



Monday, February 22, 2022 Minutes

CITY COUNCIL

7:30 – 8:20 p.m.

President Hart presiding

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

Also Present: Mayor Seren, Hanna, Himmelstein, Niermann-O'Neil

Swearing in of Councilor Larson

Councilor Larson was sworn in and made remarks thanking friends, family and the Council for her appointment. She said she is humbled, full of gratitude and ready to go to work.

Approval of the minutes of the Council meeting held on January 18, 2022

Minutes were approved without any objections.

Matter of Record

Personal communications from citizens

Fran Mentch stated the public square initiative is going to the May 3rd ballot and asked that people visit their website (clevelandheightspublicsquare.com) if they want to support the initiative. She discussed the various plans and ideas for the land the initiative has. She watched the Planning Commission's meeting in the beginning of February and noticed that there will be no amenities in the development's public space, no restrooms, etc. She also addressed the concern about the cost of putting the initiative on the ballot by stating that there will be no extra charge for the initiative to be included because a charter review issue is going on the ballot as well. She stated there was no public hearing about the developer agreement, arguing that no one knows the finances of the developer deal. Finally, she referenced the leaky parking garage at the top of the hill constructed by the same developers, saying it'd be quite unfortunate if the development has the same quality of construction.

Catalina Wagers is here on behalf of the Cleveland Heights Green Team (as a co-founder) in support of the resolution declaring climate change an emergency. After watching last week's meeting, she thought it was clear that the questions asked should be focusing not on the how but the why. Why should addressing climate change in our city be a top priority? She stated that climate

change represents an existential threat because its impact deepens issues to do with inequities, living standards, resource use, exposure to environmental stresses and existing health inequities. Why do we need a Climate Action Plan (CAP)? She stated because it will provide policies and guidelines to decisions and actions with a lens of sustainability. She discussed actions such as incentivizing high quality and energy efficient buildings, planning for transit centers in walkable communities, protecting and enhancing green spaces and adopting waste reduction strategies as they would become catalysts to tackle the economic and social challenges we face. Can we afford to work with developers that build affordable housing that is not sustainable? Why do we need a sustainability committee? Sustainability issues are interconnected and require a coordinated and systematic action. The committee would work with other city verticals and committees to optimize sustainability; they would be charged with the development of a CAP that aligns with city goals and objectives. She believes the idea raised that the city subcommittees should choose their own sustainability experts and incorporate them into their groups would be a waste of resources and render integration of action near impossible. Thirty-six states and more than 600 cities already have a CAP. Concerns about execution are completely understandable and need to be addressed within the finite resources we already have.

Lee Barbee expressed his displeasure at not even being considered for the open Council seat. He was assured by several members of the Council that the process would be fair, but no one could explain the criteria for the process. He stated that he earned 2100 votes in the November 2021 election but that must not have been a criterion, among his other accomplishments that weren't considered. He asked Mike Riley on December 30, 2021 for his recommendation for the open seat and Mr. Riley said he had spoken with Councilman Cuda and they discussed that there would be no other black person to be allowed on Council and there needed to be a white person to offset the seat of power of African Americans on Council. Mr. Barbee didn't believe it was true but said it seemed to be true. He referenced Mayor Seren and Councilman Mattox's MLK speeches and asked what they were willing to do to right this situation. He has filed with the Federal Equal Opportunity Commission to investigate the matter because he believes it is a true conspiracy to keep African Americans from holding positions on City Council. He stated the voters of this city have say in what goes on in the Council, not the Council. He remarked how Councilwoman Davida Russell had more votes than anyone on the Council, even the Mayor, but she is not Council President. Mr. Barbee stated even he had more votes than Council President Hart but he had no consideration for the appointment. He states while Council President Hart started the Racial Justice Taskforce, she could care less about the fairness. He claims \$1 million in ARPA funds should be going to the business district but no one has put together a plan to allocate where the funds are going. Why? He states because they are all aware of the plan to make sure the residents in the Taylor and Noble area are not going to be part of the plan. He intends to assemble residents of Cleveland Heights to make sure the Council is fair and equitable and responsible to the community.

Councilman Cuda stated on January 23rd he received a call from Mr. Barbee where Mr. Barbee referenced a conversation he alleged he had with a person Councilman Cuda knows. Mr. Barbee told him a conversation between Councilman Cuda and the individual took place on December 30th. Councilman Cuda states he had no such conversation with the individual on December 30th, nor any other time and told Mr. Barbee as such. He states he has never discussed the racial makeup of the Council as alleged. During the January 23rd phone call, Councilman Cuda told Mr. Barbee that his allegation was completely false and he was going to contact the person that Mr. Barbee alleged that Councilman Cuda spoke to. Councilman Cuda called the individual and the individual denied

talking to Councilman Cuda on that day or ever having that conversation and denied ever discussing that topic with Councilman Cuda. After that discussion, he immediately texted Mr. Barbee to try and clear up the matter and sent additional follow up texts. Mr. Barbee said he would call Councilman Cuda but never did. Councilman Cuda then said in January he had many discussions with Mr. Barbee; however, they were about horses, horse ownership and Mr. Barbee's stables. Councilman Cuda said it's a shame these things are said without any substantiation but he tried following up as best as he could.

Gretchen Mettler said two very young teenagers attempted to steal her car on February 1, 2022 when she was shopping at Zagara's. They were unsuccessful because they couldn't figure out how to make her electric car operate. She said the Cleveland Heights Police were extraordinary but stated the thing that got in the way of the investigation is that there are no security cameras in that section of Lee Road. The detectives asked her to come to the meeting to request that Council approve some money to bring security cameras up from Cedar to cover that area. The teenagers were caught that night after being involved in three other crimes and the car was recovered but, in her terror, she couldn't identify their car. She states that a camera would have been very helpful.

Council President Hart is referring the matter to the Mayor as she believes he's the Director of Public Safety.

Sandra Moran stated she is here today as a private citizen and is encouraging the Council to not back down from their previous commitment with regard to climate change, she wanted to discuss previous resolutions passed by Council and she's requesting Council voice their support for Councilman Moore's resolution declaring climate change an emergency and creating an environmental sustainability committee. She quoted UN Secretary Antonio Guterres as saying the climate crisis is at code red for humanity. She discussed resolutions passed by the Council in 2017, 2020 and 2021 concerning climate change, thanking Mayor Seren for his commitment to sustainability and effort to resolve the climate crisis. She said if people wanted to learn more, to meet with her after the meeting and she'd be happy to discuss. She then requested that Mayor Seren and the Council take action now as this is truly an emergency.

Communications from the Mayor

Mayor Seren had no communications at this time.

Committee Reports

Council President Hart stated that starting in March, they will be having Committee of the Whole meetings only on the first and third Mondays, along with the regular Council meetings. Other times, Committees will meet at various times that will all be posted online. She stated that this is to allow the Committees to do their work, as opposed to doing everything in the Committee of the Whole. She reminded Committee Chairs to keep reports limited to their specific Committee meetings and legislation related to Committees.

HOUSING AND BUILDING COMMITTEE

Nothing formal to report at this time. Councilman Cuda stated that the first meeting is scheduled for March 7th at 4:00 p.m.

MUNICIPAL SERVICES COMMITTEE

Nothing formal to report at this time. Councilor Moore announced that the Committee meeting is scheduled for March 21st from 5-6:00 p.m.

PLANNING AND DEVELOPMENT COMMITTEE

Nothing formal to report at this time.

PUBLIC SAFETY AND HEALTH COMMITTEE

Nothing formal to report at this time. Councilor Larson stated the Committee meeting is scheduled for April 18th; the website will be updated with the start time.

ADMINISTRATIVE SERVICES COMMITTEE

ORDINANCE NO. 15-2022 (AS), Second Reading. An Ordinance providing for the submission to the electors of the City of Cleveland Heights of proposed amendments to the Charter of the City of Cleveland Heights for placement on the May 3, 2022 ballot; and declaring an emergency.

Councilman Cuda states this legislation is about being able to hire a Clerk and any other employees the Council needs. It isn't adding a position, rather, it's moving one. It will help Council be more productive and organized and bring about the change many of the members campaigned on.

Motion to approve by Councilman Cuda, Seconded by Councilor Moore

***MOTION** to amend Ordinance No. 15-2022.

Moved by Councilman Cuda, Seconded by Vice President Cobb

Councilman Cuda is moving to amend the language of Ordinance 15-2022 to place a period after the 3rd Council in paragraph two, second sentence of the Ordinance and remove the language "and shall report to the President of Council, or the designee of the President of Council, as their supervisor." Councilman Cuda explained his reasoning for the proposed amendment saying that, while he understands the importance of supervision, he's not convinced that it needs to be in the Charter. Secondly, he says it's empowering Council with this amendment. It's not to empower the President. He doesn't want to argue about what the word supervision means and wants to leave it up to the Council. He says the most important thing is he wants the seven of them to have access

to the Clerk. They are starting to realize just how much work they need done. He inquired with other city councils and they thought the language was a bad idea. He said doing it with legislation and not putting it in the Charter will get the job done.

Councilman Mattox strongly disagreed with the removal of the language. He believes the language brings direction and leadership to this Council and future councils. He thinks it opens the door for future political decisions. He wanted to make it clear he feels these processes should be ironed out in the Charter. He believes the Council has a responsibility to choose a President and Vice President that they trust to oversee the Clerk. He thinks it will cause process issues and communication issues and HR issues if all seven members can pick up the phone and call the Clerk all at the same time. He referenced seeing this happen during his time in East Cleveland watching legislation be used as a weapon. He wanted to make it very clear that their responsibilities are to lead, and that it doesn't matter if other cities are doing it a certain way. He thinks they need to give the most direction they can and it needs to be ironed out in the Charter.

Councilor Larson stated it is necessary to take the Clerk of Council responsibilities off of the Finance Director. She believes that the Clerk of Council position should be supervised by the Council President, but she thinks its best addressed in the details of the job description and Council rules or ordinances. She agrees to the amendment and cites Councilor Cuda's promise to set forth legislation to set the President of Council as the supervisor.

Council President Hart stated that as someone who has been supervised and also as someone who has been a supervisor, she thinks one person reporting to 7 people will be problematic. She understands it can be done in legislation but thinks doing it here would take it out of the political arena because it won't be as easily amendable.

Councilwoman Russell thinks that the person should be reporting to one individual but she does not think it should be in the Charter, citing her experience in contract negotiations. She thinks it can be done through ordinance and job description.

Roll Call: Ayes: Cuda, Larson, Moore, Russell, Cobb
Nays: Hart, Mattox

Motion Passed

Roll Call on approval as amended: Ayes: Hart, Larson, Mattox, Moore, Russell, Cobb, Cuda
Nays: None

Legislation Passed

COMMUNITY RELATIONS AND RECREATION COMMITTEE

RESOLUTION NO. 16-2022 (CRR), *Second Reading*. A Resolution recognizing March 2022 as National Women's History Month; and declaring the necessity that this Resolution become immediately effective as an emergency measure.

Motion to adopt by Councilwoman Russell, Seconded by Councilor Moore

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

Legislation Passed

Councilman Cuda asked if Council President Hart could put something on the agenda next week for Committee of the Whole to discuss what they want to do to in March to recognize/celebrate National Women's History Month. Council President Hart confirmed they can add that to the agenda.

RESOLUTION NO. 19-2022 (CRR), *First Reading*. A Resolution in support of the Medicare for All Act of 2021 (HR 1976); and declaring that universal access to quality healthcare is a human right.

Legislation Introduced

FINANCE COMMITTEE

ORDINANCE NO. 20-2022 (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.

Motion to adopt by Council President Hart, Seconded by Councilwoman Russell

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

Legislation Passed

Council President Hart explained that it is a budget change that results in a net effect of no change on the bottom line.

RESOLUTION NO. 21-2022 (F), *First Reading*. A Resolution establishing the Flexible Spending Account Fund and affirming that funds received by the City as a payroll deduction from employees shall be used only to cover costs incurred by the City of Cleveland Heights consistent with Internal Revenue Code §125 and applicable law and regulations; and declaring an emergency.

Legislation Introduced

COMMITTEE OF THE WHOLE

ORDINANCE NO. 22-2022 (COTW), *First Reading*. An Ordinance calling an election on a proposed Ordinance to require that a public activity park be created on 1.07 acres of city-owned land at the corner of Lee Road, Tullamore Road and Meadowbrook Boulevard in Cleveland Heights, Ohio; and declaring an emergency.

Motion to adopt by Council President Hart, Seconded by Councilor Moore

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

Legislation Passed

Council President Hart stated that the park initiative ordinance citizens had ten days to submit that they wanted it sent to the ballot. Council President Hart indicated the Council is obligated to send it to the ballot, so this legislation represents the Council doing so.

Report of the Clerk of Council

Nothing formal to report at this time.

Old Business

No old business to discuss at this time.

New Business

No new business to discuss at this time.

Council Member Comments

Councilwoman Russell wanted to remind the residents of the Taylor and Noble community that a meeting is scheduled to discuss the ARPA funds, set for March 13th at 4:00pm at the Front Stage Multiplex at Severance Town Center. It is for the residents of Noble and Taylor only, per the request of the residents. The goal is to bring a shortlist back to the Finance Committee and the Mayor.

Councilor Larson wanted to clarify that she intends to campaign and run for City Council in the November 2022 election.

Councilwoman Russell again wanted to make it very clear that the meeting of the Noble and Taylor residents is *only* for Noble and Taylor residents per their request.

Report of the Council President

Council President Hart is inviting everyone to a Special City Council Meeting set for February 28, 2022 to highlight students for Black History Month. The only agenda item is the celebration of the students. Each student will receive a proclamation from the City for attending.

NEXT MEETING OF COUNCIL: MONDAY, MARCH 7, 2022

Respectfully submitted,

Melody Joy Hart
Melody Joy Hart
President of Council

Amy Himmlein
Amy Himmlein
Clerk of Council