



CLEVELAND HEIGHTS

Council Committee of the Whole
Monday, February 7, 2022
6:30 p.m.
City Hall – Executive Conference Room

Agenda

1. Report and recommendation to Council re Initiative Petition for ordinance to require that a public activity park be created on 1.07 acre of city-owned land at the corner of Lee, Meadowbrook, and Tullamore
2. Legislation overview/Caucus
3. Charter Amendment – Article III, Section 6 – to restore Council’s authority to appoint and employ a Clerk and other employees etc. necessary for the proper discharge of Council’s duties
4. Proposal for Environmental Sustainability Committee
5. Other
6. Executive Session
 - a. To consider the appointment of a public official*



CLEVELAND HEIGHTS

AGENDA (tentative) - CLEVELAND HEIGHTS CITY COUNCIL MEETING

**Monday, February 7, 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 meeting held on January 10, 2022**
- 5) Personal communications from citizens**

(Note: Citizens wishing to speak must register beforehand, and comments are limited to 3 minutes per speaker.)

- 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 Hunan Coventry LLC, d/b/a Hunan on Coventry, 1800 Coventry Road, 1st Floor and Basement, Cleveland Heights, OH 44118 for a transfer of a D5 and D6 permit from Hunan Coventry Mingli Inc., d/b/a/ Hunan on Coventry, 1800 Coventry Road, 1st Floor and Basement, Cleveland Heights, OH 44118

Matter of Record

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

- 8) Committee Reports**
 - a.) FINANCE COMMITTEE**

ORDINANCE NO. 12-2022 (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

b.) **HOUSING AND BUILDING COMMITTEE**

c.) **MUNICIPAL SERVICES COMMITTEE**

RESOLUTION NO. 13-2022 (MS), First Reading. A Resolution authorizing the Mayor to enter into a grant agreement with the Northeast Ohio Regional Sewer District to accept funds under the 2022 Member Community Infrastructure Grant Program for the SSO Control of CH-2, CH-12, CH-30, CH-33, CH-39 and Rehabilitation Project; and declaring an emergency.

Introduced by Mayor Seren

Vote _____ _____ _____
 For Against No. Reading

RESOLUTION NO. 14-2022 (MS), First Reading. A Resolution authorizing the Mayor to enter into a grant agreement with the Northeast Ohio Regional Sewer District to accept funds under the 2022 Member Community Infrastructure Grant Program for the design control of the SSOs CH-9, CH-32, CH-57 AND CH-58 (Monmouth) Project; and declaring an emergency.

Introduced by Mayor Seren

Vote _____ _____ _____
 For Against No. Reading

d.) **PLANNING AND DEVELOPMENT COMMITTEE**

ORDINANCE NO. 10-2022 (PD), *Second Reading*. An Ordinance authorizing the Mayor to execute an agreement for the purchase of certain real property located at 13230-13232 Cedar Rd.; and declaring an emergency.

Introduced by Mayor Seren

Vote _____ _____ _____
 For Against No. Reading

e.) **PUBLIC SAFETY AND HEALTH COMMITTEE**

f.) **ADMINISTRATIVE SERVICES COMMITTEE**

ORDINANCE NO. 15-2022 (AS), *First Reading*. An Ordinance providing for the submission to the electors of the City of Cleveland Heights of proposed amendments to the Charter of the City of Cleveland Heights for placement on the May 3, 2022 ballot; and declaring an emergency.

Introduced by Council Member

Vote _____ _____ _____
 For Against No. Reading

g.) **COMMUNITY RELATIONS AND RECREATION COMMITTEE**

RESOLUTION NO. 16-2022 (CRR), *First Reading*. A Resolution recognizing March 2022 as National Women's History Month; and declaring the necessity that this Resolution become immediately effective as an emergency measure.

Introduced by Mayor Seren

Vote _____ _____ _____
 For Against No. Reading

h.) **COMMITTEE OF THE WHOLE**

ORDINANCE NO. 17-2022 (COTW), *First Reading*. 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.

Introduced by Council President Hart

Vote _____ _____ _____
 For Against No. Reading

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

Introduced by Council President Hart

Vote _____ _____ _____
 For Against No. Reading

- 9) **Old Business**
- 10) **New Business**
- 11) **Council Member Comments**
- 12) **Council President’s Report**
- 13) **Adjournment**

NEXT MEETING OF COUNCIL: TUESDAY, FEBRUARY 22, 2022

Proposed: 2/7/2022

ORDINANCE NO. 12-2022 (F)

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 12-2022 (F), *First Reading*

Presented to Mayor: _____

Approved: _____

KAHLIL SEREN
Mayor

Exhibit 1

Fund	Department	Object	Reason	Approved Budget	Requested Change	Revised Budget	Net Effect to Budget
101 - General	2101 - Mayor	O.T.P.S.	Increase for leadership classes for the Mayor.	13,729.00	9,025.00	22,754.00	Increase - Unbudgeted cash will be used.
301 - G.O. Bond Retirement	3101 - Finance	O.T.P.S.	Increase for the Parking Deck Improvement Refunding Bonds.	3,290,035.00	3,067,000.00	6,357,035.00	Zero - revenue will cover the cost.
402 - Financed Capital Projects	6203 - Refuse Coll/Transfer Sta	Capital	Increase to spend OWDA loan proceeds.	0.00	2,238,487.98	2,238,487.98	Zero - loan proceeds will cover the cost.
411 - Economic Development	5101 - Planning	Capital	Increase to purchase property for economic development.	290,000.00	20,000.00	310,000.00	Increase - Unbudgeted cash will be used.
Total				3,593,764.00	5,334,512.98	8,928,276.98	

Proposed: 02/07/2022

RESOLUTION NO. 13-2022 (MS), *First Reading*

By Mayor Seren

A Resolution authorizing the Mayor to enter into a grant agreement with the Northeast Ohio Regional Sewer District to accept funds under the 2022 Member Community Infrastructure Grant Program for the SSO Control of CH-2, CH-12, CH-30, CH-33, CH-39 and Rehabilitation Project; and declaring an emergency.

WHEREAS, the Northeast Ohio Regional Sewer District (“NEORSD”) is interested in assisting member communities with water quality issues associated with sewer infrastructure that adversely impact human health; and

WHEREAS, Ohio law authorizes regional water and sewer districts to enter into grant agreements with political subdivisions for water resource projects; and

WHEREAS, pursuant to Ohio Revised Code Chapter 6119, generally, and Ohio Revised Code Section 6119.06(F), NEORSD established a Member Community Infrastructure Program to provide water resource project funding opportunities to member communities or other eligible political subdivisions for sewer infrastructure projects in NEORSD’s service area; and

WHEREAS, the grant funds would allow the City through this project to design and control five (5) SSOs to a 10-year, 1-hour rain event to improve water quality and reduce inflow and infiltration (I&I); and

WHEREAS, NEORSD has determined, and this Council concurs, that the project will address water quality issues which are associated with sewer infrastructure and which adversely impact human health and the environment.

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

SECTION 1. The Mayor is hereby authorized to enter into an agreement with the Northeast Ohio Regional Sewer District (“NEORSD”) to accept funds under the 2022 Member Community Infrastructure Grant Program in the amount of Eight Hundred Twenty-Four Thousand Eight Hundred Forty-One Dollars (\$824,841.00) (the “District Funds”) for the SSO Control of CH-2, CH-12, CH-30, CH-33, CH-39 and Rehabilitation Project and any and all related documents or agreements with NEORSD. The agreement and any related documents shall be approved as to form and subject to the final approval of the Director of Law.

SECTION 2. The City further agrees to pay One Hundred Percent (100%) of the cost over and above the maximum amount provided by NEORSD.

RESOLUTION NO. 13-2022 (MS), *First Reading*

SECTION 3. 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 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 timely enter into the above-mentioned grant agreement to begin the project described herein at the earliest time possible. Wherefore, provided it receives the affirmative vote of five 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: 02/07/2022

RESOLUTION NO. 14-2022 (MS), *First Reading*

By Mayor Seren

A Resolution authorizing the Mayor to enter into a grant agreement with the Northeast Ohio Regional Sewer District to accept funds under the 2022 Member Community Infrastructure Grant Program for the design control of the SSOs CH-9, CH-32, CH-57 AND CH-58 (Monmouth) Project; and declaring an emergency.

WHEREAS, the Northeast Ohio Regional Sewer District (“NEORS”) is interested in assisting member communities with water quality issues associated with sewer infrastructure that adversely impact human health; and

WHEREAS, Ohio law authorizes regional water and sewer districts to enter into grant agreements with political subdivisions for water resource projects; and

WHEREAS, pursuant to Ohio Revised Code Chapter 6119, generally, and Ohio Revised Code Section 6119.06(F), NEORS established a Member Community Infrastructure Program to provide water resource project funding opportunities to member communities or other eligible political subdivisions for sewer infrastructure projects in NEORS’s service area; and

WHEREAS, the grant funds would allow the City through this project to manage a Design, Only MCIP Project, which generally consists of design control of four (4) SSOs to a 10-year, 1-hour rain event to improve water quality and reduce inflow and infiltration (I&I); and

WHEREAS, NEORS has determined, and this Council concurs, that the project will address water quality issues which are associated with sewer infrastructure and which adversely impact human health and the environment.

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

SECTION 1. The Mayor is hereby authorized to enter into an agreement with the Northeast Ohio Regional Sewer District (“NEORS”) to accept funds under the 2022 Member Community Infrastructure Grant Program in the amount of Four Hundred Seventy-Nine Thousand Seven Hundred Dollars (\$479,700.00) for the design control of the SSOs CH-9, CH-32, CH-57 AND CH-58 (Monmouth) Project and any and all related documents or agreements with NEORS. The agreement and any related documents shall be approved as to form and subject to the final approval of the Director of Law.

SECTION 2. The City further agrees to pay One Hundred Percent (100%) of the cost over and above the maximum amount provided by NEORS.

RESOLUTION NO. 14-2022 (MS), *First Reading*

SECTION 3. 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 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 timely enter into the above-mentioned grant agreement to begin the project described herein at the earliest time possible. Wherefore, provided it receives the affirmative vote of five 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: 1/18/2022

ORDINANCE NO. 10-2022 (PD), *Second Reading*

By Mayor Seren

An Ordinance authorizing the Mayor to execute an agreement for the purchase of certain real property located at 13230-13232 Cedar Rd.; and declaring an emergency.

WHEREAS, Judith Wolf (“Wolf”) currently owns certain real property located at 13230-13232 Cedar Rd., Cleveland Heights, Ohio, Permanent Parcel No. 687-06-011 (the “Property”); and

WHEREAS, the City and Wolf entered into an agreement granting the City an option to purchase the Property upon certain terms and conditions; and

WHEREAS, the Mayor wishes to exercise the option prior to its expiration on January 31, 2022, which will require the parties to execute a purchase agreement which is subject to Council approval; and

WHEREAS, this Council has determined that it is in the best interest of the City and its residents to proceed with the purchase of the Property.

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

SECTION 1. The Mayor is hereby authorized to execute a purchase agreement to acquire certain real property located at 13230-13232 Cedar Rd., Cleveland Heights, Ohio, Permanent Parcel No. 687-06-011, substantially in accordance with the agreement on file with the Clerk of Council, and to sign any other documents necessary to complete the transaction. The purchase price for the property, including all buildings on the property, is Two Hundred and Eighty Thousand Dollars (\$280,000.00). The City shall pay all closing costs and costs of transfer.

SECTION 2. Documents implementing the above transaction shall be approved as to form by and subject to the final approval of the Director of Law.

SECTION 3. Notice of the passage of this Ordinance 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 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 the City to timely consummate the purchase of the Property pursuant to the option agreement. 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: 02/07/2022

ORDINANCE NO. 15-2022 (AS), *First Reading*

By Council Member

An Ordinance providing for the submission to the electors of the City of Cleveland Heights of proposed amendments to the Charter of the City of Cleveland Heights for placement on the May 3, 2022 ballot; and declaring an emergency.

WHEREAS, Article III-6 of the Charter of the City of Cleveland Heights provides, in part, that “the Director of Finance shall serve as ex officio Clerk of the Council”; and

WHEREAS, this Council recognizes the significant and important duties undertaken by the Director of Finance and wishes to eliminate the requirement that the position simultaneously serve as Clerk of Council, to allow the Director of Finance to focus solely and exclusively on the duties and responsibilities of the position of Director of Finance; and

WHEREAS, this Council believes that the duties of the position of Clerk of Council would be most effectively performed by ensuring this Council has the authority to hire and direct the work of its own Clerk directly, who shall serve at the pleasure of the Council; and

WHEREAS, this Council further wishes to ensure that it has authority to employ, appoint, hire, or otherwise engage any employee, consultant, independent contractor, or other persons as the Council deems necessary for the discharge of its duties under the Charter for the benefit of the City and its residents; and

WHEREAS, pursuant to Article XIII of the Charter of the City of Cleveland Heights and the Constitution of the State of Ohio, this Council has determined to authorize and direct the submission to the electors of the City of Cleveland Heights of proposed charter amendments at the primary election to be held on Tuesday, May 3, 2022, which election is not less than 60 nor more than 120 days from the effective date of this Ordinance, and that submitting the same to the electors is in the best interest of the City and its residents; and

WHEREAS, Article XIII of the Charter of the City of Cleveland Heights provides that amendments to the Charter may be submitted to the electors of the City of Cleveland Heights by a vote of five (5) or more members of this Council.

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

SECTION 1. This Council directs that there shall be submitted to a vote of the electors of the City of Cleveland Heights, at the primary election to be held at the usual places of voting in said City on Tuesday, May 3, 2022, the question of whether the selected provision of the Charter of the City of Cleveland Heights should be amended to read as set forth in the document attached hereto as Exhibit A and incorporated herein by reference.

SECTION 2. The Cuyahoga County Board of Elections is hereby directed to submit the following question to the electors of the City of Cleveland Heights at the primary election on Tuesday, May 3, 2022 in substantially this form:

PROPOSED CHARTER AMENDMENT

A majority affirmative vote is necessary for passage.

“Shall Article III, Section 6 of the Charter of the City of Cleveland Heights be amended to provide that City Council may appoint, employ or otherwise engage its own Clerk of Council and any other employee, consultant, or person, and to remove the requirement that the Director of Finance serve as ex officio Clerk of the Council?

___ Yes ___ No”

SECTION 3. The Clerk of Council is hereby instructed to file forthwith a certified copy of this Ordinance and the proposed form of the ballot question with the Cuyahoga County Board of Elections not less than sixty (60) nor more than one hundred twenty (120) days prior to May 3, 2022, for the Board’s processing in the manner provided by the general laws of the State of Ohio.

SECTION 4. The Clerk of Council is hereby directed to provide notice of the proposed amendments pursuant to Article VIII-5 of the Charter of the City of Cleveland Heights, by either: (1) printing or mailing to each registered elector an official publicity pamphlet, or (2) publicizing official publicity in a newspaper published and generally circulated in the City, or if no such newspaper is published in the City, then in a newspaper of general circulation within the City, at least once a week for not less than two consecutive weeks with the first publication being at least thirty (30) days prior to May 3, 2022. Such publicity pamphlet or publication shall contain a full text of the proposed Charter amendment, with the respective ballot title, together with any explanation or argument for or against such measure which may have been filed with the Clerk of Council.

SECTION 5. Pursuant to Article XIII of the Charter of the City of Cleveland Heights, if the majority of electors voting thereon vote in favor of adopting the proposed amendments to the Charter of the City of Cleveland Heights, it shall become a part of the Charter at the time fixed in the amendments, and if no time is fixed therein, then such amendments shall become a part of the Charter upon its approval by the electors.

SECTION 6. 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 to timely submit to the electors of the City of Cleveland Heights the proposed amendments to Charter of the City of Cleveland Heights amendments in time to meet Board of Elections deadlines. 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:

Presented to Mayor: _____

Approved: _____

KAHLIL SEREN
Mayor

EXHIBIT A

Article III-6 – Appointees

~~—Unless otherwise provided by ordinance of the Council, the Director of Finance shall serve as ex officio Clerk of the Council, and shall have the duty of keeping Council's records and performing all other duties required by this Charter and by the Council.~~

Council shall appoint a Clerk of Council, who shall have the duty of keeping Council's records and performing all other duties required by this Charter and by the Council.

Council may appoint, employ, hire, or engage any other employees, consultants, independent contractors, or other persons as it deems necessary for the proper discharge of its duties. The Clerk of Council and any other person so appointed and employed, hired, or engaged by the Council shall serve at the pleasure of the Council and shall report to the President of Council as their supervisor.

Neither the Council nor any of its members or committees shall dictate the appointment of any person to office or employment by the Mayor, nor in any manner interfere with or prevent the Mayor or the City Administrator from exercising their judgment in the appointment of officers and employees in the administrative service. Except for the purpose of inquiry, the Council and its members shall deal with the administrative service solely through the Mayor or the City Administrator and neither the Council nor any member thereof shall give orders to any of the subordinates of the Mayor or the City Administrator.

In its employment practices, the City is and shall continue to be an equal opportunity employer. At least once each year, the Mayor shall submit a report to the Council for review concerning the carrying out of this policy. Council shall make this report public.

~~—This section shall become effective January 1, 2022~~

Proposed: 02/07/2022

RESOLUTION NO. 16-2022 (CRR), *First Reading*

By Mayor Seren

A Resolution recognizing March 2022 as National Women's History Month; and declaring the necessity that this Resolution become immediately effective as an emergency measure.

WHEREAS, the citizens of Cleveland Heights take great pride in the City's diversity and harmonious relationships that exist among and within the City's many diverse groups; and

WHEREAS, in 1987, National Women's History Month was established as a way to celebrate women across the Nation, including their efforts to make the country and world a better place for women of all ages and races; and

WHEREAS, women have played and continue to play a critical political, economic, cultural, and social role in our Nation and constitute a significant portion of the labor force working inside and outside of the home; and

WHEREAS, women were integral in the establishment of early charitable, philanthropic, and cultural institutions in our Nation; and

WHEREAS, women of every race, class, and ethnic background served as early leaders in the forefront of every major progressive social change movement; and

WHEREAS, despite these contributions, the role of women in American history has been historically overlooked and undervalued; and

WHEREAS, the month of March is recognized as National Women's History Month by communities throughout the United States in order to honor and celebrate the struggles and achievements of women throughout the history of the United States.

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

SECTION 1. The month of March 2022 is hereby designated National Women's History Month in the City of Cleveland Heights in recognition of the struggles and achievements of women in this community and our country. The City hereby reaffirms its commitment to preserve Cleveland Heights as a truly inclusive community and to continue the tradition of appreciation and honor of the women who came before us and fought for equality among all races and genders.

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.

RESOLUTION NO. 16-2022 (CRR), *First Reading*

SECTION 3. It is necessary that this Resolution become immediately effective as an emergency measure for the immediate preservation of the public peace, health or safety of the City, such emergency being the need to recognize National Women's History Month in a timely fashion. 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: 02/07/2022

ORDINANCE NO. 17-2022 (COTW), *First Reading*

By Council President Hart

(via Initiative Petition)

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:

SECTION 1. 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

ORDINANCE NO. 17-2022 (COTW), *First Reading*

SECTION 2. All construction activities associated with the Site be suspended as of the certification of this petition.

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 shall take effect and be in force at the earliest time permitted by law.

MELODY JOY HART
President of Council

AMY HIMMELEIN
Clerk of Council

PASSED:

Presented to Mayor: _____

Approved: _____

KAHLIL SEREN
Mayor

Proposed: 02/07/2022

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 Mentch 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

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

Lee Road, Tullamore Road and Meadowbrook Boulevard in Cleveland Heights, attached hereto and incorporated herein as Exhibit A.

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:

Presented to Mayor: _____

Approved: _____

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.



Monday, January 10, 2022 Minutes

CITY COUNCIL

7:35 – 8:17 p.m.

President Hart presiding

President Hart explained that the number of residents allowed at the meeting will be limited to seventeen, due to the recent spike in COVID cases. Residents who would like to make public comment are asked to sign in and fill out a form. Those will be provided to the Clerk of Council, who will call each person in when it is their turn to comment.

Roll Call: Present: Cobb, Cuda, Hart, Mattox, Moore, Russell
Absent: None

Staff present: Seren, Hanna, Himmelein, Niermann O'Neil

Approval of the minutes of the Council meeting held on December 6 and December 13, 2021

Minutes were approved without any objections.

Matter of Record

Personal communications from citizens

Marion Bryant is seeking help from the City with reversing the ghetto that has developed on Mayfield Road near the intersection of Mayfield and Warrensville on the south side of the street. She has tried reaching out to City staff with her concerns but hasn't had success. She heard that the funds for store front renovation were used for five oversized plastic planters that are not necessary nor do they improve the area. Ms. Bryant has traveled around the region and has not seen anything like this in other cities.

Mayor Seren said he would personally look into this issue and follow up with Ms. Bryant.

Fran Mentch congratulated each and every resident in Cleveland Heights for a successful exercise in direct democracy. People for the Park were able to gather enough valid signatures to place on the ballot in May that the City build a public square at the corner of Meadowbrook and Lee Road. Ms. Mentch is excited and believes this is a historic

moment for the residents of Cleveland Heights. She said this is the only time that residents will get to vote on a project. She said they spoke with over 4,600 people and they had many different ideas. She said they are going to take these ideas into consideration for the park design because the park will belong to everyone. For those who are concerned about the impact this will have on the development, please note that this only impacts twenty percent of the proposed development and would help to entice tenants to the new development. Ms. Mentch congratulated the community and said that anyone who helped with the initiative petition can see that their effort was important.

President Hart reminded Ms. Mentch of the three-minute time limit for public comment. She let everyone know that the time clock is on the wall so people know how much time they have remaining.

Jennifer Winter wanted to voice her opposition to the Lee Meadowbrook Park initiative. She said the F & C project will not only bring vibrancy to the area as well as increase the tax revenue for Cleveland Heights, but will include a one third acre park. The advocates for the Lee Meadowbrook Park want to see a full acre park and no other development. The F & C development would bring in tax revenue from new tenants as well as the new businesses. The development would also bring in revenue to the local businesses who have been hit hard by the pandemic. If the park petition initiative is successful, the City won't just lose the benefits of the F & C project but will be faced by an unfunded mandate. The park proponents estimate the cost of building the park to be \$2 million and that estimate was provided prior to all the cost increases associated with COVID and does not include ongoing maintenance costs. The initiative demands that a park be constructed but it does not provide a source of funding for the construction. Where do they think this funding will come from? Or was this something that they had simply not considered? A defeat of this ballot initiative will result in a one third acre park, vibrant Lee Road, and increased tax revenue. Passage of this initiative will result in nothing more but the status quo. F & C will be prevented from constructing the project and the City will be unable to create a park on the site. Ms. Winter encouraged Cleveland Heights residents to be realistic and support the F & C development project, which includes adding a sizable park to the Lee Road landscape.

Communications from the Mayor

Mayor Seren thanked President Hart for fantastically running the Committee of the Whole meeting. He also wished Council good luck moving forward with tonight's meeting. Mayor Seren said he spent the last week getting hit with a firehose of information. He has spent long hours in the office at City Hall working to fill out his cabinet. He will be providing more information regarding the vacancies moving forward including the Communications position, City Administrator, and his Executive Assistant

position. Once he has his team together, he will have a more robust set of communications to provide to the people and to Council. Overall, he believes this first week has gone well and appreciates all of the support from staff. He encouraged residents to check out the City website. Mayor Seren would like to ensure that this Council and the public know that he is on the job and looking forward to starting this process. In response to the earlier complaint from a constituent, he said the City will be improving how they accept, track, and respond to complaints. There is a service request form on the website as well as an app for your smartphone called Access Cleveland Heights. This will be a way to automate the complaint process, a way to track the complaints and our responses, and moving forward we will be using that as a way to tighten up how we respond to complaints.

Report of the Clerk of Council

Notified 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

Referred 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 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.

Referred to: Committee of the Whole

President Hart asked Law Director Hanna if the initiative is approved by the voters, whether it will negate the agreements the City has with F & C and derail the project.

Law Director Hanna said the Law Department has concluded that the passage of the ordinance by Council or by approval of the ordinance by the voters would not undo the agreements the City has with F & C due to the constitutional prohibitions against the retroactive impairment of contracts. These are found in both the Ohio and the United States Constitutions and they apply with equal force to legislation adopted by a State, City, or the voters of a City. In any of those cases, a law that impairs a contract that has been duly executed prior to the passage of the law is unconstitutional.

President Hart said the next date on this topic will be February 7th. Committee of the Whole must give their recommendation and Council will vote on whether to accept, reject, or amend.

Law Director Hanna confirmed this per the City's Charter.

Council Member Cuda asked Law Director Hanna if it was his recommendation that Council follow through with their responsibility to put this initiative petition on the ballot and allow it to play out however it does.

Law Director Hanna said Council has to follow the procedures under the City Charter. This would include the referral to committee, the report of the committee to Council, and ultimately action by Council on the underlying measure. This could be passing it, not passing it, or passing it in a way other than what was proposed. If Council disapproves the measure, or adopts it in a way that is different than what was proposed, then the committee of petitioners has the ability to require that Council send it to the electors.

Council Member Russell asked for Law Director Hanna to repeat the constitutional provisions so they can refer to them.

Law Director Hanna said the constitutional provisions are Article I, Section X of the U.S. Constitution and Article II, Section XXVIII of the Ohio Constitution.

President Hart said she has changed the format of the meetings and that Committee members may only report on their committee or legislation during their committee reports. In the future, they will include user friendly descriptions for the legislation. She asked that committee reports be given first, followed by legislation. If there is discussion regarding a piece of legislation, she requests that comments be kept brief, on the topic only, and preferably two minutes or less. Any other comments that Council Members have can be voiced during the Council Member Comments section of the agenda. She

requests that these comments be kept to two or three minutes just as the public has to keep their comments to three minutes.

ADMINISTRATIVE SERVICES COMMITTEE

RESOLUTION NO. 1-2022 (AS), 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 President Hart

Moved by President Hart, Seconded by Vice President Cobb

Roll Call: Ayes: Mattox, Moore, Russell, Hart, Cobb, Cuda
 Nays: None

Legislation Passed

***MOTION** to amend Resolution No. 1-2022 to change the name of the new committee from "Building and Housing Committee" to "Housing and Building Committee."

Moved by Council Member Cuda, Seconded by Council Member Russell

Roll Call: Ayes: Mattox, Moore, Russell, Hart, Cobb, Cuda
 Nays: None

Motion Passed

President Hart explained that the Housing and Building Committee has been added to the committee list so there are now seven committees instead of six. Housing used to be included with Public Safety and Health Committee but they decided Housing was important enough to warrant its own committee. This will allow the Public Safety Committee and the Housing Committee to really focus on their respective areas. President Hart announced that the committee chairs were assigned as follows:

Administrative Services – Cobb
Finance – Hart
Municipal Services – Moore
Housing and Building – Cuda
Community Relations and Recreation – Russell
Planning and Development – Mattox
Public Safety and Health – Vacant (Cuda in the interim since he is Vice-Chair)

Council Member Cuda believes changing the name of the committee to “Housing and Building Committee” instead of “Building and Housing Committee” will signify that Housing is a priority.

COMMUNITY RELATIONS AND RECREATION COMMITTEE

Nothing to report at this time.

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 President Hart

Moved by President Hart, Seconded by Council Member Moore

Roll Call: Ayes: Cuda, Hart, Mattox, Moore, Russell, Cobb
 Nays: None

Legislation Passed

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

Moved by President Hart, Seconded by Council Member Cuda

Roll Call: Ayes: Hart, Mattox, Moore, Russell, Cobb, Cuda
 Nays: None

Legislation Passed

President Hart said there will be a Finance Committee meeting either this month or next for the purposes of discussing allocations of the ARPA funds for Noble and Taylor.

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

Moved by Council Member Moore, Seconded by Council Member Russell

Roll Call: Ayes: Mattox, Moore, Russell, Cobb, Cuda, Hart
Nays: None

Legislation Passed

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

Moved by Council Member Mattox, Seconded by Council Member Moore

Roll Call: Ayes: Moore, Russell, Cobb, Cuda, Hart, Mattox
Nays: None

Legislation Passed

Council Member Mattox announced that there will be a Planning and Development Committee meeting scheduled in February.

PUBLIC SAFETY AND HEALTH COMMITTEE

Nothing to report at this time.

Council Member Comments

Council Member Russell said she will be planning a meeting with the residents of the Noble and Taylor neighborhoods in the near future regarding the ARPA funds allocated

to the Noble and Taylor neighborhoods. She advised that she will be sending notices to residents and encouraged everyone to get the word out. They will be working to narrow down their wish list for what they want for these neighborhoods before the Finance Committee meets.

Council Member Cuda said he is looking forward to chairing the Housing and Building Committee and he believes this is an opportunity for the City. He also welcomed Mayor Seren since this is his first week in office. He thanked Mayor Seren for implementing COVID protocol for the council meeting tonight because it is important to ensure the health and safety of everyone in attendance. Council Member Cuda asked Mayor Seren if he is planning on doing a State of the City Address. He said a lot of people would love to hear from him.

Mayor Seren said he does anticipate addressing Council Members and residents on a regular basis. He intends to provide regular updates on how the City is doing and foresees doing a quarterly State of the City Address as well.

President Hart said that Mayor Seren will be addressing the Cleveland Heights Democratic Club on January 13th. She said this will be a virtual meeting and encouraged residents to sign up for it.

Mayor Seren confirmed this and encouraged other groups in the City to reach out and schedule time for other meetings and updates as well.

Report of the Council President

President Hart wished everyone a Happy New Year and encouraged residents to keep an eye on the calendar on the City's website for committee meetings. She intends to change the public comments section of the meetings so in the beginning of the meeting they will have comments regarding agenda items. They will listen to the other public comments at the end of the meeting. She anticipates this change being implemented in March so there will be time to adjust. President Hart said Council has met during Executive Session to discuss applications for the council vacancy. Currently, the League of Women Voters is conducting interviews with the candidates. After Council receives those, they will be scheduling finalists for in-person interviews. President Hart reminded everyone that City Hall will be closed on Monday, January, 17th for Martin Luther King Jr. Day.

NEXT MEETING OF COUNCIL: TUESDAY, JANUARY 18, 2022

Respectfully submitted,

Melody Joy Hart
President of Council

Amy Himmelein
Clerk of Council