



## CLEVELAND HEIGHTS

**Monday, December 2, 2019 Minutes**

**COMMITTEE OF THE WHOLE**

6:15 – 7:15 p.m.

Mayor Roe presiding

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

Staff present: Boland, Briley, Butler, Clinkscale, Hanna, Howard, Lambdin, Mecklenburg, Niermann O’Neil, Wong

Topics discussed: Report of City Council Members, Legislation, Report of the City Manager

A Police K-9 swearing In Ceremony was held at 7:15 p.m.

**CITY COUNCIL**

7:30 – 9:30 p.m.

Mayor Roe presiding

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

Staff present: Boland, Briley, Butler, Clinkscale, Hanna, Howard, Lambdin, Mecklenburg, Niermann O’Neil, Wong

The minutes from the City Council meeting held on November 18, 2019, were approved with submitted corrections.

Mayor Roe asked Law Director Bill Hanna to address Gary Kanter’s concerns about members of Council being part of a PAC. He explained his understanding of concerns fell into two categories: 1.) By virtue of having contributed to a PAC, members had violated the oath of office; and 2.) By those actions, those members of Council conducted or participated in an unlawful meeting in violation of Ohio’s Open Meetings Act. Director Hanna stated he was aware of no evidence that any member of Council engaged in unlawful activity in connection with those developments. He stated there are precedents in Supreme Court cases that address and support the First Amendment rights of public employees and public officials. He stated the act of contributing to a PAC does not constitute a meeting per the definition in the Ohio Revised Code.

## **Personal communications from citizens**

Jill Tatum stated her appreciation for Mayor Roe's support for Noble Neighbors.

Lee Chilcote made a statement of support for the Top of the Hill project, Flaherty & Collins as a developer, and the way the City has handled the project.

A resident thanked Council Member Seren for introducing legislation regarding revenge porn and made a statement of support for the legislation.

Tony Cuda stated that he was concerned about the financial item regarding Housing. The Mayor asked the City Manager to comment on that.

Garry Kanter stated that the oath Council took required impartiality and they should not have picked sides on an issue. He read an excerpt from an article by Bob Rosenbaum.

Laura Marks asked for an increase in funding for the Forestry Department and stated the reasons that planting more trees are important.

Joyce Rajki made a statement about the Top of the Hill legislation being on an emergency reading and the 17 items that they were to complete by December 31.

Joan Mallick made a statement regarding the preliminary bond ordinance and asked that the vote be on second reading when new Council members are seated.

Susan Miller made a statement regarding the developments at Severance and Top of the Hill and the history and proposals leading to this point.

Bob Brown made a statement regarding Top of the Hill and the specifications that Future Heights was looking for in order to support the project.

## **Report of the City Manager**

Request permission to issue a Request for Proposals for the 2019 Ash Tree Mitigation Program.

### **Matter of Record**

Refer to: Safety and Municipal Services Committee

Motion by Vice Mayor Yasinow, Seconded by Council Member Dunbar

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

### **Motion Passed**

Tanisha Briley stated the General Fund budget was \$45,450,000, which is a balanced budget. She stated the Housing Department is fully staffed and has been a priority for the budget. The Forestry budget is made up of assessments. She provided an overview of the budget.

The City Manager's report may be viewed in full at [https://www.clevelandheights.com/DocumentCenter/View/5779/cc\\_packet\\_12022019?bidId=](https://www.clevelandheights.com/DocumentCenter/View/5779/cc_packet_12022019?bidId=).

### **Report of the Clerk of Council**

No report.

### **PLANNING AND DEVELOPMENT COMMITTEE**

Council Member Ungar and City Manager Briley made introductory comments to the Top of the Hill legislation. The three pieces of legislation regarding Top of the Hill were moved to the beginning of the schedule before resuming agenda order.

**ORDINANCE NO. 114-2019 (PD)**. An Ordinance amending Ordinance No. 7-2018 and Ordinance No. 135-2018 to authorize a second amendment to the development agreement with F & C Development, Inc. concerning Top of the Hill.

Introduced by Council Member Ungar, Seconded by Vice Mayor Yasinow

Council Member Dunbar made a statement about why she will vote in favor of Top of the Hill. Council Member Stein made a statement about why he will vote in favor of Top of the Hill. Vice Mayor Yasinow made a statement about why she will vote in favor of Top of the Hill. Mayor Roe made a statement of support for the Top of the Hill legislation.

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

### **Legislation Passed**

**ORDINANCE NO. 115-2019 (PD)**. An ordinance designating the Cleveland Heights Community Improvement Corporation as the agency of the City, approving a related agreement, confirming the plan adopted by that corporation and providing direction to corporation directors that are also City officials or employees.

Introduced by Council Member Ungar, Seconded by Vice Mayor Yasinow

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

### **Legislation Passed**

**ORDINANCE NO. 116-2019 (PD).** An Ordinance declaring certain improvements to real property located in the City of Cleveland Heights, Ohio to be a public purpose; declaring such improvements to be exempt from real property taxation; making provision for the collection of service payments in lieu of taxes; establishing an urban redevelopment tax increment equivalent fund for the deposit of such service payments; confirming a compensation agreement with the Cleveland Heights-University Heights City School District; providing related authorizations pursuant to Ohio Revised Code Sections 5709.41, 5709.42 and 5709.43; rescinding Ordinance No. 16-2018 adopted on March 19, 2018.

Introduced by Council Member Ungar, Seconded by Vice Mayor Yasinow

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

**Legislation Passed**

Council Member Ungar thanked Mayor Roe and Council Member Cobb for their service and dedication.

**FINANCE COMMITTEE**

**ORDINANCE NO. 109-2019 (F).** An ordinance conditionally determining to issue economic development revenue bonds to finance costs of the acquisition, construction, equipping, installation, furnishing and other improvement of a project, as defined in Ohio Revised Code Section 165.01, and authorizing and approving related matters.

Introduced by Council Member Cobb, Seconded by Council Member Ungar

Council Member Seren made a statement about his concerns regarding the Top of the Hill development including prevailing wage.

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

**Legislation Passed**

**FINANCE COMMITTEE**

**ORDINANCE NO. 101-2019, *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, 2020 through December 31, 2020

Introduced by Council Member Cobb, Seconded by Council Member Dunbar

Council Member Seren stated that there was the ability to adjust the budget throughout the year as Council prioritized issues and departments.

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

**Legislation Passed**

**ORDINANCE NO. 102-2019, Second Reading.** An Ordinance to amend certain subparagraphs of Ordinance 130-2018 (F), relating to appropriations and other expenditures of the City of Cleveland Heights, Ohio for the fiscal year ending December 31, 2019

Introduced by Council Member Cobb, Seconded by Council Member Dunbar

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

**Legislation Passed**

Council Member Cobb stated it was an honor and privilege to serve. He thanked residents and Council Members.

**SAFETY AND MUNICIPAL SERVICES COMMITTEE**

**RESOLUTION NO. 104-2019 (SMS).** A Resolution authorizing the City Manager to enter into an agreement with Seagrave Fire Apparatus, LLC, for the purchase of one (1) new Seagrave model TB70CA Marauder Pumper and related equipment for the Fire Department through the Houston-Galveston Area Council Cooperative Purchasing Program.

Introduced by Vice Mayor Yasinow, Seconded by Council Member Dunbar

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

**Legislation Passed**

**ORDINANCE NO. 105-2019 (SMS).** An Ordinance amending various sections of Chapter 505, "Animals and Fowls," Chapter 545, "Theft and Fraud," and Chapter 549, "Weapons and Explosive," of Part Five, *General Offenses Code*, and Chapter 713, "Rental Halls," of Part Seven, *Business Regulation Code*, of the Codified Ordinances of the City of Cleveland Heights.

Introduced by Vice Mayor Yasinow, Seconded by Council Member Dunbar

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

**Legislation Passed**

**RESOLUTION NO. 106-2019 (SMS).** A Resolution authorizing the Ohio Department of Transportation (“ODOT”) to conduct Bridge Inspection Program Services within Cleveland Heights and authorizing the City Manager to enter into any contracts with ODOT needed to complete said project.

Introduced by Vice Mayor Yasinow, Seconded by Council Member Dunbar

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

**Legislation Passed**

**ADMINISTRATIVE SERVICES COMMITTEE**

**RESOLUTION NO. 107-2019 (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 Council Member Stein, Seconded by Council Member Dunbar

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

**Legislation Passed**

**ORDINANCE NO. 108-2019 (AS), *First Reading.*** An Ordinance amending Chapter 749, “Fair Practices” to include the nonconsensual dissemination of a person’s private sexual images as a prohibited, discriminatory rationale for the purposes of fair employment, education, and housing practices.

Introduced by Council Member Seren

**Legislation Introduced**

Council Member Stein stated it was an honor and privilege to serve with Mayor Roe and Council Member Cobb and thanked them for their service.

**HOUSING AND TRANSPORTATION COMMITTEE**

**RESOLUTION NO. 110-2019 (HTC).** A Resolution declaring the property at 983 Pembroke Road, Cleveland Heights, Ohio to be a nuisance; authorizing abatement of the nuisance.

Introduced by Council Member Dunbar, Seconded by Council Member Ungar

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

**Legislation Passed**

**RESOLUTION NO. 111-2019 (HTC).** A Resolution declaring the property at 3277 Desota Avenue, Cleveland Heights, Ohio to be a nuisance; authorizing abatement of the nuisance.

Introduced by Council Member Dunbar, Seconded by Vice Mayor Yasinow

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

**Legislation Passed**

**RESOLUTION NO. 112-2019 (HTC).** A Resolution declaring the property at 3650 Atherstone Road, Cleveland Heights, Ohio to be a nuisance; authorizing abatement of the nuisance.

Introduced by Council Member Dunbar, Seconded by Vice Mayor Yasinow

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

**Legislation Passed**

**RESOLUTION NO. 113-2019 (HTC).** 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, 2020, 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 and Eddington Roads.

Introduced by Council Member Dunbar, Seconded by Vice Mayor Yasinow

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

**Legislation Passed**

Council Member Dunbar thanked Mayor Roe and Council Member Cobb for their service. She made a statement about items she is looking forward to in the next four years.

**RECREATION, COMMUNITY AND EXTERNAL RELATIONS COMMITTEE**

**ORDINANCE NO. 99-2019 (RCER), *Second Reading.*** An Ordinance authorizing and approving the presentation of entertainment programs in Cain Park for the year 2020

Introduced by Council Member Seren, Seconded by Council Member Stein

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

**Legislation Passed**

**ORDINANCE NO. 100-2019 (RCER), *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 2020 winter, spring and summer seasons, and repealing Ordinance No. 127-2018

Introduced by Council Member Seren, Seconded by Council Member Stein

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

**Legislation Passed**

Vice Mayor Yasinow moved for the suspension of Council meetings for the remainder of December 2019 which was seconded by Council Member Dunbar.

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

**Motion Passed**

Vice Mayor Yasinow presented a proclamation to Council Member Craig Cobb for his service on Council.

Vice Mayor Yasinow presented Mayor Roe with a collage of pictures from her term serving as Mayor.

**Mayor's Report**

Mayor Roe stated she appreciated the citizens of Cleveland Heights who have allowed her to serve for four years. She thanked her colleagues and presented them each with a gift.



**NEXT MEETING OF COUNCIL: MONDAY, JANUARY 6, 2020**

Respectfully submitted,

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Carol Ann Roe, Mayor

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