



CLEVELAND HEIGHTS

Monday, May 3, 2021 Minutes

COMMITTEE OF THE WHOLE

6:37 – 9:04 p.m.

President of Council Stein presiding

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

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

Topic discussed: Legislation

Executive Session

8:24 – 9:04 p.m.

Council Member Dunbar made a motion to begin Executive Session 1. To consider the sale or lease of City-owned real property; 2. To review negotiation and bargaining sessions with public employees or their representatives concerning such employees’ compensation or other terms and conditions of their employment; and 3. To discuss the appointment of a public official. The motion was seconded by Council Member Ungar.

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

Motion Passed

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

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

Motion Passed

CITY COUNCIL

9:05 – 9:58 p.m.

President of Council Stein presiding

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

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

Minutes from the City Council meeting held Monday, April 19, 2021 were approved with submitted edits.

Personal communications received from citizens (via electronic mail)

Amy Himmeltein read the following public comments.

Name Gerald Sexton

Public Comment We need a public park at Lee and Meadowbrook. Please consider this space as a much needed development for our city!

Name Richard Goddard

Public Comment Although I support fishing on the north side of Lower Lake, I recommend that the City partner with Shaker Heights to restore the aquatic environment of the lake before determining whether to permit fishing. The lake currently is nearly dead. The lake bed is a silt covered mud hole virtually devoid of plant life. Before the lake water was restored this past weekend, I was able to observe 50-100 invasive carp at the east end of the lake, just across from the Nature Center, along with a couple dozen snapping turtles, a few pairs of Mallards, and 10 or fewer Canada Geese. The discarded tire and abandoned road barrel tossed out on the lake bed provide no nutrients for any wildlife. We need to eliminate the carp which destroy vital plant life. We need to plant the aquatic plants that will provide habitat for aquatic insects which will become a primary food source for fish. The fish then will become a food source for herons, ospreys, eagles, hawks, and ducks. Without the aquatic environment necessary to sustain a fish population and the insects that will feed them, the fish will die. Dumping fish into the mud hole that is currently Lower Lake for people to catch would be little

better than dumping them into a barrel. Let's explore how best to create a sustainable environment at Lower Lake and work constructively with Shaker Heights to make this happen. We can decide on fishing (and the extremely limited access) at a later and more appropriate time. Thanks!

Name Anonymous (wrote City Hall as name)

Public Comment There was a lot of discussion about the need/call for police to help control traffic violations like speeding/running stop signs. This leads to the potential of unfair police practices. Instead, has the city considered adding speed humps on trouble areas, in addition to alternatives to stop signs, such as traffic circles or traffic diverters to help slow/control traffic? These methods are non-discriminatory, work at all hours without the need for bodies, and, most importantly, are shown to actually reduce speeds, and do so without fear of the consequences of a violation.

Name Shane Martin

Public Comment Since the city will no longer be picking up bulk trash items on a regular basis, which I do not appreciate, has the city lifted the ordinance that bans dumpsters?

Name Bill Smith

Public Comment As of May 1st, we have gathered 342 signatures on the petition for Cleveland Heights to open Fishing on Lower Shaker lake. Please consider these 342 pro-fishing and pro-wildlife signatures when you convene your community relations committee later this month to discuss this issue. I have already emailed the petition to each city council member so that they can verify the signatures themselves.

Name Dirk Van Boxel

**Public
Comment**

Re.: Top of the Hill parking garage

Ever since this project started the Buckingham Condominium Complex lost their assigned parking places behind the building. Since recently we have had the opportunity to park in the Top of the Hill parking garage on the first floor close to the Buckingham entrance, but we have NO assigned parking places. I rely on a handicapped parking place, thus I am very concerned that over time visitors and shoppers will occupy these first floor places and that I should drive around the parking garage to find a free spot and have to walk the distance to the entrance of the Buckingham building. Can we please have assigned handicapped and general parking places for the Buckingham residents on the first floor?

Please consider my request. Thank you very, very much!

Ps: the garage had severe water pouring into the first floor of the center of the building during two rainy days last week. ! I hope this will be resolved, otherwise the garage building is in jeopardy of deteriorating.

Name Carol Leslie

**Public
Comment**

I appeal to City Council to consider the parking rights of the tax paying, property owners of the Buckingham Condo, and to the rights of all in the building who pay for permits. As it stands, no assigned area, as promised, is in the new garage on the ground floor. Once shops, restaurants, extra apartments are open, parking will be tight. I ask for a Permit Only sign for the Buckingham to insure we can park our cars. We tote possessions, shopping from the garage, as do our disabled residents who are very upset at the lack of protection they are being offered. At worst, but perhaps bearable, can the sign read "permits only 6pm-6am" to guarantee parking on weekend, busy nights? Is it possible for us to continue to park on Euclid Hts Blvd? That would certainly alleviate much distress. It's infuriating that our needs are forgotten to where we are put in a cap-in-hand position of asking for basic rights.

Also, the traffic configuration is an accident waiting to happen. Now we are subjected to frequent horn honking at rush-hour because people can't anticipate the lane change down to 1 lane only at top of the hill. A sign 2/3 way up is way too late. Thus, folks headed for EHB continue to cross over in two lanes with near collisions right outside our door! If we're in the now correct lane

uphill, and want to park outside our door, we are now at risk of being T-boned by those still using the inside lane!

Name Garry Kanter

Public Comment Tonight's Agenda has two pieces of legislation which are improperly identified as "Emergency" and in any case, only serve to pour gas on whatever fire it is they purport to put out.

First is a charter change amendment regarding filling council vacancies. While this addresses an obvious charter flaw - and acknowledges the dysfunction of this particular city council - the so-called "remedy" and the ballot language do not solve anything.

The proposed change is an ill-conceived mess, that will not guarantee a timely appointment.

The brief ballot language is – by design - obtuse. It even fails to inform the voter of a fundamental change - the timeframes involved. Just so typical of CH city councils.

I remember when city council engaged outside attorneys to write up a full page of overly-detailed ballot language for the citizen-led elected mayor charter change amendment. It was just another in a long line of obfuscation tactics, one that the county board of elections would not go along with.

Regardless of how tonight's legislation is phrased, a county board of elections deadline of September 3rd can in no way be defined as an "Emergency" on May 3rd.

The second useless piece of "Emergency" legislation is the "Council Standing Rules" ordinance change.

This garbage is nothing but a reactionary response to some personal beefs of a council member. It, too, is ill-conceived, and will cause more problems than whatever all those "Whereas"-es claim exist.

That it expires on December 31, 2021 gives the game away, that it only exists for the convenience of one difficult council member.

I implore you to neither consider nor pass this jiggery pokery mockery of Roberts Rules of Order, respect for one's council peers, and simple common sense.

And your abuse of declaring legislation an "Emergency" needs to stop.

Name Joanne Poderis

Public Comment

This is one more appeal to City Council to reach out to F&C, or whomever now owns the garage, to seriously consider our request for signage which would indicate the permit only parking areas for the Buckingham Condominium. Several of us remember hearing, at one or other of the Council meetings early in the top of the Hill process, that this would happen. Once the general public starts using the garage in order to shop, to go to restaurants for meals, etc., our spots (especially the handicap ones) will be up for grabs if we have to leave the garage to run our own errands, etc. As a handicapped person, I have enough trouble as it is getting my groceries into our building because of not having access to our driveway loading dock for unloading various things (not just groceries). And this is another issue outstandingly annoying. The driveway is our property and we have not been able to use it for over a year. This has further inconvenienced our way of life - on top of everything else we have put up with this past year.

I must take the opportunity to remind you all that when the final vote was taken to allow procedure of TOH, we were promised by Mayor Stein that council would reach out to us and that has NEVER happened. Davida did come one time to look at whatever disturbing thing was happening at the time, Melody has helped us several times with parking, snow plowing, etc. and we are grateful, but it's to bad more of you did not show an interest in our plight - which now includes the proposed dog park across from our front door - one not available for the dog owners in our building.

PLEASE hear us!

Name Tony Cuda

Public Comment

Regarding the charter amendment for filling council vacancies: Council is to be commended for recognizing this flaw in our charter and trying to fix it. The proposed amendment, however, does more harm than good, and here's why:

1. The 90 days council gives itself to fill a vacancy is an option, not a mandate; and 90 days is too long. Sixty days is plenty, and more than most other municipalities.
2. The option/contingency of allowing voters to decide sounds good, but still leaves the now familiar problem of taking too long to find a replacement.

Depending on which option council chooses, it would take a minimum of 7 to 9 months for an election to take place; and it would likely take longer.

3. The language in the amendment is unnecessarily confusing, and the ballot language lacks specificity, and is therefore, misleading. The amendment should bring clarity to this issue. It should also simplify the process, mandate a timely decision, and create a contingency that is also clear and timely. This amendment does not accomplish those goals.

We obviously need 7 councilpersons, not 6, for voting and other purposes. We need a timeline that forces council to make a timely decision. And we need a contingency that accomplishes the goals of filling a vacancy in a timely manner if council cannot agree on a replacement.

Please consider a 60-day timeline with a contingency of either the council president or the mayor making the choice if council is deadlocked.

Name Jerry Hosticka

Public Comment Living in the Buckingham, I have seen our city's government boldly ignore any of the Buckingham concerns with the TOH project. The latest is parking. It was my understanding, and not mine alone, there would be a designated area in the garage for Buckingham residents. It seems this is incorrect. This building houses seniors, some who use walkers and canes...who have lived in the building for decades. The parking situation is making it more difficult for the seniors than it has to be. As the population in this building is aging, the parking problem will only worsen. Surely, there can be some solution to this situation. A side note, with the new traffic pattern coming up Cedar Hill, I am just waiting for an accident. Would it be possible to warn vehicles earlier of the lane change. Now I see cars speeding up the hill and trying to fit into lanes that don't exist with a lot of horn action.

Name Regina Staple

Public Comment As a Buckingham resident/owner I have many concerns regarding our safety and parking allocation, as well as the quality of life issues that are impacting us by the TOH project. Besides the total disruption and inconvenience

of 360 degree destruction/construction, the lack of communication from the City, and lack of consideration for us living through this is of great concern.

Residing in a building with an aging population, and disabled residents, it is extremely important to have Permit Only Parking in the garage closest to our building. I'm not alone in asking for your advocacy to protect the rights of the disabled, and for consideration of the quality of life for the Buckingham community. Our "new neighborhood" will be a drastic adjustment for us after living among green space and manageable traffic patterns. The new traffic pattern on Cedar Hill is an accident(s) waiting to happen.

Another concern is the proposed private Dog Park at the steps of our building. This appears to be misplaced for the convenience of the Luxury Apartment residents, and another example of lack of concern for preserving green space around us.

I am asking for a reasonable and acceptable resolution to this issues. I, for one, a Buckingham resident would welcome a sit-down to further discuss out concerns.

Name Leah Castelaz

Public Comment I would like to discuss the Cleveland Heights Parking Ordinance. This ordinance is arbitrarily and unfairly applied in our city. My partner and I have lived in Cleveland Heights for three years and this law is the bane of our existence. First, in a city where almost 50% of its residents rent, this law puts in unfair burden on those who do. For example, within our three family home, there are five cars with only two garage spots. One of the tenants has a child and we would not wish to block her in if there were ever an emergency. Therefore, three of the cars are relegated to the street where we only have 36 times a year that we are able to call our cars in or we can pay \$460 for the year for a parking permit which is not realistic for many people's budgets. Second, this law is applied inequitably. We have a neighbor who is a police officer and never once have they received a ticket on their car when we have even though they are parking a pick-up truck on the street which is also against the city ordinance which states, "Residents with pick-up trucks, vans or panel trucks must park them in a garage with the garage doors closed." Finally, throughout the pandemic this ordinance has not been applied consistently. Majority of the time we are okay with parking on the street but then there are mornings that we wake-up with two \$15 tickets on our car, which you can imagine can be financially stressful. It's unfortunate I cannot

speak for myself during this meeting and I am limited to 300 words, but I would appreciate a discussion around this and how we can truly make Cleveland Heights the city where All Are Welcome.

Name Krista Hawthorne

Public Comment Reaching Heights held its 30th Reaching Heights Spelling Bee last week. Nine teams representing community groups competed via Zoom to win the big, plastic Bee Trophy. The St. Paul's Episco-Spellians won on the word epicondylitis which is commonly known as tennis elbow. \$5085 was raised to support the Many Villages Tutoring Program and Reaching Heights Role Models.

This week is Teacher Appreciation Week. Please reach out to a teacher to thank them for educating our children. In the CH-UH City School District, our teachers are highly qualified. In fact, 81 percent have at least a Master's Degree (Ohio Dept of Education).

The District Teacher of the Year, Helping Hand of the Year, and Administrator of the Year will be announced at the Staff Awards Ceremony on June 2. This year, the event will be streamed live on the district's YouTube channel.

Two other upcoming events that will be streamed live on YouTube are the Heights High School Swim Cadets annual show on May 7 at 7 p.m. and the Heights High School Graduation Ceremony which will be held outside this year at the Heights High Stadium on Thursday, June 3rd at 6 pm.

A pilot Community Learning Center will launch at Noble Elementary next school year. The concept is to make the school a hub for education and services to the Noble Neighborhood. Ideally, each school in the district will serve the community in this way in the future. Noble Elementary was selected as the pilot site because it has many current community partnerships that are thriving and a strong staff capable of taking on this new project.

Finally, the 2019-2020 District Quality Profile was published and can be viewed online. [Google CHUH District Quality Profile 2020](#) to link to this well-crafted snapshot of our amazing students and staff.

Report of the City Manager

Susanna Niermann O'Neil stated she would like to respond to some of the comments. Staff is looking at the garage at Top of the Hill to accommodate the Buckingham residents. The traffic patterns on Cedar Hill were not explained enough in advance and staff is working on signage.

Council Member Russell asked if there's anything they can do regarding the dog park. Susanna stated they will look into that and put it on the agenda.

Report of the Chief of Police

No report.

Report of the Clerk of Council

No report.

PLANNING AND DEVELOPMENT COMMITTEE

Council Member Ungar stated he wanted to repeat his commendation to staff for the new format in which reports are coming to Council, particularly Director Zamft's reports.

PUBLIC SAFETY AND HEALTH

Council Member Cobb stated he will be holding a committee meeting this Wednesday at 6:00 p.m. and more information is available on the website. The two items on the agenda will be curfew in business districts and traffic stop procedures and policies.

ADMINISTRATIVE SERVICES COMMITTEE

Vice President of Council Seren stated there will be an Administrative Services Committee meeting this Thursday, May 6 at 6:00 p.m. to discuss ethics rules for avoiding and detecting public corruption. There will be guest speakers.

ORDINANCE NO. 53-2021 (AS). An Ordinance providing for the submission to the electors of the City of Cleveland Heights of proposed amendments to the Charter of the City of Cleveland Heights for placement on the November 2, 2021 ballot

Introduced by Vice President of Council Seren

Legislation Introduced

Vice President of Council Seren stated that he had a comment regarding the Temporary Standing Rules of Council. There is room for more clarification and Council needs to take rules of Council more seriously. If rules are being considered, a permanent set of rules

should be considered, not temporary ones with an end date of the end of this year. He would like these rules to be in place this year and begin on firm footing come January 1 with a new Mayor. The rule that requires a Council Member to request permission from another Council Member before introducing legislation concerns him because sometimes there is a group of residents who may find only one Council Member willing to champion a particular issue. Not allowing legislation to be introduced by one Member will decrease the opportunity for unpopular opinions and initially unpopular ideas to be heard.

The additional concentration of power in the Council Presidency is a concern. That relates to whether a committee meeting agenda can be approved and whether a topic can be discussed in a committee meeting. The President could decide whether an agenda item goes before Council or not. The requirement of Council to override a presidential declaration that something is not on an agenda is being extended and expanded to five votes of Council from four votes of Council. A fair majority should be sufficient to overrule an agenda setting determination by the Council President. He pledged that if anyone on Council seeks to introduce legislation, he will support that it be introduced.

ORDINANCE NO. 54-2021 (AS). An Ordinance authorizing the use of Temporary Standing Rules of Council; establishing the parameters thereof

Introduced by Council Member Ungar, Seconded by Council Member Dunbar

Council Member Ungar stated there were a couple revisions that happened up to this evening to address Council Members' concerns. He stated that the concerns just voiced were without merit and these were straightforward, easy rules. He stated they are temporary to allow the elected Mayor to establish rules with his or her input.

Council Member Ungar amended his motion to approve to include paragraph five under the temporary standing rules of Council to include the words, "official City," between the words, "any," and, "event." Paragraph six will begin with, "Absent written approval from the City Manager," and continue as stated.

Introduced by Council Member Ungar, Seconded by Council Member Dunbar

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

Motion Passed

Council Member Russell stated that she looked over the rules and she believes guidelines are okay. She reviewed times when logo and title were not permitted.

Council Member Hart stated she works with staff and has already told Council when she introduces legislation. She provided the example of short-term housing legislation she is working on.

Council Member Russell stated she looked at other legislative bodies and there is an unwritten rule of the same process.

Introduced by Council Member Ungar, Seconded by Council Member Dunbar

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

Legislation Passed

COMMUNITY RELATIONS AND RECREATION COMMITTEE

Council Member Russell thanked all school bus drivers because today is school bus appreciation day. She encouraged residents to thank the drivers.

It is also Worker's Memorial Day. This is about workers that have died on the job from unsafe conditions.

RESOLUTION NO. 45-2021 (CRR). A Resolution in support of the passage of laws and implementation of policy measures aimed at advancing tax fairness and improving public services

Council Member Russell stated that there was a presentation in the committee meeting where Policy Matters discussed city taxes, services, and reducing the reliance on levies.

Introduced by Council Member Russell, Seconded by Council Member Hart

Council Member Dunbar stated she doesn't like voting on things that we do not control that are state and federal matters and that lack bipartisan support. Council Russell said she understands how she feels, but due to Council Member Dunbar's request, she had a committee meeting and brought in multiple experts for a robust discussion, but she was not in attendance.

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

Legislation Passed

RESOLUTION NO. 55-2021 (CRR). A Resolution expressing support for House Bill 1, containing the Fair School Funding Plan

Introduced by Council Member Russell, Seconded by Council Member Ungar

Council Member Dunbar stated this is an issue she knows more about as a former President of the Fairfax PTA and a public-school graduate, and she thinks Ohio's current system for school funding is a massive mistake and we need to straighten it out.

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

Legislation Passed

RESOLUTION NO. 56-2021 (CRR). A Resolution in support of the Protecting the Right to Organize (PRO) Act, which provides a generational opportunity for the labor movement and serves as the cornerstone of the Workers First Agenda

Introduced by Council Member Russell, Seconded by Council Member Hart

Vice President of Council Seren thanked Council Member Russell for bringing this forward. All of the support that we can provide to our federal legislature to overcome the resistance in the Senate, including getting rid of the filibuster if necessary, to get this passed is important.

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

Legislation Passed

FINANCE COMMITTEE

Council Member Hart stated there was a wonderful Arbor Day celebration and trees were planted at the park at the corner of Noble and Roanoke.

Amy Himmlein stated that the ordinance is to increase the budget after reviewing the Top of the Hill bond anticipation note. We did get revenue in to cover most of that cost. There is also an increase in the budget for indigent burials. The court will be hiring an intern to help create some more paperless items for the court.

ORDINANCE NO. 57-2021 (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

Introduced by Council Member Hart, Seconded by Council Member Dunbar

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

Nays: None

Legislation Passed

MUNICIPAL SERVICES COMMITTEE

Council Member Dunbar stated this month is Bike Month and Cleveland Heights has been recognizing it for years now as part of our campaign to be recognized as a Bicycle Friendly Community. We have to reapply every four years for that distinction and it's due again this summer. The Heights Bicycle Coalition is having a meeting tomorrow night at 7:00 regarding 2021 planning. More information can be found on their website or Facebook page.

Council Member Dunbar praised National Preservation Month stating one of the community's assets is the number of historic districts we have.

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. 58-2021 (AS). A Resolution authorizing an agreement with AdvizeX for the purchase of a Hewlett- Packard (HP) Storage Access Network (SAN) and Hewlett-Packard 5 Year SAN Support

RESOLUTION NO. 59-2021 (CRR). Resolution proclaiming May 2021 to be Bike Month in the City of Cleveland Heights

RESOLUTION NO. 60-2021 (PD). Resolution declaring May 2021 National Preservation Month

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

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: None

Legislation Passed

Council President's Report

No report.

NEXT MEETING OF COUNCIL: WEDNESDAY, MAY 19, 2021

Respectfully submitted,

Jason S. Stein, President of Council

Amy Himmlein, Clerk of Council
/jkc