



June 24, 2024
Special Meeting
7:00 PM

Cleveland Heights City Hall
Council Chambers
40 Severance Cir.
Cleveland Heights, Ohio

MEETING MINUTES

1) **Meeting called to order by Council President**

Start: 7:22 p.m.

2) **Roll Call of Council Members**

Present: Anthony Mattox Jr., Jim Posch, Tony Cuda, Craig Cobb, Gail Larson, Jim Petras

Excused: Davida Russell

Absent: None

3) **Excuse absent members**

- Vice President Russell excused

4) **Amendments to the Agenda (if necessary)**

- None

5) **Public Comment - Legislative Agenda Items only**

(Note: Persons wishing to speak must register in advance. A 3-minute time limit applies. Council President reserves the right to reduce time limit based on the volume of business on the agenda).

Speakers

Karin Lash	Citizen	Not in favor of the Russo's deal and Grocery Outlet
Destiny Burns	Citizen	In favor of the DORA in the Cedar-Lee district
Jack Valancy	Citizen	In favor of the Russo's deal and Grocery Outlet
Drew Herzig	Citizen	Not in favor of Council taking away Mayoral picks on CESC and TAM
Brooks Jones	Citizen	In favor of the Russo's

		deal and Grocery Outlet
Kari Moore	Citizen	Not in favor of the Russo's deal and Grocery Outlet
Paul Schambs	Citizen	Not in favor of the Russo's deal and Grocery Outlet
Adam Fleischer	Citizen	In favor of the DORA in the Cedar-Lee district
Sal Russo	Citizen	In favor of the Russo's deal and Grocery Outlet (read a statement on behalf of Bridget Thibeault owner of Luna Bakery)
Lee Chilcote	Citizen	In favor of the Russo's deal and Grocery Outlet
Melody Joy Hart	Citizen	In favor of the DORA in the Cedar-Lee district
Jacob Orosz	Citizen	In favor of the Russo's deal and Grocery Outlet, and the DORA in the Cedar-Lee district

6) **LEGISLATION**

Note: The title for each piece of legislation contains a parenthetical reference to the Council Committee within which the subject matter of the legislation falls. Council Committees are abbreviated as follows: (AS)-Administrative Services; (COTW)-Committee of the Whole; (CRR)-Community Relations and Recreation; (F)-Finance; (HB)-Housing and Building; (MSES)-Municipal Services and Environmental Sustainability; (PD)-Planning and Development; (PSH)-Public Safety and Health. See Resolution 97-2022 for a list of Council Committee subject matter areas.

a. First Readings – Consideration of Adoption Requested

RESOLUTION NO. 114-2024(MSES): First Reading. A Resolution authorizing an agreement with Motorola Solutions, for the purchase of nineteen (19) Dash Cam Video Systems for the Police Department; and declaring the necessity that this legislation become immediately effective as an emergency measure.

Introduced by Mayor Seren

Motion to adopt: Anthony Mattox Jr.

Seconded: Gail Larson

Discussion: Mattox thanked the police department and administration for making this happen.

Yes: Craig Cobb, Tony Cuda, Gail Larson, Anthony Mattox Jr., Jim Petras, Jim Posch

No: None

LEGISLATION PASSED

ORDINANCE NO. 115-2024(F): First Reading. An Ordinance authorizing the inclusion of City-owned parcels 687-06-160 and 687-08-001 in the Cedar Lee Special Improvement District; and further authorizing the Mayor to execute a Memorandum of Understanding with the Cedar Lee Special Improvement District ("Cedar Lee SID") and F & C Development, Inc. or the appropriate affiliated entity with respect to assessments to be paid to the Cedar Lee SID on the aforementioned parcels; and declaring the necessity that this legislation become immediately effective as an emergency measure.

Introduced by Mayor Seren

Motion to adopt: Anthony Mattox Jr.

Seconded: Gail Larson

Discussion:

- Larson said the memo received from Brian Anderson and Laure Wagner states that F & C will be paying those assessment fees.
- Cobb spoke about how vital these Special Improvement Districts are for healthy business districts, and gave a special thanks to Melody Joy Hart who helped get all the signatures collected for the Cedar-Lee SID
- Mattox seconded the thanks for their former colleague.
- Cuda also thanked Melody Joy Hart for her work with the SID as these healthy business districts bring people into the city.

Yes: Craig Cobb, Tony Cuda, Gail Larson, Anthony Mattox Jr., Jim Petras, Jim Posch

No: None

LEGISLATION PASSED

RESOLUTION NO. 116-2024(F): First Reading. A Resolution approving a petition for the adoption of a public services and improvements plan for the Cedar Lee Special Improvement District, Inc.

Introduced by Mayor Seren

Motion to adopt: Anthony Mattox Jr.

Seconded: Gail Larson

Yes: Craig Cobb, Tony Cuda, Gail Larson, Anthony Mattox Jr., Jim Petras, Jim Posch

No: None

LEGISLATION PASSED

RESOLUTION NO. 117-2024(PD): First Reading. A Resolution memorializing Council's approval of a use variance concerning the property at 1774 Lee Rd., pursuant to Chapter 1115.07(i) of the Codified Ordinances of the City of Cleveland Heights, as described in BZA Cal. No. 3582; and declaring the necessity that this legislation become immediately effective as an emergency measure.

Introduced by Mayor Seren

Motion to adopt: Anthony Mattox Jr.

Seconded: Craig Cobb

Yes: Craig Cobb, Tony Cuda, Gail Larson, Anthony Mattox Jr., Jim Petras, Jim Posch

No: None

LEGISLATION PASSED

b. First Readings Only

RESOLUTION NO. 110-2024(AS): First Reading. A Resolution confirming the Mayor's appointment of Sam Bell as a member of the Transportation and Mobility Committee of the City of Cleveland Heights, OH; and declaring the necessity that this legislation become immediately effective as an emergency measure.

Introduced by Mayor Seren

READ INTO THE RECORD

RESOLUTION NO. 111-2024(AS): First Reading. A Resolution confirming the Mayor's appointment of Carly Beck as a member of the Climate and Environmental Sustainability Committee of the City of Cleveland Heights, OH; and declaring the necessity that this legislation become immediately effective as an emergency measure.

Introduced by Mayor Seren

READ INTO THE RECORD

RESOLUTION NO. 112-2024(AS): First Reading. A Resolution confirming the Mayor's appointment of Mohammad Irfan as a member of the Climate and Environmental Sustainability Committee of the City of Cleveland Heights, OH; and declaring the necessity that this legislation become immediately effective

as an emergency measure.

Introduced by Mayor Seren

READ INTO THE RECORD

RESOLUTION NO. 113-2024(AS): First Reading. A Resolution confirming the Mayor's appointment of Sean Terry as a member of the Climate and Environmental Sustainability Committee of the City of Cleveland Heights, OH; and declaring the necessity that this legislation become immediately effective as an emergency measure.

Introduced by Mayor Seren

READ INTO THE RECORD

c. Second Readings

ORDINANCE NO. 101-2024(PD): Second Reading. An Ordinance authorizing the Mayor to execute an agreement with Cedar-Grandview Company for a commercial development loan in the sum of Three Hundred Forty Thousand Dollars (\$340,000.00), to be secured by a mortgage on real property located at 12426-12438 Cedar Road, Permanent Parcel No. 685-26-004; and declaring the necessity that this legislation become immediately effective as an emergency measure.

Introduced by Mayor Seren

Motion to amend: Jim Petras

Seconded: Anthony Mattox Jr.

Discussion: Petras explained the amendment removed the tax credit and changed the interest rate from 3% to 2% costing the city nearly \$200,000 less than the previous version of the deal.

Yes: Craig Cobb, Tony Cuda, Gail Larson, Anthony Mattox Jr., Jim Petras, Jim Posch

No: None

MOTION PASSED

Motion to adopt: Anthony Mattox Jr.

Seconded: Gail Larson

Discussion:

- Assistant Director for Economic Development, Brian Anderson, further explained some of the changes put forward tonight, a deal that is more cash positive to the city, while still allowing for the project to proceed.
- Posch will be voting for this deal; his oldest daughter lives in San Francisco

and loves Grocery Outlet; he realizes there is legitimate community worry about the words discount and outlet in their brand name and that it might devalue the Cedar-Fairmount neighborhood. For him the bigger worry is the vacant real estate; it will take a large investment to transform that space into something viable and after a lot of due diligence, we have one organization left standing that has the vision for the space. The city will gain economic development opportunity by purchasing the parking lot and in the short term have the benefit of a much-needed parking lot. The other piece is the loan; the second mortgage on the building will give us additional control and protection. It is revenue generating for the city and protects the historic building.

- Cobb said that majority of the emails he received were objecting to loaning a successful business owner or real estate firm, but it has not been uncommon for this city to assist businesses and property owners historically.
- Petras wasn't always a fan of the process for this particular request, but all things he considered he thinks this is a good deal. He recently visited Grocery Outlet in Boardman and was really impressed by the variety of products there; he spoke with people shopping there and they all had positive opinions. The parking lot is an appreciating asset and could be used for development at a later date. The terms have also greatly improved in his opinion with the amended terms.
- Cuda says this was by no means a slam dunk but these are much improved terms and he appreciates all of the staff that worked to get this done. The market for grocery stores just isn't great now; he doesn't want this to be another empty grocery store location.

Yes: Craig Cobb, Tony Cuda, Gail Larson, Anthony Mattox Jr., Jim Petras, Jim Posch

No: None

LEGISLATION PASSED

ORDINANCE NO. 107-2024(PD): Second Reading. An Ordinance authorizing the Mayor to execute an agreement for the purchase of certain real property located at 2172 Grandview Avenue, Permanent Parcel No. 685-26-083 and declaring the necessity that this legislation become immediately effective as an emergency measure.

Introduced by Mayor Seren

Motion to adopt: Anthony Mattox Jr.

Seconded: Gail Larson

Discussion: We can do this to support economic development in the Fairmount district, and we can do Noble as well; they have not forgotten.

Yes: Craig Cobb, Tony Cuda, Gail Larson, Anthony Mattox Jr., Jim Petras, Jim Posch

No: None

LEGISLATION PASSED

ORDINANCE NO. 102-2024(AS): Second Reading. An Ordinance amending Section 140.02, "Members," of Chapter 140, "Cleveland Heights Climate and Environmental Sustainability Committee," of the Codified Ordinances of Cleveland Heights; and declaring the necessity that this legislation become immediately effective as an emergency measure.

Introduced by Councilmember Larson

Motion to adopt: Gail Larson

Seconded: Jim Petras

Discussion:

- Mattox said he is disappointed with these pieces of legislation and he believes they are problematic and dangerous; he believes it is punitive, a power move, and lacks transparency. Only a couple of months ago we all approved to go ahead and have our mayor be able to make these selections and for some reason now we decided it is an emergency to reverse it. Council didn't set a timeline for these appointments, and Council hasn't filled appointments they were supposed to make as well. He is getting a lot of messages from members of the public who agree with him. This takes us backwards and away from collaboration and puts power squarely directly back into this councils' hands. How this legislation was produced and the discussions around it were problematic. He hopes the Mayor vetoes this legislation and we continue this conversation.
- Larson is proposing the amendments in order to get them fully staffed in a timely manner. Members of the TESC Committee waited 2 years for the legislation that created two separate committees, and were frustrated while meeting without staff, to the point members left. Council finally passed the legislation January 16, 2024 and it was written in good faith that the mayor would pick his three appointees for each committee in the spirit of building a collaborative relationship to do the work these committees are charged to do. Council appointed four qualified and diverse members on April 1, 2024. As of two weeks ago we are still waiting; that is why she has introduced these amendments. The citizens who committed to work on these committees deserve an efficient process for selecting members. Mayor Seren's qualified appointments will be seriously considered.
- Cobb said the legislation that is pending tonight is to amend legislation that he worked with the mayor on last year to come up with what he believes is a workable solution. Gave a brief history of these committees and the split of the Transportation and Environmental Sustainability Committee into the two new committees. As part of the new legislation, there would be a commitment by the mayor to have his sustainability person as a co-chair and the city administrator as the co-chair on the other; the quid pro quo for that was that the Mayor was given 3 appointments subject to confirmation

by Council. Unfortunately, the mayor didn't make any of the appointments and he believes that is why Council is now saying they want to take back that appointment power. He thinks it now appears somewhat spiteful that we are undoing legislation that is only 6 months old. He does not believe that this helps in terms of being collaborative. He believes Council should have given a drop dead date of when he needed to make these appointments.

- Petras would like to note that while this legislation passed in January, at the end of the year there was legislation passed regarding the CIC and Arts Commission and the Mayor has all of the picks on those committees; and the Mayor has not made any appointments to those either. This is more general issue than just specific to these two committees. He is concerned that these appointments aren't being made and that these amendments need to be made so that the business of the City doesn't continue to be hobbled.
- Cuda said that when VP Davida Russell and he became the new council leadership, there were things they disagreed with the previous leadership. The day he was sworn in, he said we need to create a strong independent council to be both a partner and a check and balance on the Mayoral power. He said that 5 years ago when he was running the campaign for an elected mayor. One of the biggest pushbacks he got was "do we really, after having a professional city manager for over 100 years, do we really want to give the power to one person?" His answer was always that we aren't doing that, we are going to have co-equal branches of government; fully empowered to do their job. And this is part of that discussion; we just have a policy difference here. Council relies on the community to advise them; and we have a lot of expertise in the community. Council having these appointments to these committees is the same as how Council has the appointment power for the Planning Commission and ABR etc. The City Administrator has assured him that there is no problem with administrative participation with these committees.
- Point of Inquiry from Mattox: were there a majority members of council that discussed this before this legislation was created by Councilmember Larson? Were there 4 councilmembers out of the 7 of us who were aware of this legislation?
- Cuda asked the law director if this is a proper point of inquiry
- The law director said as President he makes the initial decision on whether it is a property inquiry or not, and then Council can override if they disagree with your call.
- Petras said he knew nothing about it before the legislation was introduced and he wholeheartedly supports it and thinks that we should introduce legislation to take the appointments from the CIC and Art Commission as well.
- Larson said she spoke with president Cuda because that was something he needed to know if that was something we could do; and spoke to Councilman Cobb because we were trying to figure out how to go about it, when it would be presented that sort of thing because he is Admin Services

chair; but not in a meeting of four people together. Individually.

- Cobb has had conversations with several members about his opposition to this legislation but it hasn't occurred in a group setting.
- Cuda said he spoke with Larson about this initially but not with any group of people.

Yes: Tony Cuda, Gail Larson, Jim Petras, Jim Posch

No: Craig Cobb, Anthony Mattox Jr.

LEGISLATION PASSED
WITHOUT EMERGENCY LANGUAGE

ORDINANCE NO. 103-2024(AS): Second Reading. An Ordinance amending Section 150.02, "Members," of Chapter 150, "Transportation and Mobility Committee," of the Codified Ordinances of Cleveland Heights; and declaring the necessity that this legislation become immediately effective as an emergency measure.

Introduced by Councilmember Larson

Motion to adopt: Gail Larson

Seconded: Jim Petras

Yes: Tony Cuda, Gail Larson, Jim Petras, Jim Posch

No: Craig Cobb, Anthony Mattox Jr.

LEGISLATION PASSED
WITHOUT EMERGENCY LANGUAGE

RESOLUTION NO. 104-2024(PD): Second Reading. A Resolution appointing an Assessment Equalization Board to hear objections relative to the estimated assessments for a portion of the expense of street lighting within the City of Cleveland Heights; and declaring the necessity that this legislation become immediately effective as an emergency measure.

Introduced by Mayor Seren

Motion to adopt: Craig Cobb

Seconded: Anthony Mattox Jr.

Yes: Craig Cobb, Tony Cuda, Gail Larson, Anthony Mattox Jr., Jim Petras, Jim Posch

No: None

LEGISLATION PASSED

RESOLUTION NO. 105-2024(PD): Second Reading. A Resolution appointing an Assessment Equalization Board to hear objections relative to the estimated assessments for a portion of the expense of improvement of streets and parkways including grading, draining, curbing, paving, repaving, repairing, sweeping or cleaning thereof, removing snow therefrom, and

planting, maintaining and removing shade trees thereon within the City of Cleveland Heights; and declaring the necessity that this legislation become immediately effective as an emergency measure.

Introduced by Mayor Seren

Motion to adopt: Craig Cobb

Seconded: Gail Larson

Yes: Craig Cobb, Tony Cuda, Gail Larson, Anthony Mattox Jr., Jim Petras, Jim Posch

No: None

LEGISLATION PASSED

RESOLUTION NO. 106-2024(COTW): *Second Reading As Amended.* A

Resolution allocating Seven Thousand Five Hundred Dollars (\$7,500.00) to Future Heights by City Council to serve as a co-sponsor of the 2024 Heights Music Hop; and declaring the necessity that this legislation become immediately effective as an emergency measure.

Introduced by President Cuda, Vice President Russell, Councilmembers Cobb, Larson, Mattox, Petras, and Posch

Motion to adopt: Craig Cobb

Seconded: Gail Larson

Discussion:

- Cobb is really in favor of this legislation and hopes we look at more opportunities to co-sponsor events that occur throughout the city in our other business districts.
- Cuda says the Music Hop is one of the most fun things we do; he wishes there were more things like this.

Yes: Craig Cobb, Tony Cuda, Gail Larson, Anthony Mattox Jr., Jim Petras, Jim Posch

No: None

LEGISLATION PASSED

RESOLUTION NO. 108-2024(PD): *Second Reading.* A Resolution authorizing the Mayor to enter into an agreement with Protect-A-Cote, Inc, to make the public improvement of the Compton Road Pocket Park Pathway through the use of ARPA Funds; and declaring the necessity that this legislation become immediately effective as an emergency measure.

Introduced by Mayor Seren

Motion to adopt: Anthony Mattox Jr.

Seconded: Gail Larson

Discussion:

- It is a positive thing to be able to see the allocation that we set up for Parks and Recreation to be applied to a project that will have traffic calming in it and increased safety for people who are walking and bike riding.

Yes: Craig Cobb, Tony Cuda, Gail Larson, Anthony Mattox Jr., Jim Petras, Jim Posch

No: None

LEGISLATION PASSED

RESOLUTION NO. 109-2024(COTW): Second Reading. A Resolution authorizing the Mayor to enter into agreements with various nonprofit entities for the purpose of awarding ARPA Funds in accordance with Ordinance No. 179-2023; and declaring the necessity that this legislation become immediately effective as an emergency measure.

Introduced by Mayor Seren

Motion to adopt: Anthony Mattox Jr.

Seconded: Craig Cobb

Motion to amend: Anthony Mattox Jr.

Seconded: Gail Larson

Yes: Craig Cobb, Tony Cuda, Gail Larson, Anthony Mattox Jr., Jim Petras, Jim Posch

No: None

MOTION PASSED

Discussion:

- Petras is grateful that we are finally able to vote on this as these non-profits do really important work in this city. He wished this had happened sooner but is grateful it is happening now

Yes: Craig Cobb, Tony Cuda, Gail Larson, Anthony Mattox Jr., Jim Petras, Jim Posch

No: None

LEGISLATION PASSED

d. Fifth Readings

ORDINANCE NO. 077-2024(CRR): Fifth Reading As Amended. An Ordinance approving the application filed by the Mayor and authorizing the establishment of a Designated Outdoor Refreshment Area ("DORA").

Introduced by Councilmember Mattox
Move for Adoption

Motion to adopt: Anthony Mattox Jr.

Seconded: Gail Larson

Motion to adopt: Anthony Mattox Jr.

Seconded: Gail Larson

Discussion:

- Cobb explained this amendment will permit somebody who has a DORA cup that does not have a liquor license if that business permits people to enter with outside beverages.

Yes: Craig Cobb, Tony Cuda, Gail Larson, Anthony Mattox Jr., Jim Petras, Jim Posch

No: None

MOTION PASSED

Discussion:

- Mattox will be voting yes on this legislation and is looking forward to supporting business in the district. Thanked the administration and law enforcement for the work they have done and communicating a safety plan and making sure we have dotted as many I's and crossed as many t's as we possibly can. Thanked the business owners for working with the administration of the city to make sure that this happened.
- Larson will be voting yes on the DORA as the designation can bring more business to our business districts. She wants to make sure that when the Chief meets with the Mayor every 30 days that Council receives that report so that we can see if there is recommendations to update the legislation. Finally, when the Comprehensive and Equitable Safety Action Plan is shared with the administration and Council that safety on Lee Road is a high priority.
- Posch said there will be an agenda item on his PSH committee regarding Lee Road.
- Cuda has shared his concerns about foot patrol police and crosswalk enhancements, traffic calming etc. The administration has pretty thoroughly researched these DORAs and our business district wants it so he will be supporting this as well.
- Chief Britton wants everybody to know that he shares the same concerns about public safety in all the business districts; he lives near the Cedar-Lee district and he just left the police academy graduation where he confirmed 7 new officers will be coming to work for the City and he has a vision of reimplementing the foot patrols that are a vital part of the city and it is a top priority for him.

Yes: Craig Cobb, Tony Cuda, Gail Larson, Anthony Mattox Jr., Jim Petras, Jim Posch

No: None

LEGISLATION PASSED

7) Adjournment

End: 8:53 p.m.

NEXT MEETING OF COUNCIL: AUGUST 5, 2024

APPROVED: August 19, 2024

A handwritten signature in black ink, appearing to read 'T. Cuda'.

Tony Cuda
President of Council

A handwritten signature in blue ink, appearing to read 'Addie Balester'.

Addie Balester
Clerk of Council