

**AGENDA
EUCLID CITY COUNCIL MEETING
MONDAY, NOVEMBER 7, 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:

- NONE

COUNCIL MINUTES:

- OCTOBER 3, 2022
- OCTOBER 17, 2022

ADMINISTRATION REPORTS & COMMUNICATIONS:

COMMITTEE DOCUMENTATION:

- **BOARD OF CONTROL: OCTOBER 11, 2022, OCTOBER 17, 2022 & OCTOBER 24, 2022**
- **SAFETY COMMITTEE: OCTOBER 5, 2022**
- **COUNCIL WORK SESSION: OCTOBER 17, 2022**
- **BUSINESS DEVELOPMENT & CITY PLANNING COMMITTEE: OCTOBER 19, 2022**

COMMITTEE OF THE WHOLE FOR LEGISLATIVE MATTERS ONLY

ACTION	LEGISLATION	PROPOSED
1.	An ordinance authorizing the sale of Permanent Parcel Number 641-16-012, vacant land at 449 East 200th Street, from the Euclid Land Bank, to Denidrea Bailey, on behalf of Deia's Willie LLC, for the amount of One Thousand Dollars (\$1,000.00) as authorized by Ordinance Nos. 98-2010 and 101-2011. (Sponsored by Planning and Zoning) Comment: This would approve the sale of a landbank property.	Ord. (128-22)
2.	An ordinance authorizing the sale of Permanent Parcel Number 646-22-003, vacant land at 1523 East 193rd Street, from the Euclid Land Bank, to Lawrence Lindsey for the amount of One Thousand Dollars (\$1,000.00) as authorized by Ordinance Nos. 98-2010 and 101-2011. (Sponsored by Planning and Zoning) Comment: This would approve the sale of a landbank property.	Ord. (129-22)
3.	An emergency ordinance authorizing the sale of Permanent Parcel Number 649-04-008, at 20001 Grand Boulevard, from the Euclid Land Bank, to Smartland FND3, LLC, for the amount of One Dollar (\$1.00) as authorized by Ordinance Nos. 98-2010 and 101-2011. (Sponsored by Mayor Holzheimer Gail) Comment: This would approve the sale of a landbank property that includes a structure.	Ord. (126-22)

4. An emergency ordinance amending Section 728.02 “License Required; Fee; Expiration” of Chapter 728 “Medical Marijuana Dispensaries” of the Business Regulation and Taxation Code of the Codified Ordinances of the City of Euclid to increase the fee for a medical marijuana dispensary license. (Sponsored by Mayor Holzheimer Gail) Ord. (131-22)

Comment: This would approve the fee schedule for medical marijuana dispensaries.

Second Reading

5. An ordinance to amend Section 1 of Ordinance No. 2812, as amended, and the map and map designations, which map and map designations, as amended, form a part of Ordinance No. 2812, as it relates to and designates, U1-Single Family House, U2-Two Family House, CI-Campus Institutional and UASF-Attached Single Family House Districts relative to said property. (Sponsored by Planning and Zoning) (Sent to Business Development, City Planning and Housing Committee and referred back to Council with recommendation for passage) Ord. (136-21)

Comment: This would permit the rezoning of the site formerly known as St. Robert’s.

6. An emergency ordinance amending Ordinance No. 63-2022 authorizing the Mayor of the City of Euclid, Ohio, or her designee, to enter into a revised Incentive Grant Agreement with ORBCC Production LLC (hereinafter referred to as “Collision Bend”) in the amount of One Hundred Fifty Thousand and 00/100 Dollars (\$150,000.00) payable in two \$75,000 increments beginning in 2023 to support the creation of a production and distribution facility and tap room. (Sponsored by Mayor Holzheimer Gail and Councilperson Epps) Ord. (130-22)

Comment: This would amend the Incentive Grant Agreement with ORBCC Production LLC to extend the deadlines.

7. A resolution authorizing the Mayor of the City of Euclid or her designee to request, accept, and expend a grant from the Ohio Department of Natural Resources (ODNR)’s Land and Water Conservation Fund program for up to Five Hundred Thousand and 00/100 Dollars (\$500,000.00) for construction of Phase III of the Waterfront Improvements Plan, Senator Kenny Yuko Park. (Sponsored by Councilpersons Mancuso, Jukic, McIntosh, and Wojtila) Res. (132-22)

Comment: This would approve a grant application to ODNR for additional construction in the Waterfront Improvements Plan.

8. An emergency ordinance amending Ordinance 58-2022, the 2022 CONSOLIDATED COMPENSATION ORDINANCE, to clarify the vacation policy accruals and pay outs and to adjust the pay chart of the benefits and compensation to be paid City of Euclid personnel, other than employees of a collective bargaining unit. (Sponsored by Mayor Holzheimer Gail) Ord. (123-22)

Comment: This would amend the Consolidated Compensation Ordinance to clarify vacation policy and payouts and adjust the pay chart.

9. An ordinance authorizing the Mayor of the City of Euclid to enter into a contract with Moore Counseling and Mediation Services, 22639 Euclid Avenue, Euclid, OH 44117, for the years 2023 and 2024 to assist families in areas of behavioral health, addiction, substance use disorders and more through Euclid Community Connections (Sponsored by Mayor Holzheimer Gail) Ord. (124-22)

Comment: This would approve a contract with Moore Counseling and Mediation Services for a new program to assist Euclid residents.

10. An ordinance to make Chapter 1765 “Approving the Right of City Renters to Pay-To-Stay” of the Building and Housing Code of the Codified Ordinances of the City of Euclid, Ohio permanent. (Sponsored by Councilperson McIntosh) Ord. (125-22)

Comment: This would make permanent a temporary piece of legislation enacted during Covid to assist tenants in the city.

11. An ordinance repealing and replacing Euclid Codified Ordinances Section 375.03 “Code Application; Prohibited Operations” of Chapter 375 “Snowmobiles, Off-Highway Motorcycles and All-Purpose Vehicles” of the Traffic Code of the Codified Ordinances of the City of Euclid to prohibit the operation of these vehicles on city streets. (Sponsored by Councilpersons Mancuso, Jarosz, McIntosh, Tanner and Tolton) Ord. (127-22)

Comment: This would prohibit recreational vehicles from being operated on city streets.

**COMMITTEE OF THE WHOLE – PUBLIC PORTION
COUNCIL MEMBERS’ COMMENT
ADJOURNMENT**

Ordinance No.

By – Planning and Zoning Commission

An ordinance authorizing the sale of Permanent Parcel Number 641-16-012, vacant land at 449 East 200th Street, from the Euclid Land Bank, to Denidrea Bailey, on behalf of Deia’s Willie LLC, for the amount of One Thousand Dollars (\$1,000.00) as authorized by Ordinance Nos. 98-2010 and 101-2011.

WHEREAS, Ordinance 98-2010, passed by Council on June 21, 2010, and amended by Ordinance 101-2011 on June 20, 2011, authorizes the sale of properties in the Euclid Land Bank for private use; and

WHEREAS, at its meeting on October 11, 2022, the Planning and Zoning Commission recommended approval of the sale of Permanent Parcel Number 641-16-012, vacant land, from the Euclid Land Bank to Denidrea Bailey, on behalf of Deia’s Willie LLC, for the amount of One Thousand Dollars (\$1,000.00); and

WHEREAS, Denidrea Bailey, on behalf of Deia’s Willie LLC, is the owner of the adjacent properties, Permanent Parcel Numbers 641-16-011, 641-16-090, and 641-16-091, and desires to purchase the 641-16-012 parcel for property expansion; and

WHEREAS, in accordance with the Euclid Land Bank Disposition Policies, lots under 5,000 square feet are required to be consolidated into the adjacent property as a term of the sale, and

WHEREAS, the consolidation of the parcels will discourage selling the lot separately in the future or allowing taxes to go unpaid on parcels where no economic use of the lot exists, and

WHEREAS, the consolidation plat of Permanent Parcel Numbers 641-16-011, 641-16-090, and 641-16-091, with the 641-16-012 parcel is prepared and submitted to the City of Euclid prior to transfer and recording and must occur within six months from the passage of this ordinance; and

WHEREAS, in accordance with the Euclid Land Bank Disposition Policies, in approving the sales price the Planning and Zoning Commission concurred with the pricing policies adopted in Ordinance 101-2011, which warrant a price below the Cuyahoga County Auditor’s market value; and

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

Section 1: That the sale of Permanent Parcel Number 641-16-012, vacant land at 449 East 200th Street, from the Euclid Land Bank to Denidrea Bailey, on behalf of Deia’s Willie LLC, for the amount of One Thousand Dollars (\$1,000.00) with the condition the consolidation plat of Permanent Parcel Numbers 641-16-011, 641-16-090, and 641-16-091, with the 641-16-012 parcel is prepared and submitted to the City of Euclid prior to transfer and recording and must occur within six months from the passage of this ordinance as authorized by Ordinance Nos. 98-2010 and 101-2011 is hereby approved.

Section 2: That City Council approves the sales price adjustment below the Cuyahoga County Auditor’s market value due to area market conditions and based on pricing policies adopted in Ordinance 98-2010 and amended by Ordinance 101-2011.

Section 3: 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 4: 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

Ordinance No.

By – Planning and Zoning Commission

An ordinance authorizing the sale of Permanent Parcel Number 646-22-003, vacant land at 1523 East 193rd Street, from the Euclid Land Bank, to Lawrence Lindsey for the amount of One Thousand Dollars (\$1,000.00) as authorized by Ordinance Nos. 98-2010 and 101-2011.

WHEREAS, Ordinance 98-2010, passed by Council on June 21, 2010, and amended by Ordinance 101-2011 on June 20, 2011, authorizes the sale of properties in the Euclid Land Bank for private use; and

WHEREAS, at its meeting on October 11, 2022, the Planning and Zoning Commission recommended approval of the sale of Permanent Parcel Number 646-22-003, vacant land, from the Euclid Land Bank to Lawrence Lindsey for the amount of One Thousand Dollars (\$1,000.00); and

WHEREAS, Lawrence Lindsey owns the adjacent property, Permanent Parcel Number 646-22-004, and desires to purchase the 646-22-003 parcel for property expansion; and

WHEREAS, in accordance with the Euclid Land Bank Disposition Policies, in approving the sales price the Planning and Zoning Commission concurred with the pricing policies adopted in Ordinance 101-2011, which warrant a price below the Cuyahoga County Auditor's market value; and

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

Section 1: That the sale of Permanent Parcel Number 646-22-003, vacant land at 1523 East 193rd Street, from the Euclid Land Bank to Lawrence Lindsey for the amount of One Thousand Dollars (\$1,000.00) as authorized by Ordinance Nos. 98-2010 and 101-2011 is hereby approved.

Section 2: That City Council approves the sales price adjustment below the Cuyahoga County Auditor's market value due to area market conditions and based on pricing policies adopted in Ordinance 98-2010 and amended by Ordinance 101-2011.

Section 3: 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 4: 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

Ordinance No.

By – Mayor Holzheimer Gail

An emergency ordinance authorizing the sale of Permanent Parcel Number 649-04-008, at 20001 Grand Boulevard, from the Euclid Land Bank, to Smartland FND3, LLC, for the amount of One Dollar (\$1.00) as authorized by Ordinance Nos. 98-2010 and 101-2011.

WHEREAS, Ordinance 98-2010, passed by Council on June 21, 2010 and amended by Ordinance 101-2011 on June 20, 2011, authorizes the sale of properties in the Euclid Land Bank for private use; and

WHEREAS, this parcel was transferred to the City's Land Bank on February 14, 2022 as the result of a tax foreclosure resolving over \$6600.00 in delinquent property taxes, penalties, interest and special assessments; and

WHEREAS, this parcel includes the western half of a structure located on Permanent Parcel Number 649-04-007 which is owned by Smartland FND3, LLC; and

WHEREAS, in looking at the history, in 2009, both 649-04-007 and 649-04-008 were both listed on a limited warranty deed under one owner; and

WHEREAS, in 2018, the Cuyahoga County Prosecutor's Office proceeded with a tax foreclosure action on only one parcel, 649-04-007 and excluding parcel 649-07-008, resulting in two separate parcels and two separate owners, and

WHEREAS, the sale is recommended with the conditions the property is consolidated within six (6) months of the passage of this ordinance.

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

Section 1: That the sale of Permanent Parcel Number 649-04-008, at 20001 Grand Boulevard, from the Euclid Land Bank, to Smartland FND3, LLC, for the amount of One Dollar (\$1.00) as authorized by Ordinance Nos. 98-2010 and 101-2011 is hereby approved on the condition the purchaser consolidates the purchased parcel and their parcel within six (6) months of the passage of this ordinance.

Section 2: 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 3: That this ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, safety and welfare of the citizens of the City of Euclid, and provided it receives the two-thirds vote of all members of Council elected thereto, shall be in full force and effect from and after its passage and approval; otherwise to 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

Ordinance No.

By – Mayor Holzheimer Gail

An emergency ordinance amending Section 728.02 “License Required; Fee; Expiration” of Chapter 728 “Medical Marijuana Dispensaries” of the Business Regulation and Taxation Code of the Codified Ordinances of the City of Euclid to increase the fee for a medical marijuana dispensary license.

WHEREAS, the Ohio Legislature legalized the use of medical marijuana in May 2016; and

WHEREAS, Euclid City Council Ordinance No. 42-2017 authorized the cultivation, processing and testing of medical marijuana in accordance with all applicable state regulations in the City’s U5, U6 and U7 Districts; and

WHEREAS, On October 16, 2017, Euclid City Council passed Ord. No. 118-2017 which enacted Chapter 728 “Medical Marijuana Dispensaries;” and,

WHEREAS, in that legislation, Euclid City Council authorized an application fee and annual fee of \$2,000; and

WHEREAS, in review of the application fees and annual fees of comparable cities in the area, it seems that \$2,000 application and annual fee is too low and the fee should be increased to \$5,000 due to industry standards; and

WHEREAS, this matter is declared an emergency so that administration may implement the fees for new applications they are anticipating.

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

Section 1: That Section 728.02 “License Required; Fee; Expiration” of Chapter 728 “Medical Marijuana Dispensaries” of the Business Regulation and Taxation Code of the Codified Ordinances of the City of Euclid is hereby amended to read as follows:

728.02 LICENSE REQUIRED; FEE; EXPIRATION.

No person shall operate a medical marijuana dispensary in the City without first obtaining a license from the Director of Public Safety as provided in this chapter. The fee for each such license shall be ~~two thousand dollars (\$2,000.00)~~ five thousand dollars (\$5,000.00) per year and such license shall expire on December 15 of each year. The fee of ~~two thousand dollars (\$2,000.00)~~ five thousand dollars (\$5,000.00) shall accompany the application made to the Director. The license may be revoked at any time by the Director for cause after hearing held before him or her. The issuance of such license shall be discretionary with the Director. A conviction of the licensee in a criminal action by a court of competent jurisdiction shall be a sufficient cause for revocation of his or her license.

Section 2: That Section 728.02 “License Required; Fee; Expiration” of Chapter 728 “Medical Marijuana Dispensaries” of the Business Regulation and Taxation Code of the Codified Ordinances of the City of Euclid is hereby amended.

Section 3: 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 4: That this ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, safety and welfare of the citizens of the City of Euclid, and provided it receives the two-thirds vote of all members of Council elected thereto, shall be in full force and effect from and after its passage and approval; otherwise to be in full force and effect from and after the earliest period allowed by law.

Attest:

Clerk of Council

President of Council

Passed:

Approved:

Mayor

Ordinance No.

By - Planning and Zoning Commission

An ordinance to amend Section 1 of Ordinance No. 2812, as amended, and the map and map designations, which map and map designations, as amended, form a part of Ordinance No. 2812, as it relates to and designates, U1-Single Family House, U2-Two Family House, CI-Campus Institutional and UASF-Attached Single Family House Districts relative to said property.

WHEREAS, public notice and hearings have been given in connection with the changing of CI-Campus Institutional use district relative to the hereinafter described property as is established by Ordinance No. 2812, as passed by the Council of the Village of Euclid on the 13th day of December, 1922, which ordinance has from time to time been amended; and

WHEREAS, Ordinance 9-1983 created USAF – Attached Single Family House Districts to replace formerly zoned U2-A Districts in order to enhance the overall character of the City (Euclid Code Section 1358). The establishment of the ASF Attached Single-Family District allows for the development of unified and preplanned residential areas within the City and provides land developers with the opportunity to utilize contemporary architectural design, site arrangement, landscaping and land development techniques. The intent is to permit additional flexibility in design and standards for so as to promote quality and imaginative designs of townhomes. Single family detached products are also permitted in USAF; and

WHEREAS, the amendment of said Ordinance No. 2812, which pertains to the hereinafter described property, by transferring said property from the mixed zoning of U1-Single Family House, U2-Two Family House and CI-Campus Institutional to a UASF use district, has been referred to the City Planning and Zoning Commission; and

WHEREAS, the City Planning and Zoning Commission has considered such amendment and proposed change at its regularly scheduled meeting on October 12, 2021, which will add to the present UASF use district by inclusion of the property hereinafter described, and has recommended approval to Council; and

WHEREAS, in the interest of the general welfare of the City of Euclid and in order to promote the general advantage of public peace, safety, morals, convenience and prosperity of the inhabitants of the City of Euclid, this Council is of the opinion that the UASF use district should be extended to include the property hereinafter described.

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

Section 1: That the following property:

PP Nos. 644-20-001, 002, 003, 004, 061 commonly addressed as Lakeshore Boulevard and formerly known as St. Roberts Church, described as follows:

Situated in the City of Euclid, County of Cuyahoga, State of Ohio, and known as being part of Sublot Nos. 83 and 84 in The Idlewild Beach Park Allotment unrecorded and other lands also in Original Euclid Township Lot No. 7 in Tract No. 19, and bounded and described as follows:

Beginning at a 5/8" iron pin set at the intersection of the Easterly line of East 238th Street, 40 feet wide, with the Southeasterly line of Lake Shore Boulevard, 80 feet wide, as widened by plat recorded in Volume 69 of Maps, Page 28 of Cuyahoga County Records;

Thence along the Southeasterly line of Lake Shore Boulevard, North 64°-32'-55" East, 362.26 feet to a nail set in asphalt on the Westerly line of the third parcel of land described in the Affidavit of Transfer to Lioda Lentz and others, and filed for record March 9, 1939 and recorded in Volume 927, Page 505 of Cuyahoga County Records;

Thence along the Westerly line of said third parcel, South 01°-08'-35" West, a distance of 420.00 feet to a 5/8" iron pin set;

Thence parallel to the Northerly line of lands conveyed to Clarence G. Issenmann, Bishop of Cleveland, by deed recorded in Volume 12332, Page 325 of Cuyahoga County Records, South 88°-51'-25" East, a distance of 136.50 feet to a 5/8" iron pin set on the Westerly line of Rock's Forest Estates Subdivision as recorded in Volume 131 of Maps, Page 462 of Cuyahoga County Records;

Thence along the Westerly line of Rock's Forest Estates Subdivision, South 01°-08'-35" West, a distance of 599.97 feet to a 5/8" iron pin set on the Northerly line of Elmwood Drive, 40 feet wide, as dedicated in Volume 131 of Maps, Page 462 of Cuyahoga County Records;

Thence along the Northerly line of Elmwood Drive, North 89°-27'-10" West, a distance of 30.18 feet to 5/8" iron pin set at its Westerly terminus;

Thence along Elmwood Drive's Westerly terminus, South 01°-08'-35" West, a distance of 40.00 feet to a 5/8" iron pin set on the Northerly line of Elmwood Drive, 40 feet wide, as shown on The Idlewild Beach Park Allotment recorded in Volume 43 of Maps, Page 17 of Cuyahoga County Records;

Thence along the Northerly line of Elmwood Drive, North 89°-27'-10" West, a distance of 339.88 feet to a 5/8" iron pin set at the Southeasterly corner of lands conveyed to Charles O. Perrin, by deed dated May 27, 1913 and recorded in Volume 1462 of Maps, Page 458 of Cuyahoga County Records also being the Southeasterly corner of Sublot No. 68 in The Idlewild Beach Park Allotment;

Thence along the Easterly line of land so conveyed to Charles O. Perrin, also being the Easterly line of The Idlewild Beach Park Allotment; North 01°-22'-18" East, a distance of 749.38 feet to a 5/8" iron pin set at the Northeasterly corner of lands conveyed to Adeline Weist, by deed dated July 15, 1941 and recorded in Volume 4618 of Maps, Page 322 of Cuyahoga County Records; also known as being Sublot No. 82 in The Idlewild Beach Park Allotment;

Thence along the Northerly line of lands so conveyed to Adeline Weist, along being the Northerly line of said Sublot No. 82 in The Idlewild Beach Park Allotment; North 89°-27'-10" West, a distance of 94.00 feet to the Easterly line of East 238th Street, witness a 5/8" iron pin found 0.56 feet North;

Thence along the Easterly line of East 238th Street, North 01°-22'-18" East, a distance of 153.25 feet to the place of beginning and containing 7.7028 acres of land.

The subject premises being the same land conveyed from The Most Reverend Richard G. Lennonn, Bishop of the Diocese of Cleveland, to the City of Euclid by deed recorded in Cuyahoga County Records.

Property Address: Lakeshore Boulevard, Euclid, OH

AND

PP No. 644-20-063, described as follows:

Situated in the City of Euclid, County of Cuyahoga, State of Ohio, and known as being part of Original Euclid Township Lot No. 7 and Tract No. 19, and bounded and described as follows:

Beginning at a point on the Southerly side of Lake Shore Boulevard (80 feet wide) at the Northeasterly corner of a parcel of land conveyed to Bishop Edward F. Hoban as recorded in Volume 7224, Page 428 of Cuyahoga County Records;

Thence South 01°-09'-25" West, along the Easterly line of said land conveyed to Bishop Edward F. Hoban, a distance of 380.00 feet to a point and the principal place of beginning of the premises intended to be described;

Thence, continuing South 01°-09'-25" West, along the Westerly line of land so conveyed to Clarence G. Issenmann, Bishop of Cleveland, 40 feet to a point;

Thence South 88°-50'-35" East and parallel with the Northerly line of said land so conveyed to Clarence G. Issenmann, Bishop of Cleveland, 136.50 feet, but to the Westerly line of Rock's Forest Estates Subdivision;

Thence North 01°-09'-25" East along the Westerly line of said Subdivision, 40 feet to the Northeasterly corner of land conveyed to Clarence G. Issenmann, Bishop of Cleveland, as aforesaid;

Thence North 88°-50'-35" West and along the Northerly line of land so conveyed to Clarence G. Issenmann, Bishop of Cleveland, 136.50 feet and to the principal place of beginning and containing 0.125 acres of land.

The subject premises being the same land conveyed from Paul J. Everson to the City of Euclid by deed recorded in Cuyahoga County Records.

Property Address: 24100 Lakeshore Blvd, Rear, Euclid, OH

Section 2: That so much of Section 1 of Ordinance No. 2812, as amended, as relates to the UASF use district shall be extended to include the territory described in Section 1 hereinabove.

Section 3: That the map as adopted December 13, 1922 and as thereafter amended, is hereby amended to conform with the change of property described in Section 1 of the ordinance from U1, U2 and CI to UASF use district.

Section 4: That so much of Ordinance No. 2812, as amended, and the map and map designations as placed the above described property in U1, U2 and CI use districts, is hereby repealed.

Section 5: 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 of 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 6: 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

Ordinance No.

By – Mayor Holzheimer Gail

An emergency ordinance amending Ordinance 63-2022 authorizing the Mayor of the City of Euclid, Ohio, or her designee, to enter into a revised Incentive Grant Agreement with ORBCC Production LLC (hereinafter referred to as "Collision Bend") in the amount of One Hundred Fifty Thousand and 00/100 Dollars (\$150,000.00) payable in two \$75,000 increments beginning in 2023 to support the creation of a production and distribution facility and tap room.

WHEREAS, it is necessary to execute a revised Incentive Grant Agreement with Collision Bend with payments beginning in 2023 instead of 2022 due to significant delays in project completion, specifically related to supply chain issues and contractor challenges; and

WHEREAS, all stipulations from Ordinance 63-2022 remain in place and apply except for payment deadlines; and

WHEREAS, the subject matter of this ordinance constitutes an emergency in that the same provides for the preservation of the public peace, safety and welfare of the citizens of the City of Euclid, and to enable the Agreement to be executed in a timely fashion consistent with the needs of Collision Bend.

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

Section 1: That the Mayor of the City of Euclid, or her designee, is hereby authorized and empowered to execute an Incentive Grant Agreement with Collision Bend in the amount of One Hundred Fifty Thousand and 00/100 Dollars (\$150,000.00) payable in two \$75,000 increments beginning in 2023. Said Grant shall be paid to Collision Bend from City non-tax revenues, and shall be governed by the Agreement substantially in the form on file with Clerk of Council and as determined by the Director of Law.

Section 2: 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 of any of its Committees that resulted in such formal action, were in meeting 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 hereby declared to be an emergency measure necessary for the preservation of the public peace, safety and welfare of the citizens of the City of Euclid and, provided it receives the two-thirds vote of all members of Council elected thereto, 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:

:

Mayor

Resolution No.

By – Mayor Holzheimer Gail and Councilpersons Mancuso, Jukic, McIntosh, and Wojtila

A resolution authorizing the Mayor of the City of Euclid or her designee to request, accept, and expend a grant from the Ohio Department of Natural Resources (ODNR)'s Land and Water Conservation Fund program for up to Five Hundred Thousand and 00/100 Dollars (\$500,000.00) for construction of Phase III of the Waterfront Improvements Plan, Senator Kenny Yuko Park.

WHEREAS, the Ohio Department of Natural Resources' Land and Water Conservation Fund program provides financial assistance to political subdivisions for the acquisition, development, and rehabilitation of recreation areas; and

WHEREAS, the Grant is reimbursable up to Five Hundred Thousand and 00/100 Dollars (\$500,000.00); and

WHEREAS, a 50% non-federal match is required; and

WHEREAS, Euclid City Council adopted the Euclid Waterfront Improvements Plan as an official addendum to the City's Master Plan in December 2009 and adopted the Waterfront Project Phase III Plan for Senator Kenny Yuko Park as an official addendum to the City's Master Plan in May 2022.

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

Section 1: That the Mayor or her designee is hereby authorized to request, accept, and expend a grant from the Ohio Department of Natural Resources (ODNR)'s Land and Water Conservation Fund program for up to Five Hundred Thousand and 00/100 Dollars (\$500,000.00) for the construction of Phase III of the Waterfront Improvements Plan, Senator Kenny Yuko Park.

Section 2: That matching funds include the 2023-2024 State Capital Budget award and local funds from the City of Euclid's HarborTown TIF.

Section 3: 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 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 resolution shall take immediate effect.

Attest:

Clerk of Council

President of Council

Passed:

Approved:

Mayor

Ordinance No.

By –Mayor Holzheimer Gail

An emergency ordinance amending Ordinance 58-2022, the 2022 CONSOLIDATED COMPENSATION ORDINANCE, to clarify the vacation policy accruals and pay outs and to adjust the pay chart of the benefits and compensation to be paid City of Euclid personnel, other than employees of a collective bargaining unit.

WHEREAS, on May 16, 2022, Euclid City Council passed Ordinance 58-2022, the 2022 CONSOLIDATED COMPENSATION ORDINANCE; and

WHEREAS, Administration must clarify some additional items in the 2022 CONSOLIDATED COMPENSATION ORDINANCE including clarifying the vacation policy accruals and pay outs and to adjust the pay chart in one section; and

WHEREAS, the subject matter of this ordinance constitutes an emergency in that the same provides for the usual daily operation of municipal departments and the compensation and working conditions of municipal employees and shall be effective immediately.

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

Section 1: That this ordinance be, and it is hereby ordained by the Council of the City of Euclid to be hereafter known and cited as the 2022 CONSOLIDATED COMPENSATION ORDINANCE to be effective immediately. That there is adopted herein a Classification Plan and Compensation within the said Plan as hereinafter defined and set forth.

(. 1) Compliance with All Regulations

Practices described in this ordinance are subject to all applicable federal and State of Ohio laws and regulations.

(. 2) Description of Positions.

All positions in the municipal service except those of the President and Members of Council, the Mayor, the Municipal Court Judge, employees of the Municipal Court, members of a collective bargaining unit and the appointed officials in other positions listed in Section 4 below shall be grouped into descriptions and each shall include those positions sufficiently similar in respect to their duties and responsibilities so that the same rates of compensation are applicable to positions requiring similar requirements as to training, experience, knowledge, and personal qualities. These positions, with exceptions as above, shall be known as "Described Positions" of the City.

(. 3) Initial Placements Under the Compensation Plan.

The Mayor is hereby authorized to classify all of the employees of the City of Euclid in accordance with this compensation structure.

(. 4) Preparation and Content of Job Descriptions.

Job descriptions shall be prepared and maintained, under the direction of the Mayor, for all described positions. These descriptions shall define the duties of all positions and the desirable qualifications for successful performance of such duties. These descriptions shall define whether the position is classified or unclassified. A description of a classified position shall also designate the type of classification for the position. The description shall further designate whether the position is exempt from the provisions of the Fair Labor Standards Act. In addition to the qualifications as set forth in the job descriptions, it shall be understood that all positions require: United States citizenship, and in positions involving the operation of a motor vehicle, a vehicle operator's license issued by the State of Ohio.

(. 5) Adoption of Description Plan.

Description of positions as set forth in Section 3 are hereby adopted and shall constitute the description plan on the basis of which such positions shall be described.

Section 2: ADMINISTRATION AND MAINTENANCE OF JOB DESCRIPTIONS.

(. 1) Responsibilities of the Mayor.

The Mayor shall be responsible for, but may designate to a qualified person or persons, the work of administering and maintaining the job descriptions. The Mayor shall direct necessary review and preparation of reports recommending appropriate action to assure that the descriptions are kept current and that the important changes in duties and responsibilities in any existing positions and of such new positions as are created and reflected. The Mayor shall provide for the re-allocation of any position from one description to another whenever a change in duties and/or responsibilities of a position make the job to which the position has been previously allocated is no longer applicable. Any proposed re-allocation shall be made with the knowledge of the employee concerned and his Department Head.

(. 2) Changes Requiring Approval by the City Council.

The approval of the City Council shall be obtained for the establishment of any new described positions. Such change shall take the form of amendments to this ordinance.

Section 3: DESCRIBED POSITIONS.

(. 1) Described positions of the City shall be included in the following plan with such changes as may be recommended by the Mayor from time to time and effected by the City Council through amendments to this ordinance. The assigned job grade refers to and determines the appropriate wage range, or salary for the given positions as described in Section 5 of this ordinance.

(. 2) Described positions are contained in Exhibit A which is attached hereto and incorporated by reference herein.

Section 4: NON-DESCRIBED POSITIONS.

(. 1) Compensation for non-described positions is set forth in Section 9 of this ordinance.

(. 2) Non-described positions are as follows:

<u>Position</u>	<u>Required Number</u>
President of Council	1
Members of Council	8
Mayor	1
Planning & Zoning Commission Members	5
Recreation Commission Members	5
Architectural Review Board Members	3
Civil Service Commission Members	3
Charter Review Commission Members	9

Section 5: DEFINITION AND ADOPTION OF THE COMPENSATION PLAN.

(. 1) Compensation Schedules.

All City employees occupying a position set forth in Section 3 of this ordinance shall be paid a wage rate, or salary, associated with the Job Grade of their assigned position according to Exhibit A which is attached hereto and incorporated herein. The Mayor shall have the authority, subject to the procedures and requirements of this ordinance, to set an individual employee's wage rate, or salary, within the assigned Job Grade.

Should an employee reach the maximum compensation in their Job Grade, they will be given a two hundred and fifty dollar (\$250.00) continuous service payment for every year they are at maximum. When the maximum wage ranges are adjusted by Euclid City Council and an employee's salary is back in range, the continuous service payment terminates.

(. 2) Full-time Basis of Compensation Schedules.

The bi-weekly rates are based on full-time employment at normal working hours of forty (40) hours per week for the respective described positions. Salaries for part-time positions shall be as provided in Section 8, or as provided in applicable provisions for the non-described positions. In cases where a portion of the compensation is paid to an employee by another governmental agency, such portion shall be deducted from the rates prescribed for the purpose of computing the amount to be paid by the City.

(. 3) Working Hours.

Working hours for all exempt salaried, professional, supervisory, and administrative positions are not based on a fixed number of hours or work per week and shall not be adjusted with variations in work schedules.

(. 4) Retirement

An employee's retirement shall become official upon notification to the City of an employee's intent to retire and verification and approval from PERS that the employee has been granted retirement.

Section 6: ENTRANCE SALARY RATES.

(. 1) Starting Rate on Initial Employment.

Original employment to any position shall be made at the minimum salary rate established for that job grade. The Mayor, upon recommendation of the Department Head, may approve initial compensation at a rate higher than the minimum rate in the salary schedule for the position when the needs of the service make such action necessary; provided that any such exception is based on the outstanding and unusual character of the employee's pertinent experience and ability over and above the minimum qualifications specified for the class.

(. 2) Starting Pay in Interchanging or Temporary Assignments

Whenever the Mayor assigns an employee to duty for a duration in excess of thirty days, in a position not normally held by him, he may receive the entrance rate in the schedule established for such position, or such other rate within the applicable schedule as he may be entitled to by reason of crediting him in his new position with respect to the character and nature of the position to which the employee is assigned. At the conclusion of the assignment, the employee will return to his former rate and position.

Section 7: PROBATION AND ADVANCEMENT WITHIN A CLASSIFICATION RANGE.

(. 1) Probation Period.

After initial appointment or promotion to a described position, the first 90 calendar days of service in the position to which appointed or promoted shall be considered the probation period. An employee's probationary period may be extended for any reasonable length of time at the discretion of his/her Director. In the event that the employee does not satisfactorily complete this probation period, he shall be separated from the service. In the case of promotion or transfer from another position, the Mayor, with the approval of the Director, may allow the employee to return to the prior position if it is available. The employee's pay rate will be adjusted to the prior rate. An increase within a classification range shall not constitute a promotion within the meaning of this section.

(. 2) Recommendation of Advancement in Pay Rate Within a Classification Range.

The Department Head concerned shall recommend in writing to his Director, who in turn shall recommend to the Mayor, the advancement in pay rate to any employee in his Department, who, in his opinion, has met the requirements of advancement. In the case of advancement, upon completion of the probationary period, the recommendation shall include a certification that the probationary period has been successfully completed. In the case of subsequent advancements, the recommendation shall include a certification that the employee's service has been entirely satisfactory for at least three months immediately prior to the effective date of the recommended advancement in pay rate.

Section 8: PART TIME, TEMPORARY, AND SEASONAL EMPLOYEES.

(. 1) Definition of Full-time and Part-time Employees

Full-time employees shall be defined as those having regular employment averaging at least thirty (30) hours per week. Any employee averaging fewer than thirty (30) hours per week shall be considered a part-time employee. Any non-regular employee should be considered a temporary or seasonal employee.

(. 2) Temporary or Seasonal Employees.

Except as stated in Section 6.1, any temporary or seasonal employee shall be compensated no less than minimum wage and no more than the maximum allowable wage for their positional job grade level as defined in Exhibit B. A temporary or seasonal employee may be advanced in pay based upon meritorious service in the same manner as other employees. The Mayor, upon recommendation of the Department Head, may approve initial

compensation at a rate higher than the minimum rate in the salary schedule for the position when the needs of the service make such action necessary; provided that any such exception is based on the outstanding and unusual character of the employee's pertinent experience and ability over and above the minimum qualifications specified for the class.

(. 3) Benefit Exclusions.

Except as otherwise provided, part-time, seasonal or temporary employees, shall be excluded from participating in the City of Euclid's Group Insurance Plans, longevity pay, holiday pay and vacation pay. However, any regular part-time employee scheduled for twenty (20) to thirty (30) hours per week shall be entitled to and receive prorated vacation pay as defined in Section 13.

Section 9: COMPENSATION OF NON-DESCRIBED POSITIONS.

(. 1) The following shall be the rate of pay for officials and employees in non-described positions:

<u>POSITION</u>	<u>ANNUAL SALARY</u>
President of Council	\$13,000.00
Members of Council	\$11,000.00
Mayor	\$85,000.00

<u>POSITION</u>	<u>COMPENSATION</u>
Planning & Zoning Commission Members	\$125.00 Bi-Weekly
Civil Service Commission Members	\$211.41 Bi-Weekly
Recreation Commission Members	\$50.00 Per Meeting
Architectural Board of Review Members	\$125.00 Bi-Weekly
Charter Review Commission Members	\$ 50.00 Per Meeting

(. 2) The bi-weekly stipend for salary personnel who are on an annual wage scale shall be computed as follows: Annual wage divided by the number of days in the current year multiplied by the number 14 shall equal the bi-weekly pay. There will be a final paycheck dated December 31st of each year which shall include the last days of that year, not previously paid, plus any odd pennies necessary to balance the annual pay. It should be noted that a Leap Year contains 366 days as compared to 365 days in a normal year, thus all computations shall be done annually on January 1 of each year. This procedure shall have uniform application on all payrolls of the City.

For elected officials, the final paycheck shall be issued at the end of the official's elective term or by November 30 of each year. The salaries of all Members of Council shall be paid bi-weekly on a pro-rata basis in the event an elected term is shortened or lengthened for any reason.

(. 3) In addition to the compensation listed above, the Mayor shall be entitled to three (3) weeks paid vacation per year. The Mayor shall be required to pay his/her employee contribution to PERS.

The Mayor shall be provided with an automobile and fuel for use in the Mayor's official duties. In addition the Mayor shall be permitted to use said automobile for personal use provided the City is given evidence of adequate insurance coverage covering said personal use paid for by the Mayor in sufficient amounts to fully indemnify the City in the event of an accident.

Section 10: OVERTIME WORK.

(. 1) Overtime Administration.

In an emergency a Department Head may prescribe, with the approval of the Mayor, reasonable periods of overtime work to meet operational needs. Such overtime shall be reported and justified as required by the Mayor.

(. 2) Compensation of Hourly Rate Overtime Work.

Only non-exempt employees that qualify for overtime shall be paid for authorized overtime at the rate of one and one-half times their regular rate, for those hours worked in excess of forty (40) hours per week.

(. 3) Minimum Time for Emergency Call-Outs.

Hourly employees who are called in to perform emergency overtime work shall be paid for each call-in not less than the equivalent of three hours straight time pay.

(. 4) Minimum Time for Standby Hourly Paid Employees.

Minimum time for standby hourly paid employees who are ordered to standby on Sundays and holidays for possible call-in shall be paid for each such day not less than the equivalent of three hours straight time pay. In the event of a call-in, no standby compensation shall be due, or payable, under this paragraph for such day.

Section 11: UNIFORMS.

(. 1) The City shall provide a uniform for such appointee who is required to wear a regulation uniform while on duty. The employee shall be responsible for any item of his or her uniform that is lost or stolen.

(. 2) The City will provide uniforms for each School Guard at the time of appointment. The uniform must meet the requirements of the traffic Supervisor. The School Guard shall be responsible for any part of the uniform that is lost or stolen. All uniforms remain the property of the City of Euclid.

(. 3) The City shall provide uniforms for each auxiliary policeman. All uniforms remain the property of the City of Euclid and shall conform to the rules promulgated by the Director of Public Safety.

(. 4) The City may, at the discretion of the Mayor, provide a uniform allowance for the Chief of Police and the Executive Officer of the Police Department. Said uniform allowance shall be as provided by the respective bargaining agreement.

(. 5) The City may, at the discretion of the Mayor, provide a uniform allowance for the Chief of the Fire Department and the Assistant Chief of the Fire Department. Said uniform allowance shall be as provided by the respective bargaining agreement.

Section 12: HOLIDAYS.

(. 1) The following days are hereby declared holidays for City employees.

- The first day in January (New Years Day)
- Martin Luther King Day
- The third Monday of February (President's Day)
- The Friday before Easter (Good Friday)
- The last Monday of May (Memorial Day)
- June 19th (Juneteenth)
- The fourth day of July (Independence Day)
- The first Monday in September (Labor Day)
- The second Monday in October (Columbus Day)
- The Thursday in November designated "Thanksgiving Day"
- The Friday after Thanksgiving
- The twenty-fourth of December (Christmas Eve)
- The twenty-fifth of December (Christmas Day)
- Three Personal Days - All Employees of the City of Euclid may take three days off with pay as holidays at any time during the year, subject to the approval of the Department Head for the purpose of maintaining a proper schedule so as not to interfere with the daily operation of any department within the City.

An employee required to work on any Holiday due to emergency or other reason shall receive holiday pay and their regular pay rate for actual hours worked.

New employees shall be entitled to pro-rated personal days in their first calendar year determined by their hire date. Days are credited as follows:

- (a) Hired after January 1 but before April 30 - 3 days
- (b) Hired after May 1 but before August 31 - 2 days
- (c) Hired after September 1 but before December 31 - 1 day

(. 2) When any holiday listed above falls on a Sunday, the following business day shall be considered a holiday. If any of the above listed holidays falls on a Saturday, the Friday immediately preceding shall be celebrated as the holiday. In addition to the above, any day may be designated as a holiday by proclamation of the Mayor and approval by Council.

(. 3) Advancement of holidays is prohibited.

(.4) Personal holidays earned shall be taken in the year in which the personal holiday is earned. Any personal holidays banked or carried over from prior years must be used by December 31, 2024.

Section 13: VACATIONS.

(. 1) Years of Service Defined.

Years of service for the purpose of this section shall mean continuous, uninterrupted service except neither military service, authorized sick leave, nor vacations shall be considered as interruptions in service.

(. 2) Amount of Vacation Pay.

Amount of vacation pay in the case of salaried employees shall be the regular compensation fixed for such position. For purposes of this compensation, all full-time non-union employees shall receive credit for limited benefit purposes for prior government employment with the state, an agency of the state or local subdivision of the state. Specifically, credit will be given for vacation purposes and computation of continuous service only. Previous service will have no affect or bearing on appointment, rank, promotion, or layoff from any department or employment within the City of Euclid.

(. 3) Unused Accumulated Vacation.

The Mayor is hereby authorized to pay any employee for all or part of accumulated but unused vacation provided the particular employee has accumulated the vacation but has been unable to take time off for a period of not less than one (1) year after the vacation time was earned. The Mayor may make said payments with the Director or Chief involved and only upon the written request of the employee. The intent of this section is to compensate those employees who due to the nature and responsibilities of their position have been unable to schedule and enjoy their vacation time off during the twelve (12) months after the vacation was earned. Any prior payments made to compensate employees for accumulated vacation are hereby ratified and approved.

(. 4) Vacations - Duration.

(a) During the first year of employment, vacation will be earned at a rate of 1/6th of a week's vacation for each full month worked, from the employee's date of hire to the common anniversary date of December 31st. Each full-time employee shall be entitled to and shall receive a two (2) week vacation after completion of his or her first full year of service and each year thereafter.

(b) When an employee has completed five (5) years of continuous service, the employee shall be entitled to and receive an annual three (3) week vacation.

(c) When an employee has completed ten (10) years of continuous service, the employee shall be entitled to and receive an annual four (4) week vacation.

(d) An employee hired on or after January 1, 2011, shall be entitled to no more than four (4) weeks of vacation on an annual basis regardless of prior government service.

(e) **An employee hired on or before January 1, 2000, but who has not yet completed fifteen (15) years of continuous service, shall be entitled to and receive a maximum annual five (5) week vacation upon completion of their twentieth (20th) year and thereafter.

(f) **An employee hired prior to January 1, 2011, and with exception as provided in (e), above, who has earned four (4) or more weeks of vacation will maintain, but not increase, that annual vacation accrual for the duration of his or her employment with the City.

**Any employee who was employed by the City of Euclid prior to January 1, 2011, who had not yet attained five (5) or six (6) weeks of vacation time, was capped at four (4) weeks of vacation time. An employee hired on or after January 1, 2011, shall be entitled to no more than four (4) weeks of vacation on an annual basis regardless of prior government service

Hourly paid permanent part-time employees shall accrue vacation time in the same manner as full-time employees, except that the per day hours of vacation pay shall be those part-time hours normally worked by said part-

time employees. Seasonal employees are defined as those who are employed to work for a specific limited period of time, regardless of number of hours worked in one week, shall not be entitled to vacation pay. Permanent part-time employees are defined as one who is scheduled to work fifty-two (52) weeks per calendar year at regular scheduled hours per week which must be in excess of twenty (20) hours.

Vacation shall be taken at a time scheduled and approved by the official to whom the employee reports. Said official shall keep appropriate records of vacation or leave granted.

(. 5) Starting January 1, 2022, employees who were hired before January 1, 2022 with accrued vacation time must use all accrued vacation time in their bank except for two weeks (10 working days) by December 31, 2024. If accrued vacation time is not used by December 31, 2024, the accrued vacation time is lost. Beginning on January 1, 2022, vacation time must be used in the year it is earned except for two weeks (10 working days). The maximum amount of vacation days allowed to accrue will be ten (10) days. Personal holidays earned shall be taken in the year in which the personal holiday is earned. Any accrued vacation in excess of ten (10) days or personal time not used by the end of the year it is earned will be lost and not paid to the employee.

Anyone retiring before December 31, 2024 will only be paid out a maximum amount of vacation time of two (2) years of their vacation time accruals.

(. 6) The Chief of Police, the Executive Officer of the Police Department, Chief of Fire and the Assistant Chief of Fire shall have the option of accumulating all of the vacation eligibility earned in the final three (3) years of employment prior to retirement. Any vacation time accumulated in anticipation of retirement shall be paid in a lump sum payment upon retirement.

(. 7) Advancement of vacation time is permitted only upon written request from the employee with written approval of the Director and only if the advancement occurs no earlier than thirty (30) days prior to the date such vacation time is earned. Advancement of vacation is discretionary with each director and shall only be made for good cause.

(. 8) Vacation accrues on the employee's anniversary date of hire. Employees will be credited with vacation each January 1. However, if the employee separates from service with the City prior to the anniversary date, any used but un-accrued vacation time will be deducted from the employee's final compensation payment. In the event that an employee's separation is due to retirement or a layoff, the employee shall receive any earned but unused vacation time on a pro-rata basis based on the employee's anniversary date of hire.

(. 9) In the event that an employee separates from service with the City with any negative balance of sick, vacation, personal, or holiday hours, the employee must reimburse the City the compensation paid for those hours used.

Section 14: SICK LEAVE.

(. 1) Computation.

Each full-time employee shall be entitled to sick leave of one and one-fourth (1 1/4) work days with pay for each completed month of service. Each full calendar month of service shall be deemed a completed month of service.

(. 2) Unused Sick Leave.

Unused sick leave shall be unlimited in its accumulation.

(. 3) Accumulation of Sick Leave During Authorized Absence.

Employees absent from work on authorized holidays, during sick leave, vacation, disability leave, or on special leave of absence with pay, shall continue to accumulate sick leave at the regularly prescribed rate during such absence as though they were present for duty.

(. 4) Allowance of Sick Leave.

An employee eligible for sick leave with pay may use such sick leave only for absence due to illness, injury, exposure to contagious disease which could be communicated to other employees or illness within the employee's immediate family. Immediate family is defined as spouse, child or parent, including foster parent, stepmother, stepfather, mother-in-law, father-in-law, grandchildren, stepchildren, foster children, sister or brother, sister-in-law and brother-in-law.

(. 5) Minimum Units.

Absence for a fraction or part of a day that is chargeable to sick leave in accordance with these provisions shall be charged proportionately in an amount not smaller than one (1) hour.

(. 6) Required Reports.

Sick leave, with pay, in excess of three (3) consecutive working days, for reasons of illness or injury shall be granted only after presentation of a health care provider's certification of their inability to work on the days claimed, and their ability to safely resume performing all the functions of their position. When sick leave is requested to care for a member of the employee's immediate family, the employee's supervisor may require a physician's statement stating that the presence of the employee is necessary for the care of the ill family member. Falsification of either a written statement or a physician's statement shall be grounds for disciplinary action, including dismissal. Any employee fraudulently obtaining sick leave, or Director or Supervisor falsely certifying a sick leave allowance for absence from work for other reasons, may be disciplined.

(. 7) Sick Leave Credit.

An employee who is laid off from his position may, if reappointed within twelve (12) months, have available for his necessary use any unused sick leave existing at the time of his layoff. Any employee who transfers from one position to another position, or from another public agency in the State of Ohio, shall be credited with the unused balance of his accumulated sick leave, not in excess of the actual limit effective for employees covered by this ordinance provided the time between separation, reappointment or transfer does not exceed ten (10) years.

(. 8) Sick Leave Payout Upon Retirement.

The City shall pay to an employee who retires from service with the City of Euclid, or to the estate of a person so deceased while an employee of the City, a sum in accordance with the following schedule:

Years of Service City of Euclid	Qualified Public Service	Maximum Accumulated Sick Leave Payout
Less than 5 years	Less than 10 years	320 hours
5 or more years but less than 10 years	10 or more years but less than 15 years	480 hours
10 or more years but less than 15 years	15 or more years but less than 20 years	640 hours
15 or more years but less than 20 years	20 or more years but less than 25 years	800 hours
20 or more years	25 or more years	960 hours

The above schedule shall not apply to employees hired on or after January 1, 2005. Employees of the City of Euclid hired on or after January 1, 2005, who retire from service with the City of Euclid will receive payment for accumulated sick leave in an amount not to exceed 240 hours.

Qualifying public service shall include service with the City of Euclid, political subdivisions of the State of Ohio, or service with the State of Ohio. No other government service shall be included in computing qualified public service.

(. 9) Payment of Retirement Sick Leave Payout.

(a) Payment of sick leave payout upon retirement and approval and notification to the City of the retirement from PERS shall be made in accordance with the minimum requirements of Ohio Revised Code Section 124.39.

(b) The rate of pay for sick leave payout shall be the pay rate at the time of the employee's retirement.

(c) The total amount of an employee's sick leave payout is subject to the payout schedule in Section 14.8 of this ordinance.

(d) Sick leave payout may be paid in a lump sum. The Administration may, in its discretion, extend sick leave payouts over a period of twenty-four (24) months according to the following procedure.

1. Upon retirement, the employee shall receive one-fourth (1/4) of the sick leave payout to which the employee is entitled under Section 14.8 of this ordinance.
2. The City shall divide the remaining sick leave payout into four equal payments, payable at six-month intervals. The final payment shall be made no later than twenty-four (24) months after the employee's retirement date.

(. 10) Lump Sum Sick Leave Payout upon Death

Payment of accumulated sick leave to the estate of a person so deceased while an employee of the City shall be in a lump sum and not subject to a payment schedule.

(. 11) Advancement of Sick Time.

Advancement of unearned sick time is prohibited.

Section 15: WORKERS' COMPENSATION WAGE CONTINUATION.

(. 1) Worker's Compensation Offset.

It is the intention of the City that no employee, except as allowed by law, receive more than their regular salary. Any employee absent as the result of a job-related illness or injury and who receives compensation under the Workers' Compensation Law of the State of Ohio shall receive only that portion of his regular salary that, together with the payments received under the Workers' Compensation Law, will equal his regular salary at the time the injury is sustained. The City reserves the right to pay to the injured worker wages in lieu of compensation. The City recognizes that wages in lieu of compensation is not appropriate in every workers' compensation claim and therefore the City's payment of same to the injured worker is the sole option of the City on a claim-by-claim basis. If wages are paid in lieu of compensation, the claim, if allowed, will be processed as either a medical only or lost time claim as if compensation had been paid so there is no prejudice in any regard to the rights of the injured worker. However, the payment of wages in lieu of compensation by the City shall not be construed as an acceptance of the claim by the City and shall not foreclose the City from exercising its right to contest the allowance of the claim. The City shall timely notify the injured worker in writing of the exercise of its option to pay wages in lieu of compensation and, in like manner, of its decision to terminate same.

Any employee receiving compensation under Workers' Compensation who reimburses the City for any amount the City paid, pursuant to this Section, shall not be charged sick leave for any time he/she shall be absent because of such job-related illness or injury.

The City's payment to an employee under this Section shall continue during the time the employee is receiving payments under Workers' Compensation Law, but in no event for more than six (6) months from the date of injury. Thereafter, any employee unable to return to work may, at his option, use his accrued sick and vacation leave. If an employee is unable to return to work or if he/she could demonstrate a need for further leave of absence, the employee is able to apply for FMLA Leave with or without pay. At the completion of the leave, the employee shall be permitted to return to active employment without any loss of seniority.

(. 2) Transitional Duty.

It is the policy of the City to return employees who are temporarily unable to perform the duties of their position due to a work-related injury or work-related illness, and an allowed Bureau of Workers' Compensation Claim, to productive work as soon as possible during their recovery. The City will make a reasonable effort to establish Transitional Duty assignments whenever possible based upon workloads and medical considerations. An employee who is offered Transitional Duty shall be required to accept that offer in order to retain employment with the City.

Section 16: SPECIAL LEAVE.

(. 1) Authorization by Mayor.

The Mayor may authorize special leaves of absence with or without pay for renewable periods not to exceed one year. The employee shall not qualify for medical or other benefits unless specifically requested by the employee and approved by the Mayor.

(. 2) The City Council, upon recommendation of the Mayor, may grant leaves of absence with or without pay in excess of the limitations above for purposes that are deemed beneficial to the City service.

Section 17: BEREAVEMENT LEAVE.

All employees of the City who suffer the loss of immediate members of their family, defined as: spouse, child or parent, including foster parent, stepmother, stepfather, mother-in-law, father-in-law, grandmother, grandfather, grandfather-in-law, grandmother-in-law, grandchildren, step-children, foster children, sister or brother, sister-in-law, and brother-in-law, shall be granted up to three (3) days bereavement leave, provided that the employee was absent for purposes of bereavement. The intent of this section is to allow employees to be with their families during a time of loss. In the event a death occurs on a non-working day, bereavement leave as provided in this section shall begin on the employee's next scheduled working day. The Director having management responsibility with reference to the employee is given authority under extreme circumstances to allow one extra day bereavement leave without charge.

Section 18: ABSENCE WITHOUT LEAVE.

An employee who is absent from duty shall report to his or her supervisor prior to the date of absence, when possible, and in no case later than noon on the first day of absence. All unauthorized and unreported absences shall be considered absence without leave and a deduction of pay shall be made for the period of absence. Such absence may be the ground of disciplinary action.

Section 19: EXPENSES.

(. 1) In the event that an employee uses his personal automobile for business in the interest of the City of Euclid, he or she may be entitled to submit a statement for reimbursement of automobile mileage at the current maximum rate permitted by the Internal Revenue Service (as determined on January of each year), and further, when trips are taken in the interest of the City, the employee shall be entitled to reimbursement for such necessary expense items as are thus incurred. Such reimbursement shall be paid from the City Treasury upon presentation to the Director of Finance by the Mayor, or his/her designee, ~~of an itemized expense list and appropriate evidence of payment~~ verification of the approved trip and payment will be made at per diem rates per the City's travel policy.

~~(.2) City employees may receive reimbursement for allowable expenses incurred while traveling out of the City on official City business. Employees are eligible for expense reimbursement only when travel has been authorized, in writing, by the Mayor or his designee, and with appropriate receipts documenting claims expenses.~~

(.3) For expenses incurred on City business other than when traveling, each employee shall receive reimbursement for reasonable expenditures for meals, refreshments, or other amenities directly related to the performance of that employee's public responsibilities. Such allowable expenditures must be authorized by the Mayor ~~and must be authorized by the Mayor or~~ said employee's respective Director or Chief. No expenditures for alcoholic beverages will be reimbursed by the City.

(.4) Each official designated by the Mayor may be issued a credit card, on behalf of the City, to be used for the purchase of goods, services or materials needed for the benefit of the public.

Section 20: PUBLIC EMPLOYEES RETIREMENT SYSTEM.

(. 1) Contribution to the Public Employees Retirement System shall be paid by the employee and the City in accordance with Section 145.47 and 145.48 of the Ohio Revised Code.

~~(. 2) All employees contributing into the Public Employees Retirement System shall be permitted to incorporate some or all of his or her earned vacation time into said pension fund after completing 25 years of service within the Public Employees Retirement System.~~

~~(.3) The maximum amount of convertible vacation leave per year is the amount the employee earns in one year. Vacation time converted must have been earned in the year that it is converted or the year before.~~

~~(.4) Vacation time is converted on a last in, first out basis, that is, the time being converted is considered to be the vacation time earned most recently. Employees eligible to participate in the conversion of vacation time must notify the Director of Finance in writing by December 15 in order to convert vacation time in the following year.~~

~~(.5) There are no restrictions on the number of times an employee may convert vacation time into the public Employees Retirement System pension fund.~~

Section 21: GROUP LIFE INSURANCE.

Under authority of Section 3917.01 of the Ohio Revised Code, all full-time non-union employees shall be eligible for participation in the City's Group Life Insurance policy. The City shall pay the premiums on coverage so long as the employee remains a full-time employee of the City and continues participation in such group life insurance policy. Retirees may participate in the group life insurance plan provided they pay the costs arising there from.

Section 22: LONGEVITY PAY.

(. 1) All full time employees hired after December 31, 1995, shall not be eligible for longevity pay and shall not be entitled to longevity pay based on prior governmental service.

(. 2) City employees who have earned longevity pay shall retain that salary payment in accordance with the program guidelines in place as of December 31, 2010. An employee's percentage rate will be capped at their percentage rate as of January 1, 2011 for the duration of their employment with the City. Longevity shall be capped at Seven Thousand Five Hundred Dollars (\$7,500.00) per year.

Each full-time employee of the City of Euclid, excluding elected officials, shall receive as additional salary payment in recognition of service or longevity on or about December 23rd of each year, except that in the event an employee of the City retires during any year prior to December 23rd, such employee's longevity pay shall be prorated to the effective date of retirement of that employee for the year of retirement only.

Except as provided above, longevity pay shall be computed on a percentage basis depending on years of service in accordance with the following schedule:

(A)	Five or more years	3.5% of employee's base salary
(B)	Ten or more years	5.0% of employee's base salary
(C)	Fifteen or more years	6.5% of employee's base salary
(D)	Twenty or more years	8.0% of employee's base salary

(. 3) Base Pay Defined.

In order to determine the base pay of any employee for longevity pay, the following formula which is based on the average number of hours each member works, namely 2,080 hours per year, shall be used.

(a) Hourly Paid Employees.

The base hourly rate shall be multiplied by 2,080. No overtime or premium hourly rate shall be used in making this computation.

(b) Bi-Weekly Paid Employees.

The bi-weekly rate shall be divided by 80 and then multiplied by 2,080

(. 4) Interruption of Service.

The Mayor is given authority to determine whether interruptions in service constitute a breach of years of completed service and he may for good cause shown regard certain interruptions as not constituting an interruption in service for longevity pay.

Section 23: HEALTH BENEFITS.

(. 1) Each full-time employee, the Mayor, and the Municipal Court Judge, and all full-time Municipal Court employees shall have the option of participating in a group health insurance plan. The Employer shall have the discretionary authority to choose the insurance carrier. The Mayor will have the authority to establish any contributory rates for employees.

(. 2) Under the group health insurance plan, the employees shall be liable for the payment of any contributory, deductibles and/or co-payments as described in the plan, for properly submitting claims on a timely basis, and for providing all necessary information for the processing of claims.

(. 3) Each full-time employee shall have the option of participating in a group dental plan, on either an individual or family basis, subject to the employees being solely liable for the payment of any deductibles or co-payments required under the plan.

(. 4) Each full-time employee shall have the option of participating in a group vision care plan, on either an individual or family basis, subject to the employees being solely liable for the payment of any deductibles or co-payments required under the plan.

Section 24: PERSONNEL.

Discretion is hereby given to the Mayor as to the number of employees to be hired by the City of Euclid in described positions.

Section 25: BONDS.

(. 1) All employees whose positions are listed in both the described and undescribed sections herein shall be bonded at the expense of the city for faithful performance of duty.

(. 2) Payment of Premiums.

The premiums of all bonds filed by the officers or employees of the City of Euclid shall be paid from the City Treasury.

(. 3) Form of Bond.

The form of bonds shall be approved by the Director of Law and he is hereby given discretion to recommend to the Board of Control for their action a blanket bond, when and if that blanket bond applied to the bonding requirements of the City of Euclid.

(. 4) Surety.

The Mayor shall approve the surety on all bonds except that the Council shall approve the surety on the Mayor's Bond.

Section 26: PERSONNEL MANUAL.

The City of Euclid's Personnel Policies and Procedures Manual is hereby adopted. The Mayor and his/her designee are hereby authorized to amend such manual as necessary.

Section 27: PRIOR ORDINANCES REPEALED.

Ordinances No. 227-1996, 288-1998, 193-2004, 129-2005, 170-2010, 58-2022 and all amendments thereto, and all other prior ordinances which are inconsistent herewith are repealed, as are all other legislative enactments or administrative directives which are inconsistent with provisions herein. Codified Ordinances 131.04, 141.09, and 143.07 remain in full force and effect.

Section 28: 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 of 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 29: That this ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace safety and welfare of the citizens of the City of Euclid and provided it received the two-thirds vote of all members of Council elected thereto, 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:

Mayor

Exhibit "A"

Job Grade	Position Title	Wage Range Per Years of Service/Prior Experience	
		Min	Max
1	Mayor		
2		\$88,000	\$132,000
	Assistant to the Mayor		
	Administrative Director		
	Finance Director		
	Public Service Director		
	Law Director		
	P & D Director		
	Rec Director		
3		\$76,500	\$103,500
	Asst Director, Plan & Dev		
	Asst Director, Public Works		
	Asst Director, Finance		
	Asst Law Director		
	Prosecutor		
	HR Manager		
	Superintendent WWTP		
	Superintendent Public Works		
4		\$61,560	\$79,200
	Senior Center Manager		
	Finance Manager		
	Housing Manager		
	Public Works Manager		
	Rec Center Manager		
	Stormwater Manager		
	Econ Development Manager		
	Planning Manager		
	Community Dev Manager		
	Shore Cultural Manager		
	Sewer Manager		
	Street Manager		
	Fleet Manager		
	Zoning Commissioner		
5		\$55,575	\$71,500
	Tax Administrator		
	Finance/Payroll Administrator		
	IT Administrator		
	Community Policing/Crime Analytics Specialist		
	Communication Administrator		
6		\$43,335	\$58,850
	Weatherization Specialist		
	Accounting Specialist		
	Audio Video Specialist		
	Rec Program Coordinator		
	Zoning Coordinator		
	Activities Coordinator		
	Planning & Dev Coordinator		
	Prosecutor's Office Coordinator		

	Nutrition Supervisor		
	Administrative Assistant I		
7		\$41,040	\$52,800
	Accounts Receivable/Payable Clerk I		
	Tax Clerk I		
	IT Desktop Support		
	Clerk of Council		
	Administrative Assistant II		
8		\$34,200	\$47,300
	Accounting Clerk II		
	Tax Clerk II		
	Administrative Assistant III		
	Property & Evidence Tech		
	Aquatics Supervisor		
	Building Assistant, Shore		
9		\$21,216	\$31,000-35,000
	Animal Control Clerk		
	Receptionist		
	Van Driver		
	Kitchen Aid		
	Seasonal Recreation		
	Intern		
	Crossing Guard		

Ordinance No.

By – Mayor Holzheimer Gail

An ordinance authorizing the Mayor of the City of Euclid to enter into a contract with Moore Counseling and Mediation Services, 22639 Euclid Avenue, Euclid, OH 44117, for the years 2023 and 2024 to assist families in areas of behavioral health, addiction, substance use disorders and more through Euclid Community Connections.

WHEREAS, for the past 20 years, the City of Euclid has connected residents to outside organizations as a way to address quality of life issues that build a healthier and safer community. These have been in the areas of behavioral health, addiction substance abuse disorders, home health needs, transportation needs and more. These residents were identified through internal referrals by the Euclid Police and Fire Departments and the Building and Housing Department and external referrals from area hospitals; and

WHEREAS, while these outside organizations have the ability to assist, there is not a case management component and Euclid Community Connections will provide clinical staff and case workers from Moore Counseling to provide case management; and

WHEREAS, year one, 2023, has a budget of \$221,940.00 and year two, 2024, a budget of \$266,100.00; and

WHEREAS, American Rescue Plan Act (ARPA) funds will be used to cover the cost as this plan fits within ARPA guidelines.

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

Section 1: That the Mayor is authorized to enter into a contract with Moore Counseling and Mediation Services, 22639 Euclid Avenue, Euclid, OH 44117, for the years 2023 and 2024 to assist families in areas of behavioral health, addiction, substance use disorders and more through Euclid Community Connections.

Section 2: Funds to pay for this expenditure shall come from American Rescue Plan Act (ARPA) funds.

Section 3: 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 4: That this ordinance shall be in full force and effect from after it passage and approval; otherwise to 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

Ordinance No.

By - Councilperson McIntosh

An ordinance to make Chapter 1765 "Approving the Right of City Renters to Pay-To-Stay" of the Building and Housing Code of the Codified Ordinances of the City of Euclid, Ohio permanent.

WHEREAS, Ordinance 060-2021 was passed May 3, 2021 enacting Chapter 1765 "Approving the Right to City Renters to Pay-To-Stay" of the Building and Housing Code of the Codified Ordinances of the City of Euclid, Ohio but only until December 31, 2022; and

WHEREAS, when Ordinance 060-2021 was passed, the State of Ohio, the County of Cuyahoga, and the City of Euclid were experiencing a public health crisis from the COVID-19 pandemic that created lasting impacts on residents and the economy, including but not limited to, leaving residential tenants vulnerable to evictions; and

WHEREAS, by enacting Chapter 1765, according the Euclid Municipal Court, five (5) eviction cases have been resolved with the pay to stay option, allowing residential rental tenants who were behind in rent to "pay and stay"; and

WHEREAS, while this was not a huge impact, it has been proven helpful to the few that took advantage of it and Chapter 1765 will be a tangible policy tool for those facing eviction.

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

Section 1. That Chapter 1765 "Approving the Right of City Renters to Pay-To-Stay" of the Building and Housing Code of the Codified Ordinances of the City of Euclid, is hereby made permanent.

Section 3: 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 4: That this ordinance shall be in full force and effect from after it passage and approval; otherwise to 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

Ordinance No.

By- Councilpersons Mancuso, Jarosz, McIntosh, Tanner and Tolton

An ordinance repealing and replacing Euclid Codified Ordinances Section 375.03 "Code Application; Prohibited Operations" of Chapter 375 "Snowmobiles, Off-Highway Motorcycles and All-Purpose Vehicles" of the Traffic Code of the Codified Ordinances of the City of Euclid to prohibit the operation of these vehicles on city streets.

WHEREAS, the proliferation of unreasonably loud and disruptive recreational operations of ATV type vehicles has become a more common and dangerous activity taking place on the public streets in the City of Euclid; and

WHEREAS, the operation of these vehicles is an issue for many inner ring suburbs; and

WHEREAS, these recreational vehicles are more appropriate for operations on private property and in areas with more space and no pedestrians or vehicular traffic; and

WHEREAS, our code needs to be amended to prohibit the operation of these recreational vehicles on city streets.

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

Section 1: That Section 375.03 "Code Application; Prohibited Operations" of Chapter 375 "Snowmobiles, Off-Highway Motorcycles and All-Purpose Vehicles" of the Traffic Code of the Codified Ordinances of the City of Euclid be and the same is hereby repealed and replaced as follows:

375.03 CODE APPLICATION; PROHIBITED OPERATION.

~~(a) The applicable provisions of this Traffic Code shall be applied to the operation of snowmobiles, off-highway motorcycles, and all-purpose vehicles, except that no snowmobile, off-highway motorcycle, or all-purpose vehicle shall be operated as follows:~~

~~(1) On any street, highway, limited-access highway or freeway or the right-of-way thereof, except for emergency travel only during such time and in such manner as the Ohio Director of Public Safety or local authority having jurisdiction shall designate, and except as provided in Section 345.04;~~

~~(2) On any private property, or in any nursery or planting area, without the permission of the owner or other person having the right to possession of the property;~~

~~(3) On any land or waters controlled by the State, except at those locations where a sign has been posted permitting such operation;~~

~~(4) On the tracks or right-of-way of any operating railroad;~~

~~(5) While transporting any firearm, bow or other implement for hunting that is not unloaded and securely encased;~~

~~(6) For the purpose of chasing, pursuing, capturing or killing any animal or wild fowl; or~~

~~(7) During the time from sunset to sunrise, unless displaying lighted lights as required by Ohio R.C. 4519.20 or a substantially equivalent municipal ordinance.~~

~~{ORC 4519.40}~~

~~(8) Upon any property owned or leased by the City;~~

~~(9) Upon or within ten feet of any public thoroughfare within the City;~~

~~(10) Between the hours of 10:00 p.m. and 7:00 a.m.~~

~~(b) Whoever violates this section is guilty of a misdemeanor of the third degree.~~

(a) The applicable provisions of this Traffic Code shall be applied to the operation of snowmobiles, off-highway motorcycle/dirt bike, and all-purpose vehicles/ ATV type vehicles except that no snowmobile, off-highway motorcycle/dirt bike and all-purpose vehicle/ ATV type vehicle shall be operated:

(1) On any public space, street or highway within the City of Euclid.

(2) On any private property without permission of the owner or person having the right to possession of the property. Operation on private property cannot be within 50 feet of any sidewalk, street or highway or another residence other than that of the vehicle owner. Hours of operation on private property shall be prohibited between 8:00 pm and 9:00 am.

(3) To park, stand or stop a snowmobile, off highway motorcycle/dirt bike, and all-purpose vehicle/ ATV type vehicle on public property, public space, street or highway within the City of Euclid.

(4) On the tracks or right of way of any operating railroad.

(b) Section (a) of this subsection shall not apply to a person who is in the process of immediately loading a snowmobile, off-highway motorcycle/ dirt bike, or all-purpose vehicle/ATV type vehicle to another jurisdiction or private property within the City of Euclid.

(c) A law enforcement officer may impound a snowmobile, off-highway motorcycle/dirt bike, or all-purpose vehicle/ATV type vehicle when:

- (1) The identity of the operator is unknown.
- (2) The operator has no proof of consent from the owner of the land to operate on private property.
- (3) The operator is in violation of any provision of this ordinance.
- (4) There is an accident resulting in property damage, injury or death that occurs while operated in violation of this ordinance.
- (5) Impoundment as required as evidence of a crime.

Section 2: That Section 375.03 "Code Application; Prohibited Operations" of Chapter 375 "Snowmobiles, Off-Highway Motorcycles and All-Purpose Vehicles" of the Traffic Code of the Codified Ordinances of the City of Euclid be and the same is hereby repealed and replaced.

Section 3: 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 4: 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