

ORDINANCE NO. 18-2022 (COTW), *First Reading*

By Council President Hart

An Ordinance rejecting the Initiative Petition for a proposed 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; and declaring an emergency.

WHEREAS, on November 29, 2021, and as supplement on December 27, 2021, a committee of petitioners consisting of Ralph Solonitz, Garry Kanter, Lee Barbee, Albert Oberst and Frances Menth submitted an initiative petition to the Clerk of Council for a proposed 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; and

WHEREAS, at the next regular meeting of Council, on January 10, 2022, the Clerk of Council, pursuant to Article VIII-4 of the Charter of the City of Cleveland Heights, certified to this Council 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, exceeded 10% of the number of persons registered to vote at the last preceding general municipal election; and

WHEREAS, the Cuyahoga County Board of Elections determined that of 4,619 signatures submitted, 3,417 signatures were valid, thereby satisfying the signature requirement under the Charter; and

WHEREAS, also on January 10, 2022, and pursuant to Article VIII-1 of the Charter of the City of Cleveland Heights, this Council read the proposed Ordinance and referred the same to its Committee of the Whole for a report and recommendation on the proposed measure; and

WHEREAS, on January 24, 2022, pursuant to Article VIII-1 of the Charter of the City of Cleveland Heights, the Council Committee of the Whole held a public hearing upon the proposed measure; and

WHEREAS, this Council has received from its Committee of the Whole a report on the proposed measure, with a recommendation that Council should reject the proposed initiative Ordinance, and has determined to accept the Committee's report and recommendation.

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

SECTION 1. This Council hereby rejects the Initiative Petition for a proposed 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, attached hereto and incorporated herein as Exhibit A.

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SECTION 2. The Clerk of Council is hereby directed to submit a certified copy of this Ordinance to the committee of petitioners consisting of Ralph Solonitz, Garry Kanter, Lee Barbee, Albert Oberst and Frances Mentch.

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 the newspaper 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 the public peace, health and safety of the inhabitants of the City of Cleveland Heights, such emergency being the need for such Ordinance to become immediately effective to allow the committee of petitioners to immediately exercise any option afforded them under the Charter of the City of Cleveland Heights concerning the Initiative Petition for the proposed Ordinance. Wherefore, provided it receives the affirmative vote of five (5) or more 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: February 7, 2022

Presented to Mayor: February 7, 2022

Approved: February 8, 2022



KAHLIL SEREN
Mayor

EXHIBIT A

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-1 (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.