

REGULAR MEETING OF SOUTH EUCLID CITY COUNCIL

Council President David Miller called the meeting to order and the Pledge of Allegiance was recited.

Roll Call

Present: Fiorelli, Gelfand, Goodman, Gray, Icové, Romeo, Miller (7)

Absent: None

Staff: Benjamin, Blackley, Filippo, Kowalczyk, Lograsso, Martines, Nietert, Martin, Anderson, Love, Huston

Approval of Minutes: January 23, 2012

Following discussion, It was moved by Goodman, seconded by Fiorelli, that the Minutes of the January 23, 2012 Meeting of City Council be passed.

Roll Call:

Ayes: Fiorelli, Gelfand, Goodman, Gray, Icové, Romeo, Miller.

Nays: None.

Abstain: None.

Absent: None.

The minutes have been approved.

Amend the Agenda to Include Ord. 04-12

Following discussion, It was moved by Fiorelli, seconded by Icové, that agenda be amended to include Ord. 04-12.

Roll Call:

Ayes: Fiorelli, Gelfand, Goodman, Gray, Icové, Romeo, Miller.

Nays: None.

Abstain: None.

Absent: None.

The Agenda has been amended.

Opening Meeting of Council:

President Miller called the Open Meeting of Council to order and invited the audience to address Council:

- David Furry, 3867 West 226, in Fairview Park, spoke in reference to Ordinance 39-12 regarding the proposed Ordinance confirming the Law Director. Mr. Furry also asked about the involvement of Coral Company as part of the DeVille Cedar Center project.
- William McLaughlin, 4286 Elmwood Road, stated that there are several homes that have not plowed their sidewalks in specifications with the City's laws following the snowstorm. Mr. McLaughlin asked about Resolution 06-12 regarding the Local Government Innovation Fund and its relationship with other county programs discussing mergers and collaborations. Director Benjamin responded.
- Howard Senkfor, 1376 Plainfield Road, stated that he is a trustee with the South Euclid Youth Softball and Baseball Organization and reported that last year over 55 sponsors that supported the League including many public officials. Mr. Senkfor handed out plaques to recognize the South Euclid Firefighter's Association, South Euclid Fraternal Order of Police, Judge Gayle Williams Byers, Former Councilman Tony Caroscio, Councilman Moe Romeo, Mayor Georgine Welo, Council President David Miller, Councilman Ed Icové, Councilman Dennis Fiorelli, former Prosecutor Mary Riley Casa, and Councilwoman Jane Goodman.
- Stephanie Rhine, 5165 Kneale in Lyndhurst, stated that she is a member of the South Euclid Lyndhurst Board of Education and reported that she is in her second term and beginning her second year as President of the School Board. Ms. Rhine highlighted many achievements by South Euclid Lyndhurst Students including 6 student athletes who have signed letter of intents with colleges – the most ever in the School District's history. Ms. Rhine reported on the search for the new superintendent and reported on the focus groups have been completed and a community stakeholder interview committee will be formed to interview prospective candidates. Ms. Rhine also reported that a collaborative grant was received by the Schools and the South Euclid and Lyndhurst Police Departments to provide for the purchase and installation of security cameras and equipment.
- Linda Pagon, 684 Parkside Blvd., requested that if the City moves towards automated trash and recycling, that the City send out at least one mailing on the new recycling and trash pickup procedures. Ms. Pagon also discussed some concerns about the trash vehicles and how their weight affects the roads. Ms. Pagon also stated her opposition to the proposed overnight parking legislation and believes that it could lead to more crime.

- President Miller recognized Councilman Singh, a councilman from Woodmere who was in attendance.

Report of Council Committees:

Committee of the Whole

President Miller reported that the Committee of the Whole met earlier in the evening to discuss proposed Ordinance 39-11 regarding the confirmation of the appointment of the Law Director. Several suggestions were made at the meeting and Councilperson Ilove will revise the legislation for continuing discussion and review.

President Miller also reported that the monthly Committee of the Whole to review monthly finances. Miller stated that income tax revenue was up \$12,000 in January, however overall revenue is down \$400,000 from last January. President Miller stated that budget hearing will be held on February 22, 23 and 28. Beginning at 6 pm.

LEGISLATION REQUESTED BY THE PLANNING COMMISSION

Introduced by Miller

Ordinance 02-12

ORDINANCE

CREATING A ZONING TEXT AMENDMENT TO SECTION 761.04 OF TITLE SIX OF PART SEVEN "THE PLANNING AND ZONING CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO. FIRST READING.

The legislation was referred to the planning commission.

LEGISLATION REQUESTED BY CITY COUNCIL

Introduced by Miller

Resolution 13-12

RESOLUTION

A RESOLUTION OF THE COUNCIL OF THE CITY OF SOUTH EUCLID DECLARING THE PUBLIC EMPLOYMENT OF COUNCILMAN-AT-LARGE MARTY GELFAND COMPATIBLE WITH ARTICLE II, SECTION 2 OF THE CHARTER OF THE CITY OF SOUTH EUCLID. FIRST READING.

It was moved by Miller, seconded by Gelfand, that Resolution 13-12 be passed.

- Councilperson Fiorelli stated that he believed that Councilperson Gelfand's employment with Congressman Kucinich's office posed a conflict with his duties as a member of City Council as outlined in the City Charter. And Councilperson Fiorelli outlined several instances from Councilperson Gelfand's campaign literature and Facebook page that he believes pose a conflict with his Council position.
- Councilperson Goodman stated that she served on the Charter Commission that made changes allowing for Councilmembers to have public employment, and stated that working for another governmental agency does not in and of itself create a conflict and that voters knew during the election of Mr. Gelfand's employment, and that the city faced a similar situation when they passed legislation needing to approve Councilperson Gray's potential employment with another city.
- Council President Miller asked Law Director Lograsso to outline the section of the Charter pertaining to the matter.
- Councilperson Ilove requested that the matter be placed on first reading to get more information on the matter. Council President Miller stated that a motion was already on the table for discussion. Councilperson Ilove stated that he believes that the new motion supersedes the original motion.
- Councilperson Gray gave an overview of her public employment and that she believed this process should have taken place immediately after Councilperson Gelfand was elected and prior to being sworn-in, and that it's wrong to go through the process now because it hurts the City and the elected person. Ms. Gray stated that she would like the issue voted on tonight and that she will support the position that Councilperson Gelfand's employment is not incompatible.
- Councilperson Ilove stated that based on Councilperson Gray's comments and rationale, he withdraws his motion to place the legislation on first reading.
- Councilperson Romeo stated that Council did request and received information from Councilperson Gelfand regarding his employment.
- Councilperson Miller stated that he does not believe there is a conflict and that the charter issue is a learning process for everyone and that we have a lot of things to do to move the City forward.
- Councilperson Fiorelli stated that he still believes that there is a conflict, but that the issue for him is not personal.
- Councilperson Goodman stated that there are remedies in the process that would preclude conflicts such as recusing and abstaining from voting or making decisions on potential matters of conflict.

- Councilperson Gray asked if the Law Director had an opinion on the matter. Mr. Lograsso stated that based on his discussion with Councilperson Gelfand, he personally believes that his employment is not in conflict with his Council Position, however, per the Charter this is a matter that must be decided by Council. Mr. Lograsso also stated that Councilperson Gelfand has several ethical constraints that he has to deal with that serve as a safety valve including ethics codes and policies as an attorney and as an employee with the Congressman Kucinich's office.
- Council President Miller submitted a letter for the record from Carol Dixon, from the United States House Committee on Ethics, determining that there is no conflict and outlining precautions that should be undertaken by Mr. Gelfand.
- Councilperson Gelfand thanked those who spoke in support of him and also thanked Councilperson Fiorelli for raising issues of concern. Councilperson Gelfand stated that all the information that Councilperson Fiorelli raised was in all of his campaign literature and that he is proud of his role in helping the communities he has served in his role with Congressman Kucinich. Mr. Gelfand stated that all of these things are part of the record and none of them happened when he was a member of City Council. Mr. Gelfand stated that now that he is a Council Member he will take all necessary steps to make sure that there are no conflicts with issues that are a part of his employment.

Roll Call:**Ayes:** Gelfand, Goodman, Gray, Icovc, Romeo, Miller.**Nays:** Fiorelli.**Abstain:** None.**Absent:** None.

The Legislation has Passed.

Mayor's Report:

- **Building Commissioner Kowalczyk:** Requested Council Consideration for Ord. 03-12 related to a new job classification, which will result in new efficiencies, but will not add additional employees to the department.
- **Housing Manager Martin:** Requested Council consideration of Res. 09-12 regarding bidding for projects related to the Green Neighborhoods Initiative.
- **Economic Development Coordinator Love:** Requested Council consideration of Resolution 10-12 to advertise for bids the sale of a parcel of property at 1515 Warrensville Center Road.
- **Police Chief Nietert:** Requested Council consideration of Res. 06-12 to apply for a grant for a feasibility study looking at regionalizing police, fire and EMS dispatch 5 for five cities. Chief Nietert reported that the next Community Shred Day will be held on May 19.
- **Community Services Director Benjamin:** Requested Council Consideration of Resolution 12-12 regarding the Community Recycling Grant.

Legislation Requested by the Administration

Introduced by Miller

Resolution 06-12

RESOLUTION

AUTHORIZING THE MAYOR TO PREPARE AND FILE A GRANT APPLICATION THROUGH THE OHIO LOCAL GOVERNMENT INNOVATION FUND WHICH SEEKS TO PROMOTE EFFICIENCY, COLLABORATION, MERGER, AND SHARED SERVICES AMONG LOCAL GOVERNMENTS. FIRST READING.

Following discussion, It was moved by Romeo, seconded by Goodman, that Resolution 06-12 be passed.

Roll Call:**Ayes:** Fiorelli, Gelfand, Goodman, Gray, Icovc, Romeo, Miller.**Nays:** None.**Abstain:** None.**Absent:** None.

The Legislation has Passed Unanimously.

Introduced by Miller

Resolution 07-12

RESOLUTION

AUTHORIZING THE MAYOR TO ADVERTISE FOR BIDS FOR RUBBISH REMOVAL AND A BID ALTERNATE FOR RECYCLING FOR THE CITY OF SOUTH EUCLID, OHIO; AND DECLARING AN EMERGENCY. FIRST READING.

Following discussion, It was moved by Fiorelli, seconded by Romeo, that Resolution 07-12 be passed.

Roll Call:**Ayes:** Fiorelli, Gelfand, Goodman, Gray, Icovc, Romeo, Miller.**Nays:** None.

Abstain: None.

Absent: None.

The Legislation has Passed Unanimously.

Introduced by Miller

Resolution 08-12

RESOLUTION

AUTHORIZING THE MAYOR TO PURCHASE A REPLACEMENT RESCUE SQUAD FROM OHIO STATE BID FOR THE FIRE DEPARTMENT IN THE CITY OF SOUTH EUCLID, OHIO; AND DECLARING AN EMERGENCY. FIRST READING.

Following discussion, It was moved by Gray, seconded by Goodman, that Resolution 08-12 be passed.

Ayes: Fiorelli, Gelfand, Goodman, Gray, Icovc, Romeo, Miller.

Nays: None.

Abstain: None.

Absent: None.

The Legislation has Passed Unanimously.

Introduced by Miller

Resolution 09-12

RESOLUTION

AUTHORIZING THE MAYOR TO ADVERTISE FOR BIDS FOR PROJECTS TO BE COMPLETED AS PART OF THE CITY OF SOUTH EUCLID, OHIO GREEN NEIGHBORHOODS INITIATIVE; AND DECLARING AN EMERGENCY. FIRST READING.

Following discussion, It was moved by Goodman, seconded by Romeo that Resolution 09-12 be passed.

Roll Call:

Ayes: Fiorelli, Gelfand, Goodman, Gray, Icovc, Romeo, Miller.

Nays: None.

Abstain: None.

Absent: None.

The Legislation has Passed Unanimously.

Introduced by Miller

Resolution 10-12

RESOLUTION

A RESOLUTION AUTHORIZING THE MAYOR TO ADVERTISE FOR THE SALE OF REAL PROPERTY. FIRST READING.

Following discussion, It was moved by Romeo, seconded by Miller, that Resolution 10-12 be passed.

Roll Call:

Ayes: Fiorelli, Gelfand, Goodman, Gray, Icovc, Romeo, Miller.

Nays: None.

Abstain: None.

Absent: None.

The Legislation has Passed Unanimously.

Introduced by Miller

Resolution 11-12

RESOLUTION

REQUESTING THE PLANNING COMMISSION PREPARE LEGISLATION CREATING NEW SECTION 722.07 "ACCESSORY DWELLING UNITS (ADU'S)" OF CHAPTER 722 "CONDITIONAL USES IN RESIDENTIAL DISTRICTS" OF PART SEVEN "PLANNING AND ZONING CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO. FIRST READING.

Following discussion, It was moved by Icovc, seconded by Goodman, that Resolution 11-12 be passed.

Roll Call:

Ayes: Fiorelli, Gelfand, Goodman, Gray, Icovc, Romeo, Miller.

Nays: None.

Abstain: None.

Absent: None.

The Legislation has Passed Unanimously.

Introduced by Miller

Resolution 12-12

RESOLUTION

AUTHORIZING THE MAYOR TO PREPARE AND FILE A GRANT APPLICATION WITH THE CUYAHOGA COUNTY SOLID WASTE MANAGEMENT DISTRICT FOR THE 2012 COMMUNITY RECYCLING AWARENESS GRANT. FIRST READING.

Following discussion, It was moved by Fiorelli, seconded by Romeo, that Resolution 12-12 be passed.

Ayes: Fiorelli, Gelfand, Goodman, Gray, Icové, Romeo, Miller.

Nays: None.

Abstain: None.

Absent: None.

The Legislation has Passed Unanimously.

Introduced by Miller

Ordinance 03-12

ORDINANCE

AMENDING SECTION 4 OF ORDINANCE 20-09; FIXING THE SALARY RANGE, COMPENSATION AND RATES OF PAY FOR VARIOUS OFFICES, BOARDS, COMMISSIONS AND DEPARTMENTS OF THE MUNICIPAL GOVERNMENT EFFECTIVE JANUARY 1, 2009; TO CREATE THE POSITION OF CHIEF BUILDING INSPECTOR; AND DECLARING AN EMERGENCY. FIRST READING.

It was moved by Romeo, seconded by Fiorelli, that Ordinance 03-12 be passed.

Roll Call:

Ayes: Fiorelli, Gelfand, Goodman, Gray, Icové, Romeo, Miller.

Nays: None.

Abstain: None.

Absent: None.

The Legislation has Passed Unanimously.

Introduced by Miller

Ordinance 04-12

ORDINANCE

AMENDING SECTION 933.07, FEES FOR USE, AS CONTAINED IN CHAPTER 933 MUNICIPAL SWIMMING POOLS OF PART NINE STREETS AND PUBLIC SERVICES CODE OF THE CITY OF SOUTH EUCLID; SETTING ADMISSION FEES, SEASON PASSES, SPECIAL PROGRAMS, AND RECIPROCITY WITH THE CITY OF LYNDHURST FOR THE USE OF THE MUNICIPAL SWIMMING POOLS AND SPLASH PARK BY RESIDENTS OF THE CITY; AND DECLARING AN EMERGENCY. FIRST READING.

The Ordinance was placed on first reading and referred to the Recreation Committee for review and discussion.

Law Director's Report

None

Letters & Communications

- Council President Miller reviewed items on Council's Committee Docket and requested that the Committee Chairs address the items. Council President Miller scheduled a Legislative Committee regarding Ord. 37-11 "Overnight Parking" for Monday, February 27 at 6 pm. A Safety Committee meeting was also scheduled for Monday, March 12 at 6:30 PM.
- Councilperson Fiorelli scheduled a Service Committee Meeting for March 6, 2012 at 7 pm.
- Councilperson Romeo reported that the Playground of Possibilities Fundraiser is coming up on March 10 and that tickets are \$35 each.
- Councilperson Gelfand wished everyone a happy Valentine's Day.
- Councilperson Goodman stated that the next Ward 4 Community Meeting will be March 7 at the Community Center.
- Councilperson Fiorelli acknowledged Beth Greisl who was in attendance for her leadership as President of the South Euclid Youth Softball/Baseball Association.

Adjourn

It was moved by Miller, seconded by Goodman, that the meeting be adjourned.

Roll Call:

Ayes: Fiorelli, Gelfand, Goodman, Gray, Icové, Romeo, Miller.

Nays: None.

Abstain: None.

Absent: None.

The meeting has adjourned at 9:23 pm.

Attest:

Council President

Clerk of Council