



# CLEVELAND HEIGHTS

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## Public Safety & Health Committee

Tuesday, February 22, 2022

5:15 p.m.

City Hall – Executive Conference Room

## Agenda

1. Appointments by Council
2. Executive Session
  - a. *To consider the appointment of a public official*



# CLEVELAND HEIGHTS

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**Council Committee of the Whole**

**Tuesday, February 22, 2022**

**6:00 p.m.**

**City Hall – Executive Conference Room**

## **Agenda**

1. Sustainability Committee Proposal
2. Legislation overview/Caucus
3. Black History Month event
4. Charter Review Discussion
5. Other
6. Executive Session
  - a. *To consider the appointment of a public official*



## **AGENDA (tentative) - CLEVELAND HEIGHTS CITY COUNCIL MEETING**

**Tuesday, February 22, 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 18, 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**

### **Certification by Clerk of Council**

Pursuant to Article VIII, Section 1, of the City of Cleveland Heights Charter, the Clerk of Council certifies to the Cleveland Heights City Council that on February 10, 2022, the committee of petitioners timely certified to the Clerk its invocation of the requirement, pursuant to the foregoing provision of the City Charter, that its legislation, proposed by initiative petition and known as "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," which was rejected by City Council by the adoption of Ordinance No. 18-2022 at the regular Council meeting of February 7, 2022, be submitted to a vote of the electors in its original form.

**8) Committee Reports**

- a.) HOUSING AND BUILDING COMMITTEE**
- b.) MUNICIPAL SERVICES COMMITTEE**
- c.) PLANNING AND DEVELOPMENT COMMITTEE**
- d.) PUBLIC SAFETY AND HEALTH COMMITTEE**
- e.) ADMINISTRATIVE SERVICES COMMITTEE**

**ORDINANCE NO. 15-2022 (AS), *Second 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 \_\_\_\_\_

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

**RESOLUTION NO. 16-2022 (CRR), *Second 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 \_\_\_\_\_

**RESOLUTION NO. 19-2022 (CRR), *First Reading*.** A Resolution in support of the Medicare for All Act of 2021 (HR 1976); and declaring that universal access to quality healthcare is a human right.

Introduced by Mayor Seren, Council President Hart, Vice President Cobb, and Council Members Russell, Moore, Mattox, and Cuda

Vote \_\_\_\_\_  
For \_\_\_\_\_ Against \_\_\_\_\_  
No. Reading \_\_\_\_\_

**g.) FINANCE COMMITTEE**

**ORDINANCE NO. 20-2022 (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 \_\_\_\_\_

**RESOLUTION NO. 21-2022 (F), *First Reading*.** A Resolution establishing the Flexible Spending Account Fund and affirming that funds received by the City as a payroll deduction from employees shall be used only to cover costs incurred by the City of Cleveland Heights consistent with Internal Revenue Code §125 and applicable law and regulations; and declaring an emergency.

Introduced by Mayor Seren

Vote \_\_\_\_\_  
For \_\_\_\_\_ Against \_\_\_\_\_  
No. Reading \_\_\_\_\_

**h.) COMMITTEE OF THE WHOLE**

**ORDINANCE NO. 22-2022 (COTW), *First Reading*.** An Ordinance calling an election on 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: MONDAY, MARCH 7, 2022**

Proposed: 02/07/2022

Amended: 02/22/2022

ORDINANCE NO. 15-2022 (AS), *Second 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

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

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

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

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.

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MELODY JOY HART  
President of Council

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AMY HIMMELEIN  
Clerk of Council

PASSED:

Presented to Mayor: \_\_\_\_\_

Approved: \_\_\_\_\_

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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, or the designee of 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), *Second 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), *Second 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.

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MELODY JOY HART  
President of Council

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AMY HIMMELEIN  
Clerk of Council

PASSED:

Presented to Mayor: \_\_\_\_\_

Approved: \_\_\_\_\_

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KAHLIL SEREN  
Mayor

Proposed: 2/22/2022

RESOLUTION NO. 19-2022, *First Reading*

By Mayor Seren, Council President Hart,  
Vice President Cobb, and Council Members  
Russell, Moore, Mattox, and Cuda

A Resolution in support of the Medicare for All Act of 2021 (HR 1976); and declaring that universal access to quality healthcare is a human right.

WHEREAS, nearly 7% of Cleveland Heights residents, over 3,000 people, have no health insurance; and

WHEREAS, over 20% of Cleveland Heights residents, approximately 9,000 people, live below the poverty threshold; and

WHEREAS, average life expectancy varies widely, as much as 14 years, among different neighborhoods of Cleveland Heights, geographically correlated with race and income levels; and

WHEREAS, every person in Cleveland Heights deserves high quality health care and everyone's health is at risk when our neighbors cannot receive care; and

WHEREAS, the number of Americans without health insurance before the COVID-19 pandemic was nearly 30 million, with more than 40 million Americans underinsured, despite important gains made since the implementation of the Affordable Care Act; and

WHEREAS, the current COVID-19 pandemic has led to record levels of unemployment, loss of employer-sponsored health insurance, a severely strained health care system, widespread illness, and taken a profound toll on our community's mental health, all of which is placing significant demands on our health care system with the impacts most severe on our Black and brown neighbors; and

WHEREAS, many people delay seeking needed health care due to an inability to pay, leading to a sicker and poorer population in the long run; and

WHEREAS, such a population is significantly more likely to develop serious illness if exposed to COVID-19 and will subsequently face higher mortality rates from the disease; and

WHEREAS, without new strategies, the never-ending rising costs of health care will continue to challenge our already strained municipal budget and the small businesses that keep our community unique and thriving; and

WHEREAS in order to equitably and effectively address the health care burden of the COVID-19 crisis, we must urge the United States Congress to expand health insurance coverage

RESOLUTION NO. 19-2022, *First Reading*

to provide comprehensive coverage to every resident of the United States without cost sharing requirements; and

WHEREAS the Medicare for All Act of 2021 would provide national health insurance for every person in the United States for all necessary medical care including diagnostic (e.g., virus) testing; prescription drugs; hospital, surgical and outpatient services; primary and preventive care; emergency services; reproductive care; dental and vision care; and long-term care; and

WHEREAS the Medicare for All Act of 2021 would provide coverage without copays, deductibles or other out-of-pocket costs, and would reduce bureaucracy, protect the doctor-patient relationship and assure patients a free choice of doctors; and

WHEREAS, recent polls show that a growing majority of Americans support Medicare for All; and

WHEREAS the Medicare for All Act of 2021 will guarantee that all residents of Cleveland Heights will be fully covered for health care without copays, deductibles or other out-of-pocket costs, and would save millions in taxpayer dollars now spent on premiums that provide often inadequate health insurance coverage; and

WHEREAS, the failure to provide affordable and appropriate preventative health care services places unnecessary and more costly demands upon Cleveland Heights emergency health care services.

WHEREAS, the quality of life for the residents of Cleveland Heights will vastly improve because everyone would be able to get preventative and ongoing care, when they need it to keep themselves and their neighbors healthy and avoid further burdening local resources;

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

SECTION 1. The Council and Mayor of the City of Cleveland Heights urge Congress to enact emergency legislation to provide universal, comprehensive health coverage with no cost-sharing requirements for patients during the healthcare crisis caused by the COVID-19 pandemic, enthusiastically support the Medicare for All Act of 2021 (H.R. 1976), and call on our federal legislators to work toward its immediate enactment, assuring appropriate and efficient healthcare for all residents of the United States.

SECTION 2. The Council and Mayor of the City of Cleveland Heights hereby declare that universal access to high quality healthcare is a human right and the responsibility of a modern society with the capacity to provide it.

SECTION 3. Upon passage of this Resolution, the Clerk of Council shall provide a copy of this Resolution to the Congressional Delegation representing the City of Cleveland Heights.

RESOLUTION NO. 19-2022, *First Reading*

SECTION 4. 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.

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MELODY JOY HART  
President of Council

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AMY HIMMELEIN  
Clerk of Council

PASSED:

Presented to Mayor: \_\_\_\_\_

Approved: \_\_\_\_\_

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KAHLIL SEREN  
Mayor

Proposed: 02/22/2022

ORDINANCE NO. 20-2022 (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.

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MELODY JOY HART  
President of Council

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AMY HIMMELEIN  
Clerk of Council

PASSED:

ORDINANCE NO. 20-2022 (F), *First Reading*

Presented to Mayor: \_\_\_\_\_

Approved: \_\_\_\_\_

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KAHLIL SEREN

Mayor

ORDINANCE NO. 20-2022 (F), *First Reading*

## Exhibit 1

Fund	Department	Object	Reason	Approved Budget	Requested Change	Revised Budget	Net Effect to Budget
240 - Federal Miscellaneous Grants	8501 - Office On Aging Admin	O.T.P.S.	Increase to spend grant funds received from the Older Americans Act.	0.00	14,349.61	14,349.61	Zero - grant funds will cover the cost.
<b>Total</b>				<b>0.00</b>	<b>14,349.61</b>	<b>14,349.61</b>	

Proposed: 02/22/2022

RESOLUTION NO. 21-2022 (F), *First Reading*

By Mayor Seren

A Resolution establishing the Flexible Spending Account Fund and affirming that funds received by the City as a payroll deduction from employees shall be used only to cover costs incurred by the City of Cleveland Heights consistent with Internal Revenue Code §125 and applicable law and regulations; and declaring an emergency.

WHEREAS, the City provides medical and dependent care flexible spending accounts as a benefit to employees; and

WHEREAS, employees participate in these benefits via a pre-tax payroll deduction in accordance with Internal Revenue Code §125; and

WHEREAS, these funds may only be used for qualifying medical and dependent care expenses as determined by the Internal Revenue Code §125; and

WHEREAS, Ohio Revised Code §5705.09 requires political subdivisions to establish separate funds for each class of revenue derived from a source other than the general property tax, which the law requires to be used for a particular purpose; and

WHEREAS, Ohio Revised Code §5705.12 further requires the taxing authority of a political subdivision to establish, with the approval of the Auditor of State, such other funds as desired, to deposit money derived from a source other than general property tax to be paid in to a separate fund.

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

SECTION 1. This Council hereby establishes a Flexible Spending Account Fund. The purposes of such fund shall be to account for revenues and expenditures related to the funds received by the City through payroll deductions from employees for medical and dependent care flexible spending accounts.

SECTION 2. This Council affirms that all funds received and deposited into said Flexible Spending Account Fund will be expended consistent with the requirements of the Internal Revenue Code §125 and any other applicable law, regulations, and guidance.

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.

RESOLUTION NO. 21-2022 (F), *First Reading*

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 create the new Flexible Spending Account Fund at the earliest time possible so that the City may accept and account for the monies it receives. 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.

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MELODY JOY HART  
President of Council

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AMY HIMMELEIN  
Clerk of Council

PASSED:

Presented to Mayor: \_\_\_\_\_

Approved: \_\_\_\_\_

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KAHLIL SEREN  
Mayor

Proposed: 02/22/2022

ORDINANCE NO. 22-2022 (COTW), *First Reading*

By Council President Hart

An Ordinance calling an election on 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, an initiative petition was submitted 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, which was supplemented with additional part petitions filed on December 27, 2021; and

WHEREAS, at the January 10, 2022 meeting of Council, the Clerk of Council certified to Council the sufficiency, under Article VIII of the Charter, of the number of signatures submitted in support of the petition; and

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

WHEREAS, following a public hearing of the Committee of the Whole on January 24, 2022, this Council on February 7, 2022 received from the Committee of the Whole a report and recommendation that Council reject the proposed initiative Ordinance, and determined to accept the Committee's report and recommendation by adopting Ordinance No. 18-2022, which rejected the proposed Ordinance; and

WHEREAS, the committee of petitioners on February 9, 2022, timely certified to the Clerk of Council that it would require that the proposed Ordinance be submitted to a vote of the electors, in its original form, which requirement has been certified to this Council by the Clerk; and

WHEREAS, Article VIII of the Charter requires that Council call an election on the proposed Ordinance, to occur at the next regular primary or general election occurring not less than 60 days or more than 120 days hereafter.

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

SECTION 1. The Clerk of Council is hereby directed to certify and to submit to the Board of Elections for placement on the ballot at a special election to be held at the usual places of voting in the City of Cleveland Heights on May 3, 2022 the proposed Ordinance as set forth in the Initiative Petition certified by the Clerk of Council on January 10, 2022, the text of which is on file with the Clerk of Council and available for public inspection and is further attached hereto as Exhibit A.

ORDINANCE NO. 22-2022 (COTW), *First Reading*

SECTION 2. Should the proposed Ordinance be approved by at least a majority of the votes cast at the May 3, 2022 special election, it shall become effective immediately upon its adoption.

SECTION 3. The Clerk of Council is hereby instructed to promptly file a certified copy of this Ordinance with the Cuyahoga County Board of Elections for the Board's processing in the manner provided by the general laws of the State of Ohio.

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 to timely submit to the electors of the City of Cleveland Heights the above-described Initiative Petition for a proposed Ordinance 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.

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MELODY JOY HART  
President of Council

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AMY HIMMELEIN  
Clerk of Council

PASSED:

Presented to Mayor: \_\_\_\_\_

Approved: \_\_\_\_\_

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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.



**Tuesday, January 18, 2022 Minutes**

**CITY COUNCIL**

7:43 – 9:35 p.m.

President Hart presiding

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 20, 2021 and January 3, 2022**

Minutes were approved without any objections.

**Matter of Record**

**Personal communications from citizens**

Garry Kanter is a member of the petitioners for the Cedar Lee Meadowbrook park/public square ballot issue that was discussed during this evening's Committee of the Whole meeting. Three members of the group of petitioners responded to the City's requests for proposals for Meadowbrook Lee with green space solutions four times between 2013 and 2019. Each of these submissions was rejected. On June 24, 2021, a still-active lawsuit was filed regarding the lack of public notice of the special city council meeting of June 28, 2021 at which the non-binding Memorandum of Understanding concerning the development of Cedar Lee Meadowbrook was approved. The City was notified at the beginning of their successful petition drive on August 25, 2021. Four of the current council members were gracious enough to sign the petition because they recognize the value of citizen-led democracy. The petitions were submitted to the City on November 29, 2021. The petitioners spoke to council on December 6, 2021 imploring council to make accommodations in the developer agreement for the possibility of the ballot issue passing. Council passed the developer agreement on December 6, 2021 without making any changes that would accommodate the passage of the ballot issue. Mr. Kanter believes that the City had every opportunity to prepare for this eventuality. The petitioners did not hide anything from anyone and they conducted themselves at all times knowing that time was of the essence. He believes the green space project at Meadowbrook Lee is long overdue and requests that this be placed on the ballot on May

3, 2022 without delay. He requests that the petitioners be permitted to present at the public hearing regarding this issue that was discussed during the Committee of the Whole meeting.

James Williams said it was his understanding that the executive branch has legislated funds for people with disabilities and for grant money. He was wondering if that is included in the general fund or if that is something the Mayor and Law Director have to send out for. Does this include funds for sustainability, gang units, and other activities? Mr. Williams also reflected on Martin Luther King Jr. Day. He believes MLK was a great man because not only did he bring together African Americans, but he brought together people from all kinds of racial backgrounds to fight injustice. He also believes Lebron James has brought different groups of people together in a similar way and this was apparent after Cleveland's NBA championship win. He believes we need to return to that feeling of unity we had in our hearts, minds, and spirits during that time.

Robin Koslen said she was pleased to see how well council members treated each other during the Committee of the Whole meeting earlier tonight. Ms. Koslen said she wanted to comment tonight to say that she believes she made a mistake when she signed the petition for the Cedar Lee Meadowbrook park. She signed it because she believes that citizens should have the right to make that decision. However, she would not sign the petition today now that she knows more about the situation. She does not like that the petitioners are now saying that everyone who signed the petition wants the park because many people signed it because they feel that petitioners have the right to get an issue put on the ballot, not because they necessarily want the park. When she was asked about this, she said she would probably vote no on the issue.

Fran Mentch is a member of the petitioners for the initiative for the public square/park at Meadowbrook Lee. Ms. Mentch believes that the rhetoric at the Committee of the Whole meeting last week was discouraging to many people in telling them not to take this ballot issue seriously. She said it also muddied the water unnecessarily and made it appear as if council opposed the initiative. She also believes this created conflict within the community, whether intentional or not. Ms. Mentch does not oppose the development but believes that Cleveland Heights can have both the development and the proposed park/public square. Furthermore, she believes they would benefit/support each other. She finds it concerning that the community has not been informed of the complicated and confusing finances involved in the development agreement. She believes the development should be worked on and that they can do much better. As far as funding for the proposed park/public square at Meadowbrook Lee, Ms. Mentch said they would raise the money to build it but the City would need to maintain it. She said the park will cost money but will also bring economic vitality to the area.

Destiny Burns wants to express her strong support for the Cedar Lee Meadowbrook development agreement on behalf of herself and many other business owners in the Cedar Lee area. She strongly opposes the initiative petition that was discussed at the Committee of the Whole meeting. She requests that if the group of petitioners are allowed to present at the public hearing, those who opposed the initiative petition should also be allowed to present. She thanked Council for their leadership, inclusion, and vision for this development project.

Diane Hallum is really excited and hopeful about the changes in Council and the administration. She wanted to bring up the Ohio Supreme Court case that she provided to everyone regarding the discussions behind closed doors and outside of open meetings regarding electing a council president and vice-president. She also wanted to point out that this means they cannot discuss an appointment to council behind closed doors. They are not permitted to discuss it, deliberate, or count votes. They can only do so during an open meeting. Ms. Hallum also wanted to comment on the complaint about her submitted by people claiming to be part of Noble Neighbors. She said this complaint was filled with slander and inaccuracies. She provided this complaint to the Mayor and Council. She wants it to be known that three of those people demanding that she be removed from the CAC do not live on Noble Road or anywhere near it. She does not consider Noble Neighbors to be representative of the Noble area and has expressed this to Council and FutureHeights in the past. She said that FutureHeights continues to claim in their CDBG applications that they only work with or consults with Noble Road residents through Noble Neighbors. She believes the signed complaint from Noble Neighbors illustrates what she has been complaining about. She said those who control Noble Neighbors are people who don't even live in the area yet they are working with FutureHeights to get CDBG funds supposedly for the Noble community. Ms. Hallum is also concerned that there is too much of enmeshing between the CDBG funds approval process, Noble Neighbors, and FutureHeights. She said she has been raising this issue at the CAC meetings.

Maurice Rhoades requested the help of Council and the Mayor. He lives at 25 Severance Circle, which is a CMHA building. He said the fire chief has not returned his call and the person assigned to inspect the building elevator has not returned his call either and it has been several weeks. The freight elevator in his apartment building does not work and this began around Thanksgiving. He said there are 150-180 people in the building and some of them are in wheelchairs. Now there is only one working elevator and people are fighting to get on the elevator. He believes this is also a safety hazard. For example, if the CH fire department receives a call to rescue residents, they won't be able to reach them quickly. Mr. Rhoades said the CMHA management office will not provide him with any updates.

Mayor Seren requested that Mr. Rhoades provide him with his contact information and that he will have someone follow up with him regarding this issue.

Council Member Russell thanked Mr. Rhoades for bringing up this issue. She said she's also received several calls about this issue and is sorry that this keeps happening.

Council Member Cuda said he received a call recently regarding ADA compliance. He sent an email regarding this issue to the HR Director and he hasn't heard back yet. He believes these were very good questions that require answers.

### **Communications from the Mayor**

Since today is the day after Martin Luther King Jr. day and several days after his birthday, Mayor Seren wanted to encourage everyone to reject any corruption of Dr. Martin Luther King's words and philosophy. Dr. King demonstrated solidarity with workers despite being used to prop of a philosophy that ignores that. He said Dr. King was also not color blind. He doesn't believe you can see America with color blind eyes. He saw systemic abuses, marginalized people in America, and understood the need to take action to address those abuses on a large scale was necessary in order for people of color to enjoy the same opportunities as their white counterparts. He also preached about the intersectionality between racial and economic injustice and how racial separation have been used to keep oppressed people apart. A 34-year-old Dr. King brought his message to Cleveland Heights a few months before his iconic speech at the Lincoln Memorial. Mayor Seren believes we have come very far as a city since then but he believes we still have much work to do. He encourages everyone to reflect on the message that Reverend Dr. Martin Luther King Jr. provided us during his all too brief time on this earth.

Mayor Seren said that yesterday was also a big day for Council Member Mattox. He had a milestone birthday and Mayor Seren wanted to wish him a Happy Birthday.

Mayor Seren also thanked the Public Works and Public Properties employees. Trucks were deployed at 7pm on Sunday. City employees worked tirelessly overnight until 5am when they were replaced with another crew that worked all day to ensure city streets were kept clear during ongoing, hazardous conditions. Mayor Seren also wanted to recognize the Safety Forces for their service. The Police Department and the Fire Department responded to emergency calls throughout the storm. CHPD responded to nearly 40 disabled vehicle calls and Fire/EMS responded approximately the same amount of calls for emergency medical assistance. Lastly, Mayor Seren wanted to recognize the City workers he saw this morning who were stepping through waist high snow drifts to collect the refuse and recycling on time.

Mayor Seren encouraged all residents to go to covidtest.gov to order COVID tests at no cost. It is important to test after exposure. He also encouraged everyone to get vaccinated or boosted if medically able and to wear masks when around people in close proximity.

### **Report of the Clerk of Council**

Nothing formal to report at this time.

### **COMMUNITY RELATIONS AND RECREATION COMMITTEE**

**RESOLUTION NO. 5-2022 (CRR), *First Reading*.** A Resolution proclaiming February 2022 to be American Heart Month; and declaring an emergency.

Introduced by Mayor Seren

Moved by Council Member Russell, Seconded by Council Member Moore

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

**Legislation Passed**

**RESOLUTION NO. 6-2022 (CRR), *First Reading*.** A Resolution recognizing February 2022 as National African American History Month; and declaring an emergency.

Introduced by Mayor Seren

Moved by Council Member Russell, Seconded by Council Member Mattox

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

**Legislation Passed**

### **FINANCE COMMITTEE**

**ORDINANCE NO. 7-2022 (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 Vice President Cobb

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

**Legislation Passed**

**RESOLUTION NO. 8-2022 (F), *First Reading*.** A Resolution updating the signatories designated for the account with Nirvana Public Funding, LLC; and declaring an emergency.

Introduced by Mayor Seren

Moved by President Hart, Seconded by Vice President Cobb

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

**Legislation Passed**

**RESOLUTION NO. 9-2022 (F), *First Reading*.** A Resolution updating the list of City employees authorized to be signatories on certain City accounts; and declaring an emergency.

Introduced by Mayor Seren

Moved by President Hart, Seconded by Vice President Cobb

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

**Legislation Passed**

## **HOUSING AND BUILDING COMMITTEE**

Nothing formal to report at this time. Council Member Cuda said he's been meeting with various groups and community members regarding housing issues.

## **MUNICIPAL SERVICES COMMITTEE**

Nothing formal to report at this time. Council Member Moore encouraged residents to download the Access CH app on their phone.

## **PLANNING AND DEVELOPMENT COMMITTEE**

**ORDINANCE NO. 10-2022 (PD), First 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

**Legislation Introduced**

**ORDINANCE NO. 11-2022 (PD), First Reading.** An Ordinance amending Ordinance No. 13-2019 to reflect the position of the Mayor and the elimination of the City Manager position based upon the change in form of government; authorizing the Mayor to file appropriate amended Articles of Incorporation.

Introduced by Mayor Seren

Moved by Council Member Mattox, Seconded by Council Member Russell

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

Mayor Seren explained that because Ordinance No. 11-2022 is on First Reading and not being passed as an emergency, Council needs to move to reconsider the legislation, move to suspend the rules, and then move to pass Ordinance No. 11-2022. Since it is not being passed as an emergency, the legislation will not take effect until thirty days after passage.

\***MOTION** to Reconsider Ordinance 11-2022 (PD).

Moved by Council Member Cuda, Seconded by Council Member Mattox

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

**Motion Passed**

\***MOTION** to Suspend the Rules

Moved by Council Member Russell, Seconded by Council Member Cuda

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

**Motion Passed**

\***MOTION** to Pass Ordinance 11-2022 (PD)

Moved by Council Member Mattox, Seconded by Council Member Cuda

Roll Call:

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

**Motion Passed**

## **PUBLIC SAFETY AND HEALTH COMMITTEE**

Council Member Cuda said they are planning on having a committee meeting on February 7<sup>th</sup> and he has been working with Council Member Russell on an agenda.

## **ADMINISTRATIVE SERVICES COMMITTEE**

Nothing formal to report at this time.

### **Council Member Comments**

Council Member Mattox encouraged everyone to take the words of Dr. Martin Luther King Jr. to heart and focus on service within the community. Endeavor to make this a habit and be an example to others. He reminded everyone to consider those who are marginalized and struggling in these harsh winter months. He believes what makes Cleveland Heights so special is that we care for one another. He would like everyone to think about this not only on MLK Day but every day.

Council Member Moore concurred with Mayor Seren and said City crews were working hard to keep the streets clear of the snow. They may not have been able to get to all of the side streets but they kept many of the streets clear and she wanted to recognize them for their hard work. Council Member Moore also said she saw residents snowplowing the sidewalks for their neighbors. She also saw people helping one another dig out their cars from the snow. She loves the sense of community in Cleveland Heights and how people come together to help one another.

### **Report of the Council President**

President Hart thanked the City employees for keeping the streets clear of snow. She said Cleveland Heights' streets are in much better shape than Cleveland's streets. She reminded everyone that there will be a council retreat on Monday. This is a public meeting and they will be in Council Chambers. There will be no opportunity for public comment but the public is welcome to attend. This will also be televised and recorded. Council will be discussing council rules as well as their future goals for the City and what steps they need to take to get there.

**\*MOTION** to have a public hearing regarding the park initiative petition on January 24, 2022 at 6:30 pm.

Moved by Council Member Russell, Seconded by Council Member Mattox

Roll Call:

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

**Motion Passed**

\***MOTION** to go into Executive Session *to consider the appointment of a public official*

Moved by Council Member Russell, Seconded by Vice President Cobb

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

**Motion Passed**

**NEXT MEETING OF COUNCIL: MONDAY, FEBRUARY 7, 2022**

Respectfully submitted,

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Melody Joy Hart  
President of Council

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Amy Himmlein  
Clerk of Council