



CLEVELAND HEIGHTS

Monday, May 19, 2021 Minutes

COMMITTEE OF THE WHOLE

6:39 – 8:52 p.m.

Mayor Stein presiding

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

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

Topics discussed: Legislation

Executive Session

6:55 – 8:52 p.m.

Council Member Dunbar made a motion to begin Executive Session 1. To discuss with an attorney for the public body, claims or disputes involving the public body that are the subject of pending court action; 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 consider the sale or lease of City-owned real property.

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 Ungar.

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

Motion Passed

CITY COUNCIL

6:55 – 8:52 p.m.

Mayor Stein presiding

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

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

Minutes from the City Council meeting held Monday, May 3, 2021, and February 16, 2021 were approved with submitted edits.

Personal communications received from citizens (via electronic mail)

Amy Himmlein read the following public comments into the record.

Name Natalie Norcross

Public Comment I just purchased a home on South Taylor Rd and I would like to reduce the speed limit to 25. It is 25 for a few blocks up near Cedar where there are businesses, but strangely switches to 35 in the residential portion. There is a walking path, kids riding bike, churches, folks walking their animals and babies. 35 is much too fast for this area and I would love to see it change.

Name Marilyn Sobotincic

Public Comment Dear Council Members,
As an avid Pickleball player I am writing to request that the Denison courts be repainted so faded lines can be seen. A different color is would be appreciated as green on green is a problem.
The surface of the courts have major cracks on them that are increasingly getting bigger. Can something be done about it.
Because if the volume of players and the popularity of the game I was wondering why the under-used tennis courts at Forest Hills couldn't be lined as Pickleball courts as well. Would you please consider doing that?
Thank you for your consideration.

Name Jarmila Reed

Public Comment We have been sending notices to the City via cell phone application, concerning dreadful state of properties on Pomona Road: houses 1148 and 1152. Nothing has been done, at least nothing visible. Both properties are constantly (but especially after the refuse collection day) covered by disgusting litter. We are seriously concerned about possibility of rodent (as in rats) coming as a result.

Name Gretchen Haremza

Public Comment Can you please reconsider allowing block parties this summer now that the CDC says fully vaccinated people can gather outdoors without masks?

Name Fran Mentch

Public Comment 1. Tonight's agenda for council committee of the whole includes an executive session for "Sale or lease of real property". "Sale or lease of real property" is not a permitted use of an executive session, according to Ohio Revised Code section 121.22. There have been other recent city council meetings with the same unlawful purpose. Which of these improper meetings involved the Meadowbrook-Lee property?
2. Citizens have not been included in the decision regarding Meadowbrook-Lee. You have abdicated your role in the political process to the developer. City council's boosterism and financial subsidy of the Flaherty and Collins proposal is so great that they are no longer engaged in private enterprise. You have handed all the decisions and political power over to them, and excluded citizens. Please remedy this by holding a public hearing.
Thank you.

President of Council Stein asked Law Director Bill Hanna to respond to the question about Executive Session. Bill Hanna replied that the Cleveland Heights Codified Ordinances provide in 107.01C2 that Council can meet in Executive Session for all or a portion of any meeting for the consideration of any of the matters outlined below which include, "to consider the terms of

purchase or lease of real or personal property for public purposes or the terms of sale or lease of City owned real or personal property.” As a home rule charter municipality, Cleveland Heights has the authority to have this provision in the codified ordinances.

Name Rosa Kovacevich

Public Comment I'm happy that the Public Safety and Health Committee seemed in agreement that the minor curfew be repealed, after learning that of violations that occurred where civil penalties were applied, 93% were Black juveniles. I am hoping that Chairman Cobb can discuss the timeline for that change tonight.

I also want to comment on every City Council member thanking CHPD for commissioning the CSU report on 2019 traffic stop data. After George Floyd's murder sparked nationwide protests in May 2020, including multiple in Cleveland Heights, the video from Davyneon Drake's wrongful arrest in February 2020 went viral locally. CHPD released a statement responding to community concerns on June 1, and the Chief addressed it at the City Council meeting that night. The city held a special Meet Your Police Forum June 25 which addressed this and other concerns regarding policing in Cleveland Heights. It was only after that, on November 1, 2020, that the Chief announced in a City Council meeting that she had a contract set with CSU's Diversity Institute to study 2019 traffic stop data. To say that the city undertook this of their own accord is a mischaracterization - a federal consent decree did not force this, but sustained community involvement did. CHPD could have chosen to analyze their traffic stop data anytime in the past 5 years, but only did so after sustained attention on its practices. I think it's important we recognize that truth, and find it strange that all the Council members who held office all last year while this was ongoing did not acknowledge that in their remarks at this committee meeting.

Lastly, can any Council member involved in the Racial Justice Task Force please give the public an update of when it will be appointed and begin its work? Thank you.

Susanna Niermann O'Neil read a letter from Don King. Though two paragraphs are the same, the written submitted comment is as follows.

Name Donald King

Public Comment The purpose of this message is to address the Top of the Hill development project, and its impact on The Buckingham residential building that it surrounds, both financially and from a quality of life standpoint.

What I would like to address here was the promise, made by the developer in public meetings, that there would be green spaces created that would be a benefit to the public. Rather, what we see being created at the very entrance to The Buckingham is an artificial turf dog park, which in our view, is a slap in the face of Buckingham residents and a cynical effort to fulfill a promise made to the community. We hardly view this artificial turf installation as a “green space”, and regard it as an affront to the unit owners and ultimately as a nuisance.

We strongly urge that the City, either through its Building Department or its Planning Department, take a fresh look at what is planned, and consider at the very least, relocating the dog park to an alternative location on the project site, and allowing the small “pocket park”, naturally landscaped, remain for the public use that was promised originally. If there is absolutely no possibility of this request being considered, then the City should require that landscaped screening fully surrounding this area be added as a requirement to this installation. At the very least, this area could be screened off and softened, minimizing the visual impact of a stark patch of fake vegetation.

Considering everything that the City has provided in accommodations and benefits to the developer, we do not believe such a request would be too much to ask, and would in some small measure, minimize the assault on the already diminished value of The Buckingham residential community.

Report of the City Manager

Susanna Niermann O’Neil stated that Parks and Rec staff, Cain Park staff, and City staff are all working on the protocols and procedures of opening things up. We will have materials regarding policies and procedures by June 1 including reinstating block parties, opening up Cain Park, Cumberland Pool, and parts of the Community Center.

Report of the Chief of Police

Chief Mecklenburg stated she wanted to address a public comment. It was mentioned that we could have chosen to analyze our traffic stop data any time in the past five years but only did so after sustained attention on practices. She stated that isn't a fair characterization and not very accurate. Prior to 2019, we never kept such records on traffic stop data. We never kept track of race or gender of the drivers stopped. It was only a few years before she started as Chief that traffic stops were logged at all. The Police voluntary embarked on it and trained officers on the logging so accurate information could be available.

On May 6, Police received a call for shots fired in the area 1630 Belmar. Several shell casings were located in the roadway and two vehicles were damaged, but nobody was injured in that incident. Preliminary investigation indicated that a vehicle was observed in the area and the occupants were the ones firing shots. There are currently no suspects, but they are following leads.

On May 7, there was a robbery in the area of 2193 Grandview. Two women had parked their car in Municipal Lot 7 and were walking home when they were accosted by two suspects, one whom had a gun, and they stole the women's car. Police were unable to locate them that night, but three days later, an officer observed the vehicle traveling within the city. Detectives responded and located the vehicle in Cleveland. They waited and a 16-year old approached the car who was taken into custody without incident. That juvenile was armed with a loaded handgun ready to fire and officers were able to quickly move in with no one getting injured.

On May 12, officers responded to the 1700 block of Pryor on a report of a man who sustained a gunshot wound to the abdomen. First aid was performed until EMS arrived and took over treatment and transported him to the hospital where he is in stable condition. Preliminary investigation indicates the victim arrived at his mother of his child's house and became involved in an altercation with her current boyfriend, 1 41-year old male. The victim pulled a knife and threatened the boyfriend who then retrieved his firearm and shot the victim. At this time, the shooter was taken into custody and is facing charges of having a weapon while under disability. He was released on a \$50,000 cash surety bond. Detectives are continuing to investigate.

On May 10, Dr. Dunn and his Diversity Institute team from Cleveland State completed the compilation of comments and questions from the residents that were obtained at the Town Hall meetings. The information has been provided to Police and is being reviewed to see how we can work some of that into current policies. It is posted on the Police web site. She is composing answers for some of the questions that came up which will also be posted.

Regarding the incidents over the weekend, nobody was injured. A couple of them are recurring incidents at the same houses where there have been prior incidents. The Chief has reached out personally to the owners of those properties and they are cooperating working with Police. Police are working with law enforcement partners and various agencies within the county and found some of these incidents are related to similar

incidents occurring in other cities. While some arrests have been made in these other incidents, we don't have any that are directly tied to us, but we have promising leads.

May 26 will be the 14th anniversary of the death of Investigator Jason D. West who was shot and killed in the line of duty. An end of life ceremony will be held at 3:00 p.m. in front of City Hall at the memorial and everyone is welcome to attend.

Council Member Ungar thanked Chief Mecklenburg. Regarding the 16-year-old with the loaded gun, he asked if we in the ordinary course of policework find more information when there's a juvenile involved? How did he get that gun and ammunition? Are there any repercussions in the event that he got it from an adult? If he isn't a Cleveland Heights resident, why did he target these women in this community?

Chief Mecklenburg responded he is not a Cleveland Heights resident. Regarding how he came across the gun, we find sometimes they are stolen or taken from a house where the gun was left unlocked, from unlocked vehicles, during burglaries. They have had some gun stores burglarized. Some are purchased legally by adults and sold on the streets. Police do an E-trace to track down who the last legal owner of that gun was and back trace where it came from and if they can charge somebody, they will do that. The Chief does not yet know where the gun came from in this incident, but will be looked into. The Chief stated she can't speak specifically to why these women were targeted, but can talk about similar ones. They're usually just driving around until they find an opportunity that they feel they can take.

Council Member Ungar said we've talked about deterrents like cameras, Ring cameras, and other items. He asked she let Council know what we can do to deter gun related incidents. The Chief responded they're still in the process of working things out with the Ring cameras. Approval was received for license plate readers. Highland Heights, Mentor, and Willoughby has them and they've had great success. These are used to 1.) address a stolen car that has been involved in a robbery or goes through our city; and 2.) If we do have a description of a car, they can check the readers for cars that match that and get a license plate to track it down. Council Member Ungar asked about the timing. Chief Mecklenburg stated she's meeting with them next week to pick out the specific locations and hopefully we'll receive them weeks after that.

Council Member Russell thanked the Chief for letting officers meet with her last week and for the tour. She apologized to the officers for the conditions they are working in. Those facilities will be taken care of ASAP.

Council Member Hart stated she visited as well and she appreciated their comments. She toured the facilities and she agreed. She told the Chief she hoped for a wish list about what things are needed in order to improve that. She thanked Tyler Allen, Robert Shed, Earl Pearson, Roman Soyko and Seth Adams. Council Member Russell stated she's scheduled for one after June 2.

President of Council Stein stated the officers are great and deserve better. Improvements are on the way. He stated the report was a reminder of the great policework and how dangerous the job is.

Report of the Clerk of Council

Notify Council that a notice has been received from the Ohio Department of Liquor Control advising that applications have been made by Marchant Manor LLC, 2211 Lee Road, Cleveland Heights, Ohio 44118 for the transfer of D1 and D2 permits from Annie's Wine Cottage LLC dba Annie's Wine Cottage, 1st Floor and 2nd Floor RR Only, 30 W. Olentangy St. & Porch & Patio, Powell, OH 43065

Matter of Record

PUBLIC SAFETY AND HEALTH COMMITTEE

Council Member Cobb responded to the public comment about the Racial Justice Task Force that the Chair and Vice Chair have been conferring about the applicants. He anticipates that a list will be submitted to Council at either the next meeting or the one after that. They first meeting will be held in June.

Regarding curfew legislation, he gave credit to Vice President of Council Seren who raised the issue with him and sent proposed legislation which was a great template. He will follow up with the Law Director to get that legislation finalized in June. The Police Department is not enforcing that ordinance in the meantime.

The next committee meeting will be held May 26 at 6:00 with two agenda items – the Novak consultants report on the housing department and a presentation from the Greater Cleveland Congregation about Noble Neighborhood.

ADMINISTRATIVE SERVICES COMMITTEE

ORDINANCE NO. 61-2021 (AS), *First Reading*. An Ordinance granting final approval of the compensation rates and benefits proposed by the tentative labor agreement with the Cleveland Heights Fire Fighters Association, Local No. 402/International Association of Fire Fighters, AFL-CIO (Union) for the period commencing April 1, 2021 through March 31, 2024; giving the City Manager authority to sign said agreement; amending Section 3 of Ordinance No. 20-2021, "Wage and Salary Ordinance," to incorporate the labor agreement

Introduced by Council Vice President Seren

Legislation Introduced

RESOLUTION NO. 62-2021 (AS), *First Reading*. A Resolution authorizing the City of Cleveland Heights to become a Power a Clean Future Ohio Community and to adopt a goal to reduce greenhouse gas emissions in the city

Introduced by Council Vice President Seren

Legislation Introduced

There will be a committee meeting Wednesday, May 25, to hear a presentation about Resolution 62-2021.

Vice President of Council Seren stated that Council received information from people working in the Police Department about their working conditions. These conditions do not meet conditions of a healthy workplace. He's visited the department and sees the need for updates. He's confident that the health and wellbeing of the people that work for the city is a paramount concern and he's dedicated to creating a safe and healthy environment for our Police Department, the fleet, and throughout City Hall.

COMMUNITY RELATIONS AND RECREATION COMMITTEE

Council Member Russell stated the Forest Hill all-inclusive playground should be completed by the end of the week. After that, work will begin at the Denison Playground and facility.

She stated she was concerned about the salt dome and garbage there that she has commented on previously and asked about. She was told it would be cleaned up and now has been informed that it is contaminated and they don't know what to do with it or how to get it out. She stated we've got to get it out of that area. She's been getting calls from homeowners and businesses near there. They held a business developers roundtable today and talked about having grants for asbestos removal for older buildings to be torn down. She thought the dairy might be eligible for the Browns grant for asbestos and lead removal. She found two places that would accept the contaminated materials. There are many city owned lots and buildings in the Noble Neighborhood which is causing a delay for development in that area. Staff should be able to do it with some overtime pay to empty is out on Saturdays.

The City's timeline for Start Right made the RFP available in October with a December deadline and interviews in January. The contract was supposed to be in March and needs to be executed.

There was a comment about a burned down house that the Housing Department Director will address.

Susanna Niermann O'Neil stated we have been hauling every day recently and the reason it looks like nothing has been hauled is because of the enormous amount of yard waste that our crews are picking up including tree limbs from the big snow storm. We have a

contract with Boyas which has a good rate. Council Member Russell said she was glad to hear that update.

President of Council Stein stated he was glad to hear the cleaning and hauling was underway. In response to the City owned properties in the Noble area, he stated perhaps the Municipal Services Committee could add that to their next committee meeting agenda.

Council Member Russell stated she'd like a deadline when the dump will be cleared out and emptied. Susanna Niermann O'Neil stated the reality is there might be a big storm where it fills up with trees and limbs from that cleanup and it won't ever be an empty lot. President of Council Stein deferred the matter to go on a Municipal Services Committee agenda when the Public Works Director can talk about what is done there and explain the process.

FINANCE COMMITTEE

Council Member Hart asked Amy Himmeltein to provide an explanation for the legislation. Amy Himmeltein stated the budget adjustment is to increase the budget to purchase license plate readers, an offset for the lease of a fire truck, and a transfer to do some work on a building.

ORDINANCE NO. 63-2021 (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: Dunbar, Hart, Russell, Seren, Stein, Ungar, Cobb
 Nays: None

Legislation Passed

MUNICIPAL SERVICES COMMITTEE

RESOLUTION NO. 64-2021 (MS), First Reading. A Resolution approving an Integrated Overflow Control Master Plan relating to the City's Sanitary Sewer Overflow Control program pursuant to a consent decree between the City of Cleveland Heights, the United States of America, the U.S. Environmental Protection Agency and the State of Ohio, authorizing and directing its submission by June 1, 2021

Introduced by Council Member Dunbar

Legislation Introduced

RESOLUTION NO. 65-2021 (MS). A Resolution authorizing the City Manager to enter into an agreement with GPD Group for engineering services associated with the rehabilitation of Coventry Road from Euclid Heights Boulevard to Fairhill Road; providing compensation therefor

Council Member Ungar moved to remove Resolution 65-2021 from the consent agenda which was seconded by Council Member Hart

Introduced by Council Member Dunbar, Seconded by Council Member Russell

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

Legislation Passed

Council Member Dunbar stated this was Bike to Work Week and there will be a Ride of Silence.

PLANNING AND DEVELOPMENT COMMITTEE

Council Member Ungar stated that the Racial Justice Task Force Chair Rhonda Davis Lovejoy is hard at work with her Vice Chair to come up with a set of recommendations for the membership. They hope to hold the first meeting in June.

Council Member Ungar stated that Cleveland Heights will be receiving almost \$39 million in American Rescue Plan funds. It is time to listen to the community about how it should be spent and have staff provide recommendations to Council. Council Member Russell stated there is a plan for a few million already. President of Council Stein stated he would want to cast it broadly so we got recommendations from everyone. Vice President of Council Seren stated there are established models of participatory budgeting including outreach. Vice President of Council Seren stated Council could carve out some of the funds for participatory budgeting process which would be meaningful for residents' priorities. Council Member Hart stated residents don't feel there is enough room for public input and this is a good opportunity, but we'll have to let them know some things that are actually needed as well.

Vice President of Council asked about the procedure of scheduling the next meeting to approve legislation. President of Council Stein stated there will be a meeting next Monday for the legislation that was on first reading tonight, so a special meeting was posted for that at 7:30. Council Member Cobb asked if the revised legislation will be posted. Susanna Niermann O'Neil stated that as soon as the Master Plan is sent to us, the document will be posted.

Council President's Report

No report.

SPECIAL MEETING OF COUNCIL: MONDAY, MAY 24, 2021

Respectfully submitted,



Jason S. Stein, Mayor



Amy Himmeltein, Clerk of Council
/jkc