

**AGENDA
EUCLID CITY COUNCIL MEETING
MONDAY, DECEMBER 5, 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:

- November 7, 2022

ADMINISTRATION REPORTS & COMMUNICATIONS:

COMMITTEE DOCUMENTATION:

- Board of Control – November 14, 2022 & November 21, 2022

COMMITTEE OF THE WHOLE FOR LEGISLATIVE MATTERS ONLY

ACTION	LEGISLATION	PROPOSED
	<p>1. An emergency ordinance amending Ordinance No. 132-2022 to change the funding source from 310 Capital Improvement Fund to the 510 Water Reclamation account, 510-571-53103 (Vehicle/Equipment Parts), for the purchase of one (1) PipeHunter 44418 Single Axle Jet Trailer for use in the Streets and Sewers Department in an amount not to exceed \$75,618.75. (Sponsored by Councilperson Wojtila by request of the Director of Public Service)</p> <p>Comment: This would correct the funding source for Ordinance No. 132-2022.</p>	<p>Ord. (145-22)</p>
	<p>2. An ordinance authorizing the sale of Permanent Parcel Number 641-27-094, vacant land at 21531 Miller Avenue, from the Euclid Land Bank, to Jeanine Nemecek for the amount of One Dollar (\$1.00) as authorized by Ordinance Nos. 98-2010 and 101-2011. (Sponsored by Planning and Zoning)</p> <p>Comment: This will approve the sale of a landbank lot.</p>	<p>Ord. (140-22)</p>
	<p>3. A resolution granting a Conditional Use Permit pursuant to Section 1359.03(d)(4) of the Codified Ordinances of the City of Euclid, to Serita Clay to operate a daycare facility at 25811 Euclid Avenue in a U4-Local Retail Use District, Permanent Parcel 648-22-001. (Sponsored by Planning and Zoning)</p> <p>Comment: This will approve a conditional use permit of a daycare facility.</p>	<p>Res. (141-22)</p>

4. A resolution approving the fiscal year 2023 Entitlement Year Proposed Budget, to be incorporated into the Annual Action Plan under the Community Development Block Grant (CDBG) Program of the United States Department of Housing and Urban Development (HUD) as recommended by the Citizens' Advisory Committee of the City of Euclid and authorizing the Mayor to submit said Annual Action Plan to HUD. (Sponsored by Mayor Holzheimer Gail and Councilperson Tolton)

Res.
(142-22)

Comment: This would approve 2023 Entitlement Year Proposed Budget to be incorporated into the Annual Action Plan for CDBG.

5. A resolution authorizing the Mayor of the City of Euclid, or her designee, to apply, accept and expend Cuyahoga County Supplemental Grant (CDSG) Program funds in an amount up to Fifty Thousand Dollars and 00/100 Dollars (\$50,000.00) for the purpose of Playground Improvements at Heritage Park (the "Project") in the City of Euclid. (Sponsored by Mayor Holzheimer Gail and Councilperson Tanner)

Res.
(143-22)

Comment: This would allow a grant application and expenditure for Heritage Park playground.

**First
Reading**

6. An ordinance enacting Chapter 768 "Video Surveillance Systems for Apartment Complexes" of the Business Regulation and Taxation Code of the Codified Ordinances of the City of Euclid to require apartment complexes to install video surveillance systems and provide access to the Euclid Police Department. (Sponsored by Mayor Holzheimer Gail) (To be referred to Safety Committee)

Ord.
(144-22)

Comment: This new chapter would require video surveillance systems for apartment complexes with 50 or more units.

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

Ordinance No.

By – Councilperson Wojtila (by request)

An emergency ordinance amending Ordinance No. 132-2022 to change the funding source from 310 Capital Improvement Fund to the 510 Water Reclamation account, 510-571-53103 (Vehicle/Equipment Parts), for the purchase of one (1) PipeHunter 44418 Single Axle Jet Trailer for use in the Streets and Sewers Department in an amount not to exceed \$75,618.75

WHEREAS, Ordinance No. 132-2022 was passed on November 21, 2022 to approve the purchase but the fund number was incorrect; and

WHEREAS, the correct fund for this expenditure is from the 510 Water Reclamation account, 510-571-53103 (Vehicle/Equipment Parts) and not the 310 Capital Improvement Fund indicated in Section 1 of Ordinance No. 132-2022; and

WHEREAS, this ordinance is hereby declared to be an emergency in that it provides for the daily operation of a municipal department and in order to encumber the funds and create the order for purchase in a timely manner.

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

Section 1: That Ordinance No. 132-2022 is hereby amended to correct the fund for the expenditure from 310 Capital Improvement Fund to the 510 Water Reclamation account, 510-571-53103 (Vehicle/Equipment Parts), for the purchase of one (1) PipeHunter 44418 Single Axle Jet Trailer for use in the Streets and Sewers Department in an amount not to exceed \$75,618.75.

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:

Mayor

Ordinance No.

By – Planning and Zoning Commission

An ordinance authorizing the sale of Permanent Parcel Number 641-27-094, vacant land at 21531 Miller Avenue, from the Euclid Land Bank, to Jeanine Nemecek 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, at its meeting on November 15, 2022, the Planning and Zoning Commission recommended approval of the sale of Permanent Parcel Number 641-27-094, vacant land, from the Euclid Land Bank to Jeanine Nemecek for the amount of One Dollar (\$1.00); and

WHEREAS, Jeanine Nemecek owns the adjacent property, Permanent Parcel Number 641-27-061, and desires to purchase the 641-27-094 parcel for property expansion and development; and

WHEREAS, in accordance with the Euclid Land Bank Disposition Policies, lots over 5,000 square feet that will be improved upon 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, a condition of the sale requires that the consolidation plat of Permanent Parcel Numbers 641-27-061 with the 641-27-094 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 641-27-094, vacant land at 21531 Miller Avenue, from the Euclid Land Bank to Jeanine Nemecek for the amount of One Dollar (\$1.00) with the condition the consolidation plat of Permanent Parcel Number 641-27-061 with the 641-27-094 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

Resolution No.

By – Planning and Zoning Commission

A resolution granting a Conditional Use Permit pursuant to Section 1359.03(d)(4) of the Codified Ordinances of the City of Euclid, to Serita Clay to operate an adult daycare facility at 25811 Euclid Avenue in a U4-Local Retail Use District, Permanent Parcel 648-22-001.

WHEREAS, at its meeting on November 15, 2022, the Planning and Zoning Commission approved the Conditional Use Permit to Serita Clay to operate an adult daycare facility at 25811 Euclid Avenue; and

WHEREAS, pursuant to Section 1359.03(d)(4) of the Codified Ordinances of the City of Euclid, a Conditional Use Permit shall be subject to the approval by the Council of the City of Euclid; and

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

Section 1: That Council hereby grants a Conditional Use Permit to Section 1359.03(d)(4) of the Codified Ordinances of the City of Euclid, to Serita Clay to operate an adult daycare facility at 25811 Euclid Avenue, in a U4-Local Retail Use District, Permanent Parcel 648-22-001.

Section 2: 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 3: That this resolution shall take immediate effect.

Attest:

Clerk of Council

President of Council

Passed:

Approved:

Mayor

Resolution No.

By: Mayor Holzheimer Gail and Councilperson Tolton

A resolution approving the fiscal year 2023 Entitlement Year Proposed Budget, to be incorporated into the Annual Action Plan under the Community Development Block Grant (CDBG) Program of the United States Department of Housing and Urban Development (HUD) as recommended by the Citizens' Advisory Committee of the City of Euclid and authorizing the Mayor to submit said Annual Action Plan to HUD.

WHEREAS, the City of Euclid is projected to receive an allocation of One Million Twenty-Seven Thousand and 00/100 Dollars (\$1,027,000.00) from the Community Development Block Grant Program (CDBG) of the United States Department of Housing and Urban Development (HUD) in fiscal year 2023; and

WHEREAS, the Citizens' Advisory Committee (CAC) of the City of Euclid, a volunteer resident committee appointed by the Mayor to determine the needs of the community that can be addressed through the Community Development Block Grant (CDBG) Program, has designated programs which relate to those needs and allocated funds to accomplish these programs; and

WHEREAS, the recommendations of the CAC took into account public input and represent a sincere effort to meet the primary National Objectives of CDBG; namely, the provision of decent housing, a suitable living environment and expanded economic opportunities, principally as a direct benefit for residents of low- to moderate- income status; and

WHEREAS, the recommendations of the CAC provide improved planning which coordinates housing assistance and Community Development programs and encourages a comprehensive approach to addressing housing, economic development, slums and blighted conditions; and

WHEREAS, the Annual Action Plan for the fiscal year 2023 Entitlement Year is underway and will be consistent with the goals and objectives of the City of Euclid's Five-Year Consolidated Plan and will reflect an effort to prudently use available federal funds.

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

Section 1: That this Council does hereby approve the Proposed Budget, which will be included in the Annual Action Plan for the fiscal year 2023 Entitlement Year under the Community Development Block Grant (CDBG) Program of the United States Department of Housing and Urban Development (HUD) and authorizes the Mayor to submit said Annual Action Plan to the United States Department of Housing and Urban Development upon completion.

Section 2: That the Mayor is hereby authorized to act in connection with the submission of the Annual Action Plan for the fiscal year 2023 Entitlement Year, to provide such additional information as may be required and to enter into any and all agreements necessary to accept and expend funds for the programs contained in the Annual Action Plan for the fiscal year 2023 Entitlement Year, including contracts with agencies that will perform Fair Housing activities, and the Housing Development/Community Development Corporation services with such contracts to be approved in amount and Vendor/Sub-recipient by the City of Euclid Board of Control.

Section 3: A copy of the Annual Action Plan for the fiscal year 2023 Entitlement Year will be made available for Public Comment in early 2023 by the City of Euclid Department of Planning and Development, before submission to HUD.

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 that resulted in such formal action were, in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 5: That this resolution shall take immediate effect.

Attest:

Clerk of Council

President of Council

Passed:

Approved:

Mayor

Resolution No.

By – Mayor Holzheimer Gail and Councilperson Tanner

A resolution authorizing the Mayor of the City of Euclid, or her designee, to apply, accept and expend Cuyahoga County Supplemental Grant (CDSG) Program funds in an amount up to Fifty Thousand Dollars and 00/100 Dollars (\$50,000.00) for the purpose of Playground Improvements at Heritage Park (the "Project") in the City of Euclid.

WHEREAS, Cuyahoga County has made One Million Dollars and 00/100 Dollars (\$1,000,000.00) of Casino Revenue Funds available to local municipalities and community development organizations in the form of a competitive grant that seeks to strengthen cities, encourage regional collaboration and improve quality of life for county residents; and

WHEREAS, CDSG funds must meet a community development need related to the health and/or welfare of the community. Funds can only be used toward "hard costs" such as construction and require a 100% match per dollar awarded; and

WHEREAS, a successful award will allow the City to advance implementation of enhancing existing neighborhood parks, as recommended in the 2018 Master Plan, ensuring the safety of playgrounds, visibility from the street, access to facilities, and updated design standards for new playgrounds; and

WHEREAS, the Project includes the replacement of a playground facility at Heritage Park, on E. 193rd Street, between Euclid Avenue and Roseland Avenue;

WHEREAS, the Cuyahoga County Supplemental Grant Program and Project has been discussed in a public hearing on November 17, 2022 at Euclid City Hall, to solicit feedback from Euclid residents and stakeholders about ideas for potential community projects to be consistent with the City's Master Plan; and

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

Section 1: That the Mayor of the City of Euclid, or her designee, is hereby authorized to apply, accept and expend Cuyahoga County Supplemental Grant Program funds in an amount up to Fifty Thousand Dollars and Zero Cents (\$50,000.00) to support the Playground Improvements at Heritage Park in the City of Euclid. The funding match for the project will be supported using the City of Euclid's annual projected Community Development Block Grant (CDBG) Entitlement Funding for 2023.

Section 2: That this Council does hereby authorize the Mayor, or her designee, to execute any and all documents necessary to submit an application to the Cuyahoga County Supplemental Grant Program.

Section 3: That the Mayor or her designee is hereby authorized to take all actions and to enter into all agreements necessary for the obligation and expenditure of funds from the Cuyahoga County Supplemental Grant Program, including the execution of a grant agreement with Cuyahoga County 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 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 that resulted in such formal action were, in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 5: That this resolution shall take immediate effect.

Attest:

Clerk of Council

President of Council

Passed:

Approved:

Mayor

Ordinance No.

By- Mayor Holzheimer Gail

An ordinance enacting Chapter 768 "Video Surveillance Systems for Apartment Complexes" of the Business Regulation and Taxation Code of the Codified Ordinances of the City of Euclid to require apartment complexes to install video surveillance systems and provide access to the Euclid Police Department.

WHEREAS, the Chief of Police has recommended that the City of Euclid enact legislation requiring video surveillance for apartment complexes to enhance the safety and welfare of the community and assist the City in providing effective policing to the citizens of Euclid;

WHEREAS, with an increase in crimes and vehicle thefts, security and surveillance cameras would be helpful in preventing and solving crimes; and

WHEREAS, surveillance cameras would be mandated at building entrances and exits and in parking lots; and

WHEREAS, neighboring City of Richmond Heights implemented this ordinance a year ago and it has been helpful to that police department in solving crimes.

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

Section 1: That Chapter 768 "Video Surveillance Systems for Apartment Complexes" of the Business Regulation and Taxation Code of the Codified Ordinances of the City of Euclid be and the same is hereby enacted to read as follows:

CHAPTER 768

VIDEO SURVEILLANCE SYSTEMS FOR APARTMENT COMPLEXES

768.01 Video Surveillance Systems required for Apartment Complexes.

768.02 Access to video.

768.03 Minimum technological standards.

768.04 Minimum coverage standards, site assessment, signage.

768.05 Inspections.

768.06 Enforcement; civil penalties.

768.07 Exemptions.

768.08 Appeal process.

768.09 Severability.

787.01 VIDEO SURVEILLANCE SYSTEMS REQUIRED FOR APARTMENT COMPLEXES.

Every apartment complex in the City is required to install a video surveillance system. For the purposes of this chapter, "apartment complex" shall mean any building or group of buildings comprised of fifty (50) or more individual rental units. Any apartment complex which installed surveillance systems prior to the effective date of this chapter must ensure the systems are in full compliance with this chapter. Video surveillance systems shall be in operation twenty-four (24) hours a day, seven (7) days a week, and shall meet the minimum technological standards established in this chapter.

787.02 ACCESS TO VIDEO.

If a crime occurs on the complex property, the owner or management shall provide access to the video containing the recorded event to the Euclid Police Department. The apartment complex shall retain the continuous digital images recorded by its system(s) for not less than thirty (30) days. The owner or management shall also provide an emergency contact telephone number for use by the Euclid Police Department.

787.03 MINIMUM TECHNOLOGICAL STANDARDS.

The video surveillance system must be capable of delineating on playback of the system the activity and physical features of persons or areas within the premises and must be able to record such images on a form of media as approved by the Euclid Police Department upon inspection thereof. The Euclid Police Department shall review the video surveillance system standards annually to ensure that they are consistent with current technology. If the

video surveillance system is web-enabled or has wireless capability, the Euclid Police Department shall be provided the ability to access the live system upon initiation by the apartment complex during incidents requiring a police response or intervention.

787.04 MINIMUM COVERAGE STANDARDS, SITE ASSESSMENT, SIGNAGE.

The video surveillance system shall have, at a minimum, a camera at each exterior entrance and exit positioned to capture faces of people entering and exiting. Cameras must also be placed at entrances and exits of parking lots. The placement of cameras included in video surveillance systems required under this chapter must be approved by the Euclid Police Department. The Euclid Police Department, or their IT Department designees, will conduct an assessment of video surveillance systems at each site required to install a video surveillance system, and upon approval of the installation, will issue an approval notice which will be placed in plain view inside the premises. This approval notice will also inform residents and visitors of the existence of the video surveillance system.

787.05 INSPECTIONS.

The video surveillance system shall be subject to regular inspection by the Euclid Police Department, which shall be authorized to inspect at all reasonable times any video surveillance system to determine if the system conforms with this chapter and regulations adopted by Council resolution. If the video surveillance system does not so conform the apartment complex owner must take immediate steps to bring the system into conformance.

787.06 ENFORCEMENT; CIVIL PENALTIES.

(a) Apartment complexes subject to the mandatory requirements of this chapter shall have six (6) months from the effective date of this chapter to comply with the regulations set forth in this chapter.

(b) The violation of any provision of this chapter by any owner or management of an apartment complex subject to this chapter shall result in a notice of violation from the Euclid Police Department. The Euclid Police Department is authorized to investigate all alleged violations. Violators shall have thirty (30) days after receipt of the notice to provide proof of compliance to the Euclid Police Department. If the violation continues after the thirty (30)-day period, the Chief of Police or his/her designee shall issue a citation against the violator and the violator shall pay a fine in the amount of five hundred dollars (\$500.00).

(c) In addition to the foregoing, the violation of any provision of this chapter shall be and is hereby declared to be a public nuisance and contrary to the public interest and shall, at the discretion of the City, create a cause of action for injunctive relief.

(d) For purposes of this chapter, each day that a violation continues shall be a separate violation.

787.07 EXEMPTIONS.

An apartment complex which is required to install a video surveillance system may, on an annual basis, apply to the Euclid Police Department for an exemption from the provisions of this chapter. The Chief of Police or his/her designee may exempt an apartment complex for a period of twelve (12) months if the Chief of Police or his/her designee finds that the apartment complex has or will undertake alternate security procedures which are substantially equal to or more effective in preventing criminal activity and in assisting in the apprehension of the perpetrators of crime or for the protection of residents and the community. The Chief of Police may also authorize alternate procedures on an experimental basis. Such an exemption shall carry a maximum duration of twelve (12) months, and an owner or management must reapply for an exemption at the end of the exemption period or bring the system into conformance with this chapter. The Chief of Police may also authorize temporary extensions of time for installation when an apartment complex owner or management demonstrates that it is temporarily unable to comply for good cause shown.

787.08 APPEAL PROCESS.

(a) Any apartment complex found to be in violation of this chapter by the Chief of Police or his/her designee shall have the right to a hearing before the Planning and Zoning Commission.

(b) The Chief of Police or his/her designee shall give the applicant written notice of the violation. The notice shall set forth the grounds for the violation, and shall inform the owner or management of the apartment complex that he/she has ten (10) days from the date of mailing of the notice to file a written request for a hearing before the Planning and Zoning Commission.

(c) Within ten (10) days of mailing of the written notice of violation by the Chief of Police or his/her designee, the owner or management of the apartment complex may appeal by requesting a hearing before the Planning and Zoning Commission. Such a request must be made in writing and must set forth the specific grounds for the appeal. If the owner or management of the apartment complex files a timely request for a hearing, the Planning and Zoning Commission shall set a time and place for the hearing at their next regularly scheduled meeting. All parties involved shall have the right to offer testimonial, documentary and tangible evidence bearing on the issues, to be represented by counsel, and to confront and cross-examine any witness against them. The decision of the Planning and Zoning Commission as to whether there was a violation of this chapter shall be in writing, is final and shall be rendered at the conclusion of the hearing.

787.09 SEVERABILITY.

If any section, subsection, sentence, clause or phrase of this chapter is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this chapter.

Section 2: That Chapter 768 "Video Surveillance Systems for Apartment Complexes" of the Business Regulation and Taxation Code of the Codified Ordinances of the City of Euclid be and the same is hereby enacted.

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