



CLEVELAND HEIGHTS

Monday, April 19, 2021 Minutes

COMMITTEE OF THE WHOLE

6:38 – 9:15 p.m.

President of Council Stein presiding

Roll Call: Present: Cobb, Dunbar, Hart, Russell, Seren, Stein, Ungar
Excused: None

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

Topics discussed: Legislation, Vacancy Appointment – Charter Amendment, Curfew History and Implementation, Council Operating Rules

Executive Session

8:09 – 9:16 p.m.

Council Member Dunbar made a motion to begin Executive Session to consider the appointment of a public official; and 2. To consider the sale or lease of City-owned real property. The motion was seconded by Council Member Cobb.

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

Motion Passed

Council Member Cobb made a motion to end Executive Session which was seconded by Council Member Dunbar.

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

Motion Passed

CITY COUNCIL

8:24 – 10:17 p.m.

President of Council Stein presiding

Roll Call: Present: Cobb, Dunbar, Hart, Russell, Seren, Stein, Ungar
Excused: None

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

Minutes from the City Council meeting held Monday, April 5, 2021 were approved with submitted edits.

Personal communications received from citizens (via electronic mail)

Amy Himmelstein read the following public comments.

Name	Robert Sanders
Public Comment	Please allow fishing at Lower Shaker Lake.
Name	Susan Efroymson
Public Comment	<p>Dear Council,</p> <p>There are three amendments that I believe should be front and center on your agenda. This is the legislative power that is Council's and it would be a waste of time and public trust to cede that to far off incoming council or mayor- and this is particularly true when we are discussing items that will all have to go to the people for a vote. Your constituency wants the chance to weigh in, and democracy demands that they do.</p> <p>Mayoral Term Limits - Do it now while it's academic. Keep the focus on what's best for the city and not about getting out this man or limiting that woman.</p> <p>Appointments - Gratefully, you've made an appointment. Congrats to Mr. Cobb, but while issues of why it took so long are fresh in your minds, continue your discussion. Don't table it into a forgotten</p>

abyss, but use your knowledge and create a forward thinking amendment that will comport with the new form of two co-equal branches of government.

Both of the above should appear on this upcoming ballot which will pave the way for the new mayor without being about him or her.

Lastly, WARDS. While calling CEM supporters, my personal short poll showed about 80% of the community still thinks it would be beneficial in some form. There are many options if you look at an at-large mix. 5-2? 4-3? It will be complicated and take time and you have the power to do this without another citizen led campaign. This council may not be able to finish the job, but you can begin it by creating the commission and soliciting volunteers before you leave office and creating a legislated schedule to see something on the ballot by 2023 taking effect 2025 if passed.. Do not punt to the next council.

Name Karen Nisenbaum

Public Comment I had brought up the problem of a piece of a block of sidewalk in front of 3667 Bainbridge that was cut out by the water department or the fire department when they moved a fire hydrant about four or five years ago.

All the city did was paint an orange line around the hole. Now the cement is cracking around the hole. Can this please be repaired.

I appreciate the fact that the city would be inspecting the sidewalks in the Taylor Road Neighborhood over the summer. Hopefully, that will include the Eastern side as well as it causes a great danger to people who are walking. Many people have been hurt by tripping on the uneven sidewalks.

Name Fran Mentch

**Public
Comment**

Dear Council,

Four weeks ago, on March 22 and March 24, I asked that this agenda item be added to an upcoming meeting: "Discussion of a Cedar Lee Park, and a request for proposals for a park at Meadowbrook-Lee"

I have not yet received a reply, other than to tell me that Jason writes the agenda.

So, I think I am safe to assume that your answer is no; you refuse to put this item on the agenda.

If I am wrong in this assumption, please let me know, as I want to send an accurate update to the community.

Report of the City Manager

Request permission to bid project #21-05 – For the Purchase of Fully Automated Universal Roll-out Containers (Carts)

Matter of Record

Refer to: Municipal Services Committee of Council

Report of the Chief of Police

Chief Mecklenburg stated that on April 13, 2021, the first Town Hall Forum was held in conjunction with the Diversity Institute of Cleveland State University to discuss some new and revised Police policies. The two discussed in that forum were Recruitment and Selection and Vehicle Pursuits. She thanked everyone for their attendance and comments. There were 56 community members that participated. They were broken down into focus groups with a CSU representative and they facilitated further discussion on these policies. The information is under review so further recommendations can be made to the Police Department.

Council Member Ungar asked about the Use of Force issue referencing the shooting of Dante Wright in Brooklyn Center which resulted in the dismissal of the Police Chief and City Manager there. Could that happen here? Could there be confusion between drawing a gun and drawing a taser? How are citizens subdued here? Based on current practice, if a police officer were to see excessive use being used against a citizen, what is he/she expected to do regarding interference and reporting?

Chief Mecklenburg replied that Cleveland Heights Police do not carry tasers and never have. The only intermediate weapon carried is a baton. They do not carry mace or spray. Unless there is indication that the person is armed, an officer would go hand to hand and be

subdued with physical force that way. Regarding excessive or unreasonable use of force, they're required to intercede and report it to a supervisor as soon as they are able to do so.

Council Member Russell asked the Chief regarding House Bill 22, what does she see for Cleveland Heights with that law? Chief Mecklenburg asked for more information. Council Member Russell stated it's the law that's been put in place that when people are standing outside and recording the abuse of a police officer and a citizen or any type of abuse, that could be a felony. Chief Mecklenburg stated she would review it and respond.

Vice President of Council Seren stated we got a public record request last week about the traffic stop analysis. Susanna Niermann O'Neil stated it will be on the Committee of the Whole agenda for Monday and the Chief will give a presentation to the Council. It will be posted online after the presentation.

Report of the Clerk of Council

Notify Council that two notices have been received from the Ohio Department of Liquor Control advising that applications have been made by the following:

- Cedartown Restaurant Group LLC, 1st Floor & Basement & Patio, 12383-87-89-93 Cedar Rd., Cleveland Heights, OH 44106 for the transfer of D2, D2X, D3, D3A, and D6 permits from Nighttown, Inc., 1st Floor & Basement & Patio, 12383-87-89-93 Cedar Rd., Cleveland Heights, OH 44106
- Heights Mechanical Corp, dba Heights Mechanical Corp, 2785 Mayfield Rd. S/SE Unit, Cleveland Heights, OH 44106

Matter of Record

MUNICIPAL SERVICES COMMITTEE

No report.

PLANNING AND DEVELOPMENT COMMITTEE

Council Member Ungar yielded to Economic Development Director Tim Boland for a presentation and recommendation to Council.

Tim Boland stated two proposals were received in December 2020 for the Cedar Lee Meadowbrook Redevelopment Project – one from Flaherty & Collins City Architecture development team, and one from the City Six / M. Panzica / LDA development team. There were presentations to Council on February 8. Staff has reviewed the proposals and citizen input. The recommendation is the City move forward and commence negotiations with the Flaherty & Collins team on an MOU to redevelop the site as a mixed-use project.

Council Member Hart requested that language be included for prevailing wage and a robust community engagement process.

Council Member Ungar made a motion to authorize the City Manager and staff to proceed with discussions with Flaherty & Collins to negotiate and MOU. Council Member Dunbar seconded the motion.

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

Motion Passed

RESOLUTION NO. 24-2021 (PD). A Resolution authorizing the City Manager to enter into a First Extension of Development Services Agreement and Project Approval with FutureHeights for the performance of certain work

Introduced by Council Member Ungar, Second by Council Member Dunbar

Vice President of Council Seren stated this process has not been completely smooth the entire time and without mistake as we've gone through a learning curve. Some of the changes we've made and priorities we've clarified are helpful. He commended the work FutureHeights has done and will do.

Council Member Russell stated she recognizes the requests she's made to make certain areas that are in distress a primary focus. She looks forward to working with them and thanked Deanna.

Council Member Hart stated this work will primarily be in Noble Corridor and in areas of Desota, Altamont, Coventry, and South Taylor.

President of Council Stein thanked staff for working to make sure the will of Council is clear in this legislation and that the CDC partner understands the areas that have not seen enough city investment are the priority.

Council Member Ungar stated FutureHeights is mostly volunteers giving their time to advance the community and work in a highly collaborative way with our city leadership. He stated he attends many of their meetings and his impression is they're loaded with talent and driven with the purest of motives. We are lucky, as a community, to have this group working for us.

Council Member Russell stated she agreed that FutureHeights did a great job and she believed other Council Members were complimenting them. She said we must sing the praise of our other CDC, Start Right, too because they do a lot of work in the Caledonia

area. President of Council Stein agreed and added the Home Repair Resource Center and the good work they've done.

Council Member Dunbar stated that one of the community's strengths are the people that are so dedicated to this community. Some are on staff and there are a lot of volunteer organizations that do wonderful things for the community.

Council Member Hart agreed with everyone that FutureHeights has been a good partner as has HRRC and Start Right.

Council Member Cobb stated he just came off the board of FutureHeights a few weeks ago and felt he should abstain.

Roll Call: Ayes: Hart, Russell, Seren, Stein, Ungar, Dunbar
 Abstain: Cobb

Legislation Passed

A motion was made by Council Member Ungar to approve Resolution No. 47-2021 which was then rescinded. Council Member Hart's second was made and rescinded as well. The remaining Planning and Development legislation is on the consent agenda.

Council Member Ungar stated things are often pulled from the agenda and put on the consent agenda. He requested a corrected agenda even if it comes a day later. President of Council Stein stated it was his request and he will be working directly with the City Manager to have the agenda ready. Council Member Ungar stated that even if something is on consent and a member wants to pull it to discuss it, they're able to do that.

Susanna Niermann O'Neil stated that the paper packet was done Wednesday and the changes were requested Thursday at noon, so an Email went out to Council. The revised version is what is on our website. She clarified that if staff needs an extra day, we can take it because it is difficult to get it out on Wednesday when Council is held on Monday. Council Member Russell stated that some of the packets are thick and they need the time to review. Council Member Dunbar stated she would like to go back to getting it Friday or Saturday. Susanna Niermann O'Neil stated it is easier to do it on Friday.

PUBLIC SAFETY AND HEALTH

ORDINANCE NO. 34-2021 (PSH), *Second Reading*. An Ordinance enacting new Chapter 765 of the Cleveland Heights Codified Ordinances, pertaining to third-party food delivery services; establishing a limit on the commission that third parties can charge to restaurants located in the City of Cleveland Heights to 15% of the purchase price on

delivery or pick-up orders while restaurants are unable to provide unrestricted dine-in service; prohibiting a reduction in compensation for delivery drivers as a result of this limit

Council Member Cobb credited Vice President of Council Seren's work on the legislation.

Vice President of Council Seren stated he started this conversation last year with a restaurant owner talking about what Cleveland had done and the fact that some of these restaurants have a tighter margin than the tech companies that provide the delivery service. He reached out to restaurants in the city and discussed the legislation with the Law Department.

Motion made by Council Member Cobb, Seconded by Vice President of Council Seren

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

Legislation Passed

Council Member Cobb stated he is planning on holding a committee meeting next month and one of the items on the agenda will be to discuss the curfew that was enacted in 2011 that applies specifically to our business districts in Coventry and Lee Roads. The public and merchants are invited. More information will be posted online when details are finalized.

Council Member Hart asked if the meeting will include the GCC letter and Novak report. Council Member Cobb stated that will be the subject of the meeting in June as it would be a lot to cover in one meeting. Council Member Hart said GCC has written a lot of letters and wants an answer. Council Member Cobb stated he'd be willing to have two meeting in June. President of Council Stein stated it may be better to hold the meeting in June as it is a demand of staff's time.

ADMINISTRATIVE SERVICES COMMITTEE

ORDINANCE NO. 25-2021 (AS), *Third Reading*. An Ordinance amending various Sections of Chapter 749, "Fair Practices" of the Codified Ordinances of the City of Cleveland Heights to include Source of Income as a prohibited, discriminatory rationale for the purposes of fair housing practices.

Introduced by Vice President of Council Seren, Seconded by Council Member Hart

Vice President of Council Seren stated we have a series of characteristics of individuals that businesses and landlords can't use as a reason for discriminating against a person in the realms of employment, housing, or education. In this case, it is the source of someone's income such as emergency assistance, a housing choice voucher, or benefits from the Veterans Service Commission. Landlords cannot advertise, "No Section 8." This was

discussed in the Administrative Services Committee meeting last week which included representatives from South Euclid, University Heights, and Heights Community Congress. It is available on YouTube.

Council Member Dunbar stated she encouraged them to be sure landlords understand all ramifications, issues, and how to go about it the right way. A brochure may help them.

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

Legislation Passed

There will be another Administrative Services Committee meeting this Thursday at 6:00 p.m. to discuss the administrative pieces of the Novak report. They will not be discussing housing policy, but only the administrative recommendations. This will be a series of conversations of how administrative functions should be handled in departments. An agenda will be on the website.

On April 30 at 10:00 a.m., we will be celebrating Arbor Day. Our Forestry Division and Heights Tree People will be doing some work in the community garden. More information is available on the website.

COMMUNITY RELATIONS AND RECREATION COMMITTEE

Council Member Russell stated that Cleveland Heights has hit the national stage and she is speaking directly to the Chair and Vice Chair of the Racial Justice Task Force – Sherrod Brown's office is providing us a liaison to the task force for the purpose of gathering information to help him create legislation at the federal level.

There is a Congressional Candidates Forum on April 24. You can register at Eventbrite. The first theater is sold out and there are 20 seats left in the second theater. For those that are running for office and need some signatures, you may want to visit outside.

FINANCE COMMITTEE

ORDINANCE NO. 51-2021 (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 the biggest part is appropriating CDBG money for 2021. Some of it was money that wasn't spent in 2020.

Motion made by Council Member Hart, Seconded by Council Member Ungar

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

Legislation Passed

RESOLUTION NO. 52-2021 (F). A Resolution establishing the Local Fiscal Recovery Fund and affirming that funds received by the City pursuant to the American Rescue Plan Act of 2021 shall be used only to cover costs incurred by the City of Cleveland Heights consistent with the requirements of the Act and applicable law and regulations

Motion made by Council Member Hart, Seconded by Council Member Dunbar

Council Member Russell asked for clarification if the clause, “used only to cover costs incurred by the City of Cleveland Heights,” and if it would impact the legislation in discussion. Council Member Hart stated she didn’t think it would because it is still the City of Cleveland Heights. Bill Hannah agreed those uses would be within the law.

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

Legislation Passed

Consent Agenda

Note: Individual Consent Agenda items are not discussed separately during the Council meeting, unless removed from the Consent Agenda on the request of a member of Council. Once an item is removed from the Consent Agenda it will be placed on the Regular Agenda.

RESOLUTION NO. 47-2021 (PD). A Resolution authorizing the City Manager to enter into an agreement with Cuyahoga County for funding through the HOME Program for the City’s affordable housing programs through April 30, 2023

RESOLUTION NO. 48-2021 (PD). A Resolution authorizing the City Manager to enter into an agreement with the Home Repair Resource Center, a non-profit corporation, for the use of HOME Funds to administer its down payment assistance loan program; providing compensation therefor

RESOLUTION NO. 49-2021 (PD). A Resolution authorizing the City Manager to enter into an agreement with Family Connections of Northeast Ohio a non-profit corporation, for the use of Community Development Block Grant funds to provide funding for assistance with its Parent Café Program; providing compensation therefor

RESOLUTION NO. 50-2021 (PD). A Resolution authorizing the City Manager to enter

into an agreement with Start Right CDC, a non-profit corporation, for the use of Community Development Block Grant funds to provide funding for assistance with its Good Neighbor Home Rehab Program; providing compensation therefor

Motion to suspend rules by Council Member Hart, Seconded by Council Member Dunbar

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

Motion Passed

Motion to adopt the legislation by Council Member Ungar, Seconded by Council Member Hart

Roll Call: Ayes: Dunbar, Hart, Russell, Seren, Stein, Ungar, Cobb
 Nays: Neone

Legislation Passed

Council President's Report

No report.

NEXT MEETING OF COUNCIL: MONDAY, MAY 3, 2021

Respectfully submitted,

Jason S. Stein, President of Council

Amy Himmlein, Clerk of Council
/jkc