

REGULAR MEETING OF SOUTH EUCLID CITY COUNCIL

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

Roll Call

Present: Councilman Dennis Fiorelli, Councilman Marty Gelfand, Councilwoman Jane Goodman, Councilwoman Ruth Gray, Council President Pro Tem Ilove, Councilman Moe Romeo, Council President David Miller. (Clerk Note: Mr. Gelfand arrived during Open Meeting of Council).

Opening Meeting of Council:

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

- Greg Coleridge, 2101 Front Street (in Cuyahoga Falls) requested that the City consider introducing legislation to place a constitutional amendment on the ballot declaring that corporations are not human beings and political money is not equal to free speech. Mr. Coleridge stated that Athens, Oberlin, Cleveland Heights, and Newberg Heights have all passed resolutions or placed an initiative on the ballot for voter consideration.
- Roberta Siegel, 4070 Bayard Road thanked the Tree Commission and Councilwoman Goodman for the wonderful Arbor Day ceremony in which a tree was planted in honor of her mother who passed away.
- Jim Lawless, 3799 Freemont Road, reported as President of the Commission on Aging that they will be having their annual Card Party Fundraiser and requested that the Mayor and Members of Council once again lend their support with donation and by buying a table. The cost is \$8 a ticket for the May 5th event. Mr. Lawless stated that he has already received something from Mayor Welo and that because of state and federal cuts, the Agency has lost funding which is used to support need home repairs for senior residents in need. Mr. Lawless also introduced commission members Don Lissy and Chuck Ishler.

Report of Council Committees:Committee of the Whole

Introduced by Miller

Resolution 05-13

ORDINANCE

A Resolution formally authorizing the Council ~~Finance Committee~~ Committee of the Whole to act and perform the functions of an Audit Committee and declaring an emergency. **SECOND READING.**

MOTION TO AMEND

Action: Motion to Amend Legislation, **Moved by** Councilman Moe Romeo, **Seconded by** Council President David Miller.

Councilperson Gelfand explained that he is making proposed amendments to Resolution 05-13 to make the Committee of the Whole also serve in the function of Audit Committee. Councilwoman Gray stated that she disagrees with making the City Council Committee of the Whole the audit committee and that the auditor stated that the Audit Committee could include members of City Council, however, they also stated that it is preferable that the audit committee include representation that is independent from council or management. Ms. Gray stated that council has the opportunity to do what was recommended and what is right and transparent in the spirit of open government and doing the right thing and asked why would we not welcome the opportunity to have residents with the skillset and expertise. Councilman Ilove concurred with Councilwoman Gray and suggested that discussion continue on the legislation. Mr. Ilove stated that the audit committee recommendation goes back to 2009 and probably before then and that having an independent committee promotes checks and balances and transparency and we should strive for the best we can do and also that Council shouldn't have to double-check ourselves. Councilman Gelfand stated that both she and Ruth were at the same meeting with the auditor and that he called the auditor's office and spoke with their public liaison about the issue and that even though the City has had excellent audits and the books are good, we have been doing nothing as far as their recommendation regarding the Audit Committee, however the Council Committee of the Whole has been meeting monthly to review finances in a forum that is open to the public. Mr. Gelfand stated that he doesn't want to substitute excellent in lieu of perfect and by passing his proposed legislation, Council is taking a big stride and taking on the role and should pass the legislation that is proposed and then if Council decides that more oversight is needed we can revise the legislation at a later date. Council President Miller asked Finance Director Smith to indicate whether he was an auditor for cities prior to becoming Finance Director and asked what would an Audit Committee do that the Committee of the Whole does not do. Finance Director Smith responded that the purpose of the audit committee is to attend the pre-audit and exit-audit conferences with the auditor to hear any comments and recommendations and then meet with the Finance Director two additional times during the year to discuss any changes and completion of any recommended audit items. Councilman Fiorelli stated that he believes Council needs to move forward with this issue and he believes that by having the monthly Committee of the Whole meetings, the public is invited and can get more insight. Councilman Ilove stated that there is a difference of political philosophy. Councilwoman Gray concurred with Mr. Ilove. Mr. Gelfand stated that what's on the table tonight are his proposed amendments, however there is no emergency to needing to vote on the legislation's passage at tonight's meeting and stated that the issue should be discussed at another committee meeting. Councilwoman Goodman agreed that it would be nice to have outside people invited to observe so maybe the solution is to have people specifically invited to take part in the discussion, but we are making a mountain out of a molehill with this issue. Ms. Goodman stated that the issue is not political and she would rather not act on it tonight because there's not clarity amongst Council. President Miller stated that over the last four to five years the

Committee of the Whole has met monthly to look at the budget and has done an excellent job and stated that section one of the legislation clearly indicated what the role and functions of the audit committee are and that it is time to move on. Mr. Miller stated that everything they have done has been very open to the public.

Vote to AMEND: Motion passed (**summary:** Yes = 5, No = 2, Abstain = 0).

Yes: Councilman Dennis Fiorelli, Councilman Marty Gelfand, Councilwoman Jane Goodman, Councilman Moe Romeo, Council President David Miller.

No: Councilwoman Ruth Gray, Council President Pro Tem Ilove.

The legislation has been amended and the legislation was placed on second reading as amended. City Council Committee of the Whole will meet on May 12, 2014 at 7:30 to discuss the issue.

Mayor's Report:

Mayor Welo – Mayor Welo announced that Notre Dame College has chosen their new president to replace Dr. Andrew Roth who is retiring. Thomas Kruczek is the departing dean of the college of business and management at Lynn University in Boca Raton, Florida. Mayor Welo discussed that the international Land Trust Conference is in Cleveland this week and that the conference includes a tour of South Euclid and our community accomplish to combat the housing and foreclosure crisis. The Mayor also discussed the watermain break that occurred on Trebisky Road where there was significant damage to some homes. The Service Department was on the scene with Cleveland Water Department and representatives were going door-to-door to help residents.

Legislation Requested by the Administration

Introduced by Miller

Resolution 18-14

RESOLUTION

Authorizing the Mayor and Finance Director to enter into an agreement with Key Bank to establish a purchasing card program. FIRST READING.

Action: Motion to Approve Legislation, **Moved by** Councilman Moe Romeo, **Seconded by** Councilwoman Jane Goodman.

Following discussion, **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 7).

Yes: Councilman Dennis Fiorelli, Councilman Marty Gelfand, Councilwoman Jane Goodman, Councilwoman Ruth Gray, Council President Pro Tem Ilove, Councilman Moe Romeo, Council President David Miller.

The legislation has passed.

Law Director's Report

Law Director Lograsso stated that at the last meeting of Council, Councilwoman Gray asked him for a report on the incident involving Mr. Aviv and the charges of harassment against his neighbors and why he wasn't charged with a felony. Mr. Lograsso reported the following regarding incidents involving Mr. Aviv:

- The first call was on August 14, 1997, the victim in that incident was Michael A. Graham. Mr. Graham in his statement stated that he observed Edmond Aviv hitting the front left corner of their house with a shovel. Then later that same day he threatened Mr. Graham with a hammer. Mr. Aviv was on his own property and raised the hammer above his head and started to run towards the victim but stopped at the property line. Mr. Aviv was charged with Aggravated Menacing, a first-degree misdemeanor. Mr. Aviv was represented by counsel, the matter was pre-tried with the prosecutor and the charge was amended to a fourth degree misdemeanor Disorderly Conduct. Judge Kleri fined him \$250.00, 30 days jail were suspended and placed on inactive probation.
- On August 7, 1999 was the second call of record. The victim in that incident was James Prugh. He called the police complaining that he was being harassed by Mr. Aviv. Victim stated that 2 or 3 times a week at approximately 5:45 a.m. Mr. Aviv would turn on his radio very loudly in his garage which is right next to the victim's bedroom. He would also use obscene language and turn on his security light, which would shine into victim's window. Mr. Aviv was charged with Disorderly Conduct, a fourth degree misdemeanor. On March 7, 2000 Mr. Aviv pled No Contest to Disorderly Conduct and was fined \$250.00.
- The next call of record from the Prugh's was on September 14, 2008. James Prugh called to report Mr. Aviv tried to run over his 13-year-old daughter with his car when she was standing in the neighbor's driveway. His daughter was not injured. The call slip states all parties were advised and neighbor will wait till the daughter is further from the driveway before driving.
- The next call/report date is May 6, 2011. Sandra Prugh came to the station to report someone has been vandalizing the trees in front of her home and request special attention to her home. Then on July 6, 2011 Mrs. Prugh called to report Mr. Aviv just spread liquid fabric softener all over her bushes and flowers. She stated she believes this was in retaliation to a lawsuit he brought against her for \$25,000 stating he could not sell his house because of the fumes from her dryer. The lawsuit was dropped. Mr. Aviv was charged with Criminal Damaging and was given a warning about Criminal Trespassing. I could not find the disposition of this case.
- Next on April 9, 2013 Sandra Prugh called the fire department that there was an odor of gasoline emanating through her home and it was coming from her neighbor at 887 Trebisky, Mr. Aviv's address. On April 11th the fire department returned to 887 Trebisky and made contact with Mr. Aviv. The fire department discovered a 5-inch heating and cooling vent running through the south side of Mr. Aviv's garage wall. The fire department spoke with Mr. Aviv who said he used gasoline to operate the dryer in the garage. The fire

department advised him that they did not believe him and then Mr. Aviv admitted it was designed to bother his neighbor. The fire department dismantled the device. The police contacted prosecutor Shaughnessy and advised him of the facts and Mr. Aviv was charged with a 4th degree misdemeanor Disorderly Conduct. The Prugh's handicap son complained of abdominal pain and was examined by the fire personnel. Mrs. Prugh told EMS that he had just eaten ice cream 2 hours earlier when the abdominal pain started. The son has a long history of renal and bowel issues and she is unsure if it is related. The son was taken to Ahuja for treatment. On May 30, 2013 Mrs. Prugh told the police she would support charges against Mr. Aviv. She also added that her son had been transported to Ahuja back in April with abdominal distress and vomiting and it was not medically proven that the fumes coming into her home caused his ailment but she as a mother feels they were the cause.

- On July 1, 2013 Mr. Aviv called the police to report his neighbor was harassing him by using her dryer and the smell keeps coming into his home. He stated he feels he is being targeted by his neighbor because she only does laundry when he is home. Mr. Aviv was advised they are allowed to do laundry whenever they choose to. No further law enforcement action was taken.
- On September 17, 2013 Edmond Aviv called the police to report his neighbors are smelling up his house with their dryer. He was advised about his options to move.

Mr. Lograsso stated that the preceding represents all of the recorded calls and reports that both he and the Chief found on this case and what is represented on the court website and that unfortunately there were no police reports filed indicating any complaints related to ethnic intimidation and as such Mr. Aviv could not be charged with a felony of ethnic intimidation. Mr. Lograsso stated that both he and Prosecutor Shaughnessy reviewed the case and also consulted with Case Professor of Law Carmen Naso regarding the matter. Mr. Lograsso stated that this is everything he knows about the case for the record and stated that Mrs. Prugh and her family are truly saints for having to put up with all that Mr. Aviv has done to them for many years. Unfortunately, the claims regarding ethnic intimidation and other potential felony instances were apparently never reported to the police. Councilwoman Gray asked if the newspaper was wrong and Mrs. Prugh never made those claims. Law Director Lograsso stated that unfortunately those incidents were reported by Mrs. Prugh when she spoke at Mr. Aviv's sentencing hearing and were never detailed in any police reports prior to charges being filed.

Letters & Communications

Councilman Icove inquired about the process for moving forward with live streaming of Council Meetings. Clerk Benjamin responded that he met with the Mr. Holmes from the Court earlier in the day to see how the process works and what kind of equipment and service needs to be utilized to start streaming. Mr. Icove commended the Mayor for her efforts to notify residents about the Belvoir Blvd resurfacing project including sending out a Reverse 911 and getting the County to deliver notices.

Councilman Fiorelli scheduled a Recreation Committee Meeting for May 12 at 6:30 pm to discuss the Victory Pool demolition and also reported on the reciprocity issues with the City of Lyndhurst for the summer pool season. Mr. Fiorelli discussed the upcoming Mercury Summer Stock Theatre events and the annual Sacred Heart Musical.

Councilman Gelfand also sent his appreciation to the Tree Commission for the moving Arbor Day Ceremony and discussed efforts related to the renovations of the second Purple Heart Home, which has included the help of the Notre Dame College Football Team. Mr. Gelfand reported on the upcoming Heights Hillcrest Chamber of Commerce Expo at 700 Beta Drive.

Councilwoman Gray reported that she will not be able to be at the Coffee Phix this Thursday to collect petitions for the Voters Bill of Rights, however email her if you have any completed petitions and she will make arrangements to get them. Ms. Gray also reported on an upcoming forum continuing the discussion with Judge Byers and the courts regarding juvenile issues. There will be a film screening and educational forum on May 31st showing the film "Cooler Bandits" and is being planned with the help of South Euclid residents.

Councilwoman Goodman thanked everyone that came to the Arbor Day Ceremony and stated that the City needs to discuss how to reconstitute the Tree Commission Board and keep the commission going so that we can maintain our Tree City USA status.

Council President Miller reported that Community Clean Up Day is this Saturday from 9:30-11:30 and will meet at the Community Center. The Community Center will also host the annual community garage sale on Saturday.

Adjourn to Executive Session for the purpose of discussing personnel matters

Action: Motion to Adjourn to Executive Session, **Moved by** Council President David Miller, **Seconded by** Councilwoman Jane Goodman.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 7).

Yes: Councilman Dennis Fiorelli, Councilman Marty Gelfand, Councilwoman Jane Goodman, Councilwoman Ruth Gray, Council President Pro Tem Icove, Councilman Moe Romeo, Council President David Miller.
Council Adjourned to Executive Session at 9:34 pm.

Adjourn

Action: Motion to Adjourn, **Moved by** Councilman Moe Romeo, **Seconded by** Councilman Ed Icove.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 7).

Yes: Councilman Dennis Fiorelli, Councilman Marty Gelfand, Councilwoman Jane Goodman, Councilwoman Ruth Gray, Council President Pro Tem Icove, Councilman Moe Romeo, Council President David Miller.
The Meeting Adjourned at 10:20 pm.

Council President

Attest:

Clerk of Council