

**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 Icove, Councilman Jason Russell, Council President Jane Goodman.

**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 Blvd, stated that many good and exciting things are happening in South Euclid, but the Dogtropolis Doggie Daycare is not one of them and that the City is covering up a mistake by not following the laws governing nuisances and barking that applies to the city. Mr. Savani stated that the Dogtropolis building was not upgraded for the doggie daycare and there is no HVAC system or barriers and he has little confidence that the tarp will do anything and there has been no mention of sound proofing to the interior of the building. Mr. Savani stated that conditions exist which are harmful to both the dogs and the residents and that the barking dogs are slowly ruining his business and will have a negative effect on the quality of renters. Mr. Savani stated that when he purchased the apartment building he rehabbed 18 units and rented them to non-subsidized tenants and this is the thanks he gets from the City.
- Johnnie Pinkney 4143 Greenvale Road, discussed the continuing issues regarding the dogs barking at Dogtropolis Doggie Daycare. Ms. Pinkney read a quote from the owner of the business from Cleveland.com about how she would have to love dogs to have them barking all day long. Ms. Pinkney stated how the World Health Organization reports that noises can be debilitating and lethal toxins and has the potential to catapult an entire family into agitation. Ms. Pinkney gave updates of several specific dates and times that she was disturbed by the barking and contacted the police and stated that City Council should be ashamed of themselves for not enforcing the law and the health condition of her mother who resides with her and asked that the city please shut the dogs up.
- Peggy Savani, 1900 South Belvoir, spoke regarding the Dogtropolis Doggie Daycare issue and asked that Council keep in mind all of the suffering that Ms. Pinkney is going through and that a police officer that came out said the noise was terrible. Ms. Savani stated that the issue is common sense and that the dogs are not more important than people and one of the decibel readings taken by police reported a 72 decibel level which is above the nuisance level.
- Don Lisy, 1352 Francis Court, discussed the upcoming Commission on Aging fundraiser "A Taste of Cedar Center" on July 14. Tickets are \$10 and available at City Hall, Community Center and South Euclid Hardware and all proceeds benefit the commission on aging. Mr. Lisy stated that he is disappointed at how cheap some of the tenants are and that the new Chinese restaurant is refusing to donate for the benefit. Mr. Lisy also spoke regarding the barking dog issue at the Dogtropolis and stated that if he were a councilman he would probably poison a couple of the dogs and be in jail and asked if members of city council lived near the dog day care would they do.
- Chuck Turner, 4549 Lilac Road, stated that he gets excited at the beginning of the council meeting when the pledge of allegiance is recited and specifically the words "and justice for all". Mr. Turner stated that it was exactly six months ago when David Miller was Council President and someone came up to him and he assured that person that he was not going away. Mr. Turner made reference to the situation being like a baseball game and that back then it was the third inning and now it's the 7<sup>th</sup> inning and he remembers a game that went 22 innings. Mr. Turner stated that he received an email today from the law director stating that he has complied with all of his public records requests, which he has not.
- Ray Rhode, 1543 Laclede Road, reported on the upcoming Summer Band Concerts at Notre Dame College. The Hillcrest Concert Band will perform on July 3<sup>rd</sup> and the Cleveland Clinic Concert Band will perform on August 7<sup>th</sup>. The concerts take place on the lawn of Notre Dame College and start at 7 pm.

**Report of Council Committees:**Zoning & Planning Committee

Councilman Russell reported that the committee met to discuss legislation regarding the Safe Routes to School grant that is being funded by the Ohio Department of Transportation and will help make safe pedestrian passage for students walking to school at several locations in the City. Mr. Russell stated that the proposed cost is \$331,000 and improvements will be paid by ODOT, however the city is responsible for any overage, and if that is projected, the city would go back to look at changing the scope of the project to fit the grant budget.

Recreation Committee

Councilwoman Gray reported that the committee met to discuss the results of the recreation survey and begin discussion of strategic planning efforts for parks and recreation programming. Ms. Gray reported that there will be legislation prepared to establish an ad-hoc recreation committee. The Recreation Committee of City Council will meet in July and then again in September.

Committee of the Whole

President Goodman reported that the committee met to discuss the renewal of the Safety Levy and that the city continues to lose revenue as a result of cuts from the state and legislation (Resolution 20-16) regarding the Safety Levy certification request from the County Fiscal Officer has been added to the evening's agenda.

Motion to Amend Agenda to Add Resolution 20-16

**Action:** Motion to Amend Agenda, **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 Icové, Councilman Jason Russell, Council President Jane Goodman.  
The agenda has been amended.

Motion to Amend Resolution 20-16

**Action:** Motion to amend legislation to request the County Fiscal Officer certify a proposed 5.75 mill levy, **Moved by** Council President Jane Goodman, **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 Icové, Councilman Jason Russell, Council President Jane Goodman.  
The Resolution has been amended

Introduced by Goodman

Resolution 20-16

## RESOLUTION

DECLARING THE NECESSITY TO LEVY AN ADDITIONAL 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. **THIRD READING.**

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

**Vote:** Motion passed (**summary:** Yes = 5, No = 2, Abstain = 0).

**Yes:** Council President Pro Tem Dennis Fiorelli, Councilman Joe Frank, Councilman Marty Gelfand, Councilman Jason Russell, Council President Jane Goodman.

**No:** Councilwoman Ruth Gray, Councilman Ed Icové.

The legislation has been approved.

Zoning & Planning Committee

Introduced by Goodman

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. **SECOND READING.**

**Action:** Motion to suspend the rules, **Moved by** Councilman Jason Russell, **Seconded by** Council President Pro Tem Dennis Fiorelli.

**Vote:** Motion to suspend 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 rules have been suspended.

**Action:** Motion to Approve Legislation, **Moved by** Councilman Jason Russell, **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 Icové, Councilman Jason Russell, Council President Jane Goodman.

The legislation has been approved.

**Legislation Requested by the Planning Commission**

Introduced by Goodman

Resolution 30-16

## RESOLUTION

GRANTING A CONDITIONAL USE PERMIT TO "BRENDA'S BABIES" DAYCARE, LOCATED AT 533 SOUTH GREEN ROAD IN THE CITY OF SOUTH EUCLID, OHIO. **FIRST READING.**

The legislation was placed on first reading and referred to the Zoning and Planning Committee for discussion and review.

**Mayor's Report:**

Mayor Welo thanked One South Euclid and resident Tony Caroscio for doing such a great job planning the Rock the Block event and also reported on planning efforts for next year's community centennial. Ms. Welo gave an update on upcoming block parties and groundbreaking for the new development at Mayfield and Green.

**Legislation Requested by the Mayor and Administration**

Introduced by Goodman

Resolution 31-16

## RESOLUTION

AUTHORIZING THE TRANSFER OF FUNDS FROM THE "GENERAL FUND #101" TO THE "CAPITAL PROJECTS FUND #408." **FIRST READING.**

**Action:** Motion to Approve 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 Icove, Councilman Jason Russell, Council President Jane Goodman.  
The legislation has been approved.

Introduced by Goodman

Resolution 32-16

RESOLUTION

AUTHORIZING THE APPROPRIATION OF UNAPPROPRIATED FUNDS IN THE FOLLOWING FUND: "FIRE DEPARTMENT CAPITAL IMPROVEMENTS FUND #408-1120-52502" IN AN AMOUNT OF \$6,000.00 FOR REPAIRS TO THE FIRE DEPARTMENT VEHICLE EXHAUST EXTRACTION SYSTEM. FIRST READING.

**Action:** Motion to Approve 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 Icove, Councilman Jason Russell, Council President Jane Goodman.  
The legislation has been approved.

Introduced by Goodman

Ordinance 07-16

ORDINANCE

DESIGNATING CERTAIN FINANCIAL INSTITUTIONS AS A DEPOSITORY FOR THE ACTIVE AND INTERIM FUNDS OF THE CITY OF SOUTH EUCLID FOR THE PERIOD OF FIVE (5) YEARS FROM SEPTEMBER 6, 2016. FIRST READING.

**Action:** Motion to Approve Legislation, **Moved by** Council President Jane Goodman, **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 Icove, Councilman Jason Russell, Council President Jane Goodman.  
The legislation has been approved.

**Law Director's Report** – No report.

**Letters & Communications**

- Councilman Russell scheduled a Zoning and Planning Committee meeting for July 11<sup>th</sup> at 5:30 pm regarding the conditional use permit for Brenda's Babies Day Care and asked that the applicant be invited to the meeting.
- Councilman Gelfand discussed several community meetings including the CH-UH Schools facilities update meeting and renovation of Heights High School and the Mount Sinai Hospital Foundation's 100<sup>th</sup> Anniversary where they dug up a time capsule from 1915. Mr. Gelfand discussed the Purple Heart Homes regional meeting regarding the inaugural chapter of the organization that will be held at the Community Center on July 6 at 7 pm. A Committee of the Whole meeting was scheduled for July 25<sup>th</sup> at 7:30 pm regarding Resolution 22-16 in support of the public schools.
- Councilwoman Gray scheduled a Recreation Committee Meeting for 6:45 pm on July 25<sup>th</sup> and also requested that legislation be presented commending the Cleveland Cavaliers on their NBA Championship. Ms. Gray addressed the nuisance issues with the Dogtropolis Doggie Daycare in her Ward and stated that she will continue to applaud the residents and that she supports businesses, but that human life is important and it's a tragedy to hear that the issue has not been able to be resolved. Ms. Gray stated that if Council could fix this issue, they would and that she would continue to represent the people of her ward until the issue is resolved. Ms. Gray read for the record the following letter from Ms. Brecia Whitten, a resident of the Princeton Park Apartment:

*"To South Euclid Council: My name is Brecia Whitten and I live at Princeton Park #204 Greenvale Drive 4145. I am a tax paying citizen of South Euclid. I drive a school bus for disabled and autistic children. My daughter owns her own house on Stonehaven in South Euclid. I am proud of my granddaughter who attended Bowling Green University and now works at the Clinic. I have been married for 39 years to my husband James, who is a Chef-to-Chef supervisor and has worked with Michael Symon. I go to church every Sunday. But for some reason, the City of South Euclid doesn't see me as a citizen. They do not see me as equal under the law. They think the rights of a kennel to let dogs bark is more important than my right to peace. My 2nd floor apartment is situated so that I look directly onto the Dogtropolis patio. My quality of living is affected more than any tenant by these dogs. Every day I hear the employees screaming the dogs names: Chloe, Samantha, Snickers, Marcy, Pedro, Bingo, Howard, Hershey, Nicole just to name a few. And more are added every day. I hear them barking, howling, fighting and snarling, sometimes more than 20 dogs outside at once. I heard the owner screaming when she was bit. I hear yelling, swearing and foul language as they try and discipline the dogs. At night the barking starts at 2am and can continue off and on until morning. This barking interferes with my sleep and my health. My husband is usually a deep sleeper, but now the dogs are waking him up too. He has had a recent illness and he needs rest for his recovery. He gets none. I couldn't be here tonight. My life is so filled with the aggravation of these barking dogs, I cannot bear to come to here again and look at your smug faces as you tell me there is nonnuisance due to the decibel readings. As I look out my window I see that Dogtropolis has put up a tarp today. This must be for shade because it does nothing to mute the sound of barking. You are supposed to protect your citizens, but instead you play games with us and refuse to enforce the barking and nuisance laws. You think because I live here that I deserve to suffer like*

*this. One day you will have to answer to God for turning your backs on those who suffer. May He forgive you. Sincerely, Brecia Whitten #204 4145 Greenvale Rd. South Euclid."*

- Councilwoman Gray stated that at the last meeting she asked the administration if there was a way to invoke a moratorium to have the dogs at the Dogtropolis remain indoors until the issue is resolved and asked the Law Director if the city has the authority to do that. Ms. Gray thanked Law Director Lograsso because he did go to the owners of the business and asked if they would voluntarily keep the dogs inside and the owner refused. Councilwoman Gray asked that the City invoke its power and authority and that the city needs to show that human life matters.
- Councilman Ilove stated that he had asked the Law Director at the last council meeting for a legal opinion on the application of Section 505.09 of the City's code and if it applies to the dog nuisance case and has not heard anything back. Law Director Lograsso stated that he will have the Legal Opinion tomorrow.
- Councilman Fiorelli congratulated the work of Tony Caroscio and the planning committee on the Rock the Block event and is looking forward to next year's event. Mr. Fiorelli discussed the summer months and getting outdoors to enjoy the parks.
- Councilman Frank stated that he has been getting congratulatory phone calls and emails from residents regarding his Council appointment and thanked everyone for their support.
- Council President Goodman thanked those that came out to Rock the Block and the members of the Tree Commission that worked the booth at the event and raffled off a buckeye tree that was won by a resident of Sheridan Road. Ms. Goodman scheduled a Service Committee meeting regarding the soft recyclables Resolution 10-16 for July 25<sup>th</sup> at 6 pm.

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#### Adjourn

**Action:** Motion to Adjourn, **Moved by** Councilman Marty Gelfand, **Seconded by** Councilman Jason Russell.

**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 Meeting Adjourned at 9:04 pm.

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Council President

Attest:

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Clerk of Council