



## CLEVELAND HEIGHTS

**Monday, November 1, 2021 Minutes**

### **CITY COUNCIL**

7:34 – 8:13 p.m.

President Stein presiding

Roll Call:    Present: Cobb, Hart, Russell, Seren, Stein  
                  Absent: Ungar

Staff present: Hanna, Himmeltein, Niermann O'Neil, Zamft

### **Approval of the minutes of the Council meetings held on October 4 and October 18, 2021**

Minutes were approved without any objections.

### **Matter of Record**

#### **Personal communications from citizens**

President Stein introduced Myra Orenstein, representative from Cedar Fairmount SID, and assured everyone that City staff is aware of Council's wishes to help the City's business districts recover from the COVID-19 pandemic. They are currently working on a plan to provide financial assistance whether it's through ARP funds or a loan. The goal is to have this plan prepared and presented to Council within this month.

Jeanette Velez, a Cleveland Heights property owner and resident, informed Council that she used to own property at 3202 Tullamore and around 1996, she was forced to move out of her former home to make way for a City parking garage. She said she was recently approached by Fran with her petition for a park and signed the petition believing that this green space will be wonderful for the community. She heard about the plan to build condominiums on this property and hopes the City reconsiders this plan in favor of a park in order to preserve green space within Cleveland Heights.

John Fleshin thanked Council for allowing him to speak and wished them luck in the election tomorrow. He stressed that Council should "hurry slowly" with this project and does not agree with passing emergency legislation in connection with the Cedar Lee Meadowbrook project. He noticed the 100-year anniversary sign when he walked into

the meeting and said he's been a Cleveland Heights resident for nearly half of that time. Mr. Fleshin said when he was looking to purchase a home in Cleveland Heights nearly fifty years ago, he had issues obtaining a loan because the area was redlined. He asks that Council keep an eye on what is going on in that area and trusts them to do what is best for all involved.

Fran Mentch asked Council if the Cedar Lee Meadowbrook legislation that is on the agenda for tonight could be passed as an emergency and President Stein confirmed this to be true. She said she feels disconcerted after seeing this on the agenda when many Council members have spoken and campaigned on the need for transparency and open communication with citizens. She questions whether this needs to be passed as an emergency and hopes Council reconsiders passing this legislation as an emergency and instead follow the usual protocol for a project of this magnitude. Ms. Mentch has questions regarding the timing of this amendment and the need to pass it as an emergency. Is this due to the parking problems near the Cedar Lee Theatre caused by removing the surface parking lot behind that area and having the tenants of the proposed apartments parking in the parking garage? Is it a problem with the two properties that are part of the expanded site area? She requests that Council and the City government be transparent about the nature and the dollar amounts of that negotiation. Is this MOU being amended because of the problems that have surfaced with the current F & C construction at the Top of the Hill project? Council Members had been concerned about the issues with water in the parking garage that were brought to their attention by residents of the Buckingham Condominiums. Ms. Mentch said the City Manager was mistaken when she said since it is an open parking garage design, water is intended to come in at the sides. She visited the garage herself and the water is coming in through the center of the parking garage. Is the delay due to the poor relationship and the issues between the people in the community near the Top of the Hill project and the developer? Is part of the delay due to the lack of a guarantee from the developers as to the money that will be provided to the City? Is this amendment due to the fact that none of the retail properties at the Top of the Hill have been rented?

Ms. Mentch said that people go out to socialize, not just to eat and drink and Cleveland Heights needs a variety of parks. She said what would be offered at the Meadowbrook Lee Park would be very different than what is offered at other parks in the City. This area is ideal for hosting events and music festivals. She believes our preferences have changed due to COVID and the architecture of the proposed mixed-use buildings are a stale idea. She believes we need new thinking to manage what is going on economically. Ms. Mentch said she has spoken to many local merchants and restaurateurs and many of them would like to have an activity park in this location. Post-COVID, many people have a new set of values and a new awareness of the value of outdoor space. She requests that

Council not pass this legislation as an emergency and that they explain the rationale behind the extension and the emergency.

### **Report of the City Manager**

Requested permission to issue an RFP for Heating Ventilation and Air Conditioning (HVAC) Preventative Maintenance and Repair Services

#### **Matter of Record**

City Manager Niermann O'Neil also reminded everyone that there will be two topics for next week's Committee of the Whole Meeting including Horseshoe Lake and the Code update that will be implemented starting January 1, 2022.

She also encouraged residents to recycle their political signs and said they can be brought to the Public Works building on Superior Avenue and the City's recycling crews will take care of them.

### **Report of the Clerk of Council**

Nothing to report at this time.

## **PLANNING AND DEVELOPMENT COMMITTEE**

**ORDINANCE NO. 70-2021 (PD), Second Reading.** An Ordinance amending various sections of Part Eleven, Zoning Code, of the Codified Ordinances of the City of Cleveland Heights.

Introduced by Council Member Hart, Seconded by Council Member Cobb

Roll Call:                   Ayes: Hart, Russell, Seren, Stein, Cobb  
                                  Nays: None

#### **Legislation Passed**

Vice President Seren wanted to express the rationale behind the passage of this legislation and why it will be made effective immediately. There are currently zoning applications that are in the process of being heard by the City and this amendment will help expedite the process. The Zoning Code will continue to be looked at periodically and improved upon.

President Stein thanked Director Zamft and his staff for all the time they have put into this.

**RESOLUTION NO. 137-2021 (PD), First Reading.** A Resolution authorizing the City Manager to enter into a second amendment to the Memorandum of Understanding with

F&C Development, Inc. concerning the “Cedar-Lee Meadowbrook” development; and  
declaring an emergency

Introduced by Council Member Hart

## Legislation Introduced

Law Director Hanna explained that the reason this legislation is being passed as an emergency is because the deadline to negotiate a development agreement currently expires on November 9, 2021 and Council does not have another regularly scheduled Council meeting until November 9<sup>th</sup>. This amendment is only to extend the period of time to work with F&C to finalize the terms of the development agreement.

President Stein decided that Resolution No. 137-2021 should be withdrawn from the agenda since Council Member Russell is not comfortable voting on this legislation tonight and Council Member Ungar is absent. Five votes are required to pass emergency legislation. Council intends to have a Special Council meeting next week to vote on the legislation. This will provide time for Council Member Russell to have her questions answered before voting on the legislation.

## **PUBLIC SAFETY AND HEALTH COMMITTEE**

Nothing to report at this time.

## **ADMINISTRATIVE SERVICES COMMITTEE**

Vice President Seren encourages everyone to vote in tomorrow's election. He hopes voter turnout is high and represents the will of the community.

## COMMUNITY RELATIONS AND RECREATION COMMITTEE

Nothing to report at this time.

## **FINANCE COMMITTEE**

**ORDINANCE NO. 138-2021 (F), *First Reading*.** An Ordinance to amend certain subparagraphs of Ordinance No. 127-2020 (F) and subsequent amending ordinances, relating to appropriations and other expenditures of the City of Cleveland Heights, Ohio for the fiscal year ending December 31, 2021; and declaring an emergency.

Introduced by Council Member Hart, Seconded by Vice President Seren

Roll Call: Ayes: Russell, Seren, Stein, Cobb, Hart  
Nays: None

## Legislation Passed

**ORDINANCE NO. 139-2021 (F), *First Reading*.** An Ordinance to make appropriations for the current expenses and other expenditures of the City of Cleveland Heights, Ohio, for the period of January 1, 2022 through December 31, 2022; and declaring an emergency.

Introduced by Council Member Hart

**Legislation Introduced**

Council Member Hart said this will not be voted on at tonight's meeting and there will be a future Finance Committee meeting where there will be the opportunity for council members to bring up any issues they see or any changes they would like to see in the budget. There will eventually be a Third Reading and the public can comment on it as well.

**ORDINANCE NO. 140-2021 (F), *First Reading*.** An Ordinance authorizing the allocation, appropriation and expenditure of ARPA funds for sewer infrastructure improvement projects; and declaring an emergency.

Introduced by Council Member Hart

**Legislation Introduced**

## **MUNICIPAL SERVICES COMMITTEE**

Nothing to report at this time.

### **Consent Agenda**

Motion to suspend rules by Council Member Hart, Seconded by Vice President Seren

Roll Call:      Ayes: Seren, Stein, Cobb, Hart, Russell  
                    Nays: None

**ORDINANCE NO. 141-2021 (PSH), *First Reading*.** An Ordinance authorizing the renewal of an agreement with the Cuyahoga County General Health District for the provision of public health services to the City and its residents; providing compensation therefor; and declaring an emergency.

**RESOLUTION NO. 142-2021 (CRR), *First Reading*.** A Resolution declaring November 27, 2021, "Small Business Saturday;" and declaring an emergency.

**RESOLUTION NO. 134-2021 (MS), *Second Reading*.** A Resolution authorizing the Ohio Department of Transportation ("ODOT") to complete a project improving sidewalks and pedestrian crossing facilities within Cleveland Heights; and declaring an emergency.

Motion to adopt by Council Member Hart, Seconded by Council Member Russell

Roll Call:      Ayes: Stein, Cobb, Hart, Russell, Seren  
Nays: None

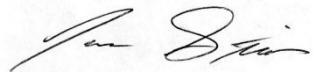
**Legislation Passed**

**Report of the Council President**

President Stein encourages everyone to vote in tomorrow's election.

**NEXT MEETING OF COUNCIL: MONDAY, NOVEMBER 15, 2021**

Respectfully submitted,



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Jason S. Stein  
President of Council



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Amy Himmeltein  
Clerk of Council