



CLEVELAND HEIGHTS

**Council Committee of the Whole
March 6, 2023
6:30 p.m.
City Hall – Executive Conference Room**

Agenda

1. Request to vacate Andrews Rd., N. of Severn Rd. (presentation) (15 min)
2. Legislative Review/Caucus (10 min)
3. Poet Laureate (5 min)
4. Executive Session (30 min)
 - a. *To consider the appointment of a public official.*



CLEVELAND HEIGHTS

AGENDA (tentative) - CLEVELAND HEIGHTS CITY COUNCIL MEETING

March 6, 2023
Regular Meeting
7:30 p.m.

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

- 1) Meeting called to order by Council President
- 2) Roll Call of Council Members
- 3) Excuse absent members
- 4) Amendments to the Agenda (if necessary)
- 5) Communications from the Mayor
- 6) Report of the Clerk of Council

Notify Council that a notice has been received from the Ohio Division of Liquor Control advising that an application has been made by the following:

- CAPL RETAIL LLC dba JOES QUICK MARTS, 3983 Mayfield Rd., Cleveland Heights, OH 44121 for a new C1/C2 liquor permit.

- 7) **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)

- 8) **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 Reading Only

RESOLUTION NO. 033-2023(MSES): First Reading. A Resolution authorizing the Mayor to enter into an agreement with Wade Trim, Inc. of Ohio, for professional design engineering services relating to control of sanitary sewer overflows CH-13 and CH-61 and illicit connections on Hampshire Road; and declaring the necessity that this legislation become immediately effective as an emergency measure.

Introduced by Mayor Seren

RESOLUTION NO. 034-2023(MSES): First Reading. A Resolution authorizing the Mayor to enter into an agreement with Cleveland Compaction for the acquisition and installation of a new Transfer Station Compactor for the Refuse and Recycling Division of the Department of Public Works; and declaring the necessity that this legislation become immediately effective as an emergency measure.

Introduced by Mayor Seren

RESOLUTION NO. 035-2023(F): First Reading. A Resolution acknowledging receipt from the Coventry Village Special Improvement District of a Plan for public services and improvements, and returning said Plan to the Board of Directors without comments or recommendations for changes; and declaring the necessity that this legislation become immediately effective as an emergency.

Introduced by Mayor Seren

b. Second Readings

RESOLUTION NO. 027-2023(PD): Second Reading. A Resolution authorizing the Mayor to enter into an agreement with the Home Repair Resource Center, a non-profit corporation, for the use of HOME Funds to administer the City's Down Payment Assistance loan program; providing compensation therefor; and declaring the necessity that this Resolution become immediately effective as an emergency measure.

Motion to Adopt/Second: _____/_____

Vote: _____
For Against No. Reading

ORDINANCE NO. 028-2023(CRR): Second Reading as Amended. An Ordinance amending Subsection (a) of Section 505.06, “Animals Prohibited in Public Parks,” of the Codified Ordinances of Cleveland Heights to permit leashed dogs in the City’s Parks under specified conditions.

Motion to Adopt/Second: _____/_____

Vote: _____
For Against No. Reading

9) Committee Reports

10) 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.)

11) Old Business

12) New Business

13) Council Member Comments

(**Note:** Council comments should directly relate to the business of the City of Cleveland Heights, rather than personal reflection or commentary. A maximum 3-minute time limit applies, but the Council President may reduce time limit based on the volume of business on the agenda, the time of evening, or other similar factors.)

14) Council President’s Report

15) Adjournment

NEXT MEETING OF COUNCIL: MONDAY, MARCH 20, 2023

Proposed: 3/6/2023

RESOLUTION NO. 033-2023(MSES)

By Mayor Seren

A Resolution authorizing the Mayor to enter into an agreement with Wade Trim, Inc. of Ohio, for professional design engineering services relating to control of sanitary sewer overflows CH-13 and CH-61 and illicit connections on Hampshire Road; and declaring the necessity that this legislation become immediately effective as an emergency measure.

WHEREAS, it is necessary to retain an engineering firm to perform design services related to control of sanitary sewer overflows (“SSOs”) CH-13 and CH-61 and illicit connections on Hampshire Road; and

WHEREAS, the Mayor has determined that the services of Wade Trim have well served the City’s needs for professional engineering services in connection with the City’s SSO Control project and the partial consent decree; and

WHEREAS, such professional engineering services are professional services for which no bidding is necessary.

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

SECTION 1. The Mayor shall be and is hereby authorized to execute an agreement with Wade Trim, Inc. of Ohio to provide professional design engineering services relating to control of SSOs CH-13 and CH-61 and illicit connections on Hampshire Road. The terms of the agreement shall be substantially in accordance with the engineer’s proposal dated October 26, 2023, a copy of which is on file with the Clerk of Council. Compensation for the services detailed therein shall be paid for work actually performed at the rates described therein and in no event shall exceed Three Hundred Forty Thousand, Four Hundred Sixty Dollars (\$340,460.00), including expenses. All agreements and documents hereunder shall be approved as to form by the Director of Law.

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 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 meet partial consent decree requirements. 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

RESOLUTION NO. 033-2023(MSES)

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: 3/06/23

RESOLUTION NO. 034-2023(MSES), *First Reading*

By Mayor Seren

A Resolution authorizing the Mayor to enter into an agreement with Cleveland Compaction for the acquisition and installation of a new Transfer Station Compactor for the Refuse and Recycling Division of the Department of Public Works; and declaring the necessity that this legislation become immediately effective as an emergency measure.

WHEREAS, in order to meet operational needs, it is necessary to purchase a new Transfer Station Compactor for the Refuse and Recycling Division of the Department of Public Works; and

WHEREAS, Section 171.12 of the Cleveland Heights Codified Ordinances authorizes the purchase of machinery, materials, supplies, and other articles through the cooperative purchasing program formerly known as the National Joint Powers Alliance, now known as the Sourcewell Cooperative Purchasing Program, without obtaining competitive bids; and

WHEREAS, the Mayor has determined that the selected equipment may be purchased through this Cooperative Purchasing Program at a lower price than could be obtained through bidding, and that it would be in the City's best interests to purchase said vehicle and equipment by this means.

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 execute any and all agreements necessary for the purchase and installation of a new Marathon M-1050XW9-30-75 Transfer Station Compactor, through the Sourcewell Cooperative Purchasing Program, pursuant to Section 171.12 of the Cleveland Heights Codified Ordinances. The total cost for the purchase and installation of the equipment shall not exceed the sum of Two Hundred Seventeen Thousand, Thirty-nine and 12/100 Dollars (\$217,039.12). All contracts hereunder shall be approved as to form by the Director of Law.

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.

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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 minimize long lead times and price fluctuations. 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: 3/06/2023

RESOLUTION NO. 035-2023(F), *First Reading*

By: Mayor Seren

A Resolution acknowledging receipt from the Coventry Village Special Improvement District of a Plan for public services and improvements, and returning said Plan to the Board of Directors without comments or recommendations for changes; and declaring the necessity that this legislation become immediately effective as an emergency.

WHEREAS, by Resolution No. 160-1996, this Council approved the formation of the Coventry Village Special Improvement District (“Coventry SID”); and

WHEREAS, this Council has previously approved and levied assessments for five-year public services/improvements plans for the SID; and

WHEREAS, the most recently approved Plan and assessments have expired; and

WHEREAS, the Board of Directors of the Coventry SID have adopted a proposed public services and improvements Plan for the next five (5) years and submitted it to this Council and the Mayor for their comments and recommendations pursuant to Ohio Revised Code Section 1710.06; and

WHEREAS, this Council and the Mayor have reviewed said Plan and have no comments or recommendations for changes regarding same.

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

SECTION 1. This Council hereby acknowledges receipt, on its behalf and on behalf of the Mayor, of the proposed five-year public services and improvements plan for the Coventry Village Special Improvement District, as adopted by the Board of Directors of the Coventry SID (a copy of which is attached hereto as Exhibit “A” and incorporated herein by reference). Said Plan is hereby returned to the Coventry SID, pursuant to Ohio Revised Code Section 1710.06, without comments or recommendations for changes.

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. This Resolution is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health and safety of the inhabitants of the City of Cleveland Heights, such emergency being the need to permit the services of the Coventry SID to continue without interruption and to meet statutory deadlines

RESOLUTION NO. 035-2023(F)

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: 2/21/2023

RESOLUTION NO. 027-2023(PD), *Second Reading*

By Mayor Seren

A Resolution authorizing the Mayor to enter into an agreement with the Home Repair Resource Center, a non-profit corporation, for the use of HOME Funds to administer the City's Down Payment Assistance loan program; providing compensation therefor; and declaring the necessity that this Resolution become immediately effective as an emergency measure.

WHEREAS, the City previously entered into an agreement with the Home Repair Resource Center ("HRRC") to administer the City's Down Payment Assistance loan program, wherein Cleveland Heights residents who met certain criteria would receive up to a ten-thousand-dollar (\$10,000) loan consisting of HOME funds issued by U.S. Department of Housing and Urban Development ("HUD") via Cuyahoga County; and

WHEREAS, this Council has determined that it would be in the City's best interest to continue the down payment assistance program for its citizens with HRRC's administration and under the City's oversight.

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 Home Repair Resource Center ("HRRC") to administer the City's Down Payment Assistance Program with City oversight. The program shall provide up to Forty-Four Thousand Dollars (\$44,000) of HOME funds issued by U.S. Department of Housing and Urban Development ("HUD") via Cuyahoga County.

SECTION 2. The services to be performed by HRRC shall be as set forth in the Statement of Work attached hereto as Exhibit A and incorporated herein. The term of the agreement shall commence effective January 1, 2023 and terminate on December 31, 2023. All 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 Resolution shall be given by publishing the title and abstract of contents, prepared by the Director of Law, once in one newspaper of general circulation in the City of Cleveland Heights.

RESOLUTION NO. 027-2023(PD)

SECTION 4. It is necessary that this Resolution become immediately effective as an emergency measure necessary for the preservation of the public peace, health and safety of the inhabitants of the City of Cleveland Heights, such emergency being the need to allow the City's Down Payment Assistance Program to continue without interruption. 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: _____, 2023

Presented to Mayor: _____

Approved: _____

KAHLIL SEREN
Mayor

EXHIBIT A
STATEMENT OF WORK

HOME REPAIR RESOURCE CENTER

Home Repair Resource Center (“HRRC”), formerly known as FHC Housing Corporation, is a non-profit organization chartered in 1971 located at 2520 Noble Road, Cleveland Heights, Ohio. Its mission is to strengthen and promote the housing stock of Cleveland Heights through education, financial assistance, counseling and community involvement, in order to support the economic, social, and racial diversity of the community. HRRC’s programs recognize the special needs of low and moderate-income homeowners and provide incentives to encourage and facilitate their participation.

HRRC will provide down payment assistance loans to Cleveland Heights homebuyers whose annual income does not exceed 80% of the Area Median Income adjusted for family size, as issued from year to year by the U.S. Department of Housing and Urban Development (“HUD”). Loans may be issued up to \$10,000 for single-family units. (A “single-family unit” means a one-to-four-family residence.) The loan is a deferred zero (0%) interest second mortgage. The loan will be repaid immediately at the time of resale, transfer, or if the property becomes absentee-owned. All program income (re-paid loans) will be returned to the City of Cleveland Heights HOME program.

In addition to direct loans to eligible homebuyers, HRRC will invoice the City for housing counseling services and personnel costs associated with the administration of the down payment assistance program. Reimbursement for Housing Counseling Services shall be \$500 per completed loan up to a maximum of \$3,000. Reimbursement for Down Payment Assistance program administration shall be up to \$500 per completed loan up to a maximum of \$3,000. The total funds issued to HRRC shall not exceed \$44,000. The program shall commence on January 1, 2023 and continue until all funds are depleted or until December 31, 2023, whichever occurs first.

All HOME regulations shall be followed. HRRC shall report to the City of Cleveland Heights Planning & Development Department in the manner requested by its Director.

Proposed: 2/21/2023

ORDINANCE NO. 028-2023(CRR), *Second Reading as Amended*

By: Councilwoman Russell

An Ordinance amending Subsection (a) of Section 505.06, “Animals Prohibited in Public Parks,” of the Codified Ordinances of Cleveland Heights to permit leashed dogs in the City’s Parks under specified conditions.

WHEREAS, Section 505.06 of the Codified Ordinances prohibit the possession of domestic animals in the City’s Public Parks; and

WHEREAS, the City’s Parks and Recreation Advisory Board has been studying the issue and reviewing policies in other communities, and has recommended that the City permit leashed dogs in parks with specified conditions; and

WHEREAS, this Council has determined that it would be beneficial to the City and its residents to permit leashed dog-walking in City Parks under such conditions.

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

SECTION 1. Subsection (a) of Section 505.06 of the Codified Ordinance of the City of Cleveland Heights which presently reads:

505.06 ANIMALS PROHIBITED IN PUBLIC PARKS

(a) No person shall take, lead, or have in his possession any animal in any public park located within the City.

shall be and hereby amended so that henceforth said Subsection shall read as follows:

505.06 ANIMALS PROHIBITED IN CERTAIN PLACES

(a) No person shall take, lead, or have in their possession any animal upon the grounds of any public park located within the City with the exception of licensed dogs kept on a leash of no more than six feet, properly cared for and cleaned up after, kept under the control of the owner at all times, and which do not enter into any playground area, tennis court, ball field, basketball court, picnic shelter, swimming pool premises, splash park, community garden, sledding hill, or area planted with flowers, shrubs or decorative vegetation. Notwithstanding the foregoing, the Mayor may declare dogs to be prohibited during public events in the parks such as the Cain Park Arts Festival, theatrical and musical performances, and other temporary events typically associated with crowds of people provided signs are erected and maintained at the entrances to the Park during the prohibited times.

ORDINANCE NO. 028-2023(CRR)

SECTION 2. Current Subsection (a) of Section 505.06 of the Codified Ordinances of the City of Cleveland Heights as it existed prior to the effective date of this Ordinance shall be, and is hereby, repealed in its entirety.

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

SECTION 4. This Ordinance 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