

REGULAR MEETING OF SOUTH EUCLID CITY COUNCIL

Council President Dennis Fiorelli called the meeting to order and the Pledge of Allegiance was recited.

Roll Call

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

Motion to Amend the Agenda to add Resolution 41-17 to the Agenda following Executive Session.

Action: Motion to Amend Agenda, **Moved by** Council President Pro Tem Jason Russell, **Seconded by** Councilman Joe Frank.

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

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

The Agenda has been amended.

Report of the Mayor

- The Mayor reported on Board of Control meetings to authorize the granting of bids for summer road reconstruction projects and gave an update on the Community Partnership on Aging's strategic planning process.
- City Engineer Andy Blackley reported that progress is being made on the waterline repairs on South Belvoir Blvd and that Cleveland Water will have another project this year on Westdale. Mr. Blackley reported on upcoming road reconstruction projects and gas line replacement projects.
- Director Benjamin reported on the upcoming Mayfield Road Corridor Planning Workshop at the SEL Library.

Report of Law Director

- Law Director Lograsso reported that he attended the public records certification program that is mandated by the State of Ohio.

Opening Meeting of Council Related to Agenda Specific Items

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

- Sue Jasper, 1443 Dorsh Road, voiced her opposition to the approval of the conditional use permit for the South Euclid Lyndhurst School District bus garage off of Dorsh and Mayfield Roads. Ms. Jasper stated that the school district has already done irreversible damage by purchasing and demolishing homes in the neighborhood and asked city council to do the right thing and keep the garage out of their neighborhood.
- Julie Dornback, 1407 Dorsh Road, voiced her opposition to the school district bus garage and stated that it is a bad plan and there should be houses on the Dorsh properties and it is not too late for the school district to revise their plans and that the mistake was made at City Hall and the city needs to own the mistake and fix it.
- Yvonne Sanderson, 4078 Elmwood Road, stated that she is president of the One South Euclid Community Development Corporation. Ms. Sanderson reported on One South Euclid Grant Program efforts in the last two years and that the new three year agreement with the City is on the agenda for City Council review.
- Linda Pagan, 684 Parkside Blvd, reported on best practices for the maintenance of trees on public properties.

Report of Council Committees:**Committee of the Whole**

Council President Fiorelli reported that a meeting was held to discuss Ordinance 12-17, the comprehensive non-discrimination ordinance and the process is moving forward. Mr. Fiorelli also reported that the monthly financial update meeting was held and the 2018 budget was discussed and that there continues to be a need to look at raising revenue.

Committee of the Whole

Introduced by Fiorelli

Ordinance 01-18

ORDINANCE

TO MAKE APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES OF THE CITY OF SOUTH EUCLID, STATE OF OHIO, DURING THE FISCAL YEAR ENDING DECEMBER 31, 2018; AND DECLARING AN EMERGENCY. **SECOND READING.**

The ordinance was placed on Second reading.

Zoning & Planning Committee

Introduced by Goodman

Ordinance 15-16

ORDINANCE

AN ORDINANCE CREATING NEW CHAPTER 1333 "DEMOLITION OR REMOVAL OF PRINCIPAL STRUCTURES ON COMMERCIAL OR INDUSTRIAL PROPERTIES" OFFPART THIRTEEN "BUILDING CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO.

THIRD READING.

Action: Motion to Approve Legislation, Moved by Council President Pro Tem Jason Russell, Seconded by Councilwoman Jane Goodman.

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

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

The legislation has been approved.

Introduced by Goodman

Ordinance 16-16

ORDINANCE

AN ORDINANCE CREATING NEW CHAPTER 1334 "DEMOLITION OR REMOVAL OF RESIDENTIAL STRUCTURES" OF PART THIRTEEN "BUILDING CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO. **THIRD READING.**

Action: Motion to Approve Legislation, **Moved by** Council President Pro Tem Jason Russell, **Seconded by** Councilwoman Jane Goodman.

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

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

The legislation has been approved.

Service Committee

Introduced by Fiorelli

Ordinance 03-18

ORDINANCE

AN ORDINANCE AMENDING CHAPTER 943 "TREE COMMISSION/TREES OF PART NINE "STREETS AND PUBLIC SERVICES" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO. **SECOND READING.**

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

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

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

The legislation has been approved.

Introduced by Fiorelli

Resolution 12-18

RESOLUTION

APPOINTING MEMBERS TO THE TREE COMMISSION OF THE CITY OF SOUTH EUCLID, OHIO AS ESTABLISHED BY CHAPTER 943 "TREE COMMISSION/TREES" OF PART NINE "STREETS AND PUBLIC SERVICES" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO. FIRST READING.

Action: Motion to Approve Legislation, **Moved by** Councilwoman Jane Goodman, **Seconded by** Councilwoman Sara Continenza.

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

Yes: Councilwoman Sara Continenza, Councilman Joe Frank, Councilman Marty Gelfand, Councilwoman Jane Goodman, Councilwoman Ruth Gray, Council President Pro Tem Jason Russell, Council President Dennis Fiorelli.
The legislation has been approved.

Legislation requested by City Council

Introduced by Fiorelli

Resolution 11-18

RESOLUTION

AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH ONE SOUTH EUCLID FOR THE PROVISION OF COMMUNITY DEVELOPMENT SERVICES FOR THE CITY OF SOUTH EUCLID, OHIO. FIRST READING.

The legislation was placed on First Reading and referred to the Committee of the Whole.

Introduced by Fiorelli

Resolution 13-18

RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOUTH EUCLID, COUNTY OF CUYAHOGA, CALLING ON THE OHIO GENERAL ASSEMBLY TO ENACT A BAN ON THE SALE OF ASSAULT WEAPONS BAN AND AMMUNITION MAGAZINES IN EXCESS OF TEN ROUNDS. FIRST READING.

The legislation was placed on First Reading and a Safety Committee was scheduled for March 12.

Legislation Requested by the Mayor and Administration

Introduced by Fiorelli

Ordinance 04-18

ORDINANCE

TO PROVIDE FOR THE ISSUANCE AND SALE OF NOTES IN ANTICIPATION OF THE ISSUANCE OF BONDS IN A PRINCIPAL AMOUNT NOT TO EXCEED \$700,000 FOR THE PURPOSE OF PAYING THE COSTS OF THE ACQUISITION, AND ANY NECESSARY CLEARANCE AND PREPARATION, OF REAL PROPERTY FOR URBAN REDEVELOPMENT, PAYING COSTS OF ISSUANCE; AND DECLARING AN EMERGENCY. FIRST READING.

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

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

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

The legislation has been approved.

Communications of City Council

- Councilwoman Goodman reported that she will be at the National League of Cities conference at the next meeting, so won't be at the next council meeting.
- Councilman Frank reported that heart health screenings were performed at Brush High School last week sponsored by the 4Alec Foundation, in memory of Brush High student Alec Kornet who passed away suddenly last year.
- Councilwoman Continenza reported on planning for upcoming summer events at Bexley Park, the Citizens Police Academy and other upcoming community events.
- Councilman Russell stated that with warmer weather heading our way, it is nice to get out in the community and get to know your neighbors.
- Councilman Gelfand expanded the March 12th Safety Committee meeting to include discussion of civil service requirements and the assault rifle legislation. Mr. Gelfand reported on the Heights Hillcrest Chamber of Commerce Business Appreciation Mixer at the Telling Mansion and an event held with students and faculty at Greenview Upper Elementary School.
- Councilwoman Gray reported on that the next Ward One Community Meeting will be on April 26 and an event she attended in Columbus for the National Workers Day of Action.
- Councilman Fiorelli Scheduled a Committee of the Whole meeting for April 9 at 7 pm to discuss the non-discrimination legislation and a Committee of the Whole meeting on March 26 at 6:30 pm to discuss the One South Euclid agreement. Mr. Fiorelli reported that City Council will hold a Special Meeting on March 19 at 6 pm regarding Ordinance 01-18, the 2018 budget.

Open Meeting

- Mark Langley, 2166 Middlefield Road in Cleveland Heights voiced his opposition to the non-discrimination ordinance and stated that the definition of freedom of religion does not mean freedom of worship and the ordinance impedes on his ability to live a life consistent with western civilization and the first amendment, which the proposed ordinance flies in the face of, and being gay sits in the face of the scientific community and is not consistent with the wisdom of the ages. Mr. Langley stated that the proposed law is ironic in that will accomplish the exact opposite and discriminate against him and whole sections of the communities for minorities and there is no need for the law.
- Christy Raynor, 5168 Edenhurst in Lyndhurst, spoke in opposition to the non-discrimination ordinance and stated that the law is divisive and should not be passed for the sake of neighbors and college kids and that you are making the general public second class citizens. Ms. Raynor stated that the Catholic Church is not discriminatory.
- Father Ireland, 1545 South Green Road, spoke in opposition to the non-discrimination ordinance and thanked city council for their kind consideration. Father Ireland gave a history of the St. Gregory the Great and Sacred Heart of Jesus Parish and how the church has been a vital part of the South Euclid community, representing over 1,500 families that choose to worship in South Euclid. Father Ireland asked that the teachings of the Catholic Church be respected and that he hopes city council will listen to the Church and its parishioners who choose to live and worship in South Euclid.
- Kevin Burke, 3299 Waterford Way in Avon, stated that he is legal counsel representing the Catholic Diocese of Greater Cleveland and thanked the City for their attempts to find common ground on the legislation and that the city has taken steps in the right direction in that the revised language seems to cover religions institutions. Mr. Burke stated that additional consideration needs to be given to provide exemptions for individuals like a baker, photographer or a catholic doctor that is forced to prescribe medicines for gender reassignments. Mr. Burke spoke of how non-discrimination laws should not violate an individual's religious conscience and should not be facing a criminal penalty if they feel that what they are doing is immoral.
- Gilda Zarcone, 4149 Stilmore Road, spoke in opposition to the non-discrimination ordinance and stated that she is a member of Sacred Heart of Jesus and her opinion represents many of the parishioners who support religious liberty and religious freedom and that our country's founders came here to have freedom of religion and that today we are facing many different issues and people of other religions feel the same as she does and they should not be punished for representing the values of their faith.
- Michael Heller, 1420 Richmond Road in Lyndhurst, reported on the upcoming July 4th fundraiser "FreedomFourMiler" to benefit the South Euclid Police K9 officers. The event is sponsored by Second Sole in Lyndhurst.
- Chuck Turner, 4549 Lilac Road, spoke regarding Ordinance 01-18 regarding the budget and that former University Heights Mayor Rothschild gave up her city car and maybe the South Euclid mayor should do the same and that maybe South Euclid should get a mayor who shows up to work on Monday, Wednesday and Thursdays and that her salary should be cut to \$60,000 a year. Mr. Turner stated that the Mayor gave the law director a \$100,000 raise and that the Police Chief lives in Aurora and that city council should take away all of the slush money.
- Frank Andorka, 4352 Rainbow, spoke in favor of the anti-discrimination ordinance and stated that he has lived in South Euclid for 23 years and that some of the statements he has heard from those against the ordinance are appalling to him. Mr. Andorka stated that no one is asking anyone to give up their faith or freedom of religion and that the ordinance is about providing the same rights for everyone and should be fine-tuned and passed as soon as possible.
- Luke Macik, 1545 South Green Road, is the Headmaster of the Lyceum School in South Euclid. Mr. Macik spoke in opposition to the non-discrimination ordinance and stated that he loves this nation because he has freedom of religion and cited the pledge of allegiance and that freedom of religion is the first right in the Bill of Rights and that city council is ill advised to act contrary to the first right guaranteed by the constitution and contrary to the precepts and is unnatural.

- Marilyn Murray, 1341 Plainfield Road, spoke in support of the anti-discrimination ordinance and stated that she moved to South Euclid to live in an inclusive community and she supports the legislation.
- Alana Jochum, 2031 West 41st Street in Cleveland, stated that she is the Executive Director of Equality Ohio and supports the anti-discrimination ordinance. Ms. Jochum applauded the city for their hard work and that unfortunately we live in a State where it is legal to discriminate against the LGBTQ community and that, while we have the ability to marry the person we love, we do not have rights that prevent that person from being fired for getting married or denied benefits and other services. Ms. Jochum stated that she appreciates that there are concerns regarding religious protections and that the proposed ordinance does not take away any of those protections provided by State and Federal law. Ms. Jochum stated that the goal of the ordinance is to protect the LGBT community and attract the best and brightest talent in South Euclid.
- Eric Meinhardt, 1419 Lakewood Avenue in Lakewood, stated that he is the administrator of Plexus and supports the anti-discrimination ordinance. Mr. Meinhardt stated that national research shows that people, including millennials, chose to live and work in places that value diversity and equality, and the lack of local and statewide protections for LGBT community is one of the reasons why there are 20,000 unfilled jobs in Northeast Ohio. Mr. Meinhardt stated that people should not be uncomfortable or threatened for coming out in the workplace and that discrimination is real and thanked the city for the work that has been done.
- Cindy Marx, 1587 Grace Avenue in Lakewood, stated that she is a former Councilwoman in Lakewood and that she and current Council President Sam O'Leary introduced a similar ordinance in Lakewood, which was approved unanimously and that the community has not had any of the negative issues that those against the ordinance have stated. Ms. Marx stated that the supportive words spoken by Councilwoman Gray almost moved her to tears and that she hope City Council takes a stand and votes to pass the legislation unanimously.
- Greg Stergar, 1179 Plainfield Road, stated that he has lived in South Euclid for 25 years and asked that City Council use prudence and wisdom when looking at the non-discrimination law and that in June the United States Supreme Court will come down with a decision on this case and it is prudent to wait for the decision before voting on the legislation to make sure it's consistent with the law.
- Jeanette Nemcek, 1351 Plainfield Road, spoke in support of the non-discrimination ordinance and stated that she is a 28 year resident and attended St. Gregory Church. Ms. Nemcek stated that she is speaking from her soul and that after years of attending St. Gregory, she got divorced and as a result, was no longer accepted at the Church. Ms. Nemcek stated that she has since become a Deacon and found her voice and that all people, regardless of their sexual orientation, are God's people and asked that South Euclid offer protections in the name of freedom and equality. Ms. Nemcek stated that the City's slogan is "Come Together & Thrive" and that's what we should be doing in South Euclid.
- Eileen Mersek, 1342 Victory Drive, spoke in opposition to the non-discrimination ordinance. Ms. Mersek stated that she and her husband have lived in South Euclid for 24 years and are parishioners at Sacred Heart of Jesus and have children that attend the Lyceum School. Ms. Mersek asked that the city protect rights to religious freedom and that Catholics do not want to be discriminated either and deserve the right to practice their religious freedom. They chose Lyceum for their daughter so she could get a quality education and asked that the city not take away by making the Lyceum teachers' pay for this agenda. You say that nothing will change for our church or school and asked that it be put in writing and she has a right to speak to.
- Richard Cherney, 9943 Woodruff Lane in Newbury, spoke in opposition to the non-discrimination ordinance and stated that he takes exception to the carving of the religious clause in the ordinance.
- Richard Cherney, 9943 Woodruff Lane in Newberry, spoke in opposition to the non-discrimination ordinance and stated that he takes exception to the carving out of a religious clause in the ordinance. Mr. Cherney asked if an African American baker should be able to refuse baking a cake that disparages Martin Luther King, Jr. and refusing to bake a cake for a gay marriage is a similar example of religious freedom. Mr. Cherney stated that in Christianity marriage is only between a man and a woman and that love becomes a person in a child

and that homosexuality desecrates the core belief of why marriage is sacred. It is not discrimination it is honoring and recognizing that which is sacred and he is here to defend the rights of those that will not defend and are determined to demonize and people should be able to conscientiously object and should not be judged as bigots.

- Dick Geier, 4875 Countryside in Lyndhurst, and stated that his spiritual home has been in South Euclid. Mr. Geier stated he made a substantial investment in South Euclid with a generous donation to Notre Dame College and if the City does something that effects its vision, he is concerned. Mr. Geier believes that there should not be fines associated with the ordinance and maybe a Resolution would be a better choice. Mr. Geier commended council for having a civil discussion about religion and diversity, as it is probably the biggest issue in the next decade and it is surprised it started in South Euclid. Mr. Geier stated that tolerance and acceptance should be an individual consideration and asked city council to consider the costs and benefits of the ordinance.

Adjourn to Executive Session for the purposes of discussing imminent litigation.

Action: Motion to Adjourn to Executive Session, **Moved by** Councilman Marty Gelfand, **Seconded by** Councilwoman Sara Continenza.

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

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

City Council adjourned to Executive Session at 9:45 pm

Introduced by Goodman

Resolution 41-17

RESOLUTION

GRANTING A CONDITIONAL USE PERMIT TO THE SOUTH EUCLID LYNDHURST CITY SCHOOL DISTRICT TO CONSTRUCT AND OPERATE A TRANSPORTATION FACILITY ON DISTRICT OWNED PROPERTY AT 4759 MAYFIELD ROAD IN THE CITY OF SOUTH EUCLID, OHIO. THIRD READING.

A motion was made to amend the Resolution to include the condition that the setback from Dorsh Road be no less than 170 feet and that fencing shall be provided parallel to Mayfield, Dorsh and portions of property adjacent. Additional conditions were added regarding birm/mound landscaping height along Mayfield and Dorsh Roads.

Action: Motion to Amend Legislation, **Moved by** Councilman Joe Frank, **Seconded by** Councilwoman Jane Goodman.

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

Yes: Councilwoman Sara Continenza, Councilman Joe Frank, Councilman Marty Gelfand, Councilwoman Jane Goodman, Councilwoman Ruth Gray, Council President Dennis Fiorelli.

No: Council President Pro Tem Jason Russell.

The legislation has been amended.

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

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

Yes: Councilwoman Sara Continenza, Councilman Joe Frank, Councilman Marty Gelfand, Councilwoman Jane Goodman, Council President Dennis Fiorelli.

No: Councilwoman Ruth Gray, Council President Pro Tem Jason Russell.

The legislation has been approved.

Adjourn

Action: Motion to Adjourn meeting, **Moved by** Council President Pro Tem Jason Russell, **Seconded by** Councilwoman Sara Continenza.

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

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

The Meeting Adjourned at 10:42 pm

Attest:

Council President

Clerk of Council