



CLEVELAND HEIGHTS

Monday, October 17, 2022 Minutes

CITY COUNCIL MEETING

President Hart Presiding

- Clerk of Council excused*

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

Also Present: Mayor Seren, Director Hanna

*Motion to appoint Vice President Cobb as temporary Clerk by Councilman Mattox; Seconded by Council Larson

Voice Vote:

Ayes: 7

Nays: 0

APPROVAL OF THE MINUTES FROM PREVIOUS MEETING(S):

- September 6, 2022—APPROVED
- September 19, 2022—APPROVED
- October 3, 2022—APPROVED

COMMUNICATIONS FROM THE MAYOR:

- Parks and Rec’s Director, Joe McCrae has left the City of Cleveland Heights. This was a difficult loss for the city. Wants to congratulate him on accepting the position of Chief Administrative Officer of the County Board of Health. Highlighted that Joe McCrae understood this community’s shared values of commitment to equity and inclusion.
- With regards to the Cedar-Lee Meadowbrook Development (CLM) he wants to make sure the public and Council is aware of the upcoming decisions regarding financing for this project; School Board has a meeting this week, they will not be voting, this is a work session. They will vote November 1 at their next regular meeting; and the Mayor hopes Council will follow up with

it's concurrence on November 7th meeting. Encourages everybody to pay close attention to the School Board as they make their decision.

- One of the Pride benches that the parks and rec staff installed, was recently defaced; wants to speak out publicly against the kind of bigotry and hatred that would lead to somebody destroying a message of unity and inclusion. Police are investigating and we do not stand for that kind of behavior in Cleveland Heights.

REPORT OF THE CLERK OF COUNCIL:

Notify Council that one notice has been received from the Ohio Division of Liquor Control advising that applications have been made by the following:

- Uptown Mart LLC, 1900 Lee Rd., Cleveland Heights, OH 44118 for a transfer of a C1/C2 permit to 1900 Mart Inc., 1900 Lee Rd., Cleveland Heights, OH 44118.

Matter of Record

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

PUBLIC COMMENT (AGENDA ITEMS and GENERAL (combined):

- None

LEGISLATION:

First Readings

a. First Readings-Consideration of Adoption Requested

ORDINANCE NO. 155-2022(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 the necessity that this legislation become immediately effective as an emergency measure.

Introduced by Mayor Seren

Motion to Adopt by President Hart, Seconded by Councilor Larson

Voice Vote: Ayes: Mattox, Moore, Russell, Hart, Cobb, Cuda, Larson

Nays: None

Legislation Passed

b. First Readings Only

RESOLUTION NO. 156-2022(MS): First Reading. A Resolution authorizing the Mayor to enter into a grant agreement with the Northeast Ohio Regional Sewer District to accept funds under the 2023 Member Community Infrastructure Grant program for the Cedar Glen Parkway Rehabilitation and Replacement Project; and declaring the necessity that this legislation become immediately effective as an emergency measure.

Introduced by Mayor Seren

Referred to MSES Committee

RESOLUTION NO. 157-2022(MS): First Reading. A Resolution authorizing the Mayor to enter into a grant agreement with the Northeast Ohio Regional Sewer District to accept funds under the 2023 Member Community Infrastructure Grant Program for the design control of the SSOs CH-27 and CH-51 Project; and declaring the necessity that this legislation become immediately effective as an emergency measure.

Introduced by Mayor Seren

Referred to MSES Committee

ORDINANCE NO. 158-2022(AS): First Reading. An Ordinance amending Chapter 767, “Tenant’s Right to Pay to Stay,” of the Codified Ordinances of the City of Cleveland Heights and declaring the necessity that this legislation become immediately effective as an emergency measure.

Introduced by President Melody Joy Hart*

*Original version brought forward by then Councilman Mike Unger; this version is to extend ordinance per recommendation by Racial Justice Task Force

Second Reading

ORDINANCE NO. 148-2022(PD): Second Reading. An Ordinance declaring certain improvements to real property located in the City of Cleveland Heights, Ohio to be a public purpose; declaring such improvements to be exempt from real property taxation; making provision for the collection of service payment in lieu of taxes; establishing an urban redevelopment tax increment equivalent fund for the deposit of such service payments; authorizing a compensation agreement with the Cleveland Heights-University Heights School District; providing related authorizations pursuant to Ohio Revised Code Sections 5709.41, 5709.42, and 5709.43, and declaring the necessity that this legislation become immediately effective as an emergency measure.

NO VOTE

Moved to Third Reading at November 7, 2022 Council Meeting

RESOLUTION NO. 152-2022(F): Second Reading. A Resolution approving the Mayor’s appointment of Andrew Unetic as the Director of Finance, commencing October 24, 2022; and declaring the necessity that this legislation become immediately effective as an emergency measure.

Motion to Adopt by President Hart; Seconded by Councilor Larson

Roll Call: Ayes: 6 (Larson, Cuda, Cobb, Hart, Russell, Mattox)
Nays: 1 (Moore)

Legislation Passed; 6-1

RESOLUTION NO. 153-2022(PSH): Second Reading. A Resolution adopting the 2022-2027 update of the *Cuyahoga County All-Hazards Mitigation Plan for Cuyahoga County* (“AHMP”); and declaring the necessity that this legislation become immediately effective as an emergency measure.

Motion to Adopt by Councilor Larson; Seconded by Councilor Moore

Voice Vote: Ayes: 7
Nays: 0

Legislation Passed

RESOLUTION NO. 154-2022(MSES): Second Reading. An Ordinance amending Section 303.08 “Impounding of Vehicles” of the Codified Ordinances of the City of Cleveland Heights so that the Ordinance will be consistent with current State and Local Law; and declaring the necessity that this legislation become immediately effective as an emergency measure.

Motion to Adopt by Councilor Moore; Seconded by Councilman Cuda

Voice Vote: Ayes: 7
Nays: 0

Legislation Passed

Fifth Reading

ORDINANCE NO. 78-2021 (PSH) Fifth Reading (Amended). An Ordinance enacting and adopting Chapter 522 “Lead Hazards,” of Part Five, General Offenses Code, of the Codified Ordinances of the City of Cleveland Heights; repealing Chapter 1347, “Certificate of Occupancy,” of Part Thirteen, Building Code, of the Codified ordinances of the City of Cleveland Heights, and adopting a replacement Chapter 1347, “Certificate of Occupancy,” and amending Section 1345.99, “Penalty,” of Chapter 1345,

“Enforcement and Penalty,” of Part Thirteen, Building Code, of the Codified Ordinances of the City of Cleveland Heights.

Motion to Adopt by Councilor Larson; Seconded by Councilwoman Russell

Discussion: Councilor Larson would like to point out the amendments; 1. Modifying the language in section 522.05(a)2 by incorporating federal law standards on page 7 of exhibit A to provide that if an agent advises a seller/lessor of their obligations under 522.05(a) the agent is not liable for a failure to disclose to a purchaser/lessee the presence of lead-based paint/hazards that were not disclosed to the agent by the seller/lessor. 2. Section 1347.08(b) clarifies that the lead-safe certificate is transferrable to a new owner within the 2-year period of the certificate.

*Vice President Cobb is recusing himself from voting for this legislation as his wife is a lead-safety technician and therefore has a financial interest in this legislation.

Roll Call on Amendment: Ayes: Larson, Cuda, Hart, Russell, Moore, Mattox
 Nay: None
 Recused: Cobb

Roll Call for Passage: Ayes: Mattox, Moore, Russell, Hart, Cuda, Larson
 Nay: None
 Recused: Cobb

Legislation Passed; 6-0-1 (recused)

*Cuda read a statement into the record; first, he is confident that this administration will work with landlords and tenants to make compliance as affordable and convenient as possible; secondly, he is confident our city will leverage the many available funding resources to make that possible; third, he is confident that we won't begin this program until we have staffing and resources; and fourth, is confident that Council will make any adjustments deemed necessary. Wants to thank the Mayor for his leadership on this issue, and Councilor Larson and the Public Safety and Health committee that questions were answered and revisions made on this legislation before we voted on it, and to thank Assistant Law Director Laure Wagner for all her hard work on this legislations; shoutout to officials in Rochester, NY and Pittsburgh, PA for their aid/expertise, and thankful to the residents of the City of Cleveland Heights who came to the hearing and sent thoughtful emails regarding this issue.

PUBLIC COMMENT (NON-AGENDA ITEMS):

- None

COMMITTEE REPORTS

- a.) Municipal Services Committee (Councilor Moore)
 - i. Upcoming meeting to be scheduled to discuss the two resolutions heard tonight about NEORSD and SSO's for grant funds.
- b.) Planning and Development Committee (Councilman Mattox)
 - i. Meeting tomorrow at 10am which will include discussion regarding 3 properties in connection with Future Heights, as well as a discussion regarding the Appraisal GAP Legislation
- c.) Public Safety and Health Committee (Councilor Larson)
 - i. Thanks, Council, for approving Lead Safe Legislation tonight; thanks Cuyahoga County Board of Health, Lead Safe Cleveland, our Law Department, and Mayor for supporting this legislation. Now the implementation work begins to educated tenants and landlords, find funding, and staff the City's Housing and Building Department.
- d.) Administrative Services Committee (Vice President Cobb)
 - i. Meeting tomorrow at 11am to continue discussion on Charter Review/process for selection of charter review members'; meeting scheduled for next Monday at 6pm as well (no agenda set yet).
- e.) Community Relations and Recreation Committee (Councilwoman Russell)
 - i. Meeting scheduled for Monday, November 7 at 10am and October 24, at 10am, the Commission on Aging is having a listening session at the Community Center
 - ii. Congrats to Director Joe McCrae for moving on to his new position with the Board of Health
- f.) Finance Committee (President Hart)
 - i. Had a meeting tonight where we reviewed the 2021 audit with the auditors which are now publicly available.
- g.) Housing and Building Committee (Councilman Cuda)
 - i. Next meeting November 7 at 4:30pm or 5pm; several of us attended the Ohio Municipal League Conference this past week and there was a breakout session on housing and a few things came up during that meeting that this Committee will be discussing.
- h.) Committee of the Whole (President Hart)

OLD BUSINESS:

- Cuda: Could we talk about natural gas prices at the next COTW meeting with regard to NOPAC in particular?

NEW BUSINESS:

- None

COUNCIL MEMBER COMMENTS:

- Councilor Larson: Appreciated the opportunity to attend the OML Conference this week; got good information and was able to network with lots of people; found out that Cuyahoga County had more applications than dollars regarding the Brownfield Demolition Fund; thanks to those who put on the Eco-Fair; was disappointed to see the damage to the Pride bench; and she will miss Director McCrae
- Councilman Cuda: OML Conference was a wonderful opportunity to network; and the content was completely relevant to what we do. And he will miss Joe McCrae.
- Vice President Cobb: Shares the others sentiments regarding Joe McCrae leaving and he leaves some big shoes to fill.
- Councilwoman Russell: OML Conference was wonderful and a great experience to network with many Mayors and Council members. Ground breaking at the first house in Caledonia neighborhood happened today. Stop at Best Gyro to see the amazing Halloween decorations, you will enjoy it!
- Councilor Moore: Excited that the new recycling vendor has begun picking up recycling, including new items like plastic tubs which are now recyclable in Cleveland Heights. Visit the Waste Management website to their Recycling 101 page to get an idea of what is recyclable. Please do not put plastic bags in the recycling bins, it jams the equipment. Halloween festival at Cedar-Lee was a lot of fun. Upcoming events include Doan Brook Family Fishing Workshop on Saturday, October 27, 10am-3pm at Rockefeller Lagoon, and Crowdsourced Conversations No. 4, on Civic Engagement hosted by Future Heights on October 26, at 7pm at Disciples Christian Church. Complements to the Eco-Fair, it was an amazing collection of people in Cleveland Heights and our region, helping people learn more about sustainability and climate change.
- Councilman Mattox: Continue to fill out the ARPA Survey at clevelandheights.gov and there is an ARPA Community Meeting tomorrow 6pm at Caledonia School. Tomorrow at 10am Planning and Development meeting will be discussing GAP Financing legislation.

COUNCIL PRESIDENT REPORT:

- Joe McCrae will be missed. Congratulations to StartRight for breaking ground on Nela View. Make sure to get out to vote!

ADJOURNMENT

NEXT MEETING OF COUNCIL: MONDAY, NOVEMBER 7, 2022

A handwritten signature in blue ink that reads "Melody Joy Hart". The signature is written in a cursive style with a large, decorative flourish at the end.

Melody Joy Hart
President of Council

A handwritten signature in blue ink that reads "Addie Balester". The signature is written in a cursive style with a large, decorative flourish at the end.

Addie Balester
Clerk of Council