



# CLEVELAND HEIGHTS

**Monday, March 18, 2019 Minutes**

**COMMITTEE OF THE WHOLE**

6:55 – 7:00 p.m.

Mayor Roe presiding

Roll Call: Present: Dunbar, Roe, Seren, Stein, Yasinow  
Phone: Ungar

Staff present: Boland, Briley, Butler, Freeman, Juliano, Lambdin, McRae, Mecklenburg, Niermann O’Neil, Smith, Trupo, Wong

Topics discussed: Report of City Council Members, Legislation Overview, Marihuana Decriminalization Review

**Executive Session**

6:50 – 7:00 p.m.

Vice Mayor Yasinow made a motion to begin Executive Session, which was seconded by Council Member Stein to discuss the terms of a lease of City-owned real property.

Roll Call: Ayes: Dunbar, Roe, Seren, Stein, Yasinow  
Nays: None

Council Member Yasinow made a motion to end Executive Session which was seconded by Council Member Stein.

Roll Call: Ayes: Dunbar, Roe, Seren, Stein, Yasinow  
Nays: None

**CITY COUNCIL**

7:30 – 10:10 p.m.

Mayor Roe presiding

Roll Call: Present: Dunbar, Roe, Seren, Stein, Yasinow  
Excused: Ungar

Staff present: Boland, Briley, Butler, Freeman, Juliano, Lambdin, McRae, Mecklenburg, Niermann O’Neil, Smith, Trupo, Wong

The minutes of the regular Council meeting held Monday, March 4, 2019 were approved with submitted corrections.

### **Report of the City Manager**

Tanisha Briley summarized her report to Council on policies, programs and legislation.

The report may be viewed in full at

[https://www.clevelandheights.com/DocumentCenter/View/4709/cc\\_packet\\_03042019?bidId=](https://www.clevelandheights.com/DocumentCenter/View/4709/cc_packet_03042019?bidId=).

### **Presentation of Charter Review Commission Final Report**

Mayor Roe made a statement about why the commission was created and the process they followed. No action will be taken tonight. The Mayor recognized each of the members with a certificate: Patrycia Ajdukiewicz, Jessica Cohen, Craig Cobb, Michael Gaynier, C. Randolph Keller, Howard Maier, Jack Newman, Jr., David Perelman, Carla Rautenberg, Vince Reddy, Maia Rucker, Allosious Snodgrass, Katherine Solender, James Vail and Sarah West. A certificate was presented to the facilitator Dr. Larry Keller. A gift was presentation to Chair Jack Newman.

Jack Newman presented the proposed first amended charter. A printed version was delivered on February 26, 2019 to City Hall. The entire presentation may be viewed at <https://www.youtube.com/watch?v=A714s1QvqW0&t=7634s>. He stated the most significant conclusion was to retain and strengthen the current Council-Manager form of government. The complete red-lined and blue-lined version of the Charter may be viewed at <https://www.clevelandheights.com/875/Charter-Review-Commission>. The final report may also be found there which includes additional considerations. It was recommended that the title of Mayor be removed, and President of Council be used.

Council Member Stein asked about putting the entire First Amended Charter on the ballot as one issue versus individual issues. Jack Newman stated that the whole document would not appear on the ballot; but likely just a description. The committee's view was that it was important to make it a comprehensive and modern day charter. Any counters to the ballot would likely be for the major issues.

Council Member Dunbar asked about their reaction to her suggestion that the person that receives the most votes be President Pro Tem. Jack Newman responded that they believed the current system was sufficient and satisfactory. Council Member Dunbar made some suggestions to correct to the document.

Council Member Seren asked who is authorized to sign contracts stipulated in the document. Jack Newman responded with several options. Council Member Seren asked if they discussed calling the City Manager Mayor. Jack Newman clarified why they did not consider it. Council Member asked about 3.8 which outlines how many Council Members are needed to vote on legislation and to repeal legislation. Jack Newman stated the fundamental proposition was already in the Charter; what was added was any ordinances that deal with the enactment or interpretation of principles of the open government.

Council Member Seren asked about the emergency measures in 3.9. Jack Newman responded there were two changes in the treatment of emergency measures: 1.) All of the information was put under one title of Emergency Measures and 2.) There must be specific reasons. There was continued discussion of what constitutes an emergency and why. Council Member Seren asked about the powers and duties of the City Manager. Jack Newman responded that they were all expectations and each power and duty could be reviewed separately to decide which fell into which category.

Vice Mayor Yasinow clarified the emergency measures portion of the charter and Jack Newman confirmed her statement. Vice Mayor Yasinow asked about the time limit for the Council vacancy seat. Jack Newman stated the initial debate was whether Council has any role or if it is only by election. The determination was made that Council will continue to have a role and they will have 90 days from the vacancy to act. Vice Mayor Yasinow asked about the creation of the departments and Council's approval of department heads. Jack Newman stated this would give the permission to Council. There was continued discussion regarding departments and directors. Vice Mayor Yasinow asked about the percentage requirements in Section 8. Jack Newman stated there was discussion regarding the percentages, but not a substantial reason or argument to change them.

Council Member Seren asked about the difference between what was decided on and the model and whether there was discussion about any differences. Jack Newman replied he did not remember any directed discussion regarding 4.2.

Mayor Roe asked if they discussed people running directly for Mayor. Jack Newman replied that the commission decided to increase the strength of the City Manager as the chief executive and having an elected Mayor would not be consistent with that goal. Mayor Roe liked that the evaluation of the City Manager was more explicit. Mayor Roe made a statement about the impact of Council approving Directors. Mayor Roe said Council will consider their recommendations and which if any will be adopted and/or sent to the ballot. This will be considered in Committee of the Whole meetings.

Jack Newman made a statement that if Council should determine or not to determine to adopt the recommendation of the commission, they avoid making diminution in the responsibility, accountability and dignity that the commission suggests be given to the City Manager. Mayor Roe thanked them for their work.

### **Personal communications from citizens**

James Williams thanked Council for their consideration of him for the Council vacancy. He sang *America the Beautiful*.

Tony Cuda made a statement about the selection of the Charter Review Committee members. He made a statement about people that wanted an elected Mayor.

Michael Bennett, Secretary of Citizens for an Elected Mayor, made a statement of support for changing to an elected Mayor.

Maurice Rhoades made a statement of support for the City Manager- Council form of government. He stated that employees at Dave's were not wearing hair nets and he spoke to the manager. Jim Juliano recommended that he send a letter to the Law Department since these services have been contracted to the County Health Department so that letter may be forwarded to them.

### **Report of the City Manager**

Sealed bids were received on March 8th, for the 2019 Surface Treating Program and Specialized Construction of Cuyahoga Heights, Ohio's bid of \$252,351.53 has been found to be the lowest and best responsible bid.

#### **Matter of Record**

**Refer to:** Municipal and Safety Services

Vice Mayor Yasinow moved that the City Manager be authorized to accept the bid. The motion was seconded by Council Member Stein.

Roll Call:      Ayes:              Dunbar, Roe, Seren, Stein, Yasinow  
                     Nays:              None

#### **Motion Passed**

### **Report of the Director of Finance/Clerk of Council**

Notify Council that notices have been received from the Ohio Department of Liquor Control advising that applications have been made by the following:

- Fairmount Cocktail Bar, Inc. dba Fairmount Martini & Wine Bar, Unit 2, 1<sup>st</sup> Floor and Patio, 2448 Fairmount Boulevard, Cleveland Heights, OH 44106 for new D1, D2, D3, D3A and D6 permits
- Paraty Properties LLC, 2189-91 Lee Road and Patio, Cleveland Heights, OH 44118 to transfer D5 and D6 permits from Rudy's Pub LLC, 2189-91 Lee Road and Patio, Cleveland Heights, OH 44118

#### **Matter of Record**

### **Committee Reports**

#### **RECREATION, COMMUNITY AND EXTERNAL RELATIONS COMMITTEE**

Council Member Seren asked if a citizens' initiative was successful in getting an issue on the ballot, if Council would consider waiting until the May primary to place an additional

Charter issue. Council Member Seren and Council Member Ungar, participating via conference call, discussed the nuances of placing issues on the ballot.

**SAFETY AND MUNICIPAL SERVICES COMMITTEE**

**RESOLUTION NO. 20-2019 (SMS).** A Resolution authorizing the City Manager to enter into an agreement with Ganley Chevrolet of Aurora LLC, for the purchase of three (3) new, 2019 Chevrolet Tahoe cruisers and related equipment for the Police Department through the Ohio Department of Administrative Services Cooperative Purchasing Program

Introduced by Vice Mayor Yasinow, Seconded by Council Member Dunbar

Roll Call:      Ayes:              Seren, Stein, Yasinow, Dunbar, Roe  
                     Nays:              None

**Legislation Passed**

Vice Mayor Yasinow stated that the St. Baldrick’s event would surpass their goal and by next year, Cleveland Heights will likely have contributed \$1,000,000 to pediatric cancer research.

**ADMINISTRATIVE SERVICES COMMITTEE**

**ORDINANCE NO. 19-2019 (AS), *Second Reading*.** An Ordinance establishing salary schedules, position classifications and other compensation, and benefits for officers and employees of the City

Introduced by Council Member Stein, Seconded by Council Member Dunbar

Roll Call:      Ayes:              Stein, Yasinow, Dunbar, Roe  
                     Nays:              Seren

**Legislation introduced, discussed later in this meeting**

This vote means legislation would pass, but not be effective for 30 days. City Manager Tanisha Briley said the Law Director was not ready to opine at the moment since there are contractual obligations for April 1.

**ORDINANCE NO. 21-2019 (AS).** An Ordinance giving final approval of the compensation rates and benefits proposed by the tentative labor agreement with the Laborers’ Local 860/Laborers’ International Union of North America (Union) for the time period covering the date of execution of the agreement through March 31, 2022; giving the City Manager authority to sign said agreement

Introduced by Council Member Stein, Seconded by Council Member Dunbar

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

Nays: None

**Legislation passed**

Council Member Stein made a motion that the following people be appointed to the Refuse and Recycling Task Force: John Blackwell, Susan Clement, Jordan Davis, Susan Efroymsen, Constance Johnson, Cathy Len, Kelly Sisko, Hope Menicker, Terry Miller, Davida Russell and Hope Wright. Vice Mayor Yasinow seconded the motion.

Roll Call: Ayes: Roe, Seren, Stein, Yasinow, Dunbar  
Nays: None

**Motion passed**

Council Member Stein made a motion to appoint the following people to the Community Reinvestment Area Housing Council for a three-year term: Helen Hertz and Benjamin Howen. Vice Mayor Yasinow seconded the motion.

Roll Call: Ayes: Roe, Seren, Stein, Yasinow, Dunbar  
Nays: None

**Motion passed**

Law Director Jim Juliano asked if Council may consider reopening the vote on Ordinance 19-2019 because with a 4-vote majority, the ordinance would not go into effect for 30 days which may place the city in an un-advantageous position in regards to collective bargaining agreements intended to take effect on April 1. Council Member Stein moved to reopen it and Vice Mayor Yasinow seconded the motion.

Roll Call: Ayes: Seren, Stein, Yasinow, Dunbar, Roe  
Nays: None

**Motion passed**

**ORDINANCE NO. 19-2019 (AS), *Second Reading***. An Ordinance establishing salary schedules, position classifications and other compensation, and benefits for officers and employees of the City

Introduced by Council Member Stein, Seconded by Council Member Dunbar

Council Member Seren asked for clarification on the emergency situation. Law Director Jim Juliano stated that the City had concluded negotiations with more than one union and the effective date of the union agreement is April 1. Not meeting this timeline may be considered unfair labor practice. The City Manager and Law Director provided further details about the negotiations.

Roll Call: Ayes: Roe, Seren, Stein, Yasinow, Dunbar  
Nays: None

## **Legislation passed**

Vice Mayor Yasinow made an apology and stated Council did not know there were any concerns prior to the meeting. She asked to go on record that, “what we just witnessed, in my estimation, does not represent the majority of the views on Council, and certainly not mine.”

Council Member Seren stated that he vote aye on the legislation that dealt with the collective bargaining because he recognized and understood it may impact issues of contracting. He read the definition of emergency declaration and explained why he desired a further explanation. He made a statement of apology.

### **FINANCE COMMITTEE**

Nothing to report.

### **HOUSING AND TRANSPORTATION COMMITTEE**

Nothing to report.

### **PLANNING AND DEVELOPMENT COMMITTEE**

Nothing to report.

### **Mayor's Report**

March was Women's History Month. The Mayor stated that in 1964, Republican Margaret Chase Smith was the first woman to have her name place in nomination at a major party's national convention. In 1972, Democrat Shirley Chism became the first black candidate for a major party's presidential nomination.

Last week, Council met with the School Board. The City Manager and several Council Members participated in interviews for the new Superintendent who will begin on August 1.

Congratulations to the Heights High students who were inducted into the National Honor Society last week. She thanked them for asking her to talk.

Kudos to the kids at Oxford Elementary for the production of Willy Wonka's Kids.

Our hearts go out to the resident of New Zealand for the tragic shooting experience there.

**NEXT MEETING OF COUNCIL: MONDAY, MARCH 18, 2019**

Respectfully submitted,

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Carol Ann Roe, Mayor

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Susanna Niermann O'Neil, Acting Clerk of Council  
/jkc