



August 5, 2024
Regular Meeting
7:30 PM

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

MEETING MINUTES

1) Meeting called to order by Council President

Start: 7:43pm

2) Roll Call of Council Members

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

Excused: None

Also Present: Mayor Seren, Director Hanna, Clerk Balester, Administrator Williams

3) Excuse absent members

None

4) Approval of minutes from previous meeting(s)

a. May 23, 2024

Moved to 8/19 Agenda

b. June 3, 2024

Moved to 8/19 Agenda

c. June 17, 2024

Moved to 8/19 Agenda

d. June 24, 2024

Moved to 8/19 Agenda

e. July 2, 2024

Moved to 8/19 Agenda

5) Communications from the Mayor

- a. Sealed bids were received on July 12, 2024 for project #24-04 - Clarendon Rd. and Edgerly Rd. Water Main Replacement and Road Resurfacing Project. Five companies submitted bids. Terrace Construction submitted the lowest and best bid in the amount of \$2,243,252.83.
- b. Sealed bids were received on July 18, 2024 for project #24-10 – Compton Greenway Traffic Circle Project. Parkland Contracting, LLC, submitted the lowest and best bid in the amount of \$78,806.18.
- c. Request permission to bid the following projects:
 - 24-08 – Sanitary Sewer Pipe Repair Project (SSPR) – Phase 1
 - 24-09 – Catch Basin Repair Project – Phase 2

Motion to authorize Mayor to seek bids: Craig Cobb
Seconded: Gail Larson

Yes: Craig Cobb, Tony Cuda, Gail Larson, Anthony Mattox Jr., Davida Russell, Jim Petras, Jim Posch
No: None

MOTION PASSED

Addressed the veto of ORD 102-2024 and ORD 103-2024, gave a brief history behind the legislation to create these two committees, and explained his methodology for finding appointees. He said he was not informed that there was a degree of frustration with certain councilmembers about how long it took to fill these positions; he welcomes a phone call to express these frustrations in the future. He said these pieces of legislation reverse the compromise that he and Council came to in January and asks council to reconsider and to continue this experiment of them collaborating on these appointments.

6) Public Comment - Legislative Agenda Items only

(Note: Persons wishing to speak must register in advance. A 3-minute time limit applies. If there are more than 15 speakers, the time will be automatically reduced to 2-minutes. Council President reserves the right to reduce the time limit based on the volume of business on the agenda).

Speakers

Matt Hayes	Citizen	Spoke in favor of ORDINANCE 125-2024 regarding the Fire Fighters Union negotiations. The union overwhelmingly approved the fact finders ruling and would appreciate
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		council's support.
Drew Herzig	Citizen	Spoke about the vetoed legislation and potential violations of the open meetings act.
Gary Benjamin	Citizen	Spoke about the vetoed legislation and his past experience on citizen advisory boards. Believes the veto by the Mayor should be upheld.
Melody Joy Hart	Citizen	Spoke about the vetoed legislation and the history of these two committees.
Matthew Wymer	Citizen	Shared his concerns over Ordinance 102-2024 and 103-2024; he believes this legislation sets our city back.
Alex Pesta	Citizen	The move to overrun the veto and the legislation that was put forth is reducing the mayor's role that has been outlined that we voted for as a constituency in passing Issue 26.

7) **New Business**

- a. Reconsideration of **ORDINANCE NO. 102-2024(AS)**: 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. *(Adopted by Council June 24, 2024; Vetoed by Mayor Seren July 4, 2024).*

Introduced by Councilmember Larson

Motion to reconsider: Gail Larson

Seconded: Jim Petras

Discussion: Councilmember Mattox does not support these pieces of

legislation and that they do not support collaboration.

Councilmember Petras expressed his frustration with the lack of communication between the mayor and himself, despite his many attempts to do so. Furthermore, he is frustrated with the lack of nominations for not only these committees, but the Arts Commission and CIC as well.

Councilmember Larson introduced these two pieces of legislation amending the original ordinances because she wants to have an efficient appointment process. She spoke with President Cuda and Councilmember Cobb about how to proceed, and decided these amendments were in order.

Councilmember Cobb thinks this is a vindictive thing to do and pointed out that no other ordinance creating committees/boards set time limits to appointment because it's never been an issue until now.

Vice President Russell did not ever support giving up Council's appointment powers. She has a difference of an opinion; it isn't about being petty. Members of this Council have tried to be very collaborative, but everything she has put forward in legislation has never moved forward. She said the Mayor will not have any conversations with her. She does not believe that any one person should have ultimate power.

President Cuda supports Councilmember Larson's legislation to return appointment powers to Council because it is best for the community. Council currently makes appointments to numerous boards/committees; this is a policy decision, not particular to these two committees. The Mayor has access to expertise on a variety of issues who work for him; the citizen committees are the best way for council to tap into expertise that Council does not have in the form of employees.

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

No: Craig Cobb, Anthony Mattox Jr.

MOTION PASSED

Motion to adopt: Gail Larson

Seconded: Jim Petras

Discussion:

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

No: Craig Cobb, Anthony Mattox Jr.

MOTION PASSED

- b. Reconsideration of **ORDINANCE NO. 103-2024(AS)**: 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. *(Adopted by Council June 24, 2024; Vetoed by Mayor Seren July 4, 2024).*

Introduced by Councilmember Larson

Motion to reconsider: Gail Larson

Seconded: Jim Petras

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

No: Craig Cobb, Anthony Mattox Jr.

MOTION PASSED

Motion to adopt: Gail Larson

Seconded: Jim Petras

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

No: Craig Cobb, Anthony Mattox Jr.

MOTION PASSED

8) Amendments to the Agenda (if necessary)

None

9) City Administrator's Report

Nothing to report

10) Departmental Report(s)

Nothing to report

11) Report of the Clerk of Council

- a. Notify Council that an application has been received from the Ohio Division of Liquor for the transfer of a D1/D2/D3 liquor permit from Pacific East Mayfield Inc dba Pacific East Japanese Restaurant, located at 1761-63 Coventry Rd. to MJ Joy Restaurant Group LLC dba Pacific East Japanese Restaurant, located at the same address.
- b. Notify Council that an application has been received from the Ohio Division of Liquor Control for a new C1/C2 liquor permit for Qadesh Mini Mart LLC located at 2213 N. Taylor Rd.
- c. Notify Council that all Class C and D retail permits to sell alcoholic beverages in the City of Cleveland Heights will expire on **October 1, 2024**. Every permit holder must file a timely online renewal application with the Division of Liquor Control to maintain privileges. Ohio Revised Code Section 4303.271(B) provides the legislative authority with the right to object to the renewal of a liquor permit premises and request a hearing. The legislative authority must

pass a resolution that specifies the problems at the liquor permit premises and the legal grounds for the objection. The Chief Legal Officer must also submit a statement with the resolution that, in their opinion, the objection is based on substantial legal grounds within the meaning and intent of Ohio Revised Code Section 4303.29(A); both must be postmarked no later than September 3, 2024.

12) **Public Comment - General**

(Note: Persons wishing to speak must register in advance. A 3-minute time limit applies. If there are more than 15 speakers, the time will be automatically reduced to 2-minutes. Council President reserves the right to reduce the time limit based on the volume of business on the agenda).

Speakers

CJ Nash	Citizen	Spoke about the division within our Country and the impact of social media; specifically spoke about the Mayor's video on Facebook.
Robert Sindlinger	Citizen	Spoke about the investigation regarding potential open meetings act violations.
Patrick Slattern	Citizen	Spoke about the Coventry business district and the economic development plan; overview/update
Rich O'Donnell	Citizen	EMS service and cost and the lack of response to letters and phone calls to city hall.
Robin Koslen	Citizen	Wants the Mayor to pick his battles; Council was elected just like him. You don't need to like each other to work together.
Angel Fasolo	Citizen	Spoke about the changes to bulk pickup and that residents need to be educated about these changes; also spoke

		about the broken pavement around Cumberland Pool; also spoke about the Mayor's "fishing expedition" around the investigation of Council.
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13) **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. 121-2024(MSES): First Reading. A Resolution authorizing the Mayor to enter into an agreement with Old Dominion Brush Company ("ODB") for the acquisition of a leaf vac for the Streets Division of the Department of Public Works; 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

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

No: None

LEGISLATION PASSED

RESOLUTION NO. 122-2024(MSES): First Reading. A Resolution authorizing an agreement with Lavery Automotive Sales & Service, LLC for the purchase of two (2) Chevy Bolt EV's; waiving competitive bidding; 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., Davida

Russell, Jim Petras, Jim Posch

No: None

LEGISLATION PASSED

RESOLUTION NO. 123-2024(PD): First Reading. A Resolution authorizing the Mayor to enter into an agreement with Parkland Contracting LLC, to install the Compton Road Neighborhood Traffic Circles through the use of ARPA Funds; and declaring the necessity that this legislation be effective immediately as an emergency measure.

Introduced by Mayor Seren

Motion to adopt: Gail Larson

Seconded: Craig Cobb

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

No: None

LEGISLATION PASSED

RESOLUTION NO. 124-2024(PD): First Reading. A Resolution declaring the necessity of implementing a public services plan for the Cedar-Lee Special Improvement District, Inc.; and declaring the necessity that this legislation become immediately effective as an emergency measure.

Introduced by Mayor Seren

Motion to adopt: Craig Cobb

Seconded: Davida Russell

Motion to amend to include Cole Ware as the third member of the

AEB: Jim Petras

Seconded: Craig Cobb

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

No: None

MOTION PASSED

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

No: None

LEGISLATION PASSED

ORDINANCE NO. 125-2024(PD): First Reading. An Ordinance to accept the fact-finding recommendations in the matter of the City of Cleveland Heights and the Cleveland Heights Fire Fighters Association, Local No. 402/International Association of Fire Fighters, AFL-CIO ("Union"), SERB Case No. 2024-MED-01-0022; granting final approval of the compensation

rates and benefits proposed by the tentative labor agreement with the Union for the period commencing April 1, 2024 through March 31, 2027; giving the Mayor authority to sign said agreement; amending Section 3 of Ordinance No. 38-2023, "Wage and Salary Ordinance," to incorporate the labor agreement, and declaring an emergency.

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

Recused: Davida Russell due to her affiliation with AFL-CIO as a labor leader

LEGISLATION PASSED

ORDINANCE NO. 137-2024(AS): First Reading. An Ordinance to approve current replacement pages to the Cleveland Heights Codified Ordinances; and declaring the necessity that this legislation become immediately effective as an emergency measure.

Introduced by President Cuda

Motion to adopt: Davida Russell

Seconded: Jim Petras

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

No: None

LEGISLATION PASSED

ORDINANCE NO. 138-2024(F): First Reading. An Ordinance accepting and ratifying the material terms of the Kroger Co. Settlement according to the OneOhio Memorandum of Understanding consistent with the terms of the July 21, 2021, National Opioid Settlement Agreement; and declaring an emergency.

Introduced by Mayor Seren

Motion to adopt: Anthony Mattox Jr.

Seconded: Gail Larson

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

No: None

LEGISLATION PASSED

RESOLUTION NO. 139-2024(PD): First Reading. A Resolution authorizing the Mayor to enter into an agreement with The Heart Design Group, LLC

("HDG") for field verification, schematic design, construction documentation, permitting, bidding assistance, construction contract administration, and related services for the public improvement of renovating the Cain Park administration and dressing room buildings; providing compensation therefor; and declaring the necessity that this legislation be effective immediately as an emergency measure.

Introduced by Mayor Seren

Motion to adopt: Jim Petras

Seconded: Craig Cobb

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

No: None

LEGISLATION PASSED

RESOLUTION NO. 140-2024(): First Reading. A Resolution authorizing the Mayor to enter into an agreement with TEMA Roofing Services, LLC ("TEMA") for design and construction services for the public improvement of replacing the roof of the Cain Park Amphitheater; providing compensation therefor; and declaring the necessity that this legislation be effective immediately as an emergency measure.

Introduced by Mayor Seren

Motion to adopt: Gail Larson

Seconded: Davida Russell

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

No: None

LEGISLATION PASSED

b. First Readings Only

ORDINANCE NO. 127-2024(F): First Reading. An Ordinance establishing salary schedules, position classifications and other compensation, and benefits for officers and employees of the City; and declaring the necessity that this legislation become immediately effective as an emergency measure.

Introduced by Mayor Seren

READ INTO THE RECORD

RESOLUTION NO. 128-2024(MSES): First Reading. A Resolution authorizing the Mayor to submit, accept, and enter into any agreements with the United States Department of Transportation for a grant under the Safe Streets and Roadways for All ("SS4A") Planning and Demonstration Grant Program to fund a Cleveland Heights Comprehensive & Equitable Safety

Demonstration project; and declaring the necessity that this legislation become immediately effective as an emergency measure.

Introduced by Mayor Seren

READ INTO THE RECORD

RESOLUTION NO. 129-2024(MSES): First Reading. A Resolution authorizing the Mayor to enter into an agreement with GPD Group for utility engineering services associated with the replacement and rehabilitation of water lines on Altamont Road; providing compensation therefor; and declaring the necessity that this legislation become immediately effective as an emergency measure.

Introduced by Mayor Seren

READ INTO THE RECORD

ORDINANCE NO. 130-2024(AS): First Reading. An Ordinance amending Chapter 525, "Law Enforcement and Public Office" of Part Five, *General Offenses Code*, of the Codified Ordinances of the City of Cleveland Heights, by adding a new Section 525.11 "Conflicts of Interest" and a new Section 525.12 "Secondary Employment and Business Activity" and renumbering subsequent sections of Chapter 525.

Introduced by Mayor Seren

READ INTO THE RECORD
MOVED TO COMMITTEE

ORDINANCE NO. 131-2024(AS): First Reading. An Ordinance amending Chapter 105, "Public Records" of Part One, *Administrative Code*, of the Codified Ordinances of the City of Cleveland Heights, by adding a Section 105.03 "Rules for City Emails."

Introduced by Mayor Seren

READ INTO THE RECORD
MOVED TO COMMITTEE

RESOLUTION NO. 132-2024(AS): First Reading. A Resolution confirming the Mayor's appointment of Drew Herzig as a member of the Arts Commission 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
MOVED TO COMMITTEE

RESOLUTION NO. 133-2024(AS): A Resolution confirming the Mayor's appointment of Deidre McPherson as a member of the Arts Commission 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
MOVED TO COMMITTEE

RESOLUTION NO. 134-2024(AS): First Reading. A Resolution confirming the Mayor's appointment of Nathan Motta as a member of the Arts Commission 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
MOVED TO COMMITTEE

RESOLUTION NO. 135-2024(AS): First Reading. A Resolution confirming the Mayor's appointment of Fern Haught 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
MOVED TO COMMITTEE

RESOLUTION NO. 136-2024(AS): First Reading. A Resolution confirming the Mayor's appointment of Gayle Lewin 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
MOVED TO COMMITTEE

c. Second Readings

RESOLUTION NO. 110-2024(AS): Second 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

MAYOR WITHDREW LEGISLATION

RESOLUTION NO. 111-2024(AS): Second 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

MAYOR WITHDREW LEGISLATION

RESOLUTION NO. 112-2024(AS): Second 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

MAYOR WITHDREW LEGISLATION

RESOLUTION NO. 113-2024(AS): Second 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

MAYOR WITHDREW LEGISLATION

14) Committee Reports

HB: Gave and update from the June 11th and June 25th meetings; the next meeting August 20th, 2024 at 5pm for an update from Legal Aid Society and the committee will review the recommendations from the Racial Justice Task Force.

F: The Finance Committee will meet August 15th, 2024 at 5:30pm; items on the agenda will include discussing the Racial Justice Task Force recommendations, initial discussion of the 2025 Budget Process, 2024 Capital Expenditures, and the 2025 Council Budget

MSES: The Municipal Services and Environmental Sustainability Committee will meet August 26th, 2024 at 10am; Public Works Director Clinkscale will be there to give an update on the traffic studies done in 2024.

PSH: Gave an update from the July 30th 2024 meeting where they discussed the role of the committee and how they can work collaboratively with the administration.

PD: The next meeting will be August 20th, 2024 at 10:00 a.m. and a second public hearing for the dog park on August 20th, 2024 at 6:30 p.m. for the dog park

15) Old Business

None

16) Council Member Comments

(Note: Council comments should directly relate to the business of the City of Cleveland Heights, rather than personal reflection or commentary. A maximum 3-minute time limit applies, but the Council President may reduce time limit based on the volume of business on the agenda, the time of evening, or other similar factors.)

Larson: Thanked Mayor Seren for signing the proclamation for the retirement celebration for Pastor John Lentz of the Forest Hills Church and to director Thomas for putting it together.

Posch: There will be a memorial service for Dennis Wilcox, a former Cleveland Heights Council President, at the Church of the Savior on Lee Rd. at 1pm.

Petras: Expressed his concerns regarding by the Cleveland.com letter from the former Parks and Recs Director; asked that Mr. Ledbetter be invited to a council meeting so that council can hear directly from him and ask him questions. He believes Council has a vital interest in ensuring that the City of Cleveland Heights is an employer of choice and that employees want to come to work. He will be introducing legislation that would fund an anonymous workplace climate survey.

Mattox: Gave his support to the Mayor's investigation into Council's potential open meetings act violations. He believes there is business happening in this city outside the purview of all seven members of this Council. He looks forward to hearing what this council has to say once this investigation is completed.

17) Council President's Report

He doesn't believe there is any question that all of council can do better and that they have a lot of work to do between ARPA, Charter Review, and the budget season. He has seen on social media and saw the reaction from residents, and there were a lot of people asking for the administration to get busy about traffic safety, crime prevention, the maintenance of our parks, streets, publicly owned property, improving city services etc. These are the things our residents care about. There will be a special meeting August 12th, 2024 at 6pm.

18) Adjournment

End: 9:32pm

NEXT MEETING OF COUNCIL: AUGUST 19, 2024

APPROVED: October 7, 2024



Tony Cuda
President of Council



Addie Balester
Clerk of Council