



CLEVELAND HEIGHTS

Monday, November 16, 2020 Minutes

COMMITTEE OF THE WHOLE

6:35 – 7:42 p.m.

Mayor Stein presiding

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

Staff present: Boland, Butler, Clinkscale, Freeman, Hanna, Himmelein, Knittel, Lambdin, McRae, Mecklenburg, Niermann O’Neil, Smith, Trupo

CITY COUNCIL

7:53 – 9:31 p.m.

Mayor Stein presiding

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

Staff present: Boland, Butler, Clinkscale, Freeman, Hanna, Himmelein, Knittel, Lambdin, McRae, Mecklenburg, Niermann O’Neil, Smith, Trupo

Minutes from the City Council meeting held Monday, November 2, 2020, were approved with submitted edits.

Personal communications received from citizens (via electronic mail)

Amy Himmelein read a comment from Lute Quintrell regarding the maintenance of a shared property line with city property. He complimented Susanna Niermann O’Neil and Andre Spencer for their assistance.

Amy Himmelein read a comment from Susan Miller asking for the status of Novak recommendations for Housing, CitizenServe, foreclosure bond legislations, CDC agreements, reports from Housing, and Master Plan.

Amy Himmelein read a comment from Trina N asking if there is an ordinance on parking on the street on garbage pick-up and leaf collection days. She also stated there are more gunshots heard near Quilliams Road.

Amy Himmelein read a comment from Ann Williams requesting that half of the Racial Justice Task Force be black.

Amy Himmelein read a comment from Mazie Adams stating that the Landmark Commission needs to reconvene meetings as a videoconference. There is important work to be done including landmark property reviews, design guidelines, and the City Centennial.

Amy Himmelein read a comment from Kara Hamley O'Donnell asking Council to reconsider proposed changes that will reduce the effectiveness of the Landmark Ordinance. She also requested that Council leave the historic district approval percentage at above 50%.

Amy Himmelein read a comment from Margaret Lynn asking Council reconsider alternatives to the proposed changes to the Landmark Ordinance and stating the benefits to preservation and historic communities.

Amy Himmelein read a comment from Mark Souther stating the importance of an active Landmark Commission and provided multiple examples of work that similar commissions have achieved.

Amy Himmelein read a comment from Laura Ospanik asking that Council support the changes to the Landmark Commission. She stated that when Ambler Heights was designated a historic neighborhood, then were provided with a list of restrictions. When Ambler Heights homeowners were provided the opportunity to vote on it, the designations did not pass.

Amy Himmelein read a letter of support from Margaret Poutasse and David Porter for the proposed amendment to the Cleveland Heights Codified Ordinances regarding the Landmark Commission.

Amy Himmelein read a comment from Mazie Adams asking Council to reconsider proposed changes to the Landmark Ordinance citing the importance of historic assets in relation to the Master Plan.

Amy Himmelein read a comment from Ken Goldberg asking that Council not pass the legislation regarding the Landmark Commission.

Amy Himmelein read a comment from Thomas Veider that Council is considering weakening the current Landmark Ordinance and it was not brought to the Landmark Commission to review.

Amy Himmelein read a comment from William Hopkins stating that the present Landmark Ordinance needs strengthening, not weakening.

Amy Himmelein read a comment from Joanne Siegel about a gay couple being harassed where they are opening a coffee shop. Mayor Stein asked if the Chief was ready to

comment and he wanted to make sure the situation is addressed. Susanna Niermann O'Neil stated the Chief will address it in an executive session.

Amy Himmelein read a comment from Deanna Bremer Fisher and Robert Brown of FutureHeights asking that the proposed amendments to the Landmark Ordinance be delayed until further research and community discussion can occur.

Report of the City Manager

Susanna Niermann O'Neil stated that department reports will appear in the next Council packet.

Some residents are still without power. City staff has been in contact with First Energy.

Susanna Niermann O'Neil recognized the passing of Jean Martin Diamond, an original member of Heights Community Congress, involved with the St. Ann's audit fighting in the early years against all kinds of discrimination, served on the CAC, the Commission on Aging, and was a member of the Master Plan Committee.

Report of the Chief of Police

Chief Mecklenburg stated she had no new updates on any of our most recent violent crimes including the murders and shootings, with the exception of the carjacking in the prior weeks at the Cedar Hill Sunoco. One of the suspects has been identified and there is a warrant for him.

There are no confirmed reports of shots fired in the last week. There have been some calls from the northern border and it is believed to be in a neighboring city.

There is no evidence to support the filing of criminal charges for the armed man on Blanche. There was a thorough investigation.

The Chief stated she is aware of the incidents near Euclid Heights and Lee referenced in the letter read into record. Police have responded to a couple calls in that area and taken reports between the bakery owner and coffee shop owners. Regarding the gunshots, cameras were installed in the area and the audio was forwarded. It was determined that the loud sounds were not gunshots, but from automobiles in Simon's Body Shop.

The Police Department received final certification from the Ohio Collaborative for the Community Engagement Policy, our Body-Worn Cameras Policy, and final certification for our Use of Force and Recruitment and Hiring Policy. They will continue to work on the standards in groups 3 and 4 including Bias-Free Policing, Investigation of Employee Misconduct, and Vehicular Pursuits. There was an Executive Order from the President of the United States on safe policing for safe communities. The purpose is to make sure law enforcement agencies continue to strive to provide transparency and accountable delivery of services to communities. The Ohio Collaborative has been selected as the independent credentialing body. This credentialing is mandatory for US Department of Justice grant funding in 2021. Certification will be valid for three years.

Police hosted Fill the Cruiser at Zagara's for the Heights Emergency Food Center. They collected 2,350 pounds of food and supplies.

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: Pacific East Mayfield, Inc. dba Pacific East Japanese, 1761-63 Coventry Rd. 1st Floor and Basement, Cleveland Heights, Ohio 44118 for a D1, D2 and D3 permit request

Matter of Record

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

PUBLIC SAFETY AND HEALTH COMMITTEE

ORDINANCE NO. 124-2020 (PSH), First Reading. An Ordinance amending Sections 1351.33 and 1351.34 of Chapter 1351, "Basic Standards for Residential Occupancy," of Part Thirteen, Building Code, Title Five, Housing Code, of the Codified Ordinances of the City of Cleveland Heights.

Council Member Hart reviewed the changes and thanked those that worked on developing the legislation.

Introduced by Council Member Hart

Legislation Introduced

Council Member Ungar commented on the first public comment read into the record. He thanked Susanna Niermann O'Neil and Andre Spencer for their work and Mr. Quintrell for his letter.

Council Member Russell asked if staff are able to contact tenants about properties being foreclosed. Vice Mayor Seren stated Council could consider instituting a requirement for owners to notify tenants if a bank or other mortgage holder starts a foreclosure action. With delinquent taxes, a notification does go to the tenant's residence. Council Member Ungar stated that if we have tenants in our community who are losing their home, they should contact Legal Aid to get a lawyer to represent them if they qualify. Council Member Russell stated we need a three-step process that tenants can go to and do to get out of their business and not lose what they have. Council Member Hart asked if it was possible to legislate a moratorium for tenants where they can't be evicted as long as they're paying rent. Bill Hanna stated that staff in the law department will look at that possibility. Council Member Ungar stated there was a moratorium on foreclosure cases statewide due to the pandemic and asked if there was a change would it be reinstated. Bill Hanna said he did not know and stated there was a CDC issue which was a federal moratorium that only applied to evictions based on a failure to pay rent. Vice Mayor

Seren asked about the possibility of replicating Cleveland’s program where there is funding for Legal Aid to provide these services. Council Member Ungar stated that if someone meets the income criteria, you have the right to have legal counsel through Legal Aid. Susanna Niermann O’Neil stated she would discuss it with Housing. Council Member Hart stated there is an incentive within the foreclosure bond that the point-of-sale doesn’t occur unless the house is vacant.

ADMINISTRATIVE SERVICES COMMITTEE

Vice Mayor Seren stated he would like to make a statement about the Police Chief’s report once he has more information.

More applications have come in for the boards and commissions. Vice Mayor Seren will schedule an Administrative Services Committee meeting to review the applications.

COMMUNITY RELATIONS AND RECREATION COMMITTEE

ORDINANCE NO. 125-2020 (CRR), *First Reading.* An Ordinance amending the use regulations and rates for admission and other services for the Cleveland Heights Community Center, City parks, and Cumberland Pool for the 2021 winter, spring and summer seasons, and repealing Ordinance No. 100-2019.

Introduced by Council Member Russell

Legislation Introduced

ORDINANCE NO. 126-2020 (CRR), *First Reading.* An Ordinance authorizing and approving the presentation of entertainment programs in Cain Park for the year 2021.

Introduced by Council Member Russell

Legislation Introduced

The Task Force applications will be available online on November 18.

FINANCE COMMITTEE

ORDINANCE NO. 127-2020 (F), *First Reading.* An ordinance to make appropriations for the current expenses and other expenditures of the City of Cleveland Heights, Ohio, for the period of January 1, 2021 through December 31, 2021

Introduced by Council Member Hart

Legislation Introduced

Council Member Dunbar thanked Amy Himmelein for her level of detail reviewing the budget and finances.

MUNICIPAL SERVICES COMMITTEE

ORDINANCE NO. 128-2020 (MS). An Ordinance repealing Chapter 935, “Solid Waste Collection and Disposal,” of Part Nine, Streets, Utilities and Public Services Code, of the Codified Ordinances of the City of Cleveland Heights, and adopting a replacement Chapter 935, “Solid Waste Collection and Disposal.”

Introduced by Council Member Dunbar, Seconded by Council Member Russell

Vice Mayor Seren said he had gratitude that Cleveland Heights is modernizing the collection process.

Council Member Dunbar congratulated Andre Spencer and Susanna Niermann O’Neil on the work they do.

Council Member Dunbar stated there is Cranksgiving this weekend for people on bicycles to ride around and buy groceries and provide them to food centers.

Council Member Russell thanked the members of the Refuse & Recycling Committee that started this process.

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

Legislation Passed

PLANNING AND DEVELOPMENT COMMITTEE

Council Member Ungar stated they would continue to vote on an amended version of Ordinance No. 129-2020. He reviewed the process and order with Bill Hanna.

ORDINANCE NO. 129-2020 (PD). An Ordinance amending Section 143.08 of Chapter 143, “Landmark Commission,” of Part One, Administrative Code, of the Codified Ordinances of the City of Cleveland Heights; and declaring an emergency.

Introduced by Vice Mayor Seren, Seconded by Council Member Hart

Council Member Ungar moved to amend the ordinance to remove the emergency clause and to limit the changes to Section 143.08 of the Codified Ordinances to the deletion of Section 143.08(B), permit referral only. The motion was seconded by Vice Mayor Seren.

Council Member Dunbar stated she hadn’t read all of the related Emails due to her power outage. She suggested a deferral, and stated she would not vote for it.

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

Nays: Dunbar

Motion Passed

Council Member Ungar moved to waive the two-reading rule in respect to this legislation which was seconded by Council Member Russell.

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

Motion Passed

Vice Mayor Seren stated there has been conflicting information regarding this legislation and he wants everyone to know Council is still considering all the input provided. This is the beginning of a bigger conversation about preservation and the role of the Landmark Commission. Council Member Ungar stated there needed to be more input from experts and the Landmark Commission. Mayor Stein stated he supported this ordinance and cited former Planning Director Richard Wong in saying this adjustment to the ordinance will allow the city to still be a Certified Local Government.

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

Legislation Passed

Mayor's Report

No report

NEXT MEETING OF COUNCIL: MONDAY, DECEMBER 7, 2020

Respectfully submitted,

Jason S. Stein, Mayor

Amy Himmelein, Clerk of Council
/jkc