

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 Icové, Councilman Moe Romeo, Council President David Miller.

Open Meeting of Council:

- Roni Basler, 3786 Fair Oaks, stated that she knows both Councilpersons Ruth Gray and Ed Icové very well and that she is appalled that Council would rush to judgment on sanctioning them and that a resolution should be passed to revoke the resolution and a public apology should be issued.
- Dennis Silsby, 4428 Greenway Road, reported on issues that he and neighbors have been having regarding flooding and other issues that are the result of issues at the construction site of the new Cuyahoga County library on Green Road and that the Library and contractors have not been responsive to their issues. Mayor Welo stated that she will facilitate a meeting with the Library and neighbors to try to work out issues.
- Chuck Turner, 4549 Lilac Road, stated that he has long had issues with Law Director Lograsso and that Mr. Lograsso has not responded to complaints of police abuse of him and another issue regarding an alleged rape victim and he stated that he believes the Police are retaliating against him. Mr. Turner addressed Law Director Lograsso's late tax payments and that both Mr. Lograsso and Police Chief Nietert are liars and dishonorable people. Mr. Turner stated that he spoke to two councilman who said that they had looked into the matter and that they were okay with it and that the system stinks for allowing Mr. Lograsso to stay employed and that the Mayor would allow him to stay employed.
- Don Lisy, 1352 Francis Court, stated that there is a lot of animosity on City Council and that everyone used to work together and now council is taking sides and not doing what they were elected to do and that the Charter Review has become a political game. Mr. Lisy lauded both Councilpersons Ed Icové and Ruth Gray who have always been there for him and he is there for them.
- Jim Szirony, 4033 Buxton, stated that he supports Councilperson Gray and Icové and that there are more serious problems in the city to deal with than to engage in petty bickering.
- Robert Schonewald, 4426 Bayard Road, stated that he read the Sun Newspaper article about the new reptile business and stated that City Council has ordinances and is looking at ordinances limiting the number of chickens and dogs and cats residents can have, but is there a law limiting the amount of snakes, especially aggressive snakes that a business can have. Mr. Schonewald asked how the establishment got permits to open the facility and a zoning variance.
- Yakov Lieber, 4242 Hindsdale Road, discussed the resolution passed at the last council meeting sanctioning Councilmembers Icové and stated that subsequent events have clearly shown that Council has no evidence to back up their accusations. Mr. Lieber stated that Council President Miller should sponsor a resolution to correct the injustice, and if he doesn't he should resign as Council President.
- John Currid, 1683 Beaconwood, congratulated City Council for creating the circus that now exists and stated that he is not a friend of Councilpersons Icové or Gray, and it takes a great effort for Council to go out their way to embarrass our city and that they have made fools of the community. Mr. Currid addressed the Law Director confirmation and stated that Mr. Lograsso has twice been in breach of the City Charter and asked the Mayor to withdraw her appointment and that serious questions need to be asked of Mr. Lograsso and proceedings should be held in public.
- Matt Byrne, 1156 Plainfield Road, stated that the recent events by city council reflect poorly on the city and community.
- Jim Simandle, 4400 Greenway Road, addressed the flooding and ongoing issues as a result of the Cuyahoga County Library construction and asked at what point can the city shut down construction until the library and their contractors fix issues. Mayor Welo stated that she is looking into the issues, and will convene a meeting for the residents to meet with the library and their contractors to abate the issues.
- Robert Frey, 1299 South Green Road, addressed several issue and that things happening in South Euclid are not goof and that the Mayor has continually lied about the safety levy money and that it has gone to Cedar Center and none went to safety. Mr. Frey stated that other issues include giving Economic Development Director Mike Love a 223% increase in salary during a time when the Mayor said wages were frozen and that Miles Welo, the Mayor's son was hired by the law firm in 2013 as a law clerk and never told the public.

Adjourn to Executive Session for the purpose of discussing personnel related to the confirmation of the Law Director.

A motion was made to move into executive session, however, Law Director Lograsso stated that there was no need to discuss his appointment in Executive Session.

Motions were rescinded.

Committee of the Whole

Council President Miller reported that the Committee of the Whole met to discuss the abandoned Shopping cart legislation and will be placed on the next council agenda. Mr. Miller reported that the administration is looking at the possibility of adding a custodian for city hall and that the position is currently a contracted position and that the Finance Director reported that the City ended 2014 with a general fund balance of \$4.2 million with budgeted expenditures about 4% less than expected and revenues about 3% higher than budgeted.

Legislation Requested by City Council

Introduced by Miller

Resolution 58-14

RESOLUTION

IN ACCORDANCE WITH ARTICLE V "ADMINISTRATIVE DEPARTMENTS AND COMMISSIONS" OF SECTION 1 "GENERAL PROVISION" OF THE CHARTER OF THE CITY OF SOUTH EUCLID, OHIO, THE COUNCIL OF THE CITY OF SOUTH EUCLID HEREBY CONFIRMS MICHAEL P. LOGRASSO AS DIRECTOR OF LAW. **THIRD READING.**

Action: Motion to Approve Legislation, **Moved by** Council President David Miller, **Seconded by** Council President Pro Tem Jane Goodman.

- Council President Pro Tem Goodman stated that governing by media is not an effective or appropriate way to govern and sets a bad precedent, especially when what is being written about is by someone whose job is to create controversy and it is not a thoughtful way to govern and is wrong. Ms. Goodman stated that Council should not make decisions only on articles in the newspaper and that council has seen the representation that Mr. Lograsso have given over the years and seen a State Judge laud him and while she appreciates the public making their feelings known, Council has a much larger body of record that goes into account.
- Councilwoman Gray stated that her relationship with Mr. Lograsso has been challenging for the past two years and started long before then and that this goes back to why we have a constitution and questioned an issue regarding not being able to have outside legal invoices that were held back for reasons of attorney client privilege and that she noticed clear discrepancies between invoices submitted by the Law Director and those acceptable by outside legal firms. Ms. Gray questioned why are the invoices considered private and that like the Mayor, she has a fiduciary duty to review them and why a councilperson would be excluded and that the issue should be addressed by another source like the Ohio Ethics Commission. Ms. Gray also reported that she received a letter from Mr. Lograsso stating that she was being prejudicial against him and asked who is the attorney and who is the client, and that if the City of South Euclid is the client, then as a councilwomen she should not have been denied access to information and then retaliated against by getting a disparaging letter from the Law Director and that's why she is voting against Mr. Lograsso's confirmation.
- Councilman Gelfand stated that the process of confirmation is now part of the city's charter and discussed other options that could have been taken regarding Law Director Confirmation. Mr. Gelfand stated that he has asked a lot of tough questions and gotten every document and all his questions answered from Mr. Lograsso and that Mr. Lograsso has dealt with some very controversial issues and has done an excellent job for the City. Councilman Gelfand stated that he cannot make judgments around Mr. Lograsso's personal debt issues and it is not his place to judge on these issues and he has done a good job as law director and will be voting to confirm him.
- Councilman Romeo stated that Mr. Lograsso has been Law Director for over 10 years and he has contributed greatly, negotiated contracts and saved the city money. Mr. Romeo asked if any of his adversaries had sat down and talked to him about his accomplishments and that he has done a good job and he should be given the opportunity to proceed as Law Director.
- Councilman Fiorelli stated that he does not agree with Mr. Lograsso not paying his taxes, however in the work environment, you give people the benefit of the doubt and move on. Mr. Fiorelli stated that the Mayor had sent a letter that she met with Mr. Lograsso about addressing his personal financial issues and that people make mistakes and he is confident that it is in the best interest of the community to reconfirm him.
- Councilman Ilove addressed the comments made by Councilwoman Goodman about why we shouldn't govern by the media and stated that the media is the marketplace for ideas and that information is available from a variety of sources. Mr. Ilove stated that in 2012 he and a group of residents including James Gray, Ruth Gray, and Mary Ilove led a charter petition to put the confirmation of the Law Director on the ballot and citizens approved it by over 70%. Confirmations of Law Directors is a component of almost all governmental bodies and is also a part of the Cuyahoga County charter. Mr. Ilove stated that during the confirmation process, the law director agreed to several steps including improved communication with council and fiscal responsibility. Councilman Ilove stated that the issue with the law director's salary and additional fees present an inherent conflict of interest for example with incentives for Mr. Lograsso to spend extra time to work on cases of litigation and that his salary should be flat and fixed and this is one example of why he is voting to not reconfirm him and that the Law Director has committed other acts and that he has the duty to avoid even the appearance of impropriety and encouraged other members of council to vote against his confirmation.
- Council President Miller stated that he has had nothing by open, honest and clear communication with Mr. Lograsso and that he has personally sat in on negotiations and seen that Mr. Lograsso has the best interest of South Euclid residents. Mr. Miller stated that there have been instances where he did not agree with some of the things Mr. Lograsso has said, including the issue of suing a resident and stated that that resident rightly counter-sued. Councilman Miller stated that regarding Mr., Lograsso's personal financial issues, all of us make mistakes. Mr. Miller addressed comments made by Councilwoman Gray and stated that there's more to the story and that when he and other members of council wanted to see the same

documents, they came to the office and were able to review them and that Ms. Gray chose not to do the same. Mr. Miller said that it is in the best interest of the City and Council to reconfirm Mr. Lograsso.

- Law Director Lograsso stated that like everyone, he is not perfect, has made mistakes and has owned up to them. Regarding the issue with Mr. Frey three years ago, Mr. Lograsso stated that he should have handled the situation differently, and that he has done a lot of soul searching and stated that god had brought these challenging people into his life for a reason and to make him a better person. Mr. Lograsso stated that regarding Councilman Icové's statement about the conflict of interest related to his salary that, as an attorney, Mr. Icové does the same thing and has known Mr. Icové for over 25 years and has been nothing but a friend, personally and professionally and that he has never done anything to Mr. Icové or the City except to work in the best interests of the city, including negotiating over collective bargaining agreements and saving the city over \$400,000. Mr. Lograsso mentioned economic development projects and his work on the Cedar Center revitalization project after the economy tanked and negotiating the sale of the property and working to protect the city's bond rating. Mr. Lograsso stated that he grew up in South Euclid and has spent his career of over 32 years working for the City as a police officer, prosecutor and law director and stated that there is a choice to move on in either a positive or negative direction and he has chosen to move in a positive direction.

Vote: 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 Icové.

The legislation has been approved.

Mayor's Report:

- Mayor Welo thanked City Council for the reconfirmation of the Law Director and discussed the excellent City Audits that the City has had for the last many years and that Law Director Lograsso played a major role in taking care of issues that had to be addressed when she took office as Mayor in 2004 and the City has received excellent audits since. Regarding Councilwoman Gray's comments about not being able to review Mr. Lograsso's invoices, Mayor Welo stated that every city councilperson has the right to review them at any time, including Ms. Gray, and other members of council had. Ms. Welo congratulated Mr. Lograsso on facing the music regarding how he could have handled some situations differently. Mayor Welo reported that the City will be coming in below budget for 2014 with a projected fund balance of around \$4.2 million, reported on community and school events and wished everyone a happy new year.

Legislation Requested by the Administration

Introduced by Miller

Resolution 01-15

RESOLUTION

SETTING THE DATES FOR THE CITY OF SOUTH EUCLID'S REGULARLY SCHEDULED COUNCIL MEETINGS IN 2015. FIRST READING.

Motion to Amend Legislation to fix the year from 2014 to 2015.

Action: Motion to Amend Legislation, **Moved by** Councilman Marty Gelfand, **Seconded by** Councilman Ed Icové.

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 Icové, Councilman Moe Romeo, Council President David Miller.

The legislation has been amended.

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 Icové, Councilman Moe Romeo, Council President David Miller.

The legislation has been approved.

Law Director's Report

Law Director Lograsso thanked Council Members for their continued support and stated that he has always supported Councilman Icové and Councilwoman through the years and is happy to do it again and stated that he has a good relationship with Judge Byers. Mr. Lograsso stated that the relationships are not irreparable and he hopes he can work out issues.

Letters & Communications

- Council President Miller discussed setting budget hearings and Clerk Benjamin stated that he would propose dates to City Council to ascertain the best days and times to meet.
- Councilman Icové requested that the Council President and council members place legislation on for council to repeal the sanction resolution passed at the previous meeting and apologize for their wrongdoing. Mr. Icové requested that Clerk Benjamin look at scheduling sunshine law training for council members and stated that the City needs to move forward together and work on communitywide issues like safety forces, recreation and other community initiatives. In response to Mr. Lograsso, Mr. Icové stated that in politics there are no permanent friends and no permanent enemies, only permanent interests.

- Councilman Fiorelli reported that the Recreation Committee will meet on January 26 to discuss the annual swimming pool fees for next summer and to discuss the creation of an ad hoc committee looking at recreation initiatives.
- Councilman Gelfand reported that last year City Council passed a resolution urging Congress to amend the constitution to state that corporations are not people, and do not have the same rights as people. Mr. Gelfand stated that a group is getting together in South Euclid and will have their first meeting on January 14th to discuss getting an amendment on the ballot in November.
- Councilwoman Gray distributed copies of a statement she wrote to members of Council and public regarding the issues discussed regarding the Executive Session issue, the Mayor's son's employment and the fact that he began working for the firm in 2013 and council didn't know about it, Law Director Lograsso and Council's resolution sanctioning her and Councilman Ilove. Ms., Gray stated that the public needs to take heed and that any attempt to conduct business under a cloak of secrecy or imply that council should function in secret is a threat to the democratic system of government and that passage of the sanction legislation violated her constitutional rights and should be rescinded. Councilwoman Gray stated that she has the right and responsibility to uphold the principles of open government and it is ironic that she was publically censored for publically challenging the rationale of the executive session issue and it is her duty to raise concerns on matters and someone is not always wrong just because they disagree. Ms. Gray stated that the legislation violates the constitution, Roberts Rules of Order and the City's Charter and it behooves South Euclid Council and the administration to participate in training on Ohio's Sunshine Laws and ethics in government.
- Councilwoman Goodman stated that when Council takes on the job, they give up some rights, including sometimes our own personal beliefs in order to be responsible to constituents. Ms. Goodman stated that politics is not what Council should be doing in Council Chambers and that Council should be governing instead of council members making statement to try to get the public to perceive their view as being the truth. Councilwoman Goodman stated that the City has a Charter that sets the rules and the sanction legislation was to address inappropriate behavior, however, if Council erred by blaming Councilman Ilove for contacting the media, then there should be an apology. Ms. Goodman reported on the Planning Commission Meeting that was held to discuss the urban agriculture legislation regarding allowing chickens and a Planning Commission public hearing set for January 22 on the issue.
- Council President Miller stated that as Councilman Ilove has previously stated, there are two things you never want to see made, sausage and politics. Mr. Miller stated that there is more to the story and that Mr. Ilove and Ms. Gray have not been open about information he has known about for over two years ago, but would not go into detail.

Adjourn

Action: Motion to Adjourn, **Moved by** Councilman Marty Gelfand, **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 Ilove, Councilman Moe Romeo, Council President David Miller.

The meeting adjourned at 10:05 pm.

Council President

Attest:

Clerk of Council