

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 Marty Gelfand, Councilwoman Ruth Gray, Councilman Ed Icové, Councilman Jason Russell, Council President Jane Goodman.

Absent: Councilman Joe Frank.

Approval of Minutes: March 13, 2017 & March 27, 2017

Minutes of March 13, 2017 Meeting of City Council

Action: Motion to Approve Minutes, **Moved by** Council President Pro Tem Dennis Fiorelli, **Seconded by** Councilman Jason Russell.

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

Yes: Council President Pro Tem Dennis Fiorelli, Councilwoman Ruth Gray, Councilman Ed Icové, Councilman Jason

Absent: Councilman Joe Frank.

The minutes have been approved.

Action: Motion to Approve Minutes, **Moved by** Council President Jane Goodman, **Seconded by** Councilwoman Ruth Gray.

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

Yes: Council President Pro Tem Dennis Fiorelli, Councilman Marty Gelfand, Councilwoman Ruth Gray, Councilman Ed Icové, Councilman Jason Russell, Council President Jane Goodman.

Absent: Councilman Joe Frank.

The minutes have been approved.

Swearing-in Ceremony: Lieutenant Robert Abele

A moment of silence was held for former Police Chief Farrell who passed away.

Recognition Ceremony: Citizen's Police Academy Graduates were recognized for completing the most recent academy.

Report of the Mayor

- Mayor Welo reported that all directors were present except Police Chief Nietert and Service Director Anderson. Asst. Police Chief Mays is in attendance.
- Sally Martin reported that the door-to-door inspection program would begin May 1st through October 1st.
- City Engineer Andy Blackley reported on the 2017 road program, which is ahead of schedule and discussed watermain projects on Parkside Blvd.
- Mayor Welo reported on upcoming community events including Arbor Day on April 28 at 1 pm, Democracy Day on May 9, the Spring Garage Sale, Community Clean Up Day, Shred Day and Memorial Parade. Mayor Welo also stated that repairs to the War Memorial were being made this week.

Report of Law Director

No report.

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:

No residents spoke on any agenda items.

Report of Council Committees:

Council President Goodman reported that a meeting was held with members of the Board of One South Euclid Community Development Corporation. Ms. Goodman reported that the CDC has contributed significantly to improve the quality of life of the community. A second Committee of the Whole meeting was held to discuss city financial matters and that City Council will be holding town hall meetings and that residents should attend and weigh in with their opinion.

Legislation Requested by the Mayor and Administration

Introduced by Goodman

Resolution 13-17

RESOLUTION

AUTHORIZING THE APPROPRIATION OF UNAPPROPRIATED FUNDS IN THE FOLLOWING FUND: "STREET CONSTRUCTION AND MAINTENANCE" FOR A BALANCE OF MONIES DUE TO THE GENERAL FUND FROM AN ADVANCE RECEIVED IN 2009. FIRST READING.

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 = 6).

Yes: Council President Pro Tem Dennis Fiorelli, Councilman Marty Gelfand, Councilwoman Ruth Gray, Councilman Ed Icové, Councilman Jason Russell, Council President Jane Goodman.

Absent: Councilman Joe Frank.

The legislation has been approved.

Introduced by Goodman

Resolution 14-17

RESOLUTION

AUTHORIZING THE APPROPRIATION OF UNAPPROPRIATED FUNDS IN THE FOLLOWING FUND: "GENERAL FUND-POLICE DEPARTMENT-VEHICLES #101-1110-52507" IN ORDER TO COMPLETE THE PURCHASE OF A NEW POLICE VEHICLE. FIRST READING.

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

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

Yes: Council President Pro Tem Dennis Fiorelli, Councilman Marty Gelfand, Councilwoman Ruth Gray, Councilman Ed Icove, Councilman Jason Russell, Council President Jane Goodman.

Absent: Councilman Joe Frank.

The legislation has been approved.

Introduced by Goodman

Resolution 15-17

RESOLUTION

AUTHORIZING THE APPROPRIATION OF UNAPPROPRIATED FUNDS AND THE TRANSFER OF FUNDS IN THE GENERAL FUND TO THE LAND ACQUISITION FUND. FIRST READING.

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

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

Yes: Council President Pro Tem Dennis Fiorelli, Councilman Marty Gelfand, Councilwoman Ruth Gray, Councilman Ed Icove, Councilman Jason Russell, Council President Jane Goodman.

Absent: Councilman Joe Frank.

The legislation has been approved.

Introduced by Goodman

Resolution 16-17

RESOLUTION

AUTHORIZING THE APPROPRIATION OF UNAPPROPRIATED FUNDS IN THE FOLLOWING FUND: "COPS GRANT FUND" FOR A BALANCE OF MONIES DUE TO THE GENERAL FUND FROM AN ADVANCE RECEIVED IN 2012. FIRST READING.

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

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

Yes: Council President Pro Tem Dennis Fiorelli, Councilman Marty Gelfand, Councilwoman Ruth Gray, Councilman Ed Icove, Councilman Jason Russell, Council President Jane Goodman.

Absent: Councilman Joe Frank.

The legislation has been approved.

Introduced by Goodman

Resolution 17-17

RESOLUTION

AUTHORIZING THE APPROPRIATION OF UNAPPROPRIATED FUNDS IN THE FOLLOWING FUND: "COPS GRANT FUND #106-9920-52902" IN ORDER TO REIMBURSE THE CITY OF BEACHWOOD AND THE CITY OF EUCLID FOR FUNDS PAID TO CONDUCT THE REGIONAL DISPATCH STUDY. FIRST READING.

Action: Motion to Approve Legislation, **Moved by** Council President Pro Tem Dennis Fiorelli, **Seconded by** Councilman Marty Gelfand.

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

Yes: Council President Pro Tem Dennis Fiorelli, Councilman Marty Gelfand, Councilwoman Ruth Gray, Councilman Ed Icove, Councilman Jason Russell, Council President Jane Goodman.

Absent: Councilman Joe Frank.

The legislation has been approved.

Introduced by Goodman

Resolution 18-17

RESOLUTION

AUTHORIZING THE MAYOR TO ENTER INTO A PARTICIPATION AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION (ODOT) TO PROVIDE 4,500 TONS OF SODIUM CHLORIDE (BULK ROCK SALT) TO THE CITY OF SOUTH EUCLID, PER OHIO REVISED CODE SECTION 5513.01 (B); FOR THE 2017-2018 WINTER SEASON. 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 = 6).

Yes: Council President Pro Tem Dennis Fiorelli, Councilman Marty Gelfand, Councilwoman Ruth Gray, Councilman Ed Icove, Councilman Jason Russell, Council President Jane Goodman.

Absent: Councilman Joe Frank.

The legislation has been approved.

Communications of City Council

- Councilman Icove asked residents to save August 1, 2017 for National Night Out at Bexley Park from 6 pm until 8:30 pm.

- Councilman Fiorelli stated that he went to a meeting at the Community Partnership on Aging and learned a lot about families transitioning to Medicaid and that they have two full time social workers working with our senior residents.
- Councilwoman Gray reported that today is Holocaust Remembrance Day that recognizes the suffering of her Jewish brothers and sisters and that it's important that we continue to tell the story of what happened and the lives that were lost. Ms. Gray said that like the Jewish community, African Americans have many of the same issues. Councilwoman Gray stated that she has been asked by residents about the resolution that passed last year regarding the court merger and that she did not support the legislation and is very transparent about the issue and asked residents to attend a meeting that will be held at City Hall tomorrow about the court issue. Council President Goodman asked who would be at the meeting to speak about the reasoning and rationale for the passage of the legislation. Councilperson Gray stated that Council President Goodman is free to attend the meeting to come and give her perspective, but that she is not the convener of the meeting to save the court.
- Councilman Gelfand gave his condolences to two attorneys that passed away recently and reported on attending recent community events including the Kiwanis Pancake Breakfast, Heights Hillcrest Chamber of Commerce Business Breakfast and upcoming meetings of the Hillcrest Council of Councils. Mr. Gelfand stated that he wanted to discuss Resolution 45-15 regarding the merger of the court that was mentioned by Councilwoman Gray. Mr. Gelfand stated that the legislation says that it calls to either merge with a municipal court or for another municipal court to merge with the South Euclid Court.
Mr. Gelfand said there are five neighboring jurisdictions: Cleveland, Euclid, Lyndhurst, Shaker (which serves contiguous University Heights and Beachwood) and Cleveland Heights. Councilman Icové stated that East Cleveland is also contiguous. Mr. Gelfand stated that it is not, but for the sake of argument, if it was contiguous, there would be six cities). Councilwoman Gray and Councilman Icové stated that East Cleveland does border South Euclid in Ward One. Mr. Fiorelli stated that South Euclid is not contiguous with East Cleveland. Mr. Gelfand stated that all this legislation say is to consider a merger and there are 10-12 possible merger potentials, including many courts merging into the South Euclid Court and that the legislation does not state that we are merging South Euclid to Lyndhurst Court and that residents should make sure they understand the legislation and that the presiding judges would have to agree to a merger, so council is not forcing the merger and the legislation does not say that the South Euclid court is merging with the Lyndhurst court, and that the Ohio Supreme Court, not South Euclid, would make any determination on a potential merger.
- Councilwoman Gray stated that no one said that, but that there were meetings where a merger into the Lyndhurst court was discussed and that there are documents discussing that.
- Councilman Icové asked for more time to speak from the floor. President Goodman stated that Mr. Icové gave his update already. Mr. Icové requested a motion to appeal the rules of the chair so that there can be a free and honest discussion of this matter at this meeting.

Action: Motion to appeal rules of Chair, Moved by Councilman Ed Icové, Seconded by Councilwoman Ruth Gray

Vote: Motion carried by unanimous roll call vote (summary: Yes = 4; No = 2).

Yes: Councilman Marty Gelfand, Councilwoman Ruth Gray, Councilman Ed Icové, Councilman Jason Russell.

No: Council President Pro Tem Dennis Fiorelli, Council President Jane Goodman.

Absent: Councilman Joe Frank

The motion passes.

- Councilman Icové stated that after the legislation was passed, there was a memo distributed from the Supreme Court that stated that a merger could not be done without a feasibility study and that the Mayor and Law Director went to the Lyndhurst Judge behind their backs and that they do not have the power to begin discussions to merge the court and he believes it's an ethical violation, violation of sunshine laws and contrary to what Council said in the passing of the legislation.
- Councilman Fiorelli stated that he disagreed wholeheartedly with Councilman Icové and that the passage of the Resolution allows the administration to look into potential possibilities and that is what was being done and that nothing unethical was done behind closed doors.
- Councilwoman Gray stated that City Council voted 5-2 to approve the legislation to dissolve the court, and it had been quiet until another entity on Facebook revealed what was going on and secured public records regarding conversations with Judge Bosa, Representative Matt Dolan and the Mayor and Law Director and that this issue is on track and getting ready to move forward at the State without it being discussed.
- Councilman Gelfand stated that the legislation was discussed and went through three readings and several committee meetings with full public knowledge. Mr. Gelfand stated that when the legislation was going through the public review process he called Judge Byers and asked what would make the legislation better. Mr. Gelfand stated that Judge Byers replied that the legislation should be symmetrical both ways to open the possibility of a court merging into the South Euclid Court and he proposed the amendment to the legislation, which was approved.
- Councilman Russell stated that he voted for the resolution because we need to move forward with more regional approaches and that the city has had and continues to have serious discussions about financial realities. Mr. Russell stated that he is glad residents are here tonight, because the city did have public meetings on the legislation and not many people attended when it was being considered and its important that we have these conversations and continue to have them.
- Mayor Welo stated that back in 2015 six members of city council served on the Charter Review Commission and at that time, she requested that the Commission put an amendment on the ballot to ask the voters if they were supportive of a court merger and that Judge Byers attended one of those meetings. Ms. Welo stated that Councilman Icové at that time stated that the issue was a councilmatic matter and that City Council should discuss it. Mayor Welo stated that there are minutes regarding this discussion that were supposed to be put on the website and Councilwoman Gray was the secretary for the commission but has

never completed the minutes. Mayor Welo stated that South Euclid is a bedroom community and that we have to support everything ourselves and over the years the City has implemented regional initiatives like sharing an animal warden and some safety services with other cities, as well as the upcoming merger of our emergency dispatch. Ms. Welo stated that 54 cities in Cuyahoga County can't be wrong, and this is a way to make sure that we have police and fire and garbage pickup, as those are the services the city is trying to save by moving toward regional initiatives. Mayor Welo stated that she has not met with Judge Bosa regarding the Court issue, but has had conversations with Representative Dolan.

- Council President Goodman stated that as a result of the state cuts we are being forced to stand on our own to take on the costs, logistics and financial burden of having one of the only municipal courts in Cuyahoga County and that nothing has been done improperly as City Council passed a resolution, which was sent to our state legislators and all the city is doing is acting on a request that the majority of City Council made. Ms. Goodman stated that the majority of City Council asked the State to move forward with looking at a merger and the city is doing its due diligence, talking to other entities, asking questions and doing research and there is nothing inappropriate. Council President Goodman stated that the best way to shut down good decision making is to stop learning and just because there are some emails, doesn't mean it's improper and that she resents outside or inside forces for going against what City Council has decided for their own purposes and the issue is about both finances and serving justice.

Open Meeting

- Kevin Wynne, 585 Quilliams, congratulated Lt. Abele on his promotion and said that the police are doing a great job and asked for more patrols of the Quilliams neighborhood. Mr. Wynne spoke regarding the court issue and stated that he hopes when council makes their decision and they dig deep and make good decisions that are not based on personal or monetary views and that the decision benefits the community. Mr. Wynne stated that the community has changed drastically and that the city should take into account the juveniles that came through the court and were helped or given access to services and that the city should tread lightly and delicately.
- Charles Turner, 4549 Lilac Road, stated "shame on you" and he recalls being at the charter review meeting when Mayor Welo brought up the idea about the court and she assigned Dr. Miller to present the legislation. Mr. Turner stated that maybe with the Law Director's help, you could have freedom of speech to carry a sign and get people in jail and keep the jail cell free of lice.
- Crystal Maclin, 429 Greenvale Road, stated that she is a 16 year resident and spoke regarding the court merger. Ms. Macklin stated that she doesn't doubt what the legislation says, but when she hears about surrounding communities, like Lyndhurst, they don't share the same demographic and might not understand cultural issues, like how to raise a young black man. Ms. Macklin asked if the City was discussing merging with other courts as much as they are with Lyndhurst. Ms. Macklin stated that she is a former high school principal and is embarrassed that City Council can't have a conversation without finger pointing and blaming and she hopes Council cleans that up.
- Melvin Bowman, 4093 Ellison Road, stated that he has lived in the City for over five years and loves living here, but he has an issue with a neighbor that has a child that he believes is selling drugs and he has called the Police, but they arrive after the deal is done and that there have also been issues at Bexley Park, as well as four garages that have been broken into. Mr. Bowman requested the city's help.
- Audrey Allenby, 4120 Lowden Road, stated that she has been involved with other communications from the city that were not shared with the public, such as the sale of the Lowden property. Ms. Allenby stated that the city should post these issues on the website or some other means of communicating what is going on and to meet the residents half-way, and now it is the 12th hour and there's nothing anyone can do about the court issue. Council President Goodman stated that it is not too late and all the City has done is asked for a process. Councilwoman Gray stated that residents should contact Matt Dolan directly as the matter is in his hands and residents should make their voice heard with entire judiciary committee of the state legislature.
- Dana Altman, 988 Clinton reported two occurrences regarding gun shots on her street from one home and she sent an email to Councilwoman Gray urging her help because the house is turning into a shooting gallery, however Councilwoman Gray never responded and the house is up to \$8,500 in nuisance fines. Councilwoman Gray stated that she wanted to see if the matter resolved itself. Ms. Altman stated that the nuisance abatement laws do not have enough teeth in them if the city cannot enforce these criminal issues. Councilman Gelfand stated that he will follow up with Asst. Chief Mays and Councilman Icove requested a legal opinion on if the city could file a foreclosure action.
- Kerrie Howard, 1768 Maywood Road, thanked City Council and the Mayor for getting work done and stated that he is an Assistant United State Attorney, but is not at the meeting in an official capacity. Mr. Howard discussed some services that the US Attorney's Office may provide to assist communities. Mr. Howard also reported on a situation that occurred at the corner of Rainbow and Maywood Roads and that the police were responsive and that their response time was great.

Adjourn

Action: Motion to Adjourn, Moved by Councilman Marty Gelfand, Seconded by Councilman Jason Russell.

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

Yes: Council President Pro Tem Dennis Fiorelli, Councilman Marty Gelfand, Councilwoman Ruth Gray, Councilman Ed Icove, Councilman Jason Russell, Council President Jane Goodman.

Absent: Councilman Joe Frank.

The meeting was adjourned at 9:38 pm

Attest:

Council President

Clerk of Council