



## CLEVELAND HEIGHTS

**Monday, October 4, 2021 Minutes**

### **CITY COUNCIL**

8:58 – 10:04 p.m.

President Stein presiding

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

Staff present: Hanna, Himmelein

### **Approval of the minutes of the Council meetings held on August 25 and August 30, 2021**

Minutes were approved without any objections.

### **Matter of Record**

#### **Personal communications from citizens**

Diane Hallum asked Council why she had not received a written response to her complaint that she submitted on September 13, 2021, regarding CDBG funds within 15 working days. She also stated that she is being investigated by the City's Law Department. Law Director Hanna explained that federal regulations require the City to respond to a complaint within 15 working days if practicable and the City's Citizen Participation Plan requires the City to make every effort to respond within 15 working days, and the City has done that. He said she will receive a written response that week. Mr. Hanna further explained that there was a short leave of absence among the people working on the response. Ms. Hallum expressed her displeasure with how the City has treated her.

Reverend Don King wanted to discuss the dog park proposed for the Top of the Hill construction project and the leaks in the newly constructed garage. He asked Council to authorize the City Manager to negotiate with Flaherty and Collins to relocate the dog park from the entrance of the Buckingham Condominiums. He also suggested having the City develop their own dog park if the developer refuses to relocate the proposed dog park. He believes a City dog park would be more accessible to the public and would be a true green space instead of what is currently being proposed.

President Stein advised Rev. King that Council would need to have a full discussion on the dog park subject and would not be able to respond to him tonight.

Rev. King said the newly constructed garage has been leaking and had Council listen to audio of his neighbor, Carol Leslie Hosticka, describing the conditions of the garage while it was raining. Ms. Hosticka stated that water is not draining as it should and is pooling into the parking spaces. Ms. Hosticka is concerned about this turning into ice in the winter and the water ruining the concrete. Rev. King said that this video has been sent to the Council members and that this is happening in the very center of the parking garage. He said the muddy water is pouring all over their cars and they are unable to park in the center of the parking garage. The water is running down several floors of the parking garage. This will be a safety hazard when winter comes since the water will become sheets of ice. People may be seriously hurt if this is not fixed soon. He asked that the records regarding the construction of this parking garage be made public.

President Stein requested that Rev. King be provided with information on requesting public records.

Rev. King requested Council watch the video Ms. Hosticka had sent to them and to visit the parking garage on a rainy day so as to see the cascading water in person.

Council Member Hart said she had watched the video and encouraged other members of Council to watch it. She cannot imagine what it is going to be like in the winter with the water running down.

Council Member Russell stated that the garage simply needs to be fixed.

John Fleshin wanted to speak about trees. He began by naming different species of trees and thanked former City Forester Tom Morgan, who now is the Forester for the City of Lyndhurst, for providing the names of these trees. He wanted to remind everyone that if something goes wrong with a project of the magnitude of Cedar-Lee-Meadowbrook, there is no easy way to fix it. He informed Council that he did not appreciate Council Member Ungar's comments after he left the last Council meeting. He felt that he was slandered and would have clarified his comments had Council Member Ungar asked him directly.

Council Member Ungar disagreed that he called Mr. Fleshin any named and stated that the discussions and decisions Mr. Fleshin was referring were held and made at open meetings and that Mr. Fleshin was spreading false information.

Fran Mentch stated that the People for the Park are circulating a petition to be put on the ballot for May for an activity park to be built on the 1.07 acres on Lee Road at the corner of Tullamore and Meadowbrook. She said there is some confusion and there are two types of parks being considered. One of these parks is the one that her petition is proposing while the other is the one proposed by the developers and would only be one third acre in size. Residents have been confused because they think they are already getting a park, but it is not the same kind of park as People for the Park are proposing. The land the developer is proposing they use for the park cannot be utilized by the developer for anything else. The park would essentially be an extension of a courtyard. Ms. Mentch brought up a study that demonstrated when developers create parks on land they have no other use for, this often results in neither group being served well. She is also concerned about the quality of work that is coming from these developers. She pointed out that the same developers who are involved with this project are the ones who built the parking garage at Top of the Hill.

Ms. Mentch also had concerns regarding transparency. She feels that the citizens did not have enough of a say in the project and were not asked in the beginning whether or not they wanted a park or a development. She said she submitted a plan for the park three times and requested eight times that the park be put on the agenda. Council Member Ungar had said there had been three meetings regarding this project. However, Ms. Mentch did not find them helpful. She felt that People for the Park should have been invited to participate in these meetings, especially the one regarding green space. Ms. Mentch also feels that people have not been provided with enough financial information and wishes to view the detailed financial analysis provided to the City by the developer. She also questioned the developer acquiring property in the vicinity of the project site and the City entering into easements/leases with respect to such additional property. She would appreciate more transparency when it comes to these ongoing negotiations between the City and the developer.

Ms. Mentch thanked everyone for their patience and stressed that People for the Park is an altruistic group and there is no financial incentive for them to advocate for this green space. Ultimately, she believes the park that People for the Park are proposing would ensure the success of the entire area.

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

Nothing to report at this time.

Council Member Russell requested that the City Manager have someone look into the water that is running through the parking garage.

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

Nothing to report at this time.

## **FINANCE COMMITTEE**

**ORDINANCE NO. 129-2021 (F), *First Reading*.** 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; and declaring an emergency.

Introduced by Council Member Hart, Seconded by Council Member Cobb

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

**Legislation Passed**

**RESOLUTION NO. 130-2021 (F), *First Reading*.** A Resolution authorizing the City Manager to take all actions necessary to allocate to the Chagrin Valley Dispatch Council one hundred percent of the municipal income tax paid to the City by employees of CVD; and declaring an emergency.

Introduced by Council Member Hart, Seconded by Council Member Cobb

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

**Legislation Passed**

## **MUNICIPAL SERVICES COMMITTEE**

Nothing to report at this time.

## **PLANNING AND DEVELOPMENT COMMITTEE**

**RESOLUTION NO. 131-2021 (PD), *First Reading*.** A Resolution authorizing the City Manager to enter into a Development Agreement with Start Right Community Development Corporation, for the redevelopment of certain vacant residential lots owned or controlled by the City with new single-family homes; and declaring an emergency.

Introduced by Council Member Ungar, Seconded by Council Member Hart

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

## **Legislation Passed**

Council Member Ungar said this was discussed in Committee of the Whole and clarified that this was not discussed in Executive Session.

Vice President Seren told Council that he spoke to Mr. Hicks earlier and appreciated his willingness to attend the earlier meeting and respond to council members. However, while there are things he likes about this proposal, there are also things he does not like. Vice President Seren went on to say that he appreciates that this is a group of accomplished, skilled Black men that have come together to create this enterprise and he would like to see more of that in our community. Additionally, this is a step forward for more equitable City-supported development in areas that are not received the same level of investment as other areas of the city. However, he worries that the City is sending a message to the LGBTQ+ members of the community that the past public display of denial of their dignity and equality is just water under the bridge without some real reconciliation and educational opportunities. He looks forward to continued dialogue regarding these concerns.

Additionally, Vice President Seren would have preferred a second reading before Council to allow for a greater understanding and citizen input. He would have liked more time to go through the legislation and related documentation in depth. The possibility of creating another extension was not even considered, and he thinks Council's default position should not be to pass something on first reading on an emergency basis.

Furthermore, Vice President Seren believes that they could be missing an opportunity regarding sustainability. He thinks striving to achieve LEED Silver will not be enough for the City to reach their sustainability goals. He believes our community deserves better and this was an opportunity to do better, perhaps even with the same developer. Ultimately, he thinks the transfer of these vacant lots to provide the opportunity for redevelopment is a positive. However, he is concerned about the lead developer's lack of experience with building houses and the City's burden should this project fail. He believes they could have obtained a more secure deal with a nearly guaranteed outcome if they had implemented a different approach. Overall, this deal is a mixed bag for him and he wanted to express his concerns.

Council Member Ungar pointed out that this process began nearly a year ago and no one on this council brought up that the standards for these builders should be north of LEED Silver. He said that when the County built the relatively recently constructed Juvenile Justice Center, they went with the LEED Silver standard. Of course, it would be ideal to be as green as possible, but economic feasibility must also be considered. Council

Member Ungar reiterated that this is the first he has heard of the LEED Silver standard not being good enough for this project.

In response to Vice President Seren's complaints about not receiving the council packet until Friday and having limited time to go through the materials, Council Member Ungar pointed out that receiving the council packets on Fridays used to be the norm. They should be accustomed to this time frame for reviewing council materials. He doesn't want anyone to be left with the impression that this process was rushed since the process began nearly a year ago.

Council Member Russell expressed that she feels this contract has been repeatedly nit-picked every time they discuss it. It is not always what is in the contract or what is going on with the contract. The two things that Vice President Seren found unacceptable within the contract were removed. She went on to say that there are two CDCs in the City and one of these can be looked at as an African American CDC. The other can be viewed as a white CDC. The white CDC gets \$140k a year to operate, and they do an excellent job. She supports them 100%. Conversely, the CDC in the African American community, which is trying to build up the African American community, has not received any money from the City.

Council Member Russell said hate does not belong in this City and believes that for healing to occur, the LGBT community and StartRight need to work together. This is about bringing people together to bring about a change in mindset. Pastor Hicks has paid the price repeatedly for whatever he did. For example, he is no longer sitting on this Council. Council Member Russell asked, when does this stop? She refuses to discriminate against this gentleman when he is doing good for the African American community. We should all help uplift each other. Discrimination is not tolerated within this community where "All Are Welcome." Council Member Russell stated that the developer's beliefs are the result of his upbringing, and she doesn't discriminate against people for their beliefs. This is about business and helping the City and a community that desperately needs it. She encouraged anyone who has an issue with this to call her directly. She said StartRight deserves this contract, and they have her full vote and support.

Council Member Hart said she is comfortable moving forward with the project and believes the benefits outweigh the risks. She thinks they've addressed many of the potential risks already. She is aware of what occurred in the past and spoke with the developer about it herself. He told her he was a new pastor at that time and probably had more passion than compassion. He is doing good in the community, and she thinks that is commendable. We don't always agree with people, but sometimes you need to work together. Council Member Hart said she supports moving forward with this project.

Council Member Russell reiterated that this is not about a man. This is about a contract to help a community. Personalities need to be put aside and love needs to be brought into this community.

Council Member Cobb said this CDC has taken on tasks that no one else has been willing to take on. If they weren't stepping up to the plate, these things wouldn't get done. He asked why the City isn't selling the lots for \$1 instead of \$100 per lot. He said he usually sees them sold for \$1 in these kinds of contracts. He questioned whether there is disparate treatment occurring. There is some urgency to get this passed so the developer can start construction. They are supposed to have three homes completed by the end of next year. If they do not, the City can terminate the contract. He does not see any reason for further delay since Council approved the City going forward with negotiations back in March, before Council Member Cobb was on Council. In his opinion, this should have been done with months ago and the developer should have already started construction. He fully supports moving forward with the project and believes it should have been approved months ago.

Council Member Russell wanted to make it known that there were two community meetings regarding this project. The developer also showed the designs for each property during these meetings.

Council Member Hart added that during her discussion with the developer, she felt that he had to agree to not discriminate on the sale of the properties and to not discriminate in hiring. This was also included in the contracts.

Council Member Russell said this was one of the first things that was discussed when she spoke with him. Furthermore, she spoke with the LGBT community and they did not have an issue so long as there was no discrimination.

President Stein thanked StartRight for the wonderful work they are doing. He said that they truly care about the Caldonia neighborhood and it is a neighborhood that desperately needs attention. He agrees that they should have passed this many months ago.

After the legislation passed, Council Member Ungar brought up the topic of council meeting minutes and how they've been done recently. He does not believe a verbatim transcript is necessary since they have a video record. Transcription software was suggested as an option, but those are not flawless. He would be in favor of that if it would save the City time and money. He wanted to make it clear that he is not in favor of eliminating meeting minutes, but that we should look at how other municipalities are preparing them. As of right now, the tax payers are paying dearly for these nearly

verbatim transcripts, which are redundant with the audio and video recordings that are available.

## **PUBLIC SAFETY AND HEALTH COMMITTEE**

Nothing to report at this time.

## **ADMINISTRATIVE SERVICES COMMITTEE**

Nothing to report at this time.

## **COMMUNITY RELATIONS AND RECREATION COMMITTEE**

Nothing to report at this time. Council Member Russell thanked everyone who has reached out to her regarding the birth of her new grandson. She will be out of commission for a few weeks due to two recent deaths in the family.

President Stein offered his condolences to Council Member Russell. He also congratulated her on the birth of her grandson.

### **Consent Agenda**

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

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

**RESOLUTION NO. 132-2021 (CCR), *First Reading*.** A Resolution joining communities throughout the nation in proclaiming October 2021 National Breast Cancer Awareness Month; October 13, 2021, Metastatic Breast Cancer Awareness Day; and October 22, 2021, National Mammography Day; and declaring an emergency.

**RESOLUTION NO. 133-2021 (CRR), *First Reading*.** A Resolution proclaiming October 2021 as Domestic Violence Awareness Month; and declaring an emergency.

Motion to adopt by Council Member Cobb, Seconded by Council Member Hart

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

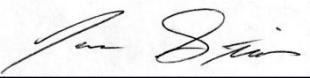
**Legislation Passed**

### **Report of the Council President**

Nothing to report at this time.

**NEXT MEETING OF COUNCIL: MONDAY, OCTOBER 18, 2021**

Respectfully submitted,



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Jason S. Stein  
President of Council



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Amy Himmlein  
Clerk of Council