

**AGENDA
EUCLID CITY COUNCIL MEETING
MONDAY, OCTOBER 3, 2022 AT 7:00 PM
EUCLID MUNICIPAL CENTER COUNCIL CHAMBER**

PERMISSIBLE PRELIMINARIES:

FIRST GAVEL

PLEDGE OF ALLEGIANCE

EUCLID CITY COUNCIL MEETING BUSINESS:

SECOND GAVEL

ROLL CALL OF MEMBERS

COMMUNICATIONS:

- Smoke Signals Cigar Lounge, LLC – 524 E 200, Euclid, Oh. 44119

COUNCIL MINUTES:

ADMINISTRATION REPORTS & COMMUNICATIONS:

COMMITTEE DOCUMENTATION:

- Board of Control – September 19, 2022

COMMITTEE OF THE WHOLE FOR LEGISLATIVE MATTERS ONLY

LEGISLATION

ACTION		PROPOSED
	<p>1. A resolution authorizing the Mayor, or her designee, to apply for, accept and expend an Urban Canopy Restoration Grant in an amount not to exceed Twenty-Five Thousand Dollars 00/100 (\$25,000.00) from the Ohio Department of Natural Resources (ODNR). (Sponsored by Mayor Holzheimer Gail, Councilpersons McIntosh, Tolton and Tanner)</p> <p>Comment: This would approve the application for the Urban Canopy Restoration Grant.</p>	<p>Res. (113-22)</p>
Third Reading	<p>2. An ordinance amending Ordinance No. 157-2012, that established sewer rental and other related charges and authorized sewer service agreements, to reflect new sewer usage rates. (Sponsored by Councilperson Wojtila by request of the Director of Public Service)</p> <p>Comment: This would amend sewer rates for 2023.</p>	<p>Ord. (103-22)</p>

COMMITTEE OF THE WHOLE – PUBLIC PORTION

COUNCIL MEMBERS' COMMENT

ADJOURNMENT

Resolution No.

By – Mayor Holzheimer-Gail and Councilpersons McIntosh, Tolton, and Tanner

A resolution authorizing the Mayor, or her designee, to apply for, accept and expend an Urban Canopy Restoration Grant in an amount not to exceed Twenty-Five Thousand Dollars 00/100 (\$25,000.00) from the Ohio Department of Natural Resources (ODNR).

WHEREAS, the Urban Canopy Restoration Grant program provides funds for planting of trees to restore the tree canopy in areas where trees were lost due to invasive insects and disease, extreme weather events, and development pressures; and

WHEREAS, the Ohio Department of Natural Resources intends to award funds supplied by the United States Department of Agriculture (USDA) Forest Service Urban & Community Forestry Program in Fiscal Year 2023 for the Urban Canopy Restoration Grant funds; typical grant awards are expected to be between \$2,500.00 and \$25,000.00; and

WHEREAS, the Urban Canopy Restoration Grant funds are provided to recipients on a reimbursement basis, requiring the applicant to first expend funds then request reimbursement from the Ohio Department of Natural Resources (ODNR); and

WHEREAS, the purpose of the Urban Canopy Restoration Grant application for \$25,000.00 is to undertake tree planting throughout the City of Euclid in areas of need, as identified through the 2021 Tree Inventory and Summary Report by Davey Resource Group, and the 2019 Urban Tree Canopy Assessment by the Cuyahoga County Planning Commission; and

WHEREAS, the City of Euclid received Urban Canopy Restoration Grant funds in FY 2022, and successfully planted 51 trees on public rights-of-way where trees previously stood and were removed; and

WHEREAS, the grant program requires a match of fifty percent (50%) of the grant amount from sources other than Urban Canopy Restoration Grant funds; and

NOW THEREFORE, be it resolved by the Council of the City of Euclid, Ohio:

Section 1: That the Mayor, or her designee, is hereby authorized to apply for, accept and expend an Urban Canopy Restoration Grant in an amount not to exceed Twenty-Five Thousand Dollars 00/100 (\$25,000.00) in Fiscal Year 2022 from the Ohio Department of Natural Resources (ODNR).

Section 2: That the Mayor, or her designee, is hereby further authorized to take all actions necessary for the obligation and expenditure of funds from the Urban Canopy Restoration Grant program, including the execution of a grant agreement with the Ohio Department of Natural Resources (ODNR) to accept and expend any such funds for eligible activities, provided that such expenditures shall be approved in amount and vendor by the Board of Control.

Section 3: That funds required to pay for the fifty percent (50%) match, not to exceed \$25,000.00, to be derived from the Clay Matthews Fund.

Section 4: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees the resulted in such formal action were, in meetings open to the public in compliance with all legal requirement, including section 121.22 of the Ohio Revised Code.

Section 5: That this resolution shall take immediate effect.

Attest:

Clerk of Council

President of Council

Passed:

Approved:

Mayor

City of Euclid Legislation Fact Sheet

Resolution Re: Ohio Department of Natural Resources (ODNR) Urban Canopy Restoration Grant Program (113-22)

Background/Justification

This section intended to provide the background and justification for the above ordinance.

Funds for this grant program are supplied to the Ohio Department of Natural Resources (ODNR) by the United States Department of Agriculture (USDA) Forest Service & Urban Community Forestry Program are intended to address the critical need to restore and improve urban forests due to catastrophic losses from Emerald Ash Borer (EAB) and to reduce the impact of climate change, while building resiliency through tree planting in urban communities, like Euclid, where trees are critical to human health. The City of Euclid received its first Urban Canopy Restoration Grant from ODNR in 2022, and the City successfully planted 51 right-of-way trees replacing EAB-infected or weather-damage trees. In coordination with Service Department personnel, Mayor's office, and Euclid Shade Tree Commission, Planning and Development staff will prepare and submit a grant application seeking a 2023 ODNR Urban Canopy Restoration Grant not to exceed \$25,000.00 to undertake tree planting as identified through the 2021 Tree Inventory and Summary Report by Davey Resource Group, and the 2019 Urban Tree Canopy Assessment by the Cuyahoga County Planning Commission. The City will target rights-of-way and public facilities on the southwestern side of the City; the City Arborist will refine specific tree planting locations.

Financial Impact

This section will specify the fund and amount for the ordinance as well as indicate if the budget covers the expenses. Describe any additional financial impacts below.

There is a 50/50 match grant program based on reimbursable costs. If awarded, the City's match would be \$25,000.00 from the Clay Matthews Fund, for the \$25,000.00 ODNR grant; totaling \$50,000.00 for the project.

Request of Council

Passage	<input checked="" type="checkbox"/>	Comment:	Enter text here.
Emergency Passage	<input type="checkbox"/>		
First of Three Readings	<input type="checkbox"/>		
Send To Council Committee	<input type="checkbox"/>	Comment:	Enter text here.

Sponsor of Legislation

Mayor Holzheimer Gail and Councilpersons McIntosh, Tolton, and Tanner

Conclusion/Next Steps

This section will indicate what needs done once Council takes action.

Upon authorization, the City will submit the grant application and, if awarded, execute a grant agreement with the Ohio Department of Natural Resources (ODNR), seek competitive bids for the tree planting, and award all contracts through Board of Control. Tree work would be expected to begin in Spring 2023.

For further information or to answer additional questions, please contact:

Name	Phone	Email
Ed Chenock	216-289-8140	echenock@cityofeuclid.com

Ordinance No.

By- Councilperson Wojtila (by request)

An ordinance amending Ordinance No. 157-2012, that established sewer rental and other related charges and authorized sewer service agreements, to reflect new sewer usage rates.

WHEREAS, Ordinance 112-2000 established sewer rental rates and other related charges from and after April 1, 2000 and authorized sewer service agreements; and

WHEREAS, supplemental rates were established by Ordinances 32-2012 and then 157-2012 to supply funds to begin engineering and design for the construction of improvements and operation of the Wastewater Treatment facility and collection system as required by the Long Term Control Plan and other plans contained in the consent decree with the United States and State of Ohio; and

WHEREAS, after review of the annual Rate Study Report from B. Fink Consulting, it is determined that the sewer rate charge for 2023 will need to be adjusted above the rate for the 2012 ordinance; and

WHEREAS, the rate change will become effective with consumption on and after January 1, 2023.

NOW, THEREFORE, be it ordained by the Council of the City of Euclid, State of Ohio:

Section 1: That Section 1 "Euclid Users, Household Waste Sewer Service Charges" of Ordinance No. 157-2012, which established sewer rental and other related charges from and after April 1, 2012 and authorized sewer service agreements, is hereby amended and replaced to read as follows:

That there are hereby established rates and charges of rental from and after **January 1, 2023**, to be paid to the City of Euclid for the use of the system of sewerage or sewage treatment or disposal works by every person, firm or corporation whose premises in the City of Euclid are served by a connection with the system of sewerage of the City of Euclid, which charge of rent shall be in addition to the revenue received from general taxes for sewer maintenance.

Every person, firm, or corporation having premises in the City of Euclid served by a connection with the present system of sewerage in the City of Euclid, whereby the sewage or industrial wastes are disposed of by the City of Euclid, either through the facilities of the sewage treatment and sewage disposal works of the City of Euclid, or as otherwise arranged by the City of Euclid, hereinafter referred to as "Euclid Customers" shall pay a sewer rental charge for the collection and treatment of ordinary household waste ("OW"), based upon the quantity of meter water used in or upon such premises for each 1,000 cubic feet of water or less measured through any one water meter as set forth in **TABLE A**, whether such water is derived from a source other than the City water supply or all or any part of such water is furnished to said premises without charge. Billings shall be at least quarterly and shall include an additional administrative charge for the cost of meter reading and billing.

The sewer rental charge established herein from and after **January 1, 2023**, shall be payable quarterly with the regular water bill received by such person, firm, or corporation at the office of the Division of Water and Heat, in the Department of Public Utilities of the City of Cleveland and shall be **not less than one (1) thousand cubic feet per quarter**, plus the pro rata administration cost for paying meter reading and billing charges as determined by the Mayor, and shall be payable at the same time as water bills are payable in the district in which the property is located and the sewer rental charge may be shown as a separate item on the same paper which shows the water bill as the City of Cleveland Director of Public Utilities may elect; and out of the proceeds collected the City of Cleveland shall be authorized to withhold an amount as justified to the City of Euclid for collection expenses.

In addition to the rates contained herein, and by separate legislation adopted by the Council of the City of Euclid, the rate billed shall include incremental amounts for the repair and replacement of the local sewer collection system within the City of Euclid, known as the Peterson Fund, and for incremental amounts necessary for street resurfacing and repair of streets and appurtenances in connection with waterline replacement and repair within the City of Euclid, known as the Waterline Fund.

Section 2: That "Outside Users, Ordinary Household Waste Sewer Service Charges and Contracts" of Ordinance No. 157-2012, which established sewer rental and other related charges from and after April 1, 2012 and authorized sewer service agreements, is hereby amended and replaced to read as follows:

(a) That the Mayor is hereby authorized to contract for or otherwise charge and collect the following rates hereby established as sewer rental charges from and after **January 1, 2023**, to be paid to the City of Euclid for the use of the system of sewerage or sewage treatment or disposal works by every person, firm, or corporation whose premises lies outside the limits of the City of Euclid which are served by a connection with the system of sewerage in the City of Euclid, hereinafter referred to as "Outside Users," which charge shall be as set forth in **TABLE A TABLE B, C, D** for the identified Outside User Communities.

(b) In addition, the Mayor is hereby authorized and directed to contract for or otherwise charge and collect from said Outside Users for disposal of sewage, all administration charges as determined by the Mayor, specifically attributable for meter reading, billing, maintenance, and transportation to any particular outside user or the maintenance of the account therefore. All monies received pursuant to this section shall be deposited, applied, and utilized the same as specified in Section 1 of this ordinance.

(c) Provided further, however, that from and after **January 1, 2023**, the terms of contracts heretofore specifically authorized by Council shall be given full force and effect except to the extent that the rates charged therein were inadequate and modified by ordinance to meet the rise of costs for necessary operation, maintenance, replacement, capital improvements, and operating capital respecting the sewage treatment or disposal works. The Mayor is hereby empowered to establish charges reflecting credits for lump sum account payments made pursuant to rate dispute settlements, if any, under such contracts and charges equivalent to incremental charges stated on a basis of water consumption in terms of sewage metered on the basis of 1000 gallon units or otherwise in accordance with past billing procedures or where otherwise determined necessary.

(d) Such contracts with Outside Users shall limit the quality and quantity of the sewage flow to be accepted to that of ordinary household waste in such daily volumes as shall not exceed in the aggregate, including sewage flow from Euclid users, the capacity of the waste water treatment facilities or the capacity of sewer lines within the City of Euclid as determined by the Director. The Director shall give deference and preference to the communities having long standing and continuing arrangements and contracts with the City of Euclid and the volumes historically received therefrom.

(e) No industrial waste shall be accepted from any outside community except pursuant to individual industrial user permits to be applied for by the actual industrial user and issued directly by the City of Euclid pursuant to Chapter 923 of the Codified Ordinances.

(f) **SATELLITE SEWER DISCHARGE CONTROL PROGRAM ("SSDCP")**. The Mayor is hereby authorized to contract and amend contracts with Outside User Communities as necessary to implement the SSDCP mandated by the City's NPDES Permit issued effective April 1, 1996, requiring monitoring, reporting, and operation under the supervision of a State Certified Operator's License for each Outside User Community collection system and authority to require that the maintenance crews of each outside user community will either include supervision by a properly licensed staff person to implement the community discharge permit regulations or will submit to supervision for these purposes to properly licensed staff personnel of the City of Euclid and pay the cost therefore as determined by the Mayor.

Section 3: That Ordinance No. 157-2012, that established sewer rental and other related charges and authorized sewer service agreements, to reflect new sewer usage rates is hereby amended.

Section 4: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees 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 ordinance shall be in full force and effect from and after the earliest period allowed by law.

Attest:

Clerk of Council

President of Council

Passed:

Approved:

Effective:

Mayor

TABLE "A"

PROPOSED RATE INCREASES STARTING IN 2023

EUCLID USERS

	2021	2022	2023
	Current	Current	New Rates
OM&R	28.60	29.60	33.60
Capital	20.62	20.62	29.10
Cleve fee	2.31	2.31	2.31
Peterson Fund	21.04	21.04	21.04
Waterline Construction Fund	10.00	10.00	10.00
Total	82.57	83.57	96.05
Overall rate increase			14.93%

OTHER CUYAHOGA COMMUNITIES

	2021	2022	2023
	Current	Current	New Rates
Euclid Fee	1.50	1.50	1.50
CW Billing	2.31	2.31	2.31
Capital	20.67	20.67	29.10
OM&R	28.60	29.60	33.60
Total	53.08	54.08	66.51
Overall rate increase			22.98%

WILLOUGHBY HILLS

	2021	2022	2023
	Current	Current	New Rates
Capital	20.67	20.67	29.10
OM&R	28.60	29.60	33.60
Total	49.27	50.27	62.70
Overall rate increase			24.73%

WICKLIFFE & WILLOWICK

	2021	2022	2023
	Current	Current	New Rates
Capital	1.22	1.22	1.72
OM&R	1.74	1.74	1.98
Total	2.96	2.96	3.70
Overall rate increase			25.00%

City of Euclid
Legislation Fact Sheet

Ordinance Re: AMENDMENT OF ORDINANCE 157-2012 (103-22)

Background/Justification

This section intended to provide background and justification for the above ordinance and specify any related adopted plans.

After review of the annual Rate Study Report from B. Fink Consulting it is determined that the sewer rate charge for 2023 will need to be adjusted above the rate in the 2012 Ordinance. This Legislation will amend Ordinance 157-2012 and replace the rate for 2023 with the total amount of \$96.05/MCF for Euclid users and the rates listed below for outside communities:

Cuyahoga Communities - \$66.5/MCF

Wickliffe and Willowick - \$3.70 per Thousand Gallons measured by master meters

Willoughby Hills - \$74.70/MCF

It was discussed in Public Service Committee and the wishes of the committee were that the rate be adjusted for a period of one year. After receipt and review of the next Rate Study Report (operation year ending 12/31/2022) a determination will be made for the 2024 rate.

Financial Impact

This section will specify the fund and amount for the ordinance as well as indicate if the budget covers the expenses. Describe any additional financial impacts below.

This will change the rate billed to Euclid and the other communities serviced by the Euclid Plant.

Request of Council

Passage

Emergency Passage

First of Three Readings

Send To Council Committee

Comment: Councilperson Wojtila (by request)

Comment: Enter text here.

Conclusion/Next Steps

This section will indicate what needs done once Council takes action.

The updated rate charged for sewer services will be reported to Cleveland Water Department, Lake County Utilities, Willowick and Wickliffe for collection.

For further information or to answer additional questions, please contact:

Name

Phone

Email

Dan Knecht

216-289-2701

dknecht@cityofeuclid.com

Attachments