



CLEVELAND HEIGHTS

Council Committee of the Whole

Monday, January 10, 2022

6:30 p.m.

City Hall – Executive Conference Room

Agenda

1. Legislation overview/Caucus
2. Council Retreat
3. Other



AGENDA (tentative) - CLEVELAND HEIGHTS CITY COUNCIL MEETING

Monday, January 10, 2022
Regular Meeting
7:30 p.m.

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

- 1) Meeting called to order by Council President**
- 2) Roll Call of Council Members**
- 3) Excuse absent members**
- 4) Approval of the minutes of the Council meetings held on December 6 and December 13, 2021**
- 5) Personal communications from citizens**
- 6) Communications from the Mayor**
- 7) 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 Cleveland Heights Wing Co LLC, d/b/a Buffalo Wild Wings, 12459 Cedar Road & Patio, Cleveland Heights, OH 44106 for a transfer of a D5 and D6 permit from Ramb Co Cleveland Heights d/b/a/ Buffalo Wild Wings Grill & Bar, 12459 Cedar Road & Patio, Cleveland Heights, OH 44106

Matter of Record

Refer to: The Mayor, Chief of Police, and the Director of Law

Certification by Clerk of Council of sufficient signatures of City electors upon an Initiative Petition for *An Ordinance to require that a public activity park be created on 1.07 acres of city-owned land at the corner of Lee Road, Tullamore Road and Meadowbrook Boulevard in Cleveland Heights, Ohio*, submitted by a committee of electors of the City of Cleveland Heights consisting of Ralph Solonitz, Garry Kanter, Lee Barbee, Albert Oberst and Frances Mentch.

This Initiative Petition, originally submitted on November 29, 2021, with additional part-petitions submitted on December 27, 2021, has been determined by the Board of Elections to have a total of 3,417 valid elector signatures. This exceeds the number required under Sections VIII-1 and VIII-4 of the Charter of the City of Cleveland Heights. Under Section VIII-1 of the City Charter, the proposed measure will be read on January 10, 2022 and referred to a Council Committee, which may be the Committee of the Whole. The Committee to which it is referred may provide for public hearings on the measure, and shall report and make recommendations to the full Council concerning the proposed legislation not later than the 2nd regular meeting of Council following this Certification and corresponding referral to Committee.

8) Committee Reports

a.) ADMINISTRATIVE SERVICES COMMITTEE

RESOLUTION NO. 1-2022 (MS), *First Reading.* A Resolution amending standing committees of Council and outlining each committee's general responsibilities by subject matter; repealing Resolution No. 2020-1; and declaring an emergency.

Introduced by Council President Hart

Vote _____
For _____ Against _____ No. Reading _____

b.) COMMUNITY RELATIONS AND RECREATION COMMITTEE

c.) FINANCE COMMITTEE

ORDINANCE NO. 161-2021 (F), *Second Reading.* An Ordinance providing for the issuance and sale of not to exceed \$3,100,000 of economic development nontax revenue bonds for the purpose of refunding the City's outstanding Parking Deck Improvement Refunding Bonds, Series 2015, dated April 30, 2015, which were issued for the purpose of constructing and equipping a multi-level parking deck and improving the site thereof; and declaring an emergency.

Introduced by Council President Hart

Vote _____
For _____ Against _____ No. Reading _____

ORDINANCE NO. 2-2022 (F), *First Reading.* An Ordinance to amend certain subparagraphs of Ordinance No. 139-2021 (F), relating to appropriations and

other expenditures of the City of Cleveland Heights, Ohio for the fiscal year ending December 31, 2022; and declaring an emergency.

Introduced by Mayor Seren

Vote _____
For _____ Against _____ No. Reading _____

d.) MUNICIPAL SERVICES COMMITTEE

RESOLUTION NO. 3-2022 (MS), *First Reading*. A Resolution requesting Cuyahoga County to proceed with the resurfacing of Coventry Road from Fairhill Road to Euclid Heights Boulevard in the City of Cleveland Heights resolving to pay one hundred percent (100%) of the non-OPWC share for the construction and construction supervision of the traffic signal and associated work within the City of Cleveland Heights.

Introduced by Mayor Seren

Vote _____
For _____ Against _____ No. Reading _____

e.) PLANNING AND DEVELOPMENT COMMITTEE

RESOLUTION NO. 4-2022 (PD), *First Reading*. A Resolution authorizing the Mayor to apply for grant funding under the Cuyahoga County Department of Development's 2022 Community Development Supplemental Grant program to implement local and regional bicycle infrastructure improvements within the City of Cleveland Heights; and declaring an emergency.

Introduced by Mayor Seren

Vote _____
For _____ Against _____ No. Reading _____

f.) PUBLIC SAFETY AND HEALTH COMMITTEE

9) Council Member Comments

10) Council President's Report

11) Adjournment

NEXT MEETING OF COUNCIL: TUESDAY, JANUARY 18, 2022

CERTIFICATION TO THE COUNCIL OF THE CITY OF CLEVELAND HEIGHTS
(INITIATIVE PETITION)

The undersigned, Amy Himmeltein, Clerk of Council, pursuant to the City of Cleveland Heights Charter Article VIII Sections VIII-1 and VIII-4, hereby certifies the sufficiency of the number of valid petition signatures in that the number of valid signatures, as verified by the Cuyahoga County Board of Elections Certification Form attached hereto as Exhibit A, exceeds 10% of the number of persons registered to vote at the last preceding general municipal election.

Signed: Amy Himmeltein
Amy Himmeltein
Clerk of Council

Date: January 6, 2022



PETITION CERTIFICATION FORM

Political Subdivision: City of Cleveland Heights

Petition Received Date: November 30, 2021

Initiative Description: An ordinance to require that a public activity park be created on 1.07 acres of city-owned land at the corner of Lee Road, Tullamore Road and Meadowbrook Boulevard in Cleveland Heights, Ohio

On behalf of the Cuyahoga County Board of Elections, I hereby certify that the Board Staff has examined the enclosed part-petitions, and the number of valid and invalid signatures on the part-petitions are as follows:

SUPPLEMENTAL FILING

| | <u>PART – PETITIONS</u> | <u>SIGNATURES</u> |
|--|-----------------------------|-------------------|
| 1. Number of valid part-petitions..... | 44 | |
| Number of valid signatures on valid part-petitions..... | | 552 |
| Number of invalid signatures on valid part-petitions..... | | 287 |
| 2. Number of invalid part-petitions..... | 2 | |
| Number of signatures on invalid part-petitions..... | | 23 |
| 3. Total number of part-petitions received..... | 46 | |
| 4. Total number of signatures on part-petitions..... | | 862 |

ORIGINAL AND SUPPLEMENTAL FILING COMBINED

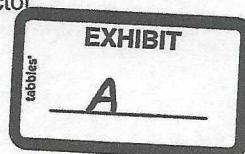
| | <u>PART – PETITIONS</u> | <u>SIGNATURES</u> |
|--|-----------------------------|-------------------|
| 1. Number of valid part-petitions..... | 172 | |
| Number of valid signatures on valid part-petitions..... | | 3,417 |
| Number of invalid signatures on valid part-petitions..... | | 1,179 |
| 2. Number of invalid part-petitions..... | 2 | |
| Number of signatures on invalid part-petitions..... | | 23 |
| 3. Total number of part-petitions received..... | 174 | |
| 4. Total number of signatures on part-petitions..... | | 4,619 |

Furthermore, I hereby certify that the members of the Committee of Petitioners, Ralph Solonitz, Garry Kanter, Lee Barbee, Albert Oberst, and Frances Mentch, are duly qualified registered electors of the City of Cleveland Heights.

Signed: _____

Anthony W. Perlatti, Director

Date: _____



Proposed: _____

ORDINANCE NO. _-2022

By: _____

An Ordinance to require that a public activity park be created on the 1.07 acres of city-owned land at the corner of Lee Road, Tullamore Road and Meadowbrook Boulevard in Cleveland Heights, Ohio.

WHEREAS, Cleveland Heights (the City) gives the citizens the right to propose any legislative measure, as cited in City Charter Section VIII-I (Initiative), and

WHEREAS, the creation of a public activity park at the corner of Lee Road, Tullamore Road and Meadowbrook Boulevard (the Site) supports and enhances the 10 goals of the City's Master Plan, and

WHEREAS, the Trust for Public Land identified the Site as a high-yield, high-need option for an open, safe public greenspace, and

WHEREAS, a park at the Site provides opportunities to counter social and economic stratification and promote social enrichment, and

WHEREAS recent events, such as the COVID 19 pandemic, increase the demand for the open public spaces that parks provide, and

WHEREAS proximity to a park improves public health and increases property values, and

WHEREAS, the urgent need for more urban greenspace, such as the 1.07 acres of the Site, is supported by the August 9, 2021, United Nations Intergovernmental Panel on Climate Change Report that states climate change is widespread, rapid, and intensifying, creating immense human suffering. We can think globally by acting locally, and

WHEREAS, the City of Cleveland Heights (the City) passed a non-binding Memorandum of Understanding on July 13, 2021 with Flaherty & Collins to develop 4.8 acres of City owned land, and

WHEREAS, a park on the Site supports the City's 4 goals for the Flaherty & Collins plan: 1) promote Cleveland Heights' rich legacy and progressive future 2.) support Cedar-Lee businesses, residents, and visitors 3.) create integrated, inclusive, and connected public spaces 4.) capitalize on recent district investments.

BE IT ORDAINED BY THE CITIZENS OF CLEVELAND HEIGHTS, OHIO THAT:

A public activity park be created on the 1.07 acres of City owned land at the corner of Lee Road, Tullamore Road and Meadowbrook Boulevard, and

All construction activities associated with the Site be suspended as of the certification of this petition.

ORDINANCE NO. _-2022

MELODY JOY HART
President of Council

AMY HIMMELEIN
Clerk of Council

PASSED:

Presented to Mayor: _____

Approved: _____

KAHLIL SEREN
Mayor

Proposed: 1/10/2022

RESOLUTION NO. 1-2022 (AS), *First Reading*

By Council President Hart

A Resolution amending standing committees of Council and outlining each committee's general responsibilities by subject matter; repealing Resolution No. 2020-1; and declaring an emergency.

WHEREAS, Section 111.11 of the Cleveland Heights Codified Ordinances authorizes Council to create standing committees by passage of a Resolution; and

WHEREAS, this Council last updated its standing committees through adoption of Resolution 1-2020; and

WHEREAS, this Council desires to create a new standing Building and Housing committee and to update the responsibilities of the standing committees.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Cleveland Heights, Ohio, that:

SECTION 1. Pursuant to Section 111.11 of the Cleveland Heights Codified Ordinances, Council hereby establishes the following standing committees of Council and outlines their respective general responsibilities:

Administrative Services Committee

Administrative Code, Board & Commission Appointments, Charter Review, Salaries & Benefits, and as otherwise assigned by President of Council

Community Relations and Recreation Committee

Community Relations, Office on Aging, Public Relations, Recreation Programs, School Relationships, and as otherwise assigned by President of Council

Finance Committee

Appropriations, Assessment Programs, Bond Issues, Budget, Contractual Service Agreements, Levies, Municipal Court Budget Review, Notes, Equipment & Capital Improvements, Parking Rates & Regulations, Financial Reporting, and as otherwise assigned by President of Council

Public Safety and Health Committee

Signs & Signals, Traffic & Transportation, Health Services, Police & Fire Protection, Safety Education, and as otherwise assigned by President of Council

RESOLUTION NO. 1-2022 (AS), *First Reading*

Municipal Services Committee

Forestry, Public Properties, Refuse, Recycling & Leaf Collection and Disposal, Streets, Sewers, Lighting, and as otherwise assigned by President of Council

Planning and Development Committee

Community Development Block Grant (CAC), Economic Development, Community Development, Physical Planning, Public Construction, Zoning Code, and as otherwise assigned by President of Council

Building and Housing Committee

Building, Housing and Commercial Codes, Inspections and Enforcement, and as otherwise assigned by President of Council

All previously-established standing committees of Council are hereby dissolved.

SECTION 2. Resolution No. 2020-1, passed by Council on January 6, 2020, is hereby repealed.

SECTION 3. Notice of the passage of this Resolution shall be given by publishing the title and abstract of its contents, prepared by the Director of Law, once in one newspaper of general circulation in the City of Cleveland Heights.

SECTION 4. This Resolution is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health and safety of the inhabitants of the City of Cleveland Heights, such emergency being the need to establish said Committees without delay of Council business. Wherefore, provided it receives the affirmative vote of five (5) or more of the members elected or appointed to this Council, this Resolution shall take effect and be in force immediately upon its passage; otherwise, it shall take effect and be in force from and after the earliest time allowed by law.

MELODY JOY HART
President of Council

AMY HIMMELEIN
Clerk of Council

PASSED:

RESOLUTION NO. 1-2022 (AS), *First Reading*

Presented to Mayor: _____

Approved: _____

KAHLIL SEREN
Mayor

Proposed: 12/20/2021

ORDINANCE NO. 161-2021 (F), *Second Reading*

By Council Member Hart

An Ordinance providing for the issuance and sale of not to exceed \$3,100,000 of economic development nontax revenue bonds for the purpose of refunding the City's outstanding Parking Deck Improvement Refunding Bonds, Series 2015, dated April 30, 2015, which were issued for the purpose of constructing and equipping a multi-level parking deck and improving the site thereof; and declaring an emergency.

WHEREAS, the City is authorized by virtue of the laws of the State of Ohio, including, without limitation, Section 13 of Article VIII of the Ohio Constitution and Chapter 165 of the Revised Code, among other things, to issue bonds or notes to acquire, construct, equip, furnish or improve a "project" as defined in Section 165.01 of the Revised Code and to refund any bonds or notes previously issued for those purposes, all for the purpose of creating or preserving jobs and employment opportunities and improving the economic welfare of the people of the City and of the State of Ohio; and

WHEREAS, pursuant Ordinance No. 79-2008, passed on June 16, 2008 (the Series 2008 Bond Legislation), there were issued \$6,355,000 Parking Deck Improvement General Obligation Bonds, Series 2008, dated August 5, 2008 (the Series 2008 Bonds), for the purpose stated in Section 3; and

WHEREAS, pursuant Ordinance No. 48-2015, passed on April 20, 2015 (the Series 2015 Bond Legislation), there were issued \$4,640,000 Parking Deck Improvement Refunding Bonds, Series 2015 dated April 30, 2015 (the Series 2015 Bonds), for the purpose of refunding for debt charges savings the Series 2008 Bonds maturing on December 1 of the years 2018 through 2028, which Series 2015 Bonds are currently outstanding in the aggregate principal amount of \$2,965,000 and will mature on December 1 in the years 2022 through 2028 (collectively, the Outstanding Bonds); and

WHEREAS, this Council finds and determines that it is necessary and in the best interest of the City to refund all or a portion of the Outstanding Bonds (the Refunded Bonds); and

WHEREAS, this Council finds and determines that it is necessary and in the best interest of the City to issue the Bonds described in Section 3 to provide funds sufficient for that purpose, including the payment of expenses properly allocable to that refunding and to the issuance of the Bonds; and

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Cleveland Heights, County of Cuyahoga, Ohio, that:

SECTION 1. Definitions and Interpretation. In addition to the words and terms elsewhere defined in this Ordinance, unless the context or use clearly indicates another or different meaning or intent:

“Act” means the laws of the State, including, without limitation, Section 13 of Article VIII of the Ohio Constitution and Chapter 165 of the Revised Code.

“Additional Bonds” means any additional bond anticipation notes or bonds of the City which may be subsequently issued and payable solely from the Nontax Revenues on parity with the Bonds.

“Authorized Denominations” means the denomination of \$100,000 or any whole multiple of \$1,000 in excess thereof.

“Bond Fund” means the Bond Fund described in Section 9.

“Bond Proceedings” means, collectively, this Ordinance, the Certificate of Award, the Escrow Agreement and such other proceedings of the City, including the Bonds, that provide collectively for, among other things, the rights of holders of the Bonds.

“Bond Register” means all books and records necessary for the registration, exchange and transfer of Bonds as provided in Section 6.

“Bond Registrar” means the Director of Finance, the Original Purchaser or a bank or trust company authorized to do business in the State and designated by the Director of Finance in the Certificate of Award pursuant to Section 5 as the initial authenticating agent, bond registrar, transfer agent and paying agent for the Bonds under the Certificate of Award and until a successor Bond Registrar shall have been designated by the City and, thereafter, “Bond Registrar” shall mean the successor Bond Registrar.

“Bonds” means the bonds of the City authorized in Section 3.

“Certificate of Award” means the certificate authorized by Section 7, to be executed by the Director of Finance, setting forth and determining those terms or other matters pertaining to the Bonds and their issuance, sale and delivery as this Ordinance requires or authorizes to be set forth or determined therein.

“City” means the City of Cleveland Heights, Ohio.

“City Administrator” means the City Administrator of the City or any person serving in an interim or acting capacity with respect to that office.

“Clerk of Council” means the Clerk of Council of the City or any person serving in an interim or acting capacity with respect to that office.

“Closing Date” means the date of physical delivery of, and payment of the purchase price for, the Bonds.

“Code” means the Internal Revenue Code of 1986, as amended, the Regulations (whether temporary or final) under that Code or the statutory predecessor of that Code, and any amendments

ORDINANCE NO. 161-2021 (F), *Second Reading*

of, or successor provisions to, the foregoing and any official rulings, announcements, notices, procedures and judicial determinations regarding any of the foregoing, all as and to the extent applicable. Unless otherwise indicated, reference to a Section of the Code includes any applicable successor section or provision and such applicable Regulations, rulings, announcements, notices, procedures and determinations pertinent to that Section.

“Director of Finance” means the Director of Finance of the City or any person serving in an interim or acting capacity with respect to that office.

“Director of Law” means the Director of Law of the City or any person serving in an interim or acting capacity with respect to that office.

“Escrow Agreement” means the Escrow Agreement between the City and the Escrow Trustee, as it may be modified from the form on file with the Clerk of Council and executed by the Mayor and the Director of Finance, all in accordance with Section 11.

“Escrow Fund” means the City of Cleveland Heights Series 2015 Bonds Escrow Fund created pursuant to Section 11 and in accordance with the Escrow Agreement.

“Escrow Trustee” means a bank or trust company authorized to do business in the State and designated by the Director of Finance in the Certificate of Award pursuant to Section 11 as the initial escrow trustee for the Refunded Bonds under the Escrow Agreement and until a successor Escrow Trustee shall have become such pursuant to the provisions of the Escrow Agreement and, thereafter, “Escrow Trustee” shall mean the successor Escrow Trustee.

“Financing Costs” shall have the meaning given in Section 133.01 of the Revised Code.

“Interest Payment Dates” means, unless otherwise specified in the Certificate of Award, June 1 and December 1 of each year that the Bonds are outstanding, commencing on the date specified in the Certificate of Award.

“Mayor” means the Mayor of the City or any person serving in an interim or acting capacity with respect to that office.

“Nontax Revenues” means all moneys of the City which are not moneys raised by taxation, to the extent available for the purpose of paying debt service charges on the Bonds, including, but not limited to the following: (a) proceeds from the sale or lease of all or a portion of the Project site; (b) grants from the United States of America and the State; (c) payments in lieu of taxes now or hereafter authorized by State statute to the extent not pledged to pay debt charges on other City indebtedness; (d) fines and forfeitures which are deposited in the City’s General Fund; (e) fees deposited in the City’s General Fund for services provided and from properly imposed licenses and permits; (f) investment earnings on the City’s General Fund and which are credited to the City’s General Fund; (g) investment earnings on other funds of the City that are credited to the City’s General Fund; (h) proceeds from the sale of assets which are deposited in the City’s General Fund; (i) gifts and donations; and (j) all rental payments which are deposited in the City’s General Fund.

ORDINANCE NO. 161-2021 (F), *Second Reading*

“Original Purchaser” means the purchaser of the Bonds specified in the Certificate of Award.

“Outstanding Bonds” means the City’s outstanding Parking Deck Improvement Refunding Bonds, Series 2015, dated April 30, 2015.

“Outstanding Nontax Revenue Notes” means the City’s outstanding Economic Development Nontax Revenue Notes, Series 2021 (Top of the Hill Project), dated April 20, 2021.

“Principal Payment Dates” means, unless otherwise specified in the Certificate of Award, December 1 in each of the years as determined necessary by the Director of Finance in the Certificate of Award; provided that in no case shall the final Principal Payment Date be later than December 31, 2033, which determination shall be made by the Director of Finance in the Certificate of Award in such manner as to be in the best interest of and financially advantageous to the City.

“Project” means constructing and equipping a multi-level parking deck and improving the site thereof.

“Redemption Date” means the date or dates designated by the Director of Finance in the Certificate of Award as the earliest practicable date or dates on which the Refunded Bonds shall be redeemed in accordance with Section 11, provided that such Redemption Date or Dates shall be no later than 90 days following the Closing Date.

“Refunded Bonds” means, collectively, the principal maturities of the Outstanding Bonds to be determined by the Director of Finance in the Certificate of Award as the maturities the refunding of which will be in the best interest of and financially advantageous to the City.

“Regulations” means Treasury Regulations issued pursuant to the Code or to the statutory predecessor of the Code.

“State” means the State of Ohio.

Capitalized terms not otherwise defined in this Ordinance have the meanings assigned to them in the Act..

SECTION 2. Council Determinations. This Council hereby finds and determines that the Project is a “project” as in the Act and is consistent with the purposes of Section 13 of Article VIII of the Ohio Constitution; that the utilization of the Project is in furtherance of the purposes of the Act and has and will benefit the people of the City and of the State by creating and preserving jobs and employment opportunities and improving the economic welfare of the people of the City and of the State; and that the amount necessary to refund the Refunded Bonds, which were issued to finance the Project, will require the issuance, sale and delivery of the Bonds, which Bonds shall be payable and secured as provided herein.

SECTION 3. Authorized Principal Amount and Purpose; Application of Proceeds. This Council determines that it is necessary and in the best interest of the City to issue bonds of this

ORDINANCE NO. 161-2021 (F), *Second Reading*

City in the maximum principal amount of \$3,100,000 (the Bonds) for the purpose of refunding the City's outstanding Parking Deck Improvement Refunding Bonds, Series 2015, dated April 30, 2015, which were issued for the purpose of constructing and equipping a multi-level parking deck and improving the site thereof (the Project). The Bonds shall be issued pursuant to the Act, the City's Charter, this Ordinance and the Certificate of Award.

The principal amount of Bonds to be issued shall not exceed the maximum principal amount specified in this Section 3 and shall be an amount determined by the Director of Finance in the Certificate of Award to be the principal amount of Bonds that is required to be issued at this time for the purpose stated in this Section 3, taking into account the costs of refunding the Refunded Bonds, other City moneys available for the purpose, the estimates of the Financing Costs and the interest rates on the Bonds. The Refunded Bonds shall be determined by the Director of Finance in the Certificate of Award as the maturities of the Outstanding Bonds, the refunding of which will be in the best interest of and financially advantageous to the City.

The proceeds from the sale of the Bonds received by the City (or withheld by the Original Purchaser on behalf of the City) shall be paid into the proper fund or funds, and those proceeds are hereby appropriated and shall be used for the purpose for which the Bonds are being issued, including without limitation but only to the extent not paid by others, the payment of the costs of issuing and servicing the Bonds, printing and delivery of the Bonds, legal services including obtaining the approving legal opinion of bond counsel, fees and expenses of any placement agent, paying agent, escrow trustee and verification consultant, and all other Financing Costs and costs incurred incidental to those purposes. The Certificate of Award may authorize the Original Purchaser to withhold certain proceeds from the purchase price of the Bonds to provide for the payment of Financing Costs related to the Bonds on behalf of the City. Any portion of those proceeds received by the City representing premium (after payment of any Financing Costs identified in the Certificate of Award) shall be used to pay costs of refunding the Refunded Bonds and/or be paid into the Bond Fund, with such determination being made by the Director of Finance in the Certificate of Award, consistent with the Director of Finance's determination of the best interest of and financial advantages to the City. Any portion of those proceeds received by the City representing accrued interest shall be paid into the Bond Fund.

SECTION 4. Denominations; Dating; Principal and Interest Payment and Redemption Provisions. The Bonds shall be issued in one lot and only as fully registered bonds, in Authorized Denominations, but in no case as to a particular maturity date exceeding the principal amount maturing on that date. The Bonds shall be dated as provided in the Certificate of Award, provided that their dated date shall not be more than 60 days prior to the Closing Date. If requested by the Original Purchaser, the Director of Finance is hereby authorized to prepare a single registered Bond with multiple maturities of principal in Authorized Denominations as set forth in a payment schedule to be set forth in such Bond or attached thereto.

(a) **Interest Rates and Payment Dates.** The Bonds shall bear interest at the rate or rates per year and computed on the basis as shall be determined by the Director of Finance, subject to subsection (c) of this Section 4, in the Certificate of Award. Interest on the Bonds shall be payable at such rate or rates on the Interest Payment Dates until the principal amount has been paid or provided for. The Bonds shall bear interest from the most recent date to which interest has been paid or provided for or, if no interest has been paid or provided for, from their date.

(b) Principal Payment Schedule. The Bonds shall mature on the Principal Payment Dates in principal amounts as shall be determined by the Director of Finance, subject to subsection (c) of this Section 4, in the Certificate of Award, which determination shall be in the best interest of and financially advantageous to the City.

(c) Conditions for Establishment of Interest Rates and Principal Payment Dates and Amounts. The rate or rates of interest per year to be borne by the Bonds and the principal amount of Bonds maturing on each Principal Payment Date shall be such that the true interest cost of the Bonds shall not exceed 5%.

(d) Payment of Debt Charges. The debt charges on the Bonds shall be payable in lawful money of the United States of America without deduction for the services of the Bond Registrar as paying agent. Principal of and any premium on the Bonds shall be payable when due upon presentation and surrender of the Bonds at the main office of the Bond Registrar; provided, however, to the extent that in the case of the final principal payment due hereunder, surrender of the Bond at the main office of the Bond Registrar. Interest on a Bond shall be paid on each Interest Payment Date by check or draft mailed to the person in whose name the Bond was registered, and to that person's address appearing, on the Bond Register at the close of business on the 15th day preceding that Interest Payment Date. Notwithstanding the foregoing, so long as the entire principal amount of the Bonds is represented by a single registered Bond, (i) the principal installments on the Bonds may be paid on each Principal Payment Date and any redemption date by (A) wire transfer of immediately available funds to the registered owner, without presentation or surrender thereof, to an account in the United States as such owner will direct in writing to the Bond Registrar or (B) check or draft mailed to the registered owner, provided that in connection with the payment or redemption of the final installment of principal of the Bonds, the registered owner thereof shall present and surrender its Bonds at the office of the Bond Registrar, and (ii) interest on the Bonds may be paid on each Interest Payment Date by (A) wire transfer of immediately available funds to the registered owner, without presentation or surrender thereof, to an account in the United States as such owner will direct in writing to the Bond Registrar or (B) check or draft mailed to the registered owner.

(e) Redemption Provisions. The Bonds shall be subject to redemption prior to stated maturity as follows:

(i) Optional Redemption. The Bonds of the maturities and interest rates specified in the Certificate of Award (if any are so specified) shall be subject to optional redemption by and at the sole option of the City, in whole or in part in Authorized Denominations, on the dates and at the redemption prices (expressed as a percentage of the principal amount to be redeemed), plus accrued interest to the redemption date, to be determined by the Director of Finance in the Certificate of Award; provided that the redemption price for any optional redemption date shall not be greater than 103%.

(ii) Partial Redemption. If fewer than all of the outstanding Bonds are called for optional redemption at one time and Bonds of more than one maturity (or interest rate within a maturity if applicable) are then outstanding, the Bonds that are called shall be Bonds of the maturity or maturities and interest rate or rates selected by the City. If fewer than all of the Bonds of a single maturity (or interest rate within a maturity if applicable)

are to be redeemed, the selection of Bonds of that maturity (or interest rate within a maturity if applicable) to be redeemed, or portions thereof in Authorized Denominations, shall be made by the Bond Registrar by lot in a manner determined by the Bond Registrar. In the case of a partial redemption of Bonds by lot when Bonds of denominations greater than the Authorized Denominations are then outstanding, each Authorized Denomination unit of principal thereof shall be treated as if it were a separate Bond of the Authorized Denomination. If it is determined that one or more, but not all, of the Authorized Denomination units of principal amount represented by a Bond are to be called for redemption, then, upon notice of redemption of an Authorized Denomination unit or units, the registered owner of that Bond shall surrender the Bond to the Bond Registrar (A) for payment of the redemption price of the Authorized Denomination unit or units of principal amount called for redemption (including, without limitation, the interest accrued to the date fixed for redemption and any premium), and (B) for issuance, without charge to the registered owner, of a new Bond or Bonds of any Authorized Denomination or Denominations in an aggregate principal amount equal to the unmatured and unredeemed portion of, and bearing interest at the same rate and maturing on the same date as, the Bond surrendered.

(iii) Notice of Redemption. The notice of the call for redemption of Bonds shall identify (A) by designation, letters, numbers or other distinguishing marks, the Bonds or portions thereof to be redeemed, (B) the redemption price to be paid, (C) the date fixed for redemption, and (D) the place or places where the amounts due upon redemption are payable. The notice shall be given by the Bond Registrar on behalf of the City by mailing a copy of the redemption notice by first-class mail, postage prepaid, at least 30 days prior to the date fixed for redemption, to the registered owner of each Bond subject to redemption in whole or in part at the registered owner's address shown on the Bond Register maintained by the Bond Registrar at the close of business on the 15th day preceding that mailing. Failure to receive notice by mail or any defect in that notice regarding any Bond, however, shall not affect the validity of the proceedings for the redemption of any Bond.

(iv) Payment of Redeemed Bonds. In the event that notice of redemption shall have been given by the Bond Registrar to the registered owners as provided above, there shall be deposited with the Bond Registrar on or prior to the redemption date, moneys that, in addition to any other moneys available therefor and held by the Bond Registrar, will be sufficient to redeem at the redemption price thereof, plus accrued interest to the redemption date, all of the redeemable Bonds for which notice of redemption has been given. Notice having been mailed in the manner provided in the preceding paragraph hereof, the Bonds and portions thereof called for redemption shall become due and payable on the redemption date, and, subject to the provisions of Section 4(d), upon presentation and surrender thereof at the place or places specified in that notice, shall be paid at the redemption price, plus accrued interest to the redemption date. If moneys for the redemption of all of the Bonds and portions thereof to be redeemed, together with accrued interest thereon to the redemption date, are held by the Bond Registrar on the redemption date, so as to be available therefor on that date and, if notice of redemption has been deposited in the mail as aforesaid, then from and after the redemption date those Bonds and portions thereof called for redemption shall cease to bear interest and no longer shall be considered to be outstanding. If those moneys shall not be so available on the redemption date, or that notice

shall not have been deposited in the mail as aforesaid, those Bonds and portions thereof shall continue to bear interest, until they are paid, at the same rate as they would have borne had they not been called for redemption. All moneys held by the Bond Registrar for the redemption of particular Bonds shall be held in trust for the account of the registered owners thereof and shall be paid to them, respectively, upon presentation and surrender of those Bonds; provided that any interest earned on the moneys so held by the Bond Registrar shall be for the account of and paid to the City to the extent not required for the payment of the Bonds called for redemption.

SECTION 5. Execution and Authentication of Bonds; Appointment of Bond Registrar.

The Bonds shall be signed by the Mayor and the Director of Finance, in the name of the City and in their official capacities; provided that either or both of those signatures may be a facsimile. The Bonds shall be issued in the Authorized Denominations and numbers as requested by the Original Purchaser and approved by the Director of Finance, shall be numbered as determined by the Director of Finance in order to distinguish each Bond from any other Bond and shall express upon their faces the purpose, in summary terms, for which they are issued and that they are issued pursuant to the Act, the Charter of the City, this Ordinance and the Certificate of Award.

The Director of Finance is hereby authorized to designate in the Certificate of Award the Director of Finance, the Original Purchaser or a bank or trust company authorized to do business in the State to act as the initial Bond Registrar. The Director of Finance shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Certificate of Award, except to the extent paid or reimbursed by the Original Purchaser in accordance with the Certificate of Award, from the proceeds of the Bonds to the extent available and then from other money lawfully available and appropriated or to be appropriated for that purpose.

No Bond shall be valid or obligatory for any purpose or shall be entitled to any security or benefit under the Bond Proceedings unless and until the certificate of authentication printed on the Bond is signed by the Bond Registrar as authenticating agent. Authentication by the Bond Registrar shall be conclusive evidence that the Bond so authenticated has been duly issued, signed and delivered under, and is entitled to the security and benefit of, the Bond Proceedings. The certificate of authentication may be signed by any authorized officer or employee of the Bond Registrar or by any other person acting as an agent of the Bond Registrar and approved by the Director of Finance on behalf of the City. The same person need not sign the certificate of authentication on all of the Bonds.

SECTION 6. Registration; Transfer and Exchange.

(a) **Bond Register.** So long as any of the Bonds remain outstanding, the City will cause the Bond Registrar to maintain and keep the Bond Register at its main office. Subject to the provisions of Section 4(d), the person in whose name a Bond is registered on the Bond Register shall be regarded as the absolute owner of that Bond for all purposes of the Bond Proceedings. Payment of or on account of the debt charges on any Bond shall be made only to or upon the order of that person; neither the City nor the Bond Registrar shall be affected by any notice to the contrary, but the registration may be changed as provided in this Section 6. All such payments

shall be valid and effectual to satisfy and discharge the City's liability upon the Bond, including interest, to the extent of the amount or amounts so paid.

(b) Transfer and Exchange. Any Bond may be exchanged for Bonds of any Authorized Denomination upon presentation and surrender at the main office of the Bond Registrar, together with a request for exchange signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Bond Registrar. A Bond may be transferred only on the Bond Register upon presentation and surrender of the Bond at the main office of the Bond Registrar together with an assignment signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Bond Registrar. Upon exchange or transfer the Bond Registrar shall complete, authenticate and deliver a new Bond or Bonds of any Authorized Denomination or Denominations requested by the owner equal in the aggregate to the unmatured principal amount of the Bond surrendered and bearing interest at the same rate and maturing on the same date.

If manual signatures on behalf of the City are required, the Bond Registrar shall undertake the exchange or transfer of Bonds only after the new Bonds are signed by the authorized officers of the City. In all cases of Bonds exchanged or transferred, the City shall sign and the Bond Registrar shall authenticate and deliver Bonds in accordance with the provisions of the Bond Proceedings. The exchange or transfer shall be without charge to the owner, except that the City and Bond Registrar may make a charge sufficient to reimburse them for any tax or other governmental charge required to be paid with respect to the exchange or transfer. The City or the Bond Registrar may require that those charges, if any, be paid before the procedure is begun for the exchange or transfer. All Bonds issued and authenticated upon any exchange or transfer shall be valid obligations of the City, evidencing the same debt, and entitled to the same security and benefit under the Bond Proceedings as the Bonds surrendered upon that exchange or transfer. Neither the City nor the Bond Registrar shall be required to make any exchange or transfer of (i) Bonds then subject to call for redemption between the 15th day preceding the mailing of notice of Bonds to be redeemed and the date of that mailing, or (ii) any Bond selected for redemption, in whole or in part.

SECTION 7. Sale of the Bonds to the Original Purchaser. The Director of Finance is authorized to sell the Bonds at private sale to the Original Purchaser at a purchase price, not less than 97% of the aggregate principal amount thereof, as shall be determined by the Director of Finance in the Certificate of Award, plus accrued interest (if any) on the Bonds from their date to the Closing Date, and shall be awarded by the Director of Finance with and upon such other terms as are required or authorized by this Ordinance to be specified in the Certificate of Award, in accordance with law and the provisions of this Ordinance.

The Director of Finance shall sign and deliver the Certificate of Award and shall cause the Bonds to be prepared and signed and delivered, together with a true transcript of proceedings with reference to the issuance of the Bonds, to the Original Purchaser upon payment of the purchase price.

The Mayor, the City Administrator, the Director of Finance, the Director of Law, the Clerk of Council and other City officials, as appropriate, are each authorized and directed to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this

ORDINANCE NO. 161-2021 (F), *Second Reading*

Ordinance. The actions of the Mayor, the City Administrator, the Director of Finance, the Director of Law, the Clerk of Council or other City official, as appropriate, in doing any and all acts necessary in connection with the issuance and sale of the Bonds are hereby ratified and confirmed.

SECTION 8. Federal Tax Considerations. The City does not intend or represent that the interest on the Bonds will be excluded from gross income for federal income tax purposes under Section 103 of the Internal Revenue Code of 1986, as amended, and the City is not and shall not be obligated to take any action to attempt to secure or maintain any such exclusion.

SECTION 9. Security for and Covenants Relating to Bonds.

(a) The Bonds, together with the Outstanding Nontax Revenue Notes and any Additional Bonds that may be issued concurrently or hereafter on a parity therewith, are special obligations of the City, and the principal and interest on the Bonds are payable solely from, and such payment is secured by a pledge of and lien on, those Nontax Revenues established by and as provided in this Ordinance which are on deposit in the Bond Fund, as described below.

There is hereby created a separate account or fund designated as the “Parking Deck Retirement Fund” (the “Bond Fund”) into which Nontax Revenues shall be deposited in accordance with the following provisions.

The City hereby covenants and agrees that on or before each Payment Date it shall deposit in the Bond Fund from Nontax Revenues selected by the City, an amount equal to the amount of principal and interest due on the Bonds on that Payment Date, less, in the discretion of the City, any interest earnings or other moneys accumulated in the Bond Fund which have not theretofore been used as a credit against a prior payment obligation. Moneys in the Bond Fund shall be used solely and exclusively to pay principal of and interest on the Bonds, the Outstanding Nontax Revenue Notes, any parity obligations concurrently issued with the Bonds, and any hereafter designated Additional Bonds, all when due.

The City hereby covenants and agrees that so long as Bonds are outstanding, it will appropriate and maintain sufficient Nontax Revenues each year to make each payment due under this Section 9 and to pay principal and interest when due; provided, however, the payments due hereunder and under the Bonds are payable solely from Nontax Revenues, which Nontax Revenues are hereby selected by the City pursuant to Section 165.12 of the Revised Code as moneys that are not raised by taxation. The Bonds are not secured by an obligation or pledge of any moneys raised by taxation. The Bonds do not and shall not represent or constitute a debt or pledge of the faith or credit or taxing power of the City, and the owners of the Bonds have no right to have taxes levied by the City for the payment of principal and interest on the Bonds.

Nothing herein shall be construed as requiring the City to use or apply to the payment of principal and interest on the Bonds any funds or revenues from any source other than Nontax Revenues. Nothing herein, however, shall be deemed to prohibit the City, of its own volition, from using, to the extent that it is authorized by law to do so, any other resources for the fulfillment of any of the terms, conditions or obligations of this Ordinance or of the Bonds.

(b) The City will at all times faithfully observe and perform all agreements, covenants, undertakings, stipulations and provisions to be performed on its part under this Ordinance and the Bonds and under all proceedings of this Council pertaining thereto. The City represents that (i) it is, and upon delivery of the Bonds covenants that it will be, duly authorized by the Constitution and laws of the State including particularly and without limitation the Act, to issue the Bonds and to provide the security for payment of the debt service charges on the Bonds in the manner and to the extent set forth herein and in the Bonds; (ii) all actions on its part for the issuance of the Bonds have been or will be taken duly and effectively; and (iii) the Bonds will be valid and enforceable special obligations of the City according to their terms. Each obligation of the City required to be undertaken pursuant to this Ordinance and the Bonds is binding upon the City, and upon each officer or employee of the City as may from time to time have the authority under law to take any action on behalf of the City as may be necessary to perform all or any part of such obligation, as a duty of the City and of each of those officers and employee resulting from an office, trust or station within the meaning of Section 2731.01 of the Revised Code, providing for enforcement by writ of mandamus.

(c) All books and documents in the City's possession relating to the Nontax Revenues shall be open at all times during the City's regular business hours to inspection by such accountants or other agents of the owners of the Bonds as the owners may from time to time designate.

(d) The Clerk of Council, or another appropriate officer of the City, shall furnish to the Original Purchaser a true transcript of proceedings, certified by that officer, of all proceedings had with reference to the issuance of the Bonds along with such information from the records as is necessary to determine the regularity and validity of the issuance of the Bonds.

SECTION 10. Financing Costs. The expenditure of the amounts necessary to pay any Financing Costs in connection with the Bonds, to the extent not paid or reimbursed by the Original Purchaser in accordance with the Certificate of Award, is authorized and approved, and the Director of Finance is authorized to provide for the payment of any such amounts and costs from the proceeds of the Bonds to the extent available, and otherwise from any other funds lawfully available that are appropriated or shall be appropriated for that purpose.

SECTION 11. Call for Redemption; Escrow Trustee; Escrow Agreement; Escrow Fund. To provide for the payment of the principal of and interest on the Refunded Bonds, the Director of Finance is hereby authorized to designate in the Certificate of Award a bank or trust company authorized to do business in the State to act as the Escrow Trustee. The Mayor and the Director of Finance shall sign and deliver, in the name and on behalf of the City, the Escrow Agreement between the City and the Escrow Trustee, in substantially the form as is now on file with the Clerk of Council. The Escrow Fund provided for in the Escrow Agreement is hereby created. The Escrow Agreement is approved, together with any changes or amendments that are not inconsistent with this Ordinance and not substantially adverse to the City and that are approved by the Mayor and the Director of Finance, on behalf of the City, all of which shall be conclusively evidenced by the signing of the Escrow Agreement or amendments thereto. The Director of Finance shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Escrow Agreement, except to the extent paid or reimbursed by the Original Purchaser in accordance with the Certificate of Award, from the proceeds of the Bonds to the

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extent available and then from other money lawfully available and appropriated or to be appropriated for that purpose.

Acting pursuant to the Series 2015 Bond Ordinance which authorized the Series 2015 Bonds, the Refunded Bonds, as determined by the Director of Finance in the Certificate of Award to be refunded and called for redemption, are hereby called for redemption on the earliest practicable date or dates as set forth in the Certificate of Award (each a Redemption Date) at the required redemption price of the principal amount thereof, and the Director of Finance is hereby authorized and directed to cause those Refunded Bonds to be called for redemption on each applicable Redemption Date and arrange for the notices of redemption to be given in accordance with the applicable provisions of the Series 2015 Bond Ordinance.

For informational purposes, a certified copy of this Ordinance shall be sent by the Director of Finance to the current bond registrar for the Refunded Bonds.

In order to provide for the payment of (a) the interest on the Refunded Bonds on each interest payment date following the Closing Date and through each applicable Redemption Date, (b) the principal and mandatory sinking fund payments (if any in each case) of the Refunded Bonds maturing on or prior to each applicable Redemption Date, and (c) the principal of the Refunded Bonds to be called for redemption on each applicable Redemption Date, the City covenants and agrees with the Escrow Trustee and with the owners of the Refunded Bonds that the City will take, and will cause the Escrow Trustee to take, all steps required by the terms of the Escrow Agreement to carry out such payments. The City will provide from the proceeds of the Bonds and other available funds in accordance with this Ordinance, moneys and investments sufficient to pay in full (a) the interest on the Refunded Bonds on each interest payment date following the Closing Date and through each applicable Redemption Date, (b) the principal and mandatory sinking fund payments (if any in each case) of the Refunded Bonds maturing on or prior to each applicable Redemption Date, and (c) the principal of the Refunded Bonds to be called for redemption on each applicable Redemption Date. The City covenants and agrees with the Escrow Trustee and with the owners of the Refunded Bonds that the City will take, and will cause the Escrow Trustee to take, all steps required by the terms of this Ordinance, the Series 2015 Bond Ordinance and the Escrow Agreement to carry out such payments so that the Refunded Bonds are not deemed to be outstanding.

There shall be delivered to the Escrow Trustee for the Escrow Fund proceeds to be received from the sale of the Bonds and other available funds which shall be held in cash, or, if and to the extent determined by the Director of Finance to be financially advantageous to the City, invested in United States Treasury Obligations (Treasury Securities), State and Local Government Series (SLG Securities) or other direct obligations of, or obligations guaranteed as to both principal and interest by, the United States (direct obligations and guaranteed obligations together with the Treasury Securities and the SLG Securities, collectively, the Securities). For purposes of this paragraph, "direct obligations of, or obligations guaranteed as to both principal and interest by, the United States" includes rights to receive payment or portions of payments of the principal of or interest or other investment income on (i) those obligations and (ii) other obligations fully secured as to payment by those obligations and the interest or other investment income on those obligations.

The moneys in the Escrow Fund which shall be held in cash and Securities (if any) may, if and to the extent determined by the Director of Finance to be financially advantageous to the City, be certified by an independent public accounting firm of national reputation in a written report (the Verification Report) to be of such maturities or redemption dates and interest payment dates, and to bear such interest, as will be sufficient together with any moneys in the Escrow Fund to be held in cash as contemplated by the Verification Report, without further investment or reinvestment of either the principal amount thereof or the interest earnings therefrom, to cause the Refunded Bonds to be deemed to be not outstanding as provided for in the Series 2015 Bond Ordinance. The balance of the proceeds to be received from the sale of the Bonds, less any amount thereof contemplated by the Verification Report to be held in cash in the Escrow Fund and less any amount otherwise provided for herein, shall be used for the payment of costs related to the refunding and the issuance of the Bonds. The Director of Finance is hereby authorized to retain and designate in the Certificate of Award an independent public accounting firm of national reputation to prepare and deliver the Verification Report.

At the direction of the Director of Finance, the Escrow Trustee or the Original Purchaser is authorized to apply and subscribe for SLG Securities on behalf of the City. Further, if the Director of Finance determines that it would be in the best interest of and financially advantageous to the City to purchase Treasury Securities for deposit into the Escrow Fund, the Director of Finance or any other officer of the City, on behalf of the City and in their official capacity, may purchase and deliver such obligations, engage the services of a municipal advisor, bidding agent or similar entity for the purpose of facilitating the bidding, purchase and delivery of such obligations for, and any related structuring of, the Escrow Fund, execute such instruments as are deemed necessary to engage such services for such purpose, and provide further for the payment of the cost of obtaining such services, except to the extent paid by the Original Purchaser in accordance with the Certificate of Award, from the proceeds of the Bonds to the extent available and otherwise from any other funds lawfully available and that are appropriated or shall be appropriated for that purpose.

Any such moneys, and Securities (if any), in addition thereto contemplated by the Verification Report to be held in cash, shall be held by the Escrow Trustee in trust and committed irrevocably to the payment of the principal of and interest on the Refunded Bonds.

SECTION 12. Additional Bonds. The City shall have the right from time to time to issue Additional Bonds on a parity with the Bonds, which Additional Bonds shall be payable solely from the Nontax Revenues, and such payment shall be secured by a pledge of and a lien on the Nontax Revenues as provided by the Act and by an ordinance passed by this Council authorizing the issuance of those Additional Bonds. Before any Additional Bonds are issued, the City shall be required to furnish a certificate of the Director of Finance showing that the maximum annual aggregate of estimated debt service charges on the Bonds, the Outstanding Nontax Revenue Notes, any parity obligations delivered concurrently with or after the Bonds, and those Additional Bonds, or in the event that the Additional Bonds are to be issued as bond anticipation notes, the largest amount required to be paid in any succeeding calendar year to meet the estimated interest and principal maturities of the bonds anticipated by those bond anticipation notes, shall not be less than 50% of estimated Nontax Revenues for the fiscal year immediately following the issuance of the proposed Additional Bonds (the Coverage Test).

ORDINANCE NO. 161-2021 (F), *Second Reading*

Junior lien or other subordinate bonds payable from the Nontax Revenues may be issued without limitation.

The Additional Bonds shall bear such designation as may be necessary to distinguish them from the Bonds or other Additional Bonds having different provisions and shall have maturities, interest rates, interest payment dates, redemption provisions, denominations and other provisions as provided in the ordinances hereafter adopted providing for the issuance of the Additional Bonds; provided, however, that those terms and provisions shall not be inconsistent with this Ordinance to the extent it governs the issuance and terms of Additional Bonds

SECTION 13. Bond Counsel. The legal services of the law firm of Squire Patton Boggs (US) LLP are hereby retained. Those legal services shall be in the nature of legal advice and recommendations as to the documents and the proceedings in connection with the authorization, sale and issuance of the Bonds and rendering at delivery related legal opinions, all as set forth in the form of engagement letter from that firm which is now on file in the office of the Clerk of Council. In providing those legal services, as an independent contractor and in an attorney-client relationship, that firm shall not exercise any administrative discretion on behalf of this City in the formulation of public policy, expenditure of public funds, enforcement of laws, rules and regulations of the State, any county or municipal corporation or of this City, or the execution of public trusts. For those legal services, that firm shall be paid just and reasonable compensation and shall be reimbursed for actual out-of-pocket expenses incurred in providing those legal services. The Director of Finance is authorized and directed to make appropriate certification as to the availability of funds for those fees and any reimbursement and to issue an appropriate order for their timely payment as written statements are submitted by that firm. The amounts necessary to pay those fees and any reimbursement are hereby appropriated from the proceeds of the Bonds, if available, and otherwise from available moneys in the General Fund.

SECTION 14. Notification of Bond Issuance. The Director of Finance is authorized and directed to provide the notification required by Section 165.03(D) of the Revised Code to the Director of the Ohio Development Services Agency.

SECTION 15. Satisfaction of Conditions for Bond Issuance. This Council determines that all acts and conditions necessary to be done or performed by the City or to have been met precedent to and in the issuing of the Bonds in order to make them legal, valid and binding special obligations of the City have been performed and have been met, or will at the time of delivery of the Bonds have been performed and have been met, in regular and due form as required by law; that no statutory or constitutional limitation of indebtedness or taxation will have been exceeded in the issuance of the Bonds; and that the Bonds are being authorized and issued pursuant to the Act, the City's Charter, this Ordinance, the Certificate of Award and other authorizing provisions of law.

SECTION 16. Prior Acts Ratified and Confirmed. Any actions previously taken by City officials or agents of the City in furtherance of the matters set forth in this Ordinance are hereby approved, ratified and confirmed.

SECTION 17. Compliance with Open Meeting Requirements. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating

ORDINANCE NO. 161-2021 (F), *Second Reading*

to the passage of this Ordinance were taken in an open meeting of this Council or its committees, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law.

SECTION 18. Captions and Headings. The captions and headings in this Ordinance are solely for convenience of reference and in no way define, limit or describe the scope or intent of any Sections, subsections, paragraphs, subparagraphs or clauses hereof. Reference to a Section means a section of this Ordinance unless otherwise indicated.

SECTION 19. Declaration of Emergency; Effective Date. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety of the City, and for the further reason that this Ordinance is required to be immediately effective in order to provide for the sale and issuance of the Bonds, which is necessary to enable the City to refund the Refunded Bonds upon terms in the best interest of and advantageous to the City; wherefore, this Ordinance shall be in full force and effect immediately upon its passage, provided it receives the affirmative vote of five members of Council elected thereto; otherwise, it shall be in full force and effect from and after the earliest period allowed by law.

MELODY JOY HART
President of Council

AMY HIMMELEIN
Clerk of Council

PASSED:

Presented to Mayor: _____

Approved: _____

KAHLIL SEREN
Mayor

Proposed: 1/10/2022

ORDINANCE NO. 2-2022 (F), *First Reading*

By Mayor Seren

An Ordinance to amend certain subparagraphs of Ordinance No. 139-2021 (F), relating to appropriations and other expenditures of the City of Cleveland Heights, Ohio for the fiscal year ending December 31, 2022; and declaring an emergency.

BE IT ORDAINED by the Council of the City of Cleveland Heights that:

SECTION 1. Certain subparagraphs of Ordinance No. 139-2021 (F) relating to appropriations for the current expenses and other expenditures of the City of Cleveland Heights, Ohio for the fiscal year ending December 31, 2022 be, and the same hereby are increased, decreased and/or transferred in the amounts set forth in Exhibit 1.

SECTION 2. All expenditures of the City of Cleveland Heights within the fiscal year ending December 31, 2022, shall be made within the appropriations herein provided. "Appropriation" as used herein means the total amount appropriated for the individual fund. Notwithstanding the financial detail herein presented within an individual fund, the Mayor is authorized to transfer budgeted amounts within each fund, so long as the total amount appropriated for each individual fund is not exceeded.

SECTION 3. Notice of the passage of this ordinance shall be given by publishing the title and abstract of contents, prepared by the Director of Law, once in one paper of general circulation in the City of Cleveland Heights.

SECTION 4. This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of public peace, health, and safety of the inhabitants of the City of Cleveland Heights, such emergency being the ongoing and continuous need to preserve the faith and credit of the City. Wherefore, provided it receives the affirmative vote of five (5) or more of the members elected or appointed to this Council, this Ordinance shall take effect and be in force immediately upon its passage; otherwise, it shall take effect and be in force from and after the earliest time allowed by law.

MELODY JOY HART
President of Council

AMY HIMMELEIN
Clerk of Council

PASSED:

ORDINANCE 2-2022, *First Reading*

Presented to Mayor: _____

Approved: _____

KAHLIL SEREN

Mayor

ORDINANCE 2-2022, *First Reading*

Exhibit 1

| Fund | Department | Object | Reason | Approved Budget | Requested Change | Revised Budget |
|-------------------------|---------------------------|-------------------|--|---------------------|------------------|---------------------|
| 101 - General | 2108 - General Operations | O.T.P.S. | Increase for employee incentives which is offset by funds from Medical Mutual. | 1,473,658.48 | 2,500.00 | 1,476,158.48 |
| 214 - Local Programming | 2601 - Cable TV Admin | Personal Services | Increase for salary, pension and Medicare. | 136,158.00 | 5,008.85 | 141,166.85 |
| Total | | | | 1,609,816.48 | 7,508.85 | 1,617,325.33 |

Proposed: 1/10/2022

RESOLUTION NO. 3-2022 (MS), *First Reading*

By Mayor Seren

A Resolution requesting Cuyahoga County to proceed with the resurfacing of Coventry Road from Fairhill Road to Euclid Heights Boulevard in the City of Cleveland Heights resolving to pay one hundred percent (100%) of the non-OPWC share for the construction and construction supervision of the traffic signal and associated work within the City of Cleveland Heights; and declaring an emergency.

WHEREAS, resurfacing of Coventry Road from Fairhill Road to Euclid Heights Boulevard in the City of Cleveland Heights is being financed by Ohio Public Works Commission (OPWC), Cuyahoga County and City of Cleveland Heights; and

WHEREAS, the Agreement between Cuyahoga County and the City of Cleveland Heights states that if the COUNTY is formally requested by a MUNICIPAL RESOLUTION to include the construction of sidewalks, alternate bid items, or other items in the improvement that are in addition to those now existing and not provided for elsewhere in this Agreement, the COUNTY will do so, provided that this construction meets with the approval of the COUNTY and the MUNICIPALITY involved in this improvement; and that the MUNICIPALITY agrees to pay, or make arrangements for the payment of, the cost of said additional construction, the cost of preliminary and design engineering, and construction supervision; and

WHEREAS, by this resolution, Cuyahoga County is formally requested to include the traffic signal and associated work within the City of Cleveland Heights, which are not provided for elsewhere and are a replacement of and/or an addition and/or repair to that which now exists.

NOW THEREFORE, BE IT RESOLVED by the Council of the said City of Cleveland Heights, State of Ohio:

SECTION 1. That Cuyahoga County is hereby requested to include the non-OPWC share for the construction and construction supervision of the traffic signal and associated work within the City of Cleveland Heights, which are not provided for elsewhere and area replacement of and/or an addition and/or a repair to that which now exists, in the plans and specifications for the resurfacing of Coventry Road from Fairhill Road to Euclid Heights Boulevard in the City of Cleveland Heights.

SECTION 2. The City of Cleveland Heights agrees to assume one hundred percent (100%) of the non-OPWC share of the construction and construction supervision costs of any expenses incurred by Cuyahoga County for the items specified, in the subject improvement.

SECTION 3. Notice of the passage of this Resolution shall be given by publishing the title and abstract of its contents, prepared by the Director of Law, once in one newspaper of general

ORDINANCE NO. 3-2022 (MS), *First Reading*

circulation in the City of Cleveland Heights.

SECTION 4. This Resolution is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health and safety of the inhabitants of the City of Cleveland Heights, such emergency being the need to proceed with the above-mentioned project at the earliest time possible. Wherefore, provided it receives the affirmative vote of five (5) or more of the members elected or appointed to this Council, this Resolution shall take effect and be in force immediately upon its passage; otherwise, it shall take effect and be in force from and after the earliest time allowed by law.

MELODY JOY HART
President of Council

AMY HIMMELEIN
Clerk of Council

PASSED:

Presented to Mayor: _____

Approved: _____

KAHLIL SEREN
Mayor

Proposed: 1/10/2022

RESOLUTION NO. 4-2022 (PD), *First Reading*

By Mayor Seren

A Resolution supporting the Mayor's application for grant funding under the Cuyahoga County Department of Development's 2022 Community Development Supplemental Grant program to implement local and regional bicycle infrastructure improvements within the City of Cleveland Heights; and declaring an emergency.

WHEREAS, Cuyahoga County offers a program named the Community Development Supplemental Grant ("CDSG") program, which is a competitive grant of up to Fifty Thousand Dollars (\$50,000) awarded to help strengthen cities, encourage regional collaboration, and improve the quality of life for county residents; and

WHEREAS, the CDSG program requires no matching funds; and

WHEREAS, the City of Cleveland Heights has successfully in the past applied for and received CDSG funding; and

WHEREAS, the City has a long history of planning for bicycles within the community; and

WHEREAS, the Cities of University Heights and South Euclid are working with the City of Cleveland Heights to upgrade the regional bicycle network and are anticipated to be applying for CDSG grants for same; and

WHEREAS, the City desires to apply for said grant to implement the findings and actions of those planning efforts to improve the City's bicycle infrastructure and provide connection to the regional bicycle network, particularly along Noble Road; and

WHEREAS, said application to the CDSG program would be in the interests of the City and its residents.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Cleveland Heights, Ohio, that:

SECTION 1. This Council hereby expresses its support of the Mayor's application to the Department of Development, County of Cuyahoga, State of Ohio, for funding in a sum of up to Fifty Thousand Dollars (\$50,000), under the Community Development Supplemental Grant program, to implement local and regional bicycle infrastructure improvements within the City of Cleveland Heights. To the extent required, this Council hereby authorizes the Mayor to execute any and all documents necessary for acceptance of said grant, upon forms approved by the Director of Law, should it be awarded.

SECTION 2. Notice of the passage of this Resolution shall be given by publishing the title and abstract of contents, prepared by the Director of Law, once in one newspaper of general circulation in the City of Cleveland Heights.

SECTION 3. This Resolution is hereby declared to be an emergency measure

RESOLUTION NO. 4-2022 (PD), *First Reading*

immediately necessary for the preservation of the public peace, health and safety of the inhabitants of the City of Cleveland Heights, such emergency being to meet the County application deadline. Wherefore, provided it receives the affirmative vote of five (5) or more of the members elected or appointed to this Council, this Resolution shall take effect and be in force immediately upon its passage; otherwise, it shall take effect and be in force from and after the earliest time allowed by law.

MELODY JOY HART
President of Council

AMY HIMMELEIN
Clerk of Council

PASSED:

Presented to Mayor: _____

Approved: _____

KAHLIL SEREN
Mayor



Monday, December 6, 2021 Minutes

CITY COUNCIL

7:50 – 9:41 p.m.

President Stein presiding

Roll Call: Present: Cobb, Hart, Moore, Seren, Stein, Ungar
 Absent: Russell

Council Member Russell was not able to attend the meeting in person but was available throughout the meeting via Zoom.

Staff present: Hanna, Himmelein, Niermann O'Neil

Approval of the minutes of the Council meetings held on November 1, November 8, and November 15, 2021

Minutes were approved without any objections.

Matter of Record

Personal communications from citizens

Odies Grant has lived in Cleveland Heights for 36 years and raised six children here in the city. He plans to be at every Council meeting until the issue with the height of the curb in front of his house is addressed. There is no curb and it is dangerous for the children. Mr. Grant said a car even hit the pole in front of his house years ago. The house across the street has a high curb and that is what he has been trying to get in front of his own house for years. He said he's worked with Council Member Russell in the past and she is a natural leader that gets things done. He believes Cleveland Heights needs someone like Council Member Russell who will advocate for those who live on his side of Mayfield Road. He hopes that she is elected as President or Vice President of Council and encouraged others to help make this happen.

Lenora Cruz-Price is resident and local business owner in the Taylor and Noble areas. She was among those chosen to speak on behalf of the Noble Taylor residents in regards to the five million dollars from the American Rescue Funds earmarked for those areas. Ms. Cruz-Price also wanted to voice her support for Council Member Russell's bid for

either President or Vice-President of Council in the upcoming year. She is aware that citizens don't get to vote on who is appointed to these positions but she feels Council Member Russell represents diversity and the "All Are Welcome" message of Cleveland Heights. Ms. Cruz-Price had some recommendations for Council as far as utilizing the American Rescue Funds in the Noble Taylor area including: lighting and cameras for safety, better ventilation for businesses, better signage, replacement windows, business grants, and housing grants.

Gary Ballard was also chosen to speak on the behalf of the Noble Taylor residents regarding the American Rescue Act funds. He has lived in Cleveland Heights with his family for twenty-seven years. Tonight, he is presenting the combined recommendations of the Noble Taylor residents and the business owners. There is a separate list of recommendations from each community that will be presented at a later date as members of the community continue to meet with Council Member Russell. The first recommendation is additional lighting and cameras for safety. Additional lighting will hopefully deter criminal activity. Those who do not live in this community do not understand the fears and struggles that the residents live with every day. They would like the lights to be strategically placed on street corners, main street sidewalks, parking lots, and near local businesses. They also recommend doorbell cameras for residences, especially for seniors. Other recommendations include improved ventilation for businesses, window replacement, improved signage, business grants, housing grants, and a neighborhood resource center. Mr. Ballard also wanted to offer his support for Council Member Russell's bid for President or Vice-President of Council.

Don McBride has lived in Cleveland Heights for thirty-six years and has been active in neighborhood projects, primarily through Noble Neighbors. He is going to focus on quality of living as opposed to the safety aspect that the previous two speakers addressed. One of the things discussed at the meetings was neighborhood beautification. Perhaps establishing a fund that could be used to pay students to help the residents who are no longer able to do yard work or other kinds of tasks. They would also like to see murals painted on utility boxes. Another recommendation is for the money to be used to upgrade or expand the numbers of playgrounds and parks in the area. They also suggested providing internet access for those who need it but cannot afford it. All of these recommendations have come from the residents of Noble and Taylor neighborhoods. There will be further research and discussion to determine how the ARPA money can be used and what is feasible.

Laura Marks is a Cleveland Heights resident whose family has lived here for over 150 years. She is thankful to Council Member Russell and Council for allocating funds to two neighborhoods that have been neglected. She attended the neighborhood meetings where they shared ideas about how to improve their neighborhoods. During these

meetings, Ms. Marks was struck by how the allocated funds would still not be enough to provide what is needed in those neighborhoods. Even ten times that amount would still not be enough. She encouraged Council to consider those who live north of Mayfield. Ms. Marks was specifically asked to talk about the idea for adding solar roofs to the neighborhood schools and Noble library. After doing some research, she does not think the ARPA funds can be used for that however she is hopeful there are other ways of obtaining funding for this project. She said if the City spent two million dollars on solar roofs for those buildings, they could get six million in return over the next thirty years. Essentially, there would be a Purchase Power Agreement between the City and the schools. The City could allocate the money coming in from the electric bills to go into the Noble and Taylor neighborhoods. She thanked President Stein and Council Member Ungar for their years of service.

President Stein and Council Member Hart thanked everyone for coming and speaking on this topic. Council Member Hart said she looks forward to receiving Council Member Russell's full report on everything so they can hold a Finance Committee meeting and discuss allocations.

Tiana is the daughter of Odies Grant and she wanted to voice her support for Council Member Russell and her bid for President or Vice-President of City Council. She met Council Member Russell through her father and finds her leadership to be inspiring. She wants to highly advocate for Council Member Russell to be chosen as Council President. She received more votes than any other council member in the last election. She is also the only incumbent who lives on the north side of Mayfield. The north side of Mayfield needs this representation and it would keep the Council balanced. Diversity and balance need to be seen at the top. She believes Council Member Russell has the experience and her work in the community speaks for itself.

Adam Fleischer is a resident and business owner in Cleveland Heights. He wanted to voice his support for the Cedar Lee Meadowbrook project. Anyone who has spent a lot of time in Cleveland Heights understands what a special community this is. Unfortunately, he feels that we are being left behind. There are developments happening throughout the Cleveland area and it is impacting the community. As a merchant, business is okay but not thriving. This is not sustainable long term. Mr. Fleischer said he picked up a friend from the airport on a Saturday evening and they drove through Ohio City, Little Italy, Coventry, and Cedar Fairmount and there were people walking around everywhere. When they got to Lee Road, he could count on one hand how many people were walking around. When he entered his business at 7:30pm on a Saturday, there were only five customers. Even if they move forward with the project today, it will be at least two years before they see the benefits. More businesses will close in the area if nothing is done soon.

John Foreman, President of Cleveland Cinemas, supports the Cedar Lee Meadowbrook development project. Cleveland Cinemas owns the Cedar Lee Theatre and they've struggled financially since the beginning of the pandemic. Prior to the theatre being closed due to the pandemic, Mr. Foreman operated the theatre for forty-five years and has invested a lot into it. He thanked City Council for waiving the admission tax that is placed on every ticket sold since the theatre reopened. Prior to that, the theatre has paid forty to fifty thousand dollars a year in these taxes. Business owners and customers are also grateful to Council for approving free parking in the city parking lots. Most of the local businesses have similar stories as Mr. Fleischer and Mr. Foreman. They are all struggling and many of them support the Cedar Lee Meadowbrook project. The prospect of having more people move into the area within walking distance of their businesses is exciting and appealing. This is a great opportunity for this neighborhood and Cleveland Heights. He urged Council to approve the development agreement with F&C tonight so the project can move forward.

Destiny Burns is the owner of CLE Urban Winery on Lee Road. She lives and works in the Cedar Lee district and she is strongly in favor of the Cedar Lee Meadowbrook project. She requested that Council proceed with approving the development agreement with F&C at tonight's meeting. No delays, no excuses. The future of the Cedar Lee business district depends on tonight's votes. The development plan includes a lovely park that will be maintained by the developer. The park that people have signed a petition for has no funding and will need to be maintained by the City. Perhaps those who signed the petition did not know this nor did they realize how much the business owners in the area have struggled and sacrificed to stay in business. The local business owners are exhausted and need help. She said its important for the community to understand how important this development project is to their survival. She urged Council to vote yes tonight on passing the Cedar Lee Meadowbrook development agreement legislation.

Tony Cuda wanted to speak about the legislation pertaining to the City Administrator and Assistant Clerk of Council positions. As an incoming new council member, he would like to see Council establish itself as an independent, separate power. He would like Council to hire their own Clerk of Council. Mr. Cuda would like to know if this can be done through an ordinance or if it can only be done through a charter amendment. He would like the new council to tackle this issue and asked that there be no new hires until that time.

John Fleshin said he saw a recent diagram and was happy to see that most of the green space was maintained. He is grateful and appreciated that Council listened to his concerns.

Alan Federman has been a resident of Cleveland Heights for nearly seventy years. He attended a previous meeting and spoke about having a vaccine mandate for restaurants and bars. He emailed the Council and Council Member Hart suggested that he speak to the restaurateurs in the area to find out what their thoughts were on the subject. He said he spoke to many of the business owners in the area and wanted to discuss his findings with Council tonight. COVID cases have increased since the November 15th meeting he attended. He had read studies about long haul COVID and was surprised to find that people with mild symptoms were just as likely to have long haul COVID as those who had a severe case. He had mixed reactions from the eight business owners he spoke to about the proposed vaccine mandate. He said this would improve business because customers would feel safe going to restaurants who have a mandate in place. Mr. Federman said doing this would cut the cases by fifty percent and hopes that Cleveland Heights seriously considers this as an option.

Joanne Segal is a resident and small business owner in the Cedar Lee neighborhood. She said her business survived the pandemic but she is struggling like so many others. She requested that Council pass the legislation tonight authorizing the City Manager to sign the development agreement with F&C.

Walter Theme lives in the Cedar Coventry area and supports the Cedar Lee Meadowbrook development project. He supports the development because it is good for business, fills a hole in the district that has been there for a decade, wanted by the existing businesses in the district, will add residents, taxpayers, and vibrancy to the City, and it will be good for the environment. He has heard other people speak about how having a park would be good for the environment but he believes that if the development isn't built in Cleveland Heights, it will be built elsewhere. Mr. Theme asked that the City please sign the development agreement.

Luke Quintrell is at tonight's meeting on behalf of the Georgian Apartment Company and the Owners Apartment Company. His last appearance at a council meeting was on October 11th when he asked if Council could arrange a meeting to discuss the Nottinghill sewer project. In the spirit of thankfulness and gratitude, he wanted to thank City Manager O'Neil, Public Works Director Collette Clinkscale, Assistant Public Works Director Joe Kickel, and Tony Ferrone for resolving the fence issue. Weather permitting, it should be completed this week.

President Stein thanked Mr. Quintrell for coming back and providing Council with an update.

Tonja Phillips has resided in Cleveland Heights for twenty-nine years and lives on Caledonia. She is here tonight because she needs help with her neighbors. She has had to call the police on them. She has neighbors who take out their trash the day after trash day and they leave it there. It ends up being all over the street because of the wind blowing. The neighborhood has changed since she first moved to Cleveland Heights. They race up and down the street, there are fights, and she doesn't believe the young kids at the nearby school are safe. She thinks there should be a police presence near the school. Ms. Phillips said there is a school zone in front of her driveway that people speed through. She also said a tree was removed from her tree lawn two years ago and the stump was left. She has called the City about this but nothing has been done. The people she has spoken to said they forgot. However, the City has not forgotten about her garage. She removed the garage because there was a gaping hole in it and she doesn't think she should be forced to have a garage if she doesn't want one. She cannot afford to replace the garage nor can she get a loan to help pay for a new garage. She said she is called to Court all the time because of her garage.

President Stein informed Ms. Phillips that legislation was recently passed that may help her with her garage situation. He advised her to provide her contact information to City Manager Niermann O'Neil to help resolve these issues. He said they will be in contact with her this week.

Catherine Osborn thanked the City and the Cedar Lee Meadowbrook development team for soliciting and incorporating community feedback throughout the development process. They were asked to provide feedback in March, before F&C were even selected. They were invited to attend open houses over the summer, submit comments to Council and on the City's website, and join meet & greet events this fall. The trees in the green space at the end of Cedarbrook will remain and the green space will be extended. Pedestrian paths will be maintained. There will also be a developer maintained public space at Lee and Meadowbrook. This is something no other plan can feasibly provide. Ms. Osborn believes the economic and sustainability benefits of this project make it crucial that Council approve the development agreement today.

Laverne Butler has lived in Cleveland Heights for more than fifty years. When she first moved to Lownesdale Road, the street was comprised of homeowners. Now, it is mostly renters and Section 8 renters. She would appreciate if Council would focus on the obligations of these renters. She's had to call the police and they come out and give verbal warnings. Her street has become an eyesore and if Ms. Butler tries to sell her house, she worries she won't get anything for it because of her neighbors and the slum landlords. She agrees with the prior commenter, Ms. Phillips, that there should be a police presence at Caledonia school. She feels like she doesn't get the same benefits as other Cleveland Heights residents because of where she lives. She lives in Cleveland

Heights and pays taxes but her school district is East Cleveland and that is another reason why it would be difficult to sell her home.

President Stein asked City Manager Niermann O'Neil to note that the Caledonia school needs a police presence.

Diane Hallum said she appreciated the previous public comments especially the one about coming to the City and offering solutions. She said when she came to the City eleven years ago, she tried doing that and tried to get equity for her side of Cleveland Heights. She said she failed because no one cared to hear what she had to say. Solving problems requires mutual respect and cooperation and that has not been her experience with the City. She said she has yet to hear back from the City regarding her October 18th complaint. Ms. Hallum said the fence issue that the owner of the Georgian Apartments had was quickly resolved and Council Member Hart even drove out to look at the issue herself. When Ms. Hallum brought up the dangerous conditions at the Denison playground, no one from Council came to look at it for themselves. She feels that they don't care about those who live on the north side of the City.

Cindy Evans lives in the Caledonia neighborhood and loves her nearly one-hundred-year-old house. However, she feels that the residents in the Caledonia area are not treated like the rest of the residents in the City. Her fellow residents on the other side of Cleveland Heights are fighting to save Horseshoe Lake and to keep green space. However, she finds it difficult talk about green spaces when her own neighborhood lacks decent sidewalks and curbs. The nearby businesses are also in poor condition and police visibility is lacking. Ms. Evans said she is afraid on New Year's Eve because there are a lot of people in the area shooting off their guns. She said she has called the police and they never respond in person to check out the situation. She said trash is another issue in her neighborhood. People put out their trash after garbage day and it sits out on the tree lawns. She would like to see those people penalized for not following city ordinances. Ms. Evans said Council Member Russell offered the idea of having additional trash collection days for the depressed areas in the City since there are more renters in those areas. She thinks this is a wonderful idea. Ms. Evans voiced her support for Council Member Russell to be President of Council in this upcoming year. She also thanked Council Member Moore for responding to a recent email.

Joanne LNU said in the November 2021 election Council Member Russell received the most votes cast for the Cleveland Heights City Council election. Out of the thirty-three precincts, Council Member Russell received the majority of votes in twenty-one of these precincts. She is very impressed with how Council Member Russell listens to the residents and the legislation she has worked on, especially the legislation allocating ARPA funds to neglected neighborhoods within the City. Furthermore, Council Member

Russell has spent a lot of time working with the school district, educators, and school children. She also appreciates that Council Member Russell is the only incumbent council member who lives north of Mayfield.

Patricia Frost-Brooks is a retired educator and has lived in Cleveland Heights for thirty-six years. She also wanted to voice her support for Council Member Russell's bid for either President or Vice-President of Council. She believes Council Member Russell has made connections and built bridges during her time on Council. Even the pandemic did not stop Council Member Russell from staying active in the community. She believes Council Member Russell has a vision for the City of Cleveland Heights and she's spent a lot of time engaging with the residents and business owners in the community. She has been an advocate for social and racial justice. She's also raised awareness regarding the importance of the U.S. Census as well as worked on legislation to allocate five million dollars to the distressed neighborhoods in this community. Ms. Frost-Brooks said Council Member Russell also held the "You Talk, I Listen" sessions in which she listened to the needs and concerns of community members. Ms. Frost-Brooks believes the residents of Cleveland Heights need diversity of neighborhoods represented in the positions of President and Vice-President on Council. She believes Council Member Russell is a phenomenal council member and should be entrusted with one of these positions.

Fran Mentch wanted to speak on behalf of "People for the Park" and said that they have nothing but respect, admiration, and affection for the small businesses of Cleveland Heights. She said it is unfortunate that there is a perception that there is conflict between their group and the small business owners because that is not the case. She wanted to point out that the park they've proposed is only 1.07 acres so the remaining 4 acres can be developed. Ms. Mentch said the following comments are her own personal opinions and do not represent "People for the Park." She said if the council members vote to accept the F&C development agreement this evening, they are locking the residents into an imprudent, ill-considered, and risky financial arrangement. She said the financing for the project will impact funding for the schools. Ms. Mentch has several questions about the development agreement and would appreciate any corrections if she is incorrect with any of her statements. Because the City is leasing the land to the developer for \$10 per year, will the developer not pay property taxes on the land? Does the Community Reinvestment Act provide the developer with 100% tax abatement on the building for fifteen years? Is the City paying \$725,000 to buy the land on Cedar that now houses the former beauty school and veterinary clinic? Won't this \$725,000 be rolled into a TIF and essentially given to the developer so Cleveland Heights residents will never see this money again? Shouldn't these costs be included on page 82 of the document, on the chart entitled "Estimate of City Costs?" Can you provide taxpayers with a clear explanation of this thirty-year TIF and its implications? Can this be explained tonight?

Ms. Mentch also recommended a document explaining this be provided with the agreement because residents do not understand what the TIF is.

President Stein said that this is personal communications from citizens and not a back and forth discussion with members of Council.

Ms. Mentch requested that her questions be addressed in the future. She said the developer will end up owning the parking garage after paying fifty percent of the remaining debt. However, for this to occur municipal bonds must be converted to private bonds and the attorney costs of doing this is not reflected in the “Estimate of City Costs” section of the agreement. She believes this only benefits the developers. Shouldn’t these costs be paid for by the developers? Doesn’t the change in the financing of the garage still increase the overall cost by \$160,000? Won’t F&C own the garage for a total payment of \$1,000,800? The cost of the garage in 2007 was \$4,950,000. She is not sure of the cost to the taxpayers for building the garage and would appreciate that information. Shouldn’t these costs be included on page 82 of the document? Won’t the developer be able to buy all five acres of City land for \$10 in year forty? The developer will rent the land for thirty-nine years for \$10 a year and for an additional \$10, gets to purchase five acres. This works out to be \$80 per acre. Ms. Mentch does not believe this legislation should be considered to be on third reading. Since there is only one more meeting before the new form of government begins, she believes this should wait until January. What message is this sending to the residents of Cleveland Heights who voted for the new form of government if this is passed tonight? What message is this sending to all of the registered voters who signed the petition for a park on the 1.07 acres that will be put on the ballot? She cautioned them about the language used in the agreement because the City might be liable if they promise the land to the developers and the petition succeeds.

Report of the City Manager

Nothing to report at this time.

Report of the Clerk of Council

Nothing to report at this time.

ADMINISTRATIVE SERVICES COMMITTEE

ORDINANCE NO. 155-2021 (AS), *First Reading*. An Ordinance amending Section 183.01, “Public Hearing,” of Chapter 183, Political Influence by Corporate Entities, of the Cleveland Heights Codified Ordinances to the date of the public hearing that is to be held annually;

Introduced by Vice President Seren

Legislation Introduced

Vice President Seren explained that this legislation changes our Democracy Day from a winter date to a summer date which will make it more convenient weather-wise for people to attend.

RESOLUTION NO. 156-2021 (AS), *First Reading*. 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; and declaring an emergency.

Introduced by Vice President Seren

Legislation Introduced

ORDINANCE NO. 145-2021 (AS), *Second Reading*. An Ordinance amending Ordinance No. 20-2021, “Wage and Salary Ordinance,” providing for salary schedules, position classifications, and other compensation and benefits for officers and employees of the City, to add a salary schedule, position classification, and other compensation and benefits for a City Administrator and Assistant Clerk of Council.

Introduced by Vice President Seren, Seconded by Council Member Ungar

Roll Call: Ayes: Hart, Moore, Seren, Stein, Ungar, Cobb
 Nays: None

Legislation Passed

Vice President Seren explained that this legislation adds the City Administrator position, that was created by the Charter change, to the “Wage and Salary Ordinance.” This position essentially is a replacement for the Vice City Manager position in the classification. This legislation also creates an Assistant Clerk of Council position that would allow the City’s default Clerk of Council, the Finance Director, to attend to her duties as the Finance Director and allow a designated person to attend to the Council duties. Since there is no emergency clause, this legislation would go into effect after thirty days.

ORDINANCE NO. 153-2021 (AS), *Second Reading*. An Ordinance amending various sections of the Codified Ordinances of the City of Cleveland Heights in furtherance of the transition from the Council-Manager to the Mayor-Council form of government; and declaring an emergency.

Introduced by Vice President Seren, Seconded by Council Member Cobb

Roll Call: Ayes: Moore, Seren, Stein, Cobb, Hart
 Nays: None

Legislation Passed

Vice President Seren explained that they contracted and received a report that provided a systematic exploration of the City's Codified Ordinances and included draft changes that would change the references of "City Manager" to "Mayor." The new government will start in January and the codifies those changes.

Council Member Ungar thanked Law Director Hanna and his team, including outside counsel, for all of their work on this project.

COMMUNITY RELATIONS AND RECREATION COMMITTEE

Nothing to report at this time.

FINANCE COMMITTEE

ORDINANCE NO. 157-2021 (F), *First Reading*. An Ordinance authorizing the execution of a Property Schedule to a Master Tax-Exempt Lease/Purchase Agreement between U.S. Bancorp Government Leasing and Finance, Inc., as lessor, and the City, as lessee, for the purpose of acquiring an aerial ladder fire truck including related equipment and appurtenances, and declaring an emergency.

Introduced by Council Member Hart

Legislation Introduced

ORDINANCE NO. 158-2021 (F), *First Reading*. An Ordinance to amend certain subparagraphs of Ordinance No. 127-2020 (F) and subsequent amending ordinances, relating to appropriations and other expenditures of the City of Cleveland Heights, Ohio for the fiscal year ending December 31, 2021; and declaring an emergency.

Introduced by Council Member Hart, Seconded by Council Member Moore

Roll Call: Ayes: Seren, Stein, Ungar, Cobb, Hart, Moore
 Nays: None

Legislation Passed

Council Member Hart said this legislation has no impact on the budget. Anything that has an increase is accounted for by either a settlement or an increase in income of other types.

ORDINANCE NO. 139-2021 (F), *Third 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, 2022 through December 31, 2022; and declaring an emergency.

Introduced by Council Member Hart, Seconded by Council Member Cobb

Roll Call: Ayes: Stein, Ungar, Cobb, Hart, Moore, Seren
Nays: None

Legislation Passed

Council Member Hart said this legislation is for the budget for the next fiscal year. However, they will most likely make amendments to this budget since there will be a new administration and new council members will want a say in how certain funds are allocated.

MUNICIPAL SERVICES COMMITTEE

RESOLUTION NO. 159-2021 (MS), *First Reading.* A Resolution authorizing the City Manager to enter into an agreement with the County of Cuyahoga to perform certain services to help maintain the City's sanitary and storm sewers; and declaring an emergency.

Introduced by Council Member Moore, Seconded by Council Member Hart

Roll Call: Ayes: Ungar, Cobb, Hart, Moore, Seren, Stein
Nays: None

Legislation Passed

PLANNING AND DEVELOPMENT COMMITTEE

RESOLUTION NO. 154-2021 (PD), *Third Reading.* A Resolution authorizing the City Manager to enter into a Development Agreement with F&C Development, Inc. concerning the “Cedar-Lee Meadowbrook” development; and declaring an emergency.

Introduced by Council Member Ungar, Seconded by Vice President Seren

Roll Call: Ayes: Cobb, Hart, Moore, Seren, Stein, Ungar
Nays: None

Legislation Passed

Council Member Ungar does not believe there is any reason for Cleveland Heights to be left in the dust when it comes to development when compared with other cities in northeast Ohio. He appreciated the comments from Ms. Burns and Ms. Segal earlier during the public comment portion of the meeting. He believes it is time to act and this is a wonderful, transformative project that represents major investment in this neighborhood and business district. Council Member Ungar says those who describe it as a “ill-considered, high risk” proposal haven’t done their homework. He said many of these people do not live in the district nor do they frequent the area. He strongly supports this project and thanked the development partners for their willingness to make a fifty million dollar bet on Cleveland Heights. F&C has been a great development partner at the Top of the Hill project and he sees no reason to believe that they will treat Cedar Lee Meadowbrook any differently. There has been a lot of public engagement with this

public and there will continue to be more opportunities for additional engagement. Council Member Ungar cannot wait to see this project unfold. He thanked City staff and the residents for all of their work and input.

Vice President Seren thanked City staff for negotiating this deal. He does not believe having a well-designed park space is a bad idea but, in this case, it is not the best idea out of the ideas that have been presented to Council. Right now, the City needs growth in order to be competitive in the region. There are other cities in the region that are doing quite well and part of that is due to embracing progress. Those in Cleveland Heights understand that it is important to balance progress with preservation. Vice President Seren views this project as an opportunity to initiate progress and is confident that the end result will be a benefit to the City.

Council Member Hart said she will be voting yes on this legislation tonight. This is an investment in our business district and will have a positive impact on the entire city because it will increase the tax base and lower the tax burden for residents. She is pleased that the proposed amount of green space was increased and is pleased with the plan. She encouraged residents to get involved in the design process and attend Planning Commission meetings. Council Member believes this development project will be great for the community and she plans to vote yes.

Council Member Cobb said the City has been trying to develop this area since the early 2000s. There was a project in 2005 that ended up getting cancelled and the City proceeded with spending five million dollars to build a parking garage. They hoped a developer would take an interest in the area. There were a couple of developers in 2006-2007 but neither of those projects went forward. The community and the merchants in the area need this project to go forward. Council Member Cobb said he will be voting yes on this legislation tonight.

Council Member Moore said she ran on a platform of environmental sustainability because she believes that public representatives have the responsibility to make every decision through the lens of environmental sustainability. The impact on future generations must be considered. In an urban/suburban context, environmental sustainability demands many things and not all of them align perfectly. She believes we need to protect green spaces, prepare for a growing population, and increase walkability/lessen our dependence on cars. All of this must be done while providing a good quality of life for those in the community. Council Member Moore also cares a great deal about the local economy and believes we need to grow and diversify our local economy to ensure our community is secure and resilient in the face of larger economic fluctuations. There is no perfect development agreement that checks all the boxes on everyone's wish lists. However, governance in Cleveland Heights requires thoughtful and discerning compromise. Council Member Moore believes this project will be good for the community and appreciates that the firm used to design the project, City Architecture, is part of the community. She appreciates that they continue to be open and responsive to community input and priorities. She is also grateful to local advocates for their vision, dedication, and perseverance. Council Member Moore believes if this

project is done well, it will meet our needs, uphold community values, and help us reach larger City goals.

President Stein is excited to see the Top of the Hill project being built as well as the Metro building at Severance. He believes this project will also be good for Cleveland Heights. He considers this to be a big win for the community.

PUBLIC SAFETY AND HEALTH COMMITTEE

Council Member Cobb said there is nothing to report at this time.

Council Member Ungar agrees with the praise he has heard tonight for Council Member Russell but wanted to point out that he also feels the same way about the other members of Council and the new council members who start in 2022. They represent everyone in the community and he believes the City is in very good hands.

Report of the Council President

Nothing to report at this time.

NEXT MEETING OF COUNCIL: MONDAY, DECEMBER 20, 2021

Respectfully submitted,

Jason S. Stein
President of Council

Amy Himmeltein
Clerk of Council



Monday, December 13, 2021 Minutes

SPECIAL CITY COUNCIL MEETING

6:35 – 6:42 p.m.

President Stein presiding

Roll Call: Present: Cobb, Moore, Russell, Seren, Stein, Ungar
 Absent: Hart

Staff present: Boland, Butler, Hanna, Himmelein, Niermann O'Neil, Zamft

Personal communications from citizens concerning Agenda items only

James Williams, Cleveland Heights resident, wanted to know if the development company will be using private security or public security since it is his understanding that these homes will be built on vacant lots.

PLANNING AND DEVELOPMENT COMMITTEE

RESOLUTION NO. 160-2021 (PD), *First Reading*. A Resolution authorizing the City Manager to enter into a Development Agreement with Amato Homes I, LLC for the redevelopment of vacant residential lots owned or controlled by the City with new single-family homes; and declaring an emergency.

Introduced by Council Member Ungar

Legislation Introduced

NEXT MEETING OF COUNCIL: MONDAY, DECEMBER 20, 2021

Respectfully submitted,

Jason S. Stein
President of Council

Amy Himmlein
Clerk of Council