



CLEVELAND HEIGHTS

**Council Committee of the Whole
Tuesday, September 6, 2022
6:00p.m.
City Hall – Executive Conference Room**

Agenda

1. Executive Session
 - a. *To review negotiations or bargaining sessions with public employees or their representatives concerning such employees' compensation or other terms and conditions of their employment.*
 - b. *To consider the appointment of a public official(s)*
2. Legislation Review/Caucus
3. Discussion regarding access by political candidates to multi-unit dwellings/apartment buildings
4. Other

211B.20 DENIAL OF ACCESS BY POLITICAL CANDIDATES TO MULTIPLE UNIT DWELLINGS.

Subdivision 1. **Prohibition.** (a) It is unlawful for a person, either directly or indirectly, to deny access to an apartment house, dormitory, nursing home, manufactured home park, other multiple unit facility used as a residence, or an area in which two or more single-family dwellings are located on private roadways to a candidate who has:

- (1) organized a campaign committee under applicable federal or state law;
- (2) filed a financial report as required by section 211A.02; or
- (3) filed an affidavit of candidacy for elected office.

A candidate granted access under this section must be allowed to be accompanied by campaign volunteers.

(b) Access to a facility or area is only required if it is located within the district or territory that will be represented by the office to which the candidate seeks election, and the candidate and any accompanying campaign volunteers seek access exclusively for the purpose of campaigning for a candidate or registering voters. The candidate must be seeking election to office at the next general or special election to be held for that office.

(c) A candidate and any accompanying campaign volunteers granted access under this section must be permitted to leave campaign materials for residents at their doors, except that the manager of a nursing home may direct that the campaign materials be left at a central location within the facility. The campaign materials must be left in an orderly manner.

(d) If a facility or area contains multiple buildings, a candidate and accompanying volunteers must be permitted to access more than one building on a single visit, but access is limited to only one building at a time. If multiple candidates are traveling together, each candidate and that candidate's accompanying volunteers is limited to one building at a time, but all of the candidates and accompanying volunteers traveling together must not be restricted to accessing the same building at the same time.

(e) A violation of this section is a petty misdemeanor.

Subd. 2. **Exceptions.** Subdivision 1 does not prohibit:

(1) denial of admittance into a particular apartment, room, manufactured home, or personal residential unit;

(2) requiring reasonable and proper identification as a necessary prerequisite to admission to a multiple unit dwelling;

(3) in the case of a nursing home or an assisted living facility under chapter 144G, denial of permission to visit certain persons for valid health reasons;

(4) limiting visits by candidates or volunteers accompanied by the candidate to a reasonable number of persons or reasonable hours;

(5) requiring a prior appointment to gain access to the facility; or

(6) denial of admittance to or expulsion from a multiple unit dwelling for good cause.

History: 1988 c 578 art 3 s 20; 2010 c 314 s 3; 7Sp2020 c 1 art 6 s 25



CLEVELAND HEIGHTS

AGENDA (tentative) - CLEVELAND HEIGHTS CITY COUNCIL MEETING

Tuesday, September 6, 2022
Regular Meeting
7:30 p.m.

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

- 1) **Meeting called to order by Council President**
- 2) **Roll Call of Council Members**
- 3) **Excuse absent members**
- 4) **Swearing in of new Clerk of Council (Addie Balester)**
- 5) **Approval of the minutes from previous meeting(s) on June 6, 2022, June 14, 2022 and June 21, 2022**
- 6) **Communications from the Mayor**
- 7) **Report of the Clerk of Council**

Notify Council that one notice has been received from the Ohio Division of Liquor Control advising that applications have been made by the following:

- WIZBANG Theatre LLC d/b/a WIZBANG Theatre, 2134 Lee Rd. Cleveland Heights, OH 44118 for a new D3 permit.

Matter of Record

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

- 8) **Presentation by Racial Justice Task Force**
- 9) **Public Comment - Agenda Items only**

Motion to Adopt/Second: _____/_____

Vote: _____
For Against No. Reading

RESOLUTION. 124-2022 (F): First Reading. A Resolution approving the report of the Assessment Equalization Board appointed to hear objections to the estimated assessments for a portion of the expense of street lighting within the City of Cleveland Heights; 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

ORDINANCE NO. 125-2022 (F): First Reading. An Ordinance determining to proceed with the assessment of a portion of the expense of street lighting within the City of Cleveland Heights; levying assessments for said purpose; 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. 126-2022 (F): First Reading. A Resolution approving the report of the Assessment Equalization Board appointed to hear objections to the estimated assessments for a portion of the expense of improvement of streets and parkways including grading, draining, curbing, paving, repaving, repairing, sweeping or cleaning thereof, removing snow therefrom, and planting, maintaining and removing shade trees

within the City of Cleveland Heights 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

ORDINANCE NO. 127-2022 (F): *First Reading.* An Ordinance determining to proceed with the assessment of a portion of the expense of improvement of streets and parkways, including grading, draining, curbing, paving, repaving, repairing, sweeping or cleaning thereof, removing snow therefrom, and planting, maintaining and removing shade trees thereon within the City of Cleveland Heights; levying assessments for said purpose; 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. 128-2022 (F): *First Reading.* A Resolution approving the report of the Assessment Equalization Board appointed to hear objections to the estimated assessments for the public services plan for the Cedar Fairmount Special Improvement District 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

ORDINANCE NO. 129-2022 (F): First Reading. An Ordinance determining to proceed with the implementation through assessment of a public services plan for the Cedar Fairmount Special Improvement District.

Introduced by Mayor Seren

Motion to Adopt/Second: _____/_____

Vote: _____
For Against No. Reading

b. First Reading Only

RESOLUTION NO. 130-2022 (F): First Reading. Resolution accepting the amounts and rates as determined by the Budget Commission, authorizing the necessary tax levies and certifying them to the County Fiscal Officer, and declaring the necessity that this Resolution become immediately effective as an emergency measure.

Introduced by Mayor Seren

RESOLUTION NO. 131-2022 (F): First Reading. Resolution requesting the County Fiscal Officer to advance taxes from the proceeds of the 2022 tax year collection pursuant to Section 321.34 of the Ohio Revised Code, and declaring the necessity that this Resolution become immediately effective as an emergency measure.

Introduced by Mayor Seren

RESOLUTION NO. 132-2022 (MS). First Reading. An Ordinance authorizing the Mayor to enter into an agreement for recycling processing services between the City of Cleveland Heights and Waste Management and declaring an emergency.

Introduced by Mayor Seren

c. Second Readings

ORDINANCE NO. 78-2021 (PSH) Second Reading. An Ordinance enacting and adopting Chapter 522 “Lead Hazards,” of Part Five, General Offenses Code, of the

Codified Ordinances of the City of Cleveland Heights; repealing Chapter 1347, “Certificate of Occupancy,” of Part Thirteen, Building Code, of the Codified ordinances of the City of Cleveland Heights, and adopting a replacement Chapter 1347, “Certificate of Occupancy,” and amending Section 1345.99, “Penalty,” of Chapter 1345, “Enforcement and Penalty,” of Part Thirteen, Building Code, of the Codified Ordinances of the City of Cleveland Heights.

Motion to Adopt/Second: _____/_____

Vote: _____
For Against No. Reading

ORDINANCE NO. 121-2022 (AS), Second Reading. An Ordinance giving final approval of the compensation rates and benefits proposed by the tentative labor agreement with the Laborers’ Local 860 Laborers’ International Union of North America (Local 860) for the time period covering April 1, 2022 through march 31, 2025; giving the Mayor the authority to sign said agreement; and declaring the necessity that this legislation become immediately effective as an emergency measure.

Motion to Adopt/Second: _____/_____

Vote: _____
For Against No. Reading

11) Committee Reports

- a.) Administrative Services Committee
- b.) Community Relations and Recreation Committee
- c.) Finance Committee
- d.) Housing and Building Committee
- e.) Municipal Services Committee
- f.) Planning and Development Committee
- g.) Public Safety and Health Committee

h.) Committee of the Whole

12) Public Comment - General

(Note: Persons wishing to speak must register in advance. A 3-minute time limit applies. Council President reserves the right to reduce time limit based on the volume of business on the agenda.)

13) Old Business

14) New Business

15) Council Member Comments

(Note: Persons wishing to speak must register in advance. A 3-minute time limit applies. Council President reserves the right to reduce time limit based on the volume of business on the agenda.)

16) Council President's Report

17) Adjournment

NEXT MEETING OF COUNCIL: MONDAY, SEPTEMBER 19, 2022



CLEVELAND HEIGHTS

Monday, June 6, 2022 Minutes

CITY COUNCIL

7:50 – 9:21 p.m.

President Hart presiding

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

***MOTION** to appoint Vice President Craig Cobb as Clerk Pro Tem of Council.

Moved by Councilor Moore, Seconded by Councilman Mattox

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

Motion Passed

***MOTION** to remove Ordinance 80-2022 from the agenda.

Moved by Councilwoman Russell, Seconded by Councilor Larson

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

Motion Passed

Approval of the minutes of the Council meeting held on March 28, 2022

Minutes were approved without any objections.

Matter of Record

Communications from the Mayor

Mayor Seren said Happy Pride Month to Council and the Community, saying they've raised flags outside many of the City's facilities and put benches in each of the five major parks in the City. He encouraged people to get out, take a selfie and tag the City on social media to let the City know your Pride. He said they also painted a crosswalk across the street from the High School on Cedar and Kildare, saying the location was intentional because right now Ohio is working on some pretty devastating legislation, and he thinks it's important we are a secure support to people who might otherwise feel marginalized. He stated they painted the crosswalk in order to let everybody know we support LGBTQ+ students and people in our community, with no exceptions. He said we are also introducing policy changes that will go a long way to substantively challenging the historic disrespect the LGBTQ+ community has faced. He said we are looking to ban conversion therapy. Also, we are looking to ensure that every contract the City enters into has strong safeguards for anti-discrimination, saying we don't want to enter into any contract with an organization that isn't required to refrain from discrimination. He mentioned the legislation declaring June Pride Month. He also discussed the new parental leave policy legislation. Finally, he discussed Juneteenth and its history. He made a plug for the Coventry Business District's Juneteenth celebration. He noted City Hall will be closed in observance and will be flying the African American flag, discussing the history and meaning behind its design.

Report of the Clerk of Council

No report at this time.

Personal communications from citizens on Agenda Items only

Michael Madorsky discussed Horseshoe Lake and the Friends of Horseshoe Lake. He said there is nowhere else in Cleveland Heights that he can think of where you can watch a sunrise over a beautiful plane of water. He thinks it'd be a shame to lose Horseshoe Lake. He doesn't want his grandchildren or ancestors to find a plaque that says "This is the former site of Horseshoe Lake," he wants them to find a plaque that shows it was protected and preserved.

Korbi Roberts talked about how, in the 1960s, a highway was planned to go through the Shaker Lakes district but the people came together and stopped it. She said the money to save it is already there with the Sewer District. She said it's very important that all of us, especially the representatives of the people, represent the health and needs of the people rather than the pockets of the Sewer District.

Jeff Balazs said he's a nature lover and a graphic designer and he wants to be an advocate for the Shaker Lakes. He discussed the foliage and habitat and said it would be a benefit to anyone to keep it. It's a proven fact that nature calms the nerves.

Bert Statton said there may be an impression that the lake is just for the rich people who live within a half a mile of it but he said when he lived in the Boulevard neighborhood and was in his 30s, he'd walk around the lake. He said it's a psychological advantage that is attractive to the whole community, not just a few people in the neighborhood.

Len Friedson thought the issue with the Shaker Lakes was put to bed last year, but he is learning there is more to be done. He said he doesn't have a highly emotional or historic connection with the Shaker Lakes in general and Horseshoe Lake in particular, still, he is sympathetic with the

efforts to save the Lakes. He found the Sewer District's plan reasonable, thorough and for the most part, accessible. He understands that the Friends of Horseshoe Lake have a plan, he didn't see it online. He said he'll review the plan but will admit he was skeptical. Unless he is strongly convinced otherwise, he remains in favor of the Sewer District's plan and urges both City Councils to remain focused on the objectives of public safety, flood management, water quality and financial impact, especially the financial impact.

Deborah Van Kleef wanted to put out the word that the contractor for the Horseshoe Lakes project will be holding a series of public engagement events this summer and she said it's a chance for people to come together and let the planners know what they want to see. She said we can have something historic and beautiful that reflects the wishes of the community if everyone gets involved.

Christine Heggie said that as we discuss the future of the Lake, it sits empty. She said destroying the Lake is not progress. She said it's much easier to destroy, then to build. She said that she is worried about the worst-case scenario for the land. She asked if Council was prepared to look into the eyes of their children and grandchildren to tell them why they didn't save Horseshoe Lake. She urged them to seriously consider the proposal of the Friends of Horseshoe Lake.

Marlies Schweitzer-Schutte asked Council to take the proposal of the Friends of Horseshoe Lake seriously, saying, you don't know what you got until it's gone. She said if we can keep Shaker Lakes for less money, the Sewer District should pay for it.

Sam Bell is a National Science Foundation Principal Investigator and the Chair of the Environmental and Sustainability Committee. He said his Committee uses its considerable expertise and experience to research best practices in areas under their remit and proposes policies or legislation to address these. He said we trust that they'll be able to continue to be able to call upon the staff as resources to provide necessary details to continue their work. Secondly, he said they humbly ask Council to take up their recommendations in a timely manner. He said they put a lot of thought and effort into each recommendation, and it is disheartening at best to be continually ignored. He also said they perennially under membered.

Lansing Hoskins said, in his travels while he was training as a physician and in the Navy, he's been in many communities and the City and Shaker Heights have a very beautiful place with the pair of lakes that they have. He said it was an inspiration that kept him going in his career as a doctor and professor. He said it's a great spiritual boost.

Friends of Horseshoe Lake Presentation

Penny Allen said the Northeast Ohio Sewer District's plan for Horseshoe Lake is not the only plan. She introduced dam safety expert Shawn McGee from TRC Engineering.

Shawn McGee discussed a plan to maintain the largest surface area of the lake. He said he believes the Friends of Horseshoe Lake plan can be reconfigured in a safe and responsible manner, the reconfiguration of the spillway can provide flood relief to Doan Brook, new construction will bring the dam back into the ODNR Dam Safety compliance, Horseshoe Lake Dam can be constructed at a lower cost than NEORSD's dam removal scenario and the alternate dam design will maintain historical and cultural significance of 100-year-old dam.

Tony Coyne from Mansour Gavin discussed the Sewer District's Regional Stormwater Management Program. He discussed the costs. He said it's really very important we look at the community input. He thinks the communities and the Sewer District should try to work better together in order to save the Lakes where it won't cost more than the current plan. He said much of this has been caused by the lack of maintenance over the years. He asked Council to support the alternative plan to make sure we can save Horseshoe Lake.

Questions

Councilor Larson asked Mr. McGee if the cost of maintaining the old dam had been included in the estimate. Mr. McGee said it wouldn't need to be repaired.

Councilman Cuda asked Mr. Greenland with the Sewer District to comment on the statement the Friends of Horseshoe Lake made about being able to come in under the budget estimate. Mr. Greenland said his comment is that they don't have a price in front of them, they have not heard a price estimate for the overall job. He said the price per cubic yard of sediment is erroneous. He said they await further information.

A citizen asked if any of the vertical pipes would be visible. Mr. McGee said they would mostly be underwater. Another citizen asked what the Council's next steps are. President Hart stated the next thing would be a discussion in their Committee of the Whole meeting.

Mr. Greenland wanted to clarify that the Sewer District doesn't have a \$1 billion budget, it's not money in the bank.

LEGISLATION

First Readings

a. First Readings - Consideration of Adoption Requested

ORDINANCE NO. 65-2022 (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.

Motion to Adopt by Council President Hart, Seconded by Vice President Cobb

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

Legislation Passed

RESOLUTION NO. 66-2022 (CRR), First Reading. A Resolution declaring June 2022 to be LGBTQ+ Pride Month; and declaring the necessity that this Resolution become immediately effective as an emergency measure.

Motion to Adopt by Councilwoman Russell, Seconded by Councilor Moore

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

Legislation Passed

Mayor Seren thanked the Council for considering this Resolution. He thought it was important that the people know where they stand and that the community embraces everyone. He said they'll do everything they can to protect the people that are under attack right now.

RESOLUTION NO. 67-2022 (CRR), First Reading. A Resolution expressing this Council's opposition to proposed Ohio House Bill 616; and declaring the necessity that this legislation become immediately effective as an emergency measure.

Motion to Adopt by Councilwoman Russell, Seconded by Councilor Moore

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

Legislation Passed

Councilman Cuda stated, as a former teacher, there is so much autonomy being taken from the teachers. He said it's really an abomination and we really need to leave the education of our children to the parents and teachers and the school boards and keep it away from the state legislature.

Councilor Moore stated Ohio House Bill 616 is Ohio's version of Florida's 'Don't Say Gay' bill and is a very dangerous bill. She wanted to thank all of Council for supporting this.

Council President Hart noted that this Resolution is supported by all of Council.

Mayor Seren thanked the Council for putting this forward. He said they are attempting to put muzzles on people who are trying to teach reality, reality about racism, sexism, homophobia and more. He said they are trying to enforce something by law that has historically been enforced by culture and as the culture changes, they can't stand it. He thanked Council for putting it forward and showing strong opposition. He said he strongly supports the resolution

Councilor Larson said this strikes very personally for her because her daughter is a teacher. She said this kind of consideration in how teachers teach is being threatened and that is one of the main reasons she is supporting this resolution.

RESOLUTION NO. 68-2022 (PSH), First Reading. A Resolution expressing this Council's strong opposition to proposed Ohio Senate Bill 123 and proposed Ohio House

Bills 480 and 598; and declaring the necessity that this legislation become immediately effective as an emergency measure.

Motion to Adopt by Councilor Moore, Seconded by Councilor Larson

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

Legislation Passed

Councilor Moore discussed the background of Ohio Senate Bill 123. She said we are opposing this because we believe in women's autonomy in their bodies and their lives.

Councilor Larson stated that Cleveland Heights has many low- and moderate-income families and this resolution will deliver the message that we support their right to make their own health choices.

RESOLUTION NO. 69-2022 (PSH), First Reading. A Resolution condemning Ohio House Bill No. 454, which prohibits affirming health care for Ohio transgender youth; and declaring the necessity that this Resolution become immediately effective as an emergency measure.

Motion to Adopt by Councilor Moore, Seconded by Councilman Mattox

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

Legislation Passed

Councilor Moore said they believe Ohio House Bill 454 is extremely dangerous.

Councilor Larson said this legislation supports all the families in Cleveland Heights who love a transgendered, gender diverse or non-binary youth.

b. First Reading Only

RESOLUTION NO. 70-2022 (F), First Reading. A Resolution appointing an Assessment Equalization Board to hear objections relative to the estimated assessments for a portion of the expense of improvement of streets and parkways including grading, draining, curbing, paving, repaving, repairing, sweeping or cleaning thereof, removing snow therefrom, and planting, maintaining and removing shade trees thereon within the City of Cleveland Heights; and declaring the necessity that this legislation become immediately effective as an emergency measure.

Legislation Introduced

President Hart referred this to the Finance Committee.

RESOLUTION NO. 71-2022 (F), First Reading. A Resolution appointing an Assessment Equalization Board to hear objections relative to the estimated assessments for a portion of the expense of street lighting within the City of Cleveland Heights; and declaring the necessity that this legislation become immediately effective as an emergency measure.

Legislation Introduced

President Hart referred this to the Finance Committee.

RESOLUTION NO. 72-2022 (F), First Reading. A Resolution approving the adoption of the 2023 Tax Budget; and declaring the necessity that this legislation become immediately effective as an emergency measure.

Legislation Introduced

President Hart referred this to the Finance Committee.

RESOLUTION NO. 73-2022 (F), First Reading. A Resolution authorizing the Mayor to enter into an agreement with Meritech and C.C.T. Financial for the acquisition and maintenance of copy machines for City employees; providing compensation therefor; and declaring the necessity that this legislation become immediately effective as an emergency measure.

Legislation Introduced

ORDINANCE NO. 74-2022 (PSH), First Reading. An Ordinance amending Section 1509.04(b) of the Codified Ordinances of the City of Cleveland Heights to prohibit the discharge, ignition, or explosion of fireworks at all times and dates, including certain days each year pursuant to State law; and declaring the necessity that this legislation become immediately effective as an emergency measure.

Legislation Introduced

ORDINANCE NO. 75-2022 (PSH), First Reading. An Ordinance amending Chapter 749, “Fair Practices”, of the Codified Ordinances of the City of Cleveland Heights to prohibit any psychiatric treatment, including conversion therapy, the purpose of which is an attempt

to change an individual's sexual orientation; and declaring the necessity that this Ordinance become immediately effective as an emergency measure.

Legislation Introduced

President Hart referred this to the Safety Committee.

ORDINANCE NO. 76-2022 (AS), First Reading. An Ordinance amending Codified Ordinance Section 111.10, *Clerk*; and declaring the necessity that this legislation become immediately effective as an emergency measure.

Legislation Introduced

ORDINANCE NO. 77-2022 (AS), First Reading. An Ordinance enacting a new Section 171.011, *Non-Discrimination in City Contracts*, to prohibit persons contracting with the City from discriminating against any person based upon the person's age, race, color, religion, sex, familial status, national original, disability, sexual orientation, gender identity or expression, or the nonconsensual dissemination of a person's private sexual images, and providing remedies for violations; and declaring the necessity that this legislation become immediately effective as an emergency measure.

Legislation Introduced

ORDINANCE NO. 78-2022 (AS), First Reading. An Ordinance amending Ordinance No. 25-2022, "Wage and Salary Ordinance," providing for salary schedules, position classifications, and other compensation and benefits for officers and employees of the City, to add a salary schedule, position classification, and other compensation and benefits for a Clerk of Council and declaring the necessity that this legislation become immediately effective as an emergency measure.

Legislation Introduced

ORDINANCE NO. 79-2022 (AS), First Reading. An Ordinance repealing Sections 131.08 "Maternity Leave" and 139.13 "Maternity Leave" of the Codified Ordinances of the City of Cleveland Heights, enacting a new Section 139.13 "Paid Parental and Childbirth Leave," and amending Sections 131.15 "Other Leaves of Absence" and 139.16 "Other Leaves of Absence" to provide paid parental leave benefits for full-time, permanent employees.

Legislation Introduced

Councilor Moore thanked the Mayor for bringing this legislation to her to present.

ORDINANCE NO. 81-2022 (AS), First Reading. An Ordinance amending Section 150.02(a), “Members,” of Chapter 150, “Transportation and Environmental Sustainability Committee” of Part One, *Administrative Code*, of the Codified Ordinances of the City of Cleveland Heights, to remove City administrative staff from membership on the Committee.

Legislation Introduced

RESOLUTION NO. 82-2022 (CRR), First Reading. A Resolution proclaiming July 2022 to be National Parks and Recreation Month in the City of Cleveland Heights; and declaring the necessity that this Resolution become immediately effective as an emergency measure.

Legislation Introduced

Second Readings

ORDINANCE NO. 63-2022 (AS), Second Reading. An Ordinance amending Section 123.04, “Powers and Duties of Director,” of the Codified Ordinances of Cleveland Heights by removing the Director of Finance from the role of ex-officio Clerk of Council and declaring the necessity that this legislation become immediately effective as an emergency measure.

Motion to Adopt by Councilman Cobb, Seconded by Councilman Mattox

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

Legislation Passed

RESOLUTION NO. 64-2022 (PSH), Second Reading. A Resolution authorizing the Mayor to enter into an agreement with Life Force Management, Inc., to provide billing, collection, and related services for all ambulance services rendered by the City; and declaring an emergency.

Motion to Adopt by Councilor Larson, Seconded by Councilor Moore

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

Legislation Passed

Committee Reports

HOUSING AND BUILDING COMMITTEE

Councilman Cuda said the Committee met that day and had two guests from the County landbank. They discussed vacant and abandoned properties. He also had a resident speak about Airbnb's and the possible need for ordinances regulating them. He said the next Committee meeting will be the first Monday in August.

MUNICIPAL SERVICES COMMITTEE

Nothing to report at this time.

PLANNING AND DEVELOPMENT COMMITTEE

Nothing to report at this time.

PUBLIC SAFETY AND HEALTH COMMITTEE

Councilor Larson said she was grateful that the police department and the fire department dropped in on the Noble Fest Carnival. She said canine officer Otto was a definite hit. She said the next Committee meeting is scheduled for June 21st at 5 p.m.

ADMINISTRATIVE SERVICES COMMITTEE

Councilman Cobb said he will try to schedule a meeting before Council goes into recess to consider further appointments to Boards and Commissions that still need filling.

COMMUNITY RELATIONS AND RECREATION COMMITTEE

Councilwoman Russell stated the City pools opened today and summer camps started today as well. She said School of Rock starts June 9th at Cain Park. She said she's been partnering with VERGE for recruiting young adults for jobs around the City.

FINANCE COMMITTEE

Council President Hart said the next Committee meeting will be June 10th at 1:30 p.m. where they will discuss the budget process and the tax budget.

COMMITTEE OF THE WHOLE

Nothing to report at this time.

Personal communications from citizens

Maurice Rhoades discussed his thoughts on why Ukraine and Russian soldiers were not testing positive for COVID-19. He thanked the Council for their time.

Laura Marks discussed damage that deer are doing. She discussed a study about the cultural caring capacity of cities for the number of deer that people seem to be comfortable with for urban municipalities. She said the caring capacity is determined by survey. She said the sooner we bring our deer population down, the less destruction and death we will face. The Transportation and Environmental Sustainability Committee twice has recommended that the City conduct two surveys, one to count the current deer population and the other to survey residents about their tolerance of the deer population to determine the cultural caring capacity. She asked Council to act on the recommendations.

Catalina Wagers spoke on behalf of the Cleveland Heights Green Team. She said in the spirit of celebrating diversity, on Saturday June 11th, the Cleveland Heights Green Team, in partnership with Caledonia Cultural Arts Center and Start Right CDC will be hosting Caledonia Day as part of "Loving Kindness Week." It's mission is to cultivate the communities self-care culture by creating connections through community building activities. She extended an invitation to the Mayor and Council to attend and asked for their support in sharing information about the event.

Tom Gibson echoed Laura Marks' comments on the deer. He said he's had a native plant garden since the year 2000. He talked about the deer eating his garden.

Shannon Morris discussed the Coventry PEACE Campus. She started by acknowledging the big adjustments happening in the government right now. She wanted to remind them that they are still reeling from the last form of government. She said a community thrives when the needs of its citizenry are met and exceeded. She said the new rent price structure is outrageous, virtually doubling their rent by the end of July. She urged Council to do their research and see for themselves the economic benefits the PEACE Campus brings to the table. She asked Council to stand up for them.

Robin Van Lear discussed the Coventry PEACE Campus. She said it's thriving and has wide community support but now it's threatened. She asked if this was the message the City wanted to send to entrepreneurs. She said as a tenant, if her rent is doubled, she'll have to close up shop. She asked for Council's help and for how to get on the Council's agenda before it's too late.

Lisa Rainsong spoke about the deer issue, saying they present a real safety concern. She discussed close encounters she's had with bucks.

Jennifer Wintner discussed issues going on between the Library and the Coventry PEACE Campus. She discussed the management company's fee schedule. She said no one knows when rent must go up. She asked Council to get involved and to have discussions with Nancy Levin on the Library Board, saying we can't lose such a value asset to the community.

Barbara Sosnowski discussed the deer population. She concurs with everything that people have already said about the deer population problem and said we need a census. She said in order to preserve their health, we need to consider how to reduce that population.

DeAngelo came to say he didn't think he was getting respect from the City, the Mayor's office, the Police Department and housing inspectors. He said he's put in phone calls and his issue is with the housing courts. He said he was disappointed to not be on the Committee. He doesn't live here but he owns property here and he wants to be a part of the solution, not part of the problem.

Old business

Nothing to report at this time.

New business

Nothing to report at this time.

Council Member Comments

Councilor Larson said she'd be here on Saturday.

Councilman Cuda stated he saw a report about the number of fawns that does have and that birth control doesn't work on deer. He said in regards to the Coventry Peace Campus, he doesn't understand the no communication, and told the Peace Campus employees he'd like to talk to them after the meeting. He said Sam Bell and Laura in the Transportation Committee are wonderful and he learns so much from them. He said he understands their frustrations but he wants them to know that they are educating him and Council and that has helped in their decision making.

Councilwoman Russell said it's been a great evening for the LGBTQ community and she wanted to thank Council for their support. She said as we look around the world, there are a lot of issues happening with the LGBTQ community and around women's issues. She said she was so happy that the Mayor raised the African American flag for Juneteenth. She then talked about her HipHop Voter Registration van. She said we must stop what is happening by using our vote.

Councilor Moore said the resolutions passed tonight are going directly to our state representatives so we are sending a direct message to the people that are in control of whether or not these bills make it out of committee.

Councilman Mattox wanted to encourage everyone to celebrate Juneteenth and said he is excited about the flag raising at City Hall. He said the real way to celebrate Juneteenth is through service, activism, commitment and dedication to that cause. He said if we really want to celebrate Juneteenth, vote. He then spoke about the Coventry PEACE Campus. He said you can't have a dialogue if both sides can't come together. He said what we are seeing is saddening his soul and anything he can do to help facilitate reaching common ground, he'll do.

Report of the Council President

Council President Hart said the next Council meeting will be on Tuesday, June 21st. She encouraged everyone to come to Democracy Day. She said Council will be on recess for the month of July. She also said she was proud of the legislation passed. She said they are searching for Block Captains to help get out the vote.

NEXT REGULAR MEETING OF COUNCIL: TUESDAY, JUNE 21, 2022

Respectfully submitted,

Melody Joy Hart
President of Council

Addie Balester
Clerk of Council



CLEVELAND HEIGHTS

Monday, June 14, 2022 Minutes

SPECIAL CITY COUNCIL MEETING

4:30 – 6:45 p.m.

President Hart presiding

Roll Call:	Present:	Cuda, Cobb, Mattox, Moore, Hart
	Absent:	Russell, Larson

Also Present: Mayor Seren, Chief Britton, Chief Freeman, Clinkscale, McRae

Mayor Seren thanked Council for being there and allowing them the opportunity to provide information on the various departments.

Cleveland Heights “Department 101” Presentations

Mayor Seren presented as the Director of Public Safety on the Department of Public Safety.

Chief Britton gave a presentation on the Police Department.

Chief Freeman gave a presentation on the Fire Department.

Housing Director Allan Butler gave a presentation on the Division of Building and Inspectional Services

Director Collette Clinkscale gave a presentation on the Department of Public Works.

Director Joe McRae gave a presentation on the Department of Parks & Recreation.

NEXT REGULAR MEETING OF COUNCIL: MONDAY, JUNE 21, 2022

Respectfully submitted,

Melody Joy Hart

President of Council

Addie Balester
Clerk of Council



CLEVELAND HEIGHTS

Monday, June 21, 2022 Minutes

CITY COUNCIL

7:30 p.m. – 9:00 p.m.

President Hart presiding

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

Approval of minutes of the Council meeting held on May 2, 2022, May 16, 2022 and May 23, 2022

Minutes were approved without any objections. Councilwoman Russell mentioned a correction that she will email to Director Hanna.

Matter of Record

***MOTION** to appoint Vice President Craig Cobb as Clerk Pro Tem of Council for the meeting.

Moved by Councilor Moore, Seconded by Councilwoman Russell

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

Motion Passed

Communications from the Mayor

Mayor commended Coventry SID for the great Juneteenth event held at Coventry for creating a sense of community. He thanked Council for the anticipated passage of 3 pieces of legislation that are inspired by Pride month: the ban on conversion therapy, strengthening anti-discrimination language in contracts and an expansion of our maternal leave policy to allow more a more inclusive parental leave policy for all types of family to have an opportunity bond with their children.

Report of the Clerk of Council

Nothing to report at this time.

***MOTION** to amend the agenda to move Resolutions 85-2022 through 94-2022 from First Readings – Consideration of Adoption Requested into the Consent Agenda.

Moved by Councilwoman Russell, Seconded by Councilor Larson

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

Motion Passed

Personal communications from citizens on Agenda Items only

Drew Herzig asks that the City support the ban on conversion therapy. He spoke about a time where left-handed children were the targets of conversion therapy. They were subjected to mental and physical abuse to cure them of being left-handed. The therapy did not work but instead created cognitive and other problems. Being LBGT, like being left-handed, is not an illness or disability. The LBGT community needs our guidance and support. He said please ban conversion therapy in Cleveland Heights.

LEGISLATION

First Readings

a. First Readings - Consideration of Adoption Requested

ORDINANCE NO. 83-2022 (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.

Motion to Adopt by Councilor Moore, Seconded by Councilor Larson

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

Legislation Passed

ORDINANCE NO. 84-2022 (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 in order to provide for Council’s hiring of a Clerk of Council and declaring the necessity that this legislation become immediately effective as an emergency measure.

Motion to Adopt by Councilman Mattox, Seconded by Vice President Cobb

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

Legislation Passed

ORDINANCE NO. 95-2022 (AS), First Reading. An Ordinance approving and authorizing members of certain public bodies of the City of Cleveland Heights to hold and attend meetings, conduct and attend hearings, to be counted for purposes of the quorum for such body, and to vote on matters before such body, by means of teleconference, video conference or other similar electronic technology; amending Section 107.01(b) of the Codified Ordinances of the City of Cleveland Heights; and declaring the necessity that this legislation become immediately effective as an emergency measure.

Motion to Adopt by Councilman Mattox, Seconded by Councilwoman Russell

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

Councilman Cuda inquired if there is something Council can do to continue to zoom beyond June 30, 2022. Director Hanna responded that it is not as the Charter provides that Council will meet at such public places, whereas Boards and Commissions are not subject to that restriction. Councilwoman Larson inquired if it means the Board and Commissions that meet via zoom cannot do it in perpetuity. Director Hanna confirmed that she was correct.

Legislation Passed

b. First Reading Only

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

Legislation Introduced

RESOLUTION NO. 97-2022 (AS), First 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.

Legislation Introduced

ORDINANCE NO. 98-2022 (PSH), First 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.

Legislation Introduced

c. **Second Readings**

RESOLUTION NO. 70-2022 (F), Second Reading. A Resolution appointing an Assessment Equalization Board to hear objections relative to the estimated assessments for a portion of the expense of improvement of streets and parkways including grading, draining, curbing, paving, repaving, repairing, sweeping or cleaning thereof, removing snow therefrom, and planting, maintaining and removing shade trees thereon within the City of Cleveland Heights; and declaring the necessity that this legislation become immediately effective as an emergency measure.

Motion to Adopt by Councilman Mattox, Seconded by Councilman Cuda

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

Legislation Passed

RESOLUTION NO. 71-2022 (F), Second Reading. A Resolution appointing an Assessment Equalization Board to hear objections relative to the estimated assessments for a portion of the expense of street lighting within the City of Cleveland Heights; and declaring the necessity that this legislation become immediately effective as an emergency measure.

Motion to Adopt by Councilor Moore, Seconded by Councilor Larson

Roll Call: Ayes: Mattox, Cuda, Moore, Hart, Larson, Cobb, Russell

Nays: None

Legislation Passed

RESOLUTION NO. 72-2022 (F), Second Reading. A Resolution approving the adoption of the 2023 Tax Budget; and declaring the necessity that this legislation become immediately effective as an emergency measure.

Motion to Adopt by Councilor Larson, Seconded by Councilor Moore

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

Legislation Passed

RESOLUTION NO. 73-2022 (F), Second Reading. A Resolution authorizing the Mayor to enter into an agreement with Meritech and C.C.T. Financial for the acquisition and maintenance of copy machines for City employees; providing compensation therefor; and declaring the necessity that this legislation become immediately effective as an emergency measure.

Motion to Adopt by Councilman Mattox, Seconded by Councilor Moore

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

Legislation Passed

ORDINANCE NO. 74-2022 (PSH), Second Reading. An Ordinance amending Section 1509.04(b) of the Codified Ordinances of the City of Cleveland Heights to prohibit the discharge, ignition, or explosion of fireworks at all times and dates, including certain days each year pursuant to State law; and declaring the necessity that this legislation become immediately effective as an emergency measure.

Motion to Adopted by Councilor Larson, Seconded by Councilor Moore

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

Legislation Passed

ORDINANCE NO. 75-2022 (PSH), Second Reading. An Ordinance amending Chapter 749, "Fair Practices", of the Codified Ordinances of the City of Cleveland Heights to

prohibit any psychiatric treatment, including conversion therapy, the purpose of which is an attempt to change an individual's sexual orientation; and declaring the necessity that this Ordinance become immediately effective as an emergency measure.

Motion to Adopt by Councilor Larson, Seconded by President Hart

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

Legislation Passed

ORDINANCE NO. 76-2022 (AS), Second Reading. An Ordinance amending Codified Ordinance Section 111.10, *Clerk*; and declaring the necessity that this legislation become immediately effective as an emergency measure.

Motion to Adopt by Vice President Cobb, Seconded by Councilwoman Russell

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

Legislation Passed

ORDINANCE NO. 77-2022 (AS), Second Reading. An Ordinance enacting a new Section 171.011, *Non-Discrimination in City Contracts*, to prohibit persons contracting with the City from discriminating against any person based upon the person's age, race, color, religion, sex, familial status, national origin, disability, sexual orientation, gender identity or expression, or the nonconsensual dissemination of a person's private sexual images, and providing remedies for violations; and declaring the necessity that this legislation become immediately effective as an emergency measure.

Motion to Adopt by Vice President Cobb, Seconded by Councilor Moore

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

Legislation Passed

Councilwoman Russell expressed the significance of this legislation and is pleased the Mayor put the legislation on the forum.

ORDINANCE NO. 78-2022 (AS), Second Reading. An Ordinance amending Ordinance No. 25-2022, “Wage and Salary Ordinance,” providing for salary schedules, position classifications, and other compensation and benefits for officers and employees of the City, to add a salary schedule, position classification, and other compensation and benefits for a Clerk of Council and declaring the necessity that this legislation become immediately effective as an emergency measure.

Motion to Adopt by Vice President Cobb, Second by Councilor Moore

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

Legislation Passed

ORDINANCE NO. 79-2022 (AS), Second Reading. An Ordinance repealing Sections 131.08 “Maternity Leave” and 139.13 “Maternity Leave” of the Codified Ordinances of the City of Cleveland Heights, enacting a new Section 139.13 “Paid Parental and Childbirth Leave,” and amending Sections 131.15 “Other Leaves of Absence” and 139.16 “Other Leaves of Absence” to provide paid parental leave benefits for full-time, permanent employees.

Motion to Adopt by Councilor Moore, Seconded by Councilor Larson

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

Legislation Passed

Councilor Moore said it’s a very exciting step forward for the City and she thanked the Mayor for putting this forward and inviting her to be a part of it. Councilwoman Russell thanked the Mayor and Councilor Moore for introducing this legislation.

ORDINANCE NO. 81-2022 (AS), Second Reading. An Ordinance amending Section 150.02(a), “Members,” of Chapter 150, “Transportation and Environmental Sustainability Committee” of Part One, *Administrative Code*, of the Codified Ordinances of the City of Cleveland Heights, to remove City administrative staff from membership on the Committee.

Motion to Adopt by Vice President Cobb, Seconded by Councilman Mattox

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

Legislation Passed

Councilman Cuda wants people serving on these Committees to know that Council hears them. Several Committee members want to be valued and heard and he wants people to know that Council hears them, saying they want to use community expertise as best they can and they'll be moving legislation forward to make sure that happens.

RESOLUTION NO. 82-2022 (CRR), *Second Reading.* A Resolution proclaiming July 2022 to be National Parks and Recreation Month in the City of Cleveland Heights; and declaring the necessity that this Resolution become immediately effective as an emergency measure.

Motion to Adopt by Councilwoman Russell, Seconded by Councilor Moore

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

Legislation Passed

d. Consent Agenda

RESOLUTION NO. 85-2022 (PD), *First Reading.* A Resolution authorizing the Mayor to enter into an agreement with the Benjamin Rose Institute on Aging, a non-profit corporation, for the use of Community Development Block Grant funds in connection with its Margaret Wagner Affordable Senior Housing Project; providing compensation therefor; and declaring the necessity that this legislation become immediately effective as an emergency measure.

RESOLUTION NO. 86-2022 (PD), *First Reading.* A Resolution authorizing the Mayor to enter into an agreement with Family Connections of Northeast Ohio, a non-profit corporation, for the use of Community Development Block Grant funds in support of its Family School Connections Program and Parent Café Program; providing compensation therefor; and declaring the necessity that this legislation become immediately effective as an emergency measure.

RESOLUTION NO. 87-2022 (PD), *First Reading.* A Resolution authorizing the Mayor to enter into an agreement with FutureHeights, a non-profit corporation, for the use of Community Development Block Grant funds to provide funding for assistance with its Community Capacity Building Program; providing compensation therefor; and declaring the necessity that this legislation become immediately effective as an emergency measure.

RESOLUTION NO. 88-2022 (PD), First Reading. A Resolution authorizing the Mayor to enter into an agreement with Agudath Israel of Ohio, a non-profit corporation, for the use of Community Development Block Grant funds for the payment of operating expenses for their Gesher Benefits Referral Program; providing compensation therefor; and declaring the necessity that this legislation become immediately effective as an emergency measure.

RESOLUTION NO. 89-2022 (PD), First Reading. A Resolution authorizing the Mayor to enter into an agreement with the Heights Emergency Food Center, a non-profit corporation, for the use of Community Development Block Grant funds for the payment of operating and capital improvement expenses; providing compensation therefor; and declaring the necessity that this legislation become immediately effective as an emergency measure.

RESOLUTION NO. 90-2022 (PD), First Reading. A Resolution authorizing the Mayor to enter into an agreement with the Home Repair Resource Center (“HRRC”), a non-profit corporation, for the use of Community Development Block Grant Funds for assistance with HRRC’s housing counseling, home-repair and home-improvement programs; providing compensation therefor; and declaring the necessity that this legislation become immediately effective as an emergency measure.

RESOLUTION NO. 91-2022 (PD), First Reading. A Resolution authorizing the Mayor to enter into an agreement with Lake Erie Ink, a non-profit corporation, for the use of Community Development Block Grant funds to provide support for the organization’s Ink Spot After School Program; providing compensation therefor; and declaring the necessity that this legislation become immediately effective as an emergency measure.

RESOLUTION NO. 92-2022 (PD), First Reading. A Resolution authorizing the Mayor to enter into an agreement with Naaleh Cleveland, a non-profit corporation, for the use of Community Development Block Grant funds to provide support for the organization’s mental health services programming; providing compensation therefor; and declaring the necessity that this legislation become immediately effective as an emergency measure.

RESOLUTION NO. 93-2022 (PD), First Reading. A Resolution authorizing the Mayor to enter into an agreement with the Open Doors Academy, a non-profit corporation, for the use of Community Development Block Grant funds to support the organization’s Out-of-School Time Program for Cleveland Heights-University Heights School District Middle School Scholars and the Out-of-School Time Program for Cleveland Heights High School

Scholars; providing compensation therefor; and declaring the necessity that this legislation become immediately effective as an emergency measure.

RESOLUTION NO. 94-2022 (PD), First Reading. A Resolution authorizing the Mayor to enter into an agreement with the Start Right Community Development Corporation, a non-profit corporation, for the use of Community Development Block Grant funds for the payment of operating expenses for its Food Bank Program; providing compensation therefor; and declaring the necessity that this legislation become immediately effective as an emergency measure.

***MOTION** to suspend the rules.

Moved by Councilman Mattox, Seconded by Vice President Cobb

Roll Call: Ayes: Mattox, Moore, Russell, Cobb, Cuda, Hart, Larson

Nays: None

Motion Passed

***MOTION** to Adopt by Councilman Mattox, Seconded by Vice President Cobb

Roll Call: Ayes: Hart, Larson, Mattox, Moore, Russell, Cobb, Cuda

Nays: None

Legislation Passed

Personal communications from citizens

Christine Heggie has noticed that after attending several council meetings, most people are in support of preserving Horseshoe Lake and far outnumber the people who remain neutral or support the destruction of Horseshoe Lake. On June 6, 2022, an alternative plan to preserve Horseshoe Lake was presented to Council by TRC Engineer and dam expert Sean McGhee. This plan would preserve Horseshoe Lake, address flood and safety concerns and cost less than NEORSD plan. She urged Council not to pass up this valuable opportunity to save Horseshoe Lake.

Ee Durbin spoke about the Pride event and said he was taken aback at the large presence of police accompanying Mayor Seren at the event. He felt that the large presence of police impacts our City's desire to welcome all. He felt that placing police where they are not necessary is not community policing.

Robin Koslen said it is her understanding that Council's job is to create legislation and to come up with policy goals and the role of Mayor is administrative and is to sign or veto legislation. She said it seems

that the role of both is to communicate so that everything runs smoothly. She is not sure what roles the citizens play. For example, in Housing, regarding the foreclosure bond initiative, nothing has been referred to the courts. Parks and recreation no longer have a diving and synchronized team. She asked what is happening with Severance Circle? Where does she, as a citizen, do to make things better.

Tonya Palmer said she came to speak about Juneteenth. She was a little disappointed that little information was provided to the public regarding this event. This is our first National holiday. She would like to know how the City can provide better communication about upcoming future events.

Maya Evans was inquiring about the American Rescue Plan Act Fund. She wants to know the deadlines for the allocation of the funds, what they will be used for and the deadline for making use of the funds.

Cindy Evans stated that she recognizes that not all public comments at the City Council meetings align with agenda. She feels that priority should be given to all public comments. They should not be separated. She believes it creates a barrier and gives the impression that some comments are more important than others.

Nora Cruz-Price owns a business in Cleveland Heights and said several businesses are still struggling, including herself. She wants to know how the ARPA funds are progressing, when will the funds be dispersed and in what form the funds will be dispersed.

In response to Nora Cruz-Price, Councilwoman Hart stated the City has hired a consultant since there are a lot of documentation requirements. Public meetings regarding the ARPA funds will begin mid-July, 2022. Ms. Cruz-Price asked how citizens will know when those meetings will be held. The Mayor stated the public can obtain information regarding the public ARPA meetings on the Cleveland Heights website and they will make sure to post in any possible platform to make the public aware. Councilwoman Russell discussed the citizens addressing Council with their ARPA fund wish-list. Councilman Mattox stated that several community organizations want info on ARPA funds and said everyone needs to come to the public meetings.

Committee Reports

MUNICIPAL SERVICES COMMITTEE

Nothing to report at this time.

PLANNING AND DEVELOPMENT COMMITTEE

Nothing to report but a meeting will be scheduled for August.

PUBLIC HEALTH AND SAFETY COMMITTEE

Councilwoman Larson announced there are 3 appointment to the Racial Task Force

***MOTION** to appoint Mark Chuck to the Racial Justice Task Force as a new member.

Moved by Councilor Larson, Seconded by Councilman Mattox

Roll Call: Ayes: Hart, Larson, Mattox, Moore, Russell, Cuda

Nays: None

Motion Passed

***MOTION** to appoint Ben Sperry to the Racial Justice Task Force as a new member.

Moved by Councilor Larson, Seconded by Councilman Cuda

Roll Call: Ayes: Hart, Larson, Mattox, Moore, Russell, Cuda

Nays: None

Motion Passed

***MOTION** to appoint Reggie Evans Vice Chair of the Racial Justice Task Force.

Moved by Councilor Larson, Seconded by Councilman Cuda

Roll Call: Ayes: Hart, Larson, Mattox, Moore, Russell, Cuda

Nays: None

Motion Passed

ADMINISTRATIVE SERVICES COMMITTEE

Nothing to report at this time.

FINANCE COMMITTEE

Nothing to report at this time.

HOUSING AND BUILDING COMMITTEE

Councilman Cuda announced the next meeting will be August 1, 2022. Keisha Allen will be the guest.

COMMUNITY RELATIONS AND RECREATION COMMITTEE

Councilwoman Russell wanted to give people updates because this meeting will be the last meeting until August. She mentioned the following upcoming events:

- School of Rock opened June 10, 2022 and runs through June 26, 2022.
- The City has opened a cooling center at the Community Center Monday – Friday from 6:00 p.m. – 8:00 p.m. and Saturdays from 9:00 a.m. -1:00 p.m.
- The registration for Cumberland Urban Swim summer program started on June 20, 2022. Classes start June 27, 2022 – August 5, 2022. These classes help teach lifesaving and swimming skills. No children under the age of 6 are permitted.
- The Hillcrest Heights Community Market takes place every Thursday through October 13, 2022 and is located at 711 S. Belvoir Rd, South Euclid, Ohio from 4:00 p.m. – 8:00 p.m.
- The 15th annual jazz fest began June 18, 2022 from 5:00 p.m. – 9:00 p.m in the Amphitheatre at Cain Park.
- Also, Juneteenth took place on Saturday, June 18, 2022 from 1:00 p.m. – 4:00 p.m.
- A first of 6 free series open at Cain Park Jazz Fest 6 times during summer, every Tuesday from 7:00 p.m. -8:30 p.m., June 21, 2022, July 19, 2022, July 26, 2022, August 9, 2022 and August 16, 2022. Also, there are free jazz concerts held at Cain Park on Sunday afternoons from 1:00 p.m. – 4:00 p.m. They start on June 19, 2022, July 10,2022, July 24, 2022, July 31, 2022, August 14, 2022 and August 21, 2022.
- Community shredding day was June 18, 2022 from 9:00 a.m. -12:00 p.m., at City Hall. The next community shredding day will be October 15, 2022 from 9:00 a.m. – 12:00 p.m. and will take place in the Cleveland Heights City Hall parking lot.
- The Cain Park Arts Festival will take place July 8, 2022 from 3:00 p.m. -8:00 pm, July 9, 2022 from 10:00 a.m. -8:00 p.m. and July 10, 2022 from 12:00 p.m. -5:00 pm.
- The Women’s walk takes place at the Community Center on Sunday, June 26, 2022 at 3:00 p.m.
- Support the SIDS Summerfest. They are featuring two concerts per month, yoga in the park lot and historical walks. Concerts that are taking place in the parking lot at Grandview Avenue behind Firestone on Cedar Road from 6:30 p.m. – 8:00 p.m., during the months of June, July and August. Yoga in the lots will take place July 13, 2022 through August 10, 2022 from 6:30 p.m. – 7:15 p.m. People can register online at summerfest2022.org.
- Historical walks at the Cedar/Fairmount District will take place from 6:30 p.m. – 8:30 p.m., July 31, 2022 – August 4, 2022.

- A huge thank you to the Coventry Village Safer Heights for a successful third annual Juneteenth celebration for freedom to celebrate the contributions of black communities in Cleveland Heights.
- The drum rolls take place on Sunday at the Coventry Peace Park.
- The Commission on Aging had a meeting on Friday, June 17, 2022 at 9:30 a.m., at the Senior Activity Center. If you are Senior in Cleveland Heights looking for something to do check out the Senior Activity Center.
- The Parks and Recreation Advisory Board had their meeting this evening at the Community Center. The Commission on Aging and Parks and Recreation Advisory Board will report on August 1, 2022 at 5:30 p.m.
- The next Commission on Aging meeting will be set for Friday, July 15, 2022 at 9:30 a.m. at the Senior Activity Center.
- The next Parks and Recreation Advisory Board meeting is scheduled for July 19, 2022 at the Community Center at 6:30 p.m.
- The Community center is hiring a part time building attendant, fitness center assistant, lifeguard and public relations specialist. This info can be found on the Cleveland Heights website for more information
- This is our last council meeting before our July recess.

COMMITTEE OF THE WHOLE

Nothing to report at this time.

Old Business

Nothing to report at this time.

New Business

Councilman Cuda inquired about a potential Committee of the Whole Meeting on Monday as part of the Special Meeting. President Hart stated they will discuss it later.

Council Member Comments

Councilman Cuda said he loved the Juneteenth celebration. He felt it was very friendly and festive. He recommending looking at the sign Ordinance and having signs at major intersections for a big upcoming event to help fix the gap between emails and social media notifications. He is also grateful for the \$290.09 he receives every two weeks.

Councilwoman Russell thanked the Coventry Village and Safer Heights for the Juneteenth Celebration. She wished the fathers a belated Happy Father's Day and a Happy Fourth of July.

Councilwoman Moore enjoyed the Juneteenth event with 2 of her children. She wished everyone a safe Fourth of July. She suggested using cooling centers to stay cool.

Councilman Mattox was proud to know the Juneteenth event went well even though he was attending a Juneteenth event in Atlanta. He grew up in the Noble area on Rushleigh Road. He was upset he was told he could not attend a meeting as it was in a private location. He feels the Noble/Taylor area was overlooked but he can't help what he doesn't know. He said he wanted to make clear he represents every area of the City. He said please do not hold any grudges to the present Council members relative to what the former Council members did or didn't do. He is here to work and serve.

Councilwoman Russell is happy that everyone on council is interested in Noble/Taylor Area. She has been living in the Noble/Taylor area for 55 years and has seen the transformation. She said she is not locking anyone out of meetings in that area.

President Hart wanted to make clear that she doesn't expect any bickering on this Council, she said if anyone has a problem, to go talk it out. She said Council is all at large, they represent everyone in the City. She said everyone there is concerned about Noble/Taylor.

Council President's Report

***MOTION** to enter into Executive Session to consider the appointment of a public official and a public employee.

Motion to Adopt Councilman Cuda, Seconded by Councilwoman Russell

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

Motion Passed

NEXT REGULAR COUNCIL MEETING: MONDAY, AUGUST 1, 2022

Respectfully submitted,

Melody Joy Hart
President of Council

Addie Balester
Clerk of Council

NOTICE TO LEGISLATIVE
AUTHORITY

OHIO DIVISION OF LIQUOR CONTROL
6606 TUSSING ROAD, P.O. BOX 4005
REYNOLDSBURG, OHIO 43088-9005
(614)644-2380 FAX(614)644-3166

TO

9692307 PERMIT NUMBER	NEW TYPE	WIZBANG THEATRE LLC DBA WIZBANG THEATRE 2134 LEE RD CLEVELAND HGTS OH. 44118
08 12 2021 ISSUE DATE		
08 12 2021 FILING DATE		
D3 PERMIT CLASSES		
18 165 TAX DISTRICT	D11108 RECEIPT NO.	

FROM 08/11/2022

9692307 PERMIT NUMBER	NEW TYPE	
08 12 2022 ISSUE DATE		
08 12 2022 FILING DATE		
D3 PERMIT CLASSES		
18 165 TAX DISTRICT	D11108 RECEIPT NO.	

MAILED 08/11/2022

RESPONSES MUST BE POSTMARKED NO LATER THAN.

09/11/2022

IMPORTANT NOTICE

PLEASE COMPLETE AND RETURN THIS FORM TO THE DIVISION OF LIQUOR CONTROL
WHETHER OR NOT THERE IS A REQUEST FOR A HEARING.
REFER TO THIS NUMBER IN ALL INQUIRIES C NEW 9692307

(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

WE REQUEST A HEARING ON THE ADVISABILITY OF ISSUING THE PERMIT AND REQUEST THAT
THE HEARING BE HELD IN OUR COUNTY SEAT. IN COLUMBUS.

WE DO NOT REQUEST A HEARING.
DID YOU MARK A BOX? IF NOT, THIS WILL BE CONSIDERED A LATE RESPONSE.

PLEASE SIGN BELOW AND MARK THE APPROPRIATE BOX INDICATING YOUR TITLE:

Adam Baleski 09/02/2022
(Signature) (Date)

(Title) - Clerk of County Commissioner

Clerk of City Council

Township Fiscal Officer

CLERK OF CLEVELAND HGTS CITY COUNCIL
40 SEVERANCE CIRCLE
CLEVELAND HGTS OHIO 44118

LIQUOR PERMIT CONTROL SHEET

TO: Kahlil Seren, Mayor
FROM: Addie Balester, Clerk of Council
DATE: August 24, 2022

Permit Number: 9692307

Reference: New Transfer Stock Transfer
 TRES Transfer (Economic Development Transfer)

Name: WIZBANG Theatre LLC d/b/a WIZBANG Theatre

Address: 2134 Lee Rd
Cleveland Heights, OH

Zip: 44118

From

Name: n/a

Address:

Zip:

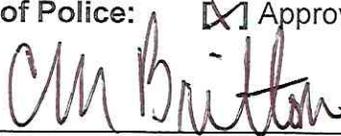
Received in Council office: August 24, 2022

Read into record: September 6, 2022

Last date to file objection: September 11, 2022

* Chief of Police: Approval

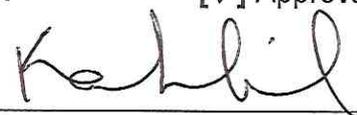
Objection

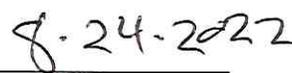

Chris Britton


Date

* Mayor: Approval

Objection


Kahlil Seren


Date

Upon completion, please return to Addie Balester.

Proposed: 9/06/2022

ORDINANCE NO. 122-2022 (F)

By Mayor Seren

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

MELODY JOY HART
President of Council

ORDINANCE NO. 122-2022 (F)

ADDIE BALESTER
Clerk of Council

Passed:

Presented to Mayor: _____

Approved: _____

KAHLIL SEREN
Mayor

ORDINANCE NO. 122-2022 (F)

Exhibit 1

Fund	Department	Object	Reason	Requested		Net Effect to Budget
				Approved Budget	Change	
101 - General	2108 - General Operations	Personal Services	Transfer for grant writing consultant services.	6,540,005.00	(20,000.00)	Zero - Budget is being transferred.
		O.T.P.S.	Transfer for grant writing consultant services.	1,449,516.00	20,000.00	Zero - Budget is being transferred.
	7201 - Police Admin	Personal Services	Transfer for car washes and towing.	9,408,302.36	(11,848.00)	Zero - Budget is being transferred.
		O.T.P.S.	Transfer for car washes and towing.	580,117.00	11,848.00	Zero - Budget is being transferred.
	7402 - Housing Inspections	O.T.P.S.	Increase for nuisance grass cutting.	90,560.00	25,000.00	Increase - Unbudgeted cash will be used.
	8401 - Parks & Recreation Admin	O.T.P.S.	Transfer for personal trainer expense.	31,240.00	(5,000.00)	Zero - Budget is being transferred.
	8406 - General Recreation Prog	Personal Services	Transfer for personal trainer expense.	92,196.85	(20,000.00)	Zero - Budget is being transferred.
	8411 - Community Center Admin	O.T.P.S.	Transfer for personal trainer expense.	314,421.00	25,000.00	Zero - Budget is being transferred.
202 - Foundation Grants/Donatns	2201 - Management Info Serv	O.T.P.S.	Increase to repair solar infrastructure on the Cedar-Lee garage, offset by NOPEC funds.	0.00	1,183.70	Zero - Grant funds will cover the cost.
211 - Home Program	5503 - HOME Admin	O.T.P.S.	Increase for HOME program, offset by home owner's match.	400,000.00	3,065.00	Zero - Revenue will cover the cost.
218 - Miscellaneous State Grants	7205 - Law Enforcement	O.T.P.S.	Increase for body armor, offset by Ohio Law Enforcement Body Armor Program Award.	0.00	33,705.00	Zero - Grant funds will cover the cost.
605 - Refuse Fund	6203 - Refuse Coll/Transfer Sta	Personal Services	Transfer for printing.	2,564,797.00	(8,216.00)	Zero - Budget is being transferred.
		O.T.P.S.	Transfer for printing.	1,306,500.00	8,216.00	Zero - Budget is being transferred.
Total				22,777,655.21	62,953.70	22,840,608.91

Current General Fund Unbudgeted Revenue	-217,474.86
Changes to the General Fund	-25,000.00
Total	-242,474.86

RESOLUTION NO. 123-2022 (F), *First Reading*

By Council President Hart

A Resolution authorizing and directing the Mayor to enter into a contract with TimeZero Enterprises for Council retreat facilitation services, increasing Council's budget to provide funds for said contract and for incidental expenses; and declaring the necessity that this Resolution become immediately effective as an emergency measure.

WHEREAS, this Council determined to hold a retreat meeting and discussion at City Hall, open to the public, on Saturday, October 1, 2022, and to utilize the services of a moderator at such meeting to facilitate discussion of topics selected by the Council as being relevant to Council's ability to function effectively in furtherance of the public interest; and

WHEREAS, following an informal search for a moderator with experience working with boards, commissions and public entities on similar projects, the Council President determined that Mrs. Sally Breyley Parker of TimeZero Enterprises possessed the requisite experience and appropriate demeanor for the assignment, and requested that Mrs. Sally Breyley Parker facilitate the October 1, 2022 Council Retreat, to be held from 9:00 a.m. to 4:00 p.m.; and

WHEREAS, the services performed or to be performed by TimeZero Enterprises and Mrs. Breyley Parker include: conducting interviews of Council members prior to the retreat in order to understand the issues that are of importance to individual Council members, working with the Council President on the agenda for the retreat, attendance and moderation of the discussion at the retreat, and preparation of a summary report for Council of the October 1st session; and

WHEREAS, TimeZero Enterprises submitted a proposed contract addressing the provision of the above-described services, in the amount of Seven Thousand Five Hundred Dollars (\$7,500.00); and

WHEREAS, this Council believes that the terms of the proposed contract are fair and reasonable in relation to the time and work contributed and to be contributed by TimeZero Enterprises; and

WHEREAS, under Article IV, Section III of the Charter of the City of Cleveland Heights, the Mayor "shall execute on behalf of the City all contracts ... and all other instruments to which the City is a party."

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

SECTION 1. This Council hereby finds and determines that the contract submitted by TimeZero Enterprises, having been approved as to legal form by the City's Law Director, is fair and appropriate in relation to the services provided and is in the best interests of the City and its residents.

RESOLUTION NO. 123-2022 (F), First Reading

SECTION 2. This Council hereby authorizes and directs the Mayor to enter into a contract with TimeZero Enterprises, substantially in accordance with the contract attached hereto as Exhibit A, for the retreat moderation services provided, in an amount not to exceed Seven Thousand Five Hundred Dollars (\$7,500.00). This Council further authorizes and directs the payment of miscellaneous expenses related to the retreat such as food and beverages in an amount not to exceed Two Hundred Dollars (\$200.00).

SECTION 3. 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 B, to provide funds necessary for the City to discharge its obligations under the contract with TimeZero Enterprises and to pay for incidental expenses related to the retreat.

SECTION 4. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 5. 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 6. 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 timely engage and compensate TimeZero Enterprises for work performed for the City at the request of the City Council. Wherefore, provided it receives the affirmative vote of five (5) or more of the members elected or appointed to this Council, this Resolution shall take effect and be in force immediately upon its passage; otherwise, it shall take effect and be in force from and after the earliest time allowed by law.

MELODY JOY HART
President of Council

ADDIE BALESTER
Clerk of Council

RESOLUTION NO. 123-2022 (F), *First Reading*

PASSED:

Presented to Mayor:

Approved:

KAHLIL SEREN
Mayor

Exhibit A



August 16, 2022

Melody Joy Hart
Cleveland Heights City Council President
City of Cleveland Heights
Cleveland Heights, OH 44118

SUBJECT: Contract to Facilitate a Cleveland Heights City Council Retreat

Dear Melody,

TimeZero Enterprises (the Consultant) is pleased to present this contract for facilitation services for a City Council retreat to be held in the fall of 2022.

Retreat Objectives

Based upon our conversation and other communications, it is my understanding that the objective for the retreat is three-fold:

1. Help improve the effectiveness of the relationships between council members so that members are better positioned to do the work of Council for the City.
2. Develop and agree to a set of City Council rules that establish parameters and provide guidelines for Council member communications (internal and external), dialogue, deliberations, and decision-making.
3. Time permitting, begin to formulate high level Council priorities, building on the vision recently developed by the Council.

Proposed Approach & Service Scope

Based upon the above outline of meeting objectives, the Consultant proposes the following basic steps:

1. Confirm Scope and Approach: The Consultant will meet with the City Council leadership to confirm work scope and approach.
2. Interview Council Member: The Consultant will conduct one-on-one 30-minute confidential virtual interviews with all council members to gain a deeper understanding of council member perspectives, aspirations, and concerns related to City Council rules, identity, and roles. All interviews will follow the same protocol of questions developed in concert with Council leadership. Upon the completion of all interviews, the consultant will prepare a thematic summary highlighting common ground, important differences, and key tensions for the City Council to address. The thematic summary will be shared with Council members prior to the retreat.

Exhibit A



3. City Council Retreat Facilitation: The consultant will facilitate the equivalent of a 3/4 day to full-day in-person retreat designed to advance the three-fold retreat objective stated on page one. Generally, the retreat will be organized as follows:
 - Getting Started:
 - Welcome and introductions
 - Purpose, process, and outcomes
 - Shared ground rules / norms
 - Enhancing Council Member Relationships: The consultant will kick-off the retreat by introducing relevant team / relationship building tools and practices to support team members in developing more positive and effective relationships.
 - Establishing Rules: Establish and adopt a set of City Council rules as guidelines for Council member communications (internal and external), dialogue, deliberations, and decision-making. While the Council is developing the rules, the Consultant will encourage and guide council members to practice positive team building and relational skills.
 - Formulating High Level Priorities. Time permitting and building on the vision recently developed by the Council, members will begin to formulate high-level priorities for the Council. While the Council is doing this work, the Consultant will encourage and guide council members to practice positive team building and relational skills.
 - Closing Out: Summary and next steps. Purpose, process, and outcomes

Facilitation will support productive engagement by council members and aim to keep discussion focused on the retreat objectives.

4. Retreat Follow Up:

Following the retreat, the Consultant will provide a summary of retreat outcomes and decisions and issue to Council members for review. The Consultant will also be available to meet with Council leadership following the retreat to review outcomes of the meeting, address any next steps, etc.

Terms and Conditions

Fees for professional services described herein will be Seven Thousand Five Hundred Dollars (\$7,500.00).

One invoice will be issued upon the completion of the retreat. Payment is due upon receipt of invoice.

Conditions and exceptions are as follows:

1. TimeZero copyrighted materials and IP used during this engagement must remain the property of TimeZero and retain the TimeZero copyright.

Exhibit A



2. Reproduction and distribution of TimeZero copyrighted materials and IP for use in other initiatives, trainings, events and consulting engagements is expressly forbidden without written TimeZero permission.
3. TimeZero copyrighted materials and IP must not be shared with or distributed to any external contractor or consultants at any time.

Conclusion

Thank you again Melody for the opportunity to present this proposal to you. I look forward to an opportunity to work with you and the Council. To serve as our agreement, please sign and return this contract to me electronically at sally.bparker@timezeroenterprises.com.

This Agreement will represent our total agreement and supersedes any prior representations. Any amendment will be in writing and signed by both parties. Either party, upon written notice, may terminate this agreement, should the other party fail substantially to perform in accordance with its terms through no fault of the party initiating the termination. In this case, TimeZero will be compensated for all services performed before the termination date, together with all reimbursable expenses then due.

To indicate your approval of the scope of work, fees, conditions, and terms, please below:

Submitted by TimeZero Enterprises LLC:

Name  Title Co-Founder Date 08/16/22

Accepted by Cleveland Heights City Council

Name _____ Title _____ Date _____

Exhibit B

Appropriation Adjustment Fiscal Year 2022

Exhibit 1

Fund	Department	Object	Reason	Approved Budget	Requested Budget Change	Revised Budget	Net Effect to Budget
101 - General	1101 - City Council	O.T.P.S.	Increase for contractual services.	26,906.82	7,500.00	34,406.82	Increase - Unbudgeted cash will be used.
			Transfer for retreat food and beverages.	26,906.82	200.00	27,106.82	Zero - Budget is being transferred.
	2108 - General Operations	O.T.P.S.	Transfer for retreat food and beverages.	1,449,516.00	(200.00)	1,449,316.00	Zero - Budget is being transferred.
Total				1,476,422.82	7,500.00	1,483,922.82	

PROPOSED: 9/06/2022

RESOLUTION NO. 124-2022 (F)

By Mayor Seren

A Resolution approving the report of the Assessment Equalization Board appointed to hear objections to the estimated assessments for a portion of the expense of street lighting within the City of Cleveland Heights; and declaring the necessity that this legislation become immediately effective as an emergency measure.

WHEREAS, this Council, by its adoption of Resolution No. 71-2022, did appoint an Assessment Equalization Board to hear objections to the estimated assessments for a portion of the expense of street lighting within the City; and

WHEREAS, said Board did meet on August 10, 2022, and did hear and determine all objections before it; and

WHEREAS, said Board has submitted its report and recommendations to this Council, which is attached hereto as Exhibit A.

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

SECTION 1. The report of the Assessment Equalization Board appointed by Resolution No. 71-2022, attached hereto as Exhibit A, is hereby accepted and approved.

SECTION 2. The estimated assessments, as equalized by said Board, and the recommendations to this Council with respect thereto, are hereby directed to be placed on file with the Clerk of Council.

SECTION 3. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with Chapter 107 of the Codified Ordinances.

SECTION 4. 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. 124-2022 (F)

SECTION 5. 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 that the assessment must be filed with the Cuyahoga County Fiscal Officer by September 12, 2022, if it is to be added to the 2022 Tax Duplicate. Wherefore, provided it receives the affirmative vote of five (5) or more of the members elected or appointed to this Council, this Resolution shall take effect and be in force immediately upon its passage; otherwise, it shall take effect and be in force from and after the earliest time allowed by law.

MELODY HART
President of the Council

ADDIE BALESTER
Clerk of Council

PASSED:

Presented to the Mayor: _____ Approved: _____

KAHLIL SEREN
Mayor

EXHIBIT A



August 10, 2022

To the Council of the City of Cleveland Heights, Ohio

Council Members:

This is to report that a meeting of the Assessment Equalization Board, appointed pursuant to Resolution Nos. 70-2022 and 71-2022, was held on Wednesday, August 10, 2022 at 4:30 pm. The meeting was held at City Hall in the Executive Conference room.

The meeting was held to consider the equalization of assessments requested in all objections, timely filed against Resolution No. 40-2022 entitled,

“A Resolution declaring the necessity of assessing a portion of the expense of street lighting.”

And Resolution No. 41-2022 entitled,

“A Resolution declaring the necessity of assessing a portion of the expense of improvement of streets and parkways including grading, draining, curbing, paving, repaving, repairing, sweeping or cleaning thereof, removing snow therefrom, and planting, maintaining and removing shade trees thereon.”

The Clerk of Council received two objections and all parcel owners were invited to be heard at the meeting. No objectors attended the meeting.

The Board therefore recommends to Council that the assessment lists prepared pursuant to Resolution Nos. 40-2022 and 41-2022 and heretofore filed with the Clerk of Council and advertised pursuant to law be filed with no adjustments and so certified to the County Fiscal Officer.

RESOLUTION NO. 124-2022 (F)

Respectfully submitted,



Amy Himmelein, Secretary
Assessment Equalization Board



Dennis Kennedy, Member



Cory Swaisgood, Member



Angie Rich, Member

Proposed: 9/06/2022

ORDINANCE NO. 125-2022 (F)

By Mayor Seren

An Ordinance determining to proceed with the assessment of a portion of the expense of street lighting within the City of Cleveland Heights; levying assessments for said purpose; and declaring the necessity that this legislation become immediately effective as an emergency measure.

WHEREAS, this Council, by its adoption of Resolution No. 40-2022, did declare the necessity of assessing a portion of the expense of street lighting within the City; and

WHEREAS, pursuant thereto, estimated assessments were duly prepared and filed with the Clerk of Council; and

WHEREAS, some objections were filed to said estimated assessments; and

WHEREAS, the Assessment Equalization Board appointed pursuant to this Council's adoption of Resolution No. 71-2022 has heard and determined all objections and has filed its report and recommendations with this Council; and

WHEREAS, this Council has adopted Resolution No. 124-2022(F), approving and accepting said report, and has ordered the estimated assessments equalized in accordance with the recommendations of said Board and filed with the Clerk of Council; and

WHEREAS, this Council has determined to proceed with the levying of said equalized assessments in accordance with the street lighting list now on file with the Clerk of Council; and

WHEREAS, this Ordinance was adopted by the concurrence of not less than three-fourths of the seven members elected to this Council.

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

SECTION 1. It is the determination of this Council, in furtherance of the public health, convenience and general welfare, to proceed with the assessing of a portion of the cost and expense of street lighting within the City, upon the lands hereinafter described, for a period of two (2) consecutive years beginning with the 2022 tax duplicate for collection in the years 2023 and 2024, inclusive, at the annual rate of up to Ninety-Two Cents (\$.92) per front foot, with the Corner Lot Reduction as specified in Resolution No. 40-2022, on the following properties:

ORDINANCE NO. 125-2022 (F)

All the lots and lands on the following dedicated streets:

Allston Road	Clarence Road	Essex Road
Alpine Road	Clarendon Road	Euclid Heights
Altamont Avenue	Clarkson Road	Boulevard
Andrews Road	Cleveland Heights	Exeter Road
Antisdale Avenue	Boulevard	Fairfax Road
Ardleigh Drive	Clifford Drive	Fairhill Road
Ardoon Street	Colchester Road	Fenley Road
Arlington Road	Coleridge Road	Forest View Drive
Ashton Road	Colonial Drive	Glen Allen Drive
Atherstone Road	Compton Road	Glenwood Road
Avondale Road	Corydon Road	Goodnor Road
Bainbridge Road	Cottage Grove Drive	Grandview Avenue
Bayreuth Road	Crest Road	Greyton Road
Beechwood Avenue	Cumberland Road	Guilford Road
Bellfield Avenue	Cummings Road	Hampshire Lane
Belvoir Boulevard	Dartmoor Road	Hampshire Road
Bendemeer Road	Delamere Drive	Hampstead Road
Berkeley Avenue	Delaware Drive	Harcourt Drive
Berkeley Road	Dellwood Road	Hartwood Road
Berkshire Lane	Delmore Road	Harvey Road
Berkshire Road	Demington Drive	Haselton Road
Beverly Road	Denton Drive	Helmsdale Road
Birch Tree Path	Derbyshire Road	Henderson Road
Blackmore Road	DeSota Avenue	Hereford Road
Bolton Road	Devonshire Drive	Hillstone Road
Boynton Road	Dresden Road	Hollister Road
Bradford Road	East Derbyshire Road	Hyde Park Avenue
Brandon Road	East Fairfax Road	Idlewood Road
Brentwood Road	East Monmouth Road	Inglewood Road
Briarwood Road	East Overlook Road	Ivydale Road
Brinkmore Road	Eastwick Road	Janette Avenue
Burbridge Road	Edendale Street	Kenilworth Lane
Burlington Road	Edgerly Road	Kenilworth Road
Cadwell Avenue	Edgewood Road	Kensington Road
Carver Road	Edison Drive	Kent Road
Castleton Road	Edwards Road	Kerrwood Road
Cecil Place	Elandon Drive	Kew Road
Cedar Glen	Elbon Road	Keystone Drive
Chatfield Drive	Englewood Road	Kildare Road
Chelsea Drive	Erievue Road	Kingston Road
Kirkwood Road	Lancashire Road	Lecona Drive
Lamberton Road	Langton Road	Lennox Road

ORDINANCE NO. 125-2022 (F)

Lincoln Boulevard
Lowell Road
Lownesdale Road
Lynn Park Drive
Maple Road
Maplewood Road
Marlboro Road
Marlindale Road
Medford Road
Middlefield Road
Middlehurst Road
Middleton Road
Minor Park Lane
Monmouth Road
Montevista Road
Montford Road
Mornington Lane
Mount Laurel Road
Murray Hill Road
Navahoe Road
Nobleshire Road
Norfolk Road
Northampton Road
Nottingham Lane
Oak Road
Oakdale Road
Oakridge Drive
Orchard Road
Ormond Road
Overlook Lane
Oxford Road
Parkdale Road
Parkhill Road
Parkway Drive
Pembroke Road
Pennifield Road
Pomona Road
Powell Avenue

Preyer Avenue
Princeton Road
Quarry Drive
Queenston Road
Radcliffe Road
Radnor Road
Randolph Road
Redwood Road
Renfield Road
Renrock Road
Revere Road
Rexwood Road
Ridgefield Road
Rinard Road
Rock Court
Rockwood Road
Rosedale Road
Rosemond Road
Rossmoor Road
Roxboro Road
Rumson Road
Runnymede Boulevard
Rushleigh Road
Rutherford Road
Rydalmount Road
St. Albans Road
St. James Parkway (North)
St. James Parkway (West)
Scarborough Road
Seaton Road
Selwyn Road
Severance Circle Drive
Severn Road
Shaker Road
Shannon Road
Somerton Road
South Compton Road
South Noble Road
South Overlook Road
Spangler Road

Staunton Road
Stillman Road
Stoneleigh Road
Stratford Road
Stuart Road
Summit Park Road
Superior Park Drive
Surrey Road
Sycamore Road
Sylvanhurst Road
Sylvania Road
Taylor Road (South)
Thayne Road
Thorne Road
Tower Road
Tremont Road
Tudor Drive
Vandermar Street
Vineshire Road
Walden Road
Wellington Road
Westminster Road
Westover Road
Whitby Road
Whitethorn Road
Wilmar Court
Wilmar Road
Wilton Road
Windsor Road
Winsford Road
Wood Road
Woodmere Drive
Woodridge Road
Woodview Road
Woodward Avenue
Wynn Road
Yellowstone Road
Yorkshire Road

ORDINANCE NO. 125-2022 (F)

Also all the lots and lands lying within the City of Cleveland Heights on the following streets:

Ardmore Road	Elmwood Road	Nordway Road
Belmar Road	Eloise Drive	Northcliffe Road
Blanche Avenue	Fairmount Boulevard	North Park Boulevard
Bluestone Road	Forest Hills Boulevard	Northvale Boulevard
Brewster Road	Glenmont Road	North Woodland Road
Brunswick Road	Glynn Road	Oakhill Road
Caledonia Avenue	Grosvenor Road	Overlook Road
Cambridge Road	Hanover Drive	Quilliams Road
Canterbury Road	Hillcrest Road	Ravine Drive
Cedar Road	Lee Boulevard	Reyburn Road
Cedarbrook Road	Lee Road	Roanoke Road
Chestnut Hills Drive	Mayfield Road	Shelburne Road
Cleviden Road	Meadowbrook Boulevard	Silsby Road
Coventry Road	Monticello Boulevard	Superior Road
East Antisdale Avenue	Mount Vernon Boulevard	Taylor Road (North)
East Scarborough Road	Nela View Road	Tullamore Road
Eddington Road	Newbury Drive	Warrensville Center Road
Edgehill Road	Noble Road	Washington Boulevard

Said assessment shall be in accordance with the estimated street lighting assessments filed with the Clerk of Council, pursuant to Resolution No. 40-2022, as equalized in accordance with the report and recommendations of the Assessment Equalization Board, pursuant to Resolution No. 124-2022(F).

SECTION 2. It is the determination of this Council that no claim for damages was filed with the Clerk of Council.

SECTION 3. The cost and expense of the aforesaid improvement, in an amount not to exceed Ninety-Two Cents (\$.92) a front foot, per year, on the above-described lots and lands, shall be assessed in proportion to the special benefits which will result from said street lighting upon the above-described lots and lands. The remainder of the cost and expense of said improvements, and two percent of the entire cost, shall be paid by the City. Any cost of said improvement not specifically assessed shall be paid by the City.

SECTION 4. The assessment of the cost and expense of said street lighting, amounting to approximately One Million Eight Hundred Seventy-One Thousand Six Hundred Twenty-Eight Dollars and Thirty-Four Cents (\$1,871,628.34), as reported to the Council by the Director of Finance/Clerk of Council, as equalized, is hereby adopted, and there shall be levied and assessed upon said lots and lands above-described the amounts on the street lighting assessments now on file

ORDINANCE NO. 125-2022 (F)

with the Clerk of Council, which assessments are in proportion to the special benefits accruing to the property assessed and are not in excess of the actual benefits to said property.

SECTION 5. The total assessment against each lot and parcel of land shall be levied in two (2) equal installments, shall be certified to the County Finance Director and placed upon the Tax Duplicate according to law, and shall be collected as other taxes; provided, however, that a property owner shall have the option of paying the assessment in cash within thirty (30) days from the date of the adoption of this Ordinance.

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. Said notice shall comply with all requirements Ohio Revised Code Section 727.26.

SECTION 7. It is found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this Council, and that all such deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with Chapter 107 of the Codified Ordinances.

SECTION 8. The Clerk of Council is hereby directed to cause notice of the levy of the assessments herein provided for to be filed with the Cuyahoga County Fiscal Officer.

SECTION 9. 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 that the assessment must be filed with the Cuyahoga County Fiscal Officer on a timely basis to be added to the 2022 tax duplicate. Wherefore, this Ordinance shall take effect and be in force immediately upon its passage.

ORDINANCE NO. 125-2022 (F)

MELODY J. HART
President of the Council

ADDIE BALESTER
Clerk of Council

PASSED:

Presented to the Mayor: _____

Approved: _____

KAHLIL SEREN
Mayor

PROPOSED: 9/06/2022

RESOLUTION NO. 126-2022 (F)

By Mayor Seren

A Resolution approving the report of the Assessment Equalization Board appointed to hear objections to the estimated assessments for a portion of the expense of improvement of streets and parkways including grading, draining, curbing, paving, repaving, repairing, sweeping or cleaning thereof, removing snow therefrom, and planting, maintaining and removing shade trees within the City of Cleveland Heights and declaring the necessity that this legislation become immediately effective as an emergency measure.

WHEREAS, this Council, by its adoption of Resolution No. 70-2022, did appoint an Assessment Equalization Board to hear objections to the estimated assessments for a portion of the expense of improvement of streets including grading, draining, curbing, paving, repaving, repairing, sweeping or cleaning thereof, removing snow therefrom, and planting, maintaining and removing shade trees within the City; and

WHEREAS, said Board did meet on August 10, 2022, and did hear and determine all objections before it; and

WHEREAS, said Board has submitted its report and recommendations to this Council, which is attached hereto as Exhibit A.

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

SECTION 1. The report of the Assessment Equalization Board appointed by Resolution No. 70-2022, attached hereto as Exhibit A, is hereby accepted and approved.

SECTION 2. The estimated assessments, as equalized by said Board, and the recommendations to this Council with respect thereto, are hereby directed to be placed on file with the Clerk of Council.

SECTION 3. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with Chapter 107 of the Codified Ordinances.

SECTION 4. 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. 126-2022 (F)

SECTION 5. 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 that the assessment must be filed with the Cuyahoga County Fiscal Officer by September 12, 2022, if it is to be added to the 2022 Tax Duplicate. Wherefore, provided it receives the affirmative vote of five (5) or more of the members elected or appointed to this Council, this Resolution shall take effect and be in force immediately upon its passage; otherwise, it shall take effect and be in force from and after the earliest time allowed by law.

MELODY HART
President of the Council

ADDIE BALESTER
Clerk of Council

PASSED:

Presented to the Mayor: _____ Approved: _____

KAHLIL SEREN
Mayor

EXHIBIT A



August 10, 2022

To the Council of the City of Cleveland Heights, Ohio

Council Members:

This is to report that a meeting of the Assessment Equalization Board, appointed pursuant to Resolution Nos. 70-2022 and 71-2022, was held on Wednesday, August 10, 2022 at 4:30 pm. The meeting was held at City Hall in the Executive Conference room.

The meeting was held to consider the equalization of assessments requested in all objections, timely filed against Resolution No. 40-2022 entitled,

“A Resolution declaring the necessity of assessing a portion of the expense of street lighting.”

And Resolution No. 41-2022 entitled,

“A Resolution declaring the necessity of assessing a portion of the expense of improvement of streets and parkways including grading, draining, curbing, paving, repaving, repairing, sweeping or cleaning thereof, removing snow therefrom, and planting, maintaining and removing shade trees thereon.”

The Clerk of Council received two objections and all parcel owners were invited to be heard at the meeting. No objectors attended the meeting.

The Board therefore recommends to Council that the assessment lists prepared pursuant to Resolution Nos. 40-2022 and 41-2022 and heretofore filed with the Clerk of Council and advertised pursuant to law be filed with no adjustments and so certified to the County Fiscal Officer.

RESOLUTION NO. 126-2022 (F)

Respectfully submitted,



Amy Himmelein, Secretary
Assessment Equalization Board



Dennis Kennedy, Member



Cory Swaisgood, Member



Angie Rich, Member

Proposed: 9/06/2022

ORDINANCE NO. 127-2022 (F), *First Reading*

By Mayor Seren

An Ordinance determining to proceed with the assessment of a portion of the expense of improvement of streets and parkways, including grading, draining, curbing, paving, repaving, repairing, sweeping or cleaning thereof, removing snow therefrom, and planting, maintaining and removing shade trees thereon within the City of Cleveland Heights; levying assessments for said purpose; and declaring the necessity that this legislation become immediately effective as an emergency measure.

WHEREAS, this Council, by its adoption of Resolution No. 41-2022, did declare the necessity of assessing a portion of the expense of improvement of streets and parkways including grading, draining, curbing, paving, repaving, repairing, sweeping or cleaning thereof, removing snow therefrom, and planting, maintaining and removing shade trees thereon within the City; and

WHEREAS, pursuant thereto, estimated assessments were duly prepared and filed with the Clerk of Council; and

WHEREAS, some objections were filed to said estimated assessments; and

WHEREAS, the Assessment Equalization Board appointed pursuant to this Council's adoption of Resolution No. 71-2022 has heard and determined all objections and has filed its report and recommendations with this Council; and

WHEREAS, this Council has adopted Resolution No. 126-2022 (F) approving and accepting said report, and has ordered the estimated assessments equalized in accordance with the recommendations of said Board and filed with the Clerk of Council; and

WHEREAS, this Council has determined to proceed with the levying of said equalized assessments in accordance with the list now on file with the Clerk of Council; and

WHEREAS, this Ordinance was adopted by the concurrence of not less than three-fourths of the seven members elected to this Council.

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

SECTION 1. It is the determination of this Council, in furtherance of the public health, convenience and general welfare, to proceed with the assessing of a portion of the cost and expense of improvement of streets and parkways including grading, draining, curbing, paving, repaving, repairing, sweeping or cleaning thereof, removing snow therefrom, and planting, maintaining and removing shade trees thereon within the City, upon the lands hereinafter described, for a period of two (2) consecutive years beginning with the 2022 tax duplicate for collection in the years 2023 and 2024, inclusive, at the annual rate of up to One Dollar Eight Cents (\$1.08) per front foot, with the Corner Lot Reduction as specified in Resolution No. 41-2022, on the following properties:

ORDINANCE NO. 127-2022 (F)

All the lots and lands on the following dedicated streets:

Allston Road	Clarence Road	Boulevard
Alpine Road	Clarendon Road	Exeter Road
Altamont Avenue	Clarkson Road	Fairfax Road
Andrews Road	Cleveland Heights	Fairhill Road
Antisdale Avenue	Boulevard	Fenley Road
Ardleigh Drive	Clifford Drive	Forest View Drive
Ardoon Street	Colchester Road	Glen Allen Drive
Arlington Road	Coleridge Road	Glenwood Road
Ashton Road	Colonial Drive	Goodnor Road
Atherstone Road	Compton Road	Grandview Avenue
Avondale Road	Corydon Road	Greyton Road
Bainbridge Road	Cottage Grove Drive	Guilford Road
Bayreuth Road	Crest Road	Hampshire Lane
Beechwood Avenue	Cumberland Road	Hampshire Road
Bellfield Avenue	Cummings Road	Hampstead Road
Belvoir Boulevard	Dartmoor Road	Harcourt Drive
Bendemeer Road	Delamere Drive	Hartwood Road
Berkeley Avenue	Delaware Drive	Harvey Road
Berkeley Road	Dellwood Road	Haselton Road
Berkshire Lane	Delmore Road	Helmsdale Road
Berkshire Road	Demington Drive	Henderson Road
Beverly Road	Denton Drive	Hereford Road
Birch Tree Path	Derbyshire Road	Hillstone Road
Blackmore Road	DeSota Avenue	Hollister Road
Bolton Road	Devonshire Drive	Hyde Park Avenue
Boynton Road	Dresden Road	Idlewood Road
Bradford Road	East Derbyshire Road	Inglewood Road
Brandon Road	East Fairfax Road	Ivydale Road
Brentwood Road	East Monmouth Road	Janette Avenue
Briarwood Road	East Overlook Road	Kenilworth Lane
Brinkmore Road	Eastwick Road	Kenilworth Road
Burbridge Road	Edendale Street	Kensington Road
Burlington Road	Edgerly Road	Kent Road
Cadwell Avenue	Edgewood Road	Kerrwood Road
Carver Road	Edison Drive	Kew Road
Castleton Road	Edwards Road	Keystone Drive
Cecil Place	Elandon Drive	Kildare Road
Cedar Glen	Elbon Road	Kingston Road
Chatfield Drive	Englewood Road	Kirkwood Road
Chelsea Drive	Erievue Road	Lamberton Road
	Essex Road	Lancashire Road
	Euclid Heights	Langton Road

ORDINANCE NO. 127-2022 (F)

Lecona Drive
Lennox Road
Lincoln Boulevard
Lowell Road
Lownesdale Road
Lynn Park Drive
Maple Road
Maplewood Road
Marlboro Road
Marlindale Road
Medford Road
Middlefield Road
Middlehurst Road
Middleton Road
Minor Park Lane
Monmouth Road
Montevista Road
Montford Road
Mornington Lane
Mount Laurel Road
Murray Hill Road
Navahoe Road
Nobleshire Road
Norfolk Road
Northampton Road
Nottingham Lane
Oak Road
Oakdale Road
Oakridge Drive
Orchard Road
Ormond Road
Overlook Lane
Oxford Road
Parkdale Road
Parkhill Road
Parkway Drive
Pembroke Road
Pennfield Road
Pomona Road
Powell Avenue
Preyer Avenue
Princeton Road
Quarry Drive
Queenston Road

Radcliffe Road
Radnor Road
Randolph Road
Redwood Road
Renfield Road
Renrock Road
Revere Road
Rexwood Road
Ridgefield Road
Rinard Road
Rock Court
Rockwood Road
Rosedale Road
Rosemond Road
Rossmoor Road
Roxboro Road
Rumson Road
Runnymede Boulevard
Rushleigh Road
Rutherford Road
Rydalmount Road
St. Albans Road
St. James Parkway (North)
St. James Parkway (West)
Scarborough Road
Seaton Road
Selwyn Road
Severance Circle Drive
Severn Road
Shaker Road
Shannon Road
Somerton Road
South Compton Road
South Noble Road
South Overlook Road
Spangler Road
Staunton Road
Stillman Road
Stoneleigh Road
Stratford Road
Stuart Road
Summit Park Road
Superior Park Drive
Surrey Road

Sycamore Road
Sylvanhurst Road
Sylvania Road
Taylor Road (South)
Thayne Road
Thorne Road
Tower Road
Tremont Road
Tudor Drive
Vandermar Street
Vineshire Road
Walden Road
Wellington Road
Westminster Road
Westover Road
Whitby Road
Whitethorn Road
Wilmar Court
Wilmar Road
Wilton Road
Windsor Road
Winsford Road
Wood Road
Woodmere Drive
Woodridge Road
Woodview Road
Woodward Avenue
Wynn Road
Yellowstone Road
Yorkshire Road

ORDINANCE NO. 127-2022 (F)

Also all the lots and lands lying within the City of Cleveland Heights on the following streets:

Ardmore Road	Elmwood Road	Nordway Road
Belmar Road	Eloise Drive	Northcliffe Road
Blanche Avenue	Fairmount Boulevard	North Park Boulevard
Bluestone Road	Forest Hills Boulevard	Northvale Boulevard
Brewster Road	Glenmont Road	North Woodland Road
Brunswick Road	Glynn Road	Oakhill Road
Caledonia Avenue	Grosvenor Road	Overlook Road
Cambridge Road	Hanover Drive	Quilliams Road
Canterbury Road	Hillcrest Road	Ravine Drive
Cedar Road	Lee Boulevard	Reyburn Road
Cedarbrook Road	Lee Road	Roanoke Road
Chestnut Hills Drive	Mayfield Road	Shelburne Road
Cleviden Road	Meadowbrook Boulevard	Silsby Road
Coventry Road	Monticello Boulevard	Superior Road
East Antisdale Avenue	Mount Vernon Boulevard	Taylor Road (North)
East Scarborough Road	Nela View Road	Tullamore Road
Eddington Road	Newbury Drive	Warrensville Center Road
Edgehill Road	Noble Road	Washington Boulevard

Said assessment shall be in accordance with the estimated street improvement assessments filed with the Clerk of Council, pursuant to Resolution No. 41-2022, as equalized in accordance with the report and recommendations of the Assessment Equalization Board, pursuant to Resolution No. 126-2022(F).

SECTION 2. It is the determination of this Council that no claim for damages was filed with the Clerk of Council.

SECTION 3. The cost and expense of the aforesated improvement, in an amount not to exceed One Dollar and Eights Cents (\$1.08) a front foot, per year, on the above-described lots and lands, shall be assessed in proportion to the special benefits which will result from said improvement of streets and parkways including grading, draining, curbing, paving, repaving, repairing, sweeping or cleaning hereof, removing snow therefrom, and planting, maintaining and removing shade trees thereon upon the above-described lots and lands. The remainder of the cost and expense of said improvements, and two percent of the entire cost, shall be paid by the City. Any cost of said improvement not specifically assessed shall be paid by the City.

ORDINANCE NO. 127-2022 (F)

SECTION 4. The assessment of the cost and expense of said improvement of streets and parkways including grading, draining, curbing, paving, repaving, repairing, sweeping or cleaning thereof, removing snow therefrom, and planting, maintaining and removing shade trees thereon, amounting to approximately Two Million One Hundred Ninety-Seven Thousand One Hundred Twenty-Eight Dollars and Ninety-Four Cents (\$2,197,128.94), as reported to the Council by the Clerk of Council, as equalized, is hereby adopted, and there shall be levied and assessed upon said lots and lands above-described the amounts on the shade tree and street improvement assessments now on file with the Director of Finance/Clerk of Council, which assessments are in proportion to the special benefits accruing to the property assessed and are not in excess of the actual benefits to said property.

SECTION 5. The total assessment against each lot and parcel of land shall be levied in two (2) equal installments, shall be certified to the County Fiscal Officer and placed upon the Tax Duplicate according to law, and shall be collected as other taxes; provided, however, that a property owner shall have the option of paying the assessment in cash within thirty (30) days from the date of the adoption of this Ordinance.

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. Said notice shall comply with all requirements of Ohio Revised Code Section 727.26.

SECTION 7. It is found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this Council, and that all such deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with Chapter 107 of the Codified Ordinances.

SECTION 8. Clerk of Council is hereby directed to cause notice of the levy of the assessments herein provided for to be filed with the Cuyahoga County Financial Officer.

SECTION 9. 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 that the assessment must be filed with the Cuyahoga County Fiscal Officer on a timely basis as it is to be added to the 2022 tax duplicate. Wherefore, this Ordinance shall take effect and be in force immediately upon its passage.

MELODY HART

ORDINANCE NO. 127-2022 (F)

President of the Council

ADDIE BALESTER
Clerk of Council

PASSED:

Presented to the Mayor: _____

Approved: _____

KAHLIL SEREN
Mayor

PROPOSED: 9/06/2022

RESOLUTION NO. 128-2022 (F)

By Mayor Seren

A Resolution approving the report of the Assessment Equalization Board appointed to hear objections to the estimated assessments for the public services plan for the Cedar Fairmount Special Improvement District and declaring the necessity that this legislation become immediately effective as an emergency measure.

WHEREAS, this Council, by its adoption of Resolution No. 115-2022, did appoint an Assessment Equalization Board to hear objections to the public services plan for the Cedar Fairmount Special Improvement District; and

WHEREAS, said Board did meet on August 30, 2022, and did hear and determine all objections before it; and

WHEREAS, said Board has submitted its report and recommendations to this Council, which is attached hereto as Exhibit A.

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

SECTION 1. The report of the Assessment Equalization Board appointed by Resolution No. 115-2022, attached hereto as Exhibit A, is hereby accepted and approved.

SECTION 2. The estimated assessments, as equalized by said Board, and the recommendations to this Council with respect thereto, are hereby directed to be placed on file with the Clerk of Council.

SECTION 3. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with Chapter 107 of the Codified Ordinances.

SECTION 4. 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. 128-2022 (F)

SECTION 5. 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 that the assessment must be filed with the Cuyahoga County Fiscal Officer by September 12, 2022, if it is to be added to the 2022 Tax Duplicate. Wherefore, provided it receives the affirmative vote of five (5) or more of the members elected or appointed to this Council, this Resolution shall take effect and be in force immediately upon its passage; otherwise, it shall take effect and be in force from and after the earliest time allowed by law.

MELODY HART
President of the Council

ADDIE BALESTER
Clerk of Council

PASSED:

Presented to the Mayor: _____ Approved: _____

KAHLIL SEREN
Mayor

Exhibit A



September 1, 2022

To the Council of Cleveland Heights, Ohio

Council Members:

This is to report that a meeting of the Assessment Equalization Board, appointed pursuant to Resolution No. 115-2022, was held on Tuesday, August 30, 2022 at 5:30 p.m. The meeting was held at City Hall in the Executive Conference room. The meeting was held to consider the objections to the proposed assessments as detailed in Resolution No. 111-2022 entitled in relevant part: "A Resolution declaring the necessity of implementing a public services plan for the Cedar Fairmount Special Improvement District, Inc." and on file with the Clerk of Council.

Present in person were Board Members Reggie Evans, Julian Rogers, and Linda Striefsky, Assistant Director of Law/Acting Secretary Laure A. Wagner, and Councilman Tony Cuda. In attendance remotely were appellants Tom Sockel and Martin Horowitz; Cedar Fairmount SID Executive Director Myra Orenstein, Board President Sal Russo and SID Counsel Brad Bryan; and City Director of Business Development Brian Anderson and Council Member Gail Larson.

The Clerk of Council received objections from six property owners:

- Cicerchi Development Company, LLC, 12471 Cedar Road
- Jill O'Reilly, 2116 Surrey Road, #2
- Martin Horowitz, 2130 Surrey Road
- Tom Sockel, 2106 Surrey Road
- Jonathan and Danielle Siegel, 2116 Surrey Road, #3
- Gordon P. and Gail Z. Brooks, 2116 Surrey Road, #1

All property owners were invited to be heard at the meeting. Two property owners, Tom Sockel and Martin Horowitz, attended the meeting remotely and stated their objections. The Board had previously received and reviewed the written objections of all of the appellants. The SID representatives and Mr. Anderson provided further testimony.

After extensive testimony and discussion, the Board made findings that the Public Services Plan was properly adopted according to law and the assessments correctly calculated, and moved that the assessment list therefore shall be filed with no adjustments and so certified to the County Auditor. The motion was unanimously approved.

RESOLUTION NO. 128-2022 (F)

Respectively submitted,

A handwritten signature in blue ink that reads "Laure A. Wagner". The signature is fluid and cursive, with the first name being the most prominent.

Laure A. Wagner, Acting Secretary

Proposed: 9/06/2022

ORDINANCE NO. 129-2022 (F)

By Mayor Seren

An Ordinance determining to proceed with the implementation through assessment of the cost of a public services plan for the Cedar Fairmount Special Improvement District; levying assessments for said purpose; and declaring the necessity that this legislation become immediately effective as an emergency measure.

WHEREAS, this Council, by its adoption of Resolution No. 111-2022, did declare the necessity of implementing, through assessment, a public services plan for the Cedar Fairmount SID; and

WHEREAS, pursuant thereto, estimated assessments were duly prepared and filed with the Director of Finance/Clerk of Council; and

WHEREAS, some objections were filed to said estimated assessments; and

WHEREAS, the Assessment Equalization Board appointed pursuant to this Council's adoption of Resolution No. 115-2022 has heard and determined all objections and has filed its report and recommendations with this Council; and

WHEREAS, this Council has adopted Resolution No. 128-2022(F), approving and accepting said report, and has ordered the estimated assessments equalized in accordance with the recommendations of said Board and filed with the Clerk of Council; and

WHEREAS, this Council has determined to proceed with the levying of said equalized assessments in accordance with Resolution No. 111-2022.

WHEREAS, this Ordinance was adopted by the concurrence of not less than three-fourths of the seven members elected to this Council.

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

SECTION 1. It is the determination of this Council to proceed with the levying of an assessment on the following parcels in the Cedar Fairmount Special Improvement District ("Cedar Fairmount SID") in accordance with the provisions of the Resolution of Necessity (Resolution 111-2022

SECTION 2. One hundred percent (100%) of the cost and expense of the public services plan, in the amount of One Hundred Twenty Thousand Dollars (\$120,000.00) per year for years one (1), (2) and (3), for a total of Three Hundred Sixty Thousand Dollars (\$360,000.00), shall be and

ORDINANCE NO. 129-2022 (F)

hereby is assessed of the aforementioned lots and lands in proportion to their current tax value as of the date of this Ordinance. The assessments shall remain the same during the three-year term.

SECTION 3. Each annual installation of the assessment against each of the aforementioned parcels of land shall be certified to the County Auditor and placed on the tax duplicate according to law, and shall be collected as other taxes; provided however that each property owner shall have the option of paying the first annual installation of the assessment in cash to the City within thirty (30) days of the adoption of this Ordinance, and each of the subsequent two assessments by August 15th of each year.

SECTION 4. All assessments levied pursuant to this Ordinance shall be filed with the Clerk of Council.

SECTION 5. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with Chapter 107 of the Codified Ordinances.

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. Said notice shall comply with all requirements of Ohio Revised Code.

SECTION 7. The Clerk of Council is hereby directed to cause notice of the levy of the assessments herein provided for to be filed with the Cuyahoga County Auditor.

SECTION 8. 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 meet statutory 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 immediately upon its passage; otherwise, it shall take effect and be in force immediately upon its passage.

ORDINANCE NO. 129-2022 (F)

MELODY J. HART
President of the Council

ADDIE BALESTER
Clerk of Council

PASSED:

Presented to the Mayor: _____

Approved: _____

KAHLIL SEREN
Mayor

Proposed: 09/06/2022

RESOLUTION NO. 130-2022 (F)

By Mayor Seren

A Resolution accepting the amounts and rates as determined by the Budget Commission; authorizing the necessary tax levies and certifying them to the County Fiscal Officer; and declaring an emergency.

WHEREAS, this Council, in accordance with the provisions of law, has previously adopted a Tax Budget for the fiscal year commencing January 1, 2023; and

WHEREAS, the Budget Commission of Cuyahoga County, Ohio has certified its action thereon to this Council, together with an estimate by the County Fiscal Officer of the rate of each tax necessary to be levied by this Council, and what part thereof is without and what part within the ten mill tax limitation.

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

SECTION 1. The amounts and rates, as determined by the Budget Commission on its certification, be, and the same are hereby accepted.

SECTION 2. There is hereby levied on the tax duplicate of said City the rate of each tax necessary to be levied within and without the ten mill limitation as follows:

	Estimate of amount to be derived from levies		County Fiscal Officer's estimate rate of tax to be levied	
	Inside	Outside	Inside	Outside
	10 mill limitation		10 mill limitation	
General Fund	\$1,848,000	\$6,152,000	2.22	7.40
Bond Retirement	\$1,250,000	0	1.50	0.00
Recreational Improvement Fund		\$585,000		0.70
Police Pension Fund		\$250,000		0.30
Fire Pension Fund		\$250,000		0.30
	\$3,098,000	\$7,237,000	3.72	8.70

RESOLUTION NO. 130-2022 (F)

SECTION 3. It is hereby resolved that the Clerk of Council be, and he is hereby, directed to certify a copy of this Resolution to the Fiscal Officer of Cuyahoga County.

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.

SECTION 5. 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 to permit acceptance of such rates immediately to comply with dates set by the County Budget Commission. Wherefore, provided it receives the affirmative vote of five (5) or more of the members elected or appointed to this Council, this Resolution shall take effect and be in force immediately upon its passage; otherwise, it shall take effect and be in force from and after the earliest time allowed by law.

MELODY JOY HART
President of Council

ADDIE BALESTER
Clerk of Council

Passed:

Presented to Mayor: _____

Approved: _____

KAHLIL SEREN
Mayor

Proposed: 09/06/2022

RESOLUTION NO. 131-2022 (F)

By Mayor Seren

A Resolution requesting the County Fiscal Officer to advance taxes from the proceeds of the 2022 tax year collection pursuant to Section 321.34 of the Ohio Revised Code; and declaring an emergency.

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

SECTION 1. The County Fiscal Officer be, and is hereby, authorized and directed to pay to the Director of Finance of the City of Cleveland Heights, Ohio, all monies now in the hands, and that may hereafter come into the hands, of the County Fiscal Officer which are payable to the City of Cleveland Heights from the proceeds of the 2022 tax year collection including, without limitation, revenues from personal property taxes, real property taxes, and special assessments.

SECTION 2. The Director of Finance is hereby authorized and directed to furnish a copy of this Resolution to the County Fiscal Officer.

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

SECTION 4. This Resolution is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health and safety of the inhabitants of the City of Cleveland Heights, such emergency being to enable the City to meet its fiscal obligations and to preserve the 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 Resolution shall take effect and be in force immediately upon its passage; otherwise, it shall take effect and be in force from and after the earliest time allowed by law.

MELODY JOY HART
President of Council

ADDIE BALESTER
Clerk of Council

RESOLUTION NO. 131-2022 (F)

Passed:

Presented to Mayor: _____

Approved: _____

KAHLIL SEREN
Mayor

Proposed: 09/06/2022

ORDINANCE NO. 132-2022 (MS)

By Mayor Seren

An Ordinance authorizing the Mayor to enter into an agreement for recycling processing services between the City of Cleveland Heights and declaring the necessity that this legislation become immediately effective as an emergency measure.

WHEREAS, pursuant to Ordinance No. 49-2015 and Section 171.13 of the City's Codified Ordinances, the City of Cleveland Heights participates in the Consortium organized by the Cuyahoga County Solid Waste District and comprised of the communities of Beachwood, Cleveland Heights, Highland Hills, Independence, Lyndhurst, Moreland Hills, Pepper Pike, Shaker Heights, Solon, University Heights and Woodmere, to request bids for the processing of recyclables collected within the participating communities; and

WHEREAS, on July 7, 2022 the Solid Waste District solicited bids on behalf of the cities of Cleveland Heights and Shaker Heights for recycling processing services; and

WHEREAS, on August 4, 2022 bids were received from four companies and publicly opened; and

WHEREAS, following bid review the Public Works Department determined that Waste Management of Ohio, Inc. ("Waste Management") submitted the lowest and best bid and that therefore it is in the best interests of the City of Cleveland Heights to award a contract to Waste Management for recycling processing services for the term commencing October 1, 2022.

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

SECTION 1. This Council hereby approves the recommendation of the Department of Public Works to select the bid submitted as the lowest and best and to award the contract to Waste Management to provide recycling processing services for the City of Cleveland Heights.

SECTION 2. This Council hereby authorizes the Mayor to deliver to Waste Management a copy of this Resolution, which will serve as a Notice of Award, and to execute, on behalf of the City of Cleveland Heights, an *Agreement for Recycling Processing Services* with terms approved by the Director of Law.

SECTION 3. It is found and determined that all formal actions and deliberations of Council and its committees relating to the passage of this legislation that resulted in formal action were in meetings open to the public as required by the Codified Ordinances of the City.

ORDINANCE NO. 132-2022 (MS)

SECTION 4. 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 5. This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of the inhabitants of the City of Cleveland Heights, such necessity existing for the further reason that it is necessary to authorize the execution of the agreement with Waste Management as soon as possible so that the City will realize savings on recycling processing services. Wherefore, provided it receives the affirmative vote of five (5) or more members elected or appointed to this Council, this Resolution shall take effect and be in force immediately upon its passage; otherwise, it shall take effect and be in force from and after the earliest time allowed by law.

MELODY HART
President of the Council

ADDIE BALESTER
Clerk of Council

PASSED:

Presented to the Mayor: _____ Approved: _____

KAHLIL SEREN
Mayor

PROPOSED: 8/22/2022

ORDINANCE NO. 121-2022 (AS)

By Mayor Seren

An Ordinance giving final approval of the compensation rates and benefits proposed by the tentative labor agreement with the Laborers' Local 860 Laborers' International Union of North America (Local 860) for the time period covering April 1, 2022 through March 31, 2025; giving the Mayor the authority to sign said agreement; and declaring the necessity that this legislation become immediately effective as an emergency measure.

WHEREAS, pursuant to Ordinance No. 21-2019, the current labor agreement for employees of the Public Works Department who are members of the Laborers' Local 860 Laborers' International Union of North America (Local 860) expired on March 31, 2022; and

WHEREAS, pursuant to Section 121.06 of the Cleveland Heights Codified Ordinances, the City reached a tentative agreement with Local 860; and

WHEREAS, said tentative agreement was ratified by a majority of the members of Local 860 on August 3, 2022; and

WHEREAS, this Council has determined that the compensation rates and benefits set forth in that tentative agreement are fair and granting final approval of the compensation rates and benefits would be in the best interests of the City and its residents.

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

SECTION 1. The Council hereby gives final approval of all compensation rates and benefits set forth in the tentative agreement between the City and the Laborers' Local 860 Laborers' International Union of North America (Local 860) for the time period covering April 1, 2022 through March 31, 2025. A full and complete copy of said tentative agreement is on file with the Clerk of Council and is available for inspection.

SECTION 2. The Mayor hereby is authorized to enter into an agreement between the City and the Local 860 that is substantively the same as said tentative agreement. The agreement shall be approved as to form by the Director of Law.

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

SECTION 4. This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health and safety of the inhabitants of the City of Cleveland Heights, such emergency being the need to timely execute said agreement. 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

ORDINANCE NO. 121-2022 (AS)

MELODY HART
President of the Council

ADDIE BALESTER
Clerk of Council

PASSED:

Presented to the Mayor: _____

Approved: _____

KAHLIL SEREN
Mayor

Proposed: 6/21/2021

ORDINANCE NO. 78-2021 (PSH), *Second Reading, As Amended*

By Council Member Seren

An Ordinance enacting and adopting Chapter 522, "Lead Hazards," of Part Five, General Offenses Code, of the Codified Ordinances of the City of Cleveland Heights; repealing Chapter 1347, "Certificate of Occupancy," of Part Thirteen, Building Code, of the Codified Ordinances of the City of Cleveland Heights, and adopting a replacement Chapter 1347, "Certificate of Occupancy"; and amending Section 1345.99, "Penalty," of Chapter 1345, "Enforcement and Penalty," of Part Thirteen, Building Code, of the Codified Ordinances of the City of Cleveland Heights.

WHEREAS, this Council desires to provide for the regulation of lead hazards, to require rental units to be certified lead-safe as condition of obtaining a rental occupancy permit, and to authorize the Cleveland Heights Building Commissioner to administer and enforce this requirement; and

WHEREAS, lead poisoning is a serious threat to the health of children which can cause learning disabilities, language delays, hearing problems, and behavioral problems; and

WHEREAS, children living in residential rental units built before 1978 are disproportionately at risk for unsafe levels of lead exposure from lead-based-paint hazards; and

WHEREAS, this Council has determined that requiring all residential rental units constructed before January 1, 1978 to have lead-safe certification will help to decrease the occurrence of lead poisoning in in the children of Cleveland Heights.

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

SECTION 1. Chapter 522, "Lead Hazards," of Part Five, General Offenses Code, of the Codified Ordinances of the City of Cleveland Heights shall be and hereby is enacted and adopted to read in total as set forth in Exhibit A hereto.

SECTION 2. An amended Chapter 1347, "Certificate of Occupancy," of Part Thirteen, Building Code, of the Codified Ordinances of the City of Cleveland Heights, is hereby adopted to read in total as set forth in Exhibit B hereto.

SECTION 3. Current Chapter 1347 of the Codified Ordinance of the City of Cleveland Heights, as it existed prior to the effective date of the ordinance, is hereby repealed.

SECTION 4. Section 1345.99, "Penalty," of Chapter 1345, "Enforcement and Penalty," of the Codified Ordinances of the City of Cleveland Heights shall be and hereby is amended to read as follows:

1345.99 PENALTY.

(a) A violation of Sections 1351.14, 1347.01, or 1347.04(a) and (b) or 1347.05(a) or (b) is hereby classified as a minor misdemeanor. Every day such violation occurs or continues shall constitute a separate offense.

SECTION 5. 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 6. This Ordinance shall take effect and be in force at the earliest time possible permitted by law.

MELODY JOY HART
President of Council

ADDIE BALESTER
Clerk of Council

PASSED:

Presented to the Mayor: _____

Approved: _____

KAHLIL SEREN
Mayor

EXHIBIT A

CHAPTER 522

Lead Hazards

522.01 Definitions

522.02 Lead Hazards Are A Nuisance

522.03 Prohibitions

522.04 Lead Abatement and Lead Hazard Control

522.05 Disclosures in Sale or Lease of Target Housing Regarding Lead Hazards

522.06 Residential Property Renovation; Paint Outlet Information Rule

522.07 Notice Requirements

522.08 Enforcement

522.99 Penalties

522.01 Definitions

As used in this chapter:

(a) "Clearance examination" means an examination, performed by a clearance technician, lead inspector, or lead risk assessor, to determine whether lead hazards in a residential unit, child day-care facility, or school have been sufficiently controlled. A clearance examination includes a visual assessment, collection and analysis of environmental samples.

(b) "Clearance technician" means a person, other than a licensed lead inspector or lead risk assessor, who is licensed under RC Chapter 3742 to perform a clearance examination.

(c) "Commissioner" means the Cleveland Heights Building Commissioner unless otherwise specified.

(d) "Division" means the Division of Building and Inspectional Services in the Department of Public Safety unless otherwise specified.

(e) "Interim controls" means a set of measures designed to temporarily reduce human exposure or likely exposure to lead-based paint hazards, including specialized cleaning, repairs, maintenance, painting, temporary containment, ongoing lead hazard maintenance activities, and the establishment and operation of management and resident education programs.

(f) "Landlord" has the same meaning as in division (e) of Section 1347.01.

(g) "Lead Abatement" means a measure or a set of measures, designed for the single purpose of permanently eliminating lead hazards. "Lead abatement" includes all of the following:

- (1) Removal of lead-based paint and lead- contaminated dust;
- (2) Permanent enclosure or encapsulation of lead-based paint;
- (3) Replacement of surfaces or fixtures painted with lead-based paint;
- (4) Removal or permanent covering of lead- contaminated soil;
- (5) Preparation, cleanup, and disposal activities associated with lead abatement.

"Lead abatement" does not include any of the following:

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(1) Residential rental unit lead-safe maintenance practices performed pursuant to RC 3742.41 and 3742.42;

(2) Implementation of interim controls;

(3) Activities performed by a property owner on a residential unit to which both of the following apply:

A. It is a freestanding single-family home used as the property owner's private residence;

B. No child under six (6) years of age who has lead poisoning resides in the unit.

(4) Renovation, remodeling, landscaping or other activities, when the activities are not designed to permanently eliminate lead-based paint hazards, but, instead, are designed to repair, restore, or remodel a given structure or dwelling, even though these activities may incidentally result in a reduction or elimination of lead-based paint hazards. Abatement does not include operations and maintenance activities or other measures and activities designed to temporarily, but not permanently, reduce lead-based paint hazards. This definition shall not be interpreted to exempt any person from any requirement under State or federal law regarding lead abatement, including lead hazard control orders or requirements for full abatement of lead-based paint in certain federally-funded projects.

(h) "Lead-based paint" means any paint or other similar surface-coating substance containing lead at or in excess of the level that is hazardous to human health as set forth in Rule 3701-32-19 of the Ohio Administrative Code (OAC) as it may be hereafter amended.

(i) "Lead hazard" means material that is likely to cause lead exposure and endanger an individual's health as set forth in OAC Rule 3701-32-19. Lead hazard includes lead-based paint, lead-contaminated dust, lead-contaminated soil and lead-contaminated water pipes.

(j) "Lead hazard control" means measures taken to reduce or eliminate a lead hazard, which includes, but is not limited to, lead abatement, interim controls, or both, as appropriate.

(k) "Lead Poisoning" means a confirmed venous blood lead test level of lead in human blood of five micrograms per deciliter or greater.

(l) "Permanent" means an expected design life of at least twenty (20) years.

(m) "Rental agreement" has the same meaning described in division (m) of Section 1347.01 of the Codified Ordinances.

(n) "Target housing" means any housing constructed prior to 1978, except housing for the elderly or persons with disabilities (unless any one or more children age six (6) years or under resides or is expected to reside in such housing) or any zero (0) bedroom dwelling.

(o) "Tenant" has the meaning described in division (o) of Section 1347.01 of the Codified Ordinances.

(p) "Zero (0) bedroom dwelling" means any residential dwelling in which the living areas are not separated from the sleeping area. The term includes efficiencies, studio apartments, dormitory or single room occupancy housing, military barracks, and rentals of individual rooms in residential dwellings.

522.02 Lead Hazards Are A Nuisance

(a) This Council finds that lead hazards constitute a nuisance.

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(b) The Commissioner may determine that a nuisance is required to be immediately controlled under this section if, in the Commissioner's opinion, failure to immediately control the hazard may cause a serious risk to the health of the occupants of the property. In such a case, the Commissioner may require the owner or manager of the property to immediately control the nuisance or the Commissioner may, by his or her authorized representative, immediately control such nuisance.

522.03 Prohibitions

(a) No person shall do any of the following:

(1) Violate any provision of RC Chapter 3742, as may be applicable, or the rules adopted pursuant to it;

(2) Apply or cause to be applied any lead-based paint on or inside a residential unit, child day-care facility, or school, unless the Ohio director of health has determined by rule under RC 3742.45 that no suitable substitute exists;

(3) Interfere with an investigation conducted in accordance with this chapter or RC 3742.35 or by the Commissioner or the Commissioner's designee, any lead inspector or risk assessor.

(b) No person shall knowingly authorize or employ an individual to perform lead abatement on a residential unit, child day-care facility, or school unless the individual who will perform the lead abatement holds a valid license issued under RC 3742.05.

(c) No person shall do any of the following when a residential unit, child day-care facility, or school is involved:

(1) Perform a lead inspection without a valid lead inspector license issued under RC 3742.05;

(2) Perform a lead risk assessment without a valid lead risk assessor license issued under RC 3742.05, or provide professional advice regarding lead abatement without a valid lead risk assessor, lead abatement contractor, or lead abatement project designer license issued under RC 3742.05;

(3) Act as a lead abatement contractor without a valid lead abatement contractor's license issued under RC 3742.05;

(4) Act as a lead abatement project designer without a valid lead abatement project designer license issued under RC 3742.05;

(5) Perform lead abatement without a valid lead abatement worker license issued under RC 3742.05;

(6) Perform a clearance examination without a valid clearance technician license issued under RC 3742.05, unless the person holds a valid lead inspector license or valid lead risk assessor license issued under that section;

(7) Perform lead training for the licensing purposes of RC Chapter 3742 without a valid approval from the director of health under RC 3742.08.

(8) Perform interim controls without complying with 24 C.F.R. Part 35.

(9) Perform lead-safe maintenance practices without complying with RC 3742.41 and 3742.42.

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(d) No person shall manufacture, sell or hold for sale toys and other articles intended for use by children as defined in 16 C.F.R. 1303.2, or furniture as defined in 16 C.F.R. 1303.2, that bears paint containing lead in excess of 0.009 percent by weight of the total nonvolatile content of the paint or the weight of the dried paint film.

(e) No person shall sell or lease target housing in the City unless the owner, lessor, or agent of the target housing meets all applicable requirements of Section 522.06 regarding disclosures of lead hazards.

(f) No person renovating target housing in the City shall fail to comply with Section 522.07.

(g) No owner or manager of a retail or wholesale outlet of paint and paint-removal products shall violate division (b) of Section 522.07 by failing to provide an EPA-approved lead hazard information pamphlet.

(h) All power-assisted methods of lead-based paint removal are hereby prohibited, unless the standards and methods set forth in OAC Chapters 3701-30 or 3701-32, as applicable, are followed. Open flame burning is prohibited under any circumstances.

522.04 Lead Abatement and Lead Hazard Control

(a) The Commissioner is authorized to issue a stop work or ceaseand desist order to any person performing work in violation of RC Chapter 3742 or this chapter.

(b) No person shall fail to immediately stop lead abatement or control activities when ordered to do so under division (a) of this section. No person shall resume lead abatement or control activities except in conformance with all applicable standards and methods prescribed in RC Chapter 3742.

522.05 Disclosures in Sale or Lease of Target Housing Regarding Lead Hazards

(a) Disclosure in Purchase or Lease of Target Housing.

(1) A seller or lessor of target housing must disclose information concerning lead upon the transfer of any target housing pursuant to the Residential Lead-Based Paint Hazard Reduction Act of 1992, 42 U.S.C. 4852d, and shall adhere to all rules and regulations promulgated under the Act, as may be amended from time to time. Before a purchaser or tenant is obligated under a contract to purchase target housing or a rental agreement to lease target housing, the seller or lessor shall perform the activities and provide the disclosures described in this section:

A. Provide the purchaser or tenant with an EPA-approved lead hazard information pamphlet;

B. Disclose to the purchaser in writing in the sales contract, or to the tenant, in writing in the rental agreement: (i) the presence of any known lead-based paint, or any known lead-based paint hazards, in the housing; (ii) any additional information available concerning the known lead-based paint and/or lead-based paint hazards, such as the basis for the determination that lead-based paint and/or lead-based paint hazards exist, the location of the lead-based paint and/or lead-based paint hazards, and the condition of the painted surfaces; and (iii) whether the property or unit is under a lead hazard control order;

C. Disclose to the tenant a copy of the most recent clearance examination or lead risk assessment and, if applicable, the lead-safe certification;

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D. Provide to the purchaser or tenant any records or reports (including notices or letters of violation) available pertaining to lead-based paint or lead-based paint hazards in the target housing, including regarding common areas, and regarding other residential dwellings in multi-family target housing, provided that the information is part of an evaluation or reduction of lead-based paint and/or lead-based paint hazards in the target housing;

E. Permit the purchaser a ten (10) day period (unless the parties mutually agree in writing to a different period of time or to waive this requirement) to conduct a lead risk assessment or lead inspection for the presence of lead-based paint and/or lead-based paint hazards;

F. Include in the sale or rental agreement the Lead Warning Statement prescribed in 40 C.F.R. 745.113;

G. Include in the sale or rental agreement acknowledgments that the pamphlet, disclosures, ten (10) day period (if required) and warning required were provided.

(1) Discovery of Lead Hazards or Presumed Lead Hazards. If the owner of a residential unit learns of the presence of lead-based paint and/or lead-based paint hazards the owner shall notify each tenant of the presence of lead-based paint and/or lead-based paint hazards within ten (10) days of discovering its presence. In addition, the owner shall notify prospective tenants of presumed lead-based paint and shall provide each tenant with a Lead Warning Statement and the lead hazard information pamphlet, as prescribed by 42 U.S.C. 4852d.

(2) Compliance Assurance. Whenever a seller or lessor has entered into a contract with an agent for the purpose of selling or leasing a unit of target housing, the agent, on behalf of the seller or lessor, shall ensure compliance with the requirements of this section and 40 C.F.R. 745 Subpart F. An agent means any party who enters into a contract with a seller or lessor, including any party who enters into a contract with a representative of the seller or lessor, for the purpose of selling or leasing target housing. The term "agent" does not apply to purchasers or any purchaser's representative who receives all compensation from the purchaser.

(b) Penalties for Violations.

(1) Criminal Penalty. Any person who knowingly fails to comply with any provision of this section shall be subject to the penalties provided in Section 522.99.

(2) The Commissioner is authorized to take lawful action as may be necessary to enforce this section or to enjoin any violation of it.

(3) Civil Liability. Any person who violates any provision of this section will be jointly and severally liable to the purchaser or lessee in an amount equal to one (1) month's rent or one (1) month's mortgage payment.

(4) In any action brought for damages under this section, the appropriate court may award court costs to the party commencing the action, together with reasonable attorney fees and any expert witness fees, if that party prevails.

(5) A non-profit environmental health or housing rights organization is authorized to bring an action under division (b)(3) of this section on behalf of an aggrieved individual or individual(s) for violations of this section. Such organization may recover its costs under the remedies provided in divisions (b)(3) and (b)(4) of this section if the organization demonstrates that it has exerted organizational resources, including staff time, to investigate the alleged non-compliance with this section.

(c) Validity of Contracts and Liens. Nothing in this section may affect the validity or enforceability of any sale or contract for the purchase and sale or lease of any interest in

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residential real property or any loan, loan agreement, mortgage, or lien made or arising in connection with a mortgage loan, nor may anything in this section create a defect in title.

522.06 Residential Property Renovation; Paint Outlet Information Rule

(a) All renovations, repair and painting performed for compensation in target housing shall be performed in compliance with 40 C.F.R. Part 745, Subpart E, Residential Property Renovation, as may be amended from time to time. Any person performing renovations, repair and painting shall provide to occupants of the residential property a renovation-specific pamphlet as required under 40 C.F.R. 745.81.

(b) All retail and wholesale outlets of paint and paint removal products shall distribute an EPA- approved lead hazard information pamphlet to each purchaser of paint and paint removal products.

522.07 Notice Requirements

(a) For any lead abatement, interim controls, lead-safe maintenance practices or lead-safe renovation work in a residential unit, child day-care facility or school, the owner shall provide seven (7) days advance written notice to all occupants of residential structures, or all parents, students, teachers, and staff of child day-care facilities or schools from which lead-based paint is to be removed, and to all occupants of residential structures which are within thirty (30) feet of the residential structure, child day-care facility or school from which the lead-based paint is to be removed. The notice shall be as prescribed by the Commissioner and shall include, at a minimum, the address at which the lead-based paint will be removed, the date of commencement of the lead-based paint removal, the anticipated length of time to complete the removal, and the method by which the lead-based paint will be removed. The notice shall include a copy of an EPA-approved lead hazard information pamphlet.

(b) The notice required under this section does not relieve any person from compliance with any other notice requirements under state or federal law, including when notice is required by a hazard control order.

522.08 Enforcement

(a) Whenever the Commissioner or a designee determines upon information, or by observation or inspection, that any provision of this chapter is being or has been violated, the official may issue a notice of violation to the owner, manager, or person in charge to correct the violation. If the violation constitutes a nuisance that, in the determination of the Commissioner or designee, may endanger the health or safety of any person, the notice of violation shall order the immediate abatement of the nuisance.

(b) In addition to any penalty for a violation of this chapter, the Commissioner or a designee may use any and all remedies in this Code, including Chapter 553, to prevent, terminate, or abate the nuisance, or to otherwise take action to control the nuisance, the costs and expense of which may be recovered as provided in RC 715.261, including certifying the costs and expense to the County Auditor, to be placed on the property as a lien to be collected as other taxes and returned to the City.

(c) In addition to any penalty for a violation of this chapter, the Commissioner or a designee may control such nuisance. The costs and expense of controlling the nuisance by

EXHIBIT A

the Commissioner or designee under this chapter may be recovered as provided in RC 715.261, including certifying the costs and expense to the County Auditor, to be placed on the property as a lien to be collected as other taxes and returned to the City.

(d) The authority described in division (c) to control such nuisance includes the authority to order the owner or manager to relocate the occupants of a residential unit, day-care facility, or school, until the property passes a clearance examination, if the Commissioner determines that the health of the occupants may be at risk during the lead hazard control work. The Commissioner may relocate the occupants until the residential unit, child day-care facility, or school passes a clearance examination. The costs and expense of the relocation may be recovered by certifying those costs to the County Auditor, to be placed on the property as a lien to be collected as other taxes and returned to the City.

(e) In the event of an actual or threatened violation of this chapter, or in an emergency situation, the Director of Law, in addition to other remedies provided by law, may institute a proper suit in equity or at law to prevent, terminate or otherwise remedy the violation.

(f) In addition to all other penalties and remedies provided by law, any person damaged by a nuisance caused by a violation of this chapter may institute a proper action in equity or at law to prevent, terminate or otherwise remedy the violation.

(g) The City has enacted and enforces the provisions of this chapter to promote and preserve the public peace, health, safety and welfare. The City does not assume, nor does it impose on its officers and employees, an obligation the breach of which causes it to be liable in money damages to any person who claims that such breach proximately caused injury. In addition, nothing in this chapter may be interpreted to limit the City's statutory immunity under RC Chapter 2744.

522.99 Penalties

(a) Whoever violates division (f) of Section 522.03 is guilty of a minor misdemeanor.

(b) Whoever violates any provision of Chapter 522 for which no other penalty is provided or rule or regulation or order under this chapter is guilty of a misdemeanor of the first degree. Except for a violation of division (f) of Section 522.03, each day during which noncompliance or a violation continues shall constitute a separate offense.

(c) As provided by RC 2901.23 and 2929.31, organizations convicted of an offense are guilty of a misdemeanor of the first degree.

EXHIBIT B

CHAPTER 1347

Certificate of Occupancy and Lead-Safe Certification

1347.01 Definitions.

1347.02 Certificate of occupancy required.

1347.03 Certificate issuance, contents, term and revocation.1347.0

Failure to apply for certificate; renewals.

1347.05 Posting and availability of certificate.

1347.06 Fees for original certificate.

1347.07 Changes; new certificate of occupancy; fees.

1347.08 Lead-safe certification required for residential rental units built before January 1, 1978

1347.09 INTERNAL REVIEW

1347.10 IMPACT OF LEAD-SAFE CERTIFICATION REQUIREMENT

1347.11 LEAD-SAFE ADVISORY BOARD

1347.12 RECORDS KEPT BY DEPARTMENT

1347.13 INSPECTIONS, RIGHT OF ENTRY

CROSS REFERENCES

Certificate of compliance required - see BLDG. 1311.02

1347.01 DEFINITIONS

For purposes of this chapter:

(a) "Clearance examination" means an examination, performed by a clearance technician, lead inspector, or lead risk assessor, to determine whether lead hazards in a residential unit have been sufficiently controlled. A clearance examination includes a visual assessment, collection and analysis of environmental samples.

(b) "Clearance technician" means a person, other than a licensed lead inspector or lead risk assessor, who is licensed under RC Chapter 3742 to perform a clearance examination.

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(c) "Lead-safe certification" means that the owner of a residential rental unit built before January 1, 1978 has provided to the Building Commissioner a clearance examination report or lead risk assessment that indicates that lead hazards are not identified in the unit. A lead-safe certification is valid for two (2) years from the date of the certification.

(d) "Building Commissioner" means the Building Commissioner or designee.

(e) "Landlord" means the owner, lessor, or sublessor of residential premises, his or her agent, or any person authorized by him or her to manage the premises or to receive rent from a tenant under a rental agreement.

(f) "Lead-based paint" means any paint or other similar surface-coating substance containing lead at or in excess of the level that is hazardous to human health as set forth in Rule 3701-32-19 of the Ohio Administrative Code (OAC) as it may be hereafter amended.

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lead inspection, provides professional advice regarding a lead inspection, or prepares a report explaining the results of a lead inspection.

(i) "Lead risk assessment" means an on-site investigation to determine and report the existence, nature, severity, and location of lead hazards in a residential unit including information gathering from the unit, current owner's knowledge regarding the age and painting history of the unit, and occupancy by children under six (6) years of age, visual inspection, limited wipe sampling or other environmental sampling techniques, and any other activity as may be appropriate.

(j) "Lead risk assessor" means a person licensed under RC Chapter 3742 who is responsible for developing a written inspection, risk assessment and analysis plan; conducting inspections for lead hazards in a residential unit; interpreting results of inspections or risk assessments; identifying hazard control strategies to reduce or eliminate lead exposures; and completing a risk assessment report.

(k) "Owner" means the person, partnership or corporation that holds title to the residential rental unit.

(l) "Permanent" means an expected design life of at least twenty (20) years.

(m) "Rental agreement" means any agreement or lease, written or oral, which establishes or modifies the terms, conditions, rules, or any other provisions concerning the use and occupancy of residential premises by one (1) of the parties.

(n) "Residential rental unit" means any part of a building being used, designed or intended to be used as an individual's private residence, including a unit occupied by one (1) or more persons regardless of whether the occupant pays rent or provides anything else of value to the titled owner in consideration for occupying the structure. A residential rental unit does not include a unit occupied by the titled owner.

(o) "Tenant" means a person entitled under a rental agreement to the use and occupancy of residential premises to the exclusion of others.

1347.02 CERTIFICATE OF OCCUPANCY REQUIRED.

On and after January 1, 1963, no owner, agent or person in charge of any dwelling structure used or designed, or intended to be used, as a two (2) family dwelling, double house or multiple dwelling, and after January 1, 1984, no owner, agent or person in charge of any dwelling structure used or designed or intended to be used as a single-family dwelling shall rent or lease such structure for residential occupancy unless the owner thereof holds a certificate of occupancy issued by the Building Commissioner for such structure, which certificate has not expired, been revoked or otherwise become null and void.

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1347.03 CERTIFICATE ISSUANCE, CONTENTS, TERM AND REVOCATION.

Application for a certificate of occupancy required by the provisions of this Housing Code shall be made annually by supplying necessary information to determine compliance with applicable laws, ordinances, rules and regulations for the existing use or occupancy or the intended use or occupancy on forms supplied by the Building Commissioner. Such information shall include, but need not be limited to, the name, address-telephone number, and email address of the owner of the property, the name, address telephone number, and email address of the agent or person in charge of the property, the address of the property, the number of dwelling units contained in the dwelling structure, and a list of the persons living in each dwelling unit along with their telephone number, email address and the relationship of each person living in such unit. Should any of the required information change during the period for which a certificate is issued, such changes shall be conveyed to the Building Commissioner within thirty (30) days to allow for up- dating of records.

(a) The Building Commissioner may require the submission of a certificate of occupancy stating such information, and he may cause a general inspection of the structure or premises to be made; provided, however, that in the case of a double house or two (2) family house which has all of the separate units occupied by tenants in common, joint tenants, or other co-owners, the Commissioner shall not cause a general interior inspection of the structure other than upon request, complaint or under emergency situations. And further provided that, in situations where one (1) unit of such double house or two (2) family house is owner-occupied, with the remaining unit occupied by those persons identified by Section 1341.15(b) and (c), the Commissioner shall not cause a general interior inspection other than upon request, complaint or under emergency situations.

(b) If a building or other structure is found in compliance with the provisions of this Housing Code, and all other laws, ordinances, rules and regulations applicable thereto, the Building Commissioner shall issue a certificate of occupancy for such building or structure, which shall contain the following information:

(1) The street address or other identifying characteristics of the building or other structure.

(2) The name, address, telephone number, and email address of the owner and, if the owner does not reside on the premises, the name, address, telephone number, and email address of the resident agent in charge of the building or structure, and the name, address, telephone number, and email address of the nonresident agent, if any.

(3) **The exact nature and extent of the use or occupancy authorized.**

(4) The period for which such certificate of occupancy is issued.

(5) The lead-safe certification status, if applicable

Such certificate shall not be valid beyond December 31 of the calendar year in which the certificate is issued.

(c) The Building Commissioner shall have the power to revoke a certificate of occupancy if any false statement is made by the applicant in connection with the issuance of such certificate; for noncompliance of a structure or its use with the requirements of the Housing Code; if the owner, agent or person in charge of a structure refuses to comply with any applicable provisions of this Housing Code; or if the structure is being maintained or

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used in such a manner as to constitute a public nuisance. In the event the Building Commissioner determines to revoke a certificate of occupancy for the reason that the structure is being maintained in such a manner as to constitute a public nuisance, the owner of said structure shall have the right to appeal the revocation to the Nuisance Abatement Board of Appeals pursuant to Section 553.08 of the Codified Ordinances and the Notice of Revocation shall advise the owner of the right of appeal.

(d) An owner of a residential rental unit shall give notification of a change in the name, address, telephone number, and/or email address of a corporation, partnership or person listed on a certificate of occupancy to the Building Commissioner within fourteen (14) days after the change occurs. If the owner fails to give written notification as required in this section, the Building Commissioner may revoke the certificate of occupancy until the owner provides in writing the changed name, address, telephone number, and/or email address.

In addition to revocation of the certificate of rental registration, whoever violates this division (e) shall be fined not more than two hundred dollars (\$200.00). Each three (3) month period during which the violation continues is a separate offense.

(f) Notwithstanding any other provisions of this Chapter, no certificate of occupancy shall be issued by the Building Commissioner for any structure used or intended to be used for residential occupancy located on a parcel which:

(1) Has a certified delinquent property tax balance or other unpaid liens that appear on the Cuyahoga County Real Property Tax duplicate unless the property owner, agent, or person in charge of such structure provides documentation of being on a Delinquent Payment Plan in good standing with the Cuyahoga County Treasury; or

(2) Has an unpaid balance for nuisance abatement costs imposed by the City pursuant to Subsection 553.10(e) that has not been placed on the Cuyahoga County Real Property Tax duplicate.

If such structure as described above is determined by the Building Commissioner to be occupied by a tenant, the Building Commissioner shall provide notice to such tenant of the rejection of application for the issuance or renewal of a certificate of occupancy. Notice shall be by mail, hand delivery, or posting on the structure. Notwithstanding the requirement of notice provided herein, failure of the Building Commissioner to notify a tenant shall not preclude the enforcement of any provision of this Chapter.

1347.04 FAILURE TO APPLY FOR CERTIFICATE; RENEWALS.

(a) The owner of a dwelling structure which subsequently is completed and becomes available for occupancy shall apply for such certificate as soon as practicable, but in no event shall the structure be occupied in whole or in part until such certificate of occupancy has been issued. Failure to so apply shall be deemed to be a violation of this Housing Code and shall subject the owner of the structure to the legal action and penalty prescribed herein.

(b) For each twelve (12) month period beginning January 1, 1995, and for each year thereafter, the owner of a dwelling structure requiring a certificate of occupancy shall

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apply for such certificate on or before December 15 of the year immediately preceding the year in which the certificate is to be issued.

1347.05 POSTING AND AVAILABILITY OF CERTIFICATE.

(a) The owner, agent or person in charge of every multiple dwelling structure shall cause a certificate of occupancy to be posted conspicuously at all times at the main entrance of such structure. The certificate shall be provided with a protective covering and shall be securely affixed to the wall.

(b) The owner or owner's agent of a dwelling structure, other than a multiple dwelling structure, requiring a certificate of occupancy, shall have such certificate available on the licensed premises, or otherwise readily available, for exhibition to the Building Commissioner or other authorized City personnel.

1347.06 FEES FOR ORIGINAL CERTIFICATE.

(a) An application for a certificate of occupancy for any residential property in the City shall be accompanied by a fee of two hundred dollars (\$200.00) for the first dwelling unit in a building plus fifty dollars (\$50.00) for the second dwelling unit in the building and twenty-five dollars (\$25.00) for each additional dwelling unit in the building. The fee for a newly-rented residential property issued after June 30 of any year for the remainder of the calendar year shall be one hundred dollars (\$100.00) for the first dwelling unit in a building, twenty-five dollars (\$25.00) for the second dwelling unit in the building and twelve dollars and fifty cents (\$12.50) for each additional unit in the building. The fee for any one building shall not exceed the sum of one thousand two hundred twenty-five dollars (\$1,225.00) per year. All fees for certificates of occupancy shall be nonrefundable. (Ord. 201-2013. Passed 12-16-13.)

(b) Any renewal application received after January 1 of any year shall incur a late fee of twenty-five dollars (\$25.00) per month for each month or portion thereof that the application and/or fee is delinquent.

1347.07 CHANGES; NEW CERTIFICATE OF OCCUPANCY; FEES.

(a) If there is a change in the resident agent or nonresident agent as shown by the certificate of occupancy, the owner shall notify the Building Commissioner in writing within thirty (30) days of such change, giving the name and address of the new resident agent or nonresident agent. Failure to notify the Building Commissioner within the specified time shall constitute a violation of this Housing Code.

(b) If there is a change in ownership of record, the certificate of occupancy issued under the provisions of this Housing Code to the former owner shall become null and void within thirty (30) days of the recorded date of such change of ownership, and a new certificate of occupancy must be obtained by the new owner. Application for such new certificate of occupancy shall be made not more than thirty (30) days after such change of ownership

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has occurred, on forms supplied by the Building Commissioner. A fee of fifty dollars (\$50.00) shall be paid upon application for each new certificate. A new certificate shall expire on the same date as that of the certificate which it replaces.

(c) Any change in the nature or extent of the use or occupancy as specified on the certificate of occupancy shall render the certificate of occupancy null and void upon the happening of such change. No such change is permissible under this Housing Code unless such change has been approved by the proper City authorities pursuant to this Housing Code, and unless a new certificate of occupancy, incorporating such change, has been issued. Any such change, without the approval of the proper City authorities, will subject the owner, operator or agent to the penalty provided in Section 1345.99.

(d) A fee of two dollars (\$2.00) shall be paid upon application for each such new certificate. If such change involves the addition of any dwelling units to the number of dwelling units previously authorized, an additional five dollars (\$5.00) shall be charged for each such additional dwelling unit, regardless of the date authorized. Such new certificate shall expire on the same date as that of the certificate which it replaces.

1347.08 LEAD-SAFE CERTIFICATION REQUIRED FOR RESIDENTIAL RENTAL UNITS BUILT BEFORE JANUARY 1, 1978

(a) *Presumption and Policy.* Any residential rental unit originally constructed prior to January 1, 1978 is presumed to have lead-based paint. It is the policy of the City to help prevent the poisoning of children by requiring that the presence of deteriorated lead-based paint on the interior and exterior of residential rental structures built before January 1, 1978 be identified and be correctly addressed by reducing and controlling lead-based paint hazards which may be present, in order to prevent human exposure to these hazards. Therefore, it is the further policy of the City to require all residential rental units in the City constructed prior to January 1, 1978 to have lead-safe certification no later than July 1, 2024.

(b) *Lead-Safe Certification.* Beginning July 1, 2023, all residential rental units constructed before January 1, 1978 shall have lead-safe certification from the Building Commissioner according to a schedule established by the Building Commissioner, but in no case later than July 1, 2024.

A lead-safe certification is valid for two (2) years from the date of issuance. No earlier than thirty (30) days prior to expiration, an owner shall re-apply for a lead-safe certification by providing the necessary documentation as set forth in this section.

(1) To obtain a lead-safe certification, an owner of a residential rental unit constructed prior to January 1, 1978 shall provide to the Building Commissioner a copy of a clearance examination report or lead risk assessment, completed pursuant to applicable Ohio laws and rules, within ninety (90) days prior to the date of submission evidencing that lead hazards were not identified in the unit.

(2) For a structure constructed prior to January 1, 1978 that contains five (5) or more residential rental units to obtain a lead-safe certification, an owner shall provide to the

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Building Commissioner a copy of a report, completed pursuant to applicable law within ninety (90) days prior to the date of submission, that lead hazards were not identified in the minimum number of units tested relative to the total number of units in the structure, according to Federal HUD Guidelines, 2012 edition, as may be amended from time to time.

(c) *Exemption.* To be exempt from the lead-safe certification requirement set forth in this section, the owner of a residential rental unit originally constructed prior to January 1, 1978 shall submit a copy of a comprehensive lead risk assessment and paint inspection report, issued by a lead risk assessor verifying that the unit has been abated of lead hazards in accordance with 40 CFR 745.227 and applicable state law. The report shall have been completed within twenty (20) years prior to the date of submission to the Building Commissioner.

1347.09 INTERNAL REVIEW

The Building Commissioner, through a designated Lead-Safe Auditor, shall monitor the City lead-safe certification process to ensure efficiency and effectiveness. The Lead-Safe Auditor shall perform such other tasks as required by the Building Commissioner, including maintaining a list of certified inspectors and contractors and coordinating regular monitoring and reporting with the Lead-Safe Advisory Board and other appropriate entities.

1347.10 IMPACT OF LEAD-SAFE CERTIFICATION REQUIREMENT

Within one (1) year after implementation and yearly thereafter, the City shall review the impacts of the lead-safe certification requirement to determine if tenants have been unduly displaced and to identify any other negative unintended consequences that may have occurred due to implementation of the lead-safe certification requirement. If negative impacts are occurring or have occurred, the City will re-evaluate the program and work toward eliminating any negative impacts.

1347.11 LEAD-SAFE ADVISORY BOARD; RESPONSIBILITIES

(a) There is hereby established a Lead-Safe Advisory Board to consist of seven (7) members: the Mayor or their designee, and a member of Council appointed by Council (Ex Officio Members); and five (5) members appointed by the Mayor with approval of Council (Appointed Members). Of the Appointed Members, at least one (1) shall be a Tenant of a Residential Rental Unit within the City, and at least one (1) shall be a Landlord of a Residential Rental Unit within the City. Of the original Appointed Members, two (2) shall be appointed for terms of two (2) years and three (3) shall be appointed for terms of three (3) years. Thereafter, the terms shall be four (4) years. None of the Appointed Members shall be current employees of the City. The Lead-Safe Advisory Board shall meet as often as a majority of its members deems necessary, but at least quarterly in each calendar year. The Board shall establish its own rules.

(b) The responsibilities of the Lead-Safe Advisory Board shall be as follows: to provide recommendations for improvements to the City's lead-safe policies and procedures; to report, on a quarterly basis, progress and status of the City's Lead-

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Safe Certification requirement and other lead poisoning prevention related efforts to the Council.

1347.12 RECORDS KEPT BY DEPARTMENT

Copies of all applications, certificates of occupancy, and documents submitted for lead-safe certification are a public record and shall be kept on file by the Building Commissioner as required by applicable law.

1347.13 INSPECTIONS; RIGHT OF ENTRY

(a) All residential rental units shall be subject to inspection for the purpose of determining compliance with the provisions of this Housing Code, Chapter 521, and all other applicable laws, ordinances, rules and regulations. Inspections shall be conducted in accordance with the residential rental unit inspection schedule established by the Building Commissioner, or as may be necessary in the Building Commissioner's discretion pursuant to specific complaint received under this Code.

(b) The Building Commissioner and the Building Commissioner's duly authorized agents or inspectors may enter at reasonable times any residential rental unit registered under this Chapter in accordance with the right of entry defined in Chapter 1345.