

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, Franey, Welo, Martin, Anderson, Love, Huston

Approval of Minutes: March 12, 2012

Following discussion, It was moved by Romeo, seconded by Fiorelli, that the Minutes of the March 12, 2012 Meeting of City Council be approved.

Roll Call:

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

Nays: None.

Abstain: None.

Absent: None.

The Minutes have been approved.

Opening Meeting of Council:

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

- Paula Santa, 4641 Wilburn Drive addressed Council regarding the proposed ordinance making not wearing a seat belt a primary offense. Ms. Santa stated that she is concerned about the language in the legislation regarding reasonable suspicion and asked if police would be able to stop her because she is short and an officer may not be able to see that she is wearing a seat belt. Ms. Santa said that there is already a law on the books requiring seat belts and regarding children and that the issue is not a widespread problem and the legislation not necessary. Ms. Santa stated that the police do an excellent job with education and that they should continue with educating the public and asked Council to look at the real reasons the police might want the new law, which may be to collect more money.
- Bob Schoenewald, 4426 Bayard, addressed Council regarding the proposed ordinance regarding making wearing seat belts a primary offense and stated that the new language regarding reasonable suspicion makes it worse and it is something the city should not be doing.
- Robert Frey, 1299 South Green Road, requested that Council explain what the language regarding reasonable suspicion in the proposed seat belt legislation means and stated that he believes it's a bad law. Mr. Frey also reported issues with WOW Cable installing cable wire and cutting down tree limbs in residents' yards and leaving them there without cleaning them up.
- Tony Caroscio, 1541 Felton Road, requested Council's support for the Summer Youth Initiative and commended the work of the youth committee to expand the effort citywide. Mr. Caroscio reported that he will work to host a fundraiser to support the Youth Initiative efforts and reported that Mayor Welo has appointed him to Chair a Mayor's Committee on Recreation to study and recommend recreation initiatives for South Euclid.
- Janis Wirt, 3762 Princeton Blvd., spoke in support of the citywide youth initiative and discussed how the youth committee and residents worked successfully to address serious youth issues in Ward One and organize block watch meetings. Ms. Wirt also applauded the work of the City for the Green Neighborhood initiatives.
- Keesha McMillan, 769 Quilliams, spoke in support of the youth initiative and stated that it is imperative that we find solutions to issues facing our youth. Ms. McMillan stated we may not have a community center, but we have residents who care and give of their time.

Report of Council Committees:

Zoning & Planning Committee

Councilperson Icové referred Ordinance 05-12 and Ordinance 06-12 to the Planning Commission for review.

Safety Committee

Introduced by Miller

Ordinance 20-11

ORDINANCE

AMENDING SECTION 337.27 "DRIVERS AND PASSENGERS REQUIRED TO WEAR SEAT BELTS; PENALTY" OF CHAPTER 337 "SAFETY AND EQUIPMENT" OF PART THREE "TRAFFIC CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO. **THIRD READING.**

Councilperson Gray moved that the Ordinance be amended to add language regarding a grace period for education about the Ordinance. Seconded by Icove. Councilperson Gray reported that the issue has been discussed in committee at great length and that the City's first priority is ensuring and promoting safety.

Roll Call:

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

Nays: None.

Abstain: None.

Absent: None.

The Legislation has been amended.

It was moved by Gray, seconded by Fiorelli, that Ordinance 20-11 be passed.

Councilperson Gelfand stated that he has concerns regarding potential profiling by police.

Councilperson Romeo and Law Director Lograsso discussed the language in the ordinance regarding "reasonable suspicion" and Law Director Lograsso defined the difference between "reasonable suspicion" and "probable cause".

Councilperson Fiorelli stated that he spoke with the Police Chief and Law Director about the reasonable suspicion language and that the issue is not about profiling or charging more for fines, it is about compliance.

Councilperson Goodman stated that she does not like the ordinance, but she doesn't agree with Councilperson Gelfand that the officers will be profiling and she will support the legislation. Ms. Goodman stated that if it seems like it is being abused, it would be before Council again.

Council President Miller stated that Council has asked the Police Department to keep detailed records so that there is data to see if there is profiling of any kind. President Miller stated that the costs to taxpayers because of injuries from individuals who don't wear seat belts is hundreds of millions of dollars and that he believes our officers work to promote the law.

Councilperson Gelfand stated that he is for seatbelts and believe everyone should be wearing them and stated that he believes that the issue is not about money and that Chief Nietert has a sincere desire to see people safe in the community; however the law does not have to be a primary violation law.

Councilperson Icove requested that the President call the question of the vote.

Roll Call:

Ayes: Fiorelli, Goodman, Gray, Icove, Romeo, Miller.

Nays: Gelfand.

Abstain: None.

Absent: None.

The Legislation has Passed.

Introduced by Miller

Ordinance 36-11

ORDINANCE

AMENDING SECTION 531.09 "ABATEMENT OF CRIMINAL ACTIVITY NUISANCES" OF CHAPTER 531 "NUISANCES" OF PART FIVE "GENERAL OFFENSES CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO. **SECOND READING.**

It was moved by Gray, seconded by Goodman, that Ordinance 36-11 be passed.

Councilperson Gray stated that the legislation increases the fine and penalty for flagrant abusers who continually create nuisances in their neighborhood or business.

Councilperson Goodman stated that the new fine goes into effect on the third instance of the nuisance.

Councilperson Gelfand stated that he supports the legislation but urged discretion in its use.

Roll Call:

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

Nays: None.

Abstain: None.

Absent: None.

The Legislation has Passed Unanimously.

Committee of the Whole

Introduced by Miller

Ordinance 07-12

ORDINANCE

TO MAKE APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF SOUTH EUCLID, STATE OF OHIO, DURING THE FISCAL YEAR ENDING DECEMBER 31, 2012; AND DECLARING AN EMERGENCY. **SECOND READING.**

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

Councilperson Romeo reported that the budget is an estimate of income, and as a result of the recession and federal and state budget cuts, we don't have the kind of general fund balance that we did in the 1990s and past years and that it is a good budget.

Councilperson Ilove commended the Mayor on her efforts to save the city money, but stated it is very important to plan ahead and he asked for a projected budget for the next three years as the budget anticipates using reserves for shortfalls. Councilperson Ilove stated that he must respectfully vote against the proposed budget and requested that the city review the compensation for law department staff and outside legal services.

Councilperson Gray stated that today's challenges require a new level of thinking and she is proud of the significant accomplishments of the administration the last six years. Councilperson Gray stated that today she is elated with joy that the budget includes the establishment of the Summer Youth Initiative and Youth Commission; however it is imperative that the City put in place a plan to reduce our debt annually and reduce expenditures and would not be supporting the legislation.

Councilperson Goodman stated that members have been on Council for many years and have never asked for a multi-year budget and that the City is on the verge of a year where many tax generating developments will be taking place. Goodman stated that the budget is an estimate and is not chiseled in stone and that last year the employees all took furlough days to help reduce expenses and that they deserve to be made whole this year. Goodman stated that the budget allows us to return the newsletter to the residents and other programs for seniors and Councilwoman Gray's Youth Initiatives.

Councilperson Miller stated that Council would continue to meet monthly to review the budget.

Roll Call:

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

Nays: Gray, Ilove.

Abstain: None.

Absent: None.

The Legislation has Passed.

Mayor's Report:

- **Mayor Welo:** thanked council and administration for their support of the budget and stated that there was no crystal ball to see the issues facing cities as a result of the recession and housing and foreclosure crisis and that the administration has worked hard to provide services for residents with less resources. Mayor Welo stated that in 2011 City Council passed a budget with an expected General Fund balance of \$1.2 million and the administration delivered a \$2.8 general fund balance at the end of the year and that in 2012, the budget estimates a general fund balance of \$1.4 million, more than last year's estimate and that is with a 50% cut in the local government fund from the State. Mayor Welo stated that in 2012 there will be more building and construction than in the last many years, including new projects in the manufacturing area and potential for senior housing. Mayor Welo also discussed many exciting initiatives requested by Council for youth and recreation and that the budget will be monitored on a daily basis by the administration and council. Mayor Welo stated that she has asked Tony Caroscio to head up a resident committee to look at recreation issues for the City. Mayor Welo also discussed upcoming events including the return of the Strawberry Festival at South Euclid United Methodist Church and that Notre Dame College is celebrating their 90th Anniversary this year. The Mayor reported that at the Mayors and Managers Association meeting it was reported that the economic forecast look better in Ohio than in other parts of the country.
- **Engineer Blackley:** reported on 2012 Dominion gas line replacement projects in the City, as well as 2012 street and infrastructure projects.
- **Building Commissioner Kowalczyk:** reported on the completion of Bob Evans and the new construction of the Panera Bread at Cedar Center. Kowalczyk also reported on the site improvements at the Oakwood Commons project.
- **Housing Manager Martin:** Reported on bids for the new community gardens and the green-built home on Linnell.
- **Judge Williams Byers:** thanked Council for the budget process and looks forward to working with Council and the administration.
- **Finance Director Filippo:** Thanked Council for their work and support of the Budget.
- **Economic Development Coordinator Love:** reported on a Meeting with Director Benjamin with Bob Evans and their commitment to upcoming charitable causes. Mr. Love also reported on OneSouthEuclid's initiatives at distributing a new Business Climate Survey.
- **Fire Chief Huston:** thanked firefighters in attendance at the meeting for being there and reported that the Fire Department, in cooperation with the Lyndhurst Fire Department, has formed an Explorer's Club to involve and educate youth about careers in fire service.
- **Mayor Welo:** Mayor Welo reported that she attended a press conference with Congresswoman Fudge and Congressman LaTourette for the introduction of new congressional bill to deal with

vacant homes. Director Benjamin was also at the conference, which was also attended by Jim Rokakis and Cleveland Mayor Frank Jackson. Mayor Welo reported that Sally Martin has been advising the City of Lorain who are adopting their version of South Euclid's vacant properties ordinance and reported that she has co-signed a letter with Councilperson Ilove and Judge Williams Byers encouraging South Euclid attorneys to volunteer time to the Legal Aid Society to help South Euclid residents who are at risk of foreclosure.

- **Community Services Director Benjamin** reported on the receipt of a Solid Waste Management Grant for Recycling Education and asked Council for their consideration to apply for a Community Development Block Grant Planning Grant.

Legislation Requested by the Administration

Introduced by Miller

Resolution 19-12

RESOLUTION

AUTHORIZING THE MAYOR TO APPLY FOR A GRANT UNDER THE "COMPETITIVE MUNICIPAL PROGRAM": 2012 COMMUNITY DEVELOPMENT BLOCK GRANT FUND; AND DECLARING AN EMERGENCY. **SECOND READING.**

Following discussion, It was moved by Miller, seconded by Romeo, that Resolution 19-12 be passed.

Roll Call:

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

Nays: None.

Abstain: None.

Absent: None.

The Legislation has Passed Unanimously.

Introduced by Miller

Resolution 21-12

RESOLUTION

AUTHORIZING THE CITY ENGINEER TO PREPARE THE NECESSARY PLANS, SPECIFICATIONS, AND ADVERTISE FOR BIDS FOR THE 2012 WATERMAIN CLEANING AND RELINING PROGRAM IN THE CITY OF SOUTH EUCLID. **SECOND READING.**

Following discussion, It was moved by Fiorelli, seconded by Romeo, that Resolution 21-12 be passed.

Roll Call:

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

Nays: None.

Abstain: None.

Absent: None.

The Legislation has Passed Unanimously.

Law Director's Report

Law Director Lograsso reported that the City has received the final determination from the Ohio Department of Taxation regarding the Cedar Center property and that the City will not owe any back taxes for the years 2009-2011. The City will also be reimbursed for any taxes paid during those years and the remaining parcels owned by the city will remain tax-exempt until they are sold.

Letters & Communications

- Council President Miller reported that the annual Community Clean Up Day will be April 28th and also reported on an upcoming forum on mental health hosted at Case Western Reserve University.
- Councilperson Goodman reported that there will be a meeting next week with First Interstate to discuss the design of the Oakwood Green nature space and reported on Tree Commission and Arbor Day activities.
- Councilperson Gelfand reported that he attended the South Euclid Garden Club Meeting and that the Club will be working again with Service Director Anderson to coordinate the garden areas at the entrances to the City, as well as educational outreach for youth.
- Councilperson Fiorelli reported on the Knights of Columbus Pancake Breakfast and thanked the Mayor and Council members who supported the fundraiser. Mr. Fiorelli thanked Tony Caroscio for stepping up to head the Recreation advisory committee and stated that the Mayor made a good choice.
- Councilperson Ilove discussed the Foreclosure Prevention Project for South Euclid residents, which was an idea of former Councilman Larry Baker. Mr. Ilove reported that the letter, co-signed by himself, Mayor Welo and Judge Byers was sent to 70 attorneys who live in South Euclid and that Law Director Lograsso and Councilman Gelfand have volunteered their assistance.

- Council President Miller scheduled a Committee of the Whole Meeting for April 2 to discuss Ordinance 39-11 regarding Law Director confirmation, and a meeting on April 23 at 7:30 pm to discuss Ordinance 51-10.
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Adjourn

With no further business to discuss, It was moved by Romeo, seconded by Fiorelli, that the Meeting be Adjourned.

Roll Call:

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

Nays: None.

Abstain: None.

Absent: None.

The Meeting adjourned at 9:46 pm.

Council President

Attest:

Clerk of Council