

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

Minutes of Meetings: March 11, 2019

Action: Motion to Approve Minutes, **Moved by** Councilman Marty Gelfand, **Seconded by** Councilwoman Sara Continenza.

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

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

Abstain: Councilwoman Jane Goodman.

The Minutes have been approved.

Report of Mayor & Department Heads

Doc Janning, South Euclid's Poet Laureate recited a poem titled "Each Person Has A Name" by Zelda, and Israeli poet that passed away in 1984.

Report of Law Director - No Report

Report of School District

- Mayor Welo welcomed Cleveland Heights University Heights School President Jodi Sourini and Vice President James Posch who are in attendance at the meeting.
- Mayor Welo reported that all directors are in attendance except Police Chief Nietert and Service Director Anderson. Asst. Police Chief Mays is in attendance.
- Economic Development Director Love reported on Resolution 09-19, which is a recommendation from the Planning Commission to approve a conditional use permit for the Teen Couture Youth Center and introduced owner Donna Pollard, who grew up in South Euclid.
- City Engineer Andy Blackley reported that the 2019 road resurfacing projects are slated to begin in May with completion estimated by the end of June. The Shirley-Biltamy Road Reconstruction Project will begin this week, and the Westdale Road project is out to bid. Mr. Blackley reported that the Cedar Road project from South Green to I-271 is scheduled to begin this week and will occur in four phases, with the South Euclid in the first phase of reconstruction. The project will not be completed until 2020. Engineer Blackley also reported on large water main replacement projects by Cleveland Water that will begin in the fall.
- Mayor Welo thanked City Council for moving forward with legislation regulating the sale of alternative nicotine products to minors and also thanked City Council for their hard work on the budget and companion legislation that sets aside funds for capital projects. Ms. Welo stated that many people don't understand that it is City Council's job to make hard decisions and that it takes political will and doing the right thing is hard, but is a symbol of leadership. Mayor Welo stated that as a result of City Council's actions, more police will be on the streets, more roadways will be repaired, critical public facility repairs will be made, and thanks to Councilwoman Gray's efforts with the Recreation Plan, we will be able to reinvest in our parks and recreation in ways we haven't been able to in the last 25-30 years. Mayor Welo closed her remarks on the budget by stating that there will not be any funds coming back from Columbus and that as Councilwoman Gray stated at the community meetings, the cavalry is not coming, we are the cavalry that must protect our city.
- Council President Fiorelli introduced Cleveland Heights University Heights School Board President Jodi Sourini and Vice President James Posch. Ms. Sourini stated that Councilman Gelfand invited the School District to attend the meeting to give an update on CH-UH school activities. Ms. Sourini reported on the recent completion of the renovations of Cleveland Heights High School and that the two middle schools are now under renovations and scheduled to open in August and that the Board will extend an invitation to the Mayor and City Council to

attend a tour of the facilities on April 17 at 4 pm. Board President Sourini reported on the departure of Superintendent Dixon who is leaving to lead the Columbus Schools and the hiring of new Superintendent Elizabeth Kirby, who is coming from the Chicago Schools. School Board Vice President Posch stated that attending the council meetings is a good way to build our relationships and that they will come to the council meetings on a regular basis to give updates.

Public Hearings (Open Meeting) Related to Agenda Items

Chuck Turner, 4549 Lilac Road, stated that he just heard the Mayor congratulate city council on a job well done regarding the budget and that throughout the last year he has thrown around a few suggestions and nobody has done anything. Mr. Turner alleged that the Mayor is a part-time mayor collecting a full-time salary and should kick back her time and also stated that the Law Department budget is more than \$100,000. Mr. Turner stated that the law department sent his court case from the Court of Appeals to the Ohio Supreme Court and then shouted, "Are you kidding me". Mr. Turner stated that Chief Nietert was not at the meeting but reminded city council that he is driving a \$50,000 city vehicle back and forth from his home in Aurora and that he serves in a community that he's afraid to live in and it is ludicrous. Mr. Turner asked council to consider doing something about it and stated "Do It".

Report of Committees

Committee of the Whole

President Fiorelli reported that the Committee met last week and this week to discuss the 2019 budget, Income Tax Rollback legislation and the capital fund resolution.

Introduced by Fiorelli

Resolution 05-19

RESOLUTION

AUTHORIZING AND DIRECTING THE FINANCE DIRECTOR TO TRANSFER AT THE LAST COUNCIL MEETING IN NOVEMBER 7.5% OF ALL PERSONAL INCOME TAX COLLECTED TO DATE (AFTER FEES HAVE BEEN DEDUCTED) WHICH SHALL INCLUDE ALL PRIOR TRANSFERS BUT NOT TO INCLUDE NET PROFIT TAX ON BUSINESSES TO THE "GENERAL IMPROVEMENT AND REPAIR FUND #408." **THIRD READING.**

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

Council President Pro Tem Russell stated that the legislation offers one solution to start saving for and funding critical capital needs as discussed in the meetings.

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

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

The legislation has been approved.

Introduced by Fiorelli

Ordinance 31-18

ORDINANCE

AMENDING SECTION 172.06 "SOUTH EUCLID RESIDENT SUBJECT TO INCOME TAX IN OTHER MUNICIPALITY" OF SECTION 172, "MUNICIPAL INCOME TAX EFFECTIVE JANUARY 1, 2016" OF PART ONE "ADMINISTRATIVE CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO; AND DECLARING AN EMERGENCY. **THIRD READING.**

Action: Motion to Amend Section One to change the date to March 1, 2019, **Moved by** Councilman Joe Frank, **Seconded by** Councilwoman Sara Continenza.

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

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

The legislation has been amended

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

Councilman Frank stated that this ordinance has been discussed for months and was the subject of several meetings and that it is something the city needs to do and must have at this time in order to move forward.

Councilwoman Continenza stated that it is important to do this now and continue to look at the city's financial situation in the future and give some of the credit back. Ms. Continenza thanked Director Benjamin for working with her on the sunset provision in the legislation that will provide for the return of the credit when residents approve additional sources of funding, but this is what we need to do now.

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

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

The legislation has been approved.

Introduced by Fiorelli

Ordinance 04-19

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, 2019; AND DECLARING AN EMERGENCY. **THIRD READING.**

Motion to Amend to reflect that the legislation was amended.

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

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

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

The legislation has been amended.

Action: Motion to Approve, **Moved by** Councilman Joe Frank, **Seconded by** Councilwoman Sara Continenza.

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

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

The legislation has been approved.

Safety Committee

Introduced by Fiorelli

Ordinance 02-19

ORDINANCE

AN ORDINANCE AMENDING SECTION 537.16 "ILLEGAL DISTRIBUTION OF CIGARETTES OR OTHER TOBACCO PRODUCTS TO MINORS" OF CHAPTER 537 "OFFENSES AGAINST PERSONS" OF PART FIVE "GENERAL OFFENSES CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO. **SECOND READING.**

Action: Motion to Approve, **Moved by** Councilman Marty Gelfand, **Seconded by** Councilwoman Ruth Gray.

Councilman Gelfand reported on the legislation which adds alternative nicotine products to the Ordinance Section making it illegal to sell to minors.

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

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

The legislation has been approved.

Introduced by Fiorelli

Ordinance 03-19

ORDINANCE

AN ORDINANCE AMENDING SECTION 537.161 "ILLEGAL DISTRIBUTION OF CIGARETTES" OF CHAPTER 537 "OFFENSES AGAINST PERSON" OF PART FIVE "GENERAL OFFENSE CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO. **SECOND READING.**

Action: Motion to Approve, **Moved by** Councilman Marty Gelfand, **Seconded by** Councilwoman Ruth Gray.

Councilman Gelfand stated that this is companion legislation regarding alternative nicotine products and it updates the ordinance to reflect their addition to the code.

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

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

The legislation has been approved.

Legislation requested by the Planning Commission

Introduced by Fiorelli

Resolution 09-19

RESOLUTION

GRANTING A CONDITIONAL USE PERMIT TO "TEAM COUTURE YOUTH CENTER" LOCATED AT 4145 MAYFIELD ROAD IN THE CITY OF SOUTH EUCLID, OHIO. FIRST READING.

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

Councilman Russell stated that this is a good reuse of the former Chef's Ingredients property on Mayfield Road. Councilwoman Continenza stated that she met the owner, Ms. Pollard a few months ago and is excited to see the youth center open in South Euclid.

The owner of Youth Center, Donna Pollard stated that the center will serve youth ages 5-18 and she has already spoken to the Cleveland Height University Heights schools regarding potential for collaboration. Councilman Gelfand asked what kind of services the center will provide. Ms. Pollard stated that they will provide afterschool care with a lot of attention to homework completion every day and that the building will be divided into two rooms, one as a serenity room for tutoring and the other area for recreation activities and will be open from 2 pm – 5:30 pm Monday through Friday. The center will also host a summer camp for youth ages 5-12. Councilman Gelfand stated that this kind of a center is needed in the community.

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

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

The legislation has been approved.

Legislation Requested of City Council

Introduced by Fiorelli

Ordinance 06-19

ORDINANCE

AN ORDINANCE AMENDING SECTION 772.09 "PARKING OR STORAGE OF RECREATIONAL VEHICLES" OF TITLE SEVEN "SIGN REGULATIONS, LANDSCAPING AND PARKING" OF PART SEVEN "PLANNING AND ZONING CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID; AND DECLARING AN EMERGENCY. FIRST READING.

The legislation was placed on first reading and referred to the Planning Commission. Councilman Russell thanked Director Benjamin, Law Director Lograsso and Building Commissioner Heilman for working on the legislation.

Legislation Requested by the Mayor & Administration

Introduced by Fiorelli

Ordinance 07-19

ORDINANCE

CREATING NEW SECTION 1303.16 "BOARD OF RESIDENTIAL BUILDING APPEALS" OF CHAPTER 1303 "PERMITS AND APPEALS" OF PART THIRTEEN "BUILDING CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID; AND DECLARING AN EMERGENCY. FIRST READING.

The legislation was placed on First Reading.

Public Hearings (Open Meeting) Related to Open Business

- Susan Stone, 1976 Temblehurst Road, stated that she is following up on her concerns from the last meeting about the issue she is having with the storage of her husband's boat in her driveway. Councilman Russell stated that the legislation was placed on first reading and needs to go to the Planning Commission for their recommendation, as well as a public hearing which was scheduled for April 29, 2019 at 7 pm.
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Communications of City Council

- Councilwoman Gray stated that it was a pleasure working with her colleagues on the three pieces of legislation pertaining to the city's finances. Ms. Gray stated that councilmembers don't always agree on everything, but they went through a process, came to a mutual understanding and made the tough decisions needed to help make our city grow and create a community that people value and want to move to.

- Director Benjamin congratulated Councilwoman Gray who received her certification as a Parks and Recreation Professional.
- Councilman Russell scheduled the Public Hearing regarding Ordinance 06-19 for April 29 at 7 pm and a Zoning & Planning Committee Meeting for April 8 at 7 pm.
- Councilwoman Goodman congratulated Councilwoman Gray on her certification and stated that Ms. Gray and Director Benjamin were her guests at the City Club luncheon last Friday that was regarding minorities in the sustainability field. Ms. Goodman also discussed the upcoming Arbor Day celebration and the work of the Tree Commission. Two trees will be planted for Arbor Day in front of the Langerdale Wetland, which will also soon be home to a new rain garden towards the entrance.
- Councilman Frank scheduled a Finance Committee Meeting for April 8 at 6 pm to discuss a request from Notre Dame College regarding the refinancing of their bonds and meeting at 6 pm on April 22 to discuss the capital improvement proposals.
- Councilwoman Continenza reported on the April 11th Bexley Bash planning meeting at 6 pm at the community center and stated that all residents are invited to participate in planning this year's events to be held the second Tuesdays of June, July and August. Ms. Continenza reported that there will be a Planning Commission Public Hearing at 7 pm on April 25 at the Community Center regarding the conditional use permit for the proposed Burger King at Mayfield and Green and that it's important that resident voices be heard.
- Council President Fiorelli thanked his colleagues for managing and cleaning up the committee docket and requested that Ordinance 34-18 be placed on the agenda for removal.

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

Action: Motion to Adjourn to Executive Session, **Moved by** Council President Dennis Fiorelli, **Seconded by** Councilman Marty Gelfand.

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

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

Council adjourned to Executive Session at 9:06 pm

Adjourn

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

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

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

The Meeting Adjourned at 9:34 pm.

Council President

Attest:

Clerk of Council