



CLEVELAND HEIGHTS

Monday, June 3, 2019 Minutes

COMMITTEE OF THE WHOLE

6:15 – 7:25 p.m.

Mayor Roe presiding

Roll Call: Present: Cobb, Dunbar, Roe, Seren, Stein, Ungar, Yasinow
Excused: None

Staff present: Boland, Briley, Butler, Clinkscale, Freeman, McRae, Niermann O’Neil,
Noureddine, Smith, Trupo

Topics discussed: Report of City Council Members, Legislation Overview, Top of the Hill
Temporary Parking Plan, Charter Review Recommendations

CITY COUNCIL

7:35 – 9:30 p.m.

Mayor Roe presiding

Roll Call: Present: Cobb, Dunbar, Roe, Seren, Stein, Ungar, Yasinow
Excused: None

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

Minutes of the regular Council meeting held Monday, May 20, 2019, were approved with
submitted changes.

Mayor Roe stated that the Report of the Recreation, Community and External Relations
Committee would be moved to be the first committee. Resolution No. 40-2019 has been referred
to the Planning and Development Committee.

Personal communications from citizens

Charles Drake stated he didn’t think the Council should spend time or money to hire legal
representation regarding Resolution No. 30-2019. He made a statement regarding the gas
company’s contractor’s replacement of sidewalks. He stated that it was inexcusable for
an elected official to miss the Memorial Day service.

Deborah Van Kleef made a statement of support for Resolution No. 30-2019, but did not want the amendment to weaken the original resolution.

Hannah Sirvedeo made a statement of support for Resolution No. 30-2019.

Joann Siegel made a statement that she is pro-choice, but believes Resolution No. 30-2019 should not be addressed by Council as it is a state issue. They should focus on local issues like businesses, crime and potholes and address the Heartbeat Bill through an appropriate organization.

Christine Howe made a statement about a neighbor's tree that has been dropping branches on her property. The City Manager will follow up with Housing and the resident.

Alberta Payton stated her concern regarding traffic lights that have been removed: Cedar and Lee, Mayfield and Superior, and Cleveland Heights Boulevard and Mayfield.

A woman made a statement of support for the LGBTQ resolution on the agenda and stated she would like Council Member Stein to vote in support of it. She made a statement asking the amendment to be passed and Resolution 30-2019 be passed.

Laura Marks made a statement about putting solar panels on the Community Center and Service Garage.

Sue Dean Dyke made a statement of support for Resolution 30-2019 as is.

Rosa Kovacicvich made a statement of support for Resolution 30-2019.

RECREATION, COMMUNITY AND EXTERNAL RELATIONS COMMITTEE

RESOLUTION NO. 30-2019 (RCER), *Third Reading.* A Resolution in support of the right to bodily autonomy and the right to an abortion; and instructing the Law Department to act in support of those rights.

Council Member Seren made a statement of support for the legislation. He made a statement supporting the amicus brief and stated he believed the costs would be defrayed.

Introduced by Council Member Seren, No second

Motion Fails

Vice Mayor Yasinow moved for the passage of Resolution No. 30-2019 but with an amendment to Section 2. The amended version shall say, "The City Manager and the Law Department or outside legal counsel designated for this purpose are hereby authorized to support this Resolution with legally supportable argument through participation in State or Federal Court proceedings including but not limited to the preparation of or joinder with an amicus curiae brief."

Amendment introduced by Vice Mayor Yasinow, Seconded by Council Member Ungar

Council Member Dunbar asked to be recused from voting on this issue. She read a statement stating she was not taking a public stand on this issue and did not believe the community as a whole would be represented as there are opposing viewpoints within the community. Council should focus on local issues. She read messages from residents supporting her statement.

Motion for recusal by Council Member Dunbar, Seconded by Council Member Ungar

Roll Call: Ayes: Cobb, Stein, Ungar
 Nays: Roe, Seren, Yasinow

Motion Fails

Council Member Ungar moved to temporarily suspend the rule Codified Ordinances Section 111.21 that requires a member who hasn't been excused by unanimous consent of the other members who are present and who fails or refuses to vote shall be counted as voting in the affirmative so that the failure or refusal to vote upon the motion and issue (and amendment). Instead, it shall be treated as an abstention.

Motion by Council Member Ungar, Seconded by Council Member Cobb

Roll Call: Ayes: Cobb, Ungar
 Nays: Roe, Seren, Stein, Yasinow

Motion Fails

Motion to amend introduced by Vice Mayor Yasinow, Seconded by Council Member Ungar (introduced previously in the meeting)

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

Council Member Dunbar's verbal response was, "abstain." Council Member Stein asked for legal clarification on whether a member can say, "abstain." Tanisha Briley stated it counts as a yes. Alix Noureddine stated it counts as an affirmative vote.

Motion Passed

Vice Mayor Yasinow moved to vote on the amended version of Resolution 30-2019, Seconded by Council Member Ungar

Council Member Stein made a statement about his concerns of the Heartbeat Bill and stated he did not believe Council should not vote on issues outside of their jurisdiction.

Vice Mayor Yasinow made a statement of support of the legislation and the amendment.

Council Member Ungar made a statement of the legislation and the amendment.

Council Member Dunbar stated she will abstain as she doesn't believe she should be voting on this at the Council level.

Council Member Cobb stated he was ready to move for a vote.

Council Member Seren stated he believes there would be support to lessen the legal expense and there may be other options in the future.

Council Member Ungar stated that although this has taken a lot of time for Council, none of it has been at the expense of other important city business.

Mayor Roe stated she supports the legislation and her concern of the amicus brief has been resolved with the amendment.

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

Legislation Passed

RESOLUTION NO. 41-2019 (RCER). A Resolution declaring June 2019, "LGBTQ Pride Month."

Council Member Stein stated that although he agrees with the content of the legislation, he does not support ceremonial legislation.

Council Member Dunbar made a statement regarding proclamations of months.

Council Member Seren made a statement of support for the legislation.

Introduced by Council Member Seren

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

Council Member Seren stated he spoke to Mike Foley regarding solar panels in Cleveland Heights and where a discussion could be held in late June or late July for about 50 people. He gave a few suggestions and they are welcoming additional suggestions.

Report of the City Manager

Tanisha Briley gave an overview of her report which may be viewed in full at https://www.clevelandheights.com/DocumentCenter/View/5020/cc_packet_06032019?bidId=

Report of the Clerk of Council

Notify Council that a notice has been received from the Ohio Department of Liquor Control advising that an application has been made by La Serena LLC dba Quintanas Speakeasy, 2190 South Taylor Road, Cleveland Heights, OH 44118 a new D1 permit

Matter of Record

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

FINANCE COMMITTEE

Nothing to report.

HOUSING AND TRANSPORTATION COMMITTEE

Council Member stated while she's heard people comment that Council usually votes unanimously, there was diversity in opinion tonight.

PLANNING AND DEVELOPMENT COMMITTEE

Council Member Ungar asked for a recusal from the first piece of legislation due to a conflict of interest.

RESOLUTION NO. 38-2019 (SMS). A Resolution authorizing the City Manager to negotiate a Memorandum of Understanding with Cedar Lee Connection, LLC, concerning the Cedar-Lee-Meadowbrook development.

Motion to recuse Council Member Ungar, Seconded by Council Member Dunbar

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

Introduced by Council Member Stein, Seconded by Vice Mayor Yasinow

Council Member Dunbar stated she was impressed by the proposal.

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

Legislation Passed

ORDINANCE NO. 39-2019 (SMS), *First Reading.* An Ordinance authorizing a development agreement with Grandview-Bellfield Development, LLC and authorizing the transfer of City-owned real property known as Parcel Nos. 685-26-033 and 685-26-034 to Grandview-Bellfield Development, LLC.

Introduced by Council Member Ungar

Council Member Ungar stated that the graduating class garnered about \$12 million in scholarships. He congratulated the top scholar, Georgie Jolivette.

Council Member Ungar stated he is willing to talk to anyone about Top of the Hill. There will be an ABR meeting scheduled and there will be new drawings which will be made available on our website and at the libraries.

Council Member Ungar stated that he believes the Memorial Day ceremony is important and, in response to Mr. Drake from earlier in meeting, stated the only reason he missed it was to be with someone dealing with brain cancer. Also in response to that, City Manager Tanisha Briley, Vice Mayor Yasinow, Council Member Mary Dunbar and Council Member Craig Cobb were at the ceremony.

SAFETY AND MUNICIPAL SERVICES COMMITTEE

RESOLUTION NO. 42-2019 (SMS). A Resolution proclaiming June 7, 2019, *National Gun Violence Awareness Day*, in the City of Cleveland Heights.

Introduced by Council Member Yasinow, Seconded by Council Member Ungar

Council Member Yasinow made a statement to recognize the mass shooting on May 31, 2019, at Virginia Beach and read the names of the victims.

Council Member Stein made a statement that Council does not have the authority for gun legislation as it is stated in the Ohio Revised Code. He made a statement about a sign the City used to have saying guns weren't allowed near the playground. The City was sued and lost. He will not vote for ceremonial legislation. Council Member Seren replied he is interested in what we can do.

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

Council Member Yasinow stated that June 6 will be the 75th Anniversary of D-Day. She stated the importance of it to her as her family is descended from Holocaust survivors.

Legislation Passed

Council Member Yasinow wished a happy first birthday to the latest honorary citizen of Cleveland Heights, Millicent Johnson Niermann, granddaughter of Susanna Niermann O'Neil, Vice City Manager.

Mayor's Report

Mayor Roe stated that, as Council Member Dunbar stated, usually Council votes pretty much the same and that happens because, for the most part, all the working through of

different points of view, happens in Committee of the Whole. As an example of the consensus, in next week's Committee of the Whole meeting, we will have our fourth discussion by Council about the Charter Review Committee's recommendations. In July, Council will be working on a draft of Operational Guidelines that will help in terms of being more efficient.

NEXT MEETING OF COUNCIL: MONDAY, JUNE 17, 2019

Respectfully submitted,

Carol Ann Roe, Mayor

Susanna Niermann O'Neil, Acting Clerk of Council

/jkc