

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, Council President Pro Tem Jane Goodman, Councilwoman Ruth Gray, Councilman Ed Icove, Councilman Moe Romeo, Council President David Miller. President Miller informed the audience Economic Development Director Michael Love would be acting as Clerk-of-Council in place of Keith Benjamin.

Opening Meeting of Council:

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

- Matt Greminger (1955 Warrensville Center Road): Mr. Greminger informed Council he is a small-business owner and South Euclid resident. He also organized the Save China Gate Rally and social media campaign. Mr. Greminger then presented pages of signatures containing names of those opposed to the proposed sale of property to Panda Express. Mr. Greminger described the importance of China Gate and the importance of making your voice heard. Councilwoman Goodman responded by asking Mr. Greminger how many total signatures he had. Mr. Greminger stated he is not sure, but believes he has about 2,000 signatures of South Euclid residents.
- Jack Greminger (4225 Verona Road): Mr. Greminger stated that he felt Council's minds were already made up to vote in favor of the sale to Panda Express. That being said, he voiced concerns about traffic, the way the building may look, and the effect on other businesses, such as the car wash. He encouraged the city to consider all of these factors before allowing Panda Express to begin construction. He encouraged all to support the Wong Family and said people will continue to go to China Gate and stated everyone has a right to competition.
- Maxine Sherman (3378 Euclid Heights Blvd. Cleveland Heights): Ms. Sherman stated she had just returned from a 6 month trip and had no time to analyze this situation. She spoke on her special relationship with the Wong Family. She said the representative from Panda Express may consider it a family-owned business, but it is not the same as China Gate. She stated she is afraid of China Gate's fate and when traveling, always tries to patronize local Chinese restaurants.
- Vivian Livi (13769 Cedar Road): Ms. Vivian spoke on behalf of the Wong Family, stating they have been in the same location for 40 years and are not afraid of competition but are afraid of big business and unfair competition. The city must consider whether revenue from big business or supporting local business is most important. Regardless of what happens the Wong family will continue to provide good service.
- Roberta Siegel (4070 Bayard Road): Spoke on how franchises open and typically offer great specials to try to attract customers and put small businesses out. People should ignore these specials and keep going to China Gate. Franchises eventually stop specials, raise prices and shut down. Cleveland Chinese food beats all others and China Gate is the best in Cleveland. Concerned other Chinese restaurants in South Euclid will suffer if Panda Express opens.
- Emily Koritz (1732 South Belvoir Blvd.): Ms. Koritz discussed how the Bexley Park Neighborhood is using NextDoor to communicate with each other. The neighbors are discussing problems with youth, Ms. Koritz emphasized activities are needed for teens. Ms. Korwitz mentioned her neighbor, Ms. Scruggs, would be willing to run an art program for teens at Bexley Park.
- Sylvia Billups (3845 Bridgeview) & Diana Brown (4008 Princeton Blvd.): Ms. Billups and Ms. Brown stated the last time they spoke before Council was in support of the Oakwood Commons development. Ms. Billups mentioned she is still waiting for the Oakwood developer to fulfill his promises. Ms. Billups mentioned she was unable to keep her small business open and knows what the Wong's are going through. Ms. Brown's daughter has eaten at Panda Express in Las Vegas and said they serve good food. Ms. Billups spoke on possibly finding an alternative location for Panda Express, Panda would do well at Oakwood. Ms. Billups and Ms. Brown stated that they love South Euclid and that is why they came tonight.
- Robert Schoenewald (4426 Bayard): Spoke regarding comments made at the last Council meeting about college student parties. Mr. Schoenewald stated that students who have these parties should be charged with crimes and the focus should not just be on placing landlords on a nuisance abatement list. Mr. Schoenewald used the example of purchasing a shovel from the Mayor's husband at South Euclid Hardware and then beating the Mayor senseless with that shovel. In this case, he would be charged with a crime, not the owner of the hardware store. He stated this was an extreme example to illustrate his point.
- Charles Turner (4549 Lilac Road): After giving his phone number and e-mail in addition to his street address, Mr. Turner announced he would be giving City Council a break from his usual comments. Mr. Turner stated he has been involved with China Gate for many years and has been a customer since starting as a University Heights Police Officer in 1976. Mr. Turner stated that the supporters here tonight are not just customers but friends of China Gate. Mr. Turner stated he understands the city's position of needing to sell

the property, but the city should have never been a landlord. He mentioned Councilmen Miller, Gelfand, and Fiorelli and Mayor Welo are up for re-election and stated City Council always has 5-2 votes.

- Matthew Byrne (1156 Plainfield Road): Mr. Byrne spoke on the importance of contracts, stating what is the point of a contract if you guys are going to break it. Mr. Byrne used the example of the safety levy, and how it passed by a large margin, but the City has yet to hire any Police or Firefighters. He stated he made a mistake buying a house in South Euclid, the city should find someone else to buy the property and he would rather be home doing homework.
- Ray Rhode (1543 Laclede Road): Mr. Rhode reminded all in attendance that the next public document shred day will be Saturday May 16th from 9:00am-12:00pm in the rear parking lot of City Hall. Residents can bring up to three boxes of documents they would like to have shredded.
- Linda Pagon (684 Parkside): Ms. Pagon spoke regarding the proposed home-based business ordinance. She stated she spoke to 12 people, 1 was in favor of the legislation, 1 was undecided, and 10 were against it. She also surveyed 40 people and only 2 were in favor. She stated while this is a small sample, would City Council really approve something that only 8% of the people support? People are concerned about parking issues, and the ability to hire non-residents, she wants City Council to give the legislation more thought. Ms. Pagon then spoke regarding China Gate, stating a former Mayor of Mayfield Heights did research showing fast-food establishments generate no revenue for a community and wondered why South Euclid would want to bring in another fast-food establishment. She felt the city, due to its financial difficulty, is about to make a decision, which would lead to corporate welfare.
- Tim & Diedre Weeks (4233 Wyncote Road): They began by stating they have lived in South Euclid for 31 years and have 7 kids ranging in age from 6-34, one of which was at the meeting. Mrs. Weeks stated she already has expressed her concerns regarding the property sale but feels only a small percentage of people actually know what is going on. She stated she usually does not speak in public, but came tonight because Council does what they want. Council is doing this for greed and wanted the sale done at the first meeting. South Euclid should support small business, her and her husband chose South Euclid for their business, but feel it is on a downward spiral. The city needs to focus on making long-term decisions and not quick fixes, work on making South Euclid more attractive to young people.
- Stephanie Rhine- South Euclid Lyndhurst School Board (5044 Mayfield Road, Lyndhurst): Ms. Rhine provided the monthly school board update. She stated graduation and prom are coming up and the seniors had a quiet last day. The district received a "B" for K-3 literacy rating which shows good progress. The Strategic Plan is moving forward and gifted education has expanded with students now being tested on abilities. At the recent Cleveland Invention Convention, 3 out of 10 winning projects were from SEL students. There is a math and science focus with new STEAM Labs being installed in the elementary schools and at Greenview. Councilwoman Gray responded by asking Ms. Rhine if a meeting has been scheduled for the board and district representatives to discuss the potential sale of the Lowden property with residents in the neighborhood. Ms. Rhine stated she will talk with her fellow board members about scheduling such a meeting, the Lowden property has not been sold. Ms. Rhine stated the school district would never make a decision to sell the property in a manner which would harm the community, and it will be up to the city to work with the buyer to ensure the proposed use is consistent with the zoning code. Ms. Rhine also invited Ms. Gray and neighborhood residents to attend a board meeting. Ms. Gray stated she would still like a meeting with the board for the specific purpose of discussing the Lowden property and Ms. Rhine reiterated she will share this request with her fellow board members.

Report of Council Committees:

Committee-of-the-Whole

Council President Miller reported on the 6:30pm Committee-of-the-Whole Meeting concerning the proposed sale of property at Cedar Center. The Committee recommended passage of Res. 05-15 to the floor of Council, under the condition Clause #22 and Exhibit "C" concerning restrictive covenants are removed from the agreement between the City of South Euclid and CFT NV Developments, LLC.

Zoning & Planning Committee

Councilwoman Goodman reported that the Committee held a 7:00pm public hearing to discuss Ords. 13-14 & 14-14 pertaining to the keeping of chickens. Councilwoman Goodman thanked resident Dr. Laurel Tree and a veterinarian specialist from Ohio State University for attending the meeting. For procedural reasons a Zoning & Planning Committee Meeting is needed to discuss this legislation and a meeting will be scheduled.

Committee-of-the-Whole

Council President Miller reported on the 7:30pm Committee-of-the-Whole Meeting. The Committee received a monthly update on city finances from Finance Director James Smith. Council President Miller briefly summarized this update. The Committee also heard from City Engineer Andy Blackley concerning Ord. 08-15, which has the City entering into an agreement with Cuyahoga County for the resurfacing of Cedar Road. After discussion and clarification, the Committee voted to recommend Ord. 08-15 to the floor of Council for passage.

Zoning & Planning Committee

Introduced by Miller

Ordinance 17-12

ORDINANCE

AMENDING SECTION 710.08 "DEFINITIONS" OF CHAPTER 710 "INTERPRETATION, RULES OF CONSTRUCTION AND DEFINITIONS" OF TITLE ONE OF PART SEVEN "PLANNING AND ZONING CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO. **THIRD READING.**

Action: Motion to Approve Legislation, **Moved by** Council President Pro Tem Jane Goodman, **Seconded by** Councilman Moe Romeo.

Councilwoman Goodman discussed how Ord. 17-12 allowed for a change in definition of a home-based business. Councilman Icové stated he had no concerns with Ord. 17-12. Councilman Romeo stated it has taken a long time to get to this point, but it is finally right.

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

Yes: Councilwoman Ruth Gray, Council President Pro Tem Jane Goodman, Councilman Dennis Fiorelli, Councilman Marty Gelfand, Councilman Ed Icové, Councilman Moe Romeo, Council President David Miller.
The legislation has been approved.

Introduced by Miller

Ordinance 18-12

ORDINANCE

AMENDING SECTION 721.03 "ACCESSORY USES" OF CHAPTER 721 "PERMITTED USES IN RESIDENTIAL DISTRICTS" OF TITLE TWO OF PART SEVEN "PLANNING AND ZONING CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO. **THIRD READING.**

Action: Motion to Approve Legislation, **Moved by** Council President Pro Tem Jane Goodman, **Seconded by** Councilman Moe Romeo.

Councilwoman Goodman briefly discussed the process of getting to the point of voting on this legislation and stated Council can always go back and re-work the legislation as needed, but this legislation helps home-based businesses. Councilman Icové stated he would be voting against Ord. 18-12 due to the requirement of home-based businesses now needing to register with the city. He stated he had constitutional concerns with this provision being in the legislation and added it was not in the original version of the legislation he co-sponsored. Councilwoman Gray stated that while the legislation has a good intent, she is concerned with the registration provision. Councilman Fiorelli stated he is in favor of the registration provision as it begins to hold home-based businesses to the same standard as those businesses in commercial buildings. Councilwoman Goodman reminded all that the legislation does not provide for any punitive response should a business not register. Councilman Gelfand wondered if the word "shall" could be changed in the legislation, in the phrase "shall register." Law Director Lograsso stated this would be a substantial change to the legislation and doing so would send the legislation back to the Planning Commission. There being no further discussion, Council President Miller requested the roll call.

Vote: Motion passed (**summary:** Yes = 5, No = 2).

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

No: Councilwoman Ruth Gray, Councilman Ed Icové,
The legislation has been approved.

Committee of the Whole

Introduced by Miller

Resolution 05-15

RESOLUTION

AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH CFT NV DEVELOPMENTS, LLC FOR THE PURCHASE AND SALE OF REAL PROPERTY IN THE CITY OF SOUTH EUCLID, OHIO. **THIRD READING.**

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

Councilman Gelfand stated that when he ran for Council he felt there were too many empty homes and businesses. He stated we cannot turn our backs on people already here and we must support existing businesses, while also encouraging new businesses. He stated he has no concerns about selling property to another Asian restaurant and can support the legislation now that the representative from Panda Express has agreed to remove the last remaining restrictive covenant from the agreement. Councilman Gelfand stated he will continue to support China Gate and feels Panda Express will not hurt their sales. There is always room for new businesses and he is thrilled he will be able to walk to two different Asian restaurants with two different types of food. Councilwoman Gray stated that she understood why the city would consider selling the property to Panda Express, as it would reduce the city's Cedar Center debt, however she feels the relationship with the city's small business community is critical. Councilwoman Gray stated selling the property is an economic decision versus not selling it being a moral/ethical decision. China Gate is an icon, generations of people go there, and is an example of why South Euclid is a great city. Councilwoman Gray stated selling to Panda Express conflicts with South Euclid's values, and cannot support putting China Gate in harm's way. She feels Panda Express should be offered another location in South Euclid and will be voting No. Councilman Ed Icové (standing up and facing the audience) stated he would speak on historical perspective. He stated the city has recently lost three locally owned restaurants; Amir's, Nevaeh, and Red Hot Cabana. He will be voting No, as he feels it is not fair to promote a business which will hurt another business. Councilman Fiorelli described how this process involved much listening and learning. He reminded the audience no permits will be issued to Panda Express until the building design has been approved and a safe traffic pattern has been developed. He stated all restrictive covenants have been removed, Panda Express is a supporter of the community, and China Gate will do just fine after they move in. The City has a duty to sell the property to the highest and fair bidder and

supports the legislation. Councilman Romeo spoke regarding how the property is a financial drag on South Euclid and the property must be sold for the best use. Councilman Romeo stated competition brings growth and Panda Express is an alternative not a replacement for China Gate. Councilman Romeo stated he will be closely watching Panda Express and stated they better not close the South Euclid location. Councilwoman Goodman stated she realizes she is not everyone's favorite Councilwoman, but she is not running for office, so she does not need to tell the people only what they want to hear. She has more confidence in China Gate than the people in the audience due to their many loyal customers. She feels China Gate will not close and that old and new can co-exist. Council President Miller spoke regarding the length of the process and how elected officials take an oath to be responsible to the residents of the city and make rational choices. To illustrate the financial significance of this offer, it was mentioned others have asked for the property to be given to them free of charge. He spoke regarding the value of competition and stated China Gate has a loyal following and Cedar Center has become a foodie destination, the city has a financial responsibility to sell the property.

Council President Miller withdrew his motion and Councilman Romeo withdrew his second in order to revise the motion.

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

Council President Miller moved for Passage of Resolution 05-15 under the condition that Clause 22 and Exhibit C, concerning restrictive covenants were removed from the purchase and sale agreement between the City of South Euclid and CFT NV Developments, LLC. Councilman Romeo seconded this revised motion.

Vote: Motion passed (**summary:** Yes = 5, No = 2).

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

No: Councilwoman Ruth Gray, Councilman Ed Icové,
The legislation has been approved.

Introduced by Miller

Ordinance 08-15

ORDINANCE

AN EMERGENCY ORDINANCE ENACTED BY THE CITY OF SOUTH EUCLID, CUYAHOGA COUNTY, OHIO
HEREINAFTER REFERRED TO AS THE MUNICIPALITY, IN THE MATTER OF THE HEREINAFTER DESCRIBED
IMPROVEMENT, REQUESTING THE COOPERATION OF THE COUNTY OF CUYAHOGA, OHIO, HEREINAFTER
REFERRED TO AS THE COUNTY. **SECOND READING.**

Action: Motion to Approve Legislation, **Moved by** Councilman Dennis Fiorelli, **Seconded by** Councilman Marty Gelfand.

Councilman Fiorelli spoke to the fact this Ordinance authorizes the County to resurface the portion of Cedar Road between Green Road and I-271 in the City of South Euclid. Mayor Welo stated that the County will be paying 100% of the cost of this work using federal funds and using a motor vehicle tax the County collects for such purposes. Councilman Fiorelli stated City Engineer Andy Blackley provided a detailed explanation of the legislation in the Committee-of-the-Whole Meeting.

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

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

The legislation has been approved.

Mayor's Report:

Mayor Welo: Provided a brief summary of the meeting held with residents in the area around the former Lowden School property in early April. The Brush High School "Walks of Life" Mural Panels showcasing animal scenes are now complete and hopefully will be displayed at the zoo, in the County library system, and at various locations around the community. Thanked Aaron Hill, a soon-to-be graduate of Brush High School for completing his Senior Project with the City of South Euclid. The Mayor stated that she attended a regional meeting in Fairlawn with Congresswoman Marcia Fudge and enjoyed the experience of getting to meet everyone in the Congresswoman's newly expanded district and also recently met with representatives from University Hospital concerning the addition of a Level 1 Trauma Center at Ahuja Hospital. Ms. Welo stated that she attended church serves at Inner Healing Ministries and spoke of the positive energy Rev. Franklin and his congregation possess and also attended the annual Heights-Hillcrest Regional Chamber of Commerce (HRCC) Business Expo which had the largest turnout in its history. Mayor Welo commended Mr. & Mrs. Nagy on their 50th Wedding Anniversary and announced Richard Barone will be presenting some of the pieces that will be on display at the Museum of American Porcelain at the South Euclid Lyndhurst Historical Society Meeting at the Community Center on June 3rd. Mayor Welo announced that the City of South Euclid is the first city in Cuyahoga County to participate in the OpenCheckbook Initiative recently launched by the Office of Ohio Treasurer Josh Mandel. This will lead to all city revenue and expense reports being posted on-line to the website ohiocheckbook.com. The Mayor then read a statement detailing the city's strong financial position and the many financial accomplishments over the past few years. The Mayor announced that she may bring legislation forward in the next couple weeks to appropriate additional dollars so that all information can be posted to the Open Checkbook website in a user-friendly format that would include charts, graphs, etc.

The Mayor stated that the first annual Mother's Day Relay at Adrian Elementary School was a great success. And also that applications are available for employment as a counselor for the Summer Youth Initiative. Mayor Welo

thanked City Council for their support of Ord. 08-15, authorizing her to sign an agreement with Cuyahoga County for the resurfacing of a portion of Cedar Road.

Legislation Requested by the Mayor and Administration

Introduced by Miller

Resolution 14-15

RESOLUTION

AUTHORIZING THE APPROPRIATION OF UNAPPROPRIATED FUNDS IN THE FOLLOWING FUND: "POLICE DEPARTMENT EQUIPMENT FUND #101-1110-52743" IN AN AMOUNT OF \$1,246.59 FOR THE POLICE DEPARTMENT HONOR GUARD PROGRAM. FIRST READING.

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

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

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

The legislation has been approved.

Introduced by Miller

Ordinance 10-15

ORDINANCE

THE ZONING MAP OF THE CITY OF SOUTH EUCLID, OHIO, SO AS TO CHANGE THE HEREINAFTER DESCRIBED PERMANENT PARCEL NUMBERS FROM ITS EXISTING CLASS R-50 "ONE AND TWO FAMILY DISTRICT" TO C-1 "LIMITED COMMERCIAL DISTRICT;" AND DECLARING AN EMERGENCY. **FIRST READING & REFERRAL TO PLANNING COMMISSION.**

The legislation was placed on first reading and referred to the Planning Commission for discussion and consideration.

Law Director's Report

No Report

Letters & Communications

Councilman Icové Asked Law Director Lograsso for an update regarding the preparation of ballot language for the amendments recommended by the Charter Review Commission. Law Director Lograsso stated he would have this to Councilman Icové shortly. Councilman Icové also reiterated his request for a detailed account of how the annual payment of \$12,000 received as part of the Oakwood development agreement is being spent.

Councilman Fiorelli Announced that recycling and trash tonnage rates have remained steady year-over-year when compared to 2014.

Councilman Gelfand Commented on the great weather and reminded all to take extra care of their bikes to prevent potential thefts. Invited all to come to the grand opening of Coffee Phix which will be going on all day Saturday May 15th and Sunday May 16th.

Councilwoman Gray requested police reports for a traffic accident on Princeton, a drug deal on Greenvale, and an incident at Family Dollar. Mayor Welo reminded Councilwoman Gray she could simply contact the Police Chief to receive copies of these reports. Councilwoman Gray also stated she received a letter dated April 20th regarding the Cleveland Catholic Diocese purchasing a home on Ammon Road for conversion to a "group home." She requested all of Council be provided a copy of this letter. She also asked Law Director Lograsso if he had seen the letter and had sent a response. Law Director Lograsso stated that he had in fact sent a response and would provide a copy of that response to Council.

Councilwoman Goodman announced "River Day" is Saturday May 16th. This year the main activity will be cleaning the wetland area at Wildwood Park from 10am-2pm. Councilman Goodman will be speaking with Service Director Jim Anderson in regards to potential clean-up of the city property around the Cutter's Creek development. Potential backyard drainage solutions continue to be studied for the homes on Greenway Drive.

Council President Council President Miller requested Councilwoman Goodman to schedule a Zoning & Planning Committee Meeting to continue discussion on Ordinances 13-14 & 14-14, pertaining to the keeping of chickens. The meeting was scheduled for Monday June 22, 2015 at 7:30pm.

Adjourn

Action: Motion to Adjourn, **Moved by** Councilman Moe Romeo, **Seconded by** Councilman Marty Gelfand

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

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

The Meeting Adjourned at 9:55 pm.

Council President

Attest:

Clerk of Council