

**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:** July 11, 2016 & July 25, 2016

Approval of the July 11, 2016 Minutes of City Council

**Action:** Motion to Approve Minutes, **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 Minutes have been approved.

Approval of July 25, 2016 Minutes of City Council

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

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

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

**Abstain:** Councilman Marty Gelfand, Councilman Jason Russell.

The Minutes have been approved.

**Special Presentation**

Council President Jane Goodman recognized the South Euclid Environmental Leadership Program Graduates from Brush High School and Director Benjamin gave an overview of the program and introduced participants from the South Euclid Lyndhurst School District and Urban League of Greater Cleveland.

**Opening Meeting of Council:**

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

- Peggy Savani, 1900 South Belvoir Blvd, stated that it's wonderful that the City has programs like the Starting Point program recognized during the special presentation, however there is another side to South Euclid which is the ongoing issue of the disturbance at the apartment building Ms. Savani owns, and the nuisance being created by the neighboring Dogtropolis Dog Daycare. Ms. Savani stated that the city has done everything possible to protect the tenant, even going so far as to pass a law in June to require the use of a decibel meter, which was passed specifically by Law Director Lograsso and Mayor to discriminate against her tenants. Ms. Savani said that even after the decibel was above legal level, Dogtropolis was still not cited and after a year of attempted mediation, phone calls, speaking at council meetings, a Cleveland.com article was written and a Channel 5 story aired, Dogtropolis has still not put up any real soundproofing or been cited one time. Ms. Savani stated that the city is protecting the business and discriminating against her tenants. Ms. Savani stated that she has gotten to know her tenants and that they are good hard working people with jobs and they are not drug runners or on subsidized housing. Ms. Savani said that in her apartments they do not accept Section 8 vouchers or allow anyone with a criminal record to live there and they also perform background credit checks. Ms. Savani stated that the tenants don't deserve to hear 20 dogs barking and deserve the same peace as you and the city changed the law to discriminate against them and the law that was made is not right and needs to be repealed. Ms. Savani said that Law Director Lograsso called her husband to schedule a meeting but she doesn't think the meeting will mean anything for her tenants, but hopefully she is wrong. Either way, Ms. Savani said that Council and Administration should all be ashamed of the way this has been handled for the last year and asked why no one has counseled the mayor to do the right thing. Ms. Savani asked Councilman Gelfand if he still takes his dog to the business and remarked on an incident where the dogs were not safe and said "shame on all of you". Council President Goodman stated that just because Ms. Savani has not heard anything, don't assume that nothing is being discussed or said just because you are not in the room.
- Johny Pinkney, 4133 Greenvale, played audio of the barking and Councilwoman Gray thanked the residents for continuing to come to the meetings and that she has done everything in her power to get the issue addressed and that she will continue to advocate. Ms. Gray said that it is appalling that they cannot live in peace and the city has failed the residents of Ward One and Greenvale Apartments. Councilman Gelfand asked for a point of order and asked Clerk Benjamin if the City passed any legislation regarding the dog nuisance issue in June as stated by Ms. Savani. Mr. Benjamin replied that no ordinance was passed in June regarding the issue and Council President Goodman said that it's been on the books for a long time. Mr. Gelfand said that he was not approached by Councilwoman Gray about this issue. Councilwoman Gray said that she didn't have to and that he never came to her to try to work the issue out.
- Adrienne Martin, 4418 Elmwood Road, stated that she was approached by a neighbor who was attacked twice in two weeks and there was nothing in the newspaper about it and the man ran into a vacant house and took his wallet and keys and the same thing happened again to the same man this past weekend and

she is scared to death and the police never came back and criminals go in the bushes and asked if it was not reported by the police because it was not in the police blotter in the Sun Messenger. President Goodman asked Lieutenant Myers (in attendance at the meeting for Chief Nietert) to have a conversation with her after the meeting and fill her in on the details). Ms. Martin was introduced to her new Councilman Joe Frank and Mr. Frank asked that Ms. Martin call him.

- Michael Goldstein, 3386 Belvoir Blvd in Beachwood, stated that he was speaking on behalf of US Congressional Candidate, Dr. Beverly Goldstein and stated that Congressional District 11 is number one in hunger in the region and number one in infant mortality and that unemployment in the district is 17%. Mr. Goldstein stated that there are empty shopping centers and storefronts and that candidate Goldstein has results
- Yvonne Sanderson, 4078 Elmwood Road, stated that she is the Vice President of One South Euclid (OSE), the City's Community Development Corporation and came to the meeting to give an update on initiatives and share good news and positive impact of OSE programs. Ms. Sanderson gave an overview of several CDC supported events including the annual Harvest Fest at Quarry Park, Holiday Tree Lighting Ceremony, City historic walking tours, Pumpkin Festival and the management of the City's community gardens and pocket parks. Ms. Sanderson discussed the creation of the Build, Grow and Thrive residential resale program to abate the nuisance of vacant housing and the creation of a new Neighborhood Grant Fund to help homeowners fix code violations to their homes and also provide support for block parties and neighborhood groups. Ms. Sanderson stated that since the beginning of the summer, One South Euclid has provided nearly \$30,000 in grant funding to residents and has also committed \$35,000 for next year's 2017 Centennial Events. Ms. Sanderson stated that One South Euclid will host a casual meet and greet for residents to learn more about the organization on October 27 from 6:30 pm to 8:30 pm at the South Euclid Branch of the Cuyahoga County Library and to visit the CDC's website for more information.
- Robert Schoenewald, 4426 Bayard Road, spoke regarding Resolution 45-16 that calls for a six-month moratorium on the issuance of permits for medical marijuana related businesses. Mr. Schoenewald stated that the city has been trying for years to establish the medical corridor on South Green Road and that this could be another opportunity as long as the businesses are required to be in full compliance with state law.
- Chuck Turner, 4549 Lilac Road, stated that some members of city council are aware of the special invitation he received from Officer Parisi to stay in the City's hotel (referring to the jail). Mr. Turner stated that he was cited for advertising on public property. Mr. Turner stated that he went up to Bexley Park and noticed the names of several members of City Council, Mayor, True Hardware and others hanging from banners in the ballfield. Mr. Turner stated that he attended the Faith Walk and the City's Harvest Fest and carried his sign. Mr. Turner stated that he also saw that Dogtropolis Dog Daycare was a sponsor of the City's dog park. Councilman Gelfand explained that the banners are sponsorships that provide support to the City's youth recreation leagues. Councilman Ilove stated that he thinks that it is a violation of the law and thinks Mr. Turner is right.

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#### Report of Council Committees:

Council President Goodman reported that the Committee of the Whole held their monthly meeting with Finance Director Wendt to review the month's finances and that the City had an increase in income tax due to RITA collections and their subpoena program and that some residents who had not paid their income taxes had finally paid up.

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#### Legislation Requested by the Planning Commission

Introduced by Goodman

Resolution 42-16

##### RESOLUTION

GRANTING A CONDITIONAL USE PERMIT TO ALLOW FOR THE KEEPING OF CHICKENS AT THE PROPERTY LOCATED AT 3965 PRINCETON BLVD. IN THE CITY OF SOUTH EUCLID, OHIO. FIRST READING.

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

Following discussion, **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.

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#### Legislation Requested by City Council

Introduced by Goodman

Resolution 45-16

##### RESOLUTION

IMPOSING A MORATORIUM ON THE GRANTING OF BUILDING PERMITS OR CERTIFICATES OF OCCUPANCY FOR ANY BUILDING, STRUCTURE, USE OR CHANGE OF USE THAT WOULD ENABLE THE CULTIVATION, PROCESSING, OR RETAIL SALE OF MEDICAL MARIJUANA FOR A PERIOD NOT TO EXCEED SIX MONTHS FROM THE EFFECTIVE DATE OF THIS RESOLUTION, IN ORDER TO ALLOW CITY COUNCIL AND THE SOUTH EUCLID PLANNING COMMISSION TO REVIEW APPLICABLE OHIO STATUTES, CRIMINAL CODES AND THE SOUTH EUCLID ZONING CODE RELATIVE TO SUCH USE; AND DECLARING AN EMERGENCY. FIRST READING.

The legislation was placed on first reading and referred to the zoning and planning committee for discussion and review.

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 Introduced by Goodman

Ordinance 14-16

## ORDINANCE

AN ORDINANCE AMENDING SECTION 111.08 "ORDER OF BUSINESS" OF TITLE THREE "LEGISLATIVE" OF PART ONE OF THE "ADMINISTRATIVE CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO. FIRST READING.

The legislation was placed on first reading and referred to the Legislative Committee for discussion and review. Councilman Icove requested that when a meeting is scheduled to also review Ordinance 05-16 together with Ordinance 14-16.

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**Mayor's Report:**

- Council President Goodman reported that Mayor Welo had a family emergency and could not be at the meeting.
  - City Engineer Andy Blackley gave an update on the city's road and infrastructure projects including the East Antisdale Road reconstruction and watermain work on Greenvale Drive. Mr. Blackley discussed that Dominion East Ohio Gas is beginning work on Mayfield Road between Warrensville Center and South Belvoir Blvd. Mr. Blackley reported that Dominion is working on tree lawn restoration from many of their projects. Councilwoman Gray stated that it seems that Dominion does not do a very good job making sure that the tree lawn restorations are completed properly and that there is an ongoing issue at South Green Road and Princeton and that the city needs to have somebody oversee their quality of work. Ms. Gray stated that she drives up Cedar Road and see's Dominion's work in Beachwood and there is grass growing, so why the poor job in South Euclid. Mr. Blackley stated that he has discussed the issue with Dominion in the past and will follow-up.
  - Housing Manager Sally Martin reported on Ordinance 13-16 being presented for first reading this evening regarding the renewal of the vacant properties ordinance. Ms. Martin reported that because of the law the city has been aggressive in taking care of vacant homes from the housing and foreclosure crisis and is now down to less than 200 vacant homes from a high of 800.
  - Finance Director Brenda Wendt requested Council's support for Resolution 43-16, the annual tax rate certification from the Cuyahoga County Budget Commission. The legislation is due by September 30<sup>th</sup> to the County.
  - Council President Goodman introduced new Building Commissioner Eric Tuck Macalla. Mr. Macalla came from University Heights and there are a limited number of people with his skillset that could replace former commissioner Paul Kowalczyk.
  - Economic Development Director Mike Love requested Council's support of Resolution 44-16 regarding a transfer of property of a lot donated to the City by US Bank.
  - Fire Chief Stefko reported that so far this year there has been 2,550 calls for service. Chief Stefko reported that the new ambulance will be delivered in October.
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**Legislation Requested by the Mayor and Administration**

Introduced by Goodman

Resolution 43-16

## RESOLUTION

RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY FISCAL OFFICER. FIRST READING.

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

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.

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Introduced by Goodman

Resolution 44-16

## 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** Council President Pro Tem Dennis Fiorelli.

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.

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Introduced by Goodman

Resolution 46-16

## RESOLUTION

AUTHORIZING THE MAYOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE CUYAHOGA SOIL AND WATER CONSERVATION DISTRICT AS A MEMBER OF THE EUCLID CREEK WATERSHED COUNCIL. FIRST READING.

Council President Goodman gave an overview of the legislation that appropriates \$5,500 a year and fulfills the city's requirements for the national pollutant discharge permit and that the price has been the same for about 20 years.

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

The legislation has been approved.

Introduced by Goodman

Ordinance 13-16

#### ORDINANCE

AMENDING CHAPTER 1414 "REGISTRATION OF VACANT BUILDINGS AND CERTIFICATES OF ~~OCCUPANCY~~ **COMPLIANCE** FOR VACANT BUILDINGS" OF PART FOURTEEN "HOUSING CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO.

The legislation was placed on first reading and referred to the Zoning and Planning Committee of Council.

#### Law Director's Report

No Report.

#### Letters & Communications

- Councilwoman Gray requested the scheduling of a Recreation Committee to continue work on the strategic planning efforts and that Council should think about who they would like to appoint to the planning committee. Ms. Gray requested that Zoning and Planning Committee Chairman Russell look at legislation to revisit noise ordinances and possibly look at higher standards. Ms. Gray stated that the Dogtropolis issue is a unique issue to Ward One and that there are a lot of commercial areas that abut residential areas and the city should also look at building codes so that there are standards for sound barriers.
- Councilman Gelfand scheduled a Safety Committee Meeting to look at the new draft of the EMS billing collection policy. Mr. Gelfand discussed the issue with the new construction of the University Heights Branch of the CH-UH Library, which has necessitated moving the polling location for the November election for some South Euclid residents. Initially, the new location was proposed to be the South Euclid Library on Green Road. Mr. Gelfand stated that the library was too far away and he and the mayor contacted the Board of Elections. The Board of Elections settled on Wiley Middle School as the new temporary location for this November's polling location. Mr. Gelfand requested information from the Board of Elections about the last minute process and the notification of Mayor and Council Members before they begin the process. The letter from the Board of Elections was submitted to the Clerk.
- Councilman Russell reported that the Catholic Diocese of Cleveland will hold a meeting tomorrow night at Sacred Heart of Jesus Parish about their proposed senior living development on Parish property. Mr. Russell stated that it is an informational meeting and that, like the Lowden proposal, the developer would have to request rezoning before any development is allowed. Mr. Russell stated that he felt thrown under the bus twice today by Councilwoman Gray. Mr. Russell stated that he has supported the residents' case regarding the Dogtropolis issue and that he disagreed with the Law Director's interpretation of the ordinances and he made his position clear in writing. Mr. Russell also stated to Ms. Gray that any council member can introduce legislation and it doesn't need to be introduced by the Chair of the Committee and he stated that he felt attacked by Councilwoman Gray's comments that he had not done anything about the noise abatement issue. Councilman Russell stated that he respects the fact that Ms. Savani (the owner of the apartment building adjacent to Dogtropolis) comes to every meeting, but, as an African American, he did not appreciate her comments regarding there not being drug dealers in her apartment and that it is not subsidized housing. Mr. Russell stated that Ms. Savani's comments reinforce the negative stereotypes that people say about African Americans and that he hopes there is resolution to the issue, but he did not appreciate her comment. Councilman Russell scheduled Zoning and Planning Committee Meetings for September 26 at 6 pm regarding the vacant building registration and 7 pm meeting regarding the medical marijuana moratorium. Council President Goodman scheduled a meeting at 7:30 pm to discuss the soft recyclables legislation.
- Service Director Jim Anderson stated that the elevator has been repaired and needs to be tested by the State and should be up and running next week.
- Councilman Ilove stated that, as he did in the George Martin case, where he recommended that the city not pursue litigation, the City should also do the same with the Chuck Turner case, and the city needs to pursue issues of health, safety and welfare and not cases that have no legal validity.
- Councilman Fiorelli reported that the City of South Euclid ranked Number 9 in Cuyahoga County for recycling and reported on the upcoming E-Recycling event on September 18 from 10 am to 4 pm in the back parking lot of City Hall. Councilman Fiorelli thanked Service Director Anderson for handling a skunk issue and thanked staff and residents that worked hard on this year's Harvest Fest at Quarry Park. Mr. Fiorelli stated that he would like the City to look into where the handicapped parking is located at Bexley for the Pool access and see if there are better options.
- Councilman Frank seconded the work of Jim Anderson and the service department and also discussed the importance of the sponsorships and the banners that are at Bexley Park and hopes that some are not looking to get rid of it because without their support, the league that supports over 500 children could not exist and the support of most of council and businesses go to provide support to the programs and without

them, the programs would cease to exist. A legislative committee meeting was scheduled for October 10 at 6 pm to discuss the Council Meeting ordinances.

- Council President Goodman scheduled a Safety Committee Meeting for October 25 at 7 pm and a Recreation Committee Meeting for October 25 at 6 pm. The issue regarding the noise and nuisances was referred to the Zoning and Planning Meeting.

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**Adjourn to Executive Session**

**Action:** Motion to Adjourn to Executive Session for the purpose of discussing pending litigation, **Moved by** Councilwoman Ruth Gray, **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.

City Council Adjourned to Executive Committee at 9:47 pm.

**Adjourn**

**Action:** Motion to Adjourn Meeting of City Council, **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 10:06 pm.

Attest:

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Council President

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Clerk of Council