



# CLEVELAND HEIGHTS

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**Council Committee of the Whole**

**Monday, August 1, 2022**

**6:30 p.m.**

**City Hall – Executive Conference Room**

## **Agenda**

1. Legislation Review/Caucus
2. Proposed Charter Amendment to Article III, Section 6 (Council Inquiry / administrative staff)
3. Mayor's Action Center Update / 3-1-1 Services
4. Executive Session:
  - a. *To consider the appointment of public official(s) and public employee(s)*
5. Other



## CLEVELAND HEIGHTS

### AGENDA - CLEVELAND HEIGHTS CITY COUNCIL MEETING

**Monday, August 1, 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) Communications from the Mayor**

**5) Public Comment - Agenda Items only**

(Note: Persons wishing to speak must register in advance. A 3-minute time limit applies. Comments unrelated to the agenda may be made after Committee Reports.)

**6) LEGISLATION**

*Note: The title for each piece of legislation contains a parenthetical reference to the Council Committee within which the subject matter of the legislation falls. Council Committees are abbreviated as follows: (AS)-Administrative Services; (COTW)-Committee of the Whole; (CRR)-Community Relations and Recreation; (F)-Finance; (HB)-Housing and Building; (MS)-Municipal Services; (PD)-Planning and Development; (PSH)-Public Safety and Health. See Resolution 1-2022 for a list of Council Committee subject matter areas (but note Resolution No. 97-2022, which was introduced on first reading on June 21, 2022).*

**a. First Reading – Consideration of Adoption Requested**

**ORDINANCE NO. 106-2022 (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 the necessity that this legislation become immediately effective as an emergency measure.

Introduced by Mayor Seren

Motion to Adopt/Second: \_\_\_\_\_ / \_\_\_\_\_

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

**RESOLUTION NO. 107-2022 (F), *First Reading*.** A Resolution establishing the OneOhio Opioid Settlement Fund and affirming that funds received by the City in accordance with the OneOhio plan shall be used in a manner consistent with the “Approved Purposes” definition in the OneOhio Memorandum of Understanding (“MOU”) and applicable law and regulations; and declaring the necessity that this legislation become immediately effective as an emergency measure.

Introduced by Mayor Seren

Motion to Adopt/Second: \_\_\_\_\_ / \_\_\_\_\_

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

***b. First Reading Only***

**ORDINANCE NO. 108-2022 (AS), *First Reading*.** An Ordinance providing for the submission to the electors of the City of Cleveland Heights of a proposed amendment to the Charter of the City of Cleveland Heights for placement on the November 8, 2022 ballot; and declaring the necessity that this Ordinance become immediately effective as an emergency measure.

Introduced by Councilman Cuda

**ORDINANCE NO. 109-2022 (PD), *First Reading*.** An Ordinance authorizing the Mayor to execute an agreement for the purchase of certain real property located at 13234-13238 Cedar Road; and declaring the necessity that this legislation become immediately effective as an emergency measure.

Introduced by Mayor Seren

**RESOLUTION NO. 110-2022 (F), *First Reading*.** A Resolution authorizing the Mayor to enter into an agreement with Link Computer Corporation for software licenses and support for utility billing; and declaring the necessity that this legislation become immediately effective as an emergency measure.

Introduced by Mayor Seren

c. **Second Readings**

**ORDINANCE NO. 96-2022 (PD), *Second Reading*.** An Ordinance creating an Appraisal Gap Program; and declaring the necessity that this legislation become immediately effective as an emergency measure.

Introduced by Mayor Seren

Motion to Adopt/Second: \_\_\_\_\_ / \_\_\_\_\_

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

**RESOLUTION NO. 97-2022 (AS), *Second Reading*.** A Resolution amending the standing committees of Council to update the general responsibilities of each standing committee by subject matter; repealing Resolution No. 1-2022; and declaring the necessity that this legislation become immediately effective as an emergency measure.

Introduced by Council President Hart

Motion to Adopt/Second: \_\_\_\_\_ / \_\_\_\_\_

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

**ORDINANCE NO. 98-2022 (PSH), Second Reading.** An Ordinance authorizing the Mayor to enter into a Lease Agreement with T-Mobile Central LLC for the use of a portion of City-owned property located at 3445 Mayfield Road for the construction, installation, operation, maintenance, repair, replacement, and improvement of a wireless communications facility and the grant of associated easements; and declaring the necessity that this legislation become immediately effective as an emergency measure.

Introduced by Mayor Seren

Motion to Adopt/Second: \_\_\_\_\_ / \_\_\_\_\_

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

## 7) Committee Reports

- 1) Planning and Development Committee
- 2) Public Safety and Health Committee
- 3) Administrative Services Committee
- 4) Community Relations and Recreation Committee
- 5) Finance Committee
- 6) Housing and Building Committee
- 7) Municipal Services Committee
- 8) Committee of the Whole

**8) Public Comment - General**

(Note: Persons wishing to speak must register in advance. A 3-minute time limit applies.)

**9) Old Business**

**10) New Business**

**11) Council Member Comments**

**12) Council President's Report**

**13) Adjournment**

**NEXT REGULAR COUNCIL MEETING: MONDAY, AUGUST 15, 2022**

Proposed: 6/21/22

ORDINANCE NO. 96-2022 (PD), *Second Reading*

By Mayor Seren

An Ordinance creating an Appraisal Gap Program; and declaring the necessity that this legislation become immediately effective as an emergency measure.

WHEREAS, the foreclosure crisis of 2008, which was caused in large part by predatory lending and complex financial engineering, had a negative impact on the value of residential properties in the City, particularly those located in Qualified Census Tracts (“QCT’s) as defined by the Department of Housing and Urban Development, and resulted in many abandoned homes which were required to be demolished; and

WHEREAS, since 2008 the City has striven to develop and strengthen programs to aid in the recovery of the local housing market, including, but not limited to the City’s HOME-funded Down Payment Assistance Program; and

WHEREAS, the pandemic commencing March, 2020 interrupted the continued recovery of the housing market, particularly in QCT’s, and caused serious financial hardship to many residents, negatively impacting their ability to obtain safe, affordable housing; and

WHEREAS, the American Rescue Plan Act (“ARPA”), signed into law on March 11, 2021, established the Coronavirus State and Local Fiscal Recovery Fund (“SLFRF”), which authorized substantial funding to states and eligible units of local government to support their recovery from the COVID-19 health emergency in many areas including neighborhood development and the provision of affordable housing; and

WHEREAS, the construction of new homes on vacant lots and attracting new residents is integral to the continued economic health and vitality of the City of Cleveland Heights, Ohio, and its citizens; and

WHEREAS, the use of governmental resources for the promotion of economic development in the community is in the public interest and is a proper exercise of municipal powers as per Article VIII, Section 16 of the Ohio Constitution; and

WHEREAS, the City has both publicly- and privately-owned residential lots throughout the City that are suitable for new home construction; and

WHEREAS, the City desires to promote new housing construction in both QCT’s and other areas of the City; and

WHEREAS, the cost of constructing new homes on vacant lots in certain parts of the City creates an “appraisal gap” where mortgage lenders are unwilling to provide financing sufficient to purchase said homes; and

WHEREAS, Council desires to establish an Appraisal Gap Program (the “Program”) to fill this “appraisal gap” to facilitate the construction and sale of new homes on vacant lots to owner-occupants; and

WHEREAS, it is the City’s desire to use a portion of ARPA funds to provide initial funding for the Appraisal Gap Program for the construction of new single-family, owner-occupied homes in QCT’s, with the possibility of future expansion of the Program into other City neighborhoods with alternate sources of funding.

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

SECTION 1. This Council hereby creates an Appraisal Gap Program (the “Program”) as set forth and described in Exhibit A, attached hereto and made a part hereof.

SECTION 2. Council hereby authorizes Planning and Development Department staff to develop Guidelines and Rules for the Program subject to the approval of the Mayor and the Director of Law. The Program shall be initially limited to homes constructed in Qualified Census Tracts and funded by ARPA funds. The Program Guidelines and Rules may be amended as necessary from time to time by the same process, subject to funding from this Council.

SECTION 3. Council hereby authorizes the Mayor to enter into any contracts deemed necessary to implement and manage the Program upon forms approved by the Director of Law

SECTION 4. 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 newspaper of general circulation in the City of Cleveland Heights.

SECTION 5. It is necessary that this Ordinance become immediately effective as an emergency measure 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 promote economic recovery, provide affordable housing, and support housing options in the City. 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.

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MELODY JOY HART  
President of Council

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CRAIG COBB  
Clerk of Council, *Pro tem*

ORDINANCE NO. 96-2022 (PD), *Second Reading*

PASSED:

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

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KAHLIL SEREN, Mayor

## Exhibit A

### Appraisal Gap Program

#### Program Overview

The Appraisal Gap Program (the “Program”) is intended to accomplish a variety of goals related to housing investment and home ownership. Overall housing demand locally, regionally, and nationally has grown significantly in recent years, with demand exceeding the available inventory on the market. However, the cost of new construction in certain submarkets often exceeds what lenders are willing to finance for homebuyers based on comparable transactions (or the lack of comparable transactions). This issue is expected to be further compounded due to the increases in construction costs in recent years in terms of both construction materials and labor. As such, the City desires to and realizes the need to establish a program to address this issue and facilitate the construction and sale of new infill housing.

#### Goals of the Program:

- Support the construction of infill housing in the eligible areas
- Support homeownership in the eligible areas
- Support new and continued investment in the eligible areas
- Stabilize and grow the housing market in the eligible areas
- Create comparable property transactions to support future additional investment/construction that does not require subsidies
- Reduce the number of vacant/underutilized lots in the eligible areas
- Generate new tax revenue

#### Program Guidelines

- The Program will make appraisal gap payments in a maximum amount to be designated by the Mayor in the Guidelines and Rules, which shall not in any event exceed \$40,000.00, for home purchases that meet the following criteria:
  - A “subject to” or “as completed” appraisal is conducted by a third-party that demonstrates a gap of more than \$5,000 between the appraised value of the property and the sale amount for the property (as demonstrated by a purchase agreement).
  - The funds fill the gap between what the home appraises for (less the purchaser’s equity) and the purchase agreement price of the property.
  - The funds are used towards the purchase of a single-family home on a previously vacant lot in the eligible areas.
  - The purchaser will be the owner-occupant of the property, using it as their primary residence.
- Before approval of the Program payment, the City, or its designee, shall meet with the purchasers to review the requirements of the Program.
- Before approval of the Program payment, the City, or its designee, shall review the finances of the purchasers and the first-position mortgage to confirm the ability of the purchasers to afford the payments on and upkeep of the home.
- Additional Program guidelines, rules and eligibility standards shall be developed by the Planning and Development Department and approved by the Mayor and Director of Law.
- The City may enter into an agreement with a third party to administer the Program for the City with the Mayor authorized to enter into any agreements necessary.

Proposed: 6/21/2022

RESOLUTION NO. 97-2022 (AS), *Second Reading*

By Council President Hart

A Resolution amending the standing committees of Council to update the general responsibilities of each standing committee by subject matter; repealing Resolution No. 1-2022; and declaring the necessity that this legislation become immediately effective as an emergency measure.

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

WHEREAS, this Council last updated its standing committees through adoption of Resolution 1-2022 in which it created a new Building and Housing standing committee; and

WHEREAS, this Council desires to update the responsibilities of the standing committees.

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

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

**Administrative Services Committee**

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

**Community Relations and Recreation Committee**

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

**Finance Committee**

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

**Public Safety and Health Committee**

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

RESOLUTION NO. 97-2022 (AS), *Second Reading*

Municipal Services Committee and Sustainability

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

Planning and Development Committee

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

Building and Housing Committee

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

SECTION 2. Resolution No. 1-2022, passed by Council on January 10, 2022, is hereby repealed.

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

SECTION 4. It is necessary that this Resolution become immediately effective as an emergency measure necessary for the preservation of the public peace, health and safety of the inhabitants of the City of Cleveland Heights, such emergency being the need to establish said Committees without delay of Council business. Wherefore, provided it receives the affirmative vote of five 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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CRAIG COBB  
Clerk of Council *Pro tem*

RESOLUTION NO. 97-2022 (AS), *Second Reading*

PASSED:

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

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

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KAHLIL SEREN  
Mayor

Proposed: 6/21/2022

ORDINANCE NO. 98-2022 (PSH), *Second Reading*

By Mayor Seren

An Ordinance authorizing the Mayor to enter into a Site Lease Agreement with T-Mobile Central LLC or affiliate for the use of a portion of City-owned property located at 3445 Mayfield Road for the construction, installation, operation, maintenance, repair, replacement, and improvement of a wireless communications facility and the grant of associated easements; and declaring the necessity that this Resolution become immediately effective as an emergency measure.

WHEREAS, the City of Cleveland Heights owns certain real property located at 3445 Mayfield Road, Cleveland Heights, Ohio 44118 (“Property”) upon which is located the City’s Fire Station #1 building; and

WHEREAS, T-Mobile Central LLC or an affiliate (“T-Mobile”), a wireless communications provider, has asked the City to: (1) lease to T-Mobile designated space on the roof Fire Station #1 building (“Leased Property”), for the placement of equipment to enhance T-Mobile’s wireless service to its customers, and (2) grant a utility easement and an access easement to T-Mobile to service the equipment and provide wireless communication services; and

WHEREAS, such proposed use and the granting of the easements will not interfere with the use of the Property for municipal purposes and will provide a substantial source of revenue to the City; and

WHEREAS, the proposed agreement would be in the best interest of the City and its residents.

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

SECTION 1. The Mayor be, and he is hereby, authorized to enter into a lease agreement with T-Mobile for the use of a portion of the Property for the construction, installation, operation, maintenance, repair, replacement, and improvement of a wireless communications facility. The Leased Property shall be areas on the top of the Fire Station #1 building as designated in plans on file with the Clerk of Council and Division of Fire. The lease agreement shall permit T-Mobile to use the Leased Property for the transmission and reception of radio communication signals and for the construction, installation, operation, maintenance, repair, removal or replacement of related facilities, including, without limitation, antennas, microwave dishes, equipment shelters and/or cabinets, and related activities. The agreement shall provide for one (1) one-year option period (“Option Period”) and, if the option is exercised, the initial term of the agreement shall be five (5) years (“Initial Term”), with five (5) five-year renewal options (“Renewal Term”) and up to nine (9) successive one-year periods (“Extended Periods”), subject to the City’s right to terminate the lease after expiration of the second, third or fourth Renewal Term, if applicable, or after any Extended Period.

SECTION 2. Compensation for the Option Period shall equal the sum of Two Thousand Dollars (\$2,000.00) for the year. Compensation for the use of the Leased Property during the Initial Term, if the option is exercised, shall equal the sum of Two Thousand One Hundred Dollars (\$2,100.00) per month. Compensation for each of the Renewal Terms, if one or more of the Renewal Term options are exercised, shall equal the sum of One Hundred Ten Percent (110%) of the compensation for the immediately preceding Renewal Term. Compensation for each Extended Period, if one or more of the options are exercised, shall equal the sum of One Hundred Two Percent (102%) of the compensation for the immediately preceding term/year.

SECTION 3. The Mayor be, and is hereby, further authorized to enter into any necessary easement agreements with T-Mobile for access to the Leased Property and for utility purposes. The locations of the easements shall be as agreed upon by the City and T-Mobile and shall in no event interfere with the use of the Property for municipal purposes.

SECTION 4. The easements and lease authorized herein and all related documents shall contain such terms as recommended by the Mayor and Director of Law and shall be approved as to form by the Director of Law.

SECTION 5. It is hereby determined by this Council that the lease and easements authorized herein will not interfere with the use of the City property for municipal purposes.

SECTION 6. 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 7. It is necessary that this Ordinance become immediately effective as an emergency measure necessary for the preservation of the public peace, health and safety of the inhabitants of the City of Cleveland Heights, such emergency being the timely need to enter into the agreement on a timely manner to meet construction season deadlines. Wherefore, provided it receives the affirmative vote of five 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 and after the earliest time allowed by law.

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MELODY JOY HART  
President of the Council

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CRAIG COBB  
Clerk of Council, *Pro Tem*

ORDINANCE NO. 98-2022(PSH), *Second Reading*

PASSED:

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

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KAHLIL SEREN  
Mayor

Proposed: 8/1/2022

ORDINANCE NO. 106-2022 (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 the necessity that this legislation become immediately effective as an emergency measure.

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. It is necessary that this Ordinance become immediately effective as an emergency measure 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 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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CRAIG COBB  
Clerk of Council, Pro Tem

ORDINANCE NO. 106-2022 (F), *First Reading*

Passed:

Presented to Mayor:

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

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KAHLIL SEREN  
Mayor

ORDINANCE NO. 106-2022 (F), *First Reading*

Exhibit 1

Fund	Department	Object	Reason	Requested			Net Effect to Budget
				Approved Budget	Change	Revised Budget	
101 - General	2101 - Mayor	O.T.P.S.	Transfer for Cuyahoga County Mayors & City Managers Association membership fees.	22,754.00	4,500.00	27,254.00	Zero - Budget is being transferred.
	2108 - General Operations	O.T.P.S.	Transfer for Cuyahoga County Mayors & City Managers Association membership fees.	1,460,516.00	(4,500.00)	1,456,016.00	Zero - Budget is being transferred.
	4101 - Law	Personal Services	Transfer to accommodate costs of a temporary employee.	685,273.56	(9,500.00)	675,773.56	Zero - Budget is being transferred.
		O.T.P.S.	Transfer to accommodate costs of a temporary employee.	430,987.00	9,500.00	440,487.00	Zero - Budget is being transferred.
	6207 - Vehicle Maintenance	Personal Services	Transfer for materials and maintenance.	852,887.00	(90,000.00)	762,887.00	Zero - Budget is being transferred.
		O.T.P.S.	Transfer for materials and maintenance.	1,108,429.00	90,000.00	1,198,429.00	Zero - Budget is being transferred.
	7401 - Building Services	O.T.P.S.	Transfer for postage costs.	604,690.00	1,000.00	605,690.00	Zero - Budget is being transferred.
	7402 - Housing Inspections	O.T.P.S.	Transfer for postage costs.	91,560.00	(1,000.00)	90,560.00	Zero - Budget is being transferred.
	202 - Foundation Grants/Donatns	O.T.P.S.	Increase to purchase computers and supplies, offset by FM Global Fire Investigation Unit Grant.	0.00	608.04	608.04	Zero - Grant funds will cover the cost.
		Capital	Increase to purchase computers and supplies, offset by FM Global Fire Investigation Unit Grant.	75,000.00	3,293.96	78,293.96	Zero - Budget is being transferred.
207 - Drug Law Enforcement	7206 - Drug Law Enforcement	Personal Services	Transfer for Annual LexiPol service.	65,942.50	(24,000.00)	41,942.50	Zero - budget is being transferred.
		O.T.P.S.	Transfer for Annual LexiPol service.	114,500.00	24,000.00	138,500.00	Zero - budget is being transferred.
215 - Cain Park Operating	8901 - Cain Park Admin/Start- Up	O.T.P.S.	Increase to pay for performers and Etix fees, offset by revenue.	388,730.00	212,303.73	601,033.73	Zero - Revenue will cover the cost.
240 - Federal Miscellaneous Grants	8901 - Cain Park Admin/Start- Up	O.T.P.S.	Increase to spend the remainder of the Shuttered Venue Operators Grant.	199,268.48	21,510.16	220,778.64	Zero - Grant funds will cover the cost.
241 - Local Fiscal Recovery	7301 - Fire Admin	Personal Services	Increase to pay pension on premium payment for firefighters.	275,874.07	6,272.50	282,146.57	Zero - Grant funds will cover the cost.
602 - Sewerage Disposal	6205 - Sewer Maintenance	Personal Services	Transfer for Nassco recertifications.	1,476,859.00	(4,500.00)	1,472,359.00	Zero - budget is being transferred.
		O.T.P.S.	Transfer for Nassco recertifications.	789,550.00	4,500.00	794,050.00	Zero - budget is being transferred.
<b>Total</b>				<b>8,642,820.61</b>	<b>211,588.39</b>	<b>8,886,809.00</b>	

Current General Fund Unbudgeted Revenue	-398,364.99
Changes to the General Fund	0.00
Total	-398,364.99

Proposed: 8/1/2022

ORDINANCE NO. 107-2022 (F), *First Reading*

By Mayor Seren

A Resolution establishing the OneOhio Opioid Settlement Fund and affirming that funds received by the City in accordance with the OneOhio plan shall be used in a manner consistent with the “Approved Purposes” definition in the OneOhio Memorandum of Understanding (“MOU”) and applicable law and regulations; and declaring the necessity that this legislation become immediately effective as an emergency measure.

WHEREAS, the State of Ohio, through its Attorney General, and certain Local Governments, through their elected representatives and counsel, are separately engaged in litigation seeking to hold Opioid Pharmaceutical Supply Chain Participants accountable for the damage caused by their misfeasance, nonfeasance and malfeasance; and

WHEREAS, the State of Ohio, through its Governor and Attorney General, and its Local Governments share a common desire to abate and alleviate the impacts of that misfeasance, nonfeasance and malfeasance throughout the State of Ohio; and

WHEREAS, the State and its Local Governments, subject to completing formal documents effectuating the Parties Agreements, have drafted and the City has adopted, and hereby reaffirms its adoption of, a OneOhio MOU relating to the allocation and the use of the proceeds of any potential settlements described;

WHEREAS, according to the “Approved Purposes” definition in the MOU, the funds must be used for “evidence-based forward-looking strategies, programming and services used to (i) expand the availability of treatment for individuals affected by substance use disorders, (ii) develop, promote and provide evidence-based substance use prevention strategies, (iii) provide substance use avoidance and awareness education, (iv) decrease the oversupply of licit and illicit opioids, and (v) support recovery from addiction services performed by qualified and appropriately licensed providers”

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 §5705.10(I) further requires money paid into any fund shall be used only for the purpose for which such fund is established.

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

SECTION 1. This Council hereby establishes a OneOhio Opioid Settlement Fund. The purposes of such fund shall be to account for revenues and expenditures related to the funds

ORDINANCE NO. 107-2022 (F), *First Reading*

received by the City in accordance with the OneOhio MOU, a copy of which is on file with the Clerk of Council.

SECTION 2. This Council affirms that all funds received and deposited into said OneOhio Opioid Settlement Fund will be expended consistent with the requirements of the OneOhio MOU 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.

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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CRAIG COBB  
Clerk of Council, Pro Tem

PASSED:

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

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

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KAHLIL SEREN  
Mayor

Proposed: August 1, 2022

ORDINANCE NO. 108-2022 (AS), *First Reading*

By Councilman Cuda

An Ordinance providing for the submission to the electors of the City of Cleveland Heights of a proposed amendment to the Charter of the City of Cleveland Heights for placement on the November 8, 2022 ballot; and declaring the necessity that this ordinance become immediately effective as an emergency measure.

WHEREAS, Article IV, Section 3 of the Charter of the City of Cleveland Heights provides for the appointment and supervision of all City employees by the Mayor; and

WHEREAS, Article III, Section 6 of the Charter provides that the City Council shall appoint a clerk of council and may appoint other persons Council deems necessary for the proper discharge of its duties, all of whom shall serve at the pleasure of the Council; and

WHEREAS, Article III, Section 6 of the Charter further provides that except for the purpose of inquiry, the Council and its members shall deal with the City's administrative service solely through the Mayor and City Administrator and shall not give orders to any subordinates of the Mayor; and

WHEREAS, the timely receipt of information is essential for the City Council to make appropriate and informed legislative decisions; and

WHEREAS, specification of the terms and parameters of permissible inquiry between City Council and its members and City department heads would benefit the efficient operation of City government; 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 a proposed charter amendment at the general election to be held on Tuesday, November 8, 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 general election to be held at the usual places of voting in said City on Tuesday, November 8, 2022, the question of whether the selected provision of the

ORDINANCE NO. 108-2022 (AS), *First Reading*

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 general election on Tuesday, November 8, 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 for procedures for City Council to request information from department heads and the Chiefs of Police and Fire Departments and to require the attendance of such persons at City Council meetings?”**

       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 November 8, 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 amendment 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 November 8, 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 amendment to the Charter of the City of Cleveland Heights, it shall become a part of the Charter at the time fixed in the amendment or, if no time is fixed therein, 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

ORDINANCE NO. 108-2022 (AS), *First Reading*

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 the Council

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CRAIG COBB  
Clerk of Council, *Pro Tem*

PASSED:

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

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KAHLIL SEREN  
Mayor

## **EXHIBIT A**

### **Article III-6 – Appointees**

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 as provided herein, 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.

Any department director of the City or the Chief of the Police or Fire department, including an interim or acting employee in such position, shall furnish members of Council, upon request, information known by the employee or within their responsibility so long as the requested information is reasonably related to already adopted, pending, potential, or contemplated Council legislation. No response to any such request, which may be verbal or in writing, may be unreasonably delayed or denied.

Council may, by Ordinance, establish a requirement that department directors, or their designees if approved by Council, when requested by Council as provided herein, must attend a Council or Council committee meeting, provide information at such meeting, and participate in discussions relating to their respective departments at such meeting. In no event shall less than three (3) business days' notice of the requirement to attend a Council meeting be provided to the department director, which notice shall be in writing, with a copy provided to the Mayor, and which shall identify with reasonable specificity the subject matter that Council wishes to discuss or about which Council wishes to receive information.

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.

Proposed: August 1, 2022

ORDINANCE NO. 109-2022 (PD), *First Reading*

By Mayor Seren

An Ordinance authorizing the Mayor to execute an agreement for the purchase of certain real property located at 13234-13238 Cedar Road; and declaring the necessity that this legislation become immediately effective as an emergency measure.

WHEREAS, LC Holdings, LLC (“Seller”) currently owns certain real property located at 13234-13238 Cedar Road, Cleveland Heights, Ohio, Permanent Parcel No. 687-06-012 (the “Property”); and

WHEREAS, the City and Seller previously 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, which will require the parties to promptly execute a purchase agreement for the sale of the Property; and

WHEREAS, this Council has determined that it is in the best interest of the City and its residents to proceed with the exercise of the option and 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 13234-13238 Cedar Road, Cleveland Heights, Ohio, Permanent Parcel No. 687-06-012, substantially in accordance with the Option 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 Seven Hundred Sixty-Five Thousand and 00/100 Dollars (\$765,000.00). The City shall pay all closing costs and costs of transfer and will take the property subject to taxes and assessments which are a lien but not yet due and payable.

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

ORDINANCE NO. 109-2022 (PD), *First Reading*

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 immediate effect and be 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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CRAIG COBB  
Clerk of Council Pro Tem

PASSED:

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

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

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KAHLIL SEREN  
Mayor

Proposed: 8/01/2022

RESOLUTION NO. 110-2022 (F) *First Reading*

By Mayor Seren

A Resolution authorizing the Mayor to enter into an agreement with Link Computer Corporation for software licenses and support for utility billing; and declaring the necessity that this legislation become immediately effective as an emergency measure.

WHEREAS, the City of Cleveland Heights recently issued a request for proposals for new utility billing software; and

WHEREAS, after a review of the ten proposals received, the Mayor and staff from the Information Technology and Public Works Departments determined that the proposal of Link Computer Corporation for the purchase, installation and maintenance of the Muni-Link cloud-based software system was the most advantageous to the City; and

WHEREAS, it would be in the best interests of the City and its residents to accept the proposal of Link Computer Corporation and enter into such an agreement.

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

SECTION 1. The Mayor be, and he is hereby, authorized to enter into an Agreement with Link Computer Corporation for the purchase, installation and maintenance of a Muni-Link software system for utility billing. The Agreement shall provide for a one-time payment of Thirty Thousand Dollars (\$30,000.00) for a fully remote installation, plus reasonable travel expenses if the City requests on-site training. The agreement shall extend from the date of execution for a period of one (1) year from the date of completion and acceptance of the installation, and shall be subject to automatic one-year (1-) renewals unless cancelled by either party at least thirty (30) days prior to the end of the previous one-year term. The agreement shall provide for monthly software fees of Four Thousand Eight Hundred Dollars (\$4,800.00), which may be increased or decreased on a pro-rata basis based upon changes in the number of accounts as detailed in the draft agreement on file with the Clerk of Council. The monthly software fee amount shall be adjusted annually at an increase of Two and One-half Percent (2.5%), or the annual Cost of Living increase as per the Bureau of Labor Statistics Northeast Region CPI Index, whichever is greater. Renewal of this agreement for future additional terms is subject to appropriation of funding by this Council.

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

SECTION 3. It is necessary that this Resolution become immediately effective as an emergency measure 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 replace the existing

ORDINANCE NO. 110-2022 (F) *First Reading*

out-of-date billing system. 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 and after the earliest time allowed by law.

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MELODY JOY HART  
President of the Council

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CRAIG COBB  
Clerk of Council *Pro Tem*

PASSED:

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

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KAHLIL SEREN  
Mayor