" shall be defined as a property with an assigned use classification of commercial, institutional, industrial, or office.

(b) "Vacant, Vacant Building, Vacancy, and Vacant Unit of a Building" shall be defined for the purposes of this chapter, as a building, or unit of a building, which is not occupied by its owner, lessee or other person in lawful possession, or at which substantially all lawful business operations have ceased.

(c) "Unoccupied" shall be defined for the purposes of this chapter as a building or unit of a building in which all lawful business operations have ceased.

1336.03 DUTIES OF OWNER

(a) The owner, lessee, or party in control of any vacant building and/or vacant unit of a building, or a party that has filed and is currently maintaining an open foreclosure action regarding a vacant building shall maintain the vacant building and/or vacant unit of a building in compliance with city codes with particular attention to the following:

1. Grass and weeds shall be kept at a maximum height of 6 inches. Shrubbery must be kept trimmed and neat and kept from encroaching on or touching the building.
2. All building exteriors shall have adequate weather-tight protection, including paint, siding, and or similar finishes maintained in good condition.
3. All buildings and grounds must be secured against trespassers and rodents. This includes maintaining all exterior doors, windows and yard fencing in a good and secured condition. No boards, plywood or similar means or materials may be used to secure windows and doors. Doors, and/or windows that are found to be defective shall be replaced with similar, new doors or window units equipped with locking hardware.
4. Property must be properly winterized.
5. Roofs on all buildings shall be in good, weather tight condition with no leakage.
6. Any accumulated trash or debris must be removed from the property immediately.
7. Graffiti, tagging or similar markings must be immediately removed or painted over with an exterior grade paint that matches the exterior color of the structure.
8. Property shall be maintained free of nuisance conditions.
9. Compliance with this section does not relieve the owner or agent in control of the property of any obligations set forth in any covenants, conditions, restrictions, homeowners' association rules and regulations and/or codified ordinances or building codes which may apply to the property.

(b) REGISTRATION REQUIRED

1. The owner, agent, lessee, or party in control of any vacant building and/or vacant unit of a building, or a party that has filed a foreclosure action that is currently pending regarding any vacant building, shall register the building, property and/or vacant unit of a building with the Building Commissioner, and maintain the registration up to date.
2. An application for registration of a vacant building and/or vacant unit of a building shall include all of the following information on forms provided by the City:
 - a. The name of the owner, agent lessee or party in control of the property and/or foreclosing entity submitting the registration application;
 - b. The direct mailing address of the applicant; P.O. Boxes are not an acceptable address;
 - c. A contact name, telephone number and e-mail address for the applicant;
 - d. In the case of an applicant whose home or business address is located outside Cuyahoga County, the applicant shall provide the name and mailing address as well as the contact name, telephone number and e-mail address of the person responsible for the security, maintenance, and marketing of the property.
 - e. The fee required by Section 1336.03(b)(5).
3. Registration shall remain valid for twelve months from the date of issuance. The owner, agent, lessee or party in control, or party mortgagee in a foreclosure action, shall renew the registration upon expiration for as long as the building, property, and/or unit of a building remains vacant.
4. The owner, agent, lessee, party in control, or party in a foreclosure action of any vacant building property, and/or vacant unit of a building, shall inspect the building, property and/or unit at least one time each month on the interior and exterior of the to verify that the requirements of this Chapter, the Codified Ordinances of the City, and any other applicable laws are being met. A written report of such inspections shall be provided to the City upon request.
5. Fees: The annual fee for registering a vacant building, property and/or vacant unit of a building shall be \$0.15 per square foot of vacant space **for the first year the property is vacant, \$0.20 per square foot of vacant space for the second consecutive year the property is vacant, and \$0.25 per square foot of vacant space for every consecutive year beyond the second year that the property remains vacant.**
 - a. *Revenue collected each year from this fee shall be distributed*

annually as follows: the first one-third (1/3) of the fee collected shall be appropriated to the Economic Development Department Account #101-4430-52727 for business assistance programs and the remaining two-thirds (2/3) of the fee collected shall be appropriated to the Building Department Account #101-4410-52738 for nuisance abatement purposes.

(c) EXEMPTIONS:

Waivers exempting compliance with the provisions of this Chapter shall be obtained in writing on a form provided by the City under the following circumstances as long as the property is kept in safe, secure, and habitable condition, including continual compliance with Section 1336.03, "Duties of Owner":

1. Fire damaged buildings: so long as clean up, repair or demolition is initiated within 90 days from the date of the fire.
2. The owner, lessee, or party in control of any vacant building and/or vacant unit of a building can produce evidence the vacant building or vacant unit will be reoccupied within 90 days of becoming vacant. Such evidence shall include an application for occupancy filed with the South Euclid Building Department by the new user intending to occupy the space.
3. **The owner, lessee, or party in control of any vacant building and/or vacant unit of a building can submit a vacant building plan which meets the approval of the Chief Building Official. The plan, at a minimum, must contain information from one of the following two choices:**
 - a. **If the building is to be demolished, a demolition plan indicating the proposed timeline for demolition which includes starting within thirty (30) days of receiving approval for demolishing the building and reaching completion within one (1) year of submitting said plan. Approval for demolition must also be obtained from the City Planning Commission as defined in Chapter 1333 "Demolition or Removal of Principal Structures on Commercial or Industrial Properties" of the Codified Ordinances.**
 - b. **If the building is to undergo extensive renovation and/or rehabilitation before being made available to be returned to appropriate occupancy or use. The rehabilitation and/or renovation plan must receive approval from the Chief Building Official and any City Boards and Commissions as required. The rehabilitation and/or renovation must be complete within twelve (12) months from the time said plan is approved. Any request for an extension must be made in writing and must detail the reasons why the extension is being requested, it must be approved by the Chief Building Official. Any repairs, improvements, or alterations to the property must comply with any applicable zoning, housing, historic preservation, or building codes, and the property must be secured during the rehabilitation and/or renovation.**

1336.04 VACANT BUILDING INSPECTION REQUIRED

(a) The owner, agent, or party in control of any vacant building, or unit of a building, shall apply for and obtain a vacant building inspection from the Building Commissioner prior to selling, transferring, or conveying any interest in or entering into an agreement to sell, transfer or otherwise convey an interest in such property, this includes entering into a lease with an entity to occupy the building or unit of a building. A copy of such completed inspection report shall be provided to the prospective purchaser, transferee, or lessee prior to sale or commencement of a lease.

(b) An agreement to sell, transfer or otherwise convey an interest in a Vacant Building, or a lease agreement for a tenant to occupy a vacant unit of a building, shall include a copy of the vacant building inspection report from the Building Commissioner, in order for the prospective purchaser, transferee, or lessee to be aware of all known violations of the City Building, Housing and/or Zoning Codes found as a result of an exterior and interior inspection.

(c) The owner shall submit to the City of South Euclid Building Department a statement signed by the purchaser or transferee, or lessee, acknowledging receipt of the vacant building inspection report, and such statement shall list thereon the date the report was given to the purchaser or transferee, or lessee.

1336.05 VACANT BUILDING INSPECTION

An application for a vacant building inspection required by this chapter shall be made upon forms supplied by the Building Commissioner.

(a) The Building Commissioner shall cause a general exterior and interior inspection for the vacant building or unit of a building and premises to be made.

(b) The vacant building inspection report shall contain the following information:

1. The street address or other identifying characteristics of the vacant building or unit of a building;
2. The name and address of the owner(s); lessee or party in control;
3. The authorized use and occupancy of the building or vacant unit of a building;
4. The listing of all known violations of the building code existing at the time of such inspection.

(c) Should the building or unit of a building remain vacant for a period longer than one year from the date of the inspection, a new inspection of the property shall be conducted as outlined above. There shall be a fee of \$25.00 per year for each inspection, after the first year.

1336.06 FEES

(a) In order to legally occupy a space, a user must file for business occupancy with the Building Department and pay the business occupancy application fee. In addition, a Certificate of Compliance will be issued once violations have been corrected and a user is legally occupying the space. The fee for a Certificate of Compliance shall be \$200.00.

(b) There shall be no fee for one (1) re-inspection requested by the same owner within twelve months from the date of the initial inspection to verify correction of violations stated within the vacant building inspection report. All subsequent re-inspections may be billed at \$50.00 per inspection.

(c) In the event of resale within the one-year period, if violations have not been corrected, the vacant building inspection report shall be transferred to any subsequent bona fide purchaser and shall be valid for the remainder of that period.

1336.07 CORRECTION OF VIOLATIONS

Any violations found upon inspection of the premises shall be corrected prior to issuance of the Certificate of Compliance. A property owner shall have six (6) months from the date of the inspection to correct all violations. Violations that cannot be corrected due to seasonal conditions shall not preclude the issuance of a Certificate of Compliance; provided that, issuance of such certificate shall be upon written acknowledgement of all violations and agreement to correct all violations within nine (9) months of the inspection date.

1336.07 (a) APPEALS

1. The Board of Zoning Appeals and Building Standards (BZA) as established by ordinance, shall be the Board of Appeals for this Chapter and its powers and duties and the procedures for appeal shall be as provided in such ordinance establishing the Board.

2. The owner of a vacant building, or vacant unit of a building, shall have the right to appeal from any order of, or written notice issued by, the Building Commissioner within thirty days from the date such notice was given, mailed or issued, and to appear before the Board within

sixty (60) days of receipt of the notice appealed from, to show cause why he/she should not comply with such notice. Such appeal must be in writing. Failure to file a written appeal with the Board within the time prescribed herein shall constitute a waiver of the right to appeal. However, filing of an appeal from any such notice shall suspend action on enforcement of such notice until the appeal is acted upon by the Board.

1336.08 CERTIFICATE OF COMPLIANCE

(a) At the request of the owner of property or his/her agent, the City shall issue a letter or other written document signed and dated by the Building Commissioner stating that all violations listed on the vacant building inspection report have been completed to the City's satisfaction, and the property is eligible for occupancy. No previously vacant building, or vacant unit of a building, can be occupied until this Certificate of Compliance is obtained. This Certificate of Compliance is not in lieu of a business occupancy application. Upon issuance of a Certificate of Compliance, a user of a building or unit of a building, must still file for and obtain business occupancy from the Building Department prior to having operations open to the public.

(b) At the request of the owner of the property or his/her agent, the City may issue a letter or other written document signed and dated by the Building Commissioner stating that specific violations listed on the vacant building inspection report have been completed to the City's satisfaction. If the Building Commissioner issues such a letter or written document, it shall contain the specific violation(s) that remain outstanding.

1336.09 LIABILITY

The issuance of a Certificate of Compliance does not guarantee compliance with the Building, Housing and/or Zoning Codes, nor does the Building Commissioner nor his or her duly authorized designee(s) accept any liability for non-compliance with same. Such certificate shall be considered by all parties as the City's best effort to make known to the owner, a potential purchaser, or potential tenant, of any violations on a given property at the time the inspection is made.

(a) The City assumes no liability or responsibility for the failure to report violations that may exist and makes no guarantee whatsoever, since there may be further violations which were not detected, which may arise in the future, or which may only be determined by a licensed electrician, plumber or other specialist at the expense of the person desiring such an inspection.

(b) In issuing a vacant building inspection report, the City does not thereby insure, warrant or guarantee to the holder thereof, to his assignees, or any other interested party that such report contains all of the violations of the South Euclid Codified Ordinances, state or federal law.

(c) In issuing a Certificate of Compliance document under the provisions of this chapter, the City does not thereby insure, warrant or guarantee the quality of repair or standard of work completed in the correction of violations listed on a vacant building inspection report. Such document should be construed only as a statement by the City that some or all of the violations listed on the vacant building inspection report have been corrected to the City's satisfaction.

1336.11 1336.10 PENALTY

Any person who violates any provision of this Chapter or of the rules and regulations issued hereunder shall be fined not less than \$200 and not more than \$1,000 for each offense. Every day that a violation continues shall constitute a separate and distinct offense. Unpaid registration fees and fines shall be an assessment on the property enforceable in the same manner as assessments for delinquent property taxes.

Section 2: 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 3: That this Ordinance is deemed to be an emergency measure necessary for the immediate preservation of the public peace, health and safety and for further reason that it is important to protect and enhance the safety and aesthetic quality of the non-residential building stock within the City at the earliest possible time. Wherefore, this Ordinance shall take effect and be in force upon passage by City Council and signature of the Mayor.

Passed this _____ day of _____, 2019 2020 **2021**.

Attest:

Joseph Frank, President of Council
Approved:

Keith A. Benjamin, Clerk of Council
Approved as to form:

Georgine Welo, Mayor

Michael P. Lograsso, Director of Law

THE CITY OF SOUTH EUCLID, OHIO

ORDINANCE NO.: 04-20
INTRODUCED BY: Frank
REQUESTED BY: Mayor

February 24, 2020
As Amended and Recommended by the
Planning Commission: September 10, 2020
Second Reading: September 29, 2020
As Amended by the Zoning & Planning
Comm.: January 11, 2021
Third Reading: January 25, 2021

AN ORDINANCE

ENACTING NEW SECTION 761.07 "LANDMARK COMMISSION" OF CHAPTER 761 "ADMINISTRATION" OF TITLE SIX "ADMINISTRATIVE PROVISIONS" OF PART SEVEN "PLANNING AND ZONING CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO.

WHEREAS, various public and private commercial and residential buildings throughout the city are seen as being significant to this community's past, present, and future; and

WHEREAS, certain neighborhoods in the city have homes with distinctive architectural features and could be designated as local historic districts; and

WHEREAS, creating a local Landmark Commission would allow for the city to designate and regulate the future of buildings and neighborhoods seen as exhibiting some sort of significance to South Euclid; and

WHEREAS, designating buildings as local landmarks can make such buildings eligible for a variety of economic incentives, encouraging preservation and rehabilitation of the city's commercial and residential districts; and

WHEREAS, this Council desires to adopt an Ordinance to create a City of South Euclid Landmark Commission; and

WHEREAS, this legislation amending the zoning code was referred to the Planning Commission for review; and

WHEREAS, notice of a meeting on the aforesaid requested zoning amendment has been duly given, and a full meeting has been held thereon by the Planning Commission, pursuant to such notice and as prescribed by law; and

WHEREAS, the Planning Commission voted 5-0-0 to recommend the legislation, as amended to City Council; and

WHEREAS, upon holding a public hearing, Council deems that the aforesaid zoning amendment should be made and the same is conducive to the public health, safety, convenience and general welfare of the City.

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

Section 1: That New Section 761.07 "Landmark Commission" of Chapter 761 "Administration" of Title Six "Administrative Provisions" of Part Seven "Planning and Zoning Code" of the Codified Ordinances of the City of South Euclid, Ohio, be and the same is hereby enacted to read as follows:

"761.07 LANDMARK COMMISSION"

(a) Definitions

1. ~~"Alteration" means any design, material, or color change to the external architecture features of any landmark structure or any structure located within a landmark district.~~

~~2.1. "Building change" means any alteration, **façade change**, demolition, removal, or construction to a **designated** landmark structure including such structures located within a landmark district.~~

~~3. "Construction" means the erection of new structures in landmark districts or on the sites of landmark structures and of additions to existing landmark structures.~~

~~4. "Demolition" means the substantial deterioration or complete or substantial removal or destruction of any landmark structure or any structure which is located within a landmark district.~~

2. "Façade Change" means any alteration to the aesthetic design, building material, or color change to the external architecture features of any designated landmark structure or any structure located within a landmark district.

3. "Environmental change" means any change to the site surrounding a **designated landmark structure or within a landmark district, including, but not limited to, fences, signage, **parking areas, site lighting, pedestrian access, site access, special site features**, and major landscaping.**

4. "Rehabilitation" means the process of **restoring and returning a property to a state of utility, through repair or alteration **or construction**, which makes possible an efficient contemporary use while preserving those portions and features of the property which are significant to its historic, architectural, and cultural values.**

5. "Construction" means the erection of new structures in landmark districts or on the site of a designated landmark structure or an addition to an existing landmark structure.

6. "Demolition" means the partial or complete removal or destruction of any designated landmark structure or any structure which is located within a landmark district.

7. "Removal" means the deletion of any exterior architectural feature from a designated landmark structure or from any structure which is located within a Landmark District.

8. "Landmark District" means any area that contains structures which:

- A. Have historic significance;
- B. Represent one or more periods or styles of architecture typical of one or more eras in the City's history, or represent an assemblage of structures important to the City's history;
- C. Cause such area, by reason of such factors, to constitute an identifiable area; and
- D. Have been designated as a "Landmark District" pursuant to this section's provisions.

(b) Establishment; Composition; Term; and Vacancy

There is hereby established the City of South Euclid Landmark Commission which shall consist of seven (7) members. Five (5) members shall be appointed by the Mayor, shall be residents of the City not holding other public office or employment with the City, and have demonstrated an interest, experience, or knowledge in history, architecture, preservation, or related disciplines. Commencing January 1, 2021, two (2) members shall be appointed to a term of two (2) years, two (2) members shall be appointed to a term of four (4) years, and one (1) member shall be appointed to a term of six (6) years. Thereafter, each member appointed shall have a term of six (6) years. The sixth member of the Commission shall be a member of Council appointed by his/her fellow Councilmembers at the organizational meeting of Council for a two (2) year term, **or as Council deems appropriate**. The seventh member of the Commission shall be a member of the Planning Commission appointed by his/her fellow Planning Commission Members at the organizational meeting of the Planning Commission for a one (1) year term. Vacancies shall be filled for the remainder of the unexpired terms in the same manner as regular appointments and confirmations. A vacancy shall be filled within sixty (60) days from the date the vacancy occurs, unless a greater period of time is reasonably necessary, as determined by the appointing authority. The Mayor or his/her designee shall serve as an ex officio member of this Landmark Commission.

(c) Compensation of Members

No compensation shall be paid to any member of the Landmark Commission unless City Council adds such compensation to the City of South Euclid Salary Ordinance for services performed while a member of the Landmark Commission.

(d) Purpose

The purpose of the Landmark Commission is to designate landmarks in the City pursuant to the procedures hereinafter described, in order to preserve, protect, and perpetuate places, buildings, structures, works of art, and other objects having a special historical, community, or aesthetic interest or value, all for the reasons described in the remainder of this section.

1. To safeguard the heritage of the City by preserving sites and structures which reflect elements of the City's cultural, social, economic, political, or architectural history;

2. To stabilize and improve property values;
3. To protect and enhance the City's attraction to residents, tourists, and visitors, and serve as a support and stimulus to business;
4. To enhance the visual and aesthetic character, diversity, and interest of the City;
5. To foster civic pride in the beauty and notable accomplishments of the past;
6. To promote the use and preservation of historic sites and structures for the education and general welfare of the people of the City;
7. To strengthen the economy of the City;
8. To take whatever steps as may be necessary to safeguard the property rights of the owners whose property is declared to be a landmark or is located in an area designated as a Landmark District.

(e) Financial Interest of Members

No member of the Landmark Commission shall participate in the review of any item for discussion before such Commission if such member has any direct financial interest in the property involved in such discussion.

(f) Meetings

The Landmark Commission shall hold meetings on a monthly basis or as otherwise needed; provided, however, that the Commission shall meet not less than four (4) times per year.

(g) Organization and Officers

1. The first meeting of the year for the Landmark Commission shall be the organizational meeting. At this meeting, the Commission will elect one of its members to serve as Chair of the Commission for that upcoming year.
2. The Mayor shall appoint a City employee to serve as Secretary of the Commission. The Secretary shall keep, or cause to be kept, a complete record of all meetings of the Commission and a detailed record of transactions dealt with by the Commission. In addition, the Secretary shall perform such other functions as the Commission may direct. Said individual shall be paid the same compensation as the Secretary for the City Planning Commission, as defined in the City of South Euclid Salary Ordinance.

(h) Designation of Landmarks and Landmark Districts

1. The Landmark Commission may designate a place, building, structure, work of art, or similar object in the City as a landmark or Landmark District. The Commission, on its own initiative, or any owner of property, may apply to the Commission, on forms provided by the City, for designation of property owned by him or her as a landmark. In determining whether to designate such place, building, work of art, or object as a landmark, the Commission shall consider the following criteria with respect to such property:
 - A. Its character, interest or value as part of the development, heritage, or cultural characteristics of the City of South Euclid, State of Ohio, or the United States.
 - B. Its location as a site of a significant historic event.
 - C. Its identification with a person or persons who significantly contributed to the culture and development of the City.
 - D. Its exemplification of the cultural, economic, social, or historic heritage of the City.
 - E. Its portrayal of the environment of a group of people in an era of history characterized by a distinctive architectural style.
 - F. Its embodiment of a distinguishing characteristic of an architectural type or specimen.
 - G. Its identification as the work of an architect or master builder whose individual work has influenced the development of the City.
 - H. Its embodiment of elements of architectural design, detail, materials, or craftsmanship which represent a significant architectural innovation.
 - I. Its relationship to other distinctive areas which are eligible for preservation according to a plan based on an historic, cultural, or architectural motif.
 - J. Its unique location or singular physical characteristic representing an established and familiar visual feature of a neighborhood, community, or the City.
 - K. Such other individual characteristics as shall be relevant to its designation as a landmark.
2. The Commission shall propose designations of any area, place, building, structure, work of art, or similar object in the City as a landmark or Landmark District, and thereupon take the following actions:

A. The Commission shall notify the owner of such property of the proposed designation. Whenever possible, the Commission shall secure the owner's written consent for submittal of the proposed designation, together with its findings of fact to be shared with the City Planning Commission.

B. The Commission shall advise the City Planning Commission of the proposed designation and request from the City Planning Commission its recommendation with respect to the proposed designations, its opinion as to the effect of the proposed designation upon the surrounding neighborhood, and its opinion and recommendations as to any other planning consideration which may be relevant to the proposed designation, together with its recommendation of approval, rejection, or modification of the proposed designation. Such recommendation shall become part of the official record concerning the proposed designation. The Commission may make such modifications, changes, and alterations concerning the proposed designation as it deems necessary in consideration of the recommendation of the Planning Commission.

C. Following review by the City Planning Commission, the Landmarks Commission shall schedule a public hearing on the question of the proposed designation, setting forth a date, time, and place, and causing written notice to be given to the property owner or any person having a legal or equitable interest in such property being proposed for designation. The Commission shall cause a legal notice to be published in a newspaper of general circulation in the City setting forth the nature of the hearing, the property involved, and the date, time, and place of the scheduled public hearing. The Secretary shall cause notice to be sent via US Mail to all property owners within 250 feet of the subject property, setting forth the nature of the hearing, the property involved, and the date, time, and place of the scheduled public hearing. The Secretary shall also notify all members of City Council, the Planning Commission, the Architectural Review Board, and the Board of Zoning Appeals of said hearing through the preferred form of communication of reaching those individuals.

D. The Commission shall conduct the public hearing as provided by subsection 2(B) hereof and shall provide a reasonable opportunity for all interested parties to express their opinions under such rules as the Commission may adopt for the purpose of governing the proceedings of the hearings. Each speaker shall be fully identified as to name, address, and the interests which he/she represents. The Commission shall make a determination with respect to the proposed designation in writing within ~~fifteen (15)~~ **thirty (30)** days of the hearing date and shall notify any owner or any person having a legal or equitable interest in such property, as well as such other interested parties as may request a copy thereof. The Commission shall set forth its findings of fact which constitute the basis for its decision.

E. Should the property owner or any person having a legal or equitable interest in such property refuse to accept the designation, as issued by the Commission, he/she must file an appeal with the Board of Zoning Appeals (BZA) within sixty (60) days of the designation being issued. The appeal shall be heard in accordance with Section 761.04 of the City of South Euclid, Ohio Codified Ordinances.

F. As soon as is reasonably possible, the Commission shall notify the City Building Department of the official designation. The Commission shall also file with the Cuyahoga County Recorder and the Cuyahoga County Fiscal Officer a certified copy of the designation order together with a notice briefly stating the fact of such designation and a summary of the effects the designation shall have. The Commission, further, shall send by registered mail a certified copy of such order and a copy of the notice hereinabove described to the owner and any person having a legal or equitable interest in such property.

3. Removal. The Commission shall reserve the right to use the process described above to remove a landmark or Landmark District from such designated status. This removal process can be undertaken by the Commission, on its own initiative. The process for removal of a landmark designation shall follow the same process as designating a landmark, as described above. Should a landmark be removed of such status, the Commission shall notify the City Building Department. The Commission shall also file with the Cuyahoga County Recorder and the Cuyahoga County Fiscal Officer a certified copy of the order removing such landmark designation. The Commission, further, shall send by registered mail a certified copy of such order and a copy of the notice hereinabove described to the owner and any person having a legal or equitable interest in such property.

(i) Record of Landmarks

1. The Landmark Commission shall maintain complete records of all properties designated as landmarks in a book kept for records in the office of the Building Department.

2. The Commission may place or cause to be placed on such landmark properties a designation that such property or part thereof has been designated a landmark in the City.

(j) Regulation of Building or Environmental Change or Rehabilitation

No person owning, renting, or occupying property which has been designated a landmark or which is situated in a designated Landmark District shall make any ~~environmental~~ **building change, façade change, environmental change** or rehabilitation on/in such property without consent of the Landmark Commission with respect to such building or environmental change or rehabilitation. The following procedures shall apply to all building, façade or environmental changes, demolitions, removals, or constructions of such property in the City:

1. Any application to the Building Department for a building permit for a **building change, façade change, environmental change** or rehabilitation shall be forwarded to the Commission, together with copies of all detailed plans, designs, elevations, specifications and documents relating thereto, within seven (7) days after receipt thereof. An application may be filed by the applicant directly with the Commission at the same time an application for a building permit is filed or in lieu of filing for a building permit, if no building permit is required for the proposed building or environmental change or rehabilitation.

2. If the Commission finds that the building, **facade** or environmental change or rehabilitation proposed by the applicant:

A. Shall not adversely affect any significant historical or aesthetic feature of the property and is appropriate and consistent with the spirit and purposes of this section and the "Standards for Rehabilitation" adopted by the U.S. Secretary of the Interior, as found in Title 36 of the Code of Federal Regulations, Part 1208; or

B. Shall remedy conditions imminently dangerous to life, health, or property, as determined in writing by the Building Commissioner, or the Fire Inspector, then the Commission shall grant permission.

3. If the Commission finds that the building, **facade** or environmental change or rehabilitation proposed by the applicant shall adversely affect any significant historical or aesthetic feature of the property or is inappropriate or inconsistent with the spirit and purposes of this section, the Commission shall disapprove the application and so advise the applicant and the Building Department in writing within sixty (60) days after receiving the application.

4. If it disapproves the application, the Commission shall have the power to impose and enforce a waiting period of six (6) months from the date of its notice of disapproval, during which period the Commission shall conduct negotiations with the applicant and any other party in an effort to find a means of preserving the property as follows:

A. With respect to an application involving ~~an alteration~~ the proposed **building, façade or environmental change or rehabilitation**, the Commission and the applicant shall work together during such period to find a mutually agreeable method of completing the proposed ~~building or environmental change or rehabilitation~~ **mentioned project**.

B. With respect to an application involving a demolition, removal, or construction, the Commission may in its discretion extend the original waiting period of six (6) months to one (1) year. During such period and any extension thereof, the Commission and the applicant shall undertake meaningful and continuing discussions for the purpose of finding a method of saving such landmark. The Commission shall also investigate the feasibility of all available ways and means of preserving the landmark, including without limitation, inducing by contract or other consideration the creation of covenants restricting the use of the property, leasing and subleasing the property for the purposes of preservation, and acquiring by eminent domain or contract or conveyance all or any part of or interest in the property. If the Commission and the applicant do not agree on a means of preserving the landmark within the waiting period or any extensions thereof, the Commission upon expiration of such period or extension thereof shall grant permission with respect to the proposed environmental or building change or rehabilitation.

5. Upon granting permission, the Commission shall give written notice to the applicant and the Building Department.

6. If no action has been taken by the Commission on an application within sixty (60) days after such application has been received by the Commission, application shall be deemed granted.

7. Nothing herein contained shall obviate compliance by the owner of such property with all other applicable ordinances, rules, and regulations of the City, particularly Chapter 1333 and 1334 pertaining to the demolition or removal of residential and commercial structures.

(k) Additional Powers and Duties of Commission

The Landmark Commission shall have the following powers and duties in addition to those otherwise specified in this section:

1. The Commission shall conduct a continuing survey of all areas, places, buildings, structures, works of art, or similar objects in the City which the Commission, on the information available or presented to it, has reason to believe are or will be eligible for designation as landmarks.
2. The Commission shall work for the continuing education of the residents of the City with respect to the historical and architectural heritage of the City and the landmarks designated under the provisions of this section. It shall keep current and public a register of landmarks.
3. The Commission shall have authority to establish rules and regulations consistent with the provisions of this section and the spirit of its purpose to assist the Commission in evaluating applications for landmark designations submitted to it, the manner in which such applications are processed, and the proper and orderly conduct of its business.
4. The Commission shall act as a liaison on behalf of the City to individuals and organizations concerned with historic preservation.
5. The Commission may accept the services on a permanent or part-time basis of technical experts and such other persons as may be required to perform its duties; provided that no General Fund moneys are used for such services, except as may be appropriated by Council.

(l) Changes Not Prohibited

Nothing in this section shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature of any property which has been designated a landmark or which is situated in a designated Landmark District that does not involve a change in design, material, color or outer appearance thereof, nor to prevent any environmental or building change that the Building or Fire Department shall certify in writing is required by the public safety because of an unsafe or dangerous condition.

(m) Architectural Review Board

Notwithstanding any other provisions of this section, only architectural design compatible with other historical buildings in approved Landmark Districts in the City shall be approved for any new construction by the Architectural Review Board in the Landmark Districts.

Section 2: 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 3: This Ordinance shall take effect and be enforced from and after the earliest period allowed by law and upon signature of the Mayor.

Passed this _____ day of _____, 2020 2021.

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.: 11-19
INTRODUCED BY: Fiorelli
REQUESTED BY: Mayor

May 28, 2019
Moved to Legislative Committee 1.27.20

AN ORDINANCE

AN ORDINANCE ENACTING NEW SECTIONS 172.27 THROUGH 172.42 ENTITLED "WAGE ENFORCEMENT", AS CONTAINED IN CHAPTER 172 "MUNICIPAL INCOME TAX" OF TITLE NINE "TAXATION", OF PART ONE "ADMINISTRATIVE 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 new sections 172.27 through 172.42 read as follows:

Section 1:

172.27 LEGISLATIVE INTENT AND PURPOSE.

It is the purpose of this Chapter to assure that when the City provides incentives to private parties or entities to support development within the City, those private parties or entities fully comply with state and federal payroll and wage and hour laws, thereby ensuring that workers receive proper compensation for their work. Where there are violations of those state and federal wage and

payroll laws on City supported developments, this chapter obligates any parties involved in the development know, are aware or should be aware of violations report them to the City in a timely manner. This Chapter also puts parties or entities that receive development incentives from the City on notice that if they or their subcontractors violate wage or payroll laws, the City intends to recoup its investment to the extent allowed under the laws and regulations governing those City-sponsored events.

172.28 DEFINITIONS.

For the purpose of this Chapter, the words and phrases defined in the section hereunder shall have the meanings respectively ascribed to them by the Ohio Revised Code and Ohio common law, unless specifically defined in this Chapter.

- (a) Adverse Determination. A determination that a person has committed wage theft or payroll fraud. Such determination involves an administrative determination, arbitration award or decision, or civil judgment, including any determination made in or through an administrative hearing any government body, or industry-specific regulatory or investigative body.
- (b) Agreement. Any contract entered into between the City and person or business entity which the City provides an incentive or benefit that is projected to exceed twenty-five thousand dollars (\$25,000.00), including but not limited to the following:
 - (1) Tax abatements
 - (2) Tax increment financing contract or agreement
 - (3) Any commercial loan, provided by or backed by the City
 - (4) Any conveyance of land for less than fair market value

- (c) Contractor. "Contractor" means any firm, individual, co-partnership, corporation, association or any other organization, or any combination thereof, who by himself or itself or by or through others constructs, alters, repairs, adds to, subtracts from, reconstructs or remodels any building, structure or appurtenance thereto, or who or which undertakes, offers to undertake, purports to have the capacity to undertake or submits a bid to do so and whose work requires a permit by these Codified Ordinances.

"Contractor" includes subcontractors and also specialty contractors whose operations as such are the performance of construction work requiring special skill and whose principal contracting business involves the use of specialized building trades or crafts, and whose work requires a permit by these Codified Ordinances. Any property owner in the City requesting more than one building permit within a three-year period for the construction of a new dwelling shall be considered a contractor.

- (d) Complaint. Any report made to the City or any governmental agency having relevant jurisdiction that a person, business entity, non-profit, or other entity has committed wage theft or payroll fraud. A complaint may be such a report submitted to the U.S. Department of Labor, the Ohio Department of Commerce, or another body with the authority to investigate and adjudicate such reports, which comes to the attention of the City. If a report is made directly to the City and not to another agency, it must include the following information in order to be considered a valid complaint: name of the person, business entity, non-profit, or other entity to have allegedly committed the wage theft or payroll fraud; the project during which or the agreement under which the person is alleged to have committed the theft or fraud; a description of the theft or fraud suspected to have been committed; the name of the complainant; and the name of at least one witness or victim of the theft or fraud, which personally be the complainant.
- (e) Development Site. The property that is the subject of an agreement or on which the contractual undertaking is to be performed.
- (f) Payroll Fraud. Concealing a person's true tax or other financial liability to a government agency from government licensing, regulatory, or tax agencies through tax evasion or fraud; misclassification of employees, the unreported or underreported payment of wages; paying a business transaction in cash without keeping appropriate records of reporting and withholding; or any other means.
All such sworn statements shall be submitted to the City within thirty (30) days of receipt by the person who entered into the agreement.

- (g) Subcontractor. Any individuals, partnerships, corporations, association or other for profit or non-profit entities that enter into a contract with a contractor to perform work on a development site or work pursuant to, related to, or in furtherance of an agreement.
- (h) Wage Theft. A violation of Ohio's Prompt Pay Statute, O.R.C. 4113.15; the Ohio Minimum Fair Wage Standards Act, O.R.C. Chapter 411; Ohio's Minimum Wage Constitutional Amendment, Section 34a of Article II of the Ohio Constitution; O.R.C. Chapters 4109 or 4115; O.R.C. Sections 4113.17, 4113.18, 4113.52, or 4113.61; statute or regulation of another state that may apply to a particular agreement; or the LOCAL LAWS if applicable.

172.29 REPORTING WAGE THEFT AND PAYROLL FRAUD.

- (a) Any individual, partnership, corporation, association or other for profit or non-profit entity entering into an agreement with the City shall include provisions in solicitations and contractors regarding a development site that requires all employers, contractors, and subcontractors to provide a sworn statement as to whether there has been any adverse determination against the employers, contractors, and subcontractors within the preceding five (5) year period for wage theft or payroll fraud.
- (b) Any individual, partnership, corporation, association or other for profit or non-profit entity entering into an agreement shall require that any contractor or subcontractor performing work or proposing to perform work on a development site shall provide a sworn statement whether there has been an adverse determination rendered against that contractor or subcontractor in the preceding five (5) year period for wage theft or payroll fraud.
- (c) Any individual, partnership, corporation, association or other for profit or non-profit entity entering into an agreement shall include provisions in solicitations and contractors regarding the development site that requires all contractors, subcontractors, and employers to provide it with an updated sworn statement within in thirty (30) days of any adverse determination rendered against the employer for any wage theft or payroll fraud.
- (d) Any individual, partnership, corporation, association or other for profit or non-profit entity, who have entered into an agreement with the City, the term of which is not expired, shall report to the City in a sworn statement any complaint of wage theft or payroll fraud against the person or any of its contractors or subcontractors.
- (e) All such sworn statements shall be submitted to the City within thirty (30) days of receipt by the person who entered into the agreement.

172.30 CONTRACTOR OR AGREEMENT LANGUAGE

All agreements subject to this Chapter shall contain the following two (2) provisions or substantially similar language.

- (a) This contract is the subject of the Wage Enforcement provision of the City of South Euclid Municipal Code. These provisions require any individual, partnership, corporate, association or other for profit or non-profit entity who has an agreement with the City or with a contractor or subcontractor of that person shall report all complaints or adverse determinations of wage theft and payroll fraud, as defined by 1543.03 172.28(f) to the City of South Euclid within thirty (30) days of notification of the complaint or adverse determination.
- (b) Under the Wage Enforcement provision, the City shall have the authority to terminate this Agreement or reduce the incentives or subsidies to be provided under this Agreement and seek other remedies.

The omission of the contractor language above in any agreement shall not constitute a waiver of this Chapter's requirements or of any other legal requirement with respect to such agreement, the development site, or any contractor or subcontractor.

172.31 WAGE THEFT MONITORING, INVESTIGATION, AND COMPLIANCE

- (a) The City of South Euclid shall develop rules and regulations for the following:

- (1) Review of agreements to ensure that language required by this Chapter is included.
 - (2) Monitoring of agreements to ensure compliance with this chapter, including reviewing complaints, referring complaints to appropriate agency for investigation and monitoring the outcome of complaints, for any complaints about the practice of any person, contractor or subcontractor relating to the provisions of this Chapter.
 - (3) Allow third parties to submit a complaint to the City alleging wage theft or payroll fraud.
- (b) Whenever the City becomes aware of any complaint against a person or the person's contractor or subcontractor for wage theft or payroll fraud **complaints** with respect to any work done on a development site, the following shall apply:
- (1) The City of South Euclid Municipal officer or their designee shall report the complaint to the appropriate state or federal agency responsible for investigation and enforcement of a particular type of violation.
 - (2) The City of South Euclid's Municipal office or their designee reserves the right to investigate wage theft and payroll fraud and take appropriate action.
 - (3) The City of South Euclid's Municipal office will provide a written notice to the person stating that, if an adverse determination is rendered against an individual, partnership, corporation, association or other for profit or non-profit entity, contractor, subcontractor, the City will pursue any available legal, contractual or equitable remedies, which may include without limitation any or all of the penalties listed in subsections (c) and (d) of this section. The notice also will state that the person or contractor may provide the City with information showing that the adverse determination is under review, contested, or appealed.
- (c) Whenever any adverse determination is rendered against any individual, partnership, corporation, association or other for profit or non-profit entity, subcontractors or contractors and if there is no resolution of the wage theft violation or payroll fraud satisfactory to the City within thirty (30) days of the City's receipt of the notification of the adverse determination or final decision of an appeal, the City will pursue any available legal, contractual or equitable remedies, which may include without limitation the following remedies whether or not provided for in the agreement:
- (1) Termination of the agreement with the person or unilateral reduction of the incentive or benefit to be provided under the agreement up to 100% of the yet to be paid or provided incentive or benefit.
 - (2) Deeming the individual, partnership, corporation, association or other for profit or non-profit entity, or its contractor or subcontractor, ineligible for future agreement or other contractors with the City until all wage theft and payroll fraud penalties have been paid in full.
 - (3) Debarment of individual, partnership, corporation, association or other for profit or non-profit entity, or its contractors or subcontractors for future agreements or other contracts with the City for a period of one (1) year; and
 - (4) Informing the relevant City departments of the adverse determination, including but not limited to the tax commissioner, the department of finance, and the City prosecutor, in order to determine if further action is necessary.
- (c) The City of South Euclid shall be the department/agency with the primary responsibility for investigation, record keeping, and enforcement of this Chapter.

172.32 APPLICATION TO NEW CONTRACTS

The provision of this chapter shall apply to the following:

- a) Agreements entered into after the effective date of the ordinance codified in this Chapter;
- b) Renewals and/or amendments to agreements entered in to after the effective date of the ordinance codified in this Chapter which renewal or amendment alone meets the financial threshold requirements of this Chapter,

172.33 SEVERABILITY.

Each section and each part of each section of this chapter is declared to an independent section of part of a section. Notwithstanding any other evidence of legislative intent, it is declared to be the controlling legislative intent that if any section or part of a section or any provision thereof, of

the application thereof to any person or circumstance, is held to be invalid, the remaining sections or parts of the sections and the application of such provisions shall continue to be valid and in effect.

Section 2. That except as herein amended and supplemented, all the provisions of Chapter 172, Municipal Income Tax of the Codified Ordinances of the City of South Euclid, Ohio, shall remain in full force and effect.

172.34 REGISTRATION REQUIRED.

(a) No person, firm, co-partnership, corporation, association or any other organization, or any combination thereof, shall engage in the business, perform any work which requires a permit or otherwise act in the capacity of a contractor within the City without first being duly registered by the City to perform such work.

(b) All contractors are hereby required to submit to the Building Department a list of every subcontractor working for them in the City and notify the City of any changes.

172.35 APPLICATION.

(a) Applicants for registration shall make application at the office of the Building Commissioner on forms prescribed by the Building Commissioner. Each application for registration shall contain the name of the person applying, the location of his place of business, whether such applicant is duly authorized to act for such firm, co-partnership, corporation, association or any combination thereof, as well as such further information as the Building Commissioner shall prescribe.

(b) The applicant shall submit a current license issued by the State of Ohio relevant to the trade. Such application shall be granted if the Building Commissioner finds that the applicant is qualified to perform the work for which the application for registration is submitted.

(c) Applicants may apply for registration in the following categories:

(1) General Contractor. Contractors performing general trades work including prime builders, developers, or subcontractors, for concrete work, fences, excavators, carpentry, drywall, siding, and roofing work or any related trade as determined by the Building Commissioner.

(2) HVAC Contractor. Contractors engaged in the business of installation, repair and replacement of heating, ventilation, air conditioning or mechanical piping systems. Contractors registered in this category may take out permits for heating, ventilating and air conditioning systems, plumbing and electrical systems directly related to connections for the equipment installed.

(3) Electrical Contractor. Contractors performing any electrical work covered by the National Electrical Code including fire alarm systems and communications, data wiring installation.

(4) Plumbing Contractor. Contractors performing any plumbing work covered by State or local plumbing codes. Contractors performing waterproofing, additional drain tile systems, sewer work, gas piping, fire sprinkler systems and similar work may be registered in this category. Plumbing contractors may take out permits for work customarily associated with their trades such as excavating and/or street openings.

(d) Evidence of repeated violations of the Building Code or other ordinances of the City shall be sufficient evidence to deny the issuance of a registration.

172.36 REGISTRATION FEE.

a) The fee shown in Chapter 1125 shall be submitted with the original application and each renewal thereafter, which fee shall be retained by the City and credited to the General Fund. Such registration shall be valid for the calendar year in which issued.

b) Registration fees as set forth in subsection (a) hereof shall be doubled if a contractor commences activity or work requiring registration in the City without first having become a registered contractor in the City.

172.37 SURETY BOND.

a) Every applicant shall, upon approval of the registration application, furnish and file with the Building Commissioner a contractors Surety Bond in the amount often thousand dollars (\$10,000), the form of both to be approved by the Director of Law, guaranteeing full and faithful compliance by the applicant with all the provisions of the Building Code and with

pertinent rules and regulations promulgated by the authority of the Building Code, and binding the surety thereon to correct or abate any violations of this Building Code or of pertinent rules or regulations promulgated by authority of this Building Code whenever the applicant named as the principal on such bond refuses, neglects or fails to correct or abate such violations within a reasonable time limit set by the Building Commissioner.

- b) The Building Commissioner shall notify the registered contractor that the violation requires immediate correction and that the surety bond will be in jeopardy. Such a notice shall be in writing and delivered in person or by registered mail to the address shown in the contractor's registration.
- c) When the Building Commissioner determines that, after delivering the notice a registered contractor has either failed to take significant action to correct the violation in accordance with the time limits established by the Building Commissioner or has failed, in good faith, to pursue the corrections diligently to completion, he or she may notify the registered contractor that he or she intends to take action against the surety bond. Such a notice shall be in writing and delivered in person or by mail to the address shown in the contractor's registration.
- d) Within three business days of delivery of the notice, the registered contractor may request a hearing before the Building Commissioner for the purpose of disputing either that a violation exists or that proper action has not been taken to correct the violation. If such a request is made in writing, the Building Commissioner shall hold such a hearing within five business days.
- e) If no request has been timely received for a hearing under subsection (d) hereof, or if, following such a hearing, the Building Commissioner finds that a violation does exist and that the registered contractor has not taken proper action to correct it, the City may then proceed to make the corrections itself by its own labor or by the contracting out for such corrections. All costs incurred by the City in making such corrections may be paid from the bond in the name of the registered contractor. If, after making such deductions, there remains a balance due to the City, the City shall be free to pursue other legal recourse available to obtain full reimbursement.
- f) The City shall have the right to refuse a bond from any Surety Company after demonstrating just cause. Prior failure to unreasonably pay on demand in the sole discretion of the City shall be considered just cause.

172.38 INSURANCE.

Each general contractor applying for registration shall furnish evidence of insurance for bodily injury in the amount of one hundred thousand dollars/three hundred thousand dollars (\$100,000/300,000), and for property damages in the amount of at least fifty thousand dollars (\$50,000). The City of South Euclid, Ohio shall be named as a holder of the certificate of insurance.

172.39 REGISTRATION WITH INCOME TAX DEPARTMENT.

The Building Commissioner shall forward the names of all contractors who have registered in the City and any lists of subcontractors to the Tax Administrator-Coordinator of the City.

172.40 REMEDIES.

- a) Revocation. A contractors registration may be revoked or suspended at any time by the Building Commissioner for any violation of this Building Code or ordinances or other laws or rules or regulations of the City, or other just cause which the Commissioner in his sole discretion believes constitutes a danger or safety risk to persons or property in the City including but not limited to the causes listed in Sections 172.27 through 172.39.
- b) Appeal to Planning, Zoning, and Building Committee of Council. No contractor deemed by the Building Commissioner or his/her designee to be in violation of the requirements hereof shall be permitted to perform any work whatsoever within the City. Applicants may appeal any decision of the Building Commissioner to the Planning, Zoning and Building Committee of Council at no cost. Appeals must be made within ten days of the Commissioner's decision.

172.41 MUNICIPAL OR UTILITY COMPANY EMPLOYEES' EXEMPTION.

The provisions (requiring registration of contractors) of this Building Code shall not apply to officials or employees of the City engaged in Municipal work, or to officials or employees of public utilities engaged in such work for such public utilities as they are authorized by law to furnish or provide.

172.42 PENALTY.

Any contractor failing to register as required herein or violates any of the registration requirements herein and commences activity or work requiring registration in the City without first having become a registered contractor in the City shall have the registration fees as set forth in subsection (a) doubled. The contractor may also suffer penalty as provided in Section 172.99. Each day a contractor continues to work without being registered constitutes a separate violation.

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 _____, 202019.

Dennis Fiorelli **Joe 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.: 03-21
INTRODUCED BY: Frank
REQUESTED BY: Gray

January 25, 2021

A RESOLUTION
IMPLEMENTING STRATEGIES FOR INNOVATIVE ECONOMIC REDEVELOPMENT
AND REUSE OF VACANT BUILDINGS

WHEREAS, abandonment or prolonged vacancy of commercial property is detrimental to the economic well-being of our city, as well as to the quality of life of residents, and presents an obstacle to community and economic development; and

WHEREAS, the city recognizes that if a building or commercial space is well-maintained by responsible owners, it will not become an eyesore or in other ways depress neighboring property values or create a potentially unsafe condition; and

WHEREAS, however, the city also recognizes that vacant properties become a problem when a property owner abandons the basic responsibilities of ownership and leaves local government to bear the cost of maintaining, administering, and potentially demolishing abandoned properties and, during vacancy, carrying out remediation efforts such as, boarding up, lawn cutting, and trash removal; and

WHEREAS, innovative commercial revitalization strategies can help to retain and attract viable businesses by stimulating the demand necessary to reoccupy vacant buildings; and

WHEREAS, while owner occupancy might be the most desirable reuse of foreclosed and vacated properties, investor activity, site rental options, and other beneficial reuse strategies can ensure occupied buildings and help spur rental demand during periods of vacancy. Other than owner-occupancy or long-term leasing of a property, reuses could include, but not be limited to, the following:

- Using the site as a “bazaar,” “flea market,” or indoor farmer’s market, offering space to local vendors, producers, makers, or artisans to sell their wares or products;
- For scheduled indoor yard sales during winter months;
- Hosting “pop-up” businesses on a rotating basis;
- Providing fitness activities or recreational activities under the auspices of local providers;
- As studio or exhibit space for artists, or a maker space for other entrepreneurs;
- As a visitor center for the city to promote local amenities, businesses, activities, and real estate;
- As a meeting space for local groups;
- As a training space for trades or workforce development programs

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

Section 1: That in order to facilitate active and beneficial use of vacant properties, the Economic Development Director shall have the authority to enter into an agreement with a commercial or industrial property owner that may include alternative use provisions in case of vacancy. The agreement shall be approved by the City. Vacant or unoccupied non-residential property shall be as defined in Section 1336.02, Definitions, of the code of the City of South Euclid.

Section 2: The goal of such agreement is, as quickly as possible, to return a vacant property to a state of occupancy and/or beneficial use as a thriving business or location for multiple concurrent or sequential businesses or activities. Thriving businesses support neighborhood businesses and will attract and retain residents.

Section 3: This Resolution will in no way conflict with Ordinance 13-19.

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 this Resolution is deemed to be an emergency measure necessary for the immediate preservation for the public peace, health, and safety and for further reason that a vital function of the municipal government is effected hereby. 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 _____, 2021.

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



COME TOGETHER & THRIVE

Memorandum

To: Members of Council

From: Keith Ari Benjamin, Director of Community Services & Sally Martin, Housing Director

Date: January 22, 2021

RE: Ordinance 01-21: Pay to Stay Fair Housing/Renters Rights Legislation

Approximately one in three Ohio households rent their homes according to a 2019 report by the National Low-Income Housing Coalition. With over 1.2 million Ohioans filing new unemployment claims since mid-March 2020, many of these households have experienced a disruption in their incomes and delays in receiving unemployment and stimulus money to cover their rent obligations.

Especially during a public health crisis which hinges on self-isolation and social distancing, it is imperative for the City to take every measure possible to keep South Euclid renters housed and safe. Homelessness, apartment shopping, and moving pose severe risks of infection upon not just the tenants displaced by evictions, but the community as a whole. Evictions create disruption, hardship, stress, loss of belongings, possible homelessness, and increased vulnerability to the virus.

Without a Pay to Stay ordinance, any landlord can evict a tenant for being just a day or two late on rent. Ohio law allows a landlord to evict a tenant who fails to pay rent timely even if the tenant can remedy the nonpayment after the due date. So, a landlord may proceed with an eviction even when a tenant tenders the full amount of rent if said tender occurs after the due date.

We know there have been severe delays in unemployment compensation and stimulus checks from the state and federal government reaching those who qualify. Under existing law, a landlord is under no legal requirement to accept late payments due to loss of income as the result of the COVID-19 pandemic, even when the tenant can make her landlord financially whole.

Please place the legislation on First Reading and refer to an appropriate committee for review and discussion. Molly Martin, Director of Strategic Initiatives for Northeast Ohio Coalition for the Homeless will make a brief statement at the Council Meeting to introduce the Ordinance. Please review the attached legislation and please don't hesitate to let me or Sally Martin know if you have any questions or need additional information.

Thank you.

THE CITY OF SOUTH EUCLID, OHIO

ORDINANCE NO.: 01-21
INTRODUCED BY: Frank
REQUESTED BY: Mayor

January 25, 2021

AN ORDINANCE

CREATING NEW CHAPTER 1415 “APPROVING THE RIGHT OF CITY RENTERS TO PAY-TO-STAY” OF PART FOURTEEN “HOUSING CODE” OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO.

WHEREAS, international, national, state, and local governments and health authorities are responding to an outbreak of a disease caused by the novel coronavirus referred to as COVID-19; and

WHEREAS, the State of Ohio, the County of Cuyahoga, and the City of South Euclid are experiencing a public health crisis from the COVID-19 pandemic that will have lasting impacts on residents and the economy; and

WHEREAS, on March 9, 2020, the Governor of the State of Ohio declared a State of Emergency to exist in Ohio as result of the threat of COVID-19 and at the date this Ordinance was approved by second reading the State of Emergency continues to exist; and

WHEREAS, the Centers for Disease Control and Prevention, the Ohio Department of Health, and the Cuyahoga County Department of Public Health have all issued recommendations including, but not limited to social distancing, staying home if sick, canceling or postponing large group events, working from home, and other precautions to protect public health and prevent transmission of this communicable virus; and

WHEREAS, as a result of the public health emergency and the precautions recommended by health authorities, many residents and businesses in the City of South Euclid have experienced or expect soon to experience sudden and unexpected income loss; and

WHEREAS, the Governor of the State of Ohio has stated that individuals exposed to COVID-19 may be temporarily unable to report to work due to illness caused by COVID-19 or quarantines related to COVID-19 and individuals directly affected by COVID-19 may experience potential loss of income, health care and medical coverage, and ability to pay for housing and basic needs, thereby placing increased demands on already strained regional and local health and safety resources, including shelters and food banks; and

WHEREAS, further economic impacts are anticipated, leaving residential tenants vulnerable to eviction; and

WHEREAS, during this local emergency and in the interest of protecting the public health and preventing transmission of COVID-19, it is essential to avoid unnecessary housing displacement to protect the Village’s affordable housing stock and to prevent housed individuals from falling into homelessness; and

WHEREAS, housing displacement and homelessness place the City’s residents at a higher risk of COVID-19 infections; and

WHEREAS, unemployment compensation, rental assistance and other dollars are being made available to Ohioans so they can meet their basic needs but these dollars have been slow to make their way into people’s bank accounts;

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

Section 1. That Chapter 1415 “Approving the Right of City Renters to Pay-to-Stay” of Part Fourteen “Housing Code” of the Codified Ordinances of the City of South Euclid, Ohio is hereby created to read as follows:

1415.01 Definition

For the purposes of this Chapter, "Tenant" means a person entitled under a rental agreement to the use and occupancy of residential premises to the exclusion of others.

For the purposes of this Chapter, "Tender" means an offer of payment.

1415.02 Tenant's right to pay to stay prior to the filing of an eviction action for non-payment of rent (Complaint for Forcible Entry and Detainer):

(a) At any time prior to the filing of an action under Ohio Revised Code 1923 for nonpayment of rent by a landlord, a tenant shall have the right to pay the landlord all past due rent with reasonable late fees to avoid the filing of such action for the restitution of the lands or tenements.

If the tenant tenders all accrued rent and reasonable late fees to the landlord, the landlord shall accept the tendered payment and allow the tenant to maintain the tenancy.

(b) If the tenant tenders all past due rent with reasonable late fees to the landlord prior to the filing of an action under Ohio Revised Code 1923 and the landlord refuses the tender, the tenant's tender of all past due rent with reasonable late fees shall be an affirmative defense to any action filed by the landlord against the tenant for nonpayment of rent.

1415.03 Tenant's right to pay to stay prior to an eviction judgment for non-payment of rent (Entry of Restitution):

(a) After the filing of an action under Ohio Revised Code 1923 for nonpayment of rent but prior to a judgment, the tenant shall have the right to pay the landlord all past due rent, reasonable late fees and court costs so that the tenant may maintain the tenancy. If the tenant tenders all past due rent amounts, including late fees and court costs, the landlord must accept the payment. Upon receipt of the payment, the landlord shall dismiss the action against the tenant.

(b) If the tenant tenders all past due rent with reasonable late fees and court costs to the landlord prior to a judgment and the landlord refuses the tender, the tenant's tender of all past due rent, reasonable late fees and court costs shall be an affirmative defense to the eviction action filed by the landlord against the tenant for nonpayment of rent.

1415.04 Tenant's right to pay to stay prior to the execution of the eviction judgment for non-payment of rent (Writ of Restitution):

(a) After the filing of an action under Ohio Revised Code 1923 for nonpayment of rent but prior to the execution of the eviction judgment through a writ of restitution, the tenant shall have the right to pay the landlord all past due rent, reasonable late fees and court costs, including the cost of obtaining the writ, so that the tenant may maintain the tenancy. If the tenant tenders all past due rent amounts, including reasonable late fees and court costs, the landlord must accept the payment. Upon receipt of the payment, the landlord shall notify the court who shall vacate the eviction judgment and dismiss the eviction action against the tenant.

(b) If the tenant tenders all past due rent with reasonable late fees and court costs to the landlord prior to the execution of the eviction judgment through a writ of restitution and the landlord refuses the tender, the bailiff shall not enforce the eviction judgment until the court instructs the bailiff to do so after an emergency hearing on the tenant's right to pay and stay at the premises. If the court finds during the emergency hearing that the tenant tendered all past due rent,

reasonable late fees and court costs, the court shall vacate the eviction judgment and dismiss the eviction action against the tenant.

1415.05 Rent receipt required

The landlord shall provide the Tenant with a signed receipt for the security deposit and all rental payments except for payments made by personal check of the Tenant, at the time the security deposit or rental payments are made.

1415.06 Other Causes for Eviction

This Chapter in no way limits the ability of a landlord to initiate an eviction action for reasons other than solely for non-payment of rent.

1415.07 Reasonable Late Fees

No landlord may charge a tenant late fees that are not reasonable late fees. If a rental agreement includes a provision that authorizes the landlord to assess the tenant a fee for late payment of the monthly rent, to be considered "reasonable late fees" the total amount of that late payment fee for any month may not exceed the larger of: (i) twenty-five dollars (\$25.00); or (ii) five percent (5%) of the monthly contract rent.

1415.08 Severability

If any provision of this ordinance is found to be unconstitutional or otherwise invalid by any court of competent jurisdiction, that invalidity shall not affect the remaining provisions of this ordinance which can be implemented without the invalid provisions and, to this end, the provisions of this ordinance are declared to be severable. South Euclid City Council hereby declares that it would have adopted this ordinance and each provision thereof irrespective of whether any one or more provisions are found invalid, unconstitutional or otherwise unenforceable.

Section 2: 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 3: This Ordinance shall take effect and be enforced from and after the earliest period allowed by law and upon signature of the Mayor.

Passed this _____ day of _____, 2021.

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



COME TOGETHER & THRIVE

Memorandum

To: Members of Council

From: Keith Ari Benjamin, Director of Community Services

Date: January 22, 2021

RE: Resolution 04-21: MOU with Cuyahoga Soil & Water Conservation District & NEORS

Resolution 04-21 authorizes the Mayor to enter into a Memorandum of Understanding for 2021-2025 between the Cuyahoga Soil and Water Conservation District and the Northeast Ohio Regional Sewer District for the continuing implementation of conservation, education, stewardship and public involvement activities that also corresponds to the City's Municipal Separate Storm Sewer System (MS4) permit.

The annual cost for the program is \$6,000 which is used to continue conservation activities in South Euclid. The \$6,000 program cost is fully reimbursable through NEORS.

Please review the MOU attached to this legislation and please don't hesitate to let me know if you have any questions or need additional information.

Thank you.

CITY OF SOUTH EUCLID, OHIO

RESOLUTION NO.: 04-21
INTRODUCED BY: Frank
REQUESTED BY: Mayor

January 25, 2021

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 FOR THE PROVISION OF TECHNICAL ASSISTANCE IN IMPLEMENTING SOIL AND WATER CONSERVATION MEASURES FOR THE YEARS 2021 THROUGH 2025.

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

Section 1: The Mayor be and she hereby is authorized to enter into a Memorandum of Understanding with the Cuyahoga Soil and Water Conservation District and the Northeast Ohio Regional Sewer District for the provision of technical assistance in implementing the City of South Euclid’s soil and water conservation measures for the years 2021 through 2025 in an amount not to exceed six thousand dollars (\$6,000) per year, with the Northeast Ohio Sewer District providing an appropriation for reimbursement of such amount to the City, which shall use such appropriation to pay the Cuyahoga Soil and Water Conservation District to carry out the services set forth in the Memorandum of Understanding, a copy of which is attached hereto 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 is deemed to be an emergency measure necessary for the immediate preservation for the public peace, health, and safety and for further reason that a vital function of the municipal government is effected hereby. 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 _____, 2021.

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

MEMORANDUM OF UNDERSTANDING for 2021-2025
Between the Cuyahoga Soil and Water Conservation District
and the
Northeast Ohio Regional Sewer District
and the
City of South Euclid

This Memorandum of Understanding ("MOU") is made this ____ day of _____ ("Effective Date"), between the Cuyahoga Soil and Water Conservation District (SWCD) and the Northeast Ohio Regional Sewer District (NEORS), pursuant to the authority of Board Resolution 299-20, adopted November 5, 2020 and City of South Euclid for providing technical assistance in implementing soil and water conservation measures.

Purpose – Implementation of conservation education, stewardship, and public involvement activities that also corresponds to the City's Municipal Separate Storm Sewer System (MS4) permit.

Recognizing the need for effective collaboration in raising awareness through education, stewardship opportunities and public involvement and working to change the perceptions and behaviors of the public for a cleaner, healthier environment, such as what is required in the National Pollutant Discharge Elimination System (NPDES) permit, the City, the Cuyahoga Soil and Water Conservation District (SWCD), and NEORS accept this agreement as the document which describes the process for exchange. Cooperation between these units of government facilitates better awareness of environmental issues and potential solutions for a healthier environment. In providing conservation *education* assistance and expertise to the City, the SWCD hopes to influence citizens to better protect and conserve soil and water resources. The Ohio Revised Code, Chapter 940, describes the District's authority for engaging in this MOU.

Additionally, NEORS is required to provide Phase II stormwater regulation support services to member communities for Minimum Control Measure Nos. 1, 2, 3, and 6 under NEORS's Regional Stormwater Management Code (Title V), and is further authorized to provide such services through agreements with service providers such as the SWCD.

The SWCD, NEORS, and the City have mutually agreed to this scope of assistance related to education, stewardship, and public involvement for the conservation of soil and water resources.

Cuyahoga SWCD Conservation Program

The SWCD will work with the City to provide a conservation program that includes public education and public involvement, such as that listed in the City's Storm Water Management Plan, local watershed action plan, and/or balanced growth plans, or others as mutually agreed upon. The goal of the education, stewardship and public involvement program is to reach diverse stakeholders, including City residents, City staff, school children, etc. through the following services:

1. SWCD staff will coordinate activities and facilitate program implementation with feedback from the City's designee and/or through an annual stakeholder meeting.
2. SWCD staff will attend City council meetings, as requested.

3. SWCD will assist the City in planning and promotion of a local pollution prevention or clean water event and assist in identifying partnerships with various community stakeholders. Events may include stream clean ups, drain stenciling, water festivals or other activities to engage the public.
4. SWCD will create a variety of educational materials, including brochures, fact sheets, newsletters, newsletter articles, web-based information for the City's use, special mailings, educational posters and school programs, such as age-specific student programs and teacher workshops related to conservation concerns, including watershed issues, soils and water.
5. SWCD will provide opportunities for student involvement in local, state and national programs and competitions.
6. On the City's behalf, the SWCD will participate in the Northeast Ohio Public Involvement and Public Education Work group (NEO PIPE). Products produced by the NEO PIPE Work Group will be shared with the City.
7. The SWCD will seek opportunities to maximize impact and minimize additional program costs related to printing large quantities of selected materials that become available to the public.
8. The SWCD will provide an annual report of all activities undertaken, including copies of all fliers, notices, and types of stakeholders reached, attendance records and any data collected.

City's Role

1. The City will designate someone to serve as the liaison to the Cuyahoga SWCD and to help provide guidance regarding conservation education and public involvement and with coordination of activities such as improvement days, storm drain stenciling, and watershed planning activities.
2. The City will help to identify potential leaders, including civic leaders, civic groups, senior organizations, fraternal groups, scout leaders, school liaisons, business leaders and anyone else that should be contacted through an outreach program.
3. The City will disseminate program information in a timely manner.
4. The City will assume full responsibility for completion and submittal of their required annual reports.

Agreed Procedures

- The City agrees to grant an annual conservation appropriation to the SWCD, not to exceed \$6,000 for a one-year term, following the Effective Date, and the Cuyahoga SWCD agrees to use the grant funds to provide a conservation program for the City.
- The City will provide a resolution to the SWCD that acknowledges this working agreement and provides documentation to facilitate dispersal of funds to the SWCD on an annual basis.
- That the SWCD is a conservation technical and education service agency and therefore is not granted regulatory authority in the Ohio Revised Code.

- That the working relationship will be defined to include lines of communications with appropriate departments. The SWCD and the City will meet at least once a year to coordinate a work plan and exchange information with the goal of developing a multi-disciplinary approach to resource management.
- SWCD will provide a written annual report, relevant to its role, as outlined in this MOU.
- That credit will be given jointly to the SWCD and the City in any conservation publications produced.
- That all parties will review quality of service and address concerns as they arise.
- The City recognizes the SWCD's obligation to make its reports and other written materials available to the public on request in accordance with the Ohio Public Records Act.
- All services of the SWCD are offered on a non-discriminatory basis without regard to race, age, marital status, handicap, or political persuasion.

Coordination between NEORS and SWCD

1. In accordance with Title V of NEORS's Regional Stormwater Management Code, NEORS will provide an appropriation in the amount of \$ 6,000 to the City, which shall use such appropriation to pay the Cuyahoga SWCD to carry out the services set forth in this MOU.
2. NEORS and SWCD shall jointly plan annual MCM #1 and MCM #2 activities.
3. SWCD shall provide the District with monthly reports of services provided to each community.

Term, Renewal, Termination

The term of this MOU shall commence on the date (the "Initial Effective Date") SWCD receives written notice from the City, in a form approved by SWCD and in accordance with Sections 5705.41 and 5705.44 of the Ohio Revised Code, as applicable, indicating that the City has agreed to grant funds, in an amount agreed to by the parties, to support SWCD's general operations for the following 12-month period (the "Initial City Notice"). The parties acknowledge, understand, and agree that any such funding shall be for the purposes of the SWCD's providing Phase II services for a period of 12 *calendar* months following the Initial Effective Date (the "Initial MOU Term") and that this MOU shall terminate on the 12-month anniversary of the Initial Effective Date.

This MOU may be amended or terminated at any time by mutual consent of all parties.

In witness thereof, the Memorandum executed and agreed to on the latest day, month and year written below:

Cuyahoga Soil & Water
Conservation District

City of South Euclid

By:
Chair

By: Hon. Georgine Welo

Date:
Northeast Ohio Regional Sewer District

Date:

By: Kyle Dreyfuss-Wells
Chief Executive Officer

And: Darnell Brown, President
Board of Trustees

Date:

Date:

This Instrument Reviewed By:
Katarina K. Waag
Assistant General Counsel
Northeast Ohio Regional Sewer District

CONTRACT NO.

NORTHEAST OHIO REGIONAL SEWER
DISTRICT

WITH

CUYAHOGA SOIL AND WATER
CONSERVATION DISTRICT

CITY OF SOUTH EUCLID

FOR

2021 PHASE II TECHNICAL ASSISTANCE
IMPLEMENTING SOIL AND WATER
CONSERVATION MEASURES

Total Approximate Cost: \$6,000

The legal form and correctness of the within
instrument are hereby approved.

CHIEF LEGAL OFFICER

Date

CERTIFICATION

It is hereby certified that the amount required to meet the contract, agreement, obligation, payment or expenditure, for the above, has been lawfully appropriated or authorized or directed for such purpose and is in the Treasury or in process of collection to the credit of the fund free from any obligation or certification now outstanding.

CHIEF FINANCIAL OFFICER

Date