



# CITY OF WARRENSVILLE HEIGHTS

## Office of the Council

REGULAR MEETING MINUTES SEPTEMBER 20, 2022

**Call to Order:** Mayor Bradley D. Sellers at 7:00p.m.

**Attendance:** Councilwoman Dorise Thompson-Hagwood, Councilman Johnny L. Williams Jr., Councilwoman Elona C. White, Councilman Walter Stewart, Councilwoman Andrea Mitchell, Councilman Matthew Howard and Council President Stanley Anderson  
**Roll Call: 7 Present**

**Prayer:** Councilwoman Andrea Mitchell

**Minutes:** September 6, 2022 Regular Meeting  
**Motion to Approve by Councilwoman White, Seconded by Councilman Howard**  
**Roll Call: 4 Ayes; 0 Nays; 3 Abs – Motion Carried**  
 September 13, 2022 Special Meeting  
**Motion to Approve by Councilwoman White, Seconded by Council President Anderson**  
**Roll Call: 7 Ayes; 0 Nays; 0 Abs – Motion Carried**

**Departmental Reports:** Mayor Sellers stated that if Council has any questions to please reach out to the individual Director. He stated that if they have additional questions, they can contact the Office of the Mayor as well for further discussion.

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### **Residents' Requests and Comments:**

**Janice Rox, Ward 2 Resident** asked if there is an ordinance regarding cats because she has two neighbors on her street with cats that are using her house as a community litter box. She stated the houses are 4267 Hickory Ln. and 4263 Hickory Ln. She stated the light detectors and an alarm on her house go off at 3a.m. because of the cats. She reported that she is woken up because the neighbors are coming outside to chase their cats. Ms. Rox reported the cats use her car as a roosting place and her yard as a litter box. She stated the neighbors don't speak to her and she is tired of the cats.

**Building Commissioner Brown** replied that he will need to check the ordinances because he doesn't believe there is anything regarding cats. He stated both of the properties are rentals so he will speak to the landlords as well.

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**Robert Tift, Ward 3 Resident** asked if a speed sign could be put up on Marvin Rd. because drivers are using the street like a freeway. There are kids on that ride their bikes during the day and night.

**Mayor Sellers** asked if there is a speed sign currently on Marvin Rd.

**Service Director Sims** replied not that he is aware of but he'll take a look.

**Mr. Tift** asked if in the evening and weekends there could be more patrolling in the area.

**Mayor Sellers** replied that Police Chief Haynes is not present but he thought that was addressed at the last meeting. He is the one that can address that matter.

**Mr. Tift** reported that the Sheriff's Department has been at 14908 Marvin Rd. twice. Someone was in the property but did not answer the door. His wife said the sheriffs put something on the door.

**Mayor Sellers** stated the city is not aware of that and the Sheriff's Department doesn't have to tell the city what is going on at the property.

**Mr. Tift** asked what the curfew is for people having parties.

**Building Commissioner Brown** responded there's no curfew but there should be no loud noise from 9p.m.-7a.m.

**Mr. Tift** stated the parties go on until 11p.m. or 12a.m.

**Building Commissioner Brown** replied that when that occurs call the Police Department.

**Superintendent Donald Jolly** stated that he'd like to share some information about the *Beachwood City School District Board of Education v. Warrensville Heights City School District Board of Education* case. On September 6, 2022, it was determined that Warrensville lost the case. He shared that the matter began in 1990 with the Eaton Corporation in an attempt for Beachwood to annex the land. Beachwood City Schools was trying to annex the entire property that's part of the WHCSD and part of Warrensville Township which is part of WHCSD. He replied it was a seven-year battle between the two districts to determine whether Beachwood would annex the land or not. There was an alleged agreement in 1997 that determined there would be a 70/30 split with the property valued at 22 million dollars. In addition, the agreement stated there was to be shared educational programs between Beachwood and Warrensville.

**Mayor Sellers** stated the location of Harvard Park and the Marriott up to where Pinecrest is was always in Warrensville Township. When they determined they were going to build this massive Chagrin Highlands, Beachwood tried to take a piece that they felt was in Beachwood and also flip the land so BCSD can get the revenue off of it instead of WHCSD. So, Beachwood and Warrensville fought this for a seven-year period. He stated they want liquid cash back but in exchange of the 30%, BCSD had to give WHCSD something. At the time, WHCSD was not doing well so they agreed to exchange the tax revenue for real educational joint programs. In 30 years, BCSD has provided two or three days' worth of activities.

**Superintendent Donald Jolly** stated prior to him being with the district, there were some field trips they have no record of. So, there was never any exchange of educational programs but in 2017, BCSD sent them a bill for 5 million dollars. WHCSD refused to pay because there were no exchange of programs and went to the Court of Common Pleas with the matter and won. BCSD

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appealed the matter in Appellate Court and won so WHCSD took the matter to the Ohio Supreme Court and BCSD won. He stated WHCSD has asked the Ohio Supreme Court to reconsider the case because they lost the case based on the merit that there wouldn't be any exchange of tax dollars. The money that comes in would be distributed by the County Auditor before it reached the district. WHCSD's argument is that if there is an exchange, because the agreement says that there is an exchange of educational programs, that there is indeed an exchange of money between the districts. BCSD would have to provide them with a cost of the service, whatever that is. They have no agreement on what the shared educational programs are and no agreement on exactly how much money should be given to the BCSD. It is a very significant case to WHCSD. Their estimate is \$700,000 if the shared educational programs aren't agreed to. They are demanding the shared educational programs.

**Mayor Sellers** reported the agreement talks about joint educational programs but does not define what the programs are. So, it's not that WHCSD's position is that there's no deal, but the definition of the deal is the problem.

**Superintendent Jolly** stated BCSD is saying that WHCSD owes them a million dollars a year. He stated that is a lot of money that would devastate a lot of things that are in progress. And there providing nothing in return. He stated they are waiting on the Ohio Supreme Court to reconsider the case. If they turn that down, they will be in full negotiations regarding the educational programs and what amount of money should be shared or not. The agreement is only four pages.

**Mayor Sellers** stated there are some parameters that says BCSD are supposed to provide them with reports annually but WHCSD haven't gotten anything. They did a deal in abstract.

**Superintendent Jolly** stated there's no end date on the contracts. Nothing was ever done with the contracts. They will continue to fight this as long as possible. He acknowledged the School Board President Traci Mitchell, Board Member Ray Freeman and Board Member Millicent Gaiter in attendance.

**Councilman Howard** stated he is furious over the matter. He commented that Beachwood is their neighbor with a top ten school district and Warrensville is fighting to work their way up from the bottom. He stated it is very unreasonable and it is like BCSD is taking from the poor because WHCSD really does not have it. He stated it seems like any time they get Beachwood's foot off of Warrensville's neck, they're right back there putting it back on to keep the city down. The WHCSD has jumped over a lot of hurdles like the state taking it over and are now making major strides. He stated he doesn't think this is coincidental.

**Councilman Williams** recalled that the voting was 4-3 and asked if that is typical.

Superintendent Jolly replied that it wasn't because a Democrat, Justice Donnelly crossed over.

**Mayor Sellers** stated all the Ohio Supreme Court said was there was a contract in place. There is a contract signed by both parties but the definitions still have to be worked out.

**Councilwoman Mitchell** thanked them for continuing to fight because that's who they are. She stated her jurisprudence comes from Judge Judy, unlike their esteemed Attorney Beasley but she thinks the term *quid pro quo* applies here. She stated she will stand behind them 100%

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because she doesn't see what their getting out of it. This is a win for a district that is smaller and better funded than theirs and have not made as many moves as Warrensville has. Now they want to give Beachwood more to do more when Warrensville has more need. WHSCD went from second to last in the state and now they're in the middle. Warrensville is moving to the top and they're not going to be stopped by this type of behavior that has no merit. There is no reason for someone to cross over and vote for something and put BCSD foot on WHSCD neck because all they are going to do is grab them by the ankle and stand up.

**Councilman Williams** asked what they can do to support.

**Superintendent Jolly** responded the community speaking publically about the case and what Warrensville should receive from the deal. He commented that in the press releases, there's mention of the money but not the actual exchange for shared educational programs. It is a reciprocal deal.

**Mayor Sellers** inquired where the case will go because he cannot see the Ohio Supreme Court going back on its ruling

**Superintendent Jolly** replied it goes back to Court of Common Pleas before Judge Nancy Russo.

**Traci Mitchell, School Board President** stated the help that Council and residents can provide is to bring the community together and make sure the press is invited. The press needs to hear the community speak about the inequities that are being poured upon the children and community. She stated the School Board believes Beachwood does not want Warrensville students in their schools.

**Mayor Sellers** stated he is friends with both sides and folks in Beachwood are concerned too. They don't want to see a longstanding relationship destroyed. It's really just calling a press conference and laying out all the facts because they have to get their stories out.

**Superintendent Jolly** shared that the press five years ago reported how bad WHCSD was. The report card came out on Thursday and they have a new star system. He reported that five years ago, they were at 607 and now 298, going up 309 spaces.

*<Applause>*

He stated there are no articles about that at all because the press doesn't want people to know how Warrensville City Schools have improved. WHCSD need their story out so people will know that the work is being done.

**Mayor Sellers** inquired if legal counsel for BCSD has reached out to WHCSD for a settlement.

**Superintendent Jolly** replied that he is not aware of any outreach.

**Councilwoman Mitchell** encouraged Superintendent Jolly and the School Board to keep doing what they're doing because it's working. She commented that educators in Shaker City Schools acknowledged to her what WHCSD is doing.

**Councilman Williams** stated he thinks they're lacking a communications plan. He inquired if it would be beneficial for them to show up at a Beachwood School Board or City Council meeting. He stated the bottom line is: you're less apt to get a dollar unless you climb a tree and holler. They have to climb a tree instead of laying low and waiting for them to come to Warrensville. Why would they do that? They won.

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Superintendent Jolly replied that they're working on it

**Order of the Day**

**Motion to Suspend the Rules by Councilwoman White, Passage by Council President Anderson,  
Seconded by Councilman Williams**

**Roll Call: 7 Ayes; 0 Nays; 0 Abs – MOTION CARRIED**

**Legislation read onto the record by Attorney Beasley**

- 1. Ord. 2022-107**      **COUNCILMAN MATTHEW HOWARD (PLANNING COMMISSION CHAIR)**  
ACCEPTING THE RECOMMENDATION OF THE PLANNING COMMISSION TO APPROVE THE APPLICATION OF RAYMON TURNER, COMMUNITY DEVELOPMENT MANAGER OF THE CITY OF WARRENSVILLE HEIGHTS, REPRESENTING THE CITY OF WARRENSVILLE HEIGHTS, TO REZONE A CERTAIN PORTION OF LAND FROM U-5 SPECIAL COMMERCIAL AND INSTITUTIONAL DISTRICT TO U-6 LIMITED INDUSTRIAL DISTRICT LOCATED AT 4440 WARRENSVILLE CENTER ROAD, WARRENSVILLE HEIGHTS, OHIO 44128, PPN 762-06-001.
- 2. Ord. 2022-108**      **MAYOR BRADLEY D. SELLERS**  
AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH CSA SERVICE SOLUTIONS LLC DBA EMSAR TO SERVICE THREE (3) STRETCHERS, THREE (3) STAIR CHAIRS AND THREE (3) POWER LOADING SYSTEMS THROUGH THE EMSAR ADVANTAGE PROGRAM FOR THE RESCUE SQUADS IN THE FIRE DEPARTMENT OF THE CITY OF WARRENSVILLE HEIGHTS DURING THE PERIOD OF OCTOBER 1, 2022 TO SEPTEMBER 30, 2025, AND DECLARING AN EMERGENCY.
- 3. Ord. 2022-109**      **MAYOR BRADLEY D. SELLERS**  
AUTHORIZING THE MAYOR TO ENTER INTO A PROCARE SERVICES AGREEMENT WITH STRYKER SALES LLC TO SERVICE THE LIFE PAK 15 MONITORS FOR THE RESCUE SQUADS IN THE FIRE DEPARTMENT OF THE CITY OF WARRENSVILLE HEIGHTS DURING THE PERIOD OF SEPTEMBER 7, 2022 TO SEPTEMBER 6, 2023, AND DECLARING AN EMERGENCY.
- 4. Res. 2022-034**      **MAYOR BRADLEY D. SELLERS**  
AUTHORIZING THE CITY OF WARRENSVILLE HEIGHTS TO DONATE \$1,500.00 TO THE OHIO UNIVERSITY HERITAGE COLLEGE OF OSTEOPATHIC MEDICINE – CLEVELAND TO ASSIST WITH THE ANNUAL TRUNK OR TREAT EVENT, AND DECLARING AN EMERGENCY.

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**5. Res. 2022-035****MAYOR BRADLEY D. SELLERS**

AUTHORIZING THE ADMINISTRATION TO APPLY FOR, AND ACCEPT IF AWARDED, EMERGENCY GRANT FUNDS FROM THE STATE OF OHIO PUBLIC WORKS COMMISSION TO REPAIR THE CULVERT AND ROAD COLLAPSE ON SOUTH MILES ROAD IN THE CITY OF WARRENSVILLE HEIGHTS, AND DECLARING AN EMERGENCY.

**OLD BUSINESS:****6. Res. 2022-033****MAYOR BRADLEY D. SELLERS**

AUTHORIZING THE CITY OF WARRENSVILLE HEIGHTS TO ACCEPT THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION FOR AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEN TO THE CUYAHOGA COUNTY FISCAL OFFICER, AND DECLARING AN EMERGENCY.

FIRST READ: 09/06/2022

SECOND READ: 09/20/2022

**7. Ord. 2022-101****MAYOR BRADLEY D. SELLERS**

AUTHORIZING THE MAYOR TO ACCEPT THE 2021 RECOMMENDATIONS OF THE TAX INCENTIVE REVIEW COUNCIL (T.I.R.C.) TO CONTINUE ALL OF THE COMMUNITY REINVESTMENT AREA AND TAX INCREMENT FINANCING (TIF) AGREEMENTS EXCEPT FOR THE AGREEMENT WITH PROGRESSIVE INTERCHANGE REAL ESTATE, LLC.

FIRST READ: 09/06/2022

SECOND READ: 09/20/2022

**8. Ord. 2022-102****MAYOR BRADLEY D. SELLERS**

AUTHORIZING THE MAYOR TO ACCEPT THE 2022 RECOMMENDATIONS OF THE TAX INCENTIVE REVIEW COUNCIL (T.I.R.C.) TO CONTINUE ALL OF THE COMMUNITY REINVESTMENT AREA AND TAX INCREMENT FINANCING (TIF) AGREEMENTS.

FIRST READ: 09/06/2022

SECOND READ: 09/20/2022

**9. Ord. 2022-103****COUNCIL COMMITTEE OF THE WHOLE**

TO APPROVE CURRENT REPLACEMENT PAGES TO THE CODIFIED ORDINANCES OF THE CITY OF WARRENSVILLE HEIGHTS, AND DECLARING AN EMERGENCY.

FIRST READ: 09/06/2022

SECOND READ: 09/20/2022

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- 10. Ord. 2022-104      MAYOR BRADLEY D. SELLERS**  
 AUTHORIZING THE ADMINISTRATION OF THE CITY OF WARRENSVILLE HEIGHTS TO ENTER INTO AN AGREEMENT WITH THE INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS LOCAL 1591 FOR THE PERIOD OF JANUARY 1, 2022 THROUGH DECEMBER 31, 2024, AND DECLARING AN EMERGENCY.  
 FIRST READ: 09/06/2022  
 SECOND READ: 09/20/2022
- 11. Ord. 2022-105      MAYOR BRADLEY D. SELLERS**  
 AUTHORIZING THE MAYOR TO ENTER INTO AN AMENDMENT TO THE EMPLOYER DIRECT HEALTH SERVICE AGREEMENT WITH THE CLEVELAND CLINIC FOUNDATION IN ORDER TO CONTINUE THE WARRENSVILLE HEIGHTS “BE WELL” PROGRAM THROUGH DECEMBER 31, 2022, AND DECLARING AN EMERGENCY.  
 FIRST READ: 09/06/2022  
 SECOND READ: 09/20/2022
- 12. Ord. 2022-106      MAYOR BRADLEY D. SELLERS**  
 AUTHORIZING THE ADMINISTRATION OF THE CITY OF WARRENSVILLE HEIGHTS TO ENTER INTO AN AGREEMENT WITH THE GRAPHIC COMMUNICATIONS CONFERENCE/INTERNATIONAL BROTHERHOOD OF TEAMSTERS, LOCAL 546M OF DISTRICT COUNCIL THREE FOR THE PERIOD OF JANUARY 1, 2022 THROUGH DECEMBER 31, 2024, AND DECLARING AN EMERGENCY.  
 FIRST READ: 09/06/2022  
 SECOND READ: 09/20/2022

**Announcements from Directors:**

**Community Development – Manager Raymon Turner** reminded everyone that the second Shred Day is Saturday, 24, 2022 from 11a.m.-2p.m. He stated residents can drive up and the servicemen will place items in the bin to be shredded for them.

**Announcements from Council:**

**Councilwoman Andrea Mitchell** wished everyone a good evening and thanked them for attending the meeting. She stated that it is important to attend the meetings to see firsthand what is happening in the city. She thanked Ms. Rox and Mr. Tift for their comments. She thanked the members of the School Board for fighting and keeping everyone updated of what’s going on. She asked that everyone tell their friends that it is National Voter Registration Day. She stated this is a WAKE UP MOMENT TO GRAB A FRIEND AND GET DOWN THERE AND VOTE! THIS IS INSANITY! There is an Ohio Supreme Court Justice that sided with a well-funded district and put a thumb in the nose of our children! It makes no sense. Our voice is our vote. She stated if they know someone who isn’t registered, drag them! If they like to vote by mail, she’ll give them a form and take it down to the Board of Elections because that’s what she does! They need to vote in numbers like they have never seen. She stated Merriam-Webster defines *compassion* as being sympathetic, having the consciousness of others in stress to come

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together and the desire to alleviate discomfort. Last Thursday, she was working from home and heard a bar of soap dropping. So, when she went to the bathroom and her mother was on the floor. Her knee had given out and she hit her head and broke her ankle in two places. In 92 years, she has never had a broken bone. She stated she wish she had a third of the strength her mother does. Councilwoman Mitchell reported that within three minutes of calling Fire Chief Waugh, a rescue squad was there and every single member of the squad showed compassion. She thanked firefighters Nick Mancini, Deshun Williams, Dan Baucco, Alonzo Cady and Chief Waugh. She stated she is proud of the people that work in *The Friendly City*.

**Councilman Walter Stewart** wished everyone a safe evening and thanked them for attending the meeting.

**Councilwoman Dorise Thompson-Hagwood** told Councilwoman Mitchell that her mother is in her prayers. She stated she agreed with what Councilwoman Mitchell said emotionally and passionately about voting. It's their right, voice, choice but most importantly their responsibility. They aren't outnumbered, they're just divided. She stated contact her if anyone needs a mail-in ballot returned to the Board of Elections. She'll help them row, row, row their boat to the polls!

**Councilwoman Elona C. White** stated that she believed the vote-by-mail forms are being sent out. She told Councilwoman Mitchell she is sorry to hear about her mom and she'll be praying for her. She thanked everyone for attending the meeting.

**Councilman Johnny L. Williams Jr.** saluted Councilwoman Mitchell sending hugs and kisses to her and her family. He stated he has not been more proud of not only what she said but how she said it. He stated everyone has problems in a community and in the home but it all comes down to leadership. He commended the leadership of Superintendent Jolly and the School Board for ascending to the level they have. He commented they have come a long way but still have a long way to go. He saluted them for all they have done, do and will continue to do.

**Councilman Matthew Howard** wished everyone a good evening. He told Councilwoman Mitchell that she is one of the strongest people he knows and that he looks up to her for advice. He told her that she is doing a great job and she is a friend. He wished Council President Anderson a Happy Belated Birthday and shared that his family threw him a surprise party that he attended. He commented that Council President Anderson has a beautiful family, wonderful friends and he had a great time. He shared that he attended parties of two of his residents with milestone birthdays as well, Carolyn Hall, wife of former Mayor Clinton Hall and Mamie Sherman-Howse. He stated he attended the Cuyahoga County Executive Race Forum for Republican Lee Weingart and Democrat Chris Ronayne. He acknowledged a Warrensville resident that he met who also decided to attend this evening's Council Meeting. He stated it was a very good forum and regardless who wins, they all need to work together to bring the county forward in the right direction.

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**Law Department**

**Law Director Teresa Metcalf Beasley** joked that she wanted to hang out with Councilman Howard since he attends all the parties. She had nothing to report.

**Council President's Comments**

**Council President Stanley Anderson** agreed with Councilwoman White that the Board of Elections has mailed out applications for absentee ballots. He stated they would be surprised at the number of people that request absentee ballots but never return them. If they request it make every effort to turn it in because every vote counts. He thanked Councilwoman White, Councilman Howard, Mayor Sellers and Council Clerk Joyner for being part of the conspiracy.

*<Laughter>*

He stated he really enjoyed his surprise party. He acknowledged Mr. Burks from the Senior Club in attendance and asked that he attend another Council Meeting very soon.

**Mayor's Comments**

**Mayor Bradley D. Sellers** thanked everyone for attending the meeting. He acknowledged Edward White, Phyllis Tullos and Edward Hicks from the Civil Service Commission in attendance. He recognized Janice Rox from Planning Commission and the School Board members in attendance. He encouraged the School Board to keep going but to not destroy themselves along the way. They need to find a way to bring folks to the table because the deal needs to be renegotiated under different terms with different definitions. He stated that he agreed with Councilman Williams that they have to get their message out. Mayor Sellers stated he has many friends in Beachwood and some think that it's not about the money but the principal. They want to see it worked out in the right way. He reiterated that they have to get it out to the public so that they know what is going on and understand. They are talking about a lot of money over time so there should be a community conversation with a communication plan to enlighten people. Lastly, he wished Council President Anderson a Happy Belated Birthday and he was happy to be a part of the celebration.

**Adjournment**

**Adjournment at 8:08p.m.**

*10-14-2022*

APPROVED

  
Amber Joyner, Clerk of Council

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