



# CLEVELAND HEIGHTS

**Monday, June 15, 2020 Minutes**

**COMMITTEE OF THE WHOLE**

6:44 – 8:23 p.m.

Mayor Stein presiding

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

Staff present: Anderson, Boland, Briley, Hanna, Himmelein, McRae, Niermann O’Neil

Topics discussed: Legislation, Outdoor Dining Update, Review of Street Closure for Pedestrian and Recreational Activity, and Racism as a Public Health Crisis

**Executive Session**

8:17 – 8:23 p.m.

Council Member Hart made a motion to begin Executive Session, which was seconded by Council Member Ungar to consider the appointment of a public official.

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

Council Member Dunbar made a motion to end Executive Session which was seconded by Council Member Hart.

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

**CITY COUNCIL**

8:31 – 9:34 p.m.

Mayor Stein presiding

Roll Call: Present: Dunbar, Hart, Russell, Seren, Stein, Ungar  
Excused: None

Staff present: Briley, Hanna, Himmelein, Niermann O’Neil

Minutes from the City Council meeting held Monday, June 1, 2020, were approved with submitted edits.

## **Personal communications received from citizens (via electronic mail)**

Since our last City Council meeting on June 1, 2020, we have received messages from the following individuals: Bridget Guhde (26 messages), Brandon Canady, Michelle Mate, Colleen Fitzpatrick, Carol Roe, Bruce Knarr, Matthew Habermusch, and Spencer Everhart.

Ms. Guhde, Mr. Canady, Ms. Mate, and Ms. Fitzgerald wrote to express their opposition to the installation of 5G/small cell technology.

Mr. Canady does not consent to 5g or cell towers and expressed it will cause harm to his body. He also expressed that facial recognition cameras in residential areas are invasive and affect his right to privacy.

Ms. Fitzgerald asked that there be safety studies conducted regarding health effects of electromagnetic radiation exposure completed prior to a decision to install this technology.

Ms. Mate vehemently opposes any measures that would lead to involuntary exposure of residents to the deadly radiation caused by 5G towers.

Ms. Guhde offered suggestions for legal representation for the City to oppose the installation of 5g/small cell technology, along with examples of sample resolutions calling for health and environmental studies and for installation to cease. She encourages the City to hire a lawyer with experience writing an Ordinance that will protect Cleveland Heights residents while also satisfying the current legislation in Ohio.

Ms. Roe commented that Ohio House Concurrent Resolution 31 and Ohio Senate Concurrent Resolution 14 declare Racism to be a public health crisis and requests the Governor to appoint a working group. She noted the current pandemic has accentuated the racial disparities in our health system and she urged the Cleveland Heights City Council to offer support for the resolutions.

Mr. Knarr wrote about his concern with the changing demographics and the degraded quality life in his neighborhood in the Noble/Warrensville corner. He was specifically concerned about the demographic that feels it ok to drive through once-quiet streets with their car and motorcycle stereos blasting with a large booming bass line that shakes the windows and sounds like thunder. He has seen motorcycles drive by with obnoxious music blasting and motorcycles with illegally modified exhaust which creates extreme noise. The problem has persisted for 2 years and has only grown worse. He requests that City Council look into incentivizing the police to patrol Noble and Mayfield roads and the surrounding cut through streets to find and ticket noise violators.

Mr. Haberbusch commented that he attended the June 3<sup>rd</sup> protest at City Hall where he felt there was a good conversation between residents, Police Chief Mecklenburg, and City Manager Briley and the officers. He also attended yesterday's protest and commended the new Safer Heights group for being a shining example of why he loves Cleveland Heights and why he wants to buy a home and live here for a very long time. He feels that Chief Mecklenburg has done a good job of reform over the past few years and while some things are on the right track, it is not enough. After talking with Chief Mecklenburg he believes she wants our community to be safer and hopes she will continue to strive for positive change. He stands with Safer Heights in making the following demands:

1. We demand an immediate demilitarization of police, divestment from the police budget, and reinvestment in educational resources, including nonviolent intervention specialists and social service programs that emphasize mental health support and rehabilitation.
2. We demand an immediate removal of police from schools.
3. We demand transparency on all police-citizen encounters via a quarterly report detailing all arrest and citation statistics, including offense, race, age, ability, gender, use of force, and ultimate case outcomes.
4. We demand that any police officer who has their body camera turned off or obstructs it during a civilian encounter must be immediately suspended without pay and fined.
5. We demand a civilian-led review of the Cleveland Heights Police Academy curriculum and for all classes to resume regardless of COVID-19, digitally if necessary, in order to provide the required continuing education of Officers as mandated by the State of Ohio.

Mr. Everhart lives and works in Cleveland Heights which he described as vibrant, diverse, and fosters an actual sense of community which makes him love it. Given recent events, he had concern for the city and what it claims to stand for. And the actions of those responsible for protecting it. He commented that the Cleveland Heights Police is broken, overfunded, and despite efforts by the Chief to improve, not held accountable enough to mitigate abuse. He believes the police in the Heights uphold a racist classist system and not enough is done to root out those who seek to abuse their power. He joined Mr. Haberbusch in making the 5 demands outlined by Safer Heights.

## **Report of the City Manager**

Request a motion to approve an emergency agreement made pursuant to Chapter 171.02 of the Cleveland Heights Codified Ordinances to secure a 12-month rate for power supply through Dynegy Energy Services.

Request a motion to approve an emergency agreement made pursuant to Chapter 171.02 of the Cleveland Heights Codified Ordinances to secure a 12-month rate for natural gas supply through VolunteerEnergy.

**Matter of Record**

Refer to: Municipal Services Committee

Council Member Dunbar moved to approve an emergency agreement made pursuant to Chapter 171.02 of the Cleveland Heights Codified Ordinances to secure a 12-month rate for power supply through Dynegy Energy Services. The motion was seconded by Council Member Russell.

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

**Motion Passed**

Council Member Dunbar moved to approve an emergency agreement made pursuant to Chapter 171.02 of the Cleveland Heights Codified Ordinances to secure a 12-month rate for natural gas supply through VolunteerEnergy. The motion was seconded by Council Member Russell.

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

**Motion Passed**

Tanisha Briley gave an overview of her report to Council which may be read in full at [https://www.clevelandheights.com/DocumentCenter/View/7039/cc\\_packet\\_06102020?bidId=](https://www.clevelandheights.com/DocumentCenter/View/7039/cc_packet_06102020?bidId=).

Council Member Hart asked if a meeting with the citizens was scheduled, as it was requested after the first Black Lives Matter protest in the City. Tanisha Briley responded it is scheduled for next Thursday and the Chief would provide more details.

**Report of the Chief of Police**

Chief Mecklenburg stated she is committed to striving toward the best practices in law enforcement. She recognized that to be effective, the Police Department cannot operate alone and must have the active and consistent support of the community. She made a statement regarding deplorable high-profile events over the last few weeks and systemic racism. She noted that the Cleveland Heights Police Department is an Ohio Collaborative Law Enforcement Certified Agency and recertification is broken into three categories, the first two groups including the following: creating and implementing policies around the

use of force, hiring and recruitment, community engagement, and body-worn cameras. Group Three includes policies around bias-free policing and employee misconduct. We do have a policy on bias-free policing and are currently drafting a policy on employee misconduct. Chief Mecklenburg made a statement about policy review and consideration of new requests. There will be a virtual forum held on June 25 and additional details will be shared over the next few days.

Council Member Hart thanked the Chief.

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

Notify Council of one (1) Fiscal Officer's Certificate pertaining to proposed legislation to provide for the issuance of notes, in anticipation of the issuance of bonds, for the purpose of reconstructing, resurfacing and otherwise improving City streets, rebuilding Monticello Boulevard and Taylor Road, including engineering and planning costs with respect thereto, and acquiring motorized equipment and appurtenances, acquiring motor vehicles and equipment used in performing the functions of the City's Department of Public Works, Sewer Utilities Division, acquiring motor vehicles and equipment used in performing the functions of the City's Department of Public Works, Forestry Division, and acquiring mobile radios for use by the City's Police Department, together with the necessary related equipment, together with the necessary related equipment

**Matter of Record**

### **MUNICIPAL SERVICES COMMITTEE**

**ORDINANCE NO. 54-2020 (MS), Second Reading.** An Ordinance amending Chapter 943, "Use of Public Ways for Small Cell Wireless Facilities and Wireless Support Structures," of Part Nine, Streets, Utilities and Public Services Code of the Codified Ordinances of Cleveland Heights

Second Reading by Council Member Dunbar

**ORDINANCE NO. 56-2020 (MS).** An Ordinance authorizing all actions necessary to accept Northeast Ohio Public Energy Council 2020 Energized Community Grant(s) Funds

Introduced by Council Member Dunbar, Seconded by Council Member Hart

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

**Legislation Passed**

### **PLANNING AND DEVELOPMENT COMMITTEE**

Council Member Ungar stated that all of the Planning and Development Committee legislation is on the consent agenda this evening. He thanked those who serve on the Citizens Advisory Committee for making recommendations on allocations possible.

Council Member Ungar gave a summary of the Planning and Development Committee meeting including outdoor dining, FutureHeights, Top of the Hill, Noble, and Taylor. He thanked everyone who participated.

He gave his condolences for the loss of the two sisters from the Scaravilli family.

## **ADMINISTRATIVE SERVICES COMMITTEE**

**ORDINANCE NO. 51-2020 (AS), *Second Reading.*** An Ordinance amending Section 111.21, "Voting," of Chapter 111, Council, of Part One, Administrative Code, of the Codified Ordinances of the City of Cleveland Heights to allow Council members to recuse themselves from voting due to a conflict of interest.

Second Reading by Council Member Seren

Council Member Seren stated there will still be another reading of the legislation regarding the nonconsensual dissemination of intimate images and videos that would prohibit discrimination of revenge porn.

Council Member Seren gave an overview of the Administrative Services Committee meeting from the previous week including charter amendments that could potentially be on November's ballot, the transition, and mayoral salary.

There will be another Administrative Services Committee meeting on June 23 at 6:00 p.m. including those who have transitioned from Citizens for an Elected Mayor to helping with that transition.

Council Member Seren stated he went to the protest yesterday afternoon starting at the P.E.A.C.E Park and stopped on several occasions to talk to those that organized the protest about their ideas for police reform. He stated he looks forward to working with the entire community and hearing everyone's ideas about moving forward.

## **COMMUNITY RELATIONS AND RECREATION COMMITTEE**

Council Member Russell stated that our playgrounds opened on June 10. Social distancing is still encouraged. The Community Center will have COVID-19 tests available June 25, 9:00 a.m. to 1:00 p.m., and RSVPs are required.

Council Member Russell encouraged Cleveland Heights residents to complete the census and stated we are still in a challenge with University Heights.

Council Member Russell stated she attended the first protest and spoke at a Mothers Cry March where mothers gathered who had lost children in police violence in some way.

Council Member Hart attended the march as well. Council Member Russell stated it was a peaceful and moving protest and stated the importance of getting viewpoints from all parts of our city. She thanked Chief Mecklenburg for the forums on June 25 and July 11. The forum on July 11, hosted by, 'You Talk, I Listen,' will be youth-focused and youth-driven and the youth will work with the Chief in advance to plan the event.

## **FINANCE COMMITTEE**

**ORDINANCE NO. 57-2020 (F), First Reading.** An Ordinance providing for the issuance and sale of \$1,105,000 of notes, in anticipation of the issuance of bonds, for the purpose of paying costs of (i) reconstructing, resurfacing and otherwise improving City streets, together with necessary appurtenances thereto, (ii) rebuilding Monticello Boulevard and Taylor Road, including engineering and planning costs with respect thereto, (iii) acquiring motorized equipment and appurtenances thereto, (iv) acquiring motor vehicles and equipment used in performing the functions of the City's Department of Public Works, Sewer Utilities Division, (v) acquiring motor vehicles and equipment used in performing the functions of the City's Department of Public Works, Forestry Division and (vi) acquiring mobile radios for use by the City's Police Department, together with the necessary related equipment

Introduced by Council Member Hart

### **Legislation Introduced**

**RESOLUTION 58-2020 (F).** A Resolution requesting the City of Cleveland Heights's share of funds from the County Coronavirus Relief Distribution Fund and affirming that upon receipt thereof such funds shall be used only to cover costs incurred by the City of Cleveland Heights consistent with the requirements of applicable law and regulations

Introduced by Council Member Hart, Seconded by Council Member Ungar

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

### **Legislation Passed**

Council Member Hart stated Council is working on legislation to declare racism a public health issue. Housing legislation has been distributed as a draft to Council and will be reviewed. It covers foreclosure bonds, vacant housing registry and will require out of town owners to register.

The Finance Committee meeting will be held on June 29. They will review budget scenarios and how COVID is impacting our budget.

Council Member Hart stated she was shocked by some of the stories she heard at the march and it's important to move toward resolution in this country.



Council Member Russell thanked Susanna for helping her with an interview to partner with Cleveland State University. She thanked the Leadership Institute for their participation and interest.

## **Consent Agenda**

**RESOLUTION NO. 59-2020 (PD).** A Resolution authorizing the City Manager to enter into an agreement with the Bhutanese Community of Greater Cleveland, a non-profit corporation, for the use of Community Development Block Grant CV funds to provide additional assistance to their Refugee Assistance Program needed as a result of the COVID-19 Pandemic

**RESOLUTION NO. 60-2020 (PD).** A Resolution authorizing the City Manager to enter into an agreement with Family Connections of Northeast Ohio, a non-profit corporation, for the use of Community Development Block Grant funds to provide funding for assistance with its Family School Connections Program; providing compensation therefor

**RESOLUTION NO. 61-2020 (PD).** A Resolution authorizing the City Manager to enter into an agreement with Family Connections of Northeast Ohio, a non-profit corporation, for the use of Community Development Block Grant funds to provide funding for assistance with its Parent Café Program; providing compensation therefor

**RESOLUTION NO. 62-2020 (PD).** A Resolution authorizing the City Manager to enter into an agreement with FutureHeights, a non-profit corporation, for the use of Community Development Block Grant funds to provide funding for assistance with its Community Capacity Building Program; providing compensation therefor

**RESOLUTION NO. 63-2020 (PD).** A Resolution authorizing the City Manager to enter into an agreement with FutureHeights, a non-profit corporation, for the use of Community Development Block Grant funds to provide funding for assistance with its Cedar Lee Mini-Park Placemaking Project; providing compensation therefor

**RESOLUTION NO. 64-2020 (PD).** A Resolution authorizing the City Manager to enter into an agreement with FutureHeights, a non-profit corporation, for the use of Community Development Block Grant funds to provide funding for assistance with its FutureHomes Project; providing compensation therefor

**RESOLUTION NO. 65-2020 (PD).** A Resolution authorizing the City Manager to enter into an agreement with FutureHeights, a non-profit corporation, for the use of Community Development Block Grant funds to provide funding for assistance with its Noble Road Corridor Early Action Project; providing compensation therefor



**RESOLUTION NO. 66-2020 (PD).** A Resolution authorizing the City Manager to enter into an agreement with Gesher, a non-profit corporation, for the use of Community Development Block Grant funds for the payment of operating expenses; providing compensation therefor

**RESOLUTION NO. 67-2020 (PD).** A Resolution authorizing the City Manager to enter into an agreement with Gesher, a non-profit corporation, for the use of Community Development Block Grant CV funds due to increased demand for their Benefits Referral Program due to the COVID-19 Pandemic; providing compensation therefor

**RESOLUTION NO. 68-2020 (PD).** A Resolution authorizing the City Manager to enter into an agreement with the Heights Emergency Food Center, a non-profit corporation, for the use of Community Development Block Grant funds for the payment of operating and capital improvement expenses; providing compensation therefor

**RESOLUTION NO. 69-2020 (PD).** A Resolution authorizing the City Manager to enter into an agreement with the Heights Emergency Food Center, a non-profit corporation, for the use of Community Development Block Grant CV funds for the payment of increased operating and capital improvement expenses due to the COVID-19 Pandemic; providing compensation therefor

**RESOLUTION NO. 70-2020 (PD).** A Resolution authorizing the City Manager to enter into an agreement with the Home Repair Resource Center (“HRRC”), a non-profit corporation, for the use of Community Development Block Grant Funds for assistance with HRRC’s housing counseling, home-repair and home-improvement programs; providing compensation therefor

**RESOLUTION NO. 71-2020 (PD).** A Resolution authorizing the City Manager to enter into an agreement with the Home Repair Resource Center (“HRRC”), a non-profit corporation, for the use of Community Development Block Grant Funds for assistance with HRRC’s Housing Counseling Program’s increased demand due to the COVID-19 Pandemic; providing compensation therefor

**RESOLUTION NO. 72-2020 (PD).** A Resolution authorizing the City Manager to enter into an agreement with Lake Erie Ink, a non-profit corporation, for the use of Community Development Block Grant funds to provide funding for assistance with the organization’s Ink Spot After School Program; providing compensation therefor

**RESOLUTION NO. 73-2020 (PD).** A Resolution authorizing the City Manager to enter into an agreement with the Open Doors Academy, a non-profit corporation, for the use of

Community Development Block Grant funds to provide funding for assistance with the organization's Year-round Academic and Enrichment Programming for Disadvantaged Middle School Youth; providing compensation therefor

**RESOLUTION NO. 74-2020 (PD).** A Resolution authorizing the City Manager to enter into an agreement with the Open Doors Academy, a non-profit corporation, for the use of Community Development Block Grant funds to provide funding for assistance with the organization's Pathways to Independence Program at Cleveland Heights High School; providing compensation therefor

**RESOLUTION NO. 75-2020 (PD).** A Resolution authorizing the City Manager to enter into an agreement with the Severance Tower Local Advisory Council, a non-profit corporation, for the use of Community Development Block Grant funds to provide funding for assistance with its Accessible Community Garden Project; providing compensation therefor

**RESOLUTION NO. 76-2020 (PD).** A Resolution authorizing the City Manager to enter into an agreement with the Start Right Community Development Corporation, a non-profit corporation, for the use of Community Development Block Grant funds for the payment of operating expenses for their Food Bank Program; providing compensation therefor

**RESOLUTION NO. 77-2020 (PD).** A Resolution authorizing the City Manager to enter into an agreement with the Start Right Community Development Corporation, a non-profit corporation, for the use of Community Development Block Grant funds for the payment of operating expenses for their expanded Food Bank Program resulting from the COVID-19 Pandemic; providing compensation therefor

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

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

**Motion Passed**

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

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

**Legislation Passed**

**Mayor's Report**

No report.

**NEXT MEETING OF COUNCIL: MONDAY, JULY 6, 2020**

Respectfully submitted,

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Jason S. Stein, Mayor

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Amy Himmelein, Clerk of Council  
/jkc