



CLEVELAND HEIGHTS

Monday, January 10, 2022 Minutes

CITY COUNCIL

7:35 – 8:17 p.m.

President Hart presiding

President Hart explained that the number of residents allowed at the meeting will be limited to seventeen, due to the recent spike in COVID cases. Residents who would like to make public comment are asked to sign in and fill out a form. Those will be provided to the Clerk of Council, who will call each person in when it is their turn to comment.

Roll Call: Present: Cobb, Cuda, Hart, Mattox, Moore, Russell
Absent: None

Staff present: Seren, Hanna, Himmelein, Niermann O'Neil

Approval of the minutes of the Council meeting held on December 6 and December 13, 2021

Minutes were approved without any objections.

Matter of Record

Personal communications from citizens

Marion Bryant is seeking help from the City with reversing the ghetto that has developed on Mayfield Road near the intersection of Mayfield and Warrensville on the south side of the street. She has tried reaching out to City staff with her concerns but hasn't had success. She heard that the funds for store front renovation were used for five oversized plastic planters that are not necessary nor do they improve the area. Ms. Bryant has traveled around the region and has not seen anything like this in other cities.

Mayor Seren said he would personally look into this issue and follow up with Ms. Bryant.

Fran Mentch congratulated each and every resident in Cleveland Heights for a successful exercise in direct democracy. People for the Park were able to gather enough valid signatures to place on the ballot in May that the City build a public square at the corner of Meadowbrook and Lee Road. Ms. Mentch is excited and believes this is a historic

moment for the residents of Cleveland Heights. She said this is the only time that residents will get to vote on a project. She said they spoke with over 4,600 people and they had many different ideas. She said they are going to take these ideas into consideration for the park design because the park will belong to everyone. For those who are concerned about the impact this will have on the development, please note that this only impacts twenty percent of the proposed development and would help to entice tenants to the new development. Ms. Mentch congratulated the community and said that anyone who helped with the initiative petition can see that their effort was important.

President Hart reminded Ms. Mentch of the three-minute time limit for public comment. She let everyone know that the time clock is on the wall so people know how much time they have remaining.

Jennifer Winter wanted to voice her opposition to the Lee Meadowbrook Park initiative. She said the F & C project will not only bring vibrancy to the area as well as increase the tax revenue for Cleveland Heights, but will include a one third acre park. The advocates for the Lee Meadowbrook Park want to see a full acre park and no other development. The F & C development would bring in tax revenue from new tenants as well as the new businesses. The development would also bring in revenue to the local businesses who have been hit hard by the pandemic. If the park petition initiative is successful, the City won't just lose the benefits of the F & C project but will be faced by an unfunded mandate. The park proponents estimate the cost of building the park to be \$2 million and that estimate was provided prior to all the cost increases associated with COVID and does not include ongoing maintenance costs. The initiative demands that a park be constructed but it does not provide a source of funding for the construction. Where do they think this funding will come from? Or was this something that they had simply not considered? A defeat of this ballot initiative will result in a one third acre park, vibrant Lee Road, and increased tax revenue. Passage of this initiative will result in nothing more but the status quo. F & C will be prevented from constructing the project and the City will be unable to create a park on the site. Ms. Winter encouraged Cleveland Heights residents to be realistic and support the F & C development project, which includes adding a sizable park to the Lee Road landscape.

Communications from the Mayor

Mayor Seren thanked President Hart for fantastically running the Committee of the Whole meeting. He also wished Council good luck moving forward with tonight's meeting. Mayor Seren said he spent the last week getting hit with a firehose of information. He has spent long hours in the office at City Hall working to fill out his cabinet. He will be providing more information regarding the vacancies moving forward including the Communications position, City Administrator, and his Executive Assistant

position. Once he has his team together, he will have a more robust set of communications to provide to the people and to Council. Overall, he believes this first week has gone well and appreciates all of the support from staff. He encouraged residents to check out the City website. Mayor Seren would like to ensure that this Council and the public know that he is on the job and looking forward to starting this process. In response to the earlier complaint from a constituent, he said the City will be improving how they accept, track, and respond to complaints. There is a service request form on the website as well as an app for your smartphone called Access Cleveland Heights. This will be a way to automate the complaint process, a way to track the complaints and our responses, and moving forward we will be using that as a way to tighten up how we respond to complaints.

Report of the Clerk of Council

Notified Council that a notice has been received from the Ohio Department of Liquor Control advising that an application has been made by Cleveland Heights Wing Co LLC, d/b/a Buffalo Wild Wings, 12459 Cedar Road & Patio, Cleveland Heights, OH 44106 for a transfer of a D5 and D6 permit from Ramb Co Cleveland Heights d/b/a/ Buffalo Wild Wings Grill & Bar, 12459 Cedar Road & Patio, Cleveland Heights, OH 44106

Matter of Record

Referred to: The Mayor, Chief of Police, and the Director of Law

Certification by Clerk of Council of sufficient signatures of City electors upon an Initiative Petition for *An Ordinance to require that a public activity park be created on 1.07 acres of city-owned land at the corner of Lee Road, Tullamore Road and Meadowbrook Boulevard in Cleveland Heights, Ohio*, submitted by a committee of electors of the City of Cleveland Heights consisting of Ralph Solonitz, Garry Kanter, Lee Barbee, Albert Oberst and Frances Mentch.

This Initiative Petition, originally submitted on November 29, 2021, with additional part-petitions submitted on December 27, 2021, has been determined by the Board of Elections to have a total of 3,417 valid elector signatures. This exceeds the number required under Sections VIII-1 and VIII-4 of the Charter of the City of Cleveland Heights. Under Section VIII-1 of the City Charter, the proposed measure will be read on January 10, 2022 and referred to a Council Committee, which may be the Committee of the Whole. The Committee to which it is referred may provide for public hearings on the measure, and shall report and make recommendations to the full Council concerning the proposed legislation not later than the 2nd regular meeting of Council following this Certification and corresponding referral to Committee.

Referred to: Committee of the Whole

President Hart asked Law Director Hanna if the initiative is approved by the voters, whether it will negate the agreements the City has with F & C and derail the project.

Law Director Hanna said the Law Department has concluded that the passage of the ordinance by Council or by approval of the ordinance by the voters would not undo the agreements the City has with F & C due to the constitutional prohibitions against the retroactive impairment of contracts. These are found in both the Ohio and the United States Constitutions and they apply with equal force to legislation adopted by a State, City, or the voters of a City. In any of those cases, a law that impairs a contract that has been duly executed prior to the passage of the law is unconstitutional.

President Hart said the next date on this topic will be February 7th. Committee of the Whole must give their recommendation and Council will vote on whether to accept, reject, or amend.

Law Director Hanna confirmed this per the City's Charter.

Council Member Cuda asked Law Director Hanna if it was his recommendation that Council follow through with their responsibility to put this initiative petition on the ballot and allow it to play out however it does.

Law Director Hanna said Council has to follow the procedures under the City Charter. This would include the referral to committee, the report of the committee to Council, and ultimately action by Council on the underlying measure. This could be passing it, not passing it, or passing it in a way other than what was proposed. If Council disapproves the measure, or adopts it in a way that is different than what was proposed, then the committee of petitioners has the ability to require that Council send it to the electors.

Council Member Russell asked for Law Director Hanna to repeat the constitutional provisions so they can refer to them.

Law Director Hanna said the constitutional provisions are Article I, Section X of the U.S. Constitution and Article II, Section XXVIII of the Ohio Constitution.

President Hart said she has changed the format of the meetings and that Committee members may only report on their committee or legislation during their committee reports. In the future, they will include user friendly descriptions for the legislation. She asked that committee reports be given first, followed by legislation. If there is discussion regarding a piece of legislation, she requests that comments be kept brief, on the topic only, and preferably two minutes or less. Any other comments that Council Members have can be voiced during the Council Member Comments section of the agenda. She

requests that these comments be kept to two or three minutes just as the public has to keep their comments to three minutes.

ADMINISTRATIVE SERVICES COMMITTEE

RESOLUTION NO. 1-2022 (AS), First Reading. A Resolution amending standing committees of Council and outlining each committee’s general responsibilities by subject matter; repealing Resolution No. 2020-1; and declaring an emergency.

Introduced by President Hart

Moved by President Hart, Seconded by Vice President Cobb

Roll Call: Ayes: Mattox, Moore, Russell, Hart, Cobb, Cuda
 Nays: None

Legislation Passed

***MOTION** to amend Resolution No. 1-2022 to change the name of the new committee from “Building and Housing Committee” to “Housing and Building Committee.”

Moved by Council Member Cuda, Seconded by Council Member Russell

Roll Call: Ayes: Mattox, Moore, Russell, Hart, Cobb, Cuda
 Nays: None

Motion Passed

President Hart explained that the Housing and Building Committee has been added to the committee list so there are now seven committees instead of six. Housing used to be included with Public Safety and Health Committee but they decided Housing was important enough to warrant its own committee. This will allow the Public Safety Committee and the Housing Committee to really focus on their respective areas. President Hart announced that the committee chairs were assigned as follows:

Administrative Services – Cobb
Finance – Hart
Municipal Services – Moore
Housing and Building – Cuda
Community Relations and Recreation – Russell
Planning and Development – Mattox
Public Safety and Health – Vacant (Cuda in the interim since he is Vice-Chair)

Council Member Cuda believes changing the name of the committee to “Housing and Building Committee” instead of “Building and Housing Committee” will signify that Housing is a priority.

COMMUNITY RELATIONS AND RECREATION COMMITTEE

Nothing to report at this time.

FINANCE COMMITTEE

ORDINANCE NO. 161-2021 (F), *Second Reading.* An Ordinance providing for the issuance and sale of not to exceed \$3,100,000 of economic development nontax revenue bonds for the purpose of refunding the City’s outstanding Parking Deck Improvement Refunding Bonds, Series 2015, dated April 30, 2015, which were issued for the purpose of constructing and equipping a multi-level parking deck and improving the site thereof, and declaring an emergency.

Introduced by President Hart

Moved by President Hart, Seconded by Council Member Moore

Roll Call: Ayes: Cuda, Hart, Mattox, Moore, Russell, Cobb
 Nays: None

Legislation Passed

ORDINANCE NO. 2-2022 (F), *First Reading.* An Ordinance to amend certain subparagraphs of Ordinance No. 139-2021 (F), relating to appropriations and other expenditures of the City of Cleveland Heights, Ohio for the fiscal year ending December 31, 2022; and declaring an emergency.

Introduced by Mayor Seren

Moved by President Hart, Seconded by Council Member Cuda

Roll Call: Ayes: Hart, Mattox, Moore, Russell, Cobb, Cuda
 Nays: None

Legislation Passed

President Hart said there will be a Finance Committee meeting either this month or next for the purposes of discussing allocations of the ARPA funds for Noble and Taylor.

MUNICIPAL SERVICES COMMITTEE

RESOLUTION NO. 3-2022 (MS), First Reading. A Resolution requesting Cuyahoga County to proceed with the resurfacing of Coventry Road from Fairhill Road to Euclid Heights Boulevard in the City of Cleveland Heights resolving to pay one hundred percent (100%) of the non-OPWC share for the construction and construction supervision of the traffic signal and associated work within the City of Cleveland Heights.

Introduced by Mayor Seren

Moved by Council Member Moore, Seconded by Council Member Russell

Roll Call: Ayes: Mattox, Moore, Russell, Cobb, Cuda, Hart
 Nays: None

Legislation Passed

PLANNING AND DEVELOPMENT COMMITTEE

RESOLUTION NO. 4-2022 (PD), First Reading. A Resolution authorizing the Mayor to apply for grant funding under the Cuyahoga County Department of Development's 2022 Community Development Supplemental Grant program to implement local and regional bicycle infrastructure improvements within the City of Cleveland Heights; and declaring an emergency.

Introduced by Mayor Seren

Moved by Council Member Mattox, Seconded by Council Member Moore

Roll Call: Ayes: Moore, Russell, Cobb, Cuda, Hart, Mattox
 Nays: None

Legislation Passed

Council Member Mattox announced that there will be a Planning and Development Committee meeting scheduled in February.

PUBLIC SAFETY AND HEALTH COMMITTEE

Nothing to report at this time.

Council Member Comments

Council Member Russell said she will be planning a meeting with the residents of the Noble and Taylor neighborhoods in the near future regarding the ARPA funds allocated

to the Noble and Taylor neighborhoods. She advised that she will be sending notices to residents and encouraged everyone to get the word out. They will be working to narrow down their wish list for what they want for these neighborhoods before the Finance Committee meets.

Council Member Cuda said he is looking forward to chairing the Housing and Building Committee and he believes this is an opportunity for the City. He also welcomed Mayor Seren since this is his first week in office. He thanked Mayor Seren for implementing COVID protocol for the council meeting tonight because it is important to ensure the health and safety of everyone in attendance. Council Member Cuda asked Mayor Seren if he is planning on doing a State of the City Address. He said a lot of people would love to hear from him.

Mayor Seren said he does anticipate addressing Council Members and residents on a regular basis. He intends to provide regular updates on how the City is doing and foresees doing a quarterly State of the City Address as well.

President Hart said that Mayor Seren will be addressing the Cleveland Heights Democratic Club on January 13th. She said this will be a virtual meeting and encouraged residents to sign up for it.

Mayor Seren confirmed this and encouraged other groups in the City to reach out and schedule time for other meetings and updates as well.

Report of the Council President

President Hart wished everyone a Happy New Year and encouraged residents to keep an eye on the calendar on the City's website for committee meetings. She intends to change the public comments section of the meetings so in the beginning of the meeting they will have comments regarding agenda items. They will listen to the other public comments at the end of the meeting. She anticipates this change being implemented in March so there will be time to adjust. President Hart said Council has met during Executive Session to discuss applications for the council vacancy. Currently, the League of Women Voters is conducting interviews with the candidates. After Council receives those, they will be scheduling finalists for in-person interviews. President Hart reminded everyone that City Hall will be closed on Monday, January, 17th for Martin Luther King Jr. Day.

NEXT MEETING OF COUNCIL: TUESDAY, JANUARY 18, 2022

Respectfully submitted,



Melody Joy Hart
President of Council



Amy Himmelein
Clerk of Council