

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, Lograsso, Nietert, Anderson, Love, Huston

Approval of Minutes: May 14, 2012

Following discussion, It was moved by Gelfand, seconded by Fiorelli, that the Minutes of the May 14, 2012 Meeting be approved.

Roll Call:

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

Nays: None.

Abstain: Goodman (absent at previous meeting)

Absent: None.

The Legislation has Passed Unanimously.

Opening Meeting of Council:

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

- Dan Grossman, 1319 Argonne stated that he is President of the South Euclid Recycling Committee and was addressing Resolution 40-12 regarding the City entering into an agreement for Automated Trash and Automated Recycling. Mr. Grossman stated that he supports the move, which will increase recycling, and that it adds to the City's image as a green and sustainable place to live, which will attract young couples and new residents to the community.
- Ray Rhode, 1543 Laclede Road, stated that he is President of the City's Records Commission and reported that at last month's Community Shred Day over 5.1 tons of paper were shredded, including 200 boxes of city records which were legally destroyed. Mr. Rhode also noted that the Recycling Committee is doing an outstanding job. Mr. Rhode reported that the City will sponsor two band concerts this summer on the lawn at Notre Dame College. The Hillcrest Concert Band will perform on July 1 and the Workman's Circle Klezmer Orchestra will perform on August 5.
- Yacov Lieber, 4242 Hindsdale Road, spoke regarding proposed ordinances 08-12 and 09-12 regarding parking tickets and stated that he is concerned with what has happened between today and January 1, 2012 and questioned if the Police Department has impinged or acted against the authority of the legislative or judicial branch of government.
- Bob Schoenewald, 4426 Bayard Road, spoke regarding proposed Resolutions 38-12 and 39-12 regarding lease agreement for 441 South Green Road and asked for an explanation of the legislation prior to Council vote for the benefit of those in attendance.

Motion to Amend the Agenda to include Executive Session of Council

President Miller asked for a motion to amend the agenda to include an Executive Session of Council to discuss pending litigation.

It was moved by Romeo, seconded by Fiorelli, that the Agenda be amended to include an Executive Session of Council.

Roll Call:

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

Nays: None.

Abstain: None.

Absent: None.

The Agenda has been amended.

Report of Council Committees:

Committee of the Whole

President Miller reported that the Committee of the Whole met prior to the Council Meeting to discuss Ordinances 08-12 and 09-12 regarding parking tickets. Mr. Miller stated that a future meeting will be scheduled to continue discussing the matter.

Service Committee

Councilperson Fiorelli reported that the Committee met on May 21 to discuss the results of the bid process for the new trash and recycling contracts, as well as the options presented to go fully automated, manual or a combination. At the Meeting the Service Committee recommended that the City consider the option of automated recycling and automated trash pick-up.

Recreation Committee

Councilperson Gelfand reported that the Recreation Committee will meet next Monday at 7 pm.

Mayor's Report:

- **Council President Miller** reported that Mayor Welo could not be at the meeting.
- **Engineer Blackley:** Reported on ongoing 2012 street reconstruction contracts and upcoming watermain projects.
- **Finance Director Filippo:** Explained proposed Resolution 36-12 regarding setting the rates for the 2013 Tax Budget.
- **Service Director Anderson:** Explained proposed Resolution 33-12 regarding the annual bid for Road Salt with ODOT, as well as Resolution 34-13 regarding the purchase of a new containment box for the Vac-All truck which is used to clean catch basins as mandated by the EPA. Anderson also discussed proposed Resolution 35-12 accepting a grant from ODNR for Emerald Ash Borer control and remediation, as well as the planting of new trees.
- **Economic Development Coordinator Love:** Explained proposed Resolutions 38-12 and 39-12 regarding the leases at 441 South Green Road and stated that the legislation provides for leasing the city owned property which is currently used by the School District as their bus garage to a shared lease between the bus garage and Gent Machine, which has outgrown current facilities and has had offers to move to another city.
- **Police Chief Nietert:** Thanked Ray Rhode and the Records Commission for their outstanding work and organization of the Shred Day. Chief Nietert also explained Resolution 37-12 withdrawing an objection with the State Liquor Control Board regarding the license for Tino's Bar. The Chief explained that the owner has made considerable changes in operation and employment, which has resulted in significantly reduced calls to the police department, and because of their good faith effort, he recommends the withdrawal. Chief Nietert stated that the City still can use Nuisance Abatement if problems reoccur and the City will again have the opportunity in October to object to the permit if the bar becomes a problem again.
- **Fire Chief Huston:** Reported that the Fire Department will begin its annual fire hydrant flushing next week.
- **President Miller:** Reported on the Memorial Day Parade and said it was fantastic and the largest parade in terms of participants.

Legislation Requested by the Administration

Introduced by Miller

Resolution 33-12

RESOLUTION

AUTHORIZING THE MAYOR TO ENTER INTO A PARTICIPATION AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION (ODOT) TO PROVIDE SODIUM CHLORIDE (BULK ROCK SALT) TO THE CITY OF SOUTH EUCLID, PER OHIO REVISED CODE 5513.01 (B); FOR THE 2012-2013 WINTER SEASON. FIRST READING.

Following discussion, It was moved by Fiorelli, seconded by Romeo, that Resolution 33-12 be passed.

Roll Call:

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

Nays: None.

Abstain: None.

Absent: None.

The Legislation has Passed Unanimously.

Introduced by Miller

Resolution 34-12

RESOLUTION

A RESOLUTION AUTHORIZING THE APPROPRIATION OF UNAPPROPRIATED FUNDS IN THE FOLLOWING FUND: "SEWER MAINTENANCE FUND #516-OTHER." FIRST READING.

Law Director Lograsso asked that City Council waive the competitive bidding process prior to voting on the Resolution. Service Director Anderson explained that there is only one supplier for the containment box for the City truck, which was purchased, in the early 1990s.

Motion to Wave Competitive Bidding Process

It was moved by Gray, seconded by Fiorelli, that Council waive the competitive bidding process.

Roll Call:

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

Nays: None.

Abstain: None.

Absent: None.

The Competitive Bidding Process has been waived.

It was moved by Fiorelli, seconded by Goodman, that Resolution 34-12 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

Resolution 35-12

RESOLUTION

AUTHORIZING THE MAYOR TO ACCEPT A 2012 OHIO DEPARTMENT OF NATURAL RESOURCES (ODNR) ASH REMOVAL AND CANOPY RESOTRATION GRANT AND ENTER INTO A GRANT AGREEMENT. FIRST READING.

Following discussion, It was moved by Goodman, seconded by Romeo that Resolution 35-12 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

Resolution 36-12

RESOLUTION

ADOPTING THE FISCAL BUDGET FOR THE YEAR BEGINNING JANUARY 1, 2013. FIRST READING.

Following discussion, It was moved by Romeo, seconded by Miller, that Resolution 36-12 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

Resolution 37-12

RESOLUTION

WITHDRAWING AN OBJECTION REGISTERED WITH THE OHIO DEPARTMENT OF COMMERCE DIVISION OF LIQUOR CONTROL CONCERNING THE RENEWAL OF THE LIQUOR PERMIT BELONGING TO TINO'S LOUNGE IN THE CITY OF SOUTH EUCLID, OHIO. FIRST READING.

It was moved by Icové, seconded by Romeo, that Resolution 37-12 be passed.

Chief Nietert reiterated his earlier comments regarding why he is comfortable rescinding the objection and Law Director Lograsso stated that the owner has made a good faith effort to remediate the problems.

President Miller stated that he has concerns about the establishment and that by withdrawing the objection, problems may reoccur. Councilman Romeo also stated that he is also concerned about the issue.

Chief Nietert explained that the City's nuisance abatement program can still be utilized and has more teeth as a deterrent and that the City can still object the renewal to the State if the situation gets worse in October.

Councilperson Icové stated that there has to be a high legal standard for these types of objections to liquor permits and that if we challenged it, we would probably lose. Mr. Icové state that it appears that this is the right thing to do and that the owners have so far acted in good faith.

Councilperson Gelfand stated that he would give deference to the Council representative of Ward 3 where the business is located and stated that he wants to see the establishment comply with the law, but also does not want to see a business close.

Councilperson Gray stated that the city also removed an objection a few months ago regarding Numberz Bar because the bar was sold to new management and that the owner was present and able to speak to Council. Ms. Gray stated that the same procedure should be followed with this issue and that council should have the opportunity to meet with the owner of Tino's.

Councilperson Icové suggested that the matter be tabled to provide for more deliberation and withdrew his motion. Councilperson Fiorelli withdrew his second motion.

The Resolution was placed on First Reading and referred to the Safety Committee.

Introduced by Miller

Resolution 38-12

RESOLUTION

AUTHORIZING THE MAYOR TO ENTER INTO A LEASE WITH THE SOUTH EUCLID-LYNDHURST CITY SCHOOLS FOR A PORTION OF THE REAL PROPERTY KNOWN AS 441 SOUTH GREEN ROAD IN THE CITY OF SOUTH EUCLID. FIRST READING.

The legislation was placed on First Reading and referred to Legislative Committee for discussion and review.

Introduced by Miller

Resolution 39-12

RESOLUTION

AUTHORIZING THE MAYOR TO ENTER INTO A LEASE WITH GENT MACHINE COMPANY FOR A PORTION OF THE REAL PROPERTY KNOWN AS 441 SOUTH GREEN ROAD IN THE CITY OF SOUTH EUCLID, OHIO. FIRST READING.

The legislation was placed on First Reading and referred to legislative committee for discussion and review.

Introduced by Miller

Resolution 40-12

RESOLUTION

AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH THE LOWEST AND BEST BIDDER FOR THE PROVISION OF AUTOMATED SOLID WASTE CURBSIDE COLLECTION AND DISPOSAL AND AUTOMATED CURBSIDE RECYCLING SERVICES WITHIN THE CITY OF SOUTH EUCLID, OHIO; AND DECLARING AN EMERGENCY. FIRST READING.

Councilperson Fiorelli stated that the contract to move to automated recycling and trash pickup will save approximately \$1.25 million over the length of the contracted and that it makes a statement for our green neighborhoods efforts by maximizing recycling and that moving to automated will at least double the amount of recycling compared to what is collected today.

It was moved by Fiorelli, seconded by Goodman, that Resolution 40-12 be passed.

Councilperson Gelfand commended Councilperson Fiorelli and Service Director Anderson for their work over the weeks and asked that a Fact Sheet be put together to educate residents before the automated process begins. Mr. Gelfand also requested solutions for residents who have small homes and might have issues with the storage of the carts and also older residents who may not be able to handle the large carts. Councilperson Fiorelli stated that if a resident has a problem, they would be able to switch to a 64-gallon bin versus the 96-gallon.

Councilperson Gray stated that she was impressed by the work with Councilperson Fiorelli and Director Anderson for taking the time to look at options and put together the proposals and educate council and residents about the options. Ms. Gray stated that President Miller and Director Benjamin answered resident questions about the conversion at the Ward One Community Meeting held last week and that the only main concern was with elderly residents being able to move the trash cart.

Councilperson Romeo also commended Councilman Fiorelli for the detail he went through in preparing the options and coming up with the four options and stated it is a great day for the City.

Councilperson Goodman commended Councilperson Fiorelli and stated that one of the biggest accomplishments was working through the process to find a way to not have to charge the residents for garbage pickup.

Roll Call:

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

Nays: None.

Abstain: None.

Absent: None.

The Legislation has Passed Unanimously.

Law Director's Report

None

Letters & Communications

- Councilperson Gelfand reported that the Recreation Committee will meet on Monday, June 4 at 7 pm.
- Councilperson Goodman thanked Chief Huston and Assistant Chief Carney for the informative day they spent at the fire academy. Ms. Goodman reported that she was absent at the last meeting of Council because she attend the Cleveland Heights-University Heights Joint Board Meetings regarding their school facilities plan which recommends the closure of Gearity School in University Heights, the only elementary school within walking distance for South Euclid residents in Ward 4 who attend school in the Cleveland Heights-University Heights district.
- Councilperson Gray also thanked Chief Huston for the opportunity to go to the Fire Academy and stated that until you walk in the shoes of a fire fighter, you cannot understand how important and dedicated they are. Ms. Gray also reported on the Ward One Community Meeting held last week and stated she was appreciative of the staff that was able to come to the meeting.

- Councilperson Gelfand stated that he attend an event at Notre Dame honoring and recognizing police and fire personnel for their heroic actions and also attended a Holocaust Museum event where to South Euclid residents, Regina Adler and Hinda Saul were acknowledged.
- Councilperson Romeo reported on an email received from the Cuyahoga County Library regarding potential plans to move to a new location. Director Benjamin responded.
- Councilperson Icové thanked Judge Gayle Williams Byers and Mayor Welo for their support of the Legal Clinic held last week to help residents at risk of losing their homes to foreclosure. Mr. Icové stated that 14-16 attorneys from South Euclid helped at the clinic including Councilperson Gelfand, Law Director Lograsso, and former Councilperson Larry Baker. Mr. Icové stated he was pleased with the turnout and that more clinics will be planned. Mr. Icové also requested that the Council President discuss with the Clerk the possibility of placing full copies of the legislation on the website prior to the council meetings.
- Council President Miller scheduled a Legislative Committee Meeting to discuss the bus garage lease agreements for Monday, June 11 at 6:15 pm and scheduled a Committee of the Whole for 7 pm on June 18 to discuss Ordinances 08-12 and 09-12 regarding the parking ticket legislations. Mr. Miller also reminded residents that next Wednesday is the last day of school and that First Interstate will be having a groundbreaking ceremony on June 7th. Mr. Miler also thanked Chief Huston for the experience at the Fire Academy.

Adjourn to Executive Session to discuss pending litigation.

Following discussion, It was moved by Goodman, seconded by Gelfand, that Council adjourn to executive session.

Roll Call:

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

Nays: None.

Abstain: None.

Absent: None.

Council Adjourned to Executive Session at 9:21 pm.

Adjourn

With no further business to discuss, Councilman Romeo made a motion to adjourn the Meeting. Seconded by Gelfand.

Roll Call:

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

Nays: None.

Abstain: None.

Absent: None.

The Meeting Adjourned at 10:01 pm.

Council President

Attest:

Clerk of Council