

Council Committee of the Whole of the City of Cleveland Heights, Ohio, met on the above date at 7:15 p.m. to discuss the contents of the City Manager's memo.

Roll Call: Ayes: Dunbar, Roe, Seren, Stein, Stephens, Ungar, Yasinow

Staff present: Boland, Briley, Butler, Freeman, Juliano, Lambdin, Mannarino, McRae, Mecklenburg, Niermann O'Neil, Raguz, Smith, Wong

Councilwoman Yasinow moved to enter into Executive Session 1) To review bargaining sessions with public employees or their representatives concerning such employees compensation or other terms and conditions of their employment; 2) To discuss, with an attorney for the public body, claims or disputes involving the public body that, in the judgment of such attorney, appear likely to be the subject of a future claim at 7:15 p.m. The motion was seconded by Councilwoman Roe. Mayor Stephens presiding.

Roll Call: Ayes: Dunbar, Roe, Seren, Stein, Stephens, Ungar, Yasinow

Staff present: Boland, Briley, Butler, Freeman, Juliano, Lambdin, Mannarino, McRae, Mecklenburg, Niermann O'Neil, Raguz, Smith, Wong

Councilwoman Yasinow moved to end the Executive Session. The motion was seconded by Councilwoman Roe.

Roll Call: Ayes: Dunbar, Roe, Seren, Stein, Stephens, Ungar, Yasinow

Executive Session concluded at 7:40 p.m.

The Council of the City of Cleveland Heights, Ohio, met on the above date at 8:00 p.m., Mayor Stephens presiding.

Council Members present: Dunbar, Roe, Seren, Stein, Stephens, Ungar, Yasinow

Staff present: Boland, Briley, Butler, Freeman, Juliano, Lambdin, Mannarino, McRae, Mecklenburg, Niermann O'Neil, Raguz, Smith, Wong

Mayor Stephens stated, "Good evening and welcome to Cleveland Heights City Council meeting. This is Monday, September 19. We're a little late this evening, but we had conversations on something extremely important to this organization. I'd like to start with a roll call, Mr. Raguz, would you begin that?"

Ayes: Dunbar, Roe, Seren, Stein, Stephens, Ungar, Yasinow

Tom Raguz stated, "All present, Your Honor."

Mayor Stephens stated, "Thank you. We have no members to excuse. I love a full house. We have the minutes from our regular Council session and on Tuesday, September 16 and did our two official Council scribes turn in their recommended changes? Thank you ladies."

At this time, we have a longstanding tradition of welcoming people to speak to Council and our executive staff. If there's anyone in the audience this evening who would like to share something with the City Council, if you would approach the podium state your name and your address for the record, we'd appreciate that. Is there anyone who'd like to speak this evening? No? Yes, ma'am. If you would approach the podium. Your name and address?"

Blanche Velancy stated, "Good evening, Mayor and Council. My name is Blanche Velancy and I'm here this evening representing the League of Women Voters of Greater Cleveland. I live at 3021 Yorkshire Road in Cleveland Heights. I am here to announce that there will be an east side candidates forum, a free forum for voters to see the candidates for five different jobs on the east side here. It will be Thursday, the 22nd of September, that is this Thursday from 7:00 to 9:00 p.m. We are very proud to announce that we will hear from four candidates for the Ohio Board of Education District 11, two candidates from the Ohio Senate District 24 that does not include Cleveland Heights; the Ohio Board of Education does include Cleveland Heights and University Heights; two candidates for the Ohio House District 9 which does include Cleveland Heights; two candidates for Ohio House District 8 and two candidates for Ohio House District 6. This forum is being co-sponsored by the League of Women Voters of Greater Cleveland, all the Eastside chapters, in conjunction with the National Council of Jewish Women of Cleveland. This is a new partnership we've developed this year and we're very proud of it. It is being co-sponsored by the South Euclid-Lyndhurst PTA Council and the friends of the South Euclid-Lyndhurst library and as I said again it will be held at Brush High School Auditorium, 4875 Glenlyn Road, Lyndhurst from 7:00 to 9:00 p.m. this Thursday. I have some flyers about it that I'd like to give Council and there will be copies on the literature rack in the lobby of City Hall and I thank you for your time here."

Multiple people responded with, "Thank you."

Mayor Stephens stated, "Is there anyone else who would like to speak to Council this evening? It appears I moved a little too quickly. Approval of minutes? Oh, I'm sorry, sir, I did not see your hand."

Gerard Pareci stated, "Good evening, Mayor, members of Council and fellow citizens of Cleveland Heights. My name is Gerard Pareci. I live at 2973 East Derbyshire Road and I've been a resident of this city for 63 of my 65 five years, so I've been around a little while and on Friday, September 9, my son, my grandson and myself thought we'd go up to the Cleveland Heights Benedictine football game. You know, look at the new stadium and check it all out which is a good, nice opportunity for us and I live right down the street, you know, on these Derbyshire. So, you know, my wife dropped us off and right off the bat I noticed that you know we couldn't go in the one door, but we had to walk all the way around. Not a big deal. You know, because I was really a Benedictine fan. My kids went there and, you know, we walked in. The game was just beginning just starting and we weren't late and, you know, we realized that the stands were full which in all honesty seemed a little small for a new stadium for the opposing, you know, any opposing team that may come to Cleveland Heights and so we're standing there, but we did notice quite a few open seats and on the Cleveland Heights side, so myself along with my son, grandson and we walked around you know the end zone and we were met with a gentleman in a golf cart who said that we couldn't sit down and I said, 'Oh, okay,' and we were there

was about maybe six or eight of us and, you know, all right so we turned around and you know I stopped and I said you, 'You know what? I'm a resident. I've been a resident here all my life and I paid a lot of tax money here as we all do. So I turned around. You know, I wasn't upset or anything. I just walked up and I took my wallet out and I put on my license I said, 'You know I'm a citizen here. I live here and I pay a lot of taxes here,' and he said, 'Well, you're from the other side. I can't let you in,' and I'm like, 'Really?' You know, I was really, you know, it really took me back, but, you know, whatever we threw our hands up. We walked away and we stood for the next two hours and watch the game. You know, and you know all the time I was there, I thought what this just didn't seem right. You know, I mean you have been to a lot of football games and a lot of sporting events and I've never heard of that where you have to be literally segregated to one side to the other and especially in a diverse community that we live in which touts itself as being diverse, open and fair. I just I didn't understand that, you know, and, you know, there's many things you could take away from that, you know, and I thought well, you know, it probably left a bad impression on my grandkids and, you know, and I guess the thing I was looking at was you know who are we protecting - whom from whom - it's, you know, are we protecting the Heights fans from the opposing team? Are we protecting the opposing team from the Heights fans? It's just the whole thing just didn't sit well with me, you know, and I thought well, you know, I thought I felt strong enough and I've never done this before, I've never been before Council, so I do appreciate the opportunity, and I thought well be a nice thing to bring up, you know, and so I guess my question to you, you know, as a Council is - are you aware of this? Is this is a condoned policy and if it is why?"

Mayor Stephens stated, "Actually, I'm looking at my colleagues and I'm seeing surprise on every face."

Councilwoman Dunbar stated, "It's clearly a School Board issue."

Gerard Pareci stated, "And you know, Mayor and Council, I, you know, I understand. I know there's a rival. I mean I've been around here, you know, there's rivalries which I get that."

Mayor Stephens stated, "Unfortunately, the football field is not one of our purviews, but it is in Cleveland Heights. Therefore, yes, we share the land and facilities and residence with the school system, but we have no direct control over there. We'll have to make some calls tomorrow to find out why they put that policy in place."

Councilwoman Dunbar stated, "You might want to get that out of the school board."

Gerard Pareci stated, "I don't understand. I really don't. And I do appreciate the opportunity to bring that up and, you know, I guess my fear is, you know, if we're protecting. One group, I mean, do you protect the every visit in came from every sporting event from the Heights people? It just doesn't make sense and I know the good people of Cleveland Heights would agree. You know, who are, you know, we're not you know we're out here, you know, hurting anybody. You know, that's it. Thank you very much for the opportunity."

Councilwoman Yasinow stated, "Thank you for coming, sir."

Gerard Pareci stated, "I'm sorry?"

Councilwoman Yasinow stated, "Just thank you for coming."

Gerard Pareci stated, "Oh, thank you."

Councilwoman Dunbar stated, "Yeah, I mean, I don't know if you heard me, but I think you really almost need to go to the School Board with this issue because they're the ones that are setting responsible for those policies."

Gerard Pareci stated, "You know, I did and of people that I've mentioned this to said I should go to the Ohio, you know, High School Association Sporting people, you know, and I'm like you know what? I don't want to make a mountain. All I want to do is just bring it forward and say, you know, it's just a discriminatory policy which is what it is. It just didn't seem right."

Councilwoman Dunbar stated, "Okay, well, we'll bring it up at the School Board, but they're the ones that really, you know, are in charge."

Gerard Pareci stated, "Especially in this community which, you know, we're, you know, Cleveland Heights."

Mayor Stephens stated, "We should be able to handle each other for an hour or two."

Gerard Pareci stated, "Okay, not a problem. Thanks so much. Have a good night."

Mayor Stephens stated, "Thanks. Oh, I see another hand. Ma'am. Oh, it's Althea. I just saw a little hand."

Althea stated, "Good evening, Mayor and members of Council and fellow citizens of Cleveland Heights. My name is Althea Cheatham. I reside at 3012 East Derbyshire Road. I will not belabor the point. I think Mr. Pareci spoke very well for himself tonight. I know him as Gerard. I'm just here to say he's a wonderful neighbor. His number is in the 2900s and I'm in 3012 and his family and I have been neighbors for, how can I put it, my daughter was babysitting for his children. I just wanted to say he's a wonderful neighbor and I thank you so much for listening attentively to its concern tonight."

Mayor Stephens stated, "Thank you. You brought a credible neighbor witness."

Councilwoman Yasinow stated, "Character witness."

Councilman Ungar stated, "A lucky guy to have her as a neighbor."

Mayor Stephens stated, "Whatever she said. Is there anyone else would like to speak with us this evening? As I was saying, I was moving through this to try to make up for time. The approval of the minutes. We wanted a formal approval."

Councilwoman Dunbar stated, "I move that we approve the minutes as with the changes suggested by Council."

Mayor Stephens stated, "Thank you and so we're happy with these minutes. Let's do that by voice vote. All in favor.

Ayes: Dunbar, Roe, Seren, Stein, Stephens, Ungar, Yasinow

Minutes Approved

Mayor Stephens stated, "Moving right along. The report of the City Manager is our next item."

Report of the City Manager

Tanisha Briley stated, "I have nothing to report this evening, Your Honor."

Mayor Stephens stated, "And the reporter the Director of Finance?"

Report of the Director of Finance/Clerk of Council

Tom Raguz stated, "I need to notify Council that a resolution of the Board of Zoning Appeals has been received pertaining to variances in the Zoning Code and is requested by the following: BZA Cal. No. 3407: Lana Radl and Mithan Rajan, 3500 Fenley Road, to permit a chicken coop to be set back 0 feet from the principal structure. Your Honor, I would like to make this a Matter of Record."

Matter of Record

Mayor Stephens stated, "And this will be referred to the Planning and Development Committee of Council and serendipitously, the Planning and Development Committee is the first to meet this week as we move into the committee reports. Councilwoman Dunbar."

Report of the Planning and Development Committee

Councilwoman Dunbar stated, "Yes, for your consideration Calendar Number 3407 is a resolution whereas Lana Radl and Mithan Rajan, 3500 Fenley Road, in an A-single family district, hereby referred to as the applicants, have made formal application requesting a variance from the chicken coop and chicken run regulations of the zoning code to permit a chicken coop to be set back 0 feet from the principal structure. I don't know that I need to read all this. I think that's all I need to read and, you know, it's for your vote, my fellow City Council members."

Mayor Stephens stated, "Is there a second?"

Councilman Ungar stated, "Second."

Mayor Stephens stated, "Mr. Raguz, would you call the roll? Oh, hold on a moment."

"Can I just make a..."

Mayor Stephens stated, "You'd like to make a statement?"

Vice Mayor Stein stated, "I'd like to make a statement, yeah. The applicant for this has gone through a lengthy process to be approved for the chicken coop and they have successfully completed the process of the City set forth. The County Board of Health has cleared this application. City staff have reviewed and recommended this application. Planning Commission members received and approved this application in the Board of Zoning members also reviewed and approve this application and I will be also voting in favor."

Mayor Stephens stated, "Okay. Is there anyone else that would like to make a statement? For the record I would like to make a statement since my colleague, Vice Mayor, put this on the record. This is not as zero setback and a separate chicken coop. It is using the residential structure to house chickens and as we studied the process over a two year period, as a community we decided that chicken coops should be separate structures completely and since this does not meet that requirement, I will be voting no."

Councilman Ungar stated, "I just want to piggyback on what the Mayor said. I don't know if the applicant is here. I was 100% in favor of chicken coops when I was on Planning Commission. I don't recall voting against a chicken coop. So, I'm a pro-chicken-cooper if you will. However, I agree completely with what Mayor Stephens said. I think this is a situation where a separate structure, standalone structure chicken coop can and should be accommodated and for that reason I vote against it; and that reason only."

Mayor Stephens stated, "Mr. Raguz, would you call the roll please?"

Ayes: Roe, Stein, Yasinow,

Nays: Seren, Stephens, Ungar, Dunbar

BZA Calendar Failed

Tom Raguz stated, "Three yeses, four no's, Your Honor."

Mayor Stephens stated, "Thank you. The matter fails. Is there anything else in the Planning and Development Committee?"

Report of the Planning and Development Committee

Councilwoman Dunbar stated, "I just would like to make a few announcements; one of which is that Cleveland Heights has the honor of being the first in Northeast Ohio to have a bicycle counter and a pedestrian counter and it's because we have the most traveled route on in Northeast Ohio for bicycles and it's going to be on Edgemoor Road near overlook and it's another little feather in our cap, a very small feather, but we'll take it.

Yesterday was a beautiful day and Shaker Lakes was celebrating their 50th anniversary which was very well attended and they had a 5K and I won a medal which I will show off - first in my age/gender

group. You have another opportunity to win a medal if you are so inclined because the Happy 5K is coming up this weekend and that's a City event."

Councilwoman Yasinow stated, "No, it's October 2."

Mayor Stephens stated, "It's October 2."

Councilwoman Dunbar stated, "Oh, I'm sorry. Okay."

Councilwoman Yasinow stated, "Yeah, don't scare me."

Councilwoman Dunbar stated, "Relax."

Councilman Seren stated, "All right."

Councilwoman Yasinow stated, "I'm not ready."

Councilwoman Dunbar stated, "And well, you know, this is a last chance to talk about it. So anyway, that is coming up and it benefits our sports program, youth sports program in the City."

The Heights Heritage Home Tour also was yesterday and it was also very well attended thanks to all the weather and the homes were really awesome. It was a very fun event. I did want to mention that on October 2, the library which is celebrating its 100th anniversary is having a lecture about the history of the library starting at 1:00 on October 2 which is a Sunday at Noble Library and then there'll be a bicycle tour that goes around to the various libraries and also people on the ride will fill in one of the little free libraries that we have around town that encourage reading in our town. So, those are all the things I wanted to highlight at this point."

Mayor Stephens stated, "Thank you. Next we move to Public Safety and Health Committee. Councilman Seren."

Report of the Public Safety and Health Committee

Councilman Seren stated, "Thank you Mayor. I move passage of Resolution Number 81-2016 declaring the property at 950 Nelaview Road, Cleveland Heights, Ohio to be a nuisance, authorizing abatement of the nuisance and declaring an emergency."

Councilman Ungar stated, "Second."

Mayor Stephens stated, "Mr. Raguz, if you would call the roll."

Ayes: Seren, Stein, Stephens, Ungar, Yasinow, Dunbar, Roe

Tom Raguz stated, "Seven ayes, Your Honor."

Resolution Passed

Mayor Stephens stated, "Thank you. Resolution Number 81-2016 passes. Next we have Resolution 82-2016. Councilman Seren."

Councilman Seren stated, "Thank you, Mayor. I move passage of Resolution Number 82-2016 declaring the property at 1610 South Taylor Road, Cleveland Heights, Ohio to be a nuisance authorizing abatement of the nuisance and declaring an emergency."

Councilman Ungar stated, "Second."

Mayor Stephens stated, "Mr. Raguz, if you would call the roll please."

Ayes: Stein, Stephens, Ungar, Yasinow, Dunbar, Roe, Seren

Tom Raguz stated, "Seven ayes, Your Honor."

Resolution Passed

Mayor Stephens stated, "Thank you. Resolution 82-2016 passes. Next we have Resolution Number 83. Councilman Seren."

Councilman Seren stated, "Thank you, Mayor. I move passage of Resolution Number 83-2016 declaring a property at 1617 Eddington Road, Cleveland Heights, Ohio to be a nuisance, authorizing abatement of the nuisance and declaring an emergency."

Councilman Ungar stated, "Second."

Mayor Stephens stated, "Call the roll please."

Ayes: Stephens, Ungar, Yasinow, Dunbar, Roe, Seren, Stein

Tom Raguz stated, "Seven ayes, Your Honor."

Mayor Stephens stated, "Thank you. Resolution Number 83 passes and your final resolution this evening, Resolution 84. Councilman Seren."

Councilman Seren stated, "Thank you Mayor. I move passage of Resolution 84-2016 declaring the property at 3380 Beechwood Avenue, Cleveland Heights, Ohio to be a nuisance, authorizing abatement of the nuisance and declaring an emergency."

Councilman Ungar stated, "Second."

Mayor Stephens stated, "Mr. Raguz."

Ayes: Ungar, Yasinow, Dunbar, Roe, Seren, Stein, Stephens

Tom Raguz stated, "Seven ayes, Your Honor."

Resolution Passed

Mayor Stephens stated, "Thank you. Resolution Number 84-2016 passes. Councilman Seren, are there comments this evening?"

Councilman Seren stated, "No, thank you, Mayor."

Mayor Stephens stated, "With that, we'll move to Administrative Services Committee. Councilwoman Roe."

Report of the Administrative Services Committee

Councilwoman Roe stated, "Yes, I would like to move Ordinance Number 85-2016; an ordinance to accept the fact finding recommendations in the matter of the City of Cleveland Heights and the Fraternal Order of Police SERB Case Nos.: 2015-MED-12- 1265 and I also further move that this is an emergency necessary for the immediate preservation, peace health and safety and for the reason that this action is necessary because of the seven days of issuance of the fact finding recommendations."

Mayor Stephens stated, "Is there a second?"

Councilwoman Yasinow stated, "Second."

Mayor Stephens stated, "Mr. Raguz, if you would call the roll please."

Ayes: Yasinow, Dunbar, Roe, Seren, Stein, Stephens, Ungar

Resolution Passed

Tom Raguz stated, "Seven ayes, Your Honor."

Mayor Stephens stated, "Thank you. Resolution 85 passes. Now we have Resolution Number 86. Councilwoman Roe."

Councilwoman Roe stated, "I move that we accept Ordinance 85-2016."

Jim Juliano stated, "86."

Councilwoman Roe stated, "What? Oh, 86-2016 to accept the fact finding recommendations in the matter of the City of Cleveland Heights and the Ohio Patrolmen's Benevolent Association ."

Mayor Stephens stated, "Is there a second?"

Councilwoman Yasinow stated, "Second."

Mayor Stephens stated, "Thank you. Mr. Raguz."

Ayes: Dunbar, Roe, Seren, Stein, Stephens, Ungar, Yasinow

Resolution Passed

Tom Raguz stated, "Seven ayes, Your Honor."

Mayor Stephens stated, "Thank you. Councilwoman Roe, do you have any other comments you'd like to make this evening?"

Councilwoman Roe stated, "The Administrative Services Committee meeting will be tomorrow evening at 5:30."

Mayor Stephens stated, "Thank you. Community Relations and Recreation. Vice Mayor Stein."

Report of the Community Relations and Recreation Committee

Vice Mayor Stein stated, "Thank you, Your Honor. This committee does not have a report."

Mayor Stephens stated, "Thank you. Next we move to the Finance Committee. Councilman Unger."

Report of the Finance Committee

Councilman Ungar stated, "Ditto. Nothing to report. Thank you."

Mayor Stephens stated, "Then we move on to Municipal Services Committee. Councilman Yasinow."

Councilman Yasinow stated, "I have no legislation this evening, Your Honor. However, I would like to make a quick shout out about the Heights Music Hop. It will be happening this Friday and Saturday, September 23 and 24. The first night will be in the Cedar Fairmount special Improvement District; second night Saturday, September 24 will be in the Cedar Lee business district. This it will involve 28 venues with over 70 musical acts, all free, some completely lowly and suitable for families, some for a little bit older crowd. You can guess at the time.

Please come. Please enjoy. Support your local businesses. Shop local. Have fun local and I believe that the City will - we'll be helping - there will be a music act in the first floor of the parking garage in the Cedar Lee business district on Saturday evening as well. If you would like more information, please visit heightsmusichop.com."

Mayor's Report

Mayor Stephens stated, "Love that commercial. So, we have come to the close of our evening just about. The Mayor's report. The first item is an item of significant business. I need to make a motion to move our standard meeting on Monday, October 3 to Wednesday, October 5 in honor of Rosh Hashanah. Could I have a..."

Councilman Ungar stated, "So, moved."

Mayor Stephens stated, "A second."

Councilwoman Yasinow stated, "Second."

Mayor Stephens stated, "Mr. Raguz, would you call the roll please?"

Ayes: Roe, Seren, Stein, Stephens, Ungar, Yasinow, Dunbar

Tom Raguz stated, "Seven ayes, Your Honor."

Mayor Stephens stated, "Thank you. It's a very simple Mayor's report this evening. As my colleague Councilman Dunbar mentioned, Heights Community Congress celebrated the heritage of our housing stock this weekend with tours of – was it eleven houses – it was some large number and, in addition, I got invited to attend Forest Hills Presbyterian Church this weekend. It's amazing how you go in different directions, but you hear the same thing in Cleveland Heights. At the Heritage tour, there was talk about the diversity, not only of our housing stock because you went from 7,000 square foot mansion to houses that were 1, 800 square foot and newly constructed in the last two years and built by the owner was the designer of the home. He was a registered architect, but you heard at the event on Saturday night about the diversity of our community and how this tour helped pay for Heights Community Congress's reaching out to sustain a community that is...believes in all sorts of people and on Sunday morning when I listened to Reverend Lentz he said, 'Whether you are Jew or Greek, slave or free, male or female, you have a place in our community. I'm sure he was referring to the church, but of course as your Mayor, I thought of our community. So, it doesn't matter where you go in Cleveland Heights or what you do, we're supposed to be about taking care of everyone and welcoming everyone in and that's what we stand for as a community and so that's my most important thing I learned in the last week is that this is truly a community that uses all of his resources whether they're religious or private to believe and support diversity. God bless America and God bless Cleveland Heights. Our next Council meeting is Wednesday, October 5, 2016."

Respectfully submitted,

Cheryl Stephens, Mayor

Tom Raguz, Clerk of Council

/jkw