

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

By Council President Hart

An Ordinance calling an election on a proposed Ordinance to require that a public activity park be created on 1.07 acres of city-owned land at the corner of Lee Road, Tullamore Road and Meadowbrook Boulevard in Cleveland Heights, Ohio; and declaring an emergency.

WHEREAS, on November 29, 2021, an initiative petition was submitted to the Clerk of Council, for a proposed Ordinance to require that a public activity park be created on 1.07 acres of city-owned land at the corner of Lee Road, Tullamore Road and Meadowbrook Boulevard in Cleveland Heights, Ohio, which was supplemented with additional part petitions filed on December 27, 2021; and

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

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

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

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

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

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

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

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

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

SECTION 4. This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health and safety of the inhabitants of the City of Cleveland Heights, such emergency being the need to timely submit to the electors of the City of Cleveland Heights the above-described Initiative Petition for a proposed Ordinance in time to meet Board of Elections deadlines. Wherefore, provided it receives the affirmative vote of five (5) or more members elected or appointed to this Council, this Ordinance shall take effect and be in force immediately upon its passage; otherwise, it shall take effect and be in force from and after the earliest time allowed by law.



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MELODY JOY HART  
President of Council



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AMY HIMMELEIN  
Clerk of Council

PASSED: February 22, 2022