



## CLEVELAND HEIGHTS

## **Tuesday, January 19, 2021 Minutes**

## **COMMITTEE OF THE WHOLE**

6:36 – 7:11 p.m.

Council Vice President Seren presiding

Roll Call: Present: Dunbar, Hart, Russell, Seren, Ungar  
Excused: Stein

Staff present: Boland, Butler, Clinkscale, Freeman, Hanna, Himmelein, Lambdin, McRae, Mecklenburg, Niermann O'Neil, Trupo

## Topics discussed: Legislative overview

## **CITY COUNCIL**

7:36 – 8:18 p.m.

Council Vice President Seren presiding

Roll Call: Present: Dunbar, Hart, Russell, Seren, Ungar  
Excused: Stein

Staff present: Boland, Butler, Clinkscale, Hanna, Himmelein, Lambdin, McRae, Mecklenburg, Niermann O'Neil, Smith, Trupo

Minutes from the special City Council meeting held Monday, December 30, 2020, and Monday, January 4, 2021, were approved with submitted edits.

## Personal communications received from citizens (via electronic mail)

Amy Himmelein read a comment from Gary Kanter regarding the unpaid taxes at 3750 Bainbridge Road which will be transferred to Cuyahoga County Land Bank, some of which would have gone to the schools.

Amy Himmelein read a comment from Lloyd Strother requesting more information about trash bins.

Amy Himmelein read a comment from Gail Larson requesting housing inspection information for 3793 Montevista.

Amy Himmelein read a comment from Maryann Barnes, Chair of the Heights Chapter of the Greater Cleveland League of Women Voters, regarding the Council vacancy of 10 months.

Amy Himmelein read a comment from Rosa Kovacevich requesting a Democrat be chosen to fill the Council vacancy. She asked why charges against Davey Drake were not dropped until four months after the incident.

Amy Himmelein read a comment from Joanne Siegel stating her personal preference to fill the Council vacancy is Craig Cobb.

### **Report of the City Manager**

Sealed bids were received on December 18, for project #20-06 – Delamere Drive Basement Flooding Relief. There were three bids received and Fabrizi Trucking & Paving Inc. of Middleburg Heights, Ohio's bid of \$895,134.50 has been found to be the lowest and best responsive and responsible bid.

**Matter of Record**

**Refer to:** Municipal Services Committee

Request permission to bid project #21-02 – 2021 Street Resurfacing & ADA Curb Ramp Replacement Program

**Matter of Record**

**Refer to:** Municipal Services Committee

Council Vice President Seren moved to grant permission to bid project #21-02 – 2021 Street Resurfacing & ADA Curb Ramp Replacement Program which was seconded by Council Member Hart.

Roll Call: Ayes: Russell, Seren, Ungar, Dunbar, Hart  
Nays: None

**Motion Passed**

Request permission to bid project #21-03 – 2020 Surface Treating Program

**Matter of Record**

**Refer to:** Municipal Services Committee

Council Member Dunbar moved to grant permission to bid project #21-03 – 2020 Surface Treating Program which was seconded by Council Vice President Seren.

Roll Call: Ayes: Russell, Seren, Ungar, Dunbar, Hart  
Nays: None

## **Motion Passed**

### **Report of the Chief of Police**

Chief Mecklenburg stated a 16-year-old male was shot in the arm at 3202 Euclid Heights Boulevard. There are currently no suspects, but it appears to be an attempted carjacking. Detectives are investigating.

On January 9, Kevin Matthews, who was shot at his residence on December, succumbed to his injuries and passed away. Two people are in custody. One is charged with obstructing justice and the other is charged with felonious assault with a concealed weapon, receiving stolen property, improper handling of a firearm and motor vehicle. Additional charges are pending for murder since the victim died of those injuries. The investigation is continuing and include a third suspect.

On January 11, there was a aggravated robbery at Sunoco. The video was released to the media and police received tips regarding both the female and male suspects who were then apprehended. The Chief thanked the public for their tips.

There were shots fired reported on January 17 at 2177 Oakdale. The victim went to the gas station, and when he returned to the residence, he was confronted and shots were fired. The victim drove away from the residence and flagged down a University Heights officer. Detectives are investigating.

Regarding policy development and training, the team met with Dr. Dunn. Half of the department received training in cultural competency and implicit bias. February 3 and 10 were set as training dates to complete that training. Dr. Dunn and his team are reviewing four policies: use of force, bias free policing, recruitment and hiring, and vehicle pursuits. Rough drafts were provided to them for their analysis which should be complete by February 1. Two town hall meetings will then be held for residents scheduled for 90 minutes, reviewing two policies at each. Policies will be posted online after Dr. Dunn's team has reviewed them.

Dr. Dunn's team is still working on reviewing traffic data and working on recommendations for a civilian review board.

In June, the President signed Executive Order 139-29 which is the Safe Policing for Safe Communities which mandated two policies by the end of January. This certification from the Ohio Collaborative is necessary to receive Department of Justice discretionary grant funding in 2021. The certification is valid for three years. There is also a prohibition on chokeholds. Both of them have been incorporated into the use of force policy and submitted to the Ohio Collaborative. There were also discretionary items incorporated into the policy that were recommended by this order. There is a duty to intervene by officers, a requirement of de-escalation, and a warning must be issued before the use of deadly force if that is necessary. These will be posted online.

Council Member Ungar asked how these crossroads at the local level were affected by the stand your ground enacted at the state levels. The Chief stated she will research that further and give an answer later.

Council Member Russell asked if chokeholds were removed from the policy. Chief Mecklenburg responded that chokeholds were not previously addressed in the policy. The executive order prohibits them and they can only be used in those incidents where deadly force is allowed by law.

Council Member Russell stated she had a voice mail message from a gentleman who has been complaining about his arrest and being brought to court in his underwear who is trying to get his belongings back. The Chief stated she originally received the request in December and she had assigned it to a Sergeant. The report has been completed. The Sergeant and Chief have both contacted him several times, but he does not return the calls. Council Member Russell stated she will reach out to him and tell him to contact the Chief.

Council Vice President Seren requested the Chief address the public comment about the time lag of charges being dropped for Davey Drake. The Chief stated she thought it had been done, but honestly, had slipped through the cracks. When it was brought to the Chief's attention, she acted on it right away and those charges were dismissed. Council Vice President Seren asked about the initial charges and process. Chief Mecklenburg stated that when he was arrested, the charges were originally filed. When the video surfaced showing use of force, it was reviewed according to policy.

Council Vice President Seren stated some have made an argument for the difference between a chokehold and a stranglehold, and asked if there is a distinction made in the policy. The Chief replied that the executive order only addresses chokeholds which cut off the airway. Some departments use neck restraints, but Cleveland Heights does not teach that in training and it is not used. Both types will be addressed in the new policy being developed. Neither are taught in training and they will both be prohibited except for cases where deadly force is allowed by law.

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

No report.

### **FINANCE COMMITTEE**

**ORDINANCE NO. 2-2021 (F).** 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

Amy Himmelein stated that there were items that were missed when Council approved the budget in 2020 for the electric bills of all the street lights and the annual maintenance

fee. Another adjustment was because one of our grants is a different fiscal year than ours, which will allow us to utilize the remaining funds from the State.

Council Member Hart stated that tomorrow night at 7:00 p.m. is the Mayoral Transition Forum which will include representatives from East Providence, Rhode Island who went through this process. There will also be a forum held by FutureHeights on February 3.

On the Board of Health website, COVID vaccination locations are listed.

Council Vice President Seren stated he would entertain a motion for Ordinance 2-2021.

Motion by Council Member Dunbar, Seconded by Council Member Russell

Roll Call: Ayes: Russell, Seren, Ungar, Dunbar, Hart  
Nays: None

#### **Legislation Passed**

### **MUNICIPAL SERVICES COMMITTEE**

Council Member Dunbar stated the Heights Bicycle Coalition will put up a ghost bike near the intersection of Lee and Scarborough on January 31 in memory of Terrance Ryan. There is an article in the Heights Observer. Council Member Russell gave her condolences to the family.

### **PLANNING AND DEVELOPMENT COMMITTEE**

**ORDINANCE NO. 3-2021 (PD).** An Ordinance adopting procedures for the transfer of 3750 Bainbridge Road, received through the City of Cleveland Heights Land Reutilization Program, to the Cuyahoga County Land Reutilization Corporation; declaring the property no longer needed for a public purpose

Council Vice President Seren stated he is recusing himself from this vote because of his role as an alternate board member who serves in the place of County Council President in the role of the Land Bank

Roll Call: Ayes: Russell, Seren, Ungar, Dunbar, Hart  
Nays: None

#### **Legislation Passed**

### **PUBLIC SAFETY AND HEALTH COMMITTEE**

Council Member Ungar stated he would like to hold a committee meeting regarding the recent shootings in Cleveland Heights. This will be held in the time slot of a Committee of the Whole, 6:00 – 7:00 p.m. Council Member Ungar stated he received a letter from

Ms. Brady. Council Member Ungar stated there is a perception that crime and shootings have increased in Cleveland Heights and he would like data and comparative statistics from comparable cities. He would like staff recommendations for what resources should be considered. He would like to see policing models and public safety models.

Council Member Russell stated she does hear gun shots all the time and she's excited that Council is spending time on this effort. She stated a proactive plan is needed for residents to feel safe. Council Member Dunbar stated it is a national phenomenon with murders up 97% in New York City last year. While Cleveland Heights Police history of catching suspects and criminals is a deterrent, a plan is still needed.

## **ADMINISTRATIVE SERVICES COMMITTEE**

Council Vice President Seren stated it was his opinion that with the deadlock Council has achieved with the four Council vacancy candidates, that they should investigate other possibilities to move forward. One option is to look at the remaining candidates from the applications and remove the four finalists from consideration. They could review those with a process, such as rank choice voting that all of Council agrees to ahead of time. Another alternative is to open up an application period again and encourage people to apply including people that applied in the first round and commit to a selection process. Council Vice President Seren stated he would like Council to decide whether to look at the remaining candidates or open up the applications again. He would like to further discuss it with Council next week and commit to a process.

Council Vice President Seren stated that Council discussed the Racial Justice Task Force and the initial six members are intended to be designated. Each Council Member chose one person: Mario Clopton-Zymler (appointed by Kahllil Seren), Barbara Danforth (Davida Russell), Rhonda Davis-Lovejoy (Mike Ungar), Ashley Demyan (Melody Joy Hart), Mai Moore (Jason Stein), and Calvin Singleton Jr. (Mary Dunbar).

Council Member Russell made a motion to appoint the six members to the Racial Justice Task Force which was seconded by Council Member Ungar.

Roll Call: Ayes: Russell, Seren, Ungar, Dunbar, Hart  
Nays: None

### **Motion Passed**

Council is discussing the original legislation regarding the task force and may fine tune the process.

## **COMMUNITY RELATIONS AND RECREATION COMMITTEE**

Council Member Russell stated Council would reach out to the task force appointees for information.

Information will be provided at the next meeting regarding the grant for Forest Hills Park.

Parks and Recreation Director Joe McRae is looking for a location to have COVID vaccinations.

The government's rental assistance starts January 20 as part of the stimulus package. You can apply online through Cuyahoga County.

### **Council President's Report**

Council Vice President Seren stated it was an enjoyable time and adjourned the meeting.

### **NEXT MEETING OF COUNCIL: MONDAY, FEBRUARY 1, 2021**

Respectfully submitted,

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Kahlil Seren, Council Vice President

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Amy Himmlein, Clerk of Council  
/jkc