



CLEVELAND HEIGHTS

Monday, July 6, 2020 Minutes

COMMITTEE OF THE WHOLE

6:11 – 8:36 p.m.

Mayor Stein presiding

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

Staff present: Briley, Hanna, Himmelein

Topics discussed: Legislation, Charter Amendment and Legislation Process & Deadlines

Executive Session

6:11 – 8:36 p.m.

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

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

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

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

CITY COUNCIL

8:36 – 10:07 p.m.

Mayor Stein presiding

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

Staff present: Briley, Hanna, Himmelein

Minutes from the City Council meeting held Monday, June 15, 2020, were approved with submitted edits.

Personal communications received from citizens (via electronic mail)

Since our last City Council meeting on June 15, 2020, we have received messages from the following individuals: Bridget Guhde (5 messages), Gail Larson, Edward Dea, and Joie Hill.

Ms. Gudhe, Mr. Dea, and Ms. Hill wrote in opposition to Ordinance 54-2020, the amendment to the Chapter 943 Use of Public Ways for Small Cell Wireless Facilities and Wireless Support Structures, which is on 3rd reading tonight.

Ms. Gudhe further emphasized the negative health impacts from EMF/radiation exposure and cited a link to MDSafeTech.org to support these concerns, she expressed concern about the risks involved with 5G technology around schools, she encouraged the City Council to consider legislation that would mandate public schools eliminate wireless technology in schools and outlaw cellular structures near the school property. Ms. Gudhe explains that wireless technology makes her physically ill when exposed to it and described the symptoms that were experienced when exposed to Electromagnetic frequencies including Headaches, Insomnia, Anxiety, Heart Arrhythmia (for example Atrial fibrillation or A-fib) and Palpitations, Difficulty concentrating, Dizziness, Tinnitus (Ears ringing), Cancer, Fatigue, Irritability/Stress, ADHD. She also made contact with an attorney who has done work in another state to oppose the technology and requested a meeting with him, the City's Law Director, and City Manager to discuss safer legislation options.

Mr. Dea wrote to join the opposition to Ordinance 54-2020 citing potential health risks and hazards along with the impact on and decrease to property values, privacy, and security breaches that hundreds of research studies have shown. He encouraged the Council not to enact the legislation in a knee-jerk fashion, to create a space for open dialogue with government transparency.

Ms. Hill requested that a hold be placed on the roll-out of 5G equipment and facilities until further research proving its safety has been provided to the citizens of Cleveland Heights. She cited a website chelseagreen.com or a local bookstore to purchase the book *The Invisible Rainbow: A History of Electricity and Life*, by Arthur Firstenberg, which elaborates upon research conducted on the effect of EMFs on Nature and human health. She urged the Council to consider their children and grandchildren and to do their research to ascertain that 5G is safe for nature and humanity before steamrolling on under the pressure of top-down edicts from Big Tech. She referenced that Easton, CT successfully placed a hold on 5G and the Netherlands and Australia, purportedly, are attempting to place a moratorium on it until proof of its safety is provided, along with other activists across the country who are opposing 5G installation.

Ms. Larson wrote to ask that the severe damage done to the sidewalks, tree lawn, and yard as a result of the City's firetruck being removed from a sinkhole at the corner of Cleveland Heights Boulevard and Glenwood Road back in May be repaired as soon as possible. The residents were told this "will be fixed next week". She says the sidewalks are a hazard and the residents deserve to have their property restored.

Report of the City Manager

Tanisha Briley gave an overview of her report to Council which may be read in full at https://www.clevelandheights.com/DocumentCenter/View/7090/cc_packet_07012020?bidId=.

Report of the Chief of Police

Chief Mecklenburg made a statement that a document will be posted online with policies and how the Police Department will move forward with revised policies. She stated the City is working on a contract to work with Lexipol on police enforcement policy revisions and training for officers. The Chief stated she is currently developing an amendment to the use of force policy including a ban on chokeholds and strangleholds, a requirement that officers employ de-escalation techniques, and a requirement that officers intervene for excessive use of force by other officers. Any incidents must be reported to their immediate supervisor. There is already a requirement that officers complete a comprehensive use of force report, but the revision will add they must complete it any time they point their firearm at someone. Officers will receive training once the revised policy is complete.

The bias-free policing policy has already been revised and is annually reviewed. Officers must report any bias-based policing they observe or are aware of. There may not be any retaliatory action to any officer reporting bias-based policing. Data must be collected concerning race and gender of all self-initiated traffic stops.

Chief Mecklenburg met with the Ohio Collaborative on June 25 regarding final certification for our Group 1 standards and provisional certifications on Group 2 standards. She stated the department will move forward with Group 3 and 4 which are expected to be completed in the next few months.

The Police Department is very willing to work with the community and be accountable to them for all of their actions. Forms were developed for citizens' complaints and compliments which will be posted on the website. The Chief stated she is committed to transparency and all law enforcement policies and procedures will be made available to the public. There are already five of them on the city's website and more will be added.

The Chief stated the department is looking for ways to recruit and hire diverse Police candidates. She is looking for ways to expand that process and reach out to other police academies, universities, and colleges in the area. She'd like to have more involvement in the criminal justice program at the high school level to encourage students who are members of the community to one day join the Police Department.

Mental wellness and health checks will be implemented for all officers. The department is looking for funding to expand this and connecting officers to peer support groups.

The department fully supports regular training in the following areas beginning by the end of this year: Implicit and Racial Bias Training, De-escalation Techniques as Alternatives to Deadly Force, and Cultural Diversity.

Council Member Russell thanked the Chief for meeting with the young adults last Tuesday and thanked her for being responsive to their requests. Chief Mecklenburg stated she enjoyed meeting with them and she is collecting more information for them.

Council Member Dunbar thanked the Chief for her report.

Mayor Stein thanked the Chief for her report and updates on our policies. Mayor Stein thanked Council Member Russell for her speaking tour with the youth and letting them be heard.

Report of the Clerk of Council

No report

PLANNING AND DEVELOPMENT COMMITTEE

No report

PUBLIC SAFETY AND HEALTH COMMITTEE

RESOLUTION 78-2020 (PSH). A Resolution condemning the murder of George Floyd by the Minneapolis Police Department, declaring racism a public health crisis, and expressing support for state-wide legislation to combat racism and implement best police practices to address racial bias and improve police-community relations

Council Member Ungar made a statement about his work with Council Members Russell and Hart in developing this important legislation.

Introduced by Council Member Ungar, Seconded by Council Member Hart

Council Member Hart stated it was important to have action items such as a task force included in the legislation. Council Member Russell thanked Council and staff for gathering information and moving forward with developing a task force quickly and correctly.

Council Member Hart made a motion to amend this resolution to say, “including a total of 91 in Cleveland itself since records have been kept.” The motion was seconded by Council Member Dunbar.

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

Motion Passed

Council Member Seren stated he appreciated his colleagues' work on this important resolution. He made a statement about working on these issues in a substantive and ongoing way.

Mayor Stein stated this is not ceremonial legislation because developing a task force is actionable. He thanked Council Members Ungar, Russell, and Hart for working on this legislation.

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

Legislation Passed

Council Member Ungar stated he didn't believe transition issues belonged to a committee, but Council is responsible for a smooth transition to an elected Mayor form of government. He requested that the transition be part of every Council agenda for reporting and discussion from now until the time it is implemented. A lot of this work will be done by the law department and outside consultants if necessary. A lot of external input including the CEM group and residents will be needed. He expects that legal counsel tee up the decisions for Council to make so they can have a deliberative process among Council.

Tanisha Briley stated that a consent agenda item involves the objection to the renewal of a liquor license for City and East. Information and history were provided to Council in a letter earlier today. The objection is the staff and the Chief's recommendation. She stated there was time, if Council chose, to remove it from the consent agenda and consider it at the next Council meeting. Mayor Stein asked her to clarify that the staff was not recommending to pull it from the agenda. Tanisha Briley stated it would be her recommendation to vote on the objection tonight. Council discussed who had a chance to read the letter and agreed to postpone that piece of legislation so everyone had a chance to read it.

ADMINISTRATIVE SERVICES COMMITTEE

ORDINANCE NO. 51-2020 (AS), *Third 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

Vice Mayor Seren made a statement about the background and development of this legislation.

Introduced by Vice Mayor Seren, Seconded by Council Member Dunbar

Council Member Hart proposed an amendment to codify the procedure that a member can call a point of order if the conflict of interest is not apparent. It would ensure that Robert's Rules of Order be followed in this process. Vice Mayor Seren stated he seconded the amendment and this is a friendly amendment that does not substantively

change the legislation, but does clarify the procedure. Council Member Ungar stated it does nothing to simplify or streamline, so he would vote against the amendment in favor of the original wording.

Roll Call for amendment: Ayes: Seren, Hart, Russell
Nays: Stein, Ungar, Dunbar

Motion Fails

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

Legislation Passed

ORDINANCE NO. 108-2019 (AS), Third Reading. An Ordinance amending Chapter 749, “Fair Practices” to include the nonconsensual dissemination of a person’s private sexual images as a prohibited, discriminatory rationale for the purposes of fair employment, education, and housing practices

Vice Mayor Seren made a statement about this legislation being a companion piece to the State passing legislation criminalizing what is colloquially known as revenge porn. He stated images are sent to employers and landlords to damage that person’s life.

Introduced by Vice Mayor Seren, Seconded by Council Member Hart

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

Legislation Passed

Vice Mayor Seren thanked his colleagues for passing those two pieces of legislation.

COMMUNITY RELATIONS AND RECREATION COMMITTEE

RESOLUTION 79-2020 (CRR). A Resolution to support Ohio House Bill 535, also known as the CROWN (“Creating A Respectful and Open Workplace for Natural Hair”) Act

Introduced by Council Member Russell, Seconded by Council Member Dunbar

Council Member Seren made a statement about his own mother’s difficulties and stated it is disgusting that many women are told to look a certain professional way other than what is natural to them.

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

Legislation Passed

Council Member Russell stated the city is looking to have another free COVID-19 testing sometime around July 23 and possibly another in August with more information forthcoming.

She stated she is working with the Public Safety and Health Committee trying to get a roundtable of community leaders to participate in moving our community forward in diversity.

Council Member Ungar commended those that were responsible for organizing the COVID-19 testing and those that participated. Tanisha Briley gave a shout out to Joe McRae for his part in planning the event. Council Member Ungar commended Joe McRae and stated the next one will be at Severance.

FINANCE COMMITTEE

Council Member Hart stated there was a Finance Committee on June 29 and the next step is for the revised budget to be prepared as well as the 2021 budget. Tanisha stated that they are currently working on the budget and they could discuss what was expected for a revision.

MUNICIPAL SERVICES COMMITTEE

ORDINANCE NO. 54-2020 (MS), *Third 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

Introduced by Council Member Dunbar, Seconded by Council Member Seren

Council Member Dunbar stated the federal and state government have already enabled this infrastructure. The Law Director has looked into how the city will be impacted and what we can control. Bill Hanna stated that Chapter 943 ensures the city complies with federal and state law that govern the installation of those facilities, while at the same time exercising all the leverage and authority permitted to the city under Ohio law and consistent with federal law to protect the public right of way and the residents of the city. He made a statement about the history of Chapter 943, state and federal laws, and some of the issues surrounding small cell technology.

Council Member Hart stated state and federal government has already approved this infrastructure so the actual legislation before them tonight further protects the city and helps residents. She stated she supports the idea of a state commission on 5G health effects.

Council Member Dunbar stated there are going to be costs for our city to permit the small cell installations. We have a responsibility to make sure they’re doing the right thing, to

monitor it and make it the best it can be.

Council Member Russell thanked everyone for their Emails about small cells and the education she received through that material. She stated she supports this as a safety precaution for our residents.

Vice Mayor Seren stated this country has a long history of protecting the interest of corporations that do not always enable the health benefits of citizens, but that is not what we're talking about here. We are restricted by state and federal law and this legislation does not deal with permission of creating that infrastructure, but the restrictions around it. Mayor Stein thanked Vice Mayor Seren for his explanation.

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

Legislation Passed

Council Member Dunbar stated that there will be a Municipal Services Committee meeting next Monday to follow up on the report done by the Refuse and Recycling Committee. Tanisha Briley stated the meeting will be recorded and available online.

Consent Agenda

ORDINANCE NO. 57-2020 (F), Second 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

RESOLUTION NO. 80-2020 (CRR). A Resolution proclaiming July 2020 to be National Parks and Recreation Month in the City of Cleveland Heights

RESOLUTION NO. 81-2020 (F). An Ordinance suspending the levying of admissions tax under Chapter 155, "Admissions Tax," of Part One, Administrative Code, of the Codified Ordinances of the City of Cleveland Heights; placing a moratorium on the collection and remittance of the same

RESOLUTION NO. 82-2020 (PSH). A Resolution objecting to the renewal of all current liquor permits issued by the Ohio Department of Commerce, Division of Liquor Control to Zooz Limited dba City & East Hookah Bar, 2781 Euclid Heights Blvd.,

Cleveland Heights, Ohio 44106 and requesting that a hearing on the issue of renewal be held in Cuyahoga County, Ohio

RESOLUTION NO. 83-2020 (AS). A Resolution authorizing the City Manager and her designees to establish a temporary permit program for the establishment or expansion of outdoor dining facilities and use of public and private property or right-of-way in response to the COVID-19 emergency

RESOLUTION NO. 84-2020 (F), First Reading. A Resolution approving the adoption of the 2021 Tax Budget

RESOLUTION NO. 85-2020 (PD). A Resolution authorizing the City Manager to enter into an agreement with Cleveland Housing Network Housing Partners, a non-profit corporation, for the use of Community Development Block Grant funds to provide emergency rental assistance to income-eligible tenants unable to pay their full monthly rent due to the economic impact from COVID-19; providing compensation therefor

Vice Mayor Seren moved to remove Resolution No. 82-2020.

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

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

Motion Passed

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

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

Legislation Passed

Mayor's Report

Mayor Stein stated there will be a public hearing for the 2021 Tax Budget on July 20 at 7:00 p.m. It will be held virtually, recorded, and available online.

Mayor Stein stated there will be a special meeting held later this week to pass legislation to mandate the wearing of a mask in Cleveland Heights.

NEXT MEETING OF COUNCIL: MONDAY, JULY 20, 2020

Respectfully submitted,

Jason S. Stein, Mayor

Amy Himmelein, Clerk of Council
/jkc