



Monday, May 2, 2022 Minutes

CITY COUNCIL

7:00 – 8:09 p.m.

President Hart presiding

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

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

Approval of the minutes of the Council meeting held on March 14, 2022, March 21, 2022 and April 4, 2022

Minutes were approved without any objections.

Matter of Record

Communications from the Mayor

- Notified Council that Sealed bids were received on April 8th, 2022 for Project #22-01 – 2022 Street Resurfacing & ADA Curb Ramp Replacement Program and that Chagrin Valley Paving, Inc. of Chagrin Falls, Ohio's bid of \$840,163.10 has been found to be the lowest and best responsive and responsible bid.

Matter of Record

- Notified Council that Sealed bids were received on March 25th, 2022 for Project #22-02 – 2022-2023-2024 Pavement Striping Program and that J.D. Striping and Services, Inc. of Ravenna, Ohio's bid of \$790,431.63 has been found to be the lowest and best responsive and responsible bid.

Matter of Record

- Notified Council that Sealed bids were received on April 8th, 2022 for Project #22-04 – 2022 Hot-In-Place Asphalt Recycling Project and that Angelo Benedetti, Inc. of Bedford, Ohio's bid of \$298,442.90 has been found to be the lowest and best responsive and responsible bid.

Matter of Record

He thanked outgoing City Manager Susanna Niermann O'Neil for clerking at her final meeting.

Report of the Clerk of Council

Notified Council that two notices have been received from the Ohio Division of Liquor Control advising that applications have been made by the following:

- MGH Midwest BDS LLC, 1854 Coventry Road, Unit B Lower Level, Cleveland Heights, Ohio 44106 for a transfer of a D5 and D6 permit from Spartan Stir Fry Inc, d/b/a BD S Mongolian Barbeque, 1854 Coventry Road, Unit B Lower Level, Cleveland Heights, Ohio 44106
- Laid Back Management LLC, Kulture Restaurant & Lounge, 3962 Mayfield Road, Cleveland Heights, Ohio 44121 for a TREX transfer of a D5 permit from Emilys Angels LLC, 3962 Mayfield Road, Cleveland Heights, Ohio 44121

Matter of Record

Referred to: The Mayor, Chief of Police, and the Director of Law

Personal communications from citizens on Agenda Items only

None at this time.

LEGISLATION

***MOTION** to amend the agenda to move all items from the Consent Agenda into Second Readings.

Moved by Council President Hart, Seconded by Vice President Cobb

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

Motion Passed

First Readings

a. First Readings - Consideration of Adoption Requested

ORDINANCE NO. 57-2022 (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 Councilor Moore

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

Legislation Passed

RESOLUTION NO. 58-2022 (F), *First Reading*. A Resolution authorizing and directing the Mayor to enter into a contract with Janus Small Associates for Council retreat facilitation services, increasing Council's budget to provide funds therefor, and declaring the necessity that this Resolution become immediately effective as an emergency measure.

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

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

Legislation Passed

RESOLUTION NO. 59-2022 (MS), *First Reading*. A Resolution authorizing the Mayor to enter into an agreement with Energy Management Specialists, Inc., for professional services for HVAC systems maintenance; and declaring the necessity that this legislation become immediately effective as an emergency measure.

Motion to Adopt by Councilor Moore, Seconded by Councilor Larson

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

Legislation Passed

RESOLUTION NO. 60-2022 (AS), *First Reading*. A Resolution appointing Councilor Josie Moore to the Doan Brook Watershed Partnership Board of Trustees.

***MOTION** to suspend the rules.

Moved by Councilman Cobb, Seconded by Councilwoman Russell

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

Motion Passed

Motion to Adopt by Councilman Cobb, Seconded by Councilor Moore

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

Legislation Passed

Second Readings

RESOLUTION NO. 48-2022 (MS), Second Reading. A Resolution authorizing the City to participate in the NOPEC Green Community Choice Program for the City's Electricity Aggregation Program Starting January 2023; and declaring the necessity that this legislation become immediately effective as an emergency measure.

Motion to Adopt by Councilor Moore, Seconded by Councilman Cobb

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

Legislation Passed

RESOLUTION NO. 49-2022 (MS), Second Reading. A Resolution authorizing the Mayor to enter into an agreement with Wade Trim, Inc., for professional engineering services relating to the 2022 Member Community Infrastructure Program grant for the Sanitary Sewer Overflow Control of CH-2, CH-30, CH-33, and CH-39 and Rehabilitation Project; and declaring the necessity that this legislation become immediately effective as an emergency measure.

Motion to Adopt by Councilor Moore, Seconded by Councilman Mattox

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

Legislation Passed

RESOLUTION NO. 50-2022 (MS), Second Reading. A Resolution authorizing the Mayor to enter into an agreement with Wade Trim, Inc., for professional engineering services relating to the 2022 Member Community Infrastructure Program grant for the Sanitary Sewer Overflow Control of CH-9, CH-32, CH-57, and CH-58 and Rehabilitation Project; and declaring the necessity that this legislation become immediately effective as an emergency measure.

Motion to Adopt by Councilor Moore, Seconded by Councilor Larson

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

Legislation Passed

Council President Hart noted all of the legislation being passed had already been discussed in the Committee of the Whole meeting. They were all in favor of it, so they recommended it be passed to Council. She said it's why things were moving quickly, as things had already been discussed extensively.

RESOLUTION NO. 51-2022 (MS), Second Reading. A Resolution authorizing the Mayor to enter into an agreement with Valley Ford Truck, Inc. for the acquisition of a full-size pickup truck for the Utilities Division of the Public Works Department; providing compensation therefor; and

declaring the necessity that this legislation become immediately effective as an emergency measure.

Motion to Adopt by Councilor Moore, Seconded by Councilman Mattox

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

Legislation Passed

RESOLUTION NO. 52-2022 (MS), Second Reading. A Resolution authorizing the Mayor to enter into an agreement with Valley Ford Truck, Inc. for the acquisition of a dump truck for the Forestry Division of the Public Works Department; providing compensation therefor; and declaring the necessity that this legislation become immediately effective as an emergency measure.

Motion to Adopt by Councilor Moore, Seconded by Councilman Mattox

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

Legislation Passed

RESOLUTION NO. 53-2022 (MS), Second Reading. A Resolution authorizing the Mayor to enter into an agreement with Valley Freightliner, Inc., for the acquisition of a Freightliner 114SD Tandem Axle Cab and Chassis for the Street Maintenance Division of the Department of Public Works; providing compensation therefor; and declaring the necessity that this legislation become immediately effective as an emergency measure.

Motion to Adopt by Councilor Moore, Seconded by Councilman Mattox

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

Legislation Passed

RESOLUTION NO. 54-2022 (PD), Second Reading. A Resolution authorizing the Mayor to negotiate a Memorandum of Understanding (“MOU”) with WXZ Development, Inc., concerning the redevelopment of the Taylor-Tudor Plaza; and declaring the necessity that this legislation become immediately effective as an emergency measure.

Motion to Adopt by Councilman Mattox, Seconded by Councilwoman Russell

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

Legislation Passed

Councilman Mattox stated the legislation had been referred to the Planning and Development Committee. The Committee met last Monday and unanimously suggested it be approved.

RESOLUTION NO. 55-2022 (PD), Second Reading A Resolution declaring May 2022 *National Preservation Month*; and declaring the necessity that this legislation become immediately effective as an emergency measure.

Motion to Adopt by Councilman Mattox, Seconded by Councilman Cuda

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

Legislation Passed

RESOLUTION NO. 56-2022 (CRR), Second Reading. A Resolution proclaiming May 2022 to be *Bike Month* in the City of Cleveland Heights; and declaring the necessity that this legislation become immediately effective as an emergency measure.

***MOTION** to amend Resolution No. 56-2022.

Moved by Councilwoman Russell, Seconded by Councilman Cuda

Councilwoman Russell moved to amend the legislation to rename *Bike Month* to *Mary Dunbar Bike Month* to honor former Council Member Mary Dunbar for her work in bringing Bike Month to Cleveland Heights, starting Heights Bicycle Coalition and more.

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

Motion Passed

Motion to Adopt by Councilwoman Russell, Seconded by Councilman Cobb

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

Legislation Passed

Committee Reports

COMMUNITY RELATIONS AND RECREATION COMMITTEE

Council Member Russell stated they had a Parks and Recreation meeting earlier in the morning where they had reports from the Commission on Aging and the Parks and Recreation Advisory Board. They also had a guest from South Euclid regarding a joint city farmer's market, which will start in June at Quarry Park. They had guests in from the County to discuss a mentoring youth

program at Euclid they are considering bringing in or partnering with regarding safety on basketball courts. They did an overview of Cain Park and all of their events, as well as an overview of Parks and Recreation and the school. She said at all of the Recreation Committee meetings, they will have a representative from the Recreation Advisory Board, the Commission on Aging, the libraries and the schools present. She stated they will have quarterly meetings, with one being held during the day so senior citizens can attend without having to worry about going out in the dark. She said she is partnering with an organization around summer youth programs where businesses within Cleveland Heights can get summer help. Youth between the ages of 18-24 years old will be paid \$15 an hour, working 20 hours a week. She said this will help all businesses within Cuyahoga County to help bring back employment effected by COVID. She stated she will be providing more information as the program rolls out.

FINANCE COMMITTEE

Nothing to report at this time.

HOUSING AND BUILDING COMMITTEE

Council Member Cuda stated the Committee met earlier in the day. He said they are starting to get focused on prioritizing Committee work. They had Director Butler in to talk about foreclosures and tax delinquent properties. He said, in the last 12 months, there have been 115 foreclosures in the City. He said there are also 910 tax delinquent properties that, in total, owe \$18.6 million to the City, with \$4 million alone owed from the Taylor Synagogue. He said they talked about land banked properties and how the City can have more control of them to get the properties rehabbed and back on the market. He said the next Committee meeting is scheduled for the first Monday in June.

MUNICIPAL SERVICES COMMITTEE

Councilor Moore stated the Committee held a meeting on April 25th to discuss matters referred to the Committee. All of the resolutions just swiftly passed were discussed in the meeting. She said the Administration provided a great deal of information, they asked a lot of questions and they considered all of the resolutions thoroughly before coming to the consensus to recommend they be passed. She encouraged people to watch the meeting on YouTube. This past Friday, Mayor Seren met with her to discuss some matters, namely, how to increase the shoveling of sidewalks in the winter. She said they both recognized it would be a multipronged effort between Council and the Mayor. City Administrator Sinnott was there as well to provide a great deal of experience and insight. She said they also discussed increasing the tree canopy. She thanked the Mayor for meeting with her to discuss the issues and coming to the table in the spirit of collaboration and cooperation. She said she is greatly appreciative that all of the elected officials, all of Council and the Mayor, are demonstrating a commitment to improving the everyday lives and lived experiences of the residents.

PLANNING AND DEVELOPMENT COMMITTEE

Councilman Mattox stated the Committee met last Monday and they were very excited to look at the Taylor-Tudor project. He wanted to let the public know, if they haven't had an opportunity to look at the meeting already, to do so because it was extremely informative. He thought the

Administration has done an amazing job partnering with the project, answering some hard questions and coming up with a development he thinks will help transform the City. He wanted to ensure people that both the Administration and the Council are committed to both transparency and receiving feedback from the public. He said to expect to see this go through their various boards and commissions. There will be opportunity to give feedback and he asked the community continue to email and ask those questions.

PUBLIC SAFETY AND HEALTH COMMITTEE

Councilor Larson said she met with Law Director Hanna about the LeadSafe certification legislation. She said Director Hanna is working with the legal counsel for the Cuyahoga County Board of Health to provide amendments to the 2021 legislation acceptable to both the Board of Health and the City. She said to expect more updates. The next meeting is Tuesday, June 21st at 5 p.m. She said if anything comes up between now and then, she will schedule another meeting and post it on the City's calendar. She then said, for those interested, she will see them at the Tiger 5k on May 14th.

ADMINISTRATIVE SERVICES COMMITTEE

Nothing to report at this time.

COMMITTEE OF THE WHOLE

Council President Hart said they did not have time to discuss the Council Rules agenda item in the Committee of the Whole meeting, so it will be put off until their next retreat, which is not yet scheduled.

RESOLUTION NO. 61-2022 (COTW), First Reading. A Resolution naming the Atrium of the City Hall of the City of Cleveland Heights, "Susanna Niermann O'Neil Atrium."

***MOTION** to amend the agenda to introduce Resolution No. 61-2022.

Moved by Council President Hart, Seconded by Councilwoman Russell

Council President Hart motioned to amend the agenda to introduce a resolution to recognize the significant and lasting contributions of outgoing City Manager Susanna Niermann O'Neil by renaming the Atrium of City Hall to the "Susanna Niermann O'Neil Atrium" in honor of her 46 years of tireless service to Cleveland Heights.

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

Motion Passed

Motion to Adopt by Councilor Moore, Seconded by Councilor Moore

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

Nays: None

Legislation Passed

City Manager Niermann O'Neil stated it was an honor and she honestly enjoyed it every single day. She thanked Council for the honor. Council President Hart stated she has been a great City Manager.

Personal communications from citizens

Maurice Rhoades said on December 20, 2021, CMHA was summoned to appear in Cleveland Heights Municipal Court but he said they did not. He said CMHA was legally obligated to give sufficient answer and defense to all of his allegations of breach of quiet enjoyment, he said they did not. He said the magistrate cannot argue the case for CMHA. He said she violated the Ohio Supreme Court Rules of Professional conduct Rule 8.4 for dishonesty. He said Magistrate Kimberly Bolton lied in her January 26, 2022 decision when she stated the excessive noise 'doesn't affect his health or safety.' He said Judge Costello's March 25, 2022 judgment is corrupt, crooked, unconstitutional and perjury. He said Judge Costello has abused his position in power for his CMHA friends and he has committed cognizable misconduct by violating judicial canons 1, 2, 3 and 5. He respectfully asked the Council and the Mayor to order Law Director Hanna to secure and protect the rights of quiet enjoyment for the elderly Jewish and non-Jewish men and women, including him. He asked the Jewish and non-Jewish people to elect a Godly judge who is honest, fair and impartial and will uphold the integrity of the Court.

Penny Allen stated as a teenager, she was an advocate for Shaker Lakes and she was now coming to Council as the Vice President/Secretary of the Friends of Horseshoe Lake. She said they have a proposal and alternative plan to save the Lake. She said the plan is more cost effective than the plans Council have already heard, while successfully addressing safety, flood control and environmental concerns. She urged Council to follow through on their previously passed legislation, calling on them to consider alternative plans for Horseshoe Lake and to speak to the engineers the Friends have hired. Their experts are in the process of reaching out to Council to consider these options.

Christine Heggie referenced Council President Hart's previous resolution that encouraged the City to be open to other ideas from the community to preserve Horseshoe Lake and protect public safety while effectively managing storm water and not placing any financial burden on the City. She said Council has a duty and obligation to consider, without bias, the proposal put forth by the Friends of Horseshoe Lake. She said the Friends have invested valuable time and money to hire reputable legal support and well respected and experienced experts who have produced an alternative plan for Horseshoe Lake. She said, as discussed during the City Council meeting, it was mentioned numerous times that the data to support the Sewer District's decisions about Horseshoe Lake was unavailable and she said Gannett Fleming engineers were expected to take, on faith, the Sewer District's conclusions. She said the sewer district should be expected to provide data that adequately refutes any alternative proposal. It is unacceptable to reject the Friends of Horseshoe Lake's proposal outright. She said the area is now empty and represents a danger to trespassers. She said it is now on Council to do the right thing to preserve Horseshoe Lake.

Peter Zicari stated around the county there is a pattern of 'chewing up' parks in the name of flood control; citing issues happening in Parma Heights, Broadview Heights, and Parma. He said engineers don't care much about public facilities, they are all about flood control. He said there is a vote coming up

tomorrow partially based on the fact that people value parks. He said the least we can do is listen to Friends of the Lake engineers and listen to the possibilities that they may be able to save an asset that a lot of people value.

Fran Mentch said tomorrow is voting day and asked everyone to vote Yes on Issue 9. The tentative plans are for the park to have restrooms, a small stage, space for farmer's markets, flea markets, etc. She said public health is quite important; they need to be a people friendly City. She stated young families and people working with the elderly or developmentally disabled have a great need for a park like this and it would be a big asset. She referenced the last Planning Commission meeting and said Brandon Bogan, a representative for the developer, refused to put in a small play area for children and refused to put in restrooms. She said they can have both the development and the park and they should have both. She asked people to come out to vote yes for the public, yes for the park and yes on Issue 9.

Michael Madorsky was there as a long-time resident and member of Friends of Horseshoe Lake. He said the group was formed by people all over the city, county and country. He said because they were shocked by the hastily made decision to remove the dam and abolish the lake, their group, at their own expense, hired a highly regarded firm to develop an alternative plan to save the lake. This alternative proposal will provide public safety for flood control, will improve water quality and provide wildlife habitat. It provides all this at a lower cost than the sewer district's plan. The Friends of Horseshoe Lake would like to meet with Mayor and Council to present their plan and they feel it should be seriously considered before any plans are finalized. He said the plan provides a multitude of benefits to the citizens at a lower cost, which a vast majority of Cleveland Heights citizens will support. He said we should carefully consider it now to save the beautiful and inspiring lake for future generations.

Council Member Comments

Councilman Cuda reminded everyone to vote in the May 3, 2022 election. He said there are a number of important issues and candidates running for office. He then spoke to Susanna regarding how wonderful it's been knowing her all these years. He met her in the 80s when working for the Heights Community Congress. He said he doesn't know anyone who has been in a job for 46 years that, no matter where you go, everyone says they love, but they do here. He said it's a very difficult thing to do, especially when involved in government. He congratulated her on a great career and said he hoped to see her in the near future.

Councilman Cobb thanked Susanna for her years of service to the City and the Council and for her help in getting him acclimated to serving on Council. He wished her well on the next chapter of her life. He said she was certainly welcome to come back for future meetings.

Councilwoman Russell said Susanna has been a 'breath of sunshine.' She said she's been very inspiring. She said the reason people know her and love her so much is that she's truly a community activist. She thanked her for educating her and teaching her a lot about Parks and Recreations. She wished her many blessings and a long, long life.

Councilor Moore said there will be a Tiger 5k and fun run on May 14th at the high school where all the proceeds will be distributed equally among the district's elementary schools. She said there will be free ice cream. She said every Sunday there is a clean-up of invasive species at Lower Lake. She

encouraged everyone to come out to participate. She said she hasn't known Susanna very long or very well, but what she does know is she is kind, compassionate and generous. She wished she had gotten the chance to work closer with her and wished her a wonderful retirement. She thanked Susanna for everything she gave to the City.

Councilman Mattox said he thanked God for Susanna because when he was a young person walking through the doors of this place, she made sure he was seen and so many people like him were seen. He thanked her for her kindness, openness, leadership, mentorship; for the doors she's opened for him his entire life. He thanked her for the ways she's allowed him to think bigger, both about the community but also how one individual can make an impact. He said he will be forever grateful for stepping into City Hall and having her step into his life. His wife, his children and his entire family are better because of his connection to her. He said he is sitting in his chair now because she allowed him to think bigger than he thought to dream for himself. He said he can never repay her for the fact that she has always reminded him that he is seen. He said she has invested her life into not just the community, but into the marginalized, the downtrodden and broken and has found ways to make the community welcome to everyone. He truly would not be the man he is today had she not allowed the space in her life for him. He thanked her for the impact she has made on the lives of so many people in the City, including his own. He said he can never repay her for that and he will miss her dearly.

Councilwoman Russell reminded everyone the Women out Walking group meets every Sunday at 2 p.m. for a walk around Forest Hill park.

Report of the Council President

Council President Hart said last Saturday was the Arbor Day celebration at the Community Center. The celebration is a requirement to keep the Tree City USA designation. She reminded residents about the election tomorrow, with Issue 9 (regarding the Park Initiative) and Issue 10 (regarding Council electing a Clerk of Council) on the ballot. Council President Hart wished Councilwoman Russell a Happy Birthday. She then welcomed Joseph Sinnott as the new City Administrator, stating he started last week and he is an important part of the City Administration. She said if you want to know anything, you ask Susanna, because she knows everything. She said even if they didn't rename the Atrium the Susanna Niermann O'Neil Atrium, Susanna's spirit still permeates the walls and thanked her.

City Manager Susanna Niermann O'Neil thanked Mayor Seren for the wonderful honor, to the Law Director who helped her everyday to make sure things were right. She thanked every member of Council. She said one of the things she's really enjoyed over the years is working with Council members on projects, realizing the kind of pressure Council and now the Mayor have on them from the residents who have high expectations. She said this town is founded on people being involved and having opinions and differences of opinions and it is part of the vitality of Cleveland Heights. She said she was extremely grateful for the honor, saying 46 years went fast. People have asked her why she stayed at Cleveland Heights, she said other things came along but, she said nothing ever measured up. The very core of Cleveland Heights is a commitment to diversity, civil rights, social justice. She said her thought for the future is that all new generations that come along, is that they remember and understand that it doesn't just happen, you have to keep caring about it.

Without it, we are just another City and who wants that? Who wants to be anything but Cleveland Heights? She said their essence is the commitment they made. She said she was very grateful for the thousands of residents, taskforce members and Council members for working hard together.

Council President Hart said she'd be remiss if she didn't recognize Cuyahoga County Council Vice President and Candidate for Lieutenant Governor Cheryl Stephens.

NEXT MEETING OF COUNCIL: MONDAY, MAY 16, 2022

Respectfully submitted,



Melody Joy Hart
President of Council



Craig Cobb
Clerk of Council, *Pro Tem*