

**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:

- Mary Ryder, 1030 Cutters Creek Drive discussed an issue she is having with builder Armin Guggenheim at her home at Cutter's Creek which she purchased in 2012. Ms. Ryder stated that she paid for many upgrades including maple hardwood flooring which is having issues and questioned whether the City code inspector reviewed the installation to make certain it was being installed appropriately.
- Lisa Marko, 5180 Spencer Road, reported that she is a member of the South Euclid Lyndhurst Board of Education and gave the Board's monthly update. Ms. Marko reported on the implementation of an intervention and enrichment period at the High School and also reported on activities and events at various schools in the district. Mr. Marko addressed the potential sale of the former Lowden School property and that the School District has always been open and honest about the sale of the property. Ms. Marko stated that in 2005 the district consolidated 6 elementary schools into 3 and that Lowden and Southlyn closed in 2007 and Bridgeview closed in 2008. In 2008 all schools were appraised at the height of the recession for sale, along with the Administration for potential sale. The School District's intention was always to sell the properties so as to not become a fiscal burden on the district. In 2008 the district sold Ridgebury and in 2012 the property was appraised again when the board was approached by a developer and was set up for auction. Ms. Marko reported that she attended a Ward One Meeting to discuss the sale of Lowden and in March 2015 they received a viable offer from a developer. Ms. Marko stated that the Board of Education has never faulted in their plans to sell Lowden or the other properties from 2007 to today. Councilwoman Gray stated that South Euclid loves the school district, values the academics and supports the levies, however there are three properties for sale with only one in South Euclid and questioned why Lowden is the only one being sold. Ms. Marko responded that at this time Lowden is the only property under consideration because it is the only property that has received interest from someone who want to buy it. Ms. Marko said that if someone had expressed interest in the Lyndhurst properties they would consider it too and stated that the Board did not pick Lowden to sell, the potential buyer selected it. Councilwoman Gray stated that another school board member stood on the record and stated that the Lowden property was not going to be sold and that there is right and wrong and to not allow the residents to have a voice in the process of selling seven acres is wrong and that she hopes the development is good.
- Jim Simandle, 4400 Greenway Road, discussed additional concerns with the construction of the Cuyahoga County Library which neighbors his property and the flow of floodwater onto his property. Mr. Simandle stated that prior to the construction his property was free from runoff and also expressed concerns regarding the retention basin. Mayor Welo stated that the Library will not be able to open unless they take care of all permit issues and EPA mandates on the site are met.
- Bob Schoenewald, 4426 Bayard, spoke regarding the sale of property at Cedar Center to Panda Express and stated that because the city was originally going to sell the entire property to one developer, they have a moral obligation to honor the leases of existing tenants currently at Cedar Center and that means it is wrong to sell to another oriental restaurant if China Gate has it in their lease not to sell and the same would hold true for sub shops.
- Chuck Turner, 4549 Lilac Road, reported on the production of a 24 page document dating back to 1991 detailing issues, requests to the city and city responses and Mr. Turner stated that it includes medical information. Mr. Turner stated that he never received a parking ticket and never been arrested and that the administration put the document together to discredit and harass him.
- Stacey & Dan Spetrino, 1361 South Belvoir, expressed their support for China Gate and asked that the sale of property to Panda Express not go forward.
- Neil Weeks, 4242 Ellison, expressed his support for China Gate and stated that it is in the best interests to not sell the property regardless of financial gain.
- Tim and Deadre Weeks, 4233 Wyncote, expressed their support for China Gate and stated that they own a small business in South Euclid and don't think it's a good idea to bring Panda Express into the community. Deadre Weeks stated that China Gate was already damaged once and Panda Express is not good food and that Council should listen to the community.
- Linda Goldbaum, 12540 Edgewater Drive in Lakewood spoke with her sister and said that they have been customers of China Gate since it opened and that Panda Express is not good and they have closed and can't stay in business.
- Carlean Alfred, 1355 Belvoir Mews, spoke regarding Panda Express and suggested that the City find another business to sell the property to. Ms. Alfred also stated that she was so proud to live in South Euclid since she moved here in 1996 and that quality of life and police and fire are top of the line. Ms. Alfred stated that she attended the last Council meeting and is disappointed, dismayed and embarrassed and the strife between council members and their behavior towards each other and suggested that council should not air their dirty laundry in public for the media. Ms. Alfred stated that Councilman Miller as President should keep

the balance. Ms. Alfred discussed the condition of Mayfield Road and said it is not a place for rain barrels to be on display, as well as the dispute between Mr. Martin and the City regarding his hedges.

- George Martin, 1832 South Green Road, discussed the impact of pollutions and nano particulates and how trees, bushes and nature offer universal solutions to pollutants, especially on Green Road near Greenview where students walk every day. Mr. Martin reported on a stop light that was corrected and now has been changed again and is a traffic problem.
- Ruth Simpson, 3489 Kilborn in Lyndhurst stated that China Gate is a staple in South Euclid and they want China Gate to be here forever.
- Kamal Strowder, 468 South Belvoir, stated his support for China Gate and said there should not be any other Chinese restaurants in the complex.
- Margo Wong, 4238 Harwood Road, stated that her mother came to the United States to give her children a better life and that China Gate is a small business that supports South Euclid and stated there are other areas like on Mayfield and Green which are eyesores where Panda Express can go. Ms. Wong stated that as a taxpayer and small business owner, Panda Express could put them in bankruptcy, and that while Panda would contribute money upfront, what about revenue in future generations.

### Legislation Requested by City Council

Introduced by Miller

Resolution 08-15

#### RESOLUTION

DESIGNATING APRIL 2015 AS "NATIONAL AUTISM AWARENESS MONTH" IN THE CITY OF SOUTH EUCLID, TO INCREASE PUBLIC AWARENESS OF THE NEED TO SUPPORT INDIVIDUALS WITH AUTISM AND THE FAMILY MEMBERS AND MEDICAL PROFESSIONALS WHO CARE FOR INDIVIDUALS WITH AUTISM; AND DECLARING AN EMERGENCY. FIRST READING.

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

Following discussion by Councilman 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 Icové, Councilman Moe Romeo, Council President David Miller.

The legislation has been approved

### Report of Council Committees:

Recreation Meeting

Councilman Fiorelli stated that the Recreation Committee met at 6:30 pm to discuss summer pool fees and it was decided to maintain fees for the summer.

Councilman Miller reported that the Committee of the Whole met to discuss the monthly finances and that current General Fund balance is about \$4.5 million and that the City is currently undergoing its 2014 audit.

### Committee of the Whole

Introduced by Miller

Resolution 05-15

#### RESOLUTION

AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH CFT NV DEVELOPMENTS, LLC FOR THE PURCHASE AND SALE OF REAL PROPERTY IN THE CITY OF SOUTH EUCLID, OHIO. **SECOND READING.**

The legislation was placed on second reading and referred to the Committee of the Whole for continued discussion.

### Recreation Committee

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 THE CITY OF RICHMOND HEIGHTS USE OF THE MUNICIPAL SWIMMING POOLS AND SPLASH PARK ACCORDING TO THE FEE SCHEDULE CONTAINED WITHIN. **THIRD READING.**

**Action:** Approve legislation, **Moved by** Councilman Dennis Fiorelli, **Seconded by** Councilman Moe Romeo.

Following discussion, **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.

### Mayor's Report:

Mayor Welo thanked Velocity Church for their work on the annual youth Springfest event and also thanked Councilwoman Gray and President Miller for filling in for her at Adrian School's Bingo. The Mayor reported on the County's approval of \$400,000 to South Euclid from the demolition fund and also reported on a community meeting that was held to discuss the future of the former Lowden School property. The Mayor stated that over 300 letters were sent to residents and a small crowd showed up for the meeting, but there was good sharing of ideas and

concerns and the meeting went well. The Mayor requested a Council Committee meeting to discuss the findings of the regional deer population study that was performed over the winter and also the Fair Housing legislation that she has proposed major revisions for.

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#### Legislation Requested by the Mayor and Administration

Introduced by Miller

Ordinance 07-15

#### RESOLUTION

DECLARING THE NECESSITY TO LEVY A RENEWAL TAX OUTSIDE OF THE TEN MILL LIMITATION FOR THE PURPOSE OF PROVIDING FUNDS FOR CONSTRUCTION, RECONSTRUCTION, RESURFACING AND REPAIR OF ROADS AND STREETS IN THE CITY; AND DECLARING AN EMERGENCY. FIRST READING.

**Action:** Motion to Approve Legislation, **Moved by** Councilman Moe Romeo, **Seconded by** Councilman Dennis Council discussed that the resolution is the first of two and that this resolution does not put the road levy on the ballot, but per the law, requests that the County provide an estimate of millage to be generated by any proposed renewal so that City Council and residents will know how much money would be generated by any renewal. This legislation would need to be followed by future legislation to place the levy on the ballot.

**Vote:** Motion passed (**summary:** Yes = 6, No = 1, Abstain = 0).

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

**No:** Councilwoman Ruth Gray.

The legislation has been approved.

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Introduced by Miller

Ordinance 09-15

#### RESOLUTION

PROCLAIMING APRIL AS FAIR HOUSING MONTH IN THE CITY OF SOUTH EUCLID, AND CELEBRATING THE 47<sup>TH</sup> YEAR SINCE THE PASSAGE OF THE FEDERAL FAIR HOUSING ACT. FIRST READING.

**Action:** Enter Recess, **Moved by** Councilman Marty Gelfand, **Seconded by** Council President David Miller.

**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.

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Introduced by Miller

Ordinance 10-15

#### RESOLUTION

AUTHORIZING THE TRANSFER OF APPROPRIATED FUNDS IN THE GENERAL FUND TO THE BOND RETIREMENT FUND, THE BOND RETIREMENT FUND (RECREATION), THE CAPITAL PROJECTS FUND, THE LAND ACQUISITION FUND, THE SEWER MAINTENANCE FUND, THE SICK LEAVE FUND, AND THE SWIMMING POOLS FUND. FIRST READING.

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

Following discussion, **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.

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Introduced by Miller

Ordinance 07-15

#### ORDINANCE

AMENDING SECTIONS 1408.01 "PURPOSE"; 1408.02 "DEFINITIONS"; 1408.03 "EXEMPTIONS"; 1408.04 "PROHIBITED ACTS"; 1408.05 "POSTING OF NOTICES"; 1408.13 "HEARINGS"; 1408.16 "REMEDIAL ACTIONS"; OF CHAPTER 1408 "FAIR HOUSING" OF PART FOURTEEN "HOUSING CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO; AND DECLARING AN EMERGENCY. FIRST READING.

A motion was made for passage. Following discussion, motions were rescinded and the legislation was placed on first reading for further discussion and review.

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#### Law Director's Report

No report

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#### Letters & Communications

- President Miller scheduled a Committee of the Whole Meeting on May 11 to discuss the sale of property at Cedar Center for Panda Express and a Legislative Committee on May 26 to discuss the Fair Housing Ordinance pending the availability of Hilary King from the Housing Center.
- Councilwoman Goodman reported on the sustainability conference in Kent, Ohio and discussed collaboration with Notre Dame College and issues with Dominion East Ohio putting in new gas lines just two years after the streets were repaved. Ms. Goodman discussed upcoming events including Arbor Day.
- Councilwoman Gray requested an update on the Dominion Gas lines that were installed last fall and that the utility company was supposed to come back in the spring as they did a poor job with tree lawn restoration. Ms. Gray addressed Mr. George Martin and the appeal case and stated that she does not believe that the case is in the best interest of the city to continue appeal and that the court rendered an opinion and it should be done with and not waste taxpayer dollars.

- Councilman Gelfand discussed a fundraiser he attended last month for Neighborhood Housing Services and also the upcoming Rock the Block Mayfield Road festival being planned by former Councilman Tony Caroscio. Mr. Gelfand reported on the upcoming Heights Chamber of Commerce Business Expo on May 7.
- Councilman Romeo reported on last Friday's Sacred Heart of Jesus Gala which was attended by over 400 people.
- Councilman Fiorelli also reported on the Sacred Heart event and the upcoming Card Party to benefit the South Euclid Commission on Aging.
- Councilman Ilove stated that he concurs with Councilwoman Gray on the Martin case appeal and asked the administration to take into consideration the views of council members, even if they don't have specific authorization. Mr. Ilove also addressed the issue of necessity for language regarding emergency legislation and the differences between resolutions and ordinances.

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### Adjourn

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

The meeting adjourned at 9:49 pm.

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Council President

Attest:

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Clerk of Council