

REGULAR MEETING OF SOUTH EUCLID CITY COUNCIL

Council President Jane Goodman called the meeting to order and the Pledge of Allegiance was recited.

Roll Call

Present: Council President Pro Tem Dennis Fiorelli, Councilman Joe Frank, Councilman Marty Gelfand, Councilwoman Ruth Gray, Councilman Ed Icové, Councilman Jason Russell, Council President Jane Goodman.

Amend Agenda to include the Swearing-In Ceremony for Ward 2 Councilman Joe Frank

Action: Motion to Amend Agenda, **Moved by** Council President Pro Tem Dennis Fiorelli, **Seconded by** Councilman Marty Gelfand.

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

Yes: Council President Pro Tem Dennis Fiorelli, Councilman Marty Gelfand, Councilwoman Ruth Gray, Councilman Ed Icové, Councilman Jason Russell, Council President Jane Goodman.

Abstain: Councilman Joe Frank.

The Agenda has been amended.

Swearing-In Ceremony

Joe Frank was sworn-in as Ward 2 City Councilman.

Approval of Minutes: May 9, 2016; May 10, 2016 (Special Meeting); & May 18, 2016 (Special Meeting)

Action: Motion to approve minutes of the May 9, 2016 Meeting of City Council, **Moved by** Councilman Marty Gelfand, **Seconded by** Councilman Jason Russell.

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

Yes: Council President Pro Tem Dennis Fiorelli, Councilman Marty Gelfand, Councilwoman Ruth Gray, Councilman Ed Icové, Councilman Jason Russell, Council President Jane Goodman.

Abstain: Councilman Joe Frank.

The minutes have been approved.

Action: Motion to approve the minutes of the May 10 & May 18 Special Meetings of South Euclid City Council, **Moved by** Council President Pro Tem Dennis Fiorelli, **Seconded by** Councilman Jason Russell.

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

Yes: Council President Pro Tem Dennis Fiorelli, Councilman Marty Gelfand, Councilwoman Ruth Gray, Councilman Ed Icové, Councilman Jason Russell, Council President Jane Goodman.

Abstain: Councilman Joe Frank.

The minutes have been approved.

Opening Meeting of Council:

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

- John Savani, 1900 South Belvoir, is the owner of the Princeton Park Apartments at 4143 Greenvale Road and reported that his tenants have placed over a dozen phone calls to the police since the last City Council Meeting regarding the issue of continuous dogs barking at the adjacent Dogtropolis, doggie day care business. Mr. Savani reported that he requested a follow-up report from the police and that they were told to take decibel readings. Mr. Savani stated that he can find nowhere in the dog ordinance any laws regarding the need for decibel limits and that he looked on the internet and found that dog barking is even more annoying than other decibel levels and generates a psychological reaction in the body, and that no one should ever measure dog nuisances by decibel levels. Mr. Savani asked why the nuisance was not being abated and stated that he has been given nuisance abatement several times and that President Goodman and six of the eight elected officials have not been cooperative at all and that Councilman Gelfand and Housing Manager Sally Martin both take their dogs to the doggie daycare. Council President Goodman outlined the noise ordinance decibel levels that are in the code for the manufacturing district where the business resides and stated that Mr. Savani had used his three minutes of time. Mr. Savani stated that there is nothing in the law and it is something that you made up. Ms. Goodman said that Mr. Savani's time was up. Councilwoman Gray objected and said the residents of the community should have their time to talk. Councilman Gelfand stated that he does care about the residents and that several of them have signed up to speak at the meeting. Councilman Icové asked the Law Director for a Legal Opinion regarding the two ordinances at question to address the issue of whether the barking dog ordinance or the sound ordinance for the manufacturing district apply and which one should be enforced.
- Don Lisy, 1352 Francis Court, stated that the Commission on Aging will be holding a fundraiser called the Taste of Cedar Center on July 14 from 5:30 pm – 7:30 pm and tickets are \$10 each. Mr. Lisy outlined the efforts of the Commission to provide programming and lunches for seniors and that tickets are on sale at City Hall, Community Center and South Euclid Hardware. All proceeds will go to the Commission on Aging.
- Ray Bayless, 4100 Mayfield Road is the owner of a business and resides in Cleveland Heights. Mr. Bayless stated that he's trying to find out how to get a special parking permit that the landscapers in the city must have that allows them to park anywhere. Mr. Bayless said that they park on the wrong side of the street and in front of driveways.
- Chuck Turner, 4549 Lilac Road, stated that at the last meeting Council had the opportunity to meet his sister Doris Turner, a member of the first graduating class of women from West Point and that there's a special bond between a brother and a sister and he wouldn't want anyone to cause her harm, embarrassment or humiliation and that's why Mr. Turner stated that another member of the military would be at the meeting

named Lance Corporal Dylan Justin Lawson from the Marine Corps. Mr. Turner stated that he's been told that Mr. Lawson knows a hundred different ways to kill somebody, but Mr. Turner thinks there's only 75 ways and that he wouldn't want anyone to humiliate his sister or cause his sister unnecessary emotional stress such as arresting a rape victim that was the sister of Mr. Lawson and that Officer Lt. Parisi went out of his way to offend a member of the marine corps and Mr. Turner. Mr. Turner stated that he was expecting Lance Corporal Lawson to be at the meeting tonight, but he thinks he stopped by the city of Aurora so he won't make the meeting.

- Johnnie Pinkney, 4143 Greenvale Road is a resident of the Princeton Park Apartments. Ms. Pinkney stated that her mother is 93 years old and that there is no ending to the issue of the barking dogs from the Dogtropolis Doggie Daycare. Ms. Pinkney stated that the barking starts at 7:30-8 am in the morning and that she calls the police department every day and talked to the Police Chief's secretary and that she was informed that she is the only person calling and that she has been chosen as the team leader for the residents. Ms. Pinkney requested that efforts be made to insulate the business.
- Madelon Watts, 873 Haywood Drive, spoke regarding the citizen efforts to put the "We the People" amendment that stands up to the Citizen United US Supreme Court ruling that businesses are people. Ms. Watts and other residents are collecting signatures and petitions to place a constitutional amendment on the ballot and asked if City Council members would carry a petition for residents to sign.

Report of Council Committees:

Safety Committee

Councilman Gelfand reported that the Safety Committee met to discuss Resolution 19-16 authorizing the Mayor to apply for a COPS grant for a School Resource Officer. Mr. Gelfand stated that the committee recommended passage and that if the grant is approved, it would require additional legislation to appropriate the matching funds.

Committee of the Whole

Council President Goodman reported that the Committee of the Whole held two meetings earlier in the evening. The first meeting was to discuss the Safety Levy which will be on the ballot in November. There was a discussion of capital expense needs that the Police and Fire Departments are going to need over the next few years and other structural, physical and operational expenses. The Council Committee of the Whole also met to review the City's monthly financial condition. Ms. Goodman reported that the current general fund balance of the city is approximately \$3.5 million dollars and that there has been an increase in income tax receipts as a result of the RITA income tax collection program.

Safety Committee

Introduced by Goodman

Resolution 19-16

RESOLUTION

AUTHORIZING THE DIRECTOR OF COMMUNITY SERVICES AND CHIEF OF POLICE TO PREPARE AND FILE A GRANT APPLICATION WITH THE DEPARTMENT OF JUSTICE "COPS HIRING PROGRAM" FOR THE POSITION OF SCHOOL RESOURCE POLICE OFFICER IN COLLABORATION WITH THE SOUTH EUCLID LYNDHURST SCHOOL DISTRICT. **THIRD READING.**

Action: Motion to Approve Legislation, **Moved by** Councilman Marty Gelfand, **Seconded by** Council President Pro Tem Dennis Fiorelli.

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

Yes: Council President Pro Tem Dennis Fiorelli, Councilman Joe Frank, Councilman Marty Gelfand, Councilwoman Ruth Gray, Councilman Ed Ilove, Councilman Jason Russell, Council President Jane Goodman.

The legislation has been approved.

Finance Committee

Introduced by Goodman

Resolution 19-16

RESOLUTION

DECLARING THE NECESSITY TO LEVY A _____ TAX OUTSIDE OF THE TEN MILL LIMITATION FOR THE PURPOSE OF PROVIDING FUNDS FOR THE GENERAL PROVISION OF POLICE, FIRE, AND OTHER SAFETY SERVICES IN THE CITY; AND DECLARING AN EMERGENCY. **SECOND READING.**

The legislation was placed on second reading for further discussion and review.

Mayor's Report:

- Mayor Welo reported that this Saturday will be the second annual Rock the Block community festival at Mayfield and Green Roads with great music, food and community vendors. Ms. Welo reported on an event she attended earlier in the day with presidential candidate Hilary Clinton.
- Police Chief Nietert gave a report regarding the Dogtropolis issue. Chief Nietert reported that the department received 11 calls and the police were able to take sound decibel levels for eight calls with the highest decibel level reaching 73 which is where the threshold would be in the manufacturing district where the business is located. Chief Nietert stated that based on the manufacturing district ordinance there doesn't appear to be a violation to take enforcement actions. Councilwoman Gray asked Chief Nietert if there is any way for the recordings to be made a part of the public record, Chief Nietert responded that he can provide Council with a disc of the calls. Chief Nietert stated that with at least one of the calls regarding barking dogs at Dogtropolis it was determined that the barking was coming from the nearby Veterinary Clinic and not the doggie day care. Councilwoman Gray stated that the question is in reference to the decibels and looking at

the ordinance as it relates to the industrial area while the issue is about the excessive barking of dogs and asked does the decibel ordinance take precedence over the excessive dog barking ordinance.

Legislation Requested by the Mayor and Administration

Introduced by Goodman

Resolution 28-16

RESOLUTION

AUTHORIZING THE MAYOR AND THE DIRECTOR OF COMMUNITY SERVICES TO ENTER INTO A NEIGHBORHOOD SERVICE AGREEMENT WITH THE NEIGHBORHOOD LEADERSHIP INSTITUTE (NLI) TO PROVIDE A COMPREHENSIVE YOUTH DEVELOPMENT STRATEGY IN THE CITY OF SOUTH EUCLID, OHIO.

SECOND READING.

Action: Motion to Approve Legislation, **Moved by** Councilwoman Ruth Gray, **Seconded by** Council President Jane Goodman.

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

Yes: Council President Pro Tem Dennis Fiorelli, Councilman Joe Frank, Councilman Marty Gelfand, Councilwoman Ruth Gray, Councilman Ed Icové, Councilman Jason Russell, Council President Jane Goodman.

The legislation has been approved.

Introduced by Goodman

Resolution 29-16

RESOLUTION

ADOPTING THE FISCAL BUDGET FOR THE YEAR BEGINNING JANUARY 1, 2017. FIRST READING.

Motion to Amend Resolution 29-16 to replace "schedule one" document with the revised "schedule one" document

Action: Motion to Amend Legislation, **Moved by** Council President Pro Tem Dennis Fiorelli, **Seconded by** Council President Jane Goodman.

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

Yes: Council President Pro Tem Dennis Fiorelli, Councilman Joe Frank, Councilman Marty Gelfand, Councilwoman Ruth Gray, Councilman Ed Icové, Councilman Jason Russell, Council President Jane Goodman.

The legislation has been amended.

Action: Motion to Approve Legislation, **Moved by** Council President Pro Tem Dennis Fiorelli, **Seconded by** Councilwoman Ruth Gray.

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

Yes: Council President Pro Tem Dennis Fiorelli, Councilman Joe Frank, Councilman Marty Gelfand, Councilwoman Ruth Gray, Councilman Ed Icové, Councilman Jason Russell, Council President Jane Goodman.

The legislation has been approved.

Introduced by Miller

Ordinance 06-16

ORDINANCE

ENACTED BY THE CITY OF SOUTH EUCLID, CUYAHOGA COUNTY, OHIO, HEREINAFTER REFERRED TO AS THE LOCAL PUBLIC AGENCY (LPA), IN THE MATTER OF THE STATED DESCRIBED PROJECT. FIRST READING.

The legislation was placed on first reading.

Law Director's Report – Law Director Lograsso that on March 22nd the Department of Commerce held a hearing regarding the City's request that the liquor permit for the 2nd to None Bar on South Green Road not be renewed. The Department of Commerce acted in the City's favor and denied the liquor permit renewal.

Letters & Communications

- Councilman Fiorelli welcomed Joe Frank to City Council.
- Councilwoman Gray read into the record a letter from Mrs. Robinson, Princeton Park Apartments resident, regarding her concerns with the Dogtropolis Doggie Daycare. The letter reads: *"My name is Harriet Robinson and I reside at 4143 Greenvale Rd. #103. I have been a resident of Princeton Parks Apartments for 15+ years. In all those years the last year and a half has been terrible since the Dogtopia Day Care moved into the neighborhood. Greenmont Veterinary Hospital at 460 S. Green Road has been located behind my garage for 15+ years and I never hear a peek out of them. I've never heard barking or even know that there are animals there. As soon as the Dogtopia moved into the former auto body building they made no changes to the building to accommodate the noise level of many dogs in one space. As I go to my garage to get into my car which is right next to the Dogtopia I hear the dogs barking, sounds like their fighting and the care taker hollering at them. Sometimes I think they're going to jump the fence. Princeton Park was a very quiet and peaceful neighborhood until the dogs arrived. I know that you have received a number of complaints from the residents about the dogs it would be nice if we could get some support from the city government. The least they could do is meet us halfway and sound proof the building."*
- Councilwoman Gray stated that as their councilwoman, the excessive barking is a health issue and it is becoming an emotional strain on their health and that the residents have established that there is barking and called the police. Ms. Gray asked for a temporary solution that the City refrain from letting the dogs at the business outside until decisions are made to address the installation of sound barriers and secondly, that the safety committee address the issue of decibels in the ordinance so this issue does not happen again. Councilwoman Gray stated that it is more than reasonable to ask the owner of the daycare to prevent the dogs from going outside the building.

- Councilman Gelfand stated that there is already a nuisance ordinance on the council docket that was tabled but maybe Council can reconsider it. Councilman Gelfand also scheduled a Safety Committee Meeting for July 11 at 6 pm to discuss EMS billing.
- Councilman Russell scheduled a Zoning and Planning Committee Meeting for June 27 at 5:30 pm to discuss the ODOT Safe Routes to School legislation and requested that the information regarding the ODOT Safe Routes to School legislation be placed in Council Packets.
- Councilman Frank thanked Council Members and residents for their support and stated that he is excited to be on City Council. Mr. Frank reported that the youth baseball and softball leagues are going extremely well and that over 400 youth are playing at Quarry and Bexley Parks.
- Council President Goodman reported on the Starting Point program with Brush High School students that are participating in an Environmental Leadership Program. The program is a collaboration between the City, School District and Urban League of Greater Cleveland. Ms. Goodman reported that this Saturday at Rock the Block, the South Euclid Tree Commission will have a booth and will be auctioning off a buckeye tree.

Adjourn to Executive Session for the purposes of discussing pending litigation

Action: Motion to Adjourn to Executive Session, **Moved by** Council President Pro Tem Dennis Fiorelli, **Seconded by** Councilman Marty Gelfand.

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

Yes: Council President Pro Tem Dennis Fiorelli, Councilman Joe Frank, Councilman Marty Gelfand, Councilwoman Ruth Gray, Councilman Ed Icove, Councilman Jason Russell, Council President Jane Goodman.

Council adjourned to Executive Session at 9:03 pm.

Adjourn

Action: Motion to Adjourn, **Moved by** Councilman Marty Gelfand, **Seconded by** Councilman Joe Frank.

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

Yes: Council President Pro Tem Dennis Fiorelli, Councilman Joe Frank, Councilman Marty Gelfand, Councilwoman Ruth Gray, Councilman Ed Icove, Councilman Jason Russell, Council President Jane Goodman.

Council adjourned to Executive Session at 9:40 pm.

Council President

Attest:

Clerk of Council