



CLEVELAND HEIGHTS

Monday, May 16, 2022 Minutes

CITY COUNCIL

7:53 – 9:31 p.m.

President Hart presiding

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

Also Present: Mayor Seren, Chief Britton, Hanna, Himmeltein

Approval of the minutes of the Council meeting held on February 28, 2022 and April 18, 2022

Minutes were approved without any objections.

Matter of Record

Communications from the Mayor

Mayor Seren thanked Council President Hart for adjusting the agenda so he can take a moment to honor Investigator Ondercin. He wanted to make Council and the public aware of an incident that happened on April 23, 2022. He said units were dispatched to a report of a 4-month-old child in full arrest. He said Investigator Ondercin was the first to arrive and, without delay, provided CPR and then the Heimlich maneuver, once he realized the child was choking. Mayor Seren stated Investigator Ondercin's actions likely saved the child's life. He thanked him for his service to the community. He said they've learned the child has since been moved from the ICU to a stepdown unit. He again thanked Investigator Ondercin for very likely saving the baby's life.

Chief Britton said he's been privileged to work with Investigator Ondercin and he said he exemplifies what they look for in an officer; dedication to duty, performance and professionalism. He said he is one of his best officers and he's proud of him for what he did. He said he ultimately saved the infant's life. He then presented Investigator Ondercin with the Lifesaving Award.

Mayor Seren stated over the weekend he participated in the Heights Tiger 5K, noting he is not a runner. He said he was very happy to participate in such a wonderful event for the community and for the schools. He then announced he is traveling to Columbus tomorrow to work with the Northeast Ohio Mayor and City Manager's Association to request audience time with our state representatives. He said he'll be down there fighting for what the citizens of Cleveland Heights believes.

Personal communications from citizens on Agenda Items only

Michael Madorsky stated he wanted to make it clear he is a big supporter of all the work the Sewer District has done to clean up the waterways. He thinks that the Horseshoe Lake controversy has brought forth a solution that was very hastily made. He stated the Lake has been neglected for decades and getting rid of it is the easy way out. He thinks Horseshoe Lake is a much better habitat for wildlife than Lower Lake. He said his group, the Friends of Horseshoe Lake, has a plan that can be looked at in detail and they can work with the Sewer District engineers and planners to make a plan to save both lakes.

Deborah VanCleef said last fall she had the opportunity to participate as an observer in the process that the Sewer District undertook to choose a team for the first stage of planning for the restoration of the two Doan Brook branches that feed into Horseshoe Lake. She said they got to listen to the four final teams present their ideas. She's happy to say the team that was chosen was the one that the entire Cleveland Heights group of observers favored and she's excited to see how they will move forward. As a non-voting observer, one thing she thought about was how will this group connect with the community and get input. She said she was extremely impressed and she thought they were in good hands.

William Hopkins said a lot has been said about the ecology, etc., but what he doesn't hear a lot about is the design value they have in the Lake, calling it world quality. Landscape architect Ernest Bowditch was one of the great American masters. He doesn't think people get it. He said a meandering stream will not equal a great piece of landscape art. It was designed for the people, but not only that, it was designed around two cities. It was Ernest Bowditch's greatest and biggest design.

Penny Allen said she doesn't know what the Sewer District is going to tell them tonight but she said part of its power is a well-oiled PR campaign. She asked if losing Horseshoe Lake was something that would protect from catastrophe. She said a dam breach did occur in 1939, but caused no flooding. On June 15, 2021, the Sewer District showed a picture during a presentation showing significant flooding and they warned of that occurring and used it in support of their plan for Horseshoe Lake. She said the picture of the flooding was taken in 2020 but she said the Lake had already been drained in 2019, so the argument that it would help with flood control does not hold water.

Bert Stratton said William Hopkins stole a lot of his thunder. He said he reads the daily Heights newspaper every day, and the article he read today talked about activities that make people happy saying "people are consistently happier when they are out in nature, particularly near a body of water." He said re-meandered streams aren't going to cut it and said let's save Horseshoe Lake, saying they have a committee and counter plans that will work.

Korbi Roberts said it's important to know the Doan Brook parkland was a major achievement. She said private citizens gave that land to the people. She said they wanted to save it because we needed a piece of green parkland within the built-up urban environment. She said it is all deed protected; the agreement was that the parks and the lakes be maintained for the people. In 1901, when the City of Cleveland was building up the sewage system in Cleveland Heights, the engineers recommended

not tapping the sewers into the natural watershed. She said it is a wildlife sanctuary. All the branches of the Doan Brook are underground, she said they could be rehabilitated instead of taking down the Lake. She said the Sewer District needs to work around our historic sites and honor the deed protected land.

Christine Heggie had a follow up question to a comment she made at the last Council meeting concerning the transparency of the Sewer District and their lack of documentation for their decisions. She said in the interest of time, she would only cite one example: on page 11 of the list of questions and answers provided by Gannett Fleming after their interim report, they said the largest cost and certainty comes down to sediment and they hadn't gotten plans from the Sewer District, which the Sewer District refuted. Gannett Fleming states that the Sewer District only verbally provided information, they did not submit additional written resources for review. She said in order to have a fair and transparent discussion, we need to have the data the Sewer District used. The Friends of Horseshoe Lake has a hydraulic engineer that wants to review the data, but she said they can't have a transparent discussion about what's best if they don't have the data. She ended by asking was that data ever provided and if so, where can it be found?

NEORSD Presentation regarding the Horseshoe Lake Dam project

Frank Greenland, Director of Watershed Programs for the Northeast Ohio Regional Sewer District, provided an update on where the project is at. They have awarded a contract for the 12 month predesign to AECOM-Stimson. The project components include the removal of the Class I dam, design of new streams and floodplains, sediment management, public engagement and a landscape integration plan. He believed that by the end of 2024, that the actual full-scale construction will have started.

Question & Answer

Councilor Larson asked if reconstruction of the dam with an adjusted spillway and a new emergency spillway would satisfy the requirements that NEORSD has for storm water management.

Director Greenland said they met with the consulting firm, TRC, but they respectfully disagree with their conclusions. He said they see no data in regards to flood management, no detail cost estimates, but he said they agree with them on sediment. He said they sent them a letter in that regard.

Councilman Cuda asked what happened in between when the Shaker Council voted on this and today.

Director Greenland said their job was to move forward with development of the scope for the predesign phase and start the consultant selection process. He said they sent Requests for Proposal out and they narrowed down the responsive teams to four. They listened to the proposals and selected the chosen consultants. In April, they awarded the contract and they are now ready to get rolling.

Council President Hart asked what the community engagement will look like.

Director Greenland said they want to have a very robust community engagement. He said it's meeting with the administrations, meeting with the general public, different pop-up events, etc.

Jeff Jowett with NEORSD said they look to have more traditional meetings where they'll engage with the general public, meet with identified stakeholders, do pop up events, and create different handouts trying to get the word out as best as possible.

Director Greenland said they open it up to Council as well. He said he wants to make sure over the key stages of the predesign, there is good discussion. He said he hopes they can do that jointly with Shaker Heights and Cleveland Heights. He said they have a very structured approach in the contract.

Councilman Mattox asked if there will be a list of events or dates or will they be announced one at a time.

Director Greenland said they'll do their best to give advance notice of what they are doing and where.

Councilman Cuda asked if the public had a chance to respond on what they just heard. Council President Hart said it's not supposed to be a debate but people are allowed to make public comment.

In response to a question asked from the public, Director Greenland stated they do not have an estimate from TRC about sediment removal, but he said from the discussion it was inferred that TRC thought that with the estimate the Sewer District used, that the removal costs could be lower. Gannett Fleming looked at the Sewer District's cost estimate and said it was a little low and they thought it could be higher. Director Greenland believes they are right where they need to be in their estimate.

Council President Hart said she will entertain people asking questions that are specific, but reminded people this was not meant to be a debate.

Roger Heller asked if TRC, working with the District, could come up with a plan that is within the budget and accomplish the goals and mission of the District, would they consider saving the Lake.

Director Greenland said the Sewer District has always kept an open mind. He said the decision was not come to lightly. He said it was a \$10 million-dollar, three-year study. He said it's not just cost, there are elements of risk, flood mitigation, cost, long term operation maintenance, etc. are all factors. He said they have provided nothing from the flood benefit standpoint. He said the best way to mitigate flooding is to run facilities dry, then wet, then dry. He said they looked at a number of different alternatives and came to their recommendation.

Director Greenland answered another question from the public by saying they didn't come to their recommendation lightly and he has answered every question asked. He said they came before two Councils for some type of concurrence. He said they will take all kinds of ideas, they want to hear them. He said they ask all stakeholders to get their ideas. He said we have to separate storm water from sewers, saying they are completely separate.

LEGISLATION

First Readings

a. First Readings - Consideration of Adoption Requested

ORDINANCE NO. 62-2022 (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 Larson

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

Legislation Passed

b. First Reading Only

ORDINANCE NO. 63-2022 (AS), *First Reading*. An Ordinance amending Section 123.04, “Powers and Duties of Director,” of the Codified Ordinances of Cleveland Heights by removing the Director of Finance from the role of ex-officio Clerk of Council and declaring the necessity that this legislation become immediately effective as an emergency measure.

Introduced by Mayor Seren

RESOLUTION NO. 64-2022 (PSH), *First Reading*. A Resolution authorizing the Mayor to enter into an agreement with Life Force Management, Inc., to provide billing, collection, and related services for all ambulance services rendered by the City; and declaring an emergency.

Introduced by Mayor Seren

Committee Reports

FINANCE COMMITTEE

Nothing to report at this time.

HOUSING AND BUILDING COMMITTEE

Nothing to report at this time.

MUNICIPAL SERVICES COMMITTEE

Nothing to report at this time.

PLANNING AND DEVELOPMENT COMMITTEE

Nothing to report at this time.

PUBLIC SAFETY AND HEALTH COMMITTEE

Councilor Larson said SPAN Ohio held a webinar called “Don’t Be Misled by Lead.” She said it was a very good discussion about the lasting effect of lead poisoning on young children. She said we need to know how many of our children who live in rental units or attend daycares in buildings that were built prior to 1978 are being exposed to lead poisoning. She said they are taking up legislation that was introduced by the Mayor last year, saying the proposed legislation for Lead Safe certification is moving forward again. She said Law Director Hanna met with the Cuyahoga County Health Department Legal team last week and he expects written comments and proposed revisions soon and they will keep the public updated. She hopes to have the recommendations from the Racial Justice Taskforce Chair for new members for the Committee’s consideration at the next Committee meeting on May 23rd. Finally, she said Councilman Cuda is gathering data from the Administration for the Committee to discuss revising the noise ordinances for the summer months for backyard concerts.

ADMINISTRATIVE SERVICES COMMITTEE

Nothing to report at this time.

COMMUNITY RELATIONS AND RECREATION COMMITTEE

Nothing to report at this time.

COMMITTEE OF THE WHOLE

Council President Hart stated they had a robust discussion on some legislation during the Committee of the Whole meeting.

Personal communications from citizens

Erin Holstein Singh has multiple objections to the proposed plan at the Wellington Mews. She objects to the increased density they are proposing and objects to any tax abatement for demolition and for building \$900K+ homes. She objects to the alignment of the project to the surrounding community. She said she loves the community and moved back to the City to open her business. She would love to have her business in the monastery, so she obviously has an alternative agenda. She said Cleveland Heights is a very progressive community and she doesn’t believe the will of the people would be for demolishing a sacred space. She knows it is about the money, but she thinks they could possibly do something different with it. She believes the community has a different will and they can do something that actually serves the community. She also mentioned the environmental impacts that she said other people will speak to.

Allison Snyder said she went to Carmelite growing up and lives across from it now and she is quite upset about the proposed development. She said it will wreck the environment and the vision is short-termed. She doesn’t think it will benefit the community. She said there are huge traffic problems there, saying she thinks it will just get more congested and noisier. She said Cleveland Heights is a forested City, that’s why people come to Cleveland Heights. She said the people who protested the proposed freeways through the Shaker Lakes in the 1960s had a vision that has enriched their quality of life today. She said it is her hope that they can be long-visioned as those people were in the past. She knows there are migratory animals there that will all get wrecked. She thinks Cleveland Heights needs to be long-visioned.

Dave Rowsey said he sent an email to Tony last week about the electric scooters in the community, particularly in his area, the Lee Road business district. He said four times in the last month, he's nearly been hit by these scooters. He believes they can go from 15-20 mph and because they are electric, they are quite quiet. He said further complicating the matter is that the individuals operating the scooters appear to be too young to have a driver's license, so they have no experience or training in operating these vehicles. He said he looked at the scooters and they have a warning not to be operated in the sidewalks. He said bringing the scooters into the city was a bad idea and he thinks City Council should remove them immediately. He said they are an accident waiting to happen and they need to be removed before the accident does happen.

Robin VanLear asked them not wreck the arts at the Monastery. She then said the situation with the Coventry PEACE campus is getting worse. She wanted to make clear that their issue is not with the library itself, however, but library leadership. She said signing a contract with CRESCO Playhouse Square will damage the Coventry PEACE campus. She is asking for the acknowledgment that there is a crisis at hand that deserves thoughtful attention. She said in a recent Council meeting it was stated several times that Cleveland Heights is 'Home to the Arts.' She asked if they are willing to fight for that point of pride. She asked if they can continue to use the reference with a clear conscience if they sit by and let the literal "Home to the Arts" shutter and be demolished. She said public documents show the library's executive director has already had discussions with the City of Cleveland Heights about relocating their non-profit businesses but they haven't heard from the City directly. She said unless there is a quick resolution, some may have to relocate and some may shutter all together.

Steve Feldman said he lives directly across the street from the Wellington Mews development. He said they object, not because they are against developments, but because of things like the density issue. He said the developers are asking for a variance on density, which he said was crazy because traffic would be crazy. They also object to the demolition of 3145 North Park and it's the cottage, it is part of the historic registry. They also object to the tax abatement thrown around by the developer, saying it'd be over \$15 million over the years. They object because the value and enjoyment of their home will decrease, the neighborhood values and the community values will decrease.

Leslie Marceau said, based on her communications with the Planning Department, that the Wellington Mews appears to be a positively received proposal so far but she said she is horrified. She said there is no room for greenspace, which she says is supposed to be a requirement for a large development like this; there is no consideration for the architectural nature of the immediate vicinity, stating these are historic homes. She said she is horrified to think of the massive number of live animals and birds that have made the area their home for decades, which will now be destroyed. She referenced the Mornington Lane development built in the 1960s, which she said has tons of greenspace and she said that is how this should be considered. She objects to Dalad Group, saying they avoided giving any 3D imagery and the pictures just don't cut it. She said that corner is an iconic corner. She doesn't want to see the development happen as proposed.

David LaVelle said he lives about a quarter mile away from the proposed Wellington Mews site. He said aside from the devaluation, the biggest problem is the traffic problem at Fairmount and Lee. He said he's witnessed several accidents in that area. He said an awful lot of consideration needs to happen.

CJ Nash received a flyer saying "Do Not Bag Recyclables", so she said she didn't when she put out her recyclable bin, came home from work and found her shredded paper all over her yard and her neighbor's yard. She said she is hoping the note saying "Do Not Bag Recyclables" is a mistake.

Kristin Brooks said she echoes everything the Wellington Mews concerned citizens have said so far. She said she and her husband own a home and land in the neighborhood. She said it's not like the top of Cedar Hill, this is a different neighborhood that has different architecture and a different feel and has a different environmental and natural landscape that needs to be preserved. She said every time you get to the intersection, it's congested, especially during school hours. Her concerns are the green screen; that there is some kind of plan that respects the historic trees. Her father worked as a lawyer on the Mornington Lane development and worked very hard with the architects and the city to make sure elements of the original estate was preserved.

Glenn Meyer wanted to implore everyone to consider the question, why so many units? And why such an incredible tax abatement? He said at one point, they considered an addition to their house on their side property and he said they came under quite a bit of scrutiny from the City, rightfully so. He is wondering if the developers are being held to the same standards as well.

Sara Peck said her family crosses from their home to Lee Road 25 times a day. Her biggest concerns are the density and the traffic safety around the development. She said if she was buying a \$900K house, she wouldn't buy a house right on top of her neighbor; they moved to Cleveland Heights from University Heights specifically for the space. Her biggest concerns are the traffic and safety, the density and the tax abatements, which, in particular, make her furious.

Old business

Nothing to report at this time.

New business

Nothing to report at this time.

Council Member Comments

Councilwoman Russell said in June she will be hosting a summer job fair for young adults aged 18-24, for jobs getting paid \$15 an hour for 20 hours a week for 6 weeks during the summer. She will be matching them up the young adults with businesses in Cleveland Heights who lost business during the pandemic. The money is coming through a grant, so the business owners will not have to pay their salaries. She will announce the day of the job fair at the first Council meeting in June.

Councilman Cuda thanked the residents for their thoughtful comments and putting stuff on Council's radar. He said he is concerned about what's going on with the Coventry PEACE campus. He said he's not sure what the Library Board's vision is for the corner that Coventry PEACE campus is on. He's been told the communication between the tenants and the Library Board has not been very good. He said bad decisions are made when there is bad communication. He hopes something can be worked out. He thanked the voters for voicing their strong support for the Cedar Lee Meadowbrook project on May 3rd and for supporting Issue 10, the Clerk of Council amendment. He thinks the Clerk will go a long way towards making them a more effective branch of government. He thinks there is a lot more work the Charter needs and he intends to lead the charge as it relates to Council. He lastly wanted to introduce Evelyn Kavanaugh, a student from

Shaker High School, who is interning with him as she does her senior project. He said she's fantastic and he is fortunate to be working with her, as she has a great interest in government.

Councilwoman Larson asked Council President Hart for permission to work with Mayor Seren on the scooter issue. Council President Hart said yes, stating because her Committee is the Public Safety and Health Committee, Councilor Larson should be handling it. Councilor Larson thanked everyone for coming tonight. She invited everyone to attend Noble Fest on May 20-22nd and said details can be found at nobleneighbors.com. She said it was exciting being at the groundbreaking for the first of 21 new homes that will be built by Start Right CDC in the Caledonia area. She then said she saw Mayor Seren and Councilwoman Moore run in the Tiger 5k and said it was a great event and she was happy to be in Cleveland Heights this weekend.

Report of the Council President

Council President Hart said she hoped everyone should feel really encouraged about the development happening in the City. Top of the Hill is getting closer to completion, Cedar Lee Meadowbrook is underway, as is Taylor-Tudor. She also mentioned the infill housing on Desota and Caledonia. She said the next meeting is June 6th, so no further meetings in May.

Councilwoman Russell asked Council President Hart to let people know the Caledonia groundbreaking was on YouTube, so people can watch. Council President Hart said it was very nice and they got a lot of community engagement on the designs.

NEXT MEETING OF COUNCIL: MONDAY, JUNE 6, 2022

Respectfully submitted,



Melody Joy Hart
President of Council



Craig Cobb
Clerk of Council, *Pro Tem*