



December 4, 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. November 6, 2023
 - b. November 13, 2023
- 6) **Presentation from Sal Russo (owner of 1248 Cedar Rd) and Representatives from Grocery Outlet**
Vacant Grocery Space in the Cedar-Fairmount District
- 7) **Communications from the Mayor**
- 8) **City Administrator's Report**
- 9) **City Departmental Report(s)**
- 10) **Report of the Clerk of Council**
- 11) **Public Comment - Legislative Agenda Items only**
(Note: Persons wishing to speak must register in advance. A 3-minute time limit applies. If there are more than 15 speakers, the time will be automatically reduced to 2-minutes. Council President reserves the right to reduce the time limit based on the volume of business on the agenda. Comments unrelated to the agenda may be made after Committee Reports)
- 12) **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. 194-2023(COTW): First Reading. An Ordinance authorizing the allocation, appropriation and expenditure of ARPA funds; and declaring the necessity that this legislation become immediately effective as an emergency measure.

Introduced by Councilmembers Hart, Mattox, Larson, Russell, and Boyd
Move for Adoption

b. First Readings Only

ORDINANCE NO. 195-2023(PD), First Reading. An Ordinance amending Ordinance No. 13-2019, as amended by Ordinance No. 11-2022, to expand the Board of Directors of the Cleveland Heights Community Improvement Corporation to achieve greater community representation and expertise, modifying the ex-officio membership of the Board by replacing the Director of Housing with the Director of the Department of Planning and Development, and authorizing the Mayor to file appropriate amended Articles of Incorporation.

Introduced by Vice President Cobb and Councilmember Mattox

ORDINANCE NO. 196-2023(AS): First Reading. An Ordinance repealing Chapter 150, “Transportation and Environmental Sustainability Committee” of Part One, *Administrative Code*, of the Codified Ordinances of the City of Cleveland Heights, and adopting a replacement Chapter 150, “Transportation and Mobility Committee.”

Introduced by Vice President Cobb

ORDINANCE NO. 197-2023(AS): First Reading. An Ordinance enacting and adopting a new Chapter 140, Cleveland Heights Climate and Environmental Sustainability Committee (CESC) of Part One, *Administrative Code*, of the Codified Ordinances of the City of Cleveland Heights.

Introduced by Vice President Cobb

c. Second Readings

ORDINANCE NO. 189-2023(AS): Second Reading. An Ordinance enacting and adopting a new Chapter 146, to be entitled *Parks and Recreation Youth*

Advisory Board.

Introduced by Councilmember Russell
Move for Adoption

RESOLUTION NO. 190-2023(HB): Second Reading. An Ordinance amending Chapter 1347, "Certificate of Occupancy and Lead-Safe Certification", of the Codified Ordinances of the City of Cleveland Heights to adopt and enact a new Section 1347.14, to be entitled "Transient Rentals", amending Section 1341, "Definitions" to adopt a new Subsection 1341.251 to be entitled "Transient Rentals", and amending Subsection (a) of Section 1345.99, "Penalty."

Introduced by Councilmember Cuda
Move for Adoption

RESOLUTION NO. 193-2023(PD): Second Reading. A Resolution authorizing the Mayor to enter into a development agreement with WXZ CPV LLC, concerning the redevelopment of the Taylor-Tudor buildings; and declaring the necessity that this legislation become immediately effective as an emergency measure.

Introduced by Mayor Seren

d. Third Readings

ORDINANCE NO. 123-2023(AS): Third Reading. An Ordinance amending Part One, Title Five of the Administrative Code of the Codified Ordinances of the City of Cleveland Heights to enact a new Chapter 142 "Arts Commission" to establish an Arts Commission for the City of Cleveland Heights and provide for appointment, powers, and duties of the commission; and declaring the necessity that this legislation become immediately effective as an emergency measure.

Introduced by Mayor Seren
Move for Adoption

ORDINANCE NO. 179-2023(COTW): Third Reading as Amended. An Ordinance authorizing the allocation, appropriation and expenditure of ARPA funds.

Introduced by All Council Members
Move for Adoption

13) Committee Reports

14) Public Comment - General

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

applies. If there are more than 15 speakers, the time will be automatically reduced to 2-minutes. Council President reserves the right to reduce the time limit based on the volume of business on the agenda.)

15) Adjournment

NEXT MEETING OF COUNCIL: DECEMBER 18, 2023



November 6, 2023
Regular Meeting
7:30 PM

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

MEETING MINUTES

1) Meeting called to order by Council President

Start: 7:49pm

2) Roll Call of Council Members

Present: Anthony Mattox Jr., Janine Boyd, Davida Russell, Melody Joy Hart,
Tony Cuda, Gail Larson

Excused: Craig Cobb

3) Excuse absent members

Vice President Cobb excused (observed meeting via Zoom)

4) Amendments to the Agenda (if necessary)

Motion to add ORD 181-2023 to First Readings Only: Anthony Mattox Jr.

Seconded: Janine Boyd

Yes: Janine Boyd, Tony Cuda, Melody Joy Hart, Gail Larson, Anthony Mattox Jr.,
Davida Russell

No: None

MOTION PASSED

5) Approval of minutes from previous meeting(s)

a. October 2, 2023

APPROVED

b. October 16, 2023

APPROVED

6) Communications from the Mayor

Encourages everybody to get out and vote tomorrow on Election Day.

Encourages everybody to come to the State of the City Address on Thursday at 6pm at the Community Center. There will be an open house with department heads after the address.

Requests that Council maintains its schedule of Regular Council meetings through the month of December, including the December 18th Regular Council Meeting.

Received a message from Mayor Weiss in Shaker Heights confirming the partnership between local jurisdictions (Shaker Heights, Cleveland Heights, University Heights, South Euclid and Richmond Heights) have been granted through the Community Oriented Policing Grant has been awarded \$399,846 to expand Shaker's successful crisis intervention team model to those other cities, including ours. Special Credit to Chief Britton for making this happen.

Cleveland Heights also received an additional COPS grant of \$175,000 to add to the federal dollars that are funding our partnership with Cleveland Peacemakers alliance.

7) City Administrator's Report

Wants to bring to the Council's attention the property located at the intersection of South Taylor and Fairmount Blvd. which has had multiple occurrences of vehicles crashing into their house/yard. The City is working with the homeowner to come up with a solution that does not unreasonably affect travel at the intersection, and the safety of other drivers. Negotiations are underway with the homeowner in order for the City to purchase the property from the homeowner.

He had an opportunity to walk through the Coventry Business District with a business owner to go over concerns of safety etc. As a result, the Mayor has authorized City staff to work on the elevator in the garage, repairing vandalized windows, deep cleaning of the garage etc. The Director of Planning and Development will be applying for a \$50,000.00 grant from the County Supplemental Grant Fund and the City will match that (if awarded), to create \$100,000.00 fund to work with business owners to address their most pressing concerns for the district.

8) City Departmental Report(s)

None

9) Report of the Clerk of Council

None

10) Public Comment - Legislative Agenda Items only

(Note: Persons wishing to speak must register in advance. A 3-minute time limit applies. If there are more than 15 speakers, the time will be automatically reduced

to 2-minutes. Council President reserves the right to reduce the time limit based on the volume of business on the agenda. Comments unrelated to the agenda may be made after Committee Reports)

Speakers

Paul Volpe	Citizen	ORD. 181-2023; in favor of the extension for the PSA with TWG for the Noble Station Development.
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11) 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

RESOLUTION NO. 173-2023(F): First Reading. A Resolution authorizing an agreement with ADP, Inc. for payroll processing services for the City's Finance Department; and declaring the necessity that this legislation become immediately effective as an emergency measure.

Introduced by Mayor Seren

Motion to adopt: Gail Larson

Seconded: Janine Boyd

Yes: Janine Boyd, Tony Cuda, Melody Joy Hart, Gail Larson, Anthony Mattox Jr., Davida Russell

No: None

LEGISLATION PASSED

ORDINANCE NO. 174-2023(F): First Reading. An Ordinance authorizing the sale of K-9 Officer Otto to his handler for the sum of One Dollar (\$1.00); and declaring the necessity that this legislation become immediately effective as an emergency measure.

Introduced by Mayor Seren

Motion to adopt: Janine Boyd

Seconded: Davida Russell

Yes: Janine Boyd, Tony Cuda, Melody Joy Hart, Gail Larson, Anthony Mattox Jr.,
Davida Russell

No: None

LEGISLATION PASSED

RESOLUTION NO. 180-2023(CRR): First Reading. A Resolution
authorizing an agreement with Otis Elevator Company for repairs to the
elevator in the Cedar Lee Parking Garage; and declaring the necessity that
this legislation become immediately effective as an emergency measure.

Introduced by Mayor Seren

Motion to adopt: Melody Joy Hart

Seconded: Gail Larson

Yes: Janine Boyd, Tony Cuda, Melody Joy Hart, Gail Larson, Anthony Mattox
Jr., Davida Russell

No: None

LEGISLATION PASSED

b. First Readings Only

RESOLUTION NO. 175-2023(MSES): First Reading. A Resolution
authorizing the Mayor to enter into an agreement with the County of
Cuyahoga to perform certain services to help maintain the City's sanitary and
storm sewers.

Introduced by Mayor Seren

**READ INTO THE RECORD
REFERRED TO COMMITTEE**

RESOLUTION NO. 176-2023(MSES): First Reading. A Resolution
authorizing the Mayor to enter into an agreement with Glaus, Pyle, Schomer,
Burns and DeHaven, Inc., ("GPD Group") for utility engineering services
associated with the replacement of water mains on Edgerly and Clarendon
Roads; providing compensation therefor.

Introduced by Mayor Seren

**READ INTO THE RECORD
REFERRED TO COMMITTEE**

RESOLUTION NO. 177-2023(MSES): First Reading. A Resolution
authorizing an agreement with Pfund Superior Sales Co., Inc. of Lower
Burrell, PA for the purchase of a 2025 Freightliner Crew Cab Ambulance and
Chassis for the Cleveland Heights Fire Department through the Ohio
Department of Administrative Services Cooperative Purchasing Program;
providing compensation therefor; and declaring the necessity that this

1 legislation become immediately effective as an emergency measure.

2
3 Introduced by Mayor Seren

4 **READ INTO THE RECORD**
5 **REFERRED TO COMMITTEE**

6 **ORDINANCE NO. 178-2023(PD): First Reading.** An Ordinance authorizing
7 the Mayor to execute an agreement for the sale of certain real property
8 located at 1900-1910 South Taylor Road, 1912-1926 South Taylor Road, and
9 1932-1946 South Taylor Road, Permanent Parcels No. 684-27-001, 684-26-
10 011, and 684-26-012; and declaring the necessity that this legislation become
11 immediately effective as an emergency measure.

12
13 Introduced by Mayor Seren

14 **READ INTO THE RECORD**
15 **MOVED TO COMMITTEE**

16 **ORDINANCE NO. 179-2023(COTW): First Reading.** An Ordinance
17 authorizing the allocation, appropriation and expenditure of ARPA funds.

18
19 Introduced by All Council Members

20 **READ INTO THE RECORD**

21 **ORDINANCE NO. 181-2023(PD): First Reading.** An Ordinance authorizing
22 the Mayor to execute a second amendment to an agreement for the sale of
23 certain real property located at 2228 Noble Road (primary address) consisting
24 of several contiguous parcels; and declaring the necessity that this legislation
25 become immediately effective as an emergency measure.

26
27 Introduced by Councilmember Mattox

28 **READ INTO THE RECORD**
29 **MOVED TO COMMITTEE**

30 **c. Second Readings**
31

32 **ORDINANCE NO. 127-2023(PD): Second Reading.** An Ordinance
33 introducing amendments to various Sections of Part Eleven, Zoning Code, of
34 the Codified Ordinances of the City of Cleveland Heights to create and make
35 permanent the City of Cleveland Heights Shared Spaces Program; and
36 declaring the necessity that this legislation become immediately effective as
37 an emergency measure.

Introduced by Mayor Seren

Motion to adopt: Gail Larson
Seconded: Anthony Mattox Jr.

Yes: Janine Boyd, Tony Cuda, Melody Joy Hart, Gail Larson, Anthony Mattox Jr., Davida Russell
No: None

LEGISLATION PASSED

ORDINANCE NO 150-2023(PD): Second 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

Motion to adopt: Anthony Mattox Jr.
Seconded: Janine Boyd

Yes: Janine Boyd, Tony Cuda, Melody Joy Hart, Gail Larson, Anthony Mattox Jr., Davida Russell
No: None

LEGISLATION PASSED

12) Committee Reports

MSES: There will be a MSES meeting the week of Nov. 13 to discuss the legislation assigned to her committee.

CRR: Update from the CRR meeting this morning; spoke about several pieces of legislation including a piece of legislation regarding the creation of a Parks and Recreation Youth Advisory Board and spoke with many business owners and other organizations about what they offer the community.

PSH: Thanked everybody who participated in the Oct. 26 PSH Committee Hearing. She will be scheduling a follow-up hearing so that a few more witnesses may testify.

HB: Update from the HB Committee meeting this evening; he will be moving a piece of legislation on Short Term Rentals to COTW. Gave some brief comments on other topics.

PD: The PD Committee meeting will be rescheduled for next week where they will discuss the pending CIC legislation, the shipping container pilot program and more.

13) Public Comment - General

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

1 applies. Council President reserves the right to reduce time limit based on the
2 volume of business on the agenda.)
3

4 **Speakers**

Joan Taslitz	Citizen	Security at the senior center/community center
Peter DeGolia	Citizen	Security at the senior center/community center
Sarah Popivker	Citizen	Adopting IHRA definition of antisemitism in Cleveland Heights
Alec Popivker	Citizen	Antisemitism and education
CJ Nash	Citizen	Chairs in Executive Conference Room and Council Chambers

5
6 **14) Old Business**

7 None

8 **15) New Business**

9 **Cuda:** Would like to have a statement written on the agenda for legislative items
10 under the "First Reading - Consideration of Adoption Requested"
11

12 **Mayor:** Commented that "New Business" and "Old Business" are supposed to
13 be in the form of motions made by Councilmembers, not simply questions or
14 statements made by Councilmembers.

15 **16) Adjournment**

16 Time: 8:44pm

17
18 **NEXT MEETING OF COUNCIL: NOVEMBER 20, 2023**

19
20 **APPROVED:**

21
22
23
24 _____
25 Melody Joy Hart
26 President of Council
27

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Addie Balester
Clerk of Council

DRAFT



November 13, 2023
Special Meeting
8:30 PM

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

MEETING MINUTES

1) Meeting called to order by Council President

Start: 8:32pm

2) Roll Call of Council Members

Present: Anthony Mattox Jr., Janine Boyd, Melody Joy Hart, Craig Cobb, Gail Larson

Excused: Davida Russell, Tony Cuda

3) Excuse absent members

Councilmember Russell excused.

Councilmember Cuda observing via Zoom

4) Amendments to the Agenda (if necessary)

Motion to add public comment to the agenda: Craig Cobb

Seconded: Anthony Mattox Jr.

Yes: Janine Boyd, Craig Cobb, Melody Joy Hart, Gail Larson, Anthony Mattox Jr.

No: None

5) Public Comment

Speakers

Alex Frazier	Other	
Paul Volpe	Citizen	
George Berry	Citizen	
Daniel Carder Sr.	Citizen	
Cynthia Banks	Citizen	
Wes Schaub	Citizen	
CJ Nash (on behalf of Tonya Horn)	Citizen	

Ruth Perry	Citizen	
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6) LEGISLATION

Note: The title for each piece of legislation contains a parenthetical reference to the Council Committee within which the subject matter of the legislation falls. Council Committees are abbreviated as follows: (AS)-Administrative Services; (COTW)-Committee of the Whole; (CRR)-Community Relations and Recreation; (F)-Finance; (HB)-Housing and Building; (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.

c. Second Readings

ORDINANCE NO. 178-2023(PD): Second Reading. An Ordinance authorizing the Mayor to execute an agreement for the sale of certain real property located at 1900-1910 South Taylor Road, 1912-1926 South Taylor Road, and 1932-1946 South Taylor Road, Permanent Parcels No. 684-27-001, 684-26-011, and 684-26-012; and declaring the necessity that this legislation become immediately effective as an emergency measure.

Introduced by Mayor Seren

Motion to adopt: Janine Boyd

Seconded: Anthony Mattox Jr.

Yes: Janine Boyd, Craig Cobb, Melody Joy Hart, Gail Larson, Anthony Mattox Jr.

No: None

LEGISLATION PASSED

ORDINANCE NO. 181-2023(PD): Second Reading. An Ordinance authorizing the Mayor to execute a second amendment to an agreement for the sale of certain real property located at 2228 Noble Road (primary address) consisting of several contiguous parcels; and declaring the necessity that this legislation become immediately effective as an emergency measure.

Introduced by Councilmember Mattox

Motion to adopt: Anthony Mattox Jr.

Seconded: Gail Larson

Yes: Janine Boyd, Craig Cobb, Melody Joy Hart, Gail Larson, Anthony Mattox Jr.

No: None

LEGISLATION PASSED

Proposed: 12/4/2023

ORDINANCE NO. 194-2023(COTW), *First Reading*

By Council Members Hart, Mattox, Larson, Russell, and Boyd

An Ordinance authorizing the allocation, appropriation and expenditure of ARPA funds; and declaring the necessity that this legislation become immediately effective as an emergency measure.

WHEREAS, on the 11th Day of March 2021, the President of the United States, Joseph R. Biden, signed into law the American Rescue Plan Act of 2021 (hereafter “ARPA”), Public Law 117-2, authorizing, among other things, payment of direct subsidies to the general revenue funds of cities, counties, school districts, and other governmental entities; and

WHEREAS, the intended purpose of the direct subsidy payments to state and local governmental entities under the ARPA is to alleviate the effect of funding shortfalls; invest in state and local economic development; make necessary investments in water, sewer, and other infrastructure; and provide relief from the economic and societal hardships sustained during the onset of the Coronavirus Pandemic and COVID-19 illness, including assistance to households, small businesses and nonprofits, or to impacted industries such as tourism, travel and hospitality; and

WHEREAS, the City of Cleveland Heights has received Thirty-Eight Million Eight Hundred Seventeen Thousand and Sixty-Two Dollars (\$38,817,062.00) in direct payments from the enactment of the ARPA; and

WHEREAS, Cleveland Heights residents and businesses continue to experience physical and mental health stress and economic stress due to the pandemic and its effects; and

WHEREAS, Council wishes to provide for and authorize uses of ARPA funds, to address pandemic related stresses and effects, which have been determined through and pursuant to the community engagement activities described above which uses are identified in Exhibit A, attached hereto.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLEVELAND HEIGHTS, THAT:

SECTION 1. The expenditures and/or allocations as described in Exhibit A are approved. The recipient or their agents must comply with U.S. Dept. of Treasury Rules for the use or expenditure of ARPA funds.

SECTION 2. The award identified in Section 1 and Exhibit A is conditioned upon (A) the approval of the specific use by Guidehouse Inc.; and (B) execution of a written

ORDINANCE NO. 194-2023(COTW)

agreement with the City which among other things, may set forth terms, conditions and limitations accompanying any award or disbursement of ARPA funds to the recipient.

SECTION 3. The Mayor or his designee is hereby authorized to encumber and expend all funds as allocated in Exhibit A.

SECTION 4. The Mayor, Director of Law and Director of Finance or their designees, be and are hereby authorized to execute, certify and/or furnish other such documents and take all other actions, including entering into separate agreements as are necessary or incidental to further acceptance, appropriation and expenditure of ARPA funds and/or which are incidental to carrying out the purposes of this Ordinance.

SECTION 5. The Director of Finance or his designee is hereby authorized to establish any additional funds or accounts, as may be necessary or incidental to the appropriation, encumbrance and/or expenditure of ARPA funds as allocated in Exhibit A.

SECTION 6. The Director of Finance or his designee is hereby authorized to transfer all ARPA funds between and among any funds, sub-funds and accounts, as necessary to allow for the posting of prior and future expenses, not to exceed the total ARPA funds awarded to the City.

SECTION 7. 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 8. 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 allocation ARPA Funds 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 Council

ADDIE BALESTER
Clerk of Council

ORDINANCE NO. 194-2023(COTW)

PASSED:

Presented to Mayor: _____

Approved: _____

KAHLIL SEREN
Mayor

EXHIBIT A to ORDINANCE NO. XXX-2023

CATEGORY	PROJECT / DESCRIPTION	AMOUNT
Non-Profit Business Assistance		
	Coventry Village SID: Misc. projects and business development	\$313,560.00 (Award up to this amount with to terms to be determined)

Proposed: 12/4/2023

ORDINANCE NO. 195-2023(PD), *First Reading*

By Vice President Cobb, Council
Member Mattox

An Ordinance amending Ordinance No. 13-2019, as amended by Ordinance No. 11-2022, to expand the Board of Directors of the Cleveland Heights Community Improvement Corporation to achieve greater community representation and expertise, modifying the ex-officio membership of the Board by replacing the Director of Housing with the Director of the Department of Planning and Development, and authorizing the Mayor to file appropriate amended Articles of Incorporation.

WHEREAS, this Council, by Ordinance No. 13-2019 and in accordance with the provisions of Chapter 1724 of the Ohio Revised Code, created the Cleveland Heights Community Improvement Corporation ("CIC") for the purpose of advancing, encouraging and promoting industrial, economic, commercial and civic development within the territorial boundaries of the City, in furtherance of the City's Master Plan; and

WHEREAS, Ordinance No. 13-2019 specified four City officials and employees to serve as ex-officio members of the CIC's 5-member Board of Directors, and provided for one member to be appointed by the City Manager; and

WHEREAS, based upon the change in the form of government from a Council-Manager to a Mayor-Council form, Ordinance No. 13-2019, and the composition of the CIC Board of Directors, was amended by this Council through Ordinance No. 11-2022 to comport with the new Mayor-Council form of government; and

WHEREAS, this Council believes that it will benefit the City of Cleveland Heights to expand the Board of Directors of the CIC to include more community representation and to designate the Director of the Cleveland Heights Department of Planning and Development as an ex-officio CIC Board member rather than the Director of Housing.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLEVELAND HEIGHTS, THAT:

SECTION 1. The provisions of Ordinance No. 13-2019 and Ordinance No. 11-2022 shall be, and are hereby, amended and modified only to the extent provided herein. All provisions of Ordinance No. 13-2019 and Ordinance No. 11-2022 not inconsistent with the provisions of this Ordinance shall remain in full force and effect.

SECTION 2. The City Community Improvement Corporation shall be governed by a Board of Directors having nine (9) members, composed as follows:

- i. The Mayor
- ii. The President of Council

ORDINANCE NO. 195-2023(PD)

- iii. The Chairperson of the Planning and Development Committee of City Council
- iv. The Director of the Department of Planning and Development
- v. Five (5) Members Appointed by the Mayor, subject to the approval of Council. Four (4) appointed members must be residents of Cleveland Heights.

The Mayor-appointed members to the City Community Improvement Corporation shall serve for terms of three (3) years and may be appointed for multiple terms.

Any Mayor-appointed member must have a background and expertise in real estate development or marketing, finance, banking, accounting, construction, community development, business or economic development, property management, law, or a field similarly related to the purpose of the Corporation.

Any Member who is not appointed shall hold his/her position as Member for the duration of his/her tenure in the office or position to which his/her Board Member position relates.

The City Community Improvement Corporation shall have officers as follows:

- i. President – Mayor
- ii. Vice President – President of Council
- iii. Secretary/Treasurer – as appointed by Board

SECTION 3. The Mayor is hereby authorized to file amended Articles of Incorporation with the Ohio Secretary of State for the City Community Improvement Corporation, along with any related documents.

SECTION 4. The City Community Improvement Corporation shall promptly amend its Code of Regulations at its next meeting for the conducting of its business.

SECTION 5. Notice of the passage of this Ordinance shall be given by publishing the title and abstract of its contents, prepared by the Director of Law, once in one newspaper of general circulation in the City of Cleveland Heights.

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

MELODY JOY HART
President of Council

ORDINANCE NO. 195-2023(PD)

ADDIE BALESTER
Clerk of Council

PASSED:

Presented to Mayor: _____

Approved: _____

KAHLIL SEREN
Mayor

Introduced: 12/4/2023

ORDINANCE NO. 196-2023(AS), *First Reading*

By Vice President Cobb

An Ordinance repealing Chapter 150, “Transportation and Environmental Sustainability Committee” of Part One, *Administrative Code*, of the Codified Ordinances of the City of Cleveland Heights, and adopting a replacement Chapter 150, “Transportation and Mobility Committee.”

WHEREAS, the Transportation Advisory Committee (“TAC”) was established in 2013 to discuss matters related to transportation within the City of Cleveland Heights; and

WHEREAS, TAC has been central to the City’s adoption of its award-winning Complete and Green Streets Policy; and

WHEREAS, in the absence of a stand-alone Sustainability Committee, the purpose and intent of TAC was amended by Ordinance No. 111-2021 to expand the Committee’s membership, responsibilities and duties to include climate and environmental sustainability and to change the name of the Committee to the “Transportation and Environmental Sustainability Committee (TESC),” and

WHEREAS, with the hiring by the City of a Sustainability and Resiliency Coordinator this Council believes there is a need to advance the the mission, duties, structure and membership of TESC by dissolving it in favor of forming two separate committees, one to be named the “Transportation and Mobility Committee”, and the other the “Climate and Environmental Sustainability Committee;” and

WHEREAS, Council believes that a separate Transportation and Mobility Committee will be better able to assist the City in implementing Complete Streets and Vision Zero practices and policies, promote public education on transportation and mobility issues affecting the City and its residents, and review local transportation and mobility issues balancing the interests and needs of people walking, biking, riding transit, and driving delivery trucks and automobiles;

WHEREAS, based on the foregoing, this Council desires to modify Chapter 150 of the Codified Ordinances of the City of Cleveland Heights to establish a separate committee devoted to transportation and mobility issues.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLEVELAND HEIGHTS, THAT:

ORDINANCE NO. 196-2023(AS)

SECTION 1. An amended Chapter 150, "Transportation and Mobility Committee," of Part One, *Administrative Code*, of the Codified Ordinances of the City of Cleveland Heights, is hereby adopted to read as set forth in Exhibit A hereto.

SECTION 2. Current Chapter 150 of the Codified Ordinance of the City of Cleveland Heights, as it existed prior to the effective date of the ordinance, is hereby repealed.

SECTION 3. The appointment of new members to the "Transportation and Mobility Committee" as a result of this Ordinance shall be for initial terms not exceeding two years.

SECTION 4. 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 5. This Ordinance shall take effect and be in force at the earliest time permitted by law.

MELODY JOY HART
President of Council

ADDIE BALESTER
Clerk of Council

PASSED:

Presented to Mayor: _____

Approved: _____

KAHLIL SEREN
Mayor

EXHIBIT A to ORDINANCE NO. 196-2023

TRANSPORTATION AND MOBILITY COMMITTEE

150.01 ESTABLISHED.

There is hereby established a Cleveland Heights Transportation and Mobility Committee (TMC). The purpose of this Committee shall be to make recommendations to the Mayor and Council on transportation plans for the City, particularly plans that affect and improve transportation by modes which are alternatives to private automobiles; recommendations to assist in implementing the City's Complete and Green Streets and Vision Zero policies; recommendations for ADA compliance and accessibility for persons with disabilities; and, providing a means for the community to learn about matters related to transportation within the City of Cleveland Heights and the City's connectivity to nearby regions.

150.02 MEMBERS.

(a) The Committee shall consist of eight (8) members, four (4) of whom shall be appointed by City Council and three (3) by the Mayor subject to Council approval by majority vote. An additional non-voting member shall be the City Administrator who shall serve as the Committee's Co-chair. Members shall be residents of Cleveland Heights and Council's appointments shall include: one (1) resident to represent the interests of bicyclists; one (1) resident to represent the interests of transit users; one (1) resident to represent the interests of mobility challenged persons; and, one (1) resident to represent the interests of the Cleveland Heights business community. A good faith effort shall be made to have the appointments reflect the City's goal of racial, social and geographic diversity.

(b) Appointed membership shall be for a two (2)-year term, expiring from the date of their appointment.

(c) Any appointed member who misses a majority of Committee meetings in a calendar year shall be considered unable to serve. Subject to (d), in the event a member is unable to complete his/her term, City Council shall appoint a replacement to complete that term after seeking qualified candidates.

(d) In the event, the member unable to serve is a Mayoral appointee, the Mayor shall appoint a replacement to complete the term subject to Council approval.

(e) No compensation shall be paid to any appointed member of the Committee for services performed.

(f) City Council President shall designate a Council member as a non-voting liaison between Council and the Committee.

150.03 MEETINGS; CHAIRPERSONS; SECRETARY; BYLAWS.

Regular meetings of the Committee shall be held and notice given in accordance with Open Meeting requirements. The Committee shall meet at least once a quarter and shall

submit an annual report to the Mayor and City Council. The Committee shall elect an appointed member annually to serve as a Co-chairperson and another as vice-chair. The Committee may establish its own bylaws after review and approval by the City Director of Law. The Committee may elect a Secretary to keep or cause to be kept a record of all meetings of the Committee. An audio recording may be substituted in lieu of written minutes.

150.04 STAFF.

The Mayor and City Council shall jointly determine any staffing needs for the Committee and who shall be responsible for notifying members of meetings and complying with public notice requirements.

150.05 COUNCIL LIAISON.

The role of the Council liaison is to communicate Council's needs, policies and interests to the Committee members and to communicate back to the City Council the recommendations made and discussions held by the Committee. This ensures thorough communication between the elected officials and the members of the Committee.

Proposed: 12/4/2023

ORDINANCE NO. 197-2023(AS), *First Reading*

By Vice President Cobb

An Ordinance enacting and adopting a new Chapter 140, Cleveland Heights Climate and Environmental Sustainability Committee (CESC) of Part One, *Administrative Code*, of the Codified Ordinances of the City of Cleveland Heights.

WHEREAS, the issues of climate change and environmental sustainability have become integral to the future of our planet and our daily lives; and

WHEREAS, the City of Cleveland Heights has long placed an emphasis on sustainability, as elucidated by the “Environmentally Sustainable Community” Goals and Actions component of the City’s 2017 Master Plan; and

WHEREAS, many communities within Cuyahoga County, Northeast Ohio, the State of Ohio, and the United States have established Sustainability committees to accomplish similar goals; and

WHEREAS, in the absence of a stand-alone Sustainability Committee, the City by Ordinance No. 111-2021 expanded the responsibilities and duties of the Transportation Advisory Committee (“TAC”) established in 2013 to include climate and environmental sustainability issues with the Committee renamed “Transportation and Environmental Sustainability Committee (TESC),” and

WHEREAS, with the hiring by the City of a Sustainability and Resiliency Coordinator there is a need to update the mission, duties, structure and membership of TESC by forming separate committees; one “Transportation and Mobility”, and another “Climate and Environmental Sustainability (CESC);” and

WHEREAS, Council believes that a separate Climate and Environmental Sustainability Committee will be better able to make the City a more sustainable community through the consideration of practical new programs and policies as well as public engagement and outreach to address environmental, resource and energy challenges.

WHEREAS, based on the foregoing, this Council desires to enact Chapter 140 of the Codified Ordinances of the City of Cleveland Heights to establish a separate committee devoted to climate and sustainability issues.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLEVELAND HEIGHTS, THAT:

ORDINANCE NO. 197-2023(AS)

SECTION 1. This Council hereby adopts and enacts new Chapter 140, Cleveland Heights Climate and Environmental Sustainability Committee (CESC) of Part One, *Administrative Code*, of the Codified Ordinances of the City of Cleveland Heights is hereby established to read in total as set forth in Exhibit A hereto.

SECTION 2. The appointment of new members to the Cleveland Heights Climate and Environmental Sustainability Committee as a result of this Ordinance shall be for initial terms not exceeding two years.

SECTION 3. 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 4. This Ordinance shall take effect and be in force at the earliest time permitted by law.

MELODY JOY HART
President of Council

ADDIE BALESTER
Clerk of Council

PASSED:

Presented to Mayor: _____

Approved: _____

KAHLIL SEREN
Mayor

EXHIBIT A to ORDINANCE NO. 197-2023

Cleveland Heights Climate and Environmental Sustainability Committee

151.01 ESTABLISHED

There is hereby established a Cleveland Heights Climate and Environmental Sustainability Committee (CESC). The purpose of this Committee shall be to: (i) advise the Mayor and Council on recommendations with regard to improving the environmental sustainability of City programs, services, equipment and facilities; (ii) increasing the awareness of issues of environmental sustainability with the residents and businesses located in the City; and, (iii) encouraging increased environmentally conscious activities by the residents and businesses located in the City. The CESC shall also serve as an advocate for environmental justice, and promote through education and outreach best use practices for sustainable living, business, and economic development.

151.02 MEMBERS.

(a) The Committee shall consist of eight members (8), four (4) of whom shall be appointed by City Council and three (3) by the Mayor subject to approval by a majority of Council. The remaining member shall be the City's Climate Resiliency and Sustainability Coordinator who shall serve as a co-chair and non-voting member. The appointed members shall all be residents of Cleveland Heights with a demonstrated interest in and/or knowledge of environmental sustainability. A good faith effort shall be made to have the appointments reflect the City's goal of racial, social and geographic diversity.

(b) Appointed membership shall be for a two (2)-year term, expiring from the date of appointment.

(c) Any appointed member who misses a majority of Committee meetings in a calendar year shall be considered unable to serve. Subject to (d), in the event a member is unable to complete his/her term, City Council shall appoint a replacement to complete that term after seeking qualified candidates.

(d) In the event, the member unable to serve is a Mayoral appointee, the Mayor shall appoint a replacement to complete the term subject to Council approval.

(e) No compensation shall be paid to any appointed member of the Committee for services performed.

(f) Subject to approval by the President of City Council, the Chair of the Municipal Services Committee shall serve as a non-voting liaison between Council and the Committee.

151.03 MEETINGS; CHAIRPERSONS; SECRETARY; BYLAWS.

Regular meetings of the Committee shall be held and notice given in accordance with Open Meeting requirements. The Committee shall meet at least once a quarter and shall submit an annual report to the Mayor and City Council. The Committee shall elect an appointed member annually to serve as a Co-chairperson along with the City's Climate Resiliency and Sustainability Coordinator. The Committee may establish its own bylaws

ORDINANCE NO. 197-2023(AS)

after review and approval by the City Director of Law. The Committee may elect a Secretary to keep or cause to be kept a record of all meetings of the Committee. An audio recording may be substituted in lieu of written minutes.

151.04 STAFF.

The Mayor and City Council shall jointly determine any staffing needs for the Committee and who shall be responsible for notifying members of meetings and complying with public notice requirements.

151.05 COUNCIL LIAISON.

The role of the council liaison is to communicate the City Council's needs, policies and interests to the Committee members and to communicate back to the City Council the recommendations made and discussions held by the Committee. This ensures thorough communication between the elected officials and the members of the Committee.

Proposed 11/20/2023

ORDINANCE NO. 189-2023(AS),
Second Reading

By Councilmember Russell

An Ordinance enacting and adopting a new Chapter 146, to be entitled *Parks and Recreation Youth Advisory Board*.

WHEREAS, Cleveland Heights City Council recognizes that our youth are our future and a very important part of our community. Their opinion, advice, recommendation, creativity, and their Involvement in recreation programming, community relations, parks maintenance, and the creation of recreational spaces is vital to a healthy and vital community; and.

WHEREAS, the purpose of creating a Parks and Recreation Youth Advisory Board is to promote the involvement of youth aged 15 to 23 and provide opportunities for them to share their thoughts, ideas and concerns about matters that truly matter to them; and

WHEREAS, as members of the Parks and Recreation Youth Advisory Board young people will influence local decision-making, provide insights and perspectives that will be pivotal in shaping political decisions that affect Cleveland Heights in matters related to parks and recreation, youth programming, and community relations within the city of Cleveland Heights, and impact how our community tackle essential issues directly; and

WHEREAS, their participation as Board members will enable them to advocate for important causes for themselves and their peers and to drive positive change through collaboration with local officials, community leaders, and organizations; and

WHEREAS, serving on the Parks and Recreation Youth Advisory Board can help youth develop essential personal and professional growth, leadership, communication and teamwork skills that will prove valuable over their lifetime.

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

SECTION 1. This Council hereby adopts and enacts a new Chapter 146, to be entitled *Parks and Recreation Youth Advisory Board*, which shall read as follows:

146.01 Composition and Membership

The Parks and Recreation Youth Advisory Board should consist of up to 9 youth members aged 15 to 23 years, at the time of their appointment, who are residents of Cleveland Heights, who shall be appointed by application to City Council: six (6) from public high schools (Heights High School and/or Shaw High School), with

recommendation from the superintendent, designee or school counselor of such school(s) (two (2) freshmen, two (2) sophomores and two (2) juniors), without reference to GPA, and three (3) from private, parochial or home-schooled entities. In addition, there shall be three (3) nonvoting adult Board members: the Chair of Council's Community Relations and Recreation Committee, a Cleveland Heights Library administrator, and a Cleveland Heights High school teacher appointed by a Cleveland Heights High School administrator.

Members of the Board shall be appointed by the City Council, shall serve for a term of two years and may be reappointed for one additional term. A youth member initially appointed with the recommendation of a designated school official may be reappointed to one additional two-year term beginning in or after their senior year without the need for school official recommendation. Two-year terms shall commence October 1st and end May 30 of the second year following the year in which the October 1 appointment is made.

City Council, as well as the school administrators recommending student members to Council for appointment to the Board shall seek to make appointments that fairly represent the diversity of the city, taking into account important considerations such as geographic diversity and diversity of race, ethnicity, age, gender, sexual identity and orientation.

146.02 Responsibilities and Duties

- (a) The Board shall provide recommendations and advice to the Recreation Advisory Board and the Community Relations and Recreation Committee Chair, and may provide recommendations to Council and relevant city departments directors or designees on matters related to parks and recreation including but not limited to the development of recreational programs, parks maintenance and the creation of recreational spaces.
- (b) The Board shall promote positive community relations and engagement among youth of all ages by organizing events, workshops, and initiatives that encourage interaction and understanding among different age segments of our community along with engaging in the commission on aging to help promote senior activity between the youth and senior in our community.

146.03 Meetings and Procedures

- (a) The Board shall meet at least nine times per year, with a schedule of regular meetings to be determined by the Board. All meetings shall be open to the public. At least annually, the Board shall hold a youth open public town hall meeting to report and summarize its activities, accomplishments, recommendations and concerns. A copy of the report will be provided to the Council and the Mayor in advance of the public meeting. Board meetings shall be held at City Hall or as otherwise authorized by the Codified Ordinances

ORDINANCE NO. 189-2023(AS)

(b) A majority of voting members shall constitute a quorum and Board action shall require the affirmative vote of at least five (5) members.

(c) The Board may establish its own bylaws, subject to approval of the City's Director of Law, and shall elect its own chair, vice chair, and secretary/treasurer.

(d) The Mayor may appoint a city employee to provide support and assistance to the Board in carrying out its responsibilities and to keep a record of all meetings of the Commission.

(e) No compensation shall be paid to any member of the Youth Advisory Commission for services performed on this Commission. The City may provide a meal at each of the Board meetings for members.

146.04 Reporting

The Board shall submit a report and recommendations to the Council annually related to parks and recreation, community relations programming, and Board activities and accomplishments, and shall report quarterly at the Community Relations and Recreation Committee meeting.

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 shall take effect and be in force from and after the earliest time permitted by law.

MELODY JOY HART
President of Council

ADDIE BALESTER
Clerk of Council

Presented to Mayor: _____ Approved by Mayor: _____

KAHLIL SEREN
Mayor

Proposed: 11/20/2023

ORDINANCE NO. 190-2023(HB),
Second Reading

By Councilmember Cuda

An Ordinance amending Chapter 1347, "Certificate of Occupancy and Lead-Safe Certification", of the Codified Ordinances of the City of Cleveland Heights to adopt and enact a new Section 1347.14, to be entitled "Transient Rentals", amending Section 1341, "Definitions" to adopt a new Subsection 1341.251 to be entitled "Transient Rentals", and amending Subsection (a) of Section 1345.99, "Penalty."

WHEREAS, advances in technology have allowed for a booming online short-term rental industry that connects and serves the needs of many potential renters desiring short term rentals; and

WHEREAS, this unique business model is unlike the hotel and other lodging in that it appeals to homeowners, apartment dwellers, families of hospital patients, temporary workers, concertgoers, etc.; and

WHEREAS, the City does not currently differentiate its certificate of occupancy permitting for rentals of 30 days or more from rentals that are between 1 and 29 days; and

WHEREAS, on one hand short term rentals offer supplemental income for CH residents as well as a chance to increase tourism and provide access to our City and a showcase of our neighborhoods for people who might not otherwise visit, and

WHEREAS, on the other hand, the City has received complaints from neighbors of short-term rental properties who have had to endure repeated noise violations, parking problems, and a lack of civility and respect for the impacted neighborhood such that, at times, those short-term rental properties have caused a public nuisance that has threatened the health, safety, quiet enjoyment and welfare of the residents of the City; and

WHEREAS, the City seeks to ensure that short term rentals are meeting all of the City's existing minimum standards including all building, housing, zoning and fire codes as well as safety and sanitation requirements; and

WHEREAS, City Council seeks to strike a balance between property owners' right to use their properties as they see fit and the accountability that goes along with short term rentals.

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

SECTION 1. Chapter 1347, "Certificate of Occupancy and Lead-Safe Certification", of the Codified Ordinances of the City of Cleveland Heights, shall be and hereby is amended to adopt and enact a new Section 1347.14 to be entitled "Short-Term Rentals", which shall read as follows:

1347.14 TRANSIENT RENTALS

(a) No owner or property manager of a dwelling unit described in subsections (1) (2), or (3) shall permit the dwelling unit, or a portion of the dwelling unit, to be rented to, or occupied by, transient renters, except as set forth in this section.

(1) Renter Occupied Dwelling Units. No owner of a dwelling unit registered as a rental unit under Section 1347 shall permit the rental unit to be rented to, or occupied by transient renters unless a separate transient rental application has been filed and accepted by the Building Commissioner for the specific unit(s) being rented as short-term rentals as defined and must abide by the regulations set forth in subsection (b) of this section.

(2) Short Term Rental Dwelling Units. The owner of a short-term Rental-only dwelling unit shall only be registered as a short-term rental property and shall only rent to transient renters as defined by this legislation, and must abide by the regulations set forth in subsection (b) of this section.

(3) Owner Occupied Dwelling Units. The owner of a dwelling unit who occupies that dwelling unit may have transient rentals provided said owner has occupied the property for at least two hundred seventy (270) days in the previous calendar year, and must abide by the regulations set forth in subsection (b) of this section.

(b) The owners of all properties rented or otherwise occupied by transient renters, shall abide by the following regulations:

(1) The total number of calendar days, or parts of calendar days, that a transient renter occupies a dwelling unit does not exceed twenty-nine (29) days in any two (2) month period of a calendar year;

(2) An owner-occupied dwelling, as defined in section 1347.14(a)(3), or part thereof may be rented for periods of one (1) to twenty-nine (29) days. A non-owner-occupied dwelling or part thereof may be rented as a transient rental for a period of seven (7) to twenty-nine (29) days. No dwelling unit of part thereof may be rented as a transient rental for a period of one (1) to (6) days unless the dwelling is owner-occupied as provided in subsection 1347.14(a)(3).

(3) The owner of a dwelling unit or rental unit shall not permit simultaneous rentals of more than one separate room to separate, unrelated transient renters. "Single room rentals" as used herein is an arrangement where multiple renters, under separate rental agreements, have exclusive possession of an individual sleeping facility and shared access with other renters to all other facilities within a

dwelling unit. This prohibition shall not apply in the event that the owner of the dwelling unit is concurrently occupying the dwelling unit with the transient renters.

(4) The owner shall obtain a transient rental registration certificate with the City of Cleveland Heights, in accordance with this chapter. It shall be prima facie evidence of a short-term rental operation if a short-term rental guest is found to be occupying or using a short-term rental.

(5) The owner shall submit, if applicable, written authorization of consent from the homeowners' association, condo association or other person of interest with the owner's application for a transient rental.

(6) The dwelling unit shall have adequate onsite parking for all occupants and transient renters in compliance with Cleveland Heights Codified Ordinance Chapter 1161.

(7) Transient rental property owners shall be required to display the permit on any medium used to advertise the short-term rental. Failure to display shall result in the automatic revocation of the transient rental permit and/or certificate of occupancy.

(8) A short-term rental property owner shall retain and, upon request, make available to the Building Commissioner or law enforcement officials records to demonstrate compliance with this section, including, but not limited to, primary residency, the name of the short-term rental guest responsible for the reservation and/or who rented the unit on each night, dates and duration of stay in a short-term rental.

(9) Repeated complaints of noise and other nuisance related infractions may result in a revocation of the owner's transient rental permit. An appeal from a decision revoking a transient rental license may be appealed to the Nuisance Abatement Board of Review pursuant to Chapter 553 of these Codified Ordinances.

SECTION 2 Section 1341, "Definitions" shall be and hereby amended to enact a new Subsection 1341.251, entitled 'Transient Rental', to read as follows:

1341.251 TRANSIENT RENTAL

"Transient Rental" means: (I) a rental of a non-owner-occupied single-family dwelling or part thereof, for a period of seven (7) to twenty-nine (29) days; or (II) a rental of an owner-occupied single-family dwelling or part thereof for a period of one (1) to twenty-nine (29) days. "Transient Rental" shall have the same meaning as "Short Term Rental". "Transient Rentals" shall not include buildings containing more than five (5) guestrooms for rent or otherwise defined as a "hotel" in Ohio Revised Code Section 3731.01, Building Code.

ORDINANCE NO. 190-2023(HB)

SECTION 3. Subsection (a) of Section 1345.99, "Penalty", of Chapter 1345, "Enforcement and Penalty", of the City of Cleveland Heights shall be and hereby is amended to read as follows:

1345.99 PENALTY

(a) A violation of Section 1351.14, 1347.01, 1347.04(a) or (b), 1347.05(a) or (b), 1347.07(a) or (b), 1347.08(b) or 1347.14 is hereby classified as a minor misdemeanor. Every day such violation occurs or continues shall constitute a separate offense.

SECTION 4 Notice of the passage of this Ordinance shall be given by publishing the title and abstract of its contents, prepared by the Director of Law, once in one newspaper of general circulation in the City of Cleveland Heights.

SECTION 5. This Ordinance shall take effect and be in force from and after the earliest time permitted by law.

MELODY JOY HART
President of Council

ADDIE BALESTER
Clerk of Council

PASSED:

Presented to Mayor: _____

Approved: _____

KAHLIL SEREN
Mayor

Proposed: 11/20/2023

RESOLUTION NO. 193-2023(PD),
Second Reading

By Mayor Seren

A Resolution authorizing the Mayor to enter into a development agreement with WXZ CPV LLC, concerning the redevelopment of the Taylor-Tudor buildings; and declaring the necessity that this legislation become immediately effective as an emergency measure.

WHEREAS, the City has identified the opportunity to develop the City-owned property located at 1900-1910 South Taylor Road, 1912-1926 South Taylor Road, and 1932-1946 South Taylor Road, Permanent Parcels No. 684-27-001, 684-26-011, and 684-26-012, on the west side of South Taylor Road north of Cain Park (the Property); and

WHEREAS, the City on August 27, 2021 issued a Request for Proposals and Request for Qualifications (RFP/RFQ) for redevelopment of the Property; and

WHEREAS, four responses were received to the RFP/RFQ, including a response submitted by WXZ CPV LLC (WXZ) and following Staff's review of and recommendations regarding the proposals this Council on May 4, 2022 authorized the Mayor to undertake discussions with WXZ concerning redevelopment of the Property by adopting Resolution 54-2022; and

WHEREAS, this Council on July 8, 2022 adopted Resolution 103-2022, authorizing a long-term lease of the Property to WXZ to provide site control to assist in WXZ's due diligence in connection with the redevelopment of the Property and to aid in WXZ's efforts to obtain funding for such redevelopment through various tax credit and other state or federal programs, while negotiations with the City continued; and

WHEREAS, on November 13, 2023, pursuant to Resolution 178-2023 this Council authorized a Purchase and Sale Agreement to transfer the Property to WXZ for a purchase price of One Dollar (\$1.00) in anticipation of the City receiving a negotiated portion of tax increment financing service payments generated through the proposed Development in addition to other economic and non-economic benefits; and

WHEREAS, closing on the sale of the Property under the Purchase and Sale Agreement is contingent upon the negotiation and execution of a Development Agreement acceptable to both parties and approved by this Council; and

RESOLUTION NO. 193-2023(PD)

WHEREAS, after extensive negotiations, the parties have reached a tentative agreement on the specific terms and conditions of a Development Agreement for the redevelopment of the Property; and

WHEREAS, this Council believes that the redevelopment of the Taylor-Tudor Property is in the best interests of the City and its residents.

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 a Development Agreement with WXZ CPV LLC, the terms of which shall be substantially in accordance with the Development Agreement on file with the Clerk of Council.

SECTION 2. This Council finds and determines that the redevelopment of the Taylor-Tudor Property in accordance with the development agreement authorized in Section 1 is in the best interests of the City and its residents.

SECTION 3. The Mayor is further authorized to execute any and all other documents necessary or convenient to fulfilling the obligations of the City under the Development Agreement. The Development Agreement and related documents shall be subject to the approval of the City's Law Director as to form.

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 immediate preservation of the public peace, health and safety of the City and its inhabitants, the emergency being the need to facilitate the redevelopment of the Taylor-Tudor Property at the earliest possible time. 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. 193-2023(PD)

ADDIE BALESTER
Clerk of Council

PASSED:

Presented to Mayor: _____

Approved: _____

KAHLIL SEREN
Mayor

Proposed: 8/7/2023

ORDINANCE NO. 123-2023(AS), *Third Reading*

By Mayor Seren

An Ordinance amending Part One, Title Five of the Administrative Code of the Codified Ordinances of the City of Cleveland Heights to enact a new Chapter 142 “Arts Commission” to establish an Arts Commission for the City of Cleveland Heights and provide for appointment, powers, and duties of the commission; and declaring the necessity that this legislation become immediately effective as an emergency measure.

WHEREAS, the City of Cleveland Heights has not established a formalized mechanism to judge and recommend public art projects, and to facilitate the funding, creation, and enjoyment of the arts in Cleveland Heights; and

WHEREAS, the lack of such an established mechanism has led to a lack of intentional and proactive support for the arts in Cleveland Heights; and

WHEREAS, the City of Cleveland Heights, and this Council, believe that the creation of an Arts Commission will have a positive impact on quality of life for residents of and visitors to Cleveland Heights.

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

SECTION 1. Part One, Title Five Administrative Code of the Codified Ordinances of the City of Cleveland Heights shall be and is hereby amended by adding a new Chapter 142 “Arts Commission” to read as follows:

CHAPTER 142 ARTS COMMISSION

142.01 ESTABLISHMENT, COMPOSITION, TERM, REMOVAL, AND VACANCY.

- (a) There is hereby established in the City an Arts Commission.
- (b) The Commission shall consist of five (5) members, appointed by the Mayor, subject to confirmation by a majority of Council, none of whom shall hold other municipal office or employment with the City.
- (c) Members of the Commission shall be residents of the City of Cleveland Heights, appointed on the basis of training and experience in the arts, including but not limited to arts creation, funding, management, and promotion.
- (d) The original appointments for the terms beginning October 1, 2023 are to consist of three (3) members appointed for a three (3) year term, and two (2) members

appointed for a two (2) year term. Thereafter, all appointments to the Commission shall be for a three (3) year term.

- (e) Members of the Commission may be removed by the Mayor, subject to Council confirmation.
- (f) Vacancies shall be filled for the remainder of unexpired terms in the same manner as the original appointments.

142.02 PURPOSE, DUTIES.

- (a) The purpose of the Cleveland Heights Arts Commission is to act in an advisory capacity to the Council and the Mayor related to arts policies, programs, and projects in order to help facilitate improved funding, creation, and enjoyment of the arts in the City.
- (b) To fulfill the above purpose, the Commission shall provide recommendations to the Mayor for public art projects, and arts programming; and shall provide legislative and budgetary recommendations to the Mayor and the Council in support of the arts in the City.

142.03 COMPENSATION.

No compensation shall be paid to any member of the Arts Commission for services performed on this Commission.

142.04 ORGANIZATION, MEETINGS, OFFICERS.

- (a) The Commission shall hold an organizational meeting annually in October to determine a schedule of regular meetings and to select officers.
- (b) The members of the Commission shall choose one member to serve as Chairperson for a period of one (1) year or until a successor has been chosen. The Chairperson shall preside over meetings of the Commission. In the absence of the Chairperson, a temporary Chairperson shall be elected by those present to preside over the specific meeting during which the temporary Chairperson was elected.
- (c) The members of the Commission shall choose one member to serve as Secretary for a period of one (1) year or until a successor has been chosen. The Secretary shall keep or cause to be kept a record of the meetings and actions of the Commission. The Secretary shall also provide notice or cause notice to be provided for public meetings of the Commission.

ORDINANCE NO. 123-2023(AS)

SECTION 2. 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 3. It is necessary that this Ordinance 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 appoint members of this Commission such that the Commission can timely hold its organizational meeting and begin necessary work improving arts policy and programming in the City as provided in this Ordinance. 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 HART
President of Council

ADDIE BALESTER
Clerk of Council

PASSED:

Presented to Mayor:

Approved:

KAHLIL SEREN
Mayor

Proposed: 11/06/2023

ORDINANCE NO. 179-2023(COTW),
Third Reading as Amended

By All City Council Members

An Ordinance authorizing the allocation, appropriation and expenditure of ARPA funds.

WHEREAS, on the 11th Day of March 2021, the President of the United States, Joseph R. Biden, signed into law the American Rescue Plan Act of 2021 (hereafter “ARPA”), Public Law 117-2, authorizing, among other things, payment of direct subsidies to the general revenue funds of cities, counties, school districts, and other governmental entities; and

WHEREAS, the intended purpose of the direct subsidy payments to state and local governmental entities under the ARPA is to alleviate the effect of funding shortfalls; invest in state and local economic development; make necessary investments in water, sewer, and other infrastructure; and provide relief from the economic and societal hardships sustained during the onset of the Coronavirus Pandemic and COVID-19 illness, including assistance to households, small businesses and nonprofits, or to impacted industries such as tourism, travel and hospitality; and

WHEREAS, the City of Cleveland Heights has received Thirty Eight Million Eight hundred Seventeen Thousand And Sixty Two Dollars (\$38,817,062.00) in direct payments from the enactment of the ARPA; and

WHEREAS, Council has previously passed Ord. No. 140-2021, directing the use of Eighteen Million Dollars (\$18,000,000.00) in ARPA funding for the performance of sewer infrastructure improvement projects described and allocating those funds for that purpose, to be drawn upon for design contracts, local match grant programs, and construction contracts, to the maximum possible extent, within the timing requirements of the ARPA; and,

WHEREAS, Council has previously passed Ord. No. 92-2021, allocating not less than FIVE MILLION DOLLARS (\$5,000,000) of ARPA funding for the business neighborhoods in the City Of Cleveland Heights as follows:

1) Two Million Dollars (\$2,000,000.00) for the South Taylor District from Cedar Road to Euclid Heights Boulevard; and

2) Two Million Dollars (\$2,000,000.00) for the Noble Road Corridor north of Mayfield Road to the City of East Cleveland; and

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3) One Million Dollars (\$1,000,000.00) to be spent in the other business districts in the City as the needs exist; and

WHEREAS, subsequent to the passage of these Ordinances, community engagement on the allocation and spending of ARPA funds has been conducted at various locations throughout the City and over thirteen hundred (1,300) survey responses have been received from residents, businesses, community organizations and non-profits expressing respondents' preferences for the expenditure of ARPA funds; and

WHEREAS, Cleveland Heights residents and businesses continue to experience physical and mental health stress and economic stress due to the pandemic and its effects; and

WHEREAS, Council wishes to provide for and authorize uses of ARPA funds, to address pandemic related stresses and effects, which have been determined through and pursuant to the community engagement activities described above which uses are identified in Exhibit B, attached hereto.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLEVELAND HEIGHTS, THAT:

SECTION 1. The expenditures of ARPA funds and/or allocations as described in Exhibit A to this Ordinance which have been previously approved by vote of Council.

SECTION 2. The new expenditures and/or allocations as described in Exhibit B are approved. All third-party recipients or their agents must comply with U.S. Dept. of Treasury Rules for the use or expenditure of ARPA funds.

SECTION 3. All awards to any third-party recipients are conditioned upon (A) the approval of the specific use by Guidehouse Inc.; and (B) execution of a written agreement with the City which among other things, may set forth terms, conditions and limitations accompanying any award or disbursement of ARPA funds to the recipient.

SECTION 4. Excluding those awards and allocations to third-parties, which are made in full compliance with Section 3, City Council expressly reserves the right to determine and approve the specific programs and expenditures accompanying those general allocations in Exhibit B as well as the right to reallocate those funds in the best interests of the City.

SECTION 5. Subject to SECTION 4, the Mayor or his designee is hereby authorized to encumber and expend all funds as allocated in Exhibits A and B.

SECTION 6. The Mayor, Director of Law and Director of Finance or their designees, be and are hereby authorized to execute, certify and/or furnish other such documents and take all other actions, including entering into separate agreements as

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are necessary or incidental to further acceptance, appropriation and expenditure of ARPA funds and/or which are incidental to carrying out the purposes of this Ordinance.

SECTION 7. The Director of Finance or his designee is hereby authorized to establish any additional funds or accounts, as may be necessary or incidental to the appropriation, encumbrance and/or expenditure of ARPA funds as allocated in Exhibits A and B.

SECTION 8. The Director of Finance or his designee is hereby authorized to transfer all ARPA funds between and among any funds, sub-funds and accounts, as necessary to allow for the posting of prior and future expenses, not to exceed the total ARPA funds awarded to the City.

SECTION 9. 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.

MELODY HART
President of the Council

ADDIE BALESTER
Clerk of Council

PASSED:

Presented to Mayor: _____

Approved: _____

KAHIL SEREN
Mayor

EXHIBIT A to ORDINANCE NO. 179 - 2023
PRIOR ALLOCATED OR APPROVED USE OF ARPA FUNDS

TOTAL 2021 & 2022 ARPA FUNDS RECEIVED \$38,817,062.00

Prior Ordinances Allocating or Authorizing Expenditures of ARPA funds

Ordinance No. 92-2021 (Passed 8/31/2021)
Allocating \$5,000,000 geographically to be spent in certain neighborhoods and business districts.

Ordinance No. 140-2021 (Passed 11/15/2021)
Authorizing the allocation, appropriation and expenditure of \$18,000,000 in ARPA funds for sewer infrastructure projects.

2021 ARPA FUNDS RECEIVED

\$19,408,531.00

2021 ARPA Expenditures

Salaries [Fire \$2,500 Bonus] (\$177,537.50)

December 31, 2021 Fund Balance (Carried forward)

\$19,230,993.50

2022 ARPA FUNDS RECEIVED

\$19,408,531.00

2022 ARPA Expenditures

Salaries [Fire \$2,500 Bonus] (\$238,294.51)

Management Consultant Contract [Guidewire] (\$141,618.56)

Capital Improvements [] (\$360,266.60)

Total 2022 ARPA Expenditures (\$740,179.67)

December 31, 2022 Unencumbered ARPA Fund Balance \$18,907,639.98

(Includes \$18,000,000 encumbered for sewers)

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CATEGORY/PROJECT	DESCRIPTION	AMOUNT
Water, Sewer, Infrastructure		
	Sewer: Per Ordinance No. 140-2021 (11/15/2021) authorizing the allocation, appropriation and expenditure of \$18,000,000 in ARPA funds for sewer infrastructure projects.	\$18,000,000.00
Public Health & Safety		
	Police Cars: Per Resolution No. 22-2023 authorizing an agreement with John Megel Ford for the purchase of four 2022 used hybrid police utility vehicles.	\$200,000.00
	New Ambulance: Per Resolution No. 100-2023(MSES): authorizing an agreement with Pfund Superior Sales Co., Inc. of Lower Burrell, PA for the purchase of a 2024 Freightliner Crew Cab Ambulance and Chassis for the Cleveland Heights Fire Department through the Ohio Department of Administrative Services Cooperative Purchasing Program.	\$362,505.00
	Cain Park Village Stramp: Per Resolution 111-2023 (PD) authorizing the Mayor to commit \$1,500,000.00 of the City's ARPA funds for the Cain Park Village Stramp Project	\$1,500,000.00
	Second Ambulance (pending)	\$379,713.00
Recreation		
	Community Center/ Ice Rink Repairs Per: Ordinance 74-2023 authorizing the Mayor to enter into an agreement with Tempest Inc. for the Recreation Center – North Ice Rink Reconstruction Project.	\$1,800,000.00

EXHIBIT B to ORDINANCE NO. 179 - 2023
NEW ALLOCATED USE OF ARPA FUNDS

CATEGORY	PROJECT / DESCRIPTION	AMOUNT
Housing		
	Cleveland Heights Improvement Corporation: Start-up and Operating Funds	\$300,000.00
	Lead Safe Programing (Allocation Only)	\$1,000,000.00
	Down Payment Assistance (Allocation Only)	\$750,000.00
	Exterior Repair for Residential Properties (Allocation Only)	\$2,500,000.00
	Tiny Homes Pilot Program	\$178,000.00
Non- Profit Housing Programs		
	Future Heights FutureHomes & Revitalization Program: Home Rehabilitation	\$510,000.00 (Award up to this amount with terms to be determined)
	StartRight Good Neighbor Project: Home Rehabilitation	\$200,000.00 (Award up to this amount with terms to be determined)
	StartRight Caledonia Homes Infill Housing Project: Infill Housing	\$300,000.00 (Award up to this amount with terms to be determined)
	Benjamin Rose Institute: Margaret Wagner Senior Apartments	\$200,000.00
City Garages		
	Coventry Lennox	\$500,000.00 \$500,000.00

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CATEGORY	PROJECT / DESCRIPTION	AMOUNT
Parks and Recreation		
	Shipping Container: Pilot Program	\$500,000.00
	Park Improvements: Cain Park, Denison Park, Forest Hills	\$3,540,000.00
	Park Vehicle Fleet Enhancements	\$100,000.00
Non-Profit Park		
	Heights Libraries Coventry Peace Park: Park Improvements	\$300,000.00
Business Assistance		
	Community Investment Fund	\$1,400,000.00
	(Allocated with programs to be determined) Comprehensive Development Plan: Noble \$100,000.00 Comprehensive Development Plan: Taylor \$100,000.00 Commercial Grant Program: Noble \$500,000.00 Commercial Grant Program: Taylor \$500,000.00 Commercial Grant Program: Other Districts \$200,000.00	
Safety and Health		
	Safety lighting/police blue light boxes/ safety app (Allocation Only)	\$750,000.00
Non-profit Safety and Health		
	Pride Among Daughters and Sisters; (Feminine Products and Education)	\$11,400.00 (Award up to this amount with terms to be determined.)

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	Start Right: Hunger Center	\$60,000.00 (Award up to this amount with terms to be determined.)
	Cleveland Chesed Center: Operating Funds	\$50,000.00
	Journey Center for Healing: Victim Advocacy, Child/Family Welfare	\$306,190.00
	Bellefaire: Police Training	\$25,000.00
Youth Programming		
	Lake Eire Ink: Youth Programming	\$104,900.00 (Award up to this amount with terms to be determined.)
	Kulture Kids: Youth Programming	\$15,000.00
	Building Heights: Youth Programming	\$244,259.00 (Award up to this amount with terms to be determined.)
	Reaching Heights: Youth Programming	\$75,000.00 (Award up to this amount with terms to be determined.)
	Family Connections: Social Emotional Project	\$77,000.00 (Award up to this amount with terms to be determined.)
Arts Programming		

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	Artful: Art Programming and Support	\$71,000.00 (Award up to this amount with terms to be determined.)
	Heights Arts: Art Programming and Support	\$250,000.00 (Award up to this amount with terms to be determined.)
Total Allocations:		\$14,817,749