



CLEVELAND HEIGHTS

Monday, November 15, 2021 Minutes

CITY COUNCIL

8:09 – 9:46 p.m.

President Stein presiding

Roll Call: Present: Russell, Ungar, Stein, Seren, Hart, Cobb
 Absent: None

Staff present: Hanna, Niermann O'Neil

Report of the Council President

President Stein began the meeting with the Report of the Council President instead of waiting until the end of the meeting.

Vice President Seren thanked President Stein for allowing him to speak and said the people of Cleveland Heights voted overwhelmingly in support of Josie Moore to serve the remainder of Mary Dunbar's unexpired term on City Council. He supports Josie Moore's begin appointed early and saw no reason to delay her appointment, as she would make Council whole again for the remainder of 2021.

***MOTION** to appoint Josephine Moore to the seat vacated by Council Member Mary Dunbar

Moved by Vice President Seren, Seconded by Council Member Hart

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

Motion Passed

Josie Moore was sworn in as a Council Member by Law Director Hanna.

Personal communications from citizens

Korbi Roberts, a trustee of the Cleveland Heights Historical Society, is here to represent the citizens of this region who are concerned that one of their great parks is in danger of being destroyed. She requests that Council ensure the preservation of Shaker Lakes for future generations. Ms. Roberts said these lakes span over 200 years of history and went

on to summarize the history of the region and these lakes. She said the Sewer District uses the park land for storm water drainage and the creek does not flow naturally anymore due to the storm water and waste water that runs into the creek. She said the NEORSD has the responsibility to contribute to the site and to honor the Shaker Lakes as a federally protected historic site. It is their obligation to work around protected historic sites for the benefit of everyone. Since the lake has been drained and secured, there should not be a rush to vote on this legislation. Instead, they should allow residents the time to find other funding if that is what is necessary to maintain the historic dam and beautiful lake. Ms. Roberts understands that maintaining these parks can be expensive but there are alternatives for funding.

Penny Allen urged Council not to rubber stamp the NEORSD's plan to destroy Horseshoe Lake. She said citizens love this area and wish to save it. We should not listen to fear mongering and environmental lies. She believes Council should be proactive and creative with this problem and come up with a different solution from the ones provided.

Ms. Allen also brought a statement to read from her neighbor Mike Madorsky regarding Horseshoe Lake. Mr. Madorsky urged Council to delay any vote on the plan proposed by NEORSD for Horseshoe Lake. He is a member of the newly formed organization "Friends of Horseshoe Lake" and they have retained their own independent engineer to seek solutions that would satisfy the concerns of public safety while maintaining Horseshoe Lake. They hope Council will hold off on voting until this independent engineer has a chance to complete their study and they can examine any new proposal with members of Council, NEORSD, and the citizens of Cleveland Heights and Shaker Heights. The lakes were threatened fifty years ago and were it not for concerned citizens, the lakes would not exist today. Horseshoe Lake is an amenity that Cleveland Heights residents value tremendously and future citizens will be thankful it was preserved.

Christine Heggie wanted to comment on the Horseshoe Lake legislation that will be voted on by council members next week. She thanked Council Member Hart for asking the difficult questions at last Monday's meeting during the discussion concerning Gannett Fleming's report regarding their independent assessment of Horseshoe Lake. She appreciates the council members who were willing to represent the residents who desire the preservation of Horseshoe Lake. Ms. Heggie found it concerning that the NEORSD answered most of the questions at that meeting instead of Gannett Fleming. She is worried about NEORSD playing such a dominant role in the discussions about the future of Horseshoe Lake. She said that alternative narratives and priorities expressed by constituents are frequently dismissed or omitted from the conversation. This practice misleads the public into believing that most constituents agree with the NEORSD's recommendations and Ms. Heggie does not believe this is the case. She encourages the

community to continue exploring alternatives that would provide the necessary safety at Horseshoe Lake while supporting its preservation.

Alan Federman posted a petition on NextDoor regarding having an ordinance that would mandate restaurants and bars to require proof of vaccination for admittance. He emailed this petition to Council last week and is here tonight to explain his reasoning behind the petition. He is concerned about the rising number of COVID-19 cases in the area and believes that the vaccination rates are not the issue but instead it is where people are gathering. Based on an article from NPR, he surmises that people who frequent bars and restaurants regularly are more likely to catch COVID-19 and spread it. Mr. Federman does not believe the State of Ohio will do anything about this so it is up to Cleveland Heights to implement measures that will protect a lot of people. He believes our City is a progressive leader and this will set an example for other cities in the area.

Sal Russo, President of the SID for Cedar Fairmount, said there is legislation on the agenda for tonight approving a loan for the SID and he wants to show his appreciation. He thanked everyone and said it will help them get through the next six to eight months.

Myra Orenstein, Executive Director of the SID, wanted to thank Council and Amy Himmelein for supporting their business district.

Gwendolyn Solomon wanted to express a personal concern she has regarding a City tree on her tree lawn that has grown very large roots over the past several decades. She and her husband were initially told not to trim the tree because it was on City property so they left it alone and now the roots are lifting up the sidewalk in front of their house. In July 2020, they received a notice of a code violation from the City Housing Department regarding the sidewalk not being level. As responsible homeowners, they repaired the sidewalk but they believe this is a temporary fix since the large roots continue to grow underneath the sidewalk. Initially, this was a lovely tree but it now appears diseased and is covered with moss. Ms. Solomon requests that the City remove the tree and its problematic roots in the interest of public safety and so she does not incur future costs as the homeowner.

City Manager Niermann O'Neil asked that Ms. Solomon provide her with her contact information so she can ensure the problem is resolved.

John Fleshin welcomed new Council Member Josie Moore and thanked Director of Planning Zamft for setting up all the meetings this week regarding Cedar Lee Meadowbrook. Mr. Fleshin brought in red maple leaves as a visual aid and described how he enjoyed driving past a beautiful red maple tree on his way to work everyday when he was a teacher, especially during the fall season. He would like to save the red maple

trees that are near his house. With this new development, he would like to see some real numbers and drawings. He is wondering what the return on investment will be and hopes that the public can see the final plans before a decision is made on this project.

Charece McGregor lives next to a house that caught on fire and should have been torn down. The homeowners did not have insurance so an investor purchased the property. She wants to know what is the protocol is in Cleveland Heights for having a house torn down since this house was a nuisance and has been an eyesore for 18 months. There are houses that look to be in better condition than this house that have been torn down by the City.

City Manager Niermann O'Neil requested that Ms. McGregor provide her contact information so she can follow up with this issue.

Ms. McGregor is also a business owner in the Noble neighborhood and knows Council Member Russell has been fighting to obtain funding to beautify this area. She hopes that more council members support Council Member Russell in this endeavor because these areas have been neglected.

Sara Olson wanted to speak at tonight's meeting regarding the conduct of the peace officers in Cleveland Heights and her recent experience with them this past Saturday. In her opinion, their conduct was excessive, they used intimidation, and they averted due process. A police chase had ended in their backyards and she said she saw multiple officers running with AR-15s through sleet. The officers quickly detained the person who had been driving the car and he had never left the vehicle. She forced the police to get a warrant because they wanted to search a garage because they believed a gun had been thrown by the suspect into the garage. She alleges that the officers were disrespectful and mocked her and her neighbors because they were scared. She said they threatened to arrest her when she tried to enter the garage. She said they threatened to write her a citation after she cursed at them. Ms. Olson alleges that they never wrote an incident report for this incident despite being on her property for six hours. She claims a car was getting stolen on a nearby street but the officers did nothing because they said they needed to watch the garage to ensure no one tampers with evidence. Ms. Olson does not understand why our officers have AR-15s and did not understand why they didn't immediately put them away once the suspect was detained. She moved to Cleveland Heights because she believed it was a progressive city with parks and diversity but she did not anticipate the experience she had on Saturday. As a taxpayer in the community, she does not believe the police officers should get raises and they only solve 36% of crimes. She said they are building trauma in our community and not making reports.

City Manager Niermann O'Neil assured Ms. Olson that she and the Police Chief will meet with her this week to discuss everything that happened.

Odies Grant has lived in Cleveland Heights for 36 years and raised six children here in the city. He has concerns about public safety on his street because the curb is very low and there are children walking down the sidewalk every day. Years ago, he saw a car jump the curb and hit a pole in front of the house. They propped up the pole with another pole to support it and it remained unsightly for fifteen years. He has spoken to the City Manager several times throughout the years about putting in a high curb but no action has been taken. In the winter, the snow plows throw ice up against his house and he's had windows broken on two occasions. He was told that the City would not put in a higher curb near his house because the curbs need to be uniform. However, there is a house nearby that has a curb that is 4-5 inches higher and that is permitted. Why are certain people able to get a curb like this but he hasn't been able to despite years of trying? He is a taxpayer and would like to see something done about this issue. Mr. Grant also says he supports keeping Horseshoe Lake because he loves having a beautiful place to take his children and grandchildren. He said he will be at more Council meeting in the future now that he is retired.

President Stein requested that Mr. Grant provide the City Manager with his contact information so the City can look into the issue and the history.

Cindy Evans is concerned because she feels that the City has stopped investing in her neighborhood, especially the Caledonia area. She has lived there for nearly 30 years and feels as though there is two Cleveland Heights and they are not treated equally. She would like her neighborhood to be restored to its former glory. For example, they don't have trees on the tree lawns. Hearing other residents complain about the damage trees cause over time is frustrating because the people in her neighborhood understand the value of trees. Also, there are a lot of vacant lots and the City stopped cutting the grass on these lots during the summer so it looked terrible. There was also a waterline break in front of her house and they fixed the break but the asphalt was left broken for three months afterwards. Ms. Evans believes that if she lived in an affluent part of Cleveland Heights, this would not have been tolerated. This is hurtful because they pay their taxes and invest in their homes just like everybody else. She wants the City to begin investing in her neighborhood again because it seemed to stop once the demographics of the area changed. She thanked Council Member Russell for speaking up for the residents in her neighborhood. Before that, she had just watched and accepted it but now she wants something done about this. One of the vacant lots has dead trees and she's emailed three people about the trees and nothing has happened. One of these trees or their branches could fall and injure someone. Just because the people who live in the area are older and

don't complain, does not mean this is okay. Ms. Evans plans to speak out about this as much as she can until her neighborhood gets some of the things they deserve.

Fran Mentch thanked everyone who has helped by signing and circulating the petition to put on the ballot in May for the City to put a park on the 1.07 acres on Lee Road between Meadowbrook and Tullamore. They have until November 29th and they only need 489 more signatures. Their organization, People for the Park, believe "what is green, stays green." They started this initiative to put the park on the ballot because they felt they had no choice and that citizens were excluded from participating in the development process. She said they asked eight different times to put the park on the agenda. She specifically asked Council Member Ungar, as he is the chair of the Planning & Development Committee, but never received a response. Speaking about the development plan with F&C like it is a done deal is a tactic that is used to discourage people from engaging in discussion. Council refused to wait to vote until January, when the new Elected Mayor form of government would begin. Ms. Mentch is troubled by the MOU with F&C being passed as an emergency and the numerous executive sessions that were held that excluded the public. She said it is fortunate that they are able to do a petition and this is an example of direct democracy. This park will be a public square like the ones that civilization has produced for centuries and will increase the success of anything built in the area. This includes the development planned in the nearby area. Ms. Mentch said the merchants in the Cedar Lee area are not unanimous in their support of the development and it has been misrepresented in the past. Many of them believe in the power of the park and have seen the economic benefits that comes from people being on the street. Also, there is not unanimous support for this development from the board of Future Heights. She is also hoping the structural issue with water coming in through the center of the parking garage at Top of the Hill will be addressed in the near future. She reminded everyone that F&C are the same developers working on the Top of the Hill project. Ms. Mentch encouraged everyone to sign the petition and help circulate it amongst family and friends.

Report of the City Manager

Nothing to report at this time.

City Manager Niermann O'Neil assured everyone that all of the concerns brought up at tonight's meeting will be followed up by herself, the Police Chief, and/or City staff.

Report of the Clerk of Council

Nothing to report at this time.

PUBLIC SAFETY AND HEALTH COMMITTEE

RESOLUTION NO. 143-2021 (PSH), *First Reading.* A Resolution to suspend enforcement of Section 351.09 of Part Three (Traffic Code) of the Codified Ordinances of the City of Cleveland Heights for the period ending December 31, 2022, or such earlier date as Council may hereafter prescribe on specified streets in the City; providing for on-street overnight permit parking on specified portions of Kensington, Hillcrest, Belmar, Glenmont, Eddington, and East Overlook Roads; and declaring an emergency.

Introduced by Council Member Cobb, Seconded by Council Member Russell

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

Legislation Passed

RESOLUTION NO. 144-2021 (PSH), *First Reading.* A Resolution authorizing the City Manager to enter into an agreement with FARO Technologies, Inc. for the purchase of Three-Dimensional Focus Laser Scanners and associated materials and equipment for the Police Department through the United States General Services Administration; and declaring an emergency

Introduced by Council Member Cobb, Seconded by Council Member Hart

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

Legislation Passed

ADMINISTRATIVE SERVICES COMMITTEE

ORDINANCE NO. 145-2021 (AS), *First Reading.* An Ordinance amending Ordinance No. 20-2021, “Wage and Salary Ordinance,” providing for salary schedules, position classifications, and other compensation and benefits for officers and employees of the City, to add a salary schedule, position classification, and other compensation and benefits for a City Administrator.

Introduced by Vice President Seren

Legislation Introduced

Vice President Seren explained that this legislation will create and provide for the wages and salary for the newly created City Administrator position that is part of the Charter change that created the elected mayor position. This legislation will replace the Vice-City Manager position in the Wage and Salary Ordinance. This is First Reading only and there will be further discussion regarding the specifics of this legislation.

Vice President Seren also announced that City Council is looking for residents who would like to fill vacancies on Boards and Commissions. He encourages those who are interested to check out the City's website for more details.

COMMUNITY RELATIONS AND RECREATION COMMITTEE

Council Member Russell said she's been calling residents and asking what their position is on COVID-19 and encouraging people to get vaccinated.

Council Member Russell announced that she intends to be either President or Vice President of Council in 2022. She believes the voters have spoken and she received the most votes of any candidate in this last election. She will be one of the few remaining senior members of Council and the only one who lives north of Mayfield Road. The majority of council members live south of Mayfield and council leadership should reflect all areas of Cleveland Heights.

FINANCE COMMITTEE

ORDINANCE NO. 146-2021 (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 Council Member Cobb

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

Legislation Passed

ORDINANCE NO. 139-2021 (F), Second 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 there will be a Third Reading and this legislation will not be voted on during this meeting. She encouraged all members of Council to attend the Finance Committee meeting to discuss the budget.

Council Member Hart encouraged everyone to attend the Special Council Meeting on November 22nd during which they will be discussing the Cedar Lee Meadowbrook

project as well as Horseshoe Lake. The Horseshoe Lake legislation will be up for a vote during that meeting.

ORDINANCE NO. 140-2021 (F), Second 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, Seconded by Council Member Ungar

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

Legislation Passed

Council Member Hart explained that they need to allocate ARPA funds for sewer infrastructure improvement projects to allow for Public Works to apply for grants to hopefully reduce the City's costs.

MUNICIPAL SERVICES COMMITTEE

Council Member Moore thanked Council for appointing her at tonight's meeting. She said she has a lot of ideas and energy but also a lot to learn. She is looking forward to being part of this reinvigorated Council with clear leadership from the Mayor.

RESOLUTION NO. 147-2021 (MS), First Reading. A Resolution authorizing the City Manager to enter into an agreement with Wade Trim, Inc. of Ohio, for professional engineering services relating to the City's Sanitary Sewer Overflow Control project and the EPA Consent Decree; providing compensation therefor; and declaring an emergency.

Introduced by Council Member Moore, Seconded by Council Member Ungar

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

Legislation Passed

RESOLUTION NO. 148-2021 (MS), First Reading. A Resolution authorizing the City Manager to enter into an agreement with Valley Freightliner & Western Star, for the acquisition of a Freightliner 114SD Tandem Axle Cab and Chassis for the Department of Public Works; providing compensation therefor; and declaring an emergency.

Introduced by Council Member Moore, Seconded by Council Member Ungar

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

Legislation Passed

RESOLUTION NO. 149-2021 (MS), *First Reading*. A Resolution authorizing the City Manager to enter into an agreement with Advantech Services and Parts LLC, for the acquisition of a 2022 E-One HR 100ft Aerial Ladder Truck for the Fire Department; providing compensation therefor; and declaring an emergency.

Introduced by Council Member Moore

Legislation Introduced

This legislation is First Reading only because Council requested a memo regarding this purchase.

RESOLUTION NO. 150-2021 (MS), *First Reading*. A Resolution authorizing the City Manager to enter into an agreement with Gledhill Road Machinery Company, for the acquisition of a 14-Foot Stainless Steel Dump Body with Salt Spreader and Plow Package for the Department of Public Works; providing compensation therefor; and declaring an emergency.

Introduced by Council Member Moore, Seconded by Council Member Russell

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

Legislation Passed

PLANNING AND DEVELOPMENT COMMITTEE

RESOLUTION NO. 151-2021 (PD), *First Reading*. A Resolution to concur in the proposal of the Northeast Ohio Regional Sewer District (NEORSD), as a part of its regional stormwater management program, and at its cost, to remove Horseshoe Lake Dam and return the lake bed to its naturalized state, including streams, plantings, trees, and other amenities, following a public planning process undertaken in concert with the cities of Cleveland Heights and Shaker Heights; and meet Ohio Department of Natural Resources (ODNR) standards for a Class I dam; and declaring an emergency.

Introduced by Council Member Ungar

Legislation Introduced

Council Member Ungar reiterated that this has not been a rushed process and they've heard thoughtful and articulate arguments from both sides regarding the NEORSD's recommendations. Furthermore, Council wisely sought out an independent second opinion from Gannett Fleming regarding these recommendations. Ultimately, Gannett Fleming concurred with the NEORSD's recommendations. Council Member Ungar assured everyone that there will be further opportunity to comment on this legislation at the next meeting.

RESOLUTION NO. 152-2021 (PD), *First Reading.* A Resolution authorizing the City Manager to enter into a loan agreement with the Cedar Fairmount Special Improvement District under the City's Economic Development Loan Fund Program to assist the SID with a temporary budgetary shortfall due to the COVID-19 pandemic and its resulting effects; and declaring an emergency.

Introduced by Council Member Ungar, Seconded by Council Member Hart

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

Legislation Passed

Council Member Ungar congratulated his colleagues and the councilmember-elects on the recent historic election. He also congratulated Vice President Seren on his victory and wants everyone to know that despite their disagreements in the past, he supports Vice President Seren 100% and couldn't be happier with the outcome of the election. He's looking forward to seeing Vice President Seren and his new administration leading the City to success.

NEXT MEETING OF COUNCIL: MONDAY, DECEMBER 6, 2021

Respectfully submitted,

Jason S. Stein
President of Council

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Amy Himmelstein
Amy Himmelstein

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Clerk of Council

Clerk of Council