



September 18, 2023
Regular Meeting
7:30 PM

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

AGENDA - CLEVELAND HEIGHTS CITY COUNCIL MEETING

- 1) Meeting called to order by Council President**
- 2) Roll Call of Council Members**
- 3) Excuse absent members**
- 4) Amendments to the Agenda (if necessary)**
- 5) Approval of minutes from previous meeting(s)**
 - a. August 21, 2023
- 6) Recertification Plaque Presentation - ReadyCertify Program**
Cuyahoga County Office of Emergency Management
- 7) Communications from the Mayor**
- 8) Report of the Clerk of Council**
Notify Council that notices have been received from the Ohio Division of Liquor Control advising that applications have been made by the following:
 - a. Seamus Marotta Inc dba Marottas Pizza & Pasta, 2289 Lee Rd. Cleveland Heights, OH 44118 for a stock transfer of a D5/D6 permit
 - b. Dolgen Midwest LLC dba Dollar General Store #25920, 3070 Mayfield Rd. Cleveland Heights, OH 44118 for a new C1/C2 permit.
- 9) Public Comment - Agenda Items only**
(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. Comments unrelated to the agenda may be made after Committee Reports)
- 10) LEGISLATION**
Note: The title for each piece of legislation contains a parenthetical reference to the Council Committee within which the subject matter of the legislation falls.

Council Committees are abbreviated as follows: (AS)-Administrative Services; (COTW)-Committee of the Whole; (CRR)-Community Relations and Recreation; (F)-Finance; (HB)-Housing and Building; (MSES)-Municipal Services and Environmental Sustainability; (PD)-Planning and Development; (PSH)-Public Safety and Health. See Resolution 97-2022 for a list of Council Committee subject matter areas.

a. First Readings – Consideration of Adoption Requested

ORDINANCE NO. 149-2023(F): First Reading. An Ordinance to amend certain subparagraphs of Ordinance No. 168-2022, relating to appropriations and other expenditures of the City of Cleveland Heights, Ohio for the fiscal year ending December 31, 2023, and declaring the necessity that this legislation become immediately effective as an emergency measure.

Introduced by Mayor Seren

Move for Adoption

b. First Readings Only

ORDINANCE NO 150-2023(PD): First Reading. An Ordinance amending various sections of Chapters 110, 311, 351, 371, 521 and 1321 of the Codified Ordinances to facilitate a permanent Shared Spaces Program within the City; and declaring the necessity that this legislation become immediately effective as an emergency measure.

Introduced by Mayor Seren

c. Second Readings

RESOLUTION NO. 139-2023(F): Second Reading. A Resolution authorizing the Mayor to enter into an agreement with the Coventry Village Special Improvement District of Cleveland Heights, Ohio, Inc. ("Coventry SID") for advancement of funds in anticipation of assessment; and declaring the necessity that this legislation become immediately effective as an emergency measure.

Introduced by Mayor Seren

RESOLUTION NO. 140-2023(F): Second Reading. A Resolution requesting the County Fiscal Officer to advance taxes from the proceeds of the 2023 tax year collection pursuant to Section 321.34 of the Ohio Revised Code; and declaring the necessity that this legislation become immediately effective as an emergency measure.

Move for Adoption

RESOLUTION NO. 141-2023(F): Second Reading. 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 the necessity that this legislation become immediately effective as an emergency measure.

Move for Adoption

ORDINANCE NO. 142-2023(PSH): Second Reading As Amended. An Ordinance establishing and acknowledging a policy of detainee access to menstrual products and cleaning facilities in the Cleveland Heights Jail; and declaring the necessity that this legislation become immediately effective as an emergency measure.

Move for Adoption

ORDINANCE NO. 143-2023(PD): Second Reading. An Ordinance authorizing the Mayor to enter into a Development Agreement with TWG Development, LLC for the construction of a residential development at 2228 Noble Road (several parcels); and declaring the necessity that this legislation become immediately effective as an emergency measure.

Move for Adoption

d. Consent Agenda

Note: Individual Consent Agenda items are not discussed separately during the Council meeting, unless removed from the Consent Agenda on the request of a member of Council. Once an item is removed from the Consent Agenda, it will be placed on the Regular Agenda. Action upon the Consent Agenda will require two motions: the first to suspend the rules under Chapter 11 of the Codified Ordinance of the City of Cleveland Heights, and a second for approval or adoption of the items within the Consent Agenda. A vote upon adoption of the Consent Agenda operates as to all items on the Consent Agenda at the time the motion to approve or adopt is made.

Motion/Second to suspend rules

Motion/Second to adopt

RESOLUTION NO. 151-2023(CRR): First Reading. A Resolution recognizing October, 2023 as *National Breast Cancer Awareness Month*; October 13, 2023 as *Metastatic Breast Cancer Awareness Day*; and October 20, 2023, as *National Mammography Day*; and declaring the necessity that this legislation become immediately effective as an emergency measure.

Introduced by Mayor Seren

RESOLUTION NO. 152-2023(CRR): First Reading. A Resolution recognizing October 2023 as *Domestic Violence Awareness Month*; and declaring the necessity that this legislation become immediately effective as an emergency measure.

Introduced by Mayor Seren

RESOLUTION NO. 153-2023(CRR): First Reading. A Resolution recognizing October 22--28, 2023 as *National Lead Poisoning Prevention Week*; and declaring the necessity that this legislation become immediately effective as an emergency measure.

Introduced by Councilmember Larson, President Hart, and Councilmember Boyd

RESOLUTION NO. 154-2023(CRR): First Reading. A Resolution recognizing October, 2023 as *National Book Month*; and declaring the necessity that this legislation become immediately effective as an emergency measure.

Introduced by Councilmember Russell

11) Committee Reports

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) Adjournment

NEXT MEETING OF COUNCIL: OCTOBER 2, 2023



August 21, 2023
Regular Meeting
7:30 PM

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

1 **MEETING MINUTES**

2 **1) Meeting called to order by Council President**

3 Start: 7:34pm

4 **2) Roll Call of Council Members**

5 **Present:** Janine Boyd, Davida Russell, Melody Joy Hart, Craig Cobb, Tony
6 Cuda, Gail Larson

7 **Excused:** Anthony Mattox Jr.

8 **3) Excuse absent members**

9 President Hart excused Councilman Anthony Mattox Jr.

10 **4) Amendments to the Agenda (if necessary)**

11 None

12 **5) Approval of minutes from previous meeting(s)**

13 a. May 15, 2023

14 **APPROVED**

15 **6) Communications from the Mayor**

16 Apologized for not being able to attend the MSES meeting this morning, but gave
17 a brief response/update to a potential sidewalk repair program from a more
18 holistic approach.

19 He also addressed emails that he has received related to the introduction of an
20 Arts Commission for the City. This legislation was introduced on first reading at
21 the 8/7/2023 regular council meeting and will be referred to the appropriate
22 council committee (Administrative Services) for robust discussion. It will only be
23 brought back in front of council after a recommendation from this committee to

1 do so.
2

3 Addressed his selection of Danny Williams for City Administrator, which is on
4 second reading for adoption tonight. If approved by Council, he will be sworn in
5 on September 5, 2023 before the regular council meeting that evening.

6
7 Provided a copy of Robert's Rules of order to all Council members.
8

9 **7) Proclamation**
10

11 Cleveland Heights High School Class of '73
12

13 A Proclamation was presented to Councilman Cuda's high school class (class of
14 '73) for their 50-year reunion.

15 **8) Report of the Clerk of Council**
16

17 Nothing to report
18

19 **9) Public Comment - Agenda Items only**
20

21 (Note: Persons wishing to speak must register in advance. A 3-minute time limit
22 applies. Council President reserves the right to reduce time limit based on the
23 volume of business on the agenda. Comments unrelated to the agenda may be
24 made after Committee Reports)

25 None
26

27 **10) LEGISLATION**
28

29 *Note: The title for each piece of legislation contains a parenthetical reference to
30 the Council Committee within which the subject matter of the legislation falls.
31 Council Committees are abbreviated as follows: (AS)-Administrative Services;
32 (COTW)-Committee of the Whole; (CRR)-Community Relations and Recreation;
33 (F)-Finance; (HB)-Housing and Building; (MSES)-Municipal Services and
34 Environmental Sustainability; (PD)-Planning and Development; (PSH)-Public
35 Safety and Health. See Resolution 97-2022 for a list of Council Committee
36 subject matter areas.*

37 **a. First Readings Only**
38

39 **ORDINANCE NO. 127-2023(PD): First Reading**. An Ordinance introducing
40 amendments to various Sections of Part Eleven, Zoning Code, of the Codified
41 Ordinances of the City of Cleveland Heights to create and make permanent
42 the City of Cleveland Heights Shared Spaces Program; and declaring the
43 necessity that this legislation become immediately effective as an emergency
44 measure.

45
46 Introduced by Mayor Seren
47

READ INTO THE RECORD

REFERRED TO PD COMMITTEE

ORDINANCE NO. 128-2023(PD): *First Reading*. An Ordinance amending Chapter 110, *City Property Disposition*, of the Codified Ordinances of Cleveland Heights to permit transfer of tax-foreclosed and donated-in-lieu-of-foreclosure properties to the Cleveland Heights Community Improvement Corporation.

Introduced by Mayor Seren

READ INTO THE RECORD

REFERRED TO PD COMMITTEE

ORDINANCE NO. 129-2023(PD): *First Reading*. An Ordinance authorizing the Mayor to transfer title to specified City-owned properties to the Cleveland Heights Community Improvement Corporation.

Introduced by Mayor Seren

READ INTO THE RECORD

REFERRED TO PD COMMITTEE

RESOLUTION NO. 130-2023(MSES): *First Reading*. A Resolution authorizing the Mayor to execute a contract with Nutter Consulting for the preparation of a Climate Action and Resiliency Plan; and declaring the necessity that this legislation become immediately effective as an emergency measure.

Introduced by Mayor Seren

READ INTO THE RECORD

REFERRED TO MSE COMMITTEE

b. Second Readings

RESOLUTION NO. 122-2023(COTW): Second Reading. A Resolution allocating Five Thousand Dollars (\$5,000.00) to Future Heights by City Council to serve as a co-sponsor for the 2023 Heights Music Hop; and declaring the necessity that this legislation become immediately effective as an emergency measure.

Motion to adopt: Davida Russell

Seconded: Gail Larson

Yes: Gail Larson, Janine Boyd, Craig Cobb, Davida Russell, Melody Joy Hart,

1 Tony Cuda
2
3 **No:** None

LEGISLATION PASSED

4 **RESOLUTION NO. 124-2023(AS): Second Reading.** A Resolution
5 confirming the Mayor's appointment of Danny R. Williams as City
6 Administrator for the City of Cleveland Heights; and declaring the necessity
7 that this legislation become immediately effective as an emergency measure.

8 **Motion to adopt:** Craig Cobb
9 **Seconded:** Davida Russell

10
11 **Yes:** Gail Larson, Janine Boyd, Craig Cobb, Davida Russell, Melody Joy Hart,
12 Tony Cuda
13 **No:** None

LEGISLATION PASSED

15 **c. Consent Agenda**

16 **Motion to suspend rules:** Tony Cuda
17 **Seconded:** Gail Larson

18
19 **Yes:** Gail Larson, Janine Boyd, Craig Cobb, Davida Russell, Melody Joy Hart,
20 Tony Cuda
21 **No:** None

MOTION PASSED

22
23 **Motion to adopt:** Davida Russell
24 **Seconded:** Janine Boyd

25
26 **Yes:** Gail Larson, Janine Boyd, Craig Cobb, Davida Russell, Melody Joy Hart,
27 Tony Cuda
28 **No:** None

LEGISLATION PASSED

29
30
31 **RESOLUTION NO. 131-2023(CRR): First Reading.** A Resolution joining
32 communities throughout the nation in proclaiming September 2023, *Prostate*
33 *Cancer Awareness Month*; and declaring the necessity that this legislation
34 become immediately effective as an emergency measure.

35
36 Introduced by Mayor Seren

PASSED ON CONSENT AGENDA

37
38
39 **RESOLUTION NO. 132-2023(CRR): First Reading.** A Resolution
40 proclaiming September 2023, *National Preparedness Month*; and declaring
41 the necessity that this legislation become immediately effective as an
42 emergency measure.

Introduced by Mayor Seren

PASSED ON CONSENT AGENDA

RESOLUTION NO. 133-2023(CRR): *First Reading*. A Resolution proclaiming September 8 - 17, 2023, *Welcoming Week*; and declaring the necessity that this legislation become immediately effective as an emergency measure.

Introduced by Mayor Seren

11) Committee Reports

PSH: Update on mentoring/diversion programs for youths in the community; they will be bringing back and updating these programs. Will be working with the County to get funding as well. Will be holding a formal PSH Committee Hearing sometime in September.

MSES: Update from meeting this morning. Will be adding an additional committee meeting to September, on top of the regularly scheduled meeting on September 18, 2023.

HB: Update on Short Term Rental legislation; also wanted to remind everybody that COTW will meet tomorrow to discuss ARPA funding, and he has suggested several housing programs. The next meeting will be September 5th.

AS: Will be scheduling a committee hearing in late September, or early October. He wants to make sure everybody has an opportunity to attend that hearing.

CRR: Tuesday, September 5th at 5:30pm will be the next meeting.

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.)

Speakers

CJ Nash	Citizen	Noble Business District/Noble Station Development
Daniel Levin	Citizen	Parking meters
Robin Koslen	Citizen	Cain Park and response to citizen comments at Council meetings

Diane Hallum	Citizen	Noble Station Development
James Williams	Citizen	General Comments

1

2 **13) Old Business**

3 None

4 **14) New Business**

5 **Tony Cuda:**

6

7 • Residents have requested a crosswalk where Severance Cir. meets the
8 entrance to Metro Health

9 • A resident asked why Cleveland Heights doesn't have roundabouts?
10 Could this be something for the City to look into?

11 • There are times when the Council is asked to pass things on first reading;
12 he wants to encourage his colleagues to resist this urge as he believes it
13 creates the impression Council is rushing through the process.

14

15 **15) Adjournment**

16

17

18 **NEXT MEETING OF COUNCIL: SEPTEMBER 5, 2023**

Memo

To: Mayor Kahil Seren
From: Andy Unetic, Finance Director
Date: September 14, 2023
Re: September 18, 2023 Budget Adjustment

For the September 18, 2023 Council Meeting, I am requesting a total budget increase of \$838,438. 74% of this budget increase has offsetting revenues. Here is a summary of the budget adjustments:

- Fund 215 – Cain Park Operating Fund has a total budget increase request of \$106,565. All of this increase is being offset by an Arts Economic Grant, to help cover Cain Park Operating expenses.
- Fund 260 – Top of the Hill TIF Fund has a total budget increase request of \$516,964. This is so the City can distribute the TIF property tax revenues the City received for the development of the Top of the Hill property. All of this increase is being offset by TIF property tax revenues.
- Fund 402 – Financed Capital Projects Fund has a total budget increase request of \$214,909. In the 2023 budget, the City budgeted \$40,000 to pay for the City's portion of the Bearcat Assault Vehicle for the police department. The price for the vehicle is coming in higher than expected and the City will have to pay an additional \$7,110 for this vehicle. The City is also requesting a budget increase of \$39,471. This is to purchase a new Constituent Relationship Management (CRM) software. The City's current CRM software contract expires on 4-1-24 and it is not as robust as the new proposed software. Lastly in this fund is a budget increase request of \$168,328. This is the City's portion of the design cost of the Doan Brook Project.

Attached to this document is more detail about this budget adjustment request.

In order to maintain operations and not delay any projects, I am requesting that this adjustment be passed as an emergency on the first reading.

2023 Budget Adjustments
Ordinance #149-2023
Cash Supplement and Inter-Departmental Transfers

Fund #	Fund Description	2023 Budget Adjustment	Fund	Department	Ordinance Description	2023 Budget Adjustment	Budget Adjustment Notes
215 Cain Park Operating	\$ 106,565.00	215	8408 - Ohio Arts Council Grant		O.T.P.S	106,565.00	Cain Park received The Arts Economic Grant to help cover cost of operating expenses
Budget Adjustment Total	<u>\$ 106,565.00</u>				Budget Adjustment Total	<u>\$ 106,565.00</u>	
260 Top-of-the-Hill TIF Fund	\$ 516,964.00	260	3101 - Finance Department		O.T.P.S	516,964.00	TIF Distribution for the Top-of-the-Hill budget increase
Budget Adjustment Total	<u>\$ 516,964.00</u>				Budget Adjustment Total	<u>\$ 516,964.00</u>	
402 Financed Capital Projects Fund	\$ 214,908.00	402	2101 - Mayor		Capital	39,471.00	Purchase CivicPlus SeeClickFix Constituent Relationship Management (CRM)
		402	7201 - Police Administration		Capital	7,110.00	Additional funds needed to purchase the Bearcat Assault Vehicle
		402	5101 - Planning		Capital	168,328.00	Design Cost of the Doan Brook Project
Budget Adjustment Total	<u>\$ 214,908.00</u>				Budget Adjustment Total	<u>\$ 214,909.00</u>	
Grand Total Budget Adjustment	<u>\$ 838,437.00</u>				Grand Total Budget Adjustment	<u>\$ 838,438.00</u>	

Proposed: 9/18/2023

ORDINANCE NO. 149-2023(F), *First
Reading*

By Mayor Seren

An Ordinance to amend certain subparagraphs of Ordinance No. 168-2022, relating to appropriations and other expenditures of the City of Cleveland Heights, Ohio for the fiscal year ending December 31, 2023, 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. 168-2022 relating to appropriations for the current expenses and other expenditures of the City of Cleveland Heights, Ohio for the fiscal year ending December 31, 2023 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, 2023, shall be made within 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 necessary for the preservation of public peace, health, and safety of the inhabitants of the City of Cleveland Heights, such emergency being the ongoing and continuous need to preserve the faith and credit of the City. Wherefore, provided it receives the affirmative vote of five (5) or more of the members elected or appointed to this Council, this Ordinance shall take effect and be in force immediately upon its passage; otherwise, it shall take effect and be in force from and after the earliest time allowed by law.

MELODY JOY HART
President of the Council

ORDINANCE NO. 149-2023(F)

ADDIE BALESTER
Clerk of Council

PASSED:

Presented to Mayor: _____

Approved by Mayor: _____

KAHLIL SEREN
Mayor

ORDINANCE NO. 149-2023
 AN ORDINANCE AMENDING APPROPRIATIONS FOR THE
 CURRENT EXPENSES AND OTHER EXPENDITURES OF THE
 CITY OF CLEVELAND HEIGHTS, OHIO
 FOR THE FISCAL YEAR ENDING DECEMBER 31, 2023

<u>Department</u>	<u>Object</u>	<u>Original</u>	<u>August's Budget Adjustment Ord. # 118-2023</u>	<u>September's Budget Adjustment Ord. #149-2023</u>	<u>Amended Budget</u>
That there be appropriated from the <u>GENERAL FUND, FUND NO. 101</u>					
1101- City Council					
Personal Services		\$ 138,097.00	\$ 146,097.00		\$ 146,097.00
O.T.P.S		\$ 53,460.00	\$ 53,460.00		\$ 53,460.00
Capital		\$ 12,340.00	\$ 12,340.00		\$ 12,340.00
Total - 1101 City Council		\$ 203,897.00	\$ 211,897.00		\$ 211,897.00
2101 - Mayor's Office					
Personal Services		\$ 576,210.00	\$ 580,829.00		\$ 580,829.00
O.T.P.S		\$ 37,550.00	\$ 37,550.00		\$ 37,550.00
Total - 2101 Mayor's Office		\$ 613,760.00	\$ 618,379.00		\$ 618,379.00
2106- Civil Service					
Personal Services		\$ 2,439.00	\$ 2,439.00		\$ 2,439.00
O.T.P.S		\$ 33,500.00	\$ 33,500.00		\$ 33,500.00
Total - 2106 Civil Service		\$ 35,939.00	\$ 35,939.00		\$ 35,939.00
2107 - Landmark Commission					
O.T.P.S		\$ 19,750.00	\$ 64,750.00		\$ 64,750.00
Capital		\$ 7,333.00	\$ 7,333.00		\$ 7,333.00
Total - 2107 Landmark Commission		\$ 27,083.00	\$ 72,083.00		\$ 72,083.00
2108- General Operations					
Personal Services		\$ 6,565,065.00	\$ 6,565,065.00		\$ 6,565,065.00
O.T.P.S		\$ 1,512,350.00	\$ 2,062,350.00		\$ 2,062,350.00
Total - 2108 General Operations		\$ 8,077,415.00	\$ 8,627,415.00		\$ 8,627,415.00
2201 - M.I.S.					
Personal Services		\$ 277,199.00	\$ 277,199.00		\$ 277,199.00
O.T.P.S		\$ 256,395.00	\$ 291,711.00		\$ 291,711.00
Total - 2201 MIS		\$ 533,594.00	\$ 568,910.00		\$ 568,910.00
2501- Community Relations					
O.T.P.S		\$ 10,000.00	\$ 10,000.00		\$ 10,000.00
Total - 2501 Community Relations		\$ 10,000.00	\$ 10,000.00		\$ 10,000.00
2502 - Public Relations					
Personal Services		\$ 331,596.00	\$ 331,596.00		\$ 331,596.00
O.T.P.S		\$ 91,900.00	\$ 91,900.00		\$ 91,900.00
Total - 2502 Public Relations		\$ 423,496.00	\$ 423,496.00		\$ 423,496.00
3101 - Finance					
Personal Services		\$ 768,236.00	\$ 768,236.00		\$ 768,236.00
O.T.P.S		\$ 211,245.00	\$ 211,245.00		\$ 211,245.00
Other Financing Uses		\$ 200.00	\$ 200.00		\$ 200.00
Total - 3101 Finance		\$ 979,681.00	\$ 979,681.00		\$ 979,681.00
3103 - County Auditors Deductions					
O.T.P.S		\$ 250,000.00	\$ 250,000.00		\$ 250,000.00
Total - 3103 County Auditors Deduction:		\$ 250,000.00	\$ 250,000.00		\$ 250,000.00
310Z - Operating Transfers					
Other Financing Uses		\$ 2,470,000.00	\$ 2,470,000.00		\$ 2,470,000.00
Total - 310Z Operating Transfers		\$ 2,470,000.00	\$ 2,470,000.00		\$ 2,470,000.00
3201 - Income Tax					
O.T.P.S		\$ 1,215,000.00	\$ 1,215,000.00		\$ 1,215,000.00
Total - 3201 Income Tax		\$ 1,215,000.00	\$ 1,215,000.00		\$ 1,215,000.00
4101 - Law					
Personal Services		\$ 741,020.00	\$ 741,020.00		\$ 741,020.00
O.T.P.S		\$ 479,750.00	\$ 479,750.00		\$ 479,750.00
Total - 4101 Law		\$ 1,220,770.00	\$ 1,220,770.00		\$ 1,220,770.00
5101 - Planning					
Personal Services		\$ 1,509,513.00	\$ 1,528,112.00		\$ 1,528,112.00
O.T.P.S		\$ 169,385.00	\$ 169,385.00		\$ 169,385.00
Capital		\$ 16,533.00	\$ 16,533.00		\$ 16,533.00
Total - 5101 Planning		\$ 1,695,431.00	\$ 1,714,030.00		\$ 1,714,030.00
5102- Planning Commission					
Personal Services		\$ 8,139.00	\$ 8,139.00		\$ 8,139.00
Capital		\$ 7,334.00	\$ 7,334.00		\$ 7,334.00
Total - 5101 Planning Commission		\$ 15,473.00	\$ 15,473.00		\$ 15,473.00

ORDINANCE NO. 149-2023
AN ORDINANCE AMENDING APPROPRIATIONS FOR THE
CURRENT EXPENSES AND OTHER EXPENDITURES OF THE
CITY OF CLEVELAND HEIGHTS, OHIO
FOR THE FISCAL YEAR ENDING DECEMBER 31, 2023

Department	Object	Original	August's Budget	September's Budget	Amended Budget
			Adjustment	Adjustment	
			Ord. # 118-2023	Ord. # 149-2023	
5103 - Board of Zoning Appeals					
	Personal Services	\$ 5,899.00	\$ 5,899.00		\$ 5,899.00
	Capital	\$ 7,334.00	\$ 7,334.00		\$ 7,334.00
	Total - 5103 Bd. Of Zoning Appeals	\$ 13,233.00	\$ 13,233.00		\$ 13,233.00
5104 - Special Improvement District					
	O.T.P.S	\$ 386,372.00	\$ 386,372.00		\$ 386,372.00
	Total - 5104 SID	\$ 386,372.00	\$ 386,372.00		\$ 386,372.00
5106 - Architect Bd of Review					
	Personal Services	\$ 11,796.00	\$ 11,796.00		\$ 11,796.00
	Capital	\$ 7,334.00	\$ 7,334.00		\$ 7,334.00
	Total - 5106 Arch Bd. Of Review	\$ 19,130.00	\$ 19,130.00		\$ 19,130.00
5602 - SBA Grants					
	O.T.P.S	\$ 164,750.00	\$ 164,750.00		\$ 164,750.00
	Total - 5602 SBA Grants	\$ 164,750.00	\$ 164,750.00		\$ 164,750.00
6201 - Service Administration					
	Personal Services	\$ 364,580.00	\$ 372,149.00		\$ 372,149.00
	O.T.P.S	\$ 7,590.00	\$ 7,590.00		\$ 7,590.00
	Capital	\$ 310.00	\$ 310.00		\$ 310.00
	Total - 6201 Service Admin	\$ 372,480.00	\$ 380,049.00		\$ 380,049.00
6202 Capital Projects Admin					
	O.T.P.S	\$ 23,000.00	\$ 23,000.00		\$ 23,000.00
	Total - 6202 Cap Proj Admin	\$ 23,000.00	\$ 23,000.00		\$ 23,000.00
6207 - Vehicle Maintenance					
	Personal Services	\$ 918,884.00	\$ 918,884.00		\$ 918,884.00
	O.T.P.S	\$ 1,593,196.00	\$ 1,613,196.00		\$ 1,613,196.00
	Capital	\$ 20,240.00	\$ 20,240.00		\$ 20,240.00
	Total - 6207 Vehicle Maintenance	\$ 2,532,320.00	\$ 2,552,320.00		\$ 2,552,320.00
6208 - Sewer Maintenance					
	Personal Services	\$ 1,445,806.00	\$ 1,445,806.00		\$ 1,445,806.00
	O.T.P.S	\$ 343,985.00	\$ 343,985.00		\$ 343,985.00
	Capital	\$ 4,200.00	\$ 4,200.00		\$ 4,200.00
	Total - 6208 Sewer Maintenance	\$ 1,793,991.00	\$ 1,793,991.00		\$ 1,793,991.00
6211 - Traffic Signs & Signals					
	Personal Services	\$ 65,689.00	\$ 65,689.00		\$ 65,689.00
	O.T.P.S	\$ 149,815.00	\$ 149,815.00		\$ 149,815.00
	Total - 6211 Traffics Signs Signals	\$ 215,504.00	\$ 215,504.00		\$ 215,504.00
7201 - Police Administration					
	Personal Services	\$ 9,405,357.00	\$ 9,405,357.00		\$ 9,405,357.00
	O.T.P.S	\$ 731,650.00	\$ 731,650.00		\$ 731,650.00
	Capital	\$ 24,750.00	\$ 24,750.00		\$ 24,750.00
	Other Financing Uses	\$ 1,250,000.00	\$ 1,250,000.00		\$ 1,250,000.00
	Total - 3101 Finance	\$ 11,411,757.00	\$ 11,411,757.00		\$ 11,411,757.00
7202 - Police Academy					
	Personal Services	\$ 92,428.00	\$ 92,428.00		\$ 92,428.00
	O.T.P.S	\$ 69,175.00	\$ 69,175.00		\$ 69,175.00
	Total - 7202 Police Academy	\$ 161,603.00	\$ 161,603.00		\$ 161,603.00
7301 - Fire Administration					
	Personal Services	\$ 7,192,587.00	\$ 7,192,587.00		\$ 7,192,587.00
	O.T.P.S	\$ 312,842.00	\$ 312,842.00		\$ 312,842.00
	Other Financing Uses	\$ 1,525,000.00	\$ 1,525,000.00		\$ 1,525,000.00
	Total - 7301 Fire Admin	\$ 9,030,429.00	\$ 9,030,429.00		\$ 9,030,429.00
7302 - Joint Dispatch					
	O.T.P.S	\$ 1,676,668.00	\$ 1,676,668.00		\$ 1,676,668.00
	Total - 7302 Joint Dispatch	\$ 1,676,668.00	\$ 1,676,668.00		\$ 1,676,668.00
7303 - Fire Prevention					
	Personal Services	\$ 101,556.00	\$ 101,556.00		\$ 101,556.00
	O.T.P.S	\$ 21,949.00	\$ 21,949.00		\$ 21,949.00
	Capital	\$ 1,000.00	\$ 1,000.00		\$ 1,000.00
	Total - 7303 Fire Prevention	\$ 124,505.00	\$ 124,505.00		\$ 124,505.00
7401 - Building Services					
	O.T.P.S	\$ 1,012,000.00	\$ 1,412,000.00		\$ 1,412,000.00
	Other Financing Uses	\$ -	\$ 70,000.00		\$ 70,000.00
	Total - 7401 Building Services	\$ 1,012,000.00	\$ 1,482,000.00		\$ 1,482,000.00

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Department	Object	Original	August's Budget	September's Budget	Amended Budget
			Adjustment Ord. # 118-2023	Adjustment Ord. # 149-2023	
7402 - Housing Inspections	Personal Services	\$ 12,278.00	\$ 12,278.00		\$ 12,278.00
	O.T.P.S	\$ 117,025.00	\$ 117,025.00		\$ 117,025.00
	Capital	\$ 2,500.00	\$ 2,500.00		\$ 2,500.00
	Total - 7402 Housing Inspections	\$ 131,803.00	\$ 131,803.00		\$ 131,803.00
8101 - Community Services Admin	Personal Services	\$ 4,620.00	\$ 4,620.00		\$ 4,620.00
	O.T.P.S	\$ 4,620.00	\$ 4,620.00		\$ 4,620.00
	Total - 8101 Comm Serv Admin				
8201 - Public Prop/Park Maint	Personal Services	\$ 1,138,204.00	\$ 1,138,204.00		\$ 1,138,204.00
	O.T.P.S	\$ 1,000,990.00	\$ 1,028,042.00		\$ 1,028,042.00
	Total - 8201 Public Prop Maint	\$ 2,139,194.00	\$ 2,166,246.00		\$ 2,166,246.00
8401 - Parks & Rec Admin	Personal Services	\$ 329,921.00	\$ 355,727.00		\$ 355,727.00
	O.T.P.S	\$ 31,185.00	\$ 40,185.00		\$ 40,185.00
	Total - 8401 Parks & Rec Admin	\$ 361,106.00	\$ 395,912.00		\$ 395,912.00
8403 - Swimming Pools	Personal Services	\$ 250,540.00	\$ 250,540.00		\$ 250,540.00
	O.T.P.S	\$ 168,139.00	\$ 168,139.00		\$ 168,139.00
	Total - 8403 Swimming Pools	\$ 418,679.00	\$ 418,679.00		\$ 418,679.00
8405 - Ice Programs	Personal Services	\$ 173,175.00	\$ 173,175.00		\$ 173,175.00
	O.T.P.S	\$ 20,702.00	\$ 20,702.00		\$ 20,702.00
	Total - 8405 Ice Programs	\$ 193,877.00	\$ 193,877.00		\$ 193,877.00
8406 - General Recreation Prog	Personal Services	\$ 118,337.00	\$ 118,337.00		\$ 118,337.00
	O.T.P.S	\$ 49,760.00	\$ 49,760.00		\$ 49,760.00
	Capital	\$ 200.00	\$ 200.00		\$ 200.00
	Total - 8406 General Rec Prog	\$ 168,297.00	\$ 168,297.00		\$ 168,297.00
8409 - Sports Programs	Personal Services	\$ 126,995.00	\$ 126,995.00		\$ 126,995.00
	O.T.P.S	\$ 70,571.00	\$ 70,571.00		\$ 70,571.00
	Other Financing Uses	\$ 200.00	\$ 200.00		\$ 200.00
	Total - 8409 Sports Programs	\$ 197,766.00	\$ 197,766.00		\$ 197,766.00
8411 - Comm Center Admin	Personal Services	\$ 662,325.00	\$ 673,873.00		\$ 673,873.00
	O.T.P.S	\$ 351,311.00	\$ 411,311.00		\$ 411,311.00
	Other Financing Uses	\$ 1,400.00	\$ 1,400.00		\$ 1,400.00
	Total - 8411 Comm Center Admin	\$ 1,015,036.00	\$ 1,086,584.00		\$ 1,086,584.00
8501 - Office on Aging Admin	Personal Services	\$ 134,377.00	\$ 134,377.00		\$ 134,377.00
	O.T.P.S	\$ 20,287.00	\$ 20,287.00		\$ 20,287.00
	Other Financing Uses	\$ 210.00	\$ 210.00		\$ 210.00
	Total - 8501 Office on Aging	\$ 154,874.00	\$ 154,874.00		\$ 154,874.00
8601 - Public Health Admin	O.T.P.S	\$ 300,000.00	\$ 300,000.00		\$ 300,000.00
	Total - 8601 Public Health Admin	\$ 300,000.00	\$ 300,000.00		\$ 300,000.00
8701 - Animal Protection	O.T.P.S	\$ 28,526.00	\$ 28,526.00		\$ 28,526.00
	Total - 8701 Animal Protection	\$ 28,526.00	\$ 28,526.00		\$ 28,526.00
9101 - Municipal Court	Personal Services	\$ 1,082,261.00	\$ 1,082,261.00		\$ 1,082,261.00
	O.T.P.S	\$ 172,550.00	\$ 172,550.00		\$ 172,550.00
	Total - 9101 Municipal Court	\$ 1,254,811.00	\$ 1,254,811.00		\$ 1,254,811.00
Total Fund 101 - General Fund Budget		\$ 53,077,870.00	\$ 54,370,379.00		\$ 54,370,379.00

That there be appropriated from the SCM&R FUND, FUND NO. 201

6201 - Service Administration	Personal Services	\$ 55,777.00	\$ -	\$ -
	Total - 6201 Service Admin	\$ 55,777.00	\$ 58,553.00	\$ 58,553.00

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Department	Object	Original	August's Budget	September's Budget	Amended Budget
			Adjustment Ord. # 118-2023	Adjustment Ord. # 149-2023	
6208 - Sewer Maintenance	Personal Services	\$ 128,103.00	\$ 128,103.00		\$ 128,103.00
	Total - 6208 Sewer Maintenance	\$ 128,103.00	\$ 128,103.00		\$ 128,103.00
6213 - Monticello Blvd	O.T.P.S	\$ 37,802.00	\$ 37,802.00		\$ 37,802.00
	Total - 6211 Traffics Signs Signals	\$ 37,802.00	\$ 37,802.00		\$ 37,802.00
6215 - Road Repaving	O.T.P.S	\$ 20,480.00	\$ 20,480.00		\$ 20,480.00
	Total - 6215 Road Repaving	\$ 20,480.00	\$ 20,480.00		\$ 20,480.00
6220 - Taylor Road	O.T.P.S	\$ 63,799.00	\$ 63,799.00		\$ 63,799.00
	Total - 6220 Taylor Road	\$ 63,799.00	\$ 63,799.00		\$ 63,799.00
6236 - Annual Street Surface	Capital	\$ 2,300,000.00	\$ 2,300,000.00		\$ 2,300,000.00
	Total - 6236 Street Surface	\$ 2,300,000.00	\$ 2,300,000.00		\$ 2,300,000.00
6312 - Meadowbrook Blvd. Rehab	O.T.P.S	\$ 118,922.00	\$ 118,922.00		\$ 118,922.00
	Total - 6220 Taylor Road	\$ 118,922.00	\$ 118,922.00		\$ 118,922.00
Total Fund 201 - SCM&R Budget		\$ 2,724,883.00	\$ 2,727,659.00		\$ 2,727,659.00

That there be appropriated from the LAW ENFORCEMENT FUND, FUND NO. 206

7201 - Police Admin				\$ -
	O.T.P.S	\$ -	\$ 5,316.00	\$ 5,316.00
	Capital	\$ -	\$ 50,000.00	\$ 50,000.00
	Total - 7205 Law Enforcement	\$ -	\$ 55,316.00	\$ 55,316.00
7205 - Law Enforcement				\$ -
	O.T.P.S	\$ 88,800.00	\$ 88,800.00	\$ 88,800.00
	Total - 7205 Law Enforcement	\$ 88,800.00	\$ 88,800.00	\$ 88,800.00
7210 - Law Enforcement Grant				\$ -
	Personal Services		\$ 457,713.00	\$ 457,713.00
	O.T.P.S		\$ 11,193.00	\$ 11,193.00
	Capital		\$ 52,998.00	\$ 52,998.00
	Total - 7210 Law Enforcement Grant	\$ -	\$ 521,904.00	\$ 521,904.00
Total Fund 206 - Law Enforcement Budget		\$ 88,800.00	\$ 666,020.00	\$ 666,020.00

That there be appropriated from the DRUG LAW ENFORCEMENT FUND, FUND NO. 207

7206 - Drug Law Enforcement				\$ -
	Personal Services	\$ 65,943.00	\$ 65,943.00	\$ 65,943.00
	O.T.P.S	\$ 98,750.00	\$ 98,750.00	\$ 98,750.00
	Total - 7206 Drug Law Enforcement	\$ 164,693.00	\$ 164,693.00	\$ 164,693.00
Total Fund 207 - Drug Law Enforcement Budget		\$ 164,693.00	\$ 164,693.00	\$ 164,693.00

That there be appropriated from the C.D.B.G RESOURCES FUND, FUND NO. 208

5201 - CDBG Financial Admin				\$ -
	Personal Services	\$ 13,852.00	\$ 13,852.00	\$ 13,852.00
	Total - 5201 CDBG Financial Admin	\$ 13,852.00	\$ 13,852.00	\$ 13,852.00
5203 - CDBG Admin Contracts				\$ -
	O.T.P.S	\$ 404,075.00	\$ 635,028.00	\$ 635,028.00
	Total - 5203 CDBG Admin Contracts	\$ 404,075.00	\$ 635,028.00	\$ 635,028.00
5211 - CDBG Comm. Area Improve.				\$ -
	Capital	\$ 181,531.00	\$ 62,795.00	\$ 62,795.00
	Total - 5211 Comm. Area Improve.	\$ 181,531.00	\$ 62,795.00	\$ 62,795.00
5220 - CDBG Office on Aging				\$ -
	Personal Services	\$ 39,143.00	\$ 39,143.00	\$ 39,143.00
	Total - 5201 CDBG Admin	\$ 39,143.00	\$ 39,143.00	\$ 39,143.00
5222 - Economic Development				\$ -
	Personal Services	\$ 67,619.00	\$ 67,619.00	\$ 67,619.00
	O.T.P.S	\$ 1,352,000.00	\$ 1,306,909.00	\$ 1,306,909.00
	Capital	\$ 1,200.00	\$ -	\$ -
	Total - 5222 Economic Development	\$ 1,420,819.00	\$ 1,374,528.00	\$ 1,374,528.00

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Department	Object	Original	August's Budget	September's Budget	Amended Budget
			Adjustment Ord. # 118-2023	Adjustment Ord. # 149-2023	
5224- - CDBG Admin	Personal Services	\$ 128,170.00	\$ 129,574.00		\$ 129,574.00
	O.T.P.S	\$ 124,900.00	\$ 112,158.00		\$ 112,158.00
	Capital	\$ 4,500.00	\$ 4,500.00		\$ 4,500.00
	Total - 5224 CDBG Admin	\$ 257,570.00	\$ 246,232.00		\$ 246,232.00
5228 - CDBG Public Works					
	O.T.P.S	\$ 200,000.00	\$ -		\$ -
	Capital	\$ -	\$ 564,653.00		\$ 564,653.00
	Total - 5228 - Public Works	\$ 200,000.00	\$ 564,653.00		\$ 564,653.00
5301 - CDBG Home Repair Resource					
	O.T.P.S	\$ 207,845.00	\$ 359,376.00		\$ 359,376.00
	Total - 5301 CDBG Home Repair	\$ 207,845.00	\$ 359,376.00		\$ 359,376.00
5303 - CDBG Housing Pres Office					
	Personal Services	\$ 417,923.00	\$ 417,923.00		\$ 417,923.00
	O.T.P.S	\$ 305,000.00	\$ 760,013.00		\$ 760,013.00
	Capital	\$ 2,000.00	\$ 2,000.00		\$ 2,000.00
	Total - 5303 CDBG Housing Pres Office	\$ 724,923.00	\$ 1,179,936.00		\$ 1,179,936.00
5304 - CDBG Code Enforce					
	Personal Services	\$ 69,513.00	\$ 69,513.00		\$ 69,513.00
	O.T.P.S	\$ -	\$ -		\$ -
	Total - 5304 CDBG Code Enforce	\$ 69,513.00	\$ 69,513.00		\$ 69,513.00
5309 - GIS					
	Personal Services	\$ 98,165.00	\$ 98,165.00		\$ 98,165.00
	O.T.P.S	\$ 5,000.00	\$ 900.00		\$ 900.00
	Capital	\$ 6,500.00	\$ 6,500.00		\$ 6,500.00
	Total - 5309 GIS	\$ 109,665.00	\$ 105,565.00		\$ 105,565.00
8407 - Child Care					
	O.T.P.S	\$ 15,000.00	\$ 17,653.00		\$ 17,653.00
	Total - 8407 Child Care	\$ 15,000.00	\$ 17,653.00		\$ 17,653.00
Total Fund 208 - CDBG Budget		\$ 3,643,936.00	\$ 4,668,274.00		\$ 4,668,274.00

That there be appropriated from the HOME PROGRAM FUND, FUND NO. 211

5503 - Home Admin				
	O.T.P.S	\$ 400,000.00	\$ 400,000.00	\$ 400,000.00
	Total - 5503 Home Admin	\$ 400,000.00	\$ 400,000.00	\$ 400,000.00
5505 - Home Program Income				
	O.T.P.S	\$ 122,000.00	\$ 154,447.00	\$ 154,447.00
	Total - 5505 Home Program Income	\$ 122,000.00	\$ 154,447.00	\$ 154,447.00
Total Fund 211 - Home Program Budget		\$ 522,000.00	\$ 554,447.00	\$ 554,447.00

That there be appropriated from the FEMA GRANT FUND, FUND NO. 212

7301 - Fire Admin				
	O.T.P.S	\$ -	\$ 9,277.00	\$ 9,277.00
	Total - 7301 Fire Admin	\$ -	\$ 9,277.00	\$ 9,277.00
7801 - Assistance to Firefighter				
	O.T.P.S	\$ -	\$ 29,091.00	\$ 29,091.00
	Total - 7801 Assistance to Firefighter	\$ -	\$ 29,091.00	\$ 29,091.00
Total Fund 212 FEMA Grant		\$ -	\$ 38,368.00	\$ 38,368.00

That there be appropriated from the POLICE FACILITY IMPR. FUND, FUND NO. 213

7201 - Police Admin				
	O.T.P.S	\$ 25,000.00	\$ 25,000.00	\$ 25,000.00
	Capital	\$ -	\$ -	\$ -
	Total - 7201 Police Admin	\$ 25,000.00	\$ 25,000.00	\$ 25,000.00
Total Fund 213 - Police Facility Budget		\$ 25,000.00	\$ 25,000.00	\$ 25,000.00

That there be appropriated from the LOCAL PROGRAMMING FUND, FUND NO. 214

2108 - General Operations				
	O.T.P.S	\$ 74,086.00	\$ 74,086.00	\$ 74,086.00
	Total - 2108 General Operations	\$ 74,086.00	\$ 74,086.00	\$ 74,086.00

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Department	Object	Original	August's Budget	September's Budget	Amended Budget
			Adjustment Ord. # 118-2023	Adjustment Ord. #149-2023	
2201 - MIS	Capital	\$ 25,000.00	\$ 25,000.00		\$ 25,000.00
	Total - 2201 MIS	\$ 25,000.00	\$ 25,000.00		\$ 25,000.00
2502 - Public Relations	Personal Services	\$ 149,157.00	\$ 149,157.00		\$ 149,157.00
	Total - 2502 Public Relations	\$ 149,157.00	\$ 149,157.00		\$ 149,157.00
2601 - Cable TV Admin	Personal Services	\$ 27,000.00	\$ 27,000.00		\$ 27,000.00
	O.T.P.S	\$ 182,400.00	\$ 182,400.00		\$ 182,400.00
	Capital	\$ 70,000.00	\$ 70,000.00		\$ 70,000.00
	Total - 2601 Cable TV Admin	\$ 279,400.00	\$ 279,400.00		\$ 279,400.00
Total Fund 214 - Local Programming Budget		\$ 527,643.00	\$ 527,643.00		\$ 527,643.00

That there be appropriated from the CAIN PARK OPERATING FUND, FUND NO. 215

8408 - Ohio Arts Council	Personal Services	\$ -	\$ -	\$ -
	O.T.P.S	\$ -	\$ -	\$ 106,565.00
	Total - 8408 - Ohio Arts Council	\$ -	\$ -	\$ 106,565.00
8901 - Cain Park Admin	Personal Services	\$ 248,126.00	\$ 96,426.00	\$ 96,426.00
	O.T.P.S	\$ 1,079,450.00	\$ 1,231,150.00	\$ 1,231,150.00
	Total - 8901 Cain Park Admin	\$ 1,327,576.00	\$ 1,327,576.00	\$ 1,327,576.00
8905 - Arts Festival	O.T.P.S	\$ 27,600.00	\$ 27,600.00	\$ 27,600.00
	Total - 8905 Arts Festival	\$ 27,600.00	\$ 27,600.00	\$ 27,600.00
8906 - Theater	O.T.P.S	\$ 151,295.00	\$ 151,295.00	\$ 151,295.00
	Total - 8906 Theater	\$ 151,295.00	\$ 151,295.00	\$ 151,295.00
Total Fund 215 - Cain Park Budget		\$ 1,506,471.00	\$ 1,506,471.00	\$ 106,565.00
				\$ 1,613,036.00

That there be appropriated from the REC FACILITY IMPR. FUND, FUND NO. 216

3101 - Finance	Other Financing Sources	\$ 23,295.00	\$ 23,295.00	\$ 23,295.00
	Total - 3101 - Finance	\$ 23,295.00	\$ 23,295.00	\$ 23,295.00
8301 - Park Maint. Admin	O.T.P.S	\$ 167,000.00	\$ 167,000.00	\$ 167,000.00
	Capital	\$ 685,000.00	\$ 685,000.00	\$ 685,000.00
	Total - 8301 Park Maint. Admin	\$ 852,000.00	\$ 852,000.00	\$ 852,000.00
Total Fund 216 - Rec Facility Budget		\$ 875,295.00	\$ 875,295.00	\$ 875,295.00

That there be appropriated from the INDIGENT DUI TREATMENT FUND, FUND NO. 221

9101 - Municipal Court	O.T.P.S	\$ 40,000.00	\$ 40,000.00	\$ 40,000.00
	Total - 9101 - Municipal Court	\$ 40,000.00	\$ 40,000.00	\$ 40,000.00
Total Fund 221 - Indigent DUI Treatment		\$ 40,000.00	\$ 40,000.00	\$ 40,000.00

That there be appropriated from the MUNI COURT - COMPUTERIZATION FUND, FUND NO. 222

9101 - Municipal Court	Personal Services	\$ 10,191.00	\$ 10,191.00	\$ 10,191.00
	O.T.P.S	\$ 30,000.00	\$ 30,000.00	\$ 30,000.00
	Capital	\$ 20,000.00	\$ 20,000.00	\$ 20,000.00
	Total - 9101 - Municipal Court	\$ 60,191.00	\$ 60,191.00	\$ 60,191.00
Total Fund 222 - Muni Ct - Computerization		\$ 60,191.00	\$ 60,191.00	\$ 60,191.00

That there be appropriated from the MUNI COURT SPECIAL PROJECTS FUND, FUND NO. 225

9101 - Municipal Court	Personal Services	\$ 14,008.00	\$ 14,008.00	\$ 14,008.00
	O.T.P.S	\$ 35,500.00	\$ 35,500.00	\$ 35,500.00
	Capital	\$ 75,000.00	\$ 75,000.00	\$ 75,000.00
	Total - 9101 - Municipal Court	\$ 124,508.00	\$ 124,508.00	\$ 124,508.00
Total Fund 225 - Muni Ct Special Projects		\$ 124,508.00	\$ 124,508.00	\$ 124,508.00

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Department	Object	Original	August's Budget Adjustment Ord. # 118-2023	September's Budget Adjustment Ord. # 149-2023	Amended Budget
That there be appropriated from the <u>LEAD SAFE CUYAHOGA FUND, FUND NO. 226</u>					
5303 - CDBG Pres Office	O.T.P.S	\$ 789,585.00	\$ 989,585.00		\$ 989,585.00
	Total - 5303 CDBG Housing Pres Office	\$ 789,585.00	\$ 989,585.00		\$ 989,585.00
Total Fund 226 - Lead Safe Cuyahoga Budget		\$ 789,585.00	\$ 989,585.00		\$ 989,585.00
That there be appropriated from the <u>C.D.B.G. - COVID FUND, FUND NO. 228</u>					
5203- CDBG Admin Contracts	O.T.P.S.	\$ 193,035.00	\$ 193,039.00		\$ 193,039.00
	Total - 5203 Admin Contract	\$ 193,035.00	\$ 193,039.00		\$ 193,039.00
5220 - CDBG Office on Aging	O.T.P.S.	\$ 50,000.00	\$ 50,000.00		\$ 50,000.00
	Total - 5220 CDBG Office on Aging	\$ 50,000.00	\$ 50,000.00		\$ 50,000.00
5222 - Economic Development	O.T.P.S	\$ 290,000.00	\$ 290,000.00		\$ 290,000.00
	Total - 5222 Economic Development	\$ 290,000.00	\$ 290,000.00		\$ 290,000.00
5224- - CDBG Admin	O.T.P.S	\$ 29,000.00	\$ 29,000.00		\$ 29,000.00
	Total - 5224 CDBG Admin	\$ 29,000.00	\$ 29,000.00		\$ 29,000.00
Total Fund 228 - CDBG Covid Budget		\$ 562,035.00	\$ 562,039.00		\$ 562,039.00
That there be appropriated from the <u>STREET LIGHTING FUND, FUND NO. 230</u>					
3101 - Finance	O.T.P.S	\$ 10,500.00	\$ 10,500.00		\$ 10,500.00
	Total - 3101 Finance	\$ 10,500.00	\$ 10,500.00		\$ 10,500.00
6211 - Traffic Signals & Lights	O.T.P.S	\$ 681,000.00	\$ 681,000.00		\$ 681,000.00
	Total - 8301 Park Maint. Admin	\$ 681,000.00	\$ 681,000.00		\$ 681,000.00
Total Fund 230 - Street Lighting Budget		\$ 691,500.00	\$ 691,500.00		\$ 691,500.00
That there be appropriated from the <u>TREE FUND, FUND NO. 231</u>					
310Z - Operating Transfers	Other Financing Uses	\$ 17,455.00	\$ 17,455.00		\$ 17,455.00
	Total - 8301 Park Maint. Admin	\$ 17,455.00	\$ 17,455.00		\$ 17,455.00
8801 - Forestry	Personal Services	\$ 825,792.00	\$ 825,792.00		\$ 825,792.00
	O.T.P.S	\$ 375,554.00	\$ 375,554.00		\$ 375,554.00
	Capital	\$ 2,000.00	\$ 2,000.00		\$ 2,000.00
	Total - 8801 Forestry	\$ 1,203,346.00	\$ 1,203,346.00		\$ 1,203,346.00
Total Fund 231 - Tree Budget		\$ 1,220,801.00	\$ 1,220,801.00		\$ 1,220,801.00
That there be appropriated from the <u>POLICE PENSION FUND, FUND NO. 232</u>					
7201 - Police Pension	Personal Services	\$ 1,512,244.00	\$ 1,576,244.00		\$ 1,576,244.00
	Total 7201 - Police Pension	\$ 1,512,244.00	\$ 1,576,244.00		\$ 1,576,244.00
Total Fund 232 - Police Pension Budget		\$ 1,512,244.00	\$ 1,576,244.00		\$ 1,576,244.00
That there be appropriated from the <u>FIRE PENSION FUND, FUND NO. 233</u>					
7301 - Fire Pension	Personal Services	\$ 1,764,663.00	\$ 1,764,663.00		\$ 1,764,663.00
	Total 7301 - Fire Pension	\$ 1,764,663.00	\$ 1,764,663.00		\$ 1,764,663.00
Total Fund 233 - Fire Pension Budget		\$ 1,764,663.00	\$ 1,764,663.00		\$ 1,764,663.00
That there be appropriated from the <u>EARNED BENEFITS FUND, FUND NO. 234</u>					
2108 - General Operations	Personal Services	\$ 400,000.00	\$ 400,000.00		\$ 400,000.00
	Total 7301 - Fire Pension	\$ 400,000.00	\$ 400,000.00		\$ 400,000.00
Total Fund 234 - Earned Benefits Budget		\$ 400,000.00	\$ 400,000.00		\$ 400,000.00

ORDINANCE NO. 149-2023
 AN ORDINANCE AMENDING APPROPRIATIONS FOR THE
 CURRENT EXPENSES AND OTHER EXPENDITURES OF THE
 CITY OF CLEVELAND HEIGHTS, OHIO
 FOR THE FISCAL YEAR ENDING DECEMBER 31, 2023

Department	Object	Original	August's Budget Adjustment Ord. # 118-2023	September's Budget Adjustment Ord. # 149-2023	Amended Budget
That there be appropriated from the <u>FEDERAL MISCELLANEOUS GRANT FUND, FUND NO. 240</u>					
5101 - Planning	O.T.P.S.	\$ 200,000.00	\$ 200,000.00		\$ 200,000.00
	Total - 5101 Planning	\$ 200,000.00	\$ 200,000.00		\$ 200,000.00
Total Fund 240 - Fed Misc Grants		\$ 200,000.00	\$ 200,000.00		\$ 200,000.00
That there be appropriated from the <u>LOCAL FISCAL RECOVERY FUND, FUND NO. 241</u>					
2108 - General Operations	O.T.P.S	\$ 19,000,000.00	\$ 17,177,495.00		\$ 17,177,495.00
	Total - 2108 - General Operations	\$ 19,000,000.00	\$ 17,177,495.00		\$ 17,177,495.00
2201 - MIS	Capital	\$ 400,000.00	\$ 400,000.00		\$ 400,000.00
	Total - 2201 MIS	\$ 400,000.00	\$ 400,000.00		\$ 400,000.00
6205 - Sewer Maint	Capital	\$ 6,800,000.00	\$ 6,800,000.00		\$ 6,800,000.00
	Total - 6205 Sewer Maint	\$ 6,800,000.00	\$ 6,800,000.00		\$ 6,800,000.00
7201 - Police Admin	Capital	\$ 200,000.00	\$ 200,000.00		\$ 200,000.00
	Total - 7201 Police Admin	\$ 200,000.00	\$ 200,000.00		\$ 200,000.00
7301 - Fire Admin	Capital	\$ 340,000.00	\$ 362,505.00		\$ 362,505.00
	Total 7301 Fire Ad,in	\$ 340,000.00	\$ 362,505.00		\$ 362,505.00
8411 - Comm Center Admin	Capital	\$ -	\$ 1,800,000.00		\$ 1,800,000.00
	Total - 8411 Comm Center Admin	\$ -	\$ 1,800,000.00		\$ 1,800,000.00
Total Fund 241 - Local Fiscal Recovery Budget		\$ 26,740,000.00	\$ 26,740,000.00		\$ 26,740,000.00
That there be appropriated from the <u>NOPEC FUND, FUND NO. 244</u>					
2108 - General Operations	O.T.P.S	\$ -	\$ 28,500.00		\$ 28,500.00
	Total - 2108 - General Operations	\$ -	\$ 28,500.00		\$ 28,500.00
7301 - Fire Admin	Capital	\$ -	\$ 45,000.00		\$ 45,000.00
	Total 7301 Fire Ad,in	\$ -	\$ 45,000.00		\$ 45,000.00
Total Fund 241 - Local Fiscal Recovery Budget		\$ -	\$ 73,500.00		\$ 73,500.00
That there be appropriated from the <u>TOP-OF-THE-HILL TIF FUND, FUND NO. 260</u>					
3101 - Finance	O.T.P.S.	\$ -	\$ -	\$ 516,964.00	\$ 516,964.00
	Total - 3101 Finance	\$ -	\$ -		\$ 516,964.00
Total Fund 261 - Cedar Lee & Meadowbrook TIF Budget		\$ -	\$ -	\$ 516,964.00	\$ 516,964.00
That there be appropriated from the <u>CEDAR LEE & MEADOWBROOK TIF FUND, FUND NO. 261</u>					
3101 - Finance	O.T.P.S.	\$ -	\$ 10,182,969.00		\$ 10,182,969.00
	Total - 3101 Finance	\$ -	\$ 10,182,969.00		\$ 10,182,969.00
Total Fund 261 - Cedar Lee & Meadowbrook TIF Budget		\$ -	\$ 10,182,969.00		\$ 10,182,969.00
That there be appropriated from the <u>G.O. BOND RETIREMENT FUND, FUND NO. 301</u>					
3101 - Finance	O.T.P.S.	\$ 1,580,114.00	\$ 1,580,114.00		\$ 1,580,114.00
	Total - 3101 Finance	\$ 1,580,114.00	\$ 1,580,114.00		\$ 1,580,114.00
Total Fund 301 - GO Bond Retirement Budget		\$ 1,580,114.00	\$ 1,580,114.00		\$ 1,580,114.00

ORDINANCE NO. 149-2023
 AN ORDINANCE AMENDING APPROPRIATIONS FOR THE
 CURRENT EXPENSES AND OTHER EXPENDITURES OF THE
 CITY OF CLEVELAND HEIGHTS, OHIO
 FOR THE FISCAL YEAR ENDING DECEMBER 31, 2023

Department	Object	Original	August's Budget Adjustment Ord. # 118-2023	September's Budget Adjustment Ord. # 149-2023	Amended Budget
That there be appropriated from the <u>FINANCED CAPITAL PROJECTS FUND, FUND NO. 402</u>					
2108 - General Operations					
Capital		\$ -	\$ 150,000.00		\$ 150,000.00
Total - 2108 - General Operations		\$ -	\$ 150,000.00		\$ 150,000.00
2101 - Mayor					
Capital		\$ -	\$ -	\$ 39,471.00	\$ 39,471.00
Total - 2201 Mayor		\$ -	\$ -		\$ 39,471.00
2201 - Management Info Serv.					
Capital		\$ 522,000.00	\$ 522,000.00		\$ 522,000.00
Total - 2201 Management Info Services		\$ 522,000.00	\$ 522,000.00		\$ 522,000.00
5101 - Planning					
Capital		\$ 350,000.00	\$ 250,000.00	\$ 168,328.00	\$ 418,328.00
Total 5101 Planning		\$ 350,000.00	\$ 250,000.00		\$ 418,328.00
6201 - DPW					
Capital		\$ 420,000.00	\$ 1,251,835.00		\$ 1,251,835.00
Total - 6201 DPW		\$ 420,000.00	\$ 1,251,835.00		\$ 1,251,835.00
7201 - Police Admin					
Capital		\$ 40,000.00	\$ 40,000.00	\$ 7,110.00	\$ 47,110.00
Total 7201 Police Admin		\$ 40,000.00	\$ 40,000.00		\$ 47,110.00
8201 - Public Property					
Capital		\$ 235,000.00	\$ 362,000.00		\$ 362,000.00
Total - 8201 Public Property		\$ 235,000.00	\$ 362,000.00		\$ 362,000.00
Total Fund 402 - Finance Capital Projects Budget		<u>\$ 1,567,000.00</u>	<u>\$ 2,575,835.00</u>	<u>\$ 214,909.00</u>	<u>\$ 2,790,744.00</u>
That there be appropriated from the <u>ECONOMIC DEVELOPMENT FUND, FUND NO. 411</u>					
5101 - Planning					
O.T.P.S.		\$ 312,000.00	\$ 312,000.00		\$ 312,000.00
Capital		\$ 7,334.00	\$ 7,334.00		\$ 7,334.00
Total - 5101 Planning		\$ 319,334.00	\$ 319,334.00		\$ 319,334.00
Total Fund 411 - Economic Development Budget		<u>\$ 319,334.00</u>	<u>\$ 319,334.00</u>		<u>\$ 319,334.00</u>
That there be appropriated from the <u>CITY HALL MAINT. & REPAIR FUND, FUND NO. 412</u>					
2102 - City Hall Maint Repair					
O.T.P.S.		\$ 15,000.00	\$ 15,000.00		\$ 15,000.00
Total - 2102 City Hall Maint		\$ 15,000.00	\$ 15,000.00		\$ 15,000.00
Total Fund 412 - City Hall Maint & Repair Budget		<u>\$ 15,000.00</u>	<u>\$ 15,000.00</u>		<u>\$ 15,000.00</u>
That there be appropriated from the <u>REFUSE CAPITAL FUND, FUND NO. 416</u>					
6203 - Refuse Collect					
Capital		\$ 380,000.00	\$ 380,000.00		\$ 380,000.00
Total - 6203 Refuse Collect		\$ 380,000.00	\$ 380,000.00		\$ 380,000.00
Total Fund 416 - Refuse Capital Budget		<u>\$ 380,000.00</u>	<u>\$ 380,000.00</u>		<u>\$ 380,000.00</u>
That there be appropriated from the <u>WATER ADMINISTRATION FUND, FUND NO. 601</u>					
6301 - Water Admin					
O.T.P.S.		\$ 500.00	\$ 500.00		\$ 500.00
Total - 6301 - Water Admin		\$ 500.00	\$ 500.00		\$ 500.00
6302 - Water Distribution					
O.T.P.S.		\$ -	\$ -		\$ -
Capital		\$ 1,305,500.00	\$ 1,305,500.00		\$ 1,305,500.00
Total - 6302 - Water Distrib		\$ 1,305,500.00	\$ 1,305,500.00		\$ 1,305,500.00
6314 - Runnymede					
O.T.P.S.		\$ 20,207.00	\$ 20,207.00		\$ 20,207.00
Total - 6314 - Runnymede		\$ 20,207.00	\$ 20,207.00		\$ 20,207.00
6326 - Cedar Water					
O.T.P.S.		\$ 47,044.00	\$ 47,044.00		\$ 47,044.00
Total - 6326 Cedar Water		\$ 47,044.00	\$ 47,044.00		\$ 47,044.00
Total Fund 601 - Water Administration Budget		<u>\$ 1,373,251.00</u>	<u>\$ 1,373,251.00</u>		<u>\$ 1,373,251.00</u>

ORDINANCE NO. 149-2023
 AN ORDINANCE AMENDING APPROPRIATIONS FOR THE
 CURRENT EXPENSES AND OTHER EXPENDITURES OF THE
 CITY OF CLEVELAND HEIGHTS, OHIO
 FOR THE FISCAL YEAR ENDING DECEMBER 31, 2023

Department	Object	Original	August's Budget Adjustment Ord. # 118-2023	September's Budget Adjustment Ord. #149-2023	Amended Budget
That there be appropriated from the <u>SEWERAGE FUND, FUND NO. 602</u>					
6205 - Sewer Maint	Personal Services	\$ 1,498,645.00	\$ 1,499,402.00		\$ 1,499,402.00
	O.T.P.S.	\$ 946,150.00	\$ 946,150.00		\$ 946,150.00
	Capital	\$ 5,151,041.00	\$ 5,151,041.00		\$ 5,151,041.00
	Other Financing Sources	\$ 12,000.00	\$ 12,000.00		\$ 12,000.00
	Total - 6205 - Sewer Maint	<u>\$ 7,607,836.00</u>	<u>\$ 7,608,593.00</u>		<u>\$ 7,608,593.00</u>
6301 - Water Admin	O.T.P.S.	\$ 8,000.00	\$ 8,000.00		\$ 8,000.00
	Total - 6301 - Water Admin	<u>\$ 8,000.00</u>	<u>\$ 8,000.00</u>		<u>\$ 8,000.00</u>
6312 - Meadowbrook	O.T.P.S.	\$ 8,522.00	\$ 8,522.00		\$ 8,522.00
	Total - 6312 - Meadowbrook	<u>\$ 8,522.00</u>	<u>\$ 8,522.00</u>		<u>\$ 8,522.00</u>
6326 - Cedar Water	O.T.P.S.	\$ 4,267.00	\$ 4,267.00		\$ 4,267.00
	Total - 6326 Cedar Water	<u>\$ 4,267.00</u>	<u>\$ 4,267.00</u>		<u>\$ 4,267.00</u>
6327 - Demmington Sewer	O.T.P.S.	\$ 38,240.00	\$ 38,240.00		\$ 38,240.00
	Total - 6327 Demmington	<u>\$ 38,240.00</u>	<u>\$ 38,240.00</u>		<u>\$ 38,240.00</u>
Total Fund 602 - Sewer Budget		<u>\$ 7,666,865.00</u>	<u>\$ 7,667,622.00</u>		<u>\$ 7,667,622.00</u>

That there be appropriated from the PARKING FUND, FUND NO. 603

6210 - Parking Dept	O.T.P.S.	\$ 1,011,525.00	\$ 1,013,025.00	\$ 1,013,025.00
	Other Financing Uses	\$ -	\$ 800.00	\$ 800.00
	Total - 6210 Parking Dept	<u>\$ 1,011,525.00</u>	<u>\$ 1,013,825.00</u>	<u>\$ 1,013,825.00</u>
Total Fund 603 - Parking Budget		<u>\$ 1,011,525.00</u>	<u>\$ 1,013,825.00</u>	<u>\$ 1,013,825.00</u>

That there be appropriated from the REFUSE FUND, FUND NO. 605

6203 - Refuse Collect	Personal Services	\$ 2,565,458.00	\$ 2,565,458.00	\$ 2,565,458.00
	O.T.P.S.	\$ 1,329,218.00	\$ 1,329,218.00	\$ 1,329,218.00
	Capital	\$ 33,000.00	\$ 33,000.00	\$ 33,000.00
	Total - 6203 Refuse Collect	<u>\$ 3,927,676.00</u>	<u>\$ 3,927,676.00</u>	<u>\$ 3,927,676.00</u>
Total Fund 605 - Refuse Budget		<u>\$ 3,927,676.00</u>	<u>\$ 3,927,676.00</u>	<u>\$ 3,927,676.00</u>

That there be appropriated from the ALS AMBULANCE SERVICES FUND, FUND NO. 606

7304 - Ambulance Services	Personal Services	\$ 434,487.00	\$ 434,487.00	\$ 434,487.00
	O.T.P.S.	\$ 355,150.00	\$ 358,150.00	\$ 358,150.00
	Capital	\$ 296,600.00	\$ 296,600.00	\$ 296,600.00
	Total - 7304 Ambulance Services	<u>\$ 1,086,237.00</u>	<u>\$ 1,089,237.00</u>	<u>\$ 1,089,237.00</u>
Total Fund 606 - ALS Ambulance Services Budget		<u>\$ 1,086,237.00</u>	<u>\$ 1,089,237.00</u>	<u>\$ 1,089,237.00</u>

That there be appropriated from the HOSPITALIZATION SELF-INS FUND, FUND NO. 701

3101 - Finance	Personal Services	\$ 7,000,000.00	\$ 7,000,000.00	\$ 7,000,000.00
	Total - 3101 Finance	<u>\$ 7,000,000.00</u>	<u>\$ 7,000,000.00</u>	<u>\$ 7,000,000.00</u>
Total Fund 701 Hospitalization Budget		<u>\$ 7,000,000.00</u>	<u>\$ 7,000,000.00</u>	<u>\$ 7,000,000.00</u>

That there be appropriated from the OFFICE ON AGING FUND, FUND NO. 804

8501 - Off On Aging Admin	O.T.P.S.	\$ 7,430.00	\$ 7,430.00	\$ 7,430.00
	Total - 8501 - Off On Agin Admin	<u>\$ 7,430.00</u>	<u>\$ 7,430.00</u>	<u>\$ 7,430.00</u>
8502 - Off On Aging Computer	O.T.P.S.	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00
	Capital	\$ 3,000.00	\$ 3,000.00	\$ 3,000.00
	Total - 8501 - Off On Agin Computer	<u>\$ 8,000.00</u>	<u>\$ 8,000.00</u>	<u>\$ 8,000.00</u>
Total Fund 804 Office on Aging Budget		<u>\$ 15,430.00</u>	<u>\$ 15,430.00</u>	<u>\$ 15,430.00</u>

ORDINANCE NO. 149-2023
 AN ORDINANCE AMENDING APPROPRIATIONS FOR THE
 CURRENT EXPENSES AND OTHER EXPENDITURES OF THE
 CITY OF CLEVELAND HEIGHTS, OHIO
 FOR THE FISCAL YEAR ENDING DECEMBER 31, 2023

Department	Object	Original	August's Budget Adjustment Ord. # 118-2023	September's Budget Adjustment Ord. #149-2023	Amended Budget
That there be appropriated from the YOUTH RECREATION FUND, FUND NO. 808					
8101 - Community Services Admin					
Other Financing Uses		\$ 5,000.00	\$ 5,000.00		\$ 5,000.00
Total - 89101 Community Services Admin		\$ 5,000.00	\$ 5,000.00		\$ 5,000.00
Total Fund 808 Youth RecreationsBudget		\$ 5,000.00	\$ 5,000.00		\$ 5,000.00
That there be appropriated from the JUVENILE DIVERSION PROG FUND, FUND NO. 811					
7209 - Junenile Diversion					
O.T.P.S.		\$ 10,000.00	\$ 10,000.00		\$ 10,000.00
Total - 7209 Juvenile Diversion		\$ 10,000.00	\$ 10,000.00		\$ 10,000.00
Total Fund 811 Juvenile Diversion		\$ 10,000.00	\$ 10,000.00		\$ 10,000.00
That there be appropriated from the SALES TAX FUND, FUND NO. 857					
3101 - Finance					
Other Financing Uses		\$ 250.00	\$ 250.00		\$ 250.00
Total - 3101 Finance		\$ 250.00	\$ 250.00		\$ 250.00
Total Fund 857 Sales Tax Budget		\$ 250.00	\$ 250.00		\$ 250.00
That there be appropriated from the MISCELLANEOUS AGENCY FUND, FUND NO. 858					
3105 - Unclaimed Money					
Other Financing Uses		\$ 20,000.00	\$ 20,000.00		\$ 20,000.00
Total - 3105 Unclaimed Money		\$ 20,000.00	\$ 20,000.00		\$ 20,000.00
7201 - Police Admin					
O.T.P.S.		\$ 60,000.00	\$ 60,000.00		\$ 60,000.00
Total - 7201 Police Admin		\$ 60,000.00	\$ 60,000.00		\$ 60,000.00
7401 - Building Services					
Other Financing Uses		\$ 12,000.00	\$ 72,000.00		\$ 72,000.00
Total - 7401 Building Services		\$ 12,000.00	\$ 72,000.00		\$ 72,000.00
7402 - Housing Inspections					
Other Financing Uses		\$ 350,000.00	\$ 350,000.00		\$ 350,000.00
Total - 7201 Police Admin		\$ 350,000.00	\$ 350,000.00		\$ 350,000.00
Total Fund 858 Misc. Agency Budget		\$ 442,000.00	\$ 502,000.00		\$ 502,000.00
Total 2023 Budget		\$ 123,661,800.00	\$ 138,224,823.00	\$ 838,438.00	\$ 139,063,261.00



MEMORANDUM

To: Mayor Seren
CC: William Hanna, Law Director
From: Eric Zamft, Director of Planning & Development
Date: August 18, 2023
Subject: Shared Spaces Program

The City prides itself on its many business districts. The City has for many years permitted outdoor dining—both on private property and within the public right-of-way—as a way to support the business community and enliven spaces for residents and visitors. However, beginning in March 2020, the COVID-19 pandemic forced us to re-examine places and spaces—how we interact with our neighbors and friends and how we work, live, and play.

On July 6, 2020, in response to the COVID-19 pandemic, Council, Resolution No. 83-2020, authorized a Temporary Expansion Area (“TEA”) Program for the creation or expansion of outdoor dining, entertainment and retail areas. In light of the COVID-19 guidelines and mandates imposed upon affected businesses through Orders issued by the Governor and State Department of Health, the TEA Program authorized business to use private property such as private parking lots, as well as City-owned property, streets and other public rights-of-way, to expand their facilities as a means to combat the financial loss to businesses whose operations were affected by said Orders. Resolution No. 83-2020 provided a sunset date of November 1, 2020 for the TEA Program. Due to the continuing negative impacts of the COVID-19 pandemic, by Resolution No. 131-2020, Council extended the TEA Program until December 31, 2021.

In 2020 and 2021, the City issued a number of TEA permits, including for a pilot “parklet” along Cedar Road as a tool to help businesses survive the COVID-19 health crisis. The pilot program was well-received. In 2022, a number of businesses inquired about the program, but, ultimately, were unable to complete the approval process. In 2023, the City of Cleveland Heights desires to create a permanent City-wide program (the “Shared Spaces Program”). Earlier this year, Council adopted Resolution 103.023, which authorized the Shared Spaces program to continue during 2023. In order to make the Shared Spaces Program permanent, the Codified Ordinances of the City of Cleveland Heights, including the Zoning Code, need to be amended.

The two (2) pieces of legislation codifies the Shared Spaces Program as a permanent program moving forward. Should Council desire to move forward with the legislation, the proposed Zoning changes must be referred to the Planning Commission, per Chapter 1119 of the Zoning Code.

Proposed: 09/18/2023

ORDINANCE NO. 150-2023(PD), *First
Reading*

By Mayor Seren

An Ordinance amending various sections of Chapters 110, 311, 351, 371, 521 and 1321 of the Codified Ordinances to facilitate a permanent Shared Spaces Program within the City; and declaring the necessity that this legislation become immediately effective as an emergency measure.

WHEREAS, the City of Cleveland Heights prides itself on its many business districts and has for many years permitted outdoor dining—both on private property and within the public right-of-way/on public property—as a way to support the business community and enliven spaces for residents and visitors; and

WHEREAS, beginning in March 2020, the COVID-19 pandemic forced all of us to re-examine places and spaces—how we interact with our neighbors and friends and how we work, live, and play; and

WHEREAS, on July 6, 2020, in response to the COVID-19 pandemic, Council, by way of Resolution No. 83-2020, authorized a Temporary Expansion Area (“TEA”) Program for the creation or expansion of outdoor dining, entertainment and retail areas; and

WHEREAS, in light of the COVID-19 guidelines and mandates imposed upon affected businesses through Orders issued by the Governor and Director of the Ohio Department of Health, the TEA Program authorized business to use private property such as private parking lots, as well as City-owned property, streets and other public rights-of-way, including on-street parking areas, sidewalks, and parklets to expand their facilities as a means to combat the financial loss to businesses whose operations were affected by said Orders; and

WHEREAS, the TEA Program was very well-received was therefore extended on several occasions in relation to the pandemic; and

WHEREAS, at the Mayor’s request, the City Administration developed a Shared Spaces Program and Manual in 2022-23 to guide the permitting and regulation of such facilities and spaces; and

WHEREAS, in 2023, Council adopted Resolution 103-2023 to authorize a Shared Spaces Program for the 2023 outdoor dining season through November 1, 2023, in accordance with the Shared Spaces Program and Manual, and now wishes to establish a permanent program (the “Shared Spaces Program”), necessitating amendments to the Codified Ordinances of the City of Cleveland Heights need to be amended; and

ORDINANCE NO. 150-2023(PD)

WHEREAS, those portions of the Zoning Code that are necessary to be amended are contained in Ordinance No. 127-2023 and are being reviewed per Chapter 1119 of the Zoning Code; and

WHEREAS, the portions of the Codified Ordinances that are not within the Zoning Code need to be amended as a separate legislation.

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

SECTION 1. This Council hereby introduces amendments to Chapters 110, 311, 351, 371, 521 and 1321 of the Codified Ordinances of the City of Cleveland Heights, as set forth in **Exhibit A** attached hereto.

SECTION 2. Notice of 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 3. This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health and safety of the inhabitants of the City of Cleveland Heights, such emergency being the need for the introduction of the proposed zoning amendments to be effective at the earliest time possible so that said amendments can be timely considered and acted upon by the Planning Commission for the benefit of the City and its residents. Wherefore, provided it receives the affirmative vote of five (5) or more of the members elected or appointed to this Council, this Ordinance shall take effect and be in force immediately upon its passage; otherwise, it shall take effect and be in force from and after the earliest time allowed by law.

MELODY JOY HART
President of the Council

ADDIE BALESTER
Clerk of Council

PASSED:
Presented to Mayor: _____ Approved by Mayor: _____

KAHLIL SEREN
Mayor

Exhibit A to Ordinance XX-2023
PROPOSED CODE AMENDMENTS:
SHARED SPACES

September 18, 2023

**PART ONE – ADMINISTRATIVE CODE
TITLE ONE – GENERAL PROVISIONS**

**CHAPTER 110
City Property Disposition**

...

110.05 OUTDOOR DINING ON PUBLIC PROPERTY.

The Mayor is hereby authorized to administratively approve requests for outdoor dining on sidewalks or other public right of way provided the following conditions are met:

(a) Such outdoor dining may only be conducted in conjunction with, and under the same management and exclusive control of, a restaurant located in a building contiguous to the public right of way upon which outdoor dining is proposed to be conducted.

(b) The outdoor dining shall not interfere with the flow of pedestrian traffic. At least five (5) feet of unobstructed sidewalk must be maintained, although more may be required in areas of high use.

(c) Outdoor dining shall be limited to no more than six tables and twenty-four chairs.

(d) No alcohol may be sold or consumed on the outdoor dining premises without the specific legislative authorization of this Council and the approval of the Ohio Department of Liquor Control.

(e) All agreements for outdoor dining shall be approved in writing by the Mayor, Director of Law, and Director of Planning and Development, and shall contain the following terms as well as others deemed necessary by the Mayor and Director of Law:

(1) The agreement shall set forth the hours of operation and the term of the agreement, which may be automatically renewable each season unless terminated by either party. A detailed description of the location of furniture and other improvements/objects shall be included.

(2) The agreement shall require the restaurant owner or other responsible party to keep the outdoor dining area clean and sanitary and to remove all tables and chairs each evening for storage.

(3) The agreement shall require the responsible party to indemnify and hold the City harmless from any liability or damages caused by the outdoor dining and to provide an insurance policy in an amount approved by the Director of Law with the City being named as an additional insured.

(4) The agreement shall provide that it may be terminated by the Mayor at any time without notice if he deems that the use is creating a nuisance or interfering with the use of the public right of way, or that the property is needed for municipal purposes.

(f) This section applies only to outdoor dining on public property, with outdoor dining on private property being governed by the provisions of the Zoning Code. Shared Spaces, whether on public or private property, shall be governed by the provisions set forth in the Shared Spaces Manual, as may be updated from time-to-time.

...

PART THREE – TRAFFIC CODE

TITLE THREE – STREETS AND TRAFFIC CONTROL DEVICES

CHAPTER 311 Street Obstructions and Special Uses

...

311.02 PARADES AND ASSEMBLAGES.

No person, group of persons or organization shall conduct or participate in any parade, procession or assemblage upon any street or highway, or block off any street or highway, park or any other public area, without first obtaining a permit from the Director of Public Safety, with the exception of Shared Spaces, which shall be governed by the regulations set forth in the Shared Spaces Manual, as may be updated from time-to-time.

Applications for such permits shall be made on such forms as may be prescribed and shall contain such information as is reasonably necessary to a fair determination of whether a permit should be issued. Applications shall be filed not less than five days before the time intended for such parade, procession or assemblage.

The permit may be refused or cancelled if the resultant conditions would unreasonably hinder the movement of traffic or would require the diversion of sufficient police officers or firemen so as to deprive the Municipality of normal police and fire protection, or would be reasonably likely to provoke disorderly conduct, create a disturbance or threaten the safety of residents, by reason of the number of persons to participate in such parade, the nature or subject matter of the parade, the area in which the parade will proceed or be located, and all other relevant factors.

The permit or any order accompanying it may limit or prescribe reasonable conditions, including the hours, the places of assembly and of dispersal, the route of march or travel and the streets, highways or portions thereof which may be used or occupied.

...

PART THREE – TRAFFIC CODE

TITLE SEVEN – PARKING

CHAPTER 351 Parking Generally

...

351.04 MANNER OF PARALLEL PARKING.

...

(b) (1) This subsection does not apply to streets or parts thereof where angle parking is lawfully permitted. However, no angle parking shall be permitted on a state route unless an unoccupied roadway width of not less than twenty-five feet is available for free-moving traffic.

(2) A. No angled parking space that is located on a state route within a municipal corporation is subject to elimination, irrespective of whether there is or is not at least twenty-five feet of unoccupied roadway width available for free-moving traffic at the location of that angled parking space, unless the municipal corporation approves of the elimination of the angled parking space. The temporary elimination of an angled parking space that is located on a state route necessary to create a Shared Space shall be permitted as part of the Shared Spaces Program.

B. Replacement, repainting or any other repair performed by or on behalf of the municipal corporation of the lines that indicate the angled parking space does not constitute an intent by the municipal corporation to eliminate the angled parking space.

...

351.11 OBSTRUCTING LANE ACCESS TO PUBLIC BUILDINGS.

No person shall park or stand any vehicle or place any other obstacle in any lane, alley, privately owned public parking lot, driveway or service area, in such a manner as to obstruct the free passage of public safety vehicles or any other vehicle passing through or over such area, except for Shared Spaces, which shall follow the regulations set forth in the Shared Spaces Manual, as may be updated from time-to-time.

...

PART THREE – TRAFFIC CODE

TITLE NINE – PEDESTRIANS, BICYCLES AND MOTORCYCLES

CHAPTER 371 **Pedestrians**

...

371.05 WALKING AND JOGGING ON ROADWAYS.

- (a) Where a sidewalk is provided and its use is practicable, no pedestrian shall walk along and upon an adjacent roadway.
- (b) Where a sidewalk is not available, any pedestrian walking along and upon a highway shall walk only on a shoulder, as far as practicable from the edge of the roadway.
- (c) Where neither a sidewalk nor a shoulder is available, any pedestrian walking along and upon a highway shall walk as near as practicable to an outside edge of the roadway, and, if on a two-way roadway, shall walk only on the left side of the roadway.
- (d) Except as otherwise provided in Sections 313.03 and 371.01, any pedestrian upon a roadway shall yield the right of way to all vehicles upon the roadway.

(ORC 4511.50)

- (e) When a sidewalk is available for the purpose of walking, but is not adequate for the purposes of jogging, running or other similar pedestrian activities, a person may jog, run or perform a similar pedestrian activity upon the travelled portion of a roadway, in accordance with the provisions of this section.
- (f) A person using a roadway for the purpose of jogging, running or the performing of a similar pedestrian activity shall perform such activity as close as practicable under existing road conditions to the outside curb or the curbline of the roadway. Such person shall perform the activity only on the left side of the roadway.
- (g) A person using a roadway for the purpose of jogging, running or other similar pedestrian activity, shall yield the right of way to vehicles lawfully operating thereon, and to vehicles and pedestrians having the right of way at street intersections.
- (h) No person shall jog, run or perform similar pedestrian activities upon a street or highway during the period commencing one-half hour after sunset and concluding one-half hour before sunrise, unless such person shall wear reflective clothing and/or a reflective device sufficient to allow such person to be discernible at a distance of at least 500 feet to such person's front and rear.
- (i) For the Shared Spaces Program, the above shall be superseded by the regulations contained in the Shared Spaces Manual, as may be updated from time-to-time.

PART FIVE – GENERAL OFFENSES CODE

CHAPTER 521 **Health, Safety and Sanitation**

...

521.05 PLAYING GAMES IN STREETS.

(a) No person shall fly a kite or play any game on any street, lane or alley, except as part of a Shared Space. However, nothing in this section shall prohibit the Safety Director from designating certain streets or sections thereof for limited periods of time for playground purposes under proper supervision.

(b) Whoever violates this section is guilty of a minor misdemeanor.

...

521.07 UNLAWFULLY USING OR OBSTRUCTING FIRE HYDRANTS.

(a) No person, unless authorized by the City, or except in case of fire, shall tamper with, turn on, or use water from any fire hydrant, valve box, stop cock, pipe, apparatus or other fixture for supplying water, or in any way to use water therefrom for private use.

(b) No person shall in any manner obstruct any fire hydrant by placing or permitting to exist any material, article or equipment in front thereof, from the curb line to the center of the street, or to within five feet from either side thereof. Shared Spaces shall follow the regulations set forth in the Shared Spaces Manual, as may be updated from time-to-time.

(c) Whoever violates this section is guilty of a misdemeanor of the fourth degree.

PART THIRTEEN – BUILDING CODE

TITLE THREE – LOCAL PROVISIONS

CHAPTER 1321 **Fences**

1321.01 PERMIT REQUIRED; FEE.

- (a) No person shall construct any fence on a residential property without first obtaining a permit therefor from the Zoning Administrator and paying a fee of fifty dollars (\$50.00). No person shall construct any fence on a commercial property without first obtaining a permit therefor from the Zoning Administrator and paying a fee of eighty dollars (\$80.00).
- (b) The permit fee shall be doubled in those cases where a person constructs or starts to construct a fence without first obtaining a permit.
- (c) There shall be no fee for a fence in conjunction with a Shared Space.

1321.02 PLACEMENT; BARBED WIRE FENCES.

- (a) Fences shall be constructed or erected in compliance with the provisions of the Zoning Code. For any fence as part of a Shared Space, the regulations set forth in the Shared Spaces Manual, as may be updated from time-to-time, shall apply.
- (b) No person shall construct or erect any barbed wire fence except an industrial type whereby not more than three (3) strands of barbed wire may be placed on the top of a fence other than a barbed wire fence provided the strands are not less than seventy-two (72) inches above the ground and are canted or angled toward the property the fence surrounds.

Proposed: 9/05/2023

RESOLUTION NO. 139-2023(F), *Second
Reading*

By: Mayor Seren

A Resolution authorizing the Mayor to enter into an agreement with the Coventry Village Special Improvement District of Cleveland Heights, Ohio, Inc. ("Coventry SID") for advancement of funds in anticipation of assessment; and declaring the necessity that this legislation become immediately effective as an emergency measure.

WHEREAS, under Ordinance No. 134-2023, this Council has determined to proceed with the assessment on participating properties within the Coventry SID to fund a public services plan for the District in the amount of One Hundred Seventy-Three Thousand Two Hundred Fifty Dollars (\$173,250) for Year One; One Hundred Seventy-Eight Thousand Four Hundred Forty Seven Dollars (\$178,447) for Year Two; One Hundred Eighty-Three Thousand Eight Hundred Dollars (\$183,800) for Year Three; One Hundred Eighty-Nine Thousand Three Hundred Fourteen Dollars (\$189,314) for Year Four; and One Hundred Ninety-Four Thousand Nine Hundred Ninety Three Dollars (\$194,993) for Year Five, for a total of Nine Hundred Nineteen Thousand Eight Hundred Four (\$919,804), for the five (5) year period of the plan; and

WHEREAS, the Coventry SID has immediate need of the funds for which the City will be reimbursed through assessment tax collection; and

WHEREAS, it would be in the City's best interest and the interest of the overall welfare of the Community to advance to the SID the yearly monies for the public services plan in anticipation of collection of special assessment monies.

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

SECTION 1. The Mayor be, and he is hereby, authorized to enter into an agreement with the Coventry Village Special Improvement District of Cleveland Heights, Ohio, Inc. ("SID") for advancement of funds in the amount of each year's assessment to be used for the five-year public services plan for the District, which plan has been approved by this Council through Resolution No. 109-2023. The City shall be reimbursed

RESOLUTION NO. 139-2023(F)

for the funds advanced herein by funds collected through special assessments on the landowners within the District.

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

SECTION 3. It is necessary that this Resolution become immediately effective as an emergency measure necessary for the preservation of the public peace, health and safety of the inhabitants of the City of Cleveland Heights, such emergency being that in order to begin implementing the public services plan for the District, it is necessary that the within Resolution become effective at the earliest time permitted by law. Wherefore, provided it receives the affirmative vote of five or more of the members elected or appointed to this Council, this Resolution shall take effect and be in force immediately upon its passage; otherwise, it shall take effect and be in force from and after the earliest time allowed by law.

MELODY JOY HART
President of the Council

ADDIE BALESTER
Clerk of Council

PASSED: _____

Presented to Mayor: _____

Approved by Mayor: _____

KAHLIL SEREN
Mayor

Memo

To: Kahlil Seren

From: Andy Unetic, Finance Director

Date: 8/29/2023

Re: Tax Advance Request Fiscal Year 2024

Every year City Council has to approve receiving property tax advances from the City. This formal request is required by Ohio Revised Code 321.34(A)(1). That code section indicates that if Council does not make this formal request by resolution the City could only receive property tax monies in March and August. Currently, we receive property tax monies in January, February, March, July and August as a result of approving receiving advances. Receiving the advances allows for better cash flow planning and the City can earn interest on the money if it's not immediately needed.

Proposed: 09/05/2023

RESOLUTION NO. 140-2023(F), *Second
Reading*

By Mayor Seren

A Resolution requesting the County Fiscal Officer to advance taxes from the proceeds of the 2023 tax year collection pursuant to Section 321.34 of the Ohio Revised Code; and declaring the necessity that this legislation become immediately effective as an emergency measure.

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 2023 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. It is necessary that this Resolution become immediately effective as an emergency measure necessary for the preservation of the public peace, health and safety of the inhabitants of the City of Cleveland Heights, such emergency being 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

RESOLUTION NO. 140-2023(F)

ADDIE BALESTER
Clerk of Council

Passed:

Presented to Mayor: _____

Approved: _____

KAHLIL SEREN
Mayor

Memo

To: Kahlil Seren, Mayor

From: Andy Unetic, Sr. Finance Director

Date: 8/29/23

Re: Certification of Tax Rates and Levy to the County Fiscal Year 2024

Every year City Council approves tax rates to be levied on properties within the City. City Council approved the 2024 tax budget 6/20/23 on via Resolution 105-2023. The tax budget and Council approval was subsequently submitted to the County Budget Commission. The Budget Commission reviewed our submission and approved the rates submitted.

City Council is now required to accept the tax rates and authorize the levy of those rates on properties within the City. This resolution also certifies the rates to the County Fiscal Officer.

The certification gives the County Fiscal Officer the authority to calculate the amount owed on each property within the City for the tax rates listed in the resolution. The County Fiscal Officer can then bill each property owner the amount calculated.

Proposed: 09/05/2023

RESOLUTION NO. 141-2023(F), *Second Reading*

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 the necessity that this legislation become immediately effective as an emergency measure.

WHEREAS, this Council, in accordance with the provisions of law, has previously adopted a Tax Budget for the fiscal year commencing January 1, 2024; 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			2.22	7.40
Bond Retirement			1.50	0.00
Recreational Improvement Fund				0.70
Police Pension Fund				0.30
Fire Pension Fund				0.30
			3.72	8.70

RESOLUTION NO. 141-2022(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. It is necessary that this Resolution become immediately effective as an emergency measure necessary for the preservation of the public peace, health and safety of the inhabitants of the City of Cleveland Heights, such emergency being 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: 09/05/2023

ORDINANCE NO. 142-2023(PSH), *First Reading, As Amended*

By Councilperson Boyd

An Ordinance establishing and acknowledging a policy of detainee access to menstrual products and cleaning facilities in the Cleveland Heights Jail; and declaring the necessity that this legislation become immediately effective as an emergency measure.

WHEREAS, access to feminine hygiene products is necessary to ensure the health, safety and welfare of jail detainees experiencing menstrual cycles; and

WHEREAS, policies and procedures in the Cleveland Heights Jail Manual provide that feminine hygiene articles shall be available to inmates upon request; and

WHEREAS, this Council wishes to endorse and enact such policy as law.

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

SECTION 1. It shall be and hereby is the policy of the City of Cleveland Heights that Jail detainees experiencing menstrual cycles shall be provided with adequate and appropriate feminine hygiene products at no cost to the detainee, and that such products shall not be withheld for disciplinary or other reasons. Further rules shall be established to provide sanitary procedures for cleaning surfaces between restroom areas and area of product disposal, as well as daily access to bathing or showering facilities as requested. Specifically, the Cleveland Height Jail shall have a written policy and procedure in place that: 1) protects inmates from the denial, withholding or refusal of administration of feminine hygiene products based on race, sex, gender identity, income status, degree of charge, disability status, or any other type of discriminatory identity, and 2) provides that inmates shall not be denied the use of showering or bathing facilities while experiencing menstruation, regardless of whether the inmates are separated from the general population for degree of charge or disciplinary reasons.

SECTION 2. Notice of 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 3. It is necessary that this Ordinance become immediately effective as an emergency measure necessary for the preservation of the public peace, health, and safety of the inhabitants of the City of Cleveland Heights, such emergency being the need to declare this Council's support for menstrual equity in the Cleveland Heights Jail. Wherefore, provided it receives the affirmative vote of five (5) or more of the members

ORDINANCE NO. 142-2023(PSH)

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 the Council

ADDIE BALESTER
Clerk of Council

PASSED:

Presented to Mayor: _____

Approved by Mayor: _____

KAHLIL SEREN
Mayor

Proposed: 9/05/2023

ORDINANCE NO. 143-2023 (PD),
Second Reading

By: Mayor Seren

An Ordinance authorizing the Mayor to enter into a Development Agreement with TWG Development, LLC for the construction of a residential development at 2228 Noble Road (several parcels); and declaring the necessity that this legislation become immediately effective as an emergency measure.

WHEREAS, the City is the owner of approximately 2.08 acres of property located at or in the vicinity of 2228 Noble Road, 890 Woodview Road, 870 Woodview Road, 868 Woodview Road and 860 Woodview Road, further identified as Permanent Parcels No. 681-38-080, 681-38-012, 681-38-010, 681-38-009, 681-38-008, 681-06-004 and 681-06-121 (hereafter the 'Property'); and

WHEREAS, TWG Development, LLC ("TWG") desires to purchase the Property for the construction of an affordable-housing residential development (the "Development"); and

WHEREAS, pursuant to Resolution No. 180-2022, this Council authorized the Mayor to enter into a purchase agreement with TWG to allow TWG to explore tax credits and other funding sources for the potential construction of the Development, with said purchase agreement being subject to the negotiation and execution of a development agreement ("Development Agreement") satisfactory to both parties and approved by this Council; and

WHEREAS, on or about January 20, 2023, TWG and the City entered into an Agreement for the Purchase and Sale of Real Property, as amended by a First Amendment to Agreement for Purchase and Sale of Real Property dated May 19, 2023 (collectively the "Purchase Agreement" or "PSA"), whereby the City agreed to sell, and TWG agreed to purchase, the Property, the closing of which transaction is contingent upon the parties first entering into a Development Agreement for the development of the Property; and

WHEREAS, the parties have negotiated a Development Agreement, with the Development being subject to design approval of the project by the City's Architectural Board of Review, Planning Commission, and other review bodies, and approval of construction documents and Site Improvements, including streets, drives, walks, storm and sanitary sewers, and landscape plantings by the City's Engineer and Building Officials; and

RESOLUTION NO. 143-2023(PD)

WHEREAS, this Council has determined that it is in the best interest of the City and its residents to move forward with the sale of the Property and the Development Agreement.

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

SECTION 1. It is hereby determined that the property owned by the City located on land situated in the vicinity of 2228 Noble Road, 890 Woodview Road, 870 Woodview Road, 868 Woodview Road, and 860 Woodview Road, further identified as Permanent Parcels No. 681-38-080, 681-38-012, 681-38-010, 681-38-009, 681-38-008, 681-06-004 and 681-06-121 is not needed for municipal/public purposes and it is in the best interest of the City and its residents to sell said property to TWG Development, LLC ("TWG") for construction and development of a fifty-two unit affordable residential building to be known as the "Noble Station Apartments", substantially in accordance with the terms and conditions of a draft Development Agreement attached hereto as Exhibit "A" and incorporated herein by reference.

SECTION 2. This Council hereby authorizes the Mayor to execute a Development Agreement with TWG and to sign any other related documents concerning the development of Noble Station Apartments. The Development Agreement shall be substantially in accordance with the Development Agreement attached hereto as Exhibit "A". The Development Agreement and any related documents shall be approved as to form by, and subject to the final approval of, the Director of Law.

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

SECTION 4. It is necessary that this Ordinance become immediately effective as an emergency measure necessary for the preservation of the public peace, health and safety of the inhabitants of the City of Cleveland Heights, such emergency being the need to meet funding and construction season deadlines. 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.

RESOLUTION NO. 143-2023(PD)

MELODY JOY HART
President of the Council

ADDIE BALESTER
Clerk of Council

PASSED: _____

Presented to Mayor: _____

Approved by Mayor: _____

KAHLIL SEREN
Mayor

RESOLUTION NO. 143-2023(PD)

EXHIBIT A

DEVELOPMENT AGREEMENT

THIS DEVELOPMENT AGREEMENT (the "Agreement"), is entered into, as of the last date written below, by and between TWG Development, LLC, an Indiana limited liability company, duly registered with the Ohio Secretary of State to conduct business in the State of Ohio (the "Developer"), and the City of Cleveland Heights, Ohio, a municipal corporation, organized and existing under the Constitution and laws of the State of Ohio (the "State") and a duly adopted Charter and Codified Ordinances (the "City").

WHEREAS, the City is the record owner of vacant and contiguous real property located within the City and further identified as Cuyahoga County Permanent Parcel Nos. 681-06-004, 681-06-121, 631-38-008, 631-38-009, 631-38-010, 681-38-012 and 681-38-080 (collectively the "Property"), which are located in the S-2 Mixed Use District and A Single Family District.

WHEREAS, on or about January 20, 2023, the Developer and City entered into an Agreement for Purchase and Sale of Real Property, as amended by that certain First Amendment to Agreement for Purchase and Sale of Real Property dated May 19, 2023 (collectively the "PSA"), wherein Developer agreed to purchase, and the City agreed to sell, the Property.

WHEREAS, the transaction contemplated by the PSA is contingent upon, without limitation, the Developer and City entering into a Development Agreement for the development of the Property.

RESOLUTION NO. 143-2023(PD)

WHEREAS, the Developer plans to develop the Property with a four (4) story, fifty-two (52) unit multi-family affordable housing facility with appurtenances thereto as generally depicted on the Development Plan attached hereto as Exhibit "A" and incorporated herein by reference, the final form of which remains subject to the approval of the City as set forth herein (the "Project"); and

WHEREAS, the City desires to ensure the complete and proper construction and installation of all streets, drives, walks, walls, storm and sanitary sewers, landscape plantings, ornamental features not located on a building, and terraces (the "Site Improvements") as a component of the Project and the Development Plan, each of which are itemized and set forth in Exhibit B, which is incorporated herein by reference.

NOW, THEREFORE, in consideration of the foregoing and the mutual covenants, agreements and conditions as set forth herein, the Developer and the City hereby covenant and agree as follows:

1. AGREEMENT TO CONSTRUCT

Subject to the terms and conditions of this Agreement, Developer agrees to construct the Project, including the Site Improvements, at no cost to the City, in accordance with the final Development Plan, which is subject to approval by the City's Planning Commission, including all applicable construction documents as approved by the City Engineer (collectively the "Construction Documents"). Developer shall comply with all applicable federal, state and local laws and regulations relative to construction of the Project and Site Improvements, and shall obtain all necessary zoning, design (via the City's Architectural Board of Review), building, and other approvals and permits

RESOLUTION NO. 143-2023(PD)

necessary prior to the commencement of construction from the City and any other entity with jurisdiction to provide a requisite permit or approval.

Developer shall complete construction of the Project, including all Site Improvements, within twenty-four (24) months from the date of approval of the final Development Plan by the City and receipt of all necessary permits from the City.

2. CONSULTING ENGINEER

The Developer shall, at its own cost and expense, engage the services of a duly accredited and qualified civil engineer to act as a consulting engineer during the course of construction of all Site Improvements.

The consulting engineer shall be physically present at the job site at all times as may be required by the City Engineer during construction of all Site Improvements. The consulting engineer shall supervise and monitor the construction of all Site Improvements for the Project to ensure that the Site Improvements are constructed as detailed on the Construction Documents and in accordance with the final approved Development Plan.

The consulting engineer shall, upon completion of the Site Improvements, or at any time at the reasonable request of the City Engineer, provide the City Engineer with written certification that all Site Improvements were properly constructed and installed in accordance with the specifications and requirements set forth in the Construction Documents. It is further agreed that the City is not obligated to provide a final inspection, nor is the City Engineer required to provide written acknowledgment that the Site

RESOLUTION NO. 143-2023(PD)

Improvements have passed final inspection, until receipt of such written certification of the consulting engineer and delivery of a set of "as-built" drawings. Upon receipt of such written certification and as-built drawings, passage of all final inspections, and satisfaction of the City Engineer that the same is adequate, accurate and sufficient, the City Engineer will certify the Site Improvements as being completed.

Contemporaneously with the filing of the written certification by the consulting engineer provided for in the preceding paragraph, the consulting engineer shall file with the City Engineer a set of reproducible drawings on reproduction media such as mylar, showing the "as-built" Site Improvements.

3. PROJECT PLANS/COSTS

(a) Revisions. Developer agrees that any material modifications to the final approved Development Plan for the Project, including the Site Improvements, through change orders or otherwise shall require approval by the City.

(b) Building Permits. Building Permits necessary for commencement of construction of the Project, including the Site Improvements, shall be issued by the City upon written request by the Developer, proper registration of contractors, payment of all applicable permit fees, engineering, and/or plan review fees as provided in the Codified Ordinances, approval of all necessary plans, including the Construction Documents, and compliance with all other requirements of the City's Codified Ordinances.

RESOLUTION NO. 143-2023(PD)

(c) Construction Deposit. Developer shall provide the construction deposit provided for in Section 1311.04 of the City's Codified Ordinances and shall further comply with all provisions of that Section.

(d) Security for Performance. As and for security for the Developer's performance and completion of the obligations for the Site Improvements as set forth in this Agreement, the Developer shall, upon the execution of this Agreement, provide the City with a financial guarantee consistent with the requirements of Section 11450.07 of the City's Codified Ordinances and otherwise in a form and upon such terms and provisions deemed necessary by the Law Director to ensure the Developer's faithful performance and completion of the obligations of the Developer for the Site Improvements as set forth in this Agreement, in such amount equal to the estimated costs of construction of the Site Improvements as certified by Developer's consulting engineer and the City Engineer.

The City shall retain the financial guarantee until such time as the Developer has requested final inspection of the Site Improvements, the same have passed final inspection, and the same are unconditionally certified by the City as being completed. Upon receipt of final certification from the City that the Site Improvements are completed, the financial guarantee shall be returned to Developer or otherwise terminated in writing by the City in a form reasonably acceptable to Developer.

It is specifically agreed that the Developer's obligation to completely and correctly construct and install the Site Improvements is not limited to the amount

RESOLUTION NO. 143-2023(PD)

of the financial guarantee. Rather, the Developer's obligation to completely and correctly install the Site Improvements is contractual in nature and the statute of limitations governing contracts is applicable. By execution of this Agreement, the Developer hereby assigns, transfers and subrogates to the City any contractual rights that it may have against its general contractors, sub-contractors, subtrades, agents, employees or independent contractors for incomplete or incorrect installation of any of the Site Improvements. Developer agrees to promptly notify the City regarding information of which the Developer actually becomes aware regarding any actual or reasonably suspected breach of contract by those against whom the City acquires a subrogated right under this sub-section.

4. QUALITY OF WORK; WARRANTY

All work done in connection with the construction or placement of the Project, including the Site Improvements, or repair thereto shall be done in a good and workmanlike manner, free from faults and defects and in compliance with the applicable laws, ordinances, orders and requirements of all governmental authorities, subject to the Developer's right to contest or appeal the same.

5. EMPLOYMENT AND WORKER SAFETY LAWS

Developer shall, at all times, while constructing, installing or repairing the Project, including the Site Improvements, comply with Workers' Compensation laws and regulations of the State of Ohio, Social Security laws and regulations, and all rules and regulations of the Occupational Safety and Health Act.

6. INSURANCE REQUIREMENTS

RESOLUTION NO. 143-2023(PD)

From the Effective Date of this Agreement through and until written certification of the Site Improvements by the City as contemplated by Section 2, and in addition to any other legal requirements, Developer shall obtain and/or cause its contractors to maintain all policies of insurance as required herein.

- (a) Builder's Risk Insurance. During construction of the Project, including the Site Improvements, Developer shall procure and maintain, and/or cause its contractors or agents to procure and maintain, all risk builders' risk and fire insurance with extended coverage in the amount of one hundred percent (100%) of the replacement costs thereof.
- (b) Hazard Insurance. Upon completion of construction of the Project, including the Site Improvements, and through the time that the maintenance bonds provided for herein are in effect, Developer shall insure the Site Improvements with "all risk" property insurance insuring the full replacement cost of the Site Improvements from time to time constructed.
- (c) Public Liability Insurance. During construction and until completion of construction of the Project, including the Site Improvements, Developer shall insure against all claims for personal injury or death or property damage with limits not less than Two Million Dollars (\$2,000,000.00) in the event of bodily injury or death of one person, and not less than Five Million Dollars (\$5,000,000.00) in the event of bodily injury or death to any number of persons in any one occurrence, and broad form property damage coverage of not less than One Million Dollars (\$1,000,000.00).

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(d) Requirements for Insurance Policies. Developer shall name the City as an additional insured on all Public Liability insurance policies required herein. All insurance shall be affected by valid enforceable policies issued by insurers authorized to do business in the State, and is subject to pre-approval by the City in its reasonable discretion. Certificates of such insurance shall be delivered to the City at least thirty (30) calendar days prior to the commencement of construction of the Site Improvements or Project; certificates of replacement policies shall be delivered to the City at least thirty (30) calendar days prior to the expiration of the policy. All such policies shall contain agreements by the insurers that the policies shall not be cancelled except upon thirty (30) calendar days prior written notice to City; Developer shall promptly forward to the City a copy of any such notice of cancellation Developer receives. Any insurer providing coverage pursuant to this Section shall have a Best rating of "A" or better.

7. INSURANCE COVERAGE PRIOR TO CONSTRUCTION

Prior to commencement of construction of the Project, including the Site Improvements, Developer shall maintain insurance insuring the Property as provided in Sections 6(a) and covering public liability claims as provided in Section 6(b), and shall comply with the provisions of Section 6(d) regarding the same.

8. TRAFFIC CONTROL

RESOLUTION NO. 143-2023(PD)

During construction of the Project, including the Site Improvements, the Developer shall provide traffic control services as required by the Chief of Police, at Developer's sole cost and expense.

9. DUST CONTROL AND PERIMETER FENCING

The Developer shall be responsible for, at Developer's sole cost and expense, dust control and perimeter fencing in accordance with all applicable Codified Ordinances during construction of the Project, including the Site Improvements.

10. COMPLIANCE WITH APPROVED DEVELOPMENT PLAN

Developer agrees to construct the Project and Site Improvements in full compliance with the approved final Development Plan, including compliance with all conditions imposed thereon by the Planning Commission during its review and approval process, or as imposed by the City's Codified Ordinances.

11. SERVICE DELIVERIES AND TRASH PICK-UPS

Developer agrees that service deliveries and trash pick-ups shall comply with all applicable Codified Ordinances of the City, as may be amended from time to time. All trash shall be stored in covered containers in designated areas only.

12. CONSTRUCTION HOURS

Developer agrees that construction hours shall comply with all Codified Ordinances of the City, as may be amended from time to time.

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13. STORM WATER MANAGEMENT/EROSION CONTROL

Prior to the issuance of any permits for the Project, including the Site Improvements, Developer shall prepare and submit a comprehensive Stormwater Pollution Prevention Plan, and shall comply with all other provisions of 1334 and 1335 of the City's Codified Ordinances.

14. DEFAULT

Except as otherwise provided in this Agreement, in the event of any default in or breach of this Agreement, or any of its terms or conditions, by either party hereto, or any successor to such party, such party (or successor) shall, upon written notice from the other, proceed immediately to cure or remedy such default or breach, within thirty (30) calendar days after receipt of such notice, or in the event the default or breach cannot be cured within thirty (30) calendar days, such commercially reasonable longer period of time. In the event such action is not taken or not diligently pursued, or the default or breach shall not be cured or remedied within the agreed time, the aggrieved party may institute such proceedings as may be necessary or desirable in its opinion to cure and remedy such default or breach, including, but not limited to, and without waiving or prejudice to its other legal or equitable remedies, proceedings to compel specific performance by the party in default or breach of its obligations. Furthermore, in the event of a breach by the Developer, after the requisite notice and opportunity to cure, as set forth in this Section, the City may terminate this Agreement, at which point the Developer shall immediately cease the construction of the Project, including the Site Improvements.

15. INDEMNIFICATION

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The Developer shall indemnify and save the City harmless from and against any and all claims, costs and expenses for injury to persons or damage to property, including, without limitation, the cost of investigation and litigation, and all professional fees associated with such investigation or litigation (including reasonable attorney's fees), which may be brought against the City, proximately caused or claimed to have been caused by any act or omission of the Developer, its agents, independent contractors or employees and arising out of, or claimed to have arisen out of, any activity connected with the construction of the Project and installation of the Site Improvements, the maintenance of Site Improvements or the failure to maintain the Site Improvements as required by the terms of this Agreement.

16. OTHER RIGHTS AND REMEDIES; NO WAIVER BY DELAY

The City and Developer shall have the right to institute such actions or proceedings as they may deem desirable for effectuating the purposes of this Agreement, as it relates to development of the Project, including the Site Improvements, including, but not limited to, any monetary breach by the Developer, provided, that any delay by the City or Developer in instituting or prosecuting any such actions or proceedings or otherwise asserting its rights under this Section shall not operate as a waiver of such rights or to deprive it of or limit such right in any way (it being the intent of this provision that the City or Developer should not be constrained, so as to avoid the risk of being deprived of or limited in the exercise of the remedy provided in this Section because of concepts of waiver, laches, or otherwise, to exercise such remedy at a time when it may still hope otherwise to resolve the problems created by the default involved); nor shall any waiver

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in fact made by the City or Developer with respect to any specific default by the City or Developer under this Section be considered or treated as a waiver of the rights of the City or Developer with respect to any other defaults by the City or Developer under this Section or with respect to the particular default except to the extent specifically waived in writing.

17. CONFLICT OF INTEREST; CITY REPRESENTATIVE NOT PERSONALLY LIABLE

In addition to all applicable provisions of the City's Charter and State law, no member, official or employee of the City shall have any personal interest, direct or indirect, in this Agreement, nor shall any such member, official or employee participate in any decision relating to this Agreement which affects his/her personal interests or the interests of any corporation, partnership, or association in which he/she is, directly or indirectly, interested. No member, official or employee of the City shall be personally liable to the Developer or any successor in interest, in the event of any default or breach by the City of this Agreement whether for any amount which may become due to the Developer or successor or on any obligation under the terms of this Agreement.

18. ZONING CERTIFICATION/APPROVALS

Per Codified Ordinance Section 1311, the Developer shall apply for a certificate of zoning compliance, which the City shall issue, provided that the subject Property, as zoned at the time of application permits the development of the Project, and further provided that the Developer first obtains: (a) City Planning Commission approval of the Development Plan and, as may be necessary, approval of a Conditional Use to allow for

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accessory parking for multi-family use on that portion of the Property located in the A Single Family District and contiguous to that portion of the Property located in the S-2 Mixed Use District; (b) Board of Zoning Appeals approval of any necessary Area Variance(s); and (c) Architectural Board of Review approval of the Project design (collectively the “Approvals”). The City Administration agrees to reasonably support the requested Approvals before the City Planning Commission, the Board of Zoning Appeals and/or the Architectural Board of Review.

19. FINAL APPROVAL

After the Project, including all Site Improvements, has passed final inspection as specified in the Codified Ordinances and after the City Engineer and/or Building Commissioner has determined that the Developer has completely performed all obligations required of the Developer by the terms of this Agreement, the City shall unconditionally approve the Project and issue all necessary Certificates of Occupancy, as well as certify, in writing, the Site Improvements as completed as set forth in Section 2. Final approval shall be deemed to have taken place at such time as the City issues said Certificate of Occupancy and the City certifies, in writing, that the Site Improvements are completed. Such Certificate of Occupancy and certification of completion shall evidence that the Developer has performed all obligations required of it by the provisions of this Agreement.

20. COMMUNITY REINVESTMENT AREA

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The City acknowledges and agrees that, pursuant to Ordinance No. 77-2018 adopted on July 30, 2018 creating a City-wide Community Reinvestment Area, the subject Property is eligible for exemption from real property tax for a period of ten (10) years at one hundred percent (100%) of the increase in the assessed valuation resulting from the Project (the “CRA Exemption”). The Application for CRA Exemption shall be applied for by Developer upon completion of the Project and issuance of a Certificate of Occupancy.

21. INVALIDITY OF PARTICULAR PROVISION

If any term or provision of this Agreement or the application thereof to any person or circumstance shall, to any extent, be invalid or unenforceable, the remainder of this Agreement, or the application of such term or provision to persons or circumstances other than those as to which it is held invalid or unenforceable, shall not be affected thereby, and each term and provision of this Agreement shall be valid and be enforced to the fullest extent permitted by law.

22. APPLICABLE LAW AND CONSTRUCTION

The laws of the State of Ohio shall govern the validity, performance and enforcement of this Agreement. The headings of the Sections contained herein are for convenience only and do not define, limit or construe the contents of such Sections.

23. NOTICE

All notices or other communications required to be given hereunder shall be given in writing and shall be deemed to have been duly given on the date delivered, if delivered personally; or on the date of receipt if delivered to a nationally recognized overnight

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courier service or if mailed by U.S. registered or certified mail, postage prepaid. All notices and communications shall be addressed as follows:

(a) **NOTICE TO CITY:**

City of Cleveland Heights
Attn: Mayor
40 Severance Circle
Cleveland Heights, Ohio 44118

WITH COPY TO:

William R. Hanna, Law Director
40 Severance Circle
Cleveland Heights, Ohio 44118

(b) **NOTICE TO DEVELOPER:**

TWG Development, LLC
Attn: _____

WITH A COPY TO:

Kenneth J. Fisher, Esq.
Kenneth J. Fisher Co., L.P.A.
50 Public Square, Suite 2100
Cleveland, Ohio 44113

Each of the foregoing may change its notice address if it so notifies the other party listed above in writing pursuant to the requirements of this Section.

24. RECORDATION.

Neither party shall record this Agreement, whether in the public records of Cuyahoga County or elsewhere.

25. CONSTRUCTION OF TERMS

RESOLUTION NO. 143-2023(PD)

Whenever the singular or plural number, or masculine, feminine or neuter gender is used herein, it shall equally include the other, and the terms and provisions of this Agreement shall be construed accordingly.

26. ASSIGNMENT

Except as otherwise provided in this Agreement or to an affiliated entity wholly owned by Developer, Developer shall not assign this Agreement, or any right, interest, or entitlement in it, whether by operation of law or otherwise, without the express prior written consent of the City, in the City's sole discretion. In the event Developer assigns its interests in the Project, in whole or in part, this Agreement shall be fully disclosed and the assignee shall be subject to all terms and conditions of this Agreement, and Developer shall remain secondarily liable to the City concerning all rights assigned.

27. AGREEMENT BINDING UPON SUCCESSORS

The covenants, agreements and obligations herein contained shall extend to, bind and inure to the benefit not only of the parties hereto, but their respective personal representatives, heirs (if applicable), successors and permitted assigns.

28. COMPLETE AGREEMENT; AMENDMENT

All negotiations, considerations, representations and understandings between the parties as to the Project, including the Site Improvements, are incorporated in this Agreement, which supersedes all prior oral and/or written promises or representations by

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the parties, and which may be modified or altered only by agreement in writing signed by both parties to this Agreement.

29. NO THIRD PARTY BENEFICIARIES

Nothing contained in this Agreement does, is intended to, or shall be construed so as to confer upon any other party the rights of a third party beneficiary.

30. APPROVALS BY CITY

Except as otherwise expressly provided herein or as otherwise required by the Charter or Codified Ordinances of the City or applicable law, custom or practice of the City, any provision of this Agreement requiring the approval of the City, the satisfaction or evidence of satisfaction of the City, certificate or certification by the City or the opinion of the City shall be interpreted as requiring action by the Mayor (or such other official as the Mayor may from time to time designate) granting, authorizing or expressing such approval, satisfaction, certification or opinion, as the case may be.

31. COUNTERPARTS

This Agreement may be executed in any number of counterparts, each of which when so executed and delivered will be deemed an original, and all of which together shall constitute one and the same agreement. This Agreement may be executed and delivered by facsimile or by .pdf file and upon such delivery the facsimile or .pdf signature will be deemed to have the same effect as if the original signature had been delivered to the other party.

[SIGNATURE PAGE TO FOLLOW]

RESOLUTION NO. 143-2023(PD)

IN WITNESS WHEREOF, the parties have hereto affixed their signatures to this Development Agreement as of the dates indicated below.

TWG Development, LLC

City of Cleveland Heights, Ohio

Mayor Kahlil Seren

Print Name: _____

Title: _____

Date: _____

Date: _____

Approved as to form:

William R. Hanna, Law Director

Proposed: 09/18/2023

RESOLUTION NO. 151-2022(CRR), *First Reading*

By Mayor Seren

A Resolution recognizing October, 2023 as *National Breast Cancer Awareness Month*; October 13, 2023 as *Metastatic Breast Cancer Awareness Day*; and October 20, 2023, as *National Mammography Day*; and declaring the necessity that this legislation become immediately effective as an emergency measure.

WHEREAS, the American Cancer Society estimates that in 2023 about 297,790 new cases of invasive breast cancer and 55,720 new cases of non-invasive breast cancer will be diagnosed in women, and 2,710 cases in men, and that about 43,550 women and 530 men will die from the disease; and

WHEREAS, early detection and prompt treatment can significantly reduce suffering and deaths caused by this disease; and

WHEREAS, mammography is recognized as the single most effective method of detecting breast changes that may be cancerous long before physical symptoms can be seen or felt; and

WHEREAS, metastatic breast cancer refers to a condition in which stage IV breast cancer cells travel from the breast, either through the bloodstream or the lymphatic system, to other parts of the body, including the bones, liver, lungs, or brain, and continue to grow in their new location; and

WHEREAS, in 1997 the United States Conference of Mayors launched a Mayors' Campaign Against Breast Cancer, joining in the promotion of Breast Cancer Awareness Month and National Mammography Day; and

WHEREAS, in 2009 the United States Senate and House of Representatives passed Resolutions to designate the first National Metastatic Breast Cancer Awareness Day.

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

SECTION 1. This Council hereby proclaims October 2023, *National Breast Cancer Awareness Month*; October 13, 2023, *Metastatic Breast Cancer Awareness Day*; and October 20, 2023, *National Mammography Day*; and urges women and men in the

RESOLUTION NO. 151-2023(CRR)

community of all ages to learn about screening and mammography and to seek appropriate services.

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

SECTION 3. It is necessary that this Resolution become immediately effective as an emergency measure necessary for the preservation of the public peace, health and safety of the inhabitants of the City of Cleveland Heights, such emergency being the need to recognize national breast cancer awareness month on a timely basis. 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 the Council

ADDIE BALESTER
Clerk of Council

PASSED:

Presented to Mayor: _____

Approved: _____

KAHLIL SEREN
Mayor

Proposed: 09/18/2023

RESOLUTION NO. 152-2023(CRR), *First Reading*

By Mayor Seren

A Resolution recognizing October 2023 as *Domestic Violence Awareness Month*; and declaring the necessity that this legislation become immediately effective as an emergency measure.

WHEREAS, one in four women and a smaller, although significant, number of men will experience domestic violence in their lifetime; and

WHEREAS, children who witness domestic violence are much more likely to abuse their future partners or children; and

WHEREAS, domestic violence can happen to anyone regardless of gender, income, ethnicity, race, religion, age, or sexual orientation and/or identity; and

WHEREAS, locally, the Domestic Violence & Child Advocacy Center has provided services to victims of domestic violence for forty years; and

WHEREAS, the mission of the Domestic Violence & Child Advocacy Center is to empower individuals, promote justice, and mobilize the community so that all persons are free from violence and abuse in their homes; and

WHEREAS, the City of Cleveland Heights has been in the forefront of the fight against domestic violence, with its Police Department and Prosecutor being routinely commended for their aggressive, but fair, enforcement of domestic violence laws.

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

SECTION 1. This Council hereby proclaims October 2023 as *Domestic Violence Awareness Month* and urges all of its residents to educate themselves on the issues and to encourage and support victims of domestic violence and child abuse.

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

RESOLUTION NO. 152-2023(CRR)

SECTION 3. It is necessary that this Resolution become immediately effective as an emergency measure necessary for the preservation of the public peace, health and safety of the inhabitants of the City of Cleveland Heights, such emergency being the need to recognize Domestic Violence Awareness Month on a timely basis. 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 the Council

ADDIE BALESTER
Clerk of Council

PASSED:

Presented to Mayor: _____

Approved: _____

KAHLIL SEREN
Mayor

Proposed 9/18/2023

RESOLUTION NO. 153-2023(CRR), *First Reading*

By Councilmember Larson, President Hart, and Councilmember Boyd

A Resolution recognizing October 22—28, 2023 as *National Lead Poisoning Prevention Week*; and declaring the necessity that this legislation become immediately effective as an emergency measure.

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

WHEREAS, in 2020 6.5% of children residing in Cleveland Heights who were tested for lead poisoning had results greater than 5 ug/dl EBL or above the range accepted as normal; and

WHEREAS, Cuyahoga County then Deputy Director of Cuyahoga County Board of Health stated that “there shouldn’t be any children with lead exposure;” and

WHEREAS, this Council has now passed two pieces of legislation that require all residential rental units build before 1978 be certified as lead-safe, Ordinance 78-2021 and Ordinance 98-2023; and

WHEREAS, this Council has demonstrated its concern for the safety of the children of our community.

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

SECTION 1. This Council hereby proclaims October 22—28, 2023 as *National Lead Poisoning Prevention Week* to continue to build awareness of the dangers of Lead Poisoning.

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

SECTION 3. It is necessary that this Resolution become immediately effective as an emergency measure necessary for the preservation of the public peace, health and safety of the inhabitants of the City of Cleveland Heights, such emergency being the need

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to pass this Resolution on a timely basis. Wherefore, provided it receives the affirmative vote of five or more of the members elected or appointed to this Council, this Resolution shall take effect and be in force immediately upon its passage; otherwise, it shall take effect and be in force and after the earliest time allowed by law.

MELODY JOY HART
President of Council

ADDIE BALESTER
Clerk of Council

PASSED: _____

Presented to Mayor: _____

Approved: _____

KAHLIL SEREN
Mayor

Proposed: 09/18/2023

RESOLUTION NO. 154-2022(CRR), *First Reading*

By Councilmember Russell

A Resolution recognizing October, 2023 as *National Book Month*; and declaring the necessity that this legislation become immediately effective as an emergency measure.

WHEREAS, reading is one of the best things you can do for your mental health and each October, *National Book Month* allows us all to celebrate and expand our love of reading; and

WHEREAS, reading provides mental stimulation, and studies have shown that it can slow, or even prevent altogether, diseases like Alzheimer's and Dementia; and

WHEREAS, reading reduces stress, provides knowledge, and expands a reader's vocabulary and memory; and

WHEREAS, according to the Pew Research Center, there has been about an 11% decline in the number of 9–13-year-olds reading for fun; and

WHEREAS, in the 2021-2022 school year, 1,586 books were banned in schools across the United States—a significant percentage of those books directly addressed issues of race, racism and LGBTQ+ rights, the purpose of book bans being to erase history and represent the effort to silence people who are already the most underrepresented in literature; and

WHEREAS, in 2022 The American Booksellers Association, the trade group for independent bookstore owners, says it now has 2,010 members at 2,547 locations—300 more than it had in Spring 2021, and the most members it has had in years; and

WHEREAS, efforts like The Little Free Library movement are filling communities with more books—and creating a connecting point for neighbors.

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

SECTION 1. This Council hereby proclaims October 2023, *National Book Month*; and urges every resident to celebrate by checking out a book from our libraries, or picking up an old favorite to reread.

RESOLUTION NO. 154-2023(CRR)

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

SECTION 3. It is necessary that this Resolution become immediately effective as an emergency measure necessary for the preservation of the public peace, health and safety of the inhabitants of the City of Cleveland Heights, such emergency being the need to recognize *National Book Month* on a timely basis. 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 the Council

ADDIE BALESTER
Clerk of Council

PASSED:

Presented to Mayor: _____

Approved: _____

KAHLIL SEREN
Mayor