



## **Monday, April 18, 2022 Minutes**

### **CITY COUNCIL**

7:35 – 8:48 p.m.

President Hart presiding

Roll Call:      Present:      Cuda, Hart, Larson, Mattox, Moore, Russell  
                    Absent:      Cobb (watching via Zoom)

Also Present: Mayor Seren, Chief Britton, Hanna, Himmelein, Niermann-O'Neil, Thomas

### **Approval of the minutes of the Council meeting held on February 22, 2022 and March 7, 2022**

Minutes were approved without any objections.

### **Matter of Record**

### **Swearing in of police officers**

Chief Britton made remarks regarding the promotions of Brett Billi to Police Sergeant and Sean Corrigan to Police Lieutenant, highlighting their backgrounds. Mayor Seren administered the oaths of office. Chief Britton then presented numerous commendations to Sergeant Billi and Lieutenant Corrigan.

### **Personal communications from citizens on Agenda Items only**

None at this time.

### **Communications from the Mayor**

Mayor Seren notified Council a Request for Proposal will be issued for the creation of a splash pad at Denison Park. He then stated he looked forward to the poetry presentation.

### **National Poetry Month Presentation**

Council President Hart made remarks opening the presentation and welcomed Rachel Bernstein to introduce the Poet Laureate, Ray McNiece.

Rachel Bernstein stated this has been a long time coming because Ray McNiece was installed as Cleveland Heights' Poet Laureate in April of 2020, but they extended his tenure for one year

because of the pandemic. She then shared a brief history of Heights Arts. Ms. Bernstein stated Mr. McNiece is the 10<sup>th</sup> Poet Laureate for Cleveland Heights. Heights Arts came into existence in 2000 and she has since had the pleasure of presenting four Poet Laureates to City Council. She said Heights Arts was formed out of a city visioning process and the recognition that Cleveland Heights has more musicians, poets, writers, visual artists, and arts professionals than any other community in the area. At the same time, CPAC (formally Arts Cleveland, now Assembly for the Arts) did a study and validated all of those thoughts. She stated she is a product of living in this community; she is a musician and her and her husband at the time chose to live in Cleveland Heights because of the proximity to University Heights and all of the cultural amenities both cities provide. It was decided through the visioning process an independent non-profit would be set up, separate from the City, in order to remain mission focused and to insulate it from the effects of City leadership changes and budget priorities. Once they were formed as the Heights Arts Collaborative Organization, they approached the City for recognition that Cleveland Heights is a home to the arts. She stated they were very amenable to the idea and the City now has the tagline "Home to the Arts." More than 20 years later, they have a very respected track record of leadership of the arts in the community and they have produced many public art projects around the City, they present eight exhibitions a year, numerous concerts and host the Cleveland Heights Poet Laureates. They employ a community team, the Heights Rights Community team, comprised of members of the community who have expertise and connections in the areas where they focus: art, music and poetry. Their Poet Laureate program was the first one in the state. Candidates apply, they then review and conduct interviews and through that, Ray was chosen. He is the author of 11 books, two solo theater works, two music-poetry collaborations, one collaborative theater work. He started an educational company - Page to Stage Productions and has worked as a consultant for Word Forward in Singapore and the nationally touring Poetry Alive!, in addition to serving as an adjunct professor at John Carroll University. Recently, he was certified into Young Audiences national training artist's roster and was recently awarded the prestigious Cleveland Arts prize Lifetime Achievement Award.

Ray McNiece thanked Ms. Bernstein for her introduction. He said he learned poetry at his grandmother's knee. He congratulated Mayor Seren for his election. He remarked about Council President Hart's poetic name and told her he toured with Lawrence Ferlinghetti twice, as Council President Hart stated he was her favorite poet. He read three short haikus, noting he was the former haiku death slam champion. He then recited a poem called "During the Last Blizzard of Winter." He said Cleveland Heights is a beacon for the arts and thanked Council for the support of their work. Councilor Larson then read his proclamation.

Amy Rosenbluth congratulated Ray McNiece. She is the executive director of Lake Erie Ink, a writing space for youth. She said they were honored to be present tonight and to have some students share their original poetry. They were honored to have Council recognize poetry and the arts in general and also the power and importance of youth voice and to make space for youth voice. She introduced two students who presented poems.

Zaria Smith, a 6<sup>th</sup> grader at Monticello, read her original rhythm poem and two other poems by noted poets. Councilwoman Russell presented her with a certificate of participation.

Myieshia Hodges, a 10<sup>th</sup> grader at Heights High, read her poem called "The End of Me." Councilor Moore presented her with a certificate of participation.

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

Nothing to report at this time.

## **LEGISLATION**

### **First Readings**

#### *a. First Readings - Consideration of Adoption Requested*

**ORDINANCE NO. 43-2022 (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.

Motion to Adopt by Council President Hart, Seconded by Councilor Moore

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

**Legislation Passed**

**ORDINANCE NO. 44-2022 (F), First Reading.** An Ordinance amending Ordinances 81-2020, 133-2020 and 94-2021 and extending the suspension of the levy of an admissions tax under Chapter 155, “Admissions Tax,” of Part One, *Administrative Code*, of the Codified Ordinances of the City of Cleveland Heights; extending the moratorium on the collection and remittance of the same; and declaring an emergency.

Motion to Adopt by Council President Hart, Seconded by Councilor Larson

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

**Legislation Passed**

**RESOLUTION NO. 45-2022 (MS), First Reading.** A Resolution authorizing participation in the ODOT Cooperative Purchasing Program for road salt for the 2022-23 winter season; and declaring the necessity that this legislation become immediately effective as an emergency measure.

Motion to Adopt by Councilor Moore, Seconded by Councilwoman Russell

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

**Legislation Passed**

**RESOLUTION NO. 46-2022 (MS), *First Reading*.** A Resolution authorizing the Mayor to enter into an agreement with Glaus, Pyle, Schomer, Burns and DeHaven, Inc., (“GPD Group”) for engineering services for design of traffic signal system upgrades on Monticello Boulevard; providing compensation therefor; and declaring the necessity that this legislation become immediately effective as an emergency measure.

Motion to Adopt by Councilor Moore, Seconded by Councilor Larson

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

**Legislation Passed**

**RESOLUTION NO. 47-2022 (MS), *First Reading*.** A Resolution authorizing ODOT to proceed with the project of improving sidewalks and pedestrian crossing facilities within Cleveland Heights; and declaring the necessity that this legislation become immediately effective as an emergency measure.

Motion to Adopt by Councilor Moore, Seconded by Councilwoman Russell

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

**Legislation Passed**

***b. First Reading Only***

**RESOLUTION NO. 48-2022 (MS), *First Reading*.** A Resolution authorizing the City to participate in the NOPEC Green Community Choice Program for the City’s Electricity Aggregation Program Starting January 2023; and declaring the necessity that this legislation become immediately effective as an emergency measure.

**Legislation Introduced**

**RESOLUTION NO. 49-2022 (MS), *First Reading*.** A Resolution authorizing the Mayor to enter into an agreement with Wade Trim, Inc., for professional engineering services relating to the 2022 Member Community Infrastructure Program grant for the Sanitary Sewer Overflow Control of CH-2, CH-30, CH-33, and CH-39 and Rehabilitation Project; and declaring the necessity that this legislation become immediately effective as an emergency measure.

**Legislation Introduced**

**RESOLUTION NO. 50-2022 (MS), *First Reading*.** A Resolution authorizing the Mayor to enter into an agreement with Wade Trim, Inc., for professional engineering services relating to the 2022 Member Community Infrastructure Program grant for the Sanitary Sewer Overflow Control of CH-

9, CH-32, CH-57, and CH-58 and Rehabilitation Project; and declaring the necessity that this legislation become immediately effective as an emergency measure.

**Legislation Introduced**

**RESOLUTION NO. 51-2022 (MS), *First Reading*** A Resolution authorizing the Mayor to enter into an agreement with Valley Ford Truck, Inc. for the acquisition of a full-size pickup truck for the Utilities Division of the Public Works Department; providing compensation therefor; and declaring the necessity that this legislation become immediately effective as an emergency measure.

**Legislation Introduced**

**RESOLUTION NO. 52-2022 (MS), *First Reading*** A Resolution authorizing the Mayor to enter into an agreement with Valley Ford Truck, Inc. for the acquisition of a dump truck for the Forestry Division of the Public Works Department; providing compensation therefor; and declaring the necessity that this legislation become immediately effective as an emergency measure.

**Legislation Introduced**

**RESOLUTION NO. 53-2022 (MS), *First Reading*** A Resolution authorizing the Mayor to enter into an agreement with Valley Freightliner, Inc., for the acquisition of a Freightliner 114SD Tandem Axle Cab and Chassis for the Street Maintenance Division of the Department of Public Works; providing compensation therefor; and declaring the necessity that this legislation become immediately effective as an emergency measure.

**Legislation Introduced**

Council President Hart referred Legislation #48-53 to the Municipal Services Committee for review and consideration.

**RESOLUTION NO. 54-2022 (PD), *First Reading*** A Resolution authorizing the Mayor to negotiate a Memorandum of Understanding (“MOU”) with WXZ Development, Inc., concerning the redevelopment of the Taylor-Tudor Plaza; and declaring the necessity that this legislation become immediately effective as an emergency measure.

**Legislation Introduced**

**RESOLUTION NO. 55-2022 (PD), *First Reading*** A Resolution declaring May 2022 *National Preservation Month*; and declaring the necessity that this legislation become immediately effective as an emergency measure.

**Legislation Introduced**

Council President Hart referred Legislation #54 and 55 to the Planning and Development Committee.

**RESOLUTION NO. 56-2022 (CRR), First Reading.** A Resolution proclaiming May 2022 to be *Bike Month* in the City of Cleveland Heights; and declaring the necessity that this legislation become immediately effective as an emergency measure.

**Legislation Introduced**

Councilwoman Russell dedicated the resolution to former Council Member Mary Dunbar, who was an avid bike rider and did a lot for Cleveland Heights regarding bikes. Council President Hart referred it to the Parks and Recreation Committee and challenged the Council Members to ride their bikes to Council with her to celebrate Bike Month.

**Second Readings**

**RESOLUTION NO. 40-2022 (F), Second Reading.** A Resolution declaring the necessity of assessing a portion of the expense of street lighting; and declaring an emergency.

Motion to Adopt by Council President Hart, Seconded by Councilman Cuda

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

**Legislation Passed**

Council President Hart stated this is a continuation of the rate charged.

**RESOLUTION NO. 41-2022 (F), Second Reading.** A Resolution declaring the necessity of assessing a portion of the expense of improvement of streets and parkways including grading, draining, curbing, paving, repaving, repairing, sweeping or cleaning thereof, removing snow therefrom, and planting, maintaining and removing shade trees thereon; and declaring an emergency.

Motion to Adopt by Council President Hart, Seconded by Councilor Moore

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

**Legislation Passed**

Council President Hart stated this is also a continuation of the rate charged.

**ORDINANCE NO. 42-2022 (AS), Second Reading.** An Ordinance amending Chapter 107, "Public Meetings," of the Codified Ordinances of Cleveland Heights by providing that the City may enter into executive session for the purposes identified in Section 107.01 or for any purpose allowed under the Ohio Revised Code.

Motion to Adopt by Councilman Mattox, Seconded by Councilor Larson

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

**Legislation Passed**

## **Committee Reports**

### **ADMINISTRATIVE SERVICES COMMITTEE**

\***MOTION** to rescind the appointment of Thomas Hotchkiss to the Board of Zoning Appeals.

Moved by Councilman Mattox, Seconded by Councilman Cuda

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

**Motion Passed**

Law Director Hanna noted the reason Mr. Hotchkiss's appointment is being rescinded is because there was no vacancy for him to fill on the Board when he was appointed.

\***MOTION** to reappoint Benjamin Hoen to the Board of Zoning Appeals.

Moved by Councilman Mattox, Seconded by Councilor Larson

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

**Motion Passed**

\***MOTION** to reappoint David Benson to the Citizens Advisory Committee.

Moved by Councilman Mattox, Seconded by Councilor Moore

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

**Motion Passed**

\***MOTION** to appoint Councilor Moore as Council Liaison and Councilor Larson as the alternate to the Transportation and Environmental Sustainability Committee.

Moved by Council President Hart, Seconded by Councilman Mattox

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

**Motion Passed**

## **COMMUNITY RELATIONS AND RECREATION COMMITTEE**

Council Member Russell stated Monday, May 2<sup>nd</sup> at 10:00 a.m. is the Parks and Recreation Committee meeting. She noted she still has to send the agenda items out, as well as a request to the Mayor.

## **FINANCE COMMITTEE**

Council President Hart said during the Committee of the Whole meeting, they had a presentation on the 2021 finances and she stated it was very good news. She stated there is a PowerPoint of the presentation for anyone who wants to watch it posted online.

## **HOUSING AND BUILDING COMMITTEE**

Council Member Cuda stated the Committee is meeting for a work session Wednesday, April 20<sup>th</sup> at 9:00 a.m.; people can attend in person or watch online. They will discuss strategy for the Committee for the rest of the year; continuing their work on vacant and abandoned properties, blighted properties, nuisance abatement and other housing issues.

## **MUNICIPAL SERVICES COMMITTEE**

Council Member Moore announced the Committee will be meeting Monday, April 25<sup>th</sup> from 4:30-5:30 p.m. They will be discussing the resolutions referred to the Committee, most notably, the NOPEC Green Choice Program resolution. It will be available on the YouTube Channel live.

## **PLANNING AND DEVELOPMENT COMMITTEE**

Council Member Mattox stated the Planning and Development Committee meeting is scheduled for Monday, April 25<sup>th</sup> at 5:30 p.m. The agenda is online.

## **PUBLIC SAFETY AND HEALTH COMMITTEE**

Council Member Larson thanked Public Works Director Clinkscale and her staff for showing Council the new refuse bins and trucks and for answering their questions last Saturday. In the last Committee meeting, Katie Davis, the MetroHealth school health program director for the CHUH school district, made a presentation and Councilor Larson said it's inspiring to know MetroHealth considers our children and families important to the health of the community. The program has been in the school district since 2019 and the mobile lab program is open to all students in the district. Secondly, Sam Bell from Cleveland's Vision Zero program, spoke about possible wording to strengthen Resolution 96-2021, which adopted the concept of Vision Zero and affirmed acceptable numbers of annual traffic fatalities as zero, and emphasized working with City staff to develop an implementation plan. She stated Councilwoman Russell shared details of a meeting she

was invited to attend to discuss basketball court safety and said Euclid may be a pilot for a mentoring program involving safety on basketball courts and she will report back later. Councilor Larson stated they are cancelling the April 25<sup>th</sup> public hearing on Lead Safe Certification due to recent concerns expressed by the Cuyahoga County Board of Health on the wording of the legislation. She stated they are asking the Board to attend a committee meeting to talk about adding the wording they want to see.

## **COMMITTEE OF THE WHOLE**

Council President Hart stated the next Committee of the Whole meeting is May 2<sup>nd</sup> at 6:00 p.m.

### **Personal communications from citizens**

Robin VanLear spoke about the Coventry PEACE campus. She stated its mission includes providing a sustainable, supportive and collaborative facility for the arts and community service non-profit businesses located in the former Coventry School building. She is representing Coventry PEACE and partner tenant organizations. She said in the effort to establish a permanent non-profit hub, Coventry PEACE has notified the Heights Library Board Members of its desire to purchase the building. The Library's refusal to continue its partnership with Coventry PEACE is putting the entire project in jeopardy. CPC's independence from the Library is the most viable path forward to ensure its success. She said the Library has moved forward with a repetitive facilities study at a cost of over \$14,000 and is in the final stages of approving a contract with an outside facilities management company at a base cost of over \$2,700 a month. Any additional work would be billed hourly. She noted the contract being negotiated was with a company who had the highest of all bids. For the past four years, CPC has provided most of the same services at no cost to the Library. In 2018 and 2020, CPC and the Library staff discussed outside management but the Library agreed both times it was unnecessary. No clear reason was given and the Library has rebuffed their efforts to discuss it. Since the Library Board has voted against the long-term lease, they have imposed a 25% rent hike for CPC. They plan to pass on the cost of private management to the tenants via significant rent increases. The consequences of these decisions have made it much more difficult, if not impossible, to convert prospective organizations into permanent tenants. It could result in several current tenants leaving the building or shuttering all together, putting the entire project in jeopardy. She said there is still time to mitigate the damage. CPC purchasing the building would solve all parties problems. CPC's independence was always part of the plan. She requested Council urge the Library to meet with CPC to discuss the proposal and requested they write letters of support. She had handouts and gave them to Council.

Fran Mentch hoped everyone would vote yes on Issue 9. She said in some ways, the issue is a sham, because of the City Council's actions. She stated voters do not know what they are actually voting on. She stated the City has never provided a financial analysis of the project. She believes the financial analysis was not provided intentionally. She stated the development agreement is very difficult to understand. She said we can get a better plan and we need a better plan. She said the City is also placing citizens at financial risk because of the multiple financial 'fires' going on, i.e. Tudor/Taylor development, Top of the Hill, etc. She said all of those huge projects are heavily subsidized. On Thursday, April 28<sup>th</sup> there will be a public forum at the Library. Only the 'Yes on Issue 9' side will be presented, but she hoped people would come to get their questions answered.

Steve Presser asked Council to consider changing the noise ordinance for house concerts. They were under the impression the ordinance was until 11 p.m. and were quite surprised to learn it's only 9 p.m. He stated they would like to see the noise ordinance be changed to 10 p.m. on Friday and Saturday nights, as well as on any holidays and the night before holidays. He stated many musicians suffered greatly due to COVID. He thought 10 p.m. for the neighborhood would be appropriate and thanked Council for their time.

### **Old business**

Nothing to report at this time.

### **New business**

Nothing to report at this time.

### **Council Member Comments**

Councilor Moore stated on April 23<sup>rd</sup>, a Sustainability Fair will be held at the Coventry PEACE park from 1-4 p.m. Also, on April 27<sup>th</sup>, Future Heights is hosting a Sustainability Forum from 7-8:30 p.m. at the Coventry PEACE Campus. She said this is the first in their series of crowd sourced conversations, where community members talk about issues they care about and they crowd source what regular people can do to act on those issues.

Councilwoman Russell thanked the Recycle Refuse Task Force who came together in 2020 and worked from January to October on the concept of the new trash bins and trucks. She stated on Friday, she actually chased down a new truck to see how it worked in person. She wanted to thank the Mayor and the Municipal Services Director because the driver was a woman and it was the first time she had seen a female driver. She thanked the people involved for everything they did to make the new trash bins and trucks a reality.

Councilor Larson wanted to let Councilor Moore know she will represent her at the Sustainability Fair on Saturday.

### **Report of the Council President**

Council President Hart stated the new garbage trucks are here; they started delivering the bins last Thursday. She asked when the citizens receive them, to please open up the blue recycle bins and you'll find a lot of instructions. She thanked the Refuse and Recycle Task Force members for an excellent job done and she stated it must be a proud moment. She also said one of the benefits to the City is it will lower worker's compensation costs as well as energy costs.

**NEXT MEETING OF COUNCIL: MONDAY, MAY 2, 2022**

Respectfully submitted,

Melody Joy Hart

Melody Joy Hart  
President of Council

Amy Himmlein

Amy Himmlein  
Clerk of Council