



CLEVELAND HEIGHTS

Monday, October 18, 2021 Minutes

CITY COUNCIL

7:36 – 8:09 p.m.

President Stein presiding

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

Staff present: Hanna, Himmlein, Niermann O'Neil

Approval of the minutes of the Council meetings held on June 28, September 13, and September 20, 2021

Minutes were approved without any objections.

Matter of Record

Personal communications from citizens

Lute Quintrell wanted to speak on the behalf of the Georgian Apartment Company and Owners Apartment Company. Mr. Quintrell is the treasurer of the Georgian Apartment Company, and they own the two buildings adjacent to the fire station on Cedar. Their property borders Nottinghill Lane, and they entered a contract with the City to allow the City and their contractors access to the property for the Delamere Sewer Project. The fence on the property was damaged during the course of the project, and they were surprised that it was not replaced or repaired after the project was completed in August. They began communications with the City and were told by Public Works that the Georgian Apartment Company property would be receiving a new fence and Owners' property would have their fence patched. The companies met and discussed what they would like to have done, and they sent an email on 9/27 to the Director of Public Works. They have not heard from anyone at City Hall as to how they can get this issue resolved. They are looking to meet with someone in City management to have this problem resolved amicably in a way that would benefit everyone.

City Manager Susanna Niermann O'Neil responded and said she would call Mr. Quintrell this week to set up an appointment.

Councilmember Hart stated that she has viewed the properties and the fence appears to need repairs.

Diane Hallum stated that she was not satisfied with the City's October 12, 2021, response to her complaint. She said that the City's CDBG administrator submitted an application for these funds based on a false claim. She said that the administrator claimed on the application and to CAC members that this area was inside of an Improvement Target Area, making it eligible for CDBG funds. However, according to the current data, this area is not in an LMI target area, is not blighted, and did not have immediate safety issues. Therefore, this area does not merit CDBG funds. Ms. Hallum was part of a sub-committee that voted on this based on the claim that this area was in an ITA. Eleven days after this vote, she obtained the full report, and it did not place the area within an ITA. She felt the CDBG administrator lied to the CAC to coerce members into voting for this project. Ms. Hallum stated that this claim was included in a July 15, 2021, pre-application for the project submitted by the CDBG administrator. Ms. Hallum said that she brought up this issue at the September 9, 2021, application review meeting of the CAC, and the CDBG administrator said the City is in the process of commissioning a new ITA study to be conducted and the subsequent report would show this area, or portions of it, to be inside of an ITA. She stated that the City's decision in its October 12, 2021, response to allow this application to continue through the review process will make the City complicit in an attempt to defraud a federal program. She stated that this project should be removed from any further consideration by the City, by Council, and by the CAC. She is stunned and perplexed by the lack of outrage about an employee falsifying an application for federal grant money.

President Stein requested a report from the City Manager regarding Ms. Hallum's allegations.

City Manager Niermann O'Neil told Council that information would be in their upcoming packet.

Robin Koslen read the speech she had planned for the past weekend's planned event at Millikin playground that was cancelled due to poor weather conditions. She stated that various groups of people worked together to make the playground site what it is today, and she is grateful to all of them. The site is more than just a playground; it is also an art gallery, music venue, pollinator garden, picnic site, Little Free Library, and cleaned up woods. She thanked volunteers and donors. She thanked partners, Heights Arts Collaborative and MetroHealth, for making possible the planned concert event. The CH-UH School District has also been a tremendous help throughout the process. However, she fears the site is in danger because there are those who want to cut down the woods and develop the area. They might offer to replant trees, but they will be nothing like the

mature trees that are currently there. They may offer to build a playground, but the playground would be nothing like the playground they currently have and would be minimal and generic. Most importantly, the playground would not be at this intersection where all feel welcome. Some candidates for school board, city council, and mayor are suggesting this site may be better utilized. She doesn't understand this since people are advocating for more parks and green space in the community. They have a space where neighbors get together and learn from each other. Ms. Koslen feels they are an example to the rest of the community on how to not just live with neighbors who are different from themselves but appreciate them. She is advocating for the preservation of the playground, woods, and their community.

President Stein said that while he does not agree with Ms. Koslen's entire narrative, he does believe the playground is an asset to the community.

John Fleshin brought a handout with a list of the mature trees that are represented in a proposed green space for Council Members. He mentioned that the green space he has been advocating for is shown as green space on Google maps.

Tony Cuda went to Council Member Russell's Noble Road meeting and learned about the ARPA Funds. He thinks it is a good idea for Council to come up with a set of standards to adhere to when it comes to allocating these funds. He believes using some of the funds for housing repair should be a higher priority because the entire neighborhood would benefit. He stated that helping businesses would benefit the entire business district that they are a part of as well as the surrounding neighborhoods. Since the schools already received federal money as well, he stated that that should be taken into consideration. There are always unintended consequences when it comes to legislation. He used the examples of increased federal unemployment benefits during the pandemic as well as the Affordable Care Act. Mr. Cuda believes it would be a lot easier to make decisions if they use and agreed upon a set of standards to evaluate each potential ARPA project. This would also help minimize unintended consequences and duplicative efforts.

Report of the City Manager

City Manager Niermann O'Neil announced that the Fall 2021 Shredding Day on the previous Saturday was a success and cars began lining up at 8:30 am even though the event did not begin until 9:00 am. Unfortunately, not all residents were able to utilize this service because they had to shut down an hour early since the truck was full. They are going to try to schedule another Shredding Day, but the company is booked out way in advance at this time. She apologizes to the residents who wanted to utilize this service but were not able to do so.

She said households will be receiving their Focus Magazines this week, and there will be an article regarding the City's automated collection. Unfortunately, the information in this article is no longer accurate. Due to delays in services and shipping, the City will not be able to start automated collection until the spring. This is not anyone's fault; this is happening all around the country right now.

She also wants to advise Council that they have a contract with Gannett Fleming to review the Horseshoe Lake issue and to report to Council. The report comes in two segments, and the mid-segment is a preliminary discussion. Gannett Fleming has already started researching, and they will be present next Monday at 6:30 pm to meet with Council in open session at Committee of the Whole so that Council can ask questions. Gannett Fleming will use those inquiries to fashion the final report that will be presented to Council in November. Per the contract, questions come from City Council only. She encouraged constituents to contact council members with the questions they would like answered.

Notified Council that sealed bids were received on October 8th for project #21-06 – Superior Road Rehabilitation, and the bid of Terrace Construction, Inc., of Cleveland, Ohio, bid of \$671,616.51 has been found to be the lowest and best responsive and responsible bid.

Matter of Record

Notified Council of Contract Change Order No. 1 for project #20-06 – Delamere Drive Basement Flooding Relief Project – increasing the original contract amount of \$895,134.50 to \$1,126,998.73.

Matter of Record

Report of the Clerk of Council

Nothing to report at this time.

MUNICIPAL SERVICES COMMITTEE

RESOLUTION NO. 134-2021 (MS), *First Reading*. A Resolution authorizing the Ohio Department of Transportation (“ODOT”) to complete a project improving sidewalks and pedestrian crossing facilities within Cleveland Heights; and declaring an emergency.

Introduced by Council Member Russell

Legislation Introduced

PLANNING AND DEVELOPMENT COMMITTEE

Council Member Hart said the current design of the Cedar-Lee-Meadowbrook building is not the final design. This does not go to Council but instead goes to the Planning Commission. Anyone who is interested in the design should keep a lookout for the Planning Commission meetings. This may be discussed at either the 11/10 or 12/8 meetings. She advised everyone to check the city calendar for the accompanying documents.

President Stein said these meetings are done through Webex so people can attend the meetings from home.

PUBLIC SAFETY AND HEALTH COMMITTEE

Nothing to report at this time.

Council Member Cobb requested that City Manager Niermann O'Neil provide Council with an update regarding the Housing Department and the Novak Report at the next Council meeting. He would also appreciate if there was a way to have staff compile a list of problem properties in the City. If not, he requested that they be provided a quote of how much it would cost to hire someone to assist with identifying those target properties.

City Manager Niermann O'Neil said she will meet with the Housing Director and they will present this information to Council.

ADMINISTRATIVE SERVICES COMMITTEE

Nothing to report at this time.

COMMUNITY RELATIONS AND RECREATION COMMITTEE

RESOLUTION NO. 135-2021 (CRR), *First Reading*. A Resolution authorizing the City Manager to accept a grant from GameTime Company and to enter into an agreement for the purchase and installation of new playground equipment at Denison Park; and declaring an emergency.

Introduced by Council Member Russell, Seconded by Council Member Cobb

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

Legislation Passed

Council Member Russell thanked Parks & Recreation Director Joe McRae for obtaining this grant. She said they worked closely together in September and picked out the style

and colors for the new equipment. She is very happy and pleased that Denison Park is on its way towards some redevelopment and beautification.

Council Member Hart encouraged everyone to go on the website and view the picture of the proposed playground.

President Stein thanked Council Member Russell and Director McRae for their parts in making this happen.

FINANCE COMMITTEE

ORDINANCE NO. 136-2021 (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 Russell

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

Legislation Passed

Clerk of Council Himmlein noted that we are increasing for debt for the Ring Road that Council approved and this is the appropriation to make that payment. There is offsetting revenue.

Report of the Council President

Nothing to report at this time.

NEXT MEETING OF COUNCIL: MONDAY, NOVEMBER 1, 2021

Respectfully submitted,

Tom Stur

Jason S. Stein
President of Council

Amy Himmelstein