

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 Ilove, Councilman Jason Russell, Council President Jane Goodman.

Report of the Mayor

- Mayor Welo reported that all directors are present with the exception of Service Director Anderson and Building Commissioner Macalla.
- City Engineer Blackley reported on road and infrastructure projects and that Grosvenor Road has been paved, thanks to County CDBG funding. Mr. Blackley reported on gas line projects on Belvoir and Bluestone and Cleveland Water Projects scheduled for South Belvoir between Cedar and Mayfield Road in 2018.
- Mayor Welo reported that Oct. 8-14 is National Fire Prevention Week which is a good time to make sure that smoke and carbon monoxide detectors are working. Mayor Welo discussed upcoming community events including Brush High School Homecoming, Community Shred Day, Centennial Celebration at the Library and pumpkins in the park event. The Mayor discussed more potential funding cuts for local and county governments.

Opening Meeting of Council Related to Agenda Specific Items

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

- Matt Wiederhold, 1151 South Belvoir, requested that City Council pass the non-discrimination legislation that respects the rights of LGBT residents.
- Rita Krebs, 4497 Ardenale Road, stated that she has been a resident for 53 years and asked Law Director Lograsso for his legal opinion on the proposed non-discrimination Ordinance. Mr. Lograsso responded that his role as law director is to not have an opinion on the subject ordinance, but to make sure that what City Council is considering is lawful. Ms. Krebs asked who on City Council is sponsoring the legislation. Council President Goodman stated that she is sponsoring the legislation.
- Luke Macik, 1545 South Green Road stated that he is the Headmaster of the Lyceum School located at the Sacred Heart of Jesus Campus and resides in Brecksville, Ohio. Mr. Macik stated that people in South Euclid are free and religious organizations need to be free to hire or not hire people of certain persuasions and if the non-discrimination ordinance passes, his school will either have to leave the city or file a law suit.
- Mark Langley, 2166 Middlefield Road in Cleveland Heights, stated that he is a teacher in South Euclid at the Lyceum School and a musician and he works and prays in South Euclid and asked if the non-discrimination law is necessary. Mr. Langley stated that he is not clear that there is a need for the legislation and as a father, he is concerned about the safety of children with respect to bathroom facilities if the LGBT protections are approved. Mr. Langley asked if the legislation would allow people who perceive themselves as a woman today and decide to be a man tomorrow, can choose the bathroom of their choice and that we should be concerned about safety and youth.
- Jeanette Flood, 1508 Belle Avenue in Lakewood, stated that she is against the non-discrimination ordinance and her children attend school in South Euclid. Ms. Flood stated that some of her comments are not necessary if you are taking up the conscience clause and that while she appreciates that the city is trying to make sure everyone's rights are respected, it's ironic because the government is telling businesses who to hire. Ms. Flood asked the city to consider the unintended consequences of the proposed law for example what if a man decides that he wants to be a woman on a day and what are the consequences. Ms. Flood stated that she was surprised that the Lakewood ordinance passed with no input from the voters.
- Kevin Burke, 1404 East 9th Street, stated that he is legal counsel for the Catholic Diocese and is representing Sacred Heart of Jesus Parish. Mr. Burke thanked City Council for taking the time to hear their concerns and work to fashion a law that insures it appropriately is protective of religious freedom and that people can have reasonable beliefs without hating.
- Molly Monaco, 4542 East Berwald asked how does the law balance religious freedoms and civil rights and that she is a parent with daughters and is fearful that the law will be abused by people and does the city have the resources and a plan so people don't falsely accuse others of discrimination. Ms. Monaco stated that she is afraid that pedophiles will use the law to enter bathrooms or the changing room at the swimming pools, and that she doesn't think her fears are unrealistic. Ms. Monaco stated that she visited the new Marc's today and stated that wouldn't it be nice to have unisex bathrooms and that eliminates the need for someone to identify their gender.
- Richard Cherney, 9943 Woodruff Lane in Newberry, Ohio, stated that he is the parent of children that go to school to school in South Euclid and are members of Sacred Heart of Jesus Parish. Mr. Cherney questioned why the church was notified in late September about an ordinance that began discussion in June. Mr. Cherney asked who has the burden of proof is there is an accusation of discriminatory actions.
- Eileen Mersek, 1342 Victory Drive, spoke against the non-discrimination ordinance and stated that the City is trying to allow transgendered people to be treated as a normal people and if some illegal act happens it will be on the City's conscience. Ms. Mersek stated that she hopes and prays that city council listens to what we are saying and that you will want to vote to protect your children and grandchildren.
- Alan Mersek, 1342 Victory Drive, stated that Councilman Ilove stated that there has been no fair housing complaints filed since 1995 and agrees that there is no need to create a new commission. Mr. Mersek stated that South Euclid is good and law abiding community and he wants to see it continue with unity, but the non-discrimination legislation as proposed creates diversion and there are federal laws already in place

like the Civil Rights Act, 16th Amendment and equal protections for all people and that the City's ordinance has the tone of divisiveness.

- Greg Stergar, 1179 Plainfield Road, stated that he has lived in South Euclid for 25 years and loves the city and when he leaves and comes back he feels at home. Mr. Stergar stated that he agrees with much of what has been said by others speaking and that the ordinance is a law that doesn't address a problem in the city. Mr. Stergar stated that people in South Euclid are civil and work together and asked who is being discriminated against and will the new law open the city up to possible lawsuit and if a business doesn't want to participate in a same sex wedding, we don't need a law to punish that person. Mr. Stergar stated that perhaps now is not the right time for this ordinance and if Lakewood is the only other city in Ohio to have this law, why would South Euclid want to be the second community? Mr. Stergar stated that he is surprised that this is something we are spending a lot of time on and it is a law in search of a problem.
- Deborah Lee, 532 Lloyd Road in Euclid, Ohio, stated that she is a teacher in South Euclid and her husband is a visiting Catholic Priest. Ms. Lee stated that the proposed anti-discrimination legislation is not fair in that public schools are exempt from it, but parochial schools are not, and that keeping the diversity of religious organizations in the community is important and does this ordinance bring families in or deter families from the community.
- Hank Drake, 1272 South Belvoir, stated that he moved to South Euclid as a child in 1971 and moved back to South Euclid nine years ago. Mr. Drake thanked Mayor Welo for mentioning fire inspection week. Mr. Drake addressed the non-discrimination ordinance and stated that it is legal in 29 States for an LGBT person to be fired from their job, denied housing, denied credit, and denied service in businesses that are open to serving the public. Mr. Drake stated that he moved back to South Euclid because he perceived it to be a welcoming community and we don't need more hatred, but we need more love, tolerance and empathy. Mr. Drake stated that he supports the legislation.
- Paula Wilson, 2669 Wrenford Road in University Heights, stated that she is a parent of a child that lives in South Euclid and that Mr. Drake's comments were gentle. Ms. Wilson stated that people are allowed to make choices about their conduct and is encouraged that council is taking another look at the non-discrimination ordinance, because as a person who loves South Euclid and shops in the community, the legislation is very troubling as it will criminalize religious freedom.
- Anne McCarron, 4617 Greenwold Road, spoke regarding the non-discrimination ordinance and asked that the City provide credible evidence demonstrating the need for the legislation and that she is concerned like the prior speak is that council passing the legislation could criminalize someone's personal faith and requested that another public hearing be scheduled.
- Ruthann Cray, 5569 Harleston Road in Lyndhurst, stated that she moved to Lyndhurst recently from Chagrin Falls and has a child in the South Euclid Lyndhurst Schools and two children at the Lyceum School. Ms. Cray stated that she is concerned about the legislation if it is approved and how it would apply to Catholics and people of other faiths for having lived equality in the community. Ms. Cray stated that as a business owner, the non-discrimination ordinance could place a financial burden and questioned the need for the law at this time.
- Jessica DuBose, 999 Argonne Road, spoke regarding the non-discrimination ordinance and stated that she appreciates what the city is doing in trying to protect people and provide the LGBT community with equal rights and is in favor of the legislation.
- Raymond Wilson, 2669 Wrenford Road in University Heights, stated that he is a teacher at the Lyceum School in South Euclid. Mr. Wilson stated that there is no need for the anti-discrimination legislation and there are already exemptions on a job by job basis. Council President Goodman stated that there is a difference between job hiring and job firing and the problem exists with the issue that someone can be fired if they find out that person is gay, and that the current legislation covers positions that are non-religious like a janitorial position. Mr. Wilson stated that the legislation is an entanglement by the city government with constitutional religious liberty and the government has the power to tax, power to destroy and that passage of the legislation could lead to potential for abuse. Mr. Wilson also stated that he has an issue with the creation of a human rights commission to oversee complaints, because the commission could have an incentive to levy fines because they get to keep the fines.
- Peter Gilbert, 2032 Campus Road, stated that he has lived in South Euclid for about a year and has taught at the Lyceum School for about seven years. Mr. Gilbert stated that as a teacher he teaches many subjects including the Old Testament, New Testament, Greek, Drama and Medieval History. Mr. Gilbert stated that the nature of the Lyceum School means that he covers all kinds of curriculum, including religious, and he is concerned that the non-discrimination legislation brings about constitutional issues and that the law on this issue is still evolving in the country and would be very hard to implement on a case by case basis. Mr. Gilbert stated respecting all people in the community is a good idea, but he is against the legislation.
- Michael Rodriguez, 6900 Bridgecreek Drive in Concord Township, stated that he is opposed to the non-discrimination ordinance and that the ordinance is very hard to read with all of the strikethroughs on the working draft legislation. Mr. Rodriguez stated that the legislation is not necessary and people who are not gay can be fired at any time in Ohio, like he was as a dentist a few years ago. Mr. Rodriguez asked what the aims of the ordinance long-term are and is Council going to offer similar to protections to new kinds of people in the future and that the legislation criminalizes the free thinking of other people, creates division and creates communities where some laws are valid and others where it is not.
- Christy Raynor, 5168 Edenhurst in Lyndhurst, stated that what happens in South Euclid impacts Lyndhurst and that she is against the non-discrimination ordinance as it is vague and provides certain people with privilege. Ms. Raynor stated that we are trying to love people and we need dialogue and the legislation is not constructive because people will move out of the city if they don't like it. Ms. Raynor stated that people are

already moving out the community east to West Geauga and that this is law that doesn't need to be in South Euclid.

- Gwen Stembridge, stated that she is the Northeast Ohio Coordinator for Equality Ohio and lives at 1479 West 112 in Cleveland. Ms. Stembridge thanked elected officials for their work in making South Euclid as welcoming as possible in the community, and that prior to the legislation being introduced by City Council, both Equality Ohio and Mr. Benjamin at the City reached out to members of the religious, educational and business community to discuss the legislation and met with several institutions that were willing to meet. Ms. Stembridge discussed many of the myths and misperceptions people have about people who identify as LGBTQ and that Transgendered people are much more likely to be harmed than others. Ms. Stembridge state that similar laws have been passed in 20 States and in over 200 cities throughout the country and there has not been an increase in crimes by LGBTQ people and children. Ms. Stembridge stated that religious freedom is necessary and she is a proud person of faith, however, there is a problem when the shield of religious freedom is used to discriminate against other people and leads to harmful words and act. Ms. Stembridge stated that the law is needed to protect the rights of all because in Ohio, it is currently legal to be discriminated against just because of who you are or who you love and that she is happy to continue to be a resource whenever needed.
- Katie Hanna, 4476 College Road stated that LGBT people are her neighbors, family and friends and the passage of the non-discrimination legislation would make her proud and this is an opportunity for South Euclid. Ms. Hanna stated that, in addition to the LGBT community, we need to address the concerns of survivors of sexual violence and that we need to remember that men are also often abused. Ms. Hanna stated that full and equal access is already provided in 18 states and over 200 cities and there has not been a rise in crime, assaults or violence and that we have to stop praying on fear. Ms. Hanna thanked everyone that has voiced their opinion and stated that she hopes we can afford our LGBT neighbors with the civil rights and protections that they deserve.
- Martin Joyce, 18567 State Road in North Royalton, Ohio, stated that he has a son that attends the Lyceum School in South Euclid. Mr. Joyce stated that Catholic Christians have certain tenants they must follow and imposing the non-discrimination ordinance seems like it could be interpreted as establishing the regulation of religion and bring about frivolous lawsuits. Mr. Joyce stated that Lyceum is a classical literal institution that specializes in the promotion of Catholic tenants and invited anyone to come and attend their drama performances.

Report of Council Committees:

Service Committee:

Council President Goodman reported that the Service Committee met earlier in the evening to discuss issues with the grass abatement ordinance and policies.

Committee of the Whole:

Council President Goodman reported that the Committee of the Whole met earlier in the evening to discuss Ordinance 12-17 regarding non-discrimination laws.

Committee of the Whole

Introduced by Goodman

Ordinance 12-17

ORDINANCE

CREATING CHAPTER 552 "DISCRIMINATION PROHIBITED" OF PART FIVE "GENERAL OFFENSES CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO TO ENSURE THAT ALL PERSONS HAVE EQUAL ACCESS TO EMPLOYMENT, HOUSING, PUBLIC ACCOMODATIONS AND EDUCATION. **THIRD READING.**

Council President Goodman requested that the legislation be tabled for the evening agenda so that comments can be considered and the legislation perfected, and requested that Councilman Icové make the motion following Roberts Rules of Order.

Action: Motion to Table Legislation, **Moved by** Councilman Ed Icové, **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 tabled for the 10-09-17 Agenda.

Legislation Requested by City Council

Introduced by Goodman

Ordinance 23-17

ORDINANCE

AMENDING SECTION 6 OF ORDINANCE 21-16; FIXING THE SALARY RANGE, COMPENSATION AND RATES OF PAY FOR VARIOUS OFFICES, BOARDS, COMMISSIONS AND DEPARTMENTS OF THE MUNICIPAL GOVERNMENT EFFECTIVE JANUARY 1, 2017; TO AMEND THE SALARIES RECEIVED BY BOARD AND COMMISSION MEMBERS; AND DECLARING AN EMERGENCY. FIRST READING.

The legislation was placed on First Reading and referred to Committee for consideration.

Legislation Requested by the Mayor and Administration

Introduced by Goodman

Resolution 38-17

RESOLUTION

PROVIDING A DATE AND TIME LIMITS FOR THE HALLOWEEN OBSERVANCE UPON THE STREETS AND OUT OF DOORS FOR THE YEAR 2017. FIRST READING.

Action: Motion to Approve Legislation, **Moved by** Council President Jane Goodman, **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.

The legislation has passed.

Introduced by Goodman

Resolution 39-17

RESOLUTION

AUTHORIZING THE APPROPRIATION OF UNAPPROPRIATED FUNDS IN THE GENERAL FUND TO THE FOLLOWING FUND: "COMMUNITY CENTER-PERSONAL SERVICES #101-3350" IN AN AMOUNT OF \$12,345.00 TO COVER ADDITIONAL EXPENDITURES RELATED TO EMPLOYMENT OF COMMUNITY CENTER STAFF. FIRST READING.

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

Communications of City Council

- Council President Goodman asked that Council Members respond to the Doodle Poll to set up budget hearing dates.
- Councilman Fiorelli scheduled a Finance Committee Meeting for November 13 at 6 pm to review the investment policy legislation, boards and commission salaries and personnel request for the community center.
- Councilman Gelfand reported that tomorrow is the last day to register to vote for the November 7 election and that the Board of Elections closes at 9 pm.
- Councilman Frank reported on the Marc's grand opening and ribbon-cutting ceremony.
- Council President Goodman thanked all those who spoke, written or called regarding the non-discrimination ordinance and that in the Committee Meeting, Council had already agreed to remove the establishment of the commission from the legislation and that another meeting will be scheduled on the ordinance after the budget hearing schedule is set.

Open Meeting

- Charles Turner, 4549 Lilac Road, thanked the crowd that remained at the meeting following the comments on the non-discrimination legislation. Mr. Turner stated that the City and Mayor Welo are discriminating and being assaulted by the Catholic Religion by placing the time capsule at Notre Dame College, a catholic institution and requested that the burial of the time capsule be stopped immediately. Mr. Turner stated that the city's slogan is "come together and thrive" but that there are other religions that the city is turning its back on and maybe South Euclid is not just for Catholics anymore. Mr. Turner spoke about the Council Minutes and lack of provision and stated the Mayor Welo has a potential criminal violation because of her ownership and SBA loan for the hardware store and that it's an ethics violation and fraud and that Mr. Piorowski from the Sun Messenger should finally "put it in the paper you dog".
- Linda Pagan, 684 Parkside Blvd, spoke regarding her concerns about the school district's plans to build the new bus garage off of Dorsh Road and that they have been good citizens to Lyndhurst residents, but not respected South Euclid residents. Ms. Pagan spoke about the city considering a trash fee and stated that she was part of the committee that put the issue on the ballot so the city could not, and even if the city is calling the fee something different it is a fee and will not stand legally and should put the issue to a vote.

Adjourn

Action: Motion to Adjourn, **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 Icove, Councilman Jason Russell, Council President Jane Goodman.

The Meeting Adjourned at 9:52 pm.

 Council President

Attest:

 Clerk of Council