

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 Ruth Gray, Council President Pro Tem Jason Russell, Council President Dennis Fiorelli.

Absent: Councilwoman Jane Goodman.

Council President Fiorelli reported that Councilwoman Goodman is in Washington D.C. at the National League of Cities Conference.

Approval of Minutes: February 12, 2018

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

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 6).

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

Absent: Councilwoman Jane Goodman.

The minutes have been approved.

Report of the Mayor

- The Mayor reported that all directors are in attendance except for Service Director Anderson.
- City Engineer Andy Blackley reported that South Belvoir Blvd is finally open for northbound traffic and that there is a temporary concrete cap at the waterline repair site that will remain until the asphalt plants are open again and a more permanent cap can be replaced and that Cleveland Water will be back again this summer to replace two large valves on the site this summer. Mr. Blackley reported on 2018 road construction projects and preconstruction meetings.
- Economic Development Director Love thanked everyone that attended the Chamber of Commerce's South Euclid Business Appreciation Mixer at the Telling Mansion which was attended by over 80 people. Mr. Love reported on the dark store ordinance which is on the agenda for referral to the planning commission and an ordinance repealing the sales of alcohol at gas stations, which is a decade's old ordinance.
- Director Benjamin reported on the success of the Mayfield Road Multimodal Plan Public Workshop and next steps of the planning study.
- Fire Chief Stefko asked for City Council consideration of a moral claim resolution to pay for damages at a residence caused by the fire department.

Report of Law Director – No report

Report of School District

- Erin Harris, a member of the South Euclid Lyndhurst School Board reported that the district is beginning an update to its strategic plan this year and discussed upcoming events including a visit to Brush High School by graduate and former NFL player Roy Hall on March 14. Ms. Harris addressed the districts plans to help support the national student walkout on the 14th to object to assault weapons and they are working to make sure that student voices are heard in a peaceful and productive manner.

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:

- Rev. Kristine Eggert: 1876 Langerdale Road, addressed the recent incident in Parkland, Florida and voiced her support for Resolution 03-18, banning military grade assault weapons and stated that they have no place in public life. Rev. Eggert stated that those weapons are designed for one purpose, to be efficiently deadly and because we cannot count on Congress to do something, it is up to individual States to take action. Ms. Eggert stated that the students from Parkland are making a compelling case, but it is up to the adults in the room to

do something and applauded South Euclid Council for starting the conversation and urged passage of the resolution.

Report of Council Committees:

Safety Committee

Councilman Gelfand reported that a meeting was held to discuss Resolution 13-18 regarding the banning of assault weapons and the committee unanimously recommended passage. Mr. Gelfand stated that there's more to do on this issue. Mr. Gelfand also reported that there was discussion regarding civil service commission and diversity recruitment in the police and fire departments and that additional meetings will be held to further discuss these issues.

Zoning & Planning Committee:

Introduced by Fiorelli

Resolution 03-18

RESOLUTION

GRANTING A CONDITIONAL USE PERMIT FOR A DRIVE-THRU FOR "BURGER KING" AT 4525 MAYFIELD ROAD IN THE CITY OF SOUTH EUCLID, OHIO. **THIRD READING.**

Councilman Russell reported discussion of this issue in the Zoning and Planning Committee Meeting and that the Planning Commission and the Council Committee both recommended denial of the conditional use permit. Mr. Russell read the section of the code for the Mayfield-Green Zoning District, which outlines the design guidelines for the business district and stated that the current plan does not accomplish those objectives, especially in relation to being pedestrian friendly and provisions for streetscape. Mr. Russell stated that he is not in support of the proposed project and asked that Council deny the conditional use.

Councilman Gelfand stated that he supports Councilman Russel's position and that while the district has been truly enhanced by the new Marc's plaza, the proposed Burger King goes against everything in the Mayfield-Green Zoning District section. Mr. Gelfand stated that he is not against Burger King or another use on the site, but it needs to be done in a way that supports the City's planning code.

Councilwoman Continenza stated that she shares the values of many residents that are looking for more local establishments and sit-down restaurants and that we need to do things that are more conducive to our local economy.

Council President Fiorelli stated that both the Planning Commission and Zoning and Planning Committee denied the conditional use and that the city did reach out to Burger King and gave an additional two weeks to submit a revised site plan, but there were no material changes to their submission.

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

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

No: Councilwoman Sara Continenza, Councilman Joe Frank, Councilman Marty Gelfand, Councilwoman Ruth Gray, Council President Pro Tem Jason Russell, Council President Dennis Fiorelli.

Absent: Councilwoman Jane Goodman.

The legislation has not been approved.

SAFETY COMMITTEE:

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 AND AMMUNITION MAGAZINES IN EXCESS OF TEN ROUNDS.

SECOND READING.

Councilman Gelfand stated that the resolution is a start and does not solve the entire problem of guns in our society, but it is a gesture and we need to continue working on solutions and let the general assembly know how we feel about the issue.

Action: Motion to Approve Legislation, **Moved by** Councilman Marty Gelfand,

Seconded by Councilwoman Ruth Gray.

Vote: Motion carried by unanimous roll call vote (summary: Yes = 6).

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

Absent: Councilwoman Jane Goodman.

The legislation has been approved.

Legislation Requested by the Planning Commission

Introduced by Fiorelli

Ordinance 05-18

ORDINANCE

AMENDING CHAPTER 731 "PERMITTED USES IN COMMERCIAL DISTRICTS", BY ENACTING NEW SECTION 731.07 "MAJOR RETAIL ESTABLISHMENTS" OF TITLE THREE "COMMERCIAL DISTRICT REGULATIONS" OF PART SEVEN "THE PLANNING AND ZONING CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO. **TO BE PLACED ON FIRST READING FOR REFERRAL TO THE ZONING & PLANNING COMMITTEE.**

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

Legislation Requested by the Mayor and Administration

Introduced by Fiorelli

Resolution 14-18

RESOLUTION

AUTHORIZING THE MAYOR TO PAY A MORAL CLAIM. **TO BE PLACED ON FIRST READING AND REFERRED TO THE FINANCE COMMITTEE.**

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

Introduced by Fiorelli

Resolution 15-18

RESOLUTION

AUTHORIZING THE MAYOR TO PAY A MORAL CLAIM. **TO BE PLACED ON FIRST READING AND REFERRED TO THE FINANCE COMMITTEE.**

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

Introduced by Fiorelli

Ordinance 06-18

ORDINANCE

REPEALING SECTION 731.06 "SALE OF GASOLINE AND/MOTOR VEHICLE FUEL FROM PREMISES AT WHICH ALCOHOLIC BEVERAGES ARE SOLD OR OFFERED FOR SALE; PENALTY" OF CHAPTER 731 "PERMITTED USES IN COMMERCIAL DISTRICTS" OF TITLE THREE "COMMERCIAL DISTRICT REGULATIONS" OF PART SEVEN "PLANNING AND ZONING CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO. **TO BE PLACED ON FIRST READING AND REFERRED TO THE PLANNING COMMISSION.**

The legislation was placed on First Reading and referred to the Planning Commission.

Communications of City Council

- Councilwoman Continenza reported on how responsive city departments have been to resident requests on safety and service issues.
- Councilman Frank thanked the police department for their service in reference to an incident where he recently set off the alarm system at his parent's house.
- Councilwoman Gray congratulated colleagues and the students at Brush High School who are taking action, demonstrating and speaking out on important issues like gun control. Ms. Gray stated that she was downtown for a rally today on the issue and will be in Washington DC this week to demonstrate as well. Ms. Gray reported on the upcoming Ward One Community Meeting on April 26 at First Baptist Church and invited the Mayor, Council and administration to attend.
- Councilman Gelfand scheduled a Safety Committee Meeting to discuss Civil Service Commission issues for April 23rd at 6 pm and reported on education meetings in the Cleveland Heights University Heights Schools and the potential for joint council/board meetings with South Euclid and Cleveland Heights District Schools in the near future. Mr. Gelfand thanked the Building Commissioner and Housing Manager for their care and understanding in helping a resident save mature oak trees on the site of a home demolition and said that they were extremely responsive.
- Councilman Russell scheduled a Zoning and Planning Committee Meeting and Public Hearing for May 14 at 6 pm regarding Ordinance 05-18.
- Council President Fiorelli reported on an event at Greenview Upper Elementary that showcased the success of students in the district and also reported on the Conflict of Interest Policy required by staff and officials.

Open Meeting

- Charles Turner, 4549 Lilac Road, stated that he feels Councilman Frank's pain after the Police Chief assigned two police officers to chase him down Mayfield Road going 60 mph and that this past September he was subject to three days of harassment and charged with obstructing a sidewalk. Mr. Turner stated that

speaking of assault weapons, March 16, 1968 is the 50th Anniversary of the Mu Lai Massacre in Vietnam.

- Kevin Wynne, 585 Quilliams Road, thanked Housing Manager Martin for dealing with some resident issues at a house on Quilliams and Princeton and that trash cans are left out for days and half the time he never sees residents there. Mr. Wynne reported on other issues at the home with a truck that sits running with loud music late at night and is causing continual disturbance. Mr. Wynne stated that there are lots of neighborhood issues in his neighborhood which borders Cleveland Heights that are affecting safety and peace and detailed a recent incident where he heard rumbling in his bushes late at night and there was a Cleveland Heights Police Officer hiding in his bushes on a stakeout. Mr. Wynne asked why he was not called by the police or dispatch to let him know and that he has a gun in his house and someone could have been hurt if he felt threatened and implored that there be better communication. Mr. Wynne stated that he has been telling the city this for years and he is disappointed in the city. Councilwoman Gray asked Police Chief Nietert what can be done about these issues. Chief Nietert responded that Cleveland Heights Police has no obligation to notify South Euclid, but generally it is a courtesy to do so and he would look into the issue and needs more information to identify and help resolve the issue. Councilwoman Gray stated that she would schedule a meeting with the Chief and Mr. Wynne. Councilman Gelfand asked what needs to be done to make sure the nuisance and garbage issues are being addressed. Mayor Welo stated that she has personally been out to the house and spoke with the resident when Mr. Wynne complained last summer about the issue, and has not heard that it remained an issue. Housing Manager Martin stated that she has addressed this issue, but the home is in Cleveland Heights, and she does contact the City, but there's only so much South Euclid can do in regards to a home in Cleveland Heights, but will continue to look into the issue.

Adjourn

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

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 6).

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

Absent: Councilwoman Jane Goodman.

The Meeting Adjourned at 9:09 pm.

Attest:

Council President

Clerk of Council