

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 Goodman, Councilwoman Ruth Gray, Councilman Ed Icove, Councilman Moe Romeo, Council President David Miller.

Approval of Minutes: November 10, 2014 & November 24, 2014

Action: Motion to Approve Minutes, **Moved by** Council President Pro Tem Jane Goodman, **Seconded by** Councilman Marty Gelfand.

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 Minutes have been approved.

Opening Meeting of Council:

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

- Charles Turner, 4549 Lilac Road, stated that he has been a resident of Lilac Road for 17 years and that he is also a former member of the military and a former Police Officer. Mr. Turner addressed the confirmation ordinance regarding Law Director Mike Lograsso and issues that he has had with him and the Police Chief and reported on an incident where he stated that the police sat outside his home, followed him when he left and his car was hit from behind by a police car at 60 mph. Mr. Turner stated that Mr. Lograsso does not know the bill of rights and constitution and both he and the police chief should be looking for a job.
- Robert Frey, 1299 South Green Road, wished everyone happy and safe holidays and stated that he has been recording the live feed of the council meetings at home and that at the last meeting it wasn't turned on until after Mr. Turner's public statement. Council President Miller and Clerk Benjamin stated that there have been issues with the live feed and the wireless connection to the camera. Mr. Frey alleged that Clerk Benjamin adjusted the volume of the live feed and turned it down while Councilwoman Gray was speaking and that on another occasion Law Director Lograsso pulled out his cell phone and was recording public comments on his phone. Mr. Frey stated that for the last two years he's been recording council meetings. Clerk Benjamin stated that while there have been issues with the live video feed and a learning curve on the new process, there is backup audio of meetings that is available and is public record.
- Jeff Coryell, stated that he is a Councilman in Cleveland Heights and is chair of their Community Relations and Recreation Committee. Mr. Coryell discussed recreation offerings available in Cleveland Heights and the potential expansion of offerings to South Euclid residents.

Report of Council Committees:**Safety Committee**

The Safety Committee met regarding the EMS billing ordinance which was attended by representatives of the Ohio Attorney General's office to inform how the office goes about collections. The committee will continue discussions on the matter.

Committee of the Whole

Council President Miller reported that the Committee of the Whole met to discuss the proposed amendment to the certificate of occupancy regarding rental occupancy permits.

Introduced by Miller

Ordinance 15-14

ORDINANCE

AMENDING SECTION 1409.01 "CERTIFICATE OF OCCUPANCY REQUIRED" OF CHAPTER 1409 "CERTIFICATE OF OCCUPANCY" OF PART FOURTEEN "HOUSING CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO. **SECOND READING.**

Action: Motion to Approve Legislation, **Moved by** Council President David Miller, **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.

Mayor's Report:

- **Mayor Welo** reported that longtime former City Engineer Steven Hovancek passed away from cancer. Mayor Welo reported on road repairs and gas line repairs and reported on the 40th Anniversary of the Rape Crisis Center as well as the Fire Department's Fill the Squad day which collected nearly one ton of food for those in need.
- **Finance Director Smith:** discussed the legislation regarding final appropriations budget for the year and that he is working on the 2015 budget.
- **Economic Development Director Love:** Reported on the One Community Big Gig Internet project and also the crowdfunding site to raise money for the re-opening of the Coffee Phix Café at its new site on Mayfield Road.

- **Housing Manager Martin:** thanked Council for their support of the rental occupancy amendment legislation and wished everyone happy holidays.

Legislation Requested by the Administration

Introduced by Miller

Resolution 66-14

RESOLUTION

EXCUSING COUNCIL MEMBERS' ABSENCE FROM COUNCIL MEETINGS DURING THE YEAR 2014. FIRST READING.

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

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

Following Discussion, 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 67-14

RESOLUTION

SETTING THE FIRST REGULARLY SCHEDULED MEETING OF THE CITY COUNCIL OF THE CITY OF SOUTH EUCLID, OHIO IN 2015. FIRST READING.

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

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

Following Discussion, 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 68-14

RESOLUTION

AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH OHIOBIZ, LLC TO FURTHER DEVELOP AND MAINTAIN THE WORLD WIDE WEBSITE FOR THE CITY OF SOUTH EUCLID, OHIO. FIRST READING.

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

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

Following Discussion, 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

Ordinance 21-14

ORDINANCE

AMENDING SECTION 933.07, FEES FOR USE, AS CONTAINED IN CHAPTER 933, MUNICIPAL SWIMMING POOLS OF PART NINE STREETS AND PUBLIC SERVICES CODE OF THE CITY OF SOUTH EUCLID; SETTING ADMISSION FEES, SEASON PASSES, SPECIAL PROGRAMS, RECIPROCITY WITH THE CITY OF LYNDHURST FOR THE USE OF THE MUNICIPAL SWIMMING POOLS AND SPLASH PARK BY RESIDENTS OF THE CITY, AND ALLOWING RESIDENTS OF RICHMOND HEIGHTS USE THE MUNICIPAL SWIMMING POOLS AND SPLASH PARK ACCORDING TO THE FEE SCHEDULE CONTAINED WITHIN. FIRST READING.

The legislation was placed on First Reading and referred to the Recreation Committee for further discussion and review.

 Introduced by Miller

Ordinance 22-14

ORDINANCE

TO MAKE APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF SOUTH EUCLID, STATE OF OHIO, DURING THE FISCAL YEAR ENDING DECEMBER 31, 2014; AND DECLARING AN EMERGENCY. 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).

Following Discussion, 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.

 Motion to Amend Agenda to include Resolution 69-14

Action: Motion to Amend Agenda to include Resolution 69-14, **Moved by** Council President David Miller, **Seconded by** Councilman Dennis Fiorelli.

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 Ilove.

The Agenda has been amended to include Resolution 69-14.

Introduced by Miller

Resolution 69-14

RESOLUTION

A Resolution publicly censuring and admonishing Council Members Edward Ilove and Ruth Gray for violating the rules of council of the City of South Euclid regarding the confidentiality of discussions held while in Executive Session; and declaring an emergency.

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

- Councilman Ilove stated that it is not right to blindside people and that this is a travesty of justice, is a violation of his constitutional 14th amendment rights and that he never talked to the reporter at issue.
- Councilwoman Gray stated that she would like the Council President and other members of Council to proceed with the legislation because she had a constitutional right to say what she said at the previous Council Meeting regarding the Mayor's son's employment with a law firm that has been doing business with the city and that the purpose of the Executive Session was to discuss pending litigation and the sale of real property, and discussing the issue regarding the Mayor's son was in her opinion not inappropriate because it did not pertain to the purpose of the Executive Session. Councilwoman Gray stated that members of Council know what is going on and that when we want to use our power and authority to muzzle council members and their freedom of speech, they do what only serves their purpose and that Council had the duty and responsibility to address issues of injustice and discrimination and had the chance to do it and she has the right to discuss how she sees things.
- Council President Miller stated that as Councilman Gelfand said at the last meeting, what goes on in Executive Session stays there.
- Council President Pro Tem Goodman stated that the issue is about respecting the rules of council and what Roberts Rules governs.
- Councilman Romeo stated that in 20 years on Council what has been discussed in Executive Session has stayed in Executive Session and what Councilpersons Ilove and Gray did is wrong and he believes a travesty of justice has occurred.
- Councilman Fiorelli stated that he has high regard for the Ohio Revised Code and open meetings law and public records and spent an entire career working with proprietary information and what was said in Executive Session was confidential.
- Councilman Gelfand stated that Executive Session's exist to discuss matters of litigation and real estate transactions and that what is discussed requires a great deal of sensitivity and that's why we have Executive Sessions and that people may have different opinions about it, but going to the media right away was not the way to go. Mr. Gelfand stated that Council has a public responsibility and if there are disagreements, there are places to go other than directly to the media. Mr. Gelfand stated that he got a call from the reporter about the issue and would not discuss what was discussed in the executive session.
- Councilwoman Gray stated that as she stated at the last Council Meeting, she was questioning why the issue was the subject matter of executive session and that in her opinion it was a violation of what she interprets as the Sunshine Law and that the Mayor's son was working for the firm for over a year and had nothing to do with the subject matter of the Executive Session and asked how has she violated the rules.
- Council President Miller stated that the subject was germane to the executive session discussion and disclosing what was said in Executive Session was wrong.
- Councilman Ilove sked what evidence does Council have that he contacted a member of the media.
- Councilwoman Goodman stated that the legislation is how council goes about reprimanding those who break rules and expresses its dismay. There are no penalties in the legislation.
- Councilwoman Gray stated that if this is where Council is going, they are going to go there, but there have been other times when Council failed to take action on issues.
- Councilman Ilove stated that there is no evidence that he contacted the media and that according to Ohio public meeting laws, they shall be liberally construed and that the issue that was discussed in Executive Session is of public interest and that the attorney involved, Mr. Coyne, disclosed by letter to the law director and that is a public record. Councilman Ilove said that what Council is doing is a big mistake and in his years on council he has never seen anything like this before and he doesn't know if the actions council is proposing to take is legal and asked where the due process was, as there is supposed to be evidence against someone that the accused should have adequate opportunity to prepare a case and present it. Mr. Ilove said that Council members are going to be very ashamed.
- Council President Miller stated that the legislation is appropriate and that the reason Councilwoman Gray is included in the sanction is because she commented on the issue at the last council meeting and that it was wrong to discuss a matter of executive session and run to the newspaper less than 24 hours after the meeting.
- Council President Pro Tem Goodman asked that the Council President call the question.

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 Ilove.

The legislation has been approved.

Law Director's Report

Law Director Lograsso reported that he has been in negotiations regarding City employee's healthcare plan and that the administration has negotiated to stay with United Healthcare, but by joining the Cuyahoga County Health Plan pool will be saving about 4% with no change in level of coverage.

Letters & Communications

- Councilwoman Goodman wished everyone happy holidays.
- Councilwoman Gray stated that she will commit to the residents to continue to be transparent and if she feels something has not been done right she will work for the people and that there are some things that council needs to talk about like how council treats their colleagues. Ms. Gray stated that she has talked to Councilman Miller on other issues that he has chosen not to deal with. Ms. Gray stated that just because she has different perceptions, it is not cause to ostracize or discredit me and acts of injustice and immorality have to be addressed across the board. Councilwoman Gray stated that she is disappointed in her colleagues that they would choose to play a very dangerous game with the public. Ms. Gray reported on a NOPEC energy efficiency program and wished everyone a Merry Christmas and Kwanzaa.
- Councilman Gelfand reported on the next Heights Chamber of Commerce Meeting and that this evening is the 7th Night of Hanukah. Mr. Gelfand reported that he spoke with a group of elementary school children.
- Councilman Romeo reported on deer complaints and that the winner of the annual Ward 2 Holiday Lighting contest was the home at 1148 Hillrock.
- Councilman Fiorelli reported on the South Euclid Recycling Committee and wished everyone a happy holiday season and new year.
- Councilman Ilove stated that he had a chance to review Section 61 of Roberts Rules of Order and that there is a procedure that should have been undertaken. Mr. Ilove stated that the Law Director cited an 8th District Court of Appeals case regarding the executive session and requested a copy of the case law. Councilman Ilove asked for copies of the evening's audio and also asked that the Clerk please put Resolution 58-14 regarding the Law Director's confirmation on the agenda for third reading on January 12, 2015.
- Council President Miller stated that certain things are off limits and wished everyone a Merry Christmas.

Adjourn to Executive Session for the purpose of discussing collective bargaining agreements.

Action: Motion to Adjourn to Executive Session, **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 Ilove, Councilman Moe Romeo, Council President David Miller.
Council Adjourned to Executive Session at 9:36 pm.

Adjourn

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

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.
Council Adjourned at 10:03 pm.

Council President

Attest:

Clerk of Council