



CLEVELAND HEIGHTS

Monday, December 7, 2020 Minutes

COMMITTEE OF THE WHOLE

7:11 – 7:47 p.m.

Mayor Stein presiding

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

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

CITY COUNCIL

7:56 – 9:29 p.m.

Mayor Stein presiding

Roll Call: Present: Dunbar, Hart, Russell, Stein, Ungar
Excused: Seren (joined at 8:22)

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

Minutes from the City Council meeting held Monday, November 16, 2020 and the special Council meeting held Monday, November 23, 2020, were approved with submitted edits.

Personal communications received from citizens (via electronic mail)

Amy Himmelein read a letter from Autumn Oliver, owner of the Boujie Bakery, stating they had placed a sign out stating the neighboring residential property was private property, not parking for the bakery. She stated she would like to have been approached by Council to state her side instead of one side being read at a Council meeting.

Amy Himmelein read a comment of concern from Jamie Miles about proposed changes to the Landmark Ordinance.

Amy Himmelein read a comment from James Edmonson about proposed changes to the Landmark Ordinance.

Amy Himmelein read a comment from Princess Ada Israel regarding a Point of Sale inspection and Chapter 1329 of the City's Codified Ordinances.

Amy Himmelein read a comment from Trina N stating she heard gunshots on November 22, followed by police vehicles and an ambulance, and asked for information regarding the situation.

Amy Himmelein read a comment from Diane Hallum regarding properties along Noble Road and the record-keeping of permits, licenses, complaints, escrow records, and building permits.

Amy Himmelein read a comment from Lucas Gonzalez asking why Davey Drake is still being charged with resisting arrest.

Amy Himmelein read a comment from Phillip Bounthisavath asking Council to urge the city to drop charges against Dayveon Drake.

Amy Himmelein read a comment from Eleanore Cavender requesting additional training for officers and charges against Dayveon Drake be dropped.

Amy Himmelein read a comment from Nathaniel Lull stating there was discrimination and racial profiling against Davey Drake.

Amy Himmelein read a comment from Princess Ada Israel asking how many prosecutions or violations there have been of Chapter 1329, point of sale inspections.

Amy Himmelein read a comment from Michael Stanley asking the traffic lights be taken off of the recall setting.

Amy Himmelein read a comment from Anne Unverzagt about snow plowing.

Amy Himmelein read a comment from Ann T asking the city to plow the sidewalks of major roads.

Amy Himmelein read a comment from Edwin Megridge thanked the city for making an extra trip to pick up leaves. He suggested there be no parking signage on the street for the collection days.

Amy Himmelein read a comment from Diana Woodbridge on behalf of the Greater Cleveland Congregation's Cleveland Heights Housing Team supporting the foreclosure bond legislation.

Amy Himmelein read a comment from Princess Ada Israel asking when in-person Council meetings will resume.

Amy Himmelein read a comment from Rosa Kovacevich regarding Council's delay in choosing a seventh Council Member.

Report of the Chief of Police

Chief Mecklenburg stated she had already requested the charges against Dayveon Drake be dropped. There is an outstanding issue regarding an old warrant which doesn't have anything to do with the February incident. Both officers received training in stops, approaches, and legal matters. Council Member Russell asked what kind of training they had. Chief Mecklenburg stated it had to do with laws of arrest and search and seizure.

On November 21, there was a report of a large disturbance on Crest Road which was a group of people fighting. A second call reported gunshots. Officers responded and found a male laying in the driveway who was shot twice and taken to the hospital. His injuries were not life threatening. One suspect was arrested, but after investigation, he was not the shooter. They have identified the shooter, issued a warrant, and are currently looking for him.

On November 22, there was a report of a male shot at 3691 Runnymede. The victim has not cooperated and we have no suspects. A friend of the victim was arrested a few days later regarding CCW.

On November 22, officers responded to shots fired at Maple and Wood. Occupants of a car claimed someone shot at them. Further investigation revealed they had been at a gas station on South Taylor where one of them was involved in a verbal disturbance with two other males allegedly regarding a previous robbery from a few days earlier. Some arrests were made for the CCW and drugs. One adult male has been identified as being involved in the shooting and there is a warrant for him. Police are working on identifying a second suspect as well.

On November 27, shots were fired by 1612 Coventry. Three juveniles that were at the BP gas station at Mayfield and Coventry. A man with a gun told a juvenile to get in the car and was taken to the house. The suspect entered the home claiming he had been stolen from and was looking for those items.

On November 28, a woman was shot in the leg while driving on Warrensville Road. An investigation revealed she and her boyfriend had left their residence and drove South on Noble and had a road rage altercation. The suspect's vehicle is a dark blue SUV, possibly an older model Jeep Grand Cherokee. There are no leads.

On November 29, officers responded to shots fired on Grandview. No one was injured in the home. Police believe this followed a dispute earlier in another part of town where threats were made.

Police are following up on promising leads regarding the Oakdale shooting and she hopes to have more to report soon.

Police have continued to increase presence with additional officers on overtime in the areas of town that are experiencing higher volumes of incidents. Cameras have been installed in these areas. There is a plate reader at Noble and Woodview.

Remember to lock your cars. There has been an increase in theft of guns from unlocked cars.

Report of the City Manager

Susanna Niermann O'Neil stated that Friday was the application deadline for the Racial Justice Task Force and we received 76 applications.

Crews were out for the storm on Tuesday. There is a thorough memo from Public Works Director Collette Clinkscale regarding the timeline and preparation. The city's response is being evaluated internally so we can proactively prepare.

A team was formed to meet with the Metro Health to make sure they have everything they need to keep their timeline. Because Metro will be expanding in Severance, there will be Board of Control, Planning Commission, and ABR meetings.

A community survey presentation was done and included in the packet.

Susanna Niermann O'Neil thanked all the Cleveland Heights employees for their hard work during a stressful year of COVID. Special thanks were given to the police officers and firemen.

Council Member Russell stated she'd like to follow up on Diane Hallum's request. Susanna Niermann O'Neil stated she'd get more information and follow up with Council Member Russell.

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: Mayfield Coventry Inc., Express Beverage, 2879 Mayfield Rd., 1st Floor, Cleveland Heights, OH 44118 for a C1, C2, and D6 permit transfer from 2879 Mayfield Inc., Dean Depiero Rcvr, 2879 Mayfield Rd., 1st Floor, Cleveland Heights, OH 44118

Matter of Record

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

ADMINISTRATIVE SERVICES COMMITTEE

RESOLUTION NO. 130-2020 (AS). A Resolution authorizing the City Manager to enter into an agreement with Arthur J. Gallagher & Company for continuation of its protected liability self-insurance program for the City

Introduced by Vice Mayor Seren, Seconded by Council Member Dunbar

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

Legislation Passed

Vice Mayor Seren moved to re-appoint David Benson, Bradley Eckert, Jonathon Goldman, Allison McCallum, T. Nadas, Amy Smith, Andre Witt, Stephen Titchenal, Jessica Shantz, Gretchen Mettler, Christine Henry, Cory Farmer, and Laura Black to the Citizens Advisory Committee. The motion was seconded by Council Member Dunbar.

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

Motion Passed

Vice Mayor Seren moved to appoint Greg Kluge as an alternate to the Board of Zoning Appeals which was seconded by Council Member Dunbar.

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

Motion Passed

Vice Mayor Seren moved to appoint Eugene Cranford to the Architectural Board of Review. The motion was seconded by Council Member Hart.

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

Motion Passed

Vice Mayor Seren moved to appoint Celeste Collins to the Fair Practices Board. The motion was seconded by Council Member Dunbar.

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

Motion Passed

Vice Mayor Seren moved to appoint Laura Marks to the Transportation Advisory Committee. The motion was seconded by Council Member Hart.

Motion Passed

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

Motion Passed

Vice Mayor Seren moved to appoint Debbie Auerbach Brown to the Recreation Advisory Board. The motion was seconded by Council Member Dunbar.

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

Motion Passed

Vice Mayor Seren moved to appoint Lee Barbee, Susan Efroymson, Catalina Wagers, Diane Hallum, Mark Lefkowitz, Patti Substelny, Josephine Moore, Allison Hite, and Aloysius Snodgrass to the Citizens Advisory Committee. Council Member Ungar asked that Council be allowed to vote on them individually. Vice Mayor Seren rescinded his motion and moved to appoint Lee Barbee to the CAC. Vice Mayor Seren stated they could do a voice vote as it was permitted in the rules now. Mayor Stein agreed that was fine. Council Member Russell asked that the acronyms be clarified. Vice Mayor Seren obliged and provided a high-level overview of what each committee does.

Vice Mayor Seren moved to appoint Lee Barbee to the Citizens Advisory Committee. Council Member Dunbar seconded the motion.

Voice Vote: Ayes: Hart, Russell, Seren, Stein, Ungar, Dunbar
Nays: None

Motion Passed

Vice Mayor Seren moved to appoint Susan Efroymson to the Citizens Advisory Committee. Council Member Dunbar seconded the motion.

Voice Vote: Ayes: Hart, Russell, Seren, Stein, Ungar, Dunbar
Nays: None

Motion Passed

Vice Mayor Seren moved to appoint Catalina Wagers to the Citizens Advisory Committee. Council Member Dunbar seconded the motion.

Voice Vote: Ayes: Hart, Russell, Seren, Stein, Ungar, Dunbar
Nays: None

Motion Passed

Vice Mayor Seren moved to appoint Diane Hallum to the Citizens Advisory Committee. Council Member Russell seconded the motion. Council Member Ungar stated he would

not be voting for her based on previous interactions with City staff and Council. Vice Mayor Seren said that even he doesn't always agree with her, he believes she is dedicated to the city and may bring value in being willing to oppose conventional thought. Council Member Dunbar asked the Law Director if the CAC would be allowed to expel members if they proved problematic. Council Member Ungar stated no. Law Director Bill Hanna stated he would look into it further, but he believes they would not have that authority, which would reside with Council. Vice Mayor Seren stated the boards would communicate if there were problems, which Council could then address. Council Member Dunbar stated Diane cares deeply about the city, feels excluded, and the board members could handle her. Council Member Russell stated Diane advocates for the northern part of the city and would bring a breath of fresh air despite being adversarial. Council Member Ungar stated Diane has a well-documented track record of false, defamatory, insulting, and disrespectful insults to staff that don't deserve it.

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

Motion Passed

Vice Mayor Seren moved to appoint Mark Lefkowitz to the Citizens Advisory Committee. Council Member Dunbar seconded the motion.

Voice Vote: Ayes: Hart, Russell, Seren, Stein, Ungar, Dunbar
Nays: None

Motion Passed

Vice Mayor Seren moved to appoint Patti Substelny to the Citizens Advisory Committee. Council Member Dunbar seconded the motion.

Voice Vote: Ayes: Hart, Russell, Seren, Stein, Ungar, Dunbar
Nays: None

Motion Passed

Vice Mayor Seren moved to appoint Josephine Moore to the Citizens Advisory Committee. Council Member Dunbar seconded the motion.

Voice Vote: Ayes: Hart, Russell, Seren, Stein, Ungar, Dunbar
Nays: None

Motion Passed

Vice Mayor Seren moved to appoint Allison Hite to the Citizens Advisory Committee. Council Member Dunbar seconded the motion.

Voice Vote: Ayes: Hart, Russell, Seren, Stein, Ungar, Dunbar

Nays: None

Motion Passed

Vice Mayor Seren moved to appoint Aloysius Snodgrass to the Citizens Advisory Committee. Council Member Dunbar seconded the motion.

Voice Vote: Ayes: Hart, Russell, Seren, Stein, Ungar, Dunbar
Nays: None

Motion Passed

Vice Mayor Seren stated that effective January 1, 2021, the titles of Mayor and Vice Mayor will no longer be used and instead Council President and Council Vice President.

COMMUNITY RELATIONS AND RECREATION COMMITTEE

Council Member Russell stated that the Cleveland Clinic is doing COVID testing on Saturday, December 12, 10:00 a.m. to 1:00 p.m., at the Stephanie Tubbs Health Center.

RESOLUTION NO. 132-2020 (CRR). A Resolution expressing support for House Bill 305 and Senate Bill 376

Introduced by Council Member Hart, Seconded by Vice Mayor Seren

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

Legislation Passed

FINANCE COMMITTEE

Council Member Hart stated that since they have not been able to do an appointment, she wants to say where she stands. Council Member Ungar stated he didn't agree with stating who people voted for in executive session. Vice Mayor Seren stated he had done so previously. Mayor Stein asked for legal guidance. Bill Hanna stated it is permissible to indicate who a Council Member supports. The Ohio Revised Code also allows Council to engage in executive session. It is not permissible to say how another Council Member voted, but one is allowed to speak about their own vote.

Council Member Hart stated her first and second choice are Tony Cuda and Anthony Mattox. She added Kuntz in there too so she could compromise. She is not willing to consider Craig Cobb since he was previously appointed and beaten in the election.

MUNICIPAL SERVICES COMMITTEE

Council Member Dunbar stated that there were two pieces of legislation that got moved to the consent agenda regarding the purchase of a street sweeper and a dump truck with a plow package. The street sweeper is especially important to bicyclists.

The Doan Brook Watershed Partnership has been completing its budget. Cleveland Heights is responsible for maintaining our part of the watershed.

PLANNING AND DEVELOPMENT COMMITTEE

Council Member Ungar moved to add Resolution No. 139-2020 to the agenda which was seconded by Council Member Dunbar.

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

Motion Passed

RESOLUTION NO. 139-2020 (F). A Resolution authorizing the City Manager to enter into a first amendment to the agreement with Cleveland Housing Network Housing Partners, a non-profit corporation, to provide for the use of Coronavirus Relief Fund monies in addition to Community Development Block Grant CV funds to provide emergency rental assistance to income-eligible tenants

Introduced by Council Member Ungar, Seconded by Council Member Dunbar

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

Legislation Passed

Council Member Ungar encouraged people to drive past Top of the Hill to see the progress they are making.

PUBLIC SAFETY AND HEALTH COMMITTEE

ORDINANCE NO. 124-2020 (PSH), *Second Reading.* An Ordinance amending Sections 1351.33 and 1351.34 of Chapter 1351, “Basic Standards for Residential Occupancy,” and Section 1345.99, “Penalty,” of Chapter 1345, “Enforcement and Penalty,” of Part Thirteen, Building Code, Title Five, Housing Code, of the Codified Ordinances of the City of Cleveland Heights.

Introduced by Council Member Hart, Seconded by Vice Mayor Seren

Vice Mayor Seren thanked Council Member Hart for doing the foreclosure bond legislation. He stated this was intended as a starting point for improvement.

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

Legislation Passed

Council Member Ungar stated that Council Member Russell had some great questions about eviction at a previous meeting. He inquired about Legal Aid giving a presentation to Council. Council Member Russell thanked him and encouraged him to talk about the task force. Council Member Ungar stated that he has not seen the applications for the Racial Justice Task Force yet, but they will be reviewed. Susanna Niermann O’Neil stated copies will be provided to every Council Member. Council Members Russell and Ungar will discuss how the selection process should work and present it to Council.

Consent Agenda

ORDINANCE NO. 125-2020 (CRR), *Second 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.

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

ORDINANCE NO. 127-2020 (F), *Second 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

RESOLUTION NO. 131-2020 (AS). A Resolution amending Resolution No. 83-2020 to extend the duration of the Temporary Expansion Area program for the expansion of outdoor dining facilities and use of public and private property or right-of-way in response to the COVID-19 emergency

ORDINANCE NO. 133-2020 (F). An Ordinance amending Ordinance No. 81-2020 to extend the suspension upon the levy of an admissions tax under Chapter 155, “Admissions Tax,” of Part One, Administrative Code, of the Codified Ordinances of the City of Cleveland Heights; to extend the moratorium on the collection and remittance of the same; and declaring an emergency.

RESOLUTION NO. 135-2020 (MS). A Resolution authorizing the City Manager to enter into an agreement with The Safety Company, LLC dba MTech Company, for the acquisition of a Global M3 Street Sweeper for the Department of Public Works;

providing compensation therefor

RESOLUTION NO. 136-2020 (MS). A Resolution authorizing the City Manager to enter into an agreement with 72 Hour LLC dba National Auto Fleet Group, for the acquisition of a Ford F350 Dump Truck/Plow Package for the Department of Public Works; providing compensation therefor

RESOLUTION NO. 137-2020 (PSH). A Resolution to suspend enforcement of Section 351.09 of Part Three (Traffic Code) of the Codified Ordinances of the City of Cleveland Heights for the period ending December 31, 2021, or at such earlier time as Council may subsequently prescribe, on the following-described streets; providing for on-street overnight permit parking on specified portions of Kensington, Hillcrest, Belmar, Glenmont, Eddington, and East Overlook Roads

RESOLUTION NO. 138-2020 (PSH). A Resolution to encourage effective plans to address climate change, a pressing problem already affecting Cleveland Heights

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

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

Motion Passed

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

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

Motion Passed

Mayor's Report

Mayor Stein wished everyone a Happy Holiday season and a Happy New Year.

NEXT MEETING OF COUNCIL: MONDAY, JANUARY 4, 2021

Respectfully submitted,

Jason S. Stein, Mayor

Amy Himmelein, Clerk of Council
/jkc