



CLEVELAND HEIGHTS

Monday, June 28, 2021 Minutes

City Council Meeting

7:37 - 9:55 p.m.

COUNCIL PRESENT:

Jason Stein, President
Kahlil Seren, Vice President
Craig Cobb
Mary Dunbar
Melody Hart
Davida Russell
Mike Ungar

ALSO PRESENT:

Susanna Niermann O'Neil, City Manager
Amy Himmelein, Clerk of Council
William Hanna, Director of Law

1 PROCEEDINGS

2 (Starting at 13:26 minutes)

3 *****

4 PRESIDENT STEIN: Welcome to Cleveland
5 Heights Special City Council Meeting, June 28,
6 2021. This meeting is called to order.

7 Ms. Himmelein, please call the roll.

8 MS. HIMMELEIN: Cobb?

9 MR. COBB: Did I hear Cobb?

10 MS. HIMMELEIN: Cobb, correct.

11 MR. COBB: Present.

12 MS. HIMMELEIN: Dunbar?

13 MS. DUNBAR: Present.

14 MS. HIMMELEIN: Hart?

15 MS. HART: Present.

16 MS. HIMMELEIN: Russell?

17 MS. RUSSELL: Here.

18 MS. HIMMELEIN: Seren?

19 MR. SEREN: Here.

20 MS. HIMMELEIN: Stein?

21 PRESIDENT STEIN: Present.

22 MS. HIMMELEIN: Ungar?

23 MR. UNGAR: Here.

24 MS. HIMMELEIN: Everyone present,
25 your Honor, we have a quorum.

1 PRESIDENT STEIN: Thank you. We have
2 no members to excuse as we're all present.

3 We move on to report of the City
4 Manager, Ms. Niermann-O'Neil, please.

5 MS. NIERMANN-O'NEIL: Thank you. As
6 everyone knows, we are starting up our July
7 recess and I wanted to give a couple of
8 updates on some of the things that will be
9 going on during July. One of the things that
10 is probably most important is our work on the
11 ARP funds and zeroing in on what is eligible
12 for their use. We are putting a survey.
13 It'll go up tomorrow on our website with the
14 various things that are eligible and asking
15 our residents to go on there, look at it,
16 really think about the community and rate
17 them. So we will have that data.

18 In the meantime, staff will be meeting
19 and putting together some recommendations that
20 we will be able to bring to City Council at
21 the beginning of August and have some
22 discussion about that. So we wanted to do
23 this right and we want to make sure that we're
24 following the regulations very tightly. So
25 that will be going on in July.

1 Also, we have a few block parties. I
2 thought I would mention to Council that we are
3 moving into gradually having block parties
4 after our COVID year, and just for your
5 information, on this weekend, Saturday, July
6 3rd, Wellington is having their block party.
7 Then on Sunday, which is the 4th of July, the
8 annual Somerton block party is going forward;
9 the annual Kingston parade block party is
10 going forward; and Ashton and East Fairfax.
11 It's really heartwarming to see these coming
12 back because some of them have been going on
13 for many, many years in our city.

14 Then the other thing, during our July
15 recess, Cain Park is going to open in the
16 middle of July. Of course, all of this will
17 be on our website, but we're going to open
18 Cain Park with Cain Park Arts Festival, July
19 9th, 10th and 11th. This year there is no
20 admission fee. The festival itself is
21 somewhat pared down. You know, we usually
22 have about 150 artists. This year we're going
23 to have about 90, because we want to respect
24 the social distancing, both as people are on
25 the path with the artists and also we'll be

1 doing social distancing in the Evans, because
2 there will be free concerts in there.

3 So kind of nice to see the community
4 opening up again. We're going to do it little
5 by little so we don't overwhelm it.

6 So those are some of the things in
7 terms of the recess and, obviously, staff will
8 be here. Any inquiries or issues that City
9 Council, as always, if City Council wants us
10 to look into something, please email. Let me
11 know and we'll get on it as best we can.

12 Any questions about any of that?

13 (No response.)

14 I'm going to briefly go over the
15 legislation, in case you have any questions
16 about that. First one, 93-2021. That is the
17 Finance Director's budget appropriation and
18 expenditures and we have been doing those on a
19 regular basis. Amy does a great job with
20 that.

21 94-2021 is we're extending the
22 suspension of the Admission Tax. This was put
23 in place, really, in a lot of cities around
24 the country when COVID hit. Because places
25 like Dobama and Cedar Lee Theater are trying

1 to get their feet wet again and open up, and
2 remind people they are there, we thought it
3 was common sense to ask Council to suspend the
4 Admission Tax until the end of the year. So
5 that's what 94-2021 is about.

6 95-2021 is our looking at the new
7 purchases for the Police Department. We
8 talked over the last couple of months about
9 the equipment the police have and some of the
10 maintenance issues with their vehicles. We
11 thought in finding the funds for this, we
12 thought this was a good time to order them,
13 because you don't get them immediately, but
14 wanted to get on that in 2021, so that as they
15 come in, we're ready for them. So that's what
16 one is about.

17 I also want to add we have had some
18 discussions about the areas where our police
19 are here at City Hall, the lower area. We did
20 go out to bid on that and we have someone who
21 will be coming in and upgrading in terms of
22 painting, the electrical, the whole
23 entwinement of what has not been the best area
24 for our police. So we're working on that.

25 Also, we've been down to the dairy and

1 we are looking at places to remove some of the
2 things that are there, and find places here at
3 City Hall, so we can start emptying out the
4 building. Because we need to be realistic
5 about the conditions there. So I'm hoping
6 over the month of July, a lot of that
7 transferring will be going on, and of course,
8 we'll look to Council with that.

9 Also Vision Zero, which came out of TAC
10 and Mary Dunbar's commitment. This is
11 basically a statement that says, people who
12 are running, people who are bicycling, we want
13 to have all of this tucked together in a very
14 safe fashion, so that we have zero fatalities.
15 So everything the City does in cooperation
16 with TAC, some of the ideas that we all come
17 together about. Vision Zero allows us to
18 actually make a statement about that. So
19 that's what that is about.

20 97-2021 is very exciting. Berkowitz-
21 Kumin that is an anchor on Taylor Road and has
22 been for many, many years, right at the corner
23 of Superior and Taylor, have decided to stay
24 in Cleveland Heights and are making a \$3
25 million commitment to the extension of their

1 building along the back. This is very
2 exciting news for Taylor Road, the Taylor
3 neighborhood, actually all of Cleveland
4 Heights. I think we all know that the owners
5 over the years, I just spoke with one of them
6 the other day, grew up in Cleveland Heights,
7 knows the Heights, wants to stay here. So
8 Brian Anderson did a terrific job on going
9 through all the pieces of it and put an
10 excellent memo in the packet explaining the
11 ins and outs of it, and I really appreciate
12 the work that he did on that.

13 98-2021 is the memorandum of
14 understanding with Start Right. We've been
15 talking about this over the last two weeks and
16 I really want to compliment staff and the
17 people from Start Right on the amount of work
18 that went into our reaching, really, the
19 deadline. Because if we hadn't met it by now,
20 we would have to wait until August. I think
21 we're all in agreement that we want this to go
22 forward.

23 Then 99-2021 is also a memorandum of
24 understanding regarding the Cedar
25 Lee-Meadowbrook development. We feel that we

1 have done, staff and working -- again, working
2 with them, have put together a good MOU for
3 consideration.

4 So that is what we have on our plate
5 tonight.

6 PRESIDENT STEIN: Thank you. Moving on
7 to the Board of the Clerk of Council,
8 Mrs. Himmelein.

9 MS. HIMMELEIN: Thank you. I'd like
10 to note by Council that notices have been
11 received from the Ohio Department of Liquor
12 Control advising that applications have been
13 made by the following: Monica's Carry-Out,
14 LLC, 2569 Noble Road, Cleveland Heights, Ohio
15 44121, for a new C-2 Permit; Haunted House
16 Restaurant, LLC, 13463 Cedar Road, Cleveland
17 Heights, Ohio, 44118, for a transfer of D-1,
18 D-2, D-3, D-3A and D-6 permits from Melt Bar
19 & Grill, Inc., 13463 Cedar Road, Cleveland
20 Heights, Ohio 44118; and that's a matter of
21 record and all I have tonight.

22 PRESIDENT STEIN: Thank you. That's
23 been made a matter of record and refer it to
24 Public Safety and Health Committee and
25 Council, the City Manager and the Director of

1 Law.

2 Moving on to our Committee reports.
3 First is Finance Committee. Councilperson
4 Hart, please.

5 MS. HART: Okay. We have
6 Ordinance 93-2021 and before I read it, Amy
7 could you please give a synopsis for people?

8 PRESIDENT STEIN: Hold on, wait. The
9 City Manager is asking for a moment.

10 MS. NIERMANN-O'NEIL: I believe we're
11 going into Executive Session for the agenda,
12 correct Law Director?

13 MR. HANNA: That is the next
14 Agenda Item on the updated agenda that's on
15 the website, which was distributed to Council on
16 Friday. It's to consider the terms of
17 purchase of real property for public
18 purchases, to consider the sale or lease of
19 city owned real property, and to discuss with
20 an attorney for the --

21 PRESIDENT STEIN: We just lost Bill.
22 Did someone want to make that motion?

23 MS. DUNBAR: I will make the
24 motion to go into Executive Session to
25 consider the terms of purchase of real

1 property for public purchases, to consider the
2 sale or lease of city owned real property, and
3 finally to discuss with an attorney for the
4 public body claims or disputes involving the
5 public body that are the subject of pending
6 court action.

7 Is there a second?

8 MS. HART: Second.

9 PRESIDENT STEIN: Thank you.

10 Mrs. Himmelein?

11 MS. HIMMELEIN: Dunbar?

12 MS. DUNBAR: Aye.

13 MS. HIMMELEIN: Hart?

14 MS. HART: Aye.

15 MS. HIMMELEIN: Russell?

16 MS. RUSSELL: Aye.

17 MS. HIMMELEIN: Seren?

18 MR. SEREN: Aye.

19 MS. HIMMELEIN: Stein?

20 PRESIDENT STEIN: Aye.

21 MS. HIMMELEIN: Ungar?

22 MR. UNGAR: Aye.

23 MS. HIMMELEIN: Cobb?

24 MR. COBB: Aye.

25 MS. HIMMELEIN: Seven ayes your

1 Honor.

2 PRESIDENT STEIN: We're going to go
3 into Executive Session now. Please stay
4 tuned. When we come back, we will continue
5 our Council meeting from where we left off.

6 (Executive session held.)

7 MS. HIMMELEIN: We are out of
8 Executive Session.

9 PRESIDENT STEIN: Welcome back to our
10 Special Cleveland Heights Council Meeting.
11 We're going to continue to the Committee
12 reports now. First is Finance Committee.
13 Councilperson Hart, please.

14 MS. HART: Okay. My first
15 Ordinance is 93-2021. Before I read it, it's
16 one of those, again, where we're adjusting the
17 budget, so Amy, could you please give a
18 description?

19 MS. HIMMELEIN: Certainly. So this
20 amendment is basically -- the biggest item is
21 to purchase the police vehicles that are on
22 Council's agenda later on tonight. It's also
23 to make some improvements to the police
24 facilities, as well as (inaudible) to Coventry
25 garage.

1 MS. HART: Thank you. So
2 Ordinance No. 93-2021(F), an ordinance to
3 amend certain subparagraphs of Ordinance
4 127-2020(F) and subsequent amending ordinances
5 relating to appropriations and other
6 expenditures of the City of Cleveland Heights,
7 Ohio for the fiscal year ending December 31,
8 2021.

9 PRESIDENT STEIN: Is there a second?

10 MR. COBB: Second.

11 PRESIDENT STEIN: Thank you. Any
12 discussion?

13 (No response.)

14 Mrs. Himmelein?

15 MS. HIMMELEIN: Russell?

16 MS. RUSSELL: Aye.

17 MS. HIMMELEIN: Seren?

18 MR. SEREN: Aye.

19 MS. HIMMELEIN: Stein?

20 PRESIDENT STEIN: Aye.

21 MS. HIMMELEIN: Ungar?

22 MR. UNGAR: Aye.

23 MS. HIMMELEIN: Cobb?

24 MR. COBB: Aye.

25 MS. HIMMELEIN: Dunbar?

1 MS. DUNBAR: Aye.

2 MS. HIMMELEIN: Hart?

3 MS. HART: Aye.

4 MS. HIMMELEIN: Seven ayes, your
5 Honor.

6 PRESIDENT STEIN: It's unanimous.

7 MS. HART: My next Ordinance,
8 and for those who tuned in late didn't hear
9 the explanation that Susanna gave earlier,
10 this is Admissions Tax, which is -- it's to
11 help out Dobama. So for instance, they're
12 starting to try to have plays again, and we're
13 trying to make it a little easier for them by
14 not having an Admissions Tax until the end of
15 the year.

16 So it's Ordinance No. 94-2121(F), an
17 Ordinance amending Ordinances No. 81-2020 and
18 133-2020, to extend the extension upon the
19 levy of Admissions Tax under Chapter 155,
20 Admissions Tax, of Part I of Administrative
21 Code of the Codified Ordinances of the City of
22 Cleveland Heights, to extend the moratorium on
23 the collection and remittance of the same.

24 PRESIDENT STEIN: Is there a second?

25 MS. DUNBAR: Second.

1 PRESIDENT STEIN: Thank you. Any
2 discussion? Kahlil, you're on mute.

3 MR. SEREN: I have a question.
4 Thank you. First a quick comment, I'm totally
5 in favor of this. I think that especially
6 coming out of this pandemic, we need to
7 provide the kinds of support like this to our
8 -- and I think Cleveland Heights is one of
9 those places that has a lot of these locations
10 that need this kind of support with the
11 Admissions Tax being suspended. But I'd like
12 to know, do we have or did we make any kind of
13 forecast about how much revenue we'd be
14 foregoing by suspending this for the rest of
15 the year?

16 MS. HIMMELEIN: I can actually
17 somewhat answer that. We made about \$50,000,
18 I believe in 2019. So in total this year,
19 that's about how much we would forego between
20 everything for Admissions Tax.

21 MR. SEREN: Thank you, Director.

22 PRESIDENT STEIN: Okay, Mrs. Himmelein,
23 please call the roll.

24 MS. HIMMELEIN: Seren?

25 MR. SEREN: Aye.

1 MS. HIMMELEIN: Stein?

2 PRESIDENT STEIN: Aye.

3 MS. HIMMELEIN: Ungar?

4 MR. UNGAR: Yes.

5 MS. HIMMELEIN: Cobb?

6 MR. COBB: Aye.

7 MS. HIMMELEIN: Dunbar?

8 MS. DUNBAR: Aye.

9 MS. HIMMELEIN: Hart?

10 MS. HART: Aye.

11 MS. HIMMELEIN: Russell?

12 MS. RUSSELL: Aye.

13 MS. HIMMELEIN: Seven ayes, your

14 Honor.

15 PRESIDENT STEIN: It's unanimous.

16 Anything else?

17 MS. HART: I want to wish
18 everyone to have a good July. We are off, as
19 you've probably heard earlier, because the
20 Council will be off during that time, but I'll
21 probably see you around town, because I'm not
22 going anywhere, actually. So I hope everyone
23 has a good Summer.

24 PRESIDENT STEIN: Thank you. Next the
25 Civil Services Committee. Councilperson

1 Dunbar?

2 MS. DUNBAR: I have two pieces of
3 legislation. The first is Resolution No.
4 95-2021. It's a resolution authorizing an
5 agreement with Ganley Ford, Inc., for the
6 purchase of eleven 2021 Ford Utility Police
7 Interceptors for the Police Department. I
8 move that we approve this because these are
9 badly needed.

10 MS. HART: Second.

11 PRESIDENT STEIN: Thank you. Any
12 discussion? Kahlil?

13 MR. SEREN: I've got a question.
14 I did just a quick search looking at Ford
15 Police Interceptors and I noticed a variety of
16 engine options, and one of the things that at
17 least appeared available was a hybrid vehicle.
18 And I'm wondering, did we pay any attention to
19 the possibility of using either hybrid or
20 electric to do some of this? Do we know
21 anything about the engine choices or did that
22 weigh into our decision making process at all?

23 MS. NIERMANN-O'NEIL: I know we did.
24 We briefly looked at that, but realistically
25 going forward, we did not choose electric or

1 hybrid. It was just a basic decision for the
2 fleet.

3 MR. SEREN: So was there a
4 rationale for it? I think electric, maybe,
5 I can see some sort of hesitancy there, but
6 the hybrid, you know, looking at 318
7 horsepower, I'm wondering what the rationale
8 was for that.

9 MS. NIERMANN-O'NEIL: You know,
10 I really cannot completely answer that. It
11 was something that came out of staff and the
12 Chief looking at vehicles and I accepted the
13 recommendation, knowing that we wanted the
14 basic car and we wanted to improve the fleet.
15 So that's my answer and I don't think the
16 Chief is on right now. I apologize.

17 MR. SEREN: Certainly. If
18 there's any possibility moving forward, I know
19 that we sort of just entered into this
20 partnership with Power and Clean Future Ohio,
21 and one of the things that they're committed
22 to doing is helping municipalities navigate
23 these kinds of decisions. If we can start
24 sort of working with them, we might be able to
25 get a jump on our admissions goals and reduce

1 our fuel costs and even maintenance costs and
2 that kind of thing. Just for the future.

3 MS. NIERMANN-O'NEIL: Thank you. Okay.

4 PRESIDENT STEIN: Mike.

5 MR. UNGAR: Just a quick follow-
6 up question Susanna. Is this part of from an
7 ongoing fleet replenishment program and, if
8 so, any sense of how much of a dent these
9 eleven new vehicles will make in the recurring
10 issues that this council has heard about with
11 respect to the vehicles in the force?

12 MS. NIERMANN-O'NEIL: We're all aware
13 of the fact that we did not do our due
14 diligence over the past few years of buying
15 two or three a year. We just didn't do it and
16 we ended up in a situation where the
17 maintenance on the vehicles that we did have
18 was taking them out of commission, also
19 the cost of the maintenance. So in terms of
20 putting a dent in it, you know, earlier we got
21 four and now eleven, so we'll be at 15 new
22 vehicles, but the fleet has a ways to go. I
23 would say this is only a 30 to 35 percent
24 improvement on the fleet. It got down to
25 financials.

1 MR. UNGAR: So but the plan is to
2 continue. This is part of program then to
3 fully replenish the fleet on a rolling basis?

4 MS. NIERMANN-O'NEIL: Yes, I hope --

5 MR. UNGAR: So we should be
6 seeing (inaudible) expenditures along --

7 MS. NIERMANN-O'NEIL: I hope going into
8 the future, whoever's making the decisions
9 realizes that maintaining with new vehicles on
10 a rotating basis is the way to save money.
11 That's just a fact. So yes, it's the
12 beginning.

13 MR. UNGAR: Okay. Well, thank
14 you for doing this.

15 PRESIDENT STEIN: Thank you, Susanna,
16 for making these purchases, these much needed
17 purchases for our police department. The City
18 thanks you.

19 Mrs. Himmelein, please call the roll?

20 MS. HIMMELEIN: Stein?

21 PRESIDENT STEIN: Aye.

22 MS. HIMMELEIN: Ungar?

23 MR. UNGAR: Aye.

24 MS. HIMMELEIN: Cobb?

25 MR. COBB: Aye.

1 MS. HIMMELEIN: Dunbar?

2 MS. DUNBAR: Aye.

3 MS. HIMMELEIN: Hart?

4 MS. HART: Aye.

5 MS. HIMMELEIN: Russell?

6 MS. RUSSELL: Aye.

7 MS. HIMMELEIN: Seren?

8 MR. SEREN: Aye.

9 MS. HIMMELEIN: Seven ayes, your
10 Honor.

11 PRESIDENT STEIN: It's unanimous.
12 Anything else?

13 MS. DUNBAR: There is one more
14 resolution tonight for the Municipal Services
15 Committee, which is Resolution No. 96-2021 and
16 it's on, first reading, a resolution adopting
17 and supporting the ideals, principals and
18 concepts of Vision Zero for the City of
19 Cleveland Heights. I personally feel that
20 this is a no-brainer. Vision Zero emphasizes
21 safety in all users of roadways, so it's all
22 users of roadways should be safe in our City,
23 by the design of how the roadways are done.
24 That's what this is about. We will, I guess,
25 vote on it the second reading in August.

1 PRESIDENT STEIN: Thank you. Did you
2 have anything else?

3 MS. DUNBAR: Just that there will
4 be a meeting of the Transportation Advisory
5 Committee on Wednesday evening and those are
6 broadcast, I believe.

7 PRESIDENT STEIN: Thank you. Moving on
8 -- actually, Councilperson Russell wanted to
9 be recognized. Councilperson Russell?

10 MS. RUSSELL: Thank you. You
11 caught me off guard there. Basically, I
12 didn't want anything. I just wanted to say
13 happy Fourth of July for all of our residents.
14 I wanted them to enjoy a wonderful July and
15 I won't be here, so you won't be seeing me
16 around until maybe the end of July. Maybe
17 Susanna, if you could email us any future
18 block parties and then I can just pick them up
19 once I come back in town. I just really
20 wanted to tell our residents, our staff, to
21 please enjoy the month of July and celebrate
22 with your family. Make sure you spread a lot
23 of love into our community as we open up and
24 be together.

25 So thank you, Jason, for recognizing

1 me.

2 PRESIDENT STEIN: Thank you.

3 I'm going to recognize Vice President
4 Seren.

5 MR. SEREN: Thank you,
6 Mr. President. So I guess I wanted to take
7 this opportunity. I know we're not doing
8 committee reports exactly, but I wanted to
9 take this opportunity, of course, to these
10 last days of Pride Month, to hope everybody
11 had a very happy Pride Month, and also
12 recognize that every month should be Pride
13 Month and that Pride was a riot. Let's not
14 forget that.

15 I also want to say happy Fourth of
16 July. We just celebrated Juneteenth, Freedom
17 Day. Independence Day, I think, is a piece of
18 that. Of course, what is July 4th to the
19 slave and all, but Freedom Day and July 4th, I
20 think, together maybe, we can move on that
21 track toward real equality.

22 I also wanted to make a real
23 substantive announcement as well, just a quick
24 legislative update. You should be looking
25 forward to a few pieces of legislation. Two

1 of which I will cosponsoring with Councilwoman
2 Davida Russell. Thank you so much for your
3 help with this, Davida. One of them has to do
4 with prevailing wage requirements in our
5 contracts. The other one has to do with
6 creating a labor peace requirement for support
7 on development deals and that kind of thing.
8 The last one is a -- you might have seen the
9 Administrative Services Committee meeting on
10 this, but a parental and childbirth leave
11 policy that will update our policy that hasn't
12 been updated since 1977, and will sort of
13 create a more inclusive family leave policy
14 for the City. I expect that that will be
15 introduced in August. We're going to take a
16 really deep dive into the effect on staffing,
17 the effect, potentially, on recruitment, the
18 effect on our finances. I welcome all of
19 Council to take a look at that draft and
20 provide some input if you'd like. We'll be
21 talking about this a lot more, but I wanted to
22 let the public know to be aware and to look
23 out for that in the future.

24 With that, have a lovely evening.

25 MS. RUSSELL: Jason, may I thank

1 Susanna. I just really need to thank you her
2 now. I really, really appreciate your report
3 on updating the Police Department and their
4 area, and moving things out of the dairy. You
5 made my exit for July very happy and I wanted
6 you to know that, because there's a lot of
7 things that's happening over there and I just
8 appreciate you slowly moving on it, and I
9 truly, truly appreciate it. People in this
10 area are very excited about that. So I just
11 really wanted to tell you thank you, thank
12 you, thank you.

13 PRESIDENT STEIN: Melody?

14 MS. HART: Yeah, I just want to
15 second that. It was an eye-opener when I went
16 to go see the facilities, and I'm glad to see
17 that we're moving on that and we're moving on
18 the cars. I think it's much needed. And I'm
19 sure the officers are going to be very happy.
20 Thank you, very much, very much, Susanna.

21 PRESIDENT STEIN: Okay. Continuing
22 with our agenda, next is Planning and
23 Development Committee. Councilperson Ungar,
24 please?

25 MR. UNGAR: I feel like I've been

1 set up here. All these cheery things, now I'm
2 going to talk about a funeral home. I really
3 appreciate that, you know. Thanks colleagues.

4 All kidding aside, it's actually my
5 pleasure to propose this evening, Ordinance
6 97-2021, which is an ordinance that'll
7 authorize Susanna Niermann-O'Neil, as our City
8 Manager, to enter into an agreement with
9 Berkowitz-Kumin for the provision of
10 incentives available under 3735 of the Ohio
11 Revised Code, for the construction of a
12 significant new addition totally 3500 square
13 feet, and renovation of an existing facility
14 within the Cleveland Heights Community
15 Reinvestment Area.

16 I'm sure that most -- I'm sure everyone
17 on Council knows and those that are watching
18 this evening, probably most everyone knows the
19 Berkowitz-Kumin facility has been in our
20 community for many, many years. It's a very
21 highly respected Jewish funeral home. It
22 happens to be located in a very sensitive
23 commercial district, one that is subject to
24 our Commercial Community Reinvestment Area
25 dollars and opportunities. I consider I want

1 to commend our staff as well, sort of jump on
2 the commending our staff train. I think this
3 is an excellent deployment of our Commercial
4 Community Reinvestment Area tax strategies.

5 Just to give folks a sense of what this
6 might bring, because I think it's exciting.

7 Our staff did an excellent job, Tim Boland and
8 his staff did an excellent job of summarizing
9 for us in our Council packets this week, and
10 I assume it's available online. Some of the
11 highlights of this thing, as I mentioned, it's
12 a significant addition. For those that are
13 wondering, even with the tax advantages
14 associated with a CRA, I'm fond of saying more
15 is more. This is an example of that. 50
16 percent of the new taxes, associated with the
17 new value from the project would be abated,
18 and that amounts to \$43,898, but the total new
19 property taxes under the abatement would be
20 \$92,000, with approximately 70 percent of
21 those funds going directly to our schools.
22 Translation, the schools get approximately
23 just shy of 65,000 a year, if the project
24 moves forward, versus the \$33,923 that they
25 currently receive. Those that are quick with

1 math know that's a \$31,000 delta in the right
2 direction.

3 They're also, per usual, are job
4 opportunities associated with this kind of
5 community reinvestment. In this case, the
6 project is estimated to yield a retention of
7 17 full time and four part time jobs. The
8 reason for that, this is not a threat or
9 anything like that, but this is a company that
10 would be sought after by any community. They
11 choose to exist in Cleveland Heights and
12 they're choosing to remain in Cleveland
13 Heights, and that's something that we should
14 celebrate because as they choose to remain
15 here, so do those employees and so does an
16 annual payroll of just shy of two million
17 bucks stays right here in Cleveland Heights.

18 So again, I think this is something to
19 celebrate. The fact that we're using the CRA
20 in this type of a way in a commercial way and
21 I'm appreciative of it. With that, I would
22 move approval of Ordinance 97-2021.

23 MS. DUNBAR: Second.

24 PRESIDENT STEIN: Thank you any
25 discussion?

1 (No response.)

2 Seeing none, I also support this. This
3 is an iconic and important business in
4 Cleveland Heights and that we are keeping them
5 and appreciating them, and they are investing
6 a lot of money in there to stay here and they
7 are going to be paying a lot more taxes as
8 well. It's a win all around and
9 Mrs. Himmelein, please call the roll.

10 MS. HIMMELEIN: Ungar?

11 MR. UNGAR: Aye.

12 MS. HIMMELEIN: Cobb?

13 MR. COBB: Aye.

14 MS. HIMMELEIN: Dunbar?

15 MS. DUNBAR: Aye.

16 MS. HIMMELEIN: Hart?

17 MS. HART: Aye.

18 MS. HIMMELEIN: Russell?

19 MS. RUSSELL: Aye.

20 MS. HIMMELEIN: Seren?

21 MR. SEREN: Aye.

22 MS. HIMMELEIN: Stein?

23 PRESIDENT STEIN: Aye.

24 MS. HIMMELEIN: Seven ayes, your

25 Honor.

1 PRESIDENT STEIN: It's unanimous.

2 MR. UNGAR: Okay, moving on from
3 funeral homes to more exciting discussions
4 (unintelligible) we are sitting, including in
5 full housing and development of a commercial
6 district.

7 First, I have Resolution 98-2021.
8 That's a resolution that will authorize our
9 City Manager to sine a non-binding MOU,
10 Memorandum of Understanding, with our CDC
11 partners, Start Right Community Development
12 Incorporation, which is a not for profit, for
13 the redevelopment of vacant residential lots
14 owned or controlled by the City, with new,
15 single family homes. For those that may have
16 scrutinized the draft MOU that you have, that
17 there is -- and the proposed legislation this
18 evening -- there is one important amendment
19 which will find its way into our directive,
20 with respect to the MOU both here and with
21 respect to the other MOU legislation that we
22 have this evening, and I understand will
23 become a bit of a more permanent fixture.

24 That is that all these MOUs that we
25 enter into are subject to the approval of our

1 very capable Law Director, Mr. Hanna. But
2 also, we're going to specifically reference --
3 we're not going to reference all the City's
4 laws, but we are going to reference our City's
5 robust anti-discrimination laws, and our Law
6 Director is going to be very careful as he
7 negotiates the MOU and comes back to Council
8 for a recommendation to approve the execution
9 of both the MOU and the development agreements
10 that anybody with whom we are doing business
11 is going to abide by, adhere to, our robust
12 anti-discrimination laws.

13 So with that, I would offer the
14 Resolution for approval this evening.

15 PRESIDENT STEIN: Is there a second?

16 MS. DUNBAR: Second.

17 MS. RUSSELL: I'll second.

18 PRESIDENT STEIN: Thank you. Any
19 discussion? Kahlil?

20 MR. SEREN: Thank you, Council
21 President. So I guess I'm going to continue
22 the habit of clearly expressing the rationale
23 behind my votes. So I will be clear with the
24 public about why I'm voting the way I am on
25 this particular MOU. I recognize that MOUs

1 are non-binding, but I also have enough
2 experience with these things to know that when
3 you decide on an MOU, that generally is
4 roughly the shape of the development
5 agreement. And I don't see anything that has
6 changed certain salient points from the
7 original presentation that we received, when
8 we received presentations from these
9 contractors.

10 So in our packet, we received more
11 information that reiterated the need on this
12 project for \$250,000 from the City to aid in
13 the development of these homes. Of course, I
14 think, the \$100 lot idea, maybe that's a more
15 standard situation, but I do want to point out
16 that upwards of \$300,000 in potential for
17 down payment assistance that is being
18 requested from the City, I think that that's
19 something that we should be a little bit more
20 concerned about.

21 Beyond that, the commercially
22 reasonable request for prevailing wage on
23 these contracting jobs, I think that that's
24 just unconscionable at this stage. I think we
25 went through this already. We compromised on

1 a notable construction project in this City to
2 a, I believe, a 30 percent prevailing wage on
3 a large project. I hoped that we learned from
4 that to bake these things in at the outset, so
5 developers wouldn't be caught by surprise.

6 But beyond that, I think that it's also
7 important to note that this particular lead
8 developer is fully inexperienced in the realm
9 of home building. Now that's not to take away
10 from the experience that they do have and it's
11 not to take away from the experience of their
12 partners, but we are contracting with the lead
13 developer on this, and the experience gives me
14 pause. More than that, I want to speak
15 directly to the residents of that neighborhood
16 as well. I think that the City, in this
17 instance, could have done better and I think
18 that you deserve better than our efforts to
19 attract developers to that location.

20 Something that I noted that I don't
21 think has been brought up in this discussion
22 is the opportunity zone that these parcels are
23 squarely within, providing an additional tax
24 benefit to investors who are apparently
25 expecting to receive a 24 percent return on

1 investment in this deal according to the last
2 information that we got. I know, and I hope,
3 I do hope that I will be happily surprised by
4 the shape of the development agreement, but
5 all of the information that I've received thus
6 far, gives me a great deal of concern and that
7 is on top of the very personal -- like I said,
8 happy Pride Month everybody - the very
9 personal concern that I have about the signal
10 that we are sending to the residents of this
11 City in doing business with an organization
12 and providing them such benefit of the doubt,
13 when they are led by someone who has sued the
14 City to stop us from providing the scraps of
15 equality in the form of a domestic partner
16 registry for our LGBTQ residents. I think
17 that that should give us all pause. It should
18 certainly be a factor in our thoughts.

19 But beyond that, I think that the
20 structure of the deal is concerning, and for
21 that reason, I can't put my yes vote on this.
22 I really do hope that there is somehow some
23 change made and I can be happily surprised by
24 an ultimate development agreement, but based
25 on my experience that does not seem likely.

1 PRESIDENT STEIN: Okay.

2 Ms. Himmelein, please call the roll.

3 MS. HIMMELEIN: Cobb?

4 MR. COBB: Aye.

5 MS. HIMMELEIN: Dunbar?

6 MS. DUNBAR: Aye.

7 MS. HIMMELEIN: Hart?

8 MS. HART: Aye.

9 MS. HIMMELEIN: Russell?

10 MS. RUSSELL: Aye, and I want to
11 explain my vote. I want to talk to the
12 residents that's in that area and I want to
13 talk to the LGBTQ community as well.

14 PRESIDENT STEIN: Davida, I'm really
15 sorry to cut you off, but as soon as we're
16 done with the vote, I'll recognize you to
17 speak, okay?

18 MS. RUSSELL: Thank you.

19 PRESIDENT STEIN: Mrs. Himmelein.

20 MS. HIMMELEIN: Seren?

21 MR. SEREN: No.

22 MS. HIMMELEIN: Stein?

23 PRESIDENT STEIN: Aye.

24 MS. HIMMELEIN: Ungar?

25 MR. UNGAR: Aye.

1 MS. HIMMELEIN: Six ayes, your Honor,
2 and one no.

3 PRESIDENT STEIN: Okay, it passes.
4 Councilperson Russell, please?

5 MS. RUSSELL: Yes. I want to make
6 a clarification of my vote. I'm voting yes
7 for this for many different reasons. I've
8 heard some things that happened 20 years ago.
9 I was not privy to it, was not aware of it.
10 The LBG community know how I feel about them,
11 but so do the residents of Caledonia.
12 Caledonia has not had any attention in over 40
13 years. If people were interested in doing any
14 business of doing any development in Cleveland
15 Heights in the Caledonia area, we would not
16 have to wait until we got to this point today.
17 So I look at that area as a distressed
18 area in need. I don't see a lot of people
19 coming to the rescue of that area. I don't
20 see a lot of developers coming to the rescue
21 of that area. The people in that area need
22 help. The people in that area can't afford to
23 wait. If it was many developers that wanted
24 to develop in that area, they had plenty of
25 time to come. I can't talk about anybody's

1 personal views, because I'm a person, I
2 believe, a child of God and a child of loving
3 each other. We are all welcome. We have to
4 practice that. We have to make sure that we
5 understand that.

6 I understand there are some tough
7 feelings here. I don't know what they are,
8 because I was not privy to it. All I do know
9 is that a part of our City is in desperate
10 need, and I know that all of the votes here
11 voted for three contractors to come in to help
12 develop that area. Now we have three
13 contracts. Our Law Director has already
14 informed us this contract is not binding.
15 This contract had to be dealt with and we have
16 to make changes and arrangements and still go
17 back and negotiate some changes. Council had
18 also informed the Law Director what changes
19 we're looking for and what we want.

20 I've also spoke to the LGBT community
21 and said, they informed me that as long as
22 there was a non-discrimination clause that was
23 in this agreement, they had no issues. So I'm
24 just asking the residents of Cleveland Heights
25 to understand that a part of our (inaudible)

1 needs help and we need help now. We can no
2 longer wait for another ten years for another
3 developer come by and try to help build this
4 City. If this part of the City was so
5 important, we wouldn't be here today. We
6 would have had and filled housing five years
7 ago, ten years ago.

8 I'm the one on Council who's been
9 hollering about all the areas of Noble and
10 Taylor. I don't care about people jumping on
11 my bandwagon or not jumping on my bandwagon.
12 But I am very frustrated and I am tired. I am
13 tired of looking at a distressed area, where
14 African Americans and Jewish people live, and
15 nobody gives a hoot about them. I am tired of
16 people saying, oh, yes, we can get some other
17 developers. Well, where are they? Where have
18 they been? There's nobody coming to the
19 rescue of this community and I'm not going to
20 stop talking and advocating for that community
21 until we're all welcome. Gay and lesbian,
22 black and white and Jewish, we are all welcome
23 here in every area of this City, live and
24 work, and need to be respected in the same
25 way.

1 So if anyone has a problem with my
2 vote, please call me directly. Thank you.

3 PRESIDENT STEIN: Thank you.
4 Councilman Ungar, please continue.

5 MR. UNGAR: Amy, did you just
6 unmute me? Wow, I'm spoiled. Thank you.

7 Last, but certainly not least, on the
8 Planning and Development agenda this evening
9 is a resolution that, once again, will
10 authorize Susanna, our City Manager, to sign a
11 non-binding MOU with Flaherty and Collins
12 Development, concerning what we all
13 affectionately refer to it as the Cedar-Lee
14 Meadowbrook development. Same caveat or
15 amendment as last time, this will be subject
16 to our Law Director ensuring that there will
17 be appropriate reference in any agreements to
18 our City's robust anti-discrimination laws.
19 With that, I offer for passage Resolution
20 99-2021.

21 MS. DUNBAR: Second.

22 PRESIDENT STEIN: Any discussion?
23 Melody?

24 MS. HART: As we move forward on
25 this and have, eventually, a development

1 agreement, I want to make sure that we get tax
2 reporting that's appropriate that Amy
3 Himmelein agrees to, so that we make sure we
4 getting all the income taxes from this that we
5 should be, including from subcontractors, that
6 we are not only pedestrian friendly, but
7 bicycle friendly, that the entity join the
8 City and that we have a robust public input.

9 Thank you.

10 PRESIDENT STEIN: Kahlil?

11 MR. SEREN: `thank you, Council
12 President. So again, I guess, I'd like to
13 take a brief moment to explain the rationale
14 behind my vote on this item.

15 I recognize that our city is not a
16 monolith, and there are a wide variety of
17 opinions about what should and could be done
18 with this particular property. And we're not
19 always going to agree on the best and highest
20 use for this property, but, I did want to
21 point out that I recognize that not everybody
22 is going to be happy about this vote. It is
23 my opinion that the better use, the best use
24 for this property is to develop residential
25 and retail space on this property to close a

1 gap in an important business district, to add
2 residents to our city, to add consumers to our
3 business district, and support a lot of the
4 businesses and small independent businesses
5 that have been hit really hard during this
6 pandemic and will need some help in the coming
7 years, and I think that the residents that
8 will add to this location will do that.

9 I do however want to say that I really
10 hope that we've learned from the last sort of
11 negotiated compromise on prevailing wage that
12 we can do better than 30 percent. Unless
13 there is a substantial commitment to
14 prevailing wage on this on this project, I
15 don't see me going forward on this.

16 So, I wanted to point that out and just
17 provide that as a piece of guidance going
18 forward. Thank you.

19 PRESIDENT STEIN: Craig?

20 MR. COBB: Thank you. I think
21 it's important to point out that this
22 legislation is a memorandum of understanding,
23 which is going to allow the City Manager to
24 proceed with negotiating with this developer.
25 And before any development deal is signed,

1 there will be a public hearing on the
2 developer's proposed plan. The same thing
3 happened with Top of the Hill.

4 So, we had a memorandum of
5 understanding there was a public presentation
6 and there was the opportunity for the public
7 to question to developer. And so there's been
8 some criticism that this legislation is
9 somehow cutting off the public's right to be
10 heard on this project, and so I want to assure
11 the public that they will have an opportunity
12 to be heard on this project before Council
13 approves any development deal.

14 Thank you.

15 PRESIDENT STEIN: Davida?

16 MS. RUSSELL: Yes. I just want to
17 ditto to Kahlil as well as Craig and Melody to
18 let everyone know that they are not being left
19 out. There will be some public hearing and
20 discussion. This is only an MOU and we have
21 been told already that the MOU is not
22 permanent, that there will be some changes and
23 can be some changes. I agree with Kahlil. I
24 am always looking for prevailing wage and
25 diversity in the workforce.

1 So I will be voting yes for this
2 legislation and we will make sure that the
3 public have input on it.

4 PRESIDENT STEIN: This is going to be a
5 very exciting development for Lee Road
6 district. It's just what we need at the right
7 time, and I'm really excited to be able to
8 partner again with a great developer, F&C.
9 They were great with Top of the Health; still
10 going on, so going up, still building and
11 they're going be building, hopefully soon, in
12 another part of our city, and this is just --
13 this is good things for Cleveland Heights.

14 So Mrs. Himmelein, please call the
15 roll.

16 MS. HIMMELEIN: Dunbar?

17 MS. DUNBAR: Aye.

18 MS. HIMMELEIN: Hart?

19 MS. HART: Aye.

20 MS. HIMMELEIN: Russell?

21 MS. RUSSELL: Aye.

22 MS. HIMMELEIN: Seren?

23 MR. SEREN: Aye.

24 MS. HIMMELEIN: Stein?

25 PRESIDENT STEIN: Aye.

1 MS. HIMMELEIN: Ungar?

2 MR. UNGAR: Aye.

3 MS. HIMMELEIN: Cobb?

4 MR. COBB: Aye.

5 MS. HIMMELEIN: Seven ayes, your
6 Honor.

7 PRESIDENT STEIN: It's unanimous.
8 Anything else?

9 MR. UNGAR: Nope, that's it. I
10 just want to join the chorus in wishing
11 everybody a good Fourth and I would also just
12 urge caution with respect to fireworks, not
13 the kind of fireworks you see here at
14 Cleveland Heights City Council, but the real
15 fireworks. I want everybody to be careful out
16 there.

17 PRESIDENT STEIN: Good point, good
18 point. Thank you.

19 MR. UNGAR: Have a good holiday
20 everybody. Thank you.

21 MS. RUSSELL: And to all my
22 colleagues, you all enjoy your month off.
23 Don't call me, I won't call you, because I
24 won't be here.

25 PRESIDENT STEIN: All right, next is

1 Council President's report.

2 Just enjoy your July 4th weekend. This
3 meeting is adjourned. Next meeting of
4 Council will be Monday August 2nd, 2021.

5 Have a great month everyone. Take
6 care.

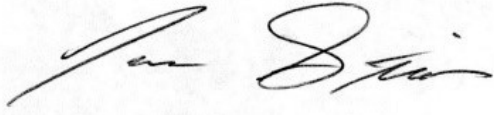
7 MS. HART: Thanks.

8 (Meeting adjourned.)

9 (End of recording.)

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Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jason Stein", written in a cursive style.

Jason S. Stein, President of Council

A handwritten signature in blue ink, appearing to read "Amy Himmelein", written in a cursive style.

Amy Himmelein, Clerk of Council

NEXT MEETING OF COUNCIL: MONDAY, AUGUST 2, 2021