

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.

Approval of Minutes: May 23, 2016 & June 13, 2016

Action: Motion to Approve Minutes of May 23, 2016 Meeting, **Moved by** Council President Pro Tem Dennis Fiorelli, **Seconded by** Councilman Jason Russell.

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

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

Abstain: Councilwoman Joe Frank

The minutes have been approved

Action: Motion to Approve Minutes of June 13, 2016 Meeting, **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 Icové, Councilman Jason Russell, Council President Jane Goodman.

The minutes have been approved.

Special Recognition

Introduced by Goodman

Resolution 35-16

RESOLUTION

CONGRATULATING THE CLEVELAND CAVALIERS ON WINNING THE NBA CHAMPIONSHIP AND FOR AN EXCELLENT 2015-2016 SEASON. FIRST 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.

Opening Meeting of Council:

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

- Don Lisy, 1352 Francis Court, representing the Commission on Aging and discussed the upcoming Taste of Cedar Center fundraiser this Thursday from 5:30-7:30 pm. Mr. Lisy expressed his disappointment that Panda Express is not participating.
- John Savani, 1900 South Belvoir, is the owner of an apartment building bordering the Dogtropolis Doggie Daycare on South Green Road and discussed the ongoing nuisance issues with dogs barking. Mr. Savani stated that he is pro-business and is happy that the city is pro-business, but businesses that cause aggravation is wrong and stated that identifying and implanting a sound proofing solution is the way to go.
- Johnnie Pinkney, 4143 Greenvale Road, discussed the barking dog issue coming from Dogtropolis and stated that she is representing several tenants as their team leader. Ms. Pinkney read a section from the World Health Organization that discussed research that shows that excessive and repeated noise levels like barking dogs can be a potentially lethal toxin and can cause agitation, mental and emotional distress and deterioration, chronic hypertension and irreversible damage. Ms. Pinkney gave a summary of her call log to the police and stated that Council should be ashamed of itself for not enforcing the law. Council President Goodman responded that the law is based on the noise decibel and if it is going over asked why they were not being cited. Ms. Goodman stated that Council was informed that soundproofing was installed on July 6 and since then there had not been any calls to the police regarding complaints. Ms. Pinkney stated that the dog barking issues have continued, but she did not want to call the South Euclid Police because of what happened to the police in Dallas. Ms. Pinkney stated that Dogtropolis put up a sun-shade and not sound proofing and there was a storm and it has already fallen down. Councilwoman Gray stated that she stopped over to the apartment today and that the noise of the barking dogs was a nuisance and whatever Dogtropolis is doing is not enough. Ms. Gray asked other council members to visit the area. Council President Goodman stated that she drove by with the windows up and heard the dogs barking.
- Peggy Savani, 1900 South Belvoir, stated that the decibel levels went over the limit on July 6th and Dogtropolis was not cited, but said the police are very good and understanding and cant believe that this goes on. Ms. Savani said that one of her residents was told by a police officer that it is a shame about the dog barking and said that he is praying for the residents. Ms. Savani spoke regarding Law Director Logrosso's legal ruling that the nuisance is defined not by the barking law, but by the decibel levels and stated that he will have a spot in "H-E-double LL hockey Stick" and that this is the Building Department's responsibility and because of the building commissioner, housing manager and police chief the health, safety and welfare of the residents are at stake. Ms. Savani stated that Dogtropolis did not put up soundproofing, but put up shade tarps and that the issues with the building department should be looked at.

Ms. Savani stated that the city should look at the police time that has been wasted on this issue and it's a misuse of police time.

- Chuck Turner, 4549 Lilac Road, stated that he's getting some pretty good dates out of this and said that he wants Council to know that he doesn't hate all South Euclid Police Officers and that he doesn't want anyone to think his Monday morning quarterbacking is taking advantage of the police shootings that happened in Dallas. Mr. Turner stated that when he was in the military, he got to be a little familiar with explosives and that a quarter-pound of C4 can set off an extremely large explosion and what the police used in Dallas left the victim mystified. Mr. Turner said he hopes for cooler heads at the convention this week.
- Diane Fistek, 1002 Bryan Drive, spoke about the exploding deer population in South Euclid and how they have become a health and safety issue. Ms. Fistek stated that the deer population doubles every three years and must be culled in some kind of humane way and urged City Council to look at the issue.
- Susan Jasper, 1443 Dorsh Road, stated that earlier in the day the South Euclid Lyndhurst School Board tore down two homes next to her, so now there are two empty lots that belong to the school board. Ms. Jasper stated that it's not bad enough that she is going to have a school bus garage in her back yard, but they now plan to put a parking lot in between two homes on her street. Ms. Jasper stated that she has loved living on her street for 40 years and will be retiring soon, but doesn't think she will be able to stay if the parking lot is built and asked the city to not let the School District do this to her neighborhood and that they don't care about the neighborhood and are doing what they want to do.
- Carlean Alford, 1355 Belvoir Mews, stated that she has been at the council meeting patiently listening about the dog barking issue and found a video on YouTube and stated that over the weekend there was one dog barking in her neighborhood and it bothered her, so she can't imagine what the residents in the apartments are going through. Ms. Alford stated that she expected more of City Council and the administration and is disappointed and that someone in the administration should investigate and that she expects that in the next two weeks something will happen. Ms. Alford said that someone should speak up and not wait for them to call. Councilman Fiorelli stated that he feels for the residents, but Council has only so much power and that once it becomes a legal issue, their powers become even more limited. Mr. Fiorelli stated that City Council is not the Law Department or the Police Department and they can listen but don't have the power to cure in the time period that we all would like.
- Madelon Watts: 873 Haywood Drive, spoke regarding the "move to amend" petition drive to put on the ballot declaring that corporations are not people and corporate money should not be used in politics. Ms. Watts stated that they have collected enough signatures and will be delivering them next Monday to Clerk Benjamin to place on the ballot in November.
- Willie Young, 4633 Whitehall Road, stated that he is a new resident but is concerned about the condition of the street because of all the trucks going down on a regular basis. Mr. Young stated that the city services are great, but is concerned about the condition of the street. Lore Young, Mr. Young's wife, concurred with her husband's comments.
- Jordan Burns, 3733 Park East Drive, stated that he an attorney representing Dogtropolis and that the owner of the business and the owner of the building are also in attendance. Mr. Burns gave a background of the Dogtropolis and that they have been in business for 13 years and for the first 11 years were adjacent to law offices and single family homes in Cleveland Heights and operated in the same fashion, but moved to the new location in South Euclid to provide better service. Mr. Burns stated that the current location is in a cinderblock building and has a main door and dock doors that were recently treated with acoustic paneling soundproofing at a cost of \$575 and another \$850 was spent on an outdoor sunshade that has some noise controlling properties. Mr. Burns stated that last Thursday, Dogtropolis installed \$4,000 in "acoustafence" material made especially for sound controlling properties and for use in dog facilities and it is not a coincidence that there have not been any complaints to the police since the installation, but expects that tomorrow the police will be inundated. Mr. Burns stated that the owner has gone through great expense with the purpose of satisfying the neighbor's concerns and that the owner has made the improvements with the encouragement of the Law Department, not because they believe they are not in compliance with the law, but because they want to be a good neighbor. Mr. Burns stated that the apartment building has always been located next to the industrial area that has always allowed for some of the noisiest uses and that the business is operating within the law and the steps and activities undertaken to thwart the Dogtropolis business are inappropriate. Mr. Burns invited all council members to visit the facility and also see the issue from the opposite side of the fence.

Report of Council Committees:

Zoning & Planning Committee

Russell reported that the Committee met to discuss a conditional use permit for "Brenda's Babies" a new daycare center and also issues related to the passage of House Bill 53 regarding medical marijuana regulation.

Safety Committee

Councilman Gelfand reported that the Committee met to discuss Resolution 55-14 regarding the collection of unpaid EMS bills. Mr. Gelfand reported that the committee recommended some revisions to the legislation prior to third reading.

Committee of the Whole

Council President Goodman reported that the Committee met for its monthly financial updated and continuing discussion regarding potential revenue increases and placing the renewal or replacement of the Safety Levy on the November 8, 2016 ballot for voter approval.

Introduced by Goodman

Resolution 21-16

RESOLUTION

SUBMITTING THE QUESTION OF REPLACING AN EXISTING TAX LEVY FOR THE PURPOSE OF PROVIDING FUNDS FOR THE GENERAL PROVISION OF POLICE, FIRE, AND OTHER SAFETY SERVICES IN THE CITY, TOGETHER WITH ALL NECESSARY INCIDENTALS AND APPURTENANCES THERETO, PURSUANT TO OHIO REVISED CODE SECTION 5705.19, TO THE ELECTORS OF THE CITY OF SOUTH EUCLID, OHIO; AND DECLARING AN EMERGENCY. **SECOND READING.**

Motion to Amend Resolution

Action: Motion to Amend Resolution to add language placing a Safety Levy on the ballot for three years in an amount of 5.75 mills.

Moved by Council President Pro Tem Dennis Fiorelli, **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 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** Councilman Jason Russell.

Council President Goodman stated that City Council has gone through an excruciating process to look at supporting safety services as revenues continue to go down and expenses go up with continuing costs for service and union negotiations coming up. Ms. Goodman stated that the Safety Forces make up approximately 70% of the total city budget, and while additional taxes are hard, she hope the residents will support it.

Councilman Fiorelli stated that if the levy is approved, it will cost an additional \$87 a year on a home values at \$100,000.

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

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

No: Councilman Ed Icové.

The legislation has been approved.

Zoning & Planning Committee

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. **SECOND READING.**

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 36-16

RESOLUTION

GRANTING A CONDITIONAL USE PERMIT FOR A DRIVE-THRU AND OUTDOOR DINING FOR "STEAK 'N SHAKE" RESTAURANT LOCATED AT 1878 WARRENSVILLE CENTER ROAD IN THE CITY OF SOUTH EUCLID, OHIO. FIRST READING.

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 City Council

Introduced by Goodman

Resolution 37-16

RESOLUTION

A RESOLUTION OF THE COUNCIL OF THE CITY OF SOUTH EUCLID DECLARING THE PUBLIC EMPLOYMENT OF COUNCILMAN-AT-LARGE JASON RUSSELL COMPATIBLE WITH ARTICLE II, SECTION 2 OF THE CHARTER OF THE CITY OF SOUTH EUCLID. FIRST READING.

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

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

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

Abstain: Councilman Jason Russell.

The legislation has been approved.

Mayor's Report:

- Mayor Welo reported that since the launch of the One South Euclid Neighborhood Grant Program in July, \$10,000 has been granted to residents in need of funds to fix home violations and neighborhood groups for block parties. Ms. Welo also reported on several community events including the Taste of Cedar Center benefitting the South Euclid Commission on Aging and the Summer Concert Series at Cedar Center.
- Housing Manager Sally Martin requested council consideration for Ordinance 33-16 appropriating additional funding for grass cutting abatements and discussed the history of how the abatements are now performed by private vendors and the fund has been depleted.
- Economic Development Director Mike Love asked for Council Consideration of Resolution 34-16 transferring vacant property to One South Euclid and gave an update on the storefront renovation project at Cedar and Green.
- City Engineer Andy Blackley gave an update on summer road repair projects on Miramar, Wilmington, Stanhope and East Antisdale and also ongoing gas and watermain projects. Mr. Blackley reported that the Safe Routes to School Project being funded by the Ohio Department of Transportation will cost \$110,000 more than they previously estimated and ODOT has requested that the City fund the cost overage. As a result, the City has requested that the project be delayed to 2017 so that the scope of the project can be revised within the city's budget.

Legislation Requested by the Mayor and Administration

Introduced by Goodman

Resolution 33-16

RESOLUTION

AUTHORIZING AN INCREASE OF APPROPRIATIONS IN THE FOLLOWING FUND: "GENERAL FUND-BUILDING DEPARTMENT #101-4410" IN ORDER TO EXPEND FUNDS FOR THE PURPOSE OF NUISANCE ABATEMENT. FIRST READING.

Council President Goodman stated that the legislation is confusing because the additional \$35,000 for grass cutting of abatement nuisances was not budgeted at the beginning of the year and didn't the city know how much it would cost to get through the season.

Housing Manager Sally Martin stated that, in hindsight, she should have, but if there are not additional funds appropriated the city will not be able to abate any additional grass and tree nuisances this year. Ms. Martin explained that the abatements are performed by private contractors and the costs are placed on the homeowner's tax duplicate if they do not pay, so the money does eventually come back to the city.

Councilman Gelfand stated that contractors work in all levels of government and understand that they have to wait several weeks to get paid and said that he doesn't think this is an emergency that needs to be passed on first reading.

Mayor Welo stated that this is a health and safety issue and gave a history of the grant fund that used to pay for the removal of unsafe trees, but now must come out the City's General Fund.

Council President Goodman stated that she doesn't have an issue approving the legislation but that this should not be something that City Council is asked to handle as an emergency and asked Ms. Martin if she knew several weeks ago that the fund was running out of money and that the legislation should have been brought forward previously.

Councilman Russell stated that he now understands the request, but it would have been helpful if a cover letter explaining the request would have been helpful.

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

Councilwoman Gray stated that this should have been a part of the budget at the beginning of the year and we need to get away from asking for more money after it's already been appropriated and should only be done in extreme emergencies and is not good budgeting.

Council President Goodman stated that she agrees with Councilwoman Gray in principle, but in this case, she now has a better understanding of the issue and we cannot let the abatement of nuisance properties stop.

Councilman Russell reiterated Council has spent the last 25 to 30 minutes discussing a matter that could have been explained in a cover letter.

Councilman Ilove asked that a vote be called.

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.

 Introduced by Goodman

Resolution 34-16

RESOLUTION

AUTHORIZING THE MAYOR TO CONVEY CERTAIN REAL PROPERTY OF THE CITY OF SOUTH EUCLID, OHIO TO ONE SOUTH EUCLID. FIRST READING.

Action: Motion to Approve Legislation, **Moved by** Council President Jane Goodman, **Seconded by** Councilman Joe Frank.

Councilman Russell asked if Council can be provided a spreadsheet of property sales from One South Euclid. Economic Development Director Love stated he would email council a spreadsheet.

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.

Law Director's Report – no report.

Letters & Communications

- Councilman Russell reported that the Plainfield-Winston Neighborhoods will have another get together at his home on Friday at 5:30 pm.
 - Councilman Gelfand reported on the Verona Road Block Party and that they were beneficiaries of one of the One South Euclid block grants. Mr. Gelfand reported that resident Peggy Bona's grandson won an 8K race and broke a world record.
 - Councilman Fiorelli reported on an article about Jackie Larkins the owner of the Coffee Phix Café and also received an email on safety tips from Asst. Fire Chief Csire.
 - Councilman Frank reported on the youth baseball playoffs and that the parks are electric with families every day of the week.
 - Council President Goodman reported on a survey by Washing University that would involve residents. Ms. Goodman gave an update on the Brush High School Environmental Leadership Program involving 14 and 15 year olds from Brush and Heights and she has been facilitating weekly educational field trips and it has been very interesting and exciting to be a part of.
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Adjourn

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

The Meeting Adjourned at 10:01 pm.

 Council President

Attest:

 Clerk of Council