

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, Kowalczyk, Lograsso, Nietert, Martin, Anderson, Love, Huston

RETIREMENT CEREMONY: A retirement ceremony was held in Honor of K-9 Police Officer Rex.

SWEARING-IN CEREMONY: Auxiliary Police Officers: Charles Thompson and Steven Weiss

RECOGNITION CEREMONY:

Introduced by Miller

Resolution 53-12

RESOLUTION

DEDICATING AND RENAMING THE BASEBALL FIELD AT QUARRY PARK SOUTH AS "JOE CORENO FIELD". FIRST READING.

Following discussion, It was moved by Fiorelli, seconded by Romeo, that Resolution 53-12 be passed.

Roll Call:

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

Nays: None.

Abstain: None.

Absent: None.

The Legislation has Passed Unanimously.

Open Meeting of Council:

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

- Michael Hicks, 1437 S. Boulder Ave, Tulsa, Oklahoma, stated that he represented Walmart and asked for Council's consideration of the Conditional Use Permit for the Walmart Drive-Thru for their pharmacy.
- Yakov Lieber, 4242 Hindsdale, asked what financial measure or ratio does the City use to determine the maximum debt level and secondly what is the current limit of city debt and how does it compare to maximum level.
- Linda Pagon, 684 Parkside, reported on the fracking issue in Ohio, New York and Pennsylvania. Ms. Pagon also asked Council to take action on the Library issue and asked why the Library Board changed their minds regarding the renovation of the current library and that it would be moving from a densely populated area to a less densely populated area.

Report of Council Committees:

Committee of the Whole:

Council President Miller reported that the Committee of the Whole met earlier in the evening to report on the monthly finances and that revenues are currently tracking up and expenses are lower. The committee also discussed Ordinances 23-12, 24-12 and 25-12 regarding the notes related to Cedar Center Revitalization and a 1994 parking meter bond. The committee will continue to work on a debt schedule, five-year plan and union contracts.

Zoning & Planning Committee:

Councilperson Icové reported that the Committee will have a public hearing on September 24 at 7 pm to discuss legislation proposed by the Planning Commission.

Committee of the Whole

Introduced by Miller

Ordinance 10-12

ORDINANCE

AMENDING SECTION 303.99 "TRAFFIC CODE MISDEMEANOR CLASSIFICATIONS AND PENALTIES" OF PART THREE "TRAFFIC CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO TO REDUCE THE PENALTY OF A PARKING TICKET TO A MINOR MISDEMEANOR; AND DECLARING AN EMERGENCY. **THIRD READING.**

Following discussion, It was moved by Gelfand, seconded by Icové, that Ordinance 10-12 be passed.

Councilperson Icové made a procedural motion to table 10-12 and 11-12 until after a determination is made regarding an upcoming hearing regarding a pending order from Judge Byers, Chief Nietert and Traffic Commissioner Abele. Seconded by Gelfand.

Roll Call:

Ayes: Gelfand, Gray, Ilove.
Nays: Fiorelli, Goodman, Romeo, Miller.
Abstain: None.
Absent: None.

The Motion has Failed

- Councilperson Gelfand gave an overview of the purpose of Ordinance 10-12 and why he drafted the legislation as an alternative which reduces parking tickets from a fourth degree misdemeanor to a minor misdemeanor, with no jail term. The Ordinance also incorporates appropriate due process. Mr. Gelfand stated that only 20 cities in Ohio have made parking tickets non-criminal civil matters.
- Councilperson Ilove commended Councilman Gelfand for his excellent job drafting the legislation and stated that he supports it. Mr. Ilove stated that there is no question that it is constitutional and should be accepted by Council and that the fallacy in the other proposed legislation is that it creates a red herring and pigeonholes' civil versus criminal and that the fines could be more, creating an issue for the working poor. Mr. Ilove stated that there are 1,035 cities in Ohio and only 20 have adopted the bureaucratic approach since the option was established in 1994. Mr. Ilove stated that the conservative option is to adopt Mr. Gelfand's legislation and request that the Court report back to us next year. Mr. Ilove stated that if the alternate Ordinance is adopted, it will increase the number of employees in the police department, which he would rather see going to other safety resources like crossing guards.
- Councilperson Fiorelli thanked Councilperson Gelfand for drafting the legislation and stated that it does have merit and strengths. However, he believes the alternative Ordinance is stronger, and while they both take care of the issue of due process, a letter sent from the ACLU regarding the issue clearly supports the decriminalization of the parking tickets, which is the purpose of the alternate Ordinance. Mr. Fiorelli stated that from a business perspective, the alternative Ordinance proposed by President Miller does not utilize the time of the judge or court and creates a more efficient process.
- Councilperson Gray stated her support for Ordinance 10-12 and stated that she is adamantly opposed to Ordinance 11-12 and that when Council discussed the seat belt and texting while driving issues, neither was met with opposition with making them misdemeanors. Ms. Gray stated that this whole issue is the result of the Judge bringing forward her concerns that we have been violating constitutional rights and her charge to us is to fix the problem. Ms. Gray stated that parking tickets have always been criminal offences and wonders why all of a sudden we want to take it out of the courts. Ms. Gray stated that all we have to do is fix the problem and make sure there is due process and not take it out of the courts and create another bureaucracy and it is the right thing to do. Ms. Gray stated that under the alternative Ordinance the fees will be higher, credit scores will be impacted and police will run your license plates and that it is too much and impacts the average citizen.
- Councilperson Goodman stated that this issue has become an emotional one, however it was not just about the issue of due process, it was also about who received payments, the courts or the police department. Ms. Goodman stated that the question is whether the parking ticket process should be an administrative task or a judicial court task. Ms. Goodman stated that she doesn't believe that Ordinance 11-12 says where the traffic bureau has to be located and it could be in either the Police Department or the Court. Ms. Goodman stated that just because only a few communities in Ohio have implemented the non-criminalization of parking tickets as an administrative task, it doesn't make it right or wrong and stated that the issuance of parking tickets only impacts people who park where they are not supposed to park.
- Councilperson Gelfand stated that he appreciates Councilperson Fiorelli's comments regarding due process and stated that Ordinance 10-12 would save the City \$27,000 based on information received from the Judge and that under the previous Judge there was a parking clerk who earned \$38,000 and under Judge Byers, all the staff are cross-trained to handle parking tickets. Mr. Gelfand stated that the Police Chief says he can administrate the program for \$10,000. Mr. Gelfand stated that it would not cost the Judge any additional money and that any notice of hearing could be waived and the issue settled. Mr. Gelfand noted that the fee schedules in his proposed Ordinance are lower than the alternate legislation.

Roll Call:

Ayes: Gelfand, Gray, Ilove.
Nays: Fiorelli, Goodman, Romeo, Miller.
Abstain: None.
Absent: None.

The Legislation has Failed

ORDINANCE

AN ORDINANCE ESTABLISHING NEW CHAPTER 147 "PARKING GENERALLY" OF TITLE FIVE "ADMINISTRATIVE" OF PART ONE "ADMINISTRATIVE CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO. **THIRD READING.**

Following discussion, It was moved by Miller, seconded by Romeo, that Ordinance 11-12 be passed.

- Council President Miller stated that Council has spent a lot of time regarding this issue and there has been a lot of emotions and a lot of misinformation. Mr. Miller stated that when the issue was first raised he had no idea that parking tickets were criminal offenses and he believes that making parking tickets a misdemeanor is not in the best interest and that the Ohio Revised Code has found a way to decriminalize parking tickets and provides a framework to do it. Mr. Miller stated that Council can monitor the program and if not satisfied, then it can still go to the court. Mr. Miler stated that regarding the costs for administrating the program, he had asked for costs and never received them from the Court. Mr. Miller stated that he agrees with Councilperson Ilove that we have other important issues on our plate and this issue needs to be resolved and that it is our responsibility to look out not for the Administration, not for the Court, but for the residents of city of south Euclid.
- Councilperson Ilove stated that he has several amendments to Ordinance 11-12 which he would like to propose for Council consideration.

AMENDMENT #1; Section 2 Enforcement of Judgment

Following discussion, It was moved by Ilove, seconded by Gelfand, that the amendment be passed.

Roll Call:

Ayes: Gelfand, Gray, Ilove.
Nays: Fiorelli, Goodman, Romeo, Miller.
Abstain: None.
Absent: None.

The Amendment has Failed.

AMENDMENT #2 Section 2 B New Language in Chapter and replace B,C,D,E and adding new B

Following discussion, It was moved by Ilove, seconded by Gelfand, that the amendment be passed.

Roll Call:

Ayes: Gelfand, Gray, Ilove.
Nays: Fiorelli, Goodman, Romeo, Miller.
Abstain: None.
Absent: None.

The Amendment has Failed.

Amendment #3 Section C New Language Judgment or Default Judgment.

Following discussion, It was moved by Ilove, seconded by Gray, that the amendment be passed.

Roll Call:

Ayes: Gelfand, Gray, Ilove.
Nays: Fiorelli, Goodman, Romeo, Miller.
Abstain: None.
Absent: None.

The Amendment has Failed.

Amendment #4: Parking Violations Bureau – 4 B

Following discussion, It was moved by Ilove, seconded by Gelfand, that the amendment be passed.

Roll Call:

Ayes: Fiorelli, Gelfand, Goodman, Gray, Ilove, Romeo, Miller.
Nays: None.
Abstain: None.
Absent: None.

The Amendment has Passed Unanimously.

Amendment #5 Parking Violations Bureau – 4D – delete in its entirety

Following discussion, It was moved by Ilove, seconded by Gray, that the amendment be passed.

Roll Call:

Ayes: Gelfand, Gray, Ilove.
Nays: Fiorelli, Goodman, Romeo, Miller.
Abstain: None.
Absent: None.

The Amendment has Failed.

Amendment #6: Section 9 Parking Ticket Adopted

Following discussion, It was moved by Ilove, seconded by Gelfand, that the amendment be passed.

Roll Call:

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

Nays: Fiorelli.

Abstain: None.

Absent: None.

The Amendment has Passed.

Roll call on Ordinance 11-12 with Amendments

Roll Call:

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

Nays: Gray, Ilove.

Abstain: None.

Absent: None.

The Legislation has Passed.

Legislation Requested by the Planning Commission

Introduced by Miller

Ordinance 50-12

ORDINANCE

GRANTING A CONDITIONAL USE PERMIT FOR A DRIVE THROUGH AT 1516 WARRENSVILLE CENTER ROAD IN THE CITY OF SOUTH EUCLID, OHIO; AND DECLARING AN EMERGENCY. FIRST READING.

Following discussion, It was moved by Ilove, seconded by Miller, that Ordinance 50-12 be passed.

Roll Call:

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

Nays: None.

Abstain: None.

Absent: None.

The Legislation has Passed Unanimously.

Mayor's Report:

- **Mayor Welo:** Council President Miller reported that Mayor Welo was absent dealing with a family emergency.
- **Engineer Blackley:** reported on the 2012 watermain and road repair projects on East Berwald, Argonne and Sheffield Road and stated that he expects construction to be completed around the end of October.
- **Building Commissioner Kowalczyk:** Reported on Resolution 52-12 to appropriate funds for outside labor regarding a contract for commercial plumbing inspections. Mr. Kowalczyk also stated that certificate of occupancies have been granted for Chipotle, which will open next week and reported on the progress with Five Guys Burgers and Fried and the new Get Go construction.
- **Service Director Anderson:** Reported that residents have done a great job of recycling since the new program began in August. In August 168 tons of recycling was collected compared to 87 tons in July.
- **Economic Development Coordinator Love:** Reported on the success of the One South Euclid HarvestFest event on September 8.

Legislation Requested by the Administration

Introduced by Miller

Resolution 51-12

RESOLUTION

DECLARING IT NECESSARY TO IMPROVE CERTAIN DESCRIBED PUBLIC STREETS, ROADS, AND PLACES IN THE CITY OF SOUTH EUCLID, OHIO BY PROVIDING STREET LIGHTING; AND DECLARING AN EMERGENCY. FIRST READING.

Following discussion, It was moved by Goodman, seconded by Romeo, that Resolution 51-12 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 52-12

RESOLUTION

A RESOLUTION AUTHORIZING THE APPROPRIATION OF UNAPPROPRIATED FUNDS IN THE FOLLOWING FUND: "GENERAL FUND #101-BUILDING DEPARTMENT-OUTSIDE LABOR." FIRST READING.

Following discussion, It was moved by Romeo, seconded by Miller, that Resolution 52-12 be passed.

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

Nays: None.

Abstain: None.

Absent: None.

The Legislation has Passed Unanimously.

Introduced by Miller

Ordinance 21-12

ORDINANCE

DETERMINING TO PROCEED WITH THE IMPROVEMENT OF CERTAIN DESCRIBED PUBLIC STREETS, ROADS, AND PLACES IN THE CITY OF SOUTH EUCLID BY PROVIDING STREET LIGHTING AND DECLARING AN EMERGENCY. FIRST READING.

Following discussion, It was moved by Gray, seconded by Romeo, that Ordinance 21-12 be amended to change language in the Ordinance to reflect its association with Resolution 51-12.

Roll Call:

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

Nays: None.

Abstain: None.

Absent: None.

The Legislation has been amended.

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

Roll Call:

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

Nays: None.

Abstain: None.

Absent: None.

The Legislation has Passed Unanimously.

Introduced by Miller

Ordinance 22-12

ORDINANCE

ASSESSING ALL UNPAID COSTS OF ABATEMENT OF NUISANCES, AS AUTHORIZED BY CHAPTER 531 OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO, THE CUYAHOGA COUNTY COMMON PLEAS COURT AND THE OHIO REVISED CODE; AND DECLARING AN EMERGENCY. FIRST READING.

Following discussion, It was moved by Gray, seconded by Goodman, that Ordinance 22-12 be passed.

Roll Call:

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

Nays: None.

Abstain: None.

Absent: None.

The Legislation has Passed Unanimously.

Introduced by Miller

Ordinance 23-12

ORDINANCE

TO PROVIDE FOR THE ISSUANCE AND SALE OF NOTES IN ANTICIPATION OF THE ISSUANCE OF BONDS IN A PRINCIPAL AMOUNT NOT TO EXCEED \$2,000,000 FOR THE PURPOSE OF PAYING THE COSTS OF THE ACQUISITION, AND ANY NECESSARY CLEARANCE AND PREPARATION, OF REAL PROPERTY FOR URBAN REDEVELOPMENT, AND PAYING COSTS OF ISSUANCE; AND DECLARING AN EMERGENCY. FIRST READING.

Councilperson Romeo stated that Ordinances 23-12, 24-12 and 25-12 were discussed in the Committee of the Whole meeting held prior to the Council Meeting. Following discussion, It was moved by Romeo, seconded by Miller, that Ordinance 23-12 be passed.

Roll Call:

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

Nays: None.

Abstain: None.

Absent: None.

The Legislation has Passed Unanimously.

Introduced by Miller

Ordinance 24-12

ORDINANCE

TO PROVIDE FOR THE ISSUANCE AND SALE OF NOTES IN ANTICIPATION OF THE ISSUANCE OF BONDS IN A PRINCIPAL AMOUNT NOT TO EXCEED \$100,000 FOR THE PURPOSE OF REFUNDING CERTAIN NOTES ISSUED FOR PAYING THE COSTS OF IMPROVING STANHOPE PARKING LOT, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO, AND PAYING COSTS OF ISSUANCE; AND DECLARING AN EMERGENCY. FIRST READING.

Following discussion, It was moved by Romeo, seconded by Goodman, that Ordinance 24-12 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

Ordinance 25-12

ORDINANCE

AN ORDINANCE TO PROVIDE FOR THE ISSUANCE AND SALE OF GENERAL OBLIGATION (LIMITED TAX) BONDS OF THE CITY OF SOUTH EUCLID, OHIO, IN A PRINCIPAL AMOUNT NOT TO EXCEED \$15,585,000 TO RETIRE AT MATURITY CERTAIN NOTES ISSUED IN ANTICIPATION OF BONDS AND CERTAIN OTHER OBLIGATIONS INCURRED FOR THE PURPOSE OF PAYING THE COSTS OF THE ACQUISITION, AND ANY NECESSARY CLEARANCE AND PREPARATION OF REAL PROPERTY FOR URBAN REDEVELOPMENT, AND PAYING COSTS OF ISSUANCE; AND DECLARING AN EMERGENCY. FIRST READING.

Following discussion, It was moved by Romeo, seconded by Gelfand, that Ordinance 25-12 be passed.

Roll Call:

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

Nays: None.

Abstain: None.

Absent: None.

The Legislation has Passed Unanimously.

Law Director's Report

None

Letters & Communications

- Councilperson Icové thanked Sally Martin for her work on nuisance abatement issues.
 - Councilperson Fiorelli reported on the initial success of the new automated recycling numbers and that the collection of solid waste in the landfill went down 699 tons, while recycling has increased as detailed by Service Director Anderson. Mr. Fiorelli thanked Director Anderson for helping a resident with a basement flooding issue.
 - Councilperson Gray recognized Sally Martin for her work with the Quarry Park Community Garden and said that it is lovely and can't wait to apply for the lottery for plots next year. Ms. Gray stated that it is a good use of the land and it's beautiful and creative and that the hard work of the O'Toole family should be recognized.
 - Councilperson Goodman wished those of Jewish faith a happy Rosh Hashanah and new year.
 - Councilperson Romeo reported that he will be having a Ward 2 Community meeting on September 20th at the Community Center at 7 pm.
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Adjourn

It was moved by Romeo, seconded by Goodman, that the Meeting be Adjourned.

Roll Call:

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

Nays: None.

Abstain: None.

Absent: None.

The Meeting Adjourned at 10:44 pm.

David B. Miller
Council President

Attest:

[Signature]
Clerk of Council