



CLEVELAND HEIGHTS

Monday, July 29, 2019 Minutes

COMMITTEE OF THE WHOLE

6:20 – 7:00 p.m.

Mayor Roe presiding

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

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

Topics discussed: Report of City Council Members, Legislation Discussion

2020 TAX BUDGET PUBLIC HEARING

7:00 – 7:30 p.m.

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

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

City Manager Tanisha Briley gave a presentation about the 2020 Tax Budget. That presentation may be viewed at <https://www.youtube.com/watch?v=KenCSgEuTNk>.

CITY COUNCIL

7:35 – 8:15 p.m.

Mayor Roe presiding

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

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

Personal communications from citizens

Michael Bennet, Secretary for Citizens for and Elected Mayor, made a statement about the language and revisions of the ballot issue for an elected Mayor.

Susan Eisler made a statement that ICMA presenting to the Charter Review Commission was not impartial.

Rob Rivera made a statement requesting Council to approve the motion to place only one issue on the ballot and wait to place the amended Charter on the ballot.

Melody Hart made a statement that it is important for the language to be very clear, concise and short for either ballot initiative so voters can easily understand.

Mallory McMaster made a statement requesting Council to think about why they work in public service.

Mark Chupp read a statement by Paul Volpe that the elected Mayor should be an up or down vote with no competing issue.

Karen Lash stated that Council works for us and should listen to us asking for the chance to choose an elected Mayor without a conflicting ballot issue.

Robert Rink made a statement of support for residents being able to vote for the form of government.

Lee Chilcote, who served on Council under four different City Managers, made a statement of support for the City Manager form of government and have a choice. He is disappointed the CRC recommendations are not on the ballot.

Bob Jeffers commended the City of the repaving of Cedar Hill, made a statement clarifying what the different forms of government meant.

Libba Jackson Dionbrose stated we need a more engaged citizenship, not a strong mayor.

Jack Newman made a statement about the timing of introducing the First Amended Charter. While it is inappropriate to have to competing issues on the ballot, the First Amended Charter was not trickery as the commission, when initially created, was charged with having their work done in time to have the Charter on the ballot in November.

Mike Gaynier stated that people from the commission and representatives for an Elected Mayor crafted fair ballot language for both issues and he was disappointed that some members of Council did not support those.

Brian Fitch stated he's happy with Council collaborating with University Heights and the School Board.

Cindy Langmack made a request to have a crossing guard at Scarborough and Fairmount and Coventry so children can walk to and from school.

Deborah VanKleef made a statement about collecting signatures for the petition for an Elected Mayor; that 4,000 people wanted to vote on their form of government.

Tony Cuda made a statement in support for and Elected Mayor and questioning the facilitator of the commission and PAC.

Susan Efroymsen made a statement for the Citizens for an Elected Mayor issue to be considered first, then incorporated into an amended Charter to be on the ballot.

Sue Dean Dyke made a statement that Citizens for an Elected Mayor was a bi-partisan group.

Gary Kanter made a statement about lobbyists and the five members of Council that donated to the PAC.

Jean Gordon made a statement of support for having only one question on the ballot – Elected Mayor or Manager.

SAFETY AND MUNICIPAL SERVICES COMMITTEE

RESOLUTION NO. 67-2019 (SMS), *Second Reading*. An Ordinance approving amendments to the Charter of the City of Cleveland Heights; providing for the submission to the electors of the City of Cleveland Heights a proposed First Amended Charter of the City of Cleveland Heights for placement on the November ballot

Vice Mayor Yasinow moved to indefinitely table Resolution 67-2019, Seconded by Council Member Stein

Council Member Dunbar stated she was disappointed both issues would not appear on the ballot because the Charter Commission was asked to consider all options and they decided to recommend that we continue our current form of government. She made a statement of the history that led to the City Manager-Council form of government. Having two issues would allow people to understand what they're accepting as well as what they are rejecting.

Council Member Ungar stated he was also disappointed, but he would vote for it based on the input they received.

Council Member Seren listed mayors of neighboring communities and stated he admired their level of dedication to public service. He stated the residents of Cleveland Heights should be allowed to have the chance to decide whether or not we want to give ourselves the option to elect a Mayor.

Council Member Cobb stated he served on the Charter Review Commission and voted in favor of maintaining the current form of government. He signed the petition because he believes voters have the right to decide this issue this November separate and apart from the recommendation from the Charter Review Commission.

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

Motion Passed

RESOLUTION NO. 71-2019 (SMS), *Second Reading*. An Ordinance to submit to the electors of the City of Cleveland Heights an initiative petition proposing amendments to the Charter of the City of Cleveland Heights

Council Member Seren made a motion to amend Resolution No. 71-2019, currently version A, by replacing section 2 which currently consists of, “shall these amendments be adopted,” followed by 4 pages of redlining, replacing that with the following – “shall various articles of the Charter of the City of Cleveland Heights be amended to change the form of government from Council-Manager to Mayor-Council, creating a directly Elected Mayor with administrative authority and establishing the term, qualifications, removal and the powers and duties of the Mayor, including the appointment of a City Administrator, subject to Council confirmation and eliminating the appointed City Manager position. Yes. No.”

Council Member Stein seconded the motion.

Council Member Seren thanked people for their participation in this deliberative process.

Mayor Roe state she would vote against it since it was presented 10 minutes before to convene for a budget hearing. There have been several Committee of the Whole meeting where the issue has been discussed and she would have like to have seen the language submitted in time for Council to think about it a little bit longer.

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

Motion Failed

Vice Mayor Yasinow moved to substitute Ordinance 71-2019 with version D with slight amendment to that version in section 2, where section 2 would read, “shall various articles of the Charter of the City of Cleveland Heights be amended to change the existing form of government from Council-Manager to Mayor-Council, eliminate the City Manager and rename all related titles and positions, create a directly elected Mayor with a four-year term who may have outside limited employment or other work that does not conflict with assigned duties, provide for a recall and filling a vacancy and set the authority and duties of the Mayor including the power to veto legislation, the power to

hire, direct and discharge City employees and in certain instances, require the Mayor to appoint City employees subject to Council approval including a City Administrator. Yes or No.”

The motion was seconded by Council Member Dunbar.

Vice Mayor Yasinow made a statement of support for this amendment which came from negotiation and compromise.

Council Member Seren stated that the creation of an elected Mayor should be the first thing listed versus beginning with a negative statement. He made a statement regarding the flaws he believed were superfluous wording that didn’t belong in a ballot issue.

Council Member Cobb stated he thought the language made the ballot issue clear and acceptable.

Council Member Ungar stated the City had been guided professionally and reliably under the Council-Manager form of government. He made statements regarding Citizens for an Elected Mayor and the Charter Review Commission. He stated that he trusts voters to do the right thing.

Council Members Stein told Citizens for an Elected Mayor that although they didn’t get the ballot language they wanted, tonight was a victory for them.

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

Motion Passed

ORDINANCE NO. 71-2019 (SMS), *Second Reading*. An Ordinance to submit to the electors of the City of Cleveland Heights an initiative petition proposing amendments to the Charter of the City of Cleveland Heights (as amended, version D)

Introduced by Vice Mayor Yasinow, Seconded by Council Member Cobb

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

Legislation Passed

Vice Mayor Yasinow stated she will be voting for this language as it is an act of compromise, but stated she wanted to make it clear to residents that she is a proponent of our current form of government and the recommendations made by the Charter Review Commission. She reviewed some of the successes like economic development, improved finances, Master Plan development and collaborations over the past few years.

Council Member Seren stated that transferring the form of government would not result in corruption as alluded. He believes the people that are there holding them accountable

would do the same with any person.

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

Motion Passed

Report of the City Manager

In accordance with Section 179.03 of the Codified Ordinances of the City of Cleveland Heights I have given notice to the Clerk that the Fifth Third Bank has been designated as a depository of the City's active deposits.

Matter of Record

Council will be on recess in August.

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 Pacific East Mayfield, Inc., dba Pacific East Japanese Restaurant, 1761-63 Coventry Rd., 1st Floor and Basement, Cleveland Heights, OH 44118 for a transfer of D1, D2 and D3 permits from Pacific East Enterprises, Inc., 1761-63 Coventry Rd., 1st Floor and Basement, Cleveland Heights, OH 44118

Matter of Record

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

RECREATION, COMMUNITY AND EXTERNAL RELATIONS COMMITTEE

RESOLUTION NO. 75-2019 (RCER). A Resolution authorizing the City Manager to enter into an agreement with Big Parka Productions, Inc. dba Little Jacket for marketing and branding consulting services

Introduced by Council Member Seren, Seconded by Council Member Ungar

Council Member Seren stated it was a 2-year contract that would differ from the previous branding services, to attract businesses and residents through marketing and branding.

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

Legislation Passed

SAFETY AND MUNICIPAL SERVICES COMMITTEE

RESOLUTION NO. 76-2019 (SMS). A Resolution authorizing the Ohio Department of Transportation (“ODOT”) to complete a project improving sidewalks and pedestrian crossing facilities within Cleveland Heights

Introduced by Vice Mayor Yasinow, Seconded by Council Member Stein

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

Legislation Passed

ADMINISTRATIVE SERVICES COMMITTEE

RESOLUTION 77-2019 (AS). A Resolution authorizing a Restated Memorandum of Agreement with Tanisha R. Briley as City Manager

Introduced by Council Member Stein, Seconded by Vice Mayor Yasinow

Council Member Seren stated concern that a part of the agreement may encourage the City Manager to take advantage of leaving the City more quickly than he would prefer during a time that would require assistance during transition.

Council Member Ungar stated he would be voting in favor of the legislation and disagreed that it did not incentivize the City Manager to leave.

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

Legislation Passed

Council Member Stein made a motion to appoint Dennis Parcelli, who has served as the BZA alternate, for a term of four years that will end in August 2023. The motion was seconded by Council Member Ungar.

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

Legislation Passed

FINANCE COMMITTEE

RESOLUTION NO. 66-2019 (F), *Second Reading*. A Resolution approving the adoption of the 2020 Tax Budget.

Introduced by Council Member Cobb, Seconded by Council Member Ungar

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

Legislation Passed

HOUSING AND TRANSPORTATION COMMITTEE

Council Member Dunbar stated she delivered more than 500 signatures to the Board of Elections for her name to be included in the November ballot for Council.

PLANNING AND DEVELOPMENT COMMITTEE

RESOLUTION NO. 78-2019 (PD). A Resolution authorizing the City Manager to apply to participate in the Ohio Public Works Commission State Capital Improvement and Local Transportation Improvement Programs

Introduced by Council Member Ungar, Seconded by Council Member Dunbar

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

Legislation Passed

Mayor's Report

Mayor Roe expressed her appreciation for the entire Law Department and the work they did in terms of creating five different versions of one resolution and four different versions of another. She thanked Jim Juliano for attending the meeting. She welcomed the new Law Director.

Mayor Roe stated that this was a stressful time for City staff and this discussion could take a toll on them and their work, but there is no evidence of that happening. She commended the City Manager for holding it all together in a stressful time.

NEXT MEETING OF COUNCIL: TUESDAY, SEPTEMBER 3, 2019

Respectfully submitted,

Carol Ann Roe, Mayor

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