



CLEVELAND HEIGHTS

Monday, October 19, 2020 Minutes

CITY COUNCIL

9:22 – 10:07 p.m.

Mayor Stein presiding

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

Staff present: Boland, Clinkscale, Freeman, Hanna, Himmelein, Lambdin, McRae, Mecklenburg, Niermann O'Neil, Smith, Trupo, Wong

Minutes from the City Council meeting held Monday, October 5, 2020, were approved with submitted edits.

Personal communications received from citizens (via electronic mail)

Amy Himmelein read a comment from Fatrina Nicholson, a new resident, concerning issues with tree maintenance plumbing, high taxes, and requesting help from the city.

Amy Himmelein read a comment from Rosa Kovacevich requesting a public meeting and vote for a seventh Council Member.

Amy Himmelein read a comment from David Robman asking if construction work is permitted on Sunday. Council Member Russell stated that Susanna Niermann O'Neil was looking into the answer to reply. Susanna Niermann O'Neil stated that the permit did say no work was permitted on Sunday, but it does not clarify if it's the homeowner doing the work on his own property.

Report of the City Manager

Requested permission to issue a Request for Qualifications and Preliminary Development Proposals (RFQ/RFP) for a redevelopment plan of Cedar-Lee-Meadowbrook

Matter of Record

Refer to: Planning and Development Committee

Shredding day was well attended and ended early due to high attendance. The city was only able to get one truck from the company that does the shredding.

Susanna Niermann O'Neil gave an overview of the City Manager's report which may be read in full at <https://www.clevelandheights.com/DocumentCenter/View/8656/City-Council-Packet-October-14-2020?bidId=>.

Report of the Chief of Police

Chief Mecklenburg provided an overview of the update during the Public Safety and Health Committee. Regarding the shots fired on Westover, that case has been solved. Detectives have been able to identify the suspect in the shooting – a 19-year old male resident of Cleveland Heights. He has been charged with two counts – discharging a firearm over a roadway and improper handling of a firearm in a motor vehicle. He is currently in the County Jail.

On October 6, 2020, there was a report of shots fired in the area of 895 Yellowstone. According to witnesses, a dark-colored sedan came off of Randolph, and while driving south on Yellowstone, the passenger held a gun out the window and fired several rounds. Nobody was injured in this incident, but one round did strike one of the houses. There are no suspects at this time.

On October 16, a woman was at the gas pumps at the Cedar Hill Sunoco and was approached by two teenage suspects armed with handguns who stole her vehicle. When she got some items from her car, one of the suspects pushed her in the chest and yelled profanities at her. One drove away in her car and the other left in the car they arrived in. The victim was not physically injured. The suspects are African American teenage men with a skinny build, one being taller than the other. They were both wearing dark clothing and one had a red accessory. They were both wearing masks to cover their faces. The victim's car was recovered within minutes on Chatfield and towed to our Police Department for processing. Fingerprint lifts were obtained and detectives are following up on one of the leads from the fingerprints.

There was a report of three gunshots fired on October 16 at 1650 Coventry. Officers responded and learned that the incident occurred 20 minutes prior to receiving the call. Two of the shots hit that residence and nobody was injured. There is nothing to indicate that the residents inside that home were targeted.

The Cleveland Stated University Diversity Institute contract was received. This includes an 8-hour training in cultural competence and implicit bias training, policy analysis, community engagement, data analysis of traffic stops, and recommendations for a civilian review board. It is currently being reviewed in the Law Department.

Council Member Russell stated that the Racial Justice Task Force applications are under review and will be reviewed at an upcoming Committee of the Whole. Once approved, they will be posted on the website.

Report of the Clerk of Council

Notified Council that a notice has been received from the Ohio Department of Liquor Control advising that an application has been made by the following: 7 Eleven, Inc. dba 7

Eleven 36743H, 3983 Mayfield Rd., Cleveland Heights, Ohio 44121 for a C1 and C2 permit transfer to Star Beem LLC dba 7 Eleven 36743H, 3983 Mayfield Rd., Cleveland Heights, Ohio 44121

Matter of Record

Refer to: Municipal Services Committee, the City Manager, and the Director of Law

Bill Hanna clarified that there is a standing cooperation agreement from this past April between the transferor and the City. The understanding is that the City would object to the transfer in order to enter into a subsequent cooperation agreement with 7 Eleven as the transferee. The motion to object is the missing piece for this to move forward on the administrative side.

Council Member Dunbar made a motion to object. Council Member Ungar asked for clarification of objecting now of referring it to a committee. Bill Hanna stated it could be done at either point in time. Council Member Ungar asked if there was some fact-finding. Bill Hanna offered to provide information to review and move it to a future meeting.

Council Member Dunbar withdrew the motion.

Amy Himmelein stated that the response must be postmarked by October 23.

Chief Mecklenburg stated the objection to the renewal of the permit was based on several things, including multiple disturbances, the robberies that have taken place, shots in the parking lot, overdoses in the parking lot and an incredible amount of theft from the store including from their coolers as well as alcoholic beverages and other items they place close to the door. So, she is requesting an objection to the renewal of the liquor permit. The Police met with the owners and entered into a cooperation agreement and they have since made some changes that have helped to keep the call volume at that store down. It is her understanding that if we objected again this time, then we could meet with the new owners of the liquor permit and enter into a cooperation agreement with them which would be very similar in nature to the one that is now in place.

Council Member Dunbar made a motion to object to the permit transfer. Council Member Ungar seconded the motion. Vice Mayor Seren stated he understands this is an important strategy to talk to these people and continue changes that have been implemented. Chief Mecklenburg stated that they are currently satisfactory and there has been some reduction in call volume. Vice Mayor Seren asked if there was a connection between their liquor license and the incidents that we have experienced at the location. Chief Mecklenburg stated there were some cited for underage sales and they worked with Liquor Control to have someone go in there and make an underage purchase to which they did sell to that person without ID. Personnel training was part of the settlement agreement including asking for ID for alcoholic purchases. Mary Dunbar clarified that the issue is that there is a new owner and the Police want to ensure that the new owner is going to continue to do what was agreed. Chief Mecklenburg stated that was basically it, keeping the same cooperation agreement in place. Bill Hanna agreed and stated this is known by the transferee and transferor. There was communication between the City Law Department

and their legal counsel in April enclosing a full existing cooperation agreement indicating the City would not therefore further pursue prosecution of the then existing objection, but that when the transfer application was filed, the City would advise City Council to object so that the same or similar agreement would be held with 7 Eleven. Vice Seren asked how a transfer would void a current cooperation agreement. Bill Hanna stated the current agreement was with the transferor. Council Member Russell asked for clarification. Bill Hanna stated the new owner was involved in the discussions that led to the initial cooperation agreement but were not yet the owner. It is 7 Eleven essentially operating and taking control again of the location. Some of the changes implement were hours of operation, location of the ATM, and how business is conducted concerning the locking of the facility between hours of 11:00 p.m. and 5:00 a.m.

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

Legislation Passed

MUNICIPAL SERVICES COMMITTEE

RESOLUTION NO. 117-2020 (MS). A Resolution authorizing the City Manager to enter into an agreement with Black and Veatch for professional consulting services in connection with the City's Sanitary Sewer Overflow Control Project and Sewer System Evaluation Survey

Introduced by Council Member Dunbar, Seconded by Vice Mayor Seren

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

Legislation Passed

Council Member Dunbar stated the ADA crossings at corners are being completed throughout the city and she congratulated our Municipal Services Department for taking care of those.

PLANNING AND DEVELOPMENT COMMITTEE

Council Member Ungar stated the Top of the Hill project is proceeding at pace and he urges any fellow City Council Members to drive past.

PUBLIC SAFETY AND HEALTH COMMITTEE

ORDINANCE 118-2020 (PSH). An Ordinance authorizing the renewal of an agreement with the Cuyahoga County General Health District for the provision of public health services to the City and its residents; providing compensation therefor

Introduced by Council Member Ungar, Seconded by Council Member Russell

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

Legislation Passed

Council Member Ungar stated a Public Safety and Health Committee Meeting was held. The Police Chief, Captain Britton, the City Manager, Mayor Stein, and Council Members Russell, Dunbar, and Ungar participated. They discussed what will need to happen to reduce violence and shootings in the City.

ADMINISTRATIVE SERVICES COMMITTEE

Vice Mayor Seren commented on the public comment by Rosa. He stated he had made this suggestion of holding a public conversation regarding a seventh Council Member before they went into Executive Session. He suggested rank-based voting is a method of compromise. He stated there are high-quality candidates. He stated having public scrutiny on the deliberation may be a good thing to spur the decision.

Vice Mayor Seren stated he scanned in the document at the County level that provides a lot of information about County departments. He will send it out tonight to all Council Members.

COMMUNITY RELATIONS AND RECREATION COMMITTEE

Council Member Russell made a statement about Goldman Sachs and the 10,000 Small Businesses Program. She thanked Susanna for reaching out to local small businesses and stated this is part of an ongoing effort in getting small businesses to thrive and grow.

COVID-19 testing will take place at the Community Center on Wednesday, 9:00 a.m. to 3:00 p.m.

The Community Center will be open to voters for election day.

The Youth Council will be having a conversation about attendance at PEACE Park.

FINANCE COMMITTEE

ORDINANCE NO. 106-2020 (F), *Second Reading*. An Ordinance providing for the issuance and sale of bonds in the maximum principal amount of \$1,800,000 for the purpose of refunding certain of the City's outstanding Various Purpose Bonds, Series 2014, dated April 10, 2014

Introduced by Council Member Dunbar, Seconded by Council Member Ungar

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

Legislation Passed

ORDINANCE NO. 107-2020 (F), Second Reading. An Ordinance providing for the issuance and sale of bonds in the maximum principal amount of \$1,415,000 for the purpose of refunding certain of the City's outstanding Various Purpose Bonds, Series 2015, dated April 30, 2015

Introduced by Council Member Dunbar, Seconded by Council Member Ungar

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

Legislation Passed

ORDINANCE NO. 108-2020 (F), Second Reading. An Ordinance providing for the issuance and sale of bonds in the maximum principal amount of \$1,375,000 for the purpose of refunding certain of the City's outstanding Various Purpose Bonds, Series 2016, dated April 27, 2016

Introduced by Council Member Dunbar, Seconded by Council Member Ungar

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

Legislation Passed

ORDINANCE NO. 109-2020 (F), Second Reading. An Ordinance providing for the issuance and sale of bonds in the maximum principal amount of \$7,150,000 for the purpose of refunding certain of the City's outstanding Building Improvement Bonds, Series 2017, dated July 20, 2017

Introduced by Council Member Dunbar, Seconded by Council Member Ungar

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

Legislation Passed

ORDINANCE NO. 110-2020 (F), Second Reading. An Ordinance providing for the issuance and sale of bonds in the maximum principal amount of \$1,065,000 for the purpose of refunding certain of the City's outstanding Various Purpose Bonds, Series 2017, dated May 10, 2017

Introduced by Council Member Dunbar, Seconded by Council Member Ungar

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

Legislation Passed

RESOLUTION NO. 119-2020 (F). A Resolution authorizing the City Manager to extend the agreement with James G. Zupka, CPA, Inc., with the approval of the State of Ohio Office of the Auditor, for audit services for the two fiscal years ending December 31, 2020, and 2021; providing compensation therefor

Introduced by Council Member Dunbar, Seconded by Council Member Ungar

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

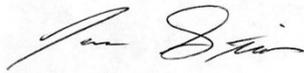
Legislation Passed

Mayor's Report

No report

NEXT MEETING OF COUNCIL: MONDAY, NOVEMBER 2, 2020

Respectfully submitted,



Jason S. Stein, Mayor



Amy Himmelein, Clerk of Council
/jkc