

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

Absent: Council President Pro Tem Jane Goodman.

Approval of Minutes: April 13, 2015 & April 27, 2015

Action: Motion to Approve Minutes of Previous Meetings, **Moved by** Councilman Dennis Fiorelli, **Seconded by** Councilman Moe Romeo.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 6).

Yes: Councilman Dennis Fiorelli, Councilman Marty Gelfand, Councilwoman Ruth Gray, Councilman Ed Icove, Councilman Moe Romeo, Council President David Miller.

The minutes have been approved.

Special Presentation

Proclamations acknowledging accomplishments of South Euclid Foreign Exchange Students were made by Mayor Welo and Council President David Miller.

Swearing In & Promotion Ceremony

As a result of the hiring of new police officers, Police Officer Ben Parisi was promoted to Lieutenant; Police Officer Rick Friedl was promoted to Lieutenant, Police Officer Joe Mays was promoted to Lieutenant & Police Officer John Camper was promoted to Sergeant.

Opening Meeting of Council:

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

- Don Lisy, 1352 Francis Court discussed sever issues including an ongoing city appeal of Mr. George Martin's case and stated that the city has more important things to spend its time and money on. Mr. Lisy also addressed the sale of the property at Cedar Center to Panda Express and concerns that the competition will hurt China Gate. Mr. Lisy stated that there is too much division on council and he is disappointed in some council member's behavior and that it is time for council to get back to what they were elected to do.
 - Chuck Turner, 4549 Lilac Road, reported on a recently filed a complaint to the State Auditor's office regarding the Police Chief and Law Director's failure to produce public records and criticized the police department and Officer Parisi and that he was chased by a police car at 60 mph. Mr. Turner stated he did not appreciate the report that was issued by the city regarding their dealings with Mr. Turner and that it included medical records. Mr. Turner alleged that Law Director Lograsso's wife is named Melissa and not Maria and Mr. Turner alleged that Mr. Lograsso took advantage of one of his former clients by purchasing his home from her. Mr. Turner stated that what the City is doing to Mr. Martin is a crime.
 - Jim Lawless, 3799 Fremont Road, reminded council of how generous they were last year in their support of the Commission on Aging and that this year only Mayor Welo and two other council people have donated. Mr. Lawless urged council to donate funds that are needed to support senior services in the City.
 - Paul Webster, 3941 Princeton, stated that he enjoyed the Memorial Day Parade, but takes exception to council members campaigning at the parade. Mr. Webster stated that the parade serves to honor our veterans and is not a spot for politicking and we should not campaign on Memorial Day. Mr. Webster addressed the potential urban agriculture legislation which would allow chickens in resident yards and stated that he is not in favor of allowing fowl in our community.
 - Ray Rhode, 1543 Laclede Road, reported on the citywide shredding that took place on May 16th and stated that the community recycled 3.1 tons of paper in just three hours. Mr. Rhode commended Engineer Blackley and the road repair schedule on his street.
 - George Martin, 1832 South Green Road, stated that he has lived in his home for 24 years and that on Greenway there has been a lot of subsurface damage from the weather and the plows and claimed that there has been no maintenance for 20 years and that it is a shame. Mr. Martin stated that he has personally placed some blacktop on the street near his home, but was asked by the police to stop.
 - William McLaughlin, 4286 Elmwood Road, stated that a home was demolished on the corner of his street a couple years ago, however a three-foot high fence was left in place which is now deteriorating and would like to see the fence removed. Mr. McLaughlin addressed street condition issues on Elmwood.
 - Linda Pagan, 689 Parkside spoke regarding the Panda Express sale and stated that there is a difference between competition and a predator and that Panda Express is a predator and will hurt China Gate. Ms. Pagan stated that the city can keep running away from the facts, but the city is over retailed with food choices. Regarding the proposed urban agriculture legislation regarding chickens Ms. Pagan stated that with the proposed legislation there would only be a three-foot setback from the property line and she does not support it and stated that it is ridiculous.
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Report of Council Committees:

Finance Committee meeting

Council President David Miller stated that the committee discussed the legislation regarding the renewal of the road levy.

Legislation Requested by City Council

Introduced by Miller

Resolution 16-15

RESOLUTION

A RESOLUTION TO SCHEDULE A PUBLIC HEARING ON HEROIN AND METH ADDICTION IN THE CITY OF SOUTH EUCLID TO DISCUSS ENFORCEMENT AND TREATMENT STRATEGIES WITH THE MAYOR, MUNICIPAL COURT JUDGE AND CHIEF OF POLICE. FIRST READING.

Councilwoman Gray stated that members of council had received a series of letters and correspondence from Judge Byers regarding her concerns related to the city's enforcement of heroin convictions and that it is not a new issue and is something that the city needs to give audience to as the problem is not going away and needs a solution. Ms. Gray stated that Police Chief Nietert has in the past received reports from her regarding drug sale incidents in shopping plazas and residents are sick and tired of seeing it. Councilwoman Gray stated that families matter to her and she's not the kind of person that talks tragedies and passes them around like a six pack of beer. Ms. Gray stated that she will be having a Public Hearing with the Judge on June 25th regarding the heroin issue, but will be rescinding the legislation because it is not needed to have a meeting and we have to address how we are going to respond to these issues. Ms. Gray stated that all children matter and reported on a police drug bust and the real victim was a baby that was in the car.

Mr. Icove second the motion to rescind the legislation.

Council President Miller refuted Councilwoman Gray and Judge Byer's claims that there is a heroin epidemic in South Euclid. Mr. Miller reported on several statistics from the police department and that in 2013 there were 3 heroin related incidents and that between 2013 and 2014 there was a decrease of related offenses from 15 to 7 and there are more incidents in Lyndhurst than in South Euclid. Mr. Miller stated that it is unfair for Ms. Gray and Judge Byers to accuse the police department of not doing their job because they are.

Councilman Marty Gelfand stated that he is glad that Councilwoman Gray is rescinding the legislation because it did not make a lot of sense and that it is his understanding that the police are doing their job. Mr. Gelfand also questioned Judge Byer's accusations as heroin cases are felonies which go to Cuyahoga County Common Pleas Court and not municipal court. Mr. Gelfand stated that the nationwide heroin epidemic is serious and reported on a case that he was involved with a client and that pointing fingers and attacking our police is not the way to handle the situation. Councilman Gelfand stated that as chair of the Safety Committee and that is the appropriate place for council to discuss these issues.

Councilwoman Gray responded that she did not attack the police and is not intimidated and stated that the Judge questioned the epidemic going on in the country and why is it that South Euclid is having so many coming through the court, along with resident complaints. Ms. Gray stated that she knows firsthand what it does to our children and questioned if the police have what they need.

Vote to rescind legislation: Motion carried by unanimous roll call vote (**summary:** Yes = 6).

Yes: Councilman Dennis Fiorelli, Councilman Marty Gelfand, Councilwoman Ruth Gray, Councilman Ed Icove, Councilman Moe Romeo, Council President David Miller.

Absent: Council President Pro Tem Jane Goodman

The legislation has been rescinded.

Introduced by Miller

Ordinance 11-15

ORDINANCE

CREATING NEW SECTION 1550.24 "FIRE AND SMOKE DAMPER INSPECTIONS" OF CHAPTER 1550 "MISCELLANEOUS REGULATIONS" OF TITLE FIFTEEN "FIRE PREVENTION CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID; AND DECLARING AN EMERGENCY. FIRST READING.

The legislation was placed on first reading and referred to committee for review.

Legislation Requested by the Planning Commission

Introduced by Miller

Resolution 15-15

RESOLUTION

GRANTING A CONDITIONAL USE PERMIT TO THE MUSEUM OF AMERICAN PORCELAIN ART AND THE SOUTH EUCLID LYNDHURST HISTORICAL SOCIETY, LOCATED AT 4629 AND 4645 MAYFIELD ROAD IN THE CITY OF SOUTH EUCLID. FIRST READING.

Councilman Icove stated that the city's code says that Council may have a public hearing if they desire. The legislation was placed on first reading and referred to the Committee of the Whole for further review and discussion.

Mayor's Report:

Mayor Welo reported on Memorial Day and how great it was honoring city employees that had served in the military. The Mayor announced that the Police Department would be starting a Police Youth Academy and that the idea has been discussed with Superintendent Reid and staff at the School district and they are willing to engage students in the initiative.

Law Director's Report

Law Director Lograsso updated City Council on two legal matters.

Mr. Lograsso reported that the City has won its case filed by resident Tanisha Wilson at 1004 Newberry regarding their request for transfer of City property which they claimed to have maintained and that the City had not maintained for many years. Law Director Lograsso stated that the City prevailed on all counts including claims of adverse

possession, claims of abandonment and disparate treatment. All claims were reviewed by Judge Villanueva and he granted all motions by the city for summary judgement and found that all of Ms. Wilson's claims against the City failed. Mr. Lograsso stated that the Wilsons have chosen to appeal the decision in the Court of Appeals. Law Director Lograsso also reported that on a complaint that Mr. Charles Turner had filed alleging that the City had not provided his public records request and had destroyed public information. Auditor of State Yost's office reviewed the information provided by Mr. Turner including 158 pages of information. The State Auditor found no wrongdoing by the City, Mr. Lograsso or the Police Department and dismissed the complaint.

Letters & Communications

Councilman Fiorelli reported on the successful Memorial Day Parade.

Councilman Romeo stated that the Memorial Day Parade was great and thanked the administration for their great work.

Councilman Gelfand scheduled Safety Committee Meeting for June 22nd at 6 pm to discuss pending legislation regarding safety dampers and reported on a power outage that was caused by a substation in Walton Hills.

Councilwoman Gray stated that the Memorial Day Parade was put together very well and that she was fortunate to have family with her that served in the military and it was an honor to have them waling with her. Ms. Gray stated that many members of her family have served in the military and said that the Mayor did a good job.

Councilman Romeo scheduled a Finance Committee Meeting for July 13 or July 27 to discuss the conditional use permit for the Telling Mansion. The meeting is tentative in lieu of property owner Richard Barrone's availability to attend the meeting.

Adjourn

Action: Adjourn Meeting of City Council **Moved by** Councilman Moe Romeo, **Seconded by** Councilman Marty Gelfand.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 6).

Yes: Councilman Dennis Fiorelli, Councilman Marty Gelfand, Councilwoman Ruth Gray, Councilman Ed Icove, Councilman Moe Romeo, Council President David Miller.

The meeting adjourned at 9:15 pm.

Council President

Attest:

Clerk of Council