

THE CITY OF SOUTH EUCLID
SCHEDULE OF MEETING

June 28, 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
and click the "Join City Council Meeting Link"
at the top of the webpage.**

The Password to Join the Meeting is:

Xy2Ph9sMiF8 (99274976 from phones and video systems)

1. PLEDGE OF ALLEGIANCE
2. ROLL CALL
3. MINUTES OF MEETINGS: April 26, 2021 & May 24, 2021
4. REPORT OF MAYOR & DEPARTMENT HEADS
5. REPORT OF LAW DIRECTOR
6. REPORT OF SCHOOL DISTRICT
7. PUBLIC HEARINGS (OPEN MEETING) RELATED TO AGENDA ITEMS
8. REPORT OF COUNCIL COMMITTEES

Public Utilities Committee

1. Ordinance 14-20 An ordinance approving the plan of operation and governance for the NOPEC Natural Gas Aggregation Program for the purpose of jointly establishing and implementing a Gas Aggregation Program as a NOPEC member, and declaring an emergency. **Second Reading.**
2. Ordinance 15-20 An Ordinance authorizing all actions necessary to establish an Opt-In Natural Gas Program Pursuant to Section 4929.27(A)(1), Ohio Revised Code, jointly through NOPEC as a NOPEC Member. **Second Reading.**

Committee of the Whole

1. Ordinance 14-21 Amending Section 111.01 "Regular Meetings" of Chapter 111 "Council/Council Rules" of Title Three "Legislative" of Part One "Administrative Code" of The Codified Ordinances of the City of South Euclid, Ohio. **Second Reading.**

9. LEGISLATION REQUESTED BY THE PLANNING COMMISSION

1. Resolution 35-21 Granting a Conditional Use Permit to "2 You Wines" to have an outdoor patio and seating area at their facility, located at 4425 Mayfield Road in the City of South Euclid, Ohio. First Reading.

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

11. COMMUNICATIONS OF CITY COUNCIL

12. ADJOURN

THE CITY OF SOUTH EUCLID, OHIO

ORDINANCE NO.: 14-20
INTRODUCED BY: Frank
REQUESTED BY: Mayor

September 14, 2020
Public Hearing #1: May 14, 2021
Public Hearing #2: June 14, 2021

AN ORDINANCE

AN ORDINANCE APPROVING THE PLAN OF OPERATION AND GOVERNANCE FOR THE NOPEC NATURAL GAS AGGREGATION PROGRAM FOR THE PURPOSE OF JOINTLY ESTABLISHING AND IMPLEMENTING A GAS AGGREGATION PROGRAM AS A NOPEC MEMBER, AND DECLARING AN EMERGENCY

WHEREAS, this Council previously enacted legislation authorizing the City of South Euclid (the "City") to establish an "opt-out" Gas Aggregation Program pursuant to Section 4929.26, Ohio Revised Code (the "Opt-Out Gas Aggregation Program"), for the eligible residents, businesses and other gas consumers in the City, and for that purpose, to act jointly with any other municipal corporation, city, county or other political subdivision of the State of Ohio, as permitted by law;

WHEREAS, this Council previously enacted legislation authorizing the City to join the Northeast Ohio Public Energy Council (NOPEC), and to execute a Natural Gas Program Agreement, so that the City would be able to act jointly with other member political subdivisions and thereby maximize the potential benefits of gas deregulation through group purchasing efforts;

WHEREAS, this Council has enacted legislation establishing an "opt-in" natural gas aggregation program pursuant to Section 4927(A)(1), Ohio Revised Code, (the "Opt-In Natural Gas Aggregation Program") for the eligible residents, business and other consumers located within the City, and to conduct the Opt-In Natural Gas Aggregation Program jointly through NOPEC as a NOPEC member; and

WHEREAS, on behalf of this Council pursuant to Section 4929.27(B), Ohio Revised Code, two (2) public hearings have been held on the Plan of Operation and Governance for the NOPEC Opt-Out and Opt-In Natural Gas Aggregation Program (collectively, the "NOPEC Natural Gas Aggregation Program").

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SOUTH EUCLID, CUYAHOGA COUNTY AND STATE OF OHIO, THAT:

Section 1: This Council finds and determines that it is in the best interest of the City, including the gas consumers located within the City, to adopt the Plan of Operation and Governance of the NOPEC Natural Gas Aggregation Program, for the purpose of establishing and implementing the NOPEC Natural Gas Aggregation Program in the City.

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 the further reason it is necessary to levy assessments to reimburse the City for said work. Wherefore, this Ordinance shall take effect upon passage and approval.

Passed this _____ day of _____, 2020.

Joseph Frank, President of Council

Attest:

Approved:

Keith A. Benjamin, Clerk of Council

Georgine Welo, Mayor

Approved as to form:

Michael P. Lograsso, Director of Law

CITY OF SOUTH EUCLID, OHIO

ORDINANCE NO.: 15-20
INTRODUCED BY: Frank
REQUESTED BY: Mayor

September 14, 2020
Public Hearing #1: May 14, 2021
Public Hearing #2: June 14, 2021

AN ORDINANCE

AN ORDINANCE AUTHORIZING ALL ACTIONS NECESSARY TO ESTABLISH AN OPT-IN NATURAL GAS PROGRAM PURSUANT TO SECTION 4929.27(A)(1), OHIO REVISED CODE, JOINTLY THROUGH NOPEC AS A NOPEC MEMBER

WHEREAS, the City of South Euclid, Ohio ("City"), has previously established an "opt-out" natural gas aggregation program pursuant to Section 4929.26, Ohio Revised Code, for its residents, businesses, and other consumers located within the City jointly through NOPEC as a NOPEC member; and

WHEREAS, to expand the natural gas supply options available to residents, businesses and other consumers within the City of South Euclid, the City wishes to establish an "opt-in" natural gas aggregation program pursuant to Section 4929.27(A)(1), Ohio Revised Code (the "Opt-In Natural Gas Aggregation Program") for its residents, businesses and other consumers located within the City and, for that purpose, to act jointly with any other city, village, township, municipal corporation, county or other political subdivision of the State of Ohio, as permitted by law; and

WHEREAS, the City wishes to conduct the Opt-In Natural Gas Aggregation Program jointly through NOPEC as a NOPEC member.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SOUTH EUCLID, COUNTY OF CUYAHOGA, AND STATE OF OHIO, THAT:

Section 1: This Council hereby approves and authorizes the establishment of an Opt-In Natural Gas Aggregation Program in the City jointly through NOPEC as a NOPEC member and adopts this Ordinance pursuant to the authority contained in Section 4929.27(A)(1), Ohio Revised Code.

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 the further reason it is necessary to levy assessments to reimburse the City for said work. Wherefore, this Ordinance shall take effect upon passage and approval.

Passed this _____ day of _____, 2020.

Joseph Frank, President of Council

Attest:

Approved:

Keith A. Benjamin, Clerk of Council

Georgine Welo, Mayor

Approved as to form:

Michael P. Lograsso, Director of Law

CITY OF SOUTH EUCLID, OHIO

ORDINANCE NO.: 14-21
INTRODUCED BY: Frank
REQUESTED BY: Frank & Gray

June 14, 2021

AN ORDINANCE

AMENDING SECTION 111.01 "REGULAR MEETINGS" OF CHAPTER 111 "COUNCIL/COUNCIL RULES" OF TITLE THREE "LEGISLATIVE" OF PART ONE "ADMINISTRATIVE CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO.

WHEREAS, Section 111.01 of the City's Codified Ordinances governing Regular Meetings of City Council has not been updated since 1954; and

WHEREAS, new technology and innovation now affords City Council with increased options for holding public meetings and working to expand access to members of the public; and

WHEREAS, virtual meetings have worked to remove barriers of place and time conflicts and open opportunities for citizens to virtually view and participate in live sessions remotely to become informed and give opinion on topics of public interest.

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

Section 1: That Section 111.01 "Regular Meetings" of Chapter 111 "Council/Council Rules" of Title Three "Legislative" of Part One "Administrative Code" of the Codified Ordinances of the City of South Euclid, Ohio be amended as follows:

111.01 REGULAR MEETINGS.

Council shall hold regular meetings on the second and fourth Mondays of each month at 8:00 p.m., except during the month of August when no regular meetings shall be scheduled.

~~All regular meetings of Council shall be held in the Council Chambers of the City Hall.~~ **(A) All regular and special meetings of Council may be held and attended by either means of teleconference, video conference, or any other similar electronic technology or in person at a designated location within the City of South Euclid. The form and location of the meeting shall be designated by the Council President at least forty-eight (48) hours in advance of the meeting. In addition, the following shall apply:**

(1) Any Ordinance, Resolution, rule, or formal action of any kind shall have the same effect as if it had occurred during an open meeting or hearing of the public body.

(2) Notwithstanding division (C) of Section 121.22 of the Revised Code, members of a public body who attend meetings or hearings by means of teleconference, video conference, or any other similar electronic technology, shall be considered present as if in person at the meeting or hearing, shall be permitted to vote, and shall be counted for purposes determining whether a quorum is present at the meeting or hearing.

(3) Public bodies shall provide notification of meetings and hearings held under this section to the public, to the media that have requested notification of a meeting, and to the parties required to be notified of a hearing, at least twenty-four hours in advance of the meeting or hearing by reasonable methods by which any person may determine the time, location, and the manner by which the meeting or hearing will be conducted, except in the event of an emergency requiring immediate official action. In the event of an emergency, the public body shall immediately notify the news media that have requested notification or the parties required to be notified of a hearing of the time, place, and purpose of the meeting or hearing.

(4) The public body shall provide the public access to a meeting held under this section, and to any hearing held under this section that the public would otherwise be entitled to attend, commensurate with the method in which the meeting or hearing is being conducted,

including, but not limited to, examples such as live-streaming by means of the internet, local radio, television, cable, or public access channels, call in information for a teleconference, or by means of any other similar electronic technology. The public body shall ensure that the public can observe and hear the discussions and deliberations of all the members of the public body, whether the member is participating in person or electronically.

(5) When members of a public body conduct a hearing by means of teleconference, video conference, or any other similar electronic technology, the public body must establish a means, through the use of electronic equipment that is widely available to the general public, to converse with witnesses, and to receive documentary testimony and physical evidence.

(6) At the Council President's discretion, meetings may be of a hybrid format to allow for a combination of in-person and/or virtual attendance by members of City Council, Mayor and Administration.

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

Approved:

Attest:

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.: 35-21
INTRODUCED BY: Frank
REQUESTED BY: Planning Commission

June 28, 2021

A RESOLUTION

GRANTING A CONDITIONAL USE PERMIT TO "2 YOU WINES" TO HAVE AN OUTDOOR PATIO AND SEATING AREA AT THEIR FACILITY, LOCATED AT 4425 MAYFIELD ROAD IN THE CITY OF SOUTH EUCLID, OHIO.

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

WHEREAS, the Planning Commission, after careful study, has recommended to Council in a vote of 4-0-0 that a Conditional Use Permit be granted to "2 You Wines" to have an outdoor patio and seating area at their facility, located at 4425 Mayfield Road; and

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

WHEREAS, the Council of the City of South Euclid deems that the aforesaid Conditional Use Permit should be given in that the standards set forth in Chapter 739 of the South Euclid Zoning Code have been achieved.

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

Section 1: That a Conditional Use Permit is hereby granted to "2 You Wines" to have an outdoor patio and seating area at their facility, located at 4425 Mayfield Road in the City of South Euclid, Ohio, per the following conditions:

- Condition 1:** All requirements for outdoor dining, as defined in Chapter 739 "Mayfield-Green District" of the South Euclid Zoning Code, shall be followed at all times.
- Condition 2:** The outdoor patio and seating area shall be constructed in such a manner as to match the sketch received by the City of South Euclid Building Department on June 2, 2021.
- Condition 3:** All requirements of the South Euclid Building and Fire Codes applicable to this facility, as determined by the Building Commissioner and Fire Inspector, shall be followed at all times.

Section 2: That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees on or after November 25, 1975, that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 3: This Resolution shall take effect and be in full force from and after the earliest period allowed by law and upon signature of the Mayor.

Passed this _____ day of _____, 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
Building Department
1349 South Green Road
South Euclid, Ohio 44121
216-381-0400 / Fax: 216-291-4959

Date 4/25/21

Application for Conditional Use

We, (I), the undersigned, do hereby respectfully make application for Conditional Use in the City of South Euclid and in support of this application, the following facts are shown:

1. The property sought for Conditional Use is located at

4425 Mayfield Rd., Front/East S. Euclid, OH 44121

and known as lot(s) number. It has a frontage of 10' feet and depth of 10' feet.

2. The property sought for Conditional Use is owned by

Behnam Malakooti P.O. Box 24507 Mayfield Hts, OH 44124
 Name Address City State Zip

recorded in Volume 703 Page 03 Cuyahoga County Map Records.

3. The following are all streets and occupancy classifications adjacent to or in close proximity of the sides, front and rear of the property which will be effected by the Conditional Use: _____

Mayfield Rd., 4431 Mayfield Rd.

4. It is proposed that the property will be put to the following specific use, describe in detail: _____

Additional seating for 2 You Wines, LLC

5. It is proposed that the following buildings, occupancy or construction modification will be made: _____

A fenced in 10' x 10' seating area with a bench, 2 tables and 3 chairs.

Action by City Council:

Approved _____
 Disapproved _____

 President of Council

 Date

Latif & Shirley Moore (NH)
 Signature of Applicant

1287 S. Green Rd.
 Address of Applicant

S. Euclid, OH 44121
 City State Zip

(216) 402-0502
 Phone Fax

PC Case # 21-PC-13

4425 Mayfield Rd
2 You Wines

