



CLEVELAND HEIGHTS

Tuesday, January 18, 2022 Minutes

CITY COUNCIL

7:43 – 9:35 p.m.

President Hart presiding

Roll Call: Present: Cobb, Cuda, Hart, Mattox, Moore, Russell
 Absent: None

Staff present: Seren, Hanna, Himmelein, Niermann O'Neil

Approval of the minutes of the Council meeting held on December 20, 2021 and January 3, 2022

Minutes were approved without any objections.

Matter of Record

Personal communications from citizens

Garry Kanter is a member of the petitioners for the Cedar Lee Meadowbrook park/public square ballot issue that was discussed during this evening's Committee of the Whole meeting. Three members of the group of petitioners responded to the City's requests for proposals for Meadowbrook Lee with green space solutions four times between 2013 and 2019. Each of these submissions was rejected. On June 24, 2021, a still-active lawsuit was filed regarding the lack of public notice of the special city council meeting of June 28, 2021 at which the non-binding Memorandum of Understanding concerning the development of Cedar Lee Meadowbrook was approved. The City was notified at the beginning of their successful petition drive on August 25, 2021. Four of the current council members were gracious enough to sign the petition because they recognize the value of citizen-led democracy. The petitions were submitted to the City on November 29, 2021. The petitioners spoke to council on December 6, 2021 imploring council to make accommodations in the developer agreement for the possibility of the ballot issue passing. Council passed the developer agreement on December 6, 2021 without making any changes that would accommodate the passage of the ballot issue. Mr. Kanter believes that the City had every opportunity to prepare for this eventuality. The petitioners did not hide anything from anyone and they conducted themselves at all times knowing that time was of the essence. He believes the green space project at Meadowbrook Lee is long overdue and requests that this be placed on the ballot on May

3, 2022 without delay. He requests that the petitioners be permitted to present at the public hearing regarding this issue that was discussed during the Committee of the Whole meeting.

James Williams said it was his understanding that the executive branch has legislated funds for people with disabilities and for grant money. He was wondering if that is included in the general fund or if that is something the Mayor and Law Director have to send out for. Does this include funds for sustainability, gang units, and other activities? Mr. Williams also reflected on Martin Luther King Jr. Day. He believes MLK was a great man because not only did he bring together African Americans, but he brought together people from all kinds of racial backgrounds to fight injustice. He also believes Lebron James has brought different groups of people together in a similar way and this was apparent after Cleveland's NBA championship win. He believes we need to return to that feeling of unity we had in our hearts, minds, and spirits during that time.

Robin Koslen said she was pleased to see how well council members treated each other during the Committee of the Whole meeting earlier tonight. Ms. Koslen said she wanted to comment tonight to say that she believes she made a mistake when she signed the petition for the Cedar Lee Meadowbrook park. She signed it because she believes that citizens should have the right to make that decision. However, she would not sign the petition today now that she knows more about the situation. She does not like that the petitioners are now saying that everyone who signed the petition wants the park because many people signed it because they feel that petitioners have the right to get an issue put on the ballot, not because they necessarily want the park. When she was asked about this, she said she would probably vote no on the issue.

Fran Mentch is a member of the petitioners for the initiative for the public square/park at Meadowbrook Lee. Ms. Mentch believes that the rhetoric at the Committee of the Whole meeting last week was discouraging to many people in telling them not to take this ballot issue seriously. She said it also muddied the water unnecessarily and made it appear as if council opposed the initiative. She also believes this created conflict within the community, whether intentional or not. Ms. Mentch does not oppose the development but believes that Cleveland Heights can have both the development and the proposed park/public square. Furthermore, she believes they would benefit/support each other. She finds it concerning that the community has not been informed of the complicated and confusing finances involved in the development agreement. She believes the development should be worked on and that they can do much better. As far as funding for the proposed park/public square at Meadowbrook Lee, Ms. Mentch said they would raise the money to build it but the City would need to maintain it. She said the park will cost money but will also bring economic vitality to the area.

Destiny Burns wants to express her strong support for the Cedar Lee Meadowbrook development agreement on behalf of herself and many other business owners in the Cedar Lee area. She strongly opposes the initiative petition that was discussed at the Committee of the Whole meeting. She requests that if the group of petitioners are allowed to present at the public hearing, those who opposed the initiative petition should also be allowed to present. She thanked Council for their leadership, inclusion, and vision for this development project.

Diane Hallum is really excited and hopeful about the changes in Council and the administration. She wanted to bring up the Ohio Supreme Court case that she provided to everyone regarding the discussions behind closed doors and outside of open meetings regarding electing a council president and vice-president. She also wanted to point out that this means they cannot discuss an appointment to council behind closed doors. They are not permitted to discuss it, deliberate, or count votes. They can only do so during an open meeting. Ms. Hallum also wanted to comment on the complaint about her submitted by people claiming to be part of Noble Neighbors. She said this complaint was filled with slander and inaccuracies. She provided this complaint to the Mayor and Council. She wants it to be known that three of those people demanding that she be removed from the CAC do not live on Noble Road or anywhere near it. She does not consider Noble Neighbors to be representative of the Noble area and has expressed this to Council and FutureHeights in the past. She said that FutureHeights continues to claim in their CDBG applications that they only work with or consults with Noble Road residents through Noble Neighbors. She believes the signed complaint from Noble Neighbors illustrates what she has been complaining about. She said those who control Noble Neighbors are people who don't even live in the area yet they are working with FutureHeights to get CDBG funds supposedly for the Noble community. Ms. Hallum is also concerned that there is too much of enmeshing between the CDBG funds approval process, Noble Neighbors, and FutureHeights. She said she has been raising this issue at the CAC meetings.

Maurice Rhoades requested the help of Council and the Mayor. He lives at 25 Severance Circle, which is a CMHA building. He said the fire chief has not returned his call and the person assigned to inspect the building elevator has not returned his call either and it has been several weeks. The freight elevator in his apartment building does not work and this began around Thanksgiving. He said there are 150-180 people in the building and some of them are in wheelchairs. Now there is only one working elevator and people are fighting to get on the elevator. He believes this is also a safety hazard. For example, if the CH fire department receives a call to rescue residents, they won't be able to reach them quickly. Mr. Rhoades said the CMHA management office will not provide him with any updates.

Mayor Seren requested that Mr. Rhoades provide him with his contact information and that he will have someone follow up with him regarding this issue.

Council Member Russell thanked Mr. Rhoades for bringing up this issue. She said she's also received several calls about this issue and is sorry that this keeps happening.

Council Member Cuda said he received a call recently regarding ADA compliance. He sent an email regarding this issue to the HR Director and he hasn't heard back yet. He believes these were very good questions that require answers.

Communications from the Mayor

Since today is the day after Martin Luther King Jr. day and several days after his birthday, Mayor Seren wanted to encourage everyone to reject any corruption of Dr. Martin Luther King's words and philosophy. Dr. King demonstrated solidarity with workers despite being used to prop of a philosophy that ignores that. He said Dr. King was also not color blind. He doesn't believe you can see America with color blind eyes. He saw systemic abuses, marginalized people in America, and understood the need to take action to address those abuses on a large scale was necessary in order for people of color to enjoy the same opportunities as their white counterparts. He also preached about the intersectionality between racial and economic injustice and how racial separation have been used to keep oppressed people apart. A 34-year-old Dr. King brought his message to Cleveland Heights a few months before his iconic speech at the Lincoln Memorial. Mayor Seren believes we have come very far as a city since then but he believes we still have much work to do. He encourages everyone to reflect on the message that Reverend Dr. Martin Luther King Jr. provided us during his all too brief time on this earth.

Mayor Seren said that yesterday was also a big day for Council Member Mattox. He had a milestone birthday and Mayor Seren wanted to wish him a Happy Birthday.

Mayor Seren also thanked the Public Works and Public Properties employees. Trucks were deployed at 7pm on Sunday. City employees worked tirelessly overnight until 5am when they were replaced with another crew that worked all day to ensure city streets were kept clear during ongoing, hazardous conditions. Mayor Seren also wanted to recognize the Safety Forces for their service. The Police Department and the Fire Department responded to emergency calls throughout the storm. CHPD responded to nearly 40 disabled vehicle calls and Fire/EMS responded approximately the same amount of calls for emergency medical assistance. Lastly, Mayor Seren wanted to recognize the City workers he saw this morning who were stepping through waist high snow drifts to collect the refuse and recycling on time.

Mayor Seren encouraged all residents to go to covidtest.gov to order COVID tests at no cost. It is important to test after exposure. He also encouraged everyone to get vaccinated or boosted if medically able and to wear masks when around people in close proximity.

Report of the Clerk of Council

Nothing formal to report at this time.

COMMUNITY RELATIONS AND RECREATION COMMITTEE

RESOLUTION NO. 5-2022 (CRR), *First Reading*. A Resolution proclaiming February 2022 to be American Heart Month; and declaring an emergency.

Introduced by Mayor Seren

Moved by Council Member Russell, Seconded by Council Member Moore

Roll Call: Ayes: Cobb, Cuda, Hart, Mattox, Moore, Russell
 Nays: None

Legislation Passed

RESOLUTION NO. 6-2022 (CRR), *First Reading*. A Resolution recognizing February 2022 as National African American History Month; and declaring an emergency.

Introduced by Mayor Seren

Moved by Council Member Russell, Seconded by Council Member Mattox

Roll Call: Ayes: Cobb, Cuda, Hart, Mattox, Moore, Russell
 Nays: None

Legislation Passed

FINANCE COMMITTEE

ORDINANCE NO. 7-2022 (F), *First Reading*. An Ordinance to amend certain subparagraphs of Ordinance No. 139-2021 (F), relating to appropriations and other expenditures of the City of Cleveland Heights, Ohio for the fiscal year ending December 31, 2022; and declaring an emergency.

Introduced by Mayor Seren

Moved by President Hart, Seconded by Vice President Cobb

Roll Call: Ayes: Cobb, Cuda, Hart, Mattox, Moore, Russell
 Nays: None

Legislation Passed

RESOLUTION NO. 8-2022 (F), *First Reading*. A Resolution updating the signatories designated for the account with Nirvana Public Funding, LLC; and declaring an emergency.

Introduced by Mayor Seren

Moved by President Hart, Seconded by Vice President Cobb

Roll Call: Ayes: Cobb, Cuda, Hart, Mattox, Moore, Russell
 Nays: None

Legislation Passed

RESOLUTION NO. 9-2022 (F), *First Reading*. A Resolution updating the list of City employees authorized to be signatories on certain City accounts; and declaring an emergency.

Introduced by Mayor Seren

Moved by President Hart, Seconded by Vice President Cobb

Roll Call: Ayes: Cobb, Cuda, Hart, Mattox, Moore, Russell
 Nays: None

Legislation Passed

HOUSING AND BUILDING COMMITTEE

Nothing formal to report at this time. Council Member Cuda said he's been meeting with various groups and community members regarding housing issues.

MUNICIPAL SERVICES COMMITTEE

Nothing formal to report at this time. Council Member Moore encouraged residents to download the Access CH app on their phone.

PLANNING AND DEVELOPMENT COMMITTEE

ORDINANCE NO. 10-2022 (PD), First Reading. An Ordinance authorizing the Mayor to execute an agreement for the purchase of certain real property located at 13230-13232 Cedar Rd.; and declaring an emergency.

Introduced by Mayor Seren

Legislation Introduced

ORDINANCE NO. 11-2022 (PD), First Reading. An Ordinance amending Ordinance No. 13-2019 to reflect the position of the Mayor and the elimination of the City Manager position based upon the change in form of government; authorizing the Mayor to file appropriate amended Articles of Incorporation.

Introduced by Mayor Seren

Moved by Council Member Mattox, Seconded by Council Member Russell

Roll Call: Ayes: Cobb, Cuda, Hart, Mattox, Moore, Russell
 Nays: None

Mayor Seren explained that because Ordinance No. 11-2022 is on First Reading and not being passed as an emergency, Council needs to move to reconsider the legislation, move to suspend the rules, and then move to pass Ordinance No. 11-2022. Since it is not being passed as an emergency, the legislation will not take effect until thirty days after passage.

***MOTION** to Reconsider Ordinance 11-2022 (PD).

Moved by Council Member Cuda, Seconded by Council Member Mattox

Roll Call: Ayes: Cobb, Cuda, Hart, Mattox, Moore, Russell
 Nays: None

Motion Passed

***MOTION** to Suspend the Rules

Moved by Council Member Russell, Seconded by Council Member Cuda

Roll Call: Ayes: Cobb, Cuda, Hart, Mattox, Moore, Russell
 Nays: None

Motion Passed

***MOTION** to Pass Ordinance 11-2022 (PD)

Moved by Council Member Mattox, Seconded by Council Member Cuda

Roll Call:

Ayes: Cobb, Cuda, Hart, Mattox, Moore, Russell
Nays: None

Motion Passed

PUBLIC SAFETY AND HEALTH COMMITTEE

Council Member Cuda said they are planning on having a committee meeting on February 7th and he has been working with Council Member Russell on an agenda.

ADMINISTRATIVE SERVICES COMMITTEE

Nothing formal to report at this time.

Council Member Comments

Council Member Mattox encouraged everyone to take the words of Dr. Martin Luther King Jr. to heart and focus on service within the community. Endeavor to make this a habit and be an example to others. He reminded everyone to consider those who are marginalized and struggling in these harsh winter months. He believes what makes Cleveland Heights so special is that we care for one another. He would like everyone to think about this not only on MLK Day but every day.

Council Member Moore concurred with Mayor Seren and said City crews were working hard to keep the streets clear of the snow. They may not have been able to get to all of the side streets but they kept many of the streets clear and she wanted to recognize them for their hard work. Council Member Moore also said she saw residents snowplowing the sidewalks for their neighbors. She also saw people helping one another dig out their cars from the snow. She loves the sense of community in Cleveland Heights and how people come together to help one another.

Report of the Council President

President Hart thanked the City employees for keeping the streets clear of snow. She said Cleveland Heights' streets are in much better shape than Cleveland's streets. She reminded everyone that there will be a council retreat on Monday. This is a public meeting and they will be in Council Chambers. There will be no opportunity for public comment but the public is welcome to attend. This will also be televised and recorded. Council will be discussing council rules as well as their future goals for the City and what steps they need to take to get there.

***MOTION** to have a public hearing regarding the park initiative petition on January 24, 2022 at 6:30 pm.

Moved by Council Member Russell, Seconded by Council Member Mattox

Roll Call:

Ayes: Cuda, Hart, Mattox, Moore, Russell, Cobb
Nays: None

Motion Passed

***MOTION** to go into Executive Session *to consider the appointment of a public official*

Moved by Council Member Russell, Seconded by Vice President Cobb

Roll Call: Ayes: Hart, Mattox, Moore, Russell, Cobb, Cuda
 Nays: None

Motion Passed

NEXT MEETING OF COUNCIL: MONDAY, FEBRUARY 7, 2022

Respectfully submitted,

Melody Joy Hart

Melody Joy Hart
President of Council

Amy Himmlein

Amy Himmlein
Clerk of Council