

**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.

**Opening Meeting of Council:**

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

**Stephanie Rhine**, 5044 Mayfield Road representing the South Euclid Lyndhurst Board of Education, reported that the School District is quickly approaching the end of the school year and commencement will be held on June 5<sup>th</sup>. Ms. Rhine gave an updated on the district's bus transportation center and reported educational achievements of students including a "Say No To Drugs" rally downtown, a workshop with an international photographer for photography students, the South Euclid and Lyndhurst Police Department's Bus Rodeo for over 250 children and Walmart donated bikes, helmets and locks to youth. Ms. Rhine discussed the district's strategic plan, which includes cost savings programs and also changing the start time for some of the schools for the next calendar year. Ms. Rhine also discussed the South Euclid and School District Real Estate Professionals Day held at Mayfield Country Club.

**Greg Coleridge**, 2101 Front Street in Cuyahoga Falls stated that he is the director of the Northeast Ohio American Friends Service Committee and thanked City Council for considering placing an issue on the ballot regarding the Move to Amend issue. Mr. Coleridge stated that other communities have also been voting on the issue related to letting government know that corporations are not people.

**Diane Mullally**, 4455 Monticello Blvd, reported that she is overjoyed that the City is considering putting the Move to Amend legislation on the ballot to help build a strong community and give a voice back to the people. Ms. Mullally also discussed the Hillcrest Kiwanis Club, their efforts to help the community's youth, seniors and those in need and the need for new members.

**Legislation for Removal from Council Docket**

Introduced by Miller

Ordinance 45-09

## ORDINANCE

CREATING NEW CHAPTER ~~4330~~ **1331** "WIND ENERGY FACILITIES OF PART THIRTEEN "BUILDING CODE" OF THE CITY OF SOUTH EUCLID; AND DECLARING AN EMERGENCY. **FOR REMOVAL.**

**Action:** Motion to Remove Legislation from Council Docket, **Moved by** Councilwoman Ruth Gray, **Seconded by** Council President Pro Tem Jane Goodman.

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

**Yes:** 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. The legislation has been removed from Council Docket.

**Legislation Requested by City Council**

Introduced by Miller

Resolution 22-14

## Resolution

IN APPRECIATION AND RECOGNITION OF THE CITY OF LYNDHURST, OHIO FOR THEIR SUPPORT OF RESOLUTION NO. 2014-28 ESTABLISHING THE TERMS OF RECIPROCITY WITH THE CITY OF SOUTH EUCLID AND THEREBY CONTINUING THE LONG TRADITION AND PARTNERSHIP. FIRST READING.

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

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

**Yes:** 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.

The Legislation has been approved.

Introduced by Miller

Resolution 23-14

## Resolution

A RESOLUTION FORMALLY AUTHORIZING THE FINANCE COMMITTEE OF CITY COUNCIL TO ESTABLISH A FORMAL AUDIT COMMITTEE. FIRST READING.

The legislation was placed on first reading and referred to the Council of the Whole for discussion and review.

Introduced by Miller

Resolution 24-14

## Resolution

AUTHORIZING THE APPROPRIATION OF UNAPPROPRIATED FUNDS IN THE FOLLOWING FUND: "CITY COUNCIL - FUND #101-7730-52799- MISCELLENEOUS" IN AN AMOUNT NOT TO EXCEED \$500 FOR THE PURPOSES OF CO-SPONSORING A PUBLIC FORUM ON YOUTH AND THE CRIMINAL JUSTICE SYSTEM. FIRST READING.

**Action:** Motion to Approve Legislation, **Moved by** Councilwoman Ruth Gray, **Seconded by** Councilman Ed

Icove.

Councilwoman Gray reported that the majority of the costs for the community public forum on youth is being Sponsored University Suburban Health Center and that Notre Dame College has provided the space at no costs. The only two remaining costs will be security and refreshments and that the total probably would not be more than \$300 total. Ms. Gray stated that the project evolved out of committed residents addressing youth issues in the community, and even though over 90% of youth are achieving and excelling there is a percentage that cause their share of trouble and that the costs are higher at the community level when not addresses early on, and while it's not the best subject, it is reality.

Councilman Romeo stated that he is 100% in favor of the project, however by budgeting the funding for this project Council is setting a precedent for others asking for funding from Council's budget and that he would personally be willing to contribute and between all of Council, we could cover the costs.

Councilperson Gelfand commended Councilwoman Gray for the project and stated that the Youth Initiative has been successful and that it's possibly time to consider a larger budget for youth initiatives as they come up or the year.

Councilwoman Gray removed her motion and Councilman Icove removed his second and the legislation was amended to say state " the Council of the City of South Euclid hereby agrees to sponsor a public forum on youth and the criminal justice system. The costs of which will be paid for by individual council members."

#### **Amended Legislation**

A RESOLUTION OF THE COUNCIL OF THE CITY OF SOUTH EUCLID HEREBY AGREEING TO SPONSOR A PUBLIC FORUM ON YOUTH AND THE CRIMINAL JUSTICE SYSTEM, THE COSTS OF WHICH WILL BE PAID FOR BY INDIVIDUAL COUNCIL MEMBERS. FIRST READING.

**Action:** Motion to Amend Legislation, **Moved by** Councilwoman Ruth Gray, **Seconded by** Councilman Moe Romeo.

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

**Yes:** 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.

The Legislation has been amended.

**Action:** Motion to Approve Amended Legislation, **Moved by** Councilwoman Ruth Gray, **Seconded by** Councilman Dennis Fiorelli.

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

**Yes:** 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.

The legislation has been approved as amended.

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Introduced by Miller

Ordinance 03-14

#### ORDINANCE

AN ORDINANCE FOR THE PURPOSE OF PLACING ON THE BALLOT AT THE NEXT GENERAL ELECTION FOR A VOTE OF THE ELECTORATE OF THE CITY OF SOUTH EUCLID, OHIO THE PROPOSED CODIFIED ORDINANCE CHAPTER \_\_\_ ENTITLED "POLITICAL CONTRIBUTIONS" INCLUDING CODIFIED ORDINANCE SECTION \_\_\_\_ ENTITLED "PUBLIC HEARINGS REGARDING IMPACT OF POLITICAL CONTRIBUTIONS; ACTIONS BY MAYOR", WHICH PROPOSED CODIFIED ORDINANCE WOULD REQUIRE THE MAYOR AND CITY COUNCIL TO HOLD AN BI-ANNUAL PUBLIC HEARING FOR THE PURPOSE OF STUDYING THE IMPACT ON LOCAL ELECTIONS OF POLITICAL SPENDING BY CORPORATIONS, AND WOULD REQUIRE THE MAYOR TO NOTIFY THE LEADERS OF THE UNITED STATES CONGRESS THAT THE VOTERS OF THE CITY OF SOUTH EUCLID HAVE CALLED FOR A CONSTITUTIONAL AMENDMENT INDICATING THAT CORPORATIONS DO NOT HAVE CONSTITUTIONAL RIGHTS AND THAT MONEY IS NOT THE EQUIVALENT OF SPEECH; AND DECLARING AN EMERGENCY. FIRST READING.

Following discussion, the legislation was placed on first reading and a Legislative Committee was scheduled for May 27<sup>th</sup> at 6:30 pm for review and discussion.

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#### **Report of Council Committees:**

##### Recreation committee

Recreation Committee Chair Fiorelli reported that the committee met to discuss the closing of Victory Pool and potential demolition. The cost savings could be utilized to enhance Bexley Pool in the future. The Service Director discussed options and costs at the meeting. A motion was made in committee to have legislation regarding Victory Pool legislation placed on First Reading at the next meeting of City Council.

##### Committee of the Whole

Council President Miller reported that the Committee of the Whole met to discuss monthly finances. As of April receipts are 33% of projected revenues and monthly disbursements were \$2 million, however that is based on transfers, which were approved by Council in March and April. RITA collections are nearly \$500,000 ahead of last year. Monthly committee meeting to discuss finances. President Miller reported that the Jeff Rink, the City's financial advisor from Key Bank was at the meeting to discuss the issuance of bonds to pay off the Stanhope, Cedar Center and Greenvale notes. The Mayor reported that ongoing efforts related to the strategic plan would address potential options for the Greenvale parcels.

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 IDECLARING AN EMERGENCY. **THIRD READING.**

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

Councilman Romeo and Councilwoman Goodman discussed potential amendments to the legislation to add residents to the Audit Committee. Councilman Ilove suggested that the legislation be tabled until there's time for more thorough discussion on the issue. Councilman Romeo stated that there has been a lot of discussion already regarding the issue.

Councilman Gelfand suggested that the issue be discussed on the floor to try to amend the legislation and pass it tonight. Councilman Fiorelli stated that there merit to Councilwoman Gray and Councilwoman Goodman's proposed amendments, but that he is prepared to pass the current legislation with the understanding that it's a work in progress and that it will be worked on in the coming months including if the positions are paid and how appointments would be made.

Councilperson Goodman stated that she would support the current legislation with the understanding that this issue gets scheduled as soon as possible so that it can be amended in committee and brought back with extra people included.

Mr. Miller asked why we couldn't amend the legislation now. Mr. Gelfand stated that he has some amendments he could make that would address the issue of adding residents. Following discussion on potential amendments to the legislation add residents, there were additional questions regarding the appointment process and length of terms and Councilman Romeo suggested to hold off because there are too many questions that remain. Councilman Gelfand stated that he agreed with Councilman Romeo and that while he thought the language was straight-forward, there are other questions, and suggested that the legislation be passed tonight and amended at a later date.

Council President Miller stated that the meeting to discuss the Audit Committee would be held on June 9<sup>th</sup>.

Councilman Ilove stated that nobody does legislation on a piecemeal basis and if Council is going to meet on the 9<sup>th</sup> and go over the language to table the legislation until there is more time because there is political philosophical differences between members of council and it's not going to help unless we get the particular language down so that that political philosophy can be articulated. Mr. Ilove stated that it doesn't make sense to pass something and then go back and amend it. Mr. Ilove stated that this issue has been going on since 2009 and asked that an email from Councilman Romeo to Councilman Ilove be included in the record of the Council Minutes to reflect that in 2012 Councilman Romeo agreed that there should be an independent audit committee and now there is a change in political philosophy and that the issue should be debated at the Committee Meeting on June 9<sup>th</sup>. (*Clerk Note: Email Attached to the minutes per Councilman Ilove's request to be included as part of the record of the Council Meeting Minutes*).

Councilman Gelfand stated that the legislation is not piecemeal and that the current legislation is good legislation that creates the Audit Committee in the fashion that the Auditor recommended and that the City does not have to pass legislation exactly the way it is recommended. Councilman Gelfand stated that the auditor functions to ensure that cities like South Euclid do things in a way that is transparent and answerable to the public and that as Council Members they are elected by the public and oversee the finances. Mr. Gelfand stated that, at some time in the future, if Council sees the wisdom of adding additional members to this committee then council should do that, but because Council is not able to agree on it at this time, the current proposed legislation works, represents the city, is transparent and that Council can amend the legislation later if there is a will to do it.

Councilwoman Gray stated that there are some philosophical differences in how the Auditor's recommendations are being interpreted and has resulted in Council not being able to come up with language everyone can agree with.

Councilwoman Gray stated that some people think that having an independent audit committee suggests that Council is not doing their job, which is not correct and that having an independent audit committee, as suggested by the auditor, is an opportunity to have checks and balances with people who are not elected. Councilwoman Gray stated that, as a compromise, she brought forward legislation that has the best of both worlds on the committee and that South Euclid doesn't have anything to hide and by adopting legislation that Council knows it does not really want and go back later and amend it will create confusion. Councilwoman Gray stated that she believes it is in Council's best interests to table the legislation, have a discussion and come up with something realistic. However, if Council intends to vote on something that is not completely thought out and ready for presentation to the public, she will vote no.

Councilman Ilove read the Auditor's recommendation and requested that it be included in its entirety for the record of the Council Minutes: "We recommend that the City establish an Audit Committee The Audit Committee can include members of Council. However, it is preferable to include representation that is independent from elected officials or management. The Committee could include professionals knowledgeable in the City's operations and in accounting, such as attorneys or bankers. The Audit Committee should meet regularly (perhaps quarterly) to monitor the City's financial reporting and control activities, and should meet with its independent auditors before and after each audit."

Councilman Ilove stated that the auditors fully understood that the committee is part of the basic checks and balances and is something that the City should strive for in everything we do in our community. Mr. Ilove stated that an independent Audit Committee also promotes transparency in that we let other people check what we actually do.

Mr. Ilove stated that since 2009, the same recommendations that have been made have not been looked at, addressed or implemented and one of the functions of the audit committee is that they assure that the audit recommendations are appropriately addressed and that current issues haven't been because the City can't double check itself and by continuing to put off the issues is wrong. Mr. Ilove stated that there are residents who are finance professionals that work in other cities that would be delighted to join the committee and help and that by passing the

legislation as proposed by Councilman Gelfand, Council is saying that they are taking care of it and that is not what the auditor's envisioned and that is the basis for the philosophical political differences. Mr. Icove stated that he will vote no on the legislation if it is not adopted pursuant to the recommendation that was made by Councilwoman Gray. Council President Miller asked Finance Director Smith if the language suggested by the auditor is boilerplate language and that cities can move forward and decide how they would like to implement the audit committee. Mr. Smith replied that it is boilerplate language. Councilman Miller asked Finance Director Smith if the Committee of the Whole, by meeting nearly every month for the last two years meets the standards that the auditor has discussed in the past. Mr. Smith responded that is correct. Council President Miller stated that he agrees with Councilwoman Gray on the point that Council has done their job and that some individuals believe that what Council has been doing regarding meeting as a Committee of the Whole monthly to discuss the finances is appropriate. Mr. Miller stated that as the duly elected representatives of the City, Mr. Gelfand's proposal to have the Committee of the Whole serve as the audit committee makes all councilmembers accountable and that he will vote yes for the legislation. Councilman Gelfand stated that the audit committee recommendation is something that has come before Council every year since before he was on Council and that Council has done nothing to address it. Mr. Gelfand stated that last year Councilman Romeo brought forward legislation that went on first reading and a year passed and nothing happened with it and that the legislation that Councilwoman Gray brought forward tonight could have been brought forward long before he was on council. Mr. Gelfand stated that when he saw the recommendation last year, he called Michelle Stys from the Auditor's office, who was at a Council Meeting a few weeks ago to present the City with the auditors top audit award because of the great job the city does with the audit every year. Mr. Gelfand stated that Ms. Stys told him that it doesn't matter what the form of the Audit Committee and it is just a recommendation and is completely up to the City. Mr. Gelfand stated that he double-checked with the person who currently audited the City and his response was that it is completely up to the City to decide what it wants to do and that even if City Council does not form an Audit Committee, the City would still get the top auditor's award. Mr. Gelfand stated that all members of council are answerable to the public, and that since they have not been able to agree on a method to establish an independent audit committee for years, his proposed legislation is better than not doing anything. Mr. Gelfand noted that they tried creating legislation that was a compromise and it didn't work and that the current legislation is perfectly good and its on the agenda for three readings, includes all members of council on committee and because monthly meetings are Committee of the Whole Meetings, they are open to the public, given noticed and provides notice to the media and public about the scheduled meeting. Mr. Gelfand stated that Council could have every auditor, every accountant, banker or lawyer come to the meeting and comment and accomplish the same objective and that we should continue to do what we are doing, continue to get the top Auditor's awards and in the future if Council decides to change the committee to be more inclusive, then they are free to do that. Mr. Gelfand requested that Council not put the issue off another week or another month. There is an opportunity to do it now. Councilperson Romeo requested that the Council President call the question.

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

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

**No:** Councilwoman Ruth Gray, Councilman Icove.

The Legislation has been approved.

Council President Miller asked that discussion regarding adding residents to the Audit Committee be scheduled for the next Committee of the Whole Meeting on June 9<sup>th</sup> at 6:30 pm.

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#### Mayor's Report:

- **Mayor Welo** reported on Real Estate Professionals Day that was held at Mayfield Country Club to educate realtors about South Euclid and the Schools. The meeting was attended by approximately 100 real estate professionals. Mayor Welo reported on upcoming Shred Day event this coming Saturday and a charitable effort by Rowland School 2<sup>nd</sup> graders. The Mayor reported on a new countywide trails initiative.
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#### Legislation Requested by the Administration

Introduced by Miller

Ordinance 04-14

##### ORDINANCE

TO PROVIDE FOR THE ISSUANCE AND SALE OF NOTES IN ANTICIPATION OF THE ISSUANCE OF BONDS IN A PRINCIPAL AMOUNT NOT TO EXCEED \$2,150,000 FOR VARIOUS PURPOSES INCLUDING PAYING COSTS OF ISSUANCE; AND DECLARING AN EMERGENCY. PLACE ON FIRST READING.

The legislation was placed on First Reading.

Introduced by Miller

Ordinance 05-14

##### ORDINANCE

TO PROVIDE FOR THE ISSUANCE AND SALE OF SPECIAL OBLIGATION (NON-TAX) BONDS IN AN AMOUNT NOT TO EXCEED \$1,900,000 TO RETIRE AT MATURITY CERTAIN NOTES ISSUED IN ANTICIPATION OF BONDS

FOR THE PURPOSE OF ACQUIRING, CLEARING AND OTHERWISE IMPROVING THAT CERTAIN REAL ESTATE

AND THE BUILDINGS THEREON AS DESCRIBED IN ORDINANCE NO. 81-06, PASSED BY THE COUNCIL ON NOVEMBER 13, 2006, AUTHORIZING THE PURCHASE THEREOF PURSUANT TO ARTICLE VIII, SECTION 16 OF THE OHIO CONSTITUTION, AND PAYING COSTS OF ISSUANCE; AND DECLARING AN EMERGENCY.

The legislation was placed on First Reading.

Introduced by Miller

Resolution 19-14

## RESOLUTION

AUTHORIZING THE MAYOR TO CONVEY CERTAIN REAL PROPERTY OF THE CITY OF SOUTH EUCLID, OHIO TO ONE SOUTH EUCLID. FIRST READING.

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

Councilwoman Gray and Councilman Icove requested clarification and legal opinion from the Law Director regarding Mr. Benjamin's position on the Board and if there are any potential conflicts.

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

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

**No:** Councilwoman Ruth Gray, Councilman Ed Icove.

The legislation has been approved.

Introduced by Miller

Resolution 20-14

## RESOLUTION

AUTHORIZING AN INCREASE OF APPROPRIATIONS IN THE FOLLOWING FUND: "ROAD IMPROVEMENT FUND #425" FOR EXPENSES RELATED TO THE SOUTH GREEN ROAD TRAFFIC SIGNAL UPGRADE PROJECT. FIRST READING.

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

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

**Yes:** 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.

The legislation has been approved.

Introduced by Miller

Resolution 21-14

## RESOLUTION

AUTHORIZING AN INCREASE OF APPROPRIATIONS IN THE FOLLOWING FUND: "ROAD IMPROVEMENT FUND #425" FOR EXPENSES RELATED TO THE REPAIR OF TREBISKY ROAD. FIRST READING.

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

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

**Yes:** 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.

The legislation has been approved.

**Law Director's Report**

No report

**Letters & Communications**

Council President Miller and members of Council discussed scheduling of Committee Meetings.

Councilwoman Gray discussed the upcoming youth forum and film screening at Notre Dame College on May 31<sup>st</sup>. The event is free to the public.

Councilman Gelfand discussed a Jewish War Veterans Post Donor Dinner at Landerhaven that he attended, along with additional veteran related events. Mr. Gelfand also discussed a County presentation he attended on behalf of the Mayor regarding shared services and the ongoing discussions regarding the Cleveland Heights University Heights School District's school transformation plan and the closing of Wiley, which will become the temporary home of the High School.

Councilman Romeo reported on an upcoming meeting with residents from Telhurst Road on May 21 at the Community Center.

Councilman Fiorelli reported on the Sacred Heart of Jesus Drama Club production.

Councilman Icove thanked Service Director Anderson and staff for taking care of a resident issue on Miramar Road and requested an update from Mr. Benjamin regarding the process for live streaming of council meetings.

**Adjourn to Executive Session**

**Action:** Motion to Adjourn to Executive Session, Moved by Councilman Moe Romeo, Seconded by Council President Pro Tem Jane Goodman.

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

**Yes:** 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.

Council adjourned to Executive Session at 9:41.

**Adjourn**

**Action:** Motion to Adjourn Regular Meeting, Moved by Council President David Miller, Seconded by Councilman Moe Romeo

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

**Yes:** 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.  
The meeting adjourned at 10:18 pm.

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Council President

Attest:

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Clerk of Council